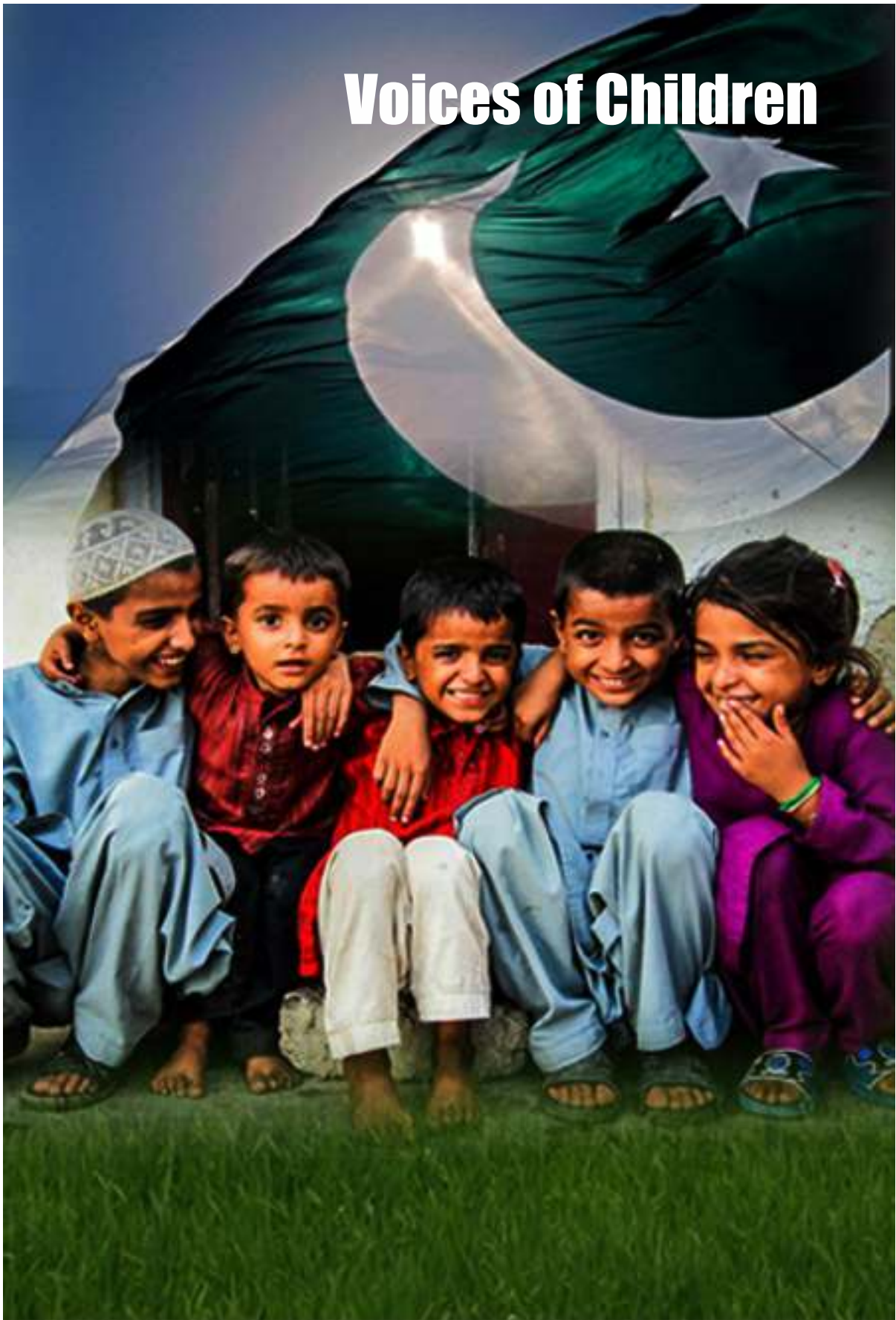


Voices of Children



Introduction

“I just want my parents to love me,” Irum says, and clearly it is the one thing she wants above all else.

In 2018, SPARC Research teams conducted a number of focus group discussions (FGDs), as well as individual interviews of children in selected localities of Lahore, Rawalpindi and Multan in Punjab; Karachi and Hyderabad in Sindh; and Peshawar in Khyber Pakhtunkhwa, in order to document some of the voices of the children of Pakistan.

The objectives of the FDGs and interviews were:

- to document and focus on the voices of a few children from the deprived strata, to highlight the difficulties and challenges they and millions like them are facing in their lives; and,
- to assess their access to their basic rights to life, liberty, dignity, identity, food, water, shelter, health, education, skills training, protection, safety, security; and, equally important, their right to expression and justice.

For this SOPC report 2018, SPARC has selected few of their stories to relate briefly, as follows:¹

Sidra (Multan)

Sidra is a 14 year old girl who lives in Multan. She is the youngest of five sisters and also has two brothers. Her family lives below the poverty line. Her father works as a domestic plumber, and he is the only source of income for the whole family of nine.

Sidra has been neglected by her parents. She is passionately interested in education and dreams of becoming a teacher and setting up her own school. Her teachers are her role models and she understands that knowledge leads to empowerment. She also knows that education is

¹ All the children’s names have been changed, to preserve their identity and dignity.

the basic right of every child, and that it is the most important key that opens the door to a bright future for an individual.

She felt sad that girls' education does not get the importance it deserves. She said that the progress of any country depends on education. Therefore, she stated that if education is provided to all children, the country develops faster.

However, she noticed that in Pakistan, education is considered important for boys but not for girls. She noted that it is commonly believed that girls are meant to stay at home and do household chores, while boys get educated, and earn the family's livelihood – which is why the number of school-going girls is much less than boys.

Sidra added that each girl's education depends on the men in her family, who make the decisions about and for her. Men who do not want to educate their daughters or sisters, use lame excuses such as citing cultural (or misperceptions of religious) reasons against co-education in primary schools, or the need for girls to do household chores, or the family's financial constraints.

Sidra added that such people also cite the societal attitude that “educating a girl is a waste of time and money because she has to get married very young, leave her parents' home, do household chores in her husband's family home, and bear and rear a lot of children.”

In conclusion, Sidra said: “I would like to encourage all parents to educate their daughters, and never underestimate their skills. I end by quoting an African proverb: ‘If we educate a boy, we educate one person. If we educate a girl, we educate a whole family and thus the whole nation’.”

Aliya (Rawalpindi)

“I grew up in these slums and know what issues are faced by slum children and their families in their efforts to try to send them to school. So that is why I feel I have a moral responsibility and duty to help the children obtain education,” says Aliya, age 15.

She lives with her parents and six siblings in a small, one-room house on the bank of Nallah Leh, a sewage-cum-rainwater canal near Pir

Wadhai in Rawalpindi, situated just a few kilometres south of the capital, Islamabad.

Not so long ago, a typical day for Aliya started with taking care of the goats and helping with the household chores. Most of the children of the low income locality of Pir Wadhai are forced to work as scrap collectors, domestic workers, or street beggars, in order to earn a small amount of money daily, to contribute to the meagre household income.

But a “typical” day for Aliya began to look quite different after community mobilizers from SPARC met her family, to motivate them to educate Aliya. Aliya herself managed to convince her father to permit her to attend the non-formal education (NFE) classes at the Drop in Centre (DIC), where she excelled. And, in a remarkably short time span, Aliya had earned for herself a place on the list of children to be integrated into a mainstream public school.

When Aliya was enrolled in a formal government school, she applied herself to her school work with the same diligence, determination and passion that set her apart at the DIC. She became a distinguished student and received a special scholarship to cover all her education expenses.

Apart from shining in the classroom, Aliya has also become a catalyst for change and a ray of hope for the street children of Pir Wadhai. Now she is an advocate for their rights during outreach sessions in her community, along with the DIC staff.

Aliya also mentors, helps and provides emotional support to the new students entering her government school. She has motivated and helped to enrol seven girls at the DIC. They belong to her extended family and group of friends. They have left begging, scrap collecting and domestic child labour, and are now receiving non-formal education, as well as participating in co-curricular activities at the DIC.

Aliya is inspired by her Urdu teacher, and she says: “I want to become a teacher and teach other street children like my teacher does.” She observed that many formal schools do not want to enrol street children because of preconceived, erroneous ideas about their ‘ill manners’ and ‘bad habits’.

Aliya's father, a mason by profession, initially had reservations about his daughter attending NFE classes at the Centre. He now acknowledges that SPARC's efforts have brought about a positive change in the life of his daughter and other children too. "Contrary to the past, I now realise the importance of education, which is the fundamental right of every child and is the first step towards success," he observed.

Ali and Asif (Lahore)

Ali is a 12 year old boy, who is often found on a street corner on a major thoroughfare in Lahore. He is dressed in dirty, stained clothes, sometimes laughing at the jokes his older friends crack, sometimes smoking. But now, Ali has found something much more enjoyable. He has taken to sniffing glue. "I don't do it that often," he says. "But it is great fun to do it with my friends."

Asif, age 10, who lives in the Shalimar area, has been trying to fit in with other children who live on the sidewalks. He has just run away from home and does not have any place to go. Despite his desperate attempts to fit in, he has faced much bullying from his peers. Yet Asif hotly denies that he is at all disturbed. "They dare not touch me," he says, with a simple ferocity only a young boy of 10 can bring to his face. "I can dodge even the police!"

Ali and Asif are mere symbols of what is a much deeper issue haunting the street children of Lahore – including homelessness, child sexual abuse, abduction, trafficking, child labour, crime, and drug addiction. In fact, like all other major cities in the country, Lahore is no exception in this regard.

Irum (Karachi)

Irum is a 17 year old girl in Karachi. She gets up at dawn to start her myriad duties. She cooks breakfast for her aunt and cousins, and also washes the dishes and clothes, before she leaves for her place of work.

Irum is a short, thin girl with a soft, delicate face. Her warm smile is an attempt to hide the heavy burdens she has been carrying since she was a toddler. She has radiant eyes that dream big.

Irum was only four years old when her parents decided to send her away from her small home town, to the big city of Karachi, to live with her aunt. Here she was to learn to do household chores and babysit her one year old cousin. In exchange, her parents received Rs.500 and a carton of oil each month from Irum's aunt. She herself received nothing except board and lodging.

The little girl, who once aspired to get an education, now works as a maid at a house near Karachi's Azam Basti, a densely populated colony, where she lives in her aunt's small house.

She has gradually accepted her circumstances, which is a tragedy that befalls many unfortunate children in Pakistan. However, on the surface, Irum appears to be unaffected by the toil.

“I just want my parents to love me,” Irum says, and clearly it is the one thing she wants above all else.

She aspires to be considered a diligent, noble, dutiful daughter and continues to help her family by sending them her income. In her home, her father and mother reap the harvest off the struggles and sacrifices of their girl child, Irum, who is not yet legally an adult, while she is entangled in the fear, pressure and stress of letting her family down. She toils round the clock, trying to please her parents, and also her aunt, and being forced to take on the responsibility of earning for her younger siblings, while she was barely old enough to take care of herself.

Her emotional scars will probably never heal.

Like Irum, there are many other girls suffering the brunt of this pervasive familial abuse. Her younger sisters will most likely be entrapped in the same cycle. Such children are not only deprived of an education, but their circumstances force them to mature very early too. An entire childhood is lost.

Each year multitudes of very young girls flock to Karachi in search of better living conditions, or to seek refuge – or are forced through kidnapping, sale or trafficking. It is what their mothers or aunts went through before them, and they are merely following that route, albeit very unwillingly.

When Irum turned 17, instead of graduating from school and going on to college, she marked another year of loss. Her aunt got Irum engaged to her cousin, who is only 18 years old. But Irum has somehow remained unshackled in her mind all this time and says she will not repeat the mistakes her parents made.

Irum reassures herself, saying: “I will get married to my fiancé, I will love him and I will have beautiful kids with him. But my kids won’t work, they will only study. They will go to school, study, and then they will play in the evening. I will buy them lots of books,” she excitedly adds, holding her own colouring book in her hand. At the house where she works, she speedily finishes all her tasks, just in time to spend the last 30 minutes colouring and learning the introductory alphabets of the Urdu and English languages. Irum has now learned to count numbers, and she has learned how to introduce herself in English too.

Opportunity seldom comes knocking at Irum's door, but she is always in anticipation of change. Desperate to break barriers, she works really hard teaching herself all that she can learn, knowing that time is of the essence. Very soon she will be a married woman, a wife, and shortly thereafter, a mother. She cherishes every moment of her present, trying to be as productive as she can, and continues her learning, in expectation of leading an improved life in a better tomorrow.

Irum’s circumstances are mainly a consequence of parental dysfunction, neglect and a mercenary attitude towards one’s children. As the days and months go by, Irum somehow manages to keep her hope alive that her mother will return one day to take her back home. She envisages a time where she again lives with her parents, who she says love her dearly.

As she gets ready for bed, sleeping amongst six other children on the floor, she stares at the cracks in the ceiling. The raindrops make a dripping sound as they land in a bucket. As Irum blows out the candle, she reassures herself every night: “I was never meant to be like my mother. I will be different.”

Such a positive, hopeful attitude is rare – almost unique. It needs to be carefully nurtured.

Maryam (Hyderabad)

Maryam was born healthy, but contracted polio at an early age, due to lack of immunization. She had to face many problems in childhood regarding her studies and her attempts at recreation with other children, due to her physical challenges.

Maryam did not lose hope and continued her studies with dedication. She belongs to a family living in poverty. Her father sells candyfloss in a public park. The people living in her low income locality are conservative, with very negative views about girls' right to education.

However, Maryam continued her education despite her physical hardships and the community's loud disapproval. Her elder sister was married off early. When Maryam was only 14 years old, her parents got divorced. Her mother remarried, and left her 3 children behind with their father. At that young age, Maryam was left alone to care for and rear her one year old brother and nine year old sister, while having to deal with her own considerable physical challenges.

Maryam faced all her hardships bravely. She wanted to help her father come out of their extreme poverty, so she decided to continue her education. After obtaining her Matriculation certificate (10th grade), she had to work for two years to save enough money for her Intermediate college admission fees.

There were times when she got depressed due to a lack of encouragement from her father, who would belittle her with cruel taunts like: "Disabled/handicapped people like you can do nothing", whenever she spoke of wanting to continue her education to the next higher level.

Hence, she decided to learn a vocational skill that she could use to earn some money while working at home. She joined SPARC's Centre for Street Children (CSC) in Hyderabad, where she learnt stitching. She started earning by stitching dresses, and soon became the sole livelihood earner for herself and her two siblings. Subsequently, her elder sister returned home after she was divorced, and so Maryam became the livelihood earner for all four siblings.

She worked at various jobs, including as a factory brand representative; a life insurance agent; and a sales officer with marketing companies. She faced many difficulties, for example when she could not walk as fast as everyone else, due to her limp. Her colleagues used to taunt her: “We are late because of Maryam”. These taunts used to upset Maryam, but her dedication to her work never wavered.

Her physical challenges never decreased her mental and emotional strengths. She has become stronger in different ways. She has invested her savings in setting up a skills training centre for the women and girls of the community. She charges no fees. 50-60 young women are currently under training in various vocational skills, e.g. dress-making, mehndi (henna) designing, and so on.

The SPARC research team met Maryam and discovered a great motivational personality, who inspires people with hope and also renders practical help whenever needed. Her confidence, dedication and commitment to her cause are inspiring and she is an example for all. In fact, being differently-abled has made her stronger and more capable than the other “regular” people around her.

Tariq (Hyderabad)

According to government data, Sindh has more than 6 million out of school children. 13 year old Tariq is one of them. He dropped out of school because of the severe corporal punishment he received from his teachers. Their harsh attitude resulted in several students dropping out of school, and ending up as street children like Tariq.

After being beaten up by his teachers, Tariq used to roam around the streets from morning to afternoon, rather than attending his classes in school. When his parents found out, they also severely reprimanded him and beat him up. As a result, he ran away from home and ended up on the streets of Qasimabad, near Hyderabad.

Tariq was about to start indulging in unhealthy activities and also drug addiction, like large numbers of other street children. However, he was saved from this danger, because he was contacted just in time by a mobilizer for SPARC’s Centre for Street Children (CSC) in Hyderabad.

Tariq started going to the CSC, where he received non-formal education. The CSC staff made every effort to restore his faith in educational institutions and to re-inculcate in him an interest in education, which he left only due to the severe corporal punishment he received.

SPARC's CSC has the following motto: "In order to teach a child, all you have to do is to create a loving, supportive, and invigorating atmosphere, in which a child can learn." Further, it is well-documented that a child learns by example, through adult role models. The SPARC Centre attempts to motivate, invigorate and encourage underprivileged children – especially the survivors of violence – to study, learn and become positive, productive adults.

An update: Tariq has now been enrolled in a formal school. He is studying well and is getting good grades. He has a bright future.

Sajida (Peshawar)

Lying on a bed in the Paraplegic Centre in Peshawar, Sajida, age 16, who comes from one of the city suburbs, says: "Every girl dreams of a happy life. I also dreamed of a happy married life, and the day of my marriage was a huge day for me." But she says her dreams died very soon after her wedding day.

"My friends and cousins were singing songs on the day I was married off to my cousin in 2018, at the age of 15. I wore a fancy, red bridal dress, with make-up and jewellery, and I was in high spirits, making plans for my future life. But my happiness turned into a nightmare when my husband started beating me just a few weeks after our marriage."

"He is unemployed, and along with his mother, he used to beat me for trivial things, such as serving his food a bit late, or for putting a bit less (or more) salt in it, and so on. Initially, when he hit me, I concealed the bruises on my face, thinking that my love and silence would stop the beatings and would change him. But that did not happen. When he crossed all tolerable limits, I finally told my parents. In order to escape further beatings, I went back to my parents' home several times, but each time his family called a Jirga.² There he always promised never to beat me again, but he never kept his word. I could no longer tolerate

such an abusive relationship, so I shot myself after a particularly severe beating from my husband. I survived the shooting, but here I am now, at this centre for Paraplegics.”

The above story is very recent. It is still unfolding, and SPARC plans to work with Sajida and her medical team, to provide her with counselling, therapy and all possible support required.

Ejaz (*Islamabad*)

Late one rainy night in Islamabad, near the sector G-11 Markaz, where a group of friends were enjoying spicy ‘*shawarma*’ with hot tea, Ejaz was fast asleep on a staircase. When he woke up, because his clothes were wet and he was shivering, members of the group spoke with him and asked about his family.

Confidently he replied, “My name is Ejaz, I am 9 years old and I live in a *Katchi Abaadi* with my family.” On being asked why he was there at midnight, he replied, “We are eight siblings. I am the second eldest. My father works in the fruit and vegetable market, but he has a problem with his leg. Sometimes I must work in the nearby restaurants, where I wash dishes, for which I receive one hundred rupees and a free meal per day.”

About his poverty Ejaz said, “I always see other kids going to school every day while I take my little sister to the market to sell pens, and I wish we both could go to school too.” When asked about the harsh rainy weather, he replied, “It doesn’t matter; we must sell our pens.” He returned to the staircase and put his head down on his muddy little hands.

The friends noticed that it was not only Ejaz but a number of other little children were also there, each one trying to sell different items at midnight. These vulnerable little children were not even aware of how to protect themselves from criminal gangs, kidnappers, paedophiles, and so on.

² A traditional gathering of male elders to decide issues between rival parties according to traditional patriarchal norms. Jirgas and panchayats are illegal entities.

In Islamabad, as in other cities across the country, one comes across large numbers of children on the streets, or working in small restaurants in low income localities, or in car repair workshops, or in factories. Employers prefer child labour, as children can be paid much less than minimum wages; and they are more obedient and more exploitable, and have no troublesome unions either.

The average salary of a boy child labourer is Rs.6,000-10,000 for 12 hours of work; for instance, as a child waiter or a kitchen helper in cheap restaurants, or garages, or factories. The laws remain unenforced by the LEAs, who often work in connivance with the employers.

Observations

In 2018, a survey conducted by the Child Rights Movement (CRM) network found that over 12.5 million children in Pakistan were estimated to be working as child labourers.

Despite the absence of official national and provincial surveys and research data, it is estimated that over 1.5 million children live on the streets of Pakistan's major cities, towns and smaller urban centres. They come from, or belong to, both rural and urban areas. A few courageously manage to subsist on their own, but with grave risks.

Most others are forced to join organized criminal gangs. These children are on the streets through kidnapping or trafficking for economic exploitation, such as beggary, bonded or slave labour, forced prostitution, or pornography. There are cases of paedophilia too.

Street children are arrested for real or alleged involvement in criminal activities, such as narcotic drugs peddling, picking pockets, aiding and abetting robbery, and so on. But, inevitably, they face violence, sexual abuse, drug abuse, manipulation, child labour, slave labour, bonded labour, forced labour, sexual exploitation and bullying by their elders and peers on the streets, and in their makeshift shelters.

Many of the street children are not born in households where their parents are homeless themselves. In fact, some among them have opted to run away from home, escaping abusive and mercenary parents or guardians or teachers or madrassas. But the vast majority have been kidnapped or trafficked or sold off and forced to live on the streets as beggars or vendors or in bonded and exploitative labour, also known as modern day slavery.

In countering so many kinds of threats and violent behaviour, these children are obviously highly adversely affected psychologically and emotionally – in addition to their physical scars. Dr Ejaz Warraich, Consultant Psychiatrist at Jinnah Hospital (Lahore), reported that he has encountered many such children and that in general they can be divided into three categories:

One type is those who come from households in poverty or low socio-economic backgrounds. They stay on the streets during the day and go back home at night. These children have no real aims, goals or ambitions in life.

The second kind of children who roam around on the streets, are either runaways or homeless, or belonging to distressed families who neglect them.

The third – and largest – category are those children who are either kidnapped or sold or trafficked and are used for beggary, or as street vendors or for petty street crimes. Many or most of them become serious victims of drug abuse and child sexual abuse. “One can imagine what these children can contribute to society when they grow up,” says Dr. Warraich. “They have no insight, no moral or ethical values developed in them, and of course no education at all. They learn everything on the street, without any formal knowledge or learning. Therefore, they cannot be expected to work or be productive citizens once they grow up.”

In short, street children grow up to be victims, associated with criminal activities, and in the irony of life, the victims turn into oppressors themselves. “They can be used and exploited by criminal adults very easily because they are vulnerable, impressionable and weak,” says Dr Warraich. “Some are trafficked and used for beggary purposes.”

“A number of children used to be trafficked or sold abroad as camel jockeys until the government began to regulate visas of certain age groups and thus this practice has decreased now. Children were even used as militants in conflict areas or as terrorists in suicide bombings.” In Dr. Warraich’s opinion, children living on the street, or with criminal gangs, are an urban phenomenon, as the concept of street children is limited to cities, not in the rural areas, where children live in a supportive family environment and a collective joint family system.

However, many child rights activists do not agree with this opinion, as increasing numbers of cases are surfacing from the rural areas too. An example is T.³ –the 9-year old child maid, who was tortured by her employers, Raja Khurram Ali Khan, then a serving judge of the ICT subordinate judiciary, and his spouse, Maheen Zafar.⁴

It was T.’s own father who sold her off as a 9-year old child maid, for the total sum of Rs.40,000 to Mst. Nadira,⁵ a child trafficker, who transported T. from her village to Faisalabad, and then on to Islamabad, and left her there as a domestic maid, ostensibly at a salary of Rs.3,000 per month,⁶ for 24/7 bonded-slave labour in horrific conditions.

It defies the above-quoted conventional wisdom of rural families and joint family households being “more supportive” or caring of their children than their urban counterparts.

³ Name withheld, in accordance with the ethical reporting code of conduct.

⁴ Child rights activists also question why and how a serving judge did not know that child labour is illegal? Throughout the criminal trial and the subsequent two Appeals, the defence lawyers continued to insist (subsequently proven false) that T. was “hired as a playmate, to play with the judge’s children and their toys, not as a housemaid, due to the kindness of their hearts and their God-fearing nature.” (*sic*)

⁵ While the 2 spouses accused of torture were found guilty, convicted, sentenced to prison and fined, Mst. Nadira remains totally free to continue to buy and sell children with impunity. And T.’s father was never arrested, tried or charged with selling off his 9-year old daughter for bonded child domestic labour. But the State Prosecutor declared him “a hostile witness” during the criminal trial in the Islamabad High Court.

⁶ Which she never ever saw. For the record, the official minimum wage per month for an adult, for an 8-hour work day, was Rs.15,000 that year.

Of course, poverty or the debt-trap is almost always cited as the alleged “justification” for children being out of school; or for the sale, trafficking, rental (e.g. for child labour; or for prostitution, pornography or paedophilia), or debt-bondage, of one or more children in a family.

Other poverty “coping” mechanisms are: sending off one’s children to live and study in madrassas (religious seminaries), from where horrific tales frequently emerge of child sexual, physical, mental and emotional abuse, scarring children for life. Or worse, children being brainwashed and forcibly trained to become child soldiers and even child suicide bombers.

Urgent strong and effective legislation, followed by its subsequent enforcement, is required to get children off the streets and into state-run child shelters, for their protection, treatment, education, counselling and rehabilitation.

For many patriarchal, conservative, non-progressive parents and families, educating their daughters would make them “too confident, headstrong and independent” – which is not yet acceptable in many strata of our society. This is why the number of out-of-school girls far outstrips the boys, according to both public and NGO sector data.

In September 2019, the United Nations General Assembly (UNGA) will commemorate the 30th Anniversary of the UN Convention on the Rights of the Child (CRC), which the UN adopted in November 1989. Pakistan ratified this convention in 1990. To commemorate this historic occasion, Pakistan’s current Permanent Representative to the United Nations, Dr. Maleeha Lodhi, is supporting the UNGA senior leadership in organizing a high-level UNGA meeting.⁷

As Ms. Aziz writes, it remains to be seen what progress on child protection and rights Pakistan will present at the UN as its 30 years of performance on the CRC; and whether Pakistan will be found in

⁷ See article by prominent Educationist and Parliamentarian, Ms. Mehnaz Akber Aziz: <https://www.thenews.com.pk/print/437731-the-rights-of-the-pakistani-child> (The News, 28 February 2019).

compliance or in violation of the substantive Articles and clauses of the CRC and its Optional Protocol (OP).

But it is not just ratification of the CRC and the OP that is so critical. Of huge significance are the mandatory progress reports that each State Party must regularly submit. Pakistan's record on both the timeliness as well as the substance of its reports to the UN on its CRC implementation is evident from the content and number of the Concluding Observations and Recommendations Pakistan has received from the UN Committee on the CRC.⁸

The fact that civil society organizations, networks, researchers and activists on child rights, feel the need to prepare and submit their own "Alternative" or "Shadow" (or now "Stakeholder") Reports to the UN CRC Committee, in response to⁹ the government-prepared State Party reports, speaks volumes about the substance, data, content, analytic quality, honesty, and timeliness of the State Party reports, as well as about the process of report-preparation, mostly in the absence of meaningful and broad-based consultations with civil society, technical and academic experts.

This exclusionary process is contrary to the UN/CRC's report preparation guidelines and mechanisms.¹⁰

The current situation of child rights in Pakistan and the statistics presented here in the current SoPC report 2018 – on the various aspects and dimensions of child deprivation, neglect, abuse and exploitation – remains as alarming as in previous years.

The State entities and the elected federal and provincial governments need to focus on them with a sense of urgency and political commitment.

By signing and ratifying the UN CRC and its Optional Protocol (OP), Pakistan committed to take steps pertaining to legislation, policy,

⁸See CRC/c/PAK/CO/5 on Pakistan's 5th periodic report (UN, 3 June 2016).

⁹Or in rebuttal of the State reports.

¹⁰ See Asha Bedar & Zehra Kamal, "Implementing Child Rights in Pakistan: Alternative Report for UN CRC" (CRM, June 2015, Islamabad).

budgetary, administrative, and other systemic reform measures to ensure, protect and fulfil the rights of all its children.

The rights enshrined in the Convention include the right to life, liberty, dignity, voice, justice, equality, shelter, food, education, physical, mental and emotional health and development, freedom of expression and participation, the right to play and recreation, as well as protection against exploitation (child labour, kidnapping, trafficking, sale, bondage-slavery, pornography, paedophilia, and so on), discrimination, violence – especially sexual violence, and all other forms of child abuse, including forced conversions and forced marriages of girls of religious minorities. Affirmative actions of the State for children with disabilities (CWDs), and making maximum efforts for their integration, are important planks of the CRC.

It is a matter of alarm for civil society activists and child rights professionals– but apparently not for the State authorities – that the UN CRC Expert Committee’s comments on Pakistan’s Fifth Periodic Report on its progress in implementation of the UN CRC (2015), expressing the Committee’s grave concerns and dissatisfaction at Pakistan’s lack of progress, both in substance, quantum and pace, have not yet been adequately acknowledged or admitted or addressed and acted upon, by the relevant State organs and entities.

The CRC Committee’s Concluding Observations and Recommendations highlighted numerous issues which Pakistan must urgently grapple with, including the following:

- the slow pace of legislation and policymaking, especially regarding child labour;
- the contradictions and conflicts within the existing laws (especially regarding the definition of the Child in Pakistan, with all its far-reaching implications);
- the practical obstacles to enforcement of the laws, especially re. child labour and violence against children;
- weak coordination among the federal and provincial governments and other stakeholders, especially the

weaknesses in the local government structures to address the CRC issues;

- inadequate budgetary allocations for child rights and protection, leading to inadequate facilities or trained staff for child welfare and protection at all tiers of governance;
- weak access to juvenile justice and the inherent inadequacies of the juvenile justice system, especially its reformatory and rehabilitative (vs. simply punitive) aspects.

It is apparent that all branches and entities of the Pakistani State have individually and collectively failed in fulfilling their Constitutional duties towards the children of Pakistan. Unacceptably large numbers of children are deprived of their basic rights as equal citizens of Pakistan and an alarming and increasing number are becoming victims of harmful practices, resulting in a large number of child rights violations.

“Given the gravity of the situation, Parliament should be central in creating political will and coordinating with provinces and institutions for oversight of legislative implementation and to honour the CRC.”¹¹

Recommendations

1. As per the law, the statutory National Commission on Child Rights (NCCR) – which is still non-functional since its enactment by Parliament in 2017 – must urgently be constituted, officially notified, operationalized and made functional and autonomous, with its own independent secretariat and its own special earmarked budget allocations, without any further delays.
2. The NCCR’s composition needs to also include non-government child rights experts, academics, activists and professionals.

¹¹ Mehnaz Akber Aziz, op.cit. (The News, 28 February 2019).

3. There is an urgent need to ensure the harmonization, standardization and consolidation – followed by the implementation and enforcement – of the various laws related to child rights issues enacted by the Parliament and the provincial legislatures; such as the Punjab Destitute and Neglected Children Act 2004; Khyber Pakhtunkhwa Child Protection and Welfare Act 2010; Sindh Child Protection Authority Act 2011; Sindh Child Marriage Restraint Act 2013; Balochistan Child Protection Act 2016; Punjab Restriction on Employment of Children Act 2016; and the Islamabad Capital Territory Child Protection Act 2018.
4. The Juvenile Justice System legislation requires review, revision, updating and consolidation, along with a corresponding overhaul of the juvenile justice administration system and the juvenile courts.
5. “A fundamental change is required in the concept of juvenile incarceration vs. education, rehabilitation and reintegration of juvenile offenders in mainstream society.”¹²
6. The rule of law must prevail – along with the prompt enforcement of strict penalties and punishments if the laws on Child Rights and Protection are violated. No one must be above the law, especially the wealthy, the influential, the powerful, the privileged; and the LEAs too.
7. There must not be any tolerance for the privatization of justice – circumventing the law and the criminal justice system, for instance via so-called “compromise” settlements¹³ (*sic*). A pertinent question here is: “why is it always the poor in Pakistan who are so pious and noble as to ‘forgive the criminal in the name of God’ – while never admitting to accepting sums of money in an out-of-court settlement?”¹⁴

¹² See p.6, Tahira Abdullah (Co-Petitioner T. case), Note on Child Rights and Child Protection, submitted to SCP in compliance with Hon. CJP’s directive, March 2018.

¹³ Aka “Muaafinaama”, “Raazinaama”, stamped Affidavits, etc.

¹⁴ A case in point is the long-drawn out T. child maid torture court case (2016-2019), where it took an Hon. Chief Justice of the SCP to overturn the “compromise settlement” with the perpetrator judge and spouse, which T.’s

8. As oft-stated, there is also an urgent need to revise/repeal/amend the existing outdated or conflicting laws, as well as to enact new laws by the legislatures, with an urgent focus on fixing a standard, harmonized age of 18 years as the Definition of the Child, for all children: girls, boys and TGIs; and for all purposes, including education, employment, marriage and criminal responsibility.
9. Along with law reform, there is a longstanding need for reforms in the laws pertaining to the LEAs/police forces across Pakistan. Such reforms will directly impact and reduce the violations of child rights and child protection. There is a need for vigilance against witness intimidation and evidence tampering, along with ensuring accurate Medico-Legal examination reports. This will go a long way towards honesty, transparency, and a high quality of investigation and prosecution of all cases of child rights violations, without intimidation, pressure, influence or financial incentives for the LEAs.
10. All child survivors of violence need the provision of psycho-social trauma counselling and health care, as well as state shelters, medico-legal and forensic tests, and in the longer term, rehabilitative therapy, education and skills training for their eventual reintegration.
11. When cases of child rights violations are brought to the courts, the judges need “to take tough decisions on whether or not to return the child to her/his biological parents (and/or legal guardians), where there is evidence that they had wilfully maltreated, neglected and illegally sold, trafficked, indentured, bonded, enslaved their own flesh and blood – in many cases for incredibly paltry sums.”¹⁵ Parental neglect and illegal actions must be made cognizable offences, according to the laws being violated, e.g. Right to Education (RTE), child health (especially immunizations, EPI, polio, etc.), child

father accepted and signed, in return for ending the case at its inception in the District/Sessions Court, ICT.

¹⁵ See p.7, Tahira Abdullah, op.cit. (2018)

- labour, child sexual abuse (CSA), and so on. Parents (and guardians) must be held responsible and accountable under the law.
12. Article 25-A: the Right to Education (RTE). This is the fundamental obligation of the State and the State must not be permitted to abdicate this vital duty, or to leave it either to civil society, NGOs, philanthropists – or to the ever-expanding private-for-profit sector to fill the vacuum.
 13. There is a need to raise awareness of child rights and protection, through promoting attitudinal changes all across our society. These include: teaching respect for diversity and difference; turning “attitudes promoting violence and crime towards peaceful co-existence; inculcating respect for the rule of law; inculcating love, care and concern for all children; and teaching children how to protect themselves.”¹⁶
 14. The above (#13) is a longer term endeavour, which must start with immediate changes in the public sector curricula and textbooks in all the provinces, G-B and ICT.¹⁷
 15. The Sindh provincial government has made a positive start with its curricula and textbooks. This initiative needs to be taken forward and replicated in the other provinces. The other three provinces, G-B and ICT need to start their own reviews, as well as to work in cooperation and coordination with one another. The federal government needs to facilitate and coordinate this exercise. Non-government experts, professionals, academics need to be invited to (a) share their expertise and experience; and (b) to ensure an inclusive, participatory, transparent exercise.
 16. The laws against corporal punishment need to be strengthened, and strongly enforced, with court cases, trials, convictions, strong sentences and the certainty of punishment as a deterrent for potential perpetrators in future.

¹⁶ See p.7, TA, op.cit. (2018).

¹⁷See detailed recommendations from Baela Raza Jamil, Peter Jacob, Tahira Abdullah, Aamir Riaz et al, op.cit.

17. There is a dire need for the State to focus on the immediate reduction and eventual eradication of poverty, which lies at the root of a large number of the violations of child rights cited throughout this report. The disproportionately high Feminization of Poverty (75%, i.e. a 3:1 f/m ratio)¹⁸ has a direct and highly exacerbating impact on the violations of child rights and child protection.
18. The State needs to report honestly and truthfully on its binding international commitments, such as the periodic progress reports on the UN CRC to the CRC Committee at the UN Human Rights Council.
19. The public and private print and electronic media need to do their share and join in the national movement to promote Child Rights and Child Protection through voluntary public service messages; as well as by ensuring strict adherence to their own Code of Ethics for child-friendly and gender-sensitive reporting of child rights violations, especially CSA cases. In reporting on child survivors of violence, “the media must ensure the child’s privacy, dignity and respect, [by reporting] without sensationalism or melodrama.”¹⁹
20. There is a need for strong monitoring, tracking and oversight by all three organs of the State – especially the legislatures, via the Parliamentary Standing Committees – as well as by the NGOs/CSOs, the private sector and the media.
21. In view of the dire straits in which large swathes and strata of Pakistani children are found, the federal Parliament and the provincial legislatures, as well as all tiers of local governments, need to be proactive and take on a central role in:
 - 1) creating awareness, political will and commitment to adhering to child rights as per the Constitution and the UN CRC;

¹⁸ As per Government of Pakistan data cited by a serving Federal Minister

¹⁹See p. 8, TA, op.cit. (2018).

- 2) harmonizing national laws to remove the conflicts with the provisions of the UN CRC;
- 3) enacting or strengthening the above recommended laws and rules for Child Rights and Child Protection;
- 4) monitoring the implementation of the laws and resulting policies at the provincial and local government tiers;
- 5) ensuring federal-interprovincial coordination and harmonization of child rights laws and policies;
- 6) co-ordinating among the provinces and state institutions, as per the legislatures' mandate of oversight of legislative implementation, and ensuring that the State honours its binding commitment to the CRC; and that it is responsive to the observations and recommendations of the UN CRC Committee.

Conclusion

It is our first and foremost responsibility and duty as **parents** – and also as civil society organizations, groups and networks; child rights activists, professionals, practitioners; researchers, academia; physical and mental health professionals; educationists, social workers; employers; governments; legislators; lawyers and judges; the media; and other public and private sector service providers – to be vigilant in monitoring the situation of Pakistani children.

We also need to mobilize, advocate, lobby and campaign for the enactment or strengthening or harmonization of laws and their strict enforcement; to reach out to children in distress and in hazardous circumstances through state-run entities as well as through private philanthropy; promote CSR initiatives; public interest litigation; public protests; and encourage the media in their role of informing, educating, awareness raising on Child Rights and Child Protection.

Most importantly, we must not permit the State institutions, entities and functionaries, to abdicate their fundamental Constitutional obligations and moral responsibilities to their most vulnerable citizens – children.

All the recommendations in each chapter of this SoPC 2018 report are doable and viable. All that is required is political will and commitment, best demonstrated by increased budgetary allocations and skilled human resources.

In a sea of child neglect and deprivation, SPARC’s Centres for Street Children (CSCs) are serving as beacons of hope. They are operating as successful models for decreasing the school dropout rates and re-kindling an interest in education for out-of-school children.

However, they are just a few drops in an ocean of need. They need to be adopted, adapted, replicated and scaled up by the governments, through the formal public sector education system.

Parents have the primary responsibility for the children they bring into this world. “If we cannot love and take care of our children, why do we produce so many?”²⁰ Parents need to be made aware of how to plan for, and to love, care for, protect, rear and nurture their children – and to have less of them in the first place. The recognition of quality vs. quantity is a learned and acquired trait. Parents and guardians must be held responsible and accountable for their children’s protection and welfare.

“Our children are not our future. They are the present – here and now.”²¹

And that is why we have dedicated this year’s SoPC report to a handful of child heroes and icons from Pakistan and beyond. Those few who are named here are a small illustration of the large number of child icons: Aitezaz Hassan Bangash Shaheed, Arfa Karim, Malala Yusufzai, Greta Thunberg,²² Imaan Qureshi, Ayan Qureshi, M. Humza

²⁰ Ibid. p.9.

²¹ Ibid. p.9.

²² A Swedish child environment and climate change activist, speaking Truth to Adult Leaders at world fora.

Shahzad, Mehak Gul, Umair Liaquat, Zainab²³ of Kasur, A.²⁴ of Mardan, Shaheed Afzal Kohistani's Dishonourably-Killed sisters of Kohistan, and naming just a few of all the heroes of the APS/2014 massacre²⁵: Huzaiifa Shaheed, Ansar Shaheed, Mubashir Ghazi, Waheed Ghazi, and so on.

The survivors make us proud. The victims make us stand firm in reiterating our resolve that their blood shall not have been shed in vain. Our State must not fail its children – ever again.

²³ Name not withheld, in accordance with her parents' expressed wishes.

²⁴ Name withheld – a 4-year old girl raped and killed in January 2018, by M. Nabi, her 15-year old close relative. In July 2018 he was sentenced to life imprisonment and a heavy fine.

²⁵ On 16 December 2014, 144 students and staff perished in a barbaric Taliban terrorist attack on the Army Public School, Peshawar. Here we name just 4 boys, as representatives of all those who perished or survived the massacre. We consider them ALL as unforgettable icons and heroes, along with their Teachers and Principal, Ms. Tahira Qazi Shaheed.