



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group for the thirty-eighth session
14 May-1 June 2007

List of issues and questions with regard to the consideration of an initial and periodic report*

Pakistan

1. The pre-session working group examined the initial, second and third periodic reports of Pakistan (CEDAW/C/PAK/1-3).

General

2. The combined report states that the Ministry of Women Development has requested the National Commission on the Status of Women to examine Pakistan's declaration on the Committee on the Elimination of Discrimination against Women and give its views on whether it can be withdrawn. Please indicate the progress made in this regard and the time frame for withdrawing the declaration.

3. In the light of recent natural disasters, such as the earthquake in Pakistan, please indicate whether the Government has assessed the effectiveness of humanitarian assistance given to victims from a gender perspective and whether the Government has developed a framework for delivery of gender-sensitive humanitarian assistance.

Articles 1-2

4. The report states that the Constitution does not contain a definition of discrimination and that there are no laws specifically prohibiting discrimination against women (pp. 21-23). Please indicate if there are plans to adopt appropriate legislative measures to prohibit discrimination against women, in both public and private sectors, in the light of article 2 of the Convention.

5. The report states that while in theory any citizen can bring a case of infringement of fundamental rights before a court that has jurisdiction, in practice

* The page numbering in this list of issues and questions refers to the English version of the report.



such recourse is “not accessible to all citizens” owing to reasons such as expense and lack of “gender-sensitivity of all organs of the State, including the judiciary” (pp. 13-14). Please indicate concrete measures planned and/or being implemented to address such obstacles to access to justice, including gender-sensitivity training of the judiciary, and the impact of such measures.

Article 3

6. The report indicates that the Government has instituted mechanisms such as the office of the Federal Ombudsperson, the Services Tribunal (for government servants) and Labour Courts, where citizens can “claim their rights” (p. 14). Please indicate the number of cases of gender-based discrimination brought before the Services Tribunal and Labour Courts by women in the past five years and the outcomes of such cases. In the case of the complaints brought by women before the Federal Ombudsperson (p. 14), please indicate the outcome of these cases.

7. According to the report, the officials of the Ministry of Women Development “do not get sufficient resources and training to adequately deal with the range and complexity of issues they confront in carrying out their mandate” (p. 20). Please provide information regarding the status and the human and financial resources of the Ministry of Women Development and its relation to the National Commission on the Status of Women.

Article 4

8. The report states that although the Government has established a 5 per cent quota for women in government service, a 17 per cent quota for women in the National Assembly, Senate and provincial assemblies and a 33 per cent quota for women in most tiers of local bodies, “these actions have not resulted in the kind of progress that was envisaged” and “the Ministry of Women Development is endeavouring to bring more coherence to the Government’s affirmative action programmes through the Gender Reform Action Plan (GRAP)” (pp. 25-26). Please provide details of the reforms contemplated under GRAP and the time frame anticipated for such reforms.

Article 5

9. The report states that “customs, practices and misinterpretation of religion are cited as justifications for indulging in acts of discrimination against women” (p. 23). Please describe concrete steps being taken to modify such customs, practices and interpretations of religion.

10. The report indicates that some measures have been taken to create gender sensitivity in the media (pp. 27-28) and that the education system is being “revised with a focus on human rights” (p. 29). However, the report goes on to state that large sections of Pakistani society have deeply held traditional views about the roles of men and women in society (pp. 30-31). What measures are contemplated/have been taken to eliminate gender stereotypes from school curricula and from the media and what other concrete measures have been taken to change social perceptions of the roles of men and women in society and in the family?

Violence against women

11. The report of the Special Rapporteur on violence against women, its causes and consequences states that there is a concern about the increasing incidences of domestic violence, with an estimated 70 to 95 per cent of women having experienced domestic or familial violence (E/CN.4/2003/75/Add.1, para. 1135). However, the report indicates that there are no laws relating to domestic violence (pp. 122 and 129) and there is a “tendency not to pursue cases of domestic violence, unless these are very serious” (p. 125). Please indicate if a law on domestic violence is contemplated and, if so, what is its scope and content, and the timeline for its enactment.

12. The report indicates that the Hudood Ordinances (and specifically the Zina Ordinance) contain laws relating to sexual violence (p. 122). However, under such laws “the crime of rape can only be established if there are four Muslim adult male witnesses or the accused confesses to the crime himself” and if a rape victim “cannot satisfy the evidentiary requirements, she becomes susceptible to prosecution for illicit consensual sex” (p. 117). While the National Commission on the Status of Women has, after a two-year review, recommended that such laws be repealed, the report indicates that “the issue of hudood laws is difficult to tackle without evolving consensus in the society” (p. 117). What steps is the Government taking to create this consensus in society and to repeal the Hudood Ordinances? In particular, what measures has the Government taken, in the light of its international obligations, to amend or repeal the Zina Ordinance and to enact laws that facilitate the reporting, prosecution and punishment of rapists? Thousands of women are in detention, accused of adultery and other offences. In the recent amendment of the Hudood Ordinances, right of bail has been given for persons under detention for such offences. What efforts is the Government taking to enable these women to be freed on bail?

13. Please indicate comprehensive measures taken by the Government to address the various forms of forced marriage, as described in pages 119 and 126 of the report, as well as the example given by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination, who points out that in families with large landholdings, women are sometimes “married” to the Koran, remaining lifelong spinsters so that they do not take their share of family property out of the family (E/CN.4/2006/118, para. 41). Also provide information on the measures aimed at the effective implementation of (a) the law giving women the right to enter into marriages of their choice (p. 119) and (b) the new section in the Penal Code (310A) that criminalizes the giving of females in marriage to settle disputes (p. 118). In addition, is the Child Marriage Restraint Act of 1929 (p. 122) effectively implemented? Please provide details on the number of cases of child marriage prosecuted under this law and the number resulting in convictions.

14. The report indicates that a new section, 174-A, was added to the Code of Criminal Procedure in 2001 to curb dowry-related violence under which medical practitioners are required to immediately take the statement of any female burn victim and report all burn cases to the nearest magistrate (p. 123). Please indicate the impact of the new law, giving details of cases prosecuted as a result of its implementation and the number of these resulting in convictions.

15. The reports of the two successive Special Rapporteurs on violence against women, its causes and consequences indicate that honour crimes are a serious problem in Pakistan and that perpetrators of such crimes are rarely brought to justice (E/CN.4/2003/75/Add.1, paras. 1132-1134 and E/CN.4/2005/72/Add.1). The report indicates that the Criminal Law (Amendment) Act amends certain sections of the Pakistan Penal Code and the Code of Criminal Procedure to ensure more effective prosecution of honour killings (p. 23). Please describe the relevant amendments, including how they address the issue of immunity for perpetrators of honour killings under the Qisas and Diyat law (p. 118), and their impact on the prosecution of cases of honour killings to date, including the number of cases prosecuted and the sentences awarded.

16. The report states that according to human rights activists, the police are not sufficiently sensitized towards the plight of women victims of violence (p. 125). The report of the Special Rapporteur on violence against women, its causes and consequences shows that sometimes the police themselves perpetrate violence against women (E/CN.4/2005/72/Add.1). Please provide details of measures taken to sensitize law enforcement officers about violence against women, including through the Access to Justice Programme (p. 124) and the establishment of women police stations (p. 19), and the impact of such measures.

17. The reports of the two successive Special Rapporteurs on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1, para. 1132 and E/CN.4/2006/61, para. 65) indicate that jirgas, or tribal councils, sometimes pass judgements requiring women to be killed in the name of honour. Similarly, there have been reports of such tribal councils mandating rapes and forced marriages. Please indicate steps taken to address such issues, including through the prosecution and punishment of members of such councils.

Article 6

18. Please provide information about the implementation of the Prevention and Control of Human Trafficking Ordinance of 2002 (p. 31), including details of the cases prosecuted and the number of traffickers punished under this Ordinance since 2002.

Articles 7 and 8

19. The report indicates that in the local bodies elections and the last general elections, “there were reports from all provinces of women being prevented from submitting their candidatures and/or exercising their right to vote” (pp. 37 and 46). The Peshawar High Court has declared that all restrictions on women’s right to vote are illegal (p. 46). What actions has the Government taken to ensure that women’s freedom of movement and ability to exercise their right to vote and submit candidatures will be ensured in future elections?

Article 9

20. The report indicates that the National Commission on the Status of Women has recommended that the Citizenship Act of 1951, which was amended in 2000, be further amended to give Pakistani women the right to confer their nationality to their foreign husbands (p. 54). Please indicate progress made in this regard and the anticipated time frame for law reform.

Article 10

21. Please provide disaggregated data on education by sex, age, ethnicity, rural and urban, and describe the impact, to date, of the implementation of the policy documents relating to education, namely, the National Education Policy (1998-2010), the Ten-Year Perspective Development Plan and the Education Sector Reforms (p. 56), on the education of women and girls. Given the low levels of literacy among women in Pakistan, please indicate what concrete plans the Government has to reduce illiteracy within a certain time frame.

22. The report indicates in a number of places that a lack of suitable facilities in public schools is often a “disincentive for girl students” (pp. 64 and 67). Please indicate measures being taken to address such obstacles to girls’ education and to decrease the proportion of girls, particularly girls from rural areas, dropping out of school at the secondary level.

Article 11

23. Women’s participation in the labour force is very low (9.9 per cent in 2001-2002 according to table 11.02 on p. 77) and the report identifies certain factors such as women’s preference to be homemakers, women’s need to take care of children, women being kept out of the labour force by their families, women’s lack of qualifications and employers’ bias against recruiting women as contributing to women’s lack of participation in the labour force (pp. 79-80). In addition, sexual harassment in the workplace appears to be another impediment (p. 127). Please describe measures being implemented or considered to overcome such obstacles to women’s employment.

24. According to the report, women are not allowed to work in certain kinds of jobs for “health and safety reasons” and during certain hours at night (pp. 68-69). Please indicate whether the potential discriminatory impact of such provisions on women’s employment has been evaluated and provide details of any such evaluation, especially in the light of article 11 (1) (b) of the Convention.

Article 12

25. Please indicate whether existing programmes to combat HIV/AIDS integrate a gender perspective and whether special measures for prevention are in place that target women.

26. The report states that maternal mortality in Pakistan may be higher than 340 per 100,000 (p. 82). Please provide information on the leading causes of maternal deaths and describe measures that have been taken to reduce maternal mortality and the impact of such measures.

Article 13

27. The report indicates that the Government’s safety net programmes include food subsidies, food support programmes, Tawana Pakistan and low housing and the Pakistan Baitul Mol. These programmes are directly related to the poorest section of society (p. 104). Please provide information on how many women, as compared to men, benefited from these safety net programmes and the impact of this programme on women and their families.

Article 14

28. The report indicates that rural women lag behind urban women in education, health and employment and while the “new policy documents of the Ministry of Education and Health place an explicit focus on the rural areas [and] main microcredit providing institutions also have a pronounced emphasis on rural areas ..., these have yet to have an appreciable positive impact on reducing the disparity between rural and urban areas” (p. 114). Please indicate whether the implementation and impact of such policies and programmes in rural areas are being monitored and evaluated regularly and describe measures being considered to enhance their impact.

Articles 15 and 16

29. According to the report, under the Qanun-e-Shahadat (law of evidence), a woman cannot be an attesting witness to a legal contract (p. 116). Please indicate how this lack of capacity affects women, particularly those in business and legal careers, and indicate whether a reform of this law is contemplated with the anticipated timeline of such reform.

30. The discussion under article 16 of the report shows that women do not have equal rights as men in many areas covered by laws or in practice on personal status, especially marriage, divorce, child guardianship and inheritance. Please provide details of any reforms of such laws proposed by the National Commission on the Status of Women and the time frame for any anticipated law reform, and measures, including legal services, being taken to address such issues.

Ratification of the Optional Protocol

30. Please indicate any progress made with respect to ratification of, or accession to, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and acceptance of amendments to article 20, paragraph 1, of the Convention.
