

INTRODUCTION



Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁸ National Infographic Report on Justice for/with Children, *Group Development Pakistan*.

web: <https://gdpakistan.org/wp-content/uploads/2020/10/National.pdf>

- **Article 11 (Slavery, Forced Labour, etc., Prohibited):** Article 11(3) states that no child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment.
- **Article 25 (Equality of Citizens):** The Article 25 of Constitution of Pakistan proclaims equality of law, entitlement to equal protection before the law, and that nothing shall prevent the State from making any special provision for the protection of women and children.
- **Article 25A (Right to Education):** In April 2010, 18th amendment was made in the Constitution of Pakistan. Some new features were introduced into the Constitution, including the recognition of the children's right to education and insertion of a new section Article 25A to provide constitutional guarantee that state will provide free and compulsory education to all girls and boys of the age of five to sixteen years.
- **Article 35 (Protection of Family, etc.):** The State shall protect the marriage, the family, the mother and the child.
- **Article 37 (Promotion of Social Justice and Eradication of Social Evils):** Article 37(e) obligates the State to make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.

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

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

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

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

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

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

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

web:

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

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

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

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

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

web:

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

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

web:

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

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

web:

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

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

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

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

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

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

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

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

¹⁷ *Ibid.*

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

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

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

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

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

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*

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

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

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

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

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

²¹ *Ibid.*

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

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

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

International Developments on Protection of Children Rights

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

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

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

Pakistan:

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

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

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

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

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

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

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

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

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

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

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

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

²⁵ *Ibid.*

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

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

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

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

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

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

web:

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

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

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

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

October 7, 2020: Human Rights Council adopts six resolutions

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

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

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

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

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

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

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

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

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

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

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

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

web:

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

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

National Developments on Protection of Children Rights

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

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

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

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

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

³²See Supra Note 36.

³³*Ibid.*

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

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

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

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

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

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

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

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

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

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

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

March 2020: Zainab Alert, Response and Recovery Act 2020

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

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

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

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

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

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

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

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

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

³⁶ Zainab Alert Response and Recovery Act, 2020,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

October 2020: Zainab Alert Application

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

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

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

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

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

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

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

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

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

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

⁴⁷ See Supra Note 55.

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

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

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

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

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

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

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

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

November - December 2020: Anti-Rape Legislation

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

Anti-Rape (Investigation and Trial) Ordinance, 2020

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

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

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

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

⁵⁰See Supra Note 4.

⁵¹See Supra Note 5.

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

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

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

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

December 2020: Pakistan Launched First Radio School and Education Portal

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

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

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

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

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

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

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

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

⁵³ See Supra Note 6.

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

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

February 2021: The ICT Prohibition of Corporal Punishment Bill 2019

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

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

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

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

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

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

Provincial Developments on Protection of Children Rights

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

Khyber Pakhtunkhwa

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

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

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

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

⁵⁶ See Supra Note 8.

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

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

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

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

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

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

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

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

⁵⁸ See Supra Note 8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Balochistan

February 2020: Inauguration of First Child Protection Unit in Quetta

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

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

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

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

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

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

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

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

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

Recommendations

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

⁶⁴ See Supra Note 6.

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

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

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

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

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

Conclusion

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

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

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