

## Child Rights and Role of National Commission of Child Rights in Safeguarding the Rights of Children in Pakistan

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### Abstract

The National Commission for Child Welfare and Development (NCCWD) was established by the Government of Pakistan on December 16, 1979, effective January 1, 1980, and amended several times until 1991. The Capital Administration and Development Division took over NCCWD ICT duties once the Ministry of Social Welfare and Special Education decentralized. On December 2, 2011, the Prime Minister authorized moving the Ministry of Human Rights. Human Rights oversees it. The NCCWD monitors and promotes UNCRC promises worldwide. The NCCWD informs the UN Committee on the Rights of the Child in Geneva and other interested parties on UN Convention implementation. how effective Pakistan has neglected child welfare, according to the report. The Convention on the Rights of the Child did not seem to promise help. In the last five years, not enough progress has been achieved to protect children's rights in the areas of education, safety, and social welfare. Although protecting children's social and security rights is vital, public discourse and policy debates have ignored it. Experts concluded from the research that Pakistan has not done enough for its children (Lansdown 2014).

**Keyword:** Child Rights, Child Labour, Pakistan, National commission for child

### Introduction

An individualistic culture requires "the child should be fully prepared to live an individual life." UNICEF Japan Director Manzoor Ahmed and UN University Vice-Rector Ramesh Thakur predict 2 billion children worldwide out of 2.2 billion people. <sup>1</sup>These youngsters live in poor nations.<sup>4</sup> Pakistan's



Population Association estimates that 65% of families have adolescents. More than twice as many households (23%) had children under 10 who will reach adolescence. 29.6 million 10-to-19-year-olds make up 130, 6 million people. The goal of the child rights movement is to reform child welfare policies across the world. Legal protections for children throughout the world were first codified in the Universal Declaration of Human Rights.<sup>2</sup>

The Convention on the Rights of the Child is the first global agreement to protect the economic, political, social, and cultural rights of children on a global scale. It has been ratified by every country bar Somalia and the United States since 1989. 54 required and two optional sections outline the Convention's various safeguards. The Convention's health, education, security, legal, civil, and social service requirements defend children's rights.

These 54 articles protect children under 18 against discrimination, starvation, neglect, exploitation, and other maltreatment.<sup>3</sup> Pakistan joined the convention on November 12, 1990. Pakistan adopted it on December 12, 1990. Since then, Pakistan has taken many steps to defend children's rights. Pakistan follows the regulations and has implemented administrative, judicial, and legislative actions to address children's development's most pressing issues. Laws for the protection of children and the rehabilitation of abused children were enacted in 2006.<sup>4</sup> A vote on this measure has not yet been taken. Child abuse is a growing problem in Pakistan, yet it is considered a taboo subject due to the country's Islamic culture. As a result, many people in the United States could ignore the problem.<sup>5</sup>

Many young people in Pakistan's workforce are students. About 10 million young Pakistanis work in agriculture, industry, and the mining sector. The quality of Pakistan's public schools is quite low. Students drop out of school because of inadequate facilities, inexperienced teachers, harsh discipline (including physical punishment or emotional/verbal abuse), and a lack of resources (such as books and computers). Since 2004, children in Sindh government schools have not been physically punished. Neither public nor private school violence decreased as a result of these strategies. The present deadlock is due to the leadership's lack of foresight and its inconsistent policies and agendas.<sup>6</sup>

### **Background of the study**

On November 12th, 1990, Pakistan ratified the Convention on the Rights of the Child with the proviso that its provisions be interpreted according with

Islamic law and morals. In 1997, Pakistan abolished its quota system. OMCT has praised the decision, stating it demonstrates the Pakistani government's commitment to protecting children's rights regardless of their parents' political leanings.<sup>7</sup> The State report submitted to the Committee makes no mention of the fact that Pakistan ratified two important treaties in September 2001. Due to the importance of these problems for the South Asian region (Ali 2018).

### **Rationale of the study**

Researchers looked at the level of cooperation between non-governmental organizations, public and private schools, and government agencies in protecting children's rights. The performance of various institutions in implementing children's rights has been evaluated, and several responders from private and public schools, Government agencies, and NGOs have provided their perspectives. Researchers also developed recommendations and guidelines for implementing children's rights.<sup>8</sup>

### **Research aims and objectives**

- Making suggestions to enhance children's access to developmental opportunities by assessing the impact of constitutional, legislative, and administrative legislation relevant to children's welfare and development.
- To create a strategy for the health and advance of all children in the nation.
- Physical assault, genital mutilation, drug usage, child labor, and the exploitation of children with mental or physical impairments are only some of the kinds of child abuse that need to be criminalized.

### **Literature review**

#### **National Commission on the Rights of Child (NCRC)**

The government established the National Commission for the Rights of the Child under Section 3(I) of the Act, 2017 by notice issued on February 28, 2020. The 2017 NCRC Act requires the Commission to promote, defend, and realize children's rights in accordance with international obligations. The mandate of the National Commission on the Rights of Child in section 15 is to examine, review laws, policies, inquire into violation of child rights, examine international instruments and undertake periodical review of existing policies and programs on child rights and make recommendations for their effective implementation in the best interest of children; advice the Federal

Government to sign, ratify or accede to any proposed International Treaties, Protocols, etc. Article 25(1) of the Pakistani Constitution states that "all citizens are equal before law and entitled to equal protection of law". "No child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment" under Article 37(a) of the Convention. Pakistan's torture and abuse laws are inadequate. Torture in Pakistan is exacerbated by the lack of such laws. Child victims are common.<sup>9</sup> The Pakistan Penal Code's Article 25(A), Article 11(3), and Section 82 limit children's ages. Since 1947, Pakistan has made considerable progress in protecting children's rights. Health care and education have improved due to lower infant mortality and higher literacy rates. However, realizing children's rights takes time and effort. The Commission consists of a Chairperson and seven members (one from each of the 4 provinces, one from ICT, and two child members). It also includes ex-officio members - i.e., civil servants of grade 20 and above - from the Ministries of Human Rights, Interior, and Foreign Affairs, the Chairs of the provincial children's commissions, and the Chairs of the NCHR and NCSW.

#### **Condition of Children in the World**

Even while human rights have taken on more significance in the modern world, the issue of children has been mostly ignored. When children are persecuted, it marks the beginning of a pattern of rejecting and diminishing human excellence. Although it is intended to protect children's human rights, the Children's Convention is little known even among specialists. The stresses placed on childhood and families by rapid industrialization and a rising global population are increasing. The most obvious indicator of societal strain and family collapse was the prevalence of youngsters in paid and unpaid labor, and in some cases, on the streets. Poverty and underdevelopment weren't the only things hurting kids, however. youngsters with impairments, youngsters who were forced into work, and victims of commercial sexual abuse all fell under this category of minors.<sup>9</sup>

#### **Condition of Children in Pakistan**

The NCCWD collaborated with provincial and territorial PCCWDs and non-profits on this. Children's rights groups say Pakistan has South Asia's worst living circumstances. Government inaction, including rejecting legislation and accords that may enhance their lives. Society and the government have failed children via poverty, poor water quality, physical and

sexual abuse, and child trafficking. Evidence supports research. 8 million under-5s worldwide are underweight. 63% of 6-to-3-year-olds are anemic or underweight, and 42% are stunted. Poor diets harm kids. Schooling has deteriorated. Pakistan has 23 million unschooled children. The UN Children's Fund reports that 18% of children 10–14 labor, including over 3 million under 14. The FBS believes 3.5 million Pakistani children work. Minors are trafficked commercially. At least 360 children were trafficked to Arab countries as camel jockeys in 2003, according to Lawyers for Human Rights and Legal Aid. After children were tortured for refusing to ride camels, the 2002 Prevention and Control of Human Trafficking Ordinance failed to punish anybody. The research recommends enforcing existing laws and international conventions and banning small-scale smuggling [9]. Human rights organizations believe that runaways should be punished and destitute parents should not sell their children. <sup>9</sup>

### **Major Issues of Children in the World**

#### **Education Rights**

Since the year 2000, governments throughout the world's poorest nations have worked toward achieving the Millennium Development Goals. The government of Pakistan has reaffirmed its dedication to this goal, as well as its intent to take action to raise the standard of education in the nation. Nonetheless, evidence suggests a substantial amount of work is necessary. About 16 million children in Pakistan are enrolled in kindergarten, but many more are not.

#### **Physical/Mental and Sexual Abuse**

In Pakistan, children often suffer from psychological, physical, and sexual maltreatment. The negative consequences of physical punishment and sexual abuse on children have been more recognized in 2005, which is a start in the right direction. The federal government has taken action to improve kid safety by enhancing police training and enacting new laws. Child prostitution, child marriage, and even infanticide are nevertheless acceptable social norms in many parts of the world. <sup>10</sup>

#### **Discussion**

The literature review also revealed the many issues children face, most of which are ignored. The study found that children in Pakistan were in the most precarious position. There was a pervasive disregard for children's rights, and kids were being subjected to unspeakable cruelty. Throughout

Pakistan's turbulent history, the country's youth have mostly been ignored. Children's rights were found to have been flagrantly violated in Pakistan. More issues were revealed than were addressed, and many of them involved children. The majority of the evidence presented indicated that health and education-related child rights were not being adequately protected in Pakistan. Over the last five years, there has been a dramatic decline in the quality of healthcare and educational opportunities available to children in Pakistan. Children's rights were clearly not being upheld, as shown by alarmingly low rates of health and education. When it comes to physical and sexual abuse, children are at a heightened danger. Child abuse and the use of corporal punishment were worldwide issues, but particularly widespread in Pakistan.<sup>10</sup>

#### **National and Provincial Legislation**

Pakistani law ignores child maltreatment and no penetrating sexual assault. Only rape and sodomy are criminalized, so sexual abuse without penetration is not. Sexual abusers in Pakistan are convicted of rape and sodomy. Murder and abduction trials are possible. Section 376 punishes rape of women. Section 377 makes sodomy a 2-to-10-year felony. Section 254 covers sexual harassment with a two-year maximum punishment. Despite the Pakistan Penal Code, the Hudood Ordinances are prosecuted. If the accused confesses or four faithful male Muslims testify, the sentence will be carried out.<sup>10</sup>

#### **Corporal Punishment**

As stated in Article 19 of the Convention on the Rights of the Child, all children have the right to be "protected from all forms of physical and mental violence while in the care of parents or others." In addition, this is further upon in Article 37. To emphasize this point, the phrase "no child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment" is used. According to Section 89 of the PPC (Pakistan Penal Code 1860) (No XLV), physical punishment of children under the age of 12 is legal in Pakistan. It's also true that domestic violence victims often end up with significant wounds. Hadood crimes are still punishable by flogging, notwithstanding the passage of the Abolition of Whipping Act in 1996. According to Pakistan's national policy on child protection, any kind of physical abuse against a child is strictly prohibited in both the family and the wider society.<sup>11</sup>

### **Child Labor**

The practice of using children as workers is well rooted in Pakistani society, and the young people who participate in it see it as inevitable. Using children for economic gain, such in child labor, is one of the most common forms of child abuse and neglect in Pakistan. Nearly every sector of the American economy employs minors. Cultural ties bind them economically, and the risks of their occupations put them in harm's way.<sup>11</sup>

### **Health Issues**

Pakistan has the 47th highest incidence of under-5 mortality among 193 nations, according to UNICEF. The combined infant mortality rates of India, Nepal, and Bangladesh are 74 per 1,000 live births, whereas Pakistan's average is 99 per 1,000 live births.<sup>12</sup> Human Rights Commission research shows that poor access to healthcare is a chronic cause of disease transmission and high infant death rates. According to the numbers, 38% of Pakistani youngsters suffer from moderate to severe malnutrition. According to the economic survey of Pakistan 2006-07, health care spending in 2007 was equal to 0.57 percent of GDP, as reported by HRCP. Health care spending has increased by 25% from the previous year, although it still falls well behind the average of comparable developed countries.<sup>12</sup>

### **Conclusion**

Education, safety, and social welfare are all areas where children's rights have not made enough progress in the previous five years. The study's findings paint a grim picture for Pakistan's young people. The problems facing children have not been adequately addressed by our country.

### **Recommendations**

Torture and other cruel, demeaning, or humiliating acts, especially against minors, are of particular concern to OMCT in Pakistan. Although OMCT has recognized that structural economic and social transformation is necessary to address many of the root causes of violations of children's rights, it has been unable to implement these reforms. We believe that the lives of the nation's children would be greatly enhanced if significant improvements were made to the country's laws and administration. Therefore, OMCT would like to provide some last thoughts and suggestions about policy and procedure.

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