



# CHILD RIGHTS



## **POLICY BRIEF:**

**Pakistan's Compliance with the Convention  
on the Rights of the Child**

# Pakistan's Compliance with the United Nations Convention on the Rights of the Child (UNCRC)

## Executive Summary

Pakistan currently stands at the crossroad of a multi-dimensional crisis; political tensions, environmental<sup>1</sup> and security<sup>2</sup> challenges coupled with a fumbling economy and soaring inflation<sup>3</sup> have adversely impacted the population, especially children. This policy brief demonstrates that Pakistan has acted upon several recommendations of the Concluding Observations on the fifth periodic report of Pakistan, formulated by the Committee on the Rights of the Child<sup>4</sup>, especially with regards to improving the child protection legal framework. Moreover, some unprecedented steps were taken to enforce this legal framework and improve justice with children<sup>5</sup>. The operationalization of the National Commission on the Rights of the Child also stands for a historical measure.

However, to date, major concerns remain with regards to enforcing the Juvenile Justice System Act, ending child marriage (including when it involves girls from religious minorities), child labour, guaranteeing safe and inclusive access to education and health, and ensuring adequate child protection mechanisms and alternative care.

The Pakistani context is complex, but it also offers multiple opportunities. More than ever, our future will be determined by how our state and society ensure that children avail and exercise their right to survival, protection, development, participation, and non-discrimination.

Since the country is currently negotiating the renewal of its GSP+ status, we hope that this document will help provide insight for some and guidance for others on what has been achieved, and what may constitute the way forward at a structural, institutional, and socio-cultural level for child rights in Pakistan.

## Introduction

The GSP+ is a special incentive arrangement for Sustainable Development and Good Governance that supports vulnerable developing countries and has been in place since 1971. In addition to fulfilling the eligibility requirements of the Standard GSP, GSP+ countries are required to ratify 27 international conventions on human rights, labour rights, environmental protection and climate change, and good governance. GSP+ beneficiaries can benefit from complete duty suspensions for products across approximately 66% of all EU tariff lines. To ensure effective implementation of the conventions as well as compliance with reporting obligations, the EU engages in monitoring activities with the GSP+ countries. One of those 27 human rights conventions is the United Nations Convention on the Rights of the Child (UNCRC) that was ratified by Pakistan in 1990. The country has been a major recipient of the GSP+ scheme since 2014, but this status is set to expire on Dec 31, 2023.

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<sup>1</sup> <https://climateknowledgeportal.worldbank.org/country/pakistan/vulnerability>

<sup>2</sup> <https://apnews.com/article/crime-taliban-pakistan-karachi-assault-2d52e23670aaae7a48e1484b741fc6ec>

<sup>3</sup> <https://www.timesnownews.com/business-economy/economy/pakistan-economic-crisis-set-to-deepen-inflation-soaring-gdp-hitting-new-lows-what-lies-ahead-for-cash-strapped-country-article-99530715>

<sup>4</sup> <https://digitallibrary.un.org/record/835009?ln=en>

<sup>5</sup> <https://justicewithchildren.org/wp-content/uploads/2021/11/World-Congress-Asian-Regional-Session-Programme.pdf>

Consequently, Pakistan is in the process of reapplying for this GSP+ status<sup>6</sup> and since the Pakistani population comprises 36.94% inhabitants between 0-14 years<sup>7</sup>, and 102,449,593.5 children under 18 in 2023<sup>8</sup>, the enforcement of this child-centric Convention ought to play an essential role in the negotiations related to this renewal.

However, since no recent State report on the UNCRC has been submitted to the treaty body<sup>9</sup>, it becomes challenging to ensure that an informed assessment of the situation of child rights in Pakistan takes place by the relevant European stakeholders. Therefore, this policy brief attempts to summarise and analyse the progress made by Pakistan to enforce child rights, between April 2013 to March 2023, in line with the UNCRC and the Child Rights Committee's latest recommendations formulated in 2016.

## Key Development

Since April 2013, Pakistan has enacted multiple child rights related laws. The Sindh Child Marriage Restraint Act 2013 forbidding marriage for boys and girls under 18 years of age, is a landmark provincial legal reform. The enactment of the National Commission on the Rights of the Child Act, Child Protection Acts in Balochistan and the Islamabad Capital Territory (ICT) must also be highlighted. Amendments to the Pakistani Penal Code specifically criminalising sexual abuse and exploitation of children, "child pornography" and cruelty to a child were part of this encouraging legislative trend. Those positive steps have been reinforced with the increase of the minimum age of criminal responsibility to 10 years and possibly 10 to 14 years (according to the judicial officer's appreciation of the child's maturity), the Juvenile Justice System Act, the Anti Trafficking in Persons Act 2018, significantly child-centric laws against rape and other forms of sexual violence in 2021, and the latest ICT Domestic Workers Act 2022. The enactment of the Torture and Custodial Death (Prevention and Punishment) Act 2022 is also an important improvement for children in conflict or in contact with the law.

Pakistan's action to pilot specific child protection and juvenile courts,<sup>10</sup> establish and operationalise child protection units, support a massive capacity-building programme of justice actors, raise awareness on child rights and gender equality<sup>11</sup>, establish helplines<sup>12</sup> and develop a digital Victim Support Service Directory<sup>13</sup> (VSSD), are certainly laudable milestones. In the same vein, one can only welcome the multiplication of specialised desks and Gender Protection Units in police stations, and the recruitment drive of female police officers to manage complaints and cases involving children.

Furthermore, the work conducted by the various National and Provincial Human Rights Institutions such as the National Commission on Human Rights or the National Commission on the Rights of the Child to uphold child rights must not be forgotten. The NCHR provided legal aid to 84 detained juveniles who got acquitted, and the NCRC produced policy briefs on child marriage and forced conversion of girls from religious minorities, children in street situations, or child domestic labour, to provide guidance on how to better promote and protect child rights as per the UNCRC.

Actions by the provincial state-led child protection institutions to rescue, refer, protect, rehabilitate, and reintegrate child victims of abuse must also be underlined.

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<sup>6</sup> [https://www.business-standard.com/article/international/eu-s-demands-for-gsp-plus-renewal-put-pakistan-under-pressure-122121100483\\_1.html](https://www.business-standard.com/article/international/eu-s-demands-for-gsp-plus-renewal-put-pakistan-under-pressure-122121100483_1.html)

<sup>7</sup> <https://www.statista.com/statistics/383249/age-structure-in-pakistan/>

<sup>8</sup> <https://data.unicef.org/how-many/how-many-children-under-18-are-there-in-pakistan/>

<sup>9</sup> Pakistan's latest report on the UNCRC was due on 11<sup>th</sup> June 2021, however, the last state report was submitted by Pakistan on 23<sup>rd</sup> May 2013 and covers a reporting period from January 2008 to March 2013: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/088/34/PDF/G1508834.pdf?OpenElement>

<sup>10</sup> <https://gdpakistan.org/justice-with-children/>

<sup>11</sup> <https://insaafwatch.pk>

<sup>12</sup> 1121 in provinces.

<sup>13</sup> <https://victimservicedirectory.org>

Moreover, the Trafficking In Persons report 2022<sup>14</sup> for Pakistan states: “The government<sup>15</sup> slightly increased protection efforts overall: Provincial police reported identifying 21,253 trafficking victims, compared with 32,022 trafficking victims in 2020 and 19,954 in 2019. This included (...) 1,310 boys, and 50 girls”.

Finally, the infant mortality rate in Pakistan has decreased by 1.6 deaths per 1,000 live births (-2.94 percent) since 2020.<sup>16</sup> Therefore, 2021 marks the lowest infant mortality rate during the observed period. Notably, the infant mortality rate is continuously decreasing over the last years.

Nevertheless, to date, in Pakistan, according to UNICEF<sup>17</sup>, only 42% of children under age 5 are registered at birth; 18 % of women aged 20-24 were married or in union before the age of 18; 11% of children aged 5-17 are engaged in child labour. A report published by PIDE (Pakistan Institute of Development Economics), indicates that around 22.8 million children between 5 to 16 years of age are not attending school, representing 44% of the total population in this age group<sup>18</sup>; SAHIL’s report *Cruel Number 2022* states that cases of child sexual abuse have increased by 33% compared to 2021<sup>19</sup>, with both genders equally victimised. As per World Prison Brief, 1.6% of the population in detention in Pakistan comprised juveniles<sup>20</sup>. Blatant examples of child rights violations by justice actors while they are dealing with cases of children in contact or conflict with the law remain largely ill or un-addressed. Effective Juvenile Justice Committees, diversion programs, observation homes and rehabilitation centres for juveniles, or adequate alternative care for child victims or children at risk of abuse, remain a distant dream. Systemic and multi-sectoral child protection mechanisms comprising a case management and referral mechanism have yet to be adequately operationalised; too many children are placed in institutions, away from their families, on the sole account of poverty.

Sadly, no national child protection policy or guidelines exist; the National Action Plan on Child Rights was never notified and the enforcement of the National Action Plan on Business and Human Rights is extremely limited.

## Analysis of the Problem

The findings above show that Pakistan’s efforts to enforce the UNCRC have been inconsistent, reactive, and often marred by insufficient ownership.

Law enforcement remains weak due to inadequate resources, lack of coordination and awareness, duty bearers’ limited capacities and accountability, dearth of data, and absence of a coherent national roadmap for children. Child Rights are still viewed by a segment of the society as an imposed “foreign agenda”. This perception worsens when child rights actions are neither contextualised nor informed by (local) scientific research, when consultations with the civil society, communities, and experts do not take place, or when “change” aims to serve a populist agenda and *appease* citizens instead of *olving* an issue. Furthermore, resistance towards child rights enforcement has been fed by distorted religious narratives, the prevalence of old harmful practices and gender discriminatory norms, as well as taboos.

The higher judiciary has played a significant role in highlighting Islamic jurisprudence to protect and promote child rights and at the same time, uphold the UNCRC and constitutional principles. However, much more is required.

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<sup>14</sup> <https://www.state.gov/reports/2022-trafficking-in-persons-report/pakistan/#:~:text=Provincial%20police%20reported%20identifying%2021%2C253,1%2C310%20boys%2C%20and%2050%20girls.>

<sup>15</sup> Hereby referring to Pakistan

<sup>16</sup> <https://www.statista.com/statistics/807088/infant-mortality-in-pakistan/#:~:text=The%20infant%20mortality%20rate%20in,decreasing%20over%20the%20last%20years.>

<sup>17</sup> <https://data.unicef.org/how-many/how-many-children-under-18-are-there-in-pakistan/>

<sup>18</sup> <https://www.nation.com.pk/07-Mar-2022/22-8m-children-between-5-16-years-of-age-not-attending-school-in-pakistan>

<sup>19</sup> <https://tribune.com.pk/story/2407303/child-sexual-abuse-up-by-33-in-2022-report#:~:text=A%20report%20titled%20%27Cruel%20Number,abuse%20were%20reported%20in%202022.>

<sup>20</sup> <https://www.prisonstudies.org/country/pakistan>

## Policy Recommendations

- Update and enforce a national action plan on child rights and develop a national child protection policy in consultation with all the provinces and a national road map on child justice;
- Upscale efforts related to birth registration and family planning;
- Enact laws putting the minimum age of marriage for girls at 18 in all provinces of the country, ensure that the submission of a valid CNIC is conditional to the celebration and registration of the marriage, and that adults violating the laws are held accountable;
- Amend the Pakistan Penal Code to ban child domestic labour under 18 as a form of modern slavery;
- Operationalise diversion programmes<sup>21</sup>, juvenile courts, observation homes, and rehabilitation centres for juveniles in line with the General Comment 24 of the UNCRC;
- Pursue efforts to enforce the minimal wage, promote women's financial inclusion and gender justice as a pathway to alleviate poverty;
- Upscale efforts to establish schools for all, reform the curriculum and include sciences, age-appropriate Life Skills Based Education, peace, gender justice and freedom of religious belief;
- Include more women in the justice sector;
- Map, adopt, replicate and upscale local examples of good practices for child rights;
- Establish expertise-based police units, prosecutors, defence lawyers and judicial teams with exclusive mandate to address cases of child abuse;
- Operationalise systemic multi-sectoral child protection mechanisms and family-based alternative care structures;
- Incentivise children's education;
- Conduct youth-participatory, creative, mass awareness campaigns on child rights and child protection;
- Allocate adequate resources and develop monitoring & evaluation plans to execute all these recommendations.

## Conclusion

Pakistani children have been greatly impacted by the situation described earlier and by a decade of other multi-pronged difficulties. More than ever, the younger generation needs all of us to put child rights at the centre of our agenda to address what the Secretary-General of the United Nations, Mr Antonio Gutierrez, has rightly named, the global "child rights crisis".<sup>22</sup>

In a context where human rights increasingly influence the global debate and transformative processes that are required to adapt to and hopefully overcome global challenges, banking on safe, healthy, and empowered youth becomes a matter of survival. Pakistan has taken historic measures and has sometimes achieved landmark

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<sup>21</sup> Defined in the Juvenile Justice System Act S. 2(d) as: "diversion" means an alternative process of determining the responsibility and treatment of a juvenile on the basis of his social, cultural, economic, psychological and educational background without resorting to formal judicial proceedings.

<sup>22</sup> <https://apnews.com/article/55cec3e5bcb2c7eacb5b445fedca0b6>

results to comply with the UNCRC: the GSP+ monitoring mission will surely not fail to see that. Nevertheless, much more remains to be done, sometimes rather urgently, especially with regards to juveniles, children from religious minorities and children in street situations.

This brief is meant to provide a useful baseline and user-friendly guidance to relevant stakeholders so that they may synergise and reach a consensus on how the GSP+ mechanism can further contribute to the protection and promotion of child rights in Pakistan, in line with the UNCRC and its optional protocols.



Justice Project Pakistan (JPP), is an award winning legal action non-government organization dedicated to representing the most vulnerable Pakistani prisoners facing the harshest punishments at home and abroad. Our work combines strategic litigation, fierce domestic and international public and policy advocacy campaigns, and building the capacity of stakeholders to bring systemic reform to the criminal justice system in Pakistan.

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