

# PAKISTAN

Country Gender Assessment 2005

## Bridging the Gender Gap Opportunities and Challenges



The World Bank



of her father and her spouse's father). Having a primary school education or less nearly doubles the likelihood of obtaining a *nikahnama*, and having above a primary school education nearly triples the likelihood. There are two ways of interpreting this result. First, it is possible that even minimally educated (i.e., literate) women are in a stronger position vis-à-vis their husbands' families to demand a *nikahnama*, compared to uneducated women. An alternative interpretation is that higher female educational attainment is merely capturing better treatment of girls more generally. That is, families who care more about their daughters will give them more education and, at the same time, will attach greater importance to the *nikahnama*. Under either interpretation, the *nikahnama* seems to have positive connotations for women.

2.50. One traditional element of the marital contract is the *haq meher*, a sort of severance clause whereby the husband agrees to pay a prespecified cash amount to the wife in the event that he initiates divorce. Here, again, we have a custom that appears, at least in principle, to fill a legal lacuna, namely enforcement of alimony. To this extent, *haq meher*, negotiated by the parents of the bride and groom, mitigates arbitrary divorce, or at least protects women against its costs.

2.51. Nominally, *haq meher* appears to be quite important in Sindh, where 53 percent of women report an amount according to the PRHS-II. This compares to 18 percent of women in northern Punjab and only 6 percent of women in southern Punjab. The amount of the *haq meher*, however, is often so low—500 rupees or less in 30 percent of cases—to render it a largely symbolic gesture. If we consider only *haq meher* in excess of the more respectable figure of 2,500 rupees, these regional differences are attenuated. Only about 20 percent of Sindhi women have been promised such a generous *haq meher*, compared to 9 percent in northern and 3 percent in southern Punjab. Nevertheless, these regional patterns seem to indicate that the *nikahnama* and *haq meher* may, to some extent, serve as substitutes for the law in protecting women's interests.

### **Dowry and other Marital Transfers**

2.52. The role of dowry and other marital transfers is not well understood, in Pakistan or elsewhere, and remains an active area of economic research. Also lacking is basic empirical information, such as who actually controls dowry assets after the marriage. This is a crucial question because, in theory at least, dowry compensates the bride for receiving only one-half (if any) of her brothers' share of inheritance. A second important question is whether dowry demands, as in the case of India, lead to violence against women. According to some Pakistani experts:

The custom of a dowry puts a premium on the bride. Demands for a substantial dowry are often made before the marriage. Subsequently, the bride is often humiliated or tortured [by the in-laws] for not bringing the expected amount. At times the bride is subjected to extreme violence. The violence takes many forms like burning, hanging the woman or killing her.<sup>64</sup>

2.53. Despite the absence of precise figures on the extent of dowry violence in Pakistan, views such as these have led to the enactment of the *Dowry and Bridal Gifts (Restriction) Act* (1976), the *Dowry and Bridal Gifts (Restriction) Rules* (1976), and the *Dowry and Bridal Gifts (Restriction) Amendment Ordinance* (1980). The objective of these statutes is to restrict dowry and other marriage expenditures, even though such laws are practically impossible to enforce.<sup>65</sup>

<sup>64</sup> Government of Pakistan (1997: 39).

<sup>65</sup> For a description of The *Dowry and Bridal Gifts (Restriction) Act*, 1976, please see Annex 2 of this chapter.

PRHS-II collects detailed information on transfers to the bride at the time of her marriage. Dowry, which comes from the bride's side, and bari, which comes from the groom's side are practically universal in rural Pakistan (at least in Punjab and Sindh). Both transfers are nominally intended to go to the bride, and the data indicate that, by and large, this is the case in reality. For each asset transferred, the survey asks women the extent to which it is exclusively hers to dispose of as she pleases. Tables 2.2 and 2.3 show the responses for what are by far the most commonly given dowry and bari assets, household goods (clothes, appliances, and utensils) and gold. In the case of dowry, only one-fifth of recipients report less than full control, about equally split between partial and no control. Interestingly, especially in light of earlier findings, Sindh seems to be the most "progressive" region in terms of security of property rights over dowry assets, whereas southern Punjab is the least secure by a wide margin. The story is similar for bari assets, although overall the extent of the wife's control is somewhat lower. This perhaps is due to the fact that bari comes from the family of the groom and the husband and his family feel more entitled to it. Practically no women in the PRHS-II sample report receiving land as part of her dowry (this is true of bari as well), a finding consistent with the theory of dowry outlined above.

**Table 2.2: Extent of Wife's Control Over Dowry**

<i>Region</i>	<i>Full</i>	<i>Partial</i>	<i>None</i>	<i>Total</i>
Household Goods				
N. Punjab	87.9	5.4	6.7	100
S. Punjab	60.4	19.3	20.3	100
Sindh	91.7	4.1	4.1	100
All	82.5	8.5	9.0	100
Gold				
N. Punjab	81.0	7.0	12.0	100
S. Punjab	55.6	19.5	24.9	100
Sindh	93.2	3.9	3.0	100
All	79.6	8.9	11.5	100

**Table 2.3: Extent of Wife's Control Over Bari**

<i>Region</i>	<i>Full</i>	<i>Partial</i>	<i>None</i>	<i>Total</i>
Household Goods				
N. Punjab	78.2	8.9	12.9	100
S. Punjab	51.8	22.3	25.9	100
Sindh	89.0	3.4	7.6	100
All	77.1	9.5	13.5	100
Gold				
N. Punjab	67.1	10.7	22.2	100
S. Punjab	46.7	15.9	37.4	100
Sindh	86.7	6.1	7.2	100
All	72.6	9.5	17.9	100

Bequeathing wealth to daughters in the form of land creates a disincentive for virilocal sons to maintain and improve the land. According to the theory, a daughter's dowry should largely be in the form of cash or other assets (e.g., gold, clothes, utensils) whose value does not depend on the work effort of her brothers. In fact, the only productive asset to feature prominently in dowries is livestock. About 25 percent of dowries include livestock (buffaloes, most commonly), and they constitute about 9 percent of dowry value on average. But this exception actually proves the rule, as livestock production in rural Pakistan is principally the responsibility of women. Consequently, bequeathing wealth to women in the form of livestock has no negative incentive effects.

2.55. Given the generally high level of female control over dowry (and bari) assets just reported, how much wealth transfer to daughters does the typical dowry represent? PRHS-II data indicate the median dowry to have a total value of about 10,000 Rs.(Table 2.4)—almost twice as large as median bari. Dowry and bari values are both much higher in wealthier northern Punjab than in southern Punjab and Sindh. The comparison between the value of the woman's dowry and that of her brothers' inheritance (calculated by dividing the father's landholdings, valued at median land prices per acre, by the number of brothers) is revealing. Among women whose fathers had land, the median dowry is worth 15,000 Rps., whereas the median value of brothers' inheritance is worth 100,000 Rps., or more than six times as much.

Taken along with the low incidence of direct inheritance by women, these figures indicate that women from landed households are strongly discriminated against in favor of their brothers when it comes to the disposition of the patrimony. The situation is different, however, for women whose fathers do not own land. In this case, while the median dowry is only worth 7,500 Rps., the brothers are not getting any inheritance (although they may be getting *inter vivos*<sup>66</sup> transfers in one form or another that are not captured in the data).

Region	Median value (Rupees)		
	Dowry	Bari	Total
N. Punjab	31,250	16,000	49,500
S. Punjab	12,000	5,000	18,500
Sindh	6,350	3,650	11,900
All	10,200	5,400	17,950

2.56. Multiple regression analysis shows that dowry increases significantly (1) with father's landholdings, education, and whether he holds an important position; (2) with father-in-law's landholdings; (3) if the woman has no sister, but not if she has no brother; and (4) with woman's education, but only above the primary level. Thus, dowry depends strongly on the woman's family wealth relative to the number of sisters claiming dowry out of that wealth. This presents an interesting contrast to women's inheritance, the probability of which, as we have already seen, does not vary by father's wealth. In addition, higher dowries are associated with wealthier husbands, suggesting positive assortative mating on wealth. Finally, the *nominal* value of both dowry and bari at the time of marriage increase significantly with year of marriage, but the rate of increase is modest, on the order of 2-3 percent per annum. Thus, there is no evidence of dowry inflation, as in India, with its negative implications for the treatment of women.

2.57. Regarding marriage type, dowries are not significantly different across *watta satta* marriages and non-*watta satta* marriages.<sup>67</sup> Bari expenditures, on the other hand, are substantially lower in *watta satta* marriages, but given the typical size of bari this difference does not seem to provide a compelling explanation for the high incidence of exchange marriage in rural Pakistan.

2.58. Finally, there is the question of whether demands for dowry or other postmarital transfers are the source of violence against women. Recent evidence from India (Bloch and Rao 2002) suggests that husbands may use domestic abuse as a way to extort greater dowries from wives' natal families. According to PRHS-II data, however, only about 15 percent of women in rural Pakistan say that their natal families ever provided support to their husband's household. Far and away the most important occasion for such support was to assist in health expenditures, which could have been for the wife herself (with house construction or major repair a distant second). Moreover, only a small minority of respondents, less than 9 percent, report feeling even the mildest pressure to obtain financial support from their natal families. Virtually none said this pressure was intense. Given this evidence, and the high level of control women say they have over dowry assets, there does not appear to be wide scope for dowry-related violence in rural Pakistan.

2.59. Taken together, the findings suggest that laws restricting dowry and other marriage-related transfers, to the extent that they are enforceable, may be counterproductive in Pakistan. First, if we take seriously what women say about their ability to dispose of dowry assets, then dowry is the principal channel of female inheritance in rural Pakistan. It is not clear how cutting off this channel will benefit women. Second, in rural Pakistan there is little evidence of the kinds of negative consequences of dowry

<sup>66</sup> Between living persons

<sup>67</sup> Only *watta satta* marriages in which both counterpart couples are already married are included, since these cases are more likely to be motivated by a reduction in dowry or bari expenses.

“...law ministry should review the pending assignments of law commission and take immediate action on those that are linked with the protection and promotion of human rights in the country” and that the government should create mechanisms for strict implementation of United Nations/International/Regional Protocols & Conventions being ratified by the country. Pakistan’s Supreme Court, as well, “should take up the issue of women protection and monitor [the] government’s action in this regard.... A Lady Ombudsman should be appointed to check the violence against women and redress their problems with independent judicial powers.” At the police level, the police department “should establish monitoring cells at city and provincial level to check the reported cases of violence against women... [T]he process of the investigation of cases has become outdated and the police department should take measures to adopt latest trends of investigation and develop a separate team to investigate the matter relating with the crime against women and children.” Regarding record-keeping, Awan suggests, “Police should collect national statistics to create a profile of the women victims of violence and also the perpetrators.”<sup>71</sup>

### *Educate Women about Their Rights and Protections*

2.74. How to educate girls and women about their rights and sources of protection is a critical question in light of low rates of girls’ schooling and *pardah*-based restrictions on women’s mobility. CSOs such as the Aurat Foundation and Pakistan’s Society for the Advancement of Community, Health, Education and Training (SACHET) have been making critical contributions in this area, using media and community outreach efforts to mount campaigns that disseminate information about female rights regarding child marriage, dowry, and divorce. The beneficial effects of such information campaigns are inestimable, as evidenced by comments of one southern Punjabi woman (interviewed for the qualitative study), who had left a situation of domestic violence and then returned to change it for the better after being informed of her rights in marriage and divorce (see her interview in Box 2.1; her comments are in italics, and the interviewer’s are in regular type).

9. One civil society organization that has devoted considerable resources to education about dowry is Pakistan’s Society for the Advancement of Community, Health, Education and Training (SACHET). In November 2001, SACHET launched the Fight against Dowry (FAD), a five-year initiative to educate the public—and Pakistan’s youth in particular—about the harm often inflicted on brides due to the practice of dowry. For more information, please see [http://www.sachet.org.pk/home/agehi\\_resource\\_center/fad/profile\\_of\\_project.asp](http://www.sachet.org.pk/home/agehi_resource_center/fad/profile_of_project.asp).