

Introduction

Pakistan ratified the Convention on the Rights of the Child (UNCRC) on 12th, November, 1990. This paved the way for what was to be a revolutionary era in the country's history. The legislation that followed the ratification of UNCRC was followed by legislation that led to recognition of children's issues. While initially the legislative focus seemed more geared towards child labour, more than a decade later the focus shifted to more complex topics such as juvenile justice and more recently, child sexual abuse.

Pakistan is signatory to a number of children specific international conventions which make the country bound to take appropriate steps to improve the state of child rights. Some examples include; the conventions of the International Labor Organization (ILO), including; the Worst Forms of Child Labour Convention, 1999, and Minimum Age Convention, 1973, and the United Nations Convention on the Rights of the Child (UNCRC). And two of its three protocols that Pakistan has ratified, including the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

In recent years legislation has become more complex in the wake of the 18th constitutional amendment. While various children specific provincial laws have been passed or amended to ensure protection of child rights, other pieces of crucial legislative matters have taken a back seat. Balochistan for instance has lagged behind in passing laws to protect child rights, and is yet to establish even a single child protection unit.

Raising awareness on children's issues in Pakistan has always been an uphill task. Not only is the existing legislation related to children's issues flawed but the implementation of laws and holding government institutions accountable has been difficult to say the least.

In recent years not only has there been a rise in the reported cases of sexual abuse, but many cases often go unreported, unless highlighted in the media. Year 2017 started with a high profile case of physical

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abuse against a child domestic maid¹, whereas year 2018 brought the horrific news of the rape and murder of a seven year old girl in Kasur, Punjab². The inaction of the government and in many cases the ‘absence of governance’ has become increasingly frustrating for the general public. Not only crimes committed against children are on the rise in the country but the government needs to step up in taking initiatives to address the issue of millions of out of school children and the dismal state of healthcare, including a malnutrition rate that now affects 60% children³.

The current state of affairs in the country call for not merely addressing ‘bad governance’ but rather the complete ‘absence of governance’, particularly in the rural and remote areas of Pakistan.

International and Regional Instruments of Child Rights

Pakistan is bound by various international and regional commitments to protect child rights and take appropriate measures to ensure compliance with international standards of child protection. Some of these international and regional instruments of child rights are given below.

INTERNATIONAL AND REGIONAL CHILD RIGHTS INSTRUMENTS	
1	United Nations Conventions on the rights of the Child (UNCRC)
2	Optional Protocol to the UNCRC on Sale of Children, Child Prostitution & Child Pornography.
3	Optional Protocol to the UNCRC on the involvement of children in armed conflict
4	SAARC Convention on Preventing & Combating Trafficking in Women and Children for Prostitution, 2002
5	SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia
6	Stockholm Declaration and Agenda for Action, 1996 against Commercial Sexual Exploitation of Children

¹ Tayyaba Torture Case: <https://tribune.com.pk/tayyaba-torture-case/>

² Justice for Zainab: Riots erupt in Kasur after 7-year-old's rape, murder: Kasur <https://www.dawn.com/news/1382022>

³ National Nutrition Survey, 2011: https://www.unicef.org/pakistan/Annual_Report_2011.pdf

7	South to South Cooperation on Child Rights 2010
8	The Yokohama Global Commitment, 2001 against Commercial Sexual Exploitation of Children
9	Third World Congress against Sexual Exploitation of Children and Adolescents RIO DE JANEIRO, 25 - 28 NOVEMBER 2008
10	South Asia Initiative to End Violence Against Children (SAIEVAC)

International Developments

Concluding Observations of the Committee on the Rights of the Child (CRC)

The United Nations Convention on the Rights of the Child (UNCRC) is a human rights treaty which outlines civil, political, economic, social, health and cultural rights for children. 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. Pakistan ratified the Convention on the Rights of the Child on 12th, November, 1990⁴.

The Committee on the Rights of the Child (CRC) is the body of 18 Independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography. On 19th, December, 2011, the UN General Assembly approved a third Optional Protocol on a communications procedure, which allows individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. The Protocol entered into force in April, 2014.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must submit an initial report two years after acceding to the Convention and then periodic reports every five years. The Committee examines

⁴ UNCRC: Ratification Status by Country:
http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en

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each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”⁵.

On 25th to 26th, May, 2016, the Committee on the Rights of the Child considered the fifth periodic report of Pakistan and adopted its concluding observations.

The Committee appreciated party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, 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 review⁶.

The Committee acknowledged the catastrophic drought conditions and natural disasters threatening the right to survival and development of the child, as well as the law enforcement operations and terrorist activities in certain regions that have displaced a large number of people. All of these problems seriously impede progress towards the full realization of children’s rights, as enshrined in the Convention.

While reiterating the positive legislative developments, in particular in the areas of child labour and education, the Committee showed concerns about the significant delays in the adoption of a number of bills in the area of children’s rights, which were deemed crucial for the implementation of the State party’s obligations under the Convention. The Committee also expressed concerns that, despite the Committee’s previous recommendations, the State party has not taken sufficient steps to harmonize its legislative framework with the Convention. The situation has been further exacerbated by adoption of the Eighteenth Amendment to the Constitution in 2010, as some federal laws on children’s rights have not been retained by the provincial governments.

⁵ Committee on the Rights of the Child:
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>

⁶ UNCRF Concluding Observations on Pakistan:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2fCO%2f5&Lang=en

The Committee noted the State party's information that the National Commission for Child Welfare and Development and its provincial offices remain the coordinating bodies of policies and activities in the area of children's rights. However, it was concerned that coordination among federal, provincial and territorial entities is weak and inadequately resourced. The Committee was also concerned that, since the introduction in 2010 of amendments to the Constitution that devolved most powers to the provinces, the standards and services in different provinces and territories, including those relating to the protection of children, vary greatly and that coordination has reportedly become even more difficult.

The Committee noted that the State party's social welfare expenditure has increased in recent years. However, it is concerned that despite the commitments made as part of its previous dialogue with the Committee, the State party's budget allocations for the health and education sectors remain extremely low. The Committee was also concerned that there are no systematic budget tracking mechanisms that take into account a child rights perspective and that the budget allocated for children is not spent appropriately.

While the Committee welcomed the 2013 amendments to the Sindh Child Marriage Restraint Act to increase the marriage age for both boys and girls to 18 years, the Committee showed concern about the disparity between the minimum legal age for marriage for boys (18 years) and that for girls (16 years). The Committee showed grave concern about:

- Serious discrimination against girls in the State party and the persistent gender disparity in infant mortality rates and school enrolment rates, the persistence of early marriages and exchanges of girls for debt settlement, as well as domestic violence targeting girls.
- Widespread discrimination against children belonging to religious and ethnic minorities, children with disabilities, children born out of wedlock, children living in poverty, children from Dalit communities, children living in rural or remote areas and transgender children.

The Committee was seriously alarmed by reports of the execution of several individuals for offences committed while they were under the

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age of 18 years, or where the age of the individual was contested following the lifting of the moratorium on the death penalty in December, 2014, despite numerous calls from the international community and the United Nations in this regard. It also showed serious concern regarding the large number of persons that are currently on death row for crimes committed while they were under the age of 18 years and that these persons have limited access to procedures for challenging their sentence on the basis of their age.

The Committee welcomed the birth registration units and the optional chip-based card system introduced by the State party to encourage birth registration in all provinces. Nevertheless, it remained concerned that only around 30 percent of children are registered at birth, with the lowest registration rates in Balochistan and the Federally Administered Tribal Areas. The Committee was particularly concerned about the low level of public awareness, the complicated procedures and high fees for birth registration and the lack of effective measures to ensure the birth registration of children belonging to marginalized and disadvantaged groups, including children born out of wedlock and refugee and internally displaced children.

The Committee deplored the reports of systematic and widespread torture and ill-treatment of children in police stations and prisons in the country, including reports of torture of children by the Faisalabad district police.

The Committee invited the State party to submit its combined sixth and seventh periodic reports by 11th, June, 2021 and to include therein information on the follow-up to the present concluding observations.

Pakistan & the Universal Periodic Review

Background

The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The

UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

The ultimate goal of UPR is the improvement of the human rights situation in every country with significant consequences for people around the globe. The UPR is designed to prompt, support, and expand the promotion and protection of human rights on the ground. To achieve this, the UPR involves assessing States' human rights records and addressing human rights violations wherever they occur. The UPR also aims to provide technical assistance to States and enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders.

The human rights situation in Pakistan was last reviewed in October, 2012, during UPR's 2nd cycle, and 166 recommendations were received in different thematic areas: the right to food and health, women's rights, child rights, freedom of religion, freedom of expression, privacy and internet rights among others.

A review of a state is based on:

- (a) The national report prepared by the State under review;
- (b) The compilation of UN information on the state under review, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR).
- (c) A summary of information submitted by other stakeholders (including civil society actors, national human rights institutions and regional organizations), also prepared by OHCHR.

The National Consultations on UPR Mid-Term Review took place in 2016. This was followed by the NGO drafting and submission process in 2017, followed by the next Universal Periodic Review of Pakistan in November, 2017.

Summary of the Proceedings of the Review

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-eighth session from 6th, November to 17th November 2017. The review of Pakistan was held at the 11th meeting on 13th,

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November, 2017. The delegation of Pakistan was headed by the Minister of Foreign Affairs, Khawaja Muhammad Asif. At its 17th meeting held on 16 November 2017, the Working Group adopted the report on Pakistan⁷.

On 13, February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Pakistan: Egypt, Iraq and Latvia. A list of questions prepared in advance by Belgium, Brazil, Czechia, Estonia, Germany, Liechtenstein, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Pakistan through the troika.

Assessment of The National Report Against SPARC's Findings

The National Report submitted by Government of Pakistan discussed the steps taken by the government to safeguard human rights, including reforms in FATA and state level initiatives aimed for catering to the needs of minorities, the disabled and elderly.

Children Specific Initiatives

Regarding children specific updates, the Government of Pakistan discussed the role of The National Commission for Child Welfare and Development (NCCWD) as a coordinating and monitoring body which facilitates implementation of the Convention on the Rights of the Child and discussed the National Commission on the Rights of Children Bill, 2017, which was approved by the National Assembly⁸. The law calls for the creation for a National Commission, which would coordinate with provincial bodies of a similar nature.

The following is an extract from the National Report, with some facts stated against each section to assess how the steps taken so far in the improvement of child rights have been fruitful.

Right to Education

The National Report discussed government led initiatives related to the implementation of Article 25-A of the constitution, provision of

⁷ IBID

⁸ OCHR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.aspx>

free and compulsory education for all children between the age bracket of 5 to 16 years. As well as the vision of the government to achieve SDGs related to education by ensuring that all girls and boys complete free, and quality primary and secondary education by 2030. A large number of initiatives related to Federal and Provincial Governments were also discussed such as; The National Plan of Action has been prepared by the Ministry of Federal Education and Professional Training through an extensive Consultation with the Education Departments of Provinces/Areas, and with the technical cooperation of UNESCO and UNICEF, increase in Pakistan's education budget by an average of 17.5% every year since 2010, which was doubled from \$3.5 billion in 2010–11 to \$7.5 billion in 2016–17, Basic Education Community Schools (BECS), 20 thousand feeder schools to provide education in remote and difficult areas of Pakistan. Waseela-e-Taleem (WeT) is designed to encourage BISP beneficiary families and multiple schemes providing vouchers and scholarships for students.

Some Facts at a Glance

Despite government's recent initiatives, there are millions out of school children and the current status of public sector education is anything but high quality. A recently conducted research study by SPARC indicated that the children engaged in labour included 89% school dropouts, with 56% of the children unwilling to go back to school. The most prominent reasons cited by respondents (other than poverty) was corporal punishment, inadequate facilities in schools and weaknesses in the curriculum which hindered learning⁹.

Right to Health

The Government of Pakistan claimed to have allocated a large part of their resources in improving the health sector with a particular focus on women and children. It was mentioned that The National Health Vision 2016-25 aims to achieve Universal Health Coverage (UHC) in Pakistan resulting in a fairer, more efficient health financing that pools risk and shares healthcare costs equitably across the population.

Prime Minister's National Health Program has a focus on population below poverty line (\$ 2 per day). A total of about 100 million people

⁹ Comparison of Child Labour & School Dropout Rates in District Haripur:
<http://www.sparc.pk.org/2015/images/COMPARISON-OF-CHILD-LABOUR-HARIPUR.pdf>

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will benefit from it. Services have been started in 15 districts covering 3.1 million families approximately. Family Planning and Primary Health Care, Expanded Program for Immunization (EPI), Malaria Control Program, Tuberculosis Control Program, and HIV/ Aids Program.

Maternal and Child Health Programs

The Government of Pakistan informed Universal Salt Iodization Program and Prime Minister's Program for prevention and control of Hepatitis in Pakistan aims to improve health indicators.

The Government has launched a program to improve Maternal and Neonatal health service for all, particularly the poor and the disadvantaged at all levels of health care delivery system. It aims to provide improved access to high quality Mother and Child health and Family Planning services, has trained 10,000 community midwives, made provision of comprehensive Emergency Obstetric and Neonatal Care (EmONC) services in 275 hospitals / health facilities, made provision of basic EmONC services in 550 health facilities and family planning services in all health outlets.

The Infant Mortality Rate (IMR) and Under Five Mortality Rate (U5MR) has been reduced from 74 and 92 per thousand to 66 and 81 per thousand respectively, a reduction of 10%. The Government of KPK has merged various projects and programs in to Integrated Health Project (IHP). Sehat ka Insaf Card programme, at the total cost of Rs.5362.2 million, covers 50 percent of the population of KP including 1.8 million households. Family Welfare Centers and Reproductive Health Services A Canters (RHS-A) promote and deliver family planning services in the urban and rural areas of Sindh and Punjab. Government of Sindh has developed Costed Implementation Plan (CIP) and allocated additional Rs 890 million to accelerate family planning activities in ten districts. Medicine Pricing Policy has developed to ensure affordable prices of quality medicines.

Some Facts at a Glance

Despite the aforementioned claims, it is pertinent to mention that according to World Health Organization (WHO), Pakistan has spent merely 0.5 to 0.8 percent of its GDP on health for the last 10 years. These percentages are less than the WHO benchmark of at least 6

percent of GDP, which is required to provide basic and lifesaving services¹⁰. Furthermore, the majority of public hospitals are located in urban areas, whereas Pakistan has a largely rural population.

According to National Nutrition Survey 2011, 60% children are malnourished in Pakistan, whereas 62% are anemic. Moreover, 31% of children are underweight, and the Nutrition status of under 5 years children has shown no improvement from last 46 years. The problem is further exacerbated by poor quality of public healthcare services and the absence of healthcare facilities in many impoverished, rural areas of Pakistan.

Abolition of Bonded labour

The Government of Pakistan reiterated its commitment to abolish bonded labour and slavery. Other than referring to Bonded Labor System (Abolition) Act of 1992 (BLASA) “District Vigilance Committee System” to promote enforcement nationwide, it was mentioned that 9000 inspections were carried out in 2016 and 850 FIRs were lodged in cases involving child labour in the province of Punjab alone.

It was mentioned in the report that the Ministry of Overseas Pakistanis and Human Resource Development (OP&HRD) has developed a National Framework to address child Labour and Bonded Labour- which includes actions on improving legislation and enforcement. The Ministry of OP&HRD is also developing a ‘Labour Protection framework’ including a time-bound Action Plan.

The Government of Pakistan, in line with ILO Conventions No. 29 and No. 105, and have prohibited bonded labor. It was also mentioned that the ILO country office will support the Ministry of OP&HRD and Provincial Department of Labour to initiate and “Information campaign” on eight core labour standards including child and Bonded Labour.

Some Facts at a Glance

Pakistan currently ranks 6 on the Global Slavery Index with an estimated 1.13% of the population living under conditions of

¹⁰ <http://nation.com.pk/26-May-2017/govt-spends-less-gdp-on-health-survey>

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slavery¹¹. However, it is worth mentioning here that Pakistan has improved its status in the ranking from 3 to 6 over the past few years.

Right to Food

In Pakistan concerted efforts are being made to ensure food security through a number of policy initiatives, including, among others, establishment of Ministry of National Food Security & Research, introduction of social-safety-nets and poverty reduction programs, provision of agricultural subsidies and setting up of Pakistan Agriculture and Research Council to achieve sustainable production in agriculture for food security.

The federal government has also established National Food Security Commission (NFSC) a step forward to develop a national policy for the long-term sustainability of food security and agriculture development, which is being chaired by the Prime Minister. Pakistan joined global Scaling Up Nutrition (SUN) initiative in 2013 and subsequently established a national Scaling Up Nutrition (SUN) secretariat in Planning and Development Division. Governments of all provinces have also established SUN secretariat in the Planning and Development Departments of their respective provinces. MNFSR is developing Zero Hunger Programme in collaboration with World Food Program to improve the food security situation in the targeted districts of Pakistan.

In 2015, a national Infant and Young Child Feeding (IYCF) strategy was developed and endorsed with UNICEF support. All provinces have developed Multi-Sectoral Nutrition Strategies. Under Punjab Food Support Scheme, government of Punjab has been giving Rs. 1,000 per household to enable deserving people meet their food needs. Up till now, it has benefited one million poor people. In KP Health Integrated Reforms Program having 4th component as nutrition at a cost of Rs 20 million out of Rs 14.11 billion is implemented. In Balochistan Nutrition Program for Mother& Children has been initiated in 7 districts. In Sindh “Nutrition Support Program” and “Nutrition Sensitive Agriculture” project has been launched for three districts at a cost of Rs. 582.00 million.

¹¹ Global Slavery index, Pakistan: <https://www.globallslaveryindex.org/country/pakistan/>

Some Facts at a Glance

According to the Pakistan Food Security Bulletin by World Food Programme (WFP) the Food Security and Nutrition Strategic Review for Pakistan, food insecurity is among the greatest challenges for Pakistan. The overall Prevalence of Undernourishment (PoU) is estimated to be about 18 percent of the entire population¹².

- Preliminary findings of IPC Chronic conducted for 18 districts of Sindh province rank 7 districts in Level 4 (Severe Chronic Food Insecurity), 10 in Level 3 (Moderate Chronic Food Insecurity), 1 in Level 2 (Mild Chronic Food Insecurity) while no single district in Level 1 (Minimal Chronic Food Security).
- Initial findings of IPC Acute Analysis conducted in 4 drought prone districts of Sindh province indicates 3 districts are in Phase 4 (Emergency), and 1 district in Phase 3 (Crisis).
- Total national wheat crop production for 2016-17 has been estimated at 25.75 million MT, showing a marginal growth of 0.4 percent from 25.6 million MT in 2015-16.
- Production of rice, the second main staple crop of Pakistan, has been estimated at 6.85 million MT (milled basis), reflecting a negligible increase by 0.7 percent from 6.8 million MT in 2015-16.
- Prices of staple crops (wheat, wheat flour) slightly decreased, and prices of several non-cereal food commodities significantly decreased. However, the prices of live chicken, cooking oil and vegetable ghee increased. The fuel prices slightly increased for both Super Petrol and HSD during January-April 2016, remained unchanged in May and slightly declined in June 2017.
- Terms-of-Trade (ToT) increased by 6.2 percent from December 2016 due to decreased wheat flour price.
- Some 29,398 families returned to their areas of origin in FATA during the reporting period, reaching a total of 424,525 families (90 percent of total). However, 29,398 families are still in displacement and the Government has announced to complete the return by December 2017.

¹² Pakistan Food Security Bulletin (WFP): https://docs.wfp.org/api/documents/WFP-0000021108/download/?_ga=2.7869682.1792821921.1518002609-1028629248.1518002609

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Social Security and Poverty Alleviation

Pakistan's Poverty Reduction Strategy Paper (PRSP), comprises of nine pillars with the aim to reduce poverty. In this context: Pakistan Poverty Alleviation Fund (PPAF) acts as an Apex Organization carrying out programmes through 134 partner organizations. It supports the government's social protection programme by providing poverty graduation approach for the poorest household in over 1,600 union councils in the country. Since 2000 to March 2017, PPAF has disbursed an amount of Rs. 184.94 billion in 130 districts. National, Punjab, Sindh and Thardeep Rural Support Program (NRSP) mandates to alleviate poverty by harnessing people's potential and undertake development activities in 56 Districts in provinces. An amount of Rs. 13,137.990 million has been disbursed from July 2016 to December 2016 among 921,558 active borrowers.

During July 2016 to March 2017, Pakistan Baitul Mal (PBM) has disbursed an amount of Rs. 2183 million through its core projects/schemes. Child Support Programme (CSP) is the country's first ever Conditional Cash Transfer (CCT) programme in which cash incentive is provided to the potential families for sending their children aged 5-16 years to primary schools which is being run in 13 districts countrywide. During July-March 2017, an amount of Rs 29 million has been disbursed. The Benazir Income Support Programme (BISP) addresses poverty of women in farflung areas. The program cushions shocks for the vulnerable and redistributes money through cash transfer to female beneficiaries of poor households. At present, the number of beneficiaries are 5.42 million. The budgetary allocation has been increased from Rs. 70 Billion in FY 2012-13 to Rs. 115 billion during 2016-17. The quarterly grant has also been enhanced from Rs. 3000/ family in 2013-14 to R.s 4834/ family in FY 2016-17.

Some Facts at a Glance

Pakistan's first ever official report on multidimensional poverty indicated that 39 percent of Pakistanis live in multidimensional poverty, with the highest rates of poverty in FATA and Balochistan. Pakistan's MPI showed a strong decline, with national poverty rates falling from 55% to 39% from 2004 to 2015. However, progress across different regions of Pakistan is uneven. Poverty in urban areas is 9.3 percent as compared to 54.6 percent in rural areas. Disparities also exist across provinces. The report found that over two-thirds of

people in FATA (73 percent) and Balochistan (71 percent) live in multidimensional poverty. Poverty in Khyber Pakhtunkhwa stands at 49 percent, Gilgit-Baltistan and Sindh at 43 percent, Punjab at 31 percent and Azad Jammu and Kashmir at 25 percent¹³.

Rights of Children

A number of legal, policy as well as institutional measures have been taken for the protection of rights of children, including, among others: Criminal Law (Second Amendment) Act 2016 criminalizes the child pornography, exposing of children to sexually explicit material, cruelty to children, human trafficking within Pakistan and sexual abuse. The Juvenile Justice System Bill, 2017 aims to bring the Juvenile Justice System in conformity with international standards. It focuses on disposal of cases through diversion and social-reintegration of the child offenders. The Punjab Restriction on Employment of Children Ordinance, 2016 protects children and adolescents against any form of slavery or practices such as their sale and trafficking, debt bondage, forced or compulsory labour.

Punjab Prohibition of Child Labor at Brick Kilns Act, 2016 prohibits and penalizes child labor in the brick kiln sector. KP Prohibition of Employment of Children Act, 2015 and the Sindh Prohibition of Employment of Children Act, 2017 bans engagement of children below the age of 14 years in labor. South Asia Initiative to End Violence against Children (SAIEVAC) is an apex body of the SAARC in which Pakistan plays a leading role in implementation of the agenda and work plan of the SAIEVAC to protect the rights of children. In line with the National Policy guidelines for vulnerable groups in disasters 2014, the National Disaster Management Authority (NDMA) has established Gender and Child Cell with the aim to mainstream gender and child protection issues and vulnerabilities in humanitarian response, crises management and disaster risk reduction initiatives.

Federal Investigating Agency (FIA) cracked down, with the help of Police and Rangers, against elements and the organized groups

¹³ Pakistan's new poverty index reveals that 4 out of 10 Pakistanis live in multidimensional poverty:
<http://www.pk.undp.org/content/pakistan/en/home/presscenter/pressreleases/2016/06/20/pakistan-s-new-poverty-index-reveals-that-4-out-of-10-pakistanis-live-in-multidimensional-poverty.html>

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involved in human trafficking. Consequently, in 2014-15, FIA has arrested 46 most wanted criminals and 1236 proclaimed offenders involved in human trafficking especially of children. FIA's 24- Hour Helpline (111-345-786) based in Islamabad was set up to improve reporting of trafficking and encourages survivors to seek rehabilitation services. All provinces have enacted child protection laws and have established child protection centers.

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All provinces have enacted child protection laws and have established child protection centers as a democratic and progressive state, Pakistan is firmly resolved to uphold, promote and safeguard universal human rights and fundamental freedoms for all.

Some Facts at a Glance

The horrific child sexual abuse scandal of the rape and murder of a 7 year old girl, Zainab¹⁴ brought to light the increasing risks to children in the country. Cases of child sexual abuse, child pornography and child prostitution is on the rise and many areas of the country, such as the Pir Wadai area of Rawalpindi is famous for child prostitution. Not to mention Kasur has risen as a hotspot for child sexual abuse over the years, with allegations of the police and influential individuals complicit in the matter. This was also confirmed by SPARC's fact finding report, as families of sexual abuse victims seemed helpless and hopeless¹⁵.

It can be argued that child labour, violence against children, cruel treatment of children in prisons, decline health, rising malnutrition, millions of out of school children and the gaps in the implementation of law (as elaborated in following chapters in detail) a major challenge lies before the government to improve the state of child rights in Pakistan.

Children Specific UPR Recommendations

Following is a list of the children specific UPR recommendations segregated by SPARC from the main recommendations. These recommendations will be examined by Pakistan, which will provide responses in due time, but no later than the thirty-seventh session of the Human Rights Council in March 2018.¹⁶

- Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (Georgia)

¹⁴ IBID

¹⁵ Zainab Fact Finding Report: <http://www.sparepk.org/2015/E-NL-HTML/FFR/1/Zainab.html>

¹⁶ Draft report of the Working Group on the Universal Periodic Review: https://www.upr-info.org/sites/default/files/document/pakistan/session_28_-_november_2017/a_hrc_wg.6_28_1.10.pdf

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- Accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Honduras)
- Establish a National Action Plan for the Implementation of Security Council Resolution 1325 on Women, Peace and Security, as well as explicitly criminalize the recruitment and use of children in hostilities (Portugal)
- Continue implementing measures to safeguard the rights of women, children and other marginalized and vulnerable segments of the society (Nepal)
- Consider conducting an assessment of the effects of air, water and soil pollution on children's health with a view to designing a well-resourced strategy to address the situation (Ghana)
- Step up efforts to prevent child casualties in counter terrorism operations, using every method to protect their rights (Paraguay)
- Protect the rights of the child more effectively, particularly during counter-terrorism activities, and by desisting from death sentencing and executing juveniles
- Continue efforts to combat trafficking in human beings, particularly the exploitation of children, by reinforcing the fight against traffickers (Djibouti)
- Continue its efforts to strengthen the institutional mechanisms to combat and prevent trafficking of persons, especially that of children (Maldives)
- Continue to raise the level of protection of human rights of vulnerable groups, with particular reference to eliminate child labour (Turkey)
- Undertake the necessary steps for the effective implementation of the National Framework Programme to combat child and bonded labour (Russian Federation)
- Strengthen monitoring its domestic labour condition to eliminate practice of bonded labour and unlawful child labour (Republic of Korea)
- Strengthen its efforts to promote food security and eradicate all forms of malnutrition, and ensure quality education to all children through inclusive policies (Albania)

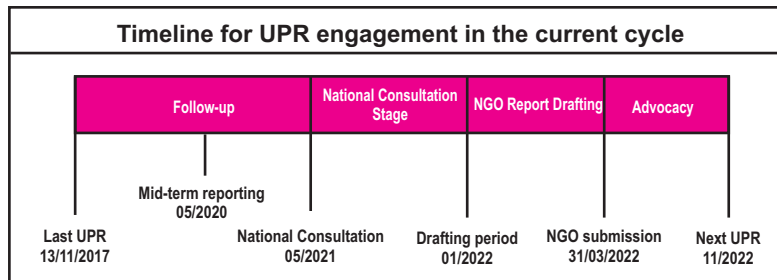
- Strengthen its public health system with a view to provide free, quality, basic health services to all and reduce child mortality (Angola)
- Prioritize policies and programmes on nutrition, vaccination, and health workers to reduce maternal, neonatal, and child mortality and make sufficient budgetary allocations (Islamic Republic of Iran)
- Take additional tangible steps to protect children, in particular, to address the critical nutritional and health-care needs (Kyrgyzstan)
- Continue current efforts to ensure that all children, without discrimination, enjoy the right to education (Kazakhstan)
- Intensify efforts to ensure that all children enjoy the right to education and protection from discrimination and violence (Kyrgyzstan)
- Strengthen efforts to ensure the access of children to their compulsory education (Bahrain)
- Step up efforts to ensure access of all children to quality education, regardless of social status, gender and ethnicity (Bulgaria)
- Continue its efforts to increase enrolment rates at all levels of education, in particular continue to improve equal access to education for all children, regardless of gender, income level, or background (Bosnia and Herzegovina)
- Continue to invest resources to ensure that all children between 5-16, in particular girls in difficult regions, have access to quality basic and secondary education (Singapore)
- Effectively enforce the existing as well as new laws to promote and protect the rights of women and children as well as religious minority members, in order to promote tolerance and an inclusive society (Thailand)
- Strengthen efforts to prevent and combat all forms of discrimination and violence against women and children by means of reinforcing the relevant legal framework, running awareness campaigns and ensuring that perpetrators are brought to justice and victims receive appropriate help (Italy)
- Set up effective legislative or others measures, to protect women and children against domestic violence and all forms of ill-treatment (Luxembourg)

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- Enact and enforce legislation that facilitates women’s social, political and economic empowerment, including in relation to child marriage and forced conversion (Australia)
- Amend the Child Marriage Restraint Act to include an equal minimum age of marriage of 18 years for all individuals (Denmark)
- Continue to adopt measures which would further promote and protect the rights of the child (Brunei Darussalam);
- Develop a Comprehensive Child Protection Policy with a view to fully reflect the realities of the children in the national plans and programmes (Mongolia)
- Consider the implementation of the necessary safeguards for the protection of children against corporal punishment (Cuba)
- Take measures to considerably reduce the number of stunted children and out-of-school children, and end child labour by developing indicators and a timeline for the implementation of the recent legislation against child labour (Germany)

Timeline for UPR Engagement

The timeline for UPR engagement in the current cycle will result in a mid-term reporting period during year 2020, after which the process for the next cycle shall commence in year 2021, leading up to the next Universal Periodic Review for Pakistan in year 2022.



Courtesy: UPR Info¹⁷

¹⁷ Timeline for UPR engagement in the current cycle: <https://www.upr-info.org/en/review/Pakistan>

Human Rights Council Sessions, 2017

The Human Rights Council held its 34th session at the United Nations Office at Geneva from 27 February to 24 March 2017¹⁸.

Some of the major discussions geared towards the future of policy making related to children that took place during the 34th, session of the Human Rights Council included; a panel discussion on climate change and the rights of the child, Panel discussion on climate change and the rights of the child, and protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development.

As a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography since 2011, the Government of Pakistan gave a statement regarding the development and implementation of Child Protection Management Information System, a national monitoring system that collects district-level data in five thematic areas, including child trafficking and sale of children¹⁹.

We cannot disassociate the developmental aspect of the Climate Change from the discussion on its human rights related issues, and the right to development can act as a bridge between the both of these aspects.

Pakistan made a statement on behalf of OIC member states, citing Climate Change as a serious challenge.

“Would the Panel agree that keeping in view resource constraints, the lack of technical expertise of the developing countries, there is a historical responsibility of developed countries to support developing countries, both technologically as well as financially, in order to help advance the objectives of the best interest of the child”²⁰.

¹⁸ 34th session of the Human Rights Council (27 February to 24 March 2017): <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/34RegularSession.aspx>

¹⁹ Permanent Mission of Pakistan to the United Nations: <http://pakistanmission-un.org/?p=1496>

²⁰ OIC Statement delivered by Pakistan on Climate Change & its impact on children: <http://pakistanmission-un.org/?p=1544>

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On behalf of OIC Member States Ambassador Farukh Amil, permanent representative of Pakistan delivered a statement during the 27th session of HRC on the human rights situation of Rohingya Muslims and other minorities in Rakhine state of Myanmar.

Highlighting the plight of men, women and children of the Rohingya and other minorities in Myanmar, Pakistan on behalf of the OIC called for constructive engagement with the Myanmar Government to address the ongoing humanitarian and political crisis in its Rakhine State and calls upon it to:

- Cease all hostilities against civilian Muslim Rohingya population
- Address the root causes of the crisis in Rakhine State by respecting, promoting and protecting human rights, without discrimination
- Implement the recommendations of the Advisory Commission on Rakhine State chaired by Kofi Annan.
- Allow access to UN Fact Finding Mission for transparent investigations into allegations of human rights abuses and violations as per its mandate, and hold to account all responsible for such crimes.
- Grant freedom of movement, equal access to basic services, and full citizenship rights to all individuals.
- Create favourable conditions for the sustainable return of Rohingya refugees to their homes.

The OIC Member States emphasize the primary responsibility of the Government of Myanmar to protect its population and ensure promotion and protection of human rights, including those of its Rohingya Muslim people and other minorities²¹.

²¹ OIC Statement delivered by Ambassador Farukh Amil, Permanent Representative of Pakistan during the 27th Session of HRC on the Human Rights situation of Rohingya Muslims and other minorities in Rakhine State of Myanmar : <http://pakistanmission-un.org/?p=2346>

The Human Rights Council held its 35th session at the United Nations Office at Geneva from 6th to 23rd June, 2017²².

Some of the major children specific discussions that took place during the session included; a panel discussion on unaccompanied migrant children and adolescents and human rights, child trafficking, as well as a discussion on child, early and forced marriage in humanitarian settings.

During the session it was discussed that Migrants and especially refugee children in vulnerable situations, and in particular separated and unaccompanied minors, face particular risks and are exposed to discrimination, marginalization, institutionalization and exclusion.

Migrant children need tailored assistance and enhanced protection from all forms of violence and exploitation such as child labour, child early and forced marriage, as well as child trafficking and psychological and physical abuse²³.

During the session experts stressed the crucial need to recognize child and forced marriage as a human rights violation and manifestation of gender-based discrimination. In this regard, they recommended that measures be adopted to address comprehensively the drivers and causes that expose women and girls to the practice. This requires, inter alia, introducing and enforcing laws and policies that promote equality for women and girls and prohibit violence against them, as well as repealing discriminatory laws, laws that have a discriminatory impact and laws that enable harmful practices.

It also requires the introduction of measures to promote women's control over their bodies and lives, including those that give them adequate access to education, sexual and reproductive health and rights, information and services. Women's equal rights with regard to employment also must be assured. There is a need to invest in women and girls as agents of change towards the eradication of child,

²² 35th session of the Human Rights Council (6th to 23rd June 2017): <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/35RegularSession.aspx>

²³ HRC 35 - EU intervention: Panel Discussion on unaccompanied migrant children and adolescents and human rights: https://eeas.europa.eu/headquarters/headquarters-homepage/27927/hrc-35-eu-intervention-panel-discussion-unaccompanied-migrant-children-and-adolescents-and_en

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early and forced marriage and other harmful practices and for the full enjoyment of their fundamental human rights.

Interventions should be guided by the principles of the best interest of the child and non-discrimination, and should apply to all individuals and communities, without discrimination on the grounds of origin, ethnicity or social status. There was a call to recognize and prioritize the need to engage other sectors, such as gender affairs, child protection, education, health and justice, in global, regional and sub-regional responses to child and forced marriage²⁴.

The Human Rights Council held its 36th session at the United Nations Office at Geneva from 11th to 29rd September, 2017²⁵.

During the 36th session, the EU extended the mandate of the Independent International Fact-Finding Mission on Myanmar until September 2018. The EU also expressed grave concern at the recent reports of serious human rights violations and abuses in Myanmar²⁶.

A resolution was adopted by the Human Rights Council on 28th, September, 2017 on unaccompanied migrant children and adolescents and human rights. The resolution called upon all States to ensure that their immigration policies are consistent with their obligations under international law, including, as applicable, human rights and humanitarian law, and to promote the enjoyment of human rights by all migrants without discrimination, including by taking steps to increase cooperation and coordination at all levels to detect and to end serious human rights violations and abuses, in particular trafficking and smuggling of migrant children and other forms of abuse and exploitation.

²⁴ Expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/075/27/PDF/G1707527.pdf?OpenElement>

²⁵ 36th session of the Human Rights Council (11 to 29 September 2017):

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session36/Pages/36RegularSession.aspx>

²⁶ Outcomes of the 36th session of the Human Rights Council from the European Union perspective: https://eeas.europa.eu/delegations/un-geneva_en/33097/Outcomes%20of%20the%2036th%20session%20of%20the%20Human%20Rights%20Council%20from%20the%20European%20Union%20perspective

The resolution encouraged States to take into consideration the present resolution in the development of the global compact for safe, orderly and regular migration, and to consider specific measures to strengthen the rights of migrant children and adolescents, paying particular attention to the specific needs of unaccompanied and separated migrant children.

The United Nations High Commissioner for Human Rights was requested to prepare for the global compact for safe, orderly and regular migration and in accordance with General Assembly resolutions 71/1 and 71/280 of 6 April 2017, to provide inputs submitted to the Human Rights Council by the Office of the High Commissioner for the forthcoming stocktaking meeting and to engage with Members States and the Special Representative of the Secretary-General for International Migration to help to identify, through a human rights-based approach, concrete measures and best practices to improve the human rights situation of unaccompanied migrant children and adolescents²⁷.

United Nation's General Assembly's Third Committee

The 72nd Session of the UNGA's Third Committee took place from 2nd, October to 21st, November, 2017.

Background

The Third Committee of the United Nations General Assembly meets annually for eight weeks every October and November. It is the largest body of the UN responsible for taking up human rights issues. Its membership includes all 193 Member States of the United Nations. While the opportunities for non-governmental organizations (NGOs) to engage with the Third Committee are limited, it is nonetheless an important space for NGOs wishing to press the UN and Member States to address violations of human rights and the promotion of respect for human rights for all²⁸.

²⁷ Resolution adopted by the Human Rights Council on 28 September 2017: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/290/14/PDF/G1729014.pdf?OpenElement>

²⁸ Third Committee of The United Nations General Assembly A Practical Guide For NGOs: https://www.ishr.ch/sites/default/files/article/files/ishr_3rd_com_handbook_eng_web.pdf

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72nd Session of the UNGA's Third Committee

At its 2nd plenary meeting, on 15th, September, 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its 72nd session the item entitled: "Promotion and protection of the rights of children:

“(a) Promotion and protection of the rights of children;”

“(b) Follow-up to the outcome of the special session on children” and to allocate it to the Third Committee.

The Girl Child

At its 50th meeting, on 20th, November, the Committee had before it a draft resolution entitled “The girl child”. The General Assembly, reaffirming its resolution 70/138 of 17th, December, 2015 and all relevant resolutions on the girl child, and recalling its resolution 66/170 of 19th, December, 2011 on the International Day of the Girl Child and the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child, Recalling all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Optional Protocols thereto and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages²⁹.

The General Assembly expressed deep concern about the continuing lack of recent information and statistics, disaggregated by sex, on the status of children in child-headed households, which are necessary to inform appropriate policy responses by Member States and the United Nations system, Recognizing that women and girls are more vulnerable to HIV infection and that they bear a disproportionate burden of the impact of the HIV and AIDS epidemic, including the unpaid care and domestic work related to the care of and support for those living with and affected by HIV and AIDS, and that this negatively affects girls by depriving them of their childhood and diminishing their opportunities to receive an education.

²⁹ Promotion and protection of the rights of children, Third Committee:
<http://undocs.org/A/72/435>

The General Assembly urged States to take all measures necessary to ensure the full enjoyment by girls with disabilities of all human rights and fundamental freedoms, on an equal basis with other children, and to adopt, implement and strengthen appropriate policies and programmes designed to address their needs.

Rights of the Child

At its 52nd meeting, on 21st, November, the Committee had before it a draft resolution entitled “Rights of the Child”. The General Assembly, reaffirmed the importance of its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child which constitutes the standard in the promotion and protection of the rights of the child, reaffirming also that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, while bearing in mind the importance of the Optional Protocols to the Convention and calling for their universal ratification and effective implementation, as well as that of other human rights instruments.

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria, cholera and tuberculosis, fetal alcohol syndrome and inherited addictions, non-communicable diseases, lack of access to safe drinking water and sanitation, environmental damage, climate change, natural disasters, armed conflict, foreign occupation, displacement, famine, violence, terrorism, abuse, all forms of exploitation, including the commercial sexual exploitation of children, such as for purposes of child prostitution, child pornography and other child sexual abuse material, child sex tourism and trafficking in children, including for purposes of labour and sexual exploitation, organ removal and the transfer of organs of the child for profit, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, inadequate protection and inadequate access to justice, and convinced that urgent and effective national and international action is called for³⁰.

³⁰ IBID

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Third Committee Approves 5 Draft Resolutions on Children's Rights

Concluding the intense session on 21st, November, 2017, the Third Committee Approved 5 Draft Resolutions on Children's Rights, Assistance to Refugees, Persons with Disabilities. The role of parents and legal guardians in the education of children, particularly regarding sexual and reproductive health, and opposition to the International Criminal Court once again came to the fore as the Committee took up a draft resolution on the rights of children³¹.

The 61st Commission on the Status of Women (CSW)

The 61st session of the Commission on the Status of Women took place at the United Nations Headquarters in New York from 13th to 24th, March 2017.

The Commission on the Status of Women (CSW), a functional commission of the United Nations Economic and Social Council (ECOSOC), is a global policy-making body dedicated exclusively to promoting gender equality and the empowerment of women. Every year, representatives of Member States, United Nations entities and non-governmental organizations in consultative status with ECOSOC gather at United Nations Headquarters in New York for the Commission's annual session. Usually held for ten days in March, the session provides an opportunity to review progress towards gender equality and the empowerment of women, identify challenges, set global standards and norms and formulate policies to promote gender equality and women's empowerment worldwide³².

At its sixty-first session, the Commission on the Status of Women, in accordance with Economic and Social Council resolution 2016/3, considered as its priority theme "Women's economic empowerment in the changing world of work". It considered as its review theme "Challenges and achievements in the implementation of the Millennium Development Goals for women and girls", evaluating

³¹ Concluding Intense Session, Third Committee Approves 5 Draft Resolutions on Children's Rights, Assistance to Refugees, Persons with Disabilities:
<https://www.un.org/press/en/2017/gashc4224.doc.htm>

³² Commission on the Status of Women, 61st, Session: http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/unw_csw61_brochure_en.pdf?la=en&vs=2057

progress in the implementation of the agreed conclusions of its fifty-eighth session. In addition, the Commission discussed, as a focus area, “Empowerment of indigenous women”³³.

Pursuant to the organization and methods of work of the Commission, as set out in Economic and Social Council resolution 2015/6, the session included a ministerial segment comprised of four ministerial round tables, one interactive dialogue among ministers on the priority theme, one interactive dialogue on accelerating implementation of commitments for gender equality and the empowerment of all women and girls and an interactive dialogue on the focus area. The session also included two interactive expert panel discussions and a general discussion.

The Commission considered its review theme through a series of presentations, made on a voluntary basis, by representatives of 11 Member States from various regions on lessons learned, challenges and achievements in the implementation of the agreed conclusions of its fifty-eighth session, which were followed by comments and an interactive dialogue among representatives of 21 Member States.

The Commission adopted agreed conclusions on the priority theme. They reaffirm existing commitments, set out areas and issues requiring attention in conjunction with the priority theme and a series of actions to be taken by Governments and other stakeholders in the following seven areas:

- (a) Strengthening normative and legal frameworks
- (b) Strengthening education, training and skills development
- (c) Implementing economic and social policies for women’s economic empowerment
- (d) Addressing the growing informality of work and mobility of women workers
- (e) Managing technological and digital change for women’s economic empowerment
- (f) Strengthening the collective voice of women and women’s leadership and decision-making

³³ Commission on the Status of Women Report on the sixty-first session:
<http://undocs.org/E/2017/27-E/CN.6/2017/21>

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- (g) Strengthening the role of the private sector in women's economic Empowerment
- (h) The Commission reaffirmed its central role in supporting efforts to achieve women's economic empowerment in the changing world of work and called upon the United Nations system and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to support those efforts.

National Developments

Bill Passed to Setup National Commission on the Rights of the Child

The National Assembly passed a Bill on the set up of a National Commission on the Rights of the Child Bill. The main features of the bill are to examine legislation on child rights, to review policies on child rights and to inquire into violations and issues of torture. The Bill had been passed by the National Assembly on 1st February, 2017 and introduced in the Senate on 17th February, 2017. The bill was referred to the Senate Functional Committee on Human Rights and subsequently discussed in its meeting held on 7th March, 2017 and committee proposed the two amendments³⁴.

The Bill had been approved after the incorporation of two amendments by the Senate Functional committee on Human Rights in its meeting held on 28th March, 2017. The Senate had approved the said Bill on 15th, May, 2017 and returned to the National Assembly for further necessary action³⁵.

National Commission on the Rights of Child Act, 2017, which provides for an effective institutional mechanism not just to monitor implementation of children's rights, but also to ensure that laws relating to children's rights and the administrative agencies responsible.

³⁴ National Commission on the rights of the Child Act, 2017:
http://www.na.gov.pk/uploads/documents/1510753806_983.pdf

³⁵ NA passes resolution on National Commission on rights of Child Bill:
<https://nation.com.pk/13-Sep-2017/na-passes-resolution-on-national-commission-on-rights-of-child-bill>

According to the law, The Federal Government shall constitute a commission to be known as the National Commission on the Rights of Child to exercise its powers and perform its functions.

The Commission shall perform 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.
- (e) inquire into violation of child rights and recommend to the relevant agency or department initiation of proceedings in such cases.
- (f) examine all factors that inhibit enjoyment of rights of child, such as violence, abuse and exploitation, trafficking, torture, pornography and prostitution and recommend appropriate remedial measures.
- (g) 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.
- (h) 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;
- (i) 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;
- (j) advise the Federal Government to sign, ratify! or accede to any such proposed international treaty, protocol, etc.
- (k) 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

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1908) for enforcing the attendance of any person and compelling the production of documents; and

- (l) 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.

Population Census Conducted after 19 Years Points Towards Major Challenges

One of the major developments of year 2017 was the National Population Census, which was conducted after 19 years. In the wake of the Population Census, more robust policy making can be adopted, especially to cater for the needs of children and to control the challenge of overpopulation.

The 2017 population census has brought critical issues having far-reaching implications for the development of Pakistan to the forefront. Unprecedented growth rates, emerging urban poles, youth bulge and a growing elderly population are some of the many challenges that the country faces today. The 2.4 percent growth rate of the population in Pakistan is highly alarming keeping in view the limited resources of the country. There is an urgent need to take drastic emergency measures to limit the staggering growth as this ratio is just 1.5 per cent in other parts of the world.

The population bomb is still ticking in Pakistan as revealed in the recently conducted national census. It has been estimated that the population of Pakistan might exceed from 390 million in 2047, the year when we would be celebrating the 100th anniversary of the country.

There is a dire need to formulate a strategy that can cater for the growing need for not only an increasing number of child population but also maternal health. Furthermore, there should be a concrete strategy to control early and forced marriages, along with a plan of action for a robust population control strategy with emphasis on encouraging family planning.

Provinces Begin Work on Child Labour Surveys

In the GSP Plus review of Pakistan 2014-2015, it was observed that no dedicated child labour survey has been carried out in Pakistan

since 1996 when it was estimated that there were 3.3 million underage labourers. As a result, provinces began work on conducting a child labour survey in Pakistan.

While all provinces had pledged to conduct a child labour survey, only Punjab showed significant progress in 2017. The Government of Punjab with some financial and technical assistance of UNICEF began data collection in 2017. According to the statistics collected in the first phase of the Provincial Child Labour Survey, 5420 children under the age of 14 years are working at auto workshops, 71 at patrol pumps while 1636 children are involved in child labour at hotels and restaurants in Sheikhpura, Gujranwala, Khanewal, Bahawalnagar, Hafizabad, Sialkot, Okara, Multan, Rahim Yar Khan and Dera Ghazi Khan³⁶.

The third and final phase of child labour survey in the remaining 13 districts was expected to be completed before the end of 2017.

The Government of Punjab had chalked out a strategy to enroll children engaged in labour into educational and technical institutes for their formal education and skill training. Chief Secretary Punjab Capt.(R) Zahid Saeed directed the concerned authorities for mandatory Third-Party Evaluation of the child labour survey conducted in all the districts of the province so as to avoid any lapses regarding facts and figures collected by BOS. He had directed to devise such a foolproof and acceptable roadmap for the parents who could be convinced to bring their children into the circle of formal education and skill training programme initiated by Punjab government.

Minister Labour informed the meeting that an amount of Rs.449 million has been allocated in the current fiscal year for the elimination of child labour project and active NGOs will be engaged for non-formal education of children in all the districts in collaboration with district governments and Punjab Labour Department.

Apart from Punjab, the progress on child labour survey in other provinces has been sluggish. Concerned officials often respond to

³⁶ Second Phase of Child Labour Survey to be Completed: <https://pakobserver.net/second-phase-of-child-labour-survey-to-be-completed-by-august-15/>

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queries by claiming that the survey shall be conducted ‘soon’, with no specific details regarding specific deadlines.

According to ILO the child labour survey in Pakistan uses the SIMPOC methodology and ILO has been assisting concerned authorities in Pakistan in conducting the survey. During SPARC’s event on Child Labour & Children in Modern Day Slavery on 23rd, November, 2017, Mr. Abid Niaz Khan (National Project Coordinator at International Labour Organization) said that the child labour survey in GB and Balochistan is expected to be conducted in year 2018.

Pakistan’s First Child Court Launched

Provincial Developments

Punjab **Child Court Unveiled in Lahore**

Year 2017 saw the establishment of the first Child Court in Lahore. After years of struggle and consistent advocacy by child rights’ activists, Pakistan launched its first court in Lahore to deal with all cases related to children³⁷. Chief Justice Lahore High Court (LHC) Syed Mansoor Ali Shah inaugurated the Child Court at Judicial Complex in Lahore on December 19, in the presence of senior judge Justice Muhammad Yawar Ali, Justice Farrukh Irfan Khan, Justice Aalia Neelum, District and Sessions Judge Abid Qureshi and representatives of the Lahore Bar Association.

The first juvenile court is expected to deal with crimes perpetrated by child offenders. Initially, 80 cases involving children have been transferred to the new court. A separate waiting area, a vibrant room with toys has also been set up for counselling of under-trial children by students of Punjab University’s psychology department.

Renowned child rights activist, Valerie Khan is among those spearheading the movement for implementing the juvenile justice system in Pakistan. “The police station, the court room, criminal

³⁷ Pakistan’s first Child Court launched in Lahore:
<http://gulfnews.com/news/asia/pakistan/pakistan-s-first-child-court-launched-in-lahore-1.2145135>

investigations are traumatic experiences for little kids,” she says. “Children who have experienced trauma in fact need privacy, confidential support and psychotherapy” — which is what Pakistan is aiming to attain with the new child court.

As per law, this first-of-its-kind special court will only cater to cases involving children under the age of 18 years, either as the accused, victims or witnesses. The recently-inaugurated court has two halls — a waiting area filled with toys, and a separate room where under-trial children will be counselled by a psychiatrist to minimize the traumatic deposition of facing a trial.

A psychiatrist will work here with a probation officer to offer counselling during trial, and focus on the psychoanalysis of accused children and come up with recommendations for judges to minimize the imprint of criminal activity on a culprit’s cognition.

An open-air corridor outside the courtroom is lined with white boards — placed there for children to express their feelings on while they await their turn for court proceedings. It is hoped that this will not only help children relieve stress, but also help the psychiatrist evaluate their mental state.

The child’s statement will be recorded via video link from the waiting area which will protect him from speaking under pressure in the presence of his offender in the courtroom.

Initially, 80 cases involving children have been transferred to the new court, with the first being registered a few days ago.

After successful implementation and necessary assessment, it is claimed that this pilot project will be extended to other districts and regions as well.

Sindh

Sindh passed two major pieces of legislation to safeguard children’s rights in year 2017, namely; The Sindh Prohibition of Employment of Children Act, 2017 and The Sindh Prohibition of Corporal Punishment Act, 2016.

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The Sindh Prohibition of Employment of Children Act, 2017

After the 18th constitutional amendment there was a dire need for provinces to pass legislation specific to pressing issues. In 2017 Sindh became the 3rd province, following Khyber Pakhtunkhwa and Punjab to pass a comprehensive law prohibiting child labour. The Sindh Prohibition of Employment of Children Act limits the age bar at 14, with a passing reference to 'light work' in Part I (X) of the law. However, unlike the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015 no further elaboration can be found on 'light work' in the law.

According to the law, whoever employs any child is punishable with imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees or with both: Provided that if the child is employed in any hazardous work the fine may extend to one hundred thousand rupees but not less than ten thousand rupees and imprisonment which may extend to three years:

Provided further that if the child or the adolescent is employed in.

- (a) any form of slavery or practice similar to slavery, such as the sale and trafficking of children or adolescents, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children or adolescents for use in armed conflicts;
- (b) the use, procuring or offering of a child or adolescent for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child or adolescent for illicit activities, in particular for the production and trafficking of drugs; the fine may extend to ten hundred thousand rupees but not less than two hundred thousand rupees and the imprisonment may extend to ten years but not less than five years.
- (d) Like other child labour related laws in Pakistan, The Sindh of Employment of Children Act does not specifically mention the informal sector and agriculture. Whether this was hasty legislation, sheer incompetence, an honest mistake or a conflict of interest of feudal land lords ruling the Provincial Assembly of Sindh is anybody's guess.

The Sindh Prohibition of Corporal Punishment Act, 2016

Corporal punishment or any other humiliating or degrading treatment to children by any person in all its forms has been prohibited in Sindh by a law. The disciplinary measures concerning the child can only be taken in accordance with the child's dignity and under no circumstances corporal punishments that relate to the child's physical and mental development or that may affect the child's emotional status are allowed³⁸. Whoever violates the provisions of the act shall be liable to punishments prescribed for the said offences in the Pakistan Penal Code, 1860, and other respective laws. This however leaves a loophole where children might be hard to protect from severe abuse by parents and at educational institutes. Needless to say, the Pakistan Penal Code already provides this provision. Section 89 of the Pakistan Penal Code absolves parents and teachers for mild punishment with 'good intention'.

The law states: "Notwithstanding anything contained in section 89 of the Pakistan Penal Code, 1860 and any other law and regulation for the time being in force, corporal punishment of children by any person is prohibited in all its forms, at work place, in schools and other 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"³⁹.

Khyber Pakhtunkhwa

Multiple Education Specific Laws Passed in Khyber Pakhtunkhwa

Khyber Pakhtunkhwa passed a number of other education specific laws, aimed at improving the state of educational institutes and regulations in the province. These included; Free Compulsory Primary and Secondary Education Act, 2017, The Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017, The Khyber Pakhtunkhwa Elementary & Secondary Education

³⁸ Sindh passes law to ban corporal punishment for children:
<https://www.dawn.com/news/1311951>

³⁹ The Sindh Prohibition of Corporal Punishment Act, 2016:
<http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.VII%20of%202017.pdf>

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Foundation (Amendment) Act, 2017, and The Khyber Pakhtunkhwa Private Schools Regulatory Authority Act, 2017.

Free Compulsory Primary and Secondary Education Act, 2017

One of the major pieces of child specific legislation passed in Khyber Pakhtunkhwa in 2017 included the Free Compulsory Primary and Secondary Education Act, 2017. The Act states that government shall provide free compulsory primary and secondary education to all the children from the age of five to sixteen years in the province. The law as of now will not be implemented in the entire province rather it will be done so in specific areas through the education department due to issues of accessibility in some areas. The law also outlines strict guidelines to ensure children's attendance in schools and provisions for setting up a "Taleem Fund" (educational fund) for schools.

Child Protection Units in Khyber Pakhtunkhwa Shut Down Amidst Funding Constraints

The Khyber Pakhtunkhwa Child Protection and Welfare Commission suffered from dire financial constraints. Not only the Child Protection Unit in Peshawar has been closed for the last two years due to financial constraints but according to reports the commission had been working without top boss, chief protection officer as the contract of the previous CPO expired two years ago⁴⁰. It has also been reported that the Child Protection and Welfare Commission employees insisted though their organisation faced serious financial problems causing fears about the closure of CPUs, they helped around 28,400 children at risk and referred them to welfare homes and institutes like Zmong Kor.

As of January, 2018, 11 Child Protection Units at the district levels in KP had stopped functioning due to funding constraints.

FATA Fata Reforms in Flux

In 2016 an ambitious plan to merge FATA with Khyber Pakhtunkhwa was unveiled by The FATA Reforms Committee. The proposed initiative was to set off "parallel and concurrent" political, administrative, judicial and security reforms, as well as a massive

⁴⁰ Child protection body in deep financial crisis in KP: <https://www.dawn.com/news/1368336>

reconstruction and rehabilitation programme, to prepare the Federally Administered Tribal Areas for a 'five-year transition period' for merger into Khyber Pakhtunkhwa.

Year 2017 saw some progress in merging FATA with KP. While 2017 by and large seemed like the year when the merger seemed inevitable, the end of the year was marred by political uncertainty and conflict on the subject.

In March, 2017 The Federal Cabinet approved recommendations of the Federally Administered Tribal Areas (Fata) reforms committee, which includes the merger of the tribal areas with Khyber-Pakhtunkhwa and repeal of the Frontier Crimes Regulation (FCR)⁴¹.

In January, 2018 the Secretary General of Jamaat e Islami, Liaquat Baloch and leading tribal elders called upon the government to immediately present a bill for FATA's merger in the National Assembly in the light of the Sartaj Aziz committee report. Addressing a joint press conference at Mansoor on Sunday, they held the government responsible for the delay in FATA's merger. He demanded of the government to announce FATA's merger with KP before the elections and grant the right of representation in provincial assembly and local bodies. He said that the FCR should be abolished from FATA and the jurisdiction of the Supreme Court and the Peshawar High Court be extended to the tribal areas. A special package must be announced for the development of infrastructure in FATA and a reasonable share should be given in the NFC Award in order to bring FATA at par with other parts of the country.

While the merger of FATA with KP can pave the way for effective reforms in the tribal areas to improve the state of the local populace and to address key child rights specific issues; the political uncertainty surrounding the merger has cast a shadow of doubt on the entire process and its completion in the near future.

⁴¹ Govt urged to present FATA merger bill in NA: <https://pakobserver.net/govt-urged-present-fata-merger-bill-na-2/>

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Balochistan

Child Rights Continue to be Ignored by Lawmakers

Following the trend of previous years Balochistan lagged behind in taking adequate steps in safeguarding the rights of children in the province. Not only did Balochistan not pass legislation prohibiting child labour but there was no progress in the creation of child protection institutes in the province, which were to be established after the enactment of the Balochistan Child Protection Act, 2016.

Child rights activists often see the apathy of the Balochistan government as a result of the 'absence of willingness' of lawmakers to address key issues plaguing the province, let alone child protection.

Islamabad (Federal Capital)

A Tale of Two Bills

Two groundbreaking bills floated in the National Assembly that could have revolutionized the concept of child protection in the country.

The ICT Child Protection Bill & Juvenile Justice Systems Bill can result in the enactment of laws that could introduced the concept of robust child protection mechanisms and measures for juvenile rehabilitation. These laws are expected to set a precedent for legislation across other provinces, paving the way for plucking loopholes in existing laws and enhancing the scope of child protection in the country. The civil society and Ministry of Human Rights is lobbying for passage of laws as of January 2018 amidst the political situation in the country.

ICT Child Protection Bill, 2017

The ICT Child Protection Bill was drafted in compliance with Constitutional provisions and the policy of the Government to protect children from violence, abuse, exploitation and neglect. The safeguards provided under this Bill will go a long way to protect children in the Islamabad Capital Territory. The Bill included provisions for registering unattended children, establishing and recognizing Child Protection Institutions and caregivers for catering to the needs of children without appropriate care, and ensuring that

child victims are not handled by an officer of the opposite sex to avoid exploitation and abuse of child victims. The Bill also aimed at empowering child protection Officers with emergency powers to help children in danger, including children which may be at threat from their own parents.

The Bill also recognized victim support for child domestic workers. While this is not enough to perhaps prosecute an employer responsible for hiring children as domestic help, the clause at least recognizes the issues of child domestic labour and creates provision for victims of this sort to be catered for by an appropriate authority.

Juvenile Justice Systems Bill, 2017

The Juvenile Justice Systems Bill aimed at forming Juvenile Rehabilitation Centers for better catering for the needs of juvenile prisoners, as well as using ‘diversion’ with suggested alternative punishments to incarceration in the form of a written or oral apology, community service, restitution of movable property, reparation of the damage caused, and payments made for or fine and costs of the proceedings. However, this clause didn’t come without a catch! The Bill stated that:

“Provided that where the complainant is a state functionary and the offence has not been committed against a private person, the Juvenile Justice Committee may dispose off the case through diversion with the consent of the concerned Public Prosecutor”.

Despite the flaws in both bills and scope for improvement, the enactment of these two laws could have been a major legislative development in terms of child protection in the country. Although the issue of implementing existing laws in letter and spirit remains to be seen.

It is worth mentioning here that these two bills were not introduced in isolation but state bodies such as NCCWD and NCHR had a very positive role to play in engaging civil society organizations in gathering opinion from subject matter experts and recommend amendments that could help forge a law that can adequately cater for the needs of child protection and juvenile rehabilitation in the country. However, the apathy of lawmakers seems to be the major hurdle in getting the bills passed through red tape.

Case Studies

Zainab Murder Case Shakes the Country

The murder of Zainab has become one of the most horrific high-profile cases of violence against children in the country's history. Zainab Amin Ansari was a 7 year old girl who was raped and murdered in January, 2018. The case once more brought the troubled city of Kasur to the limelight as the hub of child sexual abuse. It is worth mentioning here that a 2015 scandal exposed a group engaged in raping and recording sexual assault on as many as 250 or more minors.

On January, 23rd, 2018 Punjab Police arrested the culprit and later established that his DNA matches the victim. According to the information available, he was a 24-years old man Imran, from Zainab's neighborhood. During the last year, 11 similar cases were reported before Zainab's episode and out of those; eight of the victims carry Imran's DNA.

A call for publicly hanging the perpetrator became the subject of much debate. The Government of Punjab announced to include child sexual abuse in the syllabus, whereas political point scoring seemed high among rival political parties on the subject of child sexual abuse. Making one wonder if the death of the poor girl will result in substantial action against the epidemic of child sexual abuse or become trivialized due to politics.

SPARC Facilitates Recovery of 2 Minor Children from Kidnappers

On 5th, March, 2017 two children identified as; 7 month old Azan and 9 year old, Arbab were kidnapped by a woman identified as Kainat. The incident took place at the village of Nabi Baksh Gopang, Sindh.

After learning of the incident the SPARC and CRM Sindh team led by Mr Kashif Bajeer got in touch with the local police. Due to the efforts of the police the two children were recovered (6th, March, 2017) during a raid at 05:00 am PST.

The SPARC team reunited the children with their family at the Pinjari Police Station. Ambreen Baloch from Child Protection Unit, Hyderabad also accompanied the SPARC team and provided support in the matter.

Child trafficking has been a pressing issue across Pakistan for a number of years, however, little has been done to unearth the individuals and group of people involved in trafficking children. This is a one of a kind incident where the two minor children were quickly recovered after being kidnapped.

Child trafficking is a major issue in Pakistan and requires effective legislation to counter the menace, as well as attention by lawmakers to create an effective mechanism to counter internal trafficking in the country. A first step in this direction can be the enactment of the Trafficking in Persons Bill⁴², which was moved by Senator Mushahid Hussain Syed. The Bill addresses, trafficking in persons, especially Women and Children, and it takes into account the special needs of victims of trafficking in persons who are women and children or who otherwise have special needs.

⁴² Trafficking in Persons Bill:
http://www.senate.gov.pk/uploads/documents/1474988404_181.pdf

**Missing Girl Recovered with the Help of
SPARC & Police**



11 year old domestic helper Hadia who went missing on 23rd, January from a home in G-10/4 has successfully been recovered. The case was referred to SPARC by Valerie Khan after which Ms Sabeen from SPARC took lead on the matter. Case was referred to Mr. Mirvais Niaz (SSP, ICT Police) who took the case and expedited the process for the girl's recovery.

The complainants were hesitant regarding FIR, however upon being convinced by police, FIR was registered on 26th January US 365. Complainants didn't nominate anyone however the investigative team was on the case right away and traced the movement of the girl from G-10/4 to Faisal Movers (26 # choongi) and to Faisalabad. Evidences were collected swiftly from the scene and technical analysis revealed the culprit; woman named Shahnaz. A Team was dispatched on 28th, January and the woman who had taken the girl with her was apprehended and the missing girl recovered by ASI Sajid Rafique and their team. Further investigation is underway regarding the woman who had taken the minor girl.

Recommendations

Despite being an over-legislated country, we still face the dilemma of loopholes in laws and the lack of implementation of existing ones. The pace of legislation related to child rights has been marred by loopholes in allowing perpetrators to go scot free, whereas conviction rates of individuals engaged in child rights violations is low as it is. Following are a few recommendations aimed at pointing out the 'basic' issues of legislation and law and order that need to be addressed to improve the state of child rights in Pakistan:

- All child labour prohibition laws need to address the absence of the mention of agriculture and informal sector, since a major chunk of children engaged in labour fall in these two categories. Furthermore, Balochistan needs to pass a proper law prohibiting child labour, as well as a plethora of other pending legislation related to child rights that it is obligated to pass after the 18th constitutional amendment and international conventions such as the UNCRC, Minimum Age Convention and Worst Forms of Child Labour Convention, that Pakistan is a signatory to.
- It is necessary to streamline child rights legislation across all parts of Pakistan, with the need for provinces to coordinate to create more uniform laws. Currently, provincial laws are increasingly becoming contradictory, which can put the status of a child in need of protection in flux, due to the lack of or enactment of laws that change erratically as a child crosses the domain of one province to another. Even provincial laws lack harmony within their own territory, as the Punjab Restriction on Employment of Children Act sets the age bar to 15, whereas the Prohibition of Child Labour at Brick Kilns Act, 2016 has the age limit set to 14.
- Despite the enactment of anti-child marriage laws in Sindh and Punjab, and Pakistan Penal Code 498B (Prohibition of forced marriage) child and forced marriages are all too common. Whereas, Balochistan and Khyber Pakhtunkhwa are yet to enact pending legislation on the matter. Moreover, Sindh is the only province to raise the minimum age for marriage of girls from 16 to 18. There is a lot of evidence to suggest that underage marriages in Pakistan result in poor health, maternal mortality and sexual exploitation of girls. It is recommended that a panel of Ulema (religious leaders) should be setup to address the issue,

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especially considering a lot of the early and forced marriages in many rural areas of Pakistan involve selling child brides like commodities,⁴³ which in some cases are also forced into the sex trade by their buyers⁴⁴.

- Minimum standards of juvenile justice should be maintained by keeping the UNCRC as a guide. There needs to be not only swift legislation but the proper provision for a mechanism that provides detailed statistics regarding children under incarceration, and ensures that they can be protected from sexual abuse and exploitation. Moreover, a system ensuring their rehabilitation and the timely release of child prisoners is also desperately needed. An emphasis on diversion is also the need of the hour to avoid children engaged in petty offenses from ending up in prisons among hardened criminals.
- Special initiatives for children with disabilities are required by the government. These should include; an increase in the currently available schools for disabled children throughout the country, vocational training to help adolescents with disabilities make use of technology to be able to integrate as productive members of society (e.g. considering future job prospects for the disabled), as well as special sections in government run hospitals to cater for the needs of disabled children.
- The Trafficking in Persons Bill should be enacted and a proper mechanism for rehabilitating and providing necessary support for victims of internal and external trafficking should be setup. While currently the FIA is tasked with dealing with external trafficking, measures related to internal trafficking need to be properly mapped out. Furthermore, the mechanism for the rehabilitation of victims of both internal and external trafficking for now remains a question mark.
- A massive awareness drive is needed at the governmental level, possibly with the cooperation with civil society organizations to inform people of the basic child rights issues, parental responsibilities, preventive measures for safeguarding children from abuse and mechanisms for reporting instances of violence, abuse, neglect and exploitation of children. Currently, most

⁴³ Police rescue child bride, 10, who was sold to a 50-year-old man by her mother to pay off a £3,400 loan in Pakistan: <http://www.dailymail.co.uk/news/article-5201613/Police-rescue-child-bride-10-sold-mother-man-50.html>

⁴⁴ Trafficking of Women and Girls into Forced Prostitution and Coerced Marriage: <https://www.hrw.org/legacy/about/projects/womrep/General-116.htm>

people are even unaware of basic information such as the age bar for child labour, hazardous work, types of abuse, the psychological impact of corporal punishment on children, the health related hazards of early marriages, malnutrition (e.g. stunting and wasting), etc.

Conclusion

Perhaps the best way to describe the progress on child rights in the country can be analyzed from the example of Iqbal Masih, who at the age of 4 was sold into bondage by his own family for a mere Rs 600 (which amounted to around \$32 at the time). Iqbal, like other unfortunate children stuck in bondage was to work as a carpet weaver until the debt was paid off. He was made to work every day for 14 hours, bound in chains. He was to pay back 3 cents a day for the meagre loan taken by his parents. His mother's medical bills piled up, along with his older brother's wedding expenses, resulting in additional debt owed to the carpet factory owner. The cost of tools, Iqbal's training, the expense of food given to him and the interest rate tied to the debt meant that Iqbal never really had a chance to pay back the loan⁴⁵.

The children at the factory were given little food to keep them malnourished, as small hands made better carpets, resulting in Iqbal weighing just 20KG at a height of 4 feet. At the age of 10, Iqbal escaped his employer after learning that slavery was prohibited by law in Pakistan. The time of his escape around 1993 indicates that the Bonded Labour Systems Abolition Act, 1992 had a role to play in paving the way for Iqbal to escape.

His attempt to escape resulted in concerned officials doing what they often do best with victims; punishing them. Iqbal was caught and sent back to his employer by the police, only to escape a second time and find refuge with the help of Bonded Labour Liberation Front (BLLF). Iqbal eventually became a child activist. What followed was the release of 3,000 children from bondage due to Iqbal's efforts. He even gained recognition at the international level for his efforts,

⁴⁵ Iqbal Masih Pakistan's Unsung Hero: <https://www.britishpakistanichristians.org/blog/iqbal-masih-pakistans-unsung-hero>

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including receiving the Reebok Human Rights Award in Boston in 1994⁴⁶.

This by all means seemed like a major leap forward in safeguarding child rights in the country, at least for children in bondage. However, what transpired next sheds light on how the state of child rights have been perpetually stuck in a loop in Pakistan. At the age of 12, Iqbal was shot dead, allegedly by the hands of the carpet weaving industry mafia.

The aforementioned is testament to the fact that child rights in Pakistan often come across isolated phases of revolution, only to result in the undoing of all the good that has been gained by a fatal blow at the hands of the rich and the mighty.

Be it child protection or issues concerning common citizens, living below the thumb of the ruling elite, perhaps the best way to describe the 'absence' of justice from our justice system is to quote the former Chief Justice of Pakistan, Justice (R) Jawad S Khawaja. During his tenure as the Chief Justice of Pakistan, he rightly said:

"The justice system of our country does not provide affordable and speedy justice. The state needs to accept that it has failed to provide timely justice to the people."⁴⁷

⁴⁶ Blair Underwood (20 March 2002). "Presentation and Acceptance of Reebok Youth in Action Award". In Robin Broad. *Global Backlash: Citizen Initiatives for a Just World Economy*

⁴⁷ State unable to provide speedy justice: CJP Justice Jawad S Khawaja:
<https://www.thenews.com.pk/latest/8010-state-unable-to-provide-speedy-justice-cjp-justice-jawad-s-khawaja>