**Supplementary Information for the Adoption of the List of Issues on Pakistan**

**for Consideration by**

**Pre-Sessional CEDAW Working Group**

**and by the Committee in its 75th session**

**Joint Stakeholder Submission**

**Submitted by Shirkat Gah - Women’s Resource Centre**

**on behalf of a coalition of**

**14 Civil Society Organisations and 11 Independent Experts**

**June 10 2019**

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**CONTRIBUTING ORGANISATIONS & INDIVIDUALS**:

These questions have been prepared following a series of consultations amongst civil society actors from all four provinces of Pakistan; the first two called by the National Commission on the Status of Women (NCSW). The participants reviewed the Concluding Comments of the Committee (C/PAK/CO/4), State Party Interim Report (CEDAW/C/PAK/CO/4/Add.1) and the 5th State Party Report (CEDAW/C/PAK/5). They identified the most critical concerns of women in Pakistan and formulated questions for submission to the Committee on the Elimination on All Forms of Discrimination Against Women in a process steered by Shirkat Gah – Women’s Resource Centre. The following organisations and individuals were a part of the coalition and contributed to this process.

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| --- | --- |
| Organisations   1. Acid Survivors Foundation 2. Aurat Foundation 3. Centre for Social Justice 4. Collective for Social Science Research 5. Democratic Commission for Human Development 6. Forum for Dignity Initiatives 7. HomeNet Pakistan 8. Men Engage Alliance– South Asia Secretariat; 9. Potohar Organisation for Development Advocacy 10. Rural Support Programs Network 11. Omar Asghar Khan Foundation 12. Rights, Research & Development Foundation 13. Shirakat 14. Shirkat Gah – Women’s Resource Centre | Individuals   1. Tahira Abdullah (Activist) 2. Farkhanda Aurangzeb (independent consultant and former member NCSW) 3. Anis Haroon (member, National Commission for Human Rights, former Chair NCSW) 4. Benazir Jatoi (Lawyer/Researcher) 5. Dr. Anoosh Khan (University of Peshawar Gender Studies and member Khyber Pakhtunkhwa Commission on the Status of Women) 6. Kausar S Khan (Agha Khan University, Community Health Sciences, member NCSW) 7. Farrah Taufiq (Consultant/case manager for survivors of violence against women) 8. Faiza Haswary (Lawyer, Hamdard University School of Law) 9. Fauzia Tariq (Consultant, gender & development) 10. Sohail Warraich (Legal expert/consultant, member NCSW) 11. Sara Malkani (Lawyer) |

**ACRONYMS**

ADR: Alternative Dispute Resolution

BISP: Benazir Income Support Program

CNIC: Computerised National Identity Card

CPEC: China-Pakistan Economic Corridor

CrPC: Criminal Procedure Code of Pakistan

CSW: Commission on the Status of Women

DW: Domestic Workers

EmOC: Emergency Obstetric Care Services

ESSI: Employees Social Security Institution

FATA: Federally Administered Tribal Areas

GBV: Gender Based Violence

GMIS: Gender Management Information System

HBW: Home Based Workers

HEC: Higher Education Commission of Pakistan

ICT: Islamabad Capital Territory

IDP: Internally Displaced Person

KP: Khyber Pakhtunkhwa province

LANSA: Leveraging Agriculture for Nutrition in South Asia

NADRA: National Database and Registration Authority

NCD: Non-communicable Diseases

PWD: Person with Disability

SOPs: Standard Operating Procedure

VAW: Violence Against Women

VC: Vice Chancellor

**ISSUES & QUESTIONS FOR CONSIDERATION BY CEDAW PRE-SESSIONAL WORKING GROUP FOR LIST OF ISSUES ON PAKISTAN:**

**Withdrawal of Declaration:** (C/PAK/CO/4: Para 10; CEDAW/C/PAK/5: Para 18)

The federal government in conjunction with the provincial and 3rd tier of government is responsible for giving effect to CEDAW. Question in addition to when this can be withdrawn:

1. **What guidelines has the Federal Government issued to clarify the effect of Pakistan’s Declaration in terms of giving effect to obligations under CEDAW?**

**Optional Protocol:** (C/PAK/CO/4: Para 39)

1. **What are the constraints impeding the ratification of the CEDAW Optional Protocol?**

**CEDAW ARTICLE 2**

**Constitutional and legislative framework and access to justice:** (C/PAK/CO/4: Para 16(b))

Domestic violence prevention and protection Acts in Sindh (2013) and Balochistan (2014) have criminalised acts not previously covered by the penal code. The Sindh High Court had passed an order in 2019 for a report to be submitted on the formation of a Commission and District Protection Committees and has reiterated this on May 30, 2019 in Writ Petition CP No. S-2658/2018, directing the Sindh Chief Secretary to submit a report regarding formation of a Commission, District Protection Committees, and appointment of protection officers to be constituted under Section 3, 4, 17, 18, and 21. No new aspects of domestic violence are criminalised under the Punjab Protection Act 2016, which provides for VAW centres and some protective remedies. There is no progress on the bill moved by the KP Commission on the Status of Women (KPCSW); the bill for Islamabad Capital Territory (ICT) has been tabled in parliament but not yet passed.

1. **When will the protection centres envisaged in the Punjab Act, alongwith necessary services be opened in other/all districts?**
2. **What is preventing the establishment of Tehsil committees needed for implementation of the Balochistan Domestic Violence Act?**
3. **What is delaying the submission of the report requested by the Sindh High Court and actual constitution of the Sindh commission and District Level Provincial Committees etc, designed to facilitate women’s access and to monitor implementation?**
4. **What is delaying the enabling rules from being formulated in Sindh, Balochistan and Punjab under their respective domestic violence related laws?**

# **National Machinery for the Advancement of Women:** (C/PAK/CO/4: Para 18; CEDAW/C/PAK/5: Para 35)

The National Commission on the Status of Women (NCSW) and Provincial Commissions of Khyber Pakhtunkhwa, Punjab and Sindh all face challenges to their autonomy and thus effective functioning; the Balochistan Commission has failed to materialise despite being notified (Notification No. PAB/Legis: V(06)/2017)[[1]](#footnote-1). The new law regarding NCSW (2012) declares that it is has been established as a financially and administratively autonomous body to protect and promote women’s political, economic, social and legal rights as enshrined in the constitution and under international commitments, in particular CEDAW. Yet, indicating lack of government commitment, service rules were only passed in the spring of 2019, whereas Financial Rules for NCSW as well as the Punjab and Sindh provincial commissions (PCSW), that would ensure financial autonomy, have still not been approved including the creation of a fund for NCSW and PCSW and opening of separate bank accounts.

An overlap in the mandates of the NCSW and the Ministry of Human Rights (which is the NCSW’s administrative line ministry) as well as between the provincial commissions and provincial administrative departments creates dysfunctionality and confusion, often resulting in an encroachment of the autonomy of the Commissions by the Administrative Ministry and Departments. Furthermore, both NCSW and Provincial Commissions of KP and Punjab suffer from gaps in continuity as the new chair and members fail to be appointed in a timely fashion. The current term of the NCSW Chairperson expires in October 2019 yet no actions are visible to ensure timely appointments. On May 24, 2019 the Punjab Commission Chairperson was arbitrarily terminated prematurely without following procedures given in the law and members have not been appointed despite the expiration of their term in March 2018, indicating political interference and lack of priority given to women’s empowerment. Additionally, the staff the Punjab Commission hired to produce the Gender Management Information System (GMIS) to improve evidence-based policy planning was not retained beyond December 31, 2018 and no new appointments have been made. The KP Commission finally has autonomous status, however the Chairperson resigned in December 2018 and is yet to be replaced. It is crucial that full-time independent persons, who are not legislators or office bearers of any political party, head women’s commissions. This should be explicated in the rules, given talk of converting some chairs to a voluntary position, and appointing parliamentarians, which would seriously undermine effectiveness of its watchdog functions.

In KP and Balochistan, Women’s Development Departments are not full departments; but merged with Special Education, Zakat and Social Welfare Department in KP and with Social Welfare in Balochistan. A new challenge is the extension of services and rights to women in the previous Federally Administered Tribal Areas following FATA’s merger with KP in 2018.

1. **What measures has the Government taken for timely approval of NCSW and PCSW’s financial rules and PCSW’s Service Rules?**
2. **What steps has the Government taken to segregate the functions of the Commissions and the Ministry of Human Rights/Administrative Departments to avoid duplication and enable Commissions to fulfil their mandate most effectively?**
3. **What is delaying the establishment of the Balochistan Commission on the Status of Women, despite notification of the Act?**
4. **Why is the government proposing to eliminate the provision for a one-term extension of the NCSW Chair?**
5. **Why has the Chair for the Khyber Pakhtunkhwa Provincial Commission on the Status of Women not been notified since December 2018?**
6. **Why was the Punjab Commission Chairperson prematurely terminated without assigning any reason in, violation of the Commission’s law? Why have members of Punjab CSW not been appointed and why has staff not been appointed for the GMIS?**
7. **What measures has the Government taken to adequately resource the Commissions?**
8. **What measures has the Government taken to ensure neutrality of the Chairpersons and members of the Commission, to enable a non partisan approach to oversight and accountability?**
9. **Why are Women’s Development Departments in Balochistan and KP not separate and fully resourced departments focused on women?**
10. **What steps have Provincial Governments taken to segregate the functions of Women Development Departments and the Provincial Commissions on the Status of Women to avoid duplication and enable the Commissions to fulfil their mandates most effectively?**

**Stereotypes, harmful practices and violence against women:** (C/PAK/CO/4: Para 22; CEDAW/C/PAK/5: Para 188)

The 2016 Criminal Law (amendment) (Offence of Rape) Act has added section 344-A in the Criminal Procedure Code (CrPC), making it mandatory for courts to complete trials in cases of stripping a woman naked in public, rape, unnatural sexual offences and sexual abuse within three months with effect from the date of cognizance of the case by the court.

1. **What measures have been taken to check compliance with the three months timeframe under section 344-A of the CrPC?**

**Problematic medical examination and forensic procedures including DNA testing**: In all cases of sexual violence (rape, unnatural offences and sexual abuse) CrPC section 164-A requires medico legal officers to state precisely the reasons for each conclusion arrived at. In rape cases doctors frequently write subjective, prejudiced opinions formed on the basis of the problematic “two finger test” (i.e. whether two fingers can be inserted in the vagina), often negatively impacting the outcome of the case. Opinions can -- and do -- prejudice courts against the survivor and introduce unhelpful questions of whether the woman consented to the act.

The two-finger test is not prescribed in the medico legal guidelines and SOPs issued by provincial health departments, issued years ago in different provinces (the most recent being in Punjab in 2011), but this practice continues, giving rise to questions of the survivor’s sexual conduct. As a result, the survivor’s testimony is often not considered to be reliable. Furthermore, medico-legal officers are poorly trained, often appointed without any special training in the requirements of medical examination of survivors of sexual assault. They also work without the required facilities and even lack Sexual Assault Forensic Evidence (SAFE) Kits.

SOPs and guidelines require revision and updating in line with the World Health Organization 2003 Guidelines for Medico-legal Care for the Victims of Sexual Violence and in light of modern forensic tests as well as sections 164-A and B of the Criminal Procedure Code.

DNA reports are often delayed due to a scarcity of DNA testing facilities. Punjab, accounting for half the population, has a single forensic laboratory for DNA testing, which also caters to cases from the other three provinces and the capital territory. At approximately $200 (Rs. 30000) per test, the cost for a DNA test for cases submitted from outside Punjab can be a prohibitive factor. Finally, the lack of funds for police investigation of cases of sexual violence often obstructs or causes delay in the submission of samples for DNA tests.

1. **What measures have provincial governments taken to increase the number of laboratories and facilities for DNA and related forensic tests?**
2. **What specific measures have provincial health departments taken to provide specialized training and orientation to medico-legal officers as well as eliminating the admission of the 2-finger test?**
3. **When will the SOPs and Guidelines for the medico-legal examination of survivors of sexual violence be revised and updated?**
4. **What are the provincial and ICT health department budgets for police investigations and when were these last revised?**

**Strengthening support services for violence survivors:** (C/PAK/CO/4: Para 22(c))

**Darul Amans and Women Centres:** Punjab now has government-run shelters for women in each district (36) as well as the VAW centre in Multan, but there are only five Darul Amans in Sindh (one under a private-public partnership management), five functional in KP and only two in Balochistan. Poor or non-implementation of existing provisions of these institutions impedes effective functioning. For example, the Provincial Shelter Homes Oversight Committee in Sindh notified in 2016 has still not been constituted. Only one VAW centre has been established under the Punjab Protection Act, which depends on the opening of such centres to come into effect. The supervisory Punjab Protection Committee for VAW centres is not yet functional as its composition is incomplete; the budget for the period July 2018 to June 2019 was only released in March 2019.

1. **When will government shelter homes for women be operational in all districts in Sindh, KP and Balochistan?**
2. **What are the oversight mechanisms for government shelter homes for women and are these functional? In Sindh, what is preventing the constitution and meeting of the Provincial Oversight Committee?**
3. **What steps have been taken in Punjab to ensure timely and regular release of funds for the Multan Violence Against Women Centre and what is delaying the constitution of the oversight body Punjab Women Protection Authority?**

Darul Amans are run by provincial Social Welfare Departments, which are not well-equipped to run these shelters and staff lacks gender sensitivity. Civil society actors seeking to conduct independent inspections are frequently denied access to these centers.

Standard Operating Procedures (SOPs) for shelter homes have been developed, but only notified in Sindh and Punjab. In Sindh, a Database to improve SOP implementation was developed and IT equipment procured for this purpose, but there is no evidence of the database being utilized to generate relevant data, impeding reports vital for improving shelter home services.

1. **What is impeding the recruitment and retention of appropriate staff capable of effectively providing women support services in government shelter homes for women?**
2. **In Sindh, what is impeding the Darul Aman database from being operational? Is the equipment functional?**
3. **When will SOPs to improve support services for survivors of VAW be notified in Balochistan and KP?**
4. **What are the budgetary allocations for the regular functioning of government shelter homes for women and girls?**

**Disaggregated data on crime:** The Gender Crime Cell of the National Police Bureau mentioned in the government report (CEDAW/C/PAK/CO/4/Add.1: Para 36) is no longer functional. Data at source (police) is not computerised across all districts of the provinces and therefore manual mistakes occur as evident in the process of collating data for the Punjab GMIS reports.

1. **How is information on crimes against women being compiled at the national level given that the Gender Crime Cell is no longer functional,** (agency responsible, sources for collation)**; to whom is it circulated and in what form is data made publicly available?**

**Unified Judicial System:** (C/PAK/CO/4: Para 16 (d); CEDAW/C/PAK/5: Para 32-34)

No clear criteria/qualifications are specified for appointing people on various Alternate Dispute Resolutions forums (ADRs) for adjudication of civil and criminal cases under various laws; e.g. the Alternate Dispute Resolution Act, 2017 for Islamabad, Dispute Resolution Committees established by police in all police stations of Islamabad and several districts of KP under administrative orders without any lawful basis. Those appointed often lack capacity and are provided no legal training. In tandem, self-appointed adjudication bodies, called *panchayat*, *jirgas* etc. continue to operate freely and decide criminal and civil disputes without any lawful authority. The Supreme Court in its decision of January 16**,** 2019 in Writ Petition No 24 of 2012 filed by the National Commission on the Status of Women declared the functioning of any such adjudication body or individual functioning without any lawful authority, illegal. The court declared that if, as a consequence of any illegal decision, order, direction or inducement of such self-appointed adjudicatory bodies any crime is committed, the offender as well as individual or group of persons involved in aiding such *jirga*/*panchayat* etc. shall be jointly held responsible for the said offence. The Court ordered the Police to introduce SOPs within two months to ensure compliance with the guiding principles laid down in the judgment.

1. **What steps has the government initiated to revise the functions and powers of self-appointed ADRs/forums in light of the Supreme Court judgement of January 16, 2019 banning *jirgas/panchayats* etc.?**
2. **Have SOPs been introduced by police and circulated throughout the country as directed by the Court?**

**CEDAW ARTICLE 4**

**Temporary Special Measures - Persons with disabilities:** (C/PAK/CO/4: Para 26; CEDAW/C/PAK/5: Para 41, 136)

According to the Pakistan Demographic Household Survey 2017-18, 19% of Pakistan’s population has some difficulty in either one or more of the six core functional domains (hearing, sight, communication, cognition, walking and self-care). In the population aged 15 years and above, 9% of women compared to 7% of men have significant difficulty or cannot function at all in at least one domain. The quota for Persons with Disabilities (PWDs) in Government jobs is 2% in KP, Balochistan and ICT, 3% in Punjab and 5% in Sindh. Implementation is slow, however, and there is no data on actual numbers of PWDs employed in Government service. Additionally, the quota does not include any special measures for women with disabilities.

1. **How is the government monitoring the implementation of the PWD quota from the local to the national level?**
2. **What measures have been adopted to make the public transport system and work places accessible for PWDs?**

**CEDAW ARTICLE 6**

**Trafficking and Exploitation of Prostitution:** (C/PAK/CO/4: Para 24(a) & (b); CEDAW/C/PAK/5: Para 105-107)

The paucity of research on internal and international trafficking means the scope, extent, causes, and consequences of this problem remain hidden. The link between trafficking and bonded labor, domestic servitude, and child marriage needs further investigation. It is unclear whether the findings of a study commissioned by the KP Commission on the Status of Women in this regard have been considered.[[2]](#footnote-2)

1. **What measures has the Government taken to ensure comprehensive research on the scope, extent, causes, and consequences of internal and international trafficking?**
2. **How has the KP government utilized the findings of the research commissioned by the KPCSW on internal trafficking in KP?**

**CEDAW ARTICLE 7**

**Women’s Political Participation:** (C/PAK/CO/4:Para 20 (b); CEDAW/C/PAK/5: Para 108-117)

The new local government laws in Punjab and KP introduced in April 2019 do not ensure the recommended 33% representation of women. The local government in Punjab has not been allowed to complete its tenure, creating an unhelpful gap in the political participation of grassroots women while the elimination of the district tier in KP and Punjab closes off an important staging post for women entering provincial and national politics. The quotas for representatives of religious minorities, youth and peasants/workers have no provision to ensure women’s presence.

The 17% quota of reserved seats for women in legislative houses operational for many years has failed to boost the number of women returning on general seats. The 2017 Election Act makes it mandatory for parties to field female candidate on at least 5% of general seats, but the total number of women elected on general seats in the 2018 elections actually dropped.There are no quotas for persons with disabilities in any political process.

1. **What measures have been taken to ensure 33% seats for women in the local government systems of all provinces and to overcome the reduced opportunities for women’s political participation in Punjab and KP?**
2. **What electoral reforms is the government putting into place to increase women’s representation on general seats?**
3. **What steps have been taken on the recommendation of the NCSW and CEDAW Committee to ensure 33% women in all decision-making bodies of political parties?**

**CEDAW ARTICLE 10**

**Education:** (C/PAK/CO/4: Paras 28(a), (b), (c), (d); CEDAW/C/PAK/5: Para 123-142; CEDAW/C/PAK/CO/4/Add.1: Para 41, 54, 55, 62)

Literacy rates need to be improved by overcoming alarming dropout rates; ensuring the return of pregnant girls/young women to school; organizing programs for girls leaving schools due to conflict; making curricula and teacher trainings gender sensitive; guaranteeing safety and prevention, especially for girls, against terrorist attacks in academic institutions; establishing rapid response systems against terrorist attacks; and rebuilding of schools after terrorist attacks.

The KP Ministry of Education directed all textbook boards to ensure that the curriculum is gender sensitive but textbooks remain gender biased[[3]](#footnote-3).

1. **What actions has the government taken to improve the physical structures of girls’ schools, especially in rural areas, and increase the number of female teachers? What is the budget allocated for this purpose?**
2. **Please define what is ‘soon’ with respect to the plans of higher education departments to include gender issues in training modules.**
3. **Has human rights education become part of the curriculum? If so, at what levels and if not, what are the plans for doing so?**

CEDAW/C/PAK/CO/4/Add.1 Paragraph 62: The government has sent directives to schools and institutions of higher education to adopt safeguards against terrorist activities and the Higher Education Commission (HEC) has issued directives to various universities to ensure tolerance; discourage hate speech, and curb violence etc. (e.g. HEC’s letter no. 10-1/A&C/HEC/2017/606, dated September 06, 2017 with the subject: *“Need for Instituting Effective Protocols and Programs to Curb Opportunities for Radicalization of Students or University Staff, and Strengthening Security Arrangements.”* These directives need follow up. Some faculty and non-teaching staff are spreading hate systemically through lectures and other means, the brunt of which is borne by young women and girls, both students & teachers. Additionally, there is immense resistance and push back by students on all matters relating to women’s rights/gender equality.

1. **What mechanism has the HEC instituted to deal with faculty and non-teaching staff spreading targeted hate? If faculty and other staff is found to be spreading hate, does the HEC or Higher Education Department direct University Vice Chancellors to take any substantive action?**
2. **What steps has the Government taken to ensure that institutions of higher education are safe spaces for faculty, especially female faculty, to speak about women’s rights?**

**CEDAW ARTICLE 11**

**Employment:** (C/PAK/CO/4: Para 30; CEDAW/C/PAK/5: Para 143-152)

Under SDG 8, Pakistan is committed to initiating and implementing policies and action plans to promote ‘sustained, inclusive and sustainable growth, full and productive growth and decent work for all’. According to the Asian Development Bank, female labour force participation in Pakistan remains lower than other countries with similar income levels since they make up only 26 % of the labour force. The federal and provincial governments need to work in unison and in a coordinated manner to initiate pragmatic steps to benefit women across Pakistan.

Overcoming social and structural barriers impeding women’s employment in the formal sector requires special incentive packages to encourage women to enter and re-enter the workforce following marriage and childbirth/care. The Government should engage the private sector and agree on modalities to recruit women, including PWDs, and invest in technical skills for women so they can benefit from opportunities opening up in the ‘special economic zones’ and China-Pakistan Economic Corridor (CPEC) relatedwork. Women who take up non-traditional work, such as carpentry and electronics should be encouraged through access to credit (for tools etc.), be provided linkages with the private sector and support from local vocational training institutes. Currently, training for women is confined to traditional skills. 11% of employed women have received vocational/ technical training in embroidery, knitting and sewing; they all earn below minimum monthly wages.

Women home-based workers (HBWs) are an important and increasing segment of women workers who operate largely without any legal protection. Policies for Home-Based Workers have been passed in Punjab and Sindh; a 2015 draft national HBWs policy is still pending with the Ministry of Human Rights; neither KP nor Balochistan have a policy. Only Sindh followed up with the Sindh Home Based Workers Act 2018 extending protection under relevant labour laws (the law in Punjab is still pending). The Sindh Act entitles every registered home based worker to social protection, medical benefits, grants and other privileges available to a person falling within the meaning of ‘worker’ and ‘workman’ as per labour laws; it commits the Sindh government to launch a fund for HBWs. Despite being skilled micro level entrepreneurs, HBWs do not fall within the purview of small and medium enterprises.

On the positive side, amendments in The Sindh Industrial Relations Act, 2013 (SIRA) have provided the right to form associations/unions. The Sindh Act outlines that in establishments employing women, the union shall include women in the executive body and as office-bearers in the same proportion in which they are employed in the establishment. Punjab and Sindh labour policies indicate a desire to bring the informal economy workers into the labour regime, specifying that this will include domestic workers (DWs). Punjab has instituted a DW policy and law; but not the other provinces. There is no standard data generation that could assess the situation of women in the informal economy; their contribution remains unacknowledged. Holistic approaches are needed to include all workers in the informal sector in provincial growth strategies.

1. **What practical initiatives have been taken to encourage women to enter and re-enter the labour force?**
2. **What steps have been taken to end harassment at the workplace of women working in the industrial units and to ensure safe workplaces for all women?**
3. **What measures promote women’s access to the social security benefits across the country, in particular measures to ensure HBWs access to social security?**
4. **Do the Employees Social Security Institution (ESSI) and provincial plans maintain gender disaggregated data and what measures are in place to increase women’s registration with provincial ESSIs?**
5. **What measures have provincial governments undertaken to ensure the effective implementation of minimum wages for women under the n industries, shops and establishments acts?**
6. **How does the Government plan to rectify the data gap on women in the informal sector? Has any budget been earmarked to conduct provincial surveys on HBWs and DWs?**
7. **What steps has the Government taken to promote laws similar to the Sindh Industrial Ordinance and Home-Based Workers Act in other provinces?**
8. **Has the Sindh government allocated funds for and initiated the HBW fund as stipulated by the Sindh HBWs Act?**
9. **Is the Sindh government considering amending small and medium enterprise-related policies or initiating new schemes to ensure the access of women micro entrepreneurs to funding and other benefits?**
10. **What steps is the Government taking to bring the informal economy under the ambit of social protection, for regularizing wages, and creating decent employment?**
11. **What plans has the Government put into place to ensure a quota for women’s work opportunities in upcoming schemes like ‘special economic zones’ and other CPEC–related initiatives?**

**CEDAW ARTICLE 12**

**Health:** (C/PAK/CO/4: Para 32; CEDAW/C/PAK/5: Para 153-164)

Social norms impede women’s access to health services, especially with respect to reproductive health and Noncommunicable Diseases (NCDs). Health promotion and disease prevention plans ignore this fact. The Reproductive Health Care Act is restricted to married couples, excluding the health rights of unmarried women and adolescent girls. The Pakistan Penal Code permits abortion only under two circumstances: necessary treatment, or to save the life of a woman, which gives the service provider the authority to take decisions on whether to provide services, and also does not account for a woman’s psychological conditions. Despite that, women are accessing abortion services, albeit unsafe, as a means of family planning; uptake of family planning methods is still low in Pakistan due to familial restrictions, myths and misconceptions and socio-cultural beliefs. Thus, women are forced into using abortion as a family planning method, and end up at the mercy of unskilled back-alley providers. Field work indicates[[4]](#footnote-4) that women may be forced into abortions as well. A major cause of maternal deaths is the non-availability of emergency medical obstetric care (EmOC) services and the poor quality of services. Violence during pregnancy, heavy daily workloads, inadequate food, nutrition and rest all contribute to poor maternal health, contributing to maternal mortality and morbidity. To provide quality EmOC, health facilities must have an anesthesiologist and surgeon; comprehensive quality equipment and medical supplies.

1. **What measures have been taken to ensure the implementation of existing policies pertaining to reproductive health?**
2. **What measures have been taken to remove barriers to adolescents’ access to sexual and reproductive health services caused by cultural and social taboos, as well as harmful traditional practices such as child marriage and to provide quality reproductive information and services for young, unmarried people, and others?**
3. **What provisions are in place to ensure EmOC services are accessible and available to all within the required 2 hours timeframe?**
4. **What measures are being taken to ensure implementation of the orders of the Sindh High Court (*Dr. Shershah Syed & Another v. Province of Sindh & Others* (C.P. 4243 of 2015), directing the Government of Sindh to establish four fistula repair centers and to fill vacancies in positions for gynecologists in government hospitals?**
5. **What measures have been taken to improve access to safe abortion services while also protecting women from any forced abortions?**
6. **What steps have been taken to ensure dignified treatment and timely access to post-abortion care for women suffering complications from unsafe abortions?**
7. **What mechanisms are in place to enable citizens, in particular women, to provide feedback on and participate in governance of the health sector?**

**CEDAW ARTICLE 13**

**Refugee and internally displaced women and girls:**( C/PAK/CO/4: Para 36)

There is no policy for refugee or internally displaced women. Women IDPs struggle to survive without basic necessities of life (shelter, health education) and reintegration after displacement remains particularly difficult for women.[[5]](#footnote-5) In areas inaccessible to humanitarian workers there are challenges to get accurate data and numbers.[[6]](#footnote-6)

1. **What steps has the Government adopted in relation to refugees and IDPs in terms of resettlement, access to social services, gender-based violence response mechanisms, livelihood and generating and maintaining an authentic database?**
2. **Are there any special incentives for ‘internally displaced’ young girls and women, particularly in Balochistan and Khyber Paktunkhwa?**

**CEDAW ARTICLE 14**

**Rural Women:** (C/PAK/CO/4: Para 34; CEDAW/C/PAK/5: Para 179-184)

Rural women’s work remains unacknowledged and often unpaid. Government statistics indicate that three-quarters of Pakistan’s female workforce is employed in agriculture, but their work is unrecognized, invisibilized and not quantified or reflected as contribution to the economy. National surveys, e.g. the Labour Force Survey, tend to undercount women’s work, partly because their methodology reinforces gender norms around what should or should not be considered as work[[7]](#footnote-7). The Sindh Labour Policy 2018 mentions that ‘additional legislation will be carried out/updated to cover all sectors of the economy which include crop agriculture, horticulture, livestock, forestry, fisheries, mining, construction, transport, trade, and education, health and other services, and informal sectors’. Pakistan’s 5th State Party report mentions the provision of training, setting up of ‘women only’ trade platforms, and gender mainstreaming programmes for rural women, but there is little evidence of this on the ground.

Rural women’s contribution is not quantified, only presented as a percentage. Women’s agricultural work should be formally recognized as work by the government, communities and women themselves. Female agricultural workers’ rights should be recognised, protected, and promoted in legislation, policy and programmes; provincial governments should establish systems of support focusing on rural women in various programmes including nutrition, health, and social protection.[[8]](#footnote-8) Steps are urgently needed to give effect to Pakistan’s obligations under ILO Convention 100 on Equal Remuneration, and Convention 111 on Discrimination (Employment and Occupation)in rural areas as well as industry. The government must address women as farmers, formally revise the definition of ‘farmer’ to include women who work on the land even if they do not own land, and abolish the condition of owning land for the federal government’s National Farmers Convention. In keeping with the CEDAW Committee’s 2013 Concluding Observations, Pakistan should change “relevant legislation and policies to recognize women as farmers, so they can own land and property”.

Women engaged in cotton harvesting and livestock care are more likely to have below normal maternal Body Mass Index (BMI) that in turn is associated with low birth weights and an increased risk of stunting among children.[[9]](#footnote-9)

Women’s access to technological innovations and relevant information is negligible. Rural women have no means of obtaining timely and accurate information about weather patterns, crops and animal diseases, water flow, shortage and rain predictions to make informed and timely decisions to save their crops and animals as well as meet family needs and avoid violence at home (the latter recently evidenced after unexpected wind and rain led to immense losses of the wheat crop).

Women cannot benefit from male agriculture extension workers[[10]](#footnote-10) because of social taboos and the use of male-exclusive places to share information (e.g. mosques and the male meeting spaces of landlords). It is essential to expand the number of women extension workers in agriculture, forestry, livestock and water and irrigation, and to provide them with transportation and fieldwork facilities to support women farmers. (In 2017, for example, the Punjab government gave male workers motorcycles but no such scheme was extended to women extension workers.)

A particular concern is that the erstwhile Federally Administered Tribal Areas (FATA) merged with the province of KP in 2018. Physical access is a major issue in this largely rural area where almost two thirds of the population lives under the poverty line and women are among the poorest. Female literacy rate is very low. They lack access to and control of productive capital. Rural women’s representation and leadership in the decision-making structure at all levels is negligible.

1. **What national and provincial measures have been introduced to generate gender disaggregated data to accurately represent, quantify and value rural women’s economic contribution in the agricultural sector?**
2. **What steps have been taken to recognize and protect the rights of rural women workers including commensurate compensation and protection in line with Pakistan’s commitment under ILO Conventions on Equal Remuneration, 1951 (no. 100), and on Discrimination (Employment and Occupation), 1958 (no. 111)?**
3. **What specific provisions/measures protect women rural workers, ensure their access to health, education and other rights, and what steps have been taken to register women agricultural workers?**
4. **What specific provisions have been made for the health and safety of women farmers, in particular, to mitigate the health consequences of rural women’s work under the occupational health and safety laws in Sindh and Punjab that specifically include agricultural workers**? **What measures have been taken to introduce similar legislation in other provinces?**
5. **How many women are included in rural associations formed under the revised Sindh Industrial Ordinance and have any associations been formed by women?**
6. **What steps have been taken to promote collective bargaining and representation of women agricultural workers, implementation of minimum and fair wages, working conditions and child-care provision?**
7. **What schemes provide rural women with capital without collateral? How are Government livestock and asset transfer programs benefitting rural women? What is the number and percentage of rural women benefitting from the social protection program of the Benazir Income Support Programme (BISP)?**
8. **How many female extension workers are there in each department catering to rural areas (category and level); what percentage of the total do they represent and what plans does the government have to increase their numbers?**
9. **What specific measures have provincial governments taken to end the practice of bonded and forced labour of women?**

**CEDAW ARTICLE 16**

**Marriage and Family Relations:** (C/PAK/CO/4: Para 38; CEDAW/C/PAK/5: Para 194-201)

There is no uniformity of rights of women in the personal status laws (PSL) of different religious minorities. The Sikh Marriage Act only exists in Punjab.The non-uniformity of modalities for registering Christian marriages means many marriages are not documented with the local administration (Union Council) and /or the National Database and Registration Authority (NADRA), resulting in the denial of appropriate CNICs (identity cards). There are unresolved conflicts in the provisions of family laws of religious minorities with the provisions under Muslim family law, creating problems when married non-Muslim women convert to Islam, including uncertainty regarding the status of their previous marriage (whether it is extant or not) and the procedure for its dissolution despite the Supreme Court’s direction to legislate on this matter (Supreme Court in Naziraan alias Khalida Parveen Vs. The State PLD 1988 SC 713).

1. **What steps are being taken to ensure that the family law of the Sikh community applies in all provinces/territories of Pakistan?**
2. **What measures has the government taken to put into effect a uniform process of registration of Christian marriages as directed by the Supreme Court in Human Rights Case No 32642-P of 2018, PLD 2019 SC 280?**
3. **Why has the Government not enacted any legislation to resolve the conflict of laws situation which impede the rights of non-Muslim married women in cases of the conversion of their husbands to Islam? Why has the Government not enacted any law to deal with the situation of conversion to Islam of a married Christian woman to clarify the status of her earlier marriage under Christian law, procedure for divorce etc. as directed by the Supreme Court?**

1. Access here: <http://www.ilr.org.pk/wp-content/uploads/2017/12/Act-No-5-women-status.pdf> [↑](#footnote-ref-1)
2. Rakhshanda Naz. A Research Study on Internal Women Trafficking in Khyber Pakhtunkhwa, September, 2017. [↑](#footnote-ref-2)
3. See research paper: Hazir Ullah & Christine Skelton, 2016. Social Reproduction of Gender Hierarchies in Sports through Schooling in Khyber Pakhtunkhwa, *Asia Pacific Journal of Education*, 36(1),pp. 131-144). [↑](#footnote-ref-3)
4. See, for example, Shirkat Gah and ARROW, *Leaving the Youth Behind; The Missing Demographic in Pakistan’s SRHR Policies and Programmes,* Accessed here: <https://arrow.org.my/publication/leaving-the-youth-behind-the-missing-demographic-in-pakistans-srhr-policies-and-programmes/> [↑](#footnote-ref-4)
5. See <https://docs.wixstatic.com/ugd/ff2034_7c5b4815537a4485aeddbadd0d72d19c.pdf>; and <https://nation.com.pk/18-Oct-2018/report-on-internally-displaced-women-from-punjab-publicised> [↑](#footnote-ref-5)
6. See http://www.nips.org.pk/abstract\_files/PDHS%20-%202017-18%20Key%20indicator%20Report%20Aug%202018.pdf; Sindh Empowerment of Persons with Disabilities Act 2018; <https://insaf.pk/public/insafpk/content/pti-policy-persons-disabilities> [↑](#footnote-ref-6)
7. S. Mazhar, M. Balagamwala, & H. Gazdar. (2017). *The Hidden Economic Backbone – Women in Agriculture,* Collective for Social Science Research, Karachi, Pakistan [↑](#footnote-ref-7)
8. See for example, Mazhar, S., Balagamwala, M., & Gazdar, H. (2017). [The hidden economic backbone: Women in agriculture.](http://researchcollective.org/Documents/The_Hidden_Economic_Backbone_Women_in_Agriculture.pdf) Paper presented at the LUMS International Conference on Gender, Work and Society; Rao, N., Gazdar, H., Chanchani, D., with Ibrahim., M (2018). [Women’s agricultural work and nutrition in South Asia: from pathways to a cross-disciplinary, grounded analytical framework](http://researchcollective.org/Documents/Food_Policy_2.pdf). Food Policy; [↑](#footnote-ref-8)
9. *Leveraging Agriculture for Nutrition in South Asia* & Pradeilles, R., Allen, E., Gazdar, G., Mysorewala, A., Mazhar, S., Dangour, A., & Ferguson, E. (2017). See also *The relationship between crop-related agricultural workload and maternal and infant nutritional status in rural Pakistan*; paper presented at the Agriculture, Nutrition and Health Scientific Symposium & Academy Week 2017. July 2017. Kathmandu, Nepal [↑](#footnote-ref-9)
10. Extension workers provide a link between research organization and farmers by explaining to them the use of new agricultural technologies. [↑](#footnote-ref-10)