

CULTURE AS A BARRIER: POLITICAL AND ECONOMIC RIGHTS OF WOMEN (CASE STUDY OF KHYBER-PAKHTUNKHWA)

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DEDICATED

**THIS RESEARCH WORK IS DEDICATED TO MY GREAT AND
LOVING PARENTS WHOSE LOVE, PRAYERS
AND
SACRIFICES MADE ME ABLE TO REACH THIS LEVEL**

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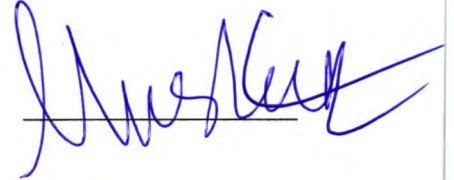
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APPROVAL SHEET

This is to certify that we evaluated the thesis entitled "Culture as a barrier: Political and Economic Rights of Women (Case study of Khyber-Pakhtunkhwa)" submitted by Mr. Muhammad Adil, Reg. No. 41-FSL/MSHRL/F11 in partial fulfillment of the award of the degree of MS Human Rights Law. The thesis fulfills the requirements in its core and quality for the award of the degree.

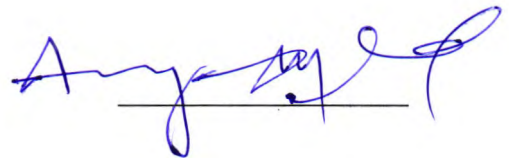
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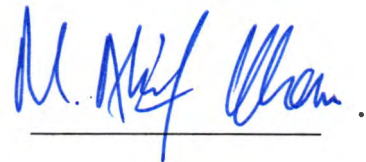
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DECLARATION

I, **Muhammad Adil**, MS Human Rights Law Degree Program vide Registration 41-FSL/MSHRL/F11, hereby declare that this dissertation is original and has never been presented in any other institution. I, moreover, declare that any secondary information used in this dissertation has been duly acknowledged. I, have also incorporated all the changes suggested by the supervisor, internal examiner and external examiner.

Muhammad Adil

Signature: 

ACRONYMS

1. AJIP Awami Jamhori Itehad Pakistan
2. ANP Awami National Party
3. ANP (Wali) Awami National Party (Wali)
4. CEDAW Convention for the Elimination of all Forms of Discrimination
Against Women, 1979
5. HRCP Human Rights Commission of Pakistan
6. ICCPR International Covenant on Civil and Political Rights, 1966
7. ICESCR Covenant on Economic Social and Cultural
Rights, 1966
8. IHRL International Human Rights Law
9. KP Khyber-Pakhtunkhwa
10. MQM Muttahida Qaumi Movement
11. PMLN Pakistan Muslim League Nawaz
12. PPPP Pakistan People Party Parliamentarian
13. PTI Pakistan Tehreek-e-Insaf
14. QWP Qaumi Watan Party
15. UDHR Universal Declaration of Human Rights, 1948

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Praise be to Allah, the Sustainer of the worlds, the Merciful, the Compassionate! May His everlasting blessings and peace be upon Muhammad, the last of His Messengers!

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God Bless them All!

ABSTRACT

In Khyber-Pakhtunkhwa, women are confronting several barriers in accomplishing their political and economic rights. The foremost barrier in this regard is *Pakhtunwali* (Pakhtun culture) which does not allow Pakhtun women to exercise the political and economic rights provided to them by the Constitution of Pakistan and international law. Certain codes of *Pakhtunwali* like *peghor* (slander or abuse), *tor* (blame or disgraced), *sharam* (shame and dishonor) *pardah* (gender segregation) and *ghayrat* (honor) etc. have significant role in this respect. This research examines that in KP the people do not like the women to be their representatives because it is against the *ghayrat* of the Pakhtun. Similarly, the earning of women is also considering very dishonor in Pakhtun society. It is a general view that the women chastity remains safe in the boundary walls of their homes. The women gathering or meetings with the outsiders other than their family members are the act of *sharam* and *peghor*. It is considered against the *pardah* and *ghayrat* of Pakhtun society in KP.

The analysis of political and economic situation of KP depicts that the women have very little role in this respect. The data shows very few women have contested the elections in KP and have secured 1% or less than 1% vote in the elections against the male candidates. It is also observed that in many areas women were not allowed to cast their votes in all previous elections. Similarly, many women are not allowed to do job or run their business because of the male dominated culture in KP and due to the certain codes of *Pakhtunwali* as discussed above. Moreover, the data collected from the women of KP express that majority of the women wants to join politics and participate in the political activities of the area or do job and run their own businesses but unable to do so because of the Pakhtun society. Majority of the women believe that Pakhtun culture is an obstacle in the way of their political and economic rights.

CHAPTER 1

PAKHTUN CULTURE AND HUMAN RIGHTS STANDARDS

Introduction

Some inherent elements and practices of the Pakhtun culture are generally deemed barriers to the provision of political and economic rights to Pakhtun women as enshrined in international legal instrument and the Constitution of Pakistan and as such there is a need to devise strategies for overcoming these barriers.

The fifty percentage of world population consist of women but treated differently on the basis of sex.¹ There are different barriers which come in the way of women to get their legal rights in different societies. The culture of an area has also been considered to be one of the major barriers in the way of women to get their legal or constitutional rights. Before Islam in Arab culture women were considered very inferior, similarly in Greece who viewed themselves very cultured the women were treated very disgustingly.² Moreover, in Hindu culture women have very restricted rights with respect to property and renouncing wedlock; similarly, the British culture gives limited rights of property to women.³

However, in Pakistan, the situation varies from area to area for example in the urban settings the influence of the local culture decreases while in the rural areas

¹ Arab Naz, Ibrahim and Waqar Ahmad, "Socio-cultural Impediments to Women Political Empowerment in Pakhtun Society" *Academic Research International*, Vol.3, No.1, July 2012, 163.

²Ameena Ulfat, G.M. Chaudry, "Women and Protection of Women Rights", (Rawalpindi: Federal Law House, 2007), 29.

³ Ibid. 30

culture of the area has always been given primary importance in the lives of the people.

The culture of an individual is his identity and it provides him with socialization and recognition around the world but there are some elements or dimensions of the culture, especially relating to women in different parts of the world which are always considered as barriers to the legal and constitutional rights of women.

One of the well-known and popular cultures of Pakistan is that of the ethnic community known as Pakhtun or Pashtun. This ethnic community lives in Afghanistan, in the north western part of Pakistan and in some parts of Baluchistan. *Pakhtunwali* is the culture and way of life of the Pakhtun, in which all the laws relating to social life are present in unwritten form.⁴ Cultural identity and behavioral codes are integral to the Pakhtun. *Sharam* (shame), *Nang* (Honor), *Peghore* (taunt) and *Badal* (revenge) are the central pillars of the Pakhtun Culture.⁵ Attachment to the codes of *Pakhtunwali* is considered to be vital than faithfulness to one's own family in Pakhtun society.⁶ Pakhtun love their tradition and try to remain attached to their cultural values. There is no place for those who break their customs.⁷ The Pakhtun society is patriarchal and women have very less authority to run the affairs they even cannot speak loudly in front of her

⁴ Raj Wali Shah Khattak, "The Pakhtun Code of Honor", *Central Asia Journal* 65 (2012): 1

⁵ Ibid.

⁶ <http://www.ucl.ac.uk/human-rights/ucl-hrr/docs/hrreviewissue3/richard>. Last access April 09, 2014

⁷ Arifa Subah Khan, *Amma Hawa Say Amma Councilor take* (Lahore: Ilm-walrfan publishers, 2002), 248.

brothers or husband.⁸ These cultural practices of Pakhtun which have generally been criticized by the human rights activists, NGO and even by the current national and international legal systems as repugnant to women rights and that they should be amended and reviewed and that their practice should be stopped.⁹

1.1 Political And Economic Rights Of Women In the Constitution of Pakistan (1973) and International Legal Instruments

There are numerous domestic and universal instruments through which women's political and economic rights can be accomplished. These instruments provide guarantee to the political and economic rights of women. Moreover, these are not adequate on their own to achieve the eventual objective of women's political and economic rights. Nevertheless they deliver provisional arrangements and apparatuses that are desirable for this determination. In the Constitution of Pakistan 1973, in international legal instruments to which Pakistan is a party and in United Nations declarations, there are many articles regarding women's political and economic rights that the State is bound to accomplish. The most relevant women's political and economic rights are discussed below.

The political and economic rights which are embodied in the Constitution of Pakistan (1973) hold very importance. Article 16 deals with freedom of assembly, it gives right to every citizen whether male or women to assemble peacefully. Similarly, International Covenant on Civil and Political Rights (ICCPR), 1966 too

⁸ Ibid. 253

⁹ Maliha Zia and Riffat Butt, *NGO Alternative Report on CEDAW- 2005-2012* (Islamabad: Aurat Publication and Information Service Foundation, 2012), 21.

states this right that all the people should assemble peacefully.¹⁰ The women in Khyber Pakhtunkhwa are discouraged to do so because the people do not like to assemble in the leadership of a woman. But it is worth mentioning here, that in the leadership of Benazir Bhutto (late) thousands of people assembled in her many gatherings in Khyber Pakhtunkhwa. Similarly, Begum Nasim Wali Khan, the wife of veteran politician Wali Khan (late) has also announced her own party and recently in the start of 2014 assembled a large gathering of people in her leadership. But these are exceptional cases because both the women leaders have strong political family. However, an ordinary woman of KP faces innumerable obstacles for such acts.

Moreover, the international legal instrument Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 is very important. CEDAW is an international document which enumerates the rights of women in the world. It advocates that the discrimination against women should be abolished.¹¹ Article 7 of this document has very vital role which endorses that all women have the right to participate in election to cast vote and elected on a government position.¹² They have also the right to equally share her views in the decisions of the government.¹³ Identically, article 25 of International Covenant on Civil and Political Rights (ICCPR), 1966 treats all the men and women in the same way that they can take part equally in affairs of people and cast their vote.¹⁴

¹⁰ ICCPR, Article 21.

¹¹ UNICEF. *Policy and practice*, Report on CEDAW June 2011

¹² CEDAW, Article 7.

¹³ Ibid.

¹⁴ ICCPR, Article 25.

But the situation in Khyber Pakhtunkhwa is that in many of its parts women are not allowed to cast vote and participate in public affairs.

Article 17 of the Constitution of Pakistan, 1973, guarantees the right to freedom of association, each and every one has the right to form an association irrespective of their gender. An association may be a political party, union, club, company, an institute etc.¹⁵ Similarly, Article 20 of Universal Declaration of Human Rights (UDHR) 1948 also affirms that every person in this world has the right to assemble peacefully and form an association.¹⁶ Likewise, article 1 of International Covenant on Civil and Political Rights (ICCPR), 1966 and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, which deals with self-determination, gives right to all people to decide their political status and enjoy freely the social, economic and cultural rights.¹⁷ Article 22 of International Covenant on Civil and Political Rights (ICCPR), 1966 also gives the right to freedom of association and confirms that every person have the right to join trade unions.¹⁸ It also confirms that all the men and women have equal rights to form and join trade unions.¹⁹ It treats all the men and women equally irrespective of race, religion, language and ethnicity. Thus, the International Legal instruments also uphold these rights and allow men and women to run their own political parties, unions, companies etc.

¹⁵ Abu A'la Maudoodi V. Federation of Pakistan (PLD 1964 S.C. 673)

¹⁶ UDHR, article 20

¹⁷ ICESCR and ICCPR, article 1

¹⁸ ICCPR, Article 22.

¹⁹ ICESCR. article 8

In the Constitution of Pakistan 1973; article 18 allows all the citizens (both male and women) of Pakistan to do a legitimate business or trade or to adopt any legal profession.²⁰ Regarding the profession and employment of women Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) also openly states that women have the same right to work as men.²¹ They are free to join the profession of their choice.²² There shall be no discrimination in remuneration, promotion and training of women.²³

The Constitution of Pakistan and the international legal instruments have permitted women to do a lawful trade or job but what are the hurdles in their way are the society, its norms and culture. Especially, in Pakhtun society, *Pakhtunwali* is strictly observed and all the Pakhtun are afraid of "tor" and "peghor", so the women neither freely start a business nor do a job. Furthermore, the Constitution of 1973 provides that all the citizens have the right to get, hold and arrange property anywhere in Pakistan.²⁴ Article 24 of the Constitution says that no person shall be deprived of his/her legal property.²⁵ On the contrary, in Khyber Pakhtunkhwa many women do not receive their legal shares in the property of their father and husband. They are deprived of their property because of cultural restrictions in the society.²⁶

²⁰Government of Pakistan V. Zameer Ahmad Khan (PLD 1975 S.C. 667)

²¹ CEDAW, Article 11

²² Ibid.

²³ ibid

²⁴ Constitution of Pakistan, 1973, Article 23.

²⁵ Ibid. Article 24

²⁶Niaz Muhammad, "Inheritance in Property: A Gender Based Discriminatory Practices in Rural Areas of Tangi, District Charsadda," *Sarhad J. Agric* 27, no. 1, (2011): 143.

To sum up the arguments it is clearly described that the Constitution of Pakistan and the international legal instruments like UDHR, ICESCR, ICCPR, and CEDAW etc. (to which Pakistan is a party) advocate the political and economic rights of women. These instruments treat all men and women equally but the problem is in the implementation of all these rights in letter and spirit. The other difficulty in this regard is that almost all of the women are unaware of their rights which the Constitution and other legal instruments provide them. If some of the women are aware of their constitutional rights they are unable to use these rights in their society. In simple words the constitution provides fundamental rights which are unbiased and prohibit gender discrimination.²⁷

1.2 The Political and Economic Culture in Khyber Pakhtunkhwa

Every culture has great influence on the social life of the people. If the human rights are not considered the essential part of the culture then the culture becomes an obstacle for individuals to get their legal rights.²⁸ Khyber Pakhtunkhwa, a province in Pakistan is also known as for its rich culture²⁹ which has greatly affected the rights of women. The cultural discrimination of men and women has diverse manifestations in different parts of the world. Pakhtun women have restricted authority to escape the customs and traditions that dictate a subordinate

²⁷CIDA, *Situational Analysis and Mapping of Women's Human Rights in Pakistan*, (2009), 10.

²⁸Filomena M. Critelli, Women's Rights=Human Rights: Pakistani women against gender violence, *Journal of Sociology and Social Welfare*, XXXVII, no. 2 (2010): 155.

²⁹KP, Encyclopædia Britannica. <http://search.eb.com/women/article-9077370>. accessed November 19, 2012

status for women.³⁰ The culture based discrimination which marks the lives of a huge proportion of Pakhtun women and girls is rooted in Pakhtun culture, customs, attitudes, and practices.

Research reveals that Pakhtun women are subjected to an increasingly insecure cultural and male dominant environment. Women even cannot think of free participation in public life i.e. politics or business and they are confined to the four walls of their homes.³¹

The treatment of women has laid down a negative consideration in recent years.³²

Frank Upham believes that the modern thinkers of the west regard *Pakhtunwali*, as a barbaric code, which must be replaced with modern law. He believes that this way of contrasts between primitive rural populations with the enlightened modern will help the continual of the subjugation of the tribal system by Western under the banner of state.³³ Those cultural practices which are responsible for gender inequality must be ended.³⁴ When, Dr. Simin Mehmud Jan lost her seat in the 2008 elections, she remarks that *Pakhtunwali* is responsible for her defeat because Pakhtun are not ready to accept women's as their representatives.³⁵ Similarly in local elections in some villages the elders banned women not to cast vote because they consider that the casting of vote is against the code of *Pakhtunwali*. But, it is

²⁹ Shaheed, K. Mumtaz et al, *Women in Politics: Participation and Representation in Pakistan* (Nottingham: The Russell Press, 2003), 34.

³¹ Aslam Jangoora, "Crime or Custom". *Human Rights Watch*.
<http://www.hrw.org/reports/1999/pakistan/index.htm>. accessed April 03, 2014

³² Peter Marsden, *The Taliban: War, Religion and the New Order in Afghanistan* (New York: Zed Books Ltd 1998), 88-110.

³³ Frank Upham, *Mythmaking in the Rule of Law Orthodoxy* (Carnegie Endowment for International Peace, Rule of Law Series: Democracy and Rule of Law Project Working Paper No 30, Sept 2002, <http://carnegieendowment.org/files/wp30.pdf> accessed April 18, 2014

³⁴ Flemming Swiz, "Women as Clergy", <http://www.religioustolerance.org/femclrg13.htm>. accessed November 20, 2014

³⁵ <http://www.ucl.ac.uk/human-rights/ucl-hrr/docs/hrreviewissue3/richard>. accessed April 09, 2013

also not ignorable that behind such type of acts there are also some political purposes. Similarly, in the general election of May 2013, Human Rights Commission of Pakistan reported several cases in Khyber Pakhtunkhwa where women were not allowed to cast their vote. They reported that in NA-21 (Mansehra) in the area of *Thor Ghar* women were not allowed to cast their vote.³⁶ Relevant cases are reported in Mardan, Dir, Dera Ismail Khan, Tank, Nowshera and Buner. However, it does not mean that all the women of Khyber Pakhtunkhwa are deprived to cast their vote but the proportion of women, who were not allowed to cast their vote was too small than those who cast. Moreover, the culture of women participation in politics is increasing day by day. In the last election several women candidates contested the election from Mardan, Peshawar, Charsadda, Dera Ismail Khan, Nowshera etc. They also got worthy amount of vote, so it shows that some portion of the people of Khyber Pakhtunkhwa is now accepting women to be their representatives.

Furthermore, the economic situation of women in KP is also very sickening. In many parts of KP, it is considered shameful when women members of a family do jobs or run some business. There is a Pakhtun proverb that "A woman's place is in the home or in the grave, or if women have no noses they will eat shit".³⁷ As many women do jobs in KP but in general the male member considered it dishonor for themselves. This may also be due to the fear of "*tor*" which is one of the basic codes of *Pakhtunwali* and gender segregation rules or *Pardah* which is

³⁶ HRCP Report, May 2013

³⁷ Charles Lindholm "Generosity and Jealousy, the Swat Pakhtun of Northern Pakistan," (New York: Columbia University Press 1982), 113.

strictly observed in Pakhtun society.³⁸ Additionally, women are generally deprived of their legal share in inheritance. It is observed that women feel ignominy while getting their shares in inheritance and also male members feel insult if their women demand their legal share in inheritance. And if the women get their share in inheritance it is observed that the other members of society give “*Peghor*” to the particular women and also to the male members. Here, it may be noted that “*Peghor*” is also the code of *Pakhtunwali*. It is also observed that the Pakhtun women are deprived of their legal share in inheritance because of cultural restrictions and illiteracy.³⁹ Some critics are of the view that it is not *Pakhtunwali* which puts obstacles in the way of women’s share in inheritance but it is local practices that are responsible for such acts.⁴⁰ It is also asserted that women are not earning anything that’s why they are getting their due share in inheritance.⁴¹

1.3 Human Rights Standards and the Pakhtun Society

Human rights include the right to live, freedom and justice. Every human is entitled to basic human rights without discrimination of nationality, color, religion or gender.

The Constitution of Pakistan and the international law have given adequate rights to women but it is patriarchal society which is an obstacle in its implementation.⁴²

³⁸Tom Ginsburg “Economic Interpretation of Pashtunwali” <http://www.law.uchicago.edu/node/533/publications> accessed 10 November 2014

³⁹Niaz Muhammad, *Inheritance in Property: A Gender Based Discriminatory Practices in Rural Areas of Tangi, District Charsadda*, 144.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴²Ameena Ulfat, G.M. Chaudry, “Women and Protection of Women Rights”, (Rawalpindi: Federal Law House, 2007), 99.

Unfortunately the standards of human rights in Pakistan and especially in Pakhtun society are very low. There is clear discrimination on basis of class and gender and many other reasons.

It has been seen that women in the Pakhtun society are deprived of their basic rights. Recently in era of talibanisation, it was observed that several women were slaughtered on the allegation that they went to market without a *muhrim* (blood relative). Several other cases of honor killing were reported at several areas in Khyber Pakhtunkhwa where the main reason, in most of time, was just the doubt of the male member. The Tehreek Taliban and other militants and non-militant group are continuously threatening the human right workers and NGO's to stop their activities in Pakhtun areas. The recent killings of polio teams in several cities of Pakhtunkhwa also show the low standard of human rights in Khyber Pakhtunkhwa.

The Pakhtun women are facing the evil of domestic violence. They are facing the torture of their husband and other family members and have no way-out. Several cases have been reported in the KP where women are killed or tortured by mother in law or husband. Unfortunately such cases are reported as suicide or stove accident leaving the culprits free. The most recent and renowned case of Malala Yousafzai, who was attacked by a militant group, it shows the tolerance level of the Pakhtun society to the freedom of expression. Although, freedom of expression and speech is guaranteed in the Constitution of Pakistan.⁴³ She was

⁴³ Constitution of Pakistan, 1973, Article 19.

attacked because she wrote about the facts she saw in Swat valley during the militants regime and operation *rah-i-rast*.

The economic right is also exercised by men in Pakhtun society. Women are considered as second level humans whose duties are just to look after the house and give birth to children. They cannot demand their right in inheritance neither have the choice to run their own business or do a job.

It has also been seen at several places that the punishment of the crime of male member of family is given to the woman member. *Swara* is a typical thing that is used to settle disputes between families where the girl from the culprit's family is given in *nikah* of other family's member without the consent of the girl. This is a clear violation of article 16 of Convention on the Elimination of All forms of Discrimination against Women (CEDAW), 1979⁴⁴ and section 310A of Pakistan Penal Code, 1860.⁴⁵

The women are also kept away from the basic right of education in several areas. Many girl's schools are destroyed by the militant groups in Swat, Buner, Hangu, Mardan etc. Already the women education enrollment ratio is very low in the Pakhtun society and this destruction of schools is making the situation worse. According to UNESCO report the literacy rate of women in KP is only thirty percent out of one hundred educated individuals.⁴⁶

⁴⁴Article 16 of Convention on the Elimination of All forms of Discrimination against Women (CEDAW), 1979.

⁴⁵ Pakistan Penal Code, 1860.

⁴⁶ UNESCO, Education Policy Analysis Report of Khyber Pakhtunkhwa, 2012, 114.

Furthermore, *Jirgah* is very important part of Pakhtun society which is responsible to take decision on behalf of whole society. In *Jirgah* women have no representation. Although they decide about women's fate and about their matters as well but male members are not ready to give representation to a Pakhtun women to sit in *Jirgah* and participate in decision making. It is the violation of article 25 of ICCPR which gives right to both men and women to equally participate in the public affairs.⁴⁷ Similarly, article 7 of CEDAW reasserts the right of decision making for women.⁴⁸ They cannot express their views regarding any issue and have to accept the decision taken by male members of the society in *Jirgah*, whether they agree with the decision or not.

The recent steps taken by number of different NGO like Aurat Foundation, UN and other national and international NGOs in order to spread awareness about the human rights and especially women right are worthy to be praised. The recent Act passed by the Khyber Pakhtunkhwa assembly regarding human rights is also a light in the dark shadows⁴⁹. But the main need is to implement this Act and take more steps for the improvement of human rights standards in the province.

1.4 *Pakhtunwali*; the Code of Conduct

Pakhtunwali is a collection of such principles, customs and traditions through which all affairs of Pakhtun society are conducted.⁵⁰ In short words it is an

⁴⁷ ICCPR, Article 25.

⁴⁸ CEDAW, Article 7.

⁴⁹ Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014

⁵⁰ Sahar gul Katozai, *Pohana*, (Peshawar: University publishers, 2010), 316.

unwritten constitution of Pakhtun by which they deal matters with each other and sometimes also with non-Pakhtun. Palwasha Kakar in her article states that *Pakhtunwali* is the uniqueness of the Pakhtun society.⁵¹ We cannot keep apart Pakhtun and *Pakhtunwali*; they are famous throughout the world due to this strict code of conduct. It can also be defined as a body of common law which has evolved its own sanctions and institutions.⁵²

The values and commandments of *Pakhtunwali* are customary, and in the process of continuous development. Some of the characteristics of *Pakhtunwali* are as follows,

1.4.1 Characteristics of *Pakhtunwali*

- *Pakhtunwali* is the set of well-defined norms in unwritten form.
- The well-defined and undefined laws form a complex system of interaction, which serves as basic structure of *Pakhtunwali*.
- *Pakhtunwali* is a custom which develops continuously.
- *Pakhtunwali* govern the life and actions of Pakhtun, and is the source to guide their inter-tribal and intra-tribal relations.
- The followers of *Pakhtunwali* are called Pakhtun, and the true Pakhtuns are those who follow *Pakhtunwali* completely.
- A slight deviation from the values of *Pakhtunwali* does not oust a Pakhtun from society. It causes loss of respect in Pakhtun society.

⁵¹<http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf> accessed January 01, 2014

⁵²Olivier Roy, *Islam and Resistance in Afghanistan: Second Edition* (Cambridge: Cambridge University Press, 1990), 12

- The fully respected in *Pakhtunwali* are those, who follow *Pakhtunwali* completely.
- The source of *Pakhtunwali* is the customs of Pakhtun society, inspired by their socio-religious and socio-economic and political culture.

In a nutshell *Pakhtunwali* can be defined as, a customary law virtually governing affairs of Pakhtuns and guiding their action in every aspect of life.⁵³

1.4.2 Main Commandments of *Pakhtunwali*

As earlier mentioned that some of the values are perceived and interpreted in different areas in different ways, but some of these values are well defined. There are some main commandments of *Pakhtunwali* which are common to all Pakhtun societies regardless of their socio-political and socio-economic structure. These main principles govern the perceptions of all Pakhtuns regarding their social and political affairs. James W. Spain noticed that;

Nonetheless, there are important traditional and social factors which guide community life and in many cases influence or even determine the actions of individuals. These mores vary considerably in different parts of the Pathan area, and codification of them is virtually impossible. However, certain of them are almost universal, and some knowledge of these is essential to an understanding of what the Pathan is and how he got that way.⁵⁴

⁵³Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 5.

⁵⁴James, W. Spain, *The Pathan Borderland* (Karachi: Indus Publications, 1993), 63.

The variation in the principle is not only found on the basis of variation in time-space and geography, but also writer to writer. Although it is difficult to classify these but the following are some major components of *Pakhtunwali*.

1.4.3 *Melmastia* (Hospitality)

Melmastia means generosity or hospitality. *Melmastia* is an important component of *Pakhtunwali*, which is obligatory for all the Pakhtun (including men and women). *Melmastia* means showing hospitality and deep respect to all guests, regardless of distinctions of race, religion, national affiliation as well as economic status. *Melmastia* stands for providing food, boarding, protection and transport if required without any hope of reward or favor.⁵⁵ Pakhtun are widely considered to be the most hospitable people in the world. A guest is offered the most costly meal that a Pakhtun can provide, given the best bedroom, pillows and blanket and the host will sit and talk with the guest so long as the guest wishes to speak.⁵⁶

As most of the Pakhtun belong to the lower middle class and *Pakhtunwali* is their customary law thus *Melmastia* is offered in accordance with their reach. *Melmastia* is offered by host to his guest. There are two kinds of guests; the relatives and friends and the strangers or foreigners. *Melmastia* is offered to both relatives and friends as well as to strangers.⁵⁷ The *Melmastia* for the strangers or foreigner is regardless of any kind of interests.⁵⁸ The strangers are regarded as *Khudayi melmana* (the guests of God), as they are not invited. There is a Pashtu

⁵⁵Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 5.

⁵⁶Charles Lindholm, *Generosity and Jealousy: The Swat Pakhtun of Northern Pakistan* (New York: Columbia University Press, 1982), 231-233.

⁵⁷Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 5.

⁵⁸James, W. Spain, *The Pathan Borderland* (Karachi: Indus Publications, 1993), 64.

proverb that “*Pakhtun khapala dodi da bal pa kor khuri*” means that Pakhtun eats his own food on others home.⁵⁹ Mainly the guests called for *Melmastia* are friends are relatives of the host. So in the code of *Pakhtunwali*, it is normal that the invited guest will serve the host in the same manner.

1.4.4 *Badal* (Revenge)

Badal is also one of the significant doctrines of *Pakhtunwali*. *Badal* means revenge.⁶⁰ *Badal* is counter attack and return as like for like and evil for evil and to look for justice.⁶¹ This applies to injustices committed in contemporary times or centuries ago if the offender still exists.⁶² Here is a Pashtu proverb that, “*Pakhtun che sal kaala bad Badal wakhli no hum chabaqi kawi*” means that when the Pakhtun takes revenge after a hundred years, then too he makes a hurry. So the *Badal* is free from the limitation of time. *Badal* depends on the reaction of family and also on the nature of offence.⁶³

The method and process of *Badal* depend on the nature of the offence or crime committed by the offender. In some cases *Badal* leads to a blood dispute, which can sustain for generations. Apart from that it also involves the whole tribes which resulted in the loss of many lives. Beside negative impacts on society the *Badal* has positive impacts too. These positive impacts of *Badal* can be explained from the statement of Dr. Sultan-i-Room, as he stated that *Badal* has also some

⁵⁹Sultan-i-Rome, “Pakhtu: The Pakhtun Code of Life”, *Pakistan Vision* 7, no. 2 (2006): 3.

⁶⁰DennilInnetson, *Punjab Castes, I* (Delhi: Low Price Publications, 1993), 58.

⁶¹ Syed Abdul Qaaddus, *The Pathans*, (Lahore: Ferozsons (pvt.) Ltd., 1987), 67.

⁶² Sultan-i-Rome, “Pakhtu: The Pakhtun Code of Life”, *Pakistan Vision* 7, no. 2(2006): 2.

⁶³ Ibid.

positive aspects by giving protection to life, property, honour etc. and by blocking the way of powerful people.⁶⁴

In the stateless society *Badal* is a source of maintaining peace and regulating law and order situation in Pakhtun society. Palwasha Kakar stated that *Badal* is also important for re-establishment of the norm and interaction in Pakhtun society.⁶⁵

Badal can also be used in the meaning of return or assistance. When taken in the meaning of assistance *Badal* becomes the beauty of Pakhtun society.⁶⁶ The sense of *Badal* when taken in the meaning of assistance or return is very close to that of *Tarburwali* or *Kaliwali*.

1.4.5 *Jirgah*

The word *Jirgah* means council of the tribal chiefs or conciliatory assembly.⁶⁷

The decision in *Jirgah* system is taken consensually after the careful considerations. The decision in democratic system is taken by more than half of votes while in *Jirgah* the decision is made by unanimity.⁶⁸

In *Jirgah* system the decision requires consensus not majority, but here a question arises that in the absence of central authority how the decision taken by the *Jirgah* be implemented? The answer is very clear that the force of enforcement will be

⁶⁴Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 5.

⁶⁵Palwasha Kakar, "Tribal law of Pashtunwali and Women's Legislative Authority", Islamic Legal Studies Program at Harvard Law School, (2003): 4. Accessed September 20, 2014 <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf>.

⁶⁶Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 4.

⁶⁷Ibid. 5

⁶⁸Ibid. 5

the society and social pressure, as Barfield wrote that the solution made by *Jirgah* is implemented by the force of society.⁶⁹

The composition of *Jirgah* varies area to area and tribe to tribe. In a village *Jirgah* the heads of families, elders, respected and influential person and almost the members of both offender and defender family form a *Jirgah*. While in a tribal *Jirgah* tribal leaders and the chiefs of sub-tribes are the composition of the *Jirgah*. Decisions are usually very simple. When complex disputes over property or intertribal feuds are involved, settlement has been more complicated, and recourse is usually made to the *Shariat*.⁷⁰

1.4.6 Tura, Nang, Ghayrat (Bravery, Honour and Self-Honour)

Nang means honour but the word "honour" of the English language could not provide a complete sense of Pashtu word *Nang*. The word *tura* means bravery. It is also used in the sense of *Nang*.⁷¹

A Pakhtun must defend his land, property, family and women from attack wherever they might reside. One will lose his life if he does not possess these qualities. This had been seen against the Russia (former Soviets Union) when Pakhtun revolted against the foreign assault was the attribute of Pakhtun *ghayrat* and gallantry.⁷²

⁶⁹Thomas Barfield, "Afghan Customary Law and Its Relationship to Formal Judicial Institutions", *Maine Law Review* 60, no. 2 (2008): 10.

⁷⁰James, W. Spain, *The Pathan Borderland* (Karachi: Indus Publications, 1993), 69-71.

⁷¹Sultan-i-Rome, "Pakhtu: The Pakhtun Code of Life", *Pakistan Vision* 7, no. 2 (2006): 5.

⁷²David B. Edwards, *Before Taliban: Genealogies of the Afghan Jihad* (Los Angeles: University of California Press, 2002), 162.

Ghayrat means self-honour and dignity. Pakhtun must maintain their dignity, which has great importance in Pakhtun society and most other codes of life are aimed towards the preservation of one's self-respect, honour or pride. They must respect themselves and others to be able to do so. Respect begins at home, among family members and relatives. The following Pashtu *tapa* provides the importance of these values in Pakhtun society.

Khudaaya bey nanga zway raa makrey
Ka pa didan pasey ye randa pa stargu shamah
Pah Hindustan dey saley joor sha
Da bey nangai awaaz dey raamah sha mayanah

Translation: I do not want a son, who has no nang
Although I may lose my eyesight in looking forward for one to see

It would be far better to die and be buried in India
Than the news of your ignominy reaching me

The above quoted *tapa* shows how *nang* is playing a very important role in the lives of Pakhtun. Its importance is clear from the above poetry, which are not the words of a nationalist poet but the thoughts of the common society. A son is the most valuable assets of his mother. But here in *Pakhtunwali* a mother can sacrifice her son for the sake of honour.

Commanders, warlords and those who enable combat to take place (financiers, logisticians, etc.) can also gain honour by virtue of their daily conduct and their

relative positions as leaders of other warriors, even if they do not engage in combat themselves.⁷³

Nang and *ghairat* can be defined in broad terms as proper defence of honour and honorable actions in battle.⁷⁴ The honorable actions are the acknowledged rules which should be followed in a battle.⁷⁵ In Pakhtun society man's significance is known from his bravery and principled behavior in the combat.⁷⁶

1.4.7 *Purdah* (Gender Separation)

Purdah is recognized by few sources as a commandment of *Pakhtunwali*.⁷⁷ This is very controversial in nature⁷⁸ and it has very great influence on the social life of woman. The women in Pakhtun society live in the four boundaries of their home and cannot meet and speak with the men outside of their family. When they visit outside of their homes they conceal themselves from head to foot in *burka* (veil).⁷⁹ The men of Pakhtun society also observe *purdah* from women and did not go to that places where women were assembled because they consider it

⁷³Palwasha Kakar, "Tribal law of Pashtunwali and Women's Legislative Authority", Islamic Legal Studies Program at Harvard Law School, (2003): 3. accessed September 20, 2014 <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf>.

⁷⁴ *ibid.*

⁷⁵ *ibid.*

⁷⁶ David B. Edwards, *Before Taliban: Genealogies of the Afghan Jihad* (Los Angeles: University of California Press, 2002), 163.

⁷⁷Major Richard Tod Strickland, 'The Way of the Pashtun: Pashtunwali' Canadian Army Journal Vol. 10.3 (Fall 2007), 49

⁷⁸ *Ibid.*

⁷⁹ *Ibid.* 50

against their *namus*.⁸⁰ *Namus* is an honour of women and it is the responsibility of Pakhtun men to defend the honour of women at all cost.⁸¹

Purdah is also an obstacle in the way of women to get education and sometimes also in their health care.⁸² Similarly, it has also posed hurdles in the jobs and business of women and their participation in politics. A Pakhtun woman dwell her life in father's home in *purdah* and then in her husband home.⁸³ But, it is also a fact that *purdah* in Pakhtun society varies from place to place.⁸⁴ In some areas the *purdah* system is very strict but in some parts it is not too strict. The *purdah* has not good influence on the status of women in Pakhtun society⁸⁵ but it has also positive aspects in the society and safeguards society from many other different evils.

1.5 Conclusion

In Khyber Pakhtunkhwa women are very marginalized and vulnerable because of the deep rooted cultural practices. The Constitution of Pakistan and International law provide them political and economic rights but the culture of Pakhtun is not ready to accept these rights in letter and spirit. Though some women are enjoying some political rights and also economic rights but they are less in number. The

⁸⁰Palwasha Kakar, "Tribal law of Pashtunwali and Women's Legislative Authority", Islamic Legal Studies Program at Harvard Law School, (2003): 5. accessed September 20, 2014 <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf>.

⁸¹<http://KPtribune.com/index.php/en/district-charsadda/charsadda-mpas/49-khyber-pakhtunkhwa/know-pukhtoonkhwa/602-pashtunwali-or-pakhtunwali>, accessed October 16, 2014

⁸²Palwasha Kakar, *Tribal Law of Pashtunwali and Women's Legislative Authority*, 5

⁸³ Dr. Salma Shaheen, <http://pashto.upesh.edu.pk/articles.htm>, accessed October 16, 2014

⁸⁴PalwashaKakar, *Tribal Law of Pakhtunwali and Women's Legislative Authority*, 5

⁸⁵ Arab Naz, UmerDaraz, Waseem Khan, M. Hussain, Qaisar Khan, *The Dormancy of Empowerment: An Analytical Study of Various Impediments to Women's Education in Khyber Pakhtunkhwa Province of Pakistan*, International Journal of Business and Social Sciences, Vol. 02, No. 16, September 2011. 3

ordinary women do not enjoy the said rights because of *sharam, tor, peghor* etc. which are the commandments of *Pakhtunwali*.

In the political arena the role and status are very low due to the patriarchal structure of Pakhtun society. The *Purdah*, a basic component of Pakhtun culture, also restricts the movement of women which makes hurdles in the political way of women as well as in their economic rights. Due to *purdah* the women are restricted to their homes and it is very difficult for them to run their own businesses or to get job. In the same way the Pakhtun culture discourage women to get their legal share in inheritance. In short, the culture is an impediment to implement human rights standard in Pakhtun society. The values and norms of culture have very great impact on the political and economic rights of women.

CHAPTER 2

POLITICAL AND ECONOMIC RIGHTS OF WOMEN IN KHYBER-PAKHTUNKHWA

2.1 Women Participation in Politics in Khyber Pakhtunkhwa

Democracy is incomplete without the equal participation of men and women in the arena of politics and lawmaking.⁸⁶ In Khyber Pakhtunkhwa women have very little participation in the politics of the area.

There are only eight seats reserved for the women of KP in the National Assembly.⁸⁷ All the general seats in the election 2013 were won by male members and even in all the previous elections mostly the general seats were won by men.⁸⁸ The Pakhtun society does not encourage women to participate in practical politics. This attitude towards women candidates shows that Pakhtun society considers women representatives as dishonor for themselves. In the KP assembly out of 124 seats, there are only 22 seats reserved for women and all the general seats are secured by the male candidates.⁸⁹ Although, on some general seats women contested for the seats but they lost.

The small representation of women in politics is the result of the legislation in the era of Perviaz Musharaf. Due to this legislation small percentage of women became part of the parliament but the practical participation of women in politics,

⁸⁶Legislative Watch Programme for Women's Empowerment, *Legislative Quota for Women* (Islamabad: Aurat Foundation, 2012) 5.

⁸⁷<http://www.na.gov.pk/en/composition.php> accessed October 16, 2014

⁸⁸<http://www.na.gov.pk/en/content.php?id=121> accessed October 16, 2014

⁸⁹<http://www.pakp.gov.pk/> accessed October 16, 2014

still, retain very hard obstacles because the structure of our society is based on inequality.⁹⁰ Our society deals with women differently from male. Men have powerful role in decisions making in the society. The family restrictions and due to *tor* and *peghor* of *Pakhtunwali* women are mainly limited to their houses. Pakhtuns consider it very dishonour that their women meet with the other people of society or the people look to their women. Even the coming out of women from their houses without *pardah* is deemed immoral and disgrace. However, nowadays, women are part of the political institutions but the male-dominated nature and the culture are the same as earlier and no struggle have made to change this nature and culture.⁹¹

2.2 Women in the National Assembly

Women participation in politics differs from area to area. In some districts of Khyber Pakhtunkhwa like Peshawar, Mardan, Swabi, Charsadda and Nowshera women are more active in politics than the southern districts i.e. Bannu, Lakki Marwat, Kohat etc. and hilly areas of Swat, Dir, Chitral etc. The analysis of current women MNA's, elected on reserved seats shows that 5 out of 8 belong to Zone two of Khyber Pakhtunkhwa (Zone two includes District Peshawar, Mardan, Swabi, Charsadda and Nowshera) and the other three women MNA's belong to

⁹⁰ICRW-UN Women, *Country reviews Women's political participation in South Asia (Bangladesh, Bhutan, Nepal, Pakistan and Sri Lanka)* (New Delhi: ICRW and UN Women, 2011), 10.

⁹¹ Ibid.

the other districts of Khyber Pakhtunkhwa.⁹² Similarly, in 2008 election, 5 out of 7 women MNA's belonged to Zone two and the other two belonged to other districts of Khyber Pakhtunkhwa.⁹³ It is observed that in the plain areas of Khyber Pakhtunkhwa like Peshawar, Mardan etc. that *Pakhtunwali* is not followed in strict sense as it is followed in the Southern districts and in the hilly areas. On the general seats in Khyber Pakhtunkhwa no woman candidate won the seat, all seats were won by male candidates in elections 2013, 2008 and the others also.⁹⁴

In 1977, for the first time in the history of Pakistan and Pakhtun a woman was elected directly to National Assembly in general elections 1977.⁹⁵ This woman was not a common woman but the wife of well-known politician and the founder of ANP Mr. Abdul Wali Khan. In the general elections of 1985, no woman candidate was directly elected to the national assembly, although, two women Ms. Kalsum Saifullah and Ms. Bilquis Nasr-um-Minallah were elected on reserved seats.⁹⁶ The same was the situation in general elections, 1988 and only two women were elected to national assembly on reserved seats namely Ms. Kalsum Saifullah and Ms. Malak Mehr un Nisa.⁹⁷

Due to the policies of former President General Rtd. Pervez Musharraf the number of women reserved seats increased in national assembly, senate as well as provincial assembly. Therefore, in 2002, eight women were nominated to

⁹²http://www.na.gov.pk/en/mna_list_w.php?list=women accessed October 16, 2014

⁹³<http://www.na.gov.pk/en/content.php?id=121> accessed October 16, 2014

⁹⁴<http://www.na.gov.pk/en/index.php> accessed October 16, 2014

⁹⁵<http://www.na.gov.pk/en/content.php?id=121> accessed October 16, 2014

⁹⁶Ibid.

⁹⁷Ibid.

National Assembly on reserved seats from KP.⁹⁸ Furthermore, in 2008 and 2013 general elections, seven and ten women were nominated to national assembly on reserved seats respectively.⁹⁹

2.3 Women in the Khyber Pakhtunkhwa Assembly

No woman has directly won the election for the provincial assembly of Khyber Pakhtunkhwa. Although, the women made their place in Khyber Pakhtunkhwa assembly through reserved seats. In 2002 as well as in 2008 general elections twenty two women were nominated as MP's to KP assembly. In 2013, still twenty two women are part of the legislative assembly of Khyber Pakhtunkhwa.¹⁰⁰ But these women belong to strong political families of Khyber Pakhtunkhwa.

2.4 Women Contesting the Election

Contrary to the fact, the first woman who was elected in the direct election of 1977 in the history of Pakistan was a Pakhtun woman, Begum Nasim Wali Khan, belongs to Khyber Pakhtunkhwa¹⁰¹, where women participation in politics is considered very restricted.

⁹⁸Ibid.

⁹⁹Ibid.

¹⁰⁰<http://www.pakp.gov.pk/2013/members-directory/women-reserved-seats/> accessed October 15, 2014

¹⁰¹ Women and Politics in Asia Forum, *Observation Report of women contested constituencies General Election 2008 – Pakistan* (Islamabad: The Researcher, 2008), 10.

In 1985, only two women contested the election for KP assembly (former name NWFP assembly) out of fifteen women candidates in the country, but both the women lost the election.¹⁰² In the general elections of 1988 only two women candidates participated in this election for KP assembly out of total 38 women candidates contesting elections in the country.¹⁰³ Surprisingly, one woman candidate was successful in this election from KP.¹⁰⁴ By studying the general elections of 1990 the number of women candidates contesting the election from KP increased to six as compared to previous elections.¹⁰⁵ The result was that one woman candidate was successful in KP.¹⁰⁶ In the general elections of 1993 three women candidates contested the election from KP out of 41 women candidates in the country.¹⁰⁷ Out of three women in KP one was successful.¹⁰⁸ Furthermore, in 1997 five women candidates from KP contested the elections in which one woman won the seat for national assembly.¹⁰⁹ This shows that number of women candidates increased in the general elections of 1997 against previous elections.

In 2002, three women candidates from KP contested the election for national assembly¹¹⁰ and only one women candidate contested election for the provincial assembly of KP.¹¹¹ All the four women candidates lost the elections with a great margin. The figure 2.1(a) shows, the constituencies where women contested the

¹⁰² Ibid. 11

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid. 12

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid. 13

¹¹⁰ Election commission of Pakistan, Report on the General Elections 2002, Vol 2, (Islamabad: Printing Corporation of Pakistan) 2004, 1-5.

¹¹¹ Ibid. 316

general election of 2002 for national assembly, they got only 1% votes as compared to 99% votes by men candidates. Interestingly, for all the seats of provincial assembly of KP, there was only one woman nominee who participated in 2002 elections. The data statistics of ECP show that only 391 votes were cast in her favor out of 39216 votes polled in that constituency.¹¹²

**Votes comparison between female and male candidates
(General Elections 2002- National Assembly)**

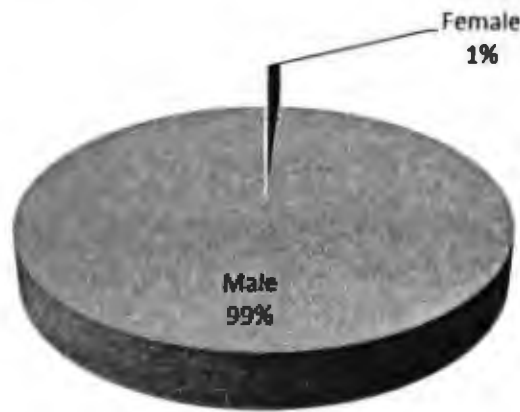


Figure 2.1 (a)

By analyzing 2008 elections, it shows that in KP three women contested the election for national assembly seat and eight women contested for the provincial assembly seats. Figure 2.1 (b) shows that in the general elections for national assembly seats only 0.3% votes were cast for women candidates and 99.7% votes polled in favor of men in the specific constituencies where women contested the elections. The ratio of votes cast for women candidates as compared to the general elections of 2002 was dropped by 0.7% in the general elections of 2008.

¹¹² Ibid. 317

However, the number of women candidates contesting the election for provincial assembly increased to 8 as compared to only 1 woman candidate of 2002 elections.¹¹³ Figure 2.1 (c) illustrates that the number of votes cast for women candidates in the general elections of 2008 for the provincial assembly of KP increased to 3% as compared to 0.99% vote cast for women candidates in the general elections of 2002, out of total votes in the constituencies where women participated in the election.

**Votes comparison between female and male candidates
(General Elections 2008- National Assembly)**

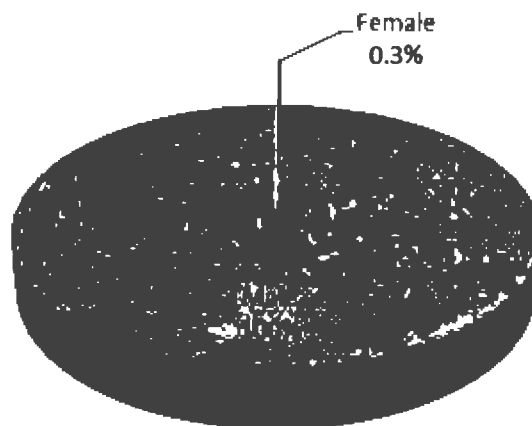


Figure 2.1(b)

¹¹³Election commission of Pakistan, Report on the General Elections 2008 Report, Vol 2, (Islamabad: Printing Corporation of Pakistan) 2011, 318-350

**Votes comparison between female and male candidates
(General Elections 2008- KP Assembly)**

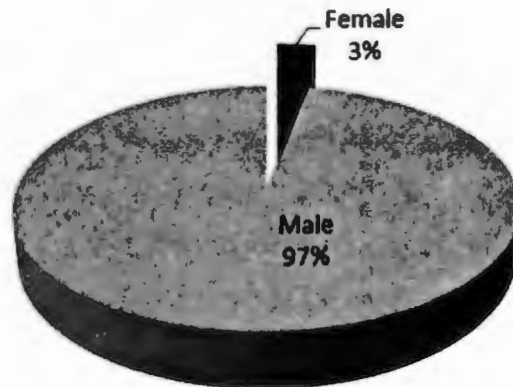


Figure 2.1(c)

Moreover, in elections 2013 the number of women candidates increased as compared to the other elections.¹¹⁴ There were total 37 women who contested the election from KP for both national and provincial assembly,¹¹⁵ of these 14 women contested for national assembly while 23 for provincial assembly. Interestingly, figure 2.1(d) depicts that the number of votes secured by the women candidates for the national assembly seats in the general elections, 2013 were only 1% which shows the same ratio as in the general elections of 2002. Despite the fact that the women participation in elections as candidate increased, but the ratio of votes secured by them as compared to male candidates was decreased. Similarly, figure 2.1(e) shows that in general elections, 2013 the percentage of votes in the constituencies where women contested the election decreased to 0.4% as compared to 2008 elections.

¹¹⁴<http://ecp.gov.pk/GE2013.aspx> accessed October 17, 2014

¹¹⁵ Ibid.

**Votes comparison between female and male candidates
(General Elections 2013- National Assembly)**

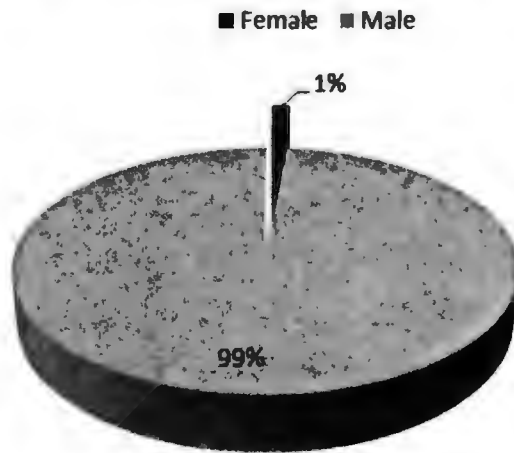


Figure 2.1(d)

**Votes comparison between female and male candidates
(General Elections 2013- KP Assembly)**

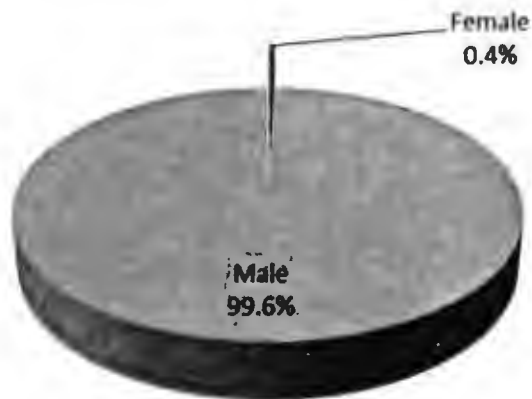


Figure 2.1(e)

2.5 Women in Political Parties

Every political party in Pakistan possesses a separate wing for women, but the role of women is very little as compared to men. All the central leadership and provincial leadership comprise of men of all the main political parties. The role of a woman in decision making in any political party depends upon her family status.¹¹⁶ All the political parties have no plan or materials regarding women decision making in parliament or in the political party.¹¹⁷ Especially, in KP women have very limited role in all the parties of Pakistan. We will analyze different political parties and the role of Pakhtun women in these political parties and especially the political parties of KP.

2.5.1 Pakistan Muslim League (PMLN)

PML (N) is the current ruling party and it has a separate wing for women. The main offices of PML (N) are Central working committee and Executive committee. Both these committees has no Pakhtun woman from KP, although some women from other part of Pakistan.¹¹⁸ The main party offices are all given to the male members and no woman member holds any office.¹¹⁹ In KP, all the

¹¹⁶National Commission on the Status of Women, *Gender review of political frame work for women political participation* (Islamabad: NCSW, 2010), 15.

¹¹⁷Ibid.16

¹¹⁸<http://www.pmln.org/central-working-committee-of-pakistan-muslim-league-n/> Last accessed October 19, 2014

¹¹⁹<http://www.pmln.org/office-bearers/#> accessed October 19, 2014

districts main positions like president and general secretary of PML (N) are held by men only and no woman holds these positions.¹²⁰

2.5.2 Awami National Party (ANP)

Awami National Party (ANP) is Pakhtun nationalist party and its origin is in KP. It is one of the big political parties in KP. It is a liberal and progressive party struggling for Pakhtun rights. Recently, ANP encouraged women to participate in politics by giving some important positions to women in the party main slot. It has given some main positions to women in central and provincial cabinet as given to men. Like, in central cabinet, Bushra Gohar one of the prominent woman politician from KP elected as central vice-president of the party.¹²¹ The other woman, who holds an important office in the central cabinet is Jameela Gilani, she is central joint secretary from KP.¹²² Apart from these two women there are four other women who hold offices in the central cabinet of ANP.¹²³

Furthermore, in the provincial cabinet, ANP has also elected women on different key positions of the party. Like men, women are also elected vice president from different zones. The women who are elected vice presidents in the provincial cabinet from different zones are Sitara Ayaz (Peshawar zone), Khursheed Begum (Southern zone), Senator Zahida Khan (Malakand zone) and Irum Fatima (Hazara

¹²⁰<http://www.pmln.org/269-2/> accessed October 19, 2014

¹²¹<http://awaminationalparty.org/main/?p=7970#more-7970> accessed October 19, 2014

¹²² Ibid.

¹²³<http://www.pakhtoonmagazine.com/2014/September/34.pdf> accessed October 19, 2014

zone).¹²⁴ Similarly, some women are elected as provincial joint secretaries from different zones. These women are Shaguftā Malik, Musarrat Shafi Advocate, Khudeja Sardar, Shenaz Raja, Dur-e-Shehwar from Peshawar, Southern, Malaknad, Hazara and FATA zone respectively.¹²⁵ ANP has also included some women in its general council from KP.¹²⁶ Although, it may be noted that only men are elected on key positions (President and General Secretary) in all the districts of KP in the ANP. No woman member elected on the district important position.¹²⁷ It shows that on the ground level women have very little role in the politics. It is also observed that the main offices like central and provincial presidents, general secretaries, information secretaries and finance secretaries are all held by men. In spite of the fact that, ANP has encouraged women to participate in politics but still the women have limited role in party policy and decision making.

2.5.3 Qaumi Watan Party (QWP)

Qaumi Watan Party (QWP), old name Pakistan People Party (Sherpao), is a Pakhtun nationalist party and playing a vital role for encouraging women to participate actively in practical politics in Pakhtun belt. In this connection, women members of the party are given key positions in the party's main slot. One of the important positions in the party central cabinet, the central general secretary, is

¹²⁴<http://awaminationalparty.org/main/?p=7648> accessed October 19, 2014

¹²⁵ Ibid.

¹²⁶<http://awaminationalparty.org/main/?p=8176#more-8176> accessed October 19, 2014

¹²⁷<http://awaminationalparty.org/main/?p=7706> accessed October 19, 2014

given to a woman member Ms. AnisaZeb Tahir Kheli.¹²⁸ Moreover, two Pakhtun women are included in the Central Executive Committee of QWP.¹²⁹ In the provincial cabinet of QWP several women are given key positions worth mentioning among which are Ms. Nargis Sameen and Nasreen Khattak are Vice President and Social Media Secretary respectively.¹³⁰ Similarly, in Zone two a woman member Tania Gul Advocate is elected as vice president. Currently, there are two women who are members of provincial assembly from QWP elected on reserved seats namely Ms. Anisa Zeb Tahir Kheli and Ms. Meraj Humayun.¹³¹ Although at lower level no woman member is actively participating in politics; and therefore not holding any key position in the party.

2.5.4 Pakistan Tehreek-e-Insaf (PTI)

Pakistan Tehreek-e- Insaf is one of the major political parties of Pakistan. It has a separate wing for women. Nafeesa Khattak from Nowshera (Khyber Pakhtunkhwa) is central General Secretary of PTI women wing.¹³² It has 10 women MPA elected on reserved seats in election 2013 for KP assembly.¹³³ In Khyber Pakhtunkhwa, the PTI led government has placed a single woman in the cabinet, named Mehr Taj Roghani as a “Special Assistant” to the Chief Minister.¹³⁴ There are also four women Parliamentary Secretaries in the KP assembly from Pakistan Tehreek-e- Insaf.¹³⁵ In the National

¹²⁸<http://www.qwp.org.pk/women-wing.php> accessed October 23, 2014

¹²⁹<http://www.qwp.org.pk/cec.php> accessed October 23, 2014

¹³⁰<http://www.qwp.org.pk/pob.php> accessed October 23, 2014

¹³¹<http://www.pakp.gov.pk/2013/members-directory/by-party> accessed October 23, 2014

¹³²<http://www.insaf.pk/wings/women-wing> Last accessed April 25, 2015

¹³³<http://www.pakp.gov.pk/2013/members-directory/by-party> accessed April 25, 2015

¹³⁴<http://www.pakp.gov.pk/2013/cabinet-composition/> accessed April 25, 2015

¹³⁵ Ibid.

assembly there are also four women MNA's of PTI elected on reserved seats from Khyber Pakhtunkhwa namely Nafeesa Khattak, Mussarat Ahmedzeb, Sajida Begum and Aaisha Gulalai.¹³⁶

2.5.5 Muttahida Quami Movement (MQM)

Muttahida Quami Movement (MQM) believes in realism and pragmatism.¹³⁷ It is one of the largest party of Pakistan and has strong hold in Karachi. MQM has also a separate wing of women but in Khyber Pakhtunkhwa, there is no women wing of MQM. It has also no women representative from Khyber Pakhtunkhwa in the central cabinet or any committee.¹³⁸ Although, MQM supports and works for the promotion of women participation in politics.¹³⁹

2.5.6 Pakistan People Party Parliamentarians (PPPP)

Pakistan People Party Parliamentarians (PPPP) is a liberal political party and plays an important role in backing women in politics. It is the party which introduced the first woman Prime Minister of Pakistan and first woman Speaker of the National Assembly, ex-Prime Minister Mrs. Benazir Bhutto and ex-national assembly Speaker Mrs. Fehmida Mirza belonged to this party. However, in KP its role is not like the nationalist party in KP to encourage women in politics and give them some key positions in the party. The provincial cabinet of

¹³⁶http://www.na.gov.pk/en/members_listing.php?party=103 accessed April 25, 2015

¹³⁷<http://www.mqm.org/AboutMQM> accessed April 30, 2015

¹³⁸<http://www.mqm.org/default.aspx> accessed April 30, 2015

¹³⁹<http://www.mqm.org/Manifesto2013> accessed April 30, 2015

PPPP in KP includes a single woman, Senator Rubina Khalid who is advisor to the provincial president.¹⁴⁰ The provincial president of women wing is MPA Nighat Orakzai,¹⁴¹ who is very active in the KP assembly among other women MPs. The central cabinet of PPPP also includes Pakhtun woman, Ms. Rukhsana Bangash, she is the finance secretary of PPPP.¹⁴² It is important to note here that Rukhsana Bangash is not living in KP but in Islamabad.

2.5.7 Awami National Party (ANP Wali)

ANP (Wali) is a newly established party, launched in 2014. Begum Nasim Wali Khan is its founding leader and the first chairperson.¹⁴³ Nasim Wali is the wife of late Pakhtun nationalist politician Abdul Wali Khan, sister of ex-federal minister Azam Khan Hoti and aunt of former chief minister of KP Amir Haider Khan Hoti. So, she is not a common woman but belongs to a well-known political family of Khyber Pakhtunkhwa. It is important to note that she was also the provincial and central president of ANP. She is the first woman not only in KP but also in Pakistan who was elected directly on two national assembly seats in the general elections of 1988.¹⁴⁴

¹⁴⁰<http://www.dawn.com/news/1112221> accessed October 25, 2014

¹⁴¹Ibid.

¹⁴²<http://www.pppp.org.pk/pppchange/party.html> accessed October 25, 2014

¹⁴³<http://www.thenews.com.pk/Todays-News-7-233822-Begum-Nasim-launches-ANP>

Wali Last accessed October 25, 2014

¹⁴⁴Women and Politics in Asia Forum, Observation Report of women contested constituencies General Election 2008 – Pakistan (Islamabad: The Researcher, 2008), 10

However, the case of Begum Nasim Wali is different from other women of KP, firstly, she belongs to well-known political family of KP, secondly, she is known as *Mor Bibi* (means mother) in KP and the Pakhtun pay very respect to her. Thus, Begum Nasim Wali Khan is an exceptional case and is not applicable to the other Pakhtun's women in KP.

2.5.8 Awami Jamhuri Itihad (AJIP)

Awami Jamhuri Itihad (AJIP) is a small political party and its politics is limited to district Swabi and other plain areas of KP i.e. Mardan, Nowshera and Peshawar. Women have limited role in this party although it has elected a woman in provincial assembly on reserved seat.¹⁴⁵

2.5.9 Tehreek-e-Masawat:

Tehreek-e-Masawatis is also a newly established party founded by a prominent actress of Pashto film industry Mussarat Shaheen. It has not yet gained any popularity in KP and not even won a single seat. Its main manifesto is to enable women to participate actively in politics.

¹⁴⁵<http://www.pakp.gov.pk/2013/members-directory/by-party/> accessed October 24, 2014

2.6 Women and their right to Vote

Till 2014, there were 12,266,157 total registered voters in Khyber Pakhtunkhwa in which 5,257,624 were women voters.¹⁴⁶ The turnout of women voters in elections in Khyber Pakhtunkhwa was negligible. In many constituencies women were even not allowed to cast their vote. This decision is taken by the elders or *Jirga* of the particular constituency and the contesting candidates of that constituency.¹⁴⁷ In the local elections 2001, women were not allowed to cast their vote in 13 union councils of district Swabi, Khyber Pakhtunkhwa.¹⁴⁸ Similar situation was observed in other districts of KP also. Moreover, in the local elections 2001, women were stopped to submit their nomination papers as candidates in Dir, Kohistan, Batagram and Mardan districts of KP.¹⁴⁹ Several similar cases were reported in different parts of KP where women were stopped to cast their votes. In February 2010, women were barred from voting in the by-election for PK-75 (former name PF-75) in Lakki Marwat, this decision was also taken by the *Masharan* of this constituency.¹⁵⁰ This behavior was also noted in PK-83 and NA-21 Mansehra, where women were stopped from casting their votes in the by-election conducted on 28 January 2010 because of the order of the local elders.¹⁵¹ Similarly, in PK-87 Shangla 59000 women voters were restricted to

¹⁴⁶<http://ecp.gov.pk/ER/VoterStatFER2012.aspx> accessed October 24, 2014

¹⁴⁷National Commission on the Status of Women, *Gender review of political frame work for women political participation* (Islamabad: NCSW, 2010), 8.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰http://www.fafen.org/site/v6/pressrelease/women_disenfranchised_in_a_low_turnout_election_485 accessed October 25, 2014

¹⁵¹ Ibid.

their homes in the by-election held in January 2011.¹⁵² The decision to stop women voters was taken by the political parties and candidates who were contesting the election.¹⁵³ The same situation was observed in the by-election held on 28 December, 2008 in district Bunir where women were totally forbidden from vote casting at more than twenty five percent polling stations.¹⁵⁴ According to a national newspaper Daily Jang, in district Kohistan several times this behavior was observed where women were prevented from casting their votes in the general elections 2008 and by-elections 2011.¹⁵⁵ In the by-elections held on November 24, 2011, the local Jirga and the local leadership of the political parties decided not to allow women to cast their votes.¹⁵⁶ According to a local leader of a progressive party in Kohistan, coming of women to the polling station and showing their faces to strangers are against Islam and Pakhtun culture.¹⁵⁷ Same was the case in the by-election for the constituencies of NA-27 Lakki Marwat and NA-5 Nowshera, there women were also stopped from casting their votes.¹⁵⁸ However, in Lakki Marwat and Nowshera, the Chief Justice of Peshawar High Court took the notice after which women were allowed to cast vote.¹⁵⁹ In December 2013, by-election for the constituency of PK-67 Dera Ismail Khan,

¹⁵²http://www.fafen.org/site/v6/pressreleases/more_than_59%2c000_women_voters_barr_ed_from_voting_in_shangla_by-election_2011_02_09_497 accessed October 25, 2014

¹⁵³Ibid.

¹⁵⁴http://www.fafen.org/site/v6/pressreleases/bar_on_women_voting%2c_terrorist_attack_warrant_fresh_na-28_by-poll_2009_01_01_537 accessed October 25, 2014

¹⁵⁵<http://jang.com.pk/thenews/dec2011-weekly/nos-04-12-2011/dia.htm#2> accessed October 25, 2014

¹⁵⁶Ibid.

¹⁵⁷Ibid.

¹⁵⁸<http://www.thenews.com.pk/article-114764-Women-stopped-from-casting-votes-in-KP> accessed October 25, 2014

¹⁵⁹Ibid.

women faced the same situation in several union councils.¹⁶⁰ Similarly, it was also reported by a national newspaper Express Tribune that the general elections 2013 and after that the by-elections were polluted because in several areas of KP and FATA women were not allowed to cast their votes.¹⁶¹

Interestingly, it is noteworthy that before the general elections of 2013, KP Information minister announced that strict action will be taken against those who were involved in keeping away women to exercise their right to vote, and the offenders will be punished for three to four years in prison.¹⁶² Till today, no case has been reported that culprits were punished by the courts of law or the elections has been nullified because of the missing of women voters. So, according to above arguments women in Pakhtun society are facing difficulties while exercising their political rights. The culture and male-dominated society prevent them to participate in political activities or to cast their vote.

2.7 Women and their Share in Inheritance in Pakhtun Society

It is an exciting fact that both Shariah and the Pakistani law give women the right to inheritance in the property of their fathers but there are culture barriers in the implementation of these laws and women are unable to take their due share of

¹⁶⁰<http://tribune.com.pk/story/645827/di-khan-by-polls-women-prevented-from-voting-in-garhi-shamozai/> accessed October 26, 2014

¹⁶¹Ibid.

¹⁶²<http://tribune.com.pk/story/540988/preventing-women-from-voting-to-lead-to-imprisonment/> accessed October 26, 2014

inheritance.¹⁶³ Pakhtun women are often denied their share in the property left by their deceased relatives. On the contrary, in KP women do not get their legal shares in the property of their father and husband. They are deprived of their property because of cultural restrictions.¹⁶⁴ International Property Right Index 2014 reported that Pakistan was graded 86 out of 97 countries in property rights of women.¹⁶⁵ This shows the violation of inheritance law in Pakistan. Women are not getting their property rights and the share in inheritance. Culture practices in KP also stress that the property of the family remains in the family and the result is that many women are deprived of their legal share in inheritance. It is also observed in KP that women are married in their family for the purpose of keeping the property in the family.¹⁶⁶ Similar situation is found in other provinces of Pakistan.

It is observed that the women feel embarrassment while getting their share in inheritance and also the male members feel insult if their women demand their legal share in inheritance. And if the women get their share in inheritance it is observed that the other members of society give "*Peghor*" to the particular women and also to the male members. Here, it may be noted that "*Peghor*" is also the code of *Pakhtunwali*. It is also observed that the Pakhtun women are deprived

¹⁶³Aoun Sahi, "The fair share," *The NEWS*, April 10, 2014. <http://jang.com.pk/thenews/apr2011-weekly/nos-10-04-2011/spr.htm> accessed October 29, 2014

¹⁶⁴Niaz Muhammad, "Inheritance in Property: A Gender Based Discriminatory Practices in Rural Areas of Tangi, District Charsadda," *Sarhad J. Agric* 27, no. 1, (2011): 143.

¹⁶⁵<http://internationalpropertyrightsindex.org/countries> Last accessed October 29, 2014

¹⁶⁶Arshad Yousafzai, "Married to traditions," *The NEWS*, April 10, 2011. <http://jang.com.pk/thenews/apr2011-weekly/nos-10-04-2011/spr.htm> accessed October 29, 2014

of their legal share in inheritance because of cultural restrictions and illiteracy.¹⁶⁷ Some critics are of the view that it is not *Pakhtunwali* which made obstacles in the way of women's share in inheritance but it is local practices that are responsible for such acts.¹⁶⁸ It is also asserted that women are not earning anything that's why they are not getting their due share in inheritance.¹⁶⁹

2.8 Women, Business and Employment

In the Constitution of Pakistan 1973; article 18 allows all the citizens (both male and women) of Pakistan to do a legitimate business or trade or to adopt any legal profession.¹⁷⁰ Regarding the profession and employment of women CEDAW also openly states that a woman has the same right to work as the men.¹⁷¹ They are free to join the profession of their choice.¹⁷² There shall be no discrimination in remuneration, promotion and training of women.¹⁷³ But, in Pakhtun society, women are restrained by the customs and culture from business and employment. Women who do business or job are considered as opposed to *ghairat* and many times their male members tolerate the *peghor* of the society. It is observed that in Pakhtun society professional women bear a bad name, the Pakhtun consider it as against *Pakhtunwali*.

¹⁶⁷Niaz Muhammad, "Inheritance in Property: A Gender Based Discriminatory Practices in Rural Areas of Tangi, District Charsadda," *Sarhad J. Agric* 27, no. 1, (2011): 144.

¹⁶⁸Ibid.

¹⁶⁹Ibid.

¹⁷⁰Constitution of Pakistan, 1973, Article 18.

¹⁷¹CEDAW, Article 11

¹⁷²Ibid.

¹⁷³ibid

The Constitution of Pakistan and the international legal instruments have permitted the women to do a lawful trade or job but what are the hurdles in their way are the society and its norms and culture. Especially, in Pakhtun society, *Pakhtunwali* is strictly observed and all the Pakhtun are afraid of “*tor*” and “*peghor*”, so the women neither freely start a business nor do a job.

The economic situation of women in KP is also very disgusting. In many parts of KP, it is considered shameful when a woman member of a family does job or runs some business. There is a Pakhtun proverb that “A woman’s place is in the home or in the grave, or if women have no noses they will eat shit”.¹⁷⁴ As many women do jobs in KP but in general the male members consider it dishonour for themselves. This may also be due to the fear of “*tor*” which is one of the basic codes of *Pakhtunwali* and gender segregation rules or *Pardah* which is strictly observed in Pakhtun society.¹⁷⁵ Pakhtuns do not afford that the strangers look to their women or gossip with them. It is considered against the *ghairat* of the Pakhtun men and their families. So, this is a very genuine obstacle in the economic rights of women.

¹⁷⁴Charles Lindholm “Generosity and Jealousy, the Swat Pukhtun of Northern Pakistan,” (New York: Columbia University Press 1982), 113.

¹⁷⁵Tom Ginsburg “Economic Interpretation of Pashtunwali” <http://www.law.uchicago.edu/node/533/publications> accessed 10 November 2014

CHAPTER 3

DATA ANALYSIS AND DISCUSSIONS

3.1 Introduction

This chapter is about the analysis of empirical evidence regarding the situation of women political and economic rights in Pakhtun society. The chapter is divided in two parts. Part I describes sampling of data. In Part II, the data is analysed.

For the purpose of data collection a field survey was conducted which focussed on Khyber Pakhtunkhwa only. In the survey close ended questionnaire / interview Schedule was used as a tool of data collection. Responses were solicited from as many as 300 women. In order to have views of different segments of the target geographical area of Khyber Pakhtunkhwa efforts were made to ensure diversity in the target population. Samples of 300 women were selected among whom the questionnaires/Interview Schedule were distributed. For those who were unable to understand the Interview Schedule was used instead of questionnaire, we asked them questions in Pashto and took their responses. Most of the respondents were educated, majority of them were graduates. Opinions were taken personally from the residents of Khyber Pakhtunkhwa. The major themes which reflected the questions were:

- Participation of Pakhtun women in politics.
- Attachment of Pakhtun women with political parties.
- The desire of women to join politics in Pakhtun society.
- Permission to participate in politics.

- Hurdles in the way of women to participate in politics in Khyber Pakhtunkhwa.
- Right of vote casting.
- Right of inheritance.
- Protection of women political and economic rights.

For the convenience, the questionnaire is appended to this thesis. The second part of this chapter is about the analysis of collected data. In this part the responses of the targeted people and key themes mentioned above are analysed one by one. For example, to know about political rights provided in Pakhtun society questions about vote permission, political participation and political affiliation were asked. To enquire about economic situation of women in society, questions about job permission, share in inheritance and property rights were asked. The data then transformed into the Microsoft excel workbook and arranged in a way to calculate the %age of responses from different questions. A detailed analysis of the figures provided by this survey is provided in this chapter.

3.2 Results and Discussions of Political Rights

The Constitution of Pakistan and international law do not discriminate against women and provide both men and women equal political rights. Women have same rights as men have like to contest elections, to hold party position, cast their votes and become a member of provincial and national assembly. However, in Khyber Pakhtunkhwa (KP), women confront several impediments for obtaining these rights. The data collected from the women of KP regarding their political rights have been analyzed and below are the results and discussions.

Table 3.2.1

Pakhtun Women Should Participate in Politics

S. NO	Women Responses	Frequency	%age
1	Agree	144	48%
2	Neutral	54	18%
3	Disagree	102	34%
4	Total	300	100%

According to table 3.2.1, 48% respondents agreed that women should participate in politics while 34% disagreed with the statement. The remaining 14% women respondents were neutral. It shows that majority of the respondents support the view that women should participate in politics. Though, it is against the ground reality because the women have no such percentage of participation in politics of KP or at national level. It implies that there are barriers which stop women from taking part in politics.

Table 3.2.2

Women Political Attachment

S. NO	Women Responses	Frequency	%age
1	Yes	27	09%
2	No	273	91%
3	Total	300	100%

Table 3.2.2 states that only 09% women respondents have political attachment with a political party whereas 91% respondents are not affiliated with any

political party. Although, 48% women have shown their assent with the statement that women should participate in politics (see table 3.2.2). It shows that there are obstacles in the way of women to get their political rights.

Table 3.2.3

Women Wishing to Join Politics

S. NO	Women Responses	Frequency	%age
1	Yes	159	53%
2	No	141	47%
3	Total	300	100%

It is very obvious from the table 3.2.3 that about 53% of women respondents were willing to join politics but there are only 9% in practical politics (see table 3.2.3). This depicts that there are hurdles in the way of political rights as guaranteed by the Constitution of Pakistan and international law. The Pakhtun society is patriarchal in nature and the people are adhering to the code of the Pakhtun culture. They do not tolerate the burden of *peghor* and *tor*. Pakhtun culture is male dominated which has its part for making hurdles in the authorization of women. Most of the Pakhtun do not accept women to be their ruler and the male members have the decisive power in the society. On the other hand 47% of women respondents were not wanted to join politics.

Table 3.2.4

Permission to Take Part in Politics

S. No	Women responses	Frequency	%age
1	Yes	33	11%
2	No	267	89%
3	Total	300	100%

Table 3.2.4 shows that out of 300 respondents, 33 interviewees responded that they were allowed by their families to take part in politics. It means only 11% women were permitted to do so. However, 89% of women were not granted any permission to participate in politics. It is observed that the law gives them equal political rights like men but that is the culture which has made obstacle towards their political freedom.

Table 3.2.5

Vote Casting

S. No	Women Responses	Frequency	%age
1	Agree	108	36%
2	Neutral	45	15%
3	Disagree	147	49%
4	Total	300	100

To analyze the right to vote of KP women the results shows that 49% women thought that they were allowed to cast their votes. 15% women were neutral to the statement that "Pakhtun women were not allowed to cast their vote." It is very striking, that in 2014, still 36% of our respondents believed that they were not permitted to cast their votes (table 3.2.5). It was also noted in previous general,

local and by-election that in several areas of KP women were stopped from casting their votes. Several non-governmental organizations reported in elections 2013 and the by-elections held later that in some of the areas women were not permitted to cast their votes.

Table 3.2.6

Hurdles in the way of Participation in Politics

S. No	Women Responses	Frequency	%age
1	Agree	240	81%
2	Neutral	60	19%
3	Disagree	0	0%
4	Total	300	100%

Table 3.2.6 shows that 81% of our respondents considered that there were hurdles in the political participation of women in Pakhtun society while 19% respondents remained neutral on this issue. It is very interesting fact that none of our respondents disagreed with the statement that Pakhtun women confronted hurdles in the way of participation of politics. This depicts that there are barriers in the political rights of women.

3.3 Result and Discussions of Economic Rights

Similarly, while discussing the economic rights of women it is obvious from the data that women are deprived of many their economic rights like their political rights as are guaranteed to them by the Constitution of Pakistan and international legal instruments i.e. CEDAW, ICCPR, and ICESCR etc. As evident from the

literature and many reports quoted in this study women in Pakhtun society face many hurdles to achieve their rights. In our survey conducted from 300 women in Khyber Pakhtunkhwa it is derived from the survey that the situation not changed much even in 2014. Figures obtained from the survey support our view that even in 21st century of freedom and advanced technology Pakhtun women are still facing hurdles in their way of political and economic rights. Some of the findings of this survey are explained below;

Table 3.3.1

Share Received in Inheritance

S. No	Women responses	Frequency	%age
1	Yes	63	21%
2	No	237	79%
3	Total	300	100%

Table 3.3.1 indicates that when asked about their legal share of inheritance they received, only 21% were able to get their legal or less share in inheritance while 79% were those who got nothing in the inheritance left by their fathers and families. In KP all the inheritance are in the authority of men, women mostly do not take their legal shares in inheritance.

Table 3.3.2

Feel Embarrassment from Society While Taking Legal Share in Inheritance

S.No	Women responses	Frequency	%age
1	Yes	213	71%
2	No	87	29%
3	Total	300	100%

Table 3.3.2 depicts that the low share of inheritance is mainly due to the fact that it is considered an act of shame to demand legal share in inheritance in Pakhtun society. Those who were not able to get any share in inheritance accepted this fact that there is no culture of taking the legal share of inheritance from father, brother or family; therefore, women do not demand any part in inheritance. 71% of the sample results supported this general view of Pakhtun society regarding inheritance while 29 % responses rejected this view.

Table 3.3.3

Wishing To Run Their Own Business or Do Job

S.No	Women responses	Frequency	%age
1	Yes	165	55%
2	No	135	45%
3	Total	300	100%

It is a well-known fact that Pakhtun society is wrapped in the ropes of poverty due to war and instability in the region. For this reason the economic situation of the society is not too good. Upon asking from the surveyed women that whether they want to run their own business or do a job to support their families, the answer of

the majority respondent was yes. Table 3.3.3 shows that 55% of women respondents wanted to do a job or run their own business in order to secure the future of their children and support their life partners while 45 % respondents not ready for their own business or to do a job.

Table 3.3.4

Permission for Running A Business or Do A Job

S. No	Women responses	Frequency	%age
01	Yes	81	27%
02	No	219	73%
03	Total	300	100%

As majority of the respondents inclined towards a job or to run their own business (table 3.3.4) but the problem is that they are not permitted by their families to do a job or business because it is mainly considered against the *ghairat* in the society. Table 3.3.4 demonstrates that only 27% respondents were of the opinion that they had permission to do job or run their own business while 73% were not allowed to work outside their homes.

Table 3.3.5

Pakhtun Culture Is Barrier to Working Women

S. No	Women responses	Frequency	%age
01	Agreed	210	70%
02	Neutral	39	13%
03	Disagreed	51	17%
04	Total	300	100%

Table 3.3.5 shows that 70% respondents considered Pakhtun culture as barrier for working women. It is important to mention here that only 17% of the respondents were of the opinion that Pakhtun culture was not a barrier for working women while only 13% respondents remained neutral to this statement. It depicts that the several codes of *Pakhtunwali* like *tor* (blames) *peghor* and *nang* (self-honour) *ghayrat* (honour and dignity) are barriers in the way of working women.

Table 3.3.6

Right to property

S. No	Women responses	Frequency	%age
1	Agreed	144	48%
2	Neutral	51	17%
3	Disagreed	105	35%
4	Total	300	100%

When women were asked whether in KP women had no right of property, 48 % of the respondents agreed with this statement while 35 % disagreed. The table shows that only 17 % remained neutral to the statement. It depicts that majority of women respondents accepted there was no culture in KP that women will possess

their own property. Mostly the property is held by the male members of the family.

Table3.3.7

State Consciousness about Political and Economic rights of Women

S. No	Women responses	Frequency	%age
1	Agreed	57	19%
2	Neutral	126	42%
3	Disagreed	117	39%
4	Total	300	100%

Moreover, on the question whether State was conscious about the political and economic rights of women; 39 % of the respondents were of the view that State was not taking any practical steps for the political and economic rights of women. Their responses were negative about the state consciousness about their rights. It is noteworthy that 42% of the respondents did not answer this question, it implies that majority of the respondents even did not know that the state was taking any actions for their political and economic rights. The table 3.3.7 shows 19% of the respondents were of the opinion that State was conscious about the political and economic rights of women.

It is important that the Constitution of Pakistan provides equal rights to men and women; also Pakistan is party to many of international legal instruments which provide equal political and economic rights of women. However, the culture and customs of the KP have made hurdles in the way of political and economic rights

of women and the State has not taken any concrete steps to remove the culture barriers from the legal rights of women.

3.4 Conclusion

The analysis of the data indicates that in KP the culture and traditions are barriers in the political and economic rights of women. The Pakhtun society is mainly under the control of men and women have very less role in the society. The above results and discussions determine that the Pakhtun women of Khyber-Pakhtunkhwa have very obstacles in the way of getting their political and economic rights. The different codes of Pakhtun culture like *purdah* (gender separation), *tor* (blames), *peghor*, *nang* (self-honour), *ghairat* (honour and dignity) are hurdles in the political and economic rights of women especially in rural and tribal areas. The men of KP did not permit their women to work with other people. The Pakhtun are afraid of the words *tor* and *peghor* and due to these apprehensions women are very restricted to their homes. The Pakhtun culture has given very dominating role to men only in the society. Women have very limited role in such type of activities like to join a political party, contest the election, become member of provincial assembly or national assembly, take share in inheritance, to run a business or do a job etc.

CHAPTER 4

CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

Law treats men and women equally; the Constitution of Pakistan and international law both have guaranteed equal rights of men and women. However, the society and culture do not treat men and women on the basis of equality. Certain cultures are making hurdles in the way of women legal rights. The Pakhtun culture, which may also called *Pakhtunwali* (the way of Pakhtun life), is one of those cultures which has imposed many restriction on Pakhtun women. It is an obstacle for the women in getting their political and economic rights in Pakhtun society (Khyber Pakhtunkhwa). Women cannot fully exercise their political and economic rights in KP because the men dominated nature of the culture in the province.

The Constitution of Pakistan 1973 provides equal political and economic rights to men and women. Apart from the Constitution of Pakistan, international law also states that men and women have same political and economic rights. There are several conventions, adopted by the world community for this purpose. These conventions ensure these rights for both the sexes on equal basis. Also, there are separate conventions for women legal rights which guarantee the political and economic rights of women. Pakistan is party to many of these conventions like CEDAW, ICCPR, and ICESCR etc. so, now these rights should be implemented in letter and spirit in Pakistan.

In KP, the codes of *Pakhtunwali* have made very difficult for women to achieve their political and economic rights. *Pakhtunwali* is way of living of all Pakhtun; they follow the codes of *Pakhtunwali* in their daily affairs whether consciously or unconsciously. The main codes of the *Pakhtunwali* which are hurdles in the way of women for attaining their political and economic rights are *peghor*, *tor* (blame) *purdah* (gender separation), *nang* (honour), *ghairat* (self-honour and dignity), *sharam* (shame or dishonor) etc. So, due to these practices of Pakhtun culture women are not allowed to freely participate in election, cast their vote, to affiliate with a political party, do job, run their own business and take their legal share in inheritance. The Pakhtun culture is men dominated, all the decision power remain with male members of the society, and so the women depend upon the male and cannot take decision of their own choice. The men of KP consider the authority of women against *nang* (honour) and *ghairat* (self-honour and dignity). Women activities outside their homes are observed as *sharam* (shame or dishonor) and people give *peghor* to their families. These women will tolerate the burden of different *tor*'s (blames) upon themselves. Thus, in such situations women actions are limited to the four walls of their homes in the Pakhtun society.

The analysis of the political scenario in KP in the past as well as present depicts that women have very less role in the politics of the province. The men dominated culture does not allow women to take part in election, to become their representative or to join a political party and involve in practical politics. Moreover, in some parts KP women are not permitted to cast their votes. Although, some women have tried out themselves in the field of politics in KP but

the Pakhtun society has totally rejected them, with some exceptions. The result of previous elections show that the women candidates who contested the elections failed with high margins. For instance in 2002 elections women candidates got only 1% vote against the 99% vote of the male contestant. Similarly, in 2013 elections, the women candidates' secured only 1% percent vote in the total vote polled on the national assembly seat while only 0.4% vote against the 99.6% vote of the male candidates for the provincial seats of KP assembly.

Furthermore, in all previous elections, in some parts of KP, women were not allowed to cast their vote. It was reported by different news channels as well as by print media. Also, women have no key position in all political parties. In all political parties the decisive role is played by men. Although, some political parties have separate women wing but these wings are not very active and have no deciding role in the party.

Moreover, the data collected from women about their political and economic rights and the culture barriers in this regard shows that majority of the women respondents views manifest that culture has made hurdles in their political and economic rights. Many of the women are interested to participate in politics but face problems from their family as well as from the society. The data show that most of the women desire to participate in politics, however, only 9% of the women have political affiliation and only 11% are allowed by their families for doing so, the others are not allowed. It is also concluded from the data that 36% women respondents accepted that they were not allowed to cast their vote.

Besides the hurdles in the political rights there are also cultural barriers in the economic rights of women. The data show that 71% of the respondents were of the opinion that they embarrassed from society while taking their legal share in inheritance from their families. The reason is that the society made *peghor* to those women and deemed it against *nang* (self-honour and dignity) and *ghayrat* (honour). Also, 79% women respondents did not receive their legal or less share of inheritance. In the same way, the data expresses that 55% women respondents asserted to do job or business but merely 27% of the respondents stated that they were permitted by their families to do so. The data also show that majority of the respondents supported the view that in KP most of the women did not get their legal share in inheritance. It is significant that 70% of the respondents think that Pakhtun culture is barrier to working women and 17% are of the opposite view.

In a nutshell, the research expresses that Pakhtun culture is male dominated and women have not any determining role in the Pakhtun society. Certain codes of *Pakhtunwali* like *pardah* (gender separation), *nang* (self-honour and dignity), *ghayrat* (honour), *tor* (blame) and *peghor* are the impediments in the political and economic rights of women. The Pakhtun do not tolerate the work or dealing of women with the strangers, it is considered an act of shame and disgrace in the Pakhtun society. The analysis shows that women in KP are mostly dependent on men, they are not free in determining their fate. Women of KP cannot take decisions of their own choice and it is a fact that the Pakhtun culture (*Pakhtunwali*) determines the legal rights of Pakhtun women whether political or economic.

4.2 Recommendations

This research indicates that the Pakhtun culture is a barrier in the political and economic rights of women and in 21st century it is very difficult for a Pakhtun woman to take part in politics or do job and business. This may not affect only a Pakhtun woman but also an obstacle in the development and prosperity of the society. The government needs to take some serious steps for the practical implementation of the theoretical political and economic rights of women. There are some suggestions and recommendations in the following lines for the improvement of political and economic rights of women in the Pakhtun society.

- Education plays a significant role in the development and consciousness of the society. The educated Pakhtun society is an insurance for the lessening of barriers in the political and economic rights of women.
- To create awareness among the women of Khyber Pakhtunkhwa (KP) about their political and economic rights through pamphlets or door to door visit of all the homes.
- In today's world media has very significant role in the making of public opinion. Media can be used as tool for promoting awareness in the society about the political and economic rights of women.
- Political parties can also play a vital role in removing the culture barriers in the political and economic rights of women by developing a mechanism to persuade the people of KP that there is no harm in giving political and economic rights to women. The participation of women in political and

economic activities of the society will produce very positive changes and will be resulted in the development and prosperity of the society.

- The government needs to develop the culture of gender equality in the society by adopting different tactics.
- By introducing such scheme of study in school, colleges and universities which break the existing mind set and develop consciousness in the Pakhtun society regarding the importance of women participation in political and economic activities of the country.
- To adopt such measures which ensure the cultural compatibility with the legal rights of women, especially the political and economic rights as provided in the Constitution of Pakistan and international law.
- NGOs can also perform a vital role in removing the barriers in this regard. They should create awareness in the society to educate the people about the advantages of women role in the politics and the employment and business of women by bringing some projects regarding rural development.
- The government should ensure that all the women receive legal share of inheritance.
- By promoting a suitable environment in the work place and industries for women that they feel secure and the society feel comfortable by giving permission to their women to work.
- By arranging different lectures in the *hujra* and mosques of KP on the political and economic activities of women and its benefits to the society.

- **Some measures need to be taken for the reformation of cultural practices in KP that make these practices suitable for the political and economic activities of women.**
- **Implementation mechanism of existing law.**
- **Eradication of terrorism.**
- **Policy development**
- **Separate work place which should be compatible to relevant culture for protection of economic rights.**

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ANNEXURE

QUESTIONNAIRE / INTERVIEW SCHEDULE

CULTURE AS BARRIER: POLITICAL AND ECONOMIC RIGHTS OF WOMEN

The purpose of this questionnaire is to collect and analyze information about political and economic rights of women of KP and whether culture is playing its role as a barrier to these rights or not

This study is conducted for academic purpose only.

All information will be kept confidential.

Your input is deeply appreciated.

Please return the questionnaire in time.

Thank you

PART A: PERSONAL INFORMATION

A-1: Gender

Male	
Women	

A-2: Age

A-3: Highest Educational Qualification You Hold?

Middle or Below	
Matric	
Intermediate	
Bachelor	
Master or Above	

A-4: What is your profession?

A-5: Area Status

Rural	
Urban	

A-6: Are you aware of women legal rights?

Yes	
No	

A-7: Do you have any political Attachment?

Yes	
No	

A-8: Do you own any Property?

Yes	
No	

A-8: Have you received any part of property as inheritance? (For women only)

Yes	
No	

A-9: Do you want to run your own business?

Yes	
No	

A-9 (a): Are you permitted to run your own business or do a job?

Yes	
No	

A-10: Do you want to take part in politics?

Yes	
No	

If yes then answer 10(a)

A-10 (a): Do you allowed from your family to take part in politics?

Yes	
No	

A-11: Do you have any position in the political party?

Ye	
No	

A-12: Do you satisfied from the reserved seats specified for women in national and provincial assembly?

Yes	
No	

A-13: Are you ashamed from society to take your legal shares in inheritance?

Yes	
No	

Part B

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
S. No	Statements	1	2	3	4	5
1	Normally a woman in Pakhtun society is deprived of her share in inheritance.					
2	Women are considered inferior in Pakhtun Society.					
3	Pakhtun women face a lot of hurdles to participate in politics.					
4	In KP women are not allowed to cast her vote.					
5	In KP women have no right to their property.					
6	Women are not allowed to run their business.					
7	Pakhtun culture is an obstacle to working women					
8	Women should participate in politics					
9	Women should run their own business					
10	Women should do public or private job					
11	Pakhtun culture make hurdles in the way of women politics					
12	Most of the families do not allowed their women to take part in politics or run business or do jobs because of Pakhtun culture.					
13	State is consciousness to protect the political and economic rights of women					

ANY COMMENTS:

Thanks for giving us your precious time and views.