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Denial of Women's Right of Inheritance

Enhancing their Vulnerability to
Domestic & Societal Violence



AwazCDS-Pakistan

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Denial of Women's Right of Inheritance Enhancing their Vulnerability to Domestic & Societal Violence

**Research Study on Customs and
Practices Prevailing in South Punjab
Regarding Women's Right of Inheritance**

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ACRONYMS & DEFINITIONS

<i>Shariat</i>	<i>Muslim Inheritance Laws</i>
FGDs	Focus Group Discussions
UN	United Nations
Art.	Article
Para.	Paragraph
UDHR	Universal Declaration of Human Rights
HIV	Human Immune-deficiency Virus
AIDS	Acquired Immune Deficiency Syndrome
NWFP	North West Frontier Province
IPRI	International Property Rights Index
Vani	Women given in penance of the crime committed by her male relative
Karo Kari	Honor Killing
Watta Satta	Exchange marriages
<i>Prophet (P.B.U.H)</i>	<i>Prophet Peace Be Upon Him</i>
AwazCDS	Awaz Foundation Pakistan: Centre for Development Services
CSOs	Civil Society Organizations
IDIs	In-depth Interviews
<i>Ayat</i>	<i>Verse from Holy Quran</i>
<i>Hadith</i>	<i>A saying attributed to the Prophet Muhammad (P.B.U.H)</i>
<i>Iddah/ Iddat</i>	<i>Compulsory waiting period following divorce or widowhood, during which a woman cannot remarry</i>
<i>Nikkah</i>	<i>Marriage</i>
<i>Nikahnama</i>	<i>Marriage contract</i>
<i>Talaq</i>	<i>Divorce initiated by the husband</i>
F.I.R	First Information Report
MFLO	Muslim Family Laws Ordinance
NGOs	Non Governmental Organizations
HRCP	Human Rights Commission of Pakistan
B Z University	Bahau-din- Zakariya University
AI	Amnesty International
WPF	World Population Foundation
RDO	Research and Documentation Officer

Some Important Definitions:

As 95 percent of the population of the country comprises of Muslims, there was a need to review the defined rights of inheritance in the religion of Islam. This is the only area of Family Law where there are different provisions for different sects, the major difference being over the share given to daughters when there is no male heir.

As Daughter	<ul style="list-style-type: none">Woman having brothers: gets half of brother's share.Woman having no other siblings: '<i>Hanafi</i>' (Sect of Muslims): gets total 1/2 of inheritance; '<i>Jafria</i>' (Sect of Muslims): inherits entire property;woman having sisters: '<i>Hanafi</i>': share 2/3 of the total inheritance equally among themselves; remaining 1/3 goes to other relatives; '<i>Jafria</i>': share total inheritance equally among themselves if parent predeceased: Sec. 4 MFLO: woman can inherit (along with any other siblings) the share of her parent's and the share of her grandparent's property
As Wife	<ul style="list-style-type: none">1/8th if she has children; 1/4th if she does not have childrenA wife can inherit during her '<i>iddat</i>' i.e .the period when her divorce has not yet become finala wife cannot be denied her inheritance by a death-bed '<i>talaq</i>' there is no time limit for a wife to claim inheritance
As Mother	<ul style="list-style-type: none">1/6th

AwazCDS Research 2009- Table 1- Some Important Definitions

Word	Definition
<i>Ayat</i>	Verse/verses of the Holy Quran
<i>Hadith</i>	A saying attributed to the Prophet Muhammad (P.B.U.H)
<i>Iddah / Iddat</i>	Compulsory waiting period following divorce or widowhood, during which a woman cannot remarry
<i>Nikah</i>	Marriage
<i>Nikahnama</i>	Marriage contract
<i>Talaq</i>	Divorce initiated by the husband

AwazCDS Research 2009- Table 2- Some Other Definitions

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PREFACE

Acceptability and giving the women their rights of inheritance is a form of social protection, but its denial is making them more vulnerable to domestic and societal violence. Discourse on social protection has gained currency in the recent decades and has given a rapid economic transition in many developing countries across the world, including those in South Asia. Through its research on various aspects of violence against women, AwazCDS- Pakistan has established view that violence is not only a women's issue, or even a health issue, but an issue that influences the development process as a whole. Domestic violence costs development, obstructs participation in development processes and contradicts the goals of development.

Although women's lack of formal control over land and resources has long historical roots, it has become particularly problematic as economies and societies undergo an extensive change. In subsistence production systems, the access to land was often determined by status within the family rather than actual ownership rights; both men and women therefore had to produce food for their families.

Furthermore, the process of titling has been administered with strong gender bias with women usually denied equal ownership rights. In addition, property and inheritance claims are generally processed through loosely organized administrative bodies consisting of local leaders and clerks with limited legal training. Most of these decision makers are men, eventually claims are often decided in an ad-hoc manner based on personal views and interests rather than consistent legal precedent.

More recently, processes of industrialization and globalization have disrupted long-standing livelihoods and systems of production, forcing many families to focus more on income-generating activities than on subsistence practices. The gradual but dramatic shift from subsistence agricultural to cash crop production in much of the world has had a strong impact on women. As mentioned above, women have long held primary responsibility for raising food and for gathering water and fuel to feed and sustain families. The land on which they used to produce crops and raise livestock has gradually been converted to public control as part of capital economies. As a result, remaining social systems affording the women's informal right to control land and property have been severely shaken.

On behalf of Awaz Foundation Pakistan: Centre for Development Services, I am pleased to present this research study on Customs and Practices Prevailing in South Punjab regarding Women's Rights of Inheritance. The research actually explores the scope and trend analysis of the basic human right i.e. the Right of Inheritance. The report is exploring the links of women's ownership of property and inheritance rights and their experience of domestic violence. The cross site analysis attempts to highlight the commonalties and differences in trends across the five most exposed to violence sites, selected for the study in Southern Punjab with the help of an advisory group formed at

the level of research design . It also presents a conceptual framework of pathways by which women's property ownership affects their experience of domestic and societal violence.

We are grateful to **Oxfam Novib** for providing financial assistance to AwazCDS-Pakistan for conducting this research study. Our special thanks to the participants of the research study for their willingness and openness in sharing their ideas, thoughts and beliefs. We extend our special thanks to Coordinators of PARCs (People's awareness and Rights Committees) and Volunteers of targeted districts for facilitation.

Towards the end I, on behalf of AwazCDS-Pakistan extend special thanks to Mr. Saeed-ur-Rehman for leading this research by developing its concept, drafting research tools, guiding for its conduction and analyzing and drafting its findings. The study benefited greatly from the comments and suggestions of the Technical Advisory Group constituted to guide the research team especially Mr. Sajid Mahmood Awan Assistant Professor Gender Studies Department B Z University Multan, who have reviewed the study. I must also appreciate AwazCDS Team, especially, Ms. Khadija Shaheen and Mr. Sultan Mehmood for their facilitation in data collection and compilation.

Looking forward to your comments and feedback

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1. EXECUTIVE SUMMARY

Every social grouping in the world has its specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. One of the most common traditional practices is the denial of women's right of inheritance. Female sexual control by men and the economic and political subordination of women perpetuate the inferior status of women and inhibit structural and attitudinal changes necessary to eliminate gender inequality. In the Sub-continent, the livelihood and empowerment prospects of millions of women who depend on agriculture for survival are affected by their legal rights in land.

Pakistan has been ranked 93rd out of 115 in property rights protection and 86th in gender equality in the International Property Rights Index (IPRI) 2008. 98 percent population in Pakistan is Muslim and Islam gives rights of inheritance to all inheritors either male or female. The constitution of Islamic Republic of Pakistan also protects the women's right of inheritance and so is the other laws of inheritance are prevailing in the country. Muslim inheritance laws guarantee the inheritance of women as per *Shariat*. However, the procedural and codal requirements for the procurement of land as well as other properties make it nearly impossible for the women to get their rights.

Awaz Foundation Pakistan: Centre for Development Services conducted this study under the core objectives of identification of people's perception and practices about women's right of inheritance, identification of lacunae in the procedural requirements of the inheritance law and verification of incidents of violence against women on the basis of practices regarding inheritance. The study was conducted in Southern Punjab with specific focus on five most exposed to violence districts including D.G.Khan, Vehari, Sahiwal, Rahim Yar Khan and Muzaffargarh. A total of 10 Focus Group Discussions (FGDs) were held with total 250 participants. These FGDs provided a quantitative and qualitative insight on the subject matter which then were further verified through 05 in-depth interviews with the knowledge bearers in all the targeted districts.

The research analysis shows that 10% of the respondents including both men and women each, own immovable property (either land or a house or both). Regardless of sex; the ownership of a house is greater than the ownership of land. The ownership of both a house and land is greater for men as compared to women (65 % vs. 15 %). On the other hand, a higher proportion of women compared to men own only a house (30 % vs. 6 %). Total 5% of men as well as women have ownership of land. This inequality in property ownership is perhaps a reflection of inequality of inheritance rights of sons and daughters in the parental property.

About 90% of the total respondents were of the opinion that the society in general accepts the women's rights and believes that they should be given share in the inherited property whereas, only 10% of the respondents were of the opinion, that society does not even consider it as right of the women. When asked, whether our communities in

general practice it and actually gives right to their women, 100 percent of the respondents were of the opinion that it is not practiced at all. In aggregate 90 percent of the respondents were of the opinion that parents often consider dowry as substitute of their agricultural land. Some respondents were of the opinion that women, in most of the cases relinquish their right of inheritance by themselves. When asked? why they do so, the female respondents argued that thousands of rupees are spent by their parents and brothers on their marriages.

When asked why do women not demand their right of inheritance, in aggregate 70% of the female respondents were of the opinion that they don't demand their right of inheritance due to uncertainties prevailing in their marital life. They feel that at some times during their life, they might have to go to their parents. In aggregate 30% of the respondents were of the opinion that female don't demand their rights because they don't have assertiveness skills. In aggregate 45% of the respondents (78% females and 22% males) were of the opinion that majority of the women in communities are illiterate and they don't have awareness about their rights. Total 80% of the respondents (76% females and 04% males) were of the opinion that women, by all means have to keep a strong relations with their families. Most of the women relinquish their right of inheritance to please their families especially parents and brothers. Moreover, the prevailing trends in the society compel women not to demand their rights as total 85% of the respondents were of the opinion that existing traditions in their surroundings don't allow them to practice giving rights to women, even if they intend to do so.

When asked from the respondents (N=250) that whether parents support their daughter's right of inheritance. In aggregate 19% respondents (N= 48) were of the opinion that mothers do support their daughters whereas total 81% of the respondents (N=207) were of the opinion that females in any case are not supported by their parents. In aggregate 45% of the participants were of the opinion that women should not demand property ownership. According to the most of the female participants; the property is something which should be remained within the family and sisters / daughters should respect this traditional practice.

When asked that whether the women should be given land rights, out of 158 females, total 128 females said that they should be given their right of inheritance, whereas 13 women responded in negation and said that it should not be practiced, while 17 women did not respond on this question. Similarly when asked the same question from men, out of total 97 male respondents, 92 males were of the opinion that women should be given their right of inheritance and rest of the participants responded as 'No'.

The female participants of the Focus Group Discussion, who owned land or a house, were found at significantly lower risk of physical and psychological violence among their in-laws. In aggregate 35 such women were found in the FGDs who shared comparatively comfortable life style and faced relatively less incidents of violence as

compared to rest of the women who had no property.

Out of the total 250 respondents, 129 respondents (30 females and 99 males) had eligibility of rendering property ownership and most of them had practiced it, whereas only 17 of them gave their daughters / sisters / wives their share in the property. In the *Tehsils* (subdivision) Muzaffargarh, Taunsa and Burewala none of the eligible respondents had ever rendered their property to females of their family. The overall percentage of granting property to women was found as 1.3% only. This proportion is much less than already reported figure of the country i.e. 3%.

When asked from the respondents that what factors hinder in the way of women's right of inheritance, in aggregate 60% of the respondents were of the opinion that prevailing social and customary practices in the society are the major hurdle in the way of acquiring their inheritance rights. Total 24% of the participants were of the opinion that women's lack of education, empowerment, leadership and decision making skills are the major hurdles. Total 56% of the participants were of the opinion that complicated legal system and discriminatory laws enforced in the country are the major hurdle in the way of women's acquiring their right of inheritance. Total 35% of the participants were of the opinion that without awareness regarding gender in the bodies dealing with land allocation, inheritance and dispute settlement, a male bias among concerned officials will continue to stand in the way to women's enjoyment of their rights. Total 26% participants were of the opinion that society overall denies the rights of the women whereas total 60% of the participants were of the opinion that the main reason of the deprivation of women is the prevention of transfer of wealth from one family to another.

2. INTRODUCTION & BACKGROUND

In many developing countries, more than half of the urban population lives in slums and informal settlements, in sub-standard housing, without basic services and without the enjoyment of their human rights to land and adequate housing. Women headed households form a high proportion of the population in many of such settlements. While lack of security of tenure affects millions of people across the world, women face added risks and deprivations; in Africa and South-Asia especially, women are systematically denied their human rights to access, own, control or inherit land and property. The vast majority of women cannot afford to buy land, and usually can only access land and housing through male relatives, which makes their security of tenure dependent on good marital and family relations. At the same time, millions of women in Asia, Africa and Latin America depend critically on land for a livelihood. Globally, an estimated 41% of women headed households live below the locally defined poverty line and close to one third of the world's women are homeless or live in inadequate housing. Exclusion of women from access to land pushes them towards the cities, where they often join the ranks of the increasing number of women headed households in slum areas. In Kenya, for example, where women head 70% of all squatter households, over 25% of women slum dwellers migrated from their rural homes because of land dispossession.

The Charter of the United Nations includes among its basic principles the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (Art. 1, Para. 3). In 1948, three years after the adoption of the Charter, the General Assembly adopted the Universal Declaration of Human Rights, which has served as guiding principles on human rights in the constitutions and laws of many of the Member States of the United Nations. The Universal Declaration prohibits all forms of discrimination based on sex and ensures the right to life, liberty and security of person; it recognizes equality before the law and equal protection against any discrimination in violation of the Declaration. Many international legal instruments on human rights further reinforce individual rights, and also protect-and prohibit discrimination against-specific groups, in particular women. Traditional and cultural practices reflect values and beliefs held by members of a community for periods often spanning generations.

Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. One of the traditional practices is the denial of women's right of inheritance. Female sexual control by men, and the economic and political subordination of women, perpetuate the inferior status of women and inhibit structural and attitudinal changes necessary to eliminate gender inequality.

An exception can be found among matrilineal societies of north-eastern India, where only women can own land and traditionally only the youngest daughter can inherit. From: Yariisa Richmond Lyndgdoh, *Effect of Tribal Land Tenure Systems on Urban Development: Case Study of Shillong, north-east India*, paper presented at Seminar on Tenure Security Policies, Johannesburg, July 1999. In most other matrilineal societies however, it is the male relatives of the women that inherit land.

As early as the 1950s, the United Nations specialized agencies and the human rights bodies began considering the question of traditional practices denying the rights of the women. But these issues have not received consistent broader consideration, and action to bring about any substantial change has been slow or superficial.

Alarming numbers of cases are reported of in-laws having evicted widows upon the death of their husband. A widow is not considered to be part of the clan and is expected to return to her parents and/or fend for herself. The HIV/AIDS pandemic has contributed to an increase in such evictions. In many Sub-Saharan African countries, married women also face eviction from the marital home, when their husbands take a second (or third) wife and cannot afford to support both of his wives. Very rarely can a woman in such cases return to her parent's land. When a man sells the family land and leaves for the city, women and children are often also left landless. All these cases show that the household relationship is not equal to start with. The commercialised tradition of dowry is contributing to this inequality: asked about co-ownership of land between him and his wife, a Ugandan farmer compared his wife with a tractor that he had paid for. How could she (co-) own property if she herself was (seen as) his property? In addition to increasing vulnerability to evictions, exclusion of women from decisions on the use, control and transfer of land has also led to a decrease in food security and sustainable development.

While too many women face forced evictions by their in-laws and domestic violence within their marital home, they are also affected disproportionately by forced evictions, resettlement schemes, slum clearance and development projects carried out by or through the state actors. Armed conflicts and resulting displacement, destruction of homes, family structure and communities often leave women more vulnerable. The lack of documentation combined with legal or customary discrimination often block women from accessing their land rights. In cases such as Rwanda, the deprivation of widows after the 1994 genocide led to fierce lobbying for the reform of Rwanda's Civil Code, which now allows widows to inherit property. Women headed households and single women have little access to credit and other resources often because of lack of

In many areas, widows are themselves 'inherited' by their brother-in-law, although this practice occurs less than in the past. Refusal to follow this custom also leads to eviction.

Annual Report 2001, Uganda Land Alliance. In Sub-Saharan Africa, it is the men who pay dowry to the family of their future wife, while in most parts of Asia, dowry is paid by the women's family.

There is increasing evidence that, especially in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco etc. See Bina Agarwal, *Are We Not Peasants Too? Land Rights and Women's Claims in India*, Population Council, 2002. Furthermore, particularly in Africa, women are food security, as it is women who do most work on the land, process the harvest and feed their families.

When communities are forcibly evicted and moved to places with no sources of livelihood, men tend to migrate and leave women to fend for the family. Rape is used as a "tool" to forcibly remove women from their homes before and during forced evictions.

collateral and/or the assumption that they will be unable to meet financial obligations in the absence of a male partner. In various countries, married women still need the consent of their husband before taking a loan; a requirement that violates International Human Rights Law.

The UN Special Rapporteur on Adequate Housing confirms the dire situation of millions of women across the world: *"In almost all countries, whether 'developed' or 'developing', legal security of tenure for women is almost entirely dependent on the men they are associated with. Women headed households and women in general are far less secure than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum where her security of tenure is at best questionable"*.

In the sub-continent, the livelihood and empowerment prospects of millions of women who depend on agriculture for survival are affected by their legal rights in land. The Muslim women in India fall under the Muslim Personal Law (*Shariat*) Application Act, 1937. With this, the *Shariat* (Islamic Laws) superseded 'custom or usage to the contrary for all property, except agricultural land, as the basis of personal law for Muslims in undivided India, except Jammu and Kashmir. Earlier, Muslims were governed by a mosaic of local customs, laws and practices; some had synergy with the *Shariat*, most at variance with it. The '37 Act by abrogating custom enhanced most Muslim women's rights since typically customs were highly discriminatory; some entirely excluded daughters, others placed them (and widows) very low in the succession order. In contrast under the *Shariat*, a daughter and widow cannot be excluded by any other heir and are protected by the overall testamentary restrictions, even though their shares are always lower than the men. However, the '37 Act excluded a critical form of property; agricultural land.

Notably, on agricultural land, Pakistani and Bangladeshi Muslim women are better off. Muslims of former East Pakistan (Bangladesh) continued to come under '37 *Shariat* Act'. But, here women were not disadvantaged since even before this act, customs contrary to Islamic Law were not enforced in (undivided) Bengal.

In Pakistan the '37 *Shariat* Act' was superseded by laws. Finally, the West Pakistan Muslim Personal Law (*Shariat*) Application Act of 1962 included agricultural land and extended the *Shariat* to all of West Pakistan except 'Tribal Areas' in the NWFP. The Act entitled Muslim women to inherit all property including agricultural lands with shares as prescribed by the *Shariat*. Pakistani civil society groups of women played a key role in this reform.

UN Special Rapporteur on Adequate Housing, *Study on Women and Adequate Housing*, April 2002, E/CN.4/2003/55, p. 9, available on <http://www.unhchr.ch/housing>

There is no detailed or reliable data available about women's ownership of land or property, however a 1995 survey of 1,000 households in rural areas of the Punjab showed that only 36 women owned land in their own names, only 9 had the power to sell or trade without permission from their male relatives, and that in nearly two-third of the households, daughters did not inherit land.

In 1996-7, it was reported that about 8% female-headed households, but the actual number was likely to be higher. Socio-cultural values, gender biases on the part of both enumerators and respondents, and the commonly understood definition of headship of a family belonging to a male member, are some of the reasons suggested for the under-reporting. This is borne out by an intensive study conducted in Karachi in 1987, which indicated that 10% of the households were headed by women.

Women's legal status is totally unequal to that of men. While the Constitution of Pakistan guarantees equality under the law, equal protection by the law and non-discrimination on the basis of sex alone, other provisions create space for issues of women's rights to be constantly re-opened. Socio-cultural norms and religious interpretations are frequently used as the basis for challenging and re-deciding women's rights issues, creating insecurity for women and uncertainty about their rights. Thus, there are several issues relating to women's fundamental rights of choice, inheritance, security of person, dignity, liberty, freedom of movement etc, on which there are conflicting decisions, which still need to be finally resolved by the superior judiciary. There are also several discriminatory laws in existence, as well as laws which have a disparate impact on women. In actual practice, several of the laws with relatively positive provisions, are ignored or not implemented. Some examples are briefly provided. In the matter of Family Law there is no uniformity of rights, each religious community being governed by their personal or customary law, and discriminatory provisions exist in all of them. Under the Muslim Family Laws, men and women have unequal rights relating to inheritance, termination of marriage, minimum age of marriage and natural guardianship of children.

The country has been ranked 93rd out of 115 in property rights protection and 86th in gender equality in the International Property Rights Index (IPRI) 2008. 98 percent population in Pakistan is Muslim and Islam gives rights of inheritance to all inheritors either male or female. The Constitution of Pakistan (1973) also protects the women's right of inheritance and so is the other law of inheritance are prevailing in the country. Muslim Inheritance Laws guarantee the inheritance of women as per Shariat. However, the procedural and codal requirements for the procurement of land as well as other properties make it nearly impossible for the women to get their rights. Revenue documents and other legal documents for attaining the title are un-understandable for the illiterate women. Further more the highly educated women are also not equipped with the knowledge of understanding the technicalities (legal language & requirements to fulfil) of these documents. Similarly such women can easily be deceived and cheated by their male relatives. That is why only 3% women in Pakistan are getting inherited

properties / lands as described by the National Commission on Status of Women in its report published in 2006. Many women of feudal families in Southern Punjab, interior Sindh and other parts of NWFP and Baluchistan are not allowed to get married because of the fear of division of inherited properties. Marriage with Holy Quran and *Vani* (women given in penance of the crime committed by her male relative), *Karo Kari* (honor killing) is the fate of those women who are vocal and raise voice for inheritance. Exchange marriages (*watta satta*) are also being promoted in our society to keep women away from the inherited properties. A study was required to be done to understand the people's perception about this issue and a campaign is required to be launched to create awareness among women to insist for their rights of inheritance.

Islam gives women the right to inheritance. Neither her father nor her husband can lay any claim to her share of inheritance. Regarding this issue the Qur'an, Sura 4 Verse 7 states: From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large-a determinate share.

In Sura 4 Verse 11 the Qur'an states:

Allah (thus) directs you as regard your children's (inheritance): to the male, a portion equal to that of two females...

This Verse has also been the center of controversy. Many individuals believe that this decision does not benefit women economically. Others argue that the decision is fair because a man is legally obligated to maintain his wife, children, parents and other relatives who are in need of assistance. Whereas a woman is exempt from these legal obligations. Her share is hers alone, she does not have to contribute to the family's maintenance if she does not want to do so.

The above brief discussion shows the equal status of men and women in Islam. However, in practice, these rights have been violated and the position of Muslim women has undergone dramatic changes for the worst since early Islamic era. Upon the death of the Prophet (P.B.U.H), the restriction of women's rights began to increase with the course of history. The pre-Islamic societies of Arab, Persia, India and others were patriarchal in their nature. They had their own cultures, customs, and belief systems.

3. OBJECTIVES & METHODOLOGY

3.1 Objectives

Awaz Foundation Pakistan: Centre for Development Services conducted this study under following core objectives:

- Identification of people's perception and practices about the women's right of inheritance
- Identification of lacunae in the procedural requirements of the Inheritance Law;
- Verification of Incidents of violence against women on the basis of practices regarding inheritance

3.2 Methodology

This chapter describes the consultation process that led to the study and also explains the Focus Group Discussions' questionnaires and provides a description of the sample (participants who participated in the discussions and answered the questionnaire); data gathering methods (discussion of the content of the questionnaire and strategies for collecting the data); procedures (training of the group, administration of questionnaire,); analysis and interpretation of the data.

3.2.1 Selection of the Universe

The Study was conducted in Southern Punjab with specific focus on five most exposed to violence districts including D.G.Khan, Vehari, Sahiwal, Rahim-Yar-Khan and Muzaffargarh. The districts were selected in the light of the recommendations of Advisory Group which was organised at the launch of the study for consultation.

3.2.2 Formation of Advisory Panel and one day consultative meeting for finalisation of Research Tool

This research was a unique study of its kind in Pakistan which required extensive research and consultations with experts from the civil society. Keeping this in mind, AwazCDS formed an advisory panel of proficient specialists including:

- Government representatives from education and social welfare departments;
- Social scientists from NGOs
- Researchers
- Media Representatives
- Lawyers &
- Policy Advocates (The list of advisory group is appended as **Annexure 1**)

The Technical Advisory Panel was called for a half day consultative meeting to work on designing a set of definitions and measurable indicators to conduct the study. The questionnaire was drafted in the light of their discussion and recommendations, which was then shared (through e-mail) with the Advisory Panel and their feedback was incorporated. The Questionnaire is appended as **Annexure 2**

Women's position, role, and rights in Islam by Zieba Shorish-Shamley, PHD

3.2.3 Pilot Testing of Questionnaire

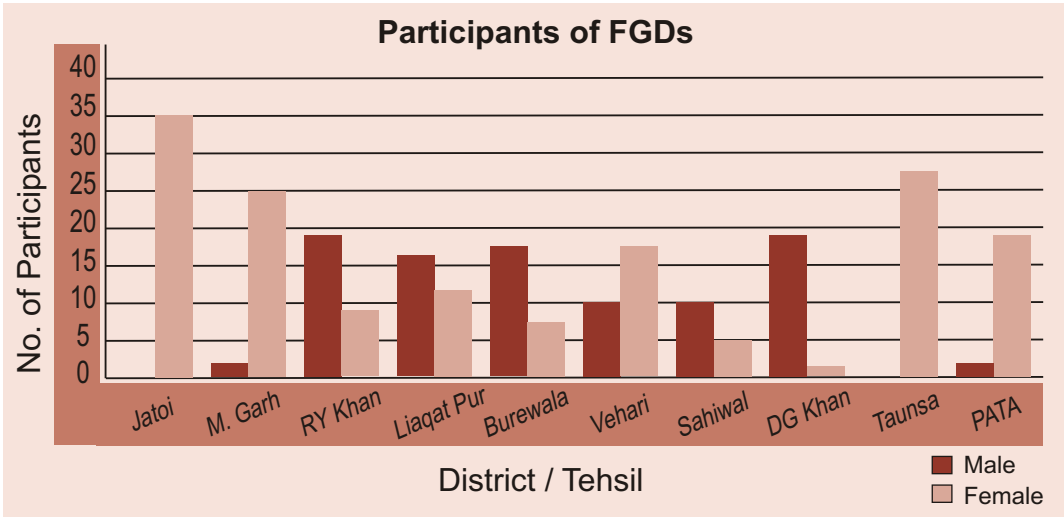
The final questionnaire was then tested with a group of 8 to 10 people in the nearby community. The issues with the tool was addressed and the feedback resulted in a final research tool

3.2.4 Full Scale Implementation of Research Tool

A total of 10 FGDs were held with total 250 participants. Separate as well as mixed groups of males and females were arranged to obtain information. FGDs were led by a facilitator. Participants were informed in advance about the discussions and the objectives of the research. Their consent was taken for participating in the research. The part one of the discussions was to gauge the understanding of the group regarding customs and practices prevailing in the society regarding the women's rights of inheritance. This was to see if the groups can identify different ways and strategies that can be used to educate, inform and empower them. The second part was to observe the understanding of the group regarding problems and vulnerabilities which are faced by women. This was to see if the group can identify the reasons and factors that make women more vulnerable and prone to violence.

The third part was focused more on overall standard of equity, incidents and its occurrence. This was to see situations where women are more vulnerable. This part also helped in getting the information on other concerns like role of relatives i.e. brothers, fathers and uncles in fulfilling their obligations, substitutes of inheritance and attitudes and behaviours of women towards their basic rights.

3.2.5 Focus Group Discussion (FGD) Participants' Profile



AwazCDS Research 2009- Graph 1- Participants of FGDs

There were 250 people (158 females and 92 males) who participated in the FGDs representing following groups:

- Farmers (male and female);
- Teachers (male and female);
- Health Professionals (male and female);
- Figureheads, local Politicians (male);
- Representatives of local Civil Society Organisations (male and female);
- Housewives (female);
- Young students (male and female);

The detailed District / Tehsil wise bifurcation of male and female participants is appended as **Annexure 3**

3.2.6 Age and Familiarity

The average age of the participants was 30 years. Majority of the respondents (99%) reported that they were familiar with the customs and were involved directly or indirectly in decision making regarding inheritance amongst their families.

3.2.7 Education

The average education of the participants, who participated in the FGDs were as follow:

- Only 3 % males and 1 % females studied up to the college level and onwards
- 56 % males and 30 % females had studied upto secondary school level
- 80 % respondents were able to read and write
- 20 % were not able to write so their questionnaires were filled up by the field team

3.2.8 Personal and Household Income

Personal and household income of the 1000 participants who answered the questions about personal income (in the last 12 months):

- 58.0% reported a personal income of less than Rs. 5,000/-
- 27.2% reported Rs 6000-8000/-
- 14.8% reported between Rs 10,000/-

While average households per family were reported as 6.

3.2.9 Five in-depth interviews (IDIs)

FGDs provided a quantitative and qualitative insight on the subject matter which was further verified through 05 in-depth interviews with the knowledge bearers in the targeted districts. The detail of respondents is given as **Annexure 4**

4. RESULTS & DISCUSSION

This chapter describes the major findings of the study. The initial part focuses on people's perception about and different beliefs, customs and practices which are prevailing in our society with regard to women's right of inheritance. The rest of the part highlights the extent of violence among women and also identifies the potential offenders. Last part of the chapter identifies factors behind such kind of violations and gives base to recommendations obtained through FGDs and verified during the In-depth interviews.

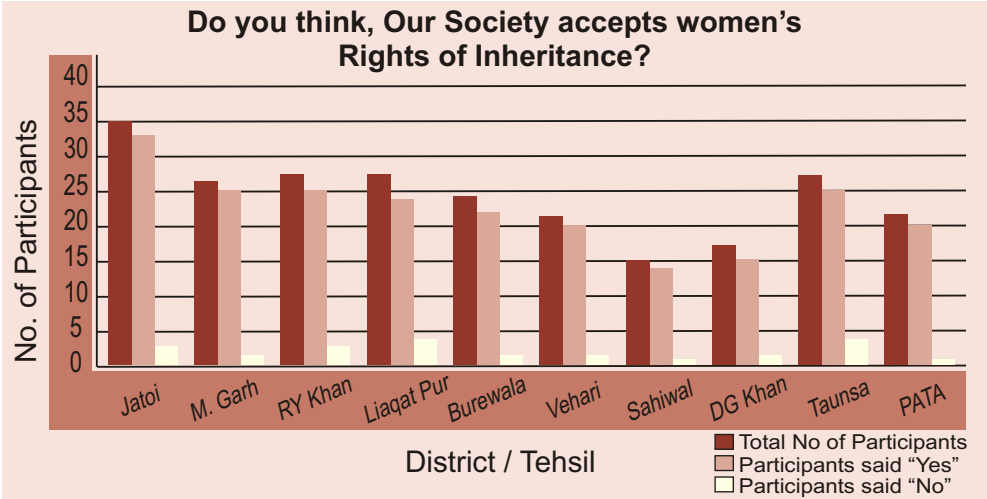
4.1 Nature and Extent of Property Ownership:

The research analysis shows a striking similarity in the pattern of property ownership between men and women. About 10% of the respondents including men and women each own immovable property (either land or a house or both). Regardless of sex, the ownership of a house is greater than the ownership of land. The ownership of both a house and land is greater for men as compared to women (45% vs. 15%).

On the other hand, a higher proportion of women when compared with men own only a house (30% vs. 6%). About 5% of men as well as women own only land. This inequality in property ownership is perhaps a reflection of inequality of inheritance rights of sons and daughters in the parental property.

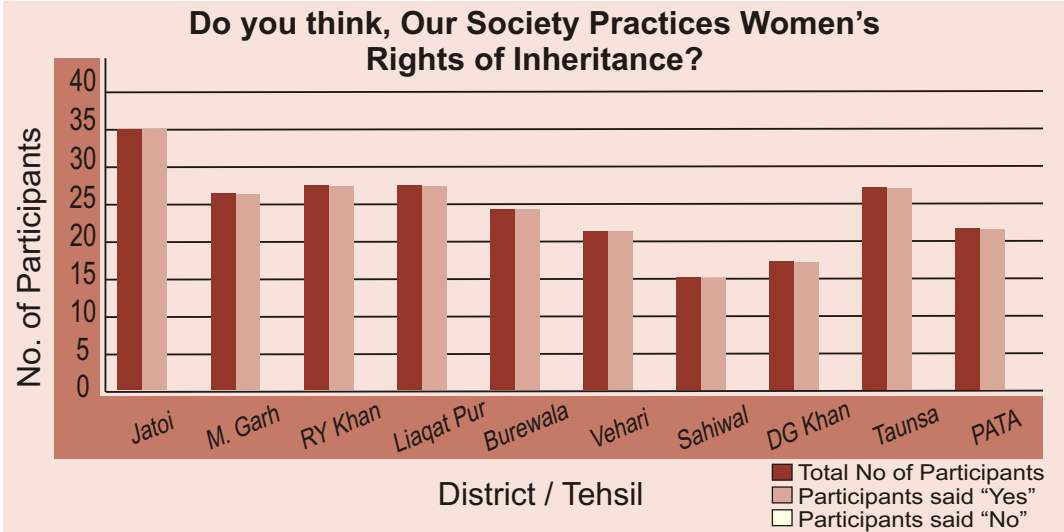
4.2 Acceptability versus Adaptability:

The participants of FGDs were asked about the acceptance of the women's right of inheritance in the society and its adaptability / practice. About 90% of the total participants were of the opinion that the society generally accepts women's rights and believes that they should be given share in the inherited property whereas only 10% of the participants were of the opinion, that society does not even consider it as right of the women. When asked that whether their communities in general practice it and actually gave right to their women, 100% of the respondents were of the opinion that it was not practiced at all. The detail of participants and type of response are appended as Annexure 3B and 3C



AwazCDS Research 2009- Graph-2

The participants highlighted that a common practice has developed in their areas where a brother often denies his sister of her share in the estate of their deceased father. Simply because it is his opinion that she does not want, need or deserve it. According to the female participants, apparently, this opinion is based on the unwarranted belief that a sister is given her fair share at the time of her marriage and, of course, will also inherit from her husband. Thus being so, it is considered to be in the 'interest' of the family that the entire estate of the deceased remain with the male heirs. Thus, the women in Pakistan remain deprived of their lawful Islamic share in inheritable property



AwazCDS Research Graph-3

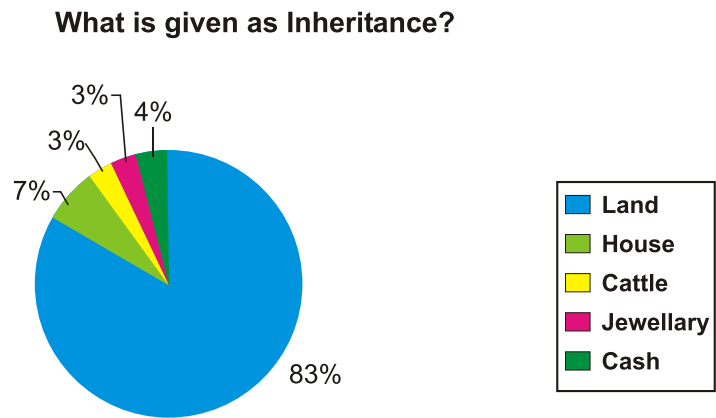
In response to this unfortunate practice, if we look into the literature, we find that jurists and courts have compared women's right of inheritance under Islam and under other religions. And they've concluded that Islam provides the most effective protection of the right of inheritance for women. Yet Pakistani society fails to appreciate and recognize this protection and allows its social dictates to be the dominant force against Muslim women of Pakistan.

Under Islamic Law, as soon as a person dies, succession to his estate opens in favour of his legal heir. The estate devolves upon the heir immediately in definite shares laid down by the Holy Quran. A person cannot disinherit or debar his legal heir from their inheritance. Nor can he reduce the fractions falling to each heir's share through a will. At the same time, an heir cannot prevent the coming to him of inheritance, once the succession has opened. This means that the heir must inherit his determined share and it cannot be abandoned or transferred by the heir prior to the opening of succession.

4.3 What should be given as Inheritance?

To further explore the extent and dynamics of violence against women regarding their right of inheritance, it was required to know about types of goods and belongings which are actually considered as inheritance. When asked from the participants, total 83%

of the participants described it as agricultural land. Moreover, 7% of the total participants included 'house' in the definition of inheritable property.



AwazCDS Research Graph-4

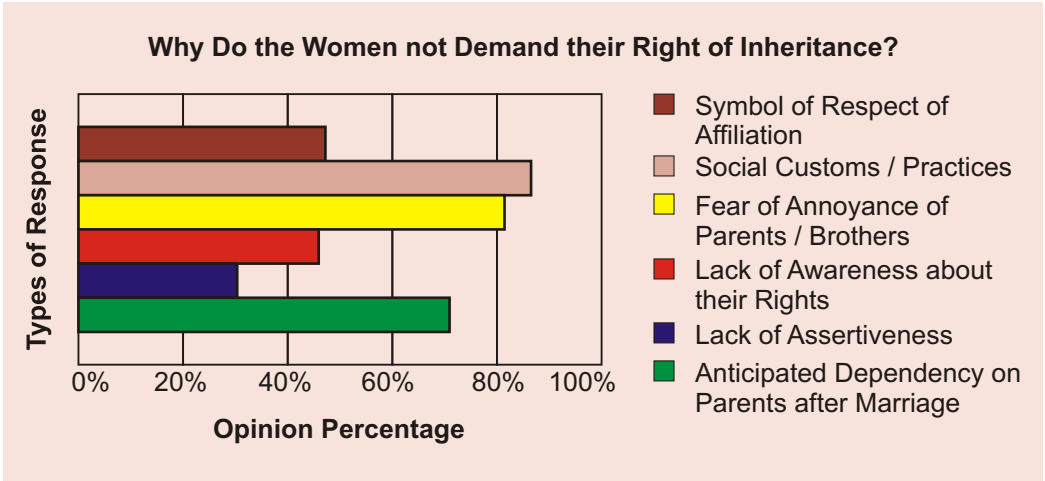
Total 3% of the participants were of the opinion that Jewelry is also given as inheritance whereas other 3% were of the opinion that cattle are also included in this category. More than 4% of the total participants were of the opinion that cash / bank savings are also given as inheritance.

Another sub-question under the same category was to know the perception of respondents regarding dowry whether it is considered as substitute of women's right of inheritance or not. Women recognize that parents are unable to look after the daughter and her children in distress, as they spend a substantial amount at the time of marriage, a part of which is in the form of dowry. Dowry becomes synonymous with her share in the property in the eyes of the community, where as in reality such is not the case. Total 90% of the participants were of the opinion that parents often consider it as substitute of their agricultural land. Some parents sell their part of land to purchase goods for their daughter's wedding whereas some others sell their cattle or spend their bank savings for this purpose. Thus, in the long run, at the time of division of land, they mostly inherit it to only sons instead of daughters.

Some participants were of the opinion that women in most of the cases relinquish their right of inheritance by themselves. When asked, why do they do so, the female participants argued that thousands of rupees are spent by their parents and brothers on their marriage. Some participants were of the opinion that dowry is not considered as substitute of the inheritance. However, if some women demand for their right, then it is used as a tool to keep them quiet.

4.4 Why Do the Women Not Demand Their Right of Inheritance?

Women's equal rights to access, own and control land, adequate housing and property are firmly recognised under international law. However, at country level, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries are still blocking women from enjoying their rights. However, we have explored some factors from the participants of FGDs which insist upon women not to demand their right of inheritance.



AwazCDS Research 2009- Graph-5

4.4.1 Anticipated Dependency on Parents and Brothers after Marriage:

Total 70% of the female participants were of the opinion that they don't demand their right of inheritance due to uncertainties prevailing in their marital life. They feel that at some times during their life, they might have to go to their parents. The female participants shared their sense of dependency with their parents and brothers after marriage. According to the male participants, parents also don't want to give right of inheritance to their daughters. It is so because they have to live with their sons in the long run and don't intend to get their annoyance. In some cases, where parents have no son and only depend upon their daughters, the other relatives become active and demand their rights in a relatively more prudent way. Some of the females identified that it remains the wish of family, that they relinquish their rights. According to some participants, it has been observed that courts in Pakistan have become increasingly skeptical of the plea that the female heir have voluntarily relinquished their rights in favour of the male heir. It has been held by the Superior Courts that it would be incorrect for a court to accept this claim and declare title of the property in favour of the male heir on the basis of adverse possession and ouster of the female heir. This means that the court will not accept a brother's claim to the title of the property at the exclusion of his sister simply because he was in possession of the property for a long period of time, making use of it and enjoying its profits

Through judicial interpretation of Islamic law vis-à-vis public policy, the Superior Courts have tried to transcend the limitation of providing relief specifically geared to individual cases. Instead, having identified the patterns and practices out of which the cases arise, the courts have aimed to make the law more responsive to social needs. Hence, in cases of inheritance, the Superior Courts have endorsed a more practical interpretation of the Quranic Injunction in Sura-e-Nisa, verse 34. This calls upon the men to be the “protectors and maintainers” of the women. The orthodox interpretation of this Quranic Injunction has created a misguided impression that men are superior to women as they are naturally and physically more able to protect and maintain them. Such an interpretation has obviously resulted in subjecting women to the control of men.

4.4.2 Lack of Assertiveness:

Total 30 percent of the participants were of the opinion that the female don't demand their rights because they don't have assertiveness skills. Lack of possession of these skills in the women affects their ability to demand their rights and face challenges of life. The female participants highlighted the need of education facilities and information regarding their rights. They shared that they have always learnt to respect their brothers and have never demanded anything. They further told that they have always given similar advice to their daughters. Some women were of the opinion that demand of rights by the women is considered as a matter of disgrace not only for the parents but also for the whole family.

4.4.3 Lack of Awareness about their Rights:

Total 45% of the participants (78% females and 22% males) were of the opinion that majority of the people in communities are illiterate and they don't have awareness about their rights. The analysis of the responses shows that many women do not have information, confidence, experience and resources to obtain what they are legally entitled to.

4.4.4 Fear of Annoyance of Parents / Brothers:

Total 80% of the participants (76% females and 04% males) were of the opinion that women by all means have to keep a strong relation with their family. Most of the women relinquish their right of inheritance to please their family especially parents and brothers. Some female participants highlighted that their brothers don't want to give them property and their brothers think that they have already rendered their share in property as dowry. In most of the cases, parents / figureheads in the family also don't want to give share in property to their daughters and other female members. Some female participants from Tehsil Liaquat Pur shared that they don't demand because they don't want to get their family annoyed from them.

4.4.5 Social Customs / Practices:

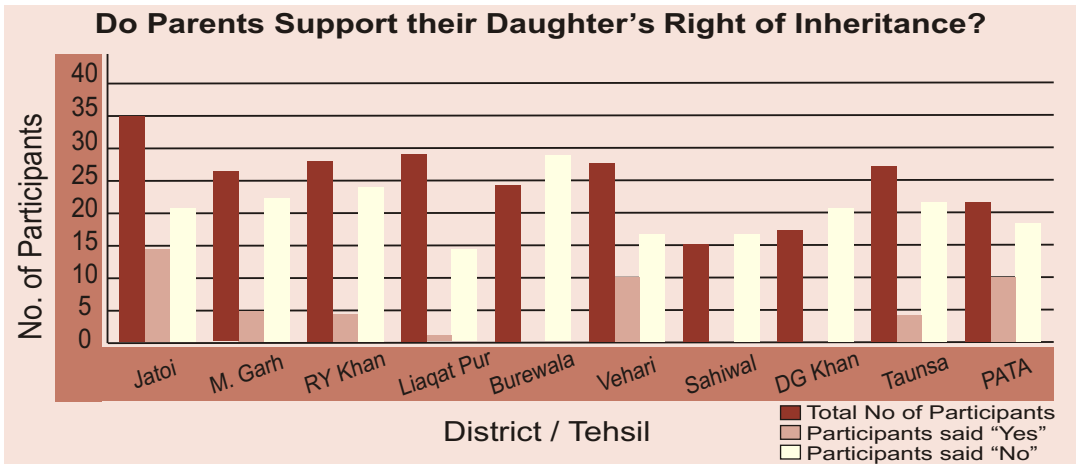
The prevailing trends in the society compel the women not to demand their rights and the families not to practice giving right to their women. The practices emerge through

prevailing behaviours of communities towards women. Total 85% of the participants of FGDs were of the opinion that prevailing traditions in their surroundings don't allow them to practice giving rights to women even if they intend to do so. Following are the statements by the participants which give an idea about customs:

- Our society doesn't admit women's right of inheritance.
- Our father has given all his property to our brothers and not to us because he had fear that property would go in the hands of other family.
- Women get dowry as their share in parent's property.
- Women always look towards their natal parents and brothers even after their marriages which is a major cause behind not demanding their rights.

To further strengthen our findings on existing practices, when asked from the participants (N=250) that whether parents support their daughter's right of inheritance. Total 19 percent respondents (N= 48) were of the opinion that women do support their daughters. They further argued that mostly mothers support their daughters in attaining their shares in the property.

Whereas, total 81% of the respondents (N=207) were of the opinion that females in any case are not supported by their parents. It is because, most of the parents considered dowry as substitute of property and also because they had to live with their sons in their old ages, eventually distribute all their lands among their sons in their lives. According to some of the participants, it happens very rare that if one doesn't distribute land among his sons in his life time and then after his or her death, the daughters sometimes claim for their share within the property with the help of their husbands / in laws.



AwazCDS Research 2009- Graph-2

Some other participants further argued that daughters after the death of their parents demand for their share from their brothers due to the influence and pressure they face from their in-laws especially the husband. They further argued that women are threatened from their in laws to demand their right from their natal family or otherwise, they might be divorced. The detail of respondents is appended as **Annexure 3E**.

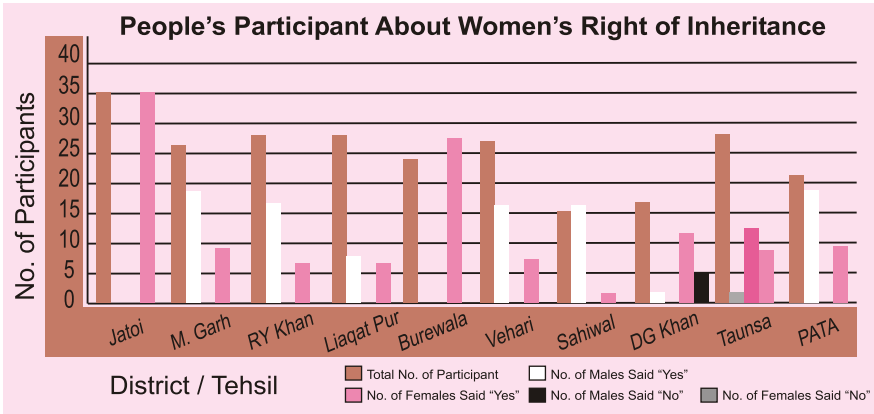
4.4.6 Symbol of Respect and Affiliation

To relinquish their rights for their brothers is considered as symbol of respect in most of the targeted communities. Total 45%t of the participants were of the opinion that women should not demand property ownership. According to most of the female participants, the property is something which should be remained within the family and sisters / daughters should respect this traditional practice. One woman narrated;

“If I demand my right, it will break my relationship with my brothers. I have relinquished because I have respect for my brothers, I love them, I want to give them. I have to visit them in future because they are my brothers. If I take my share in property, I might not be able to get to see and meet them.”

FGD Member in Sahiwal

4.5 Should the women be given their right of inheritance?



AwazCDS Research 2009- Graph-7

When asked from the participants that in their opinion, whether a woman should be given right of inheritance or not? The trend of responses was different on the basis of sex / gender and area.

Out of total 158 females, total 128 replied that women should be given their right of inheritance, whereas 13 of them responded in negation and said that women should not be given property ownership, while 17 women did not respond on this question either way. Similarly, when asked the same question from men, out of total 97 males respondents, 92 were of the opinion that women should be given their right of inheritance and rest of the participants responded as 'No'. The detail of respondents is given as **Annexure 3D**.

If we compare our results with our first analysis of acceptability vs adaptability, we can easily find a correlation between both of them. The majority of male and female respondents admit property ownership as right of women, but, the issues are in the way of practicing it.

4.6 Ownership of Property versus Violence against Women:

Before going into details of impact of property ownership on women's lives in the targeted districts, we should consider that women in the targeted districts have experienced various types of violence against them. Awaz Foundation's other research data shows that at least two to three incidents of physical violence after marriage have occurred in each women's life in these areas. Sexual violence has not been much dug out in this area due to some socio-cultural hindrances, however, psychological violence is even more common.

The female participants of the Focus Group Discussions, who owned land or a house are found at significantly lower risk of physical and psychological violence among their in-laws. Total 35 such women were found in the FGDs who shared comparatively comfortable life style and faced relatively less incidents of violence as compared to rest of the women who had no property. The information gathered revealed that even when a woman owned only land or house, the incidence of violence was much lower than if she owned neither. This indicates that if a woman owns a house or land, it serves as a deterrent to violence.

Moreover, it was also found that apart from the women's property status, some other factors significantly associated with a lower risk of marital violence are the woman's social support from natal family and neighbours and the household's economic status (both of which are inversely proportioned).

4.6.1 Property Saves from Dowry Related Harassments:

The data analysis shows that the women who own property were found to be less subjected to dowry-related violence. While a fair proportion of women (propertied and without property) faced dowry demands, only few propertied women faced dowry-related beatings by the in-laws when compared with 56% of the women without property. The property thus not only creates opportunities to diversify its use and generate income, it can also act as a cushion for the women against marital violence.

I think I am fortunate to own property. It gives me decision-making power and enables me to think and act whatever I want for my family and my children. I could decide to initiate any economic activity or a business. I am also able to save rent and able to financially run my house without or with having least support from my husband. Because of this property my husband respects me a lot, There is no place for violence in my life.

FGD Member in Vehari

Women are unable to protect themselves because they are dependent on men, as they do not own property on their own or do not earn a regular income from their work. They lack decision-making ability and do not protest/raise voice against injustice. A propertied woman or an employed woman will be more confident and will prefer not to depend on her husband financially.

FGD Member in Rahim Yar Khan

4.6.2 Lack of Property Enhance Tolerance Level of Women against Violence:

Many women not owning property but experiencing violence explicitly told that they had to tolerate violence from husband, because they were not able to seek alternatives.

*To live with my husband and to take care of my children,
I would have to suffer from any kind of violence as
I have no other option with me*

FGD Member in Taunsa

One woman among participants who owned property and was comparatively well off amongst her in-laws said:

*I have not faced any problems in my life. In case I face any
violence, I can make myself free of violence. I have income
from my property and therefore I do not need to depend on my
husband for my needs.-*

FGD Member in Sahiwal

4.6.3 Positive Correlation between Property Ownership and Status of Women among In-laws:

The analysis of data gathered through FGDs revealed that many of the women brought property into the marital family as dowry and rarely land and/or house. Among women who did not own property, face violence against them. The status of women among in-laws depends on level of property ownership. Some women pointed out that the respect for those women who owned non-agricultural property i.e. house; vehicle etc is much more than those who owned only the agricultural property.

*Women should have property, because it helps in times of
need and gives confidence and status. If there is property, one
can use it for any purpose.*

FGD Member in PATA

We are poor, our parents were poor. They had no property. We too have no property, thus we have no status and we are called as poor. We are labourer and nothing else-
FGD Member in Jatoi

4.6.4 Property Enhances In-laws Family Resources:

Many women, who were the owners of the property, mentioned that the property they own contributed to the economic security of their marital family. They took independent decisions on property and controlled the money that was received. In terms of decisions on currently held property, nearly half of the women with property have reported that they are not facing violence and they took decisions on renting their property or staying in the house independently.

4.6.5 Propertied Women have a Role in Husband's Property Matters:

The analysis shows that the propertied women not only manage their own property, but, some of them also have a role in matter related to their husband's property.

I have full control over my property and the property that my husband owns as well. I look after the cultivation and the investment of the earnings that are obtained-
FGD Member in Muzzaffargarh

4.6.6 Propertied Women are able to Save Money for the Future

The women save income earned from the property for future use, e.g., for daughter's marriage.

My husband and I wisely save part of the income regularly. We receive from my land. We have three sons and two daughters and we have to save for them-
FGD Member in Burewala

4.6.7 Propertied Women Support their Daughters in Property Distribution:

Another interesting link was explored during the analysis and which was the positive correlation between property ownership and property distribution among women. A mother having land / property will prefer her daughters to get share of the land at the time of distribution. Most of the female respondents were of the opinion, that because their mothers had no property with them, so they could not get their share.

4.6.8 Lack of Property Ownership Means Lack of Confidence for their Future and the Future of their Children:

The analysis shows that the women who had no property at all were more likely to dependent upon their husbands in decision making for their lives and the lives of their

children. Most of the decisions having involvement of finances are taken by husbands. While, if a woman has property ownership, she can equally contribute to the decision making.

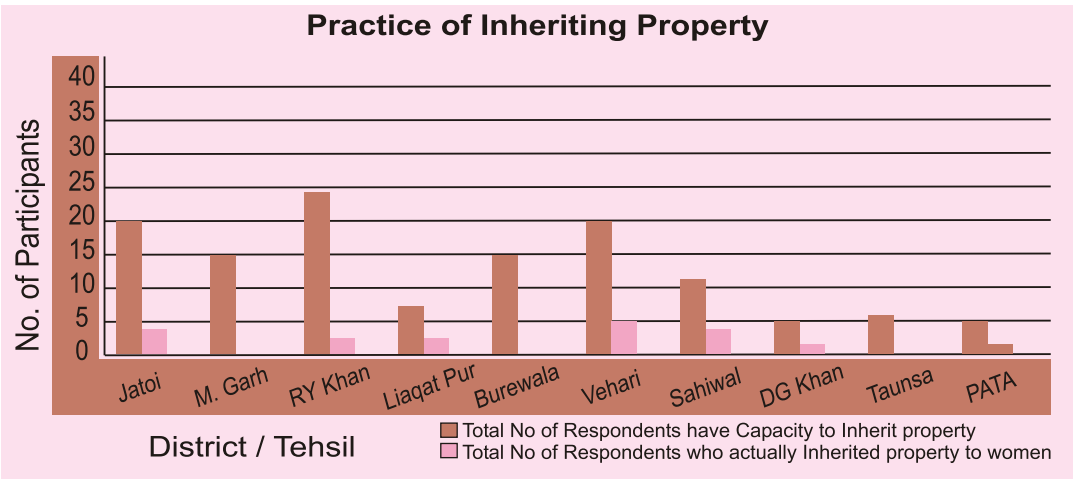
*Property provides me self-confidence and self-esteem-
FGD Member in D G Khan*

4.6.9 Lack of Property Ownership Means Lack of Mobility and Social Support:

Some of the female participants shared their mobility status and linked it with property ownership. One of the indicators in this regard was to know whether families / in-laws support women in their mobility independently or not. It was found that women who had no ownership of property could not go outside of their houses easily. Such women lack confidence as well as support of their families. One of the participants highlighted that women who had their property and independence in financial affairs are more likely to enjoy a status in which she could move around easily and could go outside without getting permission from her husband / in-laws. The neighbours and the community also give respect to such ladies who own property.

The situation becomes more complicated if we compare our finding with another one in which we have found that demand of their rights by the women is not considered as a respectful deed. Most of the families and communities in our targeted districts do not consider such women as morally sound and blame their characters. But, once a woman gets her share in the property, and becomes the owner of the property, she becomes respectable among her in-laws

4.7 Practice of Inheriting Property:



AwazCDS Research 2009- Graph-8

When asked from the participants, how many of them are eligible of rendering property ownership to their women and how many of them have actually practiced it, the response analysis is given as follows

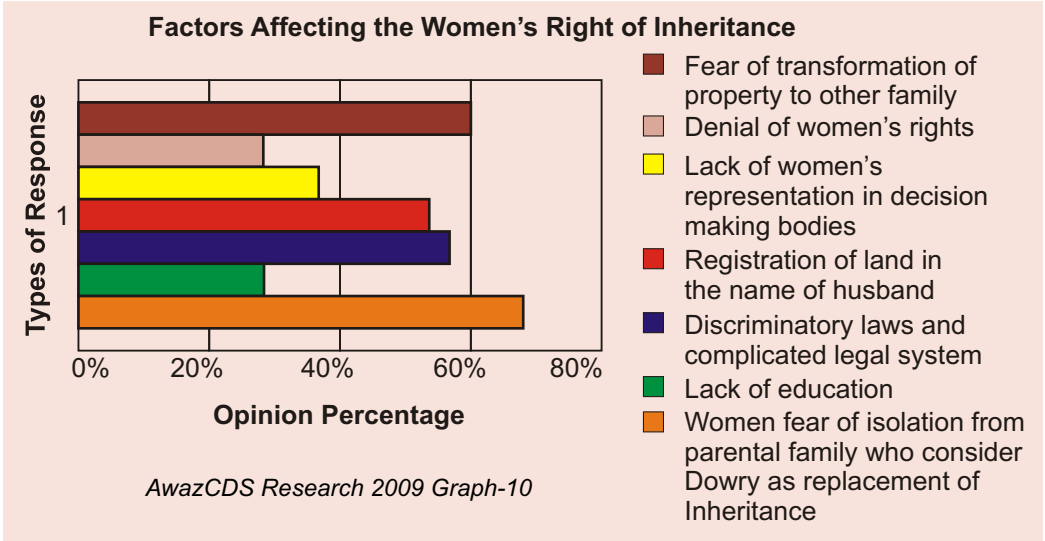
District/Tehsil	Total No. of Respondents having Capacity to inherit property (N=250)	Total No. of Respondents, who actually inherited property to women (N=250)
Jatoi	20	3
Muzaffargarh	15	0
Rahim Yar Khan	24	2
Liaqat Pur	7	2
Burewala	15	0
Vehari	20	5
Sahiwal	12	3
D G Khan	5	1
Taunsa	6	0
PATA	5	1
Total	129	17

AwazCDS Research 2009- Table 3- Granting Property-Capacity versus Practice

Out of total 250 respondents, about 129 participants (30 females and 99 males) had eligibility of rendering property ownership and most of them had practiced it, whereas only 17 of them gave their daughters / sisters / wives their share in the property. In the Districts of Muzaffargarh, Taunsa and Burewala none of the eligible respondents had ever rendered their property to females of their family. The overall percentage of practicing property inheritance to women was found as 1.3% only. The situation is much less than already reported figure in which it was claimed that 3% of the women were given ownership of inherited property. If we compare our attained figure of 1.3% with the average national figure of 3%, we find a considerable variance between the situation prevailing in Southern Punjab and the rest of the country.

If we look into the gap analysis and compare the existing socio-cultural and economic situation of the Southern Punjab with the rest of the country, we can extract following factors behind this low percentage.

4.8 Factors Affecting Women's Rights of Inheritance:



4.8.1 Social Customs and Practices:

Total 60% of the total respondents were of the opinion that prevailing social and customary practices in the society are the major hurdle in the way of acquiring their inheritance rights. According to some experts, women empowerment, equal rights to both men and women, equal share of property, etc., are some of the issues one can find everyday. Not much has actually been done to create equality between the male and female genders. The male still dominates the society. In the matter of property, legally male dominates the society. According to a legal expert, there are numerous laws that say that there should be no discrimination between the sexes, but in reality none are effective enough to actually bring about a revolution; a change in society.

The male participants were of the opinion that women were often not perceived as independent beings with entitlements and rights, and stereotypes of women as weak and subordinate remain widespread. The persistence of traditional law in the matters related to family and personal relations exemplifies how entrenched such beliefs are. One of the participant said that the problem of stigma is compounded by corruption in the settings where employees handling property and inheritance cases.

4.8.2 Lack of Education:

Total 24 percent of the participants were of the opinion that women lacked in education and empowerment. They also argued that most of the women in our rural areas had no leadership and decision making skills in them. It was one of the findings that women as compared to men were relatively more unaware of the laws under which they were married and those pertaining to inheritance and succession. FGDs further reveal that some of the women have in fact purchased property or had land gifted by parents and were committed to the idea of dividing land equally among their children. Once aware of the rights of women and girls, some parents have even taken the step of writing property

in their children's name equally.

4.8.3 Discriminatory Laws and Complicated Legal System:

56 percent of the total respondents were of the opinion that complicated legal system and discriminatory laws prevailing in the country are the major hurdle in the way of women's acquiring their right of inheritance. They further argued that the system is so complicated and disgusting that women would not even think of pursuing their rights.

The literature reveals that an increasing number of countries have now recognised the women's equal rights in their Constitution, thus complying with international human rights standards and obligations. However, there are countries where discrimination in customary and personal law matters (such as inheritance) are still permitted in their current Constitution. Cultural attitudes and lack of clarity about implementation of laws make them discriminatory. The majority of respondents were of the opinion that in rural areas, people did not even know how to proceed legally and they become prey to *Patwaris* and *Tehsildars* who get lots of bribe from them for a minor purchase or sale of property.

Some of the participants were of the opinion that laws and policies, even if recognising women's equal rights to land and property, are still very difficult to implement. One gender expert shared that regulations and guidelines for implementation of laws and policies are often very technical and in many cases have not yet been written from a gender perspective. As a result, forms for registration of land for example, often simply lack the space to indicate joint registration of both spouses. The land officials working with these forms often lack any gender awareness.

4.8.4 Registration of Land in the Name of Husband:

55 % of the total respondents were of the opinion that women have indirect access and rights to use land. In most of the areas, the land tenure has been registered in the name of 'heads of households' or men. Some of the female participants were of the opinion that women had no legal protection and they could not even protect their inherited lands from men. They further argued that due to complicated and corrupt legal system, women are at risk of suddenly becoming landless, as had happened in many cases where the husbands sell the family land. Some male respondents were of the opinion that upon divorce, women still have to prove their contribution to the marital home in court. Upon the death of a husband, the marital home is included in the deceased husband's estate and is divided among his heirs. One legal expert narrated that many succession laws only entitle widows to a temporary use right of the marital home. If the marital home had been registered jointly, it would not become part of the estate upon the death of any spouse, and instead the widow would remain registered right holder of the land and house with the authority to sell, mortgage or carry out any other transaction. The literature review shows that unequal land distribution and widening gaps between rich and poor have further excluded women.

4.8.5 Lack of Women's Participation in Decision Making Bodies:

Most of the state machinery which provides socio-legal protection to women lack representation of women. Total 35% of the respondents were of the opinion that without gender aware officials on bodies dealing with land allocation, inheritance and dispute settlement, a male bias among these officials will continue to stand in the way to women's enjoyment of their rights. Moreover, inclusion of women in decision-making and policy formulation processes, especially among vulnerable groups such as slum dwellers, an ethnic minority etc. is crucial.

4.8.6 Denial of Women's Rights:

Total 26% respondents were of the opinion that society overall don't admit the rights of the women and don't consider them as social beings. They are considered mostly as dependent upon their husbands or male heirs and it is considered that women have no need of land / property.

4.8.7 Fear of Transformation of Property to Other Family:

Total 60% of the respondents were of the opinion that the main reason of the deprivation of woman from right of inheritance was the fear of transfer of wealth from one family to another. Some of the participants believed that the children of a man's son were his own children and a part of his family, but the children of a man's daughter were not a part of his family, for they were a part of the family of their paternal grandfather. Thus, had a daughter received an inheritance would have meant the transfer of property to her children, who belonged to a family unconnected with that of the deceased!

4.8.8 Fear of Isolation from Family & Replacement of Dowry:

More than 70% women had fear of isolation from their parental families and they were of the view that their parents consider dowry as replacement of inheritance. Some of them were of the view that we too don't want to ask from our parents about inherited property because of the fear of divorce from our husband. Therefore they are in double jeopardy if they ask their parents for right of inheritance and got divorce, where they will spent rest of their life that is why they usually do not ask their right of inheritance. In case of any such happening women don't have any other option except to go back to their parental home / home of their brothers, had they asked for the inherited property they would not have been able to join them again.

5. CONCLUSION

Women's equal rights to land, housing and property are fundamental human rights, recognised in various international human rights instruments. Unfortunately, policies and practices don't match with the country's existing laws. Complications and corruption in the legal system, lack of awareness and education among communities at large and social and customary practices have made inheritance rights a dream for the women. In general a more holistic and inclusive approach is still needed in the reform of laws and policies that link laws related to inheritance and the division of marital property to laws and policies on land, housing, credit and gender. Urban and semi-urban land issues should also be brought within the national land policy and linked to rural land issues. Gender should be a true cross cutting perspective, also included in budgeting. Implementation of such laws and policies will remain a huge challenge and require concerted efforts from all levels in that order for women's rights to land and property to become reality.

The results of the study show that the incidence of marital violence is found to be comparatively lesser among the women who own land or house, as compared to the property-less women. It is worth-mentioning here that the total percentage of the women who acquire land rights in Southern Punjab is much less than rest of the country i.e. 1.3% as compared to 3%. Besides various factors identified in the findings, we have also identified the difference between people's perception about women's rights and their practices. It embarks upon the need of a comprehensive advocacy campaign to change people's perception and their attitudes towards women's right of inheritance.

6. RECOMMENDATIONS

Following recommendation have been drawn from the study in the light of discussion with all the stakeholders contacted during FGDs and In-depth interviews.

- There is a need of strong lobbying initiatives for bringing reforms in the inheritance related laws and policies ;
- There is a need to change people's perception regarding women's right of inheritance through holistic advocacy approaches;
- There is need of a gender inclusive adjudication and for this purpose, state and non state actors should jointly work to develop and implement community based and community driven innovative mechanisms;
- Capacity building of judges, police officers, members of parliament, local councilors and communities at large should be initiated through integration of need based syllabus on gender awareness and women's land and property rights in their training / counseling materials;
- State should adopt an inclusive approach where women should be given equal opportunity and representation in decision making bodies;
- A general campaign is also needed for measures and policy initiatives to enhance women's housing and land access in both rural and urban areas, including a campaign for low cost housing for women. Attention should be paid to develop and implement pilot interventions to promote women's property rights taking advantage of the current conducive environment in this respect within the government among civil society members and also among international agencies;
- A community led system of reporting of violence cases should be established by the state. It has been observed that victims of violence often go to their nearest ones. As most of the women are illiterate, or do not have the requisite level of education to maintain a record, the law enforcement agencies, can take certain institutional measures towards a process of documentation. For example, women teachers can be made to act as scribes to whom the women can narrate their experiences. Such records should be used as part of the F.I.R. (First Information Report), in the event of a dispute or calamity;
- Lawyers and policy makers should debate and arrive at some framework to ensure that women have full control over their property and are not denied of their rights, or forced to sell/transfer the same in the name of the husband or the brother. In addition, serious efforts need to be undertaken to shape norms on women's ownership and rights to property with families and communities.

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8. ANNEXURES

Annexure 1: Detail of Advisory Group

NAME	ORGANIZATION	OCCUPATION
Rashid Rehman	HRCP	Social Worker
Zahra Sajjad Zaidi	Amnesty International	Social Worker
Sajid Mahmood Awan	B. Z. University, Multan	Assistant Professor
Imran Komal	Express News	Social Reporter
Memona Farooq	Women Rights Association	Social Organiser
Rizwana Komal	PLAN International	Social Organiser
Saeed Ur Rehman	World Population Foundation	Consultant
Khadija Shaheen	AwazCDS-Pakistan	Research & Documentation Officer

Annexure 2: Research Tool

- 1-Do you think, your society accepts women's rights of inheritance?
 - 1.2 If no, then why? Please briefly mention reasons
- 2- In your opinion, what are included in the inheritance e.g. land, cattles, houses, jewelry etc) please prioritize?
- 3-To what extent, dowry is considered as substitute of inheritance for women in your area?
- 4- In your opinion, what are the reasons, why do women not demand their right of inheritance?
- 5- In your opinion, why women prefer to render their inherited property to their brothers or parents?
- 6- In your area, in case if a woman gets severe disease, who bears the cost of treatment?
- 7- In your area, do women often use to visit their parents house? If yes, are they given support during these visits?
- 8- In your opinion, what kind of support the women get during their visits to their parents house?
- 9- Have you ever observed any kind of conflicts among relatives, while deciding about inheritance property? If yes, then please point out what kind of conflicts?
- 10- How many people among you believe that the women should be given their rights of inheritance?
- 11- Have you ever observed any case, in which women got deceived and were forcefully deprived of having their rights of inheritance?
 - 11.1- If yes, then please categorize the offenders?
- 12- How many people among you have ever inherited property?
- 13- In your area, does a widow easily get her share in her husband's property?
 - 13.1-If yes, then who supports her in acquiring this property?
 - 13.2- If no, then please point out the offenders in this case?
- 14- Have you ever observed, any women of your area ever pursued for litigation to get her right of inheritance? (if yes, then please briefly describe the case and what kind of issues / problems he faced)
- 15- Do the parents support their daughter's right of inheritance?
 - 15.1- If no, then what are their arguments of neglecting their daughter's right?
- 16- What are the factors in your society, which brings about violation of women's rights of inheritance?
- 17- In your opinion, if you neglect women's rights of inheritance, then who guides you of doing this?
- 18- In your opinion how can one change the situation?
- 19- Facilitator's own observations and recommendations
(Please attach area profile and attendance sheet format with this questionnaire)

**Area Profile and Registration Sheet for the Participants of Tehsil Level
Focus Group Discussion for scope and trend analysis of women's
rights of inheritance**

(Part A) To be filled by facilitator

Mohalla / village / ward _____ Tehsil _____ District _____
Total Population of Tehsil where FGD was conducted Literacy Rate _____
Total No. of Participants _____ Total No. of Males in FGD _____ Total No. of Females in
FGD _____ Total No. of Deaths Occurred in past 5 years _____ Total no. of
cases filed in courts for inheritance rights in past five years _____ Total no. of
cases filed by Females _____
Percentage of cases in which females acquired their Rights _____

S. No	Name of the Participants	Age	Profession	Literacy Level / Education	Signature

Annexure 3: Data Tables

3A: Participants of FGDs

District/Tehsil	Male Participant	Female Participant
Jatoi	0	35
Muzzaftergarh	2	25
Rahim Yar Khan	19	9
Liaqat Pur	16	12
Burewala	17	7
Vehari	10	17
Sahiwal	10	5
D G Khan	16	1
Taunsa	0	28
PATA	2	19
Total	92	158

3B: Do you think, your society accepts women's Rights of Inheritance?

District/Tehsil	Total No. of Participants	Participants said "Yes"	Participants said "No"
Jatoi	35	32	3
Muzzaftergarh	27	25	2
Rahim Yar Khan	28	25	3
Liaqat Pur	28	24	4
Burewala	24	22	2
Vehari	27	25	2
Sahiwal	15	14	1
D G Khan	17	15	2
Taunsa	28	25	3
PATA	21	20	1
Total	250	227	23

3C: Do you think your society practice women's Rights of Inheritance?

District/Tehsil	Total No. of Participants	Participants said "Yes"	Participants said "No"
Jatoi	35	35	0
Muzzaffargarh	27	27	0
Rahim Yar Khan	28	28	0
Liaqat Pur	28	28	0
Burewala	24	24	0
Vehari	27	27	0
Sahiwal	15	15	0
D G Khan	17	17	0
Taunsa	28	28	0
PATA	21	21	0

3D: Should Women be given their Right of Inheritance?

District/Tehsil	Total No. of Participants	Male Participants said "Yes"	Male Participants said "No"	Female Participants said "Yes"	Female Participants said "No"
Jatoi	35	0	0	35	0
Muzzaffargarh	27	19	0	9	0
Rahim Yar Khan	28	17	0	7	0
Liaqat Pur	28	8	0	7	0
Burewala	24	0	0	28	0
Vehari	27	17	0	7	0
Sahiwal	15	16	0	1	0
D G Khan	17	1	0	13	5
Taunsa	28	0	2	12	8
PATA	21	19	0	9	0
TOTAL	250	97	2	128	13

3E: Do the parents support their daughter's right of inheritance?

District/Tehsil	Total No. of Participants	Participants said “Yes”	Participants said “No”
Jatoi	35	14	21
Muzzaffargarh	27	5	23
Rahim Yar Khan	28	4	24
Liaqat Pur	28	1	14
Burewala	24	0	28
Vehari	27	10	17
Sahiwal	15	0	17
D G Khan	17	0	21
Taunsa	28	4	24
PATA	21	10	18
Total	250	48	207

Annexure 4: Detail of Persons Contacted for In-Depth Interviews

NAME	ORGANIZATION	OCCUPATION
Rashid Rehman	Human Rights Commission of Pakistan	Social Worker /Lawyer
Zohra Sajjad Zaidi	HRCP	Social Worker
Sajid Mehmood Awan	B.Z. University	Assistant Professor
Imran Komal	Express News	Reporter
Memona Farooq	Women Rights Association	Social Researcher
Rizwana Komal	PLAN International	Social Worker