



**Provincial Commission on the Status of Women
Khyber Pakhtunkhwa**

ANNUAL REPORT – 2014-15

**Provincial Commission on the Status of Women Khyber
Pakhtunkhwa**

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Year 2014-2015

ACCRONYMS

CSOs	Civil Society Organizations
CM	Chief Minister
DVB	Domestic Violence Bill
DCSW	Provincial Commission on the Status of Women
ECP	Election Commission of Pakistan
GEP	Gender Equity Program
JI	Jumat-e-Islami
JUI-F	Jamiat-Ulemai-Islam- Fazlur Rehman
KAP	Knowledge, Attitude and Practices
LOG	Letter of Agreement
MPA	Members Provincial Assembly
NCSW	National Commission on the Status of Women
PTI	Pakistan Tehreek Insaf
PML-N	Pakistan Muslim League
PCSW	Provincial Commission on the Status of Women
ROAD	Resource Organization for A...
SW,SE&WED	Social Welfare, Special Education and Women Empowerment Department
TAF	The Asia Foundation
TORs	Terms of References
TV	Television

INTRODUCTION

The Provincial Commission on the Status of Women Khyber Pakhtunkhwa is a statutory advisory body established under the Khyber Pakhtunkhwa Act XIX of 2009. The Commission in Khyber Pakhtunkhwa is the first ever Provincial level Commission in the country, established with functions to oversee implementation of laws, policies and programmes related to women and propose new measures where gaps exist. The second term of the Provincial Commission on the Status of Women was notified in September 2013.

During the financial year 2014-15, the Commission set a number of milestones under its functions of examining the policy, programs, projects and other measures taken by Government, provided feedback to legislation affecting the status and rights of women and proposed new legislations essential to eliminate discrimination and to safeguard and promote the interests of women and achieve gender equality.

The Commission also undertook monitoring of mechanisms and institutional procedures for redress of violation of women's rights and forwarded recommendations to the Provincial government.

The document in hand captures an overview of the Commission's engagements during the year in line with these functions. A brief overview of each of these is provided below:

1. LEGISLATION – New Proposals and Amendments in the Existing Laws

As part of its ongoing work, the Commission provided feedback on the under mentioned pieces of draft legislation. The Commission arranged meetings with persons with technical and legal background to review the drafts and provided comments. During the reporting period, legislative proposals and drafting on following subjects was taken up:

1) The Domestic Violence Bill, Khyber Pakhtunkhwa

During the year, the Commission continued the process of refining the draft bill for the Prevention of Domestic Violence bill through focused meetings with selected MPAs and lawyers having background in Sharia law. The bill, aimed to be presented as the Government Bill, was sent to the Department of SW,SE&WE in January 2015, the Law, Parliamentary Affairs and Human Rights Department in response sent a number of observations and in this connection a number of meetings were held with the Secretary Law and the Legal Drafter from the Law Department. The draft is currently in the final

stage of review in the light of observations received from the Law Department and shall soon be re-forwarded to the Department of Social Welfare and Women Empowerment.

2) Acid and Burn Crime Comprehensive Legislation

Like the Domestic Violence Bill, the Commission also continued working on refining the draft legislation on Acid and Burn Crimes for the Province. The proposed legislation provides for the comprehensive approach for the protection of survivors of Acid and Burn related violence. The bill shall be moved as Government Bill.

3) Amendments Package for PCSW Act

Over the period since the establishment of the Commission, the need for making amendments to the Act of the Commission was realized in order to make the Commission financially and administratively autonomous to be able to take on its role with greater efficacy. In this connection, the Commission remained engaged in the process of consensus building with regards to the Sections of the Act that needed to be amended. After in-depth discussions within the Commission and with stakeholders, especially the CSOs and MPAs, a proposed amendment package was prepared and shared with the Department of Social Welfare, Special Education and Women Empowerment Department for further necessary action.

4) Inputs to Early Child Marriages Legislation

The Commission has from time to time forwarded technical feedback on the legislation for raising marriageable age for girls to eighteen years. The Commission is part of the working group notified by the Child Protection and Welfare Commission to work on the legislation and has been working closely on the proposed legislation.

2. POLICY INITIATIVES – FORMULATION AND LAUNCHING OF WOMEN EMPOWERMENT POLICY FRAMEWORK

Post 18th amendment women's development and related matters stand devolved to the provinces. In 2012 the Commission took the initiative to initiate a consultative and participatory process for the development of the Policy Framework. After the second term of the Commission was notified in September 2013, the process of refining the draft was restarted and finally completed in

February 2014, where after the Commission actively pursued the process of approval which included responding to the observations of the Finance Department a number of time until the framework was finally approved by the Honorable Chief Minister in February 2015. The policy framework was launched in a ceremony at the Chief Minister House on 13th April, 2015. The policy framework has been printed and distributed among key stakeholders.

3. FEEDBACK TO GENDER REFORM ACTION PLAN (GRAP)

Review of programs and plans of different Government departments is one of the statutory functions of the Commission. The objective is to ensure that they address gender concerns adequately; During the reporting period, the Commission received for its review the Gender Reform Action plan by the Department. A thorough review was undertaken and technical feedback was provided to the SW,SE&WE Department focusing the prime aim of gender mainstreaming across the Government institutions through the proposed GRAP.

4. NOTIFICATION OF ELEVEN DISTRICT COMMITTEES ON THE STATUS OF WOMEN (DCSWS)

Follow-up with the Directorate of SW&WED and the District Social Welfare Officers continued throughout the year to finalize the long nominations for the membership of the District Committees on the status of women. The Commission finally succeeded in getting nominations from eleven Districts including Districts Peshawar, Charsadda, Mardan, Swabi, Swat, Chitral, Kohat, Lucky Marwat, Bannu and D.I.Khan, Haripur and Mansehra and the case was moved for their notification. The Provincial Govt. formally notified the Committees in September 2014. The Commission was also able to pursue funding for the Committees and a sum of eleven million was approved in grant-in-aid by the Government, Rs. 1 million each for a DCSW. The primary bank account was opened in the Provincial capital, Peshawar.

5. FOLLOW UP ON CASES OF VIOLENCE AGAINST WOMEN (VAW)

1) PK 95 Dir Lower Bye-elections and Barring of Women from Voting

On the issue of the depriving women of their fundamental and constitutional right to vote during the PK-95 Lower Dir bye-elections in May 2015, the Commission organized a press conference demanding appropriate action to the heinous act and visited Dir Lower for fact finding where the Commission met the Deputy Commissioner, the District Election Commissioner, the member of the civil society and other stakeholder. As per the findings from

these meetings, apparently, the hidden agreements had taken place to bar women from voting.

2) Mardan Burn Victim Case

The Commission received a number of cases of violence against women during the reporting period. Some of these cases were referred to the shelter facilities run by Government. In other cases including a case of Burn Victim, Ms. Shahida from Mardan, the survivor of a burn attack, Chairperson in her personal capacity arranged for medical treatment.

6. LOCAL BODIES ELECTIONS 2015 – LOBBYING, ESTABLISHMENT OF A COMPLAINT CELL AND MONITORING

In a meeting with the Provincial Election Commissioner, Khyber Pakhtunkhwa, a charter of demands was presented by a delegation of the Commission seeking measures for protecting the voting rights of women in the face of potential threats of deal on the part of community elders and political parties candidates for stopping women from voting.

In order to monitor the elections related violence against women, the Commission instituted a complaint cell. In addition physical monitoring was also carried out visiting local polling stations in District Peshawar by Chairperson, a few Members and the Coordination Officer, the reports of cases as received from the field including from the DCSWs were forwarded to the Provincial Election Commissioner.

In follow up to the meeting with ECP and the monitoring of elections, a series of letters were sent emphasizing the point of protection and later looking into the complaints of violations, before and after the Local Bodies Elections.

7. RESEARCHES AND ASSESSMENTS

The Commission carried out two researches or assessment studies during the performance period. The researches and assessments undertaken during the reporting period are listed below:

1) Study on 'Effects of Displacement on Women in Khyber Pakhtunkhwa'

Women and children are the worst affectees of any emergency. To understand the nature and scale of implications of such disasters and the coping mechanisms to address these, a research study was undertaken during the performance year 2014-15 with an objective to get an insight into effects of emergencies in general and their implications on women and

children in particular. The study also sought to identify mechanisms for the redress for the purposes of recommendations to the Provincial Government for appropriate measures and further legislation as and if required. The study was successfully completed by the consulting organization – ROAD, selected after a competitive procurement process by a Project Steering Committee (PSC) along with an agreement of the sample size and consensus over the target populations and geographical areas and the work-plan. The research report was reviewed and approved by the Commission and the GEP Research Committee after frequent exchange of feedback with the consulting organization. The findings of the research were shared with all stakeholders in a consultative workshop in August 2014.

2) KAP Survey on ‘Patterns of Filling Out and Registration of Marriage Contract or *Nikah Nama* in one District of Khyber Pakhtunkhwa

In order to address the widespread prevalence of the practice of not filling out or striking off certain clauses of Marriage Contract or *Nikahnama* and the non-registration thereof, a KAP survey was conducted under the project. The Project Steering Committee was involved in the entire process of the output from the finalization of Terms of References to the review of final draft and approval of the report. The findings of the survey were shared with all stakeholders in a consultative meeting in August. The survey was conducted in District Peshawar. The Commission is following up with the Local Government and Rural Development Department, Law and other relevant Departments for the enforcement of the practice of filling out and registration of the Marriage Contract based on the findings of the survey. A draft of amendments is also being developed in the existing legislation with lacunas. The findings of the research were shared with all stakeholders in a consultative workshop in August 2014.

8. LOBBYING AND ADVOCACY THROUGH CONSULTATION SESSIONS

The Commission held a number of consultation sessions for lobbying on different issues:

1) Consultation Session for Sharing Findings of the Research Study on ‘Effects of Displacement on Women in Khyber Pakhtunkhwa’ – Held 5th August, 2015

On the completion of the research study, a consultation was held to share the findings with the stakeholder. The women in emergencies or effects of displacement on women sought to identify scope of implication of emergencies on women as well as measures existing for addressing gaps in protection mechanisms and procedures. Key findings on following key areas

were identified and presented for measure for policy, legislation and administrative reforms:

- a. Lobbying with NADRA for institutionalizing the Emergency Response for making CNICs for women during emergencies all categories of women get registered as citizens as well as affectees of emergencies
- b. Policy and Standard Operating Procedures governing emergency set-ups including the Registration Points with special sensitivity to gender concerns in accessibility and, identification of site and sensitization of staff at these points
- c. Lobbying for institutionalizing of Rapid Gender Needs Assessment (RGNA) exercise by the PDMA to inform their interventions
- d. Legislation for putting in place and where existing, the strengthening of gender sensitive early warning systems. Prescriptions shall also include making relief operation maximally gender sensitive
- e. establish and implement an interagency training protocol on gender and human rights laws pertinent to IDPs for use by all agencies working with displaced persons and develop gender-sensitive 'Best Practices' models for IDPs assistance programs that may be replicated in a variety of settings.

2) Consultation Session for Sharing Findings of the KAP Survey on 'Patterns of Filling Out and Registration of Marriage Contract or *Nikah Nama* in one District of Khyber Pakhtunkhwa – Held 6th August 2015

On the completion of the KAP survey, the Commission held a consultative session to present findings of the study with key stakeholders. The survey aimed at tracing practices of incomplet-filling out of certain clauses and trends and reasons for non-registration of nikahnama in District Peshawar as pilot. The following areas have emanated from survey and prioritized for drafting of legislation proposing the following clauses in the amendment of either the Muslim Family Laws Ordinance 1961 (MFLO 1961) or through fresh enactment of legislation:

- a. prescribing a penalty for the *Nikah* Registrar for violating the law or misusing his/her powers, should be rigorous imprisonment which may extend to three years and a fine of up to Rs.50, 000.

- b. prescribing a time bar on registration and entailing registration of all subsisting non-registered marriages, to be registered within the next three years; with further time limit so that all future marriages are registered within thirty days of solemnisation of the marriage. The government must publicise the enactment of this law through the mass media and encourage personnel of the UCs to facilitate the marriage registration process.
- c. As in more than 90% cases clauses number 10, 11, and 18 to 22 are frequently left blank, filling all columns of *Nikahnama* must be made compulsory to validate that document.
- d. prescribing mandatory training for *Nikah* Registrars and *Nikah Khwans* on the implications of incomplete filling out of *Nikahnama* for woman which mostly relate to divorce right or other rights of bride but are frequently crossed out by *Nikah* Registrar.
- e. prescribing minimum qualification for *Nikah* Khwans and *Nikah* Registrar

3) Consultative Session: Strategizing for Protecting Women's Voting Rights for Provincial Local Bodies Elections – Held 19th August 2014

Women's political participation is crucial to democracy and good governance everywhere. In Khyber Pakhtunkhwa, following the national population trend, women account for more than half of the total population. It is, however, unfortunate that despite their majority women's active participation during political processes is affected in many ways. In the event of Local Bodies Elections, the Provincial Commission under its statutory mandate and in pursuance of the project deliverable conducted a consultative session with stakeholders to strategize for protection of women's voting rights. A consultation session in this regards was held on 19th August 2014 taking on board all the relevant stakeholders in a consultative session. The Deputy Director Elections, Mr. Khushal Zada represented the Provincial Chapter of Election Commission. A charter of demands was jointly worked out and presented at the meeting which is enclosed at Annexure B to the report.

4) Consultative Meetings on Domestic Violence Bill

Throughout the performance year, the Commission held focused meetings with a group of MPAs for building consensus on Domestic Violence. These meetings aimed at closely and critically analyzing the draft bill to build consensus on the proposed draft prepared by the Commission in the light

of Domestic Violence legislation already existing in other provinces. The draft was agreed to be reviewed categorically in a series of meetings. Almost five meetings took place wherafter the refined draft was forwarded to the Department of Social Welfare. These meetings were attended by the following MPAs:

- I. Mr. Muhammad Atif, Provincial Minister for Education - PTI
- II. Dr. Mehr Taj Roghani, Special Assistant to CM - PTI
- III. Mr. Mufti Said Janan, MPA JUI-F
- IV. Ms. Rashida Riffat MPA Jumat Islami
- V. Mr. Syed Jafar Shah, MPA ANP
- VI. Ms. Uzma Khan, MPA JUI-F
- VII. Ms. MPA Amna Sardar, MPA PML-N

5) Consultative Meetings on Acid and Burn Crimes Legislation – Held 30th January 2015

The Commission through a consultative session with stakeholders including lawyers, CSOs working with survivors of gender based violence and Govt. departments put up for discussion the draft of a bill for Acid and Burn Control in the province. The first consultation was held on January 30th, 2015 while the follow-up consultation was held on June 16th 2015. The draft is still under the refining process and shall be forwarded to the Department of Social Welfare for processing as a Government Bill.

9. STRATEGIC PLANNING EXERCISE

The year 2014-15 was an important year for the Commission as we were able to conduct the first-ever strategic planning workshop for the Commission. The workshop involving the focused participation of the Commission Members and in a separate meeting with the stakeholders from government, media and CSOs, designed strategic goals, objectives and indicators for the existing term of the Commission. The annual workplan of the Commission for the year 2015-16 has been prepared in the light of the broad strategic plan. Please find attached at flag C.

10. STRATEGIC PARTNERSHIPS AND DONOR ENGAGEMENTS

The Commission was successful in securing project and activity based funding and non-financial technical assistance from the following partners:

- 1) The Commission also partnered with GIZ under “Violence against Women” component of its Governance Programme in Khyber Pakhtunkhwa. Under this programme component, PCSW is being supported in technical assistance

for legislation for which purpose an Expert Group on legislation has been set up which meets periodically to review specific pieces of legislation. The first meeting of the Expert Group was held in May 2015.

- 2) Under the performance year, in collaboration with UN Women, the Commission received a grant of Rs. 1.1 million to launch a helpline for the IDPs women and girls in District Bannu.
- 3) Under no-cost-extension arrangement, the Commission continued activities under the project with Gender Equity Program which included several studies and researches and sessions for presentation of findings and a media strategy.
- 4) TROCAIRE – French NGO supported the Strategic Planning Workshop for the Commission. The report is attached at Flag ‘B’.

11. MEDIA AND COMMUNICATION ACTIVITIES FOR AWARENESS ON WOMEN ISSUES

1) TV Talk Show

The Commission also held a TV Talk show attended by the Commission Chairperson and one of the Members. The subject of the show was the Commission, its role, functions and key achievements for women empowerment in the province. The talk show was hosted by the AVT Khyber – leading Pashto language channel widely viewed across the Province, the FATA and most parts of Pakistan. The TV talk show supported by the project was the first ever TV Show and an amazing opportunity to get the awareness and message about the Commission as well as the measures of the Government for women empowerment in the province.

2) Development of Documentary

Documentaries are the most consistent art form around in TV, film radio and online today. In order to tap on the rich scope of this communication medium, the Commission requested for support to produce a short documentary about the Commission. The request was accommodated through an amendment in LOG wherafter a consulting firm was hired for the task. The documentary is enlightening in nature for the audiences on the work of the Commission, its functions, achievements, challenges and way forward. The Commission looks forward to using the documentary as

a lobbying and awareness raising tool for sensitizing the stakeholders especially the lawmakers and civil society in advocacy and lobbying for the administrative and financial autonomy of the Commission through its website, email lists, social media platforms and other outlets.

3) Radio Talk Show

For the purpose of awareness raising on different issues concerning women empowerment as well for uplifting the image of the Commission, a radio talk show titled 'Women's Role in Peacebuilding in Society' was held on 20th October, 2014. The prominent human rights activist Ms. Khurshid Bano was the guest speaker who spoke at length about the role of the women in peacebuilding in the province and the role of Women Commission.

4) Website of the Commission

During the performance year the first ever official website of the Commission was launched. The website was developed with the assistance received under Gender Equity Program project of the Commission. With the first official website of the Commission in place, the content about the introduction, functions, issue priorities and resources can now be found on the website.

12. MONITORING OF INSTITUTIONS OF SOCIAL CARE FOR WOMEN

The Commission undertook following monitoring visits during the performance year 2014-15 to assess the condition of women and services provided by Government administered facilities of various nature:

- 1) Lakki Marwat District Hospital and IDPs Camp July 2014
- 2) Karak District Hospital and IDPs Camp July 2014
- 3) Bannu District Hospital and IDPs Camp July 2014
- 4) Central Jail Peshawar August 2014
- 5) Halfway House Peshawar October 2014
- 6) DCSW Haripur, Bannu, and Mardan May 2015

13. REPORTS AND SUMMARIES PREPARED ON THE STATUS OF WOMEN

- a. Three GEP Quaterly Reports July 2014- Jan 2015
- b. Assessment of North Waziristan IDPs July 2014
- c. Preparation of Charter of Demands Dec. 2014
- d. TORs for Studies/Researches Sept. 2014
- e. Preparation of Workplan & Annual Budget 2014-15 June 2015

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| f. LG Elections 2015 Monitoring Report | June 2015 |
| g. Feedback to the SW,SE&WE on regular basis | On-going |
| on Assembly Questions or information sought by other quarters | On-going |

14. STATUTORY MEETINGS OF THE COMMISSION

The Commission has held seven meetings during the reporting period

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|-----------------------------|----------------------------------|
| 1) 30 th Meeting | 29 th August, 2014 |
| 2) 31 st Meeting | 29 th September, 2014 |
| 3) 32 nd Meeting | 30 th October, 2014 |
| 4) 33 rd Meeting | 6 th January, 2015 |
| 5) 34 th Meeting | 30 th March, 2015 |
| 6) 35 th Meeting | 30 th April, 2015 |
| 7) 36 th Meeting | 16 th June, 2015 |

Meetings in the month of November and December could not be held due to non-release of budget. In the month of May the meeting could not be held due to Commission's engagement with monitoring of Local Bodies Elections and setting up of a complaint cell.

15. REPRESENTATION OF PCSW ON DIFFERENT FORA

Through the nomination of the Commission's Chairperson on different fora, the Commission was represented on the following platform through sporadic or one time participation, as per details:

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|--|------------|
| a. National Commission on the Status of Women, Pakistan | Quarterly |
| b. SAARC Women Political Leadership Conference in Nepal | Sept 2014 |
| c. United Nations General Assembly's Commission on the Status of Women Session | March 2015 |
| d. KP Widows and Disabled Persons Foundation | Quarterly |
| e. Khyber Pakhtunkhwa Technical and Vocational Education Training Authority | Quarterly |
| f. Inter-provincial Ministerial Group Meeting | Quarterly |
| g. National Advisory Forum | Quarterly |
| h. Government Citizens Forum by Home & Tribal Affairs Deptt. | Monthly |

CONCLUSION

To sum up, the performance year 2014-15 was an extremely busy year with the proactive engagement on legislative agenda, follow-up on the approval of women's empowerment policy framework, approval of formation of eleven DCSWs and their funding, monitoring activities, two researches, advocacy for upscaled measures for women and girls IDPs protection, monitoring of Elections and forging new strategic partnerships for promoting the agenda of women development and empowerment in the province.

The awareness raising activities on the other hand – contributed to raising a number of issues and creating awareness among the listeners about not only the women but also about the Commission itself.