Discrimination Lingers On… II

Shadow Report on the issues faced by Minority Women
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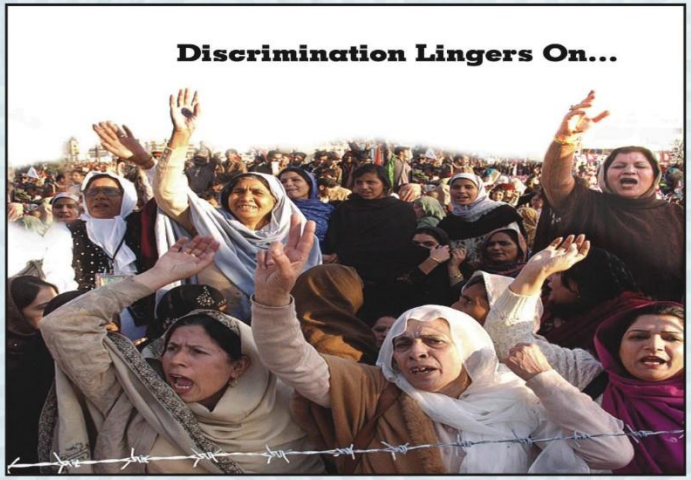

Discrimination Lingers On… II[1]

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[1] The number refers to the first CEDAW Shadow report of CSOs in 2007, https://pcmr.pk/portfolio-item/cedaw-csos-shadow-report-2007/. The Centre for Social Justice (CSJ) is grateful to the endorsing CSOs, team members Adan Abid and Sachal D Jacob for the research and analysis under supervision of Peter Jacob, Executive Director CSJ.

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4. Bethak, Khanewal
5. Bytes for All, Islamabad
6. Cecil & Iris Chaudhry Foundation (CICF), Lahore
7. Centre for Legal Aid Assistance and Settlement (CLAAS), Lahore
8. District Development Association, Tharparkar
9. Encourage the Human Development (EHD), Multan
10. Grass-root Organization for Development of Human being (GODH), Lahore
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12. Institute of Development Research and Corresponding Capabilities (IDRAC), Islamabad
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Acronyms

AJK-CSW	Azad Jammu and Kashmir Commission on the Status of Women
CSJ	Centre for Social Justice
CSOs	Civil Society Organisations
ECP	Election Commission of Pakistan
FIA	Federal Investigation Agency
GBV	Gender based Violence
GoP	Government of Pakistan
KP-CSW	Khyber Pakhtunkhawa Commission on the Status of Women
LOI	List of Issues
MoHR	Ministry of Human Rights
NADRA	National Database and Registration Authority
NCSW	National Commission on the Status of Women
PCSW	Punjab Commission on the Status of Women
SCSW	Sindh Commission on the Status of Women
SCP	Supreme Court of Pakistan

Introduction

CSOs acknowledge Pakistan's 5th Periodic Report from 2013 to 2018 under the Convention (CEDAW) that records various endeavors of the Government of Pakistan to promote gender equality, eliminate discrimination and eradicate all forms of Gender-based Violence (GBV).

CSOs appreciate the steps undertaken to improve the legal, socio-economic and political status of women in the country. However, in the wake of persisting GBV, disparity of rights in legal norms; negative social practices; enduring gender gaps in literacy and employment and healthcare, it appears that eliminating all forms of discrimination against Minority Women is still a far-fetched goal.

The CEDAW Committee 4th review suggested the following measures:[2]

> "The Committee recommends that the State party, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) on temporary special measures:
>
> (a) Ensure consistency in the allocation and implementation of quotas aimed at accelerating equality between women and men across the provinces, in particular the civil service employment quotas, and use other temporary special measures as part of a necessary strategy to achieve women's substantive equality in fields such as political participation, health, education and employment, **with a focus on women belonging to minority communities;**
>
> (b) Ensure that the local government system is restored, that the requirement of 33% of seats being reserved for women is retained and **that women from religious minorities are represented in such a system."**

As signatory to a number of conventions, Pakistan is obliged to safeguarding all fundamental rights and freedoms of all persons. In particular, the State party is required to progressively take steps to eradicate all forms of discrimination and violence against women and girls within their jurisdiction through programmes and policy measures [3].

CSOs note with concern that the State Party report (CEDAW/C/PAK/5)[4] and response to LOI (CEDAW/C/PAK/RQ/5) fails to mention any significant compliance or outcomes.

[2] CEDAW/C/PAK/CO/4, Para 20.
[3] Article 3, CEDAW.
[4] Paras 44, 111, 114 about political representation except 177 mention training 250 minority women in home-based skills.

Discrimination against Minority Women: A Case of Triple Jeopardy

Minority women, a majority of whom belong to marginalized socio-economic sections, face three tiered discrimination on the basis of gender, minority (religious identity) and class:

a) Gender-based violence against women is pervasive[5]. The average Pakistani woman continues to have only limited or no access to her fundamental civil, political, social and economic rights - as enshrined under the CEDAW, the Sustainable Development Goal 5.

b) According to the Global Gender Gap Index, Pakistan is ranked 148th out of the 149 countries surveyed[6]. In the areas of health, education, economic and political participation, women substantially lag behind their male counterparts. Socio-culturally constructed norms and practices perpetuate the marginalization, alienation and under-representation faced by all women.

c) Government has taken some steps to safeguards the rights of minority women in marriage laws, for instance, by enacting the Hindu Marriage Act 2017 and the Child Marriage Restraint Act 2019 (Sindh), nevertheless, the systemic discrimination against minority women in other areas remains a challenge.

On account of enduring gender inequality, statutory disparity of rights on the basis of religion and socio- economic marginalization, this report advocates a special focus on minority women in Pakistan that includes measures such as: a) designing and implementing women empowerment packages, b) enacting laws and, c) launching welfare-driven schemes standing as part of the State's affirmative efforts to specifically focus particularly the marginalization on the basis of religion.

The following observations and recommendations seek to provide evidence of the challenges still faced by minority women in Pakistan, and in doing so, support the work of the UN's CEDAW Committee, and the federal/provincial governments of Pakistan.

[5] Punjab Gender Parity Reports 2016, 2017 & 2018, PCSW (https://pcsw.punjab.gov.pk/pgpr).
[6] Global Gender Gap Index 2018' (https://www.dawn.com/news/1452284).

Observations, Recommendations and Questions

I. Minority women: Demography - Census Data

The State party has regrettably withheld the announcement of data concerning population of religious minorities regarding the 2017 census. Although the statistics have been made public to a large extent, the data related to Hindus, Christians and other religious minorities was withheld by the Council of Common Interest till this report. CSOs note with concern that without segregated and accurate data, it is hard for any government to design and implement responsive public policy programmes.

Recommendations for part I:

1. State Party should provide and publically disseminate the population data of minorities in the Census 2017, also explaining the reason behind withholding of the said data.

2. NADRA be engaged to furnish complete information pertaining to the minority citizens particularly minority women holding a National Identity Card as of 31st December 2019, for the past five years.

II. Women and girls affected by internal conflict

Article CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 3: Implementation of the Convention through all available means	Women and girls affected by internal conflict	Para 14: The Committee urges the State party to comply with due diligence obligations under article 2 of the Convention, to: (a) Prevent, investigate and punish GBV by non-State actors in conflict-affected areas, including by adopting specific investigative procedures… as well as institute measures to increase access to justice (c) Conduct without delay an assessment of the impact of the conflict situation in the State party on women and girls and develop a comprehensive strategy for victims of gender-based violence, in line with	Para 25 – 31; Pg. 4 – 5	1. Provide details of internal and external displacement of minority families owing to attacks on minorities and religious places. 2. Work with the governments of Thailand, Malaysia and Sri Lanka to bring back Pakistani minority families, who wish to return to Pakistan. 3. Implement landmark SCP judgment of 19th June 2014 vis-à-vis directives to ensure physical security of

		UNSC resolution 1325 (2000) and the Convention;		minorities, and their economic and psychological rehabilitation.

1. Opportunities for minority women to partake in the cultural life of their communities decrease as a result of attacks on minority settlements and places of worship (Mob Attacks, Joseph colony, Lahore in 2013, Larkana, attack in Temple 2014; Ghotki Mob attack on Hindu business in 2019, Terrorist Attacks on a Church in Peshawar in 2013, Yuhannabad, Lahore attack on churches in 2015, Gujranwala Ahmadi Houses in 2016, Ahmadi Places of worship in 2018).

2. Unsurprisingly, these concerns for physical security, have led thousands of Christian, and Ahmadi families to displace themselves or seek asylum in countries such as Thailand, Malaysia and Sri Lanka facing hard conditions. These countries are not party to UN Convention on Refugees. According to UNHCR[7] there were over 11,000 in Thailand 6,550 in Malaysia asylum-seekers from Pakistan a majority of whom are Christians and Ahmadis.

3. CCPR made a recommendation in 2017 to the government to "Fully implement the judgment of the Supreme Court of 19 June 2014.[8]

Recommendations II:

4. The State Party is recommended to provide detailed information pertaining to protection facilities and security personnel available for the protection of religious places of minority communities.

5. CSOs call upon the government to ensure compliance with the landmark judgment issued by the SCP on 19th June 2014[9] wherein one of the directives specifically requires governments to establish a special Police Force trained for protection of minority places of worship.

[7] https://www.unhcr.org/statistics/unhcrstats/551128679/asylum-levels-trends-industrialized-countries-2014.html
[8] CCPR/C/PAK/CO/1 - Para 34, (f).
[9] PLD 2014 SC 699.

III. Constitutional and legislative framework and access to justice

Article CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	5th State Party Report	**CSOs recommendation**
Article 2: Obligation to Eliminate Discrimination Article 15: Equality before the Law	Constitutional and legislative framework and access to justice	Para 16. The Committee calls upon the State party: (a) To include in its Constitution and/or in other relevant legislation provisions prohibiting all forms of direct and indirect discrimination against women, including sanctions, in line with Art. 1 of the Convention (and in line with Art. 25 of the Constitution), and repeal all discriminatory law. (c) To ensure the effective enforcement of existing legislation aimed at protecting women and at eliminating discrimination against them, such as the Prevention of Anti-Women Practices Act (2011);	Para 49 – 53; Pg. LOI: CEDAW/C/PAK /Q/5, para 19. Also Reply LOI: CEDAW/C/PAK /RQ/5 – para. 2.	1. Through an advisory opinion of the country's SCP or otherwise, provide a definition of 'legitimate rights' to the Committee (Ref. Article 36 of the Constitution of Pakistan). 2. Define, prevent and punish discrimination in the domestic law. Repeal discriminatory provisions of the Constitution. 3. Constitute an empowered Implementation Committee on the recommendations of judicial inquiry of the Gojra incident in 2009, Inter alia legislative review of the blasphemy laws in order to stop abuse.

6. The State party is obliged to ensure that all domestic laws are free from discrimination as defined under UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, 1981 as any act of "exclusion, restriction or preference based on religion or belief, by purpose or effect nullify or impair the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis".

7. The CSOs note with concern the enduring institutionalized discrimination faced by minority citizens (men and women) under the Constitution of Pakistan, 1973, in particular, Articles 41(2) and 91(3) that bar non-Muslim citizens from holding the offices of the President and Prime Minister respectively. As a result of this constitutionally sanctioned discrimination, against non-Muslim women and men are barred from holding the above mentioned offices.

8. Furthermore, Article 31 assigns the Government freedom to impose the Islamic way of life, Article 203E (4); prohibits non-Muslim lawyers from pleading cases in the Federal Shariah Court, and Article 260 (3) defines religion(s) of citizens in narrow brackets.

9. Furthermore, Article 36, part of the section on the Principles of Policy, stipulates equality of rights of minorities with 'legitimacy'. No definition or explanation of what purports to be 'legitimate' has been provided anywhere. Importantly, Article 36, dealing with rights of the minorities, this is the only proviso where the term "legitimate rights", has been used in the Constitution of Pakistan.

10. According to data collected by CSJ, at least 83 women have been accused under the blasphemy laws since 1987, some of whom are still facing trial in detention. Among these, 37 were Christian, an equal number Muslim women, 6 Ahmadi, 2 Hindu and one woman who was burnt alive before her religious identity could be ascertained. 58 women who faced this trauma lived in Punjab, 16 in Sindh, 3 in Khyber Pakhtunkhwa provinces and 6 were situated in federally administered areas.

11. The CSOs also note with regret the continually pervasive use/abuse of blasphemy laws in Pakistan partly due to lacunae within the framework of substantive and procedural law provisions under Sections 295 B, 295 C, and 298 A, B and C of Pakistan Penal Code. The recommendations of the judicial inquiry (See annexure) of the Gojra incident in 2009[10], the tragedy involved six Christians burnt alive and 140 houses were destroyed after an alleged blasphemy.

Recommendations III:

It is recommended that the State Party:

12. Amend the constitution with a view of removing disparity of rights and discrimination on the basis of religion or belief, and provide a definition of 'legitimate interests' to the Committee.

13. Provide information regarding the number of women currently incarcerated or being tried under blasphemy charges.

14. Set up an empowered Implementation Committee on the recommendations of judicial inquiry of 2009.

[10] https://www.punjab.gov.pk/system/files/Inquiry_Report_on_Gojra_Incident_2009_0.pdf

IV. National machinery for advancement of women

Relevant Article of CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation in brief - full version below.**
Article 3: Implementation of the Convention through all available means Article 4: Temporary Special Measures	National machinery for advancement of women	Para 18.The State party: (a) Ensure that the devolution of powers does not adversely impact the advancement of women 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 programs and the prioritization of women's rights in development strategies, in line with the Convention, across the territory of the State party; (c) Ensure that the National Commission on the Status of Women has adequate human, technical and financial resources to fulfill its mandate, including by establishing provincial commissions on the status of women and by ensuring that its recommendations on legislation, policies and programmes are considered without delay by the relevant governmental body.	35 and 197. NCSW is an independent statutory body that has complete financial and human resource independence and autonomy. NCSW hires its own functionaries independently and its budgetary allocations are granted by the Ministry of Finance as per its own requirements. Similarly, Provincial Commissions on the Status of Women access required budgets for their respective programs and plans. 23	1. NCSW set-up Minority Women's Rights Cells within their respective administrative set-ups. 2. Encourage NCSW, PCSW, KP-CSW, AJK-CSW and SCSW to conduct researches into the status of minority women, including, *inter alia*, in areas of economic and political participation, access to health and educational services, justice etc. 3. Punjab updates the existing database on gender parity, by inserting a section on the relative status of minority women. 4. Key findings of the Minority Survey be made publically accessible, and research methodology be shared to build confidence about process/ outcomes. 5. Other Provincial Commissions also conduct similar surveys focusing minority women and girls.

15. Reference to Para. 197 of the State Party report, no formal statutory Commission or Council for Minorities has been established hence the minority women are deprived of an institutional protection.

16. The State party submissions, has been providing inaccurate claims about establishment of a National Commission for Minorities in the past.[11] CSOs reiterate the fact that no such statutory Commission exists within national and provincial level machinery.
17. According to a research report, 'A Long Wait for Justice' - a five-year compliance analysis of the SCP's aforementioned judgment, to date, an overall level of 24 percent compliance had been achieved.[12]

18. While CSOs appreciate the efforts of the State vis-à-vis establishing a machinery for the advancement of women's rights, it is equally important to acknowledge that within government-funded developmental work (including, research, legislative development, social protection schemes) a targeted focus on minority women is still missing.

Recommendations IV:

19. That the State Party ensures that the NCSW have access to adequate financial, human and technical resources to set-up Minority Women's Rights Cells within their respective administrative set-ups.

20. Encourage NCSW, PCSW, KP-CSW, AJK-CSW and SCSW to conduct additional researches into the status of minority women, including, *inter alia*, in areas of economic and political participation, access to health and educational services, justice etc. Moreover, disaggregated data by religion be provided against the number of women who have availed any of the services and facilities provided by all Women Development Departments and CSW (federal and provincial).

21. That the PCSW updates the Gender Management Information System[13] – an online database of governmental statistics pertaining to gender parity, by providing a separate section on the relative status of minority women across its thematic areas of focus in order to generate concrete evidence.

[11] **1.** Pakistan's voluntary pledges and commitments, 2012. http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/486, Para 11,. **2.** Pakistan's voluntary pledges and commitments, 2017, Para 12, **3.** https://undocs.org/A/72/88, Para 110-112, CERD/C/PAK/20, State Party Report on implementation of CERD, 2009, **4.** CERD/C/PAK/21-23. State Party Report on implementation of CERD, 2015, Para 19, **5.** CCPR/C/PAK/1. State Party Report on implementation CCPR, 2016, Para 221.
[12] https://pcmr.pk/portfolio-item/a-long-wait-for-justice-peter-jacob/
[13] http://www.gmis.gop.pk/

22. Acknowledging efforts to conduct a survey of minority women in UN-led research project, "Advancing Women's Economic and Social Well-being" by the Punjab Bureau of Statistics (PBS) during 2018 to, it is requested that key findings of the Minority Survey be made publically accessible through the website, and research methodology be shared to build confidence about the process and outcomes.

23. That other Provincial Commissions on the Status of Women also conduct similar surveys focusing minority women and girls. Collection of this data will enable the government as well as development organizations to have access to a consolidated country-wide picture of the status of minority women.

V. Temporary Special Measures

Relevant Article of CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 4: Special Measures / affirmative actions	Constitutional and legislative framework and access to justice	Para 16 20. The State party, in accordance with Art. 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) on temporary special measures: (a) Ensure consistency in the allocation and implementation of quotas aimed at accelerating equality between women and men across the provinces, in particular the civil service employment quotas, and use other temporary special measures as part of a necessary strategy to achieve women's substantive equality in fields such as political participation, health, education and employment, with a focus on women belonging to minority communities; (b) Ensure that the	**Para 37.** A 10% reserved quota for women in the Civil Services is being maintained and women also compete on general seats as well. Currently, 40% of young officers at Civil Services Academy are women. Sindh enhanced women's employment quota to 15 %. Punjab Fair Representation of Women Act 2014 requires the Punjab Public Service Commission to reserve quota of 15% for women in all public-sector jobs. Regarding representation of 33% women in local governments, the Women	1. Provide additional information to help assess representation of minority women in public sector as well as the trends observable over time, across districts/regions, and within communities. 2. A statutory regulatory body (Rozgar Authority) be instituted to ensure proper implementation of job quotas to supervise and monitor implementation levels for all quotas including , minority-related quotas

		local government system is restored, that the requirement of 33% of seats being reserved for women is retained and that women from religious minorities are represented in such a system.	Commissions and CSOs are pursuing the matter within their respective provinces. **38.** The district governments, women commissions and other relevant organizations closely monitored Local Government Elections, 2015. **Para 102 LOI,** CEDAW/C/PAK/RQ/5 fails to specify number of minority women benefiting from the scholarships, it gives impression that all 4,440,000 mentioned belong to minority faith groups.	

24. CSOs appreciate the fact that public sector employment quotas are available for both, religious minorities (men or women) as well as all women in general, however, no special job quota policy exists particularly for the benefit of minority women.

25. It is stated with regret that no information is provided in the State Report against Committee's recommendations insofar as these specifically focus on women from minority communities, and that the report submitted by the State fails to address the committees concerns about the *"uneven allocation and lack of implementation of quotas for women (10%) and minorities (5%)"* (Para 19).

    Data compiled by CSJ, on Implementation of Job Quota for Religious Minorities In Pakistan[14]", reveals that out of a total strength of 581,240 Federal Government employees in 2017-2018, 2.8% i.e. 16,711 are non-Muslim employees that include;

[14] http://csjpak.org/csj/pdf/Study-implementation-of-Job-Quota-AA.pdf

a sizable number of 15,069 (90.17%) are Christians. A more gendered analysis of the status of minority citizens requires these statistics to be disaggregated by sex and be available for a minimum of at least the past 10 years (2010 – 2020).

26. Reference to the above data, the implementation of a job quota for minorities, remains substantially unimplemented.

Recommendations V:

27. Government of Pakistan provides information regarding grade-wise representation of minority women in the public sector.

28. Introduce enablers in educational quotas to address low literacy and education levels among minorities.

29. Moreover, government departments including the Services and General Administration Departments should ensure that job advertisements in the public sector explicitly mention the applicability of women and minority-related quotas.

30. A statutory regulatory body be instituted to ensure proper implementation of all job quotas to supervise and monitor implementation including, minority-related quotas. This authority should also be equipped with adequate powers, resources and procedures for a referral and redressal mechanism against any grievances, particularly any complaints of faith-based discrimination in the process job advertisement, shortlisting of candidates, and recruitment against posts etc.

VI. Stereotypes, harmful practices and violence against women

Article CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
	Stereotypes, harmful practices and violence against women	Para 22. With its general recommendation No. 19 (1992) on violence against women, the Committee calls upon the State party: (a To ensure the proper implementation of the Prevention of Anti-Women Practices Act of 2011 and other relevant legislation, (c) To strengthen support services for victims of violence, such as counseling and	Para 98 – 104; Pg. 14 – 15	1. The government provides segregated information pertaining to cases of violence against minority women and girls over the past five year. 2. Provide specific information pertaining to how many women from minority communities have availed the range of legal, investigative or rehabilitative services offered in government-run shelters/centers for women and girls.

		rehabilitation services, both medical and psychological; increase the number of shelters.		

31. As a vulnerable group, minority women need special protection from GBV.

Recommendation VI.

32. In this regard, it is recommended that the government provides following information GBV against minority women over the past five years for:

a) No. of cases against specific sections of the Pakistan Penal Code (Particularly, 377, 493-A, 494, 495, 496, 496-A, 498-A, 498-B, 503, 509), Age/ Religious identity of victim, Locale of victim, Religious identity of perpetrator, Number of minority women helped at Dar-ul-Amaans, Crisis Centres and Shelter homes.

VII. Trafficking and exploitation of prostitution

Relevant Article of CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 6: Sexual Exploitation of Women	Trafficking and exploitation of prostitution	Para 24. The Committee urges the State party: (a) To conduct research on the prevalence of internal and international trafficking, including its scope, extent, causes, consequences and purposes, as well as its potential link with bonded labour, domestic servitude and child marriage; (b) To develop and implement a national comprehensive plan on internal and international trafficking in persons based on the findings of the research, with a result-oriented approach, including	Para 105 – 107; Pg. 15-16	1. The Committee to urge the Federal Investigation Agency (FIA) to provide detailed information pertaining to cases of domestic and cross-border trafficking involving minority women to China during 2018-2019. 2. The GoP to establish a formal mechanism to more effectively regulate the actions/inactions at all levels in order to avoid problems such as the solemnisation of illegal marriages, including a crackdown on illegal marriage bureaus or similar establishments that serve to facilitate cross-border bride trafficking of minority women.

		specific indicators and targets, in line with the Convention; (c) To strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders and support services for victims; (d) To conduct nationwide awareness-raising campaigns. (e) To adopt measures for the rehabilitation and social integration of victims of forced prostitution;		

33. The government of Pakistan reported identifying victims at both the federal and provincial level; overall, it identified a total of 14,588 victims, an increase compared with 4,649 victims identified in 2016. Provincial police reported identifying 14,571 victims in 2017, of which 12,133 were women, 2,133 were men, and 107 were children. This represents a significant increase in the identification of women victims compared with the identification of 2,134 women, 2,184 men, and 200 children victims in 2016.[15]

34. The CSOs express their deep concern at recent trends in trafficking of Christian girls/women from Pakistan to China and other countries[16]. According to FIA, 629 girls and women from across Pakistan were transported as brides to Chinese men and taken to China[17].
35. Domestic and prevailing forms of bonded labour, a sizable number of which belong to minority families, face sexual and gender based violence.

Recommendations VII:

36. Combat all forms of trafficking involving minority women in particular by coordinated effort between Police, FIA, Federal Ministry of Interior etc. as well as concerned foreign ministry focusing trafficking of women and girls for the purposes of marriage and/or prostitution.

[15] Trafficking in Persons Report 2018, US State Department (https://www.state.gov/wp-content/uploads/2019/01/282798.pdf)p p.346.
[16] https://time.com/5750385/pakistan-brides-china-trafficking/
[17] https://apnews.com/c586d0f73fe249718ec06f6867b0244e

37. FIA to provide detailed information pertaining to cases of domestic and cross-border trafficking involving minority women. This should include data about victims for the past five years, according to UNGA Resolution 68/268, and harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, Chap. I).

38. Establish a formal mechanism to more effectively regulate the actions/inactions at all levels in order to avoid problems such as the solemnisation of illegal marriages, including a crackdown on illegal marriage bureaus or similar establishments that serve to facilitate cross-border bride trafficking of minority women.

VIII. Participation in political and public life

Article CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 7: Elimination of Discrimination in Political and Public Life	Participation in political and public life	Para 26: (c) Implement awareness-raising activities on the importance of women's participation in decision-making, with the aim to eliminate patriarchal attitudes and stereotypes regarding the roles of women and men in society; (d) Measures to increase the number of women judges in superior courts and ensure appointment of women in the SCP.	39. in the General Elections of 2013. 41. A "Gender and Disability Electoral Working Group" has also been constituted in the ECP Secretariat at the National, Provincial and local levels. Para. 111, CEDAW/C/PAK/5 mentions only one minority woman was represented in the Parliament.	1. Increase reserved seats for minorities in National and Provincial Assemblies. 2. The ECP should amend its rules under the Election Commission of Pakistan Act 2017 making it mandatory for political parties to nominate minorities women on seats reserved for women.

39. There has been no increase in the reserved seats for minorities in the National Assembly (lower house of Parliament), and the four Provincial Assemblies since 1985, even though the number of General Seats have

increased by over 65 percent for the National Assembly and by at least 23 percent in the Provincial Assemblies, resulting in weak and inadequate representation of religious minorities.

Recommendation VIII.

40. CSOs urge the government to take concrete steps to increase the number of seats for minorities, also address the low ratio of Minority Women and girls within the seats reserved for women in the National and Provincial Assemblies.

IX. Education

Article CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 10: Equal Rights to all aspects of Education Article 5: Sex Role Stereotyping and Prejudice	Education	Para 28:The State party ensure that, at the national and provincial levels, coordinated and consistent measures are taken to: (a) Improve the literacy rate of women and girls, reduce and prevent dropouts among girls, especially at the secondary level, formulate re-entry policies enabling young women to return to school after pregnancy, and organize programmes for girls affected by conflict who leave school/university prematurely; (b) Improve the quality of education by providing all teachers with systematic and gender-sensitive training and by conducting a revision of the curriculum and textbooks to remove gender stereotypes; (c) Prevent the occurrence of attacks and threats against educational institutions which undermine the fundamental rights of women and girls, in particular, the right to	Para 123 – 142; Pg. 18-20.	1. Take special measures to address literacy gaps among minority- majority, by removing disparity of opportunities for education. 2. Remove all religiously biased content, incorporate human rights education. 3. Launch a large-scale scholarship programme to encourage minority women in completing their primary, secondary and higher (i.e. undergraduate and post-graduate) studies.

		education, and to ensure that perpetrators of such acts of violence are promptly investigated, prosecuted and punished; (d) Establish a rapid response system whenever there are attacks on educational institutions, in order to promptly repair and rebuild them and replace educational materials so that women and girls can be reintegrated into schools/universities asap.		

Given the fact that the religious minorities are marginalized economic and political field, it is imperative that additional efforts be undertaken by the State party to specifically enable minority women to benefit from the full range of civil, political, social, cultural, economic, linguistic and environmental rights they are entitled to.

The biased education system and hate material towards minority faiths is a further detriment for minority women from enrolling themselves in public sector educational institutes. According to the previous national population census (Latest data not released), the Christian community was 11% behind the average national literacy rate while Hindus and Scheduled Castes were lagging behind by 20 percent.[18] (National Literacy Rate 45%; the literacy rate among Christians 34%, Jati (caste) Hindus 19 %, Scheduled Caste (Dalit) Hindus 17% and among other minorities (Sikhs and others) around 23%).[19] According to more recent data collected by PBS/PCSW, in terms of women's level of educational attainment, for women aged 15 to 64 years, approximately 50% of Minority Women never attended school compared to 39% for women in general.

41. CCPR requested government of Pakistan in 2017 to "Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein.;"[20]

Recommendations IX:

[18] https://www.thenews.com.pk/print/441033-women-in-the-minority
[19] Federal Bureau of Statistics, quoted in Human Rights Monitor, NCJP, 2002-2003 p. 44.
[20] CCPR/C/PAK/CO/1, para 34, C.

42. CSOs call upon all education-related ministries & departments of the GoP to take immediate steps to ensure removal of all forms of hate, derogatory or offensive material against minorities within educational curricula and textbooks taught at primary, secondary and higher secondary levels of schooling.

43. Moreover, that nationwide data be sought against the number of minority women employed in government-run educational institutions as teachers and/or school administrators.

44. CSOs further call for affirmative policy measures to encourage minority girls to enroll in formal educational institutions at all levels of education. To this end, the State party may launch a large-scale scholarship programme to assist minority women in completing their primary, secondary and higher studies.

X. Employment

Relevant Article of CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 11: Employment Article 13: Economic and Social Benefits Article 14: Rural women	Employment / economic and social protection	Para 30. (b) Prepare a plan of action for the protection of women working in other areas of the informal sector, such as agriculture and domestic work, in line with the Convention;	Para. 143 – 152; Pg.	1. Provide data pertaining to female employees in the public sector segregated by religious identity. 2. Provide clarity regarding ratio of minority beneficiaries in claims made by the State Party Report under Para 169, 173 and 177.

45. Due to prevailing prejudices, there are significant limitations on what career options and professional choices are available for women belonging to religious minorities. According to the World Development Indicators 2015, over 50 percent of Pakistan's population is living below the poverty line[21]. A vast majority of minority women belong to low-income group and work in the

[21] World Bank, 2015

informal sector, including agriculture and domestic work. According to one estimate, only two percent join licensed professions such as in the medical or service sector.[22]

46. According to the PCSW, employment rates in Punjab province for minority women aged 24 to 65 years was recorded at 81% compared to 89% for women from majority communities. In another survey conducted by the National Commission for Justice and Peace (NCJP), 43.25% of women stated that they or someone they knew had been discriminated against because of their religion, this included being forced to work on a religious holiday or in wages.

Clarifications

47. Reference to Para 169 of the State Party Report, a clarification is sought as to the ratio of minority women beneficiaries from the Prime Minister's Interest Free Loan scheme.

48. Reference to Para. 173 of the State Party Report, the State Party is requested to specify, minority women from female beneficiaries (53,888), from the agriculture/entrepreneurship loans disbursed during 2014 to 2016.

Recommendations X:

49. It is further recommended that TEVTA launch specific capacity buildings programmes and Skills-based Trainings (SBTs) for underprivileged minority women on a regular basis to equip them with professional and vocational skills to enhance their level of employability as well as broaden the ambit of professional choices accessible to them.

50. Provide data about the number and share of minority women in service in the public sector it is recommended that the State Party provides the requisite data, including data against their basic pay scale and/or nature of job.

51. The State Party institute special measures to introduce a job quota for minority women in Pakistan.

XI. Health

52. According to a survey conducted in 2012[23], the child mortality rate among the Hindu and Christian families was two percent higher than the national ratio. Moreover, in the first five months of 2018 alone, 250 children died as a result of malnutrition in

[22] Peter Jacob. "Women in the Minority". The News. March 2019. (https://www.thenews.com.pk/print/441033-women-in-the-minority).
[23] http://csjpak.org/Life_on_the_margins.pdf)

Tharparkar – a Hindu-majority district.[24] Despite the National Commission for Human Rights and the SCP taking a Suo Moto notice of the situation, the situation in the area remained far from adequate.

53. State party's neglect towards minority areas / settlements (rural areas/katchi abaadis), extreme conditions of poverty and lack of access to mother-child care facilities has led to minority women suffering from an even lower overall health.

Recommendations XI:

54. Health services including reproductive and sexual health should be made available in minority-majority locales and neighborhoods.

55. Launch targeted health and nutrition programmes in minority-concentrated areas / settlement to ensure a better access to health-care.

XII. Marriage and family relations

Relevant Article of CEDAW	**Issue**	Concluding Observations-4th Report (CEDAW/C/PAK/CO/4)	**5th State Party Report**	**CSOs recommendation**
Article 16: Marriage and Family Life	Marriage and family relations	Para 38. (a) To adopt the Hindu Marriage Bill, the Christian Marriage (Amendment) Bill and the Christian Divorce Amendment Bill; (c) To take the necessary measures to ensure that marriage and family cases are efficiently handled and heard by civil courts; (f) Enact legal provisions to ensure that, upon dissolution of marriage, women have equal rights to property acquired during	44. The Government of Pakistan is taking necessary legislative and policy measures to give equitable rights to minority communities in Pakistan. 45. Landmark Hindu Marriage Act,	1. Remove bottlenecks to legislation on Christian Marriage and Divorce in accordance with the safeguards enshrined under Article 16 of CEDAW. 2. Provide information on cases of forced conversions, /marriages, related crimes against minority women. 3. Pass an effective anti-forced conversion law to protect minorities against forced conversion and marriage, and take concrete legal actions to bring

[24] https://www.samaa.tv/news/2018/05/five-more-babies-die-in-tharparkar-death-toll-250-in-five-months/

		marriage, in line with article 16, paragraph 1 (h), of the Convention and the Committee's general recommendation No. 21 (1994).	2017 has been enacted by Parliament of Pakistan on 17th March 2017 which was introduced by Ministry of Human Rights (MOHR).	perpetrators to justice in a timely and efficient manner.

56. CSOs note with regret, the Rules of Business have not been developed and notified under the Hindu Marriage Act 2017 and the Sikh Anand Karaj Act 2017, which hampers implementation.

57. State Report also ignores reporting progress on the Christian Marriage and Divorce Bill 2019 before the Parliament, mainly because little effort has been made to take the supportive sections among the community and CSOs on board[25].

58. In 2019, three private member Bills tabled in the National Assembly by minority parliamentarians received no attention.[26]

59. A Parliamentary Committee on Protection from Forced Conversion was constituted[27], although the said Committee is yet to make any substantive progress, till the filing of this shadow report. Therefore, it is recommended that an update be sought from the State Party regarding any developments in the work of the Committee.

60. CSOs note with regret that despite the reoccurring incidence of forced conversions of Hindu and Christian girls, the federal and/or government(s) has been unable to enact anti-forced conversion legislation. Although, the Criminal Law (Protection of Minorities) Bill prohibiting forced conversions was adopted by the Sindh Assembly in 2016; it was not assented to by the Governor Sindh after pressure from the religio-political parties.

Recommendations XII:

[25] https://www.dawn.com/news/1514913?fbclid=IwAR2cI1DcObKAi0Ow51O04KTV6UEl5LOoghwSiutuk1ZxlabYgf0shGZYnLc
[26] https://pcmr.pk/mro/human-rights-observer-volume-1-issue-2/)
[27] https://dnd.com.pk/csj-welcomes-formation-of-parliamentary-committee-for-protection-from-forced-co/176228?fbclid=IwAR3V0n0YoIfMvvhSuZzU7g3rFeumhNxpBnGRLKNh1oorUsXggt5Fxf7PA1M

61. The CSOs urge the federal MoHR, and the Ministry of Law and Justice to expedite the legislation on the Christian Marriages and Divorce Bill in accordance with the safeguards enshrined under Art. 16 of CEDAW, and elucidated in the judgments in Ameen Masih Vs. Federation of Pakistan (2017) [28] and Rev. Shahid Meraj Vs. The State[29].

62. A law be introduced to govern the marital matters and the family life of smaller communities such as Baha'is, and Kalash living in Pakistan. CSOs urge the government to introduce a common civil code for this purpose.

63. Provides requisite information against the Committee recommendations Para. 38(d) of last periodic report[30] vis-à-vis conducting "research on the extent of the phenomenon of abduction of girls for the purposes of forced conversion and forced marriages" and "developing a comprehensive strategy to address this phenomenon to ensure the effective investigation of cases, prosecutions and punishment of perpetrators as well as the provision of remedies and support services for victims".

64. Conclusively, the CSOs call upon the government to introduce and pass an anti-forced conversion law to protect minority women from forced conversions and forced marriages, and take concrete legal actions to bring perpetrators to justice in a timely and efficient manner.

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[28] PLD 2017 Lahore 610
[29] PLD 2019 SC 280
[30] CEDAW/C/PAK/CO/4