Pakistan and the United States (U.S.) of America have a long and chequered history of foreign relations. Human rights have, however, played only a minor and selective role in the relations between the two countries. The U.S. State Department submits Country Reports of Human Rights Practices to the Congressional Committees on Foreign Relations every year.¹ These reports record human rights conditions prevailing in more than hundred countries of the world. Pakistan is included in these reports and generally 20 to 40 pages are devoted to the state of human rights in Pakistan. Primarily concerned with these Reports, the present study seeks to examine how the U.S. perceives the human rights in Pakistan, particularly the rights of women and children. The main focus is on the decade of 1990 as human rights gained much importance after the end of the Cold War.

This article discusses the rights of two marginalized groups—women and children—in Pakistan and highlights the U.S. perceptions about them. It argues that in both the areas of women’s and children’s rights, Pakistan undoubtedly faced some serious challenges and these were rightly focussed upon by the human rights reports of U.S. State Department. However, in some areas, the U.S.
reports, instead of considering the ground realities and socio-economic and cultural peculiarities of the Pakistani society, took normative positions and passed judgements based on the experiences of the Western societies. The article is divided into two parts. The first part discusses rights of the women and the latter part, rights of the children.

**Rights of Women**

Women suffered discrimination in many spheres of life in Pakistan for a variety of reasons, including "a long-standing legacy of underdevelopment among South Asian Muslims, colonial and post-independence official preferences for a feudal, elitist socio-political structure as well as a retreat to the forces of conservatism."\(^2\) This was despite the fact that Pakistan had signed the UN Convention on the Elimination of All Forms of Discrimination against Women in August 1996.\(^3\) Women were discouraged from seeking education and employment. They also remained an easy target for violence. Rape was often used as a weapon of humiliation. The society generally showed indifference to the incidents of rape. Domestic violence was regarded as just a family matter. Dozens of young girls were burnt every year on flimsy grounds of dowry or family disputes which were indicative of the society's general apathy and callousness towards women. Women's rights of consent in marriage, of divorce and of inheritance were often trampled upon. The situation was complicated further with honour killings and the Hudood Ordinances.

The Constitution guarantees that there shall be no "discrimination on the basis of sex".\(^4\) However, in practice, discrimination was widespread. It started from the birth of the female child and continued throughout her life.\(^5\) As one writer observed, discrimination against
women, both in law and in practice, and in the economic, social and family life, continued unabated, all kinds of protests and legislation against it notwithstanding. This was aptly recounted by the U.S. Country Reports during the period of this study. According to the U.S., the women had to face numerous barriers to their advancement. The female children were regarded as less valuable than the male children, and thus received less attention and care. A United Nations’ study testified that girls, as compared to boys, received less nourishment and health care. This was equally true in the field of education. Boys were preferred over girls for education and professional development. According to government estimates, only 23.5 percent girls of over 10 years of age were literate as compared to 48.9 percent males.

The U.S. Country Reports, however, noted some progress in getting more girls into schools. They pointed out that a survey, in 1997, showed that the enrolment rate for females under 12 years of age was 65 percent, nearly 10 percent less than that of boys, but quite higher than the 50 percent figure of 1990. The literacy ratio in the past two decades had also doubled and was at present 27 percent, still just over half of that of males. Clearly, the discrimination was more acute in the rural areas. In some parts of the rural Sind and Baluchistan, the female literacy rate was 2 percent or even less. According to one survey, the parents in rural areas cited "no financial benefit" as the reason for not sending their daughters to schools. A study of Directorate of Primary Education in N.W.F.P. [recently renamed as Khyber-Pakhtunkhwa] pointed out that girls were kept at homes because they had to look after the household while their mothers helped their fathers in the fields. Even at higher levels of education, the women were discriminated. Women complained of discriminatory behaviour in professional colleges. A few years ago, the
issue of women seats in the medical colleges of the Punjab aroused much controversy. Supreme Court ruled that no ceiling could be placed on the number of girls students admitted in medical colleges. However, the U.S. Country Reports noted with dismay that the Punjab government, despite the ruling, allocated a limited number of seats in medical colleges for women. And when the girls demonstrated against the decision, they were baton-charged.

A major issue relating to women is the process of Islamization in Pakistan. Most women activists and human rights Non-Governmental Organizations (NGOs) argued that this process was bound to influence women rights negatively. A woman activist called it a "shock" for the women of Pakistan to know that they were not accepted as full human beings. These views found ready acceptance in the U.S. State Department. In 1991, the U.S. reported at length the fears and apprehensions expressed by the women NGOs that, the passage of Sharia Bill, aimed at bringing all aspects of government and society in conformity with the injunctions of Quran and Sunnah, will adversely affect the rights of women in the country. The final version of the Bill, however, contained assurances to women that their rights guaranteed under the Constitution would not be compromised. Restrictions against women were justified by a very strong lobby of religious leaders who interpreted Islamic injunctions rather narrowly. They projected the Islamic emphasis on modesty to mean that women should veil themselves or remain at home.

Traditionally, there remained difficulties with women's rights to jobs. The result was that they were "either underrepresented or non-existent in public activities across the country". The Human Rights Commission of Pakistan lamented that Pakistan had "travelled backward in
affording women participation in public life." The U.S. Country Reports generally agreed with this perception but noted that there was some improvement over the years. This was in spite of the fact that employment opportunities for female postgraduates were largely limited to teaching, medical services and the law. Yet, the number of women joining commercial and public sectors was increasing year by year. The U.S. Country Reports mentioned that, in Karachi, the number of women judges had increased to nearly 30 percent of the total number. However, the Reports acknowledged that the ratio of women involved in economic activities was still very low and a study of Islamabad-based Human Development Centre indicated that only 16 women are economically active for every 100 men. This criticism evoked some response and various governments in Pakistan did initiate measures to increase the participation of women in jobs. Benazir Bhutto government tried to remedy the situation and 5% quota was fixed for women in all government jobs.

Violence or abuse against women is often reported. It was largely due to the fact that "the law, society and the administration" in a variety of ways made them vulnerable and less able to respond to such wrongs. The U.S. Country Reports stressed that domestic violence was "a widespread and serious problem". Nearly 70 to 90 percent women suffered domestic violence at the hands of their husbands, in-laws or other relatives. The abuse within the family was treated as a private affair and very rarely reported to the police. The family members did not report incidents of abuse to preserve the reputation of the family. Yet, in one month of 1997, nearly 300 cases of wife-beating were reported in Islamabad and Rawalpindi alone. According to human rights activists, most of these cases related to middle and upper class women. Police usually returned battered wives to their abusive husbands. The
Reports noted the incidents of such violence in detail. This included stripping of women in public, dragging them by the hair through the streets, throwing acid on their faces or sexual harassment in public. In most of the cases, the police remained a silent spectator.\textsuperscript{21} However, the most serious problem was "an attitude, largely, of resignation, of an unspoken social acceptance of the routineness of the condition."\textsuperscript{22} Rape is the most serious offence employed against women. It remained "the commonest" and "the ugliest of crimes."\textsuperscript{23} In 1997, the National Assembly passed a law that provided for death penalty for those convicted of gang rape. However, it had little effect and no convictions were carried out. One reason is that rape is seldom reported and one study estimated that only one third of all rape cases were reported to police. Rape, especially gang rape, were employed by landlords and other influential criminals as a tool of social control by intimidating and humiliating the local population. The high rate of rape and gang rape was largely due to "lack of organization, the illiteracy, superstitions, powerlessness against the perpetrators, fear of adverse publicity and unsympathetic attitudes."\textsuperscript{24}

According to the U.S., rape was the most serious problem and because of the influence of the perpetrators, the police, in most of the cases, remained indifferent. At times, it was itself involved in the abuse. An NGO, War Against Rape (WAR) studied 60 rape cases in Lahore and reported that police was involved in nearly 20 percent of these cases The U.S. Country Reports mentioned that rape victims in most of the cases were pressurized to drop charges because of the threat of adultery charges under Hudood Ordinances. If a victim failed to prove the absence of consent, she could be charged with fornication and adultery. The U.S. estimated that, in 1997 alone, 671 incidents of rape took place in and around Lahore, 385 of
which involved minors. 370 victims had been gang- raped.  

The Hudood Ordinances have been criticized for causing discrimination against women. According to these laws, all extra-marital sexual relations, involving consent of the parties, were considered criminal offences. The maximum punishment in such cases is public flogging or stoning to death. According to Amnesty International, as the law did not provide for effective safeguards against the arbitrary use of the charge of adultery, scores of women were in jail pending a judicial hearing of the Zina cases against them. The use of Hudood Ordinances was most heinous in a case where the woman was unable to prove the incidence of rape. The case was changed to adultery and the woman was made a co-accused or accused and convicted. Thus, the dangers inherent in registering a case of rape were an effective check and deterrent against women victims of the offence.  

Although the supporters of these Ordinances argued that Islamic laws had been enforced to check crime against women, in practice, the reverse happened. The Ordinances were used, more often, as "another weapon for ulterior motives". The U.S. Country Reports highlighted some of the discriminatory features of the law. According to the U.S., women and non-Muslims were not allowed to testify in Hudood cases. Thus, if a man raped a woman in the presence of women or non-Muslims, he could not, under the law, be convicted under Hudood Ordinances. The U.S. also took note of the findings of Parliamentary Commission of Inquiry for Women which had asked for the repeal of the provisions relating to extramarital sex on the ground that these were based on an erroneous interpretation of Islamic law. According to the Commission, the laws on adultery and rape were widely
misused and 95 percent of the women accused of adultery were released in the court of first instance or on appeal as being found innocent. However, by that time, the women would have spent months in jails, faced sexual abuse at the hands of police and their reputation totally destroyed. The Commission pointed out that the victims of Hudood cases were poor women who were unable to defend themselves against the accusations. Husbands and other male relatives used these laws to punish their wives and other female relatives. More than one third of the female prisoners in Lahore, Peshawar and Mardan jails were awaiting trial on charges of adultery.\textsuperscript{30}

The issue of "honour killings" became a major concern with human rights activists after some reported incidents of such nature. It evoked much interest when a woman was killed in the chamber of Asma Jehangir, the Chairperson of Human Rights Commission of Pakistan.\textsuperscript{31} The tradition of killing those accused of illicit sexual relations, for restoring the tribal or family honour is called "honour killings". It is a widespread phenomenon. In rural Sind, the custom is quite pervasive, known as "karo-kari". The tribal traditions amongst the Pathans and Baluchis also sanction such killings. Punjab is no exception.\textsuperscript{32} According to the U.S., though the custom equally, applied to men and women, the latter were more likely to be killed. Such cases were not seriously investigated and those arrested were released on the plea that the killings were "provoked". The U.S. Country Reports approvingly mentioned the report of the Commission of Inquiry for Women which had dismissed the custom of "honour killings" as sufficient proof for mitigating circumstances in a murder case, and had, thus, recommended that it be treated as a simple murder.\textsuperscript{33}
The consent of the *wali* (male guardian, in most cases father) of the woman in marriage had become a contentious issue after the much publicized Saima Waheed case. A single bench of Lahore High Court ruled that an adult woman could not marry without the consent of a *wali*. This was later overturned by the Supreme Court on appeal. In the Saima Waheed case, the three member bench of the Lahore High Court, in a split majority decision, upheld an adult woman's right to marry of her own will. However, according to one woman activist, the text of the judgment did not give women "much cause to celebrate", as the judges commented on the woman's morals in a Muslim society and advised the parents on arranging the marriages of their daughters. The U.S. Country Reports followed the whole episode and legal battle over the issue, and noted that, in practice, the social values dictated that the boys and girls should marry under the direction of the elders. They pointed out that if this rule was not respected, and, indeed, violated, especially in ethnic situations, violence might occur. In Karachi, the marriage of a Pathan girl and a Mohajir boy against the wishes of the girl's family resulted in ethnic riots. The groom was arrested on kidnapping charges, was shot and injured in the court. Subsequently, he and his family faced death threats. Similarly, Humana Mahmood, the daughter of a Punjab Provincial Assembly member, had to face the wrath of her father and other male members of her family when she married against the wisher of her father. The U.S. Country Reports claimed that, in some cases, even parents themselves killed their daughters in order to prevent love marriages. In addition, there were many reports that parents married their young daughters to elderly people for the sake of money.

Family laws have also been criticized for discriminating against women. According to Human Rights Commission of Pakistan, "some of the worst excesses
suffered by women from the laws or lack of laws, that governed family relationships". The U.S. Country Reports also voiced the same sentiments. According to them, in case of divorce, both civil and religious laws protect the rights of women. However, since many women are ignorant of their rights, these laws were not fully observed. In 1992, the Supreme Court ruled that husbands were not bound by law to give legal notice of divorce to a local union council. In this way, the husband's spoken statement of divorce became a "defining legal step" which he could accept or deny as he wished. According to the U.S. Country Reports, this had made woman very vulnerable as she had no written proof of her divorce. If she remarried and her former husband denied having divorced her, she could be charged with adultery. The Reports mentioned many instances of victimization of women in this manner. In this context, they supported the findings of the Parliamentary Commission of Inquiry for Women which had recommended that the registration of marriages should be made mandatory and not only men but also the women should have the right to initiate the proceeding for divorce. Punishments should be levied on those who pushed girls into forced marriages. It was suggested that a husband should be made legally bound to maintain his wife 3 months after the divorce. Similarly, a father should maintain sons till the age of 14 and daughters till the age of 16. However, the legal system had become so complicated that it might take years before the women and children could get maintenance.

The U.S. Country Reports also noted other discriminatory practices. They pointed out that the women were often denied their due share of inheritance. In rural areas, the practice of marrying girls to Holy Quran in order to save the property going to others was still common. Such women were not allowed to see males above 14 years
of age, even if they happened to be their nearest kin. The practice of buying and selling brides in some parts of the Punjab and NWFP [now Khyber-Pakhtunkhwa] was also quite common.\textsuperscript{39} One form of violence against women was trafficking. Next to drugs and arms smuggling, it was the biggest illegal trade.\textsuperscript{40} The U.S. Country Reports also recorded incidents of this gruesome crime.

In the decade of 1990, some initiatives were also taken both by the Government as well as by several NGOs to redress the problems of women. Under Benazir Bhutto's Government, Women Police Stations were set up. Many female judges were also appointed to High Courts and lower courts.\textsuperscript{41} Many other measures to better the conditions of women were taken. First Women Bank was created to provide loans on soft terms and encourage participation of women in business. Many women were also appointed to high profile posts as ambassadors, federal secretaries and advisors in the government.\textsuperscript{42} The U.S. Country Reports highlighted attempts to ameliorate the conditions of women, especially in the urban areas. According to the U.S., women organizations were mainly confined to urban areas. Some focussed on educating women about their legal rights while others provided legal assistance to the women who could not afford an attorney.

In 1990, a group called 'War Against Rape' (WAR), was formed to create awareness about rape and to assist rape victims. Governments telecast documentaries on women issues, development and family planning. They also tried to popularize population services through advertisements. In 1994, Prime Minister Benazir Bhutto made a speech at the Cairo International Conference on Population and Development in which she highlighted, in particular, the issue of domestic violence against women. She even made a public visit to a victim in a hospital
whose husband had tried to burn her. The Ministry of Women Development also telecast advertisements on state television against spousal abuse. With the assistance of local NGOs, the Ministry of Women Development opened a Crisis Centre for Women in Islamabad. It was first of its kind in Pakistan, and offered legal and medical help, psychological advice and a hotline for women in distress. Subsequently, a few more centres were opened in the country.\textsuperscript{43}

The U.S. took serious exception to the gender discrimination prevalent in Pakistani society. It highlighted the discrimination faced by women in every sphere of life. Women were not given their due share in jobs. They had no reserved seats in the provincial and national assemblies. Many women were subjected to domestic violence. Rape was often employed as a tool to subject them to male authority. Honour-killings were reported frequently. At times, the laws strongly discriminated against women. The Hudood Ordinances were one major instance of the discrimination based on sex. The result was imprisonment of hundreds of innocent women. However, what the U.S. Country Reports failed to take into account was that the Ordinances as such did not discriminate against women; it was mainly the machinery for the implementation of these Ordinances, which was problematic and required improvement.

Though some of the criticism is justified, and the women did face some serious problems, the U.S. Reports generally judged the status of Pakistani women on the yardstick of the Western women, which is not fair. The Western standards of calculating the level of women’s rights based on the ratio of women in government and private jobs, equality of status in marriage and divorce laws and even the female literacy rate were not very relevant for
assessing the status of women in a developing, Islamic society, such as Pakistan. In the largely segregated society of Pakistan, women are respected as mothers, sisters, wives and daughters. However, with the onslaught of modernization, growing urbanization and increasing economic pressures, the traditional modes of honouring women were fast disappearing without fully embracing the Western concept of gender equality. Thus, all the difficulties and paradoxes of a transitional situation were very much present in Pakistani society, which the U.S. was not fully able to appreciate.

**Rights of Children**

The United Nations Declaration on the Rights of the Child proclaims that the “mankind owes the child the best it has to give.”\(^4^4\) Pakistan is signatory to the UN Declaration of the Rights of the Child as well as many International Labour Organization (ILO) Conventions relating to children.\(^4^5\) Still, the children were not provided the rights due to them. Most of the children were illiterate and governments and the society failed to provide education to them. Child labour\(^4^6\) was common and millions of children were working in nearly every sphere of life. Children were also subjected to sexual abuse, kidnapping for ransom and other forms of exploitation. Juvenile offenders were often not treated according to the law.

Pakistan’s education system is in shambles. According to Weiner and Noman, “the abysmal allocations for education reproduce a largely illiterate population with very limited access to schooling.”\(^4^7\) Many of the challenges to the right of the child were rooted in the crisis in the educational system. Indeed, according to many analysts, a major cause of the prevalence of child labour was the educational system. A UN report, based on its findings, argued that there was a “widespread disillusionment with
the education system; parents and children do not see an intrinsic value in education, and note that it does little to raise children’s chances of getting a job. A majority of working children have attended school but dropped out, and the humiliating and hostile attitudes of teachers are also cited as a reason for this.” Again, according to one observer, child labour could not be eliminated unless the education system did not “impart relevant, marketable skills and knowledge.” Not surprisingly, out of 70.8 million children under the age of 18 years, only 48 percent succeeded in reaching grade V. The U.S. Country Reports dwelt at length upon this neglect of governments and society. According to them, there was no law for compulsory education and federal and provincial governments lacked resources to assure universal education. In addition, the Reports identified a host of other factors accounted for the sorry state of affairs. One was the low percentage of Gross National Product (GNP) allocated to education. Then there was the role of inefficient and corrupt federal and provincial high officials in charge of education. A member of the Prime Ministers Task Force on Education admitted that nearly half of the education budget goes into corrupt pockets. The U.S. Country Reports pointed out that even those students who reached fifth grade mostly failed to learn the skills of reading and writing. They cited the finding of a UNICEF survey of the children of grade V which showed that only 33 percent could read with comprehension and only 17 percent had the ability to write a simple letter.

The Reports refuted the government claims in 1997 that overall literacy rate was 30 percent. They opined that it was not higher than 15 percent. Of course, in 1998, a new education policy was announced by the government, which aimed at the construction of new schools and imparting increased Islamic education. Education is provincial subject
under the Constitution of Pakistan. Thus in 1998, following the suit, the Punjab government started an ambitious programme for increasing school enrolment and improving the quality of education. A comprehensive survey was conducted to identify school buildings that were lying idle or were being misused and the staff which was not performing its duties. The U.S. Country Reports appreciated the effort, hoping that it would help check the pilferage of the budget allocated to education.

Attention to child health, as late as 1998, remained exceedingly low, resulting in the highest infant mortality rate in the region. One child out of ten died at birth or soon thereafter. Nearly half of the country’s children lacked access to primary health care. The U.S. Country Reports discussed child health issues very often. According to them, medical services were quite inadequate in rural areas. This was in spite of the fact that the government of the Punjab was actively engaged in providing better health facilities to its people. It had also tried to check corruption by adopting private management techniques and getting the help of NGOs. Citing a UNICEF report, one Country Report, stressed that Pakistan had one of the highest ration of males to females in the world. The reason was the preference for boys over the girls. Female children were provided less food and medical care than male children resulting in higher percentage of girls dying before the 5th birthday. There were also some reports of female infanticide in poor families who were unable to support themselves.

Child labour was the most controversial issue in Pakistan in 1990s. The foreign press and agencies repeatedly highlighted the issue of child labour. For some years, there was a virulent propaganda in foreign press against child labour in Pakistan, and even attempts were made to ban items of Pakistani export in which children
were employed. The result was that Pakistani exports, especially of carpets, sports goods, etc., suffered immensely. This was done in spite of the protests from the government to the effect that child labour was a world wide phenomenon and Pakistan should not be singled out in this regard. In 1981, the UN estimates showed that 145 million children in the world under the age of 14 were in employment, mostly full-time. Out of these, 98 per cent (approximately 142 million) were found in the developing world. Out of such a huge number of working children in the world, the number of working children in Pakistan was no more than 3.3 to 3.6 million. However, nearly 30 million children in the world were worse off and were barely surviving through menial work, begging, theft and prostitution, with no proper home or family care. Thus, to single out Pakistan, for the condemnation of child labour was unjust and unfair. The issue was complicated further by the fact that poverty was “the underlying factor behind child work.” In turn, this poverty was the result of injustices of the international economic system, favoured by the developed nations. The 1988 State of the World’s Children Report by the UNICEF, thus noted:

In many nations children are without food or health care or schooling because of financial famine. . . In 1981 the net transfer of resources from rich to poor worlds was over $ 40 billion. By 1985, the position had almost reversed. The figures for that year were $ 27 billion from rich to poor in the form of aid and loans, and a staggering $ 54 billion back from poor to rich in the form of debt repayments and interest.

Thus, the U.S. thinking that child labour issue could be tackled by applying trade sanctions against the involved
country had a misplaced emphasis. Poverty had to be addressed first. In addition, there was evidence to suggest that the issue of child labour was being exploited for political and economic reasons. This aspect was highlighted in 1994, when Iqbal Masih, a young activist of the Bonded Labour Liberation Front, was murdered on a trivial matter in Gujranwala. The case drew international attention and carpet manufacturers and exporters were blamed for the murder. Even the members of the UN General Assembly took note of his death. The Western and Indian media exploited this murder to the extent that a ban on Pakistani carpets export was announced by the Western countries. However, later, a federal tribunal headed by a High Court Judge investigated the case and concluded that the carpet industry had played no role in his murder.

This is not to minimize the responsibility of the government and the society to end child labour. The problem is that the child labour has not been taken seriously. Government spokesmen often denied the extent and magnitude of the problem, insisting that it had been “blown out of proportion.” However, the child labour remained a very serious problem. A report of the International Labour Organization estimated that nearly half of the 50,000 children working in the carpet industry of Pakistan would never reach the age of 12. The Constitution prohibits the employment of children below 14 years of age in factories, mines and other hazardous occupations. But there was no blanket legal ban on child labour.

The U.S. Country Reports, therefore, acknowledged that the child labour was the result of many interlinked factors such as “severe poverty, employer greed, and inadequate enforcement of laws intended to control it.” They suggested that the absence of any compulsory primary education also
played a key role in the prevalence of child labour. The Reports claimed that workers under 18 years of age made up one-third of the total labour force. In 1996, the government announced the results of the first comprehensive child labour survey conducted in collaboration with ILO’s International Programme for the Elimination of Child Labour. According to the survey, 8.3 percent or between 3.3 and 3.6 million children of 5 to 14 years of age worked. The child labour was predominantly male and rural and nearly 60 percent belonged to the Punjab. The majority worked in agriculture, forestry, hunting and fishing industries. The U.S. Country Reports claimed that most observers were not satisfied with the survey and felt that it “understates the true dimension of the problem.” The Reports suggested that the number of working children was between 8 to 10 million. Though most of the child labour existed in the traditional framework of family farming or small business, children were also widely employed in carpet industry and export enterprises such as textiles, leather tanning, surgical instruments and sporting goods. Children started work at an early age. Girls of 5 or 6 years of age were entrusted the responsibility of looking after their young brothers and sisters.

Due to international criticism, the governments were constrained to work for elimination of child labour. Various measures were adopted. The U.S. Country Reports mentioned them routinely. For example, they reported that government agencies were trying their best to enforce the child labour laws. A national NGO, The Child Care Foundation, was established in 1996 with the support of the Ministry of Commerce. With collaboration of ILO’s International Programme for the Elimination of Child Labour (IPEC), the Government worked on a pilot programme of 24 rehabilitation centres for the former child labourers. Twelve such centres were operative and nearly
1400 children were involved with these centres. UNICEF, with the cooperation of the National Commission for Child Welfare and Development and the Labour Ministry, also planned a media programme for community awareness about child labour. Many foreign firms were invited to work for the elimination of child labour. Private exporters and NGOs worked with Government to create independent child labour welfare organizations for overseeing a child labour free certification system and for providing education and welfare for working children.\textsuperscript{71}

Child-trafficking was a “recurrent menace.”\textsuperscript{72} The children of the broken homes often became vagrants and fell an easy prey to such elements running \textit{begaar} camps or smuggling children abroad for all types of exploitation, ranging from work as child camel riders to child prostitutes.\textsuperscript{73} According to the U.S. Country Reports, children were kidnapped for use as forced labour, for the sake of ransom or for taking revenge. In 1993, an average of 400 children was kidnapped every month from the Punjab alone. Rape of minors was another major problem.\textsuperscript{74} The U.S. Country Reports, citing a survey, noted that, among the rape victims, nearly 40 percent were minors. Taking this into account, the Commission of Inquiry for Women stressed the need for educating people about the child-sexual abuse. It also recommended that a formal subject should be introduced in school curriculums and nurses and doctors should be trained in handling such cases.\textsuperscript{75} Child prostitution, prohibited under the criminal laws and punishable with severe punishments,\textsuperscript{76} continued to grow, though rarely discussed. The U.S. Country Reports claimed that, in Lahore alone, there were reportedly 2,900 full-time prostitutes in more than 1,200 brothels and out of these nearly 20 percent were minors.\textsuperscript{77}
Legal rights of the children were another source of anxiety for the human rights activists. In their opinion, “the entire legal structure of juveniles is in shambles.”

According to Human Rights Commission of Pakistan, “juvenile detainees constituted the worst off group of prisoners.” There were more than 3200 minors in jails all around the country. Most of these prisoners were charged with minor offences. However, a significant number had been detained under the Hudood Ordinances for rape or drinking. The U.S. Country Reports also voiced these concerns and stressed that the legal rights of the children were rarely enforced by the governments. They pointed out that, in spite of provisions that mandated special procedures for child offenders, in practice, the children and adults were treated equally. Many children spent long periods of time waiting for trial. One child spent more than 3 years for his trial to begin. One Peshawar jail alone had 183 children, 40 percent of whom were Afghan refugees. In 1998, the then Federal Labour Minister, Sheikh Rahid Ahmed, arranged for the release of 100 children who had been arrested for vagrancy but did not have the money to arrange for their bail.

According to one estimate, there were thousands of religious madrassahs (schools) in Pakistan where the condition of children was far from satisfactory. The children were kept in poor conditions. In some madrassahs, children were confined against their wall, and were kept in chains, “a mode of restraint normally reserved even in jails for those guilty of capital offence.” At times, cruel punishments were inflicted on them. In 1998, the U.S. Country Reports highlighted such incidents of mistreatment to the students of religious schools. It noted, in particular, a statement of Syed Afzal Haider, a member of the Council for Islamic Ideology, who had condemned the use of fetters for confining the children.
To conclude, according to the U.S., children were not treated well in Pakistan. They were not provided proper facilities for education and health. Child labour was a serious problem and millions of children were working in factories, workshops and at homes. Some governments, in collaboration with the international agencies, initiated some programmes to remove child labour. However, the effects of such initiatives were confined to certain specific areas such as carpet industry and sports goods.

According to the U.S., the rights of the children were not protected in Pakistan. In particular, education and health were the two areas where successive governments and the society failed to provide sufficient support to the children. Child trafficking was also a problem and runaway children often landed in the hands of gangs of beggars or in begaar camps. Child labour is also a major issue in which the U.S. perception did not take into account the situation on the ground. For Pakistanis, child labour is mainly an economic problem emanating from the lack of equitable distribution of wealth and of social justice. This problem could not simply be treated as a human right infringement and be solved overnight. If a total ban was imposed on child labour, it could well prove counter-productive as many families were dependent on the incomes of their children. However, the U.S. termed it as civil rights problem which should be dealt with by strict legislation and total ban without probably realizing that it may result in worsening the condition of these children.

Notes and References

1 U.S. Department of State, *Country Reports on Human Rights Practices, Reports Submitted to
the House committee on Foreign Affairs and the Senate Committee on Foreign Relations by the Department of State in Accordance with Section 116(d) and 502 B(b) of the Foreign Assistance Act of 1961, as Amended (Joint Committee Print). Prior to 1993, the reports have been consulted in print form. While, the reports, from 1993 to 1999, are available on the Website: http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html (accessed on 20-10-2000). Throughout this article, these have been cited as, US Country Reports along with the specific reporting year.


5 Generally birth of a male child is celebrated while the birth of female child is “frowned


13 Human Rights Commission of Pakistan states that the Council of Islamic Ideology “tended to make recommendations on the basis of narrow interpretations of Islam, often of especially negative consequences to women.” *State of Human Rights in 1997*, 180.


24 Malik, *State and Civil Society*, 166.

26 For a detailed study of the Ordinances, see Mehdi, *Islamization of Law*, Ch. 3, 109-54.


29 Majeed Auolakh, *Police Management and Law Enforcement in Pakistan* (Lahore: S & S Publishers, 1999), 91. He has shown that the number of Zina cases which were 1101 in 1981 reached the figure of 1865 in 1998.


46 The ILO Minimum Age Convention of 1973 has stipulated that “no child should be in full time employment under the age within that system of completing compulsory schooling and no case under the age of 15. Between 13 and 15, a child
might be employed in light work, provided that it was not such as to prejudice his or her attendance at schooling or training.” The Convention further provides that upto the age of 18, no one is to be employed in work likely to jeopardize his or her health, safety or morals. Peter Archer, “Slavery and Child Labour,” in *Human Rights for the 21st Century*, eds. Robert Blackburn and James J. Busuttil (London: Pinter, 1997), 98.


58 These figures have been compiled through a nation-wide child survey, jointly conducted by the Government of Pakistan and ILO. However, the US is not ready to accept the figures and believes that the survey “understates the true dimension of the problem.” *US Country Reports 1998*, 38 of 40.


60 UNICEF, *Situation Analysis*, 84. More than 32% of Pakistan’s urban population and 29% of rural population lives in absolute poverty. Poor children have to work for the survival of their families. Jilani, *Child Labour*, vii.


64 Beg, *Democracy Displaced*, 143. He has narrated an incident that a primary school in Jhinjhi (Thar) was closed down on the orders of a local politician Jam Sadiq Ali who was at that time Advisor to the Sind Chief Minister for Bonded Labour.

65 Jilani, *Child Labour*, viii. He laments that ministers and advisors are sending their children to the best universities in the West while 2.4 million children in Pakistan have not seen the inside of a school.


68 *US Country Reports 1998*, 38 of 40. However, one fails to see how the findings of a scientifically conducted survey could be contradicted without any proof. This viewpoint has just been borrowed from Human Rights Commission of Pakistan’s report. See for a comparative analysis, HRCP, *State of Human Rights in 1996*, 4-5.


74 According to the Children’s Rights Monitor, the sexual exploitation of children is a “double or even triple abuse, involving the misuse of economic power, age relations, and sexual oppression.” Quoted in Levin, “Rights of the Child,” 46.


76 Jilani, Child Labor, 130.


82 US Country Reports 1998, 33 of 40. An editorial of The Nation, dated 20 November 1998 reads that “it is the erring child’s right to be treated with sensitivity and to be reprieved and made a useful member of the society.”


85 Zohra Yusuf also narrates the story of a boy who escaped from a seminary in the Punjab and was killed on a railway track while attempting to break free from his chains. “Another Year of Living on the Edge,” *The Herald Annual*, 29 no. 1 (January 1998): 152.