

## **Role of Child Rights Laws in the Development of a Country with Reference to Pakistan**

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### **Abstract**

*Socialization of children is the basic element to bring the country at the top of the list and its development as well. For that purpose, positive Socialization of the Children is the most important phenomena. Today's child will be the future builder of a country. Higher investment on our children's education, nutrition, safe-environment, health-care and protection is a sacred duty, which will bring multiple developments in returns to the society. This study has facilitated to identify how to provide a better environment for a balanced development of our children; which can bring the best out of them and make them valuable assets of country. The main objective of this paper is to find out the role of children's rights laws in current era and in development. This paper is exploratory in nature and intends to sketch up some recommendations in the light of identified main hurdles. Finally, it also suggests the solutions to meet these hurdles.*

**Key Words:** *Child; Child Rights; Child Rights Laws; Child's Participation; Child's Development.*

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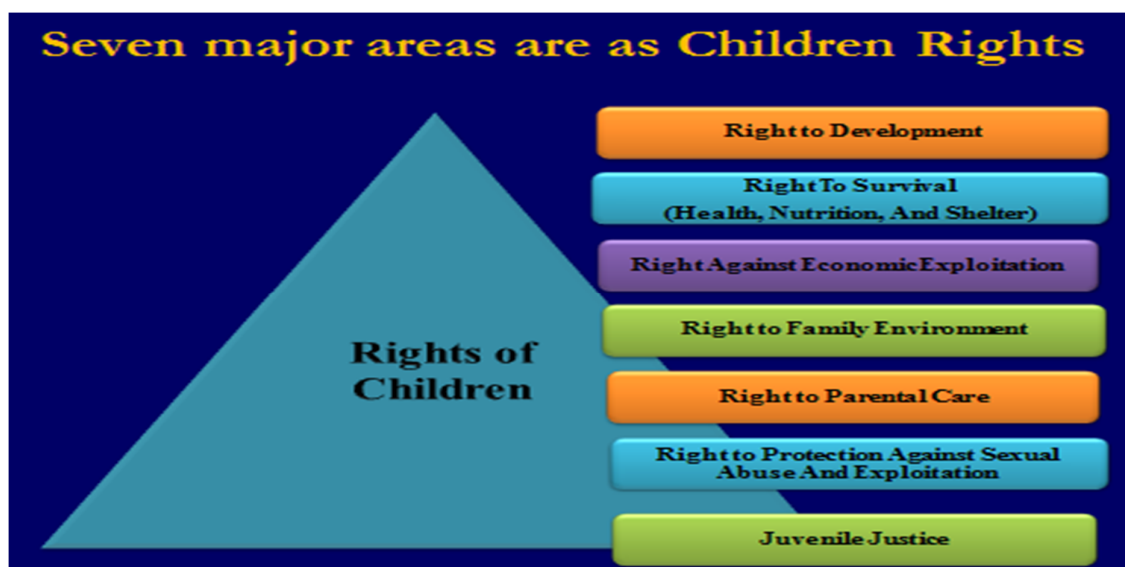
## Introduction

United Nations Convention on the Rights of the Child (UNCRC, 1989) was the first legally binding international convention to comprehensively incorporate political, economical, civil, cultural, and social rights of a child. Child Rights Convention (CRC) is a treaty to safeguard rights of the children. CRC declares all persons below 18 years of age a child. Irrespective of race, origins, birth status, color, caste, gender, language, wealth, religion and ability, all children need special care and protection. The UNCRC sustains that child development; protection and survival are the results of the combination of child and context, with context defined very broadly.

According to the UNICEF, the population of world's children estimated at 2.2 billion with over 90% residing in the developing world. One third of the children are below the age of five which means (600 million). Total population of Pakistan is 186,174,380 in July-2014, out of which 0-14 years: 33.3% (male 33,595,949/female 31,797,766).

Non-implementation on child rights laws and absence of independent monitoring body; it has been observed that child rights condition is vulnerable in Pakistan. Pakistan is the 6<sup>th</sup> high growing populous developing country. It is argued that economic growth is dependent on population growth. But in case of Pakistan, economic advancement and population growth have a negative relation.

Seven major areas of child protection are: 1) right to family environment, 2) right to parental care, 3) right to protection against sexual abuse and exploitation, 4) right to development, 5) right to survival (health, nutrition, and shelter), 6) right against economic exploitation (child labor), and 7) right to justice for juvenile.



### **Child Rights**

Child rights are vital in terms of care and protection including biological, social and psychological needs. Developmental and age-appropriate needs of children changes over the span of their childhood. Child rights are based on basic principles of equal access to resources for identity development without discrimination, on decision regarding them: their voice must be heard and these rights comprise the core principle i-e ensure their best interest.

### **Condition of Child Rights in Pakistan**

Constitution of Pakistan states that all citizens will be guaranteed fundamental rights. Article 19 of the Constitution also guarantees every citizen the right to freedom of speech and expression. Protection of marriage, family, mother and child care is an acknowledged principle of policy under Article 35 of the Constitution.

It is reported that 25 million children are out of schools and 12 million are indulged in child labour. There are 618 newborn babies die every day in the country. It is inadequate that federal and provincial government of the Pakistan should be responsible for implementation and monitoring of child rights condition at the federal, provincial and territorial levels.

All the governments have failed to implement the children's rights laws in Pakistan that is created the bad condition for children's nutrition. Better condition of children's living, education, health and nutrition should be achieved through the implementation of the Children's rights laws with the help of INGO's, Governmental Organizations and Non-government organizations.

Listed below are some of the Laws and Acts prevalent in Pakistan with regards to Children Rights:

### **List of Child Rights Laws in Pakistan (National & Provincial Level) is mentioned below:**

- 1) Child Marriages Restrained Act, 1929
- 2) Guardian and Wards Act 1890
- 3) Employment of Children Act, 1991
- 4) National Commission on the Rights of the Child Bill 2009
- 5) Charter of Child Rights Bill 2009
- 6) National Immunization Bill 2009
- 7) Right to free and Compulsory Education Acts of 2012
- 8) Punjab Destitute and Neglected Children Act, 2004
- 9) The Punjab Compulsory Primary Education Act, 1994
- 10) The Child Nutrition Act, 2002

- 11) Juvenile Justice System Ordinance, 2000
- 12) West Pakistan Juvenile Smoking Ordinance 1959
- 13) Abolition of Whipping Act, 1996
- 14) Restriction of Child Labor Act 1890
- 15) The Factories Act, 1934
- 16) The Factories (Punjab Amendment) Act 1940
- 17) Employment of Children Rules, 1995
- 18) Workers' Children Education Ordinance 1976
- 19) West Pakistan Control of Orphanage Rules, 1958
- 20) The Female Infanticide Prevention Act, 1870
- 21) The Births, Deaths and Marriages Registration Act 1886
- 22) National Database Registration Authority Ordinance 2000
- 23) Prohibition of Smoking and Protection of Non Smokers Health Ordinance 2002
- 24) Mental Health Ordinance for Pakistan 2001
- 25) The Punjab Supervision and Control of Children Homes Act 1976
- 26) Bonded Labour System (Abolition) Act, 1992
- 27) Bonded Labour System (Abolition) Rules, 1995
- 28) Prevention and Control of Human Trafficking Ordinance, 2002
- 29) Prevention and Control of Human Trafficking Rules, 2004
- 30) The Prohibition of the Corporal Punishment Act 2013
- 31) The Child Marriage Restraint (Punjab Amendment) Ordinance, 1971
- 32) Sindh Children Act, 1955
- 33) Sindh Child Protection Authority Act, 2011
- 34) Sindh Child Marriages Restraints Bill, 2014

### **Child Empowerment**

Development of a nation is measured in terms of its economic growth and often the social development dimensions are neglected. Human rights have gained great ground in recent years in international discourse. Rights based approach to development alters the society by blurring the line between the human rights and economic development. Protection of human rights and political liberty are the two main pillars of the modern world yet, there is relatively a large amount of deprivation and violation of fundamental human rights in many developed and underdeveloped countries.

Each member of the society must be emancipated in order to achieve progress. Children are also the members of society though relatively young yet they can also be productive if nurtured in conducive environment. Education, learning and skills formulation can build capacity which would empower them.

### **Research Questions**

- 1) Why children's rights are neglected in Pakistan?
- 2) Can children's rights laws protect our children?
- 3) What are the Pakistan's obligations on child rights under the umbrella of international conventions and national laws?
- 4) Why Pakistani government is failed to implement the children's rights laws?
- 5) Can children's empowerment lead to economic development in future?
- 6) Why large population of Pakistan has no awareness about child rights laws in Pakistan?
- 7) How can the State promote the child rights in Pakistan?
- 8) Is there any short and long term solution to implement children's rights in Pakistan?
- 9) How child rights laws have caused a surge in increasing the child development?

### **Objective of the Research**

The objective of this research is to understand the matters relating to children in terms of their rights and the impediment in executions of children's rights. The policy related issues that disable the children and young people to participate in economic sphere. The study analyzed that the implementation of child rights laws in Pakistan is pivotal for future development of country. It also shows that whether the government institutions and the non-governmental organizations (NGOs) are successful or not in implementing the child rights laws in the recent years. Finally, this study also established the recommendation to implement the children's rights laws in current settings for the development of Pakistan.

### **Statement of the Problem**

In recent times, female child are perceived as economic burden in rural societies of Pakistan, but developed societies they were viewed as an advantage. With proper implementation of the children's rights and capacity building, the young adults can drive to make socio-economic changes within their local community as well as at national level.

### **Significance of the study**

The present study is significant in providing not only in terms of development initiatives but also holistic and interdisciplinary bases to comprehend fundamental human rights for young adults. This study is very important in practical terms because the finding of this present research can be helpful for policy makers and for those concerned authorities who trying to increase the child development as per country's requirement. Also, this paper offers different techniques to make children part of the productive organ of the society. This research paper attempts to provoke the mentality of people about the children's rights laws as an important component for the development of a nation.

### **Literature Review:**

Review of the relevant literature is an essential step while conducting a research. Its aim is to provide conceptual clarity and background knowledge of the study being conducted. So, literature of journals, internet websites and newspaper was reviewed.

This research paper was written by Alena Kroupova on the topic of "Child Rights and the Right to Education". She emphasizes that the children are minute group, with whom the demeanor of civil society has to change. The essential rights need to be granted to children while offering them social security and facilitate their capabilities to influence the decision makers.

This report is published by Ministry of Planning, Development and Reform on the topic of "Millennium Development Goals (MDGs) 2013". This report is divided in different parts pertaining with list of goals. This report focuses on the Pakistan's level of achievement on MGDs. These MGDs are highly related with children's rights. Goal 1 of eliminating poverty and Goal 2 of universal primary education are Rights to life and Rights to education. The basic needs must be met in order to achieve secondary level needs. Basic needs are food, water, and shelter while secondary being acquiring education. The literacy rate in country is tilted towards males. The gender imbalance results of literacy indicates inequality thus failure on 3<sup>rd</sup>MGD (promoting gender equality).

Amir Murtaza was published by the Asian Human Rights Commission (2013) on theme of "Pakistan: Implementation of two important human and child rights focused provincial legislations is required" investigation of the cause behind the violation of essential human rights is highly required. This article has two parts: (i) Human rights legislation (ii) Children's rights legislation. He clarifies that the reason for which the Pakistani justice system is failing because of lack of the poor implementation of laws and legislation at both

federal and provisional level. Execution of law is the only way to protect the rights of vulnerable people of society. Children protection laws are needed to be established.

Arshad Mahmood (2013) wrote in his research article about “Children’s Rights in the Federally Administered Tribal Areas (FATA) of Pakistan: Analyses and a Way Forward” which discusses that there are many international human rights laws have been signature by Pakistan but there is no ideal situation on children’ rights in Federally Administered Tribal Areas (FATA). For the conduction of the present research, the researcher analyses on the children’s rights in FATA under the umbrella of international and national obligations on Pakistan related to children’s rights. Finally, he wrote a list of recommendations for improving the situation of children’s rights in Pakistan.

The study was conducted by Munir Moosa Sadruddin (2011) on “Important Issues of Children’s Rights in Pakistan (2008-2012)”. The main aim is to inform practitioners and policy makers about the important issues of children in Pakistan. Education, social rights and human security were not given suitable consideration during the last five years due to which, much actual results were not produced in improving children’s rights. The Convention on the Rights of the Children and the Pakistani Children’s rights laws did not serve as a guaranteed savior. The research article concluded that both Pakistani government and non-governmental organizations were unsuccessful in resolving the issues of Children in Pakistan to its best as the issues of children were found in a helpless state.

### **Hypothesis**

*The implementation of the children’s rights laws become a resource of the child’s development based on the empowerment, protection, survival, nutrition and feeding.*

### **Research Design**

The main objective of this research is to find out relationship between the children’s rights laws and the development of the country. Keeping in mind the need, nature and research of this study, many research methods and techniques were used. The research method in the present study is qualitative because of the contact analysis through different researchers. The sources will consist of published and unpublished documents, official reports, interviews and books. These sources are of two types, primary sources and secondary sources. As primary source, first hand data will be gathered from official records, files, correspondence, letters and reports. For secondary sources, data will be collected from books, journals, articles, magazines, bulletins and published reports.

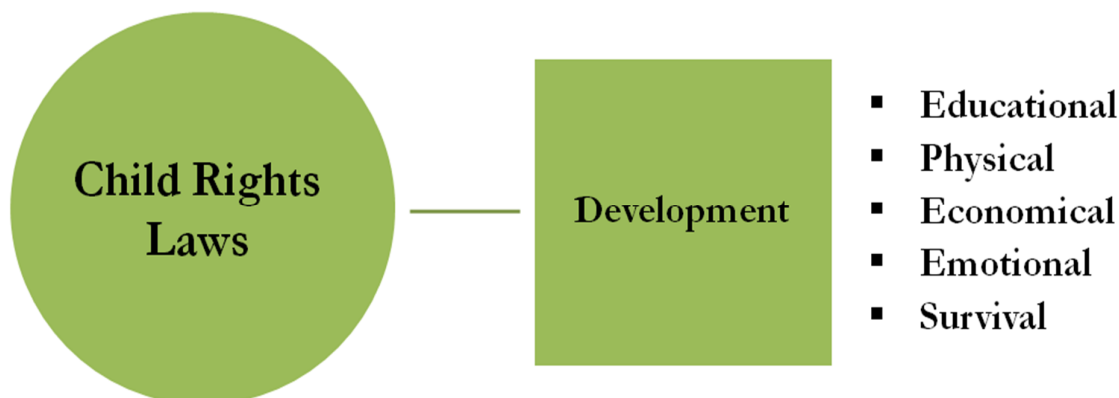
### **An analysis of Correlation between the Child Rights Laws and Development of Pakistan:**

UNCRC made it obligatory on the States which ratify the convention to take all appropriate legislative, administrative and other measures for the implementation of the rights enshrined in the convention. Over 47 percent of the total population of Pakistan consists of children less than 18 years of the age. The situation of the children's rights is not satisfactory in Pakistan. It is evident through the fact that incidents of the children's rights violations reported on daily basis.

The report said that in 2013, some 2,033 abuse cases of children (1,365 boys and 668 girls) were reported. They included 1,115 kidnappings along with 294 murder cases, 102 cases of boys' sexual assault while 97 children were sold into slavery. It, however, shared another independently conducted report, called Sahil's Cruel Numbers Report 2013, which said that 3,002 children (2,017 girls and 985 boys) were victims of sexual abuse or harassment.

Children protection is based against issues such as child prostitution, child pornography, child abuse, child smuggling, child trafficking and child kidnapping. Crime should be defined and criminalized to protect child abuse which is neglected in the law exploitation. Functions of child protection units have not been clear in the law. There is no clear strategy for future actions for the protection of the rights in the provinces and regions.



**Table: Correlation between the Child Rights Laws and Development of Pakistan**

As the above table shows that the relationship between the implementation of the child rights laws are highly dependent on development of a country. All categories of the development in the regards of educational, physical, economical, emotional and survival is possible through scholarship, skills learning, nutrition or feeding programmes in schools level for better situation of child and as far as high student's enrolment.

#### **Child Rights Laws on Protection:**

##### **Corporal Punishment:**

According to UNCRC-Article no. 27, “Children have a right to a standard living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.” UNCRC-Article no. 19, “Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them”.

The Prohibition of the Corporal Punishment Act 2013, Section 3 (2) of the Prohibition of Corporal Punishment Act 2013 says “Notwithstanding anything contained in section 89 of the Pakistan Penal Code, 1860 and any other law and regulation for the time being in force, the corporal punishment is prohibited in all its forms in schools and other educational institutions ...”

According to a NGO advocating the rights of children, 35,000 high school pupils in Pakistan drop out of the education system each year due to corporal punishment.

##### **Child Labour**

According to UNCRC-article no.31, “All children have a right to relax and play, and to join in a wide range of activities.” Local governmental organization estimated 10 million children were involved in some form of labour activities in Pakistan. Parents are selling their

children due to inflation, poverty and unemployment. Children are living in miserable condition i.e., lack of basic necessities, without education and health facilities. Out of these figures 264,000 children are estimated to be domestic workers, working in unprotected and unregulated environment. In 2013, there were 21 cases of torture about child domestic worker reported.

The bonded labour remained endemic in Pakistan which ranks third on the list of countries in which slavery is most prevalent with two million bounded labours. Child labour does not have opportunities of schooling, playing recreational activities which are imperative for their proper growth and up-bringing. If we implement to UNCRC article no.26, “*Government should provide extra money for the children of families in need*”, is cause to reduce the child labour in Pakistan.

### **Child Rights Laws on Education:**

#### **Right to Education:**

According to the UNCRC-Article no. 28-29, all the children and young people have a right to primary education which should be free. Wealthy countries should help poorer countries to achieve this target. Discipline in schools should respect children’s human dignity. Young people should be encouraged to reach the highest level of education they are capable of.”

According to the Constitution of Islamic Republic of Pakistan- Article no. 25-A: “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law”.

Pakistan is facing crisis on children’s enrolment, literacy, academic performance and dropout rates in schools. In 2014, the second highest number in the world on dropout rates of children is 5.5 million in Pakistan. According to UNESCO report (2014), “Only 45% of the children grade 5 year of age could solve a two digit subtraction, compared with 73% in wealthier Punjab Province”.

There are many indicators for better educational level in Pakistan through maintenance of building, support for inclusive education, enrolment of trained teachers and nutrition meals in schools.

### **Child Rights Laws on Survival:**

#### **Health Reasons**

According to UNCRC-Article no. 24, “*Children have the right to good quality health care, to clean water, nutrition food, and a clean environment, so that they will stay healthy. Rich countries should help poorer counties achieve this*”.

The report revealed that 7 percent of Pakistanis were married by the age of 15 and 24 percent by 18. Early marriages are the main reasons behind high material and newborn mortality ratio in Pakistan. There are 72 deaths out of 1000 births in Pakistan every year as far as seven million cases of Pneumonia occur every year and 92,000 children die before their fifth birthday due to the infection. In 2013, the number of suspected cases of measles nearly tripled. During 2012-2013, 600 children died of measles and also estimated 53,000 children died of diarrhea every year.

### **Economic Reasons**

Article 4 of the CRC, “*Government should make these rights available to children*”, that obligates States parties to implement the Convention by taking “all appropriate legislative, administrative, and other measures”. Where economic, social and cultural rights are concerned, States should take such measures to “the maximum extent of their available resources” and, where necessary, seek international cooperation.

### **Conclusion**

All the governments have failed to implement the children’s rights laws in Pakistan. The situation of children rights is not satisfactory in the country; it is evident through the fact that incidents of the children’s rights violations reported on daily basis. Children rights cannot be protected and promoted unless measures are undertaken for enabling legislation that reflects provisions of UNCRC. Children protection and welfare legislation has been introduced in Punjab, Sindh and Khyber Pakhtunkhwa but there is none in Balochistan, FATA or even the Islamabad Capital Territory.

With around 35 per cent of Pakistan’s population aged 15 or below, the government must take the issue of child rights seriously. The centre and the provinces need a coordinated policy in this regard, with proper legislation on the children’s rights and making sure that existing laws are fully implemented. Children are the future of any society but the way we are treating ours is shameful and a disgrace for humanity. If we want our country to progress and move forward in the right direction, it is important that we protect children’s rights. By neglecting their rights, we are paving the way for a disastrous future for the country.

Children face particular barriers to access justice because of their inexperience with the legal system and/ or inability to secure advice and representation due to a lack of resources. This makes State governed and funded legal aid services across all proceedings and settings one of the best ways to ensure that the children are able to access justice in an effective and appropriate manner. The Committee on the Rights of the Children has explicitly recognized that legal assistance for children should be free of charge.

During the last decade, children's poor education and health indicators alarmed that the implementation of children's rights laws were practically missing. Main responsibilities for the implementation of child rights laws on the basis of the provincial government with regards to the constitutional amendment scenario.

### **Recommendations**

- All child rights related institutions should be more empowerment by the government.
- Ministry of education-curriculum board should be adding all child rights in text-book from class 6th to 10th.
- Media should on educate people on child rights through documentaries and cartoons.
- Government should provide separate budget allocation for the enforcement these laws of child rights laws through federal and provincial ombudsman.
  - Effective mechanisms to guarantee the children's rights are a necessary part of realizing those rights.
  - Laws for the protection of children against drugs usage/peddling.
  - Legislation to ensure the right to education as provided in Article 25 A of the Constitution.
  - Government should make children's rights laws for Madrassa's (Religious School) children.
  - Government should be independent NCRC and which is not part of any ministry.
  - Chairman of NCRC should be retired Chief Justice of Supreme Court of Pakistan.
  - Government should effectively increase budgetary allocations for children's rights particularly for groups of children with disabilities, refugee and ensure equal enjoyment of all rights.
  - NCRC should submit an annual report to the central government and the central government should present the report to the parliament – in that way that the Commission will be accountable to the parliament.
  - NCRC should not undertake projects but rather act as watchdog and safeguard the rights of children.
  - Age of the children may be increased from 16 to 18 years in the ECA.
  - Enforcement of ECA to address the issue of street children.
  - Government and Civil institutions should be promoted human rights education in the context of children's rights.

- Government should immediately introduce Right to Free and Compulsory Education Regulations for all over Pakistan in light of Article 25-A of the Constitution of Islamic Republic of Pakistan.
- Government and Non-Government organization should be made to ensure the girls their right to education, nutrition and health including increase in the number of girls' schools, female teachers and incentives for girls' enrolment.
- Government should introduce the Child protection and welfare bureau in Balochistan, FATA and Islamabad Capital Territory.
- Government should establish an effective and independent monitoring system in accordance with the moralities relating to the position of national institutions for the protection and promotion of children's rights.
- Government should take all essential measures to strengthen the implementation of children's right.
- Government should immediately improve, pass and review, long-pending Bills.
- Government should start nutritional programs in schools for the better health.
- Government should take responsibilities for the protection on the rights of the child.

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