

Flaws In Child Protection Laws In Pakistan: Under The Umbrella Of International Standards



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Abstract: *This research study critically examines the child protection laws in Pakistan within the framework of international standards. It aims to identify and dissect the shortcomings and inadequacies in Pakistan's legal framework concerning the safeguarding of children's rights. Employing a rigorous methodological approach, the research begins with an extensive overview of the international conventions and treaties ratified by Pakistan, including the United Nations Convention on the Rights of the Child (CRC) and other relevant international instruments. The study analyzes the existing child protection laws and regulations in Pakistan, tracing their evolution, effectiveness, and implementation. It reveals significant gaps in legal definitions, inconsistent enforcement, and disparities across provinces within Pakistan's child protection laws. Furthermore, the research identifies several challenges hindering the practical realization of children's rights, such as issues related to access to justice, awareness, and the roles of various stakeholders, including law enforcement agencies and civil society. By juxtaposing the domestic legal framework with international standards, the study pinpoints misalignments and deviations, underscoring the urgent need for reforms. The findings highlight the imperative of aligning Pakistan's domestic legislation with global expectations to safeguard children's rights and well-being. This study aims to inform policymakers, legal practitioners, and advocates dedicated to advancing child protection in Pakistan and fostering compliance with international obligations. The proposed recommendations serve as a roadmap for legal and policy reforms necessary to enhance the protection of children's rights in Pakistan.*

Keywords: Child Protection, International Conventions, Islamic Principles, Pakistan Domestic laws

1. INTRODUCTION

“The child should be fully prepared to live as an individual in society, embodying the principles of peace, dignity, resilience, freedom, justice, and unity.” (From the United Nations Convention on the Rights of the Child)

“Throughout history, children's rights have been

neglected and underutilized. Article 1 of the Convention on the Rights of the Child (CRC) defines a child as an individual under the age of eighteen, unless majority is acquired earlier under the law applicable to the child.”(Streuli, Michel, et al. 2011)

Children's rights are referred to as "rights that pertain to safeguarding the individual child and

establishing the circumstances in which all children can grow to their fullest potential." ([Younus, Chachar, et al. 2018](#))

As indicated by the total populace of children fewer than 14 is as under 0-14 years: 27.3% Birthrate 20.18 births/ 1,000. ([C.I.A. 2011](#))

According to United Nations (U.N.) Minister Ramesh Thakur and 'United Nations International Children's Emergency Fund' (UNICEF) Japan Executive Manzoor Ahmed, 2.2 billion people worldwide are under 18, with two billion from developing countries. ([Sadruddin 2011](#))

Conferring to the Pakistani Population Relationship, 65 percent of Pakistani family units have one young person. 23% more parents will identify the following generational adolescent groups with children under ten. Young people account for 29.6 million of the 130.6 million residents (10–19 years old) ([Sadruddin 2011](#))

Child rights development is genuine, and current products worldwide focus on the affirmation, extension, or potential relapse of a child's rights. All legitimate worldwide indicators. "Announcement of the Child's privileged," created by Eglantyne Jebb in 1923 and adopted by the Association of Countries in 1924, is influenced by many verified and current archives. ([Hawes 1991](#); Khan, 2024)

The Tradition of the Child's Privileges was the first legally mandated global instrument to glorify all human rights, including standard, social, monetary, partisan, and social rights. The General Assembly received it on November 20, 1989, and subsequently endorsed it by all governments (aside from Somalia and the U.S.A.). ([Younus, Chachar, et al. 2018](#); Khan et al., 2024)

The tradition provides for rights in 54 articles and two optional conventions. The 54 articles spell forth any individual under the age of 18's rights to create, in any capacity, a life free of segregation, want, need, neglect, abuse, or other types of mistreatment. The rule protects children's rights by building models in human services, education, security, and legal,

standard, and social administrations. On November 12, 1990, Pakistan became the first to embrace the custom.

Pakistan attempted to carry out the plans by implementing several managerial, legal, and administrative processes to establish sensitive zones of worry that stifled a child's development. The legislature in Pakistan established a National Arrangement of Activity (N.P.A.) for Child Insurance to address the country's responsibilities in areas such as child sexual abuse, misuse, sex entertainment, and prostitution, as well as wellbeing, protection, poverty, youth strive, mentoring, and morbidity (Riaz et al., 2024). In 2006, a statute was passed to create an institutional framework to prevent and shelter people from violence and rehabilitate those abused. This measure is also awaiting approval. ([Solberg 2009](#); Khan et al., 2023)

Child abuse is not only rampant in Pakistan, regardless of its Islamic heritage, but it is also on the rise, according to recent statistics. Problems develop from time to time due to the subject being socially and socially taboo; there is a perception that the problem does not exist. In Pakistan, the adolescent equity loop is intricate and frequently baffling, but it is critical for "children's rights". In 2000, the Pubertal Equity Framework Mandate was established to manage children who had run afoul of the law. In Pakistan, there are several instances of child labor. According to the report, Pakistan has more than ten million child laborers ([Sewani; Khan, & Usman, 2023](#))

In Pakistan, teenagers' training is in a dreary state. Children drop out of school because of deficiencies in a training framework, such as a weak foundation, poor instruction, a lack of trained educators, teacher non-appearance, whipping and passion, verbal abuse, harsh restrictions, and a lack of learning resources. ([Akhtar 2010](#); Faisal et al., 2023)

Corporal punishment has been prohibited in the government schools of Sindh since the year 2004. ([Akhtar 2010](#)). "Despite these approaches, physical violence is still pervasive in both public and private educational institutions, and efforts to reduce such behaviors have had little success.

This worrisome situation is largely linked to a lack of vision, inadequate training, and putting the general population's unfulfilled demands at the forefront of priorities. Every child has the right to a childhood free of cruelty, including corporal and physical punishment as well as demeaning and degrading disciplinary procedures. Recognizing, appreciating, and upholding children's rights can play a critical role in eliminating violence against children throughout an institution.” ([Sadruddin 2011](#))

The healthcare offered to a significant proportion of children is insufficient, indicating Pakistan's children's vulnerabilities in global indexes of health and economic well-being. With an infant death rate of 84 per 1,000 live births, a five-year mortality rate of 125 per 1,000, and 38% of children under the age of five being underweight, the state is held responsible for failing to perform its fundamental obligation of providing healthcare to its population, particularly the youth. Experts underline that education, social welfare, and healthcare rights are critical issues that require serious consideration. Education has an important role in improving children's lives, removing barriers to poverty and discrimination, and providing young children with the hope of better future possibilities. ([Sadruddin 2011](#)). They should be taught their fundamental rights from the moment they begin to comprehend things so that their collaborative efforts can effectively provide joy to many lives. ([Sewani](#); Hussain et al., 2023)

2. STATISTICAL VIEW:

From 2015 to 2020, the police received reports of 22,000 rape cases, according to government estimates. Only 18% of these incidents were prosecuted, resulting in the conviction of 77 criminals. The conviction rate for reported rape cases is 0.3 percent. According to a Geo News study, just 41% of all instances are initially registered due to flaws in the legal system, cultural pressures, and stigma. According to police, only half of the instances may be officially recorded due to numerous causes and loopholes, implying that the true number of cases between 2015 and 2020 might be as high as 60,000.

([B.I.L.A.L.](#); Khan et al., 2023)

In 2019, state agencies projected that 1,580 children died due to exploitation and desertion, with 4-5 children dying per day. Though, research shows that state authorities significantly under-count child abuse fatalities.

As many as two-thirds of patients in drug addiction therapy said they were mistreated or neglected as children. In 2016, over 58,000 children in Pakistan were recognized as craving safety from mishandling, including over 430,000 children under 18 in Pakistan. ‘In Pakistan, about (2,100) children were identified as demanding shield from cruelty in 2019’.

In Pakistan, about 22,000 children received assistance from children's services in 2019. In Pakistan, there are about 2,900 children in care.

At least 11 children are sexually abused every day, with about 100 homicides occurring due to sexual assault in 2019, a 10% rise over the previous year. Boys made up 41% of the victims of sexual abuse. Last year, (2,410) girls and (1,729) boys were sexually molested. According to the Offensive Numbers 2019, 4,139 children were sexually molested in the previous year, with 76 percent of incidents recorded in rural areas and 24 percent in urban areas. Speaking up against significant concerns such as sexual assault, domestic abuse, rape, harassment, forced marriages, and honor killing in a patriarchal country like Pakistan is both immoral and courageous. Since they are labeled "sensitive" problems, no one bothers to debate them.

Susceptibility to lustful conduct is linked to unfavorable effects, such as masking and expressing adverse effects and a refusal to attend class. Lewd conduct among young individuals may rise throughout early adolescence as sexual impulses emerge and their involvement with mixed-sex peer groups grows. We wanted to see if there was a link between standardization and dangerous sexual activity and the incidence of obscene behavior among youths aged 14 to 18. In Pakistan (School Health Promotion Study 2014–2018), 90,953 young men and 91,746 young women, with a mean (S.D.) age of 16.3 (1.2) years, responded to a classroom research

survey. . (Swan 1998; Hussain et al., 2023)

3. PURPOSE OF THE STUDY:

With the help of non-governmental organizations, open and non-public schools, and government facilities, the inquiry dismantled the adequacy of using children's rights, assessing the ceremonial of adolescent rights, and reviewing whether foundations were successful in executing privileges of children in the current years or not, two distinct responses from private and government-funded schools, government organizations, and non-governmental organizations. In addition, this paper developed the means and proposals for implementing children's rights in current contemporary circumstances.

4. THE EDGE FOR AGREEING ON A FORMAL CHILD PROTECTION PLAN

The gathering should evaluate whether the kid has suffered significant harm and is likely to face considerable mischief in the future. Each family member's child should be considered separately.

When assessing whether or not children should be subject to a child protection plan, the following factors should be used: The evidence shows that a child has been abused or has had their wellbeing or advancement harmed as an effect of corporal, emotional, or erotic maltreatment or disregard and that further ill-treatment or disability is likely. On the other hand, the evidence shows that a child has been abused or has had their wellbeing or advancement harmed due to corporal, emotional, or erotic maltreatment or disregard. Expert judgment is that further ill-treatment or disability is likely (Khan et al., 2023).

According to professional judgment, the kid will most likely suffer abuse or a lack of prosperity or progress due to physical, emotional, sexual maltreatment, or disrespect, as supported by the findings of a request in this particular situation or by research findings.

When a kid is experiencing or is likely to experience significant harm, they will require facilitated inter-agency assistance and mediation delivered through a formal Child Security

Design to protect the children from experiencing mischief or a recurrence of misconduct in the future. Furthermore, if no action is taken to correct the situation, the misconduct already endured or likely to be survived will have a significant and long-term impact on the child's prosperity (Khan et al., 2022).

5. CLASSIFICATIONS OF MALTREATMENT

Generally speaking, a child should only be subject to one child security plan. It should be the category that best describes the child's experience or planned engagement.

Physical maltreatment

Physical maltreatment may include:-

- Hitting/punching or the utilization to perpetrate damage,
- Trembling
- Chucking
- Exterminating
- Scorching
- Obscuring
- Stifling

Or then again

I am generally doing physical damage to Children.

Physical maltreatment may likewise cause when a parent or professional manufactures the side effects of or purposely prompts a child's ailment.

Effect of Physical maltreatment:

Physical abuse can result in neurological damage, wounds, disability, or death.

Children's aggressive behavior and emotional and physical mistreatment have increased the risk of aggressive behavior in children, emotional and social problems, and low educational achievement.

Child maltreatment typically occurs in conjunction with spousal violence.

Psychological mistreatment:

Psychological maltreatment occurs when a

youngster is repeatedly abused, for example, to inflict severe and unfavorable repercussions on the child's eager improvement.

The following are examples of psychological mistreatment:

Teaching youngsters that they are worthless, unloved, defective, or valued because they solve someone else's problems (high analysis/low warmth).

Denying youngsters the opportunity to voice their opinions

Judgment

Erroneous developmental desires

Limiting the youngster's ability to investigate and learn

Preventing the child from developing a normal social relationship

It's terrifying to be exposed to another person's actual illness.

Abuse at home, for example:

Harassment of a severe nature (including cyberbullying); instilling feelings of fear or danger

Debasement is being exploited.

Some aspects of emotional harm associated with a wide range of child abuse should be understood as scenarios within the usage of various classifications of maltreatment and, as a result, should not be seen as an arbitrary categorization if the components of constant, excessive, and undesirable eagerness are significant drivers of worry.

Effects of psychological mistreatment:

There is evidence that continuing psychological maltreatment has long-term adverse imports for children's development, including

Harassment of a severe nature

Emotional abuse significantly impacts a child's mental health, behavior, and confidence.

Family violence, adult psychiatric issues, and parental substance addiction may all be aspects of family life that expose children to psychological abuse.

Sexual maltreatment

Males in their forties and fifties are not the only ones who engage in sexual is behavior. Other youngsters, as well as women, can present examples of sexual mistreatment. Driving or enticing children or children to participate in sexual activities is one kind of sexual mistreatment.

Involving children in the viewing or creation of explicit sexual content, witnessing sexual acts, persuading them to engage in explicitly inappropriate behavior, or training another child in preparation for abuse is another distressing example.

In Pakistan, a tragic incident prompted the nation to intensify efforts to raise awareness against child sexual abuse. Zainab Amin Ansari, a seven-year-old girl from Punjab's Kasur district, became a victim of this heinous crime. On January 4, 2018, she left home to attend a Quran recitation session and was abducted. She endured brutal rape and torture, and her lifeless body was discovered near Lahore on January 9, 2018. The brutal and violent nature of the crime triggered widespread outrage in civil society, leading to nationwide demonstrations. Authorities responded promptly, resulting in the capture of the perpetrator, Imran Ali, on January 24, 2018. His DNA analysis revealed that he was a serial murderer and rapist. Imran Ali was sentenced to death by hanging, a punishment he received on October 17, 2018. ([B.I.L.A.L.](#); Khan et al., 2022)

Effects of sexual maltreatment:

The seriousness of the effect of sexual maltreatment on a Child is accepted to build the more drawn out the maltreatment proceeds with, the broader the maltreatment, and the more seasoned the child. The relationship of the abuser to the Children, the degree of intention, the level of danger and intimidation, perversion, and irregular components are additionally vital.

The Children's capacity to adapt to the experience of sexual maltreatment, when perceived or revealed, is stimulated by the help of the non-manhandling guardian who affects the child's trust and the arrangement of

administrations to enable the child to realize the maltreatment.

The response of actioners additionally affects the child's capacity to adapt to what has occurred and on their sentiments of self-esteem.

Disregard

Ignoring is the failure to consistently supply a child's basic physical and mental requirements, which will likely result in a specific handicap in the child's wellbeing and, more importantly, progress.

Neglect may arise during pregnancy due to maternal substance abuse. Neglect is characterized as a parent or caregiver intentionally failing to: supply sufficient nourishment, clothing, and shelter (including eviction from the home or abandonment); safeguard children from physical, sexual, or emotional harm or risk; offer adequate supervision (including the use of inadequate parental figures); ensure access to proper medical attention or treatment. It may also involve a disregard for or neglect of a child's fundamental and emotional needs.

Effect of disregard:

Dangerous disregard for the impact of young children impacts a child's ability to form connections and is linked to developmental and intellectual disabilities.

- Persistent disrespect can harm one's health and development, as well as long-term social working, relationships, and educational advancement.

In general, neglected children usually suffer from poor self-esteem, feelings of being despised, and a dismissive attitude toward other people; in extreme circumstances, disdain can end in death.

The impact of disdain varies depending on the length and severity of the disregard, as well as the child's age. ([Taylor, Jenni, et al. 2005](#); Khan et al. 2021)

Utilization of various classes:

While the critical worry should outline the premise of choice for a child to construct a child

protection plan, it goes beyond what one categorization can use in unusual circumstances. Every child in the family or family should be considered separately for the mistreatment to be noted. The decision not to subject children to a child assurance plan: If the child protection conference decides that a child should not be subject to a child security plan, the neighborhood expert should consider the child's circumstances within the child in need framework. IF THIS IS THE CASE, the I.R.O. will establish the principal kid's audit date. That is true in circumstances when an Initial Child Protection Conference has decided not to subject the children to a kid safety plan, just as it is true when a child is removed from a child assurance plan. It should never be the case that a child whose circumstances do not satisfy the minimum requirements for a child security plan is not assessed as potentially requiring administration as a child in need.

6. THE FRAMEWORK OF THE CHILD PROTECTION PLAN (O.C.P.P.)

The O.C.P.P. ought to be found on examining the data and proof displayed to the Initial Child Protection Conference, and dependent on this is clear about the zones of concern.

The O.C.P.P. is the arrangement that governs the core aggregate's creations until the first Core Gathers meeting, where it must be evaluated, produced, and updated as necessary.

The O.C.P.P. should not be confused with the working statement, which will address jobs and desires and how specialists and family members will collaborate on problems of concern. Following the meeting, the social worker will detail or alter the working assumption with the family, but the gathering participants may wish to influence its content. However, the layout should separate the essential portions of the job to treat or prevent the issues of concern and better understand them. Consequently, the arrangement should depict the child's needs, the specific activity expected to handle the problem, the desired outcomes, the motivation for the mediation, and the timeframe and lead person from the central gathering.

7. CHILD PROTECTION ACCORDING TO ISLAM

We need strong folks who will stand up and expose this. It's not only mistreatment of children; it's loathed. Islam expresses religious contempt towards another group (non-Muslims or Muslims who do not practice Islam in their way). I essential, and we do not need to look for it across the sources. When it comes to fighting non-Muslims (mostly heathens), the Qur'an says: "Summon people to the path of your Lord with wisdom, gentle counsel, and reasoned discourse, employing the most appropriate and fitting approach. Indeed, the Lord is the one who knows best those who deviate from His path and those who are rightly guided."(Noordin and Othman 2006)

How is it possible that we are authorized to use the most un-suiting method (thumping) while "instructing" our "children," but we are encouraged to use the most befitting one when "contending" with "non-Muslims"?

"Islam is a divine religion revealed by God's messenger (Allah the Almighty), whose teachings are embodied in the Quran and the Prophet's Sunnah (saw). In Islam, children are regarded as a blessing and a source of joy, and Allah the God is considered trustworthy. Allah's blessings are children." (s.w.t.).

They are Allah's (s.w.t.) most valued gift to brighten the lives of parents and their families. The Quran expresses itself in this way:

"Riches and offspring are temptations of the worldly life."(Al-Tamimi 2017, Najib 2017)

As a result, infidelity or adultery is considered a significant criminal violation in Islam and severely punishable.

- "The Quran, the Sunnah, supplementary sources like consensus (ijma), and juristic discussions are interconnected in various Islamic legal references." (The Sharia).

Children's rights are also safeguarded within Sariah's general goal of ensuring the good of all people and protecting them from harm.

- The joys of marriage;

"Enter into marriage with the women of your

preference, two, three, or four; however, if you are concerned that you may not treat them with fairness, then marry only one..." (Al-Tamimi 2017)

We approach adultery as an offense right to care, custody, and upbringing.

"Right to Nafaqah":

Nevertheless, he is responsible for covering the expenses of their sustenance and clothing on fair terms.

"Let the affluent man spend in proportion to his means, and the one whose resources are limited, let him spend according to what Allah has bestowed upon him..."(Mohd 2015; Khan et al., 2021)

"The safeguarding of life and reputation is paramount, and whoever preserves a life is regarded as having saved the life of the entire people." (Al Faruq and Suharjianto 2019). "Do not unlawfully take a life, which Allah has prohibited, except in cases of just cause."(Al-Tamimi 2017)

Hadith:

"It is a parental duty to instill virtuous moral conduct and provide a commendable name for their child, fulfilling one of the rights entitled to the child."(Bahari and Hassan 2014)

"Parents have the responsibility to fulfill one of the rights of their child, which includes educating them in writing, bestowing a meaningful name, and solemnizing their marriage upon reaching puberty."

"Indeed, on the Day of Judgment, you will be summoned by your name and the name of your father, so adorn your names accordingly."– ((Abu-Dawoud, Al-Enezi, et al. 2007))

Islam safeguards children from any form of harm through principles such as the general directive to support one another and engage in benevolent actions towards others.(Fadlisyah, Bustami, et al., 2018)

"Parents have an obligation to fulfill one of the rights of their child, which includes teaching them writing, bestowing a meaningful name, and solemnizing their marriage upon reaching

puberty."

"Indeed, on the Day of Judgment, you will be called by your name and the name of your father; therefore, enhance and adorn your names accordingly."– ([Abu-Dawoud, Al-Enezi, et al. 2007](#))

Islam safeguards children from any form of harm through general commands to help one another and engage in benevolent actions towards others. This is exemplified in the Quranic directive: "And help one another in righteousness and piety."([A](#)

.M.R.I. 2018) Engage in deeds that lead to prosperity and well-being, as emphasized in the Hadith. The noblest action, following faith in Allah, is to obey Allah's commandments and show compassion to His creations. The Hadith underscores this by stating, "Those who do not have mercy upon the minor (small child) and do not respect the elder are not from us." ([Al-Tirmidhi 1975](#))

Abu Huraira reported Allah's Messenger (P.B.U.H.) as saying, "Whoever eases the distress of a brother from the distressful aspects of this world, Allah will make easy for him the distressful aspects of the Hereafter. Whoever alleviates one in difficulty among the people, Allah will alleviate for him in this world and the Hereafter. Whoever conceals the faults of a Muslim, Allah will conceal his faults in this world and the Hereafter. Allah is helping the servant as long as the servant is helping his brother..." ([Siddiqui 1976](#))

Indeed, as long as it ensures benefits and prevents harm to children without contradicting the principles of the Quran and the Sunnah, the Islamic Child Protection principles are evident and embodied in the Covenants of the Child's Rights in Islam.

Our methods for teaching and instructing are legitimate because of their content and outcomes. It is neither advised nor authorized to use a strategy that leads to unfavorable consequences. The desired goals in teaching religion to our children are not to compel them to practice religious commitments under our authority. The desired objective should be to

implant the concept of Islam in their minds to remain loyal to Muslims for the rest of their lives. While we may do the first by whipping, the second (at least in our day) can be accomplished without much difficulty by using a beating.

Furthermore, it should note that a beating of a kid that results in any mark on the child would be considered an illegal act that, at its most basic level, necessitates Qisas (striking back). The child cannot, should not, or should not attempt to perform Qisas on his or her father or mother. However, the father (or mother) must compensate for the bodily injury inflicted arbitrarily (by beating the child) appropriately.

LEGISLATION AT THE INTERNATIONAL LEVEL

"The United Nations Convention on the Rights of the Child" (CRC) is an international treaty that imposes legal obligations on countries to safeguard the rights of children. According to Articles 34 and 35 of the CRC, states are obligated to protect children from all forms of sexual exploitation and abuse.

Declaration of the Rights of the Child 1959

The United Nations Declaration on the Rights of the Child (DRC) expands on the rights enshrined in the League of Nations Declaration of 1924. It highlights the right of children to "special safeguards and care, including appropriate legal protection, both before and after birth." This emotion echoes the 1924 Declaration's pledge that "mankind owes to the child the best it has to give," a value that has been consistently reaffirmed in numerous legal instruments governing children's rights. According to the UN Convention on the Rights of the Child, every child has the right to a name and nationality, adequate nutrition, shelter, recreational activities, medical services, education, and, for those with disabilities, "special treatment, education, and care." ([Verhellen 2000](#))

Minimum Age Convention 1973

The Minimum Age Convention of 1973 intends to provide a general instrument on minimum work age to eliminate child labor (Preamble). ([Porter, Hampshire, et al. 2010](#))

“U.N. Convention on the Rights of the Child 1989”

"The Convention on the Rights of the Child" (CRC) stands as the most comprehensive document outlining the rights of children. Its significance lies not only in the number of fundamental rights it outlines but also in its coverage of both the provision and implementation of rights during peacetime and the treatment of children in times of armed conflict. As the world's lengthiest human rights treaty currently in effect, the CRC is distinctive in its scope. Moreover, the CRC holds notable importance as it, for the first time in international binding law, establishes principles governing adoption from the child's perspective. ([Assembly 1989](#))

Optional Protocols to the C.R.C. on Sex Trafficking, Armed Conflict

On May 25, 2000, the United Nations adopted two protocols to the Convention on the Rights of the Child (CRC): the Child Trafficking Protocol and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (Sex Trafficking Protocol), as well as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Child Involvement Protocol), commonly referred to as the Child Soldiers Protocol. ([Revaz 2001](#)).

8. REGIONAL DOCUMENTATION

African Charter on the Rights and Welfare of the Child 1990

The African Charter on the Rights and Welfare of the Child (A.C.R.W.C.), serving as the inaugural regional treaty on children's rights, builds upon the 1979 Declaration on the Rights and Welfare of the African Child. ([Union 1999](#))

European Convention on the Exercise of Children's Rights 1996

The European Convention for the Exercise of Children's Rights (E.C.E.C.R.) emphasizes in its Preamble the goal of advancing children's rights and their "best interests."

([Porter, Hampshire, et al. 2010](#))

Universal Declaration of Human Rights 1948

Two articles of the Universal Declaration of Human Rights specifically mention children. The second paragraph of Article 25 states: "Motherhood and childhood are deserving of special attention and support. Whether born in or out of wedlock, every child is entitled to social protection." ([Devine, Hansen, et al. 1999](#))

International Covenant on Economic, Social and Cultural Rights 1966

Children are expressly mentioned in two articles of the Universal Declaration of Human Rights. According to the second paragraph of Article 25, "Motherhood and childhood deserve special attention and support." Every child, whether born in or out of wedlock, is entitled to social protection." ([Beiter 2005](#))

European Convention on Human Rights 1950

The European Convention on Human Rights (ECHR), also known as the Convention for the Protection of Human Rights and Fundamental Freedoms, was the first international treaty to establish supervisory and enforcement mechanisms for human rights. It requires States Parties to "secure the rights and freedoms of everyone within their jurisdiction" (article 1). As a result of the ECHR's usage of the word "everyone" (or, in other cases, "no one"). ([COUNCIL 2018](#))

“Convention for the Protection and Placement of Children

- Hague Convention on Jurisdiction for the Protection of Children 1996
- Hague Convention on Jurisdiction, etc., Relating to Adoptions 1965
- European Convention on the Adoption of Children 1967
- Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors 1984
- The Hague Convention on the Protection of Children Entering a Country for Adoption was signed in 1993.”

9. CHILD PROTECTION IN PAKISTAN

On November 12, 1990, Pakistan officially agreed to the "Convention on the Child's Rights" (hereinafter referred to as the Convention), while preserving the flexibility to incorporate its provisions into Islamic laws and values. The O.M.C.T. expresses sincere appreciation for this decision, as it unequivocally demonstrates a commitment to uphold "children's rights in Pakistan." Notably, the state report submitted to the Committee before September 2001 fails to mention Pakistan's endorsement of the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. Recognizing the significance of these issues in South Asia, the O.M.C.T. anticipates a prompt ratification of these two treaties by Pakistan.

Pakistan is a signatory to three important international accords aimed at furthering children's rights, either directly or indirectly. These include the 1996 ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (C.E.D.A.W.), the World Congress against Commercial Sexual Exploitation of Children (endorsed in 1996 and reconfirmed by the Yokohama Global Commitment in 2001), and the 2001 signing of the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labor (C182).

Regrettably, Pakistan has yet to endorse the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (C.A.T.). On June 15, 2001, the Coalition of Non-Governmental Organizations against Torture (C.I.N.A.T.), which includes O.M.C.T., dispatched a letter to the Pakistani Minister of Foreign Affairs, urging comprehensive approval for the C.A.T.

In the period of the Proclamation of Emergency, General Musharraf took on the role of Chief Executive of the Islamic Republic of Pakistan. The 1973 Constitution, parliament, and national assemblies were suspended, and Provisional Constitution Orders (PCOs) have governed the country since the military coup. O.M.C.T.

expresses apprehension regarding the concentration of arbitrary power in the hands of the Chief Executive, who possesses the authority to modify or nullify the Pakistani Constitution by issuing PCOs.

Article 4(3) of PCO No.1, 1999, states that fundamental rights in Chapter I of Part II of the Constitution continue to be in force, notwithstanding the Proclamation of Emergency. Fundamental rights, including the prohibition of hazardous child labor, torture, and non-discrimination, are still applicable after October 1999.

Under Article 5(1) of PCO No. 1 (as amended by PCO No. 9 of 1999), it is stipulated that legal instruments, apart from the Constitution, continue to be effective until modified, amended, or revoked by the Chief Executive. This encompasses legal statutes such as the Pakistan Penal Code, the Penal Procedure Code, the Labor Code, and the Family Code, all of which entail substantial legislation concerning children's rights.

General Musharraf assumed the presidency in June 2001 while retaining his role as the military's commander-in-chief. His support for the War on Terrorism after September 11 led to a ban on national Islamist rallies and increased government efforts to combat psychological persecution. Tensions with India in Kashmir escalated, leading to a massing of soldiers along the traditional perimeter in December. Despite scrutiny for procedural irregularities, President Musharraf was granted a five-year extension in April 2002. He altered the Constitution, granting unprecedented powers, including dissolving parliament. The 1973 Constitution was reinstated in November, but human rights were not prioritized during the military government. The political strategy appeared to focus more on enacting stringent anti-blasphemy or anti-terrorism legislation than on improving human rights.

National and Provincial Legislation

The Pakistan Penal Code, 1860

The Female Infanticide Prevention Act, 1870

The Reformatory Schools Act, 1897

The Offence of Zina (Enforcement of Hudood Ordinance, 1979)

The Punjab Children Ordinance, 1983

Employment of Children Act, 1991

Abolition of the Punishment of Whipping Act, 1996

Protection of Children

According to Pakistan's official assessment, the government has open and liberal policies toward evacuees. It has done far more than was expected of a country with few resources. Since the tremendous influx of misfits, notably Afghans, in recent decades, O.M.C.T. understands the immense burden that has been placed on the Pakistani government and people.

O.M.C.T. concurs with the government's assertion that relying solely on Pakistan for fulfilling its commitment to aid and reassure displaced persons is not feasible without collaboration from others. Regrettably, O.M.C.T. notes a recent shift in Pakistani policy towards displaced individuals, characterized by less openness and liberalism.

According to human rights organizations, Pakistan's approach to exile in the late 2000s was unfavorable to displaced persons. Pakistani authorities expelled several thousand Afghans, hindered the international community's effective assistance to incoming Afghan refugees, closed borders to asylum seekers, and obstructed the return of some long-term camp residents to their homes. In August 2001, Pakistan entered into a comprehensive screening agreement (referred to as the alleged August 2 Agreement), aiming to align its displaced person policy with global standards; however, the events of September 11 disrupted the implementation of this plan.

The recent conflict in Afghanistan reshaped the international community's perspective on the repatriation of Afghan refugees to Pakistan. While global aid flowed into Pakistan, experts maintained a cautious stance on expulsions. Pakistan's decision to secure its borders against potential threats compelled numerous ordinary individuals to camp along the border or find alternative routes. Concerning the refugees'

status in Pakistan, a significant majority remained unregistered, leaving them devoid of guaranteed rights and assistance opportunities.

Given the substantial presence of children in the Afghan refugee population, Pakistan's refugee policy has directly impacted children's rights, affecting approximately half of them. According to Human Rights Watch, only a few refugee children have been allowed to attend school, with many compelled to work to supplement their family's income.

Discrimination

The official report emphasizes non-segregation as a fundamental principle of the Convention's application. The Pakistani Constitution and laws are also mentioned. Remember the non-segregation rule for children and all people. "All nationals are comparable under the steady gaze of the law and qualify for equivalent security under the law," says Article 25(1) of the Pakistani Constitution. According to Pakistani experts, there is no discrimination against children with disabilities, children with varied standards, semantic, religious, or monetary foundations, or children who are outcasts, yet "a few weird examples arise once in a while."

O.M.C.T. bemoans the report's lack of detail on these "couple of unusual occurrences" and advises the Committee to request that all data be analyzed together to determine their frequency and severity. ([Oestreich 1998](#)) Segregation is one of the primary causes of suffering, and O.M.C.T. is deeply concerned. In Pakistan, the subjugation of young women and the persecution of religious minorities are significant concerns.

Physical/Mental and Sexual Abuse

In Pakistan, there are currently no specific laws addressing child abuse or sexual abuse, including penetration. The legal framework primarily focuses on offenses like rape and sodomy, where penetration is a prerequisite for considering sexual abuse a criminal act. Sections of the Pakistan Penal Code, such as those dealing with rape and sodomy, are invoked to directly prosecute sexual offenders.

Additionally, cases involving murder and kidnapping are utilized to mete out punishment.

Under Section 376, the rape of women is explicitly addressed, and perpetrators can face legal consequences. Sodomy falls under the purview of Section 377, carrying a prison sentence ranging from 2 to 10 years. Sexual harassment is covered by Section 254, with a maximum penalty of two years of imprisonment.

Despite the provisions within the Pakistan Penal Code, legal proceedings often turn to the application of the Hudood Ordinances by authorities. These ordinances stipulate that if the accuser confesses or if four devout male Muslim eyewitnesses testify, the accuser is subject to punishment. [\(Sutton, Montoyer et al. 2004\)](#)

Child labor is firmly ingrained in Pakistani culture, and the children subjected to it have come to accept it as their fate. Child labor, or the economic abuse of children, is Pakistan's utmost severe child abuse & neglect practice. Children labor in practically every area of the nation's economy. Many of them work in dangerous jobs and are historically and economically tied. [\(Sewani\)](#)

As per the Economic Survey 2005-2006, the proportion of individuals residing below the poverty line decreased from 34.46 percent in 2001 to 23.9% in the fiscal year 2004-2005. [\(Gulrez 2006\)](#)

Discrimination against young girls:

Article 25(2) of the Constitution asserts, "There will be no division based on sex alone." However, O.M.C.T. contends that the inclusion of the term "alone" towards the end of the provision diminishes its effectiveness by potentially allowing discrimination based on factors beyond sex, and even permitting the oppression of women. In instances where various biases exist, separation tends to adhere to socio-cultural norms, relegating women and girls to roles associated with reproduction, domesticity, and subordination. Despite the constitutional prohibition of gender-based discrimination in Pakistan, several laws have been enacted that not only tolerate but also endorse such practices, particularly within

Islamic laws.

O.M.C.T. expresses specific concern regarding the 1979 Zina (Enforcement of Hadd) Ordinance enacted during General Zia's regime, aimed at Islamizing the general population. This ordinance encompasses Quranic offenses such as fornication, adultery, violence, and prescribes severe punishments such as beating to death or flogging. The law is also discriminatory, violating fundamental human rights. Young girls are vulnerable to punishment upon reaching the age of 16 or puberty, which may occur as early as 11 or 12 years, while young boys face potential penalties upon reaching the age of 18 or puberty.

The Zina Ordinance creates a division among females and young girls by consistently subjecting them to severe penalties for adultery. This law is in conflict with both the Pakistani Constitution and the international treaties ratified by Pakistan, including the Convention on the Rights of the Child and C.E.D.A.W. Pakistan's association with the United Nations involves an inconsistent implementation of children's rights, as seen in its withdrawal of reservations that interpret the Convention in alignment with Islamic laws and principles, a move contradictory to laws such as the Zina Ordinance.

O.M.C.T. expresses profound concern regarding two prevalent practices that exemplify cases of severe violence against young individuals, specifically honor killings and the involvement of young people in marriages. Honor killings involve the male guardians of a woman murdering her as a punishment for perceived disrespect, often stemming from defiance of social and religious norms defining her female status. While such killings are illegal, they unfortunately occur frequently across Pakistan. Acts like infidelity, pre-marital relations, or attempting to seek a divorce are deemed as "violations of honor" and could lead to the tragic death of a Pakistani woman or young girl. According to Amnesty International's 2002 report on the situation of women in Pakistan, it is estimated that up to three women are killed daily for reasons related to honor in the country. [\(Critelli 2010\)](#)

On their wedding night in March 2000, 14-year-old "Rahima Mugheri" was murdered by her 28-year-old husband, "Niazul Mugheri." At that time, her family decided how she would die. Niazul's senior sibling was the first to shoot her, followed by other male relatives, including the spouse, until she died. Within hours following her wedding, Rahima was covered. ([Critelli 2010](#))

In some parts of Pakistan, it is common practice for guardians or security guards to arrange the marriage of their young girls at a very early age. A jirga can also choose such relational unions (inborn chambers). In Thatta, Sindh Province, a jirga gave more than two young females in June 2001 to resolve an intrinsic battle that arose from a killing. The denounced 11-year-old young daughter was forced to marry the 46-year-old father of the dead, injured guy, and the other charged six-year-old girl was married to the person in question's eight-year-old sister. Even though they had reported this in the local media, the experts did not attempt to help Save the Children. ([Critelli 2012](#))

O.M.C.T. honors Pakistan's guarantee to end oppression against women and young women by establishing a Commission on the Status of Women in 2000. This commission evaluated laws and arrangements about women's rights, offered recommendations, and observed atrocities against women. O.M.C.T. requests that the Pakistani experts clarify how the directive on women addresses the previously mentioned challenges.

Legal framework

The Constitution protects against some forms of torture when it states that "no person shall be subjected to torture to extract evidence."([Vertejee and Karamali 2014](#)). Section 337 (k) of the Pakistan Penal Code punishes anybody who causes harm to coerce confessions, recover property, or settle a claim. Furthermore, any admission provided by an accused under duress or coercion is nullified under paragraphs of "The Qanoon-e-Shahadat Order, 1984."

Art 2 and Art 3:

"The provision of [art. 37 (a) of the] Convention is very obviously supported by the Constitution. The constitutional guarantees, particularly in the case of children, are entirely represented in the land laws. "

Section 332 of the Pakistan Penal Code addresses general harm. As per this section, "Whoever causes pain, harm, sickness, infirmity, or injury to any person, or impairs, disables, or dismembers any organ of the body or portion thereof without causing death, is said to inflict hurt" (1). The punishment for causing harm may involve Qisas (retribution by inflicting similar harm) or Diyat (compensation). ([Ahmad 2014](#))

Children are not permitted to be given visas under Penal Code Section 337(M).

When the perpetrator is a juvenile, Sections 299(a) and 299([Ahmad, Cheema, et al.](#)) define a minor as "a person under the age of eighteen years who is a male. "Minor women who use "being a male" may face Qisas penalties.

Zainab Alert, Response, and Recovery Act 2019

Named after Zainab Ansari, a six-year-old who was abducted on January 4, 2018, in Kasur, the Z.A.R.R.A. 2019 Act addresses the tragic incident where she was raped and murdered by a child predator and serial killer, Imran Ali, a mechanic residing in her neighborhood. Zainab's body was discovered on January 9, 2018. Following this, widespread protests erupted across Pakistan, urging the Government to implement protective measures for children to curb the rising incidents of sexual abuse and violence.

Juvenile Justice System (Amendment) Bill, 2021

Recently passed by the parliament, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 aims to enhance and streamline provisions related to the protection and adoption of children. Introduced on March 15, 2021, by the Minister of Human Rights, this act encompasses provisions concerning children in conflict with the law and those in need of care and protection. Aligned with Pakistan's commitment as a signatory to the United Nations

Conventions on Children's Rights, the bill focuses on areas such as child adoption and heinous offenses committed by minors. The objective of these amendments is to provide clarity in the interpretation of the previous Juvenile Justice Act and to define the exercise of authority by the federation, in line with the Supreme Court judgment, as directed by the cabinet (Ahmad, Cheema, et al.).

The Anti-Rape (investigation and Trial) Act 2021

"The Anti-Rape Investigation and Trial Act 2021" has implemented noteworthy modifications to rape laws. The definition of the crime of rape has been appropriately revised to align with contemporary realities. A crucial amendment involves strengthening potential punishments, with life imprisonment now applicable for the entirety of the offender's natural life. Significantly, the legislation introduces the option of chemical castration for the offender, to be applied at the court's discretion and in accordance with rules established by the parliament." ([B.I.L.A.L.](#))

Establishment of Special Courts to trail Rape cases

Anti-Rape Crises Cell

Legal Assistance

Victim and witness Protections

Independent Support Advisors.

Registration of sex offenders

Non-disclosure of the identity of the witness

CONCLUSION

In conclusion, addressing child molestation requires a comprehensive, multidisciplinary approach involving professionals to identify the source of abuse, address immediate concerns, and involve child protection authorities. Counseling for both the child and caregivers is crucial in the management plan. While strides have been made in Pakistan to achieve these objectives, there is a need for continued efforts. Preventing child abuse necessitates a combination of legal measures, education, parental guidance, and enforcement. Recent

legislative steps indicate progress in safeguarding children, but there remains a journey ahead to establish comprehensive legal protections for securing Pakistan's future.

Recommendations

- Revise the Zina Ordinance, specifically eliminating the puberty-based majority definition and raising it to 18 years for both boys and girls.
- Safeguard the rights of children from religious minorities, ensuring their full enjoyment of health, survival, and life rights from ages 11-12 (if external signs of puberty are present) to 18.
- Promptly take steps to eradicate discriminatory practices like honor killings and child marriages.
- Uphold the rights of children from religious minorities, guaranteeing their access to health, survival, and life rights.
- Ensure effective implementation of the National Plan of Action against Child Sexual Abuse.
- Provide detailed information on the government's concrete actions to combat child trafficking.
- Align legal provisions with international conventions, including raising the child definition to 18, ensuring equal legal treatment for girls and boys, and imposing more severe penalties for child sexual abuse and exploitation.

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