



**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 1102nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 12 February 2013, at 3 p.m.

Chairperson: Ms. Ameline

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Pakistan (continued) (CEDAW/C/PAK/4 and 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.*

Article 9

2. **Mr. Malik** (Pakistan) said that his Government had not yet taken steps to amend the Citizenship Act, as it was still awaiting a judgement of the Supreme Court as to whether a provision of the Act was discriminatory.

3. **Ms. Mumtaz** (Pakistan) said that under the Act children were entitled to the nationality of their mother.

Articles 10–14

4. **Ms. Šimonović** urged the Government to take note of the Committee statement on the protection of girls' right to education adopted at the fifty-third session, in the light of the shooting of Malala Yousufzai. While the Constitution stated that no citizen should be denied an education, it did not expressly prohibit discrimination on the grounds of sex. Were there plans to amend the relevant provision of the Constitution to include gender-based discrimination? What immediate measures did the Government plan to adopt to address the discrepancy in literacy rates between rural and urban areas? What provisions would be set out in the National Plan of Action for Women to promote the education of girls? Did the Government plan to ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education? What was the Government planning to do to enhance the security and boost the attendance rates of girls?

5. **Ms. Bailey** said that although the report referred to initiatives regarding school attendance rates, it did not specify the status of those initiatives or how they promoted girls' enrolment. She would be grateful for information on the areas of study that girls tended to pursue. How did the conflicts in the country affect education and what action had been taken to rehabilitate schools during periods of conflict? Could the delegation provide further information on teacher training?

6. **Ms. Al-Jehani** asked whether there was a plan for education in times of crisis. Were there specific education policies and alternative programmes to formal education for girls who married early? Since Islamic law guaranteed the right to education, were faith-based measures being taken to reaffirm that right? Lastly, were there differences in the educational syllabuses for girls and boys?

7. **Ms. Patten** (Country Rapporteur) asked what measures had been taken to ensure women's employment in the public sector and to enable them to move from employment in the informal economy to the formal economy. What role did the new Ministry of Human Resource Development play and what links were there between that new Ministry and the provincial labour departments? What was the mandate of that Ministry with regard to implementation of article 11 of the Convention and International Labour Organization (ILO) conventions? What was the status of the employment and service conditions bill and did it conform with the Convention and relevant ILO conventions? Did that bill address the principle of equal remuneration and, if so, did it apply to both the private and public

sectors? What measures were in place to eliminate the strong occupational segregation in Pakistan; to ensure employment sectors were free from gender bias; and to increase the capacity of labour inspection mechanisms in order to ensure that labour standards were properly enforced?

8. **Ms. Zou Xiaoqiao**, noting that maternal death rates in Pakistan were among the highest in South-East Asia, asked whether the Government had investigated the causes in order to reach targeted solutions. Were there comprehensive national measures and plans to increase investment in and improve services and to train nurses in order to reduce maternal mortality and morbidity?

9. The report did not take up the recommendation made by the Committee in its concluding comments (CEDAW/C/PAK/CO/3, para. 41) to review laws relating to abortion with a view to removing punitive provisions against women who underwent an abortion. What measures had been taken in that regard? She welcomed the fact that a reproductive health bill was pending and asked when it might be adopted. She also requested details of its main content and whether it provided for safe abortions.

10. **Ms. Al-Jehani** asked whether the law in Pakistan allowed abortion for medical reasons and, if so, what specific medical grounds were covered. Was spousal consent required in such cases? She asked what measures had been taken to guarantee all children the right to a birth certificate; whether children born to refugees and non-nationals had such a right; and what costs were involved in the registration process.

11. **Ms. Schulz** asked whether there were plans and time frames to increase the budget allocation for health. What impact would such an increase have at provincial level, particularly on reproductive health? Would priority be given to reproductive and children's health? In the light of the current process of devolution taking place, would Pakistan maintain the same level of funding for the health system and for cooperation with United Nations agencies? What coordination was necessary to maintain the current level of financing?

12. **Ms. Patten** requested data segregated by sex on credit granted for entrepreneurial activities. How was the Government protecting women in the informal sector? Did the Government intend to ratify the ILO Home Work Convention, 1996 (No. 177)?

13. **Ms. Ameline**, speaking in her capacity as a Committee member, wished to know whether there were measures to increase women's access to business and employment and whether existing measures would be strengthened.

14. **Ms. Zou Xiaoqiao** asked whether statistics were available and measures in place regarding women's access to policymaking in rural areas. She welcomed recent legislation on land rights and asked what proportion of women had gained access to land and what costs were entailed. Were there concrete measures and time frames to guarantee women land rights in the future, to make women aware of their land rights and to cooperate with NGOs and civil society in that regard? Were statistics available on the poverty threshold of men and women in Pakistan? In addition to poverty reduction strategies, were other strategies in place to tackle poverty?

15. **Ms. Mumtaz** (Pakistan) said that the Constitution mandated education for all. Despite the disparity in girls' education between urban and rural areas, there was a general public will to educate girls.

16. **Mr. Akram** (Pakistan) said that there was no country-wide threat to girls' education in Pakistan. The problem was limited to certain areas associated with extremists and terrorists on the border with Afghanistan. It was vital for Pakistan to work together with North Atlantic Treaty Organization (NATO) security forces to deal with terrorism as a whole.

17. **Ms. Mumtaz** (Pakistan) said that there was no separate curriculum for girls and boys in Pakistan. There were incentives aimed at retaining girls in schools, such as funding, food, uniforms and books, and, as the dropout rate increased after primary school, some primary schools had been expanded to include middle schools to facilitate girls' attendance. Teacher training was widespread; Government schools required certified teachers while private schools did not. With regard to education in times of crisis, temporary schools were set up in the wake of crises until new schools were built. Although married girls were entitled to education, they rarely exercised such rights. Discussions were currently under way to increase the minimum age of marriage from 16 to 18 years but no decision had been reached. Lastly, any interpretation of sharia or Islamic law to advocate education would be rejected by extremists since their objection to educating girls was absolute.

18. **Mr. Malik** (Pakistan) said that a project had been adopted to raise awareness of girls' education and to persuade girls not to enter into early marriages.

19. **Ms. Mumtaz** (Pakistan) said that abortion was prohibited unless there was a risk to the health or life of the mother or foetus and that spousal approval was necessary but exceptions were made. Birth registration with the National Database Regulatory Authority was increasing, as was the people's awareness of its importance, but more needed to be done. There was a small fee for registration and a fine for not registering but both could be waived if necessary.

20. **Mr. Akram** (Pakistan) said that no distinction was made between the educational services afforded children in refugee camps and those afforded other children in Pakistan.

21. **Ms. Mumtaz** (Pakistan) said that the maternal mortality rate remained high, and greater efforts were needed for Pakistan to achieve the Millennium Development Goals in that area. The high maternal mortality rate was caused by the lack of awareness of when a pregnant woman required skilled medical care, the inaccessibility of health-care facilities, the shortage of midwives and inadequate emergency obstetric care units. Given the high population growth rate and the large unmet need for family planning services, the Government considered it a priority to improve access to such care. Several family planning programmes were in operation; however, it would take time before they produced results.

22. Contrary to the law, abortion was used as a family planning method, mostly by women who had already had all the children they wanted. Although the Government was discussing how to prevent abortion, there were currently no plans to amend the law concerning abortion. A reproductive health bill provided for other reproductive health needs, such as antenatal care, but did not have a comprehensive segment on the prevention of unsafe abortions. It was true that the overall health budget was low and needed to be increased; however many Government-sponsored health-care programmes were not reflected in the budget, as they were funded on an extrabudgetary basis.

23. Following the devolution of powers to the provinces, each province had received an increased amount of resources to allocate according to its own needs. The budget of the Sindh province, for example, had doubled in relation to its pre-devolution amount. It was widely held that devolution would have a positive impact on health systems. It should be noted that contraceptives were still supplied from a national warehouse that was under the control of the federal Government.

24. The draft national policy for home-based women workers was expected to be implemented soon, after which, Pakistan would be in a position to sign the ILO Home Work Convention, 1966 (No. 177).

25. A number of recent training programmes offered women various types of vocational training but further efforts were needed to ensure that such programmes matched job market demand. Women still accounted for a small proportion of the working population.
26. There were increasing opportunities for women, including rural women, to participate in decision-making in local government, provincial assemblies and the parliament, where women parliamentarians were making significant contributions.
27. Under the law, women in Pakistan were entitled to inherit land and property. However, they were often denied or forfeited that right. Consequently, legislation designed to protect that right had recently been enacted. Women accounted for only a tiny percentage of the country's landowners.
28. Through the programme for the Grant of State Land to Poor Landless Hareess (tenant labourers), women were distributed Government-owned land at no charge and given support in managing their crops. It was a model that could be replicated in other provinces. One of the roles of civil society organizations in Pakistan was to raise awareness about opportunities available under Government-sponsored schemes and programmes. Pakistan was a very poor country, as evidenced by the fact that more than a third of the population lived below the poverty line. As the unit of measure used to determine poverty figures was the household, not the individual, the level of female poverty was not measured.
29. **Mr. Akram** (Pakistan) said that the number of women in non-traditional professions, such as airline pilots and military or police officers, was growing. Employment statistics in Pakistan tended to be based on formal employment; it was therefore easier to measure women's participation in the industrial labour sector than in the agrarian sector. Women worked alongside men in growing crops, especially during sowing and harvesting, and in tending livestock. The notion that women were prevented from entering the workforce in Pakistan was erroneous.
30. **Mr. Malik** (Pakistan) said that the Ministry of Human Resource Development was responsible for ensuring the implementation of ILO conventions through a periodic review mechanism and coordination with provincial labour departments.
31. **Ms. Mumtaz** (Pakistan) explained that the data provided to the Committee concerning microcredit was in relation to special schemes for women and did not concern men.
32. **Ms. Schulz** asked whether women who had undergone an illegal abortion could obtain post-abortion medical care and whether those women, and the doctors or other attendants who performed such abortions, could be punished for doing so. She asked whether the devolution process risked hindering efforts to privatize health care.
33. **Ms. Zou Xiaoqiao** recalled that, in its previous concluding observations, the Committee had noted its concern at the link between the rate of abortion and low contraception use, and had consequently recommended that the State party should review its laws relating to abortion.
34. **Ms. Bailey** said that, the fact that more than half of girls between 13 and 14 years of age did not attend school suggested strong cultural factors that militated against girls' school attendance in general. She wished to know what choices girls and boys made when presented with the same academic or vocational curriculum, given that such choices were often driven by traditional stereotypes and expectations.
35. **Ms. Patten** asked what measures the Government took to protect women in refugee camps from sexual and other forms of violence and address their lack of access to health care, education and economic opportunities. In the wake of the numerous disasters that had occurred in Pakistan between 2005 and 2011, she asked what types of protection and

assistance had been provided to internally displaced women and girls; how the Government ensured their equal access to services and assistance programmes that addressed their particular needs; how it was dealing with the conflict in Swat and its impact on women; and how it was ensuring the enjoyment of women's rights under United Nations Security Council resolution 1325 (2000) and other related Security Council resolutions.

36. **Ms. Šimonović** reminded the delegation that her questions relating to the declaration and reservation made by Pakistan at the time of its accession to the Convention had not yet been answered.

37. **Ms. Belmihoub-Zerdani** asked whether sexual and reproductive health-care services were provided to women in public health facilities; whether women had access to such care free of charge; and what became of women who could not afford to pay for such services.

38. **Ms. Jahan** asked whether Pakistan was considering acceding to the 1951 Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons. She enquired to what extent it envisaged empowering the women concerned to participate in conflict resolution negotiations, such as for the return of refugees to Afghanistan; and whether, as part of the country's participation in United Nations-led peacekeeping operations, Pakistan recruited women peacekeepers. What was the Government doing to protect the rights of stateless women, who suffered multiple discrimination and were particularly vulnerable?

39. **Ms. Haidar** said that the accession of Pakistan to the Convention relating to the Status of Refugees would enable the Office of the United Nations High Commissioner for Refugees to implement its mandate in Pakistan more effectively, including its mandate to protect displaced persons.

40. **Ms. Mumtaz** (Pakistan) said that a woman who had had an illegal abortion could receive free post-abortion care without being subjected to questioning. It was difficult to identify persons who performed illegal abortions, as they could be any one of a variety of skilled or unskilled attendants. Although many were of the view that primary health should remain in the hands of the Government, practitioners in the private sector provided the majority of health-care services and the most modern hospitals were private. Thus, there did not seem to be any chance that the devolution process would have a negative impact on privatization. In order to prevent unsafe abortions, the Government was attempting to improve access to family planning services. However those efforts had to be accompanied by widespread public information and awareness campaigns. For example, emergency contraception was easily available, but people had to be educated about how to use it. Services relating to sexual and reproductive health in the public sector were provided either for free or for a small fee but those in the private sector were fee-based.

41. **Mr. Akram** (Pakistan) said it was true that cultural factors affected the willingness of parents to send their daughters to school, particularly in rural areas with populations considered to be dominated by traditional or culturally conservative mindsets. Beyond the primary level, especially where greater costs were incurred for education, poor families preferred to spend their limited income on educating boys rather than girls on the grounds that boys would grow up to become breadwinners for their family. That said, attitudes were changing even in rural areas.

42. The refugee camps close to the Afghan border were not typical refugee camps as such, as there were no barbed-wire fences, searchlights or guard dogs to keep people incarcerated. Rather, they were settlements where people who had sought refuge from the conflict in Afghanistan had come together, many from the same town or village in their country of origin. The Pakistani authorities worked in close coordination with international and bilateral donor agencies and with a large number of national and international non-

governmental organizations in various areas relating to the maintenance of refugees and internally displaced persons. While it was impossible to say with certainty that there were no incidents of women being trafficked from the refugee camps, it should be recognized that no Government agency was mandated to control the movement of the refugees, who were free to come and go as they pleased.

43. **Mr. Malik** (Pakistan) said that it was important to specify who was being referred to as internally displaced persons. As the events in Swat were a matter of law enforcement rather than armed conflict, Security Council resolution 1325 (2000) on women, peace and security could not be applied to the women affected by the situation.

44. The State party's response to the large number of internally displaced persons during the floods in 2010 had focused on families as a whole rather than certain sections of the population. During the crisis the relief effort had primarily been aimed at persons who were the most vulnerable, including women and children. The Government was still considering whether to adopt the Convention relating to the Status of Refugees.

Articles 15 and 16

45. **Ms. Patten**, noting the negative impact of parallel legal systems and alternative dispute resolution forums such as *jirgas*, asked what measures were being taken to eliminate such informal dispute resolution mechanisms. Also noting the lack of success of the Gender Justice through Musalihat Anjuman project, which had sought to address the lack of access to the formal justice system, she asked whether there were plans to revive such mediation forums or take other, similar initiatives.

46. **Ms. Halperin-Kaddari** said that the multiple legal systems in Pakistan and absence of a single, codified family law, with each person being governed by his or her own religious law, were greatly discriminatory to women. Legislation on Hindu marriages and divorce had yet to be enacted and Hindu marriages were not registered. As a result, Hindu women suffered greatly and were one of the least protected and vulnerable groups in Pakistani society. The delegation was therefore asked to provide specific information on the status of the Hindu marriage bill and any obstacles to passing it through the National Assembly.

47. She asked what was being done to address the growing number of abductions of young girls from religious minority groups for forced conversion and forced marriage. She would appreciate further details of the divorce procedures for women in Pakistan. The very low rate given in the report for the number of divorced or separated women indicated how difficult it was for a woman to leave her spouse in Pakistan, contravening the principle of equality between men and women in matters of divorce.

48. It was not clear whether polygamy was permitted under the various Muslim personal laws. Even if such a practice was restricted to cases in which the first wife approved any subsequent marriages, the issue was still in contravention of general recommendation 21 on equality in marriage and family relations. Were there any plans to change such practices? Turning to the marital property regime, she would like clarification as to whether a woman was entitled to benefit from assets accumulated during marriage. If so, she asked what was considered a marital asset; whether alimony was paid to women; and whether child maintenance was extended after the dissolution of the marriage.

49. She asked whether there was a timeline for raising the age of marriage or plans to amend the Child Marriage Restraint Act.

50. The issue of violence against women in Pakistan was a matter of concern to the Committee. She would like clarification of the State party's position on marital rape, which was not recognized as a crime under the Penal Code. Further explanation was needed of the

statement in the report that mothers were considered “natural custodians” and fathers “natural guardians”.

51. **Ms. Acar** said that she was concerned about women’s equality in marriage and family relations under the law in Pakistan. She requested further information on the laws passed to prevent violence against women and the steps taken to collect disaggregated data. It appeared that the gender crime cells only collected data concerning extreme cases of violence against women, including kidnapping, gang rape and honour killing (*karo-kari*), and neglected domestic or conjugal violence. The delegation was therefore requested to provide details of the data collected for such types of violence against women, which appeared to be routine in Pakistani society. It was also important to identify the steps taken to collect household data. She asked whether the new population census would include data on violence against women, particularly domestic violence.

52. It was unclear whether honour killings were considered by the State party to be crimes against the social order or the individual. The delegation was requested to provide further information on the prosecution of cases of domestic violence and honour killings and the percentage of cases brought to court that had resulted in conviction under section 311 of the Penal Code.

53. **Ms. Mumtaz** (Pakistan) said that despite a current bill to amend the marriage law and raise the age of marriage to 18, little progress had been made. However, setting the age at 18 had been debated and was widely advocated. The multiple legal systems in the country were a product of the separation of personal status laws by religion and, as a consequence, there could be no unified code of law.

54. The Government was aware of young girls being abducted for forced conversions and forced marriages and was still struggling to address the problem under the pending legislation on Hindu marriages. Under the Islamic marriage certificate (*Nikah Nama*), women could divorce without losing their dower. However, if the grounds for the dissolution of the marriage under the certificate were not met, the dower must be foregone. Nevertheless, the official divorce rate of 1 per cent seemed artificially low, as in reality many more women were divorced or separated. Polygamy was restricted and marital rape was not currently recognized.

55. Once divorced, a woman would receive her dower and child maintenance would continue to be paid until her children reached the age of 18. In legal terms, a distinction was made between the parental authority of a mother and a father. However, the courts tended to award custody to the mother and request the father to pay maintenance in custody cases.

56. **Mr. Malik** (Pakistan) said that the State party did not support parallel legal systems and followed the common law system. The courts might be applying different laws but they fell under a single legal system. Parallel legal systems such as *jirgas* were illegal and had long since disappeared, with some exceptions in remote places. The Musalihat Anjuman project continued to act as a mediation forum and had helped in settling many minor disputes.

57. The State party had been unable to achieve consensus on legislation concerning Hindu marriages because of opposing views on the Hindu caste system. The efforts to tackle forced marriages and raise the legal age of marriage had also met with some resistance in the country, as some members of the Muslim community believed that girls should be married at the age of puberty. In order to address such issues, the Government had introduced national identity cards as a prerequisite for marriage, which were only issued to persons aged 18 and over. As Hindu marriages were not registered no exact data existed on cases of forced conversion and forced marriage. The superior judiciary had dealt with cases that had been reported.

58. Turning to the very low divorce rate, he said that while women could not divorce in the same way as men, they could dissolve their marriage with or without grounds. Lastly, marital rape was an offence under the marriage laws; however, as the relevant provisions were not clearly stated, marital rape was not widely recognized to be a crime.

59. **Ms. Mumtaz** (Pakistan) said that there were several mechanisms in place to assist internally displaced persons, including a gender and child cell in the National Police Bureau to address the specific issues facing internally displaced women, a national partnership and working group on gender and a directive to give women priority access to post-disaster shelter.

60. There had been efforts to raise awareness and build the capacity of persons who collected data on violence against women to enable them to document incidents accurately. The gender crime cell studied all reported cases of violence against women. Unfortunately, however, as no national domestic violence law existed, such cases were included with other cases of violence. There was no household data on domestic violence against women.

61. **Mr. Malik** (Pakistan) said that the current conviction rate for violence against women was around 11 per cent. Under the criminal justice system in Pakistan, criminal proceedings could be initiated by either the State or individuals, who could lodge complaints with the courts without police involvement. However, honour crimes were an exception to the law, and, irrespective of whether the victim's relatives were paid retribution or blood money, the perpetrators of such crimes must always be prosecuted.

62. **Ms. Al-Jehani**, noting the continuing difficulties in registering divorces nationally, said that she would appreciate any statistics that the State party could provide on marriage and divorce at the local level. The State party should make use of more progressive scholars and thinkers to enable advances to be made on the issue of child marriage. Further clarification on women's rights in cases of divorce was required, as some commentators maintained that a woman still required her husband's approval in order to receive her dower.

63. **Mr. Malik** (Pakistan) said that it was mandatory under family law to register a marriage; however, in many cases of child marriage no registration took place as it was not legally permissible. A woman did not need to give up her dower in cases of divorce; she could choose to divorce by mutual consent, whereby the court issued a decree on what she must relinquish in order to proceed with the divorce process.

64. **The Chairperson** stressed the importance of the rule of law in the transformation of society and encouraged the State party to reinforce its legislative framework to eradicate violence against women. The Committee noted with concern the continuing violence against and exclusion of women. The State party should give priority to women's access to security, justice and education.

65. **Ms. Mumtaz** (Pakistan) said that the Government was committed to moving forward with women's rights and would welcome the Committee's technical assistance to address some of the issues raised.

The meeting rose at 5.30 p.m.