



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fifth periodic report of Pakistan\*

1. The Committee considered the fifth periodic report of Pakistan (CEDAW/C/PAK/5) at its 1751st and 1752nd meetings (see CEDAW/C/SR.1751 and CEDAW/C/SR.1752), held on 12 February 2020. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/PAK/Q/5, and the responses of Pakistan are contained in CEDAW/C/PAK/RQ/5.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/PAK/CO/4/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group on the fifth periodic report. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Secretary, Ministry of Human Rights, Rabiya Javeri Agha, and included representatives of the Women Development Department of the Government of Sindh, the Ministry of Human Rights and the Permanent Mission of Pakistan to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's fourth periodic report in undertaking legislative reforms, in particular the adoption of the following:

(a) Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act and the Criminal Law (Amendment) (Offences relating to Rape) Act, both in 2016;

(b) Juvenile Justice System Act, which establishes a programme of diversion for juvenile offenders, in 2018;

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\* Adopted by the Committee at its seventy-fifth session (10–28 February 2020).



(c) Act No. XIII of 2018, the Transgender Persons (Protection of Rights) Act, which recognizes the right of persons to choose their gender identity and prohibits discrimination against and harassment of transgender and intersex persons;

(d) Elections Act of 2017, which seeks to ensure equal access for women to voting registration;

(e) Acid and Burn Crime Act of 2018, which criminalizes the misuse of corrosive substances and provides for treatment, rehabilitation, legal support and protection for victims of acid and burn attacks.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or operationalization of the following:

(a) National action plan for human rights, in 2016;

(b) National Human Rights Commission, in 2015;

(c) United Nations Sustainable Development Cooperation Framework for Pakistan, in 2018.

6. The Committee also welcomes the fact that the State party ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016.

### **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Pakistan and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly and the provincial assemblies, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

### **E. Principal areas of concern and recommendations**

#### **Withdrawal of declaration made upon accession to the Convention**

9. Notwithstanding the detailed explanations given by the delegation, the Committee remains concerned about the State party's reluctance to withdraw its declaration made upon accession to the Convention that "The accession by the Government of the Islamic Republic of Pakistan to the Convention is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

10. **The Committee urges the State party to strengthen its efforts towards the expeditious withdrawal of its declaration made upon accession to the Convention.**

#### **Devolution of powers**

11. The Committee expresses concern with regard to the impact of the eighteenth amendment to the Constitution (2010) on the overall governance of the State party and its implementation of the rights enshrined in the Convention. It notes that the devolution of power and policymaking authority on issues related to the advancement of women from the federal Government to the provinces may pose challenges to the implementation of the Convention in a coherent and consistent manner throughout the State party.

12. **Recalling its previous concluding observations (CEDAW/C/PAK/CO/4, para. 12), the Committee underlines the responsibility of the federal Government in ensuring the full implementation of the Convention, including by providing guidance to the provincial governments. It recommends that the State party set standards and establish an effective coordination mechanism aimed at ensuring the transparent, coherent and consistent implementation of the Convention throughout its territory.**

#### **Women and peace and security**

13. The Committee commends the State party for the deployment of 24 women peacekeepers to different United Nations peacekeeping missions and for the deployment of the first all-Pakistani female engagement team to serve in a United Nations peacekeeping mission. However, the Committee is concerned about the lack of a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security. It is further concerned that, notwithstanding the State party's efforts to increase the participation of women in national and international peace processes, women remain underrepresented in conflict prevention and peacebuilding processes, as well as in transitional justice and national reconciliation processes.

14. **The Committee recommends that the State party adopt a national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of women's civil society organizations from the different provinces, and ensure that the plan:**

(a) **Takes into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019);**

(b) **Incorporates a model of substantive equality that, in line with the Convention, will have an impact on all aspects of women's lives and will address gender-based violence against women and intersecting forms of discrimination against women, in particular women with disabilities and Ahmadi, Christian, Dalit, Hindu, Roma, Sheedi and Sikh women and girls;**

(c) **Ensures the participation of women, including those belonging to ethnic and religious minorities, in peace, transitional justice and reconciliation processes, in particular with regard to the elaboration and implementation of the national action plan;**

(d) **Integrates gender-responsive budgeting, sets out indicators for the regular monitoring of its implementation and provides for accountability mechanisms.**

**Definition of discrimination against women**

15. The Committee notes with appreciation the information provided by the delegation that the State party is in the process of amending article 25 of the Constitution in order to expand the definition of discrimination against women and girls. It remains concerned, however, about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention.

**16. The Committee, in line with articles 1 and 2 of the Convention, its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, on ending all forms of discrimination against all women and girls everywhere, recommends that the State party:**

**(a) Amend article 25 of the Constitution and adopt, without delay, a comprehensive definition of discrimination against women in its Constitution, covering all internationally recognized prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, including intersecting forms of discrimination against women;**

**(b) Ensure that legislation prohibiting discrimination against women provides for appropriate enforcement mechanisms and sanctions.**

**Visibility of the Convention**

17. The Committee welcomes the development and operationalization of the Human Rights Information Management System, under which the provincial governments are responsible for implementing and monitoring human rights obligations related to women and girls. However, it notes with concern the limited visibility and lack of awareness of the Convention and the Committee's concluding observations and general recommendations among the general public and legal professionals in the State party, as well as the absence of cases in which the Convention has been invoked in court.

**18. The Committee recommends that the State party:**

**(a) Raise awareness of the Convention, in collaboration with the media and civil society, with particular emphasis on the concept of substantive equality;**

**(b) Strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and other law enforcement officials and ensure that the Convention, the Optional Protocol, the Committee's general recommendations and views on individual communications and its findings from inquiries are made an integral part of systematic professional training, so as to enable those receiving the training to apply the provisions of the Convention directly and/or interpret national legislation in line with the Convention.**

**Access to justice**

19. The Committee welcomes the State party's efforts to increase access to justice for women and girls. It further welcomes the establishment, in 2017, of the first gender-based violence court in the Lahore High Court, which has dealt with 123 cases involving gender-based violence against women, and the establishment of 16 family courts in the District Headquarters of Punjab. The Committee notes that, in the Alternate Dispute Resolution Act of 2017, parallel legal systems and informal dispute resolution mechanisms, including jirgas and panchayats, are formally recognized, incorporated into the mainstream judicial system and subjected to judicial and administrative oversight. The Committee remains concerned that these systems may discriminate against women and girls. It also remains concerned about the limited

awareness among women and girls of their rights, as well as the physical and economic barriers that they face in accessing justice.

20. **Recalling its previous concluding observations (CEDAW/C/PAK/CO/4, para. 16) and its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that parallel justice systems and informal dispute resolution mechanisms are consistent with the Convention and do not discriminate against women;**

(b) **Raise awareness among the general public to give preference to judicial remedies over informal dispute resolution mechanisms when denouncing violations of women's rights;**

(c) **Eliminate barriers in the physical and built environment, communication barriers and economic barriers to access to justice for women and girls by ensuring the availability of modern and accessible information and communications technologies and by using the media, including social media, to raise awareness among women and girls of their rights and the remedies available to them, in cooperation with civil society and women's associations;**

(d) **Strengthen the judicial system, including through the allocation of sufficient human, technical and financial resources and through regular capacity-building on women's rights and gender equality for judges, prosecutors, lawyers, police officers and other law enforcement officials.**

#### **National machinery for the advancement of women**

21. The Committee commends the State party for the development and operationalization of the Human Rights Information Management System. It further commends the work of the National Commission on the Status of Women. However, it remains concerned that, since the adoption of the eighteenth amendment to the Constitution and the devolution of powers in the area of women's rights, governance challenges continue to exist in the integration and coordination of policies aimed at the advancement of women. The Committee remains concerned about the lack of capacity and resources allocated to the provincial commissions and the women's development departments, which may prevent them from fulfilling their mandate as provincial machinery for the advancement of women. The Committee further notes with concern the limited human and financial resources available to the National Commission on the Status of Women to fulfil its broad mandate to promote and protect women's rights and gender equality.

22. **In line with target 5.a of the Sustainable Development Goals and recalling its previous concluding observations (CEDAW/C/PAK/CO/4, para. 18), the Committee emphasizes the responsibility of the federal Government in ensuring the full implementation of the Convention throughout its territory, including at the provincial level. It recommends that the State party:**

(a) **Raise awareness about the existence and functions of the Human Rights Information Management System, particularly among civil society organizations, and ensure its accessibility;**

(b) **Ensure that the devolution of powers does not adversely affect women's advancement in all spheres of life and that federal institutions, such as the National Commission on the Status of Women, are fully equipped to effectively coordinate and oversee the formulation and implementation of gender equality policies and programmes and the prioritization of women's rights in development strategies throughout the territory of the State party;**

(c) **Amend the Code of Civil Procedure (Act V of 1908), with a view to ensuring that recommendations made by the National Commission on the Status of Women are taken into consideration in the formulation of relevant legislation, policies and programmes;**

(d) **Institutionalize an inter-provincial coordination mechanism and allocate adequate human, technical and financial resources to the provincial commissions and the women's development departments;**

(e) **Ensure that the National Commission on the Status of Women has adequate human, technical and financial resources to fulfil its mandate.**

#### **National human rights institution**

23. The Committee is concerned that the National Commission for Human Rights is not yet compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

24. **The Committee recommends that the State party:**

(a) **Ensure that the National Commission for Human Rights is in full conformity with the Paris Principles;**

(b) **Strengthen the mandate of the Commission and enable it to investigate complaints about violations of women's rights;**

(c) **Provide the Commission with adequate human and financial resources to carry out its mandate throughout the territory of the State party;**

(d) **Encourage the Commission to apply for accreditation by the Global Alliance of National Human Rights Institutions.**

#### **Women human rights defenders**

25. The Committee is concerned about reports that women human rights defenders and political activists are frequently subjected to reprisals, harassment and threats. It also notes with concern that the procedure for non-governmental organizations to obtain foreign funding lacks transparency and is cumbersome and applied in a discriminatory manner.

26. **The Committee recommends that the State party ensure that women human rights defenders and political activists are able to exercise their political rights and receive adequate protection from intimidation, reprisals and violence, and that perpetrators of such acts are prosecuted and adequately punished. It also recommends that the State party review the procedure for non-governmental organizations to obtain foreign funding and ensure that they can freely carry out their advocacy work.**

#### **Temporary special measures**

27. The Committee notes with concern that the State party does not make systematic use of temporary special measures, in accordance with article 4 (1) of the Convention, in order to accelerate the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged in the State party.

28. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt temporary special measures with time-bound targets, including quotas, accompanied by sanctions for non-compliance, to accelerate the achievement of substantive equality of women and men in all areas in which women, including rural women, migrant and asylum-seeking women and women with disabilities, are underrepresented or disadvantaged, such as in political and public life, in education and employment, including in managerial positions, and in the public service;**

(b) **Conduct capacity-building programmes, targeting decision makers and employers, on the non-discriminatory nature of temporary special measures for achieving substantive equality between women and men.**

#### **Stereotypes and harmful practices**

29. The Committee is concerned about persistent discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, exacerbated by the religious divisions in the State party, which perpetuate women's subordination to men. In particular, it is deeply concerned about the persistence of harmful practices that discriminate against women, such as child marriage and forced marriage, and crimes committed in the name of so-called "honour" ("karo-kari").

30. **Recalling its previous concluding observations (CEDAW/C/PAK/CO/4, paras. 21 and 22) and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party adopt a comprehensive strategy to eliminate discriminatory stereotypes and harmful practices, such as child and forced marriage and crimes committed in the name of so-called "honour" ("karo-kari"), which includes awareness-raising and education targeting the general public, parents, religious and community leaders and the media, in collaboration with civil society and women's organizations, on the criminal nature and harmful effects of such practices.**

#### **Gender-based violence against women**

31. The Committee notes with concern:

(a) The fact that marital rape is not recognized as a criminal offence under the Criminal Law (Amendment) (Offences relating to Rape) Act, 2016;

(b) The high prevalence of gender-based violence against women and the social acceptance of domestic violence, underreporting of gender-based violence against women and impunity for perpetrators;

(c) The lack of awareness of and training in relation to gender-based violence against women and girls among judges, prosecutors, police officers and medical personnel to enable them to respond effectively to such cases in a gender-sensitive manner;

(d) The insufficient number and capacity of shelters for women and girls who are victims of gender-based violence, and the lack of medical and psychological rehabilitation services for them;

(e) The lack of data on the number of protection orders issued and on the related rate of compliance.

32. **Recalling the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19,**

and its previous concluding observations ([CEDAW/C/PAK/CO/4](#), para. 22), the Committee recommends that the State party:

- (a) **Adopt legislation to criminalize all forms of gender-based violence against women, including domestic violence and marital rape, without exemptions;**
- (b) **Adopt a national plan of action to combat all forms of gender-based violence against women, with a particular focus on domestic violence;**
- (c) **Introduce systematic capacity-building for judges, prosecutors, police officers and other law enforcement officials on the strict application of criminal law provisions for gender-based violence against women and on gender-sensitive investigation procedures, and introduce mandatory training for medical personnel;**
- (d) **Ensure the availability of inclusive and accessible shelters for women who are victims of violence throughout its territory and strengthen medical and psychological support services as well as legal counselling and rehabilitation services, for victims, by providing adequate funding, training staff and regularly monitoring those services;**
- (e) **Systematically collect and analyse data on all forms of gender-based violence against women, disaggregated by age, region, disability and relationship between the victim and perpetrator, as well as data on the number of protection orders issued, on prosecutions and on the sentences imposed on perpetrators, and include such data in the next periodic report.**

#### **Trafficking and exploitation of prostitution**

33. The Committee welcomes the efforts by the State party to combat trafficking in persons, in particular women and girls, including through international cooperation. The Committee further notes with appreciation the adoption in 2018 of the Prevention of Trafficking in Persons Act and of the Prevention of Smuggling of Migrants Act. The Committee notes with concern, however:

- (a) The high incidence of trafficking in women and girls for sexual exploitation and forced or bonded labour, including enslavement as domestic workers;
- (b) The fact that the State party remains a country of origin, transit and destination of trafficking for the purpose of forced marriage;
- (c) The absence of an inter-ministerial mechanism to coordinate action against trafficking at the national level;
- (d) The absence of a national action plan to combat trafficking;
- (e) The insecure funding for non-governmental organizations running shelters and providing support services to victims of trafficking;
- (f) The vulnerability of women to trafficking, in particular of women living in poverty, unemployed women, rural women and women with disabilities.

34. **The Committee recommends that the State party:**

- (a) **Ensure the effective enforcement of the Prevention of Trafficking in Persons Act and of the Prevention of Smuggling of Migrants Act, including through systematic training for judges, prosecutors, border police, immigration authorities and other law enforcement officials, and strengthen labour inspections, in particular in sectors employing seasonal workers and in private households;**

- (b) **Ensure that victims have access to inclusive and accessible shelters and support services, including psychosocial assistance, and effective redress;**
- (c) **Strengthen collaboration with the forced marriage units of countries from/to which girls and women are trafficked for the purpose of forced marriage, and ensure their prompt return;**
- (d) **Ensure that cases of trafficking are effectively investigated and prosecuted and that those found guilty are adequately punished;**
- (e) **Expedite the establishment of a specialized inter-institutional mechanism coordinating action against trafficking at the national level, and allocate adequate human, technical and financial resources to it;**
- (f) **Accelerate the adoption of a national action plan to combat trafficking in persons and provide information on its results in its next periodic report;**
- (g) **Increase funding for non-governmental organizations running shelters that provide medical, psychological and social reintegration services to victims of trafficking;**
- (h) **Continue to raise awareness about the criminal nature and risks of trafficking in women and girls, provide training to the judiciary, law enforcement officers and border police on the early identification of women and girls who are victims of trafficking, and ensure that victims are referred to appropriate services;**
- (i) **Provide training on gender-sensitive treatment of trafficking victims to the judiciary, law enforcement officials, social workers and medical professionals working with victims of trafficking;**
- (j) **Ensure the collection of disaggregated statistical data on internal and cross-border trafficking, on the number of criminal proceedings initiated, and on the sentences imposed on perpetrators of trafficking-related crimes, and include such data in the next periodic report.**

#### **Equal participation in political and public life**

35. The Committee notes that the Election Commission of Pakistan developed a strategic plan for the period 2014–2017 to promote the participation of women in political life. However, it reiterates its concern:

- (a) That the level of participation of women in political and public life is low, especially in decision-making positions and in provincial and local administrations, as well as in the diplomatic service;
- (b) That only 22 per cent of seats in the National Assembly are reserved for women;
- (c) That discriminatory stereotypes regarding the roles of women and men in the family and in society result in the forced disenfranchisement of women and prevent them from running for election;
- (d) That the level of participation of women in the judiciary in the higher courts is low and that there are no women judges in the Supreme Court (CEDAW/C/PAK/CO/4, para. 25).

36. **In line with article 4 (1) of the Convention and the Committee's general recommendations No. 23 (1997) on women in political and public life and No. 25, the Committee calls upon the State party to:**

(a) Amend its Electoral Law to increase the minimum quotas for the representation of women in the National Assembly, the provincial assemblies and the Senate to at least 30 per cent, in accordance with international standards;

(b) Establish a procedure for women to file complaints about forced disenfranchisement and adopt the draft bill submitted by the Election Commission of Pakistan, requiring re-polling in elections in which women's votes account for less than 10 per cent of all votes cast;

(c) Conduct awareness-raising activities on the importance of the participation of women in decision-making;

(d) Take targeted measures, including temporary special measures, such as the preferential recruitment of women in cases of equal qualifications, to increase the number of women judges in the higher courts and ensure the appointment of women to the Supreme Court.

### **Nationality**

37. The Committee notes that article 25 of the State party's Constitution guarantees the equality of its citizens. It is concerned, however, that section 10 of the Citizenship Act of 1951 provides that the conditions for Pakistani women to transmit their nationality to foreign spouses are stricter than those for Pakistani men.

38. **The Committee recommends the State party amend section 10 of the Citizenship Act of 1951 with a view to bringing it into full compliance with article 9 of the Convention by enabling Pakistani women to transmit their nationality to a foreign spouse on an equal footing with Pakistani men. Furthermore, the Committee invites the State party to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### **Education**

39. The Committee commends the State party for its efforts to increase access by women and girls to all levels of education. It is, however, concerned that:

(a) According to government statistics, an estimated 22.8 million children aged between 5 and 16 years are out of school, including 12.6 million girls;

(b) Girls with disabilities and girls living in rural areas have only limited access to education owing to insufficient investments in education, lack of accessible facilities and parents' preference to enrol their daughters in girls-only schools, especially at the secondary level, which are often not available in rural areas;

(c) The primary-to-secondary retention rate of girls is 52 per cent.

40. **The Committee recommends that the State party:**

(a) **Enact legislation and take all necessary measures to increase school enrolment among girls and reduce their dropout rate, especially at the secondary level, by, inter alia, holding parents (or guardians) responsible for school attendance, formulating re-entry policies to enable young women to return to school after pregnancy and adopting programmes for the retention of girls in the education system;**

(b) **Develop and integrate into school curricula: (i) inclusive and accessible content on gender equality, including on women's rights, and positive portrayals of women in public life, and (ii) age-appropriate education on sexual and reproductive health and rights, including comprehensive sexuality education**

for adolescent girls and boys, with a particular emphasis on responsible sexual behaviour;

(c) **Strengthen and monitor measures to encourage girls' enrolment, attendance and retention in schools and their reintegration if they drop out, particularly at the secondary and tertiary levels and with a focus on girls living in poverty, girls living in rural areas, pregnant girls and adolescent mothers, by eliminating the direct costs and reducing the indirect costs of education.**

### **Employment**

41. While noting many positive initiatives undertaken, such as the Benazir Income Support Programme, and legislation adopted at the provincial level, the Committee notes with concern:

(a) The stark gender pay gap in the State party of 34 per cent, which is more than double the global average;

(b) The very low labour force participation rate for women (23.9 per cent);

(c) The high concentration of women in the informal economy, particularly in the agriculture sector, where they are not covered by labour law and social security programmes, including minimum wage protection, overtime compensation and maternity leave;

(d) The lack of reliable data on the number of women who are employed, including home-based women workers, women domestic workers, unpaid women care workers, women with disabilities and refugee women;

(e) The very low level of participation of women in senior and middle management positions in 2018 (4.2 per cent);

(f) The very low percentage of women entrepreneurs (an estimated 1 per cent of entrepreneurs).

42. **The Committee recommends that the State party:**

(a) **Effectively enforce the principle of equal pay for work of equal value, especially in the private sector, in order to narrow and close the gender pay gap;**

(b) **Promote equal sharing of family and care responsibilities between women and men by introducing flexible working arrangements, increasing the number of childcare facilities and introducing innovative measures to increase the social acceptance of men taking care of their children and of women choosing to return to work following childbirth;**

(c) **Promote the transition of women from the informal to the formal economy and extend labour protection and social security coverage, including the planned pension scheme and the universal health insurance system, to women employed in the informal economy, and reduce unemployment among women by promoting their entry into the formal economy through measures that include vocational and technical training;**

(d) **Continue to enhance gender-informed data collection systems for women's employment statistics, particularly with regard to home-based women workers, women domestic workers, unpaid women care workers, women with disabilities and refugee women;**

(e) **Consider ratifying the Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization;**

(f) **Promote the participation of women in managerial and leadership positions, including through measures such as quotas or fast-track selection processes for women.**

### **Health**

43. The Committee commends the State party for the adoption of the National Vision 2016–2025 for Coordinated Priority Actions to Address Challenges of Reproductive, Maternal, Newborn, Child, Adolescent Health and Nutrition and its action plan. However, it notes that the action plan fails to specify indicators, targets and budgetary commitments for its implementation. Furthermore, the Committee notes with concern:

- (a) The high maternal mortality rate in the State party;
- (b) Women’s limited access to family planning services, including modern contraceptives;
- (c) Restrictive abortion laws and the large number of women resorting to unsafe abortions, as well as the lack of adequate post-abortion care services;
- (d) The high incidence of obstetric fistula in the State party, resulting from prolonged obstructed labour in the absence of skilled birth attendance, as well as iatrogenic fistula, resulting from surgical negligence during caesarean section or hysterectomy;
- (e) The subjection of women with disabilities, in particular those living in institutions, to forced sterilization, and the performance of gender reassignment surgery on intersex persons for the purpose of legal gender recognition and victims’ limited access to justice.

44. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party ensure the implementation of the National Vision 2016–2025 and its action plan, with clear, time-bound targets, and establish a permanent body to coordinate and monitor their achievement. Furthermore, the Committee recommends that the State party:**

- (a) **Improve women’s access to health-care facilities and to medical assistance provided by trained personnel, especially in rural and remote areas, and ensure the adequate allocation of human and financial resources to the health sector in all provinces and the accessibility and safety of all health services for women and girls;**
- (b) **Strengthen its efforts to reduce the high rate of maternal mortality and ensure access to affordable modern contraceptive methods throughout the State party;**
- (c) **Review its abortion legislation with a view to legalizing abortion in cases of rape, incest, threat to the life or health of the pregnant woman or severe fetal impairment, and with a view to decriminalizing it in all other cases, and prepare guidelines to ensure that women and girls have access to safe post-abortion care;**
- (d) **Address the high incidence of obstetric fistula and the physical and economic barriers resulting in women’s limited access to antenatal, delivery and postnatal care;**
- (e) **Ensure that perpetrators of forced sterilizations are prosecuted and adequately punished, prevent unnecessary gender reassignment surgery in law and in practice, identify and eliminate the barriers preventing victims from**

**gaining access to justice and ensure that they have access to effective reparation, including compensation.**

#### **Rural women**

45. The Committee notes with appreciation the recent adoption of the Enforcement of Women's Property Rights Act of 2019. However, it remains concerned about the persistence of discriminatory customs and practices that prevent women from inheriting or acquiring land and other property. The Committee is also concerned about the difficulties faced by rural women in gaining access to health care and other basic services, and to education and decision-making processes at the community level.

**46. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Effectively implement the Enforcement of Women's Property Rights Act of 2019, increase women's access to land through inheritance, purchase or distribution of state land, and protect women's land ownership;**

(b) **Eliminate discriminatory practices and customs that prevent rural women from acquiring and inheriting property, including from using land, and from participating in development projects as decision makers and beneficiaries;**

(c) **Strengthen access by rural women to health care and other basic services, including education, promote their participation in decision-making and involve them in the design, development, implementation, monitoring and evaluation of all relevant policies and strategies.**

#### **Disadvantaged groups of women**

47. The Committee notes with concern:

(a) The persistence of discriminatory stereotypes faced by women and girls belonging to ethnic minority groups, in particular Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls, who are sometimes the victims of abduction and forced conversion;

(b) The insufficient information and data on the situation of women facing intersecting forms of discrimination, including women with disabilities and Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls.

**48. The Committee recommends that the State party:**

(a) **Address intersecting forms of discrimination against women and girls belonging to ethnic and religious minority groups, in particular Ahmadi, Christian, Dalit, Hindu, scheduled caste, Roma, Sheedi, and Sikh women and girls;**

(b) **Provide information, disaggregated by sex, age, disability, ethnicity, religion and geographical location, collected through the Human Rights Information Management System, on women facing intersecting forms of discrimination in its next periodic report.**

#### **Marriage and family relations**

49. The Committee remains concerned about the existence of multiple legal systems with regard to marriage and family relations. It welcomes the enactment of the Hindu Marriage Act in 2017, as well as of other family and personal status laws in the Sindh, Balochistan and Punjab provinces. The Committee further welcomes the information provided by the delegation that the State party is currently preparing a marriage bill

for Sikhs. However, it notes the delays in the adoption of a bill to amend the Christian Marriage Act and the Christian Divorce Act. The Committee notes with concern:

- (a) That child marriage and forced marriage persist in the State party;
- (b) That the minimum age of marriage for women is 16 years, while it is 18 years for men;
- (c) That polygamy is permitted by law under certain circumstances;
- (d) That in cases of non-consensual divorce, only women petitioners are required to prove grounds for divorce in court, and that the support to be provided in the event of divorce is not harmonized for the different religious groups;
- (e) That women are still required to apply for guardianship of their children in the event of the death of the father.

**50. The Committee recommends that the State party expedite the adoption of a bill to amend the Christian Marriage Act and the Christian Divorce Act and of the marriage bill for Sikhs. It further recommends that the State party:**

- (a) Adopt a bill to amend the Child Marriage Restraint Act to set the minimum age of marriage at 18 years for both sexes without exceptions throughout the State party;**
- (b) Amend the Penal Code to make offences related to forced marriage cognizable and continue raising awareness among all communities and at all levels about the criminal nature and harmful effects of child and forced marriage on the education, health and development of girls;**
- (c) Amend the Muslim Family Laws Ordinance and take all necessary measures to discourage and prohibit polygamy and to ensure the protection of the economic rights of women in existing polygamous marriages;**
- (d) Ensure that the family laws of the different religious communities provide for financial protection for women upon divorce in the form of equal levels of marital support and equitable shares in matrimonial property;**
- (e) Amend or repeal all discriminatory provisions in laws that provide for unequal rights of women with respect to marriage, divorce, guardianship, inheritance and property.**

#### **Data collection**

51. The Committee is concerned about the lack of statistical data disaggregated by sex, age, ethnicity, religion, disability, geographical location and socioeconomic background, which are necessary to accurately assess the situation of women, determine the magnitude and nature of discrimination, develop informed and targeted policies and systematically monitor and evaluate the progress made towards the realization of substantive equality between women and men in all areas covered by the Convention.

**52. The Committee calls upon the State party to develop capacity-building measures to improve the collection of data disaggregated by sex, age, ethnicity, religion, migration status, disability and other relevant factors, which are necessary to assess the impact and effectiveness of policies and programmes aimed at enhancing the enjoyment by women of their rights. In this regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women.**

**Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

53. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

**Beijing Declaration and Platform for Action**

54. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

**Dissemination**

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the National Assembly, the provincial assemblies and the judiciary, to enable their full implementation.

**Technical assistance**

56. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

**Ratification of other treaties**

57. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

**Follow-up to the concluding observations**

58. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 32 (a), 32 (b), 34 (a) and 40 (a) above.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Preparation of the next report**

59. **The Committee requests the State party to submit its sixth periodic report, which is due in February 2024. The report should be submitted on time and cover the entire period up to the time of its submission.**

60. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).**

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