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Study on the Important Issues of Child Rights in Pakistan

Munir Moosa Sadruddin*

Abstract

The study has helped to identify the important issues of children in Pakistan, during 2004-2008. This research article aims to inform practitioners and policy makers, in an effort to move child rights and children's plight in especially difficult circumstances to the forefront of the public conscience. The value and importance of children has also been highlighted in the study. The efficacy of the implementation of child rights by Pakistani Government has also been revealed. The study revealed that the issues of children were over shadowed in Pakistan during the last few years. The Convention on the Rights of Child did not serve as a guaranteed savior. Education, security and social rights were not given proper attention during the last five years due to which, much effective results were not produced in improving child rights. Although the needs of children and their rights, particularly social and security rights were well understood, but were not well addressed, both on social and political platform. The study concluded that Pakistan was unsuccessful in addressing the issues of Children in Pakistan to its best as the issues of children were found in a vulnerable state.

Keywords: Child Rights, Child Labour, Pakistan

Introduction

"The child should be fully prepared to live an individual life in society… in the spirit of peace, dignity, tolerance, freedom, equality and solidarity." (Extracted from the UN Convention on the Rights of the Child) Right through history, child rights are overlooked and are not implemented to its fullest. Children Rights Convention (CRC) Article 1 defines, "A child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier."[1] Child Rights may be defined as "The rights, which are concerned both with the protection of the individual child and with the creation of the conditions in which all children can develop to their full potential."[2]

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According to the World Fact book 2008[3], the world population of children under 14 is as under

0-14 years:	27.3%
Birth rate	20.18 births/1,000 population

According to United Nations (UN) University Vice-Rector, Ramesh Thakur and United Nations International Children's Emergency Fund (UNICEF) Japan Director Manzoor Ahmed, 2.2 billion of the world's people are under 18 years old, with 2 billion from developing countries.[4] According to Population Association of Pakistan, 65% of Pakistani households contain one or more adolescents. 23% more have children under the age of 10 who will be the next generation of adolescents. Out of the population of 130.6 million, 29.6 million are adolescents (10-19 year old).[5]

The child rights movement is a historical and modern movement committed to the acknowledgment, expansion, and/or regression of the rights of child around the world. The Universal Declaration of Human Rights is seen as a basis for all international legal standards for child rights today. A number of historical and current documents affect child rights, including the first most effective document, "Declaration of the Rights of the Child," drafted by Eglantyne Jebb in 1923, and adopted by the League of Nations in 1924.[6]

The Convention on the Rights of the Child was the first legally obligatory international instrument to incorporate the full range of human rights- civil, cultural, economic, political and social rights. Unanimously adopted by the General Assembly on 20th of November 1989, it has since been ratified by all the world's governments (except Somalia and USA).[7]

The Convention sets out rights in 54 articles and two Optional Protocols. The Convention protects child rights by setting standards in health care, education, security and legal, civil and social services.

The 54 articles detail the individual rights of any person under 18 years of age to develop to his or her full potential, free from discrimination, hunger and want, neglect, exploitation, or other abuses.[8]

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

Pakistan tried to implement the provisions, and took many administrative, judicial and legislative measures to prioritize sensitive areas of concern which cause impediment in children's development.

In Pakistan, the government prepared a National Plan of Action (NPA) for Child Protection to meet the country's commitments to a range of

issues including child sexual abuse, exploitation, child pornography and prostitution, health, shelter, poverty, child labor, education and child mortality. A child protection bill was also drafted in 2006 to provide an institutional framework geared specifically towards prevention and protection of children from abuse, and for the rehabilitation of abused children. This bill too is pending approval.[9]

According to the recent reports, child abuse is not only a widely practiced phenomenon in Pakistan despite its Islamic antecedents but also on the rise, However, rarely is the problem addressed since the topic is socially and culturally a taboo, and there is an incorrect impression that the problem doest not exist.[10]

The problems in the sphere of juvenile justice in Pakistan are manifold and often complex; and all are important from a child rights standpoint. The Juvenile Justice System Ordinance was enacted in 2000 and deals with children who come into conflict with the law. [11]

Child labour has many faces in Pakistan. It is estimated that there are over 10 million child labourers in Pakistan.[12]

Child education in Pakistan is in a dismal state. Inadequacies of education system in terms of weak infrastructure, poor quality teaching, lack of qualified teachers, teacher absenteeism, corporal punishment and emotional, verbal abuse, strict conditions and lack of learning materials pushes children out of school.[13]

Corporal Punishment is prohibited in the government schools of Sindh since 2004. Despite all these measures, physical violence, government, and private schools are widely prevalent and institutions have failed to bring about a major change in banning the practice.[14]

This bleak situation is mainly due to a lack of vision and the lopsided policies and priorities of the people at the helms of affairs.[15]

Every child has a right to live his/her life free from violence, including corporal/physical punishment and humiliating and degrading punishment. The understanding, acceptance and implementation of child rights can gradually eliminate violence against children in all forms and from the entire institutions.[16]

Healthcare for a majority of children suffers from basic deficiencies. That is forgivable and not surprisingly accounts for the poor health indicators for Pakistan's children, which is inevitably reflected in the national statistics on health and economic productivity. With the infant mortality rate at 84 per 1000 live births, under- five mortality rate a shocking 125 per 1000 and 38 percent of children under five being under-weight, one can only hold the state accountable for its failure to fulfill its basic duty of providing healthcare to its citizens, especially the younger ones.[17]

Researchers believe that the education, social and the protection rights are the foremost important issues, which needs a serious consideration. Education can contribute a lot to empower and enlighten children's lives and in breaking the barriers of poverty, discrimination, and provides opportunities to its younger generation to strive for better times ahead. Children need secure and healthy environment. Their voices must be heard and trusted and every possible step must be taken to provide them safety. They must be taught their basic rights right from the day, they start understanding things, so that their joint coalition to work can fruitfully bring joys in many lives.

Purpose of the Study

The study analyzed the efficacy of implementation of child rights with the help of NGO's, public and private schools and Government institutions. Different respondents from private and public schools, Government institutions and NGO's were involved to evaluate the state of child rights and to assess whether the institutions were successful in implementing rights of child in the recent years or not. This study also developed the steps/ suggestions to implement child rights in current settings.

Condition of Children in the World

Human right is very important in today's world but it has forgotten its responsibility towards the issue of Children. The legacy of child persecution is that it manifests a depreciation of and contempt for what is best in humankind. The failure of the international community to vigilantly address atrocities against children results in the perpetuation of those atrocities and creates adults who learn to solve problems through war and violence. Many professionals are unfamiliar with the Children's Convention, which protects the human rights of children. It stands to reason that the general public is not familiar with the Children's Convention either.[18]

The condition of children around the world is dubious. Children are being subjected to horrific violence and their living conditions are always a slur for their government system.

Population growth and rapid rates of industrialization are putting increasing pressures on childhood and family life. The most conspicuous symptom of social stress and family breakdown was the increasing number of children working on city streets with some also living there. Many other children were being damaged by forces that went beyond poverty and underdevelopment. They included child victims of mass violence and warfare, children with disabilities and children suffering

from exploitation – as workers and laborers, or as objects of commercial sexual abuse.[19]

According to UNICEF (2005) report, Children are the hardest hit by poverty. More than half a billion children (40 percent of all) in developing countries are living on less than $1 a day. According to the study, there are 115 million primary-school-aged children not enrolled in school. Another 150 million children start primary school but drop out before they have completed four years of education. Nearly half of the children in the least developed countries of the world do not have access to primary education. Of the 115 million primary school-aged children out of school, the majority are in Sub-Saharan Africa and South Asia (76 percent). More than 42 million children in South Asia are out of school. For every 100 boys out of school, 117 girls miss out on primary education.[20]

According to the same report, although life expectancy has increased, 10 million children die every year before their fifth birthday, largely from preventable causes, and malnutrition is a contributing factor in more than half of these. More than 50 percent of the 10 million children die at home due to poor access to health care. Acute respiratory infections are the biggest single killer (2 million every year), followed by diarrhoeal diseases, malaria, measles, tuberculosis and neonatal tetanus.[21]

Child labor persists in developing countries. More than 250 million children between the ages of 5-14 work. Most working children in rural areas were found in agriculture; urban children worked in trade and services, with fewer in manufacturing, construction and domestic service. Great efforts have been made to reduce this problem, with some positive results.[22]

Condition of Children in Pakistan

Pakistan ratified the Convention on the Rights of the Child (CRC) in November 1990. In this regard the National Commission for Child Welfare and Development (NCCWD) undertook various activities in collaboration with Provincial commissions for Child Welfare and Development (PCCWDs) and NGOs.

Pakistan offers worse conditions for children than any other country in South Asia, partially because the government has failed to implement legislation and international conventions which would improve conditions for children, according to a study by several child rights organizations. Poverty, bad drinking water, physical and sexual abuse and child trafficking are among the areas where society and the government have failed to establish good conditions for children, according to the study. Statistics substantiate the study's claims. Nearly 8

million children, or 40 percent of the total population of children under the age of 5, suffer from malnutrition. About 63 percent of children between 6 months and 3 years have stunted growth and 42 percent are anemic or underweight. Poor nutrition leaves these children vulnerable to diseases. Poor conditions extend to the education sector. About 23 million children in Pakistan have never been to school.

According to the United Nations Children's Fund, about three million children under the age of 14 and 18 percent of children between the ages of 10 and 15 are working. Pakistan's Federal Bureau of Statistics places the approximate figure of child laborers at 3.5 million. Trafficking in children is another form of commercial abuse. The Lawyers for Human Rights and Legal Aid estimates that at least 360 children were smuggled to Arab countries in 2003 for use as camel jockeys. According to some reports, the children were deprived of food and water to keep their weight down prior to the race and some children were beaten for refusing to mount a camel. The Prevention and Control of Human Trafficking Ordinance 2002 has very little impact and not a single conviction has occurred under this ordinance so far, the study reports. To change the prevailing conditions, the study recommends the implementation of existing legislation and international conventions and more specific laws to check the smuggling of children. Rights bodies have also called for legislation to prevent the sale of children by impoverished parents and punishments for runaways.[23]

According to the Report of Human Right Commission Pakistan 2005, many laws intended to protect children went largely unimplemented. Growing awareness about the rights of children and the introduction of some protective measures by government pointed towards a slight improvement in the situation. During the first six months of 2005, 71 children were murdered after sexual abuse. ..The physical abuse of children remained widespread, while due to the conditions in which they lived, many children across the country suffered malnutrition, illness and death.[24]

UNICEF's annual report on the State of the World's Children for 2005, launched in Dec 2004, put Pakistan at 46th among 157 countries in terms of basic indicators for child welfare. The findings showed 19 percent of children born in the country between 1998 and 2003 were of low birth weight.

Child labour and corporal punishment were believed to be the major cause of the Sindh school drop-out rate of over 50 percent, while similar reasons were also responsible for children leaving school in other provinces. Access to clean drinking water, adequate food, healthcare and education was denied to most children in the country.[25]

In the following year, the report of HRCP 2006 states, children orphaned or separated from their parents in the October 8, 2005 quake remained at risk even a year after the disaster. Children continued to be made victims of violent crimes. Although Pakistan ratified ILO Convention 182 on the Worst Forms of Child Labour in 2001, children continued to be employed in dangerous occupations, including mining. There was an increase in incidents of gang-rape, including cases involving minor girls.[26]

Health statistics, particularly for women and children, were amongst the worst in the world.[27] Literacy rate in 2005 stood at 53 percent while infant mortality rate were noted to be highest among South Asian countries. There were approximately 1.7 million bonded laborers.[28] Pakistan spent around two percent of its GDP on education, the lowest figure among South Asian countries.[29]

According to Annual report 2007 of HRCP, child healthcare continued to be poor and inadequate resulting in the spread of disease and high mortality rates. Pakistan's under-5 mortality rate was recorded at 99 out of every 1,000 live births - higher than that of Bangladesh. 38% of children in Pakistan were reported to be moderately or severely malnourished. Children, especially minor girls, continued to be the victims of widespread sexual and physical abuse. At least 258 cases of rape and gang-rape and 138 deaths by killing were reported… Child labour and trafficking remained rampant across the country. Increasing numbers of street children were also reported to have become drug addicts with almost 83% of street children between the ages of 8 and 19 reportedly sniffing glue.[30]

Child labor was also widespread with reports stating that more than 3.6million children under the age of 14 were working under hazardous and exploitative conditions. Labor laws were largely ignored…Pakistan was placed at 144th in the world literacy ranking. The education sector was plagued by corruption, misuse of funds & resources and inconsistencies in the implementation of education reforms.[31] It was reported that around 550,000 children in Pakistan die before reaching the age of five every year.[32]

In 2008 in Pakistan 6,780 cases of violence committed on minors took place: sexual abuse, targeted murders, abductions, forced labor and suicides are only some example of this, to which the exploitation of "child soldiers" in the war between Islamic fundamentalism and the army must be added. The 2008 report on the "Condition of Children in Pakistan" –released by the Society for the Protection of the Rights of the Child (SPARC) – underlines the governments failure to apply national and international law in protection of the rights of minors. The document

reports that almost 30% of children under the age of five are malnourished. It claims that 30-40 percent of children of school going age across the country, are not attending schools.
The SPARC report says the government, despite its claims, has not favor polices to protect minors. Pakistan is still far from reaching the Millennium Development Goals (MDG): among which is the guarantee of education for all by 2015.[33]

Major Issues of Children in the World

Education Rights
Since 2000, governments throughout the developing world have been striving to various degrees to meet the Millennium Development Goals. The Pakistani government has reaffirmed its intention to work towards the goal and put policies in place to improve education in Pakistan. Yet, statistics show that there certainly is a lot of work to be done. Over 16 million children attend primary school in Pakistan but millions more do not spend their days in the classroom.[34]

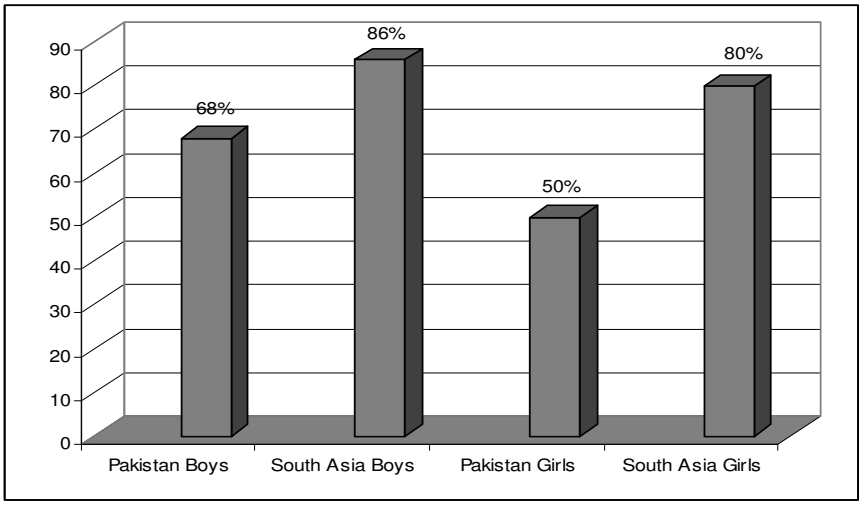
According to the Information from SPARC,[35] the net primary enrolment rate in Pakistan from 2001-2005 is given below:

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

Source: State of Pakistan Children, 2005

According to the Information from UNESCO Institute for Statistics,[36] the primary school enrolment in South Asia is given below:

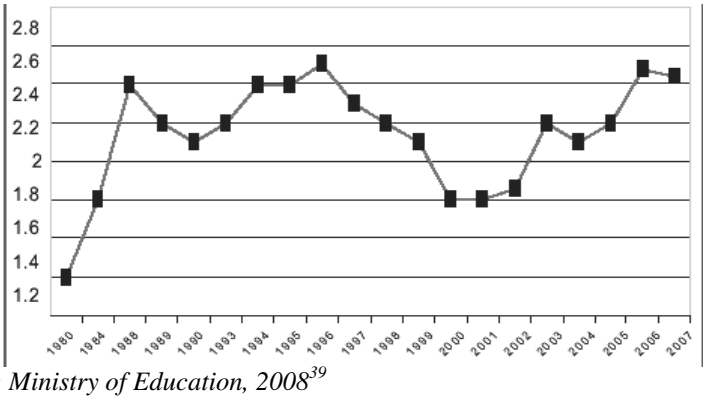
Comparative Table on Primary School Enrolment



Source: Information from UNESCO Institute for Statistics 2005

Pakistan is at serious risk of not attaining the goal of adult literacy by 2015, warns Education for All Global Monitoring Report 2007.
Pakistan was graded last in the Asian Pacific Countries' School Report Card published in 2005 by the South Asian Pacific Bureau of Adult Education. The dismal result comes as no surprise, considering the low investment of less than 2.3% of the GDP made by the government on public sector education. According to the World Bank it is much lower than the South Asian average of 3.6% and the low –income countries' average of 3.4%.[37]
According to HRCP report, in 2007, Pakistan was placed at 144th in the world literacy ranking.[38]

Indicator of Education from 1980- 2007



Source: Ministry of Education, 2008[39]

The preceding graph shows that the government has not earmarked a substantial amount for the education in the last almost ten years and both National Economic Survey and National Education Census fail to give budget allocations in the sub-sectors within the education ministry and specify the priority areas for expenditure.[40]

According to the report of Human Rights Commission of Pakistan 2008, at 120th spot, Pakistan remained at the bottom in the EFA Development Index ranking with the lowest allocations to education as a percentage of the GNP in terms of public expenditure.[41]

Physical/Mental and Sexual Abuse

Children in Pakistan are subjected to physical, mental and sexual abuse. There have been positive steps forward in 2005 with increasing recognition of the harmful effects of corporal punishment and sexual abuse on children. The federal government has taken steps to train police, pass legislation on child protection. However, there is still widespread denial of infanticide, underreporting of child sexual abuse, acceptance of child marriage and complicity to child prostitution.[42]

The table given below shows the legislation, relevant to child prostitution and sexual abuse.[43]

National and Provincial Legislation

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

In Pakistan, there are no laws that deal specifically with the abuse of children or sexual abuse not involving penetration. There are only provisions regarding rape and sodomy thus penetration is necessary for the sexual abuse to be a punishable offence. The Pakistan Penal Code provisions used to prosecute sexual abusers directly are rape and sodomy. Murder and kidnapping cases are also used to punish offenders. Section 376 on rape of women prescribes a punishment. Section 377 covers sodomy and gives a punishment of 2-10 years. Section 254 covers sexual harassment but the maximum punishment is two years imprisonment. Even though the Pakistan Penal Code could be used to prosecute cases, the authorities use the Hudood Ordinances. The punishment is only given if the accuser confesses or if there are four

pious male Muslims eyewitnesses.[44]

According to the Study of an NGO[45], Rozan, the types of abuse prevails in Pakistan are:

Types Of Abuse Provided By Aangan Division Of Rozan Source: Aangan, Rozan, 2005			
Rozan Study- Types of Abuse	Victims		Total
	Male (%)	Female (%)	
Touching	31.5	52.1	41.8
Kissing	34.2	23.3	28.8
Fondling	20.5	20.5	20.5
Looking for private parts of child	0	2,7	1.4
Abuser showing his/her private parts	6.8	12.3	9.6
Touching private parts of the child	12.3	6.8	9.6
Abuser asking child to touch private parts	9.6	11	10.3
Pornography	4.1	2.7	3.4
Rape/ intercourse	1.4	31.5	16.4
Sodomy/ anal sex	41.1	2.7	21.9
Verbal sexual abuse	1.4	4.1	2.7

Corporal Punishment

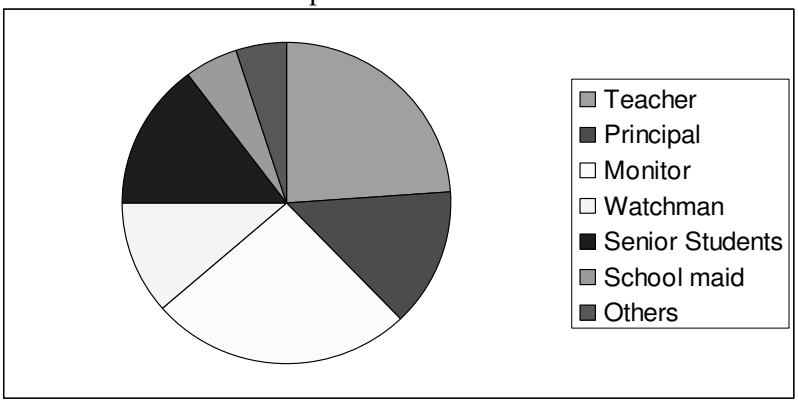
Article 19 of the Convention on the Rights of the Child clearly enunciates that a child must be "protected from all forms of physical and mental violence while in the care of parents and others." Article 37 is also pertinent in this respect. "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment"

Section 89 of the PPC (Pakistan Panel Code 1860) (No XLV) empowers parents, teachers and other guardians to use corporal punishment as a means to discipline and correct the behavior of under-12 children. It is also a fact that corporal punishment is practiced within the family, resulting in serious injuries. Also, whipping is used a sentence for Hadood Crimes despite the 1996 Abolition of Whipping Act.[46]

In Pakistan, as far as prohibition of corporal punishment in homes is concerned, it is recognized in the National Child Protection Policy that children will be protected from corporal punishment.[47]

According to the survey, conducted by Society for the Protection of the Rights of Child[48], the ratio of the inflicters of corporal punishment

is given below:
Ratio of the Inflictors of Corporal Punishment



Source: SOPC 2005. Islamabad

Plan International, launched a campaign Learn without Fear in Dakar on October 7, 2008. The campaign focuses on 66 countries that include Pakistan and aims to create a global momentum for change that will immprove the lives of millions of children.[49]
Thus, the saga of corporal punishment is deeply rooted in Pakistani context. There is a dire need to regulate policies at all level at the earliest.

Child Labor
Child labor is deeply rooted in the Pakistani society and the children involved in this painful reality have started accepting it as their fate. Economic exploitation of children or child labor is one of the worst forms of child abuse and neglect in Pakistan. Children are found working in almost every economic sector in the country. Many of them are traditionally and economically bonded and also working in hazardous occupations.[50]

According to the Economic Survey 2005-2006, percentage of people living below the poverty line has declined from 34.46 percent in 2001 to 23.9 percent in 2004-2005.[51]

According to the Federal Ministry of Labor[52], status of the Implementation of the Employment of Children Act, 1991 in 2005, is given below:

Implementation of the Employment of Children Act, 1991 (Province-wise/ Year-wise)					
Year	Province	Number of Inspections	Number of Prosecutions	Number of Convictions	Penalty imposed

2005	Punjab	18698	163	39	4250
	Sindh	Nil	Nil	Nil	Nil
	NWFP	774	7	6	1700
	Balochistan	NA	NA	NA	NA
	Total	19472	170	45	5950

Source: Federal Ministry of Labor, 2004

ILO estimates that across the Asia and Pacific region there are currently 127 million children between the ages 5-14 years who are economically active.[53]

In 2007, Human Rights Commission Pakistan wrote in their report, despite ten years of attention to the problem, child labour remains endemic. Studies indicated that children who work are much less likely to complete primary education, are likely to have lower incomes later in life, and are prone to serious health problems caused by workplace hazards. The last survey was taken in 1996. The 1996 survey had reported that there were 3.3 million child laborers in Pakistan, but most observers stated that the number had increased significantly.[54]

According to the Report of HRCP, published in 2008, the government kept claiming that a comprehensive survey on the extent of child labor in Pakistan would be conducted soon but no headway was made in this regard during 2008. Lack of proper statistics meant the problem could not be addressed properly and the severity of the issue remained diluted at best.[55]

Health Issues

According to the report of UNICEF in 2005[56], the mortalities rate of children in Pakistan is given below:

Mortalities Rate Of Children In Pakistan, 2005

Demographics	
Total under-five population	20,922,000
Under-five mortality rank	47
Under-one mortality rate	80
Neonatal mortality rate	49

Source: Tracking Progress in Child Survival The 2005 Report, UNICEF. 2005.

UNICEF reported that, Pakistan has the 47th highest rate of under-5 mortality in the world, out of 193 countries listed. Pakistan's under-5 mortality rate is 99 out of every 1,000 live births, compared to 74 in India and Nepal & 73 in Bangladesh.[57]

Human Right Commission in their report wrote that Child healthcare continued to be poor and inadequate resulting in the spread of disease and high mortality rates 38% of children in Pakistan were reported to be moderately or severely malnourished.[58]

According to HRCP report 2007, health expenditure as a percentage of GDP was 0.57% according to the economic survey of Pakistan 2006-07. Although the health sector budget allocation showed a 25% increase as compared to previous year, it still remained the lowest budgets allocated to health in the world.[59]

According to the Annual Report 2007 of Pakistan Medical Association,[60] a glance of health is given below:

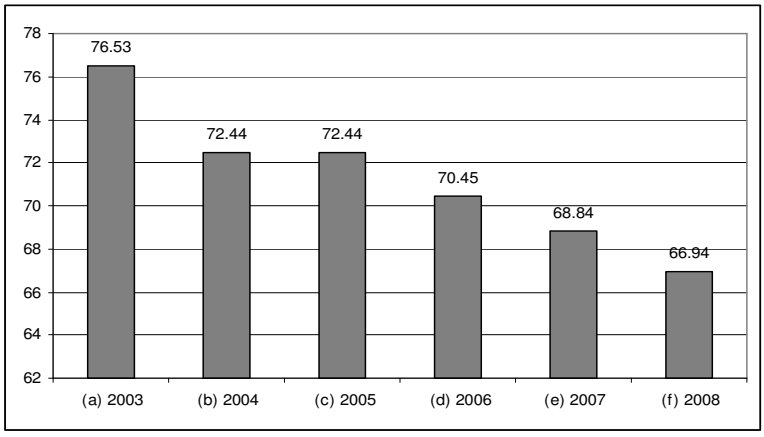
Health Indicators

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

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

According to CIA World Fact book, 2008 [61], the infant mortality rate of Pakistan is:

Infant Mortality Rate of Pakistan



Source: CIA World Fact book, 2008

Analysis

The review of related literature also revealed that there were many issues faced by children and very poor attention was given to solve their issues. It was found that the condition of children in Pakistan was sensitive. Children were being subjected to horrific violence and their rights were mostly abused.

Throughout the history of Pakistan, children were mostly subjected to ignorance. Violations to child rights were clearly observed in Pakistan. Many issues of children were revealed which shed light on the reality that there were more issues than its solution. The rate of issues faced by children in Pakistan escalated during 2004-2008. From the issue of health to education rights, most of the documents clearly disclosed that child rights were not well implemented in Pakistan.

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

Conclusion

Education, security rights and social rights were not given proper attention during the last five years to its best, due to which much effective results were not produced in improving child rights. The research concluded that children are still in a state of dismal, here in Pakistan. So far, our country has not addressed issues of children to its best.

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