



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

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**Committee on the Elimination of
Discrimination against Women**

**Consideration of reports submitted by States
parties under article 18 of the Convention on the
Elimination of All Forms of Discrimination
against Women**

Fourth periodic reports of States parties

Pakistan*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–33	5
Section One: Responses to the Expert Committee’s concluding comments (CEDAW/C/PAK/CO/3) on the combined initial, second and third periodic report	34–331	11
Section Two: Responses to the articles of the Convention	332–522	52
Article 1: Definition of discrimination against women	332–333	52
Article 2: The obligation to eliminate discrimination.....	334–346	52
Article 3: Implementation of the Convention through all available means	347–348	56
Article 4: Affirmative action	349–355	57
Article 5: Elimination of stereotypes.....	356–368	57
Article 6: Trafficking in women and girls	369–375	59
Article 7: Elimination of discrimination in political and public life.....	376–383	60
Article 8: Representation abroad	384	61
Article 9: Nationality.....	385–386	61
Article 10: Equal rights to all aspects of education	387–399	61
Article 11: Employment	400–410	64
Article 12: Health	411–425	67
Article 13: Economic, social and cultural rights.....	426–463	70
Article 14: Rural women	464–468	74
Article 15: Equality before the law.....	469–475	75
Article 16: Marriage and family life.....	476–522	76
Annexes		
I. Statistical tables		83
II. Functions of the Council of Islamic Ideology		97
III. Objectives of the Women’s Parliamentary Caucus.....		98

Abbreviations and acronyms

1. ADR Alternate Dispute Resolution
2. ATU Anti-Trafficking Unit
3. BISP Benazir Income Support Program
4. CBO Community Based Organization
5. CEDAW Convention on the Elimination of All Forms of Discrimination against Women
6. CNIC Computerized National Identity Card
7. CPR Contraceptive Prevalence Rate
8. CSOs Civil Society Organizations
9. CSS Central Superior Services
10. DFID Department for International Development
11. EMONC Emergency Obstetric & Newborn Care
12. ERAW Ending Violence Against Women
13. FANA Federally Administered Northern Areas
14. FATA Federally Administered Tribal Area
15. FIA Federal Investigation Agency
16. FIR First Investigation Report
17. FY Fiscal Year
18. GBGS Gender Based Governance System
19. GCC Gender Crime Cell
20. GDP Gross Domestic Product
21. GJP Gender Justice & Protection Project
22. GJTMAP Gender Justice Through Musalihat Anjuman Project
23. GoP Government of Pakistan
24. GPI Gender Parity Index
25. GRAP Gender Reform Action Plan
26. GRBI Gender Responsive Budgeting Initiative
27. GTZ Deutsche Gesellschaft für Technische Zusammenarbeit [German Development Agency]
28. HEC Higher Education Commission
29. HIV Human Immuno-deficiency Virus
30. HMWW Home Based Women Workers
31. ICT Islamabad Capital Territory
32. IEC Inform Education Communication

33.	ILO	International Labour Organization
34.	IOM	International Organization on Migration
35.	LGO	Local Government Ordinance
36.	MAJA	Masalihat Anjuman Justice Advocates
37.	MMC	Migration Management Cell (Anti-Trafficking)
38.	MTBF	Mid Term Budgeting Frame Work
39.	MTDF	Mid Term Development Frame Work
40.	NADRA	National Database Regulatory Authority
41.	NEC	National Education Census
42.	NMNCH	National Maternal & Child Health
43.	NPA	National Plan of Action
44.	NPB	National Police Bureau
45.	P&D	Planning & Development Division
46.	PCrLJ	Pakistan Criminal Law Journal
47.	PPC	Pakistan Penal Code
48.	PRSP	Poverty Reduction Strategy Paper
49.	PTV	Pakistan Television Corporation
50.	SMEDA	Small & Medium Enterprise Development Authority
51.	SOP	Standard Operating Procedures
52.	UC	Union Council
53.	UNFPA	United Nations Population Fund
54.	WBIC	Women Business Incubator Center
55.	WEDC	Women Entrepreneurs Development Cell

Introduction

1. The Government of Pakistan has a definite agenda for women, development and empowerment. Under a four-pronged strategy, efforts are under way to reduce the prevalence of poverty amongst women, promote gender equality, curb violence against women and enact legislation to empower Pakistani women.
2. The Government of Pakistan has been endeavouring to bring a positive change in the lives of women within available resources; the Government wants them to realize their full potential as equal citizens of the country. Pakistan, as active member of the comity of nations, has taken tangible initiatives for an accelerated improvement in the status of women. The National Commission on Status of Women has been activated. New chairperson, a journalist and women rights activist has been appointed. The Commission now will be able to provide valuable inputs for the policy formulators and decision makers to achieve the objectives of gender equality in the society.
3. Keeping in view the importance of and the Government's commitment to women's development and empowerment, the Prime Minister himself holds the post of Minister in-charge of the Ministry of Women Development. A prominent Social Sector specialist woman has been appointed as Special Assistant to Prime Minister for Social Sector. She is assisting the Prime Minister in the day to day work of Ministry of Women Development.

Reporting on CEDAW

4. The Islamic Republic of Pakistan's fourth periodic report covers the period from January 2005 to 30 April 2009, as the combined initial, second and third report (CEDAW/C/PAK/1-3) covered the period from 1997 to 30 December 2004.
5. In accordance with the Harmonized Guidelines on Reporting, this report has two sections. Section I addresses the concerns raised by the CEDAW Expert Committee during its deliberations in 2007. It also includes, where available, the impact of laws revised or enacted to eliminate discrimination against women since 2005.
6. Section II provides responses to each article of the Convention, as well as updates on legislation and programs intended to improve the legal and socio-economic situation of women. Section II also includes information on new initiatives undertaken since the combined initial, second and third report was submitted in 2005. Information on the response to the situation of women and girls in the 2005 earthquake is also provided in Section II. The report also takes account of the UN Expert Committee's General Recommendations.

Challenging times

7. The period covered by the report has been one of the most challenging in recent years for Pakistan, in terms of improving the momentum of socio-economic development and implementing reforms. The challenges have arisen from many directions, as noted below.

Natural disasters

8. The devastating 7.6 magnitude earthquake of October 2005 killed close to 80,000 people, injured 100,000 and dislocated close to 3 million. (Details of the Government's response are provided in Section II.) In October 2008 a major earthquake struck

Balochistan, affecting more than 100,000 people, killing hundreds and dislocating more than 20,000.

9. In July 2007 heavy rains caused by Cyclone Yemyin affected over 2.5 million people in 18 districts of Sindh and Balochistan Provinces. The cyclone dislocated tens of thousands of people and severely disrupted the lives and livelihoods of the rural poor.

10. In August 2008 torrential rains caused massive floods in NWFP, killing hundreds of people and leaving 25,000 families homeless. Floods also washed away thousands of homes in Punjab Province.

Economic challenges

11. Poverty levels, which had begun to show significant declines until 2007, have risen because of (i) the increase in oil prices in 2008 and (ii) the ongoing global financial crisis. The value of the Rupee has depreciated against the currencies of developed economies. High inflation rates, including “unprecedented food inflation” have reduced purchasing power.¹ One study found that seven million households (45 million people) are facing food insecurity² and that there has been an increase (from 23% in 2005–06 to 28% in 2008) in the ‘severely food insecure’ population. Forty five percent of households reported no change in income in 2008, which effectively means a reduction in income.

12. These financial crises have left millions of people, particularly women who are heading households, increasingly vulnerable to chronic poverty and increased unemployment. The poorest people are the least able to afford health care and to bear the economic or opportunity costs of sending their children to school.

13. The financial difficulties create both enormous challenges for the Government and an additional burden on the state finances. The Government has made a commitment to spend 5.86% of GDP on social sector and poverty-related expenditures in 2008–09.

Table 1

Social sector and poverty related expenditures (Rs. billion)

<i>Sectors</i>	<i>2004/05 Actual</i>	<i>2007/08 Actual</i>	<i>2008/09 Projected</i>
Human development	152.9	257.1	243.6
Education	116.9	182.6	195.6
Health	31.4	61.1	43.9
Population planning	4.6	13.3	4.1
Rural development	59.7	112.7	117.6
Subsidies	5.4	54.9	231.1
Social security and welfare	2.0	18.9	37.0
Food Support Program	2.7	4.4	15.3
People’s Works Program-I	0.08	1.4	2.6
Natural calamities and disasters	0.9	7.7	3.2
Low cost housing	0.3	0.6	1.3
Governance	50.5	10.2	52.5
Law and order	47.4	2.4	46.6

¹ *Economic Survey 2008–09, xix.*

² *Economic Survey 2008–09, xix.*

<i>Sectors</i>	<i>2004/05 Actual</i>	<i>2007/08 Actual</i>	<i>2008/09 Projected</i>
Justice administration	3.1	7.8	5.9
As % of GDP	4.81	5.46	5.86

Source: Economic Survey 2008–09, p. 200.

Humanitarian challenges

14. Pakistan is currently coping with the dislocation of people who have been forced from their homes due to terrorist activities in FATA and several Districts of the North West Frontier Province. The dislocated people are presently either living in the camps set up by the Government (estimated at 10–20% of the total) or with host families and in rented accommodation.

15. This humanitarian situation has also resulted in massive expenditures related to inter-alia, providing the dislocated persons with essential care and a focus on national security.

16. Despite the difficulties, the present government has a clear agenda for and commitment to women's development and empowerment. Efforts are underway to promote gender equality, to end violence against women, to enact legislation to empower women and to expand economic opportunities for women.

Introduction of new laws for women empowerment

17. Government of Pakistan is taking all steps to ensure that women are not only emancipated from exploitation of all forms but also empowered in real sense and for this reason number of laws have been introduced and enacted to address specific aspects of discrimination against women and/or women's rights. Major achievements are Criminal Law Amendment Act, 2009 (this is an amendment in the Pakistan Penal Code 1860 in clause 509 whereby a clear definition of sexual harassment has been added and the punishment is up to 3 years imprisonment and/or up to Rupees 5 hundred thousand fine), Protection Against Harassment of Women at the Workplace Act (2009) (The Bill requires all public and private organizations to adopt an internal Code of Conduct and a complaint/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse for all employees) and The Domestic Violence Prevention and Protection Act 2009 (Through this bill domestic violence has been recognized as illegal and wrongful).

Gender-disaggregated data

18. Collecting accurate gender-disaggregated data is an issue with most countries and Pakistan is no exception. Being mindful of the significance and implications of such data, Government of Pakistan has undertaken a number of measures to ensure that disaggregated data is compiled and is made available to all. These measures include the sensitization and capacity building of the Federal Bureau of Statistics and the Population Census and aligning it with the SAARC gender database. This initiative is in process and will likely be fully operational shortly. The Gender Crime Cell (GCC) was established within the National Police Bureau (part of the Federal Ministry of Interior) in April 2006. The GCC gathers, collates and analyses data on violence against women, especially cases of gang rape, rape, abduction, kidnapping and "honor killings". It also deals with cases of sexual harassment in the workplace. The Police have also taken measures to collect disaggregated data at the district level.

Informal dispute resolution

19. Jirgas and panchayats are informal dispute resolution mechanisms that have existed in Pakistan for centuries. Under the best circumstances these informal mechanisms dispense speedy justice that is based on local knowledge and the prevalent traditions. FATA is governed by Frontier Crimes Regulation (FCR) which encourages Jirga in the form of “Council of Elders”. Although jirga and panchayat members are required to act within the law, they are usually not conversant with the law and give decisions which contravene the law and violate human rights. The Government of Pakistan is taking steps to ensure speedy justice. Public bodies based Alternate Dispute Resolution Mechanism have been established. Most importantly, Superior Courts are taking suo moto notices of illegal jirgas and verdicts given by them.

Women trafficking

20. The Government of Pakistan has taken significant measures to address internal and external trafficking. These include a National Plan of Action. An Inter Agency Task Force was operationalized in 2005 to intercept traffickers and to rescue victims. Publicity campaigns have been conducted to warn people against trafficking. One Federal and four Provincial Anti-Trafficking Units have been established. The Federal ATU Monitoring and Coordination Cell is responsible for collecting age and gender-disaggregated data on trafficking. Recently Government has prepared Child Protection (Criminal Law Amendment Bill) 2009, which proposes amendments in Pakistan Penal Code, 1680 for protection of child whereby human trafficking is to be checked.

Women empowerment schemes

21. Women Development Schemes are being developed and many steps have taken to facilitate their role in the development of the country and at all levels. A Micro-Credit Scheme through Khushhali Bank, Agriculture Development Bank and First Women Bank for rural and urban poor women on local basis has been introduced. Jafakash Aurat Projects by Ministry of Women Development in public private partnership are facilitating the process of economic empowerment. Four pilot projects have been launched to diversify women’s skills & training and also provide micro-credit to initiate small business and to link them to local, national and international markets. Another micro finance service is included in the National Rural Support Program with a focus on building capacities of rural Pakistani women through social mobilization and technical assistance. The government has reserved 10% quota for women in Central Superior Services (CSS) across the board in the public sector. Efforts are underway to increase existing quota from 10%–20%.

Political empowerment

22. More women than ever before are participating in political life. In the 2008 General Election women in the South Waziristan Agency (in FATA) voted for the first time. The Ministry of Women Development implemented a three-year (2004–07) National Program for Women’s Political Participation. Close to 30,000 elected women Councilors across the country participated in training programs. Many of these women Councilors have been elected to the Union, Tehsil and District Council for the second time, and some will stand for election again in the upcoming third round of Local Government elections. Women have also been elected as the Nazims and Naib Nazims of the Union, Tehsil and District Councils. There are 33% seats reserved for women in Local Government, 17% in the National Assembly & Provincial Assemblies and 12% in the Senate.

Health

23. Despite good progress over the years in health sector, people are still suffering from various issues like limited access to health facilities, wide spread malnutrition, poverty and poor living conditions. The health development activities contrast sharply in relation to other countries at similar level of development and per-capita income and reflects a backlog of many unmet needs.

24. The Government of Pakistan has made great strides in recent years in improving women's access to health care services in Government health facilities, including those services related to SRH (Sexual & Reproductive Health) and family planning. Specialized UN Agencies, sector-specific international donors and the private sector have also played a significant role in addressing numerous aspects of the provision of maternal and child health care. Government has initiated various health programs including Expanded Program on Immunization (EPI). The National AIDS Control Program along with its provincial counterparts is a national response to the rising epidemic of HIV/AIDS in Pakistan. The National Health Policy (2009) articulates the Government of Pakistan's efforts to achieve its national and international commitments, in particular the MDGs, PRSP-II and sectoral targets within stipulated timeframes.

Poverty eradication programs

25. The Government of Pakistan has taken several initiatives to improve women's economic standing. This is in line with the present Government's commitment to poverty reduction. The Benazir Income Support Program, established in 2008, will provide Rs. 1,000 per month to one woman member of an economically vulnerable family. The program will eventually be extended to seven million households. It will apply to families in each province and in FATA. The families presently dislocated because of terrorist activities in FATA and NWFP are eligible for the Benazir Income Support Program. Another initiative in the province of Sindh is a program for the Grant of State Land to Poor Landless Hareess (tenant labourers), which specifically helps women to improve their economic well being.

Education

26. The Government of Pakistan has made significant strides in increasing girls' enrolment and retention rates in Primary, Middle and High Schools in recent years. Net Girls' enrolment rates at primary level increased significantly in all four Provinces between 1998/99 and 2007/08. The overall national increase for girls' enrolment was 15 percentage points, from 37 to 52. Government's National Commission on Human Development has established a country-wide Adult Literacy program. There are several other programs to reduce the rate of women's illiteracy in Pakistan, all on a smaller scale but contributing to improving women's functional literacy levels across the country.

Women employment

27. The Government's Decent Work Country Program includes a strategy and a plan of action to promote the creation of decent work with gender equality as a cross-cutting theme. Similarly, the Labour Protection Policy (2006) acknowledges gender equality and the absence of discrimination against women and men as basic human rights that require protection. Women are seeking employment in increasing numbers. Women benefited in particular from the improvement in labour market performance between 1999 and 2005-06, as demonstrated in a 5.9% increase in their labour force participation. In FATA women are being encouraged to apply for positions in all new development projects, including the major Sustainable Development Project. Women have the same right as men to receive

vocational training and retraining as well as advanced vocational training and recurrent training. More women than ever before are entering vocational training programs.

Preparation of this report

28. Given its mandate, the Ministry of Women Development is responsible for producing the CEDAW Country Report, in consultation with key Line Ministries. A systematic, institutionalized process was followed by the Ministry in soliciting information from those key Line Ministries and from Civil Society Organizations. A series of consultations for this purpose was duly organized.

29. Accordingly, and in line with the Harmonized Guidelines, MoWD undertook the following process:

- Printed and disseminated the Expert Committee's Concluding Comments along with the Combined Initial, Second and Third Report, amongst all the public-sector Ministries/Organizations, Civil Society Organizations and the mass media.
- Held press conferences on the Concluding Observations and the experiences with the UN CEDAW Expert Committee in May 2007.
- Designed sectoral matrices on the Concluding Comments and circulated those amongst the key Line Ministries and Provincial Departments, to solicit information and data on the Concluding Observations and on updated information on initiatives for gender equality and women's empowerment. The matrices also solicited information on institutional, legal and administrative measures newly-initiated and/or planned by the Government of Pakistan between January 2005 to January 2009.
- A series of meetings intended to enhance awareness on CEDAW, and to solicit information for the Fourth report, was held with the key Line Ministries, Provincial Departments and Civil Society Organizations. This was followed by two rounds of Consultations, which included representatives from key Line Departments, at the Federal and Provincial levels, Civil Society Organizations and individuals.

30. An Inter-Ministerial meeting was convened by the Secretary of the Ministry of Women Development to discuss the CEDAW reporting mechanism.

31. In addition, two 'Peer Learning' events on CEDAW implementation and reporting were organized by the Ministry of Women Development, which invited CEDAW experts from the Region. One event was held immediately following the return of the delegation that had presented the Report to the Expert Committee; the other was held as the process of preparing the Fourth Report was underway.

32. The Ministry of Women Development has also periodically been making presentations on CEDAW implementation and the compilation of the Report, before two Standing Committees of the Parliament. The Ministry invited major CSOs to a meeting to discuss the report writing process and to share the status of the Country Report and the Shadow Reports.

33. The Working Group headed by the Chairperson of the National Commission on the Status of Women was formed on the recommendations of the National Assembly Standing Committee on Women Development to review the 4th Periodic Draft Report on CEDAW Implementation prepared by Ministry of Women Development. The Working Group consists of members from Parliament, Civil Society Organizations and the Federal Ministries.

Section One

Responses to the Expert Committee's concluding comments (CEDAW/C/PAK/CO/3) on the combined initial, second and third periodic report

Paragraph 11: State obligations to CEDAW Convention and recommendations

34. The Expert Committee's concluding comments were submitted to the Parliamentarians and to relevant Ministries and Departments to ensure their full implementation in July–August 2007 in the form of a booklet and again in November 2008 during the process of compiling this Report. The Comments have also been submitted to the National Assembly Standing Committee on Women's Development.

Paragraphs 12 and 13: Conditional accession to the Treaty

35. The matter of Conditional Accession is under review. The Ministry of Women Development has requested comments from all relevant Federal Ministries and the Provincial Women's Development Departments concerning the withdrawal of the Declaration. Of the total responses received, only 21 % supported withdrawal of General Declaration, hence, the consensus could not be developed. However, it is worth mentioning that the General Declaration did not affect the legislation process for eliminating discrimination against women and State obligation towards CEDAW implementation as various amendments in the existing laws are being made and new acts/ bills are also introduced to protect women's rights.

Paragraphs 14 and 15: Definition of discrimination to be included in the Constitution or in other appropriate legislation

36. As submitted in the previous report the principle of equality and non-discrimination is stipulated in the Constitution of Pakistan in Articles 25 and 27. The terms equality and discrimination have been interpreted by the Superior Courts and a number of judgments have been given in favor of women. This reaffirms the Government's commitment to gender equality. (Details are provided in section II of the Report under Article 2).

Paragraphs 16 and 17: Incorporation of the Convention into the domestic law of Pakistan, elimination of de-jure discrimination against women in legislation [Hudood Ordinances], (1979); Law of Evidence [Qanoon-e-Shahadat Order] (1984) and the Citizenship Act (1951)

37. An International Convention or Treaty is not directly applicable in Domestic Law on Ratification in Pakistan. However, the provisions of such Treaties and Conventions are taken into consideration in formulating legislation and by the Courts when interpreting the law. In a case before the Lahore High Court *Mst Saima Vs The State* 2003 PLD 747 relief was given to the appellant. The Court held, according to Article 35 of the Constitution of Pakistan and Article 16 of CEDAW, that it was mandated to provide protection to the institutions of marriage and the family by the State.

Law Review Commissions

38. The process of examining legislation that may discriminate against women has been in process since Pakistan achieved Independence.³ At present there are three permanent Commissions which review laws.

39. 1. The National Commission on the Status of Women (NCSW), established in the year 2000, reviews laws, rules and regulations affecting the status and rights of women. The NCSW suggests the repeal and/or amendment of legislation and recommends new legislation it considers essential to eliminate discrimination, safeguard and promote the interests of women and achieve gender equality in accordance with the Constitution and obligations under international covenants and commitments.

40. 2. The Law and Justice Commission is a Federal Government institution, established under Ordinance (XIV) of 1979. The Commission is headed by the Chief Justice of Pakistan. Its 12 other members are the Chief Justices of the superior courts, the Attorney General of Pakistan, the Secretary, Ministry of Law and Justice and the Chairperson of the National Commission on the Status of Women. Each Province is represented by one member. Since the Chairperson of the National Commission on the Status of Women is an ex officio member of the Law and Justice Commission and vice versa there is an institutional link between the two Commissions for the review of laws and related activities.

41. The Commission operates a Legal Discovery Centre and a Legal Awareness Scheme under which articles are prepared on legal issues and problems of public interest, some of which include issues of specific concern to women.

42. The Commission has published 102 Reports on different issues and submitted them to the Government for implementation:

- In 2004–2005 the Commission approved seven law reports, including one pertaining to women, i.e. The Law Reforms Bill (2005) to curtail undue discretionary powers and to remove procedural impediments to facilitating speedy justice. The Bill proposed amendments to the Code of Civil Procedure (1908), the Code of Criminal Procedure (Specific Relief Act, 1877), the Power of Attorney Act (1882), the Registration Act (1908) and the Pakistan Penal Code.

43. Subsequently, through the Law Reforms Ordinance (2006) 1,300 women who had been imprisoned for crimes other than terrorism and murder were released in 2006:

- In 2006–2007 the Commission approved eight law reports, one of them related to laws pertaining to women i.e. the execution of foreign decrees. Currently, a Pakistan Court cannot transfer its decree to a foreign court because there is no provision supporting the transfer in the Code of Civil Procedure. The proposed Amendments to Section 44 of the Code of the Civil Procedure recommend a bilateral judicial protocol between two countries.

44. In 2007–2008 the Commission approved 13 Law Reports, 4 of them related to laws pertaining to women. These include Amendments to:

- Section 3 of the Majority Act (1875), determining the age of 18 as the uniform age of majority for boys and girls.

³ The following bodies have been constituted to examine discriminatory laws against women and recommend changes to them: Women's Rights Commission 1953–54; Commission on Marriage and Family Law 1956; Pakistan Women's Rights Committee 1976; Commission on the Status of Women 2000; Commission of Inquiry for Women 1997.

- The Guardians and Wards Act (1890), to provide equal rights of guardianship to both the father and mother as the natural or declared guardian, if otherwise not declared unfit under Section 41 of the Act. The current law only recognized the father as the natural guardian and not the mother, although she has right to lawful custody of the minor.
- The Code of Civil Procedure (1908) to discourage the tendency to resort to litigation based on false or vexatious suits or applications just to get undue benefits by recommending enhancement of costs for false or frivolous litigation.
- The Child Marriage Act (1929) by enhancing the punishment of imprisonment as well as a fine for the person who solemnizes a marriage with a child or an adult male who “marries” a girl child.

45. Under its Public Awareness Program the Commission has translated more than 150 Laws into simple Urdu for mass awareness, with special focus on laws relating to women. Work is being carried out on more than 200 other subjects for this purpose.

46. The Government of Pakistan has established a statutory endowment known as the Access to Justice Development Fund, located within the Law and Justice Commission. The AJDF has seven “windows” which support or fund activities and projects in the areas of legal and judicial research, legal empowerment, judicial training, institutional development of subordinate courts and promoting innovations in legal education.

47. 3. The Council of Islamic Ideology is a Constitutional body that advises the Legislature on whether or not a law is repugnant to Islam, namely to the Holy Qur'an and Sunnah.⁴ The Council has at least 8 and not more than 20 members (including the Chair) representing various schools of thought, having knowledge of the principles and philosophy of Islam as enunciated in the Holy Qur'an and Sunnah or having an understanding of the economic, political, legal or administrative problems of Pakistan with at least two of the members to be sitting or retired judges of the Supreme Court or a High Court and at least one member to be a woman. The current Council has three women members. The functions of the Council are described in annex II.

48. With reference to laws pertaining specifically to women, the Council of Islamic Ideology issued a publication on the Hudood Ordinances (1979) in 2006. In 2007, the Council issued a publication on Hudood Taziraat and the Recommendations of the Council. In 2008, the Council recommended amendments to the Family Laws. The Council held a workshop on Domestic Violence in 2008. The Council and the NCSW held a joint meeting on the issue of the live burial of women in Balochistan and on the issue of killing in the name of honor, condemning these acts.

Status of Hudood Ordinances

49. The National Commission on the Status of Women (NCSW) had reviewed these laws in 2002–2003. Recommendations of the Commission have led to several important amendments in these laws. On 1st December 2006 the Protection of Women (Criminal Laws Amendment) Act 2006 was enacted, making 30 important amendments to the Offence of Zina (Enforcement of Hudood) Ordinance 1979, the Offence of Qazf (Enforcement of Hudood Ordinance) 1979, the Pakistan Penal Code, The Code of Criminal

⁴ The Council of Islamic Ideology was established as the Advisory Council of Islamic Ideology on August 1, 1962 under Article 199 of the Constitution of the Islamic Republic of Pakistan (1962), which provided for the constitution of the Council (Articles 199–203), its functions (Article 204), rules of procedure (Article 205), and the establishment of the Islamic Research Institute (Article 207). The Council members are nominated for a 3-year term and are eligible for re-nomination.

Procedure and the Dissolution of Muslim Marriages Act (1939). The Act removed the crime of rape from the Hudood Ordinance and inserted it in the Penal Code instead.

Status of the Qanoon-e-Shahadat Order 1984 (Law of Evidence)

50. The Law of Evidence (Qanoon-e-Shahadat) has been criticized as being discriminatory in two respects: first, that it has left on the discretion of the Courts to decide the competence of a witness in accordance with the qualifications prescribed by the injunctions of Islam (Article 17(1), Qanoon e Shahadat Order 1984) and second, that it has halved the value of women's testimony in the case of financial transactions if they are reduced to writing (Article 17(2), Qanoon e Shahadat Order 1984).

51. Article 17(1) of Qanoon e Shahadat deals with the competence and number of witnesses.⁵ The law gives discretion to the Courts to decide the competence of a witness in accordance with the qualifications prescribed by the injunctions of Islam. The provision of Article 17 (1) is not discriminatory against women as this is a general provision and the same criteria for a witness applies under this Law, whether a witness is a woman or man.

52. In rape cases no specific number of witnesses is required for proof of fact and findings may be based on the testimony of a single witness. The Supreme Court in 2007 SCMR 473 Mushtaq Ahmed Vs State held that the statement of a victim in a rape case was sufficient to connect the accused with the commission of offence, if the statement of the victim inspires confidence. Similarly Supreme Court in 2007 SCMR 605 Ibrar Hussain and others Vs State held that conviction can be awarded in rape, on the sole testimony of the victim, subject to the condition that the statement of the victim must inspire confidence.

53. As far as cases of zina are concerned, the law requires that four adult Muslim male witnesses, about whom the Court is satisfied, with regard to the requirements of tazkiyah al-shuhood (reliability of the witness), that they are truthful persons and abstain from major sins (kabitir), and give evidence as eye-witnesses of the act of penetration necessary to the offence. The intention of this strict injunction is to protect women from the false allegation of zina. It is pertinent to mention here that the requirement of tazkiyah al-shuhood is applied only to cases falling under the category of Hadd and not where offence is dealt with Tazir.

54. As per Article 17(2), Qanoon e Shahadat Order 1984, which has been criticized on the basis that it has halved the value of women's testimony in the case of financial transactions if they are reduced to writing, according to the Financial Institutions (Recovery of Finances) Ordinance 2001 Section 18, "Notwithstanding anything contained in this section or any other law, the Banking Court shall not refuse to accept into evidence any document creating or purporting to create or indicating the creation of ... any obligation by a customer ... merely because it is not ... attested or witnessed as required by Article 17 of

⁵ Qanoon e Shahadat Order 1984 (Law of Evidence): Article 17: Competence and number of witnesses

(1) The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance with the injunctions of Islam as laid down in the Holy Quran and Sunnah;

(2) Unless otherwise provide in any law relating to the enforcement of Hudood or any other special law:

(a) In matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men, or one man and two woman, so that one may remind the other if necessary and evidence shall be led accordingly; and

(b) In all other matters the Court may accept, or act on the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

the Qanoon-e-Shahadat 1984 (Law of Evidence). Section 18 of the Banking Ordinance prevails over Article 17 of Qanoon-e Shahadat) as it has an overriding effect therefore the question/ issue of making half the value of women's testimony does not arise.

Status of the Citizenship Act (1951)

55. With reference to Section 10 (2) of the Citizenship Act, which does not allow a non-Pakistani husband to acquire Pakistani citizenship when married to a Pakistani woman, the Federal Shariat Court took suo-moto action and in its judgment FSC 2008 PLD 1 held this Provision to be discriminatory, ruling that it negated gender equality and was in violation of Articles 2-A and 25 of the Constitution. It also violates international commitments and, most importantly, is repugnant to the Quran and the Sunnah. The Court required the President of Pakistan to take suitable steps for the amendment of Section 10 (2) and other provisions of the Citizenship Act (1951) within a period of six months, ensuring the appropriate procedure for granting Pakistani nationality to a foreign husband married to a Pakistani woman. Currently the matter is subjudice before the Supreme Court as a result of an appeal filed by the Ministry of Interior after the judgment of the Federal Shariat Court.

56. On 10th June 2008 a Private Member's Bill was also laid before the National Assembly to eliminate discrimination against women in the Citizenship Act (1951). The Bill was later referred to the Standing Committee on Interior.

Paragraphs 18 and 19: Actions taken to ensure the implementation of the revised laws Implementation of revised laws

57. Ensuring that everyone concerned is fully informed about new or amended legislation is the first step in implementing new or revised laws. Once a Law is enacted, it is published and notified in the official Gazettes and circulated to all concerned. Laws are made available to the general public to ensure widespread awareness. New and amended Laws are also published in the monthly Law Journals to which lawyers refer in preparing their cases. The judges also become aware of such changes during the course of litigation. Training on new and amended laws is given through the Federal Judicial Academy, an institution which provides orientation and training to new Judges, Magistrates, Law Officers and Court personnel.

58. New laws are included in the syllabi of the National Police Academy and the Police Training Schools and Colleges. Periodic refresher courses are offered and for promotion it is necessary to successfully complete a 4-month course which includes the Law.

59. There is a Legal Branch of the Police force in every District, headed by a Superintendent or Deputy Superintendent of Police. This Branch gives opinions and provides comments to police departments in cases under trial (or under judicial fora). The legal Branch is responsible for informing all concerned Police officers in a District about amendments to existing laws or new laws. Information about new legislative measures is circulated to all Police Stations in every District. All cases related to offences against women are registered under the new Laws. Any Police action taken under a repealed law is illegal. If an offence is registered without taking into account a new or amended Law, the situation is rectified during the Court proceedings.

60. In recent years, the formulation of legislation pertaining to women has been through an in-depth consultative process. Many discussions were held in the electronic and print media during the formulation of recently-amended Laws. This process provided a forum for opinion-gathering from stakeholders, including lawyers, law enforcement agencies and civil society and it raised public awareness of the new laws.

61. The proceedings of the Parliament are broadcast on the State Television which has coverage throughout Pakistan. New Laws enacted are also published in the news papers and discussions are held on television on new and amended laws and their implications.

62. MoWD and NCSW have also held awareness campaigns on new and amended Laws which concern women in particular. For example, brochures and posters were printed for the dissemination of information after the enactment of the Women Protection Act (2006) and the Criminal Law Amendment Act (2004).

63. Several CSOs offer workshops on gender discrimination and laws pertaining to women for lawyers and members of law enforcement agencies.

64. For the first time in the history of Pakistan, the previous Parliament completed its 5-year term. This continuity provided an excellent opportunity for the public to become informed about the legislative process.

Constraints and challenges

65. Financial and other constraints faced by the government including natural disasters have impeded planned awareness raising programs.

Paragraphs 20 and 21: Capacity Building of the Ministry of Women Development Strengthening the National Machinery

66. The Ministry of Women Development (MoWD) is the national focal machinery for the advancement of women and the implementation of both the National Plan of Action for Women and CEDAW. The Provincial Women's Development Departments (WDDs) are the focal Departments at the provincial level to co-ordinate the implementation and reporting of CEDAW related activities in the Provinces.

67. A series of inter-connected initiatives to strengthen the national machinery has taken place since the submission of the previous report. These build on each other in terms of learning from experience and responding to emerging issues. Some of these have been initiated directly by MoWD; others will contribute directly to implementing the Ministry's mandate and thereby improve the overall administrative and policy environment in which the MoWD implements its mandate.

68. The National Plan of Action (NPA) for Woman was launched in 1998 and will continue until 2013. The NPA Implementation Matrix (1996–2002) identifies the actions required to improve the legal, social and economic situation of women and girls and identifies the actors required to take the lead in implementing initiatives. The activities outlined in the NPA Implementation Matrix have been absorbed into the strategic planning of the MoWD and a new Matrix is presently being formulated.

69. Implementation of the NPA has also been incorporated into successive Five Year Plans and into the Mid-Term Budgetary Framework, the Mid-Term Development Framework and the Poverty Reduction Strategy Paper. In some Provinces, the NPA staff has been mainstreamed into the Women Development Department, thereby strengthening the focus on the NPA.

70. The 'Gender Mainstreaming in Planning and Development Division's Project (2005–2007) was initiated in order to mainstream gender concerns within all government policies, plans and projects. The Project addressed gender mainstreaming at every stage, from formulation and implementation through to monitoring and evaluation. In addition to significant capacity-building activities for mid-level and senior government officials, the Project contributed to the establishment of gender-disaggregated databases by establishing an ICT Computer Laboratory at the Federal Bureau of Statistics in Islamabad. This has made it possible to compile disaggregated social-sector statistics. The Project also

established a link with the Population Census Organization for the purpose of ensuring the availability of gender-disaggregated data for planning and development purposes through the next Population Census.

71. The Project hosted an international Conference on Gender Mainstreaming in Planning and Development, in January 2007, with nine countries represented.

72. After completion of the term of the previous Chairperson, a new Chairperson of the National Commission on the Status of Women (NCSW) was appointed in March 2009. As noted above, the NCSW examines laws, policies and programs which have a bearing on the situation of women and recommends ways and means of ensuring their effective impact. The Commission also initiates and/or encourages research and analysis of issues concerning women.

73. The NCSW has proposed several amendments to the (2000) Ordinance suggesting that the Commission be autonomous and that it have quasi judicial capacity to make it more effective. These amendments have been endorsed by the Prime Minister and the Women's Caucus.

Training on gender issues

(a) MoWD training on gender issues

74. The MoWD Capacity Building Project (2005 to December 2009) focuses on human resource development and policy planning. The goal is to enhance the MoWD and the Provincial WDDs in mainstreaming gender into the Government of Pakistan's policies, plans, projects and programs in priority areas of the National Plan of Action and the Poverty Reduction Strategy Paper.

75. The courses have included 'Gender Analysis and Application in Development Policy and Practice', 'Engendering Management Competencies and Making Government Gender Responsive' and 'Gender Audit Facilitation'. Ministry officials have also attended sessions on the SAARC Gender Database, Human Trafficking, Reproductive Health Issues, Micro Finance and Violence Against Women.

76. The participants include regular staff of the MoWD, members of significant time-bound projects of the Ministry, including GRAP, CEDAW, NPA and the Women's Crisis Centers (renamed the Shaheed Benazir Bhutto Women's Crisis Centers in 2009), as well as staff of other Line Ministries. The training programs contribute to the long term institutionalization of awareness on gender issues.

77. One recent outcome of the project is the establishment of a Learning and Practice Alumni Network, which will enable the MoWD to contribute to the management of gender knowledge and enable it to enhance its mandate and create gender equality niches in key institutions.

(b) MoWD Needs and capacity assessment

78. MoWD initiated a needs and capacity assessment in June 2007. The resulting report recommended the reorganization and rationalization of positions in the Ministry for capacity building purposes. The recommendations of the report were approved by the Cabinet at the end of 2008. When implemented, these changes will bring additional and specific skills into the Ministry, enabling it to optimize the management of its existing portfolios and to meet its expanding commitments.

Establishment of a mechanism for an accountability and implementation of NPA and GRAP

79. A National Steering Committee on Gender Mainstreaming is the body responsible for supervising and monitoring the implementation of the NPA, the National Policy on the Development and Empowerment of Women and all other national and international commitments, including CEDAW. The Steering Committee's members include the Cabinet Ministers and Secretaries of the Ministries of Planning and Development, Finance, Law and Justice, Labour, Information, and the Establishment Division. The four Provincial Chief Secretaries are also on the Committee.

80. The Steering Committee is responsible, inter-alia, for assisting MoWD in co-ordinating the cross-sectoral objectives of women's development, including the elimination of gender-focused inequalities. A significant aspect of the Committee's role is to ensure effective communication between the elected Government and the Bureaucracy, in implementing gender-focused policies.

Inter-Provincial Inter-Ministerial Group for women's development

81. An Inter-Provincial Inter-Ministerial Group was initiated in April 2009 to develop and implement a national strategy for eliminating discrimination against women. The Inter-Ministerial Group will:

- Share experiences and peer learning on best practices and on challenges in policy-making
- Develop strategies for implementing the Government's gender agenda in light of Pakistan's national and international commitments, in particular CEDAW, the NPA and National Policy on the Development and Empowerment of Women (2002)
- Initiate the establishment of independent Provincial Women's Development Departments in order to enable them to assume a stronger role in ensuring women's empowerment
- Promote the goals of gender equality so as to effectively address the challenges relating to gender discrimination, women's human rights and women's participation in all spheres of life

Programs to implement MoWD's mandate

82. The programs described in the following paragraphs have been implemented to strengthen the program and policy environment, thereby enabling MoWD to implement its mandate more effectively.

NICGAP

83. The MoWD initiated a project titled 'Working Toward Achieving the National and International Commitments on Gender and Poverty Issues' (NICGAP). In place from 2005 to 2008, NICGAP worked to enable the MoWD to "develop an integrated approach toward gender mainstreaming and to implement policies and projects in compliance with national and international commitments on gender, poverty and equality issues". One of the objectives was to implement and monitor the NPA, CEDAW and GRAP, according to time-bound goals.

Women's Political School Program

84. The Women's Political School (WPS) Program was initiated by the Ministry of Women Development in 2001 for the women councilors as a result of reservation of 33%

quota for women in the Local Government Ordinance (2001). The objective of the WPS Program was to enable the elected women Councilors to fulfill their responsibilities.⁶

85. As of March 2007, 83% of all the women Councilors (23,022 out of 27,703) in all the Provinces had been trained. The WPS Program also conducted Gender Sensitivity workshops for Government line agencies and NGOs and trained 12,000 Union Nazims (Mayors) and Naib (Assistant) Union Nazims. Phase III of the WPS began in 2007 and will continue until 2012.

86. One output of the WPS program is a Women Councilors' Data Profile⁷ elected in 2005. The data profile shows, inter-alia, that a number of highly qualified professional women hold elected office in the Local Government.

Gender Reform Action Plan

87. The Gender Reform Action Plan (GRAP) was approved by the Cabinet in May 2005 and became operational in January 2007. GRAP is one outcome of the National Plan of Action and CEDAW. Implementing GRAP is one of the key gender and development objectives of the Mid-Term Development Framework (2005–10). Other background details of GRAP were provided in the combined Initial, Second and Third Reports.

88. The GRAP project phase one⁸ reforms are focused on: institutional re-structuring; policy and fiscal reform, including budgeting and public expenditure mechanisms, increasing and improving women's employment in the public sector and improving women's political participation. Capacity building interventions relevant to all four interventions are integral to the project.

89. The National GRAP implementing partners are: the Ministries of Finance, Planning & Development and Law & Justice, Information & Broadcasting, Education & Establishment Division.

90. The Ministry of Women Development and the Provincial Women Development Departments have formulated a National and four independent Provincial Gender Reform Action Plans. The Provincial GRAPs work to implement District-level gender reforms.

91. Under the National GRAP the Ministry of Women Development has established Gender Development Sections (GDSs) in Finance Division, Establishment Division, Planning and Development Division, Ministries of Law and Justice and Information and Broadcasting. These are intended to create the capacity for gender analysis, planning, mainstreaming and inter-Ministerial co-ordination by examining all existing and new programs, projects, budgets, and organizational structures from the perspective of their impacts on social development, human rights and women's development.

92. All GD Sections have conducted intensive gender-sensitization training programs for employees within their Ministries/Divisions. They have also worked to build conducive physical and professional working environments for women employees. This includes day-care centers, rest rooms and separate washrooms for women.

93. A gender sensitization/orientation was conducted for the potential implementing partners: i.e. the Ministries of Food Agriculture and Livestock, Interior, Population

⁶ The Local Government Ordinance has applied to the four Provinces since 2001 and to the Northern Areas since the elections of 2005. The LGO does not apply to FATA.

⁷ UNDP 2007.

⁸ Phase one of the GRAP was originally for the period 2005–08; however it was extended to 30th June, 2010.

Welfare, Industries & Production, Education and Labour & Manpower, the Election Commission of Pakistan, and the Provincial Women Development Departments.

94. The GDS in the Finance Division's External Finance and Policy Wing was established in May 2007. It focuses on key reforms in fiscal policy and public expenditures to strengthen gender mainstreaming in the budgeting process. The GDS has constituted a Gender Mainstreaming Committee to reduce gender inequalities and to strengthen the process of achieving international gender-focused commitments for Gender Equality. It is also contributing to the Division's development of poverty mitigation strategies. The Finance Division GDS is in the process of commissioning research on (i) the development of risk mitigation strategies on defined gender safety nets as part of the PRSP process, aimed at countering the feminization of poverty and (ii) the impacts of structural adjustment, free trade and PRSP on women in Pakistan.

95. Pre-budget seminars were held to disseminate the Government's commitments to gender mainstreaming in the 2008–09 Budget; to emphasize the importance of the Mid-term Budgeting Framework and to share the intended impact on policy of the gender-sensitive budgeting and gender initiatives.

96. The GDS in the Ministry of Information and Broadcasting has conducted a media campaign on gender issues.

97. Women's employment in the public sector is one of the key reforms of the GRAP. The National GRAP objectives for Phase 1 include implementing a public awareness strategy on GRAP and increasing the quota for women in the Central Superior Services from 5% to 10% in July 2006 as well as the reservation of a 10% quota across the board for the Federal Government Service in 2007.

98. A National Steering Committee for Gender Mainstreaming has been formed: its purpose is to guide the concerned Ministries, Divisions and Departments in their efforts to increase the effectiveness of the organizations' gender mainstreaming policies and strategies. The Steering Committee members include the Provincial Chief Secretaries and the Secretaries of Six Ministries and Divisions. The Committee is chaired by the Minister for Women Development.

Actions by provincial GRAPs

99. The Sindh GRAP administers a Revolving Fund, established by the Women Development Departments and the Government of Sindh Women Development Department. The fund provides bail and pays fines for indigent women and juvenile prisoners in jails throughout Sindh. One hundred and ninety women and children have been released so far. Funds to the tune of Rs. 31 million in 2009–10 have been released to all 23 Districts for setting up GRAP offices and upgrading bathrooms and other facilities for women. Complaint Centers for hearings and counseling women victims of violence have been set up in five Districts and a 'half way home' is planned to help female victims of violence and addiction return to the mainstream of society. Vocational training in Entrepreneurship, Secretarial and Beautician skills has been offered to close to 900 women. A large development Complex has also been set up in Benazirabad (Nawabshah) to provide computer and cottage industry training to women as well as to encourage a common meeting ground for extracurricular activities and sports. Subsidized hotels hostels for working women are also being established in interior Sindh. The Department is also currently planning a free mediation week in collaboration with 'Karachi Centre for Dispute Resolution' to provide alternate dispute opportunities to women in Sindh.

100. The Project Management Unit of the Punjab GRAP has established a Gender Mainstreaming Committee, whose members are the Secretaries of eight Line Departments. A District Gender Mainstreaming Committee has also been established. A Directorate of

Women's Development has been established to strengthen the Department of Social Welfare, Women's Development and Bait-ul-Maal. Eighteen District Women's Development Departments have been established. The Punjab PMU has also established career development centers in four Universities in Punjab. These are intended to prepare women students for careers in the public sector.

101. As part of the Punjab GRAP, the Provincial Home Department has implemented a large-scale print-media initiative (May 2007 to March 2009) which sensitized readers about gender budgeting, gender justice, gender and development, the need to eliminate violence against women, and gender and Islam. It held orientation sessions and seminars in various cities of Punjab. These have been attended by members of the District Governments, prison administrators, members of Provincial Government Departments, law enforcement officers and men and women prisoners. Legal literacy has been one of the significant aspects of these seminars.

102. The Balochistan GRAP has formed Gender Mainstreaming Committees in 24 Districts and has utilized the Gender Development Grants in these Districts.

District-level Gender Development Grants

103. The 2005-06 National GRAP budget provided for Rs. 250 million to be disbursed as Gender Development Grants to 111 District Governments (Rs 2.25 Million per Districts). Use of the grants is determined by the majority of the elected women Councilors on the District Councils. The completed projects include the establishment of District Resource Centers to enable elected women Councilors to function more effectively, as well as Computer Literacy Programs, Vocational School Enhancements, Training and Rehabilitation Centers, Community Halls for women Councilors, women's Public Libraries, Industrial Homes and the provision of medicines and equipment for women's hospitals.

GRAP monitoring and evaluation

104. Monitoring and Evaluation of GRAP is done at four levels, including within the MoWD. The functioning national and Provincial GRAPs have their own Monitoring and Evaluation Units. The Planning Commission produces quarterly Monitoring and Evaluation Reports for various development projects which include GRAP.

105. A third Party Evaluation of GRAP has been scheduled for the third quarter of 2009.

Gender Responsive Budgeting initiative

106. The Government of Pakistan is fully committed to introducing and institutionalizing Gender Responsive Budgeting (GRB). This is reflected by the fact that key policy documents i.e. the Poverty Reduction Strategy Paper (PRSP), Medium Term Budgetary Framework (MTBF) and Gender Reform Action Plan (GRAP) highlight Gender Responsive Budgeting as an approach to mainstreaming gender dimensions into all the stages of the budget cycle. With this backdrop, Gender Responsive Budgeting Initiative (GRBI) project was initiated in 2005 by the Ministry of Finance, Government of Pakistan, with the technical and financial support of UNDP and its cost sharing partners. The GRBI aims to mainstream gender into all stages of the budget cycle and involves analysis of the differential impacts of public expenditure as well as revenue policy on women and girls, and men and boys, respectively.⁹ GRBI initially focused on the Federal and Punjab budgets for Education, Health and Population Welfare. With the end of the GRBI Pilot in

⁹ *Gender Responsive Budgeting in Pakistan: Experience and lessons learned*. November 2007.

December 2007, the project has been merged into the Strengthening the Poverty Reduction Strategy Monitoring project. Gender Responsive Budgeting continues as one of the major components of this project. Under the Strengthening PRS Monitoring project the scope of GRB has been extended not only to all the four provinces but also to a number of sectors.

107. A number of gender responsive budgeting tools have been utilized: Gender-Aware Policy Appraisal (GAPA); Gender Aware Beneficiary Assessment Survey (conducted in 2 Districts of Punjab Province) and Gender Budget Statement (GBS). Similarly a Gender Aware Beneficiary Assessment and a Gender Aware Policy Appraisal of the Education Sector in Sindh have been recently carried out under the Strengthening PRS Monitoring Project. The first Gender Budget Statements for the Federal Government and for the Province of Punjab were prepared for 2006–07 and 2007–08. This was a significant achievement as it helped develop budgets that are more responsive to the needs of women and men, girls and boys. The development of a Federal Gender Budget Statement was also carried out.

108. The Ministry of Finance revised its Budget Call Circulars in 2007–08 in line with the Mid-Term Budgetary Framework. MTBF is a form of budgeting that aims to align budgets with policies, and to do so over a rolling three-year period rather than for a single year budget as in traditional budgeting. The MTBF approach places a lot of emphasis on the outcomes or impacts of government policies and budgets. Gender Responsive Budgeting is based on aligning operations with policies that promote gender equality. Outcomes and impacts are also at the heart of gender responsive budgeting (GRB) work. Since GRB fits in well with the MTBF approach, it provides a window of opportunity for introducing gender responsive budgeting in the government’s budget cycle. As a result Gender Sensitive Amendments in the MTBF Budget Call Circular were incorporated under GRBI and have been further reinforced in the BCC (2009–10) under the Strengthening PRS Monitoring Project. These measures will address the common complaint that gender is ‘invisible’ in the budget.

Mainstreaming gender in the Poverty Reduction Strategy Paper II

109. The PRSP articulates a comprehensive framework including policies for rural development, gender issues, employment and the environment. Review and finalization of gender related indicators of the M&E framework of the PRSP-II document has been done with the institutionalizing of the Gender Technical Working Group under the Strengthening PRS Monitoring project. The Government’s determination to empower women and reduce gender disparities is a crosscutting theme and is regarded as an integral part of the PRSP-II. The same holds true for the MTRF and Vision 2030.

Gender-Based Governance Systems Program (GBGS)

110. The Government has operationalised the Gender-Based Governance Systems Program (2008 to 2012). This builds on the ‘Women’s Political School Program’ and ‘Gender Mainstreaming’ in the Planning and Development Division and the Provincial Departments. The Implementing Partners are the Ministry of Women Development, the Planning and Development Division and the Provincial Departments of Local Government and Planning and Development. This Program addresses the NPA areas of concern on women and poverty, violence against women, women and the economy, women in power and decision-making and institutional mechanisms for the advancement of women, through building sustainable partnerships for systematic and methodological analysis of gender sensitive issues.

111. The intended outcomes of the GBGS are:

- Empowered and capacitated current and potential duty bearers, particularly women at the Federal, Provincial and Districts levels, own and promote devolved gender based governance
- Strengthened Civil Service Training Institutions contributing to Civil Service reforms and gender based governance
- Credible and sustainable monitoring systems for gender-based governance

112. The GBGS program will target relevant Training Institutes and Government Departments to ensure that they are able to devise and deliver high-quality training to public representatives and officials.

Paragraphs 22 and 23: State must ensure that Qisas and Diyat have no application in cases of violence against women

113. The Criminal Law (Amendment) Act 2004 amended the Pakistan Penal Code and the Criminal Procedure Code to define ‘honor killing’ in the law, to define karo kari as murder and to establish punishments for committing ‘honor killing’.¹⁰

114. ‘Honor killing’ is now included in the definition of fasad-fil-arz (social disorder) with a minimum penalty of 10 years and a maximum of 14, laid down as tazir [“law of the land”].

115. Section 311 of the Penal Code empowers the Court to punish an accused even after the waiver or compounding by the heirs or/walis of the deceased by way of tazir with death, or imprisonment for life, or imprisonment of either description for a term which may extend to fourteen years as tazir.

116. The Court has the discretion to award a penalty in cases where the right of qisas (retribution) has been waived or compounded¹¹ by the families involved. Critics argue that this right should not be a matter of the Courts’ discretion; rather, it should be mandatory that the Courts hand down appropriate penalties to convicted perpetrators of “honor killing”. The argument is that crimes against women will continue to be committed by family members so long as people think they will escape prosecution and conviction.

Judgments on ‘Honor Killing’

117. The Superior Courts have handed down judgments in cases of violence against women and the perpetrators have been punished for the offences they have committed, in cases of “honor killing”. Some of the judgments handed down in such cases between 2005 and 2008 are shown below:

- The Lahore High Court in 2005 PCRLJ 937 Mohammad Nawaz Vs State held that “no court would encourage honor killings”.

¹⁰ As noted in the previous Report “the *lacunae* in the Qisas and Diyat law have been removed to a large extent through the enactment of the Criminal Law (Amendment) Act, 2004. The Criminal Law (Amendment) Act amends Sections 299, 302, 305, 308, 310, 311, 316, 324, 337, 338 of the Pakistan Penal Code (PPC) and Sections 345, 401 of the Code of Criminal Procedure to ensure more effective prosecution of cases of so-called honor killings. The Act also inserts a new section (310A), which punishes the giving of females in marriage as part of a compromise to settle a dispute between two families or clans with rigorous punishment that may extend to 10 years but shall not be less than three years. Two Sections have also been added to the CrPC.

¹¹ “Compoundable” is defined as “open to compromise as a private matter between two parties by providing for *qisas* (retribution) or *diyat* (blood money)”.

- The Lahore High Court in 2006 PCRLJ 1945 Bashir Vs State held that “contention of the accused/appellants that murder was committed on account of ghairat [honor] which created mitigating circumstances in favor of accused, was neither sustainable from record nor the same could be declared a mitigating circumstance for awarding lesser punishment.
- The Lahore High Court in 2008 YLR 227 Subah Sadiq Vs State held that “The accused had admitted to having murdered both the parents and their son out of Ghairat under grave and sudden provocation to save the prestige and honor of their brotherhood, as the parents were living together without Nikah ...” No mitigating circumstance existed in their favor ... Convicting and sentences of accused were upheld in the circumstances.”
- The Lahore High Court in 2009 PCRL LJ547 Kamal Shah Vs the State held that ‘Murder based on “Ghairat” [is] not a mitigating circumstance for awarding a lesser sentence ... Neither the law of the land nor religion permits so-called “honor killing” which amounts to murder (Qatl-i-Amd) simpliciter.

118. The Domestic Violence Prevention and Protection Bill 2009 was approved by the National Assembly and accordingly was sent to the Senate for endorsement. However, it could not be presented in the Senate within 90 days and according to Rules of Procedure a Mediation Committee is being set up. Through this Bill domestic violence has been recognized as illegal and wrongful. Initially the drafting of the legislation on domestic violence was taken up by the Ministry of Women Development. The draft Bill was circulated to the concerned Ministries and Divisions and Provincial Departments. The civil society organizations have been engaged in the consultative process throughout the process of drafting the legislation. Later the Bill was introduced as a Private Member’s Bill by a woman member of the National Assembly.

119. The following are the key features of the Bill:

- A comprehensive definition of domestic violence has been given under Section 4 recognizing it as a crime against women
- Section 5 deals with who can make the complaint: An aggrieved person or any other person authorized by the aggrieved person in writing on this behalf may present an application to the Court
- Section 7 gives the aggrieved persons the right to reside in the household from which the aggrieved person shall not be evicted without consent, whether or not he or she has any right, title or beneficial interest in the same
- The remedies provided for Domestic Violence are Protection, Residence Orders, Monetary Relief and Custody Orders with the penalty for breach of the Protection Order on the first occasion being a minimum of 6 months in prison and/or a fine of PKR 100,000, and on a second or subsequent occasion a minimum of 1 year in prison and/or a fine of PKR 200,000
- A Protection Committee at the Tehsil level will be formed to implement the Act consisting of one Police Officer male or female of the rank of Sub-divisional Police Officer, a female SHO and two women councilors from the Tehsil Council concerned and the Protection Officer who shall also act as the Secretary of the Protection Committee
- A Protection Officer is to be appointed to make domestic incident reports to the Protection Committee, to make applications to the court, to ensure legal aid is provided to the aggrieved person, and to ensure that the order for monetary relief is complied with and executed

- Prominent role of service providers with privileges and immunities of the Protection Committee
- Penalty for filing a false complaint punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both
- Comprehensive duty of Government to ensure effective implementation, including a recognized role of the National Commission on the Status of Women

120. Major amendments have been made in Hudood Ordinances by the enactment of The Protection of Women (Criminal Laws Amendment) Act 2006. The Law has:

- Separated the offences of Hudood and Tazir
- Separated rape from fornication and adultery, with fornication being inserted in the Pakistan Penal Code as a Tazir offence
- Changed the procedure of complaint for zina and qazf (false accusation of adultery)
- Conversion of a case has been disallowed i.e. no complaint of zina is liable to hadd in the zina Ordinance. Nor can the allegation of rape be converted into a complaint of fornication under the Pakistan Penal Code and vice versa at any stage
- Simultaneous conviction under qazf and amendment in the definition of zina has been made

Impact of the Protection of Women (Criminal Laws Amendment) Act 2006

121. In depth consultations were held during the formulation of the Act, leading to increased public awareness. The Hudood Ordinance was criticized on the basis that a victim of rape used to be charged with zina, where she could not prove a case against her for rape. Prior to amendments to Hudood Ordinances one could see more cases of zina in newspapers and otherwise. However, no formal study has been carried out to assess the impact after the enactment of Women Protection Act 2006. The separation of zina from rape has resulted in the law being implemented more effectively, for example, in Balochistan,¹² since the Law was promulgated not a single case of zina has been reported. Instead, those cases are reported as rape. Now more women are receiving justice instead of being both victim and accused.

Gender sensitive trainings be carried out for public officials including law enforcement agencies, judiciary and health service providers

122. Awareness and training workshops on Laws, International Instruments, gender sensitization, political participation and Family Laws have been organized. Participants included employees of the Women's Development and Social Welfare Ministries and other Government Departments.

123. The Police Department has taken on board the need to incorporate gender-awareness and sensitivity in all of its training programs. Gender issues are now integrated into the curriculum of the National Police Academy and Provincial Police Colleges and Schools.

124. In 2005–06 the Ministry of Women Development initiated a series of workshops with District Police Forces, focused on the need for gender awareness, issues of violence against women and how the police should respond to victims. The workshops also

¹² According to the Registrar of the Balochistan High Court.

discussed the laws relating to domestic violence, trafficking and “honor” killing. The workshops were organized by CSOs under the guidance of the MoWD.

125. The National Institute of Management (formerly the National Institute of Public Administration), where mid-level Civil Service officers are trained before being considered for promotion, organizes lectures by members of the Government and women’s rights activists on CEDAW and other human rights instruments.

126. Efforts are underway to engender the existing course curricula of the Judiciary. Ongoing capacity building courses are held by the Federal Judicial Academy for Judges under its Gender Based Training program. This program is funded by the Access to Justice Program under the Ministry of Law and Justice. These cover pre-service and in-service periods.

127. The Federal Government Secretariat Training Institute conducts annual capacity-building courses for officers. The modules on policies and gender-sensitization are delivered by experts from across the country.

128. Member Investigation Teams (MITs) function in all of the High Courts, under the supervision of the respective Chief Justice. They supervise the District Judges to ensure the maintenance of high professional standards. The MITs also monitor gender sensitivity and take up complaints about the lack of gender sensitivity where it occurs, and direct the early disposal of such cases.

Gender disaggregated data on all forms of violence against women

129. Collecting accurate gender-disaggregated data is an issue with most countries and Pakistan is no exception. While the data is attached as required by the Committee, it is taken from several sources that do not necessarily match with each other. Being mindful of the significance and implications of such data, Pakistan has undertaken a number of measures to ensure that disaggregated data is compiled and is made available to all. These measures include the sensitization and capacity building of the Federal Bureau of Statistics and the Population Census and aligning it with the SAARC gender database. This initiative is in process and will likely be fully operational shortly.

Gender Crime Cell

130. The Gender Crime Cell (GCC) was established within the National Police Bureau (part of the Federal Ministry of Interior) in April 2006. The creation of the GCC “demonstrates the Government’s strong commitment to take the steps necessary to combat violence against women and to foster the rule of law, women’s empowerment and access to justice”. The GCC gathers, collates and analyses data on violence against women, especially cases of gang rape, rape, abduction, kidnapping and “honor killings”. It also deals with cases of sexual harassment in the workplace. Having this central repository of data on cases of VAW is intended to assist policy makers to develop comprehensive and effective measures to control violence.

131. The Government had established the National Forensic Science Agency in 2006 in Islamabad to establish the identity of the perpetrators of physical crimes. The Agency has dealt with more than 200 cases so far. It is intended that the Laboratory will, amongst other things, reduce the sexual abuse of women in police custody.

132. The GCC’s data analysis shows an overall increase of 5% in reported crime from 2007 (7,436 cases) to 2008 (7,802 cases). However, reported cases of rape have risen by 25% and more cases of workplace harassment were reported. Reported cases of custodial rape decreased substantially from 80 in 2007 to 3 in 2008.

133. The Gender Crime Cell will establish a Child and Gender Justice Management Information System in 2009–10. This is intended to improve co-ordination and dialogue between the criminal justice authorities and all levels of government on crimes involving women and children. The GCC is preparing a National Strategy on Gender Issues.

Other measures to collect data

134. The Police have taken measures to collect disaggregated data at the district level. For example, in the Government of NWFP the Inspector General of Police has placed separate ‘report registers’ to file complaints of all cases against women and another set of registers for complaints against children.

135. There is a specific provision in the NWFP’s proposed PCSW Bill for establishment of database for victims of violence against women.

136. The National Police Bureau has established a Steering Committee on Human Rights and Gender Issues. Its members include the Gender Focal Persons from Police Departments across the country and senior members of the Bureau. The Bureau is engaged in formulating strategies and programs to eliminate violence against women. The establishment of the Gender Crime Cell is a significant aspect of this effort.

137. The National Police Bureau has also established a Complaints Cell, which processed over 400 complaints against the Police. Departmental proceedings are initiated against police officers found guilty.

138. The End Violence against Women (EVAW) Alliance is also working in Pakistan. Its members are representatives of Civil Society and the Government (the Ministry of Women Development, Ministry of the Interior, the Gender Crime Cell and serving senior police officials).

Gender Justice and Protection Project (2007–11)

139. The Government of Pakistan has initiated the Gender Justice and Protection Project¹³ which is intended to “contribute to sustainable reduction in violence against women in accordance with the Government’s policy commitments.” The GJP is presently funding 12 projects that focus on: awareness raising and legal aid on inheritance; anti-trafficking measures through government agencies and CSOs; supporting the White Ribbon Campaign; research on forced hospitalization of women in mental hospitals and the establishment of Anti-Karo-Kari Cells by the Sindh Police. The project’s implementing partners include District Governments and Federal Ministries.

140. The second round of GJP project (2008–09) will extend the scale, scope of issues, geographical coverage and the number of partnerships.

141. A CSO in Karachi has begun a 3-year project funded by the Gender Justice and Protection Project, which will establish a helpline for women survivors of violence, abuse and exploitation in 3 Districts of Sindh. The Project will help women victims of violence such as attempted Karo-Kari (“honor killing”), illegal confinement, domestic violence, trafficking, sexual and physical abuse, murder and kidnapping. The Project will raise awareness on the issue of violence against women. It will also establish linkages with the police and other authorities responsible for supporting women in crisis.

¹³ A component of the UNDP Gender Support Programm, funded by the UK Department for International Development and implemented by UNOPS.

142. Under the same program another CSO in Sindh is addressing the issue of women being forcibly hospitalized in a psychiatric hospital in Hyderabad. The 6-month project will determine how prevalent this kind of action is, and will propose measures to minimize the number of forced hospitalizations. The project will also draw public attention to this aspect of violence against women.

Standard Operating Procedures for the police regarding gender issues

143. Standard Operating Procedures (SOPs) on the treatment of women who approach the Police have been adopted by the National Police Bureau, after several rounds of consultation. The SOPs define gender-based violence in comprehensive terms and cover all aspects of a situation in which a woman suffers from violence of any kind.

Ministry of Women Development's Shaheed Benazir Bhutto Crisis Centers for Women in Distress

144. The Ministry has established 23 Crisis Centers (renamed Shaheed Benazir Bhutto Crisis Centers for Women in Distress in 2009) which provide support services for women who are the victims of violence, aggression and abuse. The Centre in Islamabad has a residential facility attached to the Crisis Centre. In 11 Districts, victims of violence who require shelter are accommodated for one or two days, while in all Districts, anyone needing long-term refuge and care is accommodated at the Dar-ul-Aman. Budget allocations have recently been made for new shelter homes in Karachi and Lahore.

145. In addition to its regular professional staff, each Crisis Centre has a 13-member Committee (10 NGO members and 3 ex officio) which provides operational guidance to the Centre.

146. The Centre staff provides whatever help the woman and her family require, including medical and legal aid and psychological counseling. In order to mitigate abusive home environments, the Centers also provide counseling to husbands and other family members. Women can receive training in vocational skills and computer literacy if they wish.

147. The MoWD is in process of finalizing an SOP with a CSO that will be in line with CEDAW General Recommendations 12 and 19, for providing protective and support services for victims of gender-based violence.

148. The MoWD has entered into a 3-year agreement with the same CSO, which specializes in psychological support for women suffering gender-based abuse. MoWD and the CSO will train the Crisis Centers' staff in most appropriate and supportive ways of helping the women who come to the Centers.

149. The cases of violence and issues related to violence, reported by the MoWD's Crisis Centers from July 1st 2005 to June 30th 2008 are shown in Annex A, Table 1.

Constraints and challenges

150. As is the case in many countries, VAW is also a complex matter in Pakistan. Concern about violence constrains women of all ages and is a contributing factor in limiting women's mobility and therefore, their access to education, employment and some public services. The honor of families resides in large part in its women members and men's control of women stems in part from this social fact. Efforts to eliminate and initially to alleviate violence against women will require profound social change. Until this change takes root, women's human and civil rights will continue to be violated. The legislative and institutional changes outlined above contribute significantly to bringing about this social change.

**Paragraphs 24 and 25: Elimination of informal dispute resolution forums (jirgas):
Judgment of the Supreme Court to eliminate informal dispute resolutions forums be
implemented and members who have participated in decisions that constitute violence
against women are held accountable**

151. The judgment referred to by the Expert Committee was given by the Sindh High Court in April 2004 as 2004 PCRL 1523. According to that judgment the decision of a jirga declaring a valid piece of law as unlawful usurped the powers of the Courts and the Parliament. According to Article 201 of the Constitution, “any decision of a High Court shall, to the extent it decides a question of law or is based upon or enunciates a principle of law, be binding on all Courts subordinate to it”. The judgment is therefore binding on all subjects within the jurisdiction of the Sindh High Court, but not on Courts elsewhere.

152. Jirgas and Panchayats are informal dispute resolution mechanisms that have existed in Pakistan for centuries. In rural areas, especially for the poor and illiterate, access to the formal legal system is slow, complex and expensive. Under the best of circumstances these informal mechanisms dispense speedy justice that is based on local knowledge and the prevalent traditions. Although jirga and panchayat members are required to act within the law, they are usually not conversant with the law and give decisions which contravene the law and violate human rights. Although men and women may be victims of unjust decisions, the concern here is for women whose rights are violated by jirgas and panchayats. Most decisions based on traditions and practices harm women. The Government also shares the concerns of CSOs, both for not including women as members and for not recording the statements of accused women.

153. Matters referred to a jirga or panchayat to settle disputes or effect compromise are not protected by the law. Nor can jirgas and panchayats legally make decisions which are against the law: if they do, the offenders are dealt with according to the law and can be tried for offences which they have committed.

154. The Police are duty bound to exercise their powers to curb offences being committed and to lodge cases against jirga and panchayat members. The Police are empowered to file a First Investigation Report (FIR).

155. On many occasions the media has identified the assembly of a jirga so that the police may act promptly. The media is also active in highlighting cases relating to jirga decisions which constitute violence against women: the superior judiciary has taken suo moto notice of some of these cases.

156. In January 2008 the Honorable Chief Justice of the Supreme Court of Pakistan took suo moto notice of the “honor killing” of Ms. Tasnim Solangi and directed the DPO to submit a report detailing the findings of the inquiry. In September 2008 the Supreme Court of Pakistan took suo moto notice of the alleged live burial (ordered by a *jirga*) of women in Balochistan and ordered an immediate inquiry into the matter. Both cases are *subjudice* before the Supreme Court of Pakistan.

157. Efforts are being made to address delays in the court system. These efforts are enshrined in the Formulation of Judicial Policy for quick disposal of cases and eradication of corruption from the Judiciary, which came into effect in June 2009. The Policy provides strategy and plans for the clearance of the backlog, expeditious resolution of disputes and quick dispensation of justice. Urgency has been accorded to cases involving violations of fundamental rights, family matters and juvenile offences. A Plan of Action provides for disposal of all pending cases within one year. Newly instituted cases in the Supreme Court and High Courts will also be decided within one year of the date of filing.

Constraints and challenges

158. It will be difficult to eliminate the jirgas and panchayats system until viable alternatives for inexpensive and quick formal justice are made available.

159. Federally Administered Tribal Areas (FATA) is governed by Frontier Crimes Regulation (FCR) which comprises a set of laws enforced by the British in the Pashtun-inhabited tribal areas in the Northwest British India. This Act encourages Jirga in the form of “Council of Elders”. The act has been condemned by senior judges including noted Pakistan Supreme Court judge Justice A.R Cornelius as “obnoxious to all recognized modern principles governing the dispensation of justice” in the case of Sumunder vs State (PLD 1954 FC 228). The Government is in process of approving a number of amendments to Frontier Crime Regulation (FCR) and political reforms in tribal areas, proposing to abolish controversial powers of the administration in Federally Administered Tribal Areas (FATA).

Public bodies based alternate dispute resolution mechanism

160. The Gender Justice Through Musalihat Anjuman Project¹⁴ was initiated in 2005 as a pilot project and since 2006 has operated in 20 Districts of the 4 Provinces. The project is intended to ensure speedy and fair conflict resolution and to reduce the burden on the courts.¹⁵ The GJTMAP project followed a Social Audit on Abuse against Women¹⁶ conducted in 2003. That study and the subsequent consultative process led to the recommendation to provide women victims of violence an alternative mechanism for obtaining justice.

161. The ‘Gender Justice Through Musalihat Anjuman’ Project meets one of the CEDAW implementation requirements, as its purpose is to “assist women and other vulnerable sections of society in improving their condition through safeguarding and promoting their rights and lawful entitlements”. The project is meant to provide an alternative to the expensive and time-consuming formal legal system. The Musalihat Anjumans are meant to deal with a wide range of disputes, both civil and criminal. They are required to “conclude [their] proceedings within seven days in petty criminal matters compoundable of minor nature (where no FIR has been lodged) and within thirty days in civil matters, from the date of commencement of proceedings”.¹⁷

162. The Local Government Ordinance (2001, Sections 102-106) requires that each Union Council constitute a Musalihat Anjuman¹⁸, a three person ‘panel of impartial persons’ whose task is to ‘dispense justice to victims of gender violence’. Of the 1,050 Musalihat Anjumans formed in 20 Districts, 92% have at least one woman member.

163. The project is engaged in partnerships with the Supreme, High and District Courts, the Police, the District Bar Association, relevant Ministries and Departments, several Civil Society Organizations and Universities. It has been endorsed by the Chief Justice of the Supreme Court of Pakistan.

164. Many of the cases brought to the Musalihat Anjumans (MAs) involve violence against women, a variety of issues relating to marriage (including several kinds of forced

¹⁴ The Project is a component of the UNDP Gender Support Program.

¹⁵ *Formulation of Judicial Policy for Quick Disposal of Cases and Eradication of Corruption from the Judiciary*. Law and Justice Commission of Pakistan, National Judicial (Policy-Making) Committee. April 2009.

¹⁶ Executed by the Ministry of Women Development and sponsored by DFID.

¹⁷ Sindh Musalihat Anjuman (Constitution and Function) Rules, 2000, p. 4.

¹⁸ These are known as *Musalihat Jirgas* in NWFP.

marriage) and divorce and inheritance. Between the program's expansion in 2006 and June 2009 a total of 9,942 cases had been brought to the MAs. As of June 2008 about 39.45% of cases involved at least one woman and 25.53% of the cases involving women concerned domestic violence. Matrimonial disputes accounted for 11.05% of cases.

165. In cases that cannot be resolved by the Musalihat Anjuman (i.e. no agreement can be reached or it is felt that it would not be in the interest of justice to proceed) the MA is required to report this fact to the Court in writing, and to inform the contending parties of this decision.

166. The Musalihat Anjumans are supported by 2 bodies: Musalihat Anjuman Support Services (a consortium of NGOs) and a Musalihat Anjuman Justice Advocate (MAJA), a support mechanism that provides technical backstopping.

167. Over 14,000 MA members at District and other UC level stakeholders have been trained in Gender Sensitization, Legal Literacy and Record keeping under this Project.

Paragraphs 26 and 27: Measures to end impunity for acts of violence against women by ensuring prosecution and punishment of offenders. Sanctions imposed on State agents who fail to meet their obligations in cases of crimes of violence against women

168. The measures taken to end impunity for acts of violence against women are discussed in the responses to Paragraphs 22–23 and 24–25. Together, the amendments to Laws, the training for members of the Judiciary and the Police Force and the establishment of the Gender Crime Cell, will contribute to ensuring that those who directly or indirectly engage in acts of physical violence against women are charged with appropriate offenses and punished accordingly.

Paragraphs 28 and 29: Increased efforts to design and implement comprehensive awareness-raising programs to foster a better understanding of and support for equality between women and men at all levels of society. Efforts to modify Efforts to modify stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and society, (as required under articles 2 (f) and 5 (a) of the Convention). Prompt action to counteract the influence of non-state actors through comprehensive awareness programs on gender equality

169. The Government is leading efforts to build the capacities of stakeholders from across the social spectrum in gender-sensitization, including religious leaders and government officials. The objective is to reduce and eventually eliminate social discrimination and stereotyping.

Steps taken by the media to reduce stereotyping

170. The rapid increase in the number of private television channels, (broadcasting in Urdu, Pushto, Sindhi, Punjabi and English), international channels and the increase in corporate sector advertising (also multi-lingual) has contributed to eliminating some negative stereotypes concerning women. There are now many programs which address numerous aspects of women's domestic and professional lives. A number of prominent news programs are hosted by women including News; women broadcasters are presenting the News in English, Urdu and other regional languages from various TV channels.

171. The Ministry of Information and Broadcasting has broadcast numerous programs on gender equality, women's empowerment, women's rights and career opportunities. These include special programs telecast by the Government-owned Pakistan Television Corporation (PTV).

172. Pakistan Television Network (PTV) conducted an advertising campaign in the newspapers titled “Government commitment: safe and bright future for women.” The State television has broadcast numerous messages focussed on reducing violence and discrimination against women. A campaign to motivate women to vote was also held prior to the 2008 General Election.

173. PTV also broadcasts ‘situation comedies’, dramas and talk shows discussing issues affecting women: most of these programs are conducted by women. Issues such as divorce, abortion, family planning, child marriage, “honor” killing and violence against women, all of which were previously considered taboo, are now being discussed more openly.

174. The MoWD has launched two successful awareness campaigns on PTV and other channels in 2005–07. The first campaign consisted of posters on women’s rights, whereas the second was an interactive campaign with four questions on women’s rights. The most outstanding element of second campaign was “An Imageless Campaign” which was designed to negate the practice of presenting women as marketing tool.

175. Civil society has also played a significant role in addressing the problem of stereotypes. One example is an Islamabad-based CSO which operates a research, resource and publication centre on women and the media. It has also tracked the representation of women in the print media, and produced a major report on the subject, which includes recommendations for alleviating the problem. The CSO has also produced a series of FM Radio programs on issues faced by women.

176. Article 7 of the Ministry of Information and Broadcasting’s Ethical Code of Practice states that “The press shall avoid originating, printing, publishing or disseminating any material which encourages or incites discrimination or hatred on grounds of race, religion, caste, sect, nationality, ethnicity, gender, disability, illness or age, of an individual or group.” Article 14 states that “In the cases of sexual offences, heinous crimes against children, juveniles and women, names and identifying photographs shall not be published.”

177. Article C of the Pakistan Electronic Media Regulatory Authority (PEMRA) Code of Conduct prohibits the airing of programs which “contain an abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race or caste, national, ethnic or linguistic origin, color or religion or sect, sex, sexual orientation, age or mental or physical disability”. Article L prohibits “the denigration of men or women through the depiction in any manner of the figure, in such a way as to have the effect of being indecent or derogatory”.

178. Efforts to revise school curricula to break down gender stereotypes are discussed in the response to the Comments on Education.

Action to counteract the influence of non-state actors through comprehensive awareness programs on gender equality

179. Non-state actors take a variety of forms, ranging from the jirgas mentioned earlier, which have a degree of social legitimacy, even though they are not legal entities, to the extremist forces which spread messages of hatred against women. As mentioned earlier the Government and the Law Enforcement Agencies, backed by Civil Society, are mobilizing public opinion and working to ensure that jirga members are held accountable for illegal ‘verdicts’ and actions.

180. In the current social climate, efforts to counteract the influence of the extremists are focused on helping dislocated persons through humanitarian relief and rehabilitation programs. The Government, the media, religious leaders and members of all political parties have made strong statements about the misrepresentation of Islam which these

groups propagate. One aspect of this misrepresentation is the extremist's efforts to restrict women's human rights, and to restrict women's ability to move about in public places and to engage in the economy independently.

181. Due to terrorist incidents, awareness programs regarding gender-equality have been affected.

**Paragraphs 30 and 31: Women Trafficking
Amendments to the Prevention and Control of Human Trafficking Ordinance (2002)
to protect the rights of trafficked girls and women**

182. The Prevention and Control of Human Trafficking Ordinance (2002) outlines the mechanisms to address trafficking. Amendments to the Ordinance are presently being discussed. The Ordinance is Gender Neutral; hence no separate records are kept on trafficked women.

183. The Government has taken significant measures to address internal and external trafficking, including a National Plan of Action. An Inter Agency Task Force was operationalised in 2005 to intercept traffickers and to rescue victims. Publicity campaigns have been conducted to warn people against trafficking. One Federal and four Provincial Anti-Trafficking Units have been established. The Federal ATU Monitoring and Coordination Cell is responsible for collecting age and gender-disaggregated data on trafficking.

184. The National Plan of Action on Trafficking addresses prevention, the prosecution of convicted traffickers and protection for victims. The Plan includes details for establishing shelters for the protection of victims of trafficking. It also envisages training for the law enforcement officials who deal with victims of trafficking, as well as legal assistance to victims.

185. In 2005, Rules were notified relating to the protection of victims of trafficking, especially vulnerable groups including women and children.

186. Child Protection (Criminal Law Amendment Bill) 2009 has been prepared by Ministry of Social Welfare which proposes amendments in Pakistan Penal Code, 1860 for protection of child whereby human trafficking is to be checked.

187. Trafficking is also discussed under Article 6 in Section two of this Report.

**Ratification of the Convention against Transnational Organized Crime and its
Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons,
Especially Women and Children**

188. The Convention against Transnational Organized Crime has been ratified in January 2010. For ratification of the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, a Summary has been submitted by the Ministry of Interior to the Cabinet for approval.

Data on trafficking

189. As is the case in many countries, it is extremely difficult in Pakistan to collect accurate data on trafficking. Traffickers are skilled in exploiting social context for their own purposes. They use increasingly sophisticated methods to disguise their activities. Although efforts are being made to increase the powers and skills of the police and border guards, these remain insufficient for the scale and complexity of the task.

190. In some parts of the country trafficking sometimes occurs in the guise of marriage and has customary backing under 'bride price'. This adds to the difficulty of identify trafficking agents and recovering victims.

**Paragraphs 32 and 33: Representation of Women in Higher Governance Cadre
Information about women's ability to exercise (without de-jure and de-facto
restrictions) their right to participate in all spheres of public life**

Women in the Parliament

191. The Upper House of the Parliament is the Senate, which has 100 seats, 17 of them reserved for women, as guaranteed in the Constitution. The National Assembly has 342 seats, of which 60 are reserved for women. All seats reserved for women are occupied. Women are guaranteed the right to contest General (non-reserved) seats: 16 women presently hold General seats in the National Assembly, making a total number of 76 seats held by women.

192. In 1997 women's representation in Parliament was four percent. The overall percentage of women elected to the National Assembly in the 2002 election was 19.9%. This figure was the same in 2008. Table 2 in Annex A lists the number of General and Reserved Seats held by women in the four Provinces following the 2008 General Election.

193. In the current Parliament, women hold the posts of (i) Federal Minister for Population Welfare and (ii) Federal Minister for Social Welfare and Special Education. Women also hold the posts of: State Minister for Finance, Revenue, Economic Affairs and Statistics, State Minister for Parliamentary Affairs and State Minister for Religious Affairs. Two women have been appointed as Special Advisor to the Prime Minister and three women are Parliamentary Secretaries.

194. Seven women are the Chairs of National Assembly Parliamentary Committees¹⁹: The Finance and Revenue, Women Development, Defense, Law and Justice, Social Welfare and Special Education and Information & Broadcasting.

195. There is one woman Minister (out of 41) in the Punjab Cabinet; five (out of 42) women Ministers in the Sindh Cabinet; one (of 27) in the NWFP Cabinet and 5 (of 44) in the Balochistan Cabinet.²⁰

Speaker of the National Assembly

196. For the first time not only in the history of Pakistan but also in the history of the Muslim world as well as in the history of the South Asian Region, a woman Member of the National Assembly was elected to the highest position of the Speaker of the House. Dr. Fehmida Mirza, Speaker National Assembly has been elected to Parliament since 1997 on direct/general seats. The Speaker of the National Assembly may, on occasion, be required to assume the Office of Acting President. Since Dr. Fehmida has assumed the Office of the Speaker, sustained attention is being given to women Parliamentarians, focused on providing a greater sense of confidence and increasing their capacities to work towards women's empowerment in the Parliament with greater efficacy.

197. Under the Honorable Speaker's leadership, the first ever Women's Parliamentary Caucus was established in November 2008.

¹⁹ <http://www.na.gov.pk/cmen.html>. There are 54 N. A. Parliamentary Committees.

²⁰ Aurat Foundation *Legislative Watch Newsletter* January to March 2008.

Women's Parliamentary Caucus

198. The idea for the Caucus originated when 56 women MNAs met to discuss the situation of the National Commission on the Status of Women. All 76 members of the National Assembly and all 17 women Senators are members of the Caucus. The Caucus is appointing Focal Persons to every Parliamentary Standing Committee.

199. The Women's Caucus has several objectives, beginning with the development of an agreed agenda for women's development and empowerment (see annex III). The Caucus envisions enhancing the role of women Parliamentarians in proposing gender-sensitive legislation, reviewing and amending discriminatory laws and policies, and ensuring effective Parliamentary oversight of national, regional and international commitments — including CEDAW — and reflecting those commitments in national policies, plans and programs. The Caucus will also facilitate the exchange of views on critical areas of concern, including discriminatory practices, both at the national and international levels in order to bring out best practices to be adapted and replicated. The Caucus will play the role of catalyst and lobbyist for women's issues amongst legislators and the policy makers. The Caucus will:

- Liaise and build working relationship with key state and civil society institutions and organizations in order to contribute to national and international efforts for promoting women's rights, empowerment and gender equality
- Review rules and procedures in order to ensure women's continued access to and participation in the Parliament
- Jointly work for the achievement of the social indicators so that the Millennium Development Goals (MDGs) are within reach

200. Since its inception, the Caucus has initiated several activities, one of the first being the revamping of the Women's Police Station in Islamabad. The Caucus is paying particular attention to the issue of violence against women, especially the situation of women victims of acid burning. The latter has resulted in reforms in police procedures and in intensified State efforts to bring perpetrators to justice. Eight women Parliamentarians have since dedicated the development funds allocated to them to establishing Burn Units in their Districts' General Hospitals and other women parliamentarians have also contributed for various causes including girls' schools, reforms for women in jail and providing assistance to dislocated persons.

201. Caucus activities planned for the near future include enabling women to receive Identity Cards, filling the 10% quota for women in Government employment and amending the Pakistan Penal Code.

Women's Caucus in the Provincial Assembly of Punjab

202. Following the establishment of the Women's Parliamentary Caucus in the Parliament, the women Members of the Provincial Assembly (MPAs) of Punjab formed a cross-party Women's Caucus in February 2009. Its purpose is similar to that of the National Assembly Women's Caucus.

Women in the Civil Service

203. Table 3 (Annex A) shows the number and percentage of women in the two levels of service (Grades 1–16 and Grades 17–22) in the Line Ministries relevant to this Report, as of 2007–08. The Table indicates that the number of women in upper levels of the Civil Service is increasing gradually.

Information on the impact of the measures taken to increase the participation of women in public & political life at decision making levels

204. The Election Commission of Pakistan implemented a number of measures to enable more women to participate in the General Election in 2008. In addition to Polling Booths and Polling Stations for use by men and women, the Commission established 13,266 Polling Stations exclusively for women and the same number exclusively for men.

205. The Government of Pakistan has enlisted the support of civil society organizations, in addition to its own efforts, to sensitize and mobilize women voters in the remote rural areas of Pakistan. The Ministry of Women Development mounted an extensive campaign prior to the 2008 General Election. Many Civil Society Organizations have joined forces with the Government to raise voter awareness, particularly among women. The Election Commission of Pakistan also launched publicity campaigns for the education of women voters under a project for supporting the electoral process.

Representation of Women in the Higher Judiciary

206. The Constitution of Pakistan provides the criteria for the appointment of Judges of the Supreme Court and the High Courts. Article 177 deals with the appointment of Supreme Court Judges, making it mandatory for a person appointed as a Supreme Court Judge to have a minimum of five years' experience as a High Court Judge and to have an aggregate experience of 15 years as a High Court Advocate. Article 193, which deals with appointment of High Court Judges, states that no person can be appointed as a Judge of High Court unless he or she is 40 years old, has 10 years' aggregate experience as an Advocate High Court or has held a judicial office for not less than 10 years.

Women in the Supreme Court and High Courts, 2008

207. No person can be appointed as a Judge in the Supreme Court or High Court who does not have the requisite qualifications. The number of women judges in the Superior Courts is still relatively low, although it is increasing slowly. There were three women High Court Judges in 1998.

208. There were four women High Court Judges in 2008, out of a total of 113. One (of 53) was in Punjab and 3 (of 37) were in Sindh. There are more women in the District Courts, serving as District and Sessions Judges, Additional District and Sessions Judges, Senior Civil Judges and Civil Judges/Judicial Magistrates (see Table 2, below).

Table 2

Judges in District Courts by category and gender, 2008

Province	District and Sessions			Additional District and Session Judges			Senior Civil Judges			Civil Judges/Family Judges/Judicial Magistrates			Others*	
	M	F	T	M	F	T	M	F	T	M	F	T	M	F
Punjab	88	0	88	290	5	295	45	2	47	604	48	652	0	0
Sindh	54	8	62	68	15	83	79	19	98	177	23	200	0	0
NWFP	23	1	24	77	6	83	20	3	23	191	34	225	0	0
Balochistan	18	4	22	20	1	21	4	2	6	58	1	59	38	8
Islamabad	1	0	1	3	0	3	1	0	1	9	3	12	0	0
Total	184	13	197	458	27	485	149	26	175	1 039	109	1 148	38	8

* This includes Family Court Judges, Members of Majlis e Shura, Qazis and Judges who sit in Anti-Terrorism Courts.

209. In Balochistan some categories of Courts exist separately from the categories common to all Provinces. These are: the Majlis e Shura, Qazias and Judges, Family Courts and Anti-Terrorism Courts. A total of 8 women Judges (from a total of 38 Judges in these categories) hold office in these Courts.

Paragraphs 34 and 35: Registration of Women for National Identity Cards for access to public services

210. The National Database and Registration Authority (NADRA) is responsible for ensuring that all adult citizens have a Computerized National Identity Card (CNIC). The card is required in order to open a bank account, to vote, to make major purchases, and to apply for all other Government services, including income-support programs. NADRA registration centers have also been established in the FATA Agency Headquarters.

211. In December 2005, NADRA initiated a Civil Registration Management System which registers births, marriages, divorces and deaths.

212. NADRA has set aside one day a week exclusively for women and has established 'Female NADRA Registration Centers' in Lahore and Rawalpindi in Punjab and in District Mardan in NWFP. NADRA maintains 185 mobile vans that reach people across the country. Some problems remain in reaching people in FATA and Balochistan, where rugged terrain and scattered communities make this a challenging task. Reaching women is also problematic in some parts of the country because the CNIC requires a photograph, and many women are reluctant to be photographed.

213. In 2004 just under 50% of all adult women held a CNIC, as noted in the previous report. That figure had risen to 64.74% by December 2008. This represents 38.91% of the total number of CNIC cards issued.

214. NADRA has also been pro-active in registering women who require new or replaced CNICs because of natural disasters. This is discussed in more detail in Section II of the Report.

215. In Balochistan, NADRA is leading the effort with UNICEF and an International NGO to ensure that CNICs are issued to women. Mobile NADRA vans are facilitating this process in remote areas. NADRA is also holding awareness-raising campaigns to ensure that women apply for CNICs. The UNDP is working with the Election Commission to ensure that women receive CNICs so they are able to vote. A gender-disaggregated DMIS has been implemented in 4 Districts. This data is fed into the NADRA database.

Birth registration

216. Five Laws make it mandatory to register the birth of a child: the Births, Deaths and Marriages Registration Act (1886); the Cantonment Act (1924); the National Registration Act (1973); the NADRA Act (2000) and the Local Government Ordinance (2001). The Local Government Ordinance makes the registration of life cycle events and the collection of a gender-disaggregated database the responsibility of the District Government. New bylaws are helping Government officials to register children more conveniently. There is a National Committee on the Registration of Children at Birth. According to a study cited by the Ministry of Social Welfare and Special Education, less than 50% of children are registered at birth and the registration of girls is far less than that.

217. The Government of NWFP declared 2006 the year of birth registration. Working in concert with the Provincial Government, an International NGO was able to register 1 million children in NWFP during a 3-year program. Every effort was made to register girls. Voluntary registration of birth and marriages are also being carried out by Local Government at the Union Council level.

**Paragraph 36 and 37: Discrimination in access to and provision of education
The same opportunities for access to programs of continuing education, including
adult and functional literacy programs**

218. Providing functional literacy to women continues to be a major development challenge. 58% of all women (10 Years or above) are not literate²¹ The figure for men is 33%. Illiteracy rates for women and men are higher in rural areas.

219. Acknowledging that adult literacy and particularly functional literacy for women in rural areas are issues that require serious attention, the Government's National Commission on Human Development has established a country-wide Adult Literacy program.

220. Close to 2 million women (approximately 2/3 of the total learners) have acquired functional literacy skills under the program since it began in 2002. Amongst other benefits, the acquisition of functional literacy strengthens women's ability to acquire knowledge that will benefit them, enables women to operate small businesses from a stronger position and motivates families to keep their daughters in school. The Gender Parity Index for adult literacy rose from 0.51 in 2001–02 to 0.63 in 2006–07.²²

221. There are several other programs to reduce the rate of women's illiteracy in Pakistan, all on a smaller scale but contributing to improving women's functional literacy levels across the country.

**Compliance with CEDAW article 10
Career and vocational guidance**

222. Career and vocational guidance are not deeply-rooted in the public education system in Pakistan. It is usually assumed that educated children of both sexes will follow the career paths chosen for them by their parents. However, more women are making their own career choices, especially when they are moving into non-traditional fields such as commerce, IT and Computer Science, corporate management, the Law, Policy and Development Studies.

**Access to the same curricula, examinations, teaching staff with qualifications of the
same standard and school premises, equipment of the same quality**

223. The curricula, texts and the examination system in Government schools are the same everywhere. In Pakistan the educational 'divide' is not so much gender-based as it is class, income and rural/urban based. Teachers in urban Government schools are likely to be better qualified than teachers in poor rural locations. Many of the problems with physical infrastructure are particularly prevalent in rural areas.

**The elimination of stereotyped concepts of the roles of men and women at all levels
and in all forms of education**

224. Curriculum reform, focused in part on eliminating gender stereotypes, is underway. The current Education Policy and the Draft National Education Policy (2009) include attention to this matter.

Co-education

225. As noted in the previous report, although co-education is not formally restricted, the majority of families prefer to send their daughters and sons to separate schools after Class

²¹ Pakistan Social & Living Standards Measurement Survey, 2007–08.

²² Pakistan Social & Living Standards Measurement Survey, 2006–07.

5. However, most high schools and public degree colleges, as well as most private schools and most Universities are co-educational.

The same opportunities to benefit from scholarships and other study grants

226. The Higher Education Commission is responsible for increasing the number of research scholars and University teachers in Pakistan. The HEC has provided overseas scholarships to 425 women enrolled in Master's and Doctoral programs and 760 scholarships to women enrolled in degree programs within Pakistan. Approximately 30% of Faculty members in public Universities are women. This percentage has risen from 14% in 2001–02 and 29.4% in 2005–06.

Special measures taken to ensure access of girls and women to all levels of education and the retaining of girls in schools

227. The Government of Pakistan has made significant strides in increasing girls' enrollment and retention rates in Primary, Middle and High Schools in recent years. Physical infrastructure has been improved in many schools, especially in rural areas, which has encouraged parents to send their children to school. New schools have also been built. A significant effort has been made to increase the number of women teachers. Training programs to improve the classroom environment (i.e. interactive teaching methods, zero tolerance for corporal punishment, group work, the use of stimulating learning materials) have also been strengthened.

228. Net Girls' enrollment rates at primary level increased significantly in all four Provinces between 1998–99 and 2007–08. The overall national increase for girls' enrolment was 15 percentage points, from 37 to 52. In Punjab, the increase was 19 percentage points; in Sindh and NWFP it rose by 11 percentage points and in Balochistan it rose by 7 percentage points. The overall Gender Parity Index rose from 0.584 in 1998–99 to 0.627 in 2007–08 (see Table 4 in Annex A). Table 4 (Annex A) gives the details of Primary Level school enrollment trends by gender, Gender Parity Index and Province for 1998–99 and 2007–08.

229. Primary level girls' enrollment rose at higher rates than that of boys, across the country, between 2000–01 and 2007–08. The percentage rise in that period, by Province is as follows:

Table 3

Percentage increases in primary net enrollment rates during 2000–2001 – 2007–2008 by province

<i>Province</i>	<i>Girls</i>	<i>Boys</i>
Punjab	29.4	7.5
Sindh	39.9	23.4
NWFP	28.5	11.6
Balochistan	27.3	16.6

Source: PSLM Survey, 2000–01 and 2007–08, FBS.

230. The National Education Policy (1998–2008) provides, inter-alia, the framework for advancing female enrollment and retention. The same holds true for the Draft Education Policy (2009). These documents make commitments to reforming curricula in order to address a number of issues, including gender stereotypes that limit the educational opportunities of girls and women. They also include proposed actions to address the difficulties faced by the Provincial Governments in providing education in some rural and

particularly under-developed areas. The perceived need to expand the horizon of education opportunities to girls and women is also addressed: this includes efforts to provide more opportunities for technical and vocational training.

231. Numerous time-bound programs have been developed to ensure the enrollment and retention of girls, including the large-scale 'Education Sector Reforms' and 'Education For All' programs, both of which have gender-specific targets.

232. Several Provincial programs provide stipends, free textbooks and nutritional support to girls' schools. These have resulted in increased girls' enrollment. The Sindh Department of Education and Literacy Reform Support Unit (2005–2011) provides stipends to girl student in Classes 6–10. The objective is to increase retention rates in remote and underprivileged areas. The stipend is Rs. 24,000 per annum, a significant addition to the incomes of poor families. In NWFP, 70% of girls' schools in 'backward' Districts are providing stipends under child support programs.

233. To increase and retain enrollment of girls in Balochistan and Punjab, the World Food Program provides wheat and oil, primarily for girls, throughout the Province. This constitutes a significant incentive to send girls to school and to ensure they stay beyond Class 5.

234. Under the FATA Sustainable Development Plan (2006–15) budget for education, funds have been allocated for promoting education for girls and women, raising enrollment and retention rates, and raising awareness of the need to educate girls and women.

235. In the Northern Areas, a Female Directorate of Education was established in 2006. Its purpose is to closely monitor the quality of education in girls' schools. New Colleges for girls have been established in two Districts. It will facilitate young women of these Districts to remain in the Northern Areas for higher education. There are also new hostels for women teachers in Gilgit District. This will encourage more women to become High School teachers: at present only 20% of the High School teachers are women. A recent donor-funded education project in the Northern Areas will pay particular attention to increasing the teaching skills of women teachers at all levels.

236. 540 community schools were established in the Northern Areas under the World-Bank funded Social Action Program. Girls' enrollment in these schools is 58% and the majority of teachers in these schools are women.

237. A number of large-scale public-private partnership initiatives have focused on the physical upgrading of school buildings. These initiatives address the fact that parents will not send their daughters to schools which do not have a boundary wall, drinking water or bathrooms.

238. Efforts to increase community involvement in education, usually in the form of Parent-Teacher Associations or School Management Committees, have also developed exponentially since the previous Report was submitted. Most of these fora have women members, who are directly engaged for first time in their children's education. Some of the increase in girls' enrolment and retention past Grade 5 can be attributed to these Committees, and specifically to the participation of women.

239. The Government of Balochistan and a number of child-focused international organizations are operating 'Joyful Learning' schools in 3 Districts. These schools operate in areas where no other school exists.

Impact of the Tawana Pakistan Program on enrollment rates

240. The objective of the Tawana Pakistan Program (2002 to 2005) was to increase girls' enrollment in Primary schools and to reduce malnutrition in 650,000 girls aged 5–12 in 29

under-developed Districts of the Provinces, and the Federally Administered Northern Areas. The Project has benefited close to half a million girls, who were given one nutritionally balanced meal every school day, as well as micronutrients.

241. School enrollment for girls increased by 40% across the Program Districts. The largest increase was in Punjab (52%), followed by Sindh (37%) and the Northern Areas (33%). In addition, many of the women who joined a Parent-Teacher Committee for the project obtained a CNIC, opened and operated a bank account, and left the confines of their villages for the first time.

242. The Agha Khan University conducted an impact assessment which found that the Program decreased malnutrition, increased enrollment and improved dietary knowledge. Improvements were observed in the three measures of nutritional status: wasting decreased by 45%; the number of underweight girls declined by 21.7% and stunting decreased by 6%. The Government of Balochistan, UNICEF and a child-focused International NGO have conducted a series of gender trainings through the Provincial Institute for Teachers' Education, in 9 Districts.

Women's universities

243. More young women than ever before are attending University, as demonstrated in increasing enrollment rates. Enrollment figures by discipline (2004–5) show that women students outnumber men students at the BA level in the sciences and the social sciences (Table 5 Annex A).

244. Of the 49 general (Government) Universities in Pakistan, 4 are women's Universities: Fatima Jinnah Women's University in Rawalpindi, Sardar Bahadur Khan Women's University in Quetta, Frontier Women's University in NWFP and the University of Gujarat for Women in Punjab. There are also 4 Medical Colleges for Women. A number of Colleges for Girls have a long and illustrious history in Pakistan. There are also a number of private Universities for women.

245. Five major Universities have a Women's Studies Centre: the goal is to upgrade these to full-fledged Departments of Women's Studies. At present the Centers in Lahore, Peshawar, Islamabad, Quetta and Karachi are functioning.

246. In terms of opportunities for access to programs of continuing education, the Allama Iqbal Open University specializes in distance education. 53% of its students are women in the academic year 2008–09.

Curriculum reform

247. Curriculum reform of the 81 subjects taught in the public school system has been ongoing since the year 2000. The current 'cycle' of reform was initiated in 2005–06. A number of subjects are selected for each of these cycles. The textbooks revised in the current cycle will be in classrooms by April 2010. A National Curriculum Framework is being prepared and will be completed by the end of July 2009.

248. The Government of Balochistan is providing gender sensitization training for teachers employed in the Curriculum Bureau, with support from UNICEF, CIDA and USAID.

Challenges and constraints

249. Despite some excellent initiatives the public education system is not yet able to meet the needs of all children. The 2006 National Education Census showed that 21.56% of villages had no educational institution and many do not have a girls' school. Of the schools

included in the Census, 12,737 institutions were non-functional. The highest percentage of these (58%) was in Sindh.

250. Girls and women are particularly under-represented in rural areas (36% versus 43% for urban areas), a feature that also holds for secondary education (35% for rural and 48% in urban areas). Female teachers make up only 47% of primary school teachers, although this rises to 55% in secondary schools.

251. Women and girl students in rural areas face systematic disadvantage at all levels of education. The intersection of these issues compounds the disadvantage for some groups; the disadvantage faced by female students is multiplied if the female student happens to be in a low performing province or region.²³

Paragraphs 38 and 39: Discrimination in formal employment and the situation of women in home-based informal sector labour

252. Pakistan is a signatory to the ILO Convention 111 on Discrimination (Employment and Occupation) Convention (1958) and the ILO Convention 100 on Equal Remuneration (1951).

253. Article 27 of the Constitution of Pakistan provides safeguards against discrimination in services. According to this Article “no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.”

254. Although there is no discrimination against women in formal sector employment, social restrictions and the practical difficulties of holding a job in predominantly male environments deter many qualified women from seeking employment.

255. Women are seeking employment in increasing numbers. Women benefited in particular from the improvement in labour market performance between 1999 and 2005–06, as demonstrated in a 5.9% increase in their labour force participation.²⁴

256. As noted in the previous report, the Federal and Provincial Governments provide three months’ maternity leave with pay and women employees’ tax ceilings are fixed at a higher rate than those of men, allowing them to earn more before being taxed.

257. In FATA women are being encouraged to apply for positions in all new development projects, including the major Sustainable Development Project.

258. The Office of the Federal Ombudsman has been established to “diagnose, investigate, redress and rectify any injustice done to a person through mal-administration”, which inter alia includes a decision which is “perverse, arbitrary or unreasonable, unjust, biased, oppressive or discriminatory”. However, the Office does not report gender-disaggregated information on complaints lodged.

Legislation on harassment at workplace

259. Criminal Law Amendment Act, 2009 has been enacted after approval from National Assembly, Senate and endorsement by the President of Pakistan. This is an amendment to clause 509 of the Pakistan Penal Code (1860). This clause was the closest to addressing sexual harassment but was vague. The current amendment adds a clear definition of sexual harassment and articulates that this behavior, may it happen in the workplace, markets, streets or at home, is a crime and is punishable by law. This covers all women in the

²³ Draft Education Policy (2009).

²⁴ *Pakistan Employment Trends 2007*, Table 2.

country including those who are domestic workers, agricultural labourers or home based workers, whether in the non-formal or formal sectors as well as public and private places. The punishment is up to 3 years' imprisonment and/or a fine of up to Pak Rupee 5 hundred thousand.

260. The Protection Against Harassment at the Workplace Bill (2009) has been unanimously passed by the National Assembly. Both Bills (i.e. the Criminal Law Amendment Act (2009) and The Protection Against Harassment at the Workplace Bill (2009) were signed by the Prime Minister in his capacity as Minister in Charge of the MoWD.

261. The Protection Against Harassment at the Workplace Bill (2009) was tabled in the National Assembly in April 2009 after a thorough consultative process with all stakeholders. This Bill was drafted to provide a safe environment at work for higher productivity and a better life at work in accordance with the principle of equal opportunity for men and women. This Bill is further in adherence with the Universal Declaration of Human Rights, CEDAW and ILO Conventions 100 and 111 on workers' rights and in accordance with the principles of Islam.

262. The Bill requires all public and private organizations to adopt an internal Code of Conduct and a complaint/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse for all employees. The Bill also provides for the establishment of an Ombudsman at the Federal and Provincial levels.

Home-based labour

263. In Pakistan the overwhelming majority of women who earn a wage work in the informal sector. There are two predominant domains of informal-sector labour in Pakistan: agricultural labour and home-based labour.

264. Over 70 percent of rural women work in agriculture and livestock, and over three-quarters of the urban female labour force is in the non-formal sector, where women are deprived not only of enumeration in the official data, but also of adequate remuneration, skills training, legal protection, social protection and security, health and maternity benefits under labour laws, as well as the right to organize.²⁵

265. FATA is an exception to the prevalence of home based women workers elsewhere in the country. The FATA Secretariat, in partnership with UNICEF, is conducting a multiple-indicator cluster survey which will provide baseline data on women and children in the informal sector.

Draft National Policy for Home-based Women Workers

266. Pakistan has not yet ratified ILO Convention C-177 on Home Based Work (1996). In 2007 the MoWD requested a Civil Society Organization to take the lead in formulating a National Policy for Home-Based Women Workers (HBWWs), after which Home Net Pakistan²⁶ began a series of national and provincial consultations with home-based workers, Government Ministries and Departments, NGOs and CBOs, academics and the media.

267. The Draft Policy includes a definition of home-based workers and includes commitments to collect gender-disaggregated data, including the incorporation of a question on place of work in the next Population Census. The Draft Policy does not include agricultural labourers. It does include the registration of all home-based women workers.

²⁵ *Mid-Term Development Framework.*

²⁶ For which the Focal Point is the NGO Aurat Foundation.

This registration will entitle HBWWs to social protection and insurance programs. The Draft Policy also delineates the right of HBWWs to be paid the minimum wage and to increase their access to micro credit and skills-enhancement programs. Workplace occupational health and safety standards are also defined in the Draft Policy.

268. The Draft National Policy on Home-Based Women Workers was forwarded to the Ministry of Labour and Manpower in November 2008.

Time-Use Survey

269. The Time-Use Survey (TUS) is part of national household survey programs and collection of statistics disaggregated by gender on time spent on activities both in the household and in the labour market.

270. The first nation-wide time use survey, covering close to 20,000 households, was conducted between January and December 2007 by the Federal Bureau of Statistics. The survey used a diary-based approach, requiring participants to recall the hours spent on every activity in every season. The survey reveals the macroeconomic implications of the unpaid care work done by women and men in rural and urban areas in all four Provinces. The Time Use Survey report highlights the distribution of unpaid care work between women and men, and across other divides. Eventually the information from the Time Use Survey will be integrated into the UN System of National Accounts (SNA 1993), which has not been possible before.

271. The Time Use Survey shows that one-half of all women workers and 14% of men (over 10 years of age) are unpaid family workers. It finds that men spend five times more of their time on SNA activities than on Extended SNA activities,²⁷ while women spend 1.5 times more on Extended SNA activities than on SNA activities. Rural women spend more time than urban women in SNA-related activities. The TUS found that 78.7% of women (and 33.3% of men) earn no personal income.

272. The Federal Bureau of Statistics captures gender-disaggregated data in its household based socio-economic surveys and censuses. The FBS has been publishing a Compendium of Gender Statistics in Pakistan every four years since 1998. It contains information on population, education, health, family planning, employment and public representation. The latest addition of the compendium of Gender Statistics is due in 2010.

Constraints

273. It remains a challenge to collect accurate and comprehensive data on women's participation in the labour market and in economic activities, whether paid or unpaid. Reaching women directly is at times difficult especially in rural and conservative areas. Other problems reside in the capacity of some levels of the Government to collect and analyze data, but the situation is improving as more information is collected and more analytical studies are conducted.

Paragraphs 40 and 41: Access to Health Care and Support Services

274. Concrete measures have been taken to enhance women's access to health care, in particular to sexual and reproductive health services in accordance with Article 12 of the Convention.

²⁷ Extended SNA activities include household maintenance, care of children, the sick and the elderly and community services.

275. The Ministry of Population Welfare works with its Provincial counterparts and with 284 public and private partners in Government and semi-government organizations and the corporate and private sector to meet the need for reproductive health care. The Ministry of Health also works to improve the situation of women requiring access to quality reproductive health care. Both Ministries regard the right to reproductive health care as a basic human right, and as a significant contributor to socio-economic development. The United Nations Population Fund (UNFPA) is a significant partner in formulating policies and strategies and in planning programs related to women's access to health care.

Table 4

Improvements in the delivery of health services to women and children between 1994 and 2007/08²⁸

<i>Indicator</i>	<i>Baseline 1994</i>	<i>2007/08 National PSLM/PDHS</i>	<i>MDG Target (2015)</i>
MMR	500	280	140
IMR	105	78	40
CPR	11%	33%	55%
Fully immunized children	75%	70%	+ 90%
Skilled birth attendance	22%	39%	+ 90%

Source: Ministry of Health.

Making available a comprehensive range of contraceptives and family planning to prevent unwanted pregnancies

276. Statistics show that more women are gaining access to, and knowledge about, reproductive health care. However, the Contraceptive Prevalence Rate (36% in 2005 and 2006) has declined in the last 2 years, and now stands at 30%.²⁹ CPR in urban areas is much higher (ranging from 35–46%) than in rural areas (24%).

277. In order to ensure that the right to reproductive choice is substantially met, the Ministry of Population Welfare has established 3,500 Service Delivery Outlets, all headed by women Medical Officers or Family Welfare Workers. These Institutes offer a 2-year course for women who graduate as Family Welfare Workers. The Family Welfare Workers are taught how to counsel women on making free and informed choices concerning SRH.

278. The private sector also contributes significantly to raising awareness on contraceptive use and the sale and marketing of contraceptive devices.

279. Emergency Contraception Pills³⁰ are available on request. These are provided free of cost and are made available by the LHWs.

280. The proportion of married women who had given birth during the last three years and had attended at least one prenatal consultation increased from 35 percent in 2001/02 to 53 percent in 2006/07 (PSLM). The postnatal consultation rate was low, at 24% in 2005/06. However, it improved considerably during the PRSP period, rising from 9% in 2001/02 to 24 percent in 2006/07 with consultation rates higher in urban than rural areas (PRSP II).

²⁸ National Program for Family Planning and Primary Healthcare website.

²⁹ Pakistan Demographic and Health Survey (2006–7).

³⁰ These are not abortifacients.

Measures to reduce maternal mortality by addressing the causes of maternal death

281. The NMNCH program provides 24-hour Basic Emergency Obstetric and Newborn Care (EmONC) services in 198 hospitals. The program reimburses expenditures for emergency transportation and provides essential equipment and medicines to the hospitals. It will eventually establish 114 Midwifery schools.

282. The Ministry of Health addresses the need for a wide range of preventive and curative care, including reproductive care focused on reducing maternal mortality. The National Maternal, Neonatal and Child Health (NMNCH) program (2006–2012) focuses on ways and means of reducing morbidity and mortality. The program provides comprehensive family planning services at the District level.

283. One focal area of the NMNCH program is the introduction of Community Midwives. UNICEF and several NGO partners are also engaged in this training program.³¹

Increasing knowledge and awareness of family planning among men and women

284. As part of its wide ranging efforts to increase knowledge and awareness on family planning, the Ministry of Population Welfare has initiated a Social Mobilization program that will encourage men to become aware of their role in family planning. In Punjab there are presently close to 2,200 ‘male mobilizers’ engaged in this effort.

285. The Sindh Department of Population Welfare has sensitized more than 5,000 religious leaders in family planning and “women’s issues”. The Sindh Health Department has established 23 Sexually Transmitted Infection (STI) clinics across the province.

286. The Ministry of Population Welfare’ Service Delivery Outlets provide pre-and-post abortion care for complications, thus helping to save women’s lives.

Constraints and challenges

287. The Government has made significant efforts to improve access to contraception, but the implementation of programs needs to be strengthened to make those programs more effective. The supply of contraceptives and the availability of family planning services also need to be strengthened and concerted efforts are required to meet the unmet need for contraceptives.³²

288. In some rural areas the only available expertise on childbirth resides in Traditional Birth Attendants (TBAs). These women have inherited their knowledge from previous generations: that knowledge needs to be upgraded to prevent women’s lives being endangered. Numerous training programs across the country are teaching TBAs modern knowledge of hygienic practices and neo-natal care. As these programs take root, and as they are merged with the provision of more formal Reproductive Health (RH) care, there is reason to hope that they will contribute to further decreasing the maternal mortality rate.

289. Low CPR and unmet needs are linked with unsafe abortion. NIPS data shows that about 6% of maternal deaths are due to abortion (Table 14.12 PDHS, 2006–07). There is also a high rate of (largely unacknowledged) morbidity associated with illegal abortions. Despite the difficulties involved, the Government is trying to address this problem.

³¹ Funded by DFID since 2007.

³² The Pakistan Demographic and Health Survey 2006–07 puts the total unmet need at 25%. The unmet need is lowest in Punjab (23%) and highest in Balochistan and NWFP (31%).

Paragraphs 42 and 43: Disadvantaged rural women and women with disabilities
Disadvantaged Rural Women

290. Rural women make up approximately 32.6% of the entire population of Pakistan. FATA (with approximately 2% of the population of Pakistan) is entirely rural and the Northern Areas predominantly so. In rural areas 9.1% of households are headed by women.³³

291. Urban women's income is 71.7% of male income and in rural areas it is 53.5% of male income. There is also a gap between female urban and rural incomes, with females in rural areas earning about 52 percent of the income of urban females."³⁴

292. The Ministry of Local Government and Rural Development operates several large scale Rural Development Projects which have a 'women development' component built into their social mobilization efforts. Designed and funded by either a Provincial or the Federal Government, and with additional financial support from international donors, the community-development components of these large-scale projects are implemented by quasi-Governmental organizations that specialize in organizing community members through 'social mobilization'.

293. The Rural Support Programs (RSPs) operate almost entirely in rural areas in 94 Districts in the Provinces and in the Northern Areas. The RSPs work to involve women in a variety of projects aimed at improving basic physical infrastructure, especially drinking water supply schemes and sanitation projects. They also work to add value to women's labour through enterprise development and skills enhancement projects. Improving women's social capital is also significant: this usually involves efforts to bring women into local decision-making bodies such as school management committees, village development committees and village health committees.

294. Since women are almost entirely responsible for farm-level livestock-management and for many of the unmechanized aspects of farm labour, the RSPs work with the Ministries and Departments of Agriculture, Special Crops and Livestock, to ensure that Extension officers include women in their efforts to bring up-to-date information to farmers.

295. The Provincial Governments' Social Welfare Department operates rural-based vocational Training Centers. These provide a vital means of home-based income generation for rural women.

296. Details of specific programs to enhance the social and economic situation of rural women are included in Section II of the report.

Constraints

297. Despite many successful efforts to include women in rural development programs, there is a need to improve their visibility in policy making focused on rural development.

298. Very few women professionals work in the Agriculture and Livestock Ministries and Departments, or in the Extension Departments of the Ministries. Changing this situation will require changes in both supply and demand.

³³ The figure is 8.8% in urban areas. PSLM 2007-08.

³⁴ *Mid-Term Development Framework*.

Women with disabilities

299. Pakistan has made great strides in dealing with the problems faced by children and young adults who have some form of functional disability, whether intellectual or physical.³⁵ There are separate schools, Vocational Institutes and medical centers which address the specific needs of children and adults with disabilities.

300. The Ministry of Social Welfare and Special Education is responsible for the care and treatment of children and adults with disabilities. This Ministry develops and implements specific plans for PWDs. In the Provinces, the Departments of Women Development, Social Welfare and Special Education are responsible.

301. The Directorate General of Special Education created a National Policy for Persons with Disabilities in 2002; this was followed by a National Plan of Action in 2006. The National Plan of Action is intended to bring people with disabilities into the social mainstream.

302. Pakistan signed the UN Convention on the Rights of Persons with Disabilities on September 25th 2008. Article G of the Guiding Principles of the Convention is equality between men and women.

303. In terms of proactive measures for women with disabilities, the Ministry has worked to ensure that women with disabilities find employment suitable to their abilities. Women and men with physical disabilities are eligible to apply for registration with the National Council for the Rehabilitation of Disabled Persons, which functions under the auspices of the Ministry. Once registered, people become eligible to apply for jobs reserved against a 2% quota in Government positions. They may also apply for non-reserved positions. Within the Ministry, close to 80 women with disabilities have been inducted into permanent employment during the last two years (i.e. since 2007). The Ministry has conducted several research studies on the social implications of disabilities.

304. The Punjab Department of Special Education³⁶ has addressed a number of significant issues concerning young women and men with physical and intellectual disabilities. Every effort is made to ensure that they are included in the social mainstream, including being educated, in the light of Article 10 of CEDAW, and are able to find employment suited to their abilities.

305. Large scale awareness campaigns focused on the rights of Persons with Disabilities, including their right to decent employment, have been conducted. The 2011 Population Census will include a gender-specific question on disabilities: this will help to ensure accurate, nation-wide data and will contribute to effective policy formulation.

306. The Pakistan Bait-ul-Mal initiated a special project for families with two or more disabled persons on 14th August 2008. The families receive the equipment they require and a grant of up to RS 25,000 per annum. There is no distinction or restriction on who may receive the grant.

307. Several NGOs are also working on small scale projects focused on ensuring the integration of women with disabilities into the social and economic mainstream. The

³⁵ In 1998 the Government estimated that 2.49 percent of the population suffered some form of disability. The WHO estimates that approximately 10–20% of the population in countries with similar socio-economic conditions are afflicted with disabilities. There is at present no way of substantiating this figure in Pakistan. However, the upcoming Census will include questions on disabilities for the first time.

³⁶ 62% of the employees of the Punjab Department of Special Education are women.

NADRA has launched a program for issuing separate National Identity Cards for disabled persons.

308. Section II of this report discusses the situation of women with disabilities following the October 2005 earthquake.

Constraints and challenges

309. Awareness of the problems of adults has not kept pace with that of the problems of children. The situation of adult women with disabilities has not yet been integrated into long-term planning. The unfortunate fact that the earthquake of 2005 left a great many women and men physically disabled have, however, led to a broadening of public awareness of this problem.

Paragraphs 44 and 45: Revision of Family Laws: Dissolution of Muslim Marriage Act (1939); minimum legal age of marriage and measures to eliminate forced marriage

310. In 2006 the Protection of Women (Criminal Laws Amendment) Act was promulgated. The Act amended the Dissolution of Marriages Act (1939), making *lian*³⁷ (a form of dissolution of marriage) grounds for divorce. The distinction between divorce and dissolution, and the grounds for dissolution, were explained in the previous report.

311. As submitted in the previous report in case of dissolution of marriage on the grounds provided in Section (2) of the Dissolution of Muslim Marriages Act, the right of a married woman to her dower or any part thereof is not affected.

312. In November 2008 the Council of Islamic Ideology made the following recommendations for the drafting of legislation:

- A law be enacted so that in case a wife seeks divorce in writing the husband will be bound to give her a divorce within 90 days.
- After the divorce takes effect, keeping in view the financial position of the husband, the Court shall grant *maat'a* to the divorced wife until the time she remarries, if she wants financial support. The *maat'a* can be given monthly or in a lump sum.
- Divorce should be registered the same way as the *nikah* is registered.

313. In August 2009 Family Courts (Amendment) Bill, 2008 has been passed by the National Assembly. The Bill provides for immediate relief to children by providing maintenance at the initial stages of proceedings in a suit for maintenance.

314. The Guardians and Wards (Amendment) Bill 2008 was also passed by the National Assembly in August 2009. This protects the right of the mother to retain custody of her minor children during the age of minority.

315. Amendments in Family Laws have been introduced in the National Assembly, which are pending before the Standing Committee. These amendments include:

- Immediate relief to the children by providing maintenance allowance at initial stage of proceedings in suit for maintenance³⁸
- Speedy trial in cases relating to the share of women in inheritance should be ensured by including them in the schedule of the Family Courts Act, 1964, which will bring

³⁷ *Lian* comes into effect if a husband's accusation of adultery against his wife cannot be proven. The wife can then file a case against her husband to dissolve the marriage. Her rights to maintenance remain the same.

³⁸ Family Courts (Amendment) Act, 2008.

the issue of share of women in inheritance into the jurisdiction of the Family Courts³⁹

- Amendment in section 9 of the Muslim Family Laws Ordinance, 1961 to enable the women who has been divorced and has passed the iddat period but is breast feeding an infant out of the previous wedlock to have the right of maintenance for two years from her past husband or if he had died, from the infant's grandparents or from her late husband's property as directed by the Holy Quran⁴⁰

316. Similarly issue of minimum legal age of marriage is under review and The Child Marriage Restraint (Amendment) Act, 2009 has been introduced in the National Assembly, suggesting amendments in the Child Marriage Restraint Act, 1939 to serve as a deterrent and to remove the existing gender disparity in age.

317. As submitted in the previous report in case of dissolution of marriage on the grounds provided in Section (2) of the Dissolution of Muslim Marriages Act, the right of a married woman to her dower or any part thereof is not affected.

Paragraphs 46 and 47: Include detailed information on the scale and scope, and especially the impact of all programs carried out to promote women's rights

318. Details of the scale and scope (geographic, thematic and financial) of programs focused on women's rights have been included in the discussion of each program mentioned in the Report.

319. The legislative measures enacted since the previous report submitted will protect women from some of the effects of conservative social traditions that exploit and victimize them.

320. Some of the Government programs carried out to promote women's rights and entitlements have been in place long enough to have had an appreciable impact. These include the Women's Political School Program (WPS) and the Gender Reform Action Plan (GRAP). As noted earlier, as a result of the WPS, thousands of elected women Councilors are now playing a significant role in the Local Government bodies to which they have been elected. They are creating a political 'space' for themselves and are bringing issues related to women's lives onto development and political agendas. At the highest levels, the reservation of seats in the National Assembly and the Senate has enabled women to use their skills and experience in ensuring that legislation takes account of women's issues and protects women from exploitation of all kinds.

321. The Federal and Provincial Gender Reform Action Plans have begun to be integrated into the relevant Ministries and Departments. Many senior Government officials now have a good understanding of the meaning of gender and women's rights, and understand the need to integrate thinking about gender into planning, policy making and program implementation.

322. In terms of education, significant improvements have been made in increasing the access of girls to every level of formal education. More girls are staying in school past the primary level. Many of those who graduate from High School and University are entering new professions and can expect to work in safer environments.

323. More women are now functionally literate because of large-scale programs that have been systematically implemented.

³⁹ The Family Courts (Amendment) Act, 2009.

⁴⁰ The Muslim Family Laws (Amendment) Act, 2009.

324. Health sector programs have contributed to increasing access to health care, including care related to SRH, and reducing infant and maternal morbidity and mortality.

Constraints and challenges

325. It remains the case that systematic evaluations are not always conducted and made public, which makes it difficult to assess the full scope and scale of programs. However, household based Surveys, on the Socio-economic Sector provide indicators to judge the performance of various programs in health, employment, education and family planning.

Paragraph 48: Ratification of the Optional Protocol to CEDAW

326. The Government is reviewing the Optional Protocol to consider the implications and potential effects of adopting it.

Paragraph 49: Integration of a Gender Perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievements of the MDGs

327. Goal 3 of the MDGs focuses on gender equality and empowerment of women, but other goals also have gender-related indicators i.e. education and health, which include Goals 2, 4, 5 and 6. If the situation is analyzed in the light of MTRF benchmarks, MTRF targets and MDG targets, it is evident that Pakistan is ahead of schedule in case of 2 indicators; the adult literacy rate and the proportion of seats held by women in National Assembly.

328. Planned MTRF achievements will be on track with 5-year proportionate MDG targets for these indicators; gender parity index for education, share of women in wage employment in non-agriculture sector, youth literacy, lady health workers coverage of target population, total fertility rates, contraceptive prevalence rate, proportion of women with one antenatal care, HIV prevalence among 15–20 year old pregnant women and HIV prevalence among vulnerable groups. Two gender related indicators are lagging behind; maternal mortality ratio for which MTRF will achieve about 38 percent of the MDGs and the proportion of births attended by skilled birth attendants which will achieve only 7.4 percent of the MDGs during MTRF.⁴¹

Paragraph 51: Ratification of other international legal instruments advocating human rights

329. The provisions of the Constitution of Pakistan, which is the supreme law of the land, fully protect and promote the human rights of all citizens. In order to show its commitment at international fora for the promotion of human rights, especially the rights of marginalized groups, and for increasing women's access to fundamental human rights, the Government of Pakistan has ratified various human rights conventions.

330. In June 2010 Pakistan ratified the International Covenant on Civil and Political Rights and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment for Punishment. Pakistan signed the Convention on the Rights of Persons with Disabilities in September 2008.

331. In April 2008 Pakistan ratified the International Convention on Economic, Social and Cultural Rights.

⁴¹ *Mid-Term Development Framework.*

Section Two

Responses to the articles of the Convention

Article 1

Definition of discrimination against women

332. The Constitution enshrines the principles of equality and non-discrimination. According to Article 25 of the Constitution all citizens are equal before and are entitled to equal protection of the law and there shall be no discrimination on the basis of sex alone. Nothing in Article 25 shall prevent the State from making any special provision for the protection of women and children.

333. The Government is committed to ensuring that reducing and eliminating discrimination, as defined by Article 1 of the Convention, is a priority. This commitment has been articulated in the National Plan of Action, the National Policy for Development and Empowerment of Women (2002) and several significant policy initiatives (for example the Gender Reform Action Plan).

Article 2

The obligation to eliminate discrimination

334. As noted in the previous Report and in Section I, the principles of equality and non-discrimination are enshrined in the Constitution and in several acts of legislation.

335. The Constitution of Pakistan guarantees equality and prohibits discrimination. Articles 8, 25, 26, 27, 34, 35 and 38 not only guarantee human and fundamental rights and equality before the Law but lay down a non-discriminatory spirit and policy, especially with regard to women.

336. The Superior Courts, by applying and interpreting the provisions of the Constitution, have clearly defined what amounts to discrimination, equality before the law, substantive equality and the principle of 'reasonable classification' for affirmative action. As it was established by the Lahore High Court in *Chaudhry Nazir Ahmed vs the Province of Punjab* (2007 CLC 107) "Society in Pakistan is divided horizontally and vertically into various groups and classes with vastly unequal economic and social status and benefits. To treat unequal people equally is perhaps the worst form of discrimination. [It is] always necessary to target specific deprived groups for providing economic and social benefits including housing ... [The] framers of the Constitution were very keenly aware of such social and economic disparity and inequality as well as the necessity for the State to address the same to ensure social justice as is obvious from Articles 3, 37 and 38 of the Constitution." It was laid down by the Supreme Court in *Asadullah Mangi Vs. Pakistan International Airlines Corporation* (2005 PSC 771) that "equality of citizens does not mean that all laws must apply to all the subjects or that all the subjects must have same rights and liabilities." It was further held in the same case that "discrimination always involves an element of unfairness and bias and it is in that sense that the expression has to be understood".

337. Further, in the application of the provisions of the Constitution of Pakistan, the Superior Courts have strongly condemned discrimination on the basis of sex alone and have declared the same to be in utter violation of law, as was held in the Supreme Court case "*Pakistan International Airlines versus Samina Masood* (PLD 2005 SC 831) discrimination based on sex, was in violation of Article 25 (2) of the Constitution".

338. Similarly in *Bashiran Bibi vs. Government of Punjab* (2000 PSC 467) arbitrary discrimination on the basis of sex was declared to be strictly prohibited and relief was

granted to the plaintiff in recognition of her fundamental rights under Articles 25 and 27 of the Constitution.

339. All of the Government programs and projects discussed in this Report are intended to contribute to reducing discrimination against girls and women. The Government is committed to ensuring that all of its initiatives integrate a gender perspective. These initiatives, while attempting to eliminate discrimination against women, will work to the extent that they (i) function in co-ordination with each other (ii) include ways and means of ensuring that the legal and legislative changes connect as fully as possible with progressive social values and (iii) they are implemented as planned and continue to evolve so they address long-standing, current and emergent concerns.

340. Although an international Convention or Treaty is not directly applicable when Pakistan ratifies it, the provisions of such Conventions and Treaties are taken into consideration by the Courts while interpreting the law in a given context.^{42 43 44}

Judicial measures and application of laws

341. The terms equality and discrimination have been interpreted by the Superior Courts and a number of judgments have been made by the Superior Courts in favor of women on the basis of the principles of equality and non-discrimination.^{45 46 47 48}

⁴² In *Lahore High Court Mst Saima Vs The State 2003 PLD 747* the Court held, according to Article 35 of the Constitution of Pakistan (1973) and Article 16 of CEDAW, that it was mandated to provide protection to the institutions of marriage and the family by the State.

⁴³ In a *suo moto* case by the Federal Shariat Court 2008 PLD 1 the provision in the Citizenship Act (1951) which disallows the non-Pakistani husband of a Pakistani citizen to acquire Pakistani citizenship, was held to be discriminatory because: it negated gender equality; it was against the Constitution of Pakistan and against the Quran and Sunnah; and it contradicted the international commitments signed by Pakistan.

⁴⁴ In *Mst Nasim Mai Vs The State 2004 PCRLJ 1089 LHC* in a petition of *habeas corpus* the petitioner, who was *sui juris*, sought release from a *dar al aman* and did not want to accompany her parents, apprehending a danger to her life and that Article 25 provided for equality before law and that there shall be no discrimination on the basis of sex. The High Court set free the petitioner on the basis of Article 9, dealing with the security of a person; Article 15, which allows for freedom of movement and Article 25, on the basis of equality before the law.

⁴⁵ In *Pakistan International Airlines Vs Samina Masood PLD 2005 S.C 831*, the Constitutional jurisdiction of the High Court was invoked to challenge the *vires* of Regulation 25 of the Pakistan International Airlines Corporation Employee (Service and Discipline) Regulation (1985), which required that an Air Hostess retire when she reached the age of 35. The Supreme Court held that “nothing could be discrimination based on sex; better what has been found in the present in case where people similarly placed exactly in the same group were discriminated [against] only [by] being females.” The Supreme Court, while directing there should be no discrimination between the retiring age of female and male cabin crew belonging to the same pay group, remarked that if any member of the cabin crew did not fulfill the requirement of the Department [they] may, after medical examination, be entrusted any duties/ground duties in the same group.

⁴⁶ In *Mst Anwar Begum Vs Zarai Taraqiati Bank of Pakistan 2009 CLD 133 Karachi* the petitioner claimed relief under a relief package announced by the Government for return of loans. The High Court held that persons equally placed must be treated alike in the matter of privileges and protection.

⁴⁷ In *Shafaqat Ullah Vs Land Acquisition Collector DC Haripur 2006 CLC 1555 Peshawar*, the High Court, with reference to Article 25, held that persons similarly placed would have equal rights. When certain rights were declared to be available to one or more such persons, then all persons similarly placed with them would stand declared entitled to such rights. Denial of equal rights to such persons would be sheer discrimination and contravention of the Constitution.

⁴⁸ In *Surraya Khanum Vs Medical Superintendent Punjab Institute of Cardiology Lahore PLD 2006 Lahore 469*, the Court observed that the concept of equality before law and that all were equal before

Steps taken by the State for law review and reform

342. As noted in Section I, there are three bodies charged with reviewing Laws and recommending amendments.

343. Since the previous Report was submitted the Law and Justice Commission of Pakistan⁴⁹ has prepared papers and suggested reforms under the Law Reforms Project on the following issues:

- Impeaching the moral character of victim of rape (deletion of Section 151 (4) of Qanoon-e-Shahadat Order (1984)
- Post divorce matta'a (support) for a wife
- Reform of Hudood laws
- Amendment in the Dissolution of Muslim Marriages Act (1939)
- Amendments to the Citizenship Act (1951)
- Eliminating the Custom of Vanni (Giving females in marriage as consideration for compounding disputes/offences)
- Amendments in Article 17 of the Qanoon-e-Shahadat Order (1984)
- Amendments in the Dowry and Bridal Gifts Act 1976, Amendments in the Child Marriage Restraint Act (1929)

344. The Law and Justice Commission is presently preparing papers on (1) Legislation pertaining to Domestic Violence and (2) Amendments to the Qisas and Diyat Act.

345. Since the previous report was submitted the National Commission on the Status of Women has carried out research on (1) women's rights to inheritance (2) the concept of justice in Islam: Qisas and Diyat and (3) the impact of Family laws on the rights of divorced women. The Commission has made recommendations for law reforms on all three issues.

Legislation introduced to address discrimination

346. Since the present Government was elected in February 2008, the following Bills have been introduced in the National Assembly, intended to address specific aspects of discrimination against women and/ or women's rights:

- Protection Against Harassment in the Workplace 2009: To create a safer working environment for women and men, that is free of sexual harassment, abuse and intimidation.
- Criminal Law Amendment Bill 2009. To make the public and work environment safe, especially for women, and to encourage women to enter job market to reduce poverty and to pursue their livelihoods with dignity.
- Family Courts (Amendment) Bill, 2008. To provide immediate relief to children by providing maintenance at the initial stages of proceedings in a suit for maintenance.
- Guardians and Wards (Amendment) Bill 2008. To protect the right of the mother to retain custody of her minor children during the age of minority.

the law had its genesis in Islamic fundamental principles elaborately propounded by the Holy prophet (P.B.U.H.) in the last Sermon. The Provisions of Articles 4, 25, 26 and 27 of the Constitution were also in line and consistent with the equality of all, as enshrined by Islam.

⁴⁹ www.ljcp.gov.pk.

- National Commission for Human Rights Bill 2008. To establish an independent National Human Rights institution for the promotion and protection of human rights in line with international obligations.
- Code of Criminal Procedure Act 2008. To provide relief to accused persons in jail, by granting them bail after two years in case of offences punishable with death. This period is reduced to one year and six months in the case of accused women.

Bills introduced by private members

(i) The Family Courts Amendment Bill 2009: To empower the Supreme Court to transfer any case, appeal or other proceeding pending before any other High Court in family cases filed under the West Pakistan Family Courts Act (1964) in accordance with the judgment of the Supreme Court 2003 SCMR 115 Ms Bushra Vs Mohammad Naeem. Article 186 of the Constitution empowers the Supreme Court to transfer any case, appeal or proceeding pending before any High Court but these powers have not been given to the Supreme Court in family cases filed under the West Pakistan Family Court Amendment Act 1964. A High Court of a Province can transfer a case or proceeding within its jurisdiction in that Province, thus putting the spouses to great hardship when either of them has to file a case pending in a different Province.

(ii) The Muslim Family Laws (Amendment) Bill, 2009: To enable a woman who has been divorced and has passed the iddat period⁵⁰ but is breast feeding an infant out of the previous wedlock to have the right of maintenance for two years from her previous husband, in case of his death from his property or from the grandparents of the infant.

(iii) The Factories (Amendment) Bill 2009: To reduce the problems of working women by giving them relaxation in duty hours by one hour at the start and one hour at the end of the working day.

(iv) The Charter of Child Rights Bill: To protect and promote the rights of children below eighteen years of age.

(v) The Criminal Law (Amendment) Bill 2009: To protect women from social injustice including crimes related to dowry issues, throwing of acid and concealment of marriage while contracting a subsequent marriage.

(vi) The Special Citizens (Right to Concessions in Movement) Bill 2009: To provide concessions to special citizens in all transport whether private or public to enable their easy movement.

(vii) In-House Working Women Protection Bill 2008 To protect the rights of women working as domestic servants as well as children and elders.

(viii) Offence of Qazf (Enforcement of Hadd) Amendment Bill 2008: To provide women easy access to the courts and quick disposal of their qazf (false accusation of adultery) cases.

(ix) Compulsory School Attendance Bill 2008: To educate all children, with specific reference to education of girls.

(x) Prevention of Harassment at the Workplace Bill 2008: To ensure a working environment without gender harassment and/or abuse.

⁵⁰ The period required during which a women is entitled to maintenance, which may include the duration of a pregnancy from the dissolved marriage.

- (xi) Special Citizens Bill 2008: To provide access to disabled citizens at every public place and allocation of seats in public transport and provision of facilities of wheelchairs on footpaths.
- (xii) Working Women (Protection of Rights) Bill 2008: To protect working women by providing means to stop their exploitation.
- (xiii) Pakistan Citizenship (Amendment) Bill, 2008. To allow Pakistani women to pass on their citizenship to a foreign spouse.
- (xiv) The Prevention of Anti-Woman Practices (Criminal Law Amendment Bill 2008): To do away with practices and customs affecting women, which are against human dignity.
- (xv) Pakistan Penal Code Amendment Bill 2008: To provide for the punishment of people including the ones in panchayats and jirgas who, in order to strengthen the agreement of reconciliation, present women and young girls.
- (xvi) Social Protection for Home Based Workers (Amendment) Bill 2008: To give equal treatment /status to home based workers.
- (xvii) Prevention of Domestic Violence Bill 2008: To prevent vulnerable people, especially women, children, domestic workers, elders and disabled persons, from violence in the context of personal relationships.

Article 3

Implementation of the Convention through all available means

Legislative measures

347. The Constitution of Pakistan guarantees the protection of fundamental human rights and establishes principles of policy for the protection of these rights without any discrimination. Chapter 1 (Articles 8 to 28) deals with fundamental human rights. Article 8 makes laws inconsistent with, or in derogation of, fundamental rights, to be void. Articles 29 to 40 set principles of policy by ensuring, among other measures, the full participation of women in national life, the protection of minorities, the promotion of social justice and the eradication of social evils.

Laws enacted since 2005 pertaining to women

348. Since the previous Report was submitted the Government of Pakistan has reviewed the following Laws and Ordinances, with the intention of eliminating discrimination and/or promoting gender equality:

- The President of Pakistan promulgated an Ordinance on 8th July 2006, amending Section 497 of the Criminal Penal Code (CrPC) to grant bail to women in jails on charges other than terrorism and murder. The changed law allows bail for women held on various charges, including violation of Hudood laws. It is pertinent to mention here that in non-bailable offences, bail is not the right of an accused person rather it is on the discretion of the court and this Amendment declares bail as a matter of right for women.
- The Protection of Women (Criminal Laws Amendment) Act, 2006 was enacted on 1st December, 2006 to provide relief and protection to women against the misuse and abuse of the law.
- Details of laws currently in force for the development and advancement of women in the political, social, economic and cultural fields are provided in the relevant articles of this Report.

Article 4

Affirmative action

349. The National Policy for the Development and Empowerment of Women (March 2002) provides a significant part of the framework for affirmative action.

350. All of the legislative and administrative actions — including programs, projects and policy revisions — identified in Section I are intended to accelerate the achievement of de facto equality between men and women. These are also meant to support each other, in terms of generating and sustaining a conducive legislative and programmatic environment for the achievement of equality.

351. The 10% civil service employment quotas discussed in the previous report remain in place. Although they have not all been filled, efforts continue to find and retain qualified women.

352. A 5% quota for members of minority communities was announced in May 2009. This quota is not gender-disaggregated.

353. Efforts to ensure that gender-disaggregated data — including that on violence and trafficking — is collected and analyzed can also be considered affirmative action: these efforts acknowledge that without accurate information, policy planning and implementation focused on gender equality cannot proceed.

354. The reservation of seats for women elected to every level of the Government, from the Senate to the Districts, is gradually having the desired effect, as it becomes increasingly taken for granted that women will hold elected positions.

Constraints and challenges

355. Enlightened legislation and quotas sometimes do not reach deeply enough into traditional patterns of employment. However, they are a necessary first step.

Article 5

Elimination of stereotypes

356. The idea of women as economically dependent, and as recipients of benefits, is gradually being replaced with the idea of women as economic contributors and as the focus of healthy families. This does not contradict the centrality of women in families; rather, it acknowledges the significance of women's roles.

357. The modification of social and cultural ideas about gender can arise from planned efforts, such as those described in the response to Paragraphs 28 and 29 of the Expert Committee's observations in Section I. Changes also arise as a result of social and economic trends such as those of rising unemployment and losses in purchasing power. These will probably impel more women into the workforce and may result in higher visibility of working women.

358. Similarly, some of the initiatives taken by the print and electronic media (discussed in Paragraphs 28 and 29 in Section I) to include women, or initiatives led by women, have begun to challenge and change stereotypes.

359. Some of the revisions to the school curricula focus on efforts to portray girls and women in new roles and to convey the fact that women are entering non-traditional professions in increasing numbers: these efforts expand the array of role models for girls in school.

360. The revisions will take some time to fully achieve the desired effect, but substantial beginnings have been made.

361. More women are achieving public prominence and thereby both challenging stereotypical notions of women's capacities and abilities and providing role models to women. For example, Dr. Shamshad Akhtar is the first woman Governor of the State Bank of Pakistan. She was voted Asia's Central Banker of the Year in 2008. The President/CEO of the First Women Bank is a woman. Pakistan's pre-eminent human rights activist is a woman. The CEO of the Rural Support Programs Network, which responds to the development needs of thousands of women, is a woman. Eleven women are the Vice Chancellors of public and private Universities.

362. The Government of Pakistan's ERRA⁵¹ Gender Equality team is led by two women. As noted later in this Report, this Team has ensured that the concept of gender has been integrated into planning, implementation and monitoring responses to the earthquake and that woman's needs and their capacities to contribute to post-earthquake reconstruction have been acknowledged and met. The Government's response to the current situation of girls and women who are dislocated persons is to some extent informed by what was learned from the response to the earthquake.

363. Professional Women's Business Associations are functioning in major urban centers. These contribute to raising awareness of the role of women in the economy.

364. With the rise in the availability of micro-credit and enterprise development training, more women, in both rural and urban areas, are heading small businesses. The reluctance of many families to acknowledge that women earn a living has been somewhat reduced, as a result. While not all women entrepreneurs are successful, it is becoming increasingly acknowledged that operating a home-based business contributes to the economic well-being of families.

365. As more young women go to University and as they enter professions traditionally dominated by men, stereotypes of traditional women's roles will be further challenged and overturned. (See Annex A Table 10 for University enrollment figures).

366. So far as 'family education' is concerned, including a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, there is no program of 'family education' as such in public schools in Pakistan. Adult women family members are seen as the exclusive and rightful repositories of information on sexual and reproductive health (SRH) for their daughters and daughters-in-law. Mothers-in-law play a significant role in the family-planning decisions of their sons and daughters-in-law, as noted in a recent study conducted by the premier private-sector family planning organization in the country.⁵²

Constraints and challenges

367. It remains much easier for educated urban women to overturn negative stereotypes. For rural women the problem remains that of achieving visibility.

368. Although there have been some innovative and well-executed programs to include men in family planning programs, (as noted in Section I) efforts are still required to ensure that the majority of women, especially rural poor women, have some control over their own reproductive lives.

⁵¹ Earthquake Rehabilitation and Reconstruction Authority.

⁵² Green star Pakistan.

Article 6

Trafficking in women and girls

369. As noted in paragraphs 30 and 31 above, of Section I, Pakistan is in the process of amending the Prevention and Control of Human Trafficking Ordinance (2002).

370. The Protection of Women (Criminal Laws Amendment) Act, 2006 includes a number of amendments relevant to trafficking and prostitution. Section 365 (B) makes the conviction for forced marriage or seduction for illicit intercourse a fine and/or life imprisonment. The penalty under Section 367 (A) (kidnapping or abducting in order to subject [a] person to unnatural lust) is a fine, rigorous imprisonment up to 25 years or the death penalty. Sections 371 (A) and (B) refer, respectively, to selling and buying a person for purposes of prostitution. The penalty in both cases is a fine and up to 25 years in prison.

371. The Ministry of Interior has established a Migration Management (Anti-Trafficking) Cell⁵³ which focuses on issues related to trafficking. Acknowledging trafficking as a form of violence, the MMC also enhances the capacity and focus of Law Enforcement Agencies in identifying and apprehending women-trafficking networks. It also conducts action-oriented research on trafficking. It produces IEC material on women trafficking, to be used as input for policy change and for strengthening national and international legal frameworks regarding trafficking.

372. In partnership with the Ministry of Women Development, the Ministry of Interior and the Federal Investigation Agency, the UN International Organization for Migration (IOM) has held a series of training workshops on trafficking. These have focused on national policies, law enforcement, and the role of civil society and other stakeholders in supporting victims, as well as mainstreaming gender in law enforcement activities in Pakistan. The IOM has also held awareness-raising workshops on trafficking for civil judges, judicial magistrates and lawyers.

373. The MoWD's Shaheed Benazir Bhutto Women's Crisis Centers assist some of the women and children who have been recovered from traffickers. Efforts are underway to improve the delivery of services to these women and girls.

374. In all the Provinces and in FATA the Federal Investigation Agency has registered cases against offenders. Media coverage and seminars on women trafficking have also been organized by NGOs to highlight the issue.

Constraints and challenges

375. The exploitation of women and girls for the purpose of prostitution remains an extremely sensitive subject that receives little public attention. The use, by criminals, of increasingly sophisticated methods to lure women into prostitution and other forms of bondage, is a world-wide problem and Pakistan is doing whatever is possible to reduce the incidence of this problem in the country.

Article 7

Elimination of discrimination in political and public life

376. As noted in the Combined Initial, Second and Third Report, as citizens of Pakistan, women and men have the same Constitutional right to stand for election to all publicly elected offices and to exercise their right to vote in all elections and public referenda.

⁵³ With funding from the UNDP Gender Justice and Protection Project.

Similarly, women cannot legally be excluded from participating in the formulation of government policy, from holding public office or from performing public functions at all levels of government.

377. The GRAP has been specifically designed to ensure that policies are reviewed by members of the GRAP Gender Development Sections of the Line Ministries which host the GRAP. This review process helps to ensure that women are included in all aspects of policy.

378. More women than ever before are participating in political life, whether due to affirmative action (i.e. reservation of seats) or to efforts by political parties to attract women as workers and candidates.

379. In the 2008 General Election, women in the South Waziristan Agency (in FATA) voted for the first time.

380. As noted in Section I, the Ministry of Women Development implemented a three-year (2004–07) National Program for Women’s Political Participation. Close to 30,000 elected women Councilors across the country participated in training programs that strengthened their knowledge of their roles and responsibilities; provided them with knowledge of legislative mechanisms and provided information on how to meet their constituents’ needs.

Many of these women Councilors have been elected to the Union, Tehsil and District Council for the second time, and some will stand for election again in the upcoming third round of Local Government elections. Many elected women Councilors have been successful in attracting and utilizing development funds for their Union, Tehsil and District Councils and have built political capital in their own right. Many are now significant actors in Local Government.

381. Women have also been elected as the Nazims and Naib Nazims of the Union, Tehsil and District Councils. In the first Local Government elections in 2000, 16 women were elected as Nazims or Naib Nazims.⁵⁴ Table 5 shows the distribution of the 32 women elected to these positions in the 2005 Local Government election.

Table 5

Women Nazims and Naib Nazims elected to Union, Tehsil and District Councils in 2005

<i>Province</i>	<i>District Council</i>	<i>Tehsil Council</i>	<i>Union Council</i>	<i>Total</i>
Punjab	-	3 (plus 1 Naib Nazim)	15 (plus 5 Naib Nazims)	24
Sindh	4 (plus 1 Naib Nazim)	1	1	7
NWFP	-	-	1	1

Source: National Reconstruction Bureau website.

Note: There were no women *Nazims* or *Naib Nazims* elected in Balochistan or the Northern Areas in 2005.

382. Women and men participate in NGOs or organizations and associations concerned with public and political life. In fact, women are prominent in the NGO sector, and women head the best known and most effective organizations associated with enabling women to

⁵⁴ http://sachet.org.pk/g_for_gender/elected_women.asp.

access their rights and entitlements. The active women's movement has addressed numerous issues of specific concern to women for decades.

Constraints and challenges

383. 'Tradition' and 'custom' which are sometimes evoked to constrain full participation of women in political and public life in some parts of the country need to be progressively addressed.

Article 8 Representation abroad

384. Women and men are equally entitled to represent Pakistan abroad. Ten women currently serve as Ambassadors.⁵⁵ Others serve in several countries as Deputy Heads of Mission, Ministers and Counselors. Five women who hold the rank of Ambassador currently serve at the Ministry of Foreign Affairs.

Article 9 Nationality

385. Pakistani women are guaranteed the same right as men to acquire change or retain their nationality. Marriage to a non-Pakistani citizen neither affects a woman's nationality nor requires her to adopt the citizenship of her non-Pakistani husband. The children of a Pakistani woman married to a non-Pakistani are citizens of Pakistan.

386. Amendments to the law concerning the right of a Pakistani woman to allow the non-Pakistani husband the right to become a Pakistani citizen are, as noted in the response to Paragraphs 15 and 16 of Article I of this Report, presently subjudice before the Supreme Court of Pakistan.

Article 10 Equal rights to all aspects of education

387. Article 25 of the Constitution provides for equality before the law. Article 22 states that "no citizen shall be denied admission to any education institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth. Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens". Article 37 provides that "The State shall remove illiteracy and provide free and compulsory secondary education within a minimum possible period [and] make technical and professional education generally available and higher education accessible to all on the basis of merit."

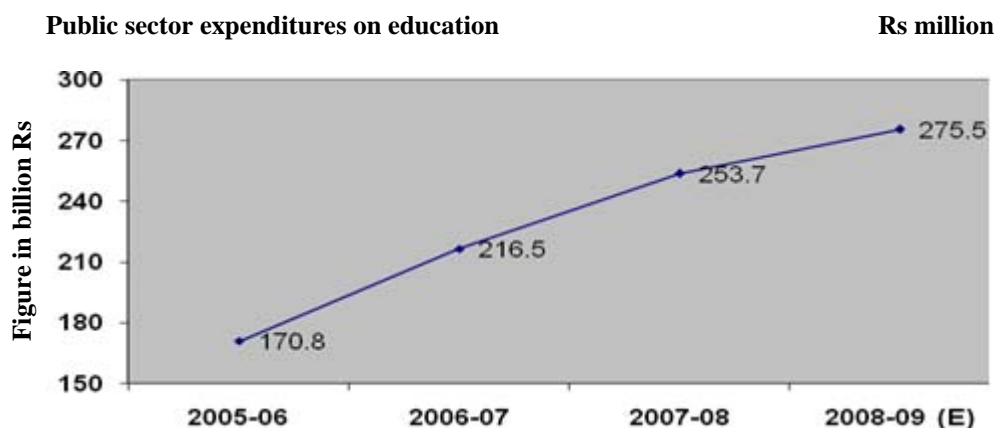
Investment in terms of GDP

388. Being an important component of social sector, the Government is adopting most feasible strategies for the growth of educational sector including dependence on the available financial resources, the paradigm of structural development and essential elements of policy framework. Public expenditure on education as a percentage to GDP is low in

⁵⁵ The women Ambassadors serve in United Kingdom, Denmark, Singapore, Sri Lanka, Spain, Egypt, Lebanon, Bulgaria, Australia and Argentine.

Pakistan due to fiscal resources constraint that paved the way to synchronization in terms of GDP allocation. The trend of investment in Education in terms of GDP has been 2.50% and 2.457% in the years 2006–07 and 2007–08 respectively, whereas it is estimated to be 2.10% during 2008–09. It is on the lower side in accordance to its requirement given the importance of the sector but seems appropriate in terms of current financial situation of the economy.

389. The year-wise Public Sector expenditure/ trend may be seen in the following figure.



390. The Compulsory School Attendance Bill 2008, focused on educating all children, with specific reference to education of girls, has been tabled in the national Assembly.

391. Each section of Article 10 has been addressed in the response to Paragraphs 36 and 37 of the Committee's Observations. Some additional details of the efforts to ensure that every aspect of education is sensitive to the present and emerging needs of girls and women are given below.

392. The total budget expenditure for education in 2004–5 was 139.968 Billion (2.13% of GDP). In 2007–08 it was 2.44%. These figures rise when private sector expenditures are included: in 2007–08, the combined public and private expenditures accounted for 2.91% of GDP.

New education initiatives

Vocational and technical education

393. The second national level Survey (i.e. 2008–09) being conducted by National Vocational & Technical Education Commission (NAVTEC) for public and private sector institutions is currently in progress.

394. The summary of statistics based on national survey 2006–07 is given in the following table:

Table 6

Six vocational and technical institutes, enrollment and teaching staff

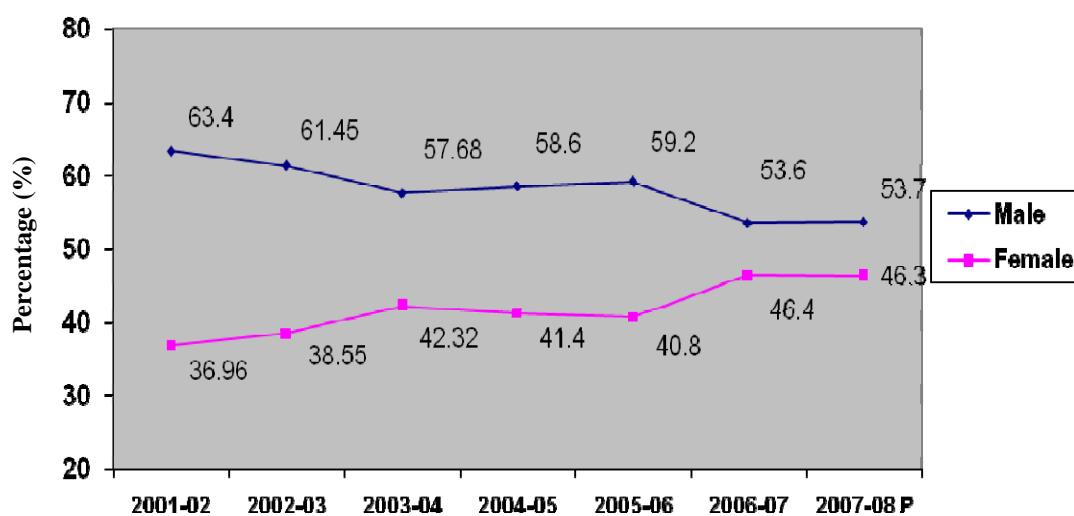
Summary statistics	<i>(In numbers)</i>						
	Government			Registered private			Total
	Male	Female	Co-ed	Male	Female	Co-ed	
Institutes	469	452	219	218	46	118	1 522
Enrollment	92 074	101 523	55 847	33 816	14 525	16 403	314 188

Teaching staff by ownership of institutes	7 119	2 712	2 814	3 138	246	1 392	17 409
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Higher Education Commission

395. Higher Education Commission awarded charter to 28 new universities and degree awarding institutions in the public and private sector during 2007–08. Enrollment at the Universities and Degree Awarding Institutions increased by 124 percent i.e. from 331,745 in year 2002–03 to 741,092 in the year 2007–08. The Figure below reflects the narrowing of the gender gap over the years.

Percentage of male and Female Student Enrollment in higher education (degree level) during the period 2001–08



Source: Economic Survey, 2008–09.

National Education Census

396. The need for accurate information to provide a base for well-informed planning has been acknowledged and addressed by the Government. The first ever National Education Census (2006) was a landmark effort to collect accurate and verifiable data on all aspects of education. The Census findings constitute an independent benchmark for every aspect of planning (including well-informed fiscal planning) and policy formulation focused on improving the educational situation, including improving enrollment and retention rates for girls.

397. The NEC includes data on all kind of schools that operate in Pakistan: it covered 227,791 schools: 67% of them were in the public sector. The Census found that female enrollment across all educational institutions was 43%.

398. Public sector expenditure on education has increased almost three-fold between 2000–01 and 2007–08. Fifty percent of all development allocations are now being provided for the provision of and access to education for girls.

Constraints and challenges

399. Gender disparity in literacy and enrollment is one of the key focuses of the Government. In Pakistan, the status of women has improved in recent years but gender inequality remains pervasive. This inequality sometimes starts early within the family and keeps women at a disadvantageous position throughout their lives. Potential of women has

not been fully recognized and utilized because of discriminatory social norms, missing incentives, and legal impediments. This discrimination is aggravated due to lack of access to educational institutions, educational expenses and household duties. Due to parental ignorance, misapplied dogma and obscurantist beliefs, girls are more likely to be kept out of school and hence receive less education than boys.

Article 11 Employment

400. Both the Constitution and a number of employment-specific laws enshrine the rights of women to the benefits and protection identified in Article 11 of the CEDAW Convention.

401. The relevant Articles of the Constitution and titles of the relevant Laws were identified and discussed in the Combined Initial, Second and Third Report.

402. The Government's Decent Work Country Program includes a strategy and a plan of action to promote the creation of decent work with gender equality as a cross-cutting theme. Similarly, the Labour Protection Policy (2006) acknowledges gender equality and the absence of discrimination against women and men as basic human rights that require protection. The Policy affirms the Government's commitment to the implementation of ILO Conventions on gender equality.

403. The Fifth issue of the Ministry of Labour and Manpower Labour Market Information and Analysis Unit (2009)⁵⁶ focuses exclusively on women's access to employment and on the right to decent employment and adequate remuneration. The report finds that women earned about 1/3 less than men in 2008 and that the wage gap has widened in recent years. Moreover, close to 60% of women working in waged and salaried employment were engaged in casual or piece-rate work. Women are also working longer hours than in previous years.

404. The majority of women (78%) are not economically active, in part because "the opportunity cost of leaving traditional unpaid family care duties such as housework and childcare to seek work in a male-oriented job market is far too high for the majority of women."⁵⁷

Table 7

Key indicators of the Pakistan labour market, 15+ (%) 2006–2008, by gender

<i>Pakistan</i>	2006	2007	2008	<i>Change 2000 to 2008 (% points)*</i>
1. Labour force participation rate				
Both sexes	53.0	52.5	52.5	+2.1
Men	84.0	83.1	82.4	-0.8
Women	21.1	21.3	21.8	+5.5
2. Employment-to-population ratio				
Both sexes	49.7	49.8	49.9	+3.1
Men	79.6	79.6	79.1	+0.5
Women	19.0	19.4	19.9	+6.2

⁵⁶ *Pakistan Employment Trends for Women, 2009.*

⁵⁷ *Pakistan Employment Trends for Women, 2009.*

<i>Pakistan</i>	2006	2007	2008	<i>Change 2000 to 2008 (% points)*</i>
3. Unemployment rate				
Both sexes	6.1	5.1	5.0	-2.2
Men	5.2	4.2	4.0	-1.5
Women	9.6	8.6	8.7	-7.1
4. Share of industry in total employment				
Both sexes	21.2	21.4	20.6	+2.4
Men	22.7	23.5	22.6	+2.8
Women	15.1	12.6	12.2	+3.8
5. Share of agriculture in total employment				
Both sexes	41.6	42.0	42.8	-5.0
Men	35.6	35.0	35.2	+8.2
Women	67.7	71.4	73.8	+0.1
6. Share of services in total employment				
Both sexes	37.1	36.6	36.6	+2.6
Men	41.8	41.5	42.2	+5.4
Women	17.3	16.0	13.9	-3.9
7. Share of wage and salaried employees in total employment				
Both sexes	38.4	38.3	37.1	+1.1
Men	41.2	41.5	40.6	+4.1
Women	26.6	25.1	22.9	-10.2
8. Share of own account workers in total employment				
Both sexes	36.5	36.0	35.9	-7.7
Men	41.3	41.1	41.2	-6.8
Women	15.9	14.3	13.9	-2.9
9. Share of employment in the informal economy				
Both sexes	72.3	71.5	72.4	+7.4
Men	72.2	71.6	72.4	+7.4
Women	73.0	69.9	71.7	+7.7
10. Share of vulnerable employment in total employment				
Both sexes	60.4	60.6	61.9	-1.2
Men	57.5	57.3	58.2	-4.3
Women	73.0	74.6	77.1	+10.3

Source: Pakistan Employment Trends for Women 2009, derived from the Labour Force Survey, various years.

* Original table includes figures from 2000 to 2008.

405. Women employed in the informal sector and self-employed women have as yet no legal right to any aspect of social security, job security or maternity benefits. The Home Based Women Workers' Bill discussed under Paragraphs 38 and 39 in Section I describes the improvements that are being considered to improve the access of home-based workers to decent working conditions, improved remuneration and better benefits.

406. Concerning the right to choose a profession, the legal right to do so exists, but in practice this right tends to reside with the senior generation in the family, rather than with young women and men seeking to enter a profession.

407. Women have the same right as men to receive vocational training and retraining as well as advanced vocational training and recurrent training. More women than ever before are entering vocational training programs. Many of the Government's Rural Development Programs that include women have an informal vocational training component. These tend to involve skills that can be utilized at home. The majority of these programs have a 'refresher' course to upgrade skills. However, the tradition of apprenticeship tends to apply almost exclusively to men, because the trades involved are conducted in the public domain.

Maternity leave and maternity protection

408. The Constitution of Pakistan directs the State to ensure "maternity benefits for women in employment" [Article 37(e)]. Legislation exists for implementing this important directive. Thus, under the Civil Servants Rules [Made u/s 18 of the Civil Servants Act 1973], maternity leave is admissible to a female civil servant on full pay for up to 3 months, outside the leave account. Such leave may not be granted for more than 3 times in the career of such civil servant. Such restriction, however, does not apply to a female civil servant employed in a vacation department. Maternity leave, again, may be granted in continuation of, or in combination with, any other leave admissible to a civil servant. [Rule 13 of the Revised Leave Rules 1980, ESTA Code 1989, p. 703]. Similarly, the West Pakistan Maternity Benefit Ordinance (1958) which applies to the whole of Pakistan, provides that women employed in an establishment, whether industrial, commercial, or otherwise, shall be paid wages during maternity leave for 12 weeks i.e. 6 weeks before and 6 weeks after delivery. Violation of the law is made punishable with fine. Rules have been framed for carrying out the purposes of this Ordinance [The West Pakistan Maternity Benefit Rules 1961]. The Mines Maternity Act (1941) also provides for 12 weeks' paid maternity leave. [Section 5]. The Act also prohibits the employment of, or work by, pregnant women in a mine during specified period before and after delivery [Section 3].

409. While Article 37 of the Constitution makes reference to maternity benefits for women in employment, there are two central enactments, one Federal and the other Provincial, providing maternity benefits to women employed in certain occupations. The Maternity Benefit Ordinance (1958) stipulates that upon the completion of four months employment or the qualifying period, a worker may have up to six weeks prenatal and postnatal leave during which she is paid a salary drawn on the basis of her last pay. The Ordinance is applicable to all industrial and commercial establishments employing women, excluding the Tribal Areas. It also places restrictions on the dismissal of the woman during her maternity leave.

410. In terms of the periodic review of protective legislation, draft Bills have been prepared for (i) Occupational Safety and Health and (ii) Employment and Service Conditions, under the revised Industrial Relations Act (2008), keeping in view the provisions relating to Conventions on labour ratified by Pakistan as well as the provisions of CEDAW.

Article 12

Health

411. As submitted in the previous report there is no express provision for the protection of physical health in the Constitution of Pakistan.⁵⁸ However, protection of life is guaranteed under Article 9 of the Constitution, according to which “no person shall be deprived save in accordance with the law”. Protection of life implicitly makes promotion of health necessary, thereby making the protection of health a responsibility of the State. According to Article 38 of the Constitution “The State shall provide for basic necessities of life such as food, clothing, housing, education and medical relief for all such citizens irrespective of sex, caste, creed or race, as are temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”

412. As noted in the response to Paragraphs 40 and 41 in Section I, Pakistan has made great strides in recent years in improving women’s access to health care services in Government health facilities, including those services related to SRH and family planning. Specialized UN Agencies, sector-specific international donors and the private sector have also played a significant role in addressing numerous aspects of the provision of maternal and child health care.

Health Program

Expanded Program on Immunization (EPI)

413. EPI aims at protecting children by immunizing them against Childhood Tuberculosis, Poliomyelitis, Diphtheria, Pertussis, Measles and Tetanus and their mothers against Tetanus. The Program has progressed significantly over time in terms of immunization coverage and disease reduction through its own system of surveillance, regular monitoring, evaluation of strategy and sufficient trained manpower across the country. This ensures the commitment of the Government for provision of vaccines, syringes, cold chain equipment, transport, printed material and launching of health education/motivation campaign. Major objectives of the program include:

- Reduction of mortality resulting from the seven EPI target diseases by immunizing children of the age 0–11 months and women of child bearing age
- 90% routine immunization coverage of all EPI antigens with at least 80% coverage in every District by 2012
- Interruption of polio virus transmission by 2010
- Elimination of neo-natal tetanus by 2015
- Reduction of measles mortality by 90% by 2010

National Aids Control Program (NACP)

414. The National AIDS Control Program along with its Provincial counterparts is a national responsibility to address the rising epidemic of HIV/AIDS in Pakistan. The Program since its implementation in 1988 has undergone many policy changes that reflect the overall change in the HIV/AIDS epidemic.

⁵⁸ The Mental Health Ordinance (2002) addresses the rights of anyone committed to care for reasons of mental health. The Ordinance outlines the responsibilities of the State and its institutions in terms of protecting the physical and mental well-being of patients and ensuring that their property rights are protected. The language of the Ordinance is gender-neutral.

415. The investment in HIV/AIDS prevention and control activities have increased over the years. The NACP has taken the lead in streamlining health services management to strengthen the quality and delivery of care at Federal and Provincial levels. The NACP also conducts public awareness campaigns, disseminates informational materials and develops guidance for improving care and support, clinical management, surveillance, and blood safe; and intervention effectiveness. Blood banking is managed through both public and private sectors, with the majority of demands being met by the Private Sector. A total of 1.5 million Blood Bags are transfused annually in the country of which 66% is contributed by the private sector.

416. Currently 7,400 people are estimated to be living with HIV/ AIDS in the country with the HIV prevalence rate of 1% and 4,900 deaths as of 2008. As of 2009 4,500 HIV Positive cases have been reported to the National and Provincial AIDS Control Programs. This included 2,000 cases of full blown AIDS. Around 850 people are receiving free treatment through 12 AIDS Treatment Centers.⁵⁹

417. Several socio-economic conditions conducive to the spread of HIV/AIDS exist in Pakistan. These include poverty, low levels of education and migration to higher prevalence countries which led to increased exposure to the disease. Significant factors that increase Pakistan's vulnerability to the epidemic include inadequate blood transmission screening, a high level of "professional" blood donors and migrant and refugee populations.

Nutrition through primary health care

418. PHC includes micronutrient supplementation for anemia control, vitamin. A supplementation to children under five years of age, micro nutrient to women of child bearing age, growth monitoring, counseling on breast feeding and weaning practices and awareness through Lady Health Workers. The Lady Health Workers' Program has been expanded and now provides care in all Districts of the country.

419. The National Health Policy (2009)⁶⁰ articulates the Government of Pakistan's effort to achieve its national and international commitments, in particular the MDGs, PRSP-II and sectoral targets within stipulated timeframes. The Government is committed to achieving a number of targets focused on women and children by 2015: these include reducing maternal and infant mortality rates; reducing malnutrition rates; increasing the provision of skilled birth attendance and increasing the provision of family planning services. All of these efforts are based on (i) the understanding that poverty and ill health are inextricably linked, and (ii) commitments to reducing poverty levels.

420. The Government is engaged with several UN Agencies, including UNFPA and UNICEF, and with several international funding agencies which specialize in maternal and neonatal care and emergency obstetrics programs as well as community based sanitation programs. All of these efforts are focused on improving the quality of health care. These efforts will contribute to achieving the health-related Millennium Development Goals.

421. The Population Council, the Ministry of Health and the Ministry of Population Welfare work together closely in conducting research on reproductive health, building the capacities of health care professionals and developing policies. The Ministries and the Council are presently implementing several large scale projects focused on birth spacing and improving access to high quality family planning services. The Council conducted a national study on unwanted pregnancy and post-abortion care and worked with the Government "to reduce high levels of induced abortion".

⁵⁹ Economic Survey, 2008–09.

⁶⁰ The previous Policy has been in effect since 2001.

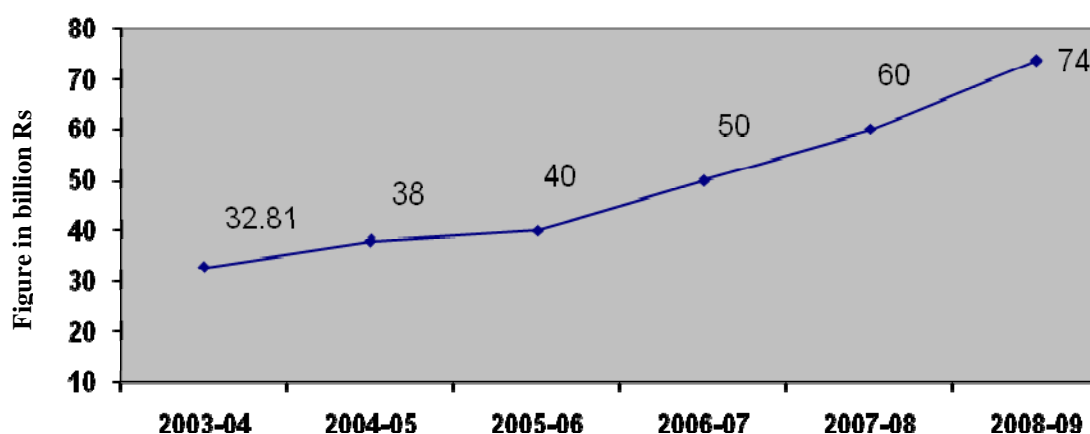
422. In June 2009 the Government of Pakistan endorsed a resolution on ‘Preventable Maternal Mortality and Morbidity and Human Rights’ in the UN Human Rights Council.⁶¹

Constraints and challenges

423. Despite a good progress over the years in health sector, people are still suffering from various health issues like limited access to health facilities, wide spread malnutrition, poverty and poor living conditions. The health development activities contrast sharply in relation to other countries at similar level of development and per capita income and reflects a backlog of many un-meet needs. The most immediate health problems of the country are: inadequate sanitation facilities, unsafe water, poor living conditions, poverty and low literacy rate with women being the worse affectees whose lack of knowledge often renders them and their children vulnerable to various diseases. Malnutrition is a major public health problem that disproportionately affects women, girls and infants.⁶²

424. The Government is presently trying to bridge the gap between the need for basic health care in many remote areas and the lack of budgetary resources, diagnostic equipment and competencies. Health care allocations remained at just below 0.6% of GDP from 2001–2 until 2007–8⁶⁰ although expenditures have risen from Rs 24.28 billion in 2001–02 to Rs 60 billion in 2007–08. Funding for the Ministry and Provincial Departments of Health has remained more or less static from 2005 to 2008:

Health and nutrition expenditures (federal and provincial)



425. As in many countries, highly-skilled medical practitioners prefer to work in urban centers, leaving rural areas without the necessary care. Many women doctors find it extremely difficult to work in a Government health facility alone, in far flung rural areas. Many rural women lack access to basic health care, including care related to SRH. Similarly, many poor women have high rates of anemia, high fertility rates and high rates of miscarriage. These combine to damage their overall health in the long term.

⁶¹ The News International, June 19th 2009.

⁶² Economic Survey 2008–09.

Article 13

Economic, social and cultural rights

426. As stated earlier the Constitution protects the fundamental rights of all citizens without discrimination in accordance with Article 25, on equality before the law. Article 18 of the Constitution gives women the socio-economic right to enter into any lawful profession or occupation and to conduct any lawful trade or business.

427. Governed by the Articles of the Constitution on the inclusion of women in all spheres of national life (Article 34) and the promotion of social justice and the eradication of social evils (Article 37) women have equal rights to participate in recreational, cultural and sports activities. Article 38 says that “the State shall promote the social and economic well being of the people irrespective of sex, creed, or race; by raising their standard of living ... it provides for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure. It also provides all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means.” “The State shall provide for basic necessities of life such as food clothing housing, education and medical relief for all such citizens irrespective of sex, caste, creed or race, as are temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”

428. The law provides for maternity leave with pay, and provides for a death grant to a widow. A pregnant widow is also entitled to iddat benefit equal to the daily rate of wages for the whole period of the pregnancy.

429. Pakistan has reaffirmed its commitment to the implementation of this Article of CEDAW: in April 2008 Pakistan has ratified the International Convention on Economic Social and Cultural Rights.

Direct benefit from social security programs

430. Details pertaining to the provision of family benefits were provided in the previous report. As noted, these benefits (which consist of subsidies for housing, transportation, medical care and social security) accrue from being an employee, and are not related to the size or income levels of the family. They are the same for women and men.

431. The social security schemes available to all employees in the formal sector who are sick, or who become invalids, and/or who attain the age of retirement, were described in the previous Report.

432. Pakistan has in place a number of safety nets that provide for the poorest of the poor. Zakat.

433. The Islamic system of zakat (a 2.5% annual contribution made from all unspent wealth and assets) is designed to benefit destitute widows, orphans and the elderly. Local zakat committees determine each applicant’s eligibility. In order to overcome the tendency of permanent reliance on Zakat, rehabilitation schemes and technical education stipends have been introduced to support the move towards self-reliance.

434. The Benazir Income Support Program (BISP) established in 2008, will provide Rs 1,000 per month to one woman member of an economically vulnerable family. The program will eventually be extended to seven million households. It will apply to families in each Province and in FATA. The families presently dislocated because of terrorist activities in FATA and NWFP are eligible for the Benazir Income Support Program.

435. The program has been allocated Rs 34 billion for FY 2008/09. It is one of the largest allocations in the current budget, constituting 0.26 percent of GDP, and will cover up to

12–14 percent of the population in low income brackets in the entire country, including FATA, the Northern Areas and Azad Jammu and Kashmir. Special attention has been accorded to remote areas, including those in Balochistan, Chitral, North and South Waziristan, Kohistan and Tharparkar. Next year's budget for BISP is expected to be expanded to Rs 84 billion and will increase coverage to 7 million families (PRSP-II p. 80).

436. The program will disburse Rs 2,000 every alternate month to around 3.4 million families, at least for the remainder of FY 2008/09, that have a monthly income of less than Rs 6,000. The impact could be quite significant. For families earning, say Rs 5,000 per month, a payment of Rs 1,000 will amount to a 20 percent increase in their purchasing power. Families in low-income brackets spend between 50–70 percent of their income on food. At current flour prices, Rs 1,000 a month will be sufficient to finance 20–25 days of flour needs for a 5–6 member family.

437. The Pakistan Bait-ul-Mal (PBM) has functioned since 1992. It is financed from the transfer of receipts from taxes levied for this purpose and by grants from the Federal and Provincial Governments. In addition, the Bait-ul-Mal receives grants from individuals, local authorities, national organizations and international agencies.

438. Under the Individual Financial Assistance Program, people whose monthly income is below Rs. 6,000 and who meet the eligibility criteria, can receive a monthly stipend of Rs 3,000.

439. The PBM also provides various amounts of financial assistance for medical procedures, scholarships, 'general needs' and 'rehabilitation'.

440. The Pakistan Bait-ul-Mal operates 141 Dastkari (vocational training) schools for women. Poor women and orphans can learn a home-based textile trade that can sustain them economically in the Dastkaris, one of which operates in a prison in NWFP. Efforts are underway to expand and enhance the Dastkaris. Since 2005 the average annual enrollment has been 58,500.

441. The PBM also operates a Food Support Program: the primary beneficiaries are extremely poor women. The Program benefited 3,331,000 women (just over 50% of all recipients) between 2004–5 and 2008. Each household receives Rs. 1,000 every six months. District Administration and Army Monitoring Teams have constituted a Task Force which identifies and recommends people for this subsidy. In 2002–3 the annual Bait ul Mal budget was Rs. 13.75 billion. In 2008–9 it was Rs. 17.67 billion, of which Rs.13.26 billion was for food subsidies.

442. The PBM Institutional Rehabilitation Program provides grants for NGOs which focus on the extremely poor and vulnerable, including people with disabilities. This support is provided to institutions which focus on health, education or vocational training, as well as large orphanages.

Bank loans, mortgages and other forms of financial credit

443. All of the services of the formal banking sector are available to women who meet the financial criteria. For poor and low-income women, the micro-finance sector has expanded greatly in Pakistan since the Combined Initial, Second and Third Report was submitted and efforts are being made increase this access more rapidly in both urban and rural areas. Micro-Finance Institutions (MFIs) increasingly reach out to women as clients and some now offer micro-credit, micro-insurance and enterprise development skills to strengthen women's ability to earn. The largest MFIs also allow women to deposit savings in individual accounts which earn interest.

444. Most MFIs require that women form a Community Based Organization (CBO) or a Self-Help Group (usually smaller than a CBO), which is meant to function as a form of social collateral. The CBOs maintain a joint bank account.

445. The First Women's Bank Limited (FWBL) established by the Government in 1989, combines commercial lending with micro-finance for the poor. In line with responsibilities outlined in the NPA, the Bank finances medium sized industries owned and set up by women and requires that any enterprise seeking loans from it should have 50% ownership by women.

446. The Bank has so far disbursed Rs. 6.67 Billion as credit and has helped 25,226 women entrepreneurs to establish businesses. The Bank has disbursed 19,525 micro credit loans to women clients.⁶³

447. The FWBL reported in 2007 that 75% of its total micro-credit disbursement (Rs 16.313 billion) has been to women. 54% (68,552) of FWBL's depositors are women. FWBL operates a Financial Services Desk and Women's Business Centers in Karachi, Lahore and Islamabad, with a total of 6,500 women clients. It also operates Computer Literacy Centers for poor, unemployed and business women.

448. The Pakistan Poverty Alleviation Fund (PPAF) has 75 Partner Organizations which operate in 120 Districts.⁶⁴ PPAF's Gender Policy requires its Partner Organizations to adopt a proactive approach to including women in their programs. The PPAF program includes micro-credit (46% of loans to women), water and infrastructure (50.1% women participants/beneficiaries), training in skill development and managerial training (40.6% women participants) and health, education, water and infrastructure initiatives (50% women beneficiaries). PPAF had disbursed Rs 13,640.9 Million to women so far.

449. The Rural Support Programs (RSPs) are the largest providers of financial and technical services focused on poverty alleviation. The RSPs have a presence in 94 of Pakistan's 111 Districts. The RSPs are amongst the PPAF partner organizations. PPAF and the RSPs require people to form Community Organizations (COs) of which, on average, 30-33% are women's. Nine of the RSPs provide micro-credit and micro-insurance to women clients. CO members are also eligible for vocational training and for enterprise development training. There are over 46,000 women's COs (31% of 149,145) with close to 700,000 women members.

450. The Federal Government established the Khushhalibank in the year 2000, to contribute to reducing poverty by providing micro-credit. As of July 2009, 27% clients of Khushhalibank are women.

451. The Women's Development Department of the Government of Sindh established the 'People's Women Empowerment Program' in September 2008. The program will disburse interest-free loans and provide enterprise-development training to destitute women, to help them establish small home-based businesses. Loan size ranges from Rs 10,000 to 30,000. As of June 2009 6,453 women have received a loan under this program.

Enterprise development

452. In every Province financial institutions are supporting women who wish to establish or expand their enterprises. These include the Agricultural Development Bank (Zarai Taraqati Bank Ltd.), SMEDA, Khushhalibank, the First Micro Finance Bank and the First Women Bank Limited. Many large-scale NGOs also focus on enterprise development.

⁶³ *Annual Report 2008.*

⁶⁴ PPAF has a market share of 40% of the microfinance sector.

453. The Federal Ministry of Industries and Production is committed to providing women entrepreneurs with the skills, information and resources they require. The Ministry's Small and Medium Enterprise Authority (SMEDA) has operated the Women's Entrepreneurship Cell since 2002. It provides women with professional advice on legal issues related to businesses as well as marketing, financial and accounting and managerial expertise. In 2007 SMEDA established a Women's Business Incubation Cell and a Women Entrepreneurs Information Network (www.win.org.pk). An ongoing training program provides potential women entrepreneurs with the skills they require to manage successful businesses.

Ministry of Women Development projects to enhance women's economic standing

454. The MoWD has initiated several projects intended to improve women's economic standing. This is in line with the Government's commitment in the Poverty Reduction Strategy Paper and the Medium Term Development Framework to "widen and deepen the outreach of financial services ... to the unbanked."⁶⁵

455. The Jafakash Aurat Project (2006–09), being implemented in all 4 Provinces, has reached over 34,000 economically marginalized women. The Projects are funded in part by MoWD and in part by NGO or corporate sector partners.

456. The Projects have in common the provision of micro-credit for enterprise development, with loan amounts ranging from Rs. 5,000 to a maximum of Rs. 25,000. Some also provide enterprise-focused training and several connect women entrepreneurs to markets. The Projects are all located in remote areas where there are very few opportunities for women to access training and micro-credit.

457. The MoWD has implemented the Rs. 100 Million 'President's Special Package for Women's Welfare and Empowerment' in Balochistan. In addition to providing the means of generating an income, the program provided funds for (i) collective marriages, (ii) fistula repair and (iii) the "rehabilitation" of destitute women.

458. The Ministry provided Rs. 19.619 Million for the construction of 10 bashalanis (places where women of the non-Muslim Kalash community are secluded during childbirth) in NWFP. This project will enable the Kalash women to maintain their traditions while improving the standard of the facilities in which they give birth.

459. From its 2007–08 budget, the Ministry also allocated Rs 39 Million for the purchase of 9 buses for public-sector girls' and women's Colleges. In the absence of a public transport system, these provide the only secure means of attending an educational institution.

Landless Haaris Program in Sindh

460. In August 2008 the Government of Sindh announced a Program for the Grant of State Land to Poor Landless Haaris (tenant labourers).⁶⁶ The Program is being implemented by three Rural Support Programs in 17 Districts. Although there have been several land-reform programs in Pakistan's history this is the first to grant land title to women and in fact to prioritize landless haari women. It will distribute a total of 212,000 acres of Government-owned land. As of March 2009 41,517 acres had been distributed to 2,845 women (70.61% of all recipients). In addition to receiving title to the land, each beneficiary will receive support in preparing the land for cultivation, as well as seeds, fertilizer and

⁶⁵ *Evaluation of the Jafakash Aurat Project of the Ministry of Women Development*, June 2009.

⁶⁶ Implementation of Support Package of Government of Sindh's Grant of State Land to Landless Haaris under the Landless Haaris Program. Program Update June 2009.

water, and capacity building to ensure the women are able to manage and retain their land and to gain the maximum benefit from it.

Low-cost housing project in Sindh

461. The Government of Sindh's 'People's Housing Cell' is building a total of 200 low-cost houses (40 each in 5 Districts) for extremely poor families who lack decent shelter. The homes of many such families have been destroyed by floods and cyclones. To qualify, the family must score 9 or less on the Poverty Scorecard.⁶⁷ Families headed by women are given preference and all 200 homes will be in the names of women.

Women in sports

462. There is no legal bar on women engaging in sports, although in some places custom tends to limit participation. Pakistani women have excelled in athletics, golf, squash, swimming, cycling, table tennis and martial arts, winning gold, silver and bronze medals in these sports at the Fourth Women's Islamic Games in Tehran (2005) and the 10th South Asian Games in Colombo, 2005.

Constraints and challenges

463. Although micro-credit and enterprise development offer the potential to improve women's economic standing, neither is without problems. Many women credit clients borrow to finance male family members' businesses, although they remain responsible for repaying loans. Many cannot afford to repay loans on time and borrow from other sources to repay loans. Few women have unmediated access to markets, which means that male family members function as 'middle-men'. Low rates of formal literacy and numeracy constrain many women from understanding and applying the best practices of enterprise development.

Article 14

Rural women

464. Many of the details regarding the situation of rural women have been provided in Section I, Paragraphs 42 and 43.

465. Many of the large scale Rural Development Programs, which cover hundreds of villages, each, have a 'community development' component. In most cases these Programs require that women participate in village-level planning. The participation usually takes the form of membership in a Village Development Committee, whose members are usually also CO members. These Committees play a role in ensuring that the schools function properly, that sanitation schemes are installed and properly maintained and that people have access to health care. The Village Development Committees also ensure that the Government's Extension services are made available to all village residents. Farm and non-farm skill development programs are also administered by these Village Development Committees.

⁶⁷ The Poverty Scorecard, developed by the World Bank and utilised by the GoP Planning Commission, allows rapid assessment of a family's level of poverty. A family's 'score' is correlated with the official 'poverty bands' determined by the Government.

Challenges and constraints

466. The presence and degree of involvement of women in development programs is often constrained by patriarchal values. The majority of women face ‘mobility’ problems which limit their ability to interact with others outside fairly narrow social boundaries. Extremely poor rural women are sometimes excluded from the benefits of rural development programs, if these require a financial contribution from participants.

467. To a large extent the quality of health and education services available to girls and women depends on distance from urban centers. Despite the best efforts of the Federal, Provincial and District Governments, remote rural villages, especially in the poorer Provinces and in FATA, tend to have the fewest health and education services. These are sometimes poorly staffed and serviced.

468. Although the situation is changing, many poor rural women are not literate and remain both unaware of their rights and unable to access the rights and benefits to which they are entitled. Deeply-rooted feudal and patriarchal systems continue to combine to deny many rural women access to entitlements.

Article 15 Equality before the law

469. Article 25 of the Constitution of Pakistan lays down the principle of equality before the law. Article 34 ensures the full participation of women in national life. Article 35 provides for the protection of marriage, the family, the mother and children. Article 23 provides the right to acquire, hold and dispose of property to all citizens, and Article 24 provides for the protection of property rights.

470. According to the Contract Act (1872) women enjoy the legal capacity to enter into contracts. According to the Financial Institutions Recovery of Finances Ordinance 2001 a woman is as competent as a man to be a witness for all financial transactions. A document attested by a woman is admissible for evidence, notwithstanding the provisions of Article 17 of the Qanoon-e-Shahadat Order (1984). Under the Partnership Act women may be partners in business.

471. According to the law women enjoy the right to own, administer and retain property acquired through any legal means. Women are equally qualified with men to appear before judicial forums and to be judges of all courts. Details of the number of women judges are provided in Article I of the Report.

472. Article 15 of the Constitution of Pakistan provides freedom of movement and Article 26 provide for non-discrimination in respect to access of public places. Women enjoy freedom of movement according to the law. Limitations are experienced in some rural areas and conservative households.

473. Women have the same right as men to choose their place of residence. According to the law domicile can be acquired only of the place of birth: this law is the same for men and women. This does not restrict anyone’s right to live in any part of Pakistan or affect anyone’s freedom of movement.

474. Despite these conditional guarantees and legal guarantees women do not enjoy equal status with men in society and they do face discrimination. However the Courts do uphold these principles if their jurisdiction is invoked.

475. Recent amendments to two discriminatory laws (the Hudood Ordinances and the Law of Qisas and Diyat) have been discussed in Section I of the report.

Article 16

Marriage and family life

476. The National Policy for the Development and Empowerment of Women (March 2002) Goal 4.5 deals with women in the family and the community.

477. In Pakistan both men and women have the right to enter into marriage. Under the Muslim Law marriage is a contract in which every adult Muslim of sound mind can enter.

478. Men and women have the legal right to freely choose their spouse before marriage and a marriage is void which does not have consent according to the law. Forced marriages do sometimes take place, as often the elders of the family arrange the weddings. "Honor killing" is against the law.

479. The Muslim Family Laws Ordinance (1961) requires the registration of all marriages solemnized under the Muslim law. There is no time bar for registration and non-registration does not invalidate a marriage. Non-registration can create problems for women in the event of being widowed or divorced, when they are establishing their rights or proving that they are legitimate widows or divorcees.

480. Dower is a condition of marriage, which the husband must give to his wife under Islamic law. It may be prompt or deferred. Prompt dower is to be paid on demand and the wife can refuse to live with her husband until it is paid. Dower can be in the form of cash or property and has no limit. The wife can voluntarily remit the dower. Deferred dower is payable in case of death or divorce.

481. Women have the right to maintenance from their husbands for themselves and their children during the subsistence of the marriage. Women may have the delegated right of divorce conferred on her at the time of marriage or later through the Nikah Nama by the husband. This means that she does not have to go the court and seek a divorce. She may file a case for dissolution of marriage if she has the delegated right of divorce. This right may be granted on any of the below-mentioned grounds, none of which affects her right to dower:

- That the husband's whereabouts have not been known for a period of four years
- That the husband has been sentenced to imprisonment for a period of seven years or more
- That the husband has failed to perform without reasonable cause his marital obligations for a period of three years
- That the husband was impotent at the time of marriage and continues to be so
- That the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease
- That she was given in marriage by her father or guardian before she attained sixteen years, and she repudiated the marriage before attaining the age of eighteen years, provided the marriage was not consummated
- That the husband treats her with cruelty
- That the husband has accused her of zina and the accusation was not proven

482. In case of divorce or separation before divorce, the custody of the children is given to either of the parents, keeping in view the best interests of the child. However under Pakistani law the father is considered the 'natural guardian' and mother is the 'natural custodian' of the child. The Guardians and Wards Act deals with these matters. The law does not require a woman to change her name when she marries.

483. Article 18 of the Constitution, which provides for freedom of trade, business or profession, applies to both women and men.

484. The maintenance of a wife and children during the subsistence of marriage is the sole responsibility of the husband. The share a woman inherits from her parents or given to her by her husband is her exclusive property. No assets acquired after marriage are required to be owned jointly under the law; therefore she can administer only what is in her name.

485. The Child Marriage Restraint Act prescribes the minimum age of marriage. For girls it is 16 years of age and for boys it is 18. Amendments to the Act have been proposed by the Law and Justice Commission: these would prescribe eighteen as the age of marriage for both girls and boys. A Bill was also tabled in the National Assembly for the amendment of the Child Marriage Restraint Act, also prescribing 18 years as the minimum age for marriage.

486. The Government initiated the move and two Bills were tabled for Amendments to the following laws:

- Family Courts (Amendment) Bill, 2008. To provide immediate relief to children by providing maintenance at the initial stages of proceedings in a suit for maintenance.
- Guardians and Wards (Amendment) Bill 2008. To protect the right of the mother to retain custody of her minor children during the age of minority.

487. Private members have also moved Bills for amendments to laws relating to family matters, as mentioned earlier under Article 2.

Addendum: Effects of the October 2005 earthquake on women and girls

488. Official estimates indicate that some 80,000 people died as a result of the devastating earthquake of October 8th 2005. The quake affected people in five Districts of NWFP and four in Azad Jammu Kashmir.⁶⁸ More than 100,000 people were injured and close to 3 million dislocated. In the aftermath, tens of thousands of people have struggled to survive and to rebuild their lives and livelihoods in the face of enormous difficulties.

489. Women and girls faced particular difficulties, being vulnerable to violence, trafficking and physical abuse.⁶⁹ Initially, women found it difficult to access relief goods and even more difficult to find sources of livelihood. Women who were heading households (close to 10% of the households in the relief camps) were in need of protection and rehabilitative measures. The situation of pregnant and nursing women was also very difficult, as was that of women with disabilities. Some affected women laboured under multiple disadvantages. Those living in remote rural areas were particularly disadvantaged and the Government and I/NGOs made heroic efforts to ensure that their needs were acknowledged and met.⁷⁰

490. The Federal Government established the Earthquake Rehabilitation and Reconstruction Authority (ERRA) (www.erra.gov.pk) to lead the response to the disaster. A Provincial Earthquake Reconstruction and Rehabilitation Authority (PERRA) also functions in NWFP.

⁶⁸ This report only includes information on NWFP.

⁶⁹ *Earthquake Vulnerability Assessment, Pakistan, 2005–05*. The study covered 252,073 people residing in 466 camps.

⁷⁰ An ERRA publication titled *Services Available for Women and Girls in Earthquake Affected Areas* details the sector-specific services provided and the names of the organisations providing those services.

491. Gender equality is one of the three cross-cutting themes mainstreamed in ERRA. One of the earliest ERRA initiatives was the gender sensitive targeting of ‘early recovery’ interventions: 27% of the livelihood cash grant assistance (Rs 3,000 per month for 6 months and Rs 3,000 per month for 12 months to over 22,000 of the poorest households) were made to women.

492. ERRA also initiated a sex-disaggregated Targeted Vulnerability Survey in NWFP which identified 233,334 vulnerable women and girls (i.e. the elderly, disabled, orphaned and women heading households). These accounted for 56% of the people identified in the survey, all of whom will be eligible to receive enhanced compensation packages and preferential access to all ERRA and Provincial Reconstruction and Rehabilitation programs.

493. Acknowledging that women needed credit and grants to restore their means of livelihood, the Khushhali Bank Earthquake Livelihoods Rehabilitation Program (ELRP) disbursed 30% of its loans to women clients. The Rs 15,000 ‘package’ included a grant of Rs 12,000 and a repayable Rs 3,000 loan.

494. ERRA initiated a gender-sensitive Legal Aid program in NWFP that has processed legal cases registered by women. These represent 29% of the total cases registered and 91% of cases resolved. The program has enabled women and men to access their entitlement to cash compensation for housing reconstruction and for new land on which to rebuild their homes. The Legal Aid program also linked women needing a CNIC card to NADRA.

495. One result of ERRA’s focus on gender is that many women are now landowners in their own right: 47% of the 8,386 people who received the Rs 250, 000 compensation for land and a house are women. The ‘power of attorney’ resides with the surviving spouse, whether the spouse is a man or a woman. The same principle applies to the policy on families whose land has been rendered extremely hazardous and unfit for habitation. Every family member will have a share in all new plots of land purchased.

496. ERRA’s task was to rebuild entire physical and social communities, which has required a comprehensive, multi-sectoral approach. In terms of the physical reconstruction of communities, there are now 1,216 women’s.⁷¹ Village Reconstruction Committees (22% of the total): these ensure a participatory and gender inclusive process at the community level. Twenty percent of the Community Livelihood Rehabilitation Plans in NWFP are women-specific interventions.

497. Many women acquired new skills or updated existing skills in the training programs made available following the disaster. Most women preferred to acquire sewing and embroidery skills, although a few took up skills previously known only to men, such as papier mache and assembling electronic circuits. In the period immediately following the disaster, some women were involved in ‘cash for work’ programs funded by INGOs.

Gender policy and gender-focused activities

498. The ERRA Gender Policy for Earthquake Affected Areas was approved in September 2007. The Policy is based on an approach which complements gender mainstreaming and gender-specific measures. The ERRA Gender Advisory team has worked to ensure that (i) the concept of gender and the human rights of women and girls are well understood by members of all sectors of ERRA and (ii) the needs of girls and women are met. Those needs include income generation, skills acquisition, asset acquisition and management, shelter, short and long term medical care and reintegration into communities on new terms.

⁷¹ There are 4,061 men’s VRCs.

499. The activities of the Gender Equality Team include:

- Establishing links with six priority sectors of ERRA: Health and Education, Social Protection, Water and Sanitation, Rural Housing and Livelihoods.
- Creating a comprehensive training plan and manual on mainstreaming gender in reconstruction and rehabilitation.⁷²
- Conducting gender-specific reviews of 307 official planning documents.
- Recruiting and training a full-time Gender Coordinator in each affected District.
- Establishing and implementing a Gender Reconstruction and Rehabilitation Network which operates in each District.
- Creating the concept and plans for the establishment of a Women Development Center for each of 5 Districts, with MoWD and the Provincial Social Welfare Department (see below).
- Creating the concept for the 'Making Markets Work for Women Headed Households' pilot program.
- Establishing plans to hand over the responsibility for gender mainstreaming to the Government of NWFP, which will lead to local ownership and sustained results.
- Documenting the experience of mainstreaming gender in Pakistan's response to the earthquake.
- Ensuring the collection and analysis of gender-disaggregated data. This has made it possible to ascertain, for example:
 - (a) There has been a 21% increase in girls' enrollment in schools and a 16% increase in boys' enrollment in the affected Districts;
 - (b) 44% of the 69,440 patients who accessed healthcare services were girls and women;
 - (c) 10% of the 43,516 beneficiary families of the Rural Housing Program were women and 28,505 of these were widows.

Women Development Centers in earthquake affected districts

500. Under an ERRA initiative, the Ministry of Women Development and the Department of Social Welfare will open five new District-level Women Development Centers in NWFP. These Centers will provide medical and psychological care, legal aid and vocational training skills. Each Centre will provide accommodation for up to 2 months for women in crisis. If longer-term care is required women will be referred to the Dar-ul-Amaan, located in newly-constructed Department of Social Welfare Complexes. The Women's Development Centre in Muzaffarabad opened on March 8th 2009. The other Centers are in varying stages of completion. The Government of Pakistan has made the commitment to provide funds for recurrent costs for each Centre for 3 years.

NADRA activities following the October 2005 earthquake

501. Following the earthquake NADRA moved swiftly to restore the lost CNICs of residents in the five affected Districts of NWFP. Many women who had not previously held a Card, but needed one to access relief goods, housing compensation grants and land

⁷² ERRA Gender Mainstreaming Trainers' Manual, June 2009.

ownership grants, were able to apply for a CNIC and receive it quickly. Women in geographically remote affected areas were served by NADRA's mobile vans.

502. In addition, close to 20,000 women in NWFP applied to have their cards replaced and close to 200,000 women made changes to their cards, most concerning a change of address and changes in marital status.

Women with disabilities

503. Many men, women and children suffered physical trauma resulting in disabilities, some of them permanent, as a result of the earthquake. Services to meet their specialized needs were provided by the Government's health care system and by Pakistani and international NGOs and UN Agencies. A number of women with permanent spinal cord injuries will require sophisticated, long-term medical care, while some have no family members to care for them. Most, however, have been treated and restored to their families.

504. The National Institute of Rehabilitative Medicine (NIRM) is the ERRA-based institution responsible for the care and rehabilitation of PWDs. NIRM's approach combines institutional and community based rehabilitation. The latter enables family members to help disabled family members, and provides the skills to support independent living.

505. The ERRA medical rehabilitation project has established Medical Rehabilitation Centers for people with spinal cord and other disabling injuries. Community Based Rehabilitation services have also been established. More than 25,000 PWDs and their families have received physical therapy, medical consultation, psycho-social support and speech therapy.

506. The public health system in the affected Districts has been strengthened to provide rehabilitation services for persons with disabilities: they are now equipped to provide diagnostic care, physiotherapy, artificial limbs and support devices for amputees and paraplegics.

507. Skilled women health professionals are engaged in treating the disabled: Of the 230 medical rehabilitation staff members, 49 are women. 152 of the 364 Community Rehabilitation Workers are women and 11 of the 32 PWD project staff are women. 4,107 of the 10,686 people who have received medical rehabilitation are girls or women. 126 of the 307 beneficiaries of educational support are girls and women. 41 of the 210 people who have received livelihood support are women.

508. NIRM also provides literacy, skill-development and work opportunities to patients. Livelihood support has been provided to more than 326 PWDs and a total of 352 Children with Disabilities have been mainstreamed into inclusive education. 43 PWDs who reside in the affected areas have been given permanent jobs in ERRA projects.

PPAF Program for PWDs

509. The Pakistan Poverty Alleviation Fund is implementing a World Bank funded program to improve the quality of life for more than 9,000 persons with disabilities and their families through targeted interventions aimed at ensuring better mobility, improved health, increased participation in community life and access to adequate livelihoods. It will focus in particular on PWDs in rural areas, which remain under-served.⁷³

510. With financial support from UNIFEM, ERRA has initiated a research project focused on the economic opportunities presently or potentially available to women in the

⁷³ Project Information Document, World Bank Report No. AB2395.

affected areas, many of whom are now responsible for supporting themselves and their families.

511. The Provincial Government's Returns Task Force is reviewing a draft Protection Framework for Returns.

Challenges to implementing international Conventions and national policies

512. The challenges which the Government grapples with in implementing the Convention include ensuring that international commitments and national policies are properly understood; that they are made consonant with existing laws and that they are integrated into policy and planning. Ensuring that these commitments are enacted, through a robust monitoring system, can also pose difficulties.

513. Another significant problem is that customary practices, many of which impede women's rights and well-being, remain in place, even when they violate the law of the land. Bringing the practices built into these customs into line with the legal system is extremely difficult for numerous reasons: members of the police force do not always know the full details of revised laws; the police often do not file cases against people who have broken the law when 'tradition' is invoked and some local authority figures encourage the customary practices. It is also the case that the legal system sometimes moves slowly. Even in the most conducive circumstances, the ability to take action remains with men.

514. It is often thought, incorrectly, that customary practices, some of which assume that women can rightfully be 'used' in settling disputes between men in families, are sanctioned by religion and are therefore legitimate and cannot be changed. There are ongoing efforts by the Government and by Civil Society to change this mindset, as it relates to women's human rights and other entitlements, but, as in many other countries, social change that challenges what are seen to be legitimate practices will take a long and concerted effort.

515. Deep-rooted poverty and social inequalities, which affect women and men, also constrain the implementation of human-rights based national policies and international Conventions. The Mid-term Development Framework notes that "Despite progress in key areas Pakistani women, comprising 48 percent of the population, continue to suffer from a relative lack of basic minimum needs, skills, options, empowerment, justice and equality."

516. Poverty levels decreased marginally between 2004 and 2008⁷⁴ with urban poverty rates lower than those of rural areas. These figures have changed, however, with the recent global economic downturn. Inflation, surges in food and fuel prices and slower economic growth⁷⁵ have contributed to food insecurity, unemployment and probably the loss of many marginally profitable micro-enterprises.

517. The incidence of poverty, based on an adult intake of less than 2,350 calories per day or Rs. 748.56 adult equivalence per month, is 28.35%.⁷⁶ If the figure is calculated on the basis of earning less than 2 USD per day, the incidence of poverty rises even higher.

518. Food security is increasingly problematic for women who are already poor, with women-headed households and households with a large number of dependents particularly hard pressed. The very poorest women and men are eligible to receive support from a number of social safety nets, such as those provided by the Pakistan Bait ul Mal and the Benazir Income Support Program.

⁷⁴ Economic Survey of Pakistan 2007–08.

⁷⁵ Economic Survey of Pakistan 2007–08.

⁷⁶ Economic Survey of Pakistan 2007–08.

519. There is a strong tradition of philanthropy in Pakistan, through which the poor receive aid and support. This is channeled through individuals and from several Islamic Trusts.

520. Many of the constraints noted in the previous Report, which limit the ability of the Ministry of Women Development to act on behalf of women, remain in place. There are shortfalls in human and financial resources to implement international Conventions and national policies. Some core competencies (for example, legal expertise, knowledge of economic development and a strong understanding of current thinking on gender to adequately address the range and complexity of issues the Ministry is required to address) need to be enhanced.

521. The collection of reliable and comprehensive data remains a challenge.⁷⁷ Some Government Departments collect and analyze gender-disaggregated data but others still do not. Some efforts to reform policies and to plan and implement projects are hampered by this lack of data.

522. Many of these ongoing and emergent challenges are being addressed by the Government, as noted in this Report. Improvements in some directions — health and education for example — have been quite rapid and are being sustained. Others will require more time.

⁷⁷ The Mid-Term Development Framework notes that ‘women’s very real contribution to the national economy is not yet counted in the GDP’.

Annexes

Annex A

Statistical tables

Table 1
Violence and issues related to violence reported by the Ministry of Women Development Crisis Centers, 2005–2008

<i>Category of violence/issues related to crises</i>	<i>Number of cases reported</i>
Rape/gang rape	212
“Honor Killing”	50
Sexual assault (other than rape)	105
Domestic violence	2 195
Trafficking	93
Murder	88
Injuries requiring medical aid	2 107
Physical violence in custody and divorce	232
Property related problems	526
Unlawful marriages	173
Dowry cases	290
Dissolution of marriage	1 027
Need for financial support/micro-credit	401
Other family problems	1 293
Need for shelter	2 055
Legal aid	2 520
Counseling (including subsequent counseling)	5 382
Miscellaneous	2 156
Total	20 905

Source: Ministry of Women Development (Crisis Centers).

Table 2
Provincial and separate electorate seats held by women following the 2008 election

<i>Provincial Assembly</i>	<i>Total seats</i>	<i>Seats reserved for women</i>	<i>Reserved seats held</i>	<i>General seats held by women</i>	<i>Total seats held by women (% of total)</i>
Punjab	371	66	67*	9	76 (20.5%)
Sindh	168	29	29	1	30 (17.8%)
Balochistan	65	11	11	1	12 (18.5%)
NWFP	124	22	22	0	22 (17.7%)

Sources: National Assembly and Provincial Assembly websites.

* Includes one seat reserved for Minorities held by a woman.

Table 3
Women employed in the civil services, No. and % for selected ministries, divisions and departments, 2003 and 2008

Divisions, ministries or departments	2003		2008		% change	
	No. of women employed BPS 1-16	No. of women employed BPS 17-22	No. of women employed BPS 1-16	No. of women employed BPS 17-22	BPS 1-16	BPS 17-22
	(% of total employees)	(% of total employees)	(% of total employees)	(% of total employees)		
Cabinet Division	23 (2.49)	4 (3.2)	41 (3.51)	8 (6.72)	78.26	100
Commerce Division	13 (2.04)	1 (0.64)	40 (4.02)	15 (8.20)	207.69	1 400
Communication Division	415 (1.56)	17 (5.12)	500 (1.67)	15 (4.70)	20.48	-11.76
Economic Affairs	9 (3.50)	11 (16.67)	19 (6.09)	6 (9.23)	111.11	-45.45
Establishment Division	37 (4.46)	11 (5.95)	117 (6.77)	14 (5.36)	216.22	27.27
Education Division	2 659 (40.25)	470 (43.64)	3 917 (30.42)	4 980 (32.08)	47.31	959.57
Federal Directorate of Education	-	-	4 842 (46.07)	1 015 (52.65)	-	-
Federal Public Service Commission	-	-	18 (3.54)	6 (6.06)	-	-
Finance Division	223 (2.93)	40 (5.20)	679 (4.03)	108 (5.26)	204.48	170
Food, Agriculture and Livestock Division	36 (2.35)	7 (2.81)	62 (2.93)	13 (4.45)	72.22	85.71
Health Division	737 (17.79)	191 (24.39)	2 351 (26.48)	593 (40.70)	218.99	210.47
Information and Broadcasting Division	24 (2.12)	21 (13.91)	89 (6.85)	22 (16.42)	270.83	4.76
Interior Division	385 (3.89)	7 (2.22)	686 (0.42)	15 (1.67)	78.18	114.29
Labour and Manpower Division	19 (2.00)	11 (5.29)	38 (4.32)	11 (7.69)	100	0
Law and Justice Commission	24 (2.17)	5 (3.73)	2 (3.39)	2 (10.35)	-9.17	-60
Local Government and Rural Development	4 (2.52)	1 (2.86)	10 (3.66)	2 (4.00)	150	100
Planning and Development Division	20 (3.91)	7 (4.40)	39 (5.69)	12 (6.82)	95	71.43
Population Welfare Div.	87 (9.68)	42 (26.25)	303 (24.96)	101 (49.75)	248.28	140.48
Social Welfare and Special Education Division	-	-	76 (24.16)	216 (40.22)	-	-
Statistics Division	27 (1.65)	16 (3.96)	97 (4.28)	28 (6.21)	259.26	75
Women Development Division	-	-	16 (13.01)	4 (20.00)	-	-
Women Development, Social Welfare and Special Education Division	181 (18.12)	61 (23.37)	-	-	-	-

Source: 1. Thirteenth Census of Federal Government Civil Servants, July 1st 2003.

2. Annual Statistical Bulletin of Federal Government Employees, 2007-2008.

Note: Data for the Federal Bureau of Statistics, Federal Directorate of Education, Federal Public Service Commission and Population Census Organization is not available in the Statistical Bulletin,

2003. The Women Development Division was separated from the Social Welfare and Special Education Division.

Table 4
Net primary level enrollments (age 5–9) trends by gender, GPI and Province for 1998/99 and 2007/08

Area	1998/99				2007/08 PSLM Survey			
	Total	Male	Female	GPI	Total	Male	Female	GPI
Pakistan	42	47	37	0.787	55	59	52	0.881
Punjab	44	47	40	0.851	61	62	59	0.952
Sindh	41	47	35	0.745	51	55	46	0.836
NWFP	39	47	30	0.638	49	55	41	0.745
Balochistan	36	44	28	0.636	41	47	35	0.744

Sources: PISH, 1998/99 and PSLM 2007/08, FBS.

Table 5
Women university students as a percentage of total (selected disciplines)

Discipline	Female Bachelors as % of total enrollment	Female Masters as % of total enrollment
Biology	71%	71%
Chemistry	54%	54%
Dental Surgery	60%	35%
Medical and Health Science	56%	34%
Pharmacy	45%	39%
Social Science Total	63%	60%

Table 6
Students enrolled in public and private medical and dental colleges, January 2005 to December 2008

Session	Public sector						Private sector					
	Medical			Dental			Medical			Dental		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
2005	1 875	1 806	3 681	166	132	298	698	700	1 398	211	234	445
2006	1 955	1 777	3 732	153	148	301	711	852	1 563	203	244	447
2007	2 034	1 823	3 857	173	155	328	844	916	1 760	197	251	448
2008	2 100	1 795	3 895	179	153	332	955	1 003	1 958	299	352	651
2009	2 223	1 977	4 200	169	166	335	974	1 037	2 011	315	435	750

*Source: Pakistan Medical and Dental Council.

Table 7
Key indicators: Basic education primary and middle

	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>
Primary GER (Class 1–5 and age 5–9)									
Overall	94	80	87	99	81	91	97	83	91
Punjab	98	89	94	106	95	100	102	92	97
Sindh	88	71	80	88	68	79	87	72	80
NWFP	93	70	83	96	67	82	94	71	83
Balochistan	79	50	65	89	52	72	88	59	75
Primary NER (Class 1–5 and age 5–9)									
Overall	56	48	53	60	51	56	59	52	55
Punjab	60	53	57	64	59	62	62	59	61
Sindh	54	47	50	56	43	50	55	46	51
NWFP	54	42	49	56	41	49	55	41	49
Balochistan	39	27	34	49	32	41	47	35	41
Government enrollment – primary (per cent total enrollment)									
Overall	65	65	65	69	68	69	65	64	65
Punjab	60	62	61	75	76	76	57	58	58
Sindh	71	62	67	95	95	95	74	73	73
NWFP	66	76	70	78	80	79	72	80	75
Balochistan	89	89	89	93	95	94	89	93	90
Drop-out rates (%)									
Class 1	0.4	0.2	0.3				0.3	0.3	0.3
Class 2	1.1	0.9	1.0				0.5	1.2	0.9
Class 3	3.7	3.3	3.6				1.5	3.5	2.7
Class 4	6.2	6.9	6.4				3.9	6.4	5.4
Class 5	10.0	11.0	10.3				6.1	10.6	8.8
Class 6	21.5	29.0	24.5				16.0	26.3	22.1
Literacy rates (10 yrs. and older)									
Overall	65	42	54	67	42	55	69	44	56
Punjab	66	47	56	67	48	58	70	48	59
Sindh	67	42	55	67	42	55	69	42	56
NWFP	64	30	46	67	28	47	68	33	49
Balochistan	54	20	38	58	22	42	66	23	46
Middle GER (Classes 6–8 and age 10–12)									
Overall	55	42	49	57	44	51	59	48	53
Punjab	55	48	53	59	51	55	61	57	59
Sindh	51	37	44	49	36	43	54	37	46
NWFP	64	40	52	68	35	53	66	37	52
Balochistan	34	18	27	44	20	34	44	23	35

	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	M	F	T	M	F	T	M	F	T
Middle NER (Classes 6–8 and age 10–12)									
Overall	19	16	18	20	16	18	18	17	18
Punjab	21	19	20	21	19	20	18	20	19
Sindh	18	16	17	19	14	17	21	16	18
NWFP	15	12	14	20	11	16	18	11	14
Balochistan	8	6	7	11	7	9	14	10	12

*Source: Pakistan Standard of Living Measurement Survey, 2007/08, Federal Bureau of Statistics.

Table 8
Key Indicators: Basic Education Matriculation

	2004/05 PSLM			2005/06 PSLM			2007/08 PSLM		
	M	F	T	M	F	T	M	F	T
Matric GER (Classes 9–10 and age 13–14)									
Overall	54	35	44	57	35	48	59	41	50
Punjab	55	40	47	57	44	51	61	47	54
Sindh	55	35	44	53	36	45	51	38	44
NWFP	53	22	38	64	24	45	66	30	49
Balochistan	45	18	33	42	21	33	49	18	34
Matric NER (Classes 9–10 and age 13–14)									
Overall	10	9	10	10	9	10	11	10	11
Punjab	9	11	10	11	11	11	13	12	13
Sindh	11	10	11	11	9	10	11	10	11
NWFP	10	4	7	8	4	6	6	6	6
Balochistan	5	5	5	4	5	5	6	4	5

Key indicators: Literacy

Region and province	Percentage of population 10 years and older								
	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	Male	Female	Both	Male	Female	Both	Male	Female	Both
Urban areas	79	64	71	79	65	72	80	63	71
Punjab	80	67	73	79	68	73	78	66	72
Sindh	80	65	72	80	65	73	81	64	73
NWFP	73	45	59	75	46	61	79	51	64
Balochistan	77	40	59	76	42	61	84	41	64
Rural areas	57	31	44	60	30	45	64	34	49
Punjab	58	37	47	61	38	50	66	40	53
Sindh	54	17	37	52	16	36	57	20	40
NWFP	62	27	44	65	24	44	65	29	46

Region and province	Percentage of population 10 years and older								
	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	Male	Female	Both	Male	Female	Both	Male	Female	Both
Balochistan	46	13	31	52	15	35	58	16	39
Overall	65	42	54	67	42	55	69	44	56
Punjab	66	47	56	67	48	58	70	48	59
Sindh	67	42	55	67	42	55	69	42	56
NWFP	64	30	46	67	28	47	68	33	49
Balochistan	54	20	38	58	22	42	66	23	46

Source: Pakistan Standard of Living Measurement Survey, 2007/08 Federal Bureau of Statistics.

Table 9

Enrollment in educational institutions (Primary, middle and high school)

Level/years	Primary stage		Middle stage		High stage	
	Total	Female	Total	Female	Total	Female
2004/05*	17 258	7 219	4 550	1 863	1 880	756
2005/06	16 834	7 288	5 262	2 169	2 133	882
2006/07	17 042	7 416	5 368	2 241	2 315	949
2007/08 (P)	17 233	7 539	5 366	2 259	2 436	1 003
2008/09 (E)	17 366	7 623	5 400	2 289	2 537	1 043

P – Provisional E – Estimated.

Source: Pakistan Economic Survey, 2008/09.

Table 10

Enrollment in educational institutions (College and above)

Level/years	Arts and Science Colleges (000 No)		Professional Colleges (Number)		Universities (Number)	
	Total	Female	Total	Female	Total	Female
2004/05*	662	321	261 955	130 896	471 964	195 555
2005/06	854	428	325 993	198 208	521 473	212 997
2006/07	902	456	348 814	212 085	640 061	294 997
2007/08 (P)	962	480	352 302	214 206	741 092	342 125
2008/09 (E)	998	497	361 072	219 539	741 092	342 125

P – Provisional E – Estimated.

Source: Pakistan Economic Survey, 2008/09.

Table 11
Number of educational institutions (Primary, middle and high school)
 (Figures in 000)

<i>Level/years</i>	<i>Primary stage</i>		<i>Middle stage</i>		<i>High stage</i>	
	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>
2004/05	157.2	58.7	30.4	14.8	16.6	5.3
2005/06	157.5	59.8	39.4	19.3	22.9	8.1
2006/07	158.4	60.9	40.1	17.5	23.6	9.0
2007/08 (P)	157.9	64.4	40.8	18.0	23.9	9.3
2008/09 (E)	158.0	66.0	41.3	17.6	24.3	9.7

P – Provisional E – Estimated – not available.

Source: Pakistan Economic Survey, 2008/09.

Table 12
Number of educational institutions (College and above)
 In (Numbers)

<i>Level/years</i>	<i>Arts and Science colleges</i>		<i>Professional colleges</i>		<i>Universities</i>	
	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>
2004/05	1 604	684	677	331	108	-
2005/06	2 996	1 484	1 135	664	111	-
2006/07	3 095	1 420	1 166	631	120	-
2007/08 (P)	3 218	1 489	1 198	649	124	-
2008/09 (E)	3 292	1 491	1 219	644	124	-

P – Provisional E – Estimated – not available.

Source: Pakistan Economic Survey, 2008/09.

Table 13
Number of teachers in educational institutions in Pakistan (Primary, middle and high school)
 (Figures in 000)

<i>Level/years</i>	<i>Primary stage</i>		<i>Middle stage</i>		<i>High stage</i>	
	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>
2004/05	450.1	206.5	246.7	151.5	282.1	138.6
2005/06	444.0	201.0	310.8	201.6	362.2	197.4
2006/07	445.8	203.1	313.5	203.3	366.6	200.5
2007/08 (P)	438.8	205.1	320.6	208.2	374.2	207.0
2008/09 (E)	437.1	206.4	323.9	210.4	378.3	210.2

P – Provisional E – Estimated – not available.

Source: Pakistan Economic Survey, 2008/09.

Table 14
Number of teachers in educational institutions in Pakistan (College and above)
 (Numbers)

<i>Level/years</i>	<i>Arts and Science colleges</i>		<i>Professional colleges</i>		<i>Universities</i>	
	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>
2004/05	57 661	24 366	12 399	5 192	37 469	-
2005/06	69 425	33 959	20 568	10 485	37 509	-
2006/07	71 246	34 996	20 768	10 587	44 537	-
2007/08 (P)	74 222	37 159	20 976	10 693	46 893	-
2008/09 (E)	75 821	38 226	21 112	10 762	46 893	-

P – Provisional E – Estimated – not available.

Source: Pakistan Economic Survey, 2008/09.

Table 15
Civilian labour force – Pakistan and provinces
 (Million)

<i>Province/Area</i>	<i>Labour Force</i>					
	<i>2003/04</i>			<i>2007/08</i>		
	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Pakistan	45.23	37.13	8.10	51.78	40.82	10.96
Rural	30.71	24.30	6.41	36.18	26.85	9.33
Urban	14.52	12.83	1.69	5.60	3.97	1.63
Punjab	27.85	21.44	6.41	30.67	23.19	7.48
Rural	19.76	14.54	5.22	21.91	15.56	6.35
Urban	8.09	6.90	1.19	8.76	7.63	1.13
Sindh	10.40	9.60	0.80	12.65	10.69	1.96
Rural	5.21	4.79	0.42	7.27	5.68	1.59
Urban	5.19	4.81	0.38	5.38	5.01	0.37
NWFP	5.07	4.35	0.72	6.27	4.99	1.28
Rural	4.24	3.61	0.63	5.27	4.08	1.9
Urban	0.83	0.74	0.09	1.00	0.9	0.09
Balochistan	1.91	1.74	0.17	2.19	1.95	0.24
Rural	1.50	1.36	0.14	1.73	1.53	0.20
Urban	0.41	0.38	0.03	0.46	0.42	0.04

Source: Labour Force Survey, 2003/04 and 2007/08, Federal Bureau of Statistics.

Table 16
Employed – Pakistan and provinces
 (Million)

Province/Area	Employed					
	2003/04			2007/08		
	Total	Male	Female	Total	Male	Female
Pakistan	41.75	34.69	7.06	49.09	39.06	10.03
Rural	28.64	22.93	5.71	34.48	25.79	8.69
Urban	13.11	11.76	1.35	14.61	13.27	1.34
Punjab	25.80	20.01	5.79	28.97	22.07	6.90
Rural	18.55	13.74	4.81	20.83	14.87	5.96
Urban	7.25	6.27	0.98	8.14	7.20	0.94
Sindh	9.79	9.14	0.65	12.26	10.43	1.83
Rural	4.99	4.64	0.35	7.12	5.60	1.52
Urban	4.80	4.50	0.30	5.14	4.83	0.31
NWFP	4.41	3.91	0.50	5.73	4.65	1.08
Rural	3.71	3.26	0.45	4.83	3.81	1.02
Urban	0.70	0.65	0.05	0.90	0.84	0.06
Balochistan	1.75	1.63	0.12	2.13	1.91	0.22
Rural	1.39	1.29	0.10	1.70	1.51	0.19
Urban	0.36	0.34	0.02	0.43	0.40	0.03

Source: Labour Force Survey, 2003/04 and 2007/08, Federal Bureau of Statistics.

Table 17
Employed – Distribution by Major Industry Divisions
 (%)

Major Industry Divisions	2003/04			2007/08		
	Total	Male	Female	Total	Male	Female
Total	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture, forestry, hunting and fishing	43.1	38.1	67.3	44.6	36.9	75.0
Manufacturing	13.7	13.5	14.7	13.0	13.3	11.8
Construction	5.8	7.0	0.3	6.3	7.8	0.4
Wholesale and retail trade	14.8	17.5	1.7	14.6	17.9	1.8
Transport, storage and communication	5.7	6.9	0.1	5.5	6.8	0.2
Community, social and personal services	15.0	14.8	15.8	13.7	14.4	10.6
*Others	1.9	2.2	0.1	2.3	2.9	0.2

Source: Labour Force Survey, 2003/04 and 2007/08, Federal Bureau of Statistics.

* Others (includes mining and quarrying, electricity, gas and water, financing, insurance, real estate and business services and activities not adequately defined).

Table 18

Formal and informal sectors – Distribution of non-agriculture workers

(%)

<i>Sector</i>	<i>2003/04</i>			<i>2007/08</i>		
	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Total	100.0	100.0	100.0	100.0	100.0	100.0
Formal	30.0	29.6	34.3	27.2	27.2	27.4
Informal	70.0	70.4	65.7	72.8	72.8	72.6
Rural	100.0	100.0	100.0	100.0	100.0	100.0
Formal	27.1	26.7	30.1	24.9	25.1	23.2
Informal	72.9	73.3	69.9	75.1	74.9	76.8
Urban	100.0	100.0	100.0	100.0	100.0	100.0
Formal	32.8	32.2	38.4	29.5	29.2	32.5
Informal	67.2	67.8	61.6	70.5	70.8	67.5

Source: Labour Force Survey, 2003/04 and 2007/08, Federal Bureau of Statistics.

Table 19

Informal sector workers – Distribution by major occupational groups

(%)

<i>Major Occupational Groups</i>	<i>2003/04</i>			<i>2007/08</i>		
	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Total	100.0	100.0	100.0	100.0	100.0	100.0
Legislators, Senior officials and managers	11.5	13.5	1.4	27.7	29.7	8.3
Professionals	2.0	2.0	1.9	1.6	1.6	1.2
Technicians and associate professionals	4.9	4.1	8.7	4.7	3.8	13.6
Clerks	1.6	1.9	0.2	0.3	0.3	0.1
Service workers and shop and marketsales workers	5.2	6.1	0.8	8.7	9.4	2.5
Skilled agricultural and fishery workers	34.9	32.2	48.4	0.2	0.2	0.2
Craft and related trade workers	15.9	16.2	14.3	30.8	27.8	60.2
Plant and machine operators and Assemblers	3.7	4.5	0.1	7.5	8.2	0.3
Elementary (unskilled) occupations	20.3	19.5	24.2	18.5	19.0	13.6

Source: Labour Force Survey, 2003/04 and 2007/08, Federal Bureau of Statistics.

Table 20
Number of doctors/dental surgeons (G.P.s with basic degree only)
 Registered up to 30 June, 2009

Province	M.B.B.S.			B.D.S.		
	Male	Female	Total	Male	Female	Total
Punjab/Federal Area	25 892	19 437	45 329	1 730	1 863	3 593
Sindh	27 200	21 978	49 178	1 242	1 900	3 142
NWFP	8 466	3 809	12 275	761	621	1 382
Balochistan	2 118	1 275	3 393	148	88	236
Foreign Nationals	2 223	674	2 897	289	93	383
Total	65 899	47 173	113 072	4 170	4 565	8 736

Source: Pakistan Medical and Dental Council.

Table 21
Number of doctors/dental surgeons
 Registered up to 30 June, 2009 as specialists

Province	M.B.B.S.			B.D.S.		
	Male	Female	Total	Male	Female	Total
Punjab/ Federal Area	8 842	2 540	11 382	190	62	252
Sindh	4 906	1 787	6 693	127	42	169
NWFP	2 429	523	2 952	80	14	94
Balochistan	666	137	803	23	1	24
Foreign Nationals	64	14	78	3	0	3
Total	16 907	5 001	21 908	423	119	542

Source: Pakistan Medical and Dental Council.

Table 22
Key indicators: Health

	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	M	F	T	M	F	T	M	F	T
Full immunisation (12–23 months based on records)									
Overall	49	49	49	50	50	50	52	50	51
Punjab	56	59	58	56	57	57	59	56	58
Sindh	31	32	32	41	42	42	38	34	36
NWFP	49	46	47	47	44	46	48	54	51
Balochistan	39	28	32	33	29	31	36	37	37
Full immunisation (12–23 months based on recall and records)									
Overall	72	71	71	77	75	76	75	71	73
Punjab	75	76	76	84	83	83	79	73	76
Sindh	70	71	71	65	65	65	71	62	67

	2005/06 PSLM			2006/07 PSLM			2007/08 PSLM		
	M	F	T	M	F	T	M	F	T
NWFP	65	62	64	79	73	76	69	80	74
Balochistan	56	43	48	56	52	54	55	58	57
Diarrhoea last 30 days (Under 5 years)									
Overall	13	12	12	11	11	11	10	11	10
Punjab	15	14	14	11	11	11	10	12	11
Sindh	9	7	8	12	12	12	8	7	7
NWFP	15	14	15	8	8	8	12	11	12
Balochistan	4	5	4	8	7	7	8	9	8
Diarrhoea cases where years given (under 5 years)									
Overall	72.49	70.66	71.63	76.24	76.53	76.38	75.98	77.09	76.56
Punjab	65.37	62.75	64.13	67.53	66.28	66.93	67.27	70.55	69.08
Sindh	85.36	84.75	85.06	92.00	95.30	93.61	93.28	93.57	93.41
NWFP	85.02	84.25	84.66	83.35	81.66	82.51	86.33	87.86	87.07
Balochistan	84.38	84.82	84.61	81.38	85.57	83.46	78.70	84.70	81.94
Infant mortality (per 1,000 live births)									
Overall	73	67	70				75	65	69
Tetanus toxoid (% married women aged 15–49 years)									
Overall	67	41	51	80	55	62	78	61	66
Punjab	72	54	62	82	59	66	80	66	70
Sindh	68	34	48	81	48	62	78	51	61
NWFP	58	40	45	69	60	61	84	67	69
Balochistan	46	17	25	52	18	25	50	27	34

Source: Pakistan Standard of Living Measurement Survey, 2007/08 Federal Bureau of Statistics.

Table 23
Current use of contraceptive methods

Age	Modern method									Traditional method					Total	No. of women
	Any method	Any modern method	Female sterilization	Male sterilization	Pill	IUD	Injectables	Implants	Condom	Any traditional method	Rhythm	Withdrawal	Folk method	Not currently using		
15–19	6.7	4.2	0.0	0.0	0.8	0.5	0.3	0.0	2.6	2.5	1.2	1.3	0.0	93.3	100.0	559
20–24	15.4	10.6	0.9	0.0	1.3	1.2	2.0	0.1	5.2	4.8	2.1	2.6	0.1	84.6	100.0	1 463
25–29	24.8	17.2	1.9	0.0	2.0	2.1	2.7	0.3	8.1	7.6	3.4	4.0	0.2	75.2	100.0	1 965
30–34	35.6	26.9	7.2	0.0	3.2	3.4	3.7	0.1	9.3	8.7	3.6	5.0	0.1	64.4	100.0	1 729
35–39	39.9	29.8	12.5	0.1	2.7	3.8	2.0	0.1	8.6	10.2	4.5	5.4	0.3	60.1	100.0	1 565
40–44	41.6	31.4	19.1	0.3	2.1	1.8	2.2	0.0	5.9	10.3	4.9	5.1	0.3	58.4	100.0	1 208

Age						Modern method					Traditional method				Total	No. of women	
	Any method	Any modern method	Female sterilization	Male sterilization		Pill	IUD	Injectables	Implants	Condom	Any traditional method	Rhythm	Withdrawal	Folk method			Not currently using
45-49	31.5	23.6	16.7	0.2		1.2	1.2	1.5	0.3	2.6	7.8	4.4	3.4	0.0	68.5	100.0	1 067
Total	29.6	21.7	8.2	0.1		2.1	2.3	2.3	0.1	6.8	7.9	3.6	4.1	0.2	70.4	100.0	9 556

Source: Pakistan Demographic and Health Survey 2006/07 NIPS.

Note: If more than one method is used, only the most effective method is considered in this tabulation.

Table 24
Tetanus toxoid injections

Background characteristic	Percentage receiving two or more injections during last pregnancy	Percentage whose last birth was protected against neonatal tetanus (i)	Number of mothers
Mother's age at birth			
20		53.2	460
20-34		55.5	4 303
35-49		43.4	915
Birth order			
1		63.3	965
2-3		59.7	1 917
4-5		49.1	1 389
6+		42.3	1 406
Residence			
Total urban		65.3	73.8
Major city		71.1	909
Other urban		58.9	806
Rural		48.2	3 962
Province			
Punjab		59.0	3 182
Sindh		51.2	1 404
NWFP		43.2	827
Balochistan		2.7	264
Mother's education			
No education		42.3	3 668
Primary		65.4	854
Middle		76.5	353
Secondary		79.7	461
Higher		83.2	341

<i>Background characteristic</i>	<i>Percentage receiving two or more injections during last pregnancy</i>	<i>Percentage whose last birth was protected against neonatal tetanus (i)</i>	<i>Number of mothers</i>
Wealth quintile			
Lowest			1 289
Second	31.7	35.8	1 194
Middle	43.7	48.6	1 099
Fourth	55.5	62.6	1 066
Highest	65.5	73.7	1 029
	77.0	85.7	5 677
Total	53.4	59.8	5 677

Source: Pakistan Demographic and Health Survey 2006/07 NIPS.

(i) Includes mothers with two injections during the pregnancy of her last birth, or two or more injections (the last within 3 years of the last live birth), or three or more injections (the last within 5 years of the last birth), or four or more injections (the last within ten years of the last live birth), or five or more injections prior to the last birth.

Table 25
Causes of maternal deaths

<i>Cause</i>	<i>Total</i>
Direct maternal	
Abortion related	5.6
Eclampsia/toxemia of pregnancy	10.4
Obstetric embolism	6.0
Iatrogenic causes	8.1
Antepartum haemorrhage	5.5
Obstructed labour	2.5
Postpartum haemorrhage	27.2
Puerperal sepsis	13.7
Placental disorders	1.2
Other direct causes	4.3
Total direct maternal	84.6
Direct/indirect not able to categorize	2.5
Indirect maternal	13.0
Total	100.0
Number	210

Source: Pakistan Demographic and Health Survey 2006/07 NIP.

Annex II

Functions of the Council of Islamic Ideology

1. The functions of the Council of Islamic Ideology are as follows, as per the Constitution of Pakistan:

(a) To make recommendations to *Majlis-e-Shoora* (Parliament) and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy *Qur'an* and *Sunnah*;

(b) To advise a House, a Provincial Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the Injunctions of Islam;

2. To make recommendations as to the measures for bringing existing laws into conformity with the Injunctions of Islam and the stages by which such measures should be brought into effect; and

(a) To compile in a suitable form, for the guidance of the *Majlis-e-Shoora* (Parliament) and the Provincial Assemblies, such Injunctions of Islam as can be given legislative effect.

3. Where a House, a Provincial Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of the Islamic Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Islamic Council and the Council advises that the law is repugnant to the Injunctions of Islam, the House or, as the case may be, the Provincial Assembly, the President or the Governor shall reconsider the law so made.

Article 15

Several of the responses to the Expert Committee's observations have addressed the issue of equality before the law. These include the responses to Paragraphs 14 and 15, 16 and 17, 18 and 19, 28 and 29, 38 and 39, 44 and 45 and 51.

Annex III

Objectives of the Women's Parliamentary caucus

1. To attain a broad-based consensus among all women members of the Parliament on an agreed agenda for women development, empowerment and emancipation, enabling them to work beyond and above party lines for the uplift of the women of Pakistan.
 2. To enhance the role of women parliamentarians in proposing gender sensitive legislation, reviewing and amending discriminatory laws and policies.
 3. Ensure effective parliamentary oversight of implementation of international and regional commitments, national policies and programs.
 4. Facilitate exchange of views and information sharing on critical areas of concern, particularly social discriminatory practices, both nationally and internationally.
 5. Liaise and build working relationship with key state and civil society institutions and organizations in order to contribute towards national and international efforts for promoting women's rights, empowerment and gender equality.
 6. Review rules and procedures in order to ensure women's continued access to, and participation in the Parliament.
 7. To jointly work for the achievement of the social indicators so that the Millennium Development Goals are within reach.
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