



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-fourth session**

Summary record of the 1101st meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 12 February 2013, at 10 a.m.

Chairperson: Ms. Ameline

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Fourth periodic report of Pakistan

* No summary record was prepared for the 1100th meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Fourth periodic report of Pakistan (CEDAW/C/PAK/4; CEDAW/C/PAK/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Pakistan took places at the Committee table.*
2. **Ms. Mumtaz** (Pakistan), introducing the fourth periodic report of Pakistan (CEDAW/C/PAK/4), said that the report covered a period during which huge challenges had constrained the momentum of socioeconomic development and reforms benefiting women in particular. The main challenges had been: the rise of extremism, as evidenced by the attack on Malala Yusufzai; the persistence of entrenched, customary practices including forced marriages and honour killings; natural disasters such as the 2010–2011 floods; and the devolution of power to the provinces under the Constitution (Eighteenth Amendment) Act of 2010. However, the Government was firmly committed to eliminating discrimination against women and was using a multi-pronged strategy of legislation, policies and programmes to improve their situation.
3. The reporting period had seen a number of legislative advances addressing specific aspects of discrimination against women and their rights. In 2010, a law providing protection against sexual harassment in the workplace and an amendment of the Criminal Code to criminalize sexual harassment had been adopted. In 2011, a further amendment to the Criminal Code had been enacted to prevent and punish practices harmful to women such as forced marriages, deprivation of inheritance and marriage to the Koran; and legislation had been adopted to curtail the recent rise in acid attacks on women. Lastly, pursuant to two new laws enacted in 2012, the mandate and autonomy of the National Commission on the Status of Women had been extended and a National Commission on Human Rights in line with the Paris Principles had been established.
4. Bills dealing with domestic violence, Hindu marriage, Christian marriage, Christian divorce, trafficking in women and reproductive health were also awaiting passage through parliament. Furthermore, advances at the federal level had been supported at the provincial level; the Provincial Assembly of Khyber Pakhtunkhwa, for example, had also legislated against practices harmful to women and their right of ownership.
5. The principal policy developments benefiting women were the national judicial policy of 2009, under which access to justice was facilitated and cases involving women or children were prioritized, and a new policy being finalized to protect and promote the rights of home-based workers, an estimated 65 per cent of whom were women. In addition, more sophisticated gender-disaggregated data-collection and analysis systems had brought a heightened understanding of the scale, causes and consequences of violence against women, the number of women detained in Pakistan's prisons had been significantly reduced and, at the provincial level, help desks, toll-free helplines and dedicated women's centres had been established.
6. A number of schemes designed to empower women economically had been launched in the public, private and NGO sectors. The flagship initiative was the Benazir Income Support Programme, which, through training, credit schemes, education grants and other assistance, sought to empower women in over 7 million poor households nationwide. Under another landmark scheme currently operated in Sindh Province only, but with potential for expansion, over 6,000 poor women had been given access to land, training, seeds and support. The political empowerment of women had been a top priority of the Government and the number of women elected had steadily increased in the different

parliamentary bodies. Women parliamentarians also initiated many bills and headed important parliamentary committees.

7. Aware that education was central to the empowerment of women, the Government was working to remove obstacles and ensure that girls enjoyed the right to free mandatory schooling established under the Constitution (Eighteenth Amendment) Act in spite of the militant threat. It was also working to improve women's health, for example, by establishing breast-care clinics, running polio eradication and vaccination campaigns, introducing mother and child health and family planning services in the provinces and by providing comprehensive emergency, obstetric and neonatal care in hospitals.

Articles 1 to 3

8. **Ms. Patten** (Country Rapporteur) asked whether the possibility of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been given due consideration. She noted that expressions of outrage alone were not an adequate response to the upsurge in extremism that had been behind the attack on Ms. Yusufzai and was undermining women's rights and increasing their insecurity. Examples of specific action taken by the Government to protect women against violence by non-State agents, prevent a repeat of such attacks and hold the perpetrators accountable would therefore be appreciated.

9. On the issue of devolution, she asked what safeguards were in place to ensure that the transition to a decentralized system did not place women in certain regions at a disadvantage to others and served instead as a means of enhancing gender equality and extending the breadth and depth of services. She would particularly like to know what the federal Government was doing to provide leadership to provincial governments and guarantee transparency, accountability and consistent implementation of the Convention throughout the country.

10. **Ms. Šimonović** requested an update on progress towards the withdrawal of the declaration made by the State party upon accession to the Convention. Since the State party had indicated that the Constitution did not allow laws or practices that were inconsistent with fundamental rights, she questioned the need for the declaration. If full withdrawal was not possible, she suggested that its scope might be narrowed.

11. In view of the State party's dualist legal system and the need to transpose the Convention into domestic law, information about the mechanisms in place for aligning the different pieces of legislation with its provisions would be useful. She also wished to know whether any of the recently enacted laws or those currently in the pipeline contained the definition of discrimination consistent with the Convention that had to date been absent from the legal framework.

12. **Ms. Pires** expressed concern that the disbandment of the Ministry of Women's Development seemed to have left the State party without an integrated nationwide structure with specific responsibility for women. She would like to know which institutions were responsible for coordinating implementation of the Convention in the provinces, what budget was allocated to them, and whether they were appropriately staffed and resourced. She also sought information about: the current status of the Interprovincial Interministerial Group; the provincial commissions on the status of women referred to in the replies to the list of issues (CEDAW/C/PAK/Q/4/Add.1); the mandate, authority and resources of the National Commission on the Status of Women; any specific cases in which the National Commission had exercised its authority to investigate individual complaints; and the implementation of the Gender Reform Action Plan.

13. **Ms. Gabr** asked whether, in the absence of a central ministry, provincial authorities had sole responsibility for managing direct donor contributions or whether the National

Commission on the Status of Women had a monitoring and coordinating role. She perceived a need for a more comprehensive framework for women's services and was concerned that the State party's dip to 134th place in the Global Gender Gap Index could be an indication that the strategic vision underlying the devolution plan might not be bearing fruit. She also urged the State party to formulate a precise timetable for the adoption of the various pieces of legislation in the pipeline and asked for more detailed information about its future policy on cooperation with civil society.

14. **Ms. Mumtaz** (Pakistan) said that although ratification of the Optional Protocol was under consideration she could provide no further information. The law enforcement agencies were doing all they could to hold the perpetrators of violence accountable for their acts but were impeded by capacity and resourcing constraints. The main Government response was to provide more security, for example, by assigning armed police officers to accompany polio vaccination workers and protect schools exposed to militant threats. Devolution had undoubtedly brought new challenges but the required coordinating mechanisms were being established. The process of reporting under the Convention, for example, had been centralized under the Ministry of Human Rights.

15. **Mr. Malik** (Pakistan) said that new legislation which would provide for faster and more effective prosecution of criminals involved in terrorist activities was due to be submitted to the current session of the parliament before it was dissolved. In addition, an antiterrorism authority had been established to assume responsibility for preventive activities and address the lack of capacity and training. With regard to devolution, it was important to bear in mind that the transition was not complete. In the interim, the Interprovincial Coordination Division remained the main coordinating body and any issues of contention arising between provincial and federal authorities were submitted to that forum.

16. Previously, all donor aid had been negotiated with the Ministry of Human Rights, the Ministry of Foreign Affairs or the Ministry of Economic Affairs and Statistics. However, pursuant to the Constitution (Eighteenth Amendment) Act, provincial authorities were henceforth permitted to negotiate directly with donors. In those cases, the Ministry of Planning and Development was responsible for monitoring progress. Legislation in the pipeline that dealt with the role and status of human rights defenders would enable the federal authorities to take executive action if deficiencies were identified at the provincial level, but the overarching aim was to minimize central Government intervention and optimize cooperation with civil society.

17. **Ms. Mumtaz** (Pakistan) said that the Interprovincial Interministerial Group had not met in some time but would be holding a meeting the following day. The National Commission on the Status of Women Act of 2012 was a model for the provincial commissions and a structure was in place to coordinate between the federal and provincial levels. There were focal points for the Convention in all ministries and relevant provincial departments. Not all legislation was in line with the Convention, but many of the discriminatory provisions had been instituted by dictatorial regimes and were difficult to repeal. Although the Constitution did not contain a definition of discrimination, the concept of equality was pervasive in it and discrimination was defined in various laws.

18. **Mr. Malik** (Pakistan) said that the Ministry of Human Rights was drafting a bill, to be submitted to the legislature shortly, that would enable Pakistan to incorporate all treaty obligations directly, bypassing the usual cumbersome legislative process.

19. **Ms. Mumtaz** (Pakistan) said that each province determined its own budget and that expenditure on women's affairs had risen since the devolution of powers. The budget allocated to the National Commission on the Status of Women had grown concomitantly with the expansion of its mandate and activities. It served as a watchdog to ensure that all

Government departments fulfilled their missions, and had set up a unit dedicated to reporting to the Committee. She acknowledged that Pakistan had regressed on certain social issues, notably on gender indicators, owing to a lack of resources and the shifting of funds to other priorities such as security threats.

20. **Ms. Schulz** asked whether the National Commission on the Status of Women was responsible for raising its own funds or whether the Government provided some of the financing, and what its budget was. She also asked how the national judicial policy of 2009 and the Prevention of Anti-Women Practices (Criminal Law Amendment) Act of 2011 would be implemented and within what time frame. She wished to know whether the State party intended to regulate the domestic and cross-border sale and trade of small arms and introduce severe penalties for illegal possession of such arms.

21. **Ms. Pires** asked how the National Commission on the Status of Women envisioned its role evolving, whether it was represented in the Cabinet and how it ensured that its concerns were effectively transmitted to the Government.

22. **Ms. Patten** requested a list of the bills due to be enacted into law in the near future and enquired whether the bill on domestic violence was among them. She asked how the activities of the Ministry of Human Rights and the National Commission on the Status of Women were coordinated and, given that only one provincial commission was currently set up, how the National Commission planned to promote the Convention. She also asked how the devolution of powers had affected data collection.

23. **Ms. Mumtaz** (Pakistan) said that the State provided the necessary funds to cover the overhead of the National Commission on the Status of Women and the cost of fulfilling its mandated functions, while the National Commission was responsible for raising the funds for additional activities and programmes. She acknowledged that judges and claimants were vulnerable to threats and pressure from extremist groups and that the slowness of the judicial system had generated a backlog of cases, but said that the issue came under provincial jurisdiction, although the National Commission would strive to hasten the process.

24. **Mr. Malik** (Pakistan) said that there was no ban on small arms because Pakistani citizens were permitted, under specific circumstances, to carry such arms. However, Soviet-era weapons which were prohibited in Pakistan tended to filter into the country from Afghanistan. The judicial system was indeed slow, complex and expensive, but the law provided for the establishment of specialized courts and the Government intended to reserve certain courts for cases of discrimination against women.

25. **Ms. Mumtaz** (Pakistan) said that while the National Commission on the Status of Women was not represented in the Cabinet, its chairperson had the status of Minister of State and thereby had access to parliament. The National Commission was a monitoring body, not an implementing one, but it could review laws and policies. Although it was an independent entity, there was formal cooperation and coordination with the Ministry of Human Rights.

26. **The Chairperson**, speaking in her capacity as an expert, asked whether, in the light of the attack on Ms. Yusufzai, the State party would like assistance from the international community to fund, design or conduct judicial training on violence against women and girls and to raise public awareness of the issue.

27. **Ms. Mumtaz** (Pakistan) agreed that Pakistan needed guidance on how to better protect girls by changing mindsets and harnessing the public outpouring over Ms. Yusufzai's case.

Articles 4 to 6

28. **Ms. Jahan** commended the cooperation between the Government and women's associations. She asked what specific measures provincial governments had taken to ensure gender equality. She expressed concern that the expiry of the Local Government Ordinance of 2001, which had set a 33 per cent quota of female councillors, meant that there was no longer a quota for local assemblies. She asked how the National Policy for the Development and Employment of Women was being implemented at the provincial level and urged the State party to adopt temporary special measures to boost the political participation and employment of minority women.

29. **Ms. Gabr** asked what steps were being taken to change negative gender stereotyping in curricula and State-controlled media.

30. **Ms. Šimonović** requested an update on the Government's appeal of the Federal Shariat Court judgement deeming certain provisions of the Protection of Women (Criminal Laws Amendment) Act of 2006 to be unconstitutional. She wished to know whether the bill on domestic violence, now before the Senate, would be adopted by the current Government and, if not, what its fate would be. She enquired about the applicability of the Criminal Law (Amendment) Act of 2004 to honour killings and the number of convictions for that offence. She stressed that fines were far too lenient a punishment for acid throwing.

31. **Ms. Gabr** noted that, although trafficking in persons was clearly mentioned in the Constitution, there did not appear to be any comprehensive legislation in that domain. She asked why Pakistan had not acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Although there had been some progress since the Committee had issued its previous concluding observations on Pakistan, she said that there was no evidence of compensation, rehabilitation, reintegration, protection or shelters for victims of trafficking. She urged the State party to provide more statistical data to enable the Committee to properly weigh the issues. Lastly, she asked how the State party perceived the problem of homeless and street children.

32. **Ms. Jahan** asked what the status was of amendments to the Prevention and Control of Human Trafficking Ordinance of 2002 that would protect the rights of women and girl victims of trafficking. She also asked whether there were plans to criminalize internal trafficking in persons and whether the State party considered exploitation of prostitution in tandem with trafficking. She requested additional information about Government action with respect to migrant and refugee women and women whose nationality was disputed, such as those from Bangladesh and Myanmar.

33. **Ms. Mumtaz** (Pakistan) acknowledged that there was a gap in the passage of laws and in the establishment of mechanisms for their implementation, but steps were being taken to rectify the problem. Provincial governments were in the process of passing legislation for local government systems that were crucial for the empowerment of women and the improvement in their status. Since devolution, quotas for women in the civil service were decided by the provinces and she agreed that there should be a higher representation of minority women. Temporary special measures included a move towards official recognition of female home-based workers as part of the labour force.

34. **Mr. Malik** (Pakistan) said that a draft law on trafficking had been overly ambitious in trying to cover too many aspects and had therefore stalled in both houses of parliament. Similarly, a draft law on internal trafficking, which included trafficking in children, had received right-wing opposition and had been dropped. Funds were in place to provide compensation and legal aid for victims of human rights violations, in addition to other Government funds. Special shelters were available for victims of trafficking, including street children, who were also given educational opportunities.

35. **Ms. Mumtaz** (Pakistan) said that the bill on domestic violence had been adopted by the National Assembly, but had not been cleared by the Senate. It was a contentious bill, with strong opposition, and she was unsure when it would be passed due to the upcoming elections.
36. **Mr. Malik** (Pakistan) said that, as domestic violence was covered under the Criminal Code, there was no danger of it not being followed up at the federal level.
37. **Ms. Mumtaz** (Pakistan) said that a major concern for human rights defenders in Pakistan was the practice of allowing the perpetrators of honour killings to pay a fine in lieu of receiving a criminal sanction. Referring to school curricula, she said that the latter were closely scrutinized, especially by civil society organizations, but that those of religious schools were managed by a board of religious institutions and were not open to outside intervention and interpretation.
38. **Mr. Malik** (Pakistan) said that a recent breakthrough had been the agreement by religious schools to include science, mathematics and information technology in their curricula.
39. **Ms. Mumtaz** (Pakistan) said that Pakistan would welcome an opportunity to learn from the experiences of other Islamic countries such as Egypt, where Islam was not viewed negatively.
40. **Ms. Schulz** asked whether a time limit had been imposed on provinces with regard to the development of new legislation and how Pakistan intended to address the inevitable chequered implementation of human rights due to the provincial system of government.
41. **Ms. Jahan** urged Pakistan to collect, analyse and include data on trafficking and the prosecution and punishment of the perpetrators in its next report. She asked whether an evaluation of the National Plan of Action on Trafficking had been undertaken; what progress had been made to implement the recommendation made during the previous universal periodic review of Pakistan to invite the Special Rapporteur on trafficking in persons, especially women and children to visit the country; and what steps were being taken to address the problem of the exploitation of women and girls for the purpose of prostitution. She encouraged the sharing of experience with other Islamic countries, especially on how to avoid projecting a negative image of Islam.
42. **Ms. Šimonović** asked what measures the Government would adopt to address the issue of impunity for perpetrators of so-called honour crimes and whether it planned to amend the Criminal Law (Amendment) Act of 2004 with regard to honour killings. She requested further information on legislation relating to acid control and acid crime prevention, including victim support and protection measures.
43. **Ms. Gabr** said that she had not asked how religious school curricula could be changed, but how religious leaders and institutions could ensure a positive image and accurate interpretation of Islam and promote respect for women's rights and implementation of the provisions of the Convention.
44. **Ms. Mumtaz** (Pakistan) said that the requests for a visit by the Special Rapporteur on trafficking in persons, especially women and children, were currently under consideration. Many traditions in Pakistan were based on custom rather than on religion, such as opposition to female education, and religious extremists were carrying out activities in the name of Islam with impunity, which was a difficult obstacle to overcome. There was no move in parliament to amend the Criminal Law (Amendment) Act of 2004 with regard to honour killings, although it was a heavily debated issue. The acid control legislation merely criminalized the offence of acid throwing and made no provision for victim compensation or protection. As a counterbalance to religious extremists with no logic

behind their doctrine, there were many progressive religious scholars in Pakistan who based their interpretations of Islam on human rights principles.

Articles 7 to 9

45. **Ms. Pires** asked, with a view to the upcoming elections, what specific measures would be adopted to increase the number of reserved seats for women at the federal and provincial levels of government, as well as the quota for minorities, particularly minority women. She also asked what steps would be taken to ensure achievement of the 10 per cent quota for women civil servants, including in the judiciary, which was currently not being met, and whether there were plans to increase the quota to 33 per cent. She requested information on the bill reported to have been finalized by the Election Commission concerning the situation in polling stations with less than 10 per cent female participation, and on steps being taken to ensure that women exercised their right to vote during the upcoming elections. Had the Commission received any complaints about women being prevented from exercising their right to vote?

46. **Ms. Belmihoub-Zerdani** recalled the legacy left by Benazir Bhutto, who was a major symbol for Muslim women not only in Pakistan, but worldwide, and urged Pakistan to continue implementing her policies, especially those aimed at achieving full parity for women.

47. **Ms. Mumtaz** (Pakistan) said that the number of reserved seats for women in parliament could only be increased through a constitutional amendment, hence no increase was currently envisaged, but more women were expected to stand independently. Women parliamentarians were very active and most legislation adopted recently had been the outcome of their efforts. The quota for minorities would remain at 5 per cent, but the representation of women within that quota should be increased. The participation of women in political parties varied and there was no legal requirement for parties to ensure a certain number of women in decision-making bodies. The 10 per cent quota for women in the judiciary was not always filled due to a lack of applicants, which should be investigated. There were plans to establish a complaints mechanism.

48. **Ms. Jahan** asked whether a verdict had been issued by the Supreme Court on the appeal filed following the 2008 judgement of the Federal Shariat Court that section 10 (2) of the Citizenship Act of 1951 was discriminatory towards women and unconstitutional and should therefore be amended.

The meeting rose at 1 p.m.