

INTRODUCTION



Introduction

Over the past 14 months, the Covid-19 pandemic has harmed and affected all segments of population and is particularly detrimental to the most vulnerable-people living in poverty, older persons, and persons with disabilities, youth, and children. It is important to look at how the COVID-19 has affected the lives and well-being of youth and children. Many countries, including Pakistan, closed educational institutions to contain the spread of the coronavirus through social distancing. In order to control the spread of the pandemic, the Government of Pakistan closed more than 300,000 educational institutions-schools, colleges, universities and *Madaris* in March 2020. The closures of educational institutions lasted till mid-September 2020. The closure of education institutions confined more than 50 million students to their homes¹. Educational institutions were open in September 2020 and were closed again in November 2020 when increased in COVID-19 cases were reported across Pakistan. The second phase of lockdown lasted till 18 January 2021. In January 2021, Govt. reopen educational institutes in three phases. In first phase, grade 9-12 students resumed classes from 18 January 2021 and in second phase, primary school up to grade 8 from 25 January 2021 and finally universities and other higher educational institutes reopened from 01 February 2021².

Albeit, the closure of educational institutes was done for the wellbeing of children and their families, but their confinement to their homes made them more vulnerable to abuse, neglect and exploitation. Apart from lethal effects of COVID-19 on children, cases of abuse, neglect and exploitation of children were reported from all parts of Pakistan in year 2020. In August 2020 National NGO Sahil released the six months Cruel Number Report 2020. According to the aforementioned report, more than 8 children were reported to be abused every day in the 1st six months of 2020. According to statistics compiled by Sahil

¹ 'Millions of Children in Pakistan Return to School Post-virus Crisis', *Voice of America (VOA)*, 15 Sept. 2020.

web: <https://www.voanews.com/covid-19-pandemic/millions-children-pakistan-return-school-post-virus-crisis>

² 'COVID-19: Pakistan to reopen educational institutes in phases from January 18', *Arab News Pakistan*, 04 January 2021. Web:

<https://www.arabnews.pk/node/1786996/pakistan>

from 84 newspapers from the four provinces, Islamabad, Azad Jammu and Kashmir (AJ&K) and Gilgit-Baltistan (GB), a total of 1,489 child abuse cases were reported during first half of the year, which was an increase of 14 % in the reported cases of child abuse during the first six months of 2020 as compared to the first half of 2019. The statistics show that 53% of the victims of these abuses were girls and 47 % were boys. *Sahil* blamed the coronavirus pandemic for the increase in cases, arguing that children were home and more than 55 per cent of their abusers were acquaintances³. The above statistics are just a tip of the iceberg because the ratio of unreported cases would be much higher than the reported cases.

In order to curb the instances of sexual crimes in the country and to create deterrence in the society against sexual crimes, the PTI led Government in year 2020 has enacted the land mark legislation on this subject. Anti-rape (Investigation and Trial) Ordinance 2020⁴ and Criminal Law (Amendment) Ordinance 2020⁵ were enacted to protect the children, men, women and transgender persons from sexual crimes by awarding exemplary punishments to perpetrators in the form of chemical castration and to provide speedy justice to victims/survivors and accused persons. These laws prescribe for the establishment of special courts and special investigation teams for speedy trial of cases and access to justice. Special courts upon taking cognizance of a cases shall decide it within four months.

Another important thematic area related to protection of children rights is '*Justice for/with Children*'. Justice for/with Children defines the justice process before, during and after trial for children in conflict (child accused, convicts) or in contact (child victims, witnesses) with

³ 'Six Months Cruel Number Report', *the News International*, 28 August 2020.

web: <https://www.thenews.com.pk/print/706780-six-month-cruel-number-report>

⁴ Anti-Rape (Investigation and Trial) Ordinance, 2020, web:

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

⁵ Criminal Law (Amendment) Ordinance, 2020, web:

[http://www.mohr.gov.pk/SiteImage/Misc/files/Criminal%20Law%20\(Amendment\)%20Ordinance%2c%202020.pdf](http://www.mohr.gov.pk/SiteImage/Misc/files/Criminal%20Law%20(Amendment)%20Ordinance%2c%202020.pdf)

the law. This process aims to avoid secondary victimization of children when they are involved in the access to justice process. Pakistan has initiated a criminal justice reform agenda that includes Justice for/with Children and in this context, seven pilot child courts were established in Pakistan with the collaboration of civil society organization (Group Development Pakistan). Out of these seven pilot child courts, three child courts, one in Balochistan (Quetta), one in Khyber Pakhtunkhwa (Mohmand - Ghalanai area) and one in ICT (Islamabad) were established in year 2020. Two more child courts in Sindh (one in Karachi Malir and one in Karachi East City) are in pipeline and will be inaugurated in February 2021. In year 2020, seven child courts were operational in Lahore, Peshawar, Mardan, Abbottabad, Quetta, Mohmand-Ghalanai and Islamabad areas. So far, the number of cases involving children in conflict or contact with the law tried by these pilot child courts are 1279⁶.

Juvenile Justice System Act 2018⁷ was enacted to protect the rights of children in conflict with the law. This law provides the provision for disposal of juvenile offender cases through 'Diversion'. Diversion is an alternative process of determining the responsibility and treatment of a juvenile on the basis of his/her social, cultural, economic, psychological and educational background, without resorting to formal judicial proceedings. The complaint against a juvenile shall be referred to the Juvenile Justice Committee (JJC) for disposal through Diversion. All offences where punishment is up to seven-year imprisonment or fine under PPC 1860 shall be compoundable for purpose of Diversion. To implement the Diversion process in juvenile justice system of Pakistan, nine Juvenile Justice Committees were notified across Pakistan to exercise the process of Diversion in cases of child offenders. Seven out of nine such Committees were notified in year 2020 in KP and out of total nine JJs, eight are located in KP. For the first time in the history of

⁶ 'Justice with Children', *Group Development Pakistan*. web: <https://gdpakistan.org/justice-with-children/>

⁷ 'The Juvenile Justice System Act of 2018', *Published in Daily Times* on 07 September 2018. web: <https://dailytimes.com.pk/293977/the-juvenile-justice-system-act-of-2018/>

Pakistan, 4 boys in conflict with the law availed Diversion, which is a form of rehabilitation to reform them into productive citizens⁸.

With this brief overview, the focus is now shifted Pakistan's international, regional and constitutional commitments the protection of children's rights. This will be followed by recent national developments, particularly laws passed by Federal and Provincial Government in Pakistan for safeguarding the children rights. At the end, some recommendations are proposed to improve the standards of child rights in Pakistan.

Pakistan's International, Regional and Constitutional Commitments: Pakistan has signed, ratified or endorsed the following international and regional commitments regarding child rights:

Sr. No.	Name of the International/Regional Instrument	Signed /Ratificat
01	The UN Declaration on Human Rights	1948
02	The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and	1956
03	The Fundamental Principles and Rights at Work and ratification of Forced Labour	1930
04	Abolition of Forced Labour Convention	1957
05	The UN Convention on the Rights of the Child (CRC)	1990
06	Convention on the Elimination of All Forms of Discrimination against Women	1996
07	Stockholm Declaration and Agenda for Action against Commercial Sexual	1996
08	International Convention on the Elimination of All Forms of Racial Discrimination	1966
09	Yokohama Global Commitment against Commercial Sexual Exploitation of	2001

⁸ National Infographic Report on Justice for/with Children, *Group Development Pakistan*.
web: <https://gdpakistan.org/wp-content/uploads/2020/10/National.pdf>

- **Article 11 (Slavery, Forced Labour, etc., Prohibited):** Article 11(3) states that no child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment.
- **Article 25 (Equality of Citizens):** The Article 25 of Constitution of Pakistan proclaims equality of law, entitlement to equal protection before the law, and that nothing shall prevent the State from making any special provision for the protection of women and children.
- **Article 25A (Right to Education):** In April 2010, 18th amendment was made in the Constitution of Pakistan. Some new features were introduced into the Constitution, including the recognition of the children's right to education and insertion of a new section Article 25A to provide constitutional guarantee that state will provide free and compulsory education to all girls and boys of the age of five to sixteen years.
- **Article 35 (Protection of Family, etc.):** The State shall protect the marriage, the family, the mother and the child.
- **Article 37 (Promotion of Social Justice and Eradication of Social Evils):** Article 37(e) obligates the State to 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.

United Nations Convention on the Rights of the Child 1989 (UNCRC): The United Nations Convention on the Rights of the Child 1989 (commonly abbreviated as the CRC or UNCRC) is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children, regardless of their race, religion or abilities. The UN General Assembly adopted the Convention and opened it for signature, ratification and accession through General Assembly resolution 44/25 of 20 November 1989. It came into force on 2 September 1990, after it was ratified by the required number of nations.¹⁰

The UNCRC is the most widely and rapidly ratified human rights treaty in the history of the UN conventions. It's even been accepted by non-state entities, such as the Sudan People's Liberation Army (SPLA), a rebel movement in South Sudan. To date, 196 countries have ratified it, including every member of the United Nations except the United States of America. United States of America is only country in this world which has not ratified this convention to date, although, it has signed this on 16 February 1995,¹¹ but progress has been slow towards its ratification because conservative groups continue to oppose ratification. A campaign seeks to encourage lawmakers in United States to ratify the UNCRC.

The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. UNCRC has 54 articles. Articles 1-41 set out rights about how children and young people should be treated so they are safe, healthy and happy. Articles 42-54 are about implementation of this convention, that how Governments and adults should work together to make sure children and young people can access and enjoy these rights (1-41).

Optional Protocols of UNCRC: On 25 May 2000, the United Nations General Assembly adopted two Optional Protocols to the Convention on the Rights of the Child and opened these for signatures by any state that is party to the UNCRC or has signed it. The first Optional Protocol¹² restricts the involvement of children in military

¹⁰ Convention on the Rights of the Child, from Wikipedia, the Free Encyclopedia.

web: https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child

¹¹ United Nations Treaty Collection, Chapter IV, Human Rights, 11. CRC, Status as at 05 February 2021.

web:

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

¹² Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Chapter IV, Human Rights, New York, 25 May 2000.

conflicts and entered into force on 12 February 2002, and the second Optional Protocol¹³ prohibits the sale of children, child prostitution and child pornography and entered into force on 18 January 2002, whereas, the third Optional Protocol¹⁴ relating to communication of complaints was adopted in December 2011, opened for signature on 28 February 2012 and came into effect on 14 April 2014.

As on 5 February 2021, the first Optional Protocol is ratified by 170 states, second Optional Protocol is ratified by 176 states and the third Optional Protocol is ratified by 46 states in this world.

Committee on the Rights of the Child: The UN Committee on the Rights of the Child, an internationally elected body of 18 independent experts that sits in Geneva to monitor the Convention's implementation, requires governments that have ratified the Convention to submit regular reports on the status of children's rights in their countries under Article 44 of UNCRC. States must submit an initial report two years after acceding to the Convention and then periodic reports after every five years. The reports highlight various measures undertaken by the State under the Convention. The Committee reviews and comments on these reports and encourages States to take special measures and to develop special institutions for the promotion and protection of children's rights. Where necessary, the Committee calls for international assistance from other governments and technical assistance from organizations like

web:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en

¹³Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Chapter IV, Human Rights, New York, 25 May 2000.

web:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en

¹⁴Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Chapter IV, Human Rights, New York, 19 December 2011.

web:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&clang=en

UNICEF etc. It also monitors implementation of three Optional Protocols to the Convention.¹⁵

Status of Pakistan's Periodic Reports to the Committee on the Rights of the Child: Pakistan's initial periodic report¹⁶ to UNCRC's committee was due on 11 December 1992 but was submitted on 25 January 1993. The Committee considered the initial report of Pakistan at its 132nd, 133rd and 134th meetings, held on 5 and 6 April 1994, and adopted the Concluding Observations on it. The Committee welcomed the early ratification of the convention by Govt. of Pakistan and its role as one of the six initiators of the World Summit for Children in 1990, being essential to the promotion and protection of children's rights. However, the Committee regretted in its Concluding Observations, that the report submitted by Pakistan had not been prepared in accordance with its guidelines on reporting and that the information provided in the report showed that the existing legislation and the measures taken were not adequate to ensure proper implementation of the convention. At the same time, the Committee takes note of the statements made by the State party representative that further efforts will be made to address problems raised by the Committee. In view of this, the Committee requests that a progress report be submitted before the end of 1996, but it was not submitted.

The second periodic report¹⁷ that was due on 11 December 1997, was submitted on 19 January 2001. The Committee considered the second periodic report of Pakistan at its 900th and 901st meetings, held on 22 September 2003, and adopted the Concluding Observations at the 918th meeting, held on 3 October 2003. The Committee observed that the recommendations, it made on Pakistan's initial report, have been

¹⁵ Committee on the Rights of the Child, *Child Rights International Network (CRIN)*,

web: <https://archive.crin.org/en/guides/un-international-system/committee-rights-child.html>

¹⁶ Reporting status for Pakistan - Convention on the Rights of the Child, *OHCHR*, web:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN

¹⁷ *Ibid.*

insufficiently addressed, although some progress has been made for advancement of children rights in Pakistan.

The combined third and fourth periodic report¹⁸ was submitted on 04 January 2008. The Committee welcomed the timely submission of the combined third and fourth periodic report and considered combined report of Pakistan at its 1444th and 1445th meetings held on 28 September 2009 and adopted the Concluding Observations and Recommendations at the 1449th and 1450th meetings held on 30 November and 01 October 2009. The Committee notes that some of the concerns and recommendations made upon the consideration of the Pakistan's second periodic report have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.

Pakistan's fifth periodic report¹⁹ was due on 11 December 2012, but was submitted on 23 May 2014. The Committee considered the fifth periodic report of Pakistan at its 2118th and 2119th meetings, held on 25 and 26 May 2016 and adopted the Concluding Observations at its 2132nd meeting, held on 3 June 2016. The Committee welcomed the progress achieved by the Pakistan in various areas, including the ratification of or accession to international instruments, as well as the adoption of a number of new legislative acts and institutional and policy measures related to children's rights since its last review. The Committee also suggested that Pakistan take all the measures necessary to address the recommendations made in its Concluding Observations of 2009 that have not been implemented or insufficiently implemented.

The sixth periodic report²⁰ of Pakistan is due this year on 11 June 2021, and still, it is in the process of drafting stage. It is hoped that it would be submitted in time by Pakistan.

In addition, Pakistan has also ratified two Optional Protocols of UNCRC and in compliance to one of the Optional Protocol to the

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*

Convention on the Rights of the Child on the sale of children child prostitution and child pornography, submitted a periodic report on 01 March 2019 to the Committee, which was due on 04 August 2013. But still this periodic report has not been reviewed by the Committee.²¹

30th Anniversary of Pakistan's Ratification of UNCRC and Celebration of Universal Children's Day on December 05 2020: On 12 November 1990, Pakistan ratified the UNCRC and became the first Muslim and sixth country in the world to ratify this treaty, committing itself to protecting children rights in Pakistan and holding itself accountable for this commitment before the international community.

On 5th December of every year, the Universal Children's Day is marked around the world with activities focused on promotion and protection of children's rights. This special day reminds the state to work for improving the condition of children. On this day, States pledge to ensure that children will have their rights to survive, participate and develop in an environment free from exploitation, abuse and neglect. On 5th December 2020, Universal Children's Day was celebrated in Pakistan. But for Pakistan it was dual celebration, because year 2020 was 30th anniversary of the ratification of UNCRC by Pakistan. So, Pakistan celebrated this day as Universal Children's Day as well as 30th anniversary of the ratification of UNCRC.

The Society for the Protection of the Rights of the Child (*SPARC*) celebrated World Children's Day 2020 and 30th anniversary of Pakistan's ratification of the UNCRC at a local hotel in Karachi. The event included panel discussion with members of Child Rights Clubs to explore UNCRC in detail, theatre performance which highlighted children's right to education, health, play and protection from sexual abuse and early child marriages. The participants were in harmony that children are not only Pakistan's future, but also, its present.²²

Mrs. Samina Arif Alvi-wife of the President of the Islamic Republic of Pakistan- also recorded her well-wishing message for the protection and promotion of the rights of Pakistani children on the occasion of

²¹ *Ibid.*

²² 'World Children's Day Observed', *The Nation*, Karachi.

web: <https://nation.com.pk/25-Nov-2020/world-children-s-day-observed>

Universal Children's Day and 30th anniversary of Pakistan's ratification of UNCRC.²³

International Developments on Protection of Children Rights

Pakistan's International Ranking for Assurance of Children Rights: The Kids Rights Index is the first and only global ranking that annually measures how children's rights are respected worldwide and to what extent countries are committed to improving the rights of children. It comprises a ranking for all UN member states that have ratified the UNCRC and for which sufficient data is available. A total of 182 countries are assessed on the basis of best fulfillment of children rights. The Kids Rights Index exists of 5 domains: 1) Rights to life, (2) Rights to Health (3) Right to Education (4) Right to protection (5) Enabling Environment for Child Rights.

A country's total score on the Kids Rights Index has been calculated as the geometrics average of the scores of the five domains. Each domain has the same weight. In the Kids Rights Index 2020, Iceland ranks first as the country where children's right are the best guaranteed, followed by Switzerland and Finland²⁴.

Kids Rights Index 2020 has issued the following scoring for Pakistan about global ranking of the assurance of children rights;

Pakistan:

The overall ranking of Kids Rights Index is 147 (score: 0,522)

Health ranking:	134 (score: 0,630)
Life ranking:	142 (score: 0,583)
Education ranking:	167 (score: 0,407)
Protection ranking:	133 (score: 0,608)
Environment ranking:	124-135 (score: 0,429)

²³ PR No. 30: Message from Mrs. Samina Arif Alvi wife of the President of the Islamic Republic of Pakistan (On the occasion of Universal Children's Day and 30th Anniversary of the ratification of UNCRC), *Press Information Department*, Islamabad, 05 December 2020. web:

http://pid.gov.pk/site/press_detail/15360

²⁴Kids Rights Index, *Kids Rights*, web:

<https://kidsrights.org/research/kidsrights-index/>

According to the above scoring, Pakistan has been placed at 147th position in overall global child rights index of 182 countries which is an improvement over year 2019 ranking of 151st position²⁵.

July 1, 2020: Human Rights Council begins its annual full-day meeting on the rights of the child with a panel discussion on setting the scene for a healthy environment as a child rights concern.

On 1st July 2020, The Human Rights Council started its annual full-day meeting on the rights of the child with a panel discussion entitled "*A healthy environment as a child rights concern: setting the scene*". It also continued its interactive dialogue on the annual report of the High Commissioner for Human Rights and her oral update on the human rights implications of the COVID-19 pandemic.

Opening the panel discussion on a healthy environment as a child rights concern, Michelle Bachelet, United Nations High Commissioner for Human Rights, noted that now was a key opportunity to discuss the rights of the child in the context of the COVID-19 pandemic as 93 per cent of children currently lived in environments where air pollution exceeded World Health Organization guidelines, making them more susceptible to air-borne infections such as COVID-19.

In the discussion, speakers said that a safe, clean, healthy and sustainable environment was the basis for human existence. States needed to address the human rights violations against the provisions of the Convention on the Rights of the Child, the most widely ratified convention. In order to protect the environment, environmental and human rights defenders must also be protected, and the environmental footprint of humans must be minimized. It was also important to teach children the values of dialogue, solidarity, democracy and citizenship.

Taking the floor during the interactive discussion were Estonia on behalf of Nordic and Baltic countries, Pakistan on behalf of the Organization of Islamic Cooperation, European Union, Burkina Faso on behalf of the Group of African States, Bahamas on behalf of the

²⁵ *Ibid.*

Caribbean Community, Slovenia on behalf of a group of countries, Ecuador, Qatar, Angola, China, Japan, Saudi Arabia, Russian Federation, Pakistan, Senegal, Armenia, Tunisia, Venezuela, India, Namibia, Syria, Iran, Spain (video message) and the Philippines²⁶.

14 September 2020: European Union humanitarian aid mobilizes €5M for basic health service provision in Pakistan during COVID-19

The European Union has mobilized €5M for UNICEF to ensure availability of basic health care services for women and children in Sindh and Balochistan in response to the COVID-19 pandemic. This support is provided through the EU's Civil Protection and Humanitarian Aid department and reach over 1.25 million individuals in three districts in Sindh (Karachi East, Larkana) and Balochistan (Jafarabad).

14 September 2020: Committee on the rights of the child opens online limited eighty-fifth session

On 14 September 2020, the Committee on the Rights of the Child opened its online limited eighty-fifth session. Luis Ernesto Pedernera Reyna, Chairperson of the Committee, emphasized the exceptional nature of this limited online session due to the extraordinary circumstances of COVID-19, which had impacted all lives. There was also the financial crisis that all treaty bodies were experiencing and that had made it very difficult for them to fulfil their mandates. Despite the crisis, the Committee had continued to work, including 24 work days spent discussing the general comment 85. The petitions group had addressed all the concerns to ensure that there would be no lag in considering the cases before them.

²⁶Human Rights Council begins its annual full-day meeting on the rights of the child with a panel discussion on setting the scene for a healthy environment as a child rights concern, *OHCHR*, 01 July 2020.

web:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26024&LangID=E>

1 October 2020: Committee on the Rights of the Child closes online limited eighty-fifth session

On October 1, 2020, the Committee on the Rights of the Child closed its online limited eighty-fifth session.

Luis Ernesto Pedernera Reyna, Chairperson of the Committee, said the Committee had held its eighty-fifth limited session online due to the exceptional circumstances of COVID-19, with the Interprefy platform, starting 14 September. The Committee had held 12 meetings. An account of the Committee's deliberations would be included in the corresponding summary records. Regarding the examination of communications within the framework of the Optional Protocol on individual communications, the Committee had adopted 18 decisions in relation to 20 individual communications, and a follow-up report on individual communications. Of the 18 decisions, the Committee found violations in six decisions against Spain, Denmark and Switzerland²⁷.

October 7, 2020: Human Rights Council adopts six resolutions

October 7, 2020, the Human Rights Council adopted six resolutions dealing with promoting and protecting the human rights of women and girls in conflict and post-conflict situations; promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations; realizing the rights of the child through a healthy environment; the contribution of the Human Rights Council to the Prevention of Human Rights Violations; enhancement of technical cooperation and capacity building in the field of human rights; and technical cooperation and capacity building for the promotion and protection of human rights in the Philippines²⁸.

October 9, 2020: UN Human Rights Experts' Message on International Day of the Girl Child, 11 October 2020

On the occasion of the International Day of the Girl Child, UN human rights experts have highlighted the vulnerabilities of girls in the context of the COVID-19 pandemic and called on Governments to

²⁷Committee on the Rights of the Child closes online limited eighty-fifth session, *OHCHR*, 01 October 2020.

²⁸Human Rights Council adopts six resolutions, *OHCHR*, 7 October 2020.

unlock young girls' potential and keep the promises made to them in Beijing, 25 years ago.

Twenty-five years ago in Beijing, China, the world made promises to girls all around the globe. Governments promised them that they would take all necessary steps to safeguard their equal rights and ensure that girls achieve their full potential. World leaders promised to eliminate all forms of discrimination and violence against girls, to provide them opportunities on an equal basis with boys, to promote and protect their rights, to eliminate the economic exploitation and to empower them to participate in social, economic, political and cultural life. They were promised an enabling environment, where their spiritual, intellectual and material needs for survival, protection and development are met.

This year, while we commemorate the invaluable progress made in promoting gender equality over the last 25 years, the COVID-19 pandemic has reminded us of the existing inequalities and discrimination that girls face and their particular vulnerability in the context of this pandemic. On International Day of the Girl Child, we must accelerate our commitment to ensure that the future we committed to 25 years ago for every girl, everywhere, becomes her lived reality²⁹.

October 13, 2020: Pakistan re-elected to United Nations Human Rights Council (HRC)

The Human Rights Council is an inter-governmental body based in Geneva within the United Nations system responsible for the promotion and protection of all human rights around the globe. It comprises 47 states and discusses all thematic human rights issues and specific situations requiring attention.

On 13th October 2020, Elections of United Nations Human Rights Council were held in New York. Pakistan has been re-elected to the

²⁹International Day of the Girl Child, 11 October 2020, keeping the promises made to girls in Beijing in 1995, *OHCHR*, and 09 October 2020.

web:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26366&LangID=E>

HRC with an overwhelming majority votes despite opposition from activist groups over its abysmal human rights records. Among the five candidates from the Asia-Pacific region vying for four seats in the UN's premiere human rights body, Pakistan secured the highest number of votes. In a secret-ballot voting in the 193-member UN General Assembly on that race, Pakistan secured 169 votes, Uzbekistan received 164, Nepal 150, China 139 and Saudi Arabia lost the race with just 90 votes. International community has once again reposed confidence in Pakistan, recognizing its contribution to the national and global human rights agenda and strong credentials as a consensus builder in the HRC.

National Developments on Protection of Children Rights

February 2020: Single National Curriculum 2020: The PTI Government has adopted the plan of Single National Curriculum (SNC) to create one system of Education for all, in terms of curriculum, medium of instruction and a common platform of assessment so that all children have a fair and equal opportunity to receive high quality education.³⁰The incumbent Government under the chairmanship of federal education minister Shafqat Mehmood constituted a committee in line to frame Single National Curriculum for Primary, Middle and Higher Secondary classes and vows to implement the same throughout the country with enthusiastic slogan of "One Nation, One Curriculum".³¹From February 11-14, 2020, Four-Day National Conference on SNC was organized and the draft of SNC was finalized and signed by all the representatives from Federating Units, FGEIs, Private Sector, and Ittehad Tanzimat ul Madaris Pakistan.³²The SNC, unlike the 2006 curriculum, is designed

³⁰Single National Curriculum (SNC), *Ministry of Federal Education and Professional Training, Govt. of Pakistan*. Web: <http://www.mofept.gov.pk/ProjectDetail/MzkyNDc2MjMtY2VjYy00ZDA4LTk5OTUtNzUyNDI3ZWZmZnN2Rm#:~:text=The%202006%20curriculum%20was%20implemented,private%20schools%20and%20Deeni%20Madaris.>

³¹ 'Single National Curriculum', *Pakistan Today*, 20 September 2020. web: <https://archive.pakistantoday.com.pk/2020/09/20/single-national-curriculum/>

to be implemented across the board in all schools of Pakistan including government and private schools and *Deeni Madaris*. The SNC focusses on equipping learners with principles and attributes such as truthfulness, honesty, tolerance, respect, peaceful coexistence, environmental awareness & care, democracy, human rights, sustainable development, global citizenship, personal care and safety.

The Single National Curriculum (SNC) is going to be implemented in three phases:³³ In the first phase, a uniform syllabus will be introduced for primary classes (Kindergarten to Grade V) in March 2021, in second phase for middle classes (Grade VI to VIII) in March 2022, and in third phase for high and higher education classes (Grade IX to XII) in March 2023.

³²See Supra Note 36.

³³*Ibid.*

Phase I: Development of SNC and textbooks **Pre I-V** (March 2021);
Phase II : Development of SNC and textbooks **VI-VIII**(March 2022);
Phase III: Development of SNC and textbooks **IX-XII** (March 2023).

February 2020: The Torture and Custodial Death (Prevention and Punishment) Bill 2020: On February 10, 2020, *The Torture and Custodial Death (Prevention and Punishment) Bill 2020*³⁴ was introduced in the Senate by Senator Sherry Rehman under the category of *Private Members' Bills*. This Bill protects all men, women, children and transgender persons of any age from physical and mental torture and also provides provisions for the prevention and control of custodial death of any person, when he/she is in the custody of State.

The main objective of this Bill is to criminalize and prevent custodial torture and death, which are both a widespread and common occurrence in the criminal justice system of Pakistan. The Bill also aims to facilitate redress to victims and survivors of custodial torture, who predominantly belong to economically and socially disadvantaged groups in our society. The growing incidence of custodial torture and custodial deaths has affected the credibility of the rule of law and criminal justice system of Pakistan. Also, there is no specific criminal law penalty against torture in Pakistan in the existing legal framework, although there is condemnation of torture in Pakistan's two main criminal law codes (the Pakistan Penal Code 1860 and Code of Criminal Procedure 1898). The criminalization or penalty for torture remains to be enacted, that is why this Bill was introduced to penalize and prevent the custodial torture and death in Pakistan.

February 2020: National Commission on the Rights of Child: On February 28, 2020, the Federal Government has issued a notification for constitution of the National Commission on the Rights of Child in exercise of powers conferred by section 3(1) of the National Commission on the Rights of Child Act, 2017 (XXXII of 2017). Commission consists of a development expert Ms Afshan Tehseen as

³⁴The Torture and Custodial Death (Prevention and Punishment) Bill 2020, a private member Bill introduced in the Senate of Pakistan on 10 February 2020. web: http://senate.gov.pk/uploads/documents/1582706236_509.pdf

its chairperson and members one each from 4 provinces and ICT. Two children have also been named as members of the Commission. In addition, it includes ex-officio members/officers of grade 20 and above from the Ministries of Human Rights, Interior, Foreign Affairs, Chairpersons from Provincial Commissions on the rights of child and Chairperson of NCHR and NCSW. The Commission has an overarching mandate in accordance with international obligations and for matters related to the promotion, protection and fulfilment of child rights as enshrined in the NCRC Act 2017³⁵.

The Mandate of the Commission: The Commission shall perform all or any of the following functions: a) examine existing or proposed legislations and administrative instruments and proposals related to child rights and make such recommendations as it deems appropriate; b) liaise with provincial commissions set up under provincial laws and other concerned provincial organizations; c) examine and review any law or policy or practice, for the time being in force, for protection of child rights and recommend measures for their effective implementation; d) present to the Federal Government and to the provincial governments, as the case may be, reports upon working of such law or policy or practice specified under clause (c); e) inquire into violation of child rights and recommend to the relevant agency or department initiation of proceedings in such cases; examine all factor that inhibit enjoyment of rights of child, such as violence, abuse and exploitation, trafficking, torture, pornography and prostitution and recommend appropriate remedial measures; f) sponsor, steer encourage research and maintain a database relating to children and their issues to provide knowledge and awareness for national policy and strategic action for its remedy; g) spread awareness and promote dialogue on child rights among various sections of the society and promote awareness of the safeguards available for protection of these rights; Examine international instruments and undertake periodical review of existing policies and programmes on child rights and make recommendations for their effective implementation in the best interest of children; h) or advise the Federal Government to sign,

³⁵ Newsletter: National Commission on the Rights of Child, Volume (1), Issue (1): NCRC/2020, 13 November 2020. web: <https://web.facebook.com/media/set/?vanity=ncrcpakistan&set=a.153327496508733>

ratify or accede to any such proposed international treaty, protocol, etc.; while inquiring into complaints of violations of child rights, may call for information or report from the Federal Government, civil society organizations and autonomous or concerned bodies and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1901) for enforcing of the any person and compelling the production of documents and; i) undertake such other functions as assigned by the Federal Government and as it may consider necessary for promotion and protection of child rights and any other matter incidental to the above functions.

The Commission, during the first year of its work, has done some extra ordinary performance regarding protection of children's rights in Pakistan and addressed the child abuse cases from all over the Pakistan by adopting the following referral and redressal methods.

- More than 27 child abuse cases were referred to relevant departments (3 ICT, 1 Sindh, 5 KP, 5 Punjab, and 13 Balochistan).
- Visit of Bahawalpur and Multan to inquire two respective cases of child abuse (forced conversion and attempt of rape).
- Regular response to concerned government departments and ministries on issues related to child rights and protection.
- Response given to more than 15 queries/cases/follow-ups.
- In year 2020, the Commission was actively engaged with print, electronic media and conducting of seminars and webinars to promote and advocate child rights.

March 2020: Zainab Alert, Response and Recovery Act 2020

The Federal Government has enacted the Zainab Alert Response and Recovery Act 2020 to make provisions for raising alerts, response and recovery of missing, abducted, abused or kidnapped children in Pakistan so that the incidents such as that of a seven-year-old Zainab, resident of District Kasur, who was abducted, raped and murdered in January 2018, do not occur again in future. The objective behind the enactment of this law was to strengthen the current laws and procedures to effectively monitor, trace or recover missing and abducted children and to provide a speedy system of investigations, trials and rehabilitation of child victims and for prevention and curbing of criminal activities against the children. Initially this law

was enacted for ICT but later on the scope of this law was extended to all over the Pakistan.

As per this law, a helpline will be set up to report missing children while the Government will establish the Zainab Alert, Response and Recovery Agency (ZARRA) to issue an alert for a missing child. The agency will coordinate with all relevant federal and provincial authorities and law enforcement agencies, and maintain an online database of all children reported missing or abducted with their current status.

The police will inform ZARRA about an incident of a child missing or abducted within two hours of receiving such a report and if the agency directly receives information of a child going missing or having been abducted, it will inform the relevant police station immediately.

Under this law, upon receiving information that a child is missing, the officer in charge of the police station will reduce the same into writing in the same manner as prescribed for a cognizable offence under Section 154 of the Code of Criminal Procedure (Carps), and will be mandated to start an investigation of the case and recover the missing child.

In coordination with the Pakistan Telecommunication Authority (PTA), messages will be generated to all service providers regarding the child. The information will be sent to all electronic and print media as well as radio stations to disseminate. In the case of a child's disappearance, the police will have to immediately file a first information report (FIR).

If the officials do not cooperate and fail to register an FIR, the responsible official will be slapped with a fine of Rs100,000 and sentenced to prison for two years³⁶.

April 2020: Pakistan Launched its First Education Channel to Educate Children at Home

On 13th April 2020, Prime Minister Imran Khan launched Tele School Television Channel with an aim to impart education to children at their doorsteps during the COVID-19 closures of schools. Teleschool

³⁶ Zainab Alert Response and Recovery Act, 2020,

web: http://www.na.gov.pk/uploads/documents/1591608391_324.pdf

Channel is a joint project of Pakistan Television Limited and the Ministry of Federal Education and Professional Training, will be available on satellite, terrestrial and cable. It aims to provide benefit to those children living in remote areas where there is no infrastructure for primary education. It broadcasts programmes from 8am to 5pm every day and deliver content for the students of grades 1 to 12. In the morning sessions, English, Math, Urdu and General Science lessons are dedicated for junior students whereas subsequent sessions cater the needs of senior students. The Education Ministry also developed a course schedule for the channel. Tele school television channel is a productive opportunity for the parents and the step would also help around 20 million out of school children to receive benefit from this TV channel. This initiative of the Govt. would be continued after the end of coronavirus disease³⁷.

June - July 2020: Banning of Child Domestic Labour in ICT through Amendment in the Employment of Children Act 1991 (Act V of 1991)

The Employment of Children Act 1991 prohibits the employment of children below the age of 14 in certain occupations, processes and to regulate the conditions of work of children. The law provides the list of banned occupations and processes in Part I and Part II respectively of its Schedule mentioned at the end. But the lacuna in this law was that this law was not providing protection to child domestic workers and child domestic labour was not included in the list of unsafe and hazardous occupations set forth in Part I of its Schedule.

After 18th constitutional amendment, this law applies to Islamabad, but provinces are equally empowered to legislate on this subject. Section 4 of the Act empowers the Federal Government to add any occupation or process to the schedule of banned occupations and processes through a notification in the official Gazette.

Minister for Human Rights Dr Shireen Mazari had been pushing to include domestic labour by children as a hazardous line of work under this Act and in this regard Ministry of Human Rights (MoHR)

³⁷ 'PM launches Tele School Television Channel', *The Nation*, 13 April 2020.

web: <https://nation.com.pk/13-Apr-2020/pm-launches-tele-school-television-channel>

submitted a summary to Federal Cabinet for its sanction.³⁸The Ministry's summary was approved by the Cabinet and on 30 July 2020, the MoHR notified the S.R.O. 650(I)/2020³⁹, which bans child domestic labour in ICT and includes it in the list of banned occupations mentioned in Part I of the Schedule of the Act. After amendment in the Part I of the Schedule of the Employment of the Children Act 1991, it is read as "The Employment of Children Act 1991 (The Schedule Part I Occupations).Any occupation connected with transport of passengers, goods or mails by railway; cinder picking, cleaning of an ash pit or building operation in the railway premises; work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train; work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines; a port authority within the limits of any port; work relating to selling of crackers and fireworks in shops with temporary licenses; and child domestic labour

The subject of labour is with the ministries of interior and overseas Pakistanis, and not comes under the domain of Ministry of Human Rights. So, the amendment in the Act is a big achievement for the Ministry, because it went beyond its mandate to fight for the change.

July 2020: Domestic Violence (Prevention and Protection) Bill 2020

Ministry of Human Rights has drafted the *Domestic Violence (Prevention and Protection) Bill 2020*⁴⁰ and on July 8th2020 introduced it in the National Assembly of Pakistan. Though Domestic Violence (Prevention and Protection) Bill 2020, a Legal and institutional

³⁸ 'Child domestic labour to be criminalized', *DAWN*, 18 June 2020.

web: <https://www.dawn.com/news/1564188>

³⁹ 'Notification of banning of child domestic labour in ICT' published in the *Gazette of Pakistan*, Islamabad, 4 August, 2020. web:

[http://www.pcp.gov.pk/SiteImage/Downloads/5777%20\(20\)Ex%20Gaz-II.pdf](http://www.pcp.gov.pk/SiteImage/Downloads/5777%20(20)Ex%20Gaz-II.pdf)

⁴⁰ Domestic Violence (Prevention and Protection) Bill 2020, A Govt. bill prepared by *Ministry of Human Rights*, 08 July 2020. web: http://na.gov.pk/uploads/documents/1594277579_559.pdf

framework has been proposed for the territorial jurisdiction of Islamabad Capital Territory to ensure that victims of domestic violence are provided legal protection and relief and the perpetrators of this offence are punished. Such kind of legislation has also been enacted in all the provinces of Pakistan.

July - August 2020: Pakistan's Nationwide Polio Vaccination Campaign Reaches 39 Million Children

Despite heavy rain and flooding in several provinces, Pakistan's national polio immunization campaign reached over 39 million under-five children with the polio vaccine. More than 260,000 trained frontline workers went door to door and, in the context of COVID-19, were equipped with personal protective gear, to ensure the safety of children, caregivers and polio workers.

This was the country's first polio campaign since activities were paused for first six months of the year due to the COVID-19 pandemic. The Pakistan Government, with support from UNICEF, WHO and GPEI partners, resumed polio activities in July and conducted two sub-national campaigns in July and August 2020, when COVID-19 cases started declining in the country⁴¹.

September 2020: ICT Rights of Persons with Disability Act, 2020

As State Party to the UN Convention on the Rights of Persons with Disabilities (UNCRID), Pakistan is obliged to ensure and promote the full realization of rights and freedoms for persons with disabilities by taking appropriate legislative, administrative and policy measures. Keeping in view our national and international commitments, the ICT Rights of Persons with Disability Act, 2020⁴² was enacted by the Federal Government for protection and promotion of rights of Persons with Disabilities (PWDs) including women, children, senior citizens and transgender persons with disabilities.

⁴¹ Pakistan's nationwide polio vaccination campaign reaches 39 million children, *relief web*, 19 October 2020. Web: <https://reliefweb.int/report/pakistan/pakistan-s-nationwide-polio-vaccination-campaign-reaches-39-million-children>

⁴² ICT Rights of Persons with Disability Act, 2020, *Published in the Gazette of Pakistan* on 24 September 2020. web: http://na.gov.pk/uploads/documents/1601028302_229.pdf

The objective for enactment of this law is to promote, protect and effectively ensure the rights and inclusion of PWDs in the communities in line with the Islamic Injunctions and provisions of the Constitution of the Islamic Republic of Pakistan to advance efforts for recognition of their respect and dignity in the society. The law proposes legal and institutional framework for an inclusive society where PWDs have full participation in all forms of social life, particularly in health, education and employment sector.

Under this law, Council on Rights of Persons with Disabilities shall be established to achieve and implement objectives of this Act and to assist the Government in developing legal and institutional framework. The Govt. shall also establish a Fund called as '*ICT Disability Fund*' which shall be managed by the Council for sustainably financing projects and activities related to ensuring effective rights protection and inclusion in society of persons with disabilities. For speedy justice, the Government may designate and shall encourage Provincial Governments to designate courts to hear cases under this Act or other laws in which one or more parties are persons with disabilities.

October 2020: The Criminal Laws (Amendment) Bill, 2020

On October 26, 2020, a private member bill '*Criminal Laws (Amendment) Bill 2020*'⁴³ was moved by Pakistan Muslim League-Nawaz lawmaker Javed Abbasi in the Senate of Pakistan and passed by the Senate Standing Committee on Interior on 2 February 2021. The bill aims to increase the punishments of sexual offences and propose the public hanging of convicts of rape and unnatural offences to create deterrence against these heinous crimes.

The bill seeks to amend Section 376 and 377 of the Pakistan Penal Code. Section 376(1) in its proposed form reads as: "*Whoever commits [child sexual abuse] be punished with death or imprisonment for life without parole till death and shall also be liable to fine.*"

⁴³ The Criminal Laws (Amendment) Bill 2020, *Private Member Bill introduced in Senate of Pakistan* on 26 October 2020. web: http://senate.gov.pk/uploads/documents/1603887407_825.pdf

Under a proposed amendment to Section 377(2) of the PPC, “*whoever voluntarily has carnal intercourse against the order of nature with any boy under 18 years of age shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.*”

The bill wants high courts to conduct the trial of sexual offences against children and set a time frame of 30 days for completion of the trial and two months for adjudicating upon the appeals by the Supreme Court. The bill, if converted into an Act of parliament, will also close doors on compromise by the families of the children who become victims of sexual abuse. After the passage of this bill by Senate Standing Committee on Interior on 02 February 2021, the Chairman of the Committee asserted that in December 2020, the Anti-Rape Ordinance 2020 and Criminal Law (Amendment) Ordinance 2020 were notified by the Govt. to curb the rape offences, which shall also be clubbed with the bill during the final stage of its enactment.⁴⁴

October 2020: Zainab Alert Application

On October 15, 2020, the Ministry of Human Rights (MoHR) launched the Zainab Alert application on Pakistan Citizen’s Portal. The alert unifies and strengthens efforts to track and trace missing children and child abuse cases in Pakistan, following the recent enactment of the Zainab Alert, Response and Recovery Act in March 2020. The Zainab Alert system will activate the state machinery at relevant regional and district levels for effective emergency response and recovery of missing children. Through integration with the Pakistan Citizen’s Portal, the alert mechanism will be instantly available to 3 million registered users. The alert mechanism was launched at an event held at the MoHR. Zainab Ansari’s father, Amin Ansari attended the event as the guest of honour and launched the application.⁴⁵ The application was developed by the MoHR in collaboration with the Prime Minister’s Performance Delivery Unit.

⁴⁴ ‘Senate panel passes bill seeking hanging of child abusers’, *DAWN*, 03 February 2021.

web: <https://www.dawn.com/news/1605214>

⁴⁵ ‘Zainab Alert Application Launched’, *Ministry of Human Rights, Govt. of Pakistan*, 16 October

2020. Web: <http://www.mohr.gov.pk/NewsDetail/NmFIYzcvYTUtZjFkOS00NTYwLTk4NmYtODEyYTE5Nzc4ZGNm>

It will also establish a national reporting dashboard and a public web portal to allow both authorities and citizens to track and trace the progress of cases as well as the prevalence of incidents and reporting in regions/districts across Pakistan. The system will be monitored by the MoHR. The director general of Zainab Alert, Response and Recovery Agency (ZARRA) will supervise the mechanism and dashboard at the Ministry. Citizens who have no access to the internet could visit any government office or institution and request for the generation of an alert on their behalf.

Zainab Alert app has been integrated with district police officers (DPOs) and the regional police officers (RPOs) throughout the country and institutes a robust mechanism that will alert the DPOs and the RPOs through their respective dashboards as well as through SMS notifications. In Punjab, it is linked to 36, in Khyber Pakhtunkhwa to 33, and in Sindh to 50 district police officers.⁴⁶ Police officials after initial validation of the alerts shall mobilise immediately. Inspectors general of police (IGPs) will be responsible for following up in their provincial capacities as well as the chief ministers and provincial home secretaries. Ultimately, the mechanism and dashboard will be integrated with the Ministry of Human Rights' 1099 helpline and application for reporting human rights abuses and violations.⁴⁷

October 2020: Ministry of Human Rights Launched Application for Differently-Abled People in Pakistan

On October 22, 2020, Minister of Human Rights, Dr. Shireen M Mazari launched a Mobile App for Differently-Abled Children to help create awareness about education, vocational training and rehabilitation services available for such children in Special Education Centers and Institutions working under Directorate General of Special Education (DGSE). Services such as physiotherapy, occupational therapy, speech therapy, audiology, medical, ophthalmology and artificial limbs are also being provided free of cost to special children in such centers/institutions. The use of this App aims to assist special

⁴⁶ 'Zainab Alert app launched nationwide for recovery of missing children', *The News International*, 15 October 2020. web: <https://www.thenews.com.pk/latest/729787-zainab-alert-app-launched-nationwide-for-recovery-of-missing-children>

⁴⁷ See Supra Note 55.

children in selection of suitable educational institution near to their residence and they can apply online without physical access to institutions/centres working under DGSE. The parents of Differently-Abled children can also obtain detailed information about services, facilities and admission policies of the institutions.

The app has been designed by the Directorate General of Special Education (DGSE) with technical support of the National Information Technology Board (NITB) and it has the potential to bring approximately 30,000 out of school Differently-Abled children into the educational stream.

The App under the moniker “DGSE App for Differently Abled Persons” is available for download on Google Play Store and AppleApp Store. For now, it lists the special education schools available in the twin cities. However, like other applications developed by NITB, this one will expand to other cities soon⁴⁸.

November 2020: Ministry of Human Rights 1099 Emergency Helpline Application Launched for Reporting of Human Rights Violation Cases

The ministry of Human rights (MoHR) operates helpline 1099 to receive complaints regarding human rights violation cases in the country and provide free legal advice, redressal and referral services to the complainants. To facilitate the victims or survivors of abuse, the MoHR has now launched 1099 Emergency Helpline App for reporting of incidents of abuse, neglect, exploitation and violence etc. The aim of launch of this App is to promote and protect the rights of women and children, especially to address the issues of violence against women and children, domestic abuse, harassment, and the protection of social and property rights.

People can report cases by calling MoHR 1099 helpline number or by downloading the Ministry’s rolled out ‘Helpline 1099 App’ and can submit their complaints online. The app under the moniker ‘Helpline

⁴⁸ ‘HR Ministry Launches App for Differently-Abled People in Pakistan’, *ProPakistani.Pk*, 22 October 2020.
web: <https://propakistani.pk/2020/10/23/hr-ministry-launches-app-for-differently-abled-people-in-pakistan/>

1099 MoHR' is now available for download on Google Play Store and Apple App Store⁴⁹.

November - December 2020: Anti-Rape Legislation

Due to increase in number of rape and sexual abuse cases with children and women in Pakistan, the Federal Govt. in the last quarter of 2020 has enacted legislation on this subject to curb the sexual crimes in Pakistan. The new legislation against rape and sexual offences protects not only women, men and transgender persons of all ages, but also children under 16 years of age. The issue is addressed by the Govt. by enacting the two new laws: a) Anti-Rape (Investigation and Trial) Ordinance, 2020⁵⁰ and (b) Criminal Law (Amendment) Ordinance, 2020⁵¹

Anti-Rape (Investigation and Trial) Ordinance, 2020

The key objective of this law is to ensure expeditious redressal of rape and sexual abuse crimes against women, men, children and transgender persons through special investigation teams and special courts providing for efficacious procedures, speedy trial, evidence and matters connected therewith. Some newly introduced key features of this Ordinance are as under;

- **Special Court**, upon taking cognizance of a case, shall decide the case expeditiously, preferably within four months. A Special Court shall not grant more than two adjournments during the trial of a case, out of which one adjournment shall be upon payment of costs by the person seeking adjournment.
- **Anti-Rape Crisis Cells** shall be established or designated throughout the country in relation to sexual offences, at such public hospitals with adequate medical facilities.
- **Two-Finger Virginity Testing** for the purposes of medico-legal examination of a victim shall be strictly prohibited and no probative value shall be attached thereto. Any evidence to show

⁴⁹'MoHR 1099 Emergency Helpline App Available on the Google Play Store', *Ministry of Human Rights, Govt. of Pakistan*, 26 November 2020.
web:

<http://www.mohr.gov.pk/SliderDetail/OThkY2ZkY2QtMzM5NS00MWRmLTljMGItNjdiMjUyYTc4NjVk>

⁵⁰See Supra Note 4.

⁵¹See Supra Note 5.

that the victim is generally of immoral character, shall be inadmissible.

- An opportunity of ***Cross Examining*** the victim shall be given to the counsel of the accused and not the accused himself, or the Court may itself put questions to the victim or any questions framed by the accused may be given to the Presiding Officer of the Court who may put such questions, as found appropriate, to the victim.
- ***Register of Sex Offenders*** shall be maintained at national level with the help of National Data-Base Registration Authority, the details of which may not be published or released except to a court of law or a law enforcement agency.

Criminal Law (Amendment) Ordinance, 2020: This law prescribes amendments in the Pakistan Penal Code, 1860 and Code of Criminal Procedure, 1898 by extending the scope of definition of rape and sexual abuse offences and introduce harsher punishments for sex offenders including chemical castration, death sentence, life imprisonment, imprisonment for the remainder period of natural life and fine. Gang rape has also been included in the definition of rape under this law.

Chemical Castration under this Ordinance means a process, whereby a person is rendered incapable of performing sexual intercourse for any period of his life, as may be determined by the court, through administration of drugs which shall be conducted through a notified medical board.

December 2020: Pakistan Launched First Radio School and Education Portal

On 4 December 2020, Prime Minister Imran Khan formally launched Radio School and Education Portal to provide education through distance learning during Covid-19 pandemic. The initiative of Radio School has been launched as a joint venture between Ministry of Information and Broadcasting and Ministry of Federal Education and Professional Training to ensure continuity of education, disrupted due to Covid-19. The children belonging to far flung areas would take benefit from this initiative of Federal Education Ministry as the Radio Pakistan has complete access across the country. Distance learning will also help students of backward areas to get quality education even after the pandemic.

Radio Pakistan and the Ministry of Federal Education and Professional Training have signed a memorandum of understanding (MoU) in this regard. Under the MoU, educational programmes are being broadcast from various medium wave and FM networks of Radio Pakistan from 10:00 am to 12:00 noon and then as repeat broadcast from 2:00 pm to 4:00 pm seven days a week, so that the children working in workshops would take benefit from it and not be deprived of the basic right of education. Besides broadcast of Radio School's educational programmes, this facility is also available on mobile apps, which can be downloaded via Apple App Store and Google Play Store⁵².

December 2020: Operationalization of Pilot Child Court in Federal Capital Islamabad

The pilot child court was established in Islamabad under ICT Child Protection Act 2018. The first-ever child court in Federal Capital would adjudicate upon any kind of case related to children. Although this court was not formally inaugurated, but it's operational and exists at the premises, where the district courts are⁵³.

January 2021: Islamabad Educational Examinations (Prevention of Unfair Means) Bill 2021

On January 25, 2021, a private member bill 'Islamabad Educational Examinations (Prevention of Unfair Means) Act 2021'⁵⁴ was introduced in the Senate of Pakistan. The bill prohibits the exercising of malpractices in the form of leakage of questions papers, use of unfair means and other illicit practices in educational examinations in Islamabad Capital Territory. The legislation also prescribes punishments for unfair means, misconduct, leaking confidential information relating to examination and forgery in record/degrees etc. in educational examinations.

⁵² 'PM launches Radio School, Education Portal today', *Radio Pakistan*, 04 December 2020.

web: <https://www.radio.gov.pk/04-12-2020/pm-launches-radio-school-education-portal-today>

⁵³ See Supra Note 6.

⁵⁴ Islamabad Educational Examinations (Prevention of Unfair Means) Bill 2021, *Private Member Bill introduced in Senate of Pakistan* on 25 January 2021.

web: http://senate.gov.pk/uploads/documents/1611662536_338.pdf

February 2021: The ICT Prohibition of Corporal Punishment Bill 2019

On February 23, 2021, the National Assembly passed a private member bill *'The ICT Prohibition of Corporal Punishment Bill'* with the consensus of Government and opposition. This bill was moved by Mehnaz Akbar Aziz of the PML-N MNA. It had been passed by the National Assembly Standing Committee on Education as far back as 2019 but could not make progress as discussion on the legislation was withheld for 15 months after which it was referred to another committee, where it remained pending.

The law is applicable in ICT and provides provisions for the protection of children against corporal punishment by any person at workplace, in all types of educational institutions including formal, non-formal, and religious both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings both public and private, and in the Juvenile Justice System.

The proposed law, which will now go to the Senate, will penalize teachers for assault and hurt inflicted upon children, regardless of intention, cancelling out the provisions of section 89 of the Pakistan Penal Code which had allowed teachers and guardians to administer physical punishment “in good faith” and “for the benefit” of the child.

Human Rights Minister Shireen Mazari presented an amendment under which complaints put forward by children would be brought before a court or a magistrate instead of leaving the complaint procedures vague. The amendment was made part of the bill before the lower house gave clause by clause approval to it.⁵⁵

⁵⁵ ‘Historic: NA passes bill to ban corporal punishment in the capital’, *Dawn*, 23 February 2021.

web: <https://www.dawn.com/news/1608981>

Provincial Developments on Protection of Children Rights

In year 2020, due to nationwide COVID-19 lockdown, provincial Governments have not done much work for protection of children rights. However, some provinces have done some extra-ordinary work related to protection of children rights. They can be spotlighted in the forthcoming section.

Khyber Pakhtunkhwa

January-February 2020: Notification of Establishment of Juvenile Justice Committees in KP

In January and February 2020, the KP Govt. and KP High Court notified the establishment of six Juvenile Justice Committees in different districts and newly merged tribal areas in KP. These JJs were established in Abbottabad, Bajaur, Mohmand, Peshawar, Mardan and Chitral areas of KP to exercise the *Diversion* process under JJSA 2018⁵⁶.

08 August 2020: Inauguration of First Child Court in Mohmand Tribal District of KPK

On August 8, 2020, Peshawar High Court Chief Justice Waqar Ahmad Seth virtually inaugurated the merged tribal districts' first-ever Child Court in Ghalanai, headquarters of Mohmand tribal district in KP. The high court has posted additional district and sessions judge Wali Mohammad as the presiding officer of the Mohmand child court, which is the fourth such court in the province. Three cases were assigned to the court on its first day with the directions for their disposal within a month. The Mohmand Child Court's ceremony was attended by judicial and administrative officers and the chief justice addressed them through video link. The creation of such court is to provide 'speedy, child-sensitive and fair justice' to children in contact or in conflict with the law as envisaged in the JJSA 2018, Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010, and Constitution⁵⁷.

⁵⁶ See Supra Note 8.

⁵⁷ 'PHC chief justice inaugurates child court in Mohmand', *DAWN*, 9 August 2020.

web: <https://www.dawn.com/news/1573350/phc-chief-justice-inaugurates-child-court-in-mohmand>

September 2020: Notification of Establishment of Juvenile Justice Committee in District Charsadda, KP

In September 2020, the KP Govt. has issued notification for establishment of a Juvenile Justice Committee in District Charsadda of KP to exercise the *Diversion* process under JJSA 2018⁵⁸.

08 December 2020: Khyber Pakhtunkhwa School Bags (Limitation of Weight) Act 2020

It has taken the KP government almost one-and-a-half years to comply with the Peshawar High Court order that had directed in April 2019 for enactment of law against heavy school bags in the province.

On December 8, 2020, the Khyber Pakhtunkhwa Assembly passed the Khyber Pakhtunkhwa School Bags (Limitation of Weight) Act 2020⁵⁹ to regulate and fix average weight of school bags in the province in order to give relieve to school going children from carrying heavy school bags. The purpose of this legislation is to eliminate the possibility of deformities and spinal abnormalities in schools students caused due to excessive weight of their School Bags.

The law provides that disciplinary action will be taken against principals of government institutions where children are found to be carrying school bags in excess of the prescribed weight. On the other hand, private schools found in violation of the law will be penalized with fines up to rupees 200,000. Under the Khyber Pakhtunkhwa School Bags (Limitation of Weight) Act 2020, which is the first of its kind in Pakistan, average weight of schoolbags for each grade has been setup as follows;

⁵⁸ See Supra Note 8.

⁵⁹ The Khyber Pakhtunkhwa School Bags (Limitation of Weight) Act 2020, published in the *Gazette of Khyber Pakhtunkhwa* on 28 December 2020. web: <https://www.pakp.gov.pk/wp-content/uploads/The-KP-School-Bags-limitation-of-weights-Act2020-Gaztted.pdf>

Sr. No.	Class	Average Weight of School Bag
1.	Pre-Grade 1	1.5 kg
2.	Grade 1	2.4 kg
3.	Grade 2	2.6 kg
4.	Grade 3	3.0 kg
5.	Grade 4	4.4 kg
6.	Grade 5	5.3 kg
7.	Grade 6	5.4 kg
8.	Grade 7	5.8 kg
9.	Grade 8	5.9 kg
10.	Grade 9	6.0 kg
11.	Grade 10	6.5 kg
12.	Grade 11	7.0 kg
13.	Grade 12	7.0 kg

According to International Chiropractic Pediatric Association (ICPA) a schoolbag should not exceed more than 15 per cent of a child's total body weight. An average kindergarten student, who weighs between 15 and 20kgs, should not carry a bag weighing more than 2.25 kgs to 3kgs. Similarly, an average second grader, weighing between 20 and 23kg, should not be asked to carry a school bag which is heavier than 3kg to 3.5 kg per the 15 per cent rule.⁶⁰

15 January 2021: The Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021

In November 2018, Khyber Pakhtunkhwa cabinet had approved the bill against domestic violence, which was welcomed by the members of civil society organizations and activists as K-P was the

⁶⁰ 'Pakistan: School bag weight limit to be set by Khyber Pakhtunkhwa government', *Gulf News*, 09 October 2020. web: <https://gulfnews.com/world/asia/pakistan/pakistan-school-bag-weight-limit-to-be-set-by-khyber-pakhtunkhwa-government-1.74459281>

only province in Pakistan that did not have a domestic violence law. It is already a criminal offence in Sindh, Punjab and Balochistan provinces.

It took almost two years to enact this law and in January 2021, KP Provincial assembly passed the *Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021*⁶¹ to curb the menace of domestic violence against women and girls in Khyber Pakhtunkhwa province in order to protect them from sexual abuse, psychological abuse, economic abuse and stalking.

As per this law, violence against women and girls could be punished with imprisonment for a minimum of one year and a maximum of five years in addition to fine as provided for said offence under Pakistan Penal Code 1860, while economic, psychological and sexual pressure would also be defined as violence against women and girls.

Under the law, a six-member District Protection Committee would be constituted headed by the deputy commissioner of concerned district, which would be responsible for providing medical treatment, legal assistance, shelter and support to the victims. Committee shall aware the community including women at grass root level about their rights provided under this law besides keeping record of complaints, petitions and court orders etc.

The law says that a victim of domestic violence may file an application to the court to sought relief under this law within 15 days of the occurrence. Court after taking cognizance of a case proceed with the trial on day-to-day basis and shall decide the case within sixty days. A breach of the court order shall deem to be an offence under this law. A toll free helpline would also be setup for reporting of the incidents of domestic violence.⁶²

⁶¹Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021, *passed by KP Provincial Assembly* on 15 January 2021.

web: https://www.pakp.gov.pk/wp-content/uploads/Report-of-Domestic-Violence_opt.pdf

⁶² ‘New Law to prevent domestic violence against women: CM’, *Dawn*, 25 January 2021.

Balochistan

February 2020: Inauguration of First Child Protection Unit in Quetta

On 10 February 2020, the first ever child protection unit has been established in Quetta that will ensure the safety of children in Quetta. The unit has been established in collaboration with UNICEF and Social Welfare Department. It has been established as part of the Child Protection Act passed by the Balochistan Govt. in 2016. The Unit will be working for all children whether they are under parental care, community care or commercial institutes. First they will be given awareness and then taught preventive measures.

The Unit has developed the child protection case referral model and has the staff to deal with cases of abuse. Child protection officers, case workers and management information system will all respond immediately through a helpline which has also been established. Teams will then respond on ground and go to the site to investigate. Abused children will be shifted to the Unit for 72 hours as part of protocol. If it's a medical case it will be referred to the hospital. If it's a police case, it will be referred to the police or courts. Social welfare and other government departments did not have any data compilation system earlier to record cases of child abuse, but the Unit will start working on it now⁶³.

June 2020: Operationalization of Pilot Child Court at Quetta, Balochistan

In Balochistan province, the first model child court was inaugurated at Quetta city by the Balochistan High Court with the collaboration of civil society organization Group Development Pakistan. The first-ever child court in the province would adjudicate upon the cases related to children. Any kind of cases in which children are in-conflict with the law or in-contact with the law would be dealt with by such court⁶⁴.

web: <https://www.dawn.com/news/1603412/new-law-to-prevent-domestic-violence-against-women-cm>

⁶³ 'First child protection unit opens up in Balochistan', *SAMAA TV*, 13 February 2020.

web: <https://www.samaa.tv/news/pakistan/2020/02/first-child-protection-unit-opens-up-in-balochistan/>

October - November 2020: The Balochistan Seized and Freezed Institutions (Madaris and Schools) Act, 2020

On 26th October 2020, the Provincial Assembly of Balochistan passed 'The Balochistan Seized and Freezed Institutions (Madaaris and Schools) Act 2020' which was assented by the Governor Balochistan, on 06th November, 2020. This law provides for establishment of Madaris and Schools Management Board to manage the seized and freezed institutions; to ensure mainstreaming of students of such institutions, and to deal with other matters connected therewith⁶⁵.

Recommendations

1. Pakistan does not have a single and comprehensive piece of legislation covering all children's rights in the country. Nevertheless, laws related to protection of children rights are present in different general thematic codes and exclusive acts. Therefore, instead of enacting separate legislation on each thematic area of children rights, a single compendium of child related laws, which covers all the thematic areas related to children needs to be enacted. This single comprehensive piece of legislation should be applicable to all the provinces, administrative territories and Islamabad Capital Territory.
2. In Pakistan, there is no uniform definition of child in all the statutes applicable on children. So, instead of focusing on different definitions of child in Pakistani laws, we need to focus on one internationally recognized definition of child as per UNCRC, i.e. "Any person who has not attained the age of 18 years would be called a child". This uniform age of child (18 years) must be adopted in all the federal and provincial laws in order to harmonize those with UNCRC. This is strongly recommended.

⁶⁴ See Supra Note 6.

⁶⁵ 'The Balochistan Seized and Freezed Institutions (Madaaris and Schools) Act 2020', *Balochistan Provincial Assembly Secretariat Notification* on 9 November 2020.
web: http://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2020-11-10_16:26:56_a4b1f.pdf

3. The Federal Government should ratify the 'Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure'.
4. The national and provincial assemblies must pass all the pending bills related to children and to harmonize all domestic laws applicable on children with UNCRC.
5. All provinces have a lot to achieve when it comes to passing laws restricting child labour, sexual abuse and other forms of exploitation and abuse. For example, despite the enactment of anti-child marriage laws in Sindh and Punjab, child marriages are still too common in these provinces. Similarly, other provinces Balochistan, Khyber Pakhtunkhwa, Azad Jammu and Kashmir (AJ&K) and Gilgit Baltistan (GB) are yet to enact pending legislation on this subject.
6. The Child Marriage Restraint Act 1929 should be amended with the minimum punishment of imprisonment and fine for perpetrators be increased. Penalties should be applicable to parents of both bride and groom as well as to aiders, abettors and facilitators of child marriage. The minimum age of marriage for both boys and girls should be set to 18 years as per international standards.
7. To address the child labour, the Govt. should conduct the national child labour survey to determine the exact figure of child laborers in both formal and informal sector and the minimum age for employment must be raised to 15 years.
8. AJ&K and GB lag far behind in terms of both legislation and implementation of existing laws for ensuring child rights. There is a dire need for new legislation on the subject of child protection in GB and AJ&K and its due implementation in these areas.
9. Child Protection Units must be established throughout the country to provide free services to child survivor of abuse.
10. Juvenile Justice System needs to be strengthened by strictly obeying the guidelines issued on this subject by International

laws and by following the best practices of other countries in this area. This can be achieved by fully implementing Juvenile Justice System Act 2018 (JJSA 2018) in its letter and in spirit. The rules of JJSA 2018 are not been enacted so far, so these should be enacted as soon as possible for its full implementation.

11. Minimum age of criminal responsibility should be raised to an age acceptable by international human and child rights standards, which is 14 to 16 years under the guidelines issued by UNCRC Committee.
12. Govt. should develop the national and provincial strategies to overcome the increasing number of street children and to provide nutrition, shelter, healthcare and educational facilities.
13. Special initiatives for differently-abled children (CWDs) are required by the Government. These should include an increase in the currently available schools for such children throughout the country, vocational training to help adolescents with disabilities make use of technology to be able to integrate themselves as productive members of society, and establishing special sections in public sector institutions to address the specific needs of differently-abled children.
14. Single National Curriculum (SNC), which has been adopted by incumbent Govt. to create 'One System of Education for All' from Kindergarten to Grade XII is very important step towards introducing education reforms in the country. SNC must be implemented in all provinces of Pakistan immediately and in the curriculum, subjects of (i) child rights and child protection (ii) gender equality and justice (iii) rule of law and peaceful co-existence must be incorporated.
15. The public and private mainstream media, as well as social media, need to promote child rights and child protection, as well as gender equality and justice by adhering to their mandatory quota of Public Service Messages and their own Codes of Conduct.

16. State should adopt a comprehensive National Action Plan for protection of children rights and to eliminate child poverty in the country. To achieve this objective, a sufficient budget must be allocated by both Federal and Provincial Government for its implementation and improvements in poverty related deprivation among children.

Conclusion

Year 2020 was a year of COVID-19 pandemic which had adverse impact on all spheres of life throughout the year across the world. The pandemic has affected every citizen of Pakistan including children as well as Government departments, institutions, INGOs, NGOs and legislators responsible for the protection of children rights. Despite the global harmful effects of COVID-19 on every segment of society, Pakistan has made improvement on its position in the global ranking of child-friendly countries. In year 2020, Pakistan has been placed at 147th position in overall global child rights index of 182 countries, which is an improvement over year 2019 ranking of 151st position. This became possible only, because at national level, Pakistan has done some extra-ordinary work for protection of children rights in year 2020. The Federal Govt. especially Ministry of Human Rights has enacted some landmark legislation, introduced draft of bills in the parliament for protection of children rights, developed web-based applications to facilitate women, men, children, senior citizens, differently-able persons and transgender or intersex persons to receive the benefit of services offered by the MoHR. MoHR and newly established NCRC provided legal, psycho-social and medico-legal support to survivors of abuse through referral mechanisms. The Federal Government has launched first Tele School Television Channel, Radio School and Education Portal to provide education to children of Pakistan in their homes through distance-learning.

The steps and measures for children protection by Provincial Governments, except KP and Balochistan, are dismaying. KPK and Balochistan provinces have done appreciable work for protection of children rights including enactment of legislation, whereas other provinces were silent on this issue. To sum up, it can be stressed that Pakistan can further improve its position in the global ranking of child friendly countries by following the standards and principles articulated in the UNCRC. To achieve this target, the Govt. should devise a

proper plan of action for the implementation of the Concluding Observations and Recommendations of the Committee on the Rights of the Child about Pakistan.

CHILD LABOUR



Introduction

Child labour is a grave social problem. It is a practice that engages children in economic activities at the cost of their potential development. Child labour can negatively affect physical, mental, social and emotional health of a child. Countries and organizations across the global north and south have declared child labour violation of children's right. This chapter highlights the issue of child labour in Pakistan.

The statistics of 2017-2018 Census of Pakistan shows that children are 35 percent of the total population. Similarly, the Census recorded approximately 87.938 million under the age of 18. A large number of these under eighteen children are engaged in child labour. Poverty, low quality of public schooling, and high dropout ratio from schools are the causes attributed to child labour in Pakistan. The rampant increase in child labour in Pakistan has been a serious concern since 1990s.

According to the first Child Labour Survey carried out in Pakistan in 1996, an estimated 3.3 million children were engaged in Labour.¹ Poverty was cited as the main reason for Pakistani children not attending school and engaging in child Labour.² In March 2019, after a gap of 23 years, Ministry of Human Rights (MoHR) announced to conduct a survey in partnership with UNICEF. The survey is intended to be completed by December 2021. Nevertheless, the latest possible statistics can be drawn from Pakistan Labour Force Survey (2017-18)³. According to the survey, Child Labour between the ages of 10-14 is 8.2 percent. 9.8 percent of them are boys, and 6.4 percent are girls. Children in the 15-19 age group comprise 32.6 percent of overall child labour, of which 47.6 percent are boys and 15.6 percent are girls.⁴ One explanation for this gender difference is that girls are less noticeable due to their services as domestic workers. Majority of

¹<https://www.thenews.com.pk/print/746852-corporate-sector-media-urged-to-make-effort-for-creating-protective-environment-for-children>

²<https://tribune.com.pk/article/94211/94211>

³<http://www.pbs.gov.pk/content/Labor-force-survey-2017-18-annual-report>

⁴http://www.pbs.gov.pk/sites/default/files//Labor%20Force/publications/lfs2017_18/Annual%20Report%20of%20LFS%202017-18.pdf

the children are working in the agriculture sector whereas industrial sector stands second. A large number is also engaged in the provision of non-formal business and domestic services.

Education is a constitutional right of every child between the ages of 5 to 16 years in Pakistan. However, getting children to school has proven to be a consistent challenge for the state. According to UNICEF estimates, currently, 22.8 million children aged 5-16 in Pakistan i.e. 44% of total children in Pakistan are out of school.⁵ This is the second highest number in the world after Nigeria. At the primary level 5.06 million children 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. The ratio of out of school girls is higher than that of boys. Out of total 22.84 million, 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.⁶

International Commitments

Pakistan is signatory to several international conventions which demand immediate and effective measures to eradicate child Labour and forced Labour in all their forms. These commitments require urgent action on eradication of child Labour. Through provision of quality education and punitive action in case of violence against children. Some of the international commitments are outlined here:

- UN Convention on the Rights of the Child (UNCRC)⁷
- UN CRC Optional Protocol on Armed Conflict⁸
- UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography⁹
- ILO Minimum Age Convention (C.138), 1973¹⁰

⁵<https://www.unicef.org/pakistan/education#:~:text=Currently%2C%20Pakistan%20has%20the%20world's,population%20in%20this%20age%20group.>

⁶ UNICEF, Every Child Learns report 2019

⁷<https://www.unicef.org/child-rights-convention>

⁸<https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>

⁹<https://www.ohchr.org/en/professionalinterest/pages/opscrc.aspx>

- ILO Worst Forms of Child Labour Convention, 1999 (C.182)¹¹
- Domestic Workers Convention (C. 189), 2011¹²
- SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution (2002)¹³
- Sustainable Development Goal 8.7¹⁴

Government of Pakistan’s Constitutional Commitments:

- Article 3: Elimination of All Forms of Exploitation¹⁵
- Article 11: Ban of Employment of Under-14 Children in Factories, Mines and Hazardous Labour¹⁶
- Article 25-A: Free and compulsory education to all children of the age of five to sixteen years¹⁷
- Article 37-E: Humane Working Conditions¹⁸

National Commitments

- Mines Act, 1923¹⁹
- Pledging of Labour Act, 1933²⁰
- The Factories Act, 1934²¹
- The West Pakistan Shops and Establishments Ordinance, 1969²²

¹⁰https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138#:~:

¹¹https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

¹²https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

¹³<http://un-act.org/wp-content/uploads/2015/11/South-Asian-Association-for-Regional-Cooperation-SAARC-Convention-on-Preventing-and-Combating-Trafficking-in-Women-and-Children-for-Prostitution.pdf>

¹⁴<https://indicators.report/targets/8-7/>

¹⁵<https://pakistanconstitutionlaw.com/article-3-elimination-of-exploitation/>

¹⁶http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

¹⁷<http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

¹⁸<https://pakistanconstitutionlaw.com/>

¹⁹<http://www.ilo.org/dyn/travail/docs/1007/mines>

²⁰<http://www.commonlii.org/pk/other/PKLJC/reports/55.html>

²¹<https://www.ilo.org/dyn/natlex/docs/>

²²<http://www.ilo.org/dyn/travail/docs/1008/West%20Pakistan%20Shops%20and%20Establishments%20Ordinance%201969.pdf>

- Employment of Children Act, 1991²³
- The Bonded Labour System Abolition Act, 1992²⁴

Provincial Commitments

- The Punjab Shops and Establishments Ordinance, 1969²⁵
- Punjab Bonded Labour System (Abolition) Act, 1992²⁶
- The Punjab Destitute and Neglected Children Act, 2004²⁷
- Punjab Restriction on Employment of Children Act, 2016²⁸
- Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010²⁹
- The Sindh Child Protection Authority Act, 2011³⁰
- Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015³¹
- Khyber Pakhtunkhwa Shops and Establishments Act, 2015³²
- Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015³³
- Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016³⁴
- Punjab Restriction on Employment of Children Act, 2016³⁵
- Sindh Prohibition of Employment of Children Bill, 2017³⁶

²³<https://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01>

²⁴<http://punjablaws.gov.pk/laws/1797a.html>

²⁵<http://punjablaws.gov.pk/laws/230.html>

²⁶<http://punjablaws.gov.pk/laws/1797a.html>

²⁷<http://punjablaws.gov.pk/laws/472.html>

²⁸<https://pcsw.punjab.gov.pk/Punjab%20Restriction%20on%20Employment%20of%20Children%20Act%2C%202016>

²⁹http://kp.gov.pk/uploads/2016/02/2._Child_Protection_and_Welfare_Act,_2010_.pdf

³⁰<http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIV%20of%202011.pdf>

³¹[http://kp.gov.pk/uploads/2016/02/13._Bonded_Labor_System_\(Abolition\)_Act,_2015_.pdf](http://kp.gov.pk/uploads/2016/02/13._Bonded_Labor_System_(Abolition)_Act,_2015_.pdf)

³²http://kp.gov.pk/uploads/2016/02/12._Shops_and_Establishments_Act,_2015_.pdf

³³http://kpcode.kp.gov.pk/uploads/2015_19_THE_KHYBER_PAKHTUNKHWA_PROHIBITION_OF_EMPLOYMENT_OF_CHILDREN_ACT_2015.pdf

³⁴<http://punjablaws.gov.pk/laws/2475.html>

³⁵<http://extwprlegs1.fao.org/docs/pdf/pak164577.pdf>

- Islamabad Capital Territory Child Protection Act, 2018³⁷
- Domestic Workers Employment Rights Bill, 2018³⁸
- Punjab Domestic Workers Act, 2018³⁹

Implementation Authorities

Government of Pakistan has authorized many Federal, Provincial and district bodies (organizations, agencies and committees) to take action against form(s) of child labour:

Department	Role
Police	Taking action against violation of laws
Provincial Labour Inspectors	Inspection of industrial zones and markets to monitor child labour
Federal Investigation Agency (FIA), Anti-Trafficking Unit	Enforcing counter measures against commercial and sexual trafficking
Inter-Agency Task Force	Coordinating with public and private service providers and implementation authorities to ensure the rights of children effected directly and indirectly by child trafficking
Labour Courts	Presiding the child labour violation cases
District Vigilance Committees	Implementing Bonded Labour System Act
Provincial Child Protection Units (CPU)	Providing support to “at-risk children”
Balochistan Child Protection Commission	Coordinating with public and private service providers and implementation authorities to ensure the rights of children effected directly and indirectly by child labour

³⁶<http://oit.org/dyn/natlex/docs/ELECTRONIC/104994/128249/F467961155/PAK104994.pdf>

³⁷http://www.na.gov.pk/uploads/documents/1528263176_639.pdf

³⁸<http://punjablaws.gov.pk/laws/2724.html>

³⁹<http://punjablaws.gov.pk/laws/2724.html>

Khyber Pakhtunkhwa Child Protection and Welfare Commission ⁴⁰	Coordinating with public and private service providers and implementation authorities to ensure the rights of children affected directly and indirectly by child labour
Punjab Child Protection and Welfare Bureau ⁴¹	Coordinating with public and private service providers and implementation authorities to ensure the rights of children affected directly and indirectly by child labour
Sindh Child Protection Authority ⁴²	Coordinating with public and private service providers and implementation authorities to ensure the rights of children affected directly and indirectly by child labour

Government of Pakistan Initiatives

Government of Pakistan has been working to support the most disadvantaged children. A number of initiatives have been taken at national level to support such children as under:

Department	Role
Pakistan Bait-ul-Mal (PBM)	PBM provides financial support and facilitates the disadvantaged families for sending their children to school that results in child labour reduction.
Contact Helplines	Operated by: FIA (Trafficking), Ministry of Human Rights (Violations), Provincial CPUs (Violation and Social Protection), Women Development Departments (Violation against girls, domestic workers)
Khidmat ATM Cards	Financial support to families to facilitate education of children and discouraging child labour

⁴⁰<http://kpcpwc.gov.pk/>

⁴¹<https://cpwb.punjab.gov.pk/>

⁴²<http://www.pas.gov.pk/index.php/acts/details/en/19/164>

Latest Developments

In a landmark decision on July 30, 2020, Pakistan for the first-time outlawed Child Domestic Labour (CDL) by proscribing it under Child Employment Act 1991 through a Gazette.⁴³ The notification is applicable for Islamabad Capital Territory. Nevertheless, the provinces can also adopt the amendment through a simple Provincial Assembly resolution. Other than Child Domestic Labour following occupations have been included:⁴⁴

- I. Transporting commuters and cargo via railway
- II. Cinder picking, cleaning of an ash pit or building in the railway premises
- III. Work at a cafeteria / restaurant at railway station which involves movement from one platform to another or into and out of a moving train
- IV. Construction work of a railway station or any work done near to or between the railway tracks
- V. Working for a port authority within the limits of any port
- VI. Employed at any shop with temporary license selling crackers and fireworks

Child rights activists appreciated this move by the government. They, however, further demanded increase in the legal age of child from 14 to 18 and prohibition of all forms of child labour in the country. According to children rights activists, the age of 14 years mentioned in the notification is in contradiction with the article 25-A of the 1973 constitution and the Right to Free and Compulsory Education Act 2012 in which a child till the age of 16 must attend school. It further contradicts United Nation Convention on the Right of the Child (UNCRC) ratified by Pakistan which defines a child as a human under 18 years of age. This difference in 'age of a child' in different Pakistani laws has remained a challenge in effective implementation.

On February 28, 2020, the National Commission on the Rights of the Child (NCRC) was notified by the Ministry of Human Rights after

⁴³<https://www.dawn.com/news/1572655>

⁴⁴<https://twitter.com/ShireenMazari1/status/1290619457988173824>

more than a year of enactment of the relevant law.⁴⁵ The National Commission on the Rights of the Child Act, 2017, was enacted in September 2017 to set up a multi-function commission to monitor and report compliance of United Nation Convention on the Right of the Child (UNCRC) and other international commitments made by Pakistan. Although there are separate child protection laws in all four provincial governments as well as in the Islamabad Capital Territory, this Act extends to the entire country.

Bureau of International Labour Affairs, United States Department of Labour reviewed Pakistani child labour related laws and policies in accordance to International Standards as of 2019⁴⁶:

Standard	Region	Meets International Standards
Minimum Age for Work	Federal	No
	Balochistan	No
	KPK	No
	Punjab	Yes
	Sindh	No
Minimum Age for Hazardous Work	Federal	No
	Balochistan	No
	KPK	Yes
	Punjab	Yes
	Sindh	Yes
Identification of Hazardous Occupations or Activities Prohibited for Children	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes
Prohibition of Forced Labour	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes

⁴⁵<https://www.dawn.com/news/1537788>

⁴⁶<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/pakistan>

Prohibition of Child Trafficking	Federal	No
	Balochistan	No
	KPK	No
	Punjab	No
	Sindh	No
Prohibition of Commercial Sexual Exploitation of Children	Federal	No
	Balochistan	No
	KPK	No
	Punjab	Yes
	Sindh	Yes
Prohibition of Using Children in Illicit Activities	Federal	No
	Balochistan	No
	KPK	No
	Punjab	Yes
	Sindh	Yes
Minimum Age for Voluntary State Military Recruitment	Federal	Yes
Prohibition of Military Recruitment by Non-state Armed Groups	Federal	No
	Balochistan	No
	KPK	No
	Punjab	Yes
	Sindh	Yes
Compulsory Education Age	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes
Free Public Education	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes

COVID-19 and Child Labour in Pakistan

According to a report by United Nations published on June 23, 2020, the Coronavirus (COVID-19) pandemic is likely to push more than 120 million South Asian children in poverty within next six months⁴⁷. It has to be noted that 240 million out of 600 million children in this region are already living in poverty. The report has mentioned that out-of-school children are at extreme risk of poverty. According to official statistics, Pakistan has the second largest number of out-of-school children (aged between 05 to 16) in the world. In 2018, this number amounted to 22.8 million. According to the World Bank report (2020), more than 930,000 additional Pakistani school going children might drop out because of poverty caused by the pandemic.⁴⁸ According to the report, these dropped out children who enters Labour force before graduation would cause Pakistan \$67 billion in the gross domestic product (GDP) at net present value in twenty years compared to if they had completed their education and then entered the market.

Parents with meager income are forced to send their children to earn their own bread.⁴⁹ Children are preferred as domestic workers, factory workers, hawkers, shop helpers as they are cheap labour and can be dominated. According to experts, the financial implications of COVID-19 results in child marriages and trafficking for commercial and sexual exploitation⁵⁰. At least 629 Pakistani girls and women were sold as brides to Chinese men and taken to China from 2018 to April 2019⁵¹. According to the investigators, these numbers could be much higher due to underreporting of the cases.. The trafficking networks can take advantage of increasing poverty due to coronavirus pandemic.

⁴⁷<https://www.unicef.org/rosa/reports/lives-upended>

⁴⁸<https://www.pakistantoday.com.pk/2020/10/07/highest-school-dropout-rates-expected-in-pakistan-due-to-covid-19-crisis/>

⁴⁹https://www.ilo.org/ipecc/Informationresources/WCMS_747421/lang--en/index.htm

⁵⁰<https://resourcecentre.savethechildren.net/library/impact-covid-19-child-laborlaborlabor-south-asia>

⁵¹<https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-to-chinese-in-18-months>

Case Studies

International Labour Organization (ILO) has declared Child Domestic Labour (CDL) as a worst form of Labour⁵². Pakistan acknowledges and prohibits forced Labour, external trafficking, slavery and worst forms of child Labour in documents but has not been able to take serious measures to ban CDL and stop brutal torture and murders of helpless innocent workers, mainly girls.

Until July 2020, Pakistan struggled to bring in the Child Domestic Labour (CDL) in the ambit of Labour laws. Households are difficult to monitor because of the social norms related to household sanctity. The employers belonging to the elite class also restricts the law enforcement officials from taking any action. This lack of monitoring results in employment of children, especially girls in harsh working environments, involving physical and sexual violence.

In June 2020, a brutal murder of 8-year-old Zahra surfaced whom her employers had beaten to death in Rawalpindi, Pakistan.⁵³ This heinous act took place because the young child freed 'expensive' parrots, which her employers were keeping. Zahra was alive when she reached the hospital. Injuries were reported on her face, hands, below her rib cage and legs. The police FIR stated that she also had wounds on her thighs, indicating that she might have faced sexual assault as well.

This incident came at a time when public was already in rage over Supreme Court's decision to reduce the sentence against a former additional district and sessions judge and his wife who were convicted for torturing their 10-year-old maid Tayyaba.⁵⁴

⁵²https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_574717/lang-en/index.htm?ssSourceSiteId=ipecc

⁵³<https://www.dawn.com/news/1561041>

⁵⁴<https://www.bbc.com/news/world-asia-51060569>

SPARC's Work

Society for the Protection of the Rights of the Child (SPARC) has remained a key civil society actor against child Labour in Pakistan. SPARC has continued to stress successive governments to improve their laws in order to set a legal age limit for employment in Pakistan. In addition to this, a number of researches focus on the core issue of exploitation of child labourers. Every year, SPARC marks the 'World Day against Child Labour'. SPARC is a member of Coalition against Child Labour (CACL).

SPARC has repeatedly highlighted the issue of debt bondage in Sindh and Punjab. Extreme poverty, lack of access to formal credit and alternative means of livelihood leave working in a kiln the only viable option for many. Even the wives and children are included in the bargain. SPARC has reached out to these marginalized communities for? CNIC, vote and birth registrations, education of children in bondage, registration of brick kilns and formation of trade unions.

SPARC is collaborating with Commonwealth of Learning (COL) for GIRLS Inspire project with the funding from government of Australia and Canada. The aim of this project is to strengthen community-based organizations to deliver education and vocational skills to girls and women in marginalized communities. The centers are operating in Karachi (Memon Goth, Baldia Town and Lyari), Hyderabad, Multan, Rawalpindi, and Peshawar. Among other ill practices, the sessions also engage community elders and parents to discourage the practice child Labour.

SPARC is working on a project namely Center for Street Children in Pakistan, which along with focusing on protecting needs of these neglected children, also pays attention to their educational needs to improve their quality of life so that children are not force to work at early age. These centers are operating in Peshawar, Hyderabad, Islamabad, Rawalpindi and Multan. These centers provide basic non-formal education leading to enrollment in mainstream education. The centers are linked with Child Protection and Welfare Bureaus, Technical Boards and Government Schools to ensure smooth reintegration in mainstream education. The centers also provide

uniform, school bags and stationery to the children so that they do not drop out of school due to financial challenges.

During the Coronavirus (COVID-19) pandemic lockdown from March 2020 to July 2020, SPARC conducted frequent ration drives through its centers to ensure that the poverty struck parents are not forced to send their children to work at early age. In this regard, SPARC regularly coordinated with legislators and local government representatives as well.

Recommendations

With the technical assistance of the ILO in 2017, the National Strategic Framework for the Elimination of Child and Bonded Labour in Pakistan was devised.⁵⁵ The framework includes following 18 recommendations for the provinces to effectively eliminate child and bounded labour from Pakistan:

1. Validation and announcement of the law on forced labour
2. Formation of Provincial Child and Bonded Labour Rehabilitation and Welfare Fund
3. Reactivating and strengthening the District Vigilance Committees (DVCs)
4. Reactivating and strengthening Provincial Child Labour Unit as Provincial Child and Bonded Labour Unit
5. Validation and announcement of the of laws on child labour
6. Constituting Provincial Committee on child rights and periodical review of List of Harmful Professions
7. Strengthening institutional mechanism for inspection & enhancement in implementation of child and bonded labour laws

⁵⁵https://www.ilo.org/islamabad/info/public/pr/WCMS_477252/lang-en/index.htm#:~:text=The%20strategy%20aims%20to%20contribute,mainstreaming%20of%20child%20and%20bonded

8. Participation of civil society in the inspection process, monitoring and policy design
9. Extending the coverage of child and bonded labour laws to the untapped sectors
10. Capacity development of the inspection staff
11. Efforts to improve reporting on inspection to the federal Government
12. Updated Statistics 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 public and private sector stakeholders
16. Policies/ action plans and projects to eliminate child and bonded labour
17. Private public partnership to address the dangers of child and bonded labour
18. Encouraging research on child and bonded labour through collaboration with academia and regional research organizations.

Society for the Protection of the Rights of the Child (SPARC) and other civil society organizations have asked the provincial governments to immediately move in outlawing the child domestic labour as modern form of slavery.⁵⁶ Alongside this, the age of employment should be increased to 18 in all provincial and federal legislations.⁵⁷

⁵⁶<https://www.thenews.com.pk/print/671791>

⁵⁷<https://www.thenews.com.pk/print/696798>

EDUCATION



Introduction

The right to education is a universal human right and indispensable for the exercise of other human rights. Education is a public good and constitutional right. Article 25 A of the Constitution of Pakistan guarantees free and compulsory education to children between the ages of 5 to 16 in Pakistan. Nevertheless, getting children to school has proven to be a consistent challenge for the state. According to United Nations International Children's Emergency Fund (UNICEF), an estimated 22.8 million children between the ages 5 to 16 (44% of the total children in Pakistan) are out of school.¹ This is the second highest number in the world after Nigeria. At the primary level, 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. An estimated 22.84 million Pakistani children - nearly half of school-age children- do not go to school. Girls are not learning as much as boys. Of the Pakistani children, who are out of school, 12.16 million (53 percent) are girls while 10.68 million (47 percent) are boys. Disparities based on gender, socio-economic status, and geography are significant².

In Pakistan, millions of children are forced to drop out of school at an early stage of their schooling for a number of reasons. There is a set of barriers and bottlenecks which include: the sheer scarcity of public schools in the country, particularly the secondary and tertiary-level institutions; long distances to schools, especially for girls; inadequate infrastructure within the schools such as bathrooms and running water; the lingering problem of 'ghost teachers' who do not show up to perform their duties but still collect their salaries; corporal punishment, bullying and the abuse of power that those in authority abet or turn a blind eye to; and an array of added expenses ranging from uniforms to stationery and transport which can prove to be a burden for many parents, especially those with several children.

¹ <https://www.unicef.org/pakistan/education#:~:text=Currently%2C%20Pakistan%20has%20the%20world's,population%20in%20this%20age%20group>.

² UNICEF, Every Child Learns report 2019

According to the United Nations Development Programme (UNDP), Pakistan is ranked 152 out of 189 countries in the Human Development Index (HDI) 2019 ranking. Pakistan lags behind its neighboring countries in key indicators, such as literacy rate (57%), gross enrolment ratio (pre-primary 80%, primary 96%, secondary 45%, tertiary 10%), and expenditure on education (2.8%).³

In the Annual Status of Education Report (ASER) 2019⁴, despite government efforts to increase enrolment in educational institutions, 17 percent children are still out-of-school. Children enrolled in grade 3 continue to struggle due to low grasp of foundational skills in basic literacy and numeracy, despite trends in learning levels in language and arithmetic from 2014 to 2019 showing an improvement from 13% to 17% for grade 5. About Early Childhood Education (ECE), the report said that from 2014, when ECE enrolment stood at 39 per cent, it has not registered significant improvement (39% in 2019), although ECE is critical for foundational learning readiness in literacy and numeracy.

Learnings from SPARC's work in prisons of Sindh and KPK reveal that out of school youth is more prone to crimes and violent extremism.

National Commitments

Article 25-A: Constitution of Islamic Republic of Pakistan 1973, Article 25-A⁵, safeguards the citizen's right to education. The article outlines that "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-B: The Article 37-B⁶, 'Promotion of social justice and eradication of social evils' mentions "The State shall remove

³<http://hdr.undp.org/en/countries/profiles/PAK>

⁴<http://aserpakistan.org/report>

⁵http://www.na.gov.pk/uploads/documents/1333523681_951.pdf Page 15

⁶http://www.na.gov.pk/uploads/documents/1333523681_951.pdf Page 18

illiteracy and provide free and compulsory Secondary Education within minimum possible period.”

18th Constitutional Amendment: Education became a provincial subject after the 18th Constitutional Amendment⁷. In 18th amendment, parliament and provincial assemblies were given the mandate to ensure compulsory education in their respective jurisdictions. At the federal level, ‘Right to Free and Compulsory Education Act, 2012’⁸. Sindh was the first province to pass a local legislation in form of ‘Right of Children to free and Compulsory Education Act, 2013’⁹. Balochistan followed it with ‘The Balochistan Compulsory Education, 2014 Act’¹⁰ and Punjab with ‘The Punjab Free and Compulsory Education, Act 2014’¹¹. Khyber Pakhtunkhwa was the last province to pass ‘The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017’¹².

International Commitments

Pakistan is a signatory to several international conventions and treaties which bound it to ensure provision of equal and quality education to its children and youth. Pakistan has also committed to ensure access to education for disadvantaged groups such as girls, disabled and minorities. The conventions include:

⁷http://www.na.gov.pk/uploads/documents/report_constitutional_18th_amend_bill2010_020410_.pdf

⁸http://asarpakistan.org/document/learning_resources/2017/Right-to-Education-Provincial-Legislation/Islamabad-Free-and-compulsory-Education-Act-2012.pdf

⁹http://www.sindheducation.gov.pk/Contents/Menu/Sindh_Bill_RTFE.pdf

¹⁰<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96221/113658/F-955909891/PAK96221.pdf>

¹¹<http://punjablaws.gov.pk/laws/2580.html>

¹²<http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-freecompulsory-primary-and-secondary-education-act2017/>

- The UN Convention on the Rights of the Child (CRC): Article 28¹³
- Universal Declaration on Human Rights (UDHR): Article 26¹⁴
- International Covenant on Economic, Social and Cultural Rights (ICESCR): Article 13 and 14¹⁵
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁶
- Convention on the Rights of Persons with Disabilities (CRPD)¹⁷
- UNESCO Convention against Discrimination in Education: Article 4¹⁸
- ILO Convention 182 on Worst Forms of Child Labour: Preamble, Articles 7 and 8¹⁹

Pakistan also signed the Education for All Movement²⁰ and Millennium Development Goals (MDGs)²¹, both ensuring commitment to improve access to education for children by 2015.

Pakistan made some inroads towards MDG 2: ‘Achieve Universal Primary Education’ but overall, it failed to achieve the required targets in all indicators.²² Pakistan lagged behind in literacy rate, enrollment ratio and competition ratio. The country also failed to close the urban/rural and gender disparities in access to education.

Sustainable Development Goal (SDG) 4 Quality Education:

¹³<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁴<https://www.un.org/en/universal-declaration-human-rights/>

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

¹⁶<https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

¹⁷<https://www.un.org/disabilities/documents/convention/convoptprot.pdf>

¹⁸http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹⁹https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf

²⁰<https://en.unesco.org/gem-report/report/2015/education-all-2000-2015-achievements-and-challenges>

²¹<https://www.un.org/millenniumgoals/>

²²http://www.aseerakistan.org/document/learning_resources/2014/Post_2015_Agenda/MDGs%20&%20EFA%20Goals.pdf

In September 2015, United Nations established Sustainable Development Goals (SDGs) which are logical continuation of the Millennium Development Goals. Goal no. 4 Quality Education²³ is dedicated to achieving quality, free and equal education for children around the globe by 2030. The targets of this goal are:

Code	Target
4.1	Free primary and secondary education
4.2	Equal access to quality pre-primary education
4.3	Equal access to affordable technical, vocational and higher education
4.4	Increase the number of people with relevant skills for financial success
4.5	Eliminate all discrimination in education
4.6	Universal literacy and numeracy
4.7	Education for sustainable development and global citizenship
4.a	Build and upgrade inclusive and safe schools
4.b	Expand higher education scholarships for developing countries
4.c	Increase the supply of qualified teachers in developing countries

Pakistan was among the first countries to adopt SDGs and government²⁴ has mentioned it as a priority agenda. A dedicated SDGs Section has been established at the federal level in the Ministry of Planning, Development & Special Initiatives (MoP&SI) to track and to synchronize the progress throughout the country.

²³<https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-4-quality-education.html>

²⁴<https://www.sdgpakistan.pk/>

Pakistan has also signed Incheon Declaration and Framework for Action for the implementation of SDG 4²⁵ in 2015. As per this declaration, the member states have committed to spend 4 to 6% of their Gross Domestic Product (GDP) or 15 to 20% of their annual public expenditure on education.

Pandemic and Education:

In Pakistan, the first case of coronavirus (COVID-19 Pandemic) was reported on February 26, 2020. A month later on March 24, 2020, the country went into lockdown, which remained intact till May, 2020. However, given the sensitivity of the situation, educational institutions remained closed till mid of September. The decision to reopen middle and primary schools was postponed for another week as cases resurfaced.

The biggest impact caused by the lockdown for Pakistani students is access to education. Most of the private institutions shifted to online teaching mode. The students were asked to attend video conference sessions where the teachers delivered the lectures and Q&A option were also available. However, students, parents and educational experts have criticized the quality of these sessions.²⁶

Furthermore, access to high-speed and stable internet is still a luxury for majority of the citizen in Pakistan. According to 2020 report by Hootsuite, a global social media management platform, 35% of the population in Pakistan has access to internet. In comparison, 59% of population in world has access to internet.²⁷ Only 23% of Pakistan's internet users access the internet from laptop or computer, the devices mainly used for online education. This takes the online education

²⁵http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

²⁶<https://dailymail.com.pk/587446/students-disappointed-with-online-teaching-system-amid-covid-19/>

²⁷<https://datareportal.com/reports/digital-2020-pakistan>

away from the middle and poor-income households. Even the students who have decent internet connection suffer due to power cuts or overload (as their siblings and parents also used internet at the same time).

The lockdown also had an impact on the examination system. In Pakistan, most of the institutions use the traditional method of paper-based exams and ask the students to come to the campus to take their examinations. Federal Government announced promotion of students without examinations. However, this created confusion as there wasn't any provision for such policy in education laws.²⁸²⁹ Education departments and universities also faced criticism for their inability to conduct online examinations.³⁰³¹

During discussions with SPARC, teachers also highlighted the psychological impact of lockdown on students. The students in educational institutions are engaged in extra-curricular activities, such as, sports, cultural events, debates, and club activities. All these have come to a halt and the classroom environment which enables the friendly competition and drive to excel in children has also been taken away from them. This situation can stunt the educational and mental growth of children.

Experts have asked the government to work with educational institutions in devising better system for delivery of education and assessment. The model of Virtual University of Pakistan is a good starting example for this. This university established in 2002 follows the 'Digital' mode rather than 'Online'. Teachers record their lectures and put them on university website and YouTube. The students can

²⁸<https://www.dawn.com/news/1561013>

²⁹<https://www.technologytimes.pk/2020/06/21/boards-of-education-are-in-conundrum-state-over-promotion-of-students-without-examination/>

³⁰<https://dailytimes.com.pk/663589/students-call-online-classes-exams-feasible/>

³¹<https://www.dawn.com/news/1542331>

access them during any time of the day. Messages boards and emails are available for question and answers. The assignments are made on computer, but there is a grace period to submit them. Furthermore, the students can select their own time to give the exam. According to experts, such a system although won't reach out to all students, but it will ensure that those with internet can attain better education.

The lockdown also halted the admission process. This means that many children have to wait for more months to start their schooling. In addition, the slowing down of the economy, the unemployment, loss in businesses, inflated education fees in private institutions, and van fees have increased financial burden on parents which made it difficult for parents to support their children's education. In April, Sindh High Court rejected the petition of private schools' association which requested lifting of the 20% fee concession rule due to pandemic. However³², the schools remained steadfast on this demand and this matter dragged on till June, 2020.³³

Government Initiatives:

On April 13, 2020, Prime Minister Imran Khan inaugurated a national broadcast education channel '**Teleschool**' on Pakistan Television 'PTV' to lessen the loss met by the students due to the closure of educational institutions in coronavirus pandemic.³⁴ This channel airs school curriculum from Grade 1 to 12 on designated time slots from 8 AM to 6 PM. The government also attempted to address the issue of adult literacy and out of school children through this initiative.

³²<https://www.dawn.com/news/1559206>

³³<https://www.dawn.com/news/1561116>

³⁴<http://www.mofept.gov.pk/Detail/ZjcxNzllM2QtMmIwNC00ZjhiLWE5NTgtNmM5MzM1MjM0OWQw>

Gallup survey has estimated that 7-8 million children are introduced to Teleschool reaching the viewership of 4 million households in a short period³⁵. Overall, Teleschool shows strong performance on a scale of awareness, viewership, quality content, and strong loyalty among viewers. However, the Center for Global Development, in collaboration with other organizations found that in those households where students watched Teleschool only 35% had television³⁶. The technology divide across households, income levels geographical locations are impeding the scale of outreach of Teleschools.

On August 31, 2020, Higher Education Commission (HEC) started the second phase of **Ehsaas Undergraduate Scholarship Project**. This initiative launched in November 2019, has been formed for the students who cannot afford higher education.³⁷ The program aims to help them overcome the poverty and uneven distribution of education by applying for admission in any 125 HEC recognized public sector universities of Pakistan.

Education Financing:

After the COVID-19 pandemic, all eyes were turned to Pakistan's federal and provincial governments to see how much priority governments give to education.

Federal Education Budget FY2020-21³⁸

The federal government announced PKR 7.13 trillion annual budget for the fiscal year 2020-21. This includes PKR 83.363 billion for Education Affairs and Services. In the budget, PKR 2.931 billion have been allocated for pre-Primary & Primary Education affairs.

³⁵ <https://gallup.com.pk/wp/wp-content/uploads/2020/08/Report-on-Teleschool-Initiative-Gallup-Pakistan.pdf>

³⁶ <https://www.cerp.org.pk/news/three-lessons-from-a-new-phone-survey-in-pakistan>

³⁷ <https://www.pass.gov.pk/Detail92a7fc95-647d-43bd-a86c-477897e596e2>

³⁸ http://www.finance.gov.pk/fb_2020_21.html

PKR 7.344 billion have been allocated for Secondary Education whereas PKR 70.741 billion have been reserved for Tertiary Education which amounts to 84.9% of the total amount reserved in this category. The government allocated PKR 64 billion for Higher Education Commission (HEC) which includes PKR 29.470 billion for developmental activities.

Provincial Budgets

Punjab Education Budget FY2020-21³⁹:

Punjab government announced PKR 391 billion budget for education which includes developmental budget of PKR 34.5 billion. Although, the overall budget increased by PKR 8 billion compared to fiscal year 2019-20, the developmental budget was reduced by PKR 12 billion. The noticeable inclusion in this is a cut of PKR 4 billion in development budget of School Education, PKR 3.4 billion in higher education and PKR 445 million in special education. A major portion of the budget is reserved for School Education Department for upgrading schools. Funds have been allocated for seven new universities across the province. Merit based scholarships will also be provided according to the budget document.

Sindh Education Budget FY2020-21⁴⁰:

Sindh government total budget for education is 243.14 billion which includes developmental budget of PKR 21.082 billion for education. The overall budget is increased by 15.11% from fiscal year 2019-20. However, the development budget has been cut down by 38%. The development budget of schools has decreased from PKR 15 billion to PKR 13.2 billion whereas allocation for colleges has been reduced from PKR 4 billion to PKR 3.71 billion. The development budget for

³⁹https://finance.punjab.gov.pk/annual_budget

⁴⁰<https://fd.sindh.gov.pk/budget-books>

higher education, that is universities, has been reserved at PKR 3 billion compared to PKR 3.3 billion last year.

Majority of the budget of School Education Department is reserved for upgrading existing primary level government schools to secondary level, renovation (improvement in building, furniture and installation of basic facilities). On the other side, the budget for College Education Department is focused on improving the facilities of colleges. The public sector universities will also receive budget for improving existing infrastructure and building new facilities. The budget also includes PRK 480 million for Emergent Need Fund for delivering new initiatives under COVID-19.

Khyber Pakhtunkhwa Education Budget FY2020-21⁴¹:

Khyber Pakhtunkhwa announced education budget of PKR 208.36 billion which includes developmental budget of PKR 39.3 billion. This is the highest ever allocation of development budget for education in province's history.

In settled districts, the school budget is focused on establishing 300 new schools and upgrading/uplifting approximately 1700 more schools. Funds have also been allocated for establishment of 74 colleges and a university in SWAT. In merged districts, funds have been reserved for upgrading middle schools to high schools, high schools to colleges, stipends and scholarships for teachers and construction of government colleges in FR Kohat, Bajaur, and Khyber Agency.

⁴¹<https://www.finance.gkp.pk/articles/budget/budget-estimates/budget-estimates-2020-21>

Balochistan Education Budget FY2020-21⁴²

Balochistan announced education budget of PKR 72.81 billion including PKR 9.164 developmental budget. The overall budget for education increased by 3% but the developmental budget decreased by 27%. The highlights include Boarding Schools for girls in Loralai and Turbat, PKR 1750 million for public universities, functionalization of 36 bachelor hostels in colleges, and upgrading of primary, middle, secondary and high schools.

Azad Jammu and Kashmir(AJK) Education Budget FY2020-21⁴³:

Azad Jammu and Kashmir (AJK) announced education budget of 28.88 billion including developmental budget of PKR 2.578 billion. The development budget decreased slightly from the figure of PKR 2.67 billion from previous year.

Gilgit Baltistan Education Budget FY2020-21⁴⁴:

Gilgit Baltistan government announced education budget PKR 1.335 billion in its annual developmental plan. This is an increase from previous year's allocation of PKR 1.26 billion.

SPARC's Work:

SPARC is partnering with Commonwealth of Learning (COL) for **GIRLS Inspire project** with the funding from government of Australia and Canada. The aim of this project is to strengthen community-based organizations to deliver education and vocational skills to girls and women in marginalized communities. The centers are being operated in Karachi (Memon Goth, Baldia Town and Lyari), Hyderabad, Multan, Rawalpindi, and Peshawar. The sessions also engage community elders and male population to deliver sessions on harms of ill practices of domestic violence, child labour,

⁴²<https://balochistan.gov.pk/budget-categories/2020-2021/>

⁴³<https://www.financeajk.gok.pk/budgets/budget-2018-2019/>

⁴⁴<http://www.gilgitbaltistan.gov.pk/>

early child and forced marriages, and importance of girls' education, employment and birth registration.

In 2020, Reaching The Unreached (RTU) project has ended. It was 3 years project under the umbrella of GIRLS inspire. The project aimed to ameliorate the socio-economic conditions of young girls and women. It covered 12 thousand recipients across 7 cities of Pakistan. From the provision of skills training to internship, from microfinance loans to home-based loans, the project took a multi-dimensional, cross-sectional and inclusive approach in improving the living standards of the underprivileged girls. RTU provided a platform to young girls where they learned new skills, exhibited their potential in the market, and started independent ventures; thus, attaining the original purpose of the project.

SPARC's project for the welfare of Youthful Offenders Karachi: SPARC, in collaboration with United Nations Development Programme (UNDP), implemented a project that focused on improving social welfare, attaining economic reintegration, and ensuring rehabilitation of juveniles in selected prisons of Karachi. The six months project, from December 2019 to July 2020, designed a targeted intervention consisted of market informed skills training, career counseling, critical life skills, psychological counseling, non-formal education, and provision of legal aid. It covered 20 juveniles in 2019 and 17 juveniles in 2020. To gain comprehensive results, SPARC also organized a separate training and consultation with caregivers (prison, probation, and police staff), the business sector, and government officials to ensure long-term support for juvenile prisoners. The intervention carefully followed the lessons learned by SPARC in the previous interventions.

SPARC is operating **Center for Street Children** in Pakistan which along with focusing on protecting needs of these neglected children, focus on their educational needs to improve their quality of life. These centers are being operated in Peshawar, Hyderabad, Islamabad, Rawalpindi and Multan. These centers provide basic non-formal

education to the children with an aim at enrollment in mainstream education. Technical skills and vocational trainings are provided to older children, especially girls. SPARC also conducts awareness sessions in communities on importance of girls' education. The centers are linked with Child Protection and Welfare Bureaus, Technical Boards and Government Schools to ensure smooth reintegration in mainstream education. The centers also provide uniform, school bags and stationery to the children.

Conclusion:

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 21st century, education has become a basic necessity. The children, if given the right direction, can put the country and the nation on a right path. Unless and until the stakeholders realize these challenges and show their full commitment in safeguarding this fundamental right, the 47% population of Pakistan will continue to suffer and will be forced to resort to extremist activities to ensure their survival.

Recommendations:

Following recommendations must be considered in order to provide fair and inclusive education to youth of Pakistan:

- I. Budgetary allocation must be consistently and substantially increased each year. The Federal and Provincial governments must ensure that the education budget is released in time and are not subjected to random cuts. Budget allocations should also include a higher proportion of non-salaried rather than salaried expenditure, and there should be increased focus on development budget in order to overcome the educational challenges in Pakistan.

- II. Effective monitoring and accountability mechanisms need to be in place to protect against under-utilization of allocated budgets and to ensure optimum resource allocation and utilization. It is equally important that Federal and Provincial governments must regularly share information regarding education budgets, allocation, utilization, educational indicators and learning outcomes to encourage transparency and a participatory form of governance. The demand for transparency and accountability can't be brushed aside by saying that education is a provincial subject.
- III. The rise in poverty is directly proportional to the downfall of the education of children. Many Parents are forced to put their children into labor for the fulfillment of their basic needs. If Government is able to curb poverty, then definitely, parents will be able to send their child to schools.
- IV. After COVID-19 pandemic, there's a need of improving the infrastructure and enhancing the capacity of staff to ensure that education is delivered in safer environment without compromising on the quality.
- V. As per statistics, 22.8 million children are Out of School in Pakistan. The province that suffers the most is Baluchistan where 70% of children are Out of School. The former FATA and the newly merged tribal areas have 57% Out of School children. In KP, the percentage of out of school children is 34. In Sindh it is 52%, in GB the number is 47%. The number of out of school children in Punjab is 34%. Special attention is required to bring these out of children into school system. The voucher scheme in KP Province didn't fulfil its promise and hence half of the children enrolled under this scheme

quitschooling in 2019.⁴⁵ Such failures should be avoided in future.KP government also needs to effectively implement its decision of bringing street children to schools. Other provinces should follow this practice as well.

- VI. Massive efforts are required to improve the status of education in tribal and far-flung areas of Baluchistan, Sindh and Southern Punjab. Pakistan has thousands of ghost schools which are a burden on our economy whereas on the other hand, we have areas where we have school buildings but no teaching staff. The Government of Pakistan should monitor both issues together ⁴⁶.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 of the country. If transport is not provided by the school to children and parents do not have time to drop them or there are no other means of commutation, families see no other choice but to pull their children out of school.
- VII. Out of 22.8 million children who are out of school, majority are girls. According to Human Rights Watch, 32% of primary school age girls are out of school as compared to 21% of boys⁴⁷. There is a lot of discrimination in society and in institutions, where educating a girl is considered as curse. Quotas must be applied in schools where education of girls is on decline and government should monitor it for equitable quality learning.

⁴⁵<https://www.dawn.com/news/1525198>

⁴⁶<https://www.thenews.com.pk/print/309132-no-action-against-beccs-officials-running-2-350-ghost-schools>

⁴⁷<https://www.dawn.com/news/1445470>

- VIII. Keeping in consideration the low income of households, the government must allocate funds for provision of uniforms, bags, stationery, etc.
- IX. Educational institutions especially universities need to upgrade their internet systems to be able to conduct online examinations.
- X. Sindh government needs to effectively implement its decision of registration of Madrassas as educational institutions. Other provinces should follow this practice as well.
- XI. More technical and vocational institutes should be established in the country to increase the capabilities of the disadvantaged population who have either dropped out or never attended school.
- XII. Step should be taken to ensure that children with disabilities have easy access to public service buildings including schools and recreational facilities.
- XIII. Teachers recruitment, training and development procedures are vital in improving the overall education system of the country.
- XIV. Increase monitoring of schools to expose ghost schools, combat teacher absenteeism and decrease abuse and assault.

VIOLENCE AGAINST CHILDREN



Introduction

Most of us would probably agree on the common definition of violence—the exertion of physical force so as to injure or abuse someone physically, emotionally, sexually or a combination of any or all of these. We see and experience it, directly or indirectly, in our homes, schools, communities, workplaces, playing fields, and battlefields. Violence can result in death, injuries and disabilities. One might observe various forms of violence in everyday life. The focus here, however, is on the violence against children. Approximately one out of two children between the ages 2 to 7 year experience some form of violence every year around the world. Children aged 11–15 years globally have been bullied by their peers and 120 million girls are estimated to have suffered some form of forced sexual contact before the age of 20 years.¹

Violence can result in death, injuries and disabilities, children who are exposed to violence are at increased risk of mental illness and psychological disorders. They are vulnerable to high-risk behaviors—alcohol, drug abuse, smoking and unsafe sex. Abuse exposes children to chronic diseases such as cancers, diabetes and heart disease; infectious diseases like HIV; and social problems including educational under attainment, further involvement in violence, and crime.²

Bullying is an important form of violence, a lot of children face bullying at school like name calling, teasing, threatening and social exclusion. Children often feel helpless and unable to fight back. Bullying can be done directly or indirectly or through electronic devices. Child marriage is also a form of violence, children mostly girls are forced to marry at a very young age.

Violent discipline is also practiced. Children are subjected to corporal punishment at schools, homes and day care centers. According to Frechette, Zoratti & Romano, corporal punishment is a method

¹<https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

²https://apps.who.int/iris/bitstream/handle/10665/149798/978924108018_eng.pdf

of discipline often described as the use of physical force with the intent of inflicting pain on a child, but not injury, with the purpose of correcting a child's behaviours.³ Today, the most commonly used methods of corporal punishment involve spanking, slapping, shoving a child roughly, and hitting them with certain objects, such as a hair brush, a belt or a stick. Corporal punishment is practiced in schools and families for disciplining children.

Violence against Children in Pakistan

Violence against children in Pakistan is common. It is estimated that more than eight children are subjected to sexual abuse every day. According to Sahil (organization in Pakistan that works exclusively on child sexual abuse and exploitation) child sexual abuse cases per day shot up in the first half 2020. An estimated 1,489 cases of child abuse were reported between January and June 2020 from all four provinces, Islamabad Capital Territory, Azad Jammu and Kashmir and Gilgit-Baltistan. The statistics show that of the total number of cases, 53% of the victims were girls and 47 % were boys.⁴ Children who have experienced violence are more likely to perpetuate the circle of violence, passing on patterns of violence to their future generations.⁵ Therefore, ending violence against children is not only important for children's rights, but also for healthy communities and societies.

The crimes against children in Pakistan have seen a 200 per cent rise in March 2020, the month when the coronavirus outbreak hit the country, according to a study conducted by Sustainable Social Development Organization (SSDO). The study comes soon after a report by the country's human rights commission, warning that the ongoing coronavirus pandemic will worsen the condition of the poorest sections.⁶

³<https://digitalcommons.sacredheart.edu/cgi/viewcontent>.

⁴ <https://www.thenews.com.pk/print/713669-eight-children-sexually-abused-every-day-in-pakistan-in-first-half-of-2020-report>

⁵<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2753994/>

⁶ <https://www.business-standard.com/article>

Child Sexual Abuse

The sexual abuse of children is a unique phenomenon; the dynamics are often very different to that of adult sexual abuse and therefore abuse of this nature cannot be handled in the same way. Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. Child sexual abuse includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants. Nevertheless, physical force/violence is very rarely used; rather the perpetrator tries to manipulate the child's trust and hide the abuse.

It refers to all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity. Sexual contact between an older and a younger child also can be abusive if there is a significant disparity in age, development, or size, rendering the younger child incapable of giving informed consent.⁷

Violence against children includes all forms of violence against people under 18 years old. For infants and younger children, violence mainly involves child maltreatment (i.e. physical, sexual and emotional abuse and neglect) at the hands of parents and other authority figures.⁸ Sexually abused children may also show a range of behavioral and emotional reactions, like having a lot of nightmares, sleeping problems, aggressive behavior, not wanting to be left alone with a particular individual.⁹

Many children may engage in a post-traumatic play as they will try to act it out by continuously running away from a "BAD MAN" or they might show others signs like of stress, tantrums and withdrawn behavior. The child may also engage in age-inappropriate sexual behavior with other children.

⁷<https://www.enoughabuse.org/gtf/what-is-child-sexual-abuse.html>

⁸<https://www.who.int/health-topics/violence-against-children>

⁹<https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

Cases and Statistics

Reported crimes against children are on the rise in Pakistan. Incidents of child sexual abuse increased by 14pc in the first half of 2020 compared to the same period the year prior, according to a report by the Sahil. The major categories in the cases included abduction (331), rape (160), sodomy (233), gang rape (69) and gang sodomy (104). Thirteen boys and twelve girls were murdered after sexual abuse while four boys and one girl were murdered after gang rape.¹⁰The organization, which has worked on child protection against sexual abuse since 1996, blamed the corona virus pandemic for the increase in cases, arguing that children were home and more than 55pc of their abusers were acquaintances.

Some of Child Sexual Abuse Reported in 2020:

- An eight-year-old boy was found at an under construction house in Mandi Bahauddin
 - A 14-year-old girl was strangled to death after being raped in the Manawan area of Lahore.
 - A six year old girl has reportedly been brutally murdered after being raped in Bajaur
 - A 10-year-old girl in the limits of Golra police station Islamabad was allegedly raped by a man.
 - A five-year girl was raped and killed in Karachi.
 - A 14-year-old mentally challenged boy had been sexually assaulted in the Dhok Hayat Khan area of Gujjar Khan.
 - A 13-year-old boy in Burewala city of Punjab was allegedly gang-raped by four men
 - A 5-year-old girl in southern Pakistan was raped, hit on the head and set on fire.
 - An Eight-year-old boy raped, murdered in Karachi.
 - A seven year old was raped in Shujabad.
- These are some of the cases that were reported and which received media attention.

¹⁰<https://www.thenews.com.pk/latest/713336-child-sexual-abuse-cases-shot-up-in-first-half-of-2020-in-pakistan-report>

Legislation against Child Sexual Abuse

The agenda of Sustainable Development Goals 2030 envisages a world which invests in its children and in which every child grows up free from violence and exploitation. The agenda expressly includes several targets to end all forms of violence against children. These SDGs targets include elimination of all forms of violence against all women and girls. Stress on the immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers. These targets stress the world to end child labour in all its forms, and to end abuse, exploitation, trafficking and all forms of violence against and torture of children. The agenda 2030 is grounded in human rights standards and requires that the goals be implemented in a manner that is consistent with the rights and obligations of states under international law.

The obligations relating to children's right to be protected from violence are articulated under several international instruments—most notably the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Most developing countries, including Pakistan, have ratified the Optional Protocol.

Pakistan ratified the UN Convention on the Rights of the Child on 12 November 1990. According to the convention every child in Pakistan should be protected from all forms of exploitation and abuse.¹¹ The historic CRC is considered comprehensive as it encompasses all the fundamental rights of children. By signing the convention, Pakistan committed to take legislative, administrative, social and educational measures to protect and fulfill the rights of all children born or living in its territory. The rights enshrined in the convention encompasses education, physical & mental development, health & nutrition, freedom of expression, right to play, as well as protection against child labour, discrimination and violence and all forms of abuse. The questions that

¹¹<https://www.refworld.org/pdfid/46c190b40.pdf>

looms large is Pakistan's achievement in line with the CRC. Pakistan's progress on the implementation of CRC is slow with criticism from international bodies (UN) and civil societies within the country. The current situation of child rights in Pakistan and statistics on their deprivation, education, malnutrition, neglect and abuse are alarming.

The Zainab Alert, Response and Recovery Act, 2019 is the latest development on child sexual abuse in Pakistan. Zainab Alert Bill was passed on 8th October 2019 by the National Assembly, and on 4th march 2020 it was also passed by the senate. As a result the Zainab Alert service was launched in October 2020, therefore it yet has to be seen how effective the service is.

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 fine¹²

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.¹³

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.

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

¹²<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹³<http://www.pakistani.org/pakistan/legislation/2006/wp.html>

punished with imprisonment or fine of Pakistani Rupees 500,000 or both.¹⁴

Recommendations

- Raising awareness of the unacceptability of child sexual abuse, and promoting the notion that stopping child sexual abuse is everyone's responsibility.
- Rigorously evaluating and strengthening existing child sexual abuse prevention programmes.
- Sensitizing the media on improved and child friendly reporting to protect the survivors and their families from trauma.
- Making mental health services available to all those affected by child sexual abuse.
- Exploring, evaluating, and strengthening new approaches to prevent child sexual abuse.
- Implement a strategy that include increasing parents' and other caregivers' awareness and knowledge of protective measures they can take on behalf of their children.
- A powerful public education message must be transmitted to the general public, encouraging society to recognize that child sexual abuse is both everyone's problem and responsibility.
- Implementation of laws can further be made more effective by improving coordination with police and other relevant agencies by the social welfare and human rights ministries.

¹⁴<http://www.mohr.gov.pk/Detail/YmJiZjQ5MWYtYmEyYy00OWFILWFIZWEtYzY1OTY1MTg3Y2Iz>

- Increasing budget for child protection and instituting the child protection units as per law at the district level and ensuring that the role of communities and parents is enhanced. An efficient and effective child protection monitoring system is required to oversee implementation and identify and report on gaps for corrective actions.

Forced and/or Early Child Marriages

Child marriage is an unlawful and illegal practice in which a child (girl and boy) is married before reaching the minimum age of adulthood.¹⁵

12 million girls are married before the age of 18 years, almost 1 every two seconds. Child, early or forced marriage or unions are a violation of children’s human rights. Despite being prohibited by international law, it continues to rob millions of girls around the world of their childhood (ibid). In Pakistan child marriage is highly prevalent, mostly in the rural and disadvantaged areas. Almost one-third of girls in Pakistan are married before they reach age of 18 years. 21% of girls in Pakistan are married before their 18th birthday and 3% are married before the age of 15. According to UNICEF, Pakistan has the sixth highest number of absolute child brides in the world.¹⁶ According to the global network “Girls Not Brides” in Pakistan, child marriage is driven by:

- Traditional customs like, *Swara* (marring girls off to resolve disputes or debt. *Watta Satta* (bartering for brides) and *Paitlikkhi* (marrying girls off before they are born or very young).
- Gender norms: Deeply entrenched patriarchal norms continue to drive child marriage, and girls who marry late are often shamed for “deviating” from tradition.
- Family practices: *Addo Baddo* marriage among families is still very common in Pakistan. 34% of girls age 16 to 17 are married to their first cousin on their father’s side. A wide range of factors are responsible for

¹⁵<https://nation.com.pk/14-Feb-2019/penetrating-culture-of-child-marriage-in-pakistan>

¹⁶<https://www.girlsnotbrides.org/about-child-marriage/>

earlier marriages. This also relates to a desire to protect a girl's *izzat* (honour), and the high premium attached to the chastity of young unmarried girls.

Early marriage is a harmful practice that denies girls their right to make vital decisions about their sexual health and well-being. It forces them out of education and into a life of poor prospects, with an increased risk of violence, abuse, ill health or early death.¹⁷

Legislation against Child Marriages

Under the Child Marriage and Restraint Act 1929, the legal age for marriage for male is 18 years and for female it is 16 years¹⁸. In 2019 a national bill was introduced by Senator Sherry Rehman, it was passed in the Senate to increase the minimum age for female marriage to 18 years. The rules of the bill for implementation have still not been formed.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 prohibits several oppressive and discriminatory customs practiced towards women in Pakistan which are not only against the dignity of women, but also violate human rights and are contrary to Islamic Injunctions. The "Prevention of Anti-Women Practices Act, 2011" amended Pakistan Penal Code and Criminal Procedure Code as well by adding a new chapter to Pakistan Penal Code to bring the punishments into effect.¹⁹

Section 310-A

Under section 310-A, there shall be punishment for giving a female in marriage or otherwise in *badla-e sulh*, *wanni* or *swara* or any other custom or practice under any name in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall

¹⁷<https://plan-international.org/sexual-health/child-marriage-early-forced>

¹⁸<https://www.girlsnotbrides.org/childmarriage/pakistan/#:~:text=Under%20the%20Child%20Marriage%20Restraint,and%2018%20years%20for%20boys.>

¹⁹https://pcsw.punjab.gov.pk/prevention_of_anti_women_practices

not be less than three years and shall also be liable to a fine of five hundred thousand rupees.²⁰

Section 498 A

Under section 498 A, depriving women from inheriting property by deceitful or illegal means shall be punished with imprisonment which may extend to ten years but not be less than five years or with a fine of one million rupees or both.

Section 498 B

Under section 498 B, forced marriages are ten years maximum and three years minimum of jail term along with a fine of five hundred thousand rupees.

Section 498 C

Under section 498C, 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 five hundred thousand rupees.²¹

In 2014 Sindh became the country's first elected assembly to have passed a bill on child marriages which places a ban on marriage of children under 18 years and makes its a violation punishable with rigorous imprisonment of up to three years.²²

²⁰<https://punjabpolice.gov.pk/system/files/310A498BC.pdf>

²¹https://pcsw.punjab.gov.pk/prevention_of_anti_women_practices

²²<https://www.dawn.com/news/1102895>

Recommendations

- The legal minimum age of marriage for girls in Pakistan should be increased to 18 years.
- Awareness should be created on the rights of the girl child to education
- Creating awareness amongst parents on child marriage as a human rights and a health issue.
- Enforce implementation of laws once these are available
- Develop information materials on the harmful effects of child marriage and communicate it through the media
- Creating education, training and employment opportunities for married girl children
- Increasing access for girl children to reproductive health information and services.

Child Trafficking

Trafficking of children is a form of human trafficking and is defined by the United Nations as the "recruitment, transportation, transfer, harboring, and/or receipt" kidnapping of a child for the purpose of slavery, forced labor and exploitation. In Pakistan men, women and children are subjected to trafficking in persons. The largest form of human trafficking is bonded labour.²³

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

²³https://en.wikipedia.org/wiki/Trafficking_of_children

other sectors. Girls are also sold into forced marriages and sometimes are move across borders by their husbands and forced into prostitution.²⁴

The government of Pakistan does not fully meet the minimum standard for the elimination of the trafficking but it is making significant efforts to do so. These efforts included passing the country's first comprehensive human trafficking law that criminalized all forms of sex trafficking and labor trafficking; securing its first conviction in 10 years of an official complicit in human trafficking; and identifying and referring an increased number of trafficking victims to care. Pakistan has been downgraded from 'Tier 2' to 'Tier 2 Watch List' in *The 2020 Trafficking in Persons Report* by the US State Department.²⁵ Official complicity in trafficking crimes remained a pervasive problem, yet the government did not report new law enforcement efforts to hold such officials accountable, including failing to investigate serious allegations of trafficking regarding a high-ranking diplomatic official. Government protection efforts remained inconsistent; only a small number of the total victims identified were referred to assistance services

Legislation against Child Trafficking

The government maintained law enforcement efforts against trafficking. Pakistani law did not criminalize all forms of sex and labor trafficking.

Section 369A of the Pakistan Penal Code (PPC), amended in March 2016, criminalizes transnational and internal forced labor and transnational and internal sex trafficking of women and children which is 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 prescribed penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani rupees.

²⁴<https://www.refworld.org/docid/4c1883d1c.html>

²⁵<https://www.dawn.com/news/1566073>

Bonded Labour (System) Abolition Act (BLAA) prohibits bonded labour, with prescribed penalties ranging from two to five years imprisonment, a fine, or both.²⁶

Recommendations

- Pass provincial level anti-trafficking laws and coordinated anti trafficking action plans.
- Advocacy with state actors to take action against the groups that are organized and involved in trafficking children and to implement the laws effectively.
- Improve 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.
- Training of law enforcement agencies on the issue of child trafficking and building their capacities to monitor and take action.
- Involve 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.
- Establish child help lines at the district level so that complaints can be made immediately and alerts raised if a child is kidnapped or abducted.
- Develop Information and communication materials and work with print, 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.

²⁶<https://www.refworld.org/docid/5959ec6f4.html>

Corporal Punishment

Corporal punishment is physical punishment is intended to cause physical pain to a person. It is often practiced on minors especially in home and school settings. The most common methods are spanking or paddling. It is also used on prisoners and enslaved people.²⁷

Many countries have banned this heinous practice however; Pakistan is among the 69 countries trying to eradicate it in educational institutions.

Corporal punishment encompasses all types of physical punishment, including spanking, slapping, pinching, pulling, twisting, and hitting with an object. It may include forcing a child to consume unpleasant substances such as soap, hot sauce, or hot pepper. Teaching children acceptable behaviors, including how to make good choices and exercise self-control, is an integral part of child-rearing. But, many parents rely on physical punishments to accomplish these goals.²⁸

Many studies have shown that physical punishment, including spanking, hitting and other means of causing pain can lead to increased aggression, antisocial behavior, physical injury and mental health problems for children.²⁹

Corporal Punishment in Schools

Corporal punishment has been used in school for centuries. Most school systems employ corporal punishment to discipline students. Many schools have limited the use of corporal punishment but most schools continue to use corporal punishment. It often involves striking the student across the buttocks or palms of their hands with a tool such as a rattan cane, wooden paddle, slipper, leather strap or wooden yardstick.

²⁷https://en.wikipedia.org/wiki/Corporal_punishment

²⁸<https://www.verywellfamily.com/facts-about-corporal-punishment-1094806>

²⁹<https://www.apa.org/monitor/2012/04/spanking#:~:text=Many%20studies%20have%20shown%20that,mental%20health%20problems%20for%20children.>

Legislation against Corporal Punishment

Pakistan has made some progress in enacting laws which prohibit corporal punishment in schools. Corporal punishment is prohibited in some but not all schools. Except where it is explicitly prohibited, corporal punishment is lawful in schools under article 89 of the Penal Code 1860.³⁰

Pakistan penal code section 89 empowers parents, teachers and other guardians to use corporal punishment as a means to discipline and correct the behavior of under-12 children.

In February 2017, the Sindh Provincial Assembly passed a bill banning corporal punishment of students and any kind of humiliating treatment and abuse by teachers or educators, as well as bullying by fellow students, and in January authorities in Punjab Province issued a notification banning corporal punishment in educational institutions in the province.³¹

Right to Free and Compulsory Education Act 2012 was passed in Islamabad Capital Territory, providing for the right to education for children aged 5-16 and prohibiting corporal punishment in government schools for children of that age.

The Gilgit-Baltistan Prohibition of Corporal Punishment Act 2015 prohibits all corporal punishment of children in schools and care homes.

- While the legislations in Sindh, GB and ICT is positive, it require rules of business to be developed for implementation which has not yet been done, the government has issued no progress or monitoring reports after the legislation in either of the above provinces and/or territories.
- In 2020 Zindagi Trust approached Islamabad high court to ban corporal punishment. The court banning corporal punishment noted that corporal

³⁰<https://endcorporalpunishment.org/reports-on-every-state-and-territory/pakistan/>

³¹<https://pakistan.asia->

[news.com/en_GB/articles/cnmi_pf/features/2018/10/10/feature-01](https://pakistan.asia-news.com/en_GB/articles/cnmi_pf/features/2018/10/10/feature-01)

punishments are not in consonance with the constitutionally guaranteed right of inviolability of dignity notwithstanding section 89 of the Pakistan Penal Code 1860. Respondent No 5 is further directed to put in place a mechanism for receiving complaints and redressal thereof against alleged use of corporal punishments within the Islamabad Capital Territory.

Recommendations

- Ensure provincial legislation on corporal punishment is in place in all provinces and is effectively implemented.
- Trained school teachers on positive disciplining methods.

Acid Crimes

For years, thousands of Pakistani women and children suffered one of the cruelest forms of violence imaginable acid attacks. An acid attack also called acid throwing is form of violent assault involving the act of throwing acid on any part of the body of another person with the aim to disfigure torture or kill. In Pakistan, the acid crimes are more prevalent in the rural areas

The acid, thrown at the faces and bodies of human beings, melted skin, disfigured limbs, and dehumanized individuals. Acid attacks left survivors with physical and psychological scars that lasted a lifetime.³²

Alongside, evoking emotional and psychological trauma, acid attacks cause loss of educational, training and employment opportunities for the survivors.

Acid throwing was a serious issue in Pakistan. It was one of the worst forms of violence against women in local society. According to Acid Survivors Foundation Pakistan (ASF), an (NGO), at least 3,412 cases

³²<http://pakrtidata.org/2018/02/28/pakistan-acid-attacks-decrease/>

have been reported in Pakistan between 1999 and June 2019. These attacks affected as many as 3,791 victims.³³

Legislation against Acid Crimes

In 2018, National Assembly (NA) passed the Acid and Burn Crime Bill, 2017. The bill offers free medical treatment and rehabilitation for acid burn victims. It also outlines a process for conducting trials of accused in the shortest possible time.

The Acid Control and Acid Crime Prevention Act, 2011 (Criminal Law Second Amendment Act, 2011) made amendments in Pakistan Penal Code and Criminal Procedure Code to punish perpetrators of acid crimes by clearly including acid crimes in the definition of hurt. The definition now includes “hurt by dangerous means or substance, including any corrosive substance or acid to be crimes”. Through an amendment in Section 336-B of Pakistan Penal code, Punishment of offenders under this Act can extend up to life imprisonment.

Recommendations

- Steps should be taken to prevent more acid attacks.
- Emphasis should be taken toward ensuring the equality of women and educate society about the rights of women.
- The laws regarding acid attackers should be implemented sternly. Offenders should be given severe punishments, to set an example for the future.
- 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.
- Psychological help should be given to the victims for the rehabilitation.

³³<https://www.thenews.com.pk/print/104093-Significant-decrease-in-acid-attacks-cases-during-2015>

Street Children

Street children are children who are homeless or poor and live on the streets. They have nowhere else to go they beg on the roads, sell things to earn money. Children's life on the streets is very risky.

These children face a lot of difficulties. They are exposed to all sorts of diseases on a daily basis. These children live in the street because they do not have anything to call a home. They are mostly between five to seventeen years of age.

Extreme poverty, broken families and physical or sexual abuse are all factors that force many children and young people on to the streets. Street children are can be seen on the streets of Pakistan's major cities. These children are deprived of their basic rights.

In the major cities of Pakistan, poor children, some as young as five, roam the streets without any guardian. Some beg for money while others sell flowers, newspapers or clean windshields of cars to make ends meet. Most may see these children as nuisance on account of their unruliness, but few wonder about the harsh realities street children experience day-to-day. From poverty to violence, sexual abuse, exploitation and disease, street children are at the mercy of it all.

In February 2019, the government of Punjab also held a province-wide emergency meeting wherein measures necessary to eradicate sexual assault and improve conditions which force helpless street children into beggary were discussed. After the meeting, the Director General of the Child Protection and Welfare Bureau Punjab, Sara Ahmed, was directed to initiate and run an awareness campaign focused on anti-beggary laws and curbing of sexual assault against street children.³⁴

³⁴<https://tribune.com.pk/story/1938812/punjab-take-street-kids-wing>

Recommendations

- All efforts should be done to bring out of school children into school or provide non-formal education opportunities to street children.
- Street children must be provided safe shelter in big cities. Older street children need to be nourished and trained in various skills.
- Training of law enforcement agencies is essential to provide the necessary safety to all children, especially those on street.
- Ultimately, children should not be on the streets but this will have to be progressively eliminated as given in the above recommendations.
- Incentives may be ensured for the children of poor families subject to the condition of sending them to schools
- A survey shall be conducted in order to ascertain the statistics of street children for making strategies of their welfare.
- Public – private partnership especially with respect to donation for welfare of street children may be ensured by the government.
- Upgradation and capacity building of child protection center / bureaus of the governments.

Covid-19 and Violence against Children

The global pandemic has made the already informal or formal system of prevention on violence against children more vulnerable and risky. The necessary instructions to contain the Covid-19 lead to stay at home directives. This presumably has made the children more vulnerable to domestic violence and it has also been called “Shadow Pandemic”. Reports of domestic violence are showing increase in different countries of Europe and especially India during the lockdown. This has raised

alarms for the country to be more vigilant and to devise more effective strategies for decreasing the damage.

Economic and physiological pressures have increased the potential risk of child abuse. In the face of this risk the support mechanism for containing the violence against children have been damaged and weakened. The pandemic has attracted the attention of government across the world and resultantly the recourses allocated for other important matters have diverted towards containing the corona virus. Consequently, the attention to counter the domestic violence against children has increased and the mechanism of counseling was also disturbed, less helpful in view of the restricted access to support mechanism.

As mentioned earlier, over one billion children experience sexual violence each year. The number of cases increased during the pandemic. Violence, especially sexual violence against children, increased during Covid-19 pandemic. It is argued that children were home and more than 55 % of their abusers were acquaintances.³⁵ Violence against children and Covid-19 is a complex thing to understand. School closures have put strain on children's mental health, reduced their access to school-based resources such as food and counseling, and increased the contact with violent caregivers. With schools closed and many children spending more time on the Internet than usual can increase the risk of online child sexual abuse. Children suffer from stress and anxiety by staying at home.

The governments should take steps to ensure provision of shelter to children maintaining isolation of occupants; police may be sensitized towards dealing with the violence issues against children. Swift response mechanisms may be developed to complaints and awareness campaigns through social medial and electronic media messages to warn against the perpetrators / abusers.

³⁵ [https://www.who.int/news-room/fact-sheets/detail/violence-against-children#:~:text=Globally%2C%20it%20is%20estimated%20that,the%20past%20year%20\(1\).](https://www.who.int/news-room/fact-sheets/detail/violence-against-children#:~:text=Globally%2C%20it%20is%20estimated%20that,the%20past%20year%20(1).)

HEALTH



Introduction:

According to World Health Organization, health means a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.¹ Children's health and health problems are different from those of adults. There are many aspects to children's health which demand special attention from conception through adolescence. Children are one of the most vulnerable groups in a society and hence, must be treated with special care and attention. The state is responsible for child well-being, health, safety, and nourishment. The other stakeholders like community, family and teachers play an important role in child well-being.

It is very important for the state to provide its children with healthy atmosphere and accessible health services. In order to empower children with full developmental potential, it is necessary for them to have a good health and also the access and availability of health related services.² According to UNICEF, a nation's true positioning is measured by how well it treats its children. This consists of their health and safety, material security, education, socialization, and them being brought up in loving families and communities and having a sense of inclusiveness into which they are born³

Despite the progress in the health system across the world, an estimated 200 million children under the age of five are malnourished. In addition to this, 38 million children suffer from obesity.⁴ About 75% of newborn die due to three avoidable and curable key conditions. These consist of the complications during labor and delivery; infectious diseases like sepsis, meningitis, pneumonia and premature births.⁵

¹<https://www.who.int/about/who-we-are/constitution>

²<https://www.who.int/publications/i/item/improving-early-childhood-development-who-guideline>

³<https://www.unicef.org/media/files/ChildPovertyReport.pdf>

⁴https://www.un-ilibrary.org/children-and-youth/state-of-the-world-s-children_82edf4c7-en

⁵<https://www.unicef.org/pakistan/health#:~:text=Each%20year%20>

Right to Health:

The World Health Organization (WHO) gives the right to the highest attainable standard of health for all, referring to the fact that it implies to every segment of the society, especially children and women. This means a system of legalities for member states to make sure that appropriate and suitable circumstances are available for peoples' good health, without any kind of discrimination.

The right to health is an internationally recognized human right and is correlated to other human rights including housing, education, work, information and participation. It also consists of several entitlements. This refers to the right to govern one's own health and body and should be free from all sorts of interferences.⁶It should not be provided to people based on their race, age, religion, political affiliations and even socioeconomic status⁷

Child Health in Pakistan:

Being a developing country, Pakistan faces many challenges in ensuring a well-functioning and accessible health system to all citizens. The conditions are worse in the rural and remote areas of the country. Rural and remote areas are the most neglected and excluded regions. Furthermore, other disparities are based on provinces, income levels, levels of education, especially that of the mothers.⁸ Hospitals, medicines, referral systems, ambulances and frontline workers including doctors, nurses, paramedics and other staff members are quite scarce and poorly trained. People, especially children belonging to these rural regions, don't receive adequate treatment and hence suffer from various forms of illnesses that could have been avoided if they were to get good care and services from the health department.

⁶<https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>

⁷<https://www.who.int/about/who-we-are/constitution>

⁸<https://www.unicef.org/pakistan/health#:~:text=Each%20year%20about%2091%2C000%20children,maternal%20and%20newborn%20health%20care.>

Considering the state of children in Pakistan, it will not take much longer to come to a realization that they suffer the most due to such conditions. They are quite vulnerable and naive to the importance of health, hygiene and nutrition. Similarly, the less privileged children suffer the most. They are deprived of the affordable and good quality services, maternal and child health services, sanitation, and good nutrition and safe drinking water. An estimated 12 million (over 40%) of Pakistan's children under five years of age are stunted and 17.7% are wasted with 2.5 million children under five years of age estimated to be severely wasted.

According to the Global Food Security Index, Pakistan lies on the 78th number among the total amount of 107 countries. Its current water availability is even less than 1100 cubic meters per person and the water storage capacity is limited to only 30 days. In addition to that, Pakistan has one of the highest population growth rates in all the SAARC states. However, it is short on specialists, doctors, nurses, paramedics, lady health visitors, midwives and other health workers. Pakistan has the lowest densities of health workforce in the entire region and internationally, with a significant health professional density of about 1.4 per 1000 population. This is quite insignificant as compared to the indicative minimum threshold of 4.45 physicians, midwives and nurses per 1000 population.⁹ But, surprisingly, nurses, lady health workers' and midwives' contribution is appreciable to keep the population healthy, especially in the rural regions. About 43% of the child bearing mothers are handled by unskilled midwives and health workers, which, in fact, is quite alarming for the state.

Not only law, but the religion and social fabric of the state also promotes a beneficial environment where children are entitled to be protected, brought up with care and provided with the basic necessities of life.

Maternal and Child Health:

Reproductive, Maternal, Child and Neonatal health related issues are highly prevalent in Pakistan. Despite the fact that from the year 2000, the

⁹<http://phkh.nhsrsc.pk/sites/default/files/2019-06/Pakistan%20Human%20Resources%20for%20Health%20Vision%202018.pdf>

world has witnessed a decrease in the rate of neonatal morbidity by 50% and the number of maternal deaths by almost 33%, South Asia still seems to be one of the top regions that is struggling to provide good maternal and child health related facilities to its people. Neonatal mortality and stillbirth rates are twice as worse in South Asia as in sub-Saharan, according to a Lancet publication. Pakistan, in particular, is in a very worse condition as it deals with one of the highest maternal mortality rates in South Asia, while having the highest neonatal mortality all around the world. These circumstances call for drastic measures to address the root causes of such problems.¹⁰

Health issues start from an early age when maternal and neonatal health services don't reach out to the needy. Data from Pakistan show one of the highest infant mortality rates in the region, even worse than Somalia, Afghanistan and Central African Republic.¹¹ The infant mortality rate for Pakistan in the year 2020 has been 59.109 deaths per 1000 live births, showing a 1.84% decline since 2019.¹² Whereas, mortality rate under age five is 61.23 deaths per 1000 births.¹³ These statistics make the challenge of achieving Sustainable Development Goals (SDGs). SDG 3 has two targets: a) Reduce newborn mortality to at least as low as 12 per 1 000 live births in every country (SDG 3.2); and b) Reduce under-five mortality to at least as low as 25 per 1,000 live births in every country (SDG 3.2).¹⁴

Nevertheless, Pakistan, despite of the deadly pandemic and crisis time, is fighting hard to protect her people, especially the mothers and small children as they are more vulnerable and exposed to such threats. UNICEF warned the governments and donors about the strained health

¹⁰<https://www.dawn.com/news/1506464/maternal-and-child-health>

¹¹<https://blogs.lse.ac.uk/southasia/2018/07/09/maternal-and-newborn-health-in-pakistan-risks-challenges-and-the-way-forward/#:~:text=Poor%20delivery%20system%2C%20weak%20infrastructure,t he%20lowest%20in%20South%20Asia.>

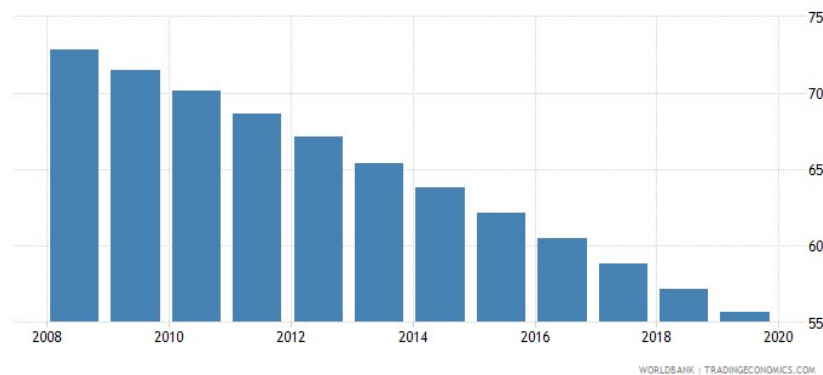
¹²<https://www.macrotrends.net/countries/PAK/pakistan/infant-mortality-rate>

¹³<http://www.geoba.se/country.php?cc=PK&year=2020>

¹⁴<https://www.who.int/news-room/fact-sheets/detail/children-reducing-mortality>

systems and disruptions in services due to Covid-19, with about 29 million expected child births in South Asia and 116 million, all around the globe since the pandemic declaration and the lockdowns. Mothers and children have been dealing with uncertain and harsh realities like crowded health centers, equipment shortages and the insufficiency of well-trained birth attendants.¹⁵

Government of Pakistan is trying to minimize these issues at the Federal and Provincial levels with the assistance from WHO. They work hand in hand on various health strategies and programmes to enhance neonatal, maternal and child health, especially in the neglected regions.¹⁶ UNICEF and various other international agencies are also helping out the government to achieve its goals.



Source: Trading Economics¹⁷

The graph shows a declining trend in child mortality in the past few years.

¹⁵<https://www.unicef.org/pakistan/press-releases/millions-pregnant-mothers-and-babies-born-during-covid-19-pandemic-threatened>

¹⁶<http://www.emro.who.int/pak/programmes/maternal-neonatal-a-child-health.html>

¹⁷<https://tradingeconomics.com/pakistan/mortality-rate-infant-per-1-000-live-births-wb-data.html>

Malnutrition:

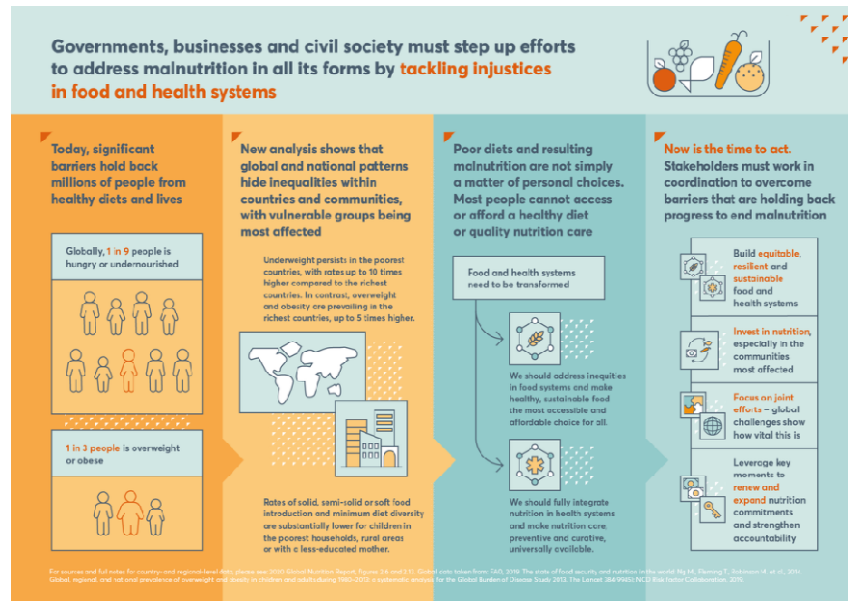
A situation report published by WFP shows that about 40.2% of children under the age of five are suffering from stunting growth. Similarly, 17.7% of the children under the age five category are suffering from wasting. This is unfortunately the highest level of wasting in the history of Pakistan, while 28.9% of them are underweight.¹⁸ The situation is dismaying and highly deplored by WHO.

Women belonging to the age group of 15-49 struggle with the burden of malnutrition thrice as much. 14% are undernourished, 28% are overweight whereas 38% are having obesity. 57% of adolescent girls are anemic.¹⁹ Nevertheless, the declining rate of malnutrition in Pakistan is 0.5% which is extremely disappointing. Prevalence of such crucial factors like poverty, food insecurity, low socio-economic conditions, unhealthy food intake, maternal health and nutritional status, low birth weight, suboptimal breast feeding, environmental conditions, cultural practices, contribute to the problem. In order to fight this battle, an immediate and well organized interventions must be introduced.²⁰

¹⁸<https://reliefweb.int/report/pakistan/wfp-pakistan-country-brief-may-2020#:~:text=In%20Pakistan%2C%2040.2%20percent%20of,and%2028.9%20percent%20are%20underweight.>

¹⁹<https://www.nutritionintl.org/2020/02/leaders-urged-to-act-quickly-to-improve-nutrition-in-pakistan/>

²⁰<https://www.tandfonline.com/doi/abs/10.1080/07315724.2020.1750504>



Source: 2020 Global Nutrition Report²¹

²¹<https://globalnutritionreport.org/reports/2020-global-nutrition-report/executive-summary/>

Hunger and Nutrition:

Global Hunger Index analyzes the situation of hunger among countries on the scale of 100 points. It varies from “low” to “extremely alarming”. This index considers four different indicators, constituting undernourishment, child wasting, child stunting and child mortality.

GHI 2020 positions Pakistan on the 88th number in the list 107 countries in the world. In the last couple of years, the state has made significant improvement in addressing the issue of malnourishment. Nevertheless, a lot more is needed to achieve the milestone and beat the challenge. The classification of countries is done through the following Severity Scale.

low	Moderate	Serious	Alarming	Extremely alarming
≤ 9.9	10.0-19.9	20.0-34.9	35.0-49.9	≥ 50.0

Source: Global Hunger Index 2020

Pakistan’s GHI is 24.6 for the year 2020. This means that the situation for the nourishment of children is quite serious and has to be made one of the top priorities of the government.²²

Polio Virus:

Polio exists in only two countries (Pakistan and Afghanistan) of the world. International Health Regulations has also declared Pakistan as a state having the potential of international spread. Total 77 Wild Polio Virus type 1 (WPV1) cases and 64 Circulating Vaccine Delivered Polio Virus (CvdpvD2) cases were observed in Pakistan, in the year 2020.²³

Numerous anti polio drives have been carried out in different cities of Pakistan while Rawalpindi District Administration has planned to arrest

²²<https://www.globalhungerindex.org/results.html>

²³<http://polioeradication.org/polio-today/polio-now/this-week/#:~:text=No%20circulating%20vaccine%2Dderived%20poliovirus,reported%20in%202019%20remains%20three.>

the parents who refuse to get their children vaccinated during these campaigns, under the sections 269 and 270 from the Pakistan Penal Code.²⁴ All the workers involved in the vaccination drives are instructed to follow the SOPs to cease the spread of the Corona Virus as well.

Global Childhood Report:

Millions of children all around the globe have been deprived of the opportunity to be able to enjoy their childhood, for many years now. Ill-health among children is one of the many significant reasons to why this happens. The scale for the index “End of Childhood” is 1 to 1,000. It considers “Childhood Enders” as death, chronic malnutrition, being out of school and being forced into adult roles of work, marriage and motherhood. The scores are allocated according to the following guide:

Few children missing out on childhood	Some children missing out on childhood	Many children missing out on childhood	Most children missing out on childhood	Nearly all children missing out on childhood
≤ 940	760-939	600-759	380-599	≥ 379

Source: Global Childhood Report 2020

About 121 out of 180 countries have made quite a few enhancements since the last year. This proves that states are taking into account the problem of child protection and its severity. But on the other hand, 19 countries have not shown any progress and are facing considerably a worse situation. Singapore tops all the countries in the world, when it comes to the issue of child safety whereas Niger ranks refer to the worst conditions for children. Pakistan, however, lies on the 147th rank having a score of 667/1000. It means that many of the state’s children are deprived of their childhood.²⁵

²⁴<https://tribune.com.pk/story/2265102/refusing-polio-vaccination-a-crime>

²⁵<https://www.savethechildren.org/content/dam/usa/reports/advocacy/global-childhood-report-2020.pdf>

Pneumonia:

Pneumonia is one of the top communicable diseases that leads to high child mortality rates. It kills more than 2000 children under the age of five per day and 8, 00,000 per year. One child dies every 39 seconds, globally.

²⁶Children belonging to poor socioeconomic class suffer the most as they are deprived of proper nutrition and the access to basic health services like vaccinations, diagnosis or treatment procedures. Children having weak immune system end up fighting for breath, due to living in areas with high air pollution and unclean water consumption.²⁷Global target for Pneumonia mortality rate, set by the Global Action Plan for Pneumonia and Diarrhoea (GAPPD), is to be 3 per 1000 live births by the year 2025.²⁸

A research conducted at Aga Khan University proves that only 5% of the mild Pneumonia patients require antibiotics. If the diagnosis and treatment procedures are enhanced, then thousands of children will be safe from receiving antibiotics unnecessarily.²⁹

Child Health in a Pandemic:

The world recently got hit with the biggest global pandemic after World War-II. Covid-19, also known as Corona Virus has affected millions of people, putting everyday life to halt. World's economy, health, education and everything else is ceased as if life has taken a break from human species. History does have encountered numerous incidents of wars and epidemics that changed everything and nothing was the same ever since. But this global endemic is proving to be even more devastating from others.

²⁶<https://www.unicef.org/pakistan/press-releases/one-child-dies-pneumonia-every-39-seconds-agencies-warn>

²⁷<https://nation.com.pk/28-Dec-2019/pneumonia-epidemic>

²⁸<https://stopppneumonia.org/wp-content/uploads/2020/06/PAKISTAN-2020.pdf>

²⁹<https://www.thenews.com.pk/print/681128-only-5pc-of-children-with-mild-pneumonia-require-antibiotics-says-aku-study>

WHO announced it as a Public Health Emergency of International Concern on 30th January, 2020 after witnessing cases from five regions under the domain of the organization, within only one month span. In these dark hours, WHO, along with OCHA, IMO, UNICEF, ICAO, WFP, FAO, the World Bank and numerous other UN Secretariat agencies joined hands to form a Crisis Management Team (CMT) to deal with social, economic and development aspects of the pandemic.

Meanwhile, WHO is also supporting Pakistan's Ministry of Health Services, Regulation and Coordination in the establishment of the nation's "We Care" program in order to protect frontline health care workers engaged who are involved in the pandemic response.

In such challenging times, children and the elderly are the most vulnerable people as their immune system is not at their best. Special care must be paid to these individuals. In addition to this, the marginalized and neglected categories of people are treated unjustly and are exposed much to these harsh realities. Street children are not educated over the issue and hence, fail to follow the SOPs. Therefore, they fall victim to the highly communicable disease more easily. More specifically, people belonging to congested and crowded regions of the country are affected the most during this pandemic.

Although, the available data shows that a very low percentage of children have been directly affected by the pandemic, yet the indirect consequences can be quite long term and severe. Strained health systems, household income loss, and disruptions to care-seeking and preventative interventions like vaccination may prove to be substantially bad for child survival. According to a research, about 1.2 million children and 56,700 mothers could die in 6 months due to disruption in health services and interventions. There may be an increase in child wasting as well.³⁰

In this critical and crisis time medical frontline workers in Pakistan have been performing their duties round the clock. Their contribution and sacrifices can never be neglected. They have proved to be "modern day

³⁰<https://data.unicef.org/covid-19-and-children/>

heroes” in such uncertain and difficult times. Dr. Shahzad Mumtaz, a Pakistani doctor, was presented with a Leadership Award and an Appreciation Certificate for his dedication and commitment for the fight against Covid-19 in Saudi Arabia.³¹ WHO’s chief has praised Pakistan’s response to the situation, while keeping the economy afloat.³² The world acknowledges and celebrates the services of nurses and midwives on 7th April. They are appreciated for their work (providing quality and respectful treatment to the patients) and addressing patients’ queries during collection of data for clinical purposes. They were vigilantly participating in the response activities during the pandemic crisis. It would not have been possible to deal with the situation without their assistance.³³

While there are countless blessings to be grateful for, the country still needs to keep following the SOPs in order to completely defeat the spread of the virus and stabilize the economy once again.

International Commitments:

United Nations Convention on the Rights of the Child:

Pakistan lies on the sixth number in the whole world to sign and ratify to the United Nations Convention on the Rights of the Child (UNCRC), less than a year after it was actually adopted by the UN General Assembly in 1990. According to article 24 of UNCRC, every child possesses the right to the best possible health and healthcare services. The state needs to impart healthcare, food, clean environment and health related information among the people. In addition to this, the well-developed nations should participate in assisting the poorer nations with health care facilities.³⁴

³¹<https://tribune.com.pk/story/2265929/pakistani-doctor-wins-saudis-praise-for-leading-fight-against-covid-19>

³²<https://www.dawn.com/news/1582311>

³³<https://www.who.int/southeastasia/news/events/world-health-day/world-health-day-2020>

³⁴<https://www.savethechildren.org.uk/content/dam/gb/reports/humanitarian/uncrc19-summary2.pdf>

<p>1</p>  <p>DEFINITION OF A CHILD</p>	<p>2</p>  <p>NO DISCRIMINATION</p>	<p>3</p>  <p>BEST INTERESTS OF THE CHILD</p>	<p>4</p>  <p>MAKING RIGHTS REAL</p>	<p>5</p>  <p>FAMILY GUIDANCE AS CHILDREN DEVELOP</p>	<p>6</p>  <p>LIFE, SURVIVAL AND DEVELOPMENT</p>	<p>7</p>  <p>NAME AND NATIONALITY</p>
<p>8</p>  <p>IDENTITY</p>	<p>9</p>  <p>KEEPING FAMILIES TOGETHER</p>	<p>10</p>  <p>CONTACT WITH PARENTS ACROSS COUNTRIES</p>	<p>11</p>  <p>PROTECTION FROM KIDNAPPING</p>	<p>12</p>  <p>RESPECT FOR CHILDREN'S VIEWS</p>	<p>13</p>  <p>SHARING THOUGHTS FREELY</p>	<p>14</p>  <p>FREEDOM OF THOUGHT AND RELIGION</p>
<p>15</p>  <p>SETTING UP OR JOINING GROUPS</p>	<p>16</p>  <p>PROTECTION OF PRIVACY</p>	<p>17</p>  <p>ACCESS TO INFORMATION</p>	<p>18</p>  <p>RESPONSIBILITY OF PARENTS</p>	<p>19</p>  <p>PROTECTION FROM VIOLENCE</p>	<p>20</p>  <p>CHILDREN WITHOUT FAMILIES</p>	<p>21</p>  <p>CHILDREN WHO ARE ADOPTED</p>
<p>22</p>  <p>REFUGEE CHILDREN</p>	<p>23</p>  <p>CHILDREN WITH DISABILITIES</p>	<p>24</p>  <p>HEALTH, WATER, FOOD, ENVIRONMENT</p>	<p>25</p>  <p>REVIEW OF A CHILD'S PLACEMENT</p>	<p>26</p>  <p>SOCIAL AND ECONOMIC HELP</p>	<p>27</p>  <p>FOOD, CLOTHING, A SAFE HOME</p>	<p>28</p>  <p>ACCESS TO EDUCATION</p>
<p>29</p>  <p>AIMS OF EDUCATION</p>	<p>30</p>  <p>MINORITY CULTURE, LANGUAGE AND RELIGION</p>	<p>31</p>  <p>REST, PLAY, CULTURE, ARTS</p>	<p>32</p>  <p>PROTECTION FROM HARMFUL WORK</p>	<p>33</p>  <p>PROTECTION FROM HARMFUL DRUGS</p>	<p>34</p>  <p>PROTECTION FROM SEXUAL ABUSE</p>	<p>35</p>  <p>PREVENTION OF SALE AND TRAFFICKING</p>
<p>36</p>  <p>PROTECTION FROM EXPLOITATION</p>	<p>37</p>  <p>CHILDREN IN DETENTION</p>	<p>38</p>  <p>PROTECTION IN WAR</p>	<p>39</p>  <p>RECOVERY AND REINTEGRATION</p>	<p>40</p>  <p>CHILDREN WHO BREAK THE LAW</p>	<p>41</p>  <p>BEST LAW FOR CHILDREN APPLIES</p>	<p>42</p>  <p>EVERYONE MUST KNOW CHILDREN'S RIGHTS</p>
<p>43-54</p>  <p>HOW THE CONVENTION WORKS</p>	<h1>CONVENTION ON THE RIGHTS OF THE CHILD</h1>					

Sustainable Development Goals:

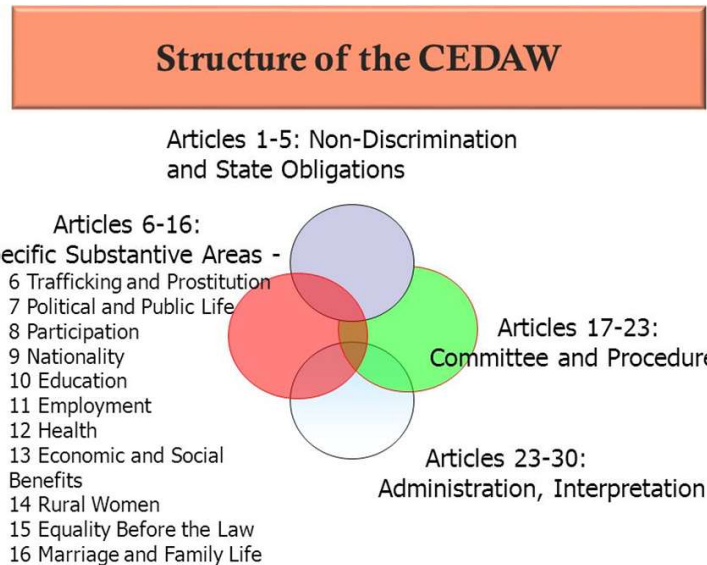
In addition to UNCRC, the government of Pakistan is also affiliated with a number of other international initiatives including Sustainable Development Goals (SDGs) since 2015. SDG 3 is particularly dedicated to good health and wellbeing. Nevertheless, others goals (i.e. zero hunger, clean water and sanitation, climate action and poverty) also contribute to good health conditions of the people. All of these goals are applicable for people of every age group, including children.



Convention of the Elimination of all forms of Discrimination Against Women:

Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was ratified by Pakistan in 1996. Its articles primarily focus on the health, marriage and family life, rural women, stereotype and

cultural prejudices, trafficking and prostitution. All of these articles are emphasizing on the female gender, including girl child.³⁵



Convention on the Rights of Persons with Disabilities:

Convention on the Rights of Persons with Disabilities (CRPD) was ratified by Pakistan in the year 2011. It aims at improving various domains in the lives of people with disabilities. This consists of children as well. It works for their health, education, capacity building, empowerment and much more.

³⁵<https://www.gov.uk/government/publications/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw-articles>



Figure 1 - Link between the SDGs and the CRPD



Several articles of the SDGS align with those of CRPD, giving them more recognition and significance.

Pakistan is a member of many different forms of global partnerships including disease prevention, universal immunization and improvement in health care infrastructure. It has improved health indicators in the past three years.

These affiliations act as a driving force for the state to provide its citizens with the required health services. Being a part of such an influential and extended international conventions, Pakistan is obliged to protect its children and ensure a healthy and developing environment all around the country, including the remote regions.

National Commitments:

- ***Pakistan's constitution:***

The supreme national law entitles children of the nation with basic human rights and necessities. It promises to provide them the right to life, liberty and dignity. It discourages all sorts of prejudices and indiscriminations, torture and exploitation, slavery, trafficking and child labor among citizens. It ensures the protection of marriage, family units, mother and child health.³⁶ This makes the state responsible to look after its children against child labour, prostitution, violence, child trafficking and all forms of discrimination. Pakistan also has both formal and informal institutions for child protection purposes. However, the constitution does not directly address the health services provided for the general public of Pakistan.

- ***Planning Commission of Pakistan:***

It mainly follows “Vision 2025” agenda, which was prepared by the institution back in 2014. Both the Provincial and Federal Health Ministers validated the vision in August 2016 as to achieve the goal of Universal

³⁶https://www.unicef.org/pakistan/sites/unicef.org.pakistan/files/2018-11/UNICEF_Pakistan_-_SitAn_Report_-_2017_1.pdf

Health Care.³⁷ It aims at working for human and social capital of the nation as a priority. Its seven pillars are quite similar to the SDGs presented by the UN. Health indicators of 2020 are still not doing very good with Maternal Mortality Ratio (MMR) of about 178.001 per 100,000 live births and Child Mortality Rate (CMR) of 78.002 per 1000 live births. The Planning Commission makes health services accessible to the neglected, marginalized and unprivileged areas of the society by strengthening regulatory factors and inclusive health financing. It also emphasizes upon the improvement of inter-disciplinary coordination and intra-disciplinary techniques that would be essential to obtain the universal health goal, particularly for agenda-2030.³⁸

The pillar “People First” refers to the provision of health and education services, poverty alleviation and gender empowerment. This vision aims at collaborating with the provinces in improving their respective health systems and the goal is to increase the budgetary allocations from the GDP to about 3% on health sector.

In addition to that, the vision will also be working for the vulnerable groups like children as well. It will ensure a Plan of Action for children, promotion of an inclusive education setup, enforcement of special quota in education and encouraging sports for differently abled persons.³⁹

³⁷<http://phkh.nhsrsc.pk/sites/default/files/2019-06/Pakistan%20Human%20Resources%20for%20Health%20Vision%202018.pdf>

³⁸<https://www.pc.gov.pk/uploads/annualplan/AnnualPlan2019-20.pdf>

³⁹<https://www.pc.gov.pk/uploads/vision2025/Pakistan-Vision-2025.pdf>



- ***Annual Plan:***

According to the Annual Plan 2019-2020, In order to monitor and evaluate the burden on the health department, the state has empowered the Health Information System and aims to launch Civil Registration and Vital Statistics (CRVS). To increase the coverage of the healthcare budget and attain all the targets, this plan will try to raise the number of paramedical workers, extend the Lady Health Worker (LHW) programme to benefit unprivileged female patients; bring fertility rates consistent with maternal health; reinforcing primary sector alongside trained personnel in the Basic Health Units or Rural Health Centers, introduction of health emergency surveillance and response system, carry out the national plan for vaccinations and building a well-functioning Health information and

Disease Surveillance System. Micro health insurance opportunities will also be utilized to expand health coverage, especially to the vulnerable groups of the society.⁴⁰

- ***Universal Health Coverage:***

Pakistan Economic Survey on the Health Status shows that to attain the goal of Universal Health Coverage (UHC) by 2030, numerous initiatives were executed. For example, the introduction of population control, health insurance and family based health care. Pakistan also signed to the International Health Partnership (IHP+) in the year 2010. The Government of Pakistan is also trying to increase the budget for health by receiving Technical Assistance from the World Bank. Pakistan is moving towards attaining universal birth registration and ensuring institutions that record deaths, work for mental health, human life security and social justice by health financing methodology.

- ***Post 18th Amendment:***

After the 18th amendment, provincial governments are given the sole responsibility to regulate several domains of the public including health as well. They also control the legislation and administration of the child protection issues.

The present government prioritizes the health and nutrition of the people and focuses on the strengthening of primary and secondary health care facilities. However, the improvement is observed quite slowly.

Health Budget FY2020-21:

The government of Pakistan, led by Pakistan *Tehreek e Insaaf* (PTI), has put forward the budget for the financial year 2020-2021, which shows a rise in the budget by 130%. Rs. 11,058 billion were allocated for health in the financial year 2019-2020, whereas Rs. 25,494 billion has been assigned to the sector this year, at the federal level.

⁴⁰<https://www.pc.gov.pk/uploads/annualplan/AnnualPlan2019-20.pdf>

In addition to that, the government has also provided Rs. 70 billion for a special programme to mitigate Covid-19 impact in the Public Sector Development Programme of FY2020-21. It will be working for health services, education, sewerage, solid waste management and safe drinking water. It is going to be a coalition between federal and provincial governments.⁴¹ According to the Federal Budget 2020-2021, National Health Services, Regulation and Coordination has received Rs. 14,508 million, whereas Covid Response and Other Natural Calamities Program has received Rs. 70,000 million and National Food Security and Research Division has been assisted with Rs. 12,000 million.⁴²

Pakistan's government has also assisted several programmes via Public Sector Development Programme (PSDP) development portfolio in the FY2020 to achieve SDGs. 62 health projects received Rs. 23,975.926 million from PSDP and by 10-04-20, around Rs 11,483.979 million were allocated for improving quality and access to health care services.

Punjab's Health Budget:

Punjab being the most populated province in Pakistan, receives only Rs. 13 billion to fight the pandemic crisis of Covid-19. It has designated Rs. 284.2 billion for the health budget, showing an increase of about 1.86% when compared to the last year. The authorities have decided to spend Rs. 12 billion on the *Sehat-Insaf* Card Programme. Around 250.7 billion has been earmarked for running expenditures and over Rs. 33 billion for the development schemes.

Also, the Specialized Health Care and Medical Education Department (SH&MED) has received Rs. 6 billion for improvement and access of health facilities to the regions including Dera Ghazi Khan, Sahiwal and Gujranwala.

Rs. 1.7 billion will be granted to the Integrated Reproductive Maternal and Newborn Child Health and Nutrition Programme in the financial year

⁴¹<https://mmnews.tv/budget-2020-21-rs-25-50-billion-allocated-for-health/>

⁴²http://www.finance.gov.pk/budget/Budget_in_Brief_2020_21_English.pdf

2020-21 for project funding. Primary and Secondary Health Department(P&SHD) will spend 11.6 billion on the improvement of THQ Hospitals, DHQ Hospitals, BHUs under the Prime Minister's Health Initiative.

Furthermore, Rs. 127.15 billion has been assigned for health services, around 6 billion for public health facilities and Rs. 23.92 billion for the health administration purposes. Health services will also be enhanced in Wazirabad Institute of Cardiology, Punjab Institute of Neurosciences(PINS) and Pakistan Kidney and Liver Institute and Research Centre.⁴³

Khyber Pakhtunkhwa's Health Budget:

Rs. 124 billion has been designated for health in the province of KPK alongside Rs. 24 billion, specifically for dealing with Covid-19. The government neither imposed any new tax nor increased the existing tax to give a cushion to the struggling economy in the times of the crisis. From the health budget, around Rs. 24.4 billion will be spent on development schemes regarding health sector. Rs. 13.8 billion will be dedicated to the settled districts whereas Rs. 10.6 billion will be utilized in the marginalized districts. Rs. 10 billion has also been designated for Universal Health Coverage in KP.⁴⁴

Sindh's Health Budget:

Sindh has assigned Rs. 139.178 billion to the health sector, around 19 billion more than the budget for health in the year 2019-20. It is mainly focused on two main segments, namely: medical education and medical services. Polio control, TB, HIV/AIDs, LHWP, Hepatitis control, EPI and various other interventions will receive Rs. 7 billion from the Sindh government.

⁴³<https://tribune.com.pk/story/2243515/budget-2020-21-punjab-health-sector-funding-1-86>

⁴⁴<https://www.dawn.com/news/1564679>

TB control receives Rs. 559.4 million, Rs. 5.5 billion have been allocated to deal with stunting and malnutrition, which is a multi-sectoral program. Rs. 1.2 billion are given to the LHWP, Rs. 1.9 billion to eliminate Hepatitis, Rs. 267.9 million for the Maternal, Neonatal and Child Health Programme, Rs. 2.3 billion for the EPI, Rs. 1 billion for the 200 Bed Infectious Disease Control Hospital at NIPA, Karachi, Rs. 1 billion for the renovation and completion of newly established 22 hospitals functional.⁴⁵

Balochistan's Health Budget:

The provincial government of Balochistan has announced to raise its health budget by 30% to Rs. 31.405 billion for the fiscal year 2020-21. Rs. 7.050 has been assigned for the development of the sector, especially focusing upon the frontline workers against the global pandemic, including medical staff, paramedics and nurses.

Conclusion:

In a nut shell, child health, nutrition, growth and development with fair opportunities to achieve their full potential as healthy adult is a global concern and significant issue in the international policies and discourse. Some important concerns encompass maternal and child health, mortality rates, malnutrition, poverty, polio virus, pneumonia and covid-19. These are considered deadly for the children. We must focus on the overall wellbeing of our children with great vigilance. We must ensure children with safe social and physical environment for their growth and development. They are our assets and future. Investing in them is investing in our future. Investing in their Health and education is, in fact, investment for healthy and prosperous society.

⁴⁵<https://www.thenews.com.pk/print/674146-with-rs19bn-increase-sindh-allocates-rs139bn-for-health-fighting-covid-19>

Recommendations:

- In order to introduce a well -functioning and a systematic approach to deal with the issue of child protection, it is important for all the governments of the world to join hands and work together to fight the evils against children. They need to cooperate, commit and pay special attention to the root causes. This will not only require governments, but other entities of the state as well, including NGOs, families, educational institutions, private sector agencies, caretakers and even children too. Governments should harness coalitions throughout different segments to surpass ecological and commercial issues in order to provide children with their rights and entitlements and a healthy and nurturing space for the children in the future.
- However, on the national level, a set of national policies and strategies, well equipped stakeholders, juvenile justice, multi-sectoral coordination, well operational referral system and identification of child victims of any sort of violence, must be introduced.
- Awareness raising sessions are quite necessary. Education on health issues, prevention methods and control should be integrated into the minds of the common man.
- Effective food supply and proper nutrition must be provided to every child.
- Adequate and safe water supply and basic sanitation should be ensured.
- Shelters for street children should be made more common to protect our children from the exposure to various harmful and avoidable circumstances, including infectious and local endemic diseases.

- Maternal and Child health care, especially family planning must be dispersed among the public.
- Health Information System should be incorporated to get a better hold of authentic and reliable data figures for further useful research analysis.

JUVENILE JUSTICE



Introduction

Youth under the age of 18 who are accused of committing a delinquent or criminal act are typically processed through a juvenile justice system. States, however, have the right to set lower age thresholds for processing youth through the adult system. Similar to that of the adult criminal justice system, processes include arrest, detainment, petitions, hearings, adjudications, dispositions, placement, probation, and reentry—the juvenile justice process operates according to the premise that youth are fundamentally different from adults, both in terms of level of responsibility and potential for rehabilitation. The primary goals of the juvenile justice system, in addition to maintaining public safety, are skill development, habilitation, rehabilitation, addressing treatment needs, and successful reintegration of youth into the community. With this brief introduction, this chapter highlights juvenile justice system in Pakistan.

Children and youth under the age of 25 make up 52.5% of Pakistan's population today.¹ Nevertheless, our laws and justice system were rather geared towards adults and usually did not take in account the special circumstances of children in contact or in conflict with the law until the special child protection laws were enacted at federal as well provincial levels. The full implementation of these laws is still a question mark.

On 19 December 2017, the Lahore High Court inaugurated Pakistan's first specialized court in Lahore to handle all criminal cases involving children as victims, witnesses and/or offenders. According to the Chief Justice (CJ) Syed Mansoor Ali Shah of the LHC, the purpose of establishing the special court is to protect the innocence of children from negative impacts

¹Society for the Protection of the Rights of the Child (SPARC), *The State of Pakistan's Children 2018: Violence against Children* (2018), available at <https://www.sparcpk.org/images/sopc18/violence.pdf>.

of litigation before traditional courts.² In 2018, Parliament enacted the Juvenile Justice System Act, 2018 (JJSA), to improve the state of juvenile offenders with a focus on their rehabilitation and better access to justice mechanisms. In March 2019, another Child Protection Court was established in Peshawar to handle all cases related to child protection and welfare, particularly legal custody of destitute and neglected children; reunification of destitute and neglected children with their families; welfare of children; trial of criminal cases involving children as victims, witnesses and/or offenders; and protection of moveable and immovable properties of orphan and neglected children and those at risk.³ On 24 June 2019, the National Judicial Policy-Making Committee (NJPMC) decided to establish Juvenile and Child Protection Courts in every district of Pakistan, starting with the provincial headquarters and Islamabad. As of April 2019, the two pilot Child Protection Courts in Lahore and Peshawar have decided 33 out of 79 cases in nine months and 40 out of 100 cases in 45 days respectively. These Child Protection Courts have dual jurisdictions, i.e. working as a child protection under the relevant provincial laws and as Juvenile Courts under the federal law-JJSA.

According to the Law and Justice Commission of Pakistan, in 2018 there were 1,199 juvenile offenders and accused in prisons across Pakistan, including 1,081 juveniles incarcerated awaiting or under trial and 118 convicted juvenile offenders.⁴ Of these, 16 were girls and the rest were boys.⁵ In almost all prisons, juvenile offenders were incarcerated with adult prisoners, exposing them to physical and psychological violence and

²Sana Jamal, *Pakistan's first Child Court launched in Lahore*, GULF NEWS, 21 December 2017, available at <https://gulfnnews.com/world/asia/pakistan/pakistans-first-child-court-launched-in-lahore-1.2145135>.

³Waseem Ahmad Shah, *KP gets first child protection court*, DAWN, 17 March 2019, available at <https://www.dawn.com/news/1470119>.

⁴SPARC, *The State of Pakistan's Children 2018: Juvenile Justice* (2018), available at <https://www.sparc.pk.org/images/sopc18/jj.pdf>.

⁵SPARC, *The State of Pakistan's Children 2018: Juvenile Justice* (2018), available at <https://www.sparc.pk.org/images/sopc18/jj.pdf>.

intimidation, sexual abuse, rape, and other extreme forms of abuse.⁶ The JJSA is expected to have a profound impact on the administration of juvenile justice in Pakistan. The following are some of the most significant changes made by the new law, *inter alia*, a) made age determination mandatory in cases involving possible juvenile offenders, b) Provided for disposal of juvenile cases through diversion, c) Enhanced the role of Probation Officer for taking care of the Juvenile while s/he is on probation or parole, d) Called for the formation of Juvenile Justice Committees, f) Mandated the establishment of Observation Home and Juvenile Rehabilitation Centers for the confinement of juveniles.

The JJSA, from the theoretical stand point, is reformatory in nature. It focuses on rehabilitation and social reintegration of the juvenile and deviates from the historical primitive punitive theory. In primitive times, each individual dealt with wrongs, done to him/her, as s/he perceived appropriate. In taking personal revenge, the retaliation, being unrestrained, frequently went for beyond the original wrong. Later, attempts were made to limit the retaliation to the extent of injury. This was the intent of the ancient Judaic of 'eye for an eye and a tooth for a tooth'. It was an injunction against inflicting another more injury than one had received. Fitzgerald, P.J. (1998) says that as a part of deterrent theory of crime prevention, prison houses were made to keep the criminal away from the society.⁷ Aulakh, Abdul Majeed (1987) states that the Romans also used dungeons and basements to confine Under-Trial prisoners accused of crime.⁸ These Prison houses in U.S.A, Britain and European countries during 17th to late 19th centuries remained penitentiaries; the places to penetrate by professing before God to attain spiritual rehabilitation.⁹ The purpose of the imprisonment, prior to 20th century was

⁶SPARC, *The State of Pakistan's Children 2018: Juvenile Justice* (2018), available at

<https://www.sparcpk.org/images/sopc18/jj.pdf>

⁷ Home Office (1960) *the Probation Service, its Objectives and its Organization*, London.

⁸ Fitzgerald, P.J. *The aging of the suburbs*. New York: Cambridge University press. p.67.

⁹Aulakh, Abdul Majeed, A.M. (1986). *Criminal Justice: Crime, Punishment and Treatment in Pakistan*. Lahore: Muslim Academy Urdu bazaar. p.124.

to punish the criminals on the basis of retributive, deterrent or punitive justice system. Whether the criminal was reformed or not during the time in prison was not the issue; prime consideration was that the offender could not commit crimes again.

Prisons are considered to be factories of crime. High prison population numbers, as Garland (2001) states, bring with them poorer conditions of hygiene, poorer sanitation arrangements, less time for outdoor exercise, insufficient bedding and clothing, insufficient nutrition and health care, more tension, more violence between prisoners, more violence against staff and more suicides.¹⁰ According to UNAFEI, Tokyo report (2003), high and growing prison population sizes lead to overcrowding. Overcrowded prisons are a breach of United Nations and other international standards, which require that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings.¹¹

In recent decades, the retributive model of punishment is losing ground to the more humane models of community rehabilitation and restorative justice, which are often more effective at reducing reoffending, and enhancing the importance of non-custodial sanctions that serve the best interest of the offender and the victim. Evidence suggests that successful community reintegration of an offender also benefits the community in terms of safeguarding them from the negative impacts of crimes as well as giving better value of taxpayers' money in comparison to public expenditure on an offender in prison.

The Objective of Probation and Parole

Parole and probation are procedures for release of convicted offenders or adjudicated delinquents on a conditional basis in order to assist them in pursuing a non-criminal life, with the provision that they may be committed or returned to a correctional institution if their behavior after

¹⁰ "New Encyclopaedia Britannica" (2002) Ed: 30 vol.: Encyclopaedia Britannica Inc: William Benton Pub. :, Chicago 2003). p.21.

¹¹Peterson, David and Charles W., Thomas. (1975). Corrections: Problem and Prospects. New Jersey USA, p.17.

release fails to meet standards of the releasing authority. If granted by an administrative agency to someone who already has served part of a term of confinement this release is usually called parole in the United States and license in Britain. If granted by a court as an alternative to incarcerations this release is generally called probation. These provisions were primarily promulgated for the benefit of ‘first time’ offenders who were capable of leading a useful and productive life so as to minimize their chances of becoming hardened criminals due to the effects of imprisonment. Greatest virtue of the law was its flexibility and adaptability; it must change from time to time so that it answers the demand of the people, the need of the hour and order of the day.¹²

The jurisprudence developed over the years in Pakistan provides that a child in ordinary course would be released on bail or placed under custody of a Probation Officer and no punishment of death would be awarded to him and he would not be handcuffed, put in fetters or given any corporeal punishment.¹³ Purpose of trial of a juvenile was not punitive or retributive, but it was reformatory. Juvenile must learn lesson certainly the hard way and reform himself to become a useful and responsible member of the society. Entire Judicial System and enforcing State mechanism must be directed in that direction. General principle of criminal jurisprudence was that all the statutes would be interpreted in favour of offender and if any discretionary powers were vested in Court, same would not be withheld.¹⁴

Defining Probation

Probation refers to a period of time before a person is actually sent to prison or jail. When accused person receives probation, instead of pronouncing the sentence and sending him/her straight to prison or jail, the judge gives him/her an opportunity to show that s/he wants to rehabilitate himself/herself. In this case, either the party is given

¹²2007 PCr.LJ 306

¹³2002 MLD 1817

¹⁴2012 PCr.LJ 142

probation without a pre-determined sentence, or the judge may find the defendant guilty, and temporarily suspend the sentence while the accused person is on probation. If the accused person does everything the judge instructs them to do, then s/he may not be sent to prison to finish his/her sentence or given a new sentence based on the probation violation and initial crime.

Scope of the Probation in Pakistan

The concept of Probation is not stretched out to a wide range of offenses in Pakistan. The personal characteristic, the needs of the offender and the type of offense are taken into consideration while issuing a court probation order thus depriving the first-time offenders in heinous crimes to benefit from probation. All things considered, an exhaustive danger evaluation should be given prime significance while choosing the cases fit for probation and not simply the idea of an offense.

The probation law is relevant to both male and female wrongdoers. However, the law is more permissive towards female guilty parties. Notwithstanding, the offenses deserving of death or life detainment, the probation law is not relevant to male guilty parties indicted for offenses of terrible nature, heinous or shocking to public morality as portrayed in the Pakistan Penal Code of 1860. In contrast, female offenders are eligible for a probation order in all offences except offences punishable by death penalty. Further, children under the age of 18 years who come in conflict with law may also be dealt with the provision of Juvenile Justice System Act 2018 regarding probation. Child offenders who at the time of commission of an offence has not attained the age of eighteen years can benefit from the above provision.

Offender placed on probation by virtue of Section 11(2) of Probation of Offenders Ordinance, 1960, would be deemed to be discharged for purposes of any law imposing any disqualification or disability upon him/her. Such provision of law removed such disqualification and respondent could contest election.¹⁵ It is encouraging that releases on

¹⁵2002 CLC 1925.

probation have increased in recent years, particularly in cases of child offenders. However, practice shows in most of the cases release orders are issued in cases where the state is the party e.g. narcotics offences. Cases in which a private party is a victim, the courts exercise considerable restraint to the extent that even in appropriate cases the courts do not pass orders for release on probation due to the apprehension that the victim may take the law into its own hands and resort to revenge outside the court. The overriding influences of special laws like the Anti-terrorism Act further limit the practice of non-custodial sentencing. Courts after exhaustively exercising jurisdiction indeed become *functus officio* to exercise the authority.¹⁶ High Courts are competent to release offender on probation of good conduct.¹⁷

Defining Parole

Parole refers to the period of time after a defendant is released from prison. A defendant on parole will face many of the same controls or safeguards as probation. Conditions of parole may include requiring a defendant to stay in a halfway house and continuing with payments on fines and other financial obligations. It is the early release of good conduct prisoners or offenders who have completed mandatory period of substantive sentence as required under the Good Conduct Prisoner's Probational Release Act, 1926 and Rules 1927 that provide for release of good prisoners on conditions imposed by the government. This is commonly known as conditional release or Parole release.

In other words, Parole refers to the conditional release of prisoners or offenders in certain cases before the completion of the term of imprisonment to which they have been sentenced. With parole the prisoners serve the last portion of their sentence in the community after completing a mandatory period of substantive sentence in prison as required under the Good Conduct Prisoner's Probational Release Act, 1926 and Rules 1927.

¹⁶1992 PCr.LJ 119.

¹⁷PLD 1976 Lahore 373

Scope of Parole System in Pakistan

The parole system is primarily based on The Good Conduct Prisoners Probationary Release Act, 1926 and its Rules, 1927; and executive orders for implementation. Some of the provisions/executive orders limit its scope and need addressing. Parolees must be employed a minimum of 45 miles away from their immediate families and can meet their families by taking casual leave with the approval of the relevant parole officer. The parolee becomes eligible for casual leave after completion of the first six months of the parole period. The Assistant Director and parole officer are also authorized to visit the jails to select suitable prisoners for release on parole. The evidence shows these visits are not frequently carried out due to a low number of parole officers and weak coordination between prison management and the parole officers. In most of the districts, the probation officers have been assigned additional duties of a parole officer to cover the issue of understaffing. Other responsibilities and functions of the parole officer after the release of prisoners on parole include supervision and rehabilitation of offenders, periodic visits to parolees, collecting wages and submitting reports to his/her supervising officer and to process any complaints.

In pursuance of the recommendation made by the National Judicial Policy Making Committee (NJPMC) in June 2009, all the four provinces have established Parole Committees, comprising the Additional Secretary Home (Chairman), Director R&P, District Police officer of the concerned district, Additional Inspector General Prison, Superintendent of the concerned prison, Director Prosecution, Representative of civil society organization, prominent academic and any other member co-opted by the chairman. The arrangement of the committee may differ in minor ways in some of the provinces keeping in view their own available human resources. The role of the committee is advisory and on its recommendations the Home Secretary approves the cases for parole. This

is certainly a positive development in strengthening the parole system by involving members from a range of relevant agencies.¹⁸

Statistics

There are approximately 90,000 people incarcerated in the prisons of Pakistan, including men, women, juveniles, minors with their mothers and so on. All provinces are faced with the problem of overcrowded prisons. In Punjab, for example, with a capacity to house 21,527 inmates, there were 51,133 prison inmates, including 745 juveniles, by the end of September 2015. A staggering 34,860 or 70 per cent of these inmates were under trial. The staff strength of the Prisons Department is around 17,795, with a total sanctioned budget of Rs7.5 billion for the financial year 2014-15. In addition, there were 23,395 probationers in the province, including 22,974 male, 300 female and 105 juveniles, as well as 575 male and one female parolee. The Probation and Reclamation Department in Punjab has 95 officers, including one director, five deputy directors, 14 assistant directors, 55 male probation officers, two female probation officers, 15 male parole officers and five female parole officers. The sanctioned budget for the department was Rs116.078 million for financial year 2015-16. This shows that with only 1.54 per cent budget as compared to the Prisons Department; the Probation Department is taking care of 45.75 per cent of the prison population of the province.¹⁹

Similarly, in Khyber-Pakhtunkhwa (KP) around 10,000 prison inmates occupy the space for 8,285 prisoners with almost 70 per cent under trial, including 274 women and 395 juveniles. The staff strength of the Prisons Department in KP is 4,049, with an annual budget of Rs1, 268 million for 2014. The total non-salary expenditure during the year was Rs599.62 million. There are approximately 2,000 probationers and 25 parolees at the K-P Probation and Reclamation Department, which had an annual budget of only Rs31.67 million for 2013-14. Balochistan and Sindh are no different either. In Sindh, the prison population in December 2015 was

¹⁸ Probation and Parole System in Pakistan: Assessment and Recommendations for Reform by written by ZakirShuaib

¹⁹Published in *The Express Tribune*, February 10th, 2016.

19,372 with 3,276 convicted, including 40 females and 10 juveniles. Around 465 were under the death sentence, including two females, while under-trials numbered 15,351, including 150 females and 211 juveniles. With 25 male and one female probation officer, Sindh has 645 probationers.

Shortfalls in Probation and Payroll System

Probation and Parole system in Pakistan is facing various problems at different levels of administration of justice:

- (a) The existing Parole and Probation system of Pakistan does not have strong physical presence and up-to-date means of communication which are the basic requirements for any institution mandated for multi-agency and community rehabilitation work.
- (b) Allocation of funds is another issue facing by the existing Parole and Probation system of Pakistan. Appropriate funds provision will resolve infrastructure issues at the districts level and will contribute to strengthening of the probation services.
- (c) At present, no transportation facilities are provided to probation and parole staff to carry out their field work. It is highly recommended that civil society organizations through effective advocacy and media campaigns influence the decision makers to prioritize provision of office accommodation and equipment (telephone, fax, computer printers) to make the probation and parole officers accountable and able to play their due role in the rehabilitation and community reintegration of offenders.
- (d) Having up to date infrastructure and equipment is important but also needs skilled and knowledgeable staff to ensure its effectiveness. Investment in human capital is necessary in order to yield the desired results.
- (e) Low salaries, unattractive service structure, slow career progression of prison staff, high caseloads and over-worked staff are issues persistent in the current probation and parole system.
- (f) Ignorance of Probation and Parole Officers regarding the needs of offenders and subsequently absence of standardized models of

Rehabilitation for offenders released on Probation and Parole in the country is another important issue to be addressed.

- (g) Non-availability of criminal law experts, criminologists and social workers on the penal of R&P departments in the province needs attention.
- (h) Absence of Research and Development wings in R&P departments and Home Ministries of the Provinces.
- (i) There is lack of concerted and organized client-focused efforts by the R&P departments to ensure active participation and engagement of family, friends and community of the offenders released on Probation or Parole.
- (j) Neglect of R&P departments within Criminal Justice system of Pakistan Administrative Level. Under-staffing: Shortage of professional Probation/Parole officers.
- (k) Lack of proper training, motivation, problem solving skills and modern innovative techniques among Probation/Parole officers.
- (l) The District Criminal Justice Coordination Committees provide a more effective forum for joint working. Currently, with the exception of few districts, the representation of probation officers in the coordination meetings at the district level is not effective or absent all together.
- (m) There is lack of systematic and study empirical data about the workings of the parole and probationer system in Pakistan.
- (n) Releases of prisoners on parole are comparatively lower than releases of offenders on probation. Obvious reasons include the low number and less exposure of parole staff to prison settings.

Recommendations

- As the arrest and detention rate for juvenile offenders has increased over the years, many children have suffered from violations of basic rights while in detention, including violence, abuse, poor health services, adequate food supplies, exposure to the risk of HIV/AIDS and/or other sexually transmitted diseases. This area relating to Juveniles needs to be addressed with greater care and responsibility. Relevant portion of laws relating to

detention must be revised to align them with the normative criminal juvenile justice.

- Multi sector training on juvenile justice are required to strengthen collaboration and coordination among the key pillars of justice including civil society.
- Role of Reclamation and Probation Department must be assigned in prevention of crimes; for example working with groups or individuals at high risk of committing an offence for the first time.
- The R&P department requires capacity boost in terms of skilled human resource and logistics to meet the requirements for the effective community reintegration of offenders.
- Increased attention is needed to address the specific needs of girl offenders. Monitoring systems are needed to evaluate and assess the impact of pilot initiatives in juvenile justice and to support advocacy for legislative reforms.²⁰
- There are no provisions given in the existing probation and parole legislations to work with the victims of crime, enforcing fines or to compensate the victims of crime thus limiting its scope in addressing the needs of the victim. However, it will be too early to add the component of restorative justice to the role of probation or parole departments as the system is going through a rapid transition stage at the moment. Additional measures need to be taken to address the issue of overcrowding in prisons.
- The Reclamation and Probation departments lack a systemic training programme for their staff. On initial induction staff usually receives short term training at the National Institute for Prison Administration (NAPA) Lahore that is primarily

²⁰<http://www.sparcpk.org/Other-Publications/Probation-DALR.pdf>

responsible for training prison personnel. Capacity building of the staff is the most important area that needs immediate attention.

- The R&P Directorates should make monthly visits of parole officers compulsory in their respective yearly activity planner supported by regular supervision meetings on part of the R&P senior management. It also puts an obligation on prison management to make best use of parole services in order to reduce overcrowding in prisons.
- Amendments are required in the current probation of offender ordinance to widen its scope to include community service as part of community sentencing. At present the law is silent about any such provisions, particularly in the existing situation of Pakistan where there is no framework for formal rehabilitation of offenders outside the prison. Evidence suggests that voluntary work under the supervision of probation officers does help to improve an offender's self-image and increases his/her acceptability by community members leaving a long lasting effect in breaking the crime cycle.
- Exposures visits and exchange programmes should be arranged at regional and international level for R&P management and staff to study the successful non-custodial models in practice and to learn from each other's field experiences. Civil society organizations in Pakistan should come forward to design projects that target attitudinal change through training and skills.
- The capacity building component can best be achieved through involvement of civil society organization to design public private partnerships. Such interventions will pave the way for more sustainable system change. Sensitization trainings are also required for the bar association as most of the legal community is not aware of how the probation system works.

- Chapters on probation and parole system should be added to the training curriculum of judicial academy, police training academies and to update the syllabus of the National Academy for Prison Administration. Multi-agency focused trainings are required to empower the key players in criminal justice system to offer their services in a more holistic and integrated manner. This will also help to bridge the communication gap between the judiciary, police and probation and prison departments.
- In the government hierarchical service structure, probation and parole officers stand as a universal constant, hired and retired in the same grade most of the time. The R&P service shall be made equally attractive for others to join and problems of promotions must be vanished.

VOICES OF CHILDREN



Introduction

This chapter presents voices and stories of many young children from different fields. Their voices, stories and lived experiences communicate messages that must be given serious consideration in the local and global contexts. These *voices* and stories stress state and community to steer efforts towards breaking the cycle of abuse and child rights violation.

¹ Pakistan was ranked 154th among 189 countries in the United Nations'(UN) Human Development Index (HDI) 2020. It reported that Pakistan has not demonstrated any progress in key educational indicators, such as literacy rate, gross enrolment ratio, and expenditure on education, as compared to the adjoining regional territories. Pakistan has over 80 million children. Pakistan has the world's second highest number (22.8 million) of out of school children. ²Majority of these out of school children are in child labour.

Children in Pakistan are mostly involved in several kind of labour like working as table cleaner in hotels or *dhabas*, domestic workers in private household, washing vehicles in markets, and working as helper in different shops (mostly automobile garages). Most of these kids are observed wearing dirty and torn clothes, while some are without shoes even in winters.

These children on the streets with no future are deprived from the rights of protection, health and education. These innocent souls mature at an age when they are supposed to be celebrating and living a joyful life with nothing to worry about. But their little shoulders are overburdened because they were born poor.³As mentioned earlier,

¹[https://tribune.com.pk/story/2276065/pakistan-ranks-154th-on-uns-human-development-index#:~:text=Pakistan%20was%20ranked%20154th%20among,Index%20\(HDI\)%202020%20rankings](https://tribune.com.pk/story/2276065/pakistan-ranks-154th-on-uns-human-development-index#:~:text=Pakistan%20was%20ranked%20154th%20among,Index%20(HDI)%202020%20rankings).

²<https://nation.com.pk/27-Jan-2018/flowers-on-the-streets-with-no-future>

³<https://www.thenews.com.pk/print/745659-22-8m-children-are-out-of-school-in-pakistan>

Pakistan ranks second across the globe with 22.8 million Children out of school falling in the age group of 5 to 18 years. These children represent 44 percent of the total population in this age group. Moreover, approximately five million children between the age of five and nine are not enrolled in schools and 11.4 million adolescents aged between 10 to 14 years are dropping out of school.⁴In the province of Sindh, 52 percent poor children and 58 percent girls are out of school. While in the province of Baluchistan 78 percent of girls are out of school.

These figures are more than enough to jolt national and international communities. Apparently, in this case, like many other cases,⁵the rural areas of Pakistan are affected the most. The children of rural areas do not have basic necessities like education, clean water & food and health services.⁶Interestingly, Article 25-A of the constitution of Pakistan ensures free and compulsory education to the children between the age of five to sixteen years, and the real picture is very different. Millions of children across Pakistan are working hard to make both ends meet. Some are slaves of a greedy shop owner while some work on the roads from dawn to dusk to earn something so their families don't sleep empty stomach.

Covid-19 has damaged the economic and social structure the world over. The pandemic has hit really hard on the poorest countries and its vulnerable groups. These vulnerable groups include people who fall in low income groups and the children of these states are victims of forced labour. Previous reports related to Ebola virus in 2014 revealed that factors like crisis situation play strong role in aggravating the risk of child labour.⁷Cornelius Williams, Associate Director of child protection at UNICEF, stated that in an ongoing pandemic situation, vulnerable communities are facing worst outcomes. They are in dire situation and they have to make new and

⁴<https://www.thenews.com.pk/print/691173-3-5-million-children-are-out-of-school-in-sindh-saeed-ghani-tells-pa#:~:text=3.5%20million%20children%20are%20out,Sindh%2C%20Saeed%20Ghani%20tells%20PA>

⁵<https://www.dawn.com/news/1600526>

⁶http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

⁷<https://data.unicef.org/covid-19-and-children/>

crucial decision every day regarding their livelihood, definitely a hardship for poor families, to generate income and to spend the little they earn. ⁸These families go below the poverty line and they have to make these ugly choices. In low and middle income countries, the number of children living in poverty increased 15% with approximately 672 million at the end of 2020; stated by UNICEF and Save the Children.

⁹The pandemic has been specifically brutal to the children of the lower class, as more and more children are forced to leave their homes and earn for themselves and their families on a daily basis. Under the open sky, in a cold night, during a rainfall a barefooted little girl or a tiny boy must sell something so his or her family can have something to eat till morning only because the struggle is new every single day. The day and night experiences of these children demands for deeper and systematic understanding. To understand the voices and stories of these children, the researcher conducted in-depth interviews with various children and their families in Federal capital of Pakistan Islamabad (ICT) and Rawalpindi Punjab. The researcher approached several children who are working in shops and stalls like automobile garages, food stalls, selling different items on roads and traffic signals, as well as, begging on streets with the aim to know the reasons why they are involved in child labour and what kind of societal issues they are facing?

Main Objectives of interviews:

- To examine the issues and challenges of street children;
- To explore the factors that forced children to work as a labourers;
- To highlight the basic rights of children, like education, food, shelter, health and protection.

⁸<https://reliefweb.int/report/world/covid-19-and-children-s-rights>

⁹<https://data.unicef.org/covid-19-and-children/>

Stories of Children:

The voices and stories of children, derived from field data are presented in the forthcoming section. One of the child from the streets of Islamabad told: *“I was born to work irrespective of summer or winter. I have to meet my family expenses at any cost”*. The voice of another boy whose name was Saif Ullah is shared here.

Saif Ullah: “Buy a fresh red rose and give it to your loved one”, a 13 years old boy, Saif Ullah with shining eyes and brown hairs sells flower with this slogan near the country’s parliament building. He is the eldest one in the family after his mother. One of his younger brothers also sells notebooks and pencils at traffic signals. His mother works as a maid in Islamabad. With shivering voice Saif Ullah said “I have to earn around 500 rupees daily to support my mother for purchasing milk, flour, eggs and other food items. When enquired about studies he added: “I left school around four years ago and had to choose the road to earn bread and butter for my family. My dream is to become a teacher one day, who wears clean dress and everyone respects him.” Constitution of Pakistan Article 25-A ensures free and compulsory education for the children between the age of five and sixteen years. Children like Saif Ullah have dreams in little eyes but they are out of school to earn living for survival.

Asim: A 10 year disabled boy was spotted in Rawalpindi market belonging to rural Punjab.

Asim begs with his mother in the market, with Amir lying on a cart and his mother pushing the cart on the roads. Asim shifted with his mother to Federal Capital for an operation long time ago. According to his mother, Asim faces several issues like malnutrition and health care since his birth. “It’s been ten years and his body is not growing. Doctors said he has serious issues with bones and we are here in search of treatment. He is unable to play and I cannot afford his education” said the helpless mother.

Asking about his education and future, his mother replied he can understand everything and due to his medical condition he cannot go anywhere unsupervised. After a specific time, he has to lie down in a certain position in order to relax. How can he go to school?

In Pakistan, approximately 12 million children, 40.2 percent of children under five are currently stunted. National Nutrition Survey reveals that 28.9 percent children are underweight. Pakistan has the highest numbers of stunted children in the world after India and Nigeria.

Zainab: Zainab is a short heighted innocent girl. She is just 9 and begs for money in the streets of F-8 Markaz Islamabad. She is the youngest one among her three brothers and one sister. Her father collects papers from the streets and sells them, while her mother works as a dishwasher and floor cleaner in other people's home. She has never been enrolled in any school. Even in the coldest nights of December, she has no other option than to beg for money on roads. Due to the lack of interest and care from her parents, she wanders in the streets having no social protection. The carelessness and irresponsibility from her parents is destroying her social and moral character. Social protection is essential for children like Zainab. Child sexual exploitation can occur in all communities and amongst all social groups where both boys and girls get targeted. Sexual exploitation of children causes significant damage to their physical and mental health. It can also have profound and damaging consequences to the respective families including siblings. But due to the carelessness and irresponsibility of the state and parents many kids like Zainab have become vulnerable for the beasts who exploit children sexually. Experts also say that the rate of child abuse is higher where children work as a labourers.

Hajira: Hajira is a balloon seller in a local market. She's a single parent of two kids. She got married when she was around 16 in her native town Kasur. She was in school when her father ordered her to quit school and confirmed her marriage with her cousin. He was a driver. The newly married couple moved to majestic Islamabad after few months. Her husband left her when her first baby was about to be born. After few weeks her husband returned home. According to Hajira, her husband is not a gentle man; he takes drugs and smokes in front of her infants. He left Hajira again when she got pregnant with her second child and married another woman. Hajira is just 19 and she has two kids.

Hajira now sells balloons with one kid in her arms and one walking by. Hajira said "I am not educated, I do not have any other option

except working like this and feed my kids, I can't go back to my father's house, it's very odd for our people to be a divorced and live alone with kids. I wish to educate my kids. Child Marriage restraint act 1929 section XIX states that, the minimum age for marriage was 16, however, the new bill passed by Senate of Pakistan which said the minimum age of (Nation, 2021) marriage for female should be 18. Under-age marriage is always considered the main cause of death among girls aged between 15 to 19 during pregnancy and child birth.

Karim: Karim is a boy with shiny eyes who is unable to speak properly as he is only around 5 or 6 years old. He carries a big plastic bag in his little hands at G11 market Islamabad. Barefooted Karim collects paper and plastic stuff from garbage and puts it in his plastic bag. According to him his father also does the same work. Karim is the fourth child of the family and they are total five siblings. He wakes up with sunrise and around 8 o' clock heads to the market without wearing anything on his small white feet, to collect papers or plastic. Karim has nothing sufficient to wear to protect himself from the chilly nights of the Capital. Sadly, in Pakistan, many children's right to health is endangered from their youngest age. Approximately one child out of six dies before the age of five. These deaths are commonly caused by malnutrition or the lack of access to clean water and supplies. Every day, around 1,100 Pakistani children die from diarrhea and illnesses caused due to non-availability of clean water, sanitation, and hygiene. Another factor provoking the early deaths of Pakistani children is the nutritional status of children in Pakistan. It seems like Pakistan has failed so far in protecting children and children rights.

Ahmed: In a rainy night where people were busy with hot soups, tea and enjoying gossips, 13 years Ahmed dreams sitting on the stairs. When he got up and I inquired him about his name and family confidently he replied "I am Ahmed, 13 years old, and living in *katchiabadi* with my family". I asked him about the reason for being there at 12 am, he told me that they are eight siblings and he is the second oldest, his father is disabled and works in fruit market. Shivering from cold, little Ahmed said, "Sometimes I work in local hotels and wash utensils from which I earn one hundred rupees and a free meal of one time." Crying about the financial crisis, Ahmed said,

“I always observe other kids go to school every day while I and my little sister head towards market to sell pens.”

When asked about the harsh weather he replied:“it doesn’t matter we have to sell our pens so our family can sleep with peace”. He went back to stairs and placed down his head on little muddy hands and started dreaming again. That is when I noticed that it was not only Ahmed who was there to earn something, a large number of kids were there too, trying to sell different items.

Amin: Amin is a 10 years old boy, who works at a motor mechanic shop. He unscrews nuts and bolts of car engines. Amin works with his father. “Actually, I love vehicles and car engines, that’s the reason I am here” Amin told us while trying to clean his greasy hands with a dirty cloth. About his education he told us that he left school years ago but used to go to tuition daily before COVID-19 breakout. He said “Our teacher provides tuition with books and pencil without single penny”. When I asked Amin’s father Aleem about children education, he replied, “being poor is ugly here, poor have to choose between earning and education and they have to sacrifice education. I am not against educating my children but our working kids share expenses as I do not have enough resources or support of the government. If I send my kids to school, how will I be able to provide food to my family? Aleem also told me that the number of child labour is increasing with every passing day.

Inam Bibi: The 8 years old Inam Bibi sells color books and pencils with muddy hands in a local market. When asked why she is selling colors and pencils? “I love cartoons and colors” she replied in her sweet and innocent voice. She doesn’t know where her father is. Her elder brother owns a shop of collecting papers, cards and bottles etc. She has two younger brothers, one is studying in Madarassa and other one works with his brother. She was barefooted and wore no jacket or coat to protect her from the cold breeze of winter. She is a girl having pretty smile on her face. Inam Bibi told me that she just wanted to earn money by begging on the road and does not want to study. It is because she has no training about career and future goals. She told me that she has to support her family and the education of younger ones.

Observations:

National Nutrition survey states that in Pakistan micronutrient deficiencies are highly prevalent among children. More than half of Pakistani children (53.7%) are anemic. Approximately 12 million children, 40.2 percent of children under five are currently stunted. It has the highest numbers of stunted children in the world after India and Nigeria.

- Millions of children are out of school, most of them girls, for reasons including lack of schools in their areas, child marriage, and gender discrimination.
- Cornelius Williams, Associate Director of child protection at UNICEF stated that “The pandemic has been specifically brutal to the children of the lower class, as daily more or more children are forced to leave home and earn for themselves and their families.”
- Pakistan has over 80 million children who lack basic needs and 24% of country’s population lives below the poverty line. Pakistan has the world’s second highest number of out of school children.
- Child laborers in Pakistan are mostly involved in several kind of labour like working as table cleaner in hotels or *dhabas*, domestic workers in private household, washing vehicles in market and working as helper in different shops.
- In province Sindh, 52 percent poor children and 58 percent girls are out of school, while in the province of Baluchistan, 78 percent of girls are out of school.
- The government has reserved Rs. 2.931 billion for pre-Primary & Primary Education Affairs for 2020-2 against Rs. 2.83 billion for 2019-20, Rs. 7.344 billion reserved for Secondary Education Affairs & Services for 2020-21 against Rs. 6.718 billion for 2019-20.
- Government of Pakistan did not carry out any survey on child labour in since 1996. Many times provincial and federal government agreed to conduct a nationwide survey on child labour but nothing happened.
- According to a report by WHO (demographics of child marriage in Pakistan) 3 percent of girls are married under 15 while 18 percent under 18 in Pakistan.

- Child marriage is always considered the main cause of death amongst girls aged between 15 to 19 during pregnancy and child birth.
- Where 80 million kids are out of school and a large number engaged in bonded labour. An organization named Sahil reported that chances of child abuse increases 80 percent where children are working as a labor.
- Legislative bodies are inactive in this regard or are working appropriately on child rights.
- Political parties are participating in elections from decades but unfortunately it is observed that issues related to child labour, violence, sexual abuse, early marriage, education and malnutrition are not on the agenda of any political party.
- Laws related to child labour passed by previous governments are yet to be implemented. Every new government drafts new bills and laws for child rights and forgets previous laws.
- There is a Lack of coordination between political parties as well as provincial and federal government.

<https://www.unicef.org/reports/state-of-worlds-children>

<https://tribune.com.pk/story/793859/child-rights-in-pakistan-an-unfinished-agenda>

<https://www.thenews.com.pk/print/571473-child-rights-in-pakistan>

Recommendation:

- Pakistan has over 80 million children majority of whom lack basic needs.
- 24% of country's population lives below the poverty line.
- First and foremost, government should make policies to control population.
- Approximately five million children between the age of five and nine are not enrolled in schools and ¹⁰ 11.4 million adolescents aged between 10 to 14 years are dropping out of

¹⁰<https://www.unicef.org/pakistan/child-protection-0>

school. 22.8 million Children are out of schools. Government should take drastic measures to enroll more and more children in schools through practical educational policies and awareness programs.

- To prevent malnutrition issues, state should take serious actions against early/under age marriages.
- Malnutrition in Pakistani is directly connected with inadequate nutrition among mothers during pregnancy. There should be a strict national policy to provide special care to mother and child during pregnancy.
- ¹¹Providing Child health facilities is the basic responsibility of state. Article 245 should propagate and state should provide equal rights to every child.
- Government should seek help of non-governmental organizations in conducting surveys to collect accurate data regarding child labour and child issues.
- Government and government institutions should take strict actions against child labour. ¹²Child Protection Unit and domestic police should raid on restaurants, shops and markets which are the hub of child labour.
- There has to be a national co-ordination policy between federal and provincial government. With mutual understanding both governments should draft strict laws against child labour, protection, child marriages and make sure the implementation.

¹¹<https://www.unicef.org/stories/fighting-malnutrition-pakistan-helping-hand-children-abroad>

¹²http://www.na.gov.pk/uploads/documents/1399370084_544.pdf

- ¹³Government should implement policies, especially for local shops and restaurants to stop cheap child labour.
- Government should focus on family planning and other societal issues that create obstacles towards the development of society.
- ¹⁴A large number of underage girls are working in houses as a maid and face physical punishment. It is really important to stop domestic violence.
- Increase education opportunities for children in urban as well as deprived areas without any discrimination.
- No one is above the law. Government should implement law and take strict actions against perpetrators.
- It is the basic responsibility of state to provide healthy and safe environment to every child.
- Government should increase education budget as much as it can. The budget should be invested on children and their education.
- With the help of NGOs, government should start awareness program for children and parents and spread awareness about education.
- To stop child violence the very first thing is to stop child labour. State should protect every child and give them right to live with dignity and pride.
- ¹⁵Government should take steps against all kinds of violence against children like physical, mental, maltreatment, exploitation and sexual abuse.

¹³<https://tribune.com.pk/story/2280255/child-abuse-feared-to-surge-amid-covid-19>

¹⁴<http://thebalochistanpoint.com/child-labour/>

¹⁵http://www.na.gov.pk/uploads/documents/1399370084_544.pdf

- Corporal punishment also has negative effects on children psychology. There should be a law for any kind of punishment to children.
- Federal Government has to design a platform where people from everywhere can participate and can contact federal as well as provincial governments and concerned departments to report child violence, abuse, underage marriages and child labour issues.
- Civil society and non-governmental organizations should highlight the issues related to bonded labour, early marriages, child health at different platforms.
- We have to demand and ask political parties and local politicians to create a bridge between human rights activists and legislative bodies through which the activists should be part of legislation.
- Government should focus on vocational programs, especially in deprived and rural areas of Pakistan,¹⁶ to support children learn technical skills for their livelihood.
- Political parties should be more serious about child rights. Their manifesto should focus on child rights and ensure the implementation of law.

¹⁶<https://nation.com.pk/30-May-2018/300-females-complete-vocational-training>

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