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Human Rights Committee (CCPR)
 Human Rights Treaties Division (HRTD)
 Office of the United Nations High Commissioner for Human Rights (OHCHR)
 Palais Wilson - 52, rue des Pâquis
 CH-1201 Geneva
 Switzerland

Information on the Islamic Republic of Pakistan for consideration by the Human Rights Committee at its 142nd session (14 October - 07 November 2024)

16 September 2024

Dear Distinguished Committee Members:

1. We respectfully submit this information for consideration by the Human Rights Committee at its 142nd session (14 October - 07 November 2024). This report is submitted to highlight the human rights violations against women and girls caused by discriminatory provisions in the law and sexual violence and harmful practices against women and girls, namely female genital mutilation (FGM) and child marriage in Pakistan.
2. **Equality Now** is an international human rights NGO with ECOSOC status with the mission to achieve systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organization with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices, and achieving legal equality are the main areas of Equality Now's work.
3. **Forum for Dignity Initiatives, Pakistan (FDI Pakistan)** is a right-based NGO working in Pakistan since 2013. FDI is a research and advocacy forum that undertakes evidence-based advocacy initiatives in Pakistan to promote and protect the rights of girls, women,

transgender people, and women with disabilities. FDI's major thematic focuses include sexual and reproductive health and rights, political participation and leadership and climate justice.

State obligation to end sexual violence, end all forms of harmful practices, and amend discriminatory laws

4. Pakistan is a signatory to several international human rights treaties. Under Articles 2, 3, 6, 7, and 26 of the ICCPR, Pakistan has an obligation to ensure that all persons can equally “enjoy the rights provided for in the covenant” without discrimination on the basis of sex.¹ To ensure equal enjoyment, a State Party to the ICCPR must “take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions.”³ Article 24 specifies that children also should not be discriminated against based on sex and guarantees them special protections as minors. Finally, the prohibition on cruel, inhuman, or degrading treatment has been interpreted² by the Committee as extending to cases of violence against women, including female genital mutilation and sexual violence.³
5. In its Concluding Observations on the fifth periodic report of Pakistan, the CRC Committee recommended to the government that “...In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), [it] takes active measures to put an end to harmful practices against children, such as burnings, acid attacks, mutilations, stripping and sexual harassment and bring perpetrators to justice....”. It also urged the State to “...develop a comprehensive national strategy to prevent and address all forms of violence against children”.⁴
6. The CEDAW Committee, in its fifth periodic report of Pakistan, referred to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, urging the government to “...adopt a comprehensive strategy to eliminate discriminatory stereotypes and harmful practices...which includes awareness-raising and education targeting the general public, parents, religious and community leaders, and the media, in collaboration with civil society and women’s organizations, on

¹ International Covenant on Civil and Political Rights, U.N. Doc. A/6314, Art. 2, (1966) [hereinafter ICCPR].

² General Comment 28, General Comment No. 28: par. 4 and 12 U.N. Doc. CCPR/C/21/Rev.1/add.10 (Mar. 29, 2000).

³ General Comment 28, General Comment No. 28: par. 11, U.N. Doc. CCPR/C/21/Rev.1/add.10 (Mar. 29, 2000).

⁴ Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Pakistan, CRC/C/PAK/CO/5, Adopted by the Committee at its seventy-second session (17 May-3 June 2016), Available at: <https://www.undocs.org/Home/Mobile?FinalSymbol=CRC%2FC%2FPAK%2FCO%2F5&Language=E&DeviceType=Desktop&LangRequested=False>

the criminal nature and harmful effects of such practices.”⁵

7. In the recommendations received during the fourth cycle of the UPR for Pakistan, the government was urged to adopt “a comprehensive strategy aimed at eliminating discriminatory stereotypes and harmful practices, in particular through awareness-raising campaigns.”
8. Despite the above, the government has not taken any steps to amend the discriminatory laws, highlighted below, affecting women and girls in Pakistan, nor has it taken adequate steps to end sexual violence or eradicate all forms of harmful practices against women and girls, particularly FGM/C.

Female Genital Mutilation (FGM) in Pakistan⁶

Insufficient information on the prevalence of FGM/C in Pakistan

9. To date, there has been no national-level intervention to collect comprehensive information on the prevalence of FGM/C and its effect on Pakistani women and girls.
10. The Pakistan Demographic and Health Survey (PDHS), which included questions to record the experiences of women who faced various types of abuse in their lifetimes, does not include any questions on FGM/C. However, academic studies, anecdotal accounts⁷ and media reporting⁸ indicates the prevalence of FGM/C in Pakistan.⁹
11. The harmful practice takes place mostly against children who undergo a type of FGM/C that can be categorized under Type 1 and Type 4 of FGM/C¹⁰ as per the classification of WHO. Estimates from a reflection paper in 2022¹¹ focusing on the Dawoodi Bohra

⁵ Committee on the Elimination of Discrimination against Women, Concluding observations on the fifth periodic report of Pakistan CEDAW/C/PAK/CO/5, Adopted by the Committee at its seventy-fifth session (10–28 February 2020), Available at:

<https://www.undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FPAK%2FCO%2F5&Language=E&DeviceType=Desktop&LangRequested=False>

⁶ In addition to Equality Now and FDI, the information contained in this section was reviewed and updated by Huda Syed, PhD candidate (Charles Darwin University).

⁷ Sahiyo. (2021, January 15). *Pakistan – SAHIYO*. SAHIYO. Available at: <https://sahiyo.com/category/pakistan/>

⁸ Hadid, D. (2018, February 28). A secretive sect opens a debate on female genital mutilation. *NPR*. Available at: <https://www.npr.org/sections/goatsandsoda/2018/02/28/589173639/a-secretive-sect-opens-a-debate-on-female-genital-mutilation>

⁹ Barriers to Disclosing and Reporting Violence Among Women in Pakistan: Findings From a National Household Survey and Focus Group Discussions (2010), *Journal of Interpersonal Violence*, Available at: https://www.researchgate.net/publication/40685314_Barriers_to_Disclosing_and_Reporting_Violence_Among_Women_in_Pakistan_Findings_From_a_National_Household_Survey_and_Focus_Group_Discussions

¹⁰ It involves the removal of the clitoral hood or the clitoris. See the classification by the World Health Organisations: *Types of female genital mutilation*. (n.d.). Available at: [https://www.who.int/teams/sexual-and-reproductive-health-and-research-\(srh\)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation](https://www.who.int/teams/sexual-and-reproductive-health-and-research-(srh)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation)

¹¹ Syed, H (2022). Lack of Data and Dialogue on Female Genital Mutilation in Pakistan. *Journal of*

community in Pakistan¹² reiterated that 50-60% of Dawoodi Bohra females undergo FGM/C,¹³ but the true number¹⁴ may be as high as 75-90%¹⁵. None of these studies reveal information on the health (physical and mental) and social implications and experiences of women and girls undergoing FGM/C. A 2017 study surveyed 385 participants from the Bohra community across the world. Of these, 44 women reported that they had been subjected to FGM/C in Pakistan. All the women had undergone FGM/C at a private residence (as opposed to a medical clinic).¹⁶ A commentary critiquing an Indian report on FGM/C in 2019 briefly mentioned an account of a Pakistani Bohra woman who had undergone FGC.¹⁷ Additionally, a 2019 study included the results of two semi-structured interviews with survivors of FGM/C from the Bohra community in Pakistan and documented their views on FGM/C and their experiences in undergoing the procedure.¹⁸ A 2021 study with three Dawoodi Bohra participants (one man, one woman, and a transman) explored the sexual functioning of women who have undergone FGM/C; it concluded that “It is high time for state authorities to recognize that FGM/C, when coercively and forcibly imposed on girls and women, is a human rights violation”¹⁹. An article reflecting on the data gap on FGM/C in Pakistan proposed that “Pakistan risks being left behind in achieving one of the United Nations’ sustainable development goals,” goal 5, which aims to achieve gender equality and end harmful practices.²⁰

International Women's Studies 24(1), Article 18. Available at:

<https://vc.bridgew.edu/cgi/viewcontent.cgi?article=2858&context=jiws>

¹² *Pakistan - Orchid Project*. (2019, April 25). Orchid Project. Available at: <https://www.orchidproject.org/about-fgc/where-does-fgc-happen/pakistan/>

¹³ Moin, A., & Mustansar, I. (2017). Female genital mutilation/cutting: A well-kept secret in Pakistan [Letter to the editor]. *Journal of Obstetrics and Gynaecology Canada*, 39(12), 1127-1128. Available at: <https://doi.org/10.1016/j.jogc.2017.06.034>

¹⁴ Batha, E. (2018, February 5). ‘Heartwrenching’ study shows FGM prevalent among India’s Bohra sect. Reuters. Retrieved from <https://www.reuters.com/article/us-indiafgm-study/heartwrenching-study-shows-fgm-prevalent-among-indias-bohra-sectidUSKBN1FP12D>

¹⁵ Khoso, A. Institute for Social Justice (ISJ) Pakistan. (2014). The practice of female genital mutilation (FGM) in Pakistan. Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/FGM/NGOs/InstituteSocialJusticesPakistan.docx>

¹⁶ Mariya Taher, Understanding Female Genital Cutting in the Dawoodi Bohra community: An Exploratory Survey, February 2017. Available at: https://sahiyo.files.wordpress.com/2017/02/sahiyo_report_final-updatedbymt2.pdf

¹⁷ Khan, A., Sheikhan, S.S., & Jafarey, A. (2019). Demystifying the practice of khafd in the Dawoodi Bohra community: A commentary on the WeSpeakOut report from India. *Indian Journal of Medical Ethics*, 4(1), 65–70. Available at: <https://doi.org/10.20529/IJME.2018.075>

¹⁸ Huda Syed, An Understanding of FGM (Female Genital Mutilation): Women of the ‘Bohra Community’ who are circumcised and it’s Socio-sexual Effects, 5(2) *People: International Journal of Social Sciences* 630 (2019). Available at: <https://grdspublishing.org/index.php/people/article/view/2095>

¹⁹ Habibi, M. A. A. (2021). Fgm and sexual functioning: Insights from the Maasai and Bohra community. [Doctoral dissertation, Habib University]. ResearchGate. Available at: https://www.researchgate.net/publication/352312450_FGM_and_Sexual_Functioning_insights_from_the_Maasai_and_Bohra_community

²⁰ Syed, H. (2023). *Female genital cutting remains a taboo subject in Pakistan, preventing real progress from being made*. The Conversation. Available at: <https://theconversation.com/female-genital-cutting-remains-a-taboo-subject-in-pakistan-preventing-real-progress-from-being-made-210549>

12. Academic studies have highlighted the need for “Pakistan-based research and academic discourse to fully understand FGM in a Pakistani context” so that solutions, strategies, interventions, and resources needed to end FGM/C are tailored according to the context in which it takes place in Pakistan.

No policy or legislative measures taken on FGM/C in Pakistan

13. In 2006, the federal government of Pakistan developed a National Action Plan for Children (NAPC) with support from health, education, and social welfare institutions. Goal 9 of NAPC aimed to “end harmful traditions or customary practices” in Pakistan by 2010.²¹ The NAPC recommended multiple actionable strategies to end the practice, including awareness campaigns on FGM/C and the implementation of new legislation. However, non-implementation of the NAPC was an issue, and none of the recommended strategies were implemented.
14. Since then, no initiatives have been taken at the government level to take action against FGM/C.
15. The absence of legislation and policy-level protections against FGM/C in Pakistan also exposes Pakistani women and girls from diaspora communities living abroad to the risk of being victims of this harmful practice, as parents can bring them to Pakistan to undergo the procedure.

Suggested recommendations to the State Party on ending FGM/C in Pakistan

16. Take initiatives to collect data and information to understand the prevalence of FGM/C in Pakistan and its impact on Pakistani women and girls.
17. Take adequate steps to ensure that women and girls are protected from FGM/C in Pakistan. This can include passing legislation prohibiting the practice, investment in strengthening the response mechanism on gender-based violence, and harmful practices to ensure protection for Pakistani women and girls who are at risk of going through FGM/C.
18. Raise national-level awareness of the harmful effects and the human rights violation aspects of FGM/C.
19. Include a specific offense on FGM/C within a legal and policy framework in Pakistan, or ensure that Articles 332 and 333 of the Pakistan Penal Code 1860, which address notions of harm and hurt, are specifically interpreted to include FGM/C.

²¹ Khoso, A. Institute for Social Justice (ISJ) Pakistan. (2014). The practice of female genital mutilation (FGM) in Pakistan. Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/FGM/NGOs/InstituteSocialJusticesPakistan.docx>

20. Invest and encourage large-scale qualitative studies with researchers and experts to gradually deconstruct the taboo surrounding FGM/C and implement social change.
21. Encourage the National Commission for Child Welfare and Development Welfare and the National Commission on Status of Women in Pakistan to take initiatives to collaborate with non-profits, think tanks, and advocacy researchers to create community awareness sessions on FGM/C.

Child, Early or Forced Marriage (CEFM) in Pakistan

Situation of CEFM in Pakistan

22. CEFM is a harmful practice and a serious form of human rights violation against young women and girls, and it is widespread across Pakistan. According to UNICEF, Pakistan is home to nearly 19 million child brides. In other words, in Pakistan, 1 in 6 young women were married in childhood.²²
23. UNFPA²³ details the short and long-term consequences on the quality of life of a married girl child due to several factors: girls getting dropped out of school, girls being robbed of their childhood and prospects, and girls being vulnerable to domestic violence, abuse, and health issues due to child marriage, which includes at-risk pregnancies, fistula, sexually transmitted infections or even death from complications during childbirth.
24. In Pakistan, complex factors perpetuate CEFM. According to UNFPA, girls who live in rural or remote areas, have little to no education, or fall in the lowest wealth quintile are most at risk. Many parents or guardians will place their daughters in marriage because of their economic hardship or to protect family honor. Social and gender inequality exacerbates the issue.²⁴
25. In recent times, the impact of climate change on contributing to CEFM, a phenomenon well known in the African region, is fast becoming rampant in the largest province of Pakistan. Climate-related disasters have led to girls being forced into this extreme form of persecution in the name of child marriage due to the impact of these disasters on their families. These girls mainly belong to the families of daily wagers who earn not more than PKR 500 daily and have found themselves in an extreme situation of poverty and helplessness after the complete infrastructure fallout and displacement that followed the mighty floods that devastated many regions in Pakistan in 2022. The patriarchal structure devalues the lives of women and girls, especially in a time of crisis, as their lives are valued

²² Current levels of child marriage Prevalence of child marriage Regional and global comparisons Vulnerable populations. (n.d.). Available at:

<https://www.unicef.org/pakistan/media/4151/file/Child%20Marriage%20Country%20Profile.pdf>

²³ *Child marriage*. (n.d.). UNFPA Pakistan. Available at: <https://pakistan.unfpa.org/en/topics/child-marriage-4>

²⁴ *Child marriage*. (n.d.-b). UNFPA Pakistan. Available at: <https://pakistan.unfpa.org/en/topics/child-marriage-4>

far less than those of men, and they find themselves more than often paying the price during difficult times.²⁵

26. Sadly, there is insufficient data on the link between climate change and CEFM, and these cases have not been reported. So, the first and most crucial action would be to generate evidence to help advocate for effectively ending CEFM in Pakistan, including in the wake of a crisis such as climate change.

Law inadequate in combatting child marriage

27. Civil society and activists in Pakistan have been pushing for pushing for stronger laws to end child marriage. Child marriage in Pakistan is a devolved subject, and each Provincial government has the power to set the minimum age of marriage under provincial laws. As such, the legal situation varies based on the Province. However, in many Provinces, the applicable law is still based on the federal Child Marriage Restraint Act 1929, which sets the minimum age of marriage at 18 for boys and 16 for girls.²⁶ The Muslim Family Laws Ordinance 1961 also sets the minimum age of marriage at 16 for girls. Sindh is the only province which has raised the minimum age of marriage to 18 without exceptions.²⁷ Though there have been bills proposed in other provinces to raise the age of marriage under the law, they have faced many challenges and pushback, particularly from religious groups. For instance, in the Islamabad Capital Territory, in 2019, a Bill was proposed to increase the minimum age of marriage for females to 18 years old. However, the proposal triggered strong opposition from religious groups that condemned the bill to raise the age of marriage to 18 for girls, calling it “un-Islamic” and “blasphemous” and leading the legislature to drop the proposal. The bill would have imposed harsher penalties on those who arrange child marriages and raised the legal age of marriage for girls from 16 to 18.²⁸

Suggested recommendations to the State party on child marriage in Pakistan

28. Undertake legal reforms to remove discriminatory provisions and raise the legal age of marriage of girls from 16 to 18 years²⁹ old without exceptions in all Provinces.

²⁵ Seigneur, M. (2024, August 31). Forced marriages on the rise in Pakistan due to climate change. Le Monde.fr. Available at: https://www.lemonde.fr/en/environment/article/2024/09/01/forced-marriages-on-the-rise-in-pakistan-due-to-climate-change_6724203_114.html

²⁶ Refworld - UNHCR's Global Law and Policy Database. (2024, February 12). *Pakistan: Act No. XIX of 1929, Child Marriage Restraint Act*. Refworld. Available at: <https://www.refworld.org/legal/legislation/natlegbod/1929/en/96337>

²⁷ National Commission on the Rights of the Child, Government of Pakistan. (n.d.). *Policy Brief: The Legal Framework for Child Marriage in Pakistan, 2023*. Available at: <https://ncrc.gov.pk/wp-content/uploads/2023/12/Policy-Brief-The-Legal-Framework-for-Child-Marriage-in-Pakistan.pdf>.

²⁸ *Pakistan: despite minor setback there is progress on child marriage*. (n.d.). Girls Not Brides. Available at: <https://www.girlsnotbrides.es/articulos/pakistan-despite-minor-setback-there-is-progress-on-child-marriage/>

²⁹ Pakistan's Child Marriage Restraint Act 1929 sets the legal age of marriage for boys to 18 and 16 for girls.

29. Strengthen policy-level safeguards against CEFM and design CEFM prevention-focused interventions that are informed by evidence, voices from the ground, and data on the contributing factors of child marriage.
30. Invest in programmes to empower girls, particularly at-risk girls, through education and raising rights-based awareness.
31. Increase community-level awareness and sensitization of the harmful effects of CEFM.
32. Allocate resources to ensure economic opportunities for girls and their families through employment and other support, including during times of crisis.

Sexual violence in Pakistan

High prevalence of sexual violence crimes in Pakistan

33. Reports suggest that one woman gets raped every two hours. But with only 10% of rape cases estimated to be reported, the true prevalence is indicated to be much higher.³⁰ In addition, conviction rates have been reported at an estimated mere 3%³¹.

Legal and systemic barriers affecting access to justice for victims/survivors of rape

34. In recent years³², Pakistan has undergone significant reforms in its rape laws to prevent the commission of sexual crimes against women which are welcome. These include the Protection of Women (Criminal Law Amendment) Act, 2006³³, which brought amendments to the Zina laws and Hudood Ordinances, the Criminal Law (Amendment) (Offences Relating to Rape) Act 2016³⁴ which addressed the issue of medical examination of rape victims/survivors and omitted the admissibility of character evidence in rape trials, the Criminal Law (Amendment) Ordinance, 2020³⁵, which reclassified the definition of

³⁰ Hafeez, S. (2023, February 26). Culture of impunity: Is Pakistan safe for women? *T. MAGAZINE*. Available at: <https://tribune.com.pk/story/2403284/culture-of-impunity-is-pakistan-safe-for-women>

³¹ Yousafzai, A. (2023, September 8). War Against Rape report describes alarming surge in gender-based violence cases. The News International. Available at: <https://www.thenews.com.pk/print/1108197-war-against-rape-report-describes-alarming-surge-in-gender-based-violence-cases>

³² Shekhani, A. (2023b, September 26). Shaping justice — tracing the evolution of rape laws in Pakistan. *DAWN.COM*. Available at: <https://www.dawn.com/news/1777460>

³³ The Protection of Women (Criminal Law Amendment) Act 2006. Available at: <https://portal.mohr.gov.pk/wp-content/uploads/2021/03/Women-Rights-Federal-The-Protection-of-Women-Criminal-Laws-Amendment-Act-2006-regarding-Hadood-Laws.pdf>

³⁴ The Criminal Law (Amendment) (Offences Relating to Rape) Act 2016. Available at: https://na.gov.pk/uploads/documents/1475761256_380.pdf

³⁵ The Criminal Law (Amendment) Ordinance, 2020. Available at: [https://mohr.gov.pk/SiteImage/Misc/files/Criminal%20Law%20\(Amendment\)%20Ordinance%2C%202020.pdf](https://mohr.gov.pk/SiteImage/Misc/files/Criminal%20Law%20(Amendment)%20Ordinance%2C%202020.pdf)

rape under Section 375 of the Pakistan Penal Code 1860³⁶ to include male victims/survivors of rape and cases of same-sex rape, sodomy and the penetration of a bodily orifice of a person (who may be a man, woman, or transgender) by an object, body part, or mouth of another person, in the absence of meaningful consent and finally, the Anti-Rape (Investigation and Trial) Ordinance, 2020³⁷ and the Anti-Rape (Investigation and Trial) Act, 2021³⁸ which put in place legal infrastructures necessary for the expeditious and efficient procedures for investigation, evidence collection and trials including establishment of special courts for rape cases.

35. Despite the enactment of stronger laws, challenges to the effective implementation of these laws prevent women and girls victims/survivors from getting justice for rape. Experts have noted “shortcomings in procedural and substantive flaws”³⁹ that contribute to the non-implementation of existing rape laws in Pakistan. The fundamental shortcomings are highlighted as follows.
36. NGOs⁴⁰ working on ending sexual violence in Pakistan have indicated that most cases of rape are not reported as women refrain from accessing the justice system out of fear of not being believed, fear of further victimization, and the fear of shaming their families as rape cases receive a lot of public scrutiny, among other factors.⁴¹
37. Women and girls, as victims/survivors of sexual violence, face several challenges in accessing the criminal justice system, negatively affecting their chances of getting justice for rape. The police, as the first point of access, frequently neglect rape complaints and blame the victim/survivor for the rape, particularly when the victim/survivor is not a minor. The number of women police officers is also inadequate.⁴² Victims/survivors often feel

³⁶ *Pakistan Penal Code (Act XLV of 1860)*. (n.d.-b).

<https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

³⁷ The Anti-Rape (Investigation and Trial) Ordinance, 2020. Available at:

[https://mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20\(Investigation%20and%20Trial\)%20Ordinance%2C%202020.pdf](https://mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20(Investigation%20and%20Trial)%20Ordinance%2C%202020.pdf)

³⁸ The Anti-Rape (Investigation and Trial) Act, 2021. Available at:

https://na.gov.pk/uploads/documents/61aal38e9c5d_847.pdf

³⁹ Abdul KHALIQ, A., & Raza SULTAN, H. (2022). Critical Analysis of Rape Laws in Pakistan: Still Long Road to Seek Justice. *RAIS Journal for Social Sciences*, VOL. 6, No. 2, 2022 (ISSN 2574-0245 (Print)), ISSN 2574-1179 (Online). <https://doi.org/10.5281/zenodo.7347872>

⁴⁰ Such as Aurat Foundation and War Against Rape. See more at: Zaman, S., Zia, M., War Against Rape, & Aurat Foundation, Pakistan. (n.d.). Women’s Access to Justice in Pakistan. In OHCHR. 54th CEDAW Session. Retrieved September 12, 2024, from https://www.ohchr.org/sites/default/files/documents/HRBodies/CEDAW/AccessToJustice/AuratFoundationAndWarAgainstRape_Pakistan.pdf

⁴¹ Qazi, S. (2018, January 13). Pakistani activist on why rape victim-blaming must end. *Al Jazeera*. Available at: <https://www.aljazeera.com/news/2018/1/13/pakistani-activist-on-why-rape-victim-blaming-must-end>

⁴² Hassan, S. (2015). Problems Faced by Women in Police Stations: Need for Police Reforms in Pakistan. *Pakistan Journal of Criminology*, 7(1). Available at <https://www.pjcriminology.com/wp-content/uploads/2019/01/7-12.pdf>

more comfortable speaking to a woman officer, and if none is available, they may be more reluctant to report rape⁴³.

38. Gaps in the implementation of rape laws⁴⁴ lead to a complete disregard for privacy/confidentiality, as the identity of the victim/survivor is not protected in practice. In medico-legal examinations, there is an over-reliance on the presence of force, visible marks of resistance, and physical injuries - the absence of which, in practice, is used by the defense to indicate/prove consent.⁴⁵
39. Justice sector actors (police, lawyers, and, in some cases, judges) often pressure victims/survivors and their families to settle out of court, resulting in the dismissal of the case and the release of the perpetrator. Victims/survivors face tremendous social pressure to refrain from reporting rape cases. In scenarios where they do, they do so at the risk of being harassed by the perpetrator and ostracized from society.⁴⁶

Discriminatory provisions affecting access to justice for victims/survivors of rape

40. The Law of Evidence Order (Qanun-e-Shahadat), 1984,⁴⁷ deals with proof of facts in legal proceedings. Admissibility of character evidence in rape trials was made possible through Section 151(4), which dealt with *Impeaching the Credit of Witness* and stated that “When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.” This provision was omitted by The Criminal Law (Amendment) (Offences Relating to Rape) Act 2016. However, the use of character evidence in rape trials is practiced widely in Pakistan, which affects conviction for rape, denies justice to victims, and allows rapists to act with impunity.⁴⁸

⁴³ Section 9 of the Anti-Rape (Investigation and Trial) Ordinance, 2020 states that investigation with respect to scheduled sexual offences should preferably be carried out by a female police officer. Available at:

[https://mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20\(Investigation%20and%20Trial\)%20Ordinance%2c%202020.pdf](https://mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20(Investigation%20and%20Trial)%20Ordinance%2c%202020.pdf)

⁴⁴ See the Criminal Law (Amendment) (Offences Related to Rape) Act 2006. Available at: https://na.gov.pk/uploads/documents/1475761256_380.pdf

⁴⁵ Supreme Court of Pakistan delivers landmark judgement on sexual violence. (2021, May 11). LSE Women, Peace and Security Blog. Available at: <https://blogs.lse.ac.uk/wps/2021/05/11/supreme-court-of-pakistan-delivers-landmark-judgement-on-sexual-violence/>

⁴⁶ Mogul, S. S. (2022, December 29). *Pakistan court frees convicted rapist after “agreement” to marry his victim*. CNN. Available at: <https://edition.cnn.com/2022/12/29/asia/pakistan-convicted-rapist-freed-marry-victim-intl-hnk/index.html>

⁴⁷ QANUN-E-SHAHADAT ORDER, 1984 CONTENTS. (n.d.). Available at: <https://punjabpolice.gov.pk/system/files/qanun-e-shahadat-order-1984.pdf>

⁴⁸ The judgment delivered by the Supreme Court of Pakistan in the recent case of Atif Zareef and others vs. The State (PLD 2021 S.C 550) addressed the re-victimisation faced by female survivors of sexual violence in the criminal justice system of Pakistan. See more at: Supreme Court of Pakistan delivers landmark judgement on sexual violence. (2021, May 11). LSE Women, Peace and Security Blog. Available at: <https://blogs.lse.ac.uk/wps/2021/05/11/supreme-court-of-pakistan-delivers-landmark-judgement-on-sexual-violence/>

Suggested recommendations to the State party on ending sexual violence in Pakistan

41. Improve timely gender-responsive data collection, monitoring, and evaluation of rates of reporting, prosecution, and convictions in sexual violence cases. Ensure that data is broadly available and disaggregated based on the survivor's and perpetrator's sex, age, caste, tribe, ethnicity, disability, and religion.
42. Initiate legal reforms to invest in public conversation and awareness-raising on the issue of marital rape “through legal education and judicial training on the scope of the law governing rape”⁴⁹ and consider explicitly criminalizing marital rape, including marital rape of children, if in practice marital rape is still rarely prosecuted.
43. Ensure that rape laws in Pakistan⁵⁰ are implemented by justice sector actors, including law enforcement agencies, to enable the following:
 - Stringent action against any persons, including perpetrators of rape, community members, or members of informal dispute resolution bodies who threaten, pressure, or force rape survivors or their families into extra-legal settlements in rape cases.
 - Accountability for police officers who refuse to register complaints, tamper with evidence, pressure survivors or their families to compromise, or in any way obstruct justice in sexual violence cases.
 - Post-rape forensic medical examinations are conducted in a timely and sensitive way, and medical care and counseling services are provided to victims/survivors of rape promptly through hospitals.
 - Implementation of laws and policies on victim and witness protection⁵¹ so that rape survivors are safe while pursuing the criminal justice process and are not re-victimized or prejudiced by the system.
44. Train law enforcement on the proper implementation of the law, absent rape myths and negative stereotypes and embed that training so that it is sustained and updated as

⁴⁹ Bandial, S. (2024, February 12). Marital rape. DAWN.COM. Available at: <https://www.dawn.com/news/1813475>

⁵⁰ The Anti-Rape (Investigation and Trial) Act 2021, The Criminal Law (Amendment) (Offences Relating to Rape) Act 2016, Protection of Women (Criminal Laws Amendment Act), 2006. See more at: Shekhani, A. (2023, September 26). Shaping justice — tracing the evolution of rape laws in Pakistan. DAWN.COM. Available at: <https://www.dawn.com/news/1777460>

⁵¹ Shekhani, A. (2023c, September 26). Shaping justice — tracing the evolution of rape laws in Pakistan. DAWN.COM. Available at: <https://www.dawn.com/news/1777460>

necessary. This should include addressing discriminatory or burdensome evidentiary practices such as the questioning of rape victims/survivors on their past sexual history.⁵²

45. Strengthen the support provided to survivors/victims of sexual violence by increasing the number of facilities such as the Anti-Rape Crisis Cells⁵³ and through the provision of free legal aid and by being informed about the criminal justice process and their rights under the law and are updated regularly on progress throughout the proceedings and by proactively addressing delays in the trial process and ensure that trials are completed fairly and speedily in rape cases.

Legal inequality affecting women and girls

46. Legal inequality can affect every stage and aspect of the lives of women and girls, with legislation typically dictating a person's basic rights and freedoms around economic independence, travel and citizenship, marriage and divorce, and personal safety and dignity, all of which can affect their ability to enjoy their civil and political rights as well. This submission highlights two legal provisions that are discriminatory towards women and girls in Pakistan.
47. Firstly, Article 17 of Pakistan's Qanun-e-Shahadat Order, 1984 (Law of Evidence)⁵⁴ provides that women's testimony is worth half that of men in certain civil matters; a woman's testimony alone is deemed insufficient, necessitating the presence of at least two women to give their statements legal validity and evidential standing. Article 17 (2) (a) states that "pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men, or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly." Discrimination in civil matters related to inheritance, property ownership, and employment prevents women from being economically independent.
48. Secondly, Pakistan has sex-discriminatory provisions in its citizenship law.⁵⁵ Section 10(2) of the Citizenship Act 1951 provides for the granting of citizenship to the foreign spouse of a Pakistani man but does not provide an equal facility for the foreign spouse of Pakistani

⁵² Supreme Court of Pakistan delivers landmark judgement on sexual violence. (2021, May 11). LSE Women, Peace and Security Blog. Available at: <https://blogs.lse.ac.uk/wps/2021/05/11/supreme-court-of-pakistan-delivers-landmark-judgement-on-sexual-violence/>

⁵³ DAWN.COM. (2024, August 2). Islamabad's first anti-rape crisis cell set up at Polyclinic. DAWN.COM. Available at:

<https://www.dawn.com/news/1849457#:~:text=Pakistan's%20first%20Dever%20ARCC%20was,in%20Multan%20in%20November%202023>

⁵⁴ Equality Now. *Pakistan - The Qanun e Shahadat Order, 1984 (Law of Evidence) - Equality Now*. Available at: <https://equalitynow.org/discriminatory-law/pakistan-the-qanun-e-shahadat-order-1984-law-of-evidence/#addsearch=pakistan> and <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/104951/PAK104951.pdf>

⁵⁵ Refworld - UNHCR's Global Law and Policy Database. (2024, February 11). *Pakistan Citizenship Act, 1951*. Refworld. Available at: <https://www.refworld.org/legal/legislation/natlegbod/1951/en/97165>

women.⁵⁶ This means that women in Pakistan are not accorded the right to pass on their citizenship to their spouses on an equal basis with men. In 2007, the Federal Shariat Court declared the Pakistani Citizenship Act 1951 to be discriminatory against women.⁵⁷ In 2016, the Lahore High Court also found this provision was discriminatory and unconstitutional. The Pakistani government has appealed this decision⁵⁸, and the appeal is currently still pending before the Supreme Court. In 2020, the CEDAW Committee recommended that Pakistan “amend section 10 of the Citizenship Act of 1951 with a view to bringing it into full compliance with article 9 of the Convention by enabling Pakistani women to transmit their nationality to a foreign spouse on an equal footing with Pakistani men.”⁵⁹ Recently, in 2024, the Sindh High Court⁶⁰, while reiterating that the provision is ‘discriminatory’ towards Pakistani women, made references to the Lahore High Court and Peshawar High Court⁶¹ decision and declaring Section 10 (2) of the Citizenship Act 1951 to be in violation of Article 25 of Pakistan’s Constitution. Despite these decisions, the law has yet to be amended.

⁵⁶ Equality Now. (2022). *The State We’re In: Ending Sexism in Nationality Laws - Equality Now*. Available at: <https://equalitynow.org/resource/state/> ; See also International Women’s Rights Action Watch Asia Pacific. (2006). WOMEN’S RIGHT TO NATIONALITY AND CITIZENSHIP. In *IWRAW ASIA PACIFIC OCCASIONAL PAPERS* (SERIES NO. 9). Available at: https://www.iwraw-ap.org/wp-content/uploads/2018/08/OPS_9-WOMEN%E2%80%99S-RIGHT-TO-NATIONALITY-AND-CITIZENSHIP.pdf

⁵⁷ Iqbal, N. (2007, December 19). ‘Citizenship Act discriminatory’ DAWN.COM. Available at: <https://www.dawn.com/news/amp/281195>

⁵⁸ Malik, H. (2018, March 30). SC to examine grant of citizenship to foreign national husbands. *The Express Tribune*. Available at: <https://tribune.com.pk/story/1673256/sc-examine-grant-citizenship-foreign-national-husbands>

⁵⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the fifth periodic report of Pakistan, CEDAW/C/PAK/CO/5 (10 March 2020), para 38. Available at: <https://digitallibrary.un.org/record/3856608?v=pdf>

⁶⁰ “Section 10(2) of the Citizen Act gives a preferential treatment to the spouse of Pakistani man vis-à-vis a Pakistani woman and thus infringes constitutional guarantees,” the Sindh High Court stated in its verdict. Tanoli, I. (2024, March 6). Denying citizenship to foreign spouses of Pakistani women ‘discrimination’ DAWN.COM. Available at: <https://www.dawn.com/news/1819452>

⁶¹ DAWN.COM. (2023, October 15). PHC orders govt to decide Afghan man’s plea for citizenship. DAWN.COM. Available at: <https://www.dawn.com/news/1781118>

Suggested recommendations to the State party on achieving legal equality

49. Amend Article 17 (2) (a) of Pakistan's Qanun-e-Shahadat Order, 1984 (Law of Evidence), as it is contradictory to the ICCPR and various international human rights treaties that Pakistan is a signatory to as well as the Constitution of Pakistan which upholds the principles of equality and non-discrimination, and give women equal standing in civil matters.
50. Amend Section 10 of the Citizenship Act of 1951 as per Pakistan's obligation under the ICCPR and various international human rights treaties, including Article 9 of CEDAW, by enabling Pakistani women to transmit their nationality to a foreign spouse on an equal basis with Pakistani men. As noted by several courts in Pakistan, this would also be consistent with the Constitution of Pakistan, which upholds the principles of equality and non-discrimination.