



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the fifth periodic report of Pakistan

The State party is requested to submit, in writing, additional, updated information, if possible before 1 March 2016 (10,700 words maximum).

The Committee may take up any aspect of children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. Please provide information on measures taken since the eighteenth amendment to the Constitution to ensure that all laws at the federal and provincial levels are in line with the provisions of the Convention, especially with regard to the definition of the child, and to adopt legal and policy frameworks for children in the Federally Administered Tribal Areas. With reference to the recommendations made by the Committee in 2009 on the general measures of implementation (see CRC/C/PAK/CO/3-4, paras. 6-25), please:

(a) Indicate the measures taken to clarify the mandates of and rationalize the work undertaken by the existing multiple child rights bodies at the federal and provincial levels;

(b) Comment on reports that, although children constitute 48 per cent of the population, they are allocated only 6 per cent of the budget, and indicate the measures taken to ensure appropriate and efficient public budgeting and spending on children;

(c) Provide information on the results obtained from the 2006 National Plan of Action for Children and any challenges encountered in implementing the plan;

(d) Provide updated information on progress made towards the establishment of an independent national commission for children.

2. Please provide information on measures taken to combat gender-based crimes, such as female infanticide, crimes committed in the name of so-called "honour" and acid attacks,



and indicate whether the perpetrators of such crimes are systematically prosecuted without exception. Please also clarify whether the 2012 Acid Control and Acid Crime Prevention Act applies to all provinces and how it is implemented in practice.

3. Please provide information on the legal, policy and awareness-raising measures taken to address the severe discrimination experienced by girls, children born out of wedlock, children with disabilities, children of Dalit communities and lesbian, gay, bisexual, transgender and intersex children in the State party.

4. Given that the birth registration rate reportedly remains at only 30 per cent, please describe the strategy or strategies that have been developed or planned at the federal and provincial levels to achieve universal free birth registration, including for refugee and internally displaced children. Please clarify whether birth registration is considered to be a right for all children without discrimination, or whether it is left to the discretion of local authorities. With reference to paragraph 89 of the State party report (CRC/C/PAK/5), please indicate why children born out of wedlock cannot have their births registered.

5. Please provide information on the implementation of the 1951 Citizenship Act, which applies to all persons born on the territory of the State party, particularly with regard to children belonging to the Bengali, Bihari and Rohingya communities, most of whom, to date, remain stateless.

6. Please provide detailed information on the measures taken to protect children belonging to religious minorities from sectarian violence and attacks, forced marriage, forced conversion and prosecution and conviction under the blasphemy laws. In particular, please provide information on the outcome of the investigation, if any, conducted into the reported torture and death of a 7-year-old Hazara girl on 28 October 2014 in Quetta. Please also provide information on measures taken to ensure that children belonging to religious minorities are governed by secular law, to enable them to practise their religion without fear or threats, to ensure that they are not forced to attend Islamic teaching in school and to remove discriminatory stereotypes against religious minorities in school curricula.

7. With reference to the recommendations made by the Committee in 2003 (CRC/C/15/Add.217) and 2009, please indicate why section 89 of the 1860 Penal Code, which authorizes corporal punishment of children, and all the other legal provisions that condone or explicitly authorize corporal punishment of children have still not been repealed. Please clarify when the bills on the prohibition of corporal punishment will be adopted in each province and whether they will all clearly prohibit corporal punishment in all settings, regardless of the severity of the punishment or the injury it causes.

8. Please indicate the progress made towards enacting the bill on torture and custodial death and repealing laws that may be used to impose flogging as a punishment on children, particularly the 1894 Prison Act, the 1926 Punjab Borstal Act and articles 6 and 12 of the Frontier Crimes Regulation, as well as laws related to *hadd* offences and *qisas*. Please indicate the measures taken to prevent, record and monitor cases of torture involving children and to prosecute those responsible.

9. Please provide updated information on measures taken, including legal and policy measures, to address the sexual abuse and exploitation of children in the State party and to investigate the case of child sex abuse on a massive scale that was reported in 2015 in Kasur in Punjab Province, as well as the outcomes. Please indicate whether child protection centres have been established in Azad Jammu and Kashmir, Balochistan, the Federally Administered Tribal Areas and Gilgit-Baltistan and, if so, please give details of the human, financial and technical resources that are provided to the centres.

10. Please explain what measures have been taken to adopt and implement legislation raising the minimum age of marriage to 18 in all provinces, to prosecute and convict

perpetrators of offences under the 2011 Prevention of Anti-Women Practices Act and to provide protection to victims.

11. Please provide information on the measures taken to prevent children from marginalized and disadvantaged families from being institutionalized, to increase support for them including through the development of community-based services and programmes and to reintegrate children placed in orphanages into their families. Please also inform the Committee on the steps taken to develop and properly regulate foster care, particularly kinship care for children deprived of a family environment.

12. Please provide additional information on the implementation of any State-specific programmes aimed at enabling children with disabilities to enjoy their rights under the Convention and to prevent them from being marginalized and abandoned. Please explain the steps that have been taken to build an inclusive education system, as referred to in paragraph 155 of the State party's report.

13. Please provide information on the measures taken to increase the budget allocated to the health sector. Please indicate the steps taken to protect polio health workers and ensure their safe access to children. Please provide information on measures to combat malnutrition and develop programmes addressing the prevention and treatment of diarrhoea and pneumonia among children. Please indicate how the State party intends to address the reported problem of doctors giving formula milk to children in exchange for commissions from private companies.

14. With reference to paragraph 174 of the State party's report, please provide more information on measures taken to increase access to information on sexual and reproductive health, especially in schools, and to confidential contraceptive services. Given the reportedly high rate of clandestine abortion among adolescent girls, please indicate the measures the State party plans to take to ensure their access to safe abortion and post-abortion services.

15. In the light of article 25 A of the Constitution, please indicate the steps taken to adopt legislation in Azad Jammu and Kashmir, Gilgit Baltistan and Khyber Pakhtunkhwa to give effect to the right to free and compulsory education for children aged between 5 and 16. Please provide detailed information on the measures taken and the financial resources allocated specifically to rebuilding schools destroyed by militant attacks and natural disasters; to increase the availability of schools in rural areas, particularly for girls; to improve the infrastructure of schools, particularly with regard to access to drinking water, sanitation and electricity; and to increase the number of adequately trained teachers.

16. Please indicate the follow-up given to the concerns expressed by the Special Rapporteur on the right to education over the privatization of education and the exacerbation of inequities at all school levels (see A/HRC/29/30, para. 70). Please provide information on the measures taken to ensure that private education providers comply with minimum educational standards, curriculum requirements and minimum qualifications for teachers, and indicate whether any mechanisms have been put in place to regulate the fees charged by private schools.

17. With reference to paragraphs 221 and 222 of the State party's report, please provide detailed information on the measures taken to further improve the registration of madrasas and to ensure monitoring of their curriculum once they are registered. Please comment on reports that madrasas continue to serve as breeding grounds for extremist ideologies, and indicate the measures foreseen to protect children placed in madrasas from indoctrination, corporal punishment, forced begging, abduction and recruitment by armed groups.

18. Please provide updated information on the progress made towards enacting the legal framework for refugees and stateless persons developed in 2013. Please also provide

information on the measures taken to guarantee the rights of Afghan refugee children once the Afghan proof of registration cards expire, the specific protection measures taken for internally displaced families and children and the measures taken to ensure school enrolment of refugee and internally displaced children, especially girls.

19. With reference to paragraph 237 of the State party's report, please provide updated information on plans to conduct a survey on child labour. Please also indicate the measures taken or planned to bring the minimum age of employment under the 1991 Federal Employment of Children Act into line with the International Labour Organization Minimum Age Convention, 1973 (No. 138) and for it to apply to all economic sectors, including agriculture, and to prohibit domestic work as a worst form of child labour. In the light of reports that in Khyber Pakhtunkhwa the minimum age of employment is 12, please clarify the steps being taken to ensure that all provincial laws comply with international standards.

20. With reference to paragraphs 258 and 263, please provide additional information on measures taken to combat the sale of children, child prostitution and child pornography and to strengthen coordination between government authorities to combat child trafficking, particularly trafficking within the country.

21. Please provide additional information on measures taken to identify and rescue children working under slavery-like conditions in bonded labour, particularly in domestic work, brick kilns, the agricultural sector and carpet weaving, and to strengthen the labour inspection machinery in order to enforce the 1992 Bonded Labour System (Abolition) Act effectively. Please also comment on reports indicating that official complicity in trafficking, including by the police, immigration officials and members of political parties, severely hampers law enforcement.

22. In view of the numerous attacks on schools, especially non-religious and girls' schools, please indicate whether protecting schools has been made a priority and if so, through which special protection measures and in which provinces. Please provide information on the measures taken to prevent schools from being occupied by government military forces and non-State military groups, to release children kidnapped during attacks on schools and to bring the perpetrators to justice.

23. Please provide updated information on the measures taken to prohibit and criminalize the recruitment of children under the age of 18 and their use in hostilities by State armed forces and non-State armed groups. Please indicate the measures taken to prevent the recruitment of children for their use in hostilities or in terrorist activities and provide information on the exact nature of the de-radicalization programmes in which hundreds of children have reportedly been enrolled. Please comment on reports that children used in armed conflict are often judged by adult courts and indicate whether they have been explicitly excluded from the jurisdiction of the military courts established under the January 2015 constitutional amendment and that of anti-terrorism courts.

24. Please explain why the collective punishment of families with children aged between 16 and 18 was not outlawed under the 2011 amendment to the Frontier Crimes Regulation in the Federally Administered Tribal Areas. With reference to paragraph 99 of the State party's report, please clarify whether the parallel judicial system of *jirgas* has been explicitly criminalized in all provinces and territories of the State party and comment on reports that *jirgas* continue to administer justice and condemn girls to be killed and to other types of punishment such as forced marriage in the name of so-called "honour".

25. Please clarify which courts can exercise jurisdiction over cases involving children in conflict with the law and what steps have been taken to raise the minimum age of criminal responsibility. With reference to paragraph 99 of the State party's report, please provide detailed information on the exact procedure for determining, in the absence of a birth

certificate or other official document, whether a young person was a juvenile at the time of arrest and during trial. Please explain to what extent visual assessments of a child's age by the police or other law enforcement officials in the process of issuing an arrest or jail certificate complies with a child's entitlement to a reliable medical or social investigation into his or her age. Please describe the procedure adopted in cases in which the evidence for assessing whether a young person is a juvenile is conflicting or inconclusive and indicate which documents or sources are deemed admissible in this regard.

26. Please provide detailed information on the investigations undertaken and their outcome, if any, into allegations that the young person concerned is a juvenile, as well as into allegations of torture in the cases of Muhammad Afzal, Aftab Bahadur, Shafqat Hussain, Ansar Iqbal and Faisal Mahmood. Please explain how the right of the child to the benefit of the doubt is protected in cases in which filed evidence indicating that the young person is a juvenile is dismissed on procedural grounds. Please comment specifically on the Supreme Court's refusal to consider Ansar Iqbal's birth certificate, issued by the National Database and Registration Authority, as evidence of his juvenility on procedural grounds as being submitted too late.

Part II

In this section, the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions and their mandates, and institutional reforms;
- (c) Recently introduced policies, programmes and action plans, and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on budget lines allocated for children and social sectors, indicating each budget line as a percentage of the total national budget and gross national product, and geographic allocation.

2. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of:

- (a) Children condemned to death, including for *hadd* offences, and the number of defendants currently on death row who may have been sentenced for crimes they committed as children;
- (b) Children missing as a result of enforced disappearances, particularly in Balochistan, the Federally Administered Tribal Areas and Khyber Pakhtunkhwa;
- (c) Child victims of acid attacks and crimes committed in the name of so-called "honour" and the number of perpetrators of these crimes who were prosecuted and found guilty, as well as information on the sanctions applied to them;

(d) Children belonging to religious minorities who are victims of attacks, forced conversions and marriages and subjected to arrest and prosecution under the blasphemy laws;

(e) Children subjected to torture and ill-treatment and the number of perpetrators of these crimes who were prosecuted and found guilty, as well as information on the sanctions applied to them;

(f) Children killed in attacks on schools or deprived of education as a result of their schools being destroyed, and the number of schools damaged or destroyed as a result of attacks by State security forces and non-State armed groups;

(g) Children rescued from slavery-like conditions, including children engaged in bonded labour, domestic servitude and prostitution, and the number of labour inspections, including in brick kilns, factories and in the agricultural sector, directly related to child labour, including bonded labour under slavery-like conditions;

(h) Child victims of trafficking to or from Pakistan as well as within the country for the purpose of sexual or economic exploitation, including prostitution, forced marriage, forced labour, including bonded labour, and forced begging who have been identified by anti-trafficking units or other relevant agencies;

(i) Children detained under the 2014 Protection of Pakistan Act, the 2011 Actions (in Aid for Civil Power) Regulations and the Frontier Crimes Regulation, and the number of children arrested and detained on national security charges or for their alleged association with armed groups, as well as the reason for and length of their detention.

3. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:

- (a) Separated from their parents;
- (b) Living in child-headed households;
- (c) Placed in institutions;
- (d) Placed with foster families;
- (e) Adopted domestically or through intercountry adoptions.

4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Not attending school;
- (g) Abandoned by their families.

5. Please provide the Committee with an update of any data in the report that may have been superseded by more recent data or that may have been affected by new developments.

6. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.