

**NATIONAL COMMISSION ON
THE STATUS OF WOMEN PAKISTAN**

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A N N U A L R E P O R T

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NATIONAL COMMISSION ON THE STATUS OF WOMEN



NCSW

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LIST OF ACRONYMS

AFS	Adolescent Friendly Spaces
AJK	Azad Jammu Kashmir
ASF	Acid Survivors Foundation
BISP	Benazir Income Support Programme
CDWP	Center Development Working Party
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEFM	Child, Early and Forced Marriage
CGaPS	Center of Gender and Policy Studies
CIA	Criminal Investigation Agency
CCI	Council of Common Interest
CII	Council of Islamic Ideology
CMRA	Child Marriage Restraint Act
CNIC	Computerised National Identity Card
COP	Conference of Parties
CSA	Child Sexual Abuse
CSCCC	Civil Society Coalition for Climate Change
CSOs	Chief Security Officers
CSOs	Civil Society Organisations
CSW	Commission on the Status of Women
DAI	Development Alternatives Inc.
DFID	Department for International Development
DIG	Deputy Inspector General
ECP	Election Commission Pakistan
ED	Executive Director
F.A	Financial Adviser
FAFEN	Free and Fair Election Network
FATA	Federally Administrative Tribal Areas
FP	Family Planning
FWBL	First Women Bank Limited
GBV	Gender Based Violence
GDP	Gross Domestic Product
GIW	Georgetown Institute for Women
HBS	Heinrich Boll Stiftung
HEC	Higher Education Commission

HRCP	Human Rights Commission Pakistan
I.T	Information Technology
ICA	Intra Court Appeal
ICT	Islamabad Capital Territory
IDRC	International Development Research Centre
IEC	Information, Education, Communication
IG	Inspector General
IGP	Inspector General of Police
IHC	Islamabad High Court
ILO	International Labour Organisation
IMF	International Monetary Fund
INDC	Intended Nationally Determined Contributions
IPMG	Inter-provincial Women Ministers Group
JJSA	Juvenile Justice System Act
KP	Khyber Pakhtunkhwa
LANSA	Leveraging Agriculture for Nutrition in South Asia
LAS	Legal Aid Society
MFLO	Muslim Family Laws Ordinance
MoHR	Ministry of Human Rights
MoLJ	Ministry of law and Justice
MoU	Memorandum of Understanding
NA	National Assembly
NADRA	National Database and Registration Authority
NPA	National Plan of Action
PAO	Principle Accounting Officer
PBS	Pakistan Bureau of Statistics
PCSW	Punjab Commission on the Status of Women
PLD	Pakistan Law Digest
PO	Provincial Office
PPC	Pakistan Penal Code
PRC	People's Republic of China
PREIA	Pakistan Regional Economic Integration Activities
PS	Police Station
P.W	Prosecution Witness/ Plaintiff Witness
RH	Reproductive Health

S & G.A.D	Services and General Administration Department
S.M.C	Suo Moto Case
SC	Supreme Court
SDGs	Sustainable Development Goals
SMEs	Small and Medium-Sized Enterprises
SOPs	Standard Operating Procedures
SP	Superintendent of Police
SSP	Senior Superintendent of Police
STPF	Strategic Trade Policy Framework
STPN	Strategic Trade Policy Network
TF	Task Force
UN	United Nations
UNFPA	United Nations Fund for Population Activities
USAID	United States Agency for International Development
VAW	Violence Against Women
W.P	Writ Petition
WAF	Women Action Forum
WDF	Women Democratic Front



**MESSAGE FROM
CHAIRPERSON**



MESSAGE FROM CHAIRPERSON

Greetings from the National Commission on the Status of Women.

It gives me great pleasure to present another Report of the Commission to apprise you of its activities undertaken during the stretch of 18 months. In order to align the annual report to the financial year, the report covers the period from January 2018 to June 2019. NCSW had found it challenging to align activities in a calendar year to budgets allocated in the middle of the year. Hence, the decision to transit to an annual report linked to the financial year as being more appropriate. We hope that this transition is welcomed.

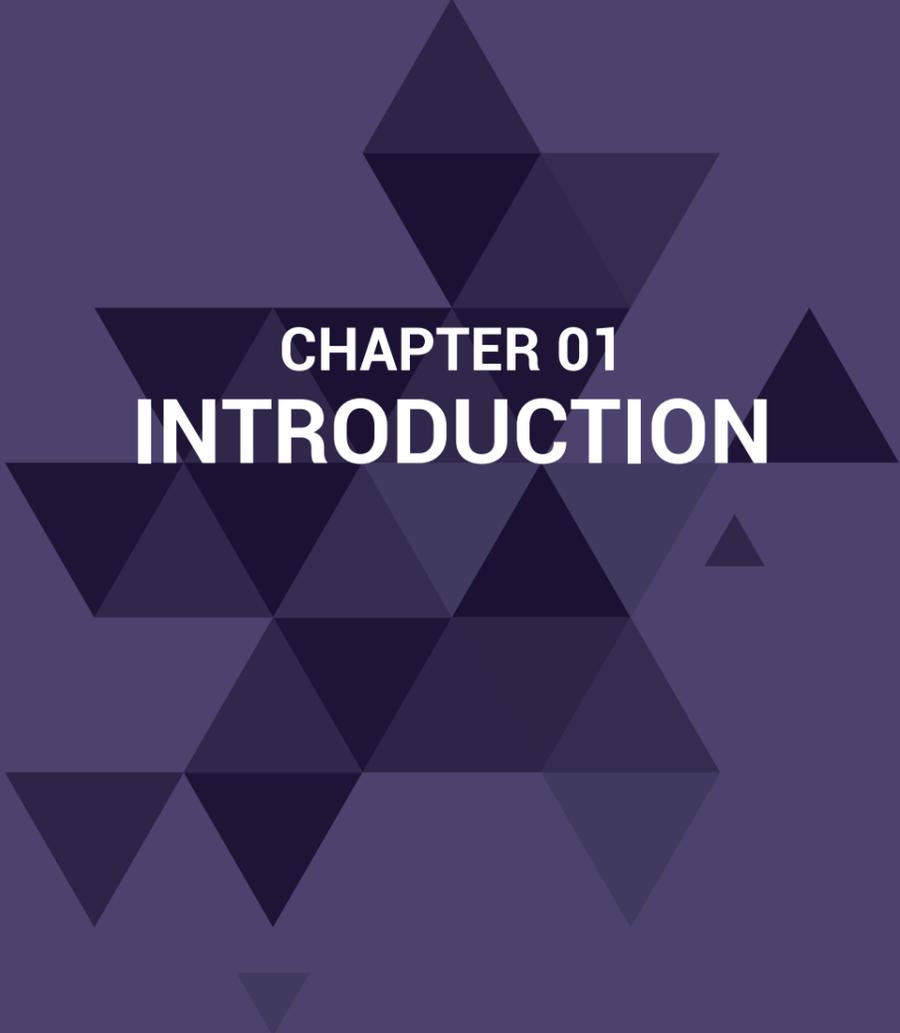
NCSW's activities have largely been within the domain of its priority thematic areas of women's decision making, violence against women and girls, and women's economic empowerment; and its strategies have spanned evidence generation, advocacy and law and policy review, and monitoring of implementation of laws and policies. It has engaged with government departments, networked with civil society organisations and their alliances, and liaised with donors and the media. Over the 18-month reporting period, NCSW, on 76 occasions, attended parliamentary standing committee meetings, submitted its written opinion, responded to starred parliamentary questions referred to it, and proposed amendments in laws. It provided 12 substantive briefs and inputs/information to the Ministry of Human Rights in its reporting on international commitments, to the Ministry of Law and Justice, the Planning Commission, Pakistan Bureau of Statistics, the Election Commission of Pakistan and other related offices. NCSW also entered into formal and informal partnerships and collaborations with provincial commissions on the status of women, Civil Society Organisations (CSOs) and donors for research and publications and advocacy activities, and its Chairperson alone attended over a 100 events as chair or keynote speaker to highlight women's issues and promote the women's rights and empowerment agenda.

The highlights of the reporting period include: 1). NCSW's comprehensive engagement with the process of elections 2018; 2). the Supreme Court's decision (16 January 2019) on NCSW's petition, challenging the legality of jirgas/panchayats, etc. to declare them illegal and violative of Constitutional provisions and in variance with Pakistan's international commitments, in particular CEDAW; the judgment gave orders to police authorities to prevent the formation of such forums; 3) the launch of its Rural Women's Status Report 2018 – that became the vehicle for advocacy, for the recognition and counting of rural women as workers; 4) creating the framework for dealing with complaints that NCSW receives – still embryonic as it awaits the establishment of an electronic documentation and tracking system, and appropriate staff; 5) Chairperson's cooption in the Supreme Court constituted the Task Force on population; and 5) approval of NCSW's service and recruitment rules after a 5-year long pursuit.

Despite many challenges, particularly of acute shortage of qualified staff, NCSW's achievements are largely attributed to the intellectual contribution, guidance and availability of its members, especially the Chairs of its sub committees (Executive, Law and Policy, Research and Advocacy, and Finance Committees). NCSW members work in a voluntary capacity, are experts in their fields with professional and institutional responsibilities. Their unstinted passion, time and commitment has greatly contributed to the accomplishment of the critical work NCSW undertakes. NCSW staff, mostly junior level, with only administrative experience has worked beyond its call of duty. And last but not the least, NCSW extends its gratitude to the Civil Society Organisations and networks, volunteers and interns, supportive legislators and donors for their goodwill and faith in the Commission. They have hugely contributed to taking forward NCSW's mission. Without their collaboration in monitoring and tracking of laws and their implementation, sharing of information and data, and sharing of wisdom and experience, NCSW would not have managed to accomplish what it has thus far. NCSW recognises that the path to the realisation of women's equality, dignity and space in society is a long haul, strewn with obstacles but it has crafted an inclusionary strategy for achieving its vision.

Khawar Mumtaz

Chairperson NCSW



CHAPTER 01
INTRODUCTION

INTRODUCTION

Created in the year 2000, through a presidential Ordinance, the National Commission on the Status of Women (NCSW) was established by the NCSW Act, 2012 as a financially and an administratively autonomous statutory body, with an enhanced scope of the Commission, its mandate and status. It is an outcome of the national and international commitments of the Government of Pakistan like the Beijing Declaration and the Platform for Action, 1995; and the National Plan of Action (NPA) for Women, 1998. The basic role of NCSW is to examine and review laws, policies, programmes and monitor the implementation of laws for the protection and empowerment of women, and to facilitate the government in the implementation of international instruments and obligations.

The core work of NCSW is central to the principles of gender equality and empowerment as enshrined in the Constitution, in the Preamble, Fundamental Rights and Fundamental Duties and Directive Principles. The Constitution not only grants equality to women but also empowers the States to adopt measures of positive discrimination in favour of girls and women. Henceforth, the NCSW Act 2012 gives the Commission the powers to seek and receive information, data or documents from any official source and powers of a civil court to enforce the attendance of any person and production of documents. It has the authority to also visit any jail or sub-jail, in co-ordination with jail authorities, to intervene for the redressal of women's rights.

The Government of Pakistan has undertaken commitments at various national and international forums to guarantee women's rights. Internationally, as an apex women's machinery, it regularly represents Pakistan at the CSW sessions, as well as at the CEDAW committee hearings and conferences as and when required by the Government. As a watchdog and a custodian, the NCSW's functions include ensuring compliance with Pakistan's Constitutional guarantees and international commitments related to women's rights; to examine and review laws, policies, programmes and monitor implementation of laws for the protection and empowerment of women; facilitate the government in the implementation of international instruments and obligations; interact and work with the lawmakers, provincial governments and experts; and uphold the role of a responsive institution to victims of violence, among others. NCSW undertakes and encourages research and data generation as evidence for policies, action and monitoring as a central component of its work. Based on data from different sources, it showcases various indicators like women's household decision making power, financial autonomy, freedom of movement, political participation, acceptance of unequal gender roles, exposure to media, access to education, experience of domestic violence etc., regardless of urban/rural, ethnic or religious divide.

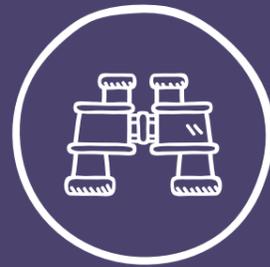
Each province is represented in NCSW by two members; plus one member each from Gilgit-Baltistan, former FATA (now part of Khyber Pakhtunkhwa province), ICT, AJK and

one representative of religious minorities. Also, there are five ex-officio members from the Federal government departments (Finance, Interior, Establishment, Human Rights and Law and Justice) and Chairs of Provincial Commissions on the Status of Women (there are currently three provincial commissions).

One of the key and successful strategies adopted by NCSW is the continued pursuance of its overall thematic areas: Voice, Violence Against Women, and Economic Empowerment, including women with disabilities and minorities, to ensure sustained achievements, accomplishments and over-arching impact, considering that women's emancipation and empowerment requires normative and attitudinal changes, equally involving these changes to be adopted and supported by the male counterparts. For this very reason, the current term starting November 2016 ending October-2019, has progressively and unstintingly worked along these themes, developing strategies and activities, to achieve the mandated objectives, contributing to women's empowerment in all aspects of their lives.

The current NCSW Annual Report marks the transition in its reporting from the calendar year to aligning it to the country's financial year and, therefore, covers the period January 2018-June 2019). The Report highlights the achievements of the Commission, both nationally and internationally. It shares details of the legislative, research and advocacy initiatives and engagements undertaken by the Commission during the said period. The Commission launched a number of initiatives and signed agreements of cooperation with different departments, organisations and donors. It concurrently organised several events, seminars and consultations to launch advocacy campaigns and researches to generate dialogue, seek expert opinion on major policy issues and raise awareness around the Commission's three thematic areas (see Section below). The Chairperson, Ms. Khawar Mumtaz and the members of NCSW remained stoically committed to representing women concerns in major legislative and policy events and through the media.

THE NATIONAL COMMISSION ON THE STATUS OF WOMEN IS A STATUTORY BODY 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. THE 6TH / PRESENT COMMISSION WAS APPOINTED IN OCT-2016.



VISION

A democratic, just, peaceful, and a 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



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

MANDATED FUNCTIONS AND POWERS OF THE COMMISSION

- Shall examine the policy, programs and other measures taken by the Federal Government for gender equality, women's empowerment, assess implementation;
- 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;
- Shall sponsor, steer, encourage research to generate information, maintain a database for national policy and strategic Action for women empowerment;
- Shall develop and maintain interaction and dialogue with non-governmental organisations, experts, individuals;
- Shall maintain 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;
- Mobilise grants from domestic and international, including multi and bilateral agencies for meeting any of its obligations or performing its functions;
- Shall facilitate and monitor implementation of international instruments and obligations affecting women, girls, and advise the Federal Government before accession to any such proposed international instruments, protocol or treaty;
- Shall recommend to the Federal Government the signing or ratifying of international instruments affecting rights of women and girls;
- May seek and receive information, data and documents from any federal source or entity in the course of performance of its functions;
- Inspect any jail, sub-jail or other places of custody with prior permission of provincial government;
- Exercise Powers of Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) while inquiring into complaints of violations of women rights;
- Advocate, lobby, build coalitions, network and catalyse for promoting women's cause on the basis of evidence;
- Liaise with Provincial Commissions and concerned provincial organisations;

NCSW PRIORITY THEMATIC AREAS & STRATEGIES

NCSW continued with its following priority thematic areas during the period 2018-19:

- a) **Voice**, i.e. women's participation in elections and representation in political and other decision making bodies/forums. Activities included:
 - Electoral Observation: – preparatory period, during and post elections
 - Enhanced linkages with the Parliamentarians
 - Engagement with Local Government Representatives
- b) **Violence Against Women (VAW)**: this theme addressed different forms of violence against women (VAW) including the following activities:
 - Review of laws related to VAW, advocating new laws and making recommendations
 - Monitoring of Violence Against Women cases, coordination with provinces on VAW cases and follow up
 - Establishment of complaints handling, referral and documentation mechanisms
 - Research to identify gaps in procedures and access of survivors/victims
 - -Visits of prisons, support services – shelters and crisis centres
 - Establishing benchmarks and baselines to monitor and track progress
- c) **Economic empowerment**, i.e. recognition and acknowledgement of women's work and contribution, affirmative action, development of skills and opportunities, elimination of the wage gap, through policies and legislation where necessary:
 - Advocacy for Home Based Workers Policy
 - Women's Economic Empowerment:
 - Rural Women's Status and Empowerment

In line with its above priority thematic areas, NCSW continued its efforts to address new issues that emerged from time to time, by adopting the following strategies to implement its Mandate in 2018-19:

- a) **Review of Laws and Policies and Government Initiatives**: Review of existing laws, proposed amendments, existing and proposed federal and provincial government policies and government initiatives to identify gaps that could have an impact on women
- b) **Advocacy & Networking**: Improved coordination between NCSW and the provinces for the promotion and protection of women – Women Commissions Group; Inter-provincial Women Ministers Group (IPMG)
- c) **Monitoring & Tracking**: Designed and developed actions/measures regarding monitoring and tracking progress on women's issues (evidence generation, research)
- d) **Awareness Raising**: Held awareness raising campaigns for both women and men on all priority areas particularly Violence Against Women, participation in elections, economic empowerment
- e) **Institutional Strengthening**: Strengthening of NCSW; and support services for women.

During natural disasters, women are more vulnerable to violence, including domestic violence, assault and trafficking

Women need equal opportunities in conventional and unconventional fields

Investments in gender equality are investments in the future

Shifting the landscape of Pakistan through gender inclusiveness in all activities

CHAPTER 02 SITUATION ANALYSIS & CHALLENGES

WHEN WOMEN FLOURISH, THE NATIONS RISE

SOME MAJOR EVENTS 2018-2019

The year 2018 saw major happenings in Pakistan, with varying ups and down for the entire nation. The country witnessed some important events and historic court verdicts.

- Leading human rights activist and lawyer Asma Jahangir Passed away on 11th February, 2018. The pro-democracy activist championed women's rights throughout her career. She was the fourth Pakistani woman to be awarded the UN Human Rights Prize.
- Madeeha Gauhar passed away on 25 April 2018. She was a tireless activist whose talent and energies were always committed to speaking on behalf of the downtrodden, specifically women and the minorities. Madeeha became the first Pakistani to be honoured with the prestigious Prince Claus Award for her leadership of Ajoka theatre.
- The Supreme Court (SC) acquitted Asia Bibi, a Christian woman, on 31 October, 2018 who was accused in a blasphemy case. She was on death row since 2010. The judgment on the acquittal of Aasia Bibi by the Supreme Court inspired confidence in the judicial system.
- The Supreme Court gave a landmark judgment on NCSW's petition and banned Jirgas, panchayats and other informal forums operating outside the framework of law (Jan 2019).
- Members of the parliament voted to pass the wide-ranging Transgender Persons (Protection of Rights) Act in 2018. The law accords citizens the right to self-identify as male, female or a blend of both genders, and to have that identity registered on all official documents, including National Identification Cards, passports, driver's licenses and education certificates.
- The Juvenile Justice System Act (JJSA) in May, 2018 replaced the Ordinance promulgated in 2000. JJSA 2018 overcomes the shortcomings which were present in Juvenile Justice System Ordinance 2000, and provides a much better system for criminal justice and social reintegration for juvenile offenders.
- The Federally Administered Tribal Areas (FATA) were merged with the province of Khyber Pakhtunkhwa on 31 May 2018, giving hope to address the human rights and development issues, especially of women, who suffered far too long in the absence of the right to legal rights and opportunities for their empowerment.
- The Prevention of Trafficking in Persons Act, 2018 aims to prevent trafficking including in-country trafficking, in particular of women and children. The Prevention and Control of Human Trafficking Ordinance 2002 was repealed.

- Two significant Acts were passed by the Sindh government: The Sindh Maternity Benefits Act 2018, and The Sindh Home-Based Workers Act 2018.
- The Sindh government passed the first-ever law in Pakistan to protect the rights of home-based workers
- The Punjab government passed a landmark Bill 'The Punjab Sikh Anand Karaj Marriage Act 2018' providing for the solemnisation and registration of Sikh marriages.
- In the province of Khyber Pakhtunkhwa, the Provincial Assembly in 2018, passed the Act Against Harassment of Women at Workplace (Amendment) Act, 2018 and appointed a leading women rights lawyer as the Ombudsperson.
- In July, 2018, general elections under Electoral Act 2017 were held in Pakistan. The elections saw an increase of 3.8 million newly registered women voters (66 percent increase from 2013) and more women candidates for general seats than in past elections. Female voter turnout was higher as under the new law 10 percent women's turnout is necessary in a constituency to validate an election. Transgender candidates also contested the elections. The first Sheedi woman elected to the Sindh Assembly and the first Hindu Dalit woman to the Senate.

WOMEN IN PAKISTAN: A NATIONAL PERSPECTIVE

SITUATION ANALYSIS

The world indisputably, in varying ways, acknowledges the potential of women, who are undoubtedly the foundation of the basic unit of society, the family. Making up half of the world's population, in most parts of the world, women's status consistently lags behind men's. While the world has achieved some progress towards gender equality and women's empowerment, the status of girls and women continue to suffer discrimination and violence in every part of the world.

Pakistan is no exception. According to the UN Women Report¹, Pakistan is ranked 148th among 149 states in terms of women's empowerment, having closed just under 55 per cent of its overall gender gap. Regionally, in South Asia, with an average remaining gender gap of 34.2 per cent, South Asia is the second-lowest scoring region

¹ UN Women in Pakistan: Country Profile 2018-2022: <http://asiapacific.unwomen.org/en/countries/pakistan>

on this year's Global Gender Gap Index, 2018, ahead of the Middle East and North Africa and behind Sub-Saharan Africa. Bangladesh and Sri Lanka are the top-ranked countries in the region, having closed just over 72 per cent and nearly 68 per cent of their overall gender gap, respectively.²

The Women, Peace and Security Index³ ranks Pakistan as 4th amongst the countries termed worst for women with regard to their peace, security, inclusion, and justice.

Despite low international rankings of the country, women demonstrate great innovation, skill, intelligence, hard work, and commitment. According to the Pakistan Labour Force Survey and other data sources, approximately 72 per cent of working women are involved in agricultural activities, including productivity and ensuring household food security. In the formal sector, however, according to the Pakistan Economic Survey 2017-18, women form 22.53 per cent of the overall civilian labour force in Pakistan (27.27 percent rural; 13.54 per cent urban labour force). The formal labour force participation rate fails to count the considerably large number of women who participate in the economy through the informal sector. Yet, their contribution is largely undermined, and in most cases unrecognised, and are often paid less than the minimum wages recommended by the government. According to the ILO Global Wage Report 2018/19⁴, the gender pay gap for Pakistan was identified to be 34 per cent, which is more than double the global average. Moreover, the report finds that women account for almost 90 per cent of the bottom 1 per cent of the wage earners in Pakistan.

Given these figures, there is indeed a growing realisation that gender parity and empowerment of women is fundamental to whether and how economies and societies thrive. Acknowledging that every woman has the right to exercise her reproductive rights and to be protected from violence and harmful practices, in both the development and humanitarian contexts, Pakistan Vision 2025 has embedded five components of women's empowerment into its objectives, including activities that promote women's self-worth, right to determine their choices, access to opportunities and resources, right and power to control their lives – both within and outside the home – and the ability to influence social change. The Pakistan Tehreek e Insaf Government, soon after coming into power in July 2018, took the important initiative of integrating various social measures under the social protection programme Ehsaas. In addition to cash transfers, the programme includes multiple women empowerment initiatives for graduating out of poverty.

² Global Gender Gap Report 2018

³ GIWPS: Georgetown Institute for Women, Peace and Security Index 2017-18: <https://giwps.georgetown.edu/the-index/chapters/>

⁴ ILO Global Wage Report 2018/19: What lies behind gender pay gap; https://www.ilo.org/islamabad/info/public/pr/WCMS_651658/lang--en/index.htm

MAJOR CHALLENGES

One of the biggest challenges faced by Pakistan today is its rapidly growing population. According to the Pakistan Demographic and Health Survey 2018, Pakistan's population in 2018 was estimated at 208 million, with approximately 60 percent below the age of 24 years. With an estimated 3 million births per annum and a net addition of 2.2 million people annually, the extrapolated population of Pakistan will double by 2050. Such population dynamics requires immediate measures.⁵ Notwithstanding that family planning is the most effective way to manage population growth. It prevents maternal deaths, saves children's lives, and also ensures that every pregnancy is intended, therefore reducing the cases of unsafe abortions.

Early marriage contributes to the high population growth, with 21 percent of girls in Pakistan marrying before the age of 18, and 3 percent marrying before the age of 15 years, extending their reproductive age span and adding to the increasing population dynamics.⁶ The Supreme Court of Pakistan took suo moto notice (Human Rights Case No.17599 of 2018) regarding the alarming high population growth rate in the country and constituted a Task Force to recommend mechanisms to address the situation (Chairperson NCSW was a coopted member of the TF). The TF recommendations included raising the age of marriage of girls, legislation for mandatory FP and RH services by all health care facilities in public and private sectors, and the right to mandatory promotive and primary health care, similar to the right to education enshrined in Article 25 A of the Constitution (TF report Annexed A-1). The Recommendations were endorsed by the Council of Common Interest (CCI).

The country's second biggest challenge is catering to the youth bulge, comprising 60 per cent of the total population below the age of 24 years, of which almost half of them comprise girls and women. Statistics reveal that over 5 million primary school-age children in Pakistan are out of school, most of them girls. Currently, there continues to be a major gap in addressing the social and economic roles of youth, their diverse needs and requirements, in terms of investing in human development, including employment and education.

Undoubtedly, like in most of the countries around the world, in Pakistan, the overarching culprit is deeply embedded in the existing and continuing inherent patriarchal structures, shaping the social and cultural patterns. Such structures affect girls and women the most, owing to which girls and women to date suffer from gender inequality, in every walk of life, denying them not only their fundamental human rights (equality), but equally debarring them to flourish and stand up for their own cause. Amongst

⁵ UNFPA. (2018). TOWARDS UNIVERSAL ACCESS TO FAMILY PLANNING INFORMATION AND SERVICES IN PAKISTAN. Islamabad: United Nations Population Fund. Retrieved from <http://pakistan.unfpa.org>

⁶ WORLD REPORT 2019, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf

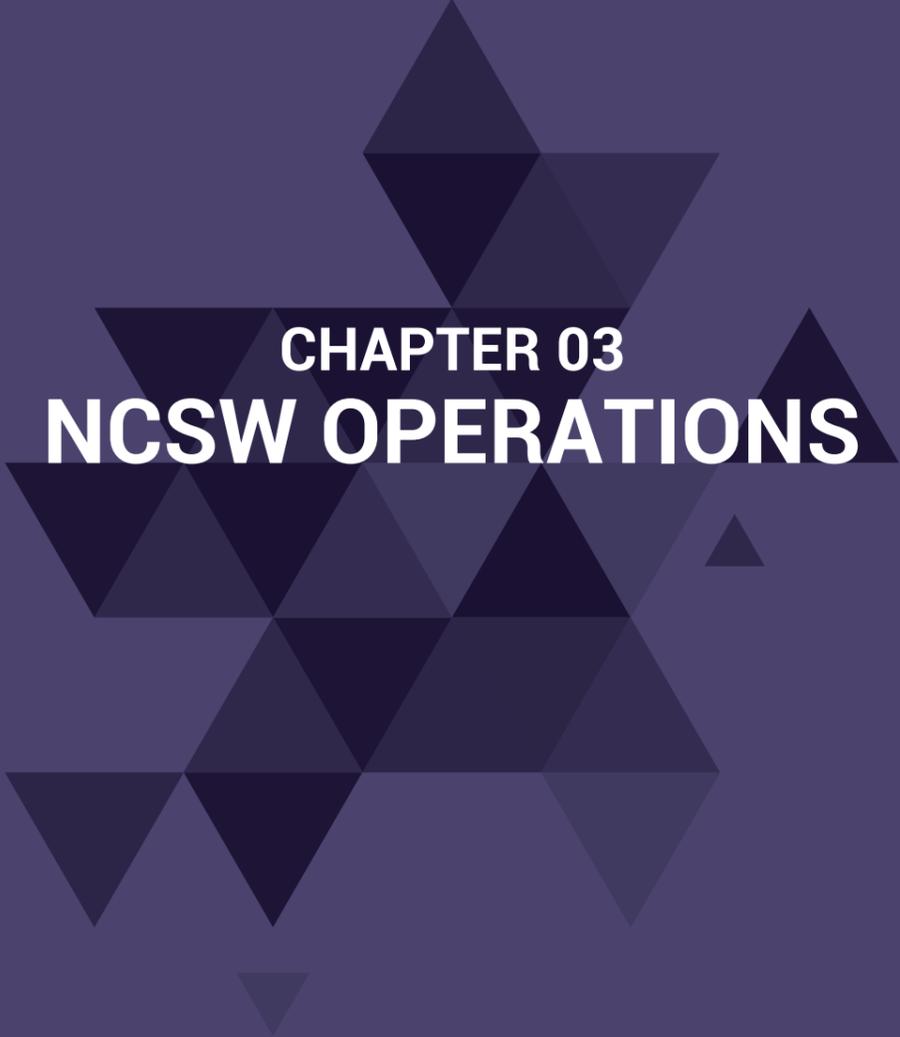
multiple factors in Pakistan, restricted social mobility of girls denies them to access secondary and higher level educational institutions (especially in the rural areas); limits their employment opportunities and access to health and other sources of information.

Violence against girls and women—including rape, the so-called honour killings, acid attacks, domestic violence, and forced marriages—remains a serious problem. Pakistani activists estimate that there are about 1,000 “honour” killings every year.⁷ According to the media reports, at least 66 women were murdered in Faisalabad district alone, in the first six months of 2018, the majority in the name of “honour.”⁸

Likewise, violence against transgender and intersex women in Pakistan continues. According to a local group Trans Action, 479 attacks against transgender women were reported in Khyber-Pakhtunkhwa province in 2018. At least four transgender women were killed in 2018, and at least 57 have been killed in the same province since 2015.⁹

A basic right as the citizen of a country, the voter registration of women, especially in the rural areas is far behind that of men. Despite the efforts made before the 2018 elections, that saw an increase of 3.8 million newly registered women voters, the huge gender gap of 12.5 million unregistered women still exists. Notwithstanding some recent gains in female participation, Pakistan ranks last in the world for female turnout in elections, with nearly 20 per cent fewer women than men having voted in the previous national elections, according to a survey data reported by the South Asian Voices.¹⁰

Thus, as the situation stands today, women earn less than men, experience higher poverty rates than their male counterparts, face specific adverse health conditions, and remain underrepresented in political office across the nation, with a wide variation by provinces and districts. To this end, progress continues to proceed at a very slow pace with a huge potential not realised. According to the International Monetary Fund (IMF) studies, women’s economic empowerment is key to growth and could boost Pakistan’s GDP by 30 per cent.¹¹ By exploiting the demographic dividend of its youth, especially in terms of small and medium-sized enterprises (SMEs) for women – could help Pakistan advance its aspirations of becoming a sizeable economy by 2025. Equally important is the behavioural change that views young and old women with dignity and respect.



CHAPTER 03 NCSW OPERATIONS

⁷ In June 2018, the murder of a 19-year-old Mahwish Arshad in Faisalabad district, Punjab, for refusing a marriage proposal, gained national attention

⁸ WORLD REPORT 2019, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf

⁹ WORLD REPORT 2019 book - Human rights watch, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf

¹⁰ South Asian Vioces; <https://southasianvoices.org/an-uphill-battle-womens-participation-in-the-2018-pakistan-elections/>

¹¹ <http://www.pakistaneconomist.com/2018/10/29/empowering-women-still-a-challenge-in-pakistan/>

COMPOSITION OF THE COMMISSION

The basic composition of the Commission is of 8-members from the 4 provinces, 5-members (minorities, AJK, FATA, ICT, Gilgit Baltistan), 5- Ex-officio members from the concerned ministries and Chairs of Provincial Commissions on the Status of Women (Punjab, Sindh, KP, & AJK). In this term, the nominated Member from FATA was not a resident in Pakistan, and submitted her resignation at the inaugural meeting of the present Commission in 2016. Despite repeated requests and reminders, the representative of FATA has not been notified to date.

The Chairperson is the Administrative and Financial Head of the Commission. The Secretary is the Head of the Commission's Secretariat and also ex officio member/secretary of the Commission. The Executive Committee is a statutory requirement under the NCSW Act 2012. The Commission is also authorised to form committees as per its needs. The following committees have been formed. All committees are operating except the Election Committee which completed its task during Elections 2018:

- a) Law and Policy Committee
- b) Research and Advocacy Committee
- c) Finance Committee
- d) Election Committee

The Commission Members' meetings are mandatory to be held once in each quarter of the year to provide advice, take decisions, and review working and to make recommendations. Each member represents her/his respective province/area and keeps liaison for all activities of the province/area. The Committees are formed from amongst the Commission's members and assist and advise the Chairperson in related matters, according to their areas of interest and expertise.

NCSW MEMBERS/SUB-COMMITTEE MEETINGS

In the period under review, five NCSW Members meetings were held. The Executive Committee met twice, but was available on email for advice, guidance and information and approval of administrative matters through circulation. The Law and Policy Committee met twice and Research Committee three times. The Committee Chairs, as well as members were always available to represent NCSW and coordinate its activities in their provinces. The two Chairs of the Law and Policy and Research and Advocacy Committees frequently provided valuable inputs in concept notes for research and workshops, attended brainstorming sessions, facilitated meetings and workshops,

gave advice on laws and parliamentary questions, court cases and complaints. Special mention needs to be made of the Executive Committee, Election Committee and NCSW's Acting Chairperson's role during the period the Chairperson was not in office.

The smooth and routine process was however disrupted with the setting aside of Chairperson's appointment by the Islamabad High Court on 8 February 2018. The procedure for the appointment of Chairperson was challenged in Court, following notification of her appointment in 2016. The court found no fault in the qualifications and suitability of the Chairperson for the position and asked for rectification of the process within 14 days. The Single Bench order was challenged by the GOP in an Intra Court Appeal which stayed the judgement and asked the Chairperson to continue working in that capacity. She rejoined in June 2018. In her absence, NCSW member Dr. Huma Qureshi was appointed Acting Chairperson for one month in accordance with the provision of NCSW Act 2012. This incident pointed to the lacuna in the law whereby the Commission was left leaderless for 3 months. It proposed an amendment that the Acting Chair should remain in office till the appointment of the new Chairperson.

NCSW 62nd Board Meeting of NCSW

The 62nd meeting of the National Commission on the Status of Women was held on 7th February, 2018 at the NCSW office in Islamabad. The meeting was chaired by Ms. Khawar Mumtaz, Chairperson NCSW. A day before, meetings of sub-Committees were held. The reports were presented to the Members meeting for discussion and decisions. The agenda of the 62nd meeting included matters pertaining to Financial and Service Rules; NCSW Act (Amendment) Bill 2017; election monitoring; the role of Provincial Commissions; discussion on NCSW's draft Strategic Plan 2016-19; strengthening of NCSW by hiring and filling in the required positions; request by the LHC





for NCSW's Audit of GBV Court in Lahore; the impact of violent extremism on women. In addition, it was proposed that NCSW should include the FATA Reforms for discussion and strategise activities accordingly.

The Chairperson briefed the members regarding the various activities undertaken, working of the NCSW during the period October 2017 to February 2018. She also informed the members about the following issues and steps taken by NCSW: Zainab's case in Kasur; Sharifa Bibi's case in D.I. Khan; Focus on thematic areas, especially health; details of Law and Justice Commission's meeting; initiative of Shirkat Gah against discrimination; and challenges and expectations.

NCSW 63rd Board Meeting of NCSW

The 63rd meeting of the National Commission on the Status of Women was held on 9th May, 2018 at its Secretariat, Islamabad. The meeting was chaired by Dr. Huma Qureshi, Acting Chairperson, NCSW. The Acting Chairperson discussed the need for re-constituting the Executive Committee, and requested the members to nominate one member, who would replace her, in order to maintain the quorum. The Acting Chairperson brought to light the current situation of NCSW whereby the Chairperson's appointment had been set aside and Dr. Huma Qureshi was notified as the Acting Chairperson. The decision was challenged by the Federal Government through an Intra Court Appeal (ICA), and the matter remained pending in the Islamabad High Court (IHC). In view of this development, the NCSW members expressed their deep concern and strongly demanded speedy process for the re-appointment of the Chairperson NCSW, by conveying and forwarding a resolution in this regard.

The Acting Chairperson addressed the limitations, confronted by the Commission, in the absence of a Chairperson in conducting meetings, seminars, partnership building, networking etc. She also apprised the members about the financial status of the Commission and proposed the enhancement of the financial powers of its Secretary, for smooth operations, to which all members agreed. Further, the Acting Chairperson briefed the members about the activities and the working of NCSW during the period

February 2018 to May 2018. She also informed the members, in detail, about the following issues and the steps taken in this direction: NCSW's Annual Report 2017 and its report on Rural Women of Pakistan -- NCSW formed Technical Advisory Committee comprising researchers, subject experts and activists had met twice since its notification in October 2107 to discuss the thematic areas and sub-themes; Report on Literary Award; Research proposal in collaboration with the Police Department (SSP-CIA); Research on Women related issues in partnership with different universities; monitoring court cases (Tayyaba and Zainab cases); update on Report of Audit of GBV Court (Lahore); Report on the visit of the 'Women Democratic Front' delegation; NCSW Service Rules; (taking forward NCSW's position); and finalisation of the Election Monitoring Strategy. An Election Committee was formed to coordinate elections related activities with ECP and others with Farida Shaheed as its Chair.

NCSW 64th Members Meeting – 2 October 2018

The NCSW Chairperson, Ms. Khawar Mumtaz, joined the office back on 11th June, 2018 after an absence of 4 months, following the stay given by the Division Bench of the IHC and withdrawal of the notification by the Ministry of Human Rights (MOHR). The Chairperson presented an extensive report on the work accomplished during the period between 11th June to 30th September, 2018 details of which are presented in the following sections of this Annual Report: NCSW-Shirkat Gah Consultation on Ending Child and Early Age Marriage; NCSW and Omar Asghar Khan Development Foundation 'Elections 2018: Women's Leadership in Politics & Public Life'; Update on the Rural Women in Pakistan Status Report 2018: Workshop on Gender Review of STPF 2018-23 Proposals; Meetings between the First Women Bank Limited and NCSW regarding Redefining and Finalising the First Women Bank's Vision and Mission; Follow up of Literary Award; Consultation on Rights and Wellbeing of Women Agricultural Workers and their Children in Pakistan; NCSW-HEC Meeting: Exploring Avenues of Collaboration with HEC; Follow up on Age of Marriage Bill; Election Observation; status of the Jirga petition in Supreme Court; NCSW's participation in events as speaker, chair, panelist, Senate questions.



NCSW 65th Members Meeting – 18th December 2018

The 65th Meeting of the NCSW was held on 18th December, 2018 at its Secretariat, Islamabad, steered by the Chairperson, NCSW. After the adoption of the minutes of the 64th meeting, major updates were presented and discussed followed by decisions. These included: the case for the continuation of posts for the next financial year 2018-19 to be moved immediately; the need to hold a separate meeting on the issue of Local Government; NCSW and the Ministry of Human Rights (MoHR) agreed that an amendment in the Citizenship Act 1951 can be moved; It was also decided that a note to this effect would be sent to the MoHR, Ministry of Foreign Affairs and the Pakistan Bureau of Statistics (PBS) to be conveyed to the concerned quarters; Opening of a Bank Account for NCSW: Director Finance was asked by the Financial Adviser (F.A.) and the Chairperson to complete all the formalities/objections as instructed by the F.A and furnish it to the concerned authorities for approval. In the meantime, it was agreed that the resolution may be signed by all the members. The change in the composition of the Executive Committee was notified.

It was also decided, that the next Members meeting will be held in Peshawar to be followed by a meeting with women from FATA. It was also decided to organise a visit to FATA areas, to gather impressions and women's perspective on the merger of FATA with Khyber Pakhtunkhwa, and implications for women's status and related issues.

NCSW 66th Members Meeting – 1st April 2019

The 66th Member/Board Meeting of the NCSW was held on 1st April, 2019 in Peshawar. Among several other items, one major agenda of the meeting was to discuss the recommendations of the Law and Policy Committee for taking forward the implementation of the Supreme Court's landmark decision on NCSW's Jirga petition, according to which the court has banned the holding of all forums operating outside the law in the country, and ordered the Inspector Generals of Police, in all provinces, to develop SOPs to prevent formation of such forums within two months.

CHAPTER 04 REVIEW OF LAWS, POLICIES & INSTITUTIONS

REVIEW OF LAWS AND THEIR IMPLEMENTATION

One of NCSW's mandated responsibility is to review existing and new laws and make recommendations that are channeled either through the MOHR or MOLJ. It receives questions/opinions about laws, proposed amendments and issues of application of laws from Parliamentary Committees, as well as Ministry of Law, Justice and Ministry of Human Rights and from members of the National Assembly (NA). It provided the Ministry of Law and Justice, when the new Government took office, proposals and recommendations for new legislation and amendments for existing ones. These ranged from age of marriage, to amendments in MFLO 1961, Qisas and Diyat law, Family Courts, establishment of GBV Courts, Transgender Persons law, amendments to NCSW Act, 2012, the Citizenship Act, and the Harassment of Women at the Workplace Act among others (See Annex-B for details).

NCSW's engagement with the Parliament included attending Standing Committee sessions to give its comments on laws, including information and explanations, both orally and as written submissions. It submitted 7 written positions to Senate Standing and Functional Committee on Human Rights; 12 to NA Standing Committee on Human Rights; provided responses to 15 NA Starred Questions and 4 questions received from the Senate Secretariat; and gave 26 views/responses to Comments and Resolutions received from the NA. In addition, it provided comments and briefs to MOHR and Planning Commission on reports and queries (Annex-A). In all 76 responses, inputs, comments were given by NCSW over the reporting period.

In this term, NCSW focused more on the implementation of laws, to identify lacunae in the law and procedures to make recommendations accordingly. Whereas, in its previous term NCSW had carried out researches to examine application of law; in this term the strategy adopted was of tracking some of the high profile cases reported in the media and follow the judicial process. The cases it tracked were: Qandeel Baloch's case (Multan: 'honour killing'); Tayyaba Case (Islamabad: child domestic labour, linked to bondage); a cyber-crime case and functioning of cyber-crime special courts in Karachi; Sharifa Bibi's case (D.G.Khan: disrobing in public); Hina Shahnawaz (Kohat: honour killing). Monitoring of these cases began before the reporting period and while Tayabba case concluded positively, with her employers jailed and Hina's case ended with pardoning of the murderer by the family, others cases are on-going. Lessons learnt, procedures, delays, police and prosecution shortcomings were raised at different forums by NCSW.

Besides tracking the cases of crimes, the NCSW also monitors the implementation of Criminal Law (Second) Amendment Act 2011 dealing with acid crimes. The Commission earlier had drafted a comprehensive Acid Crime Law and advocated for it in collaboration with Acid Survivors Foundation (ASF), with whom NCSW has an MOU. The monitoring and documentation is done through reports received from a cross

section of stakeholders from across the country (doctors, media, police, parliamentarians and media/social media). Information gathered by ASF in 2014 is the baseline against which monitoring is done. Triangulation of information is also periodically carried out with cases reported with police. The latest carried out in the Punjab matched with the record of FIRs. While this documentation may not be exact, it indicates the trend over the years i.e. that there is substantive decline in the number of acid crimes since the enactment of the amendment in the law (by an estimated 50 percent over the past 5 years according to ASF). The majority of victims, however, continue to be women.

Engagement with Courts

NCSW has been approached, albeit infrequently, by the Courts. In the reporting period, NCSW was twice referred to in cases of minority community issues; its petition in the Supreme Court received a landmark ruling and the Federal Shariat Court sought its advice on the Citizenship Act.

a). Forced Conversion and forced marriage: On 2nd April 2019, a Commission was constituted by the Islamabad High Court, and notified by the Ministry of Interior on 3rd April, to look into the case through Writ Petition 1113/2019 (Asia alias Ravina and three others vs Ministry of Interior and 7 others). The case pertains to the alleged forced conversion of two Hindu sisters, from Ghotki and their marriage to Muslim men. The girls had been converted in a seminary in Ghotki and then taken to Punjab where their marriage was solemnised. Chairperson Ms. Khawar Mumtaz represented NCSW on the Commission. Other members of the Commission included Dr. Shireen Mazari, Federal Minister for Human Rights (Chair); Mufti Muhammad Taqi Usmani, former Judge of the Shariat Appellate Bench of the Supreme Court; Dr. Mehdi Hassan, Human Rights Commission of Pakistan; Mr. I. A. Rehman, Human Rights Commission of Pakistan; Maj. (R) Azam Suleman Khan, Secretary, Ministry of Interior (Secretary of the Commission). The Commission co-opted Advocate Kalpana Devi (member NCSW from Sindh) to incorporate the perspective of the Hindu community.

The Commission was tasked to examine the case documents and determine if the conversions and marriages of the two sisters to Muslim men were forced, and also probe into the reasons for the frequency of such cases (alleged forced conversions) in the Sukkur Division and insecurity, if any, on part of the minorities. The Commission after reviewing police reports from Sindh police, as well as Punjab police in interviewing the two girls, reported to the Court that it was satisfied that the case did not appear to be of forced conversion or forced marriage.

All relevant facts related to various aspects of incidents of conversion were deliberated upon by the Commission. It looked into the prevailing status of protection of the fundamental rights of the minorities in the light of applicable laws and directions of the Supreme Court of Pakistan, given in the judgment dated 19th June, 2014 in the case of S.M.C. No.1 of 2014 (PLD 2014 SC 699). The Commission also discussed the scale of the problem as presented by Ms. Khawar Mumtaz, Chairperson of the National Commission on the Status of Women, along with written submissions by HRCP and Co-opted member Ms. Kalpana Devi.

The Report on behalf of the Commission, regarding measures required to be taken in order to safeguard the fundamental rights of the minorities, was submitted to the Islamabad High Court (14th April 2019). The recommendations included legislative, administrative and protective measures for provincial governments and departments (See box below containing recommendations of the Commission constituted by the Islamabad High Court. The submitted Report had 3 Annexes from: NCSW, HRCP and Co-opted Member.

RECOMMENDATIONS OF THE COMMISSION CONSTITUTED BY THE ISLAMABAD HIGH COURT

- A National Commission on Minority Rights, with statutory powers, to be established by the Federal Government for implementation of the directions of the Supreme Court regarding protection of the rights of minorities, primarily consisting of representatives from minorities.
- A task force to be constituted in all Provinces, headed by the Minister of Religious Affairs and comprising of equal and effective representation by Minorities, for developing a strategy of religious tolerance and interfaith harmony, by the respective Provincial Governments.
- The Provincial Home departments to convene meetings on regular basis to address and resolve the issues related to security and protection of minorities.
- Establishment Division and respective S & G. A. Departments of Provincial Governments to ensure that the prescribed quota for minorities is strictly observed in all recruitments at various levels.
- A dedicated helpline to be established at the district and provincial levels for minorities for registration of any complaint or assistance required from the respective governments. These helplines to be linked with existing helpline of (1099) Ministry of Human Rights, Government of Pakistan.
- Each Provincial Government to identify places where conversions are facilitated. Strict monitoring is required and in case of any forced conversion, appropriate actions to be initiated.
- With regard to conversion from one religion to another, there is a need to set out clear directions as to who is authorised to certify and the age at which a person possesses the legal capacity to convert. In addition, conversions should be allowed on the production of the CNIC.
- Appropriate legislation to be introduced in the Provinces for regulating the Nikkah Registrar. Regulations to provide declaration of marriage to be invalid in case of a minor girl, as a minor does not possess the capacity to contract a marriage, in case of marriage of a minor, in addition to actions under the Sindh Child Marriage Restraint Act. (CMRA) 2013 and section 498-6 of PRC (forced marriage) wherever applicable, the magistrate taking cognizance of the case shall also forward it to the Family Court for determination of validity of the marriage on account of minor not possessing capacity to contract.
- Suitable punitive actions are required against those forcing someone to convert, as forcing an individual to convert is an impeachment of her fundamental right to profess and practice her religion.

- Necessary actions are required to be taken, as per law (Sindh Child Marriage Restraint Act 2013, Section 498 B of PPC) against all those involved in underage and forced marriages of any girl or woman, including the groom, marriage solemniser, arranger, facilitator, and Nikkah registrar.
- Pakistan Telecommunication Authority to monitor and block any on line content containing hate material against any minority of Pakistan by providing an easy access to minorities to register complaints on line, as well as through helpline/focal persons.
- The Ministry of Information and Broadcasting of the Federal Government, along with information departments of the Provincial Governments to arrange awareness seminars/workshops in targeted areas for confidence building measures and for promotion of tolerance and interfaith harmony.
- Shelter Homes to be established by the Government of Sindh in targeted areas under the supervision of a Session Judge, who shall constitute a committee consisting of unbiased and independent individuals including lawyers, social workers and psychologists to provide counselling to the affected/converted individuals holistically.
- The individual converts, should be kept in shelter homes for a reasonable time without any outside influences, so that they have the freedom to meet their families and decide their future without pressure.

b). Case of conversion and marriage, Islamabad: The IHC assigned the Commission the task of fact finding in the case of a Christian girl's conversion and marriage to a Muslim boy (W.P. 1711/2019: Alishba Bibi Versus the State, etc. "whether she {Neha Pervaiz} has entered into marriage with Amir Ali /Respondent No.4 after change of her religion from Christianity to Islam with her own free will or otherwise?" The girl was found to be of marriageable age (certified by medical examination). She appeared to have converted of her free will. She did not want to meet her parents and blantly refused to talk to her mother even when the Chairperson advised her to do so. NCSW submitted its opinion and recommendations (Annex-A) on 19th June, 2019. NCSW recommendations are as under:

- 1). The State fulfills its responsibility of providing education for all up to 16 years as mandated under Article 25 - A of the Constitution, regardless of gender, class, caste, religion.
- 2). The age of marriage for girls be raised to 18 years as in Sindh with fine and punishment for parents and nikah registrars who violate the law.
- 3). Nikah registrars be trained to fill all clauses of the nikah nama in order to ensure protection of interests of the girl getting married. NCSW has developed a training module and manual for this purpose that has been adapted to train nikah registrars in Punjab.
- 4). Conversion from one religion to another needs be regulated so that it does not become an act of convenience alone. For this, consideration be given to determine: the capacity and capability to convert, the method of conversion, who is authorised to convert, and process and modalities for issuing certificates of conversion.

c). Amendment to Citizenship Act 1951: Federal Shariat Court in 2006 took suo moto notice of Section 10 of the Pakistan Citizenship Act 1951 and declared it discriminatory. The Section entitles a foreign wife of a Pakistani citizen to apply for grant of Pakistani Citizenship but does not entitle a foreign husband the same facility (of application for grant of citizenship). NCSW along with some other organisations was asked to submit its position which it had provided. The Ministry of Interior appealed the judgment before the Supreme Court (Shariat Appellate Bench). As NCSW was party to the case, it was called by the Court to give its statement for appeals proceedings. NCSW endorsed its earlier submission and reiterated it as views Section 10 of the Citizenship Act discriminatory to women. (Full position in Annex-B). NCSW's position was submitted (July 2018) to the Law Division but was directed to channel the comments through the Ministry of Human Rights. These were submitted to MOHR, where due to internal discussions on the issue, the onward submission was delayed by a year.

d). NCSW's petition in the Supreme Court: As already discussed, the decision on the petition was announced on 16th January, 2019. A landmark decision was taken by which it bans illegal forums (Jirgas, panchayats, and other such forums) that are in violation of the Constitution, as well as Pakistan's international commitments. The judgment paves the way for ending victimisation of women, girls and other vulnerable groups.

ADDRESSING COMPLAINTS

Linked closely to the review of laws and policies are complaints that NCSW receives. Notwithstanding the shortage of relevant trained staff, NCSW receives and deals with a limited number of complaints against violation of women rights - largely because of the Commission's lack of relevant trained staff and also because the provinces now have helplines and institutions (particularly provincial CSWs) to deal with complaints locally. Complaints are referred to NCSW by individuals, Civil Society Organisation (CSOs), and sometimes the Ministry of Human Rights. Some are referred to it from the Prime Minister's portal. A total of 108 complaints were formally received/referred to till the writing of this Report.

In addition, complaints were received through phone calls and WhatsApp messages and were dealt with directly by the Chairperson. Several were followed through informal channels. Complaints provide NCSW a means of finding out the most common issues that women face, to identify the gaps in the laws and existing legal system, and procedures to provide effective support to survivors and victims. Until a proper documentation system with dedicated staff is in place, NCSW will not actively invite complaints but will continue to respond to the ones received from time to time.

Missing Persons' Wives and Dissolution of Marriage

Women Democratic Front (WDF) approached NCSW to take up the matter of missing persons' wives. A meeting was held with their representatives on the 25th April, 2018. The meeting was chaired by Dr. Huma Qureshi, acting Chairperson NCSW. Ms. Ismat Shahjahan led the delegation from WDF. The focus of the meeting was on resolving the issues faced by the wives and families of the missing persons. Representatives of the Council of Islamic Ideology (CII) were also invited to obtain advice and feedback, particularly about the dissolution of marriage in such cases.

Ms. Shahjahan informed that around 4000 persons were missing and some of the wives of missing persons desired to remarry for which WDF wanted to set a petition in order to determine their status. The petition comprised of three major points, including: 1). Determination of the status of wives of missing persons; 2). Obtaining rights to their husband's property; and 3) citizens' rights as enshrined in the Constitution, and arrangement for their children's education. The CII representatives shared that Section II of the Dissolution of Marriage Act says that women can remarry after 4 years. However, CII suggested that they should be allowed to remarry after two years, or if a woman encounters difficulty in her sustenance, she should be allowed to remarry after a year. It was decided that a special bill, without any ambiguities, should be brought forward and the families of missing persons should be connected to and registered with the BISP national programme for which holding a CNIC was mandatory. Dr. Huma referred the matter to the PCSWs to take up the missing persons' wives issue.

Women and Merger of FATA with KP

NCSW arranged a meeting, on the 1st of April, 2019, with women belonging to different organisations from North and South Waziristan, District Khyber, District Khurram and Shangla and to hear from them about their expectations and needs in the ongoing process of merger of FATA with KP. They shared their experience, apprehensions and insights on the process and its short falls and expressed the desire for an inclusive merger processes, as well as local administrative system. Social and administrative hurdles create bottlenecks and absence of an enabling environment restricts and prevents women's active participation in politics. The women expressed the need of rules/laws for women to work outside their homes in a safe and respectable environment; to have accessible health facilities and employment opportunities in local offices/administration; and have systems to protect women's inheritance rights.

POLICIES

Gender Policy for Universities

The NCSW Chairperson, Ms. Khawar Mumtaz, with her team held a meeting with the Chairman, Higher Education Commission (HEC), Dr. Tariq Banuri (5th September, 2018)

at the HEC office, to explore areas of collaboration between NCSW and HEC in promoting gender equality. The Chairman HEC expressed the need for a comprehensive Gender Policy for universities, which needed to include empowerment, equality, and protection against harassment, nurturing and other key goals. He requested NCSW to help in developing the policy, similar to the support provided earlier by her to Mehran University. The Chairperson NCSW agreed to undertake a review of the existing system and make recommendations to HEC.

NCSW followed up, and in collaboration with HEC, organised a consultative workshop (24th January 2019) at HEC headquarters in Islamabad. Academics, administrators and students from various public and private universities, Ombudsman Harassment of Women at Workplace, senior HEC officials and NCSW Chairperson and staff participated in the consultation. It was facilitated by Kausar S. Khan, Chair of NCSW Research Committee, Dr. Shama Dossa of Habib University and Rsahida Dohad, a senior trainer/facilitator. There was agreement among participants that harassment, in educational institutions is a barrier to the fulfillment of women's aspirations, and also to their contribution to national development. Gender based discrimination and attitudes faced by students and staff in the universities were candidly discussed, in particular, career development of young female staff. The issue of harassment and the inadequacies of the current mechanisms to address it emerged as a central issue in the discussion. A Report with recommendations was submitted to HEC for the next steps required to formulate an effective Gender Policy.

Workshop on Gender Review of STPF 2018-23 Proposals

The Ministry of Commerce has developed its Strategic Trade Policy Framework (STPF) 2018-23, with the aim to schematically construct a trade policy that ensures equal distribution of benefits across genders. As a key contributory step toward accomplishing this objective, the Ministry of Commerce and USAID Pakistan Regional Economic Integration Activities (PREIA) organised a workshop (4-5 August 2018), with key stakeholders in Bhurban, including Chairpersons of NCSW and PCSW-Punjab to review and assess proposals for mainstreaming gender in trade policy in the light of sustainability, risk, and best practices. Based on the discussions and assessments, the Ministry produced a draft of the STPF, which, on the advice of the Ministry, was sent to NCSW to vet the document and provide its thorough input before the finalisation of the document. NCSW did the needful and submitted the document to the Ministry. The Policy is awaited.

First Women Bank's Vision and Mission

The NCSW Chairperson, Ms. Khawar Mumtaz, was invited by the President of the First Women's Bank Limited to its head office in Karachi (27th June, 2018), on the direction of its Board, to give advice on the framework of FWBL's new strategic plan, in the light of its vision and mission statements. The Chairperson along with the Chair of NCSW's Research and Advocacy Committee and NCSW Programme Officer met with FWBL President and her team. FWB's Articles of Association, its previous and proposed vision

and mission statements were reviewed, and challenges faced by the Bank were discussed. After detailed deliberations, the principle issue identified, as affecting the functioning of the Bank, was of the dual objective of the Bank – to function as an organisation promoting and facilitating the development of women entrepreneurs and at the same time to operate as a successful commercial Bank – and the gap in the reconciliation of these two in the structure and operations of FWBL. While equity for running banking services is in principle provided for, there is no clear articulation of the funding sources for the development function nor its expected outcome. NCSW offered to engage with the FWBL to help it in its efforts towards delivering its mandate.

The following recommendations were made that:

- a. The Bank's two functions of operating as a commercial bank and its development and facilitation functions be separated ,
- b. The Bank clearly define the scope and extent of its development function with separate allocation of funds and specific targets and goals to be achieved.

INSTITUTIONAL REVIEWS

NCSW's mandated functions include visits to institutions like shelters, prisons, and other support institutions responsible for providing protection and support to women in need. A number of these institutions have been established in all provinces, with varying degrees of spread and effectiveness. However, there is a lack of awareness about them among those who perhaps need them the most. In recognition of this need, NCSW started mapping them across the country with location and contact coordinates. The objective is to make them available in soft form, and possibly through an app to public at large, and specifically, the elected representatives. The mapping exercise was completed and is being regularly updated for change of address and contact details.

Visit to Legal Aid Society, Karachi

Legal Aid Society (LAS) is a source of information regarding women in prisons, particularly, in Sindh, and also serves as a hub of information and overall figures about women prisoners in all Pakistani jails. The Chairperson NCSW, accompanied with Chair NCSW's Law and Policy Committee met the Executive Director of LAS and her team on 27th February, 2019, to discuss the work accomplished by LAS for the Welfare of Prisoners in Sindh, and get an update on the complaints/legal aid system operating under Legal Aid Society, in collaboration with the Government of Sindh (funds provided by the GoS). It is one of a model public-private partnership venture of a helpline to give advice, backed with legal aid through multiple field offices in agreed category of cases. A rigorous and sophisticated documentation system provides data for analysis and interventions. NCSW requested LAS to share the data on female prisoners, their crime, as well as an analysis of legal aid provided under the legal aid programme. It was agreed that a MOU be signed between NCSW and LAS for continuity of regular data and information sharing.

Visit to Women Prison in Karachi

The Chairperson Sindh Commission on Human Rights, Justice Majida Rizvi, organised a visit, on the 28th of February, 2019, of the Chairperson NCSW and her team to the Model Women Prison in Karachi. NCSW team along with Justice Majida Rizvi visited all its facilities, including its medical, educational, computer training, a well-equipped gym, and other skill development options. There is also a school for children of the inmates run by LAS. It was observed that the facility was well maintained, spotlessly clean, with a clean kitchen and toilets, and all other basic facilities. It was also learnt that women were earning money from their skills in the form of small handicrafts, stitching etc. A majority of the women were under trial prisoners. According to the warden (SSP Police), there were always delays in trials but ensured that every prisoner was present in the Court during her trial. Among the major issues faced in running the prison included under-resourcing and under-staffing. It was also found that there was no parole facility for the prisoners, an issue that needs to be taken up. Justice Majida Rizvi agreed to pay due attention to the matter and mobilise the attention of the relevant authorities on this important issue. In all, the prison indeed was a model for other prisons in Pakistan, along with the evident commitment of the warden.

Meeting with Islamabad IG Police

NCSW organised a meeting with the IG Islamabad Police, on the 14th of February, 2019, to follow-up on the implementation of the Jirga Decision and to discuss recommendations to make Islamabad a Model Safe City for women. During the meeting, the Chairperson briefed the Police Officers about the functions and the mandate of NCSW, and presented a copy of the Jirga Decision to the IG Police. The IG Police informed the NCSW representatives that he was well aware of the judgement and shared that initiatives have already been taken, as a priority, for the preparation of SOPs, to facilitate effective implementation of the SC decision.

NCSW, further adding to the initiative, shared the following recommendations to make Islamabad a Model Safe City for Women:

- a) Establishment of Women Complaint Centres at Police Stations
- b) Separate Rooms /Reception Desk at every Police Station with Female Police Officers for women complainants
- c) Special Investigation Unit for GBV and Sexual Violence Cases
- d) Sensitisation Orientation/Training for Male & Female Police Officers deputed for Investigation of GBV cases
- e) Awareness campaigns through every Media e.g. electronic media, Social Media, Banners, Leaflets

The NCSW's recommendations, regarding making Islamabad a Model Safe City for Women, were discussed in detail. Mr. Sohail Akbar Warraich, member NCSW, shared the Front Desk initiative of the Punjab Police, through which Front Desks have been

established in almost 700 Police Stations in the province. IT literate/computer proficient civilian and police officers have been appointed at most of these desks and their job is to only take complaints from citizens and register them in the online system. As soon as the complaint is digitised, the complaint /information immediately becomes available to senior police officers.

The IG Police suggested that the Commission should first visit its police stations to see the facilities already provided, based on which further improvements/ideas could be suggested. The IG Police directed DIG Operations to arrange the visit of NCSW to the available complaints facilities in Islamabad.

Visit to Police Complaints Center G-8 and Model Kohsar Police Station, Sector F-7

As a follow-up of the meeting with IG Police Islamabad, NCSW visited the Police Complaints Centre G-8 and Model Kohsar Police Station, Sector F-7 on the 2nd of April, 2019. Mr. Sayed Aziz, SP City was deputed to arrange the NCSW's visit to these facilities. The NCSW team included Ms. Khawar Mumtaz, Chairperson NCSW, Mr. Sohail Akbar Warraich, Member NCSW/Chair Law & Policy Committee and M. Khalid Imran, Programme Officer, NCSW.

The NCSW team first visited the Police Complaints Control Room located in sector G-8, Islamabad. The SP gave a detailed briefing about the facilities being provided in these centres (7 in the City) with specific focus on women complainants. A large team of operators was available round the clock to respond to complaints at the Islamabad Police Complaints number 15. In addition, two female Police officers were made available if the complainant was a female, wanting to lodge her complaint through a female officer.

The SP informed that as soon as a complaint is received, it immediately comes on to the dashboard of all the senior officers. An effective system has been put in place to deal with these complaints, and in the case of heinous crimes and crimes against women, the complaint is attended to and monitored by senior officers to ensure immediate attention and speedy response to the complainant.

Thereafter, the SSP took the NCSW team to visit the Model Kohsar Police Station located in sector F-7. The team visited the separate reporting room for female complainants, operated by a female police officer who registers complaints. NCSW was also taken to a separate facility functioning for several years for resolving minor disputes through Citizen Dispute Resolution Committee. The NCSW team appreciated the professional and neat environment of the Police Station. The Commission felt that it should also visit a couple of police stations in the peripheral areas of ICT, and later follow up with the IGP. Transport was also available at this police station for complainants, if needed.

Every woman has the right to exercise her reproductive rights and to be protected from violence and harmful practices in both the development and humanitarian contexts. Pakistan Vision 2025 has embedded five components of women's empowerment into its objectives, including activities that promote women's self-worth, right to determine their choices, access to opportunities and resources, right and power to control their lives – both within and outside the home – and ability to influence social change.

Women's empowerment is not only about upholding the fundamental rights enshrined in our Constitution and the international conventions that we have ratified. It is also about sustainable economic development and prosperity of this country. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large.

In addition to SDGs, Pakistan has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international commitments to uphold, protect and promote the rights of women. Pakistan's constitution has defined protection against gender-based violence as one of the fundamental rights in Article 25(2). Article 26(2) of the constitution provides for affirmative action or positive discrimination to ensure that women have equal access to opportunities.

The empowerment of women and girls is critical to building stable, democratic societies; safeguarding human rights; furthering international peace and security; growing vibrant market economies; addressing pressing health and education challenges; and ensuring that development initiatives are effective.

National commitments in place include a National Policy for Development and Empowerment of Women, Protection against Harassment of Women at Workplace Act, Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act, Criminal Law (Amendment) (Offences Relating to Rape) and a National Plan of Action on Human Rights. Local commitments adopted include Gender Equality Policy Frameworks and Women's Empowerment Packages and Initiatives.

CHAPTER 05 ADVOCACY/NETWORKING/ AWARENESS

Advocacy is one of the core functions of NCSW. In 2018, the Commission's activities resolved around this important national activity in which women's inclusion, especially as provided under the Elections Act 2017, had to be ensured. NCSW also continued with advocacy on its other priority areas of VAW and economic empowerment. Advocacy was carried out through seminars, conferences and consultations, preparation of advocacy materials and through the media – press statements, participation in TV and radio programmes. Research and publications providing the evidence for NCSW's advocacy.

ELECTIONS 2018

General elections 2018 were a central focus of NCSW's activities, in the reporting period, and an integral component of NCSW's priority thematic areas. The Commission worked closely with the ECP, from observing the elections of 2013 with ECP accreditation, to lobbying for changes in the Electoral laws, and for ensuring equity and a gender perspective in the 2018 Elections. NCSW also worked closely with FAFEN for information, regarding areas of low women voter turnout. FAFEN also helped in formatting NCSW's proforma for election observation, questionnaire for voters and for spot-checking women's participation. Focusing on pre-election campaigning issues, FAFEN also facilitated participation in some of the trainings it had organised for its observers. NCSW worked through its members and the Provincial Commissions on the Status of Women (PCSW), as well as its network of women organisations for an effective election observation strategy. Unfortunately, due to the last minute security concerns, NCSW could not get accreditation for its observers in interior Sindh and in Balochistan.

Reducing the Gender Gap in voter registration

Before the elections, the NCSW undertook several initiatives, through dialogues, on closing the gender gap in electoral rolls and mobilising women for active participation in 2018 elections. As noted above, its concerns were low women voter registration and challenges faced by women candidates. Soon after the announcement of the election schedule, it launched the national campaign for reducing the gender gap in voter registration (in December 2017) calling upon NADRA and ECP to take emergency measures to facilitate the process.¹⁴ ECP mobilised CSOs to collaborate in women voter registration. A record number of over 4 million women were registered as a result.



¹⁴ This was done with the support of Taber™ programme of Development Alternatives, Inc.

NCSW-Election Observation

NCSW planned for the observation of the General Election 2018, jointly with Election Commission of Pakistan (ECP) especially to observe women's participation and compliance with Electoral Reform Act 2017, by political parties, as well as by ECP in its



arrangements and preparations. One of NCSW's concerns was women's turn out across Pakistan, especially in areas of low turnout in the past. A total of 110 observers of NCSW monitored the Elections 2018 in specific districts all over the country, with the assistance of Civil Society Organisations (CSOs) and Provincial Commissions. NCSW documented the entire process and the results, and a comprehensive Report titled 'Women in Elections, 2018' has been published with recommendations for political parties, government institutions, legislators and CSOs for wider circulation.

Elections: Women's Leadership in Politics & Public Life

NCSW furthered its election-related work for robust inclusion of girls and women in collaboration with the Omar Asghar Khan Development Foundation. On 30th June 2018, the People's Assembly was organised in Islamabad, to help increase stakeholder commitment to increasing women's political participation and assist them to benefit from affirmative measures. Over 150 women activists and other stakeholders attended the event. Speakers were NCSW's Election Committee Chair, Ms. Farida Shaheed, Analyst Ms. Naheed Aziz, Election Commission of Pakistan's representative Ms. Nighat Siddique, former MNA Ms. Aisha Syed, Ms. Rashida Dohad and Chairperson NCSW. The event was supported by Oxfam Australia.

Inclusive Democracy in Pakistan - Policy Recommendations

DAI-Tabeer and NCSW organised the second national dialogue on the gender gap in the electoral rolls in Islamabad on 19th December, 2018. Attended by key stakeholders, including parliamentarians, the ECP, NADRA, political party leaders and civil society experts, the event generated ideas and recommendations on special measures to close the gender gap in the electoral rolls and increase voter registration and turnout for persons with disabilities and transgender persons.



The dialogue deliberated on and analysed participation, especially of women in the General Elections 2018. The overall voter turnout, a key indicator of inclusion in democracy, was less than in 2013, although, there was an overall increase in women voter turnout. This increase is attributed to Section 9 of the Elections Act, 2017, which gave the ECP the power to declare a poll void in a constituency where the proportion of votes polled by women was less than ten percent. While the Act played a positive role in increasing women voter turnout, its provisions, regarding postal ballots aimed at facilitating the electoral participation of persons with disabilities and the diaspora, did not have a significant impact. This was attributed to several reasons, including lack of awareness among persons with disabilities and excessive documentary requirements. Conversely, the voter turnout of transgender persons remained unknown as the turnout data at the polling stations was collected for women and men voters only. Due to lack of data, it may be challenging to devise more efficient strategies to increase the electoral participation of transgender persons in future elections. Research on the possible reasons behind low female participation in urban Lahore was shared, pointing to the low level of interaction by candidates with women voters and their issues.



Considering these debilitating factors, the participants at the dialogue developed a policy note comprising detailed recommendations based on the findings of DAI-Tabeer's research on institutional barriers to women's CNIC registration, the NCSW's elections observation report (2018), recommendations from the national dialogue on the gender gap in the electoral rolls, and inputs by legal experts. Separate policy recommendations were carefully developed against a set of objectives for each separate entity including, the Election Commission of Pakistan, the Parliament, National Database and Registration Authority, Civil Society Organisations and Academia, Political Parties, and the Provincial Governments. Draft recommendations went through another review by a smaller committee and will be finalised in the second half of 2019.



Gender-Sensitive Reporting of Electoral Processes

Media plays a central role in ensuring free and fair elections, especially in terms of the information provided by it to the general public that largely forms opinions, and voting preferences based on the news it receives. It is, therefore, crucial that the media is independent and its reporting is largely unbiased, balanced and fair, as its impact and influence cuts across the civil society, state institutions, political parties, private and non-governmental sectors and the international community. Its coverage is equally crucial, as a vigilant election observer, that respects the society's diversity in taking decisions, and the right to fully participate in the elections process.

However, numerous studies have highlighted lack of equality and fairness in the media coverage of different genders and vulnerable groups. For example, different researches have shown that there exists inequality in delivering the right knowledge to the citizens, where women politicians are proportionately less visible than men in news coverage. Generally speaking, the coverage is dotted by biased gender portrayal, using stereotypes or/and airing discriminating opinions.

Recognising such practices, and in view of the impending elections in former FATA and local government elections due at the end of 2019, NCSW organised two workshops in collaboration with DAI's project 'Consolidating Democracy in Pakistan', in Peshawar, from 30th April to 1st May, 2019, and 3rd to 4th May, 2019. The workshops aimed to address the issue of unbiased media coverage and train the media community to report on pre-elections, elections and post elections phase through a gender lens, with a special focus on vulnerable groups.

The objectives of the workshops were:

- To raise awareness and provide knowledge to journalists and media professionals on Election Law, election process and the importance and need of gender sensitive reporting during the pre-election, election and post-election phase.
- To build the capacity of media persons for gender sensitive election reporting.
- To guide the media towards reporting that can encourage women/transgender candidates, political workers and voters to actively participate in the political process.

The challenges faced by media while covering elections in KP were identified to contextualise the workshop. These included security risks, local traditions regarding women, access to women polling stations, unavailability of communication systems (internet), access to far flung areas, among others. In addition to journalists, a full-fledged gender wing of the ECP secretariat, headed by ADG Nighat Siddique, attended the workshop. More than 38 participants attended the workshops conducted in two 2-day sessions.¹³

ADVOCACY AND AWARENESS: CLOSING THE GENDER GAP

NCSW forms a core group of CSOs for consolidated efforts to end Child Sexual Abuse:

The National Commission on the Status of Women (NCSW), on the 16th of January, 2018 formed a core group of Civil Society Organisations (CSOs) for initiating consolidated and sustainable efforts to end child sexual abuse (CSA). The core group was created at an urgent meeting, called by the NCSW Chairperson, Ms. Khawar Mumtaz, to discuss the progress made regarding Zainab's case and a future strategy for a quick response towards any such unfortunate incidents. The participants in the meeting included the Civil Society Organisations, representatives of law enforcement agencies and human rights activists. One of the key roles of the core group was to map the work that has already been accomplished, in this regard, at different platforms, besides devising a sustainable strategy to address such incidents in future at the institutional, structural, legal and social levels. The group also worked on the listing of vulnerable groups that suffer acute forms of sexual abuse but have largely been ignored by the government, the media and the society, especially the special (disabled) persons and the transgender community.

¹³ The principle trainer was Mr. Tauseeq Haider assisted by Ms. Myra Imran. Presentations were given by Provincial Election Commission, KP) and Ms. Myra Imran (trainer).

NCSW Literary Award 2018 for Young Women Writers

The National Commission on the Status of Women announced its first NCSW Literary Award 2018 in January, 2018. The purpose of the Award was to encourage Pakistani women writers to promote women's rights through their creative writings. Women writers from across Pakistan, and from all walks of life were invited to submit: i) Collection of short stories, ii) Collection of poetry, iii) a Novel. It was decided that two awards will be given to the best submissions, one in Urdu language and the other in a provincial language of Pakistan. In recognition of their work, the competitive winners were to be awarded a monetary prize and their work to be published by NCSW, for wider circulation. The awards were given to the winner women writers in a ceremony on 1st October, 2018.

The Chairperson of NCSW, Ms. Khawar Mumtaz and NCSW Research Committee, held a consultative meeting at the Habib University, Karachi on 28th August, 2018, for furthering the initiative taken by NCSW on Literary Award for Young Women Writers. The initiative was supported by NCSW's Provincial Office (PO). The delegation met with the Project Director of Literature and Language Department, Dr. Sabin Javeri and Dr. Asif Farrukhi, Acting Dean, Social Sciences and other staff members, to discuss the development of a course/module on creative writing that NCSW would partner for taking it to other universities, for aspiring young writers. The month of October was tentatively decided for holding an introductory workshop on the same and NCSW was asked to approach HEC to gather support for the initiative.



National Women Day Celebrations

On 12th February, 2018, in Peshawar, the National Commission on the Status of Women (NCSW) and Shaheed Benazir Bhutto Women University (BBWU), KPK, jointly organised a seminar to celebrate women's struggle in the democratic process. Parliamentarians, civil society representatives, human rights activists, academicians and a large number of students participated in the event. The event started with Fatiha for Asma Jahangir. All speakers paid a rich tribute to Ms. Asma Jahangir (late) for her fearless struggle for women rights movement in Pakistan.

A documentary on the history of women rights movement and the episodes that led to the establishment of Women Action Forum (WAF) was also screened at the event. The documentary also bore evidence of the event on 12th February, 1983, in the Punjab, where Women Lawyers Association organised a public protest against the Proposed Law of Evidence in Lahore, the Capital of the Punjab province. The protest was participated by a large number of people from different walks of life, mostly women, who were beaten, teargassed, and arrested by police. The inspirational documentary and the speeches encouraged young girls and women to have their votes registered, and to ensure informed decisions while casting their votes in the coming (2018) general elections.

16- Days of Activism on Violence Against Women (VAW)

The '16 Days of Activism against Gender Based Violence' is an international campaign to challenge violence against girls and women. The campaign runs from 24th November to 10th December as an International Day for the Elimination of Violence Against Women.

NCSW, in collaboration with various stakeholders, launches every year "16-Days of Activism against Gender Based Violence" through various media campaigns in the entire country. Through these campaigns, the NCSW takes different initiatives to create awareness amongst women, particularly in rural areas, about their rights and relevant laws to safeguard their rights. The campaigns, each year, are widely participated by Government officials, social activists, legislators, diplomats and representatives of media and civil society. In the year 2018, the launch was also followed by a 2 week campaign on pro-women laws and a regular campaign over the year with TV and radio spots and poster.

Ending Child and Early Age Marriage

The National Commission on the Status of Women (NCSW), in collaboration with Shirkat Gah - Women's Resource Centre (SG), held a National Dialogue on Ending Child Marriages (CEFM) in Pakistan on 29th June, 2018. Justice (Retd.) Ali Nawaz Chowhan, Chairman, National Commission for Human Rights was the chief guest, whose presence was considered essential, for a future course of action to protect the rights of girls.



The dialogue shared key insights of a three-year (2015-18) intervention study, 'Humsathi', proposing a model for challenging and overturning harmful practices around child & early-age marriages, and developing girls as their own advocates and boys as allies. " The study was carried out during the period 2015-2018, with the support of the International Development Research Centre (IDRC).

The National Dialogue brought together youth and adolescent girls and boys from across the country, with a wide range of stakeholders, to share and discuss the findings and insights from the research and interventions made under this project. The dialogue offered a unique opportunity to hear from the concerned youth, about what they thought were the necessary measures needed to overturn negative practices. A Youth Charter of Demands was presented by youth representatives at the Consultation. The mobilised and organised youth expressed determination to continue their advocacy on the issue of early marriage and rejection of customs that reinforced such marriages.



The success of the project activities is a milestone in catalysing community-owned changes. Across all districts - Muzaffargarh, Swat, Jafarabad and Shahdadkot, it has empowered girls to become their own advocates, boys and mothers to be effective allies, functioning as champions for their own rights and those of others, not only in terms of delaying marriages, but also on issues such as the right to pursue an education, or access reproductive healthcare. Under the programme, youth cohorts were formed, adolescent friendly spaces for collective planning and activities were established, their leadership skills were developed, they were made aware about laws and adverse effects of early marriage, and engagement with mothers was initiated. The youth cohorts reached out to 12000 other youth, 2500 mothers and 500 males in their areas. The project-instituted Adolescent Friendly Spaces (AFS) for girls were pivotal in bringing about change. While boys did not have a physical space to congregate, similar activities, regularly held, gave them a sense of solidarity, encouraging activism.

PAKISTAN IS A STATE PARTY TO THE CONVENTION ON THE RIGHTS OF THE CHILD, WHICH DEFINES A CHILD AS ANYONE UNDER THE AGE OF 18. A MATTER OF CONCERN IS THAT MORE THAN ONE FIFTH (21%) OF GIRLS IN PAKISTAN ARE MARRIED BEFORE 18; 3 PER CENT BEFORE THEY ARE 15 YEARS OLD¹ AND THAT PAKISTAN IS 6TH ON THE LIST OF 20 COUNTRIES WITH THE HIGHEST ABSOLUTE NUMBERS OF CHILD MARRIAGES (1.9 MILLION).

Rural Women in Pakistan Status Report 2018: The Launch

The UN Women and NCSW, on 7th July, 2018, launched the NCSW's 'Rural Women in Pakistan: Status Report 2018'. The report was produced by the Centre of Gender and Policy Studies (CGaPs) with the financial support of Canadian Government and UN Women. This is NCSW's third benchmark Report which seeks to develop a comprehensive profile of rural women using available quantitative and qualitative data. It aims to serve as a baseline for NCSW to track progress and provide evidence and recommendations for the enhancement of rural women's economic and social well-being. The event was organised by the UN Women and chaired by the Minister of Human Rights, Honourable Roshan Khursheed Barucha.

Consultation on Rights and Wellbeing of Women Agricultural Workers and their Children in Pakistan

The National Commission on the Status of Women, in collaboration with the Collective for Social Science Research held a consultation on the 'Rights and well-being of Women Agricultural Workers and their children in Pakistan' on August, 29th 2018. The consultation aimed at bringing together policymakers, practitioners, researchers, legislators, activists and opinion makers to discuss the recent research findings on the



WOMEN ARE CONCENTRATED IN THE AGRICULTURE SECTOR, PRIMARILY IN DIARY AND LIVESTOCK. THE RETURNS TO LABOUR ARE LOW: ONLY 19% ARE IN PAID EMPLOYMENT AND 60% WORK AS UNPAID WORKERS ON FAMILY FARMS AND ENTERPRISES. THEIR UNPAID WORK IS VALUED (USING COMPARATIVE MEDIAN WAGES) AT PKR 683 BILLION, IS 57% OF ALL WORK DONE BY WOMEN, AND IS 2.6% OF THE GDP

conditions of women agricultural workers and their children, and to find ways to forward for their rights and well-being. The research includes the recently-published Status of Rural Women report of the NCSW, and the findings of the 'Women's Work and Nutrition' survey, in rural Sindh, conducted as part of the UKAid (DFID)-supported Leveraging Agriculture for Nutrition in South Asia (LANSA) consortium.

The consultation was essential, considering and as expressed by NCSW, that women constitute over half of the agricultural workforce in Pakistan, but they are not always recognised as workers by the law, policymakers, the market economy, communities, their families or even by themselves. Their work remains invisible, unpaid or underpaid. Women who work in agriculture are often from the poorest segments of the rural community, and their work is thought to be associated with adverse impacts on their own health and the nutrition of their children. NCSW has been advocating for the recognition of women's work.

National Seminar 'Living with Dignity: Post Shelter Integration of Women Survivors of Violence'

In consonance with its interest in support institutions for women, NCSW collaborated with Rozan in a national seminar, 'Living with Dignity: Post Shelter Integration of Women Survivors of Violence' on 5th March 2019. The national seminar presented the findings of the research study, along with concrete recommendations emerging from the experiences of women survivors of violence. It provided an opportunity to expand knowledge and understanding related to support mechanisms and challenges faced by women survivors of violence, once they move out of shelters.

The learning from the research shows that the notion of reintegration/reinstatement of survivors in the community, its conceptual understanding and practical implementation, is often inadequate to meet the enormous challenges faced by women as they return to their communities. The study shows that once women leave a shelter, there is not enough evidence available about the physical, social, psychological and economic challenges they face as they go back to their family or community. There is no strong follow-up system in-place that can safeguard women from further violence or to reinstate their position in the community. The post shelter lives of these women, it was stated, represent an important window to understand the cost of breaking the silence and resisting violence, a long-standing goal of women's movements.

To conclude, it was emphasised that a responsible social change programme needs to be constructed that aims for gender equity and focuses on the social and economic challenges faced by women seeking to re-establish themselves outside patriarchal contexts. So far, it was stated, that post shelter journey of women survivors has received less attention in national policies and programmes, both at the government and private shelters levels. The national seminar was attended by relevant stakeholders, including the Ministry of Human Rights, National and Provincial Departments working on women

rights and women shelter, the National Commission on the Status of Women (NCSW), Provincial Commissions (PCSW), Social Welfare and Women Development Departments, legislators, civil society, Australian High Commission, embassies, donors, academia and media.

National Consultation on 'Creating safer work places for citizens of Pakistan'

The National Commission on the Status of Women (NCSW), with the technical support of CARE International in Pakistan and ILO Pakistan Office, organised a one-day national consultation on April 9th, 2019, on the theme of 'Creating safer work places for citizens of Pakistan'. The basic aim of holding the National Consultation was to create an understanding of the proposed new ILO Convention, based on the establishment of an instrument on 'Ending violence and harassment against women and men in the world of work'. The main object of the new ILO Convention is to enable countries, employers and trade unions and other worker representatives to place greater priority on recognising, tackling and remedying violence and harassment at work.

In this backdrop, the National Consultation offered concrete recommendations that the Pakistan delegation could take to the ILO convention for incorporation in the final version of the global Convention. The National Consultation was an important initiative for the ILO convention.

Drama Serial

Violence against women is among the three thematic priority areas of work, and NCSW is making all efforts to fight against VAW issues on every forum. Recently, towards the end of 2016, the torture case of a child domestic worker, Tayyaba, was reported in the national press, raising an alarming concern about the safety and security of girls. In this context, NCSW organised special meetings with all the stakeholders and decided to increase its efforts towards awareness raising on issues related, especially to female children and young girls.

M/s Kashf Foundation has been taking the advice of the Chairperson NCSW, on subjects to create social awareness about women issues. For example, it had sought the Chairperson's guidance for an earlier serial that focused on child sexual abuse and early age marriage. During a meeting with Kashf Foundation, it was agreed to plan a drama serial to highlight the issue of trafficking of children, particularly girls. NCSW shared its review of trafficking laws with Kashf Foundation, and Kashf carried out research/investigations on cases of trafficking. It was mutually agreed to explore financial support for a joint project. A draft proposal was prepared. The Chairperson NCSW approached the UN Women who agreed to support the initiative. NCSW entered into an agreement with UN Women and Kashf Foundation in early 2019, for the production of the drama serial. The script has been finalised and the production process is underway. It is expected to be ready for airing by the end of 2019.

Radio Programme Series: Mera Haq Aaj Nahi Tou Kab

The social status of women in Pakistan is one of the systemic gender subordination, though it varies considerably across classes, regions, and the rural and urban divide, and levels of development. NCSW in line with its mandate, continues its efforts for awareness raising of women and men on issues close to women's lives. These include family matters, health issues, property disputes, decision making, political participation, etc. To reach out to a larger audience, especially women inside households, NCSW designed a radio programme titled "Mera haq aaj nahi tou kab" and launched it in April 2019. The weekly programme is broadcast by Radio Pakistan, Islamabad on FM 101, and is transmitted on its national hookup for 30 to 45 minutes at 11.00 am every Monday. It seeks to create awareness on legal and citizenship rights, importance of political participation and of economic rights and opportunities.

Government officials, legal experts, representatives from civil society, women from the communities, councilors are invited to participate in the radio programme. The programmes are so designed that they may be used as IEC material at the community level for awareness raising. Each programme is available on NCSW and FM101 Facebook pages. The series have covered/will be covering common issues women face in their lives including marriage, divorce, inheritance, custody of children and maintenance and legal provisions for the economic empowerment of women, including issues of formal, informal and home based women workers, women's political participation, health & reproductive health and other topical issues.

Awareness Raising through Press Releases, Facebook Page of NCSW and Website

NCSW, as a regular practice, issues press releases /statements on important issues related to women. The NCSW Facebook and Website is updated with every significant event, action or concern related to women's empowerment. On an average, the website receives 35,000 to 40000 visits a month. The facebook page receives likes, comments and shares NCSW's radio programmes too. The main purpose of these press statements, event highlights, reports and views on significant women related issues is to share information, spread awareness, give NCSW's perspective, express its concerns, and advocate action. NCSW's press releases, news, reports are circulated to both print and electronic media and are also uploaded on NCSW's Facebook page and website (Annex-3).

NCSW RESEARCH AND PUBLICATIONS

Research and publications are a central activity of NCSW. Researches are primarily to generate evidence for NCSW's advocacy and policy work. It has established baselines, developed indicators and documented violence against women cases. It strongly feels the need for a National Survey to establish a baseline on area-specific crimes against women, their nature and the extent to which these act as barriers to women's economic and social well-being. Such a baseline will help develop systems and approaches for focused policies and interventions. Additionally, it would enable monitoring of progress on violence against women. Toward this objective, NCSW in its previous term had developed indicators on VAW, as well as a project proposal (approved by CDWP) and funding for the survey in its previous term. The Survey could not be carried out because of the end of the Commission's term. It revised the proposal in 2019, with PBS inputs, excluding Punjab where the module for VAW has been implemented and is now seeking financial support for the Survey.

Rural Women in Pakistan: Status Report 2018

'Rural Women in Pakistan: Status Report 2018', is the third in-depth thematic report that the National Commission on the Status of Women has produced along with the Centre of Gender and Policy Studies, and with written contributions by Mr. Haris Gazdar and Ms. Amna Akhtar of the Centre of Social Sciences. A series of meetings with diverse stakeholders has shaped the contents and analysis of this Report, while the support of the Government of Canada and UN Women Pakistan made possible its production and publication.

The Report serves as a timely need to develop comprehensive profile of rural women, in the landscape of Pakistan, that includes the commitments to the SDGs, information technologies and environmental change, highlighting opportunities and obstacles to their development. It provides evidence and recommendations for action and advocacy by relevant stakeholders (government, civil society and international donors) who can influence and undertake initiatives to enhance women's economic and social well-being. It also aims to serve as a baseline NCSW to track progress and provide evidence and recommendations for the enhancement of rural women's well-being.



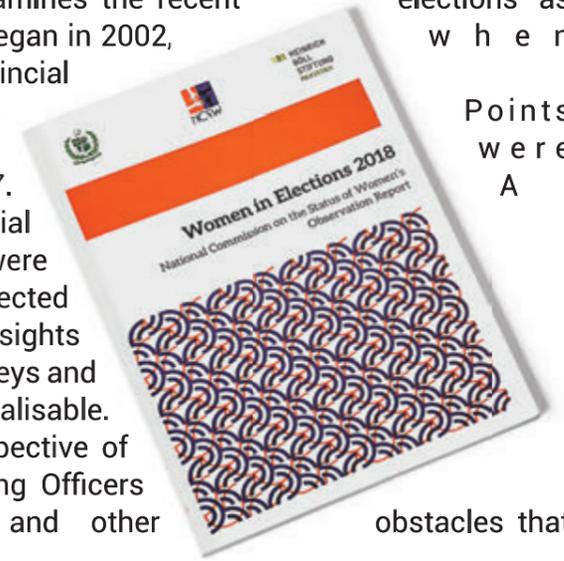
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Women in Elections 2018: Observation Report

The Report 'Women in Elections 2018' examines the recent a continuum of the electoral process that began in 2002, women's seats in national and provincial assemblies were dramatically increased. of reference in the observation, this time on, the new provisions of the Elections Act 2017. total of 97 observers from NCSW, Provincial Commissions and partner organisations were involved in the Observation in selected constituencies (148). The findings provide insights and details that get overlooked in larger surveys and do not claim to be representative or generalisable. This Report is an attempt to get the perspective of women voters, polling agents and Presiding Officers regarding arrangements, polling staff and other they may have experienced.



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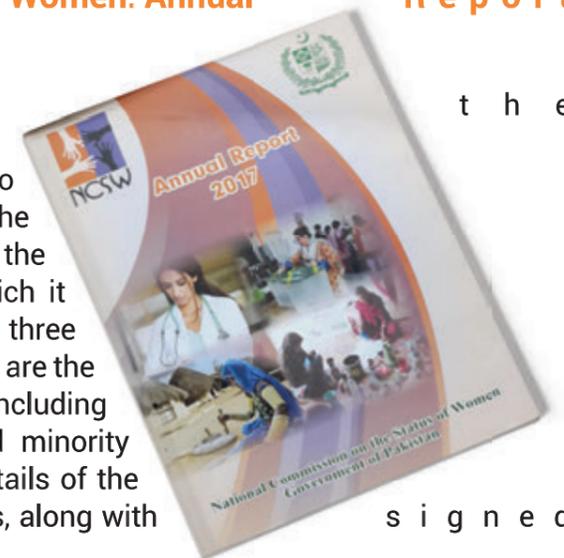
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The Report is conceptualised as a document that provides handy information about women's participation in elections and in assemblies. It identifies areas that need further strengthening, including informative annexes and recommendations for further improvements. It is hoped that the Report will initiate debate and discourse among female and male parliamentarians, political parties, rights based activists and researchers. The Report has been ably written by Ms. Naheed Aziz and funded by the German Heinrich Boll Stiftung office. .

National Commission on the Status of Women: Annual Report 2017

The Annual Report 2017, provides details of NCSW's initiatives and activities undertaken during the period January to December 2017. The Report provides the strategic direction adopted by NCSW for the present term (Nov 2016-Oct 2019), for which it was agreed to continue with the same three thematic areas that the Commission believes are the key for achieving women's empowerment, including women with disabilities, transgenders and minority communities. Included in the Report are details of the legislative, research and advocacy initiatives, along with



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agreements of cooperation with different departments, organisations and donors in 2017.

Gender Perspectives on the National Climate Change Policy

The Commission has for some time felt the need for a review of Pakistan's Climate Change Policy and the Implementation Framework. Pakistan is one of the ten most vulnerable countries threatened due to the effects of climate change. Given that women's voices are not heard, and with changes brought on by climate vagaries, they find themselves ill-equipped to deal with the new challenges. NCSW recognises the dire need for adaptation of strategies for women that are specific to their geographic locations and circumstances. The link between women and the environment was officially acknowledged, for the first time in Pakistan, during the development of Pakistan's National Conservation Strategy that was adopted in 1992. However, not many initiatives include concerns focusing on and specific to women.

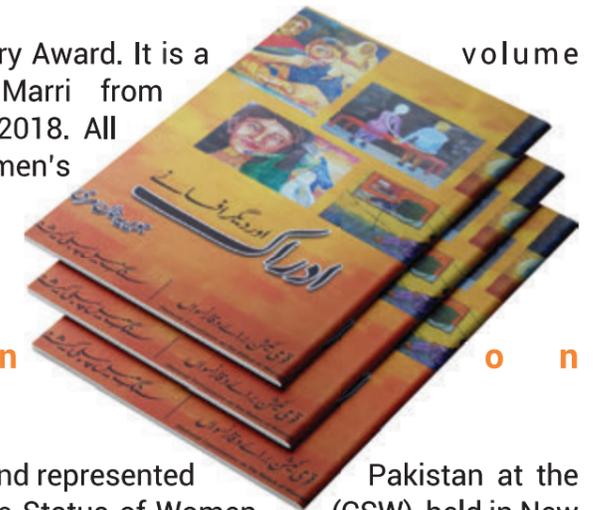
NCSW, in collaboration with Civil Society Coalition for Climate Change's (CSCCC), took the initiative to review the climate change policy and its implementation framework in the context of the Paris Agreement, Pakistan's intended Nationally Determined Contributions, combined with the SDGs, especially SDG 17, and used this opportunity to put forward recommendations for compliance with the decision of COP 23 (gender mainstreaming at all levels). A review of the document was carried out by CGaPS, that took stock of the Pakistan's climate change policies and institutions from the gender perspective. It identified the gaps and important lacunae, from women's perspective, based on which it suggested a Gender Action Plan, adapted from the COP23 Gender Action framework, for Pakistan.

Good Practices to Counter VAWG, Including Acid and Burn Violence and Promote Gender Equality in Pakistan

NCSW and ASF's joint publication documents good practices against the defined criteria of VAWG. It comprises a collection of inspiring initiatives that demonstrate what has worked and may be replicated or adapted.

Idrak, Collection of short stories in Urdu

Idrak is the first outcome of NCSW's Literary Award. It is a volume of short stories written by Javeria Marri from Balochistan who won the Literary Award 2018. All stories, poignantly written, are about women's issues and lives.



International Representations 63rd Session of the UN Commission on the Status of Women (CSW63) -

The Chairperson, Ms. Khawar Mumtaz led and represented Pakistan at the 63rd Session of the UN Commission on the Status of Women (CSW), held in New York from 11-15 March, 2019. This year was very special because of the number of young women and young people who participated from across the world, especially representatives from Africa, fewer from South and South East Asia. Presence of women from the Arab world/Middle East also seemed to have increased.

The theme of CSW 63 was Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of girls and women. The other agenda item was Follow up to the Fourth world Conference on Women and to the twenty-third special session of the General Assembly. Social protection systems, public services and sustainable infrastructure are integral to achieving the implementation of the landmark 1995 Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development adopted by the world leaders.

The event, along with the bench mark opening plenary, held 4 Ministerial Round Tables, 3 High Level Panels and numerous side events. The tone of the session was set by the Secretary General when he stated 'this Commission is on the Status of Power;' and that "women were needed more than ever.' Push back and deep resistance to women's rights was highlighted and the need for sustainable infrastructure for closing the gap between genders was emphasised. The role of women's organisations was specially mentioned. Pakistan Mission had organised 4 side events in collaboration with Gambia, Iran, Qatar, Indonesia, Canada, and Turkey. The NCSW's Chairperson, Ms. Khawar Mumtaz, and Pakistan's permanent representative to the UN, Dr. Maliha Lodhi and MNA Munazza

Hasan spoke at the side events. The theme provided space for showcasing Pakistan's successful flagship Social Protection Programme, the Benazir Income Support Programme, and also to share the challenges it faced. In addition, NCSW Chairperson also attended the Annual Consultation of Commonwealth National Women's Machinery and OIC High Level Ministerial Meetings. There were many side meetings with delegations – of Afghanistan, Canadian Pak origin Parliamentarian amongst others. Pakistan's Muniba Mazari, UN Women's Good Will ambassador spoke at the High Level Panel. She called for ministers of finance to invest generously for programmes to promote the rights of women and girls, to create a 'level playing field' for women and girls.



CHAPTER 06 BUDGET AND FINANCE

BUDGET ALLOCATION AND EXPENDITURE FOR THE FINANCIAL YEAR 2017-18 (JANUARY TO JUNE, 2018)

NCSW was allocated an amount of Rs. 12.5 million for the second half of the Financial Year 2017-18, under Demand No. 54, Ministry of Human Rights (NCSW ID No. 8366). Since, the allocated amount was insufficient, therefore, in order to run its day to day affairs, the Commission placed its case before the Priorities Committee Meeting held on 17th April, 2017, demanding an additional financial support of Rs. 63.5 million. The Priorities Committee agreed to provide a Technical Supplementary Grant of Rs. 25.0 million only, instead of the requested. Thus, the total budget allocation, including the Technical Supplementary Grant for the second half of the Financial Year 2017-18 amounted to Rs. 37.5 million:

Out of the total budget of Rs. 37.5 million, an amount of Rs. 8.5 million has been surrendered because the activities of NCSW could not be carried out during the period from February, 2018 to June, 2018, due to the non-availability of the Chairperson/PAO, as the appointment of the Chairperson was set aside by the Islamabad High Court, till further order. Thus, the final budget of NCSW for the second half of the Financial Year 2017-18 comes to Rs. 29.0 million. During this second half of the Financial Year 2017-18, an amount of Rs. 27.643 million was taken out from the final budget allocation of Rs. 29.0 Million, as given in the Table below:

(RS. MILLION)

YEAR	ORIGINAL ALLOCATION	SUPPLEMENTARY GRANT	SURRENDERED	FINAL BUDGET	EXPENSES	SAVING/ (SHORTFALL)
2017-18	12.500	25.000	8.500	29,000	27.643	1.357

BUDGET ALLOCATION AND EXPENDITURE FOR THE FINANCIAL YEAR 2018-19

NCSW was allocated an amount of Rs. 50.0 Million for the Financial Year 2018-19 under Demand No. 54, Ministry of Human Rights (NCSW ID No. 8366). Since, the amount allocated for the Financial Year 2018-19 was insufficient, therefore, in order to run its day to day affairs, the Commission placed its case before the Priorities Committee Meeting held on 6th April, 2018, in the Ministry of Finance, Islamabad. The request for the additional amount of Rs. 28.588 million was declined by the Priorities Committee. It proposed that the Ministry of Human Rights be requested for the judicial allocation of the budget to its subsidiaries, as the Finance Division had allocated sufficient amount to Demand No. 54 Ministry of Human Rights.

Out of the allocated budget of Rs. 50.000 million, an amount of Rs. 1.666 million has been surrendered on the order of the Finance Division. An additional amount of Rs. 0.120 million was surrendered from the Account Head A06301 Entertainment & Gifts, due to a ban imposed by the Finance Division on Entertainment (total surrendered amount was Rs. 1.786 million). Thus, the final budget of NCSW for the Financial Year 2018-19 amounted to Rs. 48.214 million. During the Financial Year 2018-19, an amount of Rs. 52.398 million was incurred out of the final budget allocation of Rs. 48.214 million. Hence, an amount of Rs. 4.183 million stood in excess of the final budget allocation of Rs. 48.214 million, as given in the Table below:

(RS. MILLION)

YEAR	ORIGINAL ALLOCATION	SUPPLEMENTARY GRANT	SURRENDERED	FINAL BUDGET	EXPENSES	SAVING/ (SHORTFALL)
2018-19	50.000	0.000	1.786	48.214	52.398	4.183

To be noted is the fact that the allocated budget basically covers the NCSW's operational costs and core mandatory activities. A number of activities, researches and publications are sponsored by donors and/or provided by partnerships. The financial report pertains to only the Government allocated budgets.

Raising women's participation in the workforce can boost economic growth.

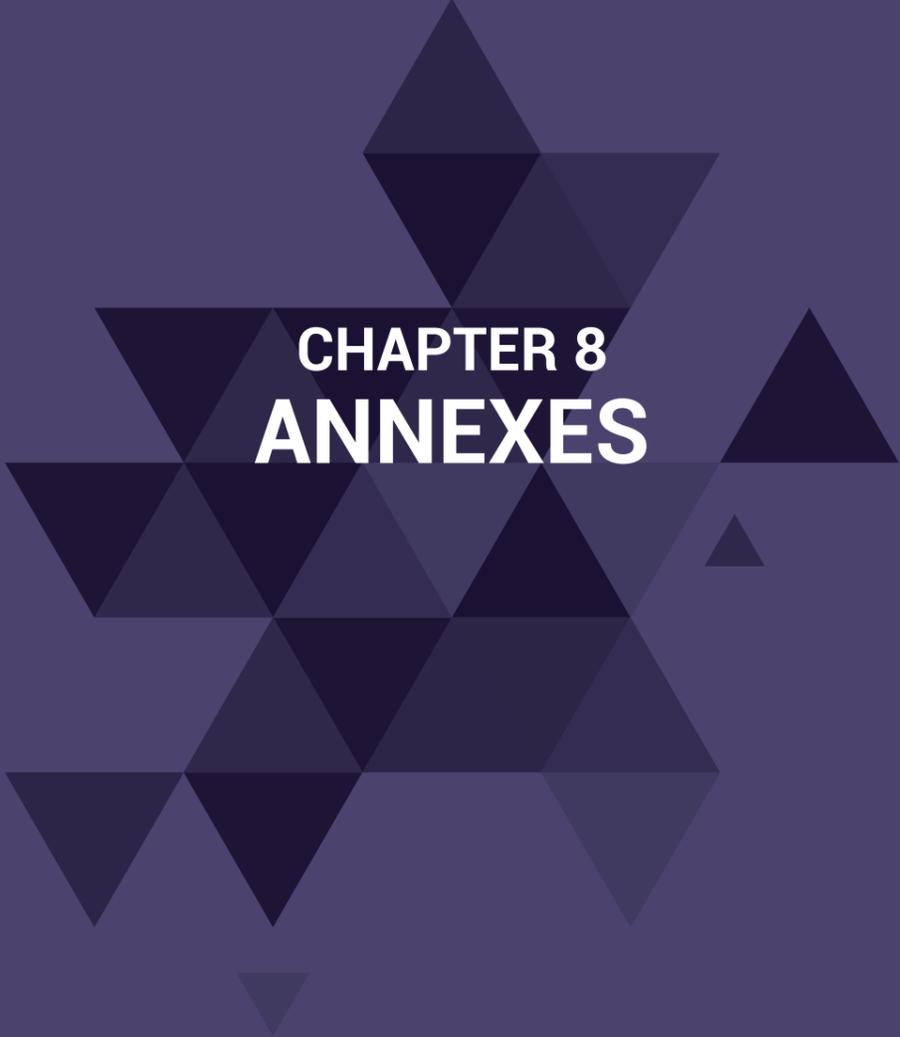
To achieve Sustainable Development Goals (SDGs), especially Goal 5, gender-balancing initiatives and managing diversity need to be reflected at the policy level.

Investing in women's health can contribute to economic growth and higher living standards

Advancing women's empowerment is the key to reducing poverty and advancing sustainable development in Pakistan

CHAPTER 07 NCSW'S CHALLENGES

Working over the years, the NCSW has incrementally established itself as a necessary institution to ensure protection and promotion of women's rights in Pakistan. It has contributed its opinions, shared information and provided briefs to different Government departments and institutions, generated evidence through researches and status reports, and raised awareness. However, the Commission faced numerous challenges and continues to do so. Some are operational, in nature, while others are related to coordination. The challenges meted out at the operational level relate to inadequate staff, and staff capacity, owing to which its initiatives have been affected. NCSW's service rules were finally approved at the end of 2018, after being in the pipeline for 5 years, while its finance rules are still under process. The other remaining challenge is the absence of Standard Operating Procedures with its administrative Ministry and other key Ministries and Divisions, along with the Women Parliamentary Caucus for streamlining functioning and coordination. As a result communication is sporadic and ad hoc.



CHAPTER 8 ANNEXES



ANNEX - A

NCSW'S RECOMMENDATIONS SUBMITTED TO COURTS IN VARIOUS CASES

Index to Annex-B

YEAR	TITLE OF RECOMMENDATIONS / SUBMITTED TO :	PAGE #
1.	Recommendations of The Task Force established by Supreme Court on Human Rights Case No.17599 of 2018 –Regarding alarming high population growth rate in the Country, 29th October, 2018.	
2.	Report of the Commission constituted by the Islamabad High Court, Islamabad on W.P. NO. 1113/2019 regarding measures required to be taken in order to safeguard the fundamental rights of the minorities, Along with Annexes containing Recommendations from NCSW.	
3.	Report of NCSW in compliance of the directions of the Islamabad High Court on W.P.1711/2019 – Habeas Corpus submitted to IHC on 14th June, 2019.	
4.	Recommendations from the National Commission on the Status of Women in Constitutional petition No.24/2012 (National Commission on the Status of Women thr. its Chairperson & others v.Govt. of Pakistan thr. its Secretary, Law, Justice & Parliamentary Affairs etc.) Submitted to Supreme Court on 3rd September, 2018.	
5.	NCSW's response /comments in Civil Shariat Appeal No. 01 of 2008 with respect to section 10 of Citizenship Act, 1951.	

TITLE/DATE	NCSW'S SUBMISSIONS/ RECOMMENDATIONS ON
RECOMMENDATIONS OF THE TASK FORCE ESTABLISHED BY THE SUPREME COURT ON HUMAN RIGHTS CASE NO.17599 OF 2018 – IN THE MATTER REGARDING ALARMING HIGH POPULATION GROWTH RATE IN THE COUNTRY, 29TH OCTOBER, 2018	<ol style="list-style-type: none"> 1. Pakistan is the sixth most populous country in the world with a population of 207.8 million growing at the rate of 2.4% per annum (Census 2017). At this high PGR, Pakistan's population will double in the next 29 years, compared with an average doubling time of 79 years for the South Asian countries. The population of the country is projected to increase to 281.7 million by 2030 if the current PGR continues. The high PGR and rapidly expanding population have serious implications for socio-economic development of the country, wellbeing of its people and their human rights. The fast-growing population coupled with prospects of adverse climate change, environment degradation, deforestation and depletion of water resource, putting Pakistan in water stress situation poses a further significant threat to food security, threatening the country's sustainable development prospects in the coming years. 2. The Pakistan Demographic and Health Survey (2017-18) indicated that the modern Contraceptive Prevalence Rate (mCPR) has gone down to 24% compared to 25% in PDHS 2012-13. The unmet need for Family Planning services has slightly reduced to 17% compared to 20% in PDHS 2012-13. High unmet need is associated with physical and social distances, and in particular with religious misperceptions/ barriers which are more pronounced in the rural areas. The access factors affect the poor and the uneducated more seriously. 3. International comparisons indicate that Pakistan fares in the lowest group for human development, ranking 127 among 152 countries in terms of gender inequality. Female adult (above 15 years of age) literacy remains low at 42% (2011) and participation in the labor force is still low at 24.4%. This imposes a challenge to achieve the goal set for the lowering population growth rate.

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4. Nearly, one-third of the country's population continues to live below the national poverty line, with an increasing number of the absolute poor. Regional and urban-rural variations in poverty are pronounced. The increase in poverty has a close relation with low literacy, high fertility, elevated childhood mortality and maternal mortality, especially among the lower strata of society.
5. The low level of public expenditure on health and education is one of the root causes of poor indicators regarding socio-economic development. There are hardly any tangible programmatic interventions that address the challenges of reducing high Maternal Mortality Rate (MMR), Infant Mortality Rate (IMR) and dissociating women from resorting to induced abortions, resulting in diluting the benefits of family planning and wellbeing. High maternal mortality and child mortality rates continue to pose challenges for the population and health sector.
6. Approximately 60% of the country's population faces food insecurity and nearly 50% of the women and children are malnourished. Many Pakistani children are faced with long term nutritional deprivation, balanced food insecurity, poor health services, illnesses linked to hygiene, and improper feeding practices. About 44% of the Pakistani children suffer from stunting.
7. Being cognizant of the situation depicted above, the Honorable Chief Justice of Pakistan took a Suo Moto notice in Human Rights Case No.17599 of 2018 – in the matter regarding the alarming High Population Growth Rate in the Country. Vide its order dated 4th September, 2018, the honorable Court constituted a Task Force ... "to formulation of the mechanisms to curb population growth in the country"...

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8. The Task Force, while keeping in view the challenges faced by Pakistan prepared a set of the following recommendations aimed at accelerating the efforts of the Government to reduce the Population Growth Rate (PGR), lower the Total Fertility Rate (TFR) and increase Contraceptive Prevalence Rate (CPR). These recommendations are in line with the provincial population policies, and recognise the redefined overarching role of the federal government, resulting from the transfer of 'Population Planning' to the provinces under the 18th Constitutional Amendment. The Federal Government retains the fostering role of sharing the vision / guidelines for advancing the national development perspective, on the one hand and fulfillment of the international / bilateral commitments and cooperation on the other.

Establish Federal & Provincial Task Forces for steering, providing oversight and taking critical decisions to reduce population growth, lower fertility and increase contraceptive prevalence rate (CPR) as a matter of highest priority:

Federal TF chaired by the Prime Minister bi-annually, to include Federal & Provincial Ministers of Population, Health, Education, Finance, Planning and relevant officials and non-Governmental experts.

Provincial TF chaired by the Chief Minister quarterly, to include provincial ministers of Population, Health, Education, Finance, Planning and relevant officials and non-Governmental experts.

Progress towards reducing population growth rate, lowering fertility and increasing contraceptive prevalence rate to be monitored through real time data linked with the reporting system and presented through dashboards to Federal & Provincial Task Forces.

ENSURE UNIVERSAL ACCESS TO FP/RH SERVICES

Mandate all public health facilities (BHUs, RHCs, THQs, BHQs, teaching hospitals) to deliver family planning services 9 a.m. to 5 p.m. as part of the essential service package; all registered private sector practitioners and hospitals to provide FP information and services.

Role of Lady Health Workers to be restored to provide FP, ante-natal and post-natal counseling, and contraception services.

NGOs and Civil Society Organisations to work in close coordination with provincial DOHs & PWDs to extend FP/RH services to underserved and unserved areas.

All provinces should link population programmes with the Social Safety Net programmes like the Benazir Income Support Programme and introduce conditional cash transfer schemes or incentivised schemes for adoption of FP service and institutionalised birth delivery.

ADVOCACY

PEMRA to provide free time for FP messages on radio and TV channels at prime time. An aggressive mass & social media campaign to heighten urgency and necessity of lowering population growth rate for the wellbeing of all Pakistanis.

FINANCES

Federal Government to create a five year non-lapsable Special Fund for reducing the Population Growth Rate with an annual allocation of Rs.10 billion. The Fund will:

- a. Meet 50% cost of commodities identified by provinces to be procured through centralised arrangement.
- b. Meet 50% cost of increase in LHWs for doorstep services in rural and peri-urban areas.

- c. Support innovative approaches of Federal & Provincial Governments for reaching the poor and marginalised populations, to reduce population growth and increase contraceptive prevalence rate (CPR).

Provincial and Federal Population & Health budgets for FP be doubled in three years and protected from reallocation to other programmes & departments and timely releases to be ensured.

Provinces may directly negotiate grants from donors. Loans to be negotiated through Federal Government on basis of sovereign guarantees.

Donor financing to NGOs and private sector for FP/RH to be rationalised and streamlined at the Federal and Provincial levels through an effective coordination mechanism.

CSR funds @ 5% for FP Services and advocacy.

LEGISLATION

Family Planning & Reproductive Health (FP&RH) Rights Bill ensuring mandatory FP/RH services by all health care facilities in public and private sector.

Prevention of Early Child Marriage Restraint Act be proposed for national & provincial assemblies (Sindh passed this Act in 2013).

Pre-marital counseling on family planning should be mandatory for Nikah registration; LHWs or appropriate service providers to provide the requisite counseling.

CURRICULUM

Life skills Based Education curriculum to be included in secondary and higher secondary schools while health & hygiene should be included at the primary school level.

PMDC and PNC to ensure inclusion of modules on FP/RH in MBBS and Nursing Degree Programmes, respectively.

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Population Dynamics & Development in Pakistan be included at the college and university levels education.

Population modules to be included in training at all Civil Services Training Institutions.

TRAINING

Training of all health care providers (CMWs, Midwives, LHVs, Nurses, Doctors) on post pregnancy, family planning and Long Acting Reversible Contraceptives (LARC).

CONTRACEPTIVE COMMODITY SECURITY

Incentivising Local Production of Contraceptives: Federal and Provincial Governments should encourage / incentivise the pharmaceutical companies/investors to establish industries for local production of contraceptives on WHO/FDA standards.

FP Commodities should be included in the essential drug list of primary, secondary and tertiary drug list.

SUPPORT OF ULEMA

Engaging Ulemas / Khateebis and local elected representatives to promote FP/RH for mother & child health.

Joint Declaration of Ulema made at the Population Summit-2015, Islamabad to be widely advocated.

Inclusion of Population Courses at the Federal Judicial Academy, Islamabad.

Courses may be arranged at District/Tehsil levels for Ulemas and Khateebis.

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REPORT ON BEHALF OF THE COMMISSION CONSTITUTED BY THE ISLAMABAD HIGH COURT, ISLAMABAD ON W.P. NO. 1113/2019 REGARDING MEASURES REQUIRED TO BE TAKEN IN ORDER TO SAFEGUARD THE FUNDAMENTAL RIGHTS OF THE MINORITIES, ALONG WITH ANNEXES CONTAINING RECOMMENDATIONS FROM NCSW, HRCP, & KALPNA DEVI, SUBMITTED TO IHC ON 2ND APRIL, 2019

IN THE HON'ABLE ISLAMABAD HIGH COURT, ISLAMABAD
W.P. NO. 1113/2019
Asia Alias Revina & 3 othersPetitioner VERSUS
Ministry of Interior & 7 othersRespondent

REPORT ON BEHALF OF THE COMMISSION CONSTITUTED BY THE ISLAMABAD HIGH COURT, ISLAMABAD REGARDING MEASURES REQUIRED TO BE TAKEN IN ORDER TO SAFEGUARD THE FUNDAMENTAL RIGHTS OF THE MINORITIES

Respectfully Sheweth:

This report is submitted in compliance of the order of the Honourable Islamabad, High Court, Islamabad dated 11th April, 2019 passed in Writ Petition No.1113/2019 titled Asia Alias Revina and three others versus Ministry of Interior and others. The Court in its earlier order dated 2nd April, 2019 constituted a Commission consisting of the following members:-

The Commission was tasked to probe into the impression of alleged forced conversions in Sukkur Division and insecurity, if any, on part of the minorities. In compliance of the said order, the Ministry of Interior, Government of Pakistan issued the notification of the Constitution of the Commission on 3rd April, 2019 and submitted reports on behalf of the Ministry of

1. Dr. Shireen Mazari, Federal Minister for Human Rights, Government of Pakistan,
2. Mufti Muhammad Taqi Usmani, Former Judge of the Shariat Appellate Bench of the Hon'able Supreme Court
3. Ms. Khawar Mumtaz, Chairperson of the National Commission on the Status of Women
4. Dr. Mehdi Hassan, Human Rights Commission of Pakistan

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5. Mr. I. A, Rehman, Human Rights Commission of Pakistan
6. 6. Maj. (R) Azam Suleman Khan, Secretary, Ministry of Interior/ Secretary of the Commission

Interior, as well as the members of the Commission in the Court stating that they were satisfied that it did not appear to be a case of forced conversion.

3. As per para No. 7 of the order dated 11th April, 2019, the court further directed the following:-

The members of the Commission who have also been appointed as Amici in this matter, are requested to submit a report, inter-alia recommending measures required to be taken by Federal, as well as the Provincial Governments for fulfilling their respective constitutional obligations in order to safeguard and protect the fundamental rights of the minorities.

4. In respectful compliance of the above directions, the Commission, as constituted by the Hon'able Court, held its proceedings at the Ministry of Interior Islamabad. One of the Hon'able members of the Commission, Mufti Muhammad Taqi Usmani, could not attend the proceeding due to personal reasons. Ms. Kalpana Devi, Assistant Advocate General, Sindh High Court, Sindh attended the proceedings of the Commission, as a co-opted member. The Commission thoroughly examined all the relevant facts and deliberated upon the various aspects of the incidents of conversions, as well as prevailing status of protection of the fundamental rights of the minorities in the light of applicable laws and directions of the August Supreme Court of Pakistan, given in the judgment dated 19th June, 2014 in the case of S.M.C. No.1 of 2014 (PLD 2014 SC 699).

5. The Members of the Commission were apprised about the response of various ministries on the status of compliance on the earlier directions of the Apex Court in the said judgment,

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and need for further actions to be taken. The Commission also discussed the scale of problem as presented by Ms. Khawar Mumtaz, Chairperson of the National Commission on the Status of Women in her well researched paper, (Annex-1) as well as the report on conversions/ forced conversions in Sindh as presented by Ms. Kalpna Devi, the co-opted member of the Commission (Annex-II). In addition, Mr. I. A. Rehman, Member, Human Rights Commission of Pakistan also provided his submissions to the Commission (Annex-III). The Commission after detailed deliberations and considering the valuable input of all members, recommended the following actions:-

- i. A National Commission on Minority Rights, with statutory powers to be established by the Federal Government, for implementation of the directions of the Supreme Court regarding protection of rights of minorities, primarily consisting of representatives from minorities.
- ii. A task force to be constituted in all Provinces headed by Minister Religious Affairs, and comprising of equal and effective representation by Minorities for developing a strategy of religious tolerance and interfaith harmony, by the respective Provincial Governments.
- iii. The Provincial Home departments to convene meetings, on regular basis, to address and resolve the issues related to security and protection of minorities.
- iv. Establishment Division and respective S & G. A. Departments of Provincial Governments to ensure that the prescribed quota for minorities is strictly observed in all recruitments at various levels.
- v. A Dedicated helpline to be established at district and provincial level for minorities for registration of any complaint or assistance required from the respective governments. These helplines to be linked with existing helpline of (1099) Ministry of Human Rights, Government of Pakistan.

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- vi. Each Provincial Government to identify places where conversions are facilitated. Strict monitoring is required and in case of any forced conversion, appropriate action to be initiated.
- vii. With regard to conversion from one religion to another, there is a need to set out clear directions as to who is authorised to certify, and the age at which a person possesses the legal capacity to convert. In addition, conversions should be allowed on production of NIC.
- viii. Appropriate legislation to be introduced in the Provinces for regulating the Nikkah Registrar. Regulations, to provide declaration of marriage to be invalid in case of a minor girl, as a minor does not possess the capacity to contract a marriage, in case of marriage of a minor, in addition to actions under Sindh Child Marriage Restraint Act. (CMRA) 2013 and section 498-6 of PPC (forced marriage) wherever applicable, the magistrate taking cognizance of the case shall also forward it to the Family Court for determination of validity of the marriage on account of minor not possessing capacity to contract.
- ix. Suitable punitive actions are required against those forcing someone to convert, as forcing an individual to convert is an impeachment of her fundamental right to profess and practice her religion.
- x. Necessary actions are required to be taken, as per law (Sindh Child Marriage Restraint Act 2013, Section 498 B of PPC) against all those involved in underage and forced marriages of any girl or woman, including the groom, marriage solemniser, arranger, facilitator, and Nikkah registrar.
- xi. Pakistan Telecommunication Authority to monitor and block any on line content containing hate material against any minority of Pakistan by providing an easy access to minorities to register complaints on line, as well as through helpline/focal persons.

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- xii. The Ministry of Information and Broadcasting of the Federal Government, as well as information departments of the Provincial Governments to arrange awareness seminars/workshops in targeted areas for confidence building measures, along with, for promotion of tolerance and interfaith harmony.
 - xiii. Shelter Homes to be established by the Government of Sindh in targeted areas under supervision of Session Judge, who shall constitute a committee consisting of unbiased and independent individuals including lawyers, social workers and psychologists to provide counselling to the affected/converted individuals holistically.
 - xiv. The individual converts, should be kept in shelter homes for a reasonable time without any outside influences, so they have the freedom to meet their families and decide their future without pressure.
6. The above report is submitted on behalf of the Commission.

Signed

Maj (R) Azam Suleman Khan
 Secretary, Ministry of Interior/
 Secretary of the Commission
 Islamabad the
 May, 2019.

SUBMISSION OF NCSW TO IHC (ANNEX-1)

1. The particular case in which the court has called me as Amicus Curae relates to a matter of concern, that is, the widespread phenomenon of forced conversions and age of consent to marriage. While in this case, it has not been established whether these were forced or not forced conversions and marriages, the matter has been repeatedly highlighted by human rights organisations and the press, and in several instances has been placed before the courts of the country, including the apex court of Pakistan. In Sindh, the number of cases has been so high that a bill on forced conversions was passed by the provincial assembly (The Sindh Criminal Law (protection of Minorities) Bill, 2015. However, this was later withdrawn by the Government.

SCALE OF THE PROBLEM:

2. While the exact extent of the phenomenon or number of Hindu girls being forcibly converted to Islam and married is not known, according to one estimate there are at least 300 such reported cases each year (Policy Brief on Ending Impunity for Child Marriage in Pakistan: Normative and Implementation Gaps; 2018; Centre for Reproductive Rights). In the last two months alone, February and March 2019, another source has recorded 13 cases of underage Hindu girls being forcibly converted and married in Sindh (Human Rights Commission of Pakistan). It is deeply worrying that various sources suggest that the vast majority of persons affected are girls aged 12-16 years of age (See attached list of reports from newspapers in 2014). In other words, these are girls being married below the minimum legal age of marriage, which in itself makes all these instances cases of coercion. Of equal concern is that there is no evidence of any of the men, marrying these children or the persons performing the marriage, being prosecuted. Moreover, the phenomenon is likely to be underreported as the girls and women affected are from poor and disadvantaged families. As law enforcement authorities have failed to take measures to prevent and

prosecute such crimes, forced conversions and marriages continue to occur with impunity. This is a matter of grave concern.

ISSUES:

3. Although freedom of religion is granted by the Constitution, the following is unclear:

- a. The age at which an individual has the capacity, as well as the right to convert to another religion;
- b. What are the regulatory frameworks or modalities to ensure that such a conversion is by the free will of the person in question without any form of coercion or inducement, or for any 'illegal' purpose? For example, there are apprehensions that girls and women may be trafficked or subjected to abuse;
- c. What are the mechanisms in place that the law does or can acknowledge as legitimate conversion, i.e. who is authorised to certify such a conversion?
- d. Violation of the age and free consent to marriage as per the laws of the country. The details of the particular case in point where the parents are contesting the girls' claims of being 18 and 20 years old raise the following issues: How is the age of concerned girls to be determined? In the absence of any valid documentary proof of age recognised by the court or when there are contradictory claims made, what are the necessary steps that authorities should undertake to accurately determine the ages of concerned girls?
- e. How to ensure that the free consent, which is a mandatory requisite for a Muslim marriage? The Federal Shariat Court in Mohammad Aslam vs. the State 2012 PCr.LJ 11 ruled that "marriage involves a consent which is quite distinct in definition and in differentiation from all types of other consent...Consent

for marriage has deeper and wider implications for criminal, civil and family laws, e.g. inheritance etc. Therefore, free consent for marriage does not mean just exceeding to or saying 'yes' to the circumstantial or situational dictate. While analysing quality, value, or worth and features of such a free consent the following need to be considered:

- i. Ability of exercising free choice
- ii. Capacity (legal capacity, not only sane but mature mind, that is not only puberty, mere majority but age of responsive and conscious consent)
- iii. Capability to use that capacity."

4. In view of the number of cases coming to light, suggesting a growing trend, it is important that the court considers the impact of such conversions and marriages on the wider Hindu communities.

- a. With reference to this case, the full bench judgement of the Supreme Court in Suo Moto case No. 1 of 2014, reviewing various matters relating to religious and other minorities, including allegations of Hindu girls being forcibly converted to Islam, has issued clear directions on measures to be taken to protect and promote the rights of religious and other minorities as a whole.

RECOMMENDATIONS

5. With regards to conversion from one religion to another, the court should set out clear directions as to:

- a. Who is authorised to certify;
- b. The age at which a person possesses the legal capacity to convert;

6. Where the girl is a minor, the marriage should be declared invalid as a minor does not possess the capacity to contract marriage;

7. The court should order punitive action against those forcing someone to convert, as forcing an individual to convert is an impeachment of her fundamental right to profess and practice her religion;

8. The court should order action as per law against all those involved in underage and forced marriages of any girl or woman, including the groom, marriage solemniser, arranger, facilitator, and nikah registrar.

THREE ATTACHMENTS:

1. Lists of reports from Newspapers
2. Sindh Criminal Law Protection of Minorities Bill 2015
3. Statistics from Human Rights Commission of Pakistan

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REPORT OF NCSW IN COMPLIANCE OF THE DIRECTIONS OF THE ISLAMABAD HIGH COURT ON W.P.1711/2019 – HABEAS CORPUS SUBMITTED TO IHC ON 14TH JUNE, 2019

IN THE HON'ABLE ISLAMABAD HIGH COURT, ISLAMABAD
W.P.1711 / 2019

Alishba Bibi –
.....Petitioner
Versus
The State etc.
.....Respondent

REPORT ON BEHALF OF NATIONAL COMMISSION ON THE STATUS OF WOMEN IN COMPLIANCE OF THE DIRECTIONS OF THE ISLAMABAD HIGH COURT, ISLAMABAD ON W.P.1711/2019 – HABEAS CORPUS

Respectfully Sheweth:

This report is submitted in compliance of orders of the Honourable Islamabad High Court dated 16-5-19 on WP 1711/2019. The IHC has directed the National Commission on the Status of Women to conduct interview of the abductee Ms. Neha Pervez. The orders are reproduced below for record and reference.

4. IN VIEW OF ABOVE, IT IS APPROPRIATE THAT ABDUCTEE NEHA PERVAIZ SHALL APPEAR BEFORE THE NATIONAL COMMISSION ON THE STATUS OF WOMEN, WHERE NOTIFIED OFFICER IF ANY SHALL TAKE HER INTERVIEW AND SUBMIT REPORT AS TO WHETHER, SHE HAS ENTERED INTO MARRIAGE WITH AMIR ALI/RESPONDENT NO.4 AFTER CHANGE OF HER RELIGION FROM CHRISTIANITY TO ISLAM WITH HER OWN FREE WILL OR OTHERWISE? THE CHAIRPERSON, NATIONAL COMMISSION ON THE STATUS OF WOMEN SHALL SUBMIT REPORT BEFORE THIS COURT ON OR BEFORE 14.06.2019.

2. In line with the directions of the IHC, Chairperson NCSW called the abductee Neha Pervez to her office through the good offices of SHO thana Kashmir Road. The interview was conducted jointly by Chairperson NCSW and Chief NCSW. In

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keeping with the sensitivity of the matter and the age of Neha Pervaiz, special care was taken to be at ease and not feel intimidated. The objective was to determine whether, Neha Pervez entered into marriage with Amir Ali, after change of her religion from Christianity to Islam, with her own free will or otherwise.

3. Neha was asked general questions about her family and their occupation, and her education, work and age to understand the context in which she arrived at the present situation. The findings of the interview are as follows:

i). Neha Pervez is one of 5 siblings. The family is from Sheikhpura where her father is a tailor and her three younger siblings study and live in the school's hostel. A year ago (2018) her mother along with Neha and her elder sister moved to Islamabad to seek work. All three are working as housemaids and living in Naval Colony.

ii) Neha has not received any formal or informal education and does not know how to read and write. In Islamabad, she was employed with one Mr. Khuram, a resident of Naval Colony. She met Amir Ali, a house painter living in the same neighbourhood, when he was doing a paint job in the vicinity. She shared that he gave her a phone-set so that they could talk to each other. They were in regular contact when her elder sister found out and told their mother who was angry and forbade Neha to speak to Amir Ali as he was a Muslim. However, according to Neha, she continued with her contact with Amir Ali as she wanted to get married to him. She also shared that Amir Ali's family formally put in a proposal for her hand in marriage, but the mother refused as it was from a Muslim whose faith was different from theirs.

iii): When asked why she converted to Islam, Neha stated that she always liked Islam as a faith as she had many Muslim friends in Sheikhpura and, in particular, she liked listening to naats. She also said that when in Sheikhpura she often did not go to Church with her

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family (A point that may need confirmation from her family members). After getting to know Amir Ali, she decided to convert and become a Muslim in order to marry him. She said he expected her to change her religion and asked her not to go to Church. But she claimed converting to Islam on her own free-will.

- iv.) Regarding age, she claimed that she was born in the year 2000 and that her age on the birth registration certificate (Annex-I) as 08-09-2006 isn't correct. She also said that NADRA has accepted her application for an ID card on the basis of the nikah nama and she has the token to prove it (Annex-II). On the Nikkahnama, her age is entered as 15-03-2001. When the discrepancy was pointed to her, she insisted that she was born in the year 2000. (The result of her bone density test is awaited and will help establish her age).
- v): On the question of events on the day of her marriage, she stated that she had gone to Sheikhpura to visit her father and returned to Islamabad by bus, accompanied by a woman known to the family. She contacted Amir Ali and arranged to meet him instead of going home. She left for Chiniot with him where she was first converted to Islam by a moulvi, who then conducted their Nikkah with Rs. 2000/- as haq mehr/- the amount he gave her. She claimed that, thereafter, Amir Ali's family too joined them in Chiniot. She is not working now and says she will not be required to do so any more.
- 4. On the basis of the interview NCSW has come to the conclusion that Neha Pervaiz who comes from an underprivileged Christian household was not forced into marriage and has done so of her own free will. The reason for her conversion to Islam seems to be, in order to marry him. Whether she had the capacity to enter marriage and to convert has to be determined by the Court as Neha's correct age is not yet established.

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RECOMMENDATIONS FROM THE NATIONAL COMMISSION ON THE STATUS OF WOMEN IN CONSTITUTIONAL PETITION NO.24/2012 (NATIONAL COMMISSION ON THE STATUS OF WOMEN THR. ITS CHAIRPERSON & OTHERS V.GOV'T. OF PAKISTAN THR. ITS SECRETARY, LAW, JUSTICE & PARLIAMENTARY AFFAIRS ETC.) SUBMITTED TO THE SUPREME COURT ON 3RD SEP, .2018

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)
C.M.A No._____/2018
In Constitutional Petition No.24/2012

(National Commission on the Status of Women thr. Its Chairperson & others v.Govt. of Pakistan thr. Its Secretary, Law, Justice & Parliamentary Affairs etc.)

RECOMMENDATIONS FROM NATIONAL COMMISSION ON THE STATUS OF WOMEN

Respectfully Shewheth,

It is most respectfully further prayed that this Honorable Court may kindly be declared that:

- I. No individual or persons in the name of a Jirga or a Panchayat or under any other name can assume the jurisdiction of a civil or a criminal court without any lawful authority. Any order, decision or a direction issued by any such individual or a group of persons acting shall be declared illegal.
- II. The Federal Government be directed to amend the Pakistan Penal Code by adding Penal Provisions for punishment of such illegal Acts. Section 310-A PPC which deals with giving a woman in marriage to settle a civil dispute or a criminal liability is a non-cognizable offence which is proven to be in effective. It may be made cognizable offence with at least minimum punishment of 5 years.
- III. If as a consequence of any illegal decision, order, direction or inducement of such a self-appointed bodies is committed, the offender, as well as the said individual or a group of persons shall be held responsible jointly for the offence.

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IV. The all Inspector General of police, as well as Islamabad IGP be directed to submit quarterly reports regarding actions taken against such individuals and bodies to the National Commission on the Status of Women and relevant Provincial Commissions on the Status of Women.

Some examples, the nature of issues usually, where Jirga, panchayat gives decisions, directions:

- Murder
- Kidnapping of women to compel the marriage/s against their will
- Rape: out of courts settlements in cases of rape in other form of sexual offences
- Theft,
- Badal-e-Sulah; (Vini Sawara etc.)
- Obstructs and prevents Choice Marriage, Compel divorce and forced marriage etc.
- Impose fines and order for forced marriages to settle disputes.
- Compel and directs order to execute forced divorce in instances of choice marriages.
- Depriving of women from their share in properties, especially in inheritance properties
- Many other kind of issues against the fundamental rights of citizen of Pakistan, totally based on discrimination and illegal, unlawful.

For reference; Judgments of Superior Courts and research report;

- 2004 PCr.LJ 1523; Shazia Vs. Station House Officer
- PLD 2016 Sindh 268; Mst Rahmat Bibi and others Vs Station House Officer
- PLD 1993 SC 341: Aziz Ullah Memon Vs. FoP
- Research report of NCSW, Women, Violence and Jirgas
- Attendance Sheet of participants.

Khawar Mumtaz,
Chairperson National Commission on the Status of Women
Islamabad.
3rd Sep. 2018

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ATTENDANCE SHEET OF PARTICIPATIONS

1. Tariq Mahmood Assistant Advocate General, Punjab
2. Khawar Mumtaz, Chairperson, National Commission on the Status of Women, Islamabad (Petitioner)
3. Sohail Akbar Warraich, Member National Commission on the Status of Women, Islamabad (for Petitioner)
4. Hamid Shahzad Advocate, Law Officer, Women Development Department, Punjab, Lahore.
5. Imran Javed Qureshi Advocate, Legal Adviser Punjab Commission on the Status of Women, Punjab, Lahore.
6. Nishter Rehman Lodhi, Admn Officer, Punjab Commission on the Status of Women, Punjab, Lahore.
7. M. Ashraf Janjua, Assistant Director, Social Welfare Punjab, Lahore.

The Jirga Decision on in NCSW Petition 24/2012 is annexed

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FEDERATION OF PAKISTAN THROUGH MINISTRY OF THE INTERIOR APPEALED FSC'S JUDGMENT BEFORE THE SUPREME COURT (SHARIAT APPELLATE BENCH). BEING ONE OF THE RESPONDENTS NCSW RECEIVED NOTICE (DATED 5TH JULY, 2018) FROM THE REGISTRAR OF THE SUPREME COURT FOR COMMISSION'S STATEMENT FOR APPEAL PROCEEDINGS. NCSW MADE THE FOLLOWING SUBMISSION:

BACKGROUND:

Federal Shariat Court in 2006 took suo moto of section 10 of the Pakistan Citizenship Act, 1951 (Suo Moto no 1/K of 2006) and declared section 10 of the Citizenship Act, 1951 discriminatory, negating gender equality and being in violation of Articles 2-A and 25 of the Constitution. During the proceedings, the court asked NCSW and some rights based organisations like Human Rights Commission of Pakistan (HRCP) and Aurat Foundation to make their submissions on the legal provision under scrutiny.

Federation of Pakistan through Ministry of the Interior appealed FSC's judgment before the Supreme Court (Shariat Appellate Bench). Being a party to the case on Court's call, NCSW is one of the respondents in the appeal before the Supreme Court. NCSW received notice (dated 5th July, 2018) from the Registrar of the Supreme Court for the Commission's statement for appeal proceedings. NCSW made the following submission:

REF: Civil Shariat Appeal No. 01 of 2008 with respect to section 10 of Citizenship Act, 1951

With reference to your notice issued on 06-07-2018 to the National Commission on the Status of Women, our submission is as follows:

- 1 NCSW supports the contents and effect of the judgment of the Federal Shariat Court given in Suo Moto No.1/K of 2006 which declared section 10 of the Citizenship Act, 1951 discriminatory, negating gender equality and being in violation of Articles 2-A and 25 of the Constitution.
- 2 NCSW endorses its earlier submission made before the Federal Shariat Court when it took suo moto notice of section 10 of the Citizenship Act, 1951.

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- 3 Section 10 of the Citizenship Act discriminates against Pakistani women. Its sub-section 2 in simple words expressively entitles a foreign national female marrying a Pakistani male to make an application for grant of Pakistani citizenship but it does not provide any parallel facility to a foreign national male marrying a Pakistani female. So, a foreigner wife of a Pakistani man can apply for citizenship by virtue of her marriage but the reverse is not permitted. This provision excludes a Pakistani woman from entitling her husband to apply for Pakistani citizenship which amounts to discrimination. It negates her equality before the law which is guaranteed in article 25 of the Constitution of Pakistan.
- 4 This discriminatory provision effects the family relations of any such Pakistani national woman married to a foreign national husband.
5. Section 9 of the Citizenship Act, 1951 which provides for citizenship by naturalisation is not a resolution for the discriminatory provisions mentioned in section 10. Nationality through cumbersome procedure of naturalisation or on discretion of the Federal government as provided in section 9 cannot be equated with the procedure given in section 10.
- 6 The Commission of Inquiry for Women in its report in 1997 noted section 10 as discriminatory against women and recommended its amendment (pages 17 & 18 of the report).
- 7 In April 2000, ordinance XIII of 2000 amended section 5 of the Citizenship Act and removed discrimination in provision related to nationality by descent. It entitled Pakistani women married to foreigner national men to pass on Pakistani nationality to their children through descent. Discrimination in section 10 needs to be eliminated to grant equal status to Pakistani women with respect to the Citizenship law.

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- 8 - This discriminatory provision of section 10 negates Articles, 2, 25 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Pakistan is a state party.

Article 1 of CEDAW defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and the fundamental freedoms in the political, economic, social, cultural, civil or any other field.

As per article 2 of CEDAW, state parties agree to pursue a policy of eliminating discrimination against women.

Article 15 of CEDAW obligates state parties to accord women equality with men before the law and a legal capacity identical to that of men in all civil matters.

Article 16 of CEDAW bounds state parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

- 9 Pakistan ratified this convention in 1996 and is under obligation to remove any discrimination against women. The laws and policies are to be brought in conformity with the provisions of the convention.

Khawar Mumtaz
Chairperson NCSW

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The position /comments on NCSW had been submitted to the Law Division but they have advised to submit these comments through the Ministry of Human Rights, and they will forward these comments to the Law Division. This process has been completed and comments have been sent to the Law Division, and the same shall be vetted and submitted to the Court through an AOR which will be appointed by the Law Division, which is at the moment under process.



ANNEX - B

NCSW'S RECOMMENDATIONS RELATING TO LAWS

Index to Annex-B

YEAR	TITLE OF NCSW'S COMMENTS/RECOMMENDATIONS WITH DATE	PAGE #
1.	Bills to amend sections 7 and 4 of MFLO for Shias as per their interpretation, Sent to M/o Law & Justice on 17th May 2019	
2.	Women in Criminal Justice System, submitted to Ministry of Law & Justice on 15th Oct. 2018.	
3.	Proposed Amendments to the Qisas and Diyat Law: (Feb. 2015)	
4.	NCSW's Comments /observations on Cyber Crime Act (Prevention of Electronic Crimes Act 2015.) sent to Ms. Anusha Rahman Ahmed Khan, Minister of State for Information Technology and Telecommunication, Ministry of Information Technology and Telecommunication, Islamabad on 10th July 2015	
5.	Strategy Framework for Combating Human Trafficking and Migrant Smuggling: 2015-2020 sent to the Ministry of Human Rights on 12th Nov. 2015	
6.	Act To Prevent and Combat Trafficking In Persons, Especially Women And Children 2013 Pakistan 12th Feb, 2015, Submitted to MoHR / MoLJ on 12th Feb, 2015	
7.	NCSW'S views/comments on para a, clause 2 of article 17 of qanoon-e-shahadat order 1984. 17th December, 2014	

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BILLS TO AMEND SECTIONS 7 AND 4 OF MFLO FOR SHIAS AS PER THEIR INTERPRETATION, SENT TO M/O LAW & JUSTICE ON 17TH MAY, 2019

NCSW is an independent and autonomous Commission established through the NCSW Act, 2012 for the promotion and protection of women's rights in Pakistan. Its mandate includes review of laws and policies. The Commission has reviewed the proposed amendments to the Muslim Family Laws Ordinance 1961 in its Section 4 and 7 currently being discussed in the National Assembly's Standing Committee on Law and Justice.

Bill to amend Section 4 of MFLO: NCSW welcomes the proposed amendment as it will safeguard the right of inheritance of childless Shia widows.

NCSW suggests that:

- The proposed amendment should specifically mention the inclusion of agricultural lands in the inheritance of widows.
- The reference to Mujtahid in case of dispute be removed so as to ensure that a childless Shia widow who is denied share in deceased's estate can approach the court.

Bill to amend Section 7 of MFLO: Section 7 of MFLO applies to all Muslims of Pakistan regardless of which sect, maslak, fiqh they follow. This section primarily did away with talaq i biddat (commonly called triple talaq), provided for a period of reconciliation, and made talaq pronounced in any mode or form revocable.

Section 7 of MFLO law provides for the procedure to be adopted by the man who wishes to divorce his wife after he has pronounced talaq in any form. It neither describes nor prescribes any particular mode for pronouncing talaq. Thus, leaves it open for persons belonging to different sects to adopt the mode of pronouncement as per their particular sect. The law does, however, require a notice from the husband of having pronounced talaq upon his wife to the Chairman of the Union Council, of the residence of the wife, at the time of pronouncement of talaq.

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NCSW's views on the proposed amendments in section 7 of MFLO: NCSW has reservations about the procedure proposed to adjudicate upon a dispute about the validity of pronouncement of talaq if the parties are Shia Muslims. The requirements and procedure for oral pronouncement has also been proposed to be incorporated in Section 7 of MFLO.

In NCSW's view the extant MFLO does not deny any sect, maslak or fiqh from following its mode of pronouncing talaq. Any amendment at this stage would only open doors of litigation.

Seegha talaq pronouncement: As stated above, Section 7 of MFLO neither describes any particular mode or form to pronounce talaq nor does it bar any particular mode or form of talaq; there is no different effect to a pronounced talaq on the basis of the mode or form of its pronouncement. It treats talaq pronounced, in any form, as a single revocable talaq allowing parties to reconcile within the iddat period (90 days from the date of receipt of notice of talaq by the chairman, or in the case of a wife being pregnant, the delivery of the child or completion of 90 days from receipt of notice whichever is later). The NCSW firmly believes that there is no need to introduce the proposed provision as Shias are at liberty under the existing law to pronounce Seegha talaq in prescribed form, in the presence of two witnesses and then proceed with the notice.

Providing the parties an option to have recourse to a Mujtahid e Alam in addition to the option of a court of competent jurisdiction in case of dispute arising out of difference of opinion with reference to pronouncing of talaq (Sec 2 (i) para a and b of the proposed amendment) will lead to unending litigation besides raising other complications. These are elaborated below.

If a husband pronounces talaq under any of the conditions mentioned under the proposed amendment's Sec 2 (i) para (a) and (b), the law would provide him ample time to revoke it within the stipulated period of ninety days. Should talaq have

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been pronounced in jest, the law should provide for punishment for such an irresponsible act. Under the existing law, once a due notice of talaq is served, upon the relevant Chairman having jurisdiction, the only task for the Chairman is to form an Arbitration Council to effect reconciliation between the parties within the time period provided for. The Chairman does not have any authority to stop any proceedings or give any finding on any of the objections raised by either party. For reference, see Mehnaz Mahboob vs Istaqrar-ur-Rashid (2005 SLR 714), Nazir Fatima vs Chairman Union Council (PLD 2004 Lahore 77), Syed Qamar Raza Bokhari vs. Chairman Arbitration Committee Lahore (1995 CLC 1524), Fahmida Bibi vs. Mukhtar Ahmed (PLD 1972 Lahore 694).

Should the proposed amendment be incorporated in law, it is unclear what the procedure adopted would be, should either party dispute the pronouncement of talaq. The only court of competent jurisdiction in matters of dissolution of marriage (and other matrimonial matters) is the Family Court, but the Family Court is barred from issuing any injunction or stay on any of the proceedings before a Chairman or an Arbitration Council (Section 22 of the Family Courts, Act, 1964).

The procedure to be adopted if one party disputes pronouncement of talaq is unclear: a husband who pronounces talaq has any doubts, he has the option to revoke it, but if the wife disputes the talaq, it is unclear whether this will result in the proceedings at the arbitration council, being stayed till a decision is arrived at about the validity of the pronouncement of the said talaq. If the matter goes to a Mujtahid, will he be given powers to halt proceedings in the Arbitration Council? What will be the procedures followed to decide the validity of the pronouncement of talaq.

How and from what date will the period of iddat be counted? In case of a pronouncement of talaq that is contested by the wife, in court or by Mujtahid, and is validated, should iddat be

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from the time of notification to the Chairman of UC? And if, in the meantime, the reconciliation period is over, the opportunity of reconciliation will be lost.

Other impacts of the proposed amendment: Other issues that would arise, should the proposed amendments be carried through:

Other amendments as per different sects: People of other sects will get the right to demand changes in Section 7 of the MFLO as per their interpretation of the Holy Quran and Sunnah. Article 227 of the Constitution states, that all existing laws shall be brought in conformity with the Injunctions of Islam, as laid down in the Holy Quran and Sunnah. The explanation to this article says that, "in application of this clause to the personal law of any Muslim sect, the expression Holy Quran and Sunnah shall mean the Holy Quran and Sunnah as interpreted by that sect." The Statement of objects and reasons of this proposed bill refers to this article and the Bill is being proposed to give Shias the right to interpret Section 7 of MFLO as per their sect.

The other sects will have the same right to demand interpretation of this section of MFLO as per their sect. If people from the Hanafi sect demand amendment as per their sect, then the whole of Section 7 will go and irrevocable triple talaq will become permissible.

Whether the MFLO per se, as part of the Muslim Personal Law, will come into question? It is because the Constitution does mention personal Law of any Muslim sect and the term Muslim Personal Law in chapter 3-A, Article 203-B (c) but does not define what constitutes Muslim personal law. As per two judgments of the Supreme Court: Mahmoodur Rehman Faisal vs. Govt. of Pakistan (PLD 1994 SC 607) and Hafiz Abdul Waheed vs. Mrs. Asma Jahangir (PLD 2004 SC 219), MFLO per se does not fall in the definition of the term Muslim personal law as used in article 203-B (c) of the Constitution.

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However, if any of the provisions of MFLO is also part of the personal law of any of the sects of the Muslims, then that will be covered in the term Muslim Personal Law.

Shia women marrying Shia men or other women marrying Shia men may be denied the delegated right of talaq: In practice, many Shias in Pakistan do give wives the delegated right of talaq but the practice is not acknowledged in the Shia fiqh as followed in Pakistan. The FSC in its decision (Khawar Iqbal vs. Federation of Pakistan 2013 MLD 1711 [FSC]) noted in para 13 that according to Fiqh e Jaafaria Talaq e Tafweez is not allowed. In this FSC case, Talaq e Tafweez and column 18 of the nikahnama were challenged but remained safe as some sects allowed it as part of their personal law, while some did not. It was saved on the technicality of falling in personal law of some sects and FSC jurisdiction is barred to examine Muslim Personal Law.

If the proposed amendments are incorporated, then the amended law will give a statutory right and set an example for people of other Muslim sects to demand amendments as per the interpretations of their sects. MFLO survived challenges in courts as it is protected from challenge on the basis of Fundamental rights. It is placed in the first schedule of the Constitution, in the list of laws protected from the operation of article 8 (1) and (2) of the Constitution, otherwise it would have remained under constant challenge on the basis of freedom of religion and permissibility of sect oral law in the Constitution.

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NCSW'S COMMENTS ON "WOMEN IN CRIMINAL JUSTICE SYSTEM, SUBMITTED TO THE MINISTRY OF LAW & JUSTICE ON 15TH OCTOBER, 2018.

Pakistan, over the years, has enacted a number of Laws to address various aspects of violence against women. While there may be lacunas in some of the passed legislation, and there may be areas where additional legislation is required, the major shortcoming of the criminal justice system is the process involved in the delivery of justice.

Legislation: NCSW agrees on moving forward the following legislation which exists in draft form on a priority basis:

- i. Christian Marriage Bill by repealing Act of 1872
- ii. Christian Divorce Bill by repealing Act of 1869
- iii. Domestic Workers (Employment Rights) Bill 2014
- iv. Adding child domestic workers in Schedule of Employment of Children Act, 1991
- v. Acid and Crime Bill, 2017 (in all provinces)

New legislation/ amendments: Amendments in Qisas and Diyat Law (NCSW to provide draft)

Amendment in The Criminal Law (Third Amendment) Act, 2011 – Prevention of Anti Women Practices to make all offences covered under the law cognizable with a minimum punishment of 5 years.

Amendment in Criminal Law (Amendment) Offence of Rape Act 2016 to establish GBV Courts at district levels: Child Marriage Restraint Act, 1929 be amended for all provinces and ICT on the pattern of the Sindh Child Marriage Restraint Act 2013, to standardize the age of marriage for girls and boys at 18 years. Additionally, include requirement of production of CNIC at the time of nikah, and provision for making underage marriage voidable.

Amend MFLO 1961 and bring in line with Punjab's Muslim Family Laws Act 2015 whereby:

Section 5 requires Nikah registrar/nikah khawan to accurately fill all columns of nikah nama with specific answers from the bride and groom; Violation to be punishable.

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Section 6: enhances punishment for a man contracting polygamous marriage without the permission certificate from Arbitration Council.

Section 9 brings child maintenance in the jurisdiction of Arbitration Council and allows the grandmother of a child to file for maintenance of child.

Rule 7 of MFLO 1961 relates to appointment of nikah registrar with education and knowledge of Family Laws as a criteria.

Standardise the nikah nama for all provinces and ICT:
Law to protect Women's Inheritance Rights

Effective delivery of justice

The process of law from filing the FIR to investigation, prosecution, and court hearings are lengthy and frustrating for the victim, as well as the accused. Some recommendations are given below:

Establish separate courts (GBV Courts) outside of the main court complex for trial of sexual assault cases (a model exists in Punjab)

Medico legal reform:

Institute a separate division in the health department for Medico legal and forensic services with operational and financial autonomy.

Introduce basic training for Medico Legal Officers (MLO) in MBBS course to include forensic sciences, as well as collection of evidence; aspects of criminal law (e.g. age of consent, requirements of the offence of rape) and the Law of Evidence and MLO's role in the criminal process; bedside manners with survivors; myths around women's sexuality.

Provide MLOs with adequate equipment and facilities at hospitals and Rural Health Centres to ensure safe, hygienic and private examination of survivors.

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Develop indicators and systems to monitor MLO's work. Pays of MLOs to be raised and provision made to cover costs of travel to and from court (introduced in Sindh 2005).

Decentralize forensic services across and within provinces to expedite results, reduce costs and preserve evidence as it travels to the lab; revise and update forensic science curriculum in MBBS.

Introduce new SOPs for covering examination of sexual assault of all genders including of transgenders.

Only require incident report in rape and sexual cases instead of registration of FIRs. Remove distinction of cognizable or non-cognizable in cases of sexual violence.

Authorize Medico legal units to record statements of survivors which should form the report of case investigation.

Make admissible circumstantial evidence, including medical and forensic, as substantial evidence and not only corroborative (amendment in Qanun e Shahadat Order 1984). Pay attention to the collection of preservation of such evidence. Fix the time frame for trial in rape and sexual assault cases.

Prevent harassment of survivor by repeated summons on application of defense for and re-examination of witnesses (amend Section 540 CePC).

Allow prosecutors to supervise and oversee police investigation (amend law). Foster coordination between prosecution and the police through training, provision of funds for investigation, guidelines/SOPs for coordination between prosecution and police and funds for the development of public prosecutors, witness protection and prevention of delay of trials.

Training of FIA personnel, especially for dealing with cyber-crime cases. Induct female police and train them for placement in police stations and prisons.

PROPOSED AMENDMENTS TO THE QISAS AND DIYAT LAW: (FEBRUARY, 2015)

EXISTING PROVISIONS	PROPOSED PROVISIONS
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Section 309: Waiver of qisas in case of qatal i amd.(1) In the case of qatal i amd, an adult sane wali may, at any time and without any compensation, waive his right of qisas

Section 310: Compounding of qisas in qatal i amd.(1) In the case of qatal i amd, an adult sane wali may, at any time, on accepting badal i sulh , compound his right of qisas:

Section 311: Ta'zir after waiver or compounding of right of qisas in qaal-i-amd. Notwithstanding anything contained in section 309 or section 310, where all the walis do not waive or compound the right of qisas or if the principle of fasad fil arz is attracted, the court may having regard to the facts and circumstances of the case punish an offender against whom the right of qisas has been waived or compounded with death or imprisonment for life or imprisonment of either description for a term which may extend to fourteen years as ta'zir.

Provided that if the offence has been committed in the name or pretext of honour, the imprisonment shall not be less than ten years.

Explanation: For the purpose of this section, the expression fasad fil arz shall

Section 309: Waiver of qisas in case of qatal i amd: (1) In the case of qatal i amd, an adult sane wali may, waive his right of qisas without any compensation, after the conviction of offender under section 302(a) PPC.

Section 310: Compounding of qisas in qatal i amd.(1) In the case of qatal i amd, an adult sane wali may, on accepting badal i sulh , compound his right of qisas after conviction of offender under section 302 (a) PPC:

Section 311: Ta'zir after waiver or compounding of right of qisas in qaal-i-amd. Notwithstanding anything contained in section 309 or section 310, where all the walis do not waive or compound right of qisas, the court shall having regard to the facts and circumstances of the case punish an offender against whom the right of qisas has been waived or compounded with imprisonment, which may extend to fourteen years but shall not be less than seven years as ta'zir or if the principle of fasad fil arz is attracted, the court shall having regard to the facts and circumstances of the case punish an offender against whom the right of qisas has been waived or compounded with imprisonment which may extend to twenty five years but shall not be less than fourteen years as ta'zir.

EXISTING PROVISIONS

include the past conduct of the offender, including whether he has any previous convictions, or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience, or if the offender is considered a potential danger to the community or if the offence has been committed in the name or pretext of honour.

Section 338-E: Waiver or compounding of offences (1) Subject to the provisions of this chapter and section 345 of the Code of Criminal procedure, 1898, all offences under this chapter may be waived or compounded and provision of section 309 and 310 shall, mutatis mutandis, apply to the waiver or compounding of such offences;

Provided that, where an offence has been waived or compounded the Court may, in its discretion having regard to the facts and circumstances of the case, acquit or award ta'zir to the offender according to the nature of the offence:

Provided further that where an offence under this chapter has been committed in the name or pretext of honour, such offence may be waived or compounded subject to such conditions as the Court may deem fit to impose with the consent of the parties having regard to the facts and circumstances of the case.

PROPOSED PROVISIONS

Explanation: For the purpose of this section, the expression fasad fil arz shall include the past conduct of the offender, including whether he has any previous convictions, or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience, or if the offender is considered a potential danger to the community or if the offence has been committed in the name or pretext of honour.

Section 338-E: waiver or compounding of offences (1) Subject to the provisions of this chapter and section 345 of the Code of Criminal procedure, 1898, all offences under this chapter may be waived or compounded and provision of section 309 and 310 shall, mutatis mutandis, apply to the waiver or compounding of such offences;

Provided if the principle of fasad fil arz is attracted, the court shall having regard to the facts and circumstances of the case punish the offender against whom the offence has been waived or compounded under ta'zir according to the nature of the offence. In case of intentional murder the sentence shall be imprisonment which may extend up to 25 years but shall not be less than 10 years. Provided if the murder is committed in the name or pretext of honour, the sentence of imprisonment shall not be less than 14 years and the offender shall also be liable to payment of half of the diyat.

EXISTING PROVISIONS

PROPOSED PROVISIONS

In case of intentional murder punishable under section 308 (3) PPC [proposed above] the sentence of imprisonment shall not be less than ten years and the offender shall also be liable to the payment of half of the amount of diyat.

In case of grievous hurt causing loss of an organ or dismemberment of an organ with sentence of imprisonment equal to one third of the maximum sentence for that offence and payment of arsh or daman as the case may be. If the offence is committed in the name or pretext of honour, the sentence of imprisonment shall be half of the maximum sentence for that offence and payment of arsh or daman as the case may be

Explanation: For the purpose of this section the expression fasad fil arz shall include the past conduct of the offender, including whether he has any previous convictions, or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience, or if the offender is considered a potential danger to the community or if the offence has been committed in the name or pretext of honour.

TITLE/DATE	NCSW'S SUBMISSIONS/ RECOMMENDATIONS ON
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CYBER CRIME ACT (PREVENTION OF ELECTRONIC CRIMES ACT 2015.) SENT TO 9TH MAY, 2015

THE COMMITTEE BROADLY OBSERVED THAT:

The bill as it stands is vulnerable to be mis-used and shall be restrictive on Freedom of Expression. The bill refers to Budapest Convention, which is the only international treaty on Cyber Crime and Pakistan is not party to it. However, a few specific observations are as follows:

The bill creates offences for electronic transaction and their attempts. In our jurisdiction for punishment of a crime, the same has to be established beyond the shadow of doubt but in chapter-I the words "intentionally, knowingly and recklessly" has been used for establishing offences. The definition in section 2 also does not fit according to the prime principle mentioned above. Jurisprudence to this extent is yet to be developed in our jurisdiction;

The courts to be established for this purpose requires specialist and trained judges, prosecutors and investigators without which trial of the offences will not be possible; and

There is a need to strike a balance between international cooperation and jurisdiction of our courts vis a vis cross border transaction.

Chapter one, Section 13, specifically aims against the Cyber Crime offences against women and the maximum punishment laid down is one year or rupees one million fine or both . To me the proposed imprisonment does not commensurate with the amount of fine, and it may be raised to 3/5 years (Max) to create equation between the years of imprisonment and amount of fine.

The following specific amendments are proposed:

1. NCSW's Brief Recommendations regarding PEC Bill (Prevention of Electronic Crimes Act 2015), commonly referred on as Cyber Crimes Bill:

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2. The Definition of Complainant needs to be incorporated with a strong and a comprehensive definition.
3. The Provisio given in Section 18 (1) to exclude any material aired /broadcasted by any service under PEMRA Ordinance 2002 (XIII of 2002).
4. Under Section 19 (2) the words grieved person may be replaced by "Complainant"
5. The first line of Section 21 Cyber Stalking may be read as
 1. Whoever obsessively or repeatedly, with the intent to coerce or intimidate or harass any person uses information system, information system network, the Internet, website, electronic mail, intelligence or any other similar means of communication to:
6. The word Intelligence used at various points may be removed as it extends the scope of provision to irrelevant information;
7. The words of unsolicited intelligence used in Section 22. Spamming may be replaced with information and the explanation to it may also be removed;
8. A section needs to be incorporated to provide protection to individual users of the Cyberspace and various applications being run on it:

Defences – In defamation proceedings, a person has a defence if he shows that–

- a) he was not the author, editor, publisher or printer of the statement complained of;
- b) the matter commented on is fair and in the public interest and is an expression of opinion and not an assertion of fact and was published in good faith;
- c) it is based on truth and was made for the public good;
- d) assent was given for the publication by the plaintiff;

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- e) offer to tender a proper apology and publish the same was made by the defendant but was refused by the plaintiff;
- f) an offer to print or publish a contradiction or denial in the same manner and with the same prominence was made but was refused by the plaintiff;
- g) the matter complained of was privileged communication, such as between lawyer and client or between persons having fiduciary relations; and
- h) the matter is converted by absolute or qualified privilege.

TITLE/DATE	NCSW'S SUBMISSIONS/ RECOMMENDATIONS ON
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**STRATEGY
FRAMEWORK FOR
COMBATING HUMAN
TRAFFICKING AND
MIGRANT
SMUGGLING:
2015-2020
(12TH FEBRUARY,
2015)**

National Commission on the Status of Women (NCSW) welcomes the Strategy Framework. The Framework has taken into account issues separating human smuggling and trafficking; has a systems approach to addressing both issues, a strong emphasis on data collection for monitoring, coordination among agencies and rehabilitation of victims and survivors.

NCSW would like to make the following additions to the Strategy Framework:

1. Urgent enactment of new legislation to repeal the Prevention and Control of Human Trafficking Ordinance 2002. NCSW had submitted its recommendations to the draft bill to amend the 2002 Ordinance for making the new Bill gender sensitive (Annex-A).
2. Urgent enactment of the draft Bill on Migrant Smuggling;
3. All data, databases and protocols in the Delivery Plans (Section 2) Indicators should be gender segregated;
4. Highlight the special needs of pregnant/lactating women in rehabilitation and protection systems;
5. Awareness regarding the difference between Human Trafficking and Migrant Smuggling;
6. Protection and Rehabilitation provisions should be both short term and permanent for victims/survivors;
7. Ensure speedy trial with judiciary fully aware of the problems and open to making inroads to solve and facilitate victims/survivors' relief and rehabilitation;
8. Protection to witnesses for court appearances and good alert court officials to deal with the related issues;
9. Ensure elimination of corruption which can backlash and destroy all the work done by different agencies internally and internationally.

TITLE/DATE	NCSW'S SUBMISSIONS/ RECOMMENDATIONS ON
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NCSW'S COMMENTS ON "AN ACT TO PREVENT AND COMBAT TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN 2013 PAKISTAN " SUBMITTED TO MOHR/MOLJ ON 12TH FEBRUARY, 2015

Section 1: Repeal previous law Prevention & Control of Human Trafficking Ordinance, 2002

Section 4(c): "Coercion" shall mean use or threat of force, or other forms of non-violent or psychological use of force or threat thereof, including, but not limited to – Threats of harm, sexual exploitation or psychological restraint of any person.

Section 4(d): "Deception" shall mean any deception by words or by conduct as to fact or as to law, with the intention of trafficking in persons as described in Section 5, as regards:

- (i) The nature of work, or services to be provided;
- (ii) The conditions of work;
- (iii) The extent to which the person will be free to leave his place of residence; or
- (iv) Other circumstances involving exploitation of the person.

Section 4(i): "Organised Criminal Group" shall mean a structured group of two or more persons acting in concert with the aim of committing any offence under this Act, in order to obtain, directly or indirectly, any financial or other material benefit.

Removed "existing for a period of time".

Section 4(k): "Slavery" shall mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.

Section 4(l): "Victim of trafficking in persons" shall mean any person over whom control is exercised to the extent that the person is treated like property.

Section 4 (new sub-section added): "Competent Authority" shall mean the Federal Investigation Agency and any other persons or agencies as specially empowered by the Federal Government through notification for the purposes of this Act.

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Section 4 (new sub-section added): "Exploitation" shall mean the unfair use or benefit of another person or their abilities and shall include the exploitation of the prostitution of others, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, inhuman sports, forced or coerced begging or the removal of organs.

Section 4 (new sub-section added): "Prostitution" shall refer to any legal or illegal transport or trade of any person and women in particular, with or without their initial consent, for economic gain, with the purpose of subsequent forced prostitution, forced marriage, or other forms of forced sexual exploitation. The use of force may be physical, sexual or psychological, and includes intimidation, rape and the abuse of power or a position of vulnerability.

Section 5 (NEW): Offence of Trafficking in Persons

- Any person who, for the purpose of trafficking in persons, intentionally:
- Recruits, transports, harbours or receives another person, or attempts to do so;
- By means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the promising, giving or receiving of payments or benefits to achieve the consent of a person or one having control over another person; and does so:
- For the purpose of exploitation of that person Commits an offence and shall be punishable by rigorous imprisonment for a term, not less than 10 years, which may extend to 14 years and a fine of Rs. _____.
- In case the amount of fine is not recovered, additional simple imprisonment shall be awarded, which may extend to five years.
- The consent of a victim of trafficking in persons to the intended exploitation set forth in paragraph (a)(iii) of this section shall be irrelevant where any of the means set forth in paragraph (a)(ii) of this section are used.

Explanation 1: In this Act, "intentionally" shall also mean all acts in Sections 5, 6 and 7 that are committed with willful negligence or as an illegal omission.

Section 6 (NEW): Offence of Trafficking in Children
Any person who, for the purpose of trafficking in persons, intentionally:

- Recruits, transports, transfers, harbours or receives another person, or attempts to do so; and
- The other person is a child;
- For the purposes of exploitation of the child Commits an offence and shall be punishable by imprisonment for a term, not less than 10 years, which may extend to 14 years and a fine of Rs. _____.

Section 7 (NEW): Aggravated Offences

The offences under Sections 5 and 6 of this Act shall be punishable by rigorous imprisonment of 20 years and a fine of Rs. _____ in any of the following circumstances –

- Where the offence of trafficking in persons directly results in serious injury, life-threatening illness, or death of the victim of trafficking in persons or another person, including death as a result of suicide.
- Where the offence was committed as part of the activity of an organized criminal group

Section 11 (NEW): Cognizance of Offences

No court inferior to the Sessions Court shall try an offence punishable under this Act.

Section 15: DELETE

Section 16 (Amended): Special Needs and Vulnerabilities of Victims of Trafficking in Persons, especially Children

- All assistance provided to victims of trafficking in persons shall take due account of the special needs of children and other persons in a vulnerable position, including women, especially pregnant women and persons with disabilities.
- DELETE
- Victims of trafficking in persons, included women and children, shall be provided with information in a language that they use and understand and in a manner that is understandable to them.
- Smuggled migrants or witnesses to the smuggling of migrants, especially women and children, shall participate in interviews, examinations and investigations through specially trained professionals.

Section 17: DELETE

Section 18(c): DELETE

Section 25: DELETE

Section 27 (Amend): Power to Make Rules

The Government of Pakistan may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Section 28 (NEW): Act not to prejudice civil remedies

Nothing in this Act shall prejudice the civil remedies available to the victim by virtue of any other law for the time being in force.

Section 29 (NEW): Overriding effect

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

TITLE/DATE	NCSW'S COMMENTS RECOMMENDATIONS ON
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CLAUSE 2 OF ARTICLE 17 OF QANOON-E-SHAHADAT ORDER 1984. (17TH DECEMBER, 2014)

1. Aya 282 of Surah Al-Baqarah of the Holy Quran restricts itself to debt and not to other "financial or future obligations".
2. The Aya in NCSW's view has been narrowly interpreted for the current Article 17. The Aya lays down... "one man and two women as witnesses... so that if one of the two women should fail to remember, the other might remind her". Essentially one woman is the witness while the other is to act as a reminder in cases of debt transactions.
3. NCSW's view is that it is implicit in the said Aya that the evidence of one woman as witness is of equal competence to that of a man in debt transaction.
4. NCSW, therefore, recommends Article 17 may be amended accordingly.

TITLE/DATE	NCSW'S COMMENTS RECOMMENDATIONS ON
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THE VIEWS COMMENTS OF NCSW ON TRANSGENDER BILL FROM THE THREE DRAFTS FROM NCHR, BLUE VEINS AND THE FEMININE COLLECTIVE/KHWAJA SARA SOCIETY. SENT TO SYEDA VIQUAR UN NISA HASHMI, COMMISSIONER FOR CHILDREN. FOCAL PERSON: COMMISSIONERS FOR CHILDREN & RIGHT TO FREEDOM OF INFORMATION WING WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT, ISLAMABAD

The three drafts from NCHR, Blue Veins and The Feminine Collective/Khwajasara Society have been reviewed in-depth by NCSW. The views of NCSW are as under, however, some points need consensus:

1. I agree that law should cover all categories of transgenders, as well as the intersex group. What needs to be ensured is that neither gets excluded? It should not be "either or" but both under the ambit of law.
2. Certification requirement must be struck out. Inclusion of this narrows the definition of transgenders to intersex group. There is agreement on that.
3. Rape and its definition should be included in the law to ensure application to transgenders and intersex people. Section 375 does not apply to them. There seems to be agreement on that too.
4. Provision of special facilities like wards in hospitals, bathrooms, transport, quota in employment, technical/professional institutions - much in the spirit of affirmative action for women and special persons. Percentages can be discussed & agreed upon (2 to 3%).
5. Support structure of guru-chaila to be maintained till alternative structures are in place. These will evolve if foundations are laid. It won't be helpful to create a vacuum. As we know, in most cases family support is missing and families are hostile. There are no social networks of support. Gurus can be abusive but avenues to address this need to be developed. Once trans and intersex people are empowered they will assert independence and create new structures.
6. I agree with Federal Ombudsman that an Authority responsible for implementing the law is needed. Otherwise, institutional ownership is missing. Also unclear which Ministry/Department will be the line dept -- Social Welfare? Any other? its role, composition and duration, representation of community.



ANNEX - C

Thursday, 8th February, 2018

NCSW WELCOMES AMENDMENT IN CIVIL PROCEDURE CODE BY KP GOVERNMENT ISLAMABAD, THURSDAY, FEBRUARY 8, 2018:

The National Commission on the Status of Women (NCSW) welcomes the amendment in Civil Procedures Code 1908 approved by Khyber Pakhtunkhwa (KP) government for ensuring conclusion of civil cases in maximum one year time.

According to the amendments, passed by KP cabinet in collaboration with Peshawar High Court on January 16, 2018, specific time period will be given to different stages of cases. There will be maximum 60 days for completing pleading stage and 30 days for examination of record and exhibits. Petitions for the implementation of judgment will also be dealt with in the same manner.

Under this amendment, all dates of hearing will be given in consultation with the lawyers of both parties to avoid adjournments. In case of adjournment, only two chances shall be allowed. Besides that, written judgment would be issued within 15 days of the decision by civil and appellate court and penalties would be imposed on parties that fail to obey case management and scheduling order. The issues would be framed within seven days and the court has also been empowered to pass summary judgment.

The Commission welcomes the decision and congratulates KP government for taking a positive step in the right direction. NCSW expects that other provinces would also follow the footsteps of KP government and would take legislative measures to ensure quick disposal of cases in civil courts.

Civil cases normally take decades to conclude. Delay in decisions erodes people's trust in the administration of justice and they are left with no choice but out of the court settlement or approaching Alternate Dispute Resolution mechanisms.

The Commission believes that the amendment will enhance public trust on courts and will encourage litigants, including women, to file their cases in courts instead of approaching alternate adjudication mechanisms.

Khawar Mumtaz

Chairperson

National Commission on the Status of Women

Islamabad the 3rd March, 2018

NCSW WELCOMES THE MERGER OF FATA INTO KP

National Commission on the status of Women (NCSW) welcomes the decision of Cabinet on the merger of FATA with KP. In this connection, NCSW would like to draw the attention to the deep concern expressed by NCSW's members of KP, in particular over the lack of representation of tribal women in the reforms process. They worry about their exclusion in the merger process.

KP members of NCSW desire to have clarity with regard to the fact that if Nizam-E-Adal replaces Frontier Crime Rules (FCR) 1901 and extends jurisdiction of the Superior Courts to the FATA, it will result in an amalgam of the Code of Civil Procedure 1908, Code of Criminal Procedure 1998 and Riway – the customs, traditions and usages of tribes in FATA. According to the proposed Act, the district and session Judges appointed by the Federal Government would be supported by Jirga – a council of elders, with four or more members appointed by the Qazi. In the entire process, women are not only un-represented but there is also no protection/ inclusion mechanism for them.

Furthermore, the status of the reserved seats of women in the Provincial/ National Assemblies and the Senate is unclear. Observance of quota in our view is of importance. Another concern is with the registration of women voters and their training after they are allowed to contest elections on the reserved seats.

It is expected that all these concerns are adequately addressed in the subject process with a special focus on main streaming of tribal women.

Khawar Mumtaz

Chairperson

National Commission on the Status of Women

Wednesday 29-Aug, 2018

Karachi, August 29: In Pakistan, women make up a majority of the agricultural workforce, but their contribution remains unacknowledged in policy and public debates. Women agricultural workers undertake difficult physical labour, working long hours in unsafe conditions and are paid lower wages compared to their male counterparts. They also have fewer opportunities than men, with unequal access to resources such as land, technologies and extension services.

The National Commission on the Status of Women (NCSW) and Collective for Social Science Research (CSSR) hosted a group consultation to explore possible ways of advancing the rights of women agricultural workers at The Beach Luxury Hotel. The group included female parliamentarians, researchers, practitioners, opinion-makers and members of community organizations. They focused on how policy and legislative reform can improve the rights and well-being of women agricultural workers.

Dr. Yasmeen Zaidi, Director of Centre of Gender and Policy Studies (CGaPS), presented the findings from the Status of Rural Women in Pakistan report 2018. She reported that approximately 53 percent of women who work are unpaid and 60 percent of these belong to rural areas.

Haris Gazdar, Pakistan's lead researcher for Leveraging Agriculture for Nutrition in South Asia (LANSA) and Director of CSSR, reported findings from the Women's Work in Agriculture and Nutrition (WWN) Survey 2015-16. The survey found that 46 percent of children between 0-3 months are stunted in rural Sindh. He said that this indicates that the battle against malnutrition is already lost when the child is born, and that women's health, work and well-being become central to child nutrition. The report also found that lack of education, household poverty and food insecurity are strongly associated with women's participation in agricultural work. Participants then discussed how rights and well-being of women agricultural workers can be prioritized in legislation and policy.

Nafisa Shah, MNA and member of PPP, reiterated her commitment to represent women at the national level. She vowed to work jointly with other female parliamentarians present to take the issue of recognition of women agricultural workers to the Assembly floor. She said that labour policies and laws need to apply to female agricultural workers. She also emphasized forming women cooperatives at the state level for greater financial inclusion and political representation of women. She mentioned the need for strong policy instruments and political will to ensure landownership and land titles for women.

Tanzeela Qambrani, MPA from Sindh and member of the PPP, said that actions need to be taken to ensure that women can access and use credit, especially microfinance.

Mehnaz Akbar, MNA and member of PML-N, proposed strengthening the Women's Parliamentary Caucus so that problems of women agricultural workers (and their children) are discussed as a priority at the provincial and national levels. She also discussed sensitizing local governments so they are better able to address issues faced by women agricultural workers.

Khawar Mumtaz, Chairperson of NCSW, discussed the need to redefine women's work so all provinces can move towards counting and recognizing it at an official level. All participants agreed that there should be a forum or Task Force dedicated to taking these issues forward. For further information please contact:

Ayesha Mysorewala

0317-66 999 55

mysorewala@researchcollective.org

Islamabad the 13th Sep., 2018

CONDOLENCE MESSAGE FROM NCSW ON THE DEMISE OF BEGUM KULSOOM NAWAZ

National Commission on the Status of Women (NCSW) deeply condoles the sad demise of Begum Kulsoom Nawaz who lost the struggle for life against cancer. NCSW extends its condolences to Mr. Nawaz Sharif, Ms. Maryam Nawaz and the rest of the Sharif family at this time of loss and grief. The Commission pays tribute to Begum Kulsoom Nawaz as a woman of dignity and fortitude who faced extremely adverse circumstances with patience and courage. We pray for her soul to rest in peace.

Khawar Mumtaz

Chairperson

National Commission on the Status of Women

Islamabad 2nd Feb. 2019

NCSW URGES NA FOR EARLY PASSAGE OF AMENDMENT IN CHILD MARRIAGE RESTRAINT ACT

National Commission on the Status of Women (NCSW), congratulates the Senate for passing the Child Marriage Restraint (Amendment) Act 2018 and requests the Government to table it in the National Assembly and facilitate the early passage of this law. NCSW calls upon members of the Women Parliamentary Caucus to take the lead in mobilizing support for the Bill and welcomes the statement by Federal Minister for Human Rights, Dr. Shireen Mazari to support the Bill in the NA. This amendment to CMRA 1929 proposes 18 years as the minimum age of marriage for girls (the same as that of boys). Enactment of the Bill will have a far -reaching impact on thousands of girls especially by preventing adverse physical and mental health of early marriage and by opening educational and development opportunities to them. Currently a quarter of all marriages for girls take place by the time they reach 18. NCSW, a statutory body for promoting and protecting women's legal, social, political and economic rights has been advocating for raising the marriage age for girls and hopes that provinces will follow suit. Sindh has already enacted a similar law.

Islamabad the 3rd Feb. 2019.

PRESS STATEMENT: NCSW URGES NA FOR EARLY PASSAGE OF SENATOR SHERRY REHMAN'S AMENDMENT IN CHILD MARRIAGE RESTRAINT ACT, 1929.

National Commission on the Status of Women (NCSW), congratulates the Senate for passing the Child Marriage Restraint (Amendment) Act 2018 moved by Senator Sherry Rehman and requests the Government to table it in the National Assembly and facilitate the early passage of this law. NCSW calls upon members of the Women Parliamentary Caucus to take the lead in mobilising support for the Bill and welcomes the statement by Federal Minister for Human Rights, Dr. Shireen Mazari to support the Bill in the NA. This amendment to CMRA 1929 proposes 18 years as the minimum age of marriage for girls (the same as that of boys). Enactment of the Bill will have a far -reaching impact on thousands of girls especially by preventing adverse physical and mental health of early marriage and by opening educational and development opportunities to them. Currently a quarter of all marriages for girls take place by the time they reach 18. NCSW, a statutory body for promoting and protecting women's legal, social, political and economic rights has been advocating for raising the marriage age for girls and hopes that provinces will follow suit. Sindh has already enacted a similar law.

Khawar Mumtaz

Chairperson

National Commission on the Status of Women

COMMEMORATING NATIONAL WOMEN'S DAY THROUGH LAUNCHING OF REPORT: POLICY AND LEGAL FRAMEWORK ANALYSIS ON GENDER BASED VIOLENCE AND VIOLENCE AGAINST WOMEN AND GIRLS IN PAKISTAN.

Acid Survivors Foundation (ASF) Pakistan and the National Commission on the Status of Women (NCSW), with Group Development Pakistan and EAWG Alliance Network, with the support of the European Union (EU) held a Press Conference to commemorate National Women's Day in Pakistan by launching a report: 'Policy and Legal Framework Analysis on Gender Based Violence and Violence Against Women and Girls' produced in the context of an intervention, "TAAWUN (Synergies)", at the National Press Club on Tuesday, February 12, 2019.

The panel of esteemed guests included Chairperson of NCSW Ms. Khawar Mumtaz, Chargé d'Affaires a.i of the EU Delegation in Pakistan Ms. Anne Marchal, Co-Chair of the EAWG Alliance Network and Executive Director of Bedari Ms. Anbreen Ajaib, and advocate and research consultant Mr. Sharafat Ali Chaudhry.

The Chairperson of NCSW, Ms. Khawar Mumtaz, opened the conference with rich tributes to women who through their activism promoted the cause of women's rights in Pakistan and especially those who have left us in the past year. She paid rich tribute to Asma Jahangir who passed away exactly a year ago, artist Lala Rukh, Poet Fehmida Riaz, and Producer/actor Madeeha Gohar. She made a presentation on the significance of National Women's Day in Pakistan and its historical background and that the day was one of celebration as well as that much more was still needed to achieve gender equality and end Violence Against Women and Girls (VAWG).

This was followed by a presentation on the report, 'Policy and Legal Framework Analysis on Gender Based Violence and Violence Against Women and Girls' by the research consultant, Senior Advocate Mr. Sharafat Ali Chaudhry who highlighted the achievements as well as the gaps regarding addressing VAWG in Pakistan and formulated several recommendations for the way forward.

Ms. Anne Marchal, Chargé d'Affaires a.i of the Delegation of the European Union highlighted the context of the project and its objectives to counter Violence Against Women and Girls (VAWG) and Gender Based Violence (GBV) in Pakistan. She also underlined that there were interesting milestones that had been recently achieved in Pakistan to stop VAWG and gave the example of a 50% decrease in acid violence in the country. She stated that efforts ought to be continued locally as well as at bilateral and multilateral levels, since there were common challenges to overcome and lessons to be shared to learn from each other.

Ms. Anbreen Ajaib stressed on the gaps found in the legal and policy framework and the need for tabling pending pieces of pro-women legislation and amendments, notify the pending GBV guidelines as well as the need to focus on implementation, strengthen support structures such as GBV and child courts, coordinated support mechanisms such as interagency protocols for women and girls and child protection mechanisms.

A question and answer session followed, moderated by Chairperson ASF, Ms. Valerie Khan, who proceeded to conclude the conference with closing remarks.

The event was attended by the European Union delegation, representatives of International and Civil Society Organizations, national institutions working for the promotion of women and girls' rights, Civil Society Networks, members of the legal fraternity and the media.

Islamabad, March 8, 2018:

NCSW JOINS HANDS WITH INTERNATIONAL COMMUNITY IN COMMEMORATION OF INTERNATIONAL WOMEN'S DAY

The National Commission on the Status of Women (NCSW) celebrates the achievements of Pakistani women on this International Women's Day besides reiterating its commitment to continue struggling for a democratic, just, peaceful and tolerant society free of violence and discrimination against women.

The Commission would like to pay tribute to the champion of human rights Asma Jahangir who will be missed on this occasion and believes that her efforts have contributed in creating an enabling environment for women where they can prosper and walk side by side with men in all sectors of the society.

The Commission also acknowledges Government's support in the approval of women friendly legislation and policy decisions taken by the government to ensure women political and economic participation. On this occasion, Commission also appreciates civil society for their continuous struggle to achieve equal opportunities and protection for women and acknowledges media for highlighting women-related issues.

Side by side, the Commission believes that there is a lot that needs to be done to ensure a society free of gender based violence through documentation, legal actions, enhanced support systems, responsive policing, effective implementation of women protection laws and new legislation. Special measures are required for women's participation and representation in political and other decision making bodies/forums and to recognize and acknowledge women's work and contribution, skills development and elimination of wage gap through policies and legislation where necessary.

The Commission recommends the Government to look into the procedures and approaches which hinder women access to justice and opportunities. The NCSW also calls for the approval of pending laws on violence against women especially domestic violence and CNIC/voter registration for women so that that can fully participate in the upcoming elections.

National Commission on the Status of Women is a financially and administratively autonomous statutory body established by the NCSW Act 2012. Its functions include acting as a vigilant watchdog ensuring compliance with Pakistan's Constitutional guarantees and international commitments related to women's rights; a think tank; reviewer of laws and policies; a hub of interaction with civil society, law makers, provincial governments and experts; and a responsive institution to victims of violence, among others. NCSW undertakes and encourages research and data generation for policies, action and monitoring as a central component of its work.

Islamabad the 30th April, 2019

NCSW WELCOMES BILL TO RESTRAINT EARLY AGE MARRIAGE

Ms. Khawar Mumtaz, Chairperson National Commission on the Status of Women welcomes the Child Marriage Restraint Amendment Bill passed by the Senate. This bill was moved by Pakistan Peoples Party's Senator Ms. Sherry Rehman, which was passed after considerable debates. It was not passed unanimously but it will open a new era of development for women of Pakistan. The enactment of this bill will greatly help to address the complications and problems relating to early age marriage.

With the passage of this bill the provision of the Constitution which declares that men and women are equal has been reinforced as the minimum age of marriage for men was 18 years and for women it was 16 years.

Due to early age marriages, women were not able to play their due and effective role in the development of the country. Ms. Khawar Mumtaz also welcomed that during the last ten years major changes in the laws have been made for the protection and empowerment of women. Strong legislation was made on most of the issues pertaining to women which is a very positive achievement. She stressed that with effective implementation of these laws we can address the major issues and hurdles faced by women and we can effectively fulfill our international commitments.

Khawar Mumtaz

Chairperson

National Commission on the Status of Women



ANNEX - D

MEMBERS' PROFILES



DR. HUMA QURESHI

Dr Human Qureshi is a program management specialist and health sector expert. She is Doctor of Medicine (MD) and MSocSc in Health Management. She is the representative of International Federation of Business and Professional Women (BPWI) to the United Nations Economic and Social Commission for Asia and Pacific (ESCAP) and member of Health Committee for BPWI. She was District Chair of Community Service 2012 -13 for Rotary International District 3272 for Pakistan and Afghanistan.



MR. SOHAIL AKBAR WARRAICH

Mr. Warraich is a freelance researcher, writer and trainer, farmer and women rights activist. He has been working for over 25 years on law and policy reform relating to personal status laws and issues of violence against women, analysing the interrelationship between the principles of law and realities of people's lives.



MS. FARIDA SHAHEED

Ms. Shaheed, sociologist by training and activist by choice, is the Executive Director of Shirkat Gah-Women Resource Centre, Pakistan's first and oldest feminist organisation. She helped found the national lobby, Women Action Forum, and international solidarity network, Women Living under Muslim Laws.



DR. MARYAM BIBI

Dr. Maryam Bibi is a known rights activists and researcher from Khyber Pakhtunkhwa. She is the founder and Chief Executive of Khwendo Kor, an NGO that works in remote and underdeveloped areas of Khyber Pakhtunkhwa and Federally Administered Tribal Areas (FATA).



MS. MOSSARAT QADEEM

Ms. Qadeem is a co-founder of PAIMAN Alumni Trust, a pioneer organisation in countering violent extremism in Pakistan which has received international recognition and applause for its innovative model of neutralising extremist tendencies through community mobilisation, active citizenship, and community empowerment for building social cohesion and has prevented thousands of youth from becoming extremists.



MS. SANA DURRANI

Sana Durrani is a known women's rights defender, distinctive social activist, educator, trainer and above all an emerging and hard-working leader of many initiatives for women development in general and minorities empowerment in particular. Sana represents Balochistan in the NCSW.



MS. RUKHSANA AHMED ALI

A political worker and a social activist for past 35 years, Rukhsana has worked in the fields of education, women's health, gender equality and empowerment of marginalised sections to create a socially just and democratic Pakistan.



KAUSAR S. KHAN

Associate Professor and Head, Division of Behavioural and Social Sciences, Aga Khan University, Pakistan. With degrees from Pakistan and Canadian Universities she has 25 years of experience in community based work with urban and rural poor. The focus of her teaching, training and research is on women's empowerment, gender, child malnutrition, rights, equality, health society and culture, social determinants of health, ethics. Ms. Khan is a strong proponent of participatory action research.



DR MISBAH BIBI QURESHI

Dr Misbah is a known academician, researcher and women rights activist. She is Chairperson Gender Studies Department at the University of Sindh. She did her PhD in Gender Studies with distinction from the University of Leeds, United Kingdom.



MS. KALPANA DEVI

Ms. Kalpna Devi is senior Advocate for Supreme Court of Pakistan and a known women's rights activist from Sindh. She is a staunch supporter of minority rights and has been fighting to the cause of religious minorities for almost two decades.



MS. FAUZIA VIQAR

With over 17 years of experience in women's empowerment and human rights advocacy, Ms. Viqar is recognised widely for her work against gender and race-based discrimination. As first Chairperson, she has been responsible for establishing the Punjab Commission on the Status of Women in 2014 and led the review and revision of legislation, policies and services impacting women's rights as citizens in Punjab. The Commission successfully administers a Women's Helpline, an extensive Gender Management Information System.



MS. NEELUM TORU

Ms. Toru is the Chairperson Khyber Pakhtunkhwa Provincial Commission on the Status of Women. She is a political activist and has extensive experience of social work in underdeveloped areas of the province.



MS. MARIA IQBAL TARANA

Ms. Iqbal Tarana is a human rights activist and journalist from Azad Jammu and Kashmir. She is Executive Director Youth Forum for Kashmir and Vice Chairperson for Peoples Youth Organisation.



MS. NUZHAT SHIRIN

Ms. Nuzhat Shirin is a prominent women's rights activist. She is Chairperson Sindh Provincial Commission on the Status of Women. She has a 30-year experience in the field of women's rights and has worked with various government and nongovernment organizations, including the federal women ministry, the Aurat Foundation and the Home Net Pakistan. She has served as the provincial coordinator with the National Commission for Human Rights and has also been an active member of the Women's Action Forum.



MS. BIBI NABAT ALI

Bibi Nabat Ali is a development professional and has vast experience of working on gender and development in Pakistan and at international level in countries like Sudan and Bangladesh with United Nations. She has a strong background on gender and development and has significantly contributed in developing gender strategy and policy and worked on women and peace building, political participation of women, gender-based violence and women social and economic empowerment.