

Societal Perceptions and Legal Interventions: Implications on the Well-being of Street Working Children in Pakistan

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Submitted to

Central European University

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In partial fulfillment of the requirement for the degree of Masters of Arts

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Budapest, Hungary

2013

Abstract

Street working children (SWC) commonly referred to as “street children” is a controversial phenomenon practically, theoretically, and politically. This research aims to understand the phenomenon of SWC from social and political perspectives bridging the gap in existing research. The theoretical framework of the research is informed by the United Nations Convention on the Rights of the Child, literature about children’s well-being, the street child phenomenon, and policy debates. It is argued that a contextualized understanding of the “street child” phenomenon is imperative to devise policies that are based on understanding children’s circumstances, needs, and demands. Empirical data are collected from secondary sources. Cross referencing is done extensively to avoid bias. The research highlights the gravity of the issue by revealing that the way the street child phenomenon is understood and/or framed by various international and national non-governmental actors (e.g. International Organizations (IOs) like the United Nations Children Funds (UNICEF); various non-governmental organization (NGOs) and news reporting) stigmatizes “street children”, which is also reflected in the common understanding of the issue amongst society, policy makers, and implementers. Consequently, in Pakistan the contemporary national legal provisions also reflect and reinforce the stigma about these children. The political position in Pakistan about the child rights issue is fragile and legal interventions are highly fragmented.

Acknowledgements

To my mother, who always places her trust in me and gives me the courage and confidence to be ‘myself’. I am also thankful to my fiancé for his support and motivation and my father, brothers, and all those people who have facilitated my learning endeavors.

To my supervisor and mentor Professor Tamás Rudas whose encouragement, advise, and feedback helped me to reconsider my ideas and thinking as a researcher. His motivation has been very helpful not only for completing the thesis but throughout my studies at CEU.

To all the Professors at CEU who have been an inspiration for me. I would like to thank especially to Professor Attila Fölsz for his guidance and feedback on my thesis. Due to the Professors, Carsten Q. Schneider, Luicy Padroza, Levente Littvay, Judit Sándor, Gábor Tóka, Robin Bellers, and Merten Reglitz, my time at CEU was a complete learning (though quite challenging) experience.

I also thank my employer, Professor Syed Usman Shah who remained very supportive throughout the period of my study leave. I express deep appreciation to my teacher Dr. Kamran Jahangir for his kind guidance.

Contents

Chapter 1: Overall Introduction	1
1.1. The Research Puzzle and Aim of Research.....	3
1.2. The Research Methodology and Data Collection.....	4
1.3. The Research Contribution.....	6
1.4. Theoretical Framework and Analysis of the Problem	7
Chapter 2: Children’s Well-being: From Narrow to Broader Perspectives	10
2.1. Operationalizing the Well-being of Working Children.....	10
2.1.1. Children’s Rights and Well-being.....	11
2.2. Efforts at Broadening the Focus of Well-being.....	13
2.2.1. Multi-dimensional View of Child poverty.....	14
2.3. Children’s Views on Well-being	15
2.4. The Link between Education and Well-being	16
2.5. Understanding Children’s Work and Implications for their Well-being.....	19
2.6. Complexity of Defining and Categorizing the “Street Children”.....	20
Conclusion	21
Chapter 3: Explaining the Paradox of Street Working Children (SWC) with Special Reference to Pakistan	23
3.1. The Estimates of “Street Children”: The Issue of Exaggeration	23
3.2. Estimates of “Street Children” in Pakistan.....	24
3.2.1. Characteristics of Street Working Children	26
3.2.1.1. Age, Gender, Ethnicity, Occupations, and Income	26
3.2.1.2. Health as an indicator of physical well-being	27
3.2.1.3. Importance of Understanding Children’s Coping Strategies	28
3.3. Understanding Determinants: the Supply and Demand	29
3.3.1. The Supply Side Factors	29
3.3.1.1. Family Factors and Financial Issues	29
3.3.1.2. The Political Conflict and Forced Migration	30
3.3.1.3. Urbanization and Migration	31
3.3.2. The Demand Side Factors	31
3.4. Gravity of the Issue: Negative Public Perception and Policy Response	32

3.5. Political Contentions Surrounding the Children’s Rights in Pakistan.....	34
3.5.1. SWC as a Liability and Security Threat: Policy Maker’s Perspective	37
3.6. A Tacit Acceptance of Children’s Economic Contribution.....	39
Conclusion	41
Chapter 4: Global and National Legal Interventions for (Street) Children’s Well-Being	42
4.1. Global Provisions for Children’s Well-being	42
4.1.1. The United Nations Convention on the Rights of the Child (UNCRC)	42
4.1.2. The International Labor Organization’s (ILO) Conventions	45
4.1.3. Socio-political and Economic Issues of the International Conventions	45
4.2. Types of National Legal Interventions and Policy Debates	47
4.3. National Legal Interventions Concerning “Street Children’s” Well-being.....	49
4.3.1. The Correctional Policy Approach: Protection for or from a “Street Child”?	50
4.3.1.1. Pakistan Juvenile Justice System and “Street Children”	51
4.3.2. The Assistance Policy Approach: Rehabilitation	52
4.3.3. The Human Rights Based Approach: Education	54
4.4. Lessons Learned	57
Conclusion and Recommendations	59
Overall Conclusion.....	62
Appendices	65
Annex A	65
References	69

List of Tables

Tables	Page No.
Table 1: Child well-being indicators identified in various studies	18
Table 2: Common categories of the street (working) children	21
Table 3: Overall estimates of “street children”	25
Table 4: Estimates about the rag-picking children	40
Table 5: The ILO’s conventions	45
Table 6: Categorizing the policy approaches towards “street children”	48

Chapter 1: Overall Introduction

There is a considerable debate in academia and among policy makers about analytical and practical aspects of the multi-dimensional problem of child rights, child work, their well-being and appropriate legal interventions. Children are involved in various kinds of remunerative and non-remunerative activities inside or outside the household ranging from household chores, assistance in family business or farm to working for non-family members as apprentices/ assistants or working independently on the streets. The International Labor Organization (ILO) defines the work which is carried out by children less than fifteen years old and is harmful for their physical and mental development as ‘child labor’. “*Street children*” is another controversial variant of child labor, considered a relatively newly researched phenomenon (Benitez 2011) resulting from poverty (Richter-Kornweitz 2010; Sherman, et al. 2005), modernization and fast urbanization (Oloko 1992; White 1996), political conflict and war (e.g. Afghan refugee children in Pakistan (Lowicki 2002) and various other family and individual level factors (Ali, et al. 2004). However, my research in the context of Pakistan suggests that the “street working children” phenomenon is often an outcome of combination of various socio-political and economic factors, referred to as the *supply* and *demand* side factors.

Rather than using the controversial term of “street children”, I use ‘street working children’ in the thesis to refer to a child *who spends time on the streets of city centers, in sweatshops, at traffic signals, and city dumps, selling various items (e.g. newspapers, flowers, sweets etc), collecting recyclable material to sell for recycling plants (known as rag picking), washing cars, washing dishes and serving customers at roadside restaurants and begging for individual’s and/or family’s survival.*

The thesis contributes to the debate about street working children (SWC) phenomenon by showing that how important the “contextualized” understanding of the issue is due to the policy choices made to address children’s well-being and development. The debate focuses on SWC children’s characteristics, the societal perceptions about the “street child” phenomenon, appropriateness of legal response and other normative and socio-political considerations.

Contrary to common societal and political perceptions, the policies of prohibiting children from work and removing them from the streets irrespective of the context can further jeopardize their well-being on various dimensions rather than enhancing it. Due to these subtleties, I have devoted considerable attention *first* to understand and operationalize children’s well-being in general and poor children’s well-being in particular, keeping children’s rights (envisaged in the United Nations Convention on the Rights of Child- the UNCRC) as a foundation of the theoretical framework. *Secondly*, theoretical debates about factors behind the “street child” phenomenon (Aptekar 1994; Black 1993; Ennew and Swart-Kruger 2003; Ennew 2003; Hutz and Koller 1999; Okolo 1992; Orme and Seipel 2007; Scanlon, et al. 1998) are analyzed and empirical findings in the context of Pakistan from various published and unpublished sources are linked to the theories. It is also shown that the issue of child rights gets very weak political support. *Thirdly*, the global and Pakistan’s national policy approaches are analyzed by utilizing the understanding developed from the theoretical debates about children’s well-being, their rights, characteristics, and the socio-political responses.

The main research findings suggest that the way the “street child” phenomenon is understood and/or framed by various international and national non-governmental actors (e.g. International Organizations (IOs) like the United Nations Children Funds (UNICEF); various non-governmental organizations (NGOs) and news reporting) stigmatizes “street children” which is also reflected in the common understanding of the issue amongst society, policy makers, and

implementers. Consequently, the contemporary national legal provisions in Pakistan also reflect and reinforce the stigma about these children.

The *social implications* of considering street working children as either needy and helpless or dangerous and delinquents stigmatizes these children and influences their self-esteem and self-confidence negatively.

The *economic implications* of social understanding constrain already restricted livelihood alternatives available to children by denying them socially acceptable and skilled jobs/apprenticeships. Consequently, these children (specifically adolescents) turn to harmful economic activities to ensure their survival, such as begging, petty crimes, commercial sex and so on.

The *political ramifications* are manifested in policy makers' position of considering "street children" as a liability to security, subsequent legal interventions devised and policy approaches adopted. In Pakistan, two predominant policy approaches are adopted which reflect and reinforce the common understanding about street working children: the *rehabilitative* and the *correctional*. These approaches are not responsive to the children's circumstances and their needs and do not improve their well-being. Moreover, the state of legal interventions is highly fragmented and political support for child rights is feeble.

1.1. The Research Puzzle and Aim of Research

The research puzzle is *why the policies of removing children from the streets to "detain" them in juvenile detention facilities or "rescue" them to the rehabilitation centers fail either to control the "street child" phenomenon or improve their physical and/or psychological well-being in Pakistan?* The increasing number of street (working) children given in chapter three is one of the indicators of the policies'/programs' ineffectiveness.

The sub-questions answered to solve the research puzzle are the following:

How can the concept of children's well-being be operationalized by giving special attention to children belonging to poor and/or marginalized segments of society? It is also important here to consider the importance of work for children.

Why is the better and contextualized understating of street working children as individuals and social actors important? And how do the current legal approaches dealing with the "street child" phenomenon address the issue? This helps to highlight the gravity of the issue and elucidates how a common understanding and public opinion is influenced by the way the issue is framed at international and national level which is also reflected in the national legal interventions.

SWC's rights are not necessarily violated by working on the streets but this is the public opinion, political positions and policy approaches that make their work harmful or benign by tampering with the environment in which these children work. There is a need to understand that in absence of the alternatives and choices available (e.g. education and training in skills), these children make best use of exploitative conditions to ensure their own and/or their families' survival.

1.2. The Research Methodology and Data Collection

This research is a case study of SWC in Pakistan's urban areas, particularly focusing on the empirical evidence from the major cities including Rawalpindi (situated in the Province of Punjab), Islamabad (the capital), Lahore (the province of Punjab), and Karachi (the province of Sindh). The unit of analysis of this research is street working children and their well-being and global and local policy interventions concerning "street children" directly or indirectly. The

issues of children's well-being; "street children"; and child work are debatable and contested concepts that need careful examination. It is argued in this thesis that the way the "street children" phenomenon is understood and framed has policy implications that influences street working children's well-being and development. Since there is no nationally agreed upon definition of a child in Pakistan (details in sections 3.5 and 4.1.3), I refer to child as a person less than eighteen years old according to the UNCRC. This definition of the child is an oversimplification but necessary for the sake of consistency and clarity in limited resources.

The data is collected through desk research method and caution is taken in relying on secondary data sources by cross referencing and mostly using published sources. The concepts of children's well-being, children work, and street working children are operationalized. The most relevant and frequently identified well-being indicators are reviewed and taken from recent peer-reviewed journal articles (Biggeri, et al. (2004); Cheng & Lam (2010); Camfield and Tafere (2011); Feinstein, et al. (2006); Gutman, et al. (2010); Micklewright & Stewart (2001); Robyn (2003); Richter-Komweitz (2010); Saith & Wazir (2010); Statham & Chase 2010); Tekola et al. (2009) to get the academic perspective and reports of international organizations for the practitioners' perspective (Index of Child Well-being in EU 27; UNICEF (2007) the UNCRC (1989).

These indicators are health, household income, child's perception about herself and life situation (e.g. level of happiness, self-esteem, satisfaction etc.), education, child's voice, child's behavior and risks, relationships (e.g. family, friends, community), shelter and environment, and leisure. Out of these, *health*, *education*, and *relationships* are the most frequently identified not only by the researchers but children themselves who were included in the research as active participants, particularly the children with poor backgrounds from some developing countries (e.g. child laborers participated in Biggeri, et al., 2004, street children in Cheng and Lam, 2010

and Ethiopian children from three poor communities in Camfield and Tafere, 2011). On this basis, I assume that from poor and street working children's perspective, *well-being can be defined as the security and realization of health (mental and physical ensured by equal opportunity), education (formal and non-formal), and relationships with family, friends/ peers, community members, law enforcement personnel and social workers.*

The concepts of child work (Black, 1993; Richter and Swart-Kruger, 2001; Woodhead, 2004) and “street children” are contested and important to consider because of having implications on the way these children are counted. Given this sensitivity, the thesis shows the politics behind citing large numbers of street working children (SWC) and its implications on public opinion/ perception, which in turn is reflected and reinforced by the national legal provisions. Due to paucity of research on the SWC phenomenon, data are collected from both published and unpublished sources. However, to deal with the issue of data reliability, cross referencing is done extensively for citing estimates (e.g. table 3). Data collection from the published sources has been the priority; however, surveys at both the national and international level about child work and SWC are mostly conducted by IOs and/ or NGOs. For this reason, the databases of the ILO, UNICEF, Consortium for Street children, Understanding Children Work, State of the World Children annual reports, Save the Children, UK, Society for the Protection of the Rights of Child are utilized.

1.3. The Research Contribution

The thesis fills the gap in the existing field of research about SWC by linking sociological understanding with political ramifications especially legal interventions. Children and their well-being is an important practical and policy matter on which the research is mainly conducted in Latin America and more recently in Africa. In the context of Pakistan the research is very limited

done predominantly by some organizations about street children's characteristics, focusing mostly on the negative aspects such as hazards and harms of the street life, the propensity of delinquent behavior, and so on (AZAAD 2004; Hassan and Mohib n.d.; Iqbal 2008; SPARC 2011; Sherman, et al. 2005; UNESCO 2006). The aspects of coping strategies of "street children" and the contextualized role of children as social and economic actors are completely ignored. Policy implications of positive/ negative perceptions about "street children" that further marginalize children's well-being are not explored. In addition to this, the thesis contributes to the debate about street (working) children phenomenon and children's well-being by emphasizing the need to acknowledge work as part of their survival strategy.

1.4. Theoretical Framework and Analysis of the Problem

Working children's well-being is a theoretical and policy problem which makes it imperative to analyze its nature and extent in order to get better insights into child labor practices (Bamberry, 2007). The repercussions of work are considered harmful for children ranging from physical and psychological health problems for children to lowering human capital (Arat 2002). However, some scholars (Woodhead 2004 and Ennew 2003) do not agree with this simplistic view arguing that *work per se* does not influence children's well-being but the context and circumstances under which it is carried out can change its impacts. Aptekar (1994) further suggests that the views of children and their interpretation of life, work, and education are also imperative to consider for understanding their well-being in a better way.

The UNCRC also places special emphasis on children's voice, especially in the issues concerning them. Studies are available where SWC have actively participated in the research like focused group discussions, interviews and draw and tell techniques (Biggeri, et al. 2006; Densley and Joss 2000). However, Aptekar (1994) also warns about the ability of children to distort

information that results in the under/over-estimation of their emotional condition which is further distorted by the press, NGOs and IOs. Following Benitez (2011), the literature in policy debate about “street children” is thin and is scattered among various disciplines mainly development economics, social development studies, sociology, anthropology, public policy and political science. Therefore, I argue that a multi-disciplinary approach is required to analyze the problem from social, political and economic aspects.

No single theory explaining the phenomenon of children’s well-being and/ or work exists. However, the UNCRC provides a very useful theoretical framework for analyzing children’s rights universally and flexibly. The UNCRC serves as a legal foundation for analyzing children’s well-being throughout the thesis. Policies and evaluations need to be focused on what people are able to do and become, on the quality of their life, and on removing obstacles in their lives (Robeyns, 2005).

The theories about children’s coping strategies are relevant for this research including those that focus on SWC’s ability to survive in poverty and a vulnerable environment through network formation in the form of street gangs. In this way they get protection from street bullies and harassing law enforcement personnel (Ali, et al., 2004; Densley and Joss, 2000; Bordonaro, 2012; Koller and Hutz, 2001). Debates about the supply and demand side determinants of street life and the “street child” phenomenon also exist that have been considered and linked to the empirical findings in Pakistan. I argue that the combination of these determinants is responsible behind children’s presence on the streets in Pakistan’s urban areas. In addition, children’s rights get very weak political support from policy makers due to lack of political will and weak advocacy groups supporting specifically SWC.

Finally, to analyze the policies related to “street children” in Pakistan, Benitez’s (2011) classification is utilized according to which policies are divided into three categories: repressive;

rehabilitative; and human rights based. Since no specific policy about SWC exists in Pakistan, this classification is very relevant and helpful, showing the fragmented nature of legal interventions.

Chapter 2: Children's Well-being: From Narrow to Broader

Perspectives

Well-being is a multi-dimensional concept which includes various aspects of child development such as physical, psychological, educational, and the quality of relationships in life. Therefore, it is operationalized by identifying indicators most frequently highlighted in various studies (specifically health, education, and the relationships) and their relevance with working children belonging to the marginalized segment of society are analyzed. Children's work is important for understanding its function in poor children's lives. It is stressed that work *per se* is not harmful for children's well-being contrary to common understanding which assumes the relationship between work and hazard as causal and ignores the environment and circumstances under which children live. The controversial phenomenon of "street children" and problems with categorizing them as a homogenous group are scrutinized.

2.1. Operationalizing the Well-being of Working Children

Child well-being is a very broad concept and deals with all aspects of a child's quality of life including economic conditions, family relationship, educational prospects and opportunities, social environment in which child operates whether it is family, school or the broader community. The research about child well-being has been conducted ranging from large scale surveys based on indicators linking policy concern and implementation of the UNCRC to small scale context-specific investigations that focus on personal and cultural understating of well-being (Camfield, 2010). A closely related concept to child well-being is child welfare that originally described general and wide-ranging activities dealing with children's well-being including services for delinquent children, detention homes, parental education, teacher's training, health care, vocational guidance etc. However, the focus has recently been shifted

mainly on child protection services emphasizing narrowly on negative aspects such as child neglect and abuse (Poppo & Vecchiolla, 2007). Child welfare is a very relevant concept for “street children” who qualify for these services; however, the broader concept of well-being is frequently utilized in this research to focus on children’s development as citizens and avoid the problems of stigmatization highlighted later in the thesis.

2.1.1. Children’s Rights and Well-being

Children’s rights are the rights that are attributed and ascribed to a person who is considered a child because of the virtue of being a child (e.g. the right to education is given to every child less than eighteen years old under the UNCRC irrespective of a child’s social, economic, sexual, religious, or political status). At the same time, no universal definition or standards of considering a person a child exist. In international law such as the UNCRC, a child is a person less than eighteen years of age. In Pakistan, the definition of a child is influenced by various cultural and religious considerations which are reflected in the legal provisions as well. No single age exists or agreed upon throughout the country or law (more details are provided in chapters 3 and 4). The UNCRC and its Optional Protocol contain a list of children’s rights ranging from the *right to life, health, non-discrimination, and protection from economic exploitation, equal education, and the right to participation in issues concerning them*.

Children’s rights represent a foundation to build the theoretical framework for children’s well-being and consideration of children’s well-being provides the context to implement children’s rights. Therefore, children’s rights provide a foundation for operating determinants of well-being and making the rights and well-being of children meaningful rather than considering children’s rights as independent factors determining well-being (Sedletzki 2012). This thesis takes the same approach considering children’s rights as a foundational framework; children’s

rights in international law and their rights in the national context of Pakistan. Therefore, it is important to analyze, how children's rights are applicable to the well-being of poor children in Pakistan and how it can be improved within the context of poverty. Camfield, Streuli and Woodhead (2010) define child well-being as ensuring *children's rights and fulfilling the opportunity for every child to be all she or he can be in the light of a child's abilities, potential and skills*.

In relation to poverty, scholars have highlighted education and health as important indicators of children's welfare (Micklewright and Stewart (2001); Richter-Komweitz (2010). Micklewright and Stewart (2001) have studied children's well-being in European Union (EU) context identifying three outcome indicators: material welfare of children (child poverty); health (child and young people mortality); and educational attainment (school enrolment and achievements through learning). It is envisaged in Article 27 of the UNCRC that all children have the right to "a standard of living adequate for physical, mental, spiritual, moral and social development". The authors conclude that high average income lead to greater participation in society (e.g. education). Moreover, the UNCRC also requires member states to strive to diminish infant and child mortality rates along with the recognition of children's right to "the highest attainable standard of health" (Article 24). Based on Amaratya Sen's Capability Approach, Micklewright and Stewart (2001) argue that the mortality rate as an indicator of well-being is important to consider due to three reasons. First, life in itself is intrinsically important; secondly, capabilities depend on the condition of being alive; and thirdly, in absence of data on other dimensions of life like personal satisfaction, happiness, psychological security etc, the mortality rate provides rough proxy about life's conditions. Regarding education, the UNCRC puts special emphasis on states' responsibility to ensure the right to education for all on basis of equality (articulated in the Articles 28 and 29).

With regard to educational and health well-being of children, Richter-Kornweitz (2010) consider poverty as an important structural determinant. It negatively impacts the prospects of children's development and integration in areas like health and education. Evidence suggests that low social status affects children's health and lead to deprivation of emotional, physical, and educational prospects (ibid). In terms of school performance, children from poor households achieve lower grades (Richter-Kornweitz 2010). Besides material well-being, health and education, the UNICEF (2007) report has identified additional indicators such as safety, peer and the family relationships, behaviors and risks, and young people's own subjective sense of well-being. Using poverty as a proxy indicator, the research shows that various dimensions of well-being are inter-related (e.g. effect of poverty on more than one dimensions of well-being).

Prolonged poverty is considered to exert harmful immediate and long-term impacts on children's health, cognitive development, school performance, aspirations, self-perceptions, relationships, risk behaviors and future employment prospects. It is acknowledged that a multi-dimensional approach for children's well-being is needed because economic poverty alone is inadequate (UNICEF 2007). Nevertheless, the UNICEF's data has problems of bias towards older children, disaggregation of data on key demographic factors like age, sex and ethnicity cannot be performed; and information is missing for many countries about children's mental health (Statham and Chase 2010). Moreover, causation between well-being and selected indicators is also problematic without taking into consideration other environmental and contextual factors.

2.2. Efforts at Broadening the Focus of Well-being

The initial shift in perception of well-being started from the World Health Organization's (WHO) definition in 1978 that defines health not as a mere absence of disease but comprises of

complete physical, mental and social well-being (Statham and Chase 2010). *Well-being can also be seen as a dynamic state which is enhanced by people's sense of purpose in life and achievement of personal and social goals* (ibid). To simplify, well-being can be divided into two categories: objective well-being and subjective well-being. The former covers aspects like household income, family structure, educational achievement, health status and later concerns individuals' perceptions about their lives (Statham and Chase 2010).

The seven domains identified in a cross country comparison using Index of Child Well-being in 27 EU countries include *child health, subjective well-being, personal relationships, material resources, education, behavior and risk, and housing and the environment*. Given the level of national wealth, UK scored poorly in this comparison due to high number of laid-out work force and low school attendance rather than educational attainment (Statham and Chase 2010). Due to these limitations, Statham and Chase (2010) highlight the complexity of defining and measuring children's well-being in absence of any composite theory. However, the authors acknowledge the progress in the field of research about well-being which agrees on some of the basic assumptions. For instance, child well-being is a multidimensional concept and analysis needs to take into account the personal characteristics like age, sex, gender, culture, and consider not only the children in mainstream but also those who are excluded and in special need such as working children.

2.2.1. Multi-dimensional View of Child poverty

Another perspective on child poverty is to view it as *deprivation of rights*. It is important to note that poverty is a big obstacle in the way of children's realization of their rights; but every violation of children rights cannot be solely attributed to it (Saith and Wazir 2010). A multi-dimensional view goes beyond the traditional dimensions of monetary poverty and material

things or lack of education, health, and survival. This issue is addressed through subjective well-being¹ which focuses on children's social, emotional, and psychological well-being. Examples of the questions measuring children's subjective well-being include the following. Children can be asked about things that make them happy, sad, or angry; their priorities or likes and dislikes about their immediate environment; social capital referring to the quality of time they spend in playing or the person they rely on in time of problems or need; education by asking questions about their likes and dislikes about school; or work including their problems. Broadening the focus from monetary poverty to subjective aspects of well-being sheds light on other issues like social exclusion as well (Saith and Wazir 2010). Cheng and Lam (2010) in their study about the subjective well-being of street (working) children in Shanghai have found a low subjective well-being among "street children" because of factors like low earnings and common physical and psychological abuse- i.e. the lack of protection.

2.3. Children's Views on Well-being

The multiplicity of sources to collect data on children's well-being indicators makes it richer because of taking various dimensions and perspectives on children's lives. It is argued that no single source of information would have been complete or sufficient. In this regard, different sources containing information about children's lives include census and surveys, social research (ranging from longitudinal methods to ethnographic) and administrative data from various sources (Ben-Arieh and Frønes 2011). Currently, children's involvement in research has proved successful in producing valid and reliable data (Ben-Arieh and Frønes 2011). However, this information needs to be handled carefully because of children's ability to distort their emotional

¹ Subjective well-being is a field of psychology which aims to understand people's perceptions of their lives. For example, perceptions about life or the basis on which people evaluate their lives can be based on cognition- i.e. life satisfaction; or it can depend on people's experiences in life such as joy, happiness etc and depression or sorrow on the negative side (e.g., depression) (Diener, Suh and Oishi 1997)

state which can be under/over estimated by NGOs, IOs, taking political attention away from the real issues.

Children in Biggeri, et al.'s (2006) research as active participants preferred education and love and care as most important factors of well-being amongst various other dimensions presented to them as a list. According to the children, the best things about education is the opportunity to learn 'useful skills' when the teachers are also good. In relation to education, children in different studies have pointed out the problems related to poor school infrastructure, filthy surroundings, and other children's problematic behavior, teacher's aggressive behavior (Tekola et al., 2009 finding about poor Ethiopian children). The gender perspective is also evident in some studies where girls were facing more problems due to poor infrastructure- for instance, the lack of toilet facility (Camfield and Tafere, 2011) that affected their school attendance.

2.4. The Link between Education and Well-being

Feinstein, et al (2006) find education strongly linked to health and other factors that determine health - i.e. health behavior, care taken for disease prevention and cure, and overall life style. Both absolute and relative elements are included in relation between health and education as confirmed by Feinstein et al. (2006). For example, improved educational participation leads to social benefits through effects of education on health (ibid). Other subjective factors facilitated by education include often-cited the positive parent-child relation. Social support programs can exert positive influence on mitigating factors like parent's stress and family's poverty that may lead to greater well-being of children. These are the factors mostly operating at the household level, but Feinstein et al. (2006) have not highlighted the child-centered factors in their analysis (e.g. gender dimension of superiority of boys over girls in some cultures). Negative factors like

educational inequality, discrimination in terms of social status, beliefs, ethnicity, or gender prevent from achieving overall and equitable improvement in health and well-being of society.

It is being researched by Gutman et al. (2010) that children's own capabilities like better performance at school and fast learning exert a positive influence on their well-being. This research is important because it calls our attention towards the aspects that may influence children's well-being in a negative manner (e.g. poor performance at school or slow learning). Learning is important to highlight with reference to working children because they might not be enrolled in formal education. When a child learns a skill quickly and shows interest in task at hand, s/he is most likely to get praised by elders or mentors which boost her/his self-confidence.

Gutman, et al. (2010) have identified four dimensions of well-being; emotional well-being (measured by using indicators of fear, anxiety, and mood); behavioral well-being (children's propensity to engage in anti-social behavior); social well-being (having friends, social interactions, and social competence); and subjective school well-being (through learning). Their findings reveal that the role of school is especially important for those children who are troubled at home in terms of poor parental support and stressful events (e.g. children living with step parent). These children are found to be experiencing more positive changes in their behavioral and social capabilities if school is an enjoyable experience for them (Gutman, et al. 2010). These findings are especially relevant to design interventions for working children who may experience emotional troubles at home due to poverty and illiteracy. Hence, school experience needs to be made attractive. Additionally, policies need to concentrate on different needs and requirements of children who are poor and also the differences of needs within groups of children. For example, working children have special needs for education when they need to support their own and family's survival through work. Similarly, addressing the gender issues within children education is important because in countries like Pakistan girls have low literacy rate than boys due to issues

of long distances from school or parent's preference for boys' education. Boys are considered in particular as an economic asset.

The dimensions of well-being most frequently identified by different researchers and children as research participants include education, health, and relationships. The following table (1) shows the most frequently identified indicators which can serve as a road map for analyzing children's well-being and welfare services offered to them in terms of education, health, and indirect efforts to enhance their relationships.

Table 1: Child well-being indicators identified in various studies

The Studies	Well-being Indicators								
	Household Income	Health	Individual Perceptions	Education	Child Voice	Behavior and risks	Relationships	Shelter & environment	Leisure
Statham & Chase (2010)	x	x	x	x	-	-	x	-	-
Micklewright & Stewart (2001)	x	x	-	x	-	-	-	-	-
Saith & Wazir (2010)	-	x	x	x	-	-	x	-	-
Cheng & Lam (2010)	-	-	x	-	x	-	x	-	-
Robyn (2003)	-	x	x	x	x	-	x	x	x
Tekola et al. (2009)	-	-	-	x	-	x	-	x	-
Camfield and Tafere (2011)	-	x	-	x	-	-	x	-	-
Feinstein, et al. (2006)	-	x	-	x	-	-	x	-	-
Gutman, et al. (2010)	-	-	x	x	-	x	x	-	-
Richter-Komweitz (2010)	-	x	-	x	-	-	-	-	-
M. Biggeri, et al. (2004)	-	x	-	x	-	-	x	-	x
UNCRC	x	x	-	x	x	-	x	x	x
UNICEF (2007)	x	x	x	x	-	x	x	x	-
Index of Child Well-being in EU 27	x	x	x	x	-	-	x	-	-

Sources: *Constructed by the researcher from studies mentioned within the table*

The sign "x" indicates the inclusion of respective indicator in the studies mentioned in the table; while the sign "-" indicates the absence of it. The studies used in the table are categorized according to the commonly identified well-being indicators. However, these indicators are parsimonious and may not appear with exactly the same title in the respective studies.

2.5. Understanding Children's Work and Implications for their Well-being

Woodhead (2004) defines work as an activity that children do which shapes their development and in many cases becomes part of their identity. In developing countries like Pakistan, given the socio-economic hardships and lack of social welfare services, work starts early in the lives of many under-privileged children. Work can both be a hazard and an asset for children's well-being depending on the circumstances; therefore, it is not feasible to consider it completely beneficial or completely hazardous. For example, work becomes indispensable for the survival of children living in extreme poverty, as is the case of SWC in Pakistan.

It is important to assume that:

It is not *work per se* that is harmful to the well-being of a child (Black 1993; Woodhead 2001; Richter and Swart-Kruger 2001; Woodhead 2004). Nature of activity undertaken, its degree of physical or psychological burden, dangers and hazards associated with work, the terms according to which it is performed, and the social context characterizing the nature of harm or benefit conferred on children or childhood determines the influence on children's well-being (Black 1993).

In international policy debates, two forms of work are scrutinized: *unconditional worst form* which is harmful by its nature (e.g. slavery, bonded labor, prostitution); and *unresolved worst form* which is more conditional on the nature and circumstances of a child's work. The former is dealt by the ILO's Convention on the Worst Form of Child Labor (182) and the latter is referred indirectly by the UNCRC (in the Article 32 and Article 3) as well as the ILO's Convention 182. For many children living in extreme poverty, the opportunity to work (even in a hazardous sector) can be one of the assets that contributes to their (and their families') psychosocial and physical well-being, at least in the short-run (Boyden et al 1998 cited by Woodhead 2004).

The policies in Pakistan made to protect children from work-related exploitation and hazards are short-sighted and consider work as a "cause" of an outcome- i.e. hazard. For

example, the Employment of Children Act, 1991 prohibits children's employment under the age of fifteen years in hazardous occupations and restricts it to the formal sector. Children working on the streets or in domestic households are not covered by this law. Richter and Swart-Kruger (2001) argue that making child work illegal criminalizes children's work in informal sector as well such as on the streets. As a result, children's work is stigmatized (detailed analysis in chapter three) and attention is diverted from more serious issues such as the work-related exploitation.

2.6. Complexity of Defining and Categorizing the "Street Children"

The UN defines "street children" as "boys and girls for whom 'the street' (including unoccupied dwellings, wasteland, etc.) has become their home and/or source of livelihood, and who are inadequately protected or supervised by responsible adults" (Volpi, 2002, p. 2). Using the term "street children" is objected because it creates an artificial category that may diverts attention of the legal interventions from the interconnected dimensions of child vulnerability. For this study, I defined *street (working) children as those children, under the age of eighteen, who engage in some sort of economic activity on the streets, irrespective of their residential status.*

The "street children" have been categorized according to the UNICEF into three categories (Table 2 on the next page): (1) *street working*- with further information about children place of sleeping after work; (2) *street living*- with further information about family contact or knowledge about family and home if any; and *homeless*- referring to those children whose entire families are homeless and they reside on streets along with their families. In addition to the UNICEF, further category has been emphasized based on children's working status as independent and whose family ties begin to weaken and who are at a higher risk of showing anti-social behavior (drug abuse, petty crimes, commercial sex, exploitative family environment etc.).

Table 2: Common categories of the street (working) children

UNICEF Categories	Street Working	Homeless Families	Street Living	
Lusk (1992 cited in Aptekar 1994)	Return to home at night	Homeless families	No family contact	Independent work, weak family ties
Martin 1996 (in Koller and Hutz 2001)	Return home at night		No family contact	Unstable family ties and live on streets
Lalor (1999)			Lost and/or abandoned	With family ties

Sources: Constructed by the researcher from sources indicated in column one

From the studies mentioned in table two, how can the appropriateness of designating children to a specific category be determined? Theoretical and practical research experience from other countries suggests that strictly designating children into specific categories is inappropriate because of within and between group variations (Benitez 2001). However, the experience shows that designing interventions according to child's age, time spent on the streets, residential status, and behaviors are more helpful. For example, children who become accustomed to the streets take more time and efforts to adjust in formal educational setting or vocational training. Similarly, siblings of these children can be prevented from the streets by timely interventions.

Conclusion

Children's well-being is operationalized using the UNCRC articles (which are most relevant for children in special life conditions such as the poor ones) and relevant indicators highlighted in various studies. The three most frequently cited indicators include children's health, education, and the relationships. These factors are taken into consideration for well-being analysis of SWC in Pakistan's major cities throughout the thesis. In addition, placing children into categories such as *street working* or *street living* does not help to design effective policies because this approach does not acknowledge their individual differences and needs. Moreover, children's economic activities need serious consideration as part of their survival strategy.

Treating work as a cause of a hazard is inappropriate as it disregards a child's financial circumstances and (un)availability of alternatives.

Chapter 3: Explaining the Paradox of Street Working Children (SWC) with Special Reference to Pakistan

This chapter deals with the main question: *why is a contextualized understanding of the issue important?* A scientific understanding is important not only to understand the characteristics, needs and role of these children as social actors and the factors behind their work but also to devise and propose appropriate legal interventions. The gravity of the problem is also highlighted in the form of negative public perception about “street children” due to the stigma attached. The empirical evidence from Pakistan’s urban areas mainly Islamabad, Rawalpindi, Lahore, Karachi and Peshawar is used. The paradox of the “street child” phenomenon is that streets are considered harmful for children’s well-being and the work they carryout is stigmatized. However, despite risks, there is a remunerative function to street work and SWC sometimes get a sense of worth in their lives which they might not be getting from other spheres (Grugel and Ferreira 2012). From this perspective, where the presence of children on the streets poses various challenges and vulnerabilities, these kinds of aspects exert a positive influence on children’s subjective well-being. The political contentions surrounding the child rights phenomenon is also highlighted giving a plausible explanation for absence of comprehensive child protection legislation in Pakistan.

3.1. The Estimates of “Street Children”: The Issue of Exaggeration

In 1986, it was estimated by the United Nations Department of International Economic and Social Affairs that the number of “street children” varies between 30 to 170 million. The difficulty of accurately estimating the number is evident by this large range (Scanlon, et al. 1998). The UNICEF estimated the number of “street children at 100 million in 1989 (Campos et

al, 1994) which remained the same in 2002 (Benitez 2011; UNESCO, Street Children n.d.). In 2005, the UNICEF declared that the number of “street children” is impossible to quantify but the figure almost certainly runs into tens of millions across the world (ibid). Most of the world’s estimated “street children” are boys, although estimates of girls range from one-fourth to one-third worldwide (ibid). These numbers are referenced uncritically by not only advocacy groups but academic journal articles (e.g. (Ali, et al. 2004). However, a critical approach is needed to consider and reference the numbers of “street children” because of policy implications and the impact on their well-being.

Exaggeration of the issue does not help to devise informed policies but serves other interests. IOs and NGOs try to attract increased funding and attention of policy makers and governments towards the issue that also recognize need for the agency’s work. Ennew (2000) argues that both the “street children” issue and the “homelessness problem” are constructs cleverly manipulated to reflect various agendas and interests of stakeholders such as the welfare agencies. At best, these estimates rest upon largely elastic and vague definitions of homeless and working children. At worst, they are made up (Ennew 2000, p. 170 cited in Panter-Brick 2002).

3.2. Estimates of “Street Children” in Pakistan

The total population of Pakistan is 145 million (till 2005), of which 48.15% are women with an annual growth rate of 2.6 percent (Tufail 2005). The total number of children less than eighteen years old is 78 million- i.e. 55 percent of the total population. One third of this population is within the age group of ten to eighteen years old. 35 percent of the population is estimated to live below poverty line (Tufail 2005) (A detailed table about all the basic indicators of children’s development in Pakistan and a comparison with India and Bangladesh is attached as Annex A). “Street children” are not subject to formal counting but included in the only national

level Child Labor Survey under the broader category of working children, who were estimated at ten million children less than fourteen years old in 1994. Three out of ten children within the age group of five to nine years old do not attend school (UNESCO 2006). According to the UNICEF's current estimates, the primary school enrolment ratio of boys in 2007-2010 was 72 and for girls 60 which are still very low and also reflect gender disparity.

The non-official sources estimate the number of "street children" in Pakistan at 1.2 million (SPARC, 2011). The estimated children working on the streets of major cities are given in table 3 below which shows not only large variations in estimates but also the difficulty of deciding as to what is a "street child", what her characteristics are and what should be the criteria to include someone in the counting.

Table 3: Overall estimates of "street children"

The world	Estimates (million)				
	30-170 million <i>v</i>				
	100 million <i>ix</i>				
	100 million <i>x</i>				
	Hundreds of million <i>xi</i>				
Country	Estimates				
Pakistan	1.2 million <i>vii</i>				
Cities	Karachi	Lahore	Islamabad/Rawalpindi	Quetta	Peshawar
	15000 <i>viii; ii</i>	14000 <i>viii; ii</i>	3000- 5000 <i>iii</i>	15000 <i>viii</i>	5000 <i>viii; ii</i>
	10000- 12000 <i>iii</i>	5000- 7000 <i>vii</i>		4000- 6000 <i>iii</i>	4000- 6000 <i>iii</i>
	25000 <i>vii</i>	3500- 5000 <i>viii</i>			
		8000- 10000 <i>iii</i>			
Ethnicity	Burmes; Bengalis; Balauch; Urdu speaking; Punjabi <i>viii</i>		70% Afghan, Pathan; 30% Punjabi <i>i; vi</i>	Afghan, Pakhtoon in majority <i>iv</i>	Afghan, Pakhtoon in majority <i>iv</i>
Age	largest age group 11- 12 years <i>vi</i>				
	8-12 years (boys); 5-9 years. (girls) <i>i</i>				
	13 years- SD 1.9 <i>iii</i>				
Main Occupations	Mobile vendors; Scavengers; shoe polish, car wash; waiters, physical labors; beggars				

Sources: *i*-Ali, et al. (2004); *ii*-Amal (2006); *iii*- Emmanuel, Iqbal, and Khan (2005); *iv*-Lowicki (2002); *v*-Scanlon, et al. (1998); *vi*-SPARC (2011); *viii*-Tufail (2005); *ix*-UNICEF (1989); *x*-UNICEF (2002); *xi*-UNICEF (2005)

3.2.1. Characteristics of Street Working Children

Studying the characteristics of SWC helps in understanding their needs, social status, economic conditions, and also the political factors behind this phenomenon (e.g. inequality, forced migration, poor urban planning etc.). The dimension of physical well-being (health) is also presented in the following section that links the empirical findings about health as an indicator well-being operationalized earlier.

3.2.1.1. Age, Gender, Ethnicity, Occupations, and Income

It can be concluded from table three above that the age of most SWC in Pakistan's major cities like Rawalpindi, Islamabad, Lahore, Peshawar, Quetta and Karachi, ranges from eight to fifteen years old, majority of which is boys. Girls on the other hand are in minority and are relatively younger- i.e. five to nine years old (Ali, et al. 2004; SPARC 2011; Emmanuel, Iqbal, and Khan 2005). The explanation for the age is that the kinds of occupations these children are involved in are not considered suitable for older children who are usually involved in hard physical labor. Fewer girls are found on the streets due to the factors of culture and religion of Pakistan where male members are supposed to earn and do outside jobs and females are usually involved in household chores or home-based economic activities. This factor calls for legal interventions to pay attention to gender issue because girls who are invisible are equally if not more vulnerable to the human rights violations and exploitation. SWC mostly belong to marginalized populations comprising of e.g. Afghans and Pashtoon in Islamabad (Ali, et al. 2004; SPARC 2011).

In Pakistan, most children are involved in non-skilled economic activities including scavenging garbage to search for recyclable items which they collect for selling to recycling plants, cleaning/ washing cars, waiters at roadside restaurants serving mainly to the customers

also belonging mostly to poor segments of the society, begging, shoe polishing etc. (Emmanuel, Iqbal and Khan 2005; AZAD 2004).

Average monthly income of the SWC is estimated to be around Rs 4000 per month (SPARC, 2011). The average income of the fathers of street working children was Rs 2500 and the mother who if working (which was only 5%) was Rs 2333 (Ali, et al. 2004). Due to poverty and lack of earning opportunities or government support, poor households combine their earnings in order to survive, due to this children are a kind of economic asset for poor people (Motlagh, 2008).

3.2.1.2. Health as an indicator of physical well-being

The health risks faced by SWC are determined differently by the two schools of thought where one group of scholars considers such children at risk of malnourishment (Ali, et al. 2004). Others argue that children working on the streets are in a better health position compared to their peers living under same socio-economic conditions but not working (Aptekar, 1994; Black, 1993; Ennew 2003). In case of Pakistan, a study conducted by Ali, et al. (2004) in the cities of Rawalpindi and Islamabad find that about twenty percent of children in their sample were not the same height for children of their age group in general. However, these findings can be challenged on the basis that the control group comprising of children from the same socio-economic background not working on the streets was not used in the study. In general SWC often work in very unhygienic conditions (e.g. children scavenging garbage with bare hands, eating leftovers from restaurants, people etc.). However, incidence of illness was not found to be very high among such children (SPARC, 2011). Most of the children (74.2 %) (AZAD, 2004) were also reported to be taking three meals per day (SPARC, 2011).

3.2.1.3. Importance of Understanding Children's Coping Strategies

SWC are exposed to larger risks than other children in general because of negative physical and psychological factors at home and challenges posed by the street environment. However, evidence suggests that children develop several coping mechanisms that are adaptive and may help in strengthening their social and cognitive development and well-being (Koller and Hutz 2001). Despite vulnerabilities, it is asserted that social support, love, and trust from peers, family, school teachers, social workers, children on the streets can withstand many challenges (Orme and Seipel 2007). It also exerts positive influence on their subjective well-being (resilience, personal autonomy) when they do not feel humiliated, isolated, discouraged, and outcast.

Understanding children's coping strategies on streets also gives a perspective about the function of work in their lives which can be helpful while devising informed and responsive policies. Children are active in responding to the conditions of their lives at home. It is evident from their act of voluntary or involuntary presence and economic activities on the streets (Bordonaro 2012).

As part of survival strategy, children form networks and new relationships on the streets. Subsequently children form groups commonly referred to as "gangs" and Densley and Joss (2000) call it their larger "family of choice". Advantages of grouping include sharing workloads, protection from law enforcement agencies, and mafias, opportunities to play, form friendships and so on (Oloko, 1992)(although some children prefer to work alone). In Pakistan's context, due to the bonding and commonalities amongst peers, even if someday a child earns less s/he does not end up hungry because of peers' support (Ali, et al. 2004). Studies conducted in Pakistan mostly highlight the negative aspects of street gangs formed among the drug addicts living on the streets and focus on the exploitation and negative peer pressure to get involved in illegal activities

(Sherman, Plitt, Hassan, Cheng, & Zafar, 2005). However, these findings are not generalizable to all children working on the streets who often work along with their siblings.

Various policies and programs in Latin American countries have been devised from the understanding developed from studying children's characteristics, activities and survival strategies on the streets (Benitez 2001; 2011). Organizations working with SWC engage the former "street children" (who were provided services in the past) as "street educators" who know their younger peers better and are able to convince them to attend school or learn some skills helpful to earn sustainable living. In addition, children are provided training in "life skills" in which they are told to make safe work options due to risks associated with dangerous activities like commercial sex.

3.3. Understanding Determinants: the Supply and Demand

No single factor can be attributed to the "street children" phenomenon which is the result of a combination of various forces at the individual, local, national, and international level. It includes urbanization, growing population, environmental changes such as drought or flood, rural to urban migration, political and ethnic violence, poor economic condition of an economy, unemployment, illiteracy and so on.

3.3.1. The Supply Side Factors

There are various determinants involved behind the "street child" phenomenon as emphasized by various scholars. The following sections provide an overview of these explanations by linking them with empirical evidence from Pakistan's urban areas.

3.3.1.1. Family Factors and Financial Issues

A research in context of Brazil focused on household factors such as broken families and shows that SWC are more likely to come from the households headed by single mothers (Scalon,

et al. 1998). In addition, these children usually do not have access to basic needs of life such as clean drinking water, and their parents are mostly illiterate and/or unemployed. Besides financial problems, physical violence and unstable parental relations push children to the streets in Pakistan's context (Ali, et al. 2004; Emmanuel, Iqbal, and Khan 2005; Tufail 2005). Certainly, poverty is one of the most important reasons but not the only reason for SWC because if this is the case then all the children living in the poor households would be on the streets. Factors like poverty, poor health provisions, illiteracy, unemployment and poor urban management are inter-related and contribute to push children towards the streets in Pakistan.

3.3.1.2. The Political Conflict and Forced Migration

Political factors like war and conflict are extremely important behind SWC in Pakistan. According to the United Nations High Commissioner for Refugees (UNHCR), Pakistan hosts 1.6 million registered Afghan refugees at present and “this is the largest and most protracted refugee population in the world” (2013 UNHCR country operations profile - Pakistan 2013). It is estimated that after September 11 Attacks and subsequent US invasion of Afghanistan, two hundred thousand refugees entered Pakistan joining already residing over two million since 1979 Soviet invasion of Afghanistan (Lowicki 2002).

How the Afghan refugee problem is related to “street children” in Pakistan? This is an important question to consider because Afghan refugees mostly take refuge in Pakistan's urban areas due to the prospects of work. There are about fifty nine percent children in 1.6 million Afghan refugees (less than 18 years old) and half of them are girls (Lowicki 2002). Household poverty is the main reason of these children's work and their earnings are considered as the “backbone” of their family's survival (ibid). Pakistan being a developing country with the population of 180 million is unable to cater to the needs of these refugees.

3.3.1.3. Urbanization and Migration

The “street child” phenomenon is also seen as a problem of modernization because it breaks down the traditional urban family structures, loss of arable land, and rapid expansion of cities (Oloko 1992). In Pakistan, increased immigration and consequent urbanization has led to the crowding of cities during the last two decades. The problem arises when the receiving cities are unable to absorb and accommodate the influx of individuals and households from rural areas. Due to this, rural immigrants in Pakistan have moved to the informal settlements in urban peripheries (Ali. et al. 2004). Poverty and inadequate family income have forced children and adolescents into seeking employment in the informal economy. In Pakistan, many children migrate to the cities for economic reasons, including children from Afghanistan (Emmanuel, Iqbal and Khan 2005). Migration of unskilled and uneducated people in developing countries makes it difficult for these families to survive in city lives. For this reason, children also have to compensate for the family earnings and play their role as economic agents.

3.3.2. The Demand Side Factors

Bordonaro (2012) emphasizes the importance of informal economy on the streets as one of the demand side or pull factors for children work. He further (like others Aptekar 1994; Black 1993; Ennew and Swart-Kruger 2003; Ennew 2003; Orme and Seipel 2007) adds that the desire for independence and autonomy also contributes towards children’s decision to move on to the streets. This study claims that if street migration is successful then children are seemed at ease on the streets; on the contrary if their migration experience turns out to be a failure, then they are more likely to return to their families. However, this research does not take into account those children who do not permanently reside on the streets or those who migrate to the streets despite their negative experience and do not have other alternatives available. It is also very unlikely to

consider the experience of children completely successful or completely a failure because of the tradeoffs involved. For example, despite harsh treatment from public and authorities, the streets provide livelihood to numerous poor children.

3.4. Gravity of the Issue: Negative Public Perception and Policy Response

SWC live in a community, peopled by other “street children”, street educators, help agencies, law enforcers, law makers and also law breakers and exploiters. The world of street children is complex. People who are supposed to protect them (law enforcers) may at times mistreat them because they might rightly or wrongly think of children’s involvement in criminal activities. On the other hand the law breakers and exploiters may provide “street children” with provisions but at the cost of criminality or exploitative sex. One needs to understand the children’s and communities’ perceptions about each other in order to devise appropriate policy interventions (Black, 1993).

The way the street working children’s lives and work are understood not only influences the perception and behavior of society towards them but also the interventions and laws related to them which are very important for their well-being.

The political implications of social understanding about SWC can be summarized as follows:

- i. Labeling these children gives a negative impression to the society that considers them delinquents (Ennew, 2003; Rurevo and Bourdillon 2003), amoral, and need to be controlled, rehabilitated or simply removed from the streets.
- ii. Viewing these children as delinquents leads to cruel treatment by people and punitive measures by the law enforcement personnel. However, in reality begging is the only deviant behavior most people experience from these children (Denssley and Joss 2000).

- iii. Being arrested (as part of the plan of removing them from the streets, on complaint of someone, drug use etc.) tarnish their image in society as drug addicts and criminals. On the other hand, the underlying causes of poverty, inequality and the function of work in children's lives as a survival strategy are completely disregarded.
- iv. Creating hype about the issue calls for urgent policy measures. Consequently, policies and funding made to address the issue would miss the needs of SWC (Benitez 2011). For example, the governments adopt coercive measures to remove children from the streets in order to avoid international criticism, the human rights violation, protect children's "best interest" and ensure public security. This approach pushes the children from visible to invisible activities such as commercial sex, working as domestic workers in households, road-side restaurants and bus stops (which are considered inappropriate and unsafe for women and children due to illegal activities and unsecure environment).
- v. Most visible children attract the attention of welfare agencies and children in slums and shanty towns are ignored.

As an example, despite knowing some skills (e.g. car repair, puncture fitting, garment-related work, and welding/ molding), it is hard for adolescent boys in Pakistan to find a job (AZAD, 2004). Due to weak law enforcement, people do not care much about legal prohibition of employing children under ECA, 1991. However, employers find it difficult to trust the boys due to fear of stealing valuables and running away with no possibility of being found again. Due to this, adult's guarantees are required. This is problematic though in case of children living without adult supervision or those belonging to marginalized groups (Afghan refugees and gypsies), or living with mother only, the apprenticeship or job is extremely hard to get. The following

statement by a child expresses part of problems they confront due to lack of guardianship and/or the stigmatization in society:

“Why people will give job to us, no one is there to become our guardian or support us. They are afraid that we are going to kill them or steal something and run away.” (AZAD, KABPS study for street children in Karachi 2004, p. 27).

3.5. Political Contentions Surrounding the Children’s Rights in Pakistan

Being a marginalized segment of society, belonging to poor households without the provisions of electricity, water, sanitation and educational facilities, “street children” in particular and the children’s rights in general enjoy feeble political support in Pakistan. These are promoted mainly by international humanitarian agencies like the UN and the UNCEF or some NGOs. However, the interests of some humanitarian organizations and its negative implications for children’s well-being have already been discussed (section 3.1). Here, lack of response by parliamentarians will be analyzed with special reference to the controversial the ‘*Child Protection Bill*’ in Pakistan.

There is no law in Pakistan that explicitly deals with the issue of “street children”. However, if SWC are placed in the broader context of children’s rights, provisions for their rights under the UNCRC exist (the UNCRC is analyzed with reference to SWC in the next chapter). At the time of ratifying the convention, general reservations were made by the Government of Pakistan that the UNCRC shall be interpreted “in accordance with the Islamic laws and values in Pakistan” (Pakistan: National Laws, 2011). These reservations were withdrawn in 1997 but this evidence suggest that the child rights like the women rights and minority rights remains a politically contentious phenomenon in Pakistani politics.

Given the international pressure, the National Commission for Child Welfare and Development and the Ministry of Social Welfare initiated the drafting of a comprehensive *Child Protection Bill* in 2005 (Sardar). The main provisions of the proposed law include child

protection against physical, sexual abuse and deprivation of liberty (Pakistan: National Laws, 2011). It also includes clear reference to “street children” who are entitled to the state’s protection. However, the bill was turned down by the parliament with some reservations. One of the main objections states that *“the bill appears to be alien to the prevalent societal norms, cultural values, and religious beliefs”* (Sardar, p. 7) and the phraseology were not sensitive enough to take account of these considerations. In 2007, after three revisions the bill was sent to the cabinet for review which was sent back from the then prime minister with additional observations (ibid). “It seems that once the origin or basis of a law or a rule is claimed to be Islamic (or in contradiction with Islamic values), governments and political leaders dare not repeal them (or support them). The political costs of defying such a stricture are too high and most of the time governments simply do not act, or act inconsistently. Thus signing or ratifying international human rights treaties remains virtually a symbolic act and many treaties even when signed can be ignored with impunity” (Imran, 2005, p. 84).

The prolonged delay of child protection bill provides the grounds for skepticism about government’s intentions to implement children’s rights in practice and not just to avoid the international opprobrium. The lack of legislation and implementation mechanisms about the protection of children’s rights have repeatedly been highlighted by reports of the UN committee on the rights of the child (Pakistan: children rights in the universal periodic review, 2012).

In its concluding observations in the year 2009, the report makes reference to its previous observations in the year 2003 regarding Pakistan’s compliance with the UNCRC that remains unaddressed to date:

The Committee urges the State party to take all necessary measures to address those recommendations... related to the harmonization of laws with the Convention, improved *coordination* of the national and the local levels, the establishment of a *monitoring mechanism*, *resource allocations* for children, *data collection*, its cooperation with non-governmental

organizations (NGOs), the *definition of the child, violence and abuse* against children, including sexual abuse, the right to education, child labor, and juvenile justice... (UNCRC, 2009, p. 3).

Despite international commitment, it is important to understand what makes policy makers in Pakistan delay the promulgation of a comprehensive law about children's rights since 1991 (Pakistan ratified the UNCRC)?

The first part of these observations are related to the organizational and institutional matters which may be impeded by lack of resources, continued inflation, internally displaced populations due to floods and terrorism, and refugee problem. However, there has been a low level of government commitment for allocation of resources to education- i.e. less than two percent which is lowest amongst the South Asian countries (Dawn, 2012). The formulated policies and plans of actions are not backed by proper monitoring mechanisms, as is evident from poor data collection mechanisms in the absence of which, it is extremely difficult to monitor the progress. Nevertheless, the macro level indicators show gender disparity in primary school enrolment ratio of 92 percent for boys vs. 77 percent for girls.

The second part of the observations are even more complicated politically- i.e. definition of the child, the violence and the abuse. Other than the cultural and economic differences about who is a child, there are serious religious reservations about it in Pakistan. The distinction between children and adults does not exist in the Constitution of Pakistan. However, some of the relevant articles of the constitution contain provisions that refer to children indirectly: Article 11(3) prohibits employment of children up to fourteen years old in hazardous employment; and Article 25A establishes compulsory education for children between five to sixteen years old (Pakistan: National Laws, 2011). A child according to the Islamic jurisprudence is a person who has not yet attained puberty which varies greatly with age and sex. This is one of the reasons that extreme variations exist in the age of a child in the national laws (see section 4.1.3).

Secondly, the ‘rights’ of protection against violence and abuse are equally controversial. Corporal punishment at educational institutions remained a problem in Pakistan and many children drop out due to fear of being punished at school. In 2013 the government has just passed the Corporal Punishment Act prohibiting it completely (Nations, 2013). However, the effective implementation would depend greatly on the monitoring and compliance mechanisms.

In addition, the “street child” problem in particular does not enjoy any clear support or opposition from powerful national or international corporations and interest groups as in the case of child labor in export industry. Therefore, the issue gets a cold response from the government and these children remained to be stigmatized in society. Political manifestos of the mainstream political parties including Pakistan Muslim League N, Muttahida Qaumi Movement, Pakistan Tehreek-e-Insaaf, and Pakistan People’s Party include education and it is claimed that current GDP of less than two percent will be increased to five percent once they come in power (Sahi, 2013). However, no party makes clear reference to the “children’s rights”.

3.5.1. SWC as a Liability and Security Threat: Policy Maker’s Perspective

Among the circles of legislature in Pakistan, street working children are considered as beggars and begging is a punishable offense and a security threat. During a National Assembly session in 2012 (reported in a state owned press), notice was called about calling attention to professional beggary in Islamabad, involving mostly children (Professional beggary in Islamabad on decline: NA told). The stance of these politicians is elucidated from their statements about the issue and their proposals reflect the state of their understanding and perception, which is not different from common people’s perceptions. For example, the Minister of State for Interior praises police vigilance due to which number of women and children on the streets were declining in Islamabad. The state was not taking a “deterrent action” against women and children

due to moral and social limitations. Some of the proposals of the members of parliament are the following: confining beggars to a particular area to prevent the projection of the country's negative impression in front of foreigners; the establishment of philanthropy centers; complete ban on beggary (which is already banned in the law); discourage begging (without further explanations about how); collaboration with NGOs and Sweet Homes in order to “get rid of” beggars. All these proposals are the examples of failed programs experienced in Latin America, some Asian and African countries (as mentioned by Aptekar; Ennew; Benitez; Woodhead and many other eminent scholars analyzed throughout the thesis).

The judiciary's perspective appears to be ambivalent about the issue, though not very different from parliamentarians. For example, in 2011, the Lahore High Court ruled that the government should strictly enforce laws to discourage beggary, set up homes for the destitute and improve “charity” disbursements (Begging becomes business in Pakistan, 2013). “Most beggars, if arrested, get bail. Judges also take into consideration the lack of welfare homes for destitute people and the result is that once released, offenders... start begging (again)” (ibid). Similarly, when a child is caught from the streets, his/her parent/guardians are traced while keeping her in shelter (developed under Child Protection and Welfare Bureau). The child's parent swears in front of the court that s/he will take better care of the kid in future (ibid). Police officers are of the view that their “crackdowns” on the street people are not working because these children along with elders are involved in a lucrative business and often work in gangs (ibid). These positions of government actors from the top policy making to the bottom implementation level present similar kind of stigmatized views which completely disregard the underlying causes of begging or working on the streets (policy analysis is presented in chapter 4).

3.6. A Tacit Acceptance of Children's Economic Contribution

It has been stressed in chapter two that poverty is a multi-dimensional phenomenon due to which many children are found on the streets of Pakistan's major cities like many other developing countries. Richter and Swart-Kruger (2001) argue that poverty is not the shortage of income but *bona fide* income opportunities. In the developing, non-dictatorial and capitalist countries, children are allowed to be on the streets because they learn to find a niche in the economy of the poor and that they participate as citizens by earning a living (Richter and Swart-Kruger 2001). I disagree with part of the statement because in case of street working children in Pakistan, being on the streets is more of a compulsion arising out of lack of the educational/occupational opportunities and alternatives and displacement in case of Afghan children, rather than as free and equal "citizens".

Rag picking is one of the examples of children's participation in the informal economy and is very common among children working on the streets in Pakistan. ***It can be defined as searching through the cities' dump sites to find the recyclable items, sorting and sifting through plastic material, glass, bread, iron/ steel etc.*** Although harmful (because of the exposure to waste materials, hospital waste, injury, breathing, and skin infections), their work contributes not only to their survival but also the environment and informal economy. A study conducted by the Sustainable Development Policy Institute (SDPI) on Rag Pickers/Scavengers in 2003 estimated that 89,500-106,500 children are involved in it (cited from Gulrez 2006) (table 4 on the next page shows large variations in estimates).

Table 4: Estimates about the rag-picking children

Cities	Estimates	Sample (Children refers to < 18 yrs)
Karachi	20000 (only children)- iii	Only children
	25000 (70%<18yrs- 17,500- ii	70 percent children < 18 years
	33,000-40,500- iv	Only children
Lahore	35,000- i	Women and children (mostly gypsies)
	10,000- v	Age group not specified
	35,000-40,000- iv	Only children
Peshawar	10,000-12000- iv	Only children
Quetta	8000- 10,000- iv	Only children
Islamabad	3500-4000- iv	Only children

Sources: i. Empowering the voiceless and vulnerable rag pickers (Lahore) Action Aid-Pakistan (2009); ii. Motlagh (2008); iii. Pakistan: child rag pickers should get protection (2009); iv. SDPI survey 2003 cited from Gulrez (2006); v. Tahir (2006)

It can be seen from table 4 that it is difficult to assess the number of children involved in the rag-picking occupation because of unavailability of official estimates. However, combined samples of children with adult also show disproportionately large number of children's involvement. The collective earnings of waste picker families range between Rs. 6,000 and Rs. 8,000 per month and earning from family members are often pooled together (Budlender 2009).

In terms of contribution to the environment, rag pickers' support is very important for the city district governments in their waste management (e.g. in Karachi and Lahore) (Pakistan: child rag pickers should get protection 2009). These children help in handling and disposing off twelve percent of recyclable material (ibid). Due to this, the city district government is able to save huge amount of money needed to collect the material otherwise (ibid). By spending six to eight hours a day, children sell the waste material to junk buyer, earning enough money to ensure their and their families' survival (Motlagh, 2008). However, these junk buyers are often exploitative without any checks from the city district administration (Tahir, 2006).

In absence of social protection and safety nets, poor families and their children have very restraint choices. Provision of facilities like providing masks, gloves, and other necessary

protections from the government can help reduce the work related hazards of rag pickers. The provision of schools and/ or training centers within their communities (e.g. slum areas) with basic facilities of toilet, clean water, and meals can help improve their well-being. Moreover, it is also possible to not to restrict children for school uniforms and conventional examination system to increase their convenience where they can manage to combine schooling with work which is safe for their health (detailed analysis is provided in chapter four).

Conclusion

The analysis in this chapter shows that “street children” is a complex phenomenon that needs to be viewed in its entirety by shifting the focus of the conventional approach of considering children as a site of problems to considering them as social actors interacting with their environment. Children as social actors make the best from their exploitative environment and restraint alternatives (e.g. schools, vocational training centers, social security provisions and so on). Due to underlying poverty, inequality and lack of opportunities, these children take on adult duties relatively early in their lives. However, the way the “street child” phenomenon is framed by IOs and NGOs creates and strengthens the prevailing prejudice in society. The conventional understating of the issue is “narrow-minded” because of not considering the tradeoffs involved in children’s work. Policy makers and implementers also share the common negative perception about “street children”, viewing them as a problem that needs to be suppressed. Informed and scientific understanding of this issue is imperative in order to devise policy approaches according to the needs and demands of these children. The next chapter presents an analysis of global and national legal interventions that will help to assess the appropriateness of current approaches keeping in view the theoretical and empirical understanding developed from the previous chapters.

Chapter 4: Global and National Legal Interventions for (Street)

Children's Well-Being

The phenomenon of street working children (SWC) is a social and political issue which requires the kind of policy response that takes into account children's "demands". Various global and national legal provisions exist to deal with SWC directly or indirectly. The existing policies are presented in this chapter followed by analysis of the programs in terms of their effectiveness and responsiveness according to children's demands. The social and political perception scrutinized in the previous sections is manifested in the legal response as well. Pakistan does not have legal provisions dealing comprehensively and directly with children's rights and the "street child" phenomenon. It is addressed through a combination of various legislations. The findings of this chapter highlight that policies in Pakistan dealing with SWC are obsolete and short-sighted and do not respond to children's needs. Lessons learned from successful interventions elsewhere suggest reconsidering the existing approaches and revise the existing policies and programs according to the theoretically informed and contextualized understanding about SWC.

4.1. Global Provisions for Children's Well-being

The legal provisions available for children's well-being at the global level are analyzed in the following section. The two most important and relevant international legal frameworks include the UNCRC and the ILO's child labor conventions.

4.1.1. The United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC adopted in 1989 ratified by 191 states is considered as one of the most comprehensive legal document to envisage and protect children's rights. A child is considered to be a person less than eighteen years old. The rights of children in *special need and poor*

circumstances are the special focus (Annan 2000). The four general principles of the UNCRC which specify children's rights are the following:

1. ***The Right to Non-discrimination***: children must be treated equally irrespective of their social, economic, ethnic, political or religious background (as stated in Article 2)
2. ***The Right to survival and development***: includes the physical, emotional, psycho-social, cognitive, social and cultural understanding and protection (Article 6 and 27)
3. ***Protection of the child's best interest***: by governments and families (Article 3)
4. ***Active participation of children***: must be ensured in matters affecting their lives (Article 15) like physical health, emotional well-being, protection, and education etc.

Above stated goals of the UNCRC are very general and broad and cover several areas of children's rights which are often violated in the world. For example, out of children of primary school age, about 110 million children are out of schools in the world (Kofi Annan 2000). This shows that according to these standards, a vast majority of the world's children do not enjoy their basic rights. Various children in the world perform economic responsibilities and work in unsafe conditions to ensure their survival (Arat 2002).

The UNCRC provides broader perspective and guidelines about children less than eighteen years old in general and the flexibility is understandable because of its global scope. Although, no direct provisions exist for "street children" in the UNCRC but the two following articles are very relevant.

The right to protection from violence, abuse, and neglect (Article 19)

- i. The states parties shall take all the appropriate legislative, administrative, social and educational measures to protect a child from all the forms of physical and/or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

- ii. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for the other forms of prevention and for identification, reporting, reference and as appropriate for judicial involvement.

The right to protection from economic exploitation (Article 32)

- i. The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- ii. Take legislative, administrative, social, and educational measures to ensure the implementation and specify
 - a. minimum age for admission to employment;
 - b. appropriate regulation of the hours and conditions of employment;
 - c. appropriate penalties or other sanctions to ensure the effective enforcement of the present article (Black 1993)

With reference to SWC, it can be interpreted from the provisions of Article 19 that the aspects of health, education, and psychological well-being of children are taken into account. However, specifying protection of child while in parents' or legal guardians' protection is problematic for children who live alone, without parents or guardians. Article 32 calls for protection from economic exploitation but it points towards the hazardous nature of work. The problem with this approach is that work per se cannot be regarded as harmful or benign and simple causation cannot be established (Woodhead 2004; Benitez 2011; Ennew 2003). The context and environment in which children work is important that can change the nature of work

and its impacts on children's well-being. Even the harmful work carried out in extreme poverty may ensure the survival of child and family (e.g. child rag picking explicated under section 3.6).

4.1.2. The International Labor Organization's (ILO) Conventions

Other relevant international conventions include the ILO's Minimum Age Convention No. 138 (1973) and the Worst Form of Child Labor Convention No. 182 (1999).

Table 5: The ILO Conventions

	Minimum Age to Start Work	Exceptions for the Developing Countries
Hazardous Work	18 (16 under strict monitoring)	18 (16 under strict monitoring)
Basic Minimum Age	15	14
Light Work	13-15	12-14

Source: Adapted from ILO website, retrieved from URL= <http://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm>, viewed on 25/05/2013.

Variations in the minimum working age with respect to the country's developmental status can be observed in table five due to various socio-political and economic complexities. Another important point is the ILO's initial shift from *abolishing child labor to regulating it*. Nevertheless, it is not pragmatic to abolish children's work which is considered a part of child's training in many cultures (Camfield and Tafere 2001; Camfield, et al. 2010; Droz 2006; Richter and Swart-Kruger 2001; Woodhead 2004;) and a necessity for survival of many (Ali, et al. 2004; Basu 2005; Ennew 2003; Edmonds and Pavcnik 2005; Lowicki 2002; Motlagh 2008).

4.1.3. Socio-political and Economic Issues of the International Conventions

Arat (2002) argues that the introduction of the Convention 182 after twenty years of the Convention 138 points towards inability of the states to effectively control child labor. She also

criticizes politicization of the ILO by for instance gaining advantages of trade preferences from other forums such as the World Trade Organization by including the ‘clause of best practices’ in trade agreements between the countries. Products that are child labor tainted are boycotted by the international community. The reason for propagating child labor by developed states is the unequal benefit of developing countries in the form of child labor and not the “best interest of the child”. However, research in Pakistan’s export industry has shown the negative repercussions of banning child labor in these industries after international sanctions in the form of boycott to buy products using child labor (Bourdillon, et al. 2010). Many children who were previously attending school due to work could no longer afford to get education (ibid). Another problem with this approach is that it does not address the issues of street working children as they work in informal economy with no regulations. International economic and political community does not seem to be affected by children in informal activities unlike those engaged in the export industries.

Ratification of the conventions about the children’s rights does not mean that the governments accept greater responsibility to ensure children’s rights but it may provide scapegoat to the inefficient governments to avoid international criticism. For example, governments generally take credit for ratifying the international conventions and avoid international criticism (the kind of criticism which is often directed against the United States (US) or Somalia for not ratifying the treaty). The reasons provided by the US policy makers include concerns about the UNCRC for being an effective child rights mechanism; political and legal concerns include conflict between the treaty and the US laws regarding privacy and the family’s rights (Blanchfield 2013).

On the contrary, Pakistan has ratified the treaty but could not agree so far on the definition of “the child” as someone less than eighteen years old due to various reasons including *religious*

(a child is someone who has not reached puberty according to Islamic jurisprudence), *political and economic* (less than fifteen years old under the Mines Act, 1923; the Employment of Children Act, 1991; and sixteen years old under the Sindh Children's Act, 1955), *legal* (eighteen years old under the Majority Act, 1875; the Pakistan Penal Codes; and the Punjab Destitute and Neglected Children's Act, 2004) and *social* (age for child marriage is sixteen years old for girls and eighteen for boys reflecting gender discriminations under the Child Marriage Restraint Act, 1929) (Sardar 2005). The empirical findings about "economic exploitation" in the ILO estimates of twenty percent of all children less than fifteen years old involved in child labor all over the world (Hesketh, Gamlin and Woodhead 2006) suggest that the situation is more complex than simple causal relationship between the work and hazard. The phenomenon of child work and SWC is deep-rooted in cultural, economic, and political reasons such as urbanization and city mismanagement, inequality, inability of government to generate employment opportunities for youth and adults, the lack of health, education, and skills development provisions, and institutional corruption.

4.2. Types of National Legal Interventions and Policy Debates

Thirty years of research on "street children" originated mainly in Latin America (e.g. Aptekar 1994; Black 1993; Scanlon, et al. 1998; Grugel and Reffeira, 2012) and later in Africa (e.g. Droz 2006; Aptekar 1994; Orme and Seipel 2007; Tekola, Griffin and Camfield 2009; Ennew and Swart-Kruger 2003; Rurevo and Bourdillon 2003; Oloko 1992). Therefore, the literature on policies in relation to this issue is thin (Benitez 2011). The dominant policies and programs can be broadly categorized as the *repression-oriented or correctional approach*; that started shifting to the *protection-oriented or rehabilitative* in 1960s and then the *human rights-based* in 1980s given the factors like international pressure (the UNCRC), conformity with

democratic norms, and involvement of civil society organizations pushing many government to introduce the new “enlightened laws” (Scanlon, et al. 1998)).

Benitez (2003) argues that the policy approaches had not made significant advances, as reactive, protective and rights-based models dominated the policy landscape around the world. The summary of these approaches is presented in the following table six:

Table 6: Categorizing the policy approaches towards “street children”

Legal Interventions	Conceptualizing a “street child”
<i>The Correctional, reactive or repression-oriented approach</i>	<i>Delinquent</i> - threat or potential threat to public order whose deficient characteristics differentiate her/him from other children assumed ‘normal’, inviting a repressive response to individual children
<i>The Rehabilitative, protection-oriented or assistance-based approach</i>	<i>Victimized</i> - vulnerability of street life is highlighted and basic rights to education, health, and shelter are repeatedly violated, inviting a rehabilitative approach towards individual children
<i>The Human rights-based approach</i>	<i>Citizen with violated rights</i> - a marginalized and discriminated group whose rights as a citizen are denied or not protected by the state

Source: Benitez, 2011, p. 76

Droz (2006) highlights the highly politicized nature of policy about SWC in the name of children’s rights that serves to appeal to both the international community and domestic public at cost of the families’ well-being. For example, the Kenyan government has taken the correction or repressive approach of sweeping children and street families off the streets. Men, women, and children were separated after taking off the streets and sent to separate rehabilitation centers. The implication of this policy is that these “street children” are forcefully kept at the rehabilitation centers and taught the skills and literacy. Consequently, if someone returns to the street following the rehabilitation, they are seen as useless, and unwilling to work hard. This policy is regarded by both the middle class people and the business community as the government’s sincere effort to discipline “street children”. The business community considers the “street children” issue as a threat to their business in the city centers (Droz 2006). SWC’s issue is dealt as an issue of home

security (in St Petersburg), law and order (in Russia the perception of seeing them is changing from destitute to criminals) or duty to correct (e.g. in China by forcefully sending children back to their families) (Benitez 2011).

4.3. National Legal Interventions Concerning “Street Children’s” Well-being

After ratifying the above mentioned international conventions, converting the global standards into national laws through formulating new laws and/or amending the existing ones accordingly and ensure implementation becomes the state’s responsibility. Being a federation, the education, health, and policy making regarding children’s rights is a provincial subject in Pakistan (although national assembly can also pass legislations).

The Employment of Children Act (ECA), 1991 of Pakistan is one of the examples of national laws that prohibits the employment of children under fourteen years old in occupations (processes) considered harmful for their psychical and/or mental well-being (e.g. in working extreme temperature, for long hours, with dangerous machinery, picking heavy load, working in mines, and deep sea diving). The “street children” are not covered directly by these laws but indirect implication is that these children are not entitled to any compensations or liability in case of violations of their rights (or protection from economic exploitation).

Due to the reason that no specific child protection law exists in Pakistan, the Child Protection Bill remained under debate since 2005 and not passed at the national level given the reasons of non-conformance to cultural norms and lacking convincing power (Sardar, 2005). This bill is important because of containing the clause about “street children’s” protection and various other rights mentioned in the UNCRC such as prohibition of corporal punishment, right not to be discriminated for any reason, right to voice their opinion, and right to confidentiality, and duty to provide special protection to “street children” (ibid). Major province wise laws are the following:

- i. The Province of Punjab: The *Punjab Destitute & Neglected Children Act (2004)*, formerly Punjab Children Ordinance (1983)- The cities of Rawalpindi and Lahore are situated in this province
- ii. The Province of Sindh: The *Sindh Children Act (1955)*- The city of Karachi is in this province
- iii. The Province of Khyber Pakhtun Khwa: The *Child Protection and Welfare Act (2010)*- the city of Peshawar
- iv. The Province of Baluchistan: No child specific law exist- the city of Quetta

The policies formulated under these laws and other related laws are analyzed in the following sections.

4.3.1. The Correctional Policy Approach: Protection for or from a “Street Child”?

Due to weak position of children in society, politics, and economy, their purpose on the streets is completely ignored and they become stigmatized and discriminated by not only the society but also the state. The following analysis aims to analyze how the stigmatization of SWC (highlighted in chapter three) is reflected by the country’s policy provisions. If we place it in one of the categories mentioned above, it can be clearly placed under the correctional, repressive, or “coercive” approach. Harassment by police personnel is one the vulnerabilities mentioned by many SWC in Pakistan and elsewhere (Densley and Joss 2000; Iqbal 2008; Oloko 1992; SPARC 2011; Shermen, et al. 2005).

4.3.1.1 Pakistan Juvenile Justice System and “Street Children”

In Pakistan, SWC are in particular vulnerable to the human rights abuses within the criminal justice systems due to their frequent coming in contact with the system and less chances of being defended. These children can be divided into three categories:

- 1) *Children in actual conflict with the law*: are those who commit some crime irrespective of the nature of its severity.
- 2) *Children in perceived conflict with the law*: can be arrested for activities criminalized under national legislations but international community demand for their de-criminalization (e.g. victims of commercial sexual exploitation, running away from home, begging and so on).
- 3) *Children in need of care and protection*: are detained under suspicion of involvement in criminal behavior or detained for their own protection (Wernham 2005).

Contrary to public perception and suspicion of SWC as petty criminals, the findings in Nairobi, Kenya find that 85 percent of children passed through the court in the month of November 2001 were claimed to be in ‘need of care and protection’ not because of criminal involvement (ibid).

The minimum age for juvenile offenders in Pakistan is seven years (the Pakistan Penal Code) which shows discrepancy in the age of a child under the UNCRC, the ECA, 1991 and other laws in Pakistan. SWC can be detained for their alleged involvement in crime but they have to be kept separate from other prisoners and must be produced before the juvenile court within 24 hours under the law. However implementation of these provisions is fraught with ignorance about the legal provisions for children, poor accountability mechanism and corruption of police personnel which create problems for these children (Tufail, Feeny and Wernham 2004).

The following statement by a SWC kept in detention for “*education and training for mental, moral, and psychological development*” explains about his experience with legal system:

While selling sweets, I found a wallet lying on the ground and asked a woman standing nearby if it belonged to her. A man standing there said it was his and I had picked his pocket. He handed me over to the police. The police ate all my sweets and locked me up. I will sell sweets again when I get out of here, but I will never help someone again (eight-year-old boy, Borstal Jail², Bahawalpur, Pakistan, cited in Wernham, 2005, p. 3).

In Pakistan less than twenty percent of children in juvenile jails were convicted of any crime (petty or otherwise) (Tufail, Feeny and Wernham 2004). Detaining children violates their rights under the UNCRC and all aspects of their well-being including self-esteem, resilience, mental and physical health. It rather attaches another stigma of being arrested to their personalities and identities as shown by a report (AZAD, KABPS study for street children in Karachi 2004), which mentions the children’s ‘arrest experience’ under the heading of “criminal record”.

4.3.2. The Assistance Policy Approach: Rehabilitation

The government institutions that deal with children who work on the streets or those who are lost and/or run away from homes include the child protection centers, social services centers for lost and kidnapped children, child protection bureaus, social welfare departments and the Police Child Protection Center in Peshawar city (SPARC 2011). The social welfare department is an umbrella organization, within which various child protection programs are implemented. Its responsibility is to monitor shelters, orphanages and day care centers (ibid).

The governmental shelters are mainly run under the Provincial Child Welfare Units where children are provided vocational training and education. The Province of Punjab also has the Child Welfare and Protection Bureau and centers for children have been established in seven

² defined in the Juvenile Justice System Ordinance (2000) as places where a child may be ‘detained and given education and training for their mental, moral and psychological development

major cities (Child Protection and Welfare Bureau, Government of the Punjab (Home Department) n.d.). These facilities basically act as a transit for children as they help the child to find parents or relatives. The Police Child Protection Center in Peshawar also provides the same services mentioned above. This center is the only government owned child protection service provider which has a concrete child referral system in place with the police. However, the center did complain that the police does not comply with the referral system in place and often arrests and holds children at police stations rather than sending them on to the Center (SPARC 2011).

Other provisions include Pakistan *Baitulmal*'s (an autonomous organization running under the Prime Minister Secretariat since 1991) the National Centers for Rehabilitation of Child Labor since 1995 (National Centres for Rehabilitation of Child Labor, 1998-2013) for children five to fourteen years old.

This evidence suggests that the policies' focus in Pakistan towards "street children" is rehabilitative considering children as needy and destitute. Many children who work on the streets and live with their families cannot benefit from these programs mainly because their "needs to work" are not addressed. Secondly, these provisions focus on providing temporary shelter to children that can mainly benefits those children who are lost or kidnapped. Third, the focus on shelters is not a long term solution and is temporary, expensive and neglects the necessities and well-being of children while they work on the streets such as lack of provision of toilet facilities which is major issue of children on the streets and also of people living in slum areas. Providing free education would not even work without winning children's trust which is lost due to "corporal punishment" at schools (among other reasons), explained in the following section.

4.3.3. The Human Rights Based Approach: Education

The human rights based policy approach calls to ensure all those rights to children envisaged in the UNCRC and discrimination free education for every child is one of them. Article 25A of the constitution of Pakistan states that “the state shall provide free and compulsory education to all children of the age of five to sixteen years...”. As a result of the World Declaration on Education for All 1990 (World declaration on education for all and framework for action to meet basic needs 1990) and in 2000 in Dakar, Senegal, Pakistan pledged to meet the educational needs for all by 2015. Two out of eight Millennium Development Goals (MDGs) adopted in 2000 are also about education (UNESCO 1996-2012).

Given the pressure from international community, various long-term programs have been implemented in Pakistan. The Social Action Program addressed educational needs in two phases: Phase I (1992-1993) and Phase II (1997-2002) (UNESCO, Improving learning opportunities for street children 2006). Phase II widened the scope of some areas, extending education to middle-level schooling and recognizing the role of non-formal education. Other programs include the National Child Policy and Plan of Action and National Plan of Action for EFA (ibid). 200,000 non-formal education centers are planned to be established by 2015 in rural and semi-rural areas of the country (P. Tufail 2005). This is a good prevention strategy (if implemented effectively) to prevent children from migrating to urban areas; nevertheless, this certainly excludes SWC who are already residing in urban areas such as those living in city’s slum areas with their families.

Contrary to polices’ expectations, the educational indicators in Pakistan are not very encouraging in general. Lack of political will is reflected by funds allocation to education which is less than two percent of GDP. According to the UNICEF, 17.6 percent of Pakistani children are working and supporting their families. Three out of every ten children aged five to nine years old in Pakistan do not go to school, while three out of every five children aged ten to nineteen years

old never see the inside of a classroom. Once at school, the dropout rate is very high; of those children who enroll in schools, only one out of two reaches grade five (complete list of indicator is attached as Annex A).

Education is important for intrinsic and instrumental value and children themselves consider it as an important aspect of their well-being (see Biggeri, et al. 2006 and 2011). A survey in Lahore shows that six out of ten children express willingness for education (51.8 percent for non-formal schooling; 27.6 percent for formal schooling and the rest were not interested in education) (UNESCO 2006). Another survey findings show that 72.6 percent children were illiterate (strikingly similar figure to the UNESCO 2006 finding of 73 percent illiterate “street children”), also showing that only 1.2 percent were attending *Madrassah* (religious schools) (Emmanuel, Iqbal and Khan 2005).

The interesting question can be posed here is that despite the fact that the *Madrassah* education is free of cost, why so few children were attending it? It challenges the effectiveness of free education policy as well which is the focus of policy makers in Pakistan as a panacea to fight illiteracy. The main reasons (beside low quality education) of children’s non-attendance or drop-out of school is poverty and “physical and verbal violence” by the teachers (Ali, et al. 2004; UNESCO 2006; SPARC 2011; AZAD 2004). It is reasonable to assume that if children do not attend school due to financial poverty then they are more likely to work for their survival.

Under Phase II of the educational reforms of 1997 mentioned above, non-formal education was also emphasized which is very important for poor working children. The reason for low enrolment rate (besides poor law enforcement) in non-formal education is lack of awareness among children as shown by a study from four provinces of Pakistan where 72.2 percent children never heard of non-formal education (P. Tufail 2005).

The analysis of educational interventions reveals that the policies and programs in Pakistan are *short-sighted* and do not take into account children's needs and poor circumstances. Policies need to be comprehensive and timely intervention is very important as shown by Balachova (cited in Benitez 2011, p. 36) who distinguishes between three types of policy interventions:

- i. ***The Primary Prevention*** policies include measures like universal preventive efforts targeting general population irrespective of risk; and also selective prevention measures targeting population subgroups identified as being at higher than average risk of developing a specific social problem (e.g. policies of “education for all” and “free primary education” in Pakistan).
- ii. ***The Secondary Prevention*** policies aim at minimizing the effects of a problem in its early stages through early detection and treatment to prevent situation from becoming worse. It includes those children who live in poor communities, miss school frequently, combine schooling with work, and/or their older siblings work.
- iii. ***The Tertiary Prevention*** policies include the rehabilitative strategies when the children are already on streets. Examples include mitigating the negative impacts of the street environment (e.g. sexual behavior, not attending school, delinquency and so on).

Policies in Pakistan mainly focus on (low quality) primary prevention measures and miss out the secondary prevention policies completely. The tertiary prevention policies (e.g. dealt by Juvenile Justice System Ordinance or rehabilitation through NGOs) are not effective because programs are carried out in isolation and coordination among agencies does not exist. Interventions are carried out for charitable causes rather than with an aim of making an investment in children's future (Benitez 2001).

Some of the studies from other countries also (Peru and Britain in James and Prout 2005; and Brazil in Grugel and Ferreira 2012) assert that education and work are not incompatible because children are found to be working beside their school enrolment. Policies in Pakistan try to increase the school enrolment of children without making the educational system attractive and offering any incentives to children and their parents. Program assessment like non-formal education and vocational training conducted in collaboration with civil society is extremely difficult due to the lack of data collection procedures and assessment mechanisms (ILO, Pakistan 1996-2013). The civil society and government can play an effective role by devising creative policies and not revising the mistakes made elsewhere. The following section deals with important lessons learned in the field of “street children” related policies from innovative and *unconventional* programs in Latin America.

4.4. Lessons Learned

The most popularly pursued childhood poverty reduction strategy (targeted services for children), since 1990s includes the Conditional Cash Transfer (CCT) programs. These programs were first launched in some Latin American countries that spread through Asia and Africa with an aim of reducing child labor and improving school attendance. About twenty countries have adopted the program and more have expressed their concern to implement the similar kinds of programs (Adato and Hoddinott 2007). The CCT programs have shown considerable success in reducing poverty and improving various educational, health-related, nutritional, and other welfare-related outcomes. Importantly, poor households are targeted and *mothers are paid stipends* to keep their children at schools, higher amount is paid for girls and secondary school enrollment, and mothers are also encouraged to take pre- and post-natal care etc. (Adato and Hoddinott 2007). So far, Bangladesh is the only country with the CCT that explicitly includes

“street children” by targeting hardest to reach children. The visible indicators of success includes an increase in hardest to reach children’s school enrollment by 9 percentage points (Adato and Hoddinott 2007; Bentiez 2011). However, this improvement manifests only in schools where grants were also provided to improve schools’ quality (ibid).

Assuming that schooling and work are not incompatible, what other policy approaches have proved suitable explicitly aiming at street (working) children’s development and well-being? As argued in theoretical analysis of the thesis, work is an undeniable reality of these children’s lives given their circumstances. A socio-cultural and political environment in which all the rights of children are not attainable completely, the successful programs are based on the realistic demands of children and their families. Some of the examples include (the Anonymous Program in Sub-Saharan Africa; Bookkeeping and Basic Business Program in Zimbabwe; Save the Children Federation, Inc. in Indonesia; Me Chance in Ecuador; Know One Teach One in Vietnam; and JUCONI in Mexico and Ecuador) (Kobayashi 2004).

The salient features common to the successful programs include: linking participants with economic opportunities and assist them to maintain sustainable livelihoods which address many intertwined developmental needs of participating children. Life skills training dealing with issues such as self-awareness, self-esteem, personal development, goal setting, reproductive health, and ways to budget one’s own money are often the crucial parts of these successful programs (Kobayashi 2004). Children are seen on the demand side because they are the program beneficiaries and program developers like planners, educators, and other staff are on the supply side because what they have to offer needs to be aligned with children’s demands and needs.

One of the successful programs about “street children” is run by a civil society organization, *JUCONI* (Benitez, 2001). The most salient feature of this program is children’s integration in mainstream society by teaching them the vocational skills of their interests, formal

education, and life skills. As part of (secondary) prevention strategy, the siblings of the street involved children are identified because of their high risk of leading to the streets. Children are trained in three phases (which takes three to five years to graduate): *first*, children are prepared for leading a life away from the streets; *secondly*, they are encouraged to attend some formal schooling; and *thirdly*, the organization tracks the child's progress after integrating him/her back into society (through home visits, work visits, and continued counseling). In general, the governmental and civil society organizations consider "contacting" a child as an indicator of their program's progress; however, Benitez (2001) warns that the "contact" needs to be understood as not only approaching a child and having a superficial conversation with him/her but more importantly a better and comprehensive understanding of the child and her circumstances. Therefore, programs aimed at SWC need to train (and retain) their staff as well about how to identify, approach, and contact the children and win their trust. For the civil society organizations to sort their problem of deficient funds, it is suggested to liaison with multiple funding sources and not to succumb to the wishes of a single funding source rather than the program's objectives and requirements.

Conclusion and Recommendations

Children's well-being is a multi-dimensional concept which becomes more complicated in the case of SWC. A holistic policy intervention approach is required that takes into consideration the individual children's needs including work. The findings suggest that children's needs, their well-being and development are interdependent. Policies based on correctional or rehabilitative approaches are short-sighted because these approaches try to deal with children's problems in isolation. For example, making basic education compulsory or free without improving the quality of educational system and reducing child poverty remains ineffective.

Moreover, vocational training needs to be complemented with life skills training which addresses children's personality development like self-esteem, the importance of setting goals and making choices about their health. This will help them to differentiate between acceptable forms of livelihood and dangers and undesirability of earnings from petty theft, commercial sex, or taking refuge in drugs.

Keeping in view the theoretical analysis about children's well-being, complemented by better understanding about SWC, legal interventions and policy implications and the success and failures of policies adopted, the following additional recommendations are proposed to deal with the problem in Pakistan.

Holistic interventions are required addressing physical, emotional, and material well-being of children. In practice, one program is unlikely to address all these areas. Therefore, cooperation and networking between service providers (governmental and non-governmental organizations including NGOs, IOs, privates businesses) is required.

Formal schooling needs to be combined with vocational training and real life skills training. For this, communities where children live need to be integrated through approaching their parents and "convincing" them about the importance of education.

Besides spreading awareness and convincing them about education, incentivizing children and their parents is inevitable. For this, skills possessed by children and their communities can be harnessed. For example, Afghan refugees in Pakistan are famous for their skills in carpet weaving. Organizations can play their role in making the working environment safe and combining it with schooling because it is not the work per se which is hazardous but the environment and circumstances.

The gender disparity in education, work, and the households is a widespread problem in many countries and Pakistan is no exception. Therefore, programs need to take special care of this by providing “market-driven” vocational training for girls (the female siblings of SWC are not visible on streets but their rights are equally violated, e.g. not attending school or vocational training) and giving stipends for their contributions.

The most crucial organizational aspect for both the government and NGOs is the development of “explicit” assessment criteria about their progress in terms of children graduating from their programs and their present status. It would not only make the whole process transparent but chances of improvement based on past experience are more likely.

The importance of formal schooling and children’s rights under the UNCRC are undeniable, but providing these children better alternatives for survival in their present context can improve their educational, health, and subjective well-being.

Overall Conclusion

This research aimed to understand street working children's rights and well-being in their present context of poverty and deprivations. I have argued that a contextualized understanding of poor children's activities, characteristics, and demands are important to enhance their well-being through proper and timely policy response. The main question explored in the research was *why the policies of removing children from the streets to “detain” them in the juvenile detention facilities or “rescue” them to the rehabilitation centers fail either to control the “street child” phenomenon or improve their physical and psychological well-being in Pakistan*. To conduct research on this issue, I divided the thesis into three main sections to address the question posed. First, the underlying concepts of the research including well-being, the “street child” phenomenon and importance of children's work were developed and understood with special reference to poor children, especially street working children. Secondly, the social, political, and economic aspects of the problems were scrutinized with special reference to Pakistan's urban areas referring mainly to Rawalpindi, Islamabad, Lahore, Peshawar and Karachi. This helps to highlight the gravity of the issue and elucidate how a common understanding and public opinion is influenced by the way the issue is framed at international and national level which is also reflected in the legal interventions. Thirdly, the contemporary global and legal interventions were analyzed with special reference to street working children and how their issues are addressed through these approaches.

The main research *findings* suggest that the way the street child phenomenon is understood and/or framed by various international and national non-governmental actors (e.g. International Organizations (IOs) like the United Nations Children Fund (UNICEF); various non-governmental organization (NGOs) and news reporting) stigmatizes “street children”, which is

also reflected in the common understanding of the issue amongst society, policy makers, and implementers. Consequently, the contemporary national legal provisions in Pakistan also reflect and reinforce the stigma attached to these children.

The most frequently identified indicators by various researchers and children participating in some studies are health, education, and the relationships covering both subjective and objective well-being. These indicators served as a roadmap for this research besides the UNCRC. “Street children” is a complex phenomenon that needs to be viewed in its entirety by shifting the focus of the conventional approach of considering children as a site of problems, to considering them as social actors interacting with their environment. The conventional understanding of the issue stigmatizes the children, which is also reflected in policy makers’ positions in Pakistan. Placing the issue in the broader domain of child rights in the context of Pakistan also revealed the political sensitivity reflected through delayed legal progress. Policy makers and implementers in Pakistan consider the “street child” phenomenon as professional beggary and completely ignore the underlying issues of poverty and lack of opportunities. On the other hand, there is a tacit acceptance of children’s contribution to the informal economy through their work. There is a general ignorance prevailing among society and policy makers about the issue which makes it extremely important to research the issue from a scientific perspective.

Children’s well-being is a multi-dimensional concept which becomes more complicated in the case of SWC. A holistic policy intervention approach is required that takes into consideration the individual children’s needs including work. The findings suggest that children’s needs, their well-being and development are interdependent. Policies based on correctional or rehabilitative approaches are short-sighted because these approaches try to deal with children’s problems in isolation. For example, making basic education compulsory or free, without improving the quality of schools and reducing child poverty remains ineffective.

There are also limitations to this research because of relying solely on secondary data sources. Due to resource constraints, it was very unlikely to do a field visit which could prove very promising in newly researched areas such as the well-being of “street children”. However, this field has the potential for further development by conducting research in future about how to mobilize political support for the children’s rights in general and poor children in particular.

Appendices

Annex A: The indicators of children's well-being for three South Asian countries

Basic Indicators	Pakistan	India	Bangladesh
Under-5 mortality rank	33	46	61
Under-5 mortality rate, 1990	124	115	143
Under-5 mortality rate, 2010	87	63	48
Infant mortality rate (under 1), 1990	96	81	99
Infant mortality rate (under 1), 2010	70	48	38
Neonatal mortality rate, 2010	41	–	–
Total population (thousands), 2010	173593	1224614	148692
Annual no. of births (thousands), 2010	4741	27165	3038
Annual no. of under-5 deaths (thousands), 2010	423	1340	140
GNI per capita (US\$), 2010	1050	1340	640
Life expectancy at birth (years), 2010	65	65	69
Total adult literacy rate (%), 2005-2010	56	63	56
Primary school net enrolment ratio (%), 2007-2009	66	97	98
% share of household income 2000-2010, lowest 40%	21	19	22
% share of household income 2000-2010, highest 20%	42	45	41
Nutrition	Pakistan	India	Bangladesh
% of infants with low birth weight, (2006-2010)	32	28	22
% of under-fives (2006-2010) suffering from: underweight (WHO), moderate & severe	31	43	41
% of under-fives (2006-2010) suffering from: underweight (WHO), severe	13	16	12
% of households consuming iodized salt, (2006-2010)	17	51	84
Health	Pakistan	India	Bangladesh
% of population using improved drinking	90	88	80

water sources, 2008, total

% of population using improved drinking water sources, 2008, urban	95	96	85
% of population using improved drinking water sources, 2008, rural	87	84	78
% of population using improved sanitation facilities, 2008, total	45	31	53
% of population using improved sanitation facilities, 2008, urban	72	52	56
% of population using improved sanitation facilities, 2008, rural	29	21	52
% of routine EPI vaccines financed by government, 2010, total	100	100	29
Immunization 2010, 1-year-old children immunized against: TB corresponding vaccines: BCG	95	87	94
Immunization 2010, 1-year-old children immunized against: DPT corresponding vaccines: DPT1	90	83	98
Immunization 2010, 1-year-old children immunized against: DPT corresponding vaccines: DPT3	88	72	95
Immunization 2010, 1-year-old children immunized against: Polio corresponding vaccines: polio3	88	70	95
Immunization 2010, 1-year-old children immunized against: Measles corresponding vaccines: measles	86	74	94
Immunization 2010, 1-year-old children immunized against: HepB corresponding vaccines: HepB3	88	37	95
Immunization 2010, 1-year-old children immunized against: Hib corresponding vaccines: Hib3	88	-	95
Immunization 2010, % newborns protected against tetanus	84	87	93
% under-fives with suspected pneumonia taken to an appropriate health-care provider, 2006-2010	69	69	37

% under-fives with suspected pneumonia receiving antibiotics, 2006-2010	50	13	-
% under-fives with diarrhoea receiving oral rehydration and continued feeding, 2006-2010	37	33	68
Malaria 2006-2010, % households owning at least one ITN	0	—	—
Malaria 2006-2010, % under-fives sleeping under ITNs	—	—	—
Malaria 2006-2010, % under-fives with fever receiving anti-malarial drugs	3	8	—
Education	Pakistan	India	Bangladesh
Youth (15-24 years) literacy rate (%), 2005-2010, male	79	88	74
Youth (15-24 years) literacy rate (%), 2005-2010, female	61	74	77
Pre-primary school participation, Gross enrolment ratio (%), 2007-2010, male	—	53	10
Pre-primary school participation, Gross enrolment ratio (%), 2007-2010, female	—	54	10
Primary school participation, Gross enrolment ratio (%), 2007-2010, male	92	—	93
Primary school participation, Gross enrolment ratio (%), 2007-2010, female	77	—	97
Primary school participation, Net enrolment ratio (%), 2007-2010, male	72	97	86
Primary school participation, Net enrolment ratio (%), 2007-2010, female	60	94	93
Primary school participation, Net attendance ratio (%), 2005-2010, male	70	85	—
Primary school participation, Net attendance ratio (%), 2005-2010, female	62	81	-
Primary school participation, Survival rate to last primary grade (%) , 2006-2009, admin. data	60		
Primary school participation, Survival rate to last primary grade (%) , 2005-2010, survey data	—	95	80

Secondary school participation, Net enrolment ratio (%), 2007-2010, male	36	-	40
Secondary school participation, Net enrolment ratio (%), 2007-2010, female	29	-	43
Secondary school participation, Net attendance ratio (%), 2005-2010, male	35	59	-
Secondary school participation, Net attendance ratio (%), 2005-2010, female	29	49	-

Child Protection	Pakistan	India	Bangladesh
Child labour 2000-2010, total	—	12	13
Child labour 2000-2010, male	—	12	18
Child labour 2000-2010, female	—	12	8
Child marriage 2000-2010, married by 15	7	18	32
Child marriage 2000-2010, married by 18	24	47	32
Birth registration 2000-2010, total	27	41	10

Source: The data on the well-being indicators in the table are compiled from the UNICEF website URL= http://www.childinfo.org/country_list.php viewed on May 5, 2013. The data were not available for the empty cells with “-” sign.

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