

## CRITICAL STUDY ON THE IMPLEMENTATION OF CHILDREN RIGHTS IN PAKISTAN

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### ABSTRACT

*This critical study aimed to evaluate the implementation of Children's Right in Pakistan during the last few years. This critical and sensitive issue, yet a challenging task analyze the role of institutions, particularly NGOs, specific government institutions, and public and private schools in implementing children's right in Pakistan during the last few years.*

*The study has helped to identify the important issues of children in Pakistan. The efficacy of the implementation of children rights has also been revealed.*

*The study consisted of all the NGO's, public and private schools, and Government institutions, who are working for implementing the rights of children in Karachi. The main study was conducted on a total sample of (N=204).*

*The study revealed that the issues of children and the Implementation of the Children Rights in Pakistan were over shadowed during the last few years. Education, security and social rights were not given proper attention during the last five years to its best, due to which, much effective results were not produced in improving children rights. Although the needs of children and their rights, particularly social and security rights were well understood by the respondents, but were not well addressed, both on social and political platform. Children were partially aware of their rights as they were kept in shade to learn about their privileges. Very few laws were imposed in favor of children rights without practical imposition to resolve the issues of children.*

*Findings of the study concluded that our country was unsuccessful in implementing Children's Rights in Pakistan during the last few years to its best.*

### INTRODUCTION:

Pakistan was one of the first countries to ratify the Convention on Children's Rights to ensure children access to basic rights. By agreeing to undertake the obligations of the Convention (by ratifying or acceding to it), national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.<sup>1</sup>

On November 12, 1990, Pakistan ratified the convention. It entered into force on December 12, 1990 in Pakistan. Since then, children rights are being recognized and promoted on different stages by Government of Pakistan.

At the federal level, the National Commission for Child Welfare and Development (NCCWD) and at provincial level, the Provincial Commissions for Child Welfare and Development (PCCWD) were given responsibilities to monitor, report and coordinate with the other government ministries, departments and NGOs for implementing the Convention.<sup>2</sup>

According to the Constitution of Pakistan 1973, Article 35, "The state shall protect the marriage, the family, the mother and the child."<sup>3</sup>

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The World Summit for Children (WSC) in 1990 was a landmark global event. Pakistan has the distinction of being one of the six countries that initiated the process to bring together the largest gathering of world leaders at the United Nations until that point. Following the World Summit for Children, Pakistan prepared a National Plan of Action to achieve the goals of survival, development and protection of children. A mid-decade review was undertaken to assess trends towards achievement of the goals. Following the World Summit for Children, Pakistan prepared First National Plan of Action to achieve the goals of survival, development and protection of children.<sup>4</sup>

The first national plan of action was prepared by Pakistan on the basis of the targets set by the World Summit for Children. However, in May 2001, the End Decade Review Report issued by the UN Secretary General stated that Pakistan's progress fell significantly short of the targets set by the UN in world summit. The on-ground situation has not improved much since this time either.<sup>5</sup>

Pakistan signed the optional protocol (of the Convention) on the sale of Children, Child Prostitution and Child Pornography on Oct 31, 2001. The optional Protocol on sale of children, child prostitution and pornography entered into force on Jan 18, 2002.<sup>6</sup>

Pakistan is a party to three international instruments aiming at directly or indirectly improving the rights of the child: the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified in 1996, the Declaration and Agenda for Action adopted at the issue of the World Congress against Commercial Sexual Exploitation of Children, signed in 1996, and reaffirmed by the Yokohama Global Commitment in 2001, and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour Convention (C182), ratified in 2001.<sup>7</sup>

In Pakistan, there is no standard definition of children. Under the Majority Act 1875, a child is defined as a person less than 18 years of age, while the labor laws fix the minimum age of employment at 14 years. The voting age is 18 years and the national identity card is also issued at this age. Under child marriage laws the marriageable age of a girl is 16 years and for a boy 18 years. A positive step towards a standard definition of a child is in the Juvenile Justice System Ordinance 2000. It sets the definition of a child at 18 years of age, raising it from 15 and 16 years in the provincial laws. However, the age of criminal responsibility remains seven years.<sup>8</sup>

Non-Governmental Organizations (NGOs) seems to grow in Pakistan soon after its independence, but its roots in the subcontinents dated back in 1927. Non government organizations have existed in Pakistan since independence in 1947. NGOs have helped change national perceptions and policies concerning sustainable development.<sup>9</sup>

After the ratification of Convention on the Rights of the Child by Pakistan, NGO's in Pakistan started taking profound interest for the welfare and security of children specifically. These Non Governmental Organizations played a crucial role in providing education facilities, social rights, and protection to children.

#### **CONDITION OF CHILDREN IN PAKISTAN:**

Pakistan ratified the Convention on the Rights of the Child (CRC) in November 1990. In this regard the National Commission for Child Welfare and Development (NCCWD)

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undertook various activities in collaboration with Provincial commissions for Child Welfare and Development (PCCWDs) and NGOs. After ratification, the objectives of NCCWD were revised to ensure implementation of various provisions of UN CRC. During last couple of years the NCCWD coordinated with UNICEF under annual Plan of Action (POA) for implementation, monitoring and reporting of UN Convention on the Rights of the Child.

The NCCWD initiated the following processes for effective implementation of the CRC in the country. These processes include:

- Review of national laws and enforcement of CRC through legislations; monitoring the violation of child rights; Reporting to the UN Committee on Rights of the Child on the implementation of the CRC.
- Disseminating information on the CRC and educating public on the subject; Thirty one (31) laws related to children have been compiled.
- A Bill on Child Offenders Act 1996 was introduced by the NCCWD as a step forward towards implementing the CRC.
- The NCCWD has prepared a training manual on juvenile justice system for judiciary, police and prisons personnel.
- In view of the seriousness of the problem of child labor, the Government of Pakistan has taken various administrative measures to provide child with basic educational training, health care, recreation and financial incentive to the family of a working child to combat poverty and economic exploitation of the child. One such achievement is the establishment of National Project for Rehabilitation of Child Labor by Pakistan Bait-ul-Mal. In this project 51 Centres for rehabilitation of child labor have been established in the areas where child labor concentrates.
- Recently, the Government has approved a National Policy and Plan of Action to Combat Child Labor. The primary concern of this plan is to promote basic education, skill development and concentrate on personality building of all children. The main theme of this plan is the strategic approach the focuses on rehabilitation activities, child care and child development. The NCCWD developed NGOs statement regarding policy and action plan to combat child labor for incorporation in the national document.
- Pursuing the Article 19, 34, 35 of the CRC and Stockholm Agenda to Combat Child Abuse and Commercial Sexual Exploitation of Children, a National Policy and Plan of Action (POA) has been drafted (after national consultation among all stakeholders both from public and private sector), which has been presented to the Government for approval.
- The Data Base Management System was launched with a view to fulfill the standards expressed in provisions of the CRC. The system has been developed with an objective to collecting information from the grass root at the district and community levels from all Districts of Pakistan. In this regard the following priority areas have been included in the revised methodology of the system: Child Labour including Domestic Child Labor; Birth Registration; Juvenile Justice; Child Abuse; Institutionalization of Children and Street Children.

The revised system will be launched during this year initially in ICT and selected district of the country after devolution of power plan.<sup>10</sup>

An initial report on the Implementation of the Convention was submitted to the Committee on the Rights of the Child in 1993.<sup>11</sup>

Pakistan submitted its initial report almost on time, but took nine years to submit the next one. The report was considered at a meeting in April 1994. The committee asked Pakistan to furnish it with a progress report by 1996 but this was not done. The second report was due by 1997 but it was not filed until 2002. It was reviewed by the committee and adopted on Oct 3, 2003. By the time the Committee took up the second report, the date for filing the third one had passed, and Pakistan was asked to consolidate its third and fourth reports and file them by 2007. The committee is overworked, and has formulated a strategy to partly overcome this. It holds a pre-session working group where interested NGOs can present their critique of the report and give supplementary and alternative information. Such a working group met to consider Pakistan's report in Geneva. The committee came up with a list of issues which has already been presented to the government. It is obvious that Pakistan's compliance with the convention leaves lot to be desired. A simple review of the committee's concluding observations given in 1994 and 2003 shows that we have failed to comply with most of the recommendations.

The committee, while issuing its concluding observations, has repeatedly asked Pakistan to follow the guidelines while preparing its report, but the government fails to do so. Few child-specific laws have been introduced. Only one law relating to child labor, i.e. the Employment of Children Act 1991 has been enacted since 1990 although its schedule was modified in December 2005, expanding its coverage, which has been a welcome development. Another positive development is Pakistan's ratification of the Minimum Age Convention (No 138), since July 6, 2007; and the Worst Forms of Child Labor Convention (No 182) in January 2001. In the year 2000, the Juvenile Justice System Ordinance was adopted which has perhaps been the sole legislation prepared to bring about a law to conform to the convention. However, the age of criminal responsibility remains at seven years under the Pakistan Penal Code 1860.

Two sets of child rights laws were introduced in Punjab in 1952 and 1983. They were never enforced. In 2004, the Punjab Destitute & Neglected Children Act was passed, which has so far been only used to operate a street children's centre in Lahore. The Sindh Children Act has been on the statute books since 1955. However, no major steps have been taken to implement it. No laws exclusively relating to child rights exist in Balochistan and the NWFP or Fata, the Northern Areas and Azad Kashmir. Laws making education compulsory up to the fifth grade have been introduced in most places except Balochistan, the Northern Areas and Azad Kashmir, but no steps have been taken to enforce these. A Child Protection Authority bill in Sindh and the Frontier and the Protection of Children bill at the federal level remain pending for years now. Unfortunately, we have been only talking about plans of action and policies since independence. Such action plans and policies have never been able to make a difference to the children of Pakistan for the simple reason that they have no validity under the law, and their status remains confined to a piece of paper.<sup>12</sup>

### **OVERVIEW OF THE STATE OF PAKISTANI CHILDREN AS PER DOCUMENTED:**

According to the report, published in 2004, eight million are suffering from malnutrition and 3.5 million are working in factories and fields. Pakistan offers worse conditions for children than any other country in South Asia, partially because the government has failed to implement legislation and international conventions which would improve conditions for children, according to a study by several children's rights organizations. Poverty, bad drinking water, physical and sexual abuse and child trafficking are among

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the areas where society and the government have failed to establish good conditions for children, according to the study. Statistics substantiate the study's claims. Nearly 8 million children, or 40 percent of the total population of children under the age of 5, suffer from malnutrition. About 63 percent of children between 6 months and 3 years have stunted growth and 42 percent are anemic or underweight. Poor nutrition leaves these children vulnerable to diseases. Poor conditions extend to the education sector. About 23 million children in Pakistan have never been to school. The United Nations Human Development Report for 2003 indicates that the youth literacy rate in Pakistan is around 58 percent, among the lowest in the world. Sexual abuse is another problem. According to statistics compiled by the Human Rights Commission of Pakistan, 111 children were abducted in Punjab and raped, sodomised or ransomed in 2003. Sixty-nine first information reports were registered, but only eight victims were recovered and only six suspects were held. Edhi Foundation sources said there was an alarming 30 percent increase over the previous year in the number of children running away from home. Over 10,000 children below the age of 15 were living on the streets and footpaths of Karachi alone. Most of these children said they left home because of domestic violence and family financial problems, said the Edhi Sources. According to a report by Amnesty International, there are more than 4,500 juvenile prisoners in Pakistani jails and 66 percent of them are under trial. Juvenile detainees are kept with adults, leaving them vulnerable to sexual and physical abuse. The government has been accused of not implementing the Juvenile Justice System Ordinance, which calls for the end of capital punishment for convicts under 18. Poverty also forces some poor families to let children work instead of attending school. According to the United Nations Children's Fund, about three million children under the age of 14 and 18 percent of children between the ages of 10 and 15 are working. Pakistan's Federal Bureau of Statistics places the approximate figure of child laborers at 3.5 million. Child laborers are often found in the carpet weaving industry, brick kilns, mining industry. They often work for 10 to 12 hours every day. Trafficking in children is another form of commercial abuse. The Lawyers for Human Rights and Legal Aid estimates that at least 360 children were smuggled to Arab countries in 2003 for use as camel jockeys. Many cases were not reported. In some cases, impoverished parents sold their children for around Rs 3,000 to 7,000 per month. These children were illegally sent to the Arab states to work under extremely harsh conditions.

According to some reports, the children were deprived of food and water to keep their weight down prior to the race and some children were beaten for refusing to mount a camel. The Prevention and Control of Human Trafficking Ordinance 2002 has very little impact and not a single conviction has occurred under this ordinance so far, the study reports. To change the prevailing conditions, the study recommends the implementation of existing legislation and international conventions and more specific laws to check the smuggling of children. Rights bodies have also called for legislation to prevent the sale of children by impoverished parents and punishments for runaways. The study was done by organizations including the Human Rights Commission of Pakistan, the Society for the Protection and Rehabilitation of Children and the United Nations Children's Fund.<sup>13</sup>

According to the Report of Human Right Commission Pakistan 2005, Many laws intended to protect children went largely unimplemented. Growing awareness about the rights of children and the introduction of some protection measures by government pointed towards a slight improvement in the situation. During the first six months of 2005, 71 children were murdered after sexual abuse. ..The physical abuse of children

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remained widespread, while due to the conditions in which they lived, many children across the country suffered malnutrition, illness and death...spending on education remained below UNESCO recommendations. Only 39 % of the women in the country were literate, according to official figures 50% of school-age children in Sindh were reported to be outside classrooms. The unofficial infant and child mortality rates were stated by international agencies to exceed averages for low income countries by 60 and 36 % respectively. Spending on health was under one percent of GDP, among the lowest in the world.<sup>14</sup>

UNICEF's annual report on the State of the World's Children for 2005, launched in Dec 2004, put Pakistan at 46th among 157 countries in terms of basic indicators for child welfare. The findings showed 19 percent of children born in the country between 1998 and 2003 were of low birth weight. The Federal Bureau of Statistics, in its demographic survey for 2001, the results of which were published in 2003, reported 785 infant deaths daily across the country and 1,019 deaths of children aged between one and five years.

Child labour and corporal punishment were believed to be the major cause of the Sindh school drop-out rate of over 50 percent, while similar reasons were also responsible for children leaving school in other provinces. Access to clean drinking water, adequate food, healthcare and education was denied to most children in the country.<sup>15</sup>

In the following year, the report of HRCP 2006 states, children orphaned or separated from their parents in the October 8, 2005 quake remained at risk even a year after the disaster. Children continued to be made victims of violent crimes with the cases of kidnapping for ransom rising across the country. At least 50,000 children lived on the streets, according to estimates by rights groups. Although Pakistan ratified ILO Convention 182 on the Worst Forms of Child Labour in 2001, children continued to be employed in dangerous occupations, including mining. There was an increase in incidents of gang-rape, including cases involving minor girls.<sup>16</sup>

Health statistics, particularly for women and children, were amongst the worst in the world.<sup>17</sup>

Literacy rate in 2005 stood at 53 percent while infant mortality rate were noted to be highest among South Asian countries. There were approximately 1.7 million bonded labourers.<sup>18</sup>

Pakistan spent around two percent of its GDP on education, the lowest figure among South Asian countries. While government policies focused on enrollment, reports from many parts of the country stated existing facilities were in a dismal state. There were approximately 1.7 million bonded labourers as well.<sup>19</sup>

According to Annual report 2007 of HRCP, child healthcare continued to be poor and inadequate resulting in the spread of disease and high mortality rates. Pakistan's under-5 mortality rate was recorded at 99 out of every 1,000 live births - higher than that of Bangladesh. 38% of children in Pakistan were reported to be moderately or severely malnourished. Children, especially minor girls, continued to be the victims of widespread sexual and physical abuse. At least 258 cases of rape and gang-rape and 138 deaths by killing were reported... Child labour and trafficking remained rampant across the country. Increasing numbers of street children were also reported to have become

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drug addicts with almost 83% of street children between the ages of 8 and 19 reportedly sniffing glue.<sup>20</sup>

Child labor was also widespread with reports stating that more than 3.6million children under the age of 14 were working under hazardous and exploitative conditions. Labor laws were largely ignored...Pakistan was placed at 144th in the world literacy ranking. The education sector was plagued by corruption, misuse of funds & resources and inconsistencies in the implementation of education reforms.<sup>21</sup>

It was reported that around 550,000 children in Pakistan die before reaching the age of five every year.<sup>22</sup>

In 2008 in Pakistan 6,780 cases of violence committed on minors took place: sexual abuse, targeted murders, abductions, forced labor and suicides are only some example of this, to which the exploitation of “child soldiers” in the war between Islamic fundamentalism and the army must be added. The 2008 report on the “Condition of Children in Pakistan” –released by the Society for the Protection of the Rights of the Child (SPARC) – underlines the governments failure to apply national and international law in protection of the rights of minors. The document reports that almost 30% of children under the age of five are malnourished... It claims that 30-40 percent of children of school going age across the country, are not attending schools.

The report cites a study by the Initiator Human Development Foundation in 2008, saying children from the lower strata of society studying at the religious schools also fall victim to sexual violence. The study claims seminary teachers sexually abused 21 % of sample students.

The SPARC report says the government, despite its claims, has not favor polices to protect minors. In 1988 funding for education was equal to 2.4% of the Gross National Product (GDP). In the two year period of 2007-8 it grew little, arriving at a miserable 2.9% of the GDP. Pakistan is still far from reaching the Millennium Development Goals (MDG): among which is the guarantee of education for all by 2015.<sup>23</sup>

### **MAJOR ISSUES OF CHILDREN IN PAKISTAN:**

The major issues face by children in Pakistan is as follows:

**Issue of Education:** According to Article 26(1) of the Universal Declaration of Human Rights, everyone has the right to education.

According to Article 37 (b) and (c) of the Constitution of Pakistan, the state shall remove illiteracy and provide free and compulsory secondary education within minimum possible period; make technical and professional education generally available and higher education equally accessible to all on the basis of merit... According to Article, 22 (3) (b) of the Constitution of Pakistan, *no discrimination in admission to educational institutions receiving public funds on grounds of race, religion, caste or place of birth.*

Since 2000, governments throughout the developing world have been striving to various degrees to meet the Millennium Development Goals. The second goal states: ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling. The Pakistani government has reaffirmed its intention to work

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towards the goal and put policies in place to improve education in Pakistan. Yet, statistics show that there certainly is a lot of work to be done. Over 16 million children attend primary school in Pakistan but millions more do not spend their days in the classroom. There are numerous sets of data on primary school enrolment but all numbers are pretty abysmal.<sup>24</sup>

According to the Information from SPARC<sup>25</sup>, the net primary enrolment rate in Pakistan from 2001-2005 is given below:

	2001-02 PIHS		2004-05 PSLM	
	Male	Female	Male	Female
Punjab	47	43	60	55
Sindh	46	34	53	42
NWFP	48	33	53	40
Balochistan	39	24	44	29

### NET PRIMARY ENROLMENT RATE IN PAKISTAN

**Source: State of Pakistan Children, 2005**

The National Education Census (NEC) conducted by the education ministry, though flawed, reveals the ills that plague Pakistan's education system. The census reveals that out of the 26,809 urban areas, 6,149 were without institutions while out of the 50,585 villages, 10,908 had no institutions," it said. It added that in 151,744 public institutions, enrollment was 21,258 with 0.724 million teaching staff, while in 76,047 private institutions the enrollment was 12,121 with a teaching staff of 0.633 million.<sup>26</sup>

Pakistan was graded last in the Asian Pacific Countries' School Report Card published in 2005 by the South Asian Pacific Bureau of Adult Education. The dismal result comes as no surprise, considering the low investment of less than 2.3% of the GDP made by the government on public sector education. According to the World Bank it is much lower than the South Asian average of 3.6% and the low –income countries' average of 3.4%.<sup>27</sup>

A large number of primary school age children (over six million according to recent estimates) are not participating in the school system and about 52% of such children are girls. The result is one of the lowest literacy rates in the region, out of the country's population of 165 million, 48 million are unable to read and write. The situation of Sindh is very much similar to that of the country. The literacy rate stands at 55% and only 42% of girls are enrolled in the province.<sup>28</sup>

According to HRCP report, in 2007, Pakistan was placed at 144th in the world literacy ranking. The education sector was plagued by corruption, misuse of funds and resources and inconsistencies in the implementation of education reforms. Pakistan was put at a low EFA Development Index (EDI).<sup>29</sup>

The Education for All (EFA) global monitoring report 2007 has pointed out that about 6.463 million children in Pakistan do not go to school, which is the second largest quantity in a country.<sup>30</sup>

In year 2007, besides many other failings, decline can be seen in two key indicators of primary education: lower quality and absenteeism of teaching staff and shortage of textbooks.<sup>31</sup>



According to Annual Report of UNICEF 2007,

“Pakistan presently spends less than three per cent of its GDP on education, though its education indicators are low. About one third of women are literate, and almost half of primary school aged children are out of school. The net primary school enrolment rate is estimated at fifty eight per cent for boys and forty eight per cent for girls.<sup>32</sup>

According to the report of Human Rights Commission of Pakistan 2008, at 120th spot, Pakistan remained at the bottom in the EFA Development Index ranking with the lowest allocations to education as a percentage of the GNP in terms of public expenditure. There were fears that around 400,000 children enrolled in schools opened by the National Commission for Human Development (NCHD) could find their institutions closed down in case the Commission was wound up. Contracts of 22,445 NCHD employees had been terminated after the commission's funding was reduced by 50 percent. The Economic Survey for 2007-08 revealed that 12,737 public sector educational institutions out of a total of 231,289 were non-functional. Of the 57,000 government schools across the Sindh province, over 8,000 were 'ghost schools'. 63,000 schools out of a total of 64,000 across the Punjab province lacked computer labs and instructors despite the government's claims of providing computer education at government schools. Nearly 6.5 million children in the age group of five to nine years remained out of schools, over 2.6 million in NWFP.<sup>33</sup>

According to statistics from the UN, the dropout rate in Pakistan was 50 percent higher than other countries in the world and corporal punishment remained one of the major causes. UNICEF and other child rights organizations were consistently calling upon the government to end corporal punishment and introduce necessary legal provisions to forbid it. (NE, May 15) Notwithstanding the claims by the government, the enrolment of children in schools had not increased.<sup>34</sup>

**Issue of Physical, Mental and Sexual Abuse:** According to Article 11 (3) of the Constitution of Pakistan, 1973, the state shall protect the marriage, the family, the mother and the child. The state shall make provisions for ensuring that children are not employed in vocations unsuited to their age. Humans have inherent dignity as well as universal inalienable rights and children are no exception. On the contrary, they are usually the most powerless segment of society and therefore the most vulnerable to violence. Children in Pakistan have the right to protection from abuse, neglect and exploitation. Aside from being intrinsically wrong, violation of a child's right to protection has many consequences.

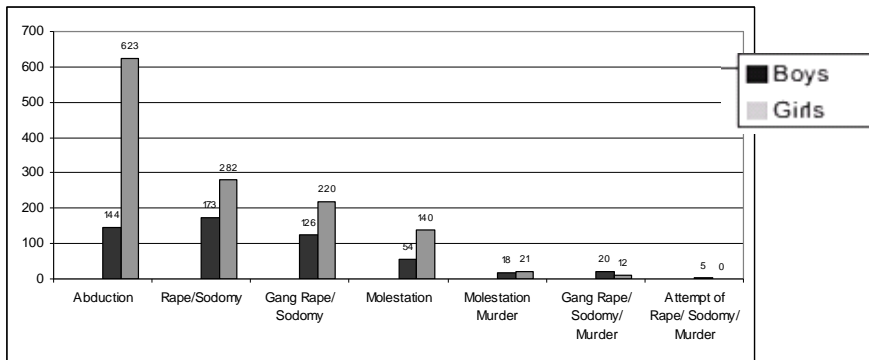
*Pakistan* is one of the largest Muslim *countries in* the world and she always advocates the rights of Children. The table given below shows the legislation, relevant to child prostitution and sexual abuse.<sup>35</sup>

The Pakistan Panel Code, 1860
The Female Infanticide Prevetion Act, 1870
The Reformatory Schools Act, 1897
The Offence of Zina (Enforcement of Hadood) Ordinance, 1979)
The Punjab Children Ordinance, 1983
Employment of Children Act, 1991
Abolition of the Punishment of Whipping Act, 1996

**NATIONAL AND PROVINCIAL LEGISLATION**

In Pakistan, there are no laws that deal specifically with the abuse of children or sexual abuse not involving penetration. There are only provisions regarding rape and sodomy thus penetration is necessary for the sexual abuse to be a punishable offence. Since less than half of the Child Sexual Abuse (CSA) cases involve penetration, neither the Pakistan Penal Code nor the Hudood Ordinances are not applicable to the majority of CSA cases. The Pakistan Penal Code provisions used to prosecute sexual abusers directly are rape and sodomy. Murder and kidnapping cases are also used to punish offenders. Section 376 on rape of women prescribes a punishment. Section 377 covers sodomy and gives a punishment of 2-10 years. Section 254 covers sexual harassment but the maximum punishment is two years imprisonment. Even though the Pakistan Penal Code could be used to prosecute cases, the authorities use the Hudood Ordinances. The punishment is only given if the accuser confesses or if there are four pious male Muslims eyewitnesses.<sup>36</sup>

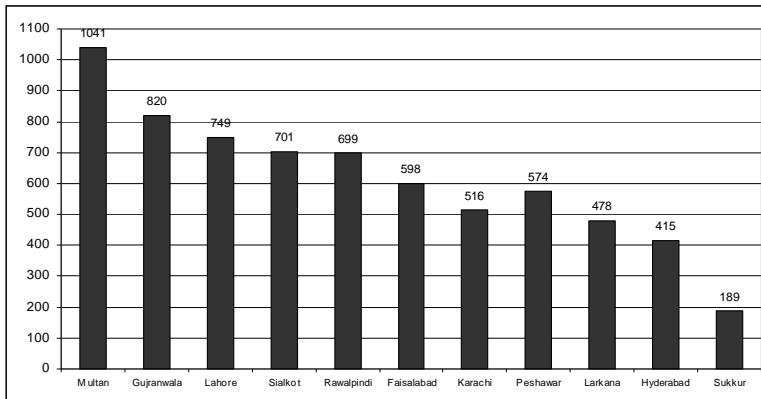
According to the Research of Sahil, Cruel Numbers, 2008.<sup>37</sup>



**TOTAL NUMBER OF INCIDENTS OF SEXUAL ABUSE**

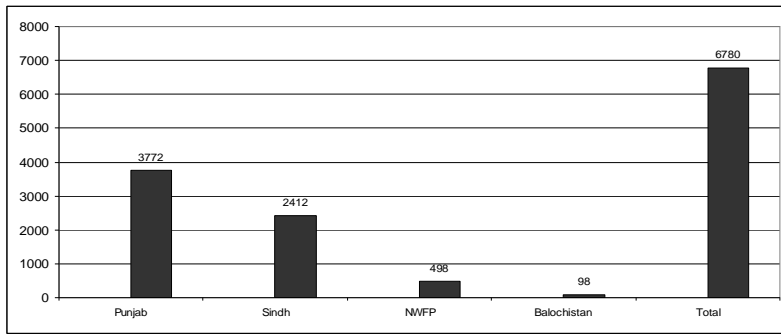
Source: Cruel Numbers 2008. SAHIL. Islamabad.

According to the report, published by SPARC in 2009<sup>38</sup>, City- wise Break-up of Violence against children in 2008 are as follows:



**CITY- WISE BREAK-UP OF VIOLENCE AGAINST CHILDREN**

Source: SPOC, 2008. Islamabad



### PROVINCIAL BREAK-UP OF VIOLENCE AGAINST CHILDREN

Source: SPOC, 2008. Islamabad<sup>39</sup>

According to the Actionaid Pakistan study on Violence against Girls and the Education System, violence against the girls take place in schools and on the way to school and it takes many forms. It includes sexual violence, sexual harassment, intimidation, teasing and threat of violence. The girls themselves identified sexual harassment on the way to and from schools as the most common pervasive and threatening occurrence.<sup>40</sup>

**Issue of Child Labor:** The problem of child labor has many faces in Pakistan, as in any other developing country of the world. It can be seen in the faces of children in any workshop, informal set up or brick factory, doing hazardous work. It can be seen in the faces of children in Pakistan's rural areas, suffering permanent physical deformities from making carpets.<sup>41</sup>

Article 32 of CRC reads, "State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development". Article 11 of the Constitution of Pakistan prohibits all forms of forced labor and trafficking human beings. Article 11 further states that slavery is non-existent and forbidden and no law should permit or facilitate its introduction in Pakistan in any form. Article 9 of the Constitution is also relevant in that it states that no person could be deprived of liberty save in accordance with law. The Pakistan Penal Code 1860(No XLV) also makes slavery a criminal offense. Its section 370 makes import, export, removal, buying, selling or disposing of any person as a slave, or accepting, receiving or detaining any person against his or her will as a slave, punishable with imprisonment extended up to seven years, or fine, or both. Section 371 supplements the section 370 provisions by making habitual import, export, removal, buying, selling, trafficking or dealing in slaves punishable with imprisonment for life or with imprisonment for a term not exceeding ten years, and fine. Section 374 goes on to say that unlawfully compelling any person to labor against his will is punishable with imprisonment for a term extending up to five years, or with fine, or with both.<sup>42</sup>

Economic exploitation of children or child labor is one of the worst forms of child abuse and neglect in Pakistan. Children are found working in almost every economic sector in the country. A large population of our children has become a financial commodity. These children live in abject conditions throughout their lives chained to poverty and

deprivation. A large proportion of these children are invisible, working in the informal sector. Many of them are traditionally and economically bonded and also working in hazardous occupations.<sup>43</sup>

Child labor is deeply rooted in the Pakistani society and the children involved in this painful reality have started accepting it as their fate. For them, this has become a normal part of life. Child labor is an invasive problem throughout the world. This dilemma, particularly extensive in the developing countries is denying millions of children a happy, healthy and prosperous childhood. At a time when they should be at school and preparing for a productive adulthood, young boys and girls are losing their childhood and, with it, the chances for a better future. Child labor in Pakistan is especially prevalent in rural areas where the capacity for the implementation of existing laws is low.<sup>44</sup>

Pakistan is constitutionally, internationally and legally bound to abolish child labor and bonded labor but even then children continue to work in millions throughout the country. Pakistan has taken few steps to combat against child labor, by enacting certain national legislatives. Beside that, Pakistan is signatory to the: ILO Convention on the Worst Forms of Child Labour (No. 182); ILO Forced Labour Convention (No. 29); ILO Abolition of Forced Labour Convention (No. 105) and UN Convention on the Rights of the Child (CRC). In 1998, the Government of Pakistan constituted a task force on child labour under the chairmanship of the Federal Minister of Labour with the mandate of formulating policies and strategies for the elimination of child and bonded labour in Pakistan and to prepare plans for the implementation of policies and strategies.<sup>45</sup>

The Government of Pakistan, on 31 December 2003, released its Poverty Reduction Strategy Paper (PRSP), titled 'Accelerating economic growth and reducing poverty: The road ahead'. The PRSP gives due consideration to the issue of child labour in the planning of its targets. It clearly outlines its commitment on child labour issues and states, "Although the government is committed to eliminate child labour as reflected in the National Policy and Plan of Action to Combat Child Labour, it is pursuing a policy of gradual elimination of all forms of child labour and immediate elimination of the hazardous and exploitative forms of child labour under IPEC. To achieve this objective, certain specified target programmes have been initiated."<sup>46</sup>

Ministry of Industries and Production Textile Commissioner's Organization promised that manufacturing units will not engage in or support the use of child labor (15 years and below) and will promote education for children covered under I.L.O. recommendation 146 and young workers who are subject to local compulsory laws are attending school. The firm shall not expose children or young workers to situation in or outside of the work place that are hazardous, unsafe, or unhealthy.<sup>47</sup>

According to an ILO (2004a) report, more than 2 million children are found in domestic labour in South Africa, 559,000 in Brazil, 250,000 in Haiti, 200,000 in Kenya, 264,000 in Pakistan, 100,000 in Sri Lanka, 300,000 in Bangladesh, 62,000 under the age of 14 in Nepal, and 20% of all children under the age of 14 in India.<sup>48</sup>

According to the Federal Ministry of Labor<sup>49</sup>, status of the Implementation of the Employment of Children Act, 1991 in 2005, is given below:

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Year	Province	Number of Inspections	Number of Prosecutions	Number of Convictions	Penalty imposed
2005	Punjab	18698	163	39	4250
	Sindh	Nil	Nil	Nil	Nil
	NWFP	774	7	6	1700
	Balochistan	NA	NA	NA	NA
	Total	19472	170	45	5950

**Implementation of the Employment of Children Act, 1991  
(Province-wise/ Year-wise)**

**Source: Federal Ministry of Labor, 2004**

According to the Report of HRCP, published in 2008, the government kept claiming that a comprehensive survey on the extent of child labor in Pakistan would be conducted soon but no headway was made in this regard during 2008. Lack of proper statistics meant the problem could not be addressed properly and the severity of the issue remained diluted at best.<sup>50</sup>

According to the FBS survey, about 73% (2.5 million) of working children are boys and 27% (950,000) are girls. About 2.1 million are between 10-14 years, and the rest are between five and nine years. The survey concludes that more than 2.9 million children work in rural and 400,000 in urban areas, making the number of working children in rural areas more than seven times that of urban areas. About 60% (1.94 million) of working children are found in the Punjab, followed by NWFP with 1.06 million young workers, Sindh with 298,000 and Balochistan with 14,000 child workers, the survey report says. The survey found that about 71% of the total working children are engaged in agriculture, sales and services, mining, construction, manufacturing, domestic service and transport sectors.<sup>51</sup> Thus, Child labor still exists in Pakistan, and, is rising with high proportion.

**Issue of Health:** According to the Constitution of Pakistan Article 38(a) and (d) the state shall secure the well-being of the people, irrespective of sex, caste, creed and race, provide basic necessities of life, such as medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

According to the Annual Report 2007 of Pakistan Medical Association<sup>52</sup>, a glance of health is given below:

<b>Population</b> < 160 million	
<b>Under five Mortality</b> 103/ 1,000	
<b>Infant Mortality Rate</b> 80/ 1,000	
<b>Immunization at 12 months of age against TB</b> 78%	
<b>Immunization at six months of age against six (preventable diseases)</b> 53%	
<b>Maternal Mortality Rate</b> 340-500/ 1,00,000	
<b>GDP on Health</b>	
<b>Government Sector</b> 0.6 percent	<b>Private Sector</b> 1.7 Sector

**HEALTH INDICATORS**

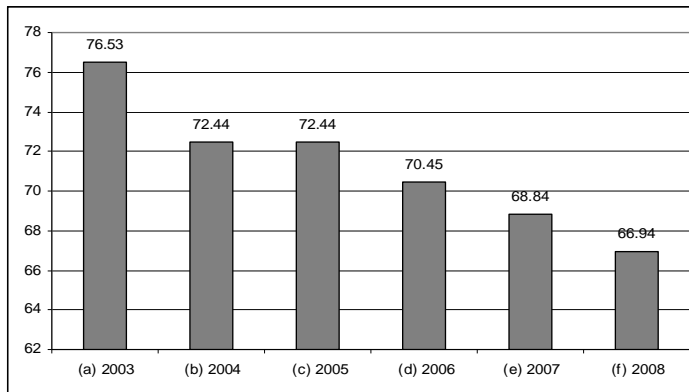
**Source: Annual Health Report 2007, Pakistan Medical Association, PMA**

Health expenditure as a percentage of GDP was 0.57% in fiscal 2007-08, almost the same as it has been since 2001.<sup>53</sup>

In its 'State of the World's Children' Report for 2007, released in December, UNICEF stated 500,000 children in Pakistan died each year before reaching the age of five years. Save the Children reported that out of every 100 children born, nine would die before their first birthday. The government of Pakistan, in the Economic Survey for 2005-2006, acknowledged that Pakistan lagged well behind other countries in the region with respect to indicators on the situation of children. According to the report, infant mortality for 2003 stood at 74 per thousand live births, and under-five mortality at 98 per 1000 live births. The figures were the worst in South and East Asia. Save the Children reported that approximately one-third of the population in Pakistan lived in poverty, 70 million did not have access to health facilities and these realities particularly affected the health of children. According to Annual Report UNICEF 2007, every day, about 590 children in Pakistan die during their first 28 days of life. An additional 500 who survive their first month die at under five years of age every day. About 420,000 children under the age of five die every year in Pakistan. Lack of awareness about health and nutritional care and practices during and after pregnancy leaves women and children highly vulnerable.<sup>54</sup>

The Health Ministry of Pakistan had set specific goals for 2008 because of the unsatisfactory performance of the health sector in 2007, but it was unsuccessful in achieving them. The state was unable to permanently eradicate polio, unsatisfactory performance of the National Aids Programme took Pakistan from being described as a 'low prevalence country' to a 'concentrated epidemic country' for HIV/AIDS, mother-child care, hepatitis and TB control programmes remained below the mark.<sup>55</sup>

According to CIA World Fact book, 2008<sup>56</sup>, the infant mortality rate of Pakistan is:



### INFANT MORTALITY RATE OF PAKISTAN

Source: CIA World Fact book, 2008

**Data Analysis of Literature and Questionnaire:** During the last five years, children's education and health rights in Pakistan were in dismal state. The poor health indicators and literacy rate alarmed that the implementation of children rights were practically missing. As far as security is concerned, children are vulnerable to sexual and physical abuse. Child abuse and corporal punishment were widely practiced phenomenon in the world, particularly in Pakistan.

It was also observed that new laws were passed by Pakistan after 2000 to protect children from violence, but the studies revealed that after 2000, children were more subjected to violence, which indicated that the laws were not implemented practically.

The statement made by the United Nations Committee on the Rights of the Child also revealed that the record of Pakistan in protecting children's rights was unsatisfactory.

The literature also revealed that all those government institutions, working to provide safeguard to children were weak and suffered from mismanagement, lack of interest, lack of funds and commitment. Most of the children still stare to get their social, education and protection rights; but their rights have not yet resumed.

The issue of Children Rights and the Implementation of the Children Rights in Pakistan was over shadowed and rarely touched during the last few years. The convention on the rights of the child is not serving as a guaranteed savior here in Pakistan, because children rights were not implemented in most of the vulnerable areas. Education, security rights and social rights were not given proper attention during the last five years to its best, due to which much effective results were not produced in improving children rights. .

There was no proper security for children and freedom of speech was not practiced in our country. Illiteracy was at peak, as compared to other nations because good education was unavailable to many. According to the respondents, there was a lack of serious attitude of officials in favor of children and there was a lack of infrastructure.

Billions of rupees were spent since the ratification on children rights convention, at the same time, few bills and laws were passed in context to the implementation of children rights in Pakistan. Few of the researches and studies were produced from the published news items or International reports, based on the repeated work. Although some of the reports may have indicated that hundreds of seminars were organized, but much funds were not utilized to provide better opportunities to children. International like Norwegian, UNICEF and International Amnesty must consider this issue as a serious threat to the money provided to Pakistan and must check and balance all the status of the funds, provided so far.

NGOs did some impressive work such as setting up schools and to work for juvenile justice; but during the research it was revealed that a lot more has to be done such as working in close contact with government. During the research, it was observed that few NGOs did a great job by establishing different schools in collaboration with civil society, which has escalated the rate of literacy, but these schools are still insufficient as compare to the growing population of children. NGOs played its part in creating awareness by arranging seminars and spending millions without much positive outcomes. Rehabilitation programs were developed, materials were disseminated, advocacy was provided; but there was a lack of implementation of policies and laws by Government.

Corporal Punishment is still practiced commonly in Pakistan. It has demoralized and developed complex of inferiority in children rather producing any positive results.

As far is health is concerned, government provided free vaccinations and other medical facilities to the poor and needy people in a limited areas. Death of children due to air borne diseases and water borne diseases decreased in only urban areas. Health centers and vaccination centers were increased and health standards were improved only in urban areas, but for rural population, health issues such as lack of availability of pure water; lack of quality vaccinations; expensive treatments of sexual diseases, lack of

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knowledge and traditional using medical methods, malnutrition, were all like a saga, which were not addressed properly during the last five years.

The security problems such as physical and mental torture; sexual abuses; kidnapping; trafficking, and using children for suicidal bombs were not improved in last decades. Government claimed many laws imposition, but it was revealed that not many laws were imposed, related to children.

There were many barriers in implementing children rights in Pakistan such as: the government was not very serious in raising issues of children; there was political unrest in the country and the political issues were always raised rather children issues. Similarly, most of the NGOs were not working in collaboration with Government due to many reasons. Among all these issues, children were only grinded and their issues were left unheard.

Much of the respondents have not shown any expectation level from the government and NGOs to provide better opportunities for children.

### CONCLUSION:

The research concluded that children are still in a state of dismal, here in Pakistan. So far, our country has not attained well results in implementing children rights in Pakistan.

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