

# Introduction and overview of Child Rights

## Introduction

Children in the world have special rights and they need their rights to be protected in all respects without any prejudice in any way. This is necessary to ensure their well-being, successful development and their rights. Not only parents, but all governments and state institutions have duty to create a child friendly environment and to promote children's rights in order to ensure our future. There are millions of children in various parts of the world, who are facing violence and discrimination. Children are used as labourers in some countries, immersed in armed conflict, living on the streets and suffering by differences be it religion, minority issues or disabilities. Children feeling the effects of war can be displaced because of the armed conflict and may suffer physical and psychological trauma.

Several social indicators give a measure of the progress achieved by the Islamic Republic of Pakistan regarding Children's Rights since its independence in 1947. Access to health services, education, and life expectancy has improved as the infant mortality rate and illiteracy has declined. Despite everything, the full realization of Children's Rights is still going to demand enormous time and effort. These are major problems faced by children in Pakistan. Almost one-third of its population falls below the poverty line as the country ranks number 5 in the list of countries by population<sup>1</sup>. This problem mainly affects rural areas. The state of the global markets is exacerbating an already very difficult economic reality. The first victims of poverty are children, the weakest and most vulnerable, who see a complete deprivation of their rights: a lack of education, poor access to health services, discrimination, etc.

Pakistan ratified the Convention on the Rights of the Child on November 12, 1990<sup>2</sup> and the successive governments have renewed their commitment to creating friendly environment for all Pakistani children. Unfortunately, huge challenges remain for them in the country.

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<sup>1</sup>Statistics vary due to the definition of poverty

<sup>2</sup><https://www.refworld.org/pdfid/46c190b40.pdf>

In Pakistan, there are many such laws implemented time to time to facilitate a life to the children, which they deserve. Question is what is the most important birth right of a child? Simple that is Education. For a living, every born child must understand the way to earn “food, clothes and shelter”. Children must learn from initial stage in order to become a responsible citizen or somehow learn to earn for future. There are laws regarding child education but unfortunately, these laws have not been fully implemented. While Article 25-A<sup>3</sup>, Constitution of Islamic Republic of Pakistan 1973, Right to Education: ***“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.”*** This clearly states that it is the responsibility of the government to support free education for every child from the age 5-16 years. Education is a birth right of all children. We cannot snatch that from them. People prefer to make children earn from the early stages to raise their family by earning but again the question comes that why? Answer is again simple, what other options do they have sighting the current inflation rate, but it is not money every time, sometimes it happens just because of unawareness and illiteracy.

Article 37-B<sup>4</sup>, Constitution of Islamic Republic of Pakistan 1973, Promotion of social justice and eradication of social evils: ***“The State shall remove illiteracy and provide free and compulsory Secondary Education within minimum possible period.”***

After the 18<sup>th</sup> Amendment<sup>5</sup> in Constitution of Islamic republic of Pakistan 1973, Education was devolved to the provincial mandate and it became the responsibility of the Parliament and Provincial assemblies to legislate for the provision of compulsory education in their respective jurisdictions. There are some laws passed from different legislative forums. At the federal level, ***Right to Free and***

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<sup>3</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf) Page 15

<sup>4</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf) Page 18

<sup>5</sup>[http://www.na.gov.pk/uploads/documents/report\\_constitutional\\_18th\\_am\\_end\\_bill2010\\_020410\\_.pdf](http://www.na.gov.pk/uploads/documents/report_constitutional_18th_am_end_bill2010_020410_.pdf)

*Compulsory Education Act, 2012*<sup>6</sup>, In Sindh, *Sindh Right of Children to free and Compulsory Education Act, 2013*<sup>7</sup>, In Balochistan, *The Balochistan Compulsory Education, 2014 Act*<sup>8</sup>, Punjab, *The Punjab Free and Compulsory Education, Act 2014*<sup>9</sup>, in Khyber Pakhtunkhwa, *The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017*<sup>10</sup>.

After these legislations still education, related situation is alarming for Pakistan. According to UNICEF report<sup>11</sup> an estimated 22.8 million children aged 5-16 are out of school. Which are the most outnumbered children of any county in the world. It creates crisis in the country, we have seen the more children are out of schools there are more chances for them to become drug addict to become part of illegal businesses and later criminals. There are number of cases the children became victim of sexual abuse also. Furthermore, the attendance rate for education is higher among boys than girls. The difficulties of public education are numerous: economic constraints, dilapidated or even dangerous buildings, lack of toilets, chairs, tables, recurring humanitarian crises etc. Moreover, teachers are very under-qualified, and it is not unusual for children to leave school without knowing how to read or write.<sup>12</sup>

Globally, at least 1 in 3 children under 5 is not growing well due to malnutrition in its more visible forms: stunting, wasting and overweight. 149 million children under 5 are stunted, almost 50 million children under 5 are wasted and 40 million children under 5 are overweight.<sup>13</sup> Globally, at least 1 in 2 children under 5 suffers

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<sup>6</sup>[http://aserpakistan.org/document/learning\\_resources/2017/Right-to-Education-Provincial-Legislation/Islamabad-Free-and-compulsory-Education-Act-2012.pdf](http://aserpakistan.org/document/learning_resources/2017/Right-to-Education-Provincial-Legislation/Islamabad-Free-and-compulsory-Education-Act-2012.pdf)

<sup>7</sup>[http://www.sindheducation.gov.pk/Contents/Menu/Sindh\\_Bill\\_RTFE.pdf](http://www.sindheducation.gov.pk/Contents/Menu/Sindh_Bill_RTFE.pdf)

<sup>8</sup><https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96221/113658/F-955909891/PAK96221.pdf>

<sup>9</sup><http://punjablaws.gov.pk/laws/2580.html>

<sup>10</sup><http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-free-compulsory-primary-and-secondary-education-act2017/>

<sup>11</sup> UNICEF, Every Child Learns report 2019

<sup>12</sup><https://www.dawn.com/news/1418208>

<sup>13</sup><https://www.un.org/sustainabledevelopment/hunger/>

from hidden hunger due to deficiencies in vitamins and other essential nutrients. In 2018, almost 200 million children under 5 suffered from stunting or wasting while at least 340 million suffered from hidden hunger. Only 2 in 5 infants under six months of age are exclusively breastfed, as recommended. Breastfeeding could save the lives of 820,000 children annually worldwide.

Article 38-D<sup>14</sup>, Constitution of Islamic Republic of Pakistan 1973, Promotion of social and economic well-being of the people: ***“The State shall provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”***

Access to quality healthcare is a basic need of the children of Pakistan. Although the subject of health has been placed in the Principles of Policy, the state cannot evade its responsibility for saving the children from outbreaks of different diseases. But the state's inability to do that has led to children relying upon expensive health services offered by the private sector. The state's spending and resource allocation has not been sufficient to keep pace with the rapidly increasing population levels. Hospitals, basic and primary health units and dispensaries run by government often lack required staff, equipment and facilities. Around one child in six dies before the age of five. The nutritional status of children is very poor almost 35% of them are underweight; more than 50% suffer from stunted growth, and around 9% from emaciation. Each day, around 1,100 Pakistani children less than five years old die from diarrhea and illnesses related to water, sanitation, and hygiene. Access to care is a challenge in rural areas where many families simply can't afford basic healthcare. Furthermore, recurring natural disasters have a strong impact on the health of people as well as infrastructures.<sup>15</sup> A healthy surrounding is made by the healthy mind, bodies and souls. So our surroundings will be made by the children, their protection is our duty and obligation.

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<sup>14</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf) Page 30

<sup>15</sup><https://data.unicef.org/country/pak/>

**Article 11**<sup>16</sup>, Constitution of the Islamic Republic of Pakistan 1973, provides that “*No child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment*”. These are provincial commitments to eradicate child labour in Pakistan. *The Employment of Children Act, 1991* is applicable in Islamabad Capital Territory and The province of Baluchistan, *The Punjab restriction on employment of Children Act 2016*, *The Punjab Prohibition of Child Labour at Brick Kilns Act 2016*, *The Punjab Domestic worker act 2019*, *KP Prohibition of employment of children act, 2015*, *The Sindh Prohibition of employment of children act, 2017*.

The socio-economic situation of the country is disastrous and forces families to make their children work. According to the Pakistan Labour Force Survey (2017-18), child labour between the ages of 10-14 is 8.2%. Of this, 9.8 % are boys and 6.4% are girls. Children in the age group 15-19: constitute 32.6% of the total child labour, of which boys are 47.6% and girls are 15.6%.<sup>17</sup> One reason for this gender gap could be that girls’ work is less visible, such as working as domestic servants in private households. The bulk of child labour is involved in the agriculture sector, while industries stand second. A large number is also engaged in providing non-formal commercial and domestic services. Mostly children are facing health issue due to labour. Their innocence, honesty, childhood and upbringing must be protected in order to make them a better citizen and to secure the future of our coming generations.

Every Child has the right to have an identity; this is a constitutional right of every citizen. However, in Pakistan around seventy percent of births are not officially reported to the public authorities to make these children invisible in the eyes of society. The absence of regulations on births and a lack of information about the necessity to register them are the biggest obstacles to the realization of a complete birth registry. There is a great necessity to inform the public about the problems that this could cause, such as the absence of official

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<sup>16</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

<sup>17</sup>[http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/ffs2017\\_18/Annual%20Report%20of%20LFS%202017-18.pdf](http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/ffs2017_18/Annual%20Report%20of%20LFS%202017-18.pdf)

identity, nationality, or even the failure to respect the rights and practical needs of children.

A large number of children in the Pakistan whose lives inextricably connected with public spaces: streets, buildings, and shopping centers, etc. Some of these children are live on the streets, sleeping in parks, doorways or bus shelters. Street children are more vulnerable in this regard. A number of reports provide evidence that up to 90% of street children in Pakistan suffer sexual molestation, assault, rape, gang rape or “sodomy”.<sup>18</sup> They are exposed to violence and abuse on a daily basis, resulting in adverse physical and psychological impact. Young girls on the street are often forced into prostitution and thus, it is reported that only 8% of children living on the streets in Pakistan are girls. In addition to suffering from constant injuries, skin infections, respiratory problems and severe malnutrition, street children are at a hugely increased risk of acquiring severe and serious infections, such as STIs, RTIs, HIV/AIDS and Hepatitis, due to their exposure to child sexual abuse. They are also at the highest risk of taking up cigarette-smoking and narcotic drug use, often resulting in addiction.

Crimes against children are on the rise in Pakistan. According to data compiled by Sahil, a Pakistani non-government organization (NGO), 3,832 child abuse cases were reported in the newspapers in all four provinces as well Islamabad, Azad Kashmir and Gilgit-Baltistan during 2018,<sup>19</sup> which comes to over 10 child abuse cases reported each day. Of these 3,832 cases, child sexual abuse (CSA) comprised 2,327 cases. Sahil 2018 data shows that more than 10 children suffering some form of abuse every day in Pakistan. There is a gender divide in the reported child abuse cases, with 55% girls and 45% boys. Of the reported CSA cases, 51% were girls and 49% were boys. This is in inverse proportion to the total population divide of 48.8% girls and women and 51.2% men and boys in Pakistan. Mostly child abuse cases reported from Punjab, followed by Sindh and KP. The total figure of 3,832 crimes against children includes 923 reported cases of abduction, 589 of sodomy, 537 of rape, 452 of

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<sup>19</sup> Sahil annual report “Cruel Numbers 2018”, launched April 2019.

missing children, 345 of attempted rape, 282 of gang sodomy, 156 of gang rape and 99 cases of child marriages.

According to SPARC's State of Pakistan's Children (SoPC) 2018, we observed that 2019 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; forced conversions, forced and early marriages; poverty-induced crimes, including child labour, sale, slavery, bonded and domestic labour, prostitution and trafficking of children. The Children of Pakistan 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.

### **Pakistan's International and regional Commitments**

Pakistan has signed, ratified or endorsed the following **international and regional commitments** regarding child rights:

<b>Title</b>	<b>Date</b>
The UN Declaration on Human Rights	1948
The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery	1956
The Fundamental Principles and Rights at Work and ratification of Forced Labour Convention	1930
Abolition of Forced Labour Convention	1957
The UN Convention on the Rights of the Child (CRC)	1990
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1996
Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children	1996



International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	September 21, 1966
Yokohama Global Commitment against Commercial Sexual Exploitation of Children	2001
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
Third World Congress against Sexual Exploitation of Children and adolescents	2008
South-to-South Cooperation on Child Rights	2010
International Covenant on Civil and Political Rights (ICCPR)	June 23, 2010
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	June 23, 2010
The CRC Optional Protocol on the sale of children, child prostitution and child pornography	2011
Convention on the Rights of Persons with Disabilities (CRPD)	2011
International Covenant on Economic, Social and Cultural Rights (ICESCR)	July 05, 2011
Colombo South Asian Call for Action on Ending Violence against Children	2012
The CRC Optional Protocol on the involvement of children in armed conflict	2016

**Pakistan is a State Party to the following relevant ILO Conventions:**

<b>Title</b>	<b>Date</b>
The Worst Forms of Child Labour Convention	2001
The Equal Remuneration Convention	2001
The Minimum Age Convention	2006

## **Pakistan’s additional child-relevant commitments**

<b>Title</b>
Ending Gender Discrimination, Mexico 1 <sup>st</sup> WCW 1975 to Beijing 4 <sup>th</sup> 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 1990
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

## **International Developments in 2019:**

The 40<sup>th</sup> session of UN Human Rights Council (HRC) held in February 25 to March 22, 2019 at Geneva. The Council held its annual full-day meeting on the rights of the child. The meeting focused on the theme “empowering children with disabilities for the enjoyment of their human rights, including through inclusive education”.

The 42<sup>nd</sup> session of UN Human Rights Council (HRC) held in September 09 to September 27, 2019 at Geneva. In this meeting, the Human Rights Council decided that the theme of the annual high-level panel discussion on human rights mainstreaming to be held at the 43<sup>rd</sup> session, in accordance with Council resolution 16/21, would be “Thirty years of implementation of the Convention on the Rights of the Child: challenges and opportunities”.

## **The Kids Rights Index:**

The international organization Kids Rights Foundation has placed Pakistan at the 140<sup>th</sup> position in child life<sup>20</sup>, 147<sup>th</sup> in health<sup>21</sup>, 163<sup>rd</sup> in education<sup>22</sup>, 127<sup>th</sup> in protection<sup>23</sup>, 121<sup>st</sup> in child rights environment<sup>24</sup> and 151<sup>st</sup> position<sup>25</sup> in the overall global Child Rights Index of 181 countries. The world community is observing the 30th anniversary of the United Nations Convention on the Rights of the Child (1989) but many child rights activists in Pakistan are wondering what to celebrate. The reasons for this bewilderment are conspicuous and well known, as the state of Pakistan has failed to mitigate miseries of millions of vulnerable children in the country. Indicators of health, education, welfare and protection of children living in Pakistan are very depressing.

## **UNICEF Report:**

According to UNICEF report<sup>26</sup> an estimated 22.8 million children aged 5-16 are out of school. Which are the most outnumbered children of any county in the world. It creates situation of crisis in the country, we have seen the more children are out of schools there are more chances for them to become drug addict to become part of illegal businesses and later criminals. There are number of cases the children became victim of sexual abuse also.

Child marriage, i.e. early and forced marriage (CEFM), continues to be widely prevalent In Pakistan, despite 2030 being the deadline for

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<sup>20</sup><https://www.kidsrightsindex.org/Life>

<sup>21</sup><https://www.kidsrightsindex.org/Health>

<sup>22</sup><https://www.kidsrightsindex.org/Education>

<sup>23</sup><https://www.kidsrightsindex.org/Protection>

<sup>24</sup><https://www.kidsrightsindex.org/Child-Rights-Environment>

<sup>25</sup><https://www.kidsrightsindex.org/>

<sup>26</sup> UNICEF, Every Child Learns report 2019

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%.<sup>27</sup> 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).

To commemorate the 30<sup>th</sup> anniversary of The United Nations Convention on the Rights of the Child UNICEF conducted a study Child rights legislative review of Federal and Provincial Laws enacted in Pakistan. For this study, UNICEF engaged different experts. These specialists have reviewed 108 child related laws of Pakistan with respect to their legal effectiveness. Experts found out that considerable percentage of these laws do not comply with international standards or do not conform to the criteria set by the UN Convention on the Rights of the Child. Out of these laws, only 24 % are fully compliant to CRC, 41 % are partly compliant, and 16 % laws are weakly compliant whereas 19% laws are in contradiction to the principles of CRC. When it comes to the enforcement, considerable numbers of laws are not implemented. After passage by the parliament, implementation of these laws is left to the discretion of government machinery, which is not very ambitious for their enforcement in letter and spirit. One of the reasons frequently attributed for non-enforcement of child related laws is non-availability of funds.

### **Global Childhood Report:**<sup>28</sup>

The Save the children's 2019 Global Childhood report placed at the 149<sup>th</sup> position out of 176 countries in the global ranking of child rights. This global index is largely based on children's access to

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<sup>27</sup><https://dailytimes.com.pk/295598/child-brides-and-grooms-in-sindh/>

<sup>28</sup><https://reliefweb.int/sites/reliefweb.int/files/resources/global-childhood-report-2019-pdf%20%281%29.pdf>

health care, education, nutrition and protection from harmful practices like child labour and child marriage.

### **UN Observations:**

The United Nation observations on the fifth periodic report of Pakistan on the implementation of the CRC revealed dissatisfaction of the international community on Pakistan's slow progress. The concluding observations of UN Committee on the CRC exposed numerous delinquencies on Pakistan's part — ranging from the inability of the state to legislate in favour of children, barriers to enforcement of child laws and weak coordination among stakeholders. The UN committee has also referred to the poor financing of interventions related to child welfare by the government as well as negligence and corruption of local level government officials to check child labour and child abuse.

### **UNDP Report:**

Pakistan's ranking on the Human Development Index (HDI) 2019 fell one notch more and stood at 152nd position out of the total 189 countries. Most alarmingly, Pakistan's ranking was lower than all comparable regional countries of South Asia and falls in the medium human development category. In comparison, Pakistan had a higher percentage of inequality in the health and education dimension as compared to the average of South Asia and other medium HDI countries. On account of Gender Development Index (GDI), the HDR 2019 states that Pakistan's ratio of the 2018 female HDI value stood at 0.464 and the male HDI value 0.622, resulted in GDOI value of 0.747. According report there were 541 million poor people in South Asia in accordance with Multi-Dimensional Poverty Index (MPI) out of which 75 million were in Pakistan and 40 million were alone children.<sup>29</sup>

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<sup>29</sup>[http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/PAK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/PAK.pdf)

## **Global Gender Gap Index Report:**

Pakistan ranked 151 out of 153 countries on the Global Gender Gap Index Report 2020. The scorecard for the country places Pakistan at 150 in economic participation and opportunity, 143 in educational attainment, 149 in health and survival and 93 in political empowerment. The report highlights that economic opportunities for women in Pakistan are limited with the country only managing to bridge 32.7 per cent of the gap between men and women in the workplace. In health and survival, the gap widened to 94.6pc, which means that women in the country do not have the same access to healthcare as men. Among the seven South Asian countries included in the index, Pakistan charted at the very bottom. Bangladesh ranked 50, followed by Nepal, 101, Sri Lanka, 102, India, 112, Maldives, 123, and Bhutan, 131.

## **National Developments in 2019:**

### **National Nutrition Survey:**

Four in ten under five children are stunted according to the new National Nutrition Survey (NNS), published by the Government of Pakistan. Nearly 13 per cent of children between the ages of two and five years suffer from some form of functional disability. The survey points out that one in every eight adolescent girls and one in every five adolescent boys suffers from being underweight. Over half of the adolescent girls in Pakistan are anemic.

### **National Child Labour Survey:**

Ministry of Human Rights in collaboration with UNICEF has launched National Child Labour Survey in Pakistan on March 26, 2019. The survey in Pakistan will be conducted through Statistical Information and Monitoring Programme on Child Labour (SIMPOC) methodology; the result/report of this exercise will specify the actual number of children involved in child bonded labor and will lead the Govt. to Policy making/programming in this regard. This survey expected to end by June, 2020.

### **Zainab Alert, Response and Recovery bill, 2019<sup>30</sup>:**

The National Assembly of Pakistan passed unanimously the Zainab Alert, Response and Recovery Bill, 2019 on January 10, 2020. This act to make provisions for the protection of missing and abducted children under the age of eighteen years, that includes raising alert, responding and recovering of missing and abducted children in the premises of Islamabad Capital Territory (ICT). This bill will pave the way for setting up Zainab Alert, Response and Recovery Agency (ZARRA), where child-missing case will be reported and it will generate an automatic alert. The bill starts off on a right note by defining a 'child' as someone who is below the age of 18, and a 'missing child' as someone whose whereabouts are not known regardless of the circumstances or the time elapsed since the child went missing. It aptly requires the establishment of a Zainab Alert, Response and Recovery Agency and a Director-General to administer the functions of the agency. However, the bill fails to mention the time limit in which these two actions will be completed. This omission could be disastrous for the ZARRA's implementation.

### **The Punjab Domestic Workers Act 2019<sup>31</sup>:**

As a leading step, a new legislation titled as the "Punjab Domestic Workers' Act, 2019" on the subject acknowledging various labour rights of the domestic workers was passed by the Provincial Assembly of the Punjab in January, 2019. It is pertinent to mention here that the child domestic labour has now been prohibited in hazardous domestic work in the province of Punjab.

### **KP Child Protection Court:**

The KP government established first ever child protection court in Province. The Child Protection Court has been established under Khyber-Pakhtunkhwa Child Protection and Welfare Act, 2010 and Juvenile Justice System Act, 2018. This court will handle issues related to child protection and welfare cases particularly legal

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<sup>30</sup>[http://www.na.gov.pk/uploads/documents/1556103569\\_454.pdf](http://www.na.gov.pk/uploads/documents/1556103569_454.pdf)

<sup>31</sup><http://punjablaws.gov.pk/laws/2724.html>

custody of destitute and neglected children; reunification of destitute and neglected children with their families; trial of cases registered under the Child Protection and Welfare Act; welfare of children; trial of cases where children are victim, witness and offender and protection of movable and immovable properties of orphans, neglected and children at risk.

### **The KP Mines, safety, inspection and regulation act 2019:**

The Khyber Pakhtunkhwa Mines Safety, Inspection and Regulation Act, 2019 is related to promote and improve protection of mineworkers operating in risky conditions. In Section 51(1) of the lawsays after the enforcement of the law, no person below 18 years of age to allow work in mine.

### **KP youth welfare endowment fund act 2019:**

The purpose of this act is that the provincial government will provide the financial support to youth in the province for flourishing their new business ideas and to enable them to lead a prosperous life in the society.

### **The Sindh Prisons and Correction Services Act 2019:**

The Provincial assembly passed the new law regarding prisons with the aims to introduce reforms relating to prisons and correctional facilitates as well as the rehabilitation of prisoners in the province. Chapter No. 9 of the this law, which deals with prisoners' well-being and rehabilitation, states that basic human rights will be provided to all prisoners without any discrimination. "Along with adequate diet and clean drinking water, each prisoner will have access to newspapers, books and writing material, air cooler, LED TV and a personal computer(without internet)," states the law, adding that the prisoners will have to pay for these facilities themselves.



**Resolution Against Child Marriages: Khyber Pakhtunkhwa Assembly** unanimously passed the resolution to raise the minimum age of marriage to 18 and legislate to end domestic violence. The resolution states that 'this House acknowledges its obligations to support and enact domestic legislation in the light of Pakistan's international & regional human rights-based obligations; it also condemns all laws and acts of injustice, discrimination, and violence against girls that result from child marriages.

**The Khyber Pakhtunkhwa School Bags Act, 2019:** An important new law is waiting to be approved by the Khyber Pakhtunkhwa cabinet. Drafted by the education department, the Khyber Pakhtunkhwa School Bags Act, 2019, will make it compulsory for all educational institutions across the province to ensure schoolbags carried by children do not weigh more than 15pc of the student's weight. The figure is in accordance with international research, though some researchers have suggested that the weight of the schoolbags should be as low as 10pc of a child's bodyweight. As directed by the Peshawar High Court, the law must be passed and put into effect by both the government and private institutions before the new school year begins in 2020.

**The Child Marriage Restraint (Amendment) Bill, 2019:** The National Assembly Standing Committee on Law and Justice after a detailed discussion rejected 'The Child Marriage Restraint (Amendment) Bill, 2019' aimed at fixing minimum age of marriage for girls at 18 with majority vote. The same bill was allowed to be introduced by minority member Dr. Ramesh Kumar Vankwani as private member by the National Assembly by 72 to 50 votes. The introduction of the Child Marriage Restraint (Amendment) Bill, 2019 on April 30 last also created a split within the ranks of the treasury benches as some cabinet members including Minister for Religious Affairs Noorul Haq Qadari and Minister of State for Parliamentary Affairs Ali Mohammad Khan were prominent amongst those opposed the proposed legislation. Minister for Human Rights Dr.

Shireen Mazari and majority of female parliamentarians had supported introduction of the bill.

### **Recommendations:**

- More investments in children – to achieve the SDGs and ensure that all children have access to quality basic services, including protection and social protection services, need to raise the necessary resources.
- Governments must ensure these resources reach excluded children in keeping with the focus on public investment in children outlined by the UN Committee on the Rights of the Child. Improved public investment to assist excluded children must include the removal of cost barriers to services as well as measures to ensure minimum financial security for all children through child-sensitive social protection. Children who are furthest behind must be identified and prioritized in terms of investments, service provision and decision-making.
- Actions to ensure all children are treated equally – this includes ending discriminatory policies, norms and behaviors such as preventing girls from accessing health services or denying education to a child because of their ethnicity or gender. To facilitate children accessing quality services, governments must also put in place systems to register every child at birth.
- Count and include all children, regardless of who they are or where they are from – Governments need to ensure that all

children, especially excluded children, are counted in data that are used to measure progress on the SDGs. Data should be collected and disaggregated by age, economic group, gender, sex, race, ethnicity and geography or migratory status, and be reported publicly in accessible formats. In addition, excluded children – girls and boys – should participate in policy making and budgeting, and be supported to monitor progress and hold governments to account.

- State should adopt a national action plan to reduce and eliminate child poverty, together with dedicated budgets and monitoring systems that track improvements in poverty-related deprivations among girls and boys of all ages.
- State should ensure that children in poverty (and their families) benefit from universal social protection measures, such as child grants, and should expand program coverage as quickly as possible to reach all children who are poor.
- 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.
- The Article 25-A is present in the Constitution of Pakistan but what is required is the implication and this can be done by the seriousness. The government should monitor the areas where

there is lack of educational system, where there is forced labor and especially where there is terrorism in the society that prevents the parents to send their child to schools. The Government ensure public education must be free of cost, there are added expenses that are not covered, such as uniforms, bags, stationery, etc. Even if these costs are not high, it adds up in large families with many children.

# Child Labour

## Introduction

Child labour is defined as work which is mentally, physically, socially or morally dangerous and harmful to children; and which interferes with their schooling by depriving them of the opportunity to attend school or forcing them to leave school prematurely; or requiring them to attempt to combine school attendance, with excessively long and heavy labour.<sup>1</sup>

In 2018, Pakistan's total under-18 population came to around 87.938 million.<sup>2</sup> According to Pakistan Education Statistics Report 2016-17, the school going age population was around 51.53 million (age group 5 to 16<sup>3</sup>) out of which it was estimated that 22.84 million (44%) were not going to school<sup>4</sup> despite article 25-A of Pakistan's Constitution which makes it State's obligation to *provide free and compulsory education to all children of the age of five to 16 years*.

According to the Pakistan Labour Force Survey (2017-18), child labour between the ages of 10-14 is 8.2%. Of this, 9.8 % are boys and 6.4% are girls. Children in the age group 15-19: constitute 32.6% of the total child labour, of which boys are 47.6% and girls are 15.6%.<sup>5</sup> One reason for this gender gap could be that girls' work is less visible, such as working as domestic servants in private households. The bulk of child labour is involved in the agriculture sector, while industries stand second. A large number is also engaged in providing non-formal commercial and domestic services.<sup>6</sup>

In Pakistan, the last child labour survey was conducted in 1996 with collaboration of Federal Bureau of Statistics (FBS), Ministry of

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<sup>1</sup><https://www.ilo.org/ipecc/facts/lang--en/index.htm>

<sup>2</sup><https://www.unicef.org/media/60806/file/SOWC-2019.pdf>, page 196.

<sup>3</sup> The figure for 5 to 18 is unavailable.

<sup>4</sup>[http://aserpakistan.org/document/aser/2018/reports/national/ASER\\_National\\_2018.pdf](http://aserpakistan.org/document/aser/2018/reports/national/ASER_National_2018.pdf)

<sup>5</sup>[http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/lfs\\_2017\\_18/Annual%20Report%20of%20LFS%202017-18.pdf](http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/lfs_2017_18/Annual%20Report%20of%20LFS%202017-18.pdf)

<sup>6</sup>Forty eight percent of the child labour is in the 5-11 year-old age bracket, 28% are between 12-14 years, and 25% are between 15-17 years.<sup>6</sup> Boys appear to face a greater risk of being engaged in labour than girls (57% to 43%); and this gender gap increases with age.<sup>6</sup>

Labour, Manpower and Overseas Pakistanis and International Labour Organization (ILO). The survey estimated 3.3million children (2.4million boys and 0.9million girls) between the ages of 5 – 14 years to be engaged in labour out of the 40million total population falling in that particular age bracket<sup>7</sup>. Since then, there are no current statistics available on the subject making it strenuous for the Government to detect the seriousness of the issue and responding appropriately to cater them. Majority of the children working were in elementary occupations relating to agriculture, sales and services, mining, construction, manufacturing and transport sectors<sup>8</sup>.

### ***Forms of Child Labour***

There are some child labour forms.

**Non-exploitative** child labor mean any work done by a children which is hazardous, harmful for their health, or harmful for their mental, physical or social development and stop to get education. Some hazard conditions are working in mines, working with dangerous machinery and working with chemicals.

**Hired** child labor mean children which are preferred by employers because they are cheaper as compare to adult. In many works child labor are more active like they have more speed to do work and their eyesight is sharper than any adult person.

**Bound** child labor is performing in which owner give high interest loans (*peshgi*) to labors in exchange for long term work or when a person children or any family member takes a debt against any work.<sup>9</sup>

**Slavery** refers to a condition in which individuals are owned by others, who control where they live and at what they work.He/she is

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<sup>7</sup>[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new\\_delhi/documents/publication/wcms\\_436435.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_436435.pdf)

<sup>8</sup>[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new\\_delhi/documents/publication/wcms\\_436435.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_436435.pdf)

<sup>9</sup> DFID Modern Slavery report, 2019

not allowed to leave or to refuse to work, and is generally held by being kidnapped, captured or purchased, or trafficked, or bonded.<sup>10</sup>

**Serfdom** is when a person is forced to live and work on land belonging to another person, often with little or no pay. Serfs are also known as farm tenants or tenant farmers.<sup>11</sup>

**Forced labour** refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.<sup>12</sup>

## **Factors for Child Labour:**

Some of the root causes of child labour are listed below.

**Poverty:** The major reason is poverty. Poverty is the lack of food, shelter, money and clothing that occurs when people cannot satisfy their basic needs. It can be understood only lack of money or most of them in terms of barriers in everyday life. At certain levels of poverty in developing countries like Pakistan, child labor could play a useful role in the economic survival, which increases national economic development. The unequal attention of poverty between children compared to adults demands reason and attention. Child labor causes poverty because when a child is employed he takes a place of an adult job, so there is decrease in adult income in the industry. And when the child is without education and they do work so there is no possibility of escaping from poverty. Poverty in the country is the main cause of child labor which forces the parents to send their children to work. Poor Families which face the poverty force their children to work for extra income for their household's. Poor families like to have more children and when the income of an individual one is not enough then they force their little children to go for work anywhere they have. A large number of members represent a financial need for families suffering from poverty; parents are forced to send their children to work to earn extra income.

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<sup>10</sup><https://www.ilo.org/ipec/Campaignandadvocacy/Youthinaction/C182>

<sup>11</sup> SoPC2018

<sup>12</sup> www.ilo.org



**Lack of Education:** Uneducated and unaware people never think about child labor and they are also unaware of the dangerous physical and mental pain of children. When parents agree to their children to work, it affects their chances to go to school. Parents cannot afford their child's education nor do they understand the importance of education for children. In some cases, due to insufficient educational facilities many families think that school won't help their children survive.

**Gender Inequity:** Social thoughts towards girls and women are most important cause of child labor effect on child to do work because women are not allowed to go outside from home for any work. The encouragement of equality between girls, boys, men and women. Child labor is work which subjects children to use and abuse.

**Demand for Child Labour:** Market demand of child labor cause strong demand by many companies as children are considered as a cheap source of labor which provides an opportunity to increase earnings. Demand for cheap labor by contractor means that children are often offered to work in place of their parents. With limited margins of this type, such as contractors and farmers make game owners know that children can be exploited and forced to work for less than minimum wage.

**Escape from home:** There are many reason behind to a child escapes from home, bad temper of the parents, because generally the insufficient salary of fathers provides lack of basic human needs to their families which create a frustration and anger in the members of family after that it turn to the attitude of fathers or head of family in harsh or strict due to which a child prefer to leave from the home in search of his own comforts, it might be physical or mental. When a child leaves the home he faces different problems of necessities so that why he have to do any work to survive.

**Political Crisis:** Sometimes political crises and issues cause violence, rallies, strikes, civil wars, terrorism and armed conflicts due to which there is a political and economic instability in the country where adults are unable to do work or continue jobs and where children have to earn a livelihood.

**Over Population:** The basic cause of child labor is also attributed to high population growth-rate, particularly in Third World countries.

**Industrial Revolution:** Some multinationals companies prefer to use child labor in developing countries due to industrial revolution and these which encourages multinationals to use child workers which cause a negative impact on children. Due to all these reasons child labor recruited for less pay, they take extra work from them and there is no problem of union in industry as well. This situation is also difficult for adults to find jobs and send their children for work.

**Involvement of children in Illegal Activities:** Now-a-days some children have strong involvement in illegal activities like the production and trafficking of drugs. Mostly children may do these activities because they believe that this will give them money and status. Children who do this work take great risk of abuse and are addicted of drugs in early age. And then these children also doing other crimes like robbery, theft, mugging, hijacking, and the children may also do this for their gangs or for their family. These all activities by children are also done due to poverty.

### **Child Labour Situation in Global:**

Child Labor by numbers are 152 million children worldwide are child laborers, 88 million are boys and 64 million are girls. Girls possibly more present in less visible and therefore under reported forms of child labour such as domestic worker in private households and girls are much likely than boys to shoulder responsibility for household chores, a form of work not considered in child labour estimates. Around 48 percent of all victims of child labour are aged 5-11 years. Nearly half of child labor victims (73 million) work in hazardous child labor; more than one-quarter of all hazardous child labor is done by children less than 12 years old (19 million). Almost half of child workers are in Africa (72.1 million); 41 percent (62.1 million) are in Asia and the Pacific. 71 percent of child labor takes place in agriculture, which includes fishing, forestry, livestock herding and aquaculture. 19 percent of child labor victims live in low income countries; 2 million victims live in high-income countries. There is a strong correlation between child labor and situations of conflict and disaster. The incidence of child labor in countries affected by armed conflict is 77 percent higher than the global average; the incidence of

hazardous work is 50 percent higher. More than two-thirds of all children in child labor (69.1 percent) work as contributing family laborers on family farms and in family enterprises, not in an employment relationship with a third-party employer.<sup>13</sup> Working children are less than 10 years old, 126 million are estimated to work in the worst forms of child labor, one in every 12 of the world's five to 17 years old, 8.4 million children are trapped in slavery, trafficking, debt bondage and other forms of forced labor, forced recruitment for armed conflict, prostitution, pornography and other illicit activities, 2.5 million children work in the developed economies, 22,000 children die every year in work-related accidents, 127 million working children are in the Asia Pacific region. Nearly one third of children in Sub-Saharan Africa work<sup>14</sup>

## **Pakistan's International Commitments**

Internationally, Pakistan is signatory to UN Convention on Child Rights and under its Article 32, it is obligatory on the governments to protect children from work that is dangerous or might harm their health or education. Pakistan has ratified ILO' Minimum Age Convention (C-138) and Worst Forms of Child Labour Convention (C-182), both prohibiting working of children in their tender age and banning worst forms of child labour, respectively.

**Minimum Age Convention, 1973 (No. 138)**<sup>15</sup>: Article 1: Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

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<sup>13</sup>[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575499.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf)

<sup>14</sup><https://www.ethicaltrade.org/issues/child-labour>

<sup>15</sup>[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138)

**Worst Forms of Child Labour Convention, 1999 (No. 182)<sup>16</sup>:**

Article 1: Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. According to its Article 6 (1) each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

Pakistan has also committed through signing the UN Declaration on Human Rights, 1948, the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1956, the Fundamental Principles and Rights at Work and ratification of Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105) to eradicate forced and bonded child labour. GSP Plus regime reinforces Pakistan's obligation to comply with these international covenants. Moreover, Pakistan has also endorsed the Sustainable Development Goals (SDGs) which under SDG 8.7 entail immediate and effective measures to eradicate child labour and forced labour in all its forms by 2025. SDGs 4 and 16 also require urgent action on child labour through quality education and action in case of violence against children, respectively.

**SDG-8.7:**<sup>17</sup> Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

**The Constitution of Pakistan:**

The Constitution of the Islamic Republic of Pakistan 1973, contains provisions pertaining to child labour.

**Article 3**<sup>18</sup>, Constitution of the Islamic Republic of Pakistan 1973, provides *that the state shall ensure the elimination of*

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<sup>16</sup>[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182)

<sup>17</sup><https://unstats.un.org/sdgs/metadata/?Text=&Goal=8&Target=8.7>

<sup>18</sup><https://pakistanconstitutionlaw.com/article-3-elimination-of-exploitation/>

*all forms of exploitation and the gradual fulfillment of fundamental principle, from each according to his ability and to each according to his work.*

**Article 11**<sup>19</sup>, Constitution of the Islamic Republic of Pakistan 1973, provides that “*No child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment*”.

**Article 25-A**<sup>20</sup>, Constitution of Islamic Republic of Pakistan 1973, Right to Education: “*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 37-E**<sup>21</sup>, Constitution of the Islamic Republic of Pakistan 1973, provides that “*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, and for maternity benefits for women in employment*”.

In 2010, 18<sup>th</sup> amendment in the constitution resulted in devolution and redistribution of powers between federal and provincial governments. After this amendment, child labour is a provincial subject and all provinces are free in legislation and policy making. The provinces had the mandate to create structures and institutions in addition to laws and procedures. A major change after at the federal level after the amendment was replacement of old Ministry of Labour and Manpower with newly established Ministry of Human Resource Development<sup>22</sup>. The new Ministry was responsible for dealing with matters pertaining to ILO, social security, worker legislation, Workers Welfare Fund, EOBI, foreign employment and immigration and industrial relations commission.

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<sup>19</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

<sup>20</sup><http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>21</sup><https://pakistanconstitutionlaw.com/article-37-promotion-of-social-justice-and-eradication-of-social-evils/>

<sup>22</sup>The State of Pakistan’s Children – 2011

## **Islamabad Capital Territory:**

After the 18<sup>th</sup> Constitutional Amendment the subject welfare of labour including child labour is the exclusive domain of provinces. In pursuance of Presidential order No.18 of 1980, the ICT administration is dealing with the labour related matters for the workers of Islamabad Capital territory. The ICT administration is working under the administrative control of M/o Interior. Provinces are now responsible for legislation and implementation of labour laws. However clause (6) of article 270 (AA), as substituted vide 18<sup>th</sup> amendments, authorize the continuation of laws until altered or repealed by the competent authority i.e. appropriate legislature.

The Employment of Children Act, 1991 is applicable in Islamabad Capital Territory under the article AA (6) of the Constitution of Pakistan. The inspection staff of directorate of labour ICT carries regular inspection of shops, commercial establishments and factories to ensure that no child below 14 years is employed by such establishments and also that if adolescents are employed then provisions of the Employment of the Children Act, 1991 are met regarding their safety, professions etc. Furthermore, the ICT administration took stern action against brick kilns and motor vehicle workshops, where child labour was found with regular inspection of such areas to curb child labour.

Upon a query by SPARC, the Director of Labour and Industries informed in writing that out of the 235 cases filed for violating the labour laws, not a single case involving child labour was found. This of course does not mean that there is no child labour in the ICT; it may simply mean that almost all the raids were conducted on factories which usually do not employ child labour all over the country particularly in Islamabad and secondly perhaps due to the fact that poverty is not as wide spread as elsewhere in the country. An added problem came out in the interviews with the ICT Labour Department officials in that they are reluctant to prosecute employers of child labourers and levy penalty; this incidentally is an attitude which is shared by most of the officials entrusted with the responsibility to prohibit child labour. They feel that the employers themselves are not financially well-off and cannot afford to pay the hefty fines prescribed in the relevant laws. Additionally, they are of the opinion that displacement of child labourers in the event of

prosecution will be a disservice to them and their families in view of their poverty as they are supporting their families.

The Islamabad Capital Territory is small in size and population as compared to the four provinces, and thus manageable. The population is around 1.5 million, with the highest literacy rate in the country (88%) (World Population Review). The fact that the federal government is based in the city and there is general high level of awareness amongst the people, one may be able to see early and positive results. Problem is in relation to the meager resources allocated to the ICT Labour Department; for the year 2019 to 2020, 2.886 million has been allocated to this Department out of which 2.646 will be spent on salaries (*Budget Order Statement of the ICT Labour Department*). The whole Department currently is functioning with a strength of seven employees which includes only two inspectors; the Department's sanctioned strength is 35. A miracle cannot be expected with such a state of affairs.

The Director of Labour works under the Chief Commissioner of Islamabad who in turn reports to the Ministry of Interior which has the overall charge of the whole ICT; a Joint Secretary supervises the ICT affairs who is assisted by a deputy secretary and two section officers. This is a problematic aspect as the Interior Ministry lacks the expertise to handle most of the subjects that come in the purview of governing a city, including handling child labour.

## **The Province of Punjab:**

The Province of Punjab has population of 110,012,442<sup>23</sup>. It is the most populous, most industrialized, urbanized, arable and relatively developed province. About 2,083,180 children (aged 10-17) are estimated to be involved in all categories of labour<sup>24</sup>. There are two laws to deal with child labour in the Province. One is the Punjab Restriction on Employment of Children Act 2016 and other is The Punjab Prohibition of Child Labour at Brick Kilns Act 2016. One is for sector specific and other is in general and in nature applicable to

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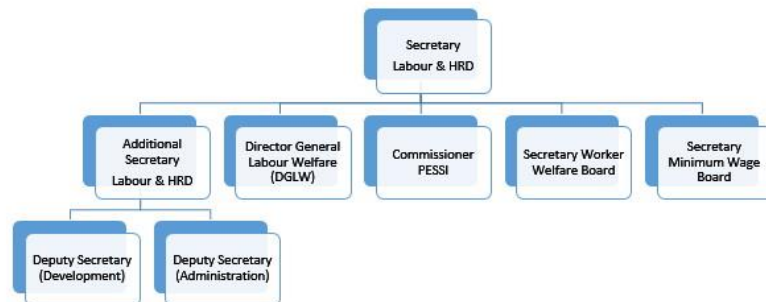
<sup>23</sup>Pakistan Bureau of Statistics,

[http://www.finance.gov.pk/survey/chapters\\_18/12-Population.pdf](http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf)

<sup>24</sup>Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

all sectors. The Punjab Government introduced a Labour Policy in 2018 to directly address bitter realities and social evils like child labour, bonded labour, gender discrimination, gender mainstreaming, labour protection, out of school children and lack of health facilities for the workers etc.

The Secretariat located within the Labor Department in Lahore is responsible for providing support for proposing legislation and policies, handling administration including transfers, promotions, notifications, and handling coordination with the HRD Ministry. Like all provincial departments, it is headed by a Secretary. There is an additional secretary under him who coordinates with the HRD Ministry including handling any kind of reporting in relation to the compliance with the ILO Conventions. The deputy secretary under the latter prepares reports for the seniors. There is no exclusive unit handling the Child Labour issue.



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The Punjab Province for purposes of the Labor Department is divided into 12 regions (Lahore, Faisalabad, and Gujranwala cities are divided into two regions each); each region is headed by a director while three are based in the Secretariat. All the 15 directors report to the Director General (HQ) who is entrusted with the task to prevent

<sup>25</sup><https://labour.punjab.gov.pk/organoqram>



child labor. Within each region are districts who are headed by deputy directors; the latter's office includes the assistant director; labor officers who prepare the data regarding all the inspections carried out by the labor inspectors. There are currently around less 100 labor inspectors in the Province.

The Labor Staff is not trained particularly in the field of handling the issue of Child Labor. The situation is exacerbated by lack of funding which is almost solely available for the payment of salaries. The Provincial Government currently is not handling any major initiative in relation to Child Labor except relating to bonded labor in four districts<sup>26</sup> which is also coming to an end.<sup>27</sup> With the financial assistance of Unicef<sup>28</sup>, a survey on Child Labor will be initiated which has so far not commenced but was expected to end by June 2020.

<b>Sr. No</b>	<b>Years</b>	<b>Allocation (Rs. In Million)</b>
1.	2015-16	610
2.	2016-17	650
3.	2017-18	650
4.	2018-19	300
5.	2019-20	300

As a leading step, a new legislation titled as the "Punjab Domestic Workers' Act, 2019" on the subject acknowledging various labour rights of the domestic workers was passed by the Provincial Assembly of the Punjab in January, 2019. It is pertinent to mention here that the child domestic labour has now been prohibited in hazardous domestic work.

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<sup>26</sup>Faisalabad, Gujrat, Bahawalpur and Sargodha

<sup>27</sup>Duration (Oct 2012 to Jun 2020) Budget Rs.196.987 Million

<sup>28</sup>Rs.212.589 million

**THE PUNJAB DOMESTIC WORKERS ACT 2019**  
**(Act II of 2019)**

[25 January 2019]

*An Act to provide for the regulation of employment of domestic workers in Province of the Punjab.*

It is necessary to protect the rights of the domestic workers, to regulate their terms of employment and working conditions of service, to provide them social protection and ensure their welfare and to provide for the matters ancillary thereto;

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Domestic workers Act 2019.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

**2. Definitions.**— In this Act, unless there is anything repugnant in the subject or context:

- (a) “Act” means the Punjab Domestic Workers Act 2019;
- (b) “Appellate Authority” means an Authority appointed under the Act;
- (c) “beneficiary” means a domestic worker or a heir of a deceased domestic worker eligible to receive benefits from the Domestic Workers Welfare Fund;
- (d) “Board” means the Minimum Wages Board established under section 3 of the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*);
- (e) “Committee” means a Dispute Resolution Committee constituted under the Act;
- (f) “dispute” means any dispute or conflict between employers and domestic workers concerning employment or the terms of employment or the conditions of work of domestic workers;
- (g) “domestic work” means any work which takes place within or for the household and includes child care, old age care, sick care or natal/post-natal care and the matters ancillary thereto;
- (h) “domestic worker” is a person who provides services of a domestic nature in a household;

- (i) “employer” means:
  - (i) in relation to a person or a group of persons registered under the Act and employing domestic workers collectively responsible for employment of domestic workers;
  - (ii) in relation to an establishment or agency, the owner(s) of the establishment or agency or a person registered under the Act and having the ultimate control over the affairs of the establishment or agency as well as any other person to whom the affairs of such establishment or agency are entrusted whether such person is called an agent, a manager, an occupier or by any other name;
- (j) “family” in relation to a domestic worker, means the spouse, a child below the age of 18 years and includes a disabled child above the age of 18 years with disability of fifty percent or more;
- (k) “Fund” means Domestic Workers Welfare Fund constituted under section 22 of the Act;
- (l) “Government” means Government of the Punjab;
- (m) “Governing Body” has the same meaning as in section 5 of the Provincial Employees Social Security Ordinance, 1965 (*X of 1965*);
- (n) “household” means individuals who comprise a family unit and who live together under the same roof;
- (o) “Inspector” means a Labour Inspector notified under section 35 of the Act;
- (p) “Labour Court” means a Labour Court established under section 44 of the Punjab Industrial Relations Act, 2010 (*XIX of 2010*);
- (q) “prescribed” means prescribed by the rules; and
- (r) “wages” means all remuneration capable of being expressed in terms of money, which shall, if the terms and conditions of employment, express or implied, are fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—
  - (a) any contribution paid by the employer in respect of such person under any

- scheme of social insurance or to a pension fund or provident fund;
- (b) gift or anything given in kind.

**3. Prohibition on employment.**— No child under the age of 15 years shall be allowed to work in a household in any capacity:

Provided that no domestic worker under the age of 18 years shall be engaged in a domestic work except involving light work in a household.

**Explanation:** “light work” means a domestic work which is part-time in nature and is not likely to harm health, safety and education of a domestic worker.

**4. Rights and entitlements of domestic workers.**— (1) A domestic worker shall not be employed under the bonded labour system or forced or partly forced labor system.

(2) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence, domicile, migration or any other reason.

(3) The domestic worker shall be addressed as "domestic worker", not "servant".

(4) No extra work may be assigned to the domestic worker without free will of the domestic worker and extra remuneration.

(5) The employer shall provide dignified working conditions and occupational safety and health measures to the domestic worker.

(6) The benefits for a domestic worker shall include sickness benefits and medical care during sickness and medical care of dependents, injury benefits, disablement pension and survivor's pension under the Punjab Employees Social Security Ordinance, 1965 (X of 1965) and the rules made thereunder.

**5. Employment on work.**— (1) Every employment or appointment of a domestic worker shall be subject to issuance of a letter of employment in the prescribed form showing the terms and conditions of his employment including nature of work and amount of wages.

(2) The employer shall send a copy of the letter of employment issued under subsection (1) to the Inspector concerned, and the employer may keep a copy of identification documents of a domestic worker during the course of employment.

(3) An employer shall, within sixty days of the commencement of the Act, arrange for the issuance of a letter of employment under subsection (1) to each of the domestic workers employed on work in a household.

(4) No domestic worker shall be required to perform any work other than what is specifically mentioned in the letter of employment.

(5) No domestic worker shall be required to work for more than eight hours in a day, however, a domestic worker, at free will, may work for such time duration and for such remuneration as may be prescribed.

(6) Any work by a domestic worker in excess of forty eight hours shall incur over time rates as may be prescribed, and weekly working time shall not exceed fifty six hours.

**6. Leave and holidays.**– (1) Every domestic worker engaged in domestic work shall be entitled to a holiday of at least one whole day in a week.

(2) Every domestic worker shall be entitled to sick leave with full wages for a total period of eight days in a year and such leave, if not availed of by a domestic worker during that calendar year, may be carried forward, but the total accumulation of such leave shall not exceed sixteen days at one time.

(3) Every domestic worker engaged in domestic work shall be entitled to ten days festival holidays with full wages in a year, and the days and dates for such festival holidays shall be agreed between the domestic worker and the employer in the beginning of the calendar year.

(4) A female domestic worker engaged in domestic work shall be entitled to six weeks maternity leave.

**7. Wages during leave or holiday period.**– (1) For each day of the leave or holidays allowed to a domestic worker under subsections (1), (2) and (3) of section 6, the domestic worker shall be paid at the rate equivalent to the daily average amount, which, during the three months period preceding the leave or holidays, was being paid to the domestic worker.

(2) A domestic worker, who has been allowed leave under subsection (2) of section 6 for any period not less than four days, shall, before the leave begins, be paid his wages for the period of the leave allowed.

**8. Minimum wage.**— (1) Every domestic worker shall be paid such wages within such period of time as may be provided in the letter of employment, but such wages must in no case be less than the wages specified by the Government under the Act.

(2) No employer shall pay to a domestic worker, remuneration payable, at the rates less favorable than those at which remuneration is paid to the domestic workers of the opposite sex performing same work or work of a similar nature or of equal value.

**9. Maternity benefits.**— A female domestic worker engaged in domestic work shall be entitled to maternity benefits with a minimum amount equivalent to six weeks wages in the prescribed manner but not less than the minimum wages notified by the Government.

**10. Accommodation.**— (1) Every employer, under express terms and conditions of employment, shall ensure to provide for the accommodation for live-in domestic workers who stays at place of work at his free will.

(2) Every employer shall ensure decent living conditions for a live-in domestic worker.

**11. Medical examination, vaccination and inoculation.**— Every employer, on yearly basis, shall ensure medical examination of a domestic worker in a household by a registered medical practitioner and such domestic worker shall also be vaccinated and inoculated against such diseases at such intervals as may be prescribed, and the expenses, if any, of such medical examination, vaccination and inoculation shall be borne by the employer.

**12. Notice of certain accident.**— Where in any household, an accident occurs which causes death or bodily injury whereby any domestic worker injured is prevented from resuming his work in the household during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the employer of the domestic worker shall send a notice thereof to such authorities, in such form and within such time, as may be prescribed.

**13. Termination of employment.**— The termination of employment shall be subject to one month's prior notice in writing either by the domestic worker or by the employer and in lieu of the notice, one

month's wages shall be paid calculated on the basis of average of wages earned during the preceding three months.

**14. Restoration of possession of property to domestic worker.**— (1)

Upon termination of employment, personal belongings and identification documents of a domestic worker or his family shall not be retained, and if any belonging or property of a domestic worker is not returned to him, the aggrieved domestic worker may apply to the Dispute Resolution Committee for restoration of the possession of such property and the Dispute Resolution Committee may, after giving the employer a reasonable opportunity of being heard, direct the employer to restore to the applicant the possession of the said property within such time period as may be specified in the award.

(2) Whoever, being required by the Act to restore any property to the domestic worker or his family, omits or fails to do so, within time specified in subsection (1), shall be liable, on conviction before a Magistrate, to a fine not exceeding ten thousand rupees and restoration to the applicant the possession of the said property.

**15. Relinquishing of right.**— Where a domestic worker relinquishes any right conferred by this Act, whether made before or after the commencement of this Act, the relinquishment shall be null and void in so far as it purports to deprive him of such right.

**16. Recommendation of minimum wages for domestic workers.**—

(1) The Board shall, upon a reference made to it by the Government, recommend to it, after such enquiry as the Board thinks fit, the minimum rates of wages for domestic workers employed in households.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Province or with such local variations for such localities as are specified therein.

(3) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of domestic workers in any category or capacity and, in such recommendation, may specify —

(a) the minimum rates of wages for —

- (i) time work;
- (ii) piece work;
- (iii) on call work;

- (iv) over time work; and
- (v) work on the weekly day of rest and for paid holidays; and
- (b) the minimum time rates for domestic workers employed on piece work so as to guarantee minimum wages on a time basis for such domestic workers.

(4) The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(5) The rates recommended under this section for overtime work and work on paid holidays shall not be less than the minimum rates fixed for such work under any other law for the time being in force.

**17. Power to declare minimum rates of wages.**– Upon receipt of a recommendation of the Board under section 16 of the Act, the Government may proceed as per the procedure laid down under section 6 of the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*).

**18. Time and conditions of payment of wages.**– (1) The wages of every domestic worker shall be paid before the expiry of the fifth day, after the last day of the wage-period in respect of which the wages are payable.

(2) No wage period, so fixed, shall exceed one month.

(3) Where the employment of any domestic worker is terminated by employer, the wages earned by him/her shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(4) All payments of wages shall be made on a working day.

(5) All wages shall be paid in current coin or currency notes or in both.

**19. Prohibition to pay below the minimum rate of wages.**– (1) No employer shall pay any domestic worker wages at a rate lower than the rate declared under this Act to be the minimum rate of wages for such domestic worker.

(2) Any employer who contravenes the provisions of this section shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees, and if the court trying such contravention by order so directs, shall also pay to the domestic worker concerned such sum as may be specified in the order to represent the difference between the amount actually paid to such



domestic worker and the amount which would have been paid to him had there been no such contravention.

(3) All claims of a domestic worker relating to wages or claims arising out of deductions from wages against the employer, as the case may be, shall be settled and recovered in the same manner as is provided in the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*).

(4) If the Authority hearing any application under this section is satisfied that no amount to be paid as wages is due from the employer to the applicant, it shall reject the application; and if the application, in the opinion of the Authority, is malicious or vexatious, the Authority when rejecting it, may direct the applicant to pay a penalty not exceeding five thousand rupees to the employer.

(5) An appeal against a direction made under sub-section (3) or subsection (4) under this section may be preferred, within thirty days of the date on which the direction was made, before the Labour Court constituted under the Punjab Industrial Relations Act, 2010 (*XIX of 2010*), within whose jurisdiction the cause of action to which the appeal relates arose —

(a) by the employer, if the total sum directed to be paid by way of wages exceeds twenty thousand rupees:

Provided that no appeal under this clause shall lie unless the memorandum of appeal is accompanied by a certificate of the authority to the effect that the appellant has deposited with the authority the amount payable under the direction appealed against.

(b) by the applicant directed under subsection (4) of this section to pay a penalty.

(6) The decision of appeal shall be final and shall not in any manner be questioned by any person in any court or before any authority.

**20. Registration of domestic workers.**— Every domestic worker, in order to benefit from the fund, shall make an application for registration in a manner as prescribed by the Governing Body, and every such domestic worker shall be provided by the Governing Body with a security number and identity card, which shall be renewable after completion of every three years:

Provided that none of the domestic workers shall be eligible to get more than one security number and identity card.

**21. Registration of employers.**— Every employer shall make an application for registration in a manner as prescribed by the Governing Body, and every such employer shall be provided with a registration number, which shall be renewable after completion of every three years.

**22. Fund.**— (1) To provide social protection, safety and welfare measures to domestic workers, the Government shall establish a fund to be called “Domestic Workers Welfare Fund”.

(2) The Fund shall consist of:

- (a) all grants and loans as may be made to the Fund by the Government;
- (b) all sums received by the Fund from other sources as may be decided upon by the Government and all voluntary contributions from the philanthropists;
- (c) income from the investments made and properties and assets acquired from the Fund; and
- (d) proceeds of loans raised by the Governing Body.

(3) The Fund shall be applied to:

- (a) financing of measures including education, training and skill development;
- (b) benefits for domestic workers provided in subsection (6) of section 4 of the Act;
- (c) any money in aid of any scheme for the welfare of the domestic workers; and
- (d) meet the expenditures in respect of the cost of management and administration of the Fund.

**23. Functions of the Governing Body.**— The functions of the Governing Body shall be the same as laid down under the Provincial Employees’ Social Security Ordinance, 1965 (*X of 1965*) and the rules made thereunder.

**24. Manner of claiming benefits.**— (1) All claims for benefits under this Act shall be made within such times as may be prescribed, and in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement, as may be provided in the regulations laid down by the Governing Body.

(2) The payment in respect of benefits shall be made in such

manner, and at such time and place as may be provided in the regulations.

(3) The payment in respect of benefits under the Act, shall be made from the Fund in the prescribed manner.

**25. Resolution of disputes.**—(1)The Government may, by notification in the official Gazette, constitute a Committee at the lowest tier of the local government to be called the Dispute Resolution Committee for the effective enforcement of the Act.

(2) The Dispute Resolution Committee, having such number of members and composition as may be prescribed, shall be headed by the head of the lowest tier of the local government concerned or such other officer as may be notified by the Government.

(3) All disputes or complaints arising out of and in connection with enforcement under the Act shall be heard and resolved through an award by Dispute Resolution Committee:

Provided that every such dispute shall be presented within 30 days from the date on which the dispute arises.

(4) Any party aggrieved of the award made under subsection (3), may, within 30 days of the date on which the award was made, prefer an appeal before the Appellate Authority.

**26. Appellate Authority.**—(1) The Government shall appoint an Appellate Authority in each District to hear and decide the appeals preferred against the award of a Dispute Resolution Committee.

(2) The Appellate Authority may confirm, modify or reverse the award of a Dispute Resolution Committee.

**27. Powers of the Dispute Resolution Committees and Appellate Authorities.**— Every Dispute Resolution Committee and Appellate Authority shall, while holding an enquiry regarding a dispute or complaint under this Act or the rules made thereunder, have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (*Act V of 1908*), in respect of the following matters, namely:

- (a) enforcing the attendance of any person and examining him on oath;
  - (b) compelling the production of documents and material objects;
  - (c) issuing commissions for the examination of witnesses;
- and

(d) such other matters as may be prescribed.

**28. Power to issue directions.**— The Government may, from time to time, issue such directions to employers as may be necessary for the effective enforcement of the provisions of the Act.

**29. Power to remove difficulties.**— If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of the Act, as appear to it to be necessary or expedient for removal of the difficulty.

**30. Tax treatment of the income of the Fund.**— The income of the Fund including capital gains shall be exempt from Income Tax within the meaning of the Income Tax Ordinance, 2001.

**31. Penalties.**—(1) An employer who fails to comply with or contravenes any provisions of the Act other than section 3, shall, on conviction, be punishable with fine which for the first offence may extend to five thousand rupees, and for a second or subsequent offence with fine which may extend to ten thousand rupees.

(2) Whoever knowingly contravenes the provisions of section 3, shall be liable to punishment with imprisonment for a term which may extend to one month if he employs a child under the age of 12 years and in case of a child under 15 years by fine which may extend to Rs fifty thousand but which shall not be less than ten thousand rupees.

(3) Any employer or any such person who willfully obstructs an Inspector in the exercise of any power in compliance of section 37, or fails to produce on demand thereunder any evidence, statement or other document, shall be punishable with fine which may extend to ten thousand rupees.

**32. Presumption.**— A child present in a household along with one or both of his parents who are employed therein shall not be presumed to be in employment within the meaning of the Act unless proved.

**33. Prosecution.**— No prosecution under the Act or any rules made thereunder shall be instituted except by or with the previous sanction of the Dispute Resolution Committee.

**34. Trial of offence.**— No Court, inferior to that of a Magistrate of the first class, shall try any offence under the Act or the rules made thereunder.

**35. Labour Inspectors.**— (1) The Government may notify Labour Inspectors of the respective areas of jurisdiction for the purposes of ensuring compliance with the provisions of the Act.

(2) An Inspector notified under subsection (1) shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (XLV of 1860).

**36. Functions and powers of Inspectors.**— (1) No household shall be subjected to inspection except on receipt of a complaint and on direction of a Dispute Resolution Committee.

(2) An Inspector on direction of Dispute Resolution Committee may, for the discharge of any functions under the Act or the rules made thereunder—

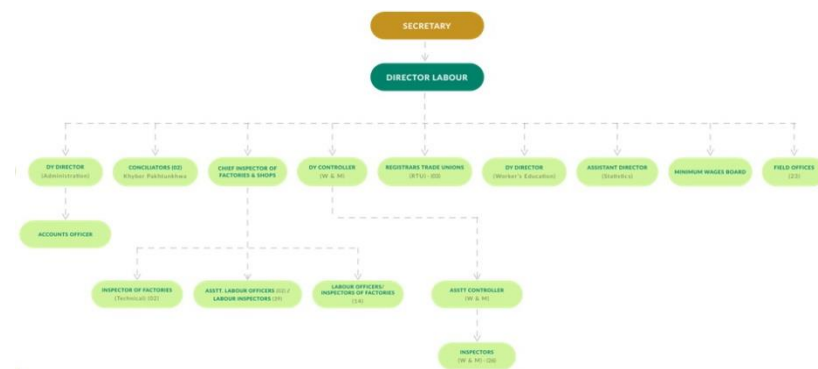
- (a) file a case through the public prosecutor in the Court of competent jurisdiction; and
- (b) exercise such other powers conferred upon him as may be necessary for carrying out the purposes of the Act.

**37. Protection of actions taken under the Act.**— No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the Act or rules made thereunder.

**38. Rules.**— The Government may make rules for carrying out the purposes of the Act.

## The Province of Khyber Pakhtunkhwa:

With limited agriculture and industry but enormous tourism potential, KP's population approximates to 30,523,371<sup>29</sup>. About 326,319 children (aged 10-17) are engaged in labour including mining and other hazardous occupations<sup>30</sup>. Afghan children are a feature of KP's economy, often involved in scavenging and other forms of hazardous labour<sup>31</sup>. The KP Government introduced an act KP Prohibition of Employment of Children Act, 2015 to eradicate child labour in Province. The Province of KP is the only province, which introduced Child Labour Policy in 2018.



In the KP Province, the Directorate is headed by a Director Labour instead of a Director General. It is a small department as apart from the secretary, it only has one additional secretary, one deputy secretary and four section officers. The Directorate deals with the implementation and enforcement of the applicable labour laws through periodic inspections including the Enforcement of KP Prohibition of Employment of Children Act, 2015. It also compiles data relating to child labour. It has a presence in 23 districts in the shape of field offices; district with no offices are administratively

<sup>29</sup>Pakistan Bureau of Statistics,  
[http://www.finance.gov.pk/survey/chapters\\_18/12-Population.pdf](http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf)

<sup>30</sup>Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

<sup>31</sup>UNHCR - Pakistan (2018) <https://www.unhcr.org/pakistan.html>

handled by the offices in the adjacent districts. Apart from the Director, the Directorate has a Chief Inspector of Factories, seven Deputy Director Labour out of which four are based in the head-office in Peshawar, sixteen Assistant Directors, one research officer, fifteen labour officers, five assistant labour officers, and 39 labour inspectors. Important functions of the directorate regarding child labour are Implementation/ enforcement of various labour laws through periodic inspections, Enforcement of KP Prohibition of employment of children act, 2015, enforcement of KP bounded labour system (Abolition) act, 2015. Collection, compilation and dissemination of child labour statistics, playing role in tripartite bodies, tripartite conferences and ILO –IPEC, Education of workers and employers on Labour Laws and contemporary issues.

### **Inspections under the KP Prohibition of Employment of Children Act, 2015**

<b>Description</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019 up to Oct.</b>
No of inspection made	1733	2094	4042	3367	8367	6232
Prosecutions lodged	21	127	48	36	213	280
No. of cases decided by the court	-	9	7	23	95	187
Fine imposed by the court (Rs.) -	13000	9000	21921	134000	385500	

### **KP Child Labour Policy, 2018**

The Province of Khyber Pakhtunkhwa is the only province which has introduced the Child Labour Policy in 2018. The KP Child Labour Policy will have following objectives:

- Eradication of child labour, particularly, of its worst forms and gradual elimination of all forms of child labour from all the sectors of KP economy with the intention to declare KP a child labourfree province;
- Ensuring that all children of school going age are in schools rather than at the workplace as it is through schooling that we can save the future of our nation;
- Mainstreaming of the issue of child labour and policy integration through coordinated efforts;
- Ensuring that accurate and reliable statistics on child labour are collected on regular basis and are available for researchers and policy makers;

- To put in place a robust and vibrant inspection system which along with conducting vigorous inspections also take penal action against the violators of law;
- To develop a mechanism which facilitates rehabilitation, development, protection and welfare of children involved in child labour through a central referral system with proper follow-up;
- Promotion of research and development on various dimensions of child labour and initiation of research on socio-cultural factors of worst forms of child labour;
- Establishment and running of community monitoring and reporting mechanism for child labour;
- Linking child labour families with the existing social protection schemes, like, BISP, micro credit institutions and KP special initiatives on social protection;
- Awareness campaign to aware parents, teachers, families and the community about the evil effects of child labour and motivate them to join hands with the Government in its efforts to eradicate child labor; and
- Efforts to tackle domestic child labour and children involved in home based work, informal sector and in agriculture sector through coordination with other departments and community involvement.

## **The Province of Sindh:**

Apart from Karachi, Sindh is an agro-based feudalist rural economy whose population exceeds 47,886,051<sup>32</sup>. Karachi is highly industrialized, densely populated and hides some of the worst forms of child labour. Working children's figure (aged 10-17) approaches to 1,023,850<sup>33</sup>. Rural Sindh still maintains a high number of bonded labourers, including child-bonded-labourers. The Sindh government introduced an act The Sindh Prohibition of employment of children act, 2017 to eliminate child labour in province. The Province

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<sup>32</sup>Pakistan Bureau of Statistics,

[http://www.finance.gov.pk/survey/chapters\\_18/12-Population.pdf](http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf)

<sup>33</sup>Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/



introduced its 1<sup>st</sup> ever labour policy in 2018. The Provincial Government showed commitments in labour policy that Government of Sindh will take legal as well as other measures to regulate and control the employment of children in certain occupations and processes considered hazardous and injurious to their health. Employment of children under the age of 14 has been prohibited in all industrial sectors and will be extended to the domestic & home based workers. Children between the age of 16 and 18 years will not be engaged in hazardous working conditions/ working environments, i.e. Boilers, mining, tanneries, brick kilns, glass bangles, dyeing, chemical and electronics sectors, etc., that adversely affect their physical and intellectual development.

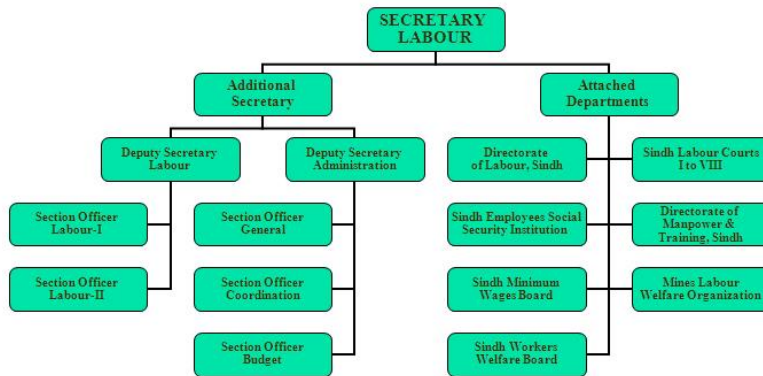
Like the Punjab and KP provinces, the Labour Department in Sindh is responsible to provide support for any kind of legislation, policies, administration, transfers, promotions, notifications and coordination with the HRD Ministry. It is headed by a Secretary, and has one additional secretary; two deputy secretaries; and five section officers. The Labour Directorate is headed by a Director General which has ten Joint and 12 deputy directors; 22 assistant directors; 40 labour officers and 45 labour inspectors. The Deputy Director is the head at the district level and reports to the Joint Director; Assistant Director works under him. The labour officers prepare the lists of inspections while the inspectors carry out the inspections.

The whole Province is divided into two wings. The General Inspection Wing is further divided into six divisions: East, West, South, Central, Shops and Establishment, and Hyderabad. Joint Director heads each division. The Technical Wing is divided into three regions Karachi 1, Karachi 2, and Hyderabad; Joint Director heads each region. All Joint Directors report to the Director General who is also the Chief Inspector of the Province. The interviews conducted in 2019 revealed that the chief responsibility for handling child labour in the province vests with the Director General Labour in accordance with the national and provincial laws and the International Labour Standards (ILS).

The Province lacks a Child Labour Policy and has no Child Labour Unit. The Labour Inspectors lack resources and interviews revealed lack of training of the inspectors. The officials talked of a Provincial and District task forces which are working for the elimination of

child labour. It was claimed that one district, namely Jamshoro in the Province is child labour free.

### ORGANIZATIONAL CHART LABOUR DEPARTMENT



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### The Province of Balochistan: <sup>35</sup>

The Province of Balochistan is sparsely inhabited (population of 12,344,408<sup>36</sup>) but contains many mineral reserves. Child labour, including in coalmines, is estimated to be 275,646 (aged 10-17)<sup>37</sup>. Afghan children are disproportionately engaged in worst forms of labour like mining and other harmful industries<sup>38</sup>. The major law at the provincial level is the Employment of Children Act 1991 (the “ECA”); it applies to the Balochistan province<sup>39</sup>. The ECA contains a list of occupations and processes wherein an under-14 child is

<sup>34</sup>[https://sindh.gov.pk/dpt/Labour\\_HRM/Organogram.htm](https://sindh.gov.pk/dpt/Labour_HRM/Organogram.htm)

<sup>35</sup>[https://www.balochistan.gov.pk/index.php?option=com\\_content&view=article&id=549&Itemid=890](https://www.balochistan.gov.pk/index.php?option=com_content&view=article&id=549&Itemid=890)

<sup>36</sup>Pakistan Bureau of Statistics, [http://www.finance.gov.pk/survey/chapters\\_18/12-Population.pdf](http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf)

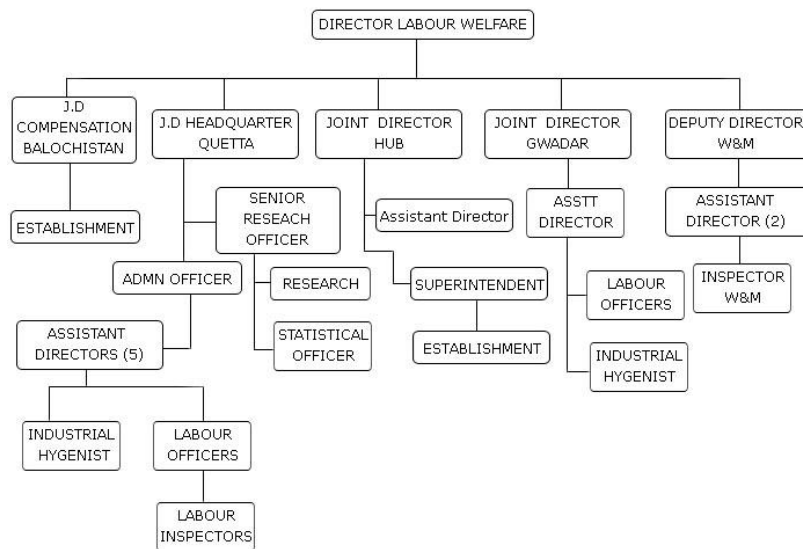
<sup>37</sup>Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

<sup>38</sup>Express Tribune (4 November 2013) Survey findings: No legislation against child labour in Balochistan

<sup>39</sup>The State of Azad Jammu & Kashmir in March 1986 adopted the old Employment of Children Act 1938

prohibited to work. The provincial Government is empowered to add any occupation or process to this Act. As a result of many occupations and processes not listed in the ECA's Schedule, this law, even if fully and completely enforced, will not impact a great deal in bringing about a change in the overall child labour situation in the country. Three areas that remain outside its purview, and require immediate action to be included, are children working in the agricultural sector – 65% of Pakistan's population lives in the rural areas, the domestic servants, and the self-employed children. ECA grants exemptions to family-run establishments. This is a defense which many employers take in the event of inspections. Under the ECA, establishments (in which none of the occupations or processes referred to in ECA's Schedule are carried on) are covered by another part which deals with subjects such as hours and periods of work; weekly holidays; and health and safety. Many criticize the ECA for legitimizing child labour for such regulation and for allowing employment of children in the age group 14 to 18.

Like the Punjab and KP and Sindh provinces, the Labour and manpower Department in Baluchistan is responsible to provide support for any kind of legislation, policies, administration, transfers, promotions, notifications and coordination with the HRD Ministry. It is headed by a Secretary. The Labour Directorate is headed by a Director.



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The Balochistan Bonded Labor Abolition (System) Bill, 2019 has been vetted from law department and will be tabled before the Cabinet for approval. While the Balochistan Home Department is working for the proper fictionalization of the DVCs. Moreover, it is to say that the child labor survey in Balochistan will be conducted through Statistical Information and Monitoring Programme on Child Labour (SIMPOC) methodology; the result/report of this exercise will specify the actual number of children involved in child bonded labor and will lead the Govt. to Policy making/programming in this regard. With the technical and financial support of UNICEF, child labor survey in Balochistan is in concerned for approval. Concept paper was also sent which was agreed. In the month of April 2019, the pretesting of child labor survey is going to be conducted in two district Quetta and Sibi in Balochistan. Utmost efforts will be made to ensure withdrawal of children from hazardous work.

<sup>40</sup>[https://www.balochistan.gov.pk/index.php?option=com\\_content&view=article&id=551&Itemid=892](https://www.balochistan.gov.pk/index.php?option=com_content&view=article&id=551&Itemid=892)

## **National Strategic Framework to Eliminate Child and Bounded Labour in Pakistan:**

National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan was developed with technical assistance of ILO in 2017 under the project:“Strengthening capacity of the constituents to address unacceptable forms of work focusing on child labour and bounded labour, in 2015”. As per the national strategy, the provincial labour departments shall take all steps on legislation, rules and regulations, enforcement of laws, policies and action plans under the stated framework of the national strategy and shall ensure implementation of the set targets through coordination with the districts and the departments at the provincial level and reporting to the M/o OP&HRD.

The National Strategy drives 18 recommendations of actions by the provinces in the efforts to eliminate child and bounded labour from Pakistan. The recommendations are as follows:

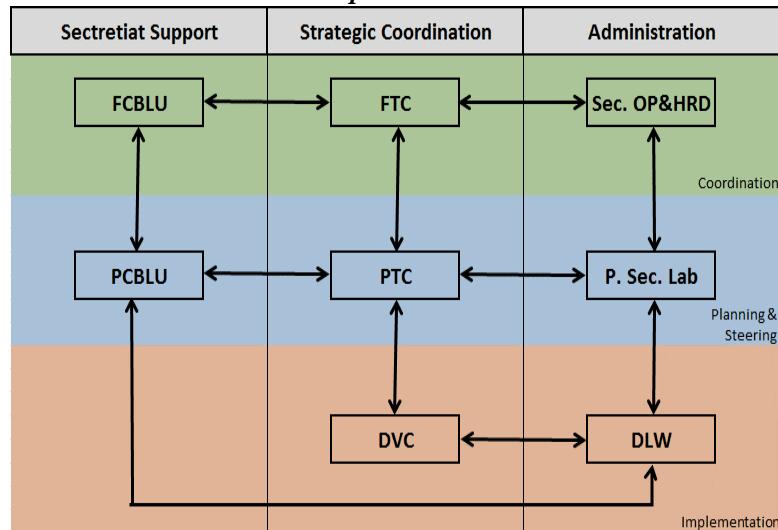
1. Rationalization of law on forced labour and promulgation;
2. Establishment of Provincial Child and Bonded Labour Rehabilitation and Welfare Fund;
3. Strengthening of the District Vigilance Committees (DVCs) and their reactivation;
4. Strengthening and reactivation of Provincial Child Labour Unit as Provincial Child and Bonded Labour Unit;
5. Rationalization of laws on child labour and promulgation;
6. Constitution of Provincial Committee on child rights and periodical review of List of Hazardous Occupations;
7. Strengthening institutional mechanism for inspection & improvement in enforcement of labour laws on child and bonded labour;
8. Involvement of social partners in the inspection process, monitoring and policy formulation;
9. Extension of the coverage of labour laws on child and forced labour to the uncovered sectors;

10. Capacity development of the inspection staff;
11. Efforts to improve reporting on inspection and to the federal Government;
12. Statistics / Survey on child and bonded labour;
13. Policy integration and mainstreaming of policies on child and bonded labour;
14. Publication of Information, Education and Communication (IEC) material and distribution;
15. Awareness of the stakeholders;
16. Policies/ action plans and projects to eliminate child and bonded labour;
17. Private public partnership to address the menaces of child and forced labour;
18. Promoting research and studies on child and forced labour through interaction with the universities and regional research organizations.

The National Strategy to Eliminate Child and Bonded Labour in Pakistan has been forwarded to the provinces for implementation. The submitted response of the provinces covers all recommendations of the strategy. It is therefore; proposed that:

- The provinces may be coordinated to submit quarterly report to Federal ministry; to provide input/ information about updated status and the actions taken/planned by their respective Provinces.
- The implementation status of this strategy may also be discussed in the meeting(s) of FTCC.
- This national strategy covers the Goal 8.7: Eradication of child and bonded labour of SDGs, the ministry may pursue the goals/action plans of this strategy actively.

**Chart II. The Institutional & Implementation Mechanism**



### **Pakistan Bait-ul-Mal (PBM):**

Pakistan Bait-ul-Mal (PBM) is an autonomous body set up through 1991 Act. PBM is significantly contributing towards poverty alleviation through its various poorest of the poor focused services and providing assistance to destitute, widow, orphan, invalid, infirm & other needy persons, as per eligible criteria approved by Bait-ul-Mal Board. There are 07 regional offices of PBM in Pakistan, Islamabad (Head office), Lahore, Multan, Karachi, Peshawar, Quetta, and Gilgat. Director (BPS-19) is working as head of every Province and District officers (BPS-16) are working as head of district.

Pakistan Bait-ul Mal started a project of School for Rehabilitation of child labour (SRCL) has been established countrywide since 1995. Now this project is totally funded by Federal Government of Pakistan through Poverty alleviation and Social Safety Division, Government of Pakistan. The children between the ages of 5-14 years are weaned away from hazardous labour and enrolled in these centers where they are provided free education, clothing, footwear and stipend as well as subsistence allowance to their parents. Present strength of PBM Schools for rehabilitation of child labour centers is 159 at least one in every district of Pakistan. In Punjab 73, Sindh 37, KP 24, Balochistan 14, ICT & AJK 11. At Present 17,871 students, male

and female separately are benefiting from primary education in these centers. Enrolment criteria is existence of hazardous industry/ bonded labour in following categories, like brick kiln, carpet, mining, tannery, construction, glass bangle, domestic work, begging, agriculture. The standard student strength of a center is 120<sup>41</sup>.

## **Conclusion:**

Child labour is a form of modern slavery afflicting Pakistan. Almost one-third of its population falls below the poverty line as the country ranks number 5 in the list of countries by population<sup>42</sup>. The issue of child labour has a circular causal relationship with poverty as one of its root causes is poverty which in turn is caused by it. The problem of child labour has to be successfully handled in order to achieve any fruitful results in relation to poverty eradication; otherwise, the country will keep moving in circles. Child labour is also closely linked to cultural norms and the failure of Pakistan's education system to provide high quality education at primary and secondary level. Around 75% of working children have not completed primary education or are only able to recite the Quran<sup>43</sup>. Most working children come from families of 10-12 members where one wage-earner may have to feed up to 10 people. A study of scavenging children found that the average number of siblings of one child was 7.6 with SD  $\pm$  2.61<sup>44</sup>. This leads to an expectation that children should contribute to family income and a sense that child labour is therefore not unjust<sup>45</sup>. Parents who believe education to be unhelpful validate their understanding of child labour as being likely to give them a more productive future. In many cases, especially in cases of bonded-child-labour and girl child servitude, it is not the children but parents, who receive wages directly or indirectly and sometimes in peshgi (advance). No employment contracts are ever issued. While peshgi bondage began in the agricultural sector it has crept into mining, fishing, brick making and even to domestic servitude. Contemporary slavery in Pakistan, in most cases, emanates

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<sup>41</sup><http://www.pbm.gov.pk/>

<sup>42</sup>Statistics vary due to the definition of poverty

<sup>43</sup>Multiple Indicators Cluster Survey (MICS) – 2017, Pakistan.

<sup>44</sup>Nosheen Zaidi (January 2013) Child labour in Pakistan-A tip of an iceberg, Journal of Postgraduate Medical Institute 27(3):285-289.

<sup>45</sup>Daily Times (28 September 2017) Balochistan Child labour



from entrenched and socio-culturally acceptable norms<sup>46</sup>. Cultural and business elites such as feudal landlords or business owners are often associated with high levels of child labour. A complex web of culture, traditions, livelihood dynamics and absence of alternatives are interconnected. Parents' own education, age, gender, local economy, ecology and cost of schooling all matter<sup>47</sup>. Behind all of this is an inadequate response by the state<sup>48</sup>.

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<sup>46</sup> Naz, A. & H. Khan et al (2019) Social and Cultural Determinants of Child Labor in Pakistan, Source: Clinical Social Work

<sup>47</sup>Christiaan Grootaert and Harry Anthony Patrinos (1999), The Policy Analysis of Child Labour: A Comparative Study. New York: St Martin's Press, pp. 154-155 cited by S.L. Bachman, op.cit.

<sup>48</sup> Development Alternative Inc. (2019) Modern Slavery in Pakistan.

EDUCATION

## **Introduction**

The prosperity of a country depends on the education of people; it's the educated people that drives the country from a developing to developed nation. To survive in 21<sup>st</sup> century education has become a basic necessity. Every Civilization went to its peak when the basic of education was available to its people. The fate of a country is dependent on the fate of children, it's the children who later become professionals and if not guided and provided the right of education their whole life become wasted and led to zero contribution in society. The children if given the right direction can bring the country and the nation in fruitful path.

Pakistan who is enjoying more than seventy years of its independence is still facing problems in Education Sector, especially when it comes to the education of children. Pakistan having population of 212,742,631<sup>1</sup> people and still exceeding is world's sixth most populous country, but the ignorance of the importance of education has led the country to ill literacy and many societal problems. According to UNICEF report<sup>2</sup> an estimated 22.8 million children aged 5-16 are out of school. Which are the most outnumbered children of any county in the world. It creates situation of crisis in the country, we have seen the more children are out of schools there are more chances for them to become drug addict to become part of illegal businesses and later criminals. There are number of cases the children became victim of sexual abuse also.

The most important period of getting education is the period of childhood because that time is the time of development, not only physically but also mentally and to develop social awareness in them. Education gives them the chance to explore

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<sup>1</sup><https://www.worldometers.info/world-population/pakistan-population/>

<sup>2</sup> UNICEF, Every Child Learns report 2019

themselves, to have the confidence of facing the outside world, to know the evils and goods of the society. When a child joins school at an early age he makes a community of people of its age, this gives him the chance to play, enjoy and to nourish his/her abilities. The child will learn and go for logics and to start building its goal at such an early age. The American minister Malcolm X said ***“Education is the passport to the future, for tomorrow belongs to those who prepare for it today”***. It’s hard to survive in 21<sup>st</sup> century without education and today’s children are the future. In order to have prosper future and to have society of respectful education of children are necessary. Human asset is considered to be the biggest asset of all. Without education there is no difference between Human and animal. In personality building education plays an important role it creates an ideal citizen. One of the biggest significances of the education is eradication of poverty and unemployment. Today child is future parent and if to stop the cycle of poverty and to improve standards of living in society education must be provided.

The father of the nation Muhammad Ali Jinnah said in 1947 in Karachi ***“Education is a matter of life and death for Pakistan. The world is progressing so rapidly that without requisite advances in education, not only shall we be left behind others but may be wiped out altogether”***<sup>3</sup>. The current situation for Pakistan is showing that we are moving towards death rather than life.

Article 25-A<sup>4</sup>, Constitution of Islamic Republic of Pakistan 1973, Right to Education: ***“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.”***

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<sup>3</sup> <https://nation.com.pk/22-Mar-2012/pakistan-s-education-emergency-failing-its-future>

<sup>4</sup> [http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf) Page 15

Article 37-B<sup>5</sup>, Constitution of Islamic Republic of Pakistan 1973, Promotion of social justice and eradication of social evils:“*The State shall remove illiteracy and provide free and compulsory Secondary Education within minimum possible period.*”

After the 18th Constitutional Amendment<sup>6</sup> Education was devolved to the provincial mandate and it became the responsibility of the Parliament and Provincial assemblies to legislate for the provision of compulsory education in their respective jurisdictions. At the federal level, *Right to Free and Compulsory Education Act, 2012*<sup>7</sup>, In Sindh, *Sindh Right of Children to free and Compulsory Education Act, 2013*<sup>8</sup>, In Balochistan, *The Balochistan Compulsory Education, 2014 Act*<sup>9</sup>, Punjab, *The Punjab Free and Compulsory Education, Act 2014*<sup>10</sup>, in Khyber Pakhtunkhwa, *The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017*<sup>11</sup>.

The right to free and compulsory education is an internationally acknowledged right. It has been recognized in a number of international conventions, treaties and declarations, some important of these include:

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<sup>5</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf) Page 18

<sup>6</sup>[http://www.na.gov.pk/uploads/documents/report\\_constitutional\\_18th\\_am\\_end\\_bill2010\\_020410\\_.pdf](http://www.na.gov.pk/uploads/documents/report_constitutional_18th_am_end_bill2010_020410_.pdf)

<sup>7</sup>[http://aserpakistan.org/document/learning\\_resources/2017/Right-to-Education-Provincial-Legislation/Islamabad-Free-and-compulsory-Education-Act-2012.pdf](http://aserpakistan.org/document/learning_resources/2017/Right-to-Education-Provincial-Legislation/Islamabad-Free-and-compulsory-Education-Act-2012.pdf)

<sup>8</sup>[http://www.sindheducation.gov.pk/Contents/Menu/Sindh\\_Bill\\_RTFE.pdf](http://www.sindheducation.gov.pk/Contents/Menu/Sindh_Bill_RTFE.pdf)

<sup>9</sup><https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96221/113658/E-955909891/PAK96221.pdf>

<sup>10</sup><http://punjablaws.gov.pk/laws/2580.html>

<sup>11</sup><http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-free-compulsory-primary-and-secondary-education-act2017/>

**The UN Convention on the Rights of the Child (CRC)<sup>12</sup>, Pakistan Ratified in 1990**

**Article 28** of the UNCRC says that children and young people have the right to education no matter who they are, regardless of race, gender or disability; if they're in detention, or if they're a refugee. Children and young people have the right to both primary and secondary education, and should be able to choose different subjects when in secondary school. This should include the option of technical and vocational training, so they shouldn't have to focus on academic subjects if they don't want to.

**Universal Declaration on Human Rights (UDHR)<sup>13</sup>**

**Article 26(1)** Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>14</sup>, Pakistan Ratified July 05, 2011**

**Article 13** 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be

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<sup>12</sup><https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>13</sup><https://www.un.org/en/universal-declaration-human-rights/>

<sup>14</sup><https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**Article 14** Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

**Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>15</sup>, 1996**

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes,

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<sup>15</sup><https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>



particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

**Convention on the Rights of Persons with Disabilities (CRPD)<sup>16</sup>, 2011**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with

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<sup>16</sup><https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

c) Reasonable accommodation of the individual's requirements is provided;

d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the

use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

### **UNESCO Convention against Discrimination in Education**<sup>17</sup>

**Article 4**The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

(b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;

(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

(d) To provide training for the teaching profession without discrimination.

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<sup>17</sup>[http://portal.unesco.org/en/ev.php-URL\\_ID=12949&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html)

**ILO Convention 182 on Worst Forms of Child Labour (Preamble, Articles 7 and 8)**<sup>18</sup>

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) Prevent the engagement of children in the worst forms of child labour;

(b) Provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) Identify and reach out to children at special risk; and

(e) Take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

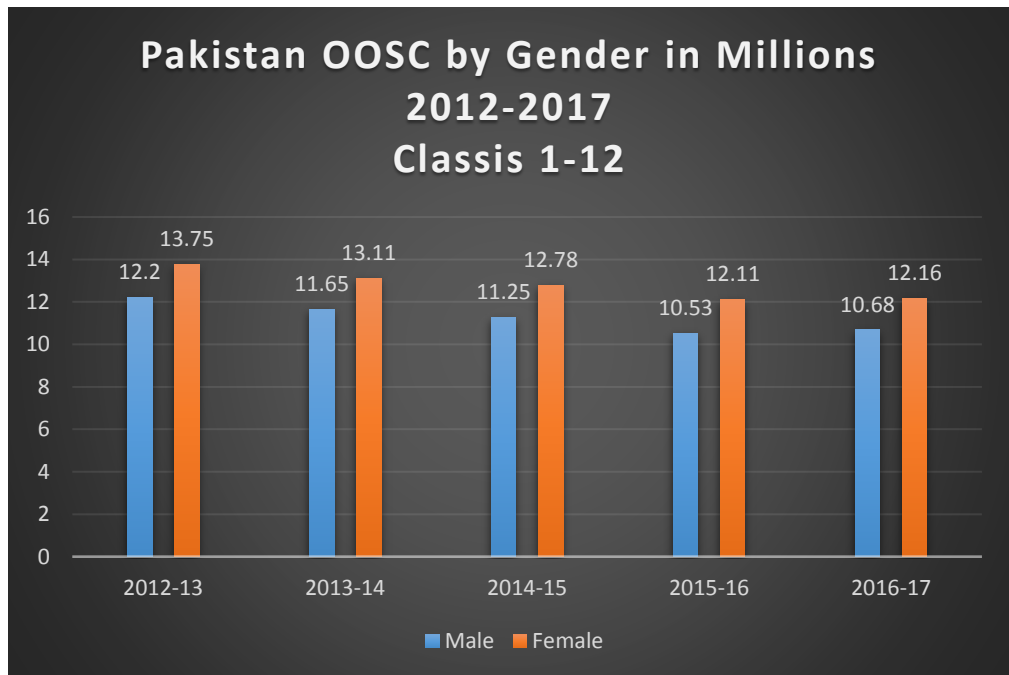
**Article 8:** Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programs and universal education.

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<sup>18</sup>[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_fs\\_46\\_en.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf)

**Out of School Children in Pakistan:**

Pakistan has the world's second-highest number of out-of-school children at the primary level, with 5.06 million children of primary-school age are out of school. At the middle, high and higher secondary level, the out of school children are 6.51 million, 4.97 million and 6.29 million respectively. In total, 22.84 million Pakistani children do not go to school – nearly half of school-age children. Girls are not learning as much as boys of the Pakistani children who are out of school, 12.16 million (53 per cent) are girls while 10.68 million (47 per cent) are boys. Disparities based on gender, socio-economic status, and geography are significant<sup>19</sup>.



<sup>19</sup> UNICEF, Every Child Learns report 2019

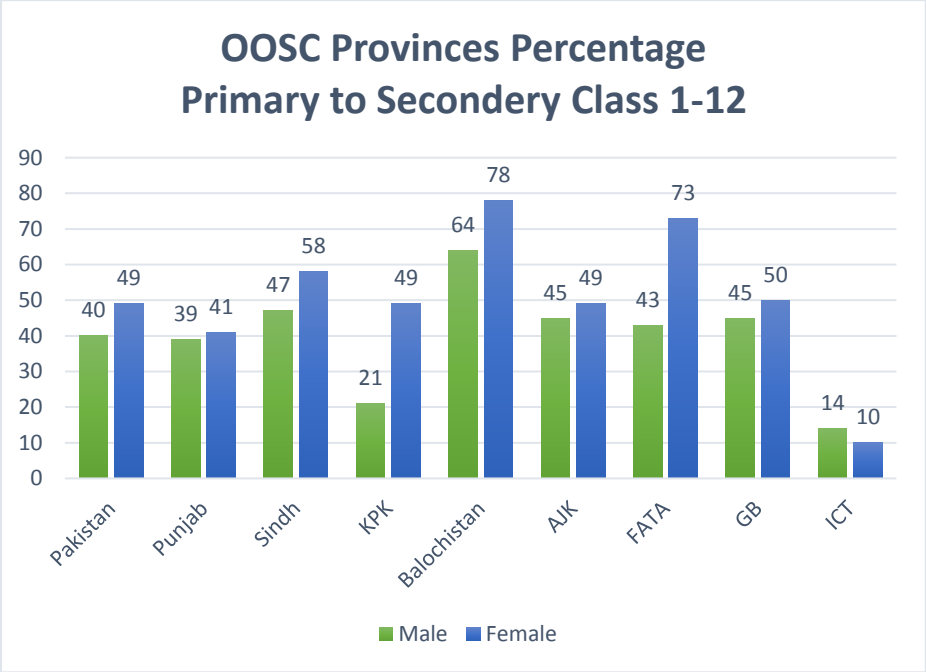
<sup>20</sup> Pakistan education statistics 2017

The UNESCO Institute for Statistics (UIS) and the Global Education Monitoring Report (GEM) 2017 estimated that some 61 million children of primary school age (6 to 11 years), 62 million of lower secondary school age (12 to 14 years) and 141 million youth of upper secondary school age (15 to 17 years) are out of school in the world (UNESCO Institute for Statistics (UIS), 2017).

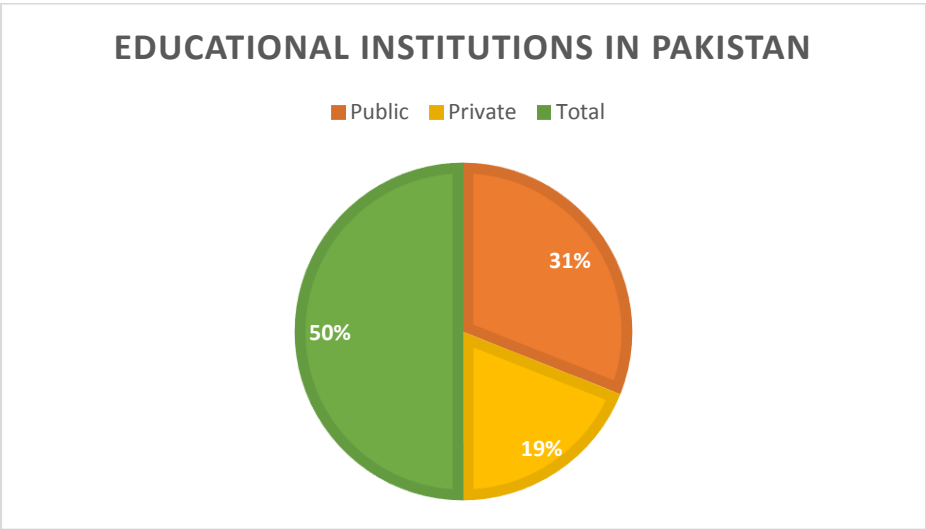
Pakistan has declared its constitutional responsibility through the Constitution Eighteenth Amendment Act, 2010, to provide free and compulsory education to all children aged five to sixteen (Government of Pakistan, 2012), it bears the second largest number of primary age out-of-school children in the world, after Nigeria (UIS, 2017). Out-of-school children are further categorized as ‘never enrolled’ and ‘dropouts’. The problem of dropping out from public schools is serious in Pakistan, particularly in rural areas. School entry age for children is 5 years in the country. According to a 2013 report by the Academy of Educational Planning and Management (AEPAM), out of the total enrolment in Class 1 at age 5, only 63% progress through primary stages 1–5, 40% progress through elementary school classes 6–8, and only 27% to secondary level (AEPAM, 2013). In total, 73% of children aged 5–16 (classes 1 to 10) drop out before reaching the final grade of secondary school. This is one of the highest school dropout rates in the world. Across all levels, the dropout rate is highest at secondary school level (in particular classes 9 and 10), and nearly 14.5% of children drop out of secondary classes (aged 14 to 16) in rural areas (ASER-Pakistan, 2017). Because of this low completion rate, only 33.2% of the Pakistani population has some sort of secondary education (United National Development Programme (UNDP), 2014)<sup>21</sup>.

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<sup>21</sup>[http://aserpakistan.org/document/2019/external\\_publications/Perspectives\\_of\\_dropped\\_out\\_children\\_on\\_their\\_dropping\\_out.pdf](http://aserpakistan.org/document/2019/external_publications/Perspectives_of_dropped_out_children_on_their_dropping_out.pdf)

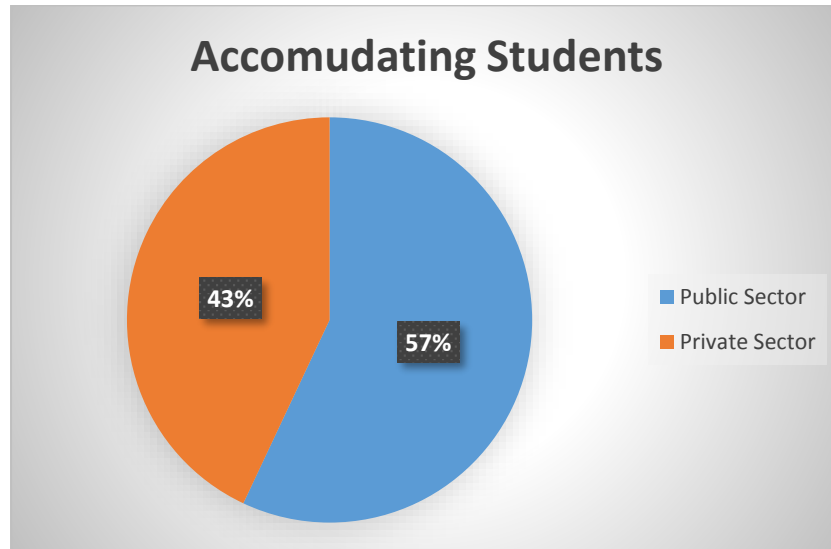


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<sup>22</sup> Pakistan education statistics 2017

The education system of Pakistan is comprised of 317,323 institutions. The system is composed of 196,998 public institutions and 120,273 private institutions.



The Pakistani Education system is accommodating 50,292,570 students and 1,836,584 teachers. The public sector is serving 28.68 million students to complete their education while the remaining 21.60 million students are in private sector of education. About 38% of private educational institutions are serving or facilitating 43% of students showing a slightly higher per-institution enrollment ratio in the private sector compared to the public sector. In the last decade, we have witnessed increased public interest and trust in the private sector, resulting in a gradual growth in the private sector. In terms of teaching staff, 49% of teachers work in the public institutions, compared to 51% in the private sector. It is evident that the public sector has a deficiency of teachers as compared to private sector.<sup>23</sup> In educational institutions 56% male students compared to 44% female students are enrolled and 39% of male teachers and 61% of female teachers teach in the entire education system (up-to degree colleges

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<sup>23</sup> Pakistan education statistics, 2016



## Overall Education System in Pakistan

Level	Total	Public	Private	Teachers	Students Enrolment (Millions)	Male Millions	Female Millions
Primary Schools	150,129	131,376	18,753	453,614	19.351	10.722	8.628
Middle Schools	49,090	16,928	32,162	455,445	6.526	3.664	2.862
High Schools	31,551	13,129	18,422	560,642	3.325	1.912	1.413
Higher Secondary Schools	5,130	1,998	3,133	120,336	1.583	0.970	0.612
Degree College	1,431	1,271	160	37,857	0.956	0.115	0.089
Universities	185	110	75	58,733	1.463	0.795	0.667
Technical and Vocational Institutions	3,798	1,139	2,059	18,207	0.315	0.225	0.119
Deni Madaris	32,272	946	31,326	74,648	2.26	1.38	0.788

### **Education Financing:**

The FY2019-20 budgetary allocations for the education sector in the federal as well in provinces, where the Pakistan Tehreek-e-Insaf (PTI) is in power, or is a major coalition partner, have really disappointed people who are concerned about the state of literacy and quality of education in the country. The governing party has always placed education on top of its priority list in the past. Its manifesto says “The Pakistan Tehreek-e-Insaf will put in place the most ambitious education agenda in Pakistan’s history, spanning reform of primary, secondary, tertiary, vocational, and special education.” It promises allocating at least 4% of GDP (gross domestic product) for

the sector, as prescribed by the world bodies, admitting that “the public school delivery system is under-resourced and has capacity constraints”. The Chairman of PTI, Imran Khan’s initial speech as the 22nd prime minister of Pakistan pledged that the education crisis would be treated as an emergency; his government would put all out-of-school children in schools, and allocate adequate funds for the purpose. However, the budgetary allocations for the sector, announced in finance bill 2019-20, have brought sheer disappointment to those who believed in the party manifesto and speeches of the prime minister.

#### **Federal Education Budget FY2019-20<sup>24</sup>**

The government of Pakistan has earmarked Rs.77.262 billion for Education Affairs and Services in the federal budget for FY2019-20 against the revised allocation of Rs.97.155 billion for the current fiscal year, showing a decrease of around 20.5 percent. The government has also reduced the budgetary allocation for higher education sector. Pakistan's public expenditure on education as percentage to GDP is estimated at 2.4 percent in fiscal year 2018-19, which is the lowest in the region. According to the budget documents Rs.28.64 billion has been earmarked for Higher Education Commission (HEC) under the Public Sector Development Programme (PSDP) for 2019-20 against Rs.35.830 billion in 2018-19 which was later revised downward to Rs.30.961 billion. HEC had demanded Rs.55 billion under the PSDP for 2019-20. Education Affairs and Services have been allocated Rs.77.262 billion for 2019-20 as compared to Rs.97.155 billion in revised estimates of 2018-19. The bulk of expenditure at Rs.65.233 billion has been allocated for Tertiary Education Affairs and Services in budget 2019-20, which is 84.4 percent of the total allocation under this head. The government has earmarked Rs.2.831 billion for Pre-primary and Primary Education Affairs for 2019-20 against Rs.10.120 billion for 2018-19, Rs.6.718 billion for Secondary Education Affairs and Services for 2019-20 against Rs.12.365 billion for 2018-19, Rs.65.233 billion for Tertiary Education Affairs and Services against Rs.71.824 billion earmarked for 2018-19 which was later revised to Rs.71.743 billion,

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<sup>24</sup>[http://www.finance.gov.pk/budget/Budget\\_in\\_Brief\\_2019\\_20.pdf](http://www.finance.gov.pk/budget/Budget_in_Brief_2019_20.pdf)

and Rs.1.407 billion for administration against Rs.1.588 billion for 2018-19 which was later revised to Rs.1.565 billion.

After the 18th Constitutional amendment, education was devolved to provinces, and federal government mainly finances higher education. HEC has been allocated an amount of Rs.28.646 billion for PSDP 2019-20. This includes Rs.25.777 billion for ongoing and Rs.2.869 billion for new schemes. The allocation for the new projects proposed by "Task Force on Technology Driven Knowledge Development" is Rs.4.297 billion. An amount of Rs.35.830 billion for 178 development projects was allocated to HEC in the PSDP 2018-19. However, after rationalization, the size of the PSDP allocation was revised to Rs.30.961 billion for 136 ongoing projects. Authorization for release of Rs.28.898 billion has been issued for HEC. So far an amount of Rs.15.083 billion (49 percent of allocation) have been released to HEC/public sector Universities. HEC has reported an estimated utilization of about 14 billion and rest as committed expenditure against released amount. In addition to PSDP budget, an amount of Rs.0.503 billion was also released to project titled "Award of 3000 Scholarships to students from Afghanistan under the Prime Minister's Directives through Technical Supplementary Grant (TSG).

### **Provincial Budgets**

#### ***Punjab Education Budget FY2019-20<sup>25</sup>***

The government of province Punjab has been allocated Rs383 billion for education in the financial year 2019-20 with an increase of 2.7 per cent from last year. Out of Rs383bn, Rs336.5bn have been allocated for the school education department, including Rs304.5bn for current expenditure and Rs32bn for development. Rs273bn have been allocated for the District Education Authority, Rs19.5bn for benefiting 2.6 million children via multiple initiatives through Punjab Education Foundation, Rs12.9bn for school councils, Rs2.84bn for free textbooks, Rs5bn for Punjab Education Initiative Management Authority to achieve the target of 697,054 new student enrolments by the end of June 2020, Rs1.5bn for Daanish Schools for completion of

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<sup>25</sup><https://finance.punjab.gov.pk/system/files/ABs19202.pdf>

nine ongoing projects, Rs1.5bn for out-of-school children for evening classes under Insaf School Programme to enrol 50,000 children, Rs730m for provision of missing facilities and reconstruction of old school buildings and Rs350m for establishment of IT labs in elementary/secondary schools of the province. The higher education department has been allocated Rs42.4bn out of which Rs35.1bn is for current expenditure and Rs7.3bn for development. Out of this, Rs2.12bn has been allocated for construction and completion of 64 new colleges in the province, Rs1.54bn for rehabilitation of 51 colleges, Rs540m for the Chief Minister's Merit Scholarship Programme and Rs400m to assist newly established universities in Jhang, Okara, Sahiwal and Narowal. Moreover, Rs350m have been allocated for establishment of North Punjab University in Chakwal, Rs370m for expansion of Khawaja Farid University of Engineering and Information Technology (Phase-II) Rahim Yar Khan, Rs100m to upgrade University of Mianwali and Rs45m for promoting sports activities in education institutions. Special education, literacy and non-formal basic education have been allocated Rs4bn, including Rs0.4bn for current expenditure and Rs3.6bn for development. Rs210m have been allocated for establishing 11 special education institutions, Rs110m to upgrade nine special education institutions, Rs233m for construction of 16 new buildings, Rs1.36bn for provision of non-formal basic education to 574,000 children, Rs159m for provision of basic education to 63,000 out-of-school children and Rs50m for provision of literacy with skills to illiterate youth in four low literacy rate tehsils of south Punjab.

The Provincial government also announced establishment of at least one university each in all 36 districts of the province and one each degree college for boys and girls at tehsil level. Establishment of six new universities across the province -- one each in Murree, Chakwal, Mianwali, Bhakkar and Rawalpindi -- has also been announced besides establishment of Baba Guru Nanak University in Nankana Sahib where minorities would be given maximum representation and also a children's library in Bahawalpur.

### ***Sindh Education Budget FY2019-20<sup>26</sup>***

The provincial government of Sindh has earmarked a total of Rs239.041 billion as development and non-development budget for school, college education and higher education in its FY2019-20 budget. The school education department would receive Rs193.768 billion, the college education department would get Rs22.094 billion, the universities and boards department would get Rs10.585 billion on account of non-development expenditure and Rs3 billion as development funds, while Rs9.597 billion have been reserved for schools run under public-private partnership schemes administered by the Sindh Education Foundation. The allocations of Rs178.618 billion as non-development funds for school education – up Rs7.786 billion from the previous year's Rs170.832 billion – and Rs15.5 billion earmarked as development funds for the construction of new classrooms, provision of drinking water, washrooms, boundary walls, and transport facilities for school students. The provincial government has also set aside special funds for the directorate of literacy and non-formal education with the purpose of educating out-of-school children aged between 5 and 16. Similarly, a project aimed at the construction of 1,500 new classrooms for early childhood education has been proposed.

The provincial government has claimed that government schools in Sindh already has 1,500 operational classes for early childhood education while the new budget has reserved funds for drinking water facility for 2390 government schools. Likewise, Rs15.15 billion has been earmarked as development funds for renovation and refurbishment of 113 government schools reported having very high enrolment. In accumulation to 188 old schemes, the development budget has also included funds for 91 new schemes. In the same manner, Rs9.597 billion has been specially earmarked for schools operating under the Sindh Education Foundation through the public-private partnership programme. Furthermore, an increase of Rs2.317 billion has been made in the non-development budget for college education, after which the non-development budget has reached Rs18.094 billion from the previous year's Rs15.77 billion. The development budget for college education was set at Rs4 billion,

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<sup>26</sup><https://fd.sindh.gov.pk/budget-volumes>

which would be utilized for construction of 17 new colleges in Sindh – including Karachi – while several schemes have been started for provision of furniture in 250 pre-existing government colleges. The new colleges will be established in Korangi, Malir, and West districts of Karachi, along with Hyderabad, Umerkot, Sukkur, Jamshoro, Jacobabad, and Sanghar.

The provincial government has appropriated Rs10.585 billion in the next year's fiscal budget for the universities and boards department. The non-development budget for universities and boards, which stood at Rs9.529 billion in the previous budget, was increased by Rs1.056 billion. The fund will be utilized for payment of cash awards to students who secure A-1 grade in all matric and intermediate board examinations in the province. Meanwhile, a separate allocation of Rs3 billion has been made on account of the development of public universities in Sindh. The fund will be used for the development of the Centre of Excellence for Robotics, Artificial Intelligence, and Block chain at IBA Sukkur. In addition, a campus of NED University will be set up in Tharparkar under the name Thar Institute of Technology, while Sindh University campuses will be established in Badin and Mirpur Khas.

### ***Khyber Pakhtunkhwa Education Budget FY2019-20<sup>27</sup>***

The provincial government of KPK planned to spend Rs.167 billion on Education in FY2019-20 including Rs.21 billion for development Projects. In KPK, where the PTI is running the show smoothly without the support of any coalition partner, Finance Minister admitted in his budget speech that the province needed at least 65,000 more teachers to impart education to all school-age children. However, he said that funds were available for recruiting 21,000 teachers only during the fiscal year 2019-20. He also announced allocation of funds for improving the condition of 28,000 schools in the province, adding that 3,000 Assistant Sub-Divisional Officers (ASDOs) out of a plan of 7,000, would also be appointed to act as head teachers at schools. During the fiscal year 2019-20, the government would construct 6,000 new classrooms, initiate 700 modern preschool nursery classrooms, and set up a woman cadet

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<sup>27</sup><https://www.pakp.gov.pk/budget-2019-20-documents/>

college and Rs.1.86 billion would be awarded as scholarships. According to the budget statement, the elementary and secondary education department stood third in terms of funding allocation with Rs.17.38 billion for the next year against the revised estimate of Rs.14.9 billion in the current year. There's, however, good news for the higher education sector in the province. In the FY2019-20, Rs. 5.7 billion has been allocated for the sector with 40% increase, compared with 2018-19 allocations. Rs. 2.5 billion has been allocated for 20 universities of the province.

### ***Balochistan Education Budget FY2019-20***

The province of Balochistan has a literacy rate of 39% which is much lower than the national rate. The official statistics show a depressing state of education in the province, which constitutes 44% of the country's total land mass. There are 12,600 primary, middle and high schools for more than 22,000 settlements in the province. The province will have yet to establish 10,000 schools on a war-footing to ensure the provision of education to children across the province. It has 57,000 government teachers, while it needs 60,000 more. The province has only 1.3 million school-going children out of total 3.6 million children. The situation of educational facilities in all parts of the province, excluding Quetta, is worst. The total budget of the Balochistan government for fiscal year 2019-2020 amounted to Rs.419 billion, of which Rs.60 billion was allocated for education (6.98%). The finance minister announced that Balochistan government has decided to fill 15998 vacant posts in the Education Department on merit. "In Secondary Education sector, 1057 new posts would be created. Around 123 new primary schools, 125 middle schools and 94 high schools would be established and upgraded," he announced. He further said that Universities annual grant of Rs. 550 million has been enhanced to Rs.1.5 billion, which would be disbursed through Universities' Finance Commission. The only one good news in the budget document for the education sector: universities' annual grant of Rs. 550 million has been increased to Rs. 1.5 billion, which would be disbursed through the Universities' Finance Commission. However, until and unless budgetary allocations are not increased for school education, especially girl education, the dream of bringing the literacy rate in the province on a par with the national figures could not be materialized.

### **Gilgit-Baltistan (G-B) Education Budget**

The Gilgit-Baltistan (G-B) government's annual budget was Rs.62.9577 billion for FY2019-20. An amount of Rs37.7127 billion has been allocated for non-development and Rs17.40 billion for development projects. In the budget 1.26 billion rupees allocated for education.

### **United Nations Sustainable Development Goal 04<sup>28</sup>**

*“Ensure Inclusive and equitable quality education and promote lifelong learning opportunities for all”*

Pakistan, along with other countries of world has signed the Sustainable Development Goals Agenda 2030. SDG-4 relates to quality education and lifelong learning. Various levels and dimensions of monitoring frameworks have been defined to better monitor the SDG-4 at national and global levels. The monitoring system that provides in-depth specifics of education system offers greater opportunities to policy makers for their unique circumstances and development priorities. As Pakistan was unable to achieve the Education For All (EFA) agenda by 2015, unfinished business of EFA will be an integral part of SDGs Agenda 2030.

### **Conclusion:**

Education does not belong to one race, civilization, color creed and gender it's the heritage of all. One thing is clear that you cannot survive in 21<sup>st</sup> century without education, to keep with the pace of World education has become a necessary tool. The 22.8million child that are out of school can be sent to schools if the proper administration is there. It has now become an obligation for the Pakistan to provide free compulsory education to all children of Pakistan. Coming to Stats **22.8 million** children are out of school<sup>29</sup>in Pakistan. The province that suffers most is Baluchistan in which **70%** of children are out of school. The former FATA, the newly merged tribal area have **57%** of children out of school, In KPK

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<sup>28</sup><https://sustainabledevelopment.un.org/sdg4>

<sup>29</sup><https://www.unicef.org/pakistan/education>



(Khyber Pakhtunkhwa) the percent is **34**, In Sindh it is **52%**, In GB (Gilgit Baltistan) the number is **47%**, the biggest province by population have **34%** of children out of school.<sup>30</sup>The number shows how much endanger the situation is. The majority of victims among children are girls, according to Human Rights Watch 32% of primary school age girls are out of school as compared to 21% of boys<sup>31</sup>. Education is not a matter of a single country but for whole world. Pakistan can handle this issue, but should be changed their priorities. Asif Saeed Khan Khosa, (Former) Chief Justice of Pakistan seems to have taken a special interest in the state of the country's education sector, castigating governments for their failure to fulfil their constitutional duty of providing an education to all children between the ages of five and 16. He warned of an impending national crisis with millions of children out of school, and unable to access quality education.

### **Recommendations/ Suggestions**

There are several reasons why so many Pakistani children are out of school; nearly all stem from poverty, awareness and issues of access.

**Implication of Article 25-A:**The Article is present in the Constitution of Pakistan but what is required is the implication and this can be done by the seriousness. The government should monitor the areas where there is lack of educational system, where there is forced labor and especially where there is terrorism in the society that prevents the parents to send their child to schools. The Government ensure public education must be free of cost, there are added expenses that are not covered, such as uniforms, bags, stationery, etc. Even if these costs are not high, it adds up in large families with many children.

**Education Financing:** Budgetary allocation must be consistently and substantially increased each year. The federal and provincial government must ensure that the education budget is released in time and are not subjected to random cuts.

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<sup>30</sup><https://www.pakistantoday.com.pk/2018/07/05/70-children-are-still-out-of-school-in-balochistan-57-in-fata/s>

<sup>31</sup><https://www.dawn.com/news/1445470>

**Awareness:**The first thing to do is to spread awareness in a common man. If a parent knows how much the education is necessary for the child, he/she will never put the child out of educational zone. An educated child can contribute more in the society and in improving living standards of life.

**Eradication of Poverty:**The rise in poverty is directly proportional to the downfall of the education of children. Many Parents are force their children to do labor, because they are unable to fulfill the basic needs of a home. According to Asian Development Bank report the poverty rate of Pakistan is 24.3%<sup>32</sup>. If Government is able to curb poverty then definitely, parents will be able to send their child to schools.

**Infrastructure and staff:**Most importantly is the staff and Infrastructure especially in Tribal areas and far lands of Baluchistan, Sindh and South Punjab. Pakistan has thousands of ghost schools, which are a burden on economy and on other side in some areas there is building but no staff. The Government of Pakistan should monitor both issues parallel<sup>33</sup>. There are simply not enough government schools in the country to accommodate everyone. Many children have to travel long distances to get to school, particularly in the rural parts. If transport is not provided by the school and parents do not have the time to accompany them or the means to arrange for the commute, families see no other choice but to pull the child out of school. Most government schools that exist are at the primary level. Secondary and tertiary schools are even fewer, and the distance to reach them greater. In contrast, there are private madrassahs in practically every street.

**Pedagogy skills:**Pedagogy skills should be developed; training sessions must be done to ensure it. The skills will enable the children to know the host capabilities so it can be used in proper manner

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<sup>32</sup><https://www.adb.org/countries/pakistan/poverty>

<sup>33</sup><https://www.thenews.com.pk/print/309132-no-action-against-becs-officials-running-2-350-ghost-schools>

**Equal Education:** From 22.8 million children out of school, the majority of victims are girls. There is a lot of discrimination in society and in institutions, where education a girl is considered as a luxury although it's their same right as boys. Quotas must be applied in schools where the education of girls is on decline and government should monitor it properly because they can contribute same way in the economy as a boy.

# VIOLENCE AGAINST CHILDREN

## Introduction

Violence against children is one of the major problems in the world affecting societies and families. It takes place in every country. Violence against children has many forms: physical abuse, sexual abuse, negligence, emotional abuse. It also has lifelong impacts on health and well-being of children, families, communities, and nations.<sup>1</sup>

Children who are exposed to violence are more likely to misuse alcohol and drugs, smoke and engage in sexual behavior. Violence against children can have lifelong effects on the wellbeing of the children, it can result in death, lead to severe injuries, impair brain and nervous system development, and lead to unintended pregnancies. Children who have experienced violence are more likely to perpetuate the circle of violence.<sup>2</sup>

Despite being signatory to several international conventions and commitments, Pakistan failed to safeguard its children from ill practices of child sexual abuse, trafficking, corporal punishment, early and forced marriages, acid crimes and dishonor killings. Like previous years, street children remained one of the most neglected and at-risk population groups of the country.<sup>3</sup>

In Pakistan reported cases of child abuse decreased in 2019 with more than 8 children suffering from some form of abuse everyday compared to 10 in 2018.<sup>4</sup> However, some heinous crimes were reported on daily basis.

On legalization front, Pakistan struggled to enact laws with harsher punishments for child abusers and bring the laws in harmony with international standards.<sup>5</sup> The lack of implementation of existing laws

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<sup>1</sup><https://www.who.int/health-topics/violence-against-children>

<sup>2</sup><https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

<sup>3</sup><http://sahil.org/cruel-numbers/><sup>3</sup>

<sup>4</sup><http://sahil.org/cruel-numbers/>

<sup>5</sup><https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>

also raised question marks on the commitment of policymakers and law enforcers. The landmark ruling by Chief Justice Asif Saeed Khosa in rejecting the plea for out of court settlement in acid crimes<sup>6</sup> and Multan Court doing the same in murder of case of Qandeel Baloch<sup>7</sup>, should be taken as example to curb down the attempts of using religion as a tool to get away from crimes against women and girl.

Children are the future of Pakistan. In order to safeguard this future, it's imperative that dedicated surveys are conducted to gauge the true scale of different forms of violence against children in Pakistan. Support programs for survivors of child abuse should be launched to break the circle of violence and to reintegrate the survivors in social and economic development process.

## 1. Child Sexual Abuse

Child sexual abuse, also called child molestation, is the most prevailing form of violence against children. These acts are carried out by adults or older adolescent at homes, schools and places of child labor. The common practices of child sexual abuse include rape, gang-rape, sodomy, sexual groping and fondling, sexual assault, indecent exposure, trafficking for forced prostitution, and the commercial sexual exploitation such as child pornography.<sup>8</sup>

Contrary to the popular belief, in most acts of child sexual abuse the perpetrators are acquainted with the victims. These include family members, friends, babysitters, neighbors, drivers, shopkeepers and teachers at formal institutions and religious schools.<sup>9</sup>

Child sexual abuse has short term and long term, physical and psychological effects on children. These include physical injuries, sexually transmitted diseases, fertility problems, forced and early pregnancies, and rape-murders. The survivors face mental health

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<sup>6</sup><https://www.dawn.com/news/1493452>

<sup>7</sup><https://www.dawn.com/news/1507652>

<sup>8</sup><https://www.rainn.org/articles/child-sexual-abuse>

<sup>9</sup><https://www.dawn.com/news/1506224>

issues such as depression, poor self-esteem, post-traumatic stress disorder, anxiety, and eating disorders.<sup>10</sup>

Despite being widely prevalent and sometimes making news headlines, child sexual abuse remains unaddressed and often unpunished in Pakistan due to traditional practices, weak implementation of laws and strong feudalism and tribalism. Murder of young Zainab Ansari in 2018 caused nationwide outrage in Pakistan. The perpetrator was sentenced to death in the same year. However, the more and more cases of child sexual abuse have emerged which shows that Pakistan is a longshot away from being a safe country for children.

## Legislation

Article 25 of 1973 Constitution of Pakistan talks about equality of citizens and equal protection for them including women and children.<sup>11</sup> Pakistan ratified **Convention on the Rights of the Child (CRC) on 12 December 1990**. According to it Pakistani children have the right to be protected from all forms of exploitation and abuse. Pakistan is also a signatory to **UN CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**.

The Pakistan Penal Code (PPC) only recognizes child rape after an act of penetration is established with forensic evidence. Following laws address child sexual abuse:

- **PPC Section 90:** Any purported “consent” given by a child under 12 years of ages is considered invalid.
- **PPC Section 336-A:** Prostitution or procurement of a minor girl under the age of 18 for sexually intercourse is punishable with imprisonment which may extend to ten years and also liable to fine.

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<sup>10</sup><https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

<sup>11</sup><http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

- **PPC 364A:** Kidnapping or abducting anyone under the age of 14 will be dealt with life imprisonment and shall be liable to fine.
- **Anti-Terrorism Act 1997:** Child molestation, gang, rape and robbery coupled with rape are punishable with death (if the crime results in death of the victim), or punishable with imprisonment extending to 14 years but not less than 7 years
- **The Protection of Women (Criminal Law Amendment) Act 2006:** Inserted Sections 375 and 376 in Pakistan Penal Code which categorized different kinds of forced and manipulative sexual intercourse as a rape.
- **Criminal Law (Second Amendment) Act 2016:** Inserted new provisions in the Pakistan Penal Code. The insertion of sections 292A, 292B and 292C criminalized the exposure of children to child pornography and seduction. In addition section 328C was also inserted in PPC which criminalized cruelty to a child. Furthermore, according to section 377A and 377B sexual abuse against someone under the age of 18 shall be punished with imprisonment or fine of Pakistani Rupees 500,000 or both.
- **Criminal Law (Amendment) (Offences Relating to Rape) Act 2016:** Strengthened laws on rape, including the rape of minors. The major changes included making DNA test compulsory, but only with the consent of survivor, or her/his parents/guardians/legal heirs; and bounding the courts to conclude trial of offences related to rape within three months.

The **Zainab Alert, Response and Recovery Act, 2019** is the latest development on legalization on child sexual abuse in Pakistan.<sup>12</sup> On 8 October 2019 Zainab Alert Bill was passed by the National Assembly committee. The bill was also passed by Senate on 4 March, 2020.<sup>13</sup> This act provides ease for the missing child's parents to notify the police via a helpline. The act also provides a process for the local

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<sup>12</sup><https://www.ma-law.org.pk/pdflaw/PAKISTAN%20PENAL%20CODE.pdf>

<sup>13</sup><https://www.geo.tv/latest/274092-senates-human-rights-committee-approves-changes-in-zainab-alert-bill>



police department to issue an emergency alert using emergency broadcasting system on mobile phones within a 20 km region where the child was last seen. A major key feature of the act is to establish a national database of missing and recovered children applicable across Pakistan and establishes an agency accountable to submit quarterly reports to the National Assembly of Pakistan<sup>14</sup>.

The provincial laws which safeguard children's right from physical and sexual abuse include:

- Punjab Destitute & Neglected Children Act, 2007
- Sindh Child Protection Authority Act, 2011
- Balochistan Child Protection Act 2016
- Azad Kashmir Child (Care and Protection) Act, 2016
- The Gilgit-Baltistan Child protection response Act, 2017
- Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Act, 2018

All provinces have Child Protection Act but only Balochistan and Gilgit-Baltistan have formed the corresponding mechanism for vulnerable children.<sup>15</sup>

## **Statistics and Cases**

Crimes against children remained on high in Pakistan in the year 2019. The report 'Cruel Numbers 2019' published by non-profit organization SAHIL by the monitoring of 84 national and regional newspapers, daily, mentioned that over 8 child abuse cases were reported each day. The number was less compared to the 10 cases per day from 2018 however it should be noticed that these are the number of cases reported in media, the actual number can vary.<sup>16</sup> An indication of this is a report presented to the Senate committee for child protection which mentioned that over 4,000 complaints of child

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<sup>14</sup><https://www.geo.tv/latest/266840-what-you-need-to-know-about-the-zainab-alert-bill>

<sup>15</sup><https://tribune.com.pk/story/1842081/1-child-protection-concrete-steps-needed-protect-vulnerable-children-senate-panel/>

<sup>16</sup><http://sahil.org/cruel-numbers/>

sexual abuse were filed all over Pakistan in 2019<sup>17</sup>. Going by this report, the number of daily reported cases is approximately 11. According to Islamabad Police, the Islamabad Capital Territory recorded 159 percent rise in child sexual abuse cases in 2019.<sup>18</sup>

Among the most noticed case from Islamabad was rape-murder of a 10 year old girl. Police found her body dumped in the suburbs of the federal capital. According to the police the girl was stabbed in the stomach after being raped. The girl died due to excessive bleeding.<sup>19</sup>

Kasur the hub of child sexual abuse scandal of 2015 and Zainab murder case 2018 remained in negative news in 2019 as well. In September, an 8 year old boy went missing in Chunian city in Kasur District. Few days later his body was found in a deserted area two mile away from his home, the autopsy report revealed that the boy was raped before murder. The suspect was let go by police after initial questioning and he was later arrested on after DNA report proved him the perpetrator of the crime.<sup>20</sup> Bodies of three children aged 8, 9 and 12 were also found in vicinity. The three children died in similar circumstances.<sup>21</sup>

Some other heinous acts of child sexual abuse reported in 2019 included:

- A girl in 9<sup>th</sup> grade was raped in Battal Town in Mansehra District in Khyber-Pakhtunkhwa province. Father of the girl lost mental equilibrium. Perpetrator was arrested by police.
- A man was arrested in Karachi for raping the daughter of his housemaid.

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<sup>17</sup><https://www.samaa.tv/pakistan-news/2020/01/over-4000-cases-of-child-abuse-filed-in-2019-report/>

<sup>18</sup><https://www.thenews.com.pk/print/592345-capital-records-159pc-increase-in-child-abuse-cases-in-2019>

<sup>19</sup><https://tribune.com.pk/story/1981717/1-fairshita-murder-case/>

<sup>20</sup><https://www.dawn.com/news/1508607/chunian-case-suspect-averted-arrest-twice>

<sup>21</sup><https://www.dawn.com/news/1505833/kasur-shaken-again-as-bodies-of-three-minors-found-in-chunian>

- A boy aged 14 years was murdered after rape in Multan.
- Six boys were raped in Bilal Colony, North Karachi.
- Man was held in Lakki Marwat for assaulting an 11 year old boy.
- Cleric was held in Rawalpindi on charge of molesting a student.
- Two men were held in an alleged abduction and rape of a 14-year old.
- A five year old missing girl was founded dead after rape in Sahiwal.

The report by SAHIL also noticed increase in child sexual abuse committed by children. The data collected for such offences from July to December 2019 included 11 cases where the abusers were under 18 years. A minimum difference of 5 years in ages of perpetrator and victim was set to classify the act as ‘child’ sexual abuse. In 2019, 70 cases of child pornography were also reported.

The report is also consistent with most international findings on child sexual abuse. More than 48% of the abusers were acquaintances and out of the total closed spaces, 58% were acquaintance places whereas 29% were of the victims’. This shows that children are not safe in many places which are supposed to be safe for them. Out of the total reported cases, 28% happened in open spaces which is consistent which SPARC’s findings of previous year which shows that children working and living on streets are at risk of child sexual abuse.<sup>22</sup>

The most alarming stats of SAHIL’s report are 8 percent increase from year 2018 in urban areas and ratio of boys being higher than the ratio of girls in contrast to the previous year. Generally it’s perceived that child sexual abuse takes place in rural settings against girls because of vicious traditional practices. However the rise in these categories shows that children of all genders aren’t safe anywhere.

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<sup>22</sup><https://www.sparcpk.org/SOPC%20-%202018.html>

## **Recommendations**

- I. Conducting National survey to gauge the true magnitude and scale of this issue.
- II. Effectively enforcing the current legislation related to child sexual abuse.
- III. Rigorously evaluating and strengthening existing child sexual abuse prevention programs.
- IV. Exploring, evaluating, and strengthening new specific legislation and policies and programs.
- V. Improving the support system for survivors including forensic testing, medical exams, legal and psycho-social support.
- VI. Raising awareness of the public about unacceptability of child sexual abuse, and promoting the notion that stopping child sexual abuse is everyone's responsibility.
- VII. Sensitizing the media on improved and child friendly reporting to protect the survivors and their families from trauma.
- VIII. Implement a strategy that include increasing parents' and other caregivers' awareness and knowledge of protective measures they can take on behalf of their children.
- IX. Creating a gender-sensitive dictionary of terms in national and regional languages to include correct scientific/technical words for crimes and change the derogatory terminologies used commonly.

## 2. Child, Forced and Early Marriages

Child, Early, and Forced Marriages (CEFM) are among the worst form of violence against children because they are not considered a violent practice at all. According to the estimates by UNICEF, Pakistan has the sixth highest number of child brides in the world.<sup>23</sup> 21 percent Pakistani girls are married under the age of 18 and 3 percent of girls get married under the age of 15. This means almost one-third of girls in Pakistan are married before they reach the 18 years of age. Pakistani children mainly girls are married off at tender ages using the ‘justification’ of ‘best interest of the child’ and other ulterior motives such as settling family feuds, denying them inheritance and selling them for money.<sup>24</sup>

Child marriage violates the children rights and can have long term consequences for both the child bride and groom. Many girls are forced into marriage in their early ages, they are made to leave school and they are deprived of their right to education and future economic development. As these girls have little education and technical skills, they are more likely to experience domestic violence.

According to the Pakistan Demographic and Health Survey 2017-18, only 34% of the married women practice family planning.<sup>25</sup> The girls who are married at early age without their consent have little choice in deciding the age of child bearing. The survey mentioned that child marriages and early pregnancies create huge of death for mother and child from complications. The surviving children face health issues later on in their lives.

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<sup>23</sup><https://data.unicef.org/topic/child-protection/child-marriage/>

<sup>24</sup><https://www.girlsnotbrides.org/child-marriage/pakistan/>

<sup>25</sup>[https://www.nips.org.pk/abstract\\_files/PDHS%20-%202017%20Key%20indicator%20Report%20Aug%202018.pdf](https://www.nips.org.pk/abstract_files/PDHS%20-%202017%20Key%20indicator%20Report%20Aug%202018.pdf)

## *Legislation*

*Pakistan is among the few remaining Muslim countries in Asia where the legal age at marriage for girls is still 16 years. This is in contradiction to UNCRC and CEDAW; Pakistan is a State Party to both these conventions. The major challenge in this regard has been the strong opposition from Council of Islamic Ideology (an advisory and recommendatory body) which has maintained the stance that laws prohibiting child marriage are un-Islamic.*<sup>26</sup>

There are laws which criminalize forced marriages. *Prevention of Anti-Women Practices Act, 2011 amended the Pakistan Penal Code by adding a new chapter in it and outlawed giving a female in marriage or otherwise in badla-e sulh, wanni or swara; depriving women from inheriting property; forced marriages; and marriage with the Holy Quran.*<sup>27</sup>

Under **Pakistan Penal Code Section 310-A** practices of Badla-e-Sulh, Wanni and Swara are criminalized. They are punishable with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to a fine of PKR 500,000.

According to **Pakistan Penal Code Section 498 B** the penalty for forced marriages are ten years maximum and three years minimum of jail term along with a fine of five hundred thousand rupees. Under **Section 498 C**, forcing, arranging or facilitating a woman's marriage with the Holy Quran is punishable with a jail term of maximum seven and minimum three years, along with a fine of PKR 500,000.

**The only Pakistani law which is in line with international recommendations is Sindh Child Marriage Restraint Act 2014. This was the first law in Pakistan which places a ban on marriage of children under 18 years and makes its violation punishable with imprisonment of up to three years.**

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<sup>26</sup><https://www.washingtontimes.com/news/2019/aug/29/child-brides-pakistan-defended-muslim-conservative/>

<sup>27</sup>[https://pcsw.punjab.gov.pk/prevention\\_of\\_anti\\_women\\_practices](https://pcsw.punjab.gov.pk/prevention_of_anti_women_practices)

*In 2019, Child Marriage and Restraint (Amendment) Bill 2018 was passed in Senate to increase the minimum age for marriage for female to 18 years.<sup>28</sup> However this bill was rejected in the National Assembly which shows the lack of seriousness by policymaker towards this grave issue.<sup>29</sup>*

Pakistani policymakers and judiciary have also failed to provide safety to the girls belonging from religious minorities. In 2019, the cases of forcefully converting Hindu and Christian girls to Islam and marrying them with much elder Muslim men continued to happen.<sup>30</sup> The continued occurrence of these acts in Sindh province, the only region which has outlawed under 18-year marriage, shows a bleak picture.<sup>31</sup> A bill presented in Sindh Assembly to curb down this evil practice was rejected in October 2019.<sup>32</sup>

The annual report 'Cruel Numbers' published by SAHIL mentioned that 104 child marriages were reported in Pakistan in 2019.<sup>33</sup> This includes 91 girls and 14 boys. Out of these, 62 girls and 11 boys were married below the age of 16. The ages of 15 girls and 1 boy were not mentioned in media. This means that marriages of 68% girls and 84% should be considered illegal even under the old laws which are not in harmony with the international standards. 64% girls were forcefully married under the extreme types which are outlawed by Pakistani laws.

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<sup>28</sup><https://nation.com.pk/31-Jan-2019/senate-body-passes-child-marriage-restraint-act-amend>

<sup>29</sup><https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>

<sup>30</sup><https://www.pakistantoday.com.pk/2019/12/19/forced-conversions-continue-unabated-in-sindh/>

<sup>31</sup><https://www.thenews.com.pk/print/464780-landmark-legislation-aimed-at-ending-early-marriages-in-sindh-being-poorly-implemented>

<sup>32</sup><https://tribune.com.pk/story/2079363/6-bill-forced-conversion/>

<sup>33</sup><http://sahil.org/cruel-numbers/>

## **Recommendations**

- I. Increasing the minimum age of marriage for girls to 18 years at all federal and provincial laws in the country.
- II. Strong and effective implementation of the laws.
- III. Increasing the punishment for child, early and forced marriages (CEFM)
- IV. Making CNIC a mandatory requirement for Nikah Nama. Strict action to be taken against the violators including the personnel registering the marriage.
- V. Establishing an accurate database to assess the true scale of this problem.
- VI. Improving legal literacy and providing pro bono legal aid and other social services to those in need.
- VII. Enhancing the birth registration mechanism to ensure that every child has birth certificate and falsification of documents is not possible.
- VIII. Launching advocacy campaigns to sensitize the society about harms of CEFM.
- IX. Working directly with men and boys to change the patriarchal mindsets.
- X. Building the capacities of children by addressing this issue at educational institutions.
- XI. Creating education, training and employment opportunities for married girl children.
- XII. Increasing access for girl children to reproductive health information and services.



### 3. Child Trafficking

Child trafficking is a form of human trafficking and is defined as the practice of illegal relocating and transportation of children, typically for the purpose of slavery, forced labour and sexual exploitation. Child trafficking is a covert and a growing activity throughout the world. Child trafficking is affecting millions of children worldwide. It is estimated that 5.5 million children are in situation of forced labour as a result of child trafficking.<sup>34</sup>

In Pakistan men, women and children are subjected to trafficking in persons. The largest form of human trafficking is bonded labour.<sup>35</sup> Boys and girls are bought, sold and kidnapped to work in organized illegal begging rings, domestic servitude, prostitution, and in agriculture in bonded labour. Illegal labour agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subject to forced labour in domestic servitude, unskilled labour, small shops and other sectors. Girls are also sold into forced marriages and sometimes are move across borders by their husbands and forced into prostitution.

The U.S. Department of State puts Pakistan in Tier 2, list of countries who don't fully meet the minimum standard for the elimination of the trafficking but are progressing towards that goal.<sup>36</sup> The efforts made by Pakistan in this regard include passing the country's first inclusive human trafficking law that banned all forms of sex trafficking and labor trafficking<sup>37</sup>; securing its first conviction in 10 years of an official involved in human trafficking; and classifying and referring an increased number of trafficking survivors to care.

However the report mentions that involvement of officials in trafficking crimes is still a major problem but the government did not

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<sup>34</sup><https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

<sup>35</sup><https://dailytimes.com.pk/397370/the-menace-of-human-trafficking-part-i/>

<sup>36</sup><https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>

<sup>37</sup>[http://www.senate.gov.pk/uploads/documents/1533270017\\_228.pdf](http://www.senate.gov.pk/uploads/documents/1533270017_228.pdf)

report any new efforts to hold such officials accountable, including failing to investigate serious allegations of trafficking regarding a high-ranking diplomatic official. Government protection efforts have also been termed as inconsistent as only a small number of the total victims identified were referred to assistance services<sup>38</sup>.

The year 2019 also saw emergence of one of the biggest trafficking scandals in Pakistan's history. The investigators confirmed at least 629 Pakistani girls and women were sold as brides to Chinese men and taken to China from 2018 to April 2019. The investigators compiled a list of names in effort to curb down the trafficking network however these efforts fell apart. In October, a court in Faisalabad acquitted 31 Chinese nationals mentioned in the list because the survivors who were shortlisted as witnesses refused to testify due to fear. These Chinese officials also showed ignorance about existence of such a list.<sup>39</sup>

## Legislation

Pakistan is a signatory to **UN CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**. According to the 1973 Constitution of Pakistan, all forms of slavery and trafficking is prohibited.<sup>40</sup> Following legislation exists in Pakistan to counter trafficking:

- **Pakistan Penal Code (PPC) Section 369A** amended in March 2016, criminalized transnational and internal forced labor and transnational and internal sex trafficking of women and children. Inconsistent with international law, Section 369A required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Section 369A

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<sup>38</sup><https://www.refworld.org/docid/5b3e0ab0a.html>

<sup>39</sup><https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-to-chinese-in-18-months>

<sup>40</sup><https://evaw-global-database.unwomen.org/en/countries/asia/pakistan/2015/article-11-of-the-constitution>

prescribed penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani Rupees.

- **Bonded Labour (System) Abolition Act (BLAA)** prohibits bonded labour, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both.
- **Prevention of Trafficking in Person Act 2018** finally brought the law into compliance with international norms by exempting children from requirement that force, fraud, or coercion must be proven in order to constitute trafficking; and by inserting/including all trafficking for force and commercial sexual exploitation into the law. This new law also highlights the fact that women and children require special support due to their high vulnerability to trafficking.

It is to be noted that Pakistan doesn't have any provincial law on trafficking.

## **Recommendations**

- I. Improving data and carry out research to generate evidence on the scale and nature of child trafficking in different regions of Pakistan and the loopholes in legislation and effective monitoring by law enforcement agencies at the borders.
- II. Passing provincial level anti-trafficking laws and coordinated anti-trafficking action plans.
- III. Advocating with state actors to take action against the groups that are organized and involved in trafficking children and to implement the laws effectively.
- IV. Training of law enforcement agencies on the issue of child trafficking and building their capacities to monitor and take action.
- V. Creating awareness amongst parents, communities and children so that community based protective measures are in place.

- VI. Involving youth groups to actively engage in monitoring the situation at the community level and provide information of trafficking networks to the authorities while also raising awareness.
- VII. Establishing child helplines at the district level so that complaints can be made immediately and alerts raised if a child is kidnapped or abducted.
- VIII. Developing information and communication materials and work with print and electronic and social media to create awareness on different types of child trafficking and use the findings of the research to create pressure on governments to take action.
- IX. Ensuring protection of religious minorities as they are most vulnerable to trafficking in Pakistan.

#### **4. Corporal punishment**

Corporal punishment (CP) is the use of physical force with the intention of inflicting pain or discomfort. In regards to children, the acts of CP are mostly done by adults on minors at home, educational institutions and (illegal) workplaces. Many countries have banned this heinous practice however Pakistan is among the 69 countries trying to eradicate it in educational institutions.<sup>41</sup>

The use of corporal punishment, supposedly to “discipline” and “train” children is deeply rooted in our traditions and social norms, which therefore results in weak or no enforcement of the existing laws and so the culprits are seldom reported, held accountable or punished.<sup>42</sup> This harsh practice is a daily happening for some children. It is considered a “normal” part of childhood and is openly recognized as the rights of parents, guardians, teachers, religious instructors, (illegal) employers, or others in charge.

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<sup>41</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5560991/>

<sup>42</sup><http://www.newslens.pk/in-pakistan-corporal-punishment-in-schools-is-still-a-tradition/>

Corporal punishment can cause serious physical injuries, and can even lead to death. Such an unfortunate incident was observed in 2019 when a 17-year-old student was beaten to death by one of his school teachers. The boy's classmates, told the police that the teacher had ostensibly done so because "he had failed to memorize his lesson".<sup>43</sup>This case is the most recent and egregious example of the widespread problem of corporal punishment in Pakistan's schools. Beatings leave students frightened, sometimes injured, and unable to learn effectively, making it more likely they will leave school.

It is also important to note that physical harm is not the only end result of corporal punishment. These acts of violence can have long-lasting psychological consequences on a child's personality and character development, thus continuing a vicious cycle of violence.<sup>44</sup> According to research, corporal punishment on children increases violent behavior and is associated with assaults on spouses, depression, and high drop-out rates from school, harming their future prospects.<sup>45</sup> Therefore, ending this inhuman, humiliating and degrading practice is not only a matter of children's fundamental rights and dignity, but it is also integral to reducing the level of violence in society.

## Legislation

Conflicting nature of laws in Pakistan are a key reason for the ill practice of corporal punishment existing till date in Pakistan. The contradictions in these laws pose a challenge for law enforcement authorities and policy makers.

The laws which allow corporal punishment in some form include:

- **Pakistan Penal Code (PPC) Section 89** empowers parents, teachers and other guardians to use corporal punishment as a

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<sup>43</sup><https://www.dawn.com/news/1504995>

<sup>44</sup><https://www.apa.org/monitor/2012/04/spanking>

<sup>45</sup><https://www.hellomotherhood.com/article/560572-the-effects-of-bad-parenting-on-children/>

means to discipline and correct the behavior of under-12 children in the [mis]perceived “best interest of the child”.

- **The Punjab Destitute and Neglected Children Act, 2004 Section 35:** allows some degree of punishment “in the best interest of the child”.
- **The KP Child Protection and Welfare Act 2010 Section 44:** allows for “reasonable punishment” by parents (Section 44).

The laws which ban all forms of corporal punishment include:

- **The Sindh Prohibition of Corporal Punishment Act, 2016:** forbids corporal punishment and humiliating treatment in workplaces, in schools and other educational institutions including formal, non-formal and religious, and juvenile justice system.
- **Right to Free and Compulsory Education Act 2012** applicable in in Islamabad Capital Territory
- **The Sindh Right of Children to Free and Compulsory Education Act, 2013** Section 13 (3) prohibits all forms of physical and psychological violence in schools
- **Punjab Free and Compulsory Education Act, 2014** also prohibits all forms of physical and psychological violence in schools
- **The Gilgit-Baltistan Prohibition of Corporal Punishment Act 2015** prohibits all corporal punishment of children in schools and homes.

## **Recommendations**

- Repelling all conflicting and contradictory laws such as Section 89 of the PPC. Other provincial laws also need to be amended for effective enforcement of a total ban prohibition of corporal punishment throughout the country. Following the example of the law of Gilgit-Baltistan, corporal punishment should

be banned at homes too not just in educational institutions.

- Training teachers on positive disciplining methods.
- Creating awareness among parents and teachers on the psychological impact on children due to corporal punishment.
- Developing communication materials including videos on the cognitive issues of children to ensure the behavioral problems are understood and addressed properly.

## 5. Acid crimes

Acid violence is a very malicious form of gender-based violence in Pakistan, which has resulted in thousands of surviving girls and women facing long-lasting physical, psychological, and emotional scars.<sup>46</sup>

Acid attacks cause serious damage to skin tissue, often revealing and sometimes melting the bones. These attacks also lead to permanent blindness. Alongside evoking emotional and psychological trauma, acid attacks cause loss of educational, training and employment opportunities for the survivors.<sup>47</sup>

The act of acid attacks stems from the patriarchal mindset deeply rooted in our society.<sup>48</sup> The attacks are done mostly by family members. The perpetrators usually intend to scar and disfigure, rather than kill their targets to impose their dominance in family or clan disputes; rejection of a marriage proposal; girls' and women's refusal of amorous approaches by men, and family "honour" (*sic*) issues.

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<sup>46</sup><https://tribune.com.pk/story/2062127/1-woman-falls-victim-acid-attack-lahore/>

<sup>47</sup><https://www.slideshare.net/nbhartiya/burning-injustice-a-book-on-acid-attack-by-hrln>

<sup>48</sup><https://asiafoundation.org/2014/10/01/acid-crimes-a-growing-crisis-in-pakistan/>

In Pakistan, the acid crimes are more prevalent in the rural areas and smaller cities/towns<sup>49</sup>, where access to justice is weak and many cases acid crimes go unreported due to the cultural stigma of reporting gender-based violence (GBV). Girls and young women fear possible gender bias in the courts, unsupportive attitude from the family, high-priced legal fees, and potential backlash from their attackers against themselves or on their family members.

The continued use of Diyat is another hurdle in eradicating this evil practice from Pakistani society. Financial compensation is paid by the attackers as an out-of-court settlement to the survivors or heirs of victims to stop them from pursuing a court trial. This stops the court from taking any action and the perpetrators are set loose to continue their dirty deeds.<sup>50</sup>

The back and forth attitude from the government has also delayed support for the survivors. In the Punjab budget, presented in June 2019, the government committed to allocate PKR 100 million for the ‘Nai Zindagi Programme’, a support scheme for the survivors of acid attacks in the province. The programme was designed to provide financial aid for surgery, technical learning, no-interest loans, and monthly stipends. However, this plan hasn’t materialized till date and hence raising ambiguity over Punjab government’s commitment towards addressing this issue.<sup>51</sup>

## Legislation

Acid attacks became illegal in Pakistan in 2010 when parliament passed the **Acid Control and Acid Crime Prevention Act 2011**. This law imposed a sentence of minimum 14 years and a fine of PKR 1 million. The act also called for regulation of the sale and distribution of acids and corrosive substances. But the law is rarely enforced in rural areas, and acid attacks continue.

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<sup>49</sup><https://www.thenews.com.pk/print/508431-incidents-of-acid-throwing-on-women-dropped-to-50-percent>

<sup>50</sup><http://asfpakistan.org/wp-content/uploads/2017/02/SAAV-report-2015.pdf>.

<sup>51</sup><https://blogs.tribune.com.pk/story/90352/why-has-ptis-proposed-plan-to-help-acid-attack-survivors-still-not-come-to-fruition/>



The Punjab Government in 2012 ordered its police and prosecution departments to charge perpetrators of acid violence under the **Anti-Terrorism Act**. After this decision, many acid attack cases in Punjab were swiftly tried in anti-terrorism courts and the accused were given life imprisonment sentences, setting a strong precedent against acid burn violence.

In 2018 National Assembly passed the **Acid and Burn Crime Bill, 2017**. This law provides free medical treatment and rehabilitation for acid burn victims. It also outlines a process for conducting trials of accused in the shortest possible time.<sup>52</sup>

## **Reported Cases & Response**

In first week of August 2019, Acid Survivors Foundation Pakistan told the media that the reported cases of acid crimes have been reduced by half in last 5 years. A possible reason for this could be the increased conviction rate (17.3 percent increase in last 5 years).<sup>53</sup> However some heinous acts of acid crimes reporting in Pakistani media in 2019.<sup>545556</sup>

In a landmark judgment in July 2019, Chief Justice of Pakistan Mr. Asif Saeed Khosa rejected the mercy plea of a convicted acid crime attacker who had claim that he had been forgiven by the survivor of his attack.<sup>57</sup>

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<sup>52</sup> <https://nation.com.pk/08-May-2018/na-passes-the-acid-and-burn-crime-bill-2017>

<sup>53</sup> <https://www.thenews.com.pk/print/508431-incidents-of-acid-throwing-on-women-dropped-to-50-percent>

<sup>54</sup> <https://tribune.com.pk/story/2062127/1-woman-falls-victim-acid-attack-lahore/>

<sup>55</sup> <https://www.pakistantoday.com.pk/2019/07/26/man-throws-acid-on-wife-over-monetary-dispute/>

<sup>56</sup> <https://www.pakistantoday.com.pk/2019/01/29/woman-receives-injuries-in-acid-attack/>

<sup>57</sup> <https://www.pakistantoday.com.pk/2019/07/11/no-mercy-for-acid-attack-offenders-rules-cjp/>

Mr. Khosa said that “acid attack is a bigger crime than murder and offenders do not deserve mercy”. He added that court can’t any leniency towards such criminals because there’s a big possibility that the survivors are pressurized to forgive the attackers. CJP Khosa said that acid attacks are a “crime against the state” and punishment for such acts was nothing short of life imprisonment.

## **Recommendations**

- I. The provinces need to pass laws in order to ensure that survivors of acid crimes can access their fundamental right to healthcare and rehabilitative services
- II. The courts, just like the judgement by CJP Asif Saeed Khosa, should disallow using Diyat as a tool to escape facing conviction
- III. There is a need to establish more burn units and rehabilitation centers, as well as to ensure legal aid and access to medical services for acid crimes survivors.
- IV. Law enforcement agencies need to be especially trained to deal with acid crimes
- V. The best practices of relevant civil society organizations re. acid crimes, need to be taken up and replicated in the public sector
- VI. Societal attitudes towards girls and women to change for there to be any progress towards ending acid crimes and gender-based violence as a whole
- VII. State-sponsored awareness campaigns on the laws relating to acid crimes, gender-based violence, and gender equality need to be significantly improved and increased to counter prevalent patriarchy and misogyny.

## 6. Street children

Street Children are a global child protection concern, mainly specific to urban areas. According to estimates there are 1.5 million children in Pakistan who live and/or work on streets.<sup>58</sup> Street Children are persecuted by the police, exploited by their “employers” and disdained by society. In order to survive, these girls and boys are forced to collect garbage, beg, prostitute themselves, deal drugs or steal.

Street Children are most vulnerable population group in Pakistan. A number of reports provide evidence that up to 90% of street children in Pakistan suffer sexual molestation, assault, rape, and gang-rape.<sup>59</sup> They are exposed to violence and abuse on daily basis, resulting in adverse physical and psychological impact. Young girls on street are often forced in to prostitution and trafficking.

A report by non-profit organization SAHIL revealed that out of the total reported cases of child sexual abuse in Pakistan in the year 2019, 28% happened in open spaces.<sup>60</sup> The report also highlighted 8 percent increase from year 2018 in urban areas and ratio of boys being higher than the ratio of girls in contrast to previous years. These findings show that children working and living on streets are at risk of child sexual abuse.

In 2019, a hideous scandal came to light in Ratodero, Sindh when a pediatrician, was charged with manslaughter for causing an HIV outbreak. Approximately 900 children were infected due to the usage of old syringes and other unhygienic practices.<sup>61</sup> This scandal once again highlighted the need to improve health practices in Pakistan including proper disposal of medical equipment. Street Children are more subjected to this as they roam around the garbage disposal sites,

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<sup>58</sup><http://www.un.org.pk/pakistans-street-children/>

<sup>59</sup><https://tribune.com.pk/story/760420/the-plight-of-pakistans-sexually-abused-street-children/>

<sup>60</sup><http://sahil.org/cruel-numbers/>

<sup>61</sup><https://www.nytimes.com/2019/10/26/world/asia/hiv-aids-pakistan-ratodero.html>

use discarded syringes for drug dosage, sleep in unclean areas and engage in unprotected sexual activities, all of which make them prone to getting HIV infections.<sup>62</sup>

## **Recommendations**

- I. National survey to gauge the real magnitude of this issue.
- II. Special and increased attention to this issue from all sections of the federal and provincial government, legislators, judiciary, law enforcement agencies, corporate sector, academia and non-profits.
- III. Increased opportunities for equal and affordable education to minimize the number of out of school children to reduce their tendency of joining street life.
- IV. Strengthening the laws and policies on poverty reduction.
- V. Providing non-formal education, vocational training, safe shelter and nourishment to the children when they are on streets.
- VI. Including street children and their families in social safety nets like Benazir Income Support Program so they agree on sending the children to schools.
- VII. Organizing child protection orientation with street children in groups.
- VIII. Training law enforcement agencies to provide the necessary safety to these children.

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<sup>62</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3653190/>

## 7. “Honour” Killings (aka Dishonor Killings)

**SPARC continues to adhere to its longstanding, clear position that “There is NO honour in killing women and children in the name of so-called ‘honour’”**

Known as “Karo-Kari” and by various other similar names in Pakistani languages, “honour” (*sic*) killing refer to the premediated, cold-blooded murder of a close relative who is perceived to have brought “dishonor” (*sic*) and “shame” (*sic*) on the family.<sup>63</sup> It is deeply entrenched in the patriarchal mindset in Pakistan, with women and young girls overwhelmingly bearing the brunt of such brutal killings.

The stated reasons or “justifications” include: rejecting a marriage proposal; suspicion of adultery or infidelity; illicit sexual relations; surviving abduction, rape or gang-rape; seeking a divorce; and some trivial matters, such as girls “daring to use a mobile cellphone.”<sup>64</sup>

The actual reasons are more chilling: girls and women are used by their male relatives as pawns to settle their scores, carry out blood feuds, or end tribal enmity. The culprits have been getting away with murder due to the legal heirs’ forgiveness clauses in the *Qisas* and *Diyat* law, permitting out of court settlements and compromises.<sup>65</sup>

According to Human Rights World Watch Report 2018, over 1000 cases of “honour” killings are reported in Pakistan every year.<sup>66</sup> As these acts are committed by relatives who don’t report the crime, the above-mentioned number is just the tip of a huge iceberg.

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<sup>63</sup>[https://books.google.com.pk/books/about/Honour\\_Killing.html?id=p4XaAAAMAAJ&redir\\_esc=y](https://books.google.com.pk/books/about/Honour_Killing.html?id=p4XaAAAMAAJ&redir_esc=y)

<sup>64</sup>[https://books.google.com.pk/books/about/Honour\\_Killing.html?id=p4XaAAAMAAJ&redir\\_esc=y](https://books.google.com.pk/books/about/Honour_Killing.html?id=p4XaAAAMAAJ&redir_esc=y)

<sup>65</sup>[https://www.af.org.pk/pub\\_files/1366345831.pdf](https://www.af.org.pk/pub_files/1366345831.pdf)

<sup>66</sup><https://www.hrw.org/world-report/2018/country-chapters/pakistan>

## Legislation and Ground Realities

In 2016, the Parliament passed a law to eradicate this evil practice from Pakistan. This legislation banned a family member or legal heir to pardon a murderer in such cases. The law imposed death penalty or life imprisonment for the convicts. However, despite the acclaimed law, the number of these crimes in Pakistan remains high. A reason for this is a major loophole in the law which allows the judge to rule out of the aspect of “honour” by unilaterally deciding whether or not the crime was “honour” based.

In September 2019, brother of deceased social media celebrity Qandeel Baloch, who murdered Qandeel in name of “honour” in 2016 was sentenced to life imprisonment.<sup>67</sup> It is noticeable that few days prior to the ruling, Qandeel’s parent told the court that they had forgiven their son<sup>68</sup> (the law which takes away the power from family to pardon the culprit didn’t apply to this case as it was passed after Qandeel’s death). The court however rejected the family’s plea.

According to data shared by Sindh Police, 108 women in the province were killed in the name of “honour” in the year 2019.<sup>69</sup> Infidelity was “justification” given for most these barbaric acts<sup>70</sup> whereas in some cases the girls were so young<sup>71,72</sup> that using this “excuse” shows that the perpetrators think so less about the law that they can give any reason for their heinous crimes.

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<sup>67</sup><https://www.dawn.com/news/1507652>

<sup>68</sup><https://www.dawn.com/news/1500816/qandeel-balochs-parents-announce-pardon-for-sons-urge-court-to-wrap-up-murder-case>

<sup>69</sup><https://www.dawn.com/news/1531683>

<sup>70</sup><https://www.pakistantoday.com.pk/2019/03/19/man-held-for-killing-daughter/>

<sup>71</sup><https://gulfnnews.com/world/asia/pakistan/11-year-old-pakistani-girl-stoned-to-death-in-yet-another-honour-killing-incident-1.68203520>

<sup>72</sup><https://www.pakistantoday.com.pk/2019/02/06/police-arrests-primary-suspect-in-ramsha-murder-case/>

## **Recommendations**

- I. The policy makers urgently need to revise, amend and strengthen the existing laws against dishonor killings.
- II. Public awareness campaigns need to be initiated to motivate severe condemnation of this heinous crime, and to target the patriarchal misogynist mindsets that condone dishonor killing.
- III. Effective government monitoring and enforcement of the existing laws and policies pertaining to dishonor killings is required, in order to set strong precedents, to serve as future deterrents.
- IV. The decades-old recommendations presented by civil society activists, researchers and academicians need to be taken up for action at the earliest by the federal and provincial governments, policymakers and the judiciary.

# Child Health and Nutrition



## **Introduction**

A child's health include physical, mental and social well-being and not merely absence of disease or infirmity<sup>1</sup>. Children especially infants are at higher risk of serious health problems. To protect the children from diseases and improve their health, growth and development, it is important that nutrition, diet, medication, sleep, exercise, vaccination and most importantly health services are given due consideration.

According to UNICEF's estimate on January 01, 2019, more than 15112 babies were expected to be born in Pakistan on the very first day of the year, that accounts for 4% of all the babies born on the same day<sup>2</sup>. Considering the estimated average, more 5.1million childbirths are expected throughout the year in the country.

The State of World's Children Report – 2019, shows the annual number of births in 2018 around 5.9 million with an average 67 years of life expectancy at birth.

Current population of Pakistan is more than 212 million out of which under 18 population is 88 million and population under the age of five years is 27.291 million<sup>3</sup>.

## **Global Trends of Child Health at a glance**

Globally, at least 1 in 3 children under 5 is not growing well due to malnutrition in its more visible forms: stunting, wasting and overweight.

149 million children under 5 are stunted, almost 50 million children under 5 are wasted and 40 million children under 5 are overweight<sup>4</sup>.

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<sup>1</sup><https://www.pakistantoday.com.pk/2018/10/22/health-policy-reforms/>

<sup>2</sup><https://www.unicef.org/pakistan/press-releases/new-years-babies-over-15000-children-will-be-born-pakistan-new-years-day-unicef>

<sup>3</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>4</sup><https://www.un.org/sustainabledevelopment/hunger/>

Globally, at least 1 in 2 children under 5 suffers from hidden hunger due to deficiencies in vitamins and other essential nutrients.

In 2018, almost 200 million children under 5 suffered from stunting or wasting while at least 340 million suffered from hidden hunger.

Only 2 in 5 infants under six months of age are exclusively breastfed, as recommended. Breastfeeding could save the lives of 820,000 children annually worldwide<sup>5</sup>.

### **Child Health and Nutrition in Pakistan**

Article 24(3-a) (e-i) of Constitution of Pakistan discusses public health and medical aid<sup>6</sup> but it does not explicitly recognize the right to health.

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<sup>5</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>6</sup>[http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

# UNCRC

 1 DEFINITION OF A CHILD	 2 NO DISCRIMINATION	 3 BEST INTERESTS OF THE CHILD	 4 MAKING RIGHTS REAL	 5 FAMILY GUIDANCE AS CHILDREN DEVELOP	 6 LIFE, SURVIVAL AND DEVELOPMENT	 7 NAME AND NATIONALITY
 8 IDENTITY	 9 KEEPING FAMILIES TOGETHER	 10 CONTACT WITH PARENTS ACROSS COUNTRIES	 11 PROTECTION FROM KIDNAPPING	 12 RESPECT FOR CHILDREN'S VIEWS	 13 SHARING THOUGHTS FREELY	 14 FREEDOM OF THOUGHT AND RELIGION
 15 SETTING UP OR JOINING GROUPS	 16 PROTECTION OF PRIVACY	 17 ACCESS TO INFORMATION	 18 RESPONSIBILITY OF PARENTS	 19 PROTECTION FROM VIOLENCE	 20 CHILDREN WITHOUT FAMILIES	 21 CHILDREN WHO ARE ADOPTED
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 43-54 HOW THE CONVENTION WORKS	<h1>CONVENTION ON THE RIGHTS OF THE CHILD</h1>					

The four core principles of UNRCR include a child's right to life, survival and development<sup>7</sup>. Article 24 bounds state parties to recognize the right of a child to enjoy good standard health and provide health care facilities for treatment and rehabilitation<sup>8</sup>. The right includes appropriate measures against child mortality and malnutrition and provision of medical assistance and health care, adequate nutritious food, clean drinking water. The article also incorporates pre and post- natal health care for mothers and awareness on health, hygiene, nutrition and well-being<sup>9</sup>.

### SGDs



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<sup>7</sup><https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

<sup>8</sup>[https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_summary-1.pdf](https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_summary-1.pdf)

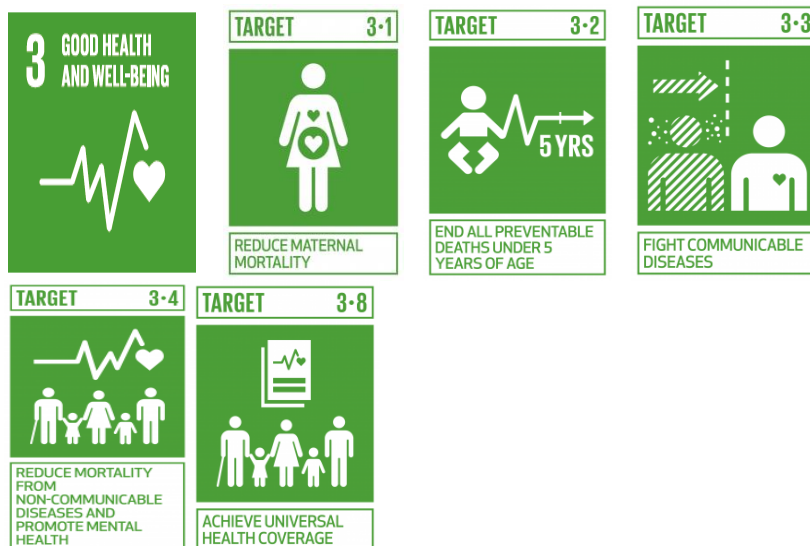
<sup>9</sup><https://www.ohchr.org/documents/professionalinterest/crc.pdf>

## Zero Hunger - SDG Goal:2



The SDG goals 2.1 and 2.2 aim to eliminate hunger and malnutrition by 2030 and achieving internationally agreed targets on stunting and wasting in children under 5 years of age and addressing the needs of adolescent girls, pregnant and lactating mothers<sup>10</sup>.

## Good Health and Well-being – SDG Goal:3



<sup>10</sup><https://www.un.org/sustainabledevelopment/hunger/>

The goal 3.1 aims to reduce global maternal mortality ratio to less than 70 per 100,000 live births and 3.2 aims to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births by 2030<sup>11</sup>. Not only this, 3.3 aims to end epidemics of AIDS, tuberculosis, malaria, hepatitis, water-borne diseases and other communicable diseases by 2030<sup>12</sup>. Not only the rampant diseases, SDGs in its goal 3.4 also mentions premature mortality and non-communicable diseases giving due consideration to promotion of mental health and well-being<sup>13</sup>.

Not only prevention from diseases, SDG's goal 3.8 aims to provide access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all<sup>14</sup>.

As a demonstration of political commitment and ownership, Pakistan integrated the SDGs into its national development agenda in February 2016. Pakistan was first such country to do so<sup>15</sup>. A National SDGs Framework was launched in 2018 envisaging a national vision, plan and strategy to optimize, prioritize and localize the full potential of SDGs in Pakistan.

In terms of institutional arrangement, task forces in the National and Provincial Parliaments have been established to review progress and facilitate legislative support for implementation. Seven SDGs Support Units instituted at Federal and Provincial Government levels facilitate vertical and horizontal coordination among the stakeholders. Notwithstanding economic and financial challenges, Pakistan will continue to work towards achieving the SDGs through innovative, targeted and focused implementation strategies in the social, economic and environmental fields. A key aspect of implementation strategy is strengthening of the existing and forging new alliances, leveraging technology and mobilizing finance. Partnership and close collaboration with a broad array of

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<sup>11</sup><https://www.un.org/sustainabledevelopment/health/>

<sup>12</sup><https://www.un.org/sustainabledevelopment/health/>

<sup>13</sup><https://www.who.int/sdg/targets/en/>

<sup>14</sup><https://www.who.int/sdg/targets/en/>

<sup>15</sup><https://sustainabledevelopment.un.org/memberstates/pakistan>

governmental, private, civil society and media actors, supplemented by regional and international support, will continue to be a major feature<sup>16</sup>.

## **Eliminating hunger and improving health**

Reductions in stunting and malnutrition have taken place - over the period 2013-2018 by 6 and 9 percentage points, respectively. Recognizing the persistent challenge, greater focus and allocation of resources is being made. The prevalence of skilled birth attendance has improved by 17 percentage points while neonatal mortality rate has fallen by 10 percentage points during the same period. The Lady Health Workers Programme, with its grassroots presence, has been instrumental in achieving this improvement. A new universal health coverage initiative – the *SehatSahulat* Program - has been launched in 2019 to provide health insurance coverage for those in need. Health Sector reforms are underway, entailing a centralized integrated disease surveillance system and strong inter-provincial information sharing mechanism.

<https://sustainabledevelopment.un.org/memberstates/pakistan>  
[https://sustainabledevelopment.un.org/content/documents/233812019\\_06\\_15\\_VNR\\_2019\\_Pakistan\\_latest\\_version.pdf](https://sustainabledevelopment.un.org/content/documents/233812019_06_15_VNR_2019_Pakistan_latest_version.pdf)  
<https://dailymtimes.com.pk/228998/pakistan-achieving-the-sdgs/>  
<http://www.un.org.pk/pakistans-challenges-sustainable-development-goals-2015-2030/>

## **Pakistan's score in Global Childhood Report**

According to Global Childhood Report -2019, Pakistan scored 626 out of 1000 where the measuring indicators were child mortality, malnourishment, out of school children, children who have been a victim of violence, child marriage and children involved in labour. Among 176 countries examined in End of Childhood Index, Pakistan

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<sup>16</sup><https://sustainabledevelopment.un.org/memberstates/pakistan>

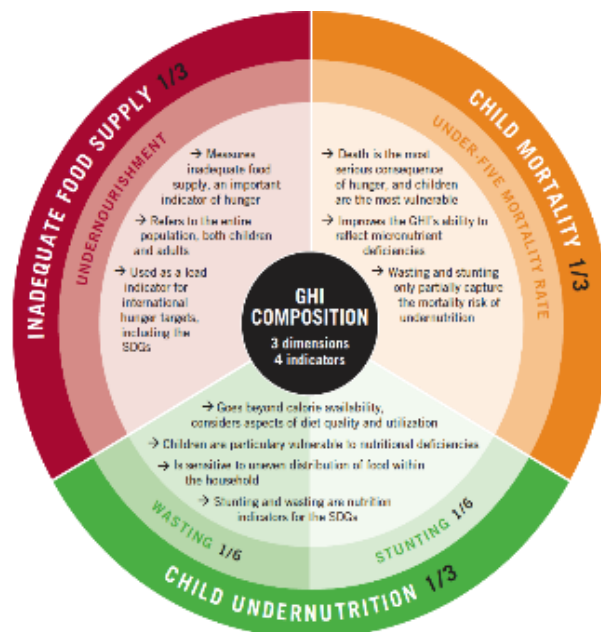
ranked 149 falling in the category of “many children missing out on childhood”<sup>17</sup>.

## Pakistan’s rank in Global Hunger Index

In the 2019 Global Hunger Index, Pakistan ranked 94<sup>th</sup> out of 117 qualifying countries with a score of 28.5, falling in the category of serious level of hunger<sup>18</sup>. The values of the country are based on the indicators like undernourishment, child wasting, child stunting and child mortality<sup>19</sup>.

≤ 09.9	10.0 – 19.9	20.0 – 34.9	35.0 – 49.9	≥ 50.0
Low	Moderate	Serious	Alarming	Extreme Alarming

Source: Global Hunger Index 2019



<sup>17</sup>[https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/report/global\\_childhood\\_report\\_2019\\_ENGLISH.pdf](https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/report/global_childhood_report_2019_ENGLISH.pdf)

<sup>18</sup><https://www.globalhungerindex.org/pakistan.html>

<sup>19</sup><https://www.globalhungerindex.org/about.html>



## Child Mortality in Pakistan

According to UNICEF's State of World's Children Report – 2019, Pakistan stands third on highest burden of deaths among children under five years of age, with an annual number of 409,000 deaths during the year 2018<sup>20</sup>. The number of deaths of children aged between 5 to 14 years was 46,000 throughout the year however the annual number of neo natal deaths was 251,000<sup>21</sup>.

The average rate of under-five mortality was 69 (per 1000 live births) in 2018, the death rate among males and females being 74 and 65 respectively<sup>22</sup>. During the same year, the average rate of infant mortality was 57 and neo natal mortality was 42 per 1000 live births. According to the Pakistan Demographic Health Survey – 2018, the child mortality rates were highest in Punjab and lowest in FATA. The other child mortality trends reflected in PDHS – 2018 were:

- Boys were more likely than girls to die in the first month as the mortality rates were 52 deaths per 1,000 live births among male neonates and 33 deaths per 1,000 live births among female neonates.
- Childhood mortality rates were higher in rural areas than in urban areas by 10 deaths per 1,000 live births.
- Mortality rates were higher among children born fewer than 2 years after a previous birth than among children born two or after a previous birth<sup>23</sup>.
- Childhood mortality rates decreased uniformly as mother's education increased.
- Also the mortality rates were less among children born to women living in highest wealth quintile as compared to the children born to women in low wealth quintile<sup>24</sup>.

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<sup>20</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>21</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>22</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>23</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>24</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

Child Mortality Rates in different Regions of Pakistan:

<b>Mortality Estimates</b>	<b>Neonatal Mortality</b>	<b>Infant Mortality</b>	<b>Under-5 Mortality</b>
Punjab	51	73	85
Sindh	38	60	77
Balochistan	34	66	78
Khyber Pakhtunkhwa	42	53	64
Islamabad	24	44	49
Ex-FATA	18	29	33
AJK	30	47	53
GB	47	63	76

Source: Pakistan Demographic Health Survey – 2018

Neonatal mortality - The probability of dying within the first month of life.

Infant Mortality - The probability of dying between birth and the first birthday.

Under 5 Mortality - The probability of dying between birth and the fifth birthday<sup>25</sup>.

## **Maternal and New born Health**

Maternal mortality refers to deaths due to complications from pregnancy or childbirth<sup>26</sup> and the maternal mortality ratio (MMR) is defined as the number of maternal deaths during a given time period per 100,000 live births during the same time period. Maternal deaths are the annual number of female deaths from any cause related to or

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<sup>25</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>26</sup><https://data.unicef.org/topic/maternal-health/maternal-mortality/>

aggravated by pregnancy or accidental or incidental causes during pregnancy and childbirth or within 42 days of termination of pregnancy<sup>27</sup>.

According to the key findings of Pakistan Demographic Health Survey 2018, 69% of the baby deliveries were conducted by skilled birth attendants, and 66% of deliveries took place in a medical facility<sup>28</sup>. 86% of the women who gave birth to babies in five years before the survey, received antenatal (prenatal) care from a skilled provider however only 6 in 10 mothers and newborns received a postnatal care check within two days of baby's births. And nearly 7 in 10 women reported at least one problem in accessing health care services for themselves or babies<sup>29</sup>.

High levels of disparity were reflected in PDHS 2018, according to mother's educational status, wealth quintile to which they belong and age. The proportion of deliveries taking place at a health facility was more than twice as high in ICT Islamabad as in Balochistan (84% versus 35%).

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<sup>27</sup><https://data.unicef.org/topic/maternal-health/maternal-mortality/>

<sup>28</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>29</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<b>Regions</b>	<b>Percentage of babies delivered in a health facility</b>	<b>Percentage of Women receiving Antenatal Care from a Skilled Provider*</b>	<b>Percentage of babies delivered by a skilled provider*</b>	<b>Percentage of Women (mothers) with a Postnatal check during the first 2 days after birth</b>	<b>Percentage of Births (newborns) with a Postnatal check during the first 2 days after birth</b>
<b>Punjab</b>	68.9	92.3	71.3	66.4	69.0
<b>Sindh</b>	71.8	85.7	74.8	71.0	75.1
<b>Khyber Pakhtunkhwa</b>	61.8	80.1	67.4	43.0	43.3
<b>Balochistan</b>	34.6	55.5	38.2	37.9	34.3
<b>ICT</b>	84.0	93.6	86.8	78.1	77.0
<b>FATA</b>	49.1	71.0	52.1	31.8	38.6
<b>AJK</b>	62.3	89.6	64.1	57.7	59.9
<b>GB</b>	62.3	79.6	64.4	39.6	38.9

\*Skilled provider includes doctor,nurse, midwife or lady health visitor.

Source: Pakistan Demographic Health Survey – 2018

According to trends in estimates of Maternal Mortality Ratio, compiled by UNICEF, WHO, UNDP and World Bank Group in 2019 the maternal deaths per 100,000 live births in Pakistan in 2017 were 140 which has been decreased from 154 maternal deaths per 100,000 live births as estimated in 2015<sup>30</sup>. The number of maternal deaths estimated in Pakistan during the same year was 8300<sup>31</sup>, as reported by State of World's Children Report – 2019.

<sup>30</sup>[https://data.unicef.org/wp-content/uploads/2015/11/MMR-trend-estimates-2000-2017\\_MMEIG-2.xlsx](https://data.unicef.org/wp-content/uploads/2015/11/MMR-trend-estimates-2000-2017_MMEIG-2.xlsx)

<sup>31</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

In Pakistan, the adolescent birth rate (birth per 1000 women aged 15 – 19) from 2013 to 2018 was 46, however the percentage of births by age 18 from 2013 to 2018 was 7%<sup>32</sup>. In Pakistan, 23% of the women of reproductive age (15 to 19 years) having their need for family planning are satisfied with the modern methods<sup>33</sup>.

## **Nutritional Status of Children & Adolescent**

Every four in ten under five children are stunted according to the National Nutritional Survey 2018 and nearly two out of every ten children under five suffer from wasting<sup>34</sup>. Nearly 13 per cent of children between the ages of two and five years suffer from some form of functional disability. The survey pointed out that one in every eight adolescent girls and one in every five adolescent boys suffers from being underweight. Over half of the adolescent girls in Pakistan were reported to be anemic<sup>35</sup>.

Over 44 percent children under five years are stunted in Pakistan due to chronic malnutrition<sup>36</sup>. Health experts say that stunted children suffer delayed growth and their brains do not develop, as they should. Stunted children have an average seven-month delay in starting school while they have lower IQ and are more likely to repeat a grade of school<sup>37</sup>.

Pakistan Demographic Health Survey 2018 defines stunting as low height for age, wasting as low weight for age and overweight/obesity as high weight for height<sup>38</sup>. PDHS 2018's findings show that 38% of

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<sup>32</sup><https://www.unicef.org/media/63016/file/SOWC-2019.pdf>

<sup>33</sup>[https://www.who.int/healthinfo/indicators/2015/chi\\_2015\\_74\\_family\\_planning.pdf](https://www.who.int/healthinfo/indicators/2015/chi_2015_74_family_planning.pdf)

<sup>34</sup><https://www.unicef.org/pakistan/press-releases/4-out-10-under-5-children-are-stunted-says-national-nutrition-survey-2018>

<sup>35</sup><https://www.unicef.org/pakistan/press-releases/4-out-10-under-5-children-are-stunted-says-national-nutrition-survey-2018>

<sup>36</sup><https://www.pakistantoday.com.pk/2019/03/08/over-44-children-in-pakistan-suffering-from-chronic-malnutrition/>

<sup>37</sup><https://www.pakistantoday.com.pk/2019/03/08/over-44-children-in-pakistan-suffering-from-chronic-malnutrition/>

<sup>38</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

children below the age of five are stunted, 7% are wasted, 23% of them are underweight and 2% are overweight<sup>39</sup>. National Nutritional Survey of Pakistan - 2018 shows that every four out of ten children under five years of age are stunted, one in every three children is under-weight while 17.7% are suffering from wasting and there is a prevalence of 9.5% among the children of same age<sup>40</sup>.

Stunting was observed to be high among children belonging to lowest wealth quintile (57%) as compared to those from high wealth quintile (22%) besides FATA having highest proportion of stunted children (52%) while ICT having the lowest (24%)<sup>41</sup>.

Stunting is a sign of chronic undernutrition that reflects failure to receive adequate nutrition over a long period<sup>42</sup>. According to National Nutritional Survey Report 2018, malnutrition exists more in boys as compared to girls. Also children living in rural areas suffer more from wasting and stunting than children of urban areas. 40.9% boys under the age of five are stunted as compared to 39.4% girls of the same age. Similarly 18.4% boys in comparison to 17.0% girls are wasted<sup>43</sup>. Wasting is a measure of acute under nutrition that represents a failure to receive adequate nutrition that may have been resulted from inadequate food intake or from a recent episode of illness causing weight loss<sup>44</sup>. Among adolescents aged between 10 – 19 years old 21.1% boys and 11.8% girls were under weight, as reflected in the findings of NNS 2018.

Over weight and obesity results from an imbalance between energy consumed and energy expended<sup>45</sup>. Among children aged below five years 10.2% and 11.4% girls are over weight. 10.2% adolescent boys and 11.4% girls between the ages of 10 – 19 were reported to be

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<sup>39</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>40</sup><https://www.unicef.org/pakistan/media/1951/file/Final%20Key%20Findings%20Report%202019.pdf>

<sup>41</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>42</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>43</sup><https://www.unicef.org/pakistan/media/1951/file/Final%20Key%20Findings%20Report%202019.pdf>

<sup>44</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>45</sup><https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

overweight however 7.7% boys and 5.5% girls of the same age were reported to be obese<sup>46</sup>.

Nutritional status of children under 5 and adolescents aged 10 – 19 years by province/region, is given below:

Regions	Nutritional Status of children under 5			
	Stunting	Wasting	Underweight	Overweight
Punjab	36.4%	15.3%	23.5%	9.9%
Sindh	45.5%	23.3%	41.3%	5.2%
KP	40.0%	15.0%	23.1%	12.9%
Balochistan	46.6%	18.9%	31.0%	16.7%
ICT	32.6%	12.1%	19.2%	5.8%
GB	46.6%	9.4%	21.3%	12.2%
AJK	39.3%	16.1%	21.9%	13.4%
KP-NMD	48.3%	23.1%	33.7%	18.6%

**Source: National Nutritional Survey Pakistan - 2018**

Regions	Adolescents' Nutritional Status (aged 10-19years)					
	Underweight		Overweight		Obesity	
	Girls	Boys	Girls	Boys	Girls	Boys
Punjab	10.5%	18.0%	12.1%	10.5%	5.5%	7.5%
Sindh	16.6%	30.6%	7.9%	7.4%	3.1%	4.7%
KP	6.2%	13.0%	15.3%	14.7%	8.5%	11.9%
Balochistan	12.2%	12.2%	13.6%	16.0%	9.1%	17.2%

<sup>46</sup><https://www.unicef.org/pakistan/media/1951/file/Final%20Key%20Findings%20Report%202019.pdf>

ICT	8.9%	20.0%	11.2%	8.0%	7.3%	6.5%
GB	6.0%	7.8%	9.6%	9.9%	2.3%	3.9%
AJK	12.1%	19.6%	10.1%	9.5%	4.3%	4.3%
KP-NMD	6.8%	7.8%	18.1%	12.6%	17.5%	27.9%

Source: National Nutritional Survey - 2018

## Pneumonia:

Pneumonia remains the leading infectious cause of death among children under five, killing approximately 2400 children a day. It accounted for approximately 16% of the 5.6 million under-five deaths, killing around 0.8 million children in 2016 where most of the victims were less than 2 years old<sup>47</sup>.

According to World Health Organization's estimates, 99% of children who die of pneumonia live in developing countries<sup>48</sup>. No disease kills more children aged less than five years than pneumonia<sup>49</sup>.

On World Pneumonia Day 2018 it was flagged that despite of the free vaccination in Pakistan, Pneumonia kills as many as 92000 children under the age of five, every year<sup>50</sup>. The estimated figures reflected in many Pakistani studies tell us that the (annual) incidence of ARI (Acute Respiratory Infection) in Pakistani children aged less than five years is 4% in the community a group constituting roughly 22% of the country's population of 160 million. Taking this 4%

<sup>47</sup> <https://data.unicef.org/topic/child-health/pneumonia/>

<sup>48</sup> <https://www.thenews.com.pk/print/392512-pneumonia-kills-92-000-pakistani-children-every-year>

<sup>49</sup> <http://www.epi.gov.pk/vaccine-preventable-diseases/pneumonia/#heading-4>

<sup>50</sup> <https://www.thenews.com.pk/print/392512-pneumonia-kills-92-000-pakistani-children-every-year>



figure, we can calculate that there are 15 million episodes of ARI every year among under-fives<sup>51</sup>.

Pakistan was the first South-Asian country to introduce Pneumococcal Conjugate Vaccine in Pakistan's Expanded Program on Immunization (EPI) in 2012 to prevent people from pneumonia and reduce children's death toll<sup>52</sup>.

## **Fever**

Fever is a major manifestation of *inter alia*, malaria, pneumonia, acute respiratory and other infections in children.<sup>53</sup> During the PDHS survey process in 2017-18, around 38% children under the age of 5, were reported to have fever, of whom 81% were reported to have received treatment from a health facility and 39% were said to have received antibiotic drugs.<sup>54</sup>

Substantial improvement is seen from the previous PDHS data, in the percentage of children for whom advice or treatment for fever was sought from a health facility or service provider. The trends also show that prevalence of fever among children under 6 months of age is 34%, 6-11 months is 48%, and it declines thereafter.<sup>55</sup>

The prevalence of fever is similar in both rural and urban areas; however urban children are slightly more likely to receive treatment (85%), as compared to children living in rural areas (80%). The latter figure appears to be somewhat optimistic, given the observable state of rural health facilities and service providers.

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<sup>51</sup> <http://www.epi.gov.pk/vaccine-preventable-diseases/pneumonia/#heading-4>

<sup>52</sup> <https://www.thenews.com.pk/print/392512-pneumonia-kills-92-000-pakistani-children-every-year>

<sup>53</sup> <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

<sup>54</sup> [https://www.nips.org.pk/abstract\\_files/PDHS%20-%202017-18%20Key%20indicator%20Report%20Aug%202018.pdf](https://www.nips.org.pk/abstract_files/PDHS%20-%202017-18%20Key%20indicator%20Report%20Aug%202018.pdf)

<sup>55</sup> [https://www.nips.org.pk/abstract\\_files/PDHS%20-%202017-18%20Key%20indicator%20Report%20Aug%202018.pdf](https://www.nips.org.pk/abstract_files/PDHS%20-%202017-18%20Key%20indicator%20Report%20Aug%202018.pdf)

## **Tobacco:**

According to the findings of Global Health Tobacco Survey, 2014 in Pakistan daily around 1200 children daily start smoking. Pakistan ranks 54<sup>th</sup> amongst 84 countries with high prevalence of Tobacco smoking, said Minister for National Health Services, Regulations and Coordination Ms. Saira Afzal Tarrar in a session with Senate<sup>56</sup>. The Tobacco Atlas Factsheet shows that each year more than 0.16 million people are killed by Tobacco-caused illness. Still more than 0.12million children aged between 10-14 years and around 14million adults aged 15 years and above continue to use tobacco each day<sup>57</sup>.

In Pakistan, more than 12.9 million (20.6%) men above the age of 15 years smoke cigarettes each day; however 86.5 thousand (0.86%) boys between the ages of 10 – 14 years smoke cigarettes each day, making it an ongoing and dire public threat<sup>58</sup>. Moreover 1.2million (2%) females above the age of 15 and 0.42% females between the ages of 10 – 14 years, smoke cigarettes each day<sup>59</sup>. Other than cigarettes the tobacco is consumed in the form of cigars, e-cigarettes (vapes), pipes (hookah and sheesha) and snuff (naswaar), pan and ghutka etc as smokeless tobacco<sup>60</sup>.

Ministry of National Health Services Regulations & Coordination has recently initiated a strategy to enhance efforts to reduce the prevalence of tobacco use in any form in the country by urging all tobacco manufacturers to print new Pictorial Health Warning (PHW) on cigarette packs and outers<sup>61</sup>. The size of new warning has been increased to 60% and it will be printed on both sides of the cigarette pack and outers, the youth of Pakistan is being targeted with this strategy of implementing Pictorial Health Warning.

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<sup>56</sup> <https://www.pakistantoday.com.pk/2018/04/12/pakistan-ranked-54th-in-terms-of-high-tobacco-smoking-senate-told/>

<sup>57</sup> <https://tobaccoatlas.org/country/pakistan/>

<sup>58</sup> <https://tobaccoatlas.org/country/pakistan/>

<sup>59</sup> <https://tobaccoatlas.org/country/pakistan/>

<sup>60</sup> <https://www.fda.gov/consumers/consumer-updates/recognize-tobacco-its-many-forms>

<sup>61</sup> [http://www.finance.gov.pk/survey/chapters\\_19/11-Health%20and%20Nutrition.pdf](http://www.finance.gov.pk/survey/chapters_19/11-Health%20and%20Nutrition.pdf)

The government is also committed to fulfill its international commitment by taking demand and supply reduction measures as more than five thousand Pakistani are admitted in to hospitals everyday because of the tobacco use<sup>62</sup>.

Pakistan's Prohibition of Smoking and Protection of Non-smokers Health Ordinance 2002, includes measures to stop people from smoking on public places, ban on access to tobacco products near educational institutes, restriction on sale of loose cigarettes and sale to those who are under 18<sup>63</sup>. Pakistan is also a signatory to the World Health Organization's Framework Convention on Tobacco Control since 2005 (FCTC), under which it took a pledge to ensure smoke-free public places, reduce tobacco advertising and promotion and to raise tobacco taxation and pricing.

## **Breastfeeding**

A common cause across all forms of malnutrition is a suboptimal diet (including inadequate breastfeeding for babies). Global Nutritional Report – 2019 assessed 194 countries for analysis out of which only 31 were on track for increasing the rate of exclusive breast feeding for the babies under six months old and 13 other countries somehow showed some progress.<sup>64</sup>. However the data of 130 countries was totally missing and some 20 countries were showing no progress in fact the situation was even worsening in most of them. It has been reflected that in different countries access of children to nutritious diet varies according to their settlements; rural and urban and income groups.

Breastfeeding not only improves health of the child but mothers also; by decreasing the risk of developing breast cancer, ovarian cancer, type 2 diabetes and also boosts the cardiovascular health<sup>65</sup>. It has

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<sup>62</sup> <http://www.tcc.gov.pk/fact.php>

<sup>63</sup> [http://www.senate.gov.pk/uploads/documents/1468938142\\_989.pdf](http://www.senate.gov.pk/uploads/documents/1468938142_989.pdf)

<sup>64</sup> [https://www.who.int/nutrition/globalnutritionreport/2018\\_Global\\_Nutrition\\_Report.pdf?ua=1](https://www.who.int/nutrition/globalnutritionreport/2018_Global_Nutrition_Report.pdf?ua=1)

<sup>65</sup> <https://www.nytimes.com/2018/10/26/well/family/breast-feeding-is-good-for-the-mother-and-not-just-the-baby.html>

been estimated that breast feeding not only aids in birth spacing but increased breastfeeding could also avert 20,000 maternal deaths around the world each year by due to breast cancer<sup>66</sup>.

In Pakistan, *Protection of Breastfeeding and Child Nutrition Ordinance, 2002* exists that provides protection and promotion of breastfeeding and nutrition for infants and young children<sup>67</sup>. In 2015, the KP assembly has also enacted the *Khyber Pakhtunkhwa Protection of Breastfeeding and Child Nutrition Act, 2015* to ensure safe and adequate nutrition for infants and young children and regulate and restrict marketing and inappropriate promotion of products like breast milk substitutes<sup>68</sup>. However the country does not have compliance with ILO's *Maternity Protection Convention, 2000 (C183)*<sup>69</sup> and *Maternity Protection Recommendation, 2000 (R191)*<sup>70</sup> which if ratified, could help in improving the nutrition and well being of women and children in Pakistan and reducing the overall health burden.

According to UNICEF and WHO's collective Global Breastfeeding Report 2018, 28.7% of districts in Pakistan implement community based nutrition, health or other programs with IYCF (Infant and Young Child Feeding) counselling and 21.9% of primary health care facilities offer individual IYCF counselling<sup>71</sup>. However hospitals and maternities that were considered to be baby friendly and have enabling environment for birth were 31.3%<sup>72</sup>.

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<sup>66</sup> <https://www.who.int/nutrition/publications/infantfeeding/global-bf-scorecard-2018.pdf>

<sup>67</sup> <http://www.helpngo.org.pk/legislation/ordinance-2002.pdf>

<sup>68</sup> <http://kpcode.kp.gov.pk/homepage/lawDetails/840>

<sup>69</sup>

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183)

<sup>70</sup>

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:R191:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:R191:NO)

<sup>71</sup> [https://www.unicef.org/nutrition/index\\_100585.html](https://www.unicef.org/nutrition/index_100585.html)

<sup>72</sup> [https://www.unicef.org/nutrition/index\\_100585.html](https://www.unicef.org/nutrition/index_100585.html)

Early Initiation <1 hour	19.60%
Rates of Exclusive breastfeeding at 0 – 5 months	47.50%
Rates of continued breastfeeding at 1 year	69.60%
Rates of continued breastfeeding at 2 years	53.40%
Births in Baby Friendly Hospitals & Maternities	31.3%
Districts implementing community programs	28.7%
Primary healthcare facilities with individual IYCF counseling	21.9%

**Source: Global Breastfeeding Scorecard - 2018**

## **National Health Policy/Vision 2016-2025**

The National Health Vision Pakistan 2016-2025 (NHV) was launched, based on an intensive consultative exercise at the national level. The National Health Vision enables provincial health departments to contextualize their policy frameworks with a view to achieving universal health coverage. To this end, supportive provincial legislation has been introduced, including the Punjab Hepatitis Act 2018, the Sindh Occupation Safety and Health Act 2017, the Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act 2017, the Khyber Pakhtunkhwa Mental Health Act 2017, and the Balochistan Juvenile Smoking Act 2018. Legislative frameworks have also sought to support training and research, such as the Pakistan Health Research Council Act 2016 and the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act 2016. Alongside legislative initiatives, multiple actions have been taken by Pakistan's federal and provincial governments to advance health nationwide<sup>73</sup>.

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<sup>73</sup>[https://sustainabledevelopment.un.org/content/documents/233812019\\_06\\_15\\_VNR\\_2019\\_Pakistan\\_latest\\_version.pdf](https://sustainabledevelopment.un.org/content/documents/233812019_06_15_VNR_2019_Pakistan_latest_version.pdf)

## **Health related Legislation**

The Punjab Reproductive, Maternal, Neonatal and Child Health Authority Act 2014<sup>74</sup>

The Sindh Protection of Breastfeeding and Child Nutrition Act, 2013  
The Khyber Pakhtunkhwa Protection of Breastfeeding and Nutrition Bill 2014

Balochistan Protection and Promotion of Breastfeeding and Child Nutrition Act 2014<sup>75</sup>

The Punjab Hepatitis Act 2018<sup>76</sup>

The Sindh Occupation Safety and Health Act 2017

The Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act 2017

The Khyber Pakhtunkhwa Mental Health Act 2017

The Balochistan Juvenile Smoking Act 2018

Legislation supporting training and research

Pakistan Health Research Council Act 2016

The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act 2016

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<sup>74</sup>SOPC 2013, pg no. 124

<sup>75</sup>SOPC 2013, pg no. 126

<sup>76</sup>[https://sustainabledevelopment.un.org/content/documents/233812019\\_06\\_15\\_VNR\\_2019\\_Pakistan\\_latest\\_version.pdf](https://sustainabledevelopment.un.org/content/documents/233812019_06_15_VNR_2019_Pakistan_latest_version.pdf)

## **Recommendations**

- Strengthen the primary health care system in terms of staffing, equipment and medical supplies.
- A major reform is needed to enhance the overall efficacy of health systems.
- There is a dire need of pediatricians and child specialists in the far-flung areas of Pakistan.
- In order to improve indicators on maternal and child mortality and malnutrition increased recruitment, training and deployment of Lady Health Workers is necessary.
- Integration of current vertical programs within the framework of a needs-based comprehensive primary health care system is another necessary step.
- Make the health care system more gender-sensitive through appropriate training programs for the service providers along with community-wide participation in decision-making processes
- Federal and provincial governments need to determine governance structures and accountability mechanisms for health programs in order to ensure governance and oversight, implementation mechanisms and coordination.
- Health should be put at the top of the political priority list. Seeking help and collaborating with UNICEF and WHO initiatives could improve the current situation of child health in Pakistan.

# JUVENILE JUSTICE SYSTEM



*The Effective way to reduce and prevent juvenile crime is balance through enforcement measures with targeted, effective and intervention initiatives.*

*Janet Reno*

## **Introduction**

Pakistan ratified the United Nations Convention on the Rights of the Child<sup>1</sup> (UNCRC) in 1990. Over the past 28 years, the process of legislation, policy making and implementation to protect child rights in Pakistan has remained slow and uneven.

Pakistan promulgated the Juvenile Justice System Ordinance (JJSO) in 2000,<sup>2</sup> aiming to provide protection of the rights of children involved in criminal litigation; and their subsequent rehabilitation.

As is well-known, children need much more attention, protection, and special care than adults. In Pakistan, where poverty and deprivation are the root causes of the increasing crime rate, it is only to be expected that the rate of juvenile offences will correspondingly also be high.

In Pakistan, the criminal justice administration system has not yet succeeded in eliminating dishonesty in reporting and registering crimes (including false charges to settle personal vendettas) through false First Information Reports (FIRs); influencing, pressurizing or coercing victims/survivors of crimes, whether adults or children. *Pro bono* legal aid is a rarity, and is mostly seen in the large urban metropolises, hence the affordability of an eminent, experienced child rights lawyer plays no small part in the outcome of a case of juvenile offence. Nepotism and the use of influential or family

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<sup>1</sup> Convention on the Rights of the Child:

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

<sup>2</sup> Juvenile Justice System Ordinance, 2000 (XXII of 2000):

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81784/88955/F1964251258/PAK81784.pdf>

connections is still the norm. Children still continue to be used and exploited as voiceless and powerless pawns between feuding adults, or in conflicts.

The UN CRC requires that the child's best interests must be a primary consideration (Article 3), which is equally applicable in cases of juvenile justice, which the CRC addresses in Article 40:

*“A child in conflict with the law has the right to receive treatment which promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal or other assistance for his or her defence. Judicial proceedings and institutional placements shall be avoided wherever possible”.*

In Pakistan, since 2000, the national framework for dealing with juvenile offenders is primarily governed by the **Juvenile Justice System Ordinance, 2000**<sup>3</sup> (JJSO). There was a critical need for the review, revision and strengthening of the JJSO – and also for several amendments to the existing corpus of diverse and conflicting child protection laws in Pakistan.

The JJSO laid down the criteria to be followed at all stages of the juvenile offenders' trial proceedings. The aim was the offenders' rehabilitation and eventual reintegration into society. The national laws and international Conventions aim to ensure that child offenders are not subjected to consistent harm or exposure to adult criminals/convicts in regular prisons, which can encourage a downward spiral, leading to the child committing further offences and promoting a tendency towards increasingly violent behaviour, which can extend to adulthood, or to hardened criminality.

Successive governments however, neglected the plight of juvenile prisoners, thereby hampering the implementation of the JJSO. Juvenile offenders still continue to be treated as hardened criminals, thereby deflecting attention and focus away from rehabilitation to punishment. The problems in implementation of the law were further compounded by the existence of conflicting laws, some of which

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<sup>3</sup> Juvenile Justice System Ordinance, 2000 (XXII of 2000):  
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81784/88955/F1964251258/PAK81784.pdf>

could not be overridden by the JJSO, as its Article 14 states that the JJSO is “in addition to and not in derogation of any other law for the time being in practice”.

It is also seen that persistent inconsistency in the laws regarding the treatment of juvenile offenders leads to a disregard of the child’s best interests. For example, the JJSO(2000) prohibited the corporal punishment of children in custody. However, in Punjab, the Borstal Act(1926), permits corporal punishment for male juvenile offenders in Borstal Institutions<sup>4</sup>.

Similarly, the JJSO prohibited the death penalty –both in its sentencing and imposition – for juvenile offenders. However, since the lifting of the informal moratorium on the death penalty in 2014,<sup>5</sup> six juvenile offenders have been executed, despite credible evidence demonstrating that they were minors at the time of their alleged crime<sup>6</sup>.

2018 saw a positive development in Pakistani legislation, namely, the JJSA 2018, which seeks to improve the state of juvenile offenders, with a focus on their rehabilitation and better access to justice mechanisms. But in spite of these efforts, it was evident that the Juvenile Justice System continued to face challenges, primarily due to weak implementation mechanisms, inadequate infrastructure, chronic shortages of financial and human resources, and, above all, the absence of political will and commitment required to focus on juvenile justice issues.

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<sup>4</sup> Pakistan Country Report, Global Initiative to End All Corporal Punishment of Children: <http://www.endcorporalpunishment.org/progress/country-reports/pakistan.html>

<sup>5</sup> The moratorium on the death penalty was lifted in December 2014, following the terrorist attack on the Army Public School, Peshawar by the TTP.

<sup>6</sup> Justice Project Pakistan (JPP) report: “Death Row’s Children”, 2017

## **The Juvenile Justice System Act, 2018 (JJSA)**

In 2018, Parliament enacted the Juvenile Justice System Act, 2018 (JJSA), which repealed the JJSO, 2000.<sup>7</sup> It is an improvement in the law, aiming to empower the State to make special provisions for the legal protection of child offenders, and also seeking to ensure that the new law overrides previous contrary or conflicting provisions, as stated in Articles 23 and 25 of the JJSA, which the JJSO 2000 did not do.

The most noteworthy sections of the JJSA are: determination of the Child's age; setting a higher minimum age of criminal responsibility (although it is still not in accord with the UN CRC); disposal of cases through diversion; formation of Juvenile Justice Committees (JJs); and setting up Juvenile Rehabilitation Centres (JRCs).

The JJSA 2018 provides for improved and strengthened criminal justice for children, as well as provisions for the subsequent social integration of juvenile offenders.

*The JJSA states that every juvenile offender or survivor of a crime shall have the right of legal assistance at the expense of the State. He/she must be informed his/her rights and must be provided legal assistance within 24 hours. Soon after being apprehended and taken into custody by the police, a juvenile offender will be kept only temporarily for investigations, and only after obtaining remand from the Juvenile Court. All juvenile offenders will be kept separately from police stations or lockups or accused adults in custody.*

The JJSA makes the following special provisions for girls accused of offences: *that in no circumstances will a girl child be apprehended or investigated by a male police officer, or be released on probation under the supervision of a male police officer. She shall only be kept in a Juvenile Rehabilitation Centre (JRC), which is established or certified exclusively for female inmates, such as women's crisis centres (shelters).*

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<sup>7</sup> The Juvenile Justice Systems Act 2018:

[http://www.na.gov.pk/uploads/documents/1495634626\\_612.pdf](http://www.na.gov.pk/uploads/documents/1495634626_612.pdf)

### ***Determination of Age***

The JJSA 2018 has included clauses which render it mandatory for the police Investigating Officer (IO) to make inquiries to determine the age of any such person who physically appears to be a juvenile – based on his/her birth certificate, educational certificates or any other pertinent documentation. In the absence of any documentation, a medical examination will be conducted to determine the age of the accused juvenile offender. This clause is an improvement over the JJSO 2000. This clause makes it mandatory for the State to determine the age of the accused child prior to starting any proceedings.

### ***Increase in Minimum Age of Criminal Responsibility (MACR)***

The JJSA 2018 defines the child according to the definition in the CRC: “a child is a person who has not attained the age of 18 years”. The JJSA has increased the minimum age of criminal responsibility (MACR) to 10 years, by amending Section 82 of the Pakistan Penal Code 1860 (PPC). Similarly, in Section 83, the figure 7 was substituted with 10 and the figure 12 was substituted with 14, making the following respective new clauses:

<b>Minimum Age of Criminal Responsibility Amended</b>	
Section 82	Act of a child under Seven years of age: Amendment of Section 82 ACT XLV of 1860- In Pakistan Penal Code (ACT XI of 1860) hereinafter referred to as the Penal Code, for the word “Seven” the word “ten” shall be substituted
Section 83	Act of a child above 10 and under 14 of immature understanding: Nothing is an offence which is done by a child above seven years of age and under 14, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his/her conduct on that occasion.

While this is a commendable development, yet it must be noted that Pakistan is not yet in adherence to the UNCRC provision of

setting the “absolute minimum” age at 12 for criminal responsibility. But with the JJSA, Pakistan is at least moving from one of the lowest MACRs in the world to a better status. It can and it must do better in future.

This amendment will also serve to reduce the overall number of juvenile offenders in prison, which will also decrease the chronic problem of prison overcrowding.

### ***Disposal of Cases through Diversion***

The concept of Diversion was introduced in the JJSA 2018 to dispose of cases without resorting to formal judicial proceedings for minor offences. Educating juvenile offenders through community service, with an emphasis on education and training, has also been added, to prevent juvenile offenders from being sent to prison where they might be in the company of adult convicts and hardened criminals<sup>8</sup>.

The JJSA also binds the police/LEAs, investigating agencies and the courts to decide juvenile cases within six months. The different modes of diversion include, but are not limited to, restitution, reparation, reprimand, fine payment and demand for apology.

All offences, either minor or major, shall be compoundable for the purpose of diversion. For major offences, diversion can only be exercised if the age of the juvenile offender is below 16 years.

These measures are expected to (a) reduce the number of incarcerated juvenile offenders and offer them an alternative to a criminal record; and (b) they will also protect such children from child abuse, sexual violence, drugs and substance abuse, which they are greatly susceptible to, while in prison.<sup>9</sup>

### ***Juvenile Justice Committees (JJs)***

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<sup>8</sup> Ibid.

<sup>9</sup> The Juvenile Justice Systems Act, 2018: <http://senate.gov.pk/en/acts.php>

The JJSA provides that Juvenile Justice Committees (JJC)s are to be formed within three months of the enactment of the law and will be established for each Sessions Court at the district level. The JJC will consist of four members, including a serving Judicial Magistrate, a District Public Prosecutor, a member of the local lawyers' Bar Association (having at least seven years' standing), and a serving Probation Officer or Social Welfare Officer. The Committee will have the power to dispose of cases through diversion, upon referral from the police, the Prosecution or the Juvenile Court, within a period of one month from the date of referral.<sup>10</sup> The JJC will also inspect the offenders' residential locations and the Juvenile Rehabilitation Centres, and will give directions to the officers in charge. Monitoring of the welfare, rehabilitation and social re-integration of juvenile offenders is also included in the JJC's functions.

#### ***Juvenile Rehabilitation Centre (JRC)***

The Juvenile Rehabilitation Centre (JRC) is a new, special prison established exclusively for housing juvenile offenders. They shall be confined to the JRC premises until the completion of their period of imprisonment or until they turn 18 years of age. While in the JRC, they shall receive an education as well as vocational and technical skills training for their development.

#### **Challenges to Implement JJSA 2018**

The main challenge is the pending enactment of the new Rules of business for carrying out the provisions of the JJS Act of 2018, e.g. allocation of resources, training police investigators, training the judiciary handling juvenile cases, establishment of juvenile courts, establishment of Juvenile Justice Committees and Juvenile Rehabilitation Centres.

Since the previously enacted Rules stand repealed after the promulgation of the new law (JJSA 2018), hence, the federal and provincial governments are required to make new Rules of business. Further challenges include inadequate infrastructure, financial resources, and lack of trained personnel.

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<sup>10</sup> Ibid.

The new law itself contains contradictions: Section 6 of the JJSA 2018 deals with the 'Release of Juvenile on Bail', but according to Section 6(4), a juvenile offender may not be released on bail if he/she is more than 16 years of age and is arrested for a heinous offence. It creates unnecessary confusion with regard to the fixation of age and its further classification, especially if read together with Section 15 of the Act, which stipulates the Power of a Juvenile Court to issue orders for a juvenile offender's release, but is silent concerning juvenile offenders aged over 16 years, who are arrested for a heinous offence.

In addition: Section 4 of the JJS Act 2018 deals with the establishment of a Juvenile Court, while Section 12 provides for a separate trial of a juvenile from an adult, but with exceptions.

The stated aim of the additional and strengthened clauses in the JJSA 2018 is to promote access to justice and the best interests of the child; but there remains the question of its effective implementation, given the history of implementation of its predecessor, the JJSO 2000; and also the absence of political commitment to addressing the above-cited contradictions and lacunae.

## **JUVENILE JUSTICE SYSTEMS: AN INTERNATIONAL PERSPECTIVE**

### **European Commission's Conference on child-friendly justice and integrated child protection systems<sup>11</sup>**

On 25 and 26 June 2018, the European Commission held a conference on child-friendly justice and integrated child protection systems, with a special focus on the results and outputs of the EU

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<sup>11</sup><http://www.oijj.org/en/news/juvenile-justice-in-the-world/report-european-commissions-conference-on-child-friendly-justice->



projects carried out in these areas. The conference had two objectives: to showcase examples of good practice to inspire others, and to take stock of what has been done since 2011/2012 with EU funds under the Rights, Equality and Citizenship Programme (REC), in order to help inform future policy and practice.

### **The United States' National Council of Juvenile and Family Court Judges publishes updated juvenile justice guidelines<sup>12</sup>**

The [National Council of Juvenile and Family Court Judges](#) (NCJFCJ) announced the release of the *Enhanced Juvenile Justice Guidelines*, the most recent update documenting the improvement of court practices in juvenile justice cases. Since 2005, with the original publication of *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (JDG), the NCJFCJ has worked with juvenile justice courts to promulgate best practices in juvenile delinquency proceedings. The purpose of the *Juvenile Delinquency Guidelines* was to set forth the essential elements of effective practice for the court processes that are involved in the handling of juvenile delinquency cases. It identified recommended practices throughout the juvenile delinquency court system – from the determination of whether a case should enter the formal juvenile delinquency court system, to determination as to whether juvenile delinquency court jurisdiction should be waived and the youth transferred to criminal court, as well as post-disposition review of the re-entry process for youth returning to the community from out-of-home placement.

### **Argentina : Unicef opposes lowering the age of criminal responsibility of children<sup>13</sup>**

On the 16th January, in the face of the Argentinian government's project to establish new legislation on youth justice which proposes to lower the age of criminal responsibility from 16 years to 15, Unicef

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<sup>12</sup><http://www.ncjfcj.org/EJG>

<sup>13</sup><http://www.oijj.org/en/news/juvenile-justice-in-the-world/unicef-opposes-lowering-the-age-of-criminal-responsibility-of-chi>

published a document entitled (Ideas contributing to the debate about the Juvenile Justice Law). Unicef considers the age of criminal responsibility “an important element of the Juvenile Justice Law that has to be dealt with alongside other aspects of this law, and not in an isolated manner. In Argentina, the reform of the Juvenile Justice System does not need to lower the age of criminal responsibility, something that would be interpreted as a setback and a regressive move in terms of human rights. It is necessary to find an approach to Juvenile Justice that does not affect the rights that are established within the international treaties which form part of the Argentinian Constitution.” Additionally, they believe “it is extremely important that Argentina has a Juvenile Justice Law that stands in line with international standards”, for which “a specialized justice system, with a focus on the prevention of conflict with the law rather than repression, and a strategy orientated around social reintegration that offers adolescents opportunities for education, professional training, and recreation is required.”

**USA: Youths with a parent in prison, juvenile justice history three times likely to get depression, PTSD than peers<sup>14</sup>**

Young adults with a childhood history of both personal involvement in the juvenile justice system as well as a parent in jail are nearly three times more likely to have depression or post-traumatic stress disorder (PTSD) compared to peers without any such experience. They are also nearly twice as likely to have anxiety compared to young adults without childhood exposure to the criminal justice system, says a new study. “Exposure to both parental incarceration (imprisonment) and juvenile justice involvement was associated with a greater risk of depression, anxiety, and post-traumatic stress disorder,” says the study published in JAMA Network Open.

**New Zealand: Continued fall in youth offending rates<sup>15</sup>**

The second Youth Justice Indicators Summary Report, published by the Ministry of Justice, shows the substantial drop in youth offending

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<sup>14</sup><https://meaww.com/study-youth-parent-prison-juvenile-justice-system-depression-ptsd-mental-issues>

<sup>15</sup><http://www.scoop.co.nz/stories/PA1908/S00307/continued-fall-in-youth-offending-rates.htm>

identified in the first report has continued, says Associate Justice Minister Aupito William Sio. The report presents data showing the flow of children and young people through the youth justice system from 2010 to 2018. Oranga Tamariki, Police, and the Ministry of Justice each capture data about the performance of the youth justice system, which is then analyzed to produce the report.

### **South Sudan signs UN Optional Protocol to ban recruitment and use of children in armed conflict<sup>16</sup>**

South Sudan's Ambassadors Kureng Garang and Agnes Oswaha formalised the country's accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), during a ceremony that took place on the margins of the 73rd General Assembly debates at the UN headquarters in New York on September 27th. This makes South Sudan the 168th country to agree to the OPAC.

The OPAC also includes the commitment that South Sudan will work to demobilize all children under 18 present in the ranks of its armed forces, will provide physical and psychological recovery and help their reintegration. The Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba welcomed this accession saying "through the UN's active engagement with parties to conflict in South Sudan, we are laying the groundwork to improve the protection of boys and girls. Implementation will now be key to bring tangible progress in the lives of children who have been victims of or witnessed unspeakable violence. I also recommend that South Sudan further commit to the Paris Principles and the Vancouver Principles as soon as possible.

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<sup>16</sup><http://www.oiji.org/en/news/juvenile-justice-in-the-world/south-sudan-signs-un-optional-protocol-to-ban-recruitment-and-use>

**UK: Children in prison twice as likely to have special needs, figures show<sup>17</sup>**

[Children](#) in prison are twice as likely to have special educational needs as those in the general population, new figures reveal, prompting concern that vulnerable teenagers are being let down by mainstream services. Data from the Ministry of Justice (MoJ) reveals 30 per cent of children who entered custody over 2018-19 were assessed as having special educational needs or disabilities. Separate government data shows that less than 15 per cent of children nationally fall into this category. Experts said this discrepancy highlighted the “failure” of educational and other services to properly provide for such children in the community, and that sending them to “increasingly chaotic and violent” jails only compounded the damage caused.

**Australia: The sound I didn't expect to hear in a juvenile detention facility<sup>18</sup>**

I turned to my escort as we walked together through the desolate central yard of Frank Baxter. It wasn't the ten foot or so tall razor wire fence or the CCTV cameras in such abundance even Orwell would shiver that I found the most unsettling. It's what was not there that threw me. Sound. Aside from the odd crackling of a guard's radio or clanking of heavy steel on steel as doors were locked behind us, there was none. Not a whisper. Dead silence. 'So the centre's not full?' I asked the juvenile justice worker who was taking me to the secure classroom where I would be helping an NGO deliver a workshop, assuming the lack of noise corresponded to a lack of inmates. 'Actually, we've been operating at full capacity for some time now'.

Opened in 1999, Frank Baxter is NSW largest and most secure male juvenile facility. There's no higher security classification. This was the first of six visits to the centre before last week's riot. As I wondered how a centre could be supposedly full, yet the only life

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<sup>17</sup><https://www.independent.co.uk/news/uk/home-news/children-prison-special-educational-needs-jail-uk-a9034846.html>

<sup>18</sup><https://www.smh.com.au/national/nsw/the-sound-i-didn-t-expect-to-hear-in-a-juvenile-detention-facility-20190729-p52bu9.html>

visible a few weeds pushing through the steel and concrete, out of my periphery from the direction of the squat besser block structures that made up the centre's accommodation units, came a precession of eight teen boys all clad in standard issue green tracksuits walking two by two.

Soon they arrived with their guards to where I was already waiting as my escort fumbled for the right key to unlock the training room. The boys seized upon this slightest gap in what was otherwise a tightly controlled routine to take a breather. Legislation relating to child offenders prevented me from being told their individual crimes. I was given a general overview. Terrorism, murder, sexual assault right through to more minor offences, but committed repeatedly enough to earn them a place here.

### **Nepal: Juvenile justice laws need to change<sup>19</sup>**

Child rights defenders say laws related to juvenile justice need to be changed to make them compatible with international practices. Advocate Rabindra Bhattarai said Section 21 of the Child Act — which stipulates that police can take accused juveniles under control and keep them under surveillance — is flawed as it gives power to police authorities to keep juveniles under virtual custody. “Police often keep juveniles along with accused adults,” he said “Section 36 (2) of the Child Act stipulates that if a juvenile between the age of 10 and 14 is found guilty of a crime carrying jail term, then he can be sent to jail for up to six months depending upon the seriousness of the crime and, or, be sent to a correction home for up to one year.

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<sup>19</sup><https://thehimalayantimes.com/nepal/juvenile-justice-laws-need-to-change/>

**Another child rights defender Tarak Dhital said this provision contradicted the concept of juvenile justice. “Juveniles should be sent to correction homes, not jails, but this provision does not distinguish between jail and correction home,” he added.**

#### **Ireland: Minister announces new youth justice strategy<sup>20</sup>**

A new youth justice strategy is to be rolled out and the country's main detention centre for young offenders is to hire an additional 25 staff. Details of the new strategy and the associated Reform and Development Programme for 106 Garda Youth Diversion Projects (GYDPs) located around the country were announced by Minister of State for Equality, Immigration and Integration, David Stanton. It will begin with a GYDP Action Research Project that will work with 15 GYDPs across 10 counties over a two-year period in order to identify and disseminate best practice in working with young people at risk.

#### **Pakistan Statistics: Juveniles in Detention**

During 2019, Pakistan's juvenile justice system continued to face chronic challenges due to inadequate infrastructure, insufficient financial and human resources, overcrowded prisons, and the lack of political will for reforming the system.

*Across Pakistan, there are 113 different types of prisons operational with 80,145 prisoners<sup>21</sup>. The highly overcrowded prisons lack satisfactory basic health, hygiene, sewerage and sanitation facilities, as well as trained staff, and also a chronic absence of learning, skills training and rehabilitation facilities. The situation for juvenile offenders, women, and former children living with their incarcerated mothers, is even worse than for men.*

In almost all prisons, juvenile offenders are imprisoned with adult prisoners. They face and endure physical and psychological violence and intimidation, sexual abuse, rape and other extreme forms of abuse by the adult prisoners, and sometimes also by the jail staff.

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<sup>20</sup><https://www.irishexaminer.com/breakingnews/ireland/minister-announces-new-youth-justice-strategy-913687.html>

<sup>21</sup><https://www.prisonstudies.org/country/pakistan>

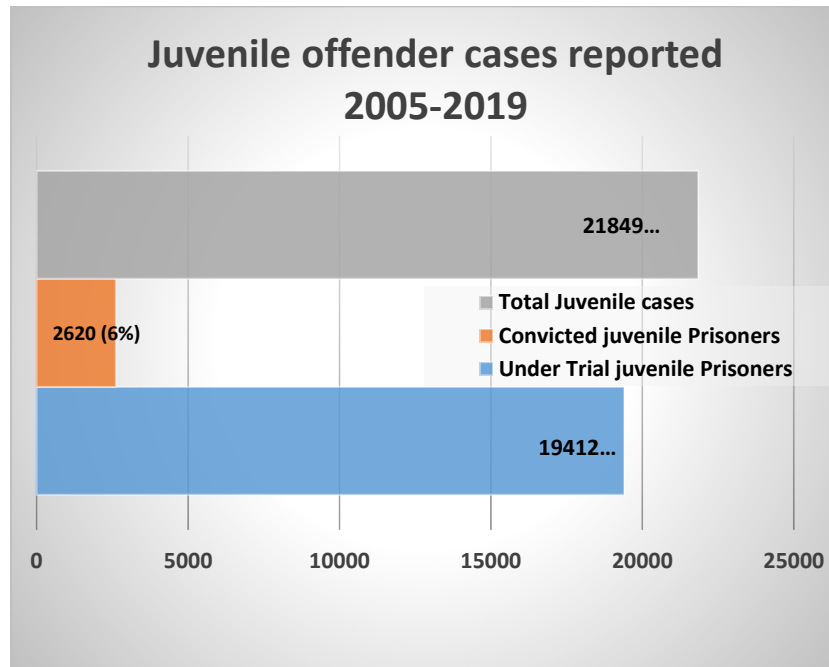
### **Juvenile Offenders in Detention- National and Provincial Statistics**

As per data of Juvenile prisoners reported 1424 cases of juvenile offenders in prisons across Pakistan in 2019, including 1210 under-trial prisoners and 214 children convicted of crimes. There was only one case of female juvenile condemned prisoner reported in Sindh Province. The Table below provides statistics of juvenile offenders in detention, from 2005 to 2019.

<b>Juvenile offenders in Detention</b>			
<b>Year</b>	<b>Under Trial Juvenile Prisoners</b>	<b>Convicted Juvenile Prisoners</b>	<b>Total</b>
2005	<b>2005</b>	<b>363</b>	<b>2368</b>
2006	<b>2035</b>	<b>231</b>	<b>2266</b>
2007	<b>1810</b>	<b>205</b>	<b>2015</b>
2008	<b>1635</b>	<b>153</b>	<b>1788</b>
2009	<b>1225</b>	<b>132</b>	<b>1357</b>
2010	<b>1074</b>	<b>151</b>	<b>1225</b>
2011	<b>1267</b>	<b>165</b>	<b>1432</b>
2012	<b>1219</b>	<b>179</b>	<b>1398</b>
2013	<b>1315</b>	<b>183</b>	<b>1498</b>
2014	<b>1354</b>	<b>285</b>	<b>1456</b>
2015	<b>-</b>	<b>-</b>	<b>-</b>
2016	<b>1097</b>	<b>128</b>	<b>1225</b>
2017	<b>1085</b>	<b>113</b>	<b>1198</b>
2018	<b>1081</b>	<b>118</b>	<b>1199</b>
2019	<b>1209</b>	<b>215</b>	<b>1424</b>

The below table shows cases of juveniles since 2005 to 2019 reported in Pakistan. A total 21849 juveniles cases reported out of them 44 % cases were under trials, however only 2620 which was 6% of the

total cases were convicted in last 15 years. The remaining cases were under detentions since years and awaited for prosecution since years.



The Provincial sex-disaggregated data for 2019 is provided below:

*Incarcerated Juvenile Offenders in Punjab (2019)<sup>22</sup>*

Punjab	Number of Incarcerated Juvenile Offenders	
	Male	Female
Juvenile Under-Trial Prisoners	509	0
Juvenile Convicted Prisoners	109	0
Juvenile	0	0

<sup>22</sup>[https://prisons.punjab.gov.pk/number\\_of\\_juveniles\\_confined\\_in\\_punjab\\_prisons](https://prisons.punjab.gov.pk/number_of_juveniles_confined_in_punjab_prisons) accessed on 10 December 2019.



Condemned Prisoners		
Total Juvenile Prisoners	<b>618</b>	

A statistical analysis of juvenile offence cases in Punjab for the year 2019 shows that the trial process under the current system of criminal justice administration remains very slow. In numerous documented cases, the children who were arrested when they were under 18, attained adulthood while still in prison, either awaiting the start of their trial or remaining under trial.

***Incarcerated Juvenile Offenders in Sindh (2019)<sup>23</sup>***

Sindh	Number of Incarcerated Juvenile Offenders	
	Male	Female
Juvenile Under-Trial Prisoners	<b>159</b>	<b>165</b>
Juvenile Convicted Prisoners	<b>09</b>	<b>51</b>
Juvenile Condemned Prisoners	<b>0</b>	<b>01</b>
Total Juvenile Prisoners	<b>385</b>	

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<sup>23</sup> In person data collected from Sindh Prison Department in November 2019.

In Sindh, a comparison of the data for 2018 and 2019 shows that number of Juvenile cases increased 181(2018) to 385 cases (2019). Only 60 cases convicted in a year while 325 cases remained under trial.

***Incarcerated Juvenile Offenders in Khyber Pakhtunkhwa (2019)<sup>24</sup>***

Khyber Pakhtunkhwa	Number of Incarcerated Juvenile Offenders	
	Male	Female
Juvenile Under Trial Prisoners	327	0
Juvenile Convicted Prisoners	41	0
Juvenile Condemned Prisoners	0	0
Total Juvenile Prisoners	368	

In 2019 Khyber Pakhtunkhwa reported 368 cases of Juveniles, however in 2018 there were 383 cases reported in the province with a continuing very slow trial process.

***Incarcerated Juvenile Offenders in Balochistan(2019)<sup>25</sup>***

Baluchistan	Number of Incarcerated Juvenile Offenders	
	Male	Female
Juvenile Under-Trial Prisoners	49	0
Juvenile Convicted Prisoners	4	0
Juvenile Condemned Prisoners	0	0
Total Juvenile	53	

<sup>24</sup>In person data collected from KPK Prison Department in November 2019.

<sup>25</sup>Data collected in person.

Prisoners	
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In 2019, prisons in Balochistan held 53 juvenile inmates, all male. During 2019, of the 53 under-trial cases, 4 juvenile offenders were convicted. The rest remained under trial.

### **Pakistan: Juvenile Prisoners (under trial or convicted)**

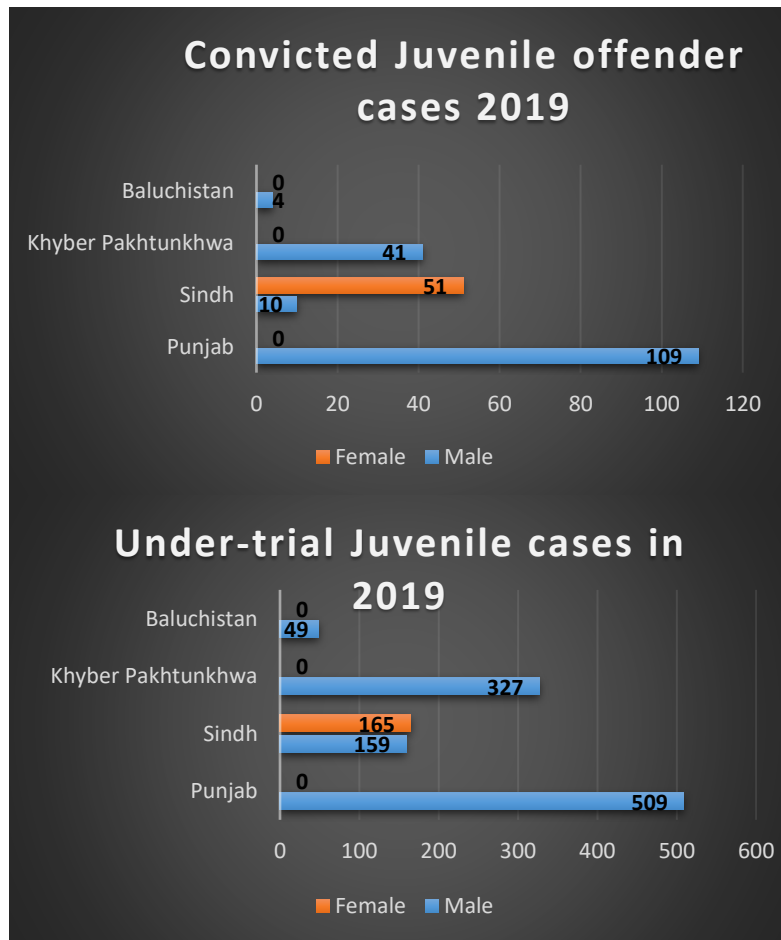
Many children and adults who were convicted of crimes committed when they were children, have received excessive or disproportionate sentences that violate international law, which requires that imprisonment of children must be in “conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate time span.”<sup>26</sup>

*The reported numbers of juvenile prisoners in Pakistan are housed in overcrowded adult prisons, in miserable conditions. The children under 18 are vulnerable to all forms of violence by adult prisoners, prison staff, and their own peer groups.*

*In 2019 there were 1,424 juvenile cases were reported across the Pakistan including 1,209 cases of under trial juveniles and 215 cases of convicted juveniles. The graphs below gives the provincial gender-disaggregated data of Juveniles under trail and convicted prisoners in Pakistan.*

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<sup>26</sup><https://www.hrw.org/world-report/2016/children-behind-bars>



***Database /Record of Juvenile Offenders***

Punjab province has introduced a prison database system, known as the “Prisoners Management Information System) (PMIS).<sup>27</sup> The PMIS data shows that 618 Juvenile Offenders’ cases<sup>28</sup> were reported

<sup>27</sup>[https://prisons.punjab.gov.pk/number\\_of\\_juveniles\\_confined\\_in\\_punjab\\_prisons](https://prisons.punjab.gov.pk/number_of_juveniles_confined_in_punjab_prisons)

<sup>28</sup>[https://prisons.punjab.gov.pk/number\\_of\\_juveniles\\_confined\\_in\\_punjab\\_prisons](https://prisons.punjab.gov.pk/number_of_juveniles_confined_in_punjab_prisons)

in 2019 in Punjab, in different crime categories. 109 juvenile cases have been convicted in the province.

## **Role of the LEAs**

The Table below, compiled from data obtained from the 4 provinces, shows that 28 cases of Juvenile Offenders in Khyber Pakhtunkhwa province are pending trial, due to non-submission of official *Challan* forms, which are a legal requirement.

There might be other cases of juvenile offenders in the other provinces, pending trial due to non-submission of the above or other legal requirements, or administrative red tape, hampering access to justice for accused juvenile offenders in Pakistan. This shows the indifference, apathy, and non-professional attitude of the police/LEAs, which is of even graver concern when it pertains to child offenders. The children's entire future lives are at stake.

*Number of Juvenile Offence Cases reported as Pending Trial due to non-submission of Challan Forms by Police/LEAs*

<i>Province</i>	<i>Male</i>	<i>Female</i>
<i>Punjab</i>	<i>0</i>	<i>0</i>
<i>Sindh</i>	<i>0</i>	<i>0</i>
<i>Khyber Pakhtunkhwa</i>	<i>28</i>	<i>0</i>
<i>Balochistan</i>	<i>0</i>	<i>0</i>
<i>Total</i>	<i>28</i>	<i>0</i>

## **REHABILITATIVE INSTITUTIONS**

Globally, there are now a number of mechanisms, entities and processes for the rehabilitation, education, skills training, and eventual reintegration of juvenile offenders back into their communities and societies.

However, in Pakistan, before the JJSO 2000 and JJSO 2018 laws, there existed only the Borstal institutions. Globally these are now

considered outmoded, and the name itself is no longer in vogue. They are now being replaced by Juvenile Rehabilitation Centres (JRCs), which are included as part of the JJSA (2018). They are described above in sub-section 2.

### ***Borstal Institutions***

Article 37 of the UNCRC explicitly stipulates that deprivation of liberty, i.e. imprisonment, is to be used “only as a measure of last resort and for the shortest appropriate time”. Unfortunately, such vague, non-specific language allows a lot of leeway for member states, governments and authorities to interpret the terms as they wish.

Imprisonment “only as a last resort” leaves plenty of room for severe punitive or retributive responses by legislators, judges and the LEAs/police.

The word “appropriate” can be and is most often interpreted as making the punishment severe enough to fit the crime, maintaining “proportionate” approaches to sentencing<sup>29</sup>.

The JJSO 2000 also reactivated the old, dysfunctional rehabilitative justice option for juvenile offenders, i.e. detention in Borstal Institutions, away from adult prisoners in regular jails.<sup>30</sup>

Borstal Institutions are a relatively modern concept, practised in the more technologically advanced countries, of housing juvenile offenders in reformation and rehabilitation centres, designed primarily to protect them from interaction with, and proximity to, adult convicts.

Globally, such institutions offer education and vocational skills training facilities, aiming to help resocialize juvenile offenders, and

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<sup>29</sup> Stop Making Children Criminals, Policy Paper (2013), Child Rights International Network:  
<https://www.crin.org/en/library/publications/juvenile-justice-stop-making-children-criminals>.

<sup>30</sup> See M. Hamiduzzafar’s book on Borstal institutions: “Correction Without Tears” (published circa 1960s).

eventually reintegrate them back into society upon their release. But in Pakistan, despite being a component of the JJSO 2000, the concept of a rehabilitative justice system through special institutions, unfortunately has not been implemented, due to the prevailing societal norms and notions of the effectiveness and acceptability of a more punitive, harsh model of criminal justice for child offenders.

It was observed in 2018 that, even 18 years after the promulgation of the JJSO 2000, the stipulated Borstal detention-cum-education and training facilities for juvenile offenders had not yet been established in all four provinces.

Currently, Punjab has two functioning Borstal Institutions and Juvenile Jails (BIJJs) – in Faisalabad and Bahawalpur, both of which are run by the Punjab provincial government Prison Administration Department. It is observed that both the BIJJs are staffed by officials unequipped and untrained to deal with children or child offenders.

SPARC, through its programmes and projects, discovered that these jails lacked adequate sanitation and hygiene facilities and did not even have provision for clean drinking water.

Sindh has set up four centres, called the Youthful Offenders' Industrial Schools (YOISs) – in Karachi, Hyderabad, Larkana and Sukkur. They are reportedly housing fewer prisoners than the authorized capacity.<sup>31</sup> There are reported to be around 210 juvenile inmates, including 8 foreigners<sup>32</sup>.

Additionally, Sindh has one Remand Home for children in Karachi. Considering the population of Karachi, and its astronomic crime rate, this is not even a drop in the ocean of need for rehabilitative, reintegrative care and protection of juvenile offenders. There are a number of reports of juvenile offenders who are not incarcerated, only due to lack of proper facilities.

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<sup>31</sup>Central Prison Karachi most overcrowded among 25 prisons in Sindh: [https://epaper.dawn.com/DetailImage.php?StoryImage=01\\_01\\_2017\\_117\\_005](https://epaper.dawn.com/DetailImage.php?StoryImage=01_01_2017_117_005)

<sup>32</sup> 95% Children are Under-Trial: <https://www.dawn.com/news/1372508>

Both Khyber Pakhtunkhwa and Balochistan have yet to establish a functioning Borstal Institution (under JJSO 2000) or a JRC (under JJSA 2018).

However, there is an urgent need for an independent assessment and evaluation of a previously well-functioning juvenile jail at Haripur in Khyber Pakhtunkhwa. Two decades ago, it housed juvenile boys separately from adult men in the Haripur jail, and provided the adolescent boys/youth both education and vocational skills training classes, notably, computer training. A sizeable number of desktop and laptop computers were donated for the boys by a few philanthropists and rights activists, through a private initiative.<sup>33</sup> It used to be a well-run outfit – it needs to be re-visited now to review its functional status. Perhaps it could provide a feasible, replicable model for other juvenile jails and rehabilitation centres – initially within the Khyber Pakhtunkhwa province and then across Pakistan.

It is mandated by Pakistan's national and international obligations, that there must be structured, systematic, regular and independent monitoring of institutions/centres/jails where children are detained, in order to ensure that children's rights are not being violated during their incarceration, and to hold the relevant authorities accountable if they are.

It is abundantly clear that there are insufficient facilities, untrained personnel, inadequate resources, and **an absence of the concept of child rights, child protection, child care and child rehabilitation.**

### **SPARC reaching out to Juvenile Prisoners in Central Jail Peshawar through stakeholders' Involvement**

In 2018, SPARC reached out to juvenile offenders in the Central Jail in Peshawar, Khyber Pakhtunkhwa. The project aimed to improve the restorative justice system, as well as improving the prison conditions for incarcerated child offenders.

This project involved the following components:

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<sup>33</sup> For example, project for women and children in Khyber Pakhtunkhwa (then-NWFP) jails by Ms. Rukshanda Naz, AF, 2000 onwards.



- 1) formation of a cohort of dedicated stakeholders willing to work towards improving the restorative justice system;
- 2) development and dissemination of resource materials on the roles and responsibilities of stakeholders working to improve the Juvenile Justice System (JJS);
- 3) improved access to sports, recreation, and health needs of between 120-125 juvenile inmates;
- 4) SPARC conducted non-formal education (NFE) sessions with batches of 120-125 male juvenile prisoners as a value addition to its ongoing work. The NFE classes were mainly conducted during the morning hours, and included recognition of alphabets (in Urdu and English), basics of numeracy and mathematical calculations, how to write words, sentence-formulation, along with general knowledge information and questions;
- 5) a teacher conducted Life Skills-Based Education (LSBE) sessions with 125 incarcerated male juvenile offenders, to create awareness on personal hygiene and health, interpersonal relationships, the importance of recognizing and expressing one's feelings, reinforcing one's self-esteem, and so on. The objective of these sessions was to inculcate self-awareness and civic sense among juvenile prisoners.

Children living with their incarcerated mothers also benefited through this project, as they were provided with items of winter and summer clothing, books and play facilities.

### **SPARC reaching out to Incarcerated Juvenile Offenders through Education at the Industrial School in Karachi**

SPARC's project at the Youthful Offenders Industrial School (YOIS) in Karachi aims to re-socialize, rehabilitate and reintegrate imprisoned children back into their communities and society. Over a time span of 12 months, from October 2018 to September 2019, the project is providing Non-Formal Education (NFE), Computer Literacy and Life Skills-Based Education (LSBE) to around 120 juvenile offenders.

Formation of classes and division of juvenile offenders into groups based on age and educational levels: Based upon initial assessments

and discussions with the inmates, the NFE, LSBE and computer teachers divided their students into two categories: basic and primary level learners.

Basic level: The basic level comprises students who are beginners, with little or no learning skills, computer skills or language skills (e.g. no recognition of alphabets or written words).

Primary level: The primary level is for those students who have some prior education, or knowledge of word recognition, and some idea of the computer.

In the *Non-Formal Education (NFE) classes*, the primary level curriculum of the Sindh Textbook Board is taught, comprising the teaching of Urdu and English languages. However English is taught to the primary level students only. Word recognition in English and Urdu, simple Mathematical numeracy, story-telling, and peer learning are some of the teaching/learning methods used in the NFE classes. Around 100 juvenile detainees have learnt computer skills in three shifts per day. Students were enrolled in three different levels- basic, primary and advanced.

Computer Classes: The students are taught basic computer interface, including familiarization with the keyboard and its functions, and the use of MS Word.

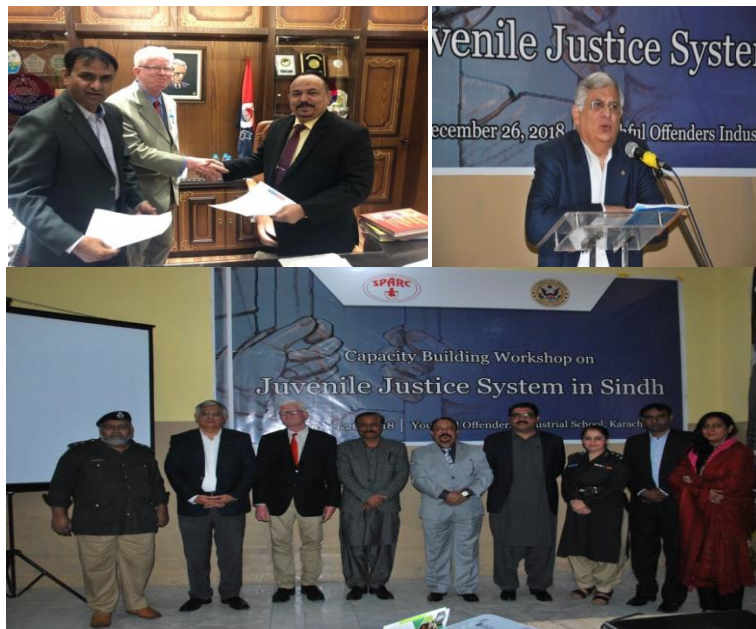
*LifeSkills-Based Education (LSBE) sessions:* Group sessions on LSBE are conducted with children where the key topics include self-awareness, self-control, handling bad behaviour, mutual respect, good manners, personal hygiene and health, interpersonal relationships, the importance of recognizing and expressing one's feelings, reinforcing one's self-esteem, and prevention of future offences.

Following a series of the LSBE sessions conducted by the SPARC staff, improved social interaction and positive reinforcement in the students' behaviour has been observed, both by their teachers and the prison staff.

Sports: In addition to the above, there is also a Sports component, with various sports activities, to offer a healthy outlet for the students' energies. Similarly, the introduction of a Learning Corner aims to help nurture an environment to enhance the students' cognitive, linguistic, social and civic learning skills.

SPARC has also provided orientation/training to the prison staff on the Juvenile Justice System Act (2018) and for the long-term sustainability of the above-cited project interventions.

A booklet on Juvenile Justice System 2018 was produced in Sindhi and circulated among prison and YOIS staff and other relevant stakeholders for complete guidance and understanding of the law in local language. Same booklet is used for the capacity building workshops for the guidance and support of the participants including Prison and YOIS staff.



## **Socio-economic rehabilitation of young prisoners in Karachi**

SPARC is implementing a project on social, economic reintegration and rehabilitation of young prisoners (male & female) in selected prisons of Sindh i.e. Malir Prison, Women Prison, and the adjoining Youthful Offenders Industrial School Karachi. The main purpose of this project is addressing the societal stigma associated with life of prisoners and providing psycho-social support to the prisoners. Through project interventions, SPARC involved different stakeholder's particularly private sector to place juveniles and youthful offenders in the different professions. The project is supported by UNDP and Embassy of Japan. The project shall cater to largely invisible youth behind bars through specialized programs to build sustainable counter narratives that would prevent liberated prisoners from slipping back into same vicious cycle of extremism and crime. SPARC intends to reach out to 100-120 youth in prisons where YOIS inmates between 15-18 years of age will be provided with non-formal education and continuation of computer course initiated by SPARC earlier in 2018. Male youth prisoners (19-29 years) will be provided with market oriented skills such as motorcycle repair whereas girls/women will be trained on embroidery and patch work.

### ***The Invisible Victims: Imprisoned Children of Incarcerated Mothers***

Under the current criminal justice administration system, along with the incarcerated juvenile offenders, there is another category of children, often regarded as hidden or "invisible victims". These are the children kept in incarceration with their mothers. Under Pakistani law, they are allowed to be with their mothers until the age of 6 (in theory). The law clearly states that a child who is over the permissible age, or whose mother has been executed or has died in prison, will not be permitted to remain in incarceration.

However, a research study report<sup>34</sup> published by the Legal Aid Office for jails in Sindh, shows that the majority of mothers were unaware

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<sup>34</sup> Report: "Babies Behind Bars", Sindh Legal Aid Office, 2015

of the prison rules and of the maximum age they could keep their children in prison with them. Contrary to the law, the study found that children as old as 9 remained incarcerated, which highlights the cracks in the system and the absence of implementation of the law by the prison authorities and the police/LEAs.

It was further discovered that none of the children had any sort of awareness about the law or the prison rules (PPR)<sup>35</sup> either. There was only one child who mistakenly thought the age limit to be 10. Additionally, some jail officials were also not aware of the PPR regulations. Therefore, the situation arises that the prison authorities become lenient towards mothers with children, allowing their children to stay past the legal age limit, since most often they have no other alternative options, with the result that the State is guilty of breaking the law, by denying children their rights to liberty, education and recreation, since adult women's prisons lack educational facilities for children.

This diminishes their future prospects and makes their reintegration back into their community and society a much bigger challenge, given that they have lived and have been brought up within the confines of prison, and have only experienced that harsh situation.

## RECOMMENDATIONS

The following selected recommendations on the Juvenile Justice System are presented as being needs for priority focus by the Executive branch (especially the LEAs/police and prison authorities), the Judiciary and the federal and provincial Legislatures:

1. There is an urgent need to revise the JJSA 2018, to uniformly define the Child as a person below the age of 18, and thereby to review, revise and re-fix the Minimum Age of Criminal Responsibility (MACR) at 18.
2. The federal and provincial governments need to establish and implement an effective age determination mechanism, using

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<sup>35</sup> PPR: Pakistan Prison Rules, 1978

various modern scientific and technological tools, e.g. DNA and bone density tests, in order to ensure that in juvenile offence cases, where there exists no proof of age documentation, the child will receive a proper technical investigation to establish his/her age.

3. The antiquated juvenile offenders' databases of police records at the provincial and district levels need to be strengthened, improved, computerized (electronic vs. paper logbooks or registers), updated and disaggregated by age, sex, offence, sentence, and geographic origin of the children, along with the type of detention facility in which they are detained.
4. Strengthen the JJSA 2018, and remove the existing lacunae and gaps, e.g. Sections 6, 6(4) and 15; Sections 4 and 12; and so on (see detailed explanations in the JJSA 2018 sub-sections above).
5. The JJSA 2018 Rules need to be notified on an urgent basis.
6. Review and revise the Pakistan Prison Rules, in light of the provisions of the JJSA 2018 and also of the recommendations in this report and others.
7. The Juvenile Courts, police/LEAs, probation, prosecution, investigation, detention and prison staff, as well as MLOs, psychologists and social workers, need to be sensitized, oriented and trained on the provisions of the JJSA 2018 – the law and its Rules, as well as on the mechanisms for its practical implementation.
8. Establish separate new exclusive Juvenile Courts (as well as increasing and strengthening them where they do exist), with specially trained Juvenile Court Judges, prosecutors, investigation officers, probation officers, detention facilities staff, defence lawyers, social workers, medico-legal officers (MLOs), psychologists, child rights experts as *amicus curae*, and others, to oversee and conduct all aspects of cases involving children; including arrest, detention, trial and sentencing. This will ensure the segregation of juvenile offenders from adults; and should also minimize the possibility of a miscarriage of justice.

9. As per the JJSA, establish Juvenile Justice Committees (JJC) at all tiers of governance, especially at the local government tiers, in order to increase access to justice, especially for people living in remote rural areas.
10. As per the JJSA, establish Juvenile Rehabilitation Centres (JRCs) and also promote alternative measures to incarceration, such as diversion, probation, mediation, counselling, education and community service, in order to ensure that imprisonment is used only as a last resort and for the shortest time span.
11. There is a need to gradually do away with the outmoded Borstal institutions wherever they still exist, and to revamp and transform them into model JRCs.
12. The Government of Balochistan needs to establish its first JRC at the earliest, followed by one in each district, in a phased manner.
13. The Government of Khyber Pakhtunkhwa needs to transform the Bannu and Haripur Borstal Institutions into model JRCs; and next to establish a JRC in each district.
14. The Governments of Punjab and Sindh need to establish one JRC in each district; to upgrade and strengthen their existing juvenile rehabilitation facilities, and to equip them with all basic minimum needs, particularly clean water and sanitation facilities.
15. The Constitutional fundamental Right to Education (RTE: Article 25-A) needs to be adhered to, with regard to all child offenders, regardless of the kind of detention facility or probation.
16. In cases where imprisonment is unavoidable, it must be ensured that children are not detained together with adults in a common jail.
17. Ensure the provision of free, qualified and independent legal representation to children in conflict with the law. The provincial governments need to budget and provide funds for legal assistance and defence lawyers for juvenile offenders, as well as for child survivors/victims of crimes, by maintaining a roster/panel of committed and dedicated lawyers, both at the provincial and

district levels. This has to be done speedily, regardless of the existing panels of *pro bono* lawyers already working for the cause of child rights.

18. Ensure: (i) increased gender-balanced recruitment; (ii) improved training, retraining and regular refresher training; (iii) effective cooperation, coordination and collaboration between the main stakeholders in the juvenile justice system: the LEAS/police, prosecution, investigation, probation, MLOs, Juvenile Court judges, JJs, JRCs, prison staff, social workers, psychologists, rehabilitation instructors, and so on. In particular, there is a need to ensure that the FIR against child offenders is written and registered with the utmost honesty and due diligence, especially the girl child, who is the most voiceless and powerless of children, along with CWDs and TGI children.
19. Strengthen the Directorate of Reclamation and Probation, in terms of its staffing, training, budgets, logistics and equipment.
20. Special focus and attention is needed on the sensitization of all categories and cadres of the authorities of the criminal justice administration, the judiciary and all lawyers, on how to deal with child offenders in an empathetic and child-sensitive manner and environment.
21. The media too urgently needs this sensitization on the ethics of how to report on juvenile offenders' cases, while preserving their privacy and dignity.
22. Ensure the independent and regular monitoring of the facilities/centres where child offenders are detained, in order to track, investigate and report on the conditions of the facilities and on the status of the children housed in them.
23. There is a need to increase public awareness about the state of juvenile offenders in Pakistan. The print and electronic media need to be involved, in order to highlight the background context and suffering of juvenile offenders, as well as to promote opportunities for their rehabilitation and reintegration back into their community and society.



24. Language matters. Words are important. Terminology evolves. Thus, there is a need to substitute outmoded terms like “**Borstal Institution**” with “**Juvenile Rehabilitation Centre**”. There is an urgent need to stop using the term “juvenile **delinquent**” for a “juvenile **offender**”, and to substitute it in all laws, policies, rules, regulations, prison manuals; police/LEAs training and instruction curricula, syllabi, textbooks, modules; court procedures; prosecution and defence arguments; court orders, judgements and sentences; and so on.

## CONCLUSION

As is evident from the long list of recommendations above, there is an urgent need to rectify the dysfunctional and outmoded Juvenile Justice System in Pakistan, in order to restore a measure of honesty, integrity, hope, confidence and trust in it, for the non-privileged majority of the citizens.<sup>36</sup>

This is required especially in view of the disproportionately high poverty-stricken, low income groups which comprise the majority of the prison population. The rich are seen to “buy their way out of convictions and jail sentences” via the prevalent “compromise” settlement option, which makes a mockery of justice, both by

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<sup>36</sup>A beacon of light and hope in 2018 was: (1) the judgement of the Islamabad High Court in the T. child maid torture case, where a serving judge (of the subordinate judiciary) and his spouse were found guilty, convicted and sentenced, despite several documented attempts at an out-of-court settlement and compromise; and (2) rejection of the convicts’ Appeal in the IHC, replaced by an enhanced sentence and a strongly worded judgement.

privatizing it, as well as by unfairly privileging it to the wealthy feudal elites.<sup>37</sup> The elites are seen to literally get away with murder – and with impunity – thumbing their noses at the LEAs/police, courts, judges and the rule of law.

The privatization and commercialization of justice needs to end forthwith. It requires law reform; attitudinal and behavioural changes in society; a proactive and progressive – non-sensational, non-melodramatic – role of the print and electronic media; and a drastically revised public education system, particularly its curricula and textbooks.

Whether the child is an offender in trouble with the law, or is a survivor of criminal activity, the State must not be permitted to neglect or abdicate its Constitutional obligations. In the absence of responsible parental actions, the State must assume the role of “Waali” (guardian) of the child, with all its attendant responsibilities and duties.

Society, communities, families, and, above all, the child’s parents, have a pivotal role to play, and need to be conscientized, made aware of, and sensitized to their basic responsibilities. In achieving this, the media’s proactive role and involvement is critical.

It is imperative to focus on the provision of justice to child offenders, without delay or compromise. At the same time, the need for diversion and reformatory justice is urgent and necessary to rehabilitate juvenile offenders and reintegrate them back into society as educated, trained, skilled, productive citizens, and positive human beings. In return, it is vital for their communities and society to perceive them thus too.

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<sup>37</sup> The several twists and turns, and the outcome of the Shahrukh-Shahzeb murder case remains a moot point in public cynicism and distrust of the juvenile justice (or, injustice) system, and points to the urgent need for law reform, to do away with the entrenched “*raazinaama*”, “*muaafinaama*”, “*sulahnaama*” (compromise settlement) tradition.

# VOICES OF CHILDREN

## **Introduction**

There are total 22.8 million out of school children in Pakistan out of the 51.33 million children.<sup>1</sup> All over the world there are millions of children whose survival is dependent on public spaces such as traffic signals, markets, bus station. These children are referred as street children as their source of livelihood is connected to the road. Children are very much prone to get involved in crime or become a victim of various form of abuses which include sexual abuse, child labor, exploitation, bullying etc.

There are multiple factors for children who are regular on the streets either working or living. Most of the children who work on the streets are financially supporting their families or sometimes they run away from home to live their lives on the streets as they feel they are neglected by family, they immediately run away from home to make their own money.

In 2019, SPARC research team conducted a number of individual and focus group discussion (FDGs) of children in Islamabad and Rawalpindi in order to document some voices of the children of Pakistan.

**"I want to become an educated and successful man to end poverty and illiteracy in my community", says Ahmed.**

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<sup>1</sup> <https://www.dawn.com/news/1418208>

The objectives of the individual interview and FDGs were:

- To focus on the voices of children living in the slum area of Pakistan
- To assess the basic rights to live, liberty, dignity, identity, food, shelter, safety, security, education, health, right to expression and justice.

For the SOPC report 2019, SPARC has selected few of the stories of children from Islamabad and Rawalpindi is as follow: <sup>2</sup>

### **Amna**

Amna is a 12 year old girl she lives in the slum area of Islamabad. She has 8 family members in her home including 6 siblings and she is the eldest among them. Being an eldest sister she takes really good care of her family from helping her mother in cooking to babysitting her younger brother and sister. Amna has never been to school before. She always wanted to become a teacher when SPARC opened life skills based education (LSBE) center in her community she said with an excitement that, "**It was like a dream come true for her**" where she could learn to read and write. She was one of the most punctual and dedicated student of SPARC'S Life Skill Based Education (LSBE) center which ended up in successfully mainstreaming her in school.

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2. All children's names have been changed, to preserve their identity and dignity.

Initially Amna's parents were not in favor of girl's education after the age of 13, but after SPARC team conducted number of awareness sessions with the children and community members on child rights, child protection and positive disciplining, they observed a gradual change in their parent's behavior towards child.

Amna's father now regularly picks and drops her from school. Her father says, **"SPARC has given us eyes and a vision to think of a brighter future for our children"**.

In conclusion, Amna added, **"I believe in my dreams because my mother says, true dreams always comes true."** One day i will become a teacher and make my parents proud.

### **Fatima and Maryam**

Fatima and Maryam are sisters. Fatima is a 11 years old girl and Maryam is 10 years old. Fatima and Maryam are often found on the street of Islamabad begging barefooted for money. Their father is a drug addict he begs for money on the street signal or takes money from his younger daughters to fulfill his needs for drugs. A social mobilizer of SPARC met with Fatima's father and took him for a screening test upon which he was diagnosed with HIV+. This news was shocking for his wife and later the whole family was taken for the screening test and fortunately the rest of the family's result turned out to be negative. Her father is now admitted in Government rehabilitation center of Islamabad. Fatima and Maryam are the only

source of earning bread and butter for the family. Their mother takes care of 3 younger children at home who are under 5 years old.

Fatima is a very sensible and confident girl. She added, when I used to stand on the signal to sell flowers or ask for money I saw some children in a group wearing neat and clean uniform, school bags were hanging on their shoulders. That day I wished how life would be, if I go to school. I laughed to myself and said: Not even a single one has ever been to school in my background how can I even imagine. Then later, in my community center school I was informed by my teacher that SPARC will be enrolling us in schools and provide uniform. Our birth registration was made and after few days I was in school.

Fatima concluded, I am blessed beyond measures that SPARC has enrolled me and my community fellows in school but not all children in our country and streets are always lucky. She added, I request Government of Pakistan to treat rich and poor children equally and provide them access to basic necessities of life such as health facilities and quality education in schools. Fatima and Maryam are now successfully enrolled in federal government school of Islamabad.

## **Mustafa**

Mustafa is a 9 years old multitalented student. He loves acting and singing. In morning he goes to school after coming back from school he take rest and then go straight to work in the market to sell balloons. Mustafa has four siblings and the unity among them is their

strength. Initially when SPARC started their non-formal education center he was one of the least interested student but extra curriculum activities and creative teaching technique in class attracted him to become a regular student.

An update: He is currently enrolled in school. He works till 1 am midnight on the streets and his school requires him to wake up at 7am. He is just 8 years old and for him to bear this burden at such young age is cruelty.

### **Ibrahim**

Ibrahim is 8 years old boy. He sells flower on signal. He is the only brother and has two sisters. He was a student of LSBE center and how he studying in class 2. For quite some time teacher saw sudden behavioral changes as he seemed mentally disturbed and she tried asking him as she was concerned about his changed attitude. Upon asking he shared in private that some elder boys tease him, tried to forcefully touch him and offered him money to do wrong things with them. He shared that he got scared and ran away immediately and he has changed his work location as well. Without delaying SPARC provided him psychological support, he expressed his concerns.

Children who work on the street are exposed to mental, physical, emotional and sexual abuse more frequently. It is the responsibility of parents and state to provide protected environment to children. Especially parents and teachers should be sensitise regarding the protection strategies of children.



However, there is a need for mental counseling of children in schools either its private or Government school. No child should ever feel discriminated and humiliated. It has become necessity to have at least one or two psychologist in every school.

### **Ayesha**

Ayesha age 10 years old, she is a younger sister of Amna and they both wash car and sell balloons on the signal of Islamabad. Ayesha is a chubby and a bubbly kid yet little hyper and aggressive too. In early days of classes it was not easy for her to fit in with other kids. She used to hit children in class for no reason and leave the class without telling. When her teacher asked her to come back and apologize for her misbehavior to the kid she would stand still with a blank face and zipped mouth. After few minutes her teacher saw her sneak peeking in the class from a small corner of the hut. She had curiosity in her eyes, she wanted to change, learn and experience the fun in learning with her friends. She needed a mentor and an understanding environment to guide her about wrong doings and right doings with love.

With the passage of time her behavior started to change as she got busy in her class work and home work and didn't really had time for fighting and cursing.

SPARC's non-formal education center provides not only quality education but it also empowers children about their rights and teaches positive discipline.

## **Mina**

Mina is a 12 year old girl. To earn her bread and butter for her home she washes car wind screen on the traffic signal. Initially she had a very non-serious and care free attitude. At the beginning of LSBE center classes she has serious behavioral issues, so the teacher of center opted the technique of making her the captain of class. When she became the captain of her class and child Right club the teacher saw a drastic change in her behavior e.g. she became responsible not only for herself but for her fellow students in class. She became a regular, punctual and an obedient student. Being a captain of class you have certain responsibilities for example spreading knowledge on Child Rights, child club and positive disciplining. However, she took deep interest and enjoyed her role thoroughly as a Captain which also improved her reading writing skills and she scored 2nd position in post-assessment test.

## **Ahmed**

Ahmed is a 10 years old short heighted slim boy. He used to wakes up early in the morning to pick garbage with his father in their donkey cart and in evening he go for begging with his mother. He is one of the most intelligent, cooperative and possesses leadership quality. He enjoy wining whether its game competition or class test. Ahmed scored first position in post assessment test in his LSBE center. He was the first person to introduced team SPARC in his community. His hobby includes cycling, singing and dancing. The main behavioral issue with him was his bad language for example he used to abuse and curses a lot in the beginning. When his studies

improved his behavior also changed gradually. To utmost surprise now he has left begging and concentrating on going to school regularly. When his teacher asked, Ahmed have you stopped working? He said, Yes Teacher, **“if a child works he cannot focus on studies and i want to study and become an educated man in future.”**

### **Sumaira**

Sumaira is a 14 years old girl and a student of LSBE center. She is a dropped out student as her parents migrated to Islamabad from Lahore when she was in grade 1, after that she never joined school again. Interest and passion for education never died, she is brilliant in calculation and her favorite subject is Math. Sumaira got her 1st position in her LSBE class and she scored 49.5 out of 50 marks.

Due to her age issue she was unable to mainstream in school but she is still learning in LSBE center, taking SPARC'S vocational training in community where she has learned how to stitch cloths and Tie-Dye dupatta's. She is doing really well and tailoring has become her only source of income.

### **Muhammad Hamza**

Muhammad Hamza S/O Muhammad Jehanzeb belongs to Vehari and living in I-10/3 with his family. He is 8 years old and he is the youngest child of his family. His father and two brothers are masons, his mother Afia Bibi is a domestic worker. Muhammad Hamza was the first student of SPARC community base center. It was observed

that he was the most disobedient student of the center who remained busy in different naughty activities like abusing, bullying, start playing stones and involved other students, left the center without any permission and no personal hygiene. He created disturbance all the time in the classroom. It was observed that he needs some attention and care. SPARC teacher and social Mobilizers decided to give him extra attention and counseling. They encouraged and appreciated him on his each and every good action. A good change came up within one month, Muhammad Hamza started to come regularly in the center, stopped abusing his class fellows, he regularly asked questions whether he is neat and clean or not? He got first prize in cleanness competition. Hamza says "I want to join Pakistan Army in the future". Hamza's best friends Abdullah and Dilsheer said "we like Muhammad Hamza because now he wears neat and clean dress". Hamza's father shared **"my family has observed that there has come change in his behavior he asked his mother to wash his clothes regularly, he waits for center opening and tells us all the detail of the center. Now he wishes to go to a regular school"**.

## **Sadia**

Sadia is a drop out student. She studied till class 3 and due to migration to another city she had to leave her school. Now she is 15 years old. Sadia got married when she was just 13 years old, after few months her husband and mother in law started beating her. She got her first divorce within few months of her marriage. After completion of "Iddat Period" her parents forced her to do another

marriage, which is her second marriage. Her parents think a girl should be married when she reaches the age of puberty.

There are many cases like Sadia's in marginalized communities, where a girl under 15 years of age is considered eligible for marriage. The aftermaths of child marriage is very disturbing as they are more likely to have health related issues or they become subject to domestic violence.

According to UNICEF, it is reported that before the age of 18 years around 21% of girls in Pakistan are married and 3% before the age of 15.

## **Wajid**

Wajid Khan belongs to Turkham, currently lives in a colony, works at vegetable market (sabzimandi) with his father. He leaves his bed early and goes to mosque for fajr prayers, takes his breakfast and moves to work at Mandi. He sells onions and potatoes in market.

Wajid drives cart at Mandi and this is very hard for his small hands and arms to carry heavy loads. He feels unhappy and discomfort during work at Mandi, but he has to continue his work to support his family. Wajid told that his father is a poor man and unable to support him for education. He has to pay house rent as well. Wajid had always a great desire to get education. He always shared his dreams with his friends. **“It feels wonderful when you fly with**

**hopes and dreams. We all have the power to make little choices of our lives forever”, said Wajid.**

One Bright morning Wajid's friends came to him and told him about CSC SPARC. He got admission in Non-formal Education and started his education. He was enrolled in level 1. During his course he was observed as a good child. He was hardworking and honest child. He enjoyed games and recreational trips with other kids.

Wajid was mainstreamed in government t boy’s school at Dhokehassu and facilitated with school funds, uniform and books. He feels proud to wear school uniform. He was happy for his new school and friends. SPARC team left him school with good expectations. Wajid Khan promised with team that he will not leave school in any case. During follow-ups of Non formal education (NFE) teacher met with Wajid's school teacher. She reported that he is a regular and punctual student, takes deep interest in education. She said Wajid stood first in class and got trophy.

## **Zara**

Zara is a poor girl belongs to paktoon family. She was enrolled in NFE level 1. She is a bright child. Her parents are illiterate. Her father is a laborer and mother is a house wife. She was registered at CSC Rawalpindi in 2013. Zara is very hard working girl and she love studying. She has successfully completed her NFE session and was mainstreamed in government girl’s primary school in Mehar colony.

She was provided school uniform and other mainstreamed support by CSC.

Zara has a long affiliation with CSC staff. She often visits CSC and shares about her educational status. She brought her younger brother at CSC for admission. Her younger brother Sajid is currently registered in NFE level one. Her parents are happy with their children educational status because they were unable to give them safe and healthy educational environment. They frequently attended parents meetings with NFE teacher at CSC and take guidelines for their children, Zara is also very happy for her studies. She told that she is the only child of her family who is getting education. She told that Knowledge brings a positive change in someone's life. She really feels the difference and feels more confident. Girl's education is compulsory to change the society. An educated girl can be helpful for herself as well as for her family.

An educated girl can fulfill her needs and dreams. She is happy that she has passed primary exams and successfully completed his five years journey of knowledge. She will pursue her hope for more. Zara believes that **“A good teacher can inspire hope, ignite the imagination and instill a love of learning”**.

## Observation

It is observed that, Pakistan is ranked the second largest country in the world where the children are out of school. There are more than 22.8 million children that are currently out of school. In Pakistan between the age brackets of (5- 16 years) which signifies 44% of population under this age group children are just not attending the school.<sup>3</sup>

In 2018 a report by Sahil shows, in Pakistan every day there are more than 10 children who are under the age 18 years is sexually abused. There were total 3832 cases reported in 2018 from all across Pakistan, 55% girls and 45% boys who were the victim of various forms of child abuse such as child sexual abuse, forced marriage, abduction, sodomy and gang rape.<sup>4</sup>

Street Children are often arrested by Police at signals and markets of city. Sometimes they are taken straight to jail or Eidhi centers on a basis to be found begging, pick pocketing, involvement in drug taking or dealing.

The poor, innocent, young and vulnerable, children are abused and exploited physically, sexually, emotional and psychologically on the streets.

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<sup>3</sup> <https://www.unicef.org/pakistan/education>

<sup>4</sup> Sahil annual report "Cruel Number 2018", Launched March 2019.



Some other survey have been conducted which have proved that 80 to 90 percent of the street children are victims of sodomy, sexual and physical abuse, not only by elders but older children within their own gangs. The police are unable to provide protection to the children on the street.

The street children are at the high risk of health problems such as Hepatitis, HIV, Chronic Skin disease and kidney infections. Among the street children, 54 percent left their home at the age of 10 to 12 years, around 45 percent living on street are enrolled in crimes and 49 are at the risk of HIV and AIDS.<sup>5</sup>

According to a report, around 45% of children in Pakistan are malnourished, which is almost half of our population. This ultimately results in underdeveloped growth of the brain and physical weakness.<sup>6</sup>

Since 1990, after signing the CRC, Pakistan has not been able to establish a national commission on child rights. In September 2017, parliament passed a law which permitted the establishment of a 'National Commission on the Rights of Child' but no actual steps have been taken in this regard to date.<sup>7</sup>

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<sup>5</sup> <https://dailytimes.com.pk/372733/the-children-of-the-streets/>

<sup>6</sup>“Govt urged to implement UN recommendations on child rights” Dawn, April 12, 2019.

<sup>7</sup> Aziz, Mehnaz “The rights of the Pakistani child”,The news, February 28, 2019.

Pakistan is ranked 5th position in the category of world's most populous country, with 208 million people overall and per year the growth rate is estimated to be around 2.4%, which means if the population keeps rising there will be more un-favorable and adverse effects in our economy and it will affect the education system, health, environment and standard of living of every citizen.<sup>8</sup>

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<sup>8</sup> <https://www.pakistantoday.com.pk/2019/04/29/family-planning-vital-for-poverty-reduction-report/>

## **Recommendation**

- 1) Propagation of article 25-A which states that every child whose age is between ages of 5 to age 16 must be in schools and it's the responsibility of the state to ensure it.
- 2) There should be a coordinated policy for child rights in Pakistan which should also guarantee to monitor that the existing laws are being implemented.
- 3) Educate marginalized communities about the importance of birth registration as it provides a legal proof of one's existence. Also it is equally important to educate the communities the consequences they may face due to non-registration.
- 4) Government should strictly take the charge to eradicate child marriage and promote education and vocational training for the young girls who are already in child marriage.
- 5) The legislation of juvenile justice system should be taken as a serious matter of concern though it must be updated, reviewed and revised.
- 6) No one is above the rule of law, so the perpetrator will get stringent punishments and penalties if any of the child rights are violated. Every child deserves to live in a safe environment, where his/her dignity is protected.

- 7) Ensuring that law enforcement agencies are well aware of the recent developments in law making and also adhere accordingly.
- 8) Eradicating child labor at all sites and ensure child labor law is implemented accordingly
- 9) Birth control/family planning is a necessary topic which needs to be spread in our society among men and women; they should have the information and awareness regarding the use of contraception. Family planning is also related to decrease in poverty.<sup>9</sup>
- 10) Pakistan is ranked 5th position in the category of world's most populous country, with 208 million people overall and per year the growth rate is estimated around 2.4%. Which means if the population will keep rising there will be more unfavorable effects in our economy and it will affect the education, health, environment, standard of lives every citizen.
- 11) Ensure to prevent that there is no unwanted pregnancies, early marriages it can contribute to a society where poverty is reduced.

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<sup>9</sup> <https://pakistan.unfpa.org/en/topics/family-planning-9>

- 12) End physical and humiliating punishment, Teacher training should be compulsory in order to train them regarding the child protection. Students leave school as they get scared that they will be beaten up by teacher.
- 13) Build linkage between Bait-ul-maal department and government schools so they can approach needy people who are suffering from poverty and are unable to meet basic needs of life. This can lead towards reduction in child labor and students will be able to focus on their schooling
- 14) Government and NGOs should collaborate in projects to focus on livelihoods and build more institutes for vocational and technical training centers for both women and men. Livelihoods is fundamental pillar to enable a family and society in ensuring their basic rights
- 15) According to Kids Rights Foundation, Pakistan in the global child rights index is considered at 151st position of 181 countries. The government of Pakistan and policy makers should take some serious steps for the wellbeing of children of Pakistan.<sup>10</sup>

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<sup>10</sup> See article by prominent Parliamentarian and Educationist, Ms. Mehnaz Akber Aziz: <https://www.thenews.com.pk/print/571473-child-rights-in-pakistan> Child rights in Pakistan (The News November 20, 2019)

- 16) The four pillars of UNCRC i.e. survival and development; non-discrimination; child participation and the right to be heard; and the best interests of the child should be turned into action for every child living in this country.
- 17) It is a duty of Government to guarantee the rights of children are protected and they are being treated equally, fairly and they have the access to basic necessities like education, food and shelter.
- 18) The Government of Pakistan should provide sufficient resources to improve the development of all children.
- 19) There should be more awareness raising campaigns and trainings on child protection with the children as well as with their parents.
- 20) Government of Pakistan should ensure the implementation of law against corporal punishment in all provinces of Pakistan. It is a right of every child to be protected from all forms of abuses and violence's such as physical, sexual, maltreatment, exploitation, mental and negligence.
- 21) State must take strict action related to the violation of corporal punishment in school or outside. There must be effective law against corporal punishment in all provinces.

- 22) Life Skills Based Education (LSBE) should be included in curriculum in all provinces i.e. Punjab, KP, Balochistan and Sindh and teachers should be trained in order to train students.
- 23) The Laws against corporal punishment and child Domestic violence still needs to be enforced.
- 24) Need to focus on children health screening programs
- 25) Focus on Recruiting, Training and supporting teachers.
- 26) Expand access to high quality early child hood education.

## **Conclusion**

It is the responsibility of parents, government, state and service providers to be vigilant when it comes to monitoring the rights of the children. We must indulge advocate, Lobby and campaign for the strengthening and implementation of the law to reach out children who are suffering from any form of abuse.

Ensure the identification of children and families and linking them with the safety nets available in all over country. There should be mass level of awareness to general community, government, Allied agencies, NGOs and different networks regarding the rights and procedures to ensure them.

We need to have friendly-school system where students don't fret over going due to anger issues of teacher. Mostly students leave or run away from school as they fear to be beaten by their teacher in front of their class fellows/friends. It is a serious act of humiliation which mentally disturbs them.

Government should take serious notice on the issue of child protection and it should also focus on the implementation of the rights of the children and the nation action plan as their main concern. The current Government should also allocate budget and resources for the better future of children.



Although we have many laws but implementation is weak, laws should be enforced successfully. Parents, Schools teacher, Juvenile Justice lawyers and Doctors should be sensitized regarding children rights and how it can be protected.

## References

<https://www.dawn.com/news/1418208>

<https://www.unicef.org/pakistan/education>

Sahil annual report “Cruel Number 2018”, Launched March 2019.

<https://dailytimes.com.pk/372733/the-children-of-the-streets/>

Govt urged to implement UN recommendations on child rights”  
Dawn, April 12, 2019.

Aziz, Mehnaz “The rights of the Pakistani child”, The news, February  
28, 2019.

<https://www.pakistantoday.com.pk/2019/04/29/family-planning-vital-for-poverty-reduction-report/>

<https://pakistan.unfpa.org/en/topics/family-planning-9>

See article by prominent Parliamentarian and Educationist, Ms.  
Mehnaz Akber Aziz:

<https://www.thenews.com.pk/print/571473-child-rights-in-pakistan> Child rights in Pakistan (The News November 20, 2019)