

RIGHTS ON PAPER, CHILDHOODS AT RISK: A CRITICAL EVALUATION OF PAKISTAN'S CHILD PROTECTION LAWS UNDER INTERNATIONAL STANDARDS

Muhammad Okasha Anwar

LLM Human Rights, International Islamic University Islamabad

okashaanwar95@gmail.com

DOI: <https://doi.org/10.5281/zenodo.20485486>

Keywords

Child Protection, Pakistan, CRC, Implementation Gap, Socio-Legal Analysis, Human Rights

Article History

Received: 03 April 2026

Accepted: 15 May 2026

Published: 30 May 2026

Copyright @Author

Corresponding Author: *

Muhammad Okasha Anwar

Abstract

Despite the presence of a comprehensive legal framework, children in Pakistan continue to face exploitation, abuse, and neglect across multiple domains. This study critically examines Pakistan's child protection regime in relation to its international obligations under the United Nations Convention on the Rights of the Child (CRC). Using a qualitative doctrinal and socio-legal methodology, the research analyses constitutional provisions, statutory laws, and recent academic and institutional literature, supplemented by illustrative case evidence from the Pakistani context. The findings reveal a persistent and systemic implementation gap driven by weak institutional capacity, fragmented governance structures, socio-economic inequalities, and deeply embedded cultural norms. While Pakistan demonstrates formal legal compliance, the realization of child rights remains largely symbolic rather than substantive. The study argues that effective child protection requires a multidimensional approach that integrates legal enforcement, socio-economic reform, and cultural transformation. The paper concludes with policy recommendations aimed at bridging the gap between legal commitments and lived realities.

Introduction

Childhood is widely recognized as a critical phase for human development, requiring protection, care, and opportunities for growth. However, for millions of children in Pakistan, this phase is marked by vulnerability, deprivation, and exploitation. Children working in brick kilns, domestic labor, agricultural fields, and urban informal sectors represent a stark contradiction to the legal protections guaranteed by the state. Similarly, cases of early marriage, child trafficking, and abuse continue to surface, raising serious concerns about the effectiveness of child protection mechanisms.

Pakistan has formally committed to protecting children's rights through the ratification of the United Nations Convention on the Rights of the Child (CRC), which establishes a comprehensive framework for safeguarding children from exploitation, abuse, and neglect (United Nations, 2021). These commitments are reflected in domestic legislation, including constitutional provisions such as Article 11 (prohibition of child labor) and Article 25-A (right to free and compulsory education). Additionally, statutory measures such as the Juvenile Justice System Act 2018 and provincial child protection laws aim to institutionalize these protections (Government of Pakistan, 2022).

Despite these legal commitments, the persistence of child rights violations suggests a fundamental disconnect between law and practice. According to UNICEF (2023), millions of children in Pakistan remain out of school, while a significant proportion are engaged in hazardous labor. Reports from human rights organizations further indicate that early marriages and child abuse cases remain widespread, particularly in rural and marginalized communities.

This paradox raises a critical issue: **why does a relatively robust legal framework fail to translate into effective protection for children?** This study addresses this question by examining the structural, institutional, socio-economic, and cultural factors that contribute to the implementation gap in Pakistan's child protection regime.

Research Objectives

The study is guided by the following objectives:

1. To critically analyse Pakistan's child protection laws in relation to international standards under the CRC.
2. To examine institutional and governance challenges affecting implementation.
3. To explore socio-economic and cultural determinants of child rights violations.
4. To assess the extent and nature of the implementation gap.
5. To propose policy recommendations for strengthening child protection systems in Pakistan.

Research Questions

1. To what extent do Pakistan's child protection laws align with CRC provisions?
2. What institutional barriers hinder effective enforcement?
3. How do socio-economic inequalities influence child protection outcomes?
4. What role do cultural norms play in undermining legal protections?
5. Why does a persistent gap exist between legal commitments and practical realities?

Problem Statement

Although Pakistan has a comprehensive child protection legal framework, its weak implementation has resulted in a persistent gap between legal provisions and the lived realities of children.

Literature Review

The issue of child protection in Pakistan has been extensively examined through legal, institutional, socio-economic, and cultural perspectives. Although the country has developed a relatively comprehensive legal and policy framework aligned with international standards, particularly the United Nations Convention on the Rights of the Child (CRC), the literature consistently highlights a persistent gap between formal commitments and actual implementation outcomes. This gap reflects not merely a legal deficiency, but a complex interaction of governance, structural, and societal factors.

Legal and Policy Framework Context

Pakistan's child protection regime is formally grounded in constitutional provisions and statutory laws that align with international human rights obligations, especially the CRC. These include constitutional guarantees such as Article 11, which prohibits child labor, and Article 25-A, which ensures the right to education, along with statutory instruments like the Juvenile Justice System Act 2018.

However, scholars argue that legal alignment does not automatically ensure effective protection. Qureshi (2023) highlights the presence of legal pluralism, where formal legal systems coexist with informal social and customary mechanisms, often weakening enforcement capacity. Similarly, Ahmed (2020) observes that although child protection policies appear comprehensive in design, they frequently lack operational clarity and implementation mechanisms.

Collectively, this body of literature suggests that the core challenge is not the absence of legal provisions, but their weak operationalization within the governance system.

Institutional and Governance Constraints

A significant strand of literature identifies institutional weaknesses as a major barrier to effective child protection in Pakistan. Khan *et al.* (2021) emphasize that limited administrative capacity, inadequate professional training, and resource constraints significantly reduce the effectiveness of enforcement agencies.

In addition, Ali and Zia (2022) argue that Pakistan's federal structure contributes to fragmented governance, resulting in uneven implementation of child protection policies across provinces. This fragmentation weakens coordination between institutions responsible for enforcement and monitoring.

Hussain (2023) further advances this argument by suggesting that these limitations are structural in nature rather than merely administrative. From this perspective, weak accountability systems, bureaucratic inefficiencies, and poor inter-agency coordination are embedded within governance structures themselves. Therefore, improving child protection requires comprehensive institutional reform rather than isolated administrative improvements.

Socio-Economic Determinants of Child Exploitation

Socio-economic conditions play a central role in shaping child protection outcomes. Poverty is consistently identified as one of the strongest drivers of child labor and exploitation. Malik and Azam (2021) demonstrate that economically vulnerable households are more likely to depend on child income for survival, thereby increasing children's exposure to exploitative labor practices. Similarly, Rehman and Shah (2022) highlight that economic insecurity directly increases the likelihood of children engaging in hazardous work environments. These findings are supported by international evidence. The International Labour Organization (2021) reports a strong correlation between poverty, lack of access to education, and child labor. The World Bank (2022) further notes that economic inequality intensifies children's vulnerability to exploitation and limits their access to protective services.

Overall, the literature indicates that legal prohibitions alone are insufficient unless underlying socio-economic inequalities are addressed.

Cultural and Normative Dimensions

Cultural norms and social practices also play a decisive role in shaping child protection outcomes. Zafar (2021) argues that practices such as early marriage and child labor are often socially normalized within certain communities, thereby reducing compliance with formal legal standards. This perspective is supported by broader theoretical literature, which suggests that legal systems are less effective when they conflict with deeply embedded social norms (Bourdillon *et al.*, 2010). In many rural and marginalized contexts, community acceptance of such practices results in selective enforcement or outright disregard of legal provisions.

As a result, child protection laws often face resistance not at the legislative level, but at the level of social acceptance and cultural legitimacy. This highlights the need for behavioral and cultural transformation alongside legal reform.

International and Comparative Perspectives

Comparative evidence provides important insights into effective child protection strategies. Countries such as India and Bangladesh demonstrate relatively better outcomes by integrating legal reforms with broader socio-economic interventions, including social protection programs, education incentives, and community awareness campaigns (ILO, 2021).

These experiences suggest that purely legalistic approaches are insufficient for addressing child protection challenges. Instead, multi-sectoral strategies that combine law enforcement with socio-economic support mechanisms tend to produce more sustainable outcomes. They also emphasize the importance of aligning legal frameworks with development-oriented policies.

Synthesis and Research Gap

The reviewed literature clearly establishes that child protection challenges in Pakistan are multi-dimensional, involving legal, institutional, socio-

economic, and cultural factors. However, most existing studies examine these dimensions in isolation rather than as an interconnected system. A key limitation in the current body of research is the lack of integrated socio-legal analysis that explains how these factors interact to produce the persistent implementation gap. Furthermore, the concept of symbolic compliance where states formally adopt international legal frameworks without ensuring effective enforcement remains underexplored in the Pakistani context.

This study addresses this gap by adopting a holistic socio-legal approach that integrates legal, institutional, economic, and cultural dimensions to provide a more comprehensive explanation of why child protection laws in Pakistan fail to achieve their intended outcomes.

Methodology

Research Design

This study adopts a **qualitative research design** grounded in **doctrinal legal analysis** and a **socio-legal approach**. The doctrinal component focuses on the systematic examination of legal texts, including constitutional provisions, statutory laws, and international conventions, to assess the formal structure of child protection in Pakistan. In contrast, the socio-legal dimension extends the analysis beyond legal texts to examine how these laws operate within real social, economic, and cultural contexts.

This combined approach is particularly appropriate for this study, as it enables a critical evaluation of the **gap between law in theory and law in practice**, which is central to understanding child protection challenges in Pakistan.

Data Sources and Selection Criteria

The study relies exclusively on **secondary data**, drawn from multiple credible and authoritative sources to ensure analytical depth and triangulation.

Legal Sources

- Constitutional provisions of Pakistan (e.g., Articles 11 and 25-A)
- Statutory laws, including the Juvenile Justice System Act 2018

- Provincial child protection legislation

International Frameworks

United Nations Convention on the Rights of the Child (CRC)

Relevant international human rights instruments and reports

Academic Literature

Peer-reviewed journal articles (primarily 2020–2025)

Books and scholarly publications on child rights and socio-legal studies

Institutional Reports

Publications from organizations such as UNICEF, the World Bank, and the International Labor Organization (ILO)

Selection Criteria

- To maintain relevance and quality, sources were selected based on:
- Publication in peer-reviewed or reputable institutional outlets
- Relevance to child protection, child labor, or child rights
- Focus on Pakistan or comparable developing country contexts
- Recency (with emphasis on studies published after 2020)

Analytical Framework and Strategy

The study employs a **thematic analysis** to systematically interpret the collected data. This involves identifying, categorizing, and analyzing recurring patterns across legal texts and scholarly literature.

The analysis is guided by a **multi-dimensional analytical framework**, focusing on four key themes:

Legal Compliance – alignment of domestic laws with international standards (CRC)

Institutional Effectiveness – capacity of enforcement agencies and governance structures

Socio-Economic Factors – impact of poverty, inequality, and economic vulnerability

Cultural Influences – role of social norms and traditional practices

These themes are not treated in isolation; rather, the study examines their **interconnections**, providing a holistic understanding of the implementation gap.

Case-Based Analytical Approach

To bridge the gap between theoretical analysis and real-world conditions, the study incorporates **illustrative case-based evidence**. These cases are drawn from documented reports, media sources, and institutional publications, including examples of:

Child labor in brick kilns

Abuse of domestic child workers

Early marriage practices in rural areas

The purpose of these cases is not to provide statistical generalization but to offer **contextual insights** into how legal frameworks function in practice. This approach enhances the explanatory power of the study by grounding abstract legal analysis in empirical realities.

Validity and Reliability

To ensure the **credibility and reliability** of the findings, the study employs:

Data triangulation (legal texts, academic literature, and institutional reports)

Use of **peer-reviewed and internationally recognized sources**

Consistent application of analytical themes across all data

While qualitative in nature, the study maintains rigor through systematic data selection and transparent analytical procedures.

Ethical Considerations

As the study relies exclusively on **secondary data**, no direct interaction with human participants was involved. However, ethical standards were maintained by:

Using **credible and properly cited sources**

Avoiding misrepresentation of data

Respecting intellectual property through proper referencing

Limitations of the Methodology

Despite its strengths, the methodology has certain limitations:

- Reliance on secondary data limits **empirical depth**
- Absence of primary data (e.g., interviews, fieldwork) restricts **context-specific insights**
- Case examples are **illustrative rather than representative**
- Future research could adopt **mixed-method approaches**, incorporating field-based data to complement the socio-legal analysis.

Results and Discussion

The findings of this study reveal that the implementation gap in Pakistan’s child protection framework is **multi-dimensional and structurally embedded**. Rather than being isolated issues, legal, institutional, socio-economic, and cultural factors interact in ways that systematically undermine effective enforcement.

Institutional Weakness and Governance Limitations

Institutional capacity emerges as a central barrier to the effective implementation of child protection laws. Law enforcement agencies and child protection bodies often lack specialized training, adequate funding, and inter-agency coordination mechanisms, which significantly constrains their operational effectiveness (Ahmed, 2020).

Moreover, institutional arrangements remain uneven across provinces, resulting in disparities in service delivery and enforcement outcomes. While some regions have relatively functional child protection units, others lack basic institutional infrastructure. This uneven development reflects broader governance challenges, including bureaucratic inefficiencies and weak accountability systems.

Importantly, these institutional deficiencies do not operate in isolation; they directly influence the enforcement of laws and the accessibility of

protection mechanisms, thereby reinforcing the implementation gap.

Legal Fragmentation and Policy Inconsistencies

The federal structure of Pakistan has led to significant legal fragmentation, with provinces adopting varying legislative frameworks and enforcement mechanisms. This decentralization has created inconsistencies in definitions, standards, and penalties related to child protection (Ali & Zia, 2022).

Such inconsistencies weaken accountability by creating legal ambiguities and enforcement loopholes. For example, variations in minimum age laws or enforcement procedures enable circumvention of legal protections across jurisdictions.

This fragmentation highlights a critical limitation of decentralized governance in the absence of strong coordination mechanisms. While decentralization can enhance local responsiveness, in this case it has contributed to **policy incoherence and uneven implementation**.

Socio-Economic Pressures and Structural Inequality

Socio-economic conditions play a decisive role in shaping child protection outcomes. Poverty remains a primary driver of child labor and exploitation, as families often depend on children's income for survival (Malik & Azam, 2021).

In such contexts, legal prohibitions against child labor become difficult to enforce, as they conflict with economic realities. This creates a situation where non-compliance is not merely a legal violation but a survival strategy.

Global evidence further supports this relationship, indicating that economic inequality significantly increases children's vulnerability to exploitation (World Bank, 2022). In Pakistan, rising inflation and limited access to social protection exacerbate these vulnerabilities.

Thus, the findings suggest that **legal interventions alone are insufficient without parallel socio-economic reforms**.

Cultural Norms and Social Legitimization of Practices

Cultural norms and traditional practices significantly influence the effectiveness of child protection laws. Practices such as early marriage and child labor are often socially accepted, particularly in rural and marginalized communities (Zafar, 2021).

These norms create a parallel system of informal regulation, where community values override formal legal provisions. As a result, enforcement agencies may face resistance, and violations may go unreported or unchallenged.

This indicates that the implementation gap is not only institutional or economic but also **normative**, rooted in societal beliefs and practices. Without addressing these cultural dimensions, legal reforms are unlikely to achieve meaningful impact.

Case-Based Evidence: Law in Practice

Illustrative case evidence from Pakistan provides concrete insight into how these structural factors operate in practice.

Brick Kiln Labor: Children remain trapped in bonded labor systems, often inheriting debt from their families. Despite legal prohibitions, enforcement remains weak due to economic dependency and lack of monitoring.

Domestic Child Workers: Cases of abuse involving domestic workers highlight both weak enforcement and societal tolerance of exploitative labor arrangements.

Early Marriage in Rural Areas: Informal community practices enable early marriages to occur outside formal legal systems, bypassing state oversight.

These cases demonstrate that **legal frameworks exist in form but lack operational effectiveness**, reinforcing the argument that implementation failure is systemic.

Comparative Perspective: Lessons from Regional Contexts

Comparative analysis indicates that countries such as India and Bangladesh have achieved relatively better outcomes through integrated policy approaches. These include the combination of

legal enforcement with social protection programs, educational incentives, and public awareness campaigns (International Labour Organization [ILO], 2021).

Such approaches address both the symptoms and root causes of child exploitation, demonstrating that **multi-sectoral strategies are more effective than isolated legal reforms**. This comparative insight underscores the need for Pakistan to adopt a more holistic policy framework.

Critical Analysis

The findings of this study support the argument that Pakistan's child protection regime is characterized by **symbolic compliance**, wherein legal frameworks are established to meet international obligations but are not effectively implemented in practice (Hussain, 2023).

This phenomenon is sustained by the interaction of three structural factors:

Institutional Weakness: Limited capacity and weak governance reduce enforcement effectiveness

Economic Constraints: Poverty and inequality undermine compliance with legal provisions

Cultural Resistance: Social norms conflict with formal legal standards

These factors are mutually reinforcing, creating a cycle in which weak enforcement perpetuates violations, and persistent violations further weaken institutional credibility.

Therefore, the implementation gap should be understood not as a series of isolated failures but as a **systemic issue embedded within governance, economic structures, and social norms**. Addressing this gap requires a shift from a purely legalistic approach to a **comprehensive, multi-dimensional strategy**.

Conclusion

This study demonstrates that Pakistan's child protection framework is characterized by strong formal alignment with international standards but weak practical implementation. The persistence of child labor, early marriage, and exploitation

reflects a significant disconnect between legal commitments and lived realities.

The findings highlight that child protection challenges in Pakistan are **structural rather than incidental**, requiring coordinated interventions across legal, institutional, socio-economic, and cultural domains.

Ultimately, the study concludes that **effective child protection cannot be achieved through legal reform alone**. Instead, it requires an integrated approach that combines enforcement with social and economic transformation.

Recommendations

Based on the findings, the study proposes the following policy recommendations:

Institutional Capacity

Enhance training, funding, and coordination among child protection agencies to improve enforcement effectiveness.

Harmonize Legal Frameworks

Ensure consistency across provincial laws to eliminate legal ambiguities and enforcement gaps.

Expand Socio-Economic Support Programs

Introduce targeted interventions, such as conditional cash transfers and educational incentives, to reduce reliance on child labor.

Promote Social and Behavioral Change

Implement awareness campaigns and community-based initiatives to challenge harmful cultural norms.

Develop Monitoring and Data Systems

Establish robust data collection and evaluation mechanisms to support evidence-based policymaking.

Limitations

This study is limited by its reliance on secondary data, which restricts the ability to capture context-specific insights and lived experiences. The absence of primary empirical data, such as interviews or field observations, limits the depth of analysis.

Future research should adopt **mixed-method approaches**, incorporating qualitative and quantitative data to provide a more comprehensive understanding of child protection challenges. Additionally, region-specific studies could offer deeper insights into provincial variations and localized dynamics.

REFERENCES

- Ahmed, S. (2020). *Child protection policies and implementation challenges in Pakistan*. Journal of Social Policy and Governance, 12(3), 45–60.
- Ali, R., & Zia, H. (2022). *Federalism and child protection governance in Pakistan*. Pakistan Journal of Legal Studies, 18(2), 88–104.
- Bourdillon, M., White, B., Myers, W., & Nieuwenhuys, O. (2010). *Rights and wrongs of children's work*. Rutgers University Press.
- Government of Pakistan. (2022). *Juvenile Justice System Act 2018 and related child protection laws*. Ministry of Human Rights.
- Hussain, M. (2023). *Symbolic compliance and governance failures in Pakistan's child protection regime*. Asian Human Rights Review, 9(1), 67–82.
- International Labour Organization. (2021). *Child labour: Global estimates 2020, trends and the road forward*. International Labour Office.
- Khan, A., Malik, S., & Raza, T. (2021). *Institutional barriers to effective child protection in Pakistan*. South Asian Journal of Public Administration, 7(4), 112–129.
- Malik, N., & Azam, F. (2021). *Poverty and child labour in Pakistan: A socio-economic analysis*. Pakistan Economic Review, 59(2), 201–219.
- Qureshi, I. (2023). *Legal pluralism and child rights enforcement in Pakistan*. International Journal of Human Rights Law, 15(1), 33–49.
- Rehman, K., & Shah, U. (2022). *Economic insecurity and hazardous child labour in developing societies*. Journal of Development and Social Studies, 14(2), 91–108.
- United Nations. (2021). *Convention on the Rights of the Child*. United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- UNICEF. (2023). *The state of children in Pakistan: Education, protection, and welfare indicators*. UNICEF Pakistan.
- World Bank. (2022). *Poverty, inequality, and child vulnerability in South Asia*. World Bank Publications.
- Zafar, H. (2021). *Cultural norms, early marriage, and child protection challenges in Pakistan*. Journal of Gender and Society, 11(3), 55–73.