

Pakistan's gender discrimination in law is a violation of GSP+

Written by Jude Kirton-Darling on 25 April 2018 in Opinion
Opinion

Pakistan's constant gender discrimination is in direct violation of its GSP+ obligations, explains Jude-Kirton Darling, so why is the Commission turning a blind eye to the country's lack of equality?



Jude Kirton-Darling | *Photo credit: European Parliament audiovisual*

Can companies refuse to hire women? Can companies pay men more than women, for the same work? In Pakistan, the answer is yes.

Although Pakistan's constitution prohibits, in theory, discrimination based on race, religion, caste, sex, residence and place of birth, in reality this is not implemented. Pakistan has no national laws prohibiting gender discrimination in hiring process, nor does the country have legislation prohibiting gender pay gaps.

This inadequate labour legislation, taken together with strong cultural and religious norms, leads to challenges for women wishing to work. As a result, women make up only 22 per cent of the labour force and many female workers face harassment, intimidation and abuse.

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Figures show that 95 per cent of women work under no legal written contract, and as many as 64 per cent are being paid well below the minimum wage.

To accentuate the problem, the lack of formalised labour unions has crippled the progress of labour rights. According to recent research, military overreach has undermined workers' rights to collective bargaining. The 2008 Statistical Year Book demonstrates that, between 1996 and 2005, 279 unions disappeared, leaving only 39 functional unions (representing two to five per cent of the Pakistani labour force).

Pakistan also discriminates against women in family law, such as divorce rights, where women must 'request' a divorce, while men may simply be granted one. Similar discriminations exist in marriage, inheritance and child custody rights.

Meanwhile, Pakistan has been a beneficiary of the EU's trade benefit programme, the generalised scheme of preferences plus (GSP+), since 2014. Despite blatant and ongoing human rights abuses, the European Commission reaffirms its commitment to Pakistan retaining its GSP+ status.

In order to qualify for GSP+, beneficiary countries must ratify and effectively implement 27 core conventions covering human rights, labour rights, good governance and environmental justice. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is one of the conventions listed as obligatory for the scheme.

The Pakistani textile industry is the main industry benefiting from GSP+. Coincidentally, it is also one of the industries with the largest gender-pay gaps, resulting in 93 per cent of female textile workers making less than minimum wage.

In the Commission's staff working document entitled 'The EU special incentive arrangement for sustainable development and good governance', released on 19 January 2018, the Commission claims Pakistan has made "progress" in all the major areas of concern.

Unfortunately, the Commission's use of the word "progress" is misleading. In reality, improvements have been modest - particularly as it relates to gender discrimination in the work force.

The Commission's document fails to adequately address the lack of gender-equality employment legislation. It also completely omits the ways women are discriminated against in family law.

The Commission's obfuscation of the impact of Pakistan's discriminative legislation on women is

disappointing, especially in light of the recently passed European Parliament own-initiative reports drafted by the international trade and women's rights committees, 'Gender equality in EU trade agreements' and the 'Strategic engagement for gender equality strategy (2016-2019)', both of which pledge to push for women's rights worldwide.

A recent report showed that gender-equality is mentioned in only 20 per cent of European Union trade agreements. This needs to change. If the EU claims the promotion of gender equality as one of its founding principles, it must employ that principle in all of its policymaking, including trade agreements.

About the author

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