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**Committee on the Rights of the Child****Concluding observations on the fifth periodic report of Pakistan\*****I. Introduction**

1. The Committee considered the fifth periodic report of Pakistan (CRC/C/PAK/5) at its 2118th and 2119th meetings (see CRC/C/SR.2118 and 2119), held on 25 and 26 May 2016 and adopted the following concluding observations at its 2132<sup>nd</sup> meeting (see CRC/C/SR.2132), held on 3 June 2016.

2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/PAK/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

**II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the progress achieved by the State party in various areas including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, as well as the adoption of a number of new Acts and institutional and policy measures related to children's rights since its last review.

**III. Factors and difficulties impeding the implementation of the Convention**

4. The Committee remains aware of the difficulties facing the State party, namely catastrophic drought conditions and natural disasters threatening the right to survival and development of the child, as well as the law enforcement operations and terrorist activities that are taking place in some regions and have displaced a large number of people, which

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\* Adopted by the Committee at its seventy-second session (17 May -3 June 2016).

all seriously impede progress towards full realization of children's rights enshrined in the Convention.

## **IV. Main areas of concern and recommendations**

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

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

**5. The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2009 (CRC/C/PAK/3-4) which have not been implemented or not sufficiently implemented and, including those related to comprehensive policy and strategy, data collection, independent monitoring, dissemination of the Convention and training, and respect for the views of the child, which will not be repeated further in the document.**

#### **Legislation**

6. Whilst reiterating the positive legislative developments, in particular in the areas of child labour and education, the Committee is concerned about the significant delays in the adoption of a number of bills in the area of children's rights, which are crucial for the implementation of the State party's obligations under the Convention. The Committee is also concerned that despite its previous recommendations, the State party has not taken sufficient steps to harmonize its legislative framework with the Convention which has been further exacerbated by the Eighteenth Amendment to the Constitution in 2010 as some federal laws on children's rights have not been retained by the provincial governments.

**7. The Committee recommends that the State party promptly adopt pending bills in the area of children's rights and ensure that they are in conformity with the Convention. It also recommends that the State party take measures to harmonize its legislation and regulations with the principles and provisions of the Convention in all areas affecting children at federal, provincial and territorial levels.**

8. The Committee remains concerned about the implementation of Sharia law under the Sharia Nizam-e-Adl Regulation of 2009, which is not in line with the Convention, in large areas of Khyber Pakhtunkwa (KP). It is also concerned that the Frontier Crimes Regulation of 1901 (for the FATA (Federally Administered Tribal Areas)) and the Zina and Hadood Ordinances, which are in conflict with principles and provisions of the Convention, remain in force.

**9. The Committee reiterates its recommendation that the State party carefully scrutinize 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, provincial/territorial and local levels, including in the tribal areas.**

#### **Coordination and devolution of powers**

10. The Committee notes the State party's information that the National Commission on Child Welfare and Development and its provincial offices remain the coordinating bodies of policies and activities in the area of children's rights. However, it is concerned that coordination among federal, provincial and territorial entities is weak and inadequately

resourced. The Committee is also concerned that with the 2010 Amendments to the Constitution, which devolved most powers to the provinces, the standards and services, including for protection of children, in different provinces and territories vary greatly and coordination has reportedly become even more difficult.

11. **The Committee reminds the State party that despite the devolution of powers to provinces and different administrative arrangements of its territories, the State party remains responsible for the implementation of children's rights under the Convention throughout its territory. Therefore, it should establish adequate mechanisms of coordination with sufficient authority and human, technical and financial resources to enable it to carry out its work, including coordination, effectively.**

#### **Allocation of resources**

12. The Committee notes that there has been an increase in the State party's social welfare expenditure in recent years. However, it is concerned that, despite its commitments in the previous dialogue with the Committee, the State party's budget allocation to health and education sectors remains extremely low. It is also concerned that there is no systematic budget tracking mechanisms from a child rights perspective and that the allocated budget for children is not spent appropriately.

13. **The Committee refers to its Committee's general comment No. 5 (2003) on General measures of implementation for the Convention on the Rights of the Child and reiterates its previous recommendation that the State party effectively increase budgetary allocations for children particularly for groups of children who require social affirmative actions, inter alia, girls, refugee and internally displaced children, religious and ethnic minorities, children without parental care, children with disabilities, children in street situations, among others, 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.**

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

14. While noting the State party's rules and procedures that facilitate the registration of non-governmental organization as well as the ongoing cooperation with the civil society, the Committee is concerned that such cooperation is limited and restrictions are reportedly imposed on certain non-governmental organizations. It is also concerned about the insufficient financial support provided to non-governmental organizations.

15. **The Committee recommends that the State party establish a clear mechanism and procedures at different levels i.e. national, provincial/territorial and district, for strengthening cooperation with and providing financial support to civil society organizations.**

### **B. Definition of the child (art. 1 of the Convention)**

16. While welcoming the 2013 amendments in the Sindh Child Marriage Restraint Act which raised the marriage age for both boys and girls to 18 years, the Committee remains concerned about the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) in all other provinces and the definition of a girl child contained in the Zina and Haddood Ordinances (1979) (until 16 years or puberty). It is also concerned about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and Sharia law.

17. The Committee reiterates its previous recommendation 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. In particular, it recommends the amendment of the Zina and Haddood Ordinances (1979) as well as the Child Marriages Restraint Acts in all its provinces in order to align the age of marriage of boys and girls by raising the minimum age of marriage for girls to 18 years.

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

### Non-discrimination

18. The Committee remains extremely concerned about:

(a) The serious discrimination against girls in the State party and the continuing gender differences in infant mortality rates and school enrolment rates, persistence of early marriages and exchanges of girls for debt settlement, as well as domestic violence affecting girls;

(b) The status of girls under Sharia Law, under which, among others, girls are entitled only to half of the inheritance provided to boys; and

(c) Widespread discrimination against children belonging to religious and ethnic minorities, children with disabilities, children born out of wedlock, children living in poverty, children of Dalit communities, children living in rural and remote areas and LGBT children.

19. The Committee urges the State party to take concrete measures to address and reduce the serious gender disparities and discrimination against girls prevailing throughout the State party. In particular, the Committee recommends that the State party take effective measures to review its legislation and practices in order to eliminate any gender disparities in entitlements for girls by comprehensive public education and awareness raising programmes to combat and prevent discrimination against girls, for local authorities, religious leaders, and judges and prosecutors and inform children, especially girls, about their rights under the Convention. Furthermore, the Committee reiterates its previous recommendation 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, children living in poverty, children of Dalit communities, children living in rural and remote areas and LGBT children.

### Best interests of the child

20. The Committee notes that the principle of the best interests is enshrined in some of the State party's legislation, but it is concerned that the implementation is not always in line with this principle, and in particular, that the best interests of the child are often disregarded in the justice system.

21. In the light of its General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies,

programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

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

22. The Committee is gravely concerned about the large numbers of children killed by counter-terrorism activities, acts of terrorism, and violence, such as the killing of 142 children in an attack on a school in Peshawar in 2014, drought, including in Tharparkar, malnutrition and lack of maternal and neonatal care. The Committee furthermore expresses serious concern about the reports of an increasing number of infanticides carried out on girls, and that such crimes are rarely prosecuted.

23. **The Committee urges the State party to take immediate measures to:**

(a) **Prevent killings of children by counterterrorism activities, acts of terrorism and violence and provide an increased protection to schools and other areas with a high concentration of children;**

(b) **Prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children such as children living in poverty, including Dalit children;**

(c) **Ensure that, in cases of drought, children are provided with immediate access to aid, including sufficient food and water aid as well as closely monitor the delivery of such aid in order to avoid possible misappropriations;**

(d) **Provide easy access to quality maternal and neonatal care especially in remote rural areas; and**

(e) **Investigate, prosecute and punish perpetrators of infanticides and those who have instigated such crime with sanctions commensurate to the gravity of the crimes and raise the awareness of the population to report such crimes to the police.**

#### **Children sentenced to death penalty**

24. The Committee is seriously alarmed at the reports of execution of several individuals for offences committed while under the age of 18 years or where the age was contested since the lifting of the moratorium on death penalty in December 2014, despite numerous calls from the international community and the United Nations in this regard. It is also seriously concerned that a large number of persons are currently on death row for crimes committed while under the age of 18 years and have limited access to procedures for challenging their sentence on the basis of their age. The Committee highlights the cases of Abdu-ur-Rehman, Moinuddin and Muhammad Anwar, among others, who are awaiting imminent execution for the crimes committed while under the age of 18 years.

25. **The Committee urges the State party to take, as a matter of highest priority, measures to:**

(a) **Order a stay on all the executions and initiate a review into all cases where the death penalty was handed down on children or those who committed a crime while under the age of 18 years, where there is or was an indication on their juvenility, with particular emphasis on how that person's age was determined and where necessary to re-open inquiries in relation thereto, with a view to either releasing or commuting the sentence to prison terms. This should also apply to cases where the crime was committed before the entry into force of Juvenile Justice System Ordinance of 2000;**

(b) Establish effective age determination mechanisms in order to ensure that in cases where there is no proof of age, the child is entitled to a proper investigation to establish his/her age and, in the case of conflict or inconclusive evidence, the child shall have the right to the rule of the benefit of the doubt;

(c) Ensure that all cases involving children, even those concerning terrorism related crimes or violation of Sharia law, including arrest, detention (whether pre-trial or post trial) and trial, are conducted by juvenile courts in compliance with the Convention and all applicable international standards; and

(d) Provide data on the number of children, and the number of persons alleged to have committed a crime while under the age of 18 years, on death row.

**Killings in the name of so-called “honour”**

26. The Committee is seriously concerned that despite the amendment in the legislation (The Criminal Law (Amendment) Act 2004), the practice of killings in the name of so-called “honour” is reportedly on the rise due to the societal acceptance and attitude of law enforcement agencies which are either unaware of the law or knowingly ignore the law. In addition, the Committee is concerned about the possibility of applying Qisas and Diyat under the Shariah law for such killings under which the perpetrator can be set free.

27. **The Committee urges the State party to apply a zero tolerance policy towards gender-based crimes committed in the name of so-called “honour” and ensure a prompt and effective investigation into all cases. In particular, the State party should:**

(a) Ensure that perpetrators of gender-based violence and crimes committed in the name of so-called "honour" are prosecuted under the relevant provisions of the Criminal Code and not subjected to Shariah law settlements, and receive sanctions commensurate with the gravity of the crime;

(b) Undertake awareness-raising efforts targeting the general public, the media and religious and community leaders, and the law-enforcement and judicial authorities to eliminate all misogynistic attitudes in the name of so-called “honour”; and

(c) Ensure the effective protection, including shelter and protective schemes, for women and children at risk of becoming victims or who are already victims of a crime committed in the name of so-called “honour”.

**D. Civil rights and freedoms (arts. 7, 8, and 13-17)**

**Birth registration**

28. The Committee welcomes the 6units and an optional chip-based card system established by the State party to encourage birth registration in all provinces, but it is nevertheless concerned that only about 30 percent of children have been registered at birth with the lowest rates being in Balochistan and FATA. The Committee is particularly concerned about the low awareness, complicated procedures and high fees for birth registration as well as the lack of effective measures to ensure the birth registration of children belonging to marginalized and disadvantaged groups, including children born out of wedlock and refugee and internally displaced children.

29. **Taking note of Sustainable Development Goal 16.5 on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:**

(a) Promote timely registration of births of children, especially among marginalized and disadvantaged communities and educate the public at large about the consequences of non-registration;

(b) Remove all fees and simplify the procedures related to birth registration throughout the country, including through the development of mobile registration units;

(c) Undertake a survey to identify children lacking birth registration and/or identity documentation, and take immediate administrative and judicial measures to ensure retroactive birth registration and issuance of documents for these children; and

(d) Ensure that children lacking identity documents are not refused access to education, health, and public services.

#### **Freedom of religion**

30. The Committee is seriously concerned about the limited freedom of religion in the State party and sectarian violence targeting children of religious minorities such as Shia Muslims, Hindus, Christians and Ahmadis, as well as forced conversions. It is particularly concerned about the blasphemy laws providing heavy penalties, including death penalty, for “tainting” the Quran and insulting the Prophet Mohammed, which are vaguely defined and frequently misused. Furthermore, the Committee is concerned about the reports of teaching of religious intolerance in schools thereby forcing non-Muslim students to complete Islamic studies as well as reports that some school textbooks include derogatory statements about religious minorities.

31. The Committee urges the State party to:

(a) Protect the freedom of religion of all children, including Shia Muslim, Hindu, Christian and Ahmadi children, and provide the ability for children to choose their religion or not to profess any religion altogether, including in schools;

(b) Review and repeal its blasphemy laws to avoid any misuse or misinterpretation and ensure that children under the age of 18 years are exempt from criminal responsibility for such crimes; and

(c) Remove all derogatory statements about religious minorities from school textbooks and promote teaching of tolerance, non-discrimination and human rights.

### **E. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)**

#### **Torture and other cruel or degrading treatment or punishment**

32. The Committee deplores the reports of systematic and widespread torture and ill treatment of children in police stations and prisons in the country, including the reports of torture of children by the Faisalabad district police. The Committee is seriously concerned that *Shariah* Law allows children to be subjected to punishments for *Haddoo* offences involving amputation, whipping, stoning and other forms of cruel and degrading punishments.

33. With reference to the Committee’s general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal 16.2, the Committee urges the State party to launch without delay an independent inquiry into all alleged cases of torture and ill-treatment of children, in particular

committed by law-enforcement officers, including the Faisalabad district police, and ensure that those who have been carrying out, ordering, condoning or facilitating these practices to be brought to justice and be punished with penalties commensurate with the gravity of their crime. The Committee furthermore recommends that the State party review its laws and practices and exempt all children below the age of 18 years from punishment for *Haddod* offences which involve amputation, whipping, stoning and other forms of torture and cruel and degrading punishment.

#### **Corporal punishment**

34. The Committee notes the efforts of the State party to eradicate corporal punishment in schools through directives and establishing of hotlines. However, it is concerned about its widespread use in all settings.

35. **In the light of its general comment No. 8 (2006) on corporal punishment, the Committee urges the State Party to eradicate and prohibit all forms of corporal punishment. It also recommends that the State party undertake awareness raising campaigns on the harmful effect of corporal punishment with a view to changing the general attitude towards the practice and promote positive, non-violent and participatory forms of child-rearing and discipline.**

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

36. The Committee is seriously concerned about:

(a) Large numbers of children, becoming victims of sexual abuse, exploitation, rape and abduction, including by the Taliban, in particular in the provinces of KP, parts of the Punjab and FATA;

(b) Reports of children being sexually exploited in child prostitution and child pornography; and

(c) Lack of effective measures taken by the government to prevent child sexual abuse and exploitation, prosecute perpetrators and provide justice to the victims, who are often stigmatized by the society.

37. **The Committee urges the State party to take, as a matter of highest priority, measures throughout its territory to:**

(a) **Adopt appropriate laws that clearly and explicitly define and prohibit child sexual abuse and exploitation;**

(b) **Initiate a prompt and effective, accessible, child-friendly mandatory reporting of cases of child sexual abuse and exploitation at home, schools, institutions and in other settings, undertake investigation into all reports and allegations of child sexual abuse and exploitation, and punish perpetrators with sentences that are commensurate with the gravity of the crimes;**

(c) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse; and**

(d) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

### **Harmful practices**

38. The Committee welcomes the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 that lays down stricter punishments for traditional practices like *vanni*, *swara* or *budla-i-sulha* as well as the ‘Khyber Pakhtunkhwa Elimination of the Custom of *Ghag* Act 2013’, which criminalises the practice of forced marriages in the KP province. However, the Committee is concerned about the general low awareness of such laws among the public, in particular families and children, and the continuous practice of child marriages throughout the country. The Committee is particularly concerned that, although legally banned, informal judicial systems (local *Jirga*) continue to operate and take decisions about children’s lives in violation of their rights. Furthermore, the Committee remains concerned about other inhuman customs and rituals threatening the lives and security of girls such as burnings, acid attacks, mutilations, stripping and sexual harassment.

39. **The Committee urges the State party to immediately:**

(a) **Enforce its legislation that prohibit child marriages throughout the country and initiate investigations and prosecutions of persons, including members of local councils (jirga), which decide and endorse harmful practices in violation of the State party’s laws and international obligations;**

(b) **Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting families, local authorities, religious and community leaders, and judges and prosecutors and inform children, especially girls, about their rights under the Convention, including the right not to be subjected to forced marriage; and**

(c) **In the light of joint General Comment No. 18 (2014) on harmful practices (2014), take active measures to put an end to harmful practices against children such as burnings, acid attacks, mutilations, stripping and sexual harassment as well as bring perpetrators to justice.**

#### **Freedom from all forms of violence**

40. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), taking into account its General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party prioritize the elimination of all forms of violence against children. In particular, it recommends that the State party:**

(a) **Develop a comprehensive national strategy to prevent and address all forms of violence against children;**

(b) **Adopt a national coordinating framework to address all forms of violence against children;**

(c) **Pay particular attention to and address the gender dimension of violence; and**

(d) **Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.**

**F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))****Family environment**

41. The Committee is concerned about the insufficient assistance to families with children living in poverty and the absence of services providing psychosocial support and guidance to families in need which lead to abandonment and institutionalization of children. The Committee is also concerned about the persisting practice of polygamy in the country, allowed by law, which has a negative impact on children.

42. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regards, the Committee recommends that the State party:**

**(a) Strengthen its efforts to provide financial assistance to families living in poverty as well as psychological and social support and guidance in fulfilling their parental responsibilities in order to prevent abandonment and institutionalization of children; and**

**(b) Review the Muslim Family Law Ordinance of 1961 to ensure that all provisions that have a negative impact on children, particularly those which authorize polygamy, be repealed.**

**Children deprived of a family environment**

43. The Committee notes the establishment of the national and provincial Child Protection Centres, National Rehabilitation Centres for Child Labourers and Pakistan Sweet Homes which are aimed at providing children with alternative care, but regrets that the State party does not provide foster care for children deprived of family environment. It is also concerned that many children without parental care reside in private orphanages, institutions, including religious institutions (madrassas) and shelters that are sometimes registered with the national or provincial governments, but are neither provided with any benchmarks for quality standards of care nor monitored by the State party. Furthermore, it is concerned that such institutions lack appropriate medical, psychological and educational facilities, as well as complaint mechanisms to ensure that children's rights are not violated.

44. **The Committee reiterates its previous recommendation that the State party :**

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

**(b) Establish 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;**

**(c) Provide training for staff and provide children with accessible channels for reporting, monitoring and remedying maltreatment, including complaints mechanisms; and**

**(d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services as well as medical, psychological and educational services in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.**

**G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)**

**Children with disabilities**

45. The Committee is seriously concerned about the reports of frequent abandonment of children with disabilities due to their widespread stigmatization in the society. While noting the State party's intention to provide inclusive education, it is concerned that large number of children with disabilities living in the State party has no access to education. It is also concerned that special education centers, attended by a small number (reportedly 0,04 %) of children with slight disabilities, are inadequate to meet the needs of children and are totally absent in rural areas. The Committee is furthermore concerned that schools, hospitals and recreational infrastructure have a limited accessibility for children with disabilities.

46. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

(a) **Prevent and protect children with disabilities from abandonment by providing appropriate assistance and guidance to families with children with disabilities and undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children;**

(b) **Encourage and ensure that all children with disabilities have access to inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

(c) **Improve the infrastructure and facilities of schools, health care centers and public buildings in order to provide barrier-free access to children with disabilities throughout the country; and**

(d) **Organize the collection of data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities.**

**Health and health services**

47. While noting some improvement in the budget allocations of the State party to health and the lady health workers programme, the Committee is concerned that State health care services are insufficient and inadequate, especially in rural areas, where they are primarily provided by the private sector. In addition, the Committee is concerned about:

(a) The slow improvement in the child mortality rate and increase in the rate of neonatal mortality;

(b) Increasing rate of polio, especially in FATA, due to the ban on vaccination by Taliban and killings of personnel providing vaccines for children, as well as large and frequent outbreaks of measles;

(c) Inadequate health facilities and services, especially for internally displaced children from North Waziristan (FATA), almost half of whom reportedly have serious health conditions; and

(d) Lack of access to safe drinking water and sanitation as well as malnutrition, which reportedly leads to 35% of deaths in children under 5 years of age, caused, among others, by mismanagement of funds intended for children in need.

48. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3.2 and 3.8, the Committee recommends that the State party:

(a) Increase budget allocation to health and expand quality health care services, especially to rural areas;

(b) Take all necessary measures to significantly reduce the rate of under 5 child mortality in order to achieve the target of at least 25 per 1,000 live births and reduce neonatal mortality to at least 12 per 1,000 live births by 2030;

(c) Provide all children from birth to five years old with a package of health services which includes immunization, including against polio and measles, throughout the country, especially in FATA, and raise awareness of communities about the importance of vaccinations;

(d) Provide children throughout the country with adequate health facilities and quality medical services by trained medical professionals, with a particular attention to children of internally displaced persons;

(e) Provide, as a matter of highest priority, access to water and sanitation and develop nutrition programmes to reduce stunting and other forms of malnutrition and implement the essential nutrition package in all health facilities, in particular targeting children affected by severe malnutrition; and

(f) Seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.

#### **Mental health**

49. The Committee is concerned about the reports of suicides or attempted suicides among children and the lack of information concerning investigations into the causes of such suicides. The Committee is also concerned about the low number of mental health professionals, in particular acute shortage of child psychiatrists (according to estimations 1 child psychiatrist for 4 mln children) and psychologists. It is furthermore concerned that the State party has not provided data on the overall situation of mental health among children.

50. **The Committee recommends that the State party take urgent action to prevent suicide among children, including by increasing available psychological counselling services and social workers in schools and communities, and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental health problems. The Committee also recommends that the State party collect data and adopt a comprehensive national child mental health policy, and ensure that mental health promotion, counselling, prevention of mental health disorders in primary health care, schools, communities, and child-friendly mental health services are integral features of the policy.**

#### **Adolescent health**

51. The Committee welcomes the establishment of Mobile Service Units, which provide family planning and reproductive health services. However, it is concerned that the State party has not provided more details on the types, extent and coverage of such services, and that no information was provided on the budget allocated for this purpose. In particular, the Committee is concerned about the low awareness of sexual and reproductive rights among young persons and the reported lack of access to sexual and reproductive health care services for girls, especially in rural areas, due to social constraints. The Committee is also concerned about the reports of large numbers of teenage pregnancies terminated by unsafe

and clandestine abortion procedures and lack of access to legal abortion, especially for unmarried girls.

52. **In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;**

(b) **Review its legislation with a view to ensuring children's, including unmarried girls', access to contraception, safe abortion and post-abortion care services. The views of the girl should always be heard and respected in abortion decisions; and**

(c) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them.**

#### **HIV/AIDS**

53. While noting the National Aids Control Program, the Committee is concerned about the low level of awareness of HIV/AIDS especially among adolescents. It regrets the lack of information or studies undertaken to understand the risks and dynamics of the disease among children, especially vulnerable groups of children such as children in street situations, working children, children using drugs and children involved in prostitution. Furthermore, it is concerned that pregnant women with HIV/AIDs are not aware of their status and are not provided with anti-retroviral drugs to prevent mother to child transmission of the virus.

54. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take measures to raise the awareness of the general population, in particular children, about HIV/AIDs and undertake a study of the risks and dynamics among children especially among children in marginalized and disadvantaged situations. It also recommends that the State party put in place measures to prevent mother-to-child transmission of HIV/AIDS and provide anti-retroviral drugs to affected pregnant women. To this effect, the Committee recommends that the State party seek technical assistance from the Joint United Nations Programme on HIV/AIDS (UNAIDS).**

#### **Drug and substance abuse**

55. The Committee notes the adoption of the Drug Abuse Control Master Plan 2010-2014, but regrets the lack of information on the measures taken to address the issue of drug abuse among children in general and more specifically among those in vulnerable situations and are at risk. It also regrets the shortage of information about the treatment of drug addicted children and lack of standard ethical protocols for both State run and private drug rehabilitation centres, where people are often subjected to inhuman and unethical treatment practices.

56. **The Committee recommends that the State party take appropriate measures to address the issue of drug abuse among children, by inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse — including tobacco and alcohol — and develop accessible and youth-friendly drug dependence treatment and harm reduction services. It also recommends that the State party adopt standards applicable to**

rehabilitation centers, especially concerning the treatment of persons below the age of 18 years.

#### **Environmental health**

57. The Committee is seriously concerned about the negative effects of polluted air, water and soil on children's health and the insufficient measures taken to address that challenge.

58. **The Committee recommends that the State party conduct an assessment of the effects of polluted air, water and soil on children's health as a basis for designing a well-resourced strategy to remedy the situation, and regulate the maximum concentrations of air and water pollutants.**

#### **Standard of living**

59. The Committee is concerned that relative and extreme poverty levels in the country remain high, particularly among children, and that the State party's efforts to help families in need through the Benazir Income Support Programme, Child Support Programme and ZAKAT programme, among others, remain insufficient and do not extend to those who are at the very bottom of the poverty line.

60. **The Committee draws attention to Sustainable Development Goal 1.3 on implementing nationally appropriate social protection systems and measures for all and recommends that the State party strengthen its efforts to provide sufficient and adequate assistance to families with children living in poverty, in particular to those that are in marginalized and disadvantaged situations.**

### **H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

#### **Education, including vocational training and guidance**

61. The Committee welcomes the MDG Acceleration Programme of 2013 which is aimed at targeting out of school children and school infrastructure. However, it is concerned about:

- (a) Lack of a compulsory education law in KP and Gilgit-Baltistan, and poor enforcement of the education laws in provinces where they exist;
- (b) The large number of children (47,3% of all children aged 5 to 16 years) who are out of school, of which the majority never attended any school;
- (c) The high drop-out rate of girls, which reportedly is as high as 50% in Balochistan and KP and 77% in FATA;
- (d) Persisting large gender, regional and urban-rural disparities in enrolment of children in schools;
- (e) Poor school infrastructure that is damaged by natural disasters or armed groups and lack of basic facilities such as drinking water, toilets, electricity and walls;
- (f) Poor quality of education due to shortage of qualified teachers and teacher absenteeism, among others, as well as content of curricula and teaching methods promoting gender and religious discrimination;
- (g) Large numbers of attacks on schools, especially secular and girls' schools, in the reporting period, including targeted killing of teachers as well as the use of school buildings by armed groups;

(h) Privatisation of education with a lack of measures to ensure the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers; and

(i) Limited and inadequate pre-school education.

62. **In the light of its general comment No. 1 (2001) on the aims of education and taking note of Sustainable Development Goal 4, the Committee recommends that the State party:**

(a) **Ensure universal, free and compulsory primary education for all children in the country through adopting relevant laws and policies at national, provincial and territorial levels;**

(b) **Prevent children from dropping out of school, including by facilitating access to schools and providing financial support to children from disadvantaged families, and emphasize the importance of education for girls by overcoming deeply rooted attitudes preferring boys and their wellbeing to those of girls’;**

(c) **Raise awareness and encourage communities and parents in particular to enrol children, especially girls, and those who reside in underrepresented provinces and rural areas in schools;**

(d) **Prioritize construction and reconstruction of school infrastructure, especially those affected by natural disasters or conflict and allocate sufficient resources to provide basic facilities, including drinking water, toilets and heating;**

(e) **Improve the quality of education, and provide quality training and incentives for teachers, with particular emphasis on rural areas and ensure monitoring of the curricula and teaching methods in order to prevent unlawful content of the teaching and/or behaviour;**

(f) **Take measures to protect schools, in particular secular and girls’ schools and prevent possible attacks, including targeted attacks on teachers, as well as prevent occupation of schools by armed groups;**

(g) **Prevent privatization of schools and establish mechanisms to monitor the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers; and**

(h) **Allocate sufficient financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood care and development.**

#### **Madrassas**

63. The Committee notes the increase in the number of *madrassas* that have registered during the reporting period due to the 2011 agreement between the Ministry of Interior and a coalition of major *madrassas*. However, the Committee is gravely concerned that under the agreement, *madrassas* were given a total autonomy in designing the religious curriculum without the State’s oversight and children are reportedly exploited, including for commercial purposes by madrassa administrations. Furthermore, the Committee is concerned that such private madrassas are often used for child recruitment and military training by non-State armed groups.

64. **The Committee urges the State party to monitor private *madrassas*, both registered and unregistered, through adequate mechanisms in order to prevent any possibility of abuse and exploitation. In particular, it urges the State party to ensure that curricula of *madrassas* follow the overall State curriculum and do not include**

religious or sectarian intolerance, are designed in the spirit of human rights and include subjects on children's rights and other international human rights instruments joined by the State party. It also urges the State party to monitor and forbid access of non-State armed groups to educational facilities and protect children from being exposed to recruitment and military training by armed groups.

## **I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

### **Asylum-seeking, refugee and stateless children**

65. The Committee appreciates that the State party continues to host large number of refugees, especially from Afghanistan, but regrets that the State party lacks a legal framework for refugees and stateless persons. It also remains concerned that refugee children are often unregistered (especially those whose parents do not hold Proof of Registration cards), have no access to education, which forces them to join madrassas, live in harsh conditions and are subjected to child labour and early marriages, making them also an easy target for abuse, trafficking and religious radicalization. Furthermore, the Committee is concerned that children from Bengali, Bihari and Rohingya communities remain stateless.

66. **The Committee recommends that the State party take all necessary measures to:**

(a) **Consider adopting a national refugee law in accordance with international standards and continue hosting refugees, especially families with children and unaccompanied children;**

(b) **Ensure that all children born to refugees, including those who do not hold Proof of Registration cards, asylum seekers, and stateless persons are registered at birth;**

(c) **Integrate refugee and asylum seeking children in national and provincial education systems on equal terms as nationals of the State party;**

(d) **Provide refugees, in particular families with children, with adequate housing and provide shelter to those who live in the street;**

(e) **Enforce legal measures against child and bonded labour among refugee, asylum seeking and stateless children;**

(f) **Prevent and protect refugee, asylum seeking and stateless children from falling victims to early marriages, abuse, trafficking and religious radicalization;**

(g) **Ensure equal implementation of its citizenship laws with a view to extending citizenship also to Bengali, Bihari and Rohingya children, and**

(h) **Consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as well as the 1954 Convention on the Status of Stateless Persons and 1961 Convention on Reduction of Statelessness.**

### **Internally Displaced Children**

67. The Committee notes that since its last concluding observations in 2009, the internal displacement of children has not ceased and continue to take place due to natural disasters and ongoing law enforcement operations. It is concerned that the State party has not taken sufficient measures to prepare a contingency plan, and that many internally displaced children and their families live in harsh conditions with no access to shelter, sanitation,

health and education services. The Committee is also seriously concerned about the reports of sexual abuse, harassment, abduction and trafficking of internally displaced children after each emergency and lack of measures to provide them with adequate security.

**68. The Committee recalls its previous recommendation and recommends that the State party:**

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

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

**(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; and**

**(d) Take special measures to protect internally displaced children from sexual abuse, harassment, abduction and trafficking after each emergency situation.**

#### **Children in armed groups**

69. The Committee is gravely concerned that children continue to be targeted for recruitment and training by armed groups for military activities, which include suicide bombing, exploding landmines, and are transferred to the front lines of conflict areas, where they are exposed to grave risks of fatality and physical harm, and that insufficient measures were taken by the State party to prevent such recruitment. While noting the *Sabawoon* Centre, and other centres established for the rehabilitation of children who were recruited by armed groups, the Committee is concerned about the inadequacy of such centres as well as the lack of other measures for reintegration and rehabilitation of these children.

**70. The Committee urges the State party to take all necessary measures to prevent and prohibit the recruitment of children by non-State armed groups and their use in armed actions and terrorist activities, in particular suicide bombings. It also recommends that the State party strengthen its efforts to provide adequate rehabilitation and reintegration structures and sufficient resources for all child victims and children who have taken part in hostilities.**

#### **Economic exploitation, including child labour**

71. The Committee welcomes the legislative acts in Punjab and KP provinces which prohibit employment of children in certain hazardous occupations. The Committee however remains seriously concerned about:

(a) The extremely high number of children involved in child labour, including in hazardous and slavery like conditions in domestic servitude and prostitution, among others;

(b) Reports of abuse and torture of working children, including child domestic workers, which, in some cases, led to the death of children, mainly girls;

(c) The continuous practice of bonded and forced labour affecting children from poor and vulnerable background, including Dalit children;

(d) The absence of nationwide or provincial studies on the extent of child labour;

(e) Insufficient programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour as well as child labour in informal sector, including domestic work;

(f) Low minimum age of admission into hazardous work which is set at 14 years; and

(g) Inadequate number of inspectors who are also insufficiently trained, prone to corruption and lack resources to inspect workplaces.

**72. The Committee urges the State party to:**

**(a) Take appropriate measures to eradicate child labour, in particular the worst forms of child labour by addressing the root causes including poverty;**

**(b) Establish mechanisms for systematic and regular monitoring of workplaces, where children are employed, in order to prevent-ill-treatment, abuse and exploitation of children;**

**(c) Eradicate all forms of bonded and forced labour of children, in particular children from marginalized and disadvantaged groups such as Dalit children and bring those responsible, in particular employers, to justice;**

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

**(e) Develop programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour as well as child labour in informal sector, including domestic work;**

**(f) Strengthen the labour inspectorate, by eradicating corruption and providing 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;**

**(g) 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 the age of all children working on their premises; and**

**(h) Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.**

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

73. The Committee is alarmed at the reports that a large number of children live in street situations and are deprived of all their basic rights, including access to health care, education and shelter and are subjected to hazardous forms of child labour, child sexual exploitation and abuse as well as trafficking. It is also concerned that the children living or working on the streets or whose parents are in conflict with the law are often handled by the police, instead of the trained staff of child protection centres.

**74. The Committee reiterates its previous recommendation 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; and**

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

#### **Sale, trafficking and abduction**

75. The Committee is seriously concerned that the State party remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation as well as forced and bonded labour. In particular, it is concerned that children are bought, rented and sold into domestic servitude, bonded labour and sexual exploitation or forced marriages abroad and internally. The Committee regrets the lack of clarity of the State party's laws addressing internal trafficking and the lack of information about child specific shelters for victims of trafficking and prostitution.

76. **While taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to take all necessary measures to protect children from international and internal trafficking and sale by addressing the root causes of sale and trafficking, including gender-based discrimination, poverty, early marriages, and the lack of access to education and vocational training. It also recommends that the State party provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration. Furthermore, the Committee recommends that the State party clarify its laws on internal trafficking and take measures to ensure prompt and effective investigation into all reports of trafficking and sale of children as well as prosecution and punishment of perpetrators.**

#### **Enforced disappearances**

77. The Committee is seriously concerned about the reports of enforced disappearances of children in Balochistan, KP and FATA allegedly abducted by law-enforcement agencies which are authorized to arbitrarily detain any person, including those below the age of 18 years.

78. **The Committee urges the State party to review its security related legislation in order to ensure that persons below the age of 18 years are not subjected to arbitrary detention, and are instead addressed by the juvenile justice system. It urges the State party to carry out prompt and effective investigation into all cases of enforced disappearances.**

#### **Administration of juvenile justice**

79. The Committee deplores the worsening situation of juvenile justice in the State party and is seriously concerned about:

(a) The low minimum age of criminal responsibility (10 years);

(b) Sentencing to death and lengthy prison terms of children by the judiciary mostly for terrorism related crimes or *Haddood* offences under the Shariah Law ;

(c) Insufficient implementation of the Juvenile Justice System Ordinance of 2000 which provides for juvenile courts, and the trial of children as adults in Sharia courts and special courts for drug and terrorism related offences;

(d) Lack of mechanisms and obligation to investigate the person's age in the absence of a birth certificate, which leads to the situation where many children are tried as adults and sentenced to death;

(e) The detention of children together with adults, especially in Balochistan and KP, leading to the abuse of children by other prisoners and prison staff;and

(g) The continuous functioning of informal courts (*jirgas* and *panchayats*), though banned by law, which decide on cases concerning honour killings, bride price and others.

**80. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

**(a) Revise, as a matter of highest priority, its legislation and increase the minimum age of criminal responsibility to an internationally accepted level;**

**(b) Review its legislation with a view to prohibiting cruel and inhuman punishments of all persons below the age of 18 years, including death sentences, lengthy prison terms and sentences,**

**(c) Ensure the prevalence of the Juvenile Justice System Ordinance of 2000 over all other laws, including Shariah Law. The attention of the State party is drawn to sections 11 (penalties for children convicted of offences) and 12(a) (no death penalty for children) of the Ordinance which both apply "notwithstanding anything to the contrary contained in any law for the time being in force";**

**(d) Establish compulsory procedures and mechanisms to establish the age of a child including a presumption of validity of official records such as a birth certificate and placing the onus of proving adulthood beyond reasonable doubt upon the State;**

**(e) Promote alternative measures of sentencing to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

**(f) In cases where detention (including pre-trial detention) is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

**(g) Carry out systematic and regular monitoring of detention places where children are detained and investigate any reports or allegations of torture or ill-treatment of children and ensure that perpetrators are punished commensurate to the gravity of the crime;**

**(h) Set up in accordance with the Juvenile Justice System Ordinance of 2000 specialist juvenile courts staffed by specially trained juvenile judges, prosecutors, probation officers, defence advocates and other relevant personnel, and ensure that all persons below the age of 18 years are tried exclusively by such courts, without exception;**

(i) Ensure the provision of free qualified and independent legal representation to children in conflict with the law at the outset and throughout all stages of the legal proceedings; and

(j) Prohibit the functioning of informal courts such as *jirgas* and *panchayats* and carry out prompt and effective investigations into the decisions taken by such courts and, where appropriate, undertake prosecutions of its members, in particular, in cases of honour killings, under the relevant articles of the criminal law .

81. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

## **J. Ratification of the Optional Protocols on the Involvement of Children in the Armed Conflict and on a communications procedure.**

82. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in the Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

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

83. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

84. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, the report of which is overdue as of 2013.

## **V. Implementation and reporting**

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

85. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

## B. Next report

86. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 11 June 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

87. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for 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 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).

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