

Brief on Women and Human Rights in Pakistan

Briefing Note - Input for UNIFEM's Submission to UN Human Rights Council in Preparation for Universal Periodic Review of Pakistan Report 2008

Islamabad, 6 February 2008

Pakistan is a State Party to the UN Charter, the UDHR (1948), and several UN Treaties and Conventions, *inter alia*, the Convention on the Rights of the Child (CRC, in 1990) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, in 1996), in addition to various ILO Conventions, including C100 and 111. The Government of Pakistan (GoP) has also endorsed the Declarations and Programmes of Action of several of the UN summits and conferences of the 1990s, the most pertinent being those on Human Rights (ICHR, Vienna, 1993), Population (ICPD, Cairo, 1994), Women (FWCW, Beijing, 1995), Social Development (WSSD, Copenhagen, 1995), and Food Security (WSFS, Rome, 1996), amongst others.

Similarly, it can be reiterated that the 1973 Constitution of Pakistan is a remarkable document: (i) it was adopted by universal consensus amongst all political parties, including the religious right; and (ii) it guarantees the protection of fundamental principles of human rights and freedoms, particularly those of equality of women. It also makes specific provision for affirmative action for the promotion and exercise of women's rights, e.g. reserved seats in the legislatures and quotas in employment: "Steps shall be taken to ensure the full participation of women in all spheres of national life".

The work between Government and civil society to ensure implementation of policy and legislative areas is instrumental and there are encouraging signs in this direction in Pakistan. Amongst others, the Ministry of Women's Development (MoWD) is currently collaborating with CSOs in consultations for the formulation of a Policy on Home-Based Women Workers, and for women's participation in the political process, in the context of the forthcoming General Elections in February 2008 with facilitation by UNIFEM. The Planning Commission used a participatory and consultative approach in its preparation of the Mid-Term Development Framework (MTDF, 2005-10) and its Vision 2030 document (2007). Both these documents contain strong gender elements and are very encouraging signs setign the ground for effective implementation

In 2007 Pakistan presented its initial, second and third report to the CEDAW Committee in NY and the Committee issued specific Concluding Comments on which the Government is to report in April 2009

An inter ministerial process lead by the Ministry of Women Development aimed at strengthening, coordinating and monitoring specific implementation by relevant line ministries as well as a joint collaboration with civil society organization and in particular women's organization, is currently undergoing and being supported by international organization – UNIFEM amongst others – through provision of technical advice and support to this process.

The CEDAW Concluding Comments highlight the following

While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report.

Amongst this it identifies specific legislative reform to be done to address discriminatory provisions such as: *The Committee calls upon the State party to undertake a comprehensive and systematic review and revision of all discriminatory legislation, including the Citizenship Act of 1951, the Law of Evidence of 1984 and the Hudood Ordinances of 1979, without delay and with time-bound targets, in order to achieve full compliance with all the provisions of the Convention and the Committee's general recommendations, in consultation with civil society, including women's organizations.*

Amongst others, the issue of violence against women is identified as another focus area with indication of specific actions to be taken. In particular:

The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address all forms of violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to ensure that the Qisas and Diyat law has no application in cases of violence against women, especially crimes committed in the name of honour, and to adopt the Bill on Domestic Violence, within a clear time frame, in order to ensure that women and girls who are victims of violence have access to protection and effective redress and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, in particular law enforcement personnel, the judiciary and health service providers, to ensure they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to include, in its next report, data on all forms of violence against women disaggregated by rural and urban areas.

Issues such as situation of women in the field of formal and informal work are also identified:

The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken, including legislation, programmes, monitoring mechanisms and remedies, and their impact on realizing equal opportunities for women.

Support is being provided in the drafting of a policy on home based women's workers (as mentioned above) and support to its implementation and link to other policies being developed such as for example the National Employment Policy to which UNIFEM and other organization have provided specific gender inputs with positive response and insertion by the Ministry of Labor.

Specific attention is given to rural needs and their capacity to access rights envisaged in the CEDAW.

The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they are empowered in participating in decision making processes and have access to health care, education, clean water and sanitation services and the means and opportunities for economic survival, including access to land.

Ongoing joint and participatory processes are to be extensively and effectively supported by the international community and in particular the UN system providing support to the Ministry of Women Development and relevant key line ministries in ensuring commitment and implementation through a phased approach.