

# Introduction and overview of Child Rights

## Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

According to SPARC's State of Pakistan's Children (SoPC) 2018, we observed that 2019 was again not a good year for children, as there was an increase in the reported and recorded number of Pakistani children who suffered indescribable instances of violent crimes, including kidnapping, murder, rape/gang rape, sodomy, incest, and other forms of sexual abuse and violence, especially corporal punishment in educational institutions; forced conversions, forced and early marriages; poverty-induced crimes, including child labour, sale, slavery, bonded and domestic labour, prostitution and trafficking of children. The Children of Pakistan continued to be denied their fundamental human rights, especially the right to life, survival, health, education, skills training, and, above all, the right to dignity, voice, and a childhood free from exploitation by their elders for economic gain.

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

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

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



International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	September 21, 1966
Yokohama Global Commitment against Commercial Sexual Exploitation of Children	2001
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	2002
South Asian Initiative to End Violence against Children (SAIEVAC)	2005
Third World Congress against Sexual Exploitation of Children and adolescents	2008
South-to-South Cooperation on Child Rights	2010
International Covenant on Civil and Political Rights (ICCPR)	June 23, 2010
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	June 23, 2010
The CRC Optional Protocol on the sale of children, child prostitution and child pornography	2011
Convention on the Rights of Persons with Disabilities (CRPD)	2011
International Covenant on Economic, Social and Cultural Rights (ICESCR)	July 05, 2011
Colombo South Asian Call for Action on Ending Violence against Children	2012
The CRC Optional Protocol on the involvement of children in armed conflict	2016

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

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

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

<b>Title</b>
Ending Gender Discrimination, Mexico 1 <sup>st</sup> WCW 1975 to Beijing 4 <sup>th</sup> WCW, 1995 & ff.
Shelter For All, Habitat-I, Vancouver 1976; & Habitat-II, Istanbul 1996 & ff.
Primary Health Care for All (PHC) Alma Ata, 1978 & ff.
Health For All (HFA), DG/WHO, 1981 – including universal immunization
World Summit for Children, New York, 1990
SAARC Decade of the Girl Child (1990-1999) & Pakistan Year of the Girl Child 1990
Education For All (EFA), Jomtien 1990; Dakar 2000 & ff.
Environment and Climate Change, UNCED 1992 & COP21 Paris Agreement 2015
Human Rights For All, Vienna, 1993
Population and Development, Cairo ICPD 1994 & ff.
Poverty Eradication, Copenhagen World Summit for Social Development, 1995 & ff.
Food Security For All, Rome Food Summit, 1996 & ff.
Millennium Development Goals (MDGs), 2000-14
Sustainable Development Goals (SDGs), 2015-30

## **International Developments in 2019:**

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

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

## **The Kids Rights Index:**

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

## **UNICEF Report:**

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

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

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

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

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

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

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

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

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

ending child marriages, as part of the Sustainable Development Goals (SDGs). Misperceptions and the misuse of religion as the justification is the main reason for the State's inability to eradicate the practice, despite the existing legislation. While UNICEF estimates that around 21% of girls are married off before the age of 18 in Pakistan, its sister UN agency, UNFPA puts that figure at 33%.<sup>27</sup> Both are seen as conservative estimates, as the practice is much more widely prevalent, especially in the rural areas; and also because the legal age at marriage for girls in Pakistan (except in Sindh) still remains 16 instead of 18 (as for boys).

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

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

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

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

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

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

### **UN Observations:**

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

### **UNDP Report:**

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

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

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

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

## **National Developments in 2019:**

### **National Nutrition Survey:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

### **Recommendations:**

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

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

- State should adopt a national action plan to reduce and eliminate child poverty, together with dedicated budgets and monitoring systems that track improvements in poverty-related deprivations among girls and boys of all ages.
- State should ensure that children in poverty (and their families) benefit from universal social protection measures, such as child grants, and should expand program coverage as quickly as possible to reach all children who are poor.
- In view of Pakistan's continuing non-compliance with the UN CRC, in defining the Child (the Minor), our strongest recommendation is for all the legislatures to urgently enact a law comprising a uniform, standard definition of the term "Child", at both federal and provincial levels, as per the CRC, i.e. a person not having attained 18 years of age – attaining majority.
- The Article 25-A is present in the Constitution of Pakistan but what is required is the implication and this can be done by the seriousness. The government should monitor the areas where

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