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Universal Periodic Review

**Joint written statement\* submitted by Franciscans International (FI), a non-governmental organization in general consultative status, the Marist International Solidarity Foundation (FMSI), the Dominicans for Justice and Peace (Order of Preachers), VIVAT International, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Consideration of the UPR report for Pakistan**

Marist International Solidarity Foundation (FMSI), Franciscans International (FI), Dominican for Justice and Peace (Order of Preacher) and VIVAT International would like to welcome the adoption of the report of Universal Periodic Review (UPR) of Pakistan. We would like to express our views on two key issues in Pakistan: Rights of the Child which includes right to education, child labour and children in armed conflict and Women's Human Rights.

### **Rights of the child**

#### **The right to education**

In the opening statement, the delegate of Pakistan highlighted that the right to free, universal primary education is entrenched in the Constitution of Pakistan. We thus expect the Government of Pakistan to accept the recommendations on the right to education of Pakistani children. However, it is our view that some of the recommendations made by the States are lack of specific and measurable actions. Such recommendations could potentially present two problems. First, the generality of the recommendations makes it difficult for the country under review to assess what clear action should be taken. Second, with such recommendations, it will be easy to defer to the areas that require more attention and assistance from the government.

We would like to express our serious concerns on the educational system in Pakistan. First, there are insufficient funds to provide compulsory and quality education for primary school students. The costs of tuition, books and school uniforms are high and many parents, especially those from city slums or rural areas, are incapable of funding their children's education. Moreover, quality education is lacking as teachers are either untrained or are not fit for their profession. While some teachers are not being paid, others who are receiving a salary are not all turning up at schools. Second, there is a large gender imbalance in education. In some areas, girls are prevented from receiving an education due to tradition or religious beliefs. Some students from certain ethnic minority and religions are also being discriminated against in the Pakistani education system. Lastly, corporal punishment still remains rampant in schools throughout the country.

To achieve the above-mentioned, Pakistan must implement the recommendations to allocate and invest more into education so as to be able to raise the standard of education.<sup>1</sup> All teachers need to be well-trained and committed to improving the quality of education. It is therefore essential that the government cracks down on ghost schools. Most importantly, the government needs to ensure that education is free for all children at the primary level. This will be a strong incentive for poor families to send their children to school and keep them there. Moreover, education should be used as a tool to cultivate ethnic and religious harmony, and not used to drive a wedge between these sectors in society.

The Government of Pakistan needs to implement these recommendations in collaboration with civil society and other stakeholders as soon as possible. These policies, programmes and legislations should be implemented in both the cities and in the rural areas thereby providing all areas with the necessary resources needed to efficiently and effectively educate the children in Pakistan. Regular follow-up and monitoring programmes should also be established to assess and ensure the effectiveness of the curriculum.

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<sup>1</sup> See document A/HRC/WG.6/14/L.16, recommendations in paragraphs 122.143 (the Netherlands) and 122.148 (Germany).

### **Child labour**

Given that there are still a large number of under-aged children working in Pakistan, we are concerned that there were only three recommendations aimed at eliminating child labour. Even then, these three recommendations are lack the specificity needed for Pakistan to effectively implement mechanisms that would prevent or eradicate child labour.

The Constitution of Pakistan prohibits the employment of children below 14 years of age in any factory or mine or in any hazardous employment. Pakistan is also a state party to the ILO Convention No. 182 on the worst form of child labour and ILO Convention No. 138 on the minimum age for admission to employment and work. However, there are still no effective legislations in place that targets reducing the number of children working on the streets or in the factories in Pakistan.

We consider that the best way to reduce these numbers is to get these children back into schools. If free education is provided, it would give the families little reason to send their children to work. Therefore, it is important that the government directs more finances towards the education sector to build more schools, train more teachers and provide free education for the children.

### **Children in armed conflict**

The involvement of children in armed conflict in Pakistan undermines the UN Convention on the Rights of the Child (CRC), ratified by Pakistan in 1990. It is imperative that the government increases its efforts to eradicate the use of children in armed conflict. Due to the conflict, often many children are separated from their families at a young age and may suffer from physical as well as emotional trauma.

We welcome the two recommendations on the prevention of the recruitment of children in armed action and provision of measures of integration for the children recovered from militants and extremists.<sup>2</sup> Although these recommendations lack the specificity, the Government of Pakistan needs to determine the actions to be taken. Effective programmes that can be implemented are those targeted at providing social reintegration, psycho-social rehabilitation, counselling and family reunification.

### **Women's human rights**

While recognizing the Government of Pakistan's efforts to protect the rights of women through the implementation of several national legislations, such as the National Commission on the Status of Women Act 2012 and the Domestic Violence Act 2012, women continue to face many challenges in the protection and/or enjoyment of their rights. This is especially so for women from minority groups, such as Dalit women and women from the schedule Castes (SC).

We welcome the recognition by Government of Pakistan that trafficking in women and children is a serious concern. Women and children, especially girls, are the main victims of trafficking in Pakistan. Girls are specifically vulnerable. They are often trafficked as domestic servants, confined to their employers' home and forced to work in a slave-like conditions. Despite the adoption of the Employment of Children Act in 1991 and Prevention and Control of Human Trafficking Ordinance in 2002, the trafficking of women and children still is rampant in Pakistan.

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<sup>2</sup> See document A/HRC/WG.6/14/L.10, recommendations in paragraphs 122.72 (Singapore) and 122.104 (Uruguay).

The long list of recommendations relating to women's rights reflects the international community's concern on women in Pakistan. Pakistan is a state party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), therefore has the legal obligation to protect, fulfil and respect women rights at all level of society. We recommend the Government of Pakistan to pay particular attention to the rights to education, to equal opportunity in the workplace, to healthcare and other social services, the right to freedom of movement, freedom of expression and freedom of religion.

Although the Government of Pakistan has adopted an extensive legislation aimed at advancing women's rights, this has not yet been properly implemented at provincial level. Pakistan has to ensure that the legislations it has passed in Parliament are effectively implemented at the provincial level and put in place monitoring mechanisms to inspect and report on the effectiveness of these legislations.

## **Recommendations**

We urge the Government of Pakistan to:

1. Increase their funding for education in order to provide free, accessible and quality education for all the children in Pakistan and ensure that these funds are used fairly and transparently.
2. Implement a new curriculum that ensures that:
  - (a) Minority religions, races and girls are not discriminated against;
  - (b) Educational material used in schools should provide an accurate account of the past so as to eliminate prejudice or ethnic minority, religions and girls;
  - (c) Children and youths will graduate with vocational skills that will enable them to enter into the workforce and contribute to the development of the country;
  - (d) Corporal punishment be eliminated in all educational settings.
3. Ratify without delay the Optional Protocol of CRC on the involvement of children in armed conflict and allocate funds dedicated to the eradication of the use of children in armed conflict. This includes awareness campaigns targeted at parents educating them on the dangers and negative effects of exposing their children to violence.
4. Create institutions that are focused on protecting and rehabilitating children who have been involved in armed conflict and help to reunify them with their families.
5. Ratify without delay the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons to combat and stop the phenomena of trafficking of women and children.
6. Ratify without delay the Optional Protocol to CEDAW and ensure protection and advancement of the rights of women, especially those from minority groups, so that they are able to enjoy the full extent of their rights, including freedom of religion, education and movement with security.
7. Take concrete measures to ensure that national legislation on women is effectively implemented at all levels through raising awareness activities, allocation of national funding and the establishment of a national monitoring authority to inspect and report the implementation.