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## THE 4TH UNIVERSAL PERIODIC REVIEW (UPR) OF PAKISTAN

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### The State of Child Rights in Pakistan

A Civil Society's Report on Child Rights

Submitted By: Child Rights Movement (CRM) - Pakistan

July 2022



The Child Rights Movement Pakistan (CRM) is a network of 450 NGOs, INGOs, and individual experts. The Network was established in 2010 that promotes and protect child rights in Pakistan



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## **A. Consultation Process**

1. This submission has been prepared by a coalition of 450 National and International Child Rights Organizations and Individual Experts working in Pakistan under the banner of Child Rights Movement (CRM). CRM Pakistan's National Secretariat Sustainable Social Development Organization (SSDO), in coordination with other members, Prepared a Draft Report. Number of consultation meetings were held to discuss the report. The CRM member organizations, IDRAC, Hashoo Foundation, SPARC, CDO, SSDO, UGOOD, Bedari, and individual expert Mr. Wajahat Ali Advocate also contributed to the development of the report.

## **B. Progress made since previous UPR recommendations and CRC concluding remarks**

1. The GoP has been slow in implementing the Recommendations from Pakistan's last UPR. No proper plan was developed and resources were allocated.

2. 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 implementation and follow-up plan to comply with UPR recommendations from the current cycle with a focus on all the federating units. Sufficient resources should be allocated for the execution of the UPR recommendations.

## **The Issue of Quality Education**

Along with the missing facilities (including classrooms, water, toilets, and playgrounds) the number of public schools are far less than desired all over the country. While introducing the National Education Policy Framework (2018), the incumbent government maintained its thrust in 4 priority areas ie: (a) putting out-of-school children in school; (b) enhancing the quality of education; (c) removing educational apartheid by bridging the gap between the prevalent class-based education systems, and (d) placing emphasis on technical and vocational education. Unfortunately, over three years and a half have there has been hardly any progress made in realizing its own vision – save attempting to introduce Single National Curriculum (SNC) across the board. Instead, of introducing a Uniform System of Education, that was its initial claim, the previous government moved, apparently, in a fruitless and retrogressive direction by producing a new curriculum framework model textbooks (MTBs). Apart from trespassing, the provincial jurisdiction of education (as ordained in 18<sup>th</sup> Constitutional Amendment - 2010), the very move stirred a massive controversy the consultation, content, quality, and implementation of the new plan in all public, private and madrasa streams of education. Here are the key problems and concerns identified with SNC in addition to the chronic problems it has been facing for several years now:

1. Till its' removal in April 2022, the previous government had rarely been successful in terms of improving the curriculum, medium of instruction, and assessment standards to ensure equal opportunity for all children – as claimed by the government. Asserting their constitutional rights Sindh and Balochistan almost refused to implement SNC. Punjab and Khyber Pakhtunkhwa did but haphazardly – as by March 2022, SNC textbooks and curricula were introduced only till Grade-V. Assuming power, the new coalition government rolled back the curriculum framework (Grade-VI-VIII) and halted the process of the new educational framework being prepared in the garb of SNC.

2. For several socio-political and administrative disruptions, scores of schools are either closed or practically dysfunctional. Inequity, inequality, poor quality of education, and the rural-urban divide are turning chronic. Whatever improvement, of whichever indicators (including the provision of missing facilities and enhancing teachers' capability), is observed, is the product of donors' support and NGOs' contribution, not an outcome of government efforts and resource allocation.
3. Over the years, a range of plans and policies have been adopted to comply with the constitutional commitment to provide 'free and compulsory education, improve quality and content to eliminate inequality but without notable success. Even a nationally recognized 'Annual Education Monitoring Report' (AEMR) is missing in the country. Working under the Federal Ministry of Education, the Academy of Education Planning and Management (AEPM), produces Pakistan Education Statistics every year, but it does not include an education monitoring framework and misses out several other strategic indices to measure the quality and progress of education<sup>i</sup>.
4. A range of national or international assessments place Pakistani students' knowledge and skills far below their academic grades, they are in. Periodically, the result of the Standardized Achievement Test - not only in languages but in sciences and mathematics too - is highly disappointing. Pakistan's national average score from Grade-V to Grade-VII roughly stands around 35 percent while for sciences and mathematics, it hovers around 25 percent. As per Annual Status of Education Report (ASER, 2021) about half the Grade-V students fail to read Grade-II level texts, even simple sentences. Children's arithmetic competency falls far below average, as less than half the Grade-V students happen to miscalculate even two digits division.
5. Deplorably, 60-65 percent of private school students perform better in all subjects on the same parameters. Refuting the claims of lifting-up public education standards, public schools continue to be transferred to private entities. The problems of equity, access, availability, adaptability and acceptability as well as poor education governance, lack of transparency, and accountability are being squarely neglected by the so-called New Education Policy Framework<sup>i</sup>.
6. On such a brittle academic underpinning, an advanced learning edifice can never be installed. No surprise that in the last whole decade or more, our students' performance in ASER and STEM lags behind, even from their own level. The 2017's STEM ranking places Pakistan at 131 out of 141 countries – almost at the bottom. Across the world, Pakistani students fall far behind in Maths and Sciences. As per NEAS, the contestants' average score falls below 50 percent<sup>149</sup>. No surprise that millions of parents – of whatever socioeconomic standing they come from – prefer enrolling their children into private schools.
7. It is an established fact that curriculum alone, even if it is relatively better cannot improve the quality of education, but pre-schooling, academic environment, infrastructure, quality of instruction, and helping aids contribute in the quality of education. But the proposed framework undermines it almost entirely. Theory-driven Students Learning Outcomes (SLOs), teaching guidelines, and training packages, lifted and refined from 2006's initiatives, have already failed to improve the quality and content of education.
8. The respective ministry's claim that 'the content is also aligned to SDG-4 (10 Targets, 7 Outcomes and 3 Means of Implementation) comprising universal education, equal access to technical and higher education, gender equality, and the provision of 12 years of free, publicly-funded and inclusive education cannot be validated<sup>iii</sup>. Plans of greater public-private partnership also proved brittle<sup>iv</sup>. Succumbing to the pressure, the influential private schools were allowed to carry on with their own curriculum, refuting their claims.
9. A low-quality SNC training was imparted online to maintain social distance amidst COVID-19 but the process ended up in poor quality of teachers' training<sup>1</sup>, without imparting them

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<sup>1</sup> M. Arif Ghazlani, Principal Multan Public School, Multan.

required skills on the ground<sup>2</sup>. With poor financing, they are failing to hire good teachers at handsome salaries and rarely upgrade labs, laboratories, and other classroom facilities<sup>3</sup>. Rather than highlighting a nationalist agenda – it is a democracy, equality of citizenship, human rights, and economic development that the government needs to promote. Though there is some improvement but much of the discrimination against minorities, gender biases, and printing errors and grammatical mistakes still persist in SNC.

#### **Recommendations:**

10. Infrastructure of all public schools – including missing facilities – need to be drastically improved;
11. At least 100,000 public schools need to be immediately constructed.
12. Provision of free books, shoes and uniforms in remote rural and far-flung underdeveloped areas – along with those charity schools completely following the public schools system - be ensured;
13. Teachers training and quality of education – along with the assessment and recruitment criterion be improved;
14. At least 6 percent of GDP must be allocated to public school education;
15. Discriminatory and class-based education cannot be put to an end without improving the quality of education – in all measures. Just changing the syllabus causes more managerial and implementation harm than good.

#### **Child Labour**

16. On October 27, 2021, Gilgit Baltistan (GB) became Pakistan's first region to release updated child labor statistics since 1996 by launching the Gilgit-Baltistan Child Labour Survey (GBCLS) Report 2018-19<sup>45</sup>. The survey was conducted under United Nations Children's Fund (UNICEF).
17. Sindh Government promised to allocate PKR 96 million<sup>6</sup> in the budget of 2022 to complete the Provincial Child Labor Survey in Sindh. The Khyber Pakhtunkhwa government made a similar commitment in September 2021 and the survey began in January 2022 with a budgetary allocation of PKR 241 million<sup>7</sup>.
18. In a decision made in 2020, Child Domestic Labour (CDL) was proscribed in Islamabad Capital Territory under Child Employment Act 1991<sup>8</sup>.
19. On August 02, 2021, Khyber Pakhtunkhwa Assembly banned forced labor and domestic work of children below 14 years of age through Khyber Pakhtunkhwa Home Based Workers (Welfare and Protection) Bill, 2021<sup>9</sup>.
20. On September 14, 2021, a parliamentary committee approved the Islamabad Capital Territory (ICT) Domestic Workers Bill 2021<sup>10</sup> after functional changes to include flexible working hours and minimum wages for domestic workers<sup>11</sup>.

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<sup>2</sup> M. Arif Ghazlani, Principal Multan Public School, Multan.

<sup>3</sup> Head of The Educators, Multan.

<sup>4</sup> <https://www.unicef.org/pakistan/press-releases/gilgit-baltistan-child-labour-survey-report-launched>

<sup>5</sup> <https://www.dawn.com/news/1654522>

<sup>6</sup> <https://www.dawn.com/news/1667995/child-labour-survey-planned>

<sup>7</sup> <https://www.dawn.com/news/1599385>

<sup>8</sup> <https://www.dawn.com/news/1572655>

<sup>9</sup> <https://www.geo.tv/latest/363217-kp-prohibits-domestic-employment-of-children-under-14>

<sup>10</sup> [https://senate.gov.pk/en/news\\_content.php?id=4028#:~:text=The%20Senate%20Standing%20Committee%20Unanimously,ICT\)%20and%20protecting%20their%20rights.](https://senate.gov.pk/en/news_content.php?id=4028#:~:text=The%20Senate%20Standing%20Committee%20Unanimously,ICT)%20and%20protecting%20their%20rights.)

<sup>11</sup> <https://www.dawn.com/news/1646405>

21. Islamabad Capital Territory (ICT) Domestic Workers Bill 2021<sup>12</sup> mentions 18 years as minimum employment age, previously set at 16 years<sup>13</sup>.
22. Khyber Pakhtunkhwa Home Based Workers (Welfare and Protection) Bill, 2021 is not as per the recommendations of UNCRC and ILO which set the minimum employment age to 18 years.
23. Islamabad Capital Territory Child Protection Act, 2018 has been enacted<sup>14</sup>
24. Sindh Prohibition of Employment of Children Bill, 2017 also enacted<sup>15</sup>
25. Domestic Workers Employment Rights Bill, 2018 has been introduced<sup>16</sup>
26. Punjab Domestic Workers Act, 2018 also enacted<sup>17</sup>
27. Gilgit-Baltistan Prohibition of Employment of Children Act, 2019 enacted<sup>18</sup>
28. The Balochistan Minimum Wages Act, 2021 enacted<sup>19</sup>
29. The Balochistan Employment of Children (Prohibition & Regulation) Act, 2021 Act 2021:<sup>20</sup>
30. The Balochistan Factories Act 2021<sup>21</sup>

### Recommendations

31. Implementation of the National Strategic Framework for the Elimination of Child and Bonded Labour, developed in 2017 with the consultation of ILO<sup>22</sup>
32. Implementation of the recommendations of Gilgit-Baltistan Child Labour Survey (GBCLS) Report 2018-19<sup>23</sup>.

### Child Rights and Child Protection Mechanisms

33. CRM welcomes the establishment of the National Commission on the Rights of the Child (NCRC) in 2020. However, resources in terms of human and financial are not provided to NCRC. The NCRC is the subordinate body of the Ministry of Human Rights<sup>24</sup>.
34. CRM welcomes the enactment of the Islamabad Capital Territory Child Protection Act, 2018. An Act to provide protection and care of children in the Islamabad Capital Territory.
35. Zainab Alert, Response and Recovery Act, 2020 has been enacted to make provisions for raising alters, response, and recovery of missing and abducted children in Pakistan.
36. The Islamabad Capital Territory and provinces have child protection system-related laws in place however, no effective child protection system is in place in any province. A community-level child protection system should be introduced across the provinces.

<sup>12</sup>[https://senate.gov.pk/en/news\\_content.php?id=4028#:~:text=The%20Senate%20Standing%20Committee%20Unanimously,ICT\)%20and%20protecting%20their%20rights.](https://senate.gov.pk/en/news_content.php?id=4028#:~:text=The%20Senate%20Standing%20Committee%20Unanimously,ICT)%20and%20protecting%20their%20rights.)

<sup>13</sup>[http://www.na.gov.pk/uploads/documents/1621498414\\_577.pdf](http://www.na.gov.pk/uploads/documents/1621498414_577.pdf)

<sup>14</sup>[http://www.na.gov.pk/uploads/documents/1528263176\\_639.pdf](http://www.na.gov.pk/uploads/documents/1528263176_639.pdf)

<sup>15</sup><http://oit.org/dyn/natlex/docs/ELECTRONIC/104994/128249/F467961155/PAK104994.pdf>

<sup>16</sup><http://punjablaws.gov.pk/laws/2724.html>

<sup>17</sup><http://punjablaws.gov.pk/laws/2724.html>

<sup>18</sup>[http://www.pcp.gov.pk/SiteImage/Downloads/2079\(19\)Ex%20Gaz-I.pdf](http://www.pcp.gov.pk/SiteImage/Downloads/2079(19)Ex%20Gaz-I.pdf)

<sup>19</sup>[https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16\\_11:03:25\\_9d088.pdf](https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16_11:03:25_9d088.pdf)

<sup>20</sup>[https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16\\_11:01:51\\_a9f52.pdf](https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16_11:01:51_a9f52.pdf)

<sup>21</sup>[https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16\\_11:03:05\\_66551.pdf](https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-07-16_11:03:05_66551.pdf)

<sup>22</sup>[https://www.ilo.org/islamabad/info/public/pr/WCMS\\_477252/lang--en/index.htm#:~:text=The%20Strategy%20aims%20to%20contribute,mainstreaming%20of%20child%20and%20bonded](https://www.ilo.org/islamabad/info/public/pr/WCMS_477252/lang--en/index.htm#:~:text=The%20Strategy%20aims%20to%20contribute,mainstreaming%20of%20child%20and%20bonded)

<sup>23</sup><https://www.dawn.com/news/1654522>

<sup>24</sup><https://ncrc.gov.pk/>

37. Child Protection Institutes (CPI) should be functional in true manner. An Empowered CPI is essential not only for assisting the government in safeguarding the rights of children but also for the image-building of the country. Furthermore, the allocation of Permanent Plot for building a state-of-the-art Child Protection Institute (CPI) in Islamabad will further help to build the momentum of country to boost efforts in fulfillment of Child Rights. Unfortunately, the existing Child Protection Institute (CPI) is at inaccessible area of Humak, which is at far-flung area in Islamabad and also many facilities are lacking there which is an interruption in proper functioning of institute.
38. MoHR launched a '**DGSE App for Differently-Abled Persons**' to help create awareness about education, vocational training and rehabilitation services available for differently-abled children in Special Education Institutions. The App provides detailed information about services, facilities and admission policies of such institutions.

#### **Recommendations:**

39. Govt. of Pakistan should provide financial and human resources to the National Commission on the Rights of the Child immediately. The National Commission on the Rights of Child Act, 2017 should be amended to make the NCRC an independent body.
40. Child Protection Institute (CPI) in Islamabad shouldn't be functioning on Adhoc-Basis but there should be a permanent place in central location of Islamabad equipped with all the facilities like presence of 115/ Police Station and Hospital within 1km Radius as per the Rules of CPI.
41. Child Protection institute should have enough space to facilitate both Girls and Boys.
42. There should be a customized building for Child Protection Institute as per Law.
43. There need to be separate Child Protection Units for Girls. Unfortunately, in Islamabad, the Child Protection Institute (CPI) does not have boarding for girls and therefore refuses girls' cases. The government needs to dedicate safe spaces for girls and should allocate funds on an urgent basis to accomplish this task.
44. The provinces should make sure effective implementation of the child protection laws. Sufficient budgetary allocation should be made for the execution of child protection laws at provincial and federal levels.

#### **Child trafficking**

45. In 2002, Pakistan introduced the Prevention and Control of Human Trafficking Ordinance (PACHTO), which deals with human trafficking between countries. This Ordinance was revoked by the introduction and implementation of the Prevention of Trafficking in Persons Act, 2018. This was a positive step for Pakistan, because unlike the Prevention of Trafficking in Persons Act of 2018, the Ordinance did not provide legal and administrative measures for preventing and protecting children from trafficking between provinces inside Pakistan or even between regions.

#### **Recommendations:**

46. The Prevention of Trafficking in Persons Act, 2018 should be implemented with full force and be amended to include specific provisions for trafficking of children including trafficking across borders and provision of funds for the purpose of awareness raising as per Clause 14 of the Act.

## Gender-based violence and discrimination against girls

47. The law “Domestic Violence (Prevention and Protection) Act 2020” has been enacted with the aim to 'establish an effective system of protection, relief and rehabilitation of women, children, elders, and any vulnerable persons against domestic violence.
48. In 2017, a bill was moved in the National Assembly to increase the minimum age of marriage for girls from 16 to 18 years. However, the bill was then referred to the Council of Islamic Ideology, where it was declared against the injunctions of Islam and revoked its enactment.
49. In 2018, the chairman of the Council of Islamic Ideology (CII) announced that a nikah (wedlock) can be performed at any age but the rukhsati (bride departure) can only take place after the age of 18 years.

## Recommendations:

50. Effective implementing mechanisms by government and state actors is essential. National bodies should take serious actions against gender-based violations. It may be eliminated by ensuring women’s representation at the decision-making tables and by involving them in social, political, and economic forums.
51. Passing laws in compliance with international obligations is undoubtedly a milestone in achieving the protection of human rights, but there is a long way to go to attain equality in the workplace. Governance gaps and implementation barriers remain, but these gaps can be narrowed through amendments to the procedures and establishing reformation campaigns.
52. Awareness seminars regarding harassment laws and rights of individuals particularly girls should be conducted.
53. Implementation of a judicial sensitization program on dealing with victims of sexual violence, domestic abuse and harassment.
54. Establishing one government universal access distress line for women countrywide.
55. The government needs to get serious about curbing gendered online harassment of women and overhaul the Prevention of Electronic Crimes Act (PECA) abusive provisions and the power structure that controls the investigative agency.
56. Establishing state-sponsored bodies to provide psychological and physical treatment to survivors of sexual violence;
57. Lastly, providing swift, affordable, and accessible administration of justice in all harassment cases in the two-month time frame as provided under the law, through the constitution of women’s courts and provision of free legal aid where required.

## Violence against children

58. In the year 2021, 2194 cases of the various nature of child maltreatment were officially reported by the federal and provincial governments<sup>25</sup>
59. In year 2021, 3852 cases of child maltreatment were reported in Pakistan in print and electronic media. Out of these 3852 cases of Child Maltreatment, a total of 2274 cases of *Child Sexual Abuse*, 1060 cases of *Abduction*, 438 cases of *Missing Children*, and 80 cases of *Child Marriages* were reported. In year 2021 cases of Child Maltreatment have increased

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<sup>25</sup> [https://www.ssd.org.pk/files/ugd/5668b5\\_1c339bce7ee4432f8b486379ce103104.pdf](https://www.ssd.org.pk/files/ugd/5668b5_1c339bce7ee4432f8b486379ce103104.pdf)

by more than **30%** as compared to year 2020. Based on the reported cases in year 2021, more than **10** children have been abused per day in year 2021<sup>26</sup>.

60. Act No. XLIX of 2021 bans corporal punishments against children, there is a prohibition on any type of punishment that may affect a child's physical and mental development. (Section 3(3)). According to Section 3 (2), in public and private schools and other educational institutes including formal, and non-formal, all worksites, religious institutes, childcare institutes, and juvenile justice systems must make sure the provision of this act. However, this Act is confined to Islamabad Capital Territory.
61. Article 14 of the Constitution of Pakistan protects children from torture and other cruel inhuman or degrading treatment or punishment.
62. The Punjab Restriction on Employment of Children Act 2016 and Sindh Prohibition of Employment of Children Act 2017 also prohibits the worst forms of child labor, as specified under ILO Convention 182, and prescribes stringent penalties.
63. 'ICT Rights of Persons with Disability Act, 2020' was enacted by the Federal Govt. for the protection and promotion of the rights of Persons with Disabilities including women, children, senior citizens and transgender persons with disabilities.
64. MoHR launched the 'Helpline 1099 App' for reporting of incidents of abuse, neglect, exploitation and violence etc. The aim of launch of this App is to promote and protect the rights of women and children, especially to address the issues of violence against them.
65. President of Pakistan has promulgated two landmark legislations 'Anti-rape (Investigation and Trial) Ordinance 2020' and 'Criminal Law (Amendment) Ordinance 2020'. These laws address issues of rape and sexual crimes against all genders in order to provide speedy justice to them and by awarding harsher punishments to perpetrators in the form of death sentence, life imprisonment, imprisonment for the remainder period of natural life and fine. Gang rape has also been addressed under this law. These Ordinances were later enacted by the parliament and included in the criminal justice system of Pakistan.

#### **Recommendations:**

66. The full realization of Children's Rights is still going to demand enormous time and effort and Child labor is still a non-cognizable offense. It needs to be made a cognizable offense.
67. Prohibition of Corporal Punishment Act No. XLIX of 2021 is enacted in educational institutional set-ups and other workplaces in Capital city Islamabad, but is silent regarding home corporal punishment, it needs to be enforced at homes as well. In addition, this Act should be enforced across the country but not just confined to Islamabad Capital Territory.
68. 'Disciplining act' at the school level needs further defining. Cruelty to child health is a cognizable offense but corporal punishment law is still not in the criminal jurisdiction.
69. Child labor and child violence should be dealt strictly.
70. Children must be given education at schools about potential maltreatment that can be happened with them so that if an abuse occurs with a child, he/she must know how to react and whom to report.

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<sup>26</sup> [https://www.ssd.org.pk/files/ugd/5668b5\\_1c339bce7ee4432f8b486379ce103104.pdf](https://www.ssd.org.pk/files/ugd/5668b5_1c339bce7ee4432f8b486379ce103104.pdf)



71. Harmonization of existing and new laws with the UNCRC and other international laws and their full implementation.
72. Awareness Raising against Child Maltreatment should be conducted amongst general public, legislatures/policy makers and children themselves.
73. Govt should allocate budget and resources to relevant child protection departments, authorities and institutions in the country for full implementation of child protection laws.

### **Children in Conflict with the Law / Juvenile Justice System**

74. In year 2000, the Juvenile Justice System Ordinance 2000 (JJSO 2000) was incorporated into the criminal legal system of Pakistan to provide protection and safeguards to children in conflict (child accused, convicts) with the law before, during and after trial justice processes. The legislation identifies separate and strengthened safeguards for minors involved in criminal litigation with an aim to rehabilitate and reintegrate them back into society.<sup>27</sup>
75. The implementation of the JJSO 2000 was very slow in the five years following its promulgation. Some of its provisions were not implemented at all, others only very haltingly and partially.<sup>28</sup>
76. Pakistan has initiated a criminal justice reform agenda that includes Justice for/with Children and in this context, thirteen pilot child courts were established in Pakistan with the collaboration of civil society. These thirteen child courts are operational in Lahore, Peshawar, Mardan, Abbottabad, Quetta, Mohmand-Ghalanai, Islamabad, Karachi Malir, Karachi East, Dera Ismail Khan, Kohat, Bannu and Swat cities. According to latest statistics during the period of December 2017 to September 2021.
77. In April 2021, notification of PC-1 approval to establish Borstal Institution (Child Protection Institute, Observation Home and Rehabilitation Center) in Bannu and Peshawar was issued.<sup>29</sup>
78. Since 2000, the Government of Pakistan has made much efforts for rehabilitation and protection of the human rights of juveniles, but despite this effort the juvenile offenders are reported to be continuously maltreated during their involvement in justice process.
79. Some of the common abuses that juvenile offenders experience in Pakistan are their executions, life imprisonment, police brutality, torture, custodial deaths and rape, imprisonment in adult prisons, non-exercising of age determination protocols in juvenile cases, low birth registration rate, trial of juveniles as adult offenders, trial in anti-terrorism courts, low minimum age of criminal responsibility, inadequate legal representation in juvenile cases, pre-conviction detention, non-existence of rehabilitation centres and observation homes for juveniles etc.<sup>30</sup>
80. In a nutshell, juvenile justice system of Pakistan does not fully protect the human rights of juvenile offenders and best practices in this area which are exercised across the world are not practiced in Pakistan.

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<sup>27</sup> Wajahat Ali Malik, 'The Juvenile Justice System and the Right to Dignity of Juvenile Offenders in Pakistan' published in **Pakistan Law Review Journal**, Volume 10, 2019 Issue. Web: <https://pakistanlawreview.com/>

<sup>28</sup> Amnesty International 'Pakistan: Amnesty International's comments on the Lahore High Court judgment of December 2004 revoking the Juvenile Justice System Ordinance', September 30, 2005, Index Number: ASA 33/026/2005. Web: <https://www.amnesty.org/en/documents/asa33/026/2005/en/>

<sup>29</sup> Group Development Pakistan, 'National Infographic Report on Justice for/with Children', December 2017 - September 2021. Web: <https://gdpakistan.org/wp-content/uploads/2022/03/National.pdf>

<sup>30</sup> For more details, see Wajahat Ali Malik, *supra* note 27.

81. Ten percent of current death row population in jails of Pakistan consists of juvenile prisoners.<sup>31</sup>

### **Recommendations:**

82. The most urgent measure that Government of Pakistan should take is to reinstate the moratorium on death penalty. In order to protect them from executions.
83. The minimum age of criminal responsibility for a child should be enhanced to 16 years.
84. Child offenders are often victims of torture, custodial death and rape during police custody and incarceration in jails. Government should enact an exclusive legislation to criminalise torture.
85. Under-trial juvenile prisoners should be released on bail, this will not only overcome the problem of overcrowding in prisons of Pakistan but also protect juveniles from abuses and hardships undergone in jails.
86. the Govt. should establish juvenile rehabilitation centres across the country and transfer the child prisoners from jails to rehabilitation centres for their reclamation.

### **The Situation of Street Children**

87. The abundance of street children across all major cities of Pakistan is a worrying sign<sup>32</sup> which rose from 1.2 million to an estimated 1.5 million; a figure that is expected to increase as an aftermath of Covid 19. This number includes all street children; street living, street working and street families.
88. The steady growth in number is due to multiple factors including poverty, inflation, displacement, migration and rising numbers of runaway children who are compelled to leave their homes after experiencing violence in the household, workplace and educational institutions<sup>33</sup>.
89. Street-connected children are a part of the 22.8 million out-of-school children; which involves choosing between work and school, barriers to entry, and lack of accessibility and quality learning<sup>34</sup>.
90. Street children are vulnerable to all kinds of hazards including; neglect, exploitation by urban gangs, exposure to substance abuse, sexual abuse, street violence, psychological trauma, addiction, and falling victim to communicable diseases.
91. Street living children are at the highest risk: they are persecuted by the police, exploited by their “employers” and disdained by society<sup>35</sup>.
92. The state must take the problem of street children on a serious note by launching a proper strategy; as the longer children live on the streets; the more difficult it is to reintegrate them into society<sup>36</sup>.

### **Recommendations:**

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<sup>31</sup> Justice Project Pakistan, ‘Death Row’s Children, Pakistan’s Unlawful Executions of Juvenile Offenders’ (February 2017) <http://www.jpp.org.pk/wp-content/uploads/2017/10/Death-Rows-Children.pdf>

<sup>32</sup> NCRC Policy brief April 2022

‘Street-connected children in Pakistan: Education and Protection Challenges’

<sup>33</sup> CSC Projects Supporting Street Children in Pakistan <https://www.streetchildren.org> › Our work ›

<sup>34</sup> State of street children in pakistan – sparcc <https://www.sparccpk.org> ›

<sup>35</sup> Pakistan: Help for street children - Kindernothilfe

<https://www.kindernothilfe.org> › Pakistan

<sup>36</sup> Street Children Pakistan Charity Foundation <https://streetchildrenpakistan.com>

93. Mass awareness rising is required on the problems of street children in order to bring about a lasting change in public attitude. This can be done through information campaigns and by providing training for representatives of police and social authorities, through nationwide media campaigns and lobby work.
94. A strategy is developed for networking the project with public authorities and other non-profit organizations in order to ensure its long-term existence.

### **Right of Children in Health and Nutrition**

95. Children's right to health and nutrition is violated making them more vulnerable and more at risk of morbidity and mortality.
96. Health and Nutrition status has further faltered during the last couple of years<sup>37</sup> when Covid-19 came as a universal buster; Pakistan had gone through immense pressure with shortage of essential medicine and required health products. Though children generally remained safe from the pandemic but postponement of non-critical and elective services including limited access to reproductive health had adversely affected mothers' access to life-saving maternal and newborn health services; worsened with high inflation and increased poverty.
97. Nutritional problems have affected children health, growth and development on immediate and long-term basis. The National Nutrition Survey of Pakistan already revealed that the nutritional status of children under five years of age is extremely poor.<sup>38</sup>
98. At a national level almost 40% of these children are underweight. Over half the children are affected by stunting and about 9% by wasting.<sup>39</sup>
99. More than half (53.7%) of Pakistani children are anaemic whereas 5.7% are severely anaemic. Similarly maternal anaemia has increased to 51%. The prevalence of anaemia is slightly higher (54.2%) amongst boys than girls (53.1%).
100. Malnutrition has made children suffer from food allergies, eating disorders, iodine, iron and micronutrient deficiencies, tooth decay and constipation<sup>40</sup>.
101. In 2022 the number of Polio cases with one WPV1 case remained eleven. There was one WPV1 case in 2021. The total number of cVDPV2 cases remains eight emphasizing the need to strategize better not just for Polio but also for routine immunization.
102. Undue increase in children's digital screen time is reported on different platforms; elaborating its negative impact on children's physical and mental health by exposing them to new risks and harms<sup>41</sup>.

### **Recommendations:**

103. Gathering & better analysis of data and outcomes on national level.
104. Lay due emphasis on public health.
105. Need to create harmony and balance in eight pillars of health structure including Health Service Delivery, Health Financing, Human Resource for Health, Governance, Health Information System, Cross-sectoral linkages, Essential Medicines & Technology, and Global Health Responsibilities.
106. Making health system timely accessible for all.
107. Promote mass awareness related to health and nutrition issues
108. Control population growth, increase literacy rate, allocating more health budget.
109. Protect children from harm online – including abuse, exploitation, trafficking, cyberbullying and exposure to unsuitable materials
110. Increase number of vaccinators and LHWs and to include all uncovered areas for immunization and Polio vaccine coverage.

<sup>37</sup> Nutrition country profiles: Pakistan summary - Fao.org

<sup>38</sup> Key Findings - National Nutrition Survey 2018

<sup>39</sup> Key Findings - National Nutrition Survey 2018

<sup>40</sup> Understanding Children's Right to Health - Humanium

<https://www.humanium.org> > fundamental-rights-2 > health

<sup>41</sup> Effect of COVID-19 on the Screen Time of the Children in ...

(The End)

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- <sup>i</sup> *Academy of Educational Planning & Management*. (n.d.). Aepam.edu.pk; Ministry of Federal Education & Professional Training Government of Pakistan. <http://www.aepam.edu.pk/>
- <sup>ii</sup> Measuring The Impact Of Covid-19 On Education In Pakistan, Idara-eTaleem-o-Aagahi, 2021, [http://aserpakistan.org/document/aser/2021/ASER\\_2021\\_Measuring](http://aserpakistan.org/document/aser/2021/ASER_2021_Measuring_the_impact_of_COVID_19_on_Education_in_Pakistan_FINAL_REPO_RT.pdf)
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- <sup>iv</sup> Abbasi, K. (2021b, November 17). *Committee formed to ensure SNC implementation*. DAWN.COM. <https://www.dawn.com/news/1658505>

