



GOVERNMENT OF PAKISTAN



POLICY BRIEF

STREET-CONNECTED CHILDREN IN PAKISTAN

Education And Protection Challenges

ISSUED BY

NATIONAL COMMISSION ON THE RIGHTS OF CHILD

Authors



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National Commission on the Rights of Child (NCRC) was established by the Government of Pakistan under National Commission on the Rights of the Child Act- 2017. The mandate of the National Commission on the Rights of the Child in section 15 is to examine, review laws, policies, inquire into violation of child rights, examine international instruments and undertake periodical review of existing policies and programmes on child rights and make recommendations for their effective implementation in the best interest of children; advice the Federal Government to sign, ratify or accede to any proposed International Treaties, Protocols, etc.

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Preface

Street-connected children are one of the most vulnerable and marginal groups in Pakistan. They face a multitude of problems and live in abject poverty. Majority of street-connected children are exposed to deprivation and danger on the streets. They lack food, clean water, and adequate medical care on the streets, and most of them do not have access to education. These children live a life of suffering and insecurity and are often victims of physical, social, psychological and moral hazards. The phenomenon of street-connected children is also due to the breakdown of traditional family and community structures, which leave the children unprotected.



Childhood is the most important phase of human life. It is during this stage that the foundations for a healthy and successful adult life are laid. The formative experiences that street-connected children have can make or break their personalities and ultimately impact society as a whole. Children living on the streets are easy targets for exploitation and violence by their peers. Some of these children become involved in drugs and become a danger to others and are involved in street and organized crime.

Street-connected children are a problem we encounter every day. Special attention must be paid to this problem because children are the next generation and the progress of a country depends to a great extent on the present and future generations. If we allow street children to be left behind in their endeavours, the cycle of poverty and the countless human rights violations they face daily on the streets will only continue.

For this reason, the Commission recognizes street-connected children as a social problem and is issuing a Policy Brief that seeks to shed light on the plight of street children and address challenges in the areas of education and protection, and required institutional mechanisms. The Policy Brief identifies various policy, legal and institutional gaps that lead to children living on the streets and provides recommendations for duty bearers and other stakeholders to improve the situation of children in Pakistan.

Afshan Tehseen

Chairperson

National Commission on the Rights of Child

Section 1: Context

Pakistan is urbanising at the fastest rate in South Asia, and already, 50 per cent of the urban population in Pakistan lives in informal settlements or *katchi abadis* (Wilson Center, 2014). This is set to increase, with the urban population growing at a rate of 2.53 percent (UN Habitat, 2019). According to urban researchers, “Daily life in the worst slums ought to be considered a humanitarian emergency (OCHA et al., 2007).” The challenges of living with chronic vulnerability in overcrowded, squalid conditions without security of housing include very limited access to basic services including water, sanitation, healthcare and education and access to justice. There is a need to acknowledge the growing challenges of urbanisation and to find workable solutions.

Defining “street-connected” children

The term “street children” is an umbrella term used to describe children living in urban contexts and may be visible on the streets. While this particular phrasing is accurate in referring to a strong affiliation with the streets, it overlooks important aspects of their circumstances and identity (for more detail see Appendix 1 – Evolution of definitions).

For the purposes of this policy brief, we use the term ‘street-connected children’ to encompass the diversity of backgrounds and experiences of children in Pakistan. Street-connected children are those for whom the streets are a central reference point in terms of identity or survival – whether they live on the streets, work on the streets, have support networks on the streets, or a combination of the three.

For this brief, we refer to the term “street-connected” in order to convey a sense of the changing connections that children experience with the streets, while steering away from the stigma and narrative of victimisation associated with the term “street children.” There is a need to acknowledge that “street children” are not a homogenous group, and the multiple identities of children cannot be overlooked.

The phenomenon of “street-connected children” is growing with extreme urban poverty, which has worsened during the pandemic. Such children face exclusion from services as well as stigma from the public, and a range of **protection risks**, including neglect, exploitation by urban actors or criminal gangs, physical or sexual abuse or exposure to substance abuse. Their range of survival activities

can include street vending and begging, rag-picking, or sexual activity. These activities may be voluntary or a result of coercion.

The objectives of this policy brief are to:

- Apply a child rights-based lens to the problem of street-connected children;
- Provide a review of policy and programming in the areas of education and protection for this group; and
- Generate recommendations based on global and local good practices.

The goal is to provide policymakers and civil society with an overview of the situation of children on the street, on the basis of which they can make informed decisions and initiate system-wide changes.

Who are these children?

A report by SPARC based on 100 households in 3 provinces showed 70% children living on streets are between ages 9 – 16 years. In Multan, Peshawar and Quetta, children as young as 5-6 years were also found working on streets (SPARC. 2018). In Pakistan, public perceptions of street children are often that they have no family and are associated with criminal gangs or mafias – but the reality differs across various contexts and cities. Some may be unaccompanied, but some may have homes to return to and have strong community connections.

The **communities** that street-connected children may come from differ according to city, but include economic migrants from within provinces or from other provinces, pulled from rural areas by the promise of a better life; those experiencing protracted internal displacement due to disaster or conflict, for instance those originally displaced by the War on Terror or operations in the northern/tribal areas; urban Afghan refugee communities, both registered and unregistered; and stateless communities such as ethnic Bengalis.¹ Often, they have very few legal protections.

While the government has expressed an intention of addressing challenges for “street children”, the response is hindered by a dearth of data as well as the lack of a complete picture of their challenges (DAWN, 2021). They remain “uncounted, unheard and unseen” - and more research needs to be done to address the risk factors that push them onto the streets (M. Ansari, 2019a).

¹. See: “Stateless and helpless: The plight of ethnic Bengalis in Pakistan”, Al-Jazeera <https://www.aljazeera.com/features/2021/9/29/stateless-ethnic-bengalis-pakistan>

VOICES from the street

(Case study 1 - ICT)

“It’s been many years. My mother and father lived here, my grandmother died here. I was also born here.”

Azra* lives in a *katchi abadi* in ICT with her uncle and aunt, brother and cousin. Her father remarried after her mother’s death, and does not support her. Her grandmother used to beg and her grandfather was a labourer. Now, her uncle is a labourer and she used to go out onto the streets to beg when money was scarce. The last time she went, it was to get money for her uncle’s operation. She was caught by police and spent the night in jail, and it was difficult to get her out.

Azra belongs to a mostly Punjabi community, where few adults or children have identity cards. She is not in school. *The story of intergenerational poverty is repeated across households, with little hope to change it.*

In terms of **education**, Pakistan has the second highest number of Out of School Children (OOSC) in the world, at about 22.8 million (UNICEF.2019). Street-connected children are part of this number, as they are often forced to choose between going to work or to school. That being said, many children who work on the streets may simultaneously be in school – while facing risk of dropout and barriers to real, quality learning.

Children with experience of the streets, especially those who have lived independently, have a strong sense of agency. Those with loose family connections who leave home due to violence or neglect may find strong systems of peer support, and may enjoy taking their own decisions about what to eat and where to spend their income. The stressors and trauma that they experience shape their choices and how they interact with the world.

Acknowledging the multiple identities of street-connected children is the first step towards addressing the complexity of the challenges they face, and beginning to tailor policies according to the needs of different groups.

VOICES from the street

(Case study 2 - Unprotected in Peshawar)

Azad* is an eleven-year-old child living in Peshawar, he was adopted at birth and grew up with little to no connection to his mother and father. He spent much of his early childhood unsupervised and alone at the hospital his "aunt" worked at. At six years old, he began cleaning car windows for money and started to make friends with other children on the streets. By the time he was eight he had dropped out of school, mostly as a result of constant moving which decreased his connection to learning. Throughout these years, with very little adult care giving, Azad became more connected to his friends and soon started to spend night and day with them on the streets. This led to the beginning of his drug abuse and involvement with street gangs.

An NGO outreach team found him and encouraged him to access a shelter and services that could help him. The same day his "aunt" was informed and came to collect him from the shelter, thankful that he was safe. Within two days he was back on the streets. Over the years he had become strongly connected to peers on the streets and this connection was difficult for his "aunt" to break. Along with this, Azad faced physical and emotional abuse from strangers which increased his drug dependence and further detached him from her.

When found again by the NGO outreach team, Azad was referred to a drug rehabilitation facility. Over time, he began to participate and to try to build a sober life.

This case study highlights the importance of assessing individual needs and making appropriate referrals, in terms of care as well as rehabilitation.



Section 2: Child Rights Obligations

a) International obligations

Pakistan is a signatory to the **UN Convention on the Rights of the Child**, which affirms the survival, development, protection and participation rights of all children. While there are no provisions pertaining specifically to “street children”: the universal, indivisible, inalienable and interdependent nature of child rights means that the provisions apply equally to street-connected children. The relevant Articles pertaining to protection which should be taken into account for street-connected children include Art. 3, 19, 20, 24, 26, 27, 28, 32, 33, 34, 36 and 39.

The **UN General Comment No. 21 on Children in Street Situations** was released in 2009 to provide governments with guidance on developing comprehensive national strategies for street children, taking their respect, dignity and rights into consideration. Rather than a repressive approach that views street-children as “delinquents,” or a purely welfare approach with a “rescue” lens, the UNGC 21 argues for a **rights-based approach** which “ensures respect for the dignity, life, survival, well-being, health, development, participation and non-discrimination of the child as a rights holder.”

While the UNGC 21 has programmatic and policy recommendations on specific sectors including education and protection, ultimately, it considers street-connected children as being “experts on their own lives” (Article 12) where they “should participate in developing and implementing strategies” using a cross-sectoral approach. By drawing upon their existing strengths and knowledge, they can become assets for policy-makers.

b) National obligations

Depending on the nature of the work or the activity involved, or if the child requires special care and protection from abuse and exploitation, child protection and labour laws and their enforcement mechanisms may be relevant to the protection of street-connected children. The 18th Amendment to the Constitution in 2010 transferred responsibility for legislative reforms in the area of children’s rights to provincial governments.

I. Constitution of Pakistan

The Constitution of Pakistan is the supreme national law and guarantees fundamental rights to all citizens (Articles 8-28) including children. The Constitution contains specific prohibitions against torture and for elimination

of all forms of exploitation (Article 3). Article 11(1) prohibits slavery and declares that no law shall permit trafficking in persons. Article 11(3) prohibits the employment of children under the age of 14 in factories, mines, or hazardous work. Article 14 declares the right of citizens to dignity inviolable, but that is mostly affected in the case of street-connected children who experience stigma and multiple violations. Article 15 guarantees freedom of movement to every citizen throughout Pakistan to reside and settle in any part of the country.

Article 25(1) of Pakistan's Constitution states that "all citizens are equal before the law and are entitled to equal protection of the law." Article 25 A requires the country to provide free and compulsory education to all children between the ages of 5 and 16 years. Articles 34 and 35 establish the full participation of women in all aspects of national life and the protection of marriage, the family, mothers, and children.

Article 37 deals with social justice and the elimination of social evils, and provides in subsection (e) to ensure just and decent conditions of work and to ensure that children and women are not employed in occupations unsuitable for their age or sex. Article 38 deals with the promotion of the social and economic welfare of the people, and the state is responsible in subsection (d) for providing basic needs (food, clothing, housing, education, medical care) for all citizens, including children who are permanently or temporarily unable to earn a living because of infirmity, illness, or unemployment.

II. Pakistan Penal Code, 1860

The Pakistan Penal Code (PPC) of 1860 is the main criminal code of Pakistan. It is a comprehensive code covering all substantive aspects of criminal law. **In Section 82 of PPC if a child commits any offense under the age of 10 years there will be no criminal liability, not to mention the offense of a vagrant or a street child, which is considered a "status offense."**

Section 328 of the Code also makes it an offence for a parent or other person caring for a child under 12 to abandon the child altogether. Under the Pakistan Penal Code, 1890, amended in 2016 Section 328-A, neglect of a child is punishable as a form of cruelty to a child, which includes intentional bodily harm, ill-treatment, neglect and abandonment, provided it causes physical or psychological injury.

c) Special laws for dealing with street children

III. Child Protection Laws in Pakistan

a. Islamabad Capital Territory Child Protection Act, 2018

The Islamabad Capital Territory Child Protection Act was enacted in 2018 to provide protection and care for children in the Islamabad Capital Territory from all forms of physical or mental violence, injury, neglect, maltreatment, exploitation, abuse, and all related matters. The Act references street children as child in need of care and their right to be protected under Section 5 (b): 'A child in need of protection and care shall include a child who (b) is unattended, victim of an offence, child domestic and such other workers, found begging, imprisoned with the mother or lives in an immoral environment. Rules of Implementation of ICT Child Protection and Care Act 2018 were notified on March 13, 2021.

The law provides for the establishment of an inter-agency Child Protection Advisory Board to advise the government on child protection issues and policy matters, ensure effective coordination and implementation of child protection and care mechanisms, and recognize, regulate, and monitor all child care organisations. It also mandates the establishment of one or more 'child protection institutes' staffed by child protection officers to receive and assess reports of children in need of protection and care, manage individual cases, and maintain data on children in need of protection and care. A Child Protection Institute (CPI) for boys has been established for protection and care under the Ministry of Human Rights.

Gaps: Implementation of the law needs to be improved. Allocations for child protection initiatives are inadequate, and only one CPI has been established for boys in a remote location. No quality standards have been adopted for the care of CPIs. There is a need to establish a secretariat to ensure effective coordination with other departments such as labour, education, police, civil administration, etc. Also, given the need and nature of cases in the ICT region, child protection officers need to be appointed. The Islamabad Capital Territory Child Protection Act 2018 requires child protection officers to conduct a comprehensive assessment of the needs of the child and his or her family and develop a plan of care. However, the range and types of services that should be available to children and their families are not explicitly stated.

b. Punjab Destitute and Neglected Children Act, 2004

The Punjab Destitute and Neglected Children Act 2004 provides rescue, protective custody, care and rehabilitation of destitute and neglected children in Punjab. The Act contains provisions to protect street children from the streets and other harmful environments while criminalising begging, and rescue children from begging under Section 24 of the PDNC Act 2004. It defines 'begging' very clearly and classifies a begging child as a 'destitute and neglected child'. Punjab Destitute and Neglected Children Act of 2004 provides for the establishment of a Child Protection and Welfare Bureau (CP&WB), with an inter-agency board of governors, local child protection units, child protection officers and a court. The functions of the Bureau and units include managing and supervising child protection institutions and monitoring and supervising the prosecution of violations of the law. Through the amendments in the PDNCA in 2017, the Bureau has been given the mandate to register organisations managing accommodation for destitute and neglected children. Section 36, 36A, 36B contain penalties for employing children or inducing children to engage in economic activities such as begging or selling goods or inciting child for rag picking, including fines and non-bailable terms of imprisonment.

Gaps: Some of the biggest gaps in PDNCA 2004 were that the scope of the law is limited only to only destitute and neglected children and outreach is limited. The categories of children at risk have been broadened through the PDNCA (Amendment) Act, 2017. CPIs do not exist in all districts of Punjab. There is overlap between the services provided by CPIs and the centres established and operated by the Social Welfare Department of the Government of Punjab. Only one court has been established in the premises of CP&WB. CP&WB Punjab is simultaneously acting as a regulatory and monitoring agency, although it is supposed to be a service delivery institution. The rules have not yet been announced by the administration. The law assigns the mandate for child protection to the Home Department rather than the department responsible for social welfare. The penalties applied for parents are not always deterrents to sending children out again and a more holistic response is needed.

c. The Balochistan Child Protection Act, 2016

This law contains definitions of various categories of violence against children, including psychological violence, physical violence, sexual abuse and exploitation, etc. It provides for the establishment of a Child Protection Commission to coordinate and monitor child protection, abuse, violence, and

exploitation issues at the provincial and district levels, ensure the effective implementation of the child protection referral mechanisms, and support the provision of effective rapid response for child protection in provincial emergencies such as natural disasters or the outbreak of armed conflict. The law also outlines the child protection functions of the Social Welfare Department in the area of child protection. These include maintaining data on child abusers and persons convicted of crimes against children, establishing and maintaining a helpline for direct complaints, appointing, training, and monitoring child protection officers in each District Child Protection Unit, and regulating all child protection services in the province. The government must establish a District Child Protection Unit within the District Social Welfare Office, headed by a qualified Child Protection Officer, with full and comprehensive responsibility for case management and referral of all reported cases of child abuse in the district.

Gaps: The law is poorly implemented in the province. At the district level, there is a lack of mechanisms to coordinate with the committee and relevant departments, and there is also a lack of an effective referral system and resources to investigate and prosecute child protection cases. The Balochistan Child Protection Act, 2016 could have an inclusive approach by adding terms like transgender, street-connected children, and abandoned/orphaned children.

d. Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010

According to the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010, the Child Protection and Welfare Commission, KP acts as the focal point for managing child protection and welfare work at provincial and local levels and for developing and coordinating activities, programmes and plans for the development, protection, survival, participation and rehabilitation of vulnerable children. Its functions include implementing measures for the prevention, protection, rehabilitation, and reintegration of children at risk; establishing, managing, supervising, and monitoring Child Protection Units; and providing protection through the establishment, management, and recognition of Child Protection Institutions. The law also requires the establishment of district-level child protection units staffed by child protection officers. The Units' responsibilities are broad and include prevention, early intervention, and response. The law includes several offences against children with prescribed penalties. Offences included in the law include: Child Pornography, Sexual Abuse, Sale of Child Organs, Corporal Punishment, and Begging and Trafficking in Children.

Gaps: The Act does not authorise the Commission to investigate complaints of violations of children’s rights, including a child’s right to protection. Nor does it empower the Commission to summon persons or record and enforce its orders to redress complaints and curb child abuse, violence, exploitation and neglect in Khyber Pakhtunkhwa. The Commission is an independent body with oversight and monitoring functions and is also responsible for service delivery. The roles and responsibilities for service delivery and oversight are not separate under the law. The law needs to be aligned with other national laws such as Pakistan Penal Code 1860, Zainab Alert, Response and Recovery Act 2020 and JJSA 2018.

e. Sindh Child Protection Authority Act, 2011

The Sindh Child Protection Authority Act of 2011 provides for the establishment of a Child Protection Authority to coordinate and monitor child protection-related matters at the provincial and district levels, ensure the rights of children in need of special protection measures, improve and strengthen existing services provided by various child protection agencies, set minimum standards for services, and mobilise financial resources for child protection programmes. The law provides that the authority may appoint Child Protection Officers and establish a Child Protection Unit (CPU) for a local area. When the law was amended in 2021, it specifically mentioned street children. It also included a clause stating that “to support Social Welfare Department for establishing a well-coordinated child protection case management and referral system to protect children from all forms of abuse” and that a special court for child protection shall be established. CPUs have been established in 30 districts of Sindh under this law.

Gaps: Some of the loopholes in the law are the lack of proper delegation of powers and administrative authority to the administrative department. Also, CPUs and protection measures by the Social Welfare Department are not clearly delineated, i.e., roles and responsibilities, as well as coordination mechanisms and roles of law enforcement authorities, are not specified in the main provisions. The law’s definition list lacks an adequate explanation of child protection. Special courts have yet to be established, or duties are not assigned to existing courts. The Sindh Child Protection Authority Act, 2011 does not specify the types of care and protection services to be available to children and their families.

f. The Sindh Children Act, 1955

The Sindh Children Act, 1955 provides for protective measures for a child who is homeless or destitute. A child is defined as a person under 16 years of age who has no home, who wanders without a fixed abode, who has no visible means of subsistence or who is found begging, who is destitute or illegitimate and who has no means of subsistence other than alms, who has no parent or guardian, or who has a parent or guardian who is incapable of exercising proper care and guardianship, or who does not exercise proper care and guardianship; is known to associate or live with prostitutes or persons of criminal or drunken habits; resides in or frequently goes to a place or places devoted to prostitution, drinking, or gambling; or otherwise falls into bad company, exposes himself to moral hazard, or begins a life of crime. Under this law, the state must provide for the custody and protection of children while punishing parents and guardians who wilfully neglect and abuse children.

Gaps: The Sindh Children's Act was passed in 1955, but the notification for its enforcement was not issued until 1974. Although so much time has passed, implementation remains poor and it needs to be read in conjunction with the Protection Act as well as UN General Comment No. 21. Child is defined as any person under 16 years of age which needs to be revised to 18 years in compliance with UNCRC and other Laws.

g. The Sindh Street Children Shelter Home Act, 2018

The Sindh government enacted the Sindh Street Children Shelter Home Act in 2018 to provide for the welfare and protect the rights of street children by establishing shelters for them. Under this Act, the government will establish '*Hamara Ghar*' homes initially in Karachi and Hyderabad (in first five years) and later in the remaining districts of Sindh. These homes are to be managed through a public-private partnership. Children will be provided with facilities such as schooling up to matric level, sports and recreational facilities, and vocational qualifications. There will be a separation of facilities for boys and girls within the shelter home and the government will be responsible for their welfare, education and health until they reach 18 years of age. Two shelter homes are being constructed in Korangi and Malir to accommodate around 400 street children (Dawn 26-2-2020).

IV. Vagrancy Laws

The Sindh Vagrancy Act, 1947 was the first legislation in any territory of Pakistan, which provided for the welfare of vagrants in the province of Sindh. This Act was repealed by the West Pakistan Vagrancy Ordinance, 1958. In the Ordinance, vagrant is defined as a person who receives charities in a public place, or exhibits wounds or sores for the purpose of receiving charity. Under this law, the government is directed to provide welfare homes for the vagrants to be placed under custody and detention. Administrators shall be appointed for the provision of medical needs of vagrants and priority for the education and rehabilitation of children. The law empowers police to arrest prospective vagrants with the authority to seize anything found on the person. Vagrants shall, however, have the right of fair trial before the magistrate. Vagrants found guilty will serve their term in welfare homes, not exceeding a term of three years.

Three provinces in Pakistan have adopted the same Ordinance under their respective provincial names. The Government of Khyber Pakhtunkhwa has repealed the West Pakistan Vagrancy Ordinance, 1958 by enacting the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010.

No province of Pakistan except Khyber Pakhtunkhwa has repealed the West Pakistan Vagrancy Ordinance, 1958 - an ordinance that considers vagrants as criminals and not victims. Section 7 of the said ordinance empowers police officers to arrest or search persons who appear to be vagrants/beggars or to seize anything found on them without a court order or warrant.

V. Child Labour Laws

All provinces and ICT regions have their own laws regulating and prohibiting child labour. The Islamabad Capital Territory has the Employment of Children Act 1991, which states that a child who has not attained the age of 14 may not be employed in certain occupations or “workshops.” These include any occupation related to railways, a port authority, the sale of firecrackers and fireworks in stores with temporary licences, and workshops that perform certain processes such as making bidis, weaving carpets, and manufacturing goods. The ban does not apply to children working in a family business or to children working in the informal sector. Under the Factories Act, the Shops and Establishments Ordinance, and the Mines Act, the minimum age for employment is 15.

The Punjab Restriction on Employment of Children Act, 2016 applies to employment or work in any establishment, defined broadly to cover the formal and informal sectors in section 2. The Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015 includes a broad definition of “establishment” that covers both the formal and informal sectors, but it does not apply to small-scale agricultural landholdings producing mainly for self-consumption and not employing hired workers. The Sindh Prohibition of Employment of Children Act, 2017 applies to employment or work in any establishment, defined broadly to cover the formal and informal sectors.

The Government of Balochistan has enacted the Balochistan Employment of Children (Prohibition and Regulation) Act, 2021, which provides for both prohibition and regulation of employment of children. A child is defined as a person below 14 years of age. Under this law, no person under the age of 18 may be employed or admitted to work in hazardous occupations and in the worst forms of labour. **Article 11(1) specifically mentions that the problem of street children aged 5-14 will be addressed through a comprehensive, time-bound action programme to eliminate child labour and rehabilitate them.** This law applies to employment or work in any establishment in the formal or informal sector of the economy where work is performed or carried out.

Children engaged in economic activity on the street often fall outside the scope of labour laws, as most of these laws refer to children employed by others, while street-connected children are often self-employed or employed by their parents. There are differences between provinces, but a major challenge that needs to be addressed is the discrepancies in the age at which children are allowed to work, especially where they do not comply with ILO Convention 138 on minimum age for admission to employment.

VI. Educational Laws

After the 18th constitutional amendment of Article 25-A, all provincial governments and Islamabad Capital Territory have enacted laws to comply with free and compulsory education for 5 to 16 years. The first was ICT when the Right to Free and Compulsory Education Act was promulgated in 2012. In 2013, the Sindh government passed the Sindh Right of Children to Free and Compulsory Education Act. In 2014, the governments of Punjab and Balochistan passed the Punjab Right to Free and Compulsory Education Act and the Balochistan Right to Compulsory Education Act, respectively. The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act was promulgated by

the KP government in 2017. Of all these laws, the ICT, Sindh and Punjab have comprehensively elaborated roles and responsibilities of: State/Governments (provincial and local), Private Schools, Parents, SMCs/School Councils, Teachers/School Principals and Boards of Supervisors for the implementation of the law.

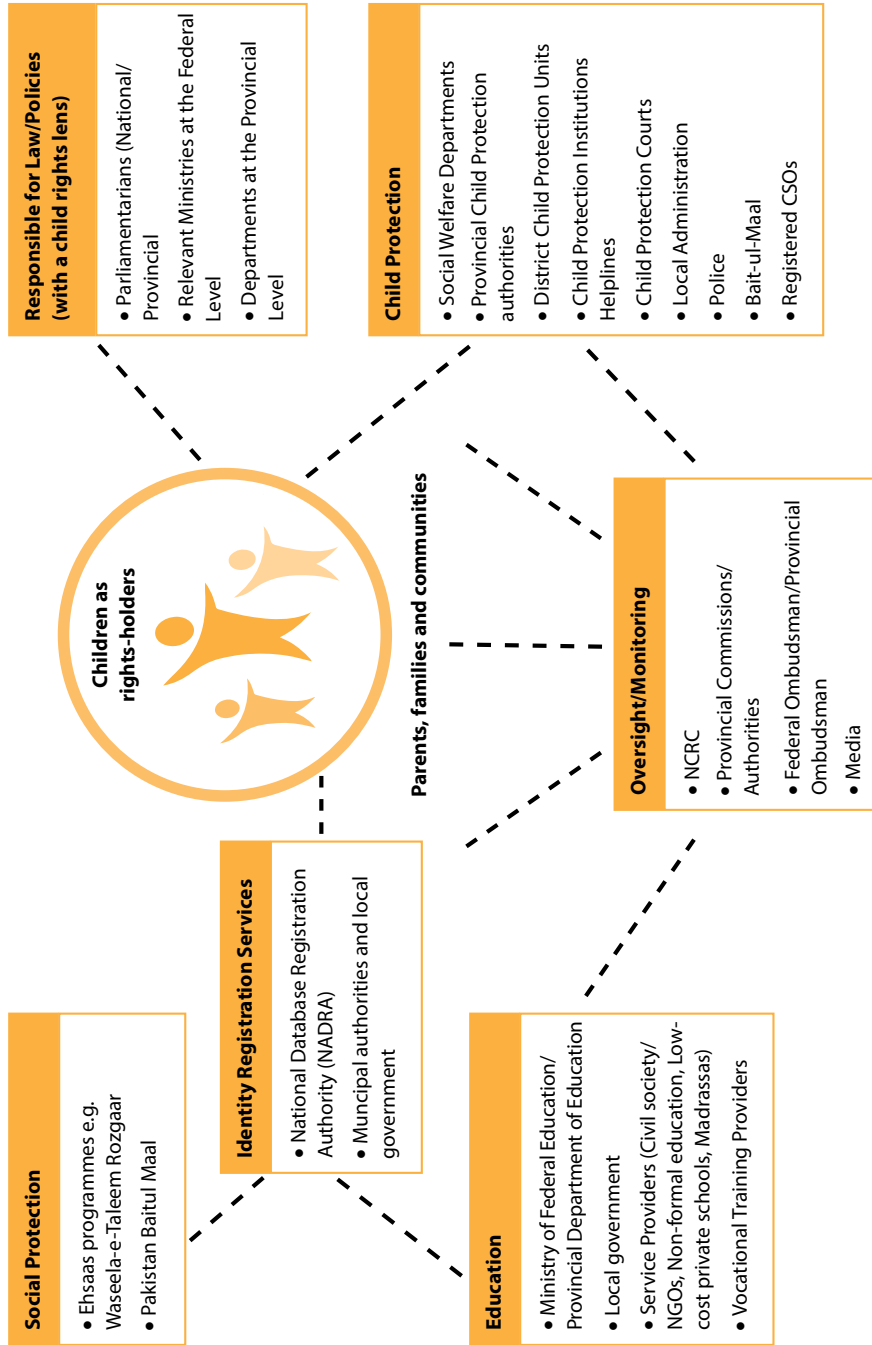
The implementation of these laws depends on the Rule of Business, which are yet to be framed by respective provinces. In addition, a major obstacle to implementation is the lack of financial resources. The existing infrastructure is inadequate and there is a lack of schools. Schools face problems such as teacher shortages, teacher absenteeism, lack of basic facilities, and a poor learning environment. In addition to ensuring 100 percent enrolment for all children, the government should prioritise out-of-school children, as their enrolment is critical to addressing Pakistan's persistent educational disparities and tackling the problem of street-connected children in Pakistan.



Section 3: Mapping Stakeholders

This section provides an overview of some – though not all – relevant stakeholders involved in education and protection for street-connected children. The purpose is to highlight the possibilities for coordination and collaboration across sectors and departments.

Stakeholder ecosystem for street-connected children



Snapshot – Stakeholders for ensuring education and protection

a) Policy and legislation

• Federal Ministries

The jurisdiction of federal ministries over children's issues is limited to Islamabad Capital Territory after 18th Constitutional Amendment.

Ministry of Human Rights is the federal government agency is mandated for the reinforcement of the essential institutions for safeguarding the human rights as per the Constitution of Pakistan, the Universal Declaration of Human Rights and the International Human Rights Conventions and Covenants ratified by the Government of Pakistan. It has been active in raising child protection issues and played important role in the enactment of the Zainab Alert, Response and Recovery Act , 2020, the National Commission on the Rights of Child Act, 2017 and the ICT Child Protection Act, 2018. It is also involved in the oversight of child protection institutions and mechanisms in ICT.

Other important stakeholders at the federal level include Ministry of the Interior, which oversees the police and ICT Administration. The Labour Welfare Department, under the ICT Administration, is responsible for implementing labour laws in the Islamabad Capital Territory. Other key stakeholders at the federal level include the the Ministry of Overseas Pakistanis and Human Resource Development, the Ministry of Federal Education and Professional Training and the Ministry of Law and Justice.

• Provincial Departments

In all provinces, the important stakeholders are Department of Social Welfare, Department of Labour, Department of Education, Home Department and Law Department.

• National Parliament/Provincial Assemblies

Parliaments around the world have three main functions: to represent the interests of citizens, to pass laws, and to oversee the actions of government. Parliamentarians can be engaged in the process of advocating for and passing legislation to guarantee access to basic rights for street-connected children especially the concerned standing committees. The members of the Womens' Caucus and Education Caucus can in particular be galvanised for this purpose, as well as the SDGs Secretariat and the Child Rights Committee.

Parliamentarians at the federal and provincial levels are in a unique position to shape, advance, and implement the policy framework for street children in Pakistan. They should lead the development of relevant laws and policies, act as opinion leaders to set the policy agenda to support street-connected children, adopt budgets, monitor implementation, and ensure accountability for national and international commitments.

b) Identity Registration

• NADRA

Identity is a human right that gives access to other rights. This is acknowledged in child protection legislation, e.g. under Section 25 of the ICT Child Protection Act 2018, “Every unattended child shall be registered in accordance with the provisions of the National Database and Registration Authority Ordinance, 2000.”

In reality, street-connected children and their communities are often under the radar, either voluntarily or due to lack of awareness and knowledge about the mechanisms and services that are available.

• Local/District Governments

Civil registration Management system is present at the local government level, to register vital events including birth, marriage and death.

c) Social Protection

• Ehsaas Programme

Ehsaas is a national-level social protection initiative that is an umbrella for several programmes aimed at poverty alleviation. It operates according to a registry, which determines eligibility for support under the various programmes. While all initiatives aimed at alleviating urban poverty will have spill over effects for street-connected children and their communities, the specific programmes that can apply include:

- the Kafalat programme aimed at financial inclusion for women;
- the Education Stipends which provide conditional financial assistance to Kafaalat eligible families for the education of their children aged 4- 22 years at primary, secondary and higher secondary levels (higher for girls at all levels).
- Ehsaas Nashonuma, aimed at addressing malnutrition.

• Bait-ul-Mal

Pakistan Bait-ul-Mal (PBM) is an autonomous body that operates at both federal and provincial levels. Its purpose is to facilitate poverty alleviation by helping destitute, orphans, widows, and other marginalized sections of the society such as street children. PBM is also a part of the Ehsaas initiative and has several relevant projects including Dar-ul-Ehsas, which provides shelter and sustenance for orphaned children; the Child Support Programme aimed at raising enrolment; and the PBM School for Rehabilitation of Child Labour, meant to protect children from hazardous labour (with mention of begging).

d) Education

• Provincial education departments and local government

Each province has autonomy over the running of public schools and has a commitment to ensuring Education for All. District Education Officers can play a key role in raising enrolment for out-of-school children and offering education options that are appropriate for communities.

• Education service providers

The education system in Pakistan is divided into six major levels: preschool, primary, middle, high, intermediate, and university programs. If looking at 11 years of education for street-connected children, between 5 and 16 years, there are four main categories of schools that can serve them:

- public schools,
- private schools,
- non-profit private schools
- madrassahs(UNESCO, 2010).

The Annual State of Education Report (ASER) survey in *katchi abadis* (2021) shows that the highest enrolment of children in *katchi abadis* is in private schools including madrassahs (59%). This could be because of barriers to accessing government schools (see Section 3: Gaps and Challenges) and also the perception that low-cost private schools offer a better standard of education (ASER,2021). Enrolment rates in madrassas has reportedly been 8% - significantly higher as compared to overall madrassa enrolment in the country.

- **National Vocational and Technical Training Commission (NAVTTTC)**

This is the apex body of at national level to regulate, facilitate, set skills standards, accredit and develop skilled human resource in the Technical & Vocational Training Sector, enhancing employment for the youth, contributing to the national productivity and development. **There is a need to provide children on the urban margins with the means to break the cycle of poverty and contribute productively, by offering skills that are relevant to the evolving economy.**

e) Child Protection

- **Ministry/Department**

The Ministry of Human Rights and the Ministry of the Interior at the federal level, while the Departments of Social Welfare and the Home in the provinces are the parents departments of the child protection agencies, having cross-cutting roles and responsibilities depending on territory/provincial legislation as outlined in Section 2.

- **Child Protection Authorities and District-level CPUs**

Each province is meant to have designated child protection facilities, in accordance with respective provincial laws, including Child Protection Units and Institutions at the district level, and to offer facilities for children in need of protection and care e.g. complaint handling, reunification of runaway or missing children; psychological counselling and shelter. The exact functions differ slightly, but an overview of some of the child protection mechanisms available under child protection laws is shared in Section 2.

- **Child Protection Courts**

All matters involving children in contact or conflict with the law should be handled by specialised courts as provided for in the respective child protection laws or the Juvenile Justice System Act, 2018. Child protection courts can play a key role in protecting street children, providing child-friendly and fair justice to children, protecting them from violence and abuse, and directing authorities to take action for their welfare as provided by law. Courts can have the power to award custody of children, with the best interests of the children as the primary consideration.

- **Police**

Contact with the police differs according to whether children are “in contact with” or “in conflict with” the law. The **first point of contact for vulnerable children should be a social worker**, not law enforcement agencies, but in practice children who are on the streets are often in contact with the police. The relationship can be based on fear and mistrust on the children’s side², and there is a need to set up **protocols** in order to ensure that children’s rights are safeguarded and there is a positive relationship with those who are meant to protect them.

- **Additional facilities/Services**

Beyond the mechanisms established by the Child Protection Acts, additional facilities also exist run by different departments or ministries. For example, in Punjab the Child Welfare and Protection Bureau comes under the Ministry of Interior, but there is scope for coordination with and referral to the *Nigehbaan* centres run by the Social Welfare Department. In Balochistan, the Social Welfare Department runs a “Beggar’s Rehabilitation Home” to reduce beggary, with children meant to be referred to the Child Protection Bureau. In Sindh, besides Sindh Child Protection Authority, the Provincial Commission for Child Welfare and Department (PCCWD – Sindh) also works for the welfare of children under department of Social Welfare to safeguard child rights; suggest remedies of child abuse, and arrange seminars. It manages the Child Protection Management Information System (CPMIS) a monitoring system for database on Juvenile Justice and child related crimes. Bait-ul-Maal also offers services in each of the provinces so there can be scope for referral and coordination.

f) Oversight and Monitoring of Child Rights in Pakistan

- **National Commission on the Rights of Child (NCRC)**

The Federal Government has constituted the National Commission on the Rights of Child in exercise of powers conferred by Section 3(1) of the National Commission on the Rights of Child Act, 2017. The Commission has an overarching mandate in relation to the promotion, protection and fulfilment of the rights of the child and is empowered to investigate and review laws, policies or

². See: UNICEF(2004), Street Children’s Experiences In The Injustice System and Pachchaan. (2009). Runaway Children in Lahore: An Experience Sharing Report on Push and Pull Factors and Best Practices

practices, investigate violations of the rights of the child and advise the federal and provincial governments to take action for effective implementation. The Commission also monitors the compliance of UNCRC in Pakistan.

- **Federal and Provincial Ombudsman**

The role of the Federal Ombudsman and the Provincial Ombudsmen is to hold government agencies accountable within the scope of their jurisdictions, to handle complaints, to conduct independent investigations into “maladministration,” and to address systematic problems in order to eliminate maladministration. The Federal Ombudsman has constituted a National Committee on Children in 2022 to monitor the status of rights of children in Pakistan especially children at risk, and address systematic issues relating to child rights.

- **Media**

The media plays an important role in upholding the rights of children by reporting on the issue of street children and raising public awareness of the problems faced by street children in order to bring about lasting change in attitudes as well as in prevention, awareness and accountability of those responsible.

Non-governmental Organisations

Today, there are a number of non-governmental organisations in Pakistan and around the world that take on different tasks depending on their expertise, mandate and objectives to address the problems and improve the lives of street children. This is done by providing facilities for children such as drop-in centres, non-formal education, vocational training, shelters, etc. NGOs also play an important role as watchdogs, organising capacity building sessions for duty bearers, raising community awareness, advocating for policy and legal reforms, and more.



Section 4: Gaps and Challenges

1. Legislative challenges

- **Disharmony in laws.** Article 25(A) (which deals with the right to education), Article 11(3) (which forbids employment of children) and the Pakistan Penal Code's section 82 (which grants blanket immunity to children below a certain age) all have different upper limits for the age of children. This disharmony is also reflected at the provincial level. Standards and mechanisms need to be established for the protection of children under an agreed minimum age to address child labour, early marriage, school dropout, reporting, and case management of children at risk.
- **Criminalisation and status offences.** There is a mismatch between the rights-based approach of UN General Comment No. 21, and existing legislation that discriminates against street children by treating begging as a status offence. Vagrancy laws in Pakistan is a vestige of a colonial past, used to keep people from "loitering" or possibly organising against colonial rule; enable law enforcement authorities to charge any child above the age of criminal responsible (10 years) for begging. Children arrested for begging can be tried as adults due to a lack of documentation to verify their age.

Although according to protocols children are meant to be taken to protection facilities rather than detention facilities, in fact there are reports of juveniles being detained in adult prisons. In addition, those who are already vulnerable are made even more so, as parents are given a short window of time to produce documentation and proof of birth registration – requirements that are often incongruent with their reality. **According to the UNGC 21, "Criminalisation of begging or unlicensed trading can result in worse form of survival behaviours, such as commercial sexual exploitation."**

- **Laws, policies, structures and systems.** There is no specific law that deals exclusively with the problem of street-connected children in Pakistan. The implementation of other laws that address the issue of street children remains an enormous challenge. Rules of implementation of many laws have not been formulated or notified, including JJSA 2018, NCRC Act 2017, provincial education and labour laws, etc which are important for enforcement of laws. This shows that children's rights are given low priority and there is a lack of political will, adequate systems, organisation, and

adequate allocation of resources (financial and human) especially via **Social Welfare Departments**, Children Commissions/Authorities. The structures are often only symbolic, of good theoretical value but with little effort for actual implementation and sustainability. A number of committees proposed under various laws such as School Management Committees, Juvenile Justice Committees, District Vigilance Committees etc are either not notified or not functional.

2. Lack of Data

- **Uncounted and unheard.** There is not enough information on children in urban poverty, who live or work on the streets. A widely quoted number from SPARC was that there are about 1.5 million street children in Pakistan, but in reality the number may be much higher. If they remain “uncounted, unseen and unheard,” then policies and programmes will not be crafted to match their reality and may be ad-hoc or short-term, without addressing long-term challenges (Madeeha Ansari, 2019). More information on children and consultation of their communities is needed in order to identify strategies that will not only take children off the streets, but keep them from returning.
- **Invisible and unseen.** Data collection is complicated by the fact that many urban communities are unrecognised, or themselves prefer to stay under the radar because they fear forced eviction or - in case of Afghan-origin communities - possible repatriation. Even when families relocate from one place to another, there is no system of registration. Data collection to gauge the scale of the challenge, while avoiding stigmatising street children or exacerbating vulnerabilities will require commitment, resources and creative research methodologies (See Section 5: Recommendations).

VOICES from the street

(Case study 3 - Stateless in Karachi)

Abdullah* is 15 years old and has spent most of his childhood on the streets in Machar Colony – one of the largest informal settlements in Karachi and home to 800,000 people. In addition to being marginalized due to poverty, his family also faces struggles of identity due to being ethnic Bengalis. 65% of the people in this community are ethnic Bengalis. Abdullah's father works in the fisheries, his mother in the fishing season works peeling shrimps. He has 6 siblings, none of whom are at school. In the evenings Abdullah helps his father as they set up a cart with biryani to enable them to earn extra money.

Abdullah is deprived of access to education due to his stateless status. His dream is to be able to go to school, study and join the army. The only thing that he thinks that stands in his way is his lack of an identity document.

"If I had an identity document, I would be able to go to school, work in a better environment and be able to take my family to the hospital when they are unwell. Everything that we dream of is curtailed by the lack of a CNIC."

3. Barriers to Education

Although Pakistan is committed to education for all in principle, in practice, street-connected children face issues in access due to multiple reasons. To answer the question, "**Why are children not in school?**" It is important to understand the interplay of contextual factors. This includes individual child-level factors (including age, gender, health and cognitive skills) household (including income, ethnicity, size, parental education) school (quality, distance, use of corporal punishment) and community (general attitudes and lifestyle)(Naeem et al., 2021). In general, the barriers of urban poverty include:

- **Poverty and child labour.** For many families, there is a trade off between sending children to work on the streets, in homes or workshops or send them to school. Time at school translates into lost income. SPARC survey results revealed that 73% parents believed that children should not work, however, financial constraints were a major hurdle in pulling their children out of work.

For others, children are viewed as breadwinners and it will take concerted efforts to change the mindset. For children “of” the street with loose family connections and no other support, it is a matter of survival.

- **Lack of identity or birth registration documents.** Civil society organisations offering non-formal education to street-connected children have shared the difficulty in facilitating entry to mainstream schools, as non-literate parents find it difficult to navigate bureaucratic processes. Retrospectively obtaining B-forms can be a long and challenging procedure, especially when parents and whole generations do not have the required documentation. Urban refugees can face particular vulnerabilities and challenges, needing to deal with multiple departments and get clearance from SAFRON (Cities for Children 2019).
- **Perceptions about the value of formal school.** One of the reasons for low enrolment shared by practitioners is the perceived value of schooling and its link with future employment opportunities. If school is linked with improved future income or prospects of social mobility, it would increase the incentive to enrol and continue.
- **Quality and learning poverty.** Along with equity in access, the quality of learning determines how long children stay in school as well as their future options. The ASER survey of 2021 presents a snapshot of *katchi abadis* in four districts of Karachi and Lahore. It shows Institution wise, learning levels have reportedly been highest in private’s schools while being lowest in madrassas where only 7.4% could read a story and 4.4% were able to solve division (ASER,2021). The lack of foundational skills is partly due to a lack of quality early childhood learning options. Early year enrolment rate falls in *katchi abadis* fall behind at 38.1% as compared to 53% in urban areas. Given the range of mother tongues, a lack of a focused policy around this in early childhood education foundational years has exacerbated learning poverty percentage to 85% in Pakistan(ASER,2021). Children need to be able to build the skills to learn and perform well in school, and for street-connected children these would include important socioemotional skills that they may lack because of experiences of abuse and neglect. **They need tailored and focused solutions in order to overcome disadvantage.**
- **Re-enrolment of Out-of- School Children.** Pakistan has the second highest number of out-of-school children in the world, with about 22.8 million children aged five to 16. Nearly 10.7 million boys and 8.6 million girls are

enrolled at the primary level and the numbers drop to 3.6 and 2.8 million, respectively, at the lower secondary level. In the five- to nine-year-old age group, five million children are not enrolled in schools, and after primary school age, the number of OOSC doubles. Even though education budgets have increased and account for 2.8% of total GDP, the 4% target is still not being met (Fizza Farhan, June 2021). **According to the government's own figures, one in every four children in Pakistan has never stepped inside a school.** The Federal Ministry of Education has approved a framework to re-enrol out-of-school children in 2021 but there has not been much progress especially since education is a provincial matter. The federal Ministry of Education had promised to work with the provinces and districts, but that is easier said than done, because circumstances vary from region to region, and district administrations are nonexistent (Kashif Abbasi, March 2021).

4. Protection challenges

- **Domestic violence and abuse.** This is one of the main reasons for children having loose family connections or running away from home. The existing child protection mechanisms lack the capacity to handle the scale of the issue; residential or shelter facilities would not be able to accommodate all children in urban poverty facing risks of domestic violence or exploitation. **While helplines established by Child Protection & Welfare Bureau Punjab (1121), KP Child Protection and Welfare Commission (1121), Sindh Child Protection Authority (1121), Federal Ministry of Human Rights (1099) are a great resource,** reporting is limited by both lack of awareness and lack of faith that things will change. In a study by Pahchaan, it was found that more than 40% of runaway from Faisalabad and Gujranwala had run away 4 times, indicating failed attempts at reunification (Pachchaan, 2009). There is a need for longer term interventions with caregivers to ensure that children do not face protection risks at home or on the streets.
- **Sexual abuse.** This is a particular concern for runaway children and can go unchecked in several types of places that children frequent, such as transport hubs (rail and bus/wagon/truck), shrines, roadside restaurants, manjhi bistra hotels (taverns), or even mini cinemas. They can suffer both physical and sexual abuse at the hands of employers, with little recourse or protection from police. In cases where the police are perpetrators, it leads to a lack of trust.

- **Substance abuse.** The pathways to drug addiction and substance misuse can be influenced by combination of environmental factors – including extreme poverty and deprivation; physical and emotional abuse and neglect, including harsh treatment from caregivers; social exclusion and discrimination and peer influence – but also include personal characteristics including mental health and the resilience to cope with stress (UNODC, 2018). Street-connected children who face adversity early in life in Pakistan and exposure to drugs on the streets can get involved in misuse of substances ranging from glue-sniffing and smoking hashish – both of which are widespread in the larger cities such as Karachi, Lahore and Peshawar – to the less common but present danger of injecting heroine. Children exposed to drugs face a host of issues, including lifelong drug dependence, police exploitation and fatal infections such as HIV – but recent data is limited (DAWN, 2021).
- **Child labour and exploitation.** Each urban context differs, but street-connected children engage in a range of survival activities on the streets including begging for alms, rag-picking or vending small items to fulfil personal or family needs. There is a whole spectrum of vulnerabilities, at the extreme end of which is the risk of forced begging, recruitment for urban crime, exploitation for sex work and child trafficking.

Street-level outreach can help determine root causes and the appropriate protective response. In larger cities, children are at risk of exploitation by criminal networks force people to beg. The government remains inactive in the face of the powerful criminal networks, and district administrations have yet to develop an effective and workable strategy to take action against the real perpetrators.

- **Lack of access to facilities and funding constraints.** There is provision for the establishment of Child Protection Units at the district level, but insufficient resource allocation on the part of the government to sustain them. At the district level, there are meant to be Child Protection Units (CPUs), **but historically there has not been enough resource allocation to establish and run them.** In KP, for instance, the Zamung Kor residential centre exists in Peshawar but 12 CPUs established with UNICEF support have been closed since 2015. Hiring is now underway to reactivate CPUs in KP. In Punjab, the Child Protection and Welfare Bureau has also set up three Child Protection Units (CPUs) in disadvantaged communities, but more are needed. CP&WB

Punjab is not present in all districts of Punjab, as is the case in other provinces. The federal government has established a Child Protection Institute for boys in a remote location (Humak), but there is no facility for girls. **Strict regulations on the operation of non-governmental organisations have resulted in the closure of many services that were previously available.**

Stigma and harassment. Children on the streets are often stigmatised for being there, being treated as a nuisance or being labelled a “menace.” The language used to describe them and what they do often does not take their lives, their background and their own agency into account, either using a frame of victimisation or of criminalisation. Due to their vulnerabilities, related to “informal” status or lack of identity documents, they can face harassment from those who are present for their protection. According to a UNICEF report, harassment from police can include the following kinds of accusations: They accuse us of earning our money through illegal sex activities and demand their share; They take our personal things and call us drug addicts and thieves (UNICEF, 2004).

Addressing stigma has become increasingly relevant as children in urban poverty had their lives and livelihoods disproportionately affected by the pandemic and associated lockdown, leading to an increase in economic activities on the streets. Since late 2020, there have been efforts to conduct “anti-beggary” campaigns in various parts of the country, with the dominant narrative being that they are controlled by criminal gangs or mafias. While street-connected children may be vulnerable to exploitation by external groups, they are also increasingly associated with families facing increased economic stress. There is a need to review policies that penalise children and their families without addressing the structural problems that push them onto the streets.

Section 5: Recommendations

Policy-making for street-connected children is complex, but needs to be rooted in their reality in order to be effective. It is important to recognise the agency of children as well as ensure they are not all grouped into one category. The following are some recommendations to ensure that street-connected children have improved access to their rights, particularly education and protection.

Child Rights Lens

The UNGC 21 calls, among other things, for removal of discriminatory clauses and status offences, proposing a rights-based approach based on listening to children and their communities. In the child rights approach, the process matters as much as the end result and recognising children as rights-holders, with strengths and resilience to build upon, is a first step.

Recommendations for action

- 1) **Review of relevant federal and provincial legislation** affecting street-connected children, including Vagrancy Laws and Child Protection legislation, through a child rights lens, according to the guidance provided by the UN General Comment No. 21. In particular, removing their labelling from status offences based on poverty, homelessness and deprivation of shelter, so that children themselves are not criminalised for survival behaviour. UNGC emphasis is on restorative rather than punitive justice system, and for children to be rehabilitated as positively contributing citizens. It also calls for removal of any clauses that call for arbitrary round-up or detention of children, as **“Deprivation of liberty is never a form of protection”**.
- 2) **Amendments to relevant federal and provincial legislation** are needed to address gaps in child protection laws and mechanisms to protect street-connected children, and Rule of Business should be formulated and approved or pending approvals must be notified without further delay.
- 3) **Harmonisation of laws**, addressing discrepancies in age (refer to Section 2). Child protection laws generally define a child as someone under the age of 18. However, labour laws largely define them as 14 years old, or 15 years old in Punjab. Second, age does not coincide with education laws, which require children to attend school until the age of 16. Moreover, in ICT and Punjab, for example, economic activities that children engage in on the streets, such

as begging, are not explicitly classified as hazardous work, but are treated as protection risks in the legislation of CP. There's a need to ensure that child labour, education and protection laws reinforce each other to create a protective and enabling environment for street-connected children.

- 4) There is an urgent need to improve public governance by closing the gap between law and practice and creation of multisectoral, holistic national strategy for street children, addressing education and protection – a blueprint that can be adopted by provinces including:
 - a. Building the capacity of government departments dealing with children's rights and welfare at the national, provincial and district levels. It is also important to train stakeholders in cascading provincial multi-sectoral strategies.
 - b. Coordination between governments at the federal and provincial levels should be improved, with roles and responsibilities clearly defined.
 - c. Sensitive data collection to have an idea of the scale of the issue of street-connected children e.g. by employing a "head counting" methodology, which does not exacerbate vulnerabilities for children or communities (Street invest, 2019).
 - d. Outreach and consultation of key stakeholders, including the children and communities themselves. This would help to identify bottlenecks in accessing education and protection services for children.
 - e. Provincial governments should reform and invest in Social Welfare Departments so that they can better serve the protection of children, including street-connected children.
 - f. Accountability mechanisms e.g. in March 2022, Peshawar High Court responded to several petitions regarding the implementation of the Child Protection Act, and directed the Social Welfare Department to produce a detailed report about the issues faced by street-connected children, as well as the state of current welfare facilities. Such a drive for periodic reporting and accountability from relevant departments will ensure implementation of laws.
 - g. Establishment of juvenile courts and panels for free legal aid, notification of juvenile justice committees, strengthening the probation and parole system for diversion, and establish observation homes and rehabilitation centres for juveniles provided under JJSA 2018.

International Good Practice

(Examples of National Strategies)

Uruguay and the Philippines are two examples of countries that developed national strategies using the rights-based approach, insitutionalising principles such as child participation. Both emphasised a cross-sectoral approach, capacity-building of stakeholders and public awareness campaigns to end discrimination and violence for street-connected children. Some specific examples of outcomes from the Philippines are:

- Funds were allocated to facilitate birth registration, and processes were started to encourage registration in hospitals. A commitment was made to recognise **informal identity cards** for street-connected children.
- For education, there was a multi-sectoral approach to support families to encourage attendance. **Flexible learning approaches** (mobile schools, street education) were encouraged and more vocational course offered to develop life skills of street-connected children.

Education

Some of the main reasons for school dropout shared by practitioners included resistance of families to continue education, linked to foregone income from the streets. They also included the fact that communities did not see the value of education or its relevance in terms of improving their reality. Real issues of access exist because of overcrowding of government facilities, but also because of a lack of identity documentation across the board – for communities of Afghan or Bengali origin, but also those who moved from rural areas within Pakistan. Additional reasons included corporal punishment and violence within school spaces, or an inability to learn or progress due to stressors in their own lives. The result is the reinforcement of cycles of intergenerational poverty.

Recommendations for action

- 1) Progress to be pushed on **implementing Article 25-A**, through the implementation and notification of laws for each province and formation of rules.
- 2) **Remove barriers to formal schooling** such as the requirement for B-forms, and simplify the process for obtaining documentation from NADRA and union councils. Social mobilisation, birth registration drives and community-based support to access documentation are essential.
- 3) **Age-related barriers** should be addressed – children should not be prevented from accessing schooling based on age, and **accelerated learning programmes** should be made available so that children who have lost time due to mobility, displacement or work have the opportunity for a fresh start.
- 4) **Widening the reach of social welfare and incentive** programmes under Ehsaas, particularly stipends or conditional cash transfers encouraging girls' education. According to evidence, targeted social safety nets have already been seen to positively bridge gaps for unmet education services in *katchi abadis* (ASER, 2021). Another form of incentive would be to provide school-based meals a few times a week and monitor impact on enrolment, attendance and participation.
- 5) **Partnerships with CSOs** to conduct targeted community mobilisation in urban settlements engaging and mobilising parents to send their children to school, and offering non-formal education programmes as a bridge to formal schooling.
- 6) **Improving access to early childhood learning**, to build strong foundational skills that will ensure that children enter school ready to learn, and perform better through their academic journey.
- 7) **Offering a useful education** curriculum including life skills and vocational skills. There is a need to frame education as something that will add practical value to the lives of children who often need to choose between earning or going to school. At the same time as this, it is important to offer extracurricular, creative opportunities to build socioemotional skills, and offer children with respite from adverse circumstances.
- 8) **Implementation of the government approved** framework to re-enrol out-of-school children prioritizing a phase-wise reopening of classrooms from the most to least disadvantaged areas of the country. . The plan calls for providing dedicated — and cheap — transport services to female students and teachers of secondary schools, training support for teachers and bridge programmes for students resuming school.

Child Protection

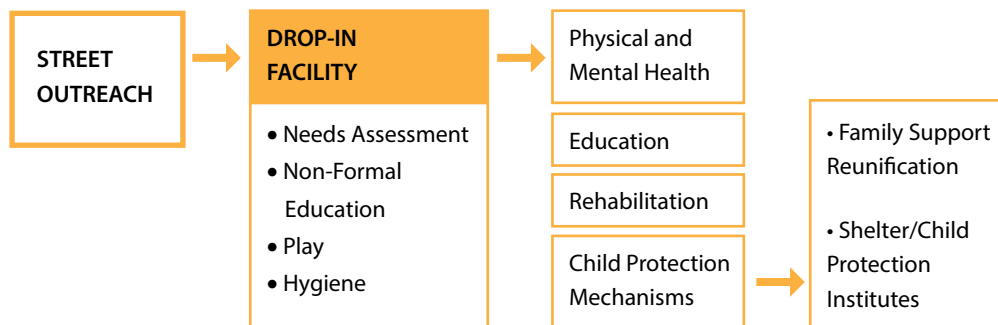
Street-connected children face protection risks including psychological, sexual and physical violence on the streets, in their homes and from those who are meant to keep them safe from harm. Even if rounded up and taken through a system which places them in institutions with everything that they seemingly lack – shelter, food, opportunities to learn – they may resist or even try to run away. It takes special skills to engage and build trust with children accustomed to independence, who have left home of their own accord and drift between urban spaces.

In terms of child protection solutions, UNGC 21 recommends a **“continuum of care across all relevant contexts, including prevention, early intervention, street outreach, helplines, drop-in centres, day-care centres, temporary residential care, family reunification, foster care, independent living or other short- or long-term care.”** As per the UNCRC, states have an obligation to help parents or caregivers to secure the conditions necessary for their optimal development. Financial or material poverty alone should not be the basis for family separation.

Recommendations for action

- 1) Include strategies for **preventing** children from ending up on the streets again and again as part of the child protection response. Prevention strategies could involve outreach with parents to address family and domestic violence that causes them to leave – including positive parenting support. Schemes to improve livelihoods, provide affordable housing or access to social protection under Ehsaas or Bait-ul-Mal would also matter.
- 2) **Establish Child Protection Units** where they do not exist e.g. in Balochistan, Khyber Pakhtunkhwa and Punjab, with clearly defined structures and processes.
- 3) Establishing **protocols** for all involved in a child protection response. First point of contact for children should be a social worker, but there is a need to include SOPs for police for handling vulnerable children and taking them into protective custody.

- 4) Ensuring all relevant institutions having contact with children have **safeguarding policies**, codes of conducts and transparent mechanisms for reporting and addressing violence or abuse by duty-bearers. Having safeguarding protocols and child protection policies in place for police as well as child protection centres would ensure that children feel safe with personnel deployed for their protection. **Building capacity** for those in charge of the response including Child Protection Officers and police. Clear TORs should be accompanied by in-service training which should encompass a child rights approach, psychosocial support and child safeguarding.
- 5) Expanding the availability of **drop-in spaces** or non-residential facilities as alternatives to the streets, so that street-connected children have safe spaces for hygiene, learning and recreation. These should be child-friendly facilities, situated in areas that are easily accessible to children. They can help act as a point of referral to other services including drug rehabilitation, psychosocial support or education and training opportunities.



In conversation with a Key Informant engaged with the NCRC, the experience of temporarily living on the street was shared, accompanied by a caregiver. One important policy recommendation that came through was that children without permanent shelter need access to hygiene facilities. If these were available at a drop-in facility that was known and accessed by children, that space could help identify additional vulnerabilities.

- 6) **Case management** – individual cases should be stored in a database, with case notes and details allowing follow-up from designated personnel. For reunification of runaway children, a **strong counselling process** with both the family and the child, identifying the root cause of the problem and creating a viable solution can help avoid a return to the street (Pachchaan, 2009). Trust and regard for confidentiality are an important part of the process.

VOICES from the street

(Case study 4 - Lahore)

Anwar* was not even five years old when his mother passed away. This sudden trauma left him shattered. He left school and began to wander on the streets. His father, a labourer, would beat him for staying on the streets and wasting his life.

He was identified by NGO street outreach, through which he accessed support – drop-in as well as temporary shelter facilities, and access to education. A long-term relationship of trust was built over four years, after which he aimed to sit for his Matric exams. He was engaged to work as a peer educator, and started to dream of opening his own drop-in centre.

Conclusions

In recent years, it has been heartening to see that “street children” are being noticed by policymakers and politicians.

In order to move beyond rhetoric and find meaningful, sustainable ways of supporting them, it is important to gather relevant data and consult key stakeholders – including children – to inform the response. Communication and coordination matters in order to achieve efficiency – between civil society and government, as well as between government departments.

Street-connected children face obstacles in accessing as well as staying in school and require tailored solutions to help them cross the bridge to formal schools. Once barriers like identity are addressed, early childhood education, non-formal learning opportunities and accelerated learning programmes can be important for reaching and teaching out-of-school children. Providing support for life skills and vocational training can help improve perceptions of the usefulness of education.

A model for responding to street-connected children facing protection concerns would include street-level outreach; assessment of needs including physical health and psychosocial support; appropriate referrals; and longer term counselling and case management. **The concept of a drop-in centre, particularly at the district level, can be a powerful space acting as a one-stop shop facilitating access to both education and protection.** It can be a way to build trust and longer term relationships with children, to refer them on to crucial services, and to help them build a new future.

Appendix 1

Evolution of definitions

The term “street child,” used by the Commission on Human Rights in 1994, was to describe “any girl or boy [...] for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/ or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults.”

At that time, “street children” were categorized as either children on the street, who worked on the street and went home to their families at night; children of the street, who lived on the street, were functionally without family support but maintained family links; or abandoned children who lived completely on their own (United Nations, 2012).

These definitions from the 1980s came under review, as it came to be acknowledged that children often moved between these categories. Alternative definitions also moved towards recognising children’s agency and capabilities as social actors.

Children “in street situations” as a broader term was used by the Committee on the Rights of the Child in order to put the accent on the situation in which children may find themselves. It encompasses: (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities. This wider population includes children who periodically, but not always, live and/or work on the streets and children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets (Committee on the Rights of the Child, 2017).

According to the Consortium for Street Children, “street-connected” is used to describe children who:

- Depend on the streets to live and / or work, either on their own, or with other children or family members; and
- Have a strong connection to public spaces (e.g. streets, markets, parks, bus or train stations) and for whom the street plays a vital role in their everyday lives and identities. This wider group includes children who do not live or work on the street but regularly accompany other children or family members in the streets.

This broader term challenges the perception that “street children” are a monolithic or homogenous group. It opens the discussion up to a wide swathe of urban society that is often excluded from mainstream services, while also challenging the one-dimensional picture of a “street child.”

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The Commission envisions an enabling, responsive
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