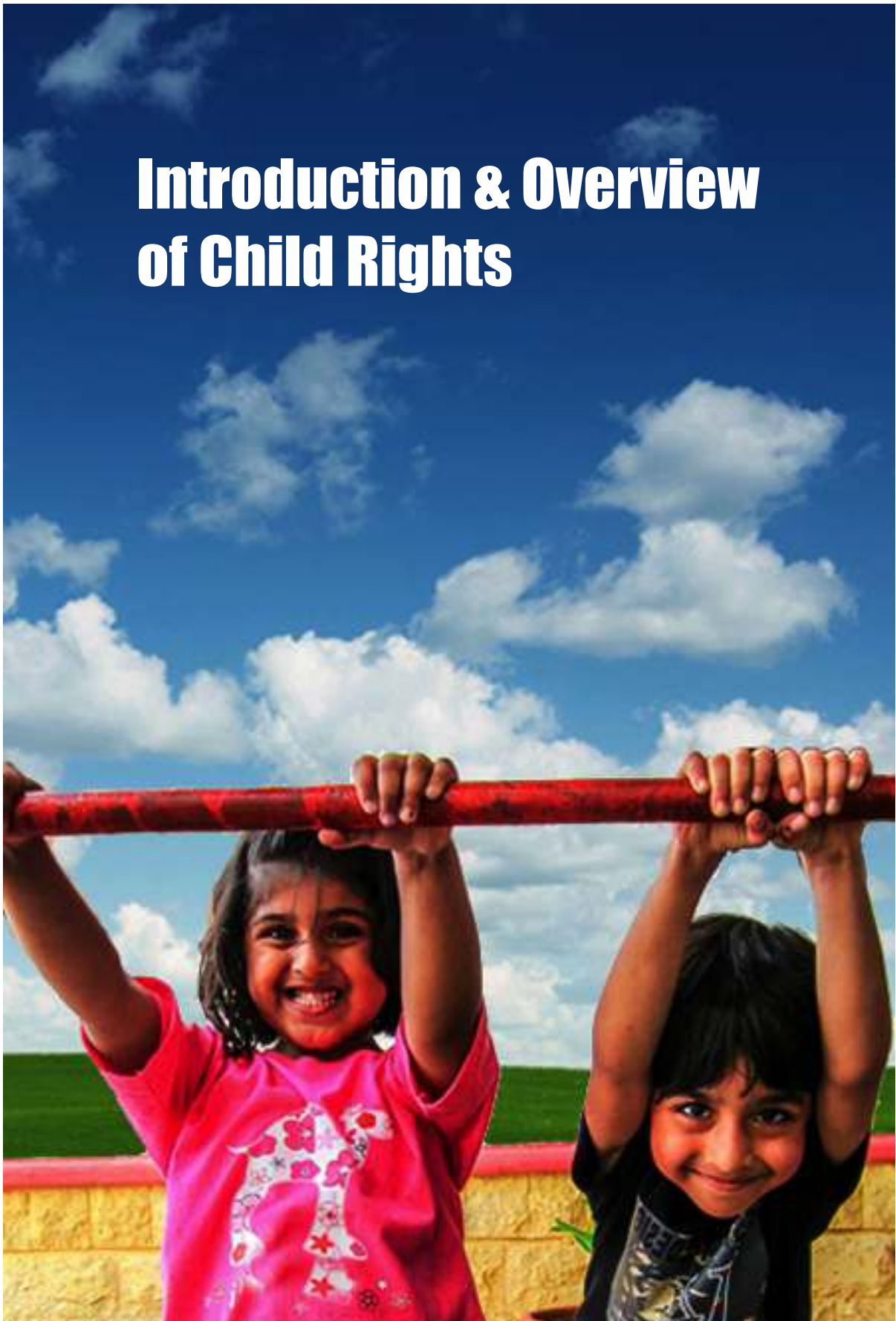


Introduction & Overview of Child Rights



Introduction

Little children are both voiceless and powerless. They do not form any politician's voting constituency either.

Pakistan's present as well as its future depends on the survival, protection, rights, and development of its children, who constitute the majority of our population. Our children are not our future. They are our present – here and now.

Our children are our most precious citizens. We need to love and cherish and protect them. Thus, we must be entirely honest in responding to an important question: Is Pakistan really failing its children?

It is a sad reflection that there arises even the need to pose such a question, almost two decades into the New Millennium. Are there any other countries around the world where such questions need to be asked, or are being asked?

Acknowledging that while Pakistan has made, and is making, some progress in various areas of national development, yet, there is still a great deal that we need to do, both as State and Society; and, most importantly, as successive Governments come and go, to ensure that girls, boys and TGIs are treated equally and are protected; that their human rights are secured; that they survive and grow up in safety, security and human dignity; that their voices are heard and heeded; that their basic needs are ensured, such as physical, mental and emotional health; education and skills training; and protection from violence, sexual abuse, harmful customary or traditional practices, displacement, child labour, trafficking, and other forms of economic exploitation; and that they have unhindered access to justice.

Having signed and ratified the United Nations Convention on the Rights of the Child (UN CRC) in 1990, as well as other relevant Conventions¹, Pakistan is obligated to adhere to, and comply with, their provisions. However, even the low level of the subsequent

¹ Such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996.

implementation, legislation, policy-making, enforcement and monitoring of the CRC in Pakistan, is so full of gaps and shortfalls, that it sorely and urgently needs an independent third-party review and evaluation.

Almost 30 years on, we need to take stock of both our achievements and challenges with regard to our ratification of the CRC. This exercise is required to be undertaken independently of the State Party periodic progress reports that Pakistan is officially required to submit to the UN CRC Committee.

Following on from SPARC's State of Pakistan's Children (SoPC) 2017, we observe that 2018 was again not a good year for children, as there was an increase in the reported and recorded number of Pakistani children who suffered indescribable instances of violent crimes, including kidnapping, murder, rape/gang rape, sodomy, incest, and other forms of sexual abuse and violence, especially corporal punishment in educational institutions;² forced conversions, forced and early marriages; poverty-induced crimes, including child labour, sale, slavery, bonded and domestic labour, prostitution and trafficking of children.

Children continued to be denied their fundamental human rights, especially the right to life, survival, health, education, skills training, and, above all, the right to dignity, voice, and a childhood free from exploitation by their elders for economic gain.

We see the neglect as well as the economic exploitation of Pakistani children everywhere: at home, in schools or madrassas; in (illegal) child labour and work settings; in bonded labour, sale, trafficking, or prostitution of children; within the extended family, community and society; on the streets; in institutions; in prison, and in police custody.

We reiterate yet again, that the increased reported and recorded number of violent crimes against children in 2018 is still just the tip of a giant iceberg of unreported instances and thus unrecorded statistics of child abuse and neglect, especially in the rural and remote areas of Pakistan.

² See Sahil report titled: "Cruel Numbers 2018" (Sahil, Islamabad, 2019).

Despite being widely prevalent and in a few cases, even occasionally being reported in the media, the vast majority of cases of child abuse and violence tend to go largely unreported and unregistered, thereby preventing appropriate legal redress, or the much-needed physical treatment and psycho-social counselling and rehabilitation of the surviving children.

Some crimes are completely hidden due to traditional, tacit social and cultural sanction, or even blatant denial, or being considered a subject totally taboo for discussion, e.g. incest.³ Such crimes leave permanent, lasting scars on the child survivors.

While the UN CRC exhorts States Parties to enact specific laws on its substantive Articles and provisions, we note that even the existing national or provincial legislation and the resulting child protection entities are inadequately and ineffectively implemented, enforced or utilized.

Thus, we see that our current child protection laws and institutional mechanisms are failing to act as an effective deterrent for criminals and perpetrators, and are also failing to obtain relief, redress and rehabilitation for those children who miraculously survive abuse, violent crimes, economic exploitation, or parental and state neglect.

Our strongly entrenched gender discrimination and patriarchal socio-cultural norms also play an important role in failing to protect children, especially the Girl Child, TGI children and differently-abled girls and boys (CWDs).

Gender discrimination is much worse among children living in the remote rural areas, where feudalism and tribalism still holds sway – with Jirgas and Panchayats (illegal adjudicating village councils of wealthy and powerful male landlords and tribal chieftains) pronouncing unjust “decisions” and immediately enforcing cruel and inhuman punishments in both civil and criminal matters.

³ Despite the reported, recorded and registered cases, we see a lot of denial, and we are repeatedly informed by large sections of our society, religious clergy, and even by educators, that: “incest does not happen in Pakistan, as we are a Muslim majority country” (sic).

In the majority of cases, we see little girls being used as commodities to settle all manner of disputes, feuds and enmity among men – for instance, being “given away” by the perpetrators of crimes to the wronged party/victims’ heirs, in compromise settlements called “*Badal-e-Sulah*”;⁴ which has been declared illegal by law. Nevertheless, it is still being done, and with impunity, due to the economic power and political influence of the ruling feudal and tribal elites, who have subjugated and captured huge swathes of the law enforcement agencies (LEAs) and provide them not just material incentives, but protection too.⁵

Child protection law-making, policy-making, administration and service provision have been devolved to the provinces and the Local Governments, subsequent to the 18th Constitutional Amendment (2010). However, despite the passage of 8 years since 2010, we are yet to see, in any province,⁶ a comprehensive package of laws, policies and institutional mechanisms covering the gamut of child rights and child protection, addressed in a cohesive and collective manner, thereby eliminating the varying degrees of contradictions and conflicts between and among the plethora of existing laws. Some provinces have done better than others, but they all need to do much more for child rights and child protection.

At present, Pakistan has the largest percentage of children, adolescents and youth in its history, with 52.5% of the population below the age of 25 years. We must not and cannot ignore the violation of their rights, protection, and development needs, especially given that little children are both voiceless and powerless. They do not form any politician’s voting constituency either.

After the 2018 general elections, with the change of government at the federal level, and also in the Punjab province, we have noted the stated commitment of the incoming PTI Prime Minister regarding putting an end to child abuse; to ensuring the protection of child rights; as well as

⁴ Literal meaning: “compensation (or settlement) for peace-making”.

⁵ In too many reported instances, the LEAs refuse to even register complaints, applications, or FIRs, unless political or administrative pressure is applied, thereby blatantly flouting the law – again, with impunity.

⁶ Or in the Islamabad Capital Territory (ICT) or in Gilgit-Baltistan (G-B) either.

the effective implementation of domestic laws and the provisions of the UN CRC. This commitment was reiterated by the PTI's federal Minister for Human Rights.

SPARC will continue to monitor and report on the status of Pakistani children during the PTI government's five-year tenure, as we have been doing under past governments.

Pakistan and numerous international and regional instruments

Pakistan has signed, ratified or endorsed the following **international instruments**:

- The UN Convention on the Rights of the Child (CRC), 1990.
 - The CRC Optional Protocol on the sale of children, child prostitution and child pornography, 2011.
 - The CRC Optional Protocol on the involvement of children in armed conflict, 2016.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1996.
- Convention on the Rights of Persons with Disabilities (CRPD), 2011.
- Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children, 1996.
- Yokohama Global Commitment against Commercial Sexual Exploitation of Children, 2001.
- Third World Congress against Sexual Exploitation of Children and adolescents, 2008.
- South to South Cooperation on Child Rights, 2010.

- SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002.
- South Asian Initiative to End Violence Against Children (SAIEVAC), 2005.
- Colombo South Asian Call for Action on Ending Violence Against Children, 2012.
- Pakistan is also a State Party to the following relevant ILO Conventions, amongst others:
 - The Worst Forms of Child Labour Convention, 2001.
 - The Equal Remuneration Convention; 2001;
 - The Minimum Age Convention, 2006.

Pakistan's additional child-relevant commitments, through acceptance and endorsement of numerous UN, SAARC and other Conference Declarations, Programmes and Goals, arise primarily out of the Decade of Global Conferences (1990-99) – but, in fact, they originated well before the 1990s and went well beyond them too, extending into the new millennium, particularly with the MDGs and SDGs:

- Ending Gender Discrimination, Mexico 1st WCW 1975 to Beijing 4th WCW, 1995 & ff.
- Shelter For All, Habitat-I, Vancouver 1976; & Habitat-II, Istanbul 1996 & ff.
- Primary Health Care for All (PHC) Alma Ata, 1978 & ff.
- Health For All (HFA), DG/WHO, 1981 – including universal immunization
- World Summit for Children, New York, 1990

- SAARC Decade of the Girl Child (1990-1999) & Pakistan Year of the Girl Child 1990⁷
- Education For All (EFA), Jomtien 1990; Dakar 2000 & ff.
- Environment and Climate Change, UNCED 1992 & COP21 Paris Agreement 2015
- Human Rights For All, Vienna, 1993
- Population and Development, Cairo ICPD 1994 & ff.
- Poverty Eradication, Copenhagen World Summit for Social Development, 1995 & ff.
- Food Security For All, Rome Food Summit, 1996 & ff.
- Millennium Development Goals (MDGs), 2000-14
- Sustainable Development Goals (SDGs), 2015-30

Constitutional Commitments of the State

The Pakistan Constitution (1973) includes specific provisions for the protection of child rights:

- “No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.” (Article 11(3))
- “Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.” (Article 25 (3): Equality of Citizens [and special provisions])

⁷ See NATIONAL HEALTH journal’s special issue on the Year of the Girl Child in Pakistan: Cover Story, editorials, articles by Prof. Anita Ghulamali, Ms. Naheed Aziz, Ms. Hilda Saeed, Adv. Shahla Zia, Dr. Zeba Sathar et al, photos by Ms. Asma Sufi et al, (National Health, editor: Ms. Hilda Saeed, January 1990, Karachi).

- “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.” (Article 25-A. Right to Education)
- “The State shall protect the marriage, the family, the mother and the child.” (Article 35)
- “The State shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex.” (Article 37 (e): Promotion of social justice and eradication of social evils)

2018: In Brief

Pakistan has slipped one step further down in the global rankings, from 148 in 2017 to 149 in 2018, according to Save the Children Fund’s report titled: “End of Childhood – the Many Faces of Exclusion” (2018).

The SCF ranked 175 countries for its annual composite index called the “End of Childhood Index rankings”. Pakistan still remains among the least favourable countries in the world, with respect to child survival, protection, rights and development.

The report found that a large number of children across Pakistan suffer from malnutrition; preventable diseases caused by unsafe drinking water; inadequate maternal, infant and neonatal health care; and that immunization coverage is still not universal.

Around 44% of Pakistan’s children under the age of 5 are stunted, undermining their mental and physical growth. As reported by the Planning Commission, Government of Pakistan, in collaboration with the United Nations World Food Programme (WFP), Pakistan’s spending on nutrition stood at 3.7% of its Gross Domestic Product (GDP), which was the lowest in Asia.⁸

⁸ Global Nutrition Report, 2017, Planning Commission & WFP

As reported by the International Vaccine Access Centre (IVAC), preventable diseases such as pneumonia and diarrhoea account for 25% of the worldwide under-5 deaths. IVAC identified Pakistan as one of the 15 countries where 70% of such deaths occur.⁹ In 2013, Pakistan joined the World Health Organization (WHO)'s Global Action Plan for the Prevention and Control of Pneumonia and Diarrhoea (GAPPD), but, five years later, these two easily preventable diseases still remain leading child killers. Chronic worm infection has also been found to be a cause of the persistence of anaemia and malnutrition among school-age children in Pakistan.

The socio-economic situation of the country still remains a source of concern for child rights. Taking into account the current Population Growth Rate (PGR) of 2.4% per annum, the official out-of-school-children data, and the current annual net enrolment rate (a current increase of 0.92%), and then connecting all the dots, it appears that universal enrolment of school-age children cannot be achieved until 2076. That statistic is not just alarming – it is also shameful, and is entirely unacceptable.

In order to counter this trend and to achieve this vital SDG goal by 2030 (not 46 years later, in 2076), the annual net enrolment rate must quadruple to 3.8% per annum, starting now.

In accordance with the Constitution Article 25-A (2010), all four provinces have enacted laws on the Right to Education (RTE) and the provision of free and compulsory universal primary and secondary education. The last to do so was the Khyber Pakhtunkhwa Assembly, which enacted the Khyber Pakhtunkhwa Free and Compulsory Primary and Secondary Education Act in 2017.

Despite the above legislation, a Human Rights Watch (HRW) research study found that girls miss school for many reasons, including access: lack of girls' schools at walking distance; lack of boundary walls, toilets and water; expenses and opportunity costs associated with girls' education; early marriage, child bearing, housework and caregiving; and inherent discrimination.

⁹ Pneumonia and Diarrhoea Progress Report, IVAC, 2017

The dire situation of spiralling rates of absolute poverty, as well as multi-dimensional poverty, translates into millions of school-age children across Pakistan, who face hunger and lack of safe drinking water; and who are below the minimum age of employment, but are being forced into child labour, often in dangerous occupations, classified as “hazardous”.

This is in blatant violation of various laws either prohibiting or regulating child labour. It is especially horrific in the brick kiln industry and in domestic child labour servitude.¹⁰ Pakistani labour laws still do not cover domestic workers, including child domestic workers. Due to inadequate monitoring and law enforcement of the already enacted laws, perpetrators are rarely brought to justice, and the children are denied access to justice, adequate psycho-social support, as well as redress. The province of Balochistan has lagged behind the others in enacting a law prohibiting child labour.

Violent crimes against children are on the rise in Pakistan.

The year 2018 started with the horrific news of the brutal rape and murder of six-year-old Zainab in Kasur. According to the 2018 edition of 'Cruel Numbers', an annual report compiled by Sahil, a Pakistani non-government organization (NGO), 3,832 child sexual abuse cases were reported during 2018. The compiled data of just the reported cases shows that more than 10 children were sexually abused each day. Sahil data shows that child sexual abuse reported cases increased by 33% in 2018, as compared to the reported cases in 2017.

Corporal punishment remains one of the most widespread forms of violence against children in Pakistan, and goes largely unreported and unpunished. Extreme force used on children by teachers, employers or family members as a disciplinary measure resulted in serious injuries in a number of cases reported in 2018.

In the absence of specific quantitative data collection by the State under each category of violent crimes against children at a national or province-wide level, it is not possible to measure, compile or report

¹⁰ See SPARC pamphlet: “Hidden Servitude: Child Domestic Labour” (SPARC, 2011).

the precise magnitude of cases of all forms of violence against Pakistani children.

Child marriage, i.e. early and forced marriage (CEFM), continues to be widely prevalent in Pakistan, despite 2030 being the deadline for ending child marriages, as part of the Sustainable Development Goals (SDGs). Misperceptions and the misuse of religion as the justification is the main reason for the State's inability to eradicate the practice, despite the existing legislation. While UNICEF estimates that around 21% of girls are married off before the age of 18 in Pakistan, its sister UN agency, UNFPA puts that figure at 33%.¹¹ Both are seen as conservative estimates, as the practice is much more widely prevalent, especially in the rural areas; and also because the legal age at marriage for girls in Pakistan (except in Sindh) still remains 16 instead of 18 (as for boys).

The widely known and acknowledged low level of birth registration in Pakistan – reported as being only 34% of all children born – also poses a major hurdle in eradicating child marriage, especially in the remote rural areas. Gender discrimination is seen in the even lower level of birth registration of the girl child, as well as the TGI child, and the differently-abled child (CWD).

While the Sindh legislature succeeded in enacting a law setting 18 as the minimum age at marriage for both girls and boys in 2014, the then-members of the National Assembly rejected the Child Marriage Restraint Bill for the second time in 2017, allegedly because it was “contrary to Islamic injunctions”. The draft Bill had set 18 years as the minimum age at marriage for all citizens, irrespective of gender.

In 2017, the advisory state entity known as the Council of Islamic Ideology (CII) declared that both the British-era laws and the subsequent Pakistani laws prohibiting child marriage are “un-Islamic”. During the 2017 UN Universal Periodic Review (UPR) at the UN HRC, the Pakistan government delegation did not accept the four recommendations that called for increasing the minimum age at marriage to 18 for all children.

¹¹ <https://dailytimes.com.pk/295598/child-brides-and-grooms-in-sindh/>

After the 2018 elections, the expectation was that the pending draft legislation against child marriage would be enacted, but it remained pending, in view of a clear tilt towards regressive attitudes among the majority of men in the ruling PTI government and the legislatures.

Pakistani girls belonging to religious minority communities are particularly vulnerable. The Movement for Solidarity and Peace in Pakistan released a research study titled “Forced Marriages and Forced Conversions” (2014), which showed that, on average, it is reported that over 1,000 girls belonging to the Christian and Hindu communities are kidnapped, forcibly converted to Islam, and then forced to marry Muslim men every year, especially in Punjab and Sindh. Four years later in 2018, it was clear that the federal and provincial governments failed to stop such kidnappings, forced conversions and forced marriages of young non-Muslim girls. It is noteworthy and curious that there are seldom – if ever – reported cases of the kidnapping, forced conversion, or forced marriage of young non-Muslim boys.

A notable development in the area of juvenile justice was the establishment of the first Child Court in Pakistan in Punjab in December 2017 at the Judicial Complex in Lahore. This court is mandated to deal with all cases involving children. It was expected that this would be followed by Child Courts all over Pakistan. However, Khyber Pakhtunkhwa failed to establish one in 2018.¹² Islamabad (ICT) has a Family Court, which also deals with cases pertaining to children. While Sindh announced the setting up of Child Protection Units in the women’s police stations in 2018, there were no published reports available on whether or not separate Child Courts were established in Sindh and Balochistan in 2018.

During 2018, the overall juvenile justice system in the country continued to suffer from fundamental problems, due to weak implementation of the juvenile justice system law. Incarcerated juvenile offenders remain vulnerable to violence and abuse in many forms. In addition, the death penalty remains applicable to individuals who were minors at the time of the alleged crime and a number of juvenile executions have been carried out in the past few years, as researched and reported by the NGO, Justice Project Pakistan (JPP).

¹² A Child Court was inaugurated in the Peshawar High Court in 2019.

The imposition of the death penalty on children (no matter how they are defined, and their current or past age status) is totally in contravention of Pakistan's binding obligations as a State Party to the Convention on the Rights of the Child (CRC) since 1990.

While various child-specific provincial laws have been enacted or amended for protection of child rights, not only are the existing laws flawed, conflicting, and self-contradictory, but the implementation of such laws and holding state institutions accountable (especially the LEAs) has also been very difficult. This allows perpetrators of child abuse, violence, and economic exploitation to go free with impunity, and conviction rates remain low.

An increasing number of children are particularly vulnerable because of their religion, sect, sex, race, ethnicity, being differently-abled (CWDs), being internally displaced (IDPs) or refugees – either due to emergencies or disasters or conflicts; or poverty and socio-economic class status. The long-term effects of discrimination, exploitation and violence are deep and life-altering. The psychological and emotional scars are very difficult, or nearly impossible to ever erase.

The girl child, minority children, transgender (TGI) children, CWDs, IDPs and refugees are disproportionately impacted and vulnerable.

All of these problems seriously impede progress towards the protection, realization and promotion of the Constitutional guarantees of child rights in Pakistan.

Universal Periodic Review

The Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) is a relatively recent and unique process for Pakistan. It involves States Parties to human rights conventions periodically submitting to the UN HRC, their human rights progress reports, which undergo a peer review by the member states, in addition to the UN agency's own review and commentary on the UPR reports.

The stated objective of the UPR is the improvement of the human rights situation in each member state, based on the observations and recommendations of the UN agency and the peer review; and also for the UN to provide technical assistance to states to implement human

rights laws and policies; to monitor them; as well as to enhance the capacity to deal effectively with human rights challenges.

Another objective of the UPR is to share best practices in the protection and promotion of human rights within and among states and other stakeholders, especially national civil society organizations and human rights defenders; as well as the national human rights institutions and mechanisms, particularly the statutory permanent human rights commissions.

The most recent UPR of Pakistan was in 2017, as we discussed in our SoPC 2017 report. We need to repeat here, that the final report issued by the UN Committee, reiterated its past recommendations to Pakistan with regard to child protection, because there had been scant progress observed or documented since the previous reviews, via both the UPR and the CRC reporting mechanisms.

The UN HRC was particularly concerned about Pakistan's low birth registration rate; failure to define Minors (definition of the age of the Child) and to legislate accordingly; maltreatment of juvenile offenders in prison or in police custody; widespread reports of increasing rates of sexual violence against children; and the recruitment of children by armed militant groups in conflict areas, amongst other concerns.

The UN Committee on Economic, Social and Cultural Rights (UN CESCR) urged Pakistan in the 2017 UPR report to also focus on taking all measures necessary to fulfil the vital nutritional needs of infants and children.

It was once again strongly recommended that Pakistan urgently needs to increase its school enrolment rates, especially at the primary level; and to remove the social and economic segregation resulting from the wide disparities between the public and private educational institutions and the varying systems of education in the country.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed deep concern at the high number of Pakistani working children, despite their not being legally eligible to work.

Further, Pakistan was urged to ensure implementation of the juvenile justice law, especially the formation of special courts for trials of juvenile offenders, and full compliance with the prescribed international standards for the treatment of children in prisons and in police custody.

National Developments in 2018

The Parliament enacted a number of important laws in 2018:

1. Prevention of Trafficking in Persons Act

The Prevention of Trafficking in Persons Act was enacted to prevent and combat trafficking in persons, especially women and children, and to promote and facilitate national and international cooperation in this regard.

2. Islamabad Capital Territory Child Protection Act

The Islamabad Capital Territory Child Protection Act was enacted to provide protection of children within the Islamabad Capital Territory (ICT) from all forms of physical, sexual or mental violence, injury, neglect, maltreatment, exploitation and abuse.

The legislation aims to establish a Child Protection Advisory Board and Child Protection Institution. The Child Protection Advisory Board is meant to advise the federal government on matters relating to legislation, policy-making, and implementation of the rights of the child to protection and care, which are enshrined in Pakistan's Constitution and its international Treaty obligations.

The Child Protection Institution is mandated to receive and address reports of children who are in need of help, protection and care. The institution will also maintain a record of case management reports.

3. The Juvenile Justice System Act

In 2018, the National Assembly passed the Juvenile Justice System Act (JJSA, 2017) to modify and amend the laws relating to the criminal justice system for juvenile offenders. It also addresses the disposal of pending cases.

The following clause of the JJSA pertains to the determination of a child's age: "Where a person alleged to have committed an offence physically appears or claims to be a juvenile for the purpose of this Act ... the officer-in-charge of the police shall make an enquiry to determine the age of such person."

The following clause pertains to a special provision for girl juvenile offenders: "No female shall in any circumstance be apprehended by a male police officer or released on probation under supervision of a male officer."

Under this law, a Committee will be set up, comprising four members, to be headed by a serving Judicial Magistrate, with a district Public Prosecutor, a member of the subordinate Bar Association, and a serving Probation Officer or a Social Welfare Officer as its members.

Another clause of the law states: a "Juvenile may be charged with and tried together with an adult by the juvenile court if the court believes that it is in the interest of justice to hold a joint trial. The court may also dispense with presence of the juvenile before it, and may be allowed to undertake joint proceedings through audio-visual technology." This law is further discussed in Chapter 6 – Juvenile Justice System (JJS).

While the respective chapters of the SoPC 2018 contain sectoral recommendations on child rights, below we present an illustrative and overall set of recommendations, some of which are cross-sectoral and are applicable across the board.

Recommendations

1. In view of Pakistan's continuing non-compliance with the UN CRC, in defining the Child (the Minor), our strongest recommendation is for all the legislatures to urgently enact a law comprising a uniform, standard definition of the term "Child", at both federal and provincial levels, as per the CRC, i.e. a person not having attained 18 years of age – attaining majority.

2. There is an urgent need for compliance with, adherence to, and implementation of the existing child protection laws enacted at the national and provincial levels.
3. There is a need to remove the contradictions, conflicts and inconsistencies between the numerous child rights laws (including those enacted relatively recently); for example, the Punjab Restriction on Employment of Children Act sets the age bar at 15, whereas the Prohibition of Child Labour at Brick Kilns Act sets the age limit at 14, vs. variations in fixing the minimum age of criminal responsibility – vs. Article 25-A (RTE) of the Constitution, which makes education up to the age of 16 mandatory and compulsory for all children.
4. Reported instances of child sexual abuse (CSA) in all its forms need to be promptly and correctly investigated; the perpetrators must be prosecuted and convicted without out of court settlement, appeasement or compromise.
5. The State needs to establish the required institutional mechanisms, along with the provision of financial and human resources to provide the CSA survivors effective relief, redress, reparation, protection, medical and psycho-social counselling, rehabilitation, reintegration, and continuing follow-up support.
6. In compliance with successive judgements and orders of the Honourable Supreme Court of Pakistan (SCP), the police/LEAs and district administrations must ensure that no Jirga or Panchayat (illegal parallel adjudication councils of local wealthy and influential men) is convened in any part of Pakistan. Only then can the State enforce its writ and ensure that women, children, trans-genders (TGIs) and CWDs are not exploited and targeted through criminal acts, harmful practices and cruel customs or traditions; and that the primary responsibility of the State to provide security and protection to all citizens is fulfilled.
7. It is imperative to increase public awareness, by means of strengthening civil society's advocacy campaigns across

Pakistan, against, *inter alia*, poverty; hunger and malnutrition; lack of immunization and primary health services; absence of universal, compulsory, free education; child labour; child sexual abuse; child marriage; violent crimes against children; and corporal punishment. There is an urgent need for new legislation overriding Section 89 of the Pakistan Penal Code (PPC), which tolerates “mild forms of punishment” in the misperceived and long-discredited notion of the “best interest of the child” (*sic*).

8. The federal and three of the four provincial legislatures need to endorse and replicate the Sindh law, by increasing the minimum age at marriage to 18 years for girls and TGI children across the country, in order to achieve parity with boys, and to adhere to the concept of equal citizenship for all, which is not a religious issue.
9. Since the situation of the Girl Child remains unequal and unjust, she requires special attention and focus. We can do no better than quote the renowned lawyer and rights activist, Advocate Shahla Zia: ***“Soon, today’s little girls will become young women: will this country value them as equal citizens, or will it leave them forever mired in a web of deprivation and discrimination?”***¹³
10. It is necessary to increase the annual budgetary allocations for health-related initiatives, particularly focusing on children, e.g. sustained, continuous vaccination/immunization campaigns; child malnutrition; gastric and respiratory infections; safe drinking water; early childhood development; and so on. The primary and reproductive health care system needs to be strengthened in terms of trained health and paramedical staff, equipment and medical supplies; and there is an urgent need for expanding and accelerating the mobile outreach services, as well as basic and reproductive health service provision to the remote rural areas.

¹³ Shahla Zia, “Ignorance of the Law”, p.37, NATIONAL HEALTH journal, January 1990, op.cit.

11. The provincial education budgetary allocations urgently need to be increased, in accordance with the educational needs of the children, especially in rural areas. Leave alone the shocking number of 25 (now estimated at around 23) million children out of school (widely disseminated by Alif Ailaan),¹⁴ it is incumbent on the State to ensure that not a single child is left out of school, or drops out before completing high school studies, as per the Constitutional provision under Article 25-A: the Right to Education for all children.
12. There is an urgent need to revise the federal and provincial education policies, curricula and textbooks, as an important component of raising awareness of: (i) child rights and child protection; (ii) gender equality and justice; (iii) respect for, and acceptance of, diversity, pluralism, rule of law, and peaceful co-existence.
13. The juvenile justice system needs to be strengthened to ensure that legal redress under the JJS law is made available and ensured for all juvenile offenders. Moreover, a new system ensuring juvenile offenders' early release, rehabilitation and reintegration is urgently required, to minimize their incarceration and to provide them a second chance in life.
14. The state needs to ensure, via strong legislation, and via strict judgements in the trial courts, and via police law reforms, that there will be no privatization of justice in cases pertaining to violent and sexual crimes against children, i.e. no "compromises"¹⁵, and no out of court settlements, which invariably go in favour of the rich perpetrators vs. the low income victims/survivors.
15. All child labour prohibition laws need revision, in order to rectify the absence of the mention of the informal sector, including agriculture, domestic labour, and other forms of non-formal labour, since the overwhelmingly vast majority of working children engaged in various forms and types of labour

¹⁴ Alif Ailaan, "25 Million Broken Promises" (2014).

¹⁵ So-called "forgiveness" affidavits, known as "muafinaama", "raazinaama", "sulahnaama", and so on.

fall through the cracks in the above categories. Laws prohibiting child labour are urgently required to be enacted in Balochistan, while the other provinces and ICT need to strengthen their laws to remove their current lacunae and contradictions.

16. There is an urgent need to conduct an independent national survey to ascertain the severity, extent and magnitude of child rights violations in Pakistan, to take all necessary measures to rectify the situation, starting with ensuring that all children are registered at birth, in order to be counted in official documentation records; and thereby enabled to exercise their birth right to equality of citizenship and all the Constitutional guarantees and safeguards.
17. Special initiatives for differently-abled children (CWDs) need to include an increase in the number of currently available special schools, as well as provisions for the integration and mainstreaming of children in all educational institutions across Pakistan. Vocational skills training is needed to help PWD adolescents and youth to avail the special technology to enable them to be integrated as valued, respected and productive members of society; as well as special sections in public sector institutions to address the specific needs of PWD children.
18. The federal and provincial governments must take concrete steps to ensure that the rights of religious and ethnic minorities are upheld, with zero tolerance for violations. Furthermore, Child Protection Units (CPUs) and Social Welfare Departments (SWDs) must ensure that there are adequate numbers of designated, trained staff available to address the issues of children belonging to religious and ethnic minorities.
19. To ensure child rights, it is vitally important for the federal and provincial governments to chart clearly enunciated goals with verifiable objectives; clearly defined responsibilities; non-lapsable budgetary allocations; and independent, autonomous mechanisms to effectively monitor, report on, and ensure strict compliance, along with transparency and accountability.

20. The public and private mainstream media, as well as social media, need to promote child rights and child protection, as well as gender equality and justice, by adhering to their mandatory quota of Public Service Messages and their own Codes of Conduct and Ethics.

All these recommendations are viable and doable. All that is required is political will and commitment.

