



**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**

**Combined initial, second and third periodic reports of
States parties**

Pakistan*

* The present report is being issued without formal editing.

CONTENTS

- | | |
|------------------|---|
| 1. Chapter I | – Introduction. |
| 2. Chapter II | – Applicability of the Convention and Information on Constitutional, Legal and Administrative Framework. |
| 3. Chapter III | – Article 1 (Definition of Discrimination).
Article 2 (condemnation of discrimination, remedial measures) and
Article 3 (implementation of the convention through all available means). |
| 4. Chapter IV | – Article 4 (Affirmative Action). |
| 5. Chapter V | – Article 5 (Elimination of stereotypes). |
| 6. Chapter VI | – Article 6 (Trafficking in women and girls). |
| 7. Chapter VII | – Article 7 (Political rights of women). |
| 8 Chapter VIII | – Article 8 (Representation abroad). |
| 9. Chapter IX | – Article 9 (Nationality). |
| 10. Chapter X | – Article 10 (Education). |
| 11. Chapter XI | – Article 11 (Employment). |
| 12. Chapter XII | – Article 12 (Health). |
| 13. Chapter XIII | – Article 13 (Economic, social and cultural rights of women). |
| 14. Chapter XIV | – Article 14 (Rural women) |
| 15. Chapter XV | – Article 15 (Equality before the law). |
| 16. Chapter XVI | – Article 16 (Equality in family matters). |
| 17. Chapter XVII | – Violence against women. |

Abbreviations

1. ACRs:	Annual Confidential Reports.
2. ADBP:	Agriculture Development Bank of Pakistan.
3. AIDS:	Acquired Immunodeficiency Syndrome.
4. AIOU:	Allama Iqbal Open University.
5. AJK:	Azad Jammu and Kashmir.
6. API:	Annual parasite incidence.
7. B.Sc.:	Bachelor of Science.
8. BA:	Bachelor of Arts.
9. BHU:	Basic Health Unit
10. BPS:	Basic Pay Scale.
11. CRC:	Convention on the Rights of the Child.
12. CrPC:	Criminal Procedure Code.
13. CSO:	Civil society organization.
14. CSS:	Central Superior Services.
15. DHQ:	District Headquarters.
16. E&D:	Efficiency and Discipline.
17. EFA:	Education for All.
18. EOBI:	Employees Old-age Benefits Institution.
19. EPI:	Expanded Programme of Immunisation.
20. ESR:	Education Sector reforms.
21. FANA:	Federally Administered Northern Areas.
22. FATA:	Federally Administered Tribal Areas.
23. FBS:	Federal Bureau of Statistics.
24. FPSC:	Federal Public Service Commission.
25. FSP:	Food Support Programme.
26. FWBL:	First Women's Bank Limited.
27. FY:	Financial Year.
28. GAVI:	Global Alliance for Vaccination and Immunisation.
29. GDP:	Gross Domestic Product.
30. GMIS:	Gender Management Information System.
31. GNP:	Gross National Product.
32. GOP:	Government of Pakistan.

33. GP:	General Provident.
34. HEC:	Higher Education Commission.
35. HIES:	Household Integrated Economic Survey.
36. HIV:	Human Immunodeficiency Virus.
37. ICERD:	International Convention on the Elimination of All Forms of Racial Discrimination.
38. ICPD:	International Conference on Population and Development.
39. ICT:	Islamabad Capital Territory.
40. ICTR:	International Criminal Tribunal for Rwanda.
41. IDBP:	Industrial Development Bank of Pakistan.
42. IDD:	Iodine Deficiency Disorder.
43. ILO:	International Labour Organisation.
44. IT:	Information Technology.
45. KB:	Khushhali Bank.
46. KPP:	Khushhal Pakistan Programme.
47. LFO:	Legal Framework Order.
48. LHV:	Lady Health Visitor.
49. LHW:	Lady Health Worker.
50. M.Sc.:	Master of Science.
51. MA:	Master of Arts.
52. MCHC:	Maternal and Child Health Center.
53. MoWD:	Ministry of Women Development.
54. NA:	National Assembly.
55. NADRA:	National Database Registration Authority.
56. NAP:	National AIDS Control Programme.
57. NARA:	National Aliens Registration Authority.
58. NCCWD:	National Commission on Child Welfare and Development.
59. NCHD:	National Commission for Human Development.
60. NCSW:	National Commission on the Status of Women.
61. NID:	National Immunisation Day.
62. NIH:	National Institute of Health.
63. NIPA:	National Institute of Public Administration.
64. NPA:	National Plan of Action.
65. NRB:	National Reconstruction Bureau.

66. NWFP:	North West Frontier Province.
67. Ord.:	Ordinance.
68. PA:	Provincial Assembly.
69. PASC:	Pakistan Administrative Staff College.
70. PBM:	Pakistan Bait-ul-Mal.
71. PC-I:	Planning Commission Proforma I.
72. PCO:	Population Census Organisation.
73. PCPS:	Pakistan Contraceptive Prevalence Survey.
74. PDHS:	Pakistan Demographic and Health Survey.
75. PFA:	Platform for Action.
76. PFFPS:	Pakistan Fertility and Family Planning Survey.
77. PFUJ:	Pakistan Federal Union of Journalists.
78. PHC:	Primary Health Care.
79. PHS:	Pakistan Integrated Household Survey.
80. PMDC:	Pakistan Medical and Dental Council.
81. PMLC:	Prime Minister's Literacy Commission.
82. POs:	Partner Organisations.
83. PPAF:	Pakistan Poverty Alleviation Fund.
84. PPC:	Pakistan Penal Code.
85. PRSP:	Poverty Reduction Strategy Paper.
86. PTV:	Pakistan Television.
87. Q&D:	Qisas and Diyat.
88. RHC:	Rural Health Center.
89. RSP:	Rural Support Programme.
90. SAARC:	South Asian Association for Regional Cooperation.
91. SDC:	Skill Development Centers.
92. SMI:	Safe Motherhood Initiative.
93. SPSC:	Sindh Public Service Commission.
94. SRSO:	Sindh Rural Support Organisation.
95. STC:	School Tawana Committee.
96. TBA:	Traditional Birth Attendant.
97. TEVTA:	Technical Education and Vocational Training Authority.
98. TVO:	Trust for Voluntary Organisations.
99. UNDP:	United Nations Development Programme.

- 100. UNESCAP:** United Nations Economic and Social Commission for Asia.
- 101. UNFPA:** United Nations Fund for Population.
- 102. VVFPW:** Village Based Family Planning Worker.
- 103. WCO:** Women Community Organisation.
- 104. WHO:** World Health Organisation.
- 105. WID:** Women in Development.

Foreword

Pakistan ratified CEDAW on 12 April 1996. A compliance report was due within a year's time but somehow it could not be produced alongwith subsequent two periodic reports. The Ministry of Women Development has worked on this report for more than a year to collate and update national, provincial, cross sectoral data including the civil society contributions in fighting discrimination against women. The report covers the period upto December, 2004.

This document is the outcome of an elaborate national consultative process during which many drafts were prepared, modified and refined. The report was discussed at many inter-ministerial and civil society fora. Recognizing the right of Pakistani citizens, the report was displayed on the Ministry's website and comments from public were invited through advertisements in national press on e-mail. A lot of debate was generated which helped in polishing the final version.

The report attempts to profile factual status on ground and showcases governmental perspectives on the sixteen operative articles of CEDAW.

Finally, the report was placed before the Standing Committee of the National Assembly on Women which endorsed it after due discussion and consideration in a meeting held on 7th February 2005.

It is hoped that this report will help in developing a better understanding of the global community about the existing and emerging trends in Pakistani society on the road to gender quality.

Chapter I

Introduction

1. Pakistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 12 April 1996, making a declaration on the Convention and entering a reservation on Article 29 (1):

- a) Declaration: "The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."
- b) Reservation: "The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention."

Reason and effect of the Declaration & Reservation on implementation of the Convention.

2. The Declaration facilitated Pakistan's accession to the Convention and represents the legal position on the matter. The reservation to Article 29, paragraph 1 is in keeping with Pakistan's general position on the jurisdiction of the International Court of Justice.

3. The Declaration was carefully worded. The objective was not to go against the object and purpose of the Convention while assuaging the concerns of those who had misgivings about the Convention. Subjecting the implementation of the Convention to the Constitution of Pakistan was a sensible course of action.

4. The Constitution of Pakistan was adopted in 1973. Its authors had the benefit of studying the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – the major international human rights instruments then in existence. Many of the principles contained in these documents are reflected in the Constitution. It can therefore be argued that in substance the declaration did not have a negative effect in the implementation of the Convention while at the same time enabling Pakistan to accede to the Convention.

5. In practice also there do not appear to be any legislative, policy or administrative actions taken by the Government, which contravene provisions of the Convention on basis of the declaration. The shortcomings in the implementation of the Convention, inevitable in any country, are not directly attributable to the declaration.

Information on reservations or declarations lodged with regard to similar obligations in other human rights treaties.

6. Pakistan ratified the UN Convention on the Rights of the Child in November 1990, entering a general reservation to the Convention "Provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values". Pakistan withdrew its reservation on 23 July 1997. Pakistan thus keeps reservations / declarations made by it on the human rights treaties under review. The Ministry of Women Development has requested the National Commission on the Status of Women to examine Pakistan's declaration on CEDAW and give its views on whether it can be withdrawn.

Country Profile

7. Pakistan gained independence on 14th August 1947, after a division of former British India.
8. Pakistan lies between 23 - 42 to 36 - 55 latitude north and 60 - 45 to 75 - 20 longitude east. It touches the Hindukush Mountains in the north and extends from the Pamirs to the Arabian Sea. It is bounded by Iran in the west, Afghanistan in the northwest, India in the east and southeast and Arabian Sea in the south. There is a common border with China alongside Gilgit and Baltistan in the north.
9. Total area is 796,095 sq.km with an estimated population of 148.723 million based on a (March 2004) projection of population census of 1998. It is divided into four provinces: Balochistan, North West Frontier Province (NWFP), Punjab and Sindh. The Islamabad Capital Territory and the Federally Administered Tribal Areas (FATA) and Federally Administered Northern Areas (FANA) are in addition to the four provinces.
10. Climatically, Pakistan enjoys a considerable measure of variety. North and northwestern high mountainous ranges are extremely cold in winter while the summer months of April to September are pleasant. The plains of the Indus valley are extremely hot in summer with a cold and dry weather in winter. The coastal strip in the South has a moderate climate. There is a general deficiency of rainfall. Rains are monsoonic in origin and fall late in summer.
11. The country has an agricultural economy with a network of canals irrigating a major part of its cultivated land. Wheat, cotton, rice, millet and sugarcane are the major crops. Among fruits: mangos, oranges, bananas and apples are grown in abundance in different parts of the country.
12. The main natural resources are natural gas, coal, salt and iron. The country has an expanding industry. Cotton, textiles, sugar, cement, and chemicals play an important role in its economy.
13. Urdu is the national language and is used as a medium of understanding and instruction throughout the country. A number of regional languages are also spoken. These are Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Balochi 3%, Hindko 2%, Brahui 1%, English and others 8%.

14. Pakistan is an Islamic Republic. The present Constitution was adopted in 1973 and prescribes a parliamentary form of government. There are two houses, the Senate, which is the upper house, and the National Assembly, which is the lower house. In 2002 the size of country's legislative bodies was increased and seats reserved for women through affirmative action. The system of separate electorates under which Muslims and non-Muslims voted for Muslim and non-Muslim candidates respectively was also abolished. Following these measures, the Senate consists of 100 representatives with 17 seats for women and the National Assembly has a total strength of 342 of which 60 seats are reserved for women. Women have the right to contest elections on general seats also. More details are given in Chapter VII, particularly paragraphs 4 – 8.

15. Each Province has a provincial assembly. The cumulative strength of all provincial assemblies is 728 of which 128 seats are reserved for women. The Constitution contains lists of subjects, which are dealt with by the National Assembly, and those dealt by the provincial assemblies.

16. The judicial system consists of the Supreme Court, provincial high courts, and other lower courts, which exercise civil and criminal jurisdiction. The Federal Shari'at Court decides if a civil law is repugnant to injunctions of Islam.

17. Pakistan is a developing country with a per capita income of more than US \$ 600¹. The main industries are textiles, food processing, beverages, construction materials, clothing, paper products, and shrimp. The labor force is roughly 43.2 million with 39.6 million employed and 3.6 million unemployed. Nearly 42% is engaged in agriculture and 57.9% in non-agricultural activity/industry. Non-agricultural activities include manufacturing, trade, services and transport etc. Within the non-agriculture sector, the major portion i.e. two thirds (64.6%) of the employed persons was engaged in informal sector. The unemployed rate has shown an increase from 7.8% in 1999-2000 to 8.3% in 2001-2002.²

18. The Pakistan economy went through a difficult period in the decade of the 90s. Poverty increased, the currency suffered repeated devaluations, foreign and domestic debt registered an increase and the growth rate of the economy fell. Drastic measures were introduced to arrest the slide in the economy. These have borne fruit. The growth rate has picked up and foreign reserves have crossed the US \$ 12 billion mark. The debt situation has also improved. According to the latest figures released by the Economic Survey of Pakistan 2003-2004, the incidence of poverty³ has registered a decrease of 4.2% since 2000-2001. At present the 28.35% of the population is estimated to be living in poverty.

Information on the preparation of the report.

19. The Ministry of Women Development established an office of the Senior Technical Adviser (STA) in 2002/2003 to assist it in compiling the report. The STA's office prepared a kit for all

¹ Economic Survey of Pakistan, 2003-2004.

² Pakistan Labour Force Survey 2001-2002 released in late 2003.

³ Calculated as adults getting less than 2350 calories/day or Rs. 748.56 adult equivalence per month.

concerned Federal and provincial ministries, departments and agencies on CEDAW. The kit consisted of:

- a) CEDAW text.
- b) Introduction and a short profile of CEDAW and obligations it imposed on Pakistan.
- c) Introduction and summary of the General Recommendations of the CEDAW Committee.
- d) Text of the General Recommendations
- e) An Action Matrix derived from CEDAW text and the General Recommendations, tailored for each specific ministry or group of ministries. The matrix spelt out requirements under CEDAW / General recommendations in one column, elaborated on these in the next and requested information in the last column. This matrix was sent in hardcopy as well on a computer diskette to all concerned ministries, departments and agencies at the federal and provincial level.
- f) The Ministries etc. were also requested to nominate officers as “focal points” on CEDAW to assist in compiling the report.

20. Every effort was made to comply with the guidelines of the Committee on report writing. Every Chapter on specific article/s of the Convention is structured along similar lines. The first part gives the Constitutional provisions relating to the specific article or right. Then the relevant laws are listed and appropriately discussed. This is followed by information on the administrative set-up. Then the situation on the ground is discussed followed by a passage on main challenges and the future course of action.

21. The entire text of the first 16 articles of the Convention and of all the recommendations has been cast as specific questions or issues to which an attempt has been made to respond. The text in bold in the report shows these questions or specific issues. This ensures that no issue is side stepped or ignored.

22. Finally a chapter on violence against women has been added to give a comprehensive overview of this important issue and to address the fact that no specific article of the Convention relates to it directly.

23. Once the draft of the report had been compiled, it was posted on the internet⁴ to give all interested persons a chance to read and comment on it. The Ministry of Women Development took out advertisements in the leading newspapers of the country announcing to the public that the report had been posted on the internet and invited all to give their comments. The draft was also sent to all leading human rights and women rights activists of the country and to all important NGOs for their comments and views.

⁴ <http://pakistan.gov.pk/women-development-division/informationandservices/report.html>.

24. On 17 December 2004, the Ministry held a national consultation in which the report was discussed at great length and a number of recommendations and suggestions made on the text.

25. On 22 December 2004 the report was discussed in the Standing Committee of the Parliament, on Women Issues.

26. On 10 January 2005 the report was again placed before the stakeholders in a national consultation on Beijing + 10 and CEDAW.

27. The report was also examined, page-by-page, by the Ministry of Women Development and Shirkatgah, a leading women's rights NGO in Pakistan on 18 January 2005. Shirkatgah made a number of very valuable suggestions most of which have been incorporated in the final text. The report was also submitted to the Prime Minister of Pakistan who approved it April 2005.

CHAPTER II

Applicability of the Convention and Information on Constitutional, Legal and Administrative Framework.

28. An international treaty is not directly applicable in domestic law on ratification, in Pakistan. No single covering law was enacted for any of the three main human rights treaties to which Pakistan is party – the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child and CEDAW. Existing laws already covered some provisions of these treaties, some provisions have been and are being accommodated through amendment to existing legislation and some have been catered for through new legislation.

The extent to which the provisions of the convention are guaranteed in the constitution of Pakistan or other laws and to what extent.

29. An overview of the constitutional, legal and administrative framework for the implementation of CEDAW is given below.

Constitutional, Legal and Administrative Framework.

30. The Constitution of Pakistan has a significant human rights content. While human rights concepts can be found from the preamble onwards, there is also a separate chapter on fundamental rights of citizens. A brief overview of relevant Constitutional provisions is given below:

- a) Several provisions in the Preamble, the Chapter on Fundamental Rights and the Chapter on Principles of Policy underline the principles of equal rights and equal treatment of all citizens/persons, without any distinction including on the basis of sex.
- b) Article 3 calls upon the State to eliminate all forms of exploitation.

- c) Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law. This applies to the citizens as well as “to every other person for the time being within Pakistan”. This article also clearly states that certain rights cannot be suspended.
- d) Under 8 any existing law or practice, inconsistent with or in derogation of the fundamental rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except “any law relating to members of the Armed Force, or of the police ... charged with maintenance of public order ... for the purpose of ensuring the proper discharge of their duties ...”.
- e) Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.
- f) Article 26 and 27 provide for equal access to public places and equality of employment in the public and private sectors.
- g) Articles 11 and 37 (g) prohibit trafficking in human beings as well as prostitution.
- h) Article 32 makes special provisions for the representation of women in the Local Government.
- i) Article 34 directs the State to take appropriate measures to enable women to participate in all spheres of national life and community activities. In addition Articles 25(3) & 26(2) allow the state to make special provisions for the protection of women and children.
- j) Article 35 asks the State to protect the marriage, the family, the mother and the child.
- k) Article 37 (e) directs the State to make provisions for securing just and humane conditions of work and ensuring that children and women are not employed in vocations unsuited to their age or sex, and for ensuring maternity benefits for women in employment. (The wording of the provision is archaic compared to present thinking on women’s rights but the maternity benefits mentioned in the provision are available to and exercised by women as a matter of right. The issue of women not being employed in “vocations unsuited to their age or sex” was inserted as a guarantee against exploitation and was appropriate for the time and context in which the Constitution was drafted. However it has not been used to hinder the entry of women in non-traditional areas / fields of work as is evidenced by the increasing numbers of women entering the uniformed services – the police, army, air force etc.)
- l) Articles 51 and 106 provide for the reservation of seats for women in the legislatures.

The Factual Position and Practical Availability of these Rights.

31. Any citizen can move any court, which has the relevant jurisdiction in case his / her fundamental rights are infringed. In practice these avenues of recourse are not accessible to all citizens equally for a number of reasons. One is the low level of literacy and lack of awareness of one’s rights.

Approaching the judiciary through a lawyer is expensive in terms of time, effort, finances and physical distance. The gender sensitivity of all organs of the State, including the judiciary, needs to be enhanced.

32. The situation is remedied to an extent by steps taken both by the Government and the civil society. Civil society organizations run numerous programmes to help the less empowered segments of the population, particularly poor women, to approach the courts and obtain justice. There exists a healthy tradition among human rights activists, many of whom are lawyers themselves, to provide pro-bono services to victims of human rights violations.

33. On the Government side there also exist numerous mechanisms, which the citizens can avail to claim their rights. These are:

- i) The Office of the Federal Ombudsman. The Charter of the Ombudsman's institution states that it will "diagnose, investigate, redress and rectify any injustice done to a person through mal-administration". A comprehensive definition of "mal-Administration" is given in the Charter. This definition inter alia includes a decision which is "perverse, arbitrary or unreasonable, unjust, biased, oppressive or discriminatory".

TABLE 2.01 FEDERAL OMBUDSMAN'S OFFICE, ISLAMABAD		
Year	No. of Complaints from Women	Total No. of Complaints received
2000	2,311	38,735
2001	1,956	38,843
2002	2,098	40,263
<i>Source: Federal Ombudsman's Office, 2003</i>		

- ii) The Services Tribunal. This remedy is available to Pakistan citizens in government service.

- iii) The Labour Courts.

Overview of some Legal and Practical Measures, which give Effect to the Provisions of the Convention.

34. There are numerous laws and administrative measures, which directly or indirectly give effect to various provisions of the Convention. A glimpse is offered below:

- a) The Muslim Family Laws Ordinance, 1961 (aimed at protecting the rights of women regarding marriage and divorce).

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- b) The Child Marriage Restraint Act, 1929 prohibits marriage of minors and prescribes punishments for anyone, including a parent or guardian, for conducting a child marriage.
 - c) The Family Courts Act, 1964 provides for constitution of Special Family Courts to adjudicate family cases e.g. divorce, maintenance and custody of children, etc. No court fee is payable in such cases and the courts are required to decide the cases expeditiously. The Act was thoroughly revamped in 2002 and longstanding demands of women's rights activists to make it more contemporary were incorporated in it.
 - d) There is prohibition for woman to be employed in a night shift (Section 45 of the Factories Act, 1934 and Section 23(C) of the Mines Act, 1923) or in hazardous occupations (Hazardous Occupations Rules, 1963).
 - e) The Mines Maternity Benefit Act, 1941.
 - f) The West Pakistan Maternity Benefit Ordinance, 1958.
 - g) The West Pakistan Maternity Benefits Rules, 1961.
 - h) The Provincial Employees Social Security Ordinance, 1965.
 - i) The Civil Servants Rules (among other things, providing for maternity leave with pay to working women).
 - j) Under the Pakistan Penal Code, 1860, (PPC) severe penalties are prescribed for the offences of kidnapping or abduction of girls/women under Sections 361, 363, 364A & 369, procurement of a girl (Section 366A-PPC) or her importation from abroad (Section 366B-PPC).
 - k) The Criminal Procedure Code, 1898 provides for special treatment of women, when confronted with the law. The police may not enter a residential house, for arrest or search, which is occupied by a woman, till notice is given and such woman is facilitated to withdraw (Section 48. CrPC).
 - l) An accused woman can be arrested or searched only by a woman (Section 52-CrPC).
 - m) A woman detained cannot be kept in the police station, overnight. Furthermore, a woman, even if accused of a non-bailable offence, punishable with death or imprisonment for life, may be released on bail (Section 497-CrPC).
 - n) The Court may also release a convicted woman, not punishable with death or imprisonment for life, on probation of good conduct, by executing a bond, with or without sureties (Section 562- CrPC).

- o) The law also provides for compensation. Under Section 545 of the Pakistan Criminal Procedure Code the court compensates the victim by ordering that payments from the fines taken from criminals be given to them.

35. The laws and administrative provisions listed above were enacted prior to Pakistan's accession to the Convention. Most were felt to be relevant to and fulfilling Pakistan's obligations under one or more provisions of the Convention. No comprehensive law, covering all provisions of the Convention, was enacted. The matter of drafting such a law is being reviewed afresh.

Administrative Framework for the Implementation of the Convention.

Ministry of Women Development.

36. The Ministry of Women Development is the national focal machinery for the advancement of women and implementation of CEDAW. The provincial Women Development Departments (WDD)s assist it at the provincial level. The Ministry's women main functions are as follows:

- a) to formulate public policies to meet specific needs of women;
- b) to ensure women's interests and needs are adequately safeguarded and met by various organs of the government;
- c) to ensure equality of opportunity in education and employment and fuller participation of women in all spheres of national life; and
- d) to undertake and promote research on the conditions and problems of women and to undertake and promote programmes and projects for providing special facilities for women.
- e) Pakistan's representation in international organizations dealing with problems of women in bilateral contacts with other countries.
- f) Matters relating to equality of opportunity in education and employment and fuller participation of women in all spheres of national life.
- g) Implementation of Pakistan's international commitments relating to women such as CEDAW and the Beijing Platform for Action etc.

37. Until 2004, the Ministry was known as the Ministry of Women Development, Social Welfare and Special Education. However in the reorganization of various ministries, carried out in 2004, the Ministry was re-designated as the Ministry of Women Development. Social Welfare and Special Education became a separate ministry. While this move has reduced the size of the Ministry, it has also made it more focused and has thus enhanced its efficacy as the Government of Pakistan's main policy formulation organ on women's issues. Actual implementation of the policy is for the executing Ministries such as Health, Education, Population Welfare, Labour, Manpower and Overseas Pakistanis, Law, Justice and Human Rights etc.

The National Commission on the Status of Women

38. The National Commission on the Status of Women was established through a Presidential Ordinance on July 17, 2000. The Commission is mandated to:

- a) Examine the policy, programmes and other governmental measures for women development and gender equality, to assess implementation and make suitable recommendations for effective impact;
- b) Review laws, rules and regulations affecting the status and rights of women and suggest repeal, amendment or new legislation 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;
- c) Monitor the mechanism and institutional procedures for redress of violation of women's rights, individual grievances, and facilities for social care, and undertake initiatives for better management and efficient provision of justice and social services through the concerned forums and authorities;
- d) Encourage and sponsor research to generate information, analysis and studies relating to women and gender issues to provide knowledge and awareness for rational policy and strategic action;
- e) Develop and maintain interaction and dialogue with non-governmental organisations, experts and individuals in society and an active association with similar commissions and institutions in other countries for collaboration and action to achieve gender equality and development at the national, regional and international level; and
- f) Any other functions which may be assigned to it by the Federal Government.

39. The Commission has 20 members - 2 from each of the provinces, one each from the Islamabad Capital Territory (ICT), Azad Jammu and Kashmir (AJK), Federally Administered Northern Areas (FANA) and Federally Administered Tribal Areas (FATA), one representative from minorities, three scholars and three ex-officio members (Secretaries Finance, Law and Interior). Advisers and experts can be appointed as required.

40. The Commission has reviewed a number of laws and suggested amendments. This includes the Pakistan Citizenship Act (1951). It has also examined the hudood laws in detail and after a voted decision in which two members cast their vote in negative, recommended their repeal. (Details are given in Chapter 15, paras 13 -16).

Progress made in Ensuring Enjoyment of the Provisions of Convention.

41. Women lag in Pakistan in almost every area of national endeavour. Indicators for education, health, employment etc. however show a steady if gradual decrease in the gap between the sexes. The

pace of change in some areas is quite slow. A number of measures, summarized below, have been taken to speed this process of change.

a) **International Commitments.**

- i) Signing the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution, Child Pornography on 26 September 2001.
- ii) Ratification of ILO core Convention 100 on equal remuneration between men and women on 11 October August 2001.
- iii) Ratification of the SAARC Convention on Prevention and Combating of Trafficking in Women and Girls for Prostitution in January 2003.

b) **Laws enacted or amended.**

- i) The Pakistan Citizenship Act 1951 was amended to give children of Pakistani women married to foreigners the right to Pakistani nationality.
- ii) The promulgation of the Prevention and Control of Human Trafficking Ordinance in November 2002.
- iii) Criminal Law (Amendment) Act, 2004 removing certain lacunae in the law to facilitate prosecution of the so-called "honour killings".
- iv) Abolition of the system of separate electorates.

c) **Policy Actions.**

- i) Announcement and launch of the National Plan of Action for the Advancement of Women on 7 March 2002.
- ii) Adoption of the National Policy on Women.

d) **Creation of new bodies.**

- i) Establishment of the National Commission on the Status of Women in July 2000.

e) **Other measures:**

- i) Declaration of the year 2000 as the year of Human Rights and Human Dignity.
- ii) Crisis Centres for Women in Distress have been set up in Islamabad, Vehari, and Sahiwal. Free legal and medical aid and temporary shelter is provided to women victims of violence, including domestic violence, at these centers. The number of centers is being increased to 10. The seven additional centers will be in Karachi, Mianwali, Kohat,

Rawalpindi, Quetta, Peshawar and Lahore. These are expected to be operational by 30 June 2005.

- iii) Establishment of women police stations in ten major cities of the country. Efforts are being made not only to increase the number of such stations but also to enhance their performance through appropriate training of the staff. Additionally female police officers are being posted in model police stations to deal with female complainants.
- iv) The Ministry of Information launched a Human Rights Mass Awareness and Education Campaign April 2000. This campaign ran throughout the year and helped educate people about their rights through the visual and print media.

National Plan for the Advancement and Empowerment of Women.

42. The plan was prepared as a follow-up to Fourth World Conference on Women through a national participatory process involving the Federal and Provincial Governments, NGOs, women's organizations and individual experts and lists more than 180 actions with many sub-actions.

43. The National Plan of Action states that "equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental pre-requisite for equality, development and peace for the promotion of people centered sustainable development".

44. The Plan identifies strategic objectives and specific actions in the twelve priority areas identified by the Beijing Platform for Action plus a thirteenth area "women and girls with disabilities".

45. The Ministry of Women Development carried out an audit of the plan in 2002 to gauge progress. Additionally it has established an office of the National Plan Coordinator to speed up and measure progress so that the actions listed in it are completed by 2013 – the plan implementation period.

National Policy for Advancement and Empowerment of Women.

46. The National Policy for Advancement and Empowerment of Women was announced on March 7, 2002 after a countrywide consultative process. Approximately 2000 stakeholders (government, CSOs, donors, corporate sector, district government leaders and others) were consulted in 67 meetings over an 8-month period (2002). The Policy contains a vision, goal, aims and objectives and lays down guiding principles and gives the key policy measures, specifically addressing the empowerment dimensions in the social, economic and political fields. Cross cutting issues are fully reflected in key policy measures. These measures have been drawn from the National Health Policy, Education Sector Reforms, Labor Policy, Access to Justice Program, Police Reforms, Poverty Alleviation Program etc.

Challenges

47. The main challenge Pakistan faces in the promotion and protection of women's rights is to ensure that international obligations, constitutional provisions, the laws enacted, the implementation machinery and monitoring mechanisms created and various programs launched, actually bring a positive change in lives of Pakistani women. This challenge has not yet been overcome through a multiplicity of factors. The State suffers from a serious impoverishment of resources. There is also a cross sectional lack of awareness and entrenched societal attitudes relating to women and women's rights. This affects the range and quality of initiatives that can be taken for the promotion and protection of women's rights. Agents of the State, particularly the officials of the Ministry of Women Development do not get sufficient resources and training to adequately deal with the range and complexity of issues they confront in carrying out their mandate. A similar paucity of resources and sometimes of awareness and adequate training afflicts the judiciary and the law enforcement departments / agencies.

48. The low level of literacy has an aggravating effect. Women and men are unaware of their rights. Even when men are aware of the rights of women, many are not willing to recognize or grant these.

49. There is still an improper understanding of the role women play in the national development process. A number of stereotypes still continue to prevail. This sometimes results in constitutional and legal guarantees against discrimination not being fully implemented. At times actions, which have no religious sanction, are justified on the basis of tenets of Islam.

50. As in most other countries domestic affairs are considered a private matter and incidents within the family / domestic problems including violence are usually not reported and many times not dealt with appropriate seriousness by the concerned authorities, if reported.

51. Female literacy is low in Pakistan and, therefore, affects awareness among women about their rights. In rural areas of the country there is a shortage of trained and qualified female teachers.

CHAPTER III

ARTICLES 1, 2 & 3.

(Definition of Discrimination, taking all measures to implement the convention)

Constitutional, Legal and Administrative Framework.

Definition of Discrimination.

52. The Constitution does not contain a definition or description of discrimination against women. However, the concept of non-discrimination is integral to the Constitution and is implicit in its content.

53. The relevant Constitutional are Article 25 (2) “There shall be no discrimination on the basis of sex alone” and Article 27 “No citizen shall be discriminated against in respect of any such appointment (in the service of Pakistan) on the ground only of race, religion, caste, sex, residence or place of birth”. The Constitution thus establishes clear and specific guarantees against discrimination on the basis of sex.

54. Leaders from the President down have condemned discrimination against women on various occasions. The creation of the Ministry of Women Development and the National Commission on the Status of Women is motivated by the desire to ensure that women suffer no discrimination.

Embodying the principle of the equality of men and women in national constitutions and appropriate legislation and to ensure, through law and other appropriate means, the practical realization of this principle.

55. Constitutional provisions underscoring equal rights and equal treatment of all citizens including women have been given in Chapter II, para 3. Laws enacted in Pakistan cannot contravene these Constitutional provisions. There is a difference of view among segments of the Pakistani population on whether some laws, such as the Hudood Laws, are in keeping with the Constitution.⁵

Appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

Competent national tribunals and other public institutions for effective protection of women against any act of discrimination.

56. The Constitution lays down clear and specific guarantees against discrimination based on sex. There is however no law specifically prohibiting discrimination against women. There are also no legal sanctions for discriminating against women or for that matter against anyone else. However any discriminatory action by the State, agents of the State or those acting on behalf of the State can be

⁵ Chapter XV, 108, para 13 onwards.

challenged in courts. The courts can and do award damages to plaintiffs and this can cover the “sanctions” aspect of the convention. However it is often difficult to pursue cases in courts and there are no specified guidelines for the courts on the quantum of damages they can award to the plaintiffs. Other remedial measures include the Federal Ombudsman’s office (Chapter II, para 6), the Services Tribunal and the labour courts.

57. A real life illustration of how the remedial measures work is the matter of admission of girls to co-education medical colleges in Pakistan⁶. Until 1990 there was a fixed quota for girls for admission to medical colleges in Pakistan. The result was that many girls with better grades than boys were denied admission to these prestigious institutions. They filed a petition against this practice of admission quotas. The court decreed that admission to medical colleges should be on open merit. This led to the implementation of a new policy of open and transparent system of admissions to all professional colleges. The final selection is based entirely upon merit regardless of gender. In 2003 there were 322 girls out of a class of 350 in Dow Medical College, Karachi, the premier medical college in the province of Sindh.

Refraining from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation.

58. The Constitutional provisions mentioned above also help ensure that neither the Government nor persons or institutions acting under its authority or on its behalf engage in discrimination against women.

59. A wide body of rules and regulations governs the conduct of Government officials. These prescribe a range of punishments for dereliction of duty or conduct unbecoming of a government official. While “engaging in discrimination against women” is not cited as conduct unbecoming, a case could possibly be made against a public official under the Government of Pakistan Conduct and Efficiency Rules for showing prejudice or bias including on the basis of sex.

60. The Pakistan Penal Code contains a number of provisions (Sections 161 to 171) dealing with offences committed by Government Servants:

- a) Section 161: Public Servant taking gratification other than legal remuneration in respect of an official act.
- b) Section 166. Public servant disobeying law with intent to cause injury to any person.
- c) Section 167: Public Servant framing an incorrect document with intent to cause injury.

61. “Injury” is defined in Pakistan Penal Code as “as any harm whatever illegally caused to person, in body, mind, reputation or property”. While the above provisions can theoretically be used

⁶ There are no medical colleges in Pakistan reserved for males. There is however one medical college, the Fatima Jinnah Medical College, Lahore, reserved for women. The matter discussed here relates to medical colleges where there was co-education.

to punish a public servant indulging in discrimination against women it does not appear to have been used and can be further developed.

Taking all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

62. The public domain is relatively well covered. The same level of protection is not yet available in the private sector though recourse to courts is theoretically possible.

Taking all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

63. Article 8 has already discussed in Chapter II, para 3. Since the Constitution repeatedly affirms the principle of equality of all citizens of the country, this provision of the Constitution can be said to adequately cover the above-mentioned provision of the Convention.

64. Constitutions establish ideals. Measuring up to those ideals is a difficult task. In Pakistan instances continue to be reported where customs, practices and misinterpretation of religion are cited as justifications for indulging in acts of discrimination against women.

65. 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 (CrPC) to ensure more effective prosecution of cases of the so-called honour killings. The Act also inserts a new section (310A), which punishes giving of females in marriage as part of a compromise to settle a dispute between two families or clans with rigorous punishment may extend to 10 years but shall not be less than three years. Two Sections have also been added to the CrPC.

66. Under the Access to Justice Programme, special attention is being devoted towards gender sensitization of the police and the judiciary. The National Commission on the Status of Women has undertaken an exercise to examine laws considered to be discriminatory towards women. It has already suggested amendments to the Pakistan Citizenship Act 1951 to change certain provisions discriminatory towards women. The Government has accordingly amended the law. In August 2003 the Commission also recommended the repeal of the Hudood Laws, which many people consider to be discriminatory towards women.

Repeal of all national penal provisions which constitute discrimination against women.

67. The Pakistan Penal Code contains five hundred and eleven sections. Many grant higher protection to women than men. The Criminal Procedure Code, 1898 provides for special treatment of women, when confronted with the law. These are given in Chapter II, paragraph 7, subparagraphs k – o.

68. The laws considered to be discriminatory to women are discussed under Article 15 of the Convention.

Information provided in pursuance of General Recommendation 6.

Effective national machinery, institutions and procedures to: Advise on the impact on women of all government policies; Monitor the situation of women comprehensively; Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination.

69. The national machinery relating to women's rights and development and empowerment in Pakistan is the Ministry of Women Development. Its main role is policy making. Its mandate has been elaborated in Chapter II, paragraph 9 of the report. The National Commission on the Status of Women is mandated to monitor and advise on the impact of all government policies, examine laws etc. (Chapter II, paragraph 14 refers). These two bodies largely meet the requirements listed above.

Dissemination of the Convention, country reports in the language of the States concerned; seeking assistance of the Secretary-General in providing translations of the Convention and the reports of the Committee.

70. The Convention has been translated into Urdu, the national languages and regional languages such as Balochi, Punjabi, Pashto and Sindhi. The Ministry has widely disseminated the Convention to government ministries and departments as well as educational institutions, etc. Even as part of the report writing process text of the Convention was provided to almost all Federal Ministries and Departments as well as to Office of the Chief Secretary of every province. The country report has not been translated into Urdu or any of the regional languages. The Ministry is examining the possibility of having it translated to Urdu at least.

General Recommendation 9.

States parties should make every effort to ensure their national statistical services formulate their questionnaires to gather data which can be disaggregated according to gender, with regard to both absolute numbers and percentages.

71. The Statistics Division is the main data collection body within the Government of Pakistan. It consists of three entities – the Federal Bureau of Statistics (FBS), the Agricultural Census Organisation and the Population Census Organisation. There is also the National Institute of Population Studies concerned with the demographic profile of the country. The Planning Division, the department concerned with elaborating the national development plans of the country, also collects data. Additionally the Pakistan Institute of Development Economics (PIDE) also collects data relevant to its mandate.

72. The Statistics Division maintains an elaborate and user-friendly website from which most of its publications can be downloaded free of charge. Much of the data in these publications is gender-disaggregated.

73. However, collection of gender-disaggregated data remains a weak point in many areas. For instance gender-disaggregated data for various crimes is not easily accessible. The Federal Ombudsman's office also does not keep gender-disaggregated records. (It had to go through its

records to provide the information given in table 2.01 at the request of the Ministry of Women Development).

74. The Ministry of Women Development has initiated a move whereby the Federal Government is being requested to issue instructions to all its ministries / departments / agencies and affiliated institutions as well as the provincial governments that a gender perspective may be kept in all data collection exercises. In this connection the Ministry of Women Development has conducted a detailed examination of the publications of the Statistics Division and made specific suggestions to ensure gender disaggregated data is provided in as many areas as possible.

CHAPTER IV

ARTICLE 4

(Affirmative Action)

Constitutional Provisions and Administrative Set-up/Actions

75. Article 34 of the Constitution states “Steps shall be taken to ensure full participation of women in all spheres of national life”. This complements the guarantees contained in Articles 25, 26 and 27. The Constitution, therefore, provides a clear basis for accelerating equality between women and men through affirmative action.

- a) The Government has taken a number of actions in this regard:
 - i) The creation of the Ministry of Women Development (details provided in Chapter II, para 9 onwards);
 - ii) Provision of 5% quota for women in government service in addition to open competition. The level of implementation of this quota is however not uniform across provinces. Two provinces did not accept the quota. In none of the provinces has the figure of 5% been achieved in the majority of government departments.
- b) Provision of 2% quota for the disabled including women in government service.
- c) Establishment of the First Women Bank which not only caters to women clients but also provides micro-financing to women to start their own small businesses. (Details given in Chapter XIII, paragraphs 15 - 17).
- d) Reservation of 33% seats for women for most tiers of local bodies and 17% seats in the National Assembly, the Senate and the provincial assemblies. As a result more than 36,105 women have been elected as councilors. There are 73 women in the National Assembly, which has a strength of 342. Sixty have been elected on reserved seats and thirteen on general seats. There are 143 women members of the four provincial assemblies. 128 on reserved seats and

fifteen on general seats. 18 Senators in a house of 100. There are at present 2 women in the Federal Cabinet. (More details given in Chapter VII, paragraphs 23- 33).

- e) Establishment of the National Commission on the Status of Women in July 2000 (Details provided in Chapter II, para 14).
- f) Upgrading Women's Studies Centres at five major universities to full-fledged departments. At present three of these, Lahore, Peshawar and Karachi are functioning.
- g) Women police stations in which the staff also consists of women.
- h) Special women desks are being set up in police stations to assist women complainants. The desks will be staffed by women police officers.
- i) A special school nutrition programme for girl children in twenty-nine poorest districts of Pakistan. The value of the programme is Rs. 3,600 million and it will benefit more than half a million girls. (More details given under Article 10, para 46)

Challenges and future plans.

76. While there is a healthy tradition of affirmative action in Pakistan and the practice is rooted in the Constitution, actions taken under this head have not resulted in the kind of progress that was envisaged. One possible reason is that there does not exist a comprehensive policy of affirmative action cutting across the work of all entities of the Government. The Ministry of Women Development is endeavoring to bring more coherence to the Government's affirmative action programmes through the Gender Reform Action Plan (GRAP).

77. GRAP is a comprehensive plan, founded on the concept of affirmative action, to help speed women's integration into the national mainstream. It specifically addresses and makes recommendations for special measures to facilitate women's entry and progress into such fields as Government service, politics etc. The objective is to on the one hand sensitise the Government machinery at the federal as well as the provincial levels to the needs of women and how these should be addressed.

78. GRAP proposes a set of key reforms and another set of supporting reforms including:

- a) Institutional reforms.
- b) Reforms in policies, budgeting and public expenditure mechanisms.
- c) Reforms to increase and improve women's employment in public sector organizations.
- d) Reforms to improve women's political participation.
- e) Related capacity building interventions.

79. A number of actions are envisaged under each of these main heads. A sum of Rs. 385 million is has been earmarked in the 2004-05 budget for actions to be taken under GRAP. The four provinces have also approved the plan. The Prime Minister approved the plan in June 2005. The Ministry of Women Development has identified the six partner ministries including the Ministry of Law, Justice and Human Rights, the Ministry of Labour, Manpower and Overseas Pakistanis, the Ministry of Education, the Ministry of Health for establishing “Gender Sections” to help implement GRAP and to include women’s issues and concerns in all matters relating to the mandate of their ministries. Each gender section will consist of a BS-18 (approx. 12 years of Government Service) officer with a BS-17 officer assisting him and a staff of 6 – 8 officials. A notable feature is that under GRAP 10% seats will be reserved for women in the Central Superior Services (CSS) (Pl. see Chapter VII, page 42, paras 54 – 58). This measure will greatly assist in giving women’s representation in the bureaucracy.

CHAPTER V

Article 5

Elimination of stereotypes

Administrative measures.

80. Changing social perceptions is a long process. However, efforts are underway to bring about a positive attitudinal change regarding women:

- a) Information and Media.
 - i) The Ministry of Women Development launched an awareness campaign on violence against women for the period 1996 – 1999. The Pakistan Television (PTV) telecast numerous spots on violence against women. It also aired discussions on the negative impact of violence against women. Seventy-six gender-sensitized programmes were produced and telecast on Pakistan Television in the period 1998 – 2002.
 - ii) Gender-sensitisation workshops were organised (1998) for senior PTV managers, producers and other media professionals. Of the five hundred and four participants from public and private sectors who received training, two hundred were women.
 - iii) The PTV issued a directive in 1999 that violence against women or verbal and physical humiliation of women was not to be shown on the television.
 - iv) Through a donor funded ‘Portrayal of Women in Media’ project, a positive, balanced and diverse portrayal of women was undertaken in the media. The National Project Director of this project was a woman and was awarded the pride of performance award and the Commonwealth Broadcast Association’s award for gender programming and technical excellence.

- v) The Pakistan Television has established a training academy for media professionals in programme development and production techniques. Gender sensitization and mainstreaming are important elements of the training programme.
- vi) The Central Board of Film Censors, Censor Board for Private Productions, the Advertising Censor Board, the Drama Censor Board all have representation of women. At present there is no mandatory requirement to have women on these bodies. The Ministry of Women Development is exploring ways to ensure that women make up 25% of the membership of these bodies.

Table 5.01 Representation of women in various censor boards		
	Female	Total
Central Board of Film Censors	13	86
Censor Board for Private Productions	5	21
Advertising Censor Board	2	11
Drama Censor Board (PTV-I & PTV – 2)	1	52
<i>Compiled from information received from all the concerned boards, 2004.</i>		

- vii) There are two women members on the Jury for National Film Awards.
- viii) The MoWD initiated an awareness raising Campaign for Women through Mass Media, at a cost of Rs. 18.28 million. Puppetry shows were one of the mediums employed to raise awareness about women's issues. The campaign aimed at a) Creating overall awareness of women's rights and status and b) bringing a positive attitudinal change within the society regarding women.
- ix) The Cabinet approved an Ethical Code of Practice (print media) in 2002. Guidelines have been provided for reporting publishing and disseminating materials based on gender discrimination and violence against women.
- x) The Code of Ethics adopted by PFUJ states under Article XII that the press has a special responsibility to prevent bias against women, minorities and other disadvantaged sections of society. As such extreme caution shall be exercised in reporting incidents pertaining to them.

b) Education.

- i) The education curriculum is being revised with a focus on human rights.
- ii) In Punjab gender sensitive learning materials were developed under the Punjab Middle School Project. This included production of 220 publications which were distributed with donor support in four phases (1997-2000). Under the same project 6,885,000 books were printed and distributed in 90% of the Middle Schools across Punjab.

Human Rights and Mass Awareness Project.

81. The Ministry of Law, Justice and Human Rights launched this project with the assistance of the Governments of Norway and Switzerland in 1999. Important actions undertaken in the last two years are summarized below.

82. The main components of the project were: Mass Awareness through media; local training; curriculum development and Establishment of an Institute at the University level.

83. Thirteen television talk shows were aired on Pakistan Television and Prime Entertainment from mid-June 2003. The talk shows addressed the issues of honour killings, dowry, violence against women, juvenile justice, jail reforms, child labour and minority rights. Radio Pakistan (3 months) and FM 100 (2 and half months) aired spots, skits and jingles on human rights issues. Street theater shows were organized in six major cities and addressed the issues discussed in TV talk shows. Twenty puppet shows on the same issues were organized in all the four provinces. An essay competition was organized for primary, middle and secondary level students at the federal and provincial levels in May 2003. Successful students were given certificates of merit. A seminar on human rights and policing, with women's rights an integral component of it, was organized in the National Police Academy. Twelve seminars on policing were also organized at all provincial capitals and other major cities through the offices of Inspectors Generals of Police. More than two thousand police officers were sensitized on human rights issues and the role of the police in safeguarding human rights and code of conduct of police officials towards the public.

84. A Human Rights Study Center, based at the faculty of Law has been operational in the Peshawar University for over three and half years. Women's rights are an integral component of the activities of the Center. Among other things, it has developed curriculum for master degrees classes. The Center also conducted workshops on curriculum development in November 2002. It also organized seminars on human rights and democracy and Universal Declaration of Human Rights in 2002 and a conference on violence against children. The Pakistan Administrative Staff College, the premier high-level training institution in Pakistan, organized a human rights education workshop for 25 senior college teachers in 2002. Similarly prominent women rights activists and NGOs are invited to sensitise new entrants to the civil service at the Civil Services Academy on CEDAW, women's rights, women's issues and how these can be addressed. The National Institutes of Public Administration (NIPAs) in which mid-level officers must undergo training before being considered for promotion to senior level, also organize lectures on CEDAW and other human rights instruments,

human rights including women's rights and invited prominent speakers from the Government side as well from the civil society to address the officers undergoing training there.

85. In the area of curriculum development, modules on human rights, including women's rights have already been developed, edited and revised. Textual material for classes IV-V and VI-X have already been developed and forwarded to the provincial textbook boards for inclusion in the relevant subject at appropriate level. Human rights topics have been successfully incorporated into the syllabi of optional subjects in regional languages.

Situation on the ground.

86. Despite the measures given listed above, large sections of the Pakistan society have at least some views about the roles of men and women in society. Generally the husband is supposed to be the breadwinner and the head of the family. The wife is expected to take care of the house, look after the children and the elderly. Data on the proportion of men who assist in household activities is not available. However the proportion of such men is not very large and in rural areas may be negligible. The Pakistani society is probably no different from any other country in South Asia in this respect.

87. The perception of roles of men and women is however gradually changing. Education, the wide availability of information through the radio, television, the satellite dish etc. all give a broader perspective to the viewers and show that women can play a number of important roles as well as being wives and mothers. Pakistani women are taking an active part in the management of NGOs. In varying numbers, they are engaged in all sectors of the economy, ranging from nuclear technology, post harvest food care, animal husbandry, petro-chemicals, education, media, healthcare, diplomatic service, social services to research and management etc.

88. A more recent phenomenon has been women's entry into the uniformed services. Women now make-up an increasingly significant proportion of the police force. The Airport Security Force also has a large complement of women. Women are also receiving training as air-guards. The first woman Major General was appointed in the Army Medical Corps in 2001. Women are also being recruited in the regular armed forces. For instance they are serving as air-traffic controllers and as transport pilots in the air force. Women are also finding employment as pilots in commercial airlines.

Information on reproductive health / family life education.

89. Given the traditional nature of the society it is a difficult subject for parents or even teachers to raise with their children or students. The Ministries of Education and Population Welfare are devising methods of incorporating family life education through appropriate channels of communication. Some information sessions have been held in girl's schools under the National AIDS Control Programme about reproductive health issues.

Challenges and future course of action.

90. Article 5 of the Convention is in many ways the most difficult article of the Convention to implement. A society's attitudes, preferences, biases and prejudices develop over centuries and are the

product of a complex mix of culture, history, custom and religion. Changing these is a difficult task. There is no doubt that compared to more developed countries, ideas about the roles of men and women are more deeply held in Pakistan. However there is also no doubt that change has started to take place. The increase in percentage of the girls going to school, the increase in female literacy rate, the increase in the percentage of women in the labour force, the decrease in population growth rate and the fertility rate, while in some cases not very impressive numerically, point to a change in the right direction.

91. The main challenge is to mainstream the need to change public perceptions in all government policies particularly in the education and media and information sector. Rather than taking isolated measures at the ministry or department level, there needs to be an overall vision on how various organs of the state can be used to effect a positive change in societal attitudes towards women. The Ministry of Women Development is in the process of finalizing a CEDAW follow-up and reporting project. The issue of changing societal attitudes towards women will be an integral component of this project.

CHAPTER VI

ARTICLE 6

(Trafficking in women and girls)

Constitutional Framework

92. Article 37 (g) of the Constitution enjoins the State to “prevent prostitution...” Article 11 (2) states “All forms of forced labour and traffic in human beings are prohibited.”

93. On 15 August 2001, Pakistan ratified ILO core Convention 182 on the Elimination of Worst forms of Child Labour. “Worst forms of child labour” include child prostitution and trafficking. Pakistan also signed the Optional Protocol to the Convention on the Rights of the Child on the “Sale of children, child prostitution and child pornography” in September 2001. The Constitutional obligations and these instruments provide a detailed framework to the Government to combat trafficking in persons.

Legislative Framework

94. The Prevention and Control of Human Trafficking Ordinance was promulgated in October 2002. The Ordinance is a comprehensive law designed to meet Pakistan’s obligations under various international treaties on trafficking in persons (including relevant provisions of the CEDAW) as well as treaties to which Pakistan is likely to become party in the future such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Specially Females and Children Supplementing the International Convention against Transnational Organised Crime. The salient features of the ordinance are:

- a) It contains a comprehensive definition of “human trafficking” - obtaining, securing, selling, purchasing, recruiting, detaining, harboring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share of such person’s subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in...” This definition is further strengthened by a separate definition of “coercion” - the use of force, violence, physical restraint, deception, fraud or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or infliction of serious harm”. It prohibits human trafficking for any reason whatsoever including labour, entertainment or prostitution.
- b) Two persons acting together to commit a crime falling under the purview of the Ordinance are sufficient to qualify as an “organized criminal group” thus meriting stricter punishment. This definition is narrower than that contained in the Convention against Transnational Organised Crime according to which three or more person constitute a criminal group.

95. The Ordinance prescribes harsher punishments if the victims are women and / or children. Section 3(iii) of the Ordinance states:

- a) “Whoever knowingly purchases, sells, harbours, transports, provides, detains or obtains a child or a woman through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him or her into or out of Pakistan or with intention thereof, for the purposes of exploitative entertainment by any person and has received or expects to receive some benefit in lieu thereof shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine;
- b) Provided that if the commission of the offence under this clause involves kidnapping or abduction or any attempt thereto of the victim, the term of imprisonment may extend to fourteen years with fine;”

96. The Ordinance also prescribes punishment for a crime, which is only in the planning stage and has yet to be committed and also provides for compensation to the victim as appropriate.

Situation on the ground.

97. The constitutional and legislative framework in Pakistan on trafficking in persons can thus be considered to be adequate.

98. Pakistan is stated to be a country of origin, destination and transit for trafficked persons. Unfortunately there is wide divergence of views on the scale of the problem. Some NGOs estimate that nearly 200,000 persons, mostly women, are trafficked into Pakistan. Global estimates of persons smuggled across border range from 800,000 to nearly two million. Even if we take two million as the accepted figure, it seems implausible that Pakistan alone is responsible for ten percent of the global problem.

99. The Ministry of Women Development sent a detailed questionnaire to all provincial home governments for onward dispatch to all prisons in Pakistan seeking information on the number of women detained under the Foreigner's Act or under any other law relating to trafficking. The initial responses show that there are very few trafficked women in Pakistani prisons.

100. It therefore seems that persons trafficked into Pakistan soon disappear among the population. It is difficult to track such persons officially and to maintain accurate records.

Preventive Measures to Curb Trafficking.

101. Pursuant to the Promulgation of the Ordinance, the Federal Investigation Agency (FIA) has been nominated as the implementing / enforcing agency of the Government of Pakistan. The Agency has conducted a number of raids, particularly in the Mandi Bahawaludin area (in Punjab), against unscrupulous travel agents who were assisting in sending people abroad on false documentation.

102. Other measures to combat human trafficking include:

- a) There are FIA posts at all airports and only passengers holding valid documents are allowed to board the aircraft. Additionally the Ministry of Interior has started the National Aliens Registration Authority (NARA) to determine the number of illegal aliens in Pakistan and to register them.
- b) A database of all adult citizens of Pakistan (NADRA) has been completed. NADRA is issuing computerized National Identity cards to all adult citizens of Pakistan. The requirements for these computerized cards are such that illegal aliens including persons who have been trafficked into Pakistan will not be able to qualify and would thus be automatically identified. Victims of trafficking will then be assisted in returning to their countries of origin.
- c) Check posts have been established in border areas to curb unlawful entry into Pakistan.
- d) The Government has set up three crisis centers, in Vehari, Sahiwal and Islamabad to assist women and children in distress. An attempt is being made to extend this facility to trafficked women and children. The number of centers is also being increased to 10. The seven additional centers will be in Karachi, Mianwali, Kohat, Rawalpindi, Quetta, Peshawar and Lahore. These are expected to be operational by 30 June 2005.

CHAPTER VII

ARTICLE 7

(Political Rights of Women)

Constitutional and Legislative Framework

Criteria for Voters and Candidates.

103. Articles 51 (2) and 106 (2) of the Constitution lay down the criteria for a voter for the National Assembly for the provincial assemblies respectively. Criteria for election as members of the National Assembly are listed in Article 62 of the Constitution and for disqualification in Article 63. The criteria listed in Article 62 apply to the Senate also. These articles are totally non-discriminatory.

104. The criteria for President of Pakistan are given in Article 41. Again there is no legal bar on a woman being elected as President. Article 41 however requires the President to be a Muslim and above 45 years of age.

105. The criteria for the election of the Prime Minister are the same as members of the National Assembly. The procedure governing the election of the Prime Minister is given in Article 91. Again there is no bar on a woman to become the Prime Minister of Pakistan. In practice Pakistan was the first Muslim country to elect a woman as Prime Minister.

106. Article 51 of the Constitution gives the composition and strength of the National Assembly. Until 2002 the National Assembly consisted of two hundred and seven Muslim members, ten members elected from the minority communities and 20 women members. The 20 reserved seats for women lapsed after the 3rd general elections held in 1988 since the commencing day of the Constitution. Women were however eligible to contest elections on general seats. Article 51 has since been amended under the Legal Framework Order promulgated in October 2002. The strength of the National Assembly has been increased to 342 with 60 reserved seats for women.

107. The composition and strength of the Senate is given in Article 59 of the Constitution. Until 2002 there were no reserved seats for women in the Senate. However article 59 has also been amended through the Legal Framework Order. The strength of the Senate has been increased from 87 to 100. There are now 17 reserved seats for women.

108. Article 106 of the Constitution governs the strength and composition of the provincial assemblies. Until the LFO there were 23 reserved seats for women in the provincial assemblies with 12 in the Punjab Assembly, 5 in the Sindh Assembly, 4 in the NWFP Assembly and 2 in the Balochistan Assembly. However under the amendments introduced to Article 106 through the LFO the number of reserved seats for women has been increased to 128 out of a total strength of 728. The percentage of reserved seats in the Senate, the National Assembly and the provincial assemblies is approximately 17%.

109. The numbers and proportion of women as mandated in the Legal Framework Order are given below:

TABLE 7.01 Legislative position regarding women's representation				
PROVINCES	SEATS RESERVED FOR WOMEN IN THE SENATE (UPPER HOUSE) TOTAL STRENGTH (100)	SEATS RESERVED FOR WOMEN IN THE NATIONAL ASSEMBLY (LOWER HOUSE) TOTAL STRENGTH (342)	PROVINCIAL ASSEMBLIES	
			Total Strength	Seats reserved for women
Punjab	4	35	371	66
Sindh	4	14	168	29
Balochistan	4	3	65	11
N.W.F.P	4	8	124	22
FATA	0	0	NA	0
Federal	1	0	NA	0
Total	17	60	728	128
<i>Source: Legal Framework Order, 2002.</i>				

110. Thus there is no restriction or bar on women in Pakistan to participate in any manner of political activity. This includes the right to vote in all elections, public referenda and to be eligible to all publicly elected bodies or positions. The amendments introduced through the LFO constitute significant affirmative action.

Legislative framework.

111. Major laws for the conduct of elections to the National and Provincial Assemblies are the Representation of the People Act, 1976 and the Representation of the People (Conduct of Election) Rules, 1977. Election to the Senate (Upper House) is held according to the relevant legal provisions contained in the Senate (Election) Act, 1975, the Senate (Members from Federal Capital) Order, 1985 and 1988 and the Senate (Election) Rules, 1975.

112. The Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974 deal with preparation, annual revision, amendment and maintenance of the lists of voters. The constituencies of the National and Provincial Assemblies are demarcated in accordance with the provisions of the Delimitation of Constituencies Act, 1974.

113. The Political Parties Order 2002 governs the conduct of political parties and the Conduct of General Elections Order 2002 was enacted to facilitate holding the October 2002 elections. The other relevant law is the Election Commission Order 2002.

114. The Local Government Ordinance, 2001, governs elections to the local bodies.

115. Elections to the general seats of the National and the Provincial Assemblies are held on the basis of first-past-the-post system. However, elections to the seats reserved for women and technocrats are held on a party list system.

116. Election to the Senate of Pakistan is conducted on the basis of proportional representation by means of single transferable vote.

117. All these laws and rules are non-discriminatory and impose no restrictions on women.

Administrative Framework

118. The administrative framework consists of the office of the Election Commission established under Article 218 of the Constitution. The duties of the Chief Election Commissioner are a) Preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually; b) Organizing and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and c) Appointing Election Tribunals.

Penal Provisions.

119. The Representation of the People Act, 1976 and Representation of the People (Conduct of Elections) Rules 1977 contain provisions on the conduct of elections and penalties for violating these. Additionally the Pakistan Penal Code also contains provisions relating to elections in Section 171, sub-sections "A" to "J". Of these sub-sections "A", "C" and "J" are relevant.

120. The above mentioned laws and Constitutional provisions are quite comprehensive and can be said to cover almost all situations where women are likely to be deprived of their right to political participation either as voters or as candidates. The main difficulty is in implementation of the laws. Weak implementation can be attributed to lack of training and resources of the law enforcing authorities, the failure of persons including women whose electoral rights have been violated to come forward and file complaints and lack of witnesses to substantiate the complaint.

Situation on the Ground

Voters

121. The percentage of women voters was 46.3% for the 1988 elections. It decreased marginally to 46.1% for the 1990 elections, to 45.5% for the 1993 elections and to 44.5% for the 1997 elections. The percentage rose to 46.1% for the elections held on 10 October 2002.

122. Female voter turnout is generally thought to be less than the male voter turnout. A study based on 25% of the total polling stations in the 1990 elections revealed that 48% men and 30% women voters cast their vote. Another study based on voter turnout data from constituencies in Lahore (Punjab) during the 1993 elections indicated a 46.9% turnout of male voters and 40.4% turnout for women voters.⁷

123. As stated above, penalties exist for those who threaten or prevent voters from exercising their electoral rights. However women in certain areas of the country were prevented from doing so in the local bodies elections and the last general elections (October 2002). A complaint was filed with the Peshawar High Court, which ruled in March 2004 that women cannot be stopped from exercising their political rights. The Court however did not declare the previous elections void in constituencies where women voters were prevented from casting their votes.

Women as Candidates and as Elected Members of the Senate, the National Assembly and the Provincial Assemblies

124. The reservation of special quota for women in the legislature, in addition to the possibility of contesting elections on open seats, has been a regular feature of the political system of Pakistan as a form of affirmative action. The quota for women in the 1973 Constitution was for a specified period and ended in 1988 after the lapse of that period. Women could still contest elections on general seats. The percentage of women contesting elections on general seats of all candidates in 1985, 1988, 1990, 1993 and 1997, was 1.2, 1.8, 0.97, 1.0 and 2.0 respectively.

⁷ Taken from *Baseline Report on Women's participation in the Public and Political Life in Pakistan*, Aurat Foundation, October 1999.

TABLE 7.02 Women Elected to the National Assembly (NA) and Provincial Assemblies (PAs) on General Seats since 1970

Year	% in National Assembly	Average % for the four provincial assemblies
1970	0.0	*
1990	1.0	0.4
2002	0.21	0.20

*Not available:

Source:-Election Commission of Pakistan, Quoted in Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999.

TABLE 7.03 Number of Elected Senators by Gender and Election Year

Election Year	Number of Elected Senators	Number of Elected Senators			
		Women		Men	
	Total	Number	Percent	Number	Percent
1985	87	0	0.0	87	100.0
1990	87	1	1.1	86	98.9
1997	87	2	2.3	85	97.7
2002	100	18 ⁸	18	72	72

Source: Senate Secretariat, Parliament House, Islamabad. Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999.

⁸ In addition to 17 women elected on reserved seats, 1 was elected as a technocrat.

TABLE 7.04 Number Of Elected Members To The National Assembly By Gender And Election Year

Election Year	Number of Elected Members	Number of Elected Members			
		Women		Men	
	Total	Number	Percent	Number	Percent
1985	237	23	9.7	214	90.3
1990	217	2	0.9	215	99.1
1997	217	6	2.8	211	97.2
2002	342	73	21.3	269	78.7

Source: National Assembly Secretariat, Parliament House, Islamabad. Quoted in Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999.

Participation in the Formulation and Implementation of Government Policy; to hold Public Office and perform all Public Functions at all Levels of Government.

125. There is no bar on representation of women in government policy. However there is no institutional mechanism for ensuring that women are consulted while formulating government policy. As a corrective measure the Planning Division has issued instructions to all Ministries/Divisions to place special emphasis on the advancement of women in all projects. The Balochistan province has introduced an annexure on gender impact assessment to the PC-I, the main project formulation document of the Government of Pakistan. Efforts are underway to have a similar annexure adopted in the other three provinces and at the federal level.

126. The policy formulation and decision making process can be viewed at the Cabinet, the legislative, government service and local bodies levels. These different levels are discussed in detail below.

The Cabinet Level

127. The Cabinet is the highest level. Generally every Cabinet in Pakistan has had at least one woman minister. The percentage of women in various Cabinets in Pakistan is given below:

TABLE 7.05 MINISTERS AND STATE MINISTERS BY GENDER AND YEARS IN THE FEDERAL CABINET

YEAR	FEDERAL MINISTERS			STATE MINISTERS		
	Women	Men	Both Sexes	Women	Men	Both Sexes
1995	-	16	16	-	5	5
1998	1	18	19	1	4	5
2003	1	17	18	-	7	7

Source: Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999. Last row added by the Ministry of Women Development.

TABLE 7.06 ADVISERS AND SPECIAL ASSISTANTS TO THE PRIME MINISTER BY GENDER AND YEARS IN THE FEDERAL CABINET

YEAR	ADVISORS			SPECIAL ASSISTANTS		
	Women	Men	Both Sexes	Women	Men	Both Sexes
1995	-	1	1	1	1	2
1998	-	4	4	1	-	1
2003	1	2	3	-	1	1

Source: Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999. Last row added by the Ministry of Women Development.

128. Women have traditionally occupied the positions of Ministers of Women Development, Social Welfare and Special Education; Education and; Population Welfare. In 1999 the Cabinet had three women federal ministers holding the portfolios of Education, Women Development, Social Welfare and Special Education and Law, Justice and Human Rights. In 1999 a National Security Council was also established and it had one woman member – the Minister of Women Development, Social Welfare and Special Education.

129. Women are regularly appointed ministers, parliamentary secretaries and advisers to the provincial Chief Ministers. The Punjab Cabinet contained five women ministers (out of 31), two Advisers to the Government (out of four) and eight Parliamentary Secretaries (out of 38) in 2003/2004.

The Legislative Level

130. As a result of general elections held in October 2002, 73 women have been elected as members of the National Assembly – 60 on reserved seats and 14 on general seats, 18 women as Senators – 17 on reserved seats for women and one as a technocrat and 143 as members of the various provincial assemblies – 128 on reserved seats and 15 on general seats.

131. The presence of these women in the Senate, the National Assemblies and the provincial assemblies gives them a much bigger role in setting the legislative priorities of their respective houses.

The Local Bodies Level

132. In 2000 Pakistan embarked upon a comprehensive scheme to devolve power to the communities and to revitalize the local bodies. This Devolution Plan was completed in August 2001. In this exercise 33% seats were reserved for women. Women were also free to contest general seats.

133. A total of 60,512 women contested elections to the three tiers of the local bodies. From the lowest to the highest, these tiers are the Union Council, the Tehsil Council / Town Council and the District Council. Thirty six thousand, one hundred and five women were elected as councilors. Of these 35,953 were elected on reserved seats in all councils. Another 126 were elected on reserved seats for minorities. Sixteen have been elected as Nazims (mayors) and Naib Nazims (deputy mayors) – 11 as Union Council Nazims, 2 as Union Council Naib Nazims, 1 as Tehsil Nazim and 2 as District Nazims.

134. The Ministry of Women Development launched the National Programme for Women's Political Participation to build upon the breakthrough provided by the reservation of 33% seats for women in the local bodies and 17% seats in the provincial and federal legislatures. Under the programme newly elected women legislators and councilors were provided orientation to the political system, the legislative mechanism, constituency servicing, research and documentation and networking.

TABLE 7.07 WOMEN IN LOCAL GOVERNMENT

PROVINCES	DISTRICT	TEHSIL/TOWN	UNION
Punjab	1,139	1,143	20,718
Sindh	361	363	6,498
Balochistan	173	258	3,108
N.W.F.P	315	231	5,742
TOTAL			40,049*
*Total Seats for Women; however 36,105 have been filled.			
Source: Women's Political Participation Project (W3P)			

135. The last elections to the local bodies were completed in 2001. The Government has now reduced the total number of councilors in the local bodies though the percentages of men and women will remain the same.

Women in Government Service.

The Constitutional Framework Relating to Women in Government Service.

136. The operative article is article 27 of the Constitution “No citizen otherwise qualified for appointment in service of Pakistan shall be discriminated against ... on the ground of race, religion, caste, sex, residence or place of birth”. Women also have the added guarantee of Article 34, which gives the Government a broad opportunity to take affirmative action in any area where representation of women is low.

Legislative and Administrative Provisions Relating to Government Service.

137. A large body of laws and rules governs matters relating to in Government service, such as:

- a) The West Pakistan Government Servant Leave Rules 1955, TA/Pension Rules 1963,
- b) Conduct Rules 1966 etc.;
- c) The Civil Servants Act 1973;
- d) The Services Tribunals Act 1973;
- e)The Civil Servants Efficiency and Discipline Rules 1973;
- f) The Civil Servants (Appointment, Promotion and Transfer) Rules 1974;
- g) Removal from Service (Special Powers) Ordinance, 2000.
- h) Services Tribunal Act.

138. These laws are non-discriminatory. Special and fairly generous provisions in the relevant laws exist for maternity leave etc. A woman generally cannot also be posted away from her husband.

139. There are 22 tiers or levels of Government Service. These are called Basic Pay Scales (BPS). The lowest is BPS-I (janitors etc.) and the highest is BPS-22 (Secretaries, such as Foreign Secretary, Secretary Interior etc.).

140. The Establishment Division is the Government entity relating to civil service matters. Its mandate includes a) regulation of all matters of general applicability to various occupational groups in public service including b) Recruitment c) conduct and discipline d) terms and conditions service.

Women in Government Service⁹

141. The National Commission on the Status of Women commissioned an inquiry report in 2001 on the status of women employment in public sector organizations.

142. Some salient features and recommendations of the study are given below.

<u>Table 7.08 Women in Government Service.</u>				
Basic Pay Scale	Total number of employees	Male	Female	%age of female employees
All scales (BPS 1-22)	175,189	165,802	9,387	5.4
Officers Category (16-22)	21,872	19,974	1,898	8.7
Other category (1-15)	153,317	145,828	7,489	4.9
<i>Census of Government Servants 1993 as quoted in the Inquiry Report of the National Commission on the Status of Women on status of women employment in Pakistan December 2003.</i>				

143. The above table shows that representation of women in government service is very low. The disparity between men and women is present both in quantitative and qualitative terms. There are many factors responsible for this state of affairs. A larger percentage of women are illiterate compared to men. Government service entails a certain degree of mobility with postings and transfers to different areas of the country or the province. Some women find this inconvenient. Many departments do not seem to have taken the Government quota seriously probably because follow-up measures were weak and departments were not made accountable to reach quota targets within a definite time period.

144. There are some indications that the proportion of women is gradually increasing in the government service such as the fact that about a third of officers recommended for promotions by the Sind Public Service Commission in 2002 were women. Similarly data relating to the CSS examination

⁹ Information taken from *An Inquiry Into the Status of Women Employment in Public Sector Organizations 2003* sponsored by the Asian Development Bank.

shows that despite the absence of a quota in this examination, women are making progress. In 1997 women made up 11% of the successful candidates. In 2001 this percentage had risen to 18%.

TABLE 7.09 PERFORMANCE OF CANDIDATES FOR THE LAST FIVE YEARS IN COMPETITIVE EXAMINATIONS (1997-2001)

CANDIDATES	1997		1998		1999		2000		2001	
	M	F	M	F	M	F	M	F	M	F
Appeared	2498 (89)	295 (11)	2174 (89)	260 (11)	2480 (87)	380 (13)	4119 (88)	550 (12)	2271 (85)	404 (15)
Finally Qualified	445 (87)	65 (13)	464 (88)	62 (12)	386 (86)	61 (14)	783 (87)	117 (13)	602 (83)	123 (17)
Selected	186 (89)	24 (11)	185 (86)	29 (14)	205 (87)	30 (13)	177 (86)	29 (14)	131 (82)	28 (18)

Source: Federal Public Service Commission (2003). Figures in parenthesis are percentages

145. At present the Ministry of Women Development is in the process of finalizing the Gender Reform Action Plan (GRAP), which recommends a more coherent, and well thought out strategy for affirmative action to bring women in government service.

Information Submitted on issues raised in General Recommendation 23.

States parties to ensure that organizations such as political parties and trade unions, which may not be subject directly to obligations under the Convention, do not discriminate against women and respect the principles contained in articles 7 and 8.

146. There is no restriction or bar on women becoming members of political parties and trade unions. Almost all-political parties have women's wings. However women's membership in political parties remains a weak area. Credible data is hard to obtain. Most political parties do not maintain gender-disaggregated data on membership as a matter of routine.

147. According to a detailed study by two leading NGOs in Pakistan on women's rights, the Aurat Foundation and Pattan, women constitute 17.4% of the membership of Pakistan Tehreek Insaf (PTI), 4.55% of the Jamaat-e-Islami (women workers were 12.5% of the party workers), 16.66% of Paktoon Khwa Milli Awami Party (PKMAP), 20% of the Awami National Party (ANP), 20% of the Pakistan Peoples Party (PPP) and 2.14% of the Jamhoori Watan Party (JWP). The Jamiat Ulema-I-Islam,

Fazlur Rehman Group (JUI-F) had no women among its membership of 38,000.¹⁰ These figures may have improved since 1999. However no updated figures are available.

148. Information relating to women in labour unions is given in the following table:

TABLE 7.10 Registered Trade Union Membership By Sex						
Year	Total Registered Trade Unions	Total Number of Registered Trade Unions Reporting	Membership of the Reporting Unions	Membership		
				Total	Male	Female (%)
1991	7027	1441	--	288803	283245	5558 (1.92%)
1999	7382	1493	--	301104	296617	4487 (1.49%)
2000	--	--	--	--	--	--

Source: Ministry of Labor, Manpower & Overseas Pakistanis

Temporary Special Measures to Ensure the Equal Representation of Women in all Fields Covered by Articles 7 and 8.

149. The single biggest development in the field of women's rights in Pakistan has been in political empowerment of women. Thirty three percent seats were reserved for women in the local bodies elections and 17 percent in the National Assembly, the provincial assemblies and the Senate. These figures compare favourably with affirmative action measures taken by most other countries in the world. The challenge is to translate the increased physical presence into effective legislative performance, particularly for women's rights.

Information on reservations to articles 7 or 8 reflecting traditional, customary or stereotyped attitudes.

150. Pakistan does not have any reservation to Article 7 (or Article 8).

¹⁰ Page 31, Baseline Report on Women's participation in the Public and Political Life in Pakistan, Aurat Foundation, October 1999.

Ensure that Women understand their Right to Vote, the Importance of this Right and how to Exercise it.

151. At the time of the last general elections the Government of Pakistan enlisted the support of civil society organizations such as the Aurat Foundation to sensitise and mobilize women voters in the backward areas of Pakistan. Many NGOs such as South Asia Partnership, SPO, SDPI also campaigned to raise voter awareness, particularly among women. The Election Commission of Pakistan also launched publicity campaigns for the education of voters especially female voters through NGOs under a UNDP project for supporting electoral process in Pakistan.

Ensure that Barriers to Equality are Overcome, Including those Resulting from Illiteracy, Language, Poverty and Impediments to Women's Freedom of Movement.**Assist Women experiencing such Disadvantages to Exercise their Right to Vote and to be elected.**

152. Illiteracy is a definite impediment for citizens of Pakistan, including women, in realizing their rights. Information on whether language has proved a hindrance in political participation is not available. Poverty has an overall debilitating effect on the realization of all rights. Steps taken by the Government to alleviate poverty are outlined in Chapter XIII.

153. Women's freedom of movement has proved to be a substantial issue in certain parts of the country. There were reports from all provinces of women being prevented from submitting their candidatures and / or exercising their right to vote. A number of seats for women councilors in these areas therefore remained vacant. The elected councilors and the civil society organizations have repeatedly agitated this issue. While laws exist to punish those who prevent voters from exercising their right to vote, these are sometimes difficult to implement. The laws are easier to apply if overt force or threat of force is employed to violate this right. In the case of women who were prevented from submitting their candidatures, there was no visible application or threat of force and there were few if any complaints by the disenfranchised women. This has hindered application of the relevant laws. The issue has been highlighted by the civil society and by the women councilors themselves. Writ petition no. 604/2001 "Mst Bakhat Zarina and another vs. Government of NWFP and others" has been filed on the subject. The Peshawar High Court pronounced on the matter in March 2004 and declared all restrictions on women's right to vote as illegal. However the court did not annul the election in which women were prevented from voting.

154. There may also be instances where conservative families do not encourage women from pursuing a career in politics or joining an NGO. However the spread of education, easier access to information technology and economic pressures are bringing about a change in this respect also.

Recruiting processes directed at women that are open and subject to appeal.

155. The principal entrance examination for senior bureaucracy is the Central Superior Services Examination. The Federal Public Services Commission (FPSC) conducts this examination every year to recruit officers for twelve service cadres: Accounts; Commerce and Trade; Customs; District

Management; Foreign Affairs; Income Tax; Information; Military Lands and Cantonments; Office Management; Police; Post; and Railways.

156. The examination is open to all citizens of Pakistan holding at least a bachelor's degree and who have not attained the age of twenty-eight years. There is no bar on women to take the examination. Until 2005 there was no reserved quota for women. Statistics show that increasing numbers of women are taking the examination (in 2001, women were 15% of the candidates and 18% of those finally selected). As part of GRAP (Page 23, paras 3 - 6), 10% seats will be reserved for women in the CSS. This will translate into more women coming into senior bureaucracy.

157. The process of selection in the CSS is transparent and subject to appeal. Candidates, who feel they have been discriminated against on any grounds, usually challenge such decisions of the FPSC and the courts have on many occasions overturned to decisions of the Commission, which prove to be arbitrary or discriminatory.

158. The Federal Public Services Commission is also mandated to recruit members into the senior bureaucracy for posts not covered by the CSS examination. These are the so-called ex-cadre posts. Again there is no bar on women to apply for these posts and be selected. In this case too candidates have full access to the courts to contest all decisions of the Commission, which the candidates feel are arbitrary or discriminatory.

159. All provinces have counterparts of the Federal Public Service Commission, called the provincial public service commissions, and these are mandated to recruit persons to the various provincial services. The laws relating to these Commissions are also non-discriminatory. Candidates / government servants have full recourse to the courts and various tribunals to seek redress if they feel that they have been discriminated against.

Women's Participation in non-governmental organizations and associations concerned with the public and political life of the country.

Ensuring that effective legislation is enacted prohibiting discrimination against women.

Encourage non-governmental organizations and public and political associations to adopt strategies that encourage women's representation.

160. As stated earlier there is no legislation prohibiting discrimination against women. The general tone is set by the Constitution through its Articles 25 and 27. Information on whether NGOs and other organizations concerned with the public and political life of the country discriminate against women is not available. However anecdotal evidence suggests there is no discrimination against women in the NGOs in terms of recruitment, promotion or benefits. The situation relating to political parties has already been given.

161. The non-governmental organizations, particularly those engaged in development and advocacy work, are in many respects the fastest growing and the most vibrant section of the Pakistani society. The notable feature of these NGOs is the heavy representation of women and the senior positions

occupied by women in many of them. Even within the NGO community, human rights advocacy NGOs have a higher percentage of women as members and on their governing bodies.

Types of policy formulation, including that associated with development programmes, in which women participate and the level and extent of their participation.

162. Detailed information on various levels of policy formulation has been given earlier in the chapter in paras 23 – 44. Here information on development programmes and policy formulation relating to them is given below.

163. Development planning is the task of the Planning Division of Pakistan. While the Government does endeavor to take care of the development concerns of all citizens of Pakistan and all segments and sections of Pakistan's population, a specific mechanism for inclusion of the concerns of women or for that matter any other section of the society in policy formulation has yet to be institutionalised. However the Planning Division of Pakistan has issued instructions to all Ministries/Division that special emphasis must be given to the advancement of women in all projects. Additionally the Balochistan Province has introduced an annexure on gender impact assessment to PC-I, the main project document of the government. Efforts are underway to introduce this annexure in the other three provinces as well as at the Federal level. This will go a long way in making the development policy formulation process more gender sensitive.

164. NGOs exert an indirect influence on Government planning priorities through their publications. The Ministry of Women Development for its part endeavors to ensure that governmental policy relating to development pays due regard to the concerns of the women of Pakistan. In this connection the Ministry commissioned a detailed gender analysis of Government of Pakistan's main policy document on combating poverty, the Poverty Reduction Strategy Paper (PRSP).

165. As stated earlier under the devolution plan district governments have the power to make budgets and undertake developmental plans. The financial rules issued for the local governments require the Nazim (Mayor) to consult women's groups, NGOs and women councilors prior to formulation of budget. The budget document must also be made public three months before adoption to enable debate and amendment.

Analyse the extent to which the State party ensures that Non-Governmental organisations are consulted and the impact of their advice on all levels of government policy formulation and implementation.

166. There are no set mechanisms for consultation with non-governmental organizations at different levels of policy formulation and implementation. The role of NGOs is increasing on the policy formulation side. It is not yet institutional. However studies by NGOs on various aspects of governance, increasingly form an input to governmental policy and action. In any case NGO reports and studies are widely read in government circles. In this regard it may be noted that there are some entities within the Government, which have a natural affinity with NGOs for example the Ministry of Women Development, the Ministry of Health and the Ministry of Education.

167. The National Plan of Action on Women and National Policy for Women were the result of a thorough consultative process involving all stakeholders including NGOs. Similarly the National Health Policy and the National Education Policy also involved NGOs not only at the policy formulation but also policy implementation phase.

168. There is also an increasing trend on the part of the Government to enlist NGOs in programme implementation. A number of projects in the field of poverty reduction, skill development, health, education have NGOs as partners in implementation or even as exclusive implementing agencies.

169. The Ministry of Women Development funds proposals from NGOs for various projects relating to women's rights.

Women's Participation in the Judiciary.

170. There is no bar on women joining either the bar or the bench. Women are appointed as judges in the lower judiciary but the ratio of female judges is much less than male judges. The Government is taking steps to create a balance in appointment of women judges. Recently women judges were appointed in the High Courts. This was a major breakthrough for women in the legal profession. The Pakistan Women Lawyers Association is one of the major NGOs to take up the issue of advancing women's role in the legal profession and in spreading legal literacy in the country.

171. In 2002 a Pakistan High Court justice was elected to the International Criminal Tribunal for Rwanda (ICTR). Upon his resignation, a woman justice of the Peshawar High Court has been nominated by the Government of Pakistan to take his place.

172. Information on female senior judges in Pakistan is as follows:

TABLE 7.11 FEMALE JUDGES IN SUPREME COURT AND HIGH COURTS OF PAKISTAN		
(1998 data)		
AREAS	FEMALE HIGH COURT JUDGES	FEMALE SUPREME COURT JUDGES
PAKISTAN	3	0
Sindh	1	0
Punjab	1	0
NWFP	1	0
Balochistan	0	0

Source: Ministry of Law, Justice & Human Rights, Access to Justice Programme Unit.

TABLE 7.12 PROPORTIONS OF FEMALE LAWYERS IN PAKISTAN				
Area	Female lawyers		Male lawyers	
	Number	%	Number	%
Sindh	550	5.3	9756	94.6
Punjab	1161	4.9	22095	95.0
NWFP	225	1.7	12595	98.2
Balochistan	48	3.9	1159	96.0

Source: Project Management Unit, Access for Justice Programme, Ministry of Law, Justice and Human Rights

173. Government of Pakistan has launched a major programme, Access to Justice Programme in cooperation with the Asian Development Bank one of whose main emphasis on facilitating the entry of women into the legal profession and the judiciary.

Challenges and future course of action.

174. The Constitutional guarantees, the legislative and administrative framework provide a sufficiently strong basis for the realization of the political rights of women. The creation and / or increase of reserved seats for women in the legislatures and the local bodies has resulted in giving women significant representation in these bodies. However this presence has yet to translated in similar qualitative presence. There are already indications that this is beginning to happen. The Standing Committee of the Parliament thoroughly discussed this report before its submission to the CEDAW Committee. Women members actively participate in other committee meetings and the deliberations of the houses of which they are members.

175. Significant problems remain in the case of local bodies. Women councilors have long demanded financial assistance / per diem as well as space for themselves during sessions of their local bodies. The move to decrease the overall strength of the local bodies is likely to affect women councilors disproportionately in the sense that intake into the political system will be reduced and fewer women will be introduced to the world of politics with each cycle.

CHAPTER VIII

ARTICLE 8

(Representation abroad)

Constitutional and Administrative set-up.

176. The Constitution expressly rejects discrimination on the basis of sex. Equal opportunity to women and men to represent Pakistan at the international level is thus a constitutional requirement for the Government of Pakistan. Women, therefore, regularly represent Pakistan in international conferences and meetings.

Provide statistics, disaggregated by sex, showing the percentage of women in their foreign service or regularly engaged in international representation or in work on behalf of the State, including membership in government delegations to international conferences and nominations for peacekeeping or conflict resolution roles, and their seniority in the relevant sector.

177. Pakistani women have been in ambassadorial posts since the early 1950s. Begum Raana Liaquat Ali Khan was Pakistan's Ambassador to the Netherlands in 1952 and Begum Shaista Ikram Ullah was Pakistan's Ambassador to Jordan.

178. The process of recruitment, promotion and postings in the Ministry of Foreign Affairs is non-discriminatory. Gender is not an issue in determining promotions and postings except in the case of husband and wife both being officers of the service. Then the officers are posted to the same station. The Foreign Service has a higher percentage of women among its officers than most other services to which recruitment is done under the CSS examination (previous chapter refers). The total strength of the Foreign Service is approximately 400 officers of whom 38 are women. Women Ambassadors or Consul Generals are representing Pakistan (in 2003) in: I) Algiers, ii) Almaty, iii) Ashgabat, iv) Beirut, v) Bern, vi) Bucharest, vii) Dublin, viii) London, ix) Lisbon, x) Rabat, xi) Warsaw (2003/2004).

179. The total number of Consulates General and Ambassadorships in the service is approximately 78. In addition to women officers serving as ambassadors or consul generals, a woman occupied the office of Director General to the Foreign Minister's Office from 2000-2002. A woman officer, in BPS-21 (the second highest level in the bureaucracy), was on deputation to the National Defense College as member of the directing staff of the college. Also a number of women working as commercial and information representatives are based in Pakistan missions abroad. There is no discrimination between male and female officers in terms of pay, leave and allowances.

Describe efforts to establish objective criteria and processes for appointment and promotion of women to relevant positions and official delegations.

180. Women are routinely included in delegations sent by the Ministry of Foreign Affairs and other ministries and departments to international meetings and conferences. However there is no deliberate policy to ensure that women must be part of every delegation sent abroad. The guiding principle is merit and relevance of the officer to the international meeting or conference. If a woman officer is the dealing officer for a particular issue, she is included in the delegation.

181. Women Ministers of the Government of Pakistan, at the federal and provincial levels, represent Pakistan in different international meetings. The composition of the Pakistan delegation to the UN Commission on Human Rights is given for the period 2000 – 2002 as an illustration:

SESSION NUMBER AND YEAR	MINISTERS IN DELEGATION	NUMBER OF WOMEN MINISTERS	LEADER OF THE DELEGATION
56 th session 2000	4	2	Female. Minister of Law, Justice and Human Rights.
57 th session 2001	4	2	Female. Minister of Women Development, Social Welfare and Special Education
58 th session 2002	4	2	Male. Minister of Foreign Affairs.

Describe steps taken to disseminate widely information on the Government's international commitments affecting women and official documents issued by multilateral forums, in particular, to both governmental and non-governmental bodies responsible for the advancement of women.

182. Information on the dissemination of CEDAW has already been given earlier. It has been translated into Urdu and the text has been widely disseminated - schools, colleges, universities, government departments, libraries etc. Similarly the Convention on the rights of the child has also been widely disseminated. It has been translated into the main regional languages. Generally the NGOs already have texts of important human rights treaties. The Internet has further increased their access to texts of various treaties.

183. Provide information concerning discrimination against women because of their political activities, whether as individuals or as members of women's or other organizations.

184. Government officials cannot be actively involved in political activities. While there is no bar on their right to vote, they cannot join political parties. Other than this there is no bar on any citizen of Pakistan to participate in political activities and there does not appear to be any discrimination against anyone, male or female, on the basis of political opinion or activities as long as these are within the law.

CHAPTER IX

ARTICLE 9

(Nationality)

Constitutional and Legal Provisions

185. The Pakistan Citizenship Act (Act No.II of 1951) was enacted on April 13, 1951 to supersede the Government of India Act, 1935. Under this Act, women now have equal rights with men to acquire, change or retain their nationality. Citizenship is determined by birth, by parentage, by marriage and by a combination of all these factors.

186. According to the 1951 Citizenship Act:

- a) Every person is deemed to be a citizen of Pakistan, who or any of whose parents or grandparents was born in the territory now included in Pakistan and who after the 14th day of August, 1947 has not been permanently resident in any country outside Pakistan; or
- b) Who or any of whose parents or grandparents (one word) was born in the territories included in India on the 31st day of March, 1937;
- c) Who is a person naturalized as a British subject in Pakistan and has renounced his other citizenship, if any, before the commencement of this Act;
- d) Who before the commencement of this Act migrated to the territories now included in Pakistan.

Citizenship by Birth

187. It is stated in the Pakistan Citizenship Act that:

- a) Every person born in Pakistan after the commencement of the Act shall be a citizen of Pakistan by birth.
- b) There is no distinction between male and female, nor is this form of citizenship dependent on the person's father, mother or any ascendant being a citizen (Section 4).

- c) At the time of the commencement of the Act, a person who was residing outside Pakistan could be registered as a citizen of Pakistan if she/he or her/his father or her/his father's father was born within the territories included in Pakistan (Section 8).

Citizenship by Migration

188. Citizenship by migration is governed under section 6 of the Citizenship Act. It says that a person may be registered as a citizen of Pakistan who migrated to territories included in Pakistan with the intention of residing permanently. His wife, if any, and any minor child or his dependants whether wholly or partially dependent upon him will also become citizens of Pakistan.

189. Section 10(2) provides for the grant of citizenship to the foreign wife of a Pakistani citizen. Subject to the provision of sub-section (1) and sub-section (4), a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on applying to the Federal Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan who marries a Pakistani national.

190. The law does not require a Pakistani woman to lose her nationality if she marries a non-Pakistani.

191. The Citizenship Act of 1951 was amended in 2000 to enable women of Pakistani descent to claim Pakistani nationality for their children born to foreign husbands. Earlier the law allowed giving Pakistani nationality to a child only if his or her father was a Pakistani national, based on the principle of right to citizenship by descent only from the father's side. This provision acted against the interests of Pakistani women marrying foreigners and living outside Pakistan. This has now been changed. The law does need one more amendment i.e. conferring the right to Pakistani nationality to the husband of a Pakistani woman married to a foreigner. The National Commission on the Status of Women has recommended that the law should be amended appropriately. The Ministry of Women Development has initiated the process to do so.

192. Section 14-A gives equal authority to men and women for renouncing nationality. However only the father has the right of renunciation for minor children. Any citizen (male or female) who is not a minor and has been assured of citizenship of any other country on renouncing his citizenship of Pakistan can do so.

The Right to Hold a Passport

193. Women can acquire a passport in the same manner as men. A woman's minor children can be entered on her passport. Minor children are generally not issued separate passports. The father's consent for entry of minor children's names on their mother's passport is not required. Women are free to travel on their own passports and no restrictions have ever been applied on their travel within Pakistan.

CHAPTER X**ARTICLE 10****(EDUCATION)****Constitutional Provisions**

194. Article 37, clauses b and c – state “The State shall (b) remove illiteracy and provide free and compulsory secondary education within the minimum possible period (c) make technical and professional education generally available and higher education accessible to all on the basis of merit.” These provisions are non-discriminatory. Read with Article 34, “Steps shall be taken to ensure full participation of women in all spheres of national life” these can be interpreted as favoring girls and women.

Legislative Framework

195. Education is a provincial subject under the Constitution. Each province has its own laws on education. Three of the four provinces of Pakistan i.e. Punjab, NWFP and Sindh have enacted the Compulsory Primary Education Act for boys and girls of age group (5-9). Balochistan is expected to enforce similar arrangements. There is also a Federal Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act 1976.

Administrative Framework

196. The administrative framework consists of the Ministry of Education at the federal level and Education Departments in the provinces. A Minister heads the Federal Ministry of Education. Until late 2004 Minister was a woman. The Ministry of Education is responsible for setting broad policies on educational matters in the country. It is also responsible for public sector educational institutions in the Islamabad Capital Territory.

197. The provincial education departments are responsible for primary, secondary and higher secondary schools in the respective provinces. Each provincial capital has a university with its affiliated colleges. The Governor of the respective province is the chancellor of the university. Many other cities also have universities. Some professional educational institutions have also been granted the status of universities.

198. A number of institutions of higher learning are reserved exclusively for women. These include the Fatima Jinnah Medical College in Lahore and the Fatima Jinnah Women’s University in Rawalpindi.

199. The provincial education departments have a number of regional boards to conduct examinations for classes up to the intermediate (twelve years of education) level. Textbook boards have been established to set the curricula.

200. Co-education is generally allowed up to primary education level (up to grade V) but not practiced in all schools. Beyond primary it is allowed only if the requisite facilities and services for female students are available or accessible. In such cases female students are permitted to attend educational institutions meant for male students. There is generally no provision for male students to attend institutions meant for females. However new primary schools are called girls' schools even though boys will also be admitted to these. This is due to an emphasis on girls' education.

201. Most professional colleges and many degree colleges have coeducation. The criterion for admission is the marks obtained in the entrance examination conducted by the institution and/or the marks at the previous level of education. The process is generally held to be non-discriminatory and transparent. Students who feel they have been discriminated against have recourse to the courts. Many exercise this option and the courts consider and decide such cases on merit.

202. There is a vast and rapidly growing system of private education. It is estimated that about 33% of the students at the primary and secondary level attend these schools. This system usually caters to children of the more affluent segments of the society and private schools are generally considered to be better than the government-run schools. An interesting feature of this system is that the owners, administrators and faculty of the majority of the primary, secondary and intermediate level schools are women. Generally girls do better than the boys in these schools in "O" and "A" level examinations.

Government Policy

203. The policy documents of the Government relating to education are the National Education Policy 1998-2010, the Ten Year Perspective Development Plan and the Education Sector Reforms (information on these is included in the annexes). These documents place particular emphasis on realising Pakistan's commitments under the Education for All initiative and the Millennium Development Goals. Special emphasis is placed on the education of women and girls.

204. Some of the main features of the above mentioned documents relating directly or indirectly to girls and women are:

- a) Provision of integrated non-formal education to different age groups where there is no such provision: sensitivity to gender and development approaches for disadvantaged girls and boys, women and men (including child labour).
- b) Non-formal programmes to target nomads, riverine communities and women and children in prison and dar-ul-amans (shelter homes).
- c) Early childhood provision in targeted schools for improved "Katchi"¹¹ programs.
- d) Shelterless schools given buildings at elementary level.
- e) Primary schools upgraded to elementary level especially for girls in far-flung areas and under-developed districts.

¹¹ Pre-primary.

- f) Incentives to be provided such as free textbooks, school nutrition, scholarships and loans to students in both government and NGO institutions.
- g) Grant of charter to private universities to incorporate provision for scholarship to meritorious needy students, including women and girls.
- h) Public sector higher institutions to become equitable in their fee schedules.
- i) Free meal and nutrition to girls under Tawana Pakistan Program (see para 46 below).

TABLE 10.01 NATIONAL EDUCATION BUDGET DURING (1995-96 TO 2002-03)
(Rs. In billion)

Year	Recurring Budget	Development Budget	Total Education budget	%age of GDP
1995-96	39.61	2.585	42.195	2.0
2000-01	54.396	1.966	56.362	1.6
2001-02	64.975	2.5	67.475	1.9
2002-03	67.270	2.604	69.874	1.7

Source: *Economic Survey of Pakistan, 2002-2003*.

Situation on the Ground

205. At present there are 5.7 million children not receiving early childhood education. Of these left out, 2.7 million are male and 3.0 million are female. The figures for primary education are 6.3 million left out with 1.9million boys and 4.5 million girls. Of the total number of primary schools, about 67% are for boys and 33% for girls.

206. The Ministry of Education therefore has a policy framework to advance gender equality in education. Each target is gender disaggregated in Education Sector Reforms (ESR) and Education For All (EFA) Programs. Diverse programs and strategies have been developed, ranging from compensatory programs such as stipends at middle and secondary levels, free textbooks and school nutrition support to girls' schools. Initiatives in Public Private Partnerships such as school up-gradation program in the afternoons has resulted in a higher coverage for girls at middle, secondary and higher secondary levels. Of the 6,240 schools upgraded in Punjab and NWFP in 2002-2003¹², 3,787 or 60.76% are girls' schools, and 18% are mixed schools. Furthermore at least 50% of all development allocations are now being provided to girls' schools.

¹² Economic Survey of Pakistan, 2002-2003, chapter on Education.

207. The Ministry of Education has a special desk for Gender in the Education For All (EFA) Wing for facilitating: a) gender sensitization and training b) development of research, survey and data tools/systems to analyze gender issues and ensure the application of pertinent sex-disaggregated data c) gender-responsiveness in planning, d) communication, information -sharing and problem-solving on gender and education issues.

208. The overall literacy rate in Pakistan has been improving although at a slow pace. In 1951, the literacy rate in Pakistan was 16.41 % - people who could read only. The current estimated literacy rate for 2001 was 49.51%, though the definition of literacy is more stringent now “people who are able to read with understanding and can write a short statement”. Roughly, and on an average, literacy rate in Pakistan has been growing at the rate of 3.2329 % per annum. On the other hand, the total number of illiterates in Pakistan has almost doubled in absolute number. In 1951, there were 22.54 million illiterates in Pakistan. The 1998 census results show the illiterate population to be 48.84 million. (Data from literacy trends and statistics in Pakistan, UNESCO office Islamabad, 2002).

209. The situation in Pakistan regarding education can be gauged further from data given in tables below. The tables do demonstrate a mostly positive trend and women seem to be catching up with men. However the pace of this change needs to be increased considerably if the Millennium Development and EFA goals are to be met.

210. Table 10.03 shows that at the primary level, boys schools registered an increase from 2000-2001 to 2003-2004 of 4.1% while the figure for girls’ primary schools was 8.2% and for mixed primary schools 9.4%. This trend is also visible at the middle level. At the high school level the percentage increase for boys’ school was 4.4% compared to 4.1% for girls. However mixed high schools showed a percentage increase of 15.6%.

211. At the higher education level there has been a 49.3% increase in arts and science colleges for males and 87.69% for females for the period 1989-90 to 2000-2001. The figures for professional colleges for the same period were 289% and 233.3%. In the same period there was a 12% increase in universities for males and no increase in the number of universities for women. However it is worth noting that women can be admitted to all universities while men cannot be admitted to women’s universities.

212. For period 2000-2001 to 2003-2004 enrollment of boys at the primary, middle and high school level increased by 3.6%, 18.9% and 10%. In the same period enrollment of girls at the primary level increased by 6.4%. However girls enrollment decreased by 6.5% at the middle level and increased on 0.6% at the High School level.

213. Enrollment at the college university level for the period 1989-90 to 2000-2001 increased 25.3% for males and 124.2% for females. The figures for professional colleges for the same period were 113.3 %for males and 117.1% for females. At the university level these figures were 38.7% and 247.5% respectively.

LEVEL OF EDUCATION	BOTH SEXES (000)	MALE (000)	FEMALE (000)	PERCENTAGE (FEMALES)
Below primary	7151	4429	2722	38.06
Primary	11781	7304	4477	38.00
Middle	8168	5627	2541	31.1
Matriculation	6759	4645	2114	31.27
Intermediate	2565	1671	894	34.85
B.A./B.Sc. & Equivalent	1712	1148	564	32.94
M.A./M.Sc & Equivalent or above	619	456	163	26.33
Diploma / Certificate	160	134	26	16.25

Source: Pakistan Statistical Pocket Book, 2003. Federal Bureau of Statistics. 5th column (percentage) added on the basis of data in columns 2-4.

Years/Level	Primary				Middle				High			
	Boys	Girls	Mixed	Total	Boys	Girls	Mixed	Total	Boys	Girls	Mixed	Total
2000-2001	73796	42870	31070	147736	6551	5875	13046	25472	6201	2773	5812	14786
2001-2002	73788	43525	31773	149085	6834	6257	13699	26790	6198	2762	6091	15051
2002-2003	75272	44411	32864	152546	6978	6385	14370	27734	6333	2823	6388	15545
2003-2004	76785	46315	34000	156100	7125	6516	15075	28716	6472	2886	6700	16059
% increase over 2000-2001	4.1	8.2	9.4	5.7	8.8	10.9	15.6	12.7	4.4	4.1	15.3	8.6

Source: - Ministry of Education, Economic Survey of Pakistan, 2003-2004, table 11.1, last row added on the basis of data for 2000-2001 and 2003-2004.

Table 10.04 Number of Educational Institutions by Kind, Level (College and above) and Sex.					
Particulars	1989-90	1999-00	2000-01	2001-02 (P)	% increase 89-90 to 2001-02
<i>Arts & Science Colleges</i>					
Total	575	889	916	939 (A)	63.3
Male	365	531	536	545	49.3
Female	210	358	380	394	87.62
<i>Professional Colleges</i>					
Total	99	324	352	374 (A)	277.8
Male (Mixed)	91	309	334	354	289.0
Female	6	15	18	20	233.3
<i>Universities</i>					
Total	26	26	26	29 (A)	11.5
Male (Mixed)	25	25	25	28	12
Female	1	1	1	1	0
<i>Source. Monthly bulletin of statistics, December, 2003, Federal Bureau of Statistics. Table 4.1 (modified). ®=Revised. A=Actual. P=Provisional. Last column added.</i>					

Years/ Stage	Primary			Middle			High		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
2000-2001	9898232	6735775	16634007	2053767	1705558	3759325	889459	675466	1564925
2001-2002	9962751	6968109	16930860	2315127	1506088	3821215	929821	644343	1574164
2002-2003	10105266	7065387	17170652	2377011	1549347	3926359	953789	661781	1615569
2003-2004	10250631	7164609	17415240	2440912	1594129	4035040	978505	679794	1658299
% increase over 2000- 2001	3.6	6.4	4.7	18.9	-6.5	7.3	10.0	0.6	5.9

Source: - Ministry of Education, Economic Survey of Pakistan, 2003-2004, table 11.2. Last row calculated on the basis of data for 2000-01 and 2003-04.

Particulars	1989-90	1999-00	2000-01	2001-02 (P)	% increase over 1989-90
<i>Arts & Science Colleges</i>					
Total (000)	469	792	763	751 (A)	60.1
Male	304	420	389	381	25.3
Female	165	372	374	370	124.2
<i>Professional Colleges</i>					
Total (Numbers)	75310	160985	158828	161349 (A)	114.2
Male	56636	119949	119248	120809	113.3
Female	18674	41036	39580	40540	117.1

<i>Universities</i>					
Total	67803	114010	124944	117863 (A)	73.8
Male	56383	86641	88245	78181	38.7
Female	11420	27369	36699	39682	247.5
<i>Source. Monthly bulletin of statistics, December, 2003, Federal Bureau of Statistics. Table 4.2 (modified). ®=Revised. A=Actual. P=Provisional.</i>					

Table 10.07 Enrolment in Professional Colleges by Type and Sex.
(Numbers)

Year	All types		Agriculture		Engineering		Medical		
	Total	Female	Total	Female	Total	Female	Total	Female	
1997-98	162239	40659	1317	104	12441	180	25795	12675	
1999-00	160985	41036	1550	118	10455	124	22905	11947	
2001-02	161349	40540	1272	133	9177	133	18880	10547	
Year	Commerce		Law		Education		All others		Home Economics
	Total	Female	Total	Female	Total	Female	Total	Total	
1997-98	52612	6620	18133	2331	10889	5837	36794	8654	4258
1999-00	55233	7853	17914	2660	8742	4979	39767	8936	4419
2001-02	57255	7302	20117	2887	7774	5150	42715	10249	4159

Source. Monthly bulletin of statistics, December, 2003, Federal Bureau of Statistics. Table 4.8 (modified).

214. Girls/women are eligible for admission in most colleges in addition to those reserved for them. Boys /men however cannot be admitted to the girls' colleges.

Provision of same conditions for women and men for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.

215. The Constitution guarantees equality of opportunity in all walks of life, including education. In real terms as shown in tables given above, girls/women have not yet achieved equality in this field. There are however isolated instances where women have overtaken men, such as entrance to medical colleges.

216. The system of vocational training has yet to reach maturity in Pakistan though its importance is being appreciated increasingly. Women in Pakistan, through a combination of factors, generally opt for a career in the education or health sectors.

217. There are teacher training institutes and nursing schools, which are largely subscribed to by women. This is particularly true of the nursing schools where almost all students are female. The situation with regard to vocational training in other fields insofar as women are concerned can be seen in table 10.06. The disparity in the number of male and female students in vocational training institutes can be attributed to a number of reasons. The vocational training institutes focus on disciplines, which women do not consider as viable career options. Sometimes the distance and availability of suitable accommodation also become important considerations. Many parents are averse to sending their daughters away from home and have a major say in the choice of career of their daughters.

218. The admission criteria to the vocational training institutes are generally non-discriminatory. However certain disciplines may not be available to a particular sex. For example men are generally not admitted to nursing schools.

219. Career and vocational guidance is not yet a regular feature of the education system in Pakistan for both boys and girls. However the new educational policy lays down special emphasis on vocational training. A definite vocation and career will be introduced at the secondary level.

Type of Institution	Sex	1999-00	2000-01	2001-02
Commercial Institutions	Total	22947	22305	24750
	Male	22283	21612	24175
	Female	664	693	575
Industrial / Vocational	Total	8305	8053	8412
	Male	1933	1719	1549

	Female	6372	6334	6863
Polytechnics / Technical	Total	33350	31435	31423
	Male	30782	28760	28597
	Female	2568	2675	2826
<i>Source. Monthly bulletin of statistics, December, 2003, Federal Bureau of Statistics. Table 4.5 (modified).</i>				

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

220. The Ministry of Education has a curriculum wing. It is tasked with a) preparation of scheme of studies b) development of curricula c) development or preparation of textbooks and supplementary readers d) preparation of strategy for the implementation of curriculum reforms e) review and approval of textbooks produced by the other agencies such as Textbook Boards f) development of materials such as teacher guides, lesson plans, test items.

221. At present the curriculum is being revised to include subjects such as human rights, HIV/AIDS-Health, population welfare etc. Human rights education curriculum for classes I-X has been developed and approved by the Ministry of the Education. The concept of human rights is being integrated in the textbooks for classes IV-X. The concept of Preventive Education against HIV/AIDS has also been introduced into the curriculum. A teacher-training manual at primary level has already been developed. A segment of the society is not comfortable with this development.

222. Both girls and boys in Pakistan have access to the same curricula. At the elementary (I-VIII) level the same subjects are offered to both male and female students. However, at secondary and higher education level some additional subjects are offered to females are such as Home Economics, because of greater demand. As a policy matter there is no restriction, reservation or discrimination against females in seeking education in any subject. The majority of female students is aware of the options available to them and is increasingly exercising these.

223. There is no difference between the papers set for males or females at all levels of education and the manner of grading. At grade 10 and above roll numbers identify the papers and it is not possible for the examiner to know if the paper being graded is that of a male or a female.

224. There is no difference between teaching staff for either boys' or girls' schools. The premises are also more or less the same. This however leads to some difficulties for the girls. Government schools are generally poor in infrastructure and support facilities, such as toilets. This is more so the case in rural areas. Lack of toilet facilities is a disincentive for girl students. The situation is better at

the graduate and postgraduate level where generally there is a system of coeducation and the classrooms, the libraries, the labs etc. are the same for males and females. At all levels of education distances and security issues are also major concern for girl / women students.

225. The student teacher ratio for females at the primary, middle and high school levels was 65:1, 36:1 and 11:1 in 2001-2002. The figures for boys were 53:1, 45:1 and 9:1. This shows that student teacher ratio at the primary and high school levels was better for boys and at the middle level it is in favour of the girls.

226. All teachers and administrative heads (Principals and head teachers) in female educational institutions at all levels are female. Principals and head teachers of almost all the model schools and other co-educational institutions at primary level are female. Women administrators managed even the administration and management of these institutions up to the district level.

The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

227. Curricula in Pakistan are developed with a fair degree of attention to ensure that the students emerge as responsible citizens of Pakistan. There does not appear to be a deliberate effort to impart gender stereotypes in the curricula.

228. Co-education is generally allowed up to primary education level (up to grade V). Beyond primary it is allowed only if the requisite facilities and services for female students are available or accessible. In such cases female students are permitted to attend educational institutions meant for male students. However, there is no such provision for male students. Except for institutions of higher learning reserved exclusively for women, professional colleges and most degree colleges have coeducation. Private schools also generally have coeducation.

229. The same opportunities to benefit from scholarships and other study grants.

230. A number of schemes and programmes of grants and scholarships for male and female students are available both in private and public sector. These grants include free books, uniforms, soft loan credit facilities and concession in tuition fee. Scholarships are based on academic performance purely on the basis of open merit.

231. There is no reservation, distinction, or discrimination against women in seeking and getting these merit scholarships. Girls and women are equally eligible for the scholarships offered for studies both within the country and abroad.

The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

232. Women have the same opportunities for continuing education as men. However there are practical difficulties. The distance from home to the educational institution remains a consideration from the primary level to the higher educational levels. At higher levels of education it is possible that the female will have to leave her home and stay at a hostel if she wishes to continue her studies. Not all parents are willing to send their daughters away. Similarly not all women are willing to go to a new place unless there is an assurance of security and reasonable accommodation.

233. Adult Literacy Schools exist in rural and urban areas for women as well as men to promote functional literacy. Usually local schoolteachers run these classes in the evenings. These schools were opened under a programme in the mid 1980s to improve literacy levels. At present there are nearly 10,000 adult literacy centers almost 90% of which cater to women. The average enrollment in these schools is 30 – 40 students.

234. The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely.

235. Unfortunately, the dropout rate for both girls and boys at the primary to secondary levels is high. This is largely due to economic reasons. The dropout rates for females in urban and rural areas are 8 and 20 respectively while for the boys these are 13 and 16 respectively (2001-2002 figures). This shows that in urban areas the dropout rates for boys are higher while in rural areas these are higher for girls.

236. The matter has been given serious consideration and it is expected that with the implementation of the compulsory education (primary level) policy, the girl child would remain in school up to the age of 10 years (Children are normally admitted at the age of 5).

237. The Punjab province (the largest province in Pakistan with more than 50% of the population of the country) has introduced a scheme under which girl students in grades 6 – 8 will be given a stipend and free textbooks as an incentive to retain them in schools. This is under the Punjab Education Sector Reforms Programmes (PESRP) launched at a cost of Rs. 21.7 billion (US \$ 374 million) for 3 years for provision of free textbooks, stipends to girls, teacher training, capacity building and activation of school councils.

238. The Government has also established non-formal basic education schools (NFBE). There are at present 8045 such schools. 7685 of these are for girls in all provinces. 80% of teachers in these schools are female. Total female enrolment is 310,345 (70.8%).

239. Additionally the Ministry of Women Development initiated the Tawana Pakistan School Nutrition project at the cost of Rs. 3.6 billion in about 5,000 schools in 29 poorest districts of Pakistan and will benefit more than half a million girls in the age group on 5-12. These girls are given one nutritionally balanced meal every school day, micronutrients as well as periodic de-worming medicine. (With the bifurcation of the Ministry of Women Development, the Ministry of Social Welfare and Special Education is now running the Tawana Pakistan Programme).

240. There is also a large system of informal education in form of girls being taught at home by their elders and in mosque schools and seminaries. While exact figures are not available, it is estimated that students in such schools number in tens of thousands if not more.

Distance Learning

241. Many people who intend to continue their studies do not have the time or means to physically attend an educational institution. This is truer for women. The Allama Iqbal Open University was therefore established in 1974. The main objective was “to provide education and training to people who cannot leave their homes and jobs for full time studies” to provide mass education through distance learning. The Allama Iqbal Open University is the biggest university in the country with around one million course enrolment by the end of 1999-2000. It offers more than 700 courses. It is also the largest publishing house in Pakistan printing over 1.5 million books annually. More than 70 percent students are gainfully employed. Female enrolment is more than 50 percent. The rural-urban distribution of the students 58% and 42% respectively. The University has undertaken some innovative projects aimed at developing study materials for adults in local languages under the department of Adult Literacy and Continuing Education. The training materials along with the methodology on how to utilise these materials have been provided to provincial governments for incorporation in their literacy programmes. These literacy programmes have a focus on women and girls.

242. The University also conducts courses for women in livestock and poultry management, rural credit, post harvest food loss, barani (rain irrigated agricultural area) development, and the efficient use of electricity etc.

Information requested under General Recommendations 21 and 24

Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

243. Efforts are underway to incorporate population welfare education as a subject in the syllabi, being developed by women experts. Special projects for population welfare and population education are also being implemented by the Ministry of Education in collaboration with UN agencies and the NGOs. UNFPA is working for awareness raising and advocacy through the dissemination of information and technical assistance in the field of family life education.

Challenges

244. The figures given in various tables above show that women in Pakistan have a long way to go to reach equality with men in almost all aspects of education. The magnitude of the task in terms of realizing the objectives of the Convention or the EFA goals or the Millennium Development Goals is great. On the face of it Pakistan has made tremendous progress in the provision of basic infrastructure as attested to by nearly 170,000 schools. Yet many of these schools suffer from a lack of infrastructure and facilities to discharge their functions in a meaningful manner. Many do not have compound walls and many lack running water and toilet facilities. All of these factors impact greatly

on enrollment, particularly of girls. Teacher training needs to be improved greatly. The budgetary allocation for education must also be increased. Unfortunately this latter issue is tied to overall economic performance of the country and the regional situation. However the education policy and the ESR hold the promise of an improvement in the situation.

CHAPTER XI

ARTICLE 11

(Employment)

Constitutional Provisions

245. Labour legislation does not discriminate against anyone on the basis of sex. Women are not allowed to work in a few areas for health and safety reasons. This is in line with Article 11(f) of the Convention.

246. The Constitution guarantees the right of work for both men and women. Article 18 states “Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business”.

247. Articles 25 and 27 provide provisions for non-discriminatory and equal opportunity employment to the citizens of the country. Article 34 adds the dimension of affirmative action in favour of women.

248. Appointments to and the conditions of service of persons in the service of Pakistan are determined by Article 240 of the Constitution of Pakistan.

Legislative Framework

249. According to the Constitution, labour is a ‘concurrent subject’ i.e. it is the responsibility both of the federal and provincial governments. Labour legislation is usually enacted at the federal level, but the responsibility for enforcing it falls on the provinces. The labour regime in Pakistan is founded on approximately 42 laws. Trade unions are recognised on a plant or establishment basis rather than on an industry wide basis. The following gender-specific protective legislation for women exist in Pakistan:

a) The Mines Act, 1923, Section 23-CC states that:-No woman shall be employed in any part of a mine, which is below the ground. No woman shall be allowed to work in a mine, above ground between the hours of 7 p.m. to 6 a.m.

b) The Factories Act, 1934 states in section 45 that: No woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m. Except with the permission of the Government, no woman or young person shall be employed in any establishment otherwise than between the hours of 9.00 AM and 7.00 PM.

c) Hazardous Occupations Rules, 1963.

250. Maternity benefits are an accepted and integral part of most labour related legislation. The following statutory provisions exist in the area of maternity benefits: The Mines Maternity Benefit Act, 1941; the West Pakistan Maternity Benefit Ordinance, 1958; the West Pakistan Maternity Benefits Rules, 1965 and; the Provincial Employees Social Security Ordinance, 1965.

Equality in recruitment and employment practices

251. All public sector agencies have established practices, procedures, and recruitment rules with regard to employment including that of women. Recruitment rules specify the nature of the job, role and responsibility of the position, nomenclature of the post, qualification and experience required, and age according to the job requirements. These do not discriminate on the basis of gender.

252. From a legal point of view, there is no restriction on women regarding the choice of employment or profession except certain restrictions on some hazardous forms of employment according to the labour laws. However, in practice, it has been seen that women continue to be concentrated in certain professions such as teaching and health.

253. Labour laws do not yet provide cover to the entire Pakistani labour force. The laws become applicable only if an establishment has a certain number of employees. The Factories Act 1934 is applicable where 10 or more workers are employed. West Pakistan Industrial and Commercial Employment Ordinance 1968 is applicable only partially in industrial and commercial units where 20 or more workers are employed. It is fully applicable only where 50 or more workers are employed. Employees Old Age Benefits Act 1976 is applicable only on an establishment where 10 or more workers are employed.

254. Labour laws do not yet cover workers in the informal sector, e.g. small shops, workshops as well as the agricultural work force. However the Ministry of Labour, Manpower and Overseas Pakistanis and the Ministry of Food, Agriculture and Livestock signed a Memorandum of Understanding in November 2002 to extend protection to workers of corporate agricultural farming concerns. Under this MOU, every worker at the time of his appointment shall be entitled to an order in writing showing the terms and conditions of service; will work for a maximum of 48 hours / week with overtime being paid for additional work; be entitled to service benefits upon termination of employment; be paid at least Rs. 2000/month in cash or kind; be entitled to compensation for injury suffered at work etc. Women working in these concerns will have the same benefits as men.

International Commitments.

255. The 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.

Administrative Framework

256. The administrative framework relating to labour issues is the Ministry of Labour, Manpower and Overseas Pakistanis at the federal level and the Labour Departments at the provincial level. The Ministry is mandated to deal with a) Employees Social Security Schemes b) Employment (Record of Services) Act, 1952 c) legislation relating to welfare of labour, conditions of labour; provident fund; pensions etc. d) Industrial Relations Ordinance, 1969 e) labour research including compilation of labour statistics for national and international consumption f) dealing and agreements with international organizations in the fields of labour and social security g) keeping a watch on labour legislation from an international angle h) coordination of labour legislation in Pakistan.

257. At the provincial level the Labour Departments perform similar actions in relation to workers in their respective provinces.

The right to work as an inalienable right of all human beings.

258. The Constitution recognizes this right under Articles 18 and 27. These have been explained under “Constitutional Provisions” in this Chapter.

The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

259. Article 27 of the Constitution is the operative article in this regard also. There is no discrimination in terms of employment opportunities on the basis of sex or any other grounds. The main criterion for selection is qualification. However the Constitution does make a number of exceptions, which can be categorized as affirmative actions. These exceptions are with regard to reservation of quotas for persons belonging to the less developed areas of the country to speed up the development of those areas.

The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

260. This area is also covered under Articles 18 and 27 of the Constitution. There is no discrimination against women in choice of profession, the right to promotion, job security, the right to receive vocational training and retraining, apprenticeships etc.

261. There exists a detailed set of rules and regulations in the form of Civil Service Rules, governing all aspects of employment in the Public Sector. Between 1947 and now these rules have been amended from time to time. Additional rules have also been made from time to time.

262. In the public sector the Government has also created a 5% quota for women. This is in addition to the 2% quota for the disabled including disabled women.

263. There is no bar on women seeking and securing employment in any field and at any level in the private sector. The main criterion is merit and qualifications.

264. There is no ministry or department within Pakistan dealing exclusively with vocational training. Various ministries and departments are engaged in vocational training as is appropriate to their mandates. At present training capacity of 29842 trainee places is available under the Technical Education & Manpower Training Authority (TEVTA) and Directorates of Manpower & Training. Besides, 8807 apprentices are trained under the Apprenticeship Training Programme in the country.

265. The Ministry of Labour, Manpower and Overseas Pakistanis has established five Skill Development Councils (SDC)s, one each at Islamabad, Karachi, Lahore, Peshawar and Quetta. The SDCs assess the training needs of their geographical areas, prioritise these on the basis on market demand and facilitate training of workers through training providers in the public and private sectors. These councils have so far trained 48,486 trainees.

266. However the system of vocational training has not reached maturity in Pakistan. It is also primarily oriented towards males, perhaps because there is still a large difference between the labour force participation rates of men compared to women. For instance the courses offered by the National Training Bureau, a body engaged in vocational training, are: draughtsman, electrician, auto mechanic, machinist, welding, auto electrician, radio/TV mechanic, home appliances repair, industrial electronics, office automation, e-commerce, auto-CAD, graphic designing. Unfortunately no gender-disaggregated data are available for these courses but it seems that the majority of the persons availing these are male. Females are likely to be interested in office automation, graphic design and e-commerce only among these courses.

The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

267. There is no discrimination between men and women in remuneration and benefits in the public sector. In the private sector also, entities, which fall within the purview of labour laws, have to give the same remuneration, allowances and benefits to all employees doing the same work regardless of gender.

268. Insofar as quality of work and its evaluation is concerned, in the public sector there exists a well-defined and established mechanism of evaluation in the form of Annual Confidential Reports (ACRs) for employees. The format of the reports is the same for men and women and the criteria of evaluation are also the same. No discretion is left to the reporting officer to make a government official's gender an issue.

269. If a firm has more than 10 employees then it is bound by the same laws, which apply to the public sector in terms of pay and benefits. These laws do not for the moment cover the informal or the agricultural sector.

The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

270. There is no discrimination against women in the public sector in terms of social security and the right to paid leave. Indeed there exists certain flexibility in the public sector for women employees and they are more likely to be given leave. This is due to the fact that it is recognized that a woman employee generally has to balance her professional life with her domestic life where she has to take care of the family.

271. Women get the pensions of their deceased husbands unless they re-marry. The female civil servant, on the death of her husband, may be granted special leave on full pay, not exceeding 130 days. This leave is not debited to her leave account.

272. Pregnancy does not effect employment. Women employees in the public sector are entitled to 90 days maternity leave. This leave is sought and granted as a matter of right. Maternity leave can be granted in continuation of or in combination with any other kind of leave including extra-ordinary leave as may be due and admissible to female civil servants.

273. In all other circumstances women employees in government service have identical leave entitlements as their male counterparts.

274. Mandatory retirement age for men and women in public sector, is 60 years. Both can voluntarily seek voluntary retirement on completion of 25 years service. This makes men and women eligible for General Provident (G.P.) Fund, Gratuity and other pension benefits. Contributions towards pension are the same for both sexes.

275. The system of social security is still developing in Pakistan. The Provincial Employees Social Security Ordinance, 1965, is specifically designed to a gradual application of the Ordinance and applies to “such areas, classes or persons, industries or establishments, from such date/dates and with regard to the provision of such benefits as notified by the Government”. The Provincial Governments have extended this initiative industry by industry. At present it is estimated that 415,000 workers are protected by the scheme. There is no discrimination between men and women in terms of social security coverage. Women workers are of course entitled to maternity benefits. Additionally wives of male workers are also entitled to these benefits.

The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

276. Article 37(e) states, “The State shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.”

277. These Constitutional provisions are reflected in the legislation also - the Mines Act, 1923 section 23-C, the Factories Act 1934 Section 27, 32, 33-F sub-section 2,33-Q and the Hazardous Occupations Rules, 1963.

278. Compensation for industrial injuries and ill health are covered by the Worker Compensation Act applying to those workers that fall outside the scope of the Provincial Employees Social Security Ordinance, 1965. It covers compensation for injuries inflicted from, and in the course of employment of a worker.

Occupational Safety.

279. The concept of occupational safety is still developing in Pakistan. Previous Labour Force Surveys did not address this issue. However questions on occupational safety were included for the first time in Labour Force Survey 2001-2002, which was released in October 2003. According to this survey, about one out of every twenty-seven employed persons (3.6%) suffered occupational injuries/diseases in the reporting period. Statistics show that male workers (3.9%) are more prone to occupational injuries/diseases compared to female workers (1.5%). Similarly, rural workers (3.9%) are more prone to injuries/diseases compared to urban workers (2.9%).

280. The majority of employed persons who suffered occupational injuries/diseases was concentrated in the agriculture sector (42.9%). The second important group was manufacturing (14.5%), followed by construction (12.5%), community, social and personal services (11.2%), transport, storage and communication (9.4%) and wholesale & retail trade (8.6%). Males follow the overall pattern of both sexes. For female workers who suffered occupational injuries/diseases, again agriculture dominated with 71.2% followed by the manufacturing 14.7%, community, social and personal services (9.1%) and wholesale & retail trade (3.1%).

281. The majority of the workers suffering injuries/diseases (48.8%) consulted a medical professional. Of the total, 19.3% took time off work and 14.7% were hospitalized. Sex differential existed in the nature of treatment received. Among male injured workers, the majority (48.6%) consulted a doctor or other medical professionals. Those who took time off ranked second (19.6%) followed by those who were hospitalized (15%); and 16.8% did not receive any treatment. Amongst female injured workers, 51.5% consulted the doctor or other medical professionals, 15.4% took time off and 9.9% were hospitalized. About a quarter of the injured female workers (23.2%) did not get treatment for reasons not recorded.

282. Prohibition, subject to the imposition of sanctions, of dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status.

283. The public sector in Pakistan fully meets these conditions. Indeed the provisions relating to maternity leave are quite generous. Subject to the provisos on number of employees in an establishment, women workers in the private sector are also covered.

284. Women employees in establishments which do not fall under the relevant labour laws can be discriminated against on grounds of pregnancy. Unfortunately most employees in such companies and industries are contract workers and piece rate workers and can be relieved of their positions quite easily. Women workers are no exception. Generally in such situations a pregnant woman worker herself seeks to terminate her employment as she approaches term. She is not likely to get any

maternity benefits etc. Once she is again able to join the workforce, she can approach her former employer and possibly be rehired if there exists a vacancy and if she was good worker.

285. Insofar as marital status of a woman being a factor in employment is concerned the public sector can be said to meet these criteria fully. The one exception is that a government of Pakistan employee (male or female) may not marry a foreigner. If he or she does marry a foreigner, then he/she will have to resign from government service.

286. The Government, as a matter of policy, generally posts both spouses (if both of them are in government service) at the same station so that their family life is not disturbed.

Maternity leaves with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

287. The public sector meets these provisions adequately. The relevant rules state that “A female civil servant shall be granted maternity leave on full pay for a maximum period of ninety days and the leave exceeding the period of ninety days shall be treated as leave admissible to and desired by the civil servant”.

288. Maternity leave does not entail loss of former employment, seniority or social allowances. The employee can in fact request additional leave, utilizing her earned leave and combining it with her maternity leave.

289. In the private sector the relevant laws are implemented in those establishments which have the requisite number of employees to come within the ambit of these laws.

290. Women employees in the informal sector do not have a statutory right to maternity leave.

To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.

291. Some Government entities do provide some form of child-care facilities. For instance the Ministry of Women Development has a childcare facility, as does the Ministry of Foreign Affairs. However the practice is not uniform and there are governmental entities, which do not provide childcare facilities at all. These outnumber those, which do provide such facilities. Childcare facilities are also not generally provided in the private sector.

292. The joint family system still quite extensively practiced in Pakistan is a form of “social service to enable parents to combine family obligations with work responsibilities”. No formal system is yet in existence to cater to this requirement.

293. The Ministry of Women Development has started a project to help various working establishments set-up crèches for children of their employees. The Ministry will provide matching

grants to all establishments wishing to set up crèches. The scheme will be also be extended to the private sector.

To provide special protection to women during pregnancy in types of work proved to be harmful to them.

294. The Constitutional provisions and laws cover this issue adequately. In addition to these, there also exists a societal reverence for motherhood. All these factors ensure that pregnant women generally enjoy special protection and receive special consideration while at work.

Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

295. As explained previously, review of labour legislation is one of the tasks of the Ministry of Ministry of Labour, Manpower and Overseas Pakistanis. An example is the Ordinance amending the *Mines Maternity Benefits Act, 1941* in order to increase the rate of maternity benefit to the rate equivalent to the last pay drawn by the worker.

Information relating to General Recommendation 13.

Ratification of ILO Convention 100 on Equal Remuneration.

296. Pakistan ratified ILO Convention 100 on Equal Remuneration on 15 August 2001.

Studies for the development and adoption of job evaluation systems based on gender-neutral criteria that would facilitate the comparison of the value of those jobs of a different nature, in which women presently predominate, with those jobs in which men presently.

297. The criteria for recruitment in Government service are gender neutral. No gender preference is cited in advertisements placed by the Government in newspapers, unless the job is being advertised to fill the 5% quota for women. The only consideration is qualification and merit.

298. Studies comparing jobs in which women predominate to those in which men predominate have not been carried out in Pakistan. It may also be argued that there does not appear to be a tendency in the society to hold jobs in which women predominate to be less important or valuable than those performed by men. Indeed the two professions in which women predominate – teaching and nursing – are considered to be vital to the functioning of the society.

Creation of implementation machinery and encouraging the efforts of the parties to collective agreements, where they apply, to ensure the application of the principle of equal remuneration for work of equal value.

299. Pakistan is party to ILO Conventions 87 and 98 on Freedom of Association and Collective Bargaining respectively. The Constitution also guarantees the right to form associations and unions

under Article 17 (1) which states “Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law ...”. As such trade unions are an integral part of the system of labour relations in Pakistan. Trade unions tend to be among the most liberal and progressive segments of the society and they are staunch advocates of all workers rights, including equal remuneration for work of equal value.

Information submitted in response to General Recommendation 17.

Time-use surveys as part of national household survey programmes and collecting statistics desegregated by gender on time spent on activities both in the household and on the labour market.

Steps to quantify and include the unremunerated domestic activities of women in the gross national product.

300. Integrated household surveys are regularly undertaken in Pakistan. However time use surveys have not yet become a part of the household surveys. The Ministry of Women Development, as a consequence of preparing this report, is initiating action to request the Federal Bureau of Statistics, the national data collection machinery, to include time use surveys in future integrated household surveys. The Federal Bureau of Statistics is of the view that the Pakistan integrated household survey (PIHS) and the Labour Force Survey are amenable to meet the information requirements of the committee in this regard through a few alterations in the relevant questionnaires.

301. At present the unremunerated domestic activities of women are not quantified in Pakistan and the results are not included in the gross national product. Again as a consequence of preparing this report, the concerned agencies in the Government of Pakistan are being apprised of the Committee’s recommendation and will be requested to take appropriate actions in this regard.

Information relating to women in the field of employment in Pakistan

302. The following tables give some idea of the situation in Pakistan as it relates to women and employment.

TABLE 11.01 LABOUR FORCE PARTICIPATION			
Year	Total (%)	Female (%)	Male (%)
1981	---	2.1	50.6
1990-91	---	8.2	46.3
2000	29.0	9.3	47.6
2001-2002	29.6	9.9	48.0

Source: Federal Bureau of Statistics. Last two rows on the basis of Labour Force Survey 2001-2002.

TABLE 11.02 LABOUR FORCE PARTICIPATION RATES.			
INDICATORS	1997-98	1999-2000	2001-2002
Crude Activity (Participation) Rates (%)			
Pakistan			
Both Sexes	29.4	29.0	29.6
Male	48.0	47.6	48.0
Female	9.4	9.3	9.9
Rural			
Both Sexes	30.6	29.8	29.9
Male	48.4	48.2	47.6
Female	11.5	10.7	11.1
Urban			
Both Sexes	27.0	27.1	29.1
Male	47.1	46.5	48.9
Female	5.3	6.3	7.3
Refined Activity (Participation) Rates (%)			
Pakistan			
Both Sexes	43.3	42.8	43.3
Male	70.5	70.4	70.3
Female	13.9	13.7	14.4
Rural			
Both Sexes	46.4	45.1	45.2
Male	73.4	73.1	72.2
Female	17.4	16.1	16.8
Urban			
Both Sexes	37.7	38.1	39.9
Male	65.2	65.0	66.9
Female	7.4	8.8	10.0
<i>Source: Federal Bureau of Statistics. Labour Force Surveys 99-00 & 2001-2002</i>			

TABLE 11.03 DISTRIBUTION OF NON-AGRICULTURE WORKERS INTO FORMAL AND INFORMAL SECTOR, (%)

1999-2000									
Sector	Total			Rural			Urban		
	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Formal	34.2	34.2	34.3	32.0	32.4	26.9	36.2	35.9	39.3
Informal	65.8	65.8	65.7	68.0	67.6	73.1	63.8	64.1	60.7
2001-2002									
Sector	Total			Rural			Urban		
	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Formal	35.4	35.3	37.0	31.7	31.5	34.3	38.9	38.9	39.3
Informal	64.6	64.7	63.0	68.3	68.5	65.7	61.1	61.1	60.7

Source: Federal Bureau of Statistics. Labour Force Survey 99-00 & 2001-2002.

TABLE 11.04 DISTRIBUTION OF EMPLOYED: EMPLOYMENT STATUS BY SEX

EMPLOYMENT STATUS	1997-98			1999-00			2001-2002		
	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Employers	0.9	1.0	0.1	0.8	0.9	0.1	0.82	0.91	0.30
Self Employed	41.5	46.4	11.7	42.2	46.4	16.7	38.5	42.4	15.72
Unpaid Family Helper	22.4	15.7	63.3	21.4	16.7	50.1	20.82	16.36	46.86
Employees	35.2	36.9	24.9	35.6	36.0	33.1	39.85	40.32	37.12

Source: Federal Bureau of Statistics. Labour Force Survey 99-00 & 2001-2002.

303. The above table shows some encouraging developments. The percentage of females who worked as unpaid family helpers has fallen from 63.3 % in 1997-98 to 46.86% in 2001-2002. The percentage of self-employed females has risen from 11.7% in 1997-98 to 15.72% in the same period after touching 16.7% in 1999-2000. In 1997-98 women 0.1% of all females in the work force were employers. This figure rose to 0.30 in 2001-2002. The figure for males declined slightly from 1.0% to 0.91%.

TABLE 11.05 UNEMPLOYMENT RATES: SEX AND AGE

AGE GROUP	1999-2000			2001-2002		
	Both Sexes	Male	Female	Both Sexes	Male	Female
15 - 19	15.2	12.4	40.7	16.2	15.3	20.5
20 - 24	11.6	9.9	21.8	10.9	9.1	20.5
25 - 29	6.2	5.2	10.5	6.3	5.1	12.9
30 - 34	3.0	1.9	7.4	4.2	3.2	9.6
35 - 39	2.3	1.6	5.2	2.6	1.5	8.2
40 - 44	2.3	1.5	6.0	3.2	2.2	8.2
45 - 49	3.1	2.3	7.2	3.3	2.5	7.9
50 - 54	4.5	2.6	14.5	6.0	4.0	18.2
55 - 59	6.7	3.6	24.6	8.0	4.6	31.8
60 years & above	13.9	8.9	46.6	13.6	8.9	45.5

Source: Federal Bureau of Statistics. Labour Force Survey 2001-2002.

304. The tables given above show that women lag behind men in almost every area covered by Article 11 of the Convention. There are however signs of change. The Female Labour Force Participation while still quite low, is increasing. In 1981 it was 2.1%. It had moved up to 9.9% by 2001-2002. However the unemployment rates give a mixed picture. The one exception is that the unemployed rates for women falling in the 15-19 age group has decreased from 40.7 in 1999-2000 to 20.5 in 2001-2002. Women's unemployment has increased by about 2-3 points, for other age groups (20-24, 25-29, 30-34, 35-39, 40-44, 45-49, 50-54 and 55-59 years). The unemployment rate for women is many times higher for every age group. This points to the fact, true of most developing and many developed countries, that women are the last to get jobs and the first to lose them. At the same time it is apparent that the percentage of both sexes in the formal and informal sectors is about the same. Women do not seem to making a preponderant proportion of the informal sector workers.

305. A number of factors may be responsible for the relatively low female labour force participation rate. Many women prefer to remain at home as homemakers rather than join the work force. Many may be prevented from working by family or spouses or other factors such as the need to take care of

children. It is also possible that many women are not qualified enough to beat men in open competition for jobs. There may also be a bias against recruiting women by some employers in the informal sector. Additionally issues such as mobility, security and workplace environment also have a significant bearing in women decision to join the workforce either in formal or informal sector.

Challenges.

306. The labour force participation rates of women while rising, do not suggest that parity between men and women in this area will be reached any time soon. There are a number of reasons. Many women have not yet considered or felt the need for pursuing a career as an option. Many attach greater importance to looking after the kids and the families. Many feel under-equipped, particularly academically, to venture into the labour market. Many are not aware of the opportunities available to them. At least some are discouraged from pursuing a career by their families. This complex mix of factors will only be addressed through the spread of education and a working system of career guidance and vocational training. Absence of protection of labour laws to agricultural labour, the area where most women workers are active, also needs to be considered. It is a complicated issue which impacts on the entire national economy. A solution to it will however need to be devised if agricultural workers are to enjoy the protection of the labour laws.

CHAPTER XII

Article 12

(Health)

Constitutional Provisions.

307. Constitution does not specifically contain an article relating to health. Article 38 (a) speaks of “raising the standard of living” of the citizens. Standard of living could be said to also indirectly address health.

Administrative Framework.

308. The Federal Ministry of Health and the provincial health departments run an extensive system of hospitals, dispensaries, maternal and child health centers, rural health centers and basic health units. The general arrangement is: Basic Health Unit at the Union Council Level; Rural health center at the tehsil level (These rural health centers also contain maternal and child health centers); a district hospital at the district headquarters; teaching hospitals in the large cities (These hospitals are attached to medical colleges and post-graduate institutes); specialised hospitals in the larger cities.

Government Policy.

309. The Government adopted the National Health Policy in 2001 to bring about an overhaul of the Health Sector in Pakistan¹³. An important aspect of the policy is the focus on the health needs of women and girls.

310. There are ten specific areas of focus with a number of programmes under each area. Definite timelines have been established to ensure efficiency, focus and accountability. Areas relating directly or indirectly to women / girl health are given below.

- a) Reducing prevalence of communicable diseases.
 - i) A National Programme for immunizing mothers against neo-natal tetanus will be implemented in 57 selected High-Risk districts of the country.
- b) Addressing inadequacies in primary / secondary health care facilities.
 - i) 58,000 Lady Health Workers under the Ministry of Health and 13000 village based family planning workers under the Ministry of Population Welfare have been integrated to create a cadre of 71,000 family health workers under the National Programme for Family Planning and Primary Health Care.
 - ii) Provinces will improve District/ Tehsil Hospitals. At least 6 specialties (Medicine, Surgery, Paediatrics, Gynae, ENT and ophthalmology) will be available at these facilities.
- c) Promoting greater gender equity.
 - i) Focused reproductive health services to childbearing women through a life cycle approach at their doorsteps. This will ensure provision of Safe Motherhood facilities.
 - ii) Emergency obstetric Care facilities through “Women friendly hospitals” in 20 districts of Pakistan under the Women Health Project.
- d) Bridging basic nutrition gaps in the target population.
 - i) Vitamin A supplements will be provided annually to all under 5 children (about 30 million) along with Oral Polio Vaccine on National Immunisation Days through the EPI network.
 - ii) Provision of iodised salt will be ensured along with introduction of fortified flour and vegetable oil by addition of micronutrients like iron and vitamin-A.

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

¹³ National Health Policy 2001, The way forward, Agenda for Health Sector Reform.

311. The health infrastructure in Pakistan is accessible to all citizens of Pakistan regardless of gender. The same is true of family planning services.

312. The present health infrastructure in the public sector consists of 906 hospitals, 4,590 dispensaries, 550 Rural Health Centres, 5,308 Basic Health Units and 98,264 hospital beds. This compares well with other developing countries. However, the availability of one doctor for 1,466 persons, one dentist for 29,405 people, one nurse for 3,347 and one hospital bed for 1,517 persons underlines the need for further improvement in the physical infrastructure. An even bigger challenge is improvement in the qualitative aspect of the health care system in Pakistan. The quality of care and services provided in these facilities is not uniform. Apprehensions have been expressed that some facilities such as Basic Health Units are either partially functional or not functional at all.

313. The total number of doctors in Pakistan in September 2003 was 91,392 of which 33,649 (36.8%) were women. There were 5108 dentists of which 2040 (39.9%) were women. There were 44,520 registered nurses almost all of whom were women.¹⁴

314. Maternal mortality in Pakistan remains high. It is estimated to be 340 per 100,000 live births and some estimates put it higher. Two out of five pregnant women are anaemic and four out of five deliveries are not assisted by trained health officials. The life expectancy at birth in 2001 was 64 years for males and 66 years for females.

315. Some other health indicators are given below:

TABLE 12.01 INFANT MORTALITY – BY SEX AND REGION									
Region	Deaths per Thousand Live Births								
	1995-96 PIHS			1998-99 PIHS			2001-02 PIHS (1997-99 Period)		
	Male	Female	Both	Male	Female	Both	Male	Female	Both
Urban areas	77	85	81	67	80	73	60	70	65
Rural Areas	115	101	108	98	91	95	92	84	88
Overall	105	97	101	90	89	89	84	81	82
Source: Pakistan Integrated Household Survey									

¹⁴ Pakistan Medical and Dental Council website, 2003.

TABLE 12.02 ACCESS TO MATERNAL CARE AND FAMILY PLANNING FACILITIES IN RURAL AREAS – BY PROVINCE AND TYPE OF FACILITY (2001-02 PIHS COMMUNITY QUESTIONNAIRE)					
Type of Facility	PERCENTAGE OF RURAL HOUSEHOLD WITH FACILITY PRESENT IN THEIR VILLAGE				
	Punjab	Sindh	NWFP	Balochistan	Pakistan
Family Welfare Center	9	3	10	0	8
Family Planning Mobile Services Unit	18	1	9	0	12
Village Family Planning	29	16	27	1	24
Lady Health Worker	34	33	38	10	33
Trained Dai (midwife)	44	28	42	30	40
Traditional Birth Attendant	81	72	77	46	77
Number of Observations	230	136	113	87	566
<i>Source: 2001-2002. Pakistan Integrated Household Survey.</i>					

States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

316. Under Article 35 of the Constitution, the State is committed to “protect the marriage, the family, the mother and the child”.

317. A National Programme for Family Planning & Primary Health Care has been launched and aims at delivering basic health services at the doorsteps of the underprivileged segments of the society through deployment of Lady Health Workers (LHWs) living in their own localities. The programme is currently being implemented through 70,000 LHWs and 3,000 Lady supervisors nationwide mainly in rural areas and urban slums of the country. These workers provide services in child health, nutrition, family planning and treatment of minor ailments. The scope of LHWs has been enlarged to include the wider concept of Reproductive Health. LHWs will be involved in vaccination of women and children under the EPI. This will augment the activities of the Expanded Programme of Immunization. At present, the National Programme covers 50% of the population. This programme is expanding in a phased manner and by the year 2005, the target of 100,000 LHWs in the field will be achieved. With this strength, LHWs will cover 90% of the target population.

318. Medical care during pregnancy and in post-natal period is almost free in government establishments. However, the private sector charges for providing this service. Ante-natal visits and post-natal visits to government facilities are also free. Pregnant women are given better food as compared to normal indoor patients in government run hospitals. Food provided in government

hospitals is either free of charge or at a very nominal rate. Many patients however prefer to have food brought in from home or outside the hospital. There is no government scheme of provision of nutrition to all pregnant and lactating women.

319. The Pakistan Integrated Household Survey (PIHS) 2001-2002 shows that 39% expectant mothers (rural and urban combined) received tetanus toxoid protection in 1998-99. This figure had risen to 46% in 2001-2002, seven percentage points higher than three years before. While ante-natal care envisages a much broader range of activities, injection of tetanus toxoid is a useful indicator to gauge its availability. On the post-natal side, 9% women reported receiving post-natal care within six weeks of delivery in 1999-98. This figure remained unchanged in 2000-02.¹⁵

320. Some data about prenatal care, the place of delivery and the person who assisted the delivery and post-natal care is given in the tables below.

TABLE 12.03 PREGNANT WOMEN THAT HAVE RECEIVED TETANUS TOXOID INJECTION						
Province	Percentage of Pregnant Women who had received at least one tetanus toxoid inject in the prenatal period.					
	1998-99 PIHS			2000-2002 PIHS		
	Urban	Rural	Overall	Urban	Rural	Overall
Pakistan	66	31	39	69	38	46
Punjab	65	38	45	73	46	53
Sindh	72	23	40	68	30	43
NWFP	54	26	29	59	31	35
Balochistan	41	9	13	39	12	17

Source: Pakistan Integrated Household Survey, 2000-02.

¹⁵ PIHS 2000-02.

TABLE 12.04 CHILD DELIVERY – LOCATION AND TYPE OF ASSISTANCE						
PLACE	PERCENTAGE OF CASES					
	1998-99 PIHS			2000-2002 PIHS		
	Urban	Rural	Overall	Urban	Rural	Overall
Home	61	89	82	55	86	78
Government Hospital / Clinic	15	5	7	18	6	9
Private Hospital/Clinic	23	5	10	26	7	12
Other	2	1	1	2	1	1
Total	100	100	100	100	100	100
Person who Assisted with the Delivery						
Family member/relative	10	22	19	7	20	17
Neighbour	1	2	2	1	3	2
Trained Birth Attendant	12	19	18	12	21	18
Trained midwife	33	45	42	31	40	38
Doctor	35	8	15	40	11	19
Lady Health Visitor	2	1	1	1	1	1
Lady Health Worker	1	0	0	0	0	0
Nurse	6	3	3	8	3	4
Other	1	0	1	0	0	0
Total	100	100	100	100	100	100
<i>NOTES: Based on births during past three years to all currently married women aged 15-49 years (last pregnancy only). Totals may not add to 100 because of rounding.</i>						

321. In 1998-99 82% births took place at home. This figure had decreased marginally to 78% in 2001-2002. The rest of the data relating to birth is more or less unchanged. The public seems to be reposing increasing confidence in private hospitals as 15% births took place in Government hospitals and 23% in private hospitals in urban areas in 1998-99. Figures for the same categories in 2001-02 were 18% and 26% respectively. Of the total births which took place in 1998-99 period 24% took place at the hands of untrained persons (relatives or neighbours). This figure had fallen to 19% in 2001-02.

322. The data given in the above tables shows that both the government provided facilities and the private sector together manage to provide cover to only 44% of women delivering in the period under question.

323. On the positive side health messages on various issues are regularly telecast on national television networks including for ORS, breast-feeding, immunization of expectant mothers, nutrition, family planning, HIV/AIDS.

Information submitted in pursuance of General Recommendation 15 on HIV/AIDS.

324. AIDS was first detected in Pakistan in 1987. An extensive programme on AIDs prevention was launched the same year. A National Steering Committee on HIV/AIDs was created subsequently. One hotline number (123) was also designated and can be contacted round the clock in Islamabad, Karachi, Lahore, Hyderabad, Peshawar, Quetta and Abbottabad to report the incidence of such cases.

325. Under the National AIDS Control Programme (NAP) the underlying approach is that HIV/AIDS is not just a health issue but a major threat to human security. The objectives of the AIDS/HIV prevention programme are: to prevent HIV transmission; reduce morbidity associated with HIV/AIDS; promote safe blood transfusion and; establish adequate surveillance systems.

326. The programme strategies include creating awareness among the public through information and education and ensuring safe blood transfusion. In this connection more than 5,722 spots (TV & Radio) had been shown till February 2003. Posters, leaflets, guidelines and brochures have been printed and distributed.

327. 47 Surveillance Centres have been established where 3.526 million tests for HIV/AIDS had been performed by September 2002. As of January 2000, a total of 1,436 cases of HIV infection and 187 cases of AIDS had been reported. Unofficial sources were of the view that by the end of 1999 there were approximately 74,000 HIV infected people in Pakistan.

328. The relatively low number of reported infections may be the result of a number of factors. These may include an actual low level of HIV infections due to the epidemic being still in its early stages in Pakistan, underreporting of cases due to inadequacies in the surveillance system, and/or, limited individual-level care seeking for possible HIV infections and due to ignorance and/or stigma related to disease.

329. Over 87 per cent of the reported HIV cases in Pakistan by January 2002 were detected in men. Most of those (52 per cent) fell in the age range of 20-40 years. HIV/AIDS cases were reported from all provinces of the country and primarily from urban areas.

330. The number of HIV infected persons rose to 1,741 by 2002-2003 and those with AIDS rose to 231 as reported by National AIDS Control Programme.

TABLE 12.05 AIDS CASES IN CHILDREN IN PAKISTAN			
AGE GROUPS	MALE	FEMALE	TOTAL
0 – 4	2	3	5
5 – 9	2	-	2
10 –14	-	-	-
15 – 19	1	-	1
Total	5	3	8
<i>Source: National Institute of Health, September 2003</i>			

331. Considering the size of the Pakistani population (approximately 140 million) the number of persons infected with HIV or having full-blown AIDS is not yet very large. Yet this is no cause for complacency. The Government has prepared an enhanced National AIDS Control Programme costing Rs.2.8 billion, including assistance from the World Bank. A provision of Rs.250.0 million (Rs.100.0 million for ongoing National AIDS Prevention Programme and Rs.150.0 million for the Enhanced Programme) has been made during the financial year 2002-03. This constitutes a 100% increase in the budget for combating HIV/AIDS in the country.

332. Discrimination against HIV/AIDS patients has not yet become an issue on account of the relatively small number of cases. There are as yet no laws or regulations against discrimination against persons with HIV/AIDS.

Information submitted in pursuance of Recommendation no.24.

The enactment and effective enforcement of laws and the formulation of policies, including health care protocols and hospital procedures to address violence against women and abuse of girl children and the provision of appropriate health services.

333. There is no specific law covering all gender related violence. However the Pakistan Penal Code and Code of Criminal Procedure contain detailed clauses on all kinds of violence that can be inflicted on the human person and there are some specific clauses relating to violence perpetrated against women - Section 354 Assault or criminal force to women with intent to outrage her modesty and Section 354-A Assault or criminal force to woman and stripping her of her clothes.

334. The addition of Section 174-A in 2001 to the Code of Criminal Procedure is also a step in the direction of providing protection against a specific aspect of gender related violence against women. The salient features of Section 174-A are:

335. All burn cases must be reported to the nearest Magistrate by the registered medical practitioner designated by Provincial Government and Officer-in-Charge of a Police Station.

336. The Medical practitioner shall record the statement of the burnt person immediately on arrival to ascertain the circumstances and causes of burn injuries. If the patient is still in a position to make the statement, it may also be recorded by the Magistrate. If the burn patient is unable, for any reason, to make the statement before the Magistrate, his/her statement recorded by the Medical Officer shall be accepted in evidence as dying declaration.

337. Hospitals and health care infrastructure are duty bound to provide medical care to women and girl victims of gender related violence. Once a victim of gender related violence reaches the hospital or any other health care facility, all possible measures are taken to provide the best medical care available. The range and quality of care provided to the patient varies widely depending on the hospital, the staff and whether the hospital is in the rural or urban area.

338. Insofar as “health care protocols” are concerned, the Casualty Medical Officer in the hospital is required to inform the police of all cases in which he/she believes criminal violence has been perpetrated on the human person. However the concept of a specific course of action to deal with a woman victim of gender related violence is not fully developed. The woman will of course be provided with the necessary medical care with regard to her injuries etc. However it is not usual to arrange a call by the psychiatrist on her and to ensure regular follow-up visits following her discharge from the hospital.

Gender-sensitive training to enable health care workers to detect and manage the health consequences of gender-based violence.

339. All doctors are required to study “Forensic medicine” during the course of their training and education. Generally this subject is taught in the third year of the five-year academic course required to become a doctor. The forensic medicine curriculum covers violence against women in detail. Every medical student has to pass the forensic medicine course if he/she is to advance to the next level. The academic training is accompanied by practical training with visits to the office of the medico-legal expert to see various medico-legal cases including gender-based violence against women.

Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance. When possible, legislation criminalizing abortion could be amended to remove punitive provisions imposed on women who undergo abortion.

340. The Population Welfare Division is the main administrative division concerned with population welfare activities including family planning. Among other things, the Division is tasked with planning and development of policies for the Population Planning Programme in the country and its implementation and monitoring population activities and evaluation of the Programme.

341. Population welfare is an essential component of government's welfare programmes. Between 1991-01, population growth rates came down from 3 per cent per annum to 2.2 per cent.

342. The Ministry of Population Welfare elaborated a National Population Policy Reproductive in July 2002. Among other things, the policy aims to: attain a balance between resources and population within the broad parameters of the ICPD paradigm; increase awareness of the adverse consequences of rapid population growth both at the national, provincial, district and community levels; promote family planning as an entitlement based on informed and voluntary choice; attain a reduction in fertility through improvement in access and quality of reproductive health services; reduce population momentum through a delay in the first birth, changing spacing patterns and reduction in the family size desires.

343. The policy has short-term and long-term objectives. The short-term objectives are to reduce population growth to 1.9 percent per annum by 2004 and reduce fertility through enhanced voluntary contraception to 4 births per woman by the year 2004. The long-term objectives are to reduce population growth rate from 1.9 percent per annum in 2004 to 1.3 per annum by 2020 and reduce fertility through enhanced voluntary contraceptive adoption to replacement level 2.1 births per woman by 2020 and universal access to safe family planning methods by 2010.

344. The service delivery infrastructure of the population program operates through 1,958 Family Welfare Centers, 177 Mobile Service Units, and 114 Reproductive Health Centers and 12,000 Village Based Family Planning Workers (VBFPWs), 1285 male mobilisers and 24,650 medical practitioners providing reproductive health and family planning services to both urban and rural populations in the country. The budget of the population welfare programme has registered steady increase. In 1996-97 it was Rs. 3.99 billion and had risen to Rs. 4.2 billion in 1999-00.¹⁶ The main contributors to the programme are the Ministry of Population Welfare (51.2%), Ministry of Health (24.8%), Ministry of Women Development (0.3%), Provincial Health Departments (23.6%) and international sources (26%).¹⁷

345. In terms of accessibility of family planning facilities 69% women had these within 0-2 km from their homes, 8% 2-5 kms, 6% 5-10 kms, 6% 10-20 kms and 10 % more than 20 kms. Availability within 0-5 kms was highest in the NWFP (81%) and lowest in Balochistan (37%).¹⁸

346. Attitudes of women¹⁹ to government provided facilities, gauged in the Pakistan Integrated Household Survey show that 95% found them satisfactory (98% in urban areas and 93% in rural

¹⁶ Economic Survey of Pakistan, 2003. Chapter on Health.

¹⁷ Pakistan population assessment 2003, UNFPA Report

¹⁸ Province (2001-02 PIHS Community Questionnaire)

¹⁹ See Pakistan Integrated Household Survey.

areas). Reasons for dissatisfaction were – facility too far 34%, staff not available 7%, charges too high 2%, no female staff 8%, irregular supply 6% and others 25%.

347. In 1998-99, 99% urban women knew about contraception, 39% had practiced it, and 29% were currently using these. The figures for rural women were 91%, 22% and 16%. By 2001-02 corresponding figures were: urban women – 99%, 40% and 31% and for rural women – 95%, 21% and 14%. Thus there has not been a significant change in percentages for urban areas. However the change has been more significant for rural women.

348. The total fertility rate for urban areas was 5.29 in 1989-91, 3.98 in 1994-96 and 3.48 in 1998 – 00 (as quoted in the PIHS 2001-02). For rural areas these rates were 6.64, 4.68 and 4.93. These figures for Pakistan (urban and rural combined) were 6.2, 4.46 and 4.47.

349. When one considers the generally conservative milieu of the society, the distances involved, the overall lack of development and illiteracy and poverty, the achievements of the national family planning programme are not insignificant. The fertility rate is declining and contraceptive use is increasing. The Government budget allocated for population activities has also registered a steady increase. Similarly the percentage of couples becoming aware of contraceptive methods and practicing has also registered an increase. At the same according to the Population Council of Pakistan about one-fourth to one-third of currently married women have an unmet need for contraception, a fraction that apparently has not changed in the last three decades (2001 data)²⁰. The decision to practice contraception is affected by six factors: the strength of the motivation to avoid pregnancy; knowledge about contraception; costs of practicing contraception, specifically perceptions of the social, cultural, and religious acceptability of contraception; perceptions of the husband's opposition to family planning; health concerns about contraception; and access to family planning of acceptable quality.

Abortion

350. Abortion is illegal in Pakistan. Section 338, A-D, of the Pakistan Penal Code states that abortion is illegal except to save the mother's life. The punishment for Illegal abortion is imprisonment of either description for a term which may extend to seven years and the perpetrator shall also be liable to fine.

351. Medically advised abortions take place in government hospitals.

States parties should ensure that adequate protection and health services, including trauma treatment and counseling, are provided for women in especially difficult circumstances, such as those trapped in situations of armed conflict and women refugees.

352. In theory all health facilities from Basic Health Units to the large hospitals, are equipped to provide at least some form of trauma treatment. At the Basic Health Unit and the Rural Health Center level, the doctor on duty is competent to provide treatment to all trauma patients including women.

²⁰ Population Council of Pakistan, website "http://www.popcouncil.org/publications/popbriefs/pb7%282%29_3.html"

However the degree and quality of care available at these facilities is limited. Better care is available at the district headquarters hospital and in the hospitals in the larger cities. Serious trauma patients are usually stabilised by the outlying facilities and then referred to the larger medical facilities.

353. The concept of counseling has yet to become institutionalized in Pakistan. Generally medical care consists of taking care of the physical aspects of the problem. The psychological aspects have not been accorded the same attention. There are a number of reasons for this. Psychiatrists are in short supply. People are not willing to accept that they need psychological care and the overloaded health care system is trained to focus on the more overt problems.

354. The larger hospitals do have psychiatry departments though these mostly provide treatment to psychiatric patients rather than to patients who have suffered trauma and who need psychiatric care as part of their overall treatment and rehabilitation plan.

355. Insofar as women caught in situations of armed conflict are concerned, Pakistan has been host to millions of Afghan refugees since 1979. Medical care has been provided to the refugees many of whom are women, to the extent possible. The host government's efforts have been assisted by foreign NGOs more specialized in dealing with such situations.

356. It is commonly acknowledged that the manner in which Pakistan has looked after the Afghan refugees is a model for other countries. At one time Pakistan drew on its strategic food stocks to help feed the refugees.

357. States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.

358. The National Health Policy 2001 aims to promote women's health throughout their lifespan. "Promoting greater gender equity" is one of the ten priority areas of the National Health Policy. This will be done through, inter alia: focused reproductive health services to childbearing women through a life cycle approach provided at their doorsteps. This will ensure provision of Safe Motherhood facilities to the majority of mothers, thereby enhancing child survival rates and; Emergency Obstetric Care facilities provided through the establishment of "Women friendly hospitals" in 20 districts of Pakistan under the Women Health Project.

359. The Health Policy also focuses primarily on the preventive aspects of health care and in all programmes to be implemented under this policy an effort has been made to cater to the special needs of women and girls.

360. The issue of high quality and affordable healthcare remains a problem. Pakistan does not have an established system of medical insurance. The State, in pursuance of Article 38 of the Constitution endeavours to provide health care to all citizens of the country. The entire public sector health infrastructure is financed by the State from its own resources. Treatment is provided almost for free to

all citizens who approach the system. This works out fine in the cases of minor ailments treatable with ordinary medicines such as pain-killers and generic antibiotics etc. However as the severity of the disease or injury increases the ordinary citizen does incur costs which at times are very high. These costs generally do not stem from hospital charges, bed charges or doctor's fees. The main expense is medication and in case of surgical procedures, surgical supplies. The State does not have the resources to provide expensive medication to all those who need it. Thus at present the State provides almost free medical consultation, hospitalization, and where needed, surgery and all its attendant requirements which include the surgeon, the anaesthetist, the oxygen, generally the anaesthetic, postoperative recovery facilities etc. Some basic surgical supplies such as catgut etc. are also provided. However the more expensive supplies such as specialized bandages, nails and plates for orthopaedic operations, latest antibiotics etc. have to be supplied by the patient. Generally radiological facilities including X-rays and ultrasonographs are also provided free of charge or at nominal cost though there is a long waiting list for these facilities. Similarly most pathology facilities such as blood tests are done for free or at nominal cost. However the more sophisticated tests have to be paid for by the patient and he / she has to get them done in private pathology labs.

361. There is no discrimination between men and women in terms of accessibility to the treatment available in Government hospitals. However in some cases the men folk of the family also have a major say in deciding when a female should be taken to the hospital. The main concern in such instances is that a lady doctor is not available.

362. All major government health facilities have separate facilities for women. There are obstetric and gynae wards in most major hospitals. There are lady health visitors in most Basic Health Units and Rural Health Centers. Services provided by these are generally free.

States parties should allocate adequate budgetary, human and administrative resources to ensure that women's health receives a share of the overall health budget comparable with that for men's health, taking into account their different health needs.

363. In Pakistan both the public and private spending on health is low. However, over the years these have steadily increased in absolute terms though not in terms of percentage of GDP. During 2002-03, the total expenditure on health was estimated at Rs.28.814 billion (Rs.6.609 billion development and Rs.22.205 billion as recurring) showing an increase of 13.4 percent over the previous year and worked out at 0.7 percent of GNP. Total expenditure on health in 2003-2004 was Rs. 32805 million which came to 0.84% of the GNP. This was an increase of 13.8% over the previous year.

364. Specific data on the amount of the health budget set aside or availed by women is not available. However it can be said that it is probably half the entire budget, if not more. The reason is that all facilities provided by the Government health care system are available to both men and women. For instance there is no discrimination between men and women in terms of time and effort devoted by a doctor posted at the Basic Health Unit. The doctor sees all patients who come to the Unit and to the extent possible gives medication to all regardless of gender. In addition to these services provided by all healthcare facilities, the Government has also established separate obstetric and gynae

facilities, maternal and child health centers staffed by lady health workers etc. The main issue does not appear to be equity of distribution but the limited resources available for providing healthcare to the population.

365. Placing a gender perspective at the centre of all policies and programmes affecting women's health, involving women in the planning, implementation and monitoring of such policies and programmes and in the provision of health services to women;

366. There does not appear to be any discrimination between women and men in terms of health services provided by the State. However this does not mean that a gender perspective is placed at the centre of all policies and programmes affecting women's health. There is also no institutional mechanism as yet ensuring that women are involved in planning, implementation and monitoring of such policies and programmes. However the health sector has a relatively better representation of women than most other sectors in Pakistan and there is likely to be at least some representation of women in policy formulation and implementation.

367. States Parties ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health, and, in particular, allocate resources for programmes directed at adolescents for the prevention and treatment of sexually transmitted diseases, including HIV/AIDS.

368. The National Health Policy aims to increase women's access to the health system. There are however societal attitudes, which sometimes hinder women's access to healthcare in some remote and underdeveloped areas. In such circumstances unless a woman is really ill the effort on the part of the family is to provide medication at home. Sometimes women are prevented from approaching the health care system on account of the fact that there is no lady doctor available. The health policy is attempting to address the latter issue. The issue of freedom of movement will need more time to tackle.

369. The main barrier to information about health issues including reproductive health is illiteracy. All maternal and child health centers are expected to provide information on sexual and reproductive health, particularly contraception, to women approaching them. Information on contraception is also given to all women who come to these centers for antenatal or postnatal visits.

370. Allocation of resources for programmes directed at adolescents for the prevention and treatment of sexually transmitted diseases including HIV/AIDS is more problematic. In the Pakistani society, pre-marital sex is taboo and therefore the question of programmes for treatment of sexually transmitted diseases for the adolescents is difficult to address. However medical treatment for sexually transmitted diseases is available to all, not as a specific programme but as part of the usual services provided by the State.

Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access and quality of care.

371. There exists a vast private system of healthcare. It is much more expensive and caters to the more affluent segments of the Pakistani society or to those who have no confidence in the State provided system. The issue of monitoring this system is complicated. Generally it is considered to be better than the state provided healthcare system. However there does not appear to be any empirical study on this issue.

372. A large number of doctors in the private system are generally the same who also man the state provided healthcare system. In their time off these doctors run private clinics and hospitals. This is truer of senior doctors. The private hospitals are also supposed to have better para-medical staff and physical facilities.

373. The only criterion for availing the services of this system is the ability to pay. Gender is not an issue.

Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice.

374. Privacy, confidentiality and informed consent and are supposed to be extended to all patients regardless of gender. For instance no surgical operation may be undertaken on a patient without her / his consent. If the patient is in no condition to give this consent then the consent of the spouse or next of kin is taken.

375. The issue of autonomy and choice needs more elaboration. Insofar as any medical or surgical intervention is concerned a woman has the same right to seek or refuse it as a man. Some surgical procedures, such as tubal ligation, according to prevalent practice, are by mutual consent of wife and husband.

Ensure that the training curricula of health workers includes comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence.

376. The curriculum of medical students contains courses on women's health in the context of gender-based violence, in forensic medicine and community medicine. These could be considered to be quite comprehensive though their scope could possibly be expanded further and they can be made more gender sensitive. These courses are also mandatory and the student has to pass both subjects to become a doctor. These courses however need to be strengthened from the human rights perspective.

377. The curricula for nurses and other health professionals needs to incorporate these subjects in more detail.

Provision of fair and protective procedures for hearing complaints and imposing appropriate sanctions on health care professionals guilty of sexual abuse of women patients.

378. There is no reliable information or data available on the extent of sexual abuse of women patients by health care professionals. There are no specific laws against such behaviour by health care professionals.

379. Section 354 of the Pakistan Penal Code “Assault or criminal force to woman to outrage her modesty” could possibly be said to provide some cover. The operative words in section are assault or criminal force, which in separate definitions given in the Code quite clearly signify overt force or threat of force. Thus the section would cover those cases of sexual abuse of women by medical personnel in which force or threat of force has been used. However it does not cover areas such as use of soporific or narcotic medication to render a woman patient defenseless and to then take advantage of her.

380. All major hospitals generally have committees, which in addition to ensuring the smooth running of the hospital are also supposed to take care of any other issues, including improper behaviour by health care professionals. However no reliable information is available regarding the number of such complaints brought to the notice of such committees and the action taken by them against the personnel involved. The Pakistan Medical and Dental Council can also be approached and has the power to revoke licenses of doctors or dentists guilty of such behaviour.

381. The issue is complicated by the Hudood Laws, provisions of which place the burden of proof on the female who alleges that she has been sexually molested or raped. (Hudood laws are discussed under article 15).

382. In the case of dereliction of duty by doctors or medical personnel in Government service, Section 166 “Public servant disobeying law with intent to cause injury to any person” could theoretically be said to provide cover. “Injury” is defined in Pakistan Penal Code as “as any harm whatever illegally caused to person, in body, mind, reputation or property”. The Pakistan Medical and Dental Council, the registration authority for doctors and dentists in Pakistan, can also be approached. The Ombudsman’s office provides another recourse to provide relief to patients both men and women, whose rights have been violated by health professionals in government service. Cases of malpractice by doctors in the private sector can be taken to court and to the Pakistan Medical and Dental Council.

General Recommendation 14 dealing with female genital mutilation

Enactment and effective enforcement of laws that prohibit female genital mutilation and marriage of girl children.

383. There is no definite information on the existence of female genital mutilation in Pakistan. There are no laws on the subject in Pakistan.

Other initiatives in the field of health

Expanded Programme of Immunization

384. The programme with total cost of Rs.5,367 million for the period 1999-04 mainly aims at reducing mortality by immunizing children of 0-11 months and women of child bearing age and providing vaccination against six vaccine preventable diseases to 5 million children annually with immunization coverage at 77% for children and 50% for expected mothers. Almost all the Lady Health Workers (LHWs) in 57 districts have been trained as Hepatitis B has been introduced in the EPI regime with the help of grant assistance from Global Alliance for Vaccination and Immunization (GAVI).

Women Health Project

385. The project aims at improving the health, nutrition and social status of women and girls by developing Women-Friendly hospitals in 20 districts of Pakistan. The project has been launched with total outlay of Rs.3,750 million and support from the Asian Development Bank. Its specific objectives are to:

- a) Expand basic women's health interventions to under-served population.
- b) Develop women friendly district health systems providing quality women's health care from the community to first referral level including emergency obstetric care.
- c) Strengthen the capacity of health institutions and develop human resources to improve women's health in the long-term.

Food and Nutrition

386. Despite the rapid progress made in food production and processing, mal-nutrition continues to be a major area of concern for public health. Unofficial results of the National Nutrition Survey 2002 show that 38% children were underweight, 12.5 percent of women were malnourished, with the figure jumping to 16.1 percent for lactating mothers; 6.5 percent of school children aged 6 to 12 years and 21.2 percent mothers were found to have palpable or visible goitre,; while 22.9 percent of school children and 36.5 percent of mothers were found to be severely iodine-deficient. The Government has initiated a number of programmes to address the situation.

- a) Micronutrient Deficiency Control Programmes. These include Control of Iodine Deficiency Disorder through universalising Iodized Salt; Control of Iron Deficiency through Flour Fortification with iron; Vitamin A Fortification of edible oil/ghee and Vitamin A Supplementation for children from 6 months to five years of age as a regular part of National Immunization Days (NIDS and Sub-NIDS).
- b) Nutrition in Primary Health Care (PHC): The objective is to improve in qualitative terms the nutritional status of women, girls and infants by providing and expanding more PHC

nutritional services. More than 70,000 Lady Health Workers working at village level provided services for micronutrient supplementation and counseling on growth promotion, maternal and child nutrition, breast feeding and complementary feeding on a regular basis. As part of the PHC component of nutrition, nutrition information, education and communication activities have been started. Training of health professionals regarding health/nutrition education focusing on nutrition problems of women and children and their remedies has started.

- c) Tawana Pakistan Programme (Chapter 10, para 46).

Challenges.

387. The performance of the health sector in Pakistan needs to be vastly improved. Despite a steady increase in the number of facilities number, these still fall short of providing the population substantial cover in many important areas. While all citizens of the country suffer the adverse impact of the quantitative and qualitative inadequacy of the system, women and girls can be said to suffer more on account of their special health needs and requirements. The ratio of trained para-medical staff to doctors is also quite low with obvious negative implications for the overall performance of the health care system. The National Health Policy aims to address the shortcomings of the system. It is however too early to comment on its efficacy.

CHAPTER XIII

ARTICLE 13

(Economic, social and cultural rights)

Constitutional Provisions

388. The preamble of the Constitution states “whereas it is the will of the people of Pakistan to establish an order therein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality”.

389. Article 23 of the Constitution states “Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.”

390. Article 18 of the Constitutions states “Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business”.

391. The overarching framework in the context of economic and social equality is provided by Article 25 which guarantees the equality of all citizens before the law and entitles all citizens to the equal protection of the law.

392. Article 26(1) of the Constitution states “In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth. (2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.”

393. Thus constitutionally speaking there is no discrimination between men and women in the economic and social sphere.

Administrative Framework

394. The main administrative machinery in Pakistan in the economic sphere consists of the Ministry of Finance and the Planning Division. There is no administrative organ of the State devoted exclusively to ‘social life’ of the country. However the Ministry of Women Development could be said to performing some of the functions envisaged by the Convention in Article 13. Insofar as cultural and recreational activities are concerned, the concerned administrative entity in Pakistan is the Ministry of Minorities, Tourism, Youth, Culture and Sports.

Situation on the Ground

395. Women in Pakistan have the same rights de jure as men to social and economic benefits.

396. Salaried women and men are entitled to certain family benefits that can be claimed either by the husband or the wife. These benefits include: housing allowance, transport allowance; medical allowance and social security benefits. These benefits are available to all salaried people, regardless of gender.

397. On the education side, government schools for both girls and boys are free of cost or charge nominal fees. Higher education is heavily subsidised in government institutions and there is no discrimination between men and women.

Taxation, Pension and Gratuity.

398. Within the taxation system in Pakistan, there is no direct or indirect linkage between taxes/tax credits and nature or size of the family. Pension, gratuity and social security arrangements are based on deductions from the employees’ salary and contributions by employers. There is no gender discrimination in these arrangements.

399. Apart from allowances that form part of every salary (and that accrue to both men and women), there is no system of “family benefits” or family assistance as is understood in the European context. There is no provision of grants, educational grants or tax rebates based on the number of children.

Ownership of and Access to Assets.

400. Article 23 of the Constitution of Pakistan states that: “every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan”. Pakistani women own property, jewelry and other assets and have their own bank accounts. Data on the percentage of women compared to men who own property is not available. The Ministry of Women Development has requested the Statistics Division to examine if the census forms and the questionnaires for Pakistan Integrated Household Survey etc. could be appropriately amended to get this information.

Bank Loans, Mortgages and Credit.

401. Credit is available to both men and women in Pakistan. Financial institutions such as the Zarai Taraqiati Bank of Pakistan (Agricultural Development Bank of Pakistan), the First Women Bank Limited, other commercial banks and a number of public financial institutions extend credit to women.

First Women’s Bank.

402. The First Women Bank Limited was established in 1989. It is a unique financial institution – a combination of a commercial bank & DFI, catering to the socio-economic needs of Pakistani women - to encourage and assist them in promotion and running of trade and industry and practice of profession. The bank has 38 branches, primarily concentrated in urban and semi-urban areas. It has financed a number of medium sized industries owned and set up by women. The bank requires that any enterprise seeking loans from it should have 50% ownership by women. Women also make up all professional staff of the bank.

403. Non-traditional banking services provided by the FWBL include advisory and consultancy services relating to investment and project identification, identification and development of markets, promotion and sponsoring of work of female entrepreneurs and product display centres for female entrepreneurs. In the majority of cases and for loans up to Rs. 25,000 no collateral is required from the applicant except two personal guarantees. For loans exceeding Rs. 25,000 the bank requires tangible collateral.

404. The bank has so far disbursed Rs. 6.67 billion as credit and has helped 25,226 women entrepreneurs to establish their businesses. Portfolio-wise break-up of the bank’s advances is 9.6% as microcredit, 77% to small and medium enterprises and the rest to corporate clients. Nineteen thousand five hundred and twenty five microcredit loans to women have so far been disbursed.

Poverty Alleviation

405. Poverty alleviation is a high priority of the Government of Pakistan. Amid growing recognition that the incidence of poverty was increasing in Pakistan, the Government of Pakistan adopted a comprehensive strategy in November 2001. The resulting Poverty Reduction Strategy Paper (PRSP) articulates a comprehensive framework including policies for rural development, gender issues, employment and the environment. Rural development program is embedded in the targeted

interventions pillar of the strategy. The approach also incorporates a more focused human development strategy that recognizes the central role of the provinces and local governments in achieving human development goals.

406. The government is committed to raising its budgetary expenditures at least by over 0.2 percent of GDP per annum starting FY 2001-02. This reflects a significant shift from past budgetary performance when anti-poverty public expenditures declined by an average of 0.25 percent of GDP per annum, during 1995–2000. Ensuring that these expenditures rise over the medium term while fiscal adjustment also takes place is a significant challenge. The government will be spending Rs. 161 billion on pro-poor expenditures during the current fiscal year 2003-2004.

TABLE 13.01 PRO-POOR BUDGETARY EXPENDITURES

(RS IN MILLION)

	2001-02 Actual	2002-03 Actual	2003-04 Budget	2004-05 Projected
Community Services	10.98	16.57	18.57	21.46
i. Roads, Highways & Buildings (SAP)	6.34	13.15	14.59	16.58
ii. Water Supply and Sanitation	4.64	3.42	3.98	4.88
Human Development	90.67	105.81	126.56	147.73
i. Education	66.29	78.61	88.84	102.38
ii. Health	19.21	22.37	29.17	36.08
iii. Population Planning	1.33	3.12	4.60	4.88
iv. Social Security & Welfare	3.66	1.30	3.68	3.90
v. Natural Calamities	0.19	0.41	0.27	0.49
Rural Development	24.30	34.18	34.15	43.04
i. Irrigation	10.13	15.54	25.19	32.37
ii. Land Reclamation	1.84	1.76	1.77	2.44
iii. Rural Development	12.33	16.88	6.19	7.23
iv. Rural Electrification			1.00	1.00
Safety Nets	8.33	13.75	17.67	19.03
i. Food Subsidies	5.51	10.86	13.26	14.63
ii. Food Support Program	2.02	2.24	3.54	3.90
iii. Tawwana Pakistan	0.80	0.59	0.70	0.50
iv. Low Cost Housing		0.06	0.17	
Governance	32.98	38.54	41.86	46.80
i. Administration of Justice	1.98	2.25	2.65	3.41
ii. Law and Order	31.00	36.29	39.21	43.39
Total	167.25	208.84	238.80	278.02

Source: PRSP, Finance Division

Source: *Monthly Civil Accounts, Economic Survey of Pakistan, 200-2004.*

407. In addition to the government's anti-poverty expenditures a significant amount of public resources are aimed at providing social protection to the poorest segments of society, particularly women. Through recent government initiatives such as Food Support Program (FSP), Khushhal Pakistan Program (KPP), and land transfers the government has significantly increased assistance to those most in need. Social safety transfers by the government are divided into three broad categories, which include: cash transfers, in-kind transfers, and public-works programs. Government Programs in this regard are Zakat, Food Support Program (FSP), Employees' Old Age Benefits Institutions (EOBI), and micro-credit disbursements by Khushhali Bank (KB), Pakistan Poverty Alleviation Fund (PPAF) and the Agricultural Development Bank of Pakistan (ADBP).

TABLE 13.02 PRO-POOR NON BUDGETARY EXPENDITURES (RS IN MILLION)

SECTORS	FY 2000-01	FY 2001-02	JULY-DEC 2002-03
Zakat disbursements	1,829	5,169	2,731
EOBI disbursements	1,261	1,366	777
Micro-credit disbursements	577	1,215	1,986
TOTAL	3,667	7,750	5,494
Land distributed (Acres)	153,197	53,803	2,538
SOCIAL SAFETY NETS (Number of beneficiaries)			
Food support program	1,136,46	2,200,916	1,009,330
Zakat	930,223	1,700,189	617,000
EOBI	100,384	103,231	132,000
Micro-credit	48,252	148,728	225,000
Temporary employment (KPP)	400,916	270,333	318,089
State land recipients	14,419	3,144	310
Total No. of beneficiaries	2,606,445	4,365,657	1,010,932
<i>Source: Economic Survey of Pakistan, 2003</i>			

408. While the Poverty Reduction Strategy Paper did place some emphasis on the gender dimension, the Ministry of Women Development felt that it would appropriate to conduct a gender audit of the document. An examination of the PRSP was therefore conducted and a number of suggestions were made to make the document even more responsive to the specific needs of the female population of the country. One outcome of this examination was that a pilot programme on gender responsive budgeting has been tentatively included in the PRSP.

Specific Poverty Alleviation Measures.

Zakat

409. The Islamic system of Zakat (two and a half % annual tax on all unspent wealth and assets) is designed to benefit widows, orphans, the poor and those in dire need. The majority of well-to-do Muslims in Pakistan pay this tax voluntarily (in addition to the deductions made by the government from all savings accounts of Muslims once a year). Generally these voluntary funds are paid to needy women directly (widows, divorcees, orphan girls, and old women). Zakat funds collected by government are distributed largely to poor women, widows etc. through local Zakat committees which have been established all over the country on a locality, village and ward level. Zakat disbursements

were Rs. 1,829 million, Rs. 5,169 million and Rs. 2,731 million in 2000-01, 2001-02 and July-December 2001-03. Women make UP the majority of Zakat beneficiaries.

410. The Zakat Council and Zakat Foundation are providing assistance primarily to poor and indigent women and children under various schemes.

- a. Guzara Allowance given to 70% women and children.
- b. Food Support programme for the poorest sections has been re-vitalised. Women make up 75 % of the beneficiaries in 1.2 million rural households served by the programme.

Pakistan Bait-ul-Mal.

411. Pakistan Bait-ul-Mal is a body corporate, established under PBM ACT, 1991 and started functioning in February, 1992. It is working for the welfare of widows, orphans, disabled, needy and poor persons irrespective of sex, caste, creed or religion.

412. Bait-ul-Mal is financed from transfer of receipts from tax levied for this purpose, grants from the Federal Government, Provincial Governments, local authorities, national organizations and international agencies and voluntary donations, including sadqat²¹ and atiyyat²² by individuals, societies, bodies, institutions or organizations; and sale of property of Bait-ul-Mal, whether movable or immovable and income form such property, investments and other assets.

413. The main objectives of the PBM are to provide financial assistance to destitute and needy widows, orphans, invalids, the infirm and other needy persons; render help to these persons for rehabilitation in various professions or vocations; provide their children assistance to get education and; provide residential accommodation and necessary facilities to these persons.

414. The Pakistan Bait-ul-Mal runs a number of schemes and projects. Notable among these are nearly 700 Dasktkari (embroidery etc.) Schools - vocational training schools for destitute women – which offer courses in cloth cutting, drafting and tailoring; hand embroidery and knitting and; machine embroidery.

415. The courses last for six months and two courses are delivered every year. The schools works in two shifts and the maximum number of student trainees does not exceed 30 in each shift. The trainees must come form families living under the poverty line and mostly from female-headed households. The trainees get a stipend of Rs. 10/- daily envisaged as opportunity cost for girls attending these schools. Students with outstanding performance and others who cannot afford their own sewing machines are awarded / donated sewing machines at successful completion of the course.

416. Additionally the PBM also has an ambitious food support programme the primary beneficiaries of which are women. This programme provides effective social safety net to 1.25 million

²¹ Alms given on religious grounds.

²² Gifts

poorest of the poor households, designed to meet basic nutritional requirements of the poor, covers urban as well as rural areas, recognises women as far as possible as the beneficiary in the household. Under FSP each deserving household gets Rs. 1000/- bi-annually as compensation against rise in the prices of wheat. One of the distinct feature of FSP is the criteria for selection and identification of genuine beneficiaries. The element of political exploitation which undermined social fabric of the society has been replaced by selection of the poorest of poor as FSP beneficiaries. District Administration and Army Monitoring Teams have constituted task force to identify and recommend target groups for FSP subsidy. A sum of Rs. 2.5 billion rupees each was allocated for the years 2000-2001 and 2001-2002 and 3% of it is the share of minorities.

Safety Nets

417. The government's safety net programmes includes food subsidies, food support programmes, Tawana Pakistan, and low cost housing, the Pakistan Baitul Mal etc. These programmes are directly related to the poorest section of society. The government is increasing their budgetary allocations every year, for example, against an expenditure of Rs 13.75 billion in 2002-03 the current fiscal year budget allocation is Rs 17.67 billion including Rs.13.26 billion for food subsidies alone.

Microcredit schemes.

418. The Government has also taken a number of initiatives to combat poverty at the grassroots level. The Government has established a specialized institution - the Khushhali Bank. The bank has disbursed more than 100,000 loans mostly in rural areas. About forty percent of its clients are women and the recovery rate is more than 95%. The average size of the loan is Rs. 10,000/- (US \$ 180/-) and the loans are usually used to start a small business.

419. The Pakistan Poverty Alleviation Fund (PPAF) is another initiative of the Government to provide microcredit facilities to the rural population, particularly women. The Fund seeks to alleviate poverty and empower the rural and urban poor, by providing them with access to resources and services and helping build community level infrastructure.

420. The project components are:

- a. Microcredit will provide loans to partner organizations (POs) for on-lending to individuals or groups of individuals who meet the eligibility criteria of the PPAF at rates that ultimately cover their directly attributable credit administrative costs, loan loss, cost of funds and reasonable profit to maintain real value of equity.
- b. Community infrastructure will support, in the form of grants on a cost-sharing basis, small-scale community infrastructure sub-projects to improve the quality of life of the poor. Capacity building of partner organizations will support in the form of grants, capacity building of communities and POS to improve their effectiveness in implementing poverty alleviation programs.

- c. Capacity building of the PPAF will support operating costs, staff training, technical assistance for various studies and cost of fixed assets.

421. The Fund has a special focus on women. About 36% of its staff and nearly 40% of its beneficiaries are women. The recovery rate of loans is almost 100 percent.

Challenges.

422. Poverty has a feminine face in Pakistan as in many other developing countries. The poverty level has also increased drastically over the last fifteen years or so and women have borne the brunt of it. However the recent initiatives by the Government and the civil society hold promise of being able to combat this menace to some extent. At the same time these initiatives will have to substantially expanded if the spread of poverty has to effectively be halted and rolled-back. According to the latest figures released by the Economic Survey of Pakistan 2003-2004, the incidence of poverty²³ has registered a decrease of 4.2% since 2000-2001. At present the 28.35% of the population is estimated to be living in poverty.

CHAPTER XIV

ARTICLE 14

(Rural Women)

Constitutional Framework

423. Women, urban as well as rural, are assured equality under the Constitution of Pakistan. This is clear from Articles 25, 26, 27, 32, 34, 35 & 37. Additionally, Article 32 states “The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.”

424. Article 37(f) states “The State shall ... enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan”.

425. Articles 25, 26, 27 and 34 have been elaborated upon in previous chapters. Together these articles denote a strong emphasis on the rights of rural women.

Administrative Framework

426. There exists at the Federal level the Ministry of Local Government and Rural Development. Under the Rules of Business this Ministry’s tasks include integrated rural development programmes – policy, guidance, follow-up action, coordination, foreign assistance and evaluation. The local government and agriculture departments make up the administrative framework in respect of Article 14 at the provincial levels.

²³ Calculated as adults getting less than 2350 calories/day or Rs. 748.56 adult equivalence per month.

427. In addition to the Ministry of Local Government and Rural Development, the Ministry of Food, Livestock and Agriculture is also relevant to Article 14. Agriculture is the hub of economic activity in Pakistan. It directly contributes 25 per cent to the Gross Domestic Products (GDP) and provides employment to 44 per cent of the total labour force of the country. In export earnings, direct as well as indirect, the share of agriculture is very high. The major proportion of the population depends, wholly or partially, on earnings from agriculture.

428. There also exists an Agricultural Census Organisation to collect statistics relating to various aspects of agriculture.

429. A budget expenditure of Rs 34.15 billion was earmarked for rural development activities exclusively for; irrigation (Rs 25.19 billion), land reclamation (Rs 1.77 billion); rural development (Rs 6.19 billion) and rural electrification (Rs 1 billion) during 2003-04.

430. The First Lady of Pakistan was the Chairperson of the Regional Steering Committee for the Advancement of Rural and Island Women (RSC-AP) from November 2001 to November 2004. A Summit of the First Ladies of member states was held in Islamabad in February 2004. The President of Pakistan announced a special of Rs. 100 million for advancement of rural women in Pakistan and the national budget for 2004-2005 includes this amount.

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

431. In theory all rights contained in the convention are equally applicable to rural as well as urban women. The Constitutional provisions and the establishment of a fairly extensive administrative machinery relating to rural development and agriculture attest to that.

432. The total female population of rural areas is about 43 million according to the last census (1998).

433. Only 20.8% of rural females are literate (HRD in South Asia 2001). Women are 42% of the total economically active persons in agricultural households. Rural Pakistani women are not only responsible for time and energy consuming household tasks but are also major contributors to the rural economy particularly in three sub-sectors: crop production, livestock production and cottage industry.

434. In some rural areas as many as 82% of women participate in agriculture work. Some studies show that women are responsible for 25% of the production of major crops and 30% for food. In the livestock production and development sector, women have primary responsibility for eight out of 14 processes while they also are also active in the remaining 6 activities. While agriculture and livestock are the predominant source of women's employment, home-based income earning activities are also

important. 15.7% of women participants in the labour force are those who are engaged in home based earning activities. Pakistani women have an almost exclusive responsibility in works such as embroidery, tailoring, weaving, leatherwork, pottery, ceramics and food processing.

435. In terms of major indicators (see below) the rural population suffers from a lack of services of the quality and possibly quantity available to the urban population. The main issue is not discrimination between rural and urban populations including women but the ability of the Government to ensure that these rights are accessible and upheld in all settings, rural or urban. Generally in developing countries, rural communities do not enjoy the same kinds of services in health and education as urban areas. Pakistan is no exception. However all recent policy documents of the Government such as the Education Sector Reforms Programme, the National Health Policy etc. place special emphasis on the rural areas. It is hoped that as this emphasis is translated into action, the gaps between rural and urban populations will decrease.

States Parties shall ensure to rural women the right to participate in the elaboration and implementation of development planning at all levels.

436. The recent increase in the number of female legislators has provided women an avenue at the highest political level to have a voice in decision-making and priority setting. Many women legislators are from rural areas and therefore can have their concerns and priorities reflected in the legislative agenda.

437. The Devolution Plan is another important development. (The plan has been discussed in detail in Chapter VII, para 31-34). Under this plan the local communities have been given powers to run their own affairs through the union, tehsil and district councils. These bodies now have single line budgets and have the freedom to spend these according to the needs of their communities. Thirty three percent members of these bodies are women and they can have their priorities and concerns reflected in the development planning at local level.

438. The Development Planning process is cognizant of the special needs of the rural population of Pakistan. However there is as yet no institutional mechanism through which rural women can participate in the elaboration and implementation of development planning at the macro level except through their elected representatives in the assemblies.

439. As stated earlier under the devolution plan district governments have the power to make budgets and undertake developmental plans. The financial rules issued for the local governments require the Nazim (Mayor) to consult women's groups, NGOs and women councilors prior to formulation of budget. The budget document must also be made public three months before adoption to enable debate and amendment.

Access to adequate health care facilities, including information, counseling and services in family planning.

440. Detailed information on health aspects has been given under Article 12. The more important aspects are recapitulated below.

441. Infant mortality of the female child in urban areas (2001-02 PIHS) was 70 while for rural areas it was 81. In 1998-99 these figures were 80 and 91 respectively. The infant mortality rate of the male child in these periods was 67 and 60 for urban areas and 98 and 92 for the rural areas. Thus the infant mortality rate of the male child was better in urban. That of the female child was better in rural areas.

442. In terms of distribution of health facilities, centers of tertiary care were more concentrated in the urban areas – 721 hospitals with 68,437 beds compared to 144 hospitals with 5112 beds in rural areas. This is in keeping with the general trend in the world that more specialized care is available in urban centers than in rural areas due to better support facilities in the urban centers. However as we move from tertiary care facilities to primary care facilities, those in rural areas outnumber those in urban areas. Thus there were 2804 dispensaries with 2006 beds in rural areas compared to 1719 with 810 beds in urban areas. TB centers in urban areas outnumber those in rural areas. Maternal and Child Health Centers in urban areas also outnumber those in rural areas (635 to 218). Rural Health Centers obviously are more concentrated in rural areas (378 with 5636 beds in rural areas compared to 135 with 2250 beds in urban areas). Of the total number of 5329 Basic Health Units, 5073 were in rural areas²⁴.

443. In terms of ante-natal care, as gauged by incidence of tetanus toxoid injection, 69% of the pregnant women in urban areas received such an injection compared to 38% rural women according to 2001-02 PIHS. The figures for 1998-99 were 66% and 31% respectively, showing a marginally higher rate of increase for rural women in access to ante-natal care.

444. 86% deliveries took place at home in 2001-02 in rural areas compared to 55% in urban areas. The figures for 1998-99 were 89% and 61% percent respectively, showing a higher rate of increase for urban women in terms of access to or preference for delivery in hospitals. A trained birth attendant assisted 21% of the rural women compared to 12% urban women. Similarly 40% rural women were assisted by a trained midwife compared with 31% urban women. Conversely 40% urban women were assisted by a doctor compared with 11% rural women. 16% urban women received post-natal consultation within 6 weeks of delivery compared to 6% rural women.²⁵

445. Information regarding family planning services has been provided in detail under Article 12. However some relevant information is given again. The basic finding is that the contraceptive prevalence rate is lower among rural women compared to urban women. However the level of satisfaction among both sets of women to the services provided is more or less the same (98% for urban women and 93% for rural women). The majority of women in rural areas in Pakistan have a family planning facility within 2 kilometers of their place of residence. In Punjab 74% of rural women of childbearing age were living within 2 kilometers of a family planning facility; the figures for Sindh, NWFP and Balochistan were 55%, 81% and 37% respectively. 99% urban married women know about contraception, 40% have practiced it at least once and 31% were practicing at the time of compilation of the PIHS 2001-02. The figures for rural women were 95%, 21% and 14%.

²⁴ Data for 1997 provided by the Ministry of Health.

²⁵ Data from PIHS 2000-02.

446. The National Health Policy now places a renewed emphasis on rural areas. Every medical college both in public and private sectors will be required to adopt at least one district / tehsil hospital or primary health facility in addition to the Teaching Hospital affiliated to it. This will entail mandatory visits on rotation basis by faculty / medical students to spend more time in rural areas while helping to provide selective specialist cover to the beneficiary population. It will be compulsory for new medical graduates to serve in rural areas. As an incentive, preference will be given to those Medical Officers and Medical Graduates to enter postgraduate programmes who have completed two years rural medical service. Provinces will undertake improvement of District/ Tehsil Hospitals under a phased plan. A minimum of 6 specialties (Medicine, Surgery, Pediatrics, Gynae, ENT and ophthalmology) will be made available at these facilities.

Benefiting from social security programmes.

447. As stated under Article 11 also, the system of social security is not very well developed in Pakistan. Labour laws do not yet cover the agricultural and informal sectors. This means that unfortunately for the moment, rural women workers, unless they are working in large agro-industrial units, are not entitled to social security.

448. However rural women are the main beneficiaries of the Zakat fund. While this is not a substitute for social security, the Zakat fund does contribute to family incomes of the poorest sections of society particularly rural women and forms a rudimentary social safety net. (For details of Zakat disbursements see Chapter XIII, para 22-23).

To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.

449. Data with regard to education, including that for rural segments of the population is given under Article 10. According to PIHS-2001-02 61% urban females over the age of 10 year had attended school for at least some period. The comparable figure for rural women and girls was 25%. The same indicators for men and boys were 78% and 60%. More specifically 50% of females of ten years or above in urban areas had completed primary level or higher compared to 17% in rural areas. The figures for males were 64% and 42% respectively. The gross enrolment rate at the primary level of urban females was 87 while that of rural females was 52. The figures for males were 94 and 80 respectively. The gross enrolment rate for middle level was 68 while that for rural females was 21. Comparable figures for males were 58 and 41.

450. There is no discrimination at the constitutional and legal level against rural women in the field of education. They have the same right to education, formal and non-formal. However on account of a number of reasons education indicators for rural women lag behind men and urban women. Accessibility is a problem. Education facilities in the rural areas are considered to be inferior in quality and infrastructure. There is also a hesitation in some rural areas to sending girls to school.

451. Generally rural areas do not have higher education facilities of the quality that are available in urban areas. Most universities are located in urban areas. The same is true of most professional and

good quality degree colleges. There is however no discrimination between urban and rural women in seeking admission to these institutions and generally the institutions provide hostel accommodation for girls who come from outlying areas or other cities. The issue however remains that the quality of education generally available to girls in rural areas is not at a par as yet with that provided in urban or private schools (most of which are also in urban areas). This means that rural girls and women on average score less marks in important examinations which are benchmarks for admission to professional or better degree colleges. The Education Sector Reforms aim to address these issues.

Organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment.

452. There is no bar on rural women in forming cooperatives. Indeed the trend to form cooperatives has picked up in rural areas of Pakistan following the spurt in the growth of microcredit lending institutions such as the Khushhali Bank and the Pakistan Poverty Alleviation Fund. Some data on Women's Community Organisations may be seen in table 14.01.

453. As stated under Article 11, there is no bar on women in seeking any employment or starting any trade. The main problem is ensuring access to employment opportunities. As stated earlier, the participation of rates of women in the labour force are increasing. Additionally the percentage of women falling under the "Self employed" category is also increasing. In 1997-98 the figure was 11.7%. In 2001-2002 this had increased to 15.7%.

454. The government of Pakistan is supporting a number of initiatives that aim at increasing income-generating capacities of Pakistani women. The Government provides financial and technical support for establishing such mechanisms that are required to encourage women entrepreneurship. Some examples of such initiatives are as follows:

- i) *Support to establish Rural Support Programmes (RSPs):* The government provided seed capital for the formation of National Rural Support Programme, Punjab Rural Support Programme and Sind Rural Support Organization (SRSO). It also supported the Sarhad Rural Support Programme through project funding. All these RSPs focus on building capacities of rural Pakistani women through social mobilization; technical assistance and provision of micro finance services. The integrated programme of the RSPs helps rural women in overcoming barriers to economic opportunity. The RSPs are now present in 71 districts of Pakistan.
- ii) *Support through Apex Organizations:* The Federal Government has also established Pakistan Poverty Alleviation Fund and Trust for Voluntary Organizations (TVO). The main objective of these institutions is to reach out to the poor population of Pakistan through local level Non-Governmental Organizations (NGOs). The PPAF provides financial assistance to all leading Pakistani NGOs/RSPs for building their capacities and for providing microfinance services to the poor population with special focus on women. PPAF also supports smaller NGOs with a view to create more outlets at the grassroots level and to increase competition for better delivery of services to the target clients.

- iii) *National Commission for Human Development*: The government has also established a national level organization with the mandate to increase literacy levels, improve basic health conditions and develop entrepreneurs. The NCHD started operations in 16 districts of Pakistan. This integration of social sector interventions with income generation is expected to enhance the impact of developmental initiatives.

455. The Rural Support Programmes (RSPs) are the largest players in terms of providing financial and technical services to the poor communities especially the rural women for enhancing their income generating capacities. The RSPs follow a holistic approach and provide a variety of services to the women clients. Before delivering any service to the rural women, the RSPs organize them into Women Community Organizations. The WCO elects office bearers who receive training in management and leadership skills from the RSP staff. This training makes it possible for the office bearers of the WCOs to manage the WCO affairs including financial management of WCO resources. The WCO meets regularly and each member makes a voluntary saving. These savings are deposited into the WCO bank account. This process of WCO meetings and savings inculcates a discipline in the WCO, which greatly help in developing entrepreneurial abilities of the WCO members. The process of social mobilization makes many things possible. For example the problem of women mobility or improper distribution of income within the household are also discussed and resolved in the WCO meetings. The WCOs also help identify willing entrepreneurs and serious micro credit clients and thereby reduce operating costs of RSPs.

456. The following table shows some of the quantitative achievements of RSPs in terms of women entrepreneurs:

WOMEN COMMUNITY ORGANIZATIONS FORMED	19,000
Members of WCOs	180,000
Savings of WCOs	Rs 270 Million
Members of WCOs trained in community management and vocational skills	180,000
Credit disbursed to WCOs/members	Rs 1,100 Million
Number of loans	137,000

Participation in all Community Activities

457. Article 34 of the Constitution, “Steps shall be taken to ensure full participation of women in all spheres of national life” could be said to be the operative article here. The Devolution Plan, through reservation of 33% seats in the local bodies for women, further ensured that women are an integral part of all community activities.

Access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

458. There is no technical bar on women from seeking credit and loans etc. The problem was that due their backward economic status women were generally unable to put up the collateral required to secure a loan. The situation has markedly improved now. The Government has established a specialized micro-credit institution in the form of Khushhali Bank. The bank has disbursed more than 170,000 loans mostly in rural areas. Total amount disbursed is Rs. 1.7 billion, 40% of its clients are women and the recovery rate is more than 95%. The average size of the loan is Rs. 10,000/- (US \$ 180/-) and the loans are usually used to start a small business. One difficulty that women face is that the National Identity Card (NIC) is needed to secure a loan. Women face more difficulty in getting the NIC due to greater illiteracy and issues of mobility.

Pakistan Poverty Alleviation Fund (PPAF) also primarily serves the rural communities. Details have been given in Chapter XIII, para 32 - 34.

Adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

459. The standard of living in the rural areas is generally lower than urban areas. Not all rural areas are yet electrified. The figures for running water and indoor plumbing are also much lower in rural areas. Access to toilets remains low in rural areas, although there is evidence to suggest that it has improved between 1995-96 and 2001-02. Improvement appears to be concentrated in Punjab and NWFP.

460. It is hoped that as education spreads and the rural populace becomes aware of the importance of sanitation the situation will improve.

TABLE 14.02 Provision of Sanitation to the Population**KEY INDICATORS: RURAL WATER SUPPLY AND SANITATION**

	1995-96			1998-99			2001-02		
	U	R	T	U	R	T	U	R	T
Main Source of Drinking Water (% household)									
Tap in House	56	11	25	50	9	22	53	8	22
Tap outside house	4	2	3	5	3	4	5	2	3
Hand/motor pump	34	66	56	38	65	57	36	70	61
Dug well	3	11	8	2	11	8	2	10	7
River/Canal/Stream	0	5	3	0	12	8	0	9	6
Other	3	6	5	3	1	2	3	1	1
Total	100	100	100	100	100	100	100	100	100
Type of toilet (% household)	U	R	T	U	R	T	U	R	T
Household flush	75	17	34	88	22	41	89	26	45
Non-flush	13	14	14	6	15	12	5	15	12
Communal flush	4	3	3	-	-	-	-	-	-
No toilet	9	66	48	6	63	46	5	59	43
Total	100	100	100	100	100	100	100	100	100
Type of Sanitation system (% households)	U	R	T	U	R	T	U	R	T
Underground drains	42	2	14	44	1	14	45	1	14
Covered Drains	-	-	-	5	1	2	5	1	2
Open Drains	48	43	45	41	31	32	40	33	35
Soak Pit	3	10	8	-	-	-	-	-	-
No system	7	46	34	10	68	50	10	66	49
Total	100	100	100	100	100	100	100	100	100
<i>Source: Pakistan integrated household survey 2001-2002 as given on FBS website.</i>									

461. The rural/village electrification programme is an integral part of the total power sector development in Pakistan in order to increase the productive capacity and socio-economic standard of 70 percent of population living in the rural areas. The number of villages electrified has increased to 73,063 by March 2003. Both rural men and women are equal beneficiaries of the rural electrification programme.

462. Pakistan has a road network covering 251,845 kilometers including 151,028 high types and 100,817 low types of roads. The total roads which were 170,823 KM in 1990-91, increased to 251,661 in 2001-02 and further to 251,845 KM in 2002-03 or by 47.4 percent. During the out going fiscal year, the length of high typed roads has increased by 1.5 percent over the last year but the length of low type roads has declined by 1.9 percent. In other words, the low type roads have been converted into high type roads. This has been made possible under the Khushhal Pakistan Program. Again rural men and women are equal beneficiaries of roads serving their areas.

Information submitted under General Recommendation 16.

Legal and social situation of unpaid women working in family enterprises;

Collection of statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee.

Steps taken to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

463. The percentage of females who worked as unpaid family helpers has fallen from 63.3 % in 1997-98 to 46.86% in 2001-2002. There is no law on the subject of unpaid women working in family enterprises. Many rural households indulge in piecework to supplement their incomes. The dependants of a man who owns a farm and works on it feel it their duty to help him and generally the wife or dependant daughter or sister is not likely to insist on being paid for her help. If the daughter or sister is not a dependant then she is not likely to work on a full time basis without pay on her brother's or father's farm or enterprise. She is more likely to be helping her husband. This concept of mutual help is a strong bond holding the rural communities together. There is however no labour law under which a woman who works for a family enterprise can claim remuneration. She can however approach the courts and seek compensation. This is likely to be a long drawn out and expensive process with an uncertain outcome.

Challenges.

464. The rural population of Pakistan does not at present have the same facilities and amenities in the fields of education, health, employment etc. as its urban counterpart. While this situation is not unique to Pakistan, this is no reason not to make serious efforts to reduce this gap. The new policy documents of the Ministry of Education and Health place an explicit focus on the rural areas. The main micro-credit providing institutions also have a pronounced emphasis on rural areas. However these have yet to have an appreciable positive impact on reducing the disparity between rural and urban areas.

CHAPTER XV**ARTICLE 15****(Equality before the Law)****Constitutional Provisions**

465. The information given under previous articles gives a fairly detailed picture of the letter and spirit of the Constitution relating to issue of equality among all citizens of Pakistan. The overarching framework is provided by Article 25 of the Constitution: “All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex alone. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children”.

466. Article 25 which establishes the principle of equality of all citizens before law and then goes on to disallow discrimination on the basis of sex and then to allow the state to make special provisions for the protection of women and children. It alone could have met the requirements of Article 15 of the Convention. However the Constitution also contains other articles, which significantly bolster the provisions of the Constitution relating to non-discrimination. These include the following articles:

- i) Articles 3: The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.
- ii) Article 4: “To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. In particular: - no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law; no person shall be prevented from or be hindered in doing that which is not prohibited by law; and no person shall be compelled to do that which the law does not require him to do. which provides for the right of individuals to enjoy full protection of law and to be treated in accordance with law. This provision, as per superior court’s observation is the equivalent of the doctrine of “rule of law”.

467. The framework provided by Articles 3, 4 and Articles 25 is then strengthened by specific articles establishing the principle of non-discrimination in matters such as ownership of property, free choice of trade, non-discrimination in government employment etc. These have been discussed in previous chapters of the report.

468. The final tier of the non-discrimination regime insofar as women are concerned consists of Articles 27 and 34, which allow for affirmative action for women and Article 35, which confers special protection on the family, marriage, the mother and the child. On the whole the Constitution could be said to lay down a fairly comprehensive non-discrimination regime.

469. The Supreme Court of Pakistan has observed that the rights and principles enshrined in the Preamble as well as in the Chapter on Principles of Policy extend the scope of, and further strengthen the fundamental rights and freedoms, guaranteed by the Constitution.

470. Women and men enjoy equality in legal and civil matters, whether they relate to concluding contracts or administering property or practicing in courts of law or administering justice. There are many women lawyers, magistrates and judges in Pakistan. Any woman or man can sue or be sued.

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

471. Women have a legal capacity equal to men and have the same opportunities to exercise that capacity.

472. According to the Married Women's Property Act, 1874 a married woman has the right of separate property and of taking legal proceedings in her own name. A married woman is liable for her contracts regarding her property. Legally and as per Islamic law, a woman has the same right as a man to own, acquire, manage and dispose off property.

473. In cases where women appear in courts, they can have their own legal counsels. Women lawyers are entitled to represent clients before courts and tribunals. Women are appointed as judges. At present all levels of the judiciary, except the Supreme Court, women judges. There is no bar on a woman from becoming a judge of the Supreme Court. So far however none has been appointed. Recently, a woman Judge of the Peshawar High Court has been nominated by the Government of Pakistan to the International Criminal Tribunal for Rwanda.

474. Men and women enjoy the same rights to enter into contracts on all civil matters except for a minor distinction as attesting witnesses to a legal contract under 17-2 of Qanun-e-Shahadat (law of evidence) which requires one male witness.

States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

475. The issue addressed here is contracts and other private instruments directed at restricting the legal capacity of women. Such contracts and instruments do not have the sanction of the law and thus have no standing. It may however be noted that contracts under which one party, man or woman, allows a second party to exercise certain legal rights on his or her behalf do not fall under the purview of this article. Thus a wife allowing her husband to manage her property on her behalf is not suffering any diminution of her legal capacity.

States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

476. There is complete freedom of movement in Pakistan. All citizens of Pakistan, regardless of gender, have the right to choose their residence and domicile. There is no discrimination between men or women on this count. Sometimes the entry of a particular person is prohibited in a certain area for the purpose of maintaining law and order. For instance in an area where political tension is running high with threat of violence, certain political leaders may be prevented from entry into that area for a specific period. However if the district in question is the district of residence of the person concerned then he or she cannot be prevented entry into that district.

The Hudood and Qisas and Diyat Laws.

477. The Hudood Ordinances were promulgated in 1979 and incorporated in the Pakistan Penal Code. These ordinances are: Offences against Property (Enforcement of Hudood) Ordinance, 1979; Offences of Zina (Enforcement of Hudood) Ordinance, 1979; Offences of Qazf (Enforcement of Had) Ordinance, 1979 and; Execution of the punishment of Whipping Ordinance, 1979.

478. A large section of the population, particularly human rights and women's rights activists and organizations, are of the view that the laws, particularly "Offences of Zina (Enforcement of Hudood) Ordinance" are discriminatory towards women. However a significant segment of the population, including many women, also believes that these laws are desirable and that there is nothing wrong with them.

479. Those who have concerns about this law believe that it provides perpetrators of sexual violence against women, immunity from prosecution and punishment or makes prosecution and conviction more difficult. The law states that the crime of rape can only be established if there are four Muslim adult male witnesses or the accused confesses to the crime himself. If a woman accuses someone of rape and cannot satisfy the evidentiary requirements, she becomes susceptible to prosecution for illicit consensual sex.

480. Aware of the controversy surrounding the hudood laws, the National Commission on the Status of Women (NCSW) conducted a thorough examination of these laws in 2002-2003. After considering the issue for more than a year and examining all aspects of the four laws, the Commission recommended in August 2003 that these should be repealed. Two of the Commission's twenty members voted against recommendation.

481. As stated earlier, opinion on the Hudood and the Qisas and Diyat laws (see below) is divided and is strongly held. At present a lively debate is going on these issues, particularly on the Hudood Laws, in the wake of the recommendations of the National Commission on Status of Women that these laws should be repealed. Demonstrations for and against the Hudood Laws have been held.

482. The issue of hudood laws is difficult to tackle without evolving a consensus in the society. The matter is being discussed at great detail in the press, particularly after the report of the National

Commission on the Status of Women. Hopefully a thorough debate about the shortcomings of the law will help pave the way for settling the issue to the satisfaction of all concerned.

483. In addition to the Hudood laws, another law, the Qisas (retribution) and Diyat (compensation) law is also the subject of debate.

484. Under the Qisas and Diyat law (Q&D), the victim or his heir has the right to determine whether to exact (qisas) retribution or compensation (diyat) or to pardon the accused. If the victim or heir chooses to waive qisas, or qisas is judicially held to be inapplicable, an offender is subject to tazir or discretionary punishment in the form of imprisonment. It is alleged that in these instances, judges not only have the power to determine the extent of punishment but also to decide whether to punish the offender at all.

485. Under the Q&D law, murder (*Qatl-e-Amd*) is not liable to qisas "when any *wali* [heir] of the victim is a direct descendant, how low-so-ever, of the offender." Thus, cases in which a woman was murdered by her husband would be exempt from the qisas or maximum (i.e., capital) punishment for the murder if the couple had children, since in that case, a child or heir of the victim would also be a direct descendant of the offender. However in such a case the courts can impose tazir punishment, the maximum they can award is fourteen years' imprisonment.

486. The Qisas and Diyat law is therefore alleged to offer immunity to perpetrators in some cases of violence against women, including of the so-called honour killings, or to make prosecution and conviction of perpetrators of such violence more difficult.

487. Many human rights activists also believe that certain sections of Pakistan Penal Code relating to Qisas and Diyat are discriminatory to women such as Section 310 (1) dealing with the subject of Badal-i-Sulh which means "mutually agreed compensation" to be paid by the murderer to the next of kin of the victim to gain a pardon. Para 2 of Section 310 (1) reads as "Provided that only giving a female in marriage shall not be a valid Badal-i-Sulh".

488. The real intention of the drafters was to discourage giving of females as compensation (badal-i-sulh). However the wording seemed to be legitimizing the giving of women in marriage and at the same time saying that this in itself was not enough but that additional compensation should be given in cash or in kind or both.

489. 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 (CrPC) to ensure more effective prosecution of cases of the so-called honour killings. The Act also inserts a new section (310A), which punishes giving of females in marriage as part of a compromise to settle a dispute between two families or clans with rigorous punishment may extend to 10 years but shall not be less than three years. Two Sections have also been added to the CrPC.

490. Many activists however believe that the new law does not go far enough in removing legal lacunae on account of which some perpetrators of violence against women cannot be fully punished.

CHAPTER XVI

ARTICLE 16

(Equality in family matters)

Constitutional Provisions.

491. Article 25 of the Constitution is the operative article here. Article 35 (The State shall protect the marriage, the family, the mother and the child) strengthens the provisions of Article 25.

Legal Provisions.

492. Matters of personal status in Pakistan are governed by statutory provisions separately for each religious community. These provisions ante-date the creation of Pakistan. Article 227 (3) states that the majority's law will not affect the status of the minorities.

The same right to enter into marriage.

493. Various personal laws ensure the same right of both men and women to enter into marriage. Men and women are free to enter into marriage and to marry spouses of their choice. In practice parents sometimes select spouses for their children, particularly for daughters. In most such instances there is no element of coercion by the parents but deference by the children to their parents' wishes. In some cases however varying degrees of pressure are applied. Unfortunately this is not always easy to prove. Most women who experience this pressure or coercion do not complain to the authorities and prefer to give in the parents' demand. Another relevant issue is that sometimes the parents do not grant the right of their children to choose their spouses. This is more so regarding daughters. In more backward areas of the country sometimes if the girl persists in her desire to go against the wishes of her family, she is ostracized, forced to seek a divorce or rarely, even killed in the name of honour (this issue has been discussed in Chapter XVII). Sometimes the chosen spouse or lover of the girl also meets the same fate. The Criminal Law (Amendment) Act, 2004 is aimed at combating such instances. Should such couples seek the protection of the law, the courts invariably decide in favour of the woman and uphold her right to choose her spouse.

The same rights and responsibilities during marriage and at its dissolution.

494. The laws also ensure this right. There is however a difference of terminology in the case of Muslims. A Muslim male divorces her wife. The wife has the right to "Khula". The Dissolution of Muslim Marriage Act, 1939 provides the grounds for decree for dissolution of Muslim marriage. The grounds are detailed and also include generally the right of 'Khula' - a right of divorce to a woman, as provided by Islamic law. 'Khula' gives a right to the wife to seek the dissolution of marriage even on the grounds that a woman dislikes her husband and cannot live with him. This Islamic right of the

wife is exhaustive, absolute and is the main source and ground of decree of dissolution of marriages passed by the courts in favour of the wife on her application.

495. In practice however women sometimes face difficulties. Khula requires intervention of the court and considering the overall situation of women, their mobility etc. it becomes difficult for them to access their right. The husbands sometimes do not provide proper documentation to their former wives establishing the fact that the marriage has been dissolved. This places the woman in an awkward situation should she remarry as she can be accused of adultery in the absence of documentation.

496. According to Pakistani law, on dissolution of marriage, the wife is entitled to all the property that she has earned herself and also benefits from the property of the husband – dower, maintenance for the iddat period i.e. 130 days, or in case of a pregnant wife, upto the delivery of the child, maintenance of the children in the custody of the wife.

497. If dissolution of marriage is demanded by the wife, she is not entitled to dower. However, the husband has no right on the property of the wife.

The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.

498. Theoretically both parents have the same rights and responsibilities in matters relating to children. However generally the father is considered to be the head of the family and takes the final decisions not only relating to children but also the family.

499. Pakistani law does not recognise any matrimonial relationship between the parties except what is provided by the religion i.e. marriage. Any other forms of cohabitation (other than marriage) in which sexual relations develop between parties is a crime for which punishment is prescribed by law. Therefore the issue of parents having the same rights and responsibilities “irrespective of their marital status” does not arise.

The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

500. The extent to which couples jointly agree on starting a family or adding to a family is not documented. Generally the more educated couples start a pregnancy after mutual consultation. However in the less educated segments of the population such mutual consultation is probably not frequent with the result that many women probably become pregnant against their wishes. Reliable data on this issue is not available.

501. The solution to this problem, like many others, is the spread of education. The increasing use of contraceptives will also lessen the numbers of women who become pregnant against their wishes. Details of the fertility control facilities in Pakistan have already been given in Chapter XII paragraphs 34 - 43.

The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

502. The Guardians and Ward Act, 1890 governs this issue. It provides guiding principles and circumstances for the guardianship and custody of the children in case of dissolution of marriage.

503. The right of custody of the children after the dissolution of marriage depends upon the religion and the sect to which the spouses belong. This right is affected by the remarriage of the mother as well as that of the father. However, in all cases the deciding principle is the welfare of the child.

504. The father is the natural guardian of the child whereas the mother is the natural custodian of the child. In custody the mother has the preferential right while in guardianship the father has the better right. On divorce or in case of death of the husband, the custody of the minor children is usually given to the mother.

The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

505. Legally women have the same right as men to choose a profession and occupation. There is no legal bar to such a choice. After marriage, the choice of a profession is generally influenced/affected by the cultural values of the husband and in-laws. There is no legal bar on a married woman from choosing a family name of her choice, or a profession or occupation. In fact Islam does not require a woman to change her name after marriage. It is a western tradition which has also become entrenched in Pakistani society. In practice a wife generally consults with her husband before choosing a profession or an occupation. Sometimes the husband does not agree to his wife taking up a profession. There is no legal sanction behind such an act. Should the wife assert her right and take the issue to court, the court will uphold her right.

The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

506. The rights of both spouses to ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a consideration is guaranteed in the law. Legally and as per Islamic law, a woman has the same right as a man to own, acquire, manage and dispose off property. Similarly, earning of a husband and that of the wife are two independent resources and are thus classified as independent properties of the spouses. The law is based upon Quranic version that says that both men and women have the independent right of management and the disposal of their properties. Legally no one can interfere with this right. In practice women generally let their husbands manage their property.

507. During the whole span of marriage, maintenance of the wife and children is the exclusive responsibility of the husband.

The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

508. The Child Marriage Restraint Act, 1929 prohibits child marriages. The Act provides that whoever performs, conducts or directs any child marriage shall be punishable with imprisonment, which may extend to one month, fine or both. The minimum age for marriage in the case of a male is prescribed as 18 years and for a female as 16 years.

CHAPTER XVII

VIOLENCE AGAINST WOMEN

General Recommendations 12 and 19

Legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the work place etc.).

States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence.

509. The Pakistan Penal Code contains detailed provisions relating to almost all acts of violence. Under Article 25 of the Constitution, these provide protection to all citizens regardless of gender.

510. The subject of trafficking has been dealt with in some detail in Chapter VI.

511. Sexual harassment at the work place could be said to be covered by Section 294 of the Pakistan Penal Code “Whoever, to the annoyance of others, a) does any obscene act in any public place, or b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.”

512. The extent to which this provision is invoked is not documented. Anecdotal evidence suggests that it is not invoked frequently.

513. Section 545 of the Criminal Procedure Code allows the court to provide compensation to victim of a crime from the fine imposed on the perpetrator of the crime.

514. Specific laws relating to sexual violence exist in the form of the Hudood Laws. A section of the society believes instead of combating violence against women, these laws in some cases protect perpetrators of violence. This issue has been dealt with in some detail in Chapter XV of the report.

515. There is at present no specific section in the Penal Code to deal with “abuses in the family”. The penal code is supposed to address this form of violence also.

516. If violence results in grievous bodily harm then the law of Qisas and Diyat comes into play. Many hold the view that it in certain instances it protects the perpetrator. Public opinion is divided on this law also (The matter has been discussed in Chapter XV, para 19 - 26).

Other measures adopted to eradicate violence against women.

517. The Government and people of Pakistan realize that violence against women is a serious issue.

518. Violence against women is routinely highlighted and reported in the media, creating a heightened awareness of this serious problem.

519. The judiciary has played a pro-active and constructive role in combating violence against women. It has taken suo moto notice of a number of incidents involving violence against women.

520. The main problem, which Pakistan shares with other developing countries, is low level of implementation of laws. Mostly it is due to lack of adequate training to appropriately deal with the situation and apply the relevant provisions of the law. Sometimes this may be due to deliberate connivance of the law enforcement personnel.

521. A number of administrative measures have been taken to combat violence against women. A new section, 174-A, was added to the Code of Criminal Procedure, 1898, in 2001 which is specifically directed at curbing dowry related violence. Under this provision all burn cases are required to be reported to the nearest Magistrate by the registered medical practitioner designated by Provincial Government and Officer in Charge of a Police Station. The medical practitioner shall record the statement of the burn victim immediately on arrival. Should the victim not survive, this statement will be accepted as a dying declaration.

522. Women's lack of access to legal information, aid or protection is said to contribute to violence against women. The Government therefore launched the US \$ 350 million Access to Justice Programme with the assistance of the Asian Development Bank. Women are among the main beneficiaries of the programme by facilitating their approach to the courts as plaintiffs. At a broader level, the programme also attempts to facilitate the entry of women into the legal profession.

523. Pakistan signed the Draft Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography (September 2001) and ratified the SAARC Convention on Prostitution of Women and Girls in November 2002.

524. The Government also promulgated Prevention and Control of Human Trafficking Ordinance in November 2002. The measure was considered long due and provides the law enforcement personnel with a powerful instrument to combat the menace of human smuggling.

525. Some other measures taken to combat violence against women are:

- a) Women police stations have been set up in ten cities of the country.
- b) A new approach is to establish women's complaint cells in existing police stations. These cells are meant for women complainants and are manned by women police officers.
- c) There already exist three Government run women crisis centers in the country. Free legal and medical aid and temporary shelter is provided to women victims of violence, including domestic violence, at these centers. In the last four years these centers have provided assistance to nearly 5,000 women. The number of centers is being increased to 10. The seven additional centers will be in Karachi, Mianwali, Kohat, Rawalpindi, Quetta, Peshawar and Lahore. These are expected to be operational by 30 June 2005.
- d) The Government enacted the Women in Distress and Detention Act 1996. Rules for the Act were made in 1999. The Act establishes a fund for assisting women in conflict with the law.
- e) The Punjab province has revamped the medico-legal system to enable, among other things, quicker follow-up on cases involving violence against women. Fifteen medico-legal centers have been established to facilitate easier access to medico-legal aid.

526. Police reforms are also being instituted as part of Access to Justice Programme. The salient features of these reforms include fostering better police-citizen relations and raising gender and human rights awareness.

The existence of support services for women who are the victims of aggression or abuses.

527. Crisis Centers for Women in Distress have been set up Islamabad, Vehari and Sahiwal. The Government is planning to set up such centres in all major cities. Free legal and medical aid and temporary shelter is provided to women victims of violence, including domestic violence, at all these centers.

Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.

528. Easily access to gender disaggregated data on various crimes in Pakistan has not yet been established. This is a major handicap in addressing the issue. The Ministry of Women Development is working with the concerned departments to ensure that this deficiency is rectified. Some NGOs do collect data on violence against women, particularly the so-called honour-killings etc. The Government is not in a position to either endorse or reject this data.

529. On July 8, 2004 in response to a question by Senator Abida Saif, Ministers informed the Senate that 'karo-kari' (honour killing) had claimed the lives of 4,000 men and women in the country during the last six years. From January 1998 to December 2003, the number of women killed in the name of honour was more than double the number of men murdered. During the debate, senators from the

treasury benches described the custom as anything but honourable. Punjab had the highest number of 'karo-kari' incidents followed by Sindh, the NWFP and Balochistan. Of the total 2,774 women victims, 1,578 were killed in Punjab, 751 in Sindh, 260 in the NWFP and 185 in Balochistan. The corresponding figures for men were 675 killed in Punjab, 348 in Sindh, 188 in the NWFP and 116 in Balochistan. 3,451 cases were registered in the country - 1,834 cases in Punjab, 980 in Sindh, 361 in the NWFP and 276 in Balochistan. In the Punjab out of a total of 1,834 cases, 422 were still pending while 1,412 cases had either been decided. Of a total of 980 cases registered in Sindh, 609 were pending while had been taken in 231 cases. In the NWFP, 167 cases were pending out of the total 316 registered during the six years. A decision reached in 185 cases. Of the 76 cases registered in Balochistan, 23 were pending by the end of 2003, while a decision had been reached in 41 cases.

One hundred and sixty cases were decided in Punjab by the lower judiciary in which death sentence was awarded to 52 accused and life imprisonment to an additional 59. The rest of the accused were awarded lesser punishments.

States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act.

530. The Government is endeavoring to create an environment of zero tolerance on violence against women. The steps taken by the Government have been mentioned above. However it is debatable whether these measures cover "all forms of gender-based violence". Some issues are still quite sensitive. For instance there is a tendency not to pursue cases of domestic violence, unless these are very serious. The Penal Code could possibly be considered as covering most cases of violence against women. However generally the inclination on the part of law enforcing authorities is to effect reconciliation between the spouses.

States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.

531. As stated above there is no specific law in Pakistan against family violence. All Penal Code provisions dealing with violence afford equal protection to all citizens including all women. The issue of Hudood Laws has already been discussed in Chapter XV in paras 13 - 17. An effort is made to respect the integrity and dignity of all female victims of violence. However human rights activists are of the view that the police and the judiciary are sometimes not sufficiently sensitive towards the plight of women victims of violence.

532. The issue of support services and gender sensitive training for the police has been touched in para 16 above.

Effective measures should be taken to ensure that the media respect and promote respect for women.

533. The media has generally played a positive role in highlighting incidents of violence against women. To it goes a significant part of credit for creating awareness of the rights of women and violation of these rights, particularly violence against women. Generally the media, particularly the larger national dailies, have shown great sensitivity in portrayal of women victims of violence.

States parties in their reports should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women and the kinds of violence that result. They should report on the measures that they have undertaken to overcome violence and the effect of those measures.

Effective measures should be taken to overcome these attitudes and practices. States should introduce education and public information programmes to help eliminate prejudices that hinder women's equality.

The low level of literacy in Pakistan means that citizens, men and women both, are generally not aware of their rights. Attitudes still persist that a woman's place is the home while earning a livelihood is a man's job. These attitudes are changing.

534. There is a contradiction in how some segments of the population view women. There exists a culture of extreme veneration for the traditional roles of women, particularly as a mother. Women are considered the honour of the family and it is considered dishonourable for a man to be unable to protect his womenfolk.

535. This misplaced sense of honour sometimes has serious consequences as in the case of so-called honour killings when a woman asserts her independence and goes against the wishes of her family.

536. Tribes and clans still play some role in the Pakistani society, particularly in rural areas. Feuds are not uncommon among them. Sometimes marriages take place between members of the clans to effect a compromise and seal the "peace". Women who are required to enter into such marriages are not necessarily consulted or their views given due weight. A judgment by the Peshawar High Court has outlawed such instances.

537. The state machinery to fully combat these problems needs cooperation of the society. Legal and punitive measures cannot be totally successful unless the attitudes of society change. This requires the spread of education and a sustained effort on the part of the opinion makers to condemn all those attitudes and ideas, which deny women their rights. The law enforcement machinery needs to be made more competent and resourceful in pursuing cases of violence against women, particularly honour killings. It is hoped that with these components working in concert, violence against women will be greatly reduced.

Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation.

States parties in their reports should describe the extent of all these problems and the measures, including penal provisions, preventive and rehabilitation measures that have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described.

Effective complaints procedures and remedies, including compensation, should be provided.

Detailed information on trafficking has been provided in Chapter VI of the report.

States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence or coercion in the workplace.

538. The Government machinery does not routinely collect statistics on sexual harassment at the workplace.

539. One study conducted by an NGO shows sexual harassment in the workplace is widespread and no profession is immune. It states that 58 percent of nurses and doctors interviewed admitted being sexually harassed, usually at the hands of other doctors, nurses, attendants, patients and visitors. The percentage of domestic female workers who allege sexual harassment is even higher (91%). The Inquiry Report on the Status of Women Employment 2003, commissioned by the National Commission on the Status of Women mentions that nearly 50% of the interviewed females working in the public sector alleged some sexual harassment.

540. As stated earlier Section 294 of the Pakistan Penal Code is supposed to provide a degree of cover. However it does not seem that it is frequently invoked.

541. The issue of sexual harassment is again quite complex and sensitive. Even respectable organizations choose to cover up this issue. In December 1997 eleven women working at the UNDP office in Islamabad filed a case against a senior member of the management on the charge of sexual harassment. They approached the UN headquarters in the US, which sent a fact-finding panel to investigate. The panel found clear evidence of sexual harassment in four of the eleven cases. Determined to make the accused pay for his 'indulgence', the women pursued their case in court. Their efforts were rewarded in August 1999 with an historic victory, and the manager was fired. Their case is an important milestone in the ongoing effort to tackle sexual harassment in Pakistan.

542. For its part the Ministry of Women Development has initiated work on a Code of Conduct for Gender Justice at the Work Place. It aims at creating environment free of harassment for workingwomen.

States parties should establish or support services for victims of family violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counseling.

Services to ensure the safety and security of victims of family violence, including refuges, counseling and rehabilitation programmes.

543. The concept of rehabilitation and psychological support for victims of family violence is still catching on in Pakistan. The Government's response has been to establish crisis centers for women (see para 16 above). The quality of care provided in these centers is being improved with shelter homes being established in them to provide women victims of violence and their minor children shelter until they are able to find alternate accommodation.

544. The staff of these centers is fairly competent, however it cannot be called "specially trained" in rehabilitation and counseling. Lack of financial resources and appropriate trainers is a major constraint.

545. A number of shelter homes or refuges are also operated by the provincial governments and the NGOs.

States parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control.

546. The extent to which couples jointly agree on starting a family or adding to a family is not documented. Generally the more educated couples start a pregnancy after mutual consultation. However in the less educated segments of the population such consultation is not frequent with the result that at least some women become pregnant against their wishes. Reliable data on this issue is not available. The solution to this problem, like many others, is the spread of education. The increasing use of contraceptives will also lessen the numbers of women who become pregnant against their wishes. Details of the fertility control facilities in Pakistan have already been given in Chapter XII, paras 34 - 43.

547. Under the laws in Pakistan termination of a pregnancy can take place through abortion only if the life of the mother is in danger.

States parties should ensure that services for victims of violence are accessible to rural women and to isolated communities.

548. Of the present three crisis centers for women, two are in rural areas. Rural women can also seek help from crisis centers in the urban areas.

Measures to protect them from violence should include training and employment opportunities and monitoring employment conditions of domestic workers.

549. At present there is no mechanism for monitoring the situation of domestic workers. Domestic workers are among the most vulnerable and exploited class of workers in developing countries including Pakistan. Theoretically they can seek redress under various provisions of the Pakistan Penal Code should they suffer abuse. However in practice adoption of such a course of action is costly and difficult. The Social Security Ordinance does afford a measure of protection to the domestic worker. Section 55-A makes an employer liable for medical care of the domestic servant. Medical care includes general practitioner care, specialist care in hospitals, essential pharmaceutical supplies, hospitalization where necessary including in cases of pregnancy and confinement and pre-natal and post-natal care. It is doubtful if domestic servants or their employers are aware of these rights.

States parties should report on the risks to rural women, the extent and nature of violence and abuse to which they are subject, their need for and access to support and other services and the effectiveness of measures to overcome violence.

550. Pakistan is still largely a rural country. Nearly 68% of the population lives in rural areas. The social indicators of the rural population generally lag behind those of the urban population. Most crimes including those against women therefore take place in the rural setting. However there is no mechanism at present to regularly record the incidence and nature of violence against rural women. As stated earlier the Ministry of Women Development is in the process of rectifying the shortcomings in data collection.

Criminal penalties where necessary and civil remedies in cases of domestic violence.

551. There is at present no specific section in the Penal Code to deal with “abuses in the family” or domestic violence. It can be argued that the penal code affords protection in all cases and in all settings, including the family. However the Ministry of Women Development will take up this matter with the concerned Ministries of the Government to see if this matter can be better dealt with either through administrative actions or through legislation.

Legislation to remove the defense of honour in regard to the assault or murder of a female family member.

552. The Criminal Law (Amendment) Act, 2004 has been enacted specifically to combat so-called honour killings (see para 25, Chapter XV).

Rehabilitation programmes for perpetrators of domestic violence.

553. The Government is at present not conducting any rehabilitation programmes for perpetrators of domestic violence. One reason is lack of resources. There is also insufficient appreciation of the value of psychiatrist support to the perpetrators of domestic violence and there is in any case a severe shortage of trained psychiatrists in Pakistan.

Support services for families where incest or sexual abuse has occurred.

554. Like most societies discussion of sexual abuse in the family, particularly incest is taboo in Pakistan also. Such crimes are generally hushed up. Families, which suffer this abuse, are not likely to come forward and seek support. However the crisis centers and the various shelter homes being run by the Government and more importantly the NGOs will doubtless provide support to such families or members of such families should they approach these shelters.

Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women.

555. One of the most public and widely covered pronouncements against violence against women was the President of Pakistan's forthright condemnation of honour killings in April 2000 and February 2004. The press regularly highlights cases of violence against women. This serves two purposes, on the one hand it creates awareness and on the other it creates an abhorrence of this phenomenon. The relevant government machinery, particularly the Ministry of Information and Media Development through its radio and TV programmes and the Ministry of Education through its curricula, are engaged in trying to bring a positive change in societal attitudes concerning the roles and status of men and women in the society.

The reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures.

556. The issue of legal, preventive and protective measures has been covered earlier. The issue of effectiveness needs to be addressed here. It appears that whatever measures the Government has taken to control violence against women have not yet begun to make an impact. There are a number of reasons for this. The Government needs to do more. The measures need to be in place for a longer time. The competence of the police and judiciary to deal with the problem needs to be enhanced. The attitude of the society needs to change including that of the women themselves. Many women accept the abuse they suffer at the workplace or at home without demur. Part of the reason is lack of awareness of their rights. But a big reason is also lack of confidence in the police and other concerned agencies to provide redress.
