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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-second session

SUMMARY RECORD OF THE 1445th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 28 September 2009, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third and fourth periodic reports of Pakistan (continued) (CRC/C/PAK/3-4, CRC/C/PAK/Q/3-4 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Pakistan resumed their places at the Committee table.
2. Mr. KAZI (Pakistan) said that the Government was introducing universal primary education gradually, since there were not enough schools or teachers to do so immediately. Some 56 per cent of primary age children had attended school in 2008, compared with 43 per cent in 2003. The target of 86 per cent had been set for 2015, after which further progress was expected.
3. While there was currently no legislation prohibiting corporal punishment, teachers were formally instructed not to apply it in schools. A bill abolishing corporal punishment was due to go before Parliament in October 2009.
4. The children who had joined the Taliban in the North West Frontier Province had done so for reasons of poverty, not because of religious or ideological convictions. According to reports from children who had fought with the Taliban and were currently being treated in the government-run camp, there were still some 2 to 300 children with the Taliban. As the Taliban retreated, the Government was able to provide the children with trauma counselling and rehabilitation services. The Government had ensured that orphanages, particularly in the Swat valley, took care of children whose parents had died and who were not living with relatives. In most cases, children who had been orphaned as a result of the war on terror had been adopted by their relatives.
5. Negotiations between the Government and insurance companies had concluded that children with multiple disabilities would be insured by the State. After some four or five years of premium payments, insurance companies would start providing those children with sufficient funds to pay for assistance, medical fees and incidental expenses. Moreover, plans were being implemented to ensure that the 700,000 children with minor disabilities would be integrated into mainstream education, with teachers receiving appropriate training and infrastructure modifications being introduced as appropriate. The Ministry of Social Welfare and Special Education ran some 118 centres nationwide for children with more severe disabilities and learning difficulties, in addition to units run by provincial governments and NGOs.
6. A bill to increase the minimum age of criminal liability from 7 to 10 years of age was soon to come before Parliament. There had been some debate about increasing the age limit to 12 years, but several ministries had objected on the grounds that some children aged between 10 and 12 had been converted to suicide bombers by the Taliban.

7. The death penalty for minors had been formally abolished in 2000. It should be noted, however, that prior to that it had not been applied to minors. In no case had the death penalty been applied to minors under anti-terrorism legislation. Moreover, there were no laws permitting stoning to death of children.

8. Children were not held with adults at any stage of the judicial process. In cases heard in the child complaint cells at the Ombudsman's Secretariat at federal and provincial levels, senior officers heard both parties before giving their opinion. While complaints had not been of a serious nature to date, it was expected that as awareness of the system grew, more substantive issues might arise.

9. Since the Constitution did not cover Azad Jammu, Kashmir and the Northern Areas in the territory of Pakistan, legislation passed by the Government was not automatically enforceable in those areas. That was because the status of Kashmir was the object of international dispute, and Azad Jammu and the Northern Areas had traditionally been part of Kashmir. However, when new legislation was passed, the authorities in those areas adopted it, thus in practice extending the legislation to all areas.

10. He agreed that the Benazir Income Support Programme was not child-focused. Nonetheless, the Programme provided millions of dollars to families living in poverty, thus ultimately benefiting many children.

11. Ms. MAURÁS PÉREZ said that experience worldwide, particularly in Latin America where cash transfer programmes had first been implemented, had shown that unless cash transfers were made conditional on specific commitments by families, they were treated as general family subsidies. In many countries where gender discrimination was common, findings had shown that cash transfers received by men often did not benefit children. She asked whether there were any conditions for entitlement to the Benazir Income Support Programme, such as ensuring that girls were enrolled in and attended school, that mothers attended prenatal and post-natal health checks or that girls and boys were immunized before their first birthday.

12. Mr. KOTRANE said that the Committee had received reports that children continued to be held in detention with adults. While the Government was clearly making efforts to prevent that, judicial staff were sometimes unaware of new procedures and regulations. He asked what steps the Government was taking to ensure that no person under the age of 18 was detained with adults. It would be useful to learn of any relevant statistics or details of efforts to monitor the situation.

13. Mr. KAZI (Pakistan) said that the Benazir Income Support Programme did not include specifications such as those described. The Government would, however, appreciate the Committee's recommendations on making the Programme conditional.

14. He reiterated his affirmation that minors were not detained together with adults. The Committee could rest assured that any such cases would be exposed by the media.

15. Press reports alleging that two women had been buried alive in Balochistan had been a distortion of the events. It was true, nonetheless, that the women had been victims of honour killings, and some 15 people were currently being tried for those murders.

16. The Government had made efforts to prepare the periodic report in accordance with the revised reporting guidelines. It would take steps to ensure that the forthcoming report did indeed comply with those guidelines.

17. Mr. MANGI (Pakistan), replying to the question on coordination with regard to children's rights, said that the National Commission for Child Welfare and Development operated at the federal level. While it was currently a non-statutory organization with several capacity constraints, it did much to monitor children's rights, coordinate with NGOs and respond to the international community. Each ministry contained a focal point on children's rights, and all provinces had commissions on child welfare and development. The provincial commissions included child rights networks at the district level.

18. About 68 per cent of child labour occurred in the informal sector. Several measures were being taken, such as the implementation of a time-bound programme to eliminate the worst forms of child labour, in conjunction with the International Labour Organization. However, a purely project-based approach would never succeed in totally eliminating child labour; universal primary education and vocational training were essential. The Government was allocating resources to a national educational and vocational training programme at the national and provincial levels.

19. Turning to the question on data, the Child Protection Management Information System had been piloted in 2006 in coordination with the provincial authorities. At the federal level, the Government was currently able to prepare reports on issues concerning children. At the district level, staff required training to increase their capacity and new software was needed to cover all sectors and areas of child protection. In conjunction with the United Nations Children's Fund (UNICEF), the Government planned to employ two international experts to launch the Child Protection Management Information System nationwide.

20. The Government was taking steps to prevent child abuse. As part of its action plan to prevent the sexual abuse and commercial exploitation of children, it was launching a campaign in 63 provinces to provide assistance to child drug addicts, street children and those in conflict with the law. Legislation introducing harsher penalties for child abuse was being introduced. In 2008, the Government had launched a national campaign to raise public awareness of the need to prevent corporal punishment and child abuse. Workshops had been arranged for the media to ensure that they understood the issues involved.

21. Mr. ULLAH KHAN (Pakistan) said that, while only 30 per cent of births were currently registered, the registration process had been simplified and proof of domicile was no longer required. There was no discrimination in the registration procedure on the grounds of gender or religion. Birth registration was a prerequisite for obtaining children's identity cards and enrolling them in school. In order to be valid, marriages and divorces had to be registered with local councils.

22. Mr. KRAPPMANN (Country Rapporteur) requested further information on the coordination of the national child protection system. He wished to know what mandate the provincial and district commissions had. It was difficult to believe that the system was fully

coordinated, particularly since the web page of the National Commission for Child Welfare and Development was considerably out of date. He asked whether the standard rules for birth registration (CRC/C/PAK/3-4, para. 165) had been adopted.

23. Mr. ULLAH KHAN (Pakistan) said that, while definitions of the child varied in different legislative instruments, the general understanding was that a child was any person under the age of 18. That applied to all civil contractual law and criminal law. Some labour laws referred to children as persons under the age of 14. Where a child's birth had not been registered, medical evidence was used to determine the person's age. If there was doubt about the age of a person involved in a criminal case, the accused was usually given the benefit of the doubt.

24. Mr. FILALI asked whether children could be tried by adult courts under anti-terrorism legislation.

25. Mr. ULLAH KHAN (Pakistan) said that, under the Juvenile Justice System Ordinance, children could not be tried by adult courts if they were accused alone. If a child was accused jointly with adults, he or she could be tried by an adult court, in theory. To date, however, no children had been brought to trial under anti-terrorism legislation.

26. Local governments had already simplified the rules for the registration of births. While community service had not yet been adopted as a non-custodial measure for minors, the Government made an effort to place juvenile offenders on probation, and judges regularly pronounced remissions of sentences. Juvenile offenders had access to legal aid, although the State funded less legal aid for them than it did for adults. Pakistan had two jails that held minors, and two more were under construction. Minors were held separately from adults. There were currently about 2,000 juveniles in detention, about 150 of whom had been convicted.

27. Mr. FILALI said that the Committee had received information according to which girls under 18 were detained at the same facilities as adult women. The fact that the hadud laws on stoning did not explicitly exclude children was of concern to the Committee. Noting that the Benazir Income Support Programme provided about \$10 a month for each beneficiary child, he asked in the context of Pakistan's economy what kind of impact such assistance could have.

28. Mr. ULLAH KHAN (Pakistan) said that in 2007 a law had been adopted for the remission of the sentences of all women prisoners, except those convicted of extremely serious crimes, such as murder or terrorism, and that with the exception of women accused of such crimes, nearly all women defendants were released on bail. The hadud laws relating to stoning were not applied to minors. In fact, since 1979, no person, let alone a minor, had been stoned under that law.

29. Mr. FILALI asked for clarification about the way in which hadud law dealt with minors. It was his understanding, for instance, that under that law a girl could be married once she reached puberty, which seemed to indicate that the law was applicable to minors.

30. Mr. ULLAH KHAN (Pakistan) said that while hadud law theoretically applied to everyone, not a single case of stoning under that law had taken place since 1979.

31. Mr. FILALI said that notwithstanding the non-application of the penalty, the Committee was concerned because the wording of the law had not been changed to explicitly exclude minors from its scope.

32. Mr. MANGI (Pakistan) said that the mandate of the network established under the National Commission for Child Welfare and Development (NCCWD) was to coordinate programmes for the implementation of the Convention with stakeholders at the provincial, district and federal levels. The district commissions and social welfare departments were responsible for undertaking various activities, such as holding youth forums, ensuring child participation, carrying out research and rapid assessments and the coordinating work on children's rights. At the federal level, the National Commission was responsible for proposing amendments to laws and revising legislation, and for undertaking research and planning measures and child welfare programmes.

33. Ms. UZMA (Pakistan) said that in some areas of the country, cultural factors had led to pronounced gender disparities in health status, but that the State policy for the provision of health care did not discriminate between males and females. The Government was fully cognizant of the importance of maternal and newborn child health, and that was reflected in the 2009 draft health policy. That policy included a basic primary health-care package that would encompass preventive health-care activities and would be delivered at the district and provincial levels both in rural areas and in urban slums. The draft policy also highlighted the importance of intersectoral collaboration with such sectors as education, sanitation and the environment so as to address the social determinants of health.

34. Mother and newborn child health indicators were not yet close to the levels targeted in the Millennium Development Goals, but the country was on the right track and the Government was making a full-scale effort to achieve those goals. It had launched a maternal and neonatal health programme and had provided funding worth some 20 billion Pakistan rupees to implement it. That programme had recently completed its two-year launching phase and was entering a three-year extension phase. It had focused on training community midwives and providing appropriate equipment and supplies, as well as training on obstetric and newborn care for nearly 2,000 community midwives and another 2,000 health care professionals. Under the programme, district management units had been established throughout the country. They were scheduled to become operational during the next phase of development.

35. Over and above those efforts, Pakistan had a long-standing Lady Health Workers programme, which had recently been expanded. The aim of that programme was to provide health services to the underserved population. The programme currently reached approximately 75 per cent of its intended target population, which numbered 121 million. Its activities included awareness raising, immunization coverage, breastfeeding counselling and nutritional information provided to young mothers. A study had found that iron intake among those covered by the programme was on average 17 per cent higher than among those who had not taken part.

36. Ms. MAURÁS PÉREZ asked how many of the country's districts were covered by the Lady Health Workers programme.

37. Ms. UZMA (Pakistan) said that the programme had originally been intended for universal coverage. Nearly 100,000 Lady Health Workers were currently active in the programme, and they covered about 100 of more than 130 districts in Pakistan. Universal coverage had become an objective for the next phase, which would also involve the recruitment of male health workers. Further initiatives had been implemented with donor support, including the Pakistan Initiative for Mothers and Newborns (PAIMAN) project, supported by the United States Agency for International Development (USAID), which had served 10 districts between 2003 and 2008. It had trained nearly 1,600 community midwives. It had also provided training to district health management teams in the delivery of newborn and paediatric care and had upgraded dozens of facilities. Evaluations of the PAIMAN project had shown a 26 per cent increase in the quality of services and a rise in district health budgets of about 50 per cent in the districts in question. An infant and young child feeding policy was currently under discussion, based on an ordinance that had addressed that subject since 2002. The World Breastfeeding Trends Initiative had issued a report in 2009 according to which the situation in Pakistan had improved considerably in the past three years. The Government had implemented an iron sprinkle nutritional supplement project in four districts, covering nearly 94,000 infants and children, to address iron deficiency anaemia.

38. The National Maternal, Newborn and Child Health Programme and the Lady Health Workers project provided elements of maternal and neonatal care, including multivitamin supplements, to pregnant women. The Government had conducted an accelerated project to enhance immunization in 2007 and 2008. The project had targeted some 64 million children and had resulted in a dramatic decline in the number of deaths related to measles. The goal of reducing such deaths by 90 per cent by 2010 had already been achieved. In the period from January to July 2009 measles vaccination coverage had reached nearly 80 per cent; tetanus coverage for mothers and newborns was almost 50 per cent, while the other six major preventable diseases had coverage rates approaching 90 per cent.

39. Ms. AIDOO said that the delegation should tell the Committee how the Government dealt with disparities in health indicators among children. While the policies implemented by the Government had been effective, girls still had higher mortality and malnutrition rates and less access to immunization than boys, and poor children were disadvantaged. What studies and activities were being conducted to ensure that children who were left behind would enjoy the same right to life and health as everyone else?

40. Mr. PURAS noted that 65 per cent of Pakistan's population lived in rural areas and were particularly susceptible to preventable diseases. They were therefore likely to benefit most from a preventive health-care approach, but the health system was apparently more geared toward curative medical care in urban contexts. Were any efforts being made to shift to a more preventive approach?

41. Ms. UZMA (Pakistan) said that the next phase of the women and child health programme would include a communication strategy to attempt to address gender disparities and to encourage health-care providers and facilities to immunize all children, both male and female. While the country's health-care system had previously focused on urban and curative services, the 2009 programme addressed both primary and secondary care. That trend would continue in coming years.

42. Mr. KAZI (Pakistan) said that in Pakistan madrasahs were considered to be traditional holy places of learning, and had existed for centuries. They had become problematic since the Soviet invasion of Afghanistan in 1979, as some had then begun to train students to fight. In the past 10 or 15 years the Government had attempted to exercise greater control over them. It had streamlined their syllabuses so that they included such subjects as computer technology, English, social sciences and mathematics.

43. Given the importance of the madrasahs, which currently had an enrolment of some 1.3 million students, the Government could not do away with them. However, it considered it a priority to ensure that their accounts were auditable and that they were in no way related to terrorism. The Government had since 2005 banned the enrolment of foreign students at Pakistani madrasahs. It had established a powerful authority, with the participation of the ministries of the interior, foreign affairs and religious affairs, that monitored the activities and accounts of such institutions. One of the problems facing the Government was the profusion of sects with which the madrasahs were associated.

44. Mr. ULLAH KHAN (Pakistan) said that under the Constitution, the provincial and federal administrations were authorized to exercise control over the education provided by the madrasahs, which could register with either the provincial authorities or the federal Government. The mainstreaming of the education taught at such schools was the responsibility of the federal Ministry of Education, which had been trying for some years to convince them of the benefits of introducing contemporary subjects into their curricula. The Ministry had informed the madrasahs that their degrees would not be recognized by the Interboard Committee of Chairmen, the national authority responsible for certifying and recognizing the equivalence of degrees, unless their students learned contemporary subjects. Many of the madrasahs were insisting that they should administer their own tests in such subjects, and discussions on that question were still under way.

45. The Ministry of Education had secured approval of the national education policy, which had been drawn up with the participation of all relevant ministries, including the Ministry of Religious Affairs, and had been thoroughly discussed with all stakeholders before being submitted for adoption. The policy called for the establishment of a madrasah education authority, which would offer a framework for the activities of such institutions. It would provide funds for the social and economic welfare of students, for supporting the development of infrastructure and sports facilities and for the further training of teachers. The authority would also give advice on syllabus development, so that graduates would be competitive in the job market and in higher education. Some of the degrees offered by the madrasahs had already been declared equivalent to master's degrees in Arabic or Islamic studies, which allowed graduates access to fields such as teaching or research. However, if graduates wished to find employment in other sectors, they had to pass tests in English, computer technology, mathematics, social sciences and economics at the bachelor's degree level. The madrasahs had agreed to introduce such subjects.

46. Mr. CITARELLA asked whether madrasahs were financed by the Government or by private funds.

47. Mr. ULLAH KHAN (Pakistan) said that madrasahs were mainly community-funded, but that the Government had also provided some financing, for example for the introduction of contemporary subjects or for the supply of computers at some smaller schools. A 5 billion rupee, five-year project was currently under way, which was designed to provide grants to up to 8,000 madrasahs for the training of teachers and the provision of textbooks, as well as for the construction of playgrounds and recreational facilities. The assistance was granted on the condition that the schools registered with the Government. The Ministry of the Interior had so far registered 507 madrasahs.

48. Ms. AL-ASMAR asked whether the National Plan of Action for Education for All covered children in conflict areas whose schools had been destroyed. She also asked whether girls who dropped out of school were given alternative education, bearing in mind that many girls would eventually go on to play an important role in educating their own children. On the issue of adoption, she noted that the delegation had said that a family upbringing was preferred for children, but asked whether adoption was governed by kafala. She further enquired how a child's move to an adoptive family was regulated. Lastly, she asked whether a systematic plan was in place to help street children.

49. Mr. FILALI asked for information on the current situation in Pakistan as regarded bonded labour. He asked what was being done to clear mines in conflict areas and protect children, in particular in the Swat valley. He enquired whether the death penalty applied to children under the Anti-Terrorism Act. He also asked whether jerga councils were involved in legal cases, such as requests for compensation for honour killings. Lastly, he enquired whether madrasahs taught peace, acceptance and tolerance.

50. Ms. AIDOO said that the approach to early childhood development briefly outlined in the State party's report seemed narrower than the approach set forth in the Dakar Framework for Action on Education for All, which was also in line with the Committee's general comment No. 7 on implementing child rights in early childhood. She asked whether the State party had considered taking a more comprehensive approach to early childhood development for children under the age of 8, which could help them better prepare for primary school and thus reduce the high dropout rates for the first four years of school. In that regard, she also noted that the World Bank had indicated that investment in early childhood development yielded a higher return than investment in later education.

51. While legislation on the sale of children and child trafficking applied principally to international trafficking, internal trafficking seemed to be a major problem in Pakistan; for example, girls and women were trafficked from rural to urban areas for sexual exploitation and domestic servitude and boys for forced begging. In that context, she asked what specific legislative measures were in place to address the issue at a domestic level and whether consideration had been given to including the issue in the 2009 Criminal Law (Amendment) Bill. Were there any communication and poverty-reduction measures to help families forced by poverty to give up their children to traffickers? She also asked whether the perpetrators of such crimes had been prosecuted and convicted, and what measures were in place to rehabilitate the victims of child trafficking and reintegrate them into society.

52. Noting a high incidence of sexual exploitation of boys, particularly those from rural areas, she asked for specific details regarding existing laws that addressed the problem. She further asked whether services were provided to support child victims of sexual exploitation. In that context, she noted that the State party should urgently consider expediting the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

53. Ms. MAURÁS PÉREZ said that the 7 million or so children not attending school appeared to be spending most of their time on the streets, working or begging. In the light of the importance of the issue, she asked whether the information on the experience gained from the adoption in the Punjab province of the Destitute and Neglected Children Act could be passed on to the other provinces in Pakistan. She also expressed concern that institutionalization seemed to be the first resort for children taken from the streets, rather than fostering.

54. As only four occupations were defined as hazardous and dangerous to children under Pakistani law, she asked whether the State party intended to introduce further amendments to the Employment of Children Act to include other occupations, in particular high-risk ones such as bonded labour and domestic service.

55. She asked whether any initiatives were in place to provide regulations on social and environmental responsibility for industries, and the private sector in general. Noting that the Breastfeeding Board had not yet met and that the rate of exclusive breastfeeding of infants up to the age of six months was falling, she enquired whether there were any plans to put into effect the guidelines set forth in the Breastfeeding Ordinance. Lastly, she asked whether Pakistan planned to introduce a law on HIV/AIDS and whether the Blood Transfusion Ordinance was being implemented.

56. Ms. VILLARÁN DE LA PUENTE (Country Rapporteur) asked how budgetary resources were allocated to child-related services. As it seemed that, currently, the impact of spending on childhood services could not be measured in terms of objective improvements in children's enjoyment of their rights, she emphasized the need for that link to be clearly established. She also enquired whether the State party made strategic budget allocations to areas where children were specifically at risk, such as birth registration. Lastly, she requested information on how transparency in budget spending was ensured.

57. The CHAIRPERSON asked for clarification of the situation with regard to corporal punishment under the Children Protection (Criminal Law Amendment) Bill and the Charter of Child Rights Bill. She also asked for more details about boys being used as camel jockeys.

58. She asked whether Pakistan was considering the ratification of the Convention relating to the Status of Refugees and the protocol thereto, and the Protocol to the Convention on the Reduction of Statelessness. She also asked whether specific legislation had been adopted to regulate the situation of refugee children. She further enquired whether the programmes introduced in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) were still in place.

59. Noting that the number of boys being separated from their parents had risen sharply between 2006 and 2008, she asked whether the reasons for that increase had been examined. She further enquired what happened to children separated from their parents but not placed in institutions. Lastly, she asked when ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict would take place and whether Pakistan intend to adopted the Rome Statute of the International Criminal Court.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

60. Mr. KAZI (Pakistan) said that a very limited number of children in conflict areas were left without a parent or relatives. The small number without anyone to care for them were either placed in orphanages or adopted. The Islamic term for adoption was “kafala”, but in Pakistan the number of prospective adoptive parents exceeded the number of children waiting to be adopted. He also noted that, while under Islamic law children could not inherit property, it could be gifted to them by a parent.

61. Mines were not a significant problem in Pakistan, particularly not in the Swat Valley. Once the army had finished its operations to remove the Taliban from certain areas in Pakistan, mines were cleared before the local population and administrative authorities were allowed to return.

62. Problems with jerga councils arose when irregularities occurred in the councils’ proceedings, as, for example, in the settlement of disputes related to the marriage of girls. The law did not recognize the jerga system and jergas elders had on occasion been arrested and sentenced to imprisonment. Nevertheless, while it was discouraged, the jerga system did at times provide swift justice.

63. Mothers could indeed educate children in peace and tolerance. A media campaign had also long been in place to raise awareness that it was wrong to kill others, which had made a significant impact. Simply providing computers for educational facilities would not ensure that children were taught about peace; rather mindsets had to be changed.

64. The problem of boys being recruited as camel jockeys had been a significant one in 2006, but had since been resolved and compensation had been paid by the United Arab Emirates Government to the children concerned. A memorandum of understanding on the practice had also been concluded between Pakistan and the United Arab Emirates.

65. The CHAIRPERSON asked for clarification of how exactly UNHCR was assisting parliamentarians to make changes to the legal code, as mentioned in paragraph 492 of the State party report.

66. Mr. ULLAH KHAN (Pakistan) said that UNHCR had helped Pakistan make positive amendments to existing laws, for example in order to allow refugee children access to various education and health facilities, although there was no specific law in Pakistan covering such children.

67. The courts had been very proactive on the issue of bonded labour and the Government had been obliged by the courts to introduce legislation on the issue. In the last five years, the

Government had established district vigilance committees in every district in Pakistan, whose members represented civil society, the bar and government departments. The committees were functioning well, in particular in the two provinces - Punjab and Sindh - where bonded labour was most prevalent. Furthermore, even the least senior of the judiciary had been given powers to free persons in bonded labour to ensure swift remedy. The Pakistani media had also been vocal on the issue of bonded labour, while the Government had set up a sizeable fund to rehabilitate those freed from the condition. A separate ministry for the abolition of bonded labour had furthermore been set up in Sindh province.

68. The 1997 Anti-Terrorism Act had made no distinction between adults and children with regard to the death penalty; however, the 2002 Juvenile Justice System Ordinance provided that children could not be subject to the death penalty. The subsequent law thus amended the previous one and the bar was virtually unanimous in agreeing that the death penalty could not be applied to children.

69. Mr. FILALI wished to know the State party's penal approach to bonded labour. Unless the new law on bonded labour, the Bonded Labour System (Abolition) Act (1992), had expressly repealed the earlier law on bonded labour, the latter though perhaps forgotten might still apply.

70. Mr. ULLAH KHAN (Pakistan) said that the Bonded Labour System Act was a very stringent law. For example, the penalty for employing bonded labourers with their consent was two years' imprisonment, and five years without their consent, which was often the case with women and children working within a family context.

71. There was a fundamental difference between civil law and common law with regard to the doctrine of implied repeal. In common law, the most recent law repealed the former law, although there was no judicial pronouncement on the matter.

72. A law against international trafficking in human beings had been passed in 2002, and the rules had been spelled out in 2004. International trafficking for sexual purposes carried the death penalty. Pakistan's penal code had sections dealing with kidnapping inside and outside Pakistan. Much hope lay in the Child Protection (Criminal Law Amendment) Bill of 2009, which addressed internal human trafficking and called for heavy prison sentences.

73. A similar bill on the protection of neglected and destitute children had been passed, with enforcement pending, in Punjab and the frontier provinces, and a child protection law had been adopted in Sindh province.

74. In reply to concerns regarding the slow progress in banning occupations under the Employment of Children Act 1991, he said that the list of banned occupations had been edited extensively.

75. Three bills had recently been introduced regarding children. First, the Child Protection Bill provided protective measures for child victims of offences such as pornography, sexual abuse and internal trafficking, as well as penalties for perpetrators of such offences. Second, a private-member bill, the Charter of Child Rights Bill, 2009, supported by the Government, was inspired by the Convention. Third, the National Commission on the Rights of Children Bill,

2009, would establish the Commission and included a schedule of 21 rights based on the Convention. Describing children's rights within Pakistan's internal jurisdiction, the bill made awareness-raising and the promotion of children's rights a mandate of the Commission.

76. Mr. KRAPPMANN (Country Rapporteur) asked for a definition of a private-member bill.

77. Mr. ULLAH KHAN (Pakistan) said that bills launched by parties other than governments - parliamentarians or non-governmental organizations, for example - constituted private-member bills. In common law systems, the Government was generally the initiator of bills; in controversial cases, however, it was not unusual for the Government to ask private members to sponsor a bill with its backing.

78. Mr. KOOMPAPHANT wished to know who provided the services set out in the Child Protection Bill.

79. Mr. ULLAH KHAN (Pakistan) said that the provincial parliaments provided those services outlined in the bill, whereas the federal Government was in charge of licensing childcare institutions.

80. Mr. KOOMPAPHANT wished to know what had been done on a regional basis for children in need.

81. Mr. MAJEED (Pakistan) said that, following the Dakar Framework for Action, the Ministry of Education had taken steps to incorporate early childhood education in Pakistan's educational system by stipulating that all children had a right to early childhood education. It had prepared a national curriculum in consultation with specialized institutions that would be translated into Urdu, the national language, and had entrusted the provincial governments with the recruitment and training of teachers for the implementation of the early childhood education programme, which would also cover nutrition.

82. Investments and resources were a genuine concern of the State party. Separate allocations should be provided for children and it was hoped they would be included in a new budget system introduced by the Ministry of Finance in 2009. It was hoped that the new approach, based on object classification, would ensure transparency in expenditure and facilitate progress in health and education.

83. Ms. UZMA (Pakistan) said a number of measures had been taken with regard to children's health. An ordinance establishing a feeding policy for infants and young children had been adopted in 2002. Implementing rules relating to that policy had been drafted and were being discussed in the provinces, with a view to implementation. Training in a baby-friendly hospital initiative had been provided for health-care providers. Exclusive breastfeeding rates during the first six months of life were not very encouraging; however, according to a recent survey, progress had been made in the two-month bracket. The 2008 World Breastfeeding Trends Initiative report had also shown improvements in Pakistan's performance.

84. The State party had established a federal committee on AIDS that had been replaced by a national AIDS control programme in 1994. A nationwide five-year enhanced HIV-AIDS control

programme had recently been completed and a revised programme focusing on prevention, control and awareness-raising, targeting interventions for high-risk groups, would be implemented over the next five years.

85. Rules implementing blood transfusion laws had been drafted by Punjab and Sindh provinces. A good example of their enforcement in practice could be found in Sindh province, where the blood transfusion authority had cancelled some blood banks' registrations solely on the basis of monitoring. In general, however, blood transfusion authorities in most provinces were not very active. The Government of Pakistan, with the support of German Technical Cooperation (GTZ), had prepared a plan on safe blood transfusion services to standardize and provide quality blood by optimizing scarce resources through a network of hospital-based blood banks linked to a regional blood transfusion centre. That model had been tested successfully by several countries and had been recommended by the World Health Organization.

86. Mr. MAJEED (Pakistan) said the needs of Pakistan's 35,000 street children were being addressed only in part by services such as shelters and other facilities provided by the United Nations Children's Fund (UNICEF) in conjunction with provincial and district governments. The National Commission for Human Development had set up child protection services for street children in 35 districts throughout the country at a cost of USD 30 million.

87. Regarding the 7 million children who were not in school, most lived in rural areas, but were not necessarily involved in child labour. It was true, though, that 68 per cent of child labour was concentrated in the informal sector, including agriculture.

88. As the custodian of anti-trafficking legislation, Federal Investigation Agency officials had booked 30 perpetrators of trafficking offences, but no disaggregated data were available.

89. Mr. KRAPPMANN (Country Rapporteur) wished to know whether children outside the school system could return to school and benefit from vocational training.

90. Ms. VILLARÁN DE LA PUENTE (Country Rapporteur), pointing out that the number of children not attending school was very high, asked what steps the State party intended to take to reach out to those children in rural areas, especially those engaged in work.

91. Mr. MAJEED (Pakistan) said that the National Human Development Commission had not been dissolved; it had been restructured to fill the gaps in the health and education systems. The Government had set up authorities to provide technical and vocational education at the federal and provincial levels.

92. Mr. MANGI (Pakistan) said that there was currently no programme for out-of-school children, but that the Government would ask the provincial authorities to prepare an implementation plan to address the needs of those children.

93. Mr. MAJEED (Pakistan) said that UNICEF and the provincial governments were working together to determine how many children were affected by armed conflict and to examine the health and education systems and the child protection services in Pakistan. A rehabilitation centre for those children currently served 35 children, 10 of whom had been reunited with their families. Plans were under way to open child protection centres in areas of

armed conflict. Most refugee children lived outside the refugee camps and did not benefit from education and health facilities. However, there was no reason why they should not be welcomed into the public schooling system if necessary.

94. Some street children with links to the Mafia had been taken into protective custody by the child protection authorities of Punjab, who had set up counselling sessions with parents who had not been willing to allow them to return home. In addition, the Government had devised operating standards for childcare institutions and had provided training for their staff through the provincial governments.

95. Mr. KRAPPMANN (Country Rapporteur) said that children's rights policy in Pakistan had made enormous strides. Although the number of child-related activities that had taken place in September 2009 was impressive, however, it was disappointing that the Child Protection Bill had not yet been passed. There was a need to adopt laws, programmes and plans of action for children and to ensure their implementation. There was also a need for an implementing infrastructure with a substantial budget. The core body currently responsible for organizing implementation needs, the National Commission for Child Welfare and Development, would require many more additional resources to function effectively.

96. He wished peace to all Pakistani children, who lived under the threat of deadly violence caused by decades of armed conflict.

97. Mr. KAZI (Pakistan) said that the adoption of the Child Protection Bill had been postponed so that he could be there to defend it. He was aware that there was room for improvement, especially with regard to implementation measures and armed conflict, and he thanked the Committee for its suggestions, which would be taken on board.

98. The CHAIRPERSON said that the Committee's queries stemmed from a genuine interest in the children of Pakistan and that it was quite aware of the State party's achievements. The State party could rely on the Committee's assistance in their quest to ensure children's rights.

The meeting rose at 6 p.m.