

REPORT NO. 12

SENATE OF PAKISTAN



REPORT OF THE SENATE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS

On

THE WOMEN (PROTECTION OF RIGHTS) BILL, 2020

PRESENTED BY

SENATOR MUSTAFA NAWAZ KHOKHAR

SENATE SECRETARIAT

REPORT OF THE SENATE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS ON "THE WOMEN (PROTECTION OF RIGHTS) BILL, 2020"

I, Senator Mustafa Nawaz Khokhar, Chairman Senate Functional Committee on Human Rights, have the honor to present the report, on behalf of the Committee, on "**The Women (Protection of Rights) Bill, 2020**" introduced in the House by Senator Seemee Ezdi on her behalf and on behalf of Senator Samina Saeed in its sitting held on 8th June, 2020 and referred to the Senate Functional Committee on Human Rights.


2. The composition of the Functional Committee on Human Rights is as under:-

1.	Senator Mustafa Nawaz Khokhar	Chairman
2.	Senator Prof. Dr. Mehr Taj Roghani	Member
3.	Senator Muhammad Ali Khan Saif	Member
4.	Senator Dr. Jehanzeb Jamaldini	Member
5.	Senator Ayesha Raza Farooq	Member
6.	Senator Raja Muhammad Zafar-ul-Haq	Member
7.	Senator Kamran Michael	Member
8.	Senator Shaheen Khalid Butt	Member
9.	Senator Quratul Ain Marri	Member
10.	Senator Muhammad Tahir Bizinjo	Member
11.	Senator Muhammad Usman Khan Kakar	Member
12.	Senator Keshoo Bai	Member
13.	Minister for Human Rights	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 17th August, 2020 and was attended by the following Members:-

i.	Senator Mustafa Nawaz Khokhar	Chairman
ii.	Senator Ayesha Raza Farooq	Member
iii.	Senator Prof. Dr. Mehr Taj Roghani	Member
iv.	Senator Keshoo Bai	Member
v.	Senator Muhammad Usman Khan Kakar	Member
vi.	Senator Kamran Michael	Member
vii.	Senator Muhammad Ali Khan Saif	Member
viii.	Senator Sherry Rehman	Mover

4. The Committee considered the subject Bill in its meeting held on 17th August, 2020. The Chairman (Committee) apprised that the movers of the bill had requested for the deferment, however, he said that the Ministry of Human Rights has proposed that the bill should not be considered as a similar legislation has already been carried out. The Committee decided that the movers be requested to withdraw and redraft the instant bill and resubmit for further consideration of the Committee. Accordingly, the Committee rejected the Bill in its present form.



(MUGHEES AHMAD SHAIKH)
D.S. / Secretary (Committee)



(SENATOR MUSTAFA NAWAZ KHOKHAR)
Chairman (Committee)

Islamabad, the 31st August, 2020.

~~AS~~
[TO BE INTRODUCED IN THE SENATE]

A

Bill

to provide for the protection of the rights of women at work place in order to have equal access to employment free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organisations of Pakistan

WHEREAS Articles 3, 25, 27 and 34 of the Constitution of the Islamic Republic of Pakistan safeguard the fundamental right of every citizen against exploitation, provide equality to all citizens of Pakistan by stressing upon setting up of special provisions for non-discriminatory and protective environment for women in services and ensures full participation of women in all spheres of national life;

AND WHEREAS Article 2(f) of United Nations Convention on the Elimination of All forms of Discrimination Against Women, 1979 (CEDAW), stipulates that Pakistan being a state party to the convention shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

AND WHEREAS provisions of Goal 5 of the Sustainable Development Goals (SDGs) adopted by Pakistan, aims at addressing gender equality and women empowerment;

NOW THEREFORE It is expedient to enact a law for the provision of ensuring non-discriminatory environment at workplace and protection of the rights of working women in Pakistan effectively so that the purpose of legislation is carried out.

It is hereby enacted as follows:-

1. Short title, extent and commencement. – (1) This Act may be called the Working Women (Protection of Rights) Act, 2020.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. – In this Act, unless there is anything repugnant in the subject or context,-

(a) "child care centre" means such places set up for supervision and care of infants and young children during the working hours when their parents hold jobs;

- (b) "employer" means an organization, any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whosoever and includes;
- (i) an heir, successor or assign, as the case may be, of such person or body;
 - (ii) any person responsible for the direction, administration, management and control of the management;
 - (iii) the authority, in relation of an organization or a group of organizations run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
 - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof;
 - (vi) a contractor or an organization of a contractor including but not limited to the contractors of industrial and agricultural sectors, who or which undertakes to procure the labour or services of employees, for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;

- (b) "employment" means employment in public and private sector organisations of Pakistan and includes permanent, part time, temporary and employment under a contract of services or of apprenticeship; and
- (c) "workplace" means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out.

3. Prohibition on discrimination in employment.- (1) An employer, shall in relation to the recruitment, selection or employment of a person, not discriminate against that person on the basis of sex and marital status.

(2) An employer shall not discriminate against a female employee on the basis of sex and marital status.

4. Equal pay and allowances.- (1) An employer shall pay equal pay and allowances to women and men performing work of equal value.

(2) The burden of proof to establish that equal remuneration has been paid shall rest on the employer.

5. Equal opportunities for trainings, progression and promotion.- The employer shall ensure that the women are given equal opportunities for trainings, progression and promotion at workplace.

6. Maternity and paternity leave.- (1) A female employee shall be entitled to avail ninety days paid maternity leave, outside the leave account, from the date of its commencement or ninety days from the date of her confinement, whichever be earlier.

(2) The husband shall be entitled to have ten days paid paternity leave, from the date of the confinement of his spouse.

(3) The female employees shall also be provided with an additional, a maximum of thirty days unpaid maternity leave, separately from their leave account, if required.

7. Other facilities.- The employer shall make following facilities available for women at workplace:-

- (i) staff room with the provision of prayer place and washroom;
- (ii) provision of separate transport by the employer or reserve seats for women in public transport;
- (iii) provision of work from home facility for a maximum of fifteen days an annum; and
- (iv) child care centres to be set up at workplace.

8. Place of posting.- All female employees shall be posted at the same place of posting or residence of their spouses;

Provided that the posting shall be made in accordance with the wedlock policy of the Federal or Provincial Government as the case may be, or under this Act if such policy is not available.

STATEMENT OF OBJECTS AND REASONS

Women economic empowerment is key to success of a country. This can be understood from the conditions in which women work especially the facilities provided at workplace to avoid intersecting forms of discrimination. Article 2(f) of United Nations Convention on the Elimination of all forms of Discrimination Against Women, 1979 (CEDAW) provides that a state party to the convention shall legislate to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. In this regard Federal Government, pursuant to entry 32 of the Part I of Federal Legislative list of Constitution of Islamic Republic of Pakistan may legislate upon international treaties and conventions.

This Bill aims at provision of protection of the rights of women at work place in order to have equal access to employment, free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organisations of Pakistan.

SENATOR SAMINA SAEED
SENATOR SEEMEE EZDI
 Members in charge

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, DECEMBER 28, 2011

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 28th December, 2011

No. F. 24(9)/2011-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 26th December, 2011, is hereby published for general information:—

ACT No. XXV OF 2011

An Act further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as under:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Law (Second Amendment) Act, 2011.

(2) It shall come into force at once.

(479)

Price Rs. 3.00

[1097(11)Ex. Gaz.]

2. **Amendment of section 332, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the said Code, in section 332, in sub-section (1),—

- (i) after the word “disables” the commas and words, “disfigures, defaces” shall be inserted; and
- (ii) the following explanation shall be added, namely:—

“**Explanation.**—disfigure means disfigurement of face or disfigurement or dismemberment of any organ or any part of the organ of the human body which impairs or injures or corrodes or deforms the symmetry or appearance of a person.”.

3. **Insertion of new sections 336A and 336B, Act XLV of 1860.**—In the said Code, after section 336, the following new sections shall be inserted, namely:—

“**336A. Hurt caused by corrosive substance.**—Whoever with the intention or knowingly causes or attempts to cause hurt by means of a corrosive substance or any substance which is deleterious to human body when it is swallowed, inhaled, comes into contact or received into human body or otherwise shall be said to cause hurt by corrosive substance:

Explanation.—In this sub-section, unless the context otherwise requires, “corrosive substance” means a substance which may destroy, cause hurt, deface or dismember any organ of the human body and includes every kind of acid, poison, explosive or explosive substance, heating substance, noxious thing, arsenic or any other chemical which has a corroding effect and which is deleterious to human body.

336B. Punishment for hurt by corrosive substance.—Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of one million rupees.”.

4. **Amendment of Schedule II, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898) in the Schedule II, after section 336, in Column (1) and the corresponding entries relating thereto in columns (2) to (8) the following shall be inserted, namely:—

"1	2	3	4	5	6	7	8
336B	Hurt caused by Corrosive Substances	Ditto	Ditto	Ditto	Not Compoundable	Life Imprisonment or imprisonment of either description for not less than 14 years and a minimum fine of one million rupees	Ditto."

RAJA MUHAMMAD AMIN,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, DECEMBER 28, 2011

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 28th December, 2011

No. F. 24(12)/2011-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 26th December, 2011, is hereby published for general information:—

ACT No. XXVI OF 2011

An Act further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Law (Third Amendment) Act, 2011.

(2) It shall come into force at once.

(483)

Price: Rs. 3.00

[1098(11)Ex. Gaz.]

2. **Substitution of section 310A, Act XLV of 1860.**—In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the Code, in Chapter XVI, for section 310A, the following shall be substituted, namely:—

“310A. Punishment for giving a female in marriage or otherwise in badla-e-sulh, wanni or swara.—Whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badal-e-sulh*, *wanni*, or *swara* or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.”.

3. **Insertion of new Chapter XXA, Act XLV of 1860.**—In the Code, after Chapter XX, the following new Chapter shall be inserted, namely:—

“CHAPTER XXA

OF OFFENCES AGAINST WOMEN

498A. Prohibition of depriving woman from inheriting property.—Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both.

498B. Prohibition of forced marriage.—Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

498C. Prohibition of marriage with the Holy Quran.—Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of either description which may extend to seven years which shall not be less than three years and shall be liable to fine of five hundred thousand rupees.

Explanation.—Oath by a woman on Holy Quran to remain unmarried for the rest of her life or, not to claim her share of inheritance shall be deemed to be marriage with the Holy Quran.”.

4. **Insertion of new section 402D, Act V of 1898.**—In the Code of Criminal Procedure (Act V of 1898), hereinafter referred to as the said Code, after section 402C, the following new section shall be inserted, namely:—

“402D. Provincial Government not to interfere in sentences of rape.—Notwithstanding anything contained in sections 401, 402 or 402B, the Provincial Government shall not suspend, remit or commute any sentence passed under section 376 of the Pakistan Penal Code (Act XLV of 1860).”.

5. **Amendment of Schedule II, Act V of 1898.**—In the said Code, in Schedule II,—

- (i) for section 310A, in column 1 and the entries relating thereto in columns (2) to (8), the following shall be substituted, namely:—

“1	2	3	4	5	6	7	8
“310A	Giving a female forcefully in Marriage or otherwise in badal-c-sulh, wanni or swara	Shall not arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000/-	Court of Sessions or Magistrate of first class.”.

- (ii) after section 498, in column 1 and the entries relating thereto in column (2) to (8), the following shall be inserted, namely:—

“1	2	3	4	5	6	7	8
“498A	Prohibition of depriving woman from inheriting property	Shall not arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment of either description for a term which may extend to 10 years but shall not be less than 5 years or with a fine of rupees 10,00,000/- or both.	Court of Sessions.
498B	Prohibition of forced marriage	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than three years and a fine of rupees 500,000/-.”	Court of Sessions or Magistrate of first class.
498C	Prohibition of marriage with the Holy Quran	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/-	Ditto.”.

RAJA MUHAMMAD AMIN,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, DECEMBER 2, 2006

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 2nd December, 2006

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 1st December, 2006, is hereby published for general information:—

ACT No. VI of 2006

an Act further to amend the Pakistan Penal Code, the Code of Criminal Procedure and other laws

WHEREAS it is necessary to provide relief and protection to women against misuse and abuse of law and to prevent their exploitation;

AND WHEREAS Article 14 of the Constitution ensures that dignity of man and, subject to law, the privacy of home, shall be inviolable;

AND WHEREAS Article 25 of the Constitution guarantees that there shall be no discrimination on the basis of sex alone and that the State shall make provisions for the protection of women;

AND WHEREAS Article 37 of the Constitution encourages promotion of social justice and eradication of social evils;

(845)

[3578(2006)/Ex. Gaz.]

Price : Rs. 10.50

AND WHEREAS the objective of this Bill is to bring in particular the laws relating to zina and qazf in conformity with the stated objectives of the Constitution and the Injunctions of Islam;

AND WHEREAS it is expedient for the aforesaid objectives further to amend the Pakistan Penal Code (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898), the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939), the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of, 1979), and the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979) and for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Protection of Women (Criminal Laws Amendment) Act, 2006.

(2) It shall come into force at once.

2. **Insertion of new section, Act XLV of 1860.**—In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the said Code, after section 365A, the following new section shall be inserted, namely:—

“365B. *Kidnapping, abducting or inducing woman to compel for marriage etc.*—Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.”.

3. **Insertion of new section, Act XLV of 1860.**—In the said Code, after section 367, the following new section shall be inserted, namely:—

“367A. *Kidnapping or abducting in order to subject person to unnatural lust.*—Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in

danger of being subjected, to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a term which may extend to twenty-five years, and shall also be liable to fine.”

4. **Insertion of new sections, Act XLV of 1860.**—In the said Code, after section 371, the following new sections shall be inserted, namely:—

“371A. *Selling person for purposes of prostitution, etc.*—Whoever sells, lets to hire, or otherwise disposes of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanations.—(a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

(b) For the purposes of this section and section 371B, “illicit intercourse” means sexual intercourse between persons not united by marriage.

371B. *Buying person for purposes of prostitution, etc.*—Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanation.—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.”

422

5. **Insertion of new sections, Act XLV of 1860.**—In the said Code,

after section 374, the following new sections 375 and 376 under sub-heading "Of Rape", shall be inserted, namely:—

"375. *Rape*.—A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,—

- (i) against her will;
- (ii) without her consent;
- (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt;
- (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
- (v) with or without her consent when she is under sixteen years of age.

Explanation.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

376. *Punishment for rape*.—(1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more than twenty-five years and shall also be liable to fine.

- (2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life."

6. **Insertion of new section, Act XLV of 1860.**—In the said Code, in Chapter XX, the following new section shall be inserted, namely:—

"493A. *Cohabitation caused by a man deceitfully inducing a belief of lawful marriage*.—Every man who deceitfully causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief, shall be punished with rigorous imprisonment for a term which may extend to twenty-five years and shall also be liable to fine."

7. **Insertion of new sections, Act XLV of 1860.**—In the said Code, after section 496, the following new sections shall be inserted, namely:—

“496A. *Enticing or taking away or detaining with criminal intent a woman.*—Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

496B. *Fornication.*—(1) A man, and a woman not married to each other are said to commit fornication if they willfully have sexual intercourse with one another.

(2) Whoever commits fornication shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees.

496C. *Punishment for false accusation of fornication.*—Whoever brings or levels or gives evidence of false charge of fornication against any person, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees:

Provided that a Presiding Officer of a Court dismissing a complaint under section 203C of the Code of Criminal Procedure, 1898 and after providing the accused an opportunity to show cause if satisfied that an offence under this section has been committed shall not require any further proof and shall forthwith proceed to pass the sentence.”

8. **Insertion of new sections, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 203, the following new sections shall be inserted, namely:—

“203A. *Complaint in case of Zina.*—(1) No court shall take cognizance of an offence under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine, on oath, the complainant and at least four Muslim, adult male eye-witnesses, about whom the Court is satisfied having regard to the requirement of tazkiyah-al-shahood, that

424

they are truthful persons and abstain from major sins (kabair), of the act of penetration necessary to the offence:

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.

Explanation.—In this section “tazkiyah-al-shahood” means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

- (3) The substance of the examination of the complainant and the eyewitnesses shall be reduced to writing and shall be signed by the complainant and the eye-witnesses, as the case may be, and also by the Presiding Officer of the Court.
 - (4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding, the Court shall issue summons for the personal attendance of the accused.
 - (5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the four or more eye-witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.
- 203B. *Complaint in case of Qazf.*—(1) Subject to sub-section (2) of section 6 of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979), no Court shall take cognizance of an offence under section 7 of the said Ordinance, except on a complaint lodged in a Court of competent jurisdiction.
- (2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine on oath the complainant and the witnesses as mentioned in section 6 of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979) of the act of Qazf necessary to the offence.
 - (3) The substance of the examination of the complainant and the witnesses shall be reduced to writing and shall be signed by the complainant, and the witnesses, as the case may be, and also by the Presiding Officer of the Court.

- (4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue summons for the personal attendance of the accused.
- (5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

203C. *Complaint in case of fornication.*—(1) No court shall take cognizance of an offence under section 496B of the Pakistan Penal Code, except on a complaint lodged in a Court of competent jurisdiction.

- (2) The Presiding Officer of a Court taking cognizance of an offence shall at once examine on oath the complainant and at least two eye-witnesses to the act of fornication.
- (3) The substance of the examination of the complainant and the eye-witnesses shall be reduced to writing and shall be signed by the complainant and the witnesses, as the case may be, and also by the Presiding Officer of the Court.
- (4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue a summons for the personal attendance of the accused:

Provided that the Presiding Officer of a Court shall not require the accused to furnish any security except a personal bond, without sureties, to ensure attendance before the Court in further proceedings.

- (5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.
- (6) Notwithstanding the foregoing provisions or anything contained in any other law for the time being in force no complaint under this section shall be entertained against any person who is accused of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979) and against whom a complaint

under section 203A of this Code is pending or has been dismissed or who has been acquitted or against any person who is a complainant or a victim in a case of rape, under any circumstances whatsoever.”.

9. **Amendment of Schedule II, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II,—

(i) after section 365A in column 1 and entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
365B	Kidnapping, abducting or inducing woman to compel for marriage etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life and fine.	Ditto;

(ii) after section 367 in column 1 and entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
367A	Kidnapping or abducting in order to subject person to unnatural lust.	Ditto	Ditto	Ditto	Ditto	Death or rigorous imprisonment which may extend to twenty-five years and fine.	Ditto;

(iii) after section 371 in column 1 and entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
371A.	Selling person for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment which may extend to twenty-five years and fine.	Ditto
371B	Buying person for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment which may extend to twenty-five years and fine.	Ditto;

(iv) after section 374 the sub-heading "Of Rape" shall be inserted;

(v) for the existing entries relating to section 376 in columns 1 to 8, the following shall be substituted, namely:—

1	2	3	4	5	6	7	8
376	Rape	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Death or imprisonment not less than ten years or more than twenty-five years and fine. Death or imprisonment for life, if the offence committed by two or more persons in furtherance of common intention.	Court of Sessions.

(vi) after section 493 in column 1 and entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
493A	Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable	Rigorous imprisonment which may extend to twenty-five years and fine.	Ditto;

(vii) in section 494 in column 1, in column 3, for the word "Ditto" the words "Shall not arrest without warrant" shall be substituted;

(viii) after section 496 in column 1 and entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
496A	Enticing or taking away or detaining with criminal intent a woman.	May arrest without warrant.	Ditto	Not bailable.	Ditto	Imprisonment of either description which may extend to seven years and fine.	Court of Sessions or Magistrate of the first class;
496B	Fornication	Shall not arrest without warrant.	Summons	Bailable	Not compoundable	Imprisonment which may extend to five years and fine not exceeding ten thousand rupees.	Magistrate of the first class;
496C	False accusation of Fornication	Shall not arrest without warrant.	Summons	Bailable	Not compoundable	Imprisonment which may extend to five years and fine not exceeding ten thousand rupees.	Magistrate of the first class; and

(ix) under the heading, "OFFENCES AGAINST OTHER LAWS" after the last entry in column 1 and entries relating thereto in columns 2 to 8, the following shall be added, namely:—

1	2	3	4	5	6	7	8
Section 5 of Ordinance VII of 1979	Zina.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Stoning to death in case of Muhsan and if not Muhsan whipping not exceeding one hundred stripes.	Court of Sessions
Section 7 of Ordinance VIII of 1979	Qazf	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Whipping numbering eighty stripes.	Court of Sessions.

10. Amendment of section 2, Ordinance VII of 1979.—(1) In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), in section 2,—

- (i) after clause (a), the following new clause (aa) shall be inserted, namely:—

“(aa) “confession” means, notwithstanding any judgement of any court to the contrary, an oral statement, explicitly admitting the commission of the offence of zina, voluntarily made by the accused before a court of sessions having jurisdiction in the matter or on receipt of a summons under section 203A of the Code of Criminal Procedure, 1898 (Act V of 1898)”; and

- (ii) clauses (c) and (e) shall be omitted.

11. Omission of section 3, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), section 3 shall be omitted.

12. Amendment of section 4, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), in section 4, the word “validly” and the explanation at the end of that section shall be omitted.

12A. Insertion of new section, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979); after section 5, the following new section shall be inserted, namely:—

“5A. *No case to be converted, lodged or registered under certain provisions.*—No complaint of zina under section 5 read with section 203A of the Code of Criminal Procedure, 1898 and no case where an allegation of rape is made shall at any stage be converted into a complaint of fornication under section 496B of the Pakistan Penal Code (Act XLV of 1860) and no complaint of fornication shall at any stage be converted into a complaint of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979) or an offence of similar nature under any other law for the time being in force.”.

13. Omission of sections 6 and 7, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), sections 6 and 7 shall be omitted.

14. Amendment of section 8, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), in section 8,—

- (i) the words and comma “or zina-bil-jabr,” shall be omitted; and
- (ii) in the marginal note, the words “or zina-bil-jabr” shall be omitted.

15. Amendment of section 9, Ordinance VII of 1979.—(1) In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979); in section 9,—

- (i) the words “or zina-bil-jabr” shall be omitted;
- (ii) in sub-section (2) the words, “or zina-bil-jabr” shall be omitted; and
- (iii) sub-sections (3) and (4) shall be omitted.

16. Omission of sections 10 to 16, 18 and 19, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), sections 10 to 16 and 18 and 19 shall be omitted.

17. Amendment of section 17, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), in section 17, the words and figure “or section 6” shall be omitted.

18. Amendment of section 20, Ordinance VII of 1979.—In the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979), in section 20,—

- (i) in sub-section (1), the first proviso shall be omitted and in the second proviso, the word “further” shall be omitted;
- (ii) sub-section (3) shall be omitted; and
- (iii) sub-section (5) shall be omitted.

19. Amendment of section 2, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), for clause (a) the following shall be substituted, namely:—

- “(a) “adult”, “hadd” and “zina” have the same meaning as in the Offence of Zina (Enforcement of Hudood) Ordinance, 1979; and”.

20. Amendment of section 4, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), section 4 shall be omitted.

21. Amendment of section 6, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979), section 6, shall be renumbered as sub-section (1) thereof and after sub-section (1) renumbered as aforesaid, the following new sub-section (2) shall be added, namely:—

“(2) The Presiding Officer of a Court dismissing a complaint under section 203A of the Code of Criminal Procedure, 1898 or acquitting an accused under section 5 of the Offence of Zina (Enforcement of Hadood) Ordinance, 1979 (Ordinance VII of 1979); if satisfied that the offence of qazf liable to hadd has been committed, shall not require any proof of qazf and shall proceed to pass sentence under section 7.”

22. Amendment of section 8, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), in section 8, the words, “a report made to the police or” shall be omitted.

23. Amendment of section 9, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), in section 9, for sub-section (2), the following shall be substituted, namely:—

“(2) In a case in which, before the execution of hadd, the complainant withdraws his allegation of qazf, or states that the accused had made a false confession or that any of the witnesses had deposed falsely, hadd shall not be enforced.”

24. Omission of sections 10 to 13 and 15, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), sections 10 to 13 and 15 shall be omitted.

25. Amendment of section 14, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), in section 14, sub-sections (3) and (4) shall be omitted.

26. Omission of section 16, Ordinance VIII of 1979.—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), section 16 shall be omitted.

452

27. **Amendment of section 17, Ordinance VIII of 1979.**—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), in section 17,—

- (i) the first proviso shall be omitted; and
- (ii) for the second proviso, the following shall be substituted, namely:—

“Provided that an offence punishable under section 7 shall be triable by a Court of Sessions and not by or before a Magistrate authorized under section 30 of the said Code and an appeal from an order of the Court of Sessions shall lie to the Federal Shariat Court.”.

28. **Omission of section 19, Ordinance VIII of 1979.**—In the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance No. VIII of 1979), section 19 shall be omitted.

29. **Insertion of new section, Dissolution of Muslim Marriages Act, 1939 (VIII of 1939).**—In the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939), in section 2, after clause (vii), the following new clause shall be inserted, namely:—

“(viiia) *lian*;

Explanation.—*Lian* means where the husband has accused his wife of zina and the wife does not accept the accusation as true.”.

RAJA MUHAMMAD AMIN,
Secretary.

THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010

(IV of 2010)

CONTENTS

- 1. Short title, extent and commencement**
- 2. Definitions**
- 3. Inquiry Committee**
- 4. Procedure for holding inquiry**
- 5. Powers of the Inquiry Committee**
- 6. Appeal against minor and major penalties**
- 7. Ombudsperson**
- 8. Ombudsperson to enquire into complaint**
- 9. Representation to Governor**
- 10. Powers of the Ombudsperson**
- 11. Responsibility of employer**
- 12. Provisions of the Act in addition to and not in derogation of any other law**
- 13. Power to make rules**

SCHEDULE

TEXT

**¹THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE
WORKPLACE ACT, 2010**

(IV of 2010)

[11th March, 2010]

**An
Act**

to make provisions for the protection against harassment of women at the workplace

WHEREAS the constitution of the Islamic Republic of Pakistan recognizes the fundamental right of citizens to dignity of person;

AND WHEREAS it is expedient to make this provision for the protection of women from harassment at the workplace;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Protection against Harassment *of women* at the Workplace Act, 2010.

²[(2) It extends to whole of the Punjab.]

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

- (a) “accused” means an employee or employer of an organization against whom complaint has been made under this Act;
- (b) “CBA” means Collective Bargaining Agent as provided in the ³[Punjab Industrial Relations Act 2010 (XIX of 2010)], or any other law for the time being in force.
- (c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;
- (d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;
- (e) “complainant” means a woman or man who has made a complaint to the “[Ombudsperson] or to the Inquiry Committee on being aggrieved by an act of harassment;

¹This Act was passed by the Parliament; assented to by the President on 9 March 2010; and published in the Gazette of Pakistan (Extraordinary), dated 11 March 2010, pages 63-84.

²Substituted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.3; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

³Substituted for the expressions “Industrial Relations Act, 2008 (IV of 2008)” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.4; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

- (f) “employee” means a regular or contractual employee whether employed on daily, weekly, monthly or hourly basis, and includes an *intern or an apprentice*;
- (g) “employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes –
 - (i) an heir, successor or assign, as the case may be, of such person or, body as aforesaid;
 - (ii) any person responsible for the direction, administration, management and control of the management;
 - ⁵[(iii) the authority, in relation to an organization or group of organizations run by or under the authority of the Government, the Federal Government or any other Provincial Government, appointed in this behalf or, where no such authority is appointed, the head of the organization or group of organizations;]
 - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof;
 - (vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vii) office bearers of ⁶[* * * *] a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
 - ⁷[(gg) “Government” means Government of the Punjab;]
- (h) “harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical

⁴Substituted for the word “Ombudsman” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

⁵Substituted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.4; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

⁶Omitted the words “a department or a Division of” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.4; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

⁷Inserted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.4; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

- (i) "Inquiry Committee" means the Inquiry Committee established under sub-section (1) of section 3;
- (j) "management" means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- (k) ⁸[Ombudsperson] means the ⁹[Ombudsperson] appointed under section 7;
- (l) "organization" means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution;
- (m) "Schedule" means Schedule annexed to this Act;
- (n) "workplace" means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

3. Inquiry Committee.— (1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

⁸Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

⁹Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority.

4. Procedure for holding inquiry.— (1) The Inquiry Committee, within three days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed *ex-parte*; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions *inter alia* shall be followed by the Committee in relation to inquiry:

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;
- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(i) Minor penalties:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and

- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) Major penalties:

- (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) compulsory retirement;
- (c) removal from service;
- (d) dismissal from service; and
- (e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

(5) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee.

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority have been implemented.

(7) In case the complainant is in trauma the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.

(8) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

5. Powers of the Inquiry Committee.— (1) The Inquiry Committee shall have power—

- (a) to summon and enforce attendance of any person and examine him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

(2) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 4.

(3) The Inquiry Committee may recommend to ¹⁰[Ombudsperson] for appropriate action against the complainant if allegations leveled against the accused found to be false and made with *mala fide* intentions.

(4) The Inquiry Committee can instruct to treat the proceedings confidential.

¹⁰Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

6. Appeal against minor and major penalties.— (1) Any party aggrieved by decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an¹¹[Ombudsperson] established under section 7.

(2) A complainant aggrieved by the decision of the Competent Authority may also prefer appeal within thirty days of the decision to the¹²[Ombudsperson].

(3) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

¹³[(4) * * * * *]

¹⁴[(5) * * * * *]

¹⁵**[7. Ombudsperson.—** The Government shall appoint the Ombudsperson on such terms and conditions as may be prescribed.

(2) A person shall be qualified to be appointed as the Ombudsperson who is not less than forty five years of age and—

- (a) has been or is qualified to be a Judge of a High Court; or
- (b) has been in the service of Pakistan in BS-20 or above; or
- (c) is an eminent educationist with not less than four years administrative experience.

(3) The Ombudsperson shall not—

- (a) hold any other office of profit in the service of Pakistan; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services.

(4) The Ombudsperson may appoint such staff as may be required to achieve the purposes of this Act.]

¹⁶[(5) The Ombudsperson shall hold office for a period of four years and shall not be eligible for extension of tenure or re-appointment.

¹¹Substituted for the word “Ombudsman” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹²Substituted for the word “Ombudsman” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹³Omitted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.5; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹⁴Omitted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.5; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹⁵Substituted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.6; and published in the Punjab Gazette (Extraordinary), pages 1959-1960

¹⁶Added by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2021 (I of 2022), published in the Punjab Gazette (Extraordinary), dated: 12th January 2022, pp. 3399, s.2.

(6) The Ombudsperson may resign from office by writing under her hand addressed to the Governor.]

8. ¹⁷[Ombudsperson] to enquire into complaint.- (1) Any employee shall have the option to prefer a complaint either to the ¹⁸[Ombudsperson] or the Inquiry Committee.

(2) The ¹⁹[Ombudsperson] shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice, shall submit written defense to the ²⁰[Ombudsperson] within five days and his failure to do so without reasonable cause the ²¹[Ombudsperson] may proceed *ex-parte*. Both the parties can represent themselves before the ²²[Ombudsperson].

(3) The ²³[Ombudsperson] shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the ²⁴[Ombudsperson] deems proper.

(4) For the purposes of an investigation under this Act, the ²⁵[Ombudsperson] may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the ²⁶[Ombudsperson] is relevant and helpful in the conduct of the investigation.

(5) The ²⁷[Ombudsperson] shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.

¹⁷Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹⁸Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

¹⁹Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²⁰Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²¹Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²²Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

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²⁵Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²⁶Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²⁷Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

²⁸[9. **Representation to Governor.**— Any person aggrieved by a decision of the Ombudsperson under subsection (5) of section 8 may, within thirty days of the communication of the decision, make a representation to the Governor whose decision shall be final.]

10. Powers of the ²⁹[Ombudsperson].— The ³⁰[Ombudsperson] shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of evidence;
- (iii) receiving evidence on affidavits;
- (iv) issuing commission for the examination of witnesses;
- (v) entering any premises for the purpose of making any inspection or investigation, enter any premises where the ³¹[Ombudsperson] has a reason to believe that any information relevant to the case may be found; and
- (vi) the ³²[Ombudsperson] shall have the same powers as the High Court has to punish any person for its contempt.

(2) ³³[Ombudsperson] shall while making the decision on the complaint may impose any of the minor or major penalties specified in sub-section (4) of section 4.

11. Responsibility of employer.— (1) It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct for protection against harassment at the workplace as a part of their management policy and to form Inquiry Committee referred to in section 3 and designate a competent authority referred to in section 4.

(2) The management shall display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the organization and the work place within six months of the commencement of this Act.

²⁸Substituted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.7; and published in the Punjab Gazette (Extraordinary), pages 1959-1960

²⁹Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

³⁰Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

³¹Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

³²Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

³³Substituted for the word "Ombudsman" by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.2; and published in the Punjab Gazette (Extraordinary), pages 1959-1960.

(3) On failure of an employer to comply with the provisions of this section any employee of an organization may file a ³⁴[complaint before the Ombudsperson] and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

³⁵[(4) A person aggrieved by an order under subsection (3) may, within thirty days of the communication of the order, make a representation to the Governor whose decision shall be final.]

12. Provisions of the Act in addition to and not in derogation of any other law.— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

13. Power to make rules.— The ³⁶[* * *] Government may make rules to carryout the purposes of this Act.

³⁴Substituted for the words “petition before the District Court” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.8; and published in the Punjab Gazette (Extraordinary), pages 1959-1960

³⁵Inserted by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.8; and published in the Punjab Gazette (Extraordinary), pages 1959-1960

³⁶Omitted the word “Federal” by the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act 2012 (III of 2013), w.e.f.5.1.2013, s.9; and published in the Punjab Gazette (Extraordinary), pages 1959-1960

SCHEDULE

[See sections 2(c) and 11]

CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE

Whereas it is expedient to make the Code of Conduct at the Workplace etc. to provide protection and safety to women against harassment it is hereby provided as under:—

- (i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;
- (ii) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

Explanation.— There are three significant manifestations of harassment in the work environment:—

(a) **Abuse of authority**

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) **Creating a hostile environment**

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical “hostile environment” claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) **Retaliation**

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

- (iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

- (iv) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;
- (v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
- (vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
- (vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;
- (viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
- (ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
- (x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;
- (xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
- (xii) The harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and

- (xiii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace etc. but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

³⁷[Kindly see end notes for statement of objects and reasons]

³⁷The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. This Act will open the path for women to participate more fully in the development of this country at all levels.

This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Government's commitment to high international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination Against Women and ILO's convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an ³⁷[Ombudsperson] at Federal and provincial levels.

Women's Rights in Pakistan

Status and Challenges



Stakeholders Joint Submission
to UN Human Rights Council:
Pakistan's Universal Periodic Review -14th Session

October 2012

Women's Rights in Pakistan

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A Stakeholders Joint Submission made by Shirkat Gah – Women's Resource Centre on behalf of the following civil society organizations of Pakistan:

Aurat Foundation, HomeNet Pakistan, Bedari, Church of Pakistan - Lahore Diocese, Simorgh Women's Resource and Publication Centre, Sudhar Development Organization, Women in Struggle for Empowerment (WISE), Ittehad Foundation and Women's Organization for Rights and Development (WORD)



شرکت گاہ
Shirkat Gah

Women's Resource Centre

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Edited by Shahina Hanif
Designed by Muhammad Asim
Cover photograph Associated Press (AP)
Printed by Fix Dot Printers
Published by Shirkat Gah - Women's Resource Centre
P.O. Box. 5192, Lahore - Pakistan

E-mail: pubs@sgah.org.pk

Website: www.shirkatgah.org

This publication has been made possible through the generous support of
The Royal Norwegian Embassy.

Contents

List of Acronyms	4
Introduction	5
1. Women's Rights in Pakistan – An Overview	6
2. Women's Political Participation	6
3. Local Government	7
4. Legislation – Status & Implementation	8
5. Violence Against Women	9
6. Home-Based Workers	10
7. Minority Women's Rights	11
8. 'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing	14
9. Inheritance	15
10. Alternate Dispute Resolution Mechanisms	16
11. Early Age Marriage	18
Table: SG recommendations adopted during the UPR Working Group	21

List of Acronyms

CNICs	Computerized National Identity Cards
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
MDGs	Millennium Development Goals
NCSW	National Commission on the Status of Women
NADRA	National Database and Registration Authority
SOPs	Standard Operational Procedures
SG	Shirkat Gah
UN	United Nations
UPR	Universal Periodic Review

Introduction

Human rights are understood to be fundamental rights that all individuals are entitled to simply by virtue of being human beings. These rights are all interrelated, interdependent and indivisible¹, and are guaranteed by international human rights law that comprises of treaties, customary law, general principles and other sources. This legal framework creates duties and obliges governments to both promote and protect the rights of individuals or groups.

The Universal Periodic Review (UPR) is a mechanism of the UN Human Rights Council that aims to improve the fulfilment of human rights across the world through an assessment of the human rights record of all 193 UN member states every four and a half years. Currently, there is no other mechanism of this kind that exists within the international legal framework. Through this review, states are given the opportunity to highlight the steps they have taken in the promotion and protection of human rights while at the same time providing the space to focus on actions that need to be taken to address violations.

This mechanism also provides NGOs and other stakeholders the opportunity to engage with and influence the review process by providing information that is considered during a state's review. This information not only provides an accurate picture of the human rights position on the ground but also helps monitor the implementation of those recommendations and pledges a state agrees to at the end of its review.

Pakistan's first Universal Periodic Review was conducted in 2008 by the UPR Working Group. During the course of the discussions, the majority of the recommendations made were accepted by Pakistan, making it obligatory for the state to report on their implementation at its next review in 2012.

Shirkat Gah Women's Resource Centre made a joint submission on behalf of 9 civil society organizations for Pakistan's 2012 review, the focus of which was the state of women's rights in Pakistan and the challenge that exist as regards their promotion and protection. This submission provided an assessment of the implementation of recommendations received by the government during the first UPR cycle, highlighted developments and existing gaps and made recommendations.

At the end of this booklet is a table listing the recommendations Shirkat Gah actively lobbied for and identifies those subsequently adopted by the Working Group.

1. Women's Rights in Pakistan – An Overview

- 1.1 Women's rights and empowerment measures in Pakistan continue to fall short of projections and promises despite some positive steps to ameliorate their condition. Pakistan ranks 99 out of 109 countries in the Gender Empowerment Measure² and has a Gender Inequality Index value of 0.573, ranking it 115 out of 146 countries in the 2011 index³. Reported incidents of violence against women increased from 7,571 in 2008 to 8,539⁴ by 2011 and while the adult literacy rate in Pakistan is 56%, female literacy stands at 40%⁵ despite the Government's commitment under the Millennium Development Goals (MDGs) to 87% women's literacy by 2011. The Government of Pakistan has acknowledged the need to tackle patriarchal mindsets and for further legislative reform to address the problem of violence against women and ensure the protection of women's rights⁶. It is a matter of concern however, that in its response to comments as the State under Review, Pakistan was mostly silent on the issues of *jirgas*⁷ and the provisions under Qisas and Diyat with regard to cases of honour killings or, at best, buried said issues under generalized blanket women-centric responses.

2. Women's Political Participation

- 2.1 The current representation of women in National Parliament and Provincial Legislatures is ensured with 17% seats reserved for women. Women occupy 22.2 % seats in the National Assembly, 17% in the Senate of Pakistan and 126 out of 728 seats (17.6%) in the Provincial Assemblies.
- 2.2 Reserved seats are a welcome and necessary step. Data indicates that women on reserved seats are among the most active in the Provincial and National Assemblies and in the Senate. Of the 71 private member bills that were introduced in 2008-09, 57 were introduced by women on reserved seats, of which 8 introduced in 2008 directly related to women. Similarly, in 2010-11, the majority of the bills were introduced by women on reserved seats⁸. These women challenged social and cultural norms and introduced bills against domestic violence, women trafficking, discriminatory practices against women, and bills pertaining to women's reproductive rights. Women legislators have not restricted themselves to addressing women's issues only;

they have also introduced amendments pertaining to a broad range of issues from citizenship to Anti-terrorism.

- 2.3 Increasing women's reserved seats in Parliament and Provincial Assemblies to 33%, and restoring the local government system with 33% women's reserved seats will ensure women's increased and effective contribution on all matters pertaining to citizenry.

Recommendations

- a. Increase women's seats in the Parliament and Provincial Assemblies to 33%.
- b. Increase the number of directly elected women in political parties. This is recommended in addition to the reservation of seats under the current affirmative measures for women's political participation.

3. Local Government

- 3.1 The Local Government System, introduced under the Local Government Ordinance 2001, expired on 31 December 2009. Although introduced by a military dictator to create a political constituency, this system clearly emerged as a nursery for potential grass roots politicians who lacked either money or clout, or both. Under the Local Government System, 33% seats were reserved for women and with its end, women's representation in decision-making at the grassroots was terminated. Despite shortcomings in the manner in which women were nominated to the reserved seats, the system was a springboard for numerous women to enter provincial level politics. Elected on non-partisan platforms, these women later joined political parties and were elected to Provincial Assemblies. In the 2008 General Elections, 6 local women councillors were elected as Members of Provincial Assemblies.

Recommendations

- a. Restore the Local Government System with 33% reserved seats for women.

4. Legislation: Status & Implementation

- 4.1 There has been significant progress in legislation on women's issues in Pakistan and many laws have been enacted for the protection and promotion of women's rights in the period between 2010 and March 2012. These laws criminalize forced marriages and other customary practices discriminating against women, such as, giving women in marriage to settle civil or criminal liability⁹, domestic violence¹⁰, acid crimes¹¹ and sexual harassment within the workplace¹². The Women in Distress and Detention Fund Act has also been amended to enable the Ministry of Human Rights¹³ to use the fund in order to provide financial and legal assistance to women in jail. Moreover, on International Women's Day in March 2012, the President gave his assent to the bill establishing an autonomous and effective National Commission on the Status of Women (NCSW)¹⁴. However, the 18th Constitutional Amendment in April 2010 halted the legislative process by Parliament on many issues related to women's rights and several bills lapsed as this amendment brought this subject within the domain of Provincial legislation¹⁵. Provinces must now institute legislation in areas such as domestic violence.
- 4.2 The implementation of rights under the law is also hampered due to the prevalent patriarchal mindset of law enforcement institutions. Gender sensitization training needs to be incorporated as part of the foundational training at the time of induction and must become a prerequisite for promotion within the police, judiciary and the local administration.
- 4.3 The level of public awareness about the law is very low in Pakistan. The media plays an important role in raising public awareness but it is neither trained nor equipped to understand women's issues or highlight violations of women's rights.

Recommendations

- a. Ensure the implementation of existing legislation in letter and spirit and develop the requisite rules under these laws where required. Mechanisms for the effective enforcement of all new legislation that has been introduced for the protection of women should be developed with Standard Operational Procedures (SOPs) for the relevant duty bearers.

- b. All line departments and implementing agencies including the police, subordinate judiciary, medico legal units and burn units of hospitals to be given proper orientation on laws related to the protection of women against various forms of violence including forced marriages, sexual harassment and injuries through all forms of burns including acid and other substances.
- c. Laws that are discriminatory towards women to be abolished. These include the provisions of Qisas and Diyat and the law of inheritance¹⁶.
- d. Legislation to be enacted on issues like domestic violence and a standardized minimum age of marriage for both males and females. The NCSW has drafted proposals regarding legislation for Hindu Family Laws and a review of Christian Family Laws which should be taken up by the concerned legislatures.

5. Violence Against Women

- 5.1 Women have experienced an increase in violence including sexual and domestic violence, acid throwing, killings and rape. According to incidents reported and registered at different forums (police stations, Courts and complaint cells), there has been a 13% increase in crimes against women since 2008¹⁷. More than 2000 women were killed in the name of honour from 2008 to the end of 2010¹⁸. The actual numbers may be more since many cases go unreported.
- 5.2 Support structures for dealing with victims of violence are limited and under resourced. There are currently only 44 Government-run women's shelters in a population of 177.10 million (of which women are estimated to be 48-50%)¹⁹. Till 2010, 23 women's emergency crisis support centres augmented services to survivors of violence. Following the devolution of the crisis centres for women established by the Federal Government to the Provincial Governments under the 18th Constitutional Amendment, the Punjab Government has refused to adopt twelve such functional centres, replacing them instead with crisis support desks that only serve as referral mechanisms. Other provinces have adopted Women's Crisis Centres but have failed to provide adequate and timely budgetary allocations to these

centres thereby sending a message that women's issues occupy low priority in Government budgets. There are currently only 3 recognized Government Burn Units in civil hospitals in Pakistan and 3 Burn Units in military hospitals. While some District hospitals provide burn treatment, they are poorly equipped to handle serious cases, especially those arising from acid violence. Many patients are denied treatment because of a lack of burn units in major public hospitals.

Recommendations

- a. Establish new and strengthen existing support structures for victims of violence (Women's Shelters, Crisis Centres and Burn Units for treatment of women victims at district level in all provinces).
- b. The definition of rape to be amended to include sexual intercourse with a woman in custody or in care of state functionaries or in abuse of authority with or without her consent. This should be classified as statutory rape.
- c. Ensure that guidelines developed for Darul amans (Government-run shelters) in the Province of Punjab be fully implemented. Balochistan has formulated similar guidelines and the Provinces of Sindh and Khyber-Pakhtunkhwa should develop similar guidelines and operational procedures for Darul amans along with establishing at least one such shelter in each District.
- d. Address gaps and gender biases in educational/professional textbooks and training curricula for the advancement of a gender-sensitive and rights-based approach towards public service.

6. Home-Based Workers

- 6.1 As part of Pakistan's 2008 Universal Periodic Review, it was recommended that Pakistan adapt labour legislation and align it with the provisions of the International Labour Organisation (ILO) Conventions. Pakistan was also asked about its plans to harmonize national legislation with international obligations in the field of labour laws (Slovenia)²⁰.
- 6.2 It has been estimated that there are 8.52 million home based workers in Pakistan and within this sector the proportion of women comes to about

65%²¹. Currently, workers within this sector are not covered by any legislation. Therefore neither the terms of their employment nor their working conditions are regulated under any legislative framework. In 2007, an initiative was undertaken to develop a National policy on home-based workers which resulted in a draft National Framework that is yet to be adopted by the Government.

- 6.3 Moreover, post the 18th Amendment devolution, the four provinces have to devise their own policy and legislation with regard to home-based workers. To that end, Punjab has finalized a policy draft which is to be presented, and a task force has been announced in Sindh headed by the Department of Labour which is responsible for reviewing the draft policy for Sindh.

Recommendations

- a. Home-based workers to be recognized and the Department of Labour to make arrangements for their registration along with registering their category of work.
- b. The Government to ensure the inclusion of home based workers in social safety nets.
- c. The Government to pass legislation in order to provide adequate safety and compensation to such workers.
- d. There is a need to improve the role and contribution of women in the labour force and to provide them equal opportunities for employment by introducing the principle of equal pay for work of equal value adopted with the ratification of ILO Convention No. 100²².

7. Minority Women's Rights

- 7.1 Pakistan, during the 2008 Review, stated that it considered minorities to be an integral part of Pakistani society and that they enjoyed equal civil and political rights. In response to various comments on religious minorities, the Delegation of Pakistan defended its position against what it termed was 'a very wrong perception of the treatment of minorities'. It was stated that minorities represent only 3 percent of the total population, that many members of the Christian and Hindu minorities hold important positions,

and that the migration of minorities was not caused by discrimination, but by better opportunities elsewhere²³.

- 7.2 Hindus and Christians confront increasing social discrimination and stigma based on stereotypes. In cases of violence and discrimination, women of these religious minorities face double jeopardy because of their gender and religion. This is a matter of serious concern resulting in multiple social problems including abduction, forced conversion and marriages of non-Muslim women from the Hindu and Christian communities with Muslim men. Conversions of non-Muslim women to Islam are often accompanied by violence and coercion²⁴. Forced conversion of Hindu women to Islam is on the rise; Human Rights Commission of Pakistan (HRCP) reported an average of 25 forced conversions per month²⁵ in Pakistan despite the guarantee of freedom of belief and equal protection before the law under the Constitution. Law enforcement officers fail to cooperate with the families of abducted and forcibly converted women. These conversions are mostly reported only in the case of women who are kept from meeting their families. A collusion of local landlords and influential persons with religious zealots is being seen to operate in Sindh to keep women under the control of their abductors. These problems are further compounded as legislation pertaining to their personal laws is not available.
- 7.3 Hindu married couples face numerous problems when travelling and lodging outside their place of residence. Moreover, Hindu women are deprived of their right to property and other rights conferred upon a divorced or widowed woman; have difficulty in accessing health facilities; and are unable to contribute to social, economic and political processes. Hindus have long been demanding legislation to register Hindu marriages, and in 2011 a Bill was presented in the National Assembly to pass a law to register Hindu marriages but so far there has been no progress. A 5% quota in all Federal Government jobs for minorities was also allocated by a notification on 26 May 2009 but its application is not visible.
- 7.4 In November 2009, when the National Database and Registration Authority (NADRA) rejected a Hindu woman's request for a marriage certificate on the grounds that 'no such mechanism or legislation was in place', the Chief Justice of Pakistan took *suo moto* action and directed the Government to legislate on the issue of Hindu marriage registration. The Supreme Court of Pakistan has ordered NADRA to address problems faced by Hindu women in obtaining Computerized National Identity Cards

(CNICs), as it has affected three million Hindus in the country. NADRA has been asked to amend its rules and regulations for the issuance of CNICs to Hindu women.

- 7.5 In another positive development, efforts have been made to recognize the rights of sexual minorities (albeit with limitations). In 2009, the Supreme Court recognized the basic human rights of transgender citizens in its judgment. NADRA has been directed to issue CNICs to the transgendered community, and in November 2011, the Supreme Court directed the Election Commission of Pakistan to enrol them as voters. The Supreme Court has also ordered all the district administrations in the country to help transgender people get property due to them as part of their inheritance.

Recommendations

- a. All types of legal discrimination against non-Muslims with respect to their status as equal citizens to be removed. This includes discrimination against their political participation and discrimination as regards their evidence under certain laws e.g. Hudood Ordinances, 1979.
- b. The existing personal status laws of religious minorities to be reviewed and amended. Required legislation to be enacted specifically for those minorities (Hindus and Sikhs) that are primarily governed under their custom rather than any statutory provisions.
- c. Legislative and administrative efforts to be made to end forced conversions to Islam of vulnerable women belonging to religious minorities. The victims of this practice should be provided with effective redress and protection.
- d. The representation of women belonging to religious minorities against reserved seats to be ensured.
- e. The issuance of CNICs for Hindu women to be ensured.
- f. The Government to ensure implementation of the Supreme Court's orders regarding the issuance of CNICs for the transgender community along with securing their share in inheritance.

8. 'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing

- 8.1 One of the recommendations made by the Czech Republic in the 2008 Review was to prohibit in all circumstances the use of the provisions of the Qisas and Diyat law in cases of 'honour' killings. It is important to note that Pakistan considered this recommendation as neither a universally recognized human right nor in conformity with its existing laws, pledges and commitments, and therefore did not accept it²⁶.
- 8.2 'Honour' killing is a term used to denote the murder of women (and men) under the pretext of restoring the family's honour. These murders are also perpetrated within the context of property disputes and the inheritance rights of women.
- 8.3 According to the HRCP Report for the year 2011, "at least 943 women were killed in the name of honour, of which 93 were minors. The purported reasons given for this were illicit relations in 595 cases and the demand to marry of their own choice in 219 cases. The murderers were mostly brothers and husbands, in 180 cases the murderer being a brother and in 226 cases being the husband of the victim. The majority of cases (557) were of married women"²⁷.
- 8.4 Currently, as per the law, murder is primarily a crime against the person rather than a crime against the State and is governed by the provisions of Qisas and Diyat introduced in the criminal law in the year 1990 as part of the effort to 'Islamize' laws in Pakistan. These changes redefined the offences of murder and manslaughter along with their punishments in 'Islamic' terms and the provision for retribution or blood money was made available. The introduction of the Qisas and Diyat provisions have provided a statutory right to the heirs of the deceased to pardon the killer/s, ask for compensation or demand retribution. These provisions have also exempted some relations from any mandatory imprisonment sentences. A parent can kill a child or a grandchild and the only sentence under the law is blood money, though the Court has the discretion to sentence the accused to imprisonment for twenty-five years depending upon the facts and circumstances of the case. There is no minimum sentence mentioned in the law. In practice, however, it is rare for a parent to be sentenced with imprisonment for killing their own child. There is a similar provision for a spouse killing the other spouse provided there is a living child at the time

of the killing. These provisions prove handy in cases of 'honour' killings as the majority of such murders of women in Pakistan are committed by family members who either benefit from these provisions or are 'forgiven' by the heirs of the deceased.

- 8.5 The Government of Pakistan has introduced some measures to combat 'honour' killings and gender discriminatory legal practices, however, the core legal problems in relation to 'honour' killings have not been addressed. The amendments introduced in the criminal law in January 2005²⁸ did not prove effective, as the key loopholes within the law were not plugged. Until the provisions of Qisas and Diyat are revoked the perpetrators of 'honour killings' will not fear retribution and Pakistan would be unable to comply with its international obligation of discouraging discrimination against women.

Recommendations

- a. The provisions allowing for a compromise or a pardoning of the killer by the heirs of the deceased should be removed immediately for prevention of 'honour' killings.
- b. The availability of legal 'concessions' to some family members (discussed above) should be repealed immediately and effective sentences should be introduced irrespective of the relationship between the perpetrator and the deceased.

9. Inheritance

- 9.1 During the 2008 Review, Luxembourg recommended ending gender inequality, particularly with regards to property²⁹.
- 9.2 The legislative framework regulating the law of inheritance for Muslims in Pakistan results in inequalities between the shares received by men and women³⁰. Moreover, with regard to the share that is prescribed by the law, most women feel that they are manipulated out of it or are under social pressure to forfeit it in favour of the male members of the family. The Constitution of Pakistan gives women the legal right to own property, and when cases of denial or usurping women's inheritance are brought to Court, the Courts have consistently upheld this right even if women have

technically given their share to their brothers. However, in reality customary practices dictate what women are allowed to own, and their right to inheritance is easily evaded under family and social pressures. Generally, in all four provinces of Pakistan, according to customary practice, women do not inherit property and widows customarily lose their right to inheritance if they remarry outside the family of the deceased husband, even though the law prescribes a prompt division of the deceased's assets and the widow's right to her share³¹.

- 9.3 Another practice is that of haq *bakhshwana* (giving up rights, literally) whereby girls are either never married, or married to the Quran in order to prevent property going out of the family. Similarly cousin marriages and *watta satta* (exchange marriage whereby one set of brother and sister are married to another) marriages are designed to prevent break up of property as the size of land and property is associated with power and status³². Even though the legislative provisions dealing with a woman's share in the property remain unchanged, the recent amendments in criminal law related to prevention of anti-women practices have criminalized the practice of depriving women of their right to inheritance. The relevant Penal Provisions stipulate that the offence of depriving a woman of her inheritance by deceitful or illegal means would be punishable with imprisonment, which may extend from five to ten years or with a fine of one million rupees or both. The practice of marrying women to the Quran in order to deprive them of their right to inheritance carries a sentence of three to seven years. An oath by the woman to remain unmarried or not to claim inheritance is also covered by this provision. The effective application of this law remains to be seen.

Recommendations

- a. Amend inheritance laws to equalize inheritance for sons and daughters and change the procedures of succession to facilitate succession and control over inheritance.

10. Alternate Dispute Resolution Mechanisms

- 10.1 In its 2008 Review, Pakistan accepted the Czech Republic's recommendation to "ensure punishment for perpetrators of violence against women, thoroughly investigate and punish members and leaders of illegal *jirgas* for their calls to violence against women"³³.

- 10.2 The local *jirga* system in Pakistan undermines women's rights by continuing to perpetuate their voicelessness and their vulnerability to physical, social and sexual exploitation, especially in the tribal areas.
- 10.3 In April 2004, the Sindh High Court declared the pronouncing of verdicts upon people by *jirgas* as illegal. The Court ordered the district administration and police to take actions against such *jirgas*; however, in practice this judgment of the High Court is being continuously defied. There are still reported incidents of decisions given by the *jirga* being enforced³⁴. At present, the Supreme Court is hearing Constitutional Petitions against the holding of *jirgas* and *panchayats*. In March 2012, the Supreme Court of Pakistan ordered the Chief Secretaries and the Inspector General of Police (IGP) of all provinces and Islamabad to submit a report on the holding of illegal *jirgas/panchayats*. The Court also ordered the officials concerned to take action against those people who hold *jirgas* in their jurisdiction.
- 10.4 In the past there have been some cases in which the higher Courts took action against specific incidents. In December 2010, the Peshawar High Court ordered action against *jirga* members who had taken the decision to hand over two teenage sisters to a rival family as a means of settling a dispute between the two families³⁵. The Bench observed that neither Islam nor the laws of Pakistan allowed such inhuman and brutal customary practices and ordered a First Information Report to be registered against the *jirga* members. On the directives of the Peshawar High Court, the police arrested three members of the *jirga* that had ordered the marriage of the two girls in their rival family against their will while a prayer leader and another accused managed to escape. Cases had been registered against the arrested *Jirga* members but outcomes are still awaited.

Recommendations

- a. The Government should take effective measures against all informal dispute resolution mechanisms that perpetrate and perpetuate violence against women.

11. Early Age Marriage

- 11.1 Although the prevention of early marriages was recommended in the 2008 Review (Switzerland)³⁶, young age marriage continues to be a challenge for female empowerment in Pakistan. Forty percent girls are married by age 18 and 13% are married by age 15³⁷. In Pakistan, one woman dies every 20 minutes during childbirth and the major cause is child marriage. The Child Marriage Restraint Act establishes a minimum age of marriage at 16 for girls and 18 for boys, despite overwhelming evidence of the negative impact of young age marriage on their physical, emotional and mental wellbeing. Legislative amendments are needed to establish 18 years as the minimum age of marriage and to criminalize young age marriage with heavy fines and punishment. Inconsistency in the law on minimum age of marriage also needs to be removed.

Recommendations

- a. Standardization of age of marriage at 18 years for females and males.
- b. Ensure universal access to reproductive health services including comprehensive emergency obstetric care and post abortion care to women backed by necessary information on contraceptives, birth spacing and abortion as applicable under the law.
- c. Ensure universal primary education as mandated in the Constitution of Pakistan (Article 25 A) and incentivize secondary education for girls.

End Notes

- 1 <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>
- 2 United Nations Development Programme, *Human Development Report 2009. Overcoming barriers: Human mobility and development*, (New York, 2009).
- 3 United Nations Development Programme, *Human Development Report 2011. Sustainability and Equity: A Better Future for All*, (New York, 2011).
- 4 Aurat Foundation shared its fourth Annual Report on violence against women in Pakistan at a press conference in Islamabad on 16 August 2011. Press briefing available @ <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/PR/Press%20Release%202011%20%20English.pdf>
- 5 The World Bank, *World Development Report 2012. Gender Equality and Development*, (Washington DC, 2011).
- 6 UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42. Available @ http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PK/A_HRC_8_42_Pakistan_E.pdf
- 7 An assembly of male elders.
- 8 Amina Samiuddin, *Reserved seats: a cognitive space for women?* Paper presented at a seminar 'Empowerment Processes: Choices, Obstacles and Outcomes' organized by Shirkat Gah in June 2010, and at the international conference on 'Global Transformations and Local Mobility: Rebuilding Pakistan after Crises' organized by Shirkat Gah and Lahore University of Management Sciences in March 2011.
- 9 The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.
- 10 Domestic Violence (Prevention and Protection) Act, 2012. It should be noted however, that this Act is applicable within Islamabad only. In March 2013, the Sindh Assembly passed legislation pertaining to domestic violence.
- 11 Criminal Law (Second) Amendment Act, 2011. Through this amendment, provisions have been added in the Penal Code that carry heavy punishments for the crime of inflicting injuries through acid or such other dangerous substances.
- 12 Protection against Harassment of Women at the Workplace Act, 2010. Through another amendment the offence of sexual harassment was included in the Penal Code and its sentence was enhanced.
- 13 This Ministry was established as a separate entity with effect from 2008.
- 14 National Commission on the Status of Women Act, 2012. This Commission has already been working since its establishment in the year 2000 through a Presidential Ordinance. The new law has strengthened the composition and working of the Commission and granted it more autonomy.
- 15 Examples include Bills related to amendments in the Muslim Family Laws, new legislation pertaining to family laws for the Hindu community and the Guardians and Wards Act, 1890 that lapsed.
- 16 See sections on Islamization of Criminal Laws and Inheritance on pgs. 14 & 15.
- 17 http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=15_01_2012_004_005
- 18 Human Rights Commission of Pakistan, *State of Human Rights in 2008; State of Human Rights in 2009; and State of Human Rights in 2010* (Pakistan).
- 19 Government of Pakistan, *Pakistan Economic Survey 2010-11* (Islamabad, 2011).

- 20 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.6.
- 21 Human Rights Commission of Pakistan, *State of Human Rights in 2011*, p.198 (Pakistan, 2012).
- 22 Equal Remuneration Convention, 1951 (No. 100).
- 23 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.10.
- 24 National Commission for Justice and Peace, *Life on the Margins: A Study on the Minority Women in Pakistan* (Pakistan, 2012). Available @ <http://www.ncjp-pk.org/media/publications/lifeenglish.pdf>
- 25 Rabia Ali, The News, 30 March, 2010, *25 Hindu girls abducted every month, claims HRCP official*. Available @ <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=231616&Cat=4&dt=3/31/2010>
- 26 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.12.
- 27 *State of Human Rights in 2011*, p.167.
- 28 Criminal Law (Amendment) Act, 2004 (Act I of 2005).
- 29 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.9.
- 30 There is no corresponding law for Hindus and Sikhs and matters pertaining to inheritance are governed under customary practices.
- 31 Khawar Mumtaz and Meher Noshewani, *Scoping Study, Women's Access and Rights to Land and Property in Pakistan*, International Development Research Centre (IDRC) under the Rural Poverty and Environment Programme (2006).
- 32 Ibid
- 33 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.12.
- 34 *State of Human Rights in 2010*.
- 35 The Daily Times, January 02, 2011, *Jirga members arrested in forced marriage case*. Available @ http://www.dailytimes.com.pk/default.asp?page=2011\01\02\story_2-1-2011_pg7_6
- 36 *Report of the Working Group on the Universal Periodic Review: Pakistan*, 4 June 2008, A/HRC/8/42, p.9.
- 37 Khawar Mumtaz, Sohail Warraich, Shariq Imam et. al., *Age of Marriage: A Position Paper*, p. 1 (Committee for Standardisation of Female Age of Marriage, Final Draft 2010).

Table indicating SG recommendations adopted during the UPR Working Group

(16 out of 28 SG Recommendations Adopted)

Sr #	SG Recommendation	Adopted	Political Participation	Relevant Concluding Observation	Country
1	Increase women's seats in the Parliament and Provincial Assemblies to 33%.	✓	Ensure equal political participation and withdraw reservations to articles 3 and 25 of the ICCPR as these reservations remain critical to ensure equality rights of women and men and equal opportunities (122.14)		United Kingdom of Great Britain and Northern Ireland
2	Increase the number of directly elected women in political parties. This is recommended in addition to the reservation of seats under the current affirmative measures for women's political participation.				
Local Government					
3	Restore the Local Government System with 33% reserved seats for women.				
Legislation – Status & Implementation					
4	Ensure the implementation of existing legislation in letter and spirit and develop the requisite rules under these laws where required. Mechanisms for the effective enforcement of all new legislation that has been introduced for the protection of women should be developed with Standard Operational Procedures (SOPs) for the relevant duty bearers.	✓	Continue strengthening and enhancing women rights through the enactment of relevant necessary laws while providing the necessary administrative and institutional mechanisms (122.26) Continue strengthening the legislation for the elimination of all forms of discrimination against women (122.35) Steadily implement as well as further enhance measures to address discrimination and violence against women (122.85)		Palestine Uruguay Japan

Sr #	SG Recommendation	Adopted	Legislation – Status & Implementation	Relevant Concluding Observation	Country
				Continue developing the institutional framework with respect to the promotion and protection of human rights (122.16) Take necessary measures to end harmful traditional practices against women, sexual harassment in public and work places and domestic violence (122.90)	Jordan Chad
5	All line departments and implementing agencies including the police, subordinate judiciary, medico legal units and burn units of hospitals to be given proper orientation on laws related to the protection of women against various forms of violence including forced marriages, sexual harassment and injuries through all forms of burns including acid and other substances.	✓	✓ Continue providing and improving human rights education and training for judicial and law enforcement officials (122.63/64) Enhance its efforts in the area of human rights education, training and awareness for its officials involved in the implementation of the related human rights law and legislation (122.65) Continue organizing awareness educational courses on human rights, including training on equality between women and men, and on women's rights (122.94) Train its law enforcement personnel on gender sensitivity and equality (122.97)		Uganda & Democratic People's Republic of Korea Malaysia Libyan Arab Jamahiriya Slovakia
6	Laws that are discriminatory towards women to be abolished. These include the provisions of Qisas and Diyat and the Law of Inheritance.	✓	✓ Promote the repeal of all legal and administrative provisions remaining, which discriminate against women and girls (122.22)		Mexico
7	Legislation to be enacted on issues like domestic violence and a standardized minimum age of marriage for both males and females. The NCSW has drafted proposals regarding legislation for Hindu Family Laws and a review of Christian Family Laws which should be taken up by the concerned legislatures.	✓	✓ Enact a provincial legislation on domestic violence as well as an increased number of support structures for women on the provincial level (122.21) Sustain the positive momentum in upgrading its laws and institutions, in particular in the areas of the rights of women and children (122.23)		Sweden Myanmar

Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
Legislation – Status & Implementation				
			<p>Adopt the Bill on Anti-Domestic Violence at the earliest possible (122.25)</p> <p>Continue developing adequate measures to guarantee in law and practice the equality of women, particularly their right to education, and fight effectively discrimination against women and gender violence (122.83)</p>	<p>Maldives</p> <p>Spain</p>
Violence Against Women				
8	Establish new and strengthen existing support structures for victims of violence (Women's Shelters, Crisis Centres and Burn Units for treatment of women victims at District level in all Provinces).	✓	<p>Enact a provincial legislation on domestic violence as well as an increased number of support structures for women on the provincial level (122.21)</p> <p>Continue to enhance its efforts to protect women, children and other vulnerable groups against discrimination and violence (122.41)</p> <p>Create mechanisms to protect and support victims of sexual violence or gender violence (122.61)</p> <p>Put in place effective monitoring and reporting mechanisms to ensure respect for women's rights and to address violence against women in all its forms (122.53)</p> <p>Ensure the reporting and investigation of cases of violence against women, effective awareness campaign against violence and consolidate measures to address sexual abuses and exploitation of children (122.107)</p>	<p>Sweden</p> <p>Singapore</p> <p>Switzerland</p> <p>Slovenia</p> <p>Egypt</p>
9	The definition of rape to be amended to include sexual intercourse with a woman in custody or in care of state functionaries or in abuse of authority with or without her consent. This should be classified as statutory rape.			

Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
Violence Against Women				
10	Ensure that guidelines developed for <i>Darul amans</i> (Government-run shelters) in the Province of Punjab be fully implemented. Balochistan has formulated similar guidelines and the Provinces of Sindh and KPK should develop similar guidelines and operational procedures for <i>Darul amans</i> along with establishing at least one such shelter in each District.	✓	Steadily implement as well as further enhance measures to address discrimination and violence against women (122.85)	Japan
11	Address gaps and gender biases in educational/professional textbooks and training curricula for the advancement of a gender-sensitive and rights-based approach towards public service.	✓	Review public school curricula in order to eliminate prejudice against religious and other minorities (122.149) Improve the education system and school textbooks and promote the full safeguarding of religious freedom and other human rights by programmes which, beginning in primary school and within the context of religious instruction, will educate everyone to respect their brothers in humanity (122.150) Include human rights education in school curricular (122.152)	Germany Holy See Palestine
Home Based Workers				
12	Home based workers to be recognized and the Department of Labour to make arrangements for their registration along with registering their category of work.			
13	The Government to ensure the inclusion of home based workers in social safety nets.			
14	The Government to pass legislation in order to provide adequate safety and compensation to such workers.	✓	Continue to spearhead progress toward the promotion of gender equality and development for women, in particular, in areas of education and employment (122.88)	Cambodia

Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
Home Based Workers				
15	There is a need to improve the role and contribution of women in the labour force and to provide them equal opportunities for employment by introducing the principle of equal pay for work of equal value adopted with the ratification of ILO Convention 100.	✓	Maintain the momentum to protect the rights of women as well as to empower women in the area of economic development through various legislative measures and institutional mechanisms (122.89)	Brunei Darussalam
Minority Women's Rights				
16	All types of legal discrimination against non-Muslims with respect to their status as equal citizens to be removed. This includes discrimination against their political participation and discrimination as regards their evidence under certain laws e.g. Hudood Ordinances, 1979.	✓	Take appropriate, efficient measures to prevent discrimination and violence against religious minorities, bringing instigators of religious violence to justice (122.157) Amend discriminatory laws and vigilantly counter discrimination against marginalized groups, including women and girls, ethnic and religious minorities and provide a safe and just environment for all citizens in Pakistan (122.38) Hold accountable those who commit religiously motivated acts of violence (122.112) Investigate attacks and violence against religious minorities and sects and bring those responsible to justice (122.113)	Slovakia Denmark United States of America Norway
17	The existing personal status laws of religious minorities to be reviewed and amended. Required legislation to be enacted specifically for those minorities (Hindus and Sikhs) that are primarily governed under their custom rather than any statutory provisions.			

Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
Minority Women's Rights				
18	Legislative and administrative efforts to be made to end forced conversions to Islam of vulnerable women belonging to religious minorities. The victims of this practice should be provided with effective redress and protection.	✓	Adopt measures to ensure the protection of religious minorities, including Ahmadis, Christians, Hindus and Sikhs, prevent the abuse of blasphemy legislation, halt forced conversions, and take necessary steps to prevent violence against members of religious minority communities (122.156) Further enhance measures to combat and prevent discrimination against vulnerable groups (122.96) Continue efforts to enhance legislations and measures to further address the situation of religious minorities, including blasphemy laws, forced conversion and discrimination against non-Muslim minorities (122.121)	Canada Myanmar Thailand
19	The representation of women belonging to religious minorities against reserved seats to be ensured.			
20	The issuance of National Identity Cards for Hindu women to be ensured.			
21	The Government to ensure implementation of the Supreme Court's orders regarding the issuance of National Identity Cards for the transgender community along with securing their share in inheritance.			
'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing				
22	The provisions allowing for a compromise or a pardoning of the killer by the heirs of the deceased should be removed immediately for prevention of 'honour' killings.			

Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
'Islamization' of Criminal Laws: The Qisas and Diyat Provisions and their impact on cases of 'Honour' Killing				
23	The availability of legal 'concessions' to some family members should be repealed immediately and effective sentences should be introduced irrespective of the relationship between the perpetrator and the deceased.			
Inheritance				
24	Amend inheritance laws to equalize inheritance for sons and daughters and change the procedures of succession to facilitate succession and control over inheritance.			
Alternate Dispute Resolution Mechanisms				
25	The Government should take effective measures against all informal dispute resolution mechanisms that perpetrate and perpetuate violence against women.	✓	Ensure that women are not submitted to illegal parallel judicial system (122.108) Decriminalize adultery and non-marital consensual sex and to ensure punishment for all perpetrators of this violence and calls to it including members and leaders of jirgas (122.37)	Italy Czech Republic
Early Age Marriage				
26	Standardization of age of marriage at 18 years for females and males.	✓	Take effective measures to prevent forced or early marriage, in particular with a view to ending rape, sexual exploitation and forced conversions of scheduled caste girls (122.103)	Austria
			Take steps to implement laws and policies with a view to eliminating early and forced marriage (122.102)	Canada



Sr #	SG Recommendation	Adopted	Corresponding Concluding Observation	Country
Early Age Marriage				
27	Ensure universal access to reproductive health services including comprehensive emergency obstetric care and post abortion care to women backed by necessary information on contraceptives, birth spacing and abortion as applicable under the law.	✓	Continue its efforts for the improvement of the health system and the elimination of discrimination against women and discrimination on the basis of caste (122.92) Take additional measures to facilitate access to health service for all members of society, especially women (122.139)	Holy See Oman
28	Ensure universal primary education as mandated in the Constitution of Pakistan (Article 25 A) and incentivize secondary education for girls.	✓	Continue strengthening its efforts to improve the socio-economic conditions of its people especially on promoting the rights to education for all its young citizens (122.140) Strengthen its efforts to combine social security and poverty alleviation measures with the free and compulsory education programme that will enable the provision of the free education for all children (122.141) Formulate executive plans for attaining the MDG on primary and free education by 2015 (122.142) Increase its allocation of resources devoted to education (122.143) Continue current efforts to increase the literacy rate and promote universal access to education (122.144) Continue its efforts to ensure the enrolment of all segments of society in education (122.145) Consider providing universal free primary education to all children, regardless of their sex, nationality, race or ethnic origin (122.146) Continue to make efforts to expand access to education, especially for girls (122.147) Ensure and allocate sufficient resources for girls' education in all provinces (122.148)	Brunei Darussalam Indonesia Libyan Arab Jamahiriya Netherlands Cuba Oman Thailand Japan Namibia



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