IMPLEMENTING CHILD RIGHTS IN PAKISTAN:
ALTERNATIVE REPORT FOR UN CRC

JUNE 2015

Submitted by the Child Rights Movement (CRM), a coalition of Pakistani INGOs and NGOs working on child rights issues.
This report is dedicated to all the children of Pakistan, but specifically to the victims of terrorism, and in particular to Malala Yousufzai, Aitezaz Hassan and the victims and survivors of the Peshawar massacre.
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Introduction

Pakistan’s progress in safeguarding child rights through the United Nations Convention on the Rights of the Child (UNCRC) continues to be disappointing, and children remain one of the most vulnerable groups of the population in every aspect. Despite forceful government claims to the contrary, and some ad hoc positive initiatives the state of children’s rights has not improved notably in the last 25 years since Pakistan ratified the Convention on the Rights of the Child (UNCRC) in 1990. Since then, the country has submitted five periodic reports, the last of which was submitted to the Committee on the Rights of the Child (hereafter referred to as ‘the Committee’) in 2014. The Concluding Observations and Remarks (CO&R) of the Committee submitted to date (4 reports have been considered) consistently reflect the government’s lack of commitment towards protecting and promoting children’s rights in any meaningful and sustainable manner. A weak political will to improve child rights is demonstrated by the absence of a holistic approach, a feeble effort to improve coordination, data collection, awareness raising, capacity building, attitudinal change, and in particular the government’s failure to establish bodies with statutory status to work for the implementation of the CO&R, delays in related legislation and poor budgetary allocations for children.

This Alternative Report examines and provides supplementary information to Pakistan’s Fifth Periodic Report, submitted in 2014, and covers child rights till June 2015. A thorough desk review of reports, policies, assessments, etc., and a wide range of consultations\(^1\) with NGOs, key civil society representatives and children themselves were conducted in all four provinces, as well as in AJK, GB and FATA, and constitute a major source of the included data and analysis.

While covering all the required state report clusters; key areas of child rights, in terms of progress, violations and gaps, have been focused upon, namely those identified by the Committee as part of its concluding observations, and special child rights concerns identified by the civil society that are worth noting. Government initiatives have been analysed in terms of progress against the CO&R 2009, identifying in particular their on-the-ground implementation, practical changes that have occurred, and the considerable gaps that continue to exist.

Children make up 48.75\(^2\) - roughly half - of Pakistani’s population, making it one of the largest populations of children in the world. The reporting period was a time of upheaval and massive changes for Pakistan. In addition to the consistent economic issues, rising food prices, scarce energy and fuel, and consequently, increasing poverty, Pakistan also faced several humanitarian crises in the form of devastating floods in parts of the country, especially Sindh and Balochistan, causing enormous damage to the regions’ population, livelihood and infrastructure, and two military operations as part of its war on terror, the first in Swat and second (ongoing) in North of Waziristan in 2014.

In a landmark move, Pakistan adopted the 18\(^{th}\) Amendment to the Constitution of Pakistan in 2010, handing over significant powers to the provinces, and recognising free, compulsory education as a fundamental right. Except for criminal law, procedure and evidence relating to child rights, the Federal Government is no longer responsible for child rights related legislation in the provinces, including administration and financial allocation (except in the Federal territories and those areas not forming part of a province). While hailed widely as potentially improving governance, the transition of power has not been smooth, leading to significant confusion regarding roles and responsibilities at every level, including international commitments such as the UNCRC. Technically, any child rights developments, whether

\(^1\) See Annexure 1-List of Consultation Participants and Individuals Interviewed
\(^2\) Child Rights Movement (CRM), *Budget Analysis from a Child Rights Perspective*, 2014
stemming from domestic need or international conventions, are now the responsibility of the provinces; but there is currently no mechanism to ensure effective implementation or accountability.

General Measures of Implementation (art. 4, 42, 44 (6))

Previous Recommendations
1. Pakistan’s inability to take on board and accurately report on pending recommendations of the Committee is a recurrent issue with all the reports submitted by the Government of Pakistan (GoP). The prevailing situation of child rights in Pakistan indicates that while some positive steps have been taken, including the enactment of some laws, and the development of child rights related policies and initiatives, there is little evidence of their sustainability, quality or impact. Progress in addressing gaps remains deplorably slow and fraught with numerous attitudinal and organisational barriers. As a result all the specific areas identified by the Committee as needing follow up remain seriously neglected, with 2014 being one of the worst years for children in Pakistan.3

Legislation

3. Other notable actions taken include the establishment of the Ombudsman’s Office in Islamabad, Children’s Complaint Offices (CCO) at the Ombudsman Offices (as well as notification to this effect in FATA), as part of a UNICEF project; notifications to ban corporal punishment in all schools – public, private and informal, unregistered madrassas declared illegal, and the ratification of the Optional Protocol on Sale of Children, Child Prostitution, and Child Pornography. Policies and plans of action have been formulated on child protection, against commercial sexual exploitation of children, the elimination of child labour and bonded labour, women’s empowerment and child protection. However, plans and policies have no legal validity, and in the absence of a serious political commitment to the issues, they have very limited significance. As for the legislative changes, while they reflect some movement, the laws are largely isolated, adopted under pressure and often after much resistance. For many reasons, they do not indicate a sustainable change in political will, a shift in attitudes or any real impact on the socio-political environment for children: first, the legal framework pertaining to children lacks national uniformity– there are glaringly different standards of rights and protections for children across the provinces and regions, with varied resources, budgets, capacities and priority; second, many federal laws aimed at improving child rights, such as those related to employment, adoption/guardianship, human trafficking and crime, have not been retained by provincial governments after devolution; third, the government is ill-equipped to handle the administrative implications of the

new legislation, such as budgeting, establishing rules of business and streamlining their implementation; fourth, while the new laws are improvement on the previous situation, many are still not in line with international conventions or even with the country’s own constitution; fifth, several child friendly bills that have been introduced over the last few years have lapsed due to opposition and/or inaction; sixth, there appears to be a general reluctance and often active resistance to pass certain laws that support the UNCRC, especially those that aim to increase the age of the child to 18 years in their definitions; seventh, some new laws, such as the Anti Terrorism Act, have served to actually set back the progress made in terms of child rights, for example in defining a child and finally; eighth, the proposed legislation reported by the government has no impact on the current state of affairs relating to children. The mentioned bills are private member, and non government bills, which have a very low success rate of being passed. The government cannot therefore, own them, and in any case, unless they are passed, they have no value.

4. As always, even with noteworthy laws, policies and structures the implementation of existing laws remains an enormous challenge, demonstrating a low priority for child rights and a serious lack of political will, adequate systems, organisation and adequate resource (financial and human) allocations. Structures are often tokenistic, of good theoretical value with little effort towards actual implementation and sustainability.

Coordination and Independent Monitoring

5. An already notoriously weak area of government, coordination between departments, and the monitoring of the implementation of the UNCRC, has further deteriorated over the last few years. Despite the passage of time since the adoption of the 18th Amendment, the government has been unable to develop an efficient system to assess, monitor and streamline its work on child rights since the devolution of powers. The National Commission on Child Welfare and Development (NCCWD) is now part of the Ministry of Law, Justice and Human Rights, which has provincial directorates to ensure child rights are promoted and protected. In reality, however, the provincial mechanisms lack clarity, roles and responsibilities significantly overlap and there is no provincial uniformity. In Sindh, for example, child rights are meant to be overseen by the Sindh Child Protection Authority, in Punjab the Social Welfare Department and Child Protection Bureau, in KP the Child Rights Commission, and in Balochistan directly by the provincial Social Welfare Department. In FATA, the state of child rights is particularly alarming with no effective legislation or functional monitoring bodies in place.

6. The 5th Periodic Report identifies and outlines the tasks of a number of bodies set up for monitoring and coordination. However, the unfortunate reality of many of these structures is that although they exist in principle, their roles and functioning are unclear and their effectiveness is low, marred by a lack of resources, capacity and budget allocation, reflecting the overall low priority attached to child rights. Further, despite their quasi autonomy, these bodies have little power to enforce strategies, decisions and their implementations, especially in the absence of political will and at times in the face of active resistance. The Sindh Child Protection Authority, for example, is still struggling with administrative issues, with its first and to date only meeting held, in 2014. At the federal level, a National Commissioner has been appointed by the Federal Ombudsman to ensure that all child-rights activities are in line with the UN CRC, but the provinces have not appointed corresponding provincial commissioners.

The National Plan of Action for Children

7. There has been no noteworthy progress reported on the National Plan of Action for Children adopted in 2006. None of its strategies have been implemented since the 18th Amendment was passed, and it remains entirely a plan on paper with no on-the-ground value.

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4 See Annexure 2-Pending/Lapsed Bills
5 Provincial child rights issues have been identified and discussed comprehensively in an assessment and mapping done for each province by the Collective for Social Science Research, between 2012 and 2013.
6 Use of the term Commissioner is considered technically incorrect here as it does not meet the Criteria of ‘Commissioner’ as outlined by the Paris Principles

Downloaded from: http://www.un.org/documents/ga/res/48/a48r134.htm
Allocation of Resources

8. Pakistan’s budget for children has only recently been analysed in great depth by the Child Rights Movement (CRM).⁷ Although there are several child-specific government programmes and initiatives, there is no child specific budgeting in Pakistan, with child related budget planning and expenditure not being a separate category. This not only constitutes a problem for analysis, it also shows a lack of focus on children and compromises the effectiveness of child rights interventions. Some key features of the financial resources allocated to child rights are that while children constitute 48% of the population they are allocated only 6% from the budget; a significant percentage goes towards defence and power; there is a significant gap between the budget and actual expenditure; total allocation for children by both the federal and provincial government is increasing, almost tripling in 3 years; however, allocations do not necessarily translate into actual spending, are often underutilised and often do not reach their target groups; there are 3 primary areas of allocation: education, health and social welfare, with the federal government spending mainly on welfare and the provinces, despite significant variation, focussing on education, Sindh being the highest spender on children; child-specific government allocation in the last 4 years ranges from 0.45% (federal government) to 14% (Sindh government); and provinces have allocated negligible amount of funds to children specific programmes.

9. The report illustrates the low priority that the government consistently assigns to child related funding.⁹ Even though budgets for children have been increasing in recent years, they are still abysmally insufficient. In addition, the budget ignores many groups: the girl child; children affected by disasters, conflict and terrorism/extremist; children who belong to minority groups; child victims of crime and children in conflict with the law, including their psychosocial needs.

Cooperation with Civil Society

10. Some NGO-government collaborations on child rights have occurred during the reporting period. The National Commission for Child Welfare and Development (NCCWD) has worked closely with NGOs and the UN for capacity building on child rights issues, notably education, child labour, juvenile justice and child abuse. At the same time, however, NGOs have reported systematic hurdles created by the government and a reluctance to implement child rights strategies. The government approach to collaborations is viewed by many within civil society as either being initiated and managed by NGOs rather than the government, or when initiated by the government itself as tokenistic, or as a way of shifting responsibility.

Data Collection and Information Dissemination

11. Data collection on child rights issues is an enormous challenge for the government, and the lack of efficient process continues to create significant barriers to sustainable progress. Time and again the government has committed to establishing a comprehensive system to collect data, and the establishment of NADRA was meant to streamline the process. However, reliable data remains limited, with few resources allocated to the mechanism. The only identifiable data that has been collected with government’s involvement has been supported by UNICEF and other organisations, resulting in a national report published on women’s and children’s status in 2012,¹⁰ which includes some valuable data, analysis and recommendations. However, there is no on-going system to collect data on significant child rights indicators, to disseminate information or to analyse progress.

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⁷ CRM, Budget analysis from a child rights perspective, 2014
⁸ CRM, Taxation system in Pakistan and its impact on children’s lives, 2014
⁹ UNICEF and Government of Pakistan (GoP), Situational Analysis (SitAn) of Children and Women in Pakistan: A National Report, 2012
¹⁰ Ibid
Dissemination of the Convention and Training

12. There have in recent years been some attempts to impart information and training on the UNCRC. Initiatives have included seminars, consultations, trainings, workshops and brochures for professionals and varied groups. However, though the government has been involved, these initiatives have primarily been spearheaded (and typically funded) by CSOs, such as SPARC, Save the Children, Plan Pakistan and UNICEF. Furthermore, these sensitisation and awareness trainings are isolated events, conducted on an ad hoc basis, and have not been institutionalised at any level. Overall awareness of the Convention and child rights and their critical importance continues to be low. The government’s initiatives also lack transparency, with no information on the Convention and progress available on government websites.

Definition of the Child (art. 1)

13. The fundamental issue of defining a child and aligning the definition to the UNCRC remains a goal even 25 years after Pakistan ratified the UNCRC. The conceptualisation varies from law to law and province to province as outlined in the table below:

<table>
<thead>
<tr>
<th>Age of the Child</th>
</tr>
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<tbody>
<tr>
<td>• 18 years for boys and 16 years for girls in the Child Marriage Restraint Act 1929 (applicable in KP and Balochistan) and Punjab Marriage Restraint Act 2015</td>
</tr>
<tr>
<td>• 18 years for boys and 16 years or puberty for girls in Zina Ordinance 1979</td>
</tr>
<tr>
<td>• 16 years in the Sindh Children Act 1955; the West Pakistan Vaccination Ordinance 1958</td>
</tr>
<tr>
<td>• 18 years in the Sindh Child Protection Authority; the KP Child Protection Welfare Act 2010</td>
</tr>
<tr>
<td>• 15 years in the Factories Act 1934 and the Mines Act 1923</td>
</tr>
<tr>
<td>• 14 years in the Shops and Establishment Ordinance 1969 (an adult being 17 years and in the Employment of Children Act 1991 a person between 14 and 18 years is an ‘adolescent’)</td>
</tr>
<tr>
<td>• The parallel Federal Shariat Court system in Pakistan, which defines puberty as the end of childhood.</td>
</tr>
</tbody>
</table>

14. These contradictions in the fundamental state task of defining a child, which should technically inform all laws related to children, create significant hurdles in the way of protecting child rights. The Child Protection Bill proposed by the National Commission for Child Welfare and Development (NCCWD), would serve to raise the minimum age of criminal responsibility which currently stands at 7 years under Section 82 of the Pakistan Penal Code (PPC) and 12 years under Section 83, but this has not yet been passed by all the provinces.
General Principles (Art. 2, 3, 6 and 12)

Non-discrimination

15. Discrimination on the basis of socioeconomic status, class, gender, ethnicity, religion, and disability was identified as a major challenge facing Pakistan, by the children. Pakistan ranks 145 out of 187 countries on the Gender Development Index and second to last in gender equality related to health care, education and work. Girls and women continue facing systemic gender based discrimination in the household, community and public sphere irrespective of status, age, and region. Even though there is evidence of narrowing down of the gender gap due to increased school enrolment rates for girls, more women in the labour force and politics, their social position ‘remains largely unchanged’. As compared to boys, girls continue to face more child rights violations in the form of honour killings, harmful traditional practices including child marriages, sexual abuse and neglect.

16. Religious and sectarian minorities continue to face persecution and discrimination in different aspects of their life. Individual acts of murder as well as community mob attacks and lynching have been reported in the recent years. The case of the abduction, forced conversion and marriage of the 12-year-old Anjali Meghwar in Sindh and that of blasphemy against an 11-year-old girl, Rimsha Masih are examples of the prevailing insecure atmosphere for religious minorities. A total of 144 incidents of sectarian violence were reported in 2014 alone, with the Balochistan Hazara community being a target of many terrorist attacks. Gaps in the implementation of the existing laws have resulted in an increase in crime rates and low convictions with regards to crimes against minorities and vulnerable groups. A clear example of de facto discrimination is an incident in which a school teacher gave a class assignment to the students asking them to write a letter to their Hindu friend giving reasons for why s/he should convert to Islam! Other discriminatory practices in education include the provision of an extra twenty marks to intermediate level students who have memorized the Quran (Hifz-e-Quran) with no alternative substitute for children of religious minorities; students being forced to take up Islamic studies for the fear that they will be discriminated against and face technical difficulties later; and no change in the hate material of the text books. For example, the textbooks made in 2012 for the Public schools of the Punjab province, continue to have hate material despite the improved curriculum of 2006/2009. There were fifteen lines of hate material in the Urdu language and Pakistan studies books for grades seven to ten in 2009, which later increased to 86 lines.

17. The 5th periodic report submitted by the Government of Pakistan does not provide specific information about the measures and programmes it has undertaken to address discrimination, xenophobia and intolerance as a follow-up to the Durban Declaration and Programme of Action adopted in 2001 and the 2009 Durban Review Conference.

18. The exact number of persons and children living with disabilities (PWD) is not known, which in itself creates hurdles in effective programming and interventions for these children. The World Health Organization (WHO) estimates that they comprise 15% of the Pakistani population, while the government figures are lower. Despite the National Policy for Persons with Disabilities (2002), Special Citizens Act (2008) and ratification of the UN Convention on Rights of Persons with Disabilities (2011), no concrete action plans have been developed to ensure its implementation at the national and provincial level. A draft Pakistan Disability Bill 2015 has been developed in consultation with the World Health Organization (WHO), but it is not expected to be passed soon by the

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11 This was ranked at 9 on a scale of 1-10 by children’s groups in the Federal Capital and Sindh province. See Annexure 3- Findings from the Children’s Consultations
14 UNICEF, 2012
15 SPARC, Children of Minorities: a National Perspective from Pakistan, 2014
16 HRCP, 2015
17 Human Rights Monitor, A report on the religious minorities in Pakistan, 2012
government. In the absence of a legal framework, people living with disabilities continue to face stigma, discrimination and accessibility issues in all walks of life including education, social protection and health care.¹⁸

Best Interest of the Child
19. The ⁵ᵗʰ periodic report fails to specify measures taken by the federal and provincial governments, while making their budgets, plans and policies to ensure that children’s best interest is considered. Apart from considering welfare of the minor while deciding on the child custody cases and the KP Child Protection and Welfare Act 2010 which refers to the best interest of the child, no significant development can be reported on. Unfortunately, the National Commission on the Rights of the Child (NCRC) Bill and the National Child Protection Policy that were mentioned in the previous reports as means of ensuring the best interest of the child, have still not been approved.

The Right to Life, Survival and Development
20. Children’s right to life, survival and development, continues to portray a bleak picture evident from the rights violations and poor health indicators.¹⁹ The girl child especially poor, rural and marginalised girls continue to suffer discrimination, illustrated by their nutritional status, maternal mortality rates and morbidity ratios (14 per cent of girls aged 15-19 years are already married)²⁰ and trends of violence against them, including honour killings. Marginalised and vulnerable boys and girls such as (but not limited to) those living and working on the streets, engaged in labour including hazardous forms of labour, sex work, IDPs etc. continue to face a number of health risks affecting their right to health, survival and development.

21. The Juvenile Justice System Ordinance (JJSO) 2000 provides protective measures for children in conflict with law and from the death penalty. However, this law is yet to be implemented in its entirety in all the provinces including FATA, GB and AJK. There is a general lack of awareness about this among majority of the law enforcers and lower judiciary. The Protection of Pakistan Act 2014 especially section 24 gives the power to override other laws including the JJSO. With the recently lifted moratorium on the death penalty in the wake of the December 16, 2014 terrorist attack on the Peshawar school, there are increased concerns among child rights activists that this may lead to potential death penalties for children held in cases of terrorism.²¹

22. The Criminal Law (Amendment) Act 2004, has led to increased media coverage of the crime of honour killings including that of minors (82 honour killings of minor girls were recorded in 2014 alone) and at some level its acceptance as a harmful traditional practice. However, major gaps in terms of implementation and knowledge of this law still exist. While the Criminal Law (Amendment) Act 2004 enables the prosecution of the perpetrators of honour killings, it still provides the option of Qisas and Diyat²² due to which the majority of perpetrators are set free. A pilot study²³ to assess the compliance of this law reveals that there is little awareness of the law on honour killings. Largely, the community either does not know of it at all, or does not know the specifics. Worryingly, the lack of knowledge about this law even exists among the police, lawyers and judges. Further, due to the social acceptance of the act and power of the influential, the police are often unwilling to implement the law and as a result most cases are settled out of court.

23. While the government of Pakistan acknowledges its failure to meet the Millennium Development Goals (MDG) related to infant and under five mortality, the ⁵ᵗʰ periodic report does not reflect on ways through which it will

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¹⁸ HRCP, 2015
¹⁹ Covered in the sections and article related to health, special protection etc.
²⁰ Government of Pakistan, Pakistan Demographic and Health Survey (PDHS) 2012-2013, 2014
²² The heir of the victim has the right to demand the death of a murderer (Qisas) or can be settled in exchange of money, property etc (Diyat).
²³ Aurat Foundation, Honour Killings in Pakistan and Compliance of Law, 2011
urgently address its root causes, information about which is documented extensively for each province in the various reports.24, 25

24. Natural and manmade disasters, acts of terrorism and violence seriously affected children’s right to life. There were a large number of children among the 4.5 million people affected by floods in Kashmir, Punjab and Sindh. The drought in Sindh affected 2.9 million people with approximately 650 child deaths by the end of 2014.26 Around 136 children were killed in incidents of crime and lawlessness in Karachi alone in 201327 and around 142 children were brutally murdered in an attack on a school in Peshawar in 2014. Countless children were also killed in other random and targeted attacks and conflicts around the country.

Respect for the Views of the Child

25. Respecting and valuing the views of children, involving them in important life decisions remains a notable weakness and was highlighted as a major challenge during three of the four consultations with children.28 No formal and permanent mechanisms have been put in place for consulting children at the national and provincial level on policies, legislations and for feedback on public services.29 Children’s parliaments and child rights clubs have been set up by local organisations to increase children’s involvement in decision making; however, these are small scale temporary project based initiatives that have often not facilitated the participation of children in its true spirit. Currently, the Children’s Parliament set up in 2008 by a local NGO, SPARC, is no longer functional. No child-led organisations have been legally registered since it requires submission of a National Identity Card, which can only be obtained at 18 years of age.30

26. Child-specific legislation in Pakistan does not make children’s participation obligatory. The KP Child Protection and Welfare Act states that for children in public care, the court shall obtain the views of a child at risk before making an order related to his/her custody and care. However, there are no national laws regarding this matter or to make it obligatory for courts to consider children’s views. Children may, however, be heard in the courts and their statements recorded by the guardian/civil judge, especially if there is a lack of other evidence.31

27. The Senate’s Standing Committee on Information and Broadcasting noted (March 2014) that there are hardly any local programmes for children on the electronic media.32 Findings from a Children Media Conference33 include an overall lack of social responsibility towards children, no special time allotment for children’s content and lack of local content for them.

28. The establishment of the Children’s Complaint Offices (CCOs) (with head named as the National Commissioner for Children as of May 2013) is an important initiative of the government to provide children with a complaint mechanism. However, this mechanism is only applicable to the complaints against the functioning of the government departments. In addition there is little knowledge about this committee at the federal, provincial and district level among the children.

29. Malala Yousafazai, while seen by many in Pakistan as a beacon of bravery and hope, also received the wrath of many. She has been termed as a ‘western agent’, promoting anti-Islam and anti-Pakistan sentiments through her

24 GoP, PDHS, 2012-2013
25 UNICEF, 2012
26 HRCP, 2015
27 HRCP, State of Human Rights in 2013, 2014
28 Ranked at 8, 5 and 5 on a scale of 1 to 10 during the consultations in the federal capital, KP and Punjab
30 Ibid
31 Ibid
32 Pakistan Press Foundation: Press Release of the Senate’s Standing Committee on Information and Broadcasting observations, March 2014
33 Little Art Foundation, Children’s Media Conference Report, 2014
book. An Anti Malala Day (I am not Malala Day) was also observed by the All Pakistan Private Schools Federation, in November 2014.

Civil Rights and Freedoms (art. 7, 8, 13-17, 39)

Birth Registration

30. Birth registration is pertinent for a country like Pakistan where so many laws (for example, marriage, labour, legal responsibility, etc.) are dependent upon the age of the child. The government, in collaboration with NGOs and UNICEF has started initiatives to meet the organisational challenge of registering Pakistan’s children at birth. However, the country still lacks a comprehensive, efficient and universal system of birth registration with its birth registration rate estimated to be one of the lowest in the world, about 30% overall. From 2009 to 2013 even fewer children, a mere 27%, have been registered according to UNICEF, the highest percentage being in the Punjab and the lowest in Balochistan and FATA. This is despite the fact that units have been established in all provinces to encourage birth registration. Even though a chip-based card system for children has been initiated by NADRA, with records of applications and all other data such as that of birth, health, education, etc., this is an optional card, and the B-form is still the primary source of identity for children. A complicated procedure and high fees for birth (as well as death) registration means that most children remain unidentified.

31. There is no evidence of any notable measures to tackle structural issues in birth registration, such as ensuring the registration of vulnerable groups such as girls, minorities, refugees, gypsies or children living in rural areas. In 2011 the issue of children with unidentified parenthood arose when Abdul Sattar Eidhi, the owner of the Eidhi Orphanage, petitioned the Supreme Court to develop for the first time a system for the legal registration of such children, who were at the time being refused registration by NADRA. Through sustained advocacy from civil society, NADRA faced immense pressure to register these children and to submit a report, finally allowing registration to children of unknown parentage in 2014. Since then NADRA has been issuing Computerized National Identity Cards (CNIC) to persons with unknown parentage. Abandoned children or orphans are now registered with NADRA after it consulted with the Council of Islamic ideology, and their cases are dealt with by the Guardian Courts that issue guardianship certificates.

Freedom of Thought, Conscience and Religion

32. While the Constitution guarantees equal rights and protection to people from all religious and sectarian backgrounds, in reality the freedoms and protections offered to Pakistan’s minorities, including children, are seriously lacking. An increasingly radicalised mindset has given rise to violence targeting Shias, Hindus, Christians, Ahmadis and anyone considered too liberal. In addition to regular discrimination in every domain, children of minority groups have been direct victims of this intolerance, such as Rimsha Masih, a 14 year old girl accused of blasphemy under the infamous, highly discriminatory Blasphemy Law and arrested (later discharged and now granted asylum in Canada); Angeli, Maghward, a Hindu girl abducted, forcibly converted to Islam and forced to marry her abductor; and Malala Yousafzai, shot at close range by the Taliban, for openly expressing her views about education, particularly girls’ rights to education in KP and unlike the government and some political parties, courageously accusing the Taliban of human rights violations. The government’s responses to each of these cases have been appalling, providing minimal protection and no justice to the victims.

34 UNICEF, 2012
35 Ibid.
37 NADRA unveils landmark policy for the registration of orphans, Dawn News, May 20, 2014
Torture and Cruel Treatment

33. In a welcome move in 2010, Pakistan ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). However, the country is yet to see any concrete effort to translate this commitment into action.\(^{40}\) Technically, the law protects children from torture and inhuman treatment and harsh sentencing (Article 42 of the Constitution), but there is no definition of what constitutes torture and there is little, if anything, in place to prevent, record, monitor and deter violations of this nature. While children may not be specifically sentenced to inhumane punishments, as the 5\(^{th}\) Periodic report states, children continue to be tortured in detention with policemen being the most common perpetrators. There is no detail provided of the ‘numerous’ sessions for the police and prisons on child rights and torture, of any tangible results in social attitudes. A recent example of continuing torture is a survey conducted by the AGHS Child Rights Unit in 2013\(^{41}\) in juvenile prisons of Punjab according to which over 95% of the children reported varying degrees of torture. The acceptance and use of torture is also illustrated by 21 cases of the serious mistreatment of domestic servants, including 8 deaths, mostly from Punjab, which were reported by a group of human rights and justice organisations in 2013.\(^{42,43}\)

34. Severe physical punishments, amounting to torture, in schools, especially madrassas, continue to be rampant. Despite a number of cases being highlighted in the media, there is no specific public campaign addressing attitudes towards the torture and degrading treatment meted out to children. Far from promoting a culture of non-violence, the government’s own policies, such as military operations and removal of the moratorium on the death penalty, actually contribute to violence as an acceptable strategy.

Corporal Punishment

35. Corporal punishment remains firmly embedded in Pakistani society as a form of discipline and control. This can range from relatively mild forms such as slapping to severe physical abuse leading to death. Several cases of serious injuries and death in the last 7 years have been recorded by the HRCP, SPARC and the media, from all over the country, the majority occurring in state schools, but also in the non-formal sector and madrassas. Corporal punishment is also routinely used as a disciplining strategy in homes, supported by both cultural values and the law (PPC 89 and 321).

36. In a positive move, in 2014 the Ministry of Law and UNICEF launched an anti corporal punishment campaign, which included a baseline survey in 5 districts.\(^{44}\) Pakistan was also the second SAARC country to start a corporal punishment campaign as part of the South Asia Initiative to End Violence Against Children (SAIEVAC) and the South Asia Coordinating Group on Action against Violence against Children (SACG), this time targeting law makers, civil society, children, etc. At the provincial level, KP’s CPWA 2010 prohibits corporal punishment but lacks a clear definition and implementation. Other initiatives are largely confined to issuing notifications banning the use of corporal punishment, which is not followed through, and arranging awareness raising seminars. While these are welcome steps, given the grave nature and extent of the problem, they are a drop in the ocean, and do not reflect a commitment on the part of the government to seriously tackle the problem.

Violence against Children (art. 19, 39, 37 (a), 28(2))

37. The claim (in the 5\(^{th}\) Periodic Report) that Pakistan takes the recommendations of the United Nations Secretary-General’s Study on Violence against Children (A/61/299) seriously is not supported by the prevailing situation in the country. Years of neglecting child rights and in general, the law and order/terrorism situation and sustainable

\(^{40}\) SPARC, 2014
\(^{41}\) HRCP, 2014
\(^{42}\) CRM Punjab, Institute of Social Justice (ISJ), SPARC and Pakistan Institute of Labour, Education and Research (PILER), The unending plight of child domestic workers in Pakistan, 2013
\(^{43}\) Arshad Mahmood, In Lahore: Do child labour and torture go hand in hand, Express Tribune Blogs, January 6 2014
\(^{44}\) HRCP, 2015
situation have led to the most atrocious acts of violence being committed against children in recent years (specific types of violence are covered in more detail in Special Protection below). The attacks on Malala, on minority groups, on the school children in Peshawar, and children who are collateral damage in the war against terror, to name a few cases, are a testament to state policies that have nurtured extremist groups for too long. There is no visible improvement in corporal punishment and torture in schools, homes, work places and detention centres; there are increasingly regular reports of children being physically abused, sexually assaulted, sexually exploited (including over the internet), raped, abducted (including by the Taliban), recruited into militant groups, killed in conflict, target killings, terrorist attacks, drones or in incidents of honour, of being tortured, trafficked, married, gone missing, of being injured or killed in conflict areas, such as KP, FATA, parts of the Punjab and the Line of Control. The year 2014 was also reported to be one of the worst in terms of child homicide, according to the HRCP.49

38. While children are generally vulnerable to violence throughout Pakistan, the gender dimensions cannot be ignored. Violence against the girl child – neglect, abuse, rape, child marriage, honour killings - continues to be one of the highest in the world. The situation has been compounded by emergency situations in recent years (floods, military operations and displacement), where circumstances are characterised by uncertainty, insecurity and further socio-economic disadvantage. Girls are also disproportionately and severely affected by Talibanisation, when tribal notions of morality and honour impinge on their fundamental human rights, such as education, mobility, etc.50 There is no evidence of any direct intervention by the government to address the gendered effects of Talibanisation.

Family Environment and Alternative Care (art. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25, 27)

Family Environment

39. The 5th periodic report makes no mention of any specific psychosocial, positive parenting and disciplining initiatives undertaken at the national and provincial level to assist parents’ in exercising their parental responsibilities more effectively. Nor does it mention any legislative measures that can be undertaken in case parents and caregivers perpetrate violence against children.52 It is unclear if any psychosocial interventions are undertaken with the parents of children availing services at the child protection centres and the rehabilitation centres for child labourers etc.

40. The national bill on the prohibition of corporal punishment is yet to be passed by the national assembly. The current national and provincial legislations and notifications do not override Section 89 of the Pakistan Penal Code (PPC), which allows ‘milder’ forms of corporal punishment to be institutionalised in the disciplinary mechanisms of schools, prisons, homes and work places.53

41. A third party evaluation44 of the ‘Socio Economic Development of Destitute & Neglected Children’s Families’ project, points to a number of gaps related to staff capacities, disbursement of finances and outreach of the vocational and microfinance aspects of the programme to the beneficiaries. It reports no significant impact on the lives of the vulnerable children and their families as intended by the project.

45 SPARC – 2011 - 2015
46 SPARC, Violence against Children, 2014
47 Madadgar National Helpline, Database on Violence against Children, 2014
48 Express Tribune, Violation of Rights: 767 Children raped and killed across Pakistan last year, June 28 2015
49 HRCP, 2015
51 HRCP, 2015
52 Only the KP Child Protection and Welfare Act 2010, categorically gives the child protection authority, institution and officers the power to investigate and follow-up on violations by parents, caregivers and guardians.
53 SPARC, 2015

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Children without Parental Care

42. The national and provincial Child Protection Centres, National Rehabilitation Centres for Child Labourers and Pakistan Sweet Homes are theoretically useful initiatives of the government to provide children with alternative care. However, these centres are not accessible to children at all levels (districts) in all provinces, AJK, GB and FATA. For example there are no government run centres and facilities for children at risk in Balochistan besides the two Sweet Homes run by the Pakistan Baitul Mal. Additionally, the existing set ups lack child friendly policies. For example, the children living/working on the streets or whose parents are in conflict with the law are first handled by the police, instead of the trained staff of child protection centres. These set ups also lack quality standards; appropriate medical, psychological and educational facilities; regular and uniform monitoring and complaint mechanisms to ensure that the children’s rights are not further violated. Lack of funds, political commitment and trained resources continue to remain a challenge. For example, the Sindh Child Protection Authority has only been notified in 2015, after a lapse of four years since its enactment. The rules of business are still to be formulated. The Balochistan Child Protection and Welfare Bill remain unapproved to date.

43. It is encouraging to note that the 5th periodic report acknowledges the need to bring the new institutions such as the Police Child Protection Centres in Peshawar, Quetta and NCPC in Islamabad under the law. However, both the centres in Peshawar and Quetta are no longer functional after the donor funding for these centres ended in December 2013 and did not continue due to lack of legal coverage.

44. Many children without parental care are residing in the private orphanages, institutions and shelters that are registered with the national or provincial governments. However, these are neither provided with any benchmarks for quality standards of care nor monitored for any child rights violations by the Social Welfare and other relevant departments. Boarding schools and religious institutions (madrassas) housing many children (not necessarily without parental care) do not come under any standardised child rights monitoring mechanisms and laws.

45. There is no special law on adoption, which is covered under the Guardian and Wards Act 1890. In the absence of any concrete legislation related to adoption and foster care in Pakistan, there are no clear, standardised policies, ethical practices and follow-up mechanisms related to adoption. A ludicrous example of this is that in 2013 a private Pakistani channel\(^5\), in its efforts to increase television ratings, dramatically televised ‘gifting’ abandoned babies to two couples! While it later claimed that the couples were already registered with a local NGO and screened prior to being given the baby girls, this is a reflection of how easily the rights and dignity of children can be violated in the absence of clear laws, policies, standards and procedures.

46. The 5\(^{th}\) periodic report fails to mention the regulations, policies and procedures that apply to the Kafalah of Islamic law, an alternative form of care. For the first time, the KP Child Protection and Welfare Act 2010 defines Kafalat but does not lay out any procedures for its application.

47. The National Policy for the Protection of Orphans and Vulnerable Children referred to in the combined 3\(^{rd}\) and 4\(^{th}\) periodic report was not implemented and thus the protection needs of orphan and vulnerable children affected by disasters remained without any formal policy cover. In 2014, the National Disaster Management Authority (NDMA) developed policy guidelines on vulnerable groups in disasters. These guidelines view children as a group vulnerable during the disasters but are not specifically addressing the issues of orphan children. Additionally, these guidelines have yet to be incorporated in the formal policies of the provincial disaster management authorities (PDMAs).

Rehabilitation of Child Victims

48. The rehabilitation of child victims continues to remain a weak area, managed through informal, local mechanisms that rely on untrained resources. The National Child Protection Policy, that outlines formal mechanism for the

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\(^5\) Saima Mohsin and Katie Hunt, *Pakistan TV show hosted by Amir Liaquat Hussain gives away babies to audience*, CNN, July 31, 2013
rehabilitation of child victims, has still regrettably not been approved and adopted, further adding to the plight of these children.

49. The existing national and provincial child protection centres and units set up under the various provincial acts are insufficient to reach out to and meet the psychological, medical, social, economic and other rehabilitative needs of the many survivors of violence. In addition, these centres and units primarily cater to children on the streets, children who have left home, neglected and destitute children, and not necessarily to child victims in other situations. There are no government run centres and facilities for children in Balochistan56, GB, FATA and AJK, while the situation in Sindh too appears bleak. The 5th periodic report mostly refers to the initiatives undertaken by the Punjab and KP government and little is known about the progress in other provinces including FATA, GB and AJK.

50. Majority of the existing protection centres, institutes and units also lack the budget and trained human resources to provide the specialised psychosocial counselling services needed for children and their families. The centres are often dependent on funds from international donors and support of local organisations and lack long term sustainability mechanisms. For example, out of the 12 CPUs in KP, 11 are donor funded.

Disability, Basic Health and Welfare (art. 6, 18 (para. 3), 24, 26, 27 (paras. 1-3) and 33)

Children with Disabilities

51. The signing (2008) and ratification (2011) of the Convention on the Rights of the Persons with Disabilities and its Optional Protocols, is an encouraging development. The government of Punjab recently allocated Rs. 800 million in the budget to cater to children with special needs. Besides these developments, no significant progress was made either at the national or provincial level for more effective policies and plans of actions to address the special needs of children with disabilities.57 The National Plan of Action for Children, 2006, which also focuses on children with disabilities, was not implemented during the reporting period. Districts continue to remain the most disadvantaged as the nominal funds allocated for them to address disability are unable to reach the districts.

52. The existing special education centres are inadequate to meet the needs of the children living with disabilities and there is a lack of awareness about the existing facilities. A few seminars and awareness sessions in the major cities of Pakistan are insufficient to change the traditional charity based welfare approach and the prevalent negative mind-set towards children with disabilities. These initiatives also largely overlook the specialized health, educational, inclusion, accessibility and rehabilitative needs of these children.

53. There is not enough data and evidence to highlight the extent and effectiveness of the mainstreaming efforts for children living with disabilities in the academic sector. No information could be obtained about the effectiveness and impact of the pilot project for the integrated education of children with disabilities run in 14 schools (mentioned in the 3rd and 4th, combined report of the government of Pakistan).

54. The Capital Development Authority’s (CDA) notification, 2002 for access to public buildings in the Islamabad Capital Territory (ICT) schools, hospitals and recreational infrastructure has not even been marginally implemented as many of these structures lack accessibility. Other cities and towns have similar or more debilitating conditions when it comes to accessibility.

56 Asad Sayeed, Ayesha Khan and Sidra Kamran, Child Protection System Mapping and Assessment – Balochistan, Collective for Social Science Research and UNICEF, 2012
57 HRCP, 2015
Survival, Health and Welfare

55. Compared to the past few years, there has been an increase in federal and provincial budgets for health in 2014. A sum of 26.8 billion rupees has been allocated in the federal budget for national health programmes such as hepatitis, malaria and tuberculosis control. Punjab has allocated 5.4 per cent, KP 7.9 per cent, Sindh 7.3 per cent and Balochistan 9.9 per cent of its budget for health. Despite the increase in financial allocations, healthcare in Pakistan is primarily provided by the private sector.\(^{56}\)

Infant and Maternal Mortality

56. The country has made slow progress towards the Millennium Development Goals (MDGs) 4 and 5 on maternal and child health and is far behind the targets set for 2015. Reduction in the Pakistan’s child mortality rates is the slowest in Asia and while there is a steady decline in the under-five and infant mortality rates, the neonatal mortality rate is relatively stagnant and according to some measures actually increasing (increased from 51 deaths per 1,000 live births in 1990 to 55 in 2012).\(^{57}\) Although the neonatal mortality is high across all provinces, it is the highest in the poorest and most disadvantaged areas.\(^{60}\)

57. While the maternal mortality ratio (MMR) has improved it still remains significantly high with 276 deaths per 100,000 live births. The provincial and rural profiles show stark disparities. For example women in rural areas are twice as likely to die during childbirth as compared to those in the urban areas with the rates in Balochistan as high as 785 deaths per 100,000 live births.\(^{61}\) Malnutrition, deliveries carried out by inexperienced midwives, unsafe abortions, child marriages, and lack of access to quality health services, contribute towards the high maternal mortality ratio. Around 9 percent of women below 18 years of age have already had children, with the percentage being highest for the Sindh province (11 percent) and lowest for Balochistan (7 percent).\(^{62}\) It is estimated that unsafe abortions account for 13 percent of maternal deaths.\(^{63}\) Maternal deaths also have an indirect impact on children as they have a fifty percent increased chances of dying under the age of five years.\(^{64}\)

58. Low birth weight (LBW) has been identified as a major contributor to newborn and child mortality. It is estimated 25.6 per cent of newborns in Pakistan have LBW and are thus at risk of dying. While reducing this percentage is one of the desired outcomes in the National Health Policies of 1990 and 2001, there are no specific large-scale interventions in place to address it.\(^{65}\)

Polio and Immunisation

59. As a result of the Polio Eradication Initiative, the polio reservoir has narrowed down from 28 districts to 23 districts. However, despite the initiatives undertaken by EPI, Pakistan is one of the only three countries in the world where polio is endemic, with cases increasing at an alarming rate in 2014. From 58 cases in 2012, 93 in 2013, it shot up to 306 cases in 2014. Seventy per cent of the cases reported in 2013 were from FATA where Taliban had imposed a ban on the vaccination.\(^{66}\) As of 2012, an estimated 75 people involved in Pakistan’s vaccination efforts have been killed with as many as 45 polio vaccinators and their facilitators killed in 2014 alone.\(^{67}\) Pakistan also witnessed the

\(^{56}\) Ibid
\(^{57}\) GoP, PDHS 2012-2013
\(^{60}\) UNICEF, Pakistan Annual Report, 2013
\(^{61}\) Ibid
\(^{63}\) HRCP, 2015
\(^{64}\) UNICEF, 2012
\(^{65}\) Ibid
\(^{66}\) UNICEF, 2013
\(^{67}\) HRCP, 2015
The worst measles outbreak in 2012, affecting 14,687 children with a loss of at least 306 lives. The measles outbreak continued in the following years with a similarly high number of cases reported in 2013.

The Routine Immunisation system, though the most cost effective way to prevent under five mortality, is a weak area in Pakistan due to lack of political commitment and budgetary allocations. Even where the budgetary allocations have been made, the departmental delays in the release of funds have led to delays in hiring of the vaccinators and other similar requirements. Shortage of vaccines such as BCG and DPT vaccines in parts of the country, low vaccination coverage and cases of a large number of children being given expired polio drops have also been reported. The immunisation rates have fallen in Balochistan and Sindh, with only 16.4 percent of children fully immunised in Balochistan. Punjab and KP have the highest rates with 65.6 and 52.7 percent immunisation coverage in the provinces respectively.

The health care services at the provincial and district level do not fully meet the health needs of the children. The basic health units in the districts do not provide 24 hours services and specialised health services for children are lacking in most of the districts. All the children’s groups highlighted inadequate health facilities and health issues as a major challenge for Pakistan. Concerns about the inadequate government health facilities and resources have also been reported for the internally displaced persons from North Waziristan (FATA). It is estimated that out of the one million internally displaced persons, 45 percent are children facing serious health issues such as acute respiratory infections, acute diarrhoea, pyrexia of unknown origin, skin diseases and suspected malaria.

In addition to lack of government commitment, the slow progress on child health related outcomes in Pakistan is a result of both external and internal factors. These include the floods in Balochistan, Punjab and Sindh, the volatile situation in KP and FATA and shift of the health programme implementation from the federal to provincial level. Poverty, social exclusion and gender inequality are some of the other structural factors contributing to the lack of sufficient progress. Lack of access to safe drinking water and sanitation, and food insecurity also create many hurdles in the overall efficiency of the healthcare system. Some internal factors include weak management and governance systems, partially functional logistics and supply systems, poorly motivated and inadequately compensated staff, lack of adequate supportive supervision, lack of evidence-based planning and decision-making, low levels of public sector expenditures and their inequitable distribution. For example, a major chunk of the health budget of the provinces goes to staff salaries. The vertical health programmes continue to maintain their old structure and functions even post devolution, which results in multiple vertical programmes and lack of ownership of the initiatives. A “triad of determinants” i.e. inadequate state funding, the unregulated role of the private sector, and a lack of transparency in governance is said to be the contributors towards poor health outcomes in Pakistan. A 2014 nationwide survey (conducted by Mercy Corps), found that the level of knowledge of senior health officials of the country in all four provinces have very basic and poor knowledge about the neonatal mortality ratio, guidelines and measures to prevent deaths of babies. An example of bad governance and management includes the lack of priority and funds, issues of job regularisation etc. of the Lady Health Workers (LHWs), Community Midwives (CMWs) and vaccinators who play an important preventable role in maternal and child related deaths. The government has not been able to increase the number of LHWs to 130,000 as committed in the PC-1 of the LHW Programme for full and effective health coverage.

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69 UNICEF, Pakistan Annual Report, 2013
70 Ranked 7 and above on a scale of 1 to 10, in all four consultations
71 UNICEF, 2012
72 UNICEF, 2014
73 Ibid
74 HRCP, 2014
Malnutrition

63. Results from the National Nutrition Survey, 2011 indicate that 58 per cent of Pakistani households are food insecure, with variations in nutritional status across rural and urban cities, provinces and gender. In the same household, women tend to receive less nutrition than men of that household. It is estimated that around 35 percent of all under-five deaths in Pakistan are due to malnutrition. Malnutrition rates from Pakistan are above the international emergency threshold. It is estimated that 43.7 percent of children under five are stunted and more than 15 per cent of children under five are acutely malnourished (wasting) and almost half suffer from chronic under-nutrition. Poverty, food shortages, inadequate health services, poor hygiene and low rates of exclusive breastfeeding are some of the factors contributing to malnutrition. It is estimated that 34 percent of pregnant women suffer from malnutrition, including deficiencies in vitamin A, zinc, and iodine.

64. Around 650 children died in Tharparkar, Sindh in 2014 due to malnutrition, pneumonia or diarrhoea brought about as a result of drought, poverty and poor health infrastructure in the area. Even though the Sindh Chief Minister announced a nutrition programme for children in Tharparkar, there is no evidence to show of this and children continue to suffer and die.

Breast Feeding

65. The progress on improving breast-feeding and nutritional status has remained slow in the past few years, with a disconnection between the existing policies related to the issue among relevant stakeholders. There was a gap of seven years from the time the legislation on breastfeeding, ‘The Protection of Breast-Feeding and Child Nutrition Ordinance, 2002’ was passed to the time the rules and procedures for its implementation were notified by the federal government in 2009. The National Infant Feeding Board (NIFB) notified by the Federal government to monitor the implementation of the law could not conduct even its first meeting since its notification on October 7, 2013.

66. Post devolution, all four provinces have introduced legislations to promote breast-feeding and improve nutrition. Punjab introduced legislation on breastfeeding and child nutrition in 2012, by adopting Protection of Breastfeeding and Child Nutrition Ordinance 2002. In 2013, Sindh Assembly also unanimously passed the Sindh Protection of Breastfeeding and Child Nutrition Act. The Balochistan Protection and Promotion of Breastfeeding and Child Nutrition Act, was passed in 2014 and in 2015 KP passed the Khyber Pakhtunkhwa Protection Breastfeeding and Child Nutrition Act. The provincial mechanisms to monitor the implementation of these laws remain weak. The newborn care strategy has yet to be formulated as part of the already approved KP Health Sector Strategy for 2010-2017.

67. A relatively high number i.e. 42 percent, of children under two years of age are bottle-fed. Surveys indicate a lack of adherence to international codes by health professionals related to the issue of breast-feeding. A national survey conducted in 2012, revealed that a majority (84%) of the mothers had been advised to use formula milk or other

75 GoP, 2014
77 UNICEF, Pakistan Annual Report, 2013
78 HRCP, 2014
79 Ibid
80 Save the Children, Breastfeeding, a road map to promotion and protection, 2013
81 HRCP, 2015
82 GoP, 2014
83 Gallup Pakistan, Health Care Research on Breastfeeding Monitoring for Save the Children, January 2013
milk or drinks or food for infants under 6 months of age, the trends being the highest in KP (90%) and lowest in Balochistan (68%).

Mental Health

68. The 5th periodic report submitted by the government fails to prioritise the mental health issues and needs of children. There is no national or provincial data available regarding the mental health trends among children. Data from 2010 reveals that 187 children committed suicide and another 80 attempted suicide. These figures may not be representing the true picture due to a number of reasons such as limited information about the ages of all those who committed suicide and lack of reporting about the cause of death due to the legal implications associated with suicide and suicidal attempts. It is estimated that more than 15 per cent of Pakistan’s population suffers from mild to moderate form of psychiatric illness, a majority of which are women. There is a grave shortage of mental health professionals with only one psychiatrist for every 10,000 people suffering from any of the mental disorders and just one child psychiatrist for four million children. The exact number of practicing psychologists in the country is unknown; however, it is reported that many of psychologist positions in the hospitals remain vacant. For a country faced with economic, social, caste inequities, violence and insecurity, the mental health issues of children especially the most vulnerable groups of children, cannot be ignored. In the recent past, children have been direct victims of internal conflict and terrorist acts increasing their chances of suffering from traumatic stress.

HIV/AIDS

69. The exact figures on Human Immunodeficiency Virus (HIV) prevalence among children are unknown, however, it is estimated that 0.1 per cent of people ages 15 and 49 years are affected by it. UNAIDS figures indicate that around 1,700 pregnant women are in need of anti-retroviral drugs to prevent transmission of the virus during birth. The level of knowledge among married women about HIV and AIDs is low (42 per cent of women who had ever been married, and 69 per cent of men), which is a cause of concern, since many of the women outside the high-risk group contract the virus from their husbands.

70. While the National Aids Control Program has engaged with religious leaders, little work has been done to consistently raise awareness about HIV/AIDs and safe sex, among the general population across provinces, especially adolescents and women. No studies have been undertaken to understand the risks and dynamics of the disease among children especially vulnerable groups such as street living and working children, children using drugs, in sex work and labour etc.

71. There is a lack of awareness among the general public and even the civil society organizations working on health issues about the location, existence and current functioning of the 12 AIDS treatment centres set up across the county. It is also unclear how these services reach out to the most vulnerable children.

72. The 5th periodic report offers no response to the observations of the Committee on the Rights of the Child (comment number 74 & 75 in response to government’s 3rd and 4th periodic report) on the current status of blood screening for HIV and the suggested measures needed to improve systematic screening before blood transfusion in all provinces.

Adolescent Sexual and Reproductive Health

73. Adolescent sexual and reproductive health (SRH) continues to be a low priority of the national and provincial health and youth departments. In 2013, the Punjab Youth department launched a five-year adolescent strategy and strategic
plan (2013-2017), which covers health including SRH, as a priority area. However, no formal steps or budget allocations have been made for its implementation.

74. Considering that adolescents represent 22 percent of Pakistan’s population\(^8\), the training manuals for medical and paramedical staff alone are highly insufficient to address the special health needs (both for awareness, life skills building and services) of this group. Adolescent SRH issues are mostly being addressed by the civil society organisations that undertake low keyed, small scale initiatives in the absence of any protective government and legislative support.

Drug Abuse

75. The ‘Drug Abuse Control Master Plan 2010-2014’ refers to the vulnerability of children especially those on the streets and working children. The 5\(^{th}\) periodic report, however, fails to highlight the special measures undertaken to address the issue of drug abuse among children in general and more specifically among the vulnerable and at risk children. No clear policy exists regarding the treatment of drug addiction in general and more specifically related to children taking drugs. The child specific linkages of the Anti Narcotic Force (ANF) with the health, education and social welfare departments of each province are also unclear and so are the initiatives undertaken, if any.

76. Anecdotal evidence suggests a lack of standard ethical protocols for the state run and private drug rehabilitation centres, where people are often subjected to inhuman and unethical treatment practices.

Harmful Traditional Practices

77. The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 that lays down stricter punishments for traditional practices like vanni, swara or budla-i-sulha is seen as a landmark move towards protection of children and women from harmful traditional practices. Additionally, the ‘Khyber Pakhtunkhwa Elimination of the Custom of Ghag Act 2013’, criminalises the practice of forced marriages in the KP province.

78. The Sindh Child Marriage Restraint Act, 2013, is also a positive step that establishes 18 years as the minimum age of marriage for both boys and girls. However, the existing Child Marriage Restraint Act, 1929, is still applicable in other provinces in the absence of legislation in other provinces. The act continues to define 16 years as the minimum age for girls’ marriage. A Child Marriages Restraint (Amendment) Bill, 2014 was moved in the National Assembly recommending increase in minimum age for girls and imposing stricter fines and punishment. The bill faced resistance from various members, including severe criticism from the Council of Islamic Ideology stating that the minimum age of marriage was unIslamic.\(^9\)

79. Despite the new laws and amendments, the level of awareness among the general community especially children and women remains weak. The parallel judicial system (local Jirga) continues to take decisions about children and women’s lives in negation of the existing laws of the country. For example, in 2014, a local Jirga in district Batagram, KP ordered a father to marry off his 8 year old daughter with a 26 year old man to settle a dispute. Similarly, the same year, a 4 year old girl was married to a 25 year old man to settle a dispute in Mandi Bahauddin, Punjab. For both these cases, an FIR was registered against the accused including the Jirga members.

Standards of Living

80. Pakistan will not be able to meet the MDG1 target of halving poverty by 2015 as the employment and income growth has slowed down over the years. Factors such as the slow pace of economic growth, high inflation, increases in food and fuel prices, the devastating floods of 2010 and continuing conflict in many parts of Pakistan and the

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\(^8\) UNICEF. Statistics related to Pakistan, 2012
\(^9\) SPARC, 2015
resulting stagnation of public investment seem to have contributed towards this trend.\textsuperscript{90} There is little known information about any special social protection programmes for minorities and other disadvantaged groups of children.

81. With regards to children, a Child Wellbeing Index\textsuperscript{91} was developed based on indicators related to their survival, education, water and sanitation, protection and shelter etc. Findings indicate that out of the 132 districts and agencies surveyed, 75 districts (or about 57 per cent) suffer from low child well-being. Provincial analysis reveals that the highest percentage of deprived districts is found in Sindh (68 per cent), followed by Balochistan (61 per cent) and then FATA (58 per cent). The proportion of deprived districts in Punjab is 51 per cent while in KP and AJK the proportion of such districts is 50 per cent each\textsuperscript{92}.

82. The Benazir Income Support Programme (BISP), having nationwide access has been able to provide some relief to recipient households with regards to food and health expenditures. The programme has also improved its criteria for selecting recipient households through poverty scorecard and adopted technology to deliver cash etc. While the programme is currently not covering all the households, those who receive assistance are mostly poor (with a few exceptions, indicating possible leakages to richer households). It is also hoped that the new initiatives under BISP such as Waseela-e-Haq, Waseela-e-Taleem, Waseela-e-Sehat, and Waseela-e-Rozgar, may enable households to move out of poverty\textsuperscript{93}.

83. Pakistan Baitul Mal’s, Child Support Programme (CSP) can be termed as a promising initiative. It gives cash instalments to poor families on the condition that they send children between ages 6-16 years to school. Third party evaluations report increased school enrolment especially of the girls among the beneficiary families.\textsuperscript{94}

84. Empirical studies on social protection in Pakistan highlight weakness related to lack of coordination among execution authorities, design fault in various schemes, corruption and embezzlement, inadequate cash or in-kind assistance, low coverage, high administrative costs, program overlap and duplication, poor or no targeting mechanism, political interference and bureaucratic malfeasance and lack of monitoring and supervision\textsuperscript{95}.

Education, Leisure and Cultural Activities (art. 28, 29, 30 and 31)

Education

85. There has been a notable increase in the federal and provincial educational budgets for the fiscal year 2014-2015. For example, Punjab enhanced its budget by 10 percent, KP by 14 percent, Sindh by 21.13 per cent and Balochistan by 23.09 percent. The federal government also increased its budget by 8 percent as compared to the budget of the previous year.\textsuperscript{96} Despite the increased budget, there are reservations about how this money will be spent based on the previous record of poor allocation and spending. For example, the budget increase in the provinces is primarily for administrative costs and the teacher and staff salaries. The overall increased budget is still less than 5 (2.5 per cent)\textsuperscript{97} per cent of the GDP, a benchmark set to attain targets of education for all. Pakistan is a signatory to the

\textsuperscript{90}UNICEF, 2012
\textsuperscript{91} The Child Wellbeing Index was based on indicators across five domains – child survival, child education, water and sanitation, child protection and shelter and information
\textsuperscript{92} GoP and UNICEF, 2012
\textsuperscript{93} Pakistan Institute of Development Economics, Effectiveness of Cash Transfer Programmes for Household Welfare in Pakistan: The Case of the Benazir Income Support Programme, 2012
\textsuperscript{94}SPARC, 2015
\textsuperscript{95} Haroon Jamal, A profile of social protection in Pakistan: an appraisal of empirical literature, Social Policy and Development Centre (SPDC), 2010
\textsuperscript{96} HRCP, 2015
\textsuperscript{97} World Bank, Data: Government’s expenditure on Education, total % of the GDP, 2013
Education for All (EFA) goals as per the Dakar framework and as of 2015, it is far behind achieving any of the six goals stated in this framework.

86. The legislative measures taken by Sindh, Punjab, Balochistan and the Islamabad Capital Territory (ICT) also extending to FATA, in light of the Article 25A for free and compulsory education (for children between ages 5-16 years) are a good step. KP, AJK and Gilgit Baltistan still have to pass legislations to this effect. Despite the legislative measures, improvement in the education sector are extremely slow, varying across provinces with the lowest percentage of children completing primary education in Sindh and Balochistan, at 43% each.99 Rules of Business have yet to be notified by ICT, Sindh, Punjab and Balochistan along with making sufficient budgetary allocations. The lack of clear strategy to implement article 25-A, limited allocation and slow disbursement of funds contribute towards the dismal progress. Around 47.3 per cent of the children (25 million) between ages 5-16 are still out of school. Out of these out-of-school children, 68% never attended school while 32% went to school at some point.99

87. The Ministry of Education initiated the ‘MDG Acceleration Programme 2013’, also known as the National Plan of Action, in collaboration with the provinces. According to this plan, a fund of Rs. 188 billion was allocated for the next three years to target out-of-school children and missing facilities in schools across the country. Since the details of the plan were not shared in the 2014-15 budget, it is difficult to assess the progress made in the first year.100

88. A comprehensive Early Child Education (ECE) National Curriculum was developed in 2007. Post devolution each province committed to following the National Education policy 2009 and the education sector plans of the provinces incorporated the ECE agenda.101 Despite the importance given to Early Childhood Education (ECE) in the National Education Policy and National Plan of Action (2001-2015), 60.8 percent of children ages 3-5 years in the rural areas and 42.2 percent in the urban areas are out of school. Financial limitations, lack of trained human resources and lack of importance given to pre primary education, appear to be some factors contributing towards the slow progress in ECE.102 Little is known about the number of schools where the pre primary, katchi class has been introduced and the effectiveness of the ECE curriculum being run there.

89. No significant measures were taken for reforms in the Madrassa education system, with a large number of them remaining unregistered. In 2011, Pakistan’s Ministry of Interior made an agreement with the Ittihad-i- Tanzeemat-i-Madaris Pakistan (ITMP), a coalition of five major madrassa boards, giving them autonomy in designing the religious curriculum. This agreement, however, did not clarify exactly what the religious curriculum for madrassas would encompass. Due to these negotiations more madrassas were registered, with an understanding that the government would not interfere in the curriculum of these madrassas.103 In 2014, police recovered 36 girls belonging to the Bajaur agency, FATA, from a house in Karachi, who had been placed there by a madrassa administration as a guarantee for loan taken regarding the house.104

90. A UNESCO policy paper, October 2014, identifies the shortage of teachers as a major gap in the education system. It is estimated that more than 150,000 new trained primary school teachers would be needed by 2015 to achieve the universal primary education target by 2015 and over 290,000 by 2020.105

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99 HRCP, 2015
100 HRCP, 2015
101 Idara-e-Taleem-o-Agha, Financing ECE/ECD in Pakistan, Presentation by Baela Raza Jamil at the Asia Pacific Regional Network for Early Childhood, Singapore , November 2013
102 SPARC, 2015
104 HRCP, 2015
105 Ibid
91. Pakistan has some of the largest gender disparities in education when compared to the other South Asian countries. There has been improvement of girls’ gross enrolment in schools. However, it remains much lower than that of boys in primary and secondary schools. The dropout rates for girls are as high as 50 per cent in Balochistan and KP and 77 per cent in FATA. The EMIS data from 2010-11, shows that only 11 per cent of girls in FATA survive till Grade 5. Insufficient recruitment of female teachers and cultural barriers to girls’ education, long distances of the schools from the homes etc. contributes to the low enrolments and retention of girls. Consultations with children echoed similar findings and constraints related to girls education.

92. Gender, wealth, location (districts and rural/urban divide), religion and ethnicity have a direct link with the levels of education. Official surveys confirm that the poorest segments of the population largely have the lowest levels of education with their children most excluded from education.

93. Natural and manmade disasters have had an impact on the progress made in the field of education. The earthquakes and floods in recent years damaged 6 percent of the educational institutions of the country and contributed to increased school dropout rates. The schooling of around 50,000 children was affected after 187 schools were destroyed and 318 partially damaged due to the Taliban attacks reported in 2009 alone. The ensuing threats of violence have further affected the students and teachers school attendance. Not only have the schools suffered physical damage but many schools in the host communities post flood and insurgency, have been used for months at a time as makeshift camps for the Internally Displaced Persons (IDPs). Fund allocation for the damaged and destroyed schools either remains non-existent or is poorly utilised.

94. The quality of education continues to remain a cause of concern with poor learning outcomes. Poor quality of teaching, corporal punishment; teacher absenteeism, lack of teachers, inaccessible locations and poorly maintained and missing facilities, are identified as some key contributing factors to the school dropout. In addition, the lack of uniformity in the syllabus across the various schools, quality and content of the syllabus remains a challenge. Both the content and teaching often perpetuates gender and religious discrimination.

95. A lot of data has been provided by the Government of Pakistan in its 5th periodic report related to the number of technical and vocational institutions and their enrolment, yet little is known about the effectiveness of these institutions in educating those boys and girls who are either not attending mainstream schools or have dropped out of the schools. It is also unclear if technical and vocational education is introduced in any of the secondary schools to ensure that children have access to skills that can help them in the future.

**Leisure and Cultural Activities**

96. The positive impact of play and sports in improving social inclusion, helping reduce discrimination and allowing children to cope with trauma are well recognised. In a country marred by a host of economic, social and political problems and growing trends of violence, the role of play, leisure and cultural activities becomes even more relevant. The 5th periodic report fails to prioritise and mention any initiatives undertaken to address this right either at the federal or provincial level. While at some level, inter school, provincial and national tournaments are held for school going children, out of school children are deprived of any such opportunities.

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96. Save the Children, 2013
96. UNICEF, 2013
98. UNICEF, 2012
99. Save the Children, 2013
100. Ibid
101. Ibid
102. United Nations (UN), Fact sheet: International Year of Sport and Physical Education, 2005
Special Protection Measures (art. 22, 30-40)

Economic Exploitation, including Child Labour, Sale and Trafficking of Children

97. Pakistan is considered to have the world’s third largest children’s workforce, with children being involved in the most dangerous forms of labour and exploitation. They are abducted, sold, rented and trafficked for begging rings, bonded labour, domestic service, as camel jockeys, prostitution and militancy. Cases of minor girls working as domestic help, earning significantly less than the minimal wage, working more than full time, often without breaks and with a high risk for physical and sexual abuse are all too common. The physical abuse and torture of working children is not a new phenomenon. According to the Institute for Social Justice (ISJ), 21 cases, including 8 deaths of child domestic workers, 6 of them girls, were reported in 2013 alone. Yet domestic child labour is not recognised as a hazardous industry and no law protects child domestic or home-based workers.

98. Despite an announcement that comprehensive data on child labour would be collected, no such nationwide survey has been conducted. The last survey (1996) estimated that 3.3 children aged 5 – 14 years were engaged in child labour - estimates today place that figure at 9 -12 million. The loss and poverty caused by the floods has caused a significant increase in child labour and begging. Pakistan ranks sixth on the most recent Global Slavery Index in 2014, which evaluates both the extent and severity of child labour as well as the government’s performance. No national or provincial legislation on child labour, sale or trafficking has been enacted in Pakistan in the reporting period, and there is no evidence to show that the mechanisms that reportedly do exist are functioning in any effective manner. Other than isolated, collaborative initiatives at the provincial level (e.g., Punjab government and the ILO; Sindh government and NGOs), there have been no serious efforts to address child labour. The 5th Periodic Report mentions a number of ‘inspections’ and resulting ‘prosecutions’ that were done in factories and other work places; however, there is no explanation of what the nature of these inspections was, what the findings were, what the prosecutions were for or, if indeed, these are related to child labour. The effectiveness of the inspections is under question also because of the insufficient number of inspectors, and their limited authority and understanding of child rights.

99. Trafficking is covered primarily by the Trafficking Ordinance of 2002, but this only covers external trafficking, and only the FIA is authorised to implement it. Though a number of provisions in the Pakistan Penal Code may be used to address various forms of internal trafficking, there is still no specific law directly tackling the issue, which is one of the most common and dangerous forms of exploitation faced by Pakistani children. A continuing absence of coordination and linkages among the various authorities that may be involved in cases of internal trafficking – the police, the FIA, the Frontier Corps, etc., is a serious impediment to effectively combating the issue.

Children in Street Situations

100. Though no national figures on street children exist, it is estimated that more than 1.5 children live/work on the streets of Pakistan. Most have been forced to leave home or their homes or work places because of neglect, abuse and violence. Street children constitute a particularly vulnerable group, deprived of family care, health care and education and at risk for exploitation and abuse of all kinds, including trafficking. Living on the streets, child

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117 Express Tribune, Against child labour: the world’s largest underage work force in Pakistan, June 11 2015
118 UNICEF, 12
119 Arshad Mahmood, In Lahore: Do child labour and torture go hand in hand, Express Tribune Blogs, Jan. 6 2014
120 Institute of Social Justice, The ISJ demands immediate ban on child domestic labour in Pakistan, 2014
121 Express Tribune, Against child labour, 2015
122 Express Tribune, The Global Slavery Index and Pakistan, December 12 2015.
124 SPARC, Violence against Children, 2014
labour, exploitation, child sexual abuse and trafficking are inextricably linked to each other. Provincial governments have expressed an interest in assessing the number of street children and addressing their causes and needs, this has not to date been done in any concerted way. The 5th Periodic report makes a vague mention of efforts made by the Punjab and KP governments to address the issue, but does not follow up this with any details. Government facilities for street children are woefully inadequate. The 5th Periodic Report lists some programmes for children with a basic outlines of their aims. In reality, these services are not only insufficient, but also fraught with organisational, administrative and quality issues. There are groups of children who are not eligible, others who are handled by the police and forced to appear before magistrates courts in order to enter these services. Reports of neglect and abuse are also rampant.

Sexual Abuse

101. Some of the worst cases of abduction, sexual abuse and murder have been recorded in Pakistan over the last few years. According to the latest statistics collected by Sahil, an organisation working on child sexual abuse, in 2013 alone, over 3000 cases of child abuse were reported. Children, mostly girls, but also boys between the ages of 11 and 15 years, in both urban and rural areas, were most vulnerable. According to Zia Awan, renowned Supreme Court lawyer, child rights activist, and founder of Madadgar, 767 children were raped and killed in Pakistan in 2014. Numerous cases of sexual abuse, abduction, sale and trafficking of children have been reported by human rights groups as well as the media. A chilling incident involving a five year old girl, abducted, raped and left outside a hospital in Lahore set off series of child rapes/abductions being reported in the media. Reported cases include a girl as young as 3, and a boy as young as 4 years of age. Children are also sexually exploited through their involvement in prostitution and pornography, and as victims of cybercrime.

102. Despite the alarming rise in the number of cases reported, many of them attracting significant media and public attention, no concrete national or provincial government action has been taken to prevent child sexual abuse through the law or to provide justice to their victims in the reporting period. Child molestation is not adequately defined by the law and incest remains invisible, leading to significant legal difficulties in recognising, investigating, proving and convicting in such cases. Families of victims continue to face significant obstacles in obtaining justice. In the case of the 5 year old victim mentioned above, for example, critical pieces of evidence were lost during the investigation, and, as with most other cases, no arrests were made. Unfortunately, such hurdles and active resistance are all too common, reinforcing the general belief that the overwhelming number of rape/sexual assault cases in Pakistan do not result in a conviction. The government has also not made any noteworthy attempts to regulate and enforce ethical standards of how cases of child sexual abuse are to be covered in the media.

Refugee Children

103. It is estimated that over 1.5 million Afghan refugees are still living in Pakistan, while over 3.8 million have returned to Afghanistan over the last few years. A number of children of ‘illegal immigrants’, primarily of Bengali and Burmese backgrounds also live in the country with no legal protection. Afghan refugee children are at a high risk for being deprived of basic human rights. Only 5% have completed primary education and only 20% of the children are currently enrolled in state schools. Instead, most refugee children in Pakistan are forced into work on

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121 The Madadgar National Helpline, 2014
122 Sahil, Cruel Numbers in 2013, 2014
123 Express Tribune, Violation of Child Rights: 767 children raped and killed across Pakistan last year, June 28 2015
124 SPARC, Annual Reports 2008 - 2015
125 SPARC, Violence against Children, 2014
126 Dawn News, Pakistan’s Hidden Shame: documentary reveals horrors of pedophilia in KP, September 4 2014
127 Dawn News, Dirty Minds Roam Free, June 10 2011
128 HRCP, 2015
129 UNHCR, Country operations profile – Pakistan, 2014
130 Dawn News, Pakistan schools 193,000 Afghan Children, March 30 2012
the streets or to join religious schools, madrassas because they offer free education, food and accommodation, etc. They are prime targets for abuse (emotional, physical and sexual), trafficking and religious radicalisation.

104. In 2014, with the support of UNHCR, the government agreed to register 150,000 children born in the preceding five years and, for the first time to issue birth certificates to 330,000 Afghan children below the age of 18.131 Other than this, contrary to government claims, the government had made few efforts to improve the situation of Afghan refugee children. The government has no effective policy on their admission to state schools or registration. Structural barriers to admission, such as lengthy procedures, complicated requirements and cultural biases have means that even basic, primary education remains unattainable for most refugees. A large number of Pakistan’s street children are Afghan refugees. Pakistan is still not a state party to the 1951 Refugee Convention.

Internally Displaced Children

105. In recent years Pakistan has seen a number of internal displacements, caused by emergency situations created by flooding and armed conflict in Swat, and most recently, North Waziristan, where 400,000 children have been displaced.132 These have devastated parts of the country, including their educational infrastructure, livelihoods, food and shelter, with children being disproportionately affected and being further pushed them to the peripheries of state care and protection.133 With little disaster planning in place, despite the 2005 earth just 10 years ago, the government was ill prepared to cater to the needs of displaced children. Their specific concerns have been documented in several reports, including a research by Rozan recording in detail their psychosocial difficulties.134 Yet, even though the National Disaster Management Authority (NDMA) is mandated to cover child rights and protection, children’s specific needs remained largely neglected. In addition to the inability to provide for many children’s basic needs, the government was unable to address children’s psychosocial and safety issues. Reports of sexual abuse, harassment (of girls), abduction and trafficking continue to circulate after every emergency; yet there is no concrete protective net in place to provide adequate security to children.

Children affected by Extremism and Conflict

106. There is no documented data on the impact of extremism and extremist ideologies, violence and conflict on children. In some instances, in fact, there is a denial on the part of the government of children’s exposure to and involvement in armed conflict and terrorism, such as in North Waziristan, FATA, Balochistan and the LOC, where there is little, if anything in the way of child protection mechanisms, child registration is at its lowest and CSOs have extremely limited access.135 As a result, no concrete steps have been taken to assess or prevent such exposure. Children are often victims of targeted terrorist attacks; they are collateral damage in military operations, drone attacks and zones such as the LOC; they are recruited by militant groups, through abduction, force or manipulation, often in madrassas/religious schools, especially in neglected and politically isolated regions of the country such as FATA and Balochistan.136 Large scale poverty, deprivation, lack of social opportunities/resources, a culture of violence and the Pakistan government’s complex relationship with fundamentalist groups has directly contributed to numerous children being lured into extremist groups and activities. Many religious madrassas serve as breeding grounds for extremist ideologies, openly preaching hatred and violence, with children constituting the main recipients of the information and ideal targets for recruitment. In recent years some effort has been made to register

131 UNHCR, *Pakistan begins issuing new cards to 1.6 million Afghan refugees*, 2014
132 UNHCR, *Fighting in Pakistan’s North Waziristan region uproots more than 400,000*, 2014
133 UNICEF, 2012
135 Dr Jo de Berry, *Children affected by armed conflict in Pakistan, Discussion document prepared for UNICEF Regional Office South Asia & Save the Children Fund (USA), Pakistan and Afghanistan Field Office*, Refugee Studies Centre Oxford University. Downloaded: http://www.rsc.ox.ac.uk/files/publications/other/dp-children-armed-conflict-pakistan.pdf
136 HRCP, 2015
and regulate these madrassas, a recent example being 500 madrassas being closed down in Sindh; however, these are typically ad hoc clamp-downs and not sustainable efforts to curb extremism and protect children in any meaningful way. In a widely criticised move, in January 2015, the KP government allowed and sanctioned gun possession to schoolteachers in an attempt to improve school security, which has already led to one accidental student death. Incidences such as attacks on Malala, on the school in Peshawar, the case of Aitezazz Hassan, a boy who lost his life as he successfully foiled a terrorist attack in his school, and the regular Talibanisation that violates the fundamental human rights of girls in particular, illustrate the extent to which the government has consistently failed to contain extremist groups, provide adequate protection to children, particularly in conflict ridden areas and to seriously challenge extremist outfits and intolerance.

**Psychosocial Support and Helplines**

107. Government run psychosocial support, crisis and rehabilitation services, including helplines for children facing rights violations, such as victims of abuse violence or other crimes or crisis/emergency situations are negligible. The existing helplines are mostly being run by CSOs, that may not primarily be targeting only children and operating with limited financial resources and access to the children. The government coordinated complaints offices, complaints boxes, child rights desks at some of the police stations lack capacity and resources, and there is no monitoring of their quality and that there is very limited public awareness of their existence or role. There are no specific support services, nor a cohesive psychosocial support strategy for particularly vulnerable groups, such as displaced children, children in conflict, refugees, children affected by extremism, children belonging to minority groups, etc. It is unclear from the 5th periodic report, as to which provincial department takes the lead in running the UNICEF supported helplines, its structure, functioning and other similar details. The Ministry of Law, Justice and Human Rights recently launched (May 2015) a helpline to provide legal advice on human rights violations to the community and plan to open provincial helplines. This is a welcome step, however, since this is a relatively new initiative not much can be said about its effectiveness as well as child friendliness of the helpline. The government, seriously mismanaged children’s needs in the wake of the Peshawar massacre that occurred in December 2014. There is no evidence to show for any good quality support and trauma services being offered by the government to the children who were directly and indirectly exposed to the brutality. Although a high level government committee was set up, none of the only 3 child psychiatrists in the country were contacted for advice or to be part of the committee.

**Juvenile Justice**

108. The 5th Periodic report makes tall claims of justice reforms for children. In reality, however, state of juvenile justice in Pakistan is extremely alarming, and has worsened since the moratorium on the death penalty has been lifted. While the JJSO 2000 makes several provisions for the special treatment of children seen to be in conflict with the law, in reality, their rights are blatantly violated in most cases, there is there is little awareness of any such protections and minimal government effort to cater to their pressing needs. Rigorous imprisonment and sentences continue to be given by the judges to children - handcuffing, and fetters, both prohibited by the law, are still in use. many are imprisoned along with adults, they experience torture and inhuman treatment both in police stations and inside prisons; they have no free legal representation, they are tried in the same courts alongside adults, many spend long periods of time awaiting trial; budgetary allocations are minimal, and there a very few probation officers. Although the JJSO also specifically provides for juvenile courts and for Borstal institutions, there are very few in the country and they function more as juvenile prisons rather than rehabilitative institutions. There are

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137 The News International, 500 unregistered madrassas shut down in Hyderabad region; DIG, March 7 2015
138 Express Tribune, Teachers get gun training after Peshawar massacre, January 27 2015.
139 Dawn News, Teacher accidentally shoots pupil dead in Swat, June 11 2015
140 HRCP, 2015
141 SPARC, 2015
Currently estimated to be over 1000 children, mostly boys, in prisons across Pakistan. Children also continue to be sentenced to death. The Justice Project Pakistan and Reprieve estimate that 800 of the current death row inmates were sentenced as minors. In recent months the situation has taken an even more disturbing turn as the executions of prisoners, sentenced to death as minors, have actually begun.

109. Some child protection issues are dealt with through tribal councils (e.g., jirgas and panchayats), such as the compensation for murder in the form of young girls, honour killings, bride price, etc. Though banned by the Courts, this system continues to function and pose significant threat to child rights.

110. In addition to children who are in conflict with the law, the rights of children who are born to and/or live with mothers in prison and child victims of crime, including abuse (physical or sexual) are also seriously neglected, including reporting mechanisms and special care during investigation, forensic evidentiary procedures and trials. There are no effectively functioning state mandated services for children accompanying their mothers or specialised provisions (special staff, units or training) for handling child victims/witnesses, and ensuring their wellbeing, safety and dignity.

Optional Protocols to the Convention on the Rights of the Child

111. In 2010 Pakistan ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. However, the Criminal Laws (Amendment) Bill, 2009, which aimed to criminalise child pornography, has not yet been passed, illustrating the lack of seriousness in implementing the optional protocol. Pakistan has also ratified the Convention on Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment. Pakistan has not ratified the Covenant on Civil and Political Rights and its Optional Protocols, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Recommendations

112. The invisibility of children must end. Their issues need, on an urgent basis, to be mainstreamed and integrated into all aspects of national life, human rights, and economic development discourse, their issues viewed and addressed in a holistic manner.

113. It is recommended that the importance of child rights be recognised through establishment, implementation and strengthening of the national and provincial child rights commissions; strengthened national and provincial policies; adherence to all the United Nations Conventions and Optional Protocols signed and ratified by the Government of Pakistan; effective and sustainable mechanisms, programs, services and budgetary allocations. This would also require developing a long-term child rights vision and programmes that take into account the underlying social determinants and dynamics contributing towards poor child rights outcomes in the areas of health, education, social welfare, protection, civil rights and freedom etc. A high level monitoring body or interagency committee is needed to monitor child rights and international commitments and to ensure provincial conformity and coordination. It is also

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142 Justice Project of Pakistan and Reprieve International, Juveniles on Pakistan’s death row, 2015
143 Dawn News, Juvenile Aftab Bahadur Mashih executed in Lahore, June 10 2015
144 Collective for Social Science Research, 2012 - 2013

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recommended that the UN Committee on the Rights of the Child should have annual follow ups with the Government of Pakistan and UNICEF on steps taken for the implementation of its Concluding Observations and Recommendations.

114. There is an urgent need for child friendly laws, judicial systems and policies at the national and provincial level especially related to child protection including child sexual abuse, harmful traditional practices and corporal punishment. The pending laws and policies such as the National Child Protection policy must be approved and the rules of business, budgetary allocations and other requirements of the already approved national and provincial laws must be immediately followed up on. All laws must be reviewed, and if needed, amended, to be in line with the UNCRC.

115. The international and national commitments made by Pakistan to improve the health status of children especially related to infant and maternal mortality, immunisation, nutrition etc. must be followed up urgently through sustainable allocation of both human and financial resources at the national and provincial level.

116. The budget needs serious consideration in the light of child rights, moving towards increased child sensitivity and specificity. Budget allocations and actual expenditure need to correspond in order for effective budgetary action to be taken.

117. The inter and intra departmental issues such as lack of staff capacities and interest, over reliance on UN agencies and donors to lead projects, ineffective planning and monitoring, political inference in project management and implementation, post devolution ownership and coordination gaps, delays in the release and effective utilisation of budget, would also need to be addressed in order to ensure that the existing projects and programmes are carried out more effectively.

118. Coordination systems and mechanism between various child rights bodies and departments must be improved and streamlined on an urgent basis. This is particularly important as there is significant overlap in issues. This overlap and the inextricable links between various issues also be reflected in the MDGs and SDGs, showing the linkages, for example, between poverty and child labour education, health, street children, drugs, child sexual abuse, etc., between the definition of the child and marriage, juvenile justice, employment, etc; between labour issues and home-based child labour; or illegal, non-remunerated labour, to name a few.

119. There is a need to develop a national data base on child rights which could also assist in monitoring the situation of child rights in the country. Disaggregated data related to children needs to be collected as part of the national and provincial labour, health and demographic surveys as well as from the police, medico legal offices, children’s institutions and civil society organizations working on child rights. In addition, the government would need to commission surveys and research in areas where information about child rights is missing and/or based on estimation such as on child domestic labour; child sexual abuse and commercial sexual exploitation; other forms of violence against children, children’s mental health issues; children with disabilities; children using drugs; children on the streets or engaged in sex work, children living in conflict, displaced children etc. An important step in this regard would be to ensure effective birth registration through simplified procedures and information dissemination on both its importance and processes.

120. All child rights protection programmes must be made sustainable and effective not only through appropriate funding and planning, but also by addressing at all levels the social determinants of rights violations, such as poverty, deep rooted discriminatory attitudes, and a culture of violence, through strategies such as institutionalised capacity building, attitudinal change, and provision of child friendly child protection services etc.

121. The national and provincial governments must ensure that an effective awareness strategy is made part of the implementation plan for all its programmes especially focusing on reaching out to groups (children, parents, teachers and the community) for whom the programmes are intended. The federal and provincial governments would need to allocate budget, develop protective mechanisms and undertake initiatives to make communities
especially children and women in vulnerable, remote areas, aware of the existing legislations. The relevant government bodies such as the police, judiciary, parliamentarians, field works, protection centres, health care professionals, media and other services must also be made aware of the new laws and amendments made in the existing laws on a regular basis. Awareness of JJSO in particular is needed in relevant sectors.

122. There is a need to look beyond the basic educational statistics and focus on improving the quality of education. An analysis of children’s learning outcomes through primary, secondary and higher secondary school and comparison of these outcomes across provinces, gender, age etc. would provide more effective insights into measures required for improving the quality of education.

123. Children’s right to participation, protection and issues of prejudice and discrimination based on gender, disability, class, caste, religion can be best addressed through the educational system. Thus it is strongly recommended that the school curriculum be revised, extremist mind sets be challenged, life skills based education be introduced, teachers be trained and policies and systems be set up in schools that ensure a more participatory, respectful, protective and tolerant school environment.

124. Violence against children (torture, corporal punishment, sexual abuse, including incest) must be clearly defined, criminalised, monitored and checked through adequate measures of assessment and redress. This must include the improvement of processes for reporting, investigating, forensic procedures, maintaining the dignity of the child and increasing convictions and establishing real Borstal Institutions.

125. There is an urgent need to address at all levels gender based discrimination and violence faced by the girl child. The gender dimensions of vulnerability to all child rights issues – basic civil rights and freedoms, health, disability, education, sports, leisure, violence, child labour, trafficking, exploitation, all forms of abuse, conflict, extremist violence, displacement, etc., especially, but not only in rural and remote areas, camps, institutions and work places – must all be focussed upon. Special services and programmes with long term vision of changing gender attitudes and practices need to be put in place and enforced.

126. Special measures would be needed to be taken urgently to address issues of child participation and the needs and rights violations of the girl child, out of school, vulnerable and disadvantaged groups of children including but not limited to the poor; rural; out of school; street living and working children; children without parental care; children affected by violence, terrorism, displacement and other emergencies; children with disabilities; children of minorities; children in conflict with the law; children in labour including hazardous forms of labour (which should include domestic child labour) and children living in conflict zones who are currently invisible.

127. The government must, on an urgent basis, taking serious and concrete steps to tackle intolerance, terrorism and extremist ideologies and groups, especially where children are involved.

128. The government must take note of the child rights issues currently not addressed in the 5th periodic report such children’s right to mental health, sports, leisure and culture, children in conflict, etc. It is recommended that these areas be owned and made part of the mandate of the relevant national and provincial departments such as health, education, social welfare, culture, tourism, sports and youth departments. It must also be ensured that the measures undertaken are especially able to reach out to the rural, vulnerable and marginalized groups of children including girls.
Annexures

Annexure 1- List of Organizations represented in Consultations & individuals interviewed

*List of Organizations*

<table>
<thead>
<tr>
<th>Azad Jammu and Kashmir (AJK)</th>
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<tbody>
<tr>
<td>1. Durawa Development Organization (DDO)</td>
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<td>2. Earthquake reconstruction and rehabilitation authority (ERRA)</td>
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<td>3. Environment Conversation Organization (ECO)</td>
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<td>4. Friends Organization</td>
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<td>5. Gaash welfare society</td>
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<td>6. Global Prosperity Network (GPN)</td>
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<td>7. Health Department AJK</td>
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<td>8. Islamic Relief (IR) Pakistan</td>
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<td>9. Lok Sanjh Foundation (LSF) Pakistan</td>
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<td>10. Muzaffarabad Poverty Alleviation program (MPAP)</td>
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<td>11. Our Voice (Society for Disable persons)</td>
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<td>12. Read Foundation</td>
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<td>13. Rozan/CRM national</td>
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<td>14. Sociotech</td>
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<td>15. Sustainable Development Organization (SDO)</td>
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<td>16. University of AJK</td>
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<td>17. Women welfare Organization Poonch (WWOP)</td>
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<th>Balochistan</th>
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<td>1. DANISH Organization</td>
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<td>2. Ehsas Pakistan</td>
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<td>3. Humanity survival and promotion organization (HSP)</td>
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<td>4. Kamran Law Firm</td>
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<td>6. Society for community development (SCD)</td>
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<td>1. AAS Welfare Society</td>
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<td>3. Blue Veins</td>
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<td>4. Khushal Awareness and Development Organization (KADO)</td>
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<td>5. Community Health Livelihood and Education Organization – CHLEDO</td>
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<td>6. Khidmatgar Foundation</td>
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<td>14. Khyber Rights Forum</td>
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<td>15. Pakhtunkhwa/FATA Olasi Tehrik</td>
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<td>16. Peace and rehabilitation through social mobilization – PRISM</td>
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<td>17. Roshan Pakistan Society</td>
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<td>18. Student Platform for Engineering Education Development (SPEED)SPEED</td>
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<td>19. The Indus Enterprises (TIE)</td>
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**Gilgit Baltistan (GB)**

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<td>Sun Valley</td>
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<td>Wattan Development Organization (WADO)</td>
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<td>11</td>
<td>Karakorum International University (KIU)</td>
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**Islamabad**

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<td>Friends Foundation</td>
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**Khyber-Pakhtunkhwa (KP)**

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<td>Center for Governance and Public Accountability (CGPA)</td>
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<td>Community Research and Development Organization (CRDO)</td>
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**Punjab**

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<td>Democratic Commission for Human Development (DCHD)</td>
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<td>Grass-root Organization for Human Development (GODH)</td>
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<td>Potohara Organization for Development Advocacy (PODA)</td>
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**Sindh**

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<td>Child Rights Advocacy Network (CRAN) Sanghar</td>
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<td>Citizen Social Welfare Organization</td>
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<td>10</td>
<td>Foundation for Research and Human Development (FRHD)</td>
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<td>Idara-e-Taleem-o-Agahi (ITA)</td>
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<td>15</td>
<td>Initiator Human Development Foundation</td>
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**Note:** A consultation planned with civil society organizations from the Balochistan province could not be held due to the law and order situation in the province. Resultantly, representatives of the NGOs from Balochistan were interviewed on Skype.

**Individuals interviewed**

- Tahira Abdullah, Human Rights Activist
- Iqbah Detho, Human Rights and Child Rights Activist
- Anis Haroon, Member Sindh Province, National Commission for Human Rights
- Maliha Zia Lari, Lawyer, Human Rights Activist
Annexure 2-Pending/lapsed Bills

- Criminal Law Amendment (Child Protection) Bill 2009
- The National Commission on the Rights of Children Bill 2013
- The Prohibition of Corporal Punishment Bill 2012
- The Child Marriages Restraint (Amendment) Bill (except in Sindh where it was enacted in 2013)
- The Charter of Child Rights Bill 2009
- Balochistan Child Protection and Welfare Bill
- The KP Right to Free and Compulsory Education Bill 2011
- Punjab Commission on the Rights of the Child Bill
- Prohibition of Employment of Children Bills (except in KP where it was enacted in 2015)
- Rules for the Sindh Child Protection Authority Act 2011
Annexure 3-Findings from the Consultations with Children

Islamabad Consultation

Key Child Rights Issues Prioritized by Children

Children were asked to rank the key problems identified by them on a scale of 1 to 10, with 1 being ‘not that big an issue/challenge’ to 10 being, ‘a major issue/challenge’

The list below includes the issues identified along with the rank given to the issue:

- Child protection and abuse including early marriages (10)
- Safety issues including acts of terrorism, accidents, kidnappings (10)
- Not being given equal rights /discrimination on the basis socio-economic status, gender, disability, ethnicity, religion, education, etc. (9)
- Not giving children value, right to participate, share their views, build their confidence (8)
- Child Labour (7)
- Health (7)
- Education (5)

Children’s Recommendations for the Government

I would like the government to:

- Give equal rights to the rich and the poor
- Provide quality education to all and scholarships not only for the ‘brilliant and high achievers’ but also for those who wish to study further but do not have the means to.
- Put an end to child labour
- Make a team that gives people information and knowledge about early marriages and child sexual abuse.
- Help children needing financial assistance
- Answer why they signed the child rights agreement if they do not want to fulfil children’s rights?

KP Consultation

Key Child Rights Issues Prioritized by Children

Children were asked to rank the key problems identified by them on a scale of 1 to 10, with 1 being ‘not that big an issue/challenge’ to 10 being, ‘a major issue/challenge’

The list below includes the issues identified along with the rank given to the issue:

- Lack of basic facilities such as electricity and gas load shedding. This effects daily routine especially studies. (10)
- Corporal punishment at schools and at homes (10)
- Problems in girls education either due to fewer schools for girls or girls not being sent to school (9)
- Education; syllabus keeps changing or/and is difficult, missing facilities in the school, teacher absenteeism, access to schools (8)
- Child Labour (8)
- Health especially not enough hospitals (7)
- No play grounds (5)
- Children don’t speak out due to fear of being scolded, hit or shyness (5)
- Lack of clean drinking water (4)

**Children’s Recommendations for the Government**

*I would urge the government to:*

- Provide and resolve the issue of water, electricity and gas load shedding
- Have adults talk to children with kindness and to let them speak out
- Make play grounds for children
- Improve the road conditions

**Sindh Consultation, Nawabshah**

**Key Child Rights issues Prioritized by Children**

- Protection (kidnapping, terrorism, accidents) – 10
- Child abuse (neglect, physical and psychological abuse) – 10
- Health – 9.5
- Child labour – 9
- Discrimination (sex, religious/sectarian, social class, disability) – 9
- Education - 8
- Child marriage – 6

**Children’s Recommendations for the Government**

- Provide children good education
- Provide children protection
- Sports
- Security facilities for all schools
- Stop child marriage
- Stop child labour
- Protection from terrorism
- Love

**Punjab Consultation**

**Key Child Rights issues Prioritized by Children**

- Security – 8
- Health – 8
- Child protection – 7
- Education – 6
- Child participation - 5

**Note:** A consultation planned with children from the Balochistan province, could not be held due to the law and order situation in the province during the time that the report data was being compiled.