

## Addressing Gender Violence in Pakistan

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### **Introduction**

Among the many rising challenges to global development, gender violence stands out as one of the most difficult problems of the century. Gender violence stands at the pinnacle of gender inequality, which forces half of the world's population to live at lower standard of human security. Although gender issues may seem trivial in comparison to other threats to positive peace, like poverty, health, or resource scarcity, in reality, solving gender inequality provides the means to solve other challenges. For example, establishing mechanisms to ensure women's education, health, and safety has proven to directly reduce population growth, a major contributor to global poverty. Failure to do so undermines "half of the population in its contribution to overall development."<sup>1</sup>

According to a 2007 UNICEF Report, improving gender equality translates to higher rates of child education and proper nourishment, in addition to an overall reduction of HIV/AIDS, malaria, and other diseases.<sup>2</sup> In addition, evidence shows that increasing the existence and influence of women in men's lives cause a drop in male testosterone levels, significantly decreasing the likelihood of male aggression, currently a serious social

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<sup>1</sup> Jeffrey Sachs. "The End of Poverty: Economic Possibilities for Our Time," (New York: Penguin Books, 2006), p. 60

<sup>2</sup> "The State of the World's Children 2007," UNICEF, 2007. 15 Dec 2008 <<http://www.unicef.org/sowc07/>>

problem in developing countries like China and India.<sup>3</sup> The importance of gender equality therefore stems from potential to address many of the current challenges to global positive peace.

Despite the need for worldwide gender equality, women around the world still remain nothing short of oppressed. The situation is especially dire in Pakistan. Cultural traditions that have permeated the central government continue to prevent women from leaving the house, much less accessing education, healthcare, employment, or any foothold to power. Despite the election of Benazir Bhutto to prime minister in 1988 and 1993, the majority of women face structural discrimination on a day-to-day basis. This denial of basic human rights is epitomized by the wide acceptance and practice of domestic violence, rape, and murder. Honour killings, the murder of women to preserve a family's honor, have taken the lives of at least 4,100 women since 2001.<sup>4</sup> The current organization of the police forces leaves women at best fending for themselves, and most often afraid to report crimes for fear of being abused or arrested at the station. Finally, although the present judicial system has taken steps in the right direction, it is by no means able to respond to the cultural barriers impeding the development of basic justice for women of Pakistan. With the recent violence between the government and the Taliban, civilians are more inclined than ever to seek protection through tribal authority. The increased power of this traditional form of male superiority threatens all progress made in the field of women's human rights. To prevent such regression, the government must severely reform the Pakistani police force and judicial system.

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<sup>3</sup> Valerie Hudson and Andrea Den Boer. "A Surplus of Men, a Deficit of Peace: Security and Sex Ratios in Asia's Largest States," 2002. 15 Dec 2008 <<http://www.mitpressjournals.org/doi/abs/10.1162/016228802753696753>>

<sup>4</sup> "Universal Periodic Review of Pakistan," Human Rights Watch, 2008. 15 Dec 2008 <<http://www.hrw.org/en/news/2008/05/04/universal-periodic-review-pakistan>>

This essay focuses on the current problem of gender violence in Pakistan. I begin by analyzing the issue as a product of structural violence and cultural tradition. I proceed to discuss the failures of the central government, specifically the police force and the judicial system. I then acknowledge the key actors working on the issue and conclude with a few ideas about what I, a freshman at the University of California-Berkeley, can do.

### **The Issue**

Gender violence in Pakistan stems from a history of female discrimination and subjugation. Social norms rooted in tribal tradition prohibit a woman's movement, education, healthcare acquisition, and economic contribution to the community. The literacy rate for women is about half that of men, due partially to the lack of girls schools in rural communities.<sup>5</sup> In 2004, 35 percent of communities had neither a public health facility nor a Lady Health Worker (a woman specifically trained in female health).<sup>6</sup> "Institutionalized gender bias within the health service delivery system in terms of lack of female service providers, and neglect of women's basic and reproductive health needs, intensify women's disadvantaged health status."<sup>7</sup> In addition, women are excluded from the work force and even, in many rural communities, strictly prohibited from physically leaving the home. "Evidence on mobility restrictions reflects more fundamental constraints related to culture and law."<sup>8</sup> Cultural norms have permeated the

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<sup>5</sup> "Pakistan: Statistics," United Nations Educational, Scientific and Cultural Organization, 2000. 15 Dec 2008 <[http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html)>

<sup>6</sup> Dr. Tara Vishwanath. "Bridging the Gender Gap: Opportunities and Challenges," 2006. 14 Dec 2008 <<siteresources.worldbank.org/PAKISTANEXTN/Resources/293051-1146639350561/CGAPAK.pdf>>

<sup>7</sup> "Country Briefing Paper: Women in Pakistan," Asian Development Bank, 2000. 14 Dec 2008 <[www.adb.org/Documents/Books/Country\\_Briefing\\_Papers/Women\\_in\\_Pakistan/chap\\_02.pdf](http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Pakistan/chap_02.pdf)>

<sup>8</sup> Dr. Tara Vishwanath. "Bridging the Gender Gap: Opportunities and Challenges," 2006. 14 Dec 2008 <<siteresources.worldbank.org/PAKISTANEXTN/Resources/293051-1146639350561/CGAPAK.pdf>>

central government, making the police force and the judicial system ineffective at responding to blatant breaches of international human rights law. The interaction between social tradition and government rule must be addressed before any constructive action can commence.

### *Culture of Violence*

Pakistan's institutionalized gender inequality stems from the cultural perception of women as commodities. "Pakistani society essentially views a woman as being owned by her father or brothers before marriage, and her husband after marriage."<sup>9</sup> According to Dr Tahira Shahid Khan, a woman's resource centre worker in Shirkatgah, "Women are considered the property of the males in their family irrespective of their class, ethnic or religious group. The owner of the property has the right to decide its fate. The concept of ownership has turned women into a commodity which can be exchanged, bought and sold."<sup>10</sup> As an object, women must uphold the man's, and the family's honour. A man is judged by the community on his ability to protect the chastity of "his" women. "However, the vague notion of honour has led to almost every act of disobedience amounting to 'dishonouring' the family."<sup>11</sup> Any action that isn't in line with the male authority is therefore considered a breach of honour, and must be punished.

The commodification of women and the social perception of male honour have led to the acceptance of gender violence as a cultural norm. Women in Pakistan are continual victims of domestic abuse, sexual assault, and murder. Human Rights Watch states that

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<sup>9</sup> Alice Bettencourt. "Violence Against Women in Pakistan," 2000. 13 Dec 2008 <[www.du.edu/intl/humanrights/violencepkstn.pdf](http://www.du.edu/intl/humanrights/violencepkstn.pdf)>

<sup>10</sup> "Pakistan: Honour Killings of Girls and Women," Amnesty International, 1999. 13 Dec 2008. <<http://www.amnesty.org/en/library/info/ASA33/018/1999>>

<sup>11</sup> "The Practice of Honour Killings," Human Rights Correspondence School, 2004. 14 Dec 2008. <<http://www.hrschool.org/modules.php?name=Content&pa=showpage&pid=65&cid=2>>

up to 90 percent of women in Pakistan have experienced some form of male violence. Brutal methods of domestic abuse, including burning and the use of acid, leave women perpetually living in fear.

In addition to the horror within the home, women are subjected to public violence. Tribal councils called Jirgas act as informal judicial systems for rural communities. They prohibit any form of female participation, yet commonly make decisions that entail the exchange, rape, or murder of women. Although Jirgas were technically declared illegal by superior court, “over 4,000 people have reportedly died in Jirga-ordered murders over the last six years, two thirds of them women. Many of those involved in implementing Jirgas hold, or will likely go on to hold, places in Pakistan’s parliament.”<sup>12</sup> The rulings are based mainly on rumor and the reputation of the witness, in addition to the vocal opinion of the audience.

“The Jirga sense of justice is not synonymous with truth and punishment, but rather with reconciliation of the powerful and social stability and/or control.”<sup>13</sup> Since the rulings are based on maintaining male authority and preventing violence between males, the women become the objects of punishment and resolution. They are often exchanged as compensation for damages, resulting in a literal sex trade between families. In the case of rape, the Jirga resolves the conflict between the rapist and the owner of the victim instead of the victim herself. In many cases, the owner of the victim receives “justice” by raping the wife, mother, or daughter of the rapist. This system not only ignores the true victim, but creates another rape victim through the solution. Jirgas also deal with direct female

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<sup>12</sup> “Pakistan: Government must crack down hard on its Jirga courts and the extra-judicial murders they commit,” Asian Human Rights Commission, 2008. 12 Dec 2008 <<http://www.ahrchk.net/statements/mainfile.php/2008statements/1752/>>

<sup>13</sup> “The Practice of Honour Killings,” Human Rights Correspondence School, 2004. 14 Dec 2008. <<http://www.hrschool.org/modules.php?name=Content&pa=showpage&pid=65&cid=2>>

disobedience, generally ordering the murder of the women through the practice of honour killing.

Honour killing is the epitome of gender violence in Pakistan. Although the practice is rooted in the protection of a family's social image, it "has been used to justify killing mainly women but also men for the most arbitrary or personal reasons, far from relating to family 'honour'."<sup>14</sup> Women are killed for reasons spanning from divorce to visiting a relative without permission. Recently three young women were murdered for planning to marry men of their choice. "The young women were beaten and shot, and, still breathing, covered with earth and stones... two older women who tried to intervene... were buried alive as well."<sup>15</sup>

Although men selected by the court usually carry out the killings, intra-family murder has become common. "The likelihood of justice has become so bad that a Jirga-issued death sentence has become a way to resolve personal and political vendettas and property disputes (particularly by male family members who resent losing property to another family through the marriage of a woman relative)."<sup>16</sup> With the ideal of maintaining familial honour so prioritized, "the truth of the suspicion does not matter – merely the allegation [of disobedience] is enough to bring dishonour on the family and therefore justifies the slaying."<sup>17</sup>

Honour killings and the Jirga system of justice severely undermine the authority of

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<sup>14</sup> "The Practice of Honour Killings," Human Rights Correspondence School, 2004. 14 Dec 2008. <<http://www.hrschool.org/modules.php?name=Content&pa=showpage&pid=65&cid=2>>

<sup>15</sup> Salman Masood. "Pakistan Begins Inquiry Into Deaths of 5 Women," The New York Times, 2008. 12 Dec 2008 <<http://www.nytimes.com/2008/09/03/world/asia/03pstan.html?partner=rssnyt&emc=rss>>

<sup>16</sup> "Pakistan: Government must crack down hard on its Jirga courts and the extra-judicial murders they commit," Asian Human Rights Commission, 2008. 12 Dec 2008 <<http://www.ahrchk.net/statements/mainfile.php/2008statements/1752/>>

<sup>17</sup> "Pakistan: Honour Killings of Girls and Women," Amnesty International, 1999. 13 Dec 2008. <<http://www.amnesty.org/en/library/info/ASA33/018/1999>>

central government and the laws put in place, especially during the current period of violence between the government and the Taliban. Since the government is unable to protect its people from militia violence, civilians have begun to organize through the Jirgas for protection, empowering the system that has wreaked havoc on women in Pakistan.

### *Absence of Authority*

While the cultural traditions and social norms have propelled the acceptance and practice of gender violence, the Pakistani government has failed to provide the protection and justice that is fundamental for women's security. The failures primarily manifest themselves within the police force and the judicial system. The current mandate and mentality of the police forces leaves women fending for themselves, afraid to report abuses for fear of arrest or sexual assault. The laws in place allow perpetrators of rape and murder to walk away with little more than a fine, and the manipulation of judicial appointments has allowed cultural norms to permeate the rule of law. Finally, corruption at every stage makes justice a luxury only to be afforded by the rich. Continuing the push towards gender equality requires restoring the authority of the central government over parallel legal systems like the Jirgas, which means solving the basic problems preventing women from accessing justice.

The first obstacle that women encounter on their search for legitimate justice is the police force. Many women don't report domestic abuse for fear of further violence, either by the offender or the police themselves. "There are few women's shelters, and any women attempting to travel on her own is a target for abuse by the police, strangers or

male relatives hunting for her.”<sup>18</sup> Rape victims are especially vulnerable; “police officers feel free to abuse a woman already considered shamed.”<sup>19</sup> In addition, “police who are supposed to stand guard [over the] life, honor, and property of people are the first to violate the law because they think they are not accountable to any authority.”<sup>20</sup> When responding to gender violence, police ignore reports, attempt to mediate the situation instead of arrest the offender, or even physically intimidate women into not filing reports.<sup>21</sup> “Since the society, police and law enforcing agencies view domestic violence as a private matter, it goes unnoticed until it takes extreme forms of murder or attempted murder.”<sup>22</sup>

The lack of female police officers also severely inhibits the ability of the police to connect with victims of gender violence. In the provincial capital of Pakistan, Lahore, only 1 of the 77 police stations is exclusively for women, and only 429 of the 25,100 police officers are women.<sup>23</sup> Considering the general subjectification of women as a cultural norm, female police officers do not receive the training or the equality they deserve. “Women police officers, even in exclusively female stations, are unable to register a case without clearance from their male superiors and have no powers of

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<sup>18</sup> “Pakistan: Honour Killings of Girls and Women,” Amnesty International, 1999. 13 Dec 2008. <<http://www.amnesty.org/en/library/info/ASA33/018/1999>>

<sup>19</sup> Terence McKenna. “Pakistan, Land, Gold, Women,” CBC News, 2006. 14 Dec 2008 <[http://www.cbc.ca/news/background/pakistan/mckenna\\_pakistan.html](http://www.cbc.ca/news/background/pakistan/mckenna_pakistan.html)>

<sup>20</sup> Muhammad Usman Ghani. Interview Held on the International Day for the Elimination of Violence Against Women, 2005. 14 Dec 2008 <[http://www.awid.org/eng/Issues-and-Analysis/Library/Violence-against-women-in-Pakistan/\(language\)/eng-GB](http://www.awid.org/eng/Issues-and-Analysis/Library/Violence-against-women-in-Pakistan/(language)/eng-GB)>

<sup>21</sup> Alice Bettencourt. “Violence Against Women in Pakistan,” 2000. 13 Dec 2008 <[www.du.edu/intl/humanrights/violencepkstn.pdf](http://www.du.edu/intl/humanrights/violencepkstn.pdf)>

<sup>22</sup> “Country Briefing Paper: Women in Pakistan,” Asian Development Bank, 2000. 14 Dec 2008 <[www.adb.org/Documents/Books/Country\\_Briefing\\_Papers/Women\\_in\\_Pakistan/chap\\_02.pdf](http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Pakistan/chap_02.pdf)>

<sup>23</sup> “Reforming Pakistan’s Police,” International Crisis Group, 2008. 14 Dec 2008 <<http://www.crisisgroup.org/home/index.cfm?id=5570>>



investigation.”<sup>24</sup>

Finally, corruption in the police force prevents anyone without money from receiving justice. According to Transparency International, the police force is the most corrupt public sector institution in Pakistan.<sup>25</sup> The corruption is a result of poor salaries and working conditions for all levels of the force. The implications for gender violence are grave. Since most women are completely dependent on their abuser and can't pay the bribe needed to file a report, end up living a life of silent abuse.

The next obstacle for women on the path to justice is the judicial system. Current laws on domestic abuse and murder allow the perpetrator to walk away with little more than a fine. Domestic violence is “not explicitly prohibited in Pakistani domestic law. Due to this lack of formal recognition, the judicial system, from police officers to Pakistani courts, tends to view domestic violence as a private affair and not open to legal scrutiny.”<sup>26</sup> Through the Qisas and Diyat laws, the victim's party can choose to receive monetary compensation for bodily damages. They also “allow the immediate relatives of a murder victim to pardon the perpetrator in return for monetary compensation,” creating a literal blood-money transaction.<sup>27</sup> These laws protect perpetrators of honour killings from jail time, opening the door for them to walk back into the community.

The Hudood Ordinances have been especially detrimental to the judiciary's ability to respond to gender violence. Passed in 1979, the Ordinances prevent women's

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<sup>24</sup> “Reforming Pakistan's Police,” International Crisis Group, 2008. 14 Dec 2008 <<http://www.crisisgroup.org/home/index.cfm?id=5570>>

<sup>25</sup> “Report on the Transparency International Global Corruption Barometer 2007,” Transparency International, 2007. 15 Dec 2008 <[www.transparency.org/content/download/27256/410704/file/GCB\\_2007\\_report\\_en\\_02-12-2007.pdf](http://www.transparency.org/content/download/27256/410704/file/GCB_2007_report_en_02-12-2007.pdf)>

<sup>26</sup> Alice Bettencourt. “Violence Against Women in Pakistan,” 2000. 13 Dec 2008 <[www.du.edu/intl/humanrights/violencepkstn.pdf](http://www.du.edu/intl/humanrights/violencepkstn.pdf)>

<sup>27</sup> “Reforming the Judiciary in Pakistan,” International Crisis Group, 2008. 14 Dec 2008 <<http://www.crisisgroup.org/home/index.cfm?id=5728>>

testimony in Hadd cases, including alcohol offenses, drug offenses, and sexual assault. Until 2006, the Zina Ordinance, listed under the Hudood Ordinances, allowed women to be charged for engaging in non-marital fornication. “The testimony of four adult males witnesses was required to prove rape,” and if rape could not be proved, the victim was vulnerable to being charged for sexual activity outside of marriage. Although this law has been repealed, the effects are still apparent, as 80 percent of women prisoners have been charged under the Zina Ordinance.<sup>28</sup>

The presence of cultural norms in the judiciary is found not only in legal documentation, but also in the experience and approach of officials. The Federal Shariat Court is a legitimate body of the Pakistani Supreme Court that has the power to review laws and direct the parliament in law making. However, “the FSC bench consists only of Muslim judges, all appointed by the executive, three of whom may be religious scholars without any prior judicial or legal experience.”<sup>29</sup> The FSC acts as a mechanism for Islamitization in the central government. In addition, many lawmakers still openly defend abuses of human rights on the basis of tradition. After the recent honour killing of five women, Israel Ullah Zehri pronounced: “These are centuries-old-traditions and I will continue to defend them... Only those who indulge in immoral acts should be afraid.”<sup>30</sup> The presence of cultural norms within the central government severely affects its ability to respond to the various forms of gender violence in Pakistan.

## **The Actors**

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<sup>28</sup> “Reforming the Judiciary in Pakistan,” International Crisis Group, 2008. 14 Dec 2008 <<http://www.crisisgroup.org/home/index.cfm?id=5728>>

<sup>29</sup> “Reforming the Judiciary in Pakistan,” International Crisis Group, 2008. 14 Dec 2008 <<http://www.crisisgroup.org/home/index.cfm?id=5728>>

<sup>30</sup> “Pakistani Lawmaker Defends Honor Killings,” The Associated Press, 2008. 16 Dec 2008 <<http://www.msnbc.msn.com/id/26469519/>>

Despite the complexity and overwhelming challenges presented by this issue, many organizations are currently working on solving gender violence in Pakistan. From large international corporations to NGOs and single citizens, the movement towards gender equality is generating momentum. Amnesty International has been very vocal about the issue, publishing an extensive report in 1999 and many additional reports afterwards. The Human Rights Commission of Pakistan is a local NGO that is currently working to collect information, spread awareness, and mobilize public opinion for human rights across the country. Other non-profits like the Survive Welfare Organization has been working in Pakistan since 2004 “for the welfare and protection of women,” providing basic necessities and free legal aid.<sup>31</sup> Dr. Manzoor Ahmed Butt has worked to provide safe, clean, medical treatment for women. Women are usually reluctant to visit doctors for fear of abuse, but Dr. Manzoor Ahmed Butt is changing the perception of doctors in Pakistan through basic moral practice.

The most important actors on frontlines of gender violence are women who speak up. In 2002, Mukhtar Mai was gang-raped and paraded naked through her village. Instead of remaining silent she has worked tirelessly to educate women in Pakistan about women’s rights and gender issues. She has received international recognition, using donated money to found schools and shelters for women across the country. As a victim, she was able to bring the spotlight to Pakistani gender violence in a way no one else could.

### **Possibilities for a Freshman**

Although the issue is both difficult to address and geographically remote, there are

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<sup>31</sup> Muhammad Usman Ghani. Interview Held on the International Day for the Elimination of Violence Against Women, 2005. 14 Dec 2008

many things I could do as a freshman at UC Berkeley to help eliminate gender violence in Pakistan. Currently no student group exists that works to advocate specifically for women's rights in Pakistan. The first step in making a change would be organizing students to focus on this single issue. The missions of many students groups are too broad to be a legitimate force for any single issue. Organizing the student group with a mandate specific to the elimination of gender violence in Pakistan would allow us to focus our efforts. However we would pay for it with less general interest and less members.

After establishing a student group, the most direct method of helping women in Pakistan would be through NGOs based in Pakistan. Instead of setting up my own NGO or attempting to work with organizations in America, we would directly contribute to the work the locals are doing, for they are most educated on the issue. Human rights organizations in Pakistan are in critical need of funds to buy supplies, pay for medical bills and legal costs. As a group we would attempt to donate our money directly, to prevent any possibility of reallocation. Establishing connections with local organizations through donations would set up the possibility of sending students to Pakistan to work. However, this idea would require extensive research and time before it could be deemed safe enough or worthwhile. We would acknowledge that there are many people more qualified to work in Pakistan, and we would only consider the idea if the NGOs in Pakistan were comfortable hosting us.

In conclusion, the current problem of gender violence in Pakistan stems from the cultural norms that have allowed women to be routinely abused and the failure of the central government to take action. The social perception of women as commodities must

be transformed, and the obstacles presented by the police force and the judicial system must be broken down before women will be able to live free from fear. The movement towards gender equality has been met with stark opposition from the extremist right. “More than 140 girls schools have been destroyed by the Taliban in the last several weeks.”<sup>32</sup> The recent violence between the central government and the Taliban has increased tribal authority, allowing honour killings to continue unchecked. Therefore, it is critical, now more than ever, for the central government to take a firm, authoritative stance in support of gender equality. There is simply no better, or more critical time.

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<sup>32</sup> Jane Perlez and Pir Zubair Shah. “Confronting the Taliban, Pakistan Finds Itself at War,” The New York Times, 2008. 16 Dec 2008 <<http://www.nytimes.com/2008/10/03/world/asia/03pstan.html>>

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