**For every child, every right**

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Children are not just our future, they are our present too, which is why World Children’s Day is celebrated on November 20 each year to promote and advocate for the rights of the child.

On November 20, 1956 the UN General Assembly adopted the Declaration of the Rights of the Child. On the same day in 1989, the UN General Assembly adopted the Convention on the Rights of the Child (UNCRC).

This year’s theme for Children’s Day is: ‘For every child, every right’. Pakistan is one of the few countries that ratified the UNCRC within a year of its adoption on November 12, 1990 – 33 years ago.

Pakistan submitted its first and initial report to the Committee on the Rights of the Child in January 1993 and the latest sixth and seventh combined periodic report in August 2023. The UNCRC Committee adopted the concluding observations on the fifth periodic report of Pakistan at its meeting held on June 3, 2016.

In the concluding observations on the fifth periodic report of Pakistan, the UNCRC Committee reiterated its previous recommendation to Pakistan that it “ensure the full harmonization of its legislation as regards the definition of the child so as to define a child as any human being below the age of 18 years.”

Pakistan has a wide population of children. According to the Pakistan Demographic Survey 2020, about 29,855,239 people in Pakistan belong to the 5-9 age group, 26,929,952 to the 10-14 age group and 23,420,804 to the 15-19 age group. About 45 per cent of Pakistan’s estimated population of 212 million are children (below the age of 18) and 22.7 per cent are adolescents aged 10–19 years.

Birth registration rates for children are estimated to be 30 per cent for children under one year and 14 per cent for children between one and four years, as per Unicef.

Even though almost half of Pakistan’s population are children (below 18 years as per Article1 of the UNCRC) and despite the fact that the country ratified the UNCRC 33 years ago, it is unfortunate that Pakistan’s provincial and national laws are inconsistent in terms of definition of a ‘child’. This confuses stakeholders and has contributed to numerous child rights abuses and violations, which include child marriages, child labour, children in conflict and contact with the law and children’s involvement in armed conflict, etc.

Children who require social affirmative actions, such as girls, refugee and internally displaced children, children from religious and ethnic minorities, children without parental care, children with disabilities and children in street situations are disproportionately affected due to the inconsistent definition of a ‘child’ and low birth registration rates.

An estimated 22.8 million children aged 5–16 years are out of school in Pakistan. A study conducted by the International Labour Organization (ILO) in 2022 revealed that one in every four households in Pakistan employs a child in domestic labour (CDL). Ultimately, one of the reasons contributing significantly towards this crisis is the inconsistent age limits.

While Article 11(3) of the constitution prohibits children under 14 years from being involved in “any factory or mine or any other hazardous employment’’, it contravenes their right to education up to 16 years of age, as provided by Article 25A of the constitution.

Additionally, there is no single operational definition of ‘hazardous’ and ‘light’ child labour. Different categories of child labour are also not adequately defined, such as CDL and children engaged in home-based work such as those making bangles. Child labour laws in all provinces are inconsistent with their laws related to the right to compulsory education (up to 16 years of age).

For example, at the federal level, Section 3(c) of the Mines Act 1923 (applicable in all provinces) defines a ‘child’ as “a person who has not completed his fifteenth year”, and the Factories Act 1934 (applicable in Balochistan and Islamabad) defines a ‘child’ as “a person who has not completed his fifteenth year.”

Even though the provinces have the prerogative to enact provincial legislation on child labour after the 18th Amendment, inconsistences exist in different legislation regarding age of the child in the same province. For example, Sindh’s Home-Based Workers Act 2018 defines a ‘child’ as a person who is 14 years or below (Section 2(v)) whereas the Sindh Child Protection Authority Act 2011 and 2022 Amendment define a ‘child’ as a person who has not attained the age of eighteen years (Section 2(g)).

Additionally, inconsistencies regarding a child’s age also exist in the legislation governing the same subject in each province. In Punjab and the Islamabad Capital Territory (ICT), Section 3 of the Punjab Domestic Workers Act 2019 and the Islamabad Capital Territory Domestic Workers Act 2022 prohibit the employment of children under the age of 15 (Punjab) and 16 (ICT) from working in a household in any capacity.

In Balochistan, the Employment of Children (Prohibition and Regulation) Act 2021 is applicable. Section 3(2) prohibits a child (defined as person who has not completed 14 of years of age, under Section 2(c)) or adolescent (completed 14 years but not completed 18 years of age, under Section 2(b)) from being employed or permitted to work in the processes mentioned in Part II of the Schedule. ‘Domestic Child Labour’ is mentioned in Serial no 38 in Part II of the Schedule.

However, child labour is only one of the multiple challenges being faced by children in the country. Child rights abuses and violations are interconnected. For example, the high rate of child labour and the low rate of children able to access education has a link with the high number of early and forced marriages in Pakistan.

Pakistan is home to nearly 19 million child brides and has the sixth highest number of girls married before the age of 18 in the world, according to UN Women. Sindh is the only province in Pakistan which sets a uniform minimum age of marriage as 18 for both girls and boys (Sindh Child Marriage Restraint Act 2013).

The law in all other provinces and the ICT discriminates on the basis of gender. The minimum legal age for marriage for boys remains 18 years and for girls at 16 years. In the Ali Azhar case, the Federal Shariat Court 265 observed that fixation of minimum age limit provides a reasonable time period to girls to complete basic education at least, which normally helps in developing mental maturity (rushd) in a person. Therefore, the law must increase the marriage age for both boys and girls to 18 years.

Recently, the federal government adopted legislation in the area of child rights which includes: the Criminal Law (Amendment) Act 2023, 2022 and 2021, Anti-Rape (Investigation and Trial) Act 2021, the Protection against Harassment of Women at the Workplace (Amendment) Act 2022, Zainab Alert, Response and Recovery Act 2020, Prevention of Trafficking in Persons Act 2018, Juvenile Justice System Act 2018 (JJSA) and the National Commission on the Rights of Child Act 2017, etc.

Provinces have also enacted legislation governing child rights after the 18th Amendment. However, the threats being faced by children have not gone away. This is because inconsistencies and implementation gaps exist to a significant extent.

In line with the concluding observations by the UNCRC Committee, all federal and provincial regulations should harmonize their definition of a child so that anybody under the age of 18 is considered a child, and provinces should raise the minimum age for employment to the age for compulsory school education (5-16 years) as specified in Article 25A of the constitution.

Today, children in Pakistan face multiple challenges that are restricting their access to their rights, including the climate crisis, racism and discrimination. Pakistan is struggling to provide children their rights.The country has dropped seven places in the Human Development Index (HDI), ranking 161 out of 192 countries in the 2021-2022 period, according to the UNDP report. It also has the highest baseline neonatal mortality rate (NMR) in South Asia at 42/1,000 live births.

World Children’s Day offers each of us a chance to advocate and promote children’s rights, translating into dialogue and actions that will build a better world for children.

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