



**Human Rights Watch Submission to the Committee on the Elimination of  
Discrimination against Women review of Pakistan’s periodic report  
75<sup>th</sup> Session - December 2019**

We write in advance of the 75<sup>th</sup> session of the Committee on the Elimination of Discrimination against Women relating to Pakistan’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

**1. Girl’s Education (Article 10)**

The Pakistan government is failing to educate a huge proportion of the country’s girls. Many girls simply have no access to education, including because of a shortage of government schools – especially for girls. According to United Nations statistics, thirty-two percent of primary school age girls are out of school in Pakistan, compared with 21 percent of boys.<sup>1</sup>

Human Rights Watch documented barriers to education for girls in all four of Pakistan’s provinces.<sup>2</sup> Among the factors keeping girls out of school are the government’s under-investment in schools, lack of schools, prohibitive school fees and related costs, corporal punishment, and a failure to enforce compulsory education. Further issues include the poor quality of education in both government and low-cost private schools, a lack of government regulation of private schools, and corruption. In addition to these factors within the education system, girls are also blocked from attending school by external factors including child labor, gender discrimination, child marriage, sexual harassment, insecurity, and attacks on students, teachers, and schools.

Pakistan’s government has over many years invested far less in education than is recommended by international standards. In 2017, Pakistan was spending less than 2.8 percent of its gross domestic product on education—far below the 4 to 6 percent recommended by UNESCO - leaving the government’s education system severely under-

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<sup>1</sup> United Nations Children’s Fund (UNICEF), “State of the World’s Children data,” December 2017.

<sup>2</sup> Human Rights Watch, “‘Shall I Feed My Daughter, or Educate Her’: Barriers to Girls’ Education in Pakistan,” November 2018, <https://www.hrw.org/report/2018/11/12/shall-i-feed-my-daughter-or-educate-her/barriers-girls-education-pakistan>.

funded.<sup>3</sup> Government schools are in such short supply that even in major cities, many children cannot reach a school on foot safely in a reasonable amount of time. The situation is far worse in rural areas. And there are many more schools for boys than for girls.

The situation worsens as children, especially girls, get older. Secondary schools are in shorter supply than primary schools, and colleges have even less capacity, especially for girls. Many girls who complete the top level at one school cannot attend a school where they could go on to the next level. In the absence of an adequate system of government schools, there has been a massive growth in the number of private schools, many of them low-cost. But poor families often cannot afford any tuition fees and the government's near-total failure to regulate and monitor these schools means that many are of poor quality.<sup>4</sup>

*We propose that the Committee pose the following questions:*

- Does the government have plans to improve the number and quality of schools, particularly for girls?
- What plans does the government have to address the obstacles for girls' participation in education?

*We encourage the Committee to make the following recommendations:*

- Adopt measures to increase the number and quality of schools, especially for girls.
- Develop and implement a time-bound plan to achieve full gender parity on educational participation, from pre-primary through higher education.

## **2. Protection of Education During Armed Conflict (Article 10)**

Human Rights Watch has documented a significant number of attacks on students, teachers, and schools, and the use of schools for military purposes, such as for barracks or bases. Attacks have often been directed at female students and their teachers and schools, blocking girls' access to education.

*Attacks on Students, Teachers, and Schools*

According to the Global Coalition to Protect Education from Attack, between 2013 and 2017, armed non-state groups and unknown parties reportedly attacked hundreds of

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<sup>3</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) et al., "Education 2030: Framework for Action," December 2015, art. 105. <http://unesdoc.unesco.org/images/0024/002456/245656e.pdf> (accessed September 12, 2018).

<sup>4</sup> Human Rights Watch, "'Shall I Feed My Daughter, or Educate Her': Barriers to Girls' Education in Pakistan."

schools, across every province, typically using explosive devices, killing several hundred students and teachers, and damaging and destroying infrastructure.<sup>5</sup> One-third of these attacks targeted girls and women and were “aimed at repressing or stopping the learning or teaching of girls and women.”<sup>6</sup>

The most lethal attack on education in recent years in Pakistan was the December 16, 2014 attack by armed militants on the Army Public School in Peshawar city, killing 145 people, nearly all of them children.<sup>7</sup>

In 2017 and 2018, just under half of all attacks on schools in Pakistan were committed against girls' schools.<sup>8</sup> For example, the United Nations verified 42 attacks on educational facilities and students in 2017 and 2018, 18 of which targeted girl's education.<sup>9</sup> In some cases, girls' schools received written or verbal threats or were attacked with improvised explosive devices or grenades. For example, on May 7 and 9, 2019, bombs reportedly planted by an armed group damaged two girls' middle schools in North Waziristan.<sup>10</sup> During the same time period, middle schools and tribal leaders in the area allegedly received pamphlets demanding authorities shut down girls' schools in the area.<sup>11</sup> In addition, the UN reported that in August 2018, 14 girls' schools were destroyed in a single day in Chilas, Gilgit-Baltistan.<sup>12</sup>

### *Impunity Following Attacks*

Despite hundreds of attacks on teachers, students and educational institutions, the Pakistani government has rarely successfully prosecuted those responsible. This failure was highlighted in June 2015, when it was reported that eight out of the ten individuals arrested and charged for the attack on Malala Yousafzai were acquitted, even after they all confessed to their role in court.

Instead of conducting proper investigations and prosecuting those implicated, the Pakistani government constituted secret military courts after the 2014 Army Public

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<sup>5</sup> GCPEA, “Education Under Attack 2018,” May 2018, <http://eua2018.protectingeducation.org/>, p. 33.

<sup>6</sup> *Ibid.*, p. 49.

<sup>7</sup> Declan Walsh, “Taliban Besiege Pakistan School, Leaving 145 Dead,” *New York Times*, December 16, 2014, <https://www.nytimes.com/2014/12/17/world/asia/taliban-attack-pakistani-school.html>

<sup>8</sup> Information provided by the Global Coalition to Protect Education from Attack to Human Rights Watch, December 21, 2019.

<sup>9</sup> UN Security Council, “Report of the Secretary-General on children and armed conflict,” S/2019/509, July 30, 2019, para. 219.

<sup>10</sup> Pazir Gul, “Two girls' schools hit by bomb explosions in North Waziristan,” *Dawn*, May 10, 2018, <https://www.dawn.com/news/1406747/two-girls-schools-hit-by-bomb-explosions-in-north-waziristan> (accessed June 27, 2018)

<sup>11</sup> Saroop Ijaz, “Rise in Militant Attacks on Schools in Pakistan Recent Violence Shows Grave Risks Pakistani Schoolgirls Face,” Human Rights Watch Dispatch, May 14, 2018, <https://www.hrw.org/news/2018/05/14/rise-militant-attacks-schools-pakistan>.

<sup>12</sup> United Nations General Assembly and Security Council, “Children and Armed Conflict: Report of the Secretary-General,” A/72/865-S/2018/465, May 16, 2018, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/465&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/465&Lang=E&Area=UNDOC) (accessed January 9, 2019), para. 238.

School attack. Although there have been a number of convictions, the families of victims do not know if the actual perpetrators were punished since the trials were conducted in secret. Some of those convicted were executed.

In December 2015, four people found guilty by a military court of providing funds, transportation and other assistance to the Army Public School attackers were executed at a prison in Kohat, Khyber Pakhtunkhwa province. In December 2016, the army chief ratified the death sentences of four individuals found guilty by a military court of planning the attack on Bacha Khan University. The military also ratified the death sentence of another individual found guilty by a military court of being involved in attacks on security officials and “the destruction of an education institution” in December 2016, but the government did not provide more details about the educational institution that was allegedly destroyed.<sup>13</sup>

In 2013, this Committee recommended that at the national and provincial levels, coordinated and consistent measures be taken to ensure that perpetrators of violent attacks and threats against female students, teachers, and professors by various non-state actors, as well as the escalating number of attacks on educational institutions “are promptly investigated, prosecuted and punished,” and to “consider the establishment of a rapid response system whenever there are attacks on educational institutions, in order to promptly repair and rebuild them and replace educational materials so that women and girls can be reintegrated into schools/universities as soon as possible.”<sup>14</sup>

#### *Military Use of Schools and Colleges, in Pakistan and Abroad*

The Pakistan military offensive in 2009 forced the Taliban out of the Swat Valley, vacating many schools that the militants had used as bases, but the army then occupied many of these schools instead. Although most schools have now been vacated, the military was still using about 20 schools in Swat as of December 2016, when Human Rights Watch was last able to verify.<sup>15</sup>

An undergraduate college for women in the Swat town of Khwazakhela had been under army occupation since 2009. This college is one of the four undergraduate degree colleges in Swat. The space was being used as offices for senior military officials and the college building was heavily fortified. An alternate space had been allotted for the

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<sup>13</sup> Human Rights Watch, “Dreams Turned into Nightmares: Attacks on Students, Teachers, and Schools in Pakistan,” March 2017, <https://www.hrw.org/report/2017/03/27/dreams-turned-nightmares/attacks-students-teachers-and-schools-pakistan>

<sup>14</sup> Concluding observations on the fourth periodic report of Pakistan, adopted by the Committee at its fifty-fourth session, CEDAW/C/PAK/CO/4, March 27, 2013.

<sup>15</sup> Human Rights Watch, Pakistan - “Dreams Turned into Nightmares.”

college and classes were continuing. However, a very high number of girls had dropped out because the new space was not as accessible. This was the situation until at least March 2017, when Human Rights Watch was last able to verify.<sup>16</sup>

In June 2017, Kamran Michael, Pakistan's then-minister for human rights, conceded to the United Nations Committee on Economic, Social and Cultural Rights during its review of Pakistan, that the Pakistani army had used schools as barracks.

Pakistani security forces use of schools for military purposes is not limited to incidents within Pakistan. In January 2017, Human Rights Watch found a school in the town of Mouruba, Ouaka province, Central African Republic, being used as base by Pakistani peacekeepers who were part of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). The town's residents had fled in December 2016, when a militia group took control of the town. One parent said: "When we came back the Pakistanis were in the school. They arrived sometime this month. We would like to restart the school, but now the Pakistanis are there and we would rather have MINUSCA in the town to protect us." A 16-year-old boy told Human Rights Watch, "I hope that peace returns so the Pakistanis leave the school and we can reopen it. ... I would like to be an intellectual. Without school I will have no future, so it is important to me."<sup>17</sup>

This use of the school by the Pakistani peacekeepers was contrary to both a directive from the peacekeeping mission and regulations of the UN Department of Peacekeeping's Infantry Battalion Manual.<sup>18</sup> Human Rights Watch informed MINUSCA authorities of the occupied schools in Mourouba and it was subsequently vacated. Pakistan has not endorsed the Safe Schools Declaration, an inter-governmental international commitment to protect education in armed conflict. As of December 2019, 101 countries have endorsed the Safe Schools Declaration. The declaration includes a pledge to use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.

In 2016, the UN Committee on the Rights of the Child urged Pakistan to "take measures to protect schools, in particular secular and girls' schools, and prevent possible attacks, including those targeted at teachers, and the occupation of schools by armed groups."<sup>19</sup>

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<sup>16</sup> Ibid.

<sup>17</sup> Human Rights Watch, "No Class: When Armed Groups Use Schools in the Central African Republic," 2017.

<sup>18</sup> "MINUSCA directive on the protection of schools and universities against military use," Inter-Office Memorandum, December 24, 2015; Department of Peacekeeping Operations, Department of Field Support, The United Nations Infantry Battalion Manual, 2012, sec. 2.13 ("schools shall not be used by the military in their operations").

<sup>19</sup> United Nations Committee on the Rights of the Child, "Concluding observations on the fifth periodic report

In 2017, the Committee on Economic, Social and Cultural Rights urged Pakistan to “immediately and completely ban the use of schools by military forces,” and invited Pakistan “to endorse the Safe Schools Declaration and commit to using the *Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict*.”<sup>20</sup>

*We encourage the Committee to pose the following questions:*

- Are protections for schools from military use included in any policies, rules, or trainings for Pakistan’s armed forces?
- How many schools were either partially or wholly used for military purposes by government security forces during the reporting period, and for what time? How many of those were girls’ or coeducational schools?
- What measures has the government taken in response to recommendations to respond to attacks on schools and prevent the military use of schools made by this committee in 2013, by the Committee on the Rights of the Child in 2016, and by the Committee on Economic, Cultural and Social Rights in 2017?

*We encourage the Committee to make the following recommendations:*

- Endorse the Safe Schools Declaration, thereby committing to take concrete measures to deter the military use of schools by armed forces and armed groups, and to use as a minimum standard the *Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict*.
- Develop a comprehensive policy for protecting students, teachers, schools, and universities from attack and military use, and this policy should include specific attention to the threats facing education for girls and women. Engage all concerned ministry staff at the central and local levels in implementing this strategy. Include short-term measures for prevention and response, as well as adopting conflict-sensitive education policies and programs to reduce the risk of future conflict.
- Address and remedy the disproportionate harm to girls’ access to education as a result of hostilities and military use of schools. Adopt measures to assist girls who have been denied or risk losing access to education.
- Issue clear, public orders to the security forces, including the military, police, and paramilitary forces, to curtail the military use of schools.

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of Pakistan” CRC/C/PAK/CO/5, July 11, 2016, para 61(g).

<sup>20</sup> Concluding observations on the initial report of Pakistan, E/C.12/PAK/CO/1, June 23, 2017, paras. 79-80.

- Immediately vacate all education institutions and hostels being partially used for military purposes whether in or outside conflict zones and restore such buildings to their intended users.
- Immediately vacate all education institutions and hostels being completely occupied where feasible alternatives exist, and where they do not, urgently take steps to identify or create feasible alternatives.
- Ensure that students deprived of educational facilities as a result of hostilities, the military use of their school, or the need for their school to be repaired or reconstructed, are promptly provided access to nearby alternative schools.
- Investigate and appropriately prosecute those individuals responsible for attacks on schools or damaging schools in violation of international law.
- Ensure that troops deployed on UN peacekeeping missions are trained on the requirement that “schools shall not be used by the military in their operations,” and ensure that such troops are provided the necessary logistical support to accomplish their mission without using schools.

### 3. Child Marriage (Article 16)

In Pakistan, 21 percent of girls are married by the age of 18, and 3 percent before 15.<sup>21</sup> Child marriage tends to occur in the country’s most marginalized and vulnerable communities and has devastating consequences. Girls who marry are more likely to drop out of school than other girls, they face greater pregnancy-related health risks than women, and their babies are more likely to have health problems. Married girls are more likely to face domestic violence than woman who marry later.

The current law sets the legal age of marriage at 16 for girls and 18 for boys, which violates Pakistan’s obligations under international law by permitting marriage too early, and also by setting different marriage ages for girls and boys.<sup>22</sup>

In May 2019, the National Assembly of Pakistan opposed a bill that would set the minimum age for marriage at 18.<sup>23</sup>

*We encourage the Committee to pose the following questions:*

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<sup>21</sup> United Nations Population Fund (UNFPA), “Marrying Too Young: End Child Marriage,” 2012.

<sup>22</sup> Saroop Ijaz, “Time to End Child Marriage in Pakistan: Proposed Bill an Important Opportunity to Protect Children,” commentary, Human Rights Dispatch, November 9, 2018, <https://www.hrw.org/news/2018/11/09/time-end-child-marriage-pakistan>.

<sup>23</sup> “Pakistani parliamentarians again oppose the child marriage prohibition bill,” *GulfNews*, May 1, 2019.

- What steps is the government taking to comply with the target of ending all child marriage before age 18 by 2030, as per Sustainable Development Goal target 5.3?
- Is the government taking steps to reform the law to ban child marriage, in accordance with international law?

*We encourage the Committee to make the following recommendations:*

- Raise the national minimum age of marriage to 18 with no exceptions and develop and implement a national action plan to end child marriage.

#### **4. Impunity for So-called “Honor Killings” and Violence (Article 2)**

Violence against women and so-called “honor killings” are common in Pakistan, while convictions of those responsible are rare. Women are murdered, often by family members, and a loophole in the law allows the legal heirs of the victim to pardon those responsible.

Following the high-profile case in 2016 in which a well-known woman, Qandeel Baloch, was murdered by her brother in an “honor killing,” there was a widespread outcry in Pakistan. This led to legislative action and the promise of prompt prosecution. Parliament passed a law imposing harsher punishments for “honor killings” and partially eliminated the pardon loophole.

However, “honor killings” and pressure to pardon perpetrators seem to have continued unabated. There are no credible official figures on the number of “honor killings” because they often go unreported or are passed off as suicides or natural deaths by family members; yet there are an estimated 1,000 “honor killings” every year.<sup>24</sup>

*We encourage the Committee to make the following recommendations:*

- Ensure prosecution of all murder and other violence attributed to “honor.”
- Further reform the law to completely eliminate the loophole that allows the perpetrator to be pardoned by the victim’s family.
- Increase access to emergency shelter and other services for women and girls at risk of violence from their family.

#### **5. Trafficking of “Brides” (Articles 15 and 16)**

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<sup>24</sup> Saroop Ijaz, “Pakistan Should Not Again Fail ‘Honor Killing’ Victim: End Impunity of Family Murders of Women,” Human Rights Watch Dispatch, August 22, 2019, <https://www.hrw.org/news/2019/08/23/pakistan-should-not-again-fail-honor-killing-victim>.

Reports beginning in 2019 document the trafficking of women and girls from Pakistan to China for sale as “brides.” This follows similar developments in other countries in Asia where Human Rights Watch has done extensive research on this topic.<sup>25</sup>

In China, the percentage of women has fallen steadily since 1987. Researchers estimate that China now has 30 to 40 million “missing women,” an imbalance caused by a preference for boys and exacerbated by the “one-child policy” in place from 1979 to 2015, and ongoing restrictions on women’s reproductive rights. This gender gap has made it difficult for many Chinese men to find wives and fueled a demand for trafficked women from abroad.<sup>26</sup>

The Pakistan government has acknowledged that bride trafficking is occurring and pledged to work with China to combat the trade.<sup>27</sup> In spite of these promises there is evidence that the trade continues and that many hundreds of women and girls are affected.<sup>28</sup>

*We encourage the Committee to pose the following questions:*

- What steps are being taken to prevent the trafficking of women and girls, recovering victims of trafficking, and assisting survivors?

*We encourage the Committee to make the following recommendations:*

- Investigate all allegations of human trafficking and prosecute all perpetrators including brokers, traffickers, and buyers.
- Urge the Chinese government to do more to recover Pakistani trafficking victims in China and investigate and prosecute perpetrators in China including brokers, traffickers, and buyers.
- Raise awareness in vulnerable communities regarding the risk of trafficking.
- Provide comprehensive services to trafficking survivors including medical, legal, psychosocial, and livelihoods assistance and shelter.

## **6. Sexual Violence against Women Perpetrated by Police (Article 2)**

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<sup>25</sup> Human Rights Watch, “‘Give Us a Baby and We’ll Let You Go’: Trafficking of Kachin ‘Brides’ from Myanmar to China,” 2019, <https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>.

<sup>26</sup> Sophie Richardson, “Pakistan Should Heed Alarm Bells Over ‘Bride’ Trafficking,” Human Rights Watch Dispatch, April 26, 2019, <https://www.hrw.org/news/2019/04/26/pakistan-should-heed-alarm-bells-over-bride-trafficking>.

<sup>27</sup> “Chinese men lure Pakistani girls with marriage to traffic them,” *Siasat*, April 18, 2019.

<sup>28</sup> “AP Exclusive: 629 Pakistani girls sold as brides to China,” AP, December 7, 2019.

There have been numerous recent incidents in which Pakistani police have been accused of committing sexual violence against women.

In September 2018, a police official was charged with raping a 6-year-old girl in Dera Ghazi Khan district, Punjab province.<sup>29</sup> In April 2019, an assistant sub-inspector of police was charged with raping a woman in Bahawalpur district, Punjab.<sup>30</sup> In May 2019, a 22-year-old woman in Rawalpindi district, Punjab, reported to police that four men had abducted her at gunpoint and raped her, alleging that three of the four assailants were police officers. The authorities have since arrested all four suspects and suspended three police officers as criminal investigations proceed.<sup>31</sup>

Sexual assault victims often fear pressing charges, concerned that they and their families may be subjected to harassment and intimidation by the police, due to harmful gender attitudes and pressure from perpetrators. Without proper witness protection, survivors can be intimidated into silence. These barriers reflect deeply entrenched gender inequality in society, including in state institutions like the police and judiciary.

Pakistan faces grave security challenges that require a rights-respecting, accountable police force able to protect the entire population. When police become perpetrators of sexual violence, the credibility of all police are damaged and victims are even less likely to seek their help.<sup>32</sup>

*We encourage the Committee to make the following recommendations:*

- Ensure that police officers responsible for crimes are appropriately held to account including through prosecution.
- Enact reforms to increase the recruitment, retention, and promotion of female police officers.
- Provide comprehensive services for survivors of sexual violence including medical, legal, and psychosocial assistance.

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<sup>29</sup> "Policeman 'rapes' 6-year-old girl in DG Khan," *Daily Pakistan*, September 4, 2018.

<sup>30</sup> "ASI booked for raping woman in Bahawalpur," *Dawn*, April 15, 2019.

<sup>31</sup> "3 policemen among four arrested in Rawalpindi rape case," *Dawn*, May 18, 2019.

<sup>32</sup> Saroop Ijaz, "Rape Allegations Against Pakistan's Police: Prosecute Officers Implicated, Enact Wider Reforms," Human Rights Watch Dispatch, May 23, 2019, <https://www.hrw.org/news/2019/05/23/rape-allegations-against-pakistans-police>.