



Pakistan



Pakistani women participating in The World Environment Day.

Photo by Society for Conservation & Protection of Environment
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Condensed from Scoping Study on Women and Land Rights in Pakistan by the Society for Conservation and Protection of Environment (SCOPE). For more details of the study, contact: scope@scope.org.pk

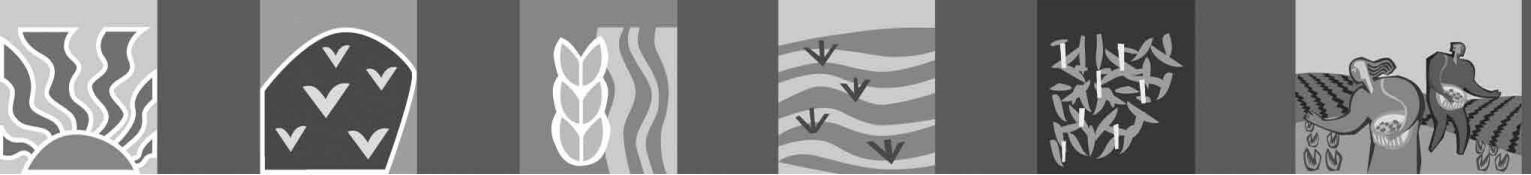
Despite economic and political progress over the decades, Pakistan remains challenged by severe gender inequalities and poverty.

Women's participation in agriculture, livestock, dairy, and poultry in the rural areas is high. Overall, women devote more time than men in the agriculture sector that accounts for 21% of Pakistan's Gross Domestic Product and provides employment to 45% of the labor force, close to 74% of which are women.

However, women's participation in decision-making in farm activities is very low.

The constitution clearly pledges equal rights to women. However, social, cultural, and religious structures put women at a severe disadvantage as these promote gender inequality. This despite the fact that Pakistan has ratified several international conventions promoting gender equality such as the Convention on the Elimination of Discrimination Against Women (CEDAW) and the International Labour Organization (ILO) Core Convention No. 100 on equal remuneration for women.

“Societal perceptions of women as lower status dependents – which are reinforced by customary practices and existing laws – constitute the primary barrier to gender equality. The social exclusion of women is thus enforced by the (informal)



“It is generally observed and widely accepted that women are denied the right to hold land titles (IFAD, 2001), and maneuvered out of their land inheritance, as they are expected to and sometimes pressured into surrendering their land inheritance rights in favor of the male members of their families.”

institution of patriarchal power structures, which are entrenched in social, cultural and religious systems across Pakistan” (DFID & AUSAID, 2012).

In this context, women commonly face inequalities and discriminatory practices, including being denied the right to own and control land. Despite equality enshrined in the constitutions of many countries including Pakistan and laws guaranteeing equal land rights for women, in practice the implementation of these laws remains one of the many challenges (Pallas, 2011).

For the disadvantaged women in Pakistan, land ownership is seen as the way to rescue them from poverty (SDPI, 2008). “Land as an asset is one of the basic physical resources which provide food, space for livestock and home. It is also a source of security and power” (Mumtaz & Noshirwani, 2007).

Status of women’s land rights

It is difficult to determine the extent of women’s access to and control over land as data are nonexistent (SDPI, 2008). Official documents including census, household panel surveys, and other official surveys do not include gender disaggregated data specifically pertaining to these issues. However, anecdotal evidence suggests that very few women own land and even

fewer have control over it (SDPI, 2008; GEP, 2011; Morrison et. al., 2007).

It is generally observed and widely accepted that women are denied the right to hold land titles (IFAD, 2001), and maneuvered out of their land inheritance, as they are expected to and sometimes pressured into surrendering their land inheritance rights in favor of the male members of their families (Mumtaz & Noshirwani, 2007).

This stark reality has not escaped global attention with Pakistan ranked near the bottom of 83 countries because of a low Gender Equality (GE) score that takes into account women’s access to land, credit, property other than land, inheritance practices, and women’s social rights (IPRI, 2012).

Land rights in Pakistan are regulated by an intricate combination of civil, Islamic, and customary laws. Civil laws such as the Contract Act 1872, the Transfer of Property Act 1882, and the Registration Act 1908 indicate that “ownership and transfer of property are gender neutral. However, inheritance rights are subject to Muslim Personal Laws” enforced under sharia law (SDPI, 2008a).

“There is no direct provision in the Constitution on women’s right to inheritance but it does provide guarantees and principles of policy to ensure justice without discrimination. While the



“The system of inheritance for women is a complex and multi-faceted issue impacting lives of countless women in Pakistan.”

right to acquire land is that of every man and woman under the Constitution, the capacity to do so is limited to those with monetary resources” (Mumtaz & Noshirwani, 2007).

The system of inheritance for women is a complex and multi-faceted issue impacting lives of countless women in Pakistan. A recent report from the National Commission on the Status of Women (NCSW) notes: “Inheritance right is one of the most ignored gender issues owing to biased interpretations of religious directives and deep-rooted patriarchal customary practices denying women their due right. If they are at all given a share in inheritance, often possession and authority over it is denied. This problem is aggravated owing to inadequate policies/laws, inefficient implementation, enforcement system and absence of monitoring mechanism. Lack of political will is also a contributing factor to this situation” (NCSW, 2005).

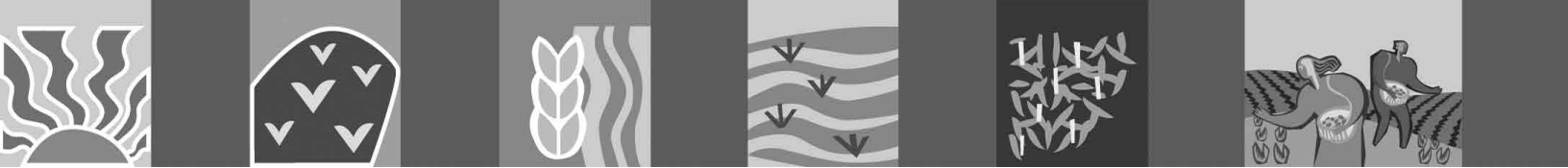
In 2002, the National Policy on Development and Empowerment of Women (NPDEW) was formulated. This policy envisions gender equity in Pakistan, and defines women empowerment as social (education, health, violence against women), legal (access to justice), economic (poverty, access to credit, remunerated work, role of women in rural economy and informal sector), and mandates the inclusion of women in decision-making processes in the country.

Significantly, the NPDEW specifically seeks to provide rural women access to land, agricultural and livestock extension services, support mechanisms, and facilities as well as micro-credit programs. Awareness of such important laws, however, is severely lacking.

A number of research studies confirm that lack of knowledge and access to information about laws, policies, and court procedures are major issues hindering women claiming their land rights, particularly in the rural areas of Pakistan (Mumtaz & Noshirwani, 2007; Pallas, 2011; GEP, 2011).

Since the creation of Pakistan in 1947, there have been several attempts to redistribute land through land reforms. Some of these measures are the Government Hari (Farmer) Enquiry Committee (1947-48) as well as the Agrarian Reforms Committee (1949) which resulted in The Provincial Tenancy Acts (1950). Full-scale land reforms were introduced in 1959, 1972, and 1977. Most of these laws, however, have failed to deliver on their promises. Women continue to be left at a disadvantage because, despite civil laws permitting women to inherit land, the ownership and transfer of agricultural land remains “governed by customary laws that excluded women” (SDPI, 2008a).

In 1988, there was a policy shift towards redistributing state land among landless farmers. It was initiated by the Pakistan People’s Party (PPP)-led government (1988-90) which redistributed 35,000 acres (14,164 ha) of state land among peasants (12.5 acres or 5.06 ha each). The policy was continued by the Muslim League-led government but could not be maintained due to political instability and successive dismissals of political governments.



In 2008, the PPP-led government envisioned redistributing state land to landless farmers, largely women. Approximately 41,000 acres (16,592.11 ha) of land were distributed among 2845 women and 1184 men recipients (Saigol, 2011).

However, the policy of redistributing state land itself came under criticism. The land distribution of 2008 had issues involving land identification, land distribution, and well as post-distribution. The initiative was intended to favor landless women but no gender assessment tool was used.

Indeed, disappointingly, failure in the implementation of most of the laws protecting women's land rights remains the major obstacle.

Assessment of the key actors promoting or impeding women's land rights

Government agencies at the national and provincial levels are responsible for issues pertaining to women's land rights, such as land registration, acquisition, administration, revenue collection, and implementing policies (i.e., land reforms).

At the federal level, the Planning Commission and Finance Division plays a vital role, in preparing policy documents and providing policy guidance such as national Annual Plans, the Medium Term Development Framework (MTDF), and Poverty Reduction Strategy Paper (PRSP). These policy and planning documents highlight and address broader gender issues including women's land rights.

The MTDF from the Planning Commission recognizes that women need to have a voice and be included in the decision-making process at the household and community levels to effectively

access and control their land. The document also recognizes that government machinery will have to be more sensitive to women's needs in terms of providing requisite knowledge, expertise, and skills/training to be able to manage and cultivate land (MTDF, 2005). It further reiterates the need to address challenges related to systematic lack of women's access to and control over resources, assets such as land and credit in rural Pakistan.

The Federal Land Commission (FLC) at the federal level is a statutory body responsible for introducing and implementing land reforms in the country. The FLC is responsible for the coordination and smooth functioning of the Provincial Land Commissions. It assists the federal government by arbitrating disputes between Provincial Land Commissions and distribution of state.

In Pakistan, general elections took place in May 2013 and the election manifestos from four major political parties showed that all parties promised to fight for women's rights. They vowed to reclaim additional land and allocate land to the landless, women *haris*, and tenants. The parties also promised to ease the transfer of land to women claiming ancestral property and to pass laws to secure women's rights to life, dignity, access to resources, employment, inheritance, and justice.

As for local governments, since the creation of Pakistan in 1947, land administration and affiliated functions were within the ambit of the Deputy Commissioner. The situation has remained unchanged to this day. Local governments were never part of the land administration.

In addition, the local government system itself has undergone continuous experimentation and has yet to come up as a reliable, stable, and efficient system (UNESCAP, 2013). As mentioned earlier, land administration, registration, and



management had always been carried out by provincial governments with policy guidance from the federal governments.

Donor agencies and international institutions, for their part, have contributed greatly to advancing the cause of women's rights to land in Pakistan. Some of the early research on women's land rights carried out by Sustainable Development Policy Institute (SDPI) and Shirkat Gah were funded by the International Development Research Centre (IDRC) as well as the International Fund for Agricultural Development (IFAD) under their global Women's Land Rights Project. The IDRC is a Canadian Crown corporation established in 1970, while IFAD is a specialized agency of the United Nations.

The UN-Habitat in Pakistan supported the digitalization of land administration in the areas affected by flooding in 2010. The organization also conducted training sessions for women lawyers on housing, land, and property rights with reference to women in Pakistan. It is further planning to train around 400 women lawyers in this area to facilitate organizations working for women's land rights.

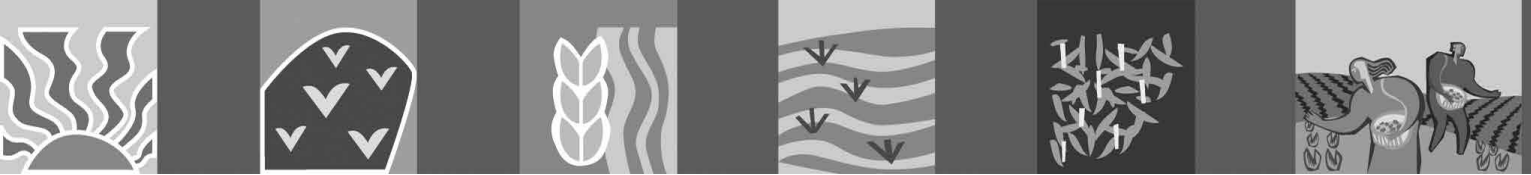
Other donor agencies that are supporting research and advocacy projects in this area are United States Agency for International Development (USAID), especially through the Aurat Foundation's Gender Equity Programme (GEP); the Canadian International Development Agency (CIDA); the Swiss Agency for Development and Cooperation (SDC), and The UK Department for International Development (DFID) actively supporting legislation protecting women with regard to land rights, marriage rights, and domestic violence (DFID, 2011).

More recently, international networks have been encouraging CSOs in Pakistan to establish their national chapters and organize other networks to have a common voice on women's land rights. The Society for Conservation and Protection of Environment (SCOPE) has launched such networks with assistance from the International Land Coalition (ILC), the Alliance Against Hunger and Malnutrition (AAHM), and the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).

Several international NGOs and INGOs also provide financial assistance to research and advocacy projects on various issues surrounding women's land rights. These INGOs either implement their own campaigns in Pakistan or support their partners, other CSOs, CBOs, and local groups in the country.

The private sector, meanwhile, does not directly involve itself with women's land rights in Pakistan. But there is another form of involvement that has recently gained much attention: corporate agriculture farming. The underlying policy includes leasing or selling land to foreign investors and attracting investment in areas like land development and reclamation of land, cultivation and processing of crops, fruits, vegetables, flowers, etc. (BOI, 2007). In return, foreign investors are allowed to hold 100% equity under the corporate agriculture farming program (BOI, 2013).

CSOs in Pakistan, however, largely oppose any policy shift towards promoting corporate agriculture farming. As one of the speakers at a regional conference organized by SCOPE said, "Land rights are being snatched through corporate farming policy in the country" (One Pakistan News, 2013). Again, women are left in a more vulnerable position.



In recent years, Pakistan has seen the evolution of a vibrant and progressive media highlighting gender issues including gender-based violence and equal rights for women. Several gender-related cases received greater attention as a result of media reports on national 24-hour channels. Both print and electronic media alike are taking interest in addressing these issues as most of the television channels are owned by major newspaper groups.

Another new phenomenon taking place in Pakistan is the use of social media and blogs. Many activists as well as CSOs are using social media to add force to their campaigns, i.e., women's land rights, food security, gender-based violence, and agricultural reforms.

Key opportunities and strategies to advance women's land rights

It can be concluded that the current political, social, cultural, legal, religious, and economic situation is not conducive to the cause of women's land rights. To create a supportive environment, it is absolutely essential to understand the legal issues that could support women's land rights, as well as the social and cultural issues concerning land rights.

There is a need to contextualize any proposed interventions and strategies on women's land rights according to the situation on the ground. 'One size fits all' will not work, as issues surrounding women's land rights vary according to geographical location, socio-economic status, ethnic identity, sect/religion, and even land productivity.

Hence, there is no easy solution to ensure that women get their land rights. There is, however, a mix of effective measures that could help advance

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women's land rights and food security. These are outlined below:

Establishing a research base

There is an immediate need to establish a robust and holistic research base focusing on women's land rights. A broad research base will provide valid, reliable, and generalizable data that will determine suitable and effective interventions.

Knowledge/Information dissemination

Increasing knowledge and information about legal and religious perspectives pertaining to women's land rights is absolutely important. Dissemination of such knowledge and information should not only target women to raise their awareness about their land rights but also inform men at the grass-roots level about the existing laws and religious obligations.

Lobbying and advocacy

Output-oriented, concerted, and effective advocacy campaigns to lobby the case for women's land right are needed. Among these should be campaigns that will push for strict implementation of existing laws that will help women exercise their right over land. There



should also be efforts to establish and strengthen support mechanisms on the ground that will be there to help women gain and protect their land rights. Women parliamentarians, for example, should champion the passing of effective legislation on women's land rights.

Government land distribution programs

Government land distribution projects and programs should prioritize women, and must take their needs and requirements into account from the very inception and design of these programs.

Land reform

Land reform is an effective instrument of land redistribution. Government should devise gender-sensitive land reform policies and distribute land among society's poor.

Women's access to land

Women's access and control over land is only possible when the capacity of women at the grass-roots level is established. Women are considered inferior to men in terms of skills, competencies, and knowledge about agriculture practices. In addition, women are considered less credit worthy by conventional agriculture lending institutions, government extension workers, and agriculture research institutions.

Designing targeted, specialized training for women with land will provide them an opportunity to take real control of their land.

Simplification of laws, regulations, procedures, and processes

The land administration system in Pakistan is very complex and needs to be simplified. A number of

CSOs providing legal aid to women have found it very difficult to navigate through the country's sometimes conflicting rules and regulations.

Best practices

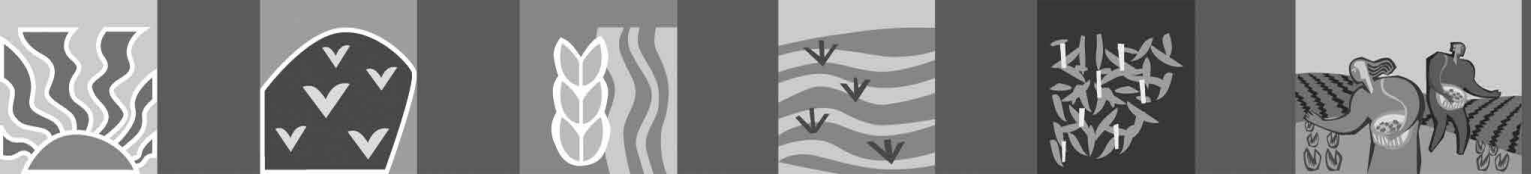
There are two exceptional initiatives that could be considered as replicable best practices in the Pakistani context.

The first best practice is the state land distribution by the PPP-led Sindh provincial government in 2009 where approximately 70% of the beneficiaries were women. A total of 41,517 acres (16,801.33 ha) of land was distributed among 1,184 men and 2,845 women landless farmers (PDI, 2009). Although only half of the land originally planned for distribution was actually awarded, it was the first step in the right direction.

Previous land reform efforts in the country failed to yield desirable results in relation to redistribution of land, particularly among women. However, the 2008 land distribution program provided not only land to women but an economic support package as well to help them develop their land.

The second best practice worth noting is the introduction of the Khyber Pakhtunkhwa (KPK) Enforcement of Women Ownership Rights Bill, 2012. This bill was adopted by the KPK provincial assembly on 5th June 2012. Under this bill, violation of women's land ownership is a punishable offence of up to five years imprisonment and a fine of up to Rs.50,000. An instrument like this could provide CSOs the tool to exert pressure on the political government as well as the judiciary to take up cases and implement the decisions.

Perhaps the most effective single point in the women's land rights debate in Pakistan



is influencing effective policy making and implementation. Most of the CSOs working on issues around this debate share concerns over the lack of implementation of existing policies and laws. Therefore, it is important that strategic linkages are built that could help CSOs focus time and resources on undertakings in this regard.

Recommendations

The following are some of the major recommendations on how to promote secure and equitable access to land for women and strengthening women's land rights at the national and regional/international levels.

Government should:

- Introduce and implement progressive land reforms focusing on the poor in general and women in particular (SDPI, 2008a) with civil society participation (PDI, 2009) and the provision of a support package including access to loans, microcredit, and agricultural inputs to enable women to make productive use of their land (PDI, 2009; IDRC, 2013; SDPI, 2008 and 2008b; Mumtaz and Noshirwani, 2007).
- Ensure that existing laws are implemented in practice (Weiss, 2012; NCSW, 2005) and laws and policies are reformed (AWAZ-CDS, 2010).
- Extend legal services to women and encourage them to make land claims (IDRC, 2013).
- Introduce gender-balanced laws to promote women's land rights through inheritance, land distribution schemes (NCSW, 2005; SDPI, 2008; SDPI, 2008b), and reforms in the legal framework including the judiciary and the courts (PDI, 2009; NCSW, 2005).
- Urge courts to not only come up with fair judgments but also pass implementation orders in cases where women are unable to gain access and control over land (NCSW, 2005;

IDRC, 2013; SDPI, 2008a; Weiss, 2012). Courts should also question the cases where women are to forgo the right to inheritance in favor of male members of their families (SDPI, 2008b).

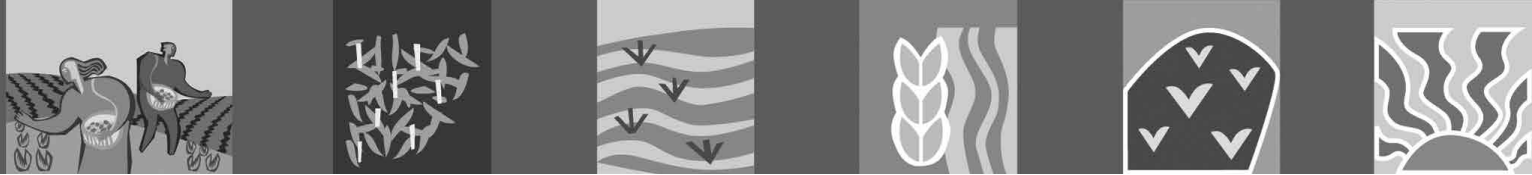
- Introduce a joint titling system guaranteeing equal land ownership of wives with their husbands (IDRC, 2013).

Civil Society Organization (CSOs) should:

- Engage with policy makers, media, CSO networks, parliamentarians particularly women parliamentarians, government officials, and police officials by designing awareness-raising campaigns for these groups (Awaz-CDS, 2010; Mumtaz & Noshirwani, 2007; PDI, 2009).
- Develop networks of CSOs on women's land rights (Mumtaz & Noshirwani, 2007) following the example set by SCOPE.
- Build the capacity of community-based local groups and grassroots organizations on women's land rights (PDI 2009; Mumtaz & Noshirwani 2007).
- Advocate a gender-sensitive legal framework consisting of laws and polices targeting women's land rights (PDI 2009; Awaz-CDS, 2010).

Donor agencies should:

- Support knowledge generation as well as research, baseline data, and evidence collection for effective advocacy (Mumtaz & Noshirwani, 2007).
- Provide assistance to CSOs to establish legal aid networks and other legal aid projects for women (NCSW, 2005). ■



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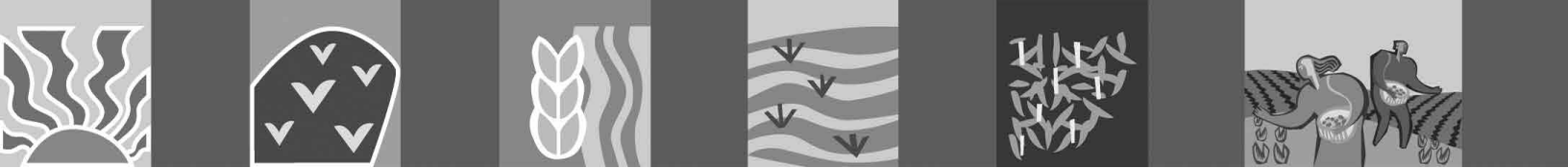
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For the complete list of references, please contact the author of this study as indicated at the beginning of the article.