



Alternative Submission to the UN Committee on the Rights of the Child (CRC) on Pakistan's combined sixth and seventh periodic reports on compliance with the Convention on the Rights of the Child

National Commission for Human Rights, Pakistan

Introduction

1. The National Commission for Human Rights (NCHR) is an 'A' status National Human Rights Institution (NHRI) established under the National Commission for Human Rights Act, 2012 (NCHR Act). As an independent body, the NCHR is mandated to monitor human rights in Pakistan, investigate violations, and provide recommendations to the government in line with its international obligations. Further details on the NCHR's work and mandate are available at: <https://nchr.gov.pk>.
2. The National Commission for Human Rights (NCHR) Pakistan has the mandate to submit alternate or independent reports to UN treaty bodies, including the Committee on the Rights of the Child (CRC). This authority is grounded in the NCHR Act, 2012, and aligned with the Paris Principles, which guide the functioning of National Human Rights Institutions (NHRIs). Under Section 9(f) of the NCHR Act, the Commission is empowered to study international human rights treaties and recommend measures for their implementation. Additionally, Sections 9(e), (g), and (h) authorize the NCHR to assess legal safeguards, conduct research, and engage with national and international bodies, including UN mechanisms. These provisions form the basis for submitting independent assessments on Pakistan's compliance with instruments like the UNCRC. This role is reinforced by the Paris Principles, which recognize the competence of NHRIs to provide independent information to international bodies. As a recognized NHRI, the NCHR can submit alternate reports to treaty bodies, a practice it has exercised in past reviews under the ICCPR, CERD and other UN treaties.
3. In exercise of its mandate, the NCHR appreciates the opportunity to submit this alternative report to the UN Committee on the Rights of the Child (the Committee) in the context of Pakistan's review under the CRC. This submission is based on the Commission's independent research, monitoring, and engagement with stakeholders, as well as publicly available information. Where relevant, the NCHR has raised these concerns with the Government of Pakistan to encourage meaningful action.
4. This report highlights key child rights concerns in Pakistan, addressing specific thematic issues and challenges affecting children's civil, political, social, economic, and cultural rights. It references relevant CRC articles and, where applicable, the Committee's List of Issues issued on 21 October 2024. The Commission's recommendations are incorporated within each section to guide Pakistan's efforts toward stronger compliance with its commitments under the CRC. The NCHR looks forward to continued engagement with the Committee in advancing children's rights in Pakistan.
5. This report has been developed through an inclusive and consultative process to ensure that it reflects a broad range of perspectives and experiences relevant to the rights of the child in Pakistan. The National Commission for Human Rights (NCHR) maintains strong working relationships with civil society organizations, UN agencies, and government departments, and this report draws on the evidence, analysis, and advocacy developed in partnership with these stakeholders.
6. In alignment with the UN Committee on the Rights of the Child's guidance on the participation of children, the NCHR undertook direct consultations with children to incorporate their views and lived experiences. These engagements included visits to

schools, child protection institutions, and juvenile detention centers. The insights gained from these interactions have helped shape the priorities and recommendations presented in this report, ensuring that the voices of children—particularly those from marginalized and vulnerable backgrounds—are central to NCHR’s submission.

General Context

7. Children in Pakistan continued to experience the negative effects of significant shifts in the political and socioeconomic landscape influenced by global and regional dynamics, including geopolitical tensions, contributing to a complex environment for child rights implementation. Conflicts such as the war between Russia and Ukraine pushed worldwide food and energy prices up, impacting consumers, particularly the underprivileged, including those in Pakistan.
8. The economic downturn was exacerbated by the loss of infrastructure, businesses, crops, and livestock during the 2022 floods. This resulted in a surge in poverty levels, with a 9.4 percent increase as a result of the recent floods, driven by increasing unemployment and inadequate wages to meet the rising cost of living.¹ Economic disadvantage interacts with harmful gender and social norms, depriving girls and women of information, quality social services, and care practices.
9. Pakistan's population increased to 241.49 million (Census 2023) with an annual growth rate of 2.55 percent and 61.18 percent living in rural areas.² These demographic trends, coupled with economic instability, further strain the country's resources and hinder efforts to ensure children's rights and well-being. Addressing these challenges requires a comprehensive approach that includes policy reforms, enhanced social protections, and targeted interventions to support the most vulnerable populations, particularly children, women, and marginalized communities.
10. In recent years, Pakistan has made significant efforts to promote child rights and improve the protection of children on its territory. The country has enacted child protection laws in each province and has been working on developing and operationalizing provincial child protection mechanisms comprising a case management and referral system (CP-CMRS). Additionally, the Pakistani government has initiated a process to promote Justice for Children, draft provincial child protection policies, and reform its alternative care policy and regulatory framework as per constitutional and international standards.
11. In 2017, the Federal Government established the National Commission on the Rights of Child (NCRC) under the NCRC Act, 2017 (XXXII of 2017). Operational since February 28, 2020, following the appointment of its Chairperson and Members, the NCRC serves as an independent oversight body to ensure that laws, policies, and programs uphold the rights of children as guaranteed by Pakistan’s Constitution and the UN Convention on the Rights of the Child (UNCRC). Its mandate includes reviewing legislation, investigating child rights violations, advising on policy, raising awareness, and monitoring compliance with international commitments.
12. The National Commission for Human Rights (NCHR) has played a vital role in advocating for child rights and protection. It has actively addressed issues such as

¹ <https://www.unicef.org/media/152706/file/Pakistan-2023-COAR.pdf>

² <https://www.pbs.gov.pk/sites/default/files/population/2023/Press%20Release.pdf>

child labour, trafficking, and violence, conducting inquiries, issuing policy recommendations, and collaborating with government and civil society actors. The NCHR has also pushed for legislative reforms and stronger enforcement mechanisms to uphold children's rights across the country.

General Measures of Implementation

Legislation

13. Legislation on child protection has been enacted in some provinces and administrative territories, though gaps remain. For instance, laws prohibiting corporal punishment have been enacted only in Sindh, the Islamabad Capital Territory (ICT), and Gilgit-Baltistan (GB), while other regions have yet to implement similar legislation. Likewise, exclusive laws banning child labour at brick kilns exist only in Punjab and Azad Jammu and Kashmir (AJ&K).
14. Although federal, provincial, and territorial governments have introduced model legislation on key child rights issues, full implementation remains a challenge. The Juvenile Justice System Act (JJSA) 2018, applicable in all provinces except GB and AJ&K, has not been fully enforced due to the absence of necessary rules in most provinces, except Khyber Pakhtunkhwa (KP). Similarly, the Anti-Rape (Investigation and Trial) Act 2021, though enacted at the federal level, has been only partially implemented due to inconsistencies with existing legal frameworks. Additionally, while the Children's Right to Free and Compulsory Education Act has been adopted nationwide, only Sindh has enacted the necessary rules for its enforcement.
15. Several child protection and monitoring bodies, such as the National Commission on the Rights of Child, the Balochistan Child Protection Commission, and the Child Protection Unit in Quetta, have been established. Pakistan has also ratified key international protocols, including the Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict (OPAC) in 2016 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2022.

Violence Against Children

(arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

Early and Child Marriage

Child Marriage (Art 24, 28, 34)

16. Despite Pakistan's ratification of the UN Convention on the Rights of the Child (UNCRC) and its commitments to eliminate child marriage, the practice remains prevalent, particularly in rural and conflict-affected regions. Data from the Pakistan Demographic and Health Survey (PDHS) 2017-2018 indicates that 3.6% of girls are married before the age of 15 and 18.3% before 18³, while UNICEF estimates that 1 in 6 girls are married by 18, with nearly 19 million child brides nationwide.⁴

³ National institute of Population Studies, Pakistan demographic and health Survey (PDHS) 2017-2018

⁴ UNICEF. Child Marriage: Country Profiles: Pakistan (2022). Available at: <https://data.unicef.org/resources/child-marriage-country-profiles/>

17. A combination of social, economic, and cultural factors sustains child marriage in Pakistan. Financial hardship compels families to marry off daughters at an early age, often due to lower dowry requirements.⁵ Deep-rooted social norms further reinforce the practice, with families fearing ostracization if daughters remain unmarried. In conflict-affected areas, instability exacerbates child marriage rates, as families view it as a means of protection or a way to settle debts and disputes.⁶
18. Additionally, Pakistan is ranked as the fifth most vulnerable country to climate change, according to the 2023 Global Climate Risk Index. This high level of vulnerability means the country is likely to face increasingly frequent and severe climate-related disasters, such as the devastating floods of 2022. These events have far-reaching consequences for children, particularly girls. According to UNICEF, extreme weather events significantly increase the risk of early-age marriage.⁷ In the aftermath of the 2022 floods, the rate of child marriage in affected areas was projected to rise by 18 percent—threatening to reverse the progress achieved over the past five years in reducing child marriage across the country. NCHR’s Technical Note for Child Protection for Children on the Move identifies girls as a priority group amongst children displaced by extreme weather events. It notes their increased risk to gender-based violence, early marriage, and school dropout—challenges that are compounded in displacement contexts.⁸
19. A diagnostic study of *Nikkahnamas* or marriage contracts in Punjab by NCHR, Musawi, and the Centre for Human Rights found a consistent omission of brides’ Computerised National Identity card (CNIC) details, with 48% of *Nikkahnamas* from Pakpattan lacking this information⁹. This gap hampers age verification, raising concerns about the potential solemnization of child marriages, particularly involving girls. The omission also violates superior court judgments mandating that *Nikkah* registrars verify age using documentary evidence such as CNICs, B-Forms, or school certificates.
20. Early marriage severely impacts girls’ reproductive health, increasing risks of maternal mortality, domestic violence, and limited access to sexual and reproductive education. Many young brides lack autonomy in reproductive decision-making, leading to high rates of early pregnancies and poor maternal health outcomes¹⁰. Around 9 percent of women below 18 years of age have already had children, with the percentage being highest for the Sindh province (11%) and lowest for Balochistan (7%)¹¹. Additionally, child marriage significantly reduces educational attainment, as girls are often forced to drop out of school, limiting their economic opportunities. A 2017 World Bank study

⁵ UNFPA, *Marrying too Young* 11 (2012) available at: [https://www.unfpa.org/sites/default/files/pub-pdf/\[Marrying Too Young\]](https://www.unfpa.org/sites/default/files/pub-pdf/[Marrying Too Young])

⁶ See NCSW & UN Women. *Costing Study on Child Marriage in Pakistan. (2020 - 2021)* Available at: <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/06/Child%20Marriage%20Costing%20Study%20Report-Pakistan-Final.pdf>

⁷ <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

⁸ <https://nchr.gov.pk/wp-content/uploads/2024/05/Child-Protection-for-Children-on-the-Move-Report.pdf>

⁹ <https://www.nchr.gov.pk/wp-content/uploads/2023/09/Diagnostic-Study-of-Nikkahnamas-in-Punjab.pdf>

¹⁰ See *Marrying Too Young* supra at note 3

¹¹ National Committee for Neonatal and Maternal Health, *Fact Sheet: Situation of Maternal and Neonatal Health in Pakistan*.

highlighted that ending child marriage in Pakistan could increase women's earnings and productivity by 13%¹².

21. Early age marriages carry substantial economic consequences. One of the most significant is the loss of human capital, as young girls often discontinue their education after marriage. This severely limits their future employment opportunities, thereby reducing the potential productivity of the national workforce. In addition, child marriages contribute to higher fertility rates, resulting in larger family sizes that place considerable economic pressure on households. This burden frequently traps families in a cycle of poverty, which increases the likelihood of early marriages being repeated in the next generation. In Pakistan, the total fertility rate (TFR) stands at 3.6, with Khyber Pakhtunkhwa (KP) reporting an even higher TFR of 4.8, underscoring the regional disparities and the urgent need for targeted policy interventions¹³.
22. Beyond the immediate harms of child marriage, the practice intersects with broader human rights violations, particularly concerning religious freedom and forced conversions. Christian and Hindu girls are especially vulnerable to forced marriages and conversions. In 2024, UN experts condemned Pakistan's failure to protect religious minority girls, noting that courts frequently legitimize coerced marriages by invoking religious law, allowing perpetrators to evade accountability¹⁴. Law enforcement authorities often dismiss these cases as "love marriages," enabling continued impunity. UN experts emphasized that under international law, cultural or religious justifications cannot override the prohibition of child, early, and forced marriage, reaffirming that any marriage involving a child under 18 is inherently non-consensual.

Existing Frameworks and Government initiatives

23. Pakistan has made several commitments at the international level to eliminate child marriage. In 1990, the country ratified the Convention on the Rights of the Child (CRC), which requires states to set the minimum age of marriage at 18. In 1996, Pakistan ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which mandates states to ensure free and full consent to marriage. Regionally, Pakistan has endorsed initiatives such as the South Asian Initiative to End Violence Against Children (SAIEVAC) Action Plan (2015-2018) and the SAARC "Kathmandu Call to Action to End Child Marriage" (2014). Additionally, Pakistan has pledged to implement the Beijing Declaration and Platform for Action, reinforcing its commitment to addressing child marriage.
24. At the national level, the primary legislation governing child marriage is the Child Marriage Restraint Act (CMRA) of 1929, which sets the legal marriage age at 18 for boys and 16 for girls. The CMRA imposes penalties for adults who marry children, individuals who solemnize such marriages, and male guardians who permit child

¹² Wodon, Q., Male, C., Nayihouba, A., Onagoruwa, A., Savadogo, A., Yedan, A., Edmeades, J., Kes, A., John, N., Murithi, L., et al. (2017). Economic Impacts of Child Marriage: Global Synthesis Report; World Bank and the International Center for Research on Women (ICRW).

¹³ Data from Chief Provincial Commissioner for children, Office of the Ombudsman Punjab

¹⁴ OHCHR. Pakistan: UN experts alarmed by lack of protection for minority girls from forced religious conversions and forced marriage. 11 April 2024. Available at: <https://www.ohchr.org/en/press-releases/2024/04/pakistan-un-experts-alarmed-lack-protection-minority-girls-forced-religious>

marriages. However, the law does not explicitly invalidate child marriages performed in violation of its provisions. In 2017, an amendment to the Pakistan Penal Code (PPC) increased penalties, introducing a fine of up to 1 million PKR and imprisonment of up to 10 years for child marriage offenses. Additionally, Section 310 of the PPC prohibits the sale and underage marriage of girls.

25. In its 2016 Concluding Observations, the Committee on the Rights of the Child urged Pakistan to align its legal framework by defining a child as any individual under the age of 18. However, legislative reforms have been obstructed by opposition from conservative religious bodies. In 2016, the Council of Islamic Ideology (CII)¹⁵ opposed a bill to raise the minimum marriage age for girls to 18, calling it “un-Islamic,” leading to the bill’s withdrawal. However, in October 2021, the Federal Shariat Court (FSC)¹⁶ ruled that setting a minimum marriage age for girls was not against Islam, removing a major legal barrier to reform.
26. The Eighteenth Amendment to the Constitution (2010) granted provinces full legislative authority over marriage laws. As a result, Pakistan has a fragmented legal framework on child marriage. Sindh is the only province that has set 18 as the minimum marriage age for both boys and girls under the Sindh Child Marriage Restraint Act, 2013. In Punjab, the Punjab Marriage Restraint (Amendment) Act, 2015 increased penalties but maintained the minimum marriage age at 16 for girls and 18 for boys. A recent Lahore High Court ruling directed the Punjab government to set 18 as the minimum age for girls, but the proposed bill remains stalled in the provincial cabinet. In Islamabad, Khyber Pakhtunkhwa, and Balochistan, the minimum marriage age remains 16 for girls and 18 for boys, resulting in inconsistencies across the country.
27. Contradictions persist within Pakistan’s legal and policy frameworks regarding the definition of a child. Article 11(3) of the Constitution prohibits the employment of a child under the age of 14 in any factory or mine, while Article 25A mandates free and compulsory education for children aged 5 to 16. The issuance of Computerized National Identity Cards (CNICs) begins at age 18, which is also the voting age. This legal patchwork creates ambiguity around the rights and protections due to children under 18, complicating enforcement of child protection laws, including those addressing early and forced marriage.
28. Recently, Pakistan has made progress in setting uniform marriage age requirements for minority communities. The Hindu Marriage Act, enacted in 2017 to provide a legal framework for the registration of marriages of Hindus, sets the minimum age of marriage for both spouses as 18 years¹⁷. Its provincial counterpart the Sindh Hindu Marriage Registration Act, 2016 also sets 18 years as the minimum age. In 2024, the National Assembly also passed the Christian Marriage Act, which amended colonial-

¹⁵ The CII is a constitutional body formed for the purpose of examining the existing laws for repugnancy with the ‘injunctions of Islam as laid down in the Holy Quran and [the] Sunnah’. The opinions of the council are advisory and not binding.

¹⁶ The FSC is a constitutional Islamic religious court of the Islamic Republic of Pakistan, which has the power to examine and determine whether the laws of the country comply with Sharia law. The decisions of the Federal Shariat Court are binding.

¹⁷ The law was originally applicable only in the Islamabad Capital Territory (ICT). Subsequently, the provincial assemblies of Baluchistan, Khyber Pakhtunkhwa (‘KPK’) and Punjab passed resolutions under Article 144 of the Constitution extending the jurisdiction of the federal law to their provinces.

era laws to raise the minimum marriage age to 18 for both spouses. Additionally, in June 2024, Punjab enacted the Sikh Marriage Act, allowing Sikh marriages to be legally registered and establishing 18 as the minimum marriage age for both spouses.

NCHR Actions

29. The National Commission for Human Rights (NCHR) has taken significant steps to address child marriage in Pakistan through legal advocacy, policy lobbying, research, and direct interventions. In January 2023, in collaboration with Musawi, NCHR launched the first-ever dedicated helpline for the Protection of Women's Marriage Rights. This Women's Marriage Rights (WMRs) Helpline provides free legal information, advice, and representation to women and girls, including guidance on the legal age of marriage and protections against child marriage. Additionally, NCHR's Complaint Cell continues to assist victims of child marriage through sensitized procedures, ensuring access to justice.
30. NCHR has been actively lobbying for a uniform marriage age across all provinces, advocating for both boys and girls to have a minimum marriageable age of 18 years. These legislative efforts have faced resistance; however, NCHR continues to push for their enactment. In Khyber Pakhtunkhwa (KP), NCHR, in collaboration with the Child Protection and Welfare Commission, has successfully facilitated the vetting of the long-awaited KP Child Marriage Restraint Act by the Law Department. Additionally, a lobbying meeting was held with the KP Minister for Law to advocate for its swift passage. In Balochistan, NCHR Member Prof. Farkhanda Aurangzeb engaged with the Deputy Speaker of the Balochistan Assembly to push for the approval of the Child Marriage Restraint Bill.
31. As part of its research and policy initiatives, NCHR published the *Diagnostic Study of Nikkahnamas in Punjab: Report* in 2023¹⁸, analyzing the status of women's marriage rights in Punjab, particularly regarding the *nikkahnama* (marriage contract). The study in Pakpattan district highlighted that 58 % of all marriage contracts analysed did not include details of the bride's CNIC and 23% did not record the bride's age. Only 2% of the marriage contracts gave the bride the delegated right to divorce. In the urban city of Lahore, 15% of marriage contracts did not enter the bride's CNIC and only 3% gave the bride the delegated right of divorce. While not filling the complete marriage contract is a criminal offence in the province of Punjab, to date no single marriage registrar has ever been prosecuted for such omissions. This report provides key insights into gaps in legal protections and the enforcement of women's marriage rights.
32. Recognizing that young women and girls from minority communities are particularly vulnerable to child marriage, and forced conversions, NCHR has taken multiple suo motu notices on these issues. Between December 2021 and June 2024, NCHR handled 189 cases related to minority rights, including cases of forced marriage and abduction. These interventions resulted in the recovery of several minors, including a 12-year-old girl from Rawalpindi, a child from Okara, and a young woman from the Sikh community. In a call to action, NCHR urged the Government of Punjab to enforce the *Hindu Marriage Act, 2017* and advocated for the notification of Hindu Marriage

¹⁸ <https://nchr.gov.pk/wp-content/uploads/2023/09/Diagnostic-Study-of-Nikkahnamas-in-Punjab.pdf>

Registrars or Pandits, leading to the recent notification of Rules for this law as well as the subsequent appointment of Pandits for solemnising Hindi marriages.

33. Furthermore, NCHR has collaborated with the Legal Aid Society to conduct research on preventing early-age marriages and identifying the key drivers of forced conversions. The report is scheduled for launch in the next two months. Through these efforts, NCHR continues to work towards the eradication of child marriage and the protection of women and girls' rights across Pakistan.

Recommendations

In light of the above, NCHR issues the following recommendations to the Government of Pakistan:

- a. Amend the Child Marriage Restraint Act (CMRA), 1929 and provincial laws governing marriage to set the legal minimum age of marriage at 18 years for both spouses.
- b. Introduce legislative amendments to declare child marriages null and void, ensuring that any marriage involving a person below 18 has no legal validity.
- c. Introduce and enforce stronger penalties against those facilitating child marriages, including parents, religious leaders, and Nikah/marriage registrars, with effective monitoring mechanisms.
- d. Conduct judicial and law enforcement training to sensitize judges, police officers, and local authorities on the legal framework surrounding child marriage and the protection of children's rights.
- e. Strengthen economic empowerment programs for adolescent girls and women to improve financial independence and reduce reliance on early marriage as a coping mechanism.
- f. Launch nationwide awareness campaigns on the harms of child marriage, targeting rural, tribal, and conflict-affected areas.
- g. Integrate information on the minimum age of marriage into school curricula and introduce programs that train teachers to become advocates against child marriage in local communities.
- h. Ensure that victims have access to support mechanisms, such as medical services, protection services, psychological and reproductive health services, rehabilitation, and compensation.

Special Protection Measures (art. 22, 30-40)

Juvenile Justice

34. Children in conflict with the law face systemic violations of their rights, including arbitrary age assessments, prolonged pretrial detention, lack of legal representation, and exposure to abuse in adult prisons. The UN Committee on the Rights of the Child (CRC), in General Comment No. 10, has linked birth registration with access to justice, emphasizing that children must have the right to a free birth certificate whenever

needed to prove their age. An estimated 57.8% of children under five in Pakistan have not had their births registered¹⁹, especially those from rural areas, low-income households, and marginalized communities. As a result, many are unable to prove their age, increasing the likelihood of being wrongfully tried as adults.

35. In a departure from its predecessor, the Juvenile Justice System Act, 2018 (JJSA) places the burden upon the police and prosecution to prove the age of the accused. Police officers, however, frequently rely on physical appearance rather than documentary evidence to determine age at the time of arrest, a practice that violates Section 8(1) of the JJSA 2018, which mandates verification through birth certificates, educational records, or medical examinations. Investigations conducted by NCHR along with other NGOs, including interviews during jail visits, reveal that in many cases police fail to conduct proper inquiries into age. Additionally, while the JJSA 2018 accords the benefit of doubt to the accused in case of doubt pertaining to age, Police officers often arbitrarily record a child's age as above 16 years to deny bail, as permitted under Section 6(4) of the JJSA. Some juvenile detainees have also reported that police pressured them into falsely claiming they were older when presented before a judge, stripping them of the legal protections afforded to juveniles.
36. The reliance on ossification tests by Pakistani courts, especially when there is conflicting documentary evidence, raises significant concerns regarding the accuracy and fairness of age determination. In the case of **Gufran Ali v. Haseeb Khan**, the Supreme Court of Pakistan opined that in situations where documents diverge, medical testing, including ossification tests, should be regarded as the most reliable method for determining a child's age. However, this reliance on medical tests runs counter to both **domestic and international legal standards**, which generally advocate for the use of reliable, consistent, and accurate documentary evidence when determining a child's age.
37. Ossification tests, along with other medical age tests, are widely accepted for providing an estimate of age but come with a significant margin of error, typically ranging between ± 2 years. This margin of error renders these tests unsuitable for situations requiring precise age determination, particularly in legal contexts where an individual's status as a minor or an adult may have profound legal consequences. International instruments, such as the United Nations Convention on the Rights of the Child (UNCRC) and domestic child protection laws, emphasize the importance of using authentic documents such as birth certificates and official identification when determining age. Medical tests should only be supplementary and not the primary means of age verification.
38. Pakistan's juvenile justice system is plagued by overcrowding and inadequate rehabilitation facilities. A total of 1,584 juveniles are currently imprisoned across Pakistan's jails²⁰. Despite the JJSA's emphasis on diversion and rehabilitation, the failure to provide separate juvenile detention facilities has resulted in children being

¹⁹ UNICEF. Country Office Annual Report 2023.

²⁰ NCHR, NAPA and JPP. Prison Data Report: Pakistan's Prison Landscape: Trends, data and development in 2024. Jan 2025. 20 [Prison Data report]

held alongside adult prisoners, where they are at high risk of physical abuse, exploitation, infectious diseases and radicalization²¹.

39. Many juveniles from low-income families are criminalised for minor, survival-driven activities such as street vending, theft, or begging—offences that reflect economic desperation rather than criminal intent. In 2022, the NCHR found children as young as 11 detained in Central Jail Rawalpindi (known as Adiala Jail) for petty thefts such as stealing a parrot or bicycle. These cases exemplify how poverty is treated as criminality, with children imprisoned not for violent conduct but for acts directly linked to deprivation and neglect. The punitive use of vagrancy and beggary laws, which remain on the books in many provinces, disproportionately affects street-connected children and those from homeless or single-parent households. Despite their non-violent and often survival-related nature, such offences continue to result in incarceration due to the absence of robust diversion mechanisms or social welfare alternatives.
40. Many juveniles remain incarcerated longer than the actual sentences for their offenses, due to delays in legal proceedings. This issue is exacerbated by the lack of properly notified Juvenile Rehabilitation Centers (JRCs), as the existing Borstal institutions have not been upgraded to meet rehabilitation standards. Currently, there are five functioning facilities for juveniles, including Youth Offenders Industrial School (YOIS) and Borstal Institutes or Juvenile Reformatory Centres²². Of these, two juvenile facilities are located in Punjab in Faisalabad and Bahawalpur, while three are in Sindh, situated in Karachi, Hyderabad, and Sukkur²³. However, these facilities remain insufficient to accommodate the growing number of juveniles in conflict with the law. Other provinces lack specialized institutions altogether.
41. Juvenile offenders above the age of 16, charged with heinous offences, often experience prolonged detention due to delays in the completion of their trials. These delays cannot be attributed to the juvenile offenders themselves. In response to this issue, the Supreme Court of Pakistan, in Criminal Petition No. 345 of 2022, ruled that juvenile offenders who have been detained for six months or more without trial, where the delay is not their fault, are entitled to bail, even if the trial has not been completed. However, this judicial direction is seldom followed with many juvenile offenders spending years behind bars waiting for their trials to end. NCHR's 2022 visit to Adiala Jail found that out of the total 82 juvenile offenders around 79 (around 96%) are under trial²⁴.
42. Pakistan is obligated under Article 37(d) of the UNCRC to provide prompt legal assistance to children deprived of liberty, while Article 14 of the International Covenant on Civil and Political Rights (ICCPR) mandates free legal aid for children unable to afford a lawyer. Sec 3 of JJSA 2018 further guarantees state-funded legal assistance for every juvenile or child victim of an offense, requiring that juveniles be informed of

²¹ SPARC, The State of Pakistan's Children 2018: Juvenile Justice (2018), available at <https://www.sparcpk.org/images/sopc18/jj.pdf>.

²² Prison Data report, supra at note 4, at p. 9

²³ Id

²⁴ <https://nchr.gov.pk/wp-content/uploads/2022/11/Report-on-Torture-at-Adiala-Jail.pdf>

their legal rights within 24 hours of being taken into custody. However, NCHR has conducted 173 jail visits throughout Pakistan, including to all juvenile facilities. The visits to juvenile detention centers revealed that approximately 90% of the children had no access to legal representation²⁵. Additionally, many reported being duped by lawyers who signed the power of attorney and vanished after receiving initial payments. Many children in conflict with law only receive legal assistance through NGOs after being transferred to prison, leaving them without counsel during the critical early stages of their cases.

43. This denial of timely legal aid is not just a procedural failure—it reflects the criminalisation of economic vulnerability. A 2024 joint report by NCHR, the National Academy for Prison Administration, and Justice Project Pakistan found that over 80% of Pakistan’s prison population comes from low-income backgrounds, while 73% of all prisoners remain under-trial. In the juvenile context, this translates into prolonged incarceration for minor, often poverty-related offences, simply because children or their families cannot afford bail or legal counsel.
44. Children in conflict with law are particularly vulnerable to mistreatment in police custody. Several juveniles in detention have reported being physically beaten by police officers and pressured into providing false confessions²⁶. Furthermore, delays in trial proceedings often result in prolonged detention for juvenile offenders, particularly for those above the age of 16 charged with heinous offenses. Of the total juvenile population in prison, 85.1% are under-trial²⁷. Many children remain in detention for extended periods due to trial delays not attributable to their actions and to a lack of adequate transport facilities to the court.
45. Recognizing this issue, the Supreme Court of Pakistan in Criminal Petition No. 345 of 2022 ruled that juvenile offenders who have served six months in detention without trial completion shall be entitled to bail, provided the delay was not caused by them. Despite this ruling, many juveniles continue to suffer from extended incarceration due to systemic inefficiencies within the judicial system.

Existing Legal Frameworks and Government Initiatives

46. The Juvenile Justice System Act (JJSA) 2018 replaced the Juvenile Justice System Ordinance (JJSO) 2000, introducing key reforms such as mandatory age determination procedures before detention, separate custodial arrangements for juveniles, state-appointed legal representation, and diversion programs focused on rehabilitation. In May 2024, Senior Puisne Justice of the Supreme Court of Pakistan, Justice Mansoor Ali Shah, reaffirmed Pakistan’s international obligations under the Convention on the Rights of the Child (CRC). He emphasized that protecting and rehabilitating juveniles in conflict with the law is a fundamental obligation that underpins Pakistan’s juvenile justice system.

²⁵ NCHR. Annual Report 2024

²⁶ <https://www.jpp.org.pk/wp-content/uploads/2017/01/JPP-Abuse-of-Juveniles-Follow-Up-Report.pdf>

²⁷ Prison Data report, supra at note 4, at p. 9

47. Progress in specialized juvenile justice infrastructure was made with the Lahore High Court's inauguration of Pakistan's first Child Court in Lahore on 19 December 2017, dedicated to handling criminal cases involving children as victims, witnesses, or offenders. This was followed by the establishment of a second Child Protection Court in Peshawar in March 2019, which expanded its scope to include legal custody of destitute and neglected children, family reunification, child welfare, and the protection of at-risk children's assets.
48. Recognizing the need for systemic reform, the National Judicial Policy-Making Committee (NJPMC) decided on 24 June 2019 to establish Juvenile and Child Protection Courts in every district of Pakistan, beginning with provincial capitals and Islamabad. By April 2019, the pilot Child Courts in Lahore and Peshawar had decided 33 out of 79 cases in nine months in Lahore and 40 out of 100 cases in just 45 days in Peshawar²⁸. Despite these legal advancements, implementation remains weak and inconsistent. As of now, only Khyber Pakhtunkhwa (KP) has fully notified rules for the operationalization of the JJSA, while other provinces continue to lag.

Action Taken by NCHR

49. NCHR has played a critical role in advocating for reforms and directly intervening in cases of juvenile detention. Through legal aid, policy advocacy, and jail monitoring, NCHR has helped bridge the gap between Pakistan's commitments under the UNCRC and the lived reality of juveniles in detention.
50. This includes directly intervening in juvenile cases, which has led to the release of approximately 137 children from detention, including 11 from Quetta Jail and 75 from Adiala Jail²⁹. In Adiala Jail, with the proactive support of juvenile magistrates Rana Mujahid and Nasar Minallah Baloch, expedited investigations also resulted in the acquittal of 75 juveniles in just four days. However, within a month, 12 of these children had been re-arrested and were back in jail highlighting the urgent need for reintegration programs to prevent recidivism.
51. In 2022, the National Commission for Human Rights (NCHR) presented its inquiry report on custodial torture at Central Jail (Adiala), Rawalpindi to Chief Justice Athar Minallah of the Islamabad High Court (IHC)³⁰. The report highlighted severe issues faced by juvenile prisoners, with 79 out of 82 juveniles under trial, and 29 without legal representation, violating the Juvenile Justice System Act (JJSA), 2018. The report also revealed that 75% of these juveniles come from impoverished backgrounds and have no fathers. Many, even when granted bail, lack the means for sureties and a place to go, often remaining incarcerated alongside hardened offenders. This situation exposes the systemic failures in the juvenile justice system, requiring urgent reforms for better protection and rehabilitation of young detainees.
52. Additionally, NCHR has undertaken other initiatives to strengthen juvenile justice. These efforts include drafting the "Manual for Independent Monitoring of the Rights of

²⁸ Group Development Pakistan (GDP). Criminal Justice Matters involving Children: A Training Manual for Judges, Prosecutors and Investigators.

²⁹ See NCHR. Annual Report 2024.

³⁰ <https://nchr.gov.pk/wp-content/uploads/2022/11/Report-on-Torture-at-Adiala-Jail.pdf>

Children in Conflict with the Law in Closed Settings³¹," conducting nationwide visits to juvenile prisons in collaboration with UNICEF and civil society organizations, and promoting child participation in UNCRC reporting by holding consultations with schoolchildren focused on child justice.

Recommendations

The National Commission for Human Rights submits the following recommendations to the Government of Pakistan:

- a. Enact Rules for the Juvenile Justice Systems Act (JJSA) 2018 in Punjab, Balochistan, Sindh, Azad Jammu and Kashmir (AJ&K), and Islamabad Capital Territory (ICT) to ensure its full implementation.
- b. Establish Juvenile Rehabilitation Centers (JRCs) in each District to provide psychological support, education, and vocational training for juvenile offenders.
- c. Implement diversion measures for juveniles across all provinces in accordance with the Juvenile Justice System Act, 2018 (JJSA), UN Convention on the Rights of Child (UNCRC), and UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), focusing on rehabilitation rather than punishment.
- d. Operationalise juvenile courts, observation homes, and rehabilitation centres for juveniles in line with the General Comment 24 of the UNCRC;
- e. Ensure the separation of Juveniles involved in minor crimes from inmates involved in more serious offences in Detention Facilities to protect them from abuse and harmful influences.
- f. Create Juvenile Justice Committees (JJC)s at All Tiers of Governance to enhance access to justice, particularly for children in remote rural areas.
- g. Implement effective age determination mechanisms using multidisciplinary and holistic assessment procedures when documentary proof is unavailable, ensuring the application of the benefit of doubt principle.
- h. Train and sensitize law enforcement and judicial personnel—including police, probation officers, prosecutors, judges, detention staff, medical legal officers (MLOs), psychologists, and social workers—on the provisions of JJSA 2018 and mechanisms for its implementation.
- i. Ensure alternative sentencing measures such as probation, community service, and restorative justice to reduce juvenile incarceration rates.

³¹ This internal manual serves as a guide for members of the NCHR—including commissioners, staff members, and relevant partners—in conducting independent monitoring visits of the rights of children in conflict with the law in closed settings in Pakistan.

- j. Ensure qualified and independent Pro-Bono Legal Representation for juveniles by allocating provincial funds for legal assistance and maintaining a roster of dedicated defense lawyers at both provincial and district levels.
- k. Expand community-based rehabilitation programs to provide vocational training, mental health support, and education to reintegrate juvenile offenders into society.
- l. Decriminalise poverty-related offences by reviewing and repealing outdated laws on vagrancy, beggary, and petty theft, especially where they impact juveniles and other marginalised groups.
- m. Reform the bail system to introduce need-based assessments and promote non-monetary bail options for economically disadvantaged juveniles, including through personal bonds, community guarantors, or supervised release.
- n. Strengthen post-release support mechanisms in collaboration with NGOs and civil society organizations to prevent recidivism.

Economic Exploitation, including Child Labour

- 53. UNICEF estimates that around 3.3 million children in Pakistan are trapped in child labor, a statistic often cited but originating from the National Child Labour Survey conducted in 1996³². More recent reports, however, suggest a significantly higher number, with estimates reaching approximately 12 million children engaged in child labor³³. The Pakistan Labour Force Survey of 2017-18 revealed that 13.7 percent of children between the ages of 10 and 17 were engaged in labor, with 5.4 percent of them involved in hazardous occupations³⁴. In Punjab alone, the Child Labor Survey of 2019-20 indicated that 13.4 percent of children between the ages of 5 and 14 were engaged in some form of work³⁵.
- 54. Agriculture, a sector contributing 19.5 percent to the national GDP, absorbs a significant proportion of child workers³⁶. Cotton production, which accounts for 60 percent of national exports, relies heavily on child labor. Beyond agriculture, children are also engaged in manufacturing, domestic labor, and informal industries such as automobile workshops, where they are often subjected to exploitative conditions.
- 55. A complex web of factors drives child labor in Pakistan. Poverty remains the primary culprit, with many families relying on their children's income to survive. High population growth further exacerbates economic struggles, pushing more children into the workforce. Barriers to education also play a crucial role. Many families lack awareness of child labor laws and education policies, while high costs of school, negative teacher

³² Child Protection | UNICEF Pakistan, accessed on April 1, 2025, <https://www.unicef.org/pakistan/child-protection-0>

³³ Child Labor in Sindh, Pakistan: Patterns and Areas in Need of Intervention - MDPI, accessed on April 1, 2025, <https://www.mdpi.com/2571-905X/7/4/84>

³⁴ The Asia Regional Child Labour (ARC) Project | International Labour Organization, accessed on April 1, 2025, <https://www.ilo.org/projects-and-partnerships/projects/asia-regional-child-labour-arc-project>

³⁵ Id

³⁶ Pakistan's Socioeconomic Problems and Child Labour - Research Society of International Law, accessed on April 1, 2025, <https://rsilpak.org/2023/how-pakistans-socioeconomic-problems-are-leading-to-child-labour/>

attitudes, long travel distances, and inadequate school facilities discourage education and force children into labor.

56. Rural communities in Pakistan have been battered by climate disasters, such as the 2019 desert locust infestation and the devastating 2022 floods in the south. These crises have plunged many households deeper into poverty, increasing their reliance on child labor or even forced labor as a means of survival. A study conducted by the National Commission for Human Rights (NCHR) and the Center for Social Justice (CSJ) found that disruptions to education caused by the COVID-19 pandemic and floods in Punjab further heightened the risk of children being forced into labor³⁷.
57. Research conducted by NCHR and CSJ in Punjab revealed that many children are employed in informal sectors, particularly domestic labor, where they remain unregistered and vulnerable to exploitation. The study found that over 60 percent of children in domestic work in Punjab are girls, many of whom endure psychological and physical abuse. The analysis found that 43% of girls working in domestic settings report being victims of physical or emotional abuse by their employers. The research identifies children from migrant families and poorer backgrounds as being especially vulnerable to exploitative labor practices. These children are disproportionately involved in hazardous work due to their family's dire economic circumstances.
58. Children working in brick kilns are often subjected to long hours of labor, beginning as early as the age of 10. They work in unsafe environments, facing exposure to dangerous machinery, heavy lifting, and harmful dust that leads to respiratory issues and life-threatening injuries. Similarly, domestic child laborers are at high risk of physical abuse, debt bondage, and sexual exploitation. Reports from Kasur, Punjab, for instance, indicate that 90 percent of working children under the age of 14 have suffered from sexual harassment or exploitation³⁸.
59. NCHR's 2023 report on Bonded labor found the widespread use of child labor, particularly in brick kilns and agriculture³⁹. The research showed that children often inherit family debt and begin working at a young age under harsh and exploitative conditions. In Punjab, Sindh, and Khyber Pakhtunkhwa, over 90% of brick kiln workers—including children—work five to six days a week. Children report exhaustion, injuries, respiratory issues, and anemia, with over 70% experiencing hunger in the past year. Girls face additional challenges, including exclusion from education and greater vulnerability to abuse. Through field research and interviews, the NCHR has documented the deeply exploitative and intergenerational nature of bonded labour. One such case is 18-year-old Faisal, who was forced to leave school and begin working in a brick kiln (*pathera*) after his father died, leaving behind an unpaid loan. Faisal inherited not only the debt but the burden of supporting his younger siblings, trapped in a system where every brick laid deepened the cycle of poverty and servitude.

³⁷ <https://nchr.gov.pk/wp-content/uploads/2024/04/situation-analysis-of-child-labor-in-punjab.pdf>

³⁸ 2019 Findings on the Worst Forms of Child Labor: Pakistan, accessed on April 1, 2025, https://www.dol.gov/sites/dolgov/files/ilab/child_labor_reports/tda2019/pakistan.pdf

³⁹ <https://nchr.gov.pk/wp-content/uploads/2023/08/The-Issue-of-Bonded-Labour-in-Pakistan.pdf>

60. Overall, the prevalence of child labor and economic exploitation in Pakistan reflects a deeply ingrained system of social and economic inequalities that often traps children in hazardous work, hindering their potential for education and a better future. Addressing this issue requires a multifaceted approach, including stronger enforcement of labor laws, increased access to education, and more comprehensive programs to identify and protect children from economic exploitation and forced labor.

Existing Framework and Government Action

61. Pakistan has taken steps to address child labor by ratifying key international agreements, including the UN Convention on the Rights of the Child (1989) and the International Labour Organization (ILO) Conventions No. 138 on Minimum Age for Employment (1973) and No. 182 on the Worst Forms of Child Labour (1999). The government has incorporated child labor elimination into the National Labour Protection Framework (NLPF). At the national level, the Employment of Children Act (1991) prohibits child labor in hazardous occupations, with exceptions for family-run businesses and government-approved training schools. Additionally, the Prevention of Trafficking in Persons Act (2018) has been enacted, alongside the establishment of anti-trafficking units within the Federal Investigation Agency and a dedicated Child Helpline.
62. With the devolution of labor rights to provincial governments in 2010, various provinces have introduced their own legislative measures to tackle child labor. In Khyber Pakhtunkhwa, the Child Labour Policy (2018), the Prohibition of Employment of Children Act (2015), and the Free and Compulsory Primary and Secondary Education Act (2017) aim to ensure that children aged 5-16 receive free education. Punjab, meanwhile, has taken significant steps with laws such as the Prohibition of Child Labour at Brick Kilns Act (2016), which prohibits children under 14 from working at brick kilns, and the Punjab Restriction on Employment of Children Act (2016), which sets the minimum employment age at 15 and bans hazardous work for adolescents aged 15-18. Furthermore, the Punjab Domestic Workers Act (2019) restricts domestic work for children under 15 and permits only light work for those aged 15-18, provided it does not interfere with their education or well-being.
63. Labor inspections in Punjab have resulted in over 85,000 child labor-related inspections, leading to 87 arrests⁴⁰. Specific efforts in the brick kiln sector have uncovered 771 child labor violations, resulting in 34 arrests. Provincial Child Protection Units (CPUs) play a key role in safeguarding children, rescuing at-risk minors, and providing them with case management services. These units, which operate across Balochistan, Sindh, Khyber Pakhtunkhwa, and Punjab, work in coordination with Child Protection and Welfare Bureaus (CPWBs) and Child Protection Institutes (CPIs). In 2023 alone, CPWBs rescued around 10,000 children from exploitative labor, reuniting them with their families or placing them in protective shelters⁴¹.

⁴⁰ <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/pakistan#:~:text=Labor%20inspectors%20in%20Punjab%20also,violations%2C%20resulting%20in%2034%20arrests.>

⁴¹ https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Pakistan.pdf

64. Despite these legal and institutional frameworks, enforcement remains a significant challenge. Federal and provincial laws still do not fully align with international standards regarding the minimum age for employment and hazardous work. Many children working in informal employment—such as domestic labor—remain unprotected by existing legislation, particularly in provinces like Khyber Pakhtunkhwa and Sindh. At the federal level and in Balochistan, the minimum age for hazardous work is still below the internationally recommended 18 years. Additionally, federal laws fail to explicitly prohibit the use of children in illicit activities such as drug trafficking, leaving gaps in protection.

NCHR Actions

65. The NCHR has conducted an in-depth analysis of child labor in Punjab. Using data from the Punjab Child Labor Survey (PCLS), the commission has identified key priority areas and relevant stakeholders to ensure a targeted approach.
66. In 2023, the NCHR published a report on the Issue of Bonded Labor in Pakistan. The report found that the high rates of child labor in the agriculture and manufacturing sectors sets an opportunity for exploitation of children by the bonded labor system. It also found that women and girls are particularly vulnerable and often victims of physical and sexual abuse.
67. In a significant step toward the eradication of child labor, NCHR partnered with UNICEF to undertake a situational analysis on economic exploitation of children in Punjab and, following extensive consultations to develop a costed action plan for the most affected regions in the province i.e. Pakpattan, Sahiwal and Okara where the incidence of child labour was 39%, 27 % and 26% respectively. Following multi-sectoral consultations, draft district action plans have been developed to guide intervention, focusing on practical steps for prevention, protection, and rehabilitation. These district action plans address education, including non-formal education, social protection and safety net schemes, vocational training, monitoring, inspection and child protection services. Additionally, NCHR has advocated for the setup of a multi sectoral council comprising planning, labour, education, agriculture and child protection departments to monitor, and oversee the action plans. With over 286,455 children employed in Child Labour and Adolescent Hazardous work in the single district of Pakpattan, it is paramount to collectively address this critical issue. NCHR draft district action plans and preliminary research findings form the foundation for the upcoming phases of the project, which is currently still in its planning stages.
68. The commission has played a crucial role in developing a Provincial Strategic Framework with clearly defined timelines and objectives. At the district level, the NCHR has worked closely with local administrations, particularly in the Sahiwal Division, to design district-based action plans tailored to specific local needs. These plans emphasize preventive measures such as community awareness drives, school reintegration support, and mobile birth registration units to reduce child vulnerability.

Recommendations

In light of the above, the NCHR issues the following recommendations to the Government of Pakistan:

- a. National laws should be harmonized with international standards, particularly by raising the minimum age for work to at least 15 years, aligning with ILO Convention No. 138, and ensuring that the minimum age for hazardous work is set at 18 years across all jurisdictions. Legal protections should be extended to cover all forms of employment, including those in the informal sector, such as domestic work and agriculture.
- b. A comprehensive national action plan to combat child labor should be developed and effectively implemented with clear, measurable targets, timelines, and indicators. This plan should involve all relevant federal and provincial government ministries, as well as civil society organizations and international partners.
- c. Although the Benazir Taleemi Wazaif, Cash Transfer Programme for education of children of BISP beneficiaries is an excellent program benefiting 9.4 million children, such social protection programs, linked to school attendance and initiatives supporting adult employment and skills development, should be further expanded and strengthened to address poverty, which is a primary driver of child labor.
- d. The capacity of labor inspectorates should be significantly enhanced through increased staffing, comprehensive training, and adequate financial and logistical resources to conduct effective and unannounced inspections in all sectors, including the informal economy. Transparency and accountability in law enforcement should be improved by publicly reporting data on inspections, prosecutions, and convictions related to child labor offenses, and stringent measures should be taken to combat police corruption.
- e. The minimum age for work in all relevant legislation should be aligned with the compulsory education age of 16 years to prevent children from dropping out of school to work.
- f. Nationwide awareness campaigns should be launched to educate parents, employers, and communities on the dangers of child labor and the importance of education. Collaborating with religious and community leaders can help foster cultural change and promote children's rights.
- g. Enhanced collaboration and coordination between all relevant government agencies at the federal and provincial levels, civil society organizations, international organizations, and the NCHR are essential to ensure a comprehensive and coordinated approach to the elimination of child labor in Pakistan.
- h. Specific interventions should be developed and implemented to address the worst forms of child labor, such as bonded labor in sectors like brick kilns and carpet weaving, and to protect particularly vulnerable populations, including refugee and stateless children, from exploitation.



National Commission for Human Rights

5th Floor Evacuee Trust Complex,
Agha Khan Road, Islamabad

051 9216771

www.nchr.gov.pk