



## Child Rights Situation in Pakistan

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**Abstract** *The research regarding Child rights in Pakistan has immense magnitude for the socio-economic development in Pakistan. Resembling the majority of the world's developing countries, Pakistan is also facing numerous social and economic problems. The weaker economic condition of the society resulted in an environment of uneven social conditions and class discrimination which becomes a huge hurdle in the way of attainment of a prosperous society. However, the most vulnerable element of society which is mainly affected by the worse social or economic condition is children. Approximately thirty-five % of the country's populace is age 15 or lower from which about twenty-five millions are out of schools and 12 million are employed in labor work. The objective of this study is to analyze the situation in which the majority of the Pakistani children are facing numerous challenges in getting access to basic rights including healthcare, education and protection from abuse etc.*

## The Concept of Human Rights

The concept of rights on earth started with the progress of human beings. Human rights are of great importance as evident from the fact that it is receiving a special place in every religion existed in the contemporary world. Pakistan's society is mostly professing the Islamic religion and pursues its injunctions in their daily lives. It is the right of every individual living in the country to be protected from all sorts of things which can affect him/her and for that reason strict legal and administrative measures should be taken. Therefore, it is the duty of the concerned

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authorities to make sure that vulnerable sections of the community are specially secured, profited, receiving sufficient care and have proper accommodation. Islam as a religion, in addition, grants apparent guidelines in types of legitimate rights, which finds a place in the country's constitution as well. However, in modern times, these rights related to the existence and growth of human beings. These are considered necessary for the freedom of the individual, their dignity and pre-condition for physical, moral, social and spiritual growth. In an ideal society, human rights are provided from the birth of every individual without any distinction (S.K Singh, 2007). In point of fact, these rights helps a lot to develop good habits in the society including morality, humanity, tolerance and coexistence etc. it is generally agreed that for the wider welfare of a society these rights i.e., right of living, equality before law, life without atrocities, freedom against ruthless attitude, freedom of movement, freedom to practice religion, freedom for participating voting process, economic development or social and cultural rights, freedom of nourishment, right to get education, freedom to participate in the cultural activities of own community must be included in the basic law of the society (S.K Singh, 2007). In present-day scenario International Law also consider these rights as the utmost necessity and justifiable for human-being. In this regard, international agencies set a criterion for the modern states to grantee the proper implementation of these rights (Encyclopedia of Human Rights, 1996). The international proclamation of Rights was passed by the United Nations by everyone's approval on 10<sup>th</sup> December 1948.

Prior to the division of united India in 1947, children's related legislation already existed which ensured protection against all sorts of abuses to this vulnerable section of the society, which the then rulers (Britishers) set-up to provide them protection and to punish the violators. Subsequently, at the separation's time, the nation acquired a legacy of child welfare committed principally to curative administrations. The newly established government doled out the obligation of the restoration of the visually and hearing impeded to the Education Department, and the Ministry of Interior dealt with juvenile misconduct as a law enforcement agency (Rehmatullah, 2002).

By providing all civil, political, economic, social and cultural rights, it clearly declared that human rights are for each and every person of every nation (UDHR). This Bible of Human Rights was recognized at the international level with the ratification of the General Assembly in December 1966 (UNESCO, 2001). However, in Pakistan, the Constitution of 1973 was the main document that guaranteed the fundamental rights for every citizen without any discrimination of language, color, creed or caste etc (S.K Singh, 2007). It includes the articles 9,10,11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 defining almost every aspect of the human rights to be practiced in the country (M. Munir, 1999).

In point of fact, Article 8 of the Constitution made it clear that law is inconsistent with or in contradiction of fundamental Rights to be a void country (Munir, 1999). However, it is generally observed that the advocates of human rights are avoiding their responsibilities for children's rights. On most of the occasions, the international community did not address atrocities against children in war and violence etc. now a question arises, that who is a child. The simple answer is “a child is a human being under the age of 18 years” (Jahangir, 1993).

## **Child Rights in Pakistan**

Child rights are the most important segment of human rights. Keeping in mind their importance, there is a need for the development of such a criterion and system for the children's protection at a global level, which can make sure that their rights are fully secured. The World Summit for Children just as the UN Convention on the Rights of the Child have had the option to get started some base models for children's education, wellbeing, endurance and least security necessary for children against disregard, misuse and maltreatment at home, work-place or in war (Munir, 1993). In order to fulfill the national and global course of action, for example, the UN Convention on the Rights of the Child, it is challenging and imperative that every nation should build up an efficient mechanism that can secure the protection of children. A deliberate technique to deal with a child's protection needs the coordination, consideration of the administrations and different fragments of the general public, that is, families, the academicians, the private sector, youngsters, caregivers, and the NGOs. It requires a strategy at national level, with directed approach, supervision, trained officials, multi-disciplinary and multi-sectoral collaboration, child amicable legislation, sound legal structure, far-reaching referral framework including care, welfare, recognizable proof of child casualties of brutality as well as awareness in public along with research in order to stop violence (Save the Children, 2010).

In the present scenario, in order to secure the future of the nation, the majority of the developed countries laid emphasis on child rights' promotion and protection. The rights of a child can be defined as “rights that concern the fortification of every child and to create an environment in which every child can develop inner capabilities”. In point of fact, child rights included their rights to associate with their parents, provision of basic needs i.e. physical protection, food, education and health etc (S.K Singh, 2007). As far as the legal status of these rights is concerned, Child rights have been ratified by the UN General Assembly in November 1989 and the majority of the countries followed it as a guideline. In 1990 Pakistan also ratified the convention and since then these rights are being observed by the state authorities under its guideline (S.K Singh, 2007). However, the majority of these have already been guaranteed by the Constitution of 1973. Its articles 11(3), 25 (A), 35 and 37 (E) provided the basic structure for the Child rights including the

provision of educational facilities, fixation of their employment age and family affairs etc (S.K Singh, 2007). Yet it is very unfortunate that Pakistan is offering worse conditions for its children than the majority of other neighboring countries. Less than 25 percent of its population is living below the poverty line and the most vulnerable victim of this condition is children. This situation resulted in their lack of education, substandard living facilities and poor access to health services etc. About 1 child in 6 dies before the age of 5 years. The story does not end here as the mal nutritional status produced a picture where almost every day, over one thousand Pakistani children less than five years of age expire from diarrhea or and diseases correlated with water.

However, if we want to see the protection of children against violence which is one of their basic rights, the community at the international level is required to fight violence against children collectively in South Asia (UNICEF, 2013). The figures show that this part of the world is home to about 64.5 million children, witnessing violence at home. Sadly these are the maximum regional number at the international level. By the same token, about 44 million children have been identified as laborers at such a young level, while nearly 50 percent of the world's child brides are living in this part of the world (UNICEF, 2014). The statistics are given here show a very grim situation of the conditions faced by the children in this part of the world. Pakistan is an important member of the region and has influence over the regional association known as the South Asian Association for Regional Cooperation (SAARC). In its charter, the rights, health development and children's well-being is one of its top priorities and is continuously trying to improve the conditions right from its inception (UNICEF, 2014).

As per Pakistan's Constitution of 1973, it is the basic right of each individual to have access to health-related facilities and services, yet in reality, executing these rights is unimaginable as the budgetary portions for social welfare, training and wellbeing are very low. In the government spending plan for children centered social welfare plans and projects is by all accounts declining throughout the years (Khosro et al., 2012). In spite of the fact that the present figures are inaccessible, however, the forecast further represents the crumbling of budgetary assignment in a 4-year time frame according to the Institute for Social Justice Report (Isjorgpk, 2018). The general budgetary circumstance is less helpful for the welfare of the children. Pakistan is one of the most important and strong military power in the contemporary world. This is usually done at the cost of other sectors, for example, education, health-care and other different ministries that could be working for the welfare and security of children in Pakistan. The estimated portion of children in governmental spending plans is around 6 percent; however, children constitute more than 48 percent of Pakistan's populace (Isjorgpk, 2018).

It is admitted that the majority of the Pakistani governments have failed to give priority to the Child rights. No doubt the socio-economic condition of the country often forces poor families to make their children work. Only 71 percent of the

children use to attend the primary schools in Pakistan and the remaining approximately 11 million children are performing domestic or agricultural odd jobs. Consequently, physical and mental abuse emerges as the main problem of these children who use to take refuge in the streets. Although like other countries of the World, Children day is being observed in Pakistan every year that demonstrates the equal rights of children everywhere(UNCRC, 1989). Being the sixth most populated country of the world every Pakistani household contains one or more youngsters.

The movement for the child right in Pakistan is a modern phenomenon. However, here legislation on child rights has remained a slow process. Child rights are recognized and promoted through step by step by the Pakistani governments. National Plan of Action for child protection was prepared for the elimination of various issues regarding children such as “child labor, child mortality, child sexual abuse, physical punishment, domestic slavery and trafficking” however, its implementation is in pending process. Similarly, another bill is also pending which was drafted in 2006 for the rehabilitation of abused children (S. M. Ali, 2009).

The Children's Complaints Office developed with the support of UNICEF fills in as a devoted component where complaints from and as to children can be received and routed. These can comprise of charges of maladministration in publically owned institutions, for example, relevant ministries. Fundamentally, this activity connects current gaps with respect to child explicit complaints and gives a review system. Within the appointed time, this administration is to be extended to cover every one of the eight sub-national workplaces of the Wafaqi Mohtasib. Objections can be recorded on the web and by email. In the Punjab region, Child Protection Courts additionally have been built up in seven locale level Child Protection and Welfare Bureaus since 2004 (UNICEF, 2014). Report of Human Rights Commission of Pakistan 2005 reveals, " numerous laws for child protection could not be implemented due to one way or the other" (K. Hayat, 2005). Similarly according to 2012 State of Pakistan's Children Report, “more than twenty-five hundred thousand kids are out of school, twelve hundred thousand are working as labors, at the same time as more than six hundred newly born babies die every-day in Pakistan” (*The Express Tribune*, 2013). But the majority of the governmental efforts have failed to implement legislation on child rights, about 23 million children in Pakistan are out of school (*The Express Tribune*, 2013). These figures one way or the other shows the carelessness of majority of Pakistani governments regarding child rights policies. Consequently, in Pakistani society, child labor can be seen everywhere and it seems that children have started accepting it as their destiny.

Yet, the condition of the Pakistani child as a whole is not in an ideal form. The authorities, on most of the occasions, did not show their keen interest to resolve these problems on a priority basis including child abuse and their physical and mental torture that existed in Pakistani society. UNICEF marked Pakistan amongst

the top 10 with the highest child murder rates. In addition to this, 30 percent of girls aged 15 to 19 years of the country claimed that they experienced physical violence since the age of 15 (A. Jillani, et al., 2006). Besides this, Child education is also in a horrible stage, lack of quality education, adequacy of qualified staff, strict punishment are responsible for the dropout of children. For the good use of NCCWD, the National Commission on Child Welfare and Development was handed over to the ministry of law. Due to weak policies and un-implementation of child rights, NCCWD is now under the ministry the Human Rights but has still not produced any effective mechanism for child protection (*Dawn*, 2017).

In fact, there is no tangible national policy for child welfare and development in Pakistan. Special budget allocation in this regard, for all provinces, is needed with full dedication. Beside Employment of Children Act 1991, Employment of Children Rules 1995; some legislation is seen in provinces, for instance, KP prevention of child labor act 2015, Punjab Prevention of Child Labor Act 2016, Sindh Prevention of Child Labor Act 2017, Balochistan Prevention of Child Labor Act 2016 (*Dawn*, 2018). Similarly, in the presence of the “Child Marriage Restraint Act,” early marriages are still practicing in the rural areas of Pakistan in the name of old traditions and style. Although, in the Upper House of Pakistan a bill is moved by Senator Sherry Rehman according to which “a minor would be a person under the age of 18” (*Dawn*, 2018). However, the government has been failed in implementing the Juvenile Justice System Ordinance 2000 (JJSC). This ordinance was established with the intention of founding an independent justice system adapted to minors. Yet that system is unable to fulfill its basic aim because it did not offer any sort of protection to children as a policy. If a crime is committed by the adults and they have to go to prison their children are also staying with them. Consequently about 1383 immature were in prison across Pakistan during 2013, out of which 137 were convicts and 1246 under trail (Stefano Berti, 2003).

In addition to this, several child rights bills remained pending at national and provincial levels for a long time, including the Balochistan child protection and welfare bill, the prohibition of corporal punishment bill, KP protection of breastfeeding and child nutrition bill, KP right to free and compulsory education bill, the national commission on the rights of children bill, the Punjab child marriages restraint bill and the criminal laws amendment bill (*Dawn*, 2017). Though most of the above-mentioned bills are passed their implementation has not been seen in practice. In point fact, the implementation of laws and bills always remains a matter of interest of a certain class. Ascribed gender inequality and poor implementation of child-related laws and bills at the local level are pointing towards bad governance (*Daily Times*, 2018). In addition to this, without realizing the importance of our future generation and the lack of fine implementation of child rights bills are the negation of their basic rights. Unfortunately, social rights, education and security rights are being paid least attention during the previous year’s which is leading to a disastrous future for us.

In spite of the current enactment for the children's security framework, the cycle of a bombing child insurance framework is identified with the absence of assets. Children assurance specialists have all-inclusive discovered that children need security from physical misbehavior, abuse and gender-based violence, psychosocial problem, enrollment into gangs, family detachment, abuses connected with force displacements and denial to quality education (Javaid et al., 2011). The Convention on the Rights of the Child (1989) was particularly convened to cater for the rights of the children explicitly in emergencies. The UN Convention on the Rights of the Child (CRC) has assumed a significant job in bringing up the accentuation on children's protection issues in an emergency (Javaid et al., 2011).

The positive picture in the child protection arrangements in Pakistan is somewhat served by the not-for-profit and private sector, which is working persistently to determine the issues about the wellbeing and protection of children. There are non-governmental associations both at the national level which are supported through foreign aids employing activists from the social sector and charity workers; working in cooperation at numerous levels to raise their help for the rights of the children in Pakistan. These associations are working in the parts, for example, wellbeing, training, and social welfare. It is because of the efforts of such associations that a colossal net of bonded labor has come into the surface, and currently, there is an enactment in the process to remove this menace from the country. At first, it came to the attention of the authorities when a kiln worker physically and mentally worst condition contacted a social activist in the nearby surrounding. The kiln laborers are utilized as bonded laborers for a very little bit of money, which at that point continues massing interest for daily food and rest that these laborers get. Consequently, the obligation never diminishes, and the whole families become as slaves. These families comprised of children as low as infants and are compelled to live in terrible conditions. With certain adjustments in strategy, the Government has acquired enactment against bonded labor and the abuse of children and their families.

As pointed out earlier in the article, issues such as illiteracy, joblessness, poverty, lack of accessibility to basic needs, corruption, terrorism, etc., worsen and aggravate the circumstances for issues connected to the protection of children. If we take the example of those children; who born in custodial institutions such as prisons, where children are exposed to other convicts while growing among them; whilst female detainees grieve without a conviction because of an overburdened judiciary. International organizations for instance, Amnesty is working in coordination with UNICEF to help in the formation of an active strategy so that the new-born are properly looked after over there. The absence of appropriate juvenile centers is another area that needs focus from the concerned authorities so that the children's future can be secured.

Therefore it is evident from these discussions that there is not a simple solution for the resolution of issues related to the children protection framework in Pakistan as it is one of the highly complicated societies (Wessells, 2015). There are various proposals in this regard. They are; first, it requires a compulsory top to the bottom approach of legislative structure, arrangements and abilities to help moves to be made. Second, it requires a base-up approach that includes network activity, building network qualities that energizes network and government coordinated effort. Third, is the center out methodology wherein neighborhood specialists, for example, city gatherings advance child protection plans inside their regional centers of power (Wessells, 2015). It is accepted that if the administration and nearby specialists bolster network-driven activity, which will fortify the children's emotionally supportive network and increase protection for this vulnerable section of the society.

An essential task can be performed by the communities in the protection of those children who are at risk, which may comprise of reconsideration of social relations and cultural norms that may put children in danger, supporting victims of abuses, challenge offenders' behaviors, and by supporting families to give fundamental needs to their children and by tending to the multidimensional neediness of the poor families (Jabeen, 2016; Wessells, 2015).

## **Conclusion**

The present age can rightly be described as the age of right and duties and human rights are the only political – moral idea that has received universal acceptance. As children are the future of any society, their Rights gain more value and importance to be protected with more care and zeal. Unfortunately, the way our nation is treating our child is disgraceful and even heartless. The condition of child Rights in Pakistan is dismal and deteriorating. About 12 million children are engaged in labor work and the more are facing numerous hurdles to get their basic rights including healthcare, education and protection from abuse etc. Such conditions depict the failure of government and society to fulfill their national responsibilities. The authorities, on most of the occasions, did not show their keen interest to resolve these problems on a priority basis. By neglecting these child rights or lack of interest in their proper implementation resulted in a constant decline leading to a disastrous future of Pakistan.

## **Recommendations**

- Pakistani Government should effectively implement the National Plan of Action (NPA) against child sexual abuse.



- Introduce strict punishments and actions should be carried out in case of exploitation of children and punish those who dare to torture or ill-treatment.
- Every year Children day should be celebrated throughout the country on 20 November with great enthusiasm.
- Knowing about fundamental rights is the right of every child, so schools can play a pivotal role in improving the children's knowledge regarding child rights.
- Child protection call centers and shelter homes for street children should be built.
- True implementation of Article 25-A of the 1973 Constitution provided right of education to all children aged 5 to 16 would eliminate every kind of child labor and drop out ratio.
- NGOs can play a pivotal role in the highlighting of child rights in Pakistan and could make policies with the government.

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