
PAKISTAN

Islamic Republic of Pakistan

Population: 157.9 million (71.8 million under 18)

Government armed forces: 619,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 18¹

Optional Protocol: signed 26 September 2001

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17, but training requirements meant that under-18s did not take part in active service. In a situation of continuing violence and unrest, armed groups, including those carrying out suicide attacks in Afghanistan, continued to recruit and use children.

Context

There were increasing calls for the restoration of democracy and the rule of law and for the withdrawal of the military from politics, particularly following President Musharraf's failed attempt to remove the chief justice of the Supreme Court in March 2007. The government remained reliant on political support from the Islamist political parties.²

There was an escalation in violence and unrest in the Federally Administered Tribal Areas (FATA), in the province of Balochistan and in Gilgit-Baltistan, while violence continued in parts of Sindh, Punjab and North West Frontier province (NWFP).³ In some tribal areas – South and North Waziristan in particular – the government reached “peace” agreements with pro-Taliban insurgents which effectively allowed them sanctuary and to set up quasi-governmental structures, collect taxes, impose their “penal code” and exercise quasi-judicial functions.⁴

Armed groups seeking secession of parts of Jammu and Kashmir from India to Pakistan continued to be active in Pakistan-administered Kashmir (known as Azad Kashmir), although less overtly and in fewer numbers.⁵

The government took some steps to address religious radicalism, particularly after bomb attacks in the United Kingdom in July 2005 by bombers, some of whom had spent time in Pakistani madrasas (Islamic religious schools). Hundreds of members of religious groups and religious school students were arrested, and the government announced that all foreign students at religious schools would be expelled and that such schools needed to register. However, after

protests by religious groups these directions were not fully implemented.⁶ In July 2007 government forces stormed the Lal Masjid (Red Mosque) madrasa complex in Islamabad which had been taken over by militants seeking to impose sharia law in the city.⁷

Government

National recruitment legislation and practice

The 1952 Pakistan Army Act allowed compulsory military service to be introduced in times of emergency, but this provision had not been used. Under Article 39 of the 1973 constitution, “The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.” The Pakistan National Service Ordinance of 1970 stated that officers and jawans (soldiers) could be recruited between the ages of 17 and 23, and had to have at least a year's training before taking part in active service.⁸

Candidates for a regular commission in the Pakistan Army could apply from the age of 17. Officer recruits received two years' training at the Pakistan Military Academy (PMA) in Abbotabad, while ordinary soldiers received around one year's training. Recruitment information indicated that the authorities would lower the minimum age requirement by between three and six months in “special deserving cases”.⁹ Statistics on the number of under-18s serving in government armed forces were not available.

Military training and military schools

A number of cadet colleges admitted children from the age of ten, but pupils could choose whether or not to join the armed forces after completing their schooling. The majority of graduates from the Military College, Jhelum, a residential school and college educating around 500 cadets and run by the Pakistan Army, entered the PMA.¹⁰ The Military College and cadet schools were reported to attract students because of the high quality of education that they offered.¹¹

Children in the justice system

In December 2004 the Lahore High Court revoked the Juvenile Justice System Ordinance (JJSO) 2000 which established certain protections for children within the criminal justice process, including defining a child as a person below 18 years of age; providing for special juvenile courts; regulating arrest, bail and probation; and prohibiting the death penalty and the use of fetters and handcuffs. The Lahore High Court held that the JJSO unduly privileged juveniles and argued that it was necessary to retain the death penalty for juveniles in order to deter crime. Although the JJSO was temporarily reinstated while an appeal remained pending as of mid-

2007, the JJSO remained largely unimplemented. As a result children continued to be treated on a par with adults within the criminal justice system¹² and subjected to widespread abuses in detention,¹³ and continued to be sentenced to death and executed.¹⁴

Armed groups

The Taliban and other armed groups such as Hizb-e Islami and al-Qaeda were widely believed to be active in the tribal areas of Pakistan, regrouping and rearming, and a few thousand non-Pakistani insurgents were believed to be operating in these areas.¹⁵ The government continued to deny allegations that it or its intelligence services (the Inter-Services Intelligence, ISI) were providing direct support to the Taliban. There were, however, credible allegations that in Waziristan and other border areas Pakistani and Afghan Taliban leaders were training suicide bombers for operations in Afghanistan.¹⁶ A UN report in September 2007 found that Pakistan remained an important source of human and material assistance for the insurgency in Afghanistan generally and suicide attacks in particular.¹⁷ Those trained for suicide attacks included children (see below).

Madrasas served as an alternative to the failing public school system in many areas for those unable to afford private education, and also attracted those seeking religious instruction for their children. Many madrasas failed to provide an adequate education, focusing solely on Islamic studies, and there was no regulation or oversight of the education given in numerous unregistered madrasas. Some madrasas reportedly continued to promote religious radicalism and violence, and were used for military training, although madrasas were not the sole recruiting grounds for insurgents and the majority were not involved in militancy.¹⁸

There were reports that in Pakistan-administered Kashmir, following the October 2005 earthquake, some armed groups were involved in establishing schools, and anecdotal evidence that they were recruiting children.¹⁹

In July 2007 it was reported that a 14-year-old boy was returned to his family in Pakistan after being recruited from a madrasa in South Waziristan, trained and sent over the border to carry out a suicide attack on a provincial governor in Afghanistan, where he was detained by security forces before he could carry out the attack. The boy reportedly alleged that at least two other boys from his madrasa had been indoctrinated to carry out suicide attacks.²⁰ Another report indicated that in towns on the edge of Pakistan's tribal belt children aged between 11 and 15 were being recruited from schools by pro-Taliban insurgents and trained in Afghanistan as suicide bombers. Young boys were reported to have been lured by the promise

of adventure and sacrifice, but reports also indicated that there was a degree of coercion and that parents and teachers feared retaliation if they prevented children from going.²¹

One suicide attack by a child took place in Pakistan. In September 2007 it was reported that a suicide bomber aged about 15 or 16 had blown himself up in the town of Dera Ismail Khan in NWFP, killing himself and 17 others, in the context of a wave of attacks by pro-Taliban militants in the area following the July 2007 siege of the Lal Masjid.²²

A number of children were caught up in the siege of the Lal Masjid. Many were young girls and boys who were students at the two madrasas associated with the Lal Masjid. Those carrying and using weapons were reported to be students over the age of 18.²³

In July 2007 a national child rights organization expressed concern about the recruitment and training of children and their training and preparation for military action and conflict. In urging the government to ratify the Optional Protocol and take action to protect children from recruitment it referred to unconfirmed reports of the involvement of children as young as 15 in political violence in Karachi in May 2007, as well as at the Lal Masjid in Islamabad in July 2007.²⁴

There were unconfirmed reports that armed Baloch nationalist groups and tribal leaders were using children as young as 14 in the ongoing low-level insurgency in Balochistan.²⁵

Disarmament, demobilization and reintegration (DDR)

There were no government programs for the disarmament, demobilization and reintegration of children involved in armed conflict, despite the recommendation which the UN Committee on the Rights of the Child made to the Pakistan government in October 2003, that it develop in collaboration with non-governmental organizations and international organizations a comprehensive system for the reintegration and recovery of children who had participated in hostilities.²⁶

International standards

Pakistan ratified the ILO Minimum Age Convention 138 in July 2006.

- 1 Constitution, Article 106, as amended in 2002.
- 2 International Crisis Group (ICG), "Elections, democracy and stability in Pakistan", Asia Report No. 137, July 2007.
- 3 South Asia Terrorism Portal, Pakistan Assessment 2006, www.satp.org.
- 4 *Amnesty International Report 2007*.

- 5 Human Rights Watch (HRW), “‘With friends like these ...’ human rights violations in Azad Kashmir”, September 2006.
- 6 *Amnesty International Report 2006*.
- 7 See, for example, “Police probe attack at Red Mosque”, BBC News, 28 July 2007, “Court demands Red Mosque answers”, 28 August 2007.
- 8 Second periodic report of Pakistan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.21, 11 April 2003.
- 9 Pakistan Army, www.joinpakarmy.gov.pk/index.php.
- 10 Military College Jhelum, www.militarycollege.edu.pk.
- 11 Confidential source.
- 12 Amnesty International (AI), “Pakistan: Protection of juveniles in the criminal justice system remains inadequate” (ASA 33/021/2005), October 2005.
- 13 “Tragedy of Pakistan’s prison children”, BBC News, 6 November 2006.
- 14 *Amnesty International Report 2007*.
- 15 ICG, *Pakistan’s tribal areas: Appeasing the militants*, Asia Report No. 125, 11 December 2006.
- 16 HRW, *The Human Cost: The Consequences of Insurgent Attacks in Afghanistan*, April 2007.
- 17 UN Assistance Mission in Afghanistan (UNAMA), *Suicide Attacks in Afghanistan (2001–2007)*, September 2007.
- 18 US Department of State, *Country Reports on Human Rights Practices 2006*. See also C. Christine Fair, “Militant recruitment in Pakistan: a new look at the militancy–madrasah connection”, *Asia Policy*, No. 4, July 2007, <http://asiapolicy.nbr.org>.
- 19 “Education vacuum poses long-term threat to children”, IRIN, 5 June 2006; ICG, *Pakistan: Political Impact of the Earthquake*, Asia Policy Briefing No. 46, 15 March 2006.
- 20 “Boy forced by Taliban to become would-be bomber is pardoned”, *Guardian*, 16 July 2007.
- 21 “Recruiting Taleban ‘child soldiers’”, BBC News, 12 June 2007.
- 22 “17 killed in latest Pakistan suicide attack”, Agence France-Presse, 10 September 2007.
- 23 Confidential source, August 2007.
- 24 Society for the Protection of the Rights of the Child, “Ratification of Convention on Child Rights Sought”, news release, 24 July 2007, www.sparcpk.org.
- 25 Confidential source, above note 23.
- 26 Committee on the Rights of the Child, Consideration of second periodic report submitted by Pakistan, Concluding observations, UN Doc. CRC/C/15/Add.217, 27 October 2003.