

The Universal Periodic Review (UPR) Pakistan
The State of Children's Rights in Pakistan
By the Child Rights Movement (CRM) Pakistan

A. Consultation Process

1. This submission has been prepared by a coalition of 108 national and international child rights organizations¹ working in Pakistan under the banner of the Child Rights Movement (CRM). A draft report was prepared by the CRM Pakistan and shared with CRM provincial chapters in Punjab, Balochistan and Khyber Pakhtunkhwa and then through consultations with civil society organizations in Sindh, Gilgit-Baltistan and AJK in February and March 2012. Additionally, three children's consultations were organized with 33 children (19 girls and 14 boys from 10-17 years old) from Islamabad, Vehari (rural Punjab) and Thatta (poorest part of coastal areas of Sindh province).

Some major recommendations from consultations with children

2. The government should establish a school in each village and teachers should be trained.
3. There should be a well-equipped health facility in each village.
4. The government should provide free sports facilities.
5. The government should give more attention to poverty by providing support to the most vulnerable families.
6. Children in conflict with the law should be provided livelihood training so that they can rehabilitate their community when they return from jail.
7. Children should be kept apart from adults in separate jails.
8. Platforms should be established for children participation into social and economical issues concern their lives.

B. International Commitments and Support from International Institutions

UNCRC and ILO Conventions

9. Pakistan has ratified three conventions related to children: UNCRC and ILO Conventions 132 and 182. The UN, ILO, 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 the UN, little progress has been made in amending existing or introducing new legislation to comply with the provisions of the conventions. Sadly, less than 0.5% of GDP and less than 2% of the overall budget is allocated to the realization of children's rights.

Recommendation

10. **The Government of Pakistan should, in partnership with the UN and civil society, develop clear and realistic strategies for the protection of children through the adoption of a comprehensive national action plan for children and the allocation of 10% of the GDP in the national budget to ensure the full implementation of its obligations under the UNCRC and the ILO Conventions 132 and 182.**

¹See Annex 1 for a listing of organizations that contributed to this Stakeholder UPR report.

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

11. Children under the age of 18 years can be recruited into Pakistan's armed forces. Although they don't take part in combat, they do engage in training.² They are also recruited into illegal armed militant groups and forced to carry out suicide attacks, plant explosives and transport munitions. In 2011, law enforcement agencies arrested several children and recovered suicide jackets and materials. The children revealed how and where they were trained to become suicide bombers.
12. There is a lack of preventive measures, including awareness raising among stakeholders and rehabilitation of children affected by armed conflict, particularly those who are recruited, trained and take part in terrorist activities. In 2001, Pakistan signed the Optional Protocol to the UNCRC on the involvement of Children in Armed Conflict (2000), but the country has not ratified it yet. The government has initiated a programme to rehabilitate children recruited by militants (non-state actors) to be suicide bombers or child soldiers, but more needs to be done for these children's protection. Most children recruited are male between the ages of 9 and 17.³ In 2009 and 2010, there were 109 suicide bombings reported, of which 8 were child suicide bombings.⁴

Recommendation

13. **The Government should immediately ratify the Optional Protocol to UNCRC on Involvement of Children in Armed Conflict and undertake all necessary measures to ensure full implementation of the protocol by 2013. The government should develop strategies, programmes and policies to stop recruitment of children by non-state-actors.**

Optional Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography and Optional Protocol to CRC establishing a Communications Procedure

14. The CRM welcomes the ratification of the Optional Protocol to UNCRC on Sale of Children, Child Prostitution and Child Pornography in June 2011. We regret, however, that Pakistan has still not passed The Criminal Laws (Child Protection) Amendment Bill 2009, which would provide for preventive and protective measures against sale of children, child prostitution and child pornography. There is a lack of legislation on internal child trafficking, and the measures against international child trafficking are weak as well.
15. The Optional Protocol to UNCRC on Establishing Communication Procedure allows individual children, groups or their representatives to complain to the Committee against the State, but the government hasn't signed and ratified this yet.

Recommendations

² The Pakistan National Service Ordinance, 1970, regulates national services. It says that officers and soldiers in the Armed Forces may be recruited between the ages of 17 and 23 but it adds that new recruit must have at least one year training prior to participating in active service. Please check Pakistan's second periodic report (2003) to the UN Committee on the Rights of the Child.

³ Secretary General to the Security Councils 2011, Report on Children in Armed Conflict.

⁴ SPARC JJ Chapter 2011

The Government should:

- 16. Immediately adopt and implement the Criminal Laws (Child Protection) Amendment Bill.**
- 17. Promptly develop an effective strategy and action plan and allocate sufficient resources to ensure the implementation of the Optional Protocol on Sale of Children.**
- 18. Sign and ratify the Optional Protocol to CRC on Establishing a Communications Procedure by December 2012.**

ILO Convention 189 Domestic Workers Convention

19. In 2011, the ILO adopted Domestic Workers Convention (Convention 189), 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.⁵ From January 2010 to December 2011, newspapers reported 18 cases of severe torture and abuse of child domestic workers. Out of these, 13 children died as a direct result of violence inflicted on them by their employers.⁶ The absence of recognition of child domestic labour as a worst form of child labour makes it difficult to produce a precise estimate of the scale and impact of child domestic labour in Pakistan.

Recommendation

- 20. The Government should ratify ILO Convention 189, declare child domestic labour as a worst form of child labour and ban it under the Employment of Children Act (ECA) by 2013.**

The Millennium Development Goals (MDGs)

21. Pakistan is not meeting its commitments to achieve the 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 country has been unable to reach the poorest and most vulnerable children. Funding allocated for children welfare is less than 0.5 percent of GDP and generally less than 2 percent of the national budget.⁷
22. Pakistan is far from reaching the Education for All target by year 2015.⁸ There are an estimated 3 million children out of school in Khyber Pakhtunkhwa due to floods and conflict.⁹ About 7 million children are not attending primary school in Pakistan;

⁵ Imran, M. (2011), Complete ban on child domestic labour demanded; The News International, 30 October 2011. Islamabad

⁶ Khoso, Abdullah. (2011). Chapter Child Labour; in The State of Pakistan's Children 2011, SPARC, Islamabad

⁷ Save the Children (2011), Study on Federal and Provincial Budget: Analysis with Child Rights Perspectives for Pakistan; an unpublished draft report.

⁸ Dawn (2011), Pakistan lagging behind on education for all: UNESCO; 7 May 2011; while the goal of Universal Primary Education is to ensure that by 2015 all children, boys and girls, should be able to complete a full course of primary schooling.

⁹ The Express Tribune (2012), State of education in emergency: 3 million children out of school in K-P; April 3, 2012

approximately 60 percent of these are girls. Accordingly, more than 50 million Pakistanis above 10 years of age are illiterate.¹⁰

23. Malnutrition is contributing to 35 percent of all under-5 deaths in Pakistan. According to UNICEF, 32 percent of infants have low birth-weight (recorded in 2006 and 2010). In 2010, the infant mortality rate was 70/1000 and under-5 mortality rate was 87/1000.¹¹ As a result, Pakistan is at risk of failing to reach its MDG targets on maternal and child health. The National Nutrition Survey revealed that 15.1 percent of under 5 children are wasted, 43.6 percent are stunted and 31.5 percent are under weight. Child anemia is prevalent at 62.5 percent and maternal anemia at 51 percent.
24. Pakistan is one of the few countries in the world where polio is still endemic. In 2011, 198 cases were reported, making Pakistan the country with the highest number of cases in the world. In 2012, 15 cases were reported by the first week of April. A lack of proper governance and accountability, together with local groups opposing vaccination, are jeopardizing efforts to eradicate the disease.

Recommendations

- 25. The Government should increase the budget for education by 5 percent and budget for health by 16 percent by 2013, and revise action plans, including resource allocations, to meet its MDG targets.**
- 26. The government should take all appropriate measures to develop and implement comprehensive food security and malnutrition prevention and response programmes.**
- 27. Legislation should be adopted at the federal and provincial levels to make some immunizations compulsory.**
- 28. The government should prioritize policies and programmes on nutrition, vaccination and health workers to reduce mother, newborn and child mortality, and increase allocation of 01 percent of the GDP for this by 2013.**

C. Implementation of International Human Rights Obligations

Definition of the Child and Minimum Age of Criminal Responsibility

29. There is no harmonization of legislation regarding definition of the child. The issue of age only arises in cases of marriage and *zina* (adultery) allegations. Since 2009, the Child Marriage Restraint Amendment Bill has been pending and has not yet been passed.
30. Currently, the minimum age of criminal responsibility is 7 under Section 82 of the Pakistan Penal Code. This has resulted in arrests and detention of children less than 10 years of age by the police. A Child Protection Criminal Laws (Amendment) Bill has been pending since 2009 in which the minimum age of criminal responsibility was proposed to increase from 7 to 10 years. Notably, the Committee on the Rights of the Child, in General Comment No 10, considers any age for criminal responsibility below 12 as internationally unacceptable.

¹⁰ The News International (2011), *Education for All: The missing link for Pakistan's progress*; May 7, 2011, Islamabad

¹¹ UNICEF Pakistan Statistics at http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html

Recommendations

- 31. By 2013 the Government should introduce an amendment in the Zina and Haddood Ordinances (1979)¹² and in the Child Marriages Restraint Act (1929) 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 for violations.**
- 32. The Government should revise the age of criminal responsibility to 12 years in the Criminal Laws (Child Protection) Amendment Bill and expedite the passage of the Bill.**

Child participation

33. Child participation has many positive effects on children's current as well as future adult life. Participation is a means of education for adult life; when children participate in their childhood they develop a sense of respect for the opinions of others. When children's views are taken into consideration regarding health, education and other services, these services improve and are more effective and better designed for children.
34. Sadly, children in Pakistan are seen but not heard. Children have limited or no participation in decisions that affect their lives. There is no mechanism for seeking children's views at the policy or practice level. There have been stand alone events for children's participation, such as during the UNGASS (where children provided recommendations to the Pakistan delegate) and to the Commission on the Status of Women, SAIEVAC consultation on care standards and child friendly services. However, there are few significant forums or opportunities for children's participation.

Recommendations

- 35. The Government should focus on developing TV/radio programmes for children and encourage participation of children in the media.**
- 36. The Government should establish formal forums and mechanisms for children's participation in civic life.**

Child Protection Mechanisms

37. There is no independent body at the national level for reporting and coordinating among provinces for the implementation of the UNCRC and its three Optional Protocols. After the 18th Constitutional Amendment, child rights has become a provincial subject, so there is no single institution that can ensure implementation of the minimum standards of child rights across the country.
38. The National Commission for Child Welfare and Development (NCCWD), within the Ministry of Human Rights, is responsible for child rights in Pakistan. Unfortunately, the Commission was established through a national assembly resolution¹³ and has no legal

¹²Zina and Haddood 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.

¹³ Resolution No. 1-1/80 (NCCWD) dated 16th December, 1980. IV

standing, limited human and financial resources, as well as limited powers to prevent and respond to violations of child rights.

Recommendation

- 39. The Government should immediately improve and pass the long-pending bill on the National Commission on the Rights of Children (NCRC), which should replace the NCCWD, and take immediate measures for its effective establishment and full implementation as stated in the draft bill. The NCRC should be given sufficient financial support to monitor the institutions and prevent all types of child rights violations.**

Child Labour

40. There has been an alarming increase in child labour after the earthquake in 2005 and floods in 2010 and 2011. A total of 9.86 million children and adolescents aged 10 to 19 years were engaged in economic activities in 2011, out of which 2.58 million were children between 10 and 14 years of age.¹⁴ A high number of children under 10 years of age are engaged in labour.
41. Pakistan ratified ILO Convention 182 regarding the Worst Forms of Child Labour in 2001, but the country has been reluctant to comply with the provision under which child domestic labour is considered a worst form of child labour.
42. Labour inspections of factories are allowed but unproductive. Labour inspectors have little or no knowledge about legislation related to child labour and there are no specific Child Labour Inspectors. In Sindh, Labour Inspectors have to inform employers before they visit factories and workshops, thereby warning employers in advance.
43. As a result of the 18th Constitutional Amendment, responsibility for child labour has been transferred to the provinces, but provincial labour ministries state that they have not received any funds from the federal government to address this issue. Before the passing of the 18th Amendment, the Government of Pakistan, through the Ministry of Labour, tried consolidating existing labour laws through the Employment and Services Conditions (ESC) Bill (2009). The draft contained a provision for the worst forms of child labour, to be prohibited in line with ILO C-182, and raising of the minimum age for employment to 15 years, as stipulated under ILO C-138; however, because of the 18th Amendment, this bill wasn't enacted. Later, only the Punjab provincial assembly adopted the Employment of Children Act (ECA), without contextualizing or improving it.

Recommendations

- 44. In order to comply with Article 25-A (the Right to Education), the Government under the ECA should ban labour for children below 16 years of age in all occupations.**

¹⁴The State of the Rights of Children (2011), study conducted by Children Complaint Office, Federal Ombudsman. A draft report was shared by the Children Complaint Office with relevant stakeholders for the feedback.

45. The Government's social or income support programmes, such as Benazir Income Support Programme, are insufficient to address children's needs. More and better programs must be developed to support families that may otherwise be compelled to involve their children in labor.
46. The Government should allocate 1 percent of the annual provincial and national budgets to address the issue of child labour.
47. The capacity of the Ministry of Labour should be strengthened to ensure effective monitoring of the implementation of child labour laws. The Government should build the capacity of all labour inspectors and appoint skilled and experienced child labour inspectors who are empowered to receive, investigate and address complaints of child labour.

Children in conflict with the law

48. Children in conflict with the law need adequate protection. Law enforcement agencies are not aware of child rights issues and relevant legislation in the country. The majority of children in jail are from poor families who cannot afford to pursue cases without help from the State. In many cases, children are detained in jails along with adults, where they are abused and exploited.¹⁵
49. The Juvenile Justice System Ordinance (JJSO), 2000, is little recognized or known among law enforcement agencies, and officials are generally not sensitized or qualified to deal with children's issues. The JJSO does not override, but is in addition to, several acts such as the Army Act, Frontier Crimes Regulation, Action (in Aid Civil Power) Regulation, Anti-terrorism Act, Control of Narcotics Substance Act, Punjab Prohibition of Kite Flying Ordinance and the Railways Act. Under these laws, harsh punishments including death sentences and life imprisonment can be imposed upon children. Moreover, certain parts¹⁶ of Pakistan are governed by *sharia* law, without the recognition of international and national human rights laws.
50. Some courts have the power to try cases of children in conflict with the law, however, no courts are following juvenile court procedures as prescribed in the JJSO. In 27 districts, panels of lawyers have been constituted under the JJSO, but these panels are dysfunctional and have not provided legal aid to any children at the expense of the State. Two Borstal institutes in Punjab, and two Youthful Offenders Industrial Schools, are being administered through Prison Rules 1978 by prison administration, but these institutes do not follow the rules and procedures detailed in the JJSO.

Recommendations

The Government should:

¹⁵Khoso, A. (2010), *The JJSO: Caught in the Quagmire of non-implementation*; The State of Pakistan's Children 2010, SPARC, Islamabad

¹⁶ Malakand division

51. **Take measures to ensure that the Juvenile Justice Ordinance (JJSO) overrides other laws in cases involving children. It should be mandatory for police and judicial officers to determine the age of suspects.**
52. **Establish exclusive juvenile courts in accordance with the JJSO and ensure that children's cases are tried separately from adult cases.**
53. **Incorporate human rights education, with a focus on children's rights, into school, college and university curricula of law, judicial, police, and teacher training academies, as well as national/provincial management institutes for bureaucrats.**
54. **Immediately activate and allocate funds for the panel of lawyers constituted under the JJSO.**
55. **Establish Borstal institutes so that juveniles can be detained separately from adults. All detention centers for children should be operated according to the JJSO and its Rules.**
56. **Expedite all pending relevant Bills related to Borstal Institutes.**

120 days detention without trial

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

Recommendation

58. **The AACPRs must immediately be abolished and proper administrative and judicial procedures should be applied in accordance with the Constitution of Pakistan.**

Right to Quality Education

59. Pakistan in 2008 was ranked as 119 out of 127 countries in the Education for All Development Index¹⁷ in terms of literacy rate and enrolment in primary, secondary and tertiary levels. Among the main reasons behind Pakistan's failure to meet its education goal are: management and governance, access to quality learning environment, low funding, limited infrastructure, poor examinations, low teaching standards, and limited political will.
60. The floods in 2010 and 2011 affected over 10,000 schools¹⁸. The Government's rehabilitation of education infrastructure has been slow. At the same time, quality of

¹⁷ UNESCO Institute and Centers (2011), Education for All, Global Monitoring Report 2011: The Hidden Crisis- The Armed Conflict and Education

¹⁸ UNICEF (2011) Children in Pakistan Progress Report: One Year After the Floods; at http://www.unicef.org/infobycountry/files/Pakistan_One_Year_After_the_Floods_-_Final_Report_-_Hi-res.pdf

education is a major concern, and appointment of teachers is mainly based on political grounds.¹⁹

61. Gender disparity in education is wide. According to UNESCO, there are only three girls in school for every four boys. Insurgent groups have repeatedly attacked education infrastructure in general, and girls' schools in particular.²⁰
62. Pakistan spends 7 times more on arms than primary education.²¹
63. According to the HRCP 2011 report on budgeting for rights, the total allocation in the federal and provincial budgets for 2010-11 was a mere 1.02 percent of GDP. In the revised estimates / expenditure of the same year, it came down to 0.9 percent.²²
64. There are an estimated 24,000 registered *madrasahs* in the country²³ and thousands of un-registered *madrasahs*. Pakistan has not taken serious action to register all *madrasahs*, regularize education in registered *madrasahs*, or prevent abuse (including verbal, physical, and sexual abuse) and exploitation of children in *madrasahs*. While some *madrasahs* endeavor to provide sufficient education and a safe environment, these also lack assistance from the government.

Recommendations

The Government should:

- 65. Increase its allocation of resources devoted to education, specifically primary and girls' education. School curricula should be revised as per international standards, with a human rights and gender sensitive perspective, and all students should receive textbooks on time.**
- 66. Establish concrete mechanisms to ensure that all children have basic competency levels and are equipped with life skills, and dropouts are enrolled in accelerated learning programs.**
- 67. Establish an effective tracking system for monitoring retention, dropouts, and children's learning outcomes.**
- 68. Ensure and monitor teachers' attendance and eliminate political appointments.**
- 69. Ensure, through strict legislative provisions, that schools are not used for any other purpose except education.**
- 70. Ensure that schools are free from politics and students are not involved or subjected to political activities within schools. The Government should provide security to schools and teachers.**

¹⁹ Daily Time (2012). Junior teachers' appointment: SC set against LHC verdict. 16 February 2012, Islamabad.

²⁰ Source: UNESCO Institute and Centers (2011), Education for All, Global Monitoring Report 2011: The Hidden Crisis- The Armed Conflict and Education

²¹ Source: UNESCO Institute and Centers (2011), Education for All, Global Monitoring Report 2011: The Hidden Crisis- The Armed Conflict and Education

²² HRCP (2011), *Budgeting for right: Economy Watch: The Federal and Provincial Priorities 2011-12*; Lahore, page 13.

²³ The Express Tribune (2011), The Government to demolish unregistered *madrasahs*; December 20, 2011

71. Regularize and mainstream *madrasahs* and include them into the education system by implementing the Madrasah Registration & Regulation Ordinance (2002) and Madrassah Reforms, establishing adequate monitoring mechanisms and allocating appropriate resources. The syllabi of *madrasahs* should be made consistent and should be approved by the government, in line with national curriculum guidelines, by 2014.

Violence against children

72. Corporal punishment is widespread in all settings across the country. According to Save the Children, in a study of 3,582 children between 6 to 14 years of age attending government and religious schools in Khyber Pakhtunkhwa, not one reported never having experienced corporal punishment.²⁴ Research has found that, overall, corporal punishment is prevalent in 89 percent of schools in Punjab, with the greatest prevalence in government schools, followed by private schools and *madrasahs*²⁵. Corporal punishment is legal under Section 89 of the Pakistan Penal Code and the government is not enacting the Prohibition of Corporal Punishment Bill.²⁶
73. Child abductions are all too common in Pakistan. In 2010, 2,582 children went missing from the city of Karachi alone. The average age of children who were abducted in 2010 ranged from 3 to 14, while some newborn babies were also kidnapped from hospitals.²⁷
74. There are few statistics on transnational parental child abduction.²⁸ Between Pakistan and the UK, 24 cases of parental child abduction were in 2010²⁹ while 55 cases were reported in 2011.³⁰ Some cases have been reported between France and Pakistan and Canada and Pakistan. Pakistan has not yet ratified the Hague Convention on the Civil Aspects of International Child Abduction, 1980, which ensures the welfare of the child through the quick return of the child to its habitual country.
75. There is no formal system of monitoring the incidence of suicide among children, and there are no systems or programs in place to prevent children from self-immolation and suicide. In 2009, there were 185 child suicides and 42 attempted suicides, and in 2010 there were 187 child suicides and 80 attempted suicides. In 2009 and 2010, 42 and 80 children attempted to commit suicide, respectively.³¹
76. According to Acid Survivors Foundation data, 53 acid attack cases were reported in 2009, 65 in 2010 and 150 in 2011. At least 200 attacks occur a year, out of which 20 percent are

²⁴Save the Children; *Children's Situation*; at

<http://resourcecentre.savethechildren.se/content/country/pakistan/childrens-situation>

²⁵Assessment of Corporal Punishment, a research report by Plan Pakistan

²⁶ According to the HRCRP 2010, 25 cases of corporal punishment were reported in the newspapers.

²⁷The News International (2011), Sharp increase in child abduction cases witnessed in 2010; January 1, 2011

²⁸ Some data between Pakistan and the UK has been collected by the Child Abduction Center, the United Kingdom.

²⁹ British Broadcasting Corporation (2010), *Number of UK children taken overseas by a parent rises*; July 29, 2010; retrieved at <http://www.bbc.co.uk/news/uk-10792704>

³⁰ The Nation (2012), *BHC calls for laws to stem child abductions*; March 22, 2012, Islamabad

³¹ According to the SPARC's SOPC 2010 (page 249)

children. The recently passed Criminal Law Amendment of Hurt is a promising step, but additional efforts are required to eliminate this crime.

Recommendations

The Government should:

- 77. By 2013, adopt legislation that explicitly prohibits corporal punishment in all settings and establish an effective monitoring system in order to ensure that abuse of power by teachers and other professionals working with children does not take place in schools and other institutions. All schools should have complaint mechanisms for children to be able to securely report corporal punishment.**
- 78. By 2015, ensure that all teachers are trained on positive disciplining techniques, and strengthen its efforts to raise awareness among the public, especially parents, about the negative effects of corporal punishment on child development.**
- 79. By 2014, adopt legislation and establish systems at the union council and district levels, especially in hospitals, to prevent child abduction and ensure that perpetrators are brought to justice.**
- 80. Initiate free or low cost suicide prevention programmes involving mental health care workers and lady counselors by 2014.**
- 81. Legislate at the provincial level to enhance delivery of justice for acid attack victims, ensure free provision of medical and rehabilitation services, and prioritize effective regulation and monitoring of acid sales and distribution.**
- 82. Immediately ratify the Hague Convention on Civil Aspects of International Child Abduction by 2013.**

Gender based violence and discrimination against girls

83. Pakistan has been unable to address issues of serious discrimination against women and girls. Child marriages, honour killings, and arranged marriages are common means of settling feuds in tribal areas of Pakistan. *Jirgas* (tribal assembly of elders) are still being held, and girl children are commonly offered to settle disputes. According to the report of the Human Rights Commission of Pakistan (HRCP-2008), 472 women and girls were killed in the name of honour; and in 2009 and 2010, 647 and 791 females respectively were murdered in the name of honour. In 2010, in Sindh province alone, 50 cases of child marriage were reported.³² In 2008-2009, 0.12 percent (24,228) of 20.19 million children (10-14 age-group) were reported married and 5.18 percent (1,029,784) of 19.88 million children (15-19 age-group) were reported married.³³ There are no child marriage details for children less than 10 years of age.

Recommendations

The Government should:

- 84. Enforce legislation preventing honour killings as well as *jirgas* which determine women and girls' fates, and launch a mass awareness raising campaign against such harmful**

³²Saleem, S. (2010), *Child Marriages: 10-year-old girls for Rs100000*; The Express Tribune, December 21, 2010

³³ Pakistan Bureau of Statistics, Government of Pakistan; Accessed on January 2011 at www.pbs.gov.pk/sites/default/files/.../fs2008_09/t04.pdf.

traditional practices. Strong and independent preventive and protective mechanisms are needed to deal with harmful traditional practices.

- 85. Amend the Child Marriage Restraint Act of 1929, and raise the age of marriage for girls up to 18 years.**

Sexual exploitation of children

86. The topic of prostitution is taboo; however, child prostitution is common in Pakistan.³⁴ Thousands of children – primarily boys – are working as prostitutes from as early as eight years old.³⁵
87. The number of child sexual abuse cases has increased yearly (1,839 in 2008, 2,012 in 2009, 2,595 in 2010). On average, six children are sexually assaulted every day, but reported cases are only a fraction of all cases. In addition, child victims and their families are dragged through the criminal justice system; there are no programmes, policies or systems in place to help victims of abuse seek justice.³⁶
88. 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

The Government should:

- 89. Ensure that professionals working on the front line with children, such as teachers, medical professionals, school counselors, and police personnel, are sensitized and trained to appropriately respond to child sexual abuse, including prevention, detection and management. A child-friendly reporting mechanism and easy court hearing system is needed for cases of sexual abuse. The police department should facilitate the process of registering First Investigation Report (FIR) for the victims of child sexual abuse by 2013.**
- 90. Establish victim rehabilitation centres at the district level that provide necessary support services to be managed by the Directorate of Human Rights.**
- 91. Amend the Prevention and Control of Human Trafficking Ordinance (PACHTO) to include specific provisions for trafficking of children, including trafficking within the country. The Government should establish anti-child trafficking units at the district level. An age determination board should be established and children deportees should be treated as victims rather than criminals by 2013.**

³⁴ Dawn TV (2011), Make Sex Workers in Pakistan clip 4 (EQUINO) Musafirkhana clip 4 at http://www.youtube.com/watch?v=EzWV86_9FL8

³⁵ The Express Tribune (2011), *Prostitution in the land of pure*; November 19, 2011

³⁶ Sahil (2008, 2009, 2010 and 2010) Cruel Numbers; Islamabad, Pakistan.

- 92. Establish a central database to record and monitor child abusers or exploiters so that their employment or any other activity does not bring them into direct contact with children by 2015.**
- 93. Ensure that child protection policies are approved and enforced at all levels, in particularly those in institutions and departments that deal directly with children by 2015.**

Children living and working on the street

94. There are an estimated 1.2 million street children in major cities of Pakistan.³⁷ Following the floods in 2010 and 2011, and ongoing conflict in the tribal areas, there has been a surge of street children in cities like Quetta, Karachi, Hyderabad, Sukkur, Multan, Lahore, Faisalabad, Rawalpindi, Islamabad, and Peshawar. In 2010, research revealed that, due to the war in Afghanistan and in northern parts of Pakistan, the situation of street children has deteriorated and child labour and the number of street children has increased.³⁸
95. While there has been a surge in street children, little has been done to counter this. There are about 30,000 street children in Karachi, 90% of whom are “addicts of different drugs while 74% of these addicts are involved in either glue sniffing or hashish and 15% consume heroin”.³⁹ Children on the streets are susceptible to all forms of violence and many have reported being sexually abused, often by policemen. Children on the street are beaten, tortured, sexually assaulted, forced to beg or into child prostitution and sometimes killed.⁴⁰
96. Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa have laws with regard to the supervision and control of orphanages, but these are not fully implemented. These laws also address street children. There is no system for collecting information about informal forms of alternative care, monitoring the quality of alternative care institutions, or periodically reviewing placements.

Recommendations

The Government should:

- 97. Support mechanisms for rehabilitation and reunification of street children. The efficiency of existing institutions such as child protection and welfare bureaus should be improved by allocating more financial, technical and human resources. A policy with clear guidelines on family tracing and reunification of missing children should be introduced. The police and district government should jointly take initiatives for tracking families of missing children by 2014.**
- 98. Ensure implementation of provincial laws for the welfare of orphans. It should introduce and support an alternative care mechanism for the protection of the rights of children and introduce community-based care programs. There should be regular**

³⁷ Shaukat, A. (2009), Delivering Girls’ Education in Pakistan; Oxfam GB Discussion Document; page 2

³⁸ Khan S, Hesketh T (2010), Deteriorating situation for street children in Pakistan: a consequence of war; School of Medicine, Imperial College London, London, UK.

³⁹ Human Rights Commission of Pakistan (2010). The State of Human Rights, pg. 227; HRCP, Lahore.

⁴⁰ Hanif, H (2010), ‘Over 90% of street children in Karachi are drug addicts’; Daily Times, Karachi, December 20, 2010

monitoring of existing orphanages to ensure that they meet international human rights standards by 2014.

Birth registration

99. Pakistan has not taken sufficient measures to remove structural obstacles to birth registration and harmonize birth registration systems across the country. No detailed by-laws, and an overall lack of awareness about the importance of birth registration among the general public, are the biggest hurdles in the way of birth registration in the country. The national average for birth registration is only 29.5 percent⁴¹, which means that more than 70 percent of children are not registered at birth. In the absence of birth registration records, juvenile offenders are at risk of being treated as adults in capital cases.⁴² Besides legal acknowledgment of the child's existence, birth registration is central in the realization of other human rights such as access to health care, enrolment in school at the right age, obtaining a national identity card or passport, opening bank accounts and applying for credit, voting, and securing employment.⁴³

Recommendations

The Government should:

- 100. Take legal and administrative measures to remove obstacles to birth registration (particularly for marginalized segments of society, e.g. prostitutes' children, street children and orphans) and harmonize laws related to birth registration across the country by 2015.**
- 101. Introduce relevant law and raise awareness among the public (through lady health workers and volunteers) about the importance of birth registration. The Government should also introduce compulsory computerized birth registration and link it with NADRA (National Database and Registration Authority), and the health and education departments by 2013.**

Children with disabilities

102. In 2011, Pakistan ratified the UN Convention on the Rights of Persons with Disabilities but it has not yet complied with the Committee's recommendations regarding the rights of children with disabilities. Pakistan has not implemented a national policy for persons with disabilities, nor improved physical access of children with disabilities to public service buildings, schools or recreational facilities.

Recommendation

- 103. The Government should implement a national policy for persons with disabilities so that children with disabilities have the legal right to physical access of public buildings. Children with disabilities should receive special cards and arrangements must be made for their entry into schools, parks, hospitals and other public places. The government**

⁴¹Imran, M. (2010), Lack of awareness biggest hurdle in birth registration; The News International, July 21, 2010

⁴²Human Rights Watch (2008) at <http://www.hrw.org/news/2008/09/11/un-five-countries-responsible-all-executions-juvenile-offenders-2005>

⁴³ UNICEF; Factsheet Birth Registration; at <http://www.unicef.org/newsline/2003/03fsbirthregistration.htm>

must also take measures to mainstream children with disabilities into the education system. All provincial and national governments should increase budgetary allocations upto 1% of the GDP for children with disabilities by 2013.

D. Progress made since previous UPR recommendations and CRC Concluding Observations & Recommendations

104. The government has been slow in implementing the majority of recommendations from the second (October 2004), third and fourth (October 2009) periodic reports by the UN Committee on the Rights of the Child. The Committee, in its 2009 Concluding Observations, urged Pakistan to take all necessary measures to address those recommendations from the concluding observations of the second periodic report, but many of those have not been implemented. These include:

- i) Age or definition of the child varies in different laws; children are defined differently; no harmonization of laws with the convention;
- ii) There are no monitoring mechanisms;
- iii) Funds for education and health have not been increased;
- iv) Funds for child protection have not been allocated;
- v) There is insufficient cooperation with non-government organizations;
- vi) There are insufficient preventive and protection measures against violence and abuse against children, including sexual abuse, child labour, and juvenile justice.

Recommendation

105. Pakistan should establish an independent National Commission on the Rights of Children (NCRC) on the model of the National Commission on the Status of Women (NCSW) and National Commission on Human Rights that could coordinate among relevant institutions, monitor actions and follow up on the implementation of international children's rights treaties. The NCRC should be provided adequate financial support to carry out these duties.