

**Human Rights Council**

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**Universal Periodic Review (UPR) of the Islamic Republic of Pakistan**

**Joint Stakeholders' Submission**

Submitted by:

**Marist International Solidarity Foundation (FMSI)**

**Franciscans International (FI)**

**Dominicans for Justice and Peace: Order of Preachers**

**VIVAT International**

**(NGOs in Consultative Status with ECOSOC)**

(Submitted in Geneva, 23 April 2012)

## **Introduction and Background**

1. This joint submission by Marist International Solidarity Foundation (FMSI), Franciscan International (FI), Dominicans for Justice and Peace: Order of Preachers and VIVAT International aims to promote issues of social justice pertaining to **the Rights of the Child and Women's human rights**. In particular, it is concerned with **1) free, accessible and quality education; 2) the right to be protected against all forms of exploitation and abuse, including child labor; and 3) protection from armed conflict, 4) Women's human Rights**. The information provided in this report is based on research carried out by our partner organizations in Pakistan and is supported by documentation and research as referenced.

2. Pakistan has an estimated population of 177 million in 2011<sup>1</sup> and is the sixth most populous country in the world, having a growth rate of 2.05%. If the existing trend remains unchanged, it will reach 191.7 million by the year 2015<sup>2</sup>. In Pakistan, the estimated population aged below 18 years is more than 70 million<sup>3</sup> with above 40 million being under the age of 14<sup>4</sup>.

3. The Convention on the Rights of the Child (CRC) holds that every child has indivisible rights. By ratifying the Convention (November 12, 1990)<sup>5</sup>, Pakistan is bound to make provision for the education of all children regardless of their race and gender. As well, the State is responsible for protecting the children from labor and involvement in arm conflicts.

4. In May 2008, the Government of Pakistan accepted two recommendations aimed at ameliorating the Rights of the Child. In particular the call to "*promote the Rights of Children, with the hope that the pending Child Protection Bill in Parliament and the Child Protection policy being formulated will soon be adopted,*"<sup>6</sup> illustrated a definitive commitment to facilitate the production of a legislative framework on Human Rights.

5. The National Assembly of Pakistan divided the Child Protection Bill into two parts: a) Child Protection Criminal Laws amendment Bill 2009; b) National Commission for the Rights of Children Bill 2009.

6. In 2012 the Pakistani government faces a significant challenge to implement mechanisms that

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<sup>1</sup> UNICEF, Pakistan, available at [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html). (Last accessed 5 April 2012)

<sup>2</sup> Shoaib Habib, M 2011, *Highlights of the Economic Survey of Pakistan- 2011*, available at <https://taragee.wordpress.com/2011/06/20/highlights-of-the-economic-survey-of-pakistan-2011/>. (Last accessed at 4 April 2012)

<sup>3</sup> UNICEF, Pakistan, available at [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html). (Last accessed 5 April 2012)

<sup>4</sup> Arshad, R 2011, *Child Labour in Pakistan*, available at <http://www.hamariweb.com/articles/article.aspx?id=91>. (Last accessed at 20 March 2012)

<sup>5</sup> UN Treaty Collection – Database, available at <http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&msgid=IV-11&chapter=4&lang=en> (Last accessed at April 5, 2012)

Fayyazuddin, Samra; Jillani, Annes; and Jillani Zarina, 1998, *The State of Pakistan's Children 1997*, pag. 34. available at

[http://books.google.ch/books?id=VqG8aR3T0IUC&pg=PA34&lpg=PA34&dq=pAKISTAN+RATIFY+THE+CRC&source=bl&ots=COArVotWSq&sig=uWt\\_r3DsosAJvfNa89oaWB5FLWQ&hl=de&sa=X&ei=1x9T5i\\_FcbLhAf7ifG-DA&ved=0CEEQ6AEwAw#v=onepage&q=pAKISTAN%20RATIFY%20THE%20CRC&f=false](http://books.google.ch/books?id=VqG8aR3T0IUC&pg=PA34&lpg=PA34&dq=pAKISTAN+RATIFY+THE+CRC&source=bl&ots=COArVotWSq&sig=uWt_r3DsosAJvfNa89oaWB5FLWQ&hl=de&sa=X&ei=1x9T5i_FcbLhAf7ifG-DA&ved=0CEEQ6AEwAw#v=onepage&q=pAKISTAN%20RATIFY%20THE%20CRC&f=false) (Last accessed at April 5, 2012)

<sup>6</sup> Universal Periodic Review. Report of the Working Group on the Universal Periodic Review. Pakistan, A/HRC/8/42 June 2008, page 18, Recommendations n. 12.

would satisfy its obligations under the CRC. The current status of both the Child Protection Policy and Child Protection Bill has substantially worsened since 2008, a direct reflection of the impact of the 18<sup>th</sup> Constitutional Amendment which transferred the legislative power of the federal government concerning Child Protection to the provinces. At present no statutory body exists at the national level for Child Protection, a situation of major concern.

8. The fate of both Bills regarding Child Protection is uncertain. Whilst Article 25(3) of the Constitution of the Islamic Republic of Pakistan recognizes the special right for children to be protected due to their vulnerability,<sup>7</sup> currently little progress has been made. The government is unable to ensure a cohesive policy on Child Protection between the provinces; the transfer of legislative power can create inequity of Child Rights between the regions of Pakistan due to the absence of an overarching National Child Rights framework.

## **I. RIGHTS OF THE CHILD**

### **A. Right to Education**

#### **Background**

10. Pakistan's Constitution provides for *free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law*.<sup>8</sup> Pakistan has both a Federal Educational Ministry and Provincial Educational Ministries. Alongside the national education budget, there are other funding agencies and countries that contribute towards the education of children in Pakistan.

#### **Poor quality education as a result of low governmental investment.**

11. In the Annual Budget for 2011-2012, Pakistan has allocated Rs 39.5 billion (1.7% of the national recurrent expenditure) towards education, in contrast with the Rs 495.2 billion on defence (17.46% of the national recurrent budget)<sup>9</sup>. The paucity of allocation of funds towards education is not sufficient to provide for all children of compulsory school age. A concern of this NGO Coalition is that the money allocated for education is not used efficiently<sup>10</sup>, resulting in a low literacy rate for the country (little more than 50%<sup>11</sup>). Existing schools are in poor condition and are poorly equipped; lacking basic facilities such as furniture and books.

12. Whilst the tuition fees in government schools may be low, the monetary cost of purchasing books and school uniforms prevent access to education among the poorer families, in particular those from city slums and rural areas where the drop-out rate is high because they cannot

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<sup>7</sup> The Constitution of Pakistan, Part II, Fundamental Rights, article 25(3) available at <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>8</sup> The Constitution of Pakistan, Part II, Fundamental Rights, article 25A available at <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>9</sup> Einfopeia 2012, *Pakistan Education: Problems and Solutions of Pakistan Education*, available at <http://www.einfopeia.com/pakistan-education-problems-and-solutions-of-pakistan-education.php> (last accessed at 15 March 2012).

<sup>10</sup> Zayed, H 2011, *A Call to make Primary Education compulsory in Pakistan*, available at <http://pakistannationalistassociation.wordpress.com/2011/02/14/a-call-to-make-primary-education-compulsory-in-pakistan/>. (Last accessed at 17 March 2012)

<sup>11</sup> Ibid

afford top ay these fees<sup>12</sup>. The fact is that education is not free, and it is the poor who suffer most from this.

13. The attendance rate of primary school aged children is 66.4% –the lowest in the Asia-Pacific region<sup>13</sup>. This is a reflection on the inadequacy of the Pakistani education system because there are not enough schools for the children. The number of schools in Pakistan on paper is considerably higher than those that actually exist (commonly referred to as ‘ghost schools’).<sup>14</sup>

14. Quality education is lacking as in many instances the teachers are untrained and are not fit for their profession, some of whom are receiving a salary without actually turning up to school. As an example, an officer in the Balochistan education department reported that over 5,000 ghost teachers were receiving salaries and 3,000 ghost schools were receiving funds from the Balochistan government.<sup>15</sup>

15. Another concern is the marked imbalance between the number of schools in urban and rural areas with more needed to fill the void in rural areas.<sup>16</sup> In many of the rural and tribal areas, teachers are absent from class and students do not find any fulfilment in attending school. In a number of instances teachers have even required the students to carry out household work or other tasks such as feeding the cows, instead of being in class.

16. This situation is the result of poor monitoring of government expenditure and aid money that is allocated to education. Given the desire to have an educated populace, it is essential that the government invest in its children and reprioritize its budget allocation in favor of education.

### **Gender imbalance and discrimination in education**

17. By ratifying the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996<sup>17</sup> Pakistan has indicated a willingness to empower women. Nonetheless women and girls continue to bear the brunt of discriminatory practices, marginalization and exclusion. The data shows that the literacy rate for young females between the age of 15-24 is 61%. This is considerably lower than the same age group for males, being 79%.<sup>18</sup> The value of girls attaining education is underestimated and many are prevented from receiving an education due to tradition or religious beliefs. There are reports that the Taliban has threatened around 270 girls schools with intimidation over the last few years; this intimidation causing a low attendance at school. This then reinforces a commonly held belief that the girls do not need to

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<sup>12</sup> Lodhi A 2011, *Education Budget Slashed*, available at <http://www.pakistantoday.com.pk/2011/05/education-budget-sla>. (Last accessed at 11 March 2012)

<sup>13</sup> Asian Development Bank (ADB), *Key Indicators for Asia and the Pacific 2011*, page 72, available at <http://www.adb.org/key-indicators/2011/main> (Last accessed 5 April 2012)

<sup>14</sup> The Express Tribunal, 2011, *Ghost teachers in Balochistan: With political backing, attendance is a mere formality*, available at <http://tribune.com.pk/story/109721/ghost-teachers-in-balochistan-with-political-backing-attendance-is-a-mere-formality/>, (Last accessed 11 March 2012)

<sup>15</sup> Ibid.

<sup>16</sup> Zayed, H 2011, *A Call to make Primary Education compulsory in Pakistan*, available at <http://pakistanationalistassociation.wordpress.com/2011/02/14/a-call-to-make-primary-education-compulsory-in-pakistan/>. (Last accessed at 17 March 2012)

<sup>17</sup> UN Treaty Collection – Database, available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) (Last accessed at April 5, 2012)

<sup>18</sup> UNICEF, Pakistan, available at [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html), (last accessed 27 March 2012)

be educated.<sup>19</sup> The ideal of obtaining equality for women must be mirrored in the laws, policies and practices of the Pakistani government.

### **Prejudice due to Race and Religion**

18. Prejudice due to race and/or religion in the Pakistani education system is contrary to Article 25(1) of the Pakistani Constitution, which acknowledges that *all citizens are equal before the law and entitled to the equal protection of law*.<sup>20</sup> However, ingrained in the education system is the systematic intolerance against Hindus from the scheduled caste and other religious minorities. In many schools these students have no voice due to the systemic under-representation of such minority groups. As well, the curriculum fosters an inaccurate view of history through the textbooks. Students belonging to the majority groups learn to discriminate against their fellow students who are often portrayed as inferior.<sup>21</sup> In order to prevent the discriminatory attitudes from continuing, education reform is essential.

### **Irrelevance of the Curriculum**

19. The curriculum of the country's primary and secondary schools lacks relevance to the developmental needs of the child.<sup>22</sup> The inadequate training of secondary school graduates and those from college who finish without any vocational skills prevent them from actively contributing to society, as they are unable to enter the workforce. The curriculum must redress this gap so as to increase the possibility of employment which in turn contributes to the economic development of the country.

### **Corporal Punishment**

20. This NGO coalition welcomes the Domestic Violence (Prevention and Protection) Bill passed by the Senate in March 2012 as a move towards criminalizing the systematic abuse of children at school and in the home.<sup>23</sup> However, its effectiveness is questioned since the Bill has not yet been signed into force.

21. In January 2010, the Prohibition of Corporal Punishment Bill 2010, which prohibits corporal punishment in all education settings, was sent to the Standing Committee on Social Welfare and Special Education for approval. However, corporal punishment is still common in the schools.<sup>24</sup> Parents also administer corporal punishment on children with impunity as there is no one to prevent such violence in the home. The implementation of the law to prohibit corporal punishment of children needs immediate implementation and an effective mechanism to make it a reality.

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<sup>19</sup> Gunyon, B 2011, Child soldiers add questions for Pakistan, available at <http://uk.oneworld.net/article/view/167029/1/2006> (Last accessed 16 March 2012)

<sup>20</sup> The Constitution of Pakistan, Part II, Fundamental Rights, article 25(1) available at <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>21</sup> Dawn.Com, Pakistan schools teach Hindu Hatred, available at <http://www.dawn.com/2011/11/09/pakistan-schools-teach-hindu-hatred.html>, (Last accessed 5 March 2012)

<sup>22</sup> Shazada, G 2011, 'Causes of Absenteeism from the Schools at Secondary Level', *Mediterranean Journal of Social Sciences*, vol.2, No.2, pp.291-298- available at [http://www.mcser.org/images/stories/2\\_journal/mjssmay2011/27.pdf](http://www.mcser.org/images/stories/2_journal/mjssmay2011/27.pdf)

<sup>23</sup> AFP 2012, *Pakistan makes domestic violence criminal offence*, available at <http://ph.news.yahoo.com/pakistan-makes-domestic-violence-criminal-offence-190554152.html> (Last accessed 4 April 2012)

<sup>24</sup> Asian Human Rights Commission, *Pakistan: Corporal punishment a major reason for increasing school dropouts*, available at <http://www.humanrights.asia/news/forwarded-news/AHRC-FAT-009-2011> (Last accessed 5 April 2012)

## **22. We recommend the Government of Pakistan to:**

- a) Significantly increase funding for education in the national budget in order to promote free, inclusive, accessible and quality education for all children in the country and ensure that these funds are administered fairly and transparently.**
- b) Review the school curricula to make it more relevant for job opportunities for school graduates, that it is not discriminatory against minority groups, and take steps to ensure all teachers are properly trained and qualified.**

### **B. Child Labor**

23. In Pakistan there are 8-10 million children under the age of 18 who work and 3.8 million children under 14 years of age (i.e. the minimum legal age for employment) who are involved in child labor. About 1.2 million children are on the streets in Pakistan's largest cities, working as beggars, child prostitutes, vendors or shoeshine boys.<sup>25</sup>

24. Whilst Pakistan's Constitution decries child labour, it has not yet been translated into law. Many of these children caught in child labor are deprived of their right to an education. The children are employed in shops, hotels, as shoe polishers, vendors, beggars and in workshops so as to earn a living for their families. They work at brick kilns, carpet weaving, rag picking, crop agriculture, fishing, domestic service, mining and quarrying, and street and service industries.<sup>26</sup> It is not only the factory warehouses or stitching shops that engage child labour but the goods are sent to the homes of the stitches (sewers) where children labor for their living thereby preventing them their right to attend school.<sup>27</sup> It is an injustice sustained by both parents and the State, preventing these children access to the full enjoyment of their rights.

25. If more money was prioritized in the national budget towards the social welfare of families and to provide enough schools and teachers for all Pakistani children, there would be little reason for under-aged children to work in family or local industries.

## **26. We recommend the Government of Pakistan to:**

- a. Formulate and implement effective legislation that complies with the ILO's Convention 138 on the minimum age of employment and ILO's Convention 182 on worst forms of child labor so as to eliminate illegal child labor in the country.**
- b. Allocate a bigger slice of the state's annual expenditure towards social welfare and education so as to alleviate the necessity of children having to work and to provide enough places for their access to free education.**

### **C. Children in Armed Conflict**

27. The involvement of children in armed conflict undermines the Convention on the Rights of the Child (CRC), ratified by Pakistan on November 12, 1990. The protection of a child's survival,

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<sup>25</sup> Arshad, R 2011, *Child Labour in Pakistan*, available at <http://www.hamariweb.com/articles/article.aspx?id=91>. (Last accessed at 20 March 2012)

<sup>26</sup> Daily Times 2011, Labour on rise among children aged between 15 and 17: report, available at [http://www.dailytimes.com.pk/default.asp?page=2011%5C09%5C20%5Cstory\\_20-9-2011\\_pg7\\_11](http://www.dailytimes.com.pk/default.asp?page=2011%5C09%5C20%5Cstory_20-9-2011_pg7_11) (Last accessed 15 March 2012)

<sup>27</sup> One World, Child Labour Guide, available at <http://uk.oneworld.net/guides/childlabour> (Last accessed 11 March 2012)

development and wellbeing is diminished in the tribal and war stricken areas of the country where children are recruited to participate in armed conflicts<sup>28</sup>. In visiting the tribal areas of the North-West Frontier Province (NWFP) children carrying guns and participating in the tribal conflicts and fighting jihad against the non-believers are easily observable. Because of the conflict between the sectarian tribes, children are affected adversely. Many are displaced from their homes, crippled physically and emotionally, and in some cases brutally. The continued participation of children in armed conflict cannot be condoned and should be immediately addressed by the government.

**28. We recommend the Government of Pakistan to:**

- a. Ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict, which the Government signed on 26th September 2001.**
- b. Take all feasible measures to protect and care for children who affected by armed conflict.**

## **II. WOMEN'S HUMAN RIGHTS**

### **Background**

29. Since the review of Pakistan during the UPR in 2008, the Government of Pakistan has adopted the Protection against Harassment of Women at Workplace Act in 2010, Criminal Law Amendment Act 2010 and 2011, Anti Women Practices (Criminal Law Amendment) Act, 2011, National Commission on the Status of Women Act, 2012, Domestic Violence Act, 2012 (passed from senate). However, women in Pakistan still face challenges in enjoying the equal rights as full citizen of Pakistan, especially women from minority groups.

### **Current Challenges**

30. Freedom of movement is a socio-cultural issue faced by women in Pakistan, regardless their religion. Women from all religious backgrounds are requested travel with a male member of the family in most situations, especially those living in the rural areas. Women feel insecure to travel by themselves outside their homes. Therefore, they can only travel if they are accompanied by male members of the family or their spouses.

31. With regards to women and tradition justice system, the Supreme Court of Pakistan on 27 May 2011 gave verdict against Jirga system and declared Jirga activities as illegal and constitutes as a contempt of court.. This traditional justice system is considered top ut women in a weaker position especially in the case of honour killing. The settlement of dispute over honor killing can underestimate the rights of victims and their family. Despite the decision of the Supreme court, to date, there is no reported case of punishment to Jirga holders by courts. They continue to enjoy impunity.

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<sup>28</sup> Child Soldiers Global Report 2004, available at <http://www.child-soldiers.org/document/get?id=873> (Last accessed 23 March 2012)

32. Forced conversion of women has increasingly become a human right concern, due to increase of religious intolerance. There has been some cases where women were converted to other religion not on their free will. There is also a phenomenon of forceful abduction of woman to convert for a marriage. In specific cases, the woman could be killed after being raped by the abductor. This was the case Ms. Nazia Barket, a Christian student of class 6th was raped and later murdered by her abductors. This phenomena is linked with illiteracy and hatred for religious minority groups.

**33. We recommend the Government of Pakistan to:**

- a. Disseminate and make known to public at large the newly adopted legislation concerning women, especially Protection againsts Harrasment of Women at the Workplace Act (2010), Criminal Law Amendment Act (2010 and 2011), Anti Women Practices (Criminal Law Amendment) Act (2011), National Commission on the Status of Women Act (2012) and Domestic Violence Act (2012);**
- b. Ensure that the national legislation on women is effectively implemented at the provincial level through the allocation of national funding and the establishment of a national monitoring authority to inspect and report the implementation;**
- c. Adopt legislation which ensures an equal educational opportunity for minority women;**
- d. Adopt an affirmative action policy by increasing quota for women to work in public sectors, which include reservation for minority women;**
- e. Ensure the protection of women from minority groups and guarantee full enjoyment of their rights, including the freedom of movement with security and freedom of religion.**