

Human Rights
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Fruitless decade for children

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Pakistan ratified the United Nations Convention on the Rights of the Child (UNCRC) on November 12, 1990. That means the government now has to make sure that every child has all rights that are in the CRC. But nothing considerable has been done to make the local laws conform to the convention. Neither laws were introduced in accordance with the UNCRC, particularly with reference to children in Frontier, Balochistan and Federal Administered Tribal Areas (FATA).

Since 1990, only two federal laws have been introduced on the subject pertaining to children, the Employment of Children Act 1991 and Juvenile Justice System Ordinance 2000. The 1991 law, enthusiastically welcomed by those working for children's rights, brought no good to the life of the deprived children. Though the law has strict actions against its violators, its proper implementation is a question mark. The NWFP government has not yet even implemented the law after the lapse of a decade. The law has not been extended to the FATA, thereby depriving a large number of children of its advantage.

The Juvenile Justice System Ordinance 2000 was promulgated on July 1, 2001, but could not be implemented even after the lapse of one year. The provincial governments have been empowered to make rules for carrying out the purposes of this ordinance by a notification in the official gazette; however, so far, these rules have not been enacted either at the federal or the provincial level, although a draft is pending with the former. Even if the law is enforced and implemented, there

would still be problems in the NWFP and Balochistan, as the law is silent about conviction and there are no related laws in these provinces, e.g.

Borstal Laws, etc. Sindh and Punjab have the Sindh Borstal Schools Act 1955 and the Punjab Borstal Act 1926, but Frontier and Balochistan have no laws on the subject. There is a federal law on the subject called Reformatory Schools Act 1897 but the Frontier government has not adopted that law.

Juvenile Justice System Ordinance has not been extended to the FATA on the plea that there is no juvenile delinquency in tribal areas. Tribal people are also the citizens of Pakistan and tribal children have all those rights as ensured by the CRC. One can see children in the jails of NWFP booked under the FCR. Children are also used for drug trafficking and smuggling in the tribal areas of the country and they are in need of legal protection from being used for drug trafficking.

There are no laws in Frontier, Balochistan and FATA safeguarding children's rights like those in Sindh and Punjab.

Sindh has Sindh Children Act 1955 and Punjab, Punjab Children Ordinance 1983 and Punjab Youthful Offenders Ordinance 1983.

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Some of the high-ups of the Frontier government are of the opinion that after the introduction of Juvenile Justice System Ordinance 2000, there is no need to introduce child-specific laws in the province. They forget that the Juvenile Justice System Ordinance 2000 deals with those children only who come into conflict with the law and it has nothing to do with other children's rights.

The NWFP needs a law that could ensure all children their rights, not only those who are charged with committing crimes. In this respect, Punjab Children Ordinance and Sindh Children Act are the best examples.

Now what is needed to introduce children's laws is political will. This is also evident from Punjab's case, which did not devise any new laws, rather it just adopted Sindh's laws. The availability of finances is another frequently asked question. I would suggest it is a matter of political will and priorities. If the government has the will and commitment for improving the condition of children, many donors could come forward to finance the implementation of these laws.

Frontier and Punjab are the two provinces that introduced laws relating to education, namely the NWFP Compulsory Primary Education Act 1996 and the Punjab

Compulsory Primary Education Act 1994. But these are limited to the statute books only and nothing practical has been done to implement these laws so far. Even the rules haven't been drafted to implement these laws and the only motive behind introducing these laws seems to be to show to the international community that steps have been taken to implement CRC.

Some high-ups in the government are of the opinion that it is impossible to make education free and compulsory as people are poor and education is not their first priority because of poverty.

Children comprise almost 51 per cent of the population. To condemn such a population to ignorance, as seems to be the case at present, where 23 million children of school-going age are not going to school, is certainly to perpetuate poverty with all its concomitants. If we are serious to eradicate poverty on a sustainable basis, we should free our population from ignorance. The provincial government must work on framing rules for the laws regarding free education.

Donor agencies would be more than interested to work with the government for the implementation of such laws if they were contacted with concrete plans and suggestions. November 12, 2001, would be the 12th anniversary of the ratification of Convention on the Rights of the Child. We should commit ourselves to improving the state of children's rights in Pakistan to mark the occasion. It is high time for all of us, whether in government or from civil society, to act together for the protection of child rights.