



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-second session

### Consideration of reports submitted by States parties under article 44 of the Convention

#### Concluding observations: Pakistan

1. The Committee considered the combined third and fourth periodic report of Pakistan (CRC/C/PAK/3-4) at its 1444th and 1445th meetings (CRC/C/SR.1444 and CRC/C/SR.1445), held on 28 September 2009, and adopted, at the 1449th and 1450th meetings (CRC/C/SR.1449 and CRC/C/SR.1450), held on 30 November and 1 October 2009, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the timely submission of the combined third and fourth periodic report, the written replies to its list of issues (CRC/C/PAK/Q/3-4/Add.1), and the additional information provided by the State party before the dialogue. The Committee appreciates the constructive dialogue held with the high-level delegation on the progress made and challenges encountered in implementing the Convention. However, the Committee regrets that the report does not fully comply with the Committee's revised general guidelines regarding the form and content of periodic reports (CRC/C/58/Rev.1).

#### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee expresses its appreciation of the State party's ratification in 2006 of International Labour Organization (ILO) Convention No. 138 (1973) concerning Minimum Age for Admission to Employment.

4. The Committee welcomes positive developments in the area of human rights, including:

(a) The adoption of the Protection of Women (Criminal Laws Amendment) Act, 2006, which criminalizes violations of women's and girls' human rights;

(b) The Criminal Law Amendment Act (2004) facilitating the prosecution and punishment of honour killings;

(c) The adoption of several programmes in the area of basic health and welfare, including the National Hepatitis Control Programme (2005–2010), the National Maternal, Newborn and Child Health Programme (2006–2012), the National Nutrition Programme and the expansion of the Lady Health Workers Programme;

(d) The 2005 Amendment of the Employment of Children Act expanding the list of hazardous processes and occupations for children; and

(e) The adoption of the Punjab Destitute and Neglected Children Act, 2004, enhancing the child's protection in this province.

## **C. Factors and difficulties impeding the implementation of the Convention**

5. The Committee recognizes the difficulties facing the State party, namely serious economic challenges due to soaring increases in food and oil prices and inflationary pressures, catastrophic drought conditions and natural disasters hampering the economy and threatening the right to survival and development of the child, the armed conflict and terrorist activities that are taking place in some regions and have displaced large population, and the high number of refugees hosted by the State party, which all seriously impede progress towards full realization of children's rights enshrined in the Convention.

## **D. Main subjects of concern and recommendations**

### **1. General measures of implementation (articles 4, 42 and 44, paragraph 6, of the Convention)**

#### **The Committee's previous recommendations**

6. The Committee notes that some of the concerns and recommendations made upon the consideration of the State party's second periodic report (CRC/C/15/Add.217) have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including those related to the harmonization of laws with the Convention, improved coordination of the national and the local levels, the establishment of a monitoring mechanism, resource allocations for children, data collection, its cooperation with non-governmental organizations (NGOs), the definition of the child, violence against and abuse of children, including sexual abuse, the right to education, child labour and juvenile justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

#### **Legislation**

8. The Committee notes the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention, but remains concerned about the apparent lack of a legislative framework harmonized with the Convention in many areas and about delays in the adoption of laws that are instrumental to the implementation of the Convention. In particular, the Committee is concerned that:

(a) The Charter of Child Rights Bill, which plans to incorporate all principles and provisions of the Convention into domestic legislation, has not yet been adopted;

(b) The Child Protection (Criminal Laws Amendment) Bill, which shall protect children against violations of their rights and establish institutions for the protection and rehabilitation of child victims, has not been adopted yet despite its consideration for a number of years;

(c) The National Commission on the Rights of the Children (NCRC) Bill is still waiting for adoption;

(d) Legislation relating to child rights is still lacking in the North West Frontier Province (NWFP), the Province of Balochistan, the Federally Administered and Provincially Administered Tribal Areas, the Northern Areas and Azad Jammu and Kashmir; and

(e) The Juvenile Justice System Ordinance (JJSO) is not fully recognized and implemented within the State party.

**9. The Committee recommends that the State party continue and strengthen its efforts to develop and implement a legislative framework harmonized with the Convention in all areas affecting children's rights and at all legislative levels, and to ensure that all domestic laws and administrative regulations concerning children are rights-based and conform to the principles and provisions of the Convention. The Committee urges the prompt adoption of all pending legislation, including the Charter of Child Rights Bill, the Child Protection (Criminal Laws Amendment) Bill, and the National Commission on the Rights of the Children (NCRC) Bill and all pending relevant provincial legislation.**

10. The Committee is concerned that the revocation of all laws, instruments, customs or usages in large areas of NWFP and the imposition of sharia law, as set out in the *Sharia Nizam-e-Adl* Regulation of 2009, does not provide adequate guarantee for the implementation of the Convention. It is also concerned that some existing laws and regulations remain in conflict with principles and provisions of the Convention, in particular:

(a) The Frontier Crimes Regulation of 1901 which remains in force in the Federally Administered Tribal Areas; and

(b) The Zina and Hadd Ordinances, despite their revision through the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2006.

**11. The Committee reiterates its recommendation that the State party scrutinize carefully existing legislative and other measures, at the federal and provincial/territorial levels, with a view to ensuring their compatibility with the Convention. It reminds the State party of its obligation to ensure that domestic laws, whether federal or provincial/territorial, are in conformity with the Convention, so that the principles and provisions of the Convention are recognized and enjoyed by children throughout the territory at national and local levels, including in the tribal areas.**

#### **Coordination**

12. The Committee regrets that the National Commission on the Rights of Children, which is intended to replace the existing National Commission for Child Welfare and Development, has still not been established despite a bill having been drafted for that purpose in 2001. The Committee is concerned that the scarcity of the human and financial resources of the National Commission for Child Welfare and Development may impede its

regular meetings and proper functioning and slow down the implementation of the projects that are under its responsibility, including the National Plan of Action for Children. The Committee also regrets the poor coordination among the different bodies of the Government at the federal, provincial and territorial levels responsible for the implementation and monitoring of the Convention, and expresses concern about the large disparities in the implementation of the Convention at various levels.

13. **The Committee recommends that the State party provide the National Commission for Child Welfare and Development and/or the National Commission on the Rights of Children with sufficient human and financial resources to carry out its tasks in an effective manner. It also recommends that the State party strengthen coordination mechanisms between all authorities involved in human rights and children's rights at the federal, provincial, territorial and district levels, and resume regular meetings which should include representatives of the civil society and consultation with children representatives.**

#### **National Plan of Action**

14. The Committee welcomes the comprehensive National Plan of Action for Children adopted on 24 May 2006 but regrets that the National Commission for Child Welfare and Development is not provided with adequate resources for ensuring the proper implementation of the Plan of Action. The Committee is concerned that the National Child Protection Policy has not yet been adopted.

15. **The Committee recommends that the State party ensure that the National Plan of Action for Children covers all areas of the Convention and takes into account the outcome document, "A world fit for children", of the 2002 General Assembly special session on children and its mid-term review in 2007, and that the National Commission for Child Welfare and Development, charged with the implementation of the National Plan of Action for Children, is allocated sufficient human and financial resources to fulfil its mandate. The Committee also recommends that the State party establish evaluation mechanisms to regularly assess progress achieved and identify possible deficiencies in implementing the National Plan of Action. The Committee further recommends that, as a matter of priority, the State party adopt the draft Child Protection Policy.**

#### **Independent monitoring**

16. While noting the existence of the Ombudspersons at federal and provincial levels, the Committee regrets that Pakistan has not yet set up offices of an ombudsperson for children at federal and provincial levels. The Committee reiterates its concern at the lack of an independent monitoring structure with a mandate to regularly evaluate progress in the implementation of the Convention.

17. **The Committee recommends that the State party:**

(a) **Establish an independent and effective monitoring mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) and taking into account the Committee's general comment No. 2 (2002) on the role of independent human rights institutions, ensuring that it is provided with adequate human and financial resources and easily accessible to children. It should have a mandate to monitor the implementation of the Convention as well as to receive and address complaints from children, and do so in a child-sensitive and expeditious manner; and**

**(b) Seek technical assistance in this regard from, among others, the Office of the High Commissioner for Human Rights (OHCHR).**

#### **Allocation of resources**

18. The Committee welcomes the commitment of the State party to increase allocation of resources for children, especially in the field of health (CRC/C/PAK/3-4, paragraph 269) and education (CRC/C/PAK/3-4/Q/Add.1, paragraph 78). It expresses concern, however, that budget allocations for children remain extremely low, thereby undermining the State party's prospects of meeting its objectives to gradually raise allocations to education to 5 per cent of GDP by 2010 and to increase annually the allocations to the health sector by 16 per cent until satisfactory health services and prevention measures are accomplished. The Committee is concerned that massive disparities of resource allocations hamper full and equal access to services and institutions by all children.

**19. In view of article 4 of the Convention, the Committee recommends that the State party effectively increase budgetary allocations for children, particularly for groups of children who require social affirmative actions, inter alia, refugee and internally displaced children, and children with disabilities, in order to alleviate disparities and ensure equal enjoyment of all rights enshrined in the Convention throughout the country. The Committee encourages the State party to start budget-tracking from a child-rights perspective, with a view to monitoring budget allocations for children, and seek technical assistance for this purpose from, inter alia, the United Nations Children's Fund (UNICEF). Furthermore, the Committee urges the State party to strengthen the skills of local governments in the planning and management of budgets that address the needs of children and families.**

#### **Data collection**

20. The Committee notes with satisfaction that a Child Protection Monitoring and Data Collection System has been established but expresses concern that the National Commission for Child Welfare and Development, mandated to provide the resources for data collection and system management, may not have sufficient human and financial resources to overcome the shortcomings of the existing statistical system and to fulfil its mandate in an effective manner.

**21. The Committee recommends that the State party:**

**(a) Ensure that that the Child Protection Monitoring and Data Collection System is provided with adequate resources to systematically and comprehensively collect quantitative and qualitative data for the entire country, disaggregated by sex, age and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who require affirmative social actions due to disadvantages and disparities;**

**(b) Continue its efforts to develop indicators in order to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children; and**

**(c) Seek technical assistance from, among others, UNICEF in that regard.**

#### **Dissemination of the Convention and training**

22. The Committee welcomes the efforts made to raise awareness of the Convention and notably the proclamation of 2004 as the "Year of Child Welfare and Rights", the institution of a National Children's Day, as well as TV and radio programmes, seminars and workshops. It remains concerned, however, that the level of awareness of the Convention

and its Optional Protocols is rather low, and the training of professionals working with or for children lacks a systematic and sustained approach.

**23. Reiterating its previous recommendations, the Committee calls on the State party:**

**(a) To continue and strengthen its awareness-raising campaigns targeting the public at large, including through education and media campaigns;**

**(b) To pursue and reinforce the systematic training and sensitization of professionals from all categories working for and with children, such as teachers at governmental, private and Koranic schools, police, lawyers, judges, health personnel, social workers, personnel at childcare institutions and the media; and**

**(c) To develop adequately resourced policies and programmes for a systematic and sustained training process.**

#### **Cooperation with civil society**

24. While noting the State party's efforts to strengthen its cooperation with civil society, including NGOs, the Committee remains concerned that the State party has relinquished some of its responsibilities and duties with regard to the implementation of some provisions of the Convention to NGOs without providing them with adequate resources, policies and guidelines. The Committee is further concerned that cooperation between the National Commission for Child Welfare and Development, its local network and civil society organizations is limited.

**25. The Committee reiterates the State party's primary obligation with regard to the implementation of the Convention and recommends that the State party continue its efforts to strengthen cooperation with civil society, including NGOs, and involve them systematically at all stages in the implementation of the Convention as well as in policy formulation. The Committee recommends that, being guided by the recommendations adopted on the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights held on 29 September 2002 (CRC/C/121, paragraphs 630–653), the State party provide NGOs with adequate financial and other resources when they take over responsibilities for implementing rights of children.**

## **2. Definition of the child (article 1 of the Convention)**

26. The Committee reiterates its previous concern (see CRC/C/15/Add.217) about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and sharia law. It notes in particular the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Hadood Ordinances (1979) (until 16 years or puberty).

**27. The Committee recommends that the State party ensure the full harmonization of its legislation as regards the definition of a child so as to define a child as every human being below the age of 18 years. It recommends in particular amending the Zina and Hadood Ordinances (1979) as well as the Child Marriages Restraint Act (1929) in order to align the age of marriage of boys and girls by raising the minimum age of marriage for girls to 18 years.**

### 3. General principles (articles 2, 3, 6 and 12 of the Convention)

#### Non-discrimination

28. The Committee remains extremely concerned at the evidence of serious discrimination against women and girls in the State party, as attested by the acute gender differentials in infant mortality rates and school enrolment rates and the continuing existence of early marriages and exchanges of girls for debt settlement, domestic violence affecting women and girls, and other such situations including bonded labour and economic exploitation of girls. The Committee regrets that despite similar concerns expressed by the Committee in its previous concluding observations (CRC/C/15/Add.217) and by the Committee on the Elimination of Discrimination against Women (CEDAW/C/PAK/CO/3) in 2007, there seems to be little or no improvement in the country.

29. **The Committee strongly recommends that concrete measures be taken to address and reduce the serious gender disparities and discrimination against women and girls prevailing throughout the State party. In particular, the Committee recommends that the State party:**

(a) **Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination, in accordance with article 2 of the Convention, in all fields of civil, economic, social and cultural life;**

(b) **Revise the cash transfer programmes, notably the Benazir Income Support Programme, to ensure that it clearly spells out the conditionalities for cash transfers regarding school enrolment of girls, women attending prenatal and post-natal clinics and others;**

(c) **Adopt affirmative actions to overcome deeply rooted traditions which prioritize boys' education and support and to encourage families to invest in girls' education, including through scholarships, transportation and conditional cash transfers; and**

(d) **Take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination against girls.**

30. The Committee is concerned at the persistence of discriminatory societal attitudes and discrimination against children belonging to a religious or other minority group, children with disabilities, children living in poverty and children living in rural and remote areas.

31. **The Committee recommends that the State party take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate traditional practices and attitudes which discriminate against children belonging to religious or other minority groups, children with disabilities, and children living in poverty and in rural and remote areas.**

32. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference, taking into account the Committee's general comment No. 1 (2001) on the aims of education (article 29 (1) of the Convention).**

### **Best interests of the child**

33. The Committee appreciates the efforts of the State party to incorporate the principle of the best interests of the child into certain decision-making processes and pieces of legislation. It is, however, concerned that there is little evidence that the best-interests principle is a primary consideration for the legislative, executive and judicial branches of Government or that the principle is well understood by all professionals.

34. **The Committee recommends that the State party ensure that the principle of the best interests of the child is formally incorporated into the legislative, executive and judicial branches of Government by, inter alia, including reference to the best interests of the child in legislation and other actions in such areas as child custody in cases of divorce, *kafalah* of Islamic law, child protection, guardianship and juvenile justice. The Committee also recommends that the State party ensure in practice the implementation of this principle in all judicial and administrative decisions and in programmes, projects and services having an impact on children.**

### **Right to life, survival and development**

35. The Committee is deeply concerned at the violations of the right to life, survival and development as a result of the prevailing internal armed conflict, population displacements, poor health and sanitation facilities, severe malnutrition and related illnesses.

36. **The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party through policies, programmes and services that target and guarantee implementation of this right.**

37. The Committee welcomes the 2004 amendment to the Penal Code that facilitates the prosecution of perpetrators of honour killings and prohibits family compromises. It is, however, very concerned at the still widespread and increasing problem of honour killings that affect children both directly and indirectly, through their mothers, and which are routinely imposed by *jirgas* (parallel judicial systems) in the tribal areas.

38. **The Committee strongly urges the State party:**

(a) **To make every effort to reinforce protection of the right to life, survival and development of all children, inter alia, by taking effective measures to prevent honour killings, investigating thoroughly all alleged cases of killings, bringing perpetrators to justice, and by sanctioning all those who promote honour killings;**

(b) **To undertake public awareness-raising campaigns, also involving religious and community leaders, to combat effectively discriminatory societal attitudes and harmful traditions with respect to girls by demonstrating that discriminatory attitudes and practices are absolutely unacceptable;**

(c) **To provide special training and resources to law enforcement personnel with a view to protecting girls who are in danger of honour killings and to prosecuting such cases in a more effective way; and**

(d) **To increase the number of accessible shelters and counselling services for women and girls who are victims or at the risk of honour crimes.**

### **Respect for the views of the child**

39. The Committee commends the State party for initiating child participation, in particular through youth forums and radio programmes, as well as for involving children in the development of new policies. It remains concerned, however, that these initiatives do not reach all children across the State party's territory, especially at district level. The

Committee regrets that the right to respect the views of the child does not appear to be widely known and implemented, and that the views of the child are rarely sought in establishing what may be in the child's best interests when relevant decisions are being made, including in administrative, civil and judicial proceedings.

40. **In the light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Take all necessary measures to strengthen the implementation of measures aimed at ensuring children's right to be heard, in accordance with the child's age and maturity, at any proceeding which may impact on their rights, particularly in the case of marriage, divorce and custody when actions are taken by social welfare institutions, courts of law and administrative authorities, including at the local level;**

(b) **Seek to develop a systematic approach and policy, with the involvement of professionals working with and for children, in particular teachers and social workers, and civil society, including community and religious leaders, NGOs and the media, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools and in society generally; and**

(c) **Take into account the Committee's general comment No. 12 (2009) on the right of the child to be heard.**

#### **4. Civil rights and freedoms (articles 7, 8, 13–17, 19 and 37 (a) of the Convention)**

##### **Birth registration**

41. While noting the many efforts made by the State party to promote timely birth registration, the Committee is concerned that more than 70 per cent of children are not registered at birth, especially girls, children belonging to a religious or minority group, refugee children and children living in rural areas. The Committee is further concerned at the practice of denying birth registration when parents cannot prove their citizenship.

42. **The Committee recommends that the State party ensure the full implementation of measures taken to remove structural obstacles to birth registration, launch a mass cost-free birth registration campaign and simplify the procedures for birth registration in order to cover all persons in the country, regardless of sex, religion, status or nationality, in accordance with article 7 of the Convention. The Committee recommends that the State party harmonize birth registration systems across the country and consider linking the system with the National Registration Act 1973.**

##### **Freedom of thought, conscience and religion**

43. While noting the constitutional provision providing for the right of minorities to profess and practise their religions freely, the Committee is concerned that freedom of religion is limited in practice and that citizens who are normally governed by secular law might sometimes be subject to sharia law. It notes with concern reports of children of religious minorities having been restricted in studying and practising their religion. The Committee is concerned about reports of teachers forcing non-Muslim students to complete *Islamiyyat* (Islamic studies).

44. **The Committee recommends that the State party ensure the right of the child to freedom of religion and the full respect of the rights and duties of parents to give guidance to their children in the exercise of this right in a manner consistent with the evolving capacities of the child. It recommends that the State party ensure that religious minorities are governed exclusively by secular law. The Committee further recommends that the State party ensure that children may choose whether to participate in classes of religious education or not.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

45. The Committee remains deeply concerned at reports of torture and ill-treatment of children by police officers in detention facilities and other State institutions. The Committee is concerned at the high percentage of women and girls in jails awaiting trials for adultery-related Hudood offences and at the imposition, by parallel judicial systems, of sentences like whipping, amputation and stoning amounting to torture or cruel, inhuman or degrading treatment. The Committee is also gravely concerned at the persistence of inhumane customs and rituals that prevail in the country and at the impunity enjoyed by perpetrators.

46. **The Committee recommends that the State party:**

(a) **Take all necessary measures to prevent children from being subjected to torture or any other cruel, inhuman or degrading treatment or punishment in all circumstances;**

(b) **Define torture and cruel, inhuman or degrading treatment in relevant laws, and consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(c) **Investigate and prosecute all cases of torture and ill-treatment of children, ensuring that abused children are not revictimized in legal proceedings and that their privacy is protected;**

(d) **Ensure that child victims are provided with appropriate services for care, recovery and reintegration;**

(e) **Ensure that children do not receive sentences constituting torture or cruel, inhuman or degrading treatment by parallel judicial systems and that access to an appeal procedure under statutory law is available for all children throughout the country; and**

(f) **Undertake public education campaigns to promote a culture of non-violence.**

#### **Corporal punishment**

47. The Committee welcomes the State party's commitment to eradicate corporal punishment in all settings, as demonstrated by the incorporation of the prohibition of corporal punishment in the National Plan of Action for Children and directives issued in all provinces. The Committee is, however, deeply concerned that corporal punishment is currently lawful under section 89 of the Penal Code of 1860 and extensively used as a disciplinary measure in homes, schools, and alternative care settings and that it is still used in the penal system despite its prohibition through the Juvenile Justice System Ordinance (JJSO).

48. **The Committee recommends that the State party, as a matter of urgency:**

(a) **Repeal section 89 of the Penal Code of 1860 and explicitly prohibit all forms of corporal punishment in all settings;**

(b) Set up an effective monitoring system in order to ensure that abuse of power by teachers or other professionals working with and for children does not take place in schools and other institutions; and

(c) Introduce public education, awareness-raising and social mobilization campaigns on harmful effects of corporal punishment with a view to changing general attitudes towards this practice and promote positive, non-violent, participatory forms of child-rearing and education.

#### **Follow-up to the United Nations Study on Violence against Children**

49. With reference to the United Nations Secretary-General's Study on Violence against Children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on Violence against Children, taking into account the outcome and recommendations of the Regional Consultation for South Asia, held in Pakistan from 19 to 21 May 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) To prohibit all violence against children;
- (ii) To promote non-violent values and awareness-raising;
- (iii) To ensure accountability and end impunity;
- (iv) To address the gender dimension of violence against children; and
- (v) To develop and implement systematic national data collection and research;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and

(d) Seek technical assistance from the Special Representative of the Secretary-General on violence against children, UNICEF, OHCHR and the World Health Organization (WHO).

### **5. Family environment and alternative care (articles 5, 18 (paragraphs 1–2), 9–11, 19–21, 25, 27 (paragraph 4) and 39 of the Convention)**

#### **Family environment**

50. The Committee welcomes the initiation by the State party of the Benazir Income Support Programme to assist disadvantaged families. It is concerned, however, that this measure is insufficient and that families do not enjoy, at local level, sufficient psychosocial support programmes for the exercise of their parental responsibilities toward boys and girls alike. It expresses grave concern at the increasing number of children abandoned or otherwise deprived of their family environment, often due to poverty and violence.

51. The Committee recommends that the State party adopt programmes at local level providing for financial and psychosocial support to assist parents in the exercise

of their responsibilities for the upbringing and development of children and for the equal treatment of boys and girls.

#### **Children without parental care**

52. The Committee welcomes the project aimed at developing quality care standards for residential childcare institutions and the adoption of the National Policy for the Protection of Orphans and Vulnerable Children in the earthquake-affected areas, but remains concerned that this policy has not been expanded to all areas of the State party. The Committee notes the State party's preference for family forms of alternative care, but remains concerned at the lack of information about informal forms of alternative care and at the poor quality of alternative care institutions and the absence of periodic reviews of placement.

53. **The Committee recommends that the State party undertake the necessary measures to protect the rights of children without parental care and address their rights and their needs, with a focus on:**

(a) **Establishing a clear regulation on alternative care for children, including quality care standards, periodic review of placement and the right of the child to be heard during all steps of the procedure;**

(b) **Strengthening its promotion of and support for family-type and community-based forms of alternative care for children deprived of parental care, in order to reduce institutional care;**

(c) **Providing training for staff in alternative care settings and access to complaints mechanisms for the children;**

(d) **Ensuring adequate periodic monitoring of alternative care facilities on the basis of established regulations; and**

(e) **Collecting data in order to evaluate alternative care policies;**

(f) **Take into account the recommendations of the day of general discussion on children without parental care held at its fortieth session in 2005 (see CRC/C/153).**

#### ***Kafalah***

54. The Committee notes that the State party applies *kafalah* of Islamic law, which is provided for in article 20 (3) of the Convention, as a form of alternative care, but regrets the lack of information about the regulations that apply to this form of alternative care.

55. **The Committee recommends that the State party develop and implement legislative and other measures, policies and procedures to ensure that children receive care in a manner that fully respects the best interests of the child and the provisions of the Convention, in particular articles 20 and 21.**

#### **Abuse and neglect**

56. The Committee welcomes the adoption of the 2006 National Plan of Action against Child Sexual Abuse and notes that the draft National Child Protection Policy includes a definition of child sexual abuse and sexual exploitation and foresees penalties, but regrets that it has not been adopted yet. The Committee is deeply concerned at reported cases of violence, abuse, including sexual abuse, and neglect of children in the State party, and at the lack of studies on the prevalence of this problem and of effective measures to combat it, especially when it occurs within the family.

57. In light of article 19 of the Convention and in line with its previous recommendations (CRC/C/15/Add.217), the Committee recommends that the State party:

(a) Adopt, as a matter of urgency, the draft National Child Protection Policy and amend outdated legislation to prohibit all forms of physical and mental violence, including sexual abuse of children in the family and in institutions;

(b) Establish effective mechanisms to receive, monitor and investigate reports of cases of child abuse, including intervention and referral where necessary, and, when required, prosecute perpetrators in a manner that is child sensitive and ensures the privacy of the victims;

(c) Provide facilities for the care, recovery and reintegration of victims in a gender-sensitive manner;

(d) Carry out awareness-raising and public education campaigns and any other appropriate measures to better protect children;

(e) Undertake studies on the prevalence of violence, and collect and analyse data on child abuse and neglect for the development of targeted policies and strategies; and

(f) Seek assistance from, inter alia, UNICEF and WHO.

## **6. Basic health and welfare (articles 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraphs 1–3) of the Convention)**

### **Children with disabilities**

58. The Committee notes that the traditional charity-based welfare approach to addressing the needs of children with disabilities prevails. It acknowledges that the Pakistani National Plan of Action for Children 2006 covers children with disabilities and welcomes the pilot project for integrated education of children with disabilities involving 14 schools in the country, although its scope is still limited. The Committee is concerned about the very limited basic services supporting children with disabilities and at their limited access to education, health, social services, social events and cultural activities. The Committee is further concerned at the lack of adequate infrastructure for them and at the low level of support received by these children and their families.

59. **The Committee recommends that the State party:**

(a) Ensure the full implementation of the national policy for persons with disabilities through the National Plan of Action;

(b) Improve the physical access of children with disabilities to public service buildings, including schools and recreational infrastructures;

(c) Strengthen efforts to ensure an inclusive education and to increase the school attendance of children with special needs and focus on day-care services for these children in order to prevent their institutionalization;

(d) Ensure that all children with disabilities receive appropriate interventions and services;

(e) Ensure the right of children with disabilities to be heard and involve them in the preparation, implementation and evaluation of programmes concerning them;

(f) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol;

(g) Seek technical assistance from relevant international organizations and agencies; and

(h) Take into account article 23 of the Convention on the Rights of the Child, the Committee's general comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9), as well as the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96).

#### **Health and health services**

60. The Committee welcomes the efforts of the State party in the area of basic health and welfare and its commitment to increase annually the allocations to the health sector by 16 per cent and to enhance the share allocated to preventive health. However, the Committee remains gravely concerned at the state of health of children in Pakistan and the severe inadequacy of health-care services in the State party for them. Particular matters of concern are:

(a) The very low budget allocation for health, the ineffective implementation of health programmes, and projects and funding mismanagement;

(b) The poor provision of health care, the disparities in the distribution of health-care services between rural and urban areas and the weak preventive health-care policies and practices;

(c) The very high infant and under-five mortality rates, with an estimated 500,000 under-five infant deaths each year due to preventable causes;

(d) The lack of access to sanitation and clean, sufficient, reliable and affordable drinking water, the high prevalence of malnutrition among children, as well as diarrhoea, acute respiratory tract infections, malaria and iodine deficiency, which threaten the right to health and survival of children; and

(e) The insufficient rate of immunization coverage and the increase of polio cases in the country despite the existence of the Expanded Programme on Immunization since 1978 and of the Polio Eradication Programme.

61. **The Committee recommends that the State party:**

(a) **Make every effort to meet its commitment of increasing annually the allocations to the health sector by 16 per cent in order to reach an adequate level of resources, set clear priorities and emphasize the role of preventive health care;**

(b) **Strengthen the provision of health-care services, including with regard to management, staffing, equipment and medical supplies, giving particular attention to the decentralization of responsibilities and resources at district level;**

(c) **Take immediate action to reduce infant, child and maternal mortality rates, including by accelerating the recruitment, training and deployment of "lady health workers" and "community midwives", as noted in the report, and by improving access to basic emergency obstetric and newborn care;**

(d) **Take urgent action to address preventable health problems among children, including with regard to malnutrition, iodine deficiency, malaria, diarrhoea, acute respiratory diseases, measles and meningitis;**

(e) **Address operational difficulties and develop district-level microplans in order to effectively and successfully implement the Expanded Programme on Immunization and the Polio Eradication Programme; and**

(f) **Pursue additional avenues of cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.**

#### **Breastfeeding**

62. The Committee notes with concern that exclusive breastfeeding for six months is declining.

63. **The Committee recommends that the State party make expeditiously and effectively operational the Child Nutrition and Breast Milk Ordinance 2002.**

#### **Adolescent health**

64. The Committee is concerned that the notion of adolescent health and in particular adolescent reproductive health has still gained little acceptance in the Pakistani society. It remains concerned at the lack of access to sexual and reproductive health counselling and services, especially in rural areas, and at the link between the high rate of abortion and low contraceptive use. The Committee notes with concern that clandestine abortion is a major cause of maternal mortality.

65. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, increase its efforts to establish more programmes and confidential services in the area of adolescent health and to obtain valid data on adolescent health concerns through, inter alia, studies on this issue. The Committee also recommends that the State party elaborate clear policies and, when applicable, legislation addressing adolescent health-related issues, in particular early marriage and pregnancies, as well as the harmful effects of drugs. It recommends that the State party provide access to information on reproductive health and family planning with a view to improving practice in these areas, including avoiding the recourse to abortion as a method of family planning.

#### **Drug abuse**

66. The Committee is concerned over information indicating that drug abuse among children is on the rise, especially among most vulnerable and disadvantaged children.

67. **The Committee recommends that the State party develop a comprehensive policy to prevent and end drug use among children and to provide rehabilitative assistance, where needed, to children who have used drugs.**

#### **Harmful traditional practices**

68. While welcoming the new laws and amendments strengthening protection of women against violence and harmful traditional practices, including exchange marriages (*Vani and Swara*), marriages with the Holy Koran and sentences of *zina*, the Committee is concerned that secular laws may not extend to all areas and enforced in all circumstances. Furthermore, the Committee remains concerned at the persistence of inhumane customs and rituals threatening the lives of and causing extreme insecurity, health hazards and cruelty to girl children, such as murders, burnings, acid attacks, mutilations, stripping and sexual harassment.

69. **The Committee recommends that the State party, as a matter of urgency:**

(a) **Enforce the Criminal Law Amendment Act (2004) and the Protection of Women (Criminal Laws Amendment) Act (2006) throughout the country, conduct systematic investigations of practices harmful to the health, survival and development of children, bring perpetrators to justice, and provide adequate services for physical and psychological recovery and social reintegration to victims;**

(b) **Take legislative and awareness-raising measures to prohibit and eradicate all types of practices harmful to the physical and psychological well-being of children; and**

(c) **Reinforce its sensitization programmes, with the involvement of religious leaders, practitioners and the general public, to change negative traditional attitudes and discourage harmful practices, in particular in rural and tribal areas.**

70. The Committee welcomes the measures taken to address early and forced marriages in the framework of the National Plan of Action for Children and the National Policy on Empowerment and Development of Women 2002. Nonetheless, the Committee remains deeply concerned at the prevalence of early and forced marriages in the State party and that perpetrators often receive lenient or token punishments.

71. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to effectively implement the Child Marriages Restraint Act (1929) and amend it with a view to ensuring adequate punishment and to raising the minimum age of marriage for girls to 18 years;**

(b) **Properly investigate complaints of early and forced marriages, provide adequate protection measures to girls and women who resist such marriages, duly prosecute and adequately punish perpetrators; and**

(c) **Address the poverty-related parental pressure placed on girls to marry at an early age, and continue to undertake awareness-raising campaigns concerning the negative consequences resulting from early marriages in order to fully prevent this practice.**

#### **HIV/AIDS**

72. The Committee notes with satisfaction that the State party has put the prevention of HIV infections high on its health agenda. The Committee is, however, concerned that Pakistan is in a concentrated HIV/AIDS epidemic with prevalence rates over 5 per cent in some high-risk groups. Since HIV/AIDS continues to be a culturally and religiously sensitive topic in the State party, the raising of awareness on HIV/AIDS in terms of transmission channels, treatment and preventive measures remains challenging.

73. **The Committee recommends that the State party take measures to reduce HIV/AIDS infection in its territory, particularly with regard to young people. It recommends in particular that the State party:**

(a) **Strengthen, continue and develop policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**

(b) **Pursue awareness-raising efforts and strengthen the role of religious leaders in the country in order to prevent the incidence and spread of HIV/AIDS;**

(c) **Seek technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS), WHO, UNICEF and the United Nations Development Programme; and**

**(d) Take into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) in developing its policies and programmes.**

74. While noting with satisfaction the adoption of the ordinance on safe blood transfusion services, the Committee is concerned that only 50 per cent of the blood is HIV screened before transfusion and that few surveillance centres are functional to date.

**75. The Committee recommends that the State party take all appropriate measures, including the implementation of the HIV/AIDS programme in all provinces and territories, the blood transfusion ordinance and the establishment of surveillance centres, throughout the country, to ensure systematic blood screening before transfusion.**

#### **Standard of living**

76. The Committee takes note of the Poverty Reduction Strategy Paper II (2008–2012), the Medium Term Development Framework (2005–2010) and the commitment of the State party to achieve Millennium Development Goal 1 of halving poverty by 2015 and of increasing pro-poor spending. Nonetheless, the Committee is concerned that the rates of relative and extreme poverty remain very high, particularly among children, and that indicators on adequate housing, nutrition, water and sanitation, and sewage remain alarming. The Committee is also concerned at the impact of the global economic crisis, natural disasters and conflicts on the standard of living of Pakistani children, in particular internally displaced and refugee children. It notes with concern that a high percentage of the population currently faces severe food shortages and that half of the population lives below or just at the poverty line.

**77. In accordance with article 27 of the Convention, the Committee recommends that the State party:**

**(a) Strengthen its efforts to reduce the rates of poverty and extreme poverty among the population, in particular with regard to alleviating the effects of the food and energy crisis, and to invest in a social protection system that would prevent people from falling back into poverty;**

**(b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the harmful impact of poverty on their development, health and education;**

**(c) Provide, with the assistance of UNHCR, access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the internally displaced and the refugee population;**

**(d) Assist children in acquiring vocational skills and finding occupations respecting the age limits set by ILO Convention No. 138;**

**(e) Encourage participation of parents and children in the development of poverty-alleviation strategies; and**

**(f) Seek international cooperation and assistance from UNICEF and the World Bank.**

## 7. Education, leisure and cultural activities (articles 28, 29 and 31 of the Convention)

### Education, including vocational training and guidance

78. The Committee welcomes the National Plan of Action on Education for All (2001–2015), the Education Sector Reforms Action Plan (2002–2006) aimed at providing adequate facilities to Government schools and quality education, as well as the efforts made to increase enrolment and reduce gender disparities and dropout rates. It regrets, however, that the results of these efforts have been unsatisfactory and remains concerned that:

(a) The public expenditures on education in the State party are extremely low and remain below 5 per cent of GDP, regarded as the benchmark to achieve Education for All;

(b) Not all provinces have a compulsory education law and, where they exist, they are often not properly enforced;

(c) The net enrolment rate in primary education remains unacceptably low at 73 per cent for boys and 57 per cent for girls in 2006; gender, regional and urban-rural disparities remain very high and enrolment in primary education is limited to children up to 10 years old;

(d) Nearly 7 million of the estimated 19 million primary school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades;

(e) The quality of education is poor mainly due to insufficient teacher training;

(f) The number of non-functional public schools is very high, either for having been destroyed by non-State actors or lacking basic facilities, including drinking water, toilets, electricity and boundary walls; and

(g) The provision of early childhood development is inadequate and focuses narrowly on education for children aged over 4 years.

79. **The Committee recommends that the State party:**

(a) **Increase funding for education to 5 per cent of GDP by 2010 and to 7 per cent by 2015, as announced during the dialogue;**

(b) **Set up clear implementation plans for achieving universal free primary education by 2015 by raising the age of compulsory education to the minimum age for admission to employment; prioritizing policies, funding and actions in all districts, especially districts with the lowest enrolment rates; and giving special attention to the enrolment of all girls and children affected by the armed conflict, including internally displaced and refugee children;**

(c) **Reduce the number of children dropping out of school by, inter alia, ensuring that education is free and exempt of any hidden costs, providing additional financial support to students from economically disadvantaged families and highlighting the value of girls' education;**

(d) **Expand non-formal education opportunities and vocational training programmes, including for those who cannot go to formal schools or who have missed out on educational opportunities;**

(e) **Streamline teacher training, recruitment and deployment, and improve the quality of the curriculum;**

(f) **Prioritize the construction and reconstruction of school infrastructure throughout the country, in particular in earthquake-affected areas, rural and remote areas and regions affected by the armed conflict, through the provision of sufficient resources to local authorities;**

(g) **Develop and implement with adequate funding a national policy on early childhood development that provides holistic and multisectoral development and education programmes for children under the age of school enrolment and involve parents and communities, taking into account the Committee's general comment No. 7 (2005) on implementing child rights in early childhood; and**

(h) **Seek technical assistance from, among others, UNICEF and UNESCO.**

80. The Committee takes note of the efforts of the State party against the madrasas involved in militancy and sectarianism through the 2002 Madrasa Registration Ordinance, but regrets that there is still a large number of unregistered madrasas and that the introduction of secular subjects in the curricula has only been partially implemented. The Committee also regrets that the aims of education outlined in article 29 of the Convention, including the development and respect of human rights, tolerance and peace, are not duly respected. Furthermore, the Committee is deeply concerned at reports of violence, ill-treatment, corporal punishment, sexual abuse and illegal detention within madrasas and of madrasas being used for military training, as well as instances of recruitment of children to participate in the armed conflict and terrorist activities.

81. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of the Madrasa Registration Ordinance through the establishment of adequate monitoring mechanisms and the linkage of resource allocation to concrete implementation measures;**

(b) **Take concrete action to eliminate teaching religious or sectarian intolerance; promote human rights, human rights education, including children rights, peace, tolerance and dialogue between different religions and beliefs (article 29 of the Convention); establish a timeline for the introduction of secular subjects at all madrasas; and streamlining the education given in madrasas in order to ensure their compatibility with regular public education;**

(c) **Ensure the protection of children from maltreatment within madrasas through the establishment of an adequate monitoring mechanism;**

(d) **Take effective measures to ensure that madrasas are not misused for recruitment of children below the age of 18 years by armed groups or for the involvement of children in armed conflict and hostilities; and**

(e) **Take into account the Committee's general comment No. 1 (2001) on the aims of education.**

## **8. Special protection measures (articles 22, 30, 38, 39, 40, 37 (b)–(d), 32–36 of the Convention)**

### **Refugee children**

82. The Committee welcomes the generosity of the State party in hosting the world's largest and longest-lasting refugee population over the past three decades and takes note of the repatriation since March 2002 of more than 3.4 million Afghans refugees. The Committee remains concerned, however, at the harsh living conditions in refugee camps, where a large number of children live, and at the lack of access to health services, education

and basic services such as water and sanitation. The Committee also expresses concern that the internal armed conflict is turning political and public opinion against the non-citizens, particularly Afghans, leading to discrimination and abuse by local communities. The Committee is concerned at reports of harassment and extortion of refugees by the police.

83. **The Committee recommends that the State party:**

(a) **Pursue its policy of generous hosting of refugees and not force Afghan refugees to return to areas of conflict in Afghanistan;**

(b) **Make all appropriate efforts to improve the living conditions of refugee families and children in refugee camps and elsewhere within the country and ensure that refugee children have access to basic services without discrimination, including health care and education;**

(c) **Continue and strengthen the Programme for Refugee Affected and Hosting Areas (2009–2014) aimed at reducing “asylum fatigue” and promoting peaceful coexistence between the host community and the refugee population;**

(d) **Ensure that refugee children are registered at birth and receive appropriate protection, including unaccompanied and separated children, and in this regard, pursue cooperation with relevant United Nations agencies, including UNHCR, UNDP and UNICEF, as well as with NGOs; and**

(e) **Taking into account the UNHCR Guidelines on Protection and Care of Refugee Children, develop national legislation on refugee protection and asylum-seekers, including on refugee status determination in accordance with international refugee law and standards, and consider ratifying international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Convention relating to the Status of Stateless Persons of 1954.**

#### **Internally displaced children**

84. While welcoming the rapid return of internally displaced families to areas of origin, the Committee is deeply concerned at the very high number of internally displaced persons in Pakistan in recent years, culminating at approximately 2 million in June 2009, due to military operations and to floods and earthquakes. The Committee notes with concern that internally displaced children in the State party are facing serious socio-economic deprivation, especially limited access to shelter, sanitation, health care and education. Furthermore, the Committee is concerned about the vulnerability of displaced children to malnutrition, diseases and harsh weather threatening their health and survival. It also noted with concern reports of displaced people complaining about non-State actors' atrocities and civilian casualties in the course of military operations.

85. **The Committee recommends that the State party, with the assistance of the United Nations and NGOs:**

(a) **Pursue efforts to address the immediate humanitarian needs and protect the human rights of the internally displaced persons in Pakistan;**

(b) **Take all necessary precautions and adapt its military tactics to limit civilian casualties in military operations;**

(c) **Ensure that displaced children are provided with shelter, nutrition, sanitation, health care and education, as well as with physical and psychological recovery, and pay special attention to particularly vulnerable groups, especially unaccompanied and separated children, children with disabilities, and children suffering from malnutrition and diseases.**

**Children in armed conflict**

86. The Committee continues to be gravely concerned over reports of forced underage recruitment and training of children by non-State actors for armed actions and terrorist activities, including suicide attacks. Furthermore, the Committee is concerned over the lack of preventive measures, including awareness-raising, and physical and psychological recovery for children affected by armed conflict, in particular those who were recruited, trained and took part in terrorist activities.

**87. The Committee urges the State party:**

(a) **To take all possible measures, including intensive awareness-raising campaigns, to prevent and prohibit the recruitment of children and their use in armed actions and terrorist activities, including suicide attacks;**

(b) **To provide physical and psychological recovery measures for all children affected by armed conflict and those who have taken part in hostilities; and**

(c) **To consider ratifying the Rome Statute of the International Criminal Court as well as the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol I and Protocol II) of 1977.**

**Economic exploitation, including child labour**

88. The Committee welcomes the 2005 amendment to the Employment of Children Act (1991) enhancing the list of hazardous processes and occupations, and notes with interest that the Government, in the context of the time-bound programme (TBP) of the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC), is carrying out several programmes of action to combat the worst forms of child labour in various industries. In this context, the Committee welcomes the provision of vocational training and health care to about 11,800 children so as to prevent them from being involved in the worst forms of child labour, as well as the creation of new rehabilitation centres for child labourers. Nonetheless, the Committee remains deeply concerned that:

(a) No comprehensive survey on the extent of child labour in Pakistan has been conducted since 1996, making it difficult to assess the severity of the issue and address the problem appropriately;

(b) The prevalence of child labour is extremely high and has increased in recent years due to growing poverty;

(c) Despite legislation prohibiting slavery and all forms of forced labour, including bonded labour, and the 2001 National Policy and Plan of Action, bonded and forced labour continue to occur in many industries and the informal sector, affecting the poorest and most vulnerable children;

(d) The ineffectiveness of labour inspection machinery reduces the likelihood of investigations of reports of child labour, making unlikely prosecution, conviction, or punishment for the exploitation of children in bonded labour; and

(e) There are insufficient programmes to identify and protect victims of forced labour, particularly bonded labour, and child labour in the informal sector including domestic work.

89. Noting with appreciation the ratification in 2006 of the ILO Convention on Minimum Age for Employment (No. 138) and the initiation of the streamlining and consolidating process of all labour laws in that respect, the Committee remains concerned at the low and variable minimum ages for admission to employment and at the poor implementation of the Convention.

90. **The Committee recommends that the State party:**

(a) **Conduct a survey to assess the prevalence of child labour, including bonded and forced labour, and inform the Committee about the findings in its next periodic report;**

(b) **Continue and strengthen its efforts to eradicate child labour, particularly in its worst forms, by addressing the root causes of economic exploitation through poverty eradication and education;**

(c) **Expedite the harmonization of the labour laws in order to establish minimum ages for employment in accordance with international standards, notably ILO Convention No. 138, and vigorously pursue the enforcement of minimum-age standards, including requiring employers to have, and to produce on demand, proof of age of all children working on their premises;**

(d) **Ensure the full implementation of the legislation prohibiting child labour and forced and bonded labour and implement ILO Conventions No. 138 on Minimum Age for Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, vigorously investigate, prosecute, and punish the perpetrators, and ensure that penalties are commensurate with the gravity of the crime;**

(e) **Strengthen the labour inspectorate and provide the labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively at the State and local levels the implementation of labour law standards and to receive, investigate and address complaints of alleged violations; and**

(f) **Continue the collaboration with NGOs, civil society and ILO/IPEC.**

#### **Children in street situations**

91. The Committee notes with satisfaction the adoption of the Destitute and Neglected Children Act in Punjab province, but regrets that its implementation is limited to the city of Lahore. Nevertheless, the Committee reiterates its concern, expressed in its previous concluding observations, at the increasing number of children in street situations throughout the country and the vulnerability of these children to violence, torture, sexual abuse and exploitation, and drug abuse, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children.

92. **The Committee recommends that the State party:**

(a) **Undertake a systematic assessment of children in street situations in order to develop and implement a comprehensive strategy, which should address the root causes, in order to prevent children from leaving families and schools for the street;**

(b) **Ensure that children in street situations are provided with adequate protection and assistance, nutrition and shelter as well as with health care and educational opportunities in order to support their full development;**

(c) Fully implement the Destitute and Neglected Children Act throughout the Province of Punjab, and draw from the province's experience in order to develop similar legislation and programmes in other parts of the country; and

(d) Respect the right of children in street situations to be heard when developing programmes and measures designed to protect and assist them.

#### **Sexual exploitation and abuse**

93. The Committee is concerned that — despite recent measures taken in this respect — sexual exploitation and abuse of children is widespread, affecting increasingly boys and children in rural areas. It reiterates the concern expressed in its previous concluding observations about the absence of legislation clearly prohibiting child sexual abuse and sexual exploitation and the lack of a clear definition of the term in the legislation. The Committee regrets that despite awareness-raising and sensitization projects, negative societal attitudes towards women and children, including stigmatization, often mean that these cases are not reported and that when they are reported, police do not systematically intervene. The Committee is further concerned at the lack of data and analysis on the issue of child sexual exploitation and abuse.

94. **The Committee recommends that the State party review its legislation and promptly adopt legislative measures in order to clearly define and expressly outlaw sexual abuse and sexual exploitation of children. It recommends that the State party undertake studies on sexual abuse and exploitation in rural and urban areas and from a gender perspective to enable it to understand the extent, scope and root causes of these practices, adopt adequate measures and policies to prevent the stigmatization and ostracism of women and children who report cases of sexual exploitation and abuses, and contribute to changing attitudes. The Committee also recommends that cases of abuse of children, including sexual abuse, be properly investigated and that perpetrators be duly prosecuted. Measures should also be taken to provide victims with support services for their physical and psychological recovery and social reintegration, in a gender-sensitive manner.**

#### **Sale and trafficking**

95. The Committee welcomes the significant efforts made during the reporting period to combat trafficking in persons, such as the promulgation of the 2002 Prevention and Control of Human Trafficking Ordinance, the establishment of the special Anti-Trafficking Units and of the Inter-Agency Task Force on Human Trafficking. The Committee notes with concern, however, that the State party remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation and forced and bonded labour. It also expresses concern at the growing number of children trafficked internally, sometimes sold by their own parents or forced into marriage, sexual exploitation or domestic servitude.

96. **The Committee urges the State party:**

(a) **To take all measures to ensure the protection of children from international and internal trafficking and sale;**

(b) **To strengthen efforts to address the root causes of sale and trafficking, including gender-based discrimination, poverty, early marriages, and the lack of access to education and vocational training;**

(c) **To provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration;**

(d) To establish a system for collecting and disaggregating data on the sale and trafficking of children;

(e) To carry out awareness-raising activities in order to make both parents and children aware of the dangers of sale and trafficking; and

(f) To strengthen national and regional strategies and programmes on the prevention and suppression of sale and trafficking, and ensure that these strategies take into account the commitments made at the three World Congresses against Sexual Exploitation of Children in 1996, 2001 and 2008.

#### Helplines

97. The Committee, while welcoming the helpline operated by Madadgaar Help Line for Children and Women Suffering from Violence and Abuse, is concerned that it is not toll-free, that it receives limited funding, and that the level of follow-up provided is rather low.

98. **The Committee recommends that the State party provide adequate funding for the existing helpline to be toll free, including for mobile phones, 3-digit and available 24 hours in order to have an outreach component for the most marginalized groups, including in less accessible areas. The Committee recommends that adequate follow-up be given to calls received by child victims of the offences covered by the Convention.**

#### Administration of juvenile justice

99. The Committee is very concerned at the 2004 Lahore High Court judgement revoking the Juvenile Justice System Ordinance, 2000, with effect for the whole country. It takes note, however, that JJSO has been temporarily restored pending a decision by the Supreme Court. In particular, the Committee is deeply concerned that:

(a) The minimum age of criminal responsibility continues to remain very low (7 years);

(b) Juvenile offenders have reportedly been sentenced to death, very long imprisonment and high fines even after the promulgation of JJSO;

(c) Many of the authorities in charge of JJSO implementation, particularly within provincial Governments and tribal areas, are unaware of its existence;

(d) JJSO is poorly implemented in the country and particularly in the Federally Administered Tribal Areas where the Frontier Crimes Regulation of 1901, which does not take into account child rights and allows, inter alia, for collective punishment, continues to apply;

(e) The number of children in prisons is high, they are often detained in poor conditions together with adult offenders and thus are increasingly vulnerable to abuse and ill-treatment; and

(f) The number of juvenile courts, trained lawyers and probation officers is insufficient.

100. **Taking into account the Committee's general comment No. 10 (2007) on the administration of juvenile justice (CRC/C/GC/10), the Committee recommends that the State party continue and strengthen its efforts to ensure the full and effective implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention**

of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. In this regard, the Committee recommends that the State party:

- (a) Support the repeal by the Supreme Court of the Lahore High Court judgement revoking JJSO;
- (b) Fully implement JJSO and make it operational in all areas of the country, including the tribal areas and the Northern Areas;
- (c) Raise the minimum age of criminal responsibility to an internationally acceptable level and ensure that children below the age of 18 years are accorded the protection of juvenile justice provisions and are not treated as adults;
- (d) Review all cases of children sentenced to imprisonment in order to ensure that deprivation of liberty is only used as a measure of last resort and for the shortest possible period of time, and ensure that all children benefit from bail and the non-custodial provisions of JJSO;
- (e) Guarantee that all children have the right to appropriate legal assistance and defence by assigning a sufficient number of lawyers with relevant training and competence and an adequate number of probation officers to assist juvenile courts and carry out specialized training for personnel in the juvenile justice system;
- (f) Set up a sufficient number of juvenile courts and ensure that juveniles are not tried jointly with adults;
- (g) Ensure that, when in detention, children are always separated from adults and remain in regular contact with their families;
- (h) Take immediate steps to ensure that the prohibition of the death penalty, as stipulated in JJSO, is guaranteed for all children below the age of 18 years, in light of articles 37 (a) and 6 of the Convention, and that death sentences imposed before the promulgation of this ordinance are effectively commuted;
- (i) Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime, UNICEF, OHCHR and NGOs.

#### Protection of witnesses and victims of crimes

101. The Committee also recommends that the State party ensure, through adequate legal provisions, procedures and regulations, that all child victims and/or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes, have effective access to justice and are provided with the protection required by the Convention, and that it take fully into account the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime annexed to Economic and Social Council resolution 2005/20.

### 9. Optional Protocols to the Convention on the Rights of the Child

102. The Committee recommends that the State party consider ratifying the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

## **10. Ratification of international human rights instruments**

103. The Committee recommends that the State party ratify the core United Nations human rights treaties and their optional protocols to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment and its Optional Protocol, the International Covenant on Civil and Political Rights and its Optional Protocols, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention on the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## **11. Follow-up and dissemination**

### **Follow-up**

104. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Supreme Court, the National Assembly, the Senate, and the provincial assemblies and tribal representatives for appropriate consideration and further action.

### **Dissemination**

105. The Committee further recommends that the combined third and fourth periodic reports, written replies submitted by the State party and related recommendations (concluding observations) adopted by the Committee be made widely available to the public at large, civil society organizations, youth groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **12. Next report**

106. The Committee invites the State party to submit its fifth periodic report by 11 December 2012. This report should not exceed 120 pages (see CRC/C/118).

107. The Committee also invites the State party to submit a core document in accordance with the requirements of the common core document in the Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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