



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1997

PAKISTAN*

[19 January 2001]

* For the initial report submitted by the Government of Pakistan, see CRC/C/3/Add.13 and Corr.1, for its consideration by the Committee, see CRC/C/SR.132-134 and 156 and CRC/C/15/Add.18.

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Introduction

1. Pakistan ratified the Convention on the Rights of the Child (CRC) in 1990. An initial report on the implementation of the Convention was submitted to the Committee on the Rights of the Child in 1991. The present progress report, however, is much more comprehensive and deals with initiatives of the Government of Pakistan in each area covered by the Convention. It also explains the work done by NGOs and highlights the participation of child rights activists in the entire spectrum of activities envisaged by the CRC.

I. GENERAL MEASURES OF IMPLEMENTATION

A. The measures taken to harmonize national law and policy with the provisions of the Convention

2. Pakistan ratified the CRC in 1990 with a general reservation that the Convention will be interpreted in the light of the provisions of Islamic law as required by the Constitution. This reservation has now been withdrawn following the recommendation of the Ministry of Religious Affairs and the Council of Islamic Ideology and the decision of the Cabinet. The Ministry of Foreign Affairs has also formally announced withdrawal of the reservation.

3. To ensure conformity of legislative and other measures with the provisions of the CRC, the Government of Pakistan has taken the following steps.

1. National Commission for Child Welfare and Development (NCCWD)

4. The NCCWD, which was established in 1980 to follow up the recommendations of the International Year of the Child, has been assigned the task of coordinating the implementation of the CRC. After ratification, the resolution of NCCWD (Annex 1) has been revised and the task of coordinating the implementation of the CRC was included in the objectives of NCCWD.

5. The NCCWD adopted a model containing five processes for robust implementation of the CRC. The processes are as follows:

Review of national laws and enforcement of CRC through national laws;

Measures for implementation;

Monitoring the violation of rights;

Reporting to the Committee on the Rights of the Child; and

Disseminating information on the CRC and educating the public on the subject.

2. National Core Committee

6. A National Core Committee, comprising representatives of the relevant federal and provincial governments and NGOs has been constituted with the following objectives:

To develop strategies for accelerating the process of implementation of the CRC and for monitoring the goals set in the National Plan of Action for Children;

To assign implementation and monitoring to other units or sections; and

To provide feedback to the NCCWD for the preparation of future reports.

3. National expert committees on priority areas

7. After careful consideration of the situation of the child in Pakistan and, with a view to promoting rights of the child in social sector development, national expert committees have been constituted for the following priority areas:

Health;

Education;

Juvenile justice system;

Registration of children at birth;

Child labour (National Steering Committee);

Protection of rights (including juvenile justice, family environment, abuse, neglect, exploitation and child labour); and

A committee to review the National Plan of Action (NPA) has been constituted in the Planning and Development Division which has a sub-committee to revise the NPA and incorporate the provisions of CRC in the Social Sector Development Plan (1998-2003).

8. The tasks before these committees are as follows:

To review existing legislation and policies;

To identify gaps in legislation and policies;

To suggest amendments or propose new legislation in the light of the CRC; and

To prepare consolidated programmes and plans to facilitate the implementation of the CRC.

9. The Committees have representation of line ministries and departments of federal and provincial governments and NGOs. The composition of these Committees is provided in Annex 2.

Figure 1

Key bodies formed to focus on implementation of CRC

1. National Commission for Child Welfare
2. National Core Committee
3. National Expert Committees

4. Review of national legislation

Legislation

10. **The Juvenile Justice System Ordinance, 2000** (Annex 6), recently promulgated by the Government as a step towards the implementation of the CRC in letter and spirit, provides for the rehabilitation of juvenile delinquents and bans the sentence of death and whipping for children below the age of 18 years. The task of rehabilitation is assigned to the Ministry of Women Development, Social Welfare and Special Education. The Ministry will delegate the responsibility to provinces and monitor progress under the ordinance.

11. The current position, according to section 45 (1) of the Punjab Youthful Offenders Ordinance, 1983 (and in similar laws in other provinces) is that no youthful offender below the age of 15 years is sentenced to death or transportation or to any imprisonment (Annex 7, Appendix XXI). The Juvenile Justice System Ordinance, 2000 has increased the age of the child to 18 years and has also imposed a ban on whipping for such a child. This ordinance, being a federal law, has overridden all the related provincial laws, including the Punjab Youthful Offenders Ordinance, 1983.

Compilation of laws relating to children

12. The laws relating to children were compiled in three volumes for ready reference and were distributed among all concerned, including the NGOs. The three volumes of Child Legislation in Pakistan are attached as Annex 7, Appendices I-XXXI.

Figure 2

Legislative steps in response to CRC

Draft legislation on

- Breastfeeding
- Food fortification
- Compulsory education
- Juvenile smoking
- Maternity benefit (Amendment Bill)

Passage of law

- Compulsory Education Act, 1995 (Punjab Province)
- Abolition of the Punishment of Whipping Act, 1996
- Juvenile Justice System Ordinance, 2000
- Iodized Salt

5. Legal aid

13. Legal aid centres have been set up through the efforts of young lawyers. These centres are helping in securing the rights of the child in accordance with the provisions of the CRC. Most of these centres are located in the vicinity of borstal jails or the central jails (children cells).

B. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

1. Resource allocation

14. The 8th Plan provided an allocation of PRs 1,460 billion (federal agencies PRs 1 billion and provincial agencies PRs 0.460 billion). This allocation is higher than the 7th Plan allocation of PRs 0.910 billion.

15. The national and provincial budgets do not indicate separate funds for child welfare and development. An amount of PRs 102.1 billion (approximately US\$ 1.75 billion) was earmarked for the Social Action Programme (SAP). Almost 80 per cent of this amount was allocated for broad-based social development activities in the provinces, in which child development is included. International assistance received by the Government shows that while there are no separate indicators reflecting the amount earmarked for child welfare programmes, the child would benefit from the developments resulting from the implementation of SAP projects. There is also no separate allocation for the welfare of refugee children, though Pakistan continues to have a sizeable number of such children, including some disabled children. It is carrying out its responsibilities as a country of asylum to the best of its abilities given the resource constraints and dwindling international assistance.

2. Enhancing coordination mechanism between the line ministries and provincial and regional commissions

16. The task of implementing the CRC was assigned to NCCWD. Its chapters were established in the four provinces and in Azad Jammu and Kashmir (AJK). A Cell on Child Rights has also been established for the Federally Administered Northern Areas (FANA). The Provincial Commission for Child Welfare and Development (PCCWD) of the North-West Frontier Province (NWFP) has been made responsible for coordinating child rights activities in collaboration with the Provincial Home Department in the Federally Administered Tribal Areas (FATA).

17. The National Commission and the provincial commissions are responsible for monitoring progress and coordinating with line ministries, departments and NGOs for implementation of the Convention. Having realized the need to enhance the capacity of the

existing Commission, and taking into account the observations of the Committee on the Rights of the Child in this regard, the Government decided to grant an autonomous statutory status to the Commission. Accordingly, a bill has been drafted to establish the Pakistan Commission for the Welfare and Protection of the Rights of the Child, which will replace the existing Commission. The new Commission with its autonomous status will effectively coordinate the welfare and development of children at the national level and oversee the implementation of the CRC in the country. The bill is being promulgated through an ordinance.

18. The Commission will also undertake several projects for child welfare and advise the Government on all matters relating to the survival, protection and development of the child, in full compliance with the provisions of the CRC.

19. The coordination tasks and projects with which the Commission is at present occupied include the following:

- (i) Provincial level coordination is done through PCCWDs;
- (ii) NGO coordination through NGO forums at the national and provincial levels;
- (iii) Coordination with international agencies like AUSAID, the European Commission, UNICEF, ILO and UNESCO;
- (iv) Formulation of policy; and
- (v) Monitoring the violation of child rights through
 - District Based Monitoring System (DBMS);
 - National Resource Centre (press clippings);
 - International Social Services (ISS). The NCCWD has been providing information to ISS, a Geneva-based NGO, regarding cases of Pakistani children overseas. Approximately 50 social reports were forwarded to ISS Geneva and its branch offices in European countries to settle the problems faced by overseas Pakistani children pertaining to custody, adoption, immigration and other social issues;
 - Prison and Police (Home Departments) (NCCWD);
 - Registration of children at birth.

The mechanisms provide feedback on government policies and plans on a regular basis.

C. Other measures and ongoing programmes in the spirit of CRC

1. ILO-assisted Child Labour Survey

20. The Government's policy towards eliminating child labour has gained even greater momentum in recent years. Till the recent past, there was limited information on, and variant sources for, the extent and magnitude of the problem. In order to prioritize this area, the Government launched a national survey on child labour with the assistance of ILO. The Federal Bureau of Statistics and the Ministry of Labour and Manpower and Overseas Pakistanis have completed this survey and published their findings, which have been incorporated in this report. According to this survey the number of economically active children is 3.3 million. The results of the survey are assisting the Government to formulate policies to combat the problem.

2. National Project for Rehabilitation of Child Labour

21. The Government of Pakistan has taken various measures to provide the child with basic education, health care and recreation. These measures include financial incentives to the family of a working child so as to combat poverty and the economic exploitation of the child. A major step in this direction has been the establishment of the National Project for Rehabilitation of Child Labour. Under this project, initially 50 centres for the rehabilitation of child labour are planned in areas of child labour concentration. Thirty-three such centres have so far been established and are functioning. Among the NGOs cooperating in this area are the Pakistan Paediatric Association (PPA), the Pakistan Institute of Labour, Education and Research (PILER), *Bahn Beli*, *Insan* Foundation, *Bunyard*, *Sudhar* and *Anjaman-e-Islami*.

3. Awareness campaign for the elimination of child labour

22. The Government of Pakistan, with the ILO/IPEC, the European Commission, UNICEF, Save the Children (UK), the Carpet Manufacturing's Association of Pakistan and a Silakot-based NGO called Crescent Youth Organisation have launched a massive awareness campaign to educate the general public, trade and labour unions, child workers, employers and parents to prevent child labour and to ensure the rehabilitation of child workers. This campaign will serve as a model project for raising awareness, besides taking punitive measures through legislative steps to eliminate child labour. This campaign will be launched on a wider scale in future with the participation of an NGO coalition on child labour, the media and donors. The media are also playing a significant role in enhancing awareness of the problem and the need to counter it.

23. In addition to this, a Child Care Foundation has been established under the Export Promotion Bureau in the Ministry of Commerce and Trade to generate funds to support national programmes on the elimination of child labour.

Figure 3

Steps towards implementation of CRC

Resource allocation

- Resource allocation raised by 60 per cent
- Social Action Programme benefiting children was allocated PRs 102 billion

National developments

Formation of NCCWD with chapters in all provinces

- Autonomous body formed by a parliamentary bill
- Coordinates government, NGO, international activities
- Formulates policies
- Monitors violation of children's rights at all levels, including at the level of more than 100 districts (District Based Monitoring System)

Service institutions

- Destitute homes
- Centres for the rehabilitation of child labour
- Child Care Foundation

4. Programmes for health and education

24. The Government of Pakistan has enhanced the budgetary allocations for the education and health of children. A Programme for Family Planning and Primary Health Care and a Literacy Commission have been launched with a view to extending facilities to children as well as to the masses in remote areas. The details are provided in chapter VI, section C below. The impact of these programmes is reflected in the following indicators:

Table 1
Prime indicators for health and education

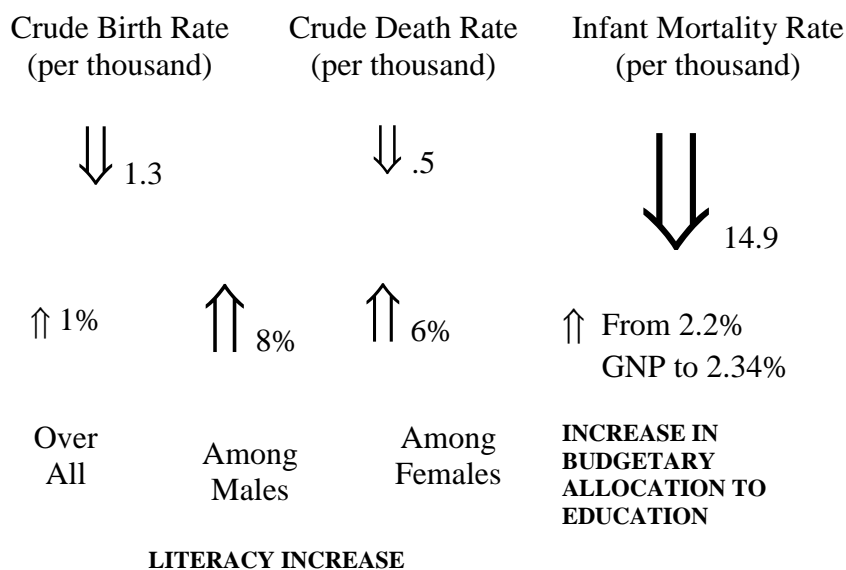
Indicator	Year	
	1992	1997/1998
Crude birth rate (per thousand)	40.6	32.70
Crude death rate (per thousand)	10.6	9.10
Infant mortality rate (per thousand)	100.9	85.0
Literacy rate (total)	35.6	1999/2000
		47.1
Male literacy	47.3	59.9
Female literacy	22.3	35.4

Source: Economic Survey.

25. The budgetary allocations in these sectors have also been given due consideration despite financial constraints. The expenditure on the education sector and the health sector was 2.14 per cent and 0.5 per cent of GNP respectively in 1999/2000.

Figure 4

Social indicators show positive movement



5. District Based Monitoring System

26. In order to improve coordination between the federal and provincial departments and the implementation of the Government's efforts there has been a recognition of the need to consolidate and compile material and information emerging at the grass roots. The need was projected at various seminars held at the federal and provincial levels. Various solutions to this problem were offered at different forums.

27. A workshop for master trainers, social welfare officers and social welfare activists was held in Islamabad in December 1995, with UNICEF collaboration. Experts from academic institutions were also motivated to undertake studies and research on child welfare and development techniques. The proposal presented by the NCCWD and UNICEF was accepted unanimously. The proposal envisaged the creation of a permanent database focusing particularly on the situation of children and the provision of general facilities through the social sector.

28. Consequently, a District Based Monitoring System has been designed with a view to collecting information from the grass roots at the district and community levels from 136 districts of Pakistan. Four questionnaires were prepared by UNICEF and the NCCWD for gathering information, as required by the provisions of the CRC. Questions are based on policy initiatives of the Government for facilitating child welfare at all levels.

D. Developing awareness of CRC (art. 42)

29. The Government has taken active measures to promote general awareness among the general public, including children, and in other relevant quarters about the general principles of the Convention.

1. General measures, seminars and workshops

30. To create awareness at the grass roots, a series of seminars was organized at the national and provincial levels including Azad Kashmir and the Federally Administered Northern Areas (FANA). Workshops were also arranged at Islamabad, with UNICEF collaboration, for the same purpose. Some of these workshops included workshops for children by children (Annex 8). The prime objective of these workshops was to promote awareness among children by ensuring their participation in the protection of their rights. Children from Islamabad schools participated and presented essays and short papers suggesting measures for the protection of their rights. A number of posters, banners and badges, with messages in support of child rights, were distributed all over the country.

31. A workshop for jurists (Annex 9) was organized at Islamabad in collaboration with UNICEF and the Federal Judicial Academy. District and sessions judges from all over Pakistan attended this workshop. Papers were presented on monitoring the rights of the child, developing consensus on various legislative matters pertaining to child protection, juvenile administration, the situation of working children and the definition of the child.

32. To train assistant directors, social welfare officers, teachers and child rights activists as master trainers in the field of child rights, a Workshop for Master Trainers (Annex 10) was organized at Islamabad. This training was also designed to enhance the knowledge of these persons about child rights. The District Based Monitoring System (DBMS), mentioned earlier, was an outcome of this workshop.

33. Adopting a participatory approach, provincial workshops and seminars were also organized with a view to gathering information for reporting purposes and for initiating the process of information collection for the DBMS. Six such seminars were organized at the

provincial headquarters, AJK and FANA. One day at each seminar and workshop was devoted to briefing the participants about the report writing process and encouraging them to make queries about the entire process and their role in providing information. Another day was devoted to discussions on the DBMS. As a result of these efforts, information from 112 districts has already been received.

2. Developing awareness with the collaboration of NGOs

34. Within the NCCWD, a child rights forum has been formed with representation from the Social Welfare and Special Education Division. The forum invites experts and professional speakers to deliver lectures on child rights. Likewise, a national NGO forum has also been established within the NCCWD consisting of representatives of NGOs working in the area of child rights, including Save the Children (UK). Efforts are also being made to promote awareness through the media and school activities. The report writing process also associated NGOs in the task, with overall child rights in perspective.

35. Among other active measures to promote general awareness, the Government of Pakistan will translate this report into regional languages.

E. Reporting on CRC (art. 44, para. 6)

36. The process for writing the national progress report on implementation of the CRC commenced with the hiring of a consultant to prepare a model of the report, and to activate all channels that might be helpful in gathering information, in accordance with the United Nations guidelines.

37. The consultant prepared sectoral questionnaires on the basis of the United Nations guidelines (Annex 11). These questionnaires were sent to relevant ministries/departments and NGOs, and the information so obtained was used as the main source for the preparation of a skeleton (draft) report.

38. The draft report also proposed a model prepared with the help of UNICEF. This model was finalized in a seminar held on 5 December 1995 at Islamabad. The idea of sectoral questionnaires was further moulded to a full fledged monitoring system called the District Based Monitoring System (DBMS) aimed at gathering first-hand information from the field regarding the situation of children (Annex 12).

39. It was then decided that the report would be improved by the experts and that the consultant should coordinate with these experts. Resource persons were selected very carefully on the basis of their experience and knowledge in each area of CRC. A writer's forum was formed with 12 experts, who improved the report (Annex 13).

40. Provincial inputs were also added to the draft report based on information gathered by organizing two-day provincial workshops on report writing in all four provinces, AJK and FANA (Annex 14).

41. The draft report was then reviewed by two experts, namely Dr. G.M. Awan, Joint Chief Economist, Planning and Development Division, and Dr. Faqeer Hussain, Joint Secretary, Pakistan Law Commission, who have international exposure to report writing. The amendments made by them in the draft were incorporated in the report by the consultant.

42. This report was then assigned to a consultancy agency in consultation with UNICEF for a detailed review, and for proposing and making changes where necessary. The consultancy agency (Gallup-Pakistan) reviewed the report, checked the authenticity of the information, filled gaps and edited the report.

43. A National Summit was held on 29 and 30 September 1997 at Islamabad in which all the concerned ministries, provinces, departments and NGOs participated (Annex 15). The entire text of the report was thoroughly examined in the light of the United Nations guidelines. The recommendations made were recorded by the consultant and incorporated in the report. More than 100 experts participated in this activity and contributed to the national report.

44. It is planned that complimentary copies of the national report will be circulated to all federal ministries, provincial departments, research institutions, universities, colleges, schools and other bodies. Copies of the report will also be placed at national and public libraries all over Pakistan. Major bookstalls will also be provided with copies for sale to the general public at a nominal price. The report will also be used for basic instruction in courses at institutions like the Federal Judicial Academy. The report will be translated into Urdu so as to be accessible to a wider audience.

II. DEFINITION OF THE CHILD

45. The law inherited by Pakistan from Britain determines different ages for different occupations and criminal liability without identifying well-defined guiding principles, though maturity of intellect is sometimes acknowledged. The arbitrary fixation of ages is evident in some of the laws described below.

46. The Majority Act, 1875 (Annex 7, Appendix XIX) defines a “minor” as a person who has not attained the age of 18 years. A national identity card is also issued at this age, and so is a driving licence. This general provision is overridden by special provisions in various laws pertaining to contracts, entry into the labour market, criminal responsibility and the age of marriage.

A. The child in different contexts

1. Criminal liability

47. The Pakistan Penal Code, 1860 (PPC) declares that nothing is an offence that is done by a child under seven years of age (sect. 82). A child above the age of 7 years and under 12 years of age can commit an offence, under the PPC, if such child has sufficient maturity of understanding to judge the nature and consequences of his act (sect. 83). Mental maturity influences the court in the fixation of penalty. Under the new section 299 of the PPC, an “adult”

is a person who has attained the age of 18 years and a “minor” is a person who is not an adult. The child who can have criminal responsibility under this law, then, is a minor who has attained maturity of understanding, and his age may extend from 7 to 18 years.

48. Under the recently promulgated Juvenile Justice System Ordinance, 2000, rules (still under process) will further define and explain criminal liability.

2. Deprivation of liberty and imprisonment

49. The laws provide special concessions, like the grant of bail even in a non-bailable offence, when the offender is less than 16 years of age (sect. 497, Criminal Procedure Code). Imprisoned children are kept in separate jails. Provisions have also been made in the law for the release of juvenile offenders provided they show good conduct. The procedures have been explained under the system of juvenile justice in chapter VIII, section B.1 in this report.

50. The Reformatory Schools Act, 1897 (Annex 7, Appendix XX), defines “youthful offender” as a boy who has been convicted of an offence punishable with life imprisonment and who at the time of the conviction was under the age of 15 years. The law also states that the provincial governments may establish and maintain reformatory schools, but does not make it compulsory.

3. Competence to give evidence in court

51. The Punjab Youthful Offenders Ordinance, 1983, section 14 (Annex 7, Appendix XXI) lays down rules for the examination of a child witness. The section states:

If at any stage during the course of a trial of a case or proceeding in relation to an offence against, or any conduct contrary to decency or morality, a child is summoned as a witness, any court trying the case or holding the proceedings may direct such persons as it thinks fit, not being parties to the case or proceeding to withdraw from the court, and thereupon persons shall withdraw from the court. If any person so ordered refuses to withdraw, the Court may take steps to remove him.

4. Legal counselling/advice

52. Order XXXII of the Civil Procedure Code provides that every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor. Where the defendant is a minor, the court shall appoint an appropriate person as the guardian of the minor for the purposes of the suit, after verifying that the proposed guardian has no personal interest in the suit.

53. There is an awareness that a system should be devised through schools or otherwise where children may be given counselling and legal advice in case of need. The system can only be introduced gradually, because it may be construed as interference in the private lives of families. Negligence with regard to the welfare of children is an offence under the Pakistan Penal Code. A child, for the purpose of counselling, may be assumed to be anyone under the age of 18. This is reflected in the law for children’s homes. The Punjab Supervision and Control of Children Homes Act, 1976 (Annex 7, Appendix XXII) defines an “orphan” as any child under the age of 18 years who has lost his parents and has no adequate source of income or is

unclaimed or has parents who are destitute or who has been deserted by his parents. Children in such homes are to be looked after in every way and this should include legal advice and counselling. The child, for this purpose, has the same age in the Guardians and Wards Act, 1890 (Annex 7, Appendix XVIII), which defines a “minor” as a person who is deemed not to have attained his majority as provided for in the Majority Act, 1875 (Annex 7, Appendix XIX).

5. Conscription

54. Article 9 of the Constitution of Pakistan provides that the State shall enable people from all parts of Pakistan to participate in the armed forces of Pakistan. This pertains to voluntary enlistment. There is no forced conscription in Pakistan. Regular service in the armed forces begins at the age of 18 or above, though pre-service training may begin earlier. The Pakistan National Service Ordinance 1970 deals with the introduction of compulsory national service and also prescribes the age of enlistment in the armed forces as 18 years.

6. Marriage and sexual consent

55. The meaning of “child” for the purposes of marriage is governed by the Child Marriage Restraint Act, 1929 (Annex 7, Appendix XVII). According to this act, a child is a person who, if a male, is under 18 years of age and, if a female is under 16 years of age (sect. 2 (a)). A “child marriage”, under the Act, means a marriage any of the contracting parties to which is a child (sect. 2 (b)). The Act aims to ban child marriages. If such a marriage takes place, the parties are to be punished with imprisonment or with fine or with both. Persons performing the contract or directing it are to be punished in the same way.

56. In the case of children of divorced or separated couples, the governing law is laid down by the Divorce Act, 1869 (Annex 7, Appendix XXIX). This law provides for interim orders with respect to the custody, maintenance and education of the children of the contesting parties. A child, born of native fathers, under this Act is less than 16 years of age, if a boy, and 13 years of age, if a girl. In all other cases, a child is less than 18 years of age.

7. Medical treatment

57. There is no provision in the law that lays down the age of independent consent for medical treatment. Minors are usually treated through consent given by their parents/guardians. The only provision that can be said to apply indirectly is section 89 of the Pakistan Penal Code, which lays down that nothing will be construed as an offence that is done in good faith for the benefit of a child who is under 12 years of age.

8. Entering the labour market

58. The Constitution of Pakistan, Article 11 (3), lays down that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment.

59. **Employment.** In the Employment of Children Act, 1991, section 2 (iii) (Annex 7, Appendix XVI) a child is a person who is less than 14 years of age. An adolescent under this act is a person who has completed his fourteenth year, but not the eighteenth year. The Act attempts

to regulate the conditions of work for children and to prohibit their employment in certain occupations. It attempts to bring uniformity in the age of employment of minors in various trades and also provides for the setting up of a National Committee on the Rights of the Child (sect. 5).

60. **Pledging of labour and bonded labour.** The Children (Pledging of Labour) Act, 1933 (Annex 7, Appendix XIV) defines a child as a person who is 15 years of age. This law prohibits the making of all such agreements as would result in the pledging of the labour of children. It also bans the employment of those children whose labour had been pledged. This has been supplemented by the Bonded Labour System (Abolition) Act 1992. Furthermore, Pakistan is giving serious consideration to ratifying the new ILO Convention (No. 182) on the Elimination of the Worst Forms of Child Labour.

Full-time and part-time employment

61. The rules for full-time and part-time employment are the same, as far as the definition of “child” is concerned. The definition for these two types of employment varies in accordance with the law that is being considered. There are some provisions for overtime work, that is, beyond the permitted time.

9. Compulsory education

62. In the Province of Punjab, which is the largest province with more than half the population of the country, education has been made compulsory for children between the ages of 5 and 10. The other provinces are expected to promulgate similar laws. This means that a child for the purposes of compulsory education is anyone who is below 10 (subject to the minimum age of 5).

63. The main obstacle in the way of fixing a higher age appears to be the scarcity of resources, as compulsory education for all children would entail huge expenditure on the provision of schools and facilities.

10. Consumption of alcohol and other controlled substances

64. Consumption of alcohol and other intoxicating substances is completely prohibited for Muslims, whether adult or children. Members of the minority communities have access to alcohol.

III. GENERAL PRINCIPLES

A. Non-Discrimination (art. 2)

1. Constitutional provisions for non-discrimination

65. The Constitution of Pakistan declares that all citizens are equal before the law and are entitled to equal protection of the law. A policy of affirmative action is also actively pursued through quota systems and special seats in institutions. Article 3 of the Constitution provides for

the elimination of exploitation and the gradual fulfilment of the principle of equality based on merit. The following specific forms of discrimination are addressed by the Constitution, and non-discrimination is upheld:

Equality before law: Article 25 (1) declares that all citizens are equal before law and are entitled to equal protection of law.

Sex: Article 25 (2) declares that there shall be no discrimination on the basis of sex.

Special protection for women and children: Article 25 (3) provides for non-discrimination and calls for the State to make special provisions for women and children. Article 34 provides, further, that steps shall be taken to ensure full participation of women in all spheres of life.

Protection of marriage, family, mother and child: Article 35 states that the State shall protect the marriage, the family, the mother and the child.

Affirmative action: The State shall promote, with special care, the educational and economic interests of backward classes or areas according to article 37 (a).

Minority children, education and religion: Articles 20 and 22 provide that no child will be required to receive education in a religion other than his own and, subject to law, no denomination will be prevented from imparting religious education to its own community through its own schools. Further, no citizen shall be denied admission -on grounds of race, religion, caste or place of birth - to any educational institution that is receiving aid from public revenues. Article 36 provides full protection to minorities for employment in services.

Entitlement to basic necessities due to disability: Article 38 (d) provides that the State shall provide basic necessities, irrespective of sex, caste, creed or race, to all those persons who are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

Figure 5

Civil rights and freedoms

- 8 articles of the Constitution or their subsections provide for legal protection of the child against discrimination
- Violations of child rights can be adjudicated in

Family courts (local level)
High courts (provincial level)
Supreme Court (federal level)

2. Other provisions for non-discrimination

66. The laws of Pakistan as administered through a hierarchy of courts are designed to ensure equality before the law. To ensure non-discrimination against the child, family matters are dealt with by family courts. The high courts entertain writ petitions in their original jurisdiction to safeguard the basic rights of citizens. In addition, citizens can now directly approach the Supreme Court to deal with cases of human rights violations and discrimination. The contribution of the courts in these areas is likely to have a far-reaching effect on awareness about human rights and discrimination.

3. Measures taken to combat discrimination

67. **Allocations for education.** One of the main causes of all types of discrimination is lack of education. Education is, therefore, one of the core concerns of the Government. The province of Punjab has made primary education compulsory by law. At the federal level, a new education policy targets improvements in the educational infrastructure at all levels.

68. More resources are being allocated to the primary education of girls and to the training and hiring of more female teachers. There was an overall increase in allocations from 2.15 per cent of GNP to 2.48 per cent during the period 1992-1996. As a result, in the past five years, the increase in the number of girls' primary schools is 35 per cent, the number of primary school female teachers is up by 20 per cent and the drop-out rate has gone down by 5 per cent. The World Bank-aided Social Action Programme has also emphasized projects benefiting girls and women. These measures are expected to improve the education system.

69. **Legal measures.** On the legal front a number of measures have been adopted to counter discrimination and protect human rights. A new ministry of human rights (now merged with the Ministry of Law, Justice and Parliamentary Affairs in view of the link between human rights and the legal system) was established to take up cases of discrimination. A full-fledged division of the Ministry of Law, Justice and Parliamentary Affairs deals with the matter. Anyone who feels aggrieved can file a writ directly to the high courts. The courts, in the recent past, have dealt very swiftly with such writs. Besides government institutions, a large number of NGOs are working to combat all types of discrimination. NGOs have been instrumental in bringing cases of discrimination before the High Courts.

70. A UNICEF-assisted national women's rights project is bringing together the country's most eminent persons to review all laws and practices impacting on women and girls. A revision of specific laws is to be proposed to the Government, coupled with an advocacy and social mobilization campaign for the country. The initiative is being undertaken by a consortium of NGO's, hosted by the Human Rights Commission of Pakistan and the *Aurat* Foundation. The influence of these organizations on the Government and public is substantial.

71. **Role of NGOs.** In the past two decades, a number of NGOs have been formed to fight discrimination on the basis of sex. These NGOs are waging a struggle at the social as well as judicial level. NGOs like AGHS, the *Insaf* Welfare Trust, Sahil, Bedari, the *Aurat* Foundation, Legal Aid and a host of others are working in cooperation with the Government. Some of these NGOs have been financially assisted by the Government.

72. **The girl child.** The South Asian Association for Regional Cooperation (SAARC) Decade of the Girl Child has been an occasion to promote awareness of the situation of girls in various national institutions. Provincial governments are including child rights in school curricula and the media is increasingly covering girl child issues. Several significant and large-scale NGO projects are attempting to mobilize girls for bringing about awareness and change. The Family Planning Association of Pakistan develops leadership skills among girls in urban and rural communities. The Pakistan Girl Guides Association uses its affiliation to the education department to empower girls through awareness and analysis of their rights, imparting skills for interpersonal communication as well as through simple messages that save lives (on first aid etc.) in the home.

73. NGOs have made major contributions to developing alternative approaches to the education of girls. The retention rates of non-formal schools are very high; up to 90 per cent are often reported. As a result of their efforts, new publications are being developed for children and for teacher training that focus on gender sensitivity, promotion of equal rights and relevance to contemporary issues.

74. In the area of the health of the girl child, initiatives are primarily led by the Government. Registration of all children at birth is under review and studies show that outdated colonial systems of registration can be adapted to ensure complete coverage.

75. **Measures for women's rights indirectly influence the status of minors and the girl child.** As already mentioned, the Commission for Women has examined all laws that may be perceived as being discriminatory to women and has made recommendations.

76. The Ministry of Women Development, Social Welfare and Special Education is in the process of establishing 10 computer training centres at the divisional headquarters and in major towns at a total cost of PRs 19.00 million. Three women development centres are being established at Sahiwal (Punjab), Nawabshah (Sindh) and Mansehra (NWFP) at a cost of PRs 13.455 million, PRs 13.471 million and PRs 13.858 million respectively. These centres would impart intensive training to community development workers in family planning, hygiene, sanitation, safe water, agriculture, livestock, poultry, cooking, gardening, general knowledge, adult literacy, community organization and legal rights. Women are now being appointed to influential and important posts. For the first time women have been appointed as judges of the

high courts. A number of women are also working in the lower judiciary, especially in the family courts. Women police stations have been established and a female Assistant Superintendent of Police has also been appointed. The armed forces are hiring more women in technical and professional jobs.

77. Projects run by NGOs are also eligible for matching grants. The Ministry for Women Development, Social Welfare and Special Education has so far funded 377 projects of NGOs involved in education, health, skill training and income generation, of which 39 projects were funded during 1996/97. The total amount released/disbursed during 1996-1997 was PRs 33.518 million. An amount of PRs 362.92 million was approved in all and PRs 246.572 was released before 1996 for the rest of the 338 projects.

78. A National Consultative Committee for Women has been constituted to provide a leadership role in articulating women concerns and to identify feasible national targets as well as to suggest measures to achieve them by the year 2000.

79. Resource allocation for these reprioritized projects on women's development was significantly increased over the years. In the year 1994/95, it stood at PRs 141.079 million, which was 64 per cent more than for the year 1993/94. A sum of PRs 100 million was allocated for the 1996/97, and PRs 50 million for the year 1997/98 for developmental and non-developmental expenditure. This is in addition to what will be spent in other sectors like education, health, manpower development and population.

80. In 1996, Pakistan stepped up its international commitments to remove gender disparities in the country. With the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, backed by a critical national report presented at the Fourth World Conference on Women, the country undertook increased responsibility regarding the problems faced by women. In this report, a separate chapter was devoted to the problems of the girl child. The Canadian International Development Agency (CIDA) has given funds for gender issues and they are being utilized since August 1997. In the National Institute of Public Administration (NIPA), two-week courses on the issue have been held and now the subject is being introduced in its regular courses as well.

Figure 6

Status of women/female child

Female education gains importance

Girls primary schools ↑↑ up by 35 per cent (in past 5 years)

Primary School Teachers ↑↑ up by 20 per cent (in past 5 years)

Figure 7

A new focus on status of women

- Through the Commission of Women (Its First Report was submitted in August 1997)
- Special arrangements for training women
 - 10 computer centres
 - District based women development centres
- Senior appointment of women
 - High court judges
 - Police officers
 - Recruitment in the armed forces
- Girl students excel in higher education
 - In 1997 top four positions in law examinations in Punjab won by women

81. As the women's movement matures in the country, individual women are reaching eminence in society. The presence of women as senior government functionaries, members of the judiciary and the professions will have a far-reaching effect on the determination of the female child to participate fully in society. In fact, there are signs already of a growing confidence. In 1994/95, for example, a group of female medical students protested admission quotas for girls. They demanded admission based on merit, not gender. As a result, the Punjab High Court issued a writ abolishing the quota limitations on girls in medical colleges. Recent trends in medical colleges show larger number of girls winning merit scholarships than boys. Such cases are likely to demolish traditional stereotypes. The better performance of girls compared to boys in most examinations, professional and other, is also an indication of their resolve to secure their rightful status in society. Most of the top positions generally go to girls in these examinations. This has been happening for many years.

82. **Seminars, workshops, training and awareness through the media.** The electronic media has begun to telecast special programmes and documentaries on the role of women and the health of the child. A massive awareness campaign on radio and television refers to girl child issues. Messages cover the education of girls, the nutritional requirements of girls, AIDS safety and child rights. The newspapers frequently carry articles on women's rights and highlight incidents reflecting discrimination at the societal level.

83. As part of the awareness campaign on child rights, training programmes at the Federal Judicial Academy have been initiated and new programmes are being developed. An entire

annual programme on child rights was part of the training at the Civil Services Academy where the country's new civil servants are trained. The province of Punjab held CRC awareness seminars in all districts, inviting large participation from the grass roots as well as government administrative staff.

84. **Population and health programmes.** The government population programme has been expanded to cover a larger number of village-based family planning workers all over the country. An Accelerated Health Programme, which focuses on community health services and on improving immunization coverage, has been launched. Forty-three thousand female national health visitors are being positioned in their communities all over the country based on the realization that health infrastructure needs to get down to the household level if preventive health approaches are to be followed. This is expected to curtail area disparities.

85. **Gender disparities.** In addition to the enquiry into the areas of gender discrimination, a national debate commenced as a result of the preparatory process for the Beijing Conference. Panel discussions and forums are taking place in each province with reference to specific problem areas of women and child rights. The Government and press are regularly involved with these events, which are primarily an NGO initiative. The State-run Pakistan Television has hosted regular talk shows on women and child rights with speakers from a wide range of backgrounds. A Beijing Follow-up Unit (BFU), Ministry of Women Development, Social Welfare and Special Education has been established to monitor and report on progress in implementing the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

86. **Disparities between areas.** To reduce disparities between areas, the Government has increased education, electricity, telephone, road and gas facilities. Many villages have been linked with each other and with the main roads. The new motorway projects are also expected to reduce area disparities. New schools are also planned under the Social Action Programme (SAP).

B. Best interests of the child (art. 3)

87. The "best interests of the child" is the most important principle in most legislation concerning children, both at the federal and provincial levels. This is especially true in the case of family laws.

88. This principle governs almost every form of legislation, irrespective of its being formally expressed in such legislation. As most of the laws dealing with the family and child are regulated by provisions of Islamic law, the prominence given to the principle in these laws is noticeable and is to be appreciated. In fact, the principle is expressed more coherently and consistently in Islamic law and needs to be strengthened through enhanced application and implementation.

1. Family laws

89. The courts have always given importance to the best interests and welfare of the child while deciding questions of custody in divorce and separation cases. Under the provisions of Islamic law, as applied in Pakistan, the general rule is that custody of a boy who has not attained

the age of 7 and that of a girl who has not attained puberty is to remain with the mother. The male child up to this age, and the female child during most of her young age, is considered to be better off in the custody of the mother. The presumption, however, can be questioned in certain instances, and if it is shown that the mother has for certain reasons become unfit to look after the child, custody may be awarded to the father. The father is permitted to meet his children, but where the court feels that such permission may be misused the father is asked to furnish surety bonds in sizeable amounts.

90. Provisions exist for the maintenance of children after divorce, but the amount of maintenance usually provided depends upon the financial situation of the father.

91. The Guardians and Wards Act, 1890 (Annex 7, Appendix XVIII) provides in article 17 that “in appointing or declaring the guardian of a minor, the court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor”. This provision applies equally to Muslim children and to children belonging to the minorities. The factors to be considered by the court in determining the welfare or best interest of the minor, under the same section, are as follows:

Age; sex; religion;

The character and capacity of the proposed guardian and his nearness of kin to the minor;

The wishes, if any, of a deceased parent; and

Any existing or previous relations of the proposed guardian with the minor or his property.

92. If the minor is old enough to form an intelligent preference, the court may consider that preference.

93. The Child Marriages Restraint Act, 1929 (Annex 7, Appendix XVII) prohibits the marriage of children under the ages of 18 for boys and 16 for girls. It treats the conclusion of such a marriage as an offence, not only for the parties, but also for those arranging the marriage or registering it.

2. Commercial and labour laws

94. Section 68 of the Contract Act, 1872 (Annex 18) regulates the contract of the minor for “necessaries”. The “best interests of the child” is the guiding principle under this law. In addition to this, laws regulating specific contracts keep the same principle in view. For example, a minor may be admitted to the benefits of a partnership, but he cannot have unlimited liability like the other partners.

95. Order XXXII of the Civil Procedure Code provides that every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor.

Where the defendant is a minor, the court shall appoint an appropriate person as the guardian of the minor for the purposes of the suit, after verifying that the proposed guardian has no personal interest in the suit.

96. All kinds of forced labour, bonded labour and trafficking are prohibited under various laws. These are designed to protect minors for their own best interest. No child below the age of 14 is permitted to be engaged in any factory or mine or hazardous employment.

3. Criminal law, detention and imprisonment

97. The Punjab Youthful Offenders Ordinance, 1983 (Annex 7, Appendix XXI) recognizes the best interests of the child in section 12, which deals with the withdrawal of persons from the court during trial. The section reads as follows:

If at any stage during the course of a trial of a case or proceeding under the Ordinance a Court considers it expedient in the interest of the child to direct any person, including the parent, guardian or the spouse of the child or the child himself to withdraw from the Court, the Court shall for reasons to be recorded in writing, be entitled to give such direction and thereupon such persons shall withdraw; if any person so directed refuses to withdraw, the Court may take steps to remove him.

98. Section 13 of the same Ordinance provides that the Court may dispense with the attendance of the child if it deems such attendance unessential, while section 7 provides that a child and an adult cannot have a joint trial. Section 15 provides that the parent or the guardian, or both, where the guardian is different from the parent, may be required to attend the court with the child.

99. The Penal Code makes the neglect of children an offence. The Criminal Procedure Code, keeping the best interests of the child in view, permits that the court, if it deems fit, may grant bail even in a non-bailable offence when the offender is less than 16 years of age (sect. 197, Criminal Procedure Code).

100. In this regard, the newly promulgated Juvenile Justice System Ordinance, 2000 has imposed a ban on the death sentence and whipping of a child below the age of 18 years. This law also prohibits handcuffing a child in conflict with the law and putting in fetters. The Ordinance also provides that every child who is accused of the commission of an offence or is a victim of an offence shall have the right of legal assistance at the expense of the State.

C. The rights to life, survival and development (art. 6)

101. The subject matter of article 6.1 concerning the inherent right of the child to life is addressed here, while article 6.2 is dealt with under the right to survival in the chapter on basic health and welfare (chap. VI, sect. A).

1. Constitutional provisions and the criminal law

102. The Constitution of Pakistan, in article 9, guarantees security of the person. The article says: “No person shall be deprived of life or liberty save in accordance with the law.”

103. The following sections of the Penal Code apply specifically to children and to unborn children:

Section 328 punishes with imprisonment (7 years) the exposure and abandonment of a child under 12 years of age by a parent or person having care of it;

Section 329 provides two years’ imprisonment for concealment of birth by secret disposal of the dead body;

Sections 338 and 338 A provide punishment of three years’ rigorous imprisonment to the person who causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, or providing necessary treatment to her; when the act is committed without the consent of the women, the punishment is imprisonment for 10 years;

Sections 338 B and 338 C provide seven years’ imprisonment to and payment of blood money by the person who causes a woman with child some of whose limbs or organs have been formed to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman.

104. In addition, the Penal Code also makes the offences of abduction, trafficking and procuring of minor girls punishable as follows:

- (i) Kidnapping any person from lawful guardianship: this offence is punishable with a term that may extend to seven years. The punishment for kidnapping a child under 10 years of age is death;
- (ii) Kidnapping or abducting a child under 10 years with intent to steal from the person of such child: the penalty provided for this offence is imprisonment up to seven years;
- (iii) Procuring of a minor girl: this offence is punishable with a term that may extend to 10 years;
- (iv) Importation of a girl from a foreign country: this offence is punishable with imprisonment for 10 years and with a fine.

105. The law for the security of the person of the minor is quite comprehensive and, perhaps, goes beyond the requirements of the Convention.

106. The laws relating to the best interests of the child are gaining greater salience among the legal community and society in general.

D. Respect for the views of the child (art. 12)

1. Views of the child and the law

107. The law takes into account the views of the child in most situations. This is particularly so in the area of family laws. Thus the courts are required to consider the views of the child and accord them due weight in the appointment of a guardian. Section 17 (3) of the Guardians and Wards Act, 1890 (Annex 7, Appendix XVIII) provides that “if the minor is old enough to form an intelligent preference the Court may consider that preference”. The Court, however, is also required to keep the best interests of the child in view, and it will reconcile these two requirements in case of conflict.

108. Where the marriage of a young girl is arranged by her guardian, she can repudiate the marriage on the attainment of puberty. This provision of Islamic law is called the option of puberty and is incorporated in the Dissolution of Muslim Marriages Act, 1939 (Annex 19) as section 2 (vii) and provides an additional ground to a woman on the basis of which she can have her marriage dissolved.

109. The evidence of a child witness is admissible in some situations. Similarly if a child is being tried as a juvenile offender there are special provisions that empower the courts to remove persons from the court if deemed necessary.

110. The views of the child in most cases depend upon the attainment of some mental maturity.

2. Views of the child and the Islamic tradition

111. Islamic law acknowledges the views of the discriminating minor, that is a child who is 7 years of age or over, and is ready to grant him special privileges. Some of his contracts, if consented to by his guardian, are treated as valid. This Islamic approach is also reflected in the Guardians and Wards Act (Annex 7, Appendix XVIII).

3. Enhancing awareness about the views of the child

112. There is a growing awareness in Pakistan that greater respect should be accorded to the views of the child not only in legislation and court procedures, but also in the way children are treated by their parents and elders. With a view to promoting greater respect for the views of the child, NCCWD is taking steps:

To educate and train personnel dealing with children. A workshop was arranged at the Federal Judicial Academy to train judicial officials along with NGOs dealing with the child. The emphasis was on mobilizing the judiciary for the implementation of the provisions of the Convention in the administration of juvenile justice. Another workshop was organized for master trainers in the social welfare sector;

To sensitize public opinion to respect the views of the child through provincial workshops organized by NCCWD;

To make children aware of the importance of their own views. A workshop was conducted by children for children to create awareness about the rights of the child;

To prepare parents to encourage the views of children. Parents attend workshops and develop an increased sense of awareness regarding their role in child welfare and development. There is, however, a need to encourage seminars and workshops in which parents and children are encouraged to exchange views on issues pertaining to the child, as well as other issues. The Social Welfare Training Institute also organizes courses for parental development, family environment and child care, as well as alternative care for nannies.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

113. The rights envisaged by the Convention on the Rights of the Child as to name and nationality are guaranteed by the Constitution and duly accorded by the law. The subject of “infants and minors” is listed in the concurrent legislative list giving both the Federal Government and the provincial governments the authority to frame laws for their welfare, protection and development.

1. Nationality

114. The Constitution empowers the Federal Government to initiate appropriate legislation on the subjects of “nationality, citizenship and naturalization”. Legislation has been enacted and implemented. The relevant statutes are the Pakistan Citizenship Act 1951 (Annex 20) and the Naturalization Act 1926. Citizenship may be obtained by birth (when a person is born in Pakistan), descent (when either the mother or father of a child is a citizen of Pakistan under Pakistan Citizenship (amendment) Ordinance, 2000) and naturalization (conferred by the Federal Government on the completion of required period of residence in Pakistan). Exceptions to the rule of nationality by birth are made for a father enjoying diplomatic immunity in Pakistan or one who is an enemy alien. Nationality is lost when a citizen, other than a minor (below 21 years), acquires dual nationality and thereafter renounces his status as a citizen of Pakistan.

2. Birth registration

115. The provincial governments are responsible for legislation on birth registration, which is a residuary subject under the Constitution. The Parliament legislates for the Islamabad Capital Territory alone. Comprehensive laws on birth registration exist in Pakistan covering the four provinces, Azad Jammu and Kashmir, Northern Areas and the Islamabad Capital Territory. The Births, Deaths and Marriages Registration Act 1886 (Annex 21) the Cantonments Act 1924 and the National Registration Act 1973 (Annex 22) provide for birth registration, in each province and region of the country. The birth register is a public document and is open to inspection by any person. A copy of the entry may be obtained on payment of the required fee.

116. Contravention of the laws as well as by-laws is an offence. Wilful default, furnishing false information or causing unreasonable delay in reporting birth are acts punishable with a fine. The penalty prescribed is revised with the passage of time. The amount of the fine varies according to region and local council. Officials committing wilful default, refusing to register birth or deliberately recording false particulars are also punishable with a fine.

117. The Directorate of Social Welfare, Government of the Punjab, in collaboration with UNICEF, sponsored a study on birth registration. The study was completed in 1995 and covered a sample size of three divisions of the Punjab Province, namely, Rawalpindi, Lahore and Bahawalpur. As the area covered by the study and the sample of respondents was limited, the results may not be very representative. In the urban areas, out of a total sample of 301 families, 232 or 77.07 per cent were found to have complied fully with the requirement of birth registration. Twenty-seven or 8.97 per cent did not comply, while 42 or 13.95 per cent complied partially. In the semi-urban belt, out of a sample of 250 families, 210 or 84 per cent claimed that they had registered their children. Twenty-six or 10.4 per cent had not registered their children, while 14 or 5.6 per cent registered some children and not others. In the rural areas, out of a sample of 300 families, 259 or 89 per cent claimed full compliance with the requirement, as against 27 or 9 per cent who had not complied and 14 or 6.67 per cent who had complied partially.

118. In a report of the Health Department, Karachi Metropolitan Corporation, Province of Sindh, out of the total number of births registered during the calendar year 1994 in three districts, a total of 117,325 children were registered, of whom 108,536 were registered in time and the remaining 8,789 were registered late. These three districts of the city of Karachi were South, East and Central. In the same area, during the first half of 1995, a total of 58,410 children were registered, of whom 53,574 were registered in time and 4,836 were registered late. Comparing these figures with the estimated total population and birth rate of Karachi Metropolitan Corporation, the report states that only 33 per cent of births are registered. It is a fairly dismal figure for an urban area. The situation in rural areas may naturally be even more disappointing.

119. The causes for non-compliance or for delayed registration range from a lack of general awareness in society to shortage of staff and equipment in registration offices, as well as unnecessary formalities and complications involved in the process of registration, such as requiring the head of family to produce his national identity card or proof of residence or to pay a penalty for late registration.

120. To improve the system of birth registration, the Government of Pakistan has constituted a high-level committee called the National Committee on the Registration of Child at Birth. It comprises representatives from the relevant federal and provincial ministries or divisions, the local government departments, UNICEF and concerned NGOs. The mandate given to the Committee calls for it to make suggestions for filling gaps in legislation and for reviewing existing laws and by-laws with a view to bringing uniformity to the provisions and modernizing them, as well as for devising a mechanism and measures for ensuring full and compulsory birth registration in the country. The committee has been meeting regularly and has made considerable progress. It is scheduled to submit its report fairly soon for consideration and implementation by the Government.

121. Local government institutions responsible for birth registration have, under instruction from the Government, initiated a process of reviewing their by-laws so as to remove bottlenecks and simplify the procedure for birth registration. Penal provisions are also being reviewed for rationalization, revision and effectiveness. Indeed, many institutions have already done so and have reported compliance. Attention is also being given to the training of the concerned officials. A national-level three-day workshop for master trainers was organized by the Ministry of Women Development, Social Welfare and Special Education in collaboration with UNICEF. Its main purpose was to impart training and orientation in diverse fields of social welfare and birth registration. Arrangements are under way for master trainers to impart training at the provincial level and a monitoring system is to be set up at the district level.

122. The Government is considering computerizing the process of birth registration, so as to bring about accuracy, speed and efficiency in the system. The system of issuing national identity cards to citizens has already been computerized in some cities and work is in progress for extending this facility to others.

3. Right to a name

123. There is no specific provision of law which confers the right to a name. However, this does not necessarily imply that such right does not exist. The right is indeed recognized and duly conferred under Islamic provisions, as well as prevailing norms and traditions. The right may be said to flow indirectly from the need to establish paternity, as adoption is not permitted under Islam. Further, parents are conscious of their responsibility to name their newborn babies. The issue is accorded due priority and the obligation is fulfilled in a matter of days following birth. The right is also indirectly acknowledged by the prevailing laws on birth registration. Birth registration is compulsory but it cannot be performed till the child is named. The birth registration form, which is filled in by the head of the family, contains columns for the name of the child, as also for other particulars such as father's name, date of birth and residential address. The right to a name is, therefore, duly acknowledged and guaranteed in Pakistan.

124. Citizens generally have the right to change their names to the names of their choice. There is no specific law on the subject, and usually an advertisement in the newspaper is deemed sufficient. There may be practical difficulties though, for example, having the name changed on educational testimonials and certificates, which is known to be difficult in Pakistan.

4. Right to be cared for

125. Islamic law, prevailing traditions and the national law recognize the right as well as responsibility of parents and relations to care for and provide sustenance and protection to the child. The primary responsibility for child rearing and upbringing rests with the parents. In deciding the issue, the court takes into consideration the best interest of the child. Ordinarily, the custody of the male child up to age 7 and of the female child until the age of puberty is automatically given to the mother. The father is responsible for providing maintenance, while the children are in the custody of the mother, even if the mother happens to be a non-Muslim or

is resident abroad. If for any reason the parents are unable to protect the child, a guardian is appointed for the purpose. The appointment is made by the court. If the child has attained sufficient maturity, his preference for a particular person to be appointed as his guardian is generally accommodated. The guardian is required to protect the child's person and property. The relationship continues till the child attains majority.

126. The law prohibits the child under the age of 12 being deserted or abandoned by parents or a guardian. Infringement is punishable with imprisonment for up to 7 years, or with fine, or both. The Punjab Children Ordinance 1983 (Annex 7, Appendix XII) makes it a criminal offence for a person, other than a parent, having the control or charge of a child, to wilfully fail to provide for his food, clothing, lodging or medical needs. Numerous other provisions protect the child from abuse, neglect and exploitation either by parents or relations or any other person responsible for the protection of the child.

127. Institutions exist, both at the government and private level, for the care, protection and development of destitute or abandoned children. These institutions are not adequate, hence new ones are being established. Government institutions are financed out of public revenue, while private institutions are supported through philanthropic donations and *Zakat* funds. The performance of these institutions is regularly evaluated. Improvements, wherever needed and feasible, are made to make them more effective and efficient. The Ministry of Women Development, Social Welfare and Special Education (National *Zakat* Foundation), has initiated the process of establishing homes at the divisional level, under the name of *Apna Ghar*, for the protection and rehabilitation of destitute children. The first phase of the programme will be followed by the establishment of similar homes (institutions) at the district level. These homes will provide shelter, education, health care and other facilities to the target group.

B. Preservation of identity (art. 8)

128. The right to identity is enshrined in the Constitution and safeguarded by several laws, including those dealing with birth registration, acquisition of citizenship and national identity cards. The law protects not just the right to a person's identity, but also group identity as a member of a religious, cultural or linguistic community. Minority communities may establish and manage their own religious institutions. The Constitution further safeguards the right of a section of society having its own distinct language, script or culture, to preserve and promote the same, and for this purpose permits the setting up of appropriate institutions. Religious minorities are governed by their respective personal laws in the areas of inheritance, family matters and charitable institutions.

129. The National Registration Act 1973 (Annex 22) deals primarily with the issue of personal identity. It provides for the compulsory and universal registration of all citizens: minors as well as adults. It is incumbent upon parents and guardians to get the child or ward registered. The law also obliges every adult citizen, having attained 18 years of age, to apply for registration and get a national identity card (NIC). The NIC is generally regarded as conclusive proof of the citizen's identity. The card is multipurpose and is demanded as proof of the citizen's identity at the time of obtaining a passport, seeking employment, casting his vote and opening a bank account. Failure to apply for registration is a penal offence, punishable with a fine. The courts

duly enforce the law and protect the rights guaranteed therein. It is not permissible for the Government to deprive anyone of his or her identity or of rights and benefits attached thereto. Efforts are being made to streamline the system of NIC, in vogue since 1973, since not every entitled citizen has yet been issued the card and some non-citizens, particularly illegal immigrants and refugees, have obtained such cards and abuse or misuse them. The Government has now introduced the system of computerized registration and considerable progress has already been achieved in this respect. The registration centre in the federal capital has started issuing the new computerized cards and other centres in the country are expected to follow suit.

130. A child under 18 is not issued an independent NIC, but the head of each family is required to have his children registered under a separate format. This registration is later used for issuing an independent card when the child has attained maturity.

131. A person may lose his or her identity as a citizen of Pakistan on relinquishing his citizenship. This happens when a citizen of Pakistan takes up citizenship of another country and is required under the laws of that country to do so. Children of such a person retain their nationality till such time as they opt for their father's new nationality. Pakistan has dual nationality agreements with some countries, and agreements with more States are expected to be signed.

C. Freedom of expression (art. 13)

132. The Constitution of Pakistan, in its preamble as well as in article 2 A, states that the people will be guaranteed fundamental rights, including the freedom of expression. Article 19 of the Constitution also guarantees every citizen the right to freedom of speech and expression. It further guarantees the freedom of the press.

133. Rights guaranteed are available to all citizens (including children) without any distinction of age or sex. The main opportunity available to children to express their opinions freely - either orally or in writing or in the form of art - is at school. Local and inter-school competitions and debates are most popular. Most schools organize leisure and cultural activities where children have ample opportunity to express themselves. There is considerable room for improvement, and children of all categories need to be encouraged, through freedom of expression, to think independently. At home, the opportunity for expression depends mainly on the family, its level of education and resources.

134. The right to freedom of expression is not unqualified; some restrictions have been imposed on the exercise of this right. Such restrictions must be "reasonable" and "imposed by law". This would mean that any executive or administrative measure which impinges on such fundamental rights will be illegal and should be struck down. Any unreasonable restriction outside the laid down Constitutional Division may be challenged in the courts. In case the restriction is found to be unreasonable, the court shall strike down not just the action, but also the law which imposes the restriction.

135. The right to freedom of expression is an important right. The right is also recognized and upheld by Islamic law and traditions. The development of the intellect is an acknowledged purpose of the Shariah. Such development is not possible without freedom of expression. Further, it is the basis for a democratic society and representative system of government.

Civilized existence, the pursuit of happiness and development are unthinkable in the absence of this crucial right. The right, however, is subject to reasonable restrictions all over the world. This is so because reasonable limits on the exercise of this right are desirable and justifiable - their object being the protection of the honour and reputation of other individuals, security of the state and welfare of the nation. Consequently, there exist in Pakistan, several laws, which to varying degrees, restrict the exercise of this right. Such laws include the law of defamation, sedition and contempt of court etc. Some provisions of Islamic law have been included in the Offence of *Qadhf* Ordinance, 1979 (Annex 16) that seeks to protect the reputation and moral integrity of a person. Accordingly, the law takes cognisance even of abuses hurled at individuals, whether major or minor, when these seek to challenge paternity.

136. The courts protect the right to freedom of expression and zealously guard against any unlawful or unjustified encroachment on the exercise of this right. The courts probe the impugned action and interpret the provisions of law under which such action is taken. They examine the executive action on the touchstone of the law warranting it, and also interpret the law in the light of prescribed constitutional limits, so as to determine the legality of the action and vires of the law. In case the action is found to be illegal or the law is found to be violative of the Constitution, both the action and law can be struck down.

D. Access to appropriate information (art. 17)

137. Inherent in the right to freedom of expression is another and equally important right, namely, right to receive and transmit information and other material. Such information may be oral or written, in the form of art or through other means, and may be obtained from national or international sources. States parties to the Convention are obliged to ensure that children have access to such information and material that promotes their spiritual and moral well-being and physical as well as mental health. They should be protected against such information or material that is inappropriate or harmful to their growth or development.

The print media

138. The mass media in Pakistan plays a dominant role in the dissemination of information with a view to informing, educating and entertaining the public. The print media publishes news, views and opinions of national and international incidents and happenings and comments on matters of public concern. The newspapers have columns containing information of interest to children. Special features and magazines for children are also published regularly. With some exceptions, all newspapers and magazines are published in the private sector. The Government, thus, does not exercise any control over the reporting of news or editorial content. There is no censorship.

139. The newspapers are published in Urdu, English as well as some regional languages. To facilitate them in receiving news, the Government operates one news agency called Associated Press of Pakistan (APP). Here again, the Government exercises no monopoly as quite a few other news agencies operate in the private sector. The press is free to receive information from any of these agencies or from international agencies.

The electronic media

140. Radio and television play an equally important role in the dissemination of information, education and in providing entertainment to the public. There is widespread ownership of radio sets and 55 per cent of children have access to television programmes. The Pakistan Broadcasting Corporation Act 1973 (Annex 23) provides for awareness and education through quality programmes and maintenance of a proper balance in subject matter. Such programmes, the Act states, must aim at promoting national unity, the principle of democracy, freedom, equality, tolerance and social justice and must discourage parochial, racial, tribal, sectarian, linguistic and provincial prejudices.

141. Programmes from several satellite channels are also received through the installation of dish antennas. Radio Stations are also being set up in the private sector. Some local private radio stations have already become operational.

142. The electronic media regularly show programmes specially prepared for children. PTV-2, a special channel, shows programmes on education and entertainment. It mostly telecasts educational programmes prepared by the Allama Iqbal Open University, Islamabad. This university, in collaboration with the Shalimar Recording Company (SRC), recently developed special video packages for students. These packages include information and material that is of interest to children. The packages also include material in the shape of animated films. The programme is quite popular with students and contributes substantially to the proper growth and development of children.

Film

143. Films are another medium of public entertainment and education. The Motion Pictures Ordinance 1979 (Annex 24) provides for the certification as well as exhibition of films in the country. The Ordinance aims at preventing the presentation of improper or objectionable films. Thus, no film made locally or imported may be exhibited without obtaining a certificate for its exhibition. Films as per their subject matter, content and presentation are classified as "U", which stands for "unrestricted public exhibition", or "A", which stands for "restricted to adults". Violation of the law is a penal offence, entailing imprisonment of up to three years, or a fine of up to PRs 100,000, or both.

144. The market, however, is flooded with home-videos to which children are also exposed. Any control on these videos mainly depends on parents and guardians.

Books for children

145. The Government has established textbook boards at the provincial level for printing books, particularly textbooks for the undergraduate level. The universities and other educational institutions also prescribe syllabi and courses for their students. The Government has established the National Book Foundation, which is responsible for arranging the publication of books, particularly foreign editions, at affordable prices. The purpose of this foundation is to make textbooks easily available to students. The publication of books, text or general, is usually

undertaken by publishing houses that operate in the private sector. Books and magazines, especially for children, are regularly published as well as imported. Schools, colleges and universities have libraries with book borrowing facilities. Public libraries have also been established in the major cities. The major problem with the libraries in Pakistan is the lack of sufficient resources and the rising price of books, especially imported books. Some international agencies, namely the American Centre, the British Council, the Iranian Centre and the Goethe Institute, operate library services, but these libraries do not cater to the needs for course texts and other material. They have libraries in the federal capital as well as some provincial metropolises. In general, the rising cost of publishing books is driving this vital source of information away from the reach of a large proportion of children.

The internet

146. The Internet is fast becoming an easy source of information for people all over the world. Children in Pakistan are naturally interested in this popular source of information. The recently announced IT Policy by the Government is a revolutionary step towards making Internet access cheaper in Pakistan. For the development of IT in Pakistan under this policy, the Government has allocated more than PRs 15 billion during the fiscal year 2000/2001.

International information exchange

147. The Government encourages international exchange of educational, social and cultural information and for this purpose has entered into several bilateral and multilateral agreements. Such agreements also provide for participation by educationalists, scientists and intellectuals in international conferences.

Material harmful for children

148. With a view to protecting the people, especially children, from bad influences and harmful effects, the Government strictly follows the policy of prohibiting pornographic material and obscene literature. Religious norms and cultural values also disapprove of such material. Consequently, national laws prohibit the import, export, production, sale or distribution of such material.

E. Freedom of thought, conscience and religion (art. 14)

149. The Constitution of Pakistan guarantees every citizen the right to freedom of thought and freedom to profess, practise and propagate his religion. It allows a religious denomination or a sect thereof to establish and manage its own religious institution. The exercise of such rights is, however, subject to law, public order and morality (art. 20). It also states that a person attending any educational institution may not be forced to receive religious instruction or participate in a religious ceremony or attend religious worship if such instruction, ceremony or worship relates to a religion other than his own (art. 22). Further, the Constitution (art. 21) provides safeguards against taxation for the purpose of any particular religion. Thus, constitutional safeguards carry a double connotation: the freedom to believe and practise one's religion and that no one shall be forced to adhere to or practice a religion other than his own.

150. A Ministry of Religious Affairs has been created at the federal level. It formulates and implements policies for religious harmony and peace in society. The Ministry also provides financial assistance for the preservation and maintenance of religious institutions and places of worship. It helps followers of various religions to visit holy places and shrines and perform pilgrimage. A large number of NGOs are working to promote tolerance and religious harmony.

F. Freedom of association and peaceful assembly (art. 15)

151. The rights of freedom of association and peaceful assembly are guaranteed by the Constitution. Article 16 states that every citizen shall have the right to freedom of assembly, peaceful and without arms, subject to reasonable restriction imposed by law in the interest of public order. Similarly articles 2 A and 17 (1) speak of the right of every citizen to form associations or unions, subject to reasonable restriction imposed by law in the interest of the security or integrity of Pakistan, public order or morality. Article 17 (2) provides that every citizen, except those in the service of Pakistan, may form or be a member of a political party, subject to reasonable restriction imposed by law in the interest of the security or integrity of Pakistan.

152. The right to form or be a member of an association or union or a political party has a fairly wide scope. The right extends to forming all sorts of associations, such as societies, clubs, associations, companies, trade unions and political parties. The Constitution allows full liberty to form any association for any lawful purpose. The purpose may be to work in the economic, social or political fields or to promote science, art, literature, religion or charity. Thus, labour or trade unions, students' unions, teachers' associations, employers' and employees' associations and confederations and professional bodies, all come within the ambit of this constitutional right.

153. A large number of student councils, societies and clubs exist and function throughout the country. Such councils, societies and clubs consist of student representatives. They organize various activities such as debates, sports and cultural shows. Educational institutions provide full support including finances to such councils, societies and clubs.

G. Protection of privacy (art. 16)

154. The Constitution guarantees the inviolability of the dignity of the human person. Article 14 states that "the dignity of man and, subject to law, the privacy of home, shall be inviolable". Article 4, likewise, states that "no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with the law". Article 35 obliges the State to protect "the family, the mother and the child".

155. The Constitution states in no uncertain terms that the right to human dignity is absolute and unqualified and may not be violated on any ground or reason whatsoever. The privacy of the home is also protected, though such protection is subject to law. No interference with or intrusion into individual privacy is permissible except in accordance with the law and for justifiable reasons.

156. Article 14 embodies Islamic injunctions on human dignity, honour and the privacy of the home. Strict prohibitions exist against eavesdropping, tapping of telephones and stealthily photographing something inside the house. Such acts are regarded as an invasion of privacy and, as such, are prohibited.

157. With respect to the child's honour and reputation, libel and slander are regarded as tort; damages may be claimed through a court of law. Defamation is also a criminal offence under the Pakistan Penal Code punishable with imprisonment, extending up to two years or with fine, or with both.

H. Protection against torture and inhuman treatment (art. 37 (a))

158. The Constitution very clearly supports the provision of this Convention. Article 14 states that the "dignity" of man is "inviolable" and that "no person shall be subjected to torture". Article 11 (4) states that no person shall be compelled to do "compulsory service" which is of "a cruel nature or incompatible with human dignity". Furthermore, articles 9 and 10 speak of the "security of a person" and provide necessary safeguards against arrest and detention.

159. The constitutional safeguards are fully reflected in the laws of the land, especially in the case of children. Thus, the Pakistan Penal Code (sects. 82-83) exempts a child below 7 years of age from criminal liability, and a child above 7 but below 12 years of age may also be given similar exemption, if it is proved that such child did not have sufficient maturity to understand the nature and consequence of his conduct. The burden of proof could be shifted to the prosecution in this case.

160. The Criminal Procedure Code (sect. 497) provides that a child below 16 years of age may be released on bail even if charged for a non-bailable offence carrying capital punishment or imprisonment for life. Section 561 of the same Code provides further that a person below 21 years of age, if convicted for an offence not punishable with death or transportation for life, may be released on probation for good conduct by executing a bond with or without surety. Laws have also been enacted which provide for the trial of juvenile offenders by separate courts and, if convicted, their placement in reformatory schools/borstal institutions where they may be given necessary education and training so as to be rehabilitated in society.

161. The Government has initiated the process of reviewing existing laws and procedures so as to bring them into conformity with the provisions of the CRC. It has recently promulgated new legislation, the Juvenile Justice System Ordinance, 2000, for the trial and treatment of juvenile offenders. This law prohibits the death sentence, handcuffing, putting in fetters or any corporal punishment for children. The law also provides a fairly liberal procedure for the bail and release of a child pending trial. If found to be in conflict with the law, a child, rather than being sent to prison is required to be placed in a borstal institution where she/he will be kept in a conducive environment and will be given education and training.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

1. Parental guidance and legal provisions

162. The family system in Pakistan provides a traditional safety net to all of its family members. Women and children enjoy emotional, social and economic security not found in many other systems. Joint family systems and extended family systems are prevalent. Even people living in nuclear families have close links with their extended families. The family structure of Pakistan has a profound stabilizing effect on children. Children are strongly conditioned by the Islamic code of ethics, morality and Koranic instructions regarding parental responsibility toward children and vice versa.

163. Protection of marriage, family, mother and child is an acknowledged principle of policy under article 35 of the Constitution of Pakistan. This is further strengthened by the inviolability of the privacy of the home, which is a fundamental right under article 14 of the Constitution. These provisions support parental guidance through the institution of marriage and the strengthening of the family as the primary unit of the social system, within the inviolable right of privacy of the home. Respect for the responsibilities, rights and authority of parents flows naturally from these provisions and is also supported considerably by the Islamic traditions and norms.

164. The law considers the family as the fundamental unit of society. It ensures that the child grows up under parental guidance and affection. Respect for the right of parents, and even that of the extended family, is reflected in the fact that the law interferes with such authority only when the family breaks down. In such cases, too, the law gives preference to the next of kin, or the extended family, in granting responsibility for the guidance of the child. The law imposes criminal penalties for the neglect of the child. Occasions for governmental interference arise when family relations are threatened, or the relations are overshadowed with violence, or when childcare provided by the parents has not reached the required standards due to poverty or other reasons.

2. Programmes to enhance awareness about responsibilities, rights and duties of parents and guardians

165. It is generally agreed that the mother is primarily responsible for the upbringing of the child, because she can give more affection to the child, but the father is not absolved of his responsibilities. In Pakistan this is especially true, as the child spends more time with the mother. Colleges for home economics, population planning and various institutes impart training towards preparing young mothers to cope with motherhood.

166. Research on child welfare is undertaken by the social welfare departments, NGOs and universities in Pakistan. Studies have been conducted by free legal aid organizations like the Pakistan Women Lawyers' Association (PWLA) and psychiatric and mental health organizations in all the provinces.

167. The Montessori Association has been conducting training of parents and teachers in urban slums since 1952/53. It provides training to teachers, especially for pre-school teaching. The Association has its head office at Karachi and 10 branches all over the country, with two at Lahore and one at Peshawar. It has a school working in Quetta under the supervision of the All Pakistan Women's Association (APWA). The Montessori Association has 100,000 members, including beneficiaries, and works in association with APWA and Girl Guides Association. The funding it receives is mostly through student fees and pilot projects.

3. Cooperation between private and public sector organizations

168. The Government of Pakistan through the NCCWD and the corresponding provincial departments, the major coordinating agencies for child welfare and the implementation of CRC, has devised a coordinating mechanism by organizing an NGO forum. This forum regularly meets to evolve means and plans to implement the provisions of CRC. (The names of the participating NGOs are provided as Annex 26.)

169. The NCCWD has been instrumental in promoting community participation, joint programming and joint evaluation of child welfare programmes, both at the local and national levels. NGOs have actively participated in this entire activity, sometimes with limited support from the public sector.

170. One hundred and thirty community organizations are reaching children in the poorest communities of urban areas.

B. Parental responsibilities (art. 18, paras. 1-2)

1. Legal measures and responsibilities

171. The law considers both parents to be the natural guardians of the child and as such they are responsible for the healthy and safe upbringing of the child. Provisions have been made, and procedures have been laid down in the law, for children who are neglected by their parents. For instance, a police officer in the provinces of Sindh and Punjab (Punjab Children's Ordinance and Sindh Children's Act (Annex 7, Appendix XIII)) is authorized to bring before the court any child who is destitute. The court, after assessing the circumstances, may send the child to a relative or to a government established industrial school, or to a juvenile institution. Abandoning or wilfully neglecting a child is a criminal offence under the Pakistan Penal Code as well as under the Punjab Children's Ordinance (Annex 7, Appendix XII). The Guardians and Wards Act (Annex 7, Appendix XVIII) obliges the legally appointed guardian to provide adequate care for the child and also for his education. The Vaccination Ordinance (Annex 27) makes it mandatory for guardians to have children above the age of six months vaccinated as required. These laws are silent in the event if the parents or the guardians are unable to provide facilities for the child due to poverty, though the Guardians and Wards Act (Annex 7 Appendix XVIII) does provide cover to children who have lost one or both parents.

172. Among the legal measures that assist parents in the discharge of their parental responsibilities are the facilities of maternity leave given to mothers, educational allowances, free medical facilities, contributions through the *Zakat* fund and the *Bait-ul-Mal*, and childcare facilities. Most of these measures are covered under government rules, as well as industrial laws.

2. Administrative and other measures to assist parents in the discharge of their responsibilities

173. Due to the joint family system and social norms, parents and grandparents share the responsibility of bringing up and educating their children. In order to encourage women to work, many day-care centres have been opened by the Government and NGOs to help parents discharge their responsibilities.

3. Additional measures for community awareness about parental responsibilities in rural areas

174. Parents in general exercise their responsibilities for the upbringing and education of children through their own resources. In rural areas, due to lack of education and poverty, relatively large family size and traditional community life styles, parents often encourage their children to work so that they can make a contribution to family chores and income. To promote the best interests of the child, in particular their health and education, community awareness campaigns have been launched to promote the role and contribution of parents in the upbringing and character building of their child. Campaigns are also launched through the print and electronic media. In addition, the Universal Children's Day is celebrated at the national level. These programmes have contributed a great deal towards creating awareness about parental responsibilities.

175. The task of NGOs has assumed significant dimensions, particularly in the areas of preventive and promotional strategies to elicit the maximum support and cooperation of parents as a prerequisite to development.

4. Cooperation between private and public sector organizations

176. Community involvement in child welfare activities is being encouraged at the national and provincial levels. The National Council of Social Welfare and NGOs cooperate in child welfare activities through the National NGOs Forum and the National Resource Centre. The nature and extent of this cooperation varies with the activities undertaken. The aim, however, is to create awareness and spread the cause of children in the country. In most private sector organizations, the skills required by child welfare workers range from initiating and planning activities, mobilizing funds, filling in forms, visiting schools, attending parents' meetings and sending invitations to children to participate in programmes. Issues that are of primary concern to community-based organizations are being addressed at all levels.

5. Family counselling facilities

177. The Social Welfare Officers provide guidance to parents about problems arising from large family size, overcrowding, unemployment, drugs, earning for the elderly, pressures in extended families, school dropouts and child labour. In certain institutions, such as centres for special education, hospitals and a large number of NGOs, family counselling is provided through their service outlets. Childcare is also provided through the maternity and child health centres of the health departments and NGOs.

178. A great deal of attention is being given by NGOs in the country to parental counselling, particularly of those parents whose education and training is limited and who have a poor comprehension of their child's growth milestones.

179. An effective role is played by 55,000 Lady Health Workers, along with the network of the Family Planning Association of Pakistan (FPAP).

6. Facilities for working parents

180. Day-care centre services are provided to working parents living in urban communities. These centres provide childcare services on a daily basis through childcare workers, psychologists and attendants (*ayahs*). Working parents leave their children at the centre nearest their residence when going to work. Feeding, educating and caring for the health of the child are the primary functions of these centres. Provincial governments, in all the four provinces, have set up such centres.

7. Quality of childcare services in the country

181. There are 15 children's homes, two of which are run by the Government and the rest by NGOs. The quality of care in these institutions has continued to improve over the years. It is monitored in the following manner:

The Government Social Welfare Department has set minimum standards of care which are followed by the institutions;

The Government of Pakistan (Social Welfare Department) has promulgated the Supervision and Control of Orphanages Act;

In order to enhance their capabilities, social welfare training institutes conduct regular training courses for childcare workers in the province;

Nannies are also trained to enhance childcare work.

182. On the whole the services provided in these institutions are satisfactory. Some institutions have also established "advanced babies homes" or *Gehwaras*. *Dar-ul-Flah* and SOS villages are exceptionally good institutions, providing such services as shelter, with free board and lodging, basic education, vocational training and recreational facilities.

8. Number of children benefiting from childcare services

183. Given the paucity of child welfare services in the country, and the inadequate record keeping of those who do provide such services, it is not known what percentage of children benefit from childcare programmes. There are, however, a large number of NGOs operating nationwide and with the present mandates of both the NCCWD and the National Commission on the Status of Women (NCSW) a vibrant childcare programme is expected to be under way soon.

9. Resource constraints, future initiatives and monitoring strategies

184. The International Year of the Child and the Declaration of the Rights of the Child helped in making substantial improvements in childcare services in the country. Some of the major initiatives include:

Giving priority to childcare, parental counselling and teacher training;

Incorporating child welfare concerns in sectoral planning;

Strengthening community based child welfare services in both urban and rural areas;

Emphasizing child oriented issues within the country's development framework and national agendas;

Improving income generating aspects of economic development and poverty alleviation endeavours;

Highlighting the contribution of grass roots organizations in evaluating performance, building viable local-level mechanisms and integrating services in the dynamics of the "community culture" in the country;

Prioritizing training of grassroots workers, community activists and children themselves in preparation for assuming lead responsibility in their community's development.

C. Separation from parents (art. 9)

1. Legal measures

185. A child in Pakistan cannot be separated from his parents against the will of the parents, unless the parents are arrested. The family courts have the power to appoint a guardian for the child under the Guardians and Wards Act (Annex 7, Appendix XVIII) in all cases of separation, for the care and welfare of the child, who is under 18 years of age. The guardian is appointed at the request of any person desiring to become the child's guardian, or the request of any relative or friend, or that of the district magistrate of the area where the child is ordinarily residing. All parties interested in the welfare of the child can participate in these proceedings and be heard. The legal system allows for the child's views to be given full consideration in the appointment of a guardian.

186. NGOs are working actively on the issue of separation of the child from his parents and are trying to evolve mechanisms for support services. The leading NGOs in this field are the Human Rights Commission of Pakistan (HRCP), the Pakistan Women Lawyer's Association, the Pakistan Association of Social Workers, the Pakistan Council for Child Welfare, the Pakistan Federation of University Women and the Legal Aid Society. More attention needs to be given to the social and psychological issues arising from the separation of children from their parents, and NGOs need to be encouraged to undertake this work. The main obstacle is the lack of accurate statistics on various issues of divorced parents and measures pertaining to separation from parents.

2. Administrative measures for preventing separation when this is in the best interest of the child

187. Family courts have the power to decide whether a child is to be separated from his parents when the parents have been arrested. The courts can also give the custody of the child to relatives who may be interested in the child or, in the best interest of the child, send the child to an industrial school, that is, an approved school or a juvenile institution. The family courts are always guided by the welfare of the child in settling such issues.

188. The NCCWD is collaborating with International Social Services (ISS) Geneva in dealing with cases of reunification of families both at home and abroad. The Commission also tries to ensure the rehabilitation of children and families by collaborating with both public and private agencies.

189. The role and contribution of social welfare departments and NGOs in ensuring that the child is not separated from his parents, except when this is in the interest of the child, has been of immense value. Their efforts have not only helped in reconciliation between parents, but also in placing children in good foster homes. The commitment of these voluntary organizations is laudable. For example, institutions like *Kashana-e-Atfal*, *Nasheman*, the All Pakistan Women's Association and *Darul Falahs* have contributed substantially to the cause of children and to ensuring their continued well-being within the family. There are 31 registered orphanages in the Punjab and five centres are being run in the NWFP by NGOs. A *Darul Falah* (orphanage) is also functioning in Quetta.

3. Measures to ensure contact with parents for a child separated from his or her parents

190. In Pakistan parents are seldom separated from their children, but if such a situation arises, it is solved by family traditions and law (Guardians and Wards Act (Annex 7, Appendix XVIII) and Children's Act (Annex 7, Appendix XIV)). In the case of separation/divorce, parents are always allowed to meet their children.

4. Cooperation between private and public sector organizations

191. There is a substantial collaboration between the public sector agencies and voluntary organizations in the area of family environment and welfare of the child. A large number of

NGOs are associated directly or indirectly with the NCCWD and its provincial counterparts. Their programmes include training child welfare workers, orientation of planners and administrators, in-service education of personnel in the public and private sectors, training of primary school teachers, institutional strengthening, delivery of services and monitoring of childcare activities at the village and the *mohallah* level. The NCCWD and PCWDs have established an NGOs Forum with ample representation of NGOs working in the field of child rights. The NGOs forward their recommendations in the form of project proposals to the NCCWD, in order to collaborate with the donors for their implementation at the grass-roots level.

5. Percentage of children separated from their parents due to abuse, neglect and other reasons

192. Data on separated parents/children are not available at present. However, it is estimated that such cases may not be too many, keeping in view the traditions prevalent in Pakistan. Orphanages, registrars of the high courts and family courts have been contacted to furnish data on cases in this area in the courts, as well as on children in contact with their parents.

6. Measures to make known the whereabouts of the absent parent to the child

193. At present a number of NGOs are performing the task of keeping children informed of the whereabouts of their absent parents. If children are lost or kidnapped, the government machinery as well as a number of NGOs make efforts through the electronic and print media and personal contacts to reunite them with their parents. These NGOs include the *Ansar Burney* Trust, *Anjuman Faizul Islam* and the *Sattar Edhi* Trust and many others.

7. Availability of social workers specializing in separation issues

194. The social workers in the public and private sector deal with cases of separation, but trained specialists are not available as yet.

8. Steps taken to train social workers

195. Universities in Pakistan offer courses in basic methods of social work based on "social case work" at the master's level, through their social work departments. In these courses, family welfare and reunification techniques are taught through case studies. For practical work, students are placed with different organizations. Trainees develop their skills in their field of specialization by helping children of separated families overcome their feelings of isolation, insecurity and despair. NCCWD has requested university professors to encourage students to undertake studies/research on child rights, family environment and forms of exploitation of children. Professors have also been requested to initiate projects with NCCWD on child rights.

D. Family reunification (art. 10)

Policy

196. In compliance with article 10 of CRC pertaining to family reunification, the Government of Pakistan is trying to adopt measures to enable the child to maintain contact with both parents should they be residing in different areas. These measures are facilitated by the following legal provisions:

Foreigners Act, 1916 (Annex 28) and Foreigners Order, 1951 (Annex 29);

The Exit Control Ordinance, 1981 (Annex 30);

Passport Act, 1974 (Annex 31) and Passport Rules, 1974 (Annex 32);

Immigration Ordinance, 1979 (Annex 33).

197. Although family reunification is not mentioned as the objective of these laws, they have nonetheless been interpreted as well as utilized in eventually protecting the child and the family. Their basic objective is to protect national security, public safety and public health. The National Commission for Child Welfare and Development (NCCWD) is making efforts to ensure that the relevant federal government agencies adapt, interpret and modify the content of these legal procedures to the advantage of child and family, and in the long run to employ them for family reunification.

198. NCCWD has been designated as a focal point of the International Social Services (ISS) Geneva, to deal with cases of reunification of families both at home and abroad. The Commission examines cases extensively in order to rehabilitate families, and collaborates with both public and private sector agencies as well as advocacy groups for this purpose.

199. Following correspondence with international agencies, the NCCWD examines the cases and obtains the consent of both the child and the parents. The commission then requests the concerned Embassy of Pakistan to facilitate the child's joining his/her parents in the country. A similar procedure is adopted in cases where parents live abroad and the child is required to join them.

200. Efforts are made to facilitate the adjustment of the child to his/her new environment, in cases of children who have to join their family in another country. The concerned social welfare officer is responsible for extending maximum facilities to the child to get his/her bearings in the new community. Efforts are also made to reunite the child with his family in as short a duration as is possible from the time of receipt of an application in the NCCWD.

E. Recovery of maintenance for a child (art. 27, para. 4)

201. Suits for the recovery of maintenance can be brought under the Family Courts Act of 1961 and maintenance is awarded according to the provisions of Islamic law, that is, according to the financial status and earning ability of the father. Suits for the recovery of maintenance can also be filed from outside Pakistan under the Maintenance Ordinance, 1960 (Annex 34).

202. In addition to this, the *Bait-ul-Mal* provides financial assistance to deserving families. During 1994/95, the *Bait-ul-Mal* replaced food stamp schemes with food subsidy schemes and the distribution is monitored at the district and *tehsil* levels by a committee comprising district level officers, *Bait-ul-Mal* and *Khidmat-e-Khalq* committees. Food subsidies were provided by the *Bait-ul-Mal* through this scheme to families whose income is not more than PRs 1,500 per month. A sizeable amount has also been disbursed to widows, orphans, the disabled and victims of natural calamities.

F. Children deprived of a family environment (art. 20)

203. Foster placement is not recognized in Pakistan under any law. Adoption is also not permitted in Pakistan under Islamic law. Courts have given a ruling that there is nothing in Islamic law that is similar to adoption as recognized under Roman legal systems. Yet the concept of guardianship assures protection of family life. Guardianship ensures that the child knows his/her paternity.

G. Adoption (art. 21)

204. As stated above, adoption is not permitted under Islamic laws, and provisions of the Convention pertaining to adoption cannot be enforced in Pakistan. As a substitute to adoption, Islamic law provides for a very strong system of guardianship through the immediate as well as the extended family.

205. The Guardians and Wards Act (Annex 7, Appendix XVIII), however, provides for the care of children without parents. One provision of this Act states that “in appointing or declaring a guardian under this section, the Court shall be guided by the law, consistent with the law to which the minor is subject, that appears in the given circumstances to be for the welfare of the minor”. The appointment of the court-guardian is similar in some cases to adoption and the recommendation in this article of the Convention is not totally alien to the law in Pakistan.

H. Illicit transfer and non-return of the child (art. 11)

206. The authorities in Pakistan are empowered under the Exit from Pakistan (Control) Ordinance, 1981 (Annex 30) to combat the illicit transfer and non-return of a child abroad. This law can be effectively employed to prohibit the departure of persons notwithstanding the fact that such persons may be in possession of valid travel documents. In addition to this, the Immigration Ordinance provides that a child below 18 years of age is not to be assisted to emigrate for purposes of employment. Through the employment of such laws it is possible to devise an evaluation system for checking and controlling the transfer of children without lawful authority.

I. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

207. There are some laws in Pakistan that exclusively deal with the protection for children from abuse and neglect, and make extreme cases punishable. Family laws are enforced in the country and observe parents' commitments towards the provision of rights to the family and the best interest of the child, but certain factors, such as extreme poverty, ill health or divorce of

parents, have prevented the application of these laws. NGOs in collaboration with Social Welfare Training Institutes at Lahore and Karachi are conducting regular training courses for childcare workers whose primary responsibility is to look after such children. A directive was recently issued for intensive training programmes for child welfare workers engaged in these activities. About 1,600 persons have already been trained and at the conclusion of the programme the figure would be 3,000.

J. Periodic review of placement (art. 25)

208. There is at present no mechanism for a periodic review of the cases of children who have been placed with various institutions. The Directorates of Social Welfare, the NGOs and the NCCWD should collaborate to create such a mechanism in the interest of the child.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

209. To ensure the survival and development of the child, a number of programmes have been launched under the primary health-care programme. These include Expanded Programme of Immunization (EPI), Control of Diarrhoeal Diseases (CDD) programme, Training of Lady Health Workers (LHW), Traditional Birth Attendants (TBA) and Nutritional Programme. During the year 1999/2000, 4 million children were immunized against six killer diseases and a total of 23 million ORS packets were distributed among children below 5 years of age.

Table 2

Demographic data on Pakistani children (1996)

Estimated mid-1996 population figures	(in millions)
Total population of Pakistan	130.0
Children below 15 years (41%)	53.3
Children below 5 years (16%)	20.8
Yearly births (3.9%)	5.07
Yearly increase in total population (3%)	3.9
Number of children living in urban areas (32%)	17.05
Number of children living in rural areas (68%)	36.24
1.3 persons of working age for each child under 15 years	
About the same proportion estimates expected in the four provinces, AJK, FATA, FANA and Capital	

Source: Economic Survey 1996/97.

Table 3
Health indicators for children (year 1993)

Infant mortality rate	88 per 1 000 live births
Under-5 mortality rate	138 per 1 000 children
Girls	139
Boys	137
Low birth weight	30% of all births (1991)
Life expectancy at birth	62 years

Source: Economic Survey 1996/97.

Progress towards achievement of year 2000 goals

210. World leaders participating in the World Summit for Children in 1990 undertook a joint commitment to give every child a better future. Pakistan was one of the six initiators of the World Summit and prepared a National Programme of Action (NPA) to pursue the goals. The NPA, an integral part of the SAP and 8th Five Year Plan (1993-1998), is envisaged as a process of monitoring progress towards the goals for the year 2000. Monitoring is required for the implementation of the CRC as well. The progress made towards some of the major goals is reflected below.

Immunization

Goals 2000: Raise coverage to at least 90 per cent

Table 4
Percentage of children immunized

Percentage of children immunized	1990	1995	1996
Antigen			
BCG	93	65	93
DPT 3	83	55	77
OPV 3	83	55	77
Measles	73	53	78
Tetanus (women)	41	41	50

Source: National Institute of Health, Ministry of Health.

Table 5
Neonatal tetanus

Goals	2000 1995	Elimination of tetanus by 1995 Same		
Status	Annual number of cases of neonatal tetanus	1990 1 067	1995 1 580	1996 2 012
Trend	Slow progress since 1990 Year 2000 goals are very challenging			

Source: EPI Programme, Pakistan Institute of Medical Sciences.

Table 6
Measles

Goals	2000	Reduction by 95% in measles deaths and by 90% of measles cases compared to immunization levels by 1995		
	1995	Same		
Status	Annual number of cases of measles	1990 1 768	1995 1 726	1996 1 090
Trend	Year 2000 goals are very challenging, however, major improvements are expected			

Source: EPI Programme, Pakistan Institute of Medical Sciences.

Table 7
Polio

Goals	2000 1995	Global eradication of polio Elimination of polio		
Status	Annual number of cases of polio	1990 777	1995 490	1996 341
Trend	Year 2000 goals are achievable. A significant reduction is expected to occur as a result of extra effort in the form of National Polio Immunization Day			

Source: EPI Programme, Pakistan Institute of Medical Sciences.

211. The other goals relating to vitamin A deficiency, iodine deficiency disorders (IDD), oral rehydration therapy (ORT), breastfeeding, guinea worm disease and malnutrition are also being satisfactorily met and monitored. Guinea worm disease has been eliminated.

Figure 8

Positive movement towards child survival

- 19 million **ORS** packages were administered to children under 5;
- 78 per cent of children (0-11 months) were immunized (1996);
- 100,000 Lady Health Workers (LHWs) expect to be inducted and trained, of whom 55,000 were trained by 1997.

Table 8

Malnutrition

Goals	2000	Reduction of 1990 level of severe and moderate malnutrition in children under 5	
	1995	Above reduction by 20%	
Status	Proportion of children under 5 years fell below -2 standard deviation from median height for age	1990 40%	1995 38%

Source: Ministry of Health.

212. Despite efforts in this regard, malnutrition continues to contribute to child morbidity and mortality.

B. Disabled children (art. 23)

213. In 1947 there were only two institutions for the disabled: La Rieu School for the Blind and the Emerson School for the Blind. There has been significant growth of services since then and today a vibrant interlinked system is available in the country, supported by the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981. The services received a boost when the Social Welfare and special education division was established in 1981 and four special education centres, one for each disability, were established at Islamabad in 1982/83. In 1985, the Directorate General of Special Education (DGSE) was established with the following functions:

Collection of vital statistics on disabilities;

Development, execution and coordination of national plans and programmes in special education;

Detection and prevention of disabilities;

Development of curricula and maintenance of special education standards;

Development of instructional technology, promotion and coordination of special education research;

Financial and technical assistance to NGOs engaged in the welfare, training and rehabilitation of the disabled;

Financial and technical support for the promotion and development of activities, like boy scouts, girl guides, sports and recreation for the disabled person;

Financial assistance to educationists and men of letters in special education as well as to their bereaved families;

Scholarships and fellowships in special education, from international agencies, such as WHO, UNICEF, UNDP, the Japanese International Cooperation Agency (JICA), the British Council and ILO;

Standardization and manufacture of personal aids and appliances for disabled persons;

Support and management of indigenous aids and appliances and distribution network.

214. The provincial governments have contributed by establishing special education centres within their respective jurisdictions. Voluntary organizations are matching government efforts by marshalling their own resources, supplemented by the DGSE.

1. Administrative measures

215. The DGSE is responsible for initiating and implementing plans and policies for the provision of services to the disabled. A brief account of the policies, plans, infrastructure, institutional arrangements is given below.

Special education centres

216. Forty-nine special education centres have been established in the main cities to provide the following services to disabled children:

Assessment and diagnostic services;

Provision of personal aids and appliances;

Special education services;

Specialized services for each disability, i.e. audiology, earmould fabrication, speech therapy, physiotherapy, Braille, and mobility training, among other services;

Training in arts and crafts.

National Institute of Special Education

217. The National Institute of Special Education was established at Islamabad in 1986 with the purpose of developing manpower in the field of special education by conducting short and long courses for the teachers of public and private institutions. The Institute has six major aims:

To coordinate training programmes for those who work in special education, whether they are employed in the federal or provincial centres or in NGOs;

To work with overseas aid-giving agencies in the organization of training courses that require the services of experts and consultants;

To provide support in the development of university departments of special education for higher professional qualifications;

To undertake a direct, organizational and instructional role in respect of training, up to diploma and master's level courses;

To disseminate information about special education through publications and reports of research and by arranging national seminars and workshops on relevant themes;

To assist special education centres to develop curricular response to the needs of their pupils and to adopt appropriate teaching strategies.

Special education at the universities

218. Special education is an emerging subject in Pakistan and the main obstacle in the way of rapid expansion of services is the lack of trained manpower. Dependence on training abroad is not a practical and realistic solution to the problem. To overcome this difficulty, courses leading to the master's degree have commenced at the special education departments at Karachi University (Karachi), Punjab University (Lahore), and Allama Iqbal Open University (Islamabad). Approximately 135 students benefit from these departments every year.

National Institute for the Handicapped

219. The Directorate General of Special Education established the National Institute for the Handicapped in 1987 at Islamabad. The Institute is housed in purpose-built premises at Islamabad and has the following objectives:

To coordinate the national effort for the prevention of disabilities, to plan and develop integrated referral systems throughout the country and serve as a training centre for those involved in the prevention of disabilities;

To plan and develop a system of early detection and discovery of any disability in children;

To plan and develop a multi-professional assessment and diagnosis system at the divisional and district levels;

To plan and develop a health surveillance system through the existing institutions;

To coordinate and support treatment of the disabled by various institutions at different levels in the country;

To provide treatment to the disabled in various disabilities;

To provide medical rehabilitation services for cases of severe disabilities;

To carry out research in the field of artificial limbs, their progressive assembly and the manufacture of hearing aids, and to carry out research into various disabilities;

To provide detention bays and convalescent facilities to 160 indoor patients.

National Mobility and Independence Training Centre

220. A National Mobility and Independence Training Centre has been established at Islamabad for providing training to teachers and workers engaged in the welfare and education of visually impaired persons. Foreign experts were engaged during the period 1986/88 to conduct courses for master trainers on mobility techniques and daily living skills. These master trainers now provide training to visually impaired persons, parents and teachers of NGOs and federal and provincial government institutions. The Centre has provided training facilities to about 2,000 persons during the past nine years.

National Talking Book Centre

221. Visually handicapped children learn either through Braille or through cassettes. The DGSE has established the Talking Book Centre at Islamabad. The Centre records textbooks on all subjects taught from class VI to class X in the four provinces, on audio cassettes. The cassettes are distributed among visually handicapped students on the recommendation of the heads of their institutions. In addition to recorded cassettes, deserving students are also provided with pocket recorders (walkman) free of cost. Popular television and radio artists donate their voices for recording books.

222. Similar centres have also been established at Karachi by the Pakistan Association for the Blind and the National Federation for the Welfare of the Blind (*Hatim Alvi Memorial Libraries*).

National Braille Press

223. The two Braille presses, at Bahawalpur (Education Department, Government of the Punjab) and Karachi (National Federation for the Welfare of the Blind), were not enough to meet the growing needs of visually handicapped students and for the printing of books. To overcome the shortage of books and other teaching material, the DGSE has established a Braille press at Islamabad. This press is equipped to produce books and other material.

National Training Centre for Disabled Persons

224. The National Training Centre for Disabled Persons (NTCD) has been established at Islamabad by the Federal Government. Disabled persons, of all categories, who are physically mobile and able to pursue vocational training, are entitled to benefit from this facility. The main objectives of the NTCD are as follows:

To provide vocational training and rehabilitation services to 150 persons of all categories in six trades: welding, bench fitting, machining, knitting, tailoring and electric/electronic equipment;

To provide placement services for successful trainees with a view to assisting them in getting jobs suitable to their training and disability;

To demonstrate to the community the ability of the handicapped to become contributing members of society;

To enable the handicapped to become productive members of society.

225. The federal Government has also initiated similar projects at Karachi and Lahore to cover as many disabled persons as possible. The Social Welfare Department, Government of Sindh has also established vocational training centres at the divisional headquarters in the province of Sindh.

Manpower Development on Speech Therapy Programme

226. Most disabled children, especially the hearing impaired, face speech problems. This necessitates speech therapy. Accordingly, the Manpower Development on Speech Therapy Programme has been introduced. Training courses on speech therapy have been organized through this programme at the National Institute for the Handicapped with the financial assistance of UNICEF. This facility is also provided by NGOs, such as the Speech and Hearing Disorder Centre, Mardan, the Deaf Education and Welfare Association, Karachi, and the Teacher's Training College for the Deaf, Lahore.

National Library and Resource Centre

227. A National Library and Resource Centre has been established at Islamabad. The Centre is attached to the National Institute of Special Education, and carries books and publications on special education along with other teaching material. Parents, teachers and the general public also benefit from this library.

Laboratories for the fabrication of earmoulds

228. A laboratory has been set up at Islamabad for the fabrication of earmoulds. Similar laboratories have been established by the Deaf Education and Welfare Association, the National School for the Deaf, Gujranwala, and the Speech and Hearing Disorder Centre, Mardan.

National Council for the Rehabilitation of Disabled Persons

229. To ensure the rehabilitation of disabled persons, the Government of Pakistan promulgated the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981. This ordinance envisages the fixing of a 1 per cent quota of jobs for the disabled in all agencies that employ more than 100 persons. The Ordinance provides for a National Council for the Rehabilitation of Disabled Persons (NCRDP). The Council has since been established with the following objectives:

To formulate policies for the employment, rehabilitation and welfare of disabled persons;

To evaluate, assess and coordinate the execution of its policy by the provincial councils;
and

To have overall responsibility for the achievement of the purposes of the Ordinance.

230. The following are the leading institutions for the rehabilitation of the disabled:

49 special education centres;

National Institute of Special Education;

University-based departments of special education at Karachi, Lahore, Islamabad;

National Institute for the Handicapped;

National Mobility and Independence Training Centre;

National Talking Book Centre;

National Braille Press;

National Training Centre for Disabled Persons;

Manpower Development on Speech Therapy Programme;

National Library and Resource Centre;

Laboratories for the fabrication of earmoulds;

National Council for the Rehabilitation of Disabled Persons.

Provision of financial assistance

231. The Special Education and Social Welfare Division provides financial assistance to 29 NGOs. The funds are utilized for the expansion and improvement of existing services for disabled persons. Additional transport and technical assistance is provided to the provincial departments and NGOs to improve their functioning.

The disabled population

232. The World Health Organization (WHO) has estimated the existence of 10 per cent of disabled people within the total population of developing countries. This means that at least 10 million people in Pakistan suffer from some form of disability and are in need of support or assistance. Studies, undertaken in Pakistan and elsewhere, indicate that within this population estimated by WHO, there exist a smaller number of people with severe disabilities that require effective and immediate support on a long-term basis. The size of this group is estimated to be 2 to 4 per cent of the entire population.

Sports and recreation

233. The DGSE has acquired membership of the International Sports Organization for Disabled Persons. Likewise, the Pakistan Association of the Blind has obtained membership of the International Blind Sports Association. Sports and recreational programmes are an integral part of co-curricular activities for handicapped children as well as adults. In addition to the annual sports programmes arranged by the provincial governments and NGOs, an unprecedented sports rally of the disabled took place in January 1990. More than 500 children, with various disabilities, participated in the rally. The Pakistan Television Corporation arranged a live telecast of the event.

Advocacy and mass awareness

234. The Pakistan Television Corporation and Radio Pakistan have launched regular campaigns for highlighting the needs of the disabled. Material has also been prepared in the public and private sectors for the guidance of parents in particular and the public in general. David Wernor's famous book, *Village Disabled Children*, has been translated into Urdu for the benefit of teachers and parents.

235. A national workshop on "Media and people with disabilities" was organized in February 1988 at Islamabad, in collaboration with the local office of UNICEF. Delegates from the Government and NGOs, numbering 59, participated in the workshop and developed a handbook on "How to improve our communication about people with disabilities". The Pakistan National Centre (Ministry of Information and Broadcasting) is also playing a significant role in creating awareness among the masses through symposia, seminars and panel discussions.

National Trust for the Disabled

236. The National Trust for the Disabled was established at the federal level, under the Charitable Endowment Act, 1890 (Annex 35) to prepare and execute policy and plans for special education, as well as to coordinate, evaluate and undertake expansion and revitalization of the existing services, and to initiate new schemes for disabled persons. The funds for the Trust include grant-in-aid from the Government and donations from *Zakat* funds.

Travel concession

237. Pakistan International Airlines (PIA) grants 50 per cent travel concessions to the blind. The Government is trying to obtain similar concessions for all disabilities. Pakistan Railways allows 75 per cent concessions to the blind and 50 per cent to orthopaedically disabled persons. Escorts and wheelchairs are provided to the needy at main railway stations. The Government of NWFP grants 50 per cent concessions to the disabled for using public road transport.

Vocational rehabilitation project

238. A project called "Pilot vocational rehabilitation and employment of disabled persons with community participation" was initiated in collaboration with ILO. The project focuses on three rural/slum areas, one each at Islamabad, Karachi and Gujrat. The main objectives of the scheme are as follows:

To develop a national programme of rehabilitation assistance to enhance the economic and social functioning of disabled persons through mobilization of community resources;

To establish a non-institutional community-based rehabilitation programme to reach a larger number of disabled persons in more cost-effective ways. Three pilot community rehabilitation units established in rural areas will cater to the needs of a minimum of 300 disabled persons annually through vocational guidance, vocational training and income-generating activities;

To increase the employment of disabled persons, both male and female, in suitable jobs through more adequate and relevant job training and through active participation of the business community by encouraging it to train and employ disabled persons;

To create awareness and to motivate local communities to participate in the rehabilitation process of disabled persons through seminars and workshops, in collaboration with employee organizations.

2. Integration of disabled children

239. The 8th Five Year Plan envisaged access to primary education for all children by 1998 (updated achievements regarding access to primary education are given in chapter VII). The integration of disabled children into the requirements of this plan is imperative. The process of integration commenced through ordinary schools. UNESCO is assisting in this area. Motivational programmes tailored by the staff of the existing special education centres have had an impact and resistance from parents is on the decrease. The success is noticeable, up to 70 per cent, in the case of physically handicapped, hearing and visually impaired children. The DGSE in collaboration with the Ministry of Education is making coordinated efforts for the integration of disabled children. An experienced consultant has been engaged for the purpose.

240. In this effort, the public sector and the private sector are contributing equally and the operations are being carried out through various centres. The provincial governments and NGOs have established centres as follows:

Table 9

Centres established by provincial governments and NGOs

Centres established by provincial governments and NGOs		
Province	Provincial governments	NGOs
Punjab	55	66
Sindh	18	33
NWFP	18	29
Baluchistan	1	7
Total	92	135

Source: Directorate General of Special Education.

241. The total number of beneficiaries including those of 49 federal government centres is approximately 20,000. The leading NGOs are engaged in care, welfare, education, training and rehabilitation of the disabled. The names of these NGOs and the areas of disability are given below:

Physical disability:

Pakistan Society for the Rehabilitation of Disabled Persons (Lahore)

Al-Shifa (Karachi)

Sarhad Society for the Rehabilitation of the Disabled (Peshawar)

Mental retardation:

Darul Sakoon (Karachi)

Association for Mentally Retarded (Karachi)

Parents Voice (Karachi)

Amin Maktab (Lahore)

Visual impairment:

Pakistan Association of the Blind (Karachi)

National Federation for the Welfare of the Blind (Karachi)

Pakistan Society for the Blind (Lahore)

Hearing impairment:

Humza Foundation (Lahore)

National School for the Deaf (Gujranwala)

Deaf Education and Welfare Association (Karachi)

ABSA School for the Deaf (Karachi)

Speech and Hearing Disorder Centre (Mardan)

3. Future plans for special education

242. Future projects and programmes that are being planned are as follows.

Provision of low vision aids

243. To enhance the capabilities of partially sighted persons, a project for manufacturing low vision aids for visually impaired children is planned in the public sector.

Special education centres

244. Eighty-one special education centres are planned in the public and private sectors. As a follow-up of the Decade of Disabled Persons, the Government of Pakistan will endeavour to establish at least one special education centre for each district headquarter.

Ortho-prosthetic workshops

245. Five ortho-prosthetic workshops in the public sector and two in the private sector are functioning to cover, as far as possible, the population of physically disabled persons. Three additional ortho-prosthetic workshops are to be established. These workshops will provide artificial limbs, braces, crutches and surgical shoes to the disabled.

Integration of the disabled

246. Integration of disabled children into the mainstream will include a demonstration project with phased expansion based on careful assessment of the child. In-service and pre-service training will be arranged for teachers. This project is being developed by the Ministry of Education in collaboration with UNICEF/UNESCO.

Upgrading of special education centres

247. The Sir Syed Academy for the Deaf, Rawalpindi will be upgraded from secondary to intermediate level. Forty-six special education centres located all over the country will be upgraded from the primary to the secondary level. Necessary schemes on PC-1 forms have been prepared to seek the approval of the competent authority. This step will raise the annual number of beneficiaries to 7,800.

C. Health and health services (art. 24)

1. Health policy for children

248. The policy aims to provide primary health care to all children (including the female child, the rural child and the disadvantaged urban child) as a target to be achieved by the year 2000. During 1999/2000, 80 per cent of the target of immunization of children was achieved, whereas 75 per cent of the target of the distribution of oral rehydration salts (ORS) packets was achieved. (This conforms to the global goals set by the World Summit on Children.)

2. Legislation on health for children

249. Legislation on health has been a neglected area. There is, however, a growing awareness in the Government of the need for it. The National Expert Committee on Health, constituted by the NCCWD, has drafted legislation in the following areas:

Food fortification;

Salt iodization;

Amendment of the Pure Food Act;

Rules regarding the Micro Nutrient Malnutrition Control Act, 1994
(Annex 36).

250. At present the Provincial Vaccination Ordinance (Annex 27) is in force. At the constitutional level, article 38 deals with the provision of health.

3. Measures to provide primary health care

Public health sector

251. Health is a provincial subject under the Constitution. Most health outlet institutions are, therefore, administered and paid for by provincial/local authorities, autonomous bodies or the Federal Government.

252. The number of registered doctors in 1996/97 was 74,299, registered dentists 2,938, registered nurses 22,810, registered lady health visitors 4,250 and registered midwives 21,304. This was analysed as 1,773 persons per doctor, 46,803 per dentist and 5,771 per nurse.*

* Source: Economic Survey 1996/97.

253. The national network of health services consists of 830 hospitals, 4,250 dispensaries, 4,997 basic health units (BHUs), 864 maternity and child health centres (MCHs), 501 rural health centres (RHCs) and 260 tuberculosis centres. There are 86,922 beds in hospitals, BHUs and RHCs.

Private health sector

254. National health, in the past, has been dominated by the public sector, but over the years facilities in the private sector have increased. There are 14,447 medical practitioners of whom 4,150 are in the province of Punjab, 8,413 in Sindh, 1,433 in NWFP, 425 in Baluchistan and 165 in Azad Kashmir. The figures for nurses and paramedics are not available. The number of private hospitals is increasing rapidly. Besides these there are NGO-run clinics and hospitals. These facilities employ a considerable number of nurses, physiotherapists, LHVs and TBAs.

255. The private health sector provides about two thirds of the curative services and only some preventive and family planning services. The population welfare centres that provide family planning guidance are operating at the *tehsil* level. The Government also recognizes the Unani and Ayurvedic systems in addition to homeopathy, which is widely practised. The Unani, Ayurvedic and Homeopathic Practitioners Act of 1965 (Annex 37) protects and controls these systems. At present there are 40,566 registered *hakims*, 530 registered *vaids* and 40,181 registered homeopaths in the country.

4. Public sector coordination

256. The Federal Government undertakes planning and lays down health policy, including that for the public health sector, while the provincial governments are responsible for the execution of the policy. In practice, the provincial departments of health implement all the primary health care (PHC) programmes (though the Federal Government provides supplies, for example for the immunization and malaria programmes) mainly through the line departmental hierarchy (provincial, district, subdistrict and individual facility). Most communicable diseases programmes have partly parallel supervisory systems.

5. Cooperation between public, private and NGO sectors

257. Cooperation between the public and private sectors, including NGOs, is nominal. This provides an area in which considerable progress and improvement can be made for the delivery of PHC. Efforts are being made in this direction.

6. Proportion of budget allocated to child health and the maintenance of a balance between curative and preventive health programmes

258. It is not easy to calculate the proportion of budget allocation to children and its distribution among the curative and preventive sectors. Programmes like CDD, ARI, Expanded Programme of Immunization (EPI), however, are exclusively for children and children also share in almost all other PHC activities, specially TBA training and LHW outreach programmes.

Table 10

Public sector expenditure on health

1999/2000 public sector expenditure on health	In billion rupees
Development	5.547
Non-development	9.051
Total	14.598
Percentage of GNP	0.5

Source: Economic Survey 1999/2000.

Table 11

**Primary health-care budget (1996/97) - federal and provincial
(in billion rupees)**

Federal	Punjab	Sindh	NWFP	Baluchistan	Total
1.7	5.3	2.3	1.6	0.349	11.3

Source: Ministry of Health.

Table 12

Population welfare budget

1995/96 population welfare budget	1.98 billion rupees
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Source: Ministry of Population Welfare.

7. Primary health-care programmes

259. Primary health care is planned for all children through the infrastructure and strategies described. Efforts are being made to expand these services and improve their quality. This is being done through the following programmes.

Social Action Programme (SAP)

260. Primary health care (PHC) and family planning are components of SAP (which also includes basic education, rural water supply and sanitation). This programme was started in 1992/93 to greatly expand the coverage in these essential requirements of rural and urban disadvantaged populations.

261. During 1995/96 PRs 9.64 billion were allocated under SAP. Besides the Government of Pakistan, the donors were the World Bank, the Asian Development Bank and the Netherlands. The major achievements for 1995/96 included establishment of 84 new BHUs and 20 RHCs, upgrading of 300 BHUs and 100 RHCs, training of 11,185 TBAs and 55,000 LHWs, immunization of 5.3 million children and distribution of 19 million packets of ORS. Most of the above achievements were well beyond the targets for this period.

262. A multi-donor support unit in the World Bank (Resident Mission in Pakistan) and the Government of Pakistan carry out yearly evaluation of the SAP performance through a team of international and local consultants before the release of foreign assistance.

8. National Programme for Family Planning and Primary Health Care

263. This programme has made significant achievements and an amount of PRs 1,300 million was released for various purposes for 1999/2000. The programme was launched in April 1994 under the name of "Prime Minister's Programme for Family Planning and Primary Health Care" to supplement family planning and PHC services in the rural areas (subsequently to be extended to city slums and squatter communities). At its peak, it will hire 100,000 female health workers (LHWs), at least one from and for each village. These LHWs are formally attached to BHUs for training and monitoring purposes.

264. Programme implementation units have been established at all administrative units down to the district levels. Implementation started with 42 districts (the country has 136 districts in all) involving 104 BHUs/RHCs. A manual for their training was prepared and training activity undertaken through provincial master trainers, district trainers and RHC/BHU training staff. By 31 October 1994, 8,334 females were trained for three months initially and posted back in their villages to carry out family planning and other PHC activities. PRs 750 million were allocated for purchase of contraceptives, drugs and transport. The coverage has since been extended.

265. In villages with a population of more than 1,000, one LHW is posted for every thousand persons. By 1997, 55,000 LHWs were employed, trained and posted in villages. This door-to-door PHC and family planning service is being brought to the notice of the rural population through the press and electronic media.

9. Population Welfare Programme

266. The family planning programme is called the Population Welfare Programme and is the responsibility of a separate ministry, though integration with the existing health delivery system has also been achieved.

267. The objectives of the Population Welfare Programme as laid down in the 8th Five Year Plan (1993-1998) were to:

Raise the contraceptive use rate from 14 to 24.4 per cent;

Reduce the total fertility rate from 5.9 to 5.4 per cent;

Reduce the crude birth rate from 39 to 35 per cent (according to the provisional results of the Pakistan Demographic Survey 1997, the crude birth rate is 33.8 per thousand population);

Prevent 4.661 million births by serving a population of 20.9 million.

268. According to the National Institute of Population Studies (NIPS), the contraceptive prevalence rate has been enhanced to 30 per cent (1999/2000); the fertility rate has been reduced to 4.9 per cent (1999/2000); and crude birth rate has been reduced to 33.8 per cent (1997). However, traditions and religious inhibitions, illiteracy and low efficiency are the major hurdles in the achievement of family planning targets in the country.

10. Expanded Programme of Immunization (EPI)

269. The EPI was launched in 1979. Till the financial year 1993/94, the national coverage of immunization against six preventable diseases was reported as 80 per cent. The programme was then extended for another five years. Pakistan has adopted a strategy of national immunization days.

270. In the various health outlets, 2,573 fixed vaccination centres have been established, while 4,589 EPI outreach teams and 97 mobile teams are actively involved for the achievement of the targets. Polio eradication activities were launched at the national level for the age group up to 5, from 1993/94 onward. Four national immunization days against polio have been conducted. The standard WHO prevalence system has been established.

271. The budgetary allocation for EPI/CDD for the year 1997/98 was PRs 488.659 million. Out of this PRs 22 million were for health, education and communication, PRs 16 million for storage management and about 3 per cent for contingencies. The allocation for CDD/ORS was PRs 66.617 million. The amount for syringes was PRs 85.117 million and for vaccines PRs 265.652 million.

11. Iodine deficiency disorders (IDD)

272. During 1995/96, 0.59 million persons at risk for goitre were administered lipoidal therapy by NIH, Islamabad, and 6,000 tons of iodized salt were supplied by government-run utility stores. A multimedia promotional campaign was launched to create awareness about IDD and demand for iodized salt.

12. Breastfeeding

273. A UNICEF-supported programme of promotion, protection and support of breastfeeding was started through the Baby Friendly Hospital Initiative in 63 hospitals during 1995. It was to be expanded to 100 hospitals in the following year. There is no separate budget allocation for breastfeeding as it is an integral part of health education.

D. Social security and childcare services (arts. 26; 18, para. 3)

274. Due to lack of resources, Pakistan has not been able to develop a full-fledged system of social security. However, the utilization of *Zakat* funds and donations of the *Bait-ul-Mal* are important steps in this direction. The Government is now considering a scheme of food stamps and subsidized flour. A health insurance system is also being contemplated.

E. Standard of living (art. 27, paras. 1-3)

275. Studies on poverty suggest that the poverty line has been rising since 1987/88. It reached a level of 22.4 per cent in 1992/93, being 23.35 per cent for the rural areas and 22.4 per cent for the urban. Thus, in Pakistan today there are approximately 29 million people who are unable to meet the minimum nutrition standards. As 45 per cent of the population is estimated to be under 18 years of age, 13.5 million children may be said to be living in poverty.

276. The Government of Pakistan constituted a task force on poverty eradication. The report of the task force makes a number of proposals. The first part of the report deals with macroeconomic policies, the second part with the institutional bases for overcoming poverty including district support organizations (DSOs) and microcredit facility, while the third part deals with the media strategy for supporting the five proposed programmes of mobilization, training, employment, income generation and food security.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education including vocational training (art. 28)

1. Policy provisions and targets

277. A major step towards Education for All (EFA), in consonance with the requirements of the Convention on the Rights of the Child and the Jomtien Conference (1990), was the formulation of the National Education Policy (1992) in consultation with principal EFA actors both at the national and local levels.

278. Important targets of education policy for the period 1992-2002 are:

Universal primary education by the year 2002;

Literacy rate of 70 per cent by the year 2002;

Vocationalization of secondary education;

Non-formal basic education system;

Involvement of the private sector, NGOs;

Decentralization;

Network of teacher training institutions;

Community mobilization;

Elimination of gender and rural-urban disparity.

2. Legal measures and implementation

279. **Legal measures:** The Punjab Government has promulgated an act entitled “Punjab Compulsory Primary Education Act 1994”. This act defines a child as a person, whose age at the beginning of the school year is not less than 5 years or more than 10 years. Normally primary education in Pakistan means seven years of education. The Act makes non-compliance by parents/guardians punishable with a fine. The NWFP is in the final stages of promulgating such an act, whereas the other two provinces are working on this issue.

280. **Reaffirmation and reiteration of EFA goals:** In May 1995 a United Nations interagency mission, comprising senior personnel from UNICEF, UNDP, UNFPA, UNESCO and the World Bank, reviewed the status of basic education in Pakistan in consultation with the Federal and Provincial Education Departments and other principal actors of EFA. They designed comprehensive proposals and strategies for making primary schools effective, examined major non-formal primary education initiatives (a 10-year programme); and suggested ways for improving the management and implementation structure for basic education. The Prime Minister of Pakistan signed the Islamabad Declaration in 1994 reaffirming the goals and objectives of Education for All.

281. **National Plan of Action:** As one of six initiators of the World Summit for Children held in 1990 and signatory to the World Declaration on the Survival, Protection and Development of Children, Pakistan is committed to the global goals for children and to their development in the 1990s. The Government of Pakistan has accordingly formulated a national plan of action for children and their development in the 1990s, which reflects a long-term perspective plan to meet unmet basic needs of children.

282. **Elimination of disparity:** To eliminate the existing imbalance and disparity between the urban and rural areas and between males and females, the Government has taken a number of steps. In future all new schools will have coeducation and more than 60 per cent of teachers in the new schools will be female. The recruitment age of female teachers has been relaxed to increase their availability. To retain the girl child in rural schools, free textbooks, stipends and nutritional food are being provided in disadvantaged and far-off areas. This has already increased enrolment and reduced the drop-out rate (see table 17 in this chapter). A focus on increased female participation and an emphasis on rural areas is also pre-eminent in the 8th Plan and Social Action Plan. More than two thirds of all proposed primary schools will be opened in the rural areas of Pakistan to remove the disparities between rural and urban areas.

283. **Public-private partnership:** Education foundations have been set up in all the provinces and at the national level to promote public-private partnership. Fifty per cent of the cost of opening new primary schools will be provided by the private sector, NGOs and community organizations, and the remaining 50 per cent will be provided by the Government

both as grants and loans. Besides, 25 per cent of the recurring cost will be met by the sponsor and 75 per cent by the Government for a period of five years. A standardized school format has been designed for the purpose. All foundations have started functioning at the federal and provincial levels.

284. **Expansion of the teacher training network:** Crash teacher training programmes of short-term duration have been launched in areas where female teachers are in scarcity, as in Baluchistan. Besides, Allama Iqbal Open University (AIOU) has expanded its capacity of training 5,000 teachers to 48,000 per annum. The Asian Development Bank has also sponsored teacher training programmes, which will enhance the capacity for training teachers and improve their quality.

285. **Strong basic education grass-roots structure:** The authority for recruitment of teachers, school site selection and day-to-day school management has been delegated to district officials and communities at the grass-roots level.

286. A survey to develop a district basic education plan for the provinces of Punjab, Sindh, Baluchistan and NWFP has been undertaken to assess needs and facilitate planning.

287. To run schools more effectively, to enhance enrolment and to reduce the drop-out rate, school management committees and parent-teacher associations have started functioning in all the provinces of Pakistan.

288. **Donor sponsored development projects:** A number of foreign assisted projects have been launched for promoting primary education. At present more than PRs 20 billion are committed by donors for long-term promotion and development of primary education in the country.

289. **Non-formal set-up:** A directorate of non-formal primary education and literacy has been set up in Baluchistan, Punjab, NWFP and the Federally Administered Northern Areas (FANA) to enhance basic education facilities through non-formal channels. This has provided an alternative source of primary education at lower cost, for dropouts. This programme has now been expanded at the national level. Ten thousand non-formal primary education centres were planned for 1995/96 nationwide, of which 7,177 have already been established and approximately 2 million children are enrolled in these schools. To promote literacy, a pilot project for the eradication of illiteracy was launched in 1992 in selected areas of Pakistan. This is being followed up by a national literacy plan for the year 2000, which will help in raising literacy from the existing 37 per cent to 70 per cent.

290. It has been assessed that 41 per cent of rural females can read the Holy Koran, which means that if a little more effort is made to improve their Urdu reading and writing skills, the literacy rate could be enhanced. A pilot programme was launched in four districts of the Punjab and the NWFP and around 2,000 persons were made literate. A large-scale, country-wide programme is being developed.

291. For sharper focus on education and literacy programmes, a second television channel was established in 1992.

292. **Enhanced financial allocation to primary education:** Under the 8th Plan, out of a total allocation of PRs 69.031 billion, PRs 39.31 billion were allocated for basic education, which is around 40 per cent of the allocation to the education sector. Besides, GNP spending on education in Pakistan increased from 2.01 to 2.62 per cent during 1996/97. Budgetary allocations for education increased from PRs 33.8 billion in 1994 to PRs 44.0 billion, an all time high level of 32 per cent. During the first four years of the 8th Five Year Plan, there is an indication of an increase of 83 per cent in the allocation of resources.

3. Existing facilities and difficulties encountered

Primary education

293. A total of 163,000 primary schools, including mosque schools, cater to the needs of about 15.8 million primary school pupils. To implement a universal primary education strategy, a total of 107,000 new primary and mosque schools are planned, to meet an additional influx of 10.5 million primary pupils by 2002. Further, two-room buildings are needed for 24,750 shelterless schools and another 20,000 one-room schools also need improvement.

294. A total of 413,000 teachers are teaching at the primary level in the public sector, of whom about 25 per cent or 101,000 are female teachers. A total of 265,000 new teachers are needed to staff the estimated 107,000 new primary and mosque schools that will be opened.

295. Given the total number of 15.8 million primary school pupils currently enrolled, the teacher-pupil ratio is around 39 students per teacher. However, the distribution is artificial in the sense that there is an acute shortage of female teachers, which has been affecting the development of girls' primary education. The World Bank Education Sector Strategy Review in 1987 confirmed that the shortage of female teachers is the most critical impediment to the development of primary education in Pakistan.

296. Female teachers are reluctant to take up employment in rural areas because of lack of transportation, the non-availability of hostels and lower salaries than in the urban areas. Estimates of untrained teachers by province show a total of 60 per cent untrained teachers in Baluchistan, 40 per cent in NWFP, 25 per cent in Punjab and 10 per cent in Sindh.

297. Per pupil expenditure in 1993/94 was PRs 1,102 or US\$ 37. Cost per pupil by province revealed a total of PRs 1,084 in NWFP; PRs 1,554 in Baluchistan; PRs 1,672 in Sindh; and PRs 1,182 in Punjab.

298. The shortage of physical facilities and equipment is critical in primary schools. An estimated 25,000 primary schools are without school buildings. Many of the schools are without boundary walls. Most one-room schools in the rural areas are made of a mixture of mud, bamboo and galvanized iron sheets. Many government schools lack some basic facilities, such as running water, etc. Teaching kits were developed and distributed to 30 per cent of primary schools.

Secondary education

299. Physical facilities - classrooms, laboratories, libraries, furniture and equipment - are better as compared to those for primary schools. Nevertheless, deficiencies are found and in some schools the facilities are not adequate. This is particularly true in cases where schools have been upgraded from middle to high schools or from high to higher secondary schools, without the addition of appropriate facilities.

300. Classrooms are overcrowded, desk space is insufficient and sometimes students do not have a proper surface on which to write. Many schools do not have the required equipment to conduct laboratory experiments. Library facilities are sometimes inadequate. In a number of cases basic amenities, such as potable water, electricity, gas and boundary walls, are absent.

301. The lack of well-designed and well-equipped classrooms and laboratories hinders delivery of education appropriate to the secondary and intermediate stages.

4. Nature and extent of cooperation with local and national organizations of the public and private sectors

302. The private sector is becoming more actively involved in the promotion of basic education in the country. The number of NGOs promoting basic education increased considerably during the 1990s, but the government share is still above 90 per cent; 10 per cent of primary schools are owned and run by the private sector, whereas above 90 per cent of such schools are run by the Government. The role of the private sector, especially in defining and implementing the goals and strategies/plan of action for EFA, is very nominal.

303. A USAID study estimates that 1.3 million students are enrolled in 5,000 private institutions at all levels of schooling. A World Bank/Asian Development Bank study of secondary schools in Punjab sets the share of private education at 8 per cent for the primary level and 11 per cent for the middle level. Overall, private schools were estimated to cover 8 per cent of primary enrolments in Pakistan during 1994/95. Enrolments in private primary schools accounted for almost half a million students enrolled in 1990, about 6 per cent of the total primary enrolment reported in schools nationwide.

304. An important characteristic of the primary education system in Pakistan is the opening of primary schools in mosques. The mosque is a traditional centre of learning for children and adults of the community. Mosque buildings (owned by the community) are utilized for the purpose of primary schooling. Maintenance and upkeep of the mosque are the responsibility of the local community, but the Government shares the expenditure by providing the salary of the trained teacher and an honorarium for the imam of the mosque. The contribution of the community is generally in kind, by way of free labour and material, particularly to construct the building. At present, around 0.04 million mosque schools are functioning in the rural areas of the country, providing basic secular and religious education up to grade III to around 1 million children.

305. A number of NGOs, some of them well established, are providing literacy and basic education to a limited segment of the population. Within the overall perspective of the literacy situation, as well as the basic education needs of the country, their coverage is nominal.

306. Efforts are being made to enhance public-private partnership on an equal contribution basis through education foundations.

5. Non-formal education

307. Non-formal education programmes are predominantly run by the NGOs with different partnership combinations. There are two distinct categories of non-formal education programmes. The first comprises a triangular partnership between the NGOs, communities and the Government. In this tripartite arrangement the NGO enters into the role of an intermediary, seeking community support for creating access to education. The NGO also develops links with the government functionaries helping them to learn skills for a sustainable relationship with the communities and optimal utilization of the service, that is, education. Examples of such programmes are those run by the Community Support Programme in Baluchistan, the Integrated Basic Education Programme run by *Khwendo Kor* and the Strengthening Participatory Organization (SPO) in the NWFP and the Adult Basic Education Society (ABES) in Islamabad Capital Territory (ICT), and those implemented by the Prime Minister Literacy Commission (PMLC) in 1992 through the various NGOs and government departments in all provinces of Pakistan, entitled "Eradication of illiteracy from selected areas of Pakistan". The Government is yet to become an active partner, but it has taken that critical first step towards recognizing the importance of non-formal approaches for improving access through NGO involvement.

308. The second category of non-formal education is a collaboration between NGOs/community based organizations (CBOs) and the communities. The communities are motivated to create their own developmental opportunities in various sectors. Examples of this category are: the *Bunyad* Literacy Community Council (BLCC) and the *Malik Maula Baksh* Memorial Trust (MMBMT), the Society for Advancement of Education (SAHE), the Youth Commission for Human Rights (YCHR) and ABES in Punjab; the Orangi Pilot Project, the Street Schools, *Astana-e-Latif* and *Busti* in Sindh, De Lass Gul (DLG) in NWFP; and the *Agha Khan* Education Services in the Northern Areas. Collaboration with the Government takes place informally at the local level, but essentially the Government has a catalytic role.

309. The community is helped, in both categories of non-formal education programmes, by the NGOs to develop skills of organization, negotiation, internalization of rights and access to available services. In addition to the long duration courses mentioned, there are a number of short duration literacy programmes throughout the country.

6. Vocational training and technical education

310. The major task of technical and vocational education programmes is to review the curriculum in accordance with the change in technologies and introduce new technologies in the educational system, replacing out-dated technologies. Consequently, the Government has taken the following major initiatives in redesigning the goals by increasing the base and improving the quality of technical education.

(a) **Vocational education and training programme.** The project is estimated to cost PRs 1,040.31 million. Its objectives are the following:

- (i) To establish 70 model vocational schools in various districts (the intake capacity in each school will be 200 and the total intake capacity of the project will be $200 \times 70 = 14,000$);
- (ii) To provide equipment to 100 selected high schools for the introduction of vocational education and training;
- (iii) To provide training to 10,000 students of the 9th class and 10,000 students of the 10th class every year.

(b) **Technical education project.** The project is estimated to cost PRs 2,419.596 million. It is being assisted by the Asian Development Bank and has the following objectives:

- (i) To make technical education responsive to the needs of the job market;
- (ii) To enhance the suitability of the graduates of technical institutions for employment by improving the quality and relevance of training;
- (iii) To update the equipment and furniture in 43 polytechnic/GCTs and 4 technical teachers' training wings/centres and to repair/renovate and extend buildings where necessary;
- (iv) To construct two new institutes, the Government Polytechnic Institute (GPI) for Women at Quetta and the Technical Teacher Training Centres (TTTC) at Sukkur, as well as buildings for the Government Polytechnic Institute for Women (GPIW), Karachi and the TTTC, Peshawar at new sites (they are at present housed in rented buildings);
- (v) To introduce, in 30 institutions, 23 new/additional technologies that are relevant to the job market;
- (vi) To establish research and development units in the provinces and one at the federal level.

7. Resource mobilization

311. **Resource allocation:** Investment in education, particularly in basic education, has substantially increased since 1990. Under the 8th Five Year Plan, out of a total allocation of PRs 69.031 billion to the education sector - from basic to higher education - PRs 39.31 billion were allocated for basic education (SAP component), around 60 per cent of the total. The allocation for basic education is given in the table below:

Table 13**Basic education allocation/expenditure for SAP/8th Plan (1993-1998)**

	1993/94	1994/95	1995/96	1996/97	1997/98	Total
Development allocation	5.518	6.305	7.7730	8.604	10.586	38.786
Recurring expenditure	13.14	14.28	15.17	26.667	17.10	86.36

Source: Social Action Programme Report 1994.

Table 14**Year-wise allocation for education/basic education from 1988 to 1995**

Year	Education					Basic Education (Primary + Literacy + Teacher Education)			
	Development	Recurring	Total	Education budget as % share of national budget	Education budget as % share of GNP	Development	Recurring	Total	% of total education budget
1988/89	3 887	12 491	16 378	6.3	2.07	1 238	6 134	7 372	45
1989/90	4 719	15 009	19 728	8.7	2.23	2 005	7 021	9 026	46
1990/91	4 261	1 892	22 273	7.3	2.13	1 277	8 589	9 866	45
1991/92	3 932	22 259	26 191	6.0	2.15	1 028	10 868	11 896	45
1992/93	4 172	25 025	29 197	6.9	2.14	1 614	11 762	13 396	46
1993/94	4 278	30 593	34 672	7.88	2.22	2 192	14 806	16 998	49
1994/95	6.297	37 799	44 096	7.36	2.36	3 958	18 147	22 105	50
1995/96	7 517	45 125	52 643	7.14	2.44	3 799	22 091	25 890	49
1996/97	12 621	51 803	64 425	8.11	2.58	8 975	26 104	35 079	54
1997/98	8 815	57 271	66 087	7.60	2.30				

Source: Planning and Development Wing of the Ministry of Education.

312. The private sector is more actively involved in the promotion of basic education in the country. The number of primary schools and NGOs promoting basic education has increased considerably during the 1990s. Yet, overall no noticeable or major change has occurred in community and family expenditure on basic education. Foreign investment in basic education has been considerably enhanced. A dozen foreign agencies are making valuable inputs, especially in terms of financial and technical assistance for the promotion of basic education in the country. Donor money in the form of grants and loans for education totals over US\$ 1 billion.

313. More than 50 per cent of the development budget is spent on the construction components, followed by teacher training, which accounts for around 20 per cent. Out of the recurring budget more than 95 per cent of expenditure is incurred on teachers/staff salaries.

314. **Foreign assistance:** International donor agencies, including bilateral and multilateral agencies, raised their support substantially for basic education in Pakistan. The major external sources of funding for the education sector in Pakistan are the World Bank, the Asian Development Bank, UNICEF and UNDP. Several multilateral agencies also provide technical assistance, including UNESCO, JICA, ILO, and most recently, the World Food Programme (WFP). Bilateral donors, apart from USAID, include: the Netherlands; Britain, mainly through official development assistance (ODA); Germany, through GTZ and in other forms; Japan through substantial material and financial support; Canada through CIDA; France; OECD; and the Scandinavian countries. Within the education sector, a major portion of the assistance goes to primary education.

Table 15

Foreign assistance for basic education (1990-2000)

Agency	Assistance (US\$ million)
World Bank (IDA)	592
Asian Development Bank	592
USAID	252
UNICEF	10
UNDP	3.3

Source: Planning and Development Wing of the Ministry Education.

Table 16

Literacy rate of Pakistan since 1981

	1981	1990	1993	1995	1997
Total	26.2%	34.8%	35.46%	37%	38.9%
Male	35.0%	47.3%	45.29%	49%	50.3%
Female	16.0%	21.1%	24.73%	24%	27%

Source: Prime Minister's Literacy Commission: Economic Survey 1990/91, 1993/94, 1994/95.

Gross enrolment rates (GER)

315. The following table shows self-explanatory gross enrolment rates at the primary level based on an age-group population sample of 5 to 10 year olds.

Table 17**Gross enrolment rates, primary and middle stages (1991)**

	Primary GER (1995/96)		Middle GER (1991)	
	Male	Female	Male	Female
Pakistan	85	64	64	36
Baluchistan	86	63	95	19
NWFP	80	49	54	27
Punjab	85	70	65	40
Sindh	86	62	63	38

Source: Pakistan Integrated Household Survey 1991, Federal Bureau of Statistics.

8. Achievements**Primary education**

316. Comparative analysis of progress made since 1990 towards achieving the national goals indicates considerable improvement in the provision of infrastructure, such as school buildings (opening new primary schools and expansion/addition of class rooms), and the supply of trained teachers, increased finances and funds, increased awareness of parents and communities regarding the significance of education, especially girls' education, and a higher participation rate at the primary level. The progress made so far may be judged from the following indicators/parameters.

Table 18**Comparative analysis of educational parameters (1990-1995)**

Indicator/parameter		Mid-decade national targets	Position in 1990/91	Position in 1994/95	Position in 1996/97
Primary school population	Total	18.84 million	17.2 million	21.2 million	21 million
Gross enrolment (000)					
(i) Primary stage (I-V)	Total	13 846	11 487	15 812	15 553
	Female		3 693	4 871	6 312
(ii) Middle stage (VI-VIII)	Total		2 896	4 021	3 756
	Female		897	1 382	1 392
(iii) Secondary stage (IX-X)	Total		1.04		1.546
	Female		0.285		0.540
Number of schools (000)					
(i) Primary school	Total	172.7	114.5	163.1	150.96
	Female		30 422	41.1	46.69
(ii) Middle school	Total		8.5	13.6	14.59
	Female		3.3	5.0	6.43
(iii) Secondary school	Total		7 184		9 808
	Female		1 895		3 419

Table 18 (continued)

Indicator/parameter		Mid-decade national targets	Position in 1990-91	Position in 1994-95	Position in 1996-97
Primary school population	Total	18.84 million	17.2 million	21.2 million	21 million
Number of teachers (000)					
(i) Primary level	Total	420.8	308	413.4	339.5
	Female		85	101.7	112.6
(ii) Middle level	Total		82	103.4	95.8
	Female		29	41.2	38.7
Student-teacher ratio	Total		42.1	39.1	46
Dropout rate	Total		50%	45%	45%
(iii) Secondary level	Total		152 000		160 000
	Female		4 400		50 000
Participation rate					
(i) Primary level (I-V)	Total	74%	64%	71%	74.8%
	Male	88%	82%	87%	85.5%
	Female	59%	51%	55%	63.1%
(ii) Middle stage (VI-VIII)	Total		36%	45%	31.6%
	Male		47%	58%	36.5%
	Female		23%	31%	25.8%
Basic education budget (PRs million)					
	Total		9 866	21 781	
	Development		1 277	21 781	
	Recurring		9 866	21 781	
% of Total education budget					

Source: (i) Pakistan Education Statistics 1992/93 CBE Ministry of Education;

(ii) Economic Survey 1990/91, 1993/94, 1994/95, 1996/97;

(iii) Planning Wing of Ministry of Education.

317. A comparison of primary education indicators between 1990 and 1995 indicates that the number of primary schools and teachers has increased to 1.6 million (42 per cent increase) and 0.413 million (34 per cent increase) respectively, and is catering to the needs of 15.8 million (38 per cent increase) students at the primary level. The participation rate has increased from 64 per cent in 1990/91 to 71 per cent in 1995. This highlights the fact that during the 1980s the average increase per year in the participation rate had been less than 1 per cent. In the 1990s it registered an average increase of 1.2 per cent per year. The following indices indicate the trend in the participation rate, especially in the final years of the five year development plans.

Table 19**Indices of participation trend (primary education level)**

	1st Plan 1959/60	2nd Plan 1964/65	3rd Plan 1969/70	Non-Plan period 1977/78	5th Plan 1982/83	6th Plan 1987/88	7th Plan 1992/93	Recent 1994/95
Total	36%	45%	46%	54%	48%	52%	68.9%	71%

Source: Five Year Development Plan documents, 1st, 2nd, 3rd, 5th, 6th, 7th and 8th Plan.

318. It is encouraging to note that the province of the Punjab, the biggest province of the country, has reported that it is close to attaining the target for the required number of primary schools. The priority now is to provide buildings to shelterless schools and to add rooms to existing schools. Further, in view of substantially increased donor assistance for the promotion of basic education and increased resources for basic education, it is hoped that during the second half of the decade the country will be in a better position to make a breakthrough in accomplishing the target of universalization of primary education. It is encouraging to note that Pakistan has achieved an 89 per cent participation rate at the primary stage during 1999/2000. A number of development projects in basic education, sponsored by donor agencies, are at the initial stage of implementation. This together with the Social Action Programme (SAP), which lays focus on girls' primary education, act as confidence building indicators towards achieving reasonable EFA targets.

Secondary education

319. In 1994/95 the total number of high schools in the country was 12,513 (male 7,815; female 4,638), while secondary vocational institutions numbered 724 (male 394; female 330). Enrolment at the senior level (IX-X) was 1,470,000 (male 920,000; female 550,000) and in secondary vocational institutions total enrolment was 93,000 (male 62,000; female 31,000). The number of teachers was 211,000 in high schools and 6,294 in secondary vocational institutions. The overall participation rate at the secondary level was 30 per cent (male 38 per cent; female 20 per cent).

9. Measures to promote family and community participation in education

320. Some provinces are attempting to involve communities through district education officers. Baluchistan has followed a more productive route by mobilizing community involvement with the assistance of a contracted NGO. Over 250 community schools have been set up through this mechanism. NGOs are now being funded to open approximately 60 community schools in three districts along the lines of those established in Baluchistan.

321. Punjab has contracted out a study of ways to involve communities in school construction and maintenance, and the selection of teachers, and will experiment with these mechanisms on a pilot basis when the study is completed. Sindh already has the Agha Khan Community schools and is currently setting up and strengthening parent-teacher associations to support local schools. These PTAs are allowed to use the yearly fee per student for maintenance and other support of the schools.

322. SAP plans state the intention of involving field-based NGOs to undertake community mobilization work that facilitates linkages between communities and various government agencies. There are estimated to be approximately 10,000 NGOs in Pakistan. All provinces have competent NGOs with at least some experience in mobilizing communities for education.

10. Targets and future initiatives

323. Initially a three-year SAP (1992/93 to 1995/96) was formulated, but was later overtaken by the exercise carried out for the 8th Five Year Plan. Consequently, a five-year SAP (1993-1998) was formulated. Responsibility for its implementation was given to the provincial governments with the involvement of the community, NGOs and the private sector. The SAP is a multi-structured programme that includes provision of clean drinking water, sanitation, population planning, health and primary education. In primary education, SAP aims at establishing 55,000 primary schools, mainly for females, at a cost of PRs 46.64 billion spread over a period of five years. The programme was meant to create 6.46 million new school places for children and it has raised the participation rate of girls from 53 to 79 per cent by 1999-2000.

8th Five Year Plan

324. The main goals and targets of the 8th Five Year Plan (1993-1998) in Education For All are as follows:

- (a) Universalizing access to primary education for all boys and girls aged 5-9 years;
- (b) Enactment and enforcement of legislation for compulsory primary schooling for all children of the relevant age group, wherever primary school facilities become available at a reachable distance;
- (c) Removing gender and rural-urban imbalances;
- (d) Qualitative improvement of physical infrastructure, curricula (by making the courses demand-oriented), textbooks, teacher training programmes and the examination system at all levels of education;
- (e) Broadening of the resource base for financing education through increased allocations and encouraging private sector participation in the provision of educational facilities at all levels.

Table 20

EFA goals and targets set in current educational policies and plans

		1992/93	National education policy target	Social Action Programme 8 th Fifth Year Plan target (1997/98)	Jomtien Conference
Primary education Enrolment (million)	Total	11.5	21.85	17.98	
	Boys	8.8	11.05	9.95	
	Girls		10.80	8.03	
Participation rate (%)	Total	69.8	99.1	88.5	100
	Boys	85.6	103	96.3	100
	Girls	53.3	95	80.3	100
Literacy Literacy rate (%)	Total	35	70	53	67
	Male	47		66	74
	Female	22		40	61

Source: National Education Policy (1992-2000); 8th Five Year Plan documents; Social Action Programme Report (1994) document; Ministry of Health and Social Welfare.

The average per year development budget for basic education (primary education + literacy + teacher education) during the period 1990/91-1994/95 is PRs 1,940 million. At this rate of allocation the budget for basic education 1995-2000 (five years) was PRs 9,700 million (approximately) to execute the programmes of EFA.

325. The main programmes, agreed strategy and plan of action to achieve the EFA goals and targets as reflected in the National Education Policy, the Social Action Programme (SAP) and the 8th Five Year Plan are as follows:

(a) **Primary Education.**

Enhancing girls' primary education in terms of access and quality through opening 107,000 new primary and mosque schools; adding one room to 20,000 one-room schools; providing two rooms each to 24,750 shelterless primary schools; training and recruiting 265,000 school teachers; introducing coeducational schools with female teachers; and provision of basic facilities;

Improving the quality of primary education through enhancement of the non-salary budget, provision of classroom materials and improving the quality of text books and teachers;

Fostering collaboration between private-sector NGOs and the Government, and establishing education foundations.

(b) **Literacy.** The following seven points relating to literacy, regarding non-formal education, have been implemented at the grassroots level since 1996:

The literacy programmes will be implemented through the provincial governments, NGOs and local organizations;

Literacy programmes will be integrated with skill-based community development programmes;

The post-literacy phase will be made an integral part of all literacy programmes;

Greater attention will be focused on the deprived segments of society in rural areas and urban slums, with special emphasis on the female population;

The strategy of achieving 100 per cent literacy in selected areas will be implemented to produce a cumulative effect;

The potential of the electronic and print media will be fully utilized to motivate the public at large for supporting the literacy effort and for delivering literacy programmes;

Appropriate legislation will be enacted by the provincial governments on the pattern of the Literacy Act 1987 (Annex 38), to provide incentives for acquiring literacy.

(c) **Secondary education.** The accelerated enrolment at the primary level will increase the demand for secondary education. Secondary school facilities will be expanded so as to absorb the increased output of primary schools. At the secondary level (grades VI-X), the participation rate for boys will increase from 49.7 to 54.5 per cent and for girls it will increase from 25.6 to 30.2 per cent. The curriculum of secondary schools will be reformed to make it demand oriented. A parallel system of vocational and skill training in the secondary schools will be started on an experimental basis. This will be replicated if found successful. Guilds of selected schools will also be used to provide training in vocational skills in an evening shift, on a demand basis, to drop-outs from the general school system. The private sector will be encouraged to establish new quality education institutions. Each district will have at least one model school for boys and each division will have one such institution for girls in the public or, preferably, in the private sector. The Government established new Model Schools only in less developed districts, where such institutions did not exist. The 8th Plan emphasis will be on improving the quality of all secondary schools.

11. Monitoring strategies and mechanisms

326. An information system has been established, at both the provincial and national levels, for the monitoring and evaluation of the quantitative aspects of primary and secondary education and Non-formal Education Management. The functions and responsibilities of this Education Monitoring Information System (EMIS) are to collect, compute and analyse the data/statistics on educational indicators and parameters. The system is being strengthened and improved with the assistance of donor agencies. In the provinces of Sindh and NWFP this system has been expanded down to the district and subdistrict levels.

327. For the monitoring and evaluation of qualitative aspects of education a National Education Testing Service is being introduced. Besides, a composite exam/test is conducted at district/regional level at the end of grade V and grade VIII. Furthermore, throughout the country Boards of Intermediate and Secondary Education conduct examinations at the end of grades X and XII.

328. Development projects in education, especially in the area of basic and secondary education have their own mechanism for monitoring and evaluation either through learning coordinators or other personnel specifically employed for the purpose.

B. Aims of education (art. 29)

1. Government policy and educational aims

329. The Government's policy towards the educational aims of schools is as follows:

(a) To restructure the existing educational system on modern lines in accordance with the principles of Islam so as to create a healthy, tolerant, forward-looking and enlightened society.

(b) To bring out the creative, critical and dynamic abilities of students that may enable them:

(i) To develop a balanced outlook about man and nature;

(ii) To increase their lifelong earnings and contribute to the social and economic development of the country;

(iii) To defend the ideology of Pakistan at the interface of international, social, political and economic development.

(c) To provide equal opportunities to the children of the poor and the rich alike in order to promote national harmony and cohesion.

(d) To ensure 100 per cent participation of children in education at the primary level by the year 2002, and to eradicate illiteracy through formal and non-formal methods.

(e) To pay special attention to the development of female education and literacy through formal and non-formal systems, particularly in rural areas.

(f) To redesign and expand technical, vocational and engineering education facilities in the light of new emerging technologies needed for industry, thereby enhancing the employability of the educated youth;

(g) To promote sports, cultural and recreational activities at all levels for the development of the moral, physical and social abilities of the youth;

(h) To create in pupils a capacity for self-learning and self-reliance so that their learning process continues throughout life;

(i) To obviate ethnic prejudices and superstitions, and discourage consumerism, fanaticism and sectarianism.

2. Development of the child and curricula

330. Curricula and activities meeting aims of education, such as development of the child's personality, talents, interests and mental abilities, preparation for responsible life and respect for human rights and fundamental freedoms, focus on the following areas and aspects.

(a) Encouragement of enquiry, creativity and progressive thinking through special emphasis on relevant content in the science, social studies and religious knowledge, curricula, as well as through project oriented education.

(b) New curricula and textbooks in Islamic and Pakistan Studies have been or are being introduced focusing on and demonstrating practically the golden values and principles of tolerance, respect and regard for others, sympathy, kindness, truthfulness, peace, prosperity and universal brotherhood. For character building and balanced personality development, teachers are supposed to act as role models for the children so as to effectively inculcate in students the said values. Concepts dealing with environmental education, health education and population welfare are being integrated into the relevant subjects.

(c) All vocational curricula are being revised to relate them to the employment market. The Science, Maths, Social Studies, English, Urdu and Agro-tech curricula are being revised to make them compatible with the demands of new knowledge and technologies. A strategy for introducing a wide range of vocational subjects relevant to job requirements in the employment market and for self-employment is being formulated and implemented. A number of teacher training colleges/institutions are imparting pre-service and in-service training to teachers at the primary, middle and secondary levels. To improve teacher training and ensure teachers' competency a number of new strategies and projects/programmes have been initiated. These strategies include setting up mobile training units for on-the-job training of teachers, strengthening and equipping teacher training institutions with updated knowledge and skills, updating the teacher training curricula, launching a regular in-service training programme for teachers at all levels and using the distance education method for teacher training.

(d) For computer education, basic concepts and information about computers are being included in the curriculum. Furthermore, arrangements are being made for computer education at all levels through a phased programme, starting with secondary schools. Computer education will be a compulsory component of all teacher training programmes.

331. The Ministry of Education has been approached to include CRC in the curricula. A number of provisions proposed in CRC, however, are already included in the curricula and related activities in one form or another.

C. Leisure, recreation and cultural activities (art. 31)

1. Steps taken to ensure the child's participation in cultural and artistic activities

332. Educational institutions arrange special programmes and competitions at festivals and on other occasions. Students (boys and girls) in rural and urban areas are encouraged to take part in these competitions. Schools also have permanent societies to promote cultural and artistic activities. Nationwide competitions are also arranged to give all students an equal opportunity to participate. These include debates, declamation contests, drama and poster painting to develop awareness on environmental issues, AIDS, women's education and adult literacy. *Meena Bazars* are also arranged in schools and colleges, as well as exhibitions showing models prepared by children. Other popular activities are *Naat* (praise of the Holy Prophet), *Qarat* (reciting the Koran) and *Mushaira* (poetry recitals). To promote Pakistan's cultural and classical arts the contributions of the National Arts Gallery and *Lok Virsa* are of immense importance. Young artists are encouraged and taught in the art galleries. *Lok Virsa* publishes literature on cultural heritage. The electronic media (PTV and ETV) also telecast programmes with focus on our cultural heritage. In rural areas the focus is on cultural activities like *Urs*, harvesting festivals and games like *Kabaddi*, cricket, football and volley ball. In rural and urban areas indoor and outdoor sports activities for boys and girls are arranged and managed at the inter-district, inter-school/college, inter-boards and inter-city levels annually.

2. Leisure and recreation

333. Various types of leisure and recreation are provided in all educational institutions, that is, sports activities, excursion trips and speech competitions.

3. Number of children benefiting from leisure activities

334. It is estimated that all schoolgoing children are benefiting from leisure and recreational facilities. The number of children is estimated at 15.8 million for the primary level (stages I to V), including 4.8 million girls, and at 4.02 million for the middle level (stages VI to VIII), including 1.38 million girls.

4. The child's right to rest and play in the school environment

335. Most schools have a playground, with swings and basic sports facilities. All schools have a 30-minute rest period after two and a half or three hours' study. In this break students can play, relax and have refreshments.

5. Structure of leisure

336. According to the Local Government Ordinance, 1,979 district and union councils, in addition to NGOs, were funded to provide the basic infrastructure for leisure in their respective communities. This structure included playgrounds, recreational parks, gymnasiums and sports

clubs for indoor activities. But now, after the abolition of local bodies (district and union councils), the same facilities are being provided to some extent through urban and rural community development projects of the provincial social welfare departments by utilizing the services of NGOs. The facilities described above are provided nationwide and these cover 53.4 per cent of the total child population.

6. Community awareness campaigns

337. Schools regularly organize “open days” or “parents’ days” in which parents are informed about the educational, leisure and recreational activities of the school and the participation of their children. National competitions are organized nationwide and are advertised in print and by the electronic media encouraging children to participate and helping parents to develop awareness. To introduce the younger generation to our cultural heritage, *Lok Virsa* arranges festivals, exhibitions and bazaars every year.

7. Foreign assistance

338. There is no specific project funded from foreign assistance, for leisure, recreation and cultural activities. In the development projects presently being implemented at the primary, middle and secondary school levels, however, provision has been made for recreation, sports and cultural activities of children so as to make the school environment more attractive.

8. Targets and future initiatives

339. **Recreational facilities.** Special programmes for rural youth are recommended for expanding sports and recreation facilities at the grassroots level. The Government envisages the creation of five sports stadiums at the town/village level and youth hostels in selected places for the recreation of the youth population. Associations of NGOs should be considered for mobilization of community resources for the projects. Five units of youth hostels will be constructed at Karachi, Murree, Muzaffarabad, Thandiani and Changla Gali through grants to NGOs.

340. **Youth development.** The youth development revolving fund of PRs 5 million, established during 1990/91 will be continued in future.

341. **Youth award.** A youth award scheme will be started to promote community service, physical fitness and adventure, national and cultural awareness and constructive leisure time activities. The award scheme will be managed by the Youth Affairs Division and provincial governments through NGOs, schools and colleges.

342. **Sports.** The expanded packages have been planned for development of sports activities to enhance the competitive capacity of various national sports, including hockey, squash, football and cricket.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

343. Pakistan is a country of asylum for one of the largest number of refugees in the world although it is not a signatory to the 1951 Convention relating to the Status of Refugees. The Refugees Rehabilitation Finance Ordinance, 1959 (Annex 39) deals with the issue. The Government of Pakistan has one of the most open and generous policies towards refugees and their settlement, and has done much more than should be expected of a country with limited resources. The policy is visible in the treatment of refugees, especially those from Afghanistan. The major categories of refugees are those from Afghanistan, Somalia and Iraq (Kurds). Most of these refugees came to Pakistan to escape the ravages of armed conflict in their countries. In addition to this, there are substantial numbers of illegal immigrants from Bangladesh and Myanmar. Pakistan has catered for these refugees mostly from its own resources. UNHCR and other humanitarian agencies have especially assisted Pakistan with regard to the Afghan refugees. International assistance which was forthcoming in the initial years of the Afghan refugee crisis has now nearly dried up and Pakistan has been left on its own to cater for the refugees from its meagre resources. The facilities provided for the children of the refugees are in consonance with the provisions of the Convention on the Rights of the Child. Refugees from Afghanistan started coming into Pakistan in 1979, and their number increased considerably in 1980. In the period 1984-1987, the influx of refugees reached a peak figure of 3.2 million. To support this refugee population, Pakistan received assistance from UNHCR, WFP, UNICEF and other donor agencies. The United States of America, Japan, Germany, France, Italy, the Netherlands, Saudi Arabia, the United Arab Emirates and many other Muslim and Arab countries also provided material aid and cash assistance to enable Pakistan to bear the burden.

344. International aid declined sharply as soon as the foreign forces withdrew from Afghanistan. The bulk of the refugees, however, continued to stay on. At present the estimated number of Afghan refugees is 1.5 million. Most of the expenditure on these refugees is now being borne by Pakistan. To ensure their voluntary repatriation, focus should be on the creation of economic stability and eventual prosperity in Afghanistan. Meanwhile Pakistan will continue to carry out its moral obligation, as the country of asylum, to provide the Afghan refugees with assistance and protection and will continue to strictly abide by the principle of non-refoulement. But it cannot be expected to carry this huge responsibility on its own.

Financial assistance and distribution of refugees

345. International aid, during the peak period, was more than \$500 million (in addition to aid in kind), which kept on decreasing and dropped to \$1-\$1.5 million in the last financial year. Efforts have been made through the Refugee Repatriation Programme for the return of these refugees. Out of the registered Afghan refugees, 846,503 reside in camps located in the NWFP, 352,713 in Baluchistan and 132,422 in the district of Mianwali in the Punjab.

346. International donors have offered some assistance, such as cash and wheat, for each family returning to Afghanistan. But families provided with this assistance sometimes return to Pakistan. The male members especially return to Pakistan for economic opportunities.

347. The number of camps of the refugees has dropped considerably and it is estimated that there are as many Afghans outside the camps as inside them. These refugees have mingled with the local population in various parts of the country. Most of them are working or are engaged in business. This has created a degree of understandable resentment among the local people, whose limited number of jobs they appear to be taking away.

Refugee children

348. The rate of growth of the Afghan population is very high. The birth rate is estimated to be 4.5 per cent. The birth of refugee children is registered at the camp level and is subsequently consolidated at the level of the Chief Commissioner for Afghan Refugees. Even after accounting for infant mortality, the annual increase in the refugee population is fairly high. For this reason the proportion of children in the Afghan refugee population is large: estimates vary between 18 and 48 per cent. Birth control measures (family planning) are rarely adopted by this population.

Health and education

349. At the peak of the refugee assistance programme, the Government of Pakistan and UNHCR had provided 450 Basic Health Units (BHUs). Thus, there was one BHU for every 10,000 persons of the refugee population. Each BHU had a doctor, a lady health visitor, a dispensary and usually an ambulance to back up the BHUs. In the same period, 12 refugee hospitals were provided by United Nations agencies, the Saudi Red Crescent, the Kuwaiti Red Crescent, the Pakistan Red Crescent and ICRC. The hospitals were equipped with the latest medical equipment and the services provided were free. The refugees were also provided with preventive, curative and EPI services. The EPI programme was more effective among refugee children as compared to similar programmes for the rural population of Pakistan. In addition to this, the supply of potable water and the maintenance of hygienic conditions were ensured. The work for the provision of these facilities was undertaken with a great deal of enthusiasm through the collaboration of international organizations and NGOs.

350. With the passage of time, and decrease in financial assistance, most of the BHUs and hospitals have been closed down. Donor fatigue seems to have set in and assistance is gradually shrinking. Some health cover, especially the EPI programme, still continues. Due to a change in the policy of the international agencies, NGO participation has been considerably reduced.

351. Extensive education programmes were also implemented, but now the burden of these programmes has been passed on to local NGOs and the Government from the international donors and agencies. A number of places are reserved for Afghan refugee children in the educational institutions of the NWFP and Baluchistan.

Future initiatives

352. The number of refugees within and outside camps will be documented and a record will be maintained for all children by age and gender.

353. A system will be developed to record and update a database for all foreign nationals forced to migrate to Pakistan, whether or not they have been accorded refugee status.

354. The national census will collect complete data on all immigrants. The information will be used to complement other mechanisms of data collection to obtain an accurate estimate of migrants by nationality, age and gender. The refugee/immigrant data will be disseminated annually through the Pakistan Statistics Year Books, published by the Federal Bureau of Statistics.

355. A government-NGO committee will be constituted with a mandate to evaluate the Convention and the Protocol relating to the status of refugees. The committee will make recommendations on Pakistan signing the Protocol in a report to be drafted within two years.

356. Pakistan advocates the establishment of an international fund for displaced children for the welfare of cross-border migrant children (whether or not declared as “refugees”). The fund will have an independent management body comprising countries with a migrant/refugee influx and international organizations from both developed and third world countries. The fund will open membership to countries and organizations and mobilize its own resources for disbursement.

Other refugees

357. About 1,500 Kurds came to Pakistan during the 1990/91 Gulf war. Some of them have returned, but about 900 still remain in the country. They are unwilling to return to Iraq. Most of them wish to be rehabilitated in some other country.

358. There were 110 Bosnian children living in Pakistan at the peak of the Bosnian war. They have been repatriated. There are a number of refugees from Somalia in Pakistan. Their exact numbers are not available, but many of them are living in major cities of Pakistan.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

359. The Pakistan National Service Ordinance 1970 deals with the introduction of compulsory national service and also prescribes that the age of enlistment in the armed forces is 18 years. It is possible, however, for training to begin a few years prior to regular service, but the age for this is 16 or above. In general the eligibility rules for the defence forces provide that the officers and jawans (soldiers) recruited are between the ages of 17 and 23 (with at least a year’s training and education before participation in active service), while those in the technical services (e.g. signals and nursing) are recruited between the ages of 16 and 23. In this case, the minimum age is lower because the signals and nursing branches are specialized services that require at least four years of training and education before participation in active military service. There is no conscription in Pakistan and no one is forced to join the armed forces against his or her will. Only persons over the age of 18 years can take part in hostilities.

B. Children in conflict with the law

1. Administration of juvenile justice (art. 40)

Legal and judicial measures

360. The protection and treatment of children in conflict with the law falls within the competence of both the federal and the provincial legislatures. This subject is covered by the concurrent legislative list and includes criminal law, criminal procedure, infants, minors and preventive detention. Prisons and related matters are not mentioned either in the federal legislative list or in the concurrent list. The subject, therefore, falls within the exclusive jurisdiction of the provinces.

361. Laws relating to penal offences, punishments and criminal procedure generally, as well as specific provisions for children, including establishment of reform schools, have been legislated by the federal legislature. The provinces have the power to make laws in these areas, but no law contradicting the provisions of the federal law may be passed. The Constitution provides that where there is a conflict between federal and provincial laws on matters listed in the concurrent legislative list, the provisions of the federal law shall prevail (art. 143).

362. Till the year 2000, no national legislation was uniformly applicable to children in conflict with the law. Children, like adults, were subject to the Pakistan Penal Code and the Criminal Procedure Code, which were applicable in the provinces, but not in parts of Pakistan known as the Federally Administered Tribal Areas (FATA) of the Frontier Province and the Provincially Administered Tribal Areas (PATA) of Baluchistan and Frontier Provinces.

363. Now, with the promulgation of Juvenile Justice Ordinance 2000, such anomalies have been removed. This ordinance is a federal law and therefore overrides all the provincial laws.

364. The Sindh Children's Act 1955 (Annex 7, Appendix XIII) is in force in the province of Sindh. The law makes special provisions for the treatment and trial of children in conflict with the law.

365. The Province of Punjab legislated in 1952 to establish a separate system for treatment of children in conflict with the law (Punjab Youthful Offenders Act 1952). The operation of this law was made subject to notification by the provincial government. It never came into operation as notification was never made. In 1983, an ordinance improving the 1952 law was promulgated (The Punjab Youthful Offenders Ordinance 1983 (Annex 7, Appendix XXI)). This law was brought into operation in 1994.

366. The Constitution of Pakistan lays down the following principles and provides the legal machinery for their enforcement:

Penal sanctions shall not be applied without prior legislation, and penal laws shall not be applied retrospectively (art. 12);

No person can be prosecuted for the same offence more than once, and no one shall be compelled to give self-incriminating evidence (art. 13);

The dignity of man is inviolable, and no person shall be subjected to torture for the purpose of extracting evidence (art. 14).

367. While no particular provision of the Constitution or the law specifically states the presumption of innocence, the penal system has an inherent recognition of this principle and the proof of guilt is to be without any reasonable doubt.

Provisions of law nationally applicable

368. **Age of criminal responsibility.** The Government of Pakistan has recently promulgated Juvenile Justice System Ordinance, 2000, wherein the age of a child has been raised to 18 years. Being a federal law, it will override the provincial laws and thus the age of criminal responsibility of juvenile delinquents will be harmonized with the provisions set forth in the Outlines. Earlier, the Pakistan Penal Code laid down the age of criminal responsibility as 7 years, with an added provision that a child between the age of 7 and 12 “who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion” shall not be held criminally responsible. This determination, however, rested upon the court.

369. **Bail.** Under the Juvenile Justice System Ordinance, 2000, a child under the age of 18 years who, for the commission of an offence, has been detained, shall be released on bail:

(a) If, being accused of an offence punishable with death, has been detained for such an offence for a continuous period exceeding one year and whose trial for such an offence has not concluded;

(b) If, being accused of any offence punishable for imprisonment for life has been detained for such an offence for a continuous period exceeding six months and whose trial for such offence has not concluded; or

(c) Or who, being accused of any offence not punishable with death, or imprisonment for life, has been detained for such an offence for a continuous period exceeding four months and whose trial for such an offence has not concluded.

370. Children under the age of 16 are granted a concession in the Criminal Procedure Code with respect to release on bail at the pre-trial stage for offences punishable with death or imprisonment for life or imprisonment for 10 years. The superior courts have also held that this provision entitles children below the age of 16 to grant of bail as a right.

371. **Trial.** The Juvenile Justice System Ordinance, 2000 provides that where a child accused of a non-bailable offence is arrested, he shall, without any delay and in no case later than 24 hours from such arrest, be produced before the juvenile court. A child accused of a bailable offence shall be released by the juvenile court on bail, with or without surety.

372. **Reformatory Schools Act, 1897.** This is a federal law, but is not operative in any part of Pakistan. The applicability of the law is expressly barred by the Sindh Children’s Act 1955 (Annex 7, Appendix XIII) in areas where the latter is in force. The law authorizes, but does not require, the establishment of reformatories for boys under the age of 15 who have been

sentenced to imprisonment. The Act empowers courts convicting the child to make orders for his placement in a reformatory school. The superintendent of a prison where a convicted child is confined may also present the case of such a child before the district magistrate for orders to send the child to a reformatory school. Placement in the reformatory school can be for not less than three and not more than seven years. No child can remain in a reformatory school after he has attained the age of 18 years. The Act does not provide for the placement of girls and applies to girl children only to the extent of the alternatives to imprisonment.

373. **Prison rules.** While legislation relating to prisons is within the exclusive jurisdiction of provinces, prison rules in all the four provinces are substantially the same.

(a) Rules classify prisoners in two main categories: under trial and convicted prisoners. The same classification applies to female prisoners.

(b) Rules for the separation of prisoners provide for the segregation of juveniles from all other prisoners.

(c) It is mandatory to separate under-trial prisoners from convicted prisoners.

(d) Children sentenced to imprisonment for three months or over are to be sent to borstal institutions and juvenile reformatories.

(e) Juvenile female convicted prisoners are to be confined in the Women's Prison.

(f) Juvenile prisoners are designated as inmates.

(g) Under-trial and convicted juveniles who are not sent to a borstal institution are confined in a separate ward of adult facility prisons. Where such a separate ward is not available, juveniles are to be confined in a cell by night.

(h) Features of the treatment of juveniles prescribed in the rules include sustained work, as well as self-discipline through physical, mental and moral training.

(i) The aim of prison treatment, according to the rules, is to give young offenders, whose minds and characters are still pliable, such training as is likely to create in them a high standard of social behaviour. The explanation to this rule considers the shortness of sentence as operating against any manifest result, but states that experience has shown that with young prisoners of this age much can be effected by close personal interest and oversight of minor breaches by the prison authorities. Personal interest will be found far more effective than a rigid insistence on prison routine.

(j) In all cases, young prisoners are to be employed in association for as long as possible during the day, and arrangements are to be made for such evening occupation, industrial or educational, as will avoid early isolation in their cells. They are to be kept separate from adults. On no account is an opportunity to be provided for conversation or communication with adults, and the juveniles are to be kept out of sight of adults as far as possible.

(k) Inmates are to be encouraged to pick up industries of their choice, compatible with their profession, taste or other circumstances, if these are taught in the institution. If they show no special inclination or attitude, the superintendent may decide the skill to be taught and which they may follow, for an honest livelihood, after release.

(l) Every inmate sentenced to imprisonment for a year or more is to be instructed in reading, writing and arithmetic for two hours each day. The standard of education is to be up to matriculation (10 years' education), as laid down for schools by the Education Department. The superintendent is authorized to raise the standard and to increase the number of subjects taught, in the case of promising boys. Every Muslim boy is to be taught the Nimaz with its meaning, along with the Koran. A well stocked library is to be provided in the borstal institution and reformatory centre.

(m) Facilities for physical drill, gymnastics, indoor and outdoor games and swimming are to be provided for all inmates. Instructions in first aid and sanitation are to be regularly imparted. A spacious playground is to be provided in the jails.

(n) Cots are to be provided to all inmates confined in the borstal institution and reformatory centre.

(o) Provision is made for electric light, electric fans, toilets and bathrooms for inmates. Dining halls for eating are also to be provided.

(p) When a juvenile prisoner is due for release and requires assistance to settle in life, the superintendent is to send intimation to the secretary of the district committee of the Prisoners' Welfare Society of the district of his residence at least one month before the date of release.

(q) Women prisoners are to be allowed to keep their children with them in prison till they attain the age of 3 years. On a child becoming disqualified for further retention or when a woman prisoner dies and leaves a child, the superintendent shall inform the district magistrate of the place where the prisoner resided, and the latter is to arrange for the proper care of the child. Should the relatives or friends be unable or unwilling to support the child, the district magistrate is to arrange for removal of the child to healthy nursery surroundings, through societies managing such institutes. The child is to be returned to the mother on release, provided she is ready and capable of care.

(r) Children in prison with their mothers are to be provided with such clothing as the superintendent may prescribe in writing.

(s) The scale of diet for children is prescribed in the rules.

Provisions in provincial laws

374. **Sindh Children's Act, 1955.** The Act applies in the province of Sindh only to children in difficult circumstances who are below the age of 16, with specific provisions for children in conflict with the law. It authorizes the establishment of juvenile courts. Where such courts are

not established, the law provides for powers to be expressly conferred on existing courts with exclusive jurisdiction to deal with children under this Act. No child can be tried jointly with an adult.

375. A child charged with the commission of a non-bailable offence may be released by the arresting officer, if sufficient surety is available. Where a child is not so released he/she may be detained by the police till production before the court. The law does not prescribe the place or manner of post-remand or pre-trial detention. The law prohibits sentences of death, transportation or imprisonment. Children found to have committed an offence may be sent to a certified school till they attain the age of 18, if they are below 15 years of age. In the case of children above the age of 15, the minimum period of their placement is two years. The court is authorized to order shorter periods of detention in special circumstances.

376. Alternatives to placement and detention provided by the law are discharge after admonition, release on probation of good conduct and committal to the care of parents or guardian, and a fine, which is payable by the child if he/she is above the age of 14. Any order in respect of a child dealt with under the Act is required to be made with due regard to his/her age, socio-economic background, reports made by a probation officer and such other considerations as are in the interest of the child. The law also confers powers on the court to regulate the presence of persons in the court during proceedings with respect to a child. The court may order any person to be present or to withdraw from the court during such proceedings. The court may also dispense with the presence of the child during the proceedings and proceed with the case in the absence of the child. Where a child is appearing as a witness in any proceedings, the court may allow or order withdrawal from court of persons as it deems appropriate. The attendance of a parent or guardian during proceedings with respect to a child is required and can be enforced by the court. Legal practitioners are not entitled to appear, unless the court is of the opinion that such an appearance is in the public interest. The privacy of the child is protected by prohibition of publishing any report through which a child may be identified, unless the court deems publishing of such a report in the interest of the child.

377. **Sindh Borstal Schools Act, 1955.** The Act is applicable to the whole of Sindh but would come into operation on such date as the provincial government may appoint by notification in the official gazette. It authorizes, but does not require, the establishment of borstal schools for the detention of children above the age of 16. Borstal schools are made a part of the penal system by the application of the Prisons Act, 1894 and the Prisoners Act 1900 (Annex 40).

378. **Punjab Youthful Offenders Ordinance, 1983.** The Ordinance was enforced in 1994. The provisions of the Ordinance apply to children below the age of 15. It provides for the establishment of separate juvenile courts to deal with children in conflict with the law and bars the joint trial of children with adults.

379. Children charged with the commission of non-bailable offences can be arrested, but the arresting officer has the power to release the child on bail on sufficient surety. The court taking cognizance of the case may order pre-trial custody. The provision of information to and the attendance of parents at proceedings with respect to a child are mandatory. No proceedings may be initiated against a child under laws regarding security for keeping the peace provided for in the Criminal Procedure Code. Children cannot be sentenced to death, transportation or any

imprisonment. A child who is found to have committed an offence may be placed in a certified school, established under the Ordinance till he/she reaches the age of 18. Shorter periods of placement can only be ordered in special circumstances. Alternatives to placement provided by the Ordinance include discharge after admonition, release on probation of good conduct for a period of not more than three years, or punishment of a fine payable by the parent or guardian of the child. The law provides for a periodical review of orders as to probation, but there is no specific provision for periodical review of placement. Use of the expressions "conviction" and "sentence" is barred. The privacy of the child is protected by prohibition against publishing of reports with regard to the case of a child through which identification of the child is possible. Disqualifications attached to conviction for an offence are not applicable to children.

380. **Punjab Borstal Act, 1926.** The Act extends to the whole of Punjab and applies to male persons below the age of 21 who are sentenced to rigorous imprisonment. The Act may be made applicable to females by direction of the Government. The provincial government is empowered to establish one or more borstal institutions, and the courts to order detention of eligible persons in such institutions. Provisions are made for management of the institution, enforcement of discipline and regulation of custodial treatment. The officers in charge of the institution are authorized to punish offences against discipline. Corporal punishment is allowed to be inflicted on the inmates, except where the inmate is a female (Annex 41).

Training of law enforcement, judicial and prison officials

381. Prison staff training institutes have been set up by the Federal Government. The Prison Staff Training Institute in Lahore has recently made efforts to bring awareness of the Convention as well as relevant human rights standards to prison officials. The NCCWD has recently developed a manual for training of police, prison officers and judiciary. The relevant ministries/departments were requested to review the manual and furnish their comments. After receipt of comments from all these quarters, the manual has been completed. During July 1999, the NCCWD formally started training programmes for police, prison and judicial officials when it organized a training workshop for 52 judicial officials at the Federal Judicial Academy. Collaboration with relevant ministries and academies such as the National Police Academy, Sihala, the Federal Judicial Academy, Islamabad, and the Pakistan Prison Academy, Lahore, is being strengthened. The ministries of Interior and Law, Justice and Parliamentary Affairs and the Pakistan Law Commission have also been asked to suggest training plans and nominate suitable officers for training. The NCCWD has now planned to organize a training workshop for preparing master trainers in November for onward training of these officers. A workshop for jurists was also organized at Islamabad, in collaboration with UNICEF and the Federal Judicial Academy, and was attended by district and sessions judges from all over Pakistan. Papers were presented on monitoring the rights of the child, developing consensus on various legislative matters pertaining to child protection, juvenile administration, the situation of working children and the definition of the child.

Strategies and actions for the implementation of CRC

382. Recognizing the urgent need for reform in legislation, building of suitable infrastructure and training of officials and service providers, the Government of Pakistan has placed juvenile justice among the six priority areas for legislative action.

383. The Government has promulgated the Juvenile Justice System Ordinance, 2000 for a separate system of juvenile justice applicable at the national level.

384. In response to the continuing concern over the lack of a system of information on children in conflict with the law and deprived of liberty, work is progressing on devising a method of collection and documentation of relevant data. Recently the Punjab Prison Department and AGHS Child Rights Cell, a leading NGO on children's rights, have established a documentation and monitoring cell in the Prison Department where information on all children in the Punjab is being collected for analysis and appropriate legislative, policy and judicial action. The same programme is expected to be replicated in the other provinces.

385. Training of judges on CRC has begun and will continue with the involvement of provincial high courts, as well as the federal and provincial judicial academies.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b) (c) (d))

386. There is a growing recognition of international instruments like the Convention on the Rights of the Child (CRC) the "Beijing Rules" and the "Riyadh Guidelines". The instruments have been included in the training material recently developed for the judiciary, the police and prison officers.

Children detained in jails

387. According to the statistics received from various jails up to July 1996, there were 554 male children between the ages of 16 and 18 undergoing trial and detained in the Karachi jail. The number of female children under 18 undergoing trial and detained in this jail was 11. The number of children undergoing sentences and detained in this jail was 12. Their ages range from 14 to 18 years. (For details of children detained in jails in the province of Punjab see Annex 42.)

Trial procedures

388. Evidence of child witnesses is accepted in criminal and civil proceedings. No specific age is prescribed at which testimony of a child is admissible in evidence, however, reliability of such evidence is determined by the test of the maturity of the child's mind. Sindh Children's Act, 1955 (Annex 7, Appendix XIII) makes provision for the protection of the child witness by empowering the court to order the removal from court of persons not directly concerned with the proceedings. No comparable provision exists in the general laws in force applicable to children other than those subject to the Sindh Children's Act, 1955 (Annex 7, Appendix XIII).

389. In an inquiry into the commission of an offence by a child, he is protected by the Constitution from being forced to make a self-incriminating statement. Under the Criminal Procedure Code, the trial court has the power to put such questions to an accused person as it deems appropriate to clarify any point arising from evidence of the prosecution. The accused is not required to take oath and has the right to refuse to answer such questions. The court,

however, can make an adverse inference from such refusal. The Qanoon-e-Shahadat Order 1984 does make a mandatory provision for the statement of an accused under oath, denying the prosecution evidence and stating his defence. A similar provision exists in the Criminal Procedure Code. The Supreme Court has interpreted the provision as having no compulsory effect on the accused and on his failure he cannot be sent to prison and no adverse inference can be drawn against him. The same provisions apply to children with respect to whom an inquiry is proceeding for the commission of an offence.

390. This secures the right of the accused not to be burdened with the proof of innocence. There is a presumption of innocence in favour of all accused persons unless proved guilty. In all criminal cases, the burden of proof is on the prosecution, which must prove its case beyond any doubt to secure a conviction. In the absence of such evidence the benefit of doubt goes to the accused.

Detention of children in custodial settings

391. In the province of Punjab all children found to have committed an offence are detained in the Borstal Jail, Bahawalpur. In Sindh such children were confined in Landhi Juvenile Jail, Karachi, which has recently been designated as a certified school under the Sindh Children's Act 1955 (Annex 7, Appendix XIII). Children are detained in juvenile wards of adult prisons both before and after sentencing in the other two provinces.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

392. Prohibition against sentencing of children to death and life imprisonment under the Sindh Children's Act 1955 (Annex 7, Appendix XIII) has been implemented. In the rest of the country, provisions of the general law are applicable. Sentences prescribed in the Penal Code are the maximum, leaving scope for the exercise of discretion by the court in passing lesser sentences on consideration of age.

393. The Juvenile Justice System Ordinance, 2000 (Annex 6) has been promulgated. The Act seeks to provide rehabilitation of juvenile delinquents and to ban the death sentence and whipping for children below the age of 18 years. This Ordinance has also raised the age of a child to 18 years, imposed a ban on handcuffing, putting in fetters or giving corporal punishment to a child at any time while in custody. This Ordinance has also provided that no child under the age of 15 years shall be arrested under any of the laws dealing with preventive detention or under the provisions of chapter VII of the Code. This is a federal law and thus it overrides the provincial laws.

4. Physical and psychological recovery and social reintegration (art. 39)

394. Provision is made in the prison rules for appropriate measures to promote the physical and psychological welfare of child prisoners. There is room for improvement in the implementation of these provisions. The full benefit of these provisions in achieving rehabilitation of children has yet to be realized. Arrangements for the education of convicted child prisoners are available in most prisons. Regarding review of detention, the provincial

governments can use the powers available to them under the law for remission of sentences and release on probation of good conduct pending more comprehensive legislation. This requires some streamlining to avoid some children from remaining in a non-conducive environment for periods longer than is necessary.

395. It is expected that appropriate legislative and policy measures will emerge from the efforts of the NCCWD, which has undertaken the examination of laws and rules relevant to children in conflict with the law. Additional institutional measures may also be implemented in collaboration with NGOs for the rehabilitative care of child prisoners.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

Rights of the child and labour laws

396. Economic exploitation in terms of the provisions of the CRC, the labour laws of Pakistan and the International Programme on the Elimination of Child Labour (IPEC) Memorandum of Understanding signed by ILO and Pakistan means work performed by underage children, work of a hazardous or exploitative nature that is likely to interfere with the child's education or is harmful to his or her health, his or her mental, spiritual, moral and social development. It covers children between the ages of 5 and 14, for whom working is unlawful, and those above 14, for whom it is permitted.

397. The Government has announced the National Policy and Action Plan to Combat Child Labour which was approved by the Federal Cabinet on 10 May 2000. It is the first formal policy of the Government that emanates from political will and commitment and lays down strategies and action plans, aiming to achieve the ultimate goal of releasing toiling children from the bonds of work strains. The Plan provides a comprehensive programme for the rehabilitation of working children through education and the learning process in schools. The policy thus pledges investment in children as most valuable human resources for development.

398. To materialize the Plan, the Government has recently established a fund for the education of working children with an initial amount of PRs 100 million. The federal and the provincial governments will contribute a fixed amount to the fund on a yearly basis. Other sources will include contributions and donations from private and public sector organizations and international agencies. An obligation also rests with the Government to take measures for the sustainability of the activities and programmes being carried out under the ILO-IPEC. The creation of the fund along with the National Plan of Action and Policy will enable the Government to discharge this additional responsibility.

399. The labour laws currently enforced in Pakistan provide protection against child labour exploitation and hazardous forms of work. The exploitation of children of permissible age

working long hours and during the night is forbidden under these laws. For example, section 7 of the Employment of Children Act, 1991 (Annex 7, Appendix XVI) lays down the following restrictions to regulate their employment:

No child or adolescent shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishment.

The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has an interval of at least one hour for rest.

The period of work of a child shall be so arranged that, inclusive of the interval for rest, it shall not exceed seven hours, including the time spent in waiting for work on any day.

No child shall be permitted or required to work between 7 p.m. and 8 a.m.

No child shall be required or permitted to work overtime.

No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

400. The creation of the fund along with the National Plan of Action and Policy will enable the Government to discharge this additional responsibility.

401. The Federal Government has framed the rules under the Employment of Children Act, 1991 (Annex 7, Appendix XVI), which are called the Employment of Children Rules 1995. Processes and occupations of a hazardous nature in which the employment of children below 14 years of age is prohibited under the Employment of Children Act, 1991 (Annex 7, Appendix XVI) are listed below:

Processes. Bidi-making, carpet-weaving; cement manufacture, including bagging of cement; cloth-printing, dyeing and weaving; manufacture of matches, explosives and fireworks; mica-cutting and splitting; shellac manufacture; soap manufacture; tanning, wool-cleaning; building and construction industry; manufacture of slate pencils (including packing); manufacture of products from agate; manufacturing process using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.

Occupations. Any occupation connected with transport of passengers, goods or mail by railway; cinder picking, cleaning of an ash pit, or building operation in the railway premises; work in a catering establishment at a railway station involving the movement of a vendor or any other employee of the establishment from one platform to another, or into or out of a moving train; work related to the construction of a railway station, or any work done in close proximity to or between the railway lines; a port authority within the limits of any port; work related to selling of crackers and fireworks in shops with temporary licences.

402. The Factories Act, 1934 (Annex 7, Appendix XXIII) and the West Pakistan Shops and Establishments Ordinance, 1969 (Annex 15) also impose conditions for the regulation of working hours of “adolescents” and “young persons”. The relevant provisions of these laws are reproduced below.

- (a) The West Pakistan Shops and Establishments Ordinance, 1969:
 - (i) Section 20 of the West Pakistan Shops and Establishments Ordinance, 1969, which applies within a municipal limit, forbids requiring or allowing a child to work in any establishment.
 - (ii) No young person (14-18 years) shall be employed in any establishment otherwise than between 9 a.m. and 7 p.m.
 - (iii) No young person shall be required or permitted to work in any establishment in excess of 7 hours a day and 42 hours a week.
- (b) The Factories Act, 1934:
 - (i) Section 50 forbids allowing a child to work in any factory.
 - (ii) No adolescent (who has completed his 14th year but has not completed his 18th year of age) shall be allowed to work in any factory unless:
 - Certificate of fitness granted to him by the Certifying Surgeon is in the custody of the manager of the factory; and
 - He carries while he is at work a token giving a reference to such certificate.
 - (iii) No child shall be allowed to work for more than five hours in any factory. The hours of work of such a child shall be so arranged that they shall not spread over more than 7½ hours in any day.
 - (iv) No child or adolescent shall be allowed to work in a factory except between 6 a.m. and 7 p.m.

For details see Annex 7, Appendix XXIII.

403. The Children (Pledging of Labour) Act, 1933 (Annex 7, Appendix XIV) provides protection to children against economic exploitation. According to this law every agreement that is designed to pledge the labour of children in any employment in return for any payment or benefit is void.

404. While any form of child labour is abominable, the target areas in the first instance under the Memorandum of Understanding signed by Pakistan and ILO for the progressive elimination of child labour are as follows:

- (a) Child workforce engaged in hazardous occupations;

- (b) Most exploitative forms of child labour and children in bondage; and
- (c) Working children below the age of 12 years.

405. After ratification of the CRC, the Government of Pakistan enacted two laws: the Employment of Children Act, 1991 (Annex 7, Appendix XVI) and the Bonded Labour System (Abolition) Act, 1992 (Annex 17). They provide the following penalties:

The employment of children in contravention of the Employment of Children Act, 1991 (Annex 7, Appendix XVI) is punishable with imprisonment of up to one year or with a fine which may extend to PRs 20,000 or with both.

The punishment for extracting of bonded labour under the Bonded Labour System (Abolition) Act, 1992 (Annex 17) is imprisonment for a term which shall not be less than two years or more than five years or with a fine which shall be less than 50,000 rupees or with both; and out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of not less than 50 rupees for each day for which bonded labour was extracted from him.

ILO-assisted National Labour Survey, 1996/97

406. The survey estimated that there were 40 million children in the country and out of these 8.3 per cent (3.3 million children between the ages of 5 and 14) were economically active practically on a full-time basis. The survey does not concern itself with children between the ages of 14 and 18, because the law fixes the age for employment at 14 years.

407. Children included in the survey are economically active predominantly in the rural areas. In both rural and urban areas, the majority of children who work are boys. Of the 3.3 million children economically active, 73 per cent (2.4 million) are boys and 27 per cent (0.9 million) are girls. Seventy-one per cent of all working children are employed in elementary (unskilled) occupations related to agriculture, sales and services, mining, construction, manufacturing and transport. Nineteen per cent work in craft and related activities. A great majority of the girls (80 per cent) and boys (68 per cent) work on farms or in sales and services. Craft and related trade work absorbs the second largest portion of both female and male workers (19 per cent).

408. The reasons given by parents as to why their children work are: assisting household enterprises (54 per cent of parents), supplementing household income (27 per cent), and the only source for household chores (14 per cent).

409. The survey provides the most comprehensive baseline information on the magnitude and nature of child labour in Pakistan. This survey is likely to be followed by establishment and workplace surveys in specific industries.

Measures to eliminate child labour

410. In addition to the CRC, Pakistan is politically committed to honour international instruments such as the ILO conventions regarding children and forced labour (Nos. 6, 15, 16, 29, 59, 90 and 105) and to pursue the principles laid down in the ILO Minimum Age Convention (No. 138).

411. Pakistan has actively participated in conferences such as the 1995 Copenhagen World Summit on Social Development, the 1996 Beijing World Conference on Women, and the Ninth SAARC Summit, held in Malé in 1997. Decisions taken in these conferences have forward-looking effects in streamlining activities for the provision of rights to children and strengthening the social action network. Under the Malé Declaration of the Ninth SAARC Summit, Pakistan has made a commitment to abolish child labour by the year 2010.

Measures taken by the Government

412. The enforcement machinery has been activated to take prompt action against violators of the law. The laws about child labour in place are being implemented by the provincial governments through their inspection machinery, i.e. labour directorates and labour inspectors. So far, around 23,663 inspections have been carried out by this machinery, which have resulted in 10,632 prosecutions and 2,129 convictions.

413. The issue of child labour has been given due consideration, for the first time, in the planning of targets of the Ninth Five Year Plan (1998-2003). A considerable amount has been proposed to be earmarked to initiate several projects for the elimination of child labour at both the federal and provincial levels.

414. The establishment of the National Information Exchange Forum is being envisaged in the Ministry of Labour, Manpower and Overseas Pakistanis. This forum will come into contact with all NGOs and other agencies involved in the task of eliminating child labour and collect information and exchange with them information regarding the efforts of the Government in this regard. A newsletter is also being proposed to be published to highlight the efforts and concern of the Government and other agencies on the subject. Thus, information about our efforts and the results achieved in the field of child labour would be properly disseminated.

415. The Government has constituted a Workers Welfare Fund (WWF) to provide residential accommodation and other welfare measures for workers and their families. It has been decided to establish 100 higher secondary schools at various labour concentration areas throughout the country. These schools will provide free education to the children of workers.

416. **Pakistan Bait ul Mal.** The NCCWD has initiated a national pilot project for the rehabilitation of children involved in labour. The project is aimed at the withdrawal of children from hazardous employment, the rehabilitation of children through formal education and the development of linkages between community health services and recreational packages. Further, it includes a financial package for the child and family as a compensation for the parents and encouragement for the parents to send their children to school instead of into the workplace. So far, 30 centres have been established; 9 are under process in areas where child labour is concentrated. There is a recurring expenditure of PRs 2.107 million for each centre (PRs 63.210 million for the 30 centres). The enrolment for each centre is 60. At present total enrolment is 1,800.

417. **Open Tech Scheme.** Allama Iqbal Open University has started the Open Tech Scheme, under which auto mechanic courses are being offered. It is envisaged that the Open Tech Scheme will also provide technical education to children working in the fields of manufacturing of footballs, leather goods and surgical instruments to withdraw from child labour. The number of Open Tech centres and their enrolment is as below:

Location	Enrolment	No. of centres
Federal areas (Islamabad, AJK and Rawalpindi)	197	31
Punjab	1 246	167
NWFP	320	22
Sindh	61	11
Baluchistan	67	4

418. **Elimination of child labour in the soccer ball stitching industry.** In February 1997, an Agreement was signed in Atlanta, Georgia, United States of America, between ILO, UNICEF and the Sialkot Chamber of Commerce and Industry (SCCI) to attain the goal of eliminating child labour in the soccer ball stitching industry in Sialkot by the year 2000. The total cost of the project was about US\$ 1.5 million in a joint partnership between the Sialkot Chamber of Commerce, ILO and UNICEF, with the cooperation of Save the Children (UK), Pakistan *Bait ul Mal* and the *Bunyad* Literacy Community Council. The ILO-IPEC funds, amounting to over US\$ 755,700, were provided by the United States Department of Labor. Pakistan *Bait ul Mal* has committed an additional amount of about US\$ 195,000 (PRs 7,780,500) towards the ILO social protection and rehabilitation programme of the project. The UNICEF contribution stands at US\$ 200,000 and SCCI is contributing US\$ 250,000 towards the project's prevention and rehabilitation component. Save the Children (UK) has a commitment of about US\$ 400,000 from the British Department for International Development's bilateral programme funds. The Soccer Industries Council of America (SICA) has provided US\$ 100,000 towards the project, which is still being implemented to achieve its ultimate target.

419. As a token of the commitment of Pakistani workers to the cause of eliminating child labour in Pakistan, the All Pakistan Federation of Trade Unions (APFTU) has announced a token contribution of US\$ 1,000 to the Sialkot project.

420. **Child/bonded labour project.** An ILO-IPEC project funded by the European Commission (EC) and the Government of Pakistan has been designed to combat abusive child labour through prevention, withdrawal and rehabilitation. Programme components include a focus on direct action with target groups, i.e. children, parents, employers and communities, as well as institutional development of key governmental and non-governmental agencies and organizations dealing with labour and child rights. The EC will contribute over US\$ 1.2 million and the Government of Pakistan will contribute more than US\$ 650,000 to this project through Pakistan *Bait ul Mal*. The ILO contribution will be US\$ 200,000. UNICEF has made a commitment to provide furniture and reading/writing material for this project. The project was formally launched in 1998.

421. **Surgical instruments project.** The National Steering Committee on the Elimination of Child Labour constituted under the Ministry of Labour, Manpower and Overseas Pakistanis, requested donors and NGOs to launch more programmes for rehabilitation of working children. ILO-IPEC has coordinated the initiative of launching a programme to eliminate hazardous and exploitative child labour in surgical instruments manufacturing in Sialkot through prevention, withdrawal and rehabilitation. The IPEC programme has committed US\$ 300,000 at the initiative of Italian Social Partners of ILO and UNICEF for the Elimination of Child Labour in Bangladesh, Nepal and Pakistan. The programme aims to involve employers' and workers' organizations.

422. **NGOs' statement on elimination of child labour.** The NCCWD and ILO-IPEC programmes have jointly worked on a project of "Development of NGOs' statement on policy and plan of action to eliminate child labour and protection of working children" to complement the Government's policy. Workshops were organized at divisional, provincial and national levels, wherein about 600 concerned NGOs participated. Consequently, a National Policy and Action Plan to combat child labour has been announced by the Government.

423. **Child Care Foundation.** A national NGO, Child Care Foundation (CCF), has been established. An agreement has been signed with UNICEF and ILO for financing the CCF. The CCF aims at establishing and maintaining an indigenous monitoring system for the progressive elimination, rehabilitation and prevention of child labour in the production of exportable goods and services, ensuring that all actions are in the best interest of the child. The CCF will improve conditions of child labour and will work for the withdrawal of child labour from hazardous occupations and the elimination of all forms of child labour by the year 2010. The main feature of the monitoring system is to convert child labour into child work (focusing on the work environment and conditions) and to prevent children from engaging in labour. Specific objectives of the CCF include the following:

- (i) Withdraw and rehabilitate (as prescribed in CRC) children in workplaces other than homes. Also ensure protection to all children from entering the labour force in workplaces.
- (ii) Ensure protection to all children from entering the labour force in all workplaces, including homes.
- (iii) Withdraw and rehabilitate, within the context of CRC, all child labourers from hazardous and exploitative labour at all workplaces, including homes, by the year 2000.
- (iv) Withdraw children from all forms of work and rehabilitate working children by the end of 2010 (in line with SAARC goals).

424. It is envisaged that the CCF will achieve gradual withdrawal of child labour from various trades in the near future and approximately 30,000 child workers will benefit from this programme. Seed money of PRs 20 million has been allocated to the CCF to start its activities.

425. **Saga Sports.** Another significant development in the private sector has been the establishment of a joint venture between a leading sports goods firm of Pakistan and of the United States of America, namely Saga Sport of Sialkot and NIKE OF USA for the gradual elimination of child labour from their production units by setting up football stitching centres allowing adult labour only. The first such centre has already become operational in November 1996 and 10 other centres are expected to be set up by the end of 1998.

426. **Carpet Manufacturing Association.** The Carpet Manufacturing Association has also established six centres in four districts where child labour is concentrated:

<u>Location</u>	<u>District</u>	<u>Year of establishment</u>
Village Sharifabad	Lahore	1997
Village Kalokey	Sheikhupura	1995
Village Waran	Sheikhupura	1997
Village Kalakey	Hafizabad	1995
Village Mandi	Hafizabad	1997
Village Talwandi	Norowal	1997

The total enrolment in these centres is 600. The Carpet Manufacturing Association has also constructed a high school at Sangla Hill district, Sheikhupura. The school will be started in a couple of months.

NGO initiative

427. The Government cannot resolve such a social grievance without collaborating with NGOs. The contribution of NGOs remains pivotal in this regard. They help in sensitizing communities about social problems and enhance their capacity, understanding and participation. NGOs have also initiated similar projects. Notable initiatives are as below:

NGOs	No. of centres	Location	Year established	Enrolment per centre	Staff/centre	Expenditure per centre/month
Sudhar	4	Qasur	1995-1996	155	8	PRs 330 000/month
PILER	18	Karachi	1993-1997	70	2	PRs 9 500/month
Pakistan Paediatric Association	10	Peshawar	1995	25	1	PRs 3 500/month
Working Women's Association	2	Islamabad	1992-1995	50-60	2	PRs 45 000/month

Future initiatives and difficulties

428. The child labour problem is multidimensional. If laws are strictly implemented, there is a likelihood of dislocation of children from an activity which is, in some way, helpful in providing a source of income. The Government and families find it hard to integrate the child worker population into mainstream education owing to resource constraints.

429. Uniform legislation to control child labour in all economic activities, full measures for compulsory primary education, population control, socio-economic development of poor families, integrated social action programmes for the overall welfare and prosperity of society are some of the measures that can contribute towards the elimination of child labour.

2. Drug abuse (art. 33)

430. Drug abuse is assuming alarming proportions in Pakistan. It is estimated that there are about 3 million drug addicts in Pakistan, more than 30 per cent of them under the age of 20. The number of children using drugs is on the increase. Having realized this fact, the NCCWD has prepared a plan of action with UNICEF, giving importance to this issue. The NCCWD plans to conduct research study with focus on the use of drugs by children. The issue will also be covered by the Expert Committee on Social Welfare and Protection Rights. The measures adopted to address this problem are given below.

431. The following is a brief overview of the procedure and agencies directly involved in the development and implementation of anti-drug policies in Pakistan.

(a) *The Narcotics Control Division, Ministry of the Interior*, was created in 1989. It has direct responsibility for overseeing the implementation of various international treaties and conventions and laws of the country concerning drug abuse. It also sponsors anti-narcotics programmes and projects.

(b) *Three categories of federal and provincial agencies*. The anti-drug law enforcing agencies fall under three categories, i.e. federal, provincial and tribal areas. These agencies are:

- (i) Narcotics Control Division, Ministry of the Interior;
- (ii) Ministry of Finance;
- (iii) Ministry of Defence;
- (iv) Ministry of States and Frontier Regions.

There are two separate organizations under each of the provincial governments, i.e. the police and the provincial excise department.

(c) *The establishment of the Anti-Narcotics Force (ANF).* The Government, acutely aware of the inadequacy of drug enforcement machinery in Pakistan, ordered, in 1994, the merging of PNCB and ANTF under one unified command of a serving army general. The underlying idea was to make it a more effective and all-encompassing force with enhanced drug interdiction capabilities to counter the influence of narcotics traffickers in Pakistani society through forfeiture of their assets and better prosecution.

(d) *Charter of duties of ANF.* The charter of duties of the new organization is summarized hereunder:

- (i) Inquire into, investigate and prosecute all offences related to, or concerned with, preparation, production, manufacture, transportation, trafficking or smuggling of intoxicants, narcotics and chemical precursors of reagents.
- (ii) Inquire/investigate into assets of drug abuse.
- (iii) Provide assistance and advice to enforcement agencies on all matters in the field of narcotics and collect information from all national and international agencies about illicit traffic and traffickers, and exchange relevant intelligence with such organizations directly and through international channels and coordinate efforts of all such agencies/departments in the field of enforcement of all drug-related crimes.
- (iv) Maintain liaison with the International Narcotics Control Board, United Nations Drug Control Programme (UNDCP), the Narcotics Affairs Section, Drug Enforcement Agency, drug liaison officers, other national and international organizations, associations, bodies and societies and represent the country in the deliberations of all such organizations in the field of enforcement of all drug-related matters.
- (v) Arrange and coordinate training of its own staff and members of other enforcement agencies in various aspects of narcotics enforcement.
- (vi) Assist and execute projects and schemes for the elimination/destruction of poppy cultivation and the elimination of the production of narcotics and dangerous drugs for other than medical and scientific use, in collaboration with other federal and provincial agencies and forces.
- (vii) Other related functions.

(e) *Organizational structure.* The ANF is headed by a Director-General, assisted by one Deputy Director-General and five Directors looking after the following areas of responsibility: assets investigation; legal matters; coordination; intelligence; enforcement, planning, development and training; logistics and administration; and demand reduction of awareness programmes.

(f) *Anti-Narcotics Force (ANF).* The Planning and Development Department Directorate of Demand Reduction, under ANF, has been given the responsibility of mounting awareness campaigns, particularly for school-based programmes.

(g) *International Drug Demand Reduction Programme (IDDRP).* It is a UNDCP-funded five-year programme with a budget of \$3.8 million. It was established in 1991 under ANF. Its work in the provinces is coordinated through agreements. IDDRP has been functioning as an integral part of Pakistan's five-year master plan for drug control by developing a training package. It has initiated some innovative projects, particularly in creating alternative channels of healthy activities under Community Action Projects (CAP). They are basically small grant programmes, supported by UNDCP. The target population is the youth of the country and the activities supported by the programme include youth sports, seminars, cultural shows against drugs, and recreational and creative initiatives, such as drama, poetry recitation, singing competitions, etc. Altogether 173 organizations were provided with grants of PRs 5,000 each for their activities. It is estimated that about 33,400 young people were directly involved in or benefited from the activities under CAP. The Government of Pakistan has included CAP as an element of demand reduction programmes for implementation in the draft master plan document for 1997-2002. In the interim period, the Drug Abuse Prevention Resource Centre (DAPRC) and ANF have taken up CAP as one feature of their support to NGOs in promoting public awareness and action to prevent drug use. IDDRP, in addition to CAP, has initiated a programme for the training of a Community Intervention Team. A five-year Drug Abuse Master Plan is currently under implementation. The project is aimed at poppy substitution in the poppy growing areas in the NWFP. During 1999/2000, a mass awareness programme with allocation of PRs 4 million has been launched through the use of radio, newspapers and pamphlets to inform and alert the general public of the necessity for community awareness and action. A community participation project for drug demand reduction, costing PRs 5 million, has been initiated. A "rapid situation assessment" project on drug abuse has also been signed with UNDCP. A three-year programme mainly aimed at strengthening the drug law enforcement agencies has been commenced and punitive actions have been taken against drug traffickers.

(h) *Drug Abuse Prevention Resource Centre (DAPRC).* Established in 1985 (Islamabad), this centre has been functioning mainly as a library and documentation centre for the centralization and dissemination of data and information about drugs and their abuse. It has published a number of pamphlets, posters and some research reports. It is in the process of collecting and cataloguing publications on the subject from all parts of the country. It is

estimated that at present there are around 376 NGOs in the country which are actively involved in demand reduction activities. Coordination in this respect is the responsibility of DAPRC. It seems that it has yet to take up this challenge in the manner that the situation demands. It is being supported by the Commission of the European Communities, in Islamabad. The original total cost is PRs 84 million. The objectives include: (i) dissemination of information; (ii) research; (iii) training programmes for target groups, including children; (iv) outreach activities; (v) material for awareness campaigns; and (vi) collection of reference material.

432. **Sources of funding.** Funds to sustain the multifarious activities against drug abuse are drawn from local and international sources. Some of the major sources are the following:

An allocation of PRs 3,322 million had been earmarked in the 8th Five Year Plan (1993-1998) for the control of drug abuse. (Updated information may be provided.)

Contributions are also received from UNDP and the European Union, but these amounts are not sufficient to make up the shortfall and enable the agencies to deal with the situation.

Bilateral arrangements with the United States of America under United States policy initiatives, provide a \$2.6 million programme to counter narcotics activities in Pakistan.

Public awareness and focus on drug abuse in the private sector

433. After the promulgation of the Prohibition Order of 1979, the bulk of treatment facilities were provided by the public sector at government hospitals. Soon private clinics and rehabilitation centres became part of the new set-up. A large number of addicts, guided by their families, went from one system to another with no guarantee of cure. The relapse rate was high.

434. In the area of public awareness, the NGOs' contribution remained confined to seminars, workshops, public rallies and walks sponsored by national and international agencies. Gradually, the media also started playing its role in the campaign against drug abuse.

435. **Awareness campaign reports and surveys.** According to a DAPRC report of June 1996, an overwhelming space was given to topics concerning law enforcement. Out of a total of 804 news items, 350 pertain to law enforcement on drug control. The second topic on the list "drug mafia", also belongs to the same category. The third place was given to government policies.

436. An EC/DAPRC report on Drug Demand Reduction Activities in Pakistan (January 1996) provides some details of the contribution of the private sector and NGOs in dealing with the problem of drug abuse. The report is based on information gathered from 376 organizations. Of

these, 184 were dedicated to treatment issues and 159 were exclusively working on primary prevention, while 33 were involved in both. It is interesting to note that organizations dealing with primary prevention are all NGOs, with DAPRC being the only exception. In treatment, the private sector represents a higher percentage. Salient features of the services are as follows:

Only 23 per cent of the organizations are working in the rural areas;

After-care services are claimed by 76 centres, but full details are not available;

There are only four heroin-specific treatment centres; the rest are for polydrug treatment;

135 of the NGOs collaborated with educational institutions;

Most of the activities of NGOs claiming primary prevention consist of lectures, debates, essay writing, drama, music, walks, rallies, religious activities, meditation and workplace visits;

The report recommended that the curricula for formal education on drug abuse be defined and introduced as an elective subject at the universities.

437. Another national survey of organizations providing drug treatment and rehabilitation services was conducted by an Islamabad-based NGO, Working Against Drug Abuse (WADA), for ILO and IDDRP, in August/September 1994. The survey covered 181 organizations. They were divided into three types: private clinics (47 per cent); government hospitals (42 per cent); and NGOs (11 per cent). The salient features of the survey report are:

80 per cent of the organizations surveyed provide private inpatient care;

68 per cent provide outpatient care (there is an overlap);

In 61 per cent of the organizations, the head of the facility had no special training; of the remaining organizations, 95 per cent had medical doctors on the staff; some utilized the services of former addicts for staff duties (11 per cent);

Although individual counselling, family therapy and group therapy were mentioned as part of the regular programmes, there was no psychologist or social worker on the staff of the organizations;

Only 16 per cent of the organizations provided vocational assessment;

60 per cent of the organizations charged fees; 43 per cent received funds from the Government.

438. **Role of NGOs in drug demand reduction.** For the last few years, many efforts have been made in the nation's struggle against drug abuse. One of the most important has been the emergence and establishment of grass-roots non-governmental organizations across the country dedicated to creating a drug-free life for the people within their communities, in parallel to governmental efforts.

439. The Drug Abuse Prevention Resource Centre is coordinating efforts of NGOs in the field of drug demand reduction all over the country. The current CEC-funded project has contributed a great deal towards supporting NGOs in terms of technical guidance and provision of information and awareness material. The next step of the project is to provide financial support to selected NGOs for carrying out community-level drug demand reduction activities. Two hundred proposals have been submitted by NGOs from all over the country and financial assistance will be provided to them after evaluation of the proposals.

440. Information collected by the project through an organizational pro forma reveals that there are 489 NGOs actively involved in drug demand reduction. Out of these 50 are providing treatment and rehabilitation services for drug addicts, whereas others are mainly working for creation of awareness regarding the hazards of drug abuse. These NGOs are part of the network established by DAPRC through various training programmes, seminars and forums and are in regular receipt of printed material and a bi-monthly newsletter.

3. Sexual exploitation and sexual abuse (art. 34)

441. The NCCWD has taken a number of initiatives. For example, the Expert Committee on Social Welfare and Protection Rights has a subgroup on child sexual exploitation and abuse. Moreover, a plan of action is being signed with ILO on combating child trafficking and child sexual exploitation. The plan will also address children involved in other forms of exploitation.

D. Children belonging to a minority or indigenous group (art. 30)

442. The status of "minority" is officially accorded only to non-Muslim communities in Pakistan. The separate identity of tribal communities is given recognition in constitutional and legal provisions for the administration of tribal areas and in the non-application of the general laws to these areas. There are no legal or constitutional arrangements that recognize language, ethnicity or race as grounds of discrimination in the exercise of fundamental rights.

1. Religious minorities

443. Pakistan is a Muslim majority State, with a small non-Muslim population. The major non-Muslim communities in Pakistan are Christians, Parsis, Hindus, Sikhs and Ahmedis. The Constitution guarantees non-discrimination against minorities and declares the protection of their legitimate rights and interests as a principle of policy.

444. The participation of minorities in the federal and provincial legislatures is ensured through a system of separate electorates. It is a form of affirmative action. The separate electoral system was initiated during British times. In 1906 a group of Muslim leaders met the then British Viceroy in India and communicated to him their concern that in a direct electoral exercise the Muslims of British India would be submerged in the Hindu majority. A mechanism was therefore needed to ensure adequate representation of all segments of the British Indian society in the limited legislature the colonizing power was considering establishing. The system of separate electorates was thus conceived. Under that system the different communities elected their own representatives to the legislatures. This system served the Muslims of British India well, as it allowed Muslims to have a voice in the legislature. After the creation of Pakistan it was felt that without separate electorates for the minorities they would have no representation in the legislatures, federal or provincial. To ensure that there was always an adequate number of representatives of the minority communities in the policy-making organs, the system of separate electorates, which had served the Muslims of British India so well, was instituted for the minorities. Otherwise, the minorities would be unlikely to have representation in any legislature.

Freedom to profess their religion

445. The Constitution provides for the freedom of minorities to freely profess their religion and develop their culture. There are no legal restrictions on the freedom of worship. Places of worship are allowed to be constructed and religious rituals are not barred by the law, unless these are contrary to morality or public order.

446. The right of each religious community to establish, maintain and manage its religious institutions is protected by article 20 of the Constitution.

447. Special programmes for minority children are under way to improve their marginalized status or to develop culture linked to the different religions, other than Islam. Cultural activities for minorities are also undertaken to observe religious festivals at home, for which holidays are granted.

2. Tribal population

448. Pakistan's tribal population is concentrated in the North-West Frontier Province and Baluchistan. The tribal people are not distinct racially, ethnically, linguistically or on religious grounds and draw their tribal identity from their territorial location. The tribal population is almost totally Muslim by religion.

IX. ADDITIONAL RESPONSES

Observation 1

What new legislation had been enacted with regard to the Convention and with reference to the National Plan of Action which was prepared two years ago?

Response

The following legislation has been enacted and drafted in the light of CRC:

(a) Juvenile Justice System Ordinance, 2000 has been promulgated in Pakistan. The law bans the death penalty for any person below the age of 18 years.

(b) Compulsory education acts have been promulgated in the Province of Punjab during 1995/96; the NWFP is expected to do the same in the near future. The rest of the provinces are also working on similar legislation.

(c) In the area of health, various legislation has been drafted, including:

(i) Iodine Deficiency Disorders Control Bill;

(ii) Micronutrient Control Bill;

(iii) Legislation pertaining to maternity benefits is being drafted;

(iv) Protection of Breast Feeding and Young Child Nutrition Bill;

(v) Amendments have been made to the Pakistan Juvenile Smoking Ordinance 1959;

(vi) Pure Food (Amendment of Pure Food Ordinance No. VII 1960) Fortification Bill.

(d) The sentence of whipping has been abolished for all types of crime, by the Abolition of the Punishment of Whipping Act (Act VII of 1996).

(e) A tribunal for disadvantaged persons has been constituted to deal with violations against disadvantaged persons, including women and children.

(f) National expert committees on priority areas have been constituted. Detail regarding priority areas is given in chapter I, section 1.1.3. The prime objective of these committees is to review legislation in the light of CRC, propose amendments or draft new legislation where required. In addition, they also consolidate programmes and plans to accelerate the pace of implementation of CRC.

(g) The Government has announced a National Policy and Action Plan to Combat Child Labour.

(h) The National Commission on the Status of Women has been set up.

Observation 2

To what extent has the National Action Plan been implemented?

Response

The National Plan is being implemented in phases. However, the Planning Commission has widened the scope of the plan and priorities are being redetermined. The Government has reconstituted the Inter-Ministry/Province Committee on the National Programme of Action for Children. The terms of reference of this Committee are as follows:

- (i) Review programmes and policies in the special education, health, local government and social welfare sectors in the light of the World Declaration on the Survival, Protection, and Development of Children in the 1990s and CRC;
- (ii) Identify gaps and draft a national plan of action for children containing measurable targets;
- (iii) Allocate funds;
- (iv) Monitor the progress and achievement of targets.

Observation 3

What tangible results, if any, have been achieved so far with respect to the National Plan of Action? (Statistics and data to be provided to the members of the Committee.)

Response

For details please see chapter VI, tables 3 to 7; chapter VII, table 18.

Observation 4

What is the level of coordination between the provincial and federal set-ups with regard to the implementation of CRC?

Response

The task of implementing CRC was assigned to NCCWD. Its chapters were established in the four provinces and in Azad Jammu and Kashmir (AJK). A Cell on Child Rights has also been established for the Federally Administered Northern Areas (FANA). Efforts are being made to open a branch of the Provincial Commission in the Federally Administered Tribal Areas (FATA).

The National Commission and the provincial commissions are responsible for monitoring progress and coordinating with line ministries, departments and NGOs for implementation of the Convention. The Government has decided to grant the Commission statutory status. A bill to establish the Pakistan Commission for the Welfare and Protection of the Rights of the Child has been submitted in the Senate. The new Commission with its autonomous status will effectively coordinate the welfare and development of children at the national level and oversee the implementation of CRC in the country.

In order to enhance and streamline coordination between the federal and provincial departments, a District Based Monitoring System (DBMS) has been introduced. The system has been developed with the aim of collecting information from the grass roots at the district and community levels in all districts of Pakistan.

A network for the flow of information at the district level is also being developed. This entails the assignment of responsibility to the Provincial Commissions for Child Welfare and Development (PCCWDs).

Observation 5

The Committee expressed satisfaction over legislation, like the Bonded Labour (Abolition) Act 1992 (Annex 17), but asked if concrete steps have been taken for the establishment and the strengthening of administrative mechanisms to implement the Convention.

Response

Efforts are being made for the implementation of the law and its strict observance. The rules required to implement the law have now been framed. The Government has constituted vigilance committees at the district level to combat the phenomenon of bonded labour. The committees are chaired by the deputy commissioner of the district with representatives from the police, the judiciary, the bar, the municipal authorities, etc., as members. At the recommendation of the ILO Conference Committee on Standards, membership of the vigilance committees was expanded to include representatives of the trade unions and employers' associations. Membership has also been extended to NGOs. The Federal Government has also established a PRs 100 million "Fund for the education of working children and rehabilitation of freed bonded labourers".

Observation 6

What is the time frame within which the Government of Pakistan will implement the Convention?

Response

It is a continuing process.

Observation 7

A response by the Government of Pakistan stated that education was not compulsory in Pakistan. Why is education not compulsory when the literacy rate is so low?

Response

The major reason for the absence of compulsory education has been resource constraints. The provinces of Punjab and NWFP have made laws for compulsory education and the other provinces are in the process of doing so.

Observation 8

What practical measures have been taken to change the attitude of society regarding discrimination against women and the girl child?

Response

The Ministry of Women Development has been established on a fully-fledged basis to look after the interests of women and the girl child. Departments have also been opened in four provinces. Organizing workshops, seminars and conferences on the issue of women in development is a regular activity of the ministry. Besides, awareness campaigns are being implemented through the All Pakistan Women Association (APWA), Girl Guides Association, *Aurat* Foundation, Human Rights Commission of Pakistan (HRCP), Democratic Commission for Human Development (DCHD), Lahore and many other NGOs. First Women Bank has also been established to accelerate women participation in economic activity. A major step in this direction was the constitution of a Commission for Women. This Commission has now submitted its report and has made a number of important recommendations. Significant among these is representation of women in the legislature with up to 33 per cent as well as recommendations for the repeal of discriminatory laws.

Observation 9

What laws exist with regard to putting a limit on the payment of dowry and regarding the maintenance of a child in the case of divorce or separation between parents?

Response

There is only one law regarding putting limits on the payment of dowry and that is the Dowry and Bridal Gift (Restriction) Act 1976 (Annex 45). Regarding the maintenance of a child in the case of divorce or separation between parents, the family courts observe the best interest of the child.

Observation 10

Request for provision of specific laws, the status of their implementation and other related acts and figures.

Response

Laws have been annexed to the report. Most of the laws have been enforced. In certain cases rules are being framed to facilitate implementation. The existing laws are under review for improvement. Figures have also been given in the relevant chapters.

Observation 11

What is the present status of the family planning programme in Pakistan? How much success has it achieved? What targets have been set for the next few years?

Response

The population objectives of the 8th Five Year Plan (1993-1998) are:

- (i) To raise the contraceptive prevalence rate from 14 to 24 per cent;
- (ii) To reduce the total fertility rate from 5.9 to 5.4 per cent;
- (iii) To reduce the level of the crude birth rate from 39 per 1,000 to 35 per 1,000;
- (iv) To reduce the population growth rate from 2.9 to 2.5 per cent by the year 2000.

In the 8th Five Year Plan (1993-1998) the Ministry of Population Welfare has launched a new media campaign to reinforce family planning messages through radio, television, press and print media and by influencing the attitudes of local leaders. The Government has requested support in achieving these objectives from UNFPA.

According to a National Institute of Population Studies (NIPS) survey (1999/2000) the contraceptive prevalence rate has increased to 30 per cent.

According to the Economic Survey 1999-2000, the crude birth rate (per 1,000) was 33.8 in 1997 and in 1995/96, it was 35.9 (per 1,000).

According to the Economic Survey 1999/2000, the annual population increase dropped to 2.4 per cent per annum by mid-1998.

The target set for the 9th Five Year Plan (1999-2003) is to reduce the population growth rate from 2.6 to 1.7 per cent.

Observation 12

What mechanics have been developed, and what specific programmes have been implemented, with regard to disabled children? How many institutions for them exist in the country? What is the total number of students enrolled in such institutions? What practical measures have been taken by the Government to implement the recommendations of UNICEF (included in the 1992 UNICEF situation analysis of children and women in Pakistan)?

Response

The detailed mechanism is given in chapter VI, section B.1. Information regarding disabled children is provided in the following table:

Area/region	Hearing impaired			Mentally retarded			Physically handicapped			Visually impaired			Multiple disabled			Total
	FG*	PG**	NGOs	FG*	PG**	NGOs	FG*	PG**	NGOs	FG*	PG**	NGOs	FG*	PG**	NGOs	
Islamabad																
Centres	2		1	2			1			1			4		2	13
Children	166		166	135		35	68			60					322	952
Teachers	18		7	17		8	13			10					19	92
Punjab																
Centres	6	25	14	5	2	11	4	3	9	5	14	14	1	8	14	135
Children	666	3 596	1 436	265	80	1 035	214	191	300	263	498	436		129	1 407	10 516
Teachers	70	323	159	24	8	129	21	19	78	24	119	62		14	104	1 159
Sindh																
Centres	1	2	6	2		8	2		3	3	1	8	1	13	9	59
Children	68	146	828	121		406	88		70	175	137	283		531	1 484	4 337
Teachers	7	16	108	5		39	7		5	15	20	25		60	149	456
Baluchistan																
Centres	1	1	2	1	1		1	1	2		1	1			1	12
Children	32	78	94	42	57		72	70	26		71	5			10	557
Teachers	1	7	12	1	6		8	7	9		7	1			3	62
NWFP																
Centres	2	9	5	2	1	2	2		9	2	7	6		3	5	55
Children	92	466	163	93	177	256	115		91	64	51	66			134	1 883
Teachers	12	49	15	7	20	17	10		7	3	36	10			18	202
FANA																
Centres	1		1						4						1	7
Children	30		30						117						83	260
Teachers	2		2						3						6	13
AJK																
Centres							1									1
Children							19									19
Teachers							2									2
Total																
Centres																282
Children																18 524
Teachers																1 985

Source: Directory Compiled by National Institute of Special Education (DGSE).

* FG = Federal Government.

** PG = Provincial government.

Observation 13

What is the percentage of children among the 4.9 million disabled people mentioned in the report? (Separate percentages for mentally retarded children and the disabled girl child are to be provided.)

Response

At present the estimated number of the special population aged 0-18 is 6.414 million, out of which estimates show that 1.421 million (22.15 per cent) are visually impaired, 1.421 million (22.15 per cent) are mentally retarded, 0.73 million (11.38 per cent) hearing impaired and 2.842 million (44.32 per cent) are physically handicapped. Approximately 50 per cent of the total disabled population for the age group mentioned herein is comprised of girl children.

Observation 14

What is the actual budget allocation to the health sector at both the federal and provincial levels? How is this percentage of the budget divided at both levels?

Response

The national health budget allocation for the year 1997/98 was 19,664 million and for the year 1998/99 it was PRs 20,808 million.

Observation 15

What incentives have been given to medical doctors to go to the rural areas?

Response

Special allowances and residences are provided to doctors who serve in the rural areas.

Observation 16

What practical measures have been taken to raise the status of teachers in society or to make teaching attractive as a job in the country?

Response

(Response missing)

Observation 17

Are there any professional training schools for teachers and for teachers of disabled children? What steps have been taken by the Government in this regard?

Response

Training institutes for teachers are run by the following ministries/sections at the federal level:

- (i) Ministry of Education (Curriculum Wing);
- (ii) University Grants Commission;
- (iii) Federal Training College for Teachers, Islamabad;
- (iv) Prime Minister's Literacy Commission;
- (v) Allama Iqbal Open University.

In the provinces, universities and colleges impart training to teachers as part of the degree in education.

NGOs have also participated in this activity. Eminent NGOs include the Teachers Resource Centre, Karachi, the Agha Khan Rural Support Programme and the National Rural Support Programme.

In the area of disabled children, at the federal level Allama Iqbal Open University (Department of Special Education) and the National Institute of Special Education (NISE) impart training for teachers to teach special children. At the provincial level, the following institutions provide teacher training facilities for teaching the disabled children:

- (i) University of the Punjab (Department of Special Education);
- (ii) University of Karachi (Department of Special Education);
- (iii) University of Sindh, Jamshoro (Department of Special Education).

NGOs like the Deaf Education and Welfare Association (DEWA), Karachi, and Training of Teachers for Deaf Children (Gung Mahal, Lahore) also actively participate in training teachers to teach disabled children.

Observation 18

What law protects the legal practices in the country?

Response

The Constitution of the Islamic Republic of Pakistan and the Bar Councils.

Observation 19

What monitoring mechanisms have been introduced by the Federal Government to monitor the implementation of the Convention on the Rights of the Child at the federal and the provincial levels?

Response

This question has been answered above.

Observation 20

What use has been made of the \$1 billion funding for primary education in Pakistan which is referred to in the UNICEF report of 1992? What results have been achieved? How many schools have been opened with this money?

Response

Neither the Ministry of Education nor UNICEF have any knowledge of the above-mentioned funding. If the Committee recalls any other reference, the Government of Pakistan would be able to explain it.

Observation 21

The 1984 law of evidence is discriminatory against women. What efforts have been taken to abrogate this discriminatory law?

Response

The Government has set up a National Commission on the Status of Women to take up these issues. The National Commission will review all laws, rules and regulations affecting the status and rights of women and suggest repeal, amendment or new legislation essential to eliminate discrimination, safeguard and promote the interests of women and achieve gender equality in accordance with the Constitution and obligations under international covenants and commitments. The Inquiry Commission for Women has presented its report on the matter. The Government is reviewing it in the light of the recommendation of the Commission.

Observation 22

As a result of the adoption of the 1992 Bonded Labour (Abolition) Act, (Annex 17), how many persons were released from labour camps? How many of them were children?

Response

The figures for 1999-2000 are as follows:

	<u>No. of raids</u>	<u>Labour recovered</u>
Punjab	657	204
Sindh	47	567
NWFP	Raids done but	None
Baluchistan	number of raids not available	None

Observation 23

If pre-marital and extra-marital sex is prohibited, how is a distinction made between adultery and rape? If the difference is the element of consent, then it should be included in the concerned legislation.

Response

The Government is reviewing the report of the Inquiry Commission for Women in this regard.

Observation 24

A clarification is required with regard to the Child Marriage Restraint Act 1929 (Annex 7, Appendix XVII) (mentioned on page 11 of the Government's response to specific questions of the Committee), as to whether the punishment is for persons under the ages of 18 and 16 who get married or for the persons who arrange the marriages in such cases.

Response

The persons who arrange the marriages or facilitate them are punished.

Observation 25

Can children under 18 be sentenced to death in Pakistan and, if so, are there any cases where the death sentence had been carried out in Pakistan?

Response

No information is available for any death sentence having being carried out with respect to children under the age of 18 years. Moreover, the Juvenile Justice System Ordinance 2000, recently promulgated in Pakistan, imposes an absolute ban on the death sentence for persons under the age of 18 years.

Observation 26

What mechanisms have been established by the Government to implement the various acts and laws mentioned in paragraph 5 (c), page 11, of the Government's responses to specific questions of the Committee?

Response

This relates to the Bonded Labour System (Abolition) Act (1992). Appropriate rules have been made for implementation of these laws and acts, and they are fully enforced by the provincial governments.

Observation 27

What are the detailed data with regard to cases of children in jails/police custody?

Response

The available data on children detained in jails in the four provinces are as follows:

Juvenile inmates in jails, Punjab (1996)

Ages of children in custody range from 12 years to 18 years		
Jail	Under trial	Convicted
Central Jail, Sahiwal	41	3
New Central Jail, Multan	68	4
B.I.& J. Jail, Bahawalpur	54	33
Central Jail, Mianwali	53	3
New Central Jail, Bahawalpur		
Central Jail, Faisalabad		
Central Jail, Lahore	56	
Central Jail, Rawalpindi	74	2
Central Jail, Dera Ghazi Khan	68	
Central Jail, Gujranwala	79	
District Jail, Lahore	91	
District Jail, Multan	33	1
District Jail, Faisalabad	42	
District Jail, Sialkot	39	1
District Jail, Jhang	90	1
District Jail, Sargodha	28	1
District Jail, Muzaffargarh	26	
District Jail, Sheikhpura	83	
District Jail, Rajanpur	5	
District Jail, Kasur	39	2
District Jail, Rahim Yar Khan	26	
District Jail, Bahawalnagar	17	3
District Jail, Shahpur	22	
District Jail, Jhelum	16	3
District Jail, Attock	30	7
District Jail, Gujrat	22	1
District Jail, Multan	3	1
District Jail, Mandi Bahauddin	33	7

Source: Inspectorate of Prisons, Lahore (Punjab).

Inmates in juvenile jails, Karachi

Ages of children in custody range from 12 years to 18 years			
	Male	Female	Total
Under Trial	763	79	842
Convicted	26	19	45
Detinue	15	7	22
Total	804	105	908

Source: Superintendent, Juvenile Jail, Karachi.

Juvenile inmates in jails, NWFP

Sentencing Court	Convicted
APA/ADM Bara	19
APA/ADM Miranshah	3
APA/ADM Wana	1
APA/ADM Parachanar	6
Haripur	19

Source: Inspectorate of Prisons, NWFP.

Juvenile inmates in jails, Baluchistan

Ages of children in custody range from 12 years to 18 years		
Jail	Under trial	Convicted
Central Jail, Moch	-	3
District Jail, Quetta	28	2
Central Jail, Mastung	1	-
District Jail, Sibi	5	-
District Jail, Dera Murad Jamali	2	-
District Jail, Khuzdar	6	-
District Jail, Bela	1	-
District Jail, Loralai	2	-
District Jail, Zhob	4	-

Source: Inspector General of Prisons Quetta, Baluchistan.

Response to Observation 28

There is no complication and confusion regarding legal procedure in the country and the Supreme Court is the final authority regarding laws.

Observation 29

What is the significance of having 12 years as the upper age limit to be accepted by courts for the imposition of punishment for the abandonment of children? Is it just an arbitrary figure or has it some connection with shariah law?

Response

This was the age prescribed by the Pakistan Penal Code (PPC) enforced in 1860 as a part of English Common Law in British India. The Penal Code has been changed since then. This has no relevance to shariah.

Observation 30

Why have only the provincial governments of Punjab and Sindh enacted ordinances or acts with regard to child welfare and not the other two provinces? What mechanisms has the Federal Government introduced to get the other two provinces to enact similar legislation? And if one provincial government decides not to enact similar legislation, what is the mechanism that the Federal Government will employ to let provisions of the Convention on the Rights of the Child be implemented in that particular province in order to keep equal standards for children in the country? If one province has enacted legislation concerning the rights of the child in a particular year and another province decides to do it 10 years later, how does the Federal Government ensure that the gap between the children of the two provinces in enjoying the rights given to them in the Convention is covered appropriately?

Response

NCCWD is convincing the other two provinces to enact law on the welfare and rights of the child on the line of that adopted in Punjab. So far legislation with regard to prisons has been understood to be within the exclusive domain of provinces, whereas, the Federal Government can legislate in the area of juvenile justice. Efforts are being made to legislate a uniform juvenile justice act applicable to all four provinces. This is being done at the federal level.

Observation 31

The report only mentions the Afghan and Bosnian refugee children. What about the children from some other countries, like Iraq, Somalia and Iran, who have not been given the status of refugee children? How many such children are there? What arrangements have been made for the Bosnian children to be in contact with their families?

Response

The Bosnian children numbering 110 have left. For details see chapter VIII, section A.1 (Refugee children).

Observation 32

What is the status of the Programme of Action that was adopted in the November 1992 meeting in Islamabad? What percentage of it has been implemented in concrete terms? What practical measures have been taken for it to be fully implemented?

Response

This issue has been addressed above in the responses to observations 1, 2 and 3.

Observation 33

What has been done so far by the Government with regard to implementing the recommendations of the ILO Committee of Experts? To what extent have these recommendations been implemented?

Response

The National Steering Committee on Elimination of Child Labour takes initiatives in this regard. Details of these initiatives are given in chapter VIII, section C.1 (Economic exploitation of children).
