



# **The Universal Periodic Review (UPR) of Pakistan**

## **The State of Child Rights in Pakistan**

**Alternative report by the Child Rights Movement (CRM) Pakistan<sup>i</sup>**



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## **A. Consultation Process**

1. This submission has been prepared by a coalition of 337 national and international child rights organizations and individual experts working in Pakistan under the banner of the Child Rights Movement (CRM). CRM Pakistan's National Secretariat prepared a draft report and shared with CRM provincial/regional chapters in Punjab, Sindh, Gilgit-Baltistan, Balochistan, AJK and Khyber Pakhtunkhwa in early March 2017 and then through national consultations with civil society organizations and children in Islamabad in March 2017.

## **B. Progress made since previous UPR recommendations and CRC Concluding Observations & Recommendations**

2. The GoP has been slow in implementing the Recommendations from Pakistan's last UPR in 2012. No proper follow up plans were developed and implemented to make sure that the UPR recommendations are widely distributed among the relevant stakeholders and steps are taken for their implementation.
3. The GoP has also been slow in implementing the majority of recommendations from the third and fourth (October 2009) and 5th (July 2016) Periodic Reports by the UN Committee on the Rights of the Child.

### **Recommendation:**

4. **The GoP should come up with a concrete follow up plan for the implementation of the UPR recommendations from the current cycle with a focus on all the federating units;**
5. **The CO&R on Pakistan's 5<sup>th</sup> Periodic Report by the UN Committee on the Rights of the Child should be fully implemented. A proper follow up plan should be devised for the purpose;**
6. **The long awaited independent National Commission on the Rights of the Child should be established immediately. The NCRC should be given adequate financial support to conduct monitoring of the institutions;**
7. **A NPA for Children should be adopted in light of the children specific UPR recommendations and the CO&R of the Committee on the Rights of the Child and through a consultative process with all the key stakeholders including the CSOs and children.**

## **C. International Commitments and Support from International Institutions/ UNCRC and ILO Conventions**

8. Pakistan has ratified three conventions that have a direct impact on children: the United Nations Convention on the Rights of the Child (UNCRC) and the ILO Conventions 138 and 182. UN agencies, the ILO and international and national NGOs have been extending financial and technical support to Pakistan for implementation of these conventions. Although the Government of Pakistan continues to request financial and technical support from international organisations and UN specialised agencies and some progress has been made in amending existing or introducing new legislation<sup>ii</sup> to comply with the provisions of

the conventions however, when it comes to the implementation of the provisions of the conventions and the subsequent legislation, a lot is still required to be done.

9. The prevailing situation of child rights in Pakistan indicates that while some positive steps have been taken, including the enactments of some laws, and the development of child rights related policies and initiatives, there is little evidence of their sustainability, quality or impact. Progress in addressing gaps remains deplorably slow and fraught with numerous attitudinal and organisational barriers.<sup>iii</sup> The National Policy and Plan of Action (NPA) for Children 2006 was adopted with no implementation.

**Recommendations:**

10. **The Government of Pakistan (GoP), in partnership with UN and Civil Society Organisations (CSOs), should develop clear and realistic strategies for the protection of children through the adoption of action plans with time-bound targets and indicators and allocate appropriate resources to ensure the full implementation of its obligations under the UNCRC and the ILO Conventions 138 and 182;**
11. **There should be specific monitoring and evaluation plans with time-bound targets and indicators for monitoring the implementation of laws and policies;**
12. **The federal and provincial Governments, in partnership with UN and CSOs, should come up with specific plans for the implementation of the Concluding Observations and Recommendations (CO&R) on Pakistan's 5<sup>th</sup> Periodic Report adopted in 2016 and the UPR Recommendations to be adopted.**

*Optional Protocol to the CRC on the Involvement of Children in Armed Conflict*

13. The CRM Pakistan welcomes the ratification of the Optional Protocol (OP) to the UNCRC on the Involvement of Children in Armed Conflict (2000) by the government of Pakistan 2016 **(In accordance with Recommendations 122.1/122.2).**

**Recommendation:**

14. **Pakistan should immediately undertake all necessary legislative, administrative and other measures to ensure the full implementation of the OP to the UNCRC on the Involvement of Children in Armed Conflict.**
15. **The GoP should develop NPA for the Rehabilitation of the Children Involved in Armed Conflict and stop recruitment of children by non-state-actors.**

*Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography*

16. The CRM welcomes Criminal Laws (Second Amendment) Act 2016, which would provide for preventive and protective measures against sale of children, child prostitution and child pornography. The CRM however, has serious concerns the way the issue of internal child trafficking has been tackled under the Act. Whereby the word human trafficking has been assigned the same meaning as assigned to it in the Prevention and Control of Human

Trafficking Ordinance, 2002 (LIX of 2002). This covers only cross border trafficking and not trafficking of children within the country.

**Recommendations:**

- 17. Pakistan should introduce a special law to address child trafficking, both internal and external, to be able to effectively combat the internal trafficking of children;**
- 18. Pakistan should sign the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children;**
- 19. Pakistan should sign and ratify the Optional Protocol to the CRC on Communications Procedure.**

*ILO Convention 189 Domestic Workers Convention*

20. In 2011, the ILO adopted Convention 189 Domestic Workers Convention, which provides protection to children working inside homes. In 2004, the ILO estimated that more than 264,000 children were working as child domestic workers in Pakistan in hazardous and deplorable conditions.<sup>iv</sup> From January 2010 to the latest Tayyaba case in Islamabad (a 10 year old child domestic worker severely tortured by her employers), approximately 50 cases of severe torture and abuse of child domestic workers have been reported in the media. From the total, approximately 30 children have died as a direct result of violence inflicted on them by their employers.<sup>v</sup> The absence of recognition of child domestic labour as a worst form of child labour makes it very difficult to produce a precise estimate of the scale and impact of child domestic labour in Pakistan.

**Recommendation:**

- 21. Pakistan should ratify the ILO Convention 189 and enact the long awaited Domestic Workers Bill;**
- 22. GoP should declare child domestic labour (CDL) a worst form of child labour and ban it under the Employment of Children Act 1991 the respective Provincial Prevention of Child Labour laws;**
- 23. GoP should come up with a comprehensive strategy to deal with the issue of CDL including legislation to ban employing children in school going age as domestic workers, rehabilitation and reintegration of all child domestic workers and linking their families with social safety nets and ensuring effective implementation of the compulsory education laws.**

*The Sustainable Development Goals (SDGs)*

24. Pakistan has failed to comply with its commitments to achieve the Millennium Development Goals (MDGs), specifically those related to eradicating child poverty, achieving universal primary education, reducing mortality rates and improving maternal health. Pakistan's social indicators have consistently failed to match its economic progress. The funding allocated for children welfare is less than 0.5% of GDP and generally less than 2% of the national budget. Now the Sustainable Development Goals (SDGs) have been adopted and still there is no specific plans of action in place to put the country on the right track to achieving the SDGs targets across the country keeping in mind that following the 18<sup>th</sup> Constitutional Amendment,

mostly it will be the Provincial governments who will be responsible for the implementation of the SDGs targets. Similarly, there is no involvement of the CSOs in the process of monitoring SDGs progress.

**Recommendations:**

- 25. GoP should increase the budget for education to 4% of the GDP and for health to 2% of the GDP and for all SDGs targets, and devise action plans with resource allocations to get on track for its SDGs targets;**
- 26. Provincial governments should be supported technically/financially to come up with their respective plans of action for the implementation of SDGs;**
- 27. CSOs should be involved in the SDGs progress monitoring forums.**

**D. Implementation of International Human Rights Obligations**

*Definition of the Child and Minimum Age of Criminal Responsibility*

28. There is no harmonization of legislation regarding the definition of the child. In particular, the issue of age only arises in case of marriage and *zina* allegation on the person. The Child Marriage Restraint Amendment Bill couldn't be passed despite repeated recommendations by the UN Committee on the Rights of the Child.
29. CRM welcomes, the enactment of the Criminal Laws (Second Amendment) Act 2016 whereby the minimum age of criminal responsibility has been increased from seven years to 10 years under Section 82 of the Pakistan Penal Code and from 12 years to 14 years under Section 83 of the PPC. **(In line with Recommendations 122.17/122.18).**

**Recommendations:**

- 30. An amendment is required in the Zina and Hadood Ordinances (1979)<sup>vi</sup>, as well as the Child Marriages Restraint Act (1929) and the Punjab Child Marriages Restraint (Amendment) Act 2015 in order to align the age of marriage of boys and girls by raising the minimum age of marriage for girls to 18 years along with stricter penalties.**

*Child Rights and Child Protection Mechanisms*

31. There is no independent body at the national level, for monitoring the implementation, reporting about and coordinating between provinces for the implementation of the UNCRC and its two Optional Protocols. After the 18<sup>th</sup> Constitutional Amendment, child rights has become a provincial subject, so there is no such institution that could ensure implementation of the minimum standards of child rights across the country.
32. CRM welcomes the passage of the National Commission on the Rights of the Child (NCRC) Bill by the National Assembly of Pakistan and hopes that the Bill will be enacted by the Senate of Pakistan as well as the same has been passed by the Senate's Functional Committee on Human Rights.
33. The Provinces have child protection system related laws in place however, no effective child protection system is in place in any province nor at the Islamabad Capital Territory (ICT) or FATA level.

**Recommendation:**

- 34. Pakistan should establish the National Commission on the Rights of the Child;**
- 35. Balochistan, KP, Punjab, Sindh and GB should ensure the effective implementation of their respective child protection laws, make solid budgetary allocations for child protection and establish Child Protection Units (CPUs) across all districts;**
- 36. The ICT Child Protection and Welfare Bill should be enacted immediately and budgetary allocation should be made for establishing a comprehensive Child Protection System at the federal capital and FATA level.**

*Child Labour*

37. There are no official national statistics on underage employment in Pakistan as the last (and only) National Child Labour Survey was conducted in 1996 which estimated that there were 3.3 million child workers in the country. Since then, various sources have projected a significantly larger number of child workers in Pakistan; 12 million (ILO), 10 million (UNICEF) and 9.86 million (Child Rights Movement).<sup>vii</sup>

**Recommendations:**

- 38. In order to comply with Article 25-A (the Right to Education), the Government should introduce a law to ban child labour for children under 16 years of age in all occupations;**
- 39. Child Labour Survey should be undertaken to assess the magnitude of underage employment in the country;**
- 40. The Government should ensure training to all labour inspectors and appoint child labour inspectors with specific knowledge of child labour issues and laws.**

*Children in conflict with law*

41. The Juvenile Justice System Ordinance (JJSO) 2000 offers protection to juvenile prisons throughout the country; however, the law is poorly implemented, a situation which is further compounded by the fact that law enforcers and lower judiciary lack basic knowledge of the law. The juvenile justice system of the country continue to face problems because of inadequate infrastructure and resources; overcrowded prisons; and lack of political will towards reforming the system.<sup>viii</sup> Under Section 3 of the JJSO 2000 every child in contact with the law is entitled to free legal aid at State's expense however, no practical steps have been taken to ensure provision of free legal aid to all children in contact with the law.
42. The Protection of Pakistan Act 2014 was introduced which is regarded as an important step against violent extremism that has been plaguing the country for decades. Section 24 of the Act gives it an overriding effect over other laws including the JJSO 2000 which prohibits the preventive detention of children below 15 years of age. Hence, as the law currently stands, children can be held in preventive detention regardless of Section 10 (6) of the JJSO; and can be tried by Anti Terrorism Courts notified as Juvenile Courts.<sup>ix</sup>
43. The National Commission for Child Welfare and Development, Ministry of Human Rights drafted the Juvenile Justice Bill 2015 through a consultative process. CRM welcomes drafting of a comprehensive juvenile justice law.

**Recommendations:**

- 44. The juvenile justice law must override other laws in cases involving children. It should be mandatory for the police and judicial officers to determine age of the person;**
- 45. The Government should incorporate human rights education, with focus on children's rights into the curricula of law institutes, judicial academies, police training colleges/academies, national/provincial management institutes for bureaucrats, teacher training institutes, schools, colleges and universities;**
- 46. The JJSO should be implemented in letter and spirit and in accordance with its provisions Exclusive Juvenile Courts should be established, the panel of lawyers constituted under the JJSO should be activated with allocation of funds for extending free legal aid to children in contact with the law, Probation System should be strengthened particularly for women and children and Borstal Institutions should be established so that juveniles can be kept separately from adults. All detention centers for children should be operated according to the JJSO and its Rules.**

*Children in prisons with their mothers*

47. In Pakistan there are around 1150 women prisoners in the different prisons and about 160 children living with their mothers in prisons. This number is just reflecting the population at a time, the actual number of children visited prisons in a year will be much higher as prisoners are being admitted to jails on daily basis. There are some children who were born in the prison and could not have any exposure to the world outside the prison. As per Prison Rules mothers can keep the children with them in the prison till the age of 6 years<sup>x</sup>.

**Recommendations:**

- 48. GoP should take appropriate measures by allocating funds to ensure quality health and education services for children in prisons with their mothers.**
- 49. A mechanism should be adopted to give an opportunity to these children to interact with the children out of jail. Children with imprisoned mothers should get admission in the ordinary schools out of prison. Children should be involved in recreational activities out of prison.**

*120 days detention without a trial*

50. On 23<sup>rd</sup> June 2011, the president signed the Action (in Aid for Civil Power) Regulations (AACPRs) for Federally Administrated Tribal Areas and Provincially Administrated Tribal Areas. Regulations give extensive power to the Armed Forces to act to counter any threat to the solidarity and integrity of Pakistan but also allow for the confinement of an individual whether a child or adult for 120 days without the authority of the magistrate. As well, the Regulations state that for 120 days, there will be no legal representation or trial; a death sentence is allowed; a single statement by an official from the Armed Force is sufficient to prove a child guilty of an offence and awarded death sentence, which cannot be challenged any other legal forum; and a child can be considered guilty before the due process of the trial.

**Recommendation:**

- 51. The AACPRs must be abolished immediately and proper administrative and judicial system should be placed to execute the Constitution of Pakistan.**

*Right to health and nutrition*

52. Malnutrition is contributing to 35% of all under-5 deaths in Pakistan. According to UNICEF, 32% of infants have low birth-weight<sup>xi</sup>. According to the Pakistan Demographic and Health Survey (PDHS) 2012-13, the new-born mortality rate was 55/1000 live births, infant mortality rate was 70/1000 and under 5 mortality rate was 87/1000. As a result, Pakistan has failed its MDGs targets on maternal and child health. The National Nutrition Survey identified 15.1% under 5 children wasted, 43.7% stunted and 31.5% underweight. Child anaemia is recorded at 62.5% and maternal anaemia at 51%.
53. Around 650 children died in Tharparkar, Sindh, in 2014 due to malnutrition, pneumonia or diarrhoea brought about as a result of drought, poverty and poor health infrastructure in the area. Even though the Sindh Chief Minister announced a nutrition programme for children in Tharparkar, the children continue to suffer and die.<sup>xii</sup>
54. It will be difficult to adequately address the low rates of immunization and the high rates of malnutrition without increasing the responsibilities of Lady Health Workers (LHWs) and increasing their numbers as presently its covering only 60% of the population, with many of the poorest and most vulnerable without any access at all.

**Recommendation:**

- 55. The Provincial Multi Sectoral Nutrition Strategies should be implemented and budgetary allocation should be increase for nutrition. Nutrition should be integrated into existing health services;**
- 56. Legislation should be adopted at the federal and provincial levels to make immunization compulsory;**
- 57. The federal and provincial governments should prioritize policies and programmes, on nutrition, vaccination and health workers to reduce mother, newborn and child mortality and make sufficient budgetary allocations;**
- 58. The provincial governments must provide more vaccinators and expand the responsibilities of LHWs so that they can also administer vaccines. Tribal areas, Balochistan, TDPs and refugees camps must be given priority.**

*Right to Quality Education*

59. Pakistan ranks second among countries with the most out of school children in the world. According to National Education Information Management System (NEMIS), around 22.5% of children in the primary school age category are out of school; approximately 5.1 million children out of 22.6 million.<sup>xiii</sup>
60. The goal of Universal Primary Education was to ensure that by 2015 all children, boys and girls, should be able to complete a full course of primary schooling.<sup>xiv</sup> Pakistan failed to achieve the education targets and still approximately 22.6 million children of the school going age are out schools.

61. Pakistan has some of the largest gender disparities in education. According to the Global Gender Gap report 2015, Pakistan ranks second to last (144) in terms gender equality worldwide, narrowly beating out Yemen<sup>xv</sup>.
62. There is a dire need to review and revise the curriculum taught at public sector educational institutions especially in madrassas and remove substance that is promoting hate and intolerance.
63. The federal as well as provincial governments failed to increase the size of education budget compared with GDP, which stands at 2.1% in the country, the lowest in South Asia. The Prime Minister while speaking at the Oslo Education Summit, held on July 6-7, 2015, reiterated his government's commitment to allocate 4% of GDP to education before the end of his term in 2018, but no concrete measure were taken to achieve this target.<sup>xvi</sup>
64. *Madrassa* plainly defined is an institution where students are taught Islamic Theology and religious law along with memorising of the Holy Quran. In Pakistan, madrassa education remained in the shadows post-independence, however, after the Afghan war in the 1980s, the number of madrassas increased exponentially and continue to grow till this day. According to government statistics, there are nearly 35,337 registered madrassas in the country that are providing religious education to approximately 3.5 million children. Similarly, there are 8, 249 unregistered madrassas.<sup>xvii</sup>

#### **Recommendations:**

- 65. The Government should increase budgetary allocation for education to at least 4% of the GDP specially for ECCD, primary and girls' education;**
- 66. School curricula should be revised and updated in accordance with Education for Global Citizenship and Sustainable Development together with teacher's trainings;**
- 67. Government should establish concrete mechanisms to ensure that all children have basic competency levels, are equipped with life skills and are enrolled in accelerated learning programmes in case of drop-outs and establish an effective and tested tracking system for monitoring retention, drop out and learning outcomes of children;**
- 68. Government must ensure in strict legislative provisions that educational institutions must not be used for any other purpose except education and should provide security to educational institutions and teachers to ensure their safety;**
- 69. Pakistan must take efforts to regularize and mainstream madrasahs and include them into the education system by implementing the Madrasah Registration & Regulation Ordinance (2002) & Madrassah reforms and establishing adequate monitoring mechanisms and allocating resources for it. The syllabus of madrasahs should be made consistent and uniform with the national curriculum guidelines and be approved by the government.**

#### *Violence against children*

70. Corporal punishment in homes, schools and place of work is one of the most pervasive forms of violence against children in Pakistan. The country is included among the 50 States around the world where the administration of a 'reasonable' degree of violence is overlooked (even encouraged) in the 'better interest' of the child.<sup>xviii</sup> CRM welcomes the enactment of the

Sindh Prohibition of Corporal Punishment Act 2017 and look forward to the enactment of similar, laws at the federal level and in other provinces.

71. Pakistan's cultural context does not allow for an open dialogue or discussions on child sexual abuse. Children in Pakistan have become increasingly unsafe and the trends of child abuse in the last few years are shocking.<sup>xix</sup> The shocking child abuse incident unearthed in Kasur jolted Pakistan in August 2015. The scale of Kasur scandal is horrific 400 videos of some 280 children who were forced to have sex while being filmed and the attempt at hushing it up by the local authorities.<sup>xx</sup>
72. Years of neglecting child rights and in general, the law and order/terrorism situation and sustainable situation have led to the most atrocious acts of violence being committed against children in recent years.<sup>xxi</sup> The attacks on Malala, on minority groups, on the school children in Peshawar, and children who are *collateral damage* in the war against terror, to name a few cases, are a testament to state policies that have nurtured extremist groups for too long.
73. According to Acid Survivors Foundation data, 43 acid attack cases were reported in 2009, 55 in 2010, 150 in 2011, 110 in 2012, 143 in 2013 and 115 till October 2014. At least 200 attacks occur a year, out of which 20 percent are children. The recently passed the Criminal Law Amendment of Hurt is step ahead but additional efforts are required to eliminate this crime.
74. Transgender and intersex children do not have the same level of rights as other Pakistani children and are routinely harassed, discriminated, and are subjected to violence simply for being transgender and intersex, living on the margins of the society as entertainers, beggars and sex workers. They face multiple levels of legal, institutional and societal discrimination.

#### **Recommendations:**

75. **The Government should enact the Prohibition of Corporal Punishment Bill and explicitly prohibit corporal punishment in all settings;**
76. **The government should ensure that all teachers are trained on positive disciplining techniques, and strengthen its efforts to raise awareness among public, especially parents about the negative effects of corporal punishment on child development;**
77. **The government must legislate at the provincial level to enhance access to and delivery to justice for victims, ensure free provision of medical and rehabilitation service as well as effective regulation and monitoring of acid sale and distribution;**
78. **The lack of sufficient understanding of trans issues by professionals in the public sector, including teachers, medical professionals, social workers and Child and Adolescent Mental Health Service workers must be addressed with urgency through a Government strategy and a review of training;**
79. **A strategy should be adopted to make the needs of transgender children explicit and ensure the plan is fully implemented.**

#### *Gender based violence and discrimination against girls*

80. Pakistan ranks 145 out of 187 countries on the Gender Development Index<sup>xxii</sup> and second to last in gender equality (global gender report) related to health care, education and work<sup>xxiii</sup>. Girls and women continue facing systemic gender based discrimination in the household, community and public sphere irrespective of status, age, and region<sup>xxiv</sup>.

81. Child marriages are widely prevalent in Pakistan with a large number of cases being reported from remote rural areas. According to a study by UNICEF in 2015, 3% of girls are married by/before the age of 15 and 21% girls are married by/before the age of 18 in Pakistan.

**Recommendations:**

- 82. The federal and provincial governments should take policy and awareness raising initiatives to improve the gender equality situation in Pakistan;**
- 83. GoP should amend the Child Marriage Restraint Act 1929, raise the age of marriage for girls up to 18 years.**

***Sexual exploitation of children***

- 84. The fight against child sexual abuse is showing an increase in registration of cases. The total number of CSA cases including abduction, missing children and child marriage in 2016, stand at a staggering 4139. This data brings the number of abused children to 11 per day. This figure also shows an increase of 10% from the previous year.
- 85. The year reported cases under major crime categories are; abduction 1455, rape 502, sodomy 453, gang rape 271, gang sodomy 268 and 362 cases of attempt of CSA.
- 86. An even more serious crime is committed when the victim is murdered. A total of 100 victims were murdered after sexual assaults.

**Recommendations:**

- 87. Professionals working on the front line with children, such as teachers, medical professionals, school counsellors, and police personnel, should be sensitized and trained to appropriately respond to child sexual abuse, including prevention, detection and management perspectives;**
- 88. The Government should establish victim rehabilitation centres at the district level that provide necessary support services and appoint medico legal officers in all districts;**
- 89. Government should establish a central database to record and monitor child abusers or exploiters so that their employments or any other activity does not bring them into direct contact with children.**
- 90. Federal and provincial governments should ensure that child protection policies are approved and enforced at all levels (i.e. national, provincial and trickled down to districts).**

***Child trafficking***

- 91. In 2002, Pakistan introduced the Prevention and Control of Human Trafficking Ordinance (PACHTO), which deals with human trafficking between countries. This is a positive step, however, Pakistan does not provide legal and administrative measures for preventing and protecting children from trafficking between provinces inside Pakistan or even between regions.

### **Recommendations:**

- 92. The Prevention and Control of Human Trafficking Ordinance (PACHTO) should be implemented and amended to include specific provisions for trafficking of children including trafficking within the country.**

### *Children in street situations*

93. According to a report of the Society for the Protection of the Rights of the Child, an estimated 1.2 million children are on the streets of Pakistan's major cities and urban centres constituting the country's largest and one of the most ostracised and vulnerable social groups. These include 'runaway' children who live or work on the streets as well as the minority that return to their families at the end of the day. According to a survey conducted by the United Nations Office on Drugs and Crime, 72% of the working children do not have contact with their families and 10% have no knowledge of their families. Although limited literature is available regarding the exact magnitude of the problem of children in street situations in Pakistan, an overview of the information available indicates that the problem is severe<sup>xxv</sup>.
94. The government has not been able to effectively respond to the issue of children in street situations even in the Islamabad Capital Territory (ICT). Above all there is no law at the ICT for the protection of children including children in street situations and resultantly the National Child Protection Centre has no legal status nor sufficient budgetary allocation.
95. There is no National Strategy for Children in Street Situations in the country despite such a huge number of children in street situations.

### **Recommendations:**

- 96. The federal and provincial governments should support mechanisms for rehabilitation and reunification of children in street situations. The efficiency of existing institutions such as child protection and welfare bureaus should be improved by allocating more financial, technical and human resources;**
- 97. A National Strategy for Children in Street Situations should be introduced with clear prevention, protection, legislation, rehabilitation, reunification and reintegration components;**
- 98. The compulsory education laws and the respective rules should take into account the special circumstances of children in street situations and respond accordingly to ensure their right to education.**

### *Birth registration*

99. Pakistan still lacks a comprehensive, efficient and universal system of birth registration with its birth registration rate estimated to be one of the lowest in the world, about 30% overall<sup>xxvi</sup>. From 2009 to 2013 even fewer children, a mere 27%, have been registered according to a UNICEF survey, the highest percentage being in the Punjab and the lowest in Balochistan and FATA. This is despite the fact that units have been established in all provinces to encourage birth registration. Even though a chip-based card system for children has been initiated by NADRA, with records of applications and all other data such as that of birth, health, education, etc., this is an optional card, and the B-form is still the primary source of

identify for children. A complicated procedure and high fees for birth (as well as death) registration means that most children remain unidentified<sup>xxvii</sup>.

**Recommendations:**

- 100. The GoP should take legal and administrative measures to remove obstacles to birth registration (particularly for the left over segment of the children in the society; e.g. prostitutes' children, children in street situations, children with variant abilities and orphans etc.) and harmonize laws related to birth registration across the country;**
- 101. The GoP should raise awareness among the public (through LHWs and volunteers) about the importance of birth registration and incentivize BR.**

*Children with variant abilities*

102. The signing (2008) and ratification (2011) of the Convention on the Rights of the Persons with Disabilities and its optional protocols, was an encouraging development. However, no significant progress was made either at the national or provincial level for more effective policies and plans of actions to address the special needs of children with disabilities<sup>xxviii</sup>. The NPA for Children, 2006, which also focussed on children with variant abilities, was not implemented during the reporting period. Districts continue to remain the most disadvantaged as the nominal funds allocated for them to address disability fail to reach the districts.
103. Pakistan has not introduced a National Policy for Persons with Variant Abilities, nor improved physical access of children with variant abilities to public service buildings, schools or recreational facilities.

**Recommendations:**

- 104. The GoP should introduce a National Policy for Persons with Variant Abilities so that a right to physical access for children with disabilities is established and improved.**
- 105. Measures should be taken to mainstream children with variant abilities into the education system.**

*Temporarily Displaced Children (TDPs)*

106. In recent years Pakistan has seen a number of internal displacements, caused by emergency situations created by flooding and armed conflict in Swat, and most recently, North Waziristan, where 400,000 children have been displaced<sup>xxix</sup>. The return and rehabilitation of the TDPs Children has almost is continued.

**Recommendations:**

- 107. The GoP should give special attention to the return and rehabilitation of TDPs' children;**
- 108. A plan of action should be devised for the rehabilitation of the children of FATA with a focus on psycho social support, health, education and recreation facilities.**

## *Respect for the views of the child*

109. No formal and permanent mechanisms have been put in place for consulting children at the national and provincial level on policies, legislations and for feedback on public services<sup>xxx</sup>. Child rights clubs are set up by local organizations to increase children's involvement in decision making, however, these are small scale temporary project based initiatives that have often not led to participation of children in its true spirit.
110. The child-specific legislation in Pakistan does not make children's participation obligatory. The KP Child Protection and Welfare Act, states that for children in public care, the court shall obtain the views of a child at risk before making an order related to her/his custody and care. However, there are no national laws regarding this matter. There is no national law that makes it obligatory for courts to consider children's views. However, children may be heard in the courts and their statements recorded by the guardian/civil judge, especially if there is a lack of other evidence<sup>xxxi</sup>.

### **Recommendation:**

- 111. The GoP should introduce a National Strategy for ensuring Meaningful Child Participation and should establish a platform to give children a space for participation;**
- 112. The GoP should introduce a comprehensive capacity building plan about respect for the views of the child for the relevant duty bearers.**

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<sup>i</sup> CRM is a group of 337 likeminded civil society organizations and individual child rights experts working for the promotion and protection of child rights in Pakistan with its provincial chapters in Azad Jammu and Kashmir, Balochistan, FATA, Gilgit-Baltistan, Khyber Pakhtunkhwa, Punjab and Sindh, coordinated by their respective secretariats elected every year. All chapters work independently according to the requirements of their provinces for child rights. CRM has a Vision that all children enjoy their rights, with a mission to create an enabling environment for children through collective advocacy on child rights issues. Below is the list of individuals and organizations members of CRM attached as annex compiled by National Secretariat of CRM, UGOOD (United Global Organization of Development).

<sup>ii</sup> Employment of Children Act 1991 and introduction of the new schedule of banned occupations following the ratification of Convention 182, Juvenile Justice System Ordinance 2000, National Policy and Plan of Action for Children 2006, Provincial Prevention of Child Labour Acts, Provincial Child Protection Acts and the Sindh Prohibition of Child Marriages Act 2015 etc.

<sup>iii</sup> State of Human Rights in Pakistan, HRCP, 2014

<sup>iv</sup> Imran, M. (2011). Complete ban on child domestic labour demanded; The News International, 30 October 2011. Islamabad

<sup>v</sup> Mahmood, Arshad. Hidden Slavery; Express Tribune, January 11, 2017

<https://tribune.com.pk/story/1291948/hidden-slavery/>

<sup>vi</sup> *Zina* and *Hudood* matters are driven from Islamic (Sharia) law which by which Islamic punishments are enforced as stated in the Quran and Sunna for *zina* (extramarital sex), *Qazf* (false accusation of *zina*) and offences against property (theft) and prohibition of alcohol.

<sup>vii</sup> SPARC (2015). The State of Pakistan's Children 2014, Islamabad, Page 142

<sup>viii</sup> SPARC (2015). The State of Pakistan's Children 2014, Islamabad, Page 174

<sup>ix</sup> SPARC (2015). The State of Pakistan's Children 2014, Islamabad, Page 175

<sup>x</sup> Babies and children living with women prisoners in Pakistan,

[http://www.academia.edu/8429360/Babies\\_and\\_children\\_living\\_with\\_women\\_prisoners\\_in\\_Pakistan](http://www.academia.edu/8429360/Babies_and_children_living_with_women_prisoners_in_Pakistan)

<sup>xi</sup> UNICEF Pakistan Statistics at [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html)

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- xii UNICEF Pakistan Statistics at [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html)
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