



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Pakistan

1. The Committee considered the combined initial, second and third periodic report of Pakistan (CEDAW/C/PAK/1-3) at its 783rd and 784th meetings, on 22 May 2007 (see CEDAW/C/SR.783 and 784). The Committee's list of issues and questions is contained in CEDAW/C/PAK/Q/3 and Pakistan's responses are contained in CEDAW/C/PAK/Q/3/Add.1.

Introduction

2. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which complied with the Committee's guidelines for preparation of reports and made reference to the Committee's general recommendations, while regretting that the report was overdue.

3. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee.

4. The Committee commends the State party for sending a delegation headed by the Secretary of the Ministry of Women Development, which included representatives of other ministries with responsibility for implementation of the Convention. It expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Pakistan.



Positive aspects

5. The Committee commends the State party on its recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the 2002 amendment to articles 51 and 59 of the Constitution under the Legal Framework Order to increase women's political participation in the National Assembly and the Senate; the 2000 amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses; the adoption, in 2002, of the Prevention and Control of Human Trafficking Ordinance; the adoption, in 2004, of the Criminal Law Amendment Act to facilitate prosecution of "honour killing"; and the adoption, in 2006, of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances.

6. The Committee congratulates the State party for the adoption, in 1998, of the National Plan of Action, the adoption, in 2002, of the National Policy for Advancement and Empowerment of Women, and the launch, in 2005, of the Gender Reform Action Plan.

7. The Committee welcomes the institutional arrangements put in place by the State party in support of implementation of the Convention, including the reorganization, in 2004, of the Ministry of Women Development, and the creation, in 2000, of the National Commission on the Status of Women as well as the establishment of a coordinating mechanism between the federal, provincial and district levels.

8. The Committee welcomes the initiatives undertaken to provide support to women victims of violence, including the creation, by the Ministry of the Interior, of the Gender Crime Cell in the National Police Bureau and the establishment of a Human Rights Wing under the Ministry of Law, Justice and Human Rights, mandated to address human rights violations in the country with a special reference to women.

9. The Committee commends the State party for the establishment, in 1989, of the First Women's Bank aimed at promoting the economic empowerment of women through micro-credit schemes.

10. The Committee commends the State party on the transparent consultative process for preparing the report, which included governmental and civil society members, and its endorsement by the Standing Committee on Women of the National Assembly.

Principal areas of concern and recommendations

11. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

12. The Committee expresses concern about the declaration made by the State party upon accession to the Convention to the effect that accession to the Convention was subject to the provisions of the Constitution of the Islamic Republic of Pakistan.

13. While welcoming the State party's confirmation that the declaration entered upon accession does not place any restrictions upon its obligations to adhere fully to all provisions of the Convention, the Committee urges the State party to withdraw its declaration to the Convention without delay.

14. While noting that the Constitution, in its articles 25 (2) and 27, stipulates equality before the law, including on the basis of sex, the Committee is concerned that the State party's Constitution or other appropriate legislation does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on the equality of women with men in line with article 2 (a) of the Convention.

15. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention, which encompasses both direct and indirect discrimination, and provisions on the equality of women with men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate legislation.

16. The Committee is concerned that the Convention has not yet been fully incorporated into the domestic law of the State party and that de jure discrimination against women still persists in a number of laws, including: the Citizenship Act, 1951, which does not allow Pakistani women to pass their nationality to a foreign spouse; the Law of Evidence, 1984 on the value of women's testimony; and the Hudood Ordinances, 1979, in particular those related to "Offences of Zina".

17. The Committee calls upon the State party to undertake a comprehensive and systematic review and revision of all discriminatory legislation, including the Citizenship Act of 1951, the Law of Evidence of 1984 and the Hudood Ordinances of 1979, without delay and with time-bound targets, in order to achieve full compliance with all the provisions of the Convention and the Committee's general recommendations, in consultation with civil society, including women's organizations.

18. While welcoming that the State party has made some legal reforms to eliminate discrimination against women and promote gender equality, the Committee is concerned that measures are insufficient to ensure the speedy and effective implementation of these new laws, including availability of and access to redress mechanisms. The Committee is concerned that the State party has not taken sufficient concrete action to ensure that judges, magistrates and law enforcement personnel are sufficiently familiar with these legislative reforms.

19. The Committee requests the State party to provide, in its next report, information on actions taken to ensure the implementation of the revised laws and an assessment of their impact in enhancing the practical realization of the principle of the equality of women and men, as called for in article 2 (a) of the Convention. The Committee also recommends that the State party carry out education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the legislative reforms aimed at eliminating discrimination against women and the promotion of gender equality. The

Committee recommends that awareness-raising campaigns on the Convention and related laws targeted at women be undertaken so that they may become aware of their rights and avail themselves of redress mechanisms.

20. While welcoming the efforts of the Ministry of Women Development and the National Commission on the Status of Women, the Committee is concerned that the national machinery for the advancement of women does not have enough authority or the human and financial resources to comprehensively carry out its mandate and promote the advancement of women and gender equality. It is also concerned about the limited capacity of the Ministry of Women Development to undertake effective coordination and cooperation with all gender equality mechanisms at the federal and provincial levels, as well as cooperation with women's organizations. The Committee is further concerned about the lack of an effective mechanism to monitor the implementation of the National Plan of Action and the Gender Reform Action Plan based on the standards and provisions of the Convention.

21. The Committee recommends that the State party strengthen the national machinery by providing it with adequate human and financial resources so as to make it more effective in carrying out its mandate. This should, in particular, include sufficient capacity and authority for coordination of the various gender equality mechanisms to proactively implement the Convention, to act as catalyst for and coordinate the use of the gender mainstreaming strategy across all sectors and levels of Government and for enhanced cooperation with civil society. The Committee also recommends that training and capacity-building measures on gender issues be implemented for public officials at the national, regional and local levels. The Committee further recommends that accountability be established for the consistent application of the standards and provisions of the Convention in the implementation of the National Plan of Action and the Gender Reform Action Plan between the federal, provincial and district levels, through the existing coordination mechanism.

22. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about the Qisas and Diyat law, which allows for the victim of violence or his/her heir to determine whether to exact retribution (Qisas) or payment of compensation (Diyat) or to pardon the accused, thus providing impunity for perpetrators of violence against women, especially perpetrators of crimes committed in the name of honour. The Committee notes with concern the lack of data on all forms of violence against women in the report.

23. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address all forms of violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to ensure that the Qisas and Diyat law has no application in cases of violence against women, especially crimes committed in the name of honour, and to adopt the Bill on Domestic Violence, within a clear time frame, in order to ensure that women and girls who are victims of violence have access to protection and effective redress and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, in particular law enforcement personnel, the judiciary and health service providers, to ensure they are

sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to include, in its next report, data on all forms of violence against women disaggregated by rural and urban areas.

24. The Committee is concerned that informal dispute resolution forums (jirgas) continue to function and take decisions that call for the perpetration of violence against women, despite the ruling of a superior court requiring the elimination of such forums.

25. The Committee urges the State party to, without delay, implement the judgment of the superior court to eliminate informal dispute resolution forums (jirgas) and to ensure that members of such forums who have participated in decisions that constitute violence against women are held accountable.

26. The Committee is concerned about the lack of accountability for crimes of violence against women within the criminal justice system.

27. The Committee recommends that the State party take measures to end impunity for acts of violence against women by ensuring prosecution and punishment of offenders. In addition, it calls on the State party to impose sanctions upon its agents who fail to meet their obligations in cases of crimes of violence against women.

28. The Committee is strongly concerned about pervasive patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute serious obstacles to women's enjoyment of their human rights and impede the full implementation of the Convention. The Committee is also concerned that prevailing trends of fundamentalism, intimidation and violence incited by non-State actors, including through illegal media, are seriously undermining women's enjoyment of their human rights in the name of religion.

29. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim at modifying stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention, and to strengthen societal support for equality between women and men. The Committee also calls on the State party to take prompt action to counteract the influence of non-State actors, which, through the misinterpretation of Islam and the use of intimidation and violence, are undermining the enjoyment by women and girls of their human rights.

30. The Committee remains concerned that Pakistan is a country of origin, transit and destination for trafficked women and girls. The Committee is further concerned that the Prevention and Control of Human Trafficking Ordinance of 2002 does not adequately address the needs of women and girls who are victims of trafficking, nor does it shield them from prosecution for illegal migration.

31. The Committee calls upon the State party to amend the Prevention and Control of Human Trafficking Ordinance of 2002 in order to ensure that the human rights of women and girls who are victims of trafficking are protected.

The Committee encourages the State party to ratify the United Nations Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It urges the State party to collect and analyse data on trafficking and increase its efforts to prosecute and punish traffickers. It also recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.

32. While appreciating the reservation of 60 seats for women in the National Assembly, 17 seats in the Senate and 33 per cent of seats in local bodies, the Committee is concerned about the continuing low representation of women in government service. The Committee notes with particular concern the low number of women judges in the high courts and the total absence of women judges in the Supreme Court.

33. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public and political life. The Committee invites the State party to provide, in its next periodic report, comparative data on the number and ranking of women, compared to men, at federal and provincial levels of government service and in the judiciary and trends over time. It also requests the State party to provide information about women's ability to exercise, without de jure and de facto restrictions, their right to participate in all spheres of the public life of the country. It invites the State party to provide information about the impact of measures taken to increase the participation of women, in public and political life, especially at decision-making levels.

34. The Committee is concerned about the inadequacy of registration of birth and marriages. While noting the State party's efforts to address the fact that almost 50 per cent of women do not hold a national identity card, the Committee remains concerned that a high percentage of women may be prevented from exercising their right to vote and gain access to government assistance schemes.

35. The Committee urges the State party to step up its efforts to ensure universal registration of births and marriages and to ensure that all women have national identity cards. It calls on the State party to provide information, in its next periodic report, on the percentage of women, compared to men, who possess national identity cards.

36. The Committee is concerned about the high illiteracy rate of women, the low enrolment of girls in schools and their high dropout rate, especially in rural areas. The Committee is further concerned at the persistence of gender-based segregation in educational fields and its consequences for women's professional opportunities. The Committee is also concerned about the persistence of stereotypes in school curricula and textbooks.

37. The Committee calls upon the State party to place high priority on the reduction of the illiteracy rate of women, in particular those who are from rural areas. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It

encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education and recommends that the State party implement measures to ensure equal access of girls and women to all levels of education and the retaining of girls in school. It further recommends that women be actively encouraged to diversify educational and professional choices. It requests the State party to undertake a comprehensive review of educational curricula and textbooks to eliminate gender stereotypes and to introduce gender sensitization training for teachers.

38. The Committee expresses concern at the discrimination faced by women in the formal employment, as reflected in their higher unemployment rates, the gender wage gap and occupational segregation. It is also concerned about the situation of women engaged in the informal sector, especially the home-based workers who do not enjoy protection under the labour laws.

39. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention. The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken, including legislation, programmes, monitoring mechanisms and remedies, and their impact on realizing equal opportunities for women. The Committee also calls upon the State party to ratify the International Labour Organization (ILO) Convention No. 177 on Home Work.

40. The Committee is concerned about women's lack of access to health care, in particular to sexual and reproductive health services, especially in rural areas, and the link between the rate of abortion and low contraceptive use. Clandestine abortions being a major cause of maternal mortality, the Committee is deeply concerned that abortion is a punishable offence under Pakistani law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health.

41. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to take measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable, without any restrictions, and by increasing knowledge and awareness about family planning among women and men. The Committee also calls on the State party to reduce maternal mortality rates by identifying and addressing causes of maternal death. It further calls on the State party to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion, providing them with access to quality services for the management of complications arising from unsafe abortion and reducing maternal mortality rates, in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action. Noting

the improvement in the indicators of women's health where the Lady Health Worker programme is being implemented, the Committee recommends that steps be taken to expand this programme to the rural and other areas where they are most needed. The Committee encourages the State party to seek international assistance from the specialized agencies of the United Nations system, including the United Nations Development Programme, the United Nations Population Fund and the World Health Organization, in order to implement measures to enhance women's access to health care.

42. The Committee is especially concerned about the situation of women in rural areas, who often lack access to health care, education, clean water and sanitation services and to the means and opportunities for economic survival, including access to land. The Committee regrets the lack of information on women with disabilities and measures taken to address their situation.

43. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they are empowered in participating in decision-making processes and have access to health care, education, clean water and sanitation services and the means and opportunities for economic survival, including access to land. The Committee further requests the State party to provide, in its next report, detailed information on the situation of women with disabilities and of measures taken to address their situation.

44. The Committee expresses concern that under the Dissolution of Muslim Marriage Act of 1939 women do not enjoy equal rights with men during the dissolution of marriage. It also notes with concern that under the Child Marriage Restraint Act of 1929 the minimum age for marriage for boys is 18 years and for girls 16 years. The Committee is further concerned about the persistence of forced and early marriage.

45. The Committee urges the State party to amend the Dissolution of Muslim Marriage Act of 1939 to eliminate all discriminatory provisions, including with regard to raising the minimum legal age of marriage for girls to 18 years in order to bring it into line with article 1 of the Convention on the Rights of the Child, article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and its general recommendation 21 on equality in marriage and family relations. It also requests the implementation of measures to eliminate forced marriages.

46. While noting the various programmes carried out to promote women's rights, the Committee regrets the lack of information in the report on the impact of such programmes.

47. The Committee calls upon the State party to include detailed information on the scale and scope, and especially the impact, of all programmes carried out to promote women's rights in its next report.

48. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

49. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

50. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

51. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Pakistan to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.

52. The Committee requests the wide dissemination in Pakistan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

53. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in April 2009.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.