



LEGAL ASPECTS OF THE CRC (CONVENTION ON RIGHTS OF CHILD-1989) AND IMPORTANT ARTICLES OF THE CONSTITUTION ISLAMIC REPUBLIC OF PAKISTAN, 1973) RELATED TO HUMAN AND CHILD RIGHTS.

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Courtesy:

The United nations convention on the rights of the child, Islamic law and Pakistan Legislation a comparative study

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Abstract:

In this article you will find 41 Articles of UN CRC 1989 and their legal aspect in Pakistani Laws. We have made laws in majority of cases but the problem lies with implementation. You will find here some important Articles of Constitution of Pakistan 1973, there of pertaining to human and children rights, where constitution protects, the children rights.

In 2023, this article is revised according to the updated formation of different laws in Pakistan regarding Human (Children) Rights till todate (May, 2023).

Cite this Article as: Syed S.S.M.; Legal Aspects of the CRC (Convention on Rights of Child-1989) and Important Articles of the Constitution Islamic Republic of Pakistan, 1973) Related to Human and Child Rights. SIAL J Med. Sci. 2023 V-1 (Issue-04):34-45

Introduction

In this article you will find 41 Articles of UN CRC 1989 and their legal aspect in Pakistani Laws. We have made laws in majority of cases but the problem lies with implementation. You will find here some important Articles of **Constitution of Pakistan 1973**, there of pertaining to human and children rights, where constitution protects, the children rights (Human Rights)¹.

Articles of the Constitution of Islamic Republic of Pakistan 1973, relating human and children's rights.

No:-3. Elimination of Exploitation:

The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability and to each according to his work¹.

No:-4. Right of individuals to be dealt with in accordance with law, etc...

(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, where ever he may be, and of every other person for the time being within Pakistan.

(2) In particular.....

- (a) No action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
- (b) No person shall be prevented from or be hindered in doing that which is not prohibited by law, and
- (c) No person shall be compelled to do that which the law does not require him to do.



No:-5. Loyalty to state and obedience to Constitution and law.

- (1) Loyalty to the state is the basic duty of every citizen.
- (2) Obedience to the Constitution and law is the unable obligation of every citizen wherever he may be and of every other person for the time being within Pakistan.

No:-8. Laws Inconsistent with or in derogation of Fundamental Rights to be void.....

No:-9. Security of person....

No Person shall be deprived of life or liberty be save In accordance with law.

No:-10. Safeguards as to arrest and detention....

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal Practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest.

No:-11. Slavery, forced labour, etc., Prohibited.---

- (2) All forms of forced labour and traffic in human beings are prohibited.
- (3) No child below the age of fourteen year shall be engaged in any factory or mine or any other hazardous employment.

No:-12. Protection against retrospective punishment...

No:-13. Protection against double punishment and self-incrimination.-

No:-14. Inviolability of dignity of man, etc.

- (1) The dignity of man and, subject to law,

the privacy of home, shall be inviolable.

- (2) No person shall be subjected to torture for the purpose of extracting evidence.

No:-15. Freedom of movement, etc..

Every Citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

No:-16. Freedom of assembly.-

Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

No:-17. Freedom of association...

- (1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order of morality.
- (2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restriction imposed by law in the interest of the sovereignty or integrity of Pakistan.

No:-18. Freedom of trade, business of profession.--

No:-19. Freedom of speech, etc.-

No:-20. Freedom to profess religion and to manage religious subject to law public Order and morality /Institution.

- (a) Every citizen shall have the right to profess, practice and propagate his religion, and
- (b) Every religious denomination and every sect thereof shall have the right to establish, maintain and manage its



religious institutions.

No:-21. Safeguard against taxation for purposes of any particular religion,...

No:-22. Safeguard as to educational institutions in respect of religion, etc.....

(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend the religious worship, if such instruction, ceremony of worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption of concession in relation to taxation.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination;

No:-23. Provision as to property....

Every citizen shall have the right to acquire, hold and dispose of property....

No:-24. Protection of property rights.....

No:-25 Equality of citizens....

(1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

(4) Right to education. The state shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be

determined by law.

No:-26. Non discrimination in respect of access to public places.....

No:-27. Safeguard against discrimination in services.

No:-28. Preservation of language, script and culture.....

Right to preserve and promote the same and subject to law, establish institutions for that purpose...

No:-33. Parochial and other similar prejudices to be discouraged.

The state shall discourage parochial, racial, tribal sectarian and provincial prejudices among the citizens.

No:-34. Full participation of women in national life....

No:-35. Protection of family, etc....

The state shall protect the marriage, the family, the mother and the child.

No:-36. Protection of minorities.....

No:-37. Promotion of social justice and eradication of social evils...

No:-38. Promotion of social and economic well-being of the people... The State shall,.....

(d) Provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizen, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

(e) Reduce disparity in the income and earnings of individuals,.....

(f) Eliminate riba as early as possible

ARTICLE 1 OF (CONVENTION ON RIGHTS OF CHILD 1989) DEFINATION OF THE CHILD



A child is recognized as a person under 18, unless national laws recognize the age of majority earlier.

Pakistan Law:

No standard definition (14-18 years). In the Majority Act 1875 the age is 18 years². The Constitution of Pakistan mentions 14 years. No Child below the age of says less than **14 years** shall be engaged in any factory or mine or any other hazardous employment". Labour Act, says **15 years**. Mines Act refers to **17 year age**. For vote age is 18 years. For marriage a "Child Male should be 18 years of age, and a female should be 16 years of age. Muslim Family Marriage Laws 1961². Restraint Act. 1929 in Sindh Province 2013 marriage age was determined 18 years². For hospitals age is 12 years and Immunization in EPI age is 15 years.

ARTICLE 2 OF (CONVENTION ON RIGHTS OF CHILD 1989) NON DISCRIMINATION

All rights apply to all children without exception. It is the state's obligation to protect children from any form of discrimination and to take positive action to promote their rights.

Pakistan Law:

Pakistan Constitution says children, as citizens are entitled to all the rights and privileges. Art. 25 of the Constitution of Pakistan describes. "All the citizens are equal before the law and entitled to equal protection of law"¹. "There shall be no discrimination on the basis of sex". Article 26 of Constitution of Pakistan; Non-discrimination in respect of access to public places¹. Art. 36, of the Constitution gives protection to minorities. Article 38 of the Constitution desires the social and economic well-being of the people¹. Art. 36 and 38 are included in the principles policy of Chapter 2 of the

Constitution. The Majority Act 1875 says that Muslim female of **16 year** and Muslim male of **18 years**, are adults².

Death Sentence 14 to 25 years imprisonment and 2 to 5 lakh fine on making film in Khyberpakhtunkhaw (KPK) in 2022 (on child pornography) (Child Rape or Murder) and in Pakistan in 2020 same law was passed².

ARTICLE 3 OF (CONVENTION ON RIGHTS OF CHILD 1989) BEST INTEREST OF THE CHILD

All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so.

Pakistan Law:

The Constitution of Pakistan provides protection in the best interest of the child's the Marriage, the Family, the Mother¹. The guardian and wards Act, 1890 deals with custody and guardianship of minors².

ARTICLE 4 OF (CONVENTION ON RIGHTS OF CHILD 1989) IMPLEMENTATION OF THE RIGHTS

The State must do all it can to implement the rights contained in the Convention

Pakistan Law:

The Constitution of Pakistan gives protection to women and children, and the Govt. of Punjab has made laws for child protection and established **Child Protection and Welfare Bureau** in all Districts². SOS Housing and educational Institutions have been established and government has **started helpline of 1098**. In 2010, this act is also introduced in KPK Province, in Sindh in 2021, in Islamabad in 2017 and in Punjab in 2016.²



ARTICLE 5 OF (CONVENTION ON RIGHTS OF CHILD 1989) PARENTAL GUIDANCE AND THE CHILD'S EVOLVING CAPACITY

The State must respect the rights and responsibilities of the parents and the extended family to provide guidance for the child which is appropriate to her or his evolving capacities.

Pakistan Law:

There is no specific law which guarantees the right to protect the marriage, the family, the mother and the child while Article 35 of the Constitution takes care of all these Institutions. However, Hindu Marriage Act 2017 may be helpful in this regard². Section 354 of Muslim Laws says that mother, if marries then she would leave the custody of child to the child's relatives².

ARTICLE 6 OF (CONVENTION ON RIGHTS OF CHILD 1989) SURVIVAL AND DEVELOPMENT

Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.

Pakistan Law:

Constitution of Pakistan "No person shall be deprived of life of liberty. Article 35 gives protection to family the which says shall protect marriage, the Family, the mother and the child¹. Article 38 that state relates to promotion of social and economic well- being of the people this says that the state shall secure the well-being of the people irrespective of sex, caste, creed or, race, by rising their standard of living¹. The Sindh Act for the Prevention of the murder of female infants, 1870, protects children (British India Laws) ².

ARTICLE 7 OF (CONVENTION ON RIGHTS OF CHILD 1989) NAME AND NATIONALITY

The child has the right to a name at birth. The child also has the right to acquire a nationality and as far as possible, to know his or her parents and be cared for by them.

Pakistan Law:

Age of 18 years is a limit to get citizen-ship. Registration of Births, Deaths and Marriages is under, the Citizenship Act 1951 of Punjab. However age of child for vaccination in EPI is 15 years and in hospitals ages is 12 years. In armed forces this is 16 years².

ARTICLE 8 OF (CONVENTION ON RIGHTS OF CHILD 1989) PRESERVATION OF IDENTITY

The State has an obligation to protect, and if necessary, re- establish basic aspects of the child's identity. This includes name, nationality and family ties.

Pakistan Law:

Provisions of Article 8 of the Constitution 1973 provides. "State to protect and if necessary, re- establishes the basic aspects of a child's identity pose, for the fundamental right to be void"¹.

ARTICLE 9 OF (CONVENTION ON RIGHT OF CHILD 1989) SEPARATION FROM PARENTS

The child has a right to live with her or his parents unless this is deemed to be incompatible with the child's best interests. The child has the right to maintain contact with both parents if separated from one or both.

Pakistan Law:

There are no adequate laws at present. Child cannot be separated from his/her



parents against their will unless they are arrested.

In case of separation "Best interest of the child" The Punjab Children Ordinance and the Sindh Children Act, 1955 and Guardians and Wards Act 1890 are the only laws².

ARTICLE 10 OF (CONVENTION ON RIGHTS OF CHILD 1989) FAMILY REUNIFICATION

Children and their parents have the right to leave any country and enter their own for the purposes of reunion or the maintenance of the child-parent relationship.

Pakistan Law:

There are number of laws available i.e., The Foreigner Act, 1946². The Foreigners Order, 1951². The Passport Act, 1974². The Passport Rules 1974².

ARTICLE 11 OF (CONVENTION ON RIGHTS OF CHILD 1989) ILLICIT TRANSFER AND NON RETURN

The State has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.

Pakistan Law:

The Constitution of Pakistan says all forms of forced labour and traffic in human beings is prohibited. Sec. 2 of the Exit from Abroad for Employment. Sections 359, 360, 361 and 363 of the Pakistan Penal Code says if under 16 years of age female or under 14 years of age male is kept without consent of parents/guardians shall be kidnaping and punishment of kidnaping shall be given².

ARTICLE 12 OF (CONVENTION ON RIGHTS OF CHILD 1989) THE CHILD OPINION

The child has the right to express his or her opinion freely and to have that opinion

taken into account in any matter or procedure affecting the child.

Pakistan Law:

Article 9 of Constitution of Pakistan says that in to custody and guardianship cases, the court may give preference the views of the child if he/she is capable, in the opinion of the court, of making intelligent preferences¹.

ARTICLE 13 OF (CONVENTION ON RIGHTS OF CHILD 1989) FREEDOM OF EXPRESSION

The Child has the right to express her or his views, obtain information, make ideas or information and import knowledge regardless of frontiers.

Pakistan Law:

Article 17 and 19 of the Constitution of Pakistan are "the freedom of expression, freedom of association and assembly respectively"¹.

ARTICLE 14 OF (CONVENTION ON RIGHTS OF CHILD 1989) FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION Article 17 and 19 of the Constitution gives this freedom

ARTICLE 15 OF (CONVENTION ON RIGHTS OF CHILD 1989) FREEDOM OF ASSOCIATION

Children have the right to meet with others, and to join or form associations.

Pakistan Law:

The Constitution of Pakistan says "Every citizen has the right to assemble peacefully and without arms, subject to reasonable restrictions imposed by law in the interest of public order" Under Article 17 of the Constitution, "Every citizen shall have the right to form association or unions, subject to away reasonable restrictions imposed by



law in the interest of sovereignty of Pakistan, public order or morality" Under article 19 of constitution.

ARTICLE 16 OF (CONVENTION ON RIGHTS OF CHILD 1989) PROTECTION OF PRIVACY

Children have the right to protection from interference with privacy, home and correspondence and from libel or slander.

Pakistan Law:

Article 14 (1) of the Constitution states; "The dignity of man, and subject to law, the privacy of home, shall be inviolable"¹.

ARTICLE 17 OF (CONVENTION ON RIGHTS OF CHILD 1989) ACCESS OF APPROPRIATE INFORMATION

The State shall ensure the accessibility to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials.

Pakistan Law:

Media is independent to save the rights of children. Under PEMRA (Pakistan Electronic Media Regulatory Authority) Act 2002 this is the duty of the PEMRA to save the rights of children itself or on the request of different organizations or persons in this regard.

ARTICLE 18 OF (CONVENTION ON RIGHTS OF CHILD 1989) PARENTAL RESPONSIBILITIES

Parents have joint primary responsibility to raising the child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child raising.

Pakistan Law:

Constitution of Pakistan ensures and states "to protect the marriage, family, the mother

and child and to "Provide basic necessities of life such as food, clothing, housing, education and medical relief" for all citizens, irrespective of sex, class, creed or Race as are permanently or temporarily unable to earn their livelihood on the account of infirmity, sickness or unemployment. A police officer is empowered to bring such cases before the court who "Has no home, or visible means of subsistence, or is found to be destitute"¹.

ARTICLE 19 OF (CONVENTION ON RIGHTS OF CHILD 1989) PROTECTION FROM ABUSE AND NEGLECT

The State shall protect the child from all forms of maltreatment by parents or others, responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims.

Pakistan Law for sexual abuse:

In the Punjab Children Ordinance, 1983, The Sindh Children Act, 1955 and in the Constitution of Pakistan, **sodomy, prostitution, immoral conditions** is a **punishable offence**. All these laws protect children². In Punjab and Islamabad corporal punishment in schools is banned (Section 3(2) of Corporal Punishment Act 2022) in KPK in 2012².

The Zainab Alert, Response and Recovery (Amendment) Act, 2020 was passed by parliament⁵. This Act is different in nature that it was brought in Parliament with the high aims to curb and control the child abuse incidents and as it is named as a Zainab Alert for recovery of missing, abducted, abused or kidnapped children in Pakistan⁵. Penalty is death sentence and SHO is bound to write down FIR immediately/ within 24 hours and start proceedings immediately⁵.



ARTICLE 20 OF (CONVENTION ON RIGHTS OF CHILD 1989) PROTECTION OF A CHILD WITHOUT FAMILY

The State has obligation to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background.

Pakistan Law:

Foster placement and adoption in Pakistan is not governed by any law. The child has the right to enjoy the usual legal rights such as the right to his/her parent's name, or inheriting their property. However Child Protection and Welfare Bureau of Punjab has taken charge in this regard. SOS villages are examples.

ARTICLE 21 OF (CONVENTION ON RIGHTS OF CHILD 1989)

In countries where adoption is recognized and/or allowed, it shall only be carried out in the best interests of the child, and then only with the authorization of competent authorities, and safeguards for the child.

Pakistan Law:

Comparable provisions exist in domestic law.

ARTICLE 22 OF (CONVENTION ON RIGHTS OF CHILD 1989) REFUGEE CHILDREN

Special protection shall be granted to a refugee child or a child seeking refugee status. It is the State's obligation to cooperate with competent organizations which provide such protection and assistance.

Pakistan Law:

I.D.Ps (Internally Displaced Persons) in Pakistan (from FATA, FANA, KPK) and

Refugees from Afghanistan are given shelter, food and clothing by the state and UNHCR².

ARTICLE 23 OF (CONVENTION ON RIGHTS OF CHILD 1989) DISABLED CHILDREN

A disabled child has the right to special care, education and training to help him or her to enjoy a fully and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible.

Pakistan Law:

NGOs and Govt. has established different institutions and a specific law is required in this regard.

ARTICLE 24 OF (CONVENTION ON RIGHTS OF CHILD 1989) HEALTH AND HEALTH SERVICES

The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventive health care, public health education and the education of infant mortality. They shall encourage international co-operation in this regard and strive to see that no child is deprived to access to effective health services.

ARTICLE 25 (CONVENTION ON RIGHTS OF CHILD 1989) PERIODIC REVIEW OF PLACEMENT

A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

Pakistan Law:

No Law of Pakistan specifically deals with this right. "The State shall provide Basic necessities such as food, housing, medical to citizens, irrespective of sex, caste, or race, permanently or temporarily unable their livelihood account of sickness or unemployment"². E.P.I (expanded programme



on immunization) is working all over the country. BHUs, RHCs, THQs, DHQs, Tertiary healthcare facilities are established. Children hospitals are established in all provinces and children wads are established in DHQs, THQs, and RHCs. Now CNIC or Form-B or Birth Certificate is the **Health Card**. Everyone can be benefitted till one million treatment free of cost from this **Health Card in Punjab and KPK**².

ARTICLE 26 OF (CONVENTION ON RIGHTS OF CHILD 1989) SOCIAL SECURITY

The child has the right to benefit from social security and social insurance.

Pakistan Law:

The Constitutional provision addressing social security is restrictive. Article 38 (C) of the Constitution of Pakistan states "The state shall provide for person employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means"¹.

ARTICLE 27 OF (CONVENTION ON RIGHTS OF CHILD 1989) STANDARD OF LIVING

Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be fulfilled, and is State responsibility can include material assistance to parent and their children.

Pakistan Law:

(Article 7, 9 and 18 of the Constitution of Pakistan)

- (The National Registration Act, 1973) states that the Age of 18 years to get

such a citizen registered registration of births and deaths under the Marriages Registration Act, 1886. ²

- The Citizenship Act 1951 governs the acquisitions of citizenship by birth, descent, migration or naturalization².
- State to protect and if necessary, re-establish the basic aspects of a child's identity pose.
- Constitution of Pakistan is "to protect the marriage, family, the mother and child "and to "Provide basic necessities of life such as food, clothing, housing education and medical relief" for all citizens, irrespective of sex, class, creed or Race as are permanently or temporarily unable to earn their livelihood on the account of infirmity, sickness or unemployment

ARTICLE 28 OF (CONVENTION ON RIGHTS OF CHILD 1989) EDUCATION

The child has a right to education.

Pakistan Law:

In Pakistan **Education is free till Matric** in all the public schools. Free and compulsory Education Act 2009 and 2012, 2013 in Sindh². Education, like health and other social sectors, is very neglected field in Pakistan. Art. 37 (b) of Constitution of Pakistan says "The state shall remove illiteracy and provide free compulsory¹. Education minimum possible make technical education generally available and education equally accessible to all basis of another law (although of restricted application) is the Worker's Education Ordinance, 1972 for the children of earning below per month. However still 20 million children are out of schools².

ARTICLE 29 OF (CONVENTION ON RIGHTS OF CHILD 1989) AIMS OF EDUCATION



Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect of the child's parents, his or her own cultural identity, language and values, and for the cultural background and values of others.

Pakistan Law:

No specific law addresses the rights afforded to children under Article 29. In a country where basic education is not available to all children, what to talk of quality and content of education.

ARTICLE 30 OF (CONVENTION ON RIGHTS OF CHILD 1989) CHILDREN OF MINORITIES OF INDIGENOUS POPULATION

Children of minority communities and indigenous population have the right to enjoy their own culture and to practice their own religion and language.

Pakistan Law:

Article 28 of The Constitution states that "any section of citizens having a language and culture shall have right to promote the same subject to institutions for this purpose" Article 20 (b) of the constitution of Pakistan declares "establish, maintain and manage its religious institutions". Article 22: right of religious freedom including that right to be reflected in education, Place of worship etc¹.

ARTICLE 31 OF (CONVENTION ON RIGHTS OF CHILD 1989) LEISURE, RECREATION AND CULTURAL ACTIVITIES

The child has the right to leisure, play and participation in cultural and artistic activities.

Pakistan Law:

Right of children to rest, leisure and recreation is not reflected in any Pakistani law.

ARTICLE 32 OF (CONVENTION ON RIGHTS OF CHILD 1989) CHILD LABOUR

The child has the right to be protected from work that threatens his or her health, education or development. The State shall set minimum age for employment and regulate working conditions.

Pakistan Law:

The Constitution of Pakistan Article 11.3 "Ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work" "secure the well-being of the people, irrespective of sex, caste, creed race, by raising their standard of living, preventing the concentration of wealth, means of production¹. **Child Labour in factories is banned, but in restaurants, workshops etc. these practices are seen.** Child labour is banned in factories etc. in Pakistan¹. Constitution of Pakistan Article 11.3 and Mines Act, protects children to work in mines². One year imprisonment and 20 thousand Rupees fine is in the law. In Punjab Prohibition of Child Labour at bricks kilns (Act 2016) bans the children under 14 years. This Brick Act protects children from forced child labour in Bricks forming **BHATTAS**².

ARTICLE 33 OF (CONVENTION AS RIGHTS OF CHILD 1989) NARCOTIC, PSYCHOTROPIC SUBSTANCE

Children have the right to protection from the use of narcotic and psychotropic drugs, and from being involved in their production or distribution.



Pakistan Law:

The Constitution of Pakistan states that State shall "prevent prostitution, gambling and taking of injurious drugs. Anti- Harassment helpline in Pakistan and according to PPS 377 punishment of prostitution is 100 lashes or 02 years imprisonment.

ARTICLE 34 OF (CONVENTION ON RIGHTS OF CHILD 1989) SEXUAL EXPLOITATION PPC 186 PKLJC 42

The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

Pakistan Law:

The Constitution of Pakistan says "Prevent prostitution and prevent printing, publication, circulation and display of obscene literature and advertisement ""Induce any minor girl under the age of 16 years to go place or to do with the intent that girl may be, or that it is likely that will be forced seduced to illicit intercourse with person" (section 366 A) Child Protection Law 2017 protects children¹. The Punishment is Death penalty, Amputation of limbs, lashes, imprisonment and fine in HADOOD Laws².

ARTICLE 35 OF (CONVENTION ON RIGHTS OF CHILD 1989) SALE, TRAFFICKING AND ABDUCTION

It is State's obligation to make every effort to prevent the sale, trafficking and abduction of children.

Pakistan Law:

Article 11 of the Constitution of Pakistan states that all forms of forced labour and traffic in human beings is prohibited including children¹.

ARTICLE 36 OF (CONVENTION ON RIGHTS OF CHILD 1989) OTHER FORMS OF EXPLOITATION

The child has the right to protection from all forms of exploitation periodical to any aspects of the child's welfare not covered in Articles 32, 33, 34 and 35.

Pakistan Law:

(Art 9 of the Constitution of Pakistan says "No person shall be deprived of life or liberty save in accordance with law" Art 10 says "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the ground for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice and shall be presented before magistrate within 24 hours¹. **Juvenile Jails and family courts have been established in Pakistan. In this regard Juvenile Rehabilitation Center (JRC) jails which are only 02 and both are in Karachi.** More are needed for this purpose².

ART 37 TORTURE AND DEPRIVATION OF LIBERTY

No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. **Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years.** Any child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so. A child who is detained shall have legal and other assistance as well as contact with the family.

Pakistan Law:

Art 9 of the Constitution of Pakistan says "No person shall be deprived of life or liberty save in accordance with law" Art 10 "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the ground for such arrest, nor shall he be denied the right to



consult and be defended by a legal practitioner of his choice¹.

ARTICLE 38 OF (CONVENTION ON RIGHTS OF CHILD 1989) ARMED CONFLICTS

States "Parties shall take all feasible measures to ensure that children under 15 years of age have no direct part in hostilities. No child below 15 shall be recruited into the armed forces. State shall also ensure the protection and care of children who are affected by armed conflict as described in relevant international law.

Pakistan Law:

The Pakistan Army Act, 1952, the Pakistan Air Force Act, 1953 and the Pakistan navy Ordinance, 1961 do not prescribe any age for recruitment in the armed services of Pakistan². The Pakistan National Services Ordinance, 1970 which introduced compulsory national service, prescribes eighteen years (18 years) as the minimum age for recruitment. Now there are age limits². **Air-force 17-39, Army 17-35, Coast Guard 17-31 and Marine 17-28 years. No child less than 17 years can be recruited².**

ARTICLE 39 OF (CONVENTION ON RIGHTS OF CHILD 1989) REHABILITATIVE CARE

The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation shall receive appropriate treatment for their recovery and social reintegration. No national law covers the provision of Article 39 of the CRC to form Rehabilitation Centers for Children except Child Protection and Welfare Bureau.

ARTICLE 40 OF (CONVENTION ON RIGHTS OF CHILD 1989) ADMINISTRATION OF JUVENILE

A child in conflict with the law has the right to treatment which promotes the child's

sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal or other assistance for his or her defence. Judicial proceedings and institutional placements shall be avoided wherever possible¹.

Pakistan Law:

Article 9 of the Constitution of Pakistan says "No person shall be deprived of life or liberty save in accordance with law" Art 10 "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the ground for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice"¹.

ARTICLE 41 OF (CONVENTION ON RIGHTS OF CHILD 1989) RESPECT FOR HIGH STANDARD

Wherever standards set in applicable national and international law relevant to the rights of the child is higher than those in this Convention, the higher standard shall always apply.

Pakistan Law:

Right of children to rest, leisure and recreation is not reflected in any Pakistani law.

Reference

1. Constitution of Pakistan 1973.
2. Acts of Parliament, Laws, Pakistan Penal Code.
3. Child Protection Laws.
4. Safdar S., Jamil B., the United Nations Convention on the rights of the child, Islamic law and Pakistan Legislation; a comparative study: UNICEF.
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