

THE CHILDREN OF MINORITIES:

A NATIONAL PERSPECTIVE FROM PAKISTAN



Royal Norwegian Embassy



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PREFACE

The term “minority” in Pakistan has been for several reasons one of the most highlighted yet under-emphasised aspects of its social, cultural and political landscape. Particularly, due to certain politically fuelled ethnic and religious ideologies, the terminology has almost taken the shape of a sociocultural taboo, where people tend to tread carefully when dealing with issues related to minorities. While the Constitution of Pakistan has the required provisions for providing and safeguarding the rights of minority communities and their children, commitment and implementation remain the weakest links in ensuring just and equal opportunities of lives and livelihoods for them.

Since 1947, radical developments in Pakistan's demographics have fed into intercommunity relationships transpiring in competitiveness and volatility. Despite the existence of pertinent laws and the administrative setup, considerable progress could not be made at the national level in the area of minority rights with a particular focus on children. Although, the 18th Constitutional Amendment was hailed as a major step forward in the realization of promotion and progression of human rights in Pakistan, it could not evolve into a chain effect. Provincial Governments are either excessively dependent on Federal Government's support or are coping with serious capacity issues, particularly in technical areas. This, however, must not undermine the consolidated efforts undertaken by the Government of Pakistan with the support of non-government and international development partners.

As the leading child rights organization in Pakistan, the Society for the Protection of the Rights of the Child (SPARC) has led the way in reaching out to the marginalized and excluded children groups in Pakistan. We do it because it is part of our mandate and the reason of our existence. Our work is centered around a broad range of issues addressing the overall system and policy framework, with added focus on thematic areas of special importance to children that underpin the United Nations Convention on the Rights of the Child (UNCRC) and other major human rights instruments. In policy and in practice, SPARC has remained consistently engaged with the child rights, working in diverse areas like juvenile justice, child labor and prevention of violence against children. Equally, as the foremost advocate of child rights in Pakistan, we are contributing towards promoting the rights of children of minority communities in Pakistan.

While considerable research has already been done to highlight minority issues and their rights in Pakistan, the rights of the children of minorities have been seldom discussed in academic, policy and legislative circles. The State of Pakistan's Children, SPARC's flagship publication since 1997, assigned a separate chapter for the children of minorities in Pakistan in its 2011 edition. The report highlighted immediate attention-seeking facts and stats pertaining to minority children and their condition. Building up further, this national study aims to provide a way forward on improving the state of affairs of minority children in Pakistan. The study, in addition to relying on secondary information resources, has also engaged government representatives and subject experts through key informant interviews and focus group discussions to extract firsthand information which can become useful inputs for decision makers.

We are thankful to all the officials and professionals whose guidance and support enabled the development of this study. The findings may prove expedient in policy formulation and implementation, paving the way for the children of minorities to play equivalent roles as respected citizens in the development and progress of Pakistan.

Humera Malik
Chairperson, SPARC Board of Directors

ABBREVIATIONS

ANP:	Awami National Party (political party)
CEDAW:	The Convention on the Elimination of All Forms of Discrimination against Women 1979
CPC:	Child Protection Centre
CPP:	Child Protection Programme (UNICEF)
CPWC:	Khyber Pakhtunkhwa Child Protection and Welfare Commission
FATA:	Federally Administered Tribal Areas
FCR:	Frontier Crimes Regulation
FGD:	Focus Group Discussion
ICCPR:	The International Covenant on Civil and Political Rights 1966
ICESCR:	The International Covenant on Economic, Social and Cultural Rights 1966
ILO:	International Labour Organisation
ISU:	Implementation Support Unit (for Post-Crisis Needs Assessment)
JUI-F:	Jamiat Ulema-e-Islam Fazl (political party)
KII:	Key Informant Interview
MDG:	Millennium Development Goals
MEMRI:	Middle East Media Research Institute
MPA:	Member of Provincial Assembly
NCCR:	National Commission for Child Rights
PCNA:	Post-Crisis Needs Assessment (for Khyber Pakhtunkhwa and FATA)
PML-N:	Pakistan Muslim League Nawaz (political party)
PPC:	Pakistan Penal Code
PTI:	Pakistan Tehreek-e-Insaf (political party)
SPARC :	The Society for the Protection of the Rights of the Child
UN:	United Nations
UNCRC:	The United Nations Convention on the Rights of the Child
USCIRF:	United States Commission on International Religious Freedom
UNICEF:	United Nations Children's Fund
ZWC:	Zimmi Welfare Committee

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OVERVIEW

WHAT IS A MINORITY?

“An ethnic, religious or linguistic group, fewer in number than the rest of the population, whose members share common identity” Akin to many societies around the world, minorities in Pakistan are among the most marginalized; as they remain largely excluded from participation in socioeconomic life, thereby experiencing long-term poverty. Furthermore, they encounter impediments in expressing their minority identity, such as not being able to profess their religion openly or celebrate their unique cultural festivities. Recently, they have become victims of conflict and violence on the basis of their ethnic and/or religious affiliations. Correspondingly, in Pakistan, minority children are doubly marginalized. They are typically the poorest of the poor, frequently excluded from essential services and protection, and deprived of opportunities for growth and development.

WHAT IS A MINORITY?

“An ethnic, religious or linguistic group, fewer in number than the rest of the population, whose members share common identity”

Minority children are entitled to the full enjoyment of the rights proclaimed under the international human rights law, including the UNCRC. Their rights need to be analyzed in the light of the general principles of the UNCRC, which are:

- ✦ Non-discrimination (Article 2)
- ✦ Best interests of the child (Article 3)
- ✦ The right to life, survival and development (Article 6)
- ✦ The right to be heard (Article 12)

The UNCRC's non-discrimination principle, in particular, requires States Parties (of which Pakistan is a member) to identify those children and groups of children, the recognition and realization of whose rights may demand special measures. Importantly, this involves the need for disaggregated data collection to enable discrimination or potential discrimination to be identified. The non-discrimination principle further necessitates consideration of multiple facets of discrimination experienced by some children. At the same time, minority children are also the addressees of special provisions, especially with regards to indigenous children.

Article 30 of the UNCRC provides:

“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.”

International conventions related to minorities that have been ratified by Pakistan include:

- ✦ International Convention on the Elimination of All Forms of Racial Discrimination 1965
- ✦ The International Covenant on Civil and Political Rights 1966
- ✦ The International Covenant on Economic, Social and Cultural Rights 1966
- ✦ The UN Convention on the Rights of the Child 1989
- ✦ The International Convention on the Prevention and Punishment of the Crime of Genocide 1948
- ✦ The Convention on the Elimination of All Forms of Discrimination Against Women 1979
- ✦ The ILO 111 Discrimination (Employment and Occupation) Convention 1958

As per Article 260(3)(b) of the Constitution of Pakistan, the recognized minority communities of Pakistan are Christians, Hindus, Sikhs, Buddhists, Ahmadis, Baha'is and the scheduled castes. The presence of a sizeable minority population (4% of the total population¹), warranted the establishment of dedicated government setup to handle minority specific issues. This led to the creation of the Federal Ministry of Minorities in September 2004. The 2011 devolution which occurred as a result of the 18th Constitutional Amendment also devolved the Ministry from the Federation to the Provinces. However in July 2011, it was announced that a Ministry of National Harmony would be established with six departments pertaining to federal legislation on minority affairs. After a span of two years, the newly elected government announced merging the Ministry of National Harmony into Ministry of Religious Affairs which received stern criticism, particularly from the representatives of minority communities in Pakistan. As of today, the Federal Ministry of Religious Affairs and Inter Faith Harmony stands functional.

¹According to the official population census of Pakistan carried out in 1998.

NATIONAL CONTEXT

Below is an account of different scenarios, taken from real events that the minorities and their children in Pakistan have been affected by in the recent past.

Minority communities in Pakistan have faced systematic violence from the hands of the majority Muslim community in Pakistan. These acts of violence have ranged from individual acts of murder to more systematic community actions including mob attacks and lynching. In some cases, whole neighborhoods of minority communities have been wiped out by extremists, backed by banned militant organizations, forcing members of the minority communities to leave their ancestral lands in search of safer abodes. In recent years, the wave of terrorism perpetrated by non-state actors has been especially threatening to the minorities living in the country. For instance, in what can be termed as the most violent attack targeting the minority Christian community in Pakistan, on 22nd September 2013, the All Saints Church in Peshawar was bombed by militants killing at least 70 people, including women and children. An outlawed militant outfit claimed the responsibility for the brutal attack.

A more insidious form of discrimination which has far reaching consequences in the perpetuation of hate and discrimination against the children of minorities in the country is the presence of hate speech and biases against minority communities in the school textbooks taught in educational institutes throughout Pakistan. In a report prepared by the Middle East Media Research Institute (MEMRI), it has been highlighted that certain textbooks in Pakistan, following a particular schooling curriculum have resorted to hate speech, thereby, preaching and promoting animosity towards minority adults and children, particularly the Christians and Hindus of Pakistan. In 2013, a vocal leader of a minority teachers association, Professor Anjum James Paul, wrote to the Prime Minister of Pakistan, Mian Muhammad Nawaz Sharif, claiming that the content of the “Ethics” textbooks discriminates against non-Muslims. Referring to the Constitution of Pakistan, he pointed that there was discrimination in relation with the fundamental rights of the students of the religious minorities. In this regard, Muslim students have been provided the facility of the subject of Islamic Studies but minority students have been deprived of their fundamental right to study their own religions. Education plays a vital role in determining whether children appreciate and respect ethnic and religious difference or view religious minorities negatively, especially within a multi-ethnic and multi-religious country like Pakistan. In this context, the role of the teachers and curriculum becomes very important.

Minority communities are also vulnerable to being accused of blasphemy and then prosecuted under the country's controversial blasphemy laws. In this regard, minor disputes or economic interests may trigger accusations of blasphemy on a member of the minority community who may be killed on the spot by angry mobs. The case of Rimsha Masih is the most prominent example of children being targeted by the blasphemy laws: other cases may involve expression of religious or cultural beliefs which may be marked as offensive by the majority, leading to the persecution of the minority community member. For instance, on the occasion of Christmas, a man in Sargodha was held on account of impersonating Santa Claus and charged with blasphemy. The man claimed that he simply wanted to share the sweets and gifts with the children of the locality on the festive occasion. The following day, a mob ransacked the lockup where the man was held and set fire to his belongings. Blasphemy laws in the country have been the target of criticism owing to their severity and for the fact that they are open to abuse.

The present state of affairs for the minority communities can only be rectified if the government and the communities at large work in tandem to create a more tolerant and inclusive social and political environment in the country. As representatives of the people, political parties can play an important role in fostering such an

environment. However; during the run-up to the General Election 2013, most political parties, while announcing their manifestos assured protection and security of religious minorities, some of these parties also vowed to protect their constitutional and fundamental rights, promising the provision of the implementation of job quota. Following the elections, parties which have come in power at the Federal and Provincial levels have still not taken up this issue as one of their policy priorities.

METHODOLOGY

The key purpose that the national study serves is to take stock of the prevalent situation of minority children in Pakistan from a human rights perspective. There remains a substantial resource and reference base as far as the way forward on the development and improvement of minorities is concerned. However, the specific area of the children of minorities has been an untapped area and this study serves to be the first-of-its-kind to that effect. This also gives rise to a number of problems; for instance, there is very little information on the issues faced by the children of minorities specifically apart from considerable literature on the discrimination in school textbooks. Furthermore, there is considerable need to increase people's awareness on the rights of children of minorities as there is a tendency to conflate the rights of adult minority members with children. This has also percolated in the government discourse on minority issues whereby currently there is not a single program or policy which caters to the children of minorities in Pakistan.

Efforts were carried out to sum up an in-depth analysis of the state of the children of minorities by involving different strata of the Pakistani society from the minority as well as the majority population. In addition to the community representatives; government officials, development experts and professionals, having background and experience in relevant field of study, were also covered in all the four provinces. At the same time, the findings of the study were also constricted by certain limitations, such as, some of the identified individuals refused to be interviewed due to security concerns, a few minority representatives did not voice their sentiments openly for fear of any repercussions and the prevalence of the perception within the society at large about the issue of the children of minorities not carrying national significance.

The complex and multifaceted issues faced by the children of minorities call for concerted efforts by the Federal and Provincial Governments along with the Civil Society and NGOs to ensure effective legislation and policies on minority rights. This section will aim to provide guidance for integrating provisions in policies and programmes of the government and non-government organizations to foster the lives and livelihoods of minorities and their children in Pakistan. The main sources of information drawn for the purpose of the study include:

- ✦ Desk study of framework policy documents endorsed by the Government of Pakistan falling within the ambit of basic human rights, including the Constitution of Pakistan, Pakistan Prison Rules 1978, The Prohibition of Child Marriage Act 2006, Juvenile Justice System Ordinance 2000, etc.
- ✦ Thorough analysis of minority specific legislation in Pakistan, such as Hindu Minority and Guardianship Act 1956 to determine the state of minorities specific legislative arrangements which are in place in Pakistan.
- ✦ Detailed review of UNICEF policies and practices towards promoting the rights of minority children and women around the world. UN has also been a key proponent of children uplift in Pakistan with projects designed and delivered around this theme.
- ✦ Reading of SPARC's publications, particularly its flagship reports entitled, the State of Pakistan's Children, 2011 and 2012 editions. While the topic exclusively covered under this national study does not have any precedence before, SPARC took the first step by including a chapter on "minorities" in its 2011 report.
- ✦ Results of thorough key informant interviews (KIIs) with representatives of Provincial Government Departments and non-government experts working in the area of minorities with an emphasis on children rights. Both the government and non-government entities have worked in collective and independent capacities to steer the minorities development agenda forward and this alliance can play a pivotal role with regards to minority rights in the future.

- ✦ Field visits to Karachi, Lahore, Peshawar, Quetta and Islamabad in connection with conducting focused group discussions (FGDs) and bringing together a broad range of topic and subject specialists. To ensure that the findings and recommendations truly reflect a national approach, all the provinces have been accounted for in the research.

For presentation and comprehension reasons, detailed findings have been classified on the basis of provinces because, 1) certain dynamics are very province specific, 2) it made sense to differentiate provincial issues from national ones and 3) at certain point in time, policy level decisions may be taken by the Provincial Governments in addressing these aspects.

Study methodology in Khyber Pakhtunkhwa

Key informant interviews were conducted to gain firsthand information and measure perceptions of both the minority and majority population in the province when relating to the rights of the children of minorities. The respondents present a diverse mix of Christians and Muslims with varying professional and individual backgrounds. Names and other details of the respondents have been kept confidential on the request of the respondents who spoke on condition of anonymity. However, to understand the context, the respondent's official or religious affiliations have been mentioned below:

- ✦ Chatholic Church
- ✦ Christian Communit Member
- ✦ Law Department
- ✦ Child Protection and Welfare Commission
- ✦ Governance, Law and Policy Expert
- ✦ UNICEF

Here it may be noted that the Sikh and Hindu communities memberes refused to provide their feedback.

Study methodology in Sindh

On the pattern of study carried out in Khyber Pakhtunkhwa, KIIs with a select but diverse group of respondents were carried out to gain insights, experiences and analytics into the rights of the children of minorities and how these rights were accorded in line with the underlying country specific legislations as well as intrnational conventions. On the behest of the respondents, identities of the respondents have not been disclosed. However, their designation or representation have been highlighted below as a contextual reference.

- ✦ Hindu Community Member
- ✦ Chatholic Church
- ✦ Sikh Community Businessman
- ✦ Department of Education and Literacy
- ✦ Social Weflare and Women Development Department
- ✦ Law Department

Study methodology in Balochistan

For the Balochistan segment of this study, a different approach was taken altogether. Rather than depending on individual interviews to extract pertinent knowledge and learn from experiences, a group based discussion was organised that brought together key stakeholders with relevance to the children of the minorities in Pakistan topic. The focus group discussion (FGD) served the purpose in a better way because the participants' mix nominated from Balochistan was more heterogenuous compared to other provinces. The FGD brought together Christians, Hindus and Mulsims on one table to explain the present situation and discuss the ways forward regarding various aspects of the children of minorities in Balochistan and Pakistan. During the three hours long session, vibrant and constructive discussions were held among the participants who brought a diverse yet dynamic set of expertise and experiences with a specific focus on minority children rights within the context of Pakistan in general and Balochistan in particular. Mr. Khalid Mehmood, on behalf of SPARC, moderated the focus group discussion and also facilitated the participants with consistent input and feedback.

List of organizations represented are given below:

- ✦ Literacy and Non-formal Education Department
- ✦ Hindu Community Member
- ✦ Human Rights Commission of Pakistan
- ✦ Memorial Methods Church
- ✦ Religious Affairs and Inter Faith Harmony Department
- ✦ Muslim Community Member
- ✦ Society for the Protection of the Rights of the Child

Study methodology in Punjab

Details of information gathered as a result of the study conducted in Punjab can be somewhat termed inconclusive due to the fact that no representative from the minority communities could be included within the KIIs' process. Nevertheless, some interesting viewpoints and findings still came to the forefront which can help in formulation and/or steering policies aimed at the minorities of the children in Pakistan. Questions posed to the respondents in the form of a questionnaire generated detailed discussions and also provided the opportunity to understand the existing state of affairs within the context of development and promotion of minorities in Pakistan. All the respondents who were interviewed to gather the findings were government functionaries are given below.

- ✦ School and Education Department
- ✦ Law Department

Here it may be noted that the Christian, Sikh and Hindu communities members refused to provide their feedback.

Alongside the KIIs and FGD, literature comprising of national, provincial and international laws and policies were reviewed. The list in alphabetical order is provided below:

- ✦ Child Marriage Restraint Act, 1929
- ✦ FATA Child Protection Policy, 2012
- ✦ Guardians and Wards Act, 1890
- ✦ Mines and Minerals (Development and Regulation) Act, 1957 (India)
- ✦ National Child Protection Policy (draft)
- ✦ Pakistan Prison Rules, 1978
- ✦ Prevention and Control of Human Trafficking Ordinance, 2002
- ✦ The Coal Mines Regulations, 1957 (India)
- ✦ The Hindu Minority and Guardianship Act, 1956 (India)
- ✦ The Juvenile Justice System Ordinance, 2000
- ✦ The Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010
- ✦ The Mines Act, 1952
- ✦ The Mines Rules, 1955 (India)
- ✦ The Prohibition of Child Marriage Act, 2006 (India)
- ✦ The Sindh Child Protection Authority Act, 2011
- ✦ West Pakistan Shops and Establishments Ordinance, 1969

FINDINGS

FROM KHYBER PAKHTUNKHWA

Provincial Context

Historically, minorities have held noteworthy presence in Khyber Pakhtunkhwa which can be dated back to centuries old archaeological excerpts. Christians, Hindus and Sikhs predominantly make up the minority population in the province in addition to Balmeke, Kalasha, Ahmadis and Parsis settled in comparably smaller numbers. According to official documents, minorities have complete freedom of their religious undertakings and upkeep of their worship places. The Government of Khyber Pakhtunkhwa is looking after minority affairs in the province through the Auqaf Department which has a Minority Affairs Cell for that purpose.

As per the official documents of the Auqaf Department, the Minority Affairs Cell is tasked to safeguard the rights of the minorities and their children by executing schemes for their welfare. Furthermore, the Cell has the functions to safeguard the rights of minorities, coordinate meetings of the Provincial and District Minorities Committees, work with the Federal Government on matters relating to minorities and preservation of minorities workshop places, such as, churches, gurdwaras and mandirs. Traditionally, minorities have lived in peace and harmony with the majority population in the province, however, some incidents have taken place recently where the lives and properties of minorities were targeted.

Churches and mandirs can be found in fair numbers through the breadth of the province in the major cities including Peshawar, Nowshera, Mardan, Charsadda, Dera Ismail Khan, Bannu, Kohat, Haripur and Mansehra. Buner holds a lot of significance for Sikh community owing to the presence of six Gurdwaras there. Similarly, Peshawar, Abbottabad, Mardan, Mansehra and Swat also have Gurdwaras at several locations.

The sitting Member of the Provincial Assembly, Sardar Soran Singh, hailing from Buner represents Pakistan Tehreek-e-Insaf (PTI) and has interestingly been one of the vocal legislatures in the political sphere of Khyber Pakhtunkhwa. Another MPA representing the Christian minority population in the province is Fredrick Azeem Ghori who got elected on Pakistan Mulsim League Nawaz (PML-N) ticket. Askar Pervez is the youngest amongst the minority MPAs. Representing the Christian community, he got elected to the provincial legislature on the ticket of Jamiat Ulema-e-Islam Fazl (JUI-F) party.

On the 1st of January, 2014 - the Chief Minister of Khyber Pakhtunkhwa accorded the approval to increase the quota reserved for minorities in public sector employment by 100%. The quota which had been enhanced by the current Provincial Government to 1.5% previously, has now been elevated to 3% as a result of this decision. This is regarded as an important development with positive implications for the educated and employment seeking youth representing the minority communities.

Knowledge: Laws and Policies for the Children of Minorities in Pakistan

The key informants interviewed in Khyber Pakhtunkhwa identified Christian, Hindu, Sikh and Parsi as the minorities living in Pakistan. Some responses also alluded to Jews, Bengalis, Burmese and Buddhists being part of the Pakistani minority population.

All the respondents converged on the point that the Constitution of Pakistan has ample provisions to safeguard the rights of the minorities and entitled their access to free education, economic development and property rights. However, the level of knowledge and aptitude differed on the point of implementation of these provisions of the Constitution. While the recordings of the KIIs stated that minorities were safeguarded with

equal rights as those given to the majority, practice was contradictory, owing to weak implementation. One of the Christian respondents stated that the Christian minority community were Pakistani nationals foremost, and therefore they must have equal rights just like the majority.

“The Constitution of Pakistan gives equal rights to all citizens irrespective of ethnic or religious backgrounds. The same spirit must show in implementation of policies as well as in the shape of equal rights for worship with protection and settlement of minority court disputes on the basis of minorities family laws rather than Islamic laws - a Catholic priest hailing from Peshawar”.

Arguments made by Christian respondents specified that quotas for education and employment, particularly aimed at the minority youth, must be enhanced to bring them at level with the population demographics of minorities living in Pakistan. Other respondents claimed that people representing the minority communities in Pakistan made it to the higher echelons of civil and military services. To another question, it was responded that existing laws framed for the protection of minorities' children with respect to education, health and protection were sufficient but implementations of these laws must be carried out in true spirit. On multiple instances, minority and majority respondents emphasised on steps to enhance the rights of the children of minorities to education and employment through increased quotas in academic institutions and administrative departments.

Know-how of the respondents with reference to the UNCRC and Pakistan's obligations as a signatory state varied from non-familiarity to limited awareness. All the respondents were unanimous on the point that Pakistan underperformed on the implementation of any such international treaty which called for the promotion of child rights including the children of minorities, particularly in the areas of health, education and protection. It was also reported that a lot of emphasis was on documentation while implementation was lacking in terms of protection of the rights of children under international covenants and agreements. A senior government representative made an interesting statement which said that the Millennium Development Goals (MDGs), of which Pakistan is a signatory, if adopted and implemented in true spirit, will prove instrumental in fostering children's health, education and protection. Thus, there is no need for special national policies and instead, implementation on existing areas must be emphasised.

Minority as well as majority communities' representatives pointed towards the discrimination that the children of minorities had to face from as early as schooling days up until university education. Similarly, exceptions are also meted out to minorities and their children, as per the respondents, in access and availability of public services, such as, birth registration, national identity registration, etc. According to one of the Christian respondents, there was a widespread social stigma associated with the Christian community as it was looked down because of its religious identity. Taking the same argument a step further, a Muslim interviewee responded that the current national and provincial legislations did not have any shortcomings as far as protection of the rights of minorities' children was concerned, rather it was the collective social behaviour that needed attention. Specifying the various forms of discrimination faced by the children of minorities, one respondent stated that these included sexual abuse, bonded labour, racial segregation and religious ignominy.

Attitude: Laws and Policies for the Children of Minorities in Pakistan

It was reported that strengthening the legislation through effective implementation has the potential to ensure rights of the children of minorities, such as, protection in schools, equal treatment in service delivery and adaptation of school curriculum in line with religious beliefs. Similarly, the respondents also complained about the performance of dedicated institutions such as National Commission for Child Rights and Child Protection Centres being ineffective as there was no evident ground work from them. Constant rise in the number of begging and out of school children were indicators of the institutional ineffectiveness and inattention.

Responding to the alignment of school curriculum for the children of minorities, one of the respondents, a senior female lawyer argued against it being a pressing issue because “minority children were enrolled in

missionary schools where they are given the option to opt for the subject of ethics and civic education”. Another respondent's wife was running a private school in Peshawar. According to him, they have a mechanism in place under which consent of the parents of the minority children is taken before they are taught Islamic Studies curriculum. He also stated that in the board examinations and higher education levels, minority children have alternate subjects to opt for if they don't wish to study Islamic Studies.

Among the Christian community, particularly in Peshawar, it was reported that there was a discontent with the performance of national, provincial and district government authorities with respect to addressing the basic social needs of Christian children. A leader of the local Christian community in Peshawar argued that the Provincial Governments did not undertake worthy initiatives which could lead to protection of minority rights in general and rights of the children of minorities in particular. He mentioned that the Provincial Government needed to implement the reserved job quota in its true form and promote the youth representing minority communities for such employment opportunities. Furthermore, he also pointed out that funding needed to be enhanced for the minority communities to look after their children healthcare and at the same time the Provincial Government must ensure that the allocated funds were also utilized properly.

Another finding recorded an interviewee mentioning that in cases involving minorities, everything seemed to be guided by an adage which states “**might is right**”. The offenders are stronger than the victims as they consider themselves above the law. The legal system for addressing the issues of discrimination against minority children needs to be made more responsive. The performance of legal system was also termed as inadequate since there were a number of children in prisons and their cases were stuck only because they could not meet the financial needs which are required for probation.

Almost all of the respondents agreed unanimously that no comparisons could be drawn among national or provincial policies to protect minority rights since none existed at this point of time. Juvenile Justice System Ordinance 2000, Child Protection Act 2010, Human Trafficking Ordinance 2001, Guardians and Wards Act 1980, and Provincial Labour Laws were recounted as the general laws applicable to minority children in the legal system by the respondents.

Practice: Laws and Policies for the Children of Minorities in Pakistan

According to the Christian community based in Khyber Pakhtunkhwa, the local Urdu print media has traditionally played an active role in highlighting issues having relevance with the minority communities as was seen in Rimsha Masih's case. Lauding the role of media in Pakistan, a humanitarian development professional working in the area of human and children rights stated that previously, majority of the issues faced by the minority groups in Pakistan went unnoticed and unattended due to absence of a vigorous and impartial media. That void has been filled to a large extent by the mainstream media, particularly electronic media, through objective and unbiased reporting.

“The mainstream media in Pakistan is violating child related laws in an effort to make flashy news headlines and cover stories. Disclosure of identity of the children is prohibited under law, however, media channels and news agencies have been frequently violating this aspect - a senior government children rights official”.

In the words of a Governance Specialist, cable television, broadcast media and print newspapers have become increasingly discriminatory towards minorities in Pakistan. Even the acts and conversations are sometimes discriminatory to a certain minority based in the country. In the never ending rating competition, television channels and newspapers showcase mutilated bodies of adults and children which adversely impact children's mental growth.

Leaders and representatives of the minority communities seem to have virtually no meaningful role as far as partaking in the policy discussion and consultation on minority children's education, health and protection is concerned, a claim substantiated by the responses of the minority interviewees. An important figure within the Christian minority community of Khyber Pakhtunkhwa also seemed oblivious to participation in policy level

consultations. Owing to time constraints and work burden, he has assigned someone on his behalf to participate in events where input and feedback is gathered by the authorities corresponding to minority children's education, health and protection thematic areas.

One of the respondents, a senior government official in Khyber Pakhtunkhwa, asserted that as a key note speaker and event moderator during child rights events, he has ensured that children are referred to as human beings and not as a part of any religious or ethnic group. Discourse has always been regarding lawful rights of every child in Pakistan and not singling out Muslim or minority children.

A senior female lawyer responded that she provided regular inputs towards children (majority and minority) education related themes. For example, a recent input correlated with improving the implementation of Article 25(A) i.e. free and compulsory education for all. At the same time, she gave specific recommendations on making the education system more market based and skill oriented rather than churning out degrees at the end of the academic tenure.

Recommendations: Laws and Policies for the Children of Minorities in Pakistan

During the study phase of Khyber Pakhtunkhwa, it was recommended by one of the respondents that in order to address the immediate needs of the children of minorities, proper legislation must be in place to provide free education, allow holidays during religious festivals, offer adequate space for recreation and sponsor food packages during festive occasions. A Christian respondent recommended for the laws pertaining to the protection of minorities children to be reviewed and reformed since most of them were enacted in the pre-partition era and framed by colonizers. Outdated laws must be superseded by contemporary legislation. Similarly, another respondent added that if the rights of the children of the minority groups were to be safeguarded, stronger foundations had to be laid through access to basic education to every child in Pakistan without any exception.

A senior official from the responsible government institution agreed that comprehensive review of laws was required to bring improvements in the implementations of laws protecting the rights of minorities' children with respect to education, health and protection. He also proposed that the roles of specialised institutions such as National Commission for Child Rights (NCCR) and Child Protection Centres (CPC) have to be further improved through enhanced coordination with Federal and Provincial Governments on improving services, policies, laws, rules, learning and implementation.

One of the respondents, a lawyer by profession, recommended that the government must review certain laws in an effort to foster implementation as well as adherence to law. She gave the example of a fine of Rs. 1000 under Children Marriage Restraint Act, which was ineffective. Similarly, she also raised the issue of "exceptions" and "interpretations" as the areas which have to be properly addressed in order to strengthen existing legislations with regards to minorities in general and the children of minorities in particular.

Another key informant interviewee indicated that a national policy on the rights of minorities' children education, health and protection remains the immediate need which should be followed by provincial level policies. A seasoned development professional working in the area of governance reforms in FATA also seconded an imminent need to develop a comprehensive national policy to address health, education and protection issues. The policy must also be inclusive of the children of minorities since they are the citizens of Pakistan to begin with. Also, inclusive and participatory approaches need to be introduced within legislative, policy, implementation and accountability processes to keep an eye on state's functions and social practices towards minorities in general and minority children in particular.

Areas where legislation can be fortified with regards to minorities in general and the children of minorities in particular include review of juvenile laws, independence of child protection from Provincial Social Welfare Departments and legislation in education curriculum with due consideration to minorities' children. One respondent also mentioned that Pakistan necessitates new legislation on social media and cyber laws instantly. For example, schools provide internet access to students but there is no system in place to monitor and regulate the proliferation of propaganda literature on social media sites.

A children rights activist mentioned the need for national and provincial policies on child protection. Within these policies, all children (including minorities) must be addressed.. For example, the draft National Policy on Child Protection does not take into account the special protection needs of minority children in Pakistan.

Provincial Context

The rights of minority communities has remained a sensitive issue in Sindh because of the comparatively larger populations of minorities in the province. At present, Hindus, Ahmadis and Christians are the core of the minority population in Sindh, whereas, Parsis and Jews also add up to the numbers. Sikhs to a very small extent are also settled in different parts of Sindh. According to estimates by Pakistan's Hindu Council, Hindus consist of 5.5% of Pakistan's total population, with 4.78% of the Hindus living in Punjab province, 1.61% in Balochistan province and 93.33% living in Sindh.

Religious and Minorities Affairs Department of the Government of Sindh is responsible for governing the affairs and looking after the interests of minorities in the province. Minorities in Sindh have been allotted 5% job quota in all government services. The reservation of quota for employment is filled up by direct recruitment in addition to the right of participation in the open merit. This regulation is applicable to initial appointments in all departments, directorates, autonomous and semi-autonomous institutions working under the Sindh Government.

According to the Sindh Government's Annual Development Programme 2013-2014, an outlay of PKR 720 million has been allocated for different development schemes specifically catering to the minorities in the province. Some of the notable projects include rehabilitation of religious places of minorities in Sindh, renovation of mandirs in Sindh, rehabilitation of Sadhu Bella Sukkur and implementation of development schemes for the minorities. Construction of Bhamdarahall, expansion of Shankar Anand Temple and renovation of Samada Ashram Temple in Shikarpur are the pipeline projects to be executed by the Sindh Government. Within the ADP, it was noted that there wasn't even a single initiative drawn up by the Sindh Government for the promotion and development of the children of minorities.

Zimmi Welfare Committee is the officially recognised association of the minorities in Sindh which works with the government in ensuring proper utilisation of assistance provided by the government and also gives proposals and recommendations to the government on development initiatives. The committee is headed by Sindh Minorities Affairs Minister and is composed of one representative each from minority groups including Christian, Hindu, Sikh and Parsi. ZWC is tasked to supervise the allocation of funds to different communities and ensure that they are judiciously utilised on the basis of population.

According to a report entitled “Exodus of Sindhi Hindus: Myth and Reality, contrary to the popular discourse behind increased migration of Hindus from Pakistan's Sindh to India, better economic and livelihood opportunities quoted as the primary drivers of these migrations. The report builds this argument by taking the example of Umerkot District from where around 40 families migrated to India in 2012. All of the immigrants belonged to the high-income and well-off segment of the society including doctors, lawyers and businessmen, thus, endorsing the theory”, says the report.

If true, this is an interesting find since the media and the Hindu minority community have put the onus on the deteriorating security situation and the failure of the Provincial Government to provide them the protection they had been asking for, particularly for their children. As a result, immigration to other provinces and even to the neighboring country (as illustrated in the case above), has started to take place recently.

Knowledge: Laws and Policies for the Children of Minorities in Pakistan

From the responses, Christians, Ahmadis, Hindus, Sikhs, Parsis and Budhists are the minorities in Pakistan. Representatives of the minorities, who were included in the KIIs, also reported Baha'is and Jews having limited but definite presence in Pakistan, especially in the City of Karachi.

Listing down the rights of minorities and their children in Pakistan, the respondents commonly stated that the requisites of human rights stated that minorities should have equal rights to those of majority in Pakistan, and the basis for that should not be religious beliefs or ethnic affiliations. One of the respondents, representing Sikh community, also stated that minorities have always played an important role in the creation and state building of Pakistan by illustrating that Jogendra Nath Mandal served as the first Chairman of the Constituent Assembly of Pakistan and then as the first Law Minister of the country.

“The Constitution of Pakistan does not allow minorities to be appointed to any of the offices of the President, Prime Minister or Chief Minister. Although the Constitution has provisions for safeguarding the minorities, implementation is the missing link. Dual vote right, employment opportunities as per set quota and meagre funds allocation for minorities in development budget are some of the issues that minorities are dealing with - leader of Sikh community”.

There was a difference of opinion on the question of the age bracket considered for an individual to be categorised as a child. Majority of the responses reported 0 to 18 years as the defined age bracket, whereas, other responses noted 14, 15 and 16 years as the upper age limit for an individual to be listed in the child category.

Regarding the question, if there was an immediate need for any further legislation to protect the rights of minorities' children (education, health and protection), majority of the respondents pointed towards the lack of will and implementation to be the barriers as the existing legislations were adequate enough to protect their rights if followed in true essence. Few responses also touched upon the highly debated topic of alignment of syllabus and curriculum for the children of minorities in schools. The respondents particularly mentioned the instance of Islamic Studies as one of the compulsory subjects in the school curriculum. They conversed that this rule could be relaxed in case of those children of minorities who do not wish to opt for it.

Here again, awareness and understanding about the UNCRC and what it meant in the context of the children of minorities in Pakistan was a rare find. While some of the respondents were clueless on this question, other respondents demonstrated inadequate knowledge of the Convention. One of the respondents, who happened to have knowledge of the UNCRC reported that Pakistan lagged far behind other regional countries in the implementation which is also manifested in the diminishing levels of the quality of lives of children in Pakistan.

All the respondents were in the affirmative towards the need for special national policies on children's health, education and protection without any predisposition. Protection against child labour, educational opportunities for all, access to quality healthcare, provision of recreational avenues and revision of academic curriculum in schools for the children of minorities were identified as areas requiring attention at the national level. One of the respondents, a senior government official in the Provincial Law Department, however, mentioned that a national policy was not pertinent after the 18th Constitutional Amendment under which this authority was devolved to the provinces. Validating the same argument for the next question, all the respondents cited the comparison between national and provincial policies as irrelevant in the light of the 18th Constitutional Amendment.

Representatives of the minority groups termed the performance of public institutions tasked with the promotion and protection of minority rights as unsatisfactory. Some minority respondents also stated that they were unaware of the roles and functions of institutions such as NCCR and CPCs as they had not carried out any interventions that they knew of. The respondents serving in Provincial Government Departments termed their performance satisfactory within the available means and capacities.

When asked if the children of minorities in Pakistan faced any kind of discrimination, the responses were equally split. Half of the respondents stated that while it may be true in other provinces of Pakistan, at least in the context of Sindh, this was not the case. These respondents backed their claim with the argument that they did not come across any instance where the minority population had faced social discrimination or public seclusion. However, other respondents, especially, representatives of the minority communities, gave examples where their children had faced discrimination. Again the curriculum of “Ethics” being prepared by Muslim authors, first names identical to those of Muslims or Christians in Interior Sindh to avoid undue attention and absence of leisure avenues within the minority communities' living spaces were the cases presented in justification of this argument.

In highlighting the main areas where legislation can be strengthened with regards to minorities and their children, revision of school curriculum and expansion of educational opportunities were the core priorities of the respondents. However, the majority contended that legislation was substantial and it was rather the implementation that needed attention and focus. Pakistan Penal Code, also referred to as PPC, was identified by almost all the respondents as the general law also applicable for minority children in the legal system.

Attitude: Laws and Policies for the Children of Minorities in Pakistan

When asked if the provisions of the Constitution regarding education, health and protection of the children of minorities were sufficient, all the respondents responded in the affirmative. At the same time, they again emphasized greater commitment and open-mindedness on part of the government authorities towards the implementation of its provisions. One of the respondents while providing cases of ineffective implementation mentioned that sports teachers appointed in schools were responsible to look after the health and physical education of the children, but they did not have any role to play in that regard. According to one of the respondents who was representing the Christian community, physical activities play an important part in a child's mental and health development, and therefore, importance should also be paid to extracurricular progress of the children of minorities at schools. Similarly, free medicines and school books intended for the children of minorities never got to the deserving hands and were rather sold off in the local markets.

Under the Constitutional arrangements, there is no differentiation on treatment between girls and boys of minorities, according to the respondents.

On the question of contention with the national and provincial policies on the children of minorities, majority of the respondents quoted weak implementation of the policies as the actual conundrum. Respondents who represented the Provincial Government also stated that the provinces were having difficulties in the implementation of policies because they were not prepared to take on these responsibilities in the aftermath of the 18th Constitutional Amendment.

Another senior government professional shared the initiatives undertaken by the Sindh Government as adequate and responsive. She referred to the 11 Child Protection Centers, the Sweet Home Project and the child friendly spaces for flood affected minorities' children as key drivers of policy implementation at the provincial level.

The Sindh Government with the assistance of its development partners such as World Vision and SPARC established child friendly spaces to provide protection and recreation for the affected children in the aftermath of the floods in 2010 and 2011. In these CFS, children would spend 6 to 8 hours to learn and play indoor games, outdoor activities, color paintings and free-hand drawings. Similarly, CFS also has provisions for non-formal education and children (including the minorities) get the facilitation they need for enrolment in local schools.

Pakistan Sweet Homes Project is a national initiative which played an integral role to shelter the lives and health of children (including the children of minorities) during the post-flood relief, recovery and rehabilitation phases. For children who had to face the tragic event of losing their parents in the flood, centers were established in Larkana, Benazirabad, Mirpurkhas, Sukkur and Karachi. The children from the flood affected areas in Badin were provided shelter in Karachi's center.

Measuring the satisfaction levels of the respondents with regards to the performance of national, provincial and district government authorities on the rights of minorities' children, the responses stood apart significantly. While the government representatives stated that the performance was highly satisfactory within available means and resources, the experiences of minorities contradicted government claims.

Practice: Laws and Policies for the Children of Minorities in Pakistan

On the role of media in highlighting the issues faced by minorities, the respondents gave positive reviews and termed print media as the forum from where minorities have been able to gain support and get help in the time of need. The respondents listed forced marriages, blasphemy cases, employment quotas and education opportunities as the most highlighted topics by the media. Jang, Express, Dawn, Daily Times are the mainstream newspapers which have worked considerably on highlighting issues and promoting the rights of the children of minorities. Interestingly, a local newspaper by the name of Kawish has reported on minorities' children topics which have been taken up by the concerned authorities for appropriate actions.

Representatives of the Sindh Government mentioned that they provided regular feedback and inputs on national and provincial initiatives and proposals aimed at minority children's education, health and protection through laid down official business procedures. On the other hand, representatives from the minority communities felt left out on this question as they mentioned “no representation” on any such forums either at the national or provincial levels.

Recommendations: Laws and Policies for the Children of Minorities in Pakistan

A senior level government official working in the Law Department of the Sindh Government suggested that the political and community leaders of minority groups in Pakistan must take the lead in developing and mainstreaming their communities. Rather than looking towards the Federal and Provincial Governments, it was the responsibility of the elected representatives of minorities to take the initiative in improving the quality of lives of the minorities and their children.

Another senior government representative commented that there was no need to formulate new or review existing legislations in context of the children of minorities since existing laws and regulations had addressed these topics sufficiently enough. She asserted that the improvement in access to education, health and protection services by the children of the minority could only be possible if implementation got strengthened with resolve and commitment of concerned authorities.

Majority of the respondents seconded the recommendation of the need for a stronger implementation rather than going back to square one to “re-invent the wheel”. It was also mentioned that no matter how strong the legislative framework could be, if the implementation was not up to that level, then no law could benefit the children of the minority in accessing their rights and privileges.

One of the minority representatives asserted that the word “minority” was in itself discriminatory in nature and therefore its use should be prohibited in personal and official capacities. He stressed that everyone deserved to be treated equally without being named majority or minority.

FROM BALOCHISTAN

Provincial Context

Balochistan is home to a large number of minority populations, which have been regarded by anthropologists and sociologists as a symbol of minority population status quo in Pakistan though they have always held importance for social scientists having interest in studying and analysing the state of minorities. Christians and Hindus are two leading minority communities of Balochistan. Majority of Christians belong to the Protestant Church and live in Quetta, Loralai and Sibbi. Most of them belong to the lower or middle class without having made any significant advancement in trade, finance and business.

According to an ex-Attorney General of Pakistan from Balochistan, “when the province was lagging behind in schooling, the Christian Mission schools catered to the educational needs of the people and enhanced the cause of education”.

The Hindu minority in Balochistan constitutes a considerable portion of the overall Hindu population in Pakistan. Being indigenous to the land, they have enjoyed the status of a religious minority by their assimilation on social, cultural and economic fabric of life in the province. The Hindu population is mostly settled in Quetta, Kalat, Sibbi, Mastung, Dhadhar, Duki, Dalbandin, Chamman and Gandawa. They have a large temple located in the Jhal Magsi District. Hindus belong to the business class without any major interest in education and government posts.

Ahmadis are the third largest minority in Balochistan. A large number of them live in Quetta, with very small settlements found in Sibbi, Khuzdar and Loralai. They are mostly highly educated and evidently the ratio of literacy is highest than all the other minorities. Before being declared as a minority, the community was very influential in government affairs and even politics of Balochistan.

Parsi community in Balochistan, like Hindus, constitute a larger population of the total Parsi population in Pakistan. Their ancestors believed to have migrated from Persia in the 19th century to the Subcontinent. The bulk of them live in Quetta, on Jinnah Road to be precise, where they live under a strong group homogeneity with little acceptance of establishing any relationship outside the community. They are more inclined towards business and own properties at key locations in Quetta.

The present Provincial Government headed by Dr. Abdul Malik Baloch has not included any minister from women and minority groups into the 14 member cabinet. This is only the second time in the parliamentary history of Balochistan that women and religious minorities have not been given representation in the cabinet (the first instance being the first elected government of Balochistan in 1972). Balochistan Government carries out administrative and development functions aimed at the minority communities through the Religious Affairs and Interfaith Harmony Department. The Department has a Minorities Section which is dealing with minorities specific issues, however, staff shortage and dearth of financial resources hamper its roles and functions.

Knowledge: Laws and Policies for the Children of Minorities in Pakistan

From the responses gathered and clubbed together, it was noted that Hindus, Christians, Ahmadis, Parsis, Sikhs and Buddhists make up the minority communities profile in Pakistan based on the provincial outlook. The respondents also implied that Hindus, majority of whom are settled in Quetta, Kalat and Sibbi make up the biggest minority group in Balochistan with noticeable presence in almost every district of Balochistan.

When the attention of the focus group was brought to the question of listing down the fundamental rights of minorities, similar responses based on equal rights over culture, language, education, property, religion, etc. on the lines of those extended to the majority population in Pakistan were elicited. One of the participants of the FGD, a representative of Hindu community in Balochistan, said that for decades, the majority and minority population throughout Balochistan had lived in social cohesion and intercultural harmony.

The discussion was then steered to the topic of key provisions in the Constitution of Pakistan towards minorities' rights. All the respondents converged on the debate that the Constitution has Articles which identify minorities as regular citizens, provide for reserved seats in academic institutions and advocate for equal employment opportunities through rights based quota system.

While the familiarity of the focus group on the UNCRC was ample, the participants were of the opinion that nothing substantial has been achieved by Pakistan in terms of implementation of the UNCRC charter. The primary reason, as recorded during the focus group, was that legislation at the national level was not in place to implement and monitor the UNCRC recommendations. *“When there is no legislation in place, how can there be any implementation of the UNCRC”, commented one of the participants. For instance, the findings of the UNCRC report on “corporal punishment” have not been addressed so far.*

The respondents, representatives of the minority communities in particular, pointed towards the underperformance of the Education Department and Textbook Board working under the Balochistan Government in fulfilling their responsibilities to eliminate content from the curriculum which is regarded as insensitive to the minorities.

Balochistan's case is unique in the sense that the Provincial Government has not established any Child Protection Centres which can be attributed to the weak institutional structures and technical capacities of the Religious Affairs and Interfaith Harmony Department in the province. Even the Child Protection Cell financed by UNICEF has ceased to function after UNICEF drew out its funding.

Attitude: Laws and Policies for the Children of Minorities in Pakistan

A very concrete finding of the FGD assumes that since the independence of Pakistan, no legislation has been done on securing the rights of minorities in general and the children of minorities in particular. The minorities of Balochistan as reported by the representatives of the minorities during the discussions seek legislation on Article 25(A), child protection support, minorities' specific welfare projects and equal employment opportunities in the public sector.

The following Bills are pending in the Provincial Assembly for enactment as of now. Once these Bills are enacted, laws and bylaws will be formulated to set forth implementation mechanisms.

- ✦ Child Welfare and Protection Bill 2011
- ✦ Free and Compulsory Education Bill
- ✦ Prohibition of Corporal Punishment Bill
- ✦ Borstal Institution Bill
- ✦ Employment of Child (Amendment) Bill
- ✦ Demand for Exclusive Juvenile Court

According to the participants of the FGD, the present Provincial Government seems quite keen and committed on getting these Bills passed through the Provincial Assembly. For that matter, a workshop with the Chief Minister of Balochistan is being planned to make headway towards the passage of the aforelisted Bills.

Responding to the question on occurrences of discriminatory incidents faced by the children of minorities, the participants informed the prevalence of discrimination in various forms. For example, ethics books are not available which was a violation of Article 25(A) of the Constitutions. Similarly, Hindus were subject to exploitation by property mafia who are purchasing their lands and properties on lower rates than market trends.

More alarmingly, in Naseerabad and Jaffarabad, there have been instances of forced conversion of Hindus to Islam. Baloch militants have also been targeting Hindu community and due to inadequate security measures, many Hindus have started migrating from Balochistan. This has a direct fallout on the children of minorities as they continue to live in constant fear and its perpetuation can result in psychological and emotional disorders. Furthermore, due to these involuntary immigrations, it is increasingly becoming difficult for the children of minorities to continue with their education.

Regarding the effectiveness of existing laws, it was mentioned that conflict between the provincial laws and federal acts existed, thereby, making law enforcement and adherence all the more complicated.

On a positive note, the FGD expressed that the present Balochistan Government, in comparison with its predecessors, is more responsive and keen on social development and human rights themes. If not through actions, at the least, it has apparently displayed interest to listen and discuss pertinent issues.

Practice: Laws and Policies for the Children of Minorities in Pakistan

Daily Aftab, a locally published newspaper from Quetta (and Islamabad) covers minorities issues in its Sunday edition. Common themes include festivals, marriages, disputes, etc. The newspaper is widely followed by the minority communities in Balochistan who feel that the newspaper has given them voice in addition to prioritising the propagation of issues faced by them. The respondents also informed that the newspaper was also sensitive towards the issues of the children of minorities and reported issues faced by the children of minorities as and when any such incident happened.

Recommendations: Laws and Policies for the Children of Minorities in Pakistan

One of the key recommendations of the FGD stated that corporal punishments need to be removed from PPC so that laws become effective in terms of safeguarding and promoting the rights of minorities in general and the children of minorities in particular.

In Pakistan, law making and policy formulation are never viewed as independent exercises, as religion and political science are mixed compounding problems in certain instances particularly which have close relation with the minority groups. Therefore, the FGD recommended that cross-sectoral working groups need to be setup by the Federal and Provincial Governments, also taking the representatives of minority communities onboard during policy consultation and formulation stages.

One of the representatives of the Christian minority population in Balochistan inferred that children rights were neither included by any political party in their election manifesto nor they appear to be an essential intervention area for any of the future governments. It was a joint recommendation that policies on children rights should be influenced as a collective agenda for the elected government to take up with the collaboration of non-government, civil society and mass media institutions.

A relatively new area of legislation was also identified by the participants which called for comprehensive laws to counter cases of sexual harassment and cyber pornography, both of which have become critical areas demanding focus and attention of Federal and Provincial Governments for law making and enforcement.

Provincial Context

Punjab has for centuries remained a cultural and commercial hub for people hailing from distant geographies. Resultantly, immigrants from far and wide settled in Punjab in search of better livelihoods and economic opportunities. These immigrations, over a period of time, resulted in expansion of population of people coming from different regions and laid down the foundations of Punjab's diverse ethnicities and religions. During the partition era of Subcontinent, Punjab became the epicentre of Hindu and Muslim migration on both sides of the border, which laid the foundations of the present majority and minority population outlook.

Being the biggest province of Pakistan, Punjab is also home to the largest Christian population. Pakistani Christians are concentrated in the central districts of Punjab, living mostly in urban areas, notably Lahore and Faisalabad. Furthermore, Christians have also settled in rural areas where entire villages in parts of Punjab are Christian, with inhabitants working as labourers and farmhands. Punjab is also the place for several important religious and historical sites for Sikhs. Nankana Sahib has nine gurdwaras and is the birthplace of Sikhism's founder, Guru Nanak Dev.

The city of Rabwah in Punjab is the global headquarters of the Ahmadi community. Every year, thousands of members of Ahmadi worldwide community throng to Punjab to visit the city in particular. Hindus are also found in large numbers even after the partition of Subcontinent when majority of Hindus migrated to India. Tracing their origins in Punjab, Hindus have lived in what is modern day Punjab for centuries and went on to become a minority over a lengthy period of time. Due to their historical affiliation, Hindus and Sikhs still relate very closely to the Central Region and the people of Punjab.

The Punjab Government looks after the minorities in province through the Human Rights and Minority Affairs Department. According to an official document, the Department is mandated to protect and safeguard the fundamental human rights without any distinction of creed, race or religion. It further states that the Department formulates policies to foster equality, unity, peace and harmony among all citizens with compassion and care for the oppressed segments of the society. The Department also refers and recommends investigations and inquiries in case of any violation of human rights.

In its Annual Development Programme 2013-2014, the Punjab Government has allocated PKR 215 million for human rights and minorities affairs, which some civil society activists believe is insufficient and a manifestation that minority affairs is not the government's priority at least for this year. The two notable minority specific initiatives include Development Schemes of Minorities and Education Scholarships for Minority Students.

While the representatives of minority communities in Punjab pointed that there was a dire need to take steps towards protection and welfare of minority groups in the province, major steps are yet to be taken by the Punjab Government. Before last year's General Elections, the head of now ruling PML-N, Mian Muhammad Nawaz Sharif, while announcing the party manifesto in Lahore announced to celebrate "Minority Day" if voted to power. One part of that announcement has been realised with him being elected as the Prime Minister of Pakistan, while the second part is still awaiting implementation.

Knowledge: Laws and Policies for the Children of Minorities in Pakistan

Respondents classified Christians, Hindus, Sikhs, Ahmadis and Buddhists as minorities within the sociocultural portfolio of Pakistan in general and Punjab in particular. According to the information shared by one of the interviewees, Jewish and Parsi communities were also settled in parts of Karachi in small numbers.

To the question on Constitutional provisions for the minorities of Pakistan, it was revealed that the right to profess one's own religion, equal treatment of all citizens and the right to free speech are some of the human rights declarations contained in the Constitution of Pakistan. The Key provisions in the Constitution of Pakistan for minorities' rights include, Articles 14, 19, 20, 22, 26 and 27.

- ✦ Article 14 - Inviolability of dignity of man, etc.
- ✦ Article 19 - Freedom of speech, etc.
- ✦ Article 20 - Freedom to profess religion and to manage religious institutions
- ✦ Article 22 - Safeguards as to educational institutions in respect of religion, etc.
- ✦ Article 26 - Non-discrimination in respect of access to public places
- ✦ Article 27 - Safeguard against discrimination in services

On the implementation with regards to Pakistan's UNCRC obligations, the respondents claimed that Pakistan has made substantial efforts and progress in the area of protecting the rights of children, which happens to be the major edict of the UNCRC. It was also mentioned that this was not perceived by people in general and minorities in particular due to low levels of awareness.

Rights of minorities and their children are protected adequately which is evident from the fact that they have been awarded rights based quotas in public service employment, academic institutions at different levels as well as population based representation in Federal, Provincial and Local Governments throughout Pakistan.

The respondents settled on the point that in Pakistan, minority groups had the same level of access to public services as to the majority population. Quoting the example of Universal Primary Education initiative of the Government of Pakistan, it was reported that the rights of the men, women and children of Pakistan were protected without any discrimination in the delivery of basic services.

Attitude: Laws and Policies for the Children of Minorities in Pakistan

The need for any new legislation at the national or provincial levels was not felt according to the respondents on the account that the prevalent legislations covered minorities' children specific issues significantly. However, one of the respondents strongly advocated in favour of introducing educational policies at the national and provincial levels to specifically address minority children's issues.

Child Protection and Welfare Bureau of the Punjab Government is an autonomous body which has the mandate to protect and rehabilitate neglected children through provision of an environment that maximises opportunities for access to education, healthcare and protection. The Bureau was established under the Punjab Destitute and Neglected Children (First Amendment) Act 2007, which is an effective legal framework in line with the UNCRC.

The respondents felt that there was no need to introduce new or reform existing laws on minority children's education, health and protection in the legal system at any of the three administrative tiers of governance. Rather, they stressed on the importance of implementation of the already framed rules for improved results.

Minority children are facing situations of discrimination against them (including adults), particularly in the rural areas. In urban localities, such instances are rare but prevalent nonetheless. Some of the cases of socio-political discrimination include discrimination while taking admission in school, prejudice on account of religion in the curriculum (Ethics), citizenship defined in terms of being a “good Muslim”, etc. The discussion was extended by another respondent that discrimination was experienced by the minority children in a number

of ways like harsh treatment meted out to non-Muslim students by Islamic Studies teachers, absence of teachers of other religious scriptures such as Bible, unavailability of devoted worship spaces in academic institutions for minority groups, etc.

Juvenile Justice System Ordinance 2000 has legal provisions to safeguard the rights of children including minorities with specific sections on separate lockups, nonuse of handcuffs, etc. The respondents further emphasised the need and importance towards the rightful implementation of these legal provisions for the law to have a pervasive effect.

Admitting the existence of a perception of discriminatory attitudes towards minorities in getting senior level jobs in the private sector, the respondents claimed them to be unfounded on the basis that several individuals hailing from minority groups have taken up leading positions in Federal and Provincial Civil and Military Bureaucracies. This fact alone, according to the respondents, validate the availability of development and progression opportunities for minorities in Pakistan.

Know-how on the roles and functions of specialised child rights institutions like the NCCR and CPC is completely non-existent to the extent that even there is no mention about them in the media which is very vocal and active in Pakistan since the media boom of early 2000. The respondents agreed that these institutions must reach out to the public in general and minorities in particular with their services and functions. Participants of KIIs contended that these institutions may be delivering on their responsibilities, however, the message was not reaching out to the people they serve. Therefore, significant outreach and communication efforts on part of these institutions were proposed as one of the needed measures.

Practice: Laws and Policies for the Children of Minorities in Pakistan

All the respondents agreed that the mainstream electronic and print media contributed positively in highlighting issues faced by minority groups (citing the example of Rimsha Masih). Their role was commended to an extent that several issues which had fallen off the radar of relevant government authorities were brought to the forefront by the media channels and consequently corrective measures were initiated. At the same time, the respondents said that regional and local media could improve on being more sensitive to the cultural, social and religious needs of minorities and their children in Pakistan.

Recommendations: Laws and Policies for the Children of Minorities in Pakistan

Whereas Pakistan has made significant progress on the account of the implementation of the UNCRC, there is also widespread limitation of knowledge and awareness among the majority and minority population of Pakistan. The people must know what the Government has done with reference to the state of affairs of human rights in Pakistan. As a recommendation, the respondents advocated the need to launch a mass awareness campaign on the UNCRC and the progress made thus far.

It was proposed that instead of introducing separate policies on children's health, education and protection at national and provincial levels, a more systematic approach towards policy making and implementation could be taken. There should be an integrated policy, commonly pursued at national and provincial levels to spawn a holistic effort with a harmonised approach. Similarly, national, provincial and district government authorities can deliver in a better way if there is an integrated top-down approach thereby causing a trickle-down effect.

The legal system of Pakistan has in some parts become outdated from the pre-partition era and therefore is in need of realignment with the ground realities of today. While significant progress in this context has been made to address other imperative issues, the topic of minorities and children rights must be taken up as well.

The Constitution of Pakistan offers thin space for any further amendments and adjustments on the rights of minorities in general and the children of minorities in particular. Resources and efforts of the government functionaries should rather be aimed at strengthening the implementation of existing constitutional provisions to improve the state of the children of minorities in Pakistan.

ANNEXURE

Society for the Protection of the Rights of the Child (SPARC)
Children of Minorities - A National Perspective from Pakistan
Questionnaire for Key Informant Interviews and Focus Group Discussions

No.

1. Interview details

Name of the interviewer	
Date of the interview	
Union Council	
Tehsil	
District	
Province	
Start time of interview	
End time of interview	
Signature of the interviewer	

Interview status	Tick one
Fully completed	
Partially completed	
Incomplete	
Refused	

Visit paid to the respondent	Tick one	Reason(s)
First visit		
Follow-up visit		

2. Introduction of the respondent

2.1 Respondent name	
2.2 Gender	1. Male 2. Female
2.3 Religion	1. Islam a. Sunni b. Shia c. Other (specify) 2. Christianity a. Catholic b. Orthodox c. Lutherans d. Anglicans e. Baptists f. Other (specify) 3. Hinduism a. Vaishnavism b. Shaivism c. Shaktism d. Smartism e. Other (specify) 4. Sikhism a. Nirankaris b. Nam-dharis c. Kuka Sikhs d. Other (specify) 5. Other (specify)
2.4 Marital status	1. Single 2. Married 3. Separated 4. Widowed 5. Divorced 6. Other (specify)
2.5 Qualification	1. No education 2. Primary 3. Matriculation 4. Intermediate 5. Graduation 6. Master 7. Other (specify)
2.6 Profession	

2.7 Work experience in present capacity	1. Less than a year 2. 1 year – 5 years 3. 6 years – 10 years 4. 11 years – 15 years 5. 16 years – 20 years 6. More than 20 years	
2.8 Monthly income (PKR)		
2.9 Address	Current Address: Telephone: Fax: Mobile: Email: Permanent Address: Telephone: Fax: Mobile: Email:	
2.10 Spouse name (if want to provide)		
2.11 Number of children 2.12 Children ages	Female: Female (#s): 1. 0 - 5 2. 5 - 10 3. 10 - 15 4. 15 - 20 5. 20 - 25 6. 25 and above	Male: Male (#s) 1. 0 - 5 2. 5 - 10 3. 10 - 15 4. 15 - 20 5. 20 - 25 6. 25 and above
2.13 Children education	Female (#s): 1. No education 2. Primary 3. Matriculation 4. Intermediate 5. Graduation 6. Master 7. Other (specify)	Male (#s): 1. No education 2. Primary 3. Matriculation 4. Intermediate 5. Graduation 6. Master 7. Other (specify)
2.14 Married children	Female (#s):	Male (#s):
2.15 Children economic activities	Female (#s): 1. Under age 2. Student 3. Housewife 4. Unemployed 5. Public servant 6. Private servant 7. Self employed 8. Other (specify)	Male (#s): 1. Under age 2. Student 3. Unemployed 4. Public servant 5. Private servant 6. Self employed 7. Other (specify)
2.16 Children with special needs	Female (#s):	Male (#s):

2.17 Details of special needs	Female (#s):	Male (#s):
2.18 Children in jail	Female (#s):	Male (#s):
2.19 Nature of offence	Female (#s):	Male (#s):
2.20 Children undergoing court cases	Female (#s):	Male (#s):
2.21 Nature of cases	Female (#s):	Male (#s):

3. Definition of Knowledge, Attitude and Practice

Knowledge: What do the respondents know about the laws and policies on children of minorities?

Attitude: How do the respondents feel about the laws and policies on children of minorities?

Practice: What do the responsibilities do about the laws and policies on children of minorities?

4. Knowledge: Laws and Policies for the Children of Minorities in Pakistan

4.1: In your opinion, who are the minorities of Pakistan? Please mention names of minorities.

4.2: Can you please list down the rights of minorities?

4.3: What are the key provisions in the Constitution of Pakistan for minorities' rights? Kindly provide details of the Articles.

4.4: What is the age bracket that you consider an individual to be categorised as a child?

4.5: Do you think that there is an immediate need to legislate in order to protect the rights of the minorities' children with respect to education, health and protection? Kindly provide details.

4.6: What is the UNCRC? Has Pakistan done enough to protect the rights of children under the Convention? Discuss with regards to the rights of minorities.

4.7: Is there a need for special national policies on children's health, education and protection? Do you think that the current education, health and child protection policies are biased towards minorities? If yes, then how?

4.8: Are the national policies different from provincial ones? If yes, kindly discuss initiatives undertaken by the Provincial Government to protect minority rights in general and rights of the children of minorities in particular.

4.9: Do you think that the National Commission for Children Rights, The Children's Ombudsman and Child Protection Centres, etc. are working effectively? Do you think children of minorities require special attention from these centres? If yes, then how?

4.10: Do you think that the minority children are facing discrimination? If yes, kindly elaborate your answer with examples.

4.11: Please highlight the main areas where effective legislation can be enacted or strengthened with regards to minorities in general and children of minorities in particular.

4.12: Can you identify the general laws on minority children in the legal system?

5. Attitude: Laws and Policies for the Children of Minorities in Pakistan

5.1: Do you think that provisions of the Constitution regarding education, health and protection of children in general and minorities in particular are sufficient? Please elaborate your answer with reasons both in case of yes or no.

5.2: Please support your reasons with examples that you may have come across until now.

5.3: In case of no, can you please mention what kind of new legislation is required to be introduced at the national and provincial levels?

5.4: Do the provisions of the Constitution of Pakistan differentiate on the treatment between girls and boys of minorities? Please elaborate your answer with examples.

5.5 Are you satisfied with the national and provincial policies on children of minorities? Please elaborate your answers by providing examples of strengths and shortcomings.

5.6: What kind of new policies are required to be introduced at the national and provincial levels? Alternatively, can you assist in identifying the areas and requirements for policy formulation on children of minorities?

5.7: Are you happy with the performance of national, provincial and district government authorities when it comes to the rights of minority children? Please elaborate your response with examples.

5.8: Are you satisfied with the legal system for addressing the issues of discrimination against minority children? Please provide your detailed response both in case of yes or no.

6. Practice: Laws and Policies for the Children of Minorities in Pakistan

6.1: Do you read newspaper?

6.2: If yes, which newspaper?

6.3: How often do you read this newspaper?

6.4: Do you come across news on discrimination against children of minorities?

6.5: If yes, what are they generally about?

6.6: Do you see anything specific about education, health and protection of minority children?

6.7: If you come across Constitutional limitations on the rights of minority children, what do you normally do? Please elaborate your response with the steps you have taken so far.

6.8: Have you ever provided your inputs/feedback on the national and provincial policies on minority children's education, health and protection? If yes, kindly support your answers with examples.

6.9: In case of limitations of the general laws on minorities in the legal system, what is your normal response at the national, provincial and district levels?

7. Recommendations: Laws and Policies for the Children of Minorities in Pakistan

7.1: Please take a few minutes, rethink and provide your recommendations for new legislation on the rights of minority children's education, health and protection at the national and provincial levels.

7.2: Please take a few minutes, rethink and provide your recommendations for new national and provincial policies on the rights of minority children's education, health and protection.

7.3: Please take a few minutes, rethink and provide your recommendations for introducing new general laws on minorities' children education, health and protection in the legal system at the national, provincial and district levels

8. Reading List: Laws and Policies for the Children of Minorities in Pakistan

8.1: Can you please recommend further readings (articles, laws, policies) on minority children's education, health and protection?

8.2: Do you have a spare copy of any of the above for the study reference material? If yes, can you please hand it in?

Thank you very much for taking out your precious time, sharing your experience and providing your valued feedback for the children of minorities in Pakistan.



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