



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

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## Committee on the Elimination of Discrimination against Women Seventy-fifth session

### List of issues and questions in relation to the fifth periodic report of Pakistan\*

#### Constitutional, legislative and policy framework

1. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on any progress made to incorporate into national legislation a definition of discrimination against women, including direct and indirect discrimination in the public and private spheres, and to prohibit all forms of discrimination against women. Please provide further information on recent cases in which the definition of discrimination against women as provided in the Convention has been used by courts ([CEDAW/C/PAK/5](#), para. 48)<sup>1</sup> and on the measures taken by the State party to ensure that that definition is used systematically throughout the judicial system. Please also clarify: (a) the legal standards and the nature of remedies available to women who are victims of intersecting forms of discrimination, such as women with disabilities, women from ethnic, linguistic or religious minorities, Dalit women and asylum-seeking and refugee women; and (b) the obstacles to the withdrawal of the declaration made by the State party upon its accession to the Convention (para. 18).

2. Please provide information on the specific results achieved through the work of the governmental bodies referred to in the report (paras. 20–23) in harmonizing the implementation of the Convention across provinces and indicate any areas that have yet to be harmonized. Please also provide information on the progress made in bringing national legislation into conformity with the Convention, including: (a) the status of the draft legislation referred to in annex III to the report; (b) updates on legal reforms to incorporate the provisions of the Convention into national law; and (c) the revision of laws that the Committee found to be inconsistent with the provisions of the Convention in its previous concluding observations, including the Qanun-e-Shahadat Order (1984), the *hudud* ordinances (1979), the Pakistan Citizenship Act (1951) and the *qisas* and *diyat* ordinances ([CEDAW/C/PAK/CO/4](#), paras. 15 and 21).

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\* Adopted by the pre-sessional working group for the seventy-fifth session (25 and 26 July 2019).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the fifth periodic report of the State party.



**Access to justice**

3. Please clarify whether reforms have been undertaken to ensure that the jurisdiction of the highest courts in the Constitution applies to the entire territory of the State party (*ibid.*, para. 15) and to enhance women's access to justice, including to legal aid and victim protection mechanisms. In relation to the information provided in the report that jirgas and panchayats are being transformed and regulated to work as formal alternate dispute mechanisms (para. 32) and that an alternate dispute resolution bill (2017) has been adopted by the National Assembly to deal with both civil and criminal cases (para. 33), please clarify: (a) how the State party sees such developments as being compatible with the Committee's previous recommendation that a unified judicial system be established and all parallel legal systems and informal dispute resolution mechanisms be eliminated (CEDAW/C/PAK/CO/4, para. 16 (d)), as well as the recommendation accepted by the State party following its universal periodic review that traditional and informal justice systems be banned (A/HRC/37/13, para. 152.138, and A/HRC/37/13/Add.1, para. 4); (b) which civil and criminal offences fall under the mandate of such alternative dispute mechanisms, indicating the differences, if any, between provinces; (c) the percentage of cases involving violations of women's rights that have been considered by alternative dispute mechanisms in comparison with the formal justice system; and (d) whether measures have been taken to implement the Committee's previous recommendation on raising public awareness of the importance of addressing violations of women's rights through judicial remedies rather than parallel justice systems (CEDAW/C/PAK/CO/4, para. 16 (d)).

**National machinery for the advancement of women**

4. Please provide updated information on the human, technical and financial resources, including experts on women's rights, allocated to the National Commission on the Status of Women to allow it to promote the implementation of the Convention and support gender mainstreaming across all sectors and levels of the Government. Please provide information on: (a) what the stand-alone gender-based budgetary allocation in the federal budget for 2016/17 referred to in the report (para. 117) has been used for, and the results achieved; and (b) the existence of gender equality policies and programmes, with measures focused on the most vulnerable groups of women, that are implemented by the National Commission, and the results achieved. In relation to the National Commission for Human Rights, please provide information on the measures taken to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in line with the recommendation noted by the State party in that regard following its universal periodic review in 2017 (A/HRC/37/13, para. 152.49, and A/HRC/37/13/Add.1, para. 4), and indicate the impact of its work in relation to women's rights. Please also provide information on measures taken to streamline the mandates of bodies that work on issues relating to women's rights, such as the National Commission on the Status of Women, the Ministry of Human Rights, provincial commissions on the status of women and provincial administrative departments, in order to avoid duplication and confusion (paras. 35–36).

**Women and peace and security**

5. Please clarify what measures have been taken to ensure a robust and effective regulation of the arms trade, as well as appropriate control over the circulation of existing and often illicit arms, as recommended by the Committee in its previous concluding observations (CEDAW/C/PAK/CO/4, para. 22 (e)) and on which information was requested by the Rapporteur on follow-up to concluding observations in a letter of 10 August 2016. Please indicate: (a) whether the State party intends to

adopt a national plan of action on the implementation of Security Council resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#); (b) the obstacles that impede the participation of women in conflict prevention, management and resolution and measures being taken to address them; and (c) measures taken to ensure zero tolerance towards the sexual exploitation of women and girls by State security personnel, including border police, immigration officials and peacekeeping personnel.

### **Temporary special measures**

6. It is stated in the report that Sindh Province has introduced a 15 per cent employment quota for women and that Punjab Province has maintained the same quota for women in all public sector jobs (para. 37). Please provide information on the impact of such quotas and clarify whether they exist elsewhere in the State party. Please also provide information on the extent to which the 33 per cent quota for women in local governments (*ibid.*) has been reached in each province. Please indicate the measures, including training, being taken to ensure that legislators, judges and law enforcement officials acquire conceptual clarity on temporary special measures to accelerate the achievement of de facto or substantive equality between women and men, in line with the Committee's general recommendation No. 25 (2004) on temporary special measures.

### **Stereotypes and harmful practices**

7. Please clarify whether the State party has adopted a comprehensive strategy to eliminate all harmful practices and stereotypes, in conformity with articles 2 (f) and 5 (a) of the Convention, which includes awareness-raising efforts targeting the public, the media and religious and community leaders, in collaboration with civil society and women's organizations, as recommended in the Committee's previous concluding observations ([CEDAW/C/PAK/CO/4](#), para. 22 (d)) and on which information was requested by the Rapporteur on follow-up to concluding observations in a letter of 10 August 2016. Please provide information on the progress achieved in revising curricula to address negative stereotyping of women across all provinces (para. 101) and report on other policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large.

8. In its previous concluding observations, the Committee expressed serious concern about the persistence of harmful practices, such as *karo-kari* (so-called honour killings), stove burning, acid throwing and marriage to the Qur'an ([CEDAW/C/PAK/CO/4](#), para. 21). Please provide updated information on the measures, including legislative action, taken to combat and eradicate such harmful practices, and their impact. In the light of reports indicating that female genital mutilation is practised in the State party, in particular among the Bohra community, please provide information on: (a) the legislative framework prohibiting female genital mutilation; (b) measures taken by the State party to eliminate the practice; (c) the number of prosecutions and convictions relating to the practice and the sanctions imposed on offenders; and (d) measures taken to provide rehabilitation to victims.

### **Gender-based violence against women**

9. In its previous concluding observations, the Committee expressed concern at the high prevalence of domestic violence and marital rape and the absence of clear legislation criminalizing such acts (*ibid.*). Please provide updated information on the status of laws criminalizing domestic violence and marital rape throughout the State party. According to information before the Committee, the Gender Crime Cell of the National Police Bureau referred to in the follow-up report of the State party

(CEDAW/C/PAK/CO/4/Add.1, para. 36) is no longer functional. Please clarify whether this is indeed the case, and provide information on the system used to collect data on cases of gender-based violence against women. Please also provide updated information, disaggregated by sex, age, disability, type of violence and relationship between the victim and the perpetrator, on: (a) the number of cases involving violence against women, including domestic violence, that have been reported, investigated and prosecuted, and the nature of the sanctions imposed on perpetrators; (b) the results achieved through the implementation of the national policy on ending violence against women (para. 75); (c) the current situation with regard to support services, protective measures and shelters available to women and girls in all regions; and (d) the findings of the national survey on men's perceptions of gender-based violence and the impact of the "Men Engage" model programme to eliminate gender-based violence (para. 77).

### **Trafficking and exploitation of prostitution**

10. Please provide information on the specific steps being taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to adopt national legislation to combat trafficking, including the bill on trafficking in persons, especially women and children, of 2016 and the bill on the smuggling of migrants by land, sea and air of 2016 (para. 107). Please clarify whether the State party has undertaken research into the scope, extent, causes and consequences of international and internal trafficking in women and girls, including the link between trafficking and bonded labour, domestic servitude and child marriage, as previously recommended by the Committee (CEDAW/C/PAK/CO/4, para. 24 (a)). Please also indicate whether the State party has adopted a comprehensive national action plan to combat trafficking, as previously recommended (ibid., para. 24 (b)), and provide information on the mechanisms in place to effectively identify victims of trafficking and refer them to appropriate support services.

11. In its previous concluding observations, the Committee expressed concern at the lack of statistical data and information about the extent of the exploitation of women and girls for the purpose of prostitution (ibid., para. 23). Given that no relevant information has been provided in the report, please clarify whether prostitution is criminalized in the State party and provide information on the legal provisions relating thereto. Please also indicate the measures taken or envisaged to: (a) address the root causes of exploitation of women and girls in prostitution; (b) prevent women and girls in vulnerable situations from entering into prostitution; (c) reduce the demand for prostitution; and (d) provide support to women and girls wishing to leave prostitution, including through the provision of alternative income opportunities.

### **Participation in political and public life**

12. In its previous concluding observations, the Committee expressed concern about the low representation of women in political and public life, especially in decision-making positions and in the local administration, the diplomatic service and the superior courts, in particular the total absence of women judges in the Supreme Court (ibid., para. 25). Please provide information on the level of representation of women in those areas, as well as in academic institutions, and on the specific measures that the State party is taking to tackle such underrepresentation. Please also indicate whether measures have been taken to increase the quotas allocated for women in the national and provincial assemblies and in the Senate to a minimum of 33 per cent, as previously recommended by the Committee (ibid., para. 26 (a)). Please provide information on the results of inclusive voter education (para. 43) and indicate other strategies and programmes in place to overcome obstacles that prevent women from

participating in political and public life, such as discriminatory cultural and traditional beliefs and gender stereotypes.

### **Education**

13. The State party outlines measures adopted at the provincial level to increase the availability of schools and to ensure access to education among disadvantaged children (paras. 124–139). Please provide information on the impact of such measures in: (a) increasing the enrolment and retention rates of girls in schools at all levels, including disadvantaged girls, such as Dalits, refugees and girls with disabilities; and (b) reducing the urban-rural disparities in access to education. Please also provide data on the number of girls entering technical and vocational education and training and the nature of the courses pursued. In the light of information before the Committee that girls frequently drop out of school owing to marriage and pregnancy, please provide information on the steps taken, including policy measures, to encourage pregnant and married girls to continue their education. Please also provide information on: (a) whether comprehensive sexuality and reproductive health education, including information on the use of modern contraceptives, is included in curricula; (b) the status of the revision of the curricula to include gender equality and human rights in Punjab Province (para. 132) and the extent to which gender equality and human rights are included in curricula in other provinces; and (c) progress achieved in removing discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society from curricula, as previously recommended by the Committee ([CEDAW/C/PAK/CO/4](#), para. 28 (b)).

### **Employment**

14. In its previous concluding observations, the Committee expressed concern about, among other things, the lack of legal provisions guaranteeing the principle of equal pay for work of equal value (*ibid.*, para. 29). Please provide information on the progress made in adopting national legislation that guarantees that principle in accordance with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization. Please also provide information on the impact of measures adopted to eliminate horizontal and vertical segregation in the labour market and to reduce the gender wage gap in the public and private sectors. In that regard, please indicate the measures taken to ensure that training offered to women to increase their access to employment is not confined to those areas that have been traditionally associated with women, such as embroidery, knitting, sewing, cosmetics and secretarial work (paras. 149–151), which perpetuates occupational segregation and the concentration of women in low-paying sectors. In the light of the significant number of women in the informal sector in the State party, including women who work from home, please indicate the steps taken to ensure access to social protection and benefits, including the right to basic health care, for women in that sector.

15. Please provide updated data on the number of complaints filed and investigated under the Protection against Harassment of Women at the Workplace Act of 2010 (para. 72) and indicate the steps being taken to implement the law effectively. Please provide information on the process and the measures in place to monitor the implementation of laws that prohibit bonded labour in the State party. Please also indicate any public outreach campaigns undertaken to inform the population about the need to protect children, in particular girls, from bonded labour and to ensure their access to education.

### **Health**

16. In its previous concluding observations, the Committee expressed concern about the high maternal mortality rate ([CEDAW/C/PAK/CO/4](#), para. 31). Please describe

the specific measures adopted to reduce maternal mortality, and their impact. The State party notes that one of the most frequent reproductive health problems among women is obstetric fistula, usually as a result of early pregnancy (para. 161). Please provide information on the measures adopted to ensure that treatment for obstetric fistula, as well as access to affordable contraceptive methods and maternal health care, is available throughout the State party, especially in rural areas. In the light of reports before the Committee that the female health workers referred to in the report (para. 154) are vulnerable to sexual harassment and physical violence, situations that in some cases have led to death, please indicate the measures taken to ensure their protection and safety and the timely payment of their wages.

17. In its previous concluding observations, the Committee expressed concern about restrictive abortion laws and the large number of women resorting to unsafe abortions, in addition to the lack of adequate post-abortion care services (CEDAW/C/PAK/CO/4, para. 31). Please provide information on the measures taken to: (a) clarify the legal grounds for abortion, including the definition of “necessary treatment” in section 338 of the Penal Code; (b) decriminalize abortion in all cases, and expand the grounds for abortion, including in cases of rape, incest, risk to the health of the pregnant woman or severe fetal impairment; and (c) ensure access to high-quality post-abortion care services, including by developing guidelines on post-abortion care, as previously recommended by the Committee.

#### **Rural women and disadvantaged groups of women**

18. The State party indicates that rural women play a significant role in the economy by taking care of their homes, working in the fields, looking after domestic animals and making handicrafts (para. 179). In the light of the previous concerns expressed by the Committee about the limited involvement of rural women in development programmes (CEDAW/C/PAK/CO/4, para. 33), please provide information on measures taken to enhance the participation of rural women and women living in remote areas in the development of policies and legislation in areas that affect their rights. Please provide information on measures taken to review and amend relevant legislation and policies to recognize women as farmers so that they can own land and property (ibid., para. 34 (a)) and to enhance rural women’s access to health care, employment, education and credit facilities, in line with the Committee’s general recommendation No. 34 (2016) on the rights of rural women.

19. Please provide information on the situation of disadvantaged groups of women and girls, in particular internally displaced women and girls, women and girls with disabilities, Dalit women and girls, women migrant workers and asylum-seeking and refugee women and girls. Please clarify the social protection measures that are in place to alleviate the gendered impacts of poverty in society. Please provide updated information on the status of implementation and impact of the Benazir income support programme to assist women in situations of poverty throughout the State party (para. 29). Please provide information on the number of girls who have benefited from the “Let Girls Learn” project (para. 27) and indicate other measures that have been adopted to ensure that internally displaced women and girls are effectively protected from gender-based violence, including sexual violence, and have access to housing, food, education and health care.

#### **Disaster risk reduction and climate change**

20. The State party refers to the establishment of gender and child cells in the provincial disaster management authorities to cater to the needs of vulnerable persons (para. 6), in addition to the adoption of comprehensive policy guidelines for vulnerable groups in disasters by the National Disaster Management Authority to address the needs and concerns of women (para. 26). Please provide information on

the participation of women in designing, resourcing and implementing gender-sensitive policies, plans and programmes relating to disaster risk reduction and climate change, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

### **Marriage and family relations**

21. In the light of the Committee's previous concluding observations, please provide information on progress achieved in revising discriminatory laws that provide for unequal rights of women with regard to marriage, divorce, inheritance and property and permit polygamy (CEDAW/C/PAK/CO/4, para. 37). Please also provide information on: (a) the measures taken to amend the *zina* and *hudud* ordinances (1979) in order to fully harmonize legislation as regards the definition of a "girl child" as any female under the age of 18 years; (b) the updated status of the bill to set the legal age of marriage at 18 years for both men and women throughout the territory of the State party (para. 196), clarifying the support mechanisms available for girls under 18 years of age who wish to leave marriages; (c) the number of complaints pertaining to child marriage that have been heard by magistrates and their outcomes (para. 200); (d) the number of individuals who have been held to account in relation to forced marriages (para. 198), indicating measures adopted to combat the practice of abduction of women and girls belonging to religious minorities for the purpose of forced conversion and forced marriage; and (e) the number of individuals who have been held accountable for polygamy, and the penalties imposed on them (para. 192).

### **Data collection**

22. Please provide updated information on the status of a comprehensive gender management information system at the national level (para. 90), clarifying how the data gathered through the system are used to assess trends in the situation of women and girls and to design or revise policies and programmes to achieve substantive equality between women and men and the Sustainable Development Goals.

### **Optional Protocol and amendment to article 20 (1) of the Convention**

23. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.