

## CRITICAL STUDY ON THE ASIAN COUNTRIES ASSESSMENT ON CHILDREN RIGHTS

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### ABSTRACT

*The study aimed to evaluate the Implementation of Children rights in few Asian Countries, particularly, Pakistan. The study identified the important issues of children in Asian Countries besides highlighting the value and importance of children. . The data for the study is gathered through an integrative literature search of previous studies related to child rights, produced nationally and internationally and compared with the level of the implementation of Children Rights in Asia. The study conclude that although the issues of children were highlighted by most of the Asian countries but the practical Implementation of the Children Rights in Asia, particularly Pakistan, were over shadowed during the last few years. Very few laws were imposed in favor of children rights without practical imposition to resolve the issues of children in Asia.*

Human Rights are the fundamental rights to which a person is inherently entitled regardless of caste, creed, custom, etc., and states are accountable to respect, promote, protect and fulfill legal commitments on human rights. Many Asian countries have used rights to bring about social reformations, particularly to promote the situation of women and children. Numerous Non Governmental Organizations (NGOs) exist to promote specific social reforms on the improvement of the situation of particular groups (such as women, children, indigenous peoples, the disabled). The advocacy of human rights in Asia is among the strongest in the world, and provides a forum to the Asian countries to link together for effective co-ordination.

According to Twining<sup>1</sup> human rights are mostly used to critique social relationships and institutions. Goonesekere<sup>2</sup> stated that in some of the South Asian countries, the conduct of private actors is brought within the scope of constitutionally guaranteed fundamental rights on the basis of state inaction to prevent infringement.

Children rights are the most important rights to be addressed in today's world in order to secure the future generations. There are many world events that have triggered discussions, debates, images, policies and practices related to the world's children, especially those in developing countries. World conventions and movements, such as Conventions to the Rights of the Child, Education for All, United Nations Millenium Summit, have urged the governments to adopt policies and programs to protect the fundamental rights to children. Under this pressure, all South Asian governments have ratified the UN Conventions on the Rights of the Child. However, violation of children rights continues on a daily basis on South Asian countries. Amnesty International<sup>3</sup>.

In fact, Machel<sup>4</sup> argues that the conditions of children have worsened with the ongoing conflict and modern warfare, while Seabrook<sup>5</sup> argues that globalization and economic neo liberalizations are the main factors for the exploitation of children.

According to UNICEF<sup>6</sup>, a vast majority of children in South Asia are denied basic human rights and suffer from severe malnutrition with close to half of all the children under five being underweight, while Amnesty International<sup>7</sup> reported that illegal and

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arbitrary detention, physical and sexual abuse are in common practice under police custody. As a result, Goonesekere<sup>8</sup>, Pattnaik<sup>9</sup>, children in South Asia suffer from severe psychosocial issues and extreme poverty

Few examples of the country assessments (particularly Asia) on the Implementation of Children Rights are given below:

### **COMBODIA:**

Cambodia is one of the poorest countries in Asia. It also has a long recent history of international and civil war that finally ended completely less than a decade ago. In many ways children still experience the legacy of the decades of war in their daily lives, even though most of them were born after the worst of the violence was over.

According to the National Institute of Statistics Cambodian Demographic and Health Survey<sup>10</sup> some of the facts about children in Cambodia are as follows: In a population of 13.8 million, 1.8 million (13%) are under the age of 5 years and 6.25 million (45%) are under the age of 18 years; Child mortality rates are very high: 97 per 1000 die before the age of 1 year, 141 per 1000 die before the age of 5 years; each year 60,000 children under the age of 5, 41,000 of them infants, die; 13% of children under 5 are severely underweight; 45% of children under 5 are moderately or severely underweight; The maternal mortality rate is 450 per 100,000 births; The primary school net enrolment rate is 96% for boys and 91% for girls.

The Cambodian Constitution<sup>11</sup> includes specific provisions for the protection of human rights, including the rights of the children as stipulated in the Convention on Children.

A Cambodian National Council for Children was established in 1995 to promote, coordinate, and oversee implementation of the Convention but it has few powers and limited resources. In its Concluding Observations in 2000, the Committee on the Rights of the Child recommended that the role of the Cambodian National Council for Children be strengthened, that it be given more substantial resources, and that it collaborate more closely with nongovernment organizations. *Committee on the Rights of the Child*<sup>12</sup>

It also recommended in the Resolution of the UN Commission on Human Rights<sup>13</sup> to establish an independent mechanism, such as an Ombudsman for Children, to monitor implementation of the Convention, to receive complaints from children and provide remedies, and to provide and promote education on children's rights.

Resolution of the UN Commission on Human Rights<sup>14</sup> and the Human Rights Committee established under the International Covenant on Civil and Political Rights have both recommended the establishment of an independent national human rights institution to cover all human rights.

According to the Committee on the Rights of the Child<sup>15</sup>, Cambodia ratified the Convention on the Rights of the Child in 1992 without reservation. Its initial report, due in 1994, was filed on 24 June 1998 and was subject to examination by the Committee on the Rights of the Child in May 2000.

There is no doubt that Cambodia has made significant progress over the past decade in many areas of children's rights. Increased educational participation and attainment is perhaps the most obvious. Increased immunization is having an impact in reducing the

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incidence of preventable childhood disease. Polio has been eliminated. Laws have been drafted in many areas of relevance to children, though too few of them have actually been enacted. The Government has developed and adopted multiyear planning strategies. Nonetheless the challenges remain enormous. The most significant challenge is still the reduction in infant and child mortality rates. In spite of many years of effort these rates seem stuck around the same high levels. The deaths of one in seven children before the age of 5 years have a profound impact not only on the families most directly affected but the society as a whole. There can be no doubt that reducing this suffering is the highest child rights priority.

While acknowledging the difficult context of Cambodia the assessment of the status of children must still ask why things are not better. In performing its reporting obligations under the Convention on the Rights of the Child and the two Optional Protocols, Cambodia has not demonstrated any seriousness. Its initial report was presented in 1998, four years late and no other report has been presented since then...Cambodia has a governance problem which includes a corruption problem. These problems are undermining the capacity of the Government and the country to address the serious deficiencies in Cambodian children's enjoyment of their rights. They result in the diversion of much needed funds from meeting children's needs to other purposes. They lead to governmental paralysis, for example, in securing the passage of necessary legislation or the development of programs. They restrict the ability of non-government organizations and other actors to act independently to support children and respond to their needs. It is difficult to see how the situation of children in Cambodia can improve until the governance problem is addressed with the seriousness and determination required. Noel, J et al<sup>16</sup>

### **INDONESIA:**

Indonesia is a developing country but it is not among the least developed and poorest. It has resources it can mobilize. It also has a very stable, democratic political system with a number of effective, skilled leaders. But the challenge is to meet the needs and ensure the rights of more than 75 million children... The greatest challenge confronting Indonesia in ensuring the full enjoyment of all the rights of all its children is the sheer numbers involved.

According to UNICEF<sup>17</sup> about a third of Indonesia's population is under 18, a low proportion compared with many developing countries but, with Indonesia's enormous population, this is over 75 million children.

Presidential Decree on the National Plan of Action<sup>18</sup> stated that in the Islamic culture of Indonesia, children are seen as gifts from God and children's rights are considered God-given. They are always spoken of in terms of the future: the future of the nation and the family, the transmitters of tradition and culture from the generation before them to the one after them.

The UNICEF<sup>19</sup> provided some facts about children in Indonesia, which are as follows: In a population of 220.1 million, 21.5 million (9.8%) are under the age of 5 years and 75.7 million (34.4%) are under the age of 18 years; Child mortality rates are high but not extreme in comparison with other developing countries: 30 per 1000 die before the age of 1 year, 38 per 1000 die before the age of 5; the large population means that this translates into large numbers of deaths: 171,000 children under the age of 5, 135,000 of

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them infants, die each year; 9% of children under 5 are severely underweight; 28% of children under 5 are moderately or severely underweight; The maternal mortality rate is 230 per 100,000 births; The primary school net enrolment rate is 93% for boys and 92% for girls. The secondary school net enrolment rate is 54% for both boys and girls.

The Commission for Child Protection<sup>20</sup> stated that Indonesia developed plans and strategies to address many of the most pressing problems of children: the worst forms of child labor, commercial sexual exploitation, trafficking. Indonesia has a Law on Child Protection and a National Commission on Child Protection to promote it. This Commission is principally an educational and promotional body. Unlike the Commission on Human Rights, it does not have powers of investigation, reporting and recommendation. The Law incorporates the basic principles of the Convention on the Rights of the Child, including the non-discrimination, best interests and participation principles. There is also a National Action Committee on the Elimination of the Worst Forms of Child Labour which is responsible for monitoring and evaluating implementation of the National Plan of Action for the Elimination of the Worst Forms of Child Labour but has no broader investigative responsibilities or powers. The National Action Plan<sup>21</sup>

Noel, J et al.<sup>22</sup> evaluated the scenario and wrote that Indonesia is better at enacting laws and adopting plans and strategies than at implementing them. Implementation of these plans must now be the priority. For all these setbacks and difficulties Indonesia is doing better than most countries in similar situations and has the capacity to ensure significant progress in the enjoyment of children's rights. Principally it will be a matter of political will and competence.

#### **VIETNAM:**

In Viet Nam the family is traditionally viewed as the foundation of society, parents and grandparents alike providing children with direct care. In May 1961, a Committee for Children and Teenagers was established, and in September 1972, the Standing Committee of the National Assembly launched a campaign to protect, care for and educate children, using the slogan, "All for the future of our sons and daughters". Today the Government encourages families to have no more than two children in order to receive a wage increase and other similar benefits. This policy aims to favour the socio-economic development of the country, while encouraging families to use contraceptive methods. UNICEF<sup>23</sup>

In 1979, to coincide with the United Nations International Year of the Child, the Vietnamese Committee of the International Year of the Child was set up, and the Standing Committee of the National Assembly approved the Ordinance on the Protection, Care and Education of Children. Atabekian<sup>24</sup>, which states that care for the child is the responsibility not only of the family but of the State and society too. The ordinance identifies six basic rights and three basic obligations of children.

Le Thi Thu<sup>25</sup> provided few facts about children in Vietnam, which are as follows: The rate of malnourished children was 26.5% in 2004 and was expected to drop to 24% in 2005; The mortality rate for children below 1 year was 21 out of 1,000 live births in 2003; for children below 5 years old it was 24 out of 1,000 live births in 2002; The number of times that women came for pregnancy checks increased 2.2-fold in 2002 (compared to prior years) and 2.5-fold for 2003; Ratio of children of appropriate age

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entering school was 80% for 2004; Ratio of children at the age of 6 entering school was 93% for 2003 and the target was set at 97% in 2005; Ratio of pupils that graduate from primary school was 99.2% and the ratio of children that graduate from secondary school was 96.1% for the school year of 2003-2004; 31 of 64 metropolitan cities and provinces had established universal secondary education for the school year of 2003-2004; boarding schools operate in 100% of the districts in the ethnic minority areas.

Vietnam was the first country in Asia and the second in the world to ratify the Convention on the Rights of the Child. When assessing the status of children's rights in Vietnam it is important to remember that the country is a socialist republic. Vietnam has demonstrated a commitment to the rights of the child evidenced by the fact it has made sincere efforts to incorporate many of the rights outlined in the Convention on the Rights of the Child into its country strategies, plans of actions, and decrees. Further, it has worked in cooperation with UNICEF at the international, regional and country levels, and some non-governmental organizations, including World Vision, Save the Children and Plan International. The Government has also submitted its CRC reports to the Committee on the Rights of the Child with some regularity, and has just completed its initial report under the Optional Protocols. In many ways it meets its obligations in this regard with greater frequency than other State Parties. Finally, the Government itself has been candid with respect to its limitations to fulfill all of the requirements as outlined by the Convention and the Concluding Observations of the Committee on the Rights of the Child. After reviewing the documentation collected from the Government, NGOs operating inside and outside Vietnam, and from the United Nations, the following points can be interpreted from the materials. First, it appears that the Government is much more inclined to support the economic, cultural and social rights of its children than their civil and political rights. As a result, the Government has focused its attention on education, and to a lesser degree health, rather than attempting to meet the international standards in the area of juvenile justice, religious freedom, or protections from discriminatory practices. This fact is particularly troubling for the minority groups in Vietnam, such as the Indigenous tribes that live outside the urban centers. Second, since the Government is working within the confines of a very limited budget, choices are constantly being made on spending and items on the children's agenda are continually being prioritized. The children who seem to suffer the most from the Government decisions in this regard seem to be children with disabilities, religious and visible minority children, and children in especially difficult circumstances, such as those who are vulnerable to child labor or commercial sexual exploitation. Further, because of the country's history, civil society groups have not been overly active in supplementing the Government's efforts. Third, the Government's attitude to children differs markedly from its attitude towards adults. Much of the literature that reviews human rights abuses taking place in the country, for example, appears to focus on adults. Perhaps for cultural reasons, as well as political ones, it would appear that the Government treats its youngest citizens differently than its adult population. Vietnam does have a plan to move forward on children's rights. In fact, the country has several plans to manage poverty, hunger, malnutrition, trafficking, street children, etc. It will remain to be seen if the Government can be successful in coordinating, implementing and monitoring these plans. Unfortunately, since independent human rights groups have difficulty entering Vietnam to evaluate the Government's work, the United Nations will need to ensure compliance with additional support from the international children's rights community outside of the country. Noel, J et al.<sup>26</sup>

**MOROCCO:**

According to the International Bureau for Children's Rights<sup>27</sup>, Morocco has made significant progress in recent years in protecting and promoting the rights of the child. Morocco is one of the first Arab and Muslim States to discuss openly issues relating to street children, sexual exploitation of children, child trafficking and the worst forms of child labor. At the same time, unfortunately, violations of children's rights have continued and in some instances they have become worse. Structural constraints, including high unemployment, rural marginalization, religious fundamentalism and limited public revenues, limit Morocco's capacity to make the necessary investments to ensure proper protection and promotion of its children's rights. Morocco's significant progress must be acknowledged and applauded, nonetheless. The marginalization of children with disabilities has been reduced and their social integration improved. Partnerships have been set up to provide services and protection to children in difficult situations. Awareness raising activities and programmes has been organized to educate young people on reproductive health, to advocate against the use of girls as domestic workers and to close the gender gap in the education sector. A hotline was opened to report child abuse and Child Protection Units were established throughout the country to coordinate reporting and follow up on violations of children's rights. In spite of problems in the quality of teaching, access to schools in rural areas and high dropout rates, the number of boys and girls enrolled in the education system is increasing in all levels of schooling. Similarly, the sanitary and health status of children has improved, although the country still faces high child and infant mortality rates, a very high malnutrition rate and inequalities in access to health care between rural and urban areas. Morocco's programme of law reform has made its law more consistent with the requirements of the Convention on the Rights of the Child and its two Protocols. However, the application of these reforms remains limited because of the lack of resources and trained personnel. While several measures have been taken to prevent the trafficking of children, more efforts for prevention are needed and more respect for the rights of child victims. Coordination, monitoring and follow up require more attention. The adoption of the 2005 National Initiative of Human Development, the 2006-2015 National Plan for Action on Children and the 2005 National Charter on Education are positive developments undertaken by the Government in collaboration with NGOs and international organizations to recognize the many challenges children face in the country and develop effective long term strategies and mechanisms to address them.

**INDIA:**

When we look at the Indian perspective, its population already reached over 1 billion and India has the largest child population in the world, estimated at more than 380 million below the age of 18 years.

According to Rena<sup>28</sup>, the Government of India has undertaken measures to progressively implement the provisions of Article 32 (on the rights of the child to be protected from economic exploitation), particularly paragraph 2(a) (on minimum age or ages for admissions to employment), in accordance with its national legislation and relevant international instruments to which it is a state party. It is reported that despite India's emergence as an economic powerhouse, 1.2 million children under five die from malnutrition every year. Despite being the third largest producer of food and the third largest defense spender in the world, India is unable to safeguard its children from hunger, malnourishment, and other kinds of dire exploitation ranging from child labor to child sexual abuse and trafficking. The continuing invisibility of children and their

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exclusion from a framework of rapid economic growth indicates that as a country we are not meeting the elementary obligations to the most vulnerable within Indian communities. In 2006, State of the World Children's Report from UNICEF points out, half the world's undernourished children lives in South Asia. India's malnutrition rate stands at 47 per cent, the same as the poorest countries like Eritrea and Ethiopia. As far as child labor is concerned, the 2001 Indian Census reports a figure of 12.7 million working children but the numbers are likely to be three times higher. There is no question that the majority of children in India are subject to various forms of severe deprivation, but it can be argued that images of war, rape, kidnapping, and landmines - situations of extreme peril, not descriptive of the landscape of everyday India.

### **SRILANKA:**

The preamble of the Constitution of Sri Lanka assures to all peoples, freedom, equality, justice, fundamental human rights, and the independence of the judiciary, as the intangible heritage that guarantees the dignity and well-being of succeeding generations of the People of Sri Lanka, and of all the people of the world. (Constitution of Sri Lanka, 1978)

According to the UNICEF<sup>29</sup>, the facts about children in Srilanka are as follows: Population in 2003 was 20 million, of which the urban population accounted for 21.1%; and the under age 15 population accounted for 24.8% of the total; In 2003, the annual number of births was 312,000; the annual number of deaths for children below 5 years was 5,000; In 2003, the infant mortality rate was 13 per 1,000 live births; for children below 5 years it was 15 per 1,000 live births; The percentage of children under age 5 who were considered overweight for their age in 2003 was 29%; In 2003, 99% of 1 year-olds were fully immunized against tuberculosis and 99% of 1 year-olds were fully immunized against measles; The net primary school enrolment/attendance for 2003 was 100% and the percentage of children reaching grade 5 for the 2001/02 academic year was 98.6%; The combined gross enrolment ratio for primary, secondary and tertiary schools for the 2002/03 academic year was 69.2%.

Sri Lanka ratified the Convention on the Rights of the Child on 12 July 1991. The country's initial report was submitted to the Committee on the Rights of the Child in February 1994. In its Concluding Observations, the Committee "regretted" the Government's failure to *inter alia*: Take due consideration of the provisions of article 4 of the Convention (i.e. implementation of rights); dedicate a higher portion of the national budget to the protection of the child and noted, in comparison, the high proportion of military expenditures; ensure that the Convention was of a binding nature within the national legal system; and reflect within the national legislation the general principles of the Convention, including, in particular, the principle of non-discrimination, the principle of the best interests of the child and the respect for the views of the child.

The policies and institutions in Sri Lanka that are concerned with the well-being of children have evolved over a long period and have been developed as part of the country's major social welfare programmes high-lighted above. These programmes include the free health services and free education from the primary to the tertiary stages. From the early 1940s, the Government has attempted to allocate resources to these programmes to extend their reach to all parts of the country and serve all social strata. In each of these programmes the component relating to early childhood appears to have received special attention. In the national health system, for example, the quality and the reach of the maternal and child health care services has resulted in a decline in infant,

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child and maternal mortality. The expansion of the educational system has led to increased rates of participation at the primary and secondary levels with school enrolment at the primary level reaching 90% by the early 1960s. The food subsidies combined with special feeding programmes for needy mothers and pre-school children, as well as midday meals for schoolchildren, provided a fair degree of food security for poor households. Through these programmes, the State assumed a large measure of responsibility for providing the basic needs of children.

Despite the successes which Sri Lanka has had in respect of child survival and reduction of infant and child mortality, some of the social indicators point to a sizeable segment of the child population which suffers from various types of deprivation.

The lack of efficient and integrated mechanisms to monitor the situation of children was also highlighted as a weakness. Similarly, the Committee was distressed by the absence of coordination within the governmental departments and ministries, as well as between central and regional authorities as this appeared to be negatively effecting the implementation of global policies to promote and protect the rights of the child. United Nations<sup>30</sup>

There has, however, been an improvement in the recent past both in terms of health and child survival. However, the field of education, in terms of participation, retention in schooling and quality of the facilities available to the plantation sector, can be regarded as a relatively deprived area.

#### **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) 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 in letter and spirit which was pending with the suspended Senate. The NCCWD recently after getting approval of the Cabinet and President of Pakistan promulgated the ordinance on Juvenile Justice System 2000. The ordinance seeks to ban the sentence of death and whipping put in fetters and handcuffs for young offenders below 18 years of age and provides for the rehabilitation of delinquent children. The NCCWD has drafted rules of the Ordinance in consultation with Ministry of Law which are being notified by the respective provincial governments for effective enforcement of Juvenile Justice System Ordinance 2000. The Lahore High Court has conferred powers to Session



Judges to act as juvenile courts. Also for rehabilitation of juvenile's offenders, a portal has been constituted in Faisalabad. The NCCWD was also created massive awareness on implementation of Ordinance 2001 to advocate the concerned at all level through print media during February, 2001.

- A Bill to establish Pakistan Commission for the Welfare and Protection Rights of the Child was introduced in the Senate (now suspended) in 1998 for approval. The revised Commission with its autonomous status will effectively coordinate and oversee the implementation of the CRC in the country. Moreover, it will undertake several projects for child welfare and advise government on all matters relating to survival, protection and development of the child in fullest compliance with the provisions laid out in 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.
- It was felt with grave concern that government's efforts were not reflected in true spirit due to lack of coordination between Federal and Provincial Departments. The policy initiatives taken by the Government either at Federal and Provincial levels required a bridge for consolidation and compilation of all material and information at grass root level. Various solutions to this problem were raised on different forums. 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.

Govt. of Pakistan<sup>31</sup> claimed that the revised system will be launched during initially in ICT and selected district of the country after devolution of power plan but unfortunately, it was not launched in much of the districts. Shahid<sup>32</sup> wrote that Pakistan was always slow in preparing the reports to the United Nations. An initial report on the Implementation of the Convention was submitted to the Committee on the Rights of the Child in 1993.

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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. The convention expects a state party to introduce an institutional mechanism for implementing it. The National Commission for Child Welfare & Development (NCCWD), a small unit within the social welfare ministry, entrusted with the responsibility of preparing these reports, hires a consultant to draft these reports, instead of opting for institutionalization. The committee had recommended that the second report and its concluding observations should be made available to the public in English and local languages. This was not done. The level of awareness about the convention is low. A few seminars or workshops can hardly be expected to make a difference in a country of 165 million. A systematic and sustained approach is required to achieve this goal.

It is nothing short of shocking that the convention continues to lack the force of law in Pakistan. 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.

Jilliani<sup>33</sup> wrote that 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. 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.

According to Asia Child Rights<sup>34</sup>, 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 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.

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According to the Report of Human Right Commission Pakistan 2005, Hyat<sup>35</sup> stated that 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 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 officials 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. 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.

In the following year, Hyat<sup>36</sup> 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. Health statistics, particularly for women and children, were amongst the worst in the world.

Gulrez<sup>37</sup> argued that the 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. All these statistics are showing the crystal clear picture of less progress in implementing Children Rights by Government of Pakistan.

Hyat<sup>38</sup> wrote that 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.

According to Annual report of HRCP, Hyat<sup>39</sup> mentioned that 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 drug addicts with almost 83% of street children between the ages of 8 and 19 reportedly sniffing glue. 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

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corruption, misuse of funds & resources and inconsistencies in the implementation of education reforms. It was reported that around 550,000 children in Pakistan die before reaching the age of five every year.

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. Asia News<sup>40</sup>

### CONCLUSION:

The issue of Children Rights was highlighted but the Implementation of the Children Rights in Asia is at stake. The convention on the rights of the child is not serving as a guaranteed savior. Education, security rights, health and social rights were not given proper attention during the last few years to its best, due to which much effective results were not produced in improving children rights in Asia.

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