

# Conference Proceedings



## Challenges and Opportunities

Date:  
20<sup>th</sup> February 2016

Venue:  
Faletti's Hotel, Lahore





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## Foreword

The Punjab Women Judges' Conference convened on 20 February 2016 in Lahore was the first such gathering of women judges in Pakistan. The objectives of this historic event were to recognize the importance of women judges, to discuss important challenges women judges face in fulfilling their vital role on the bench, and to identify opportunities to address those challenges.

Women judges strengthen the rule of law both by serving as impartial judicial officers and by representing – literally and symbolically – one half of the population of Pakistan. They contribute significantly to public confidence in the judicial system, and they are role models and sources of inspiration and motivation for all girls and women across the country.

The Lahore High Court and Punjab Judicial Academy have been privileged to host this unprecedented gathering of almost 300 women judges of the province. This conference marked a milestone in our efforts to understand the issues confronting women judges in Punjab, and to explore practical and specific steps that can be taken to support them.

## Women Judges in Punjab

As of 2 February 2016	Total	Women	Percentage of Women
Lahore High Court	55	3	05.45%
District & Sessions Judges	139	3	02.16%
Additional District & Sessions Judges	485	33	06.80%
Senior Civil Judges	38	02	05.26%
Civil Judges	1,168	228	19.52%
<b>Total</b>	<b>1,885</b>	<b>269</b>	<b>14.27%</b>

# Acknowledgements

The Organizing Committee of the Punjab Women Judges' Conference offers acknowledgement and appreciation to the leadership of the Lahore High Court and the Punjab Judicial Academy for their support in ensuring the success of this initiative.

Additional thanks go to the Punjab Commission on the Status of Women ([pcsw.punjab.gov.pk/](http://pcsw.punjab.gov.pk/)) and to the European Union Punjab Access to Justice Project ([www.eu-a2j.com](http://www.eu-a2j.com)) for their support to the conference.

Punjab Women Judges' Conference Organizing Committee

1. Justice Ayesha A. Malik, Judge Lahore High Court Lahore
2. Ms. Uzma Chughtai, District and Sessions Judge / Senior Special Judge Anti-Corruption Lahore
3. Ms. Jazeela Aslam, Additional District and Sessions Judge / Senior Instructor Punjab Judicial Academy
4. Ms. Shahida Saeed, Additional District and Sessions Judge Lahore
5. Ms. Raheela Omar, Additional District and Sessions Judge Kasur
6. Ms. Ayesha Rasheed, Civil Judge Kasur

# Conference Program

07:30 - 09:00 a.m. Registration

## Opening Speeches

09:00 - 09:05 a.m. National Anthem and Recitation from the Holy Quran

09:05 - 09:10 a.m. Role of the Judicial Academy by Justice (R) Ch. Shahid Saeed  
Director General, Punjab Judicial Academy

09:10 - 09:15 a.m. Welcome Address by Justice Ayesha A. Malik, Judge Lahore High Court

09:15 - 09:35 a.m. Inaugural Address by Justice Ijaz Ul Ahsan, Chief Justice, Lahore High Court

## Panel Session - I

### Topic: Gender and the Workplace

09:40 - 10:00 a.m. Ms. Khawar Mumtaz  
Chairperson, National Commission on the Status of Women

10:00 - 10:20 a.m. Ms. Irum Bukhari  
Former Secretary, Women Development Department

10:20 - 10:55 a.m. Ms. Fauzia Viqar  
Chairperson, Punjab Commission on the Status of Women

11:00 - 11:30 a.m. Tea Break

## Panel Session - II

### Topic: Gender and the Judiciary

11:30 - 11:40 a.m. Ms. Uzma Chughtai  
District & Sessions Judge

11:40 - 11:50 a.m. Justice (R) Nasira Javed Iqbal  
Former Judge Lahore High Court Lahore

11:50 - 12:00 noon Justice Erum Sajad Gull  
Judge Lahore High Court Lahore

12:10 - 12:20 p.m. Justice Ayesha A. Malik  
Judge Lahore High Court Lahore

12:20 - 12:35 p.m. Justice Syed Mansoor Ali Shah  
Senior Puisne Judge Lahore High Court Lahore

12:35 - 1:45 p.m. Lunch & Prayer Break

## Group Work

1:45 - 2:45 p.m. Breakout Sessions

2:45 - 3:00 p.m. Return to Main Hall

3:00 p.m. Arrival of Chief Guest, Justice Mian Saqib Nisar  
Senior Puisne Judge, Supreme Court of Pakistan

3:00 - 4:30 p.m. Presentations by Group Speakers

## Closing Speeches

4:30 - 4:40 p.m. Address by the Chief Guest

4:40 - 4:45 p.m. Presentation of Souvenirs

4:45 p.m. Conference Declaration and Vote of Thanks

# Conference Speakers

## Mr. Justice Mian Saqib Nisar

Mr. Justice Mian Saqib Nisar is the Senior Puisne Judge, Supreme Court of Pakistan. He was elevated as Judge of the High Court on 22.05.1998 and of the Supreme Court of Pakistan on 18.02.2010.



## Mr. Justice Ijaz Ul Ahsan

Mr. Justice Ijaz ul Ahsan took oath as the 44<sup>th</sup> Chief Justice of the Lahore High Court on 06-11-2015. He was elevated to the Bench on 15.09.2009 and is also Chairperson, Board of Management, Punjab Judicial Academy.



## Mr. Justice Syed Mansoor Ali Shah

Mr. Justice Syed Mansoor Ali Shah, Senior Puisne and Reform Judge at the Lahore High Court, was elevated to the Bench on 15.09.2009. He is on the Board of Management of the Punjab Judicial Academy and the Board of Trustees of Lahore University of Management Sciences (LUMS).



## Mrs. Justice Ayesha A. Malik

Justice Ayesha A. Malik was appointed judge Lahore High Court on 27-03-2012. As the senior-most female judge, she is supporting and supervising many development and academic initiatives of the Lahore High Court and Punjab Judicial Academy.



## Mrs. Justice (R) Nasira Javed Iqbal

Mrs. Justice (R) Nasira Javed Iqbal was amongst the first five women to be appointed in the High Courts in Pakistan in 1994, and she served as Judge Lahore High Court Lahore until 2002.



## Ms. Uzma Chughtai

Ms. Uzma Chughtai was the first woman appointed as additional sessions judge, later promoted as district and sessions judge in Punjab. She is presently serving as Senior Special Judge Anti-corruption, Lahore.



## Ms. Khawar Mumtaz

Ms. Khawar Mumtaz, chairperson National Commission on the Status of Women (2013-2015), has almost 30 years of experience of working on women's rights issues. She was previously CEO of Shirkat Gah Women's Resource Centre.



## Ms. Irum Bukhari

Ms. Irum Bukhari established the Women Development Department, Government of Punjab, in 2012 as founding Administrative Secretary and she served in this position for more than three years. She implemented the Punjab Women Empowerment Policy 2012 (PWEP).



## Ms. Fauzia Viqar

Ms. Fauzia Viqar was appointed the first Chairperson of the Punjab Commission on the Status of Women, Government of Punjab. She specializes in women's empowerment with a focus on legislative and policy advocacy and community development.



## Ms. Justice Erum Sajad Gull

Justice Erum Sajad Gull earned her LL.M. degree from the University of London. She has specialised in criminology and criminal justice. She was appointed a judge of the Lahore High Court on 8.6.2015.



# OPENING SPEECHES



# The Role of the Judicial Academy

Presenter: Mr. Justice (R) Ch. Shahid Saeed

Director General, Punjab Judicial Academy

Assalamo Alaikum, Allah meharbann o Raheem kay nam se shuru karta hun. I extend a warm welcome to Mr. Chief Justice Ijaz ul Ahsan, Justice Ayesha Malik, Distinguished Chief Guest, Judges of the High Court, and Women Judges from all over the Punjab, who have come here today.

This function was arranged to interact and to address some complaints and issues raised by women judges. I am of the opinion that such conferences, workshops and meetings can be held here to share such problems among judges who have come from all over the Punjab. I again welcome all the judges, distinguished guests, as well as Justices of the High Court.

This Judicial Academy exists for the purpose to promote the sharing of knowledge and to enhance capacity of judges. For that purpose the Judicial Academy is in fact imparting education and training with the resource persons available with us and well-known personalities who are always the teachers.

As Mr. Chief Justice Ijaz ul Ahsan knows and as I know, women judges face challenges related to their posting and transfers, as well as accommodation. These are the main problems, I think, and for that purpose some efforts are already being made by the High Court and especially his Lordship Mr. Chief Justice Ijaz ul Ahsan is taking steps for that purpose.

The number of women judges is increasing day by day and special treatment is indeed required to retain them. I suggest for that purpose that some female administrative staff be posted along with the female judges. I think in this way all the women judges will be facilitated and they will feel comfortable and this is indeed a feasible suggestions. They should be accommodated with female court administration staff to support women judges' representation in the judiciary.

I again thank all of you for coming here, especially the women judges as well as Chief Justice. Justice Ayesha Malik has made a strong impact through her efforts. I am also very grateful that Justice Mansoor Ali Shah and other colleagues of the High Court are very interested in this conference so that the problems and issues of women judges can be discussed and be resolved. Now all of you who came from all over the Punjab will discuss all of your problems and we will try together to resolve them.

Thank you.



# Welcome Speech

Mrs. Justice Ayesha A. Malik

Judge, Lahore High Court



It is with great pleasure that I welcome everyone to the first Conference for the women judges of Punjab.

Gender sensitivity, no matter which part of the world you live in, requires understanding and institutionalizing. While women have inched their way into the Judiciary they battle with the structures and values which govern their profession. A system, which not too long ago was occupied solely by men.

Today there are 270 women judges out of 1830 in the District Judiciary and 3 out of 55 in the Lahore High Court. The purpose of this conference is to open a dialogue regarding gender and the judiciary, to discuss and deliberate her role in the judiciary and to ultimately reach a consensus on how to integrate her gender within the existing structures and values.

We have an exciting day ahead of us.

In the first Session we will hear from dynamic women who have dedicated their time in resolving challenges faced by women at the work place. After a short break we will hear the Judges, share their experiences and what it means to be a women judge. We will take another short break and enjoy the lovely lunch prepared for the Conference and then break out into working groups where the core issues and challenges will be discussed. In the 3<sup>rd</sup> Session, the Judges will present their core challenges with a request to reshape their participation in the judiciary.

I would like to thank the Honorable Chief Justice, Lahore High Court and the Punjab Judicial Academy for providing this opportunity and making this event possible. Let us mark this moment as a beginning of a new chapter in understanding women judges and their role in the Judiciary.



**“The judiciary should reflect the whole community, not just a small section of it.”**

**Baroness Brenda Hale,**  
Deputy President of the  
UK Supreme Court



**Challenges and Opportunities**  
20th February 2016  
Lahore

# Empowerment and Problems of Female Judges

Mr. Chief Justice Ijaz Ul Ahsan

Chief Justice, Lahore High Court

Honourable Judges of the Lahore High Court, The Director General, Punjab Judicial Academy, Organizers of this Conference, Lady Judges from the District Judiciary, distinguished guests, ladies and gentlemen:-

I am extremely pleased to be here today. This is the first conference of its kind in Pakistan, which has been organized to discuss and highlight problems and issues of our female judges in the district judiciary. The idea originated from Honourable Justice Ms. Ayesha A. Malik and it was welcomed by the Punjab Judicial Academy and the entire team has worked tirelessly to turn this dream into reality.

Female judges constitute an important part of our district judiciary and it was high time that direct and first hand information was received from the stake holders to address the issues at the policy level. I welcome you all to this conference. It provides you a platform to be direct and candid in highlighting the problems and issues that you face during performance of your functions. I encourage you to actively participate in the deliberations which would not only receive our full attention but the lessons learnt would help us in shaping the contours of future policy at all levels.

Throughout the ages women have lived in the “man’s world” saturated by a male dominated ideology. Only in recent times has there been growing awareness amongst women about the dysfunctional impact of the underlying injustice and gender based inequity, whereby women have perpetually suffered. In fact there is a direct relationship between disempowerment of women and backwardness of any society. Clearly there can be no sustainable human development, without the full and equal participation of women.

The world communities search for finding effective ways to improve women’s position. As regards equality, freedom and rights, empowerment is a method which has been found most effective to promote women’s position. To empower means to make the women culturally, socially, economically, politically and intellectually able and capable, by employing various corresponding means and by creating conditions for their genuine development. It means to enlighten them by education, to make them understand their power and potentials, to make them conscious of their rights, to involve them in various socio-economic and political activities, to involve them in decision making processes and also to adopt safeguards against oppression that traditionally looms large over them.

Induction of female judges in considerable numbers in the District Judiciary, providing them equal opportunities of professional development and assigning them to hold responsible and senior positions in the District Judiciary are a few steps being taken by us in this direction. It is said that judges must be both independent and impartial, that these qualities are basic to the proper administration of justice and fundamental to the legitimacy of the judicial role. The ultimate justification for deliberately seeking judges of both sexes is to keep public trust and confidence in the judicial process. Public must perceive its judges as fair, impartial and representative of the diversity of those who are being judged. In my view women judges are indispensable to public confidence in the ability of the courts to respond to the legal problems of all classes of citizens. Some researchers are of the view, and I tend to agree, that the appointment of more women judges will have a direct impact on the process of judicial decision-making itself and on the development of the substantive law. This flows from the belief that women view the world and what goes on it from a different perspective. If women lawyers and women



- Issues raised today at this important conference will not only receive the full attention of the Lahore High Court, but the lessons learnt also will help the High Court in shaping the contours of future policy at all levels.
- The ultimate justification for deliberately seeking judges of both sexes is to keep public trust and confidence in the judicial process. The public must perceive its judges as fair, impartial and representative of the diversity of those who are being judged.
- The appointment of more women judges also will have positive impact on the process of judicial decision-making and on the development of the substantive law because women judges bring to the system their different perspectives on life and infuse the law with an understanding of what it means to be fully human.
- If a female judge is posted in a location that lacks basic courtroom and residential facilities, including chambers and washrooms and day care for children, among other necessities, she will be hindered in the discharge of her functions as a judge.
- The Lahore High Court is actively considering the following:
  1. Future planning for courts and residential facilities will address women judges' needs. For example, an effort will be made to designate one or more residences as female rest houses to accommodate the maximum number of female judges.
  2. We wish to ensure the availability of adequate medical facilities.
  3. We are making the judicial administrative structure more sensitive to the needs and problems of female judges. For example, an ideal situation would be to assign female court administrative staff for optimum performance of female judges.
  4. We are examining ways to arrange for day care for supervision of small children.
  5. We are determined to adopt a more practical and dynamic approach in matters involving transfers and postings, keeping in view the gender sensitivities.

judges through their different perspectives on life can bring a new humanity to bear on the decision-making process, they will surely make a difference. Perhaps they will succeed in infusing the law with an understanding of what it means to be fully human.

Coming to the female judges of the District Judiciary in Punjab, I must say that at an institutional level, we are fully aware, acknowledge and recognize the fact that female members of District Judiciary are an important part of our team. They are facing multifaceted problems. These problems and difficulties stem from their gender and our socio-cultural set up. To our understanding, the most significant problem of the female judges is the place of their posting and the environment in which they are required to render services. It is more than obvious that if a female judge is posted in a far flung area, which lacks basic facilities, does not have a proper court room related facilities and appropriate residential accommodation, she would definitely be hindered in the discharge of her functions as a judge.

The scarcity of proper residential facilities for judges is a real problem. However, for women judges, this problem becomes more challenging. Lack of dedicated residences, court rooms and proper basic facilities such as separate washrooms directly hits at the quality of life and performance of the female judges. If a female judge is not comfortable in her working environment she would not be able to concentrate on her work and produce the results that the system requires and the litigants expects.

Then there are staff related issues for the female judges. The ministerial staff of the District Judiciary mostly consists of male workers. A female judge, especially in our social frameworks, finds it difficult to interact with the male staff. Related to this issue is the competency of the staff. It is quite obvious that a newly appointed female judge would be giving enhanced output if the staff assigned to her is relatively more experienced, competent and seasoned. An ideal situation would be to assign female staff for optimum performance of female judges. We are considering the feasibility of this option.

Turning to another important issue, it needs special mention that female judges who are bonded in matrimonial ties suffer even more. Their attention is naturally divided amongst their work and their family. It is an uphill task to maintain a balance between the two. Lack of day care centers or other facilities to look after children while the judge is at work poses serious problems and requires innovative solutions. We are also examining this issue at a policy level. Similarly, non availability of recreational facilities for female judges also needs our attention.

I wish to assure you that the problems and difficulties of female judges are receiving our utmost attention. They are on my priority list. Some of the steps being actively considered are:

- i. Existing courts and residential facilities will be improved to make these more women friendly.
- ii. Future planning for courts and residential facilities would cater for your specific needs.

- iii. Where official residences are available an effort will be made to designate one or more residences as female rest houses to accommodate maximum number of female judges.
- iv. We wish to ensure availability of adequate medical facilities.
- v. We are making the administrative structure more sensitive to the needs and problems of female judges.
- vi. We are examining ways to arrange for day care and supervision of small children.
- vii. We are determined to adopt a more practical and dynamic approach in matters involving transfers and postings, keeping in view the gender sensitivities.

We understand that these problems and other gender issues which haunt the working of female judges in the District Judiciary need a result oriented solution. This can only be achieved by a change in approach and thinking. Out of the box solutions will have to be found. In order to broaden our vision and to acquaint ourselves with the dimensions of the problems faced by female judges we need first to comprehend and identify the areas where the females are facing the most difficulties, and then to move towards a focused approach to meet such challenges. This seminar is part of our effort in this direction. I assure you that the lessons learnt and information gathered from this conference will go a long way in finding solutions of problems and issues which will be highlighted today. Each one of you is an important part of my team. Rest assured, I will leave no avenue unexplored in a sincere effort to find plausible, workable and permanent solutions for resolving your problems for sustainable development of the female segment of the District Judiciary.

I thank you all for participating in the today's conference and sharing your views with us.



**PANEL SESSION 1**  
**GENDER AND THE WORKPLACE**

## Presenter: Ms. Khawar Mumtaz

Former Chairperson, National Commission on the Status of Women

Thank you, Honourable Chief Justice, Justice Ayesha Malik, Director-General Punjab Judicial Academy, distinguished speakers and all female judges of Punjab. Assalamo Alaikum and good morning.

I am extremely honoured to be here and to attend this first-ever conference in Pakistan with honourable female judges. I would like to congratulate Justice Ayesha Malik and her team for organizing this conference. It is time to candidly discuss the issues women face when they are in the work place. In the case of women judges it is not the usual confined work place, but vulnerabilities perhaps are exaggerated by the fact that women judges have to interact with the lawyers, police, eyewitnesses and all kinds of people. So their situation is particularly different and particularly



vulnerable so we have to look at some of these issues. Honourable Chief Justice, it is very important for us to have women in all walks of life, especially in the judiciary to establish public confidence in the justice system. I would also like to congratulate women judges because the government has established the quota of at least 10% within the non-administrative services. Judiciary is one arena in which the quota has been exceeded, and instead of 10% we have almost 15% and are promised to have 17% women in the judiciary. This is a difficult arena and sector for women to work, so I would like to congratulate them for their victory and for their choice of this particular profession.

A lot has been said about resolving the issues women face in their work places. They are facing many challenges related to their work. It is issues related to family responsibilities as well as inter-personal communication and relationships, but there is no doubt that women face problems because of their gender. Women have traditionally been only in the private space, but now they are also in the public space, either by choice or

- It is very important for us to have women in all walks of life, and especially in the judiciary to establish public confidence in the justice system.

- The government has established a quota of at least 10% within the non-administrative services. Judiciary is one arena in which the quota has been exceeded, and instead of 10% we have almost 15% women in the judiciary.

- In the case of women judges, vulnerabilities perhaps are exaggerated by the fact that women judges have to interact with lawyers, police, defendants, eye-witnesses and all kinds of people.

- The challenge is how to facilitate women judges to achieve balance between private life and work so that they can fulfill their duties well. To meet this challenge, a woman needs support from her colleagues and her institution.

because of necessity to earn a living and for other reasons. We need women doctors, we need women teachers, we also need women judges because they are special in understanding women's issues. Then there is the economic pressure of our life which is pushing them into the work force. Women can also have aspirations that leads them to explore new avenues and to have different attitudes. Now women do have options and they should be able to exercise these options.

The work environment in Pakistan discourages women to come into the work force. The judiciary in Punjab is conscious of the fact that women need special work environments so that they are facilitated into performing well. Society now has to accept women more and as equal and as having capacity to perform. Working women include those that have the responsibility of household and children and the dual responsibility of working women. So the challenge is how to facilitate them to achieve that balance between private life and work and not to be filled with anxiety all the time in trying to fulfill responsibilities at home and at work. I can tell you it is challenging to face that anxiety in your whole life and career, the desire to do well professionally but also desire to run a wonderful household. To meet this challenge, a woman needs support from both her partner and her colleagues.

One of the most problematic issues for women is the issue of harassment in the workplace. Harassment for women in the judiciary comes not only from their colleagues and peers, but from our society. We have harassment law which identifies three manifestations: abuse of authority, creation of hostile environment, and retaliation. This is not unique to Pakistan; around the world it is a common phenomenon. In Australia 13% of women have reported harassment cases and in Canada 17%; in EU 40-50% and in the USA 33%; in India 17%. It is a universal phenomenon. Therefore we need our harassment law. Every work place should have a complaints committee where people can report their case of harassment. We should use this law as much as possible and that is the only way harassment at the work place can be addressed. A law acknowledges a problem, and that is a big step. Our law has inspired the law in India also.

To address all of these issues, we must continue to increase the number of working women. For women to be part of the mainstream of work, there must be an active induction of women in all categories and levels of work. Finally I would like to acknowledge that women have to prove themselves twice as much as men in the workplace. Women must be firm, they have to be consistent about their work, and I am sure all of you are already are. With that I would like to thank you so much again, Justice Ayesha.



**“The power I exert on the court depends on the power of my arguments, not my gender.”**

**Sandra Day O'Connor,**  
First Female Justice of the  
US Supreme Court



**Challenges and Opportunities**  
20th February 2016  
Lahore





## Presenter: Ms. Irum Bukhari

### Former Secretary, Women Development Department

Honourable Chief Justice of Lahore High Court, respected judges of the High Court and district judiciary, ladies and gentlemen Assalamo Alaikum. It is indeed an honour for me to be a part of this wonderful event today which has obviously been diligently arranged by Justice Ayesha Malik. We all shall give our applause to Justice Ayesha today.

I would like to share my perspective on gender and the work place and the topic of conference, the challenges and opportunities for women judges in the Punjab. So what exactly is the word "gender"? Gender is created by society and shall not be mixed up with biological sex, which is determined. So gender basically has been defined as socially and culturally constructed roles and relationships between men and women, Gender determines how women are going to function in a society and what are the responsibilities assigned for both men and women in a society. And the concept of gender varies from place to place and time to time. Because of gender we see there is a classification of jobs and resources, a division between management. It is a clear cut classification the moment a child is born because society inculcates the concept of gender in both girls and boys and based on that classification we know that stereotypes are created.

Stereotypes exist for women and men. Men are perceived to have certain attributes in this part of the world and many other developing nations; women are considered as weaker creature as compared to men. Women are assumed to be more emotional than men. They are supposed to be more submissive and not as good at decision making as men. These are all gender stereotypes. It is assumed that women are not as competitive as men in any job and that basically women are destined to be domestic in that they are naturally domestic. With gender stereotypes, we also find that the choices are affected by the way the roles of men and women



are perceived and that is why we come to different education choices between a daughter and a son. You would find that parents are willing to spend more money on a son's education rather than a daughter's education because a daughter is eventually going to get married and the son is going get hired and bring money back home. The choice of marriage and the choice of children, how many children do we have and spacing between the children, all these choices and major decisions in your life are naturally based on your gender concept. The main choice because of which all you women judges are here today assembled in this hall is the career choice that you have made, despite the gender stereotypes that might have determined your destination.

Gender stereotypes are inculcated in our society in the way children are nurtured. These stereotypes are then transformed into certain realities, including in the workplace. You all have been working like myself, and we know that there are problems in gender discrimination at the workplace. No matter what position you have, no matter how high is your position in the workplace, you do find some instances of discrimination. Gender inequality is sometimes perceived and sometimes real, sometime silent and sometimes more obvious. Gender inequality and gender stereotypes of course limit the career options for women in Pakistan and many other developing countries. Traditionally a woman is expected to become a teacher in a school or a nurse, but she is not expected to become a pilot or a nuclear scientist or an astronaut and may be not even a judge. So I see these bright shining faces today in this hall and all of you are brave because you chose to come into a profession which is generally, traditionally not considered a women's profession. It is considered a man's profession.

- **"Gender" is defined as socially and culturally constructed roles and relationships for men and women. Gender affects societal expectations and our choices in our personal lives, our education, and our profession.**
- **Gender stereotypes often limit career options for women. The judiciary in Pakistan and in most countries is male-dominated, with few women choosing to enter or allowed to enter. There also is a "glass ceiling" limiting women's progress within the judicial profession.**
- **As the number of women in the judiciary grows, you can promote gender-sensitive policies within the judiciary to improve the workplace environment for current women judges, to encourage more women to become judges, and to help women judges break through the "glass ceiling."**
- **You are bringing female perspectives to the justice system, which will help improve it. You are also role models, inspiring other women to follow in your footsteps.**

So I would like to congratulate all of you for choosing this career and for showing all the world and the Punjab that you are bold enough to choose a profession that does not conform to the general expectation. Of an estimated 200 million people in Pakistan, at least 100 million people live in this province of Punjab, the largest by population in Pakistan. At least 50 million women live in the Punjab and out of those 50 million all of you here are a small minority. So you should know that you are brave, you are not ordinary women of the Punjab or of Pakistan, and you should be proud that you have come to this position. I was studying the website of the Lahore High Court and some of the data that I saw there, as Justice Ayesha mentioned, out of 55 High Court Judges in Lahore High Court only three are female. Out of the district judiciary, there are just three female District & Sessions Judges. Out of 38 Senior Civil Judges only two are women. Among 1,170 Civil Judges, only 231 are women. So you see that this is the kind of challenge you have taken upon yourselves.

Since the topic of this conference is the challenges and opportunities, I would like to share with you some of the challenges that women judges already face and you are about to face in your long career. The first is that women in your profession are under-represented. Obviously the figures I just shared with you confirm this, and you have to admit that this as of today is a male dominated profession. Not just in this country or in this part of the world, but globally this profession is considered a male dominated area. And because it is dominated by males there is a particular masculine mindset that you will have to deal with or maybe you are already dealing with it or maybe you will have to deal with it later. There is glass ceiling in every profession everywhere in the world and that is a challenge for you. How you break the glass ceiling and the path to the top is very steep let me assure you. I have been in the civil service for 24 years of my life and I can assure you based on my personal experience that the path of the job is not easy. But since you are all here and you have chosen a challenging career for yourself, this should not make you stay away.

Some challenges are very gender specific. I would like to share with you, for example, about your interactions with your superiors, colleagues, and subordinates, if they are men. Two men talking to each other at the work place or outside of it doesn't create a story. A woman in the public space interacting is under scrutiny, so always be prepared for that, that you will be scrutinized for the way you behave, the way you speak the way you laugh, the way you dress. These are all realities and all of us need to be very sure about what kind of impression are we generating amongst the entire community in which we are living and working. Men have the luxury of networking in social circles; it helps them in getting better postings and creating credibility for themselves. Women do not have this luxury because once you are off the job you have home to look after, you have to do your balancing act and you cannot socialize like men do, so that is also a challenge. Because of your gender you will be confronted with, like the Honourable Chief Justice mentioned in his remarks, that balancing professional and personal life is a challenge. Because we women know that it is not just our career that is important; it is our families, it is our children, it is our in-laws, it is our friends and families, all of that. So there is an intense performance evaluation that will go on both at your home and in your offices. Wherever you are working you are going to be judged more severely and more intensely than your male colleagues.

But would I say that you can treat all these challenges as an opportunity and I can assure you it is just a way of looking with the right perspective and with a right angle. For example, all of you here give me a lot of strength. Your presence is going to encourage induction of more women in the judiciary, so you are basically leaders, you are change-agents, and women are following you. As long as you are successful and as long as you create a positive mark on society you will be able to change the mindset. Almost 300 women judges is not an insignificant number, so do not underestimate that you change the mindset just by sheer presence of this huge number of talented women who are in this hall today. You can diminish stereotypes as well. You have already done that a little bit. By coming here you have been able to show to your community and to society in general that you are able to take a nonconformist approach. You can further become trailblazers by excelling in your profession. Another opportunity that I see because of your large number, Masha Allah, is that you can promote the creation of gender-sensitive workplaces wherever you are. You have the authority, you have the power, to actually interact with the district administration and force them in any way you can to make sure they make more workplaces more gender-sensitive.

You also have the opportunity to break the glass ceiling. And because of your presence, you are bringing female perspectives to the justice system, which will help improve it. You are also inspiring other women who might be following your footsteps-millions of women - they might want to become like you one day. So it is so important for you to show that you are role model for other women, who are following you. Finally I know that all of you will be able to lead fulfilling professional and personal lives because you have already understood the balancing act that is required. You know that women often do twice the work but get half of the credit, but we are used to it. So all good wishes to you, and I congratulate Justice Ayesha and thank her for giving me this opportunity to be a part of it.

## Presenter: Ms. Fauzia Viqar

### Chairperson, Punjab Commission on the Status of Women

Honourable Chief Justice of the Lahore High Court, Honourable Justices of Lahore High Court, Director General of Punjab Judicial Academy, Judges of Judicial Academy and district judiciary, my fellow speakers, ladies and gentlemen, Assalamo Alaikum.

I am very grateful to the Lahore High Court and Punjab Judicial Academy for organizing this first-ever women judges' conference in a very short span of time. I think we have to congratulate Justice Ayesha Malik, the Director General of Punjab Judicial Academy and Justice Mansoor Ali Shah for putting this all together and hence we have this sea of excellent, competent women around us.

My speech today is limited to some factual information because I do want to lay out a picture of the current status of women in Punjab. I will let you decide what needs to be done for the future. I have some good news and some bad news, and I think I have to start with bad news. So the bad news is that Pakistan unfortunately ranks very low on the global gender gap index.

We are currently at 144<sup>th</sup> position out of 145 countries in the world. This is a ranking that is given by the World Economic Forum and it is a composite index of four sub-indices, which include economic participation, educational attainment, political participation, and health and well-being.

For economic participation, this is where we are the very lowest, 143<sup>rd</sup> among 145 countries. Labour force participation in Pakistan is unfortunately dismal. Women in Pakistan are 2.4% or so in the formal labour force; in Punjab they are slightly better at 6.4%, but still the disparity is large and the concentration of women is primarily in informal, temporary, casual and seasonal work. Hence their economic vulnerability is enhanced. Only 2% of women are currently permanent workers, according to the Labour Force Survey, whereas 53% of male workers are permanent workers. Similarly, women are predominantly in the services sector. In the rural areas they are primarily in the agricultural sector. They are also in services in urban areas where the disparity still remains. Based on the Labour Force Survey and other statistics it was found that almost 50% of women fall in the lowest wage bracket, which is less than Rs.5,000/month, whereas only 7.2% males are in this category. So women, unfortunately, are not doing very well on that count.

Women are generally hampered by various factors that prevents women participation in more productive sectors and hence they end up more vulnerable and generally concentrated in very large numbers in their homes, which is the category called home-based workers. So this is generally the bad news. I want to share with you that some measures have been taken recently, which has resulted in improvement of statistics. The Punjab Government Empowerment Package, under the former Secretary Women Development Department Ms. Irum Bukhari, was instrumental in making a package in 2012 that serves as a policy guideline to set up initiatives across Punjab. Changes were brought out in several areas, including legislation, protection, economic empowerment, public sector employment, education, and health and mobility.

In terms of legislation, major changes were made, many laws were amended or promulgated, but I will focus primarily on the workplace. One law is the Protection against Harassment of Women in the Workplace Act 2012 along with the office of the Ombudsperson, which now deals with all cases of harassment at the workplace. Similarly the Punjab Commission on the Status of Women Act was promulgated in 2012, by virtue of which the institution I now serve was established, the Commission was established in 2014. In 2014 came the Punjab Fair Representation of Women Act. This law mandates that 33% of all public sector boards must be comprised of women and opens a huge space for women in decision making positions. Whether we are there or not, unfortunately the picture is weak, but we will get there because the law is in our hands. One thing is that we can do and that we all must work towards is that the law must prevail. The rule of law is really a hope for every citizen.

Other legislation is meant to empower women with regard to inheritance rights and rights in the family and rights in marriage. Muslim Family Laws were amended and the Punjab Family Courts Acts were also, by virtue



of which processes were made easier for women who come to courts to get justice for their economic benefit, and so on, and the processes were made faster. Punjab Government and Lahore High Court undertook to build family courts complexes across Punjab, and I believe that is a discussion that is happening, and I hope that it will be pursued because it is difficult for women and their children coming to court for a family case to be in the same place with criminals and exposed to the general court environment.

- Pakistan ranks 144 out of 145 countries on the Global Gender Gap Index compiled by the World Economic Forum. The ranking is a composite of data related to economic participation, educational attainment, political participation, and health and well-being.
- Women constitute only 6.4% of the formal labor force in Punjab, and most women are in informal, temporary, casual and seasonal work sectors.
- In Punjab, 16% of judges are women, but women are predominantly at the lower level of Civil Judge, revealing a “glass ceiling” that must be addressed. The same is true in many government sectors; there are few women in decision-making positions. Harassment and other problems are so common that many women simply drop out of the workforce.
- Positive developments include the Punjab Commission on the Status of Women Act 2012, which led to the establishment of the Commission in 2014 to review all laws and recommend amendments to provisions that are discriminatory or counter to women’s empowerment.
- The Protection against Harassment of Women in the Workplace Act 2012 led to the establishment of the Ombudsperson’s office to handle cases of workplace harassment.
- The Punjab Fair Representation of Women Act 2014 mandates a 15% quota for recruitment of women in public sector employment, and an additional 3-years relaxation in required years of service to facilitate women to re-enter the workforce after raising families.
- The Punjab Women’s Empowerment Package and subsequent initiatives address children’s day-care, subsidized residences for women, and other important issues.

In terms of public sector employment other measures were taken to expand the opportunities for women in the work place. In Punjab a 15% quota for recruitment of women in the public sector employment was enforced across the board in all positions. Other measures were taken such as an additional 3-years age relaxation over and above the existing age relaxation of 5 years. Women normally after their education get married, and they temporarily drop out of the work force, but this additional age relaxation means they do not get penalized so that women can re-join the work force after fulfilling their family responsibilities as wives and mothers.

Other facilities include transport to support to working women and their families, and improved amenities, which the Honourable Chief Justice also mentioned, such as simple things like washrooms. The honourable judges no doubt have this amenity, but other women at the court may not, which can be a barrier to including women in the workforce. A senior police official who retired four years ago, she said that throughout her career even at senior position she had to go to a neighboring hotel to use their washroom because the entire police station did not have a women’s washroom, even in Lahore, not to mention smaller places. So now it has become mandatory for all public sector institutions to have washrooms for women, and separate prayers areas for women.

Daycare facilities, which the Honourable Chief Justice also mentioned, are also fundamental. I was reading one of the documents provided by the conference organizers that mentioned this point, which is really fundamental to women’s work. It is very hard to perform in your job if your children are at home and there is no supervision for them. So daycare facilities have been mandated in the sense that every institution that has more than five women who have children should have daycare facilities and the government pitches in. It is a public-private partnership where the institution puts in money even if it is private daycare. Then the residential vouchers scheme, which is to provide subsidized residence options to women in Punjab, including working women’s hostels, is also a part of the Punjab Women’s Empowerment Package and subsequent initiatives.

My institution, the Punjab Commission on the Status of Women, is a statutory organization. It is primarily a policy and legislative advisory board, where all laws that are discriminatory or counter to women’s empowerment are reviewed and recommendations are given for their improvement, and we also monitor.

With regard to the status of rights of women in Punjab, workplace harassment, which other speakers mentioned, is a reality of our life.

When we talk to women and conduct research, one of the biggest barriers to women’s participation in the workforce is that many women get so frustrated with the harassment that they simply drop out. Not only in the workplace, but also harassment in public spaces, which is the order of the day. India did comprehensive research and found that around 60% of women suffered active harassment in public spaces. Statistics from the Punjab police brought a very clear picture; in 2014 there was a lot of hype around 29 FIR filed under section 509. Unfortunately in 2015 police reported not one FIR. However a parallel institution of the Ombudsperson was established to deal with harassment of women in the workplace. It has dealt with 22 cases; 7 complaints were resolved and many of the decisions have set a strong example at least for public sector institutions in

Punjab. In addition, there is a Punjab Police Helpline, which provides information and receives complaints. They also received various enquiry calls from women who want to find out about their rights. We hope that you will help them as well to know their rights.

We've talked about women the Punjab judiciary; 16% of judges are women, which exceeds the 15% quota, and it is wonderful, but it is predominantly at the lower level of Civil Judge. We have currently three women District & Sessions Judges in the Punjab judiciary. One female D&SJ was promoted, and that is a very strong signal for women; there are 275 women judges here, and I am sure some of you will take the position as District & Session Judges as it's clearly something to strive for. Similarly we have three women judges on the High Court, which is a big jump and very positive. The government sector is not doing very well, I would say, because at decision-making positions such as in boards and committees, only about 7% of boards are headed by women, and board members average about 2 women to 8 men. In grade 18, approximately 13.5% are women. In the lower cadre 17 and below there are larger numbers of women. It's not just about how many women, but about where they are, at what positions. When we look at the decision making positions, we find few women. So in grade 18 we have 13.5%, but in grade 19 only 5.5% are women, 10% in grade 20, and only one in grade 21, which is my own position, and no women in grade 22. This points to the glass ceiling, which has been mentioned before; and even in civil society organizations, they are headed mostly by men and the work force of civil society is predominantly male (81%).

Despite these negative data, I see the changes that are coming about, and Irum Bukhari gave a very motivational speech, which I think excited us all, and I hope that we take this excitement further. You will act as a ray of light over women who want to break out of the gender stereotypes, who want to counter this argument that there are already lots of women in the workforce. When you ask people "Where are all the women?" people say, "Oh, we have 70,000 lady health workers, and 70% of teachers are women." But those are always sectors that are traditionally female dominated. It is in a sector like the judiciary and the criminal justice system in which there are very few women. In the police, women comprise less than 1% of the total numbers in Punjab, and Punjab is one of the highest; in Pakistan it's only 0.8%.

We hope that Lahore High Court and the women of the district judiciary will shine a light to the other provinces and to other women. I thank the organizers once again for giving me this opportunity. I hope that we can count on the support of Lahore High Court and the district judiciary to help women to access their rights and get justice. Thank you very much.



**PANEL SESSION 2**  
**GENDER AND THE JUDICIARY**

# Presenter: Ms. Uzma Chughtai

District & Sessions Judge, Sheikhpura

Honourable Chief Justice, Honourable Ladyship Madam Justice Ayesha Malik, Director General Punjab Judicial Academy Mr. Ch. Shahid Saeed, Honourable Lordship Mr. Justice Mansoor Ali Shah Sahib, Honourable Ladyship Madam Erum Sajjad Gull, Honourable Madam Justice Nasira Iqbal, distinguished speakers and all female judges of district judiciary, Assalamo Alaikum.

I am really deeply honoured to be speaking to this august gathering. I was told at the last moment to speak to you and I have written some notes, but I will try to speak from my heart. Significant transformation in the judicial profession has started to occur in the form of increasing female representation, which is a reflection of an optimistic future and a quantitative and qualitative revolution of women in the judicial service of Pakistan. Punjab has recently improved, and one step is evident by the arrangement of this first conference of women judges being held today.



Justice Ms. Ayesha Malik and Justice Mansoor Ali Shah have full support in organizing of this event by the Punjab Judicial Academy, and we are gathered under the strong leadership of our Lordship Chair Mr. Chief Justice Ijaz ul Ahsan Sahib.

Since I started my journey in this profession it has been challenging. But to me law is like breathing in and out, it is that important to me. Women in this field are still rare. It is amazing to see that out of 55 High Court judges, there are only three women; out of 139 District & Sessions Judges there are only three women; and among 38 Senior Civil Judges, only two are women. There was previously only one female Additional District & Sessions Judge, which has increased in recent years amazingly MashaAllah to 33 out of 485. I say with humility that I was the first female Additional Sessions Judge and I remained so for three years. I was promoted to District & Sessions Judge after five years, and thereafter two other women joined me as District & Sessions Judges.

- **Women in the judiciary are still rare. I was the first female Additional Sessions Judge and I remained so for three years. I was promoted to District & Sessions Judge after five years, and thereafter two other women joined me as District & Sessions Judges.**
- **Each time I was appointed as District & Sessions Judge, lawyers of the district argued that they did not want a woman in this position. However, each time I had the support of the Chief Justice, and I have been able to carry out my duties despite the resistance from the Bar.**
- **Women judges should accept postings and transfers to a variety of locations, because our presence is very much needed. However, women judges must be provided residences and other facilitation before they reach each posting because their family members, including children, must shift with them.**
- **One woman's success can help other women succeed. If each of us pass the torch and support each other, more women will join and remain in the judicial profession.**

Thanks to the Honourable Lahore High Court, with their promotion I was immediately entrusted with a district. It was very interesting that that my colleague judges and even some of the lawyers came to me to inform me that the matter of my appointment was raised with the Chief Justice Pakistan. Lawyers of the district argued that they did not want a woman District & Sessions Judge. However, the response was positive from the Chief Justice, and therefore I started my career as a District & Sessions Judge. When I was appointed to another district, again the Bar strongly objected to my posting, but the Honourable Chief Justice Lahore High Court supported me, and I was really grateful for the trust in me.

But I would like to pass the torch to others, because others are also competent in different ways, not the same for each person, yet every individual has competency and ability and confidence. I believe that each of us here has story to tell of confidence, valor and bravery. You all come from the legal profession, and I am sure when you joined the legal profession initially you were told that it is a big burden being a lawyer and being a judge would be difficult. I would like to share a very interesting saying of Fatima Jinnah, "Think a hundred times before you take any decision, but once a decision is taken, stand by it." And they say, "To be beautiful, that's important. But to be important, that

is more beautiful.” I always believed that one woman’s success could only help in other women’s success. If I pass the torch, it should continue to be passed so that others can also join.

On the topic of residences, it is important for women judges to be provided residences before they reach their next posting because their spouses, children, or their parents must be considered, and it is difficult for women judges to be transferred far away. But women judges should go to different places, because our presence is much needed and accepted. Some lawyers and others who are not very professional misbehave with woman judges, but the professional lawyers are very kind and supportive. Sometimes elected bar representatives think they can exert authority against women, for example, but when more and more women judges are in the various districts, understanding and appreciation will increase.

I will end with a story: I remember at Sheikhpura a leave application was brought to me from a female Civil Judge. Although I had said that my fellow judges could call me any time, there is a gulf between District & Sessions Judges and Civil Judges, so she was hesitant to bring her request to me. I called another colleague to ask about the Judge’s problem, and I learned that she was seriously ill. She didn’t feel that she could approach me, despite my being a fellow female judge, because judges are not supposed to discuss their personal problems (which again reflects gender biases). The more women judges are appointed to senior positions, the more this situation will improve.

Thank You.





# Presenter: Mrs. Justice (R) Nasira Javed Iqbal

## Former Judge, Lahore High Court

Bismillah-hir-Rehman-nir-Rahim. Respected Mr. Justice Mansoor Ali Shah Senior Puisine Judge, Respected Mrs. Justice Ayesha Malik Senior High Court Judge, Respected Mrs. Justice Erum Sajad Gull, and all other women judges and distinguished guests. Asalam o Alaikum.

Thank you very much for inviting me to speak. I am 75 years old and I have experienced a lot with males and females in the judiciary. My first experience was that women were not even permitted to join a law college, so this was our first gender discrimination. I think this changed in 1964, and Rabia Qari was the first. She was a pioneering woman lawyer and became president of the Lahore Bar two times. I believe no other lawyer was more courageous than Rabia. When she was welcoming an opposition leader she was beaten by a baton, which eventually caused her death. It was a great loss.

The Family Court Act was passed in 1964, and it was said that every district should have at least one woman judge. After that probably in 1996 the minimum number of women judges was increased to at least two. Females did study law in those days, and the door of opportunity was opened for them. I feel shamed that all this was not done by a democratically elected government; instead these steps were taken by a Martial Law government, although the downfall of our country was due to the group that brought Martial Law. Nevertheless, I congratulate the 265 women judges of Punjab. It means we have crossed the threshold of 10%, but females are half of the total population, so we still need more.



- **Unreasonable transfers of women judges is tantamount to preventing women from succeeding by putting unnecessary barriers in their way.**
- **Many lawyers are doing their work honestly and whole-heartedly, but some challenge women judges' legitimacy with harassment and verbal abuse.**
- **Women judges sometimes are sitting in places that used to be washrooms, and there are often no toilet facilities exclusively for women in courts, even in the Supreme Court.**
- **Whenever a female judge is close to promotion to the role of District & Sessions Judge, she is assigned to work in the Law Department or elsewhere. No woman judge has been appointed as District & Sessions Judge Lahore, which is the most direct route to promotion to the High Court.**
- **Because of these kinds of problems, many very talented women choose to leave judicial service. We have to find ways to retain women in the judiciary. Among other things, gender sensitivity training should be included in the regular curriculum of Punjab Judicial Academy.**

The pillar of our society is not tribe but family. This is also prescribed by Islam. Disputes happen in the household and within families, and it is most important to find solutions for these disputes. One solution was provided in Local Government laws 2001, which created dispute resolution mechanisms for mediation at the level of Union Council. The Musahlit Anjumen committees, consisting of three individuals including at least one female, made decisions in family disputes, and most of the parties reached resolution through reconciliation. The burden on courts was lower. Subsequent democratic governments failed to pass new Local Government laws, despite several recommendations from the Supreme Court. When the legislation was finally passed, it did not include the dispute resolution mechanism as before. The Supreme Court should take suo moto notice of this gap, since the alternative dispute resolution mechanisms help resolve problems and keep cases out of courts. This would reduce the pressure on Civil Judges, who have to hear 500 to 600 cases per day. How are they going to hear so many cases? If the disputes are handled at a lower level through mediation, decisions can then simply be endorsed by the courts. These matters can then be resolved without lawyers, without judge and without courts.

Now let's look at the problems of women who become judges. I think Uzma Chughtai raised a valid point; a women judge may transferred to D.G. Khan district, and a woman judge who belonged to D.G. Khan may get transferred to Sahiwal district. This does not make sense. Is this a matter of misogyny, of not letting women succeed by putting unnecessary barriers in their way?

Another issue is the legal community. Some lawyers are doing their work with honesty and whole-heartedly. But a few come to the women judges' chambers and say, "Why are you sitting here? Go home and work there." I can say with confidence that



**“Women belong in all places where decisions are being made.... It shouldn’t be that women are the exception.”**

**Ruth Bader Ginsburg,**  
Justice of the US  
Supreme Court



**Challenges and Opportunities**  
**20th February 2016**  
**Lahore**

women are more hardworking than men, and they often get the highest scores in exams, etc. A few of my female students got first positions and they became Civil Judges & Judges of Family Courts. A few unprofessional lawyers used to harass three of them. They had no choice but to work with more courage but they left the Civil Judge positions. Two became professors in law colleges and the third is a UN consultant. They are in good hands and have bright careers; but it is a shame to lose them. We have to find ways to retain women in the judiciary. We must help and facilitate daughters of the nation, including those in the justice sector. This is only possible when we all remain determined, even if someone speaks nonsense to or about women judges.

Woman judges sometimes are sitting in places that used to be washrooms, and washroom facilities are another important issue for women judges and other women involved in the courts. The first Chairperson of the National Commission on the Status of Women wrote a report on this issue, asking “Where is my toilet?” There are often no toilet facilities exclusively for women in courts, even in the Supreme Court. The relevant Ombudsperson or Committee should take notice of this issue. Committees to address such issues should include at least one woman.

I think the present Chief Justice is gender sensitive, and training sessions on gender sensitivity have been conducted in the Punjab Judicial Academy because of the leadership of Mr. Justice Mansoor Ali Shah. This training should continue, perhaps led by Ms. Irum Bukhari, an earlier speaker today.

Then there is a problem that whenever any female judge is close to promotion to the role of District & Sessions Judge, she is assigned to work in the Law Department, and for five years she remains out of the judicial mainstream. It seems to be done purposely so that female judges gain less experience on the bench. Then if she returns to the judiciary and could be posted to Lahore, instead she is likely to be posted to Chakwal, Bahawalpur, or another district so that her Annual Report does not reflect positively for promotion. This is a disadvantage for a woman judge because District & Sessions Judge Lahore is the position from which a

judge can build legitimacy and get elevated as a Justice of the High Court. One woman was a District & Sessions Judge and she was eligible to be District & Sessions Judge Lahore, but she was not promoted to that post. No woman has yet served as District & Sessions Judge Lahore.

This would be an incentive for other women judges, and for women to take up the legal profession and rise to the top. I was first the woman who became a Justice of the Lahore High Court in 1994, along with two other woman. Because I was the oldest, therefore according to seniority I was counted as the first. Then after a long period of 20 years, Ms. Ayesha Malik was appointed to the High Court in 2012. The next step is that we need a woman to be promoted from a High Court to the Supreme Court.

Most importantly, female judges, you should strive not to be distracted by any of the many gender-related challenges and to do your work as a judge openly without fear.

Thank you very much.

# Presenter: Mrs. Justice Erum Sajad Gull

## Judge, Lahore High Court

Assalam O' Alaikum

Ladies and gentlemen, after Justice Nasira Iqbal's speech, it is difficult to take this place at the podium. After listening to the session in the morning, I want to tell female Sessions Judges and Civil Judges not to be apologetic for who you are; you have every reason to be chosen as a judge. You accept all the challenges that this position brings. You have knowledge, and knowledge brings confidence, so remain updated with laws and be confident. You must be well-read and you must have law up your sleeve (readily available to you). Do not let anyone, whether your colleagues or lawyers, interpret you otherwise. If you are giving your best efforts and delivering well in your work, everyone will ultimately recognize your professional caliber. You have families to look after, and your work is equally important. At work, you are neither a woman nor a man, but only a judge. It does not matter if you have to deal with men, women or children. Remember that you are as good as your male colleagues. You are female, but that is not a barrier; it should not shake your strength and confidence in yourself. You are judges first, not women. If anybody challenges you, take them to task. You are a judge, and no-one, including your colleagues and people who are working for you, should take you lightly. If you take your male colleagues seriously, they will take you seriously.



The classic image of justice is Justitia or “lady justice,” the Roman goddess of justice. She is said to be a representation of moral force in judicial systems. She is a blindfolded woman, balancing scales in one hand and holding a sword in the other. This image of justice is never contested, but the notion of a woman in a judicial gown holding the judicial gavel is another matter. What's needed now is to prove that women judges are without any doubt as competent and hard-working as any male judge.

- **The judicial system of any country must be a reflection of the society. In order to ensure balance, it is imperative to have equal representation of judges from both genders.**
- **We must promote research related to women in the judiciary. We need to identify additional capacity building opportunities for women judges, as well as institutional governance strategies to ensure gender balance in the judicial system.**
- **Organizations such as International Association for Women Judges create a platform for action at the highest levels. They provide a network of support that opens dialogue among women judges and enables female judges around the world to work towards gender justice in judicial and legal decision-making systems.**
- **We also need to prove consistently that women judges are without any doubt as competent and hard-working as any male judge. If you are giving your best efforts and delivering well in your work, everyone will ultimately recognize your professional caliber.**

It is a breakthrough in our country that there is at least some representation of women in the judiciary. The judicial system of any country must be a reflection of the society. In order to ensure balance, it is imperative to have equal representation of judges from both genders. Women's representation in the judiciary encourages public trust in their abilities and confidence in the judicial system. In order to have capable women in our judiciary, we need to build their capacity through traditional training methods as well enhancing their experience through networking at national and international levels. We must promote research related to women in the judiciary. We need to identify additional capacity building opportunities for women judges, as well as institutional governance strategies to ensure gender balance in the judicial system.

Much has been said, researched and discussed about the glass ceiling in the workplace. This is equally true in the judiciary as it is for other professions, not only in Punjab, but all over the world. Organizations and individuals are striving to find ways to break this glass ceiling. Organizations such as International Association for Women Judges create a platform for action at the highest levels. They provide a network of support that opens dialogue among women judges and enables female judges around the world to work towards gender justice in judicial and legal decision-making systems. No doubt we are working in a male-dominated society and many challenges come our way as women judges. We have to be well-informed about new

developments in law, we need to work extended hours, and at the same time we have to juggle and balance our lives at work and home. Confidence, courage and perseverance will ensure gender justice in the judiciary. Thank you.

# Presenter: Ms. Justice Ayesha A. Malik

Judge, Lahore High Court



We have heard some interesting stories and shared fascinating experiences. My story is as follows:-

I have been a Judge for almost four years. I entered this position with great pride and honor realizing that I am the most ordinary of beings, in an extraordinary position. Throughout this time, I received a lot of support and encouragement from the institution, my colleagues and my family.

I always believed that I can do anything, I set my mind to and my gender does not or will not come in the way and I never expected that one day I would be discussing the relevance of my gender.

As a Judge I have often been asked how I manage my professional life and family life? Are my children neglected? Do I go home early? Do I get less work? Do I get easier cases, or do I do work related only to women?

I guess what I was being asked was if being a woman Judge meant that I was different from the real Judges or the other Judges. My answer has always been that I am a Judge and I do the work just like any other Judge. I decide cases just as well as my brother Judges and perform my duties with the same zeal and effort. The only difference is that I take my gender with me, where ever I go. My gender is my identity and it personifies my experiences, my perspectives, and my views; it has shaped my life. While deliberating on this issue, it came to light that the presence of both men and women on the bench, bring a complete understanding of life and the law before a Court. Both men and women have their own experiences. The only difference between Judges is their individuality because of their experiences and this difference cannot be marginalized for a softer image or on account of a quota.

So what is the solution, how do I tackle this notion, that being a woman Judge I may be different?

I work harder, I am more determined. I am focused. I make the effort to integrate, yet I maintain my own space.

I multi-task, I balance my work and my family. I role-play. All day long, I resolve problems, I pass orders. All evening long I am the mother, the wife, the daughter, the daughter-in-law. I work just as hard fulfilling those personal duties.

I am happy with the things as they are. I chose this way of life for myself but that does not mean that I should personify the male version of what a Judge is.

Women judges have a very important role – a role that all judges play but the work expectations are a little higher – for the simple reason that they are women – the women who have to in some way or the other, sympathize with and understand the problems of other fellow women. So, tackle your issues in a way; be that unanimous voice that we want to be today; raise your issues at the right place, say what is required, and at the same time, know that your presence alone is that change – the change that would make a difference – that will change the mindset. Your court room is where you will show your excellence. Your court room is where you will adjudicate and rest of the time your gender will be noted; the issues that you want, the gender to be

- Female judges decide cases just as well as male judges and perform their duties with the same zeal and effort. The difference between judges is their individuality because of their experiences, perspectives, and views, which are shaped in part by gender.
- A woman judge adopts the traditions and values that make up the institution. However, she needs her own defined space that recognizes her gender and accepts it.
- The judiciary must welcome change. The job does not end by merely inducting women judges. This is just the beginning. The system must respond to them and must not require that they conform to some notion that a judge has no gender.

defined as. Don't lose heart on the fact that nobody is noticing it just now. I assure you that as a unanimous and combined voice, we will make our presence felt.

In our system, you know that we have to subscribe to certain behaviors; there are certain expectations; there are certain reactions. We have to deal with those. These are our challenges; these are the things we need to deal with and we have to understand and there must be a unified response to these issues.

The only thing that in the end of the day that matters is who the judge is, not that he is a man or she is a woman but it matters how good the judge is. So be that good judge; be that person that people will remember and be that person where people want their cases to be marked, where litigants will want to come because you will show that you can do it, you can do it well and possibly do it better.

I do not have stories to share of harassment or discrimination. I believe I am a product of this system. I worked as a lawyer in the system. I am now part of the system; hoping to bring about some sort of a change – change that will help all my colleagues who are struggling with the hurdles; the norms and traditions that can possibly come in their way because of their gender. The system now is feeling that change; the changing winds and it is my job, I believe, to participate in that change; to create that space; to create that area where the gender judge will no longer be the default judge, will no longer be the woman judge but will be a judge of this court, a judge of this Province, a judge in the district judiciary.

At the same time, I will urge and later in the sessions, we will discuss that the institution has to welcome the change. The job is not done by merely inducting women. We have brought in the women; we have satisfied the limit; but the job is not over. That is just the beginning. We have to take care of these women. We have to ensure that they get a conducive environment according to their requirements. We have to make sure that the system responds to the gender. We have to make sure that it is no longer treated as a joke, on a lighter note: "Never mind, I don't want to deal with it". No, it has to be dealt with; the gender has to be factored in all decisions.

So, all I can say is that the time has come. We must all work together in a unified manner. Let us use this forum and this occasion and let us try and raise on any such occasions where we can bring out our issues, where we can say that this is where the gender matters, please consider these factors!



# Presenter: Mr. Justice Syed Mansoor Ali Shah

Senior Puisne Judge, Lahore High Court



I am happy and a bit nervous because I have never been on stage when only women are present in the audience, especially a room with 300 distinguished women judges. This is an ideal moment to acknowledge how good it is to have this number of women in the provincial and district judiciary of Punjab.

Actually this conference is also for men because we need to listen to the women judges. I'm glad that men are also sitting here. Media also is waiting to hear, and they will be disconcerted by some of what they hear. I am ashamed as a Senior Judge of the High Court that during the preparation of this conference I learned for the first time about certain issues facing women judges of which I was previously unaware. I consider myself to be a Reform Judge, but I had not noticed these issues, and I feel sorrow that I spent seven years in the High Court yet I did not notice these issues. I am thankful to Mrs. Justice Ayesha Malik that she

convinced me to participate in this conference, and because of this event I have come to know about these issues. And Insha Allah I promise you that we are going to address these issues.

Now I want to urge my colleague judges and all other male judges to please pay attention to these issues that I am going to highlight. I will mention the solutions later. Insha Allah you will help ensure that these issues will be resolved.

First, I want to tell you what I learned about gender issues during the preparation of this conference. Everyone is equal, and male and female judges are equal. No one suggests that a female judge is better or a male judge is better. A male judge can pass a verdict on the same issue as do female judges. This is not the issue. The issue is that when judges come out of the courtroom, there are inequalities in the way women judges are treated, in their working environment. We all are surrounded by gender issues in our environment, and that is what we need to address.

I now understand that it is when you come out of the courtroom, the issues about the environment out of the courtroom if affected by gender disparities that need to be resolved. I would like to explain these issues to my colleagues of the High Court and in the district judiciary, because many colleagues may not be aware of these problems.

I was astonished to learn that there are no chambers for the Women Judges. Is it possible? I was not aware of it. A female judge must instead go to the common chamber. She is a judge, she has to pass a verdict, and has to concentrate on the hearing. There is no chamber for a woman judge, then there are no toilets she can use, and she has to go all the way out from the common room to use the washroom! We should be ashamed of this fact. This will no longer be the case, Insha Allah. I will change this situation. There is also no common room or prayer room exclusively for women judges! And this is also unacceptable. I would ask male judges to note that they daily come from their homes with full preparation and physical appearance; they get their breakfast served, sit in their cars, and come to the courts. They do not even worry about their children because they know their wives will handle the children as well as their homes.

We keep ourselves busy after we arrive in the courts. We do not know when our children go to school and when they return, what is made for their lunch, and complain that our own lunch has not arrived on time, and so on. Just think about the individual female judges who have to think when children will go to school, what clothes children will wear, whether today is a parent-teacher meeting day for children, what children will take with them for school lunch, what will be for the dinner tonight, etc. If we male judges had to think about and make accommodations for all these daily issues, we would be in extreme anxiety.

I have realized this while working with Justice Ayesha. She is in the court, yet worrying also about the day's

menu and everything else at home. I am quite impressed to learn from her that she knows exactly where her sons and daughter are at any moment. She knows about their schools, which function is going to be held in school, and what will have to be prepared for that, etc. Along with all of these issues, she is passing courageous verdicts as well. I would be a total failure if I had to manage all these responsibilities together. Just think about all the tasks she completes before coming to work and all that is going on in her mind, but when she arrives here she passes verdicts at par with her male colleagues. Nevertheless, the High Court is not even bothered to provide her basic facilities such as a separate chamber and separate washroom, in other words to take good care of our female colleagues.

Now consider the issue of postings and transfers of women judges. They must accept transfers anytime without consideration for their families and children. I have just come to know that the High Court does not take women judges' families into consideration in making transfers. We simply say to them go here, there, wherever, and their husbands and children and families must shift with them. Should they leave their family and children in a hostel or to some residence? They do not even get residence while in judicial service. Insha Allah, every one of the women judges should get residence whenever they get transfers. I will propose this to Chief Justice that all women judges should also get extra allowance so that they can hire the services of a maid. The task we ask of women judges is huge, and their work cannot be done in one day. We will eradicate these issues and these insensitivities.

Whatever is in my domain first of all we want to do immediately. For example, the work to approve the medical facility and medical insurance should be done immediately so that wherever you go and live you are facilitated in the best hospital of the area or the best closest hospital. This is not rocket science! I have personally met with several insurance companies; if you agree to pay 10,000 rupees per year, you get access to the best hospitals in the country. We are also coordinating with different banks and requesting these banks to reach out to you and provide you the facility of a credit card. This facility will give you ease of mind that if you do not have cash you may use your credit card instead. The High Court works with several banks that will provide you credit cards, and you will have this facility. Moreover, I will request Justice Nasira, who is my teacher and elder, to speak to Madam Kasuri of Educators so that, for example, we can get special concessions in fees of our children's schooling and perhaps they could arrange evening classes for our children. If a woman judge is getting transferred to another district and the facility of Educator schools if available in that area, the school should be able to transfer the children of that women judge without hassle. This educational facility will be available to you and any time and you will face no problem whatsoever.

I have been insisting on the fact that wherever foreign tours or foreign conferences are being held, women judges will be able to participate free of cost. No such delegation should be approved that does not include women judges from the High Court or district courts; their presence is essential. Mr. Director-General is sitting in front of me, and I request him to ensure that women judges are included in every training course; their presence is mandatory.

Now I want to discuss sexual harassment. A law has been introduced because of the efforts of Fauzia Vigar, who is sitting here, among others. The law states that every organization should have a committee regarding sexual harassment, as mentioned by Madam Nasira Iqbal. Today I will propose to Chief Justice that he establish a committee in the High Court regarding sexual harassment as per law. If any issue arises in a district court, the High Court would directly make contact with that committee. If any kind of sexual harassment is found against

- Male and female judges are equal. The issue is that when judges come out of the courtroom, there are inequalities in the way women judges are treated in their working environment.
- There are no chambers or washrooms or common room or prayer room exclusively for women judges, and this is unacceptable and must be resolved.
- The High Court does not take women judges' families into consideration in making transfers. Women judges' families must be considered when assigning postings. They should be provided residences and extra allowance so that they can hire the services of a maid.
- Transfer timings should take into account the school-year of women judges' children, and Educators school system should be requested to enable easy transfer of children to another Educators school in the city of the new posting.
- Medical insurance should be available to women judges so that they have access to the best medical facilities. They should also have access to a credit card through a special relationship between the High Court and one or more banks.
- All foreign conferences and study-tours must include women judges free of cost, and all courses at Punjab Judicial Academy must include women judges.
- The Chief Justice should establish a committee in the High Court to address directly any case of sexual harassment in the district courts or High Court, as per law. A similar committee should handle any cases of harassment by members of the Bar.
- A committee of female district judges should be constituted to inform the High Court monthly about any issues that need to be addressed.

a women judge by a male lawyer or her colleague(s), the matter would come to the committee immediately. There is no mention of Bar Council in this law, but there is a separate law on the topic. Another committee should also be constituted that will come under Legal Practical Bar Council. If any misbehavior happens with women judges, we can also personally look into that matter. A direct redressal is available for you at the High Court.

Present your proposals on these and other issues to us today. The Chief Justice will be here and the representative of the Supreme Court will be here. I think this conference is a starting point. We have brought up these issues of gender insensitivity, and this insensitivity needs to be eradicated. To fight this war we will need support from all of you. Insha Allah I promise you at the High Court level that we will Insha Allah deal with all these issues this will provide you a positive environment at the district judiciary level so that you can proudly come to your duty stations and so that you do not face any problem in performing your judicial functions.

In addition, women judges will have to change their mindset of dependence because you are equal to male judges, you talk like male judges, you pass good verdicts like male judges. So whatever hesitation or worry you may have in your minds, you should get rid of it today in this conference. Be brave and bold and do your duties as required. I am trying to tell you that the High Court is standing by you. You should take up courageous important issues. We understand that you hesitate, but you do not need to hesitate. Take brave decisions, deal with your issues bravely, and if any individual misbehaves with you, deal with him bravely and bring the issue to us. We will deal with that issue. This is a sort of battle, and we need to fight this battle together, otherwise this will not work as we planned. If you get scared and sit without confronting the issue, then these speeches will not help you. Some of the bold steps need to be taken by you. Your access to the High Court is now available.

Now we also need someone from the district judiciary to stand by you. Mr. Chief Justice, please constitute a committee of the female judges in the district judiciary. This committee will comprise of three to four senior judges who will hold meeting with us every month and inform us about their issues. We do not know what your issues are. This knowledge has been made possible because of this conference. But if such district committees were constituted, then the committees will keep us informed regarding your issues regularly and we can resolve your issues on a day-to-day basis. The committee that will be constituted will have few of my proposals as well.

I would like to thank Justice Ayesha Malik, in particular, who I find to be one of the most professional people I have met in my entire life. She is an icon and a role model for all of you in how she deals with all her colleagues. There is no woman judge in the Supreme Court, but some of these women judges who are sitting here today will Insha Allah go to the Supreme Court as a judge. We will have representation from the district judiciary to the High Court and Insha Allah to the Supreme Court.

Thank you very much to all of you!





# GROUP WORK

## Presenter: Ms. Lubna Ali

District & Sessions Judge / Presiding Officer, Labour Court



Bismillah-hir-Rehman-nir-Rahim. Honourable Chief Justice Lahore High Court, Honourable Judges of the Lahore High Court, Honourable Director General of the Punjab Judicial Academy, distinguished guests, and my fellow judicial colleagues: I joined service as district judge in the year 1989 and remained at such capacity for a period of 13 years, and then got transferred to the Law Department and got promoted as Deputy Secretary there. I became a judge at Lahore, including discharge of functions as Judge at Family Court, then worked as Additional District & Session Judge for nine years and got promoted as District & Sessions Judge in the year 2015. We as judicial officers face numerous challenges, but I shall confine myself to those faced as officers of the court. Certainly both male and female officers get disturbed during postings and transfers, but females suffer the most due to social insecurity.

Female officers cannot live alone. If she is unmarried, she has to shift her parents along with her or one sibling. If she is married, she has also to take care of her children. We are fully aware that mothers have to play a very effective role as there is a strong bonding with the child. We have all passed through phases when our infants and children have caused us not to go to the court. We are also aware that at times it is difficult for family members to shift with us. So we face those challenges and we have to show our effectiveness, including at the crucial time for us when we get transferred to distant places.

We are fully conscious that we joined a service knowing that we could be transferred to distant places. I remember when I was interviewed by the PCS panel in the year 1989 they quite demotivated me by saying that I could be transferred to distant places with difficult working conditions. I said in reply that I was willing to face these challenges, but practically speaking we do face great hardships if we are transferred to distant places.

I would say that the Honourable High Court has always tried to accommodate us by transferring us to places closest to our home stations, but at times there are situations when this policy is not adopted for various reasons. The most challenging situation I faced was when I was transferred to Rawalpindi from Sheikhupura. At the same time another colleague was being transferred from Multan to Rawalpindi. We both requested for a transfer to places closest to our home station, but we were told that it was Government policy as Government had directed creation of family courts at district level to be headed by female judges. I was also told that if I was transferred back to Lahore it could be unjust for another colleague who belongs to Multan who has to travel all the way from Multan to Rawalpindi. I also faced a challenge when I transferred to Faisalabad, where I was only posted for a period of three months. Due to family concerns I could not shift my family there. The Honourable High Court was considerate enough to transfer me to Sheikhupura as it was closest to my home town.

In any case, female judicial officers possess capabilities of meeting these challenges. The more the challenges we face, the stronger we become. It is commonly said that difficult roads often lead to beautiful destinations. According to Ray Davis, a challenge only becomes an obstacle when we bow to it. We are grateful to the Honourable High Court to accommodate us during transfers whenever possible, and we are hopeful that policies for transfer of female judicial officers are formulated in such a manner that their hardships are noted. This is a suggestion that the conference participants have formulated regarding transfers.

I would highlight the following suggestions regarding transfer policy. When transferring female judges, it is requested that when they are transferred to distant places their consent should first be obtained. Stations of choice should be mentioned in the annual transfer reports and should be given due weightage. As most of us have had to move with our children, big cities having good schools and colleges should be considered. Separate rest houses for female judges should be built at each station, and accommodation should be provided immediately on their transfer. Frequent transfers before the tenure of three years should be avoided, and transfer of married females should be made in summer holidays so that the schooling of their children is not disturbed. Lastly, appropriate policy should be extended to those female judges whose husbands are Government servants.

Thank you.



**“A judge is the sum of her experiences. If she has suffered disadvantages of discrimination as a woman, she is apt to be sensitive to its subtle expressions or to paternalism.”**

**Patrica Wald,**  
Justice on the International  
Criminal Tribunal for the  
Former Yugoslavia



Challenges and Opportunities  
20th February 2016  
Lahore

## Presenter: Ms. Mahrukh Aziz

### Additional District & Sessions Judge, Hafizabad



Honourable Chief Justice Lahore High Court, Honourable judges of Lahore High Court, Director Punjab Judicial Academy distinguished guests and my dear colleagues.

This conference has been held to address a vital issue especially encountered in our culture i.e. the issues surrounding the Gender Sensitivity and ways to overcome the same. At the very beginning I intend to make it very clear that in the cultural built up of our country certain issues were marked as a taboo for the ladies. When ladies started joining this service they broke a cultural barrier. It was and still not easy to accept them in their role as judges. I will quote here a few experiences from my service.

“When I joined the service in 1991 there were only three lady judges working in the Punjab Judiciary.” My

second posting was at Sargodha. I was the first and only lady judge to be posted there. When I assumed the charge I was told by the then Sessions judge “all the civil judges have tea break in the chamber of senior civil judge from 10.30 to 11.00 am. It would be appropriate if you don’t go there.” At the same station session judge used to have fortnightly meeting with the judges of the district headquarter. At 3.00 pm his peon would come to me saying “session judge has called everyone for the meeting today at 4.00 pm. Session judge has also said that you do not need to attend that meeting.”

After more than twenty three years in service, when I had decided many murder and rape cases, a bail application in a rape case was filed in my court. The advocate filed the transfer application on the soul ground that “The presiding officer is a lady I do not want to argue the case before her,”. The apprehension of the learned advocate was taken seriously, and the bail was transferred to another judge.

I have narrated only two incidents, there are many issues regarding interpersonal communication and I am sure the lady judges who are sitting here had many such experiences. The purpose was to emphasize the need for gender sensitivity training to all the judges.

Normally “gender sensitivity” is considered to be anti-male or a “war between the sexes”. In order to remove the mental block that may be present in the minds of some of us it must be understood that:

- a) It is not a war between sexes;
- b) Not anti-male;
- c) Both men and women have a stake in the struggle.

The underlying issues in the Gender Sensitivity Training were discussed in detail and these then lead us to certain recommendations on the issue:-

- a) Women are mostly left out of the important decision making process and even at places the junior male colleagues are given preference when it comes to officiating appointments. The district and session judges and the senior civil judges must be imparted training at the time of their promotions and even afterwards on regular basis on gender sensitivity. They should also hold meeting at sessions court level to discuss this issue.
- b) Many of the issues in the judiciary are considered a taboo for the female judicial officers such as exhumations, supervising execution of death penalties, performing election duties and at

some places performing magisterial functions. As already highlighted above, the administrative authority would try to distribute these cases to the male judicial officers. It is recommended that the assignments be distributed on the basis of workload irrespective of gender and where the criminal and civil work has been bifurcated it should be rotated after a certain interval.

- c) Even while appreciating their work in a general meeting certain expressions are used "she has done this despite being a female, you should have worked more than she did."
- d) Attitudes like this create an uncomfortable working environment. It is very essential that the perception that women cannot be good judges or that they cannot perform certain kind of duties is dispelled by imparting gender sensitivity training to all the judicial officers. This training needs to be initiated at the level of judicial academy when the incumbent judicial officers join after selection. These may be held in the form of working groups and group discussions among the prospective judicial officers. More emphasis should be on the training of the male judges. So they could realize that their lady colleagues' judges are equally competent.
- e) The ratio of female judicial officers as compared to male officers still remains less than 10% at the District Judiciary level while it is almost negligible at the higher levels. There is a need to improve this ratio so that at the one hand female judicial officers grow in confidence and at the other hand the male officers also become accustomed to the presence of the female judicial officers.
- f) A questionnaire be given to all the judges in order to conduct a survey regarding their gender related issues and then it can be incorporated in their training session how they can overcome/ deal with these issues.

We are the ones who provide justice to the common people. We look upto and expect from our superior judiciary that they would encourage us if our gender related issues are resolved.

## Presenter: Ms. Misbah Khan

Additional District & Sessions Judge, Faisalabad



Bismillah-hir-Rehman-nir-Rahim. Honorable Chief Guest, Honorable Senior Puisne Judge Supreme Court, Honorable Chief Justice Lahore High Court, Justices of Lahore High Court, and distinguished guests and colleagues, Assalamo Alaikum.

I am thankful to the Lahore High Court for recognizing and believing in our administrative qualities. This wonderful event has been placed with the galaxy of stars through the leadership of Justice Ayesha Malik. Involvement in judicial administration starts from the oath taking ceremony, and there is no distinction between the duties of male or female judges. Rather, a judge is a judge, not a male or female. Time has proven that women judges are as good administrators of justice as men, and they conduct themselves in service matters without any fear, favor, or drama, just like male judges. One of the glittering examples of female judicial administrators is Ms. Uzma Chughtai,

District & Sessions Judge, who has successfully run three district courts, namely Rawalpindi, Chakwal and Sheikhpura, as District & Session Judge. Women judges have served and are serving as active members of different administrative committees, including purchasing committees, promotion committees, and recruitment committees. All of these committees are headed by Senior Civil Judges. Despite several hurdles of different kinds, women judges have demonstrated their administrative abilities to prove their worth.

Approximately for the last ten years, women judges also have been posted as Senior Civil Judge, which reflects that the Lahore High Court has full confidence in the administrative quality of women judges. Many lady judges including myself have performed as Senior Civil Judge in multiple districts. Presently female judges are conducting jail trials, dealing with the most serious crimes, and they are also executing death warrants.

To improve the quality of our work, it is suggested that women judges be given preference to receive updated knowledge, and that various resources be provided to women judicial officers on a priority basis.

We have several excellent mentors for women judges, including Judges like Ms. Lubna Ali and Madam Mahrukh Aziz. These women are mentors based on their long-standing service, persistence, balanced approach, and dignified manner. They have executed administrative duties in an outstanding way, and they have paved the way for other girls and women to join this prestigious profession.

The number of women judges has reached to almost 300, but this is not the limit. One day InshaAllah many districts would be led by women District & Session Judges, and one day again InshaAllah there would be a representation of women in the establishment of the Lahore High Court in positions such as Registrar, MIT, etc. Now it is up to us to explore and open more and more opportunities for women judges to demonstrate excellent administrative capabilities. Women judges, we all must put our hearts and souls into our work to prove that sky is the limit.

Thank you.

## Presenter: Ms. Raheela Omer

### Additional District & Sessions Judge, Kasur

It goes without saying that today we have gathered here under one roof for bringing to limelight the infrastructural problems being faced by the female judicial officers and their solution. It is as bright as day light that in the contemporary era infrastructural problems for to judicial officers without discrimination of gender are manifold. It is true that the infrastructural problems have marred the efficiency and pace of performance of both genders. However, it is pertinent to emphasize here that female judicial officers and their working is more effected as compared to that of male judicial officers on account of their structural and biological combination and chemistry. At times, it happens that a female judicial officer craves for immediate break at some suitable place or she is desirous of attending the call of nature forthwith. Ours is a male dominated society and in such like society where every lady takes every social matter and step with a pinch of salt and feels shy in public, there are (among other working ladies) female judicial officers who have to perform their official duties in the given and unfavorable circumstances especially in the male segment of society. In this backdrop, the infrastructural problems make the situation more pathetic for the female judicial officers. The infrastructural mechanism which is in vogue for female judicial officers does not cater for their working needs. Here we are to bring to limelight certain infrastructural problems along with their solutions which are contemporarily being faced by the female judicial officers such as:-



#### i. Non availability of proper court rooms:-

It is open to everyone that there is paucity of proper court rooms for female judges. It is better to facilitate them with proper court rooms. If it is not possible immediately then it is advisable for the time being that their existing court rooms (in which they are presiding) may be made more work-oriented for them. It requires just a little change in the form that except Reader and Stenographer all the other relevant staff and record of court pertaining to female judicial officers may be shifted to some suitable place and for this purpose a big hall equipped with furniture and fixture having one roof may be constructed. This nominal change shall matter a lot and make a big change in the working efficiency of the female judicial officers.

#### ii. Non availability of washrooms, chambers and day care centres:

There is non-availability of proper washrooms, chambers and day care centres for female judicial officers and their kids. It is because of lack of proper infrastructural facilities. Albeit Honourable Lahore High Court is making its best to cope with this situation yet it requires a long time to overcome this situation. In this scenario, it is advisable that there must be some common area which may be specified for all the female judicial officers posted at a station wherein they may be facilitated with common place for sitting, offering prayers, making discussion about legal matters/proposition and taking refreshment during break time.

In these areas, there must be a day care centre for the children of married female judicial officers. These day care centres would require a little space and a few female staff members or maids for taking care of infants proportionately.

#### iii. Non availability of conveyance

There is deficiency of accommodation, conveyance and drivers for judicial officers at not only at all



**“[With women in the judiciary,] the justice system will clearly benefit from the contributions of the most brilliant legal minds and ... will inevitably inspire confidence.”**

**Désirée Bernard,**  
First Female Judge of the  
Caribbean Court of Justice



**Challenges and Opportunities**  
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Lahore

levels but every station. Both male and female judicial officers are facing the problems at some level. However, the situation is more miserable for female judicial officers because of the reason that most of them have to reside at their place of posting alone or only with their kids away from their spouses because the latter have to maintain their position in the area they live in and strive for livelihood. It has been found that at most of the stations in various districts the female judicial officers are accommodated either in a judicial rest house on ad hoc basis or in a building where there are also other male judicial officers. There are many stations in the Districts of Punjab in which there are few female judicial officers and due to this reason, they have to live in the same building or rest house which is used by the other male judicial officers and other guests. In this way, they feel insecurity and unease which create problems for them in the short and long run.

Similarly, most of female judicial officers do not have their personal vehicle and if they have it then most of them cannot drive it on their own. Mostly, their male family members are not found available due to the above said reasons. Its solution is very simple. Unless the judicial department becomes able to make arrangement for separate official accommodations, conveyance and driver for every judicial officer, it should make at least adhoc arrangement and allot apartments of suitable sizes in a common specified area for the female judicial officers and, similarly, a common shuttle service may also be provided to them so that it may provide ease and convenience to the female judicial officers.

At the end we must say that if the above said recommendations are considered by taking considerable view, it shall go long way to cope with the infrastructural problems faced by the female judges in the judicial arena.

As a representative of all the female judicial officers who have gathered under this roof I am really thankful to the Honourable Lahore High Court, Punjab Judicial Academy and all the authorities concerned, who are at the helm of affairs, for giving us an opportunity for expressing our inner feelings and floating the above mentioned solutions. Concerning the matter under discussion.

Thank you



## Presenter: Ms. Bushra Zaman

District & Sessions Judge, Anti-Terrorism Court, Gujranwala

Bismillah-hir-Rehman-nir-Rahim. To start with the name of Allah (God) all praises are for him who helped me in every step. Respected Chief Guest the Chief Justice Lahore High Court, Lahore, Respected Director General Punjab Judicial Academy, and respected Justice Ayesha Malik, today at the last moment I have been asked to deliver a speech on my general experiences.

First of all let me tell you that in 2004 I was inducted as an Additional District & Sessions Judge, after 11 years of experience as an advocate. At that time my child was just five years old, and I was always a single parent to my child. I entered in this profession with dedication and whatever situations had been there I always faced it. I never accepted defeat and have never learnt to accept defeat. The reason for telling you this is that life is not a bed of roses; we cannot always weep over the issue of gender bias. We will have to change our own attitude. I have always noticed a respect for me in the eyes of others.



When back in 2004 I was inducted, I had many personal problems and issues at that time, and in all my pain and problems I found that my male colleagues stood by me. They helped and supported me in all my problems. I have served nine years in Lahore, and during this service many times I was chosen for administrative work. Even in this case my thanks to God that my seniors and juniors in the High Court helped me a lot, especially male colleagues. After that Allah (God) has chosen me for another task and that was of being Additional MIT Lahore High Court. At the time of my induction, I was asked whether I could work like Irfan Saeed? Irfan was the then additional MIT Lahore High Court. I replied that I may not be able to work as well as Irfan Saeed, but I will try my level best to perform my duties according to your wishes, and I worked there for three years.

I faced different administrative challenges in those three years, and completed all these tasks efficiently with the help of my seniors and respected judges of the High Court. When I was posted as District & Session Judge, I was told that I would be posted at Anti-Terrorist Court. My first question was, "Can I do it?" They replied "We have the confidence in you." I said if you have confidence in me I will accept this challenge. For the last one and a half years I have been working at Anti-Terrorist Court Gujranwala. I have faced many difficult situations there, the way Tehreek Taliban Pakistan (TTP) terrorists arrive at these courts. Once I had to decide a case where TTP Asmat Ullah Khan was convicted of hiding ammunitions in a truck, and I was threatened about consequences of my decision in the case.

Today whatever status you have as Civil Judges, Additional or District & Sessions Judges, or Judges of the Lahore High Court, you have been selected by Allah (God). It is not a job, it is a sacred trust by Allah Almighty. If selected by Allah (God), then problems/hurdles do not matter at all, so there should not be a gender bias on Allah's given job. My colleagues have always supported me, treated me with respect. I received support also from the High Court from my legal facility and from lawyers as well. One or two incidents did happen to me, but I reacted with the same stiffness and attitude. My experience of entire life is that you should work hard with determination keeping in mind that Allah (God) is looking at you and you are directly answerable to Allah Almighty.

As far as infrastructure issues are concerned, while working in administrative field as Additional Secretary, I have noticed that the problems are usually related to the budget. Still I am hopeful in the light of the speech of the Honorable Chief Justice that now we will see more positive changes. Rapid changes will occur and these will be for our welfare. May Allah Almighty give us strength to support and help each other without gender bias.

Thank You.

# CLOSING SPEECHES

# Presenter: Mr. Justice Mian Saqib Nisar

Senior Puisne Judge, Supreme Court of Pakistan

Bismillah-hir-Rehman-nir-Rahim. Respected Mr. Ijaz Ahsan, Chief Justice Lahore High Court, respected senior judges, Justice Ayesha Malik, Lahore High Court, and my beautiful and groomed daughters. Very encouraging to hear from you very constructive, very positive approach this is what I expected. Today's topic is "Challenges and opportunities for women Judges". Objective is intended to explore the possible solutions to common issues raised by the women, judges in particular. So, the topics "challenges and opportunities"; to explore common solution of their issues.

Even we do not write about any issue as we do not have any issue at all. I am so surprised that whatever discussions have been made is so ordinary that I do not consider it any issue. There is no problem which has been provided to us which is not manageable. It is a matter of moments. I will request Mr. Chief Justice who is head of the Lahore High Court that he suggest solutions to your problem according to your wishes and suggestions, and constitute a transfer policy with your suggestions. Your concentration is very essential for the solutions of the problems you have mentioned. Chief Justice is a person of soft heart as well as his team and colleagues.

Mr. Ashfaq Ahmed has been a very famous playwright you will find many of his novels; one of his novels has a character of an old man in every story of that novel. Who is that old man? Once Mr. Ashfaq defined the character of that old man he said that old man is a person who is there to facilitate and help others. Mr. Chief Justice you are father like figure to this organization try to be that old man of this organization and think about welfare of its members. Few of the speakers who have already been on the podium mentioned some of your



- **Gender bias and gender insensitivity are unfortunate truths of our society, but do not be frightened of it. This fight is being and will be fought at every forum. Today you have proved yourselves with your perseverance and willingness to struggle, and once you do this believe me no one will be able to compete with you.**
- **Your transfer policy is definitely an important issue for women judges, and I request that this policy be reviewed and amended by the High Court in the view of your recommendations.**
- **I request also the attention of the High Court to the infrastructure of courts to address the needs of women judges. Sufficient funds should be made available for this purpose.**
- **Other important issues raised today by all of the speakers should be examined by the High Court, such as transportation and accommodation, especially for the convenience of women judges.**

problems; I would touch those problems now but before that I would like to take the opportunity to speak in broader terms. I would like to introduce you with the status of judge while I speak in broader terms. I would like to share my feelings with you, who is a judge? A judge is a name of quality. Judge is bestowed by the Almighty that only He alone can do the justice and you all are delegates of Allah, what a tremendous honor you all carry!

Prophet Muhammad (S.A.W.W) made Muaz Bin Jabal a judge of Yemen and made him sit on a horse and said only Bin Jabal can ride a horse as a judge of Yemen. Bin Jabal's mother said to Prophet Muhammad (S.A.W.W) that this practice would not be accepted that Bin Jabal ride a horse in your presence, Prophet Muhammad (S.A.W.W) replied that lady you are not aware of the prestige and honor of a judge. My prophet Muhammad (S.A.W.W) had recognized it and you all are reality of that recognition. A famous scholar Molana Tariq Jameel was delivering a sermon/speech in some event, I was also presented there. He told that on the Dooms Day there will be the highest point of humidity and heat around the globe, in that situation name of certain people will be called and they will be instructed to stand below a shadow of some huge tree. The people who will be called to stand below the soothing shadow of that tree will be the judges of the society. This is the status

of your profession, Hazrat Ali (R.A) said that status of judge is very high and it is so full of responsibilities that in every era a judge needs to get slaughtered for truth and justice just like an animal gets slaughter by a blunt knife, so these are the obligations of a judge. Judge is important in our religion and in versions of English and American societies as well. Take an example of Thurgood Marshall who was a black and renowned judge of American jurisdiction and I have already quoted him few days back. I have quoted him in one of my judgements he says; "One of the scourge which they have inflicted upon society is incompetence, partial and corrupt judiciary. I do not want to become a part of such a scourge which has inflicted us." Let me interpret this quote for you "That when ALLAH (God) sends punishment to any civilization/nation it comes in the form of unable, corrupt and incompetent judiciary." You and I, all are part of this judiciary. When I spoke to you about today's topic, I thought what actually (challenge) is. Then I thought that we should first learn about the definition of challenge, that what challenge means.

"Call to someone to participate into a competition; by virtue of defining of the challenge you have been asked to participate into a competition and what is the objective of the competition, that is the task to a situation to one for the purposes of testing his abilities." That you become part of this competition to test your ability this is also a challenge for you; rest of the challenges remain there however what are the challenges of being a judge? Judiciary as a whole is a basic inward challenge. Forget about the outward challenge at the moment and let us explain about inward challenge. The most important and basic necessity in understanding inward challenge is to be aware of complete tools of justice. You should have all the tools of justice in your sling/arsenal that how you are going to provide justice to the victims. The biggest challenge is your character/conduct and test of your training of law. Because you will have to apply that knowledge of law in order to provide justice, you cannot provide justice to people on the basis of your will or caprice.

You have to adhere to the principles of law; you are the judges you are not like a person who sits under an oak tree. (Sir Syed Ahmed Khan was a great judge. He said; "judge is a contrast of any person who sits under the oak's tree and decides cases and issues between the parties according to his own will caprice, no you are the judge and the judges (imam) who know the law. Law is a great challenge for you as a judge might be, my sisters my daughters, must know the law. You cannot decide the dispute between the two parties according to your own will and opinion. No you cannot do that. Please kindly learn the law.

I am your father I am your elder brother. If I cannot talk to you openly then no one will come to advise you. Most of the cases which are referred to Supreme Court are only there because there has been error committed by the lower part of the judiciary. That is where we have to get ourselves and this is the organizational challenge before the entire judiciary. I have said that few days back while giving a lecture in judicial academy.

Many senior session judges were presented there. I said to them that Masha Allah, you all are on top level of your profession. There were possibly one or two of my daughters (lady judges) in the sessions judges as well. I asked from sessions judges that on what grounds if some person files an appeal against the judgment of the court? Few of the judges were ambiguous and few presented their opinion. Then I asked from a friend who probably was from Sindh that in what circumstances can a person file such appeals. You are district judges of appellate courts so you tell me under what circumstances/situation can a person file such appeal? He remained quiet. Then I asked don't you know about CPC. He remained quiet again. So this was a challenge. When we commit mistake regarding law, in fact, I think that this mistake will lead to injustice and we will have to bear the burden of failure after this injustice. You would think that we could not fulfill the responsibility delegated to us by Allah (God). This is a challenge that you will have to meet together. The issue of residence, bathrooms are not challenges for you. Believe you me, it is not a challenge; you will have to do a distinction between these types of challenges. Today, you have one important challenge as well as a duty and that is to provide justice. You will have to adopt criteria of an honest judge as described by Hazrat Ali (R.A) in a letter he wrote to the governor Ashar you might remember or heard about it. In that letter, he described personality and qualification of a judge to the governor. This is your challenge and you will have to fulfill these required qualities. My dear sisters and brothers this is your challenge! These trivial and small obstacles are just as described by national poet of Pakistan Allama Iqbal "Oh eagle, do not be frightened by the furious, violent winds, these winds blow only to make you fly higher". So these mentioned obstacles are those which teach you ups and downs of life and do deliver best results in the end.

Just now it was said by a lady judge that I have been treated very well by the male judges, they all are just like

my brothers; they never offended me or inflict any problem to me and in fact helped me in many ways. Our biggest challenge is not the positive approach that we have; it is the negative approach that is our challenge. I feel bad when there is negative talks/impression expressed about my country. God forbid when I go for some conference in foreign countries the representatives there speak about different problems of Pakistan. It gives a negative message that world can only see problems of Pakistan. The beauties and positive things about Pakistan are not visible to the world out there. Why do we give impression of a dejected nation, why our constructive approach is vanished?

I am aware that I am not addressing a rally or a political forum; I am speaking to my children. Children who are to stand by me, who are my companions. I am judge of the Supreme Court but it does not mean I am superior than you. Courts are established to provide justice whether its lower courts or Supreme Court. Whatever difference we may have is for the sake of justice only. This is that constructive approach which you all need to use in your professional lives. The day you will learn to follow this approach, this Gender Discrimination will end itself.

Someone just spoke about the infrastructure problems; this is not a big deal to cope with such problems. These problems can be resolved by the district level judges. We will resolve these problems soon. This is not an issue. As we know about your problems, as a father of institution at the level of district or High Court, whatever reason/problem, I do not want to go into the details now, that is why these problems have not been solved yet. You will have shoulder to lean on. We are confident that the Supreme Court is out there, provided that we find that you are able to dispense justice according to law. If you are there to dispense justice we will facilitate you and Insha Allah (God willing) we will provide every bit of facility needed for this purpose. Just show us the fulfillments of justice according to the requirements; I am not here to undermine you. Masha Allah I have witnessed very beautiful judgments from you in past. And at least 25 cases on daily basis go through my eyes where there are judgments all over Pakistan and I feel very happy when I pass these judgments, as I am aware that this judgment was written by some of my daughters. We at the Supreme Court dealt with 17 cases few days back and from these cases probably at least 10 cases were written by my daughters if I am not mistaken. The daughter who is working for me (as a clerk), I do not know her parents are proud of her or not, but I am really proud of her. You are second to none. Use your credentials and show your skills that people will know how good are you. Show that how beautifully you can write yourself, how beautifully and best you can conduct yourself.

So the first thing I am going to request to you is that please do not be prey of gender bias/ gender sensitivity .This is unfortunate truth of our society but do not get frightened of it, this fight is being and will be fought at every forum. But this fight is not new to us. Let me give you two examples here. For example in 1832 the law



was enforced in the UK to recognize the rights of women and then in 1872 a National Movement for Women Suffrage in UK was launched. Women got right to vote in the UK in 1928. In USA 19<sup>th</sup> amendment of the Constitution was the right to vote which was presented in 1920. How it was presented? Why was it presented? Did they get that right by sitting at home? No, they had to struggle for it. Today you have proved yourselves with struggle and once you do this more appropriately, believe me no one will be able to compete with you. And the definition of the challenge which I read to describe contradiction with you, will 100% represent you. You will be our class; there will be no competition as far as my lady sisters are concerned.

The other issues are of less importance. Try to concentrate and you will find that the developed nations are those who followed the rule of law. Secondly those nations get progress and development whose entire population participated in the cause. You (females) are 49.2% of our population. Is it not unfortunate that representation of 49.2% is probably 5.8% only. Take example of medical profession Our daughters are performing better than males in the profession. But when the time arrives of them being functional in the field they get married and get shifted to different part of the country, and go out of the main stream. You perform very well as a student of law, but I have noticed that very few join the profession. Why? It is a perception that lady judges do not get postings to the High Court, and no lady judge has made it from High Court to the Supreme Court until today. This gives an impression to me that this is the reason that they leave their profession after studies.

So many daughters are sitting here today; Madam Nasira Iqbal had become judge although she entered in the profession late after her children had grown up. She became a graceful personality and judge of the Lahore High Court. You need such passion and consistency that Madam Nasira showed in her profession. This is your challenge. The day when you meet these challenges you will be able to overcome the small issues. I request you to struggle with determination and passion. These are the challenges where your power is overcome by your arrogance and then your arrogance overcome by your ego. Then our ego gets hurt and then the snake of ego inside us insists us to sting back because we are hurt. Try to treat others with courtesy, deal with the matters that come to you with honesty to help others. Probably it was Mr. Justice Hamood Ur Rehman. As I remember an incident related to him, one day he was a little upset regarding some matter so he adjourned the hearing. After two or three days, someone asked him that did you not have anything to say that why you adjourned that day? He replied that every mind is not judicial so that day I got little angry. I request you to not get angry, even I myself vowed to not get angry. If you speak loudly to the applicant then the judge will not be the same judge which he should be. Because applicant is victim and arrived at court for justice and resolution to his/her problems, therefore we should try to consider such attitude as our challenge and resolve them. This is my message to you today. Now let us discuss the problems of your transfers, as I already mentioned transfer issues. Your transfer policy is definitely a basic issue, because you will have to raise your children and look after your families. You have many other duties and I will definitely request about this policy to the High Court in the view of your recommendations. I would request to the Chief Justice of Lahore High Court and my all other friends who are in the High Court that facilitate this issue and be an old man about which I mentioned earlier, old man of Ashfaq Ahmad who provides facilities. There should not be any hindrance in doing this, so they provide you this facility.

Secondly Ms. Mahrukh Aziz talked about discrimination and she gave us two examples in this regard; she told us that when she was therein with the session court, the session judge used to call her for meetings but never invited her to share a cup of tea. Where is that madam? Here you are, when you become a session judge do discriminate with male colleagues that they come to know how bad the feeling of being discriminated is. You must know when our prophet Muhammad (S.A.A.W) gave the last sermon probably in year 632. I perhaps remember the exact day (according to Georgian calendar) it was 9 March 632. Our Prophet advised for equality. If you pay attention to the essence of that sermon you will come to know that equality had been advised and practiced in our religion many hundred years ago. All other equality matters such as American Bill of Rights established in 1600. In America, the right of equality of black people to travel in bus compartments was granted in the 1960s, whereas our religion granted rights of equality in year 632. We have recognized this principle of equality long ago, our Prophet Muhammad (S.A.A.W) advised equality in his sermons and this stands as an order for us.

I must admit that being a man myself when you were telling about your experience of discrimination I felt embarrassment. It is very sad that gender discrimination happens at this level and by literate people. If such attitude is expressed by illiterate people we can understand that there might be a cultural issue, but when such discrimination is expressed by session judges then I can only be embarrassed and request an apology

on behalf of my colleagues. Let us move to the next issue, Ms. Misbah has said that being a female judge she is very good administrator. There is no doubt about it. The way you administer your home, administer your husband these are examples of good administration and we do acknowledge your ability. Let the judges bear responsibilities of their administration, as they have possessed the administration and other things.

Yes Ms. Raheela,, judges should have facility of accommodation; infrastructure should get improved for everyone. I was the first ever law secretary lawyer appointed; I was not the judge at that time, I got the chance to examine in some course. The access to justice you are getting today, I negotiated that when I went to Philippines. During that negotiation I had to visit different courts. I was in Bhaiperu area near Sahiwal city of Pakistan. I felt really sorry for the condition of the court; from inside there was a single compound and a single bathroom. There was a single commode very old and broken and judges were using that washroom, so we definitely need to improve our infrastructure. I would like to request exclusively that please pay attention to our courts as it is very important organ of the state. Without courts existence of any state is questionable. There should be sufficient and respectable funds available according to the status of the judges and status of the courts for the infrastructure.

A judge should reach at courts, conferences by respectable means, I remember long time ago there was a function in Avari hotel I was a lawyer that time, I saw a judge standing in the wait for conveyance I asked him where are you going? He told me he was going back to his home. I said sir you will not find conveyance at this time of night. I insisted him that I will drop him. Upon my insistence he sat in my car. As we were near his house, he asked me to drop him off to avoid any inconvenience that may be cause to me. I insisted that sir I will have no problem in dropping you at your house, and finally I managed to convince him and reached his house. It was a single room just above the buffalo ranch in tacky area. That gentleman was a retired sessions judge and Ikhlaq was his name. This is called principled and man of character but then I also have a feeling that if you being a judge sitting in a public transport and a Mercedes or BMW vehicles crosses by you, this will definitely not feel good and will be a part of your problems. You should have at least a respectable back and forth transport system to reach at courts. To ensure this we should facilitate you by creating pool system for judges. Especially for lady judges. This system needs to be created that you can have facility of reaching at your courts respectfully and with convenience.

I would like to congratulate organizers of today's conference, Justice Ayesha Malik I really commend you it is a very great job. This is the start of it. Today you have introduced them with their rights, as I have been telling this since long. You all should implement your rights by yourself, Insha Allah (God willing) these all works will be done gradually. Do not be hasty in their completion neither should you get agitated. You will have to raise your voice these are not big challenges instead these are your small issues, which will be solved Insha Allah (God willing). I am very happy and felt good that the organizers of this conference provided an opportunity to me that I came here and witness these beautiful faces. These faces which are shining with happiness. Strength you be lady judges of time to come. May Allah (God) keep you in his safety and blessings!

Thank you very much.

# Vote of Thanks

## Mrs. Justice Ayesha A. Malik

Judge, Lahore High Court



It has been a long and eventful day. We have heard different speakers, share their views on gender and the Judiciary. We are wiser now in knowing that gender sensitivities are relevant and important and must be factored into the profession. As a woman, when you choose to enter the judiciary you embrace all the traditions and values, the existing system has set in place. There is support and encouragement which makes each working day better than the one before. However, there does exist a way of thinking, a presumed way of behavior, a given response that pulls the system away from gender sensitivity.

Today we have identified some areas where the common voice of this Conference has agreed that a gender conscious policy could resolve. A policy which will make the system sensitive to the gender's requirements.

To summarize the requested interventions as we have heard today:

1. Infrastructural change is the biggest issue. The need to protect the privacy of the women judges requires a hard look at the work environment. The lack of residence for the women judges, chambers and washrooms are of serious concern. A designated prayer area and a day care center to help the working.
2. The judges know and realize that when they opted for this profession they accepted the requirements of the service. As the service is learning to create space for the women judges, the women are also learning how to make their presence felt and needs responded to. There must be a continuous effort to sensitize to the gender, through training and through workshops through regular dialogue with all stakeholders.
3. Most important is the preservation of the gender. Her status as a woman judge challenges the traditional understanding that a judge has no gender. As a women judge she brings her experience, her perspective her views and opinions as a major contributor of society. These often get labeled as unnecessary or inappropriate or unacceptable to the existing structure. However, an institutional response to preserve and protect the gender and recognize her as an equal participant at every level of the decision making process will promote the acceptability of the woman judge.

With these thoughts and recommendations, transfer/posting and all administrative functions, there should be a cell within High Court which will consider the gender issues and give its recommendations. With these thoughts and recommendations, I would like to thank everyone for participating in the Conference. I would like to thank all the guests for attending Mr. Justice Mian Saqib Nisar, Honourable Senior Puisne Judge, Supreme Court of Pakistan for giving time and support and being the Chief Guest. The Honourable Chief Justice, Lahore High Court, Lahore, who has committed to encourage women in the judiciary. I would also like to thank the Honourable Senior Puisne Judge, Syed Mansoor Ali Shah and all my brother Judges who have graced the Conference with their presence, the Punjab Judicial Academy and the Director General and its Directors, the Punjab Commission for Women for their support and Ms Ashley Barr and the other Members of The European Union, Access to Justice Program and to the organizing Committee i.e. Ms. Uzma, Ms. Shahida, Ms. Jazeela, Ms. Raheela, Ms. Ayesha and to the entire staff in helping to become together in the Conference. The speaker/panelists and the Lady Judges today it has been an absolute honor and privilege to be surrounded by such an enlightened group of women.



# ANNEXURES

**Presenter: Ms. Fauzia Viqar**

Chairperson, Punjab Commission on the Status of Women

## Women Judges Conference Lahore High Court & Punjab Judicial Academy

GENDER ISSUES AT THE WORK PLACE

February 20<sup>th</sup> 2016

By Fauzia Viqar

Chairperson: Punjab Commission On the Status of Women



## Status of Women

- Pakistan ranks 144/145 in ranking of the Global Gender Gap Report 2015- WEF
- Economic Participation & Opportunity- 143/145
- Labour force participation – 140/145
- Wage equality for similar work (survey)- 88/145

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## Women's Labor Force Participation -Punjab

- Significant gender disparity in Labor Force Participation rates for Punjab 2014-15- LFS 2012-13 Women's LFP 26.4%
  - In Rural areas females are mainly employed in agriculture sector
  - Services is the dominant sector of employment in urban areas
  - 55% women are in informal, temporary, casual and seasonal work- Hence their economic vulnerability is enhanced- Only 2% Women Permanent workers. 53% Male permanent workers (LFS)
  - Wage disparity is evident in formal sector and in Public Sector Employment-
  - Almost 50% females fall under the lowest wage bracket i.e. those that earn up to PKR 5000, whereas only 7.2% males earn this much.
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## Labour Force Participation

- Majority women concentrated in a few occupations and industrial activities which have low productivity levels. Consequently wages are depressed.
  - Low mobility prevents participation of women in more productive sectors.
  - Data on access to financial services reveals gender disparity in the number and value of deposit accounts held at Public Sector Banks. However micro-finance institutions such as Akhuwat have filled this gender gap to a considerable extent
-

## Punjab Women's Empowerment Package 2012 & Initiatives 2014

- Legislation
- Protection
- Economic Empowerment
- Public Sector Employment
- Education
- Health
- Mobility

### Legislation

- The Protection Against Harassment of Women at the Workplace Act, 2010
- Punjab Commission on the Status of Women (PCSW)
- Punjab Fair Representation of Women Act 2013- 33% participation in boards, committees, task forces

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## Legislation

- The Punjab Partition of Immovable Property Act, 2012
  - Punjab Land Revenue Amendment Acts, 2012 & 2015
  - Punjab Marriage Restraint (Amendment) Act 2015 and “Punjab Muslim Family Laws (Amendment) Act 2015 provide for stringent punishments for child marriage & requirements of a Nikah Nama
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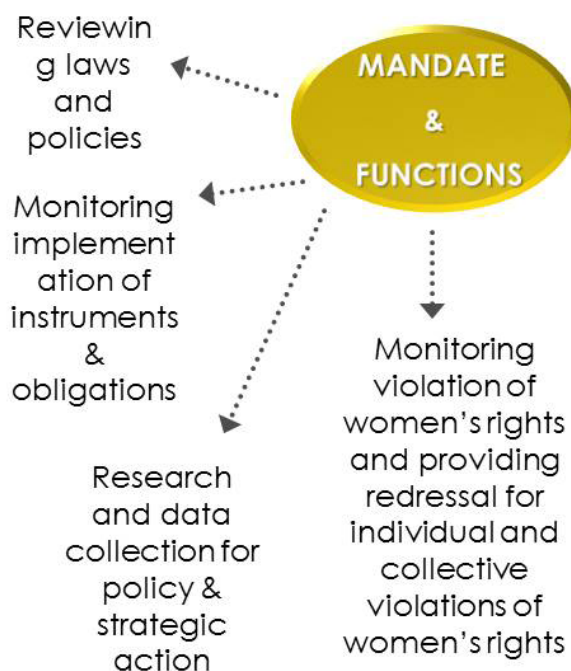
## Public Sector Employment

- 15% quota for recruitment of women in public sector employment
  - 3 years additional age relaxation
  - An additional chance of transfer to support working women with family considerations
  - Improved amenities (washrooms, prayer areas, hostels, day care centres)
-

## PWEP- Supports

- **Day Care Centers:** To facilitate working mothers PWEP provides for the establishment of the Punjab Day Care Fund and a flagship day care center at the Civil Secretariat set up
- **Maternity Leave:** 90 days at any time. Leave deemed approved when submitted.
- **Paternity Leave:** A week's paternity leave is also provisioned to male employees for two children. Out of 62 institutions who provided their data, 40% provide maternity and paternity leaves.

## Punjab Commission on the Status of Women



- The Punjab Commission on the Status of Women (PCSW) is a statutory, autonomous body established in February 2014 for promotion of women's rights.
- Its major objectives are: **Empowerment of women** and **Elimination of all forms of discrimination against women.**
- Under its redressal mechanism, **a complaint can be filed by phone, post or visiting the Commission's office.**



## Harassment at Public Places- Punjab

### 2014- PPC Section 509

- Total number of FIRs lodged: 29
- 2 cases have been withdrawn.
- 19 cases have been successfully resolved.

### 2015

- No case of harassment at work place reported in 2015.

source: IG Office



## Punjab Women's Helpline: Harassment Statistics

### Complaints

- Complaints lodged between August 2014 – Present: 22
  - Complaints resolved: 7
  - Complaints closed: 9
  - Complaints in-progress: 6
- Division by sub-category:
- Harassment at Workplace: 4
  - Harassment at place other than work: 14
  - Other matters related to Harassment: 4

### Inquires

- Inquires related to harassment: 207
- Inquires about Harassment at Workplace: 96
- Inquires about Harassment at a place other than work: 35
- Inquires about other matters related to harassment: 76

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## Participation in Decision Making

- Punjab Judiciary - 16% female judges vs. 84% males.
- Highest % of women Civil Judges
- No District and Session Judges.
- Lahore High Court has only 3 female judges.
- Governing Bodies of statutory entities: 7% female Heads of Boards.
- Secretary and Directors of Boards- 1 female to 9 males.
- Board members- 2 females to 8 males.
- 13.55% in Grade 18, 5.5 % in Grade 19 and 10% in Grade 20. One in Grade 21 and none in 22. "Glass ceiling"

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## Female Representation in Civil Society Organizations

- In civil society organizations, women continue to be underrepresented in decision-making positions.
- Of the non-profit sector organizations registered with the Social Welfare Department, the majority of the workforce is male; 81%, compared to only 19% females.
- The number of females in press clubs is negligible; with no females in leadership and/or executive positions such as President/Chairperson.



## Women's Access to Education

*Women often lack skills required by a modern labor force because of lack of education.*

- The divide between male and female literacy levels in Pakistan is still wide at 71% and 48% respectively- Literacy - F 52.1 % vs. M 69.3%
- Gender Gaps are more pronounced at the Secondary Education level as compared to Primary
- Gender differentials in school are apparent in all age cohorts, with larger gaps in rural than urban areas
- Gender Disparity in Education increases from Northern to Southern Punjab
- There is a need to increase female enrolment in non-formal education and in Technical and Vocational Education Institutions.

### Redressal Mechanisms: Punjab Women's Toll-Free Helpline

**Punjab Women's Helpline is a toll-free helpline launched in August, 2014 by the Government of Punjab, and supervised by PCSW to:**

**0800-93372**

Monday to Saturday  
(8am-4pm)

- Provide information about women's rights and services
- Provide advice and guidance to women
- Take complaints of lack of response/action by government functionaries in Punjab

## Work-Place Related Inquires and Complaints Received by PCSW Helpline- Sep 2014-Jan 2016

Nature of Issue	Complaints	Inquiries
Sexual Harassment	4	100
Transfer & Additional Chance of Transfer Request	20	252
15% Quota for Women	0	12
Age Relaxation	0	117
Maternal Leaves and Day Care Centers	1	6
Minimum Equal Remuneration	1	6
Salary	1	3
Promotion	0	3
Miscellaneous	1	1630

## Harassment At Workplace Law: Implementation

- ❑ The Act has created awareness about harassment issues for working women. Many cases have been brought forward in Punjab.
- ❑ There is a need for a greater out reach that covers the local, private and corporate sectors. Mandatory induction trainings required for awareness of rights and Code of Conduct.
- ❑ Still difficult to ensure execution of decisions.
- ❑ High risk of backlash from employers. This includes suspension or dismissal from work, or institution of fake FIRs against the women and their families.

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## Precarity of Employment

- Women also face more precarious conditions of employment, compared to men.
- Non-regularization of contractual workers, non-payment of salaries, less than minimum wage, unequal wages, difficulty in transfer of job after marriage, are all issues that adversely impact women's equal participation in the workforce.

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## Economic Cost of Domestic Violence & Street Harassment

- Economic loss caused by domestic violence within the United States alone, come up to \$5.8 billion annually.
- Data does not exist for Punjab. In 2015, the number of reported cases of violence against women in the Punjab was 5176.
- Harassment faced on the streets and the hurdles it creates for women's mobility are also contributing factor to economic losses by making it difficult for women to travel to and from work, and leading to missing days at work, and psychological disturbance.
- Offences often non-cognizable, making redressal difficult

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## Case Study No. 1 & 2

- Alina informed the PCSW Helpline that she is a sanitary worker in Toba Tek Singh District Jail, and filed a sexual harassment complaint against her superintendent. The complaint was decided in her favor by the Provincial Ombudsperson but instead of implementation of the decision, Alina faced dismissal from her job and eviction from her living quarters. Her complaint is still in progress.
- Shaista works as a computer operator in a hospital in Lahore. She had filed complaints against the Medical Superintendent of the hospital because of alleged involvement in corruption. This caused friction between her and her superior, and one day she was illegally detained and assaulted by the hospital staff. The MS also filed an FIR against her, and dismissed her from the job. She is facing extreme financial hardship because of her dismissal. Her complaint is in progress.

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## Case Study No. 3- Workplace Discrimination

Ms. Farah, resident of Tehsil Shahpur Saddar, District Sargodha informed the Commission that her application along-with joint right of the many other Lady Health Supervisors (LHS) and Lady Health Workers (LHWs) is pending in the office of the Secretary Health Department Lahore. She alleged that even though the clear verdict of Supreme Court of Pakistan regarding regular appointment of LHS and LHWs, the complainant and her colleagues are not being made regular employees. Their monthly salary is also paid after 2 to 3 months of delay. The basic pay scale to the graduate Lady Health Supervisors (LHS) according to uniform rules and regulations of the department is not being awarded.

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## Case Study No. 4 & 5

- Huma from Lahore informed the Commission that her husband has thrown her out of the house, and has refused her the custody of her children. She does not have a family to support her. She is well educated, and can earn on her own, but her husband threatens to throw acid on her if she goes out to work. She informed the police about the harassment but no action was taken as no cognizable offence could be made out.
  - Farhana from Arifwala informed the Commission that she works as a maid in a school, and is the sole breadwinner of her family. She faces harassment from her step-brothers, who live in the vicinity. Every time she leaves the house to go to work, they abuse her, and have at two occasions stolen her salary and other belongings. She cannot afford to move to a different location, and is therefore facing great difficulty in continuing her job.
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# Excerpts From Punjab Gender Parity Report (1St Draft, Subject To Revisions)

(As Of 12 February 2016)

Punjab Commission On The Status Of Women (Pcsw)

## SECTION 3 (B): Governance - Women in Decision-Making

### JUDICIARY

Data indicates that there are far fewer female judges than male judges at all levels of the judiciary. The highest percentage of women is appointed as Civil Judges cum Judicial Magistrates and the least, only one, as District and Session Judges. In terms of numbers, the High Court itself has only 3 women Judges. The reasons for this variation can only be uncovered through further qualitative research, but one can safely state that there are much fewer women in criminal law as compared to civil law.

Across the districts the highest percentage of female judges can be seen in Kasur, followed by Hafizabad and Sheikhpura. However, there are a number of districts with no woman appointed as a judge. This is indicative of a need for reforms in this area to ensure female representation in the Judiciary.

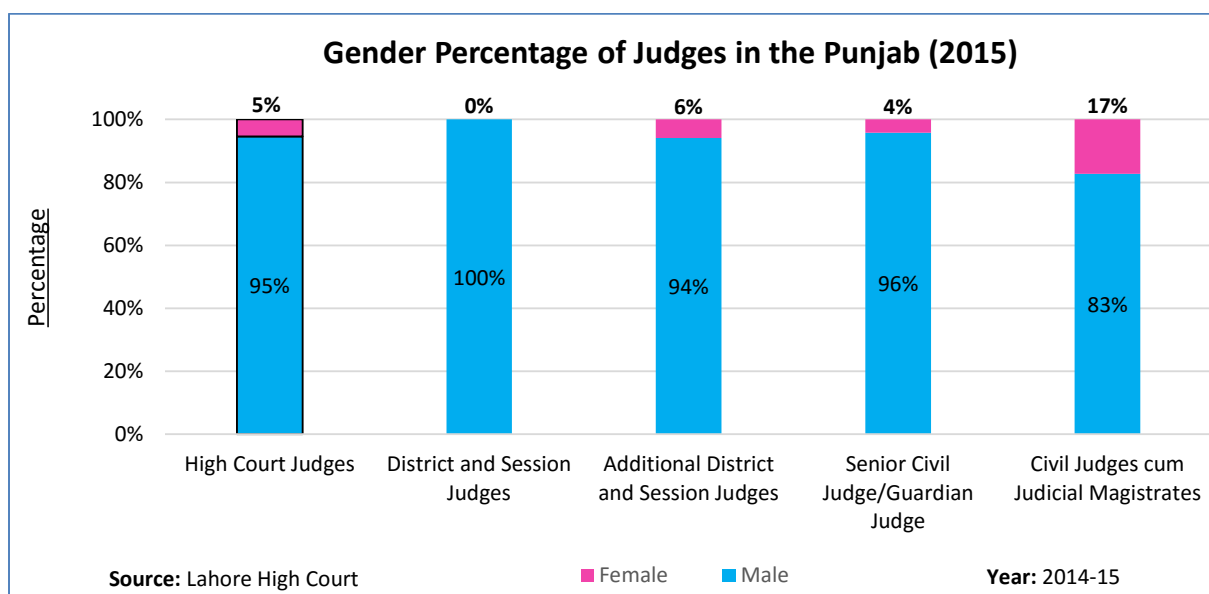


Figure 1.13: Gender percentage of judges in the Punjab 2015- numbers

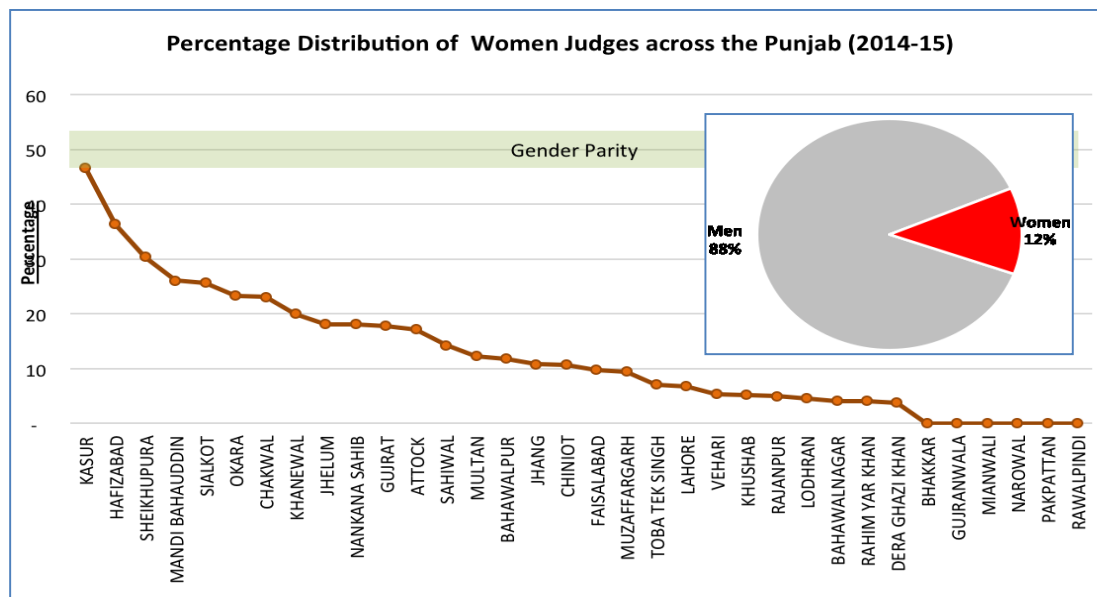


Figure 1.14: Percentage distribution of Women Judges across Punjab (2014-15)

## THEME (E): LEGAL RIGHTS

### KEY FINDINGS

- Numerous impediments to women’s access to justice exist within the judicial system of the Punjab. These include but are not limited to discriminatory attitudes and biases within the police as well as the judicial systems. They also include women’s lack of awareness of their rights within the legal system as well as their inability to access justice service providers.
- Number of female judges and advocates in the Punjab is significantly lower than their male counterparts.
- There are only 3 female judges in the Lahore High Court.
- Only 24% of female advocates registered with the Punjab Bar Council are licensed to appear before the High Court.
- Legal aid being provided by advocates registered with the Legal Aid Society of the Punjab Bar Council is negligible and therefore insufficient to meet the needs of the female population.
- Less than 10% of the prosecutors in the Punjab Public Prosecution Department are females and there are no gender sensitivity trainings for prosecutors.
- Though the Punjab Judicial Academy has two or three gender sensitivity trainings for its judges each year, the number of judges who have attended these trainings is not very high so far (422 since 2012).
- Lahore, Faisalabad and Rawalpindi have one women police station each. The other 33 districts of the Punjab do not have women police stations.
- The number of women prisoners in the Punjab is a very small percentage of the total prisoner population in the province.
- As of November 2015, 62% of women prisoners in the Punjab were under trial whereas 33% were convicted.
- As of November 2015, 5% of women prisoners in the Punjab were condemned prisoners.<sup>1</sup> However, no woman prisoner has been executed since 2012.
- Skills trainings and literacy/education is provided on a sporadic basis by different prisons and not a large number of women have been trained since 2012.

<sup>1</sup> A condemned prisoner is a prisoner sentenced to death by a court of law.

## Introduction

Laws, being pervasive in nature, play an extremely important role in the general well-being of a society and have a significant effect on people's lives. They are instrumental not only in the promotion of but also in the protection of human rights and fundamental freedoms. "Just as fair laws can dispense justice, equally unfair laws can lead to grave violations, turning the justice delivery system into a travesty of itself."<sup>1</sup>For members of a society, a phenomenon equally if not more valuable than the existence of fair laws is the existence of Rule of Law. It is the existence of Rule of Law in a society that prevents oppression through gross miscarriages of justice.<sup>2</sup>"When we have and maintain a legal system that serves the common good of society as a whole, then we have the rule of law (because the laws rule and not men) and we have liberty (because the law prevents oppression)."<sup>3</sup>The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948 recognizes that "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law."<sup>4</sup>

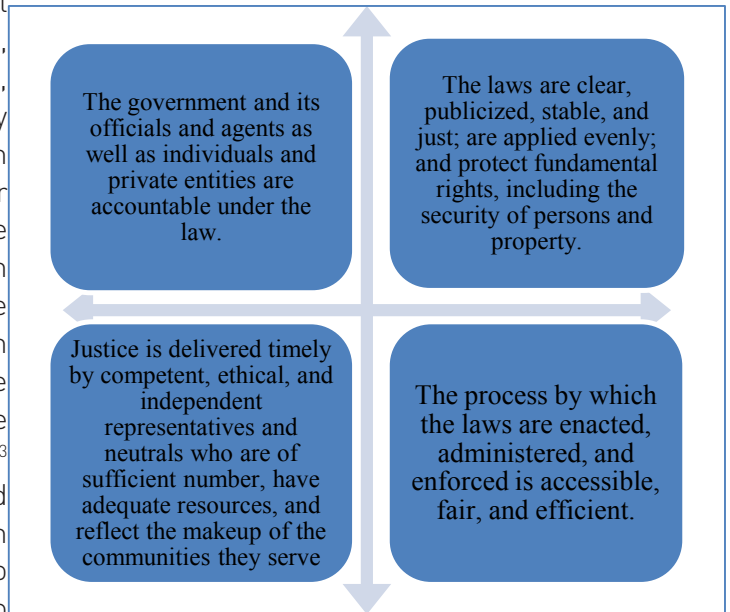


Figure 5.1 Four principles of law

The World Justice Project has defined the Rule of Law as a system in which the following four principles are upheld:<sup>5</sup>The absence of Rule of Law in a society or a weak system that does not propagate the Rule of Law constitutes a significant obstacle to ensuring women's security and their access to rights and resources. In countries with weak judicial systems, both men and women regularly face difficulties in accessing justice (such as difficulties in accessing justice service providers and high costs associated with litigation).

However, women often experience hindrances and barriers in addition to the ones experienced by men.<sup>6</sup> The existence of discriminatory laws in the realms of family, inheritance and property and labor/employment laws, significantly hamper women's access to justice. In addition, women's ability to access justice service providers such as courts and advocates can also be limited severely due to economic and social factors.<sup>7</sup> Even in cases where women manage to access justice service providers, biases and the lack of gender sensitivity among officials that administer justice significantly impede women's chances of acquiring fair and impartial results.

1 Judiciary and Gender Bias, Ms. Justice (R) Nasira Javed Iqbal. <http://www.supremecourt.gov.pk/ijc/articles/11/1.pdf>

2 Mortimer N.S. Sellers. What is the Rule of Law and why is it so important? University of Baltimore Legal Studies Research Paper No. 2015-15.

3 Ibid.

4 Preamble, Universal Declaration of Human Rights (UDHR) (1948).

5 What is the Rule of Law? World Justice Project. <http://worldjusticeproject.org/what-rule-law>

6 Role of Law and Justice in achieving Gender Equality, Background Paper World Development Report, Chiongson, Rea Abada, Deval Desai, Teresa Marchiori, and Michael Woolcock (2011-12).

7 Ibid at 7



## Organization of Analysis

For the purposes of this report, Legal Rights was divided into 4 categories and data was collected for each of these categories from concerned government departments. These categories are listed below.

- (i) Access to Justice (data collected from the Punjab Bar Council, Punjab Judicial Academy, Punjab Public Prosecution Department and the Office of the Inspector General Police, Punjab)
- (ii) Punjab Prisons (data collected from the office of Inspector General Prisons, Punjab)
- (iii) Family Law (data on relevant cases collected from the Lahore High Court)
- (iv) Inheritance Laws (data on relevant cases collected from the Lahore High Court)

An analysis of each of these categories serves to provide us with a comprehensive picture of the problems women encounter when accessing justice in Pakistan and specifically in the Punjab. The following analysis is divided into 2 sections; the first of which provides an overview of the justice system in Pakistan. Section 2 presents a detailed picture of the justice system in the Punjab with a district level analysis wherever possible. It is divided into 2 sub sections that provide specific analysis on access to justice and women prisoners in the Punjab.

## Legal Rights And The Justice System In Pakistan

Fairness and efficiency in the administration of justice is one of the most vital principles of good governance in any society.<sup>1</sup> Unfortunately, the quality of the administration of justice in the Pakistani Judicial system is troublesome to say the least. According to the 2014 Rule of Law Index, from the 99 countries assessed for this purpose, Pakistan is ranked 68th and 94th with respect to criminal and civil administration of justice respectively.<sup>2</sup>

Under the Constitution of Pakistan, all citizens enjoy the protection of law and are to be treated in accordance with it. The Constitution provides that any law, custom or usage having the force of law, which is inconsistent with the fundamental rights conferred by the Constitution, shall be void.<sup>3</sup> Article 25 of the Constitution provides specifically for gender equality and for the promulgation of specific provisions for women's protection and empowerment.<sup>4</sup>

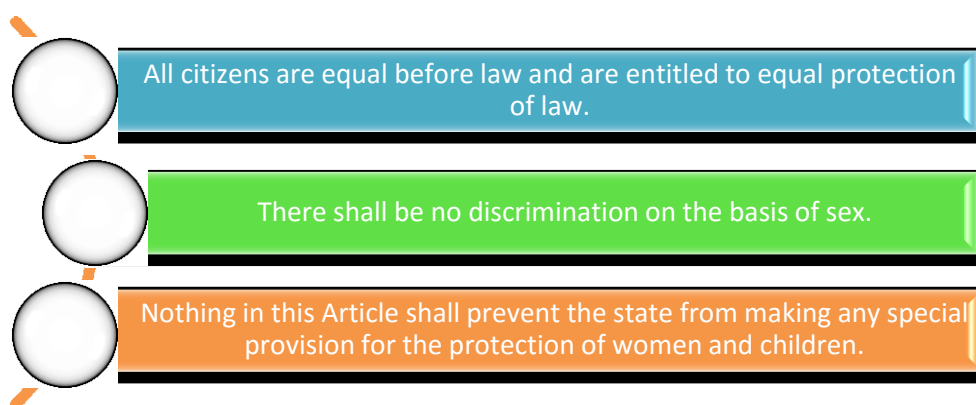


Figure 5.2 Article 25 of the Constitution of Pakistan

In reality, however, women in Pakistan face various forms of legal inequalities and rarely benefit from the provisions contained in the Constitution or even specific legislations aimed at their protection and/or empowerment. Similar to many other parts of the world, barriers faced by women in accessing justice in Pakistan are numerous. The processes that women are exposed to during their pursuit for justice are heavily invested in patriarchal values and hence display significant gender bias and discrimination.<sup>5</sup> Whether it is a woman seeking legal redress for an act of violence committed against her or for her legal share in property/inheritance, barriers

1 The District Judiciary. Mohsin Raza Malik. The Nation. June 12, 2015

2 Rule of Law Index, World Justice Project (2014).

3 Article 8(1) of the Constitution of Pakistan

4 Terms of Reference, Study on access to informal justice system in Pakistan, Law and Justice Commission of Pakistan Supreme Court, Government of Pakistan.

5 Women's Access to Justice in Pakistan. Sarah Zaman and Maliha Zia on behalf of War against Rape and Aurat Foundation, Pakistan (2013)

exist or are erected at every stage of the judicial process and often result in a complete miscarriage of justice.<sup>1</sup> Women's access to justice is constrained from the beginning. Families are generally unsupportive and the first point of access outside their homes, the police, is usually apathetic and sometimes even hostile when it comes to filing a First Information Report (FIR) based on a woman's complaint. In the criminal justice system, the offices of Medico-legal departments are generally understaffed and ill equipped. The judiciary has a very small percentage of women judges; especially in the higher judiciary and hardly any female public prosecutors. Trials are lengthy and laborious and have high direct and indirect costs, including opportunity costs of lost wages from days spent in court.<sup>2</sup>

## Legal Rights And The Justice System In The Punjab

### Access To Justice

Access to justice is more than improving an individual's access to courts or guaranteeing legal representation.<sup>3</sup> Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards.<sup>4</sup> It involves normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight.<sup>5</sup> "There is no access to justice where citizens (especially marginalized groups including women) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system."<sup>6</sup> Lack of access to justice is a key element of poverty and an obstacle to achieving poverty reduction and gender equality.<sup>7</sup>

Access to justice is vital for citizens to assert and protect their fundamental human rights, including freedom of association, assembly, expression, and religion. Although Pakistan's constitution provides for these basic rights, vulnerable populations especially women have very limited capacity to exercise and ensure the protection of their fundamental rights.<sup>8</sup>

### Women In The Punjab Judiciary

Women judges and advocates in the Punjab can be a source to help women in ensuring their rights through the legal process, but the number of women judges and advocates in the Punjab is quite low as compared to men. In 2014, the total number of women judges in the Punjab was 147. These include judges in the High Court as well as Judges in the Lower Judiciary. The Table below provides us with details on numbers and types of women judges in the Punjab.

Table 5.1: Women Judges in the Punjab<sup>9</sup>

#	Type of Judge	Number
1	Lahore High Court	3
2	District and Session Judges	0
3	Additional District and Session Judges	21
4	Senior Civil Judge/Guardian Judge	2
5	Civil Judges cum Judicial Magistrates	121

Though the number of women judges in the Punjab has increased in the past few years, it is still inadequate given the number of women-related cases and their pendency in court. The Courts are burdened with a huge backlog of cases and physical access to the courts is extremely limited for those who live in the urban slums,

1 Ibid

2 The Socio-economic Cost of Violence Against Women: A Case Study of Karachi. Social Policy and Development Center (SPDC (2012).

3 United Nations Development Programme (UNDP), Access to Justice (2004)

4 United Nations Development Programme, Programming for Justice: Access for All: A Practitioner's Guide to Human Rights-Based Approach to Access to Justice (Bangkok: UNDP, 2005).

5 Ibid at 12.

6 Necessary Condition: Access to Justice. United States Institute of Peace.

<http://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/7-rule-law/access-justice>

7 Violence against women and impediments in access to justice. Zia Ahmed Awan

8 <https://asiafoundation.org/resources/pdfs/Pakistan.pdf>

9 Lahore High Court

semi-urban, rural and remote areas. Women are further impeded by poverty, inequalities and social taboos that expect women to endure rather than rise against injustice.<sup>1</sup>

Out of the total number of advocates registered with the Punjab Bar Council (70,032), only 8,393 (approximately 12%) are women. In addition, of the 8,393 women lawyers, only 2,083 (24%) are licensed to appear before the High Court. The graph below provides an accurate picture of the number and percentage of women advocates licensed to appear before Lower Courts as well as the High Court.

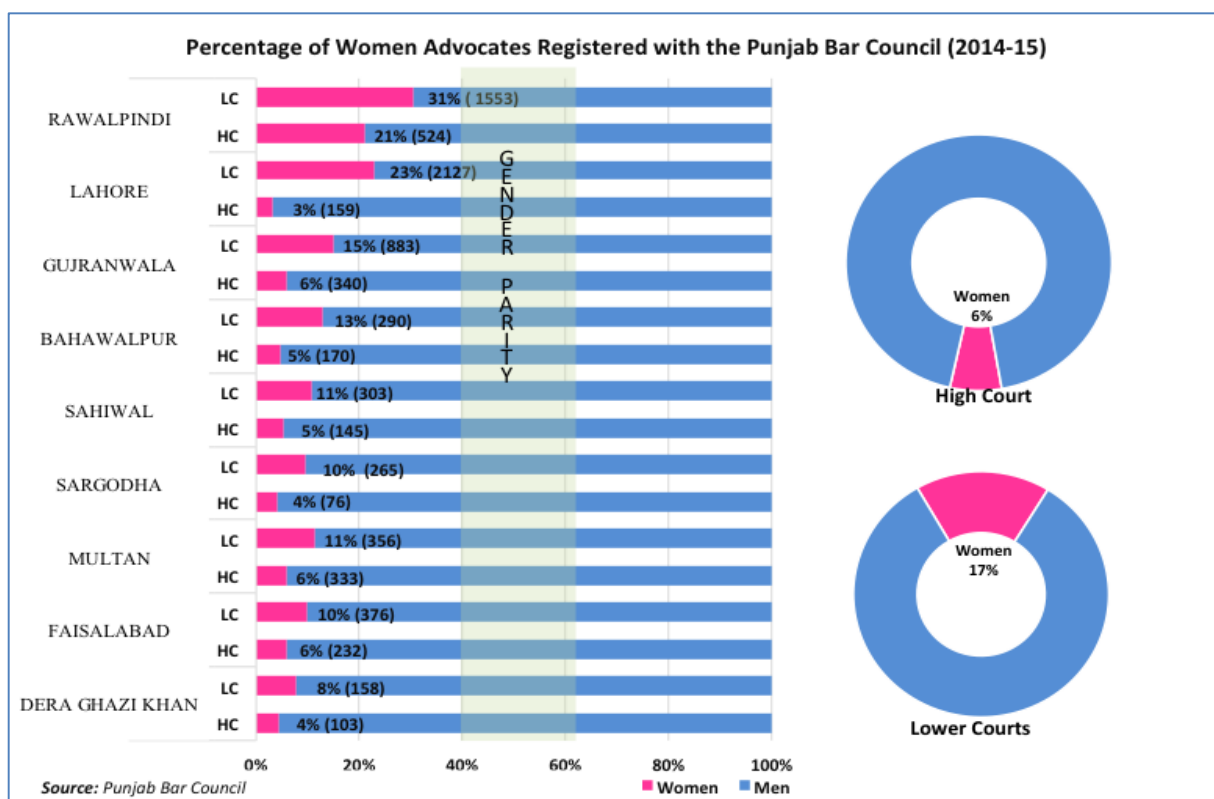


Figure 5.3 Percentage of women advocates

## Legal Aid

The provision of legal aid to members of the population who cannot afford legal representation is crucial for the fair, effective and efficient administration of justice.<sup>2</sup> The right to legal representation has been held by Pakistani courts to be part of the due process clause of Article 4 of the Constitution of Pakistan as well as the right to fair trial under Article 10-A of the Constitution.<sup>3</sup> However, Article 4 and Article 10-A of the Pakistani Constitution do not provide an explicit right to legal aid.

1 Ibid at 1

2 Legal Advisory and Representational Services in South Punjab: Baseline Study of Availability and Priority Needs, European Union Punjab Access to Justice Project (March 2015).

3 Faisal v The State PLD 2007 Karachi 544. The Court particularly highlighted that a fair trial required access to a counsel (and access to free legal advice for deserving people) in a context where a large proportion of the country's population lived in rural areas, was illiterate, did not know their legal rights and/or was poor.

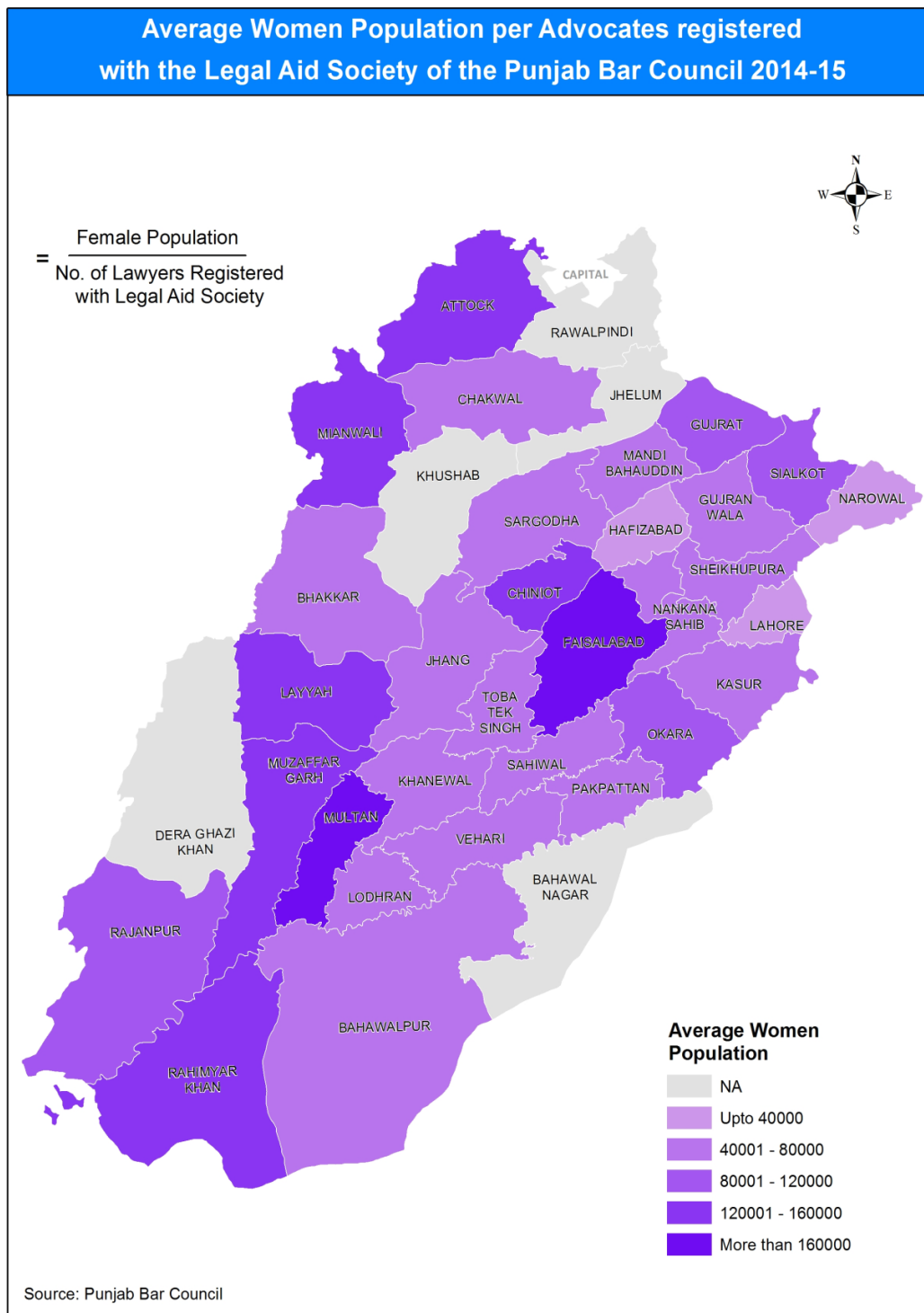


Figure 5.4: Average women population per advocates registered with the legal aid

In 1999, the Pakistan Bar Council amended its Free Legal Aid Scheme of 1988 to include a newly devised set of rules, namely the Pakistan Bar Council Free Legal Aid Rules of 1999 (the “Rules”). The Rules envisage the existence of a system multi-tiered legal aid committees on central, provincial and district levels, which can call upon members of the bar to take on one case per year free of cost. Under the Rules, to avail free legal aid, a litigant is required to make an application to the district committee and illustrate the need for free legal aid.<sup>1</sup>

In 2015, the total number of advocates registered with the Legal Aid Society of the Punjab Bar Council was 774; out of which 49 advocates are women.<sup>2</sup>Lahore has the highest number of advocates registered with the

1 The crisis of Legal Aid in Pakistan. Yasser Latif Hamdani. Insaf Network Pakistan (INP) <http://inp.org.pk/sites/default/files/job%20description/%20Executive%20/The%20Crisis%20of%20Legal%20Aid%2in%2Pakistan.pdf>  
 2 Data received from the Punjab Bar Council

Legal Aid Society (148) with the highest number of women advocates as compared to other districts as well (31). Gujranwala has 64 advocates registered with the Legal Aid Society out of which 3 are women. The rest of the districts of the Punjab have no more than 2 women advocates each registered with the Legal Aid Society while some have none registered at all.

The graph below depicts the insufficiency of the number of advocates registered with the Legal Aid Society in meeting the needs of women in need of free legal assistance. A comparison of the number of available lawyers and the female population shows that one advocate is available for thousands of women; the numbers varying for different districts.

It must be noted, however, that even though these advocates are registered with the Legal Aid Society of the Punjab Bar Council, hardly any of them are providing legal aid to females (or anyone for that matter) in need of assistance. There are several reasons behind this phenomenon: firstly, women in need of free legal assistance do not know of this service being provided by the Punjab Bar Council. Secondly, women often have problems accessing courts/offices of lawyers. Thirdly, the advocates themselves are not very motivated to provide pro bono services to people.<sup>1</sup>

In the years 2014-2015, only 49 people applied for Legal Aid through the Legal Aid Society of the Punjab Bar Council. Of these 49 people, only 11 were women and 6 of them were from Lahore. From Chakwal, DG Khan and Faisalabad, 1, 1 and 2 women applied for Legal Aid respectively. From these applications, only 12 people received Legal Aid out of which 8 were men and 4 were women; 2 each from Lahore and Faisalabad.

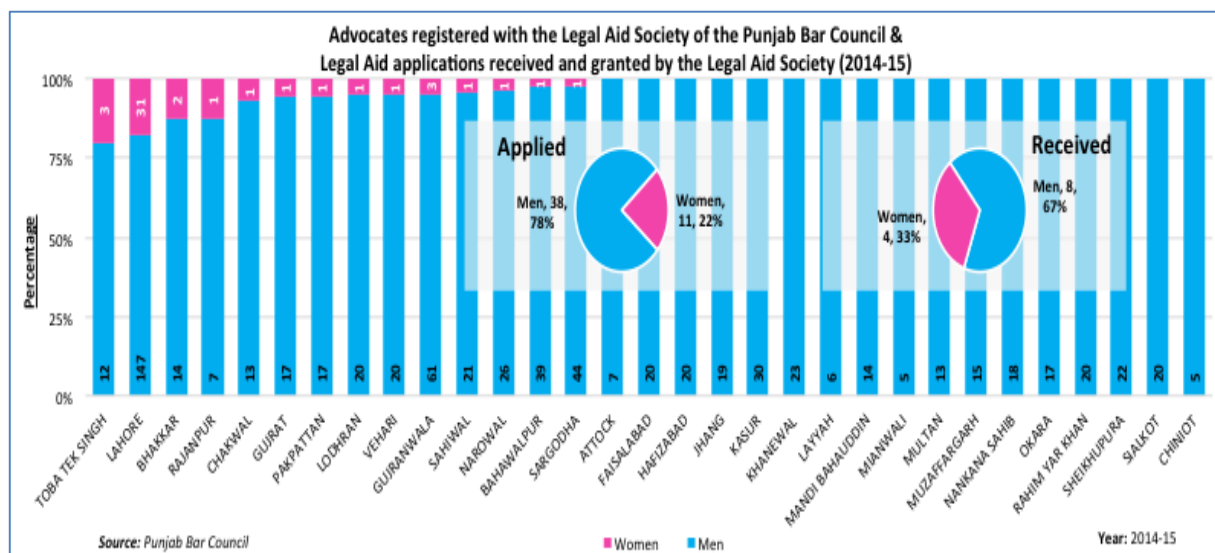


Figure 5.5: Advocates registered with the legal aid

## Gender Sensitivity Trainings

### Public Prosecutors

In 2015, there were 1,023 prosecutors in the Punjab Prosecutor Department out of which 96 prosecutors were women which is less than 10% of prosecutors in the Punjab. To date, none of these prosecutors have been trained on gender sensitivity.

### Judges

Judges or legal decision makers (tribal or religious leaders) interpret all these legal systems, according to their own cultural, social bias, and gender perceptions. In fact, Pakistan's judges at the lower levels of the judiciary and even sometimes at the higher level tend to reinforce discriminatory customary norms, rather than securing constitutionally guaranteed gender equality.<sup>2</sup>

To prevent miscarriages of justice, it is extremely important, therefore, that judges in the Punjab be trained on

<sup>1</sup> Ibid at 18

<sup>2</sup> Ibid at 1

gender sensitivity. The Punjab Judicial Academy has been conducting such trainings two or three times a year since 2012 and has until now trained 422 Judges. In light of the low number of judges trained so far, significant impact of such trainings is yet to be seen within the justice system.

The graph below shows the number and percentage of judges trained on gender sensitivity in the past 4 years.

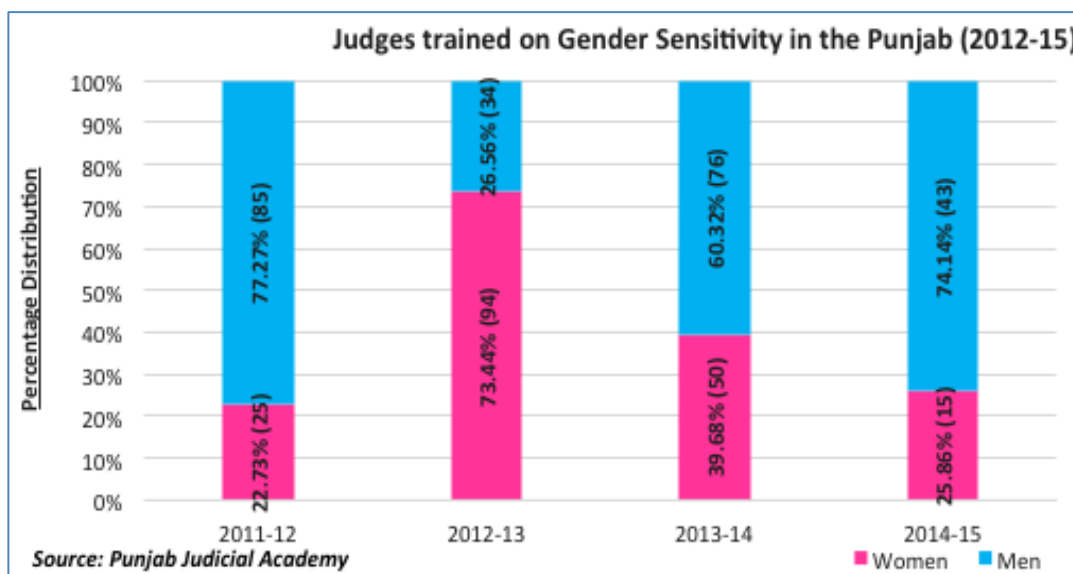


Figure 5.6: Judges trained on gender sensitivity in the Punjab (2012-15)

## PUNJAB PRISONS

### Women prisoners

There are 36 prisons in the Punjab with some districts like Lahore and Multan having more than one prison while some districts (for instance Nankana) have none. The only women's prison in the Punjab is situated in Multan. The number of women prisoners in the Punjab is a very small percentage of the total prisoner population in the province. As of November 15, 2015, there were 884 women prisoners as compared to 47,840 male prisoners in all prisons of the Punjab.<sup>1</sup> Though small in numbers, women prisoners, a majority of whom are illiterate and from an underprivileged class, are at risk of facing sexual and/or physical abuse, severe mental and other healthcare issues, as well as the fear of abandonment and stigmatization during imprisonment and after release.

The graph below provides an accurate picture of the number of male and female prisoners in the Punjab; with specific numbers on convicted, under trial and condemned prisoners<sup>2</sup> provided as well. It can be seen that a large percent of the prisoner population (in case of both men and women) is that of under trial prisoners. These figures indicate delays in the judicial process resulting in under trial prisoners remaining in prisons for extended periods of time.

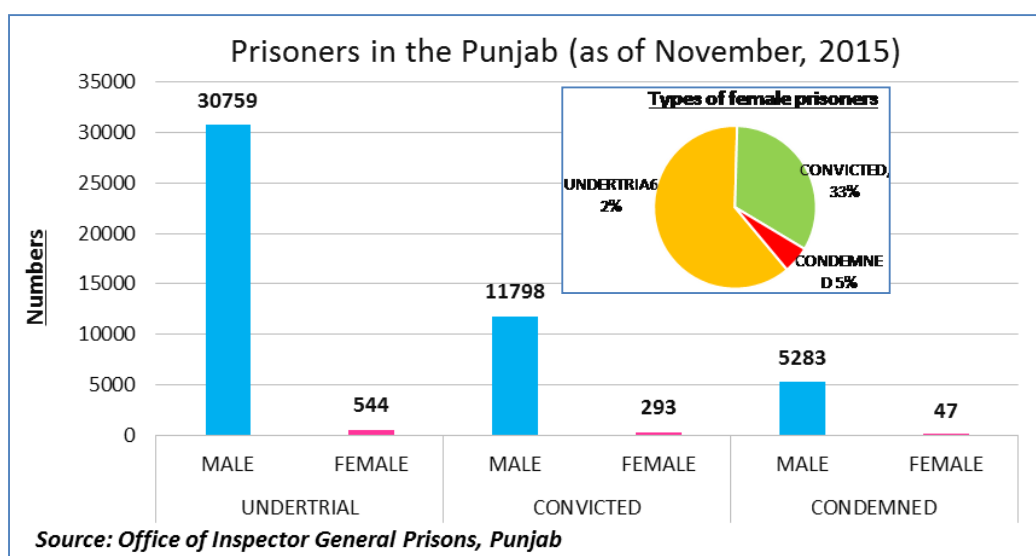


Figure 5.7: Male and female prisoners in the Punjab

<sup>1</sup> Data provided by the Office of the Inspector General Prisons, Punjab.

<sup>2</sup> According to data provided by the Office of the Inspector General Prisons, Punjab, the death sentence for women prisoners has not been carried out since 2012.

## Facilities in Punjab Prisons

One of the major causes of concern for women prisoners is that upon incarceration, they are either separated from their kids or are forced to bring their children into prisons just to avoid the separation. As of November 2015, 113 women (almost 13% of women prisoners) had children with them in prisons. The total number of children accompanying their mothers was 144. The highest number of women with children was seen to be in prisons in Rawalpindi, Lahore, Multan and Faisalabad. Even though the numbers are not that high, both women prisoners and children accompanying them are vulnerable to abuse and to lack of proper facilities (for instance, for children's education) within the prison system. The graph below indicates the number of women with children in different prisons in the Punjab.

Various prison officials have initiated different skills trainings and literacy programs in their prisons on a sporadic basis and, often on a personal initiative. In some prisons, provisions for literacy and skills training for women prisoners are completely absent. In prisons where facilities or initiatives do exist, the quality of instruction and learning is quite poor. Since 2012, there have been a total of 347 skills trainings in Punjab prisons. 290 of these trainings have, however, been held in one prison: Central Jail, Sahiwal. While most prisons have no such programs, there are a few that have held a small amount of trainings: 23 in District Jail Multan and 5 in Rawalpindi for example. Four skills trainings have been held in Women's Jail, Multan.

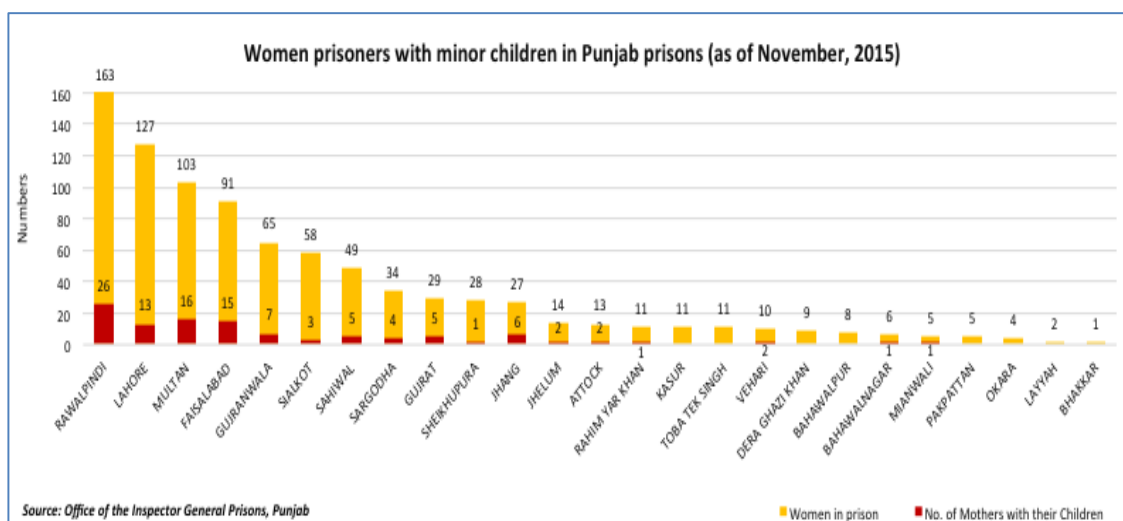


Figure 5.8: Women prisoners with minor children in Punjab prisons

Out of the 36 prisons in the Punjab, 11 are providing some sort of literacy training/education to women prisoners. Since 2012, Central Jail Rawalpindi has provided literacy to 270 women prisoners, Central Jail Lahore has provided literacy to 60 women prisoners and District Jail Jhang has provided it to 63 women prisoners (out of what total number of women prisoners?). Women's Jail Multan has provided literacy to 35 women prisoners. Out of the 36 prisons, 22 prisons (including Women's Jail Multan) have libraries; with Central Jail Rawalpindi having 3 libraries within its premises. Officials in a few prisons have introduced initiatives to refer prisoners for legal aid as well. Out of 36 prisons, only 6 prisons have this referral facility. Through referrals, 25 female prisoners in Central Jail Lahore, 21 in District Jail Faisalabad and 15 in Central Jail Minawali received legal aid. Women's jail in Multan has made no such referrals.



Figure 5.9: Facilities available to women prisoners in Punjab prisons (2012-15)

## Conclusion

The principle of access to justice is implicit in the concept of Rule of Law and both these concepts and principles are essential in not only achieving poverty reduction but also in achieving gender equality in a society. Proper access to justice requires accountable, accessible and effective judicial systems as well as legal empowerment of all people, including women and children: all should be enabled to claim their rights, through justice systems and other services.<sup>1</sup> In the Punjab, there are numerous hindrances to women's access to justice which originate at the onset of the process (at home) and continue until the end (in courts).

<sup>1</sup> Ibid at 12





# PUNJAB WOMEN JUDGES' CONFERENCE

