



# Annual Report

Securing Rights  
Promoting Equality

# 2013



National Commission on the Status of Women  
**Government of Pakistan**





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Securing Rights  
Promoting Equality

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# Preface

The National Commission on Status of Women is required to prepare an activity Annual Report in accordance with the NCSW Act 2012, which is presented to the Prime Minister and concerned Ministry and then Report laid and discussed in the Parliament. This Report covers the period from January 2013 to December 2013.

The establishment of the National Commission on the Status of Women in 2000 was an important milestone as a permanent body to safeguard women's rights and ensure their position as equal citizens. As it set up itself and started operating the Commission through successive Chairpersons realized that it needed further strengthening and autonomy to fulfill the role it was envisaged to play. The NCSW Act 2012 enhanced the mandate and functions of the Commission giving it financial and administrative autonomy. 2013 was the first year of NCSW as an autonomous institution --- a challenging beginning as structural and operational systems had to be established for the Commission to be a vigilant watchdog ensuring compliance with Constitutional guarantees and international commitments, as well as be a think tank, the reviewer of laws and policies, a hub of interaction with civil society, law makers, provincial governments and experts, a responsive institution to victims of violence, among other functions defined under the law.

NCSW began its institutionalization and programme development work simultaneously. Its committed and active Members with diverse expertise and experience helped in establishing a pattern of regular meetings, formation of Committees and development of a work plan. It interacted actively with civil society organisations, held joint activities, engaged with parliamentarians and responded to complaints even when its systems were still embryonic. The highlights of the first year were election monitoring, lobbying for women's seats in proposed local government laws in all provinces, moving a habeas corpus petition for recovery of women feared dead in the Kohistan video case, attending the CEDAW Technical Committee hearing, working on laws that lapsed, investigating reported instances of violence and more.

The progress on drafting rules and procedures was however slow and difficult in the absence of technical staff. Till the end of the year these had not been finalized or approved. Shortage of technical/programme staff was a major drawback that placed stress on the handful of people in the Commission. If it were not for the spirit of team work, contribution of interns and volunteers and part time support from Ministry of Human Rights/Law Justice and Human Rights the Commission would not have been able to function to the extent it managed to do.

This Report documents the work and activities of NCSW in 2013, introducing its members, spelling out its Vision and Mission and identifying opportunities and challenges that provide the context for its functioning. Finally it details its activities and initiatives over the reporting period. At the end of the year the Commission and its members are committed to set the foundations of a strong and sustainable Commission with the capacity to fulfill its mandate and pursue the goal of women's equality and empowerment.

Khawar Mumtaz

Chairperson NCSW



# List of Acronyms

AF	Aurat Foundation
AJK	Azad Jammu Kashmir
APMA	ALL Pakistan Minorities Alliance
ASF	Acid Survivor Foundation
ASER	Annual Status of Education Report
ASR	Applied Socio-Economic Research
CII	Council of Islamic Ideology
CEO	Chief Executive Officer
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CNIC	Computerized National Identity Cards
CM	Chief Minister
CrPC	Code of Criminal Procedure
CSO	Civil Society Organization
CSW	Commission on the Status of Women
DFID	Department for International Development
DRO	District Returning Officer
DV	Domestic Violence
ECP	Election Commission of Pakistan
EU	European Union
FAFEN	Fair and Free Election Network
FATA	Federally Administered Areas
FIR	First Investigation Report
GB	Gilgit Baltistan
GEP	Gender Empowerment Programme
GCC	Gender Crime Cell
HBS	Heinrich Böll Stiftung
HRCP	Human Rights Commission of Pakistan
ICT	Islamabad Capital Territory
ILO	International Labour Organisation
IO	Investigation Officer
IPMG	Inter-Provincial Ministers Group
KP	Khyber Pakhtunkhwa
LEAD	Leadership for Environment and Development

L & J	Law and Justice
LFS	Labour Force Survey
LHW	Lady Health Worker
M/o LJHR	Ministry of Law Justice and Human Rights
MDG	Millennium Development Goals
MFLO	Muslim Family Laws ordinance
MMR	Maternal Mortality Rates
MNA	Member National Assembly
MOU	Memorandum of Understanding
MoWD	Ministry of Women Development
NA	National Assembly
NCSW	National Commission on The Status of Women
NDI	National Development Institute
NGO	Non-Governmental Organization
NPB	National Police Bureau
NRSP	National Rural Support Programme
PA	Provincial Assembly
PBS	Pakistan Bureau of Statistics
PCSW	Provincial Commission on the Status of Women
PDHS	Pakistan Demographic and Health Survey
PEMRA	Pakistan Electronic Media Regulatory Authority
PILER	Pakistan Institute of Labour Education and Research
PML-N	Pakistan Muslim League- Nawaz
PODA	Potohar Organization for Development Advocacy
PPP	Pakistan People's Party
PSDF	Pakistan Skill Development Fund
RADS	Research and Development Solutions
RH	Reproductive Health
RO	Returning Officer
SAARC	South Asian Alliance for Regional Cooperation
SDPI	Sustainable Development Policy Institute
SG	Shirkat Gah
SHO	Station House Officer
SMS	Short Message Service
SOP	Standard Operating Procedure
SWD	Social Welfare Department



TOR	Terms of Reference
TVO	Trust for Voluntary Organisations
UN	United Nations
UNDP	United Nation Development Program
UNIDO	United Nations International Development Organization
UNODC	United Nations Office On Drugs and Crime
UNCSCW	United Nation Commission on Status of Women
VAW	Violence Against Women
WAF	Women Action Forum
WDD	Women Development Department
WPC	Women Parliamentary Caucus



# NCSW Members Profile

## Khawar Mumtaz - Chairperson

Ms. Khawar Mumtaz did her M.A. International Relations from Karachi University and topped in the examination. She also has a Diploma in French Language. Before joining NCSW as its Chairperson Ms. Mumtaz was CEO of Shirkat Gah, a leading women's rights and development organization and had also served as a Member of NCSW (2009-2012).



Ms. Mumtaz brings almost 30 years of experience of activism and working on women's rights and development. Her specific expertise is in the areas of women and development; women's political participation, poverty and environment, women's reproductive health and rights. Her work spans from capacity building of grassroots organizations, to research, analysis and evidence based advocacy with policy makers. Ms. Mumtaz has over 60 publications to her name, and was recipient for the Prime Minister's award for the co-authored book, *Women of Pakistan; Two Steps Forward One step Back?* (1989). She has served/serving on a number of international and national boards including as Vice-President of International Union for the Conservation of Nature (IUCN) and Society for International Development (SID). She received the Sitara-e-Imtiaz for social service and promotion of women's rights in 2006 and was one of the 100 nominees for the Nobel Peace Prize in 2005.

## Saira Afzal Tarar – Member Punjab

Ms. Saira Afzal Tarar was born in 1966 in the city of Hafizabad, District Hafizabad. She did MSc Home Economics (Housing and Interior designing) 1991 from the College of Home Economics, Lahore and has worked as a teacher for two years at Pakistan Islamia Secondry School Sharja UAE 1998-99. Ms. Tarar is a member of Pakistan Muslim League (PML-N) and has served as a Member of the Central Working Committee of PML-N, President of PML-N in District Hafizabad, and General Secretary of PML-N Youth Punjab. Ms. Tarar has twice been elected (2008-2009) as Member National Assembly of Pakistan from Hafizabad(NA-102). She won both times with an overwhelming majority. She is a Minister of State for Health and Drug Regulation in the present Government.



## Tanveer Jahan – Member Punjab

Ms. Tanveer Jahan has been Executive Director of Democratic Commission for Human Development since 2003. She is Norwegian Human Rights Fund's Consultant (2004 to date) and Country Representative of Label STEP Switzerland (2003 to date) in Pakistan. Ms. Tanveer Jahan joined the movements for the restoration of democracy, equality for women, and human rights education while still a student. She has worked extensively for bringing the human



rights agenda to the development work of small community based organization and has trained thousands of human rights activists across the country. She has designed and carried out campaigns, national as well as regional, against the death penalty in Pakistan, child trafficking as camel jockeys in Gulf States, child marriages, violence against women, violence against children, among others. She has developed human rights course for Secondary School Students covering themes such as human rights, non-discrimination, equality, gender discrimination and women's rights, citizenship, democracy, and tolerance, and has developed several training programs and manuals for other organizations as well. Ms. Tanveer Jahan is MA Philosophy.

#### **Uzma Noorani – Member Sindh**

Ms. Uzma Noorani is a human/women's rights activist and has been working in this field for two decades. She was born in 1955 in Karachi. She did her Bachelors of Arts degree from St. Josephs College for Women (1974). Upon graduation she joined American Express Travel Division as Ticketing Agent and attended courses in ticketing at PIA Ground Training School and British Airways. After marriage she joined her husband's book business and marketed children's books and helped set up a company to market encyclopaedias. In 1980 Ms. Noorani joined Tehrik-e-Niswan, a women's rights group, that came about to challenge the onslaught on women during President Zia's era. Since then Ms. Noorani has spent most of her time working as a human rights activist.



#### **Muhammad Jan Odhano – Member Sindh**

Mr. Muhammad Jan Odhano was born in Jacobabad in 1978. He did his M.A. from University of Sindh, Jamshoro (2000-2001). He was District Coordinator at Aurat Foundation from 2001, and Event Manager at Decentralization Support Program, Sindh from November 2006 to date. He also worked as Senior Officer Community Mobilization in Save the Children-US from 2009-2010, as Campaign Associate Sindh in OXFAM-GB from 2008-09, as Social Organizer in Sindh Agriculture and Forestry Workers Coordinating Organization (SAWFCO), and as Project Coordinator in Community Development Foundation Jacobabad.



#### **Zubaida Noor – Member KPK**

Ms. Zubaida Noor has been a Member Board of Trustees of Noor Education Trust since 2002. Previously she worked as a Program Coordinator in Action Aid, Peshawar (2006-07), as Chief, Social Sector and Gender Issues (CSS&G) in Sarhad Rural Support Program, Peshawar (1998-99), as Coordinator Environmental Education (EE) in IUCN-Sarhad Provincial Conservation Strategy Unit-Government of NWFP (1996-98) and as Director Program in Khwendo Kor's Women and Children Development Program (1994-95).



### **Sadia Qasim Shah – Member KPK**

Ms. Sadia Shah, is M.A. in English from the University of Punjab (2000), she is a Pashto speaking journalist working in Peshawar since early 2002. Being fluent in Pashto and English, she has contributed reports, interviews, features and magazine programs to Pakistan's leading English daily Dawn, local and international radios and appeared on various television channels as expert/anchorperson in debates on War on Terror, women's rights, increasing militancy, women's health, and political developments taking place in Pakistan, NWFP and FATA. Ms. Shah is working as an international broadcaster with the Voice of America DEEWA radio at Washington D.C. since 2009.



### **Justice® Mehta Kailash Nath Kohli – Member Balochistan**

Justice (retd) Mehta Kailash Nath Kohli enrolled as Advocate in Subordinate Court in November 1974, in High Court in 1977 and in 1987 as Advocate in Supreme Court of Pakistan. He remained Deputy Attorney General for Pakistan (2000-04) and was elevated as judge of the High Court of Baluchistan in 2004. From 2005-2009 Justice (retd) Kohli was Chairman Environmental Tribunal. Justice Kohli retired as a Judge in 2009 and joined the Bar. He remained a member of the Minorities Commission of Pakistan from 1992 to 1994 and was a member of the National Commission on the Status of Women and Chair of its Law Committee from 2010 to 2012. He is now in his second term as member NCSW from Balochistan.



### **Shereen Gul - Member Balochistan**

Ms. Shereen Gul is an educationist who holds an M.A. degree in History. She has contributed to the establishment of separate independent women B.Ed Bachelor in Education) classes in Agro Tech College of Education, Quetta and arranged educational seminars and conferences for the improvement of PPP women's programme. Ms. Shereen Gul arranged evening classes for welfare of illiterate women to provide skill and practical knowledge of tailoring, cutting, designing with local embroidery in Quetta. She also introduced an electrician programme for women through Trade Centre training program at Quetta for application/repair of domestic appliances.



### **Nusrat Shaheen – Member Azad Jammu Kashmir**

Ms. Nusrat Shaheen did her M.A. Education from Punjab University Lahore. She has been an Assistant Director Planning at Social Welfare & Women Development Department, Government of Azad Jammu & Kashmir (AJ&K) since 2007. Ms. Shaheen has served as a Social Welfare Officer (2003-06), as Superintendent Darul Falah (2000-03), and as Social Welfare Officer (1998-2000) at Social Welfare & Women Development Department, Government of AJ&K.





### **Sadia Danish – Member Gilgit Baltistan**

Ms. Sadia Danish is currently Minister of Tourism, Sports and Current and Youth Affairs, Gilgit-Baltistan. She has served as Provincial President Pakistan People's Party, Women Wing from 2007-13 and was In-charge of the Election Campaign (Women Wing) in 2009 elections of the G-B Legislative Assembly. In 2009, Ms. Danish became a member of Gilgit-Baltistan Legislative (Provincial) Assembly and Advisor to Chief Minister of Tourism, Sports and Current and Youth Affairs. Ms. Sadia is also Director "Roshan Welfare Trust" Gilgit, Member Women Parliamentarian Caucus of Pakistan, and has been voluntarily assisting in management of Orphan House, Gilgit.



### **Zainab Azmat – Member Federally Administered Tribal Areas**

Ms. Zanaib Azmat was born in 1982 and is proficient in Pashto, Urdu, English and basic French. She is currently Lecturer Communication and English Courses. She is also Coordinator US Access Micro-Scholarship Program, IMSciences from 2007; Assistant Coordinator Entrepreneurship Development Centre, IM Sciences from 2008; and Academic Coordinator Society for Pakistani English Language Teachers SPELT, KP. Ms. Azmat was Manager Micro Enterprise Development Agents (women) in 2009 and remained Gender and Communication Trainer to different groups in 2010.



### **Kishwar Naheed – Member Federal.**

Ms. Kishwar Naheed, a prolific feminist poet of national and international repute as a Masters in Economics from the University of Punjab. She retired as senior official of the Ministry of Information and has over four decades of experience in management and financial matters. Ms. Kishwar Naheed is currently National Consultant with ILO/Norwegian Embassy on economic empowerment of women and human rights awareness of women. She is a publicist, columnist, media person, a creative writer with experience of writing film scripts, documentation, and editing books/magazines with many publications to her credit, several of which, have been translated into English. She is on the Board of Directors of National Rural Support Programme (NRSP) and Trust for Voluntary Organisations (TVO) and is Chairperson Pakistan Media Regulatory Authority's (PEMRA) Complaint Cell. She is Coordinator of Hawwa Crafts Associates. Ms. Kishwar Naheed has been a recipient of numerous prestigious awards including Government's civil award, Sitara-e-Imtiaz in 2000, and was one of the 1000 women nominated world-wide for the Nobel Peace Prize in 2005.



### **Najmi Saleem – Member Minorities**

Ms. Najmi Saleem was born in 1967 and is M.A. Political Science from the University of Punjab. She was Member Provincial Assembly 2002-07 and again in 2008-13. She is member Central Executive Committee and Women Coordinator, All Pakistan Minorities Alliance (APMA) Punjab and Joint Secretary Pakistan People's Party (PPP)-Punjab Women Wing.



## **NCSW Vision**

A democratic, just, peaceful and tolerant society where all citizens are equal irrespective of sex, race, religious beliefs, geography and ethnicity, where diversity is celebrated; women are equal participants in decision making from the home to national and international levels and lead a life free from violence and exploitation.

## **NCSW Mission**

To promote gender equality and women's empowerment and protect women's rights; monitor legal, social and economic rights of women; facilitate and advocate for necessary legal, administrative and institutional measures for ensuring women's rights; ensure full compliance of international agreements and conventions, in particular CEDAW and its general observations.



# Introduction

National Commission on the Status of Women Act, 2012 that replaced the earlier NCSW Ordinance 2000 provided for a financially and administratively autonomous body with the objective of promoting social, economic, political and legal rights of women as guaranteed in the Constitution of Pakistan and in accordance with Pakistan's international obligations as embodied in various conventions, covenants and declarations. (**Annex-1**)

NCSW's mandate as prescribed in the Act is very comprehensive -- from review and assessment of laws, government policies, programmes and measures and their implementation to making recommendations to achieve gender equality and women's empowerment and eliminate discrimination. It is also mandated to recommend signing and ratification of international instruments for protection of human rights, undertake and encourage research and data generation for policies and action, interact with non-governmental organisations, experts and individuals develop active associations with other similar institutions in other countries.

The Commission also has powers to seek and receive information, data or documents from any official source and powers of a civil court to enforce attendance of any person and production of documents. It can also visit any jail or sub-jail and intervene for redress of women's rights.

The appointment of the first Chairperson under the Act of 2012 was in January 2013 after a rigorous nomination and selection process whereby an especially constituted multi-party Parliamentary Committee recommended by consensus the appointment of the Chairperson. The 13 members of the Commission two each from provinces and one each from Gilgit-Baltistan, Islamabad Capital Territory, Azad Jammu Kashmir, FATA and Minorities and five ex-officio members from key federal ministries of Finance, Establishment, Interior, Foreign Affairs and Law Justice and Human Rights, were nominated by the Prime Minister in March 2013. The Commission became operational with its first meeting and election of the Executive Committee in April.

This Annual Report, documents NCSW activities from Jan-Dec 2013 and is organized in six parts. **Section 1** is the Introduction of the Report. **Section 2** provides the over-arching context within which NCSW has functioned. **Section 3** spells out NCSW's strategic priorities for operationalizing its mandate. **Section 4** gives details of activities according to each strategy. This section covers activities undertaken by NCSW Chairperson (January – April 2013) prior to the notification of Commission members and the period following the operationalization of the Commission after its first meeting in April. **Section 5** covers finances and **Section 6** is the conclusion that outlines NCSW's planned activities for 2014. The Report has 12 Annexes.





# The Context

Functioning of NCSW is contextualised by political, economic and social developments and accompanying conditions that provide opportunities as well as present challenges. Often opportunities and challenges are two sides of the same coin to be captured and confronted simultaneously.

**Opportunities** The Constitution of Pakistan guarantees dignity, freedom and equality to all citizens and forbids discrimination on the basis of sex. The **18<sup>th</sup> Constitutional Amendment** passed in 2010 through a cross-party support and endorsement provides the opportunity to ensure that the Constitutional guarantee of equality is achieved by ensuring complete autonomy to provinces. 47 subjects and 18 federal ministries have been devolved and federal and provincial constitutional purviews have been demarcated. The Amendment has entailed transferring of resources from the federal level to the provinces to define their priorities and accordingly fulfill their responsibilities. The scope of constitutionally guaranteed fundamental human rights has also been expanded by the said amendment, namely: a) the right to fair trial and due process, b) the right to information and, c) the right to education. With greater ownership of policies and programmes a learning and competitive spirit has emerged between provinces to women's advantage.

However, while the 18<sup>th</sup> Amendment has been a welcome step towards improved delivery of services and inclusive governance there are still a number of aspects that remain to be resolved regarding resource sharing and institutional responsibilities. An important issue is that of reporting on international commitments. The federal government's responsibility is to ensure compliance with and report on international treaties, conventions and similar instruments, the information on progress and compliance however has to be generated from provinces. New mechanisms are underway and in different stages of development at the moment. As the post-18<sup>th</sup> Amendment situation unfolds and is still in transition there is a realization that devolution is a complex and time-intensive process.

The general upward trend in **women's political participation** since 2009 is another opportunity to enhance women's voice in decision making. There has been a two fold increase in women's rate of registration for CNICs (from 44% to 86% in four years) including in rural areas especially where social safety net programmes are conditional on the possession of CNICs. While this has opened up option for women's participation in elections there has not been registration of women in electoral rolls at the same rate. Despite this shortcoming over 1 million new women voters were mobilised.

Local government elections have been held in Balochistan but due to be held in Punjab, KP and Sindh provide the opportunity for women's substantive participation in elections and governance. However the reduction of women's reserved seats from the earlier 33%, especially at the lowest directly elected tier in all three provinces, is a setback. In Balochistan while there is a provision of 33% reserved seats for women in all tiers these are to be indirectly elected.

Women's representation in national and provincial assemblies through reserved seats has demonstrated the efficacy of numbers in taking women's agenda forward. While the quota for women is 17%, 16 women got directly elected on general seats to the NA in the 2008 elections and only 6 were returned in 2013. The latter figure deflects from the fact of women's unprecedented participation in the electoral contest – 147 women contested general seats in 105 national constituencies and 301 in 203 provincial constituencies. Equally significant was that nationally 87 women stood as independent candidates and in provinces 190 were independents. While more tickets were given by political parties to women, these constituted only 3% of the total. Women's voter turnout was also higher than ever before however in pockets across the country women were restrained from voting and political parties were reluctant to give them party tickets.

Women's active engagement in legislation in the NA and PAs of 2009-2013 is particularly remarkable indicating the opportunity their presence offers. Though fewer in numbers than the prescribed “critical mass” (33%) considered necessary for effective action, women legislators, were at the vanguard of an unprecedented number of pro-women legislation. This was achieved by women through the creation of cross-party women's parliamentary caucus (Women Parliamentary Caucus) that became the consensus building platform.

Equally positive is the **strong women's rights movement** and women and civil society organisations that provide a range of services from capacity building and skill training, to micro finance, to running shelters, doing research and advocacy, to raising their voice for upholding women's rights and equality. They also highlight the invisibility and agency of the most marginalized, dispossessed and the disadvantaged and press for their inclusion in consultation, decision making and prioritization of resources. With thematic expertise and research and development experience, these organisations contribute to public debate and discourse and have in recent years worked closely with law makers at the national and provincial levels. They are strong advocates of devolution and the spirit of the 18<sup>th</sup> Amendment to go down to the district and grass roots level.

There are a number of **positive societal trends** that perhaps are not acknowledged as widely as they deserve. Significant among them is the desire of parents across the country to educate daughters, acceptance and welcoming of women's earning and contribution to household income, desire for smaller families as reflected in the 20% unmet need for contraceptives, the reduction in the number of marriage of girls below 16 years to 1.6% (PDHS 2012-2013) among others. These trends are combined with the judiciary's generally positive attitude towards women and a range of new protective legislation.

**Challenges** Pakistan's crises of militancy and extremism, economic downturn and poverty (60 percent of the population living on less than \$2 a day) and natural disasters with their manifestations have been a setback to achieving goals and targets set under the Millennium Development Goals (MDGs) for women's empowerment and well-being (3,4,5). Women's vulnerability has increased especially of those belonging to religious and ethnic minorities, have heightened insecurity and increased violence against them at home, in communities, places of worship and public places like markets. Polio vaccinators and health workers work at the risk of their lives and dozens have been killed doing their duty as also women in public life. Terrorist attacks exacerbated by calamities have added to poverty and reduced access to services in affected areas. Women's rights particularly in some parts of the country have

suffered a set-back.

**Multidimensional poverty** has pushed women into the workforce but largely as unpaid family helpers (63.4 % as opposed to 17.3% men); female labour force participation rate is a low 21.7% (male 68.17%). Women are largely employed in the informal sector (63.1 % of women in urban areas) as home-based, piece-rate or casual/contractual workers or domestic workers on extremely low wages. The low level of women's economic participation in Pakistan is one of the contributing factors to Pakistan's low human development index resulting in its placement at 146 out of 186 countries by the Human Development Report 2013. Determinants of women's economic and/or political participation are women's poor education (only 18.3% with secondary education) and literacy status (49%), social/cultural constraints including restricted mobility, employment opportunities and lack of capacity.

**Women**, NCSW's principle constituency, do not form a homogenous entity and their status and opportunities vary with the social system, class and region that they belong to. The vast majority of women are caught between rigid controls of customs and practices and the emphasis on religious adherence. The rural and urban divide on opportunities is significant with less access to social services and infrastructure and fewer public arenas in which to participate, especially in rural areas where lack of public transport and limits on mobility adds to constraints they have to face. In general, Pakistan scores low on indicators for gender equality ranks 125 out of 169 countries on the United Nation Development Programme (UNDP) Gender Inequality index, and 132 out of 134 countries on the Global Gender Gap. Women's health and reproductive health status is poor with MMR at a high of 260/100 000 due to insufficient services and Rh service providers for timely emergency care; 14% of women of reproductive age are thin or undernourished.

**Violence against women and girls** in its various forms – rape, abduction, sexual abuse and harassment, domestic violence, acid crimes and killing in the name of honour – seem to be on the rise despite the passage of laws. Overcoming VAW is thus a continuous challenge that curbs women's fuller participation in education, and other avenues of public and private life.



# NCSW's Thematic And Strategic Priorities

The National Commission on the Status of Women is mandated by the NCSW Act 2012 to promote social, economic, political and legal rights of women as provided in the Constitution of Pakistan and in accordance with its international commitments. The Commission's expanded mandate and administrative and financial autonomy with the provision of its own secretariat is the result of the pioneering and relentless efforts of the four previous Commissions. Their work provides the foundation for the current Commission to build upon.

**3.1. Thematic Priority Areas** The Commission has taken CEDAW Committee's Concluding Observations following the review of Pakistan's 4<sup>th</sup> Periodic Report (February 2013), as the point of reference for the identification of its priorities. The priority thematic areas agreed upon by the Commission are given below. These are in addition to carrying forward the work of the previous Commissions and addressing new issues that may emerge from time to time:

- **Voice**, i.e. women's full political participation in the electoral process, inside assemblies, in public offices; reservation of women's seats in all tiers of local government; representation in political and other decision making bodies/forums;
- **Violence against women (VAW)**, this includes addressing violence and fear of violence against women including in conflict areas, through documentation, legal actions, enhanced support systems (shelters, crisis centres, legal aid, etc.), responsive policing, effective implementation of women protection laws; and new legislation.
- **Economic empowerment** with special focus on home based/informal sector workers and their inclusion in the labour force, affirmative action for reservations and quotas in government including for minority communities, and legislation where necessary.

**3.2. Strategies** The strategies for implementing NCSW mandate are:

- **Building a strong Institutional base** Strong and integrated governance and administrative structure of NCSW commensurate with its mandate and responsibilities.
- **Promoting/facilitating legislation and policies:** reviewing laws and policies and making legislative and policy recommendations; developing mechanisms for monitoring implementation of women protection laws; establishment of complaints and response mechanisms for violence and threats.
- **Monitoring to ensure implementation of national and international commitments** in collaboration and coordination with the Ministry of Law Justice and Human Rights, Women's Parliamentary Caucus and provincial women's caucuses, Provincial Commissions on the Status of Women, provincial Women Development Departments, Social Welfare Departments and other relevant institutions dealing with women's rights.
- **Advocacy** to promote women's rights, enact new legislation, make amendments in



existing legislation, develop/propose policies, etc.

- **Networking** and coordination with similar human rights bodies, civil society alliances, organisations, experts, individuals and donors to promote and protect women's rights.
- **Undertaking and encouraging research** for generating evidence.
- **Developing** regional forums/platforms with similar Commissions and institutions for collaboration and action to address similar issues and problems.

# NCSW Activities – 2013

## 4.1. *Building a strong institutional base:*

**January- April 2013** While the Chairperson of NCSW joined the Commission in Jan 2013 its members were not notified till the end of March and the Commission became formally operational from the middle of April following the first NCSW members meeting.

NCSW Chairperson's first task soon after taking up her position (Feb 2013) was to lead the delegation to CEDAW Committee hearing in Geneva where Pakistan's fourth Periodic CEDAW Report was the basis of discussion. Chairperson presented the Pakistan statement and then fielded questions from the Committee who had been briefed by Pakistani NGOs the day before on women's issues. The Committee commended the efforts made by the Government especially in the legislative field and at the same time pointed to areas that needed more effort and action. The Committee gave written Concluding Observations and set March 2017 for the next periodic report and progress report on two questions in March 2015.



Chairperson Ms. Khawar Mumtaz is convening first Commission meeting



Members of NCSW are attending Commission's first meeting.

Chairperson of NCSW was a member of the Official delegation at the annual UN Commission on the Status of Women session in New York in March 2013. The theme of the session was Violence against Women. Prior to CSW session was the two day Commonwealth Women Ministers' Conference. As a follow up the Commonwealth Business Council representative visited NCSW and offered technical support if Pakistan Government planned an event on economic empowerment of women during the forthcoming Commonwealth Ministerial and Heads of Governments / states meetings to be held in South Asia 2013.

**April-December 2013:** The first meeting of NCSW members was held on 8-9 April-2013. In this meeting NCSW Executive Committee was elected by consensus, two sub-committees (Law and Policy Committee and a Research Committee) and a short term Committee (to develop Rules of Business) were formed. The latter sub-Committee was tasked with developing NCSW TORs and after it submitted its recommendations it ceased to exist..

The Commission decided in its first meeting to build upon the work done by previous Commissions and to set priorities with reference to CEDAW Committee's Concluding Remarks. One of the first tasks towards institutionalisation was to ensure regular quarterly

meetings of the Commission, thus up until December 2013 three well attended Members meetings were held. The proceedings were properly conducted as per Rules of the previous Commission with the Chairperson setting the convention of presenting written reports of NCSW activities of the period.

NCSW began working with part time officers made available initially by the Human Rights Ministry and subsequently by the Ministry of Law Justice and Human Rights. Among



A group picture of NCSW Members with Chairperson at the 48<sup>th</sup> Board of Directors' Meeting

dedicated staff the Commission had a Personal Secretary and Personal Assistant and other support staff who has multi-tasked and through team work has managed the resource centre, the website (which was redesigned and made user friendly), as well as organised NCSW meetings and events.

Working under a new Act, NCSW needed to revisit its Rules of Business, define a structure with staff complement commensurate with its mandate, and at the same time draw up related rules and terms of recruitment. Drafting of Rules of Business was given top most priority by the Commission. Its sub-Committee for the task produced the first draft which saw several consultations and revisions to ensure that the autonomy and independence provided in the Act is not compromised. The final draft was submitted for comments via the Ministry of LJHR to the Establishment Division, Finance Division and CGA's office. Similarly the structure and its organogram were developed and submitted for approval to the Establishment Division which first initiated a study to assess the Commission's needs and its requirements and responded with its recommendations by the end of the year (December 2013).

In the absence of new Rules of Business, approved structure and sanctioned staff, human resource was NCSW's biggest challenge in its first year. It had to struggle to hire short term consultants under the old Rules as these were applicable until new ones could be notified. The Commission managed to recruit three mid-level consultants (Law, Communications and Research) who came on board in November 2013. Up until then an intern and other volunteers provided back up to the Commission in its activities.

## **4.2. Promoting/facilitating legislation and policies**

### **4.2.1. Lapsed legislation**

In keeping with the spirit of continuity NCSW gave priority to legislation that had been stalled due to the end of the term of the National Assembly (2008-2013) in March 2013. These included:

**Reproductive Health Care Bill 2013** The Bill was passed unanimously by the NA in March 2013 but could not be presented to the Senate and thus lapsed.

**Domestic Violence Protection and Prevention Bill (ICT) 2012** The said Bill was passed in the Senate but did not get to the NA and lapsed. NCSW undertook a comprehensive review of the Bill and redrafted it after consultations with civil society organizations and with the NCSW Law Committee. The new draft was forwarded to the Ministry of Law, Justice and Human Rights for processing and further action.

**Christian Marriage and Divorce (Amendment) Bills** –NCSW in its previous term had prepared a draft Bill through a consultative process. NCSW Law Committee after meeting with stakeholders, and drafting experts from the Ministry of LJHR finalised amendments to the Christian Marriage Bill and the Christian Divorce Bill and forwarded both to the Ministry.

**Pakistan Registration of Hindu Marriage Bill** – the previous NCSW had drafted a Bill through a consultative process which needed more work.

### **4.2.2. New Legislation**

Some priority issues identified by NCSW require new legislation on which the Commission initiated advocacy and working. These include:

**Amendments in existing laws** Given the impunity with which women and some men were killed in the name of honour the need is for some change in existing laws to stop compromise and/or pardon of perpetrators (Criminal Law (Amendment) Act 2004; *Qisas* and *Diyat* Law).

**Local Government laws** NCSW strongly believes that local government experience had demonstrated that these are nurseries for the development of women's political leadership. Therefore it advocated for the provision in provincial Local Government laws to ensure a 33% quota for women at all tiers. NCSW prepared a position paper for women's participation in Local Government and sent it to the Chief Ministers of all provinces, relevant ministers and heads of all parties in the Parliament Assemblies (Position paper is annexed). It participated in provincial consultations and advocated for 33% reservation of seats for women in all tiers and for direct elections atleast in the first tier of the Local Government. NCSW further convened a consultation on the issue with civil society stakeholders and issued a press release, which was shared widely. Moreover, the Chairperson spoke at various CSO events to advocate its position on women's representation. The Commission also undertook comparative analysis of the proposed laws and to continue advocacy with provincial governments. Balochistan is the only province that provided for 33% women's seats at all tiers of local government, though to be elected indirectly.

**Amendments in Prevention and Control of Human Trafficking of Women Ordinance 2002 and Human Smuggling Ordinance 2002**, to make them gender sensitive and include internal trafficking of women and girls. NCSW undertook consultations with stakeholders,



UNODC, NCSW members, and members of RSIL (a legal research group), on the Act (to Combat Trafficking in Person, especially women and Children) that UNODC and Min of LJHR were working on.

#### 4.2.3 Policies

NCSW set as priority two policies -- the National Policy on Home based Workers which was already in a draft stage; and national guidelines for Women's Development and Empowerment Policy.

### 4.3 Monitoring

#### 4.3.1 Elections 2013

NCSW decided in its first meeting (April 2013) that it would monitor elections from the perspective of women's participation. NCSW set up a web-based complaints cell for receiving pre- during- and post- election complaints which could also be received on email and cell phones. A checklist for complaints was also drawn up. Information about the system was shared widely with civil society networks, as well as Provincial Commission on the Status of Women - KP. Governments of KP, Punjab and Sindh were approached to pre-empt the prevention of women from voting. KP Minister of Social Welfare and Women Development sent out a directive to Divisional Commissioners to actively ensure that no one stops women from casting their votes.

NCSW received accreditation for its monitors as observers from the Election Commission of Pakistan (ECP) that nominated a focal person for NCSW to forward complaints to pre and during elections and provided its directory of ROs and DROs to NCSW.

A few days prior to the elections complaints from the field started coming in and on the eve of the elections there was a spate of them informing NCSW about alleged steps to prevent women from voting in pockets of FATA, Swat, Laki Marwat. SMS and telephone calls continued on Election Day and were immediately conveyed to the focal point in ECP.

NCSW Monitors covered 23 NA constituencies across all four provinces and Islamabad Capital Territory along with connected provincial assembly constituencies. A total of 84 polling stations were monitored. A key observation was of the unprecedented turnout of women, many of them first-time voters, in most constituencies except in Balochistan. In the polling station of village Khair Muhammad Samejo (NA 209; PS-16) not a single woman had cast a vote in 2008 elections as they were not allowed to do so by family members. In this election the turnout was 61% of the registered voters in this village.



Chairperson speaking in a meeting on election complaints at NCSW.

Other observations resonated with those made by other election monitoring bodies: poor arrangements at female polling booths that were crowded in both urban and rural polling stations; staffing problems of shortage/absence of staff in some locations and untrained staff in others that slowed the voting -- in two polling stations in Swabi, LHWs had been appointed in lieu of police officers and were ineffective; the notion/concept of secrecy of ballot was not clear to many women. (**Annex 2**). The Report with recommendations was submitted to ECP.

An important recommendation was to make relevant changes to stop the prevention of women from exercising their right to vote.

#### **4.3.2 Violence against Women**

**Developing standardised indicators** Regular documentation of violence against women shows that it is on the rise in Pakistan. Not only has the reporting of such crimes increased, but also their brutality and severity with killing in the name of honour having spread from remote pockets to urban centres. In view of the grave nature of the problem that remains a major obstacle in the way of women's development NCSW organised a consultation in collaboration with UN Women with key stakeholders --- UN agencies, researchers, data analysts, civil society activists and donors to discuss the need of a national baseline on violence against women in order to establish the violence by location and the forms it takes in order to develop strategies for countering it. NCSW initiated the process of developing standardized indicators for undertaking a baseline survey and held preliminary discussions with Pakistan Bureau of Statistics on conducting it. Commission also began exploring funding for the exercise.

**Developing effective documentation and monitoring mechanisms** National Police Bureau's Gender Crimes Cell is the institution for collecting nation-wide data on VAW as reported in police *thanas*. Following discussions with staff of GCC it was felt that information collection mechanism needs to be upgraded and aligned with the indicators being developed by NCSW and data analysis capacity be strengthened. NCSW initiated fund raising for undertaking this.

Indicators with reference to laws for protection of women from violence were provided by NCSW to the Lahore High Court for inclusion in its pilot project to track the movement of cases in district courts.

**Responding to complaints** NCSW has not yet set up a formal complaints system, but still received individual complaints (3-4 harassment at workplace cases, a few VAW cases, eviction of working woman by her landlord, choice marriage couple seeking safety, women needing legal aid, etc.), which it directed towards relevant institutions/individuals. In response to complaints received regarding the alleged forcing of women to parade naked in Patoki, NCSW, formed a three-member fact finding committee headed by its Member from Punjab, Ms. Tanveer Jahan. The Committee after an extensive field based review during which it met the victims, the aggressors, police officials and other residents, and reviewed FIRs and police reports, came to the conclusion that there had been a conflict in which women were beaten up but there was no truth in the allegation "women being paraded naked." (**Annex 3**)

Following the heinous rape of a 5 year old and a spate of rape crimes against young girls NCSW approached CM Punjab to express its concern and requested access of the 3-member NCSW Committee, to the case record for monitoring and oversight. Unfortunately no response was received from CM's office. Jalozei rape case, suicides of girls in Gilgit Baltistan, the case of a young woman set on fire by in-laws in Bagh, AJK, the case of a student kidnapped and gang raped allegedly by relatives of a well-known family were among cases that NCSW followed up through its members.

**Monitoring visit to Darul Aman, Sukkur** NCSW views shelters as an important institutional support system for women victims and survivors of violence. NCSW received complaints that despite the order of Justice Ahmed Ali after a visit to the Darul Aman in December 2012 for improvement and shifting of Darul Aman to Women Hostel Sukkur, the Social Welfare Department had not taken action to implement the order. NCSW assigned its members in Sindh, Uzma Noorani and Jan Mohammed Odhano to visit the Darul Amana and do a first-hand assessment of the shelter and the plight of women and children housed there. Social Welfare Department was informed of the visit and requested to facilitate it. The two member team made the field visit on 26<sup>th</sup> June where besides visiting the shelter they also met the Assistant Advocate General, and visited the Women's Hostel. They reported abysmal conditions with the building needing immediate repairs as rooves were caving in and the bathrooms were insufficient for the number of people residing in it. The shelter was overcrowded with its 11 small, large and medium sized rooms housing 69 inmates along with 23 children. The hot weather combined with load shedding made living conditions unbearable. The report with its recommendations was shared with the Minister for Social Welfare, Sindh who promised to visit the shelter herself and take steps for improving it. (Annex 4).



Member NCSW Mr. Jan Mohammed Odhano is on field visit of Darul Aman, Sukkur.

NCSW followed up by facilitating a meeting between Minister of Social Welfare and NGOs who had developed Standard Operating Procedures for shelters and which have already been adopted in Punjab. The meeting led to the approval and notification of the Standard Operating Procedures by the Minister. NCSW also facilitated a meeting to explore funding to upgrade Dar-ul-Amans in Sindh.

**Tracking acid crimes** NCSW signed an MOU with Acid Survivors Foundation to document registration of acid crimes cases, the law under which they are registered and rehabilitation services available for burn victims; and also advocate for a comprehensive acid crime law.

**Legal action** NCSW filed a habeas corpus petition in District Court Dasu for production of girls allegedly executed by the family as a video showing them clapping had gone public. The Supreme Court earlier had taken *suo moto* notice of the case and had sent a Mission to Kohistan to verify if the women were alive or dead. On the Mission's report the case had been closed by the Supreme Court. Due to a public controversy around the findings of the Mission and pleas from civil society human rights defenders NCSW decided to move a habeas corpus petition in Dasu District Court. The petition was admitted and the police was ordered to produce the girls in court (Dec 2013).

NCSW petition against *jirgas* moved in 2012 did not get a date for hearing throughout 2013.

#### **4.4. Advocacy and Networking**

##### **4.4.1. National level**

**Networking events** Advocacy and networking are continuous NCSW activities. The Commission organised public networking events in tandem with all its Member meetings. On



the eve of the first meeting in April 2013 NCSW organised a well-attended dinner meeting of CSOs, Government officials, donors and civil society organisations to introduce the new Commission and its members; and share the powers and functions of the Commission under the NCSW Act 2102. Former Commission Chairs were the principle speakers reflecting the evolution of the Commission from 2000 onwards. The event was chaired by Dr. Sania Nishtar, Minister in the Interim Government.



Chairperson Ms. Khawar Mumtaz is briefing about NCSW at the Inaugural Ceremony.

NCSW's second Members meeting was followed by an interactive meeting with newly elected women MNAs and women Senators along with donors, government officials and civil society representatives. Here the objective was to introduce the Commission to new parliamentarians. The Chair of the session was Dr. Fehmida Mirza who gave an overview of the Women Parliamentary Caucus and its formation and its positive role in passing women protective legislation. Ms. Saira Tarar a veteran MNA and member of NCSW spoke about her experience as a member of the Women Parliamentary Caucus and collective advocacy. The meeting was facilitated by NCSW member Ms. Kishwar Naheed,



Member NCSW Ms Kishwar Naheed cutting cake at interactive meeting of NCSW.

who recited her poems on the occasion.

The third meeting of NCSW Members was held in Peshawar where a stake holder event was organised by KP members of NCSW. This was the formal introduction of NCSW in the province. Dr. Taj Rouhani, Advisor to the Chief Minister was the chief guest.

NCSW participated in two Inter-Provincial Ministers Group meetings. IPMG was formed in 2011 and had been meeting thrice a year with the support of UN Women as a platform of sharing provincial initiatives, success stories and to plan collective initiatives. Women Development Ministers, Secretaries of WDD and SWD, Officials of Federal Human Rights Ministry participated in it. In the second meeting of IPMG (Nov 2013), NCSW offered to be the Secretariat of IPMG. The request was endorsed by all provincial representatives. At that meeting NCSW presented its schedule and methodology for preparing the Beijing 20 year Report which was endorsed by provincial Ministers who nominated focal points in their Departments to facilitate collecting of information from various departments.



Participants of interactive meeting with MNAs, Donors, Government officials, CSOs organized by NCSW

Joint activities with various stake holders (official departments/institutions, CSOs), was a

networking strategy for reaching out to wider audiences and to put across NCSW positions.

## **Advocacy**

**Elections** In 2013 a great deal of advocacy revolved around elections and women's participation in elections. This included organising a stakeholder roundtable discussion in Islamabad attended by rights activists and organisations, former parliamentarians, lawyers and media, in collaboration with Heinrich Boll Stiftung. Presentations were made by experts Tahira Abdullah and Naheed Aziz on political parties' manifestos and their outlook on women's rights, based on their study. Aqsa Khan of WORD presented a brief overview of the Implementation Watch Committees of Harassment of Women at Workplace law and their role. The roundtable discussed future strategies to promote women-specific legislation and monitoring of implementation of harassment and acid crimes laws and NCSW's responsibility of following up. (**Annex 5**)

NCSW was invited by civil society election monitoring groups as well as various international monitors (EU, Gender Concerns International, UN agencies, etc.) to give briefings and provide analysis in the light of the experience of past elections. Chairperson, on behalf of NCSW also gave a briefing on its monitoring to a roundtable in KP organised by PCSW-KP and met with CM Punjab and Human Rights Minister, Sindh to ensure that women are not prevented from voting.

Following the May 2013 elections the Commission endorsed a petition by local social activists to the ECP tribunal for re-polling in 6 female polling stations in Kohistan where voting was cancelled and women voters had to be turned away as polling staff was absent. The petition was admitted by ECP.

Systematic advocacy was carried out for reservation of 33% seats for women in local government (see section above). NCSW held a press conference, widely shared its press release, sent its position paper to all provincial CMs and leaders of political parties in assemblies and spoke at events organised by CSOs and other stakeholders. (**Annex 6**)

**Violence against Women** The other main subject of advocacy was related to VAW. NCSW advocated with Punjab and Sindh governments for instituting safeguards for the investigation and prosecution of all rape matters in Pakistan on the basis of the Supreme Court judgment in a gang rape case -- Salman Akram Raja and Tahira Abdullah v. The Government of Punjab, (2013 SCMR 203). (**Annex 7**). It held several brainstorming sessions on developing standardised indicators on VAW.

NCSW organised consultations with CSOs, religious scholars and lawyers to discuss CII's positions on age of marriage, Women Protection Act 2006, DNA as evidence in cases of rape and also wrote to CII on these issues giving its position and reasoning (**Annex 12(6)**).

**Implementation of laws** At the annual rural women's conference organised by PODA, NCSW organized a panel on *Implementation of Pro-women Laws in Pakistan: Challenges and Opportunities*. Three laws, namely, Acid Crime Act, Sexual Harassment at Workplace Act and Anti Women Customary Practices Act were explained simply to 250-300 rural women and their organisations as well as ways of accessing them. Justice Yasmeen Abbasey, Advocate Riffat Butt, Gender expert Dr. Farzana Bari spoke on the occasion which was chaired by former Chairperson of NCSW, Ms. Anis Haroon. Rural women's representatives from each province highlighted issues faced by them of lack of access to police stations, absence of

Committees to address harassment at workplace, and little awareness of new laws and how to invoke them.

**Domestic Violence** A national Consultation on Domestic Violence legislation was organised in collaboration with a CSO (Shirkat Gah) in Karachi (Nov 2013) to advocate for DV laws in all provinces on the model of the Sindh Domestic Violence Act 2013. Provincial Ministers and Secretaries as well as Provincial Commissions on Status of Women KP and AJK attended the Consultation and reviewed the Sindh Law clause by clause. One day of the consultation was devoted to implementation mechanism of the law in Sindh and to expedite the formation of Protection



Chairperson Ms Khawar Mumtaz is speaking at National Consultation on Legislation for Prevention of Domestic Violence and its Implementation.

Committees. Balochistan followed within weeks with the enactment of a Domestic Violence Act. NCSW was also invited to a consultation in Punjab on the draft Domestic Violence Bill and Government's Punjab Family Protection from Violence Bill, 2013. The house which included civil society organisations, provincial assembly members and lawyers, etc. concluded that the draft Domestic Violence Bill needs to be lobbied for as the Provincial Government's proposed Bill does not address issues of domestic violence as its focus is strengthening of government shelters.

**Nikah Nama** NCSW is a member of the Law and Justice Commission and is represented by the Chairperson. NCSW was asked to give comments on L& J Commission's proposed amendments in the Nikah Nama and MFLO and Bridal Gifts Ordinance. After consultation with its Law Committee Chair and other Family Laws lawyers NCSW gave its comments. A strong NCSW recommendation was for a minimum educational qualification for *nikah* registrars and/or training on filling the *nikah nama*.

#### 4.4.2. International level

**UN Secretary General's Visit** In collaboration with Women Parliamentary Caucus and UN Women/UNDP, NCSW hosted an interactive meeting with UN Secretary General Ban Ki Moon and select women parliamentarians and women's rights activists. Dr. Fehmida Mirza spoke about the WPC and its role, Chairperson NCSW gave an overview of the women's movement in Pakistan and its symbiotic relationship with women legislators (**Annex 8**). MNA from each party gave her party position and priority on women's issues and their expectation from the UN system. Mr. Ban Ki Moon gave the UN perspective on women's empowerment and development.

**Nepal Women's Commission** NCSW hosted the Nepal Women's Commission members (Dec 2013). This was the first interaction with a regional Commission. Workings and challenges of Pakistan and Nepal Commissions were shared. It was resolved that efforts will be made to establish a regional platform of Women's machineries in SAARC.

NCSW Chairperson's first task soon after taking up her position (Feb 2013) was to lead the delegation to CEDAW Committee hearing in Geneva where Pakistan's fourth Periodic





A group picture with the Nepal Women's Commission.

CEDAW Report was the basis of discussion. Chairperson presented the Pakistan statement and then fielded questions from the Committee who had been briefed by Pakistani NGOs the day before on women's issues. The Committee commended the efforts made by the Government especially in the legislative field and at the same time pointed to areas that needed more effort and action. The Committee gave written Concluding Observations and set March 2017 for the next periodic report and progress report on two questions in March 2015.

**Donor visits** Several foreign delegations and donors agencies visited NCSW while preparing/planning their gender focused development/aid programmes (EU, UN Women, USAID-GEP, DFID, etc.), as well as researchers working on different aspects of women's issues.



Asthma Khader Jordan's Human Rights activist, meet NCSW and Law Committee Members

NCSW decided to first review the research that had been carried out by previous Commissions in order to identify gaps that required more research. It also agreed that the Commission should try and encourage research institutions/organisations to undertake research for evidence generation. This was especially in view of the fact that NCSW does not have requisite staff to coordinate research. Members decided that Commission would initiate research in the second year of its term.

**Review/Comments** NCSW on the request of UN Women reviewed and provided comments on UN Women's in-depth analysis of PBS and LFS data (2011-2012) including micro data before its publication.

**Research based consultation** NCSW held a research based national consultation with Research and Development Solutions focused on addressing adolescent girls' reproductive health information needs and the issue of early age marriage. Two field based research findings were shared: one on adolescent girls' RH info needs by RADS and the other on the issue of early age marriage by Shirkat Gah. Participants were former and present MNAs and Senators, provincial assembly members, RH and gender experts, academics, rights activists and media. The opening session was chaired by Minister of State for Health and Drug Regulation, Ms. Saira Tarar and the concluding session by the Min of State for Higher Education and Training, Mr. Balighur Rehaman. The discussion facilitated by Aga Kahn University Professor Kausar S. Khan and Dr. Adnan of RADS, focused on out of the box measures to bring adolescent girls into the mainstream. The Report of the consultation is to be published.

**VAW Indicators** The major research for which preparation was initiated in 2013 is the baseline survey on VAW and associated desk review of literature on VAW. Fund-raising for both activities was started.

**Nizam- Adal research** PCSW-KP followed up NCSW's earlier study of the Nizam-e-Adal law (published 2012) to assess the implementation of the said law. NCSW is having it peer reviewed and will publish it.



# Report on Finances

## **Statement of Expenditure during 2013 (1<sup>st</sup> Jan. to 31<sup>st</sup> Dec. 2014)**

Broad breakup details of expenditure incurred by NCSW for its Program Activities and the Administrative cost are given below. The details of overall allocation for the covered period are also provided. It is important to mention that these expenses incurred do not reflect the actual volume of activities. NCSW was able to execute several activities with the financial collaboration of UN Agencies, International Donors, CSOs, etc.

Initial allocation for year 2012-13	Rs.15 Million:
Utilization from 1 <sup>st</sup> Jan 13 to 30 <sup>th</sup> June 2013	Rs.4.617
Initial allocation for year 2013-14	Rs.25 Million
Utilization from 1 <sup>st</sup> July 13 to 31 <sup>st</sup> Dec. 2013	Rs.1.897 million

### **Programme Cost**

1.1.04 Commission Members Meeting (Including interactive stakeholders sessions)	Rs. 1.808 Million
1.2.02 Conferences/Seminars/Consultations **	Rs. 0..422 Million
1.3.07 Advocacy Sessions in NCSW*--	
1.4.Law Committee Meetings	Rs. 0.008 Million.

### **Administrative Costs**

2.1.Utilities	Rs. 1.032 Million
2.2.Maintenance of Vehicle, POL/CNG	Rs. 0.425 Million
2.2.RentRs. 1.875 Million	
2.3.Miscellaneous	Rs. 0.943 Million

<b>Net Total</b>	<b>Rs. 6.513 Million</b>
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# Conclusions

To conclude, the Commission at the end of its first year of operation and keeping in view its scope of work and mandate: set its priorities, developed its strategy and at the same time committed itself to maintain continuity with the work done by previous Commissions. It, therefore, took up lapsed legislation, reviewed researches already undertaken and geared itself to respond to emerging issues as well as complaints. It took initiatives in accordance with the mandated functions stipulated under Chapter III Article 11 of the NCSW Act, 2012. It examined policies and laws affecting the rights and status of women, actively engaged with stakeholders (CSOs, government departments, donors) including through joint activities and coalition building which enabled it to reach out to wider audiences, and do advocacy, liaised with provincial commissions (KP and AJK) and initiated regional coordination. In addition it took steps to mobilise grants for its institutional strengthening.



# ANNEXES



## **ANNEX 1:**

REGISTERED No. M-302

L.-7646

# **The Gazette of Pakistan**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**ISLAMABAD, SATURDAY, MARCH 10, 2012**

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**PART 1**

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 10<sup>th</sup> March, 2012*

**No. F. 9(4)/2012-Legis.**—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 8<sup>th</sup> March, 2012, is hereby published for general information:

### **Act No. VIII Of 2012**

*An Act to provide for the setting up of National Commission on the  
Status of Women*

Whereas it is expedient to set up a National Commission on the Status of Women for the promotion of social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan and in accordance with international declarations, conventions, treaties, covenants and agreements relating to women, including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

(145)

*Price: Rs. 10.50*

[2256(2012)/Ex.Gaz.]

**CHAPTER-I  
PRELIMINARY**

1. Short title, extent and commencement.—(1) This Act may be called the National Commission on the Status of Women Bill, 2012.
  - (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) “Chairperson” means the Chairperson of the Commission as appointed under section 4, and includes Acting Chairperson appointed under section 7;
  - b) “Commission” means the National Commission on the Status of Women established under section 3;
  - c) “girl” means a female human being under the age of eighteen years;
  - d) “Member” means the Member of the Commission:
  - e) “prescribed” means prescribed by rules made under this Act;
  - f) “Secretary” means the Secretary of the Commission appointed under section 9; and
  - g) “Women” means a female human being of eighteen years or above.

## CHAPTER-II

### ESTABLISHMENT OF THE COMMISSION

3. Establishment of the Commission.—(1) The Federal Government shall constitute a Commission to be known as the National Commission on the Status of Women (NCSW), to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.
  - (2) The Commission shall consist of,—
    - a) A Chairperson, who shall be a woman with experience of working on issues related to women’s rights for more than fifteen years, and is committed to the cause of women’s empowerment;
    - b) two members from each Province of whom at least one member shall be a woman, one woman member each from Federally Administered Tribal Areas, Azad Jammu and Kashmir, Gilgit-Baltistan, the Islamabad Capital Territory and from minorities;
    - c) Five ex-officio members who shall be representatives of the Ministries of Law, Finance, Foreign Affairs and Interior and the Ministry concerned with the subject of women’s rights not below BPS-20, and who shall not have the right to vote;
    - d) Chairperson or a designated member of each provincial Commission on the Women’s rights, set up under provincial laws; and
    - e) Secretary of the Commission, who shall not have the right to vote,

3) A member appointed under paragraph (b) of sub-section (2), shall not be less than thirty years of age, with experience of working on issues related to women's rights and is committed to the cause of women's empowerment.

4) The headquarter of the Commission shall be at Islamabad.

5) The Commission shall be a body corporate having perpetual succession and common seal with powers, among others to acquire, hold and dispose of any property and shall sue and be sued by the said name.

**4. Appointment of Chairperson.—**(1) The Federal Government shall through public notice, invite suggestions for suitable persons for appointment as Chairperson and , after proper scrutiny, shall submit a list of those persons to the Prime Minister and Leader of the Opposition in the National Assembly.

(2) The Prime Ministershall in consultation with the Leader of the Opposition in the National Assembly forward three names for Chairperson to a Parliamentary Committee for hearing and confirmation of any one person:

Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate list to the Parliamentary Committee.

(3) The Parliamentary Committee shall be constituted by the Speaker of the National Assembly and shall comprise fifty percent members from the treasury benches and fifty percent from the opposition parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary leaders:

Provided that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate.

(4) The Parliamentary Committee shall regulate its own procedure.

(5) The Parliamentary Committee shall forward the name of the nominee confirmed by it to the Prime Minister, who shall appoint the Chairperson accordingly.

(6) Appointment of Member (1)The members, including ex-officio members, shall be appointed by the Prime Minister from amongst the names recommended under sub-section (2).

(2) The Federal Government shall, after consultation with relevant stake holders, recommend to the Prime Minister three names for each Member who fulfill the qualifications laid down in section 3.

(3) A vacancy of a Member shall be filled as provided in sub-sections (1) and (2) within thirty days of the occurrence of the vacancy.



**6. Term of office of Chairperson and of members.** — (1) A person appointed as the Chairperson and Member shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be unexpired only once.

(2) The Chairperson or a Member may resign his or her office in writing under his or her hand addressed to Prime Minister of the Islamic Republic of Pakistan and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.

**7. Removal of Chairperson and Members.**—The Chairperson and Members may be removed from office by the Prime Minister if he or she, as the case may be,—

a) is, after proper inquiry, found guilty of misconduct;

Provided that in the case of the Chairperson, such finding shall be submitted to the Parliamentary Committee for confirmation;

b) is adjudged an insolvent;

c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority; and

d) has, on conviction of any offence involving moral turpitude been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.

**8. Acting Chairperson.**— By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Prime Minister shall appoint a woman from amongst the members of the Commission to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

**9. Terms and conditions as applicable to members.**— (1) The travelling and daily allowance and other allowances payable to and terms and conditions as applicable to members, other than ex-officio members, shall be such as may be prescribed.

(2) The salary and allowances payable to and terms and condition applicable to the Chairperson, shall be such as prescribed by the Federal Government.

(3) The Chairperson of the Commission shall be full time, shall have the status equivalent to a Minister of state of the Federal Government. The executive and financial authority and responsibility of the Commission shall vest in the Chairperson who shall be the overall in-charge of the Commission.

(4) A member of the Commission shall have status equivalent to BPS-21 of the Federal Government.

**10. Secretariat of the Commission.**—(1) There shall be a Secretariat of the Commission headed by the secretary with complement of officers and support staff as may be prescribed.

- (2) The Secretary on the instructions of the Commission will prepare a draft three year strategic plan, the Annual Work plan and budget.
- (3) The Secretary shall be appointed in the manner as may be prescribed.
- (4) The appointment and terms and conditions of the employees of the Commission shall be such as may be prescribed.

### CHAPTER-III

#### FUNCTIONS AND POWERS OF THE COMMISSION

**11. Functions and Powers of the Commission.** —The Commission,-

- a) shall examine the policy, programs and other measures taken by the Federal Government for gender equality, women's empowerment, political participation, representation, assess implementation and make suitable recommendations to the concerned authorities;
- b) Shall review all federal laws, rules and regulations affecting the status and rights of women and suggest repeal, amendment or new legislation essential to eliminate discrimination, safeguard and promote the interest of women and achieve gender equality before law in accordance with the constitution and obligations under international covenants and commitments ;
- c) shall sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to women and gender issues to provide knowledge and awareness for national policy and strategic Action for women empowerment;
- d) shall develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals in society and an active association with similar Commissions and institutions in other countries for collaboration and Action to achieve gender equality at the national, regional and international level;
- e) mobilize grants from domestic and international, including multi and bilateral agencies, approved by the Federal Government , for meeting any of its obligations or performing its functions;
- f) shall facilitate and monitor implementation of international instruments and obligations affecting women and girls to which Pakistan is a signatory, and advise the Federal Government before accession to any such proposed international instruments, protocol or treaty;
- g) shall recommended to the Federal Government the signing or ratifying of international instruments (conventions, treaties and covenants) affecting rights of women and girls;
- h) may seek and receive information, data and documents form any federal source or entity in the course of performance of its functions;
- i) while inquiring into complaints of violations of women's rights may call for information or report from the Federal Government civil society organizations and autonomous or concerned

bodies; and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedures, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents;

j) may in accordance with relevant laws and rules and prior permission of the provincial governments concerned inspect any jail, sub-jail or other places of custody where women and girls are kept and to make appropriate recommendations to the authorities concerned;

k) may act for advocacy, lobbying , coalition building, networking and as a catalyst for promotion of cause of women to facilitate their participation in all spheres of life including legal, economic, social and political empowerment;

l) liaise with the provincial Commissions set up under provincial laws and other concerned provincial organizations;

m) shall monitor the mechanism and institutional procedure for redressal of violation of women's rights; and

n) may perform any other functions which may be assigned to it by the Federal Government.

**12. Meetings of the Commission,** (1) A meeting of the Commission shall be held in each quarter of the year at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

(2) All meetings shall be chaired by the Chairperson.

(3) The Commission will consider, approve and monitor implementation of the strategic plan and the annual budget.

(4) The Commission shall, with the approval of Executive Committee, fix an honorarium or remuneration of advisors, consultants and experts as may be prescribed.

(5) The meeting of the Commission shall be conducted in accordance with procedure as may be prescribed.

(6) All decisions of the Commission shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.

(7) The quorum for the meeting of the Commission shall not be less than one half of the total strength of the Commission.

(8) The decisions of the Commission shall be taken by the majority of the members present. In case of a tie, the Chairperson of the meeting shall have the casting vote.

(9) No Act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Commission.

**13. Appointment of Committees of the Commission.**---(1) There shall be an Executive Committee of the Commission consisting of the Chairperson and three other members to be

appointed by the Commission which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission.

(2) The Commission may establish such other Committees from amongst its members as it deems fit and may refer to them any matter for consideration and report. The Commission may, if it considers necessary, co-opt to a Committee any person possessing special knowledge and expertise on the relevant subject.

(3) All Committees except the Executive Committee will be time bound.

#### CHAPTER-IV

#### **FUNDS AND FINANCIAL CONTROL**

14. **Fund.**— (1) There shall be established by the Federal Government a Fund to be known as the National Commission on the Status of Women Fund, which shall vest in the Commission and shall be used by the Commission to meet charges in connection with its functions under this Act.

(2) Source of the Fund amongst other moneys may be the following,--

- a) such fund as the Federal Government shall allocate each year as a non-lapsable grant in the annual budget;
- b) donations, if any made by private individuals, national and international agencies;
- c) income from investment by the Commission as may be prescribed;
- d) all funds held by the Federal Government under the title of National Commission's Fund; and
- e) all other sums or properties or assets which may in any manner become payable to or vest in, the Commission in respect of any matter.

(3) The Commission whilst performing its functions and exercising its powers under this Act, shall ensure the highest sense of prudence in respect of expenditures incurred.

(4) The fund shall be expended for the purpose of,—

- a) performing functions of the Commission;
- b) The establishment charges, including its members, employees, consultants, legal and other fees and costs; and
- c) Such other activities which fall within the purview of the Commission.

(5) The Commission may invest its fund in accordance with instructions of the Federal Government.

(6) The Chairperson shall be the Principal Accounting officer of the Commission.

15. **Accounts and Audit.**—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Federal Government in consultation with the Auditor-General of Pakistan.

(2) The accounts of the Commission shall be audited by the Auditor-General at such intervals as may be specified by him or her.

(3) The Auditor-General and any other person appointed by him or her in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Auditor-General generally has in connection with the audit of Federal Government accounts and in particular shall have rights to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him or her in this behalf, together with the Audit Report, thereon shall be forwarded annually to the Federal Government by the Commission and the Federal Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER-V

### MISCELLANEOUS

16. **Annual Report of the Commission.**—(1) The Commission shall prepare its Annual Report and shall be presented to the Prime Minister and concerned Ministry. The Annual Report shall include an account of its performance and utilization of funds.

(2) The Annual Report of the Commission shall be laid and discussed in the Parliament.

17. **Assistance to the Commission.**— All Federal executive authorities shall assist the Commission in the performance of its functions.

18. **Indemnity.**— No suit, prosecution or legal proceedings shall lie against the Commission, the Chairperson or any member, officer, employees, advisors or consultants of the Commission in respect of anything done in good faith or intended to be done under this Act or the Rules made there under or order made, or publication by or under the authority of the Federal Government, a provincial Government, Commission or any report, paper or proceedings.

19. **Members and officers to be public servants.**—Every member of the Commission and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

20. **Power to make Rules.**— (1) The Federal Government in consultation with the Commission and by notification in the official Gazette, make Rules for the purpose of giving effect to the provisions of this Act.

(2) The rules of the Commission shall be made within ninety days of the commencement of this Act.

21. **Delegation of powers.**—The Commission may subject to such conditions, as it may specify, delegate any of its powers under this Act to the Executive Committee or member and to other such committees formed by the Commission.

22. **Power to remove difficulties.**—If any difficulties arises in giving effect to the provisions of this Act, the Federal Government may by order published in the official gazette make such provisions not inconsistent with the provisions of this Act as appears to it, be necessary or expedient for removing the difficulty:

Provided that this power shall be available for a period of one year from the date of commencement of this Act.

23. **Repeal.**— (1) The National Commission on the Status of Women ordinance, 2000(XXVI of 2000), hereinafter called as the repealed Ordinance, is hereby repealed.

(2) Notwithstanding the repeal of Ordinance referred to in sub-section. (1).—

a. any notification, rule , regulation, bye-law, order or exemption issued, made or granted under the repealed Ordinance shall have effect as if it had been issued, made or granted under the corresponding provision of this Act;

b. any official appointed and anybody elected or constituted under the repealed ordinance shall continue and shall be deemed to have been appointed, elected or constituted, as the case may be, under the corresponding provision of this Act;

c. any document referring to the repealed Ordinance shall be constructed as referring, as far as may be, to this Act, or to the corresponding provision of this Act.

3) The provisions of the General Clauses Act, 1897 (X of 1897), in general, and section 6, 8 and 24 thereof, in particular shall, apply to the repeal and re-enactment to the repealed Ordinance.

IFTIKHAR ULLAH BABAR,

*Secretary.*

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## **ANNEX 2:**

### **Government of Pakistan National Commission on the Status of Women**

#### **Report of Election Monitoring with Recommendations**

##### **1. Introduction:**

National Commission on the Status of Women (NCSW) in its meeting of 8-9 April 2013 discussed women's participation in the upcoming general elections especially in view of the threats issued to prevent women from voting in some parts of the country (e.g. No Go neighbourhoods of Karachi, Tor Ghar in FATA, pockets in Sindh). Acknowledging the fact that Pakistan is on the threshold of making history, as the election would mark the first democratic transition in Pakistan, the Commission was concerned about the possibility of women not being able to exercise their right to vote. NCSW therefore took the decision to monitor the elections for national and provincial assemblies with a focus on women's participation. Commission members agreed to undertake election observation in their constituencies.

Towards the objective of monitoring, the following steps were taken:

- NCSW set up a web-based complaints cell for receiving pre- during- and post- election complaints which could also be received on email as well as on cell phones. A checklist for complaints was also drawn up. Information about the system was shared widely with civil society networks, as well as Provincial Commission on the Status of Women - KP.
- NCSW requested accreditation from Election Commission of Pakistan as observers for NCSW Monitors. ECP also nominated a focal person for NCSW to forward complaints prior to and during elections. The directory of ROs and DROs with telephone numbers was also provided to NCSW. ROs/DROs were available on the numbers and were responsive.
- A monitoring framework was drawn up and provided to the monitors.
- KP, Punjab and Sindh governments were approached to pre-empt the prevention of women from voting. KP Minister of Social Welfare and Women Development sent out a directive to Divisional Commissioners to actively ensure that no one stops women from casting their votes.

A few days prior to the elections complaints from the field started being received by NCSW. On the eve of the elections there was a spate of them informing NCSW about alleged steps to prevent women from voting in some areas of FATA, Swat, Laki Marwat. SMS and telephone calls continued on Election Day also and were immediately conveyed to NCSW focal point in ECP. Those have all been documented and are in NCSW record. It needs to be added that the



ROs and DROs when contacted telephonically almost always took the calls and responded appropriately.

This Report, is based on observations received from NCSW designated Monitors. The monitoring was undertaken in constituencies that the 8 Monitors belonged to or which were accessible to them. In all 23 NA constituencies across all four provinces and Islamabad Capital Territory were covered along with connected provincial assembly constituencies. A total of 84 polling stations were monitored (See Table below). The Observations capture the election process in different locations and while not a basis for generalisationresonate with some problems/ground realities that other monitors have observed and give us insights into the electoral process and its obstacles to be addressed for future elections.

The monitoring by NCSW was symbolically important, relevant and useful;the reporting however varied in detail.

**Table: Monitoring areas, Monitors, Constituencies, Polling stations**

<b>1. Date</b>	:	11 May 2013
<b>2. Monitoring Areas</b>	:	
Federal Areas:	:	Islamabad City
Khyber Pakhtunkhwa	:	Peshawar City, Districts Mardan & Swabi
Sindh`	:	Karachi, Jacobabad
Punjab	:	Rawalpindi, Lahore
Baluchistan	:	Quetta, Kuchlak, Mastong
<b>3. Monitoring by:</b>		
• KishwarNaheed &Rawalpindi	Member NCSW	Islamabad
• Zubeida Khatoon Swabi	Member NCSW/Chairperson PCSW	Peshawar &
• Jan Odhano	Member NCSW	Jacobabad
• Zubaida Noor	Member NCSW	Mardan
• KhawarMumtaz	Chairperson NCSW	Lahore
• TanveerJahan	Member NCSW	Lahore
• Justice ® Kailash Nath Kohli	Member NCSW	Quetta
• Afiya Zia	On behalf of NCSW	Karachi

•	Kausar S. Khan	On behalf of NCSW	Karachi
4.	<b>No. of Constituencies:</b> 23 National Assembly Constituencies (2, 4, 9, 12, 13, 48, 49, 54, 55, 59, 120, 122, . 124, 126, 127, 130, 208, 209, 249, 250, 259, 260)		
5.	<b>Polling Stations covered:</b> 84		
•	KP	22	
•	Sindh	21	
•	Punjab	21	
•	Islamabad	15	
•	Baluchistan	05	

## 2. Observations

Observations received from Monitors are summarized below. They seem to reflect the uneven experience of the electoral process – from being very smooth and orderly in some places to chaotic, mismanaged and violent in others. Polling stations were mostly in government schools, colleges and health centers. Women polling stations were separate from those of men, in most cases, with some exceptions in Lahore and Islamabad where polling stations were common but polling booths were separate.

Some key observations:

- There was an unprecedented turnout of women, many of them first-time voters e.g. in Khair Muhammad Samejo village (NA 209) where no woman had cast a vote in the elections of 2008 as they had been not allowed by families due to conflict in the area there was a 61% female voter turnout. Quetta was an exception where 5 polling stations were visited by the NCSW Monitor. The threats issued two days prior to elections in the Province combined with a general strike to keep most voters away, particularly women. The interest of women was by and large high, with eagerness observed in polling stations monitored in Mardan, rural and urban Lahore and Karachi constituencies of Defense Housing Society and Lyari. Women were not allowed to vote in one polling station in Swabi, while in another where the males in a village took back their decision on Election Day the female turnout was almost negligible.

- Mismanagement and delayed voting was reported from polling stations of NA 250 (Karachi). Whereas polling was smooth in majority of the 9 polling stations monitored the constituency experienced problems in many others. Later the ECP ordered re-polling in 43 of its polling stations. Voting was interrupted (not only for women) in Shah Mansoor and Jhanda (Swabi) due to the reported interference of a polling agent in the voting. In Jacobabad unnecessary activism by polling agents and interference by Party workers was observed as also in Mardan and Swabi where polling was interrupted. Crowding of female polling booths was seen in both urban and rural polling stations-- in contrast to the disciplined and quick moving lines of male voters in the same polling stations. Police were unable to cope in bringing order.
- Accessibility to polling stations was an issue in rural Jacobabad district as these were 10-15 kms away from rural clusters. In Mardan two were inaccessible. In Rawalpindi half of the polling stations visited were in upper storeys of buildings which created difficulties for elderly and physically challenged voters including women. In most polling stations, amenities such as toilets and drinking water were not available.
- Staffing problems were noted: there was lack/absence of staff e.g., in 7 female polling stations (NA208-209) not a single female staff was found. Staff in others was inadequately trained which slowed the process. Presiding officers in some instances had not received training either. Polling Officers were under stress in stations with heavy turnout. Others were lax and not stamping ballot papers or taking thumb impressions of voters like in Jacobabad. The presence of Women Police Officers was not uniform and where present it was as casual observers. In two polling stations in Swabi, LHWs had been appointed in lieu of police officers and were of no value at all. Police officers were found sitting in polling stations instead of outside the stations, etc.
- The notion/concept of secrecy of ballot was not clear to many women. There were instances of women taking their daughters along to guide them to vote.
- Voters were unable to find their polling stations and the staff only had lists of their own polling booths so could not be of help. Women were seen with their NICs but with no information about their block number, or voting number.
- The Code of Conduct was not fully followed: in some polling stations (e.g. Karachi, Jacobabad, etc.) cell phones were allowed, banners and posters of candidates were displayed inside and outside polling station, voters were transported by candidates especially in rural areas, and candidates as well as polling agents were not very clear about their roles.

### **3. Recommendations**

- ECP take strict measures to prevent the denial of vote to women in different areas.
- Compliance with Code of Conduct should be strictly enforced

- Institute an efficient complaint mechanism to prevent manipulation and disruption at the time of voting; take exemplary action against a few obvious cases.
- ECP should set up facilitation desks at each polling station to guide voters to their appropriate station/booth.
- Undertake professional assessment of staff requirements for election duty and accordingly fully train sufficient numbers of staff for future elections.
- Locate polling booths in spacious rooms to prevent crowding.
- Train and develop a cadre of women police to support male police in maintaining queues in polling booths.
- Introduce more rigorous voter education through TV and printed communication material such as posters, animation and other medium to raise women's awareness about correct procedure of voting as despite current TV orientation female voters were not fully informed of procedures nor had found out in advance where their vote was to be cast.
- Political parties should train polling agents to ensure that the Code of Conduct is followed and are vigilant in looking out for rigging.
- Institute electronic voting for future elections to prevent any manipulation on election day.

### **ANNEX 3:**

## **NCSW Fact Finding Mission Patoki – June 28 2013**

### **Report by TanveerJahan, Member NCSW**

“Christian Women forced to parade naked” was the headline of news published in Daily Times on Thursday, June 20, 2013.

***Christian women were attacked and paraded naked by a mob with the support of the ruling party said a press release issued by Asian Human Rights Commission (AHRC).***

National Commission on the Status of Women (NCSW) after receiving this news instructed its member from Punjab TanveerJahan to go for fact finding and report back to NCSW.

A three-member fact finding mission headed by NCSW member TanveerJahan departed for Patoki at 8 AM on June 28, 2013. The mission comprised, apart from TanveerJahan, Robina Ghazal, from CLAAS Office and Ayrainderyas from Women Desk, Church of Pakistan Lahore Diocese. The mission had secured a copy of the relevant FIR beforehand.

The mission first met Pastor Saleem Gill in Patoki. Gill explained the background of the incident saying that goats belonging to Mr. Shaukat had barged into the landlord Mr. Munir's farms. This happened twice. The first time, Munir returned the goats. However, when it happened second time, Munir detained the herd, triggering a brawl between the two when Shaukat attempted to retrieve his goats. The mission inquired as to how the pastor came to know of this incident. The pastor informed the mission that women and children had carried out a protest in front of the police station. The protestors came to him, crying and then he and Mushtaq Gill went to the DSP to register the FIR. The SHO was called to the DSP's office. He promised to deliver justice to the people but he did not register the FIR the very same day. It was registered the following day.

The pastor claims that this incident took place, but he did not go to the crime scene himself. After interviewing the pastor the mission headed to SareserChak 21 and asked a passerby of the incident before entering the village. The man, named Zakariya, said that there had been no such naked parade. It was a dispute between two political rivals that had been severely exaggerated.

Mission reached the house of ButaMasih at 11 AM. Here Shaukat, ButaMasih's sister Allah Rakhi, Sajida, Rani, Irshad Bibi, Surraiya and SadiqMasih were met. Allah Rakhi began to narrate the events of the incident, along with Shaukat Masih.

“Some of our goats happened to wander on to Munir's farms while grazing,” they stated, ‘Munir detained the herd, as he has had a rivalry with us since the elections. He supported the tiger (PML-N) while we supported the iron. The independent candidate won in our village, instead of PML-N candidate. He has been our rival since.’”

“I, along with Irshad, Surrayya, Buta and Liaqat, went to Munir to get my herd released. Munir grabbed me by the collar, and then I struck him as well, Shaukat reported, ‘we broke into a scuffle. The villagers separated us and put the matter to rest. Both the parties were reconciled after seven days. However, the evening that the agreement was made, at 11 pm 10-12 armed people barged into our house. One of them climbed over our wall and opened the door for the others to enter. They asked for me upon entering. I locked myself inside the room.’

‘They tried very hard to open the door,’ Allah Rakhi added, ‘All of us women attempted to push them out of our doors. They began to break our things. Amidst this fight, they dragged us out into the street and tore our clothes.’ At this point the mission inquired if they had truly been paraded naked in the streets, and upon being asked twice or thrice the women kept changing their statements and finally said that the clothes were made of voile and were ripped during the scuffle.

They continued narrating their story, saying that in this time one of their neighbors had called 15 for the police. The police took Shaukat’s family members to the police station. When Shaukat’s father Sadiq Masih was dragged to the police van, his knee was injured. The neighbors pleaded with the police to let this elderly man go. The police sent them back later, with instructions to appear in the station the following day.

‘We went to the station the next day but our FIR was not registered. We were sitting in the station till four in the evening but they did not register it. The next day 150 or so of our Christian brothers protested in the streets but the police still did not register the FIR.,’ Shaukat continued, ‘Some people told us that if we protested in front of the Press Club in Lahore, the police would listen to us. We took a bus full of people to Press Club Lahore. There we protested and met Mr. Sahutra of some NGO, who took us to his office in Lahore and listened our ordeal. He called the DSP, and it was only then that they agreed to register the FIR and examine the crime scene. There was no follow up after this.’

ButaMasih’s family is convinced that SHO Haji Aziz has taken Rs200,000 as a bribe from the other party which is why he was not taking any action. The mission asked them if apart from Salutra, anyone else from the Christian community came to help them and they replied in the negative. Apart from our neighbors, nobody came to our aid. The mission was the first to approach them regarding the matter.

Shaukat further told mission that a certain Mr. Malik Ibrahim had also threatened them. He said that a Christian child works for Ibrahim and following this incident they threatened to shoot at her feet if she entered their house again. When the mission inquired as to why Ibrahim was doing this, Shaukat replied that he is related to Munir and did this as a show of support.

The mission asked after the torn clothes of the women and was told that they are with Mr. Sahutra in Lahore.

After finishing with Shaukat’s family, the mission reached the house of Mr. Malik Ibrahim. The mission first met with Mrs. Zamia who was Malik Ibrahim’s second wife. According to her

statement: 'Mr. Munir Malik is a relative of Ibrahim's and he owns land near the village. The Christian's goats entered his land. The first time he released them but the second time they were detained by Munir. When the Christian's attempted to retrieve their goats, a fight broke out between them and Munir. Munir and Naveed Jutt went to register an FIR against the Christians. Later Munir reconciled with the Christians. However, a person named Basharat provoked the Christians into registering an FIR against Malik Ibrahim because he is an old political rival of Malik Ibrahim's. Basharat persuaded Munir to involve Malik Ibrahim on the condition that he himself would later be withdrawn from the case.'

In the meantime, Malik Ibrahim's son Sajid and his wife arrived as well. Sajid lives directly opposite Shaukat Masih. According to Sajid, he runs a school in which Christians both study and teach. Sajid also hinted at the involvement of Basharat. He informed the mission that he had visited Sahutra's office and attempted to reconcile the parties at the home of Mian Latif Aryan.

'We offered an open cheque at the office of Sahutra, ensuring that if we were found guilty, any amount considered suitable could be taken as compensation,' said Sajid.

When asked of his relation to Malik Munir, Sajid said that he was a distant relative and not on speaking terms with Sajid's family. In this time, Malik Ibrahim also joined the conversation.

According to Malik Ibrahim, this incident was being portrayed in a political fashion, when it was not concerned with political rivalries. 'If we wanted revenge for our loss in elections,' Malik Ibrahim said, 'Why would we target only Buta Masih's family? This village had about a hundred Christian voters, and the private candidate had received many votes from the resident Muslims as well.'

Malik Ibrahim claimed that God had punished him for a past crime. 'Bibi Rani's son Liaqat had a while ago converted to Islam. We collected money from the Muslims in the village and gave him 150,000 rupees. Six months later, he reverted to Christianity again. The villagers deemed him liable to death and began to beat him. He took refuge at my house. I protected him from the villagers with my life. I protected an apostate and God has punished me.'

The mission also questioned Liaqat Masih. Liaqat claimed that he had been in Lahore at the time of this incident and could not presume to know much about it.

The mission then met with Basharat. It seemed as if he had taken on the role of a film director, commanding people to do and say things as he pleased. He was adamant that the mission should take Munir's statement in his presence. The mission waited for forty five minutes at Basharat's *dera* while he attempted to contact Munir. Munir stormed in, declaring how important Friday prayers were to him as a Muslim and gave the mission his card to contact him if they had any questions. He immediately left again.

The mission then went to the Saddar Patoki Police Station. The SHO was not present at the time. The station reader and two police men met with the mission instead, and gave the



mission a report prepared by SP Investigation Kasur. After this the mission departed for Lahore and after endless debate arrived at these conclusions.

### **Summary of Findings**

1. There was a scuffle between Malik Munir and ShaukatMasih over herd of goats entering Munir's farms
2. Malik Munir complained to police
3. Police did not act on the complaint and arrest Shaukat
4. Munir reconciled with Shaukat, upon the villagers' intervention
5. Munir attacked Shaukat's house despite the reconciliation
6. The male members were in hiding except Shaukat, who hid when he saw the men attacking his house
7. There was scuffle between the armed attackers and family women. Women pushed the men out of the house and onto the street.
8. Women's clothes were torn during this tussle, and they came out into the street in this condition.
9. Someone called police, and upon the arrival of the neighbors, Malik Munir and his men fled the scene.
10. Police arrived and took Shaukat away and then released him asking him to come next day.
11. A third party tried to benefit from the dispute by including names of his rivals in the police complaint.
12. It is clear by the various statements that no one paraded the women naked in the streets for their amusement, but clothes of women were torn open during the scuffle between themselves and the attackers.

One of the mission members, Ayra Indrias, cautioned that the incident has sown seeds of disharmony between economically poor Christians and influential and economically sounds Muslims in the village where Christians and Muslims had lived peacefully.

#### **ANNEX 4:**

##### **VISIT TO DARUL AMAN SUKKUR ON WEDNESDAY, JUNE 26, 2013.**

TEAM MEMBERS: Mr. Muhammad Jan Odhano

Ms. Uzma Noorani

A team of NCSW members, Jan Odhano and Uzma Noorani, visited Darul Aman Sukkur to get a first-hand account of the plight of women and children housed there. The team was assisted by Jamila Mangi, coordinator HRCP Sukkur and Makhdoom Faiq , advocate, Legal Aid Centre.

NCSW had received complaints re the poor conditions in Dar ul Aman, Sukkur and that on a visit Justice Ahmed Ali, M. Sheikh and J. Salahuddin Panhwar had found the conditions deplorable and had issued instructions for improvement and shifting Darul Aman from its current premises to Women's Hostel Sukkur. However, even though the order was issued to the Social Welfare Department (SWD) in December 2012, it had not been implemented. SWD's argument was that since the Women's Hostel property did not belong to the SWD there could be complications in the future. Also it was felt that since the premises were near a Thana the Dar ul Aman was more secure.

#### **Background:**

Dar ul Aman Sukkur was established in the 1980's. The building was constructed for 20 survivors and consisted of 5 rooms, three washrooms and a kitchen for the inmates. This was established for eight districts of upper Sindh including Sukkur, Ghotki, Shikar Pur, Larkana, Jacobabad, Kashmore, Khairpur and Noshehro Feroz, but initially it was dealing with the survivors of lower Sindh, South Baluchistan and south Punjab districts.

#### **Current situation:**

We were taken on a tour of the premises where we found the conditions deplorable.

The building of Dar ul Aman is fully damaged and needs repairing on an urgent basis. Roofs of the rooms are caving in, which could cause loss of life of inmates and children. Currently there are 11 small, large and medium size rooms where 69 inmates live along with 23 children. There are only 3 washrooms on the first floor and 2 washrooms on the roof top which are very near the kitchen. There are no utensils for cooking and the inmates have to arrange their own provisions. A TV is available in the building in a veranda. No dining or waiting area is available. It seems that no repair work has been done since the building was constructed.

There is a total lack of hygiene. The teachers do not come regularly and some positions are still vacant. Hence most of the women were roaming around aimlessly.

Most of the residents use their private lawyers. There are also transport issues which delays the residents from going to the Court.

Medical facilities are very poor and inadequate and we observed that there were some sick women who needed attention.

**Suggestion/Recommendation:**

- NCSW could take the matter of Dar ul Aman with Social Welfare Department, Sindh and follow the instructions issued by the High court of Sindh Sukkur bench.
- SOP's prepared and proposed by civil society NGO's, should be implemented at Dar ul Aman.
- A management committee should be formed for better management and monitoring the day to day matters of Dar ul Aman.
- A full time legal advisor must be appointed in order to handle the legal issues
- Basic facilities must be provided especially clothes, food and hygiene
- Close circuit camera should be provided for security.
- Higher authority must pay surprise visits to Darul Aman in order to assess the real situation
- There should be a mechanism to follow up on cases handed over or released by Dar ul Aman
- Report can be shared with social welfare department and a meeting should be arranged by NCSW for follow up the matters identified by report.

We also visited the Women's Hostel which needs major repairs and renovation. It has 20 rooms, 10 on ground floor and 10 on first floor. Each room has a wash room and two beds to a room. There is a common kitchen and dining room which was in a very dilapidated and dirty condition and it seemed like no one did any cleaning. The premises also houses a Day Care Centre which was not in use there was also another building on the same ground. Our next visit was to the Assistant Advocate General, Mr. Liaquat Ali Shah at the Sindh High Court Building, Sukkur Bench. We explained the purpose of our visit to the Darul Aman and informed that the order of December 2012 had not been implemented. He was very happy to learn about our visit and wanted our guidance and assistance in ensuring better conditions at the Darul Aman especially with our experience at Panah. He shared a copy of the petition, which is enclosed, and asked if we would attend any future hearing of this petition.

The entire day was spent visiting these places (most of the time load shedding and the scorching heat of Sukkur) which gave us a good insight of the working and problems of Darul Aman. Our conclusion is that immediate steps have to be taken to improve the plight of the women.

Uzma Noorani

Jan Odaha

## **ANNEX 5:**



### **Report of Round Table Meeting**

**On**

**“Are we moving forward: Review of Legal and Political Framework”**

**Friday 12<sup>th</sup> of April, 2013**

Heinrich Böll Stiftung (HBS) and National Commission on the Status of Women (NCSW) jointly organized this one day round table meeting where more than 22 eminent women from women organizations, civil society, police, gender experts, media, EU and government bodies, including two from Lahore and one from Peshawar, participated and actively took part in the discussion.

The objective of this round table was three fold:

- *Firstly* to review various bills passed such as domestic violence, acid throwing and sexual harassment at the work place etc, in relation to women from 2008-013 to identify the gaps in implementation of these legislations.
- *Secondly* to examine manifestos of different political parties regarding women's rights and development and *lastly* to review/analyze civil society organizations' strategies and role in advocating for the passage of proposed bills.
- *Thirdly* to develop strategies for ensuring successful adoption of pending bills and future legislation with reference to commitments made in election manifestos.

**Ms. Saima Jasam**, who was moderating the meeting, shared the agenda. Since last 20 years HBS always motivated, supported and encouraged women organizations to work on these issues, therefore, we hope that all of you will share your experiences/views, though it is not a pre planned strategic round table, she said.

**Ms. Britta Petersen**, country director of HBS welcomed to all participants and said that she is looking forward to this round table meeting which would be able to draw some outline for future lobbying and following up these issues for further steps and it is right time to see what government will take steps towards women's participation in their manifestos. However, HBS

has moved from Lahore to Islamabad and as a beginning this round table and our space would be a good opportunity for civil society to work together on these issues.

All participants introduced themselves.

**Ms. Kulsoom Monica** presented (power point presentation) 20 years work of HBS in relation to support women organizations for women empowerment.

**Justice ( R ) Nasira Javed Iqbal** shed light on “**Laws passed on women’s issues and their operationalisation (2008-13)**“. She said that it was encouraging to see that after a long period of apathy of proper legislations 7 pro-active legislation has been taken place by the previous government rather than any orders issued by the any dictator. On the other hand 23 acts have been changed in 18<sup>th</sup> amendment related to women issues but no woman was the member of that committee who can speak on this subject and we never got any reply from them on women issues. National Commission on the Status of Women act has become as a proper commission in 2012 though it is too late but it is encouraging sign that first time they will have a wider power and autonomy instead of dummy institution as it was in earlier years.

Women caucus has been established and had their hand to forward women issues, even though we protested against on the selection of women parliamentarians.

Protection against harassment of women at workplace act came in to two forms one who are dealing as an act and the other one are dealing with Code of Criminal Procedure (CrPC) and Pakistan penal court (PPC). Act of women harassment at workplace always kept by the suppressed man, who does not want to implement and it still not up to standard level. It was observed that multinational companies and organizations formed committees and adopted it but local companies/factories did not pay attention to this act as they should, even the inspection officers are hesitating to talk about it. Act itself is quite impressive but practically it is not working on grounds. Anti Acid throw act has been passed in 2010 but practically it is not implementable even though punishment is very strong (at least 14 year or life time imprisonment/ one million fine). Still it is difficult to catch the culprit.

The heritance right bill, wata sata or sawara marriages were also addressed but still need to be implemented. Domestic violence bill (unfinished) has passed but still in pending.

**Ms. Bushra Gohar** said that they passed many bills and many Political parties were willing to compromise with the religion parties but Molana Fazul-ur-Rehman was resisting and uncomfortable regarding domestic violence bill, though Nilofar Bukhtiar already has taken bill into National Assembly for approval. There has to be a role of Prime Minister who he is not playing, properly. We need a bigger engagement of the parliament for woman issues which shouldn't rely on the prime minister. We have to establish the process at a regional level. We need people/politicians who understand the woman related issues. Punjab has taken very positive and good steps towards issuing the tickets to women parliamentarians but KP is careful in giving tickets to women. Civil society has to build a pressure on government.

Other participants shared problems which they have faced during drafting the bills and entire process of passing them out. They also informed to that entire how bills proceed at National Assembly and in senate. If bill has forward to senate and at the mean time NA dissolved then bill would be collapses but if it is organized by senate and NA is dissolved then it doesn't effect and bill will move to standing committee.

**Ms. Tahira Abdullah** gave “**analytical review of Political Parties manifestos in relation to women's rights**”. She highlighted salient features of the manifestos and divided her comparison into two categories one subject wise, the second content wise.. She also raised a few questions before the participants related to women issues, like, whether there was any section for special girls (those with disabilities)? The extent to which women are mentioned? Is there a separate chapter/section on women issues? If yes, how was it handled? How many women were involved in the development of the manifestos, or were in the executive committee and other policy forums? How many women got tickets for directly elected seats? Whether girls are mentioned in the manifestos or not and in what manner? Have they affirmative focus on quota system for women/girls? How many women have been elected on family dynastic/feudal/progressive system? Who, how and what process to formulate manifestos?

**Following points of each party's manifesto were shared:**

**Pakistan Muslim League- Nawaz Sharif (PML-N):** 5 women out of 33 members of the manifestos were involved in development. They all are strong women. Eradication of poverty and rights of peasants is mentioned. They talked about peasants but their title page shows army, Japanese train, four men and latest technology and on the back children in local dresses. Women are missing in the economy section.

**Awami National Party (ANP):** women were mentioned in social, women rights section, and legal, but inadequately. They only mentioned word “terror network” instead of Talibnization or terrorism and they have not mentioned Malalai Yousef Zai. Bombing on girls school is not mentioned.

**Pakistan Muslim League-Q (PML\_Q):** mentioned and encouraged girl's education.

**Pakistan Muslim League Functional (PML-F):** 3 women out of 23 members who drafted manifestos. They talked about women and girls education and talked about common man and they wrote it in different local languages.

**Pakistan People's Party (PPP):** women are involved in the mainstream and progressive and right based approach, but disappointment is that every single page is praising income support program for social safety of women in the shape of 1000 rupees per month (Benazir Income Support Program). They talked about talibanization, terrorism and deaths of Sulman Taseer, Shabaz Bhatti and Malalai Yousuf Zai. They talked about home based workers.



**Pakistan Tehrik-e-Insaf (PTI):** mentions women but uses utilitarian and instrumentalist approach. There are no underpinnings of ideology, or vision and no mention of agricultural, economic, social or women's rights.

**Jamiat Ulema Islam (JUI):** there were no major changes since last 32 years but they separated women section in manifestos.

**Muthida Qumi Movement (MQM):** They talked about feudalism and mentioned women section (gender mainstream) but language is very inappropriate and badly written.

**Ms. Aqsa Khan** briefly talked about “**Implementation of Sexual Harassment Bill and Code of conduct**” . The Prime Minister Established the National Implementation Watch Committee (NIWC) from the Platform of National Commission on the Status of Women on May 10<sup>th</sup> 2010. The NIWC Coordinated and shared information on all other implementation efforts done by public and private sectors, AASHA and other Members, Prime Minister's Secretariat Issued A Notification to All Government Bodies for Compliance with the Act March 2010. Cabinet Secretariat Notified All Regulatory Bodies to Comply with the Law and Instructed the Organizations Regulated by them to comply by July 2010. A large number of organizations at the national, provincial and district levels trained on the laws and on implementation. Over 3000 Committees formed in the Private and Government sectors at Federal and Provincial levels. Cases have been filed under both laws and decisions have been implemented-Some known cases are Punjab University, Quaid-i-Azam University etc.

She explained the strategy in steps, to implement this law at institutions/organizations level. Firstly, Management of the organization/institution should read and understand the Code of Conduct. Secondly, Management should organize a meeting before taking a decision to officially incorporate the code in the organization's HR policies. Thirdly, Management should appoint a three-member standing Inquiry Committee to handle any complaints of sexual harassment and at least one member should be a woman. Fourthly, Management should also identify a competent authority in their organization, if not already identified. Fifthly, management will notify all employees of incorporating the Code of Conduct in their HR policies, the names, contact information of the three committee members, instructions of approaching any of the Committee member in case of a sexual harassment complaint. Six, Management should also post this notification and the full text of the code on a notice board or any common area in a language understandable by the employees.

Ms. Khan added that at district level they have developed Strategy to engage the top leadership, coordinators, executive health officers, education officers, social welfare officers, police officers to organize one to one meeting with them and have introduced laws to develop mechanism to implement these laws.

Ms. Khan pointed out that they, as members of Implementation Watch Committee have also organized awareness raising campaigns with and for community and working women and trainings for relevant departments and inquiry committees.



Ms. Khan emphasized that still there are some gaps that need to be filled such as patriarchal mindsets, who think that women invite men to harass her, most charges are false, women feel fear to file complaint due to perpetrators who use political influence/threats etc. She also suggested that it is prime need to establish and implement laws in Sindh and Baluchistan and it should be extended in Gilgit/Baltistan and AJK. We need to focus more on Implementation at District Levels, Media and the Military Institutes those are far behind in implementing the laws.

In the wide ranging discussions following from the presentations all participants focused on and agreed upon the need for more human rights bodies focusing on woman rights issues and effectively tackling extremist radicalization. However it was also added that we should avoid mushroom think tanks Universities should be encouraged to develop mechanisms to creatively and critically engage students.. The Code of conduct (Harassment Act) should be translated into local languages so that common people can understand it. NCSW should pick up few high profile cases to protect women rights. They also highlighted that some companies/institutions are not taking serious steps to implement the Harassment Act, such as PIA (Pakistan International Airline) who formed a committee, or the Planning Commission, but have not implemented findings. Participants emphasized the need for the media to be sensitized, as it often ends up in spoiling the case. Some were of the opinion that the recently enacted laws are playing a role in preventing by giving the option to women to go to courts, but lots of problems still exist in society which need to be addressed and monitoring and strengthening of the system should be a priority.

**Ms. Khawar Mumtaz**, Chairperson of NCSW concluded the meeting. She emphasized that education, as mandated under the Constitution is key for women's development. Looking at the way forward, she noted that manifestos were reviewed to direct our lobbying and advocacy towards making the new government and legislators accountable on their promises. She said that we need to sharpen our advocacy and lobbying skills. Prior to that, we must identify our challenges at this point and time, such as the persistent discriminatory laws or gaps in honor killing legislation, etc. At the same time, civil society engagement and mobilization is essential. We should be ready with our homework by the time new assemblies are in place. Our goal is to change the biased institutional culture through gender sensitization of the public as well as politicians about our needs, our problems and communicate the urgency of achieving women's rights. The need is for change mindsets of both women and men so that women are able to stand up for their rights and to fight against their oppression.

Khawar Mumtaz said that the consultation has helped her in refining the NCSW agenda for immediate and medium term action. For future advocacy we need to have a comparative template of party manifestos (as Shirkat Gah developed for the last elections). She requested Farida Shaheed, ED Shirkat Gah for a similar exercise for 2013 elections. FS said she would look into this and confirm.

Implementation Watch Committee's work will be resumed in coordination with organizations/individuals who were leading it earlier.

Get ready for taking forward the impending and lapsed bills.

She thanked all the participants for their rich contribution towards preparing for the post-election period and maintaining the momentum that had developed during the last legislative period. She also thanked HBS for hosting the meeting and acknowledged its active role in bringing civil society, NCSW, women politicians and policy makers to the table together. She suggested that HBS should organize another round table after the elections with politicians to review future policies on women rights with reference to their manifestos.

## **ANNEX 6**

### **Women's representation in Local Government: NCSW Position Paper**

31 July 2013

#### **1. Introduction**

Local governments are a necessary mechanism for ensuring democratisation of the polity and inclusion of grassroots voices in decisions related to addressing specific community and individual needs and effective service delivery. Pakistan's next Local Government elections are scheduled in all four provinces in September 2013. Before that each province has to enact the Local Government law under which elections may be held.

NCSW, in keeping with its mandate to promote "social, economic, political and legal rights of women, as provided in the Constitution ... and in accordance with international declarations, Conventions, treaties, Covenants and Agreements relating to women..." and its function "to examine policies and laws" including those related to "political participation and representation," takes the opportunity to recommend to provincial governments provisions related to women's representation for inclusion in their respective LG law.

#### **2. Justification**

The recommendations are informed by Pakistan's Constitution and experience of local government systems in the country. There are two Constitutional provisions that define the parameters and spirit of local government i.e. of inclusiveness of marginalised groups and devolution of authority and responsibility as the third tier of government:

**Article 32. Promotion of local Government institutions:** "The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women."

**Article 140-A. Local Government:** "Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments."

The experience of women's representation in local government especially from 2001-2009, when the floor for women's representation was set at 33%, demonstrated that participation in local government facilitated women's political mainstreaming. Women counsellors, UC *nazims* and *naib nazims*, and members/*nazims* of District Assemblies when given the space and opportunity fulfilled the demands of their position. Some from among them went on to become members of provincial and national assemblies. A key element was the critical mass of women in the different tiers of LG.

#### **3. Recommendations**

NCSW strongly recommends that the following principles be adopted by all provincial governments when drafting provincial local government laws.

- There should be no roll back from the 33% reservation of seats for women at all tiers of local government; seats may be increased but not decreased;
- Ensure that all tiers of local government are of a size that translates 33% into meaningful numbers of women (at least 3-4)
- Women to be eligible to contest general seats;
- Reserve seats for farmers, workers and non-Muslims with provision of women's quota within these;
- All reserved seats should be through direct elections on the basis of joint electorate;
- Provide 33% representation of women in ancillary bodies/committees;
- All counselors to be considered equal regardless of their election on reserved seats or on general seats;
- Take affirmative action to facilitate women counselors full participation in LG meetings through provision of honoraria/TA-DA for women counselors;
- Mandate dedicated funds for women's development in UC/District Council budgets.

Additionally, NCSW recommends that:

- LG elections in keeping with the democratic spirit should be party-based;
- LG structure at each tier should have built-in grievance mechanism as well as accountability system;
- Steps to be taken for LG elections in FATA following the principles given above for women's inclusion.

## **ANNEX 7:**

### **Salman Akram Raja and Tahira Abdullah v. The Government of Punjab (2013 SCMR 203)**

In lieu of the judgment of the Honorable Supreme Court in *Salman Akram Raja and Tahira Abdullah v. The Government of Punjab* (2013 SCMR 203) the following safeguards for the investigation and prosecution of all rape matters in Pakistan.

#### **(i) Safeguards affecting the course of Rape Trials**

- (a) A victim's statement under Section 164 of the Code of Criminal Procedure, 1898 should be recorded by a female Magistrate and as soon as a victim is composed
- (b) Trials for rape matters should be held in camera and after regular court hours.
- (c) Screens or such other arrangements should be placed between the victim and other vulnerable witnesses, and the accused parties.
- (d) Questions posed by the accused to the victim during the cross-examination should be presented, firstly to the Presiding Officer who would then present them to the victim in a language that is clear and not degrading.
- (e) Evidence of rape victims, particularly juvenile victims, should be recorded via video conferencing.

#### **(ii) Safeguards affecting the conduct of Prosecution and Investigation of Rape Matters**

- (a) Every police station that receives rape complaints should maintain a list of organizations that provide legal aid and counselling for rape victims. On receipt of information regarding the commission of rape, the Investigation Officer (IO) or the Station House Officer (SHO) should inform these organizations of such an event, at the earliest.
- (b) The administration of DNA tests and the preservation of DNA samples in rape cases should be made mandatory.

## **ANNEX 8**

### **Women's movement in Pakistan: A brief overview**

*Khawar Mumtaz*

Your Excellency Secretary General Ban Ki Moon, Madame Ban, Dr.Fehmida Mirza Chair of Women Parliamentary Caucus, distinguished parliamentarians, women's rights activists, representatives of UN agencies, ladies and gentlemen. It is indeed an honour and a pleasure for all of us to have you here with us on this auspicious day – Pakistan's 66<sup>th</sup> birth anniversary - - for this short but I am sure a meaningful interaction.

I was asked to give an overview of the women's movement in Pakistan. Given the limitation of time I will confine myself to the symbiotic relationship between the women's movement and women in legislatures.

Throughout Pakistan's history – from the movement for independence to periodic crises that the country has faced women have responded to the need of the hour –and at each stage not only have they raised the threshold of their struggle for justice and equality they have also renewed their resolve. Women came out at the call of the Quaid in large numbers to struggle for an independent country; they rallied together for relief work post-independence when millions of refugees poured in home-less and hapless; they participated in the 2007 movement for an independent judiciary; they reached out to women displaced by natural disasters and military action and mobilised in unprecedented numbers for the May 2013 elections -- the first time that transfer of power occurred democratically from one civilian government to another.158 women ran for NA seats and 298 for provincial assemblies as independent candidates – inspired no doubt by women who have entered parliamentary politics and provided potent role models.

Women have always been in Pakistan's legislatures, except once (1956-58), but not in critically significant numbers. Their presence in legislatures was enhanced in 2002 after the relentless decade long struggle of women's rights activists and women politicians to the present reservation of 17% seats in NA, PA and Senate and 33% in local government (the latter is under threat of reversal these days). Some of the rights activists are present here today; the majority were neither seeking office nor seats but wanted women's voice in the highest decision making bodies. In addition to the quota (60 seats in NA; 17 in Senate) women can also contest elections on general seats. Thus 16 women in the previous NA were directly elected; and 6 this time. That many more are ready to contest is an indicator of changing aspirations among women even from underprivileged and conservative and remote areas.

Pakistan's has been a history of active engagement between women inside legislatures and women's rights activists outside. When the women's rights charter proposed by the two women legislators in the first Constituent Assembly was dropped from the agenda it was the protest of women's rights activists outside the assembly that led to it being put back on the agenda. It was the women activists march against the Law of Evidence Bill in 1983 in the darkest days of

a military dispensation, that gave strength to women and men legislators to take a stand and have the Bill watered down. More recently the robust engagement and technical and moral support of activists and the women's movement to women legislators especially engagement with the cross party Women's Parliamentary Caucus, under the patronage of Dr. Fehmida Mirza (the first woman Speaker of the Muslim world) paid valuable dividends. I would like to pay tribute here to the vanguard role that women parliamentarians have played not only by their full engagement in all law making – as indeed all laws have a women's perspective -- but especially in steering some of the most sensitive and difficult legislation related to women in the previous assembly e.g. the Anti-Sexual Harassment at Work place Act, Acid Crime Act, Anti - Women Traditional Practices Act, the RH Services Bill, and the NCSW Act whereby the Commission, constituted in 2000 in response to a longstanding demand of the women's movement, was strengthened and made financially and administratively autonomous. NCSW's mandate is to promote and protect women's rights through law and policy review and act as a watchdog on government's compliance with its Constitutional and international commitments. Given our history we are sure that the relationship between Parliamentarians and women activists will continue to flourish.

However there are many challenges ahead of us as activists, parliamentarians and the National Commission. Most important perhaps is that of gender based violence accompanied with equally potent fear of violence which has been exacerbated by the current environment of militancy that stalks our country and our citizens – men, women and children alike. It is in this area that we look up to the UN experience for devising workable strategies and demand driven sustainable mechanisms and systems to combat this menace.

Before I conclude I would like to express deep gratitude to the UN system in Pakistan operating under your expert guidance for providing technical support to the National Commission, Women's Parliamentary Caucus and other rights organisations, and for facilitating opportunities for broad-based stake holder meetings for debate and discourse.

I thank you, Your Excellency for a patient hearing.

14 August 2013

Presented at the interactive meeting of UN Secretary General Ban Ki Moon with women parliamentarians

Islamabad



## **ANNEX: 9**

### **National Consultation on Legislation for Prevention of Domestic Violence and its Implementation**

December 16<sup>th</sup>-17<sup>th</sup>, 2013-Karachi

#### **Introduction**

Domestic violence is one of the most prevalent and least reported forms of violence in Pakistan. According to a report published by Thomas Reuters, 90 percent of Pakistani women have experienced some form of domestic violence. In 2012, more than 8000 cases of domestic violence were reported in the media.

The Domestic Violence (Prevention and Protection) Act was passed on 19<sup>th</sup> March 2013 by the Sindh Provincial Assembly making Pakistan one of the 90 countries in the world which have legislation against domestic violence. Sindh is the first province in which a law declaring domestic violence as a free-standing crime has been passed.

The long-awaited Act is a crucial and important step forward in upholding the safety and dignity of survivors of domestic violence in keeping with Pakistan's commitments to uphold human rights and its national and international commitments. However, a framework to ensure effective implementation of the existing laws needs to be defined. An operational grievance redressal mechanism and easily accessible support systems for the victims need to be put in place. Also, there is a need to counter the lack of public awareness about existing laws and support mechanisms.

In this regard, Shirkat Gah collaborated with National Commission on the Status of Women (NCSW) to organize a two-day national consultation on legislation against domestic violence on December 16 and 17, 2013 under outcome 2 output 2.2.

#### **Objectives**

- To track progress on legislative process in all four provinces, AJK and Gilgit-Baltistan;
- To frame a roadmap for effective implementation of the DV Act in Sindh;
- To assess the role of Dar ul Amans, police, judges, medico-legal department, CSOs and media in order to ensure effective implementation of DV Act in Sindh;

## **DAY 1**

### **16<sup>TH</sup> December, 2013**

#### **Agenda of Day 1**

On Day 1, discussion focused on the need and status of legislation on domestic violence across Pakistan. In addition, the key features of the Sindh DV Act were also highlighted for it to serve as an example for other legislations.

#### **Introductory Note- Farida Shaheed, Executive Director of Shirkat Gah- Women's Resource Centre**

Farida started with a welcome note where she appreciated and acknowledged participants coming from all parts of Pakistan. She also briefly elaborated on the objectives of the two-day Consultation.

#### **Khawar Mumtaz, Chairperson National Commission on the Status of Women (NCSW)**

Khawar Mumtaz commended the initiative taken by the Sindh Government of passing the Domestic Violence Bill and emphasized that similar steps need to be taken in other provinces. However, Khawar stressed that the Law should have an all-party consensus as only such laws are strong and receive commitment. She also delineated the various stages involved in rendering a law productive, specifically highlighting the implementation as well as the publicity of the Law. Elaborating on the latter aspect, she suggested that politicians, legislators as well as civil society can form committees to popularize the law.

#### **Background and Features of Sindh Domestic Violence Act- Fauzia Viqar (Director, Advocacy Unit, Shirkat Gah- Women's Resource Centre)**

Fauzia gave a very brief introduction of the Act which was passed on 8<sup>th</sup> March, 2013. She elaborated on the definition of domestic violence and emphasized that the Sindh Domestic Violence Act specifically defines domestic violence and what falls within its ambit- a progressive step not having been taken before by other laws.

She presented the various components of the Act which included aspects such as the primary beneficiaries of the Act, special procedures, rights of women recognized by the law, protections of women and the services provided as well as punishments for the offenses.

#### **Updates from Balochistan, KPK and ICT**

##### **Balochistan Update:**

Ms. Rahela Durrani (MPA, Balochistan) announced that the DV Bill has been passed by the Cabinet. She shared the bill with the audience but informed that the Cabinet did not comprise of any woman representative. While expressing her fear, she stated that it remains to be seen how it would be passed in the Assembly, keeping in mind the strong opposition from members

of the Assembly. There should also be a meeting with women parliamentarians, other key position holders as well as the Chief Minister.

### **ICT Update:**

When Bill was passed, it missed out on the criminalization aspect of the Bill. However, the Bill was lapsed, so the National Commission has redrafted the Bill keeping it in line with the original Bill. Now, it has gone to the Law Ministry for further discussion. These processes are important if we need to aim for a standardized Bill.

### **Punjab Update:**

**Zebunnisa Deputy Director-** SWD, Punjab

SWD representative provided a brief history of the recent efforts on DV legislation, admitting that the Family Protection Bill proposed by SWD Punjab did not define the scope and forms of domestic violence and that was criticized by the civil society members. Shirkat Gah has submitted a draft for consideration of the technical working group constituted by the department and the group awaits a first meeting.

Dr. Najma Afzal Khan (MPA, Punjab) informed that the law for Provincial Commission has been made and is in the Select/Standing Committee for discussion.

**KPK Update** (Neelum Toru- PCSW KPK Chair and Meraj Humayun- MPA KPK) Bill was presented in the previous government's tenure by Noor Seher but it was rejected in the name of religion which was mixed with culture. Opposition against the DV Bill was based on patriarchy and the fear that it would encourage the incidence of divorce if passed.

- Will be difficult in KPK due to repressive political parties, cultural barriers, mindset issues,
- KPK assembly is the most violent against women MPAs. Women are told that they have no role against which women's caucus in the assembly demonstrated jointly

### **AJK Update:**

Nabeela Ayub (Chairperson, PCSW, Azad Jammu and Kashmir) informed that the DV Bill and Anti-Harassment Bill have been passed. However, institutions and authorities should be followed up on for their functions and effectiveness

**Sadia Danish-** GB Minister

Will share the Sindh Act with her assembly and try for passage of act

Had already shared the sexual harassment law draft with assembly and even the mullahs found no problem with it.

GB is in the process of learning- WDD is planned with priority to health and education

**Sindh- Secretary WDD Mudasar Iqbal**

- Commitment to resolving DV and ensured support of the department;
- WDD had sent law to Law and other line depts for executive notification but Law dept informed them that rules need to be made rather than exec notification. WDD Sindh welcome civil society input in the law and requested SG to meet with WDD for rules development. Rules will be framed by WDD in 10 days for vetting by Law Department;
- Acknowledged gaps and are willing to address them in the DV Act. Also emphasized the need for awareness and advocacy on DV which can be done through the advocacy/awareness programmes of WDD;
- Questions were posed on composition of the Protection committees and availability of members; mechanisms for coordination between WDD and SWD which is the Protection Committee concerned department;
- WDD Secretary informed the participants that the department has 11 WDD officers who will cover the 23-24 districts in Sindh i.e. 2 each for the District Protection Committees;
- A Provincial commission will monitor the district protection committees. It includes Minister WDD chair, Secretary WDD, SWD, Lawyers, government departments, media, 2 MPAs to be nominated by chair and 2 NGOs. Terms Of Reference of the Commission are needed;
- Civil society members suggested periodic forums to be added in the rules. These will bring together civil society with government;
- Restraint of Early Child marriage bill is also being prepared and expected to be in the assembly very soon;

#### **Remarks of Minister (SWD/WDD), Rubina Qaim Khani**

She informed that the summary of the Provincial Commission has been moved to the Law Department. However, the rules of business for the DV Act are yet to be formed. Once the rules and procedures take shape, the Minister has promised to share them with CSOs so as to get their consensus and feedback for further improvement.

She stated that although the Work Place Harassment Bill has been passed, awareness of the law needs to take place. For this purpose, the Government initiated a service through SMS. Various banners, standees were put up so that people were made aware and informed about how cases could be registered. For this purpose, the Government is also holding talks with the civil society as well as the media.

#### **Recommendations of Day 1**

- Women parliamentarians should be reached out separately and should have a sense of ownership of issues; Issues and challenges of women parliamentarians should also be given their due consideration;
- There needs to be a legislation for women parliamentarians and their rights;

- Women's rights awareness should be included in curricula of educational institutions across Pakistan;
- A mechanism should be developed to ensure inter-provincial sharing of information about legislative procedure in all provinces;
- Sindh's DV Act can be used as a model for other provinces; however, the legislators in provinces need to work on gaps present in Sindh DV Act;
- Awareness of this Bill amongst colleges, universities, police force, lawyers etc. It should also be popularized that the DV Bill encompasses the protection of not just women, but also children and other vulnerable persons including men;
- A women's caucus with cross party representation is necessary in provincial assemblies to help lead;
- Provincial Assemblies' websites need to be updated on laws and their processes; thus, information needs to be systemized and shared;
- Regular orientation sessions with judiciary necessary because magistrates are often unaware of updated relevant laws;
- An Inter-Provincial Ministers' Group was informally formed some time back and was supported by a Donor. However, it needs to be now formalized and a website should be formed on the sharing of this group. NCSW offered its services to act as the Secretary of the Group;
- Standing Committees in provincial as well as the national assembly need to be formed;
- The Provincial Commission needs to be lobbied for as it becomes a focal agency for the province and is also represented in the National Commission;
- Engagement of and sensitization of men is important;
- Rules of business should be worked upon for proper implementation of the law. The following are the recommendations which came forth:
  - i) Protection Committee should not be the necessity, it should be used for further protection; The Protection Officer should directly give support to the survivor, regardless of whether he/she reports to the Committee;
  - ii) It should be highlighted that the Protection Commission comes under WDD as well as SWD;
  - iii) Fines should be paid to the survivor rather than the State. Money can also be extracted from employers if the offender does not agree to give it;
  - iv) Judges should hear cases in a timely manner and this should be put into law;
  - v) Terms of Reference should be prepared for the district committees and the Provincial Commission;

## **Vote of Thanks- Hameeda Kaleem (Manager, Advocacy Unit, Shirkat Gah- Women's Resource Centre)**

Day 1 concluded with Hameeda Kaleem giving her vote of thanks to the Minister as well as to all those who participated. She also acknowledged the support and co-operation of Khawar Mumtaz as well as NCSW.

## **DAY 2** **17<sup>th</sup> December, 2013**

### **Agenda of Day 2:**

On Day 2 of the event, Sindh DV (Prevention and Prohibition) Act and its effective implementation remained the focus of discussion. Role of CSOs, police, judges, medico-legal staff, police and media representatives to ensure effective implementation of the Act was also assessed.

### **Updates from DCG partners:**

Najma Mallah from DCG Hyderabad, Mr. Allah Wadhayo from DCG Sukkur and representatives from other DCG partners in Sindh shared the challenges they are facing in reporting domestic violence cases. The DCG partners shared that the responses from police have been very discouraging. They also shared that often they face security threats from the family members/perpetrators of the crime.

Rukhsana Siddiqui for WAR emphasized challenges posed by police insensitivity through a recent example where a 14 year old girl was being sexually abused by her father. She reported to the police who called in the father, did not register the FIR (only entered the complaint written in the police diary/Roznamcha), and sent the girl back with the father because it was seen as a family matter.

### **Updates from Dar ul Amans:**

Syeda Bano Rizvi, Head of Dar ul Aman, Hyderabad, discussed the administrative issues that Dar ul Amans are facing. She pointed out that:

- There is shortage of medical staff in Dar ul Amans;
- Psychiatrists should be appointed in Dar ul Aman for the traumatized women;
- Providing shelter to women who don't have court orders is a big issue and instructions to handle such cases should be added in the TORs of Dar ul Amans;
- Minority women are being maltreated in shelters;

Ms. Rizvi mentioned that procedural challenges for survivors still exist and gaps in the existing structure of Dar ul Amans and shelter homes needs to be taken into account by those who are working on the implementation plan of the DV Act.

#### **Updates from Medico-Legal Representative:**

Dr. Shiraz, Medico-Legal Representative at Abbasi Shaheed Hospital, shared the challenges his medico-legal officers have been facing regarding intervention in domestic violence cases. Dr. Shiraz shared that:

- Medico-legal department is in dire need of more female officers as many female victims hesitate to consult male staff members;
- Adequate examination facilities are needed where women can be examined in privacy;
- ML certificate need to be strong to get the accused convicted. Medical reports prepared by medico-legal staff are rarely considered an evidence by the police;
- Police has never consulted medico-legal staff members for follow-up on domestic violence cases;
- Medical Exam includes history i.e. accident, violence, strangling etc. So, DV will have to be included in the MA history as a category;
- No conviction so far despite positive MLO report due to insufficient evidence. Special investigation units, prosecutors and designated courts needed for DV. Adequately resourced Protection committees are also required in hospitals;
- Family must be given a prosecutor or Protection officer must facilitate her;

Dr. Shiraz raised pertinent questions regarding the attitude of police towards domestic violence cases. He pointed out that he has never seen anyone getting convicted in domestic violence cases even though medical evidence of the crime was provided by them to police.

#### **Updates from Police/Judges**

Police representatives and members of Sindh Bar Association shared the issues they have been facing regarding the implementation of laws. It resulted in a heated discussion and several key points were raised regarding the role police and judges/lawyers can play to ensure effective implementation of the Sindh DV Act and to protect the victims. During the discussion, it was noted that:

- Police is not sensitized towards gender-based violence issues; It was also observed that police representatives were not taking interest in the discussion and displayed a patriarchal mind-set;
- Police stations need to be strengthened;



- Women hesitate to report details of the crime in front of male police officer. Hence, it was recommended that women police officers should accompany female victims. It was also recommended that female police staff should be present in every police station;
- Male doctors do not believe victims when they report. They also don't prepare the victim mentally for examination and that leads to another trauma for the victim.
- In cases of emergencies where immediate intervention is required, judges should be allowed to issue court orders on phone;
- Police, judges and heads of dar ul amans need to maintain better coordination;

SPO- Ellahi Bukhsh Baloch- committed to setting aside one hour in each of their sessions for discussion of DV Act;

### **Media Representatives**

Ms. Shehribano from The News International and Ms. Farahnaz Zahidi, Editor Features Section, Express Tribune, shared their recommendations regarding the role of media. Ms. Shehribano pointed out that journalists should be sensitized about gender-specific issues. She also said that the ads should be run on electronic and print media to create mass awareness about laws.

Ms. Farahnaz pointed out that often journalists and reporters are not aware of the legal jargon of the laws. She said that gender sensitization workshops should be held for reporters and journalists. She also pointed out that news stories on gender-related issues are often considered 'fluff' and discarded by the editors, hence, there is a need to bring editors in the loop as allies. Ms. Farahnaz also suggested that CSOs need to employ regional language channels/newspapers for advocacy so they could reach out to masses.

### **Recommendations by the participants:**

In the second half of day 2's discussion, participants were asked to share their recommendations:

- Position of Dar ul Amans needs to improve;
- Dar ul Amans are over-crowded. Accommodation is a major issue;
- Female judges should be appointed to hear domestic violence cases;
- We must sensitize the police, otherwise female victims will not report;
- Act must be displayed in police stations and other government offices;
- Number of female medico-legal staff is very low. For instance, Karachi alone has only 6-8 female medico-legal staff members;

- Impunity for breaking laws is also a huge issue;
- MPAs needs to make a collective force to protect/advocate pro-women laws;
- Ulemas and religious leaders should also be included in discussions about prevention of violence against women;
- Political parties should be given a scorecard to promote the culture of more gender-sensitive /pro-women political discourse;
- We could start a volunteer system to assist medico-legal officers and to overcome the gaps in the provision of services;
- Medico-legal staff needs to be trained on how to write comprehensive medical history of DV cases;
- Hindu Panchayats have no women and little knowledge of laws related to rights of women. Consultations with Hindu minority women and their Panchayats regarding the rights of minority women and the various forms of violence they have been facing should also be held;

## **Annex 10**

### **The Law and Justice Commission's Workshop:**

#### ***Prisoners Vulnerability – Lacking Awareness***

**2 November 2013**

### **Prisons Reforms – A Dire Need: women prisoners' perspective**

*Khawar Mumtaz*

#### **1. Introduction**

Women prisoners are a small proportion of prisoners in Pakistan. According to HRCP's State of Human Rights in Pakistan Report (2012), out of about 75,000 prisoners around 1100 were women across Pakistan's four provinces and Gilgit Baltistan. The highest number of women prisoners is in Punjab (791) and the lowest in Gilgit Baltistan (2).<sup>8</sup> Various Prison Laws through elaborate Pakistan Prison Rules prescribe measures to deal with different categories of prisoners including women prisoners.

As a group, women prisoners are more vulnerable than men, due to their gender as also their poor economic back ground, societal view of women, and lack of education and knowledge of the justice system. They are thus exposed to extreme distress and mental stress, sexual and/or physical violence or threat of it, specific women related health-care needs, responsibilities related to accompanying children (children up to 6 years of age) and worry about post-release abandonment and/or stigmatization. Foreign women prisoners (of whom there is a considerable number in Pakistan's prisons) have additional problems of language barriers and lack of awareness of legal rights in a foreign country. The majority of women prisoners belong to poor and disadvantaged social strata and largely from rural areas.

Among the special needs of women prisoners identified by the United Nations Office on Drugs and Crimes after a multi country review<sup>9</sup> are:

- *Inaccessibility of justice system:* women's lack of knowledge of the justice system and procedures is a huge handicap;
- *Victimisation and mental healthcare needs:* women who have been subjected to domestic violence before imprisonment have greater likelihood of suffering from mental disabilities;
- *Gender-specific healthcare needs:* women prisoners have greater primary healthcare needs especially if they are from poor backgrounds and malnourished. They may be pregnant,

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<sup>8</sup> KPK 146, Sindh 131, Balochistan 29 women prisoners. HRCP, *State of Human Rights in Pakistan*, 2012. Pp 73-74. The number of women had swelled to 6000 in 1988 from 70 in 1979 as a result of the Hudood Ordinances, 1979 and seems to have gone down following the passage of the Women Protection Act 2006 that criminalized rape.

<sup>9</sup> UN Office on Drugs and Crime, *Handbook for prison managers and policy makers on Women Imprisonment*. Criminal Justice Handbook Series. UN, NY. 2008. Pp 11-23

nursing mothers, have sexual and reproductive health diseases (HIV-AIDS, sexually transmitted diseases), and other chronic diseases like TB;

- *Safety and security* within prisons;
- *Accommodation and family contact*: paucity of prison closer to place of residence distances of prisons limit contact with families.
- *Pregnancy and women with children*: ante- and post natal check-ups and care needs, delivery in unhygienic conditions, unavailability of emergency obstetric care in case of complications are some of the issues. Children left at home suffer from not having someone to care for them; and those who accompany mothers are secluded and socially deprived in an inappropriate environment;
- *Post release reintegration*: a serious problem due to ostracisation by family and community.

## **2. Situation in Pakistan**

Overcrowding is reportedly not an issue in Pakistan's women prisons.<sup>10</sup> However many of the needs and problems noted in the above section seem to prevail. Recent studies, reports and jail visits indicate that ranging from conditions of prisons, to food quality, to lack of medical and child care facilities, to mental stress and abandonment/fear of abandonment by family are the major issues that confront women prisoners. Absence of separate cells for female juvenile offenders is another common problem in female prisons.<sup>11</sup>

*Accommodation*: beds and mattresses are reportedly not everywhere available and prisoners are expected to arrange for their own bedding.<sup>12</sup> Hygienic conditions are also not optimal, though these may vary from jail to jail. In the Multan Central Jail for Women, an NCSW member reported that the building was properly managed and women prisoners were separated by the nature of their crimes and status e.g. women under trial were housed separately from those who had been convicted. Women's section in Adiala Jail is also reportedly relatively clean, spacious and orderly. On the other hand the recent HRCP report states that the women police centre in Lahore (Jail Road) is devoid of privacy with the lock-up area exposed to the road and the bathroom with only a four feet wall around it.

Cleaning of the barracks, according to the UNIDO study was not routinely carried out even where cleaning staff was available. Washrooms varied across prisons and ranged from a washroom for three to four prisoners, to one for 60 prisoners in the larger prison included in the study. The study found that in three among the prisons it covered there were no separate washrooms and the washing and sanitation facilities were within the barracks. In another there

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<sup>10</sup> UNODC, *Females Behind Bars – situation and Needs Assessment in female Prisons and Barracks*. 2011. Female prisoners. 10 Dec 2011 <http://wp.me/p1UdGw-But>; Also see HRCP, 2012

<sup>11</sup> Ibid.

were four washrooms but were non-functional and had been so for months. Most prisons that the study covered, excepting two, had tap water around the clock and one had safe drinking water available for 24 hours.

The standard and quality of food especially bread was reported to be poor. There are facilities of cooking where women may cook themselves as some receive provisions from their families. Foreign women sometimes receive food and fruit from their consulates. Usual practice is of meals served thrice a day.

Given that every prison has a number of children who have come with their mothers very few recreational opportunities/facilities are available. Multan Jail did have a class room, a teacher and uniforms for children. However there were no play/recreation facilities. For women prisoners, some prisons were found to have television sets (UNIDO study) but no other recreation for women. Multan Jail provided material to women who could do embroidery which was then displayed and placed in exhibitions for sale. In most others vocational training or basic education was non-existent.

*Medical facilities:* Lack of medical care emerged as a common problem in women prisons. While male doctors were available in all prisons, qualified full time female doctors were not posted in most, and where they were like in Adiala Jail they were found to be absent, and reportedly negligent. Female paramedics were also not available in women's prisons. In Multan Jail where there were couple of nurses and an LHV as well as an ultrasound machine, there was neither technical staff nor a doctor. This inadequacy was acknowledged by the Punjab Prisons Minister in the Punjab Assembly (October 2010). He reported that none of the 32 prisons in the province had a gynaecologist and no surgery had ever been performed in them. He also stated that there was no counselling facility in the prisons, except in three where NGO volunteers provided counselling to the depressed or mentally disturbed prisoners.<sup>13</sup> In addition immunization to children was not routinely provided. In Kot Lakhpat Jail, Lahore, the HRCP report (2012) says that children interned with their mothers were not administered polio vaccine as a result two of the children got polio.

The practice in prisons is to refer complicated cases to Public Sector Hospitals for which procedures are bureaucratic and lengthy and highly unsatisfactory according to women in prisons. Almost all reports seen for this paper reveal that psychological problems and mental illnesses of women prisoners did not receive due attention. According to the Journal of Pakistan Medical Association "there is increasing psychiatric morbidity amongst prisoners"; the Journal says that while 59% of men on remand had signs of neurotic illness, there were 76% women on remand with similar indications.<sup>14</sup> It also points to evidence that psychosis has greater risk of violence on women than men; women are more likely to be violent at home. Treatment for drug users is also not available in any of the jails.

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<sup>13</sup> *Reforming Pakistan's Prison System*, Asia Report No. 212. 12 October 2011

<sup>14</sup> Yasir Abbasi, Khurram Hafeez Khan, *Forensic Psychiatry – is there a role of psychiatric services in Pakistani prisons?* Journal of Pakistan Medical Association. <http://www.jpma.org.pk/full> article id=1627

*Reintegration:* A major problem highlighted in the reports of women prisons was that of abandonment of women by their families once they were imprisoned (for trial or convicted). They thus suffered from stigmatisation; their families, especially those convicted to death, stopped visiting them and did not seem to care for them any longer. The plight of these women was compounded by the harassment that such women faced from co-prisoners as well as jail staff. Interestingly, UNIDO study reveals fewer stigmas for women in prisons where there were fewer women prisoners than where their numbers were higher. Abandonment of women prisoners was a source of insecurity and uncertainty after the end of their sentence or acquittal. Not provided any skills or trade during incarceration, accompanied by children their future is bleak and they are under threat of exploitation.

*Other problems:* A major problem reportedly faced by women prisoners was that of delays in trials due to the slow process of law. Cases tended to drag on due to non-production of evidence or witnesses, non-appearance of lawyers or judge being on leave. Being poor many women prisoners did not have the wherewithal for hiring a decent lawyer. There was also widespread corruption reported as money and graft earn favours and respite. Those whose families no longer care or are too poor had no one to post bail for them. Court appointed lawyers tended to treat their cases indifferently.

### **3. Provisions of the Jail Manual**

As stated at the outset the Jail Manual is quite a comprehensive document with detailed instructions and specific measures in accordance with the Prisons Act 1894 and subsequent body of laws enacted and amended from time to time. Chapter 13, **Women Prisoners and Children**, prescribes rules (305 – 364) for confinement of women prisoners and for their period of confinement. It provides for strict segregation – “to be situated at a distance from male prison and not to be visible from any part of the male prison” (Rule 305), no entry of a male officer unless there is a legitimate duty and then too he can enter the female prison only during the day and accompanied by a female warden (Rule 314). The manual also prescribes age-wise categories of women in prison (*Juveniles*: under 16 years, *Adolescents*: 16-20 years, *Adults*: over 20 years); classes that need to be kept apart with reference to the nature of crime (e.g. convicted and under trial, habitual and casual, etc.), and not to be hand cuffed, fettered or whipped. Similarly detailed is the provision of female staff and wardens, cooked food and specified quantity, item-wise clothing and bedding for summer and winter, and food and clothing for children. While the Manual calls for avoiding child birth in prisons it provides for prison management getting a lady doctor or qualified midwife on deputation. Visitors, tasks that women prisoners are expected to do (cleaning their enclosures; sweepers to clean toilets), are also included in the Manual.

### **4. Gaps to be covered**

The above brief overview of conditions of women prisons and prisoners and the content of the Jail Manual points to two conclusions: **One**, that the provisions of the Jail Manual are not fully implemented (e.g. bedding, cleaning of toilets, quality of food, etc.); and **Two**, there are issues



that are not catered for. There are also differences between measures for men and those for women, e.g. Chapter 12, **Juvenile and Youthful Offenders**, provides rules largely for male juvenile prisoners and requires that “Juvenile female convicted prisoners shall be transferred immediately on conviction to the Women’s prison” (Rule 292). The Jail Manual, while defining female juvenile prisoners does not prescribe their separation from other prisoners on the basis of their age. Separation in female prisons is on the basis of categories of conviction. Similarly, provisions are made for “careful individual attention,” (Rule 295) of male juveniles, education (Rule 298 – “every inmate sentenced to imprisonment for a year or more shall be brought under a course of instruction, in reading, writing and arithmetic for two hours daily”) and “physical drill, gymnastics and games” (Rule 299) for male juvenile prisoners; no such provisions are made for female juvenile prisoners.

Issues not adequately covered are a) of medical facilities for women-related illnesses or morbidities, particularly mental disorders, depression and psychosis which seem to afflict women to a greater degree and is said to be on the increase; b) nourishing food, as a characteristic of women, especially poor women, in Pakistan is endemic malnutrition and anaemia, the current quality of prison food and water cannot be expected to meet their nutritional and health requirements; c) education and recreational facilities for children, juveniles and female prisoners in general; d) skill and vocational training for women juvenile and other prisoners to help them in rehabilitation at the end of confinement, especially if they are not accepted by their families; e) appropriate and proper legal services paid for by the state, including bail, to prevent delays in trials; and f) shortage of female staff: wardens, cleaners, medical personnel, instructors for children, trainers for girls and women.

## **5. Recommendations**

This paper is based on a limited desk study of available reports and a quick review of the Jail Manual. Recommendations on the basis of this limited review for prison reforms are as follows:

- A more in-depth study of women’s prisons by a knowledgeable female lawyer to assess the extent to which existing legal provisions are not being followed, the state of staff knowledge of the Jail Manual and Prison Laws, and to focus more specifically emerging issues that require Prison reforms including for foreign nationals;
- Revise Rules pertaining to Juvenile Offenders to include provisions of education, vocational training, physical activities and recreation for female juvenile prisoners;
- Provision for the commission of a nutritionist to develop appropriate menus for women prisoners according to geographical location and health deficits;
- Provision for counselling of women suffering from depression or mental disorders and their treatment;
- Integration of measures for rehabilitation of women prisoners in the law to help them rebuild their lives in a meaningful way;



- Inclusion of mechanisms for monitoring prison administration and management through public-private partnerships/committees;
- Putting in place mechanisms for utilisation of the Women in Distress and Detention Fund for posting timely bail and provide quality legal services to women in need.

## **Annex 11**

### **NCSW hosted/attended activities – 2013**

<b>Sr No</b>	<b>Date</b>	<b>Events</b>	<b>Venue</b>
1.	12-13, Feb 2013	CEDAW Technical Committee hearing at Geneva - The Chairperson led the delegation.	Geneva
2.	19 Feb. 2013	UK Parliamentarians Delegation Meeting Chairperson : Presentation	Islamabad
3.	19 Feb. 2013	Book Launch Nafisa Hoodbhoy's <u>Aboard the Democracy Train.</u> Chairperson: Discussant	Islamabad
4.	8 March 2013	Pakistan Embassy, <u>International Women's Day</u> function. Chairperson: Speaker	Washington DC
5.	11 March 2013	Common Wealth Meeting in New York – NCSW attended Common Wealth Meeting prior to CSW meeting.	New York
6.	12 March 2013	UNCSW meeting in New York - The Chairperson was a member of the official delegation.	New York
7.	20 March 2013	MDG 5b Alliance meeting	Islamabad
8.	21 March 2013	RADS seminar, <u>Bridging the Gap – Evidence to Policy and Practice Change in Maternal and Newborn Health with reference to MDGs 4 and 5.</u> Chairperson: Speaker	Islamabad
9.	27 March 2013	NCSW Debriefing on UN Commission on the Status of Women Session in New York.	Islamabad
10.	28 March 2013	UNDP Launch of UNHCR Report.	Islamabad
11.	29 March 2013	Rutgers WPF Conference on Early Marriage.	Islamabad
12.	4 April, 2013	UNDP, FAFEN and Several Organization's Conference on <u>Election Monitoring</u> Chairperson : Speaker	Islamabad

13.	6 <sup>th</sup> April, 2013	Shirkat Gah and Centre for Reproductive Rights Consultation on <u>Maternal Mortality and morbidity and public interest litigation</u> . Chairperson: Speaker	Lahore
14.	8 <sup>th</sup> – 9 <sup>th</sup> April, 2013	47 <sup>th</sup> NCSW Members Meeting.	Islamabad
15.	9 <sup>th</sup> April 2013	NCSW Public Event: <u>Introducing NCSW</u>	Islamabad
16.	12 <sup>th</sup> April, 2013	NCSW and Heinrich Bohl Stiftung joint Roundtable, <u>Are we moving forward: Review of Legal and Political Framework</u> (Report in <b>Annex 5</b> )	Islamabad
17.	16 <sup>th</sup> April, 2013	European Union Ambassador's working lunch <u>Human rights on the eve of 2013 elections</u> .	Islamabad
18.	25 April 2013	PSDF Board of Directors' meeting	Lahore
19.	26 April, 2013	PCSW- KP Consultation, Election 2013, <u>Ensuring Women's Right to Vote</u> . Chairperson: Presentation on <u>Complaints Mechanism</u> .	Peshawar
20.	29 April, 2013	RSPN Regional Conference. NCSW – Rights based approach to community work. Chairperson: Speaker	Islamabad
21.	2 May, 2013	UN Women Consultation on Women and Security in Elections. Chairperson: Presented <u>Overview of Election</u>	Islamabad
22.	6 <sup>th</sup> May 2013	SDPI Book launch: Anita M. Weis & Saba Gul Khattak <u>Developing Challenges Confronting Pakistan</u> . NCSW –Discussant.	Islamabad
23.	7 <sup>th</sup> May 2013	National, Development Institute (NDI), <u>Orientation session on Election monitoring</u> . Chairperson: Speaker.	Islamabad
24.	7 <sup>th</sup> May 2013	Gender Concerns International (GCI) Orientation Session,	Islamabad

		<u>Monitoring Elections from the Gender Perspective.</u> Chairperson: Chair	
25.	10 May, 2013	PILER <u>Conference on Minorities.</u> Chairperson: Presentation	Karachi
26.	15 May 2013	FES Information Roundtable <u>Intersectionality and ‘Transnational Solidarity’.</u>	Islamabad
27.	16 May 2013	NCSW host meeting with IHI, EVAW and WAF to review <u>Women’s Participation in Election.</u> Chairperson: Chair	Islamabad
28.	23 May 2013	NCSW, Brainstorming meeting on Violence Against Women Indicators.	Islamabad
29.	30 May 2013	National Defence University, Networking Event	Islamabad
30.	18 -19 June, 2013	48 <sup>th</sup> NCSW Members Meeting	Islamabad
31.	19 June 2013	NCSW interactive meeting with women parliamentarians, donors, government officials and media.	Islamabad
32.	20 June 2013	Gender Retreat of Inter Agency group on Gender Empowerment Chairperson: Presentation on NCSW.	Islamabad
33.	21 June 2013	Punjab Skill Development Fund (PSDF), Design Committee Meeting. Chairperson, attended as member.	Lahore
34.	25 June, 2013	MDG 56 Alliance Meeting.	Islamabad
35.	26 June, 2013	ASER Education Conference. Chairperson : Speaker	Islamabad
36.	29 June, 2013	Midwifery Associations National Conference to celebrate <u>International Day of the Midwife.</u> Chairperson: Speaker	Lahore

37.	3-4, July 2013	Shirkatgah's National Consultation on <u>Women Peace &amp; Security in Pakistan</u> . Chairperson: Session Chair.	Lahore
38.	5 July, 2013	Jinnah Institute's 3 <sup>rd</sup> Islamabad Dialogue.	Islamabad
39.	23 <sup>rd</sup> July 2013	NCSW and UN Women hosted <u>Brainstorming on Development Indications on VAW meeting</u>	Islamabad
40.	1 <sup>st</sup> August, 2013	Awaaz National Conference, <u>Local Government's Legislation and Citizens concerns</u> Chairperson : Conference Chair	Lahore
41.	6 August 2013	NCSW: EU Parliamentary Delegation for GSP Assessment. Chairperson: Presentation	Islamabad
42.	14 August 2013	NCSW, UN Women, Women Parliamentary Caucus (WPC) organized, <u>UN Secretary General's Interactive Meeting with Parliamentarians</u> . Chairperson: Speaker	Islamabad
43.	23 August, 2013	JJK Women for Peace Organization.	Lahore
44.	28 Aug, 2013	Planning Commission Talk, "China's Development Experience"	Lahore
45.	29 Aug. 2013	Aurat Foundation, Launch of <u>5<sup>th</sup> Annual Report on Violence Against Women</u> Chairperson: Chair.	Islamabad
46.	3 Sept. 2013	NCSW Consultation, <u>Local Government and Women's Participation</u>	Islamabad
47.	5 Sept. 2013	Shirkat Gah Consultation, <u>Domestic Violence Bill and Punjab Family Protection for Violence Bill, 2013</u> Chairperson: Chair	Lahore
48.	8 Sept 2013	Law & Justice Commission of Pakistan meeting.	Islamabad
49.	18 September	NCSW meeting with Jordanian Minister on her visit to Pakistan.	Islamabad

	2013		
50.	20 Sept. 2013	LEAD Conference, <u>Leadership in Reproductive Health and Sustainable Development –Linking Research with Policy</u> Chairperson: Presentation.	Islamabad
51.	21 Sept 2013	AF/USAID/GEP's <u>National Advisory Forum's meeting.</u> Chairperson: Chair	Islamabad
52.	23 Sept. 2013	NCSW Consultation on CII's statement regarding Women Protection Action 2006 and inadmissibility of DNA tests as primary evidence of rape. (For Press Release <b>Annex 12</b> )	Islamabad
53.	25 September 2013	UN Women and MoWD Punjab, <u>7th Inter-provincial Ministerial Group Meeting (IPMG).</u> Chairperson: Presentation	Lahore
54.	3 October 2013	Gender Concerns International, Aurat Foundation and Election Commission of Pakistan, <u>Pos – Election Multi Stakeholder Consultation.</u> Chairperson: Speaker.	Islamabad
55.	10 October, 2013	PSDF Board Meeting	Lahore
56.	14 Oct 2013	WAF meeting to develop strategy against increasing incidence of VAW.	Karachi
57.	25 Oct 2013	NCSW-RADS joint National Consultation on <u>Addressing information needs of adolescent girls and issue of early age marriage.</u>	Islamabad
58.	30 <sup>t</sup> -31 October, 2013	NCSW, Rural women's Day Conference. NCSW organised a panel discussion on women related laws.	Islamabad
59.	31 October, 2013	Australian Aid Meeting – To share efforts of NCSW to combat VAW	Islamabad

60.	2 November 2013	Law and Justice Commission's Workshop; <u>Prisoners' Vulnerability—Lacking Awareness</u> on the occasion of Judicial Academy's 25 <sup>th</sup> anniversary. Chairperson: Presentation ( <b>Annex 10</b> ).	Islamabad
61.	18-19 November, 2013	49 <sup>th</sup> NCSW Members Meeting	Peshawar
62.	19 November 2013	NCSW: Interactive meeting with local stakeholders.	Peshawar
63.	20, 21 November, 2013	Population Association of Pakistan's <u>14<sup>th</sup> Annual Population Research Conference</u> . Chairperson: presentation	Islamabad
64.	22 Nov. 2013	<u>Planning Commission's Pakistan Vision 2025 Conference</u> NCSW: Working group on gender	Islamabad
65.	25 Nov. 2013	UN Women & Ministry of Human Right's 16 Days of Activism – launching of <u>Rules of Business of Federal Ombudsman's Office</u> Chairperson: Speaker.	Islamabad
66.	26 Nov. 2013	Aga Khan University, Working Group on Women Conference, <u>Gender Moving Beyond the Basics</u> Chairperson: Speaker	Karachi
67.	28 Nov. 2013	UNDP's <u>Orientation Session with Sindh Women MPAs</u> . Chairperson: Presentation on NCSW	Karachi
68.	3 December 2013	NCSW and Un Women jointly organized a meeting with Nepali Women's Commission.	Islamabad
69.	5 Dec. 2013	Hisar Foundations' <u>Water Conference</u> Chairperson: Speaker	Karachi
70.	9 Dec, 2013	Awaaz Human Rights Day Conference, <u>Women, Peace and Social Harmony</u> . Chairperson: Chair of Conference	Islamabad



71.	10 December 2013	Ministry of Law, Justice, and Human Rights', <u>International Human Rights Day function.</u> Chairperson: speaker	Islamabad
72.	11 December 2013	LEAD Roundtable, <u>Integrating Gender and Climate Change: A call for Gender Sensitivity in Climate Compatible Development in South Asia.</u> Chairperson: presentation	Islamabad
73.	16 December 2013	Ministry of Law Justice and Human Rights meeting, Review of Amendments to Combat Trafficking in Person especially Women and Children Act.	Islamabad
74.	16 , 17 December 2013	NCSW and Shirkat Gah joint National Consultation, <u>Domestic Violence Legislation. (Annex 9).</u>	Karachi

## **Annex 12**

### **Press Releases:**

#### **1. Pakistan Women's Day - Message from NCSW (12 February 2013)**

The National Commission on the Status of Women pays rich tributes to the courageous women of Lahore who 30 years ago on February 12, 1983 came out under the shadow of Martial Law to challenge the dictator General Zia-ul-Haq. Belonging to Women Action Forum and Punjab Women Lawyers Association they intended to peacefully submit a petition to the Chief Justice of the High Court Against the proposed discriminatory Law of Evidence; however they were subjected to a brutal **Lathi Charge** and teargas by the police. Notwithstanding the attack that left many injured, the brave women marched on and reached the High Court. Over 50 were arrested and taken to the police lock up. Those 250 women made history and broke the barrier of silence. Declared Pakistan womens Day and a landmark in women's struggle for rights, equality and justice, 12<sup>th</sup> February is being celebrated by women across Pakistan.

NCSW, formed as a result of the demand of the women's movement, reiterates its commitments to promote and protect women's rights in Pakistan and salutes the women who in 1983 dared to confront a dictator.

#### **2. NCSW Shares Concerns on Women's Participation in Polls (9<sup>th</sup> April 2013)**

The newly-appointed autonomous National Commission on the Status of Women (NCSW) had its first meeting on 8th April, 2013 wherein several administrative and strategic decisions were taken.

At the end of its meeting on Tuesday, 9th April, 2013, a Press briefing was held in which the Commission expressed its concerns on upcoming elections 2013 and shared its disappointment over the failure of political parties to agree on a minimum number of female participation (10 per cent) in a constituency for validating the poll in it. The following press release was issued to the press.

#### **Press Release**

The newly appointed autonomous and independent National Commission on the Status of Women established under the NCSW Act 2012 with representatives from the four provinces, AJK, ICT, Gilgit- Baltistan, FATA and Minorities held its first meeting with Ms. Khawar Mumtaz in Chair on 8-9 April 2013. It took up issues confronting women of Pakistan and set its priority agenda where the institutionalization of the Commission, implementation of recently enacted laws and various aspects of discrimination against women were identified for focused attention.

The most immediate issue taken up by the Commission was that of women's participation in the forthcoming elections especially in view of the threats to their participation in some areas.

The Commission acknowledged that we are on the threshold of making history as this election marks the first democratic transition in Pakistan. The insecurity in some areas like the 42 No Go areas in Karachi, or prohibition of women's voting by panchyats or clerics (in Tor Ghar and parts of Sindh) tantamount to denial of women's democratic and constitutional right to choose their representatives. The Commission is also concerned that a large number of women in remote rural areas and urban slums have not been issued CNICS and will not be able to vote despite a strong desire to do so.

NCSW expresses its disappointment at the failure of political parties to agree on a minimum number of female participation (10%) in a constituency for validating the poll in it. It is also dismayed at the low number of tickets awarded to women on general seats by political parties. The experience of the past 5 years has demonstrated the high calibre of women parliamentarians in moving human rights and women's rights legislation in the National Assembly and the skillful and balanced role of the female Speaker. It is an opportunity lost to not bring in high performing women legislators in the political mainstream.

NCSW salutes the brave women who have come forward to stand as independents in areas like Bajaur, Dir and as minorities in Thar. These women symbolize women's capacity to face challenges. NCSW offers full cooperation and support to such candidates towards ensuring free and fair elections.

NCSW urges the Election Commission of Pakistan:

- to ensure the safety of women to vote without fear and not allow anyone else to determine who is entitled to vote or not.
- to set up complaint desks in sensitive constituencies to redress any violations of women's right to vote
- to urgently announce arrangements for polling for the large number of persons of dislocated from tribal areas and currently residing in camps.
- to induct and employ female staff in the Election Commission

The Commission resolved to set up an Election Complaint Cell to receive complaints from women pre-, during and post-election process. NCSW members will join in monitoring in select areas in association with other monitors/ observers, and a delegation will meet ECP to seek resolution of its concerns.

### **3. NCSW Condemns the Spate of Terrorist attacks in Baluchistan ( 19 June, 2013)**

#### **Press Release**

Meeting in Islamabad on 18-19 June, the National Commission on the Status of Women strongly condemned the spate of terrorist attacks on Quaid-e-Azam's residency in Ziarat, women's university students' bus and Bolan Medical Complex, Quetta. The Commission expressed dismay at the burning down of the Quaid's residency which is a national heritage building of great importance. It urged the government to apprehend those claiming

responsibility for the act and deal with them in accordance with the law. It further asked the government to restore the building and its sanctity to its original state, and to ensure comprehensive security and protection of the monument in future.

The Commission while condemning the abhorrent attacks on the university bus in which 14 female students lost their lives and 19 are critically burnt, and on the medical complex that left 4 nurses and scores of officials and others dead with many injured, demanded that the culprits who have accepted responsibility for the carnage arrested and severely punished for their crime. The Commission considers repeated targeting of female educational institutions and students as a blatant violation of girl's Constitutional right to education.

Among other matters deliberated upon in the NCSW meeting were the need for amendment in electoral laws to prevent denial of women's right to vote in elections; admissibility of DNA tests in cases of rape; women's exclusion from decision making institutions in FATA; taking forward pending Bills related to Reproductive Health Care, Child Rights Commission, Corporal punishment; developing mechanisms for implementation of laws enacted by the previous Assembly; revisiting of Domestic Violence Bill; liaising with provincial governments for the formation of provincial Commissions on the status of women; future research areas; and other routine matters. The 48th meeting of NCSW was attended by members from all four provinces, FATA, ICT, AJK and minorities as well as ex-officio members from 4 federal ministries.

#### **4. NCSW Endorses Demand for Re-polling in 6 Polling Stations of NA-23/PK-63 (16<sup>th</sup> May 2013)**

A meeting was held in National Commission on the Status of Women, Islamabad on 16th May, 2013, with the delegation of Kohistan from (NA-23/PK-63) called upon Chairperson, NCSW Ms. Khawar Mumtaz. The delegation included Mr. Malik Haider, a candidate of PK-63, former UC Nazims and other activists. They brought to the notice of NCSW the fact that of women having unable to exercise their right to vote due to the absence of female polling staff in the six polling stations. (88-GPS Peero Bela P, 89-GPS-Shaha Daar P, 90-GMS Bara Yar P, 110-BHU Gabral P, 114-BHU Gral P, 115-GPS Bari Kandia P. The delegation also informed the NCSW that they had filed a petition with the Election Commission of Pakistan demanding re-polling in the above polling stations and shared their petition with NCSW.

NCSW has endorsed their request and urges the ECP to have re-polling conducted in above polling stations so that women of the area may cast their vote.

#### **5. NCSW expresses concern on CII recommendation (19 March 2013)**

Islamabad (March 19): Chairperson NCSW Khawar Mumtaz expressed grave concerns over the recent recommendations of the Council of Islamic Ideology (CII) that the laws related to minimum age of marriage were un-Islamic and that children of any age could get married if they attain puberty; and that permission of first wife for second marriage by the husband is against the tenets of Islam

In a statement issued to the press NCSW Chairperson pointed out that the Muslim Family Laws Ordinance, 1961 was promulgated after serious and in-depth deliberations by an eminent Committee representing all schools of Islamic thought. The Committee reviewed personal status laws of other Muslim countries in the light of contemporary conditions and challenges and then made its recommendations in keeping with the spirit of justice and fairness. Khawar called upon CII to give attention to curbing practices like vani, swara and karo kari and ensure that women get their due constitutional rights instead of unnecessarily re-opening settled matters. She drew CII's attention to the fact that marriages in Islam are contracts between two consenting adults and any recommendation that violates that basic principle is not acceptable. Furthermore it has been medically established that early age marriages have far reaching damaging consequences for the health of young girls and their children and therefore must be avoided at all cost.

She added that CII's opinion is also in contradiction of Pakistan's international commitments. Khawar recalled that Pakistan is signatory of CEDAW that provides for the prohibition of Child Marriage in Article 16.3. "The Convention contains a provision calling for the abolishment of practices prejudicial to the health and future of children," she said adding, "Child marriage is connected to children's rights, such as the right to protection from all forms of abuse, and the right to be protected from harmful practices." More pressing in Pakistan is the forcible marriage of girls to resolve family feuds which is a gross violation of human rights and CII should focus its attention on this subject," she said.

#### **6. NCSW conveys its concern on statements by Council of Islamic Ideology on Admissibility of DNA as Primary Evidence in Rape Cases (19<sup>th</sup> June 2013)**

The 48<sup>th</sup> meeting of National Commission on the Status of Women was held on June, 18-19, 2013 during which members discussed Council of Islamic Ideology (CII)'s observations on admissibility of DNA as primary evidence in rape cases. It was unanimously decided that CII may be apprised that DNA tests provide proven, solid, and scientifically accurate evidence for identification. DNA evidence is used all over the world in cases of rape and other crimes and lends support to the cases of the victims ensuring that they receive justice.

2. In this connection attention is also invited to various judgments (including the Federal Shariat Court) that have permitted the submission of DNA as primary evidence, such as Muhammad Shahid Sohail v. The State I (PLD 2010 FSC 215) and Amanullah v. The State, (PLD 2009 SC 542). Most recently, the Supreme Court judgment (2013 SCMR 203: Salman Raja and another – Petitioners), in case of thirteen-year-old Ayesha who attempted suicide after being gang-raped in the village of Ratta Amra, states that DNA tests should be made mandatory in rape cases (contingent on consent from the survivor/victim). The Court accepted that DNA tests are not un-Islamic as an admissible form of evidence in terms of the Qanun-e-Shahat Order 1984 as well as the Holy Quran and Sunnah. CII is well aware that adultery and rape cannot be equated and that the Women Protection Act 2006,

excluded rape from the Zina Ordinances 1979 and made it an offense under the Pakistani Penal Code. These amendments to rape laws were made in consultation with CII.

3. NCSW is of the view that statements from CII may have negative effects and influence on the atmosphere surrounding rape and the societal mindset towards rape; it is also likely to influence and/or cause confusion in lower courts on the admissibility of DNA tests as evidence in court cases notwithstanding the existence of laws and precedents the use of DNA in court. Therefore, it is considered appropriate that CII may not re-open a matter already decided upon by the Supreme Court of Pakistan. A position like the one CII is contemplating would discourage victims from seeking justice. NCSW is seriously concerned that a recommendation that makes rape more difficult to prove could end up protecting the criminals by discouraging rape victims from speaking out and demanding the justice they deserve.

## **7. Press Release Women's representation in Local Government: NCSW position (31 August 2013)**

National Commission on the Status of Women (NCSW), in view of the forthcoming Local Government elections in all provinces (September 2013) and the urgency for enacting LG law in each province, strongly recommends principles to be adopted by all political parties in provincial assemblies for women's meaningful representation.

NCSW's position is in keeping with its mandate and is based on Constitutional provisions and the experience of women's representation in local government especially from 2001- 2009.

Two Constitutional provisions (Article 32 and Article 140 A) define the parameters and spirit of local government i.e. of inclusiveness of marginalised groups and devolution of authority and responsibility as the third tier of government. **Article 32** states that: "The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women." And **Article 140-A prescribes that**: "Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments."

The experience of women's representation in local government (2001- 2009), demonstrated that a critical mass of women in different tiers of LG was a key element in their political mainstreaming and full participation. Women counsellors, UC **nazims** and **naib nazims**, members/**nazims** of District Assemblies when given the space and opportunity rose to the demands of their position. Some from among them went on to become members of provincial and national assemblies.

NCSW therefore recommends that new law in each province should ensure that:

- There should be no roll back from the 33% reservation of seats for women at all tiers of local government; seats may be increased but not decreased;



- All tiers of local government are of a size that translates 33% into meaningful numbers of women (at least 3-4)
- Women shall also be eligible to contest on general seats;
- A quota for women in the reserved seats for farmers, workers and non-Muslims is provided;
- All reserved seats are directly elected on the basis of joint electorate;
- There is provision for 33% representation of women in ancillary bodies/committees;
- All counselors are considered/treated as equal regardless of their election on reserved seats or on general seats;
- Affirmative action is taken to facilitate full participation in LG meetings through provision of honoraria/TA-DA for women councillors;
- Mandate dedicated funds for women's development in UC/District Council budgets.

Additionally, NCSW recommends that:

- LG elections in keeping with the democratic spirit should be party-based;
- In keeping with the spirit of devolution mechanisms for the devolution of municipal powers and fiscal responsibilities should also be defined;
- LG structure at each tier should have built-in grievance mechanism as well as accountability system;
- Steps to be taken for LG elections in FATA following the principles given above for women's inclusion.

## **8. NCSW convenes Brainstorming Session on Violence against Women Indicators**

**(23 July 2013)**

### **Press release:**

The National Commission on the Status of Women (NCSW) and United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) jointly held an initial brainstorming session on Violence against Women (VAW) indicators on 23<sup>rd</sup> July 2013, at NCSW office, Islamabad. The meeting was chaired by Ms. Khawar Mumtaz, chairperson NCSW and participants from various organizations such as ILO, UNFPA, Aurat Foundation-GEP, DFID, ASF, Rozan and Gender Crime Cell (GCC) were present in the meeting.

The session aimed to invite suggestions from key stakeholders to develop standardized indicators that could be used for future surveys and research and be comparable. Discussed in the session were the problems of collection of information on sensitive issues such as trafficking due to numerous definitions and social issues; under-reporting of violence against women crimes that gives an unclear and suppressed picture of real trends; absence of analysis of data that is available e.g. in the GCC. The meeting underscored the need for



national level data on VAW in order to successfully address various dimensions of VAW and develop appropriate policies and interventions.

The points of reference for the discussion were the nationally owned indicators such as SAARC Gender Information Base (SGIB), international conventions e.g. CEDAW Concluding Observations and UN's Statistics Division indicators. The backdrop was the volume of large and small studies on VAW.

The meeting noted that the ongoing development of PBS's five year plan, gives a good opportunity to push for gender mainstreaming of data. NCSW in collaboration with UN Women and other national/civil society and international development organization has taken responsibility to take the lead in designing national level indicators; this meeting was a first step towards this process.

#### **9. NCSW - Press Release : women's representation in Local Government (3 September 2013)**

At a meeting convened by NCSW on 3rd September 2013 with key stake holders to discuss NCSW's position on women's representation in local government (attached) and deliberate upon the Local Government laws as enacted in Punjab and Sindh and as proposed in KP and Balochistan. Participants of the meeting – civil society organisations, former parliamentarians and women rights activists – expressed grave concern and disappointment with the LG Acts in Punjab and Sindh whereby women's representation has suffered a major set-back, having been reduced to **one** out of 9 in the directly elected first tier of Local Government in Sindh and **two** out of 13 in Punjab – a drastic reduction from a robust 33% in previous local governments. At other tiers Sindh Law provides for 22% indirectly elected seats for women and the Punjab law sets numbers (and not percentages) which may translate in some districts at less than 10% of total membership.

The meeting welcomed the proposed 33% of women's seats in the KP and Balochistan draft Bills and urged that these must be retained.

The meeting endorsed the NCSW position issued on 31 July 2013 and reiterated that Constitutional provisions defining the parameters and spirit of democratically elected local government be strictly adhered to i.e. **Article 32** ("The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women."), and **Article 140-A** ("Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.").

The meeting recalled that the consensus on women's representation was established as far back as 1998 when all provincial assemblies passed resolutions for 33% reserved seats for

women in all tiers of local government. Participants were at a loss to understand why that consensus had been broken.

Stressing their support of party-based elections at all levels and the principle of authority of elected councillors in decision making, participants strongly recommended the incorporation of the following provisions for women's representation in all Local Government Laws (enacted and proposed) before the local government elections are held:

- 33% reserved seats for women at all levels;
- 5% quota for women in reserved seats for farmers, workers, non-Muslims;
- Direct elections for women on all reserved seats;
- Women elected on reserved seats be eligible for positions of nazims/naib nazims ( or equivalent positions);
- LG elections in FATA and ICT ensuring same levels of women's representation as indicated above.

The meeting resolved to take forward the recommendations. NCSW announced that it would take up the issue with competent authorities in provinces and with parliamentarians.

#### **10. Coordinated Efforts Stressed for Effective Implementation of Domestic Violence Act (17<sup>th</sup> December 2013)**

##### **PRESS RELEASE**

Karachi (Dec 17): Stakeholders from diverse backgrounds while appreciating the passage of Sindh Domestic Violence (Prevention and Protection) Act 2013, urged the provincial government to expedite making of Rules of Business for early and effective implementation.

Participants strongly recommended that other provinces should follow suit with similar legislation.

Sindh is the first province to pass a law on domestic violence making Pakistan one of the 90 countries in the world which have legislation against domestic violence. National Commission on the Status of Women and Shirkat Gah- Women's Resource Centre jointly organized a national consultation to highlight the key features of the Sindh law and discuss the need and status of Legislation on Domestic Violence across Pakistan.

Khawar Mumtaz, Chairperson of the National Commission welcomed the long-awaited Act as a crucial step in upholding the safety and dignity of survivors of domestic violence. She stressed on the need for similar legislation in all the provinces with a framework to ensure effective implementation of existing laws. Chair Person Provincial Commissions on the Status of Women in KPK and AJK, Minister for Women's Development Sadia Danish from Gilgit Baltistan, MPAs from Punjab, KPK, Balochistan; lawyers and members of civil society organizations also emphasized the need for laws on domestic violence in provinces and demanded effective operational grievance redressal mechanism.

Minister of Women's Development Ms. Rubina Qaimkhani, Social Welfare and Education for Special People reiterated strong commitment of the government for implementation of the Domestic Violence Law. "Awareness campaign on the law has been initiated by the Ministry and mechanisms for monitoring in collaboration with the civil society will be formulated for effective implementation" she said adding that all stakeholders are being taken onboard in this regard". Secretary Women's Development Department, Sindh announced plans for formation of the Provincial Commission on Domestic Violence within 10 days. The Commission has responsibility for oversight of the law and leading its implementation. Protection Committees at Tehsil level will be notified soon with responsibility for providing support to survivors, documenting cases and making referrals.

Sindh MPA Mehtab Rashdi and Former Minister and Chair of NCSW, Anees Haroon recommended linkages between all related departments with coordinated multilateral action of Social Welfare, Women's Development and Home Departments, police, health, judges and social services.

Farida Shaheed, Executive Director of Shirkat Gah reiterated suggested sharing of information among provinces and the need for provincial governments to send all relevant laws and information to NCSW.

Representatives from Medico-Legal community, Civil Society, Bar Associations, judiciary and media shared their experiences of dealing with cases of domestic violence. Dr Sheraz Ali Khawaja from Abbasi Shaheed Hospital deplored the paucity of women MLO in state run hospitals that gives rise to inordinate delay in disposing of cases. Justice @ Rukhsana highlighted threats to safety of couples in cases of choice marriages from relatives who do not hesitate to threaten judges themselves. Sindh Police representative highlighted the need for sensitization of police officials in a consistent manner. Provincial MPAs emphasized guidance and support from NCSW for shaping laws, policies and procedures in their provinces