

PAKISTAN

CRC A/51/41 (1996)

1. Concluding observations

11. The Committee considered the initial report of Pakistan (CRC/C/3/Add.13) at its 132nd to 134th meetings (CRC/C/SR.132-134), on 5 and 6 April 1994, and adopted, at its 156th meeting, on 22 April 1994, the following concluding observations.

(a) Introduction

12. The Committee notes the State party's early ratification of the Convention on the Rights of the Child and its role as one of the six initiators of the World Summit for Children in 1990, which was essential to the promotion and protection of children's rights.

13. The Committee welcomes the fact that written responses were provided to the questions raised by the Committee before the session. It regrets that the State party report was not prepared in accordance with the guidelines on reporting.

14. On the basis of information provided in the initial report and from the dialogue ensuing from its consideration, the Committee feels that existing legislative and other measures are not sufficient to ensure the implementation of the Convention. At the same time, the Committee takes note of the statements made by the State party representative that further efforts will be made to address problems raised by the Committee. In view of this, the Committee requests that a progress report be submitted before the end of 1996.

(b) Positive factors

15. The Committee welcomes the fact that a national conference was organized in December 1991 to discuss priority areas of survival, protection and development of children. It has taken note with appreciation of the "Islamabad Declaration" adopted at that conference.

16. The Committee notes with satisfaction the positive support and encouragement the Government is giving to the South Asian Association for Regional Cooperation (SAARC) Decade for the Girl Child.

17. The Committee welcomes the comments made by the State party's delegation on the importance it attaches to the guidance offered by the Committee as to the steps to be taken to implement effectively the Convention with the assistance of, among others, international bodies and agencies and non-governmental organizations.

(c) Factors and difficulties impeding the implementation of the Convention

18. The Committee is aware that the rate of population growth in Pakistan is high and that almost half the population is under 18. It also notes that economic conditions have not been favourable and per capita income is relatively low. The influx of more than 3 million refugees from Afghanistan has placed a further strain on resources. Other difficulties noted by the Committee relate to the high level of illiteracy and the existence of traditional customs and values which have delayed efforts to combat discrimination against girls.

(d) Principal subjects of concern

19. The Committee is of the opinion that the broad and imprecise nature of the reservation made to the Convention raises deep concern as to its compatibility with the object and purpose of the Convention.

20. The Committee is of the view that due regard may not have been accorded in the preparation of the report to the possibility of conducting a comprehensive overview of the existing situation with regard to the realization of the rights of the child so as to provide the basis for carefully targeted strategies, including the establishment of priorities, as well as for monitoring progress made. Nor is it clear to what extent the process of reviewing the situation of children in Pakistan was designed to encourage and facilitate popular participation and public scrutiny of government policies.

21. The Committee also takes note of the complexities arising from the federal structure of government with regard to the delineation of responsibilities between the federal and provincial levels; the lack of administrative coordination appears to be a serious problem. Another area of concern is the lack of consistency and clarity between some of the laws and their application within and between the provinces.

22. While the Committee takes note of the State party's statement that much of the national legislation is not in contradiction with the rights of the child as contained in the Convention, it is concerned that several rights are not recognized in national law. In particular, the legislation does not appear to ensure that all children, including non-citizens, are protected by the rights guaranteed under the Convention. In addition, the Committee notes the non-compatibility of certain areas of national legislation with the provisions and principles of the Convention, including the punishment of flogging and the death penalty and life imprisonment for children below the age of 18.

23. The Committee is concerned that insufficient attention seems to have been paid to the provisions of article 4 of the Convention, namely in the field of budgetary allocations and in view of the division of responsibilities between the federal and provincial levels. The Committee notes that international agencies have questioned the present balance of resource allocations in the State party between the social and other sectors, including defence.

24. The Committee expresses its concern about the apparent low level of awareness amongst the general public, including children, and professionals as to the provisions and principles of the Convention.

25. The Committee observes that sufficient attention does not appear to have been given to the implementation of the general principles of the Convention, namely its articles 2, 3, 6 and 12, in

guiding the measures to be taken to make all the rights of the child a reality.

26. The Committee is deeply concerned at the situation of girl children as regards, on the one hand, the effect of legislation in place, measures adopted, and practices and customs that serve to discriminate against girl children, such as early marriage, and, on the other hand, the insufficient attention accorded to their schooling.

27. Discrimination against disabled children is also a matter of concern to the Committee.

28. The Committee is concerned to note that national health plans appear to emphasize the training of doctors rather than nurses and other health personnel, including paramedics. Its attention has also been drawn to the apparent lack of a clear division of responsibilities between the provincial and federal levels for the development of a strong primary health-care system.

29. The Committee is seriously concerned about the effectiveness of measures to attain the goal of primary education for all, particularly for girls.

30. The Committee emphasizes that it is very much concerned about the system of administration of juvenile justice and its non-compatibility with the provisions of the Convention, including articles 37, 39 and 40, and other relevant United Nations standards in this field, namely the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

31. The Committee is seriously alarmed at the reports of the forced labour of children, the exploitation of child labour in the informal and agriculture sectors and the trafficking of children which have been brought to its attention.

(e) Suggestions and recommendations

32. The Committee expresses the firm hope that the State party will review its reservation with a view to withdrawing it.

33. While noting the information contained in the report that a review of the conformity of national legislation with the Convention has been undertaken, the Committee encourages the State party to continue to scrutinize carefully legislative and other measures at both the federal and provincial levels to ensure their full conformity with the principles and provisions of the Convention, in a comprehensive and holistic manner. The hope is also expressed that, in this endeavour, the State party will take into account the Committee's concerns, particularly its recommendations with regard to the abolition of flogging and capital punishment for children under the age of 18, and that deprivation of liberty should only be used as a measure of last resort and for the shortest period of time, as well as the suggestions made in respect of the definition of the child, for instance concerning the age of criminal responsibility.

34. The Committee encourages the State party to undertake a thorough review of its national plan of action on children. It is recommended that the goals of the plan should be achieved, measurably,

within a specific time-frame and that the Convention should be fully integrated into the plan.

35. The Committee emphasizes the importance and value of setting up a coordinating mechanism with the mandate of determining priorities and regularly monitoring and evaluating progress in the implementation of the rights of the child at the federal, provincial and local levels. As a first step in this direction, the Committee suggests that the State party consider the possibility of setting up an inter-ministerial committee or similar body with political authority to review initially and determine appropriate action to follow up on the observations made during the constructive dialogue between the State party and the Committee.

36. The best interests of the child is a guiding principle in the implementation of the Convention, including its article 4. In this connection, the Committee notes the importance, in reviewing budget allocations to the social sector, both at the federal and provincial levels, of implementing that principle and ensuring that the maximum amount of resources are made available for children's programmes.

37. In the view of the Committee, measures must be taken to make the provisions and principles of the Convention widely known among adults and children alike. To assist in these efforts, it is suggested that political, religious and community leaders be encouraged to take an active role in supporting efforts to eradicate traditional practices or customs that discriminate against children, particularly the girl child, or are harmful to the health and welfare of children. In addition, it is recommended that training about child rights should be given to relevant professional groups. Law enforcement personnel, including police officials and judges, should be aware of the provisions of the Convention, especially those relating to the system of the administration of juvenile justice.

38. The Committee also recommends that the State party should develop awareness-raising and training programmes to combat violence against children and prevent their abuse, neglect, abandonment and ill-treatment. Such programmes should be addressed, among others, to parents, teachers and law enforcement officials. Consideration should also be given to the establishment of effective complaints procedures in such cases.

39. The Committee encourages the Government to continue taking measures to strengthen the primary health-care system. The Committee would like to see greater emphasis on family education, including family planning, and encourages the training of community health-care workers to assist in these tasks. The Committee also suggests that an outreach programme be developed at the community level to address issues relating to disabled children, in view of their particular vulnerability.

40. In line with international recommendations, the Committee wishes to emphasize the importance of focussing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and the incidence of children at work. The Committee encourages the Government to consider taking active and urgent measures to tackle the problems of the low enrolment of girls in school, the high incidence of school drop-out, and illiteracy, especially of girls and women. Attention is drawn to the possibility of benefiting from the activities of women's groups to improve access to education for girls at the community level.

41. The Committee suggests that the system of the administration of juvenile justice be reviewed to ensure its compatibility with the provisions and principles of the Convention. Technical advice and assistance in this regard could be sought from the programme of advisory services and technical assistance of the Centre for Human Rights.

42. The Committee recommends that the State party evaluate thoroughly the adequacy of measures taken to deal with issues of the exploitation of children. In the light of the legislation recently adopted in this area, namely the Employment of Children Act and the Bonded Labour System (Abolition) Act, as well as the conclusions of the Asian Regional Seminar on Children in Bondage, held at Islamabad, the Committee would like to emphasize the importance of measures to be taken for their enforcement, particularly through the establishment of complaints and inspection procedures and vigilance committees. A rehabilitation programme for children released from bonded labour is also recommended. The Committee also recommends that greater attention be given to the issues of the employment of children in the informal sector and in agriculture and that measures be taken to address these issues. The Committee believes that technical advice, particularly from the International Labour Organization (ILO), may be appropriate with regard to these matters.

43. The Committee acknowledges the willingness the State party has shown for many years to accept refugees, particularly from neighbouring countries, and expresses the hope that the Federal Government will continue to grant refugee status to children - and their families - as such needs arise in the future, and to ensure at the same time a comprehensive system of registration.

44. The Committee draws attention to the provisions of article 45 (b) of the Convention relating to the provision of technical assistance and advice, and encourages the Government to continue its cooperation with intergovernmental and non-governmental organizations for improvement of the situation of children. Moreover, the Committee encourages the Centre for Human Rights, the United Nations Children's Fund (UNICEF), ILO and other interested organizations and agencies to provide, if requested, assistance and advice to the State party for its programmes to implement the Convention.

45. Finally, the Committee welcomes the undertaking by the State party's delegation that responses will be submitted to the questions that remained unanswered during the dialogue. It also welcomes the invitation addressed to members of the Committee to visit Pakistan. It proposes that a progress report on the implementation of the Convention, in conformity with the guidelines on reporting and taking into account the observations made during the dialogue between the Committee and the State party, be submitted to the Committee before the end of 1996.

CRC CRC/C/133 (2003)

167. The Committee considered the second periodic report of Pakistan (CRC/C/65/Add.21) at its 900th and 901st meetings (see CRC/C/SR.900 and 901), held on 22 September 2003, and adopted at the 918th meeting, held on 3 October 2003 (see CRC/C/SR.918), the following concluding observations.

A. Introduction

168. The Committee welcomes the submission of the State party's second periodic report, although submitted late. The Committee also takes note of the submission of the written replies to its list of issues (CRC/C/Q/PAK/2), which allowed for a clearer understanding of the situation of children in the State party. The Committee acknowledges that the presence of a highly qualified, cross-sectoral delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

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

169. The Committee welcomes the withdrawal on 23 July 1997 of the State party's general reservation to the Convention.

170. The Committee expresses its appreciation of the State party's recent ratification of the International Labour Organization Worst Forms of Child Labour Convention, 2001 (No. 182).

171. The Committee welcomes positive developments in the area of human rights, including the formulation of a revised National Plan of Action and of the Code of Ethics for Media on Reporting of Children's Issues, and the adoption in 2002 of the Ordinance for the Prevention and Control of Human Trafficking and the Protection of Breastfeeding and Child Nutrition Ordinance, in 2000 of the Juvenile Justice System Ordinance and in 1995 of the Compulsory Primary Education Act.

C. Factors and difficulties impeding the implementation of the Convention

172. The Committee recognizes the difficulties facing the State party, namely serious economic challenges, catastrophic drought conditions hampering the economy, the armed conflict that is taking place in some regions, the high number of refugees who entered the country from Afghanistan in past years, as well as a high population growth rate, which all seriously impede the full implementation of the Convention.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

The Committee's previous recommendations

173. The Committee regrets that the progress report that the Committee in its previous concluding observations (CRC/C/15/Add.18) requested the State party to submit by the end of 1996 was never submitted. The Committee further regrets that some of the concerns it expressed and the recommendations it made (paras. 22-35) after its consideration of the State party's initial report (CRC/C/3/Add.13) have been insufficiently addressed, in particular those regarding the inclusion of the Convention in the National Plan of Action and the development of training programmes to combat violence against children and child labour. Those concerns and recommendations are reiterated in the present document.

174. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the list of concerns contained in the present concluding observations.

Legislation

175. The Committee takes note of the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention. Nevertheless, the Committee remains concerned that:

- (a) Legislative changes might not be fully implemented and recognized within the State party and that some existing laws may still need to be reviewed;
- (b) Laws implementing the Convention on the Rights of the Child are not *de facto* applied in the Northern Tribal Territories, and therefore children living in these territories do not fully enjoy their rights under the Convention;
- (c) The Zina and Hadood Ordinances are in conflict with the principles and provisions of the Convention.

176. The Committee reiterates its recommendation that the State party scrutinize carefully existing legislative and other measures, both at the federal and provincial levels, with a view to ensuring that the provisions and principles of the Convention are implemented throughout the territory. The Committee recommends that all appropriate measures be taken to ensure that the provisions and principles of the Convention are also recognized and enjoyed by children living in the Northern Tribal Territories, and strongly recommends that the State party review the Zina and Hadood Ordinances to ensure their compatibility with the Convention.

Coordination

177. The Committee notes the State party's intentions to establish the Pakistan Commission for the

Welfare and Protection of the Rights of the Child, which is intended to replace the existing National Commission for Child Welfare and Development, and takes note of the different measures taken by the State party for coordinating the implementation of the Convention. The Committee is, however, of the view that greater coordination is still required among the different bodies of the Government at the federal, provincial and territorial levels responsible for the implementation and monitoring of the Convention.

178. The Committee recommends that the State party:

(a) Take measures to ensure that the Pakistan Commission for the Welfare and Protection of the Rights of the Child is provided with adequate financial and human resources;

(b) Strengthen coordination mechanisms between all authorities involved in human rights and children's rights at both national and local levels.

Cooperation with non-governmental organizations

179. The Committee notes the cooperation between the State party and NGOs, but remains concerned that much of this cooperation is project based and may lack long-term planning and goals.

180. The Committee recommends that the State party strengthen its cooperation with NGOs, ensuring that such cooperation is planned for the long term.

Independent monitoring structures

181. The Committee notes the existence of the ombudspersons. Nonetheless, the Committee is concerned at the lack of an independent monitoring structure with a mandate to regularly evaluate progress in the implementation of the Convention and that would also be empowered to receive and address individual complaints of violations of the rights of the child.

182. The Committee recommends that the State party:

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

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

National Plan of Action

183. Although the Committee regrets that the 1990 National Plan of Action did not allow for

effective implementation of the principles and provisions of the Convention, it welcomes the current efforts to develop in a participatory manner, a National Plan of Action as a follow-up to the General Assembly Special Session on Children in 2002 and to link this plan with existing sectoral plans of action and with the poverty reduction strategy paper.

184. The Committee recommends that the State party adopt a rights-based approach based on the Convention on the Rights of the Child in the new National Plan of Action and ensure that it is developed through a participatory and decentralized process, including the participation of children.

185. The Committee recommends that the State party complete this process as soon as possible and take the necessary measures, including budget allocation, review of legislation, monitoring and evaluation, to fully implement the Plan of Action.

Resources for children

186. Despite the commitments made by the State party at the fifty-ninth session of the Commission on Human Rights to invest liberally in the health, education and development of children, the Committee is concerned at the very limited resource allocations for children and at the modest portion of the budget that is allocated for social activities such as health and education. The Committee notes, in light of article 4 of the Convention, that not enough attention has been paid to allocating budgetary resources “to the maximum extent of ... available resources” for the implementation of the Convention.

187. The Committee recommends that the State party give priority attention to increasing budget allocations for children, ensuring a judicious distribution of the resources between different fields and paying particular attention to enhancing the budget allocations for social activities, in particular health, education and child development.

Data collection

188. The Committee is concerned at the lack of an adequate data collection mechanism in the State party allowing for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

189. The Committee recommends that the State party:

(a) Strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable;

(b) Develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children;

(c) Seek technical assistance from, among other, the Statistics Division of the Department of Economic and Social Affairs of the Secretariat and UNICEF.

Training/dissemination of the Convention

190. The Committee welcomes the translation of the Convention into local languages and the efforts made to raise awareness of the Convention through seminars and workshops, but remains concerned that the level of awareness is rather low.

191. The Committee further welcomes the many activities undertaken with a view to training professionals working with or for children, but is concerned at the lack of a systematic and sustained approach in this regard.

192. The Committee recommends that the State party:

(a) Continue and strengthen its training and sensitization on children's rights for professional groups working with and for children, such as parliamentarians, judges, lawyers, law enforcement and health personnel, teachers, school administrators and others as required;

(b) Develop adequately resourced policies and programmes for a systematic and sustained training process;

(c) Target the public at large through, inter alia, radio and television.

2. Definition of the child

193. The Committee is concerned about the legislative inconsistency concerning the definition of a child, and in particular, at the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years); that the age of criminal responsibility is much too low (7 years); at the low and variable minimum ages for admission to employment; at the definition of a child contained in the Zina and Haddood Ordinances, as well as about the widespread practice of early marriages.

194. The Committee recommends that the State party:

(a) Align the age of marriage of boys and girls by raising the minimum age of marriage for girls to 18 years;

(b) Take all necessary measures to prevent early and/or forced marriages;

(c) Establish clear minimum ages for compulsory education;

(d) Establish minimum ages for employment in accordance with international standards, especially International Labour Organization Convention No. 138;

(e) Raise the minimum age of criminal responsibility to an internationally acceptable level.

3. General principles

Non-discrimination

195. While acknowledging the actions taken to address discrimination against girls in education, the Committee is concerned at the persistence of discriminatory social attitudes and discrimination against minority children and against girls, early and forced marriages, low school enrolment and high dropout rates, honour killings, mutilation and violence. Furthermore, the Committee is concerned at the disparities in the enjoyment of rights and the social discrimination experienced by children belonging to the most vulnerable groups, including children with disabilities, children belonging to a religious or other minority group and children living in rural areas.

196. The Committee recommends that the State party:

(a) Make greater efforts to ensure that, in accordance with article 2, all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly girl children, children belonging to a religious or other minority group, children with disabilities and other vulnerable groups of children;

(b) Target social services at children belonging to the most vulnerable groups.

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

Best interests of the child

198. The Committee notes that the principle of the best interests of the child is taken into consideration in some pieces of legislation, but remains concerned that this principle is not fully taken into consideration in domestic law. The Committee is also concerned that customary law and social traditions can sometimes be an impediment to the implementation of this principle.

199. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children. The Committee also encourages the State party to take all necessary measures to ensure that customary law does not impede the implementation of this general principle, notably by raising awareness among community leaders.

Right to life

200. The Committee takes note of the recognition given to the problem of honour killings by the State party, but is nonetheless very concerned at the widespread and increasing problem of so-called honour killings, affecting children both directly and, through their mothers, indirectly. The

Committee is seriously concerned that, despite the efforts of the State party, the police are often reluctant to arrest the perpetrators and that the latter receive lenient or token punishment.

201. The Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly, fairly and thoroughly investigated and prosecuted. In addition, the Committee recommends that the State party undertake a thorough review of the existing legislation and strengthen awareness-raising campaigns in this regard.

Respect for the views of the child

202. The Committee is concerned that the views of the child are not given sufficient priority and that the provisions of article 12 are not fully integrated into the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels.

203. The Committee recommends that the State party:

(a) Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in local communities, including in traditional communities, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into account;

(c) Amend national legislation so that the principle of respect for the views of the child is recognized and respected, inter alia within custody disputes and other legal matters affecting children.

4. Civil rights and freedoms

Birth registration

204. While noting the many efforts made by the State party to promote timely birth registration, the Committee is concerned at the fact that a very significant number of children are not registered at birth, especially children belonging to a religious or other minority group and children living in rural areas, which has negative consequences on the full enjoyment of fundamental rights and freedoms by the children.

205. The Committee recommends that the State party strengthen and increase its measures to ensure the timely registration of all births, particularly of children belonging to a religious or other minority group and children living in rural areas, in accordance with article 7 of the Convention.

Torture and other cruel, inhuman or degrading treatment or punishment

206. Although the State party is undertaking some training of police officers and other

professionals working with children to promote respect for children's rights, the Committee is deeply concerned at the numerous reports of torture, serious ill-treatment and sexual abuse of children, including children belonging to religious or other minority groups, by police officers in detention facilities and other State institutions.

207. The Committee recommends that the State party:

(a) Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

(b) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions against perpetrators, with due regard given to guaranteeing the right to privacy of the child;

(c) Add a definition of torture to the Constitution and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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

Corporal punishment

208. The Committee is deeply concerned that the State party's Penal Code (sect. 89) allows for corporal punishment to be used as a disciplinary measure in schools and at the fact that corporal punishment is widely practised, especially within educational and other institutions and within the family, many times resulting in serious injuries. The Committee is further concerned that, despite the 1996 Abolition of the Punishment of Whipping Act, whipping is still used as a sentence for Hadood crimes.

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

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

(b) Abolish the sentence of whipping, under any circumstance or law;

(c) Undertake well-targeted public awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment.

5. Family environment and alternative care

Parental responsibilities

210. The Committee is concerned that the State party's legislation uses age limits, instead of the best interests of the child, as criteria in determining custody in case of divorce. Such permission,

in addition to implying that siblings can be separated, discriminates between the sexes and fails to acknowledge the child's right to express her/his views and have them taken into account.

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the Convention.

Children deprived of a family environment

212. While welcoming the State party's preference for family forms of alternative care, the Committee remains concerned that the existing institutions for children in need of alternative care are inadequate, both qualitatively and quantitatively, and that record-keeping on children in need of these services is poor. Furthermore, the Committee is concerned at the absence of a mechanism for conducting periodic reviews of placement.

213. The Committee recommends that the State party:

(a) Encourage and monitor the current practice of placement within the extended family, ensuring that the rights of children are met in this context;

(b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention;

(c) Ensure that treatment in institutions is periodically reviewed, in light of article 25 under the Convention;

(d) Provide appropriate assistance to parents in the performance of their child-rearing responsibilities, as foreseen by article 18, paragraph 2, of the Convention.

Abuse and neglect

214. The Committee is deeply concerned at the high prevalence of violence, abuse, including sexual abuse, and neglect of children in the State party, and at the lack of effective measures to combat this problem. For instance, the existing legal provisions do not protect children sufficiently and, as noted by the State party (report, para. 207), the implementation of laws concerning child abuse and neglect is not systematic.

215. The Committee recommends that the State party:

(a) Assess the scope, nature and causes of child abuse and neglect with a view to adopting a comprehensive strategy;

(b) Adopt effective measures and policies aimed at changing attitudes, such as counselling for

parents and guardians;

(c) Thoroughly investigate cases of violence and apply sanctions against perpetrators;

(d) Gather data on child abuse and neglect;

(e) Provide services for the physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims, including thorough cooperation with NGOs;

(f) Seek technical assistance from, among others, UNICEF and the World Health Organization.

6. Basic health and welfare

Children with disabilities

216. While being aware of the 49 special education centres and disabled-friendly cities initiatives, the Committee remains concerned at the limited integration of children with disabilities in schools, social events and cultural activities and at the low level of support received by these children and their families.

217. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party continue and strengthen its efforts to integrate children with disabilities into education and recreational programmes currently used by children without disabilities, notably through the improvement of the physical access of children with disabilities to public service buildings, including schools.

Health and health services

218. The Committee notes the efforts of the State party in the area of basic health and welfare, such as the immunization and control of diarrhoeal diseases programmes and the consequent decreases in polio and the infant mortality rate. The Committee also welcomes the promulgation of the Protection of Breastfeeding and Young Child Nutrition Ordinance (2002). Nonetheless, the Committee is extremely concerned at the very poor health situation of children and the unavailability of health-care services in the State party for them. Particular matters of concern are:

(a) The very low spending on health in the State party;

(b) The insufficient focus on preventive health care;

(c) The still very high infant, under-5 and maternal mortality rates, due partly to weak antenatal and postnatal care and maternal malnutrition;

(d) The high prevalence of malnutrition among children as well as diarrhoea, acute respiratory tract infections, malaria and iodine deficiency which leads to both physical and mental health problems among children;

(e) The poor provision of health care, particularly in rural areas, owing to lack of necessary support structures such as education, communication, transport and other facilities, as well as reports of corruption within the framework of projects supported by international organizations;

(f) The still very low immunization coverage, with an estimated 160,000 deaths due to vaccine-preventable diseases;

(g) The lack of coordination regarding health care, notably between health-care providers and donor communities concerning the distribution of medical equipment.

219. The Committee recommends that the State party:

(a) Allocate appropriate resources for health and develop and implement comprehensive policies and programmes to improve the health situation of children;

(b) Emphasize the role of preventive health care;

(c) Continue and strengthen efforts to decrease the infant, under-5 and maternal mortality rates by, *inter alia*, providing adequate ante- and post-natal care;

(d) Expand programmes to alleviate widespread child and maternal malnutrition and its serious consequences on health and psychological development, notably by promoting breastfeeding;

(e) Improve access to health care, especially in rural areas, through coordinated and comprehensive health-care strategies, as well as transparent allocation and distribution of donor funds and other forms of international assistance;

(f) Improve immunization.

Adolescent health

220. The Committee notes the efforts made by the State party to reduce fertility and the crude birth rate, but remains concerned that there is no organized system of reproductive health counselling and services, and that there is no family life education for adolescents nor education on the harmful effect of drugs and on sexual abuse.

221. The Committee recommends that the State party continue to strengthen its efforts to address adolescent health issues and develop a comprehensive policy to provide adolescents in both urban and rural areas with reproductive health counselling and services, including family life education, especially on the effects of early marriage and on family planning, as well as to prevent and combat HIV/AIDS and the harmful effects of drugs. In this respect, the State party is encouraged to seek technical assistance from United Nations agencies such as WHO, UNAIDS, UNICEF and the United

Nations Population Fund.

Harmful traditional practices

222. The Committee reiterates its concern at the existence of harmful traditional practices, including forced and/or early child marriages and dowry-related violence, which pose very serious threats to children, and emphasizes the lack of interventions on the part of the State party to address these issues.

223. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, which affect the girl child in particular.

Right to an adequate standard of living

224. The Committee is very concerned at the high number of children living in poverty, the shortage of adequate housing, clean water, adequate sanitation and sewage and the problem of air pollution, all of which have a serious negative impact on the living conditions of children in the State party, causing injuries, sickness and death.

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

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;
- (b) Pay particular attention to the rights and needs of children in its poverty reduction strategy paper and in all programmes intended to improve the standard of living in the country, including access to clean water and unpolluted air;
- (c) Strengthen the social security system to broaden its coverage so as to include non-working parents.

7. Education, leisure and cultural activities

226. The Committee welcomes the measures taken to increase the attendance of girls at schools and the information that a national “Compulsory Primary Education Ordinance” has been promulgated (March 2002), and also notes the modest improvement in the gross primary enrolment rate. However, the Committee remains deeply concerned that:

- (a) The public expenditure on education (as a percentage of the gross domestic product) in the State party is extremely low and has been sinking in recent years;
- (b) The considerable amounts of international aid invested in the State party for the purpose of promoting education have not been used in an efficient or adequate way;

- (c) School enrolment and literacy rates are very low;
- (d) Dropout rates are very high and secondary education enrolment rates have decreased;
- (e) Gender and geographical disparities remain very high;
- (f) The quality of education is poor;
- (g) The code of conduct for teachers does not prohibit corporal punishment, nor does it deal with the problem of violence against children in school.

227. The Committee is very concerned about reports of violence and sexual abuse within madrasas, as well as the narrow content of the education provided within these schools. In this regard, the Committee notes with appreciation the initiatives by the State party to streamline the education given in madrasas so that it is more compatible with regular public education, and to eradicate violence against children.

228. The Committee is further concerned at reports of madrasas being involved in recruiting children, including forcibly, to participate in armed conflicts, especially in Afghanistan and in Jammu and Kashmir.

229. The Committee recommends that the State party:

- (a) Ensure that primary education is free and compulsory for all children;
- (b) Abolish the age limit that prohibits access to primary education after age 12;
- (c) Ensure, as a matter of urgency, that adequate resources are allocated for education, in particular for improving the quality of and access to education;
- (d) Continue and strengthen its efforts to ensure that all children have equal access to educational opportunities, with a view to eliminating the prevailing disparities between girls and boys as well as between urban and rural areas;
- (e) Identify the causes of the high school dropout rate and strengthen the measures taken to address this problem;
- (f) Take measures to improve the quality of education, including non-formal education, *inter alia* by strengthening the current training of teachers, by ensuring that schools are adequately equipped and by introducing a monitoring system for the attainment of the education targets;
- (g) Allocate resources to hire new teachers in order to improve the teacher/student ratio, especially in primary schools;
- (h) Introduce, strengthen and systemize human rights education, including on the rights of the child, in school curricula, beginning in primary school;

(i) Take proactive measures to eliminate violence against children in schools, notably by including in the code of conduct for teachers the prohibition of corporal punishment and by limiting the role of school counsellors to those functions that help the pupil and revoking their disciplinary functions.

230. The Committee recommends that the State party:

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

(b) Continue and strengthen its planned reform of madrasas, with a view to broadening the scope of the education given in madrasas;

(c) Take effective measures to ensure that children below the age of 18 years are not involved in hostilities and to protect children from forced recruitment.

8. Special protection measures

Refugee and internally displaced children

231. While noting some progress in this field, for instance, the introduction of birth registration in the refugee camps in May 2002, the Committee remains concerned at the very harsh living conditions in Afghan refugee camps, the scarcity of food and water and the lack of shelter and medical care, which have serious implications for the situation of children living in these camps. The Committee is also concerned at reports of ill-treatment of refugees by the police.

232. The Committee recommends that the State party:

(a) Make all appropriate efforts to improve the living conditions of refugee families and children in refugee camps and elsewhere within the country;

(b) Give special attention to unaccompanied refugee children;

(c) Ensure that refugee children have access to health care and education and are not discriminated against;

(d) Ensure that refugee children receive appropriate protection and in this regard, seek cooperation with relevant United Nations specialized agencies, including the Office of the United Nations High Commissioner for Refugees and UNICEF, as well as with NGOs;

(e) Consider ratifying international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Children in armed conflict, including physical and psychological recovery and social integration

233. The Committee is concerned that, in spite of legislation prohibiting the involvement of children in hostilities, there are reports of children being recruited, including forcibly, to participate

in armed conflicts, especially in Afghanistan as well as in Jammu and Kashmir.

234. The Committee recommends that the State party:

- (a) Take effective measures to ensure that children below the age of 18 years are not involved in hostilities and that children below the age of 15 years are not recruited into armed forces;
- (b) Develop, in collaboration with NGOs and international organizations, a comprehensive system for the reintegration and recovery of children who have participated in hostilities.

Economic exploitation, including child labour

235. The Committee notes the State party's acknowledgement that economic exploitation of children is a very serious concern and the many activities to reduce and eliminate child labour, but remains deeply concerned that:

- (a) The prevalence of child labour is still extremely high, and that the phenomenon is widely accepted in society;
- (b) The minimum age for admission to employment is low and varies between different laws;
- (c) Many child labourers, notably children working as domestic servants, are very vulnerable to abuse, including sexual abuse, and completely lack protection.

236. Noting with appreciation the ratification of the ILO Worst Forms of Child Labour Convention, 2001 (No. 182), the Committee remains concerned that the State party has not developed concrete measures for its implementation.

237. The Committee recommends that the State party:

- (a) Continue and strengthen its efforts to eradicate child labour, in particular by addressing the root causes of economic exploitation through poverty eradication and access to education;
- (b) Review its legislation concerning child labour, in particular with regard to the minimum age for employment, with a view to harmonizing it with international standards;
- (c) Ratify and implement ILO Minimum Age Convention 1973 (No. 138) and ensure the full implementation of ILO Convention No. 182;
- (d) Develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations and the International Programme for the Elimination of Child Labour of ILO.

Drug abuse

238. The Committee is concerned at the high rate of drug abuse among children.

239. The Committee recommends that the State party:

- (a) Develop a national drug control plan, or master plan, with the guidance of the United Nations Drug Control Programme;
- (b) Provide children with accurate and objective information about substance use, including hard drugs and tobacco, and protect children from harmful misinformation;
- (c) Cooperate in this regard with UNICEF and WHO;
- (d) Develop rehabilitation services for children who are victims of substance abuse.

Sexual exploitation and sexual abuse

240. In view of the fact that child sexual abuse and sexual exploitation of children are reported to be serious problems in the State party, the Committee is concerned that the State party has not addressed them effectively. The Committee is particularly concerned at:

- (a) The absence of legislation clearly prohibiting child sexual abuse and sexual exploitation and the lack of a clear definition of the term in the State party, as well as the lack of legislation that clearly defines sexual consent;
- (b) The absence of measures to prosecute the perpetrators;
- (c) The absence of statistics and data on the issue of child sexual abuse;
- (d) Traditional attitudes regarding the subject (e.g. concepts like “family honour”), which imply that a majority of abuse cases go unreported;
- (e) Reports that child sexual abuse is prevalent, and increasing, in prisons.

241. The Committee recommends that the State party:

- (a) Review its legislation in order to clearly define sexual abuse, in particular child sexual abuse and child sexual exploitation;
- (b) Undertake a study on the prevalence of sexual abuse and exploitation;
- (c) Take all necessary measures to prevent and end this practice through a comprehensive strategy, notably by prosecuting perpetrators, and holding public debates and conducting awareness campaigns;
- (d) Ensure that victims of sexual abuse and exploitation have access to appropriate recovery and reintegration programmes and services;
- (e) Seek assistance from, among others, WHO and UNICEF.

Sale, trafficking and abduction

242. While noting the serious efforts undertaken by the State party to prevent child trafficking, the Committee is deeply concerned at the very high incidence of trafficking in children for the purposes of sexual exploitation, bonded labour and use as camel jockeys.

243. The Committee recommends that the State party:

(a) Ensure that cases of disappeared children are registered and investigated appropriately;

(b) Continue and strengthen its efforts to combat the problem of child trafficking;

(c) Strengthen national and regional strategies and programmes on the prevention and suppression of sexual exploitation and trafficking, and ensure that these strategies take into account the commitments made at the two World Congress against Commercial Sexual Exploitation of Children in 1996 and 2001.

Street children

244. The Committee expresses its concern at the increasing number of street children and the vulnerability of these children to violence, torture, sexual abuse and exploitation, the lack of a systematic and comprehensive strategy to address the situation and protect these children, and the very poor registration of missing children by the police.

245. The Committee recommends that the State party:

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

(b) Develop a comprehensive strategy to address the increasingly high number of street children, with the aim of reducing and preventing this phenomenon.

Administration of juvenile justice

246. The Committee welcomes the promulgation of the Juvenile Justice System Ordinance (2000), but is concerned at its poor implementation and that many of the authorities in charge of its implementation, particularly within provincial governments and tribal areas, are unaware of its existence. The Committee is also deeply concerned at the high number of children in prisons who are detained in poor conditions, often together with adult offenders and thus vulnerable to abuse and ill-treatment. The very low minimum age of criminal responsibility (7 years) is also of concern. Further, the Committee is deeply concerned about reports of juvenile offenders being sentenced to death and executed, which have occurred even after the promulgation of the Ordinance.

247. The Committee recommends that the State party:

- (a) Ensure the full and effective implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and, in the light of the Committee's 1995 discussion day on the administration of juvenile justice (CRC/C/46);
- (b) Raise the minimum age of criminal responsibility to an internationally acceptable level and ensure that children below the age of 18 years are accorded the protection of juvenile justice provisions and are not treated as adults;
- (c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time;
- (d) Guarantee that all children have the right to appropriate legal assistance and defence;
- (e) Set up a system of juvenile courts;
- (f) Ensure that children in detention are always separated from adults;
- (g) Ensure that children remain in regular contact with their families while in the juvenile justice system;
- (h) Take immediate steps to ensure that the prohibition of the death penalty, as stipulated in the Juvenile Justice System Ordinance, is guaranteed for all children below the age of 18 years, in light of articles 37 (a) and 6 of the Convention, and that death sentences imposed before the promulgation of this Ordinance are not carried out;
- (i) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.

9. Optional Protocols and amendment to article 43, paragraph 2, of the Convention

248. The Committee notes that the State party has signed but not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

249. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

10. Dissemination of documents

250. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the

second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. The Committee notes the intention of the State party to translate its report into local languages and suggests that the concluding observations adopted by the Committee also be translated into local languages. Such documents should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

11. Next report

251. The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. The Committee on the Rights of the Child should have the opportunity to examine regularly the progress made in the implementation of the rights of the child. In order for it to be able to do so, regular and timely reporting by State parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 11 December 2007, the due date for the submission of the fourth report. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.