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(1820 words)

**Contribution to the Committee on the on the Elimination of All Forms of Discrimination against Women in relation to the adoption of the List of issues to the periodic report of the Islamic Republic of Pakistan (75 Pre-Sessional Working Group (22 Jul 2019 - 26 Jul 2019))[[1]](#footnote-1)**

*Presented by ODRI "Intersectional rights" - Office for the Defense of Rights and Intersectionality*

9 June 2019

ODRI "*Intersectional rights*" - Office for the Defense of Rights and Intersectionality appreciates the opportunity to address the Committee on the Elimination of All Forms of Discrimination against Women in relation to the positive aspects and principal subjects of concern related to the process of List of issues to the periodic report of the Islamic Republic of Pakistan.

**Introduction**

We sincerely hope that this report will be helpful for the work of the Committee in the endeavor of the forthcoming constructive dialogue with the Islamic Republic of Pakistan. ODRI authorizes the OHCHR to upload this submission to the UN Treaty Body Database (<https://tbinternet.ohchr.org>). If additional information is required, ODRI may assist the Committee with ulterior submissions.

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

The Islamic Republic of Pakistan has leaded the path towards the effective implementation of the recommendations of treaty bodies with the creation of the Ministry of Human Rights, the enhancement of the National Commission for Human Rights, the drafting of many bills related to women rights and the positive attitude with the human rights mechanisms at the United Nations. Moreover, we have gathered information related to case-law**[[2]](#footnote-2)** and working methods of some governmental agencies referring generally to the Convention on the Elimination of All Forms of Discrimination against Women.

Taking into consideration this information, ODRI suggests respectfully that the Committee requires the government:

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| 1. Provide updated information on measures taken to implement the Committee’s previous recommendations on raising awareness of the Convention, the reservations presented by the government, and the Committee’s general recommendations, as well as its jurisprudence of views and recommendations on individual communications and inquiries.
2. Give examples of case-law where the national courts invoked the Convention, the recommendations and views. Provide specific and disaggregated information of the specific articles invoked by stakeholders.
3. Indicate whether training activities on the Convention are regularly provided to judges, prosecutors, lawyers, and law enforcement professionals. Please provide information on the frequency and content of such activities, indicating whether any evaluation of them has been undertaken. Please also provide information on measures taken to raise awareness of the Convention among women facing intersecting forms of discrimination, human rights defenders, and stakeholders of civil society organizations.
4. Detail the envisaged activities of consultation with civil society organizations for the reporting process of the response to the list of themes and the follow-up of the recommendations of this cycle of reporting.
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### ***Enforced disappearances, terrorist and counterterrorism impacts on women rights***

Despite the notably efforts to address the impacts of terrorism in women rights, as expressed by the Fifth Periodic Report (CEDAW/C/PAK/5, §7-8, 89 and 140), several challenges remain unattended such as:

* Despite the activism of collectives of victims and family members, a draft bill related to enforced disappearances remains pending[[3]](#footnote-3). Consequently, acts of enforced disappearances remains unpunished and victims and familiars lack effective remedies of compensation, satisfaction and rehabilitation. Moreover, the normative and administrative measures envisaged lack gender specific responses to address the specific vulnerabilities of women subjected to enforced disappearances or the serious social and economics disadvantages of the disappearance of relatives.
* Despite the important activities of the Commission of inquiry on enforced disappearances since its creation[[4]](#footnote-4), the State of Pakistan has not yet adopted measures necessary to prevent the disappearance of women and girls disappeared in conflict zones, and measures to find the whereabouts of those already missing remain inadequate and to prevent reprisals against relatives and human rights defenders.
* There are some acts of harassment and intimidation against women activists and women who peacefully participated in or appeared to support rallies for the protection from enforced disappearances[[5]](#footnote-5).
* The current legal framework requires that in cases of disappearance relatives require the declaration of presumptuous death, but several barriers apply to women to present their claims to the judiciary, despite the advances of the Supreme Court of Justice of Pakistan in the Missing Persons Cases[[6]](#footnote-6).

Taking into consideration this information, ODRI suggests respectfully that the Committee requires the government:

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| 1. Provide information on measures taken to ensure that women have effective access to legal remedies to address violations of their rights and on the steps taken to raise awareness of women’s rights and how women can invoke them in relationship with enforced disappearances and terrorist activities.
2. Detail the envisaged activities of consultation with women organizations on the different measures designed and implemented to address the challenges of enforced disappearances.
3. Provide information related to the measures to ensure the representation of women and the inclusion of women’s issues in the continuing national dialogue related to enforced disappearances and counterterrorist activities.
4. Detail the mechanisms to guarantee the prevention, the response, the redress, the sanction, the compensation and the rehabilitation of acts of violence against women for their activities and political affiliations to search victims of enforced disappearances.
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### ***Health of intersex women and girls***

ODRI commends the State party for reversing harmful practices against girls and women to secure the autonomy of women and girls through health services (CEDAW/C/PAK/5, §153-164). Nonetheless, as reported by the local newspaper The International News of Pakistan[[7]](#footnote-7), more than hundred intersex children have been diagnosed with birth defects, and subjected to cosmetic, surgical and other procedures by a foundation hospital in Lahore. These medical procedures generally unnecessary have been done without the consent, which often entail irreversible consequences and can cause severe physical and psychological suffering; and victims lack of redress, compensation and rehabilitation for these practices.

Taking into consideration this information, ODRI suggests respectfully that the Committee requires the government:

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| 1. Provide information on measures taken to strengthen the awareness-raising of harmful practices against intersex women and girls, and the training for medical civil servants, university teachers of medicine, endocrinologists, paediatricians, gynaecologists, judges, prosecutors, law enforcement officers and social workers.
2. Detail the envisaged activities of consultation with women organizations on the different measures designed and implemented to address the challenges of enforced disappearances.
3. Provide information related to the investigations of incidents of surgical and other coerced medical treatment of intersex women and girls, and the protection schemes and care programmes for actual and potential victims of genital mutilation.
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### ***Violence against LBTI women and sex workers (article 2 of the Pact)***

The State of Pakistan has adopted several measures to protect women from violence and discrimination (CEDAW/C/PAK/5, §75-77, 85, 88, 91, 96, 97, 105-107, 108-117). An important milestone is the adoption of legislation for the recognition of transgender women, the different rulings of the Supreme Court of Pakistan[[8]](#footnote-8), the Transgender Persons (Protection of Rights) Act 2018, Transgender Persons Welfare Policy[[9]](#footnote-9), and the different measures to provide health services to sex workers. However, ODRI is concerned that strategies remain ineffective to eradicate stereotypes (trans women are called out as “mutilated men”, “mutants”, “converted” by media and persons that harassed them in their daily activities) [[10]](#footnote-10). Therefore, measures are inadequate to duly prevent, respond and legally protect the increase in the number of cases of discrimination against lesbian, bisexual and transgender women, sex workers and intersex persons.

To address this situation, we respectfully ask you to solicit the Republic of Pakistan to:

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| 1. Provide examples of the training for the judiciary and other State authorities to address the discrimination and violations of rights experienced by lesbian, bisexual and transgender women and intersex persons.
2. Describe human rights accountability mechanisms related to the rights of lesbian, bisexual and transgender women, intersex persons and sex workers.
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**About ODRI**

ODRI “Intersectional rights” - Office for the Defense of Rights and Intersectionality is a Lima-based NGO established in 2017. It is an apolitical and non-confessional. Among its principal goals is the introduction of intersectional approaches and the mainstreaming of the Sustainable Development Goals. To fulfil this goal ODRI currently submits reports assessing the respect of human rights in certain countries to United Nations Treaty Bodies and Special Procedures, and other fora. Moreover, ODRI is involved in the monitoring of judicial procedures in the Global South. To see other contributions presented to the treaty bodies, you can visit our last submissions:

* CCPR. Contribution to the Human Rights Committee in relation to the adoption of the List of issues prior to the Fifth periodic report of Korea (8 to 26 July, 2019) <https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KOR/INT_CCPR_ICS_KOR_34929_E.docx>
* CED. Submission in view of the upcoming consideration of the List of issues in relation to the report submitted by Peru at its 15th Session (05 Nov 2018 - 16 Nov 2018) <https://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/PER/INT_CED_ICO_PER_32073_S.pdf>
* CEDAW Chile Written submission on Chile Pre-Sessional Working Group 71st session (12 – 16 March 2018) <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CHL/INT_CEDAW_NGO_CHL_29922_E.pdf>
1. This report was made by Diego Ocampo, Marisa Paredes and Andrés Sifuentes. [↑](#footnote-ref-1)
2. Supreme Court of Pakistan. Const. P. No.24/2012 etc. Available at: <http://www.supremecourt.gov.pk/web/user_files/File/Const.P._24_2012.pdf> “7. With regard to the discrimination faced by women in jirgas/panchayats etc., Article 15 of CEDAW is relevant: “Article 15 of CEDAW: 1. States Parties shall accord to women equality with men before the law. 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and

tribunals.”

[Emphasis supplied] The foregoing Articles of UDHR, ICCPR and CEDAW places a responsibility on the State of Pakistan to ensure that all women in Pakistan have access to courts or tribunals, are treated equally before the law and that in civil matters

identical legal capacity and opportunities are accorded to them as those accorded to men and they be treated equally in all stages of procedure in courts and tribunals” [↑](#footnote-ref-2)
3. Hamid Khan Wazir. Bill declaring enforced disappearances criminal offence sent to Law Ministry: Mazari. Available at: [www.pakistantoday.com.pk/2019/01/28/bill-declaring-enforced-disappearances-criminal-offence-sent-to-law-ministry-mazari/](http://www.pakistantoday.com.pk/2019/01/28/bill-declaring-enforced-disappearances-criminal-offence-sent-to-law-ministry-mazari/), Pakistan Urged To 'Immediately' Tackle Enforced Disappearances [www.rferl.org/a/pakistan-urged-to-immediately-tackle-enforced-disappearances/29845096.html](http://www.rferl.org/a/pakistan-urged-to-immediately-tackle-enforced-disappearances/29845096.html) . [↑](#footnote-ref-3)
4. Malik Asad. Panel on enforced disappearances gets 318 complaints since August Updated December 02, 2018. Available at: [www.dawn.com/news/1448937/panel-on-enforced-disappearances-gets-318-complaints-since-august](http://www.dawn.com/news/1448937/panel-on-enforced-disappearances-gets-318-complaints-since-august) [↑](#footnote-ref-4)
5. Pakistan: Enduring Enforced Disappearances 27 March 2019. Available at: <https://www.amnesty.org/en/latest/research/2019/03/pakistan-enduring-enforced-disappearances/> [↑](#footnote-ref-5)
6. We refer to the cases highlighted by <http://www.supremecourt.gov.pk/HR_Cases/1st%20final/1st.htm>, and also the ones in these links <http://www.supremecourt.gov.pk/web/user_files/File/PRESS_RELEASE_109_2018.pdf> , <http://www.supremecourt.gov.pk/HR_Cases/1st%20final/CP29of2007__.PDF>, [↑](#footnote-ref-6)
7. 100 infants with birth defects rehabilitated <https://www.thenews.com.pk/print/287739-100-infants-with-birth-defects-rehabilitated>. See also: <http://stop.genitalmutilation.org/post/Pakistan-Intersex-children-birth-defects-patents-offered-surgery-to-make-them-normal-again> [↑](#footnote-ref-7)
8. See <http://www.supremecourt.gov.pk/web/user_files/File/Transgender_Welfare_Policy_HRC_32005_P_2018.PDF>, <http://www.supremecourt.gov.pk/web/user_files/File/Press_Release_09022017.pdf>, <http://www.supremecourt.gov.pk/web/user_files/File/Report_HRC_25819_P_2018.PDF> , [↑](#footnote-ref-8)
9. See <http://www.supremecourt.gov.pk/web/user_files/File/Transgender_Persons_Welfare_Policy.pdf> , [↑](#footnote-ref-9)
10. See news by the portals [http://www.masralarabia.com](http://www.masralarabia.com/), [https://www.arab48.com](https://www.arab48.com/), [http://www.almadenahnews.com](http://www.almadenahnews.com/), [↑](#footnote-ref-10)