

Women's Rights in Pakistan Status and Challenges



Stakeholders Joint Submission
to UN Human Rights Council:
Pakistan's Universal Periodic Review -14th Session

October 2012

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A Stakeholders Joint Submission made by Shirkat Gah – Women's Resource Centre on behalf of the following civil society organizations of Pakistan:

Aurat Foundation, HomeNet Pakistan, Bedari, Church of Pakistan - Lahore Diocese, Simorgh Women's Resource and Publication Centre, Sudhar Development Organization, Women in Struggle for Empowerment (WISE), Ittehad Foundation and Women's Organization for Rights and Development (WORD)



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Shirkat Gah

Women's Resource Centre

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List of Acronyms

CNICs	Computerized National Identity Cards
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
MDGs	Millennium Development Goals
NCSW	National Commission on the Status of Women
NADRA	National Database and Registration Authority
SOPs	Standard Operational Procedures
SG	Shirkat Gah
UN	United Nations
UPR	Universal Periodic Review

Introduction

Human rights are understood to be fundamental rights that all individuals are entitled to simply by virtue of being human beings. These rights are all interrelated, interdependent and indivisible¹, and are guaranteed by international human rights law that comprises of treaties, customary law, general principles and other sources. This legal framework creates duties and obliges governments to both promote and protect the rights of individuals or groups.

The Universal Periodic Review (UPR) is a mechanism of the UN Human Rights Council that aims to improve the fulfilment of human rights across the world through an assessment of the human rights record of all 193 UN member states every four and a half years. Currently, there is no other mechanism of this kind that exists within the international legal framework. Through this review, states are given the opportunity to highlight the steps they have taken in the promotion and protection of human rights while at the same time providing the space to focus on actions that need to be taken to address violations.

This mechanism also provides NGOs and other stakeholders the opportunity to engage with and influence the review process by providing information that is considered during a state's review. This information not only provides an accurate picture of the human rights position on the ground but also helps monitor the implementation of those recommendations and pledges a state agrees to at the end of its review.

Pakistan's first Universal Periodic Review was conducted in 2008 by the UPR Working Group. During the course of the discussions, the majority of the recommendations made were accepted by Pakistan, making it obligatory for the state to report on their implementation at its next review in 2012.

Shirkat Gah Women's Resource Centre made a joint submission on behalf of 9 civil society organizations for Pakistan's 2012 review, the focus of which was the state of women's rights in Pakistan and the challenge that exist as regards their promotion and protection. This submission provided an assessment of the implementation of recommendations received by the government during the first UPR cycle, highlighted developments and existing gaps and made recommendations.

At the end of this booklet is a table listing the recommendations Shirkat Gah actively lobbied for and identifies those subsequently adopted by the Working Group.

1. Women's Rights in Pakistan – An Overview

- 1.1 Women's rights and empowerment measures in Pakistan continue to fall short of projections and promises despite some positive steps to ameliorate their condition. Pakistan ranks 99 out of 109 countries in the Gender Empowerment Measure² and has a Gender Inequality Index value of 0.573, ranking it 115 out of 146 countries in the 2011 index³. Reported incidents of violence against women increased from 7,571 in 2008 to 8,539⁴ by 2011 and while the adult literacy rate in Pakistan is 56%, female literacy stands at 40%⁵ despite the Government's commitment under the Millennium Development Goals (MDGs) to 87% women's literacy by 2011. The Government of Pakistan has acknowledged the need to tackle patriarchal mindsets and for further legislative reform to address the problem of violence against women and ensure the protection of women's rights⁶. It is a matter of concern however, that in its response to comments as the State under Review, Pakistan was mostly silent on the issues of *jirgas*⁷ and the provisions under Qisas and Diyat with regard to cases of honour killings or, at best, buried said issues under generalized blanket women-centric responses.

2. Women's Political Participation

- 2.1 The current representation of women in National Parliament and Provincial Legislatures is ensured with 17% seats reserved for women. Women occupy 22.2 % seats in the National Assembly, 17% in the Senate of Pakistan and 126 out of 728 seats (17.6%) in the Provincial Assemblies.
- 2.2 Reserved seats are a welcome and necessary step. Data indicates that women on reserved seats are among the most active in the Provincial and National Assemblies and in the Senate. Of the 71 private member bills that were introduced in 2008-09, 57 were introduced by women on reserved seats, of which 8 introduced in 2008 directly related to women. Similarly, in 2010-11, the majority of the bills were introduced by women on reserved seats⁸. These women challenged social and cultural norms and introduced bills against domestic violence, women trafficking, discriminatory practices against women, and bills pertaining to women's reproductive rights. Women legislators have not restricted themselves to addressing women's issues only;

they have also introduced amendments pertaining to a broad range of issues from citizenship to Anti-terrorism.

- 2.3 Increasing women's reserved seats in Parliament and Provincial Assemblies to 33%, and restoring the local government system with 33% women's reserved seats will ensure women's increased and effective contribution on all matters pertaining to citizenry.

Recommendations

- a. Increase women's seats in the Parliament and Provincial Assemblies to 33%.
- b. Increase the number of directly elected women in political parties. This is recommended in addition to the reservation of seats under the current affirmative measures for women's political participation.

3. Local Government

- 3.1 The Local Government System, introduced under the Local Government Ordinance 2001, expired on 31 December 2009. Although introduced by a military dictator to create a political constituency, this system clearly emerged as a nursery for potential grass roots politicians who lacked either money or clout, or both. Under the Local Government System, 33% seats were reserved for women and with its end, women's representation in decision-making at the grassroots was terminated. Despite shortcomings in the manner in which women were nominated to the reserved seats, the system was a springboard for numerous women to enter provincial level politics. Elected on non-partisan platforms, these women later joined political parties and were elected to Provincial Assemblies. In the 2008 General Elections, 6 local women councillors were elected as Members of Provincial Assemblies.

Recommendations

- a. Restore the Local Government System with 33% reserved seats for women.

4. Legislation: Status & Implementation

- 4.1 There has been significant progress in legislation on women's issues in Pakistan and many laws have been enacted for the protection and promotion of women's rights in the period between 2010 and March 2012. These laws criminalize forced marriages and other customary practices discriminating against women, such as, giving women in marriage to settle civil or criminal liability⁹, domestic violence¹⁰, acid crimes¹¹ and sexual harassment within the workplace¹². The Women in Distress and Detention Fund Act has also been amended to enable the Ministry of Human Rights¹³ to use the fund in order to provide financial and legal assistance to women in jail. Moreover, on International Women's Day in March 2012, the President gave his assent to the bill establishing an autonomous and effective National Commission on the Status of Women (NCSW)¹⁴. However, the 18th Constitutional Amendment in April 2010 halted the legislative process by Parliament on many issues related to women's rights and several bills lapsed as this amendment brought this subject within the domain of Provincial legislation¹⁵. Provinces must now institute legislation in areas such as domestic violence.
- 4.2 The implementation of rights under the law is also hampered due to the prevalent patriarchal mindset of law enforcement institutions. Gender sensitization training needs to be incorporated as part of the foundational training at the time of induction and must become a prerequisite for promotion within the police, judiciary and the local administration.
- 4.3 The level of public awareness about the law is very low in Pakistan. The media plays an important role in raising public awareness but it is neither trained nor equipped to understand women's issues or highlight violations of women's rights.

Recommendations

- a. Ensure the implementation of existing legislation in letter and spirit and develop the requisite rules under these laws where required. Mechanisms for the effective enforcement of all new legislation that has been introduced for the protection of women should be developed with Standard Operational Procedures (SOPs) for the relevant duty bearers.

- b. All line departments and implementing agencies including the police, subordinate judiciary, medico legal units and burn units of hospitals to be given proper orientation on laws related to the protection of women against various forms of violence including forced marriages, sexual harassment and injuries through all forms of burns including acid and other substances.
- c. Laws that are discriminatory towards women to be abolished. These include the provisions of Qisas and Diyat and the law of inheritance¹⁶.
- d. Legislation to be enacted on issues like domestic violence and a standardized minimum age of marriage for both males and females. The NCSW has drafted proposals regarding legislation for Hindu Family Laws and a review of Christian Family Laws which should be taken up by the concerned legislatures.

5. Violence Against Women

- 5.1 Women have experienced an increase in violence including sexual and domestic violence, acid throwing, killings and rape. According to incidents reported and registered at different forums (police stations, Courts and complaint cells), there has been a 13% increase in crimes against women since 2008¹⁷. More than 2000 women were killed in the name of honour from 2008 to the end of 2010¹⁸. The actual numbers may be more since many cases go unreported.
- 5.2 Support structures for dealing with victims of violence are limited and under resourced. There are currently only 44 Government-run women's shelters in a population of 177.10 million (of which women are estimated to be 48-50%)¹⁹. Till 2010, 23 women's emergency crisis support centres augmented services to survivors of violence. Following the devolution of the crisis centres for women established by the Federal Government to the Provincial Governments under the 18th Constitutional Amendment, the Punjab Government has refused to adopt twelve such functional centres, replacing them instead with crisis support desks that only serve as referral mechanisms. Other provinces have adopted Women's Crisis Centres but have failed to provide adequate and timely budgetary allocations to these

centres thereby sending a message that women's issues occupy low priority in Government budgets. There are currently only 3 recognized Government Burn Units in civil hospitals in Pakistan and 3 Burn Units in military hospitals. While some District hospitals provide burn treatment, they are poorly equipped to handle serious cases, especially those arising from acid violence. Many patients are denied treatment because of a lack of burn units in major public hospitals.

Recommendations

- a. Establish new and strengthen existing support structures for victims of violence (Women's Shelters, Crisis Centres and Burn Units for treatment of women victims at district level in all provinces).
- b. The definition of rape to be amended to include sexual intercourse with a woman in custody or in care of state functionaries or in abuse of authority with or without her consent. This should be classified as statutory rape.
- c. Ensure that guidelines developed for Darul amans (Government-run shelters) in the Province of Punjab be fully implemented. Balochistan has formulated similar guidelines and the Provinces of Sindh and Khyber-Pakhtunkhwa should develop similar guidelines and operational procedures for Darul amans along with establishing at least one such shelter in each District.
- d. Address gaps and gender biases in educational/professional textbooks and training curricula for the advancement of a gender-sensitive and rights-based approach towards public service.

6. Home-Based Workers

- 6.1 As part of Pakistan's 2008 Universal Periodic Review, it was recommended that Pakistan adapt labour legislation and align it with the provisions of the International Labour Organisation (ILO) Conventions. Pakistan was also asked about its plans to harmonize national legislation with international obligations in the field of labour laws (Slovenia)²⁰.
- 6.2 It has been estimated that there are 8.52 million home based workers in Pakistan and within this sector the proportion of women comes to about

65%²¹. Currently, workers within this sector are not covered by any legislation. Therefore neither the terms of their employment nor their working conditions are regulated under any legislative framework. In 2007, an initiative was undertaken to develop a National policy on home-based workers which resulted in a draft National Framework that is yet to be adopted by the Government.

- 6.3 Moreover, post the 18th Amendment devolution, the four provinces have to devise their own policy and legislation with regard to home-based workers. To that end, Punjab has finalized a policy draft which is to be presented, and a task force has been announced in Sindh headed by the Department of Labour which is responsible for reviewing the draft policy for Sindh.

Recommendations

- a. Home-based workers to be recognized and the Department of Labour to make arrangements for their registration along with registering their category of work.
- b. The Government to ensure the inclusion of home based workers in social safety nets.
- c. The Government to pass legislation in order to provide adequate safety and compensation to such workers.
- d. There is a need to improve the role and contribution of women in the labour force and to provide them equal opportunities for employment by introducing the principle of equal pay for work of equal value adopted with the ratification of ILO Convention No. 100²².

7. Minority Women's Rights

- 7.1 Pakistan, during the 2008 Review, stated that it considered minorities to be an integral part of Pakistani society and that they enjoyed equal civil and political rights. In response to various comments on religious minorities, the Delegation of Pakistan defended its position against what it termed was 'a very wrong perception of the treatment of minorities'. It was stated that minorities represent only 3 percent of the total population, that many members of the Christian and Hindu minorities hold important positions,

and that the migration of minorities was not caused by discrimination, but by better opportunities elsewhere²³.

- 7.2 Hindus and Christians confront increasing social discrimination and stigma based on stereotypes. In cases of violence and discrimination, women of these religious minorities face double jeopardy because of their gender and religion. This is a matter of serious concern resulting in multiple social problems including abduction, forced conversion and marriages of non-Muslim women from the Hindu and Christian communities with Muslim men. Conversions of non-Muslim women to Islam are often accompanied by violence and coercion²⁴. Forced conversion of Hindu women to Islam is on the rise; Human Rights Commission of Pakistan (HRCP) reported an average of 25 forced conversions per month²⁵ in Pakistan despite the guarantee of freedom of belief and equal protection before the law under the Constitution. Law enforcement officers fail to cooperate with the families of abducted and forcibly converted women. These conversions are mostly reported only in the case of women who are kept from meeting their families. A collusion of local landlords and influential persons with religious zealots is being seen to operate in Sindh to keep women under the control of their abductors. These problems are further compounded as legislation pertaining to their personal laws is not available.
- 7.3 Hindu married couples face numerous problems when travelling and lodging outside their place of residence. Moreover, Hindu women are deprived of their right to property and other rights conferred upon a divorced or widowed woman; have difficulty in accessing health facilities; and are unable to contribute to social, economic and political processes. Hindus have long been demanding legislation to register Hindu marriages, and in 2011 a Bill was presented in the National Assembly to pass a law to register Hindu marriages but so far there has been no progress. A 5% quota in all Federal Government jobs for minorities was also allocated by a notification on 26 May 2009 but its application is not visible.
- 7.4 In November 2009, when the National Database and Registration Authority (NADRA) rejected a Hindu woman's request for a marriage certificate on the grounds that 'no such mechanism or legislation was in place', the Chief Justice of Pakistan took *suo moto* action and directed the Government to legislate on the issue of Hindu marriage registration. The Supreme Court of Pakistan has ordered NADRA to address problems faced by Hindu women in obtaining Computerized National Identity Cards

(CNICs), as it has affected three million Hindus in the country. NADRA has been asked to amend its rules and regulations for the issuance of CNICs to Hindu women.

- 7.5 In another positive development, efforts have been made to recognize the rights of sexual minorities (albeit with limitations). In 2009, the Supreme Court recognized the basic human rights of transgender citizens in its judgment. NADRA has been directed to issue CNICs to the transgendered community, and in November 2011, the Supreme Court directed the Election Commission of Pakistan to enrol them as voters. The Supreme Court has also ordered all the district administrations in the country to help transgender people get property due to them as part of their inheritance.

Recommendations

- a. All types of legal discrimination against non-Muslims with respect to their status as equal citizens to be removed. This includes discrimination against their political participation and discrimination as regards their evidence under certain laws e.g. Hudood Ordinances, 1979.
- b. The existing personal status laws of religious minorities to be reviewed and amended. Required legislation to be enacted specifically for those minorities (Hindus and Sikhs) that are primarily governed under their custom rather than any statutory provisions.
- c. Legislative and administrative efforts to be made to end forced conversions to Islam of vulnerable women belonging to religious minorities. The victims of this practice should be provided with effective redress and protection.
- d. The representation of women belonging to religious minorities against reserved seats to be ensured.
- e. The issuance of CNICs for Hindu women to be ensured.
- f. The Government to ensure implementation of the Supreme Court's orders regarding the issuance of CNICs for the transgender community along with securing their share in inheritance.

8. 'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing

- 8.1 One of the recommendations made by the Czech Republic in the 2008 Review was to prohibit in all circumstances the use of the provisions of the Qisas and Diyat law in cases of 'honour' killings. It is important to note that Pakistan considered this recommendation as neither a universally recognized human right nor in conformity with its existing laws, pledges and commitments, and therefore did not accept it²⁶.
- 8.2 'Honour' killing is a term used to denote the murder of women (and men) under the pretext of restoring the family's honour. These murders are also perpetrated within the context of property disputes and the inheritance rights of women.
- 8.3 According to the HRCP Report for the year 2011, "at least 943 women were killed in the name of honour, of which 93 were minors. The purported reasons given for this were illicit relations in 595 cases and the demand to marry of their own choice in 219 cases. The murderers were mostly brothers and husbands, in 180 cases the murderer being a brother and in 226 cases being the husband of the victim. The majority of cases (557) were of married women"²⁷.
- 8.4 Currently, as per the law, murder is primarily a crime against the person rather than a crime against the State and is governed by the provisions of Qisas and Diyat introduced in the criminal law in the year 1990 as part of the effort to 'Islamize' laws in Pakistan. These changes redefined the offences of murder and manslaughter along with their punishments in 'Islamic' terms and the provision for retribution or blood money was made available. The introduction of the Qisas and Diyat provisions have provided a statutory right to the heirs of the deceased to pardon the killer/s, ask for compensation or demand retribution. These provisions have also exempted some relations from any mandatory imprisonment sentences. A parent can kill a child or a grandchild and the only sentence under the law is blood money, though the Court has the discretion to sentence the accused to imprisonment for twenty-five years depending upon the facts and circumstances of the case. There is no minimum sentence mentioned in the law. In practice, however, it is rare for a parent to be sentenced with imprisonment for killing their own child. There is a similar provision for a spouse killing the other spouse provided there is a living child at the time

of the killing. These provisions prove handy in cases of 'honour' killings as the majority of such murders of women in Pakistan are committed by family members who either benefit from these provisions or are 'forgiven' by the heirs of the deceased.

- 8.5 The Government of Pakistan has introduced some measures to combat 'honour' killings and gender discriminatory legal practices, however, the core legal problems in relation to 'honour' killings have not been addressed. The amendments introduced in the criminal law in January 2005²⁸ did not prove effective, as the key loopholes within the law were not plugged. Until the provisions of Qisas and Diyat are revoked the perpetrators of 'honour killings' will not fear retribution and Pakistan would be unable to comply with its international obligation of discouraging discrimination against women.

Recommendations

- a. The provisions allowing for a compromise or a pardoning of the killer by the heirs of the deceased should be removed immediately for prevention of 'honour' killings.
- b. The availability of legal 'concessions' to some family members (discussed above) should be repealed immediately and effective sentences should be introduced irrespective of the relationship between the perpetrator and the deceased.

9. Inheritance

- 9.1 During the 2008 Review, Luxembourg recommended ending gender inequality, particularly with regards to property²⁹.
- 9.2 The legislative framework regulating the law of inheritance for Muslims in Pakistan results in inequalities between the shares received by men and women³⁰. Moreover, with regard to the share that is prescribed by the law, most women feel that they are manipulated out of it or are under social pressure to forfeit it in favour of the male members of the family. The Constitution of Pakistan gives women the legal right to own property, and when cases of denial or usurping women's inheritance are brought to Court, the Courts have consistently upheld this right even if women have

technically given their share to their brothers. However, in reality customary practices dictate what women are allowed to own, and their right to inheritance is easily evaded under family and social pressures. Generally, in all four provinces of Pakistan, according to customary practice, women do not inherit property and widows customarily lose their right to inheritance if they remarry outside the family of the deceased husband, even though the law prescribes a prompt division of the deceased's assets and the widow's right to her share³¹.

- 9.3 Another practice is that of haq *bakhshwana* (giving up rights, literally) whereby girls are either never married, or married to the Quran in order to prevent property going out of the family. Similarly cousin marriages and *watta satta* (exchange marriage whereby one set of brother and sister are married to another) marriages are designed to prevent break up of property as the size of land and property is associated with power and status³². Even though the legislative provisions dealing with a woman's share in the property remain unchanged, the recent amendments in criminal law related to prevention of anti-women practices have criminalized the practice of depriving women of their right to inheritance. The relevant Penal Provisions stipulate that the offence of depriving a woman of her inheritance by deceitful or illegal means would be punishable with imprisonment, which may extend from five to ten years or with a fine of one million rupees or both. The practice of marrying women to the Quran in order to deprive them of their right to inheritance carries a sentence of three to seven years. An oath by the woman to remain unmarried or not to claim inheritance is also covered by this provision. The effective application of this law remains to be seen.

Recommendations

- a. Amend inheritance laws to equalize inheritance for sons and daughters and change the procedures of succession to facilitate succession and control over inheritance.

10. Alternate Dispute Resolution Mechanisms

- 10.1 In its 2008 Review, Pakistan accepted the Czech Republic's recommendation to "ensure punishment for perpetrators of violence against women, thoroughly investigate and punish members and leaders of illegal *jirgas* for their calls to violence against women"³³.

- 10.2 The local *jirga* system in Pakistan undermines women's rights by continuing to perpetuate their voicelessness and their vulnerability to physical, social and sexual exploitation, especially in the tribal areas.
- 10.3 In April 2004, the Sindh High Court declared the pronouncing of verdicts upon people by *jirgas* as illegal. The Court ordered the district administration and police to take actions against such *jirgas*; however, in practice this judgment of the High Court is being continuously defied. There are still reported incidents of decisions given by the *jirga* being enforced³⁴. At present, the Supreme Court is hearing Constitutional Petitions against the holding of *jirgas* and *panchayats*. In March 2012, the Supreme Court of Pakistan ordered the Chief Secretaries and the Inspector General of Police (IGP) of all provinces and Islamabad to submit a report on the holding of illegal *jirgas/panchayats*. The Court also ordered the officials concerned to take action against those people who hold *jirgas* in their jurisdiction.
- 10.4 In the past there have been some cases in which the higher Courts took action against specific incidents. In December 2010, the Peshawar High Court ordered action against *jirga* members who had taken the decision to hand over two teenage sisters to a rival family as a means of settling a dispute between the two families³⁵. The Bench observed that neither Islam nor the laws of Pakistan allowed such inhuman and brutal customary practices and ordered a First Information Report to be registered against the *jirga* members. On the directives of the Peshawar High Court, the police arrested three members of the *jirga* that had ordered the marriage of the two girls in their rival family against their will while a prayer leader and another accused managed to escape. Cases had been registered against the arrested *Jirga* members but outcomes are still awaited.

Recommendations

- a. The Government should take effective measures against all informal dispute resolution mechanisms that perpetrate and perpetuate violence against women.

11. Early Age Marriage

11.1 Although the prevention of early marriages was recommended in the 2008 Review (Switzerland)³⁶, young age marriage continues to be a challenge for female empowerment in Pakistan. Forty percent girls are married by age 18 and 13% are married by age 15³⁷. In Pakistan, one woman dies every 20 minutes during childbirth and the major cause is child marriage. The Child Marriage Restraint Act establishes a minimum age of marriage at 16 for girls and 18 for boys, despite overwhelming evidence of the negative impact of young age marriage on their physical, emotional and mental wellbeing. Legislative amendments are needed to establish 18 years as the minimum age of marriage and to criminalize young age marriage with heavy fines and punishment. Inconsistency in the law on minimum age of marriage also needs to be removed.

Recommendations

- a. Standardization of age of marriage at 18 years for females and males.
- b. Ensure universal access to reproductive health services including comprehensive emergency obstetric care and post abortion care to women backed by necessary information on contraceptives, birth spacing and abortion as applicable under the law.
- c. Ensure universal primary education as mandated in the Constitution of Pakistan (Article 25 A) and incentivize secondary education for girls.

End Notes

- 1 <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>
- 2 United Nations Development Programme, *Human Development Report 2009. Overcoming barriers: Human mobility and development*, (New York, 2009).
- 3 United Nations Development Programme, *Human Development Report 2011. Sustainability and Equity: A Better Future for All*, (New York, 2011).
- 4 Aurat Foundation shared its fourth Annual Report on violence against women in Pakistan at a press conference in Islamabad on 16 August 2011. Press briefing available @ <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/PR/Press%20Release%202011%20%20English.pdf>
- 5 The World Bank, *World Development Report 2012. Gender Equality and Development*, (Washington DC, 2011).
- 6 UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42. Available @ http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PK/A_HRC_8_42_Pakistan_E.pdf
- 7 An assembly of male elders.
- 8 Amina Samiuddin, *Reserved seats: a cognitive space for women?* Paper presented at a seminar 'Empowerment Processes: Choices, Obstacles and Outcomes' organized by Shirkat Gah in June 2010, and at the international conference on 'Global Transformations and Local Mobility: Rebuilding Pakistan after Crises' organized by Shirkat Gah and Lahore University of Management Sciences in March 2011.
- 9 The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.
- 10 Domestic Violence (Prevention and Protection) Act, 2012. It should be noted however, that this Act is applicable within Islamabad only. In March 2013, the Sindh Assembly passed legislation pertaining to domestic violence.
- 11 Criminal Law (Second) Amendment Act, 2011. Through this amendment, provisions have been added in the Penal Code that carry heavy punishments for the crime of inflicting injuries through acid or such other dangerous substances.
- 12 Protection against Harassment of Women at the Workplace Act, 2010. Through another amendment the offence of sexual harassment was included in the Penal Code and its sentence was enhanced.
- 13 This Ministry was established as a separate entity with effect from 2008.
- 14 National Commission on the Status of Women Act, 2012. This Commission has already been working since its establishment in the year 2000 through a Presidential Ordinance. The new law has strengthened the composition and working of the Commission and granted it more autonomy.
- 15 Examples include Bills related to amendments in the Muslim Family Laws, new legislation pertaining to family laws for the Hindu community and the Guardians and Wards Act, 1890 that lapsed.
- 16 See sections on Islamization of Criminal Laws and Inheritance on pgs. 14 & 15.
- 17 http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=15_01_2012_004_005
- 18 Human Rights Commission of Pakistan, *State of Human Rights in 2008; State of Human Rights in 2009; and State of Human Rights in 2010* (Pakistan).
- 19 Government of Pakistan, *Pakistan Economic Survey 2010-11* (Islamabad, 2011).

- 20 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.6.
- 21 Human Rights Commission of Pakistan, *State of Human Rights in 2011*, p.198 (Pakistan, 2012).
- 22 Equal Remuneration Convention, 1951 (No. 100).
- 23 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.10.
- 24 National Commission for Justice and Peace, *Life on the Margins: A Study on the Minority Women in Pakistan* (Pakistan, 2012). Available @ <http://www.ncjp-pk.org/media/publications/lifeenglish.pdf>
- 25 Rabia Ali, The News, 30 March, 2010, *25 Hindu girls abducted every month, claims HRCP official*. Available @ <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=231616&Cat=4&dt=3/31/2010>
- 26 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.12.
- 27 *State of Human Rights in 2011*, p.167.
- 28 Criminal Law (Amendment) Act, 2004 (Act I of 2005).
- 29 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.9.
- 30 There is no corresponding law for Hindus and Sikhs and matters pertaining to inheritance are governed under customary practices.
- 31 Khawar Mumtaz and Meher Noshewani, *Scoping Study, Women's Access and Rights to Land and Property in Pakistan*, International Development Research Centre (IDRC) under the Rural Poverty and Environment Programme (2006).
- 32 Ibid
- 33 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.12.
- 34 *State of Human Rights in 2010*.
- 35 The Daily Times, January 02, 2011, *Jirga members arrested in forced marriage case*. Available @ http://www.dailytimes.com.pk/default.asp?page=2011\01\02\story_2-1-2011_pg7_6
- 36 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.9.
- 37 Khawar Mumtaz, Sohail Warraich, Shariq Imam et. al., *Age of Marriage: A Position Paper*, p. 1 (Committee for Standardisation of Female Age of Marriage, Final Draft 2010).

Table indicating SG recommendations adopted during the UPR Working Group

(16 out of 28 SG Recommendations Adopted)

Sr #	SG Recommendation	Adopted	Relevant Concluding Observation		Country
			Political Participation		
1	Increase women's seats in the Parliament and Provincial Assemblies to 33%.	✓	Ensure equal political participation and withdraw reservations to articles 3 and 25 of the ICCPR as these reservations remain critical to ensure equality rights of women and men and equal opportunities (122.14)		United Kingdom of Great Britain and Northern Ireland
2	Increase the number of directly elected women in political parties. This is recommended in addition to the reservation of seats under the current affirmative measures for women's political participation.				
Local Government					
3	Restore the Local Government System with 33% reserved seats for women.				
Legislation – Status & Implementation					
4	Ensure the implementation of existing legislation in letter and spirit and develop the requisite rules under these laws where required. Mechanisms for the effective enforcement of all new legislation that has been introduced for the protection of women should be developed with Standard Operational Procedures (SOPs) for the relevant duty bearers.	✓	Continue strengthening and enhancing women rights through the enactment of relevant necessary laws while providing the necessary administrative and institutional mechanisms (122.26) Continue strengthening the legislation for the elimination of all forms of discrimination against women (122.35) Steadily implement as well as further enhance measures to address discrimination and violence against women (122.85)		Palestine Uruguay Japan

Sr #	SG Recommendation	Adopted	Relevant Concluding Observation	Country
Legislation – Status & Implementation				
5	All line departments and implementing agencies including the police, subordinate judiciary, medico legal units and burn units of hospitals to be given proper orientation on laws related to the protection of women against various forms of violence including forced marriages, sexual harassment and injuries through all forms of burns including acid and other substances.	✓	Continue developing the institutional framework with respect to the promotion and protection of human rights (122.16) Take necessary measures to end harmful traditional practices against women, sexual harassment in public and work places and domestic violence (122.90)	Jordan Chad
6	All line departments and implementing agencies including the police, subordinate judiciary, medico legal units and burn units of hospitals to be given proper orientation on laws related to the protection of women against various forms of violence including forced marriages, sexual harassment and injuries through all forms of burns including acid and other substances.	✓	Continue providing and improving human rights education and training for judicial and law enforcement officials (122.63/64) Enhance its efforts in the area of human rights education, training and awareness for its officials involved in the implementation of the related human rights law and legislation (122.65) Continue organizing awareness educational courses on human rights, including training on equality between women and men, and on women's rights (122.94) Train its law enforcement personnel on gender sensitivity and equality (122.97)	Uganda & Democratic People's Republic of Korea Malaysia Libyan Arab Jamahiriya Slovakia
6	Laws that are discriminatory towards women to be abolished. These include the provisions of Qisas and Diyat and the Law of Inheritance.	✓	Promote the repeal of all legal and administrative provisions remaining, which discriminate against women and girls (122.22)	Mexico
7	Legislation to be enacted on issues like domestic violence and a standardized minimum age of marriage for both males and females. The NCSW has drafted proposals regarding legislation for Hindu Family Laws and a review of Christian Family Laws which should be taken up by the concerned legislatures.	✓	Enact a provincial legislation on domestic violence as well as an increased number of support structures for women on the provincial level (122.21) Sustain the positive momentum in upgrading its laws and institutions, in particular in the areas of the rights of women and children (122.23)	Sweden Myanmar

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Legislation – Status & Implementation				
			<p>Adopt the Bill on Anti-Domestic Violence at the earliest possible (122.25)</p> <p>Continue developing adequate measures to guarantee in law and practice the equality of women, particularly their right to education, and fight effectively discrimination against women and gender violence (122.83)</p>	<p>Maldives</p> <p>Spain</p>
Violence Against Women				
8	<p>Establish new and strengthen existing support structures for victims of violence (Women's Shelters, Crisis Centres and Burn Units for treatment of women victims at District level in all Provinces).</p>	✓	<p>Enact a provincial legislation on domestic violence as well as an increased number of support structures for women on the provincial level (122.21)</p> <p>Continue to enhance its efforts to protect women, children and other vulnerable groups against discrimination and violence (122.41)</p> <p>Create mechanisms to protect and support victims of sexual violence or gender violence (122.61)</p> <p>Put in place effective monitoring and reporting mechanisms to ensure respect for women's rights and to address violence against women in all its forms (122.53)</p> <p>Ensure the reporting and investigation of cases of violence against women, effective awareness campaign against violence and consolidate measures to address sexual abuses and exploitation of children (122.107)</p>	<p>Sweden</p> <p>Singapore</p> <p>Switzerland</p> <p>Slovenia</p> <p>Egypt</p>
9	<p>The definition of rape to be amended to include sexual intercourse with a woman in custody or in care of state functionaries or in abuse of authority with or without her consent. This should be classified as statutory rape.</p>			

Sr #	SG Recommendation	Adopted	Violence Against Women	Corresponding Concluding Observation	Country
10	Ensure that guidelines developed for <i>Darul amans</i> (Government-run shelters) in the Province of Punjab be fully implemented. Balochistan has formulated similar guidelines and the Provinces of Sindh and KPK should develop similar guidelines and operational procedures for <i>Darul amans</i> along with establishing at least one such shelter in each District.	✓	Steadily implement as well as further enhance measures to address discrimination and violence against women (122.85)	Japan	
11	Address gaps and gender biases in educational/professional textbooks and training curricula for the advancement of a gender-sensitive and rights-based approach towards public service.	✓	Review public school curricula in order to eliminate prejudice against religious and other minorities (122.149) Improve the education system and school textbooks and promote the full safeguarding of religious freedom and other human rights by programmes which, beginning in primary school and within the context of religious instruction, will educate everyone to respect their brothers in humanity (122.150) Include human rights education in school curricular (122.152)	Germany Holy See Palestine	
Home Based Workers					
12	Home based workers to be recognized and the Department of Labour to make arrangements for their registration along with registering their category of work.				
13	The Government to ensure the inclusion of home based workers in social safety nets.				
14	The Government to pass legislation in order to provide adequate safety and compensation to such workers.	✓		Continue to spearhead progress toward the promotion of gender equality and development for women, in particular, in areas of education and employment (122.88)	Cambodia

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			Home Based Workers		
15	There is a need to improve the role and contribution of women in the labour force and to provide them equal opportunities for employment by introducing the principle of equal pay for work of equal value adopted with the ratification of ILO Convention 100.	✓	Maintain the momentum to protect the rights of women as well as to empower women in the area of economic development through various legislative measures and institutional mechanisms (122.89)	Brunei Darussalam	
Minority Women's Rights					
16	All types of legal discrimination against non-Muslims with respect to their status as equal citizens to be removed. This includes discrimination against their political participation and discrimination as regards their evidence under certain laws e.g. Hudood Ordinances, 1979.	✓	Take appropriate, efficient measures to prevent discrimination and violence against religious minorities, bringing instigators of religious violence to justice (122.157) Amend discriminatory laws and vigilantly counter discrimination against marginalized groups, including women and girls, ethnic and religious minorities and provide a safe and just environment for all citizens in Pakistan (122.38) Hold accountable those who commit religiously motivated acts of violence (122.112) Investigate attacks and violence against religious minorities and sects and bring those responsible to justice (122.113)	Slovakia Denmark United States of America Norway	
17	The existing personal status laws of religious minorities to be reviewed and amended. Required legislation to be enacted specifically for those minorities (Hindus and Sikhs) that are primarily governed under their custom rather than any statutory provisions.				

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Minority Women's Rights				
18	Legislative and administrative efforts to be made to end forced conversions to Islam of vulnerable women belonging to religious minorities. The victims of this practice should be provided with effective redress and protection.	✓	<p>Adopt measures to ensure the protection of religious minorities, including Ahmadis, Christians, Hindus and Sikhs, prevent the abuse of blasphemy legislation, halt forced conversions, and take necessary steps to prevent violence against members of religious minority communities (122.156)</p> <p>Further enhance measures to combat and prevent discrimination against vulnerable groups (122.96)</p> <p>Continue efforts to enhance legislations and measures to further address the situation of religious minorities, including blasphemy laws, forced conversion and discrimination against non-Muslim minorities (122.121)</p>	<p>Canada</p> <p>Myanmar</p> <p>Thailand</p>
19	The representation of women belonging to religious minorities against reserved seats to be ensured.			
20	The issuance of National Identity Cards for Hindu women to be ensured.			
21	The Government to ensure implementation of the Supreme Court's orders regarding the issuance of National Identity Cards for the transgender community along with securing their share in inheritance.			
'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing				
22	The provisions allowing for a compromise or a pardoning of the killer by the heirs of the deceased should be removed immediately for prevention of 'honour' killings.			

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'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing				
23	The availability of legal 'concessions' to some family members should be repealed immediately and effective sentences should be introduced irrespective of the relationship between the perpetrator and the deceased.			
Inheritance				
24	Amend inheritance laws to equalize inheritance for sons and daughters and change the procedures of succession to facilitate succession and control over inheritance.			
Alternate Dispute Resolution Mechanisms				
25	The Government should take effective measures against all informal dispute resolution mechanisms that perpetrate and perpetuate violence against women.	✓	Ensure that women are not submitted to illegal parallel judicial system (122.108) Decriminalize adultery and non-marital consensual sex and to ensure punishment for all perpetrators of this violence and calls to it including members and leaders of jirgas (122.37)	Italy Czech Republic
Early Age Marriage				
26	Standardization of age of marriage at 18 years for females and males.	✓	Take effective measures to prevent forced or early marriage, in particular with a view to ending rape, sexual exploitation and forced conversions of scheduled caste girls (122.103)	Austria
			Take steps to implement laws and policies with a view to eliminating early and forced marriage (122.102)	Canada



Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation		Country
			Early Age Marriage		
27	Ensure universal access to reproductive health services including comprehensive emergency obstetric care and post-abortion care to women backed by necessary information on contraceptives, birth spacing and abortion as applicable under the law.	✓		Continue its efforts for the improvement of the health system and the elimination of discrimination against women and discrimination on the basis of caste (122.92) Take additional measures to facilitate access to health service for all members of society, especially women (122.139)	Holy See Oman
28	Ensure universal primary education as mandated in the Constitution of Pakistan (Article 25 A) and incentivize secondary education for girls.	✓		Continue strengthening its efforts to improve the socio-economic conditions of its people especially on promoting the rights to education for all its young citizens (122.140) Strengthen its efforts to combine social security and poverty alleviation measures with the free and compulsory education programme that will enable the provision of the free education for all children (122.141) Formulate executive plans for attaining the MDG on primary and free education by 2015 (122.142) Increase its allocation of resources devoted to education (122.143) Continue current efforts to increase the literacy rate and promote universal access to education (122.144) Continue its efforts to ensure the enrolment of all segments of society in education (122.145) Consider providing universal free primary education to all children, regardless of their sex, nationality, race or ethnic origin (122.146) Continue to make efforts to expand access to education, especially for girls (122.147) Ensure and allocate sufficient resources for girls' education in all provinces (122.148)	Brunei Darussalam Indonesia Libyan Arab Jamahiriya Netherlands Cuba Oman Thailand Japan Namibia



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