

**Alternative Report
on the
State of Child Rights in Pakistan**

by Civil Society of Pakistan

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INTRODUCTION

In the past two decades Pakistan has made some progress towards recognizing child rights. Its commitments include: the ratification of the UNCRC; the signing of UNCRC's Optional Protocols related to recruitment of child soldiers and child pornography (the ratifications are pending); the ratification of ILO Conventions 182 and 138, and adoption of the Millennium Development Goals. Other steps include: the promulgation of the Juvenile Justice Systems Ordinance 2000; the Employment of Children Act 1991, the expansion to the list of hazardous and prohibited forms of labor and the enactment of the Punjab Destitute and Neglected Children Act 2004. Laws for making primary education compulsory have been introduced in all provinces and areas except the province of Balochistan, the Northern Areas and Azad Jammu Kashmir, but remain un-enforced. The National Child Protection Policy and the Child Protection Bill remain work in progress. On the whole, this policy and legislative environment is ineffective and inadequate and expected improvement in the situation of children has not materialized.

The population of children in Pakistan is over 70 million. The environment in which the majority of these children grow up is fraught with numerous challenges and access to basic rights such as health care, education, protection from abuse, neglect and exploitation, are all compromised. The current security and economic crises in the country have worsened the situation. There is a palpable rolling back of gains made in the past and newer challenges are emerging. Children are becoming the victims of militancy. Either through recruitment as suicide bombers, through indoctrination at unregulated and rogue *madressas*, through displacement from conflict zones, or through a complete break down of the health and education system in militancy- riddled areas. The situation of girls, the denial of their right to education and the threats to their freedom, is equally alarming.

The civil society in Pakistan is concerned about the deteriorating situation of children and has taken this opportunity to raise some of the more critical issues. This Alternative Report is its response to the third and fourth Periodic Report submitted by the Government of Pakistan and follows the Concluding Observations (CRC/C/ADD217) of October 27, 2003 by the UN Committee on Child Rights.

The Alternative Report has been prepared by Save the Children UK (Pakistan office) and the Society for the Protection of the Rights of the Child (SPARC). It reflects the views of a large number of civil society organizations working for child rights across the country. The draft was shared and five consultations, one in each province and at the federal level were held to receive feedback and inputs which have been incorporated in this report.

Periodic Reports on the Implementation of the UNCRC

1. Pakistan ratified the Convention on the Rights of the Child on November 12, 1990. The Initial Report was considered by the Committee (CRC/C/3/Add.13) at its 132nd, 133rd and 134th meetings (CRC/C/SR.132-134), held on 5 and 6 April 1994, and Concluding Observations were made. A review of the Observations to the second periodic report (CRC/C/65/Add.21) at the Committee's 900th and 901st meetings (see CRC/C/SR 900 and 901), held on September 22, 2003, and adopted at the 918th meeting on 3 October 2003 will show the country's failure to comply with most of the recommendations.

Preparation Guidelines

2. The Committee, while issuing its Concluding Observations, has repeatedly asked Pakistan to follow the Guidelines while preparing its Report. Despite this, the government has again failed to prepare the report according to the given procedures. The initial two reports submitted to the Committee were more a description of social sector goals established by the Federal and Provincial Governments rather than an analysis of the State's compliance with the UNCRC. The majority of the goals relating to compliance with the UNCRC outlined in these two reports to the Committee remain unmet.
3. The present report shows some improvement but the preparation process is hardly indicative of an institutional mechanism for the implementation of the UNCRC that is expected of a State Party. The NCCWD (National Commission for Child Welfare & Development), a small advisory unit within the Federal Ministry of Social Welfare entrusted with the responsibility of preparing reports to the Committee, again hired a consultant with the cooperation of UNICEF to draft the report. Four meetings were held, one each in the four provincial capitals. Similarly a few tokenistic meetings were held with children in the provincial capitals. All this consultative process was undertaken in the last few months before submitting the report to the Committee. Paragraph 67 of the Report mentions a budget of Rs 2.8 million (\$35,000) in 2005-06 for the NCCWD. What can a non-statutory commission expect to achieve with this meagre budget in a year in a country with a population of more than 70 million children?
4. In light of article 44, paragraph 6, of the Convention, the Committee had recommended that the second periodic report and written replies submitted by the State Party be made widely available to the public at large, and that the publication of the report be considered, along with the relevant summary records and Concluding Observations adopted by the Committee. The Committee noted the intention of the State Party to translate the Report into local languages and suggested that the Concluding Observations adopted by the Committee also be translated into local languages. All of this was never done.

5. The Concluding Observations have accurately assessed that the level of awareness about the Convention is rather low. Pakistan is a huge country with a population of 165 million. A few seminars, or workshops, can hardly be expected to make a difference. The systematic and sustained approach required to achieve this goal is missing. The electronic media in this regard can be effective as television and radio are popular mediums but are hardly used for such purposes.

Bringing Domestic Legislation into Conformity with the Convention

6. The Convention continues to lack force of law in the country; and remains an inspirational piece rather than a law which can be used to improve the lives of children.
7. The Committee had recommended ratification of the Optional Protocols to the Convention which has not been done till to date, despite lapse of six years since the matter was taken up by this Committee.
8. Few child specific laws have been adopted in Pakistan since the country ratified the Convention. Only one major law relating to child labor has been introduced during the past 18 years, i.e., the Employment of Children Act 1991. In 2005, its schedule was modified to expand its coverage which is a positive development.
9. In 2000, the Juvenile Justice System Ordinance was adopted. This is perhaps the only legislation in the country's history that was prepared to bring about a law relating to juvenile justice conform to the Convention. It is applicable to the whole country, and the tribal areas, and the AJK (part of Kashmir with Pakistan). It remains to be extended to the Northern Areas.
10. Before the ratification of the Convention, two sets of child rights laws were introduced in the Province of Punjab, in 1952 and 1983. They were never notified to come into force. In 2004, the Punjab Destitute & Neglected Children Act was passed, which has so far been only used to operate a street children's center in Lahore, and attempts are being made to operate similar centers in other towns in the Punjab. The whole scheme is costly, and sometimes controversial.
11. In the province of Sindh, the Sindh Children Act has been on the statute books since 1955, but no major steps have been taken to implement it. An Industrial School for Youthful Offenders is operating under this law which is basically a juvenile prison. The law provides for setting up special courts but none have been established so far.
12. There are no laws relating to child rights in the North West Frontier Province (NWFP), the province of Balochistan, the Federally Administered and the Provincially Administered Tribal Areas, the Northern Areas, and Azad Jammu Kashmir.

13. Laws for making education compulsory up to grade V include: the Punjab Compulsory Primary Education Act 1994; the NWFP Compulsory Primary Education Act 1996; the Sindh Compulsory Primary Education Ordinance 2001; the Islamabad Capital Territory Compulsory Primary Education Ordinance 2002; the Federally Administered Tribal Areas Compulsory Primary Education Regulation 2002; and the West Pakistan Primary Education Ordinance. No steps have been taken to enforce these, and authorities meant to enforce these laws have not been formed despite a passage of more than a decade in some cases, and the rules have yet to be introduced for any of these laws. In Balochistan, the Northern Areas and AJK no such laws have even been introduced.
14. The Report has mentioned a Child Protection Authority Bill in Sindh, and the Protection of Children Bill at the Federal level. The drafts of both these laws have been under consideration for a number of years.

Definition of the Child

15. The Concluding Observations were made in 2003. Despite a lapse of more than six years, the State Party has taken no steps with regard to aligning the age of marriage of boys and girls; establishing clear minimum ages for compulsory education or prescribing minimum ages for employment, despite the fact that the country has ratified the Minimum Age Convention (No 138), since July 6, 2007.
16. The age of criminal responsibility remains at seven years, although innumerable amendments during the past five years have been made in the Pakistan Penal Code 1860, and this age could easily have been raised through any one of these amendments.
17. The present Government while in opposition vehemently opposed the Offence of Zina (Enforcement of Hudood) Ordinance 1979 (No. VII). Despite having a comfortable majority in the Parliament however, it has so far taken no steps to repeal this law. In December 2006, the previous Government in the midst of intense debate inserted several provisions in the PPC and modified the Offence of Zina (Enforcement of Hudood) Ordinance 1979 which is a positive development.

Plans of Action

18. The Report talks about Plans of Action, including a National Child Protection Policy. The country has seen numerous policies and plans of action over a long period. However, these documents have never been able to make a difference to the children of Pakistan for the simple reason that they have no validity under law, their value no more than that of a piece of paper. In any case there is hardly any progress against planned interventions.
19. Pakistan is a federation, and many of the subjects under the Constitution come under the purview of the four Provincial Governments, or concurrently under both the Federal and Provincial Government. The framework for implementation of the

National Plan of Action 2006 and the Child Protection Policy, currently in draft form, at the federal level is weak, but the one in the provinces is even weaker or non-existent. The Provincial Plans of Action have yet to be developed.

Data Collection

20. The current country Report under consideration is Pakistan's third to this Committee, and it continues to prove the serious lack of relevant data.
21. The Committee in its Concluding Observations had asked the State Party to collect systematic and comprehensive data for all areas covered by the Convention. The Report has failed to describe any mechanism which the federal and the provincial governments have been able to introduce with regard to data collection since Pakistan's ratification of the Convention.
22. The National Child Protection Monitoring & Data Collection System mentioned in the Report is yet to be introduced, either at the federal or provincial levels. After a lapse of 18 years, the country is still experimenting with pilot projects, as mentioned in paragraph 77 of the Report.
23. It is important to mention that the State Party is confusing collection of disaggregated data with monitoring of child rights violations. The two are different issues; and the violations' data is not going to be useful without first collecting the overall data, as it would not enable us to get an idea about the extent and magnitude of the violations.
24. Ideally, NCCWD, or a separate unit within the Statistics Division of the Government of Pakistan, should have been established to collect exclusive child related data and to monitor and evaluate progress achieved in the implementation of the Convention. The Report fails to mention establishment of any such mechanism; or about seeking technical assistance from the Committee's Secretariat, and UNICEF.

Resources for Children

25. It is not easy, if not impossible, to find out the exact amount spent by the State Party on children. Education, health, and social welfare, which are main sectors relating to children, are provincial subjects. It would make it slightly easier to find out State Party's commitment to children if the budget allocations had been given for these three heads at the federal level, in the four provinces, and then for the Northern Areas. Only such a breakdown can provide an accurate picture, although partial and relating to selected sectors only.
26. The figures given by the State Party do not really relate to children but rather cover the population as a whole. This is a problem that people and organizations working for child rights constantly encounter and the State Party may kindly be

asked to clearly give the figures of the amount spent on children. Even while talking about sectors, such as education, it remains unclear as to how much of the amount mentioned pertains to children.

Education

27. Education is a provincial subject; and is not on the concurrent list of the Constitution, as stated in the Report. Only “curriculum, syllabus, planning, policy, centers of excellence and standards of education” are on the concurrent list, and everything else relating to education falls within the domain of the Provinces.
28. The Committee in its Concluding Observations has welcomed the introduction of a national law on the subject of compulsory education. There is no such law in Pakistan.
29. There are, however, provincial laws to make education compulsory, as mentioned earlier, in all the provinces, except Balochistan, and the Northern Areas, and the AJK. All these laws are quite identical, and make it compulsory for the parents of a child, defined as someone who is not less than five and not more than ten years, to get the child to attend a primary school, classes I to V, until he or she has completed the primary education course, except in the case of a reasonable excuse. The law has to be administered through an authority, and the parents, and children’s employers, can be penalized for not sending children to school. These laws could have brought about a positive change but none of the provinces, or other territories, have even taken the first steps to implement them. Even the authorities entrusted with the function to enforce them have not been established in any of the territories. One of the ways that the attendance of children in schools can be assured is through introduction of an inspectorate system. However, the State Party in the Report says that the “implementation machinery is not up to capacity for full and effective implementation of these laws” (paragraph 362 of the Report). It should be asked about the reasons for this failure.
30. The excuse about the lack of capacity is ironical considering the State Party claim that it spent Rs 36,281 million (approx. \$453.5 million) in 2004-05 (an increase of 196% over the 2000-01 budget) while the Provincial Government’s expenditure is claimed to have been increased by 51% during the same period. This is a positive development but it has unfortunately not been reflected in the education indicators. The target to spend 4% of the GDP on education, and making education free up to the tenth grade in all public institutions so far remains unfulfilled. Out of the 70 million children under the age of 18 years, the net primary school attendance ratio for males is 62 and only 51 for females; and the net secondary school enrolment ratio for males is 24 and for females only 18 (2006). The increased expenditure apparently has not been spent wisely and in a transparent manner, or with greater emphasis on primary and secondary education, as otherwise the indicators would have reflected a different picture.

31. The Report says that \$1,527 million were given by various foreign donor agencies in the education sector during the period 2004 to 2008. Where has all this money been spent? Obviously, holding of a national conference with UNESCO's collaboration is not the answer (paragraph 363 of the Report). Additionally, USAID has given Pakistan more than \$10 billion in aid since 9/11. Apart from being spent on the military, most of this amount has been spent in the health and education sector. It is important to find out as to how much of the budget in the education sector was allocated by the State Party's own resources, and how much of it is accounted for by the donors.
32. An EFA NPA has been developed, the target of which is to achieve universal primary education by 2015. It is unclear as to how this would be achieved when the State Party itself admits the inadequacy of its capacity to implement the basic laws in this respect.
33. The Report says that there are 76,000 private educational institutions catering to over 12 million children. Despite this large number, there is no mechanism to control the curriculum, standards, teaching methods, and most importantly, school fees imposed in these schools. This is resulting in plethora of low-quality schools sprouting in every neighborhood, most of the time within houses, with the management charging huge fees in the name of education; the State has no control over these private schools, including the *madressahs*.
34. Paragraph 482 of the Report mentions the National Commission for Human Development. This Commission has been dissolved by the present Government on grounds of massive embezzlement in its funds; and all its programs remain suspended. The State Party may be asked to explain the functioning of this Commission, its achievements as well as the reasons for its dissolution.
35. The Report talks extensively about the education program of the Punjab Provincial Government, which was replaced by a new Government following the February 2008 national elections. The new Government has discontinued the Education Sector Reforms Program; and is alleging massive corruption charges against the previous regime. The State Party should be asked about the extent of misappropriation in this Program, and what was achieved through this Program.
36. The Report talks about establishing 20,000 Basic Education Schools during the period July 2006 to June 2009 and that Rs 7,000 million (approx. \$875 million) were allocated for this purpose. Had these schools been working properly the education indicators would have been different.
37. Gender inequality is an acute problem in Pakistan, and is not simply limited to the education sector. It would be naïve to explain this disparity on grounds of distance from school, and physical costs of attending schools. Many fail to appreciate the

utility of girls getting education, and a significant number look down upon it on grounds of tradition and religion.

38. The gender inequality in schools varies from urban to rural, and from region to region. It is overall comparatively less in the urban areas of the Punjab Province, and in Karachi and Hyderabad in Sindh. There is then a vast difference amongst the rural areas of some parts of the Punjab province with districts comprising Balochistan, and the tribal agencies.
39. There are areas in the country where females are not being allowed to vote in any kind of elections. The religious militants fighting the State in the Swat Valley, located within the NWFP, have constantly been destroying girls' schools, and recently announced a ban on girls' education beyond primary school, effective January 2009. The state of affairs is not much different in the adjoining districts of Swat, and almost the whole of the tribal area, comprising FATA.
40. There have been no official notifications regarding the ban on corporal punishment in schools. The Education Departments of some of the Provinces have issued directives but they do not have the force of law. They have also not been widely disseminated, and the public, particularly the children, do not know about them. There is a need to introduce a separate comprehensive law relating to this subject at the provincial level.
41. Corporal punishment thus continues to be widely practiced, both in the government, and private schools. In 2005, a scandal was reported where teachers in a government school in Peshawar for a number of years had been sexually abusing boys in return for good grades. Not a single teacher was dismissed as a consequence of this incident, and the perpetrators were instead transferred to other schools. Innumerable amendments in the Penal Code have been made during the past one decade; and the State Party could easily have repealed section 89, which permits corporal punishment under certain circumstances.
42. There is a need to upgrade the status of teachers, not just by raising their deplorably low salaries, but by also imparting them proper teaching skills, and increasing their level of knowledge. The US AID spent a huge amount of money to send a few hundred teachers to the United States for extended period of time. This is just one example of a lop-sided approach to such a serious problem.
43. There is hardly any human rights related content in the curriculum and the State Party may kindly be asked to provide such syllabus to the Committee. The salient features of the Convention should be included in the curriculum to raise awareness amongst students.
44. With regard to undertaking training programs for the teachers, few are being organized either by the Government of Pakistan or by the Provincial

Governments. It is thus not a coincidence that the Report (paragraph 25) mentions several donors while talking of these programs, but fails to speak of similar trainings being undertaken by the State. The quality of the training being imparted is also important, and the emphasis on the numbers alone is thus also misleading.

45. Paragraphs 25 to 30 of the Report talk about training programs organized by various NGOs. Almost all the NGOs in Pakistan are small, and operate with limited resources, and can hardly be expected to cover the entire country.
46. The State Party at one point of time claimed that there were more than 33,000 *madressahs* in the country. This Report, however, has lowered this figure to 13,000, and claims that 95% of these religious schools are now registered with it under a mainstreaming of *madressahs* project. The fact of the matter is that the majority of these remains unregistered with the relevant authority, constituted under the Madressah Registration Ordinance, and continues to be breeding grounds of sectarian and anti-state violence. The problem now appears to be going out of Government's control, particularly after Pakistan declared itself as an ally in the War Against Terrorism; the February 2009 peace deal signed with the Taliban in the Swat valley is a reflection of ceding ground to such elements.
47. The curriculum of most of the *madressahs* is religion oriented, and it is difficult to absorb students coming out of these institutions. Some are ending up becoming suicide bombers after being trained for this purpose. A massive policy shift to update and modernize the *madressah* curriculum, and bring them into the mainstream educational system is needed.
48. The State Party is trying to improve the state of education in the country with the help of a few projects. Opting for the project approach is also reflected in sectors such as health and child labor, whereas an overall change in the policy and approach, and massive major reforms are needed to change the situation on the ground. A few projects to a few hundred girl students, with the help of a foreign government, in a country of 70 million children, are not going to solve the problem. A sizeable amount of money even out of these projects is believed to be siphoned off by corrupt officials.
49. The education sector in the rural areas is particularly neglected. A strategy is required to handle this and special efforts should be made to ensure that schools up to the secondary level for girls are present in all villages, and incentives may be provided to get them to attend classes.
50. In the urban areas, many private housing schemes are being floated. Few if any, provide for any kind of educational facilities except for the cost of land. The State Party can be asked to make it mandatory for all such private schemes to provide for establishing schools, with proper play grounds, and parks.

Health

51. The under-5 infant mortality rate remains high and diarrhea continues to be a major problem. Around 500,000 under-five infants are dying each year due to preventable causes. As a whole, 43% of households do not have any toilet. In the rural areas 59% of the households do not have a toilet, and 66% do not have any sanitation system. Garbage collection system is most inadequate: overall, 81% of households do not have any garbage collection system, while in the rural areas 91% of households do not have any system. Water borne diseases are a major cause of the high morbidity and mortality rates. Almost half of the infant deaths are attributable to unclean drinking water and unhygienic sanitation.
52. Poverty is one the rise in the country, and children are the worst victims. The current recession and the IMF conditions imposed in November 2008 are making the situation worse. In fact, majority of the people are earning less than \$2 a day.
53. Sixty five percent of Pakistan's population lives in the rural areas. There are hardly any sophisticated health related facilities in these areas, and most of the rural populace is covered by a network of basic health units. The Report, despite detailed information on health, fails to mention reforming these units, which suffer from lack of resources, equipment and proper man-power.
54. Health is a provincial subject under the Constitution of Pakistan while most of the programs talked about in the Report relate to those that are supported by foreign donors at the federal level. It is important to find out the percentage of the total budget at the federal and provincial levels that is being spent on health.
55. No major legislation relating to health was introduced during the period in question; and many of the laws, including the Protection of Breastfeeding and Young Child Nutrition Ordinance 2002; the Prohibition of Smoking & Protection of Non- Smokers Health Ordinance 2002; and the Federal and Provincial Safe Blood Transfusion laws, remain un-enforced and the enabling rules under them have yet to be introduced.
56. Generally, the current status of the health sector is characterized by a strong curative and urban bias, a result of the overall approach of the government towards development that in the end benefits a select group of citizens. The urban bias is maintained by underlying power structures in which the policy makers have little incentive to concentrate resources on providing health services to the rural population. A largely illiterate population has led to weak preventive healthcare policies and practices. As a result, Pakistan now has a situation in which public health facilities at the primary level are victims of inadequate

resources and poor management. This is partly the reason that despite several programs being mentioned in the Report, and billions being spent in the health sector, the situation remains bleak.

57. Initiatives in the health sector, just like in education, are not inspired by the Convention; and lack emphasis on child-related health issues. Malnourishment amongst children and mothers remains an acute problem.
58. One of the well-known initiatives related to child-related health is the polio eradication program, and it appears to be the top priority public health program of the government. This campaign has been continuing for more than a decade, with the active assistance of UNICEF. However, polio cases are on the increase, and a huge region of the country that is facing insurgency near the Afghan border is not being covered by the campaign. An increasing number of children, who despite being vaccinated are getting polio, making the efficacy of the polio vaccine questionable. As a result of this failure, the end of polio in Pakistan, that appeared achievable a couple of years ago, is now a distant target.
59. There is a section of the population that still associates the polio vaccine with a Western conspiracy to control the Muslim population, and many religious leaders publicly announce in the sermons in the mosques that the polio vaccination drops are actually meant for family planning. The Government has failed to take action against these religious leaders, and instead is seen placating them.
60. The polio campaign can be improved by increasing the accountability of the concerned DHO (District Health Officers); at present, sometimes 95% of the area reported as covered ends up also reporting the virus. Efficacy of the campaign can be improved by declaring polio days as a national event with complete school holiday. The past experience is showing that provision of vaccine and extension of logistic support, is more important than spending additional money on the campaigns, which is resulting in money being wasted and siphoned off. Routine immunization is the backbone to eradicate polio, and should be given priority in addition to the NIDs (National Immunization Days).
61. Hepatitis B affects an estimated one out of every ten Pakistanis, though some medical experts feel that its incidence is much higher. Due to a shortage of funds, the government has planned to target the youngest segment of the population. There is an urgent need to control it.
62. The Report itself acknowledges that iodine deficiency disorder is a major problem in Pakistan; despite this, only 17% of the households use iodized salt. This is a serious situation. Nevertheless, a law making it compulsory for all the salt manufacturers and distributors to iodize the salt that they produce and sell has been pending for the past 15 years, and the State Party continues to operate without a law in this respect.

63. There is still no law in the country governing the rights of people, including children going to school who are HIV positive, or suffering from AIDS. The majority of the Pakistanis receive unsafe blood as the Authorities proposed to be established under the relevant laws remain to be notified.
64. It should not be difficult for the Committee to imagine the fate of children suffering from any major disability, when normal children encounter so many problems. Places such as schools, parks, and other recreational centers, remain invariably inaccessible, and no attempt so far is in the offing to make these accessible to children suffering from disability.
65. Paragraph 70 of the Report mentions a School Nutrition Package Program for Girls. This Program was discontinued in December 2007 due to severe criticism on grounds of its failure and corruption. Similar has been the fate of Pakistan Human Development Fund (paragraph 72 of the Report). The newly elected government has disbanded the NCHD (National Commission for Human Development), and alleging massive misappropriation of funds in it.
66. No help lines funded or supported by any Government are functioning with regard to children's issues in the whole country. There are also no programs being run by the NCCWD to impart mentally disturbed children with life skills (paragraph 156 of the Report). The Government introduced a Mental Health Ordinance to handle issues relating to this subject, and it was to be enforced through an authority; the latter has yet to be formed.

Child Labor

67. Child labor remains one of the major problems afflicting Pakistan and its children. However, the State Party remains totally oblivious to this issue and concentrates more in countering the Western criticism over the presence of child labor while seeking more foreign funding, than doing anything concrete on its own.
68. The problem can be handled by making education free and compulsory up to the tenth grade. No attempts are being made in this regard, and the country has yet to achieve its goal of even making education compulsory up to the fifth grade.
69. Pakistan ratified the Worst Forms of Child Labor Convention (No 182) in January 2001, and the Minimum Age Convention (No 138), effective July 2007. In December 2005, the Government of Pakistan modified the schedule to the Employment of Children Act 1991 by prohibiting four occupations, and 34 processes. These have been the only positive achievements since the Concluding Observations were made in 2003.

70. Child labor remains prohibited up to the age of 14 years in mines, factories, shops and certain establishments, and in occupations covered by the provisions of the Employment of Children Act.
71. Pakistan remains one of the few countries in the world where the rate of child labor is on the rise. The rate of poverty has steadily been increasing, resulting in growing number of child laborers. Lesser number of children, particularly girls, is going to school, despite several foreign funded programs to improve the education sector. The self-employed children, child domestic workers, and all the child laborers in the rural sector where 65% of the populace live, remain outside the purview of all child labor related legislations. Some children are also being used for smuggling goods, and even arms, at the Pakistan-Afghanistan border.
72. The only government sponsored program is its support for 151 schools, operated by Baitulmal, which are covering a total of 15,000 students (paragraph 573 of the Report). All the remaining projects, not that they can be expected to achieve much keeping in mind the huge population, are foreign funded.
73. The ILO IPEC program, in operation since 1994, has failed to go beyond model and pilot projects. ILO's Time Bound Program has failed to achieve its target of eliminating child labor from the worst forms even in the six designated sectors.

Street Children

74. There are few children *of* the streets in the country, although the number is on the rise due to growing poverty. However, a sizeable number of children are *on* the streets, whether trying to sell various items, or begging. The Punjab Destitute & Neglected Children Act is one major law to the extent of the Province of Punjab, which is being seriously enforced at least in the city of Lahore, the provincial capital. There is also talk of extending it to other cities and towns in the province. Sindh has a similar law since 1955, but it has yet to be enforced with regard to street children, despite the fact that majority of Pakistan's children are concentrated in the largest city, Karachi, which is also Sindh's provincial capital.
75. The Report mentions several drop-in centers that are being operated by NGOs. However, they are not being run effectively, and are hardly making a difference in the plight and number of children on the streets. Sometimes, even basic facilities, like toilet and shower, can make a big difference to these children, and this is unavailable. Majority of the people, including street children and child workers, defecate in the open. Simple toilet facilities would help such children and also lessen the incidence of infectious diseases in the country.

Children Coming into Conflict with the Law

76. None of the Committee recommendations relating to children coming into conflict with the law have been implemented by the State Party. The age of criminal responsibility remains at seven years, when only a minor amendment in the Pakistan Penal Code could have raised this age, which is to a large extent a non-controversial issue.
77. The number of juvenile prisoners in prisons has decreased which is partly attributable to the separation of adults falling in the age group 18 to 21 years from the juveniles who previously were kept with the juveniles. Nevertheless, the JJSO has helped in getting some children released on bail. Despite this however, more than 90% of the juvenile prisoners remain under-trial.
78. The number of special prisons for children remains the same as before: one in Karachi, and two in the Punjab. Two provinces, namely Balochistan, and the NWFP, remain without a law on this subject, and thus without any special facilities for keeping juvenile prisoners; while the Borstal laws in the Punjab and Sindh, remain un-enforced for all practical purposes. A special jail for children is nearing completion at Bannu, but it is likely to function under the regular laws, as there is no separate law in the NWFP governing such a prison.
79. The prison for children in Karachi is well-kept and children are well looked after. However, the staff and the prison officials do not know about the law they are functioning under; as a result, the prison staff, like the ones at the special prisons in the Punjab, continue to be the regular prison staff employed in the adult prisons, and thus lack any special training to handle child-related matters. This goes against the basic spirit of the UNCRC and the special prison laws, as the idea is to use specially trained staff to handle incarcerated children.
80. Not a single exclusive juvenile court exists in the country, despite lapse of nine years since the introduction of the JJSO. Such a court was established in Karachi for a while in December 1993 under the Sindh Children Act, but even that has now been closed. As a result, all juvenile cases are presently handled by the regular criminal courts, which have simply been notified as juvenile courts under the JJSO. This has hardly made a difference as the courts fail to adhere to even the basic principles of the JJSO, like privacy of the prisoner, right to legal assistance, and publication of details in the media. There is a need for more judges who are aware about the JJSO, and who are dedicated to help the juvenile prisoners. One way to handle juvenile cases even through the existing court system is to allocate afternoons hearings for this purpose.
81. Many districts have notified panel of lawyers who could be used to assist juvenile prisoners under the provisions of the JJSO. However, these lawyers have so far not been used as the funds for paying them have not been allocated.

82. Juvenile prisoners were kept separate from adults even prior to the introduction of the UNCRC, and this practice continues. However, the plight of these children is miserable as many of these juvenile cells are more than 100 years old; the toilets are in pathetic conditions and invariably part of the same area where children sleep, resulting in terrible stench filled rooms; the cells are mostly damp and hardly get any sun light; the recreational facilities are non-existent, and out-door activities, including sports, are disallowed in the name of security as the prison officials keep fearing that children may fight with each other.
83. The problem of the juvenile prisoners being sexually abused by the older inmates in the same barracks, and sometimes by the adult prisoners, is a constant problem.
84. The children in prison also lack educational facilities that can help in providing useful skills and that can go a long way in lessening their boredom.
85. The children generally can meet their family members once a week but the time given for such meetings is usually short, and the parties are separated by bars and a wire-gauze. Correspondence is allowed, subject to the mail being checked by prison officials. The families can send gifts and other items, to the prisoners. These rights are enjoyed by all prisoners, and are not exclusive to juveniles.
86. One good thing that has come out of the JJSO is a total prohibition of capital punishment to all children under-18; and this is being practiced quite successfully throughout the country. Children can however still be given the death penalty under the anti terrorism law, but this has not happened so far.
87. The JJSO also prohibits corporal punishment as well as rigorous imprisonment to children. The negative consequence of this positive aspect, however, is that convicted children, despite being asked to labor in jails, are not given any remission announced by the State from time to time as only the convicts awarded rigorous imprisonment are entitled to it.
88. The Lahore High Court, the highest court of the Province of the Punjab, had declared the JJSO unconstitutional. This judgment was challenged by SPARC, a child rights NGO, and the Government of Pakistan, in the Supreme Court, and the latter suspended the judgment. The appeal, however, remains pending.
89. The State Party needs to reassess its approach towards the issue of juvenile criminality. Currently, the attitude is to punish the offender, even under the JJSO, and emphasis on other methods to handle the crime is almost non-existent, both under the law, and at the community level. The Probation of Offenders Ordinance 1960 is the only law that can be used to release the convicted juvenile offenders. However, the system of probation is not being effectively used, partly due to lack of resources and more so due to lack of interest. There are few probation officers

who are necessary for releasing children on probation, and only the Punjab Province has three female officers to handle female prisoners.

90. The State Party Report has also failed to mention the plight of infants who are incarcerated with their mothers in prisons. These infants are living in miserable conditions, with hardly any facilities for recreation or education; they are prisoners themselves for all practical purposes and not permitted to leave the prison without the Court permission.

Sexual Abuse

91. The recommendations of the Committee relating to sexual exploitation and sexual abuse have not been implemented by the State Party. The country continues to lack a comprehensive law relating to this subject, and no study on the prevalence of sexual abuse and exploitation has been undertaken. The United Nations ESCAP study mentioned in the Report (paragraph 631) was undertaken prior to 2000, and no further steps in this respect have been taken.
92. The country has a good network of police stations. All criminal cases are registered with the police, known by the acronym FIRs (First Information Report). It is not difficult to disaggregate data of the FIRs registered in a quarter, and then on an annual basis, relating to a certain subject, like sexual exploitation of children. No steps, however, have so far been taken in this regard.
93. Girls continue to be extensively employed in the red-light areas, and girls born to traditional prostitutes have no options but to opt for their mothers' profession. Some of the girls are also taken to the Gulf countries for purposes of prostitution.
94. Boys continue to be extensively sexually exploited, a practice considered quite normal in certain parts of the country. Not a single individual has been prosecuted in these areas on this ground. Certain bus stations in the country are notorious for male child prostitution.
95. There is no doubt that there is more discussion about this issue than before but it is not being done at the State level. The voice is mostly raised by a few child rights NGOs, and the coverage thus remains restricted. There is a need to use electronic media in this regard; and the State owned biggest television channel, PTV, and Radio Pakistan, can easily be used to highlight this issue.

Child Marriage

96. Child marriage is prohibited under the Child Marriage Restraint Act. 1929. The minimum age for marriage for females is 16 and for males is 18 years. However, it remains common for under-16 girls to marry, particularly in rural areas, and not a single person has been prosecuted for this offense in the past ten years. The

issue is made worse due to the marriage remaining valid, despite the Act, and the marriage is only voidable at the option of the girl, a right she is unlikely to exercise due to her inferior status in the family. Many of these under-16 girls eventually also give birth, which affects not only their health, but also of their infants. The Report claims that the penalties, such as imprisonment, and fines, have been enhanced under the Child Marriage Restraint Act, which is untrue.

97. Incidentally, the refugees cannot register their marriages under the regular law relating to this subject; and consequently all the refugee marriages remain unregistered.
98. The females generally continue to be treated as chattel, and an honor issue for the majority. This is one major reason for parents anxiously trying to get their daughters married as early as possible to get rid of the burden, lest they bring dishonor to their families by falling in love with somebody, and to avoid having young females in their household. This phenomenon was especially noticeable after the October 2005 Earthquake when many of the men who had lost their wives married under-18 girls in the name of doing the girls a favor, and the girls' families justifying the act on the grounds that the girls otherwise would be at risk in the camps.

Trafficking

99. Trafficking of Pakistanis to foreign countries is not a major problem. However, internal trafficking is a growing menace, and an increasing number of children are being kidnapped for ransom. A few children have traditionally been kidnapped and used for bonded labor. Some girls are also kidnapped, and sold for purposes of prostitution.
100. The prosecution figures given in the Report (paragraph 681) do not relate to trafficking of children, or even adults. They almost without exception relate to cases of migrant workers being taken to foreign countries, mostly Europe, on forged documentation; and thus relate to a really separate set of problem, unrelated to trafficking of children. There is a need to look into the issue of internal trafficking of children as the State is increasingly being seen helpless in this regard, and the parents end up negotiating with the kidnapers. There are areas in the country, particularly in the NWFP, where the slightly well-to-do parents have placed strong restrictions on children venturing out of their homes without adequate security measures and guards, and even the adults, do not leave the house unless necessary, and have stopped even going for walks or jogging.

Alternative Care

101. The provision of alternative care is a neglected subject in Pakistan; and the Committee has rightly pointed out that the existing institutions in this regard are

inadequate, both qualitatively and quantitatively. The Government should have been aware of this state of affairs a long time ago but the issue became highlighted after the October 2005 Earthquake that resulted in more than 85,000 deaths, half of them children, and thousands needing alternative care.

102. In the earthquake most of the children died when their schools collapsed. The world community responded quite generously to Pakistan's appeal for assistance, and more than five billion dollars were given in assistance. Despite this, thousands continue to still live in shelters, and majority of the destroyed schools, have yet to be constructed. Many of the donor agencies until recently were working with the affected children. However, almost all of them have started to pull-out due to lapse of time, donor fatigue, and security reasons and the children are being left in a vulnerable state.
103. Due to the cultural norms, the extended family took care of majority of the children orphaned by the earthquake, although the quality of care even in these circumstances left a lot to be desired. Many young girls were forced to get married to avoid harassment in the camps; and many of the widowed mothers left their children in orphanages as they could not take care of them.
104. It then transpired that there was absolutely no legal mechanism to govern such institutions in the Pakistani part of Kashmir (AJK), and legislations that exist in three of the Provinces, namely, the Balochistan Orphanages (Supervision and Control) Ordinance 1978; the North-West Frontier Province Orphanages (Supervision and Control) Act 1976; and the Sindh Orphanages (Supervision and Control) Act 1976, mostly deal with administrative aspects, like establishment of a Board that issues licenses to orphanages; and hardly contain any features relating to the minimum care standards to be adhered to by such institutions.
105. Under the laws mentioned in the preceding paragraph, it is unlawful to operate an orphanage without a license in the three Provinces. However, the Board meetings have never been called; and the Provinces have not introduced rules that could explain in detail the functioning and the day to day governance issues of these institutions. In the province of the Punjab, the Punjab Destitute and Neglected Children Act in 2004 that repealed the previous law, similar to the laws valid in the other three Provinces, basically has been drafted with the plight of street children in mind, and is not geared to handle the issue of alternative care. Consequently, there is an acute need to reform the laws relating to this subject.
106. The Report mentions a National Plan of Action for the Most Vulnerable Population in the Earthquake Affected Areas, a National Policy for the Protection of Orphans and Vulnerable Children in the Earthquake Affected Areas, and of quality care standards for residential childcare institutions. These documents have so far not been officially approved, and are thus hardly of any utility.

107. Pakistan remains without proper adoption laws; an adopted child is not given the same rights as one's own children under Shariah. The Report talks about reviewing the legal provisions relating to this subject (paragraph 236), and it may be asked to disclose the output of this review.

Refugees

108. Pakistan perhaps has the largest number of refugees in the world. The country has also suffered enormously due to its involvement with the *mujahideen* fighting the Soviets in Afghanistan in the eighties. Many in the country continue to blame the Afghan refugees for the ills linked with this association, like the trading and use of heroin which was unheard of prior to the Soviet intervention in 1979; the influx of a large number of arms; or the rising influence of Taliban.
109. It is a widely held perception that many of the Afghan refugees are involved with crime. The fact that most of the Afghan refugees are the poorest of the poor in the country does not help alleviate this impression. One sees rag pickers sifting through the garbage all over the country and most of them are Afghan refugees and their children.
110. Few of the refugee children are going to schools and the health care provided to them is meager, if not non-existent, in most of the refugee camps (paragraphs 519-20). There are still more than three million refugees in the country; and the Report itself says that 40% of them are in the age-group 5 to 17, although the figure is likely to be more (paragraph 522). It is thus nothing short of shocking that only 51,000 out of this lot are presently enrolled in educational institutions (paragraph 524). Most of the refugee related programs have been undertaken by INGOs, the UNHCR, and UNICEF. Even this foreign interest is dwindling, particularly after 9/11; consequently, the governmental interest, hinging like many other issues on foreign interest, has also eroded.
111. Many of the Afghan refugee children, including girls, become child workers as they are not going to school. Some, even if they do enroll, end-up dropping out by the end of the primary education stage, and few enroll at the secondary education level.
112. Pakistan's ratification of the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol, would help improve matters in this respect and the State Party should be urged to sign and ratify both.
113. Paragraph 492 of the Report talks about making changes in the 'Legal Code.' It is unclear as to what is meant by this term as such a code is non-existent in the country.

114. Similarly, paragraph 493 talks about making certain amendments in a 'current law.' This law has not been mentioned. The reference to a Parliamentary Commission for Human Rights is misleading, as it is simply another NGO formed by two parliamentarians, and is hardly a representative body, or represents even 55 members of the Parliament, which in any event has under-gone a change of faces after the February 2008 national elections. Incidentally, the changes in the law mentioned in this paragraph have not been heard of since the workshop talked about here.
115. The UNHCR project mentioned in paragraphs 494-5 has now been discontinued.
116. The State Party is fighting militancy in parts of the North-West Frontier Province and the tribal areas. This military action has resulted in internally displacing the local population, and several camps of these IDPs are being established. The children at these camps are getting no education and suffering from health problems. Many of them are becoming child workers, either self-employed or otherwise, while some beg on the streets.

Drug Abuse

117. Drug abuse is generally on the rise in Pakistan. According to one estimate, there are more than three million heroin addicts in the country; and hashish is freely available. Like all countries of the world, the State Party has stringent laws to control drug trafficking, and prisons are full with drug addicts. However, certain powerful groups are involved in drug trafficking, and it is not easy to control this menace.
118. A large number of children, particularly child laborers on the street, are vulnerable to drug abuse. Many street children are addicted to glue sniffing and another local product, going by the name of *ghutka*.
119. The drug rehabilitation facilities are few and it is not easy to get a place in them. There are a couple of private rehabilitation centers and a few run by NGOs. The private ones are expensive, and cannot be used by the poor.
120. The Prohibition of Smoking in Public Places & Protection of Non-Smokers Health Ordinance prohibits selling of tobacco products to under-18. However, the law is hardly being implemented, and it is never a problem for under-18 to purchase tobacco products. Not a single person has so far been prosecuted in the country for this offense.

Age of Recruitment in the Armed Forces

121. The age of recruitment in the armed forces in Pakistan is not governed by the National Service Ordinance 1970; and the age of recruitment remains below 18

years. This is perhaps one of the reasons that the State Party is reluctant to ratify the Optional Protocol to the UNCRC on the involvement of children in armed conflict.

122. Until recently, there were few children who were involved in militant activities. However, the trend has started to increase since 2007; and a rising number of suicide bombers are children. Presently, a child is being tried for his involvement in the assassination of Benazir Bhutto. All of this is directly related to a few *madressahs*, and the phenomenon cannot be controlled until the education system in these institutions is reformed.

Best interests of the Child

123. The principle of best interest of the child is not present in any of the legislations in Pakistan. The concept of child rights is still at a rudimentary stage in the country, despite the State Party subscribing to the Convention for the past 19 years. This fact has been acknowledged in the Report (paragraph 124) but it is incorrect to state that the best interest principle is being given due consideration in the child-related laws; the State Party may be asked to produce examples of such consideration. It would be relevant to find out about the awareness programs currently being undertaken in this respect as there are no such programs currently in existence.
124. The Report under this head has mentioned a Sindh High Court judgment involving juveniles. A law relating to this subject was enacted in the year 2000 but not a single exclusive juvenile court is currently in operation anywhere in the country. The existing courts have been notified under the 2000 JJSO; these courts are overburdened with regular cases, and it is difficult, if not impossible, for them to comply with even the salient provisions of the JJSO. As a result, the law is hardly being complied with.
125. It is correct that the Provincial Education Departments have issued directives against corporal punishment. However, the practice is widely used in almost all government schools and there have been few, if any, instances of any culprit being proceeded against under these directives. There is no such directive for the private schools. There is a need for a separate law in this respect which is not even being considered at any level of the government.
126. Orphanages and other institutions used for the care of children are in a neglected state. There are few governmental institutions, and they suffer from lack of funds and the children are living in miserable condition in such places. The Report talks of a project undertaken with the help of an INGO (paragraph 129). The State

Party may be asked to explain the extent of the project and the changes that have been brought about as a result of this project.

127. The Report also mentions a National Child Protection Policy (paragraph 131), which till to date remains in draft form; in any event, the Report fails to make any commitment about the gathering of data on child abuse and neglect. As stated earlier, policies have no force of law, and only act as a guiding principle. Laws with a proper enforcing mechanism are needed with regard to the matters discussed in the Report and this is not being done.
128. The Report mentions formation of certain committees (paragraph 132). Many of these committees, including the National Committee on Child Labor, and the National Committee on Child Rights, have not been convened in more than eight years; and the PCCWDs in almost all the four provinces, consist of a few employees who are powerless, and usually confined to one-room offices in the respective Provincial Social Welfare Departments. Such a mechanism cannot be expected to bring about a positive change when one is talking of more than 70 million children. Almost all PCCWDs are currently being supported by UNICEF, and the Provincial Governments are not taking interest in revitalizing them.

Non-Discrimination

129. There is immense discrimination against the girl child in the country, varying from region to region, with the problem more acute in the rural areas. Generally, the girl child seldom enjoys the same rights as her male counterpart due to social constraints. There are areas, particularly in the tribal areas, and in some districts of the Frontier Province, where females cannot be seen on the streets or market places. There are areas in the Frontier Province where the religious militants keep warning the females not to go the markets, and it is thus becoming difficult for females to progress in such repressive environment. This was the practice in all the tribal areas even prior to the present militancy being experienced in the country.
130. The religious militants have blown up more than 100 girl schools in the Swat Valley during the past year. Ironically, this Valley historically enjoyed one of the best female literacy rates in the country. Women are not allowed to vote in certain districts adjoining Swat; and the religious elements in certain areas have instructed women not to sit in the front seat of the vehicles, regardless of who is driving. It is becoming difficult for the females in such an environment to continue education, whether at the school, or higher level, and even more difficult for them to work. A few female workers have recently been murdered by the militants for indulging in “prostitution” simply because they had been working.
131. Cases of females being killed in the name of “honor” simply because they married out of their choice or refused to marry somebody recommended by the elders are

routinely reported. A case recently brought headlines when a girl was killed by her father-in-law, who was also her uncle, because she divorced his son, and married somebody else. On March 7, 2008, she was made to run while being chased by a pack of dogs that bit at her legs until, exhausted, she fell to the ground where they continued to maul her. At this place, she was then shot by the father in law, in the presence of her father in order to intimidate him. During one inquiry, the inquiry officer found that the Village Jirga (local informal court) had documented the proceeding to justify the killing of the girl and several members have signed the document.

132. The Jirgas have become a strong tool in the hands of powerful people, particularly land-lords, in Pakistan's tribal areas. They are used to commit or enable a range of brutal human rights violations. Two federal ministers have been involved in conducting Jirgas that decided that the practice of live burials is an acceptable tribal custom.
133. Through the Jirgas many women in remote areas are made victims and killed every year. Over 4,000 people have died in Jirga sanctioned murders over the last six years and two thirds of them have been women. Their killings have often been carried out under the most barbaric circumstances. Many are charged with having a relationship out of marriage, which is often a fabricated claim, and others are suspected of planning love marriages (in direct opposition to the marriages planned by their families). It is believed that these killings have become a way of resolving property disputes, particularly by male family members who resent losing property to another family through marriage.
134. In the feudal, fiercely patriarchal north, women's lives are worth very little. It is a matter of prestige to have more than one wife, and young girls are often sold into marriage to settle disputes. In one recent case, under the orders of a Jirga and with the knowledge and apparent acquiescence of the police, three young girls (aged 10, 12, 13) were handed over as compensation to a man who claimed that their father had slept with his wife. The complainant had also already openly killed his wife.
135. In another horrific case, five women, three of whom were between 16 and 18 years-old were buried alive near the village of Baba Kot in Balochistan. The older women were traveling to conduct marriages for the three younger girls to men of their choice; not those that had been arranged for them by their families. On hearing of this, the brother of a provincial government minister, and six other men abducted them at gun point. They were taken in a vehicle, bearing a Balochistan government registration number plate, to a remote area. The Minister's brother and his six henchmen reportedly took the three younger women out of the jeep and beat them before opening fire on them with their guns. The girls were seriously injured but were still alive, at which point the men buried them alive in a ditch, covering them with earth and stones. The two older women protested and

tried to stop the men but were also pushed into the ditch and buried alive. A Senator from the Province of Balochistan who as recently as in 2008, defended these killings in the Senate, was made a Federal Minister!

136. Laws have been enacted to oppose this menace of “honor killing”. The law is not being properly enforced. The social trend is moving towards a conservative interpretation of “honor”, and the State Party is not doing anything to reverse this trend. Only in October 2008, the current Government inducted a MNA (member National Assembly) from Sindh as Federal Education Minister, who admittedly solemnized marriages of minor girls as head of a tribe to settle a tribal dispute (this incident is mentioned in paragraph 118 of the Report).
137. In December 2006, the Government amended the Pakistan Penal Code (PPC) to outlaw exchange marriages. The State Party, however, may be asked if anybody, since the enactment of these modifications in the Penal Code, has been convicted in the entire country. The Government appears to only react to honor killings when an incident is picked up by the media. No awareness raising campaigns mentioned in the Report have taken place.
138. The minority children also suffer discrimination in certain areas. Many of them have to study compulsory Islamic courses in school, as no facilities exist to impart them education about their respective religions.

Respect for the Views of the Child

139. Quite a few of the problems covered by the Report exist on an extensive scale and cannot be solved through projects covering a few hundred persons, or by holding a few seminars, or conferences annually. Holding of a youth forum on the subject of HIV/AIDS, with UNICEF’s cooperation, or sending 11 children to attend a conference in Bangkok, again with the help of UNICEF, is hardly going to bring about respect for children’s views in the society; The SPARC Child Rights Clubs again reach out to only a few hundred children, and can hardly be expected to revolutionize matters. The State Party appears to have missed the point: what is required is a change of mind-set which can be brought about by extensive campaign on the electronic media, and a change in all the relevant child-related laws. The Government has failed on both these accounts, and instead has discussed various NGO initiatives relating to this subject.

Children Belonging to the Most Disadvantaged Groups

140. It is true that the Universal Children’s Day and the Child Labor Day are celebrated; it is not true for the National Children’s Day which does not make sense in the presence of the former. The celebrations in any event mostly entail issuance of statements by the President, Prime Minister, and the Social Welfare Minister, usually a replica of the statements issued the previous year on these

occasions. Once in a while, special supplements are published at great expense, which mostly contain huge photographs of the above mentioned dignitaries, and their statements, and which hardly anybody bothers to open, let alone read. A few international agencies and NGOs hold functions, or also issue statements on these days, and thus the day ends, without any major shift in the policy.

Protecting Children from Xenophobia & Others Forms of Intolerance

141. The USAID has given millions of dollars to reform the education in *madressahs*. Despite this huge expenditure, only a few registered with the Government, and most continue with their own system of education, and indoctrination. The system is so entrenched that the Government is literally helpless, and quite a few of the current suicide bombers are children from the *madressahs*. The State Party has failed totally to control this menace of indoctrination, which apart from proving to be a breeding ground of terrorism, is also proving to be a source of sectarian violence. The problem is not as formidable to control as the Government makes it out to be. What is lacking is political will and interest on the part of the ruling class because the children going to these *madressahs* are invariably from the under-developed regions like the tribal areas of the country, and belonging to a low socio economic class.

Birth Registration, Name & Nationality

142. No law has been enacted to handle birth registration since the ratification of the Convention. The Births, Deaths, & Marriages Registration Act 1886, continues to be the sole legislation of which the majority of people are unaware of, and hardly used by anybody. The Committee has observed that children belonging to religious and other minorities are sometimes not registered. The issue does not simply relate to them. Almost 70% of the children are not registered at the time of birth (paragraph 159).
143. Hospitals, particularly private ones, issue birth certificates when so demanded by the parents. However, majority of the children, including those born to the refugees, are not born in hospitals, but at home. This certificate in any case has no value under law, and is not recorded by any State agency. This certificate, however, where available, is used by NADRA while recording births of Pakistani citizens. Such recording is necessary when the child attains the age of 18 years as this amounts to proof of citizenship. As a result, such registration is only available to citizens of Pakistan, and refugees cannot avail this system. Additionally, this system of registration by NADRA is not really for purposes of birth registration, but is more geared towards registering the citizens, and no disaggregated data about the total number of births recorded by NADRA in a year is available.
144. The union councils, the lowest tier of local government under the Local Government Ordinance, also have the power to register births. However, they also

require proof of citizenship of parents prior to recording birth, although the law does not stipulate any such condition. There is a need for a national law on registration which covers all persons in the country, regardless of nationality, and which data eventually also gets disaggregated at the regional and national levels.

145. The failure to handle birth registration is ironic as all adult Pakistanis hold a national identity card, and the National Registration Act 1973 makes it obligatory on the parents to register their children at birth, and this registration later becomes an important basis for granting these registered children national identity cards upon their attaining the age of 18 years. Almost everybody registers their children under this law, and this law can easily be linked with the issue of birth registration, with slight modifications. Following 9/11, the entire registered record has been computerized, making it quite simple and easy for the State Party to regularize the system of birth registration, if it wishes to do so.
146. The plight of the National Committee on the Registration at Birth is no different from that of others relating to child-related issues. It has seldom met, and the by-laws mentioned in the Report are non-existent.
147. The Report says that the standard rules for birth registration have been finalized, and will be operational 'soon.' It has been almost two years since the submission of the Report, and the Rules have yet to be made operational.
148. The Report refers in details to the Plan project. It was a model project, working with a limited budget, undertaken by an INGO, and limited to only 30 out of a total of 130 districts. It is thus not surprising that the project despite running for a couple of years could not make a huge difference in the total percentages; incidentally, the Plan project has now been discontinued.
149. The Project mentions the Universal Birth Registration Project. This project has ended; and it is unclear why this fact has not been disclosed to the Committee.
150. The Convention, and the Committee in its Concluding Observations, have mentioned principles such as the Preservation of Identity; Freedom of Expression; Freedom of Thought & Religion; Freedom of Association; Protection of Privacy; and Access to Information. These are principles which generally are not enjoyed by a sizeable segment of the State Party's population, and it is thus not easy to be introducing them in the context of children. The Report fails to acknowledge the absence of these principles amongst a wide segment of the population; and tries to camouflage this by referring to a few examples and some NGO projects. What is needed in this context is an overall policy guideline by the relevant agencies which has not been done. For instance, the Report mentions about children anchoring a few TV programs (paragraphs 178; 192). This is the exception rather than the rule. An overall directive the government to relevant parties to allot time

for children would have been more effective in creating awareness about these principles; this has not been done.

151. The Report, while talking about Protection of Privacy, specifically mentions the Juvenile Court functioning in Karachi (paragraphs 188-89). This Court was discontinued more than three years ago, and is no longer functional. It is strange that this fact has not been disclosed to the Committee.
152. The provisions of the JJSO have been cited that deal with prohibition on the publication of children's names and photographs when they come into conflict with the law. This is routinely being done, and not a single publication or TV station has been proceeded against.
153. In 2002, the Government of Pakistan enacted a law dealing with Access to Information that remains to be enforced. The question of providing access to appropriate information to children is not even present on the statute books.
154. The National Media Strategy on Violence Against Children, mentioned in paragraph 196 of the Report, has yet to be introduced.

Family Environment & Alternative Care

155. The Guardian & Wards Act 1870 continues to make a distinction in ages of boys and girls with regard to custody cases which is a clear contravention of the Convention provisions. The mention of the Divorce Act 1869 (paragraph 208) is misleading as it only applies to the Christian populace, and the Muslims continue to be governed by shariah law, and the provisions of the Guardians & Wards Act in matters relating to custody.
156. The Report also fails to address the issue of family environment and custody related matters in detail; and instead talks of reunification of street children. The latter problem is not as widespread as the one relating to family environment, and reforms are needed to improve upon this situation.
157. The family courts give meager amounts as maintenance to children, and extensive reforms in this arena also required.
158. For a number of years, the State Party continued to refute claims about the use of Pakistani children as camel jockeys and criticized it as an attempt by 'anti national forces' to spoil Pakistan's relations with the UAE, and other Gulf countries. However, these children in the UAE started to return home after the international pressure forced their release. In any event, it is a positive development, and the State Party may be asked if there are still any Pakistani children being used as camel jockeys.

Leisure & Cultural Activities

159. With regard to provision of recreational and leisure activities, it is unclear as to what is meant by development of 'sports nurseries' (paragraph 453). The Report also claims that all school-going children are benefiting from leisure and recreational facilities (paragraph 459), which is a misrepresentation as majority of the schools lack sporting facilities, including play grounds. The urban land is becoming scarce with growing population, and it is becoming even more difficult for the new schools to afford play grounds. The Report talks about the Federal Ministry of Sports developing sports complexes in all the districts of the country. This has hardly been done anywhere in the country; in any event, this approach makes no sense in the presence of provincial, and district, governments.
160. Sports and leisure activities can be undertaken by the people themselves. What the State is required to do is to provide space. There are few parks in the country, particularly in smaller towns, and none whatsoever in the rural areas. Pakistan is a big country in terms of population, and establishment of one Children's Education Complex, in Lahore, or a heritage museum in the capital, is hardly a solution to this problem.

Remedies Available to Children in Cases of Violations

161. The Report talks about a bill to give statutory status to a Pakistan Commission for the Welfare & Protection of Children. It fails to mention that this bill has been pending for the past two decades; and the Report gives no explanation for the failure of the State party to adopt this law.
162. The response to the Committee's query talks about a Child Protection Monitoring & Data Collection System but fails to describe as to what kind of data NCCWD, or any other agency, would be looking for, or for that matter what it would do with this data even if it succeeds in collecting it. No explanation has been given about the failure to collect such data anywhere in Pakistan.

Independent National Human Rights Institution

163. A Federal Ombudsman exists at the national level since 1985. However, it can only hear cases against the Federal Government; and its agencies. It can theoretically consider human rights violations by the federal agencies, but has failed to do it so far. Similar institutions exist in the Provinces of the Punjab and Sindh but they have also failed to do the same.
164. The Report claims that the proposed Commission will be able to consider individual child rights violations. It is suggested that this claim may kindly be

verified by asking the Government to provide the Committee with the draft of the proposed bill containing this very feature.

165. The NCCWD is a small body, and not in a position to consider any individual violation cases. It has never done so, and has no mechanism to address such grievances. The Committee may like to ask the State Party to furnish the Committee with details of any such case which will go to show to the Committee as to what the functionaries understand by handling individual complaints.

Cooperation with the CSOs

166. While talking of steps taken by the State Party with regard to the Convention, a distinction must be made between the initiatives taken by the State, and those by the non-state actors, such as the donor agencies like UNICEF, INGOs, or the NGOs. Almost all the steps mentioned in paragraphs 79 to 90 have been undertaken with the help of the donor agencies, whether in terms of funding, or even organizationally.
167. The Report's paragraphs 91 to 103 under the above head talk generally about the NGOs. There are few NGOs working in the field of child rights. Most of them are working with minor projects, like running one or two schools, with donor assistance. There are even fewer working at the nationwide level trying to advocate and create awareness about the rights of the children.
168. The issue raised by the Committee under the above head does not relate to cooperation between the State Party, and the NGOs, in general. It obviously has been raised in the context of NGOs working in the field of child rights. Very little information in this respect has been provided in the Report for the obvious reason that there is not much of collaboration. This lack of cooperation may be for a variety of reasons but can partly be explained due to the Government avoiding NGOs that are critical of its performance in this field.
169. The website (www.ngosinfo.gov.pk) hardly contains any data about the NGOs working in the field of child rights; and is almost useless with regard to the implementation of the Convention in the country in its current form.
170. Paragraph 97 of the Report talks about the NGOs being part of the NCCWD and the Provincial Commissions. It should be noted that some of the Provincial Commissions are dysfunctional, and have not met in more than ten years and no meeting of the NCCWD has been held in more than five years.
171. It is true that some NGOs were asked to be part of the Periodic Report composing process. However, this cooperation was initiated at a very late stage when such collaboration should ideally be an on-going process. Consequently, this cooperation was literally initiated in the last one year of the preparation of the

Report, and is again non-existent since the presentation of the Report to the Committee.

CONCLUSION

It is evident that the rights of children cannot be protected or promoted unless there is a comprehensive legislation that defines these rights and an institution that ensures that it is implemented. It is only when such fundamental steps are taken that any improvement in the lives of children can be seen and one that benefits them equally. It is close to two decades since Pakistan made a commitment to this effect and yet the rights of children as enunciated in the UNCRC have yet to be reflected in the national law of Pakistan.

It is recommended that the Committee stress upon the State Party to expedite the process of enactment of legislation that embodies the rights of children and the setting up of an independent commission on the rights of children in the light of Paris Principles and general comment 2 of the Committee. Such a Commission should have the powers to monitor and protect children's rights, investigate complaints, advocate for policy and systemic improvements including those related to budgetary allocation and maintaining children specific data and undertake inquiries and produce reports on any aspect of policy or practice affecting children. Such a Commission must be adequately resourced with financial and administrative autonomy. Such steps should be taken at the Federal as well as Provincial levels.

It is also recommended that that Committee pressurize the State Party to make necessary amendments in those sections of the Penal Code and other laws that can be interpreted as violating children's rights and in some cases discriminate against the girl child. Such reforms can include: raising the age of criminal responsibility to 12 years; prohibition of corporal punishment and repeal of section 89 of the Pakistan Penal Code; decriminalizing status offences such as vagrancy; the amendment of the Child Marriages Restraint Act 1929 to increase the age of marriage for girls to 18 and legislative amendments that can address comprehensively the issue of internal trafficking of children. The State Party must be asked to reorient its approach to juvenile justice and devise and implement alternatives to detention. The issue of child domestic labor and children working in all the informal sectors also needs to be urgently addressed through legislation in order to tackle some of the most serious violations of child rights. It is equally important that the inadequate and outdated punishments and fines under the current laws be revised.