**Alternative Report regarding LOIs and State Reponses – Pakistan**

***Submitted by***

***Shirakat – Partnership for Development, Secretariat MenEngage Alliance Pakistan (15 NGO members) and National Forum for Women living with Disabilities, Pakistan***

***13 January 2020***

We write in advance of the 75th Session of the Committee on the Elimination of Discrimination against Women and its review of the list of issues and state responses by Pakistan as well as Pakistan’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This submission presents some issues not included in LOIs and also addresses LOI 5, 7 and 8 and several paras on people living with disabilities (PWD). The submission is from two alliances in Pakistan – MenEngage Alliance and Forum for Women Living with Disabilities Pakistan.

1. **General Comments**
   1. **Shrinking space for CSOs in Pakistan[[1]](#footnote-1) and protecting women human rights defenders**

As an outcome of Government’s efforts to regulate and mainstream the civil society sector, many organizations have been shut down without informing them of the reason for closure. In 2018, 18 international non-governmental organizations (INGOs) were notified to shut down operations and leave the country within 60 days. These groups were working in the most remote areas and with the most vulnerable sections of the society in Pakistan such as Afghan refugees and women. 11 of these organizations alone employed 6000 local Pakistani staff and had allocated approximately $124 million in aid to assist 8.7 million people throughout Pakistan in 2018. The appeals of more than a dozen other INGOs are still under review.[[2]](#footnote-2) There are strong reasons why the Securities and Exchange Commission of Pakistan should review its decision to bar civil society organizations (CSOs) from doing any political work.

If political work means functioning like a political party and seeking elective offices, a CSO cannot possibly do that. But officials belonging to various branches of the executive have a tendency to prohibit all activities that can have a political purpose. The general impression is that there is little tolerance for organizations that uphold women’s rights.[[3]](#footnote-3)

The curbing down of the sector threatens the civil society with uncertainty and unpredictability. Several social activists faced imprisonment and state repression.

Some provincial governments are making it difficult for NGOs to continue their social development agenda. In Punjab all NGOs have to seek permission from district administration for conducting even a small event, trainings or workshop. KPK Government has made it mandatory for NGOs to get a No Objection Certificates (NOC)[[4]](#footnote-4) from local administration. Civil Society has been key actor working in the areas extending from women’s and children rights to education, health, environmental and other social development thematic areas. Shrinking spaces for civil society will not only hamper the country’s progress in achieving SDGs and National Agenda 2030 but also take away from its citizens’ right to voice their concerns. Many view the restrictions put under the new regulatory policies for NGOs and INGOs as contradiction to country’s international commitments such as ICCPR **(Article 19** which stipulates that everyone shall have the right to hold opinions without interference. And everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice).

Additionally, women human rights defenders must be protected from harm and be enables to pursue their work in safety. In December 2013, the UN General Assembly passed the first resolution focusing specifically on the protection of Women Human Rights Defenders (WHRDs). Building on several prior initiatives, including the 2011 report of the UN Special Rapporteur on Human Rights Defenders (A/HRC/16/44), the General Assembly resolution recognizes the importance of their work, the extraordinary risks that those working on women’s rights and gender issues face, and the need for WHRDs to participate in the design and implementation of gender sensitive protection measures. In her report to UNGA68 (see: [www.un.org/ga/search/view\_doc.asp?symbol=A/68/262](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/262)), the Special Rapporteur on HRDs stressed that, in the context of the post-2015 development agenda, States should:

(a) Ensure that the post-2015 development agenda is guided by internationally agreed human rights principles and standards, both during its development and its implementation, and that it ensures the active and meaningful participation of affected communities and individuals advocating their rights in the implementation of all development goals, and strengthen their capacity to do so;

(b) Recognize the important role of human rights defenders in developing and implementing the post-2015 development agenda in the outcome document, and also recognize the right of defenders to participate in such processes, monitor progress, hold those responsible to account at the national and local levels and be protected from violations in this context.”

**Recommendation:**

* The State makes sure that social activists and CSIs are provided with an enabling environment so that they can continue their human rights based work without fear.
* The State establishes mechanisms for protection of women human rights defenders and provides all relevant support to WHRDs.

**1.2 ILO C190 and possibilities of ratification[[5]](#footnote-5)**

In Pakistan, Protection Against Harassment of Women at the Workplace Act 2010 made harassment of women at work place a criminal offence. Regular, trainee, contract based, volunteer and persons working as domestic help have been provided protection under the Act. In the following years, amendments were made to the Act and the “of Women” words were omitted to extend the protection to all persons at work.

Moreover, under the 18th Amendment, Acts were passed at provincial level to make working spaces more protective for women. This included, The Baluchistan Protection Against Harassment of Women at Work Place Act; Punjab Protection of Women against Violence Act 2016. For the purpose of monitoring the implementation of the Act(s), two significant provisions were made. Each organization is under the obligation of setting up of an Inquiry Committee to respond to the complaints under the Act 2010. This provision was also included in laws made at provincial level (The Baluchistan Protection Against Harassment of Women at Work Place Act). Secondly, ombudsmen have been appointed at federal and provincial level by the Government to oversee the complaints registered under the Act.

Although the country has legislations to eliminate harassment at work place, none of these Acts talk about violence in the World of Work. Moreover, the definition of world of work as presented in C190 has widened the coverage including formal and informal labour and suggests that inclusive, integrated and gender responsive strategies and mechanisms be in place for all persons in the world of work to have access to their right of a world of work free from violence and harassment. The existing laws in Pakistan only partially conform to the C190 recommendations and obligations. It is recommended therefore that Pakistan ratifies the Convention and begins a process of harmonizing laws and regulations with the Convention.

**Recommendation:**

* The State ratifies C190 and subsequently ensures that all State laws conform to the Convention.

**1.3 Gender sensitive financing of SDGs implementation**

The Parliament of Pakistan adopted sustainable development goals (SDGs) as its own national development goals in February 2016. It was later aligned with Pakistan’s development framework Vision 2025 and the Ministry of Planning, Development and Reform established a coordination mechanism with the federating units. [[6]](#footnote-6) In 2016, 3 SDG Units were established; one at Prime Minister Secretariat, the second with Speaker National Assembly and the 3rd at Planning Commission. The first two units were allocated PKR 55 billion (USD 356 million) in the form of prime minister’s SDG programme (PKR 30bn (approx. 194 million USD) and Rs 12.5 bn (80.5 million USD) each for clean drinking water for all and electricity for all. The budget however was not gender sensitive and it was not clear what level of funding was budgeted for women’s rights.

**Recommendation:**

* All financing for achievement of SDGs (programs and projects) allocate at least 40% budget for women and gender sensistive budgeting mechanisms are introduced in all operations of the State. The State must ensure that the Rules of Business of all Government Ministries/Departments/related agencies include instructions for integration of gender responsive budgeting and become part of the Code (EstaCode) which includes all mandates for public officials.

**1.4 Establishing an enabling macroeconomic environment for women’ rights**

IMF was established as a specialized UN Agency like UNESCO, FAO, ILO, IOM and others. Specialized agencies are autonomous organizations working with the United Nations and each other through the co-coordinating machinery of the United Nations Economic and Social Council at the intergovernmental level, and through the Chief Executives Board for co-ordination (CEB) at the inter-secretariat level. Specialized agencies may or may not have been originally created by the United Nations, but they are incorporated into the United Nations System by the United Nations Economic and Social Council acting under Articles 57 and 63 of the United Nations Charter. As a specialized agency of UN, IMF has to conform to all international human rights and women’s rights obligations. In 2017, the UN High Level Panel on Women’s Economic Empowerment established that “Macroeconomic policies are crucial enablers of gender equality because they shape the overall economic environment for women’s economic empowerment.”[[7]](#footnote-7) As such, macroeconomic policy decisions must fall within the scope of review for the CEDAW Committee, especially in light of CEDAW’s recognition that “in situations of poverty, women have the least access to food, health, education, training, and opportunities for employment and other needs”, and particularly pursuant to CEDAW Articles 7, 8, 10, 11, 12, 13 and 14.

In July 2019, the IMF approved a $6 billion, 39-month loan programme with the government of Pakistan, its 23rd since Pakistan became an IMF member in 1950. As each of these programmes have and continue to be attached to macroeconomic policy conditions, macroeconomic decision-making in relation to Pakistan must be considered in the context of strong IMF influence and of other international finance institutions, recalling CEDAW’s recognition in its Preamble that “the eradication of…interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women.” The comment is auspicious as IFI and IFM interventions have a significant impact on women’s rights, therefore this principle should be extended to IFIs and IMF as well.

In general, in particular since the 1980s, these IMF programmes, supported by various World Bank loans as well, have been overwhelmingly based on fiscal consolidation (government policies intended to reduce deficits and the accumulation of debt; austerity), privatization, deregulation of workers’ protection, and enhancing regressive taxation[[8]](#footnote-8) that places the heaviest burden on the poor, all of which disproportionately impact women and has practically foreclosed the possibility of any significant reduction in poverty in Pakistan.

For example, the latest IMF programme, termed “the toughest in Pakistan’s history”,[[9]](#footnote-9) once again considers “decisive fiscal consolidation” to be key in achieving its objectives and includes particular conditions to cut subsidies and increase taxes.[[10]](#footnote-10) The programme is also endorsed by the World Bank, which has explicitly stipulated that further policy loans to Pakistan are dependent on the completion of the IMF program.[[11]](#footnote-11) As a result, the General Sales Tax (GST) has been increased on all household consumption items such as toothpaste and poultry, with GST on edible oil increasing by almost 6%. These items make up a disproportionate amount of women’s consumption baskets, as women carry heavier burdens of domestic and care work. Petrol prices have also risen by 8%, impacting women’s ability to travel in particular as they are more dependent on public transport, of which ticket prices have markedly increased. Together with rising electricity tariffs due to subsidy cuts and privatisation, collectively, these measures have had devastating impacts on household costs, pushing many women back into poverty as well as potentially increasing their time spent on unpaid care work, such as fuel collection. Overall, the national poverty ratio has been projected to increase from 31.3% to 40% by June 2020, representing an increase of 19 million people living in poverty.[[12]](#footnote-12)

In addition to these measures, the central government has shifted some of the burden to meet the IMF’s fiscal deficit targets to provinces. This has resulted in severe cuts to development and social sector spending at the provincial level, adversely affecting job creation, particularly in the public sector where women’s formal labour market participation is disproportionately located, and the provision of public services, which women disproportionately rely on.

In the face of long-standing, rigorous civil society opposition against IMF programmes, the 2019 IMF programme to Pakistan claims to protect the most vulnerable by making provisions to “expand social safety nets, reduce poverty and narrow the gender gap”. Yet, in practice, the programme has resulted in the further ‘targeting’ of an already relatively minute social protection budget. This means that broad-based, often universal social protection programmes aimed at supporting a large part of the population are scaled down to target only the very poor, under the guise of increasing progressivity and sending resources to those who need it most. In practice, this ‘targeting’ is implemented, through very flawed means-testing methods, leaving even the vast majority of intended beneficiaries excluded , as well as large swaths of the population hovering just above poverty levels that are still desperately in need.[[13]](#footnote-13) Furthermore, while fiscal consolidation targets, like the government spending ceiling, were classed as ‘performance criteria’ within the programme, meaning their completion is mandatory for receiving the next loan tranche, the social spending aims were only classed as ‘indicative targets’, meaning their non-completion is less consequential. As a result, in its first review under the loan programme in December 2019, the government reported that spending on cash transfers, health and education each fell short of their targets, while all performance criteria that cut or froze public sector jobs providing crucial services, were observed.[[14]](#footnote-14) Meanwhile, in the context of declining union membership and ever-more limited collective bargaining mechanisms, the programme entirely neglects worker’s empowerment and the need to develop Decent Work that is so crucial for women in particular, leading to the further feminisation of poverty in Pakistan.

Overall, it should be clear that the burden of adjustment is being disproportionately placed on the poorest women and those already most vulnerable to human rights abuses. As a result, we expect that the cumulative impact of Pakistan’s current IMF programme will undermine its ability to fulfil a multitude of its obligations under CEDAW, as has been observed by women’s rights organizations historically through previous IMF loans.

**Recommendations**

* None of the fiscal or monetary policy measures prescribed in the IMF programme have been assessed for their specific gendered impacts. Understanding the government’s capacity constraints to undertake such work, we recommend to the State that they require the IMF, or other multilateral organizations such as UN Women or OHCHR, to conduct rigorous, independent gender impact assessments of all performance criteria, using the newly developed UN Guiding Principles on Human Rights Impact Assessments of Economic Reform Programmes.[[15]](#footnote-15) Where these measures are found to exacerbate gender inequality, as prescribed by internal IMF guidance,[[16]](#footnote-16) the government should renegotiate an alternative policy mix, or alternatively, establish robust mitigating measures that go beyond targeted cash transfer systems.
* Multiple options for expanding fiscal space have been underutilized by the government of Pakistan at the cost of women’s rights. Rather than believing there is no other option but austerity, the government actually has other options to raise the crucial revenue needed without further undermining women’s rights. Under its obligation to use the maximum resources available to fulfill its economic and social human rights obligations, as recently prescribed by UN Women and the ILO,[[17]](#footnote-17) the government should expand social security coverage and contributory revenues, work to eliminate illicit financial flows and pursue more progressive taxes, such as on property, wealth and high incomes, restructure or renegotiate its debt obligations, and apply rigorous gender-responsive budgeting that shifts adjustment burdens away from the poorest and most vulnerable. At the very least, the government should immediately meet the minimum standards of the indicative targets in the IMF programme on social protection, health and education spending.
* In general, women’s rights organisations and civil society at large have not been consulted in the decision-making process relating to the IMF programme, and macroeconomic policy-making as a whole remains opaque. The government should open civil society space specifically in relation to macroeconomic policy-making and ongoing IMF reviews, encourage a national dialogue and inform its citizens more transparently about its fiscal and monetary policy decisions and their impact on women and girls.

**1.5 Protection of Older People’s Rights particularly women**

Pakistan is among one of those 15 countries in the world where people of age 60 and over are more than 10 million. According to United Nations Population Fund, it is estimated that 7% of the total population of Pakistan is over the age of 60 with a figure of 13 million and this figure will rise to 44 million by 2050. Updated gender disaggregated data is not available.

Today only two per cent of older men and women in Pakistan receive a pension. This is by far the lowest percentage in the region (India 28 per cent, Bangladesh 39 per cent, Nepal 56 per cent, Sri Lanka 17 per cent and Afghanistan 10 per cent) (HelpAge International, 2017). Older people receiving a pension are civil servants and those people who worked in the formal sector and contributed to private pensions. Some vulnerable older people are receiving cash transfers, although the overall statistics on this are not available. In the absence of financial support, older people work as highlighted by the 2013–14 Labour Survey conducted by the Pakistan Bureau of Statistics: of all older men and women between the age of 60 and 65, 77 per cent of men and 31 per cent of women work. For the over 65, this percentage decreases to 40 per cent for men and 13 per cent for women.

The gender differences are due to the lower participation of women in the workforce across their life course and the nature of women’s work as reflected in the 1998 Labour Force Survey, which indicates that 61 per cent of older women (60+) are unpaid helpers in the household against only three per cent of older men. In general, older people who are poor in Pakistan continue to work if they can, especially as self-employed workers in the informal economy, and they continue to contribute to household productivity in the absence of social protection and especially non-contributory pensions. Older widows who are not generally able to remarry and have had limited opportunities to earn and save during their lives must often work or depend on family members. A large number of older men and women face age discrimination particularly in lifelong learning, social protection, right to work and other rights.

Pakistan is party to several human rights treaties which talk about the rights of older people. These includes, Covenant on Civil and Political Rights, CEDAW and Covenant on Economic, Social and Cultural Rights. Pakistan is also a signatory to Madrid Plan of Action on Ageing 2002 which calls for older persons to have secure income, access to health care, a safe place to live and an opportunity to participate in the community. Sustainable development goals (SDGs) to which Pakistan is also committed to, envision a world by 2030 that has achieved zero poverty, where all people can live in dignity throughout their lives and free from violence and discrimination. The issue of ageing is directly related to 11 out of 17 SDGs and also reflected clearly in the same. Leave no one behind – a key theme of the SDGs aims at making all development policies and actions inclusive of all people. Under SDG 1, Target 1.3 states “Implement nationally appropriate social protection systems and measures for all”. Globally, the Open-Ended Working Group on Ageing was established by the General Assembly by resolution 65/182 on 21 December 2010 which considers consider the existing international framework of the human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

Governments in Pakistan have also shown progress towards this and Senior citizen Act was passed in province Khyber Pakhtunkhwa in 2014. Government of Sindh and Balochistan also approved senior citizen act in 2016 and 2017 respectively. Punjab has yet to enact a law for older people rights. Most importantly older people still lack a National policy; furthermore there is no law at federal level. A draft national policy and senior citizen bill for Punjab and ICT are pending with respective government departments.

**Recommendations**

* That the State develops a comprehensive laws and policies for protecting the rights of older people.
* That all existing legislation is implemented in true letter and spirit.
* That gender disaggregated data is made available to public to enable them to claim their rights and to policy makers for effective planning.
* That social protection mechanisms include focus on older people.

**2. Comments on State Reply to LOIs**

**2.1 State Reply to paragraph 5 of LOI (CO 14 re UNSCR 1325)**

***LOI 5 and State reply: Enact legislation strictly regulating the trade, sale and possession of small arms and sanction its violations severely***

Research on reported cases of violence against women in Pakistan shows that easy access to and availability of small arms leads to VAW/G and encourages using violent means to settle disputes, perpetuating a culture of violence and destroying peace and social cohesion in the community. This proliferation is a major security challenge as easy availability of small arms and loose implementation of directives to control possessions and use of small arms fuel communal conflict, political instability and pose a threat, to security, to social development and human lives including women and children’s fundamental right to life. **It is not clear from the State reply what steps have been taken by the State to curb proliferation of small arms in the country.**

**Recommendation**

* The State must enact legislation regulating the trade, sale and possession of small arms and sanction its violations severely. It must also ensure that fiscal space and human resources are available and capable of ensuring effective implementation of such legislation.

***LOI 5 and State reply: Please indicate: (a) whether the State party intends to adopt a National Plan of Action on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008)***

Again the State reply is silent on this issue.

**Recommendation**

* The State must take necessary steps to develop a National Plan of Action on SCR 1**3**25 and the process of developing the plan must be inclusive. CSOs in particular women’s rights organizations be consulted and be made part of the process.

**2.2 LOI 7, 8 and 9 and State reply on engaging men and women to end harmful practices and GBV**

Although we recognize efforts undertaken by the State on addressing barriers that Pakistani women face in realizing their full potential, the prevalent situation still needs concerted efforts. Institutional and structural discrimination against women and

girls, such as laws, policies, regulations, programmes, administrative procedures and structures still discriminate against women mainly because the implementers carry the societally constructed patriarchal mindset. Access to basic services such as education, health, employment and access to credit is limited. The situation makes them more vulnerable to violence. Violence carries social and economic costs affecting the society and is a manifestation of gender inequality. Simultaneously, research has evidenced that men and boys who are exposed to or experience violence in childhood are at increased risk of becoming perpetrators of violence against women and girls, thus contributing to intergenerational cycle of violence. The research also confirms that everyone, including men and boys, benefits from the achievement of gender equality and that the negative impacts of gender inequality, discrimination and violence against women and girls are borne by society as a whole. Men and boys, by taking responsibility themselves and working jointly in partnership with women and girls at all levels, are essential to the efforts to prevent and eliminate all forms of discrimination and violence against women and girls. Men can play an important role in preventing and eliminating violence against women and girls, including by challenging gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence. Men can actively support the process of developing and implementing measures that reinforce non-violent actions, attitudes and values. Therefore men and boys, alongside women and girls should be encouraged as agents and beneficiaries of gender equality, to take an active part in efforts to prevent and eliminate all forms of violence and discrimination against women and girls. Additionally men can be effectively involved in developing and implementing policies, programmes and strategies for gender equality and for preventing and eliminating violence against women and girls, and facilitating the actions which make it possible for women and girls to access and exercise their rights.

Several relevant international commitments mention the need for engaging men and boys to achieve gender equality targets such as CEDAW Article 5: *“modify the* ***social and cultural patterns of conduct of men and women****, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on* ***stereotyped roles for men and women*** *(article 5a)”.* The **Report of the Office of the High Commission for Human Rights (OHCHR)** recommends review of promising practices and lessons learned, existing strategies and United Nations and other initiatives to engage men and boys in promoting and achieving gender equality, in the context of eliminating violence against women (A/HRC/38/24). The Resolution 35/10 (Human Rights Council Resolution on engaging men and boys in violence prevention and response) also urges the strategy. Similarly, **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 on harmful practices**  deepens this thinking while specifically recommending ***“that the States parties to the Conventions ensure that any efforts undertaken to tackle harmful practices and to challenge and change underlying social norms are holistic, community based and founded on a rights-based approach that includes the active participation of all relevant stakeholders, especially women and girls.”*** The Joint General Recommendation also notes the importance of mobilizing critical constituencies in these efforts, noting that the ***“most effective efforts are inclusive and engage relevant stakeholders at all levels, especially girls and women from affected communities and boys and men. Moreover, those efforts require the active participation and support of local leaders, including through the allocation of adequate resources. Establishing or strengthening existing partnerships with relevant stakeholders, institutions, organizations and social networks (religious and traditional leaders, practitioners and civil society) can help to build bridges between constituencies”* -** which must always be carried out in ways that centralize the needs and rights of women and girls, per their recommendation noted prior.

Engaging men and boys for positive masculinities through a gender transformative approach, feminist-informed and human rights based approaches is extremely important to address violence against women and girls. Although the State has reported some actions taken in this regard, much more needs to be done for the response to be effective.

**Recommendation**

* The State must take necessary measures to raise awareness of the dividends for gender equality that partnering with men and boys can bring; sensitise policy makers and planners to gender transformative approaches so that hegemonic masculinity generating from patriarchal values and being perpetuated by these values can be transformed. Initiatives must be put in place whereby strategies and programs are developed that promote men’s and boys’ involvement in gender equality and the empowerment of women and girls,

**2.3 LOI 7 Addressing harmful practices – Child Early and Forced marriages**

The Commission on Status of Women Agreed conclusions from 57th session (March 2013) ask state parties to ‘Review, enact and strictly enforce laws and regulations concerning the minimum legal age of consent and the minimum age for marriage, raising the minimum age for marriage where necessary, and generate social support for the enforcement of these laws in order to end the practice of child, early and forced marriage’ followed by Agreed conclusions from 58th session (March 2014):

* ‘ 31. The Commission welcomes international momentum to address the issue of child, early and forced marriage. The Commission recognizes that child, early and forced marriage is a harmful practice, and notes that its continued prevalence, among other factors, has slowed the achievement of several of the Millennium Development Goals for women and girls.’
* ‘(m) Eliminate all harmful practices, including child, early and forced marriage and female genital mutilation, by reviewing, adopting, enacting and enforcing laws and regulations that prohibit such practices, creating awareness around their harmful health consequences and generating social support for the enforcement of these laws.’[[18]](#footnote-18)

There are several other international commitments such as ICPD 1994 calls to end child marriages; Human Rights Council resolution 24/23 “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps” (September 2013) and others.

According to UNICEF database, 3% girl children in Pakistan get married below the age of 15 and 21% get married below 18. While Child Early and Forced Marriages (CFEM) (also a harmful practice) is a human rights violation in and of itself, it also intersects with other rights violations that affect girls and women throughout their lives, including the rights to education, the highest attainable standard of health, and a life free of violence. CEFM threatens the lives and futures of girls and women around the world, robbing them of their agency to make decisions about their lives and preventing their full participation in economic, political and social spheres. Child marriage is also often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. CEFM often result in women and girls attempting to flee their communities or to commit suicide to avoid or escape the marriage.[[19]](#footnote-19)

In Pakistan the Child Marriage Restraint Act 1929 put the age of marriages for girls at 16 years and for boys at 18. There have been efforts by parliamentarians and CSOs as well as Child Rights movement to put legislation in place against CEFM by pushing the age of marriage for girls to 18 also however there has been some resistance from the religious leaders. Nevertheless an Amendment to Child Marriage restraint Act 1929 was passed by the Senate in 2019 but has not been taken up by National Assembly as yet. The Punjab province has also announced proposing a similar amendment. Child Marriage Restraint Act 2013 has been promulgated in Sindh. The challenge will be implementation; the patriarchal mindset still upholds son preference, links women’s bodies with the concept of male honour and considers girls as a burden on household exchequer. Due to social construct of gender roles, the implementers will take action with the prevalent mindset. For effective implementation, the State should partner with civil society .

**Recommendation:**

Pakistan harmonises its laws its existing laws in order to end child early and forced marriages in Pakistan and ensures implementation of laws.

2.4 **Women with disabilities: State response para 7, 10, 22,** 33, 58, 93, 94, 99, 113, 174, 186

In a patriarchal society like Pakistan, the opportunities for women and girls to claim their rights are limited. The situation becomes worse for women and girls with disabilities as neither communities nor state policies are inclusive enough to address the protection needs of women and girls with disabilities. Due to socio-economic, political, economic, cultural and traditional constraints, ratio of violence increases against women/girls who, with and without disabilities are victimized through early child marriages, forced marriage, murder, acid burning, exchange of women to settle disputes, yelling and abuse by spouse, controlling through lack of financial support and other threats. Accessibility to social service delivery outlets – health, education and other services – is limited as most of the buildings are not accessible. Similarly public transportation does not cater to the needs of PWDs severely restricting their mobility.

Despite having ratified the CRPD in 2011, failures in the protection of people with disabilities continue to pose a grave challenge in Pakistan. Discrimination against women and girls with disabilities is exacerbated because of unsupportive and non-inclusive legislation and implementation mechanisms. Most of the women and girls with disabilities do not have their computerized national identity cards (CNIC), a necessary requirement for having access to entitlements and claiming their rights. This is because of complex multi-step procedure to get the CNIC with a disability certificate. The existing laws are not effectively implemented. Therefore, despite having some good pieces of legislation, women, and young girls with and without disability continue to suffer from violence, discrimination and delay or neglect in justice and lack of accessible support services.

According to PDHS 2017-18, 19% of population has some difficulty in either one or more of the six core functional domains - hearing, sight, communication, cognition, walking and self-care. In the de facto household population age 15 and 9% of women and 7% of men have a lot of difficulty or cannot function at all in at least one domain. Quota for PWDs in Government jobs is  2% in KP, Balochistan and ICT, 3% in Punjab and 5% in Sindh; implementations however, is slow and no data is available on actual figures on employment of PWDs in Government jobs.

While all Sustainable Development Goals (SDGs) predicated upon the core principle of: “leave no one behind,” they reference persons living with disabilities 11 times. Therefore, the rights of persons living with disabilities are a significant factor in the achievement of all SDGs. Moreover, related international instruments along with the realization of the fundamental human rights of women with disabilities lies significantly in sustainable development, including social development, incorporating disability mainstreaming. This is particularly crucial for Pakistan, which is a developing country with world’s second lowest Gender Gap statistics and is currently facing several pressing issues, including a widening poverty gap, aftermaths of climate change and environmental depletion, food and water shortages, unemployment and conflict.

Integral to sustainable development within Pakistan is an inclusive gendered approach which leverages on supporting, empowering and fully involving those most at risk, including women living with disabilities, creating a robust enabling environment and good governance, while ensuring transparency and accountability of duty-bearers from the State to the civil society. In 2011, Pakistan ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), the first international human rights treaty expressly dedicated to the respect, protection and promotion of the rights of persons with disabilities. CSOs have consistently demanded equality, non-discrimination, representation, participation, accountability and ultimately, disability mainstreaming; that is, “that all development interventions are planned and implemented in such a way that people with disabilities, their needs, rights and potentials are taken into account on equal terms with those of other population groups”. (CBM, Disability & Development Policy, 2007)

Pakistan is yet to ratify the Optional Protocol to the CRPD which provisions a complaints mechanism – an important safeguard for persons with disabilities against States that do not fully implement and comply with their CRPD obligations.

Often under-discussed in this context, is the experience of female children living with disabilities in Pakistan. The Convention on the Rights of the Child, ratified by Pakistan in 1990, also provisions non-discrimination (Article 2).

**Recommendations**

1. The following recommendations are submitted for women with disabilities:

* That the State ratifies the Optional Protocol to CRPD as soon as possible and makes sure its effective implementation;
* That measures be taken to eliminate discrimination against women with disabilities; making all public buildings accessible; ensuring inclusive education; and making sure that they get access to equal opportunities to realize their full potential;
* That gender disaggregated data is available for planning and programming on PWDs using the functional disability model;
* That all existing legislation is effectively implemented and those in making such as Khyber Pakhtunkhwa Rights Rehabilitation and Empowerment of Persons with Disabilities Bill, 2019 and National Bill ‘Pakistan Disability Act’ are approved and enacted.
* Take special measures to ensure that women and girls in vulnerable situations including women and girls with disabilities can access legal services ;
* That information on the status of implementation and impact of the UN Convention on the Rights of Persons with Disabilities which State Party signed in 2011 is widely shared and comments invited from CSOs electronically so that human rights and women’s rights and disability rights activists can hold duty bearers accountable;
* That the State undertakes measures to address the voting rights of persons with disabilities particularly women with disabilities to participate in voting at elections;
* Ensure that the enrollment of persons with disabilities educational institutions and National Vocational and Training Centers is increased in a proportionate manner;
* The State must adopt relevant measures have to monitor implementation of PWD quota such as establishment and functioning of the enforcement cells for monitoring of implementation at PM and CM Secretariats as promised by the current Government;  and
* The State must adopt measures to: a) making the public transport system accessible to PWDs for facilitating their mobility; and b) making the World of Work accessible and safe to PWDs.

Submitted by Shirakat Partnership for Development – Secretariat MenEngage Alliance Pakistan and the following members:

1. Sukaar welfare Org

2. Movement for Rural Development Org (MRDO)

3. United Youth welfare Org

4. Tal Sparlay (ever green)

5. Youth Association for Development (YAD)

6. Rural Infrastructure and human resource Development Org (RIHRDO)

7. Khpal Kore Organization

8. Visionary Foundation Pakistan

9. The Awakening

10. Khair-un-Nass Tanzeem

11. Sahil

12. SEHER

13. Shirakat-Partnership for Development

14. Rozan

15. Gandhara organization for literacy and Development (GOLD)

In collaboration with National Forum for Women Living with Disabilities and STEP with the following NGO members:

* Special Life Foundation (SLF)
* Special Talent Exchange Program
* Milestone
* Safia Foundation
* Society for Special Persons
* Saaya Association
* Inception
* Created Opportunities
* Collective Alliance for the Rights of Young Girls with Disabilities (CARY)
* Socio Pak
* Krarakaram Disability Forum
* Disabled Welfare Association

1. Sources: https://democracy-reporting.org/civil-society-contribution-pakistan-dri-conference-islamabad/  
   https://www.pakistantoday.com.pk/2017/12/20/civil-society-expresses-concerns-over-shrinking-spaces-for-civil-actions-in-pakistan/  
   https://dailytimes.com.pk/394298/civil-society-issues/  
   <https://www.boell.de/en/2016/09/13/shrinking-civic-space-pakistan>  
   <https://www.geo.tv/latest/214540-squeezing-out-the-ngos-and-ingos-from-pakistan>  
   <https://search.proquest.com/openview/799c48a7709722f8d7a911b3a329a342/1?pq-origsite=gscholar&cbl=616532>  
   <https://www.devex.com/news/as-pakistan-cracks-down-on-ngos-civil-society-questions-next-steps-91840>  
   <https://www.reuters.com/article/us-pakistan-ngos/pakistan-tells-18-international-ngos-to-leave-actionaid-idUSKCN1ME1N3>  
   https://herald.dawn.com/news/1398721 [↑](#footnote-ref-1)
2. <https://www.civicus.org/index.php/media-resources/news/3566-pakistan-global-civil-society-urges-government-to-reverse-closure-order-of-18-human-rights-and-development-groups> [↑](#footnote-ref-2)
3. 1. <https://monitor.civicus.org/country/pakistan/> and

   2. Amnesty International: <https://www.amnesty.org/en/documents/asa33/8366/2018/en/> [↑](#footnote-ref-3)
4. <https://reliefweb.int/report/pakistan/ngos-pakistan-government-restrictions-hamper-campaigns-curb-militancy> [↑](#footnote-ref-4)
5. https://www.refworld.org/pdfid/56c420f34.pdf

   https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\_INSTRUMENT\_ID:312267

   https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11111:0::NO::P11111\_ISO\_CODE:PAK

   https://www.ilo.org/dyn/natlex/natlex4.listResults?p\_lang=en&p\_country=PAK&p\_count=490&p\_classification=05&p\_classcount=20

   https://www.ilo.org/dyn/natlex/natlex4.listResults?p\_lang=en&p\_country=PAK&p\_count=490&p\_classification=03&p\_classcount=6

   https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\_ILO\_CODE:C190

   http://www.na.gov.pk/uploads/documents/1399368475\_218.pdf

   http://courtingthelaw.com/2019/06/10/commentary/anti-harassment-laws-in-pakistan/

   https://pcsw.punjab.gov.pk/protection\_against\_harrassment

   https://www.ilo.org/islamabad/areasofwork/informal-economy/lang--en/index.htm

   https://hamarainternet.org/resources/laws-domestic-violence/

   http://www.lead.org.pk/lead/postDetail.aspx?postid=163 [↑](#footnote-ref-5)
6. Government of Pakistan, Planning Commission, Ministry of Planning and Development, SUSTAINABLE DEVELOPMENT GOALS (SDGS) NATIONAL FRAMEWORK, March 2018 [↑](#footnote-ref-6)
7. UN High Level Panel on Women’s Economic Empowerment, *Taking action for transformational change on women’s economic empowerment*, 2017, p. 3. [↑](#footnote-ref-7)
8. A regressive tax is a tax applied uniformly, taking a larger percentage of income from low-income earners than from high-income earners. It is in opposition to a progressive tax, which takes a larger percentage from high-income earners. [↑](#footnote-ref-8)
9. The Express Tribune, *In Pakistan, million more to fall below poverty line*, December 22 2019. [↑](#footnote-ref-9)
10. IMF, *Request for an extended arrangement under the Extended Fund Facility, Staff Report Pakistan,* July 2019. [↑](#footnote-ref-10)
11. World Bank, *Country partnership strategy for the Islamic Republic of Pakistan for the period FY2015-19*, March 2014, p.iii [↑](#footnote-ref-11)
12. The Express Tribune, *In Pakistan, million more to fall below poverty line*, December 22 2019. [↑](#footnote-ref-12)
13. Kidd, Stephen, *Pro-poor or anti-poor? The World Bank and IMF’s approach to social protection*, Bretton Woods Observer Spring 2018, Stephen Kidd. [↑](#footnote-ref-13)
14. IMF, *First review under the Extended Arrangement under the Extended Fund Facility and Request for Modification of Performance Criteria*, December 4 2019. [↑](#footnote-ref-14)
15. Human Rights Council resolution 40/8, adopted on 21 March 2019. [↑](#footnote-ref-15)
16. IMF, *How to operationalise gender issues in country work*, 2018, paragraph 26. [↑](#footnote-ref-16)
17. UN Women and ILO, Fiscal Space for Social Protection; A Handbook for Assessing Financing Options, 2019. [↑](#footnote-ref-17)
18. http://www.unwomen.org/en/csw/outcomes#57 [↑](#footnote-ref-18)
19. <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx> [↑](#footnote-ref-19)