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## Street Children and Their Access to Basic Rights: An Analysis of Pakistani Society in the light of the Fundamental Human Rights Provided by Islam, State Legislation and UNO Charter

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### Abstract

This research addresses the issues of the street children from the perspective of Pakistani society. It explores that the street children are the most neglected segment of the society and they do not have access to the basic rights of survival like food, shelter and education. The legislature, the executive, the judiciary could not perform any role for the protection of the rights of the street children rather they have been left at the mercy of God. Is it not negligence? What are the causes behind this development? What would be effects of this negligence on the future of Pakistan? How can the contemporary condition of Pakistani street children be improved? How can they get access to their basic rights? To address these and similar issues, this paper aims to discuss the topic in the light of the religious provisions, UNO Charter and socio-economic factors of Pakistani society. This paper thus, concludes that due to some acute socio-economic problems like unrestricted growth of population, day by day increasing poverty, illiteracy, self-centered politics, and ignorance of the concerned and above all negligence of the government the street children have become a threat to the peace and tranquility of the society.

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**Keywords:** Street Children; Islamic Concept of Fundamental Rights; Legislation; UNO Charter; Causes and Effects; Conclusions and Recommendations.

## **1. Introduction**

Human being is the central object of this universe and for him this whole universe is subject to explore. This universe is consisted of different worlds and each world has its own habitat that influences its residents. As Sapir E (1929) pointed out that the worlds in which different societies live are distinct worlds not merely the same world with different words attached [1]. The prime object behind the creation of this universe however, was to serve human beings.

Children are the most pliable sector of mankind and needs special care during its mental and physical growth. Like adults they have sense of self respect and personal instinct and react accordingly. Michael Lewis (1990) described that the concept of self is started to create in the child in the first two or three months of life and with the time a child grasps the basic distinction between the self and everything else. Over the early months the child learns that his behavior affects things or people around him [2]. Each child needs experience in two different kinds of relationships: Vertical and horizontal. A vertical relationship involves an attachment to someone who has greater social power such as parent, a teacher or even an old sibling such relationship are complementary rather than reciprocal. Horizontal relationships are reciprocal and egalitarian and the individual involved like same-age peer have equal social power and their behavior towards one another comes from the same repertoire [3]. Bronfenbrenner (1979) described that each child grows up in a complex social ecology with a distinct cast of characters: parents, grand fathers, brothers, sisters, and society and all these have great influence over the growth and character of a child [4]. To understand children's development we must move beyond examination of the child alone or the mother-child pair rather totals ecological system of the child. The child's ecological system composed of three types of elements: Micro-systems like the family or the school in which the child is directly involved; exo-systems such as the parent's job which influence a child indirectly by influencing some aspect of Microsystems; and macro systems like ethnic subculture, the culture in which a child's family exists and the broader society [5]. The future development of each society is dependent upon its youth and if this segment of society is not given proper intention and training, it has long lasting negative impact on the future growth of that society.

It is however, matter of great concern that irrespective of scientific development, expanded fields of knowledge, wild spread education and awareness regarding intellectual supremacy of human being and importance of his character building, this contemporary world seems to be failed to overcome some basic and fundamental issues of the modern generation. The desire to overcome others and to rule the world has created many problems and phenomenon of street children is one of them. At present, it is a matter of great debate among the contemporary socialists, activists and reformers of the modern world. Many governmental and non governmental institutions have been established to organize, disseminate and theorize this issue yet the issues of the street children are increasing day by day. It is very alarming situation that number of the street children is increasing as the global population increases. To estimate the exact figures and statistics of the street children is also a problem and international agencies working for the betterment of the street children in different countries failed to provide

exact number of the street children and declared it as a difficult task to figure out. It is however, estimated there are between 100 and 150 million street children in the world [6]. Street children are found in every corner of the world including the biggest and the richest cities of the industrialized world. For instance, in the United States, there are a considerable number of the children who are declared as street children and who are suffering from neglected or from physical or sexual abuses [7]. It is reported that in the United States of America almost 3.5 million children are homeless with an increase of 38% every year [8]. In developing or under developed countries the situation is worst and street children have been left at the mercy of the nature. Due to illiteracy, poor social and cultural background, political instability, unemployment, and poverty, street children have become the most neglected segment of the society.

This article thus, consists of three sections: Section first describes the development of the concept of street children and throws light on the background of this development. The second section will elaborate that Islam ensures accessibility to basic rights to all the citizens on behalf of the state. Relevant provisions of UNO Charter and their implementation in Pakistan will also be part of this discussion. The third section elaborates the contemporary situation of the street children and their contribution in increasing ratio of juvenile's delinquency in Pakistan. It also discusses socio-economic factors that resulted in the increase of the street children. It also throws light on the state legislation regarding the rights of the street children. In the end there are some conclusions and recommendation to ensure the accessibility to the basic rights to the street children and to minimize their problems.

### ***1.1 Development of the Concept Street Children***

The term street children was introduced in the late 19<sup>th</sup> century, its origin however, can be traced in the slavery system established throughout the world during ancient and medieval history. The slave system was characterized by a preference for the forced immigration of adult men, and it was common for a female slave to be forced to abandon her children [9]. Since, the ancient and medieval period, orphaned and abandoned children have been a source of misery. Most of the abandoned boys were considered as prostitutes in Augustan Rome. The state or the society remains indifferent of the issues of wandered children. The concept to protect the homeless or wandered children and to provide them basic rights was based on the theological ideas of each nation. Until the late 18<sup>th</sup> century, the ideological perspective of the welfare measures run by the Catholic Church. The theologians or churches had to draw the intention of the state and people towards the miserable condition of the wandered children and it was due to ignorance of them that during the 17<sup>th</sup> century, the church council of 442 in southern Gaul observed concerning abandoned children that were seemed to be exposed more to dogs than to kindness ” [10]. With the development of the civilization, the social activists and GOs and NGOs started to take certain steps for the welfare of the homeless children. Particularly, during the colonial period when many of the colonies faced civil wars which resulted in the creation of a great number of abandoned and homeless children and the task was shifted from *Santas Casas* – the older ones – to many NGOs regarding caring for the homeless children. It was during 1848 when more than 30,000 naked, dirty, roaming lawless and deserted children were found in and around London. Likewise, after the Russian Civil War, a huge number of children became homeless and helpless. By 1922 there were at least 7 million homeless children in Russia as a result of nearly a decade of devastation from World War I and the Russian Civil War [10]. The term

“street children” for wandered children was first coined by Henry Mayhew who used this term in 1851 while writing about the poor and homeless children of London although it came into general use only after the proclamation of UNO, the year of the child in 1979 [12]. The term 'street children' however, is general term and there are different views in defining the term. Some social activists and reformers define the term on the basis of physical contact of a child with the street either by spending more free time or being neglected by their parents while others define it in the light of the socio-economic backgrounds and activities of the child. Generally, it is used to refer to the wandered children who live or spend most of their time on the streets. It also included those who are improperly supervised or sought money for their families or considered by the society as abandoned, homeless. UNICEF defined the term in the meaning of a child who spends all or most of his time on the street, having no protection and guidance and maintains minimum contact with his family [13]. UNODC defines street children as those for whom the family support base is weakened and who must share in the responsibility of family survival by working on city streets and market places and return home at night [14]. The other type of definition is legal definition which is designed by the legislature in the light of the cultural and socio-economic circumstances of a particular society that considers street children as children exposed to delinquency [15]. Street children may also be divided into different categories such as street children who maintain strong relationships with their family of origin, and those street children who have very limited or no contact with their family of origin, and who have no or temporary shelter without consistent employment, while the third category include those children for whom street has become their real home. It includes children who might not necessarily be homeless or without families, but who live in situations where there is no protection, supervision or direction from responsible adults [15]. UNICEF divided the street children into two types: Children of the streets; and Children on the streets. The first one consists of boys and girls who have some family ties but seek shelter, food and a sense of family among their street companions, or they may have completely broken ties with their families and literally live on the streets and consider the street as their home. Most of them are orphaned, or have been abandoned by their parents or runaways from neglectful or abusive families. The second type (children on the streets) includes those who are sent to the streets by parents to earn to enhance family income. They have family association, and sometimes even attend school and return home at night [17]. Generally, a street child is characterized as a child found begging, or selling trifling things or collecting garbage, washing vehicles or any other activities, which are not considered as positive resources for living. As Filho and Neder (2001) pointed out that the street child or adolescent is member of a distinct and to some extent disorganized, segmented and badly remunerated market. He or she participates at all stages and is exposed to all its problems. His or her involvement is heterogeneous and complex [18]. Over four decades ago, Henry Kempe (1978) pointed out that the first stage of addressing the problem is to recognize the denial that it exist other than in 'people not like us [19]. The street children are also considered as a threat to the mainstream of society and a source of criminal behavior. They also cause in raising crime rate and public fear of insecurity in the society. The UNICEF Report (2013-14) reveals that many children who live and work on the street do so in multifarious ways and for a range of reasons - and each of them is unique, with their own, often strongly felt, point of view [20]. However, during the last two decades the issue of street children has been marginalized in international development debates and national plans of action. Street-connected children suffer multiple, repeated, violations of their rights. They are both an urgent and a complex issue for policy makers to deal with. Street children have been both side-lined from public agendas and cleared from central public spaces. But

children continue to move on to the streets of towns and cities across the globe [21].

## ***1.2 Concept of Child Protection in Perspective of Qur'anic Provisions and UNO Charter***

By considering children as blessings of God, all religions including Islam provide special care for the children, particularly, where children became wandered, orphan or needy. Likewise, since the establishment of UNO, certain commitments' and steps have been taken to improve the living standard of the wandered and needy children. The concept of children rights can be discussed as:

### ***1.2.1 Child Protection in Perspective of Qur'anic Provisions***

Islam, being a complete code of life addresses all approaches of life and its problem. It has no belief for partial reforms and compromise solution. To protect and to develop an individual's inner and outer personals, Islam ties a strong relationship between two individuals male and female by way of marriage and made it a source of re-production. To continue the process of reproduction, to sustain human population, Allah Almighty declared: "We helped you with wealth and children and made you more numerous in man power" [22]. Further, to protect, and to manage the proper training of the new born babies, He filled the heart of the parents with love, affection, mercy, and parental compassions. Rather, declared the children as adornment of life by revealing that "wealth and children are the adornment of the life of this world"[23]. Likewise, the Holy Prophet (pbuh) pronounced that "he who does not have mercy on our young and does not acknowledge the honor of our grownup does not belong to us" [24]. Islam is so sensitive regarding the issues of the children that it recommends to give good name to each child and to call him with good name to in calculate in him a sense of dignity and self-respect. The Qur'an states: Nor insult one another by (bad) nickname" [25]. So far as concerned the issues of the children, the maintenance of the children has been declared as primary obligation of father to protect and to maintain his wife and children. The Qur'an states: And father is responsible to maintain them" [26]. In case where father is unable to earn or have no job, then state is responsible to maintain [27]. The companion Abu Huraira reported that the Apostle of Allah said:"the best charity/ alm is that which you give when you are rich and you should start first to support your dependents"[28 ].

Further, the rich segment of the society is also responsible to help such needy family rather the Qur'an declares that in their wealth there is recognized right of deprived and needy persons"[ 29]. In this way, a hierarchical order has been given to the Muslims by way of revelation to maintain and to protect the young generation. In the same manners, proper training, good moral behavior and character building of the children is also duty of the parents. Once, the Holy Prophet (pbuh) said: "No boom has been given by the father to his children is more valuable than good breeding"[30 ]. Another sensitive class of the children is orphan, and they have also been protected by the revelation. Allah Almighty has made it forbidden to treat the orphans harshly by declaring: And treat not the orphans with oppressions"[31]. Allah Almighty rebukes those whose hearts are harsh and they do not honor the orphans by declaring: "And you do not honor the orphans" [32 ]. Moreover, Allah warns of transgressing against wealth of the orphans by revealing: "Verily those who unjustly eat up the property of orphans, they eat up only fires in their bellies and they will be burnt in the blazing fire" [33]. The Prophet (pbuh) was very kind and friendly to the orphans and said: "the best house among the Muslims' house is one

which contains an orphan who is well treated and the worst house among the Muslims' houses is one which contains an orphan who is badly treated" [ 34].

The other type of the children is slave children who were not cared for and thrown out by the masters of their mothers and thus, left at the mercy of the nature. But Islam provided them full support and made the owners bound to deal with them with love and kind behavior. On the Occasion of last ceremony (*Hajjah al-Wida'*), the Prophet (pbuh) advised the Muslims to be careful about their treatment with the slaves and women. The Holy Prophet (pbuh) assigned to the slaves equal rights to the free men and tied them in the brotherhood of the Muslims. He declared all the slaves as honorable members of the state of Madinah [35]. Moreover, the action of freeing the slave was declared by revelation as recommended rather the Muslims were urged to set free their slaves by way of different compensations and in this way arranged to abolish slavery from the society. In this way, all types of the children are protected by Islam.

### ***1.2.2 Child Protection in Perspective of UNO Charter***

Talking about the rights of the children in perspective of UNO charter, after WWI and WWII, the issue of the street children was taken by the international organizations and social reformers as one of the most important issues of the time. In 1924, the League of Nations adopted the "Geneva Declaration of the Rights of the Child" and since that time, the international community has made a series of firm commitments to children to ensure their survival, health, education, and protection. In 1959, UN Declaration on the "Rights of the Child" recognized the need to provide every child certain opportunities and facilities to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner"[36]. The most far-reaching and comprehensive commitment is the Convention on the Rights of the Child, adopted by the UN General Assembly in 1989 and ratified by 192 countries. The preamble of the United Nations Convention on the Rights of the Child, says that the childhood is entitled to special care and assistance. It further, describes that by reason of the physical and mental immaturity, a child needs special safeguards and care, including appropriate legal protection, before as well as after birth"[37]. The Convention, together with its Optional Protocols lays out in specific terms the legal duties of governments to children and the governments are held to account for their care of children and to report regularly. It further, states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Article 40 of the Convention of the Rights of the Child takes institutional care as a measure of last resort and for minimum period of time [37]. In this way, CRC (1989) changed the old verdict which was based on the presumption that child abuse, child neglect, and crimes against children were discussed under the heading of family violence. In addition, most countries which did not have separate juvenile justice legislation, or separate child safety bureaus, or comprehensive juvenile justice systems, they also can avail CRC provisions for guidance. The last two decades has seen remarkable progress in the juvenile justice arena, and at the Millennium Summit which held in September 2000, from which the Millennium Declaration and, subsequently, the Millennium Development Goals (MDGs) emerged and adopted by 189 countries [39]. In May 2002, at the UN General Assembly's Special Session on Children was held and a document "A World Fit for Children" was drafted and majority of the world leaders have reaffirmed and expanded these commitments [39]. It seems that the world has agreed

upon a road map to a better future in the form of the Millennium Development Goals (MDGs). The MD goals have set quantitative targets to address extreme poverty and hunger, child and maternal mortality and HIV/AIDS and other diseases, while promoting universal primary education, gender equality, environmental sustainability and a global partnership for development by 2015. The MDGs serve as a framework to make the Millennium Declaration's vision of a world of peace, security, solidarity and shared responsibility a reality. We are at a critical juncture in international efforts to achieve this vision. The stakes are high: If the MDGs are met, an estimated 500 million people will escape poverty by 2015; 250 million will be spared from hunger; and 30 million children, who would not have lived past their fifth birthday, will survive [41].

### ***1.3 Street Children from the Perspective of Pakistani Society***

Pakistan is among those developing countries where population growth is fairly high. At present it is the sixth most populous country in the world with projected population of 188 million. According to World Population Data Sheet 2013, Pakistan with population of 363 million in 2050 is expected to retain the same position (i.e. sixth position). The population growth rate in Pakistan is 1.95 percent which is higher than average growth rate of South Asian countries [42]. Pakistan is one of the world's largest youth bulge country with 48 percent population aged 15-49 and 56 percent (age 15-64) is in productive age group. This young and dynamic population is considered an omen of prosperity. They can contribute for the economy and society with their education and skill. With proper education and training and balanced health facilities, they can prove to be an asset of the country and can be a source of future prosperity and development of the country. About 41% population is in the age group of 0-14 and this group is economically unproductive and need food, clothing, education and medical care [43]. Traditionally, and theologically, parents are considered the safest protection for a child and a child cannot be separated from his parents unless both of them declared culprit by law or family court consider it necessary to give the child custody other than his parents and to appoint a guardian. They depend upon their parents or working population for their necessities. However, the statics' data shows that this segment of population particularly, from the age of 10-14 is also participating in earning for their livelihood. A report (2012-13) reveals that almost 14.5% children of 10-14 years of age are participating in labor force while children of 15-19 age groups constituent 51% of the labor force [44]. In Pakistan, the issues of street children have never been given any importance and are very unfortunate and forgotten segment of society [45]. Although, Pakistan is a signatory to the CRC yet has not shown much progress with respect to child protection issues. A good step is that Pakistan has passed the Juvenile Justice System Ordinance of 2000 and a draft bill is also under consideration before the legislature. The Juvenile Justice System Ordinance, 2000 has basically its roots in the famous CRC, (the Convention on the Rights of the Child 1989. It is however, alarming situation that the number of street children is increasing day by day like in 2002, about 1.2 million children were on the streets in large cities working as beggars, vendors or shoeshine boys which increased by 5% next year [46]. Among the large cities Lahore is host to around 14,000 street children compared to just 5,000 in Peshawar, while Karachi and Quetta are thought to have around 15,000 each. The reliability and potential of these estimates is, however, questionable, and there has been no unified effort to assess the scale nationwide while using a single methodology, perhaps because the issue of street children has not generally been considered important or urgent enough in Pakistan to warrant such a check" [47]. Although 96% Pakistani are Muslims and claim strong affiliation with their religion yet the public view of street children in Pakistan is



overwhelmingly negative. Both people and state seem indifferent of the issues of street children. As Haroon al-Rashid (2011) pointed out that in many countries state policies and social system seem indifferent of the problems of the poor parents which ultimately have bad effects and cause to create so many children who do not have any say in the society. If the system refused to give equal opportunities of basic needs to all citizens and remained hesitant in changing the economic structure that could ensure reasonable, if not equal access to wealth, then it was indeed responsible for producing unwanted segments of the society such as the street children [48].

### ***1.3.1 Causes behind Increasing Ratio of Street Children in Pakistan***

Street children are more likely to fall prey to victimization by reason of being homeless or helpless. Further, there are many ecological factors that influence the development of antisocial behavior among the street children and are also causes of the child's delinquency [49]. As there are common factors behind the phenomenon of street children so the behavior and activities of the world wide street children remain almost same. Prevalent in the informal and underground economies, these children are often exposed to exploitative employment, illegal substances, urban crime, prostitution and abuse by authorities with little or no protection [50]. The cause behind the increased ratio of street children in Pakistan may be discussed as:

#### ***1.3.1.1 Unemployment of Married Couple***

Traditionally, in Pakistan, parents incline to tie their children into marriage bond at early age like during 15-20 years of age. Although there is Child Marriage Restraint Act, 1929 and The Child Marriage Restraint (Punjab Amendment) Ordinance, 1971 which prohibits marriage at early age yet due to illiteracy and poverty many children get married before majority (18 years). It is reported that almost 37% of the population got married between 20-24 years of age and this ratio reach 73% at the age between 25-29 years of age [51]. It is estimated that 98% male and 95% female got married until they reach at the age of 30. This is the most fertile age of population growth. In case of early age marriage, the male has no job or work but becomes responsible to maintain his family. It is thus, very necessary that every male must get some job, work, or labor just after he reaches the age 15-20. It is reported that trend of early age marriage is increasing day by day such as during 2012 about 684 children got married which increased by 708 during 2013 and 810 during 2014 [52]. It is this reason that many married male remain dependent along with their wives on their parents for their livelihood. Contrary to this trend of early age marriage, the unemployment is increasing day by day. It is reported that during 2013-14 the unemployed people increased from 3.10 million to 3.73 million [53]. In Pakistan, maintenance of the wife is considered one of the most critical family issues as a man not only maintains his wife and children but his parents and other dependents (widow/divorced sisters) also who do not have any other means of survival except him [54]. Unemployment of a man causes to create family conflicts, social insecurity, and use of drugs which influences the growth of baby child of this couple. Unemployment, poverty and family conflicts, made the parents ignorant of the psychological, mental and physical demands of their children and they show harsh attitude to them which led the children to escape and to be familiar with the streets.

#### ***1.3.1.2 Explosive Growth of Population***



Due to early age marriages, the population growth rate is relatively high and this rapid population growth has made it difficult for the government to create enough jobs to lift large numbers of people out of poverty. In Pakistan, the fertility rate is fairly high and about 1.95% which is higher than average growth rate of South Asian countries. Although there is improvement and it decreased from 2.0 percent in 2012 to 1.97 percent in 2013 and 1.95 percent in 2014 yet still it is excessive as compare to resources [55]. Another reason is that majority of the parents focuses on producing many children by considering it a religious duty by ignoring their socio-economic conditions. Poverty, illiteracy and lack of scientific understanding and misinterpretation of the ahadith regarding unlimited number of children has made the issue of birth control as one of the most critical issues of the society [56]. In the name of Islam, it is preached that Islam motivates producing many children by neglects the prime objective of “Muslim Family Laws” that is better training and character building of the children. Unfortunately, green belts of the streets, shadow trees, destructed and under construction buildings provide shelter to these children.

#### ***1.3.1.3 Illiteracy and Poor Monitoring***

In Pakistan unfortunately, majority of the parents is illiterate and have no knowledge about psychological needs of the children. Many of the parents are from poor background and are suffering from the acute issues of their proper income, health issues, and family conflicts and failed to play constructive role in the training and character building of their children. As Patterson (1989) pointed out that the parents who use poor disciplinary techniques and poor monitoring of a child are more likely to have noncompliant or antisocial children. Family demographics like Parent’s traits, their education, income, family conflicts, poor parental discipline and monitoring and neighborhood and family stressors have great contribution in the development of child escaping from home [57].

#### ***1.3.1.4 Cultural Rigidity and Social Chemistry***

Another important factor which leads children to be a street child is rigid and selfish cultural environment of the society. A culture may be defined in the meaning of a system of customs and values must be shared by some identifiable group whether that group is a subsection of some population or a large unit, and transmitted from one generation of that group to the next [58]. Due to illiteracy and rigid cultural environment parents and society incline to the denial of child instinct. In many cases children seek association with the street children just because they want to be listened. As Morgan and Zedner (1992) observe that it is important that the children be given a voice to express their feelings, needs and wishes. Listening to children and to respond to their desires is very important [59]. Moreover, in case of some shocking incident like death of parent or their accident children are neglected by their relatives which also led them to seek friendship among wandered. Wilson and Rapheal (1993) pointed out that post-traumatic stress disorder which confirms that children suffer the after-effects of traumatic stress in the same way as adults [60]. Likewise, education system is based on old and static techniques and lacks the scientific development of the children’ approaches which led the children to lose their interest in studies. Joint family system, also minimizes the role of the parents in character building of their children. Smacking (slapping of the head or face) of children is a wide spread phenomenon and it is reported that out of 100 almost 90% are victim of smacking at homes and schools [61]. When a child finds his

adults non affectionate and careless, he loses his reliance and adopts a hostile relation and try to escape. This attitude of adults led the children to have direct daily contact with the streets.

#### ***1.3.1.5 Increasing Poverty***

Poverty is that critical issue which led the people to kill each other for their survival. Economy of Pakistan is considered as under developing and almost 50% of the population is living below the poverty line i.e., without or less than 1.5 US\$ (175 Rs) per day [62]. This 50% of the population is suffering from its survival and every morning the father/ mother thinks from where he/she can earn to feed his children? Other 50% is also facing many economic problems and find it difficult to resolve all economic issues within their earnings. For instance, service sector accounts for 58.1% of GDP and the average salary of this sector is about Rs. 16256 [63]. This leads that almost all the citizens are suffering from lack of money to fulfill their basic necessities of life like food, clothing and housing etc., the fulfillment of which should be on behalf of the state [63]. Although Poverty reduction is a central objective of the Millennium agenda, 2000 targeted explicitly in two of the eight goals (MDG 1 and MDG 8), and a significant factor in the other six. However, in Pakistan this target rather seems a difficult task to achieve. In some cases children are forced to leave their homes and reside in the street because of lack of resources of their parents or guardians.

Majority of the street children is product of poverty, family violence, sub-standard living, poor housing and inadequate education, health, food and shelter. It is estimated that among them 80% children, are on street, due to poverty and 20% are due to other socio-economic and psychological reasons [65].

#### ***1.3.1.6 Urbanization***

In Pakistan cities are growing rapidly as life in rural areas is very hard and people are suffering from the issues of basic facilities like electricity, sanitation, safe drinking water, health care and schooling etc. This led the people to move to urban areas to improve their lives and to make a better future for their children. It is reported that the population in rural areas has been decreased from 62.1 % in 2013 to 61.4 % in 2014 whereas the population in urban areas increased from 69.87 million (37.9 percent) in 2013 to 72.5 million (38.56) percent in 2014 [66]. The fascination of urban areas also attracts the children of rural areas who rush towards cities in search of better job and comfort life. They come to cities and spend night from dusk to dawn in and around the cities. It is reported that only in a city, Peshawar, around 80 to 100 godowns dealing in scrap engaged about 50 young boys of streets [67].

#### ***1.3.1.7 Armed Conflict and Terrorist Attacks***

For last few years Pakistan is in a state of war. The political situation of Afghanistan, *talibanism*, sectarianism, target killing, border line conflict and above all terrorist attacks have created many problems for Pakistani people and have destructed many families that has increased the number of street children. Many children are separated from their families and are displaced and consequently spend their days and nights on streets. All these have influence over child's conduct and result in his academic failure and hostility which further leads to develop commitment to deviant peer group and lastly in delinquency [68]. Even under a situation of conflict the

children who remain with their families, in their own homes, face many problems of survival because of the destruction of physical infrastructure, strains on healthcare and education systems and spend their most of the time on street [69].

### ***1.3.2 Problems Arising Due to Street Children***

Street children cause to create many problems for the society as well like disturbance, law and order situation, raising crime rate and above all cause to defame their country.

#### ***1.3.2.1 Law and Order Situation***

Majority of the street children consider themselves beyond the reach of law rather they are bold enough to take law into their hands. They spend their days and nights in the company of the culprits and adult criminals and follow their steps as most of the children's learning occurs in social situation rather than in isolation so, they copy the behavior of people whose actions these children value and wish to have for themselves [70]. As Thomas (1988) observed that a child in fact observes the behaviors of adults around him and that the lesson a child learns over the years results from his being directly instructed by adults and peers" [71].

The street children adopt all those tactics to hide their negativities which they observe performing adults. A report about street children in Peshawar (Pakistan) reveals that the street children put on school uniform and also carry school bags but their bags instead of books are found being filled with either contraband or pistols and rounds. They take it to private hostels in the city [72].

#### ***1.3.3.3 Raising Crime Rate***

Street children have a major role in raising the crime rate in a society. The street children are being used in drugs smuggling, begging and street crimes including phone snatching and home robbery etc [73].

#### ***1.3.3.4 Causing Rape Culture***

Street children also contribute in spreading rape culture. Being rejected and ignored guys they become hyper feelings, aggressive and violent. They do not have ways to release their catharsis as desired by their physical and psychological demands which led them to negative activities including sexual harassment of each other and rape. Further, they witness gender discriminate at their homes and in society that female are inferior to male and weak from male not only in physical strength but in the matters of mental approach and ability as Helen Bee (1939) described for instance that parents in the US more likely attribute a daughter's good performance in math to hard work but a son's good math grade to ability and children absorb these explanations and adjust their behavior accordingly [73]. This dogma of gender discrimination and consideration of female as submissive to male make the street boys courageous and urge these nasty and lawlessness teenagers to harass girls, kidnap them and rape them. As Anwar (2000) observed that the children become homeless because of abuse and poverty and once on the streets, they are exposed to countless hazards, including child labor and sexual exploitation"[75].

### ***1.3.2.5 Defaming Their Country***

In Pakistan, street children are one of the major causes behind increase ratio of crime, rape, mobile snatching, theft and robbery etc. All these are reported and spread among the lawlessness and cause to defame the image of the country.

### ***1.3.3 Problems of the Street Children***

Although street children are considered as a burden and an unconstructive segment of society yet one should not forget that they are human beings and have the same dignity and self respect like the children at home under the kind and affectionate supervision of their parents. These are not the street children who make the society nasty and defame the country rather it is the failure of the state and the rich segment of the society who could not fulfill their responsibility to care for the street children, to maintain them and to make them constructive and positive citizens of Pakistan and let them to enjoy their childhood. This criminal negligence has forced millions of children to make their lives difficult, impoverished, discarded, malnourished, discriminated against, neglected and vulnerable to risks. Some of the major problems of the street children are mentioned here.

#### ***1.3.3.1 No Access to Food and Shelter***

The first and the foremost problem of the street children is access to food and shelter, Pakistani street children have been left by the parents and the state at the mercy of God. Although 96% are Muslims yet street children are suffering from hunger and absence of shelter. These are the children who are being exploited mentally and physically just for food and shelter. The government, law enforcing agencies, welfare schemes, institutions, and NGOs have been failed to provide them security and food. There is a clear provision in the Constitution of Pakistan 1973 like Article 38 (d) that states that the state shall provide basic necessities of life, such as food, clothing, housing, education and medical relief for all such citizens who are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness and unemployment". The other Act is "The Punjab Supervision and Control of Children Homes, 1976" and after amendment in 2003, The Punjab Supervision and Control of Children Homes (Amendment) Act 2003 states that any child who has been destitute or separated from his parents shall be provided home on behalf of the Punjab government". However, like others this provision is also neglected by the government.

#### ***1.3.3.2 No Access to Education***

Another most important problem of the street children is access to education. They are deprived of this fundamental right. It is very critical situation that in Pakistan education is the least important sector for Pakistani government. Irrespective of the fact, that Pakistan is an Islamic state and that the first verse of the Qur'an is about the importance of education, majority of Pakistani is still illiterate. It is clearly mentioned in Article 37 (b) of the Constitution of Pakistan 1973 that the state (Islamic Republic of Pakistan) shall remove illiteracy and shall provide compulsory and free secondary education but even after 42 years of the constitution, the literacy rate is very low. To improve the situation, in April 2010, the eighteenth constitutional amendment committed Pakistan to free and compulsory education for all children between the ages of five and sixteen yet,

due to fair negligence, poor educational policies of the government and lack of sincere efforts millions are still out of school, and the education system is alarmingly indigent. Talking about primary education it is reported that more than nine million children do not receive primary or secondary education [76]. The net primary school enrolment rate in 2012-2013 is a mere 1 per cent increase from 2010-2011. There are significant gender disparities and differences between rural and urban areas. The combined federal/provincial budgetary allocation to education is the lowest in South Asia, at 2 %t of Gross Domestic Product [77]. The government is unable to understand that benefits of investment in education sector would be immeasurable in terms of the health, productivity and social well-being of children today and of future generations. Moreover, it was part of the Millennium agenda that politicians and international organizations would embrace by 2015 for every child in the world to complete primary schooling, yet Pakistan is far from meeting its Millennium Development Goal (MDG) of providing universal primary education by 2015. In the light of this poor condition of education, it is easy to understand that the issue of education for street children is not significant.

### ***1.3.3.3 Social Exclusion***

The street children are suffering from the issue of social exclusion. They are waste and thrown segment of the society. They are not considered as human being who is social animal. They are deprived of economic, social, gender, cultural and political rights. The UN Children Fund declared that children are considered as excluded relative to other children if they are deemed at risk of missing out on an environment that protects them from violence, abuse and exploitation, or if they are unable to access essential services and goods in a way that threatens their ability to participate fully in society in the future. Children may be excluded by their family, the community, government, civil society, the media, the private sector and other children. The exclusion described in this report is closely related to the concept of social exclusion [77]. There is no policy to eradicate social exclusion from street children.

### ***1.3.3.4 Health Issues***

Due to lack of proper food, cloth and shelter, the street children are easy prey to different diseases. Most of the street children become habitual of smoking, drugs and fornication which cause to make them victim of chronic diseases including HIV/AIDS. It is reported that about 81% of the street children indulged to drugs due to their friends, while 8% by the drug sellers and 5% because of family [79]. Although there are some laws like “Prohibition of Smoking and Protection of non-smokers Health Ordinance,2002” Child Nutrition Act,2002 and Child Nutrition Amendment Act, 2012 provide for surety of nutrient food to the children yet in vain as without implementation nothing to do with laws. Further, the Millennium agenda 2000 made the world politicians and international organizations bound to embrace by 2015 to cut child mortality rates by two thirds and maternal mortality rates by three quarters, and to reduce HIV/AIDS, malaria and other major diseases. In Pakistan, however, the agenda could not meet it quarter yet. Likewise, the Mental Health Ordinance 2001 got very little implementation [80].

### ***1.3.3.5 Child Labor***

Most of the street children are forced to do labor to earn and to fulfill their basic needs. For most young workers, the choice between study, leisure and work is less clear-cut than it is for adults. Naturally, in a country like Pakistan where income distribution is so skewed, there is often no choice at all. Child involvement on the labor market is consequently the result of a set of forces of attraction and repulsion much more varied and complex than that which influences the adult world. Almost 90% of the street children are engaged in heavy labor and do hard work. In many cases, disabled children are also exploited by begging mafia and are maltreated. They are often left without adequate care. The ratio of child labor is increasing every year. Laws which deal with the issues of child labor and prohibit child labor are numerous like The Factories Act, 1934, The Factories Punjab Amendment Act, 1940, Employment of Children Act, 1991, and Employment of Children Rules 1995 etc. The question of implementation is constant. It is reported that about 2-4 million people are subject to bonded labor in Pakistan at any given time [81].

#### ***1.3.3.6 Sexual Abuse and Child Prostitution***

Another shameful situation is spreading phenomenon of child abuse and child prostitution among the street children. Children without moral and psychological training adopt much negativity to release their catharsis. They are passing through tender age, an age of physical and psychological revolution but lack of basic needs and supervision, they do what their hearts want and they attain it in one way or another. Physical and sexual abuse of street children is continuing to be widespread. It is a humiliating fact that irrespective of a Muslim society that knows that Islam has declared prohibited (haram) sexual abuse, rape and prostitution, most of the street children is victim of sexual abuse. It is reported that the statistics are hair-raising and among one and a half million of street children, 90% have suffered sexual abuse and for every 10 children who are molested, one of them is killed by the attacker to cover up the crime [82].

It is this reason that UNICEF report (2012) on the subject implicates traditional Pakistani cultural values of 'purity' as a cause for the rise in sexual crimes [83].

It is also very alarming situation that raping a street child, ostensibly, is not considered as sex abuse; it is not pedophilia, or even homosexuality. It is just 'boys being boys', which although embarrassing, yet not *technically* criminal in their perspective. The child prostitution (practice of '*bachabazi*') is very common among the people [84]. A report shows that average eight children a day are abused daily by their relatives, friends and care takers. 71% of the children who suffered abuse are girls. The age group most vulnerable to sexual abuse among girls and boys is 11 to 15 years [85]. It is reported that boys are vulnerable to sex trafficking around hotels, truck stops, bus stations, and shrines [86]. Parents allow illegal labor agents to find work for their children, who are subsequently subjected

#### ***1.3.3.7 Child Trafficking***

Increasing number of street children, lawlessness and negligence of the government made the street children an easy prey to trafficking. Street children are the most attractive segment for human traffickers who motivate children against better work, labor which make the children hopeful regarding their bright future. In some cases

due to extreme poverty parents are also agreed to send their children out of local places for better salary in order to pay their debts or to gain money [87]. In many cases children are abducted and shifted from their local places to some other places. There is some legislation like “Prevention and Control of Human Trafficking Ordinance, 2002” and Prevention and Control of Human Trafficking Rules 2004” that provides some measures to reduce this humiliating problem and to punish the culprits but not implemented and business of human trafficking is on rise. There are about 1000 criminals in the country who are involved in the legal trade. UNODC report (2013-14) reveals that the issue of human trafficking and child trafficking could not be overcome and is increasing alarmingly during 2007-13 [78]. All this increase occurred after enactment of Human Trafficking Ordinance, 2002 that shows the working and efficiency of the government and law enforcing agencies in Pakistan. It is reported that children at very small age like 5 years old are bought, sold, rented or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns and prostitution etc [74].

#### ***1.3.3.8 Delay in Justice***

In Pakistan juvenile justice system is a recent development and Juvenile Justice System Ordinance 2000 (JJSO, 2000) was promulgated on 1 July 2000 to establish juvenile justice system in the light of the provision of CRC. Another important legislation which urges speedy justice for children is “The Child Protection & Welfare Act 2010”. It was enacted by provincial government of KPK. The Act contains a guideline to protect a child who is at risk and provides a procedure to treat a juvenile. Section 2 (e) states that a child in need of protection who is at risk includes an orphan, child with disabilities, child of migrant workers, child working and or living on the street, child in conflict with the law and child living in extreme poverty or is found begging’. In order to address needs of the child at risk, under the Act the child protection institutions, centers and commission have been set up which are being run by the officials trained in the field of the child protection [64]. However, no significant change occurred in the justice system of juvenile delinquents. The street children have no platform to speak or to protest against injustice, cruelty, and tyranny what they face on the streets. Rather issues of the street children are no more important for the judicial system of Pakistan. It is reported that the victim children and their families suffered through the criminal justice system whereas there are no programs, policies or systems in place to help victims of abuse seeking justice [40]. Pakistan has experienced unbalanced power structures and frequent changes in government, which has disturbed the judicial system which has, in turn, led to a loss of public confidence in the institutions of justice, despite the best efforts of many dedicated judges [38].

#### ***1.3.3.9 Government Negligence***

Children without parental care, wandering on streets are the most neglected sector in Pakistan. Talking about the issues of the street children is least important for the government rather has left the matter in the hands of the people and NGOs. There is no clear policy and no guidelines by the state to deal with the subject. Lack of government’s concern to the issues of street children has made them an easy prey for criminals and culprits who make their lives bitter than death. The government does not incline to consider that NGOs or charity by individuals can be the means to sustain the lives of the children but cannot provide permanent solutions. It is the



government that can resolve the issues of the street children by long lasting policies to reform the circumstances of the street children.

## **2. Conclusions and Recommendations**

This paper thus, concludes that due to some acute socio-economic problems like unrestricted growth of population, day by day increasing poverty, illiteracy, self-centered politics, ignorance of the concerned and above all negligence of the government and non-compliance of laws, the street children have become a threat to the peace and tranquility of the society. It is a bitter fact that majority of the Pakistani children have no access to the basic rights but state seems indifferent of their issues. Although some NGOs and welfare institutions are working for the rights of the street children, yet many of these institutions are causing exploitation of the children' rights in many ways. Creating a world fit for children may seem impossibly far away. It is also concluded that many of the above discussed issues like early age marriage, unemployment, illiteracy, excessive growth of population, child trafficking, child labor, and poverty are due to non-compliance of laws and negligence of the government. The government utilizes its resources on luxuries rather than to provide basic necessities like food, shelter, medicines, education, housing and employment to its citizens as recommended by Islam and mentioned in the Principles of the state policy (Art.29-40 of the Constitution of Pakistan). Unemployment is a multidimensional and complex issue which starts a vicious cycle of associated problems like poverty, involvement of children in labor, household burglaries illiteracy, social insecurity, lawlessness, use of drugs, etc. The government however, has no clear policy of specific plan or commitments to minimize these issues.

This paper thus, recommends that the issue regarding accessibility to the basic rights to the street children should be taken seriously by the state. It is also recommended that an amendment should be made in sub clause (2) of Article 30 of the Constitution of Pakistan 1973 and the wording "shall not be called in question" should be replaced with the wording "serious action shall be taken against that organ of the state which does not follow the principles of policy".

In the same manners a clause should be added to article 38 which may ensure that all the children including street children will be provided basic rights on behalf of the state. Further, the government should change its strategy of development plan and policy preferences and the preference should be given to the fulfillment of the basic rights of its poor segment like food, medicine, shelter, and education rather than luxuries. It is also recommended that certain steps should be taken by the state to minimize the daily expenditures of the President and Prime Minister Houses, frequent increase in the allowances of the ministers, frequent and unnecessary foreign visits, unnecessary protocol etc. The government should take certain steps to control the nasty corruption that has destructed the economic growth and the development of the country. It is also necessary for the government to understand that Islam makes a government responsible to provide necessities of life to its citizens. To overcome the issues of the street children it is suggested that each provincial government prepare a five- years plan for the betterment of the street children and should ensure its compliance on emergency basis. To provide shelter and education, "Protection Home" should be built at each primary school of each ward of the union. At each Primary school, there should be a welcome centre to welcome the street children and to provide

them shelter. Honest supervision of these homes should be arranged where children may not be abused or forced to bonded labor. For instance the total number of the street children in Pakistan is 1.5Million while total number of the primary schools is 145,491 and out of these 127,870 (88%) are in public sector while 17,621 (12%) are in private sector [16]. If the government build 127870 “Protection Homes” at each public sector primary school by excluding private schools then only 11-12 street children will be kept over there and this number can be maintained easily even with the help of the civil society by way charity. It is also suggested that the Nazim of each union council should be made bound to collect the street children. Moreover, governmental and nongovernmental organizations may call upon to work through joint projects to help the street children rather than individual projects.

For people it is necessary to understand that accessibility to the basic rights, good moral character, proper training and education of the children is more focused in Islam than increasing the number of the children and making them beggars.

Further, there should be far greater public awareness programs of the importance of the children and their proper training and for this purpose better publicity, all possible sources of the support should adopted by the working teams. It is also necessary to improve interagency co-operation, and easier accessibility for the victims and to seek help for them [11]. In many countries adoption and foster care is an option that is used as an alternative to children without parental care. In Pakistan there is lack of awareness and misconception among the people. It is to understand that Islam does not prohibit adoption; it just recommends avoiding giving parentage to adopting child. The issue of his share in inheritance of the father can be resolved by way of gift during lifetime of the father. So, the rich segment of the society should be motivated to adopt some children. There are number of Qur’anic verses and ahadith which lead that in the wealth of rich people there is recognized right of the poor, orphans and needy people. Media in this respect should be used extensively to generate public awareness campaigns to change public priorities regarding supporting and funding for street children.

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