



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fifty-fourth session

11 February – 1 March 2013

List of issues and questions with regard to the consideration of periodic reports

Pakistan

The pre-session working group considered the fourth and fifth periodic report of Pakistan (CEDAW/C/PAK/4).

Constitutional and legislative framework

1. Please provide detailed information on steps taken to harmonize the different systems of law prevailing in the State Party, namely state law, Islamic law and customary law, with international human rights standards, in particular with the provisions of the Convention. Please also indicate steps taken to ensure that legislation and other regulations at the federal and provincial level as well as those regulating the territories, such as the Frontier Crimes Regulations are harmonized with the provisions of the Convention.

2. The report mentions that a number of bills, which address discrimination against women, including the Prevention of Anti-Woman Practices (2008) and the Prevention of Domestic Violence (2008), have been presented to the National Assembly (para. 346)¹ Please provide updated information on the status of these two bills and indicate how the provisions of the Convention are incorporated therein. Have any other relevant legislation been adopted? Please provide detailed information on steps taken to conduct a comprehensive review of all discriminatory legislation against women, including the Hudood Ordinances (1979). Please also indicate whether the State party envisages the elaboration and adoption of a comprehensive anti-discrimination law.

Legal complaint mechanisms

3. Please provide detailed information on the differences between jirgas/panchayats and Musalihat Anjuman (paras. 152, 161). Please indicate the rationale for selecting the Musalihat Anjuman as an alternate dispute resolution mechanism for cases of violence against women through the Gender Justice Project. How is it ensured that women are not

¹ Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party (CEDAW/C/PAK/4).

discriminated by a Musalihat Anjuman if such a panel is composed by three members of whom only one is a woman (para. 162)? Please indicate whether the State party is taking measures to reform the formal legal justice system in order to enhance women's access to justice.

National machinery for the advancement of women

4. Please provide information on the impact of the 18th Constitutional Amendment (2010) in the national machinery for the advancement of women, given that such an amendment devolved the powers of the Ministry of Women's Development to the provinces. Which is the entity in charge of coordinating actions and policies towards the advancement of women at national level, including the National Plan of Action for Women (paras. 66, 68)? Please also provide information on how is it ensured that the provincial machineries have adequate powers and authority to influence the advancement of women and that they receive adequate financial and human resources to execute their mandate.

5. Please indicate whether the 18th Constitutional Amendment has any implications on the mandate of the National Commission on the Status of Women (NSCW). Please also indicate measures taken to ensure that the recommendations made by the NSCW on laws, policies and programmes having an impact on women are binding and implemented by the relevant government entities (para. 72). Please provide updated information on steps taken to grant autonomy to the NSCW and to give it quasi-judicial capacity (para. 73).

Temporary special measures

6. The report mentions that "affirmative action" measures are undertaken within the framework of the National Policy for the Development and Employment of Women (para. 349). Please provide detailed information on the temporary special measures in place to accelerate de facto equality between men and women within this framework and in other areas covered by the Convention.

Stereotypes and harmful practices

7. Please provide detailed information on measures taken to eliminate harmful practices and pervasive patriarchal attitudes regarding the roles and responsibilities of women and men in the family. Please also provide information on actions taken to counteract the influence of non-State actors in undermining women and girls' enjoyment of their human rights, as recommended by the Committee in its previous concluding observations (CEDAW/C/PAK/CO/3, para. 29).

Violence against women

8. According to information received, incidents of violence against women have been steadily increasing in the State party, such as domestic violence, marital rape, rape in custody and gang rape as well as stove burning and acid throwing. Please provide further information on measures taken to eliminate all forms of violence against women. Please clarify the mandate and actual functions of the Gender Crime Cell in combating violence against women (para. 130). What is the status of the initiative to collect disaggregated data on gender-based violence (para. 129)?

9. The report mentions that the National Police Bureau has adopted Standard Operating Procedures (SOPs) on the treatment of women victims of violence (para. 143). Please provide further information on measures in place to ensure the full implementation of these SOPs by law-enforcement officials. Please also explain whether these SOPs guarantee that women victims of violence are processed by female police officers.

10. Please clarify the State party's position regarding the allegations mentioned in paragraph 116 of the report which states that killings in the name of so-called honour continue to be committed because the Courts have discretionary powers in convicting and imposing sentences on perpetrators. Please also provide information on measures taken to ensure that the Qisas and Diyat law has no application in cases of violence against women, especially on crimes committed in the name of so-called honour as recommended by the Committee in its previous concluding observations (CEDAW/C/PAK/CO/3, para.23).

Trafficking and exploitation of prostitution

11. Please provide updated and detailed information on the status of the amendments to the Prevention and Control of Human Trafficking Ordinance (para. 369). Please also provide information on measures taken to collect and analyse data on trafficking in women and to investigate, prosecute and punish traffickers. Please provide detailed information on the efforts taken to improve the support services of the Women's Crisis Centres for women and girls victims of trafficking (para. 373).

Participation in political and public life

12. The report mentions that tradition and custom prevent the participation of women in the political and public life of the State party (para. 383). Please provide information on measures taken to overcome this challenge and to ensure women's representation in the public and private spheres, particularly in decision-making positions. Please also provide information on measures taken to ensure that rural and other disadvantaged groups of women have access to National Identity Cards (NICs).

13. Please provide information on measures taken to ensure the participation of women in the consultative mechanisms and decision-making processes and institutions such as the National Disaster Management Authority related to the humanitarian response to the natural disasters which have been affecting the country, such as the 2010 and 2011 floods.

Nationality

14. Please provide updated information on the status of the amendment to Section 10 (2) of the Citizenship Act (1951) concerning the right of a Pakistani woman to pass on her nationality to her non-Pakistani husband, mentioned in paragraphs 55 and 386 of the report.

Education

15. The report acknowledges that gender inequality in the field of education is pervasive (para. 399). Please provide information on measures taken and/or envisaged to overcome traditional attitudes that constitute obstacles to girls' and women's education. Please also provide updated information on actions taken to ensure equal access of girls and women to all levels of education and to retain girls in school. Has the draft Education Policy (2009) been adopted (para. 230)?

Employment

16. The report mentions that 78% of women are not economically active (para. 404). Please provide detailed information about measures taken to encourage women to join the formal labour sector. What is the situation of women in the informal labour sector? Please also provide information on measures taken to ensure the implementation of the Prevention of Harassment at Workplace Act (2008) and provide updated information on the status of the draft Policy for Home-based Women Workers (para. 267).

Health

17. According to information received, breast cancer, drug addiction and suicide attempts constitute the most serious physical and psychological women's health concerns in the State party. Has the State party conducted a mapping of these health concerns and how are these being addressed? Please provide information on how women have access to medical care and services. Please also provide information on the National Maternal, Neonatal and Child Health Programme (2006-2012), mentioned in paragraph 282 of the report. Please also provide further information on the care provided by the Ministry of Population Welfare's Service Delivery Outlets prior and after abortion in order to prevent complications (para. 286).

Disadvantaged groups of women

18. Please provide updated information on the situation of internally displaced persons, in particular women due to natural disasters or to military operations related to the War on Terror. Please also provide information on measures taken to ensure women and girls' access to assistance and services as well as emergency shelter. Please indicate measures in place to eliminate gender-based violence against women and girls in the IDP camps.

19. Please provide information on the extent to which, in practice, the State party applies the provisions of the Convention to non-citizens, in particular to refugee women. Please also provide further information on measures taken to develop sustainable solutions for the refugee population, such as for Afghan female refugees.

20. Please provide information on the situation of women from religious and ethnic minorities in the State party. Please also provide information on specific measures taken to eliminate multiple forms of discrimination against these groups of women.

Marriage and family relations

21. Please provide information on measures taken to standardize the minimum age of marriage for females and males, in conformity with the Convention, in the legislation of the State party. Please also provide information on measures taken to repeal provisions in existing laws which discriminate against women from religious minorities with respect to marriage and family relations. What measures have been taken to eliminate the practice of forced marriages? Please clarify allegations stating that Islamic legislation such as the Hudood Ordinances is also applied to religious minorities.
