



**Pakistan's Compliance with the Convention on the Rights of the Child  
Alternative Report about the Impact of the Death Penalty on the Rights of Children**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**The World Coalition Against the Death Penalty  
and  
Legal Awareness Watch**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Legal Awareness Watch (LAW)** is a volunteer-based nongovernmental organization that promotes and protects the rights of vulnerable individuals in Pakistan, particularly women and children facing life imprisonment or the death penalty. LAW provides pro bono legal defense, conducts awareness campaigns, and delivers training workshops on child justice to strengthen the capacity of key stakeholders. Through its advocacy and education initiatives, LAW works to end the use of the death penalty and life imprisonment for children and women and to advance fair and humane practices within Pakistan's justice system. LAW is a member of the World Coalition Against the Death Penalty.

## EXECUTIVE SUMMARY

1. This report examines the impact of the death penalty on children in Pakistan, focusing both on children facing or risking capital punishment themselves and on children whose parents are sentenced to death or executed.
2. Part I focuses on children in conflict with the law who are at risk of the death penalty. Pakistan retains the death penalty as a lawful form of punishment and in practice may be imposing the death penalty on individuals who were under 18 at the time of the alleged offense. Weak implementation of the Juvenile Justice System Act, 2018 (JJSA) results in inadequate safeguards for children in conflict with the law and exposes them to the risk of the death penalty.
3. Part II focuses on child marriage as a pathway that can place girls and women at an increased risk of being sentenced to death.
4. Part III focuses on the rights of children whose parents are sentenced to death or executed. These children face severe and lasting consequences, including psychological trauma, social stigma, economic hardship, and disruption of education and development. Children who live with their mothers in prison face harsh conditions, which are even worse on death row. And after they age out of the program that allows them to stay in prison with their mothers, their fate is often uncertain. Systemic failures demonstrate that Pakistan does not adequately integrate the best interests of the child across legal, judicial, and administrative processes.

### Background on the death penalty in Pakistan

5. Pakistan retains the death penalty as a lawful form of punishment for 29 offenses,<sup>1</sup> including unintentional and intentional homicide, rape, hijacking, various forms of kidnapping and mutiny, waging war against the State, perjury to secure a capital conviction, and blasphemy,<sup>2</sup> various military offenses, treason, terrorism, as well as *zina* (illicit sexual conduct including adultery and fornication).<sup>3</sup> The death penalty is mandatory for blasphemy.<sup>4</sup> Most of these offenses fail to meet the threshold of the “most serious crimes” under Article 6(2) of the International Covenant on Civil and Political Rights.<sup>5</sup>

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<sup>1</sup> National Commission for Human Rights (NCHR) & Justice Project Pakistan (JPP), *The Death Penalty in Pakistan 2025*, (Oct. 2025), at 9.

<sup>2</sup> International Federation for Human Rights (FIDH) and Human Rights Commission of Pakistan, *Punished for being vulnerable: How Pakistan executes the poorest and the most marginalized in society*, by Juliette Rousselot (France: FIDH, Oct. 2019), 36, <https://www.fidh.org/IMG/pdf/pakistan740angweb-2.pdf>.

<sup>3</sup> *Id.* at 36-38.

<sup>4</sup> Amnesty International (AI), *“As Good as Dead”: The Impact of the Blasphemy Laws in Pakistan*, (London: AI, Dec. 2016), 58, <https://www.amnesty.org/en/documents/asa33/5136/2016/en/>. See also: Human Rights Watch (HRW), *World Report 2024* (New York: HRW, 2024), 482, [https://www.hrw.org/sites/default/files/media\\_2024/01/World%20Report%202024%20LOWRES%20WEBSPREADS\\_0.pdf](https://www.hrw.org/sites/default/files/media_2024/01/World%20Report%202024%20LOWRES%20WEBSPREADS_0.pdf).

<sup>5</sup> Human Rights Committee, *General comment No. 36 - Article 6: right to life*, (Sept. 03, 2019), U.N. Doc. CCPR/C/GC/36, ¶ 35.

6. In 2022, Pakistan removed the death penalty for the crime of railway sabotage,<sup>6</sup> and in 2023, Pakistan eliminated the death penalty for drug-related offenses.<sup>7</sup> In 2025, lawmakers removed the death penalty for stripping a woman in public and harbouring a hijacker.<sup>8</sup> Authorities are considering removing additional crimes from the list of capital offenses, primarily in an effort to preserve trade benefits under the European Union’s Generalized Scheme of Preferences.<sup>9</sup>
7. From 2008 to 2012, Pakistan observed a *de facto* moratorium on executions,<sup>10</sup> which the Government officially lifted in 2014 in response to the Peshawar school massacre.<sup>11</sup> Official statements and publicly available data confirm that authorities carried out the most recent execution in December 2019.<sup>12</sup>
8. Pakistan has consistently voted against the UN General Assembly resolution calling for a moratorium on the death penalty, including most recently in 2024.<sup>13</sup> In its most recent Universal Periodic Review in 2023, it noted 14 recommendations to reintroduce or consider reintroducing a moratorium on executions.<sup>14</sup>
9. Amnesty International reports that in 2024, Pakistani courts issued at least 117 new death sentences, compared with 102 in 2023.<sup>15</sup> Most of the new sentences (103) were for murder, with the remainder for blasphemy, terrorism, and drug trafficking.<sup>16</sup>
10. Courts’ persistent imposition of the death penalty in drug cases, despite its abolition in 2023, reveals breakdowns within the legal system, likely stemming from judicial misinterpretation and limited awareness of changes in the law.<sup>17</sup>
11. According to the National Commission for Human Rights (NCHR) and Justice Project Pakistan (JPP), which gathered information via applicable Right to Information laws, as of

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<sup>6</sup> The National Assembly of Pakistan, The Railways (Amendment) Act, 2022, [https://www.na.gov.pk/uploads/documents/63411bc8bf108\\_162.pdf](https://www.na.gov.pk/uploads/documents/63411bc8bf108_162.pdf). See also: Office of the High Commissioner for Human Rights, *High Commissioner for Human Rights Calls on States that Have Not Yet Done So to Establish Moratoriums on the Death Penalty and Work Towards its Abolition*, Feb. 28, 2023, accessed Nov. 26, 2025, <https://www.ohchr.org/en/meeting-summaries/2023/02/high-commissioner-human-rights-calls-states-have-not-yet-done-so>.

<sup>7</sup> Harm Reduction International (HRI), *The Death Penalty for Drug Offences: Global Overview 2023*, by Giada Girelli, Marcela Jofré, and Ajeng Larasati (London: HRI, 2024), 10, <https://hri.global/wp-content/uploads/2024/03/HRI-GO2023-finalfinal-WEB.pdf#:~:text=10%20At%20the%20end%20of,country%20one%20step%20closer%20to>.

<sup>8</sup> NCHR & JPP, *supra* note 1, at 9.

<sup>9</sup> Thomas Philipp Reiter, *Pakistan softens death penalty laws to keep EU trade, preserves blasphemy statutes*, Catholic News Agency, Aug. 02, 2025, accessed Nov. 26, 2025, <https://www.catholicnewsagency.com/news/265733/pakistan-softens-death-penalty-laws-to-keep-eu-trade-preserves-blasphemy-statutes>.

<sup>10</sup> International Commission of Jurists, *Pakistan: ICJ calls for immediate halt to Shoaib Sarwar’s imminent execution*, Sep. 12, 2014, accessed Nov. 26, 2025, [https://www.icj.org/pakistan-icj-calls-for-immediately-halt-to-shoaib-sarwars-imminent-execution/?utm\\_source](https://www.icj.org/pakistan-icj-calls-for-immediately-halt-to-shoaib-sarwars-imminent-execution/?utm_source).

<sup>11</sup> Asad Hashim, *Pakistan lifts death penalty moratorium*, Al Jazeera, Dec. 17, 2014, accessed Nov. 26, 2025, [https://www.aljazeera.com/news/2014/12/17/pakistan-lifts-death-penalty-moratorium?utm\\_source](https://www.aljazeera.com/news/2014/12/17/pakistan-lifts-death-penalty-moratorium?utm_source).

<sup>12</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Pakistan*, (Mar. 31, 2023), U.N. Doc. A/HRC/53/13, ¶ 15.

<sup>13</sup> International Commission Against the Death Penalty, “UNGA Moratorium Resolution Table,” accessed Nov. 26, 2025, <https://icomdp.org/map-unga/>. See also: Amnesty International (AI), *Death sentences and executions in 2024*, (London: AI, Apr. 2025), 46, <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

<sup>14</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Pakistan*, (Mar. 31, 2023), U.N. Doc. A/HRC/53/13, ¶ 46.19, .23, .24, .96-.99, .101, .103-.105, .107, .108, .110. See also: Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Pakistan – Addendum*, (June 6, 2023), U.N. Doc. A/HRC/53/13/Add.1, at 2, 4, and 5.

<sup>15</sup> Amnesty International 2024, *supra* note 13, at 12, 23.

<sup>16</sup> *Id.* at 26.

<sup>17</sup> Girelli et al., *supra* note 7, at 33.

July 2025, 3,394 people, including 18 women, were under sentence of death.<sup>18</sup> In March 2025, Advocate Sarmad Ali, Director of Legal Awareness Watch (LAW), filed a Right to Information request to obtain data on individuals on death row in Punjab. In response, the Inspectorate General of Punjab Prisons reported that 2,193 men and 15 women were on death row across the province's prisons, and 25 additional women faced blasphemy charges but had not yet been sentenced.<sup>19</sup> NCHR and JPP note that "Punjab alone accounts for nearly 68% of all condemned prisoners."<sup>20</sup>

## **Pakistan fails to uphold its obligations under the Convention on the Rights of the Child**

### **I. Implementation of the Juvenile Justice System Act fails to protect people who were under the age of 18 at the time of the alleged offense from the death penalty (List of Issues para. 3(e)).**

12. In its List of Issues, the Committee requested information about measures taken "[t]o implement the prohibition of the death penalty for children or individuals who committed a crime while under the age of 18 years" and to review relevant cases with the aim of releasing people in detention or converting their death sentences into prison terms.<sup>21</sup>
13. In its Replies, Pakistan states that "[t]he Juvenile Justice System Act of 2018 explicitly prohibits the death penalty for individuals who committed a crime while under the age of 18."<sup>22</sup> The Replies further assert that authorities are implementing the Act "in letter and spirit" and that "[t]here is no case of death penalty awarded to a juvenile in any part of Pakistan."<sup>23</sup> The combined sixth and seventh State Party Report similarly asserted that "[a]fter the enactment of JJSA, no person who was a juvenile offender at the time of the commission of an offense shall be awarded the punishment of death. Consequently, no juvenile has been sentenced to death."<sup>24</sup> These claims, however, fail to describe any concrete steps that authorities have taken to implement the prohibition.
14. The JJSA forms the foundation of domestic legislation providing explicit safeguards for children in conflict with the law, including Section 16's prohibition on sentencing to death or executing anyone who was under 18 at the time of the alleged offense.<sup>25</sup> But implementation remains weak. LAW reports that, due to incorrect or nonexistent determinations of juvenility,

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<sup>18</sup> NCHR & JPP, *supra* note 1, at 6.

<sup>19</sup> Sher Ali Khalti, *2,193 men, 15 women on death row in Punjab jails*, The News International, Mar. 27, 2025, accessed Nov. 26, 2025, <https://www.thenews.com.pk/print/1295661-2-193-men-15-women-on-death-row-in-punjab-jails>.

<sup>20</sup> NCHR & JPP, *supra* note 1, at 6. NCHR & JPP's methodology distinguishes between "confirmed prisoners" for whom the High Court has upheld the death sentence, and "unconfirmed condemned prisoners," whose appeals are still pending. *Id.* at 17. According to NCHR & JPP, "[a]pproximately 90% of Punjab's death row population . . . consists of unconfirmed prisoners." *Id.* at 21.

<sup>21</sup> Committee on the Rights of the Child, *List of issues in relation to the combined sixth and seventh periodic reports of Pakistan* [hereinafter List of Issues], (Oct. 21, 2024), U.N. Doc. CRC/C/PAK/Q/6-7, ¶ 3(e).

<sup>22</sup> Committee on the Rights of the Child, *Replies of Pakistan to the list of issues in relation to its combined sixth and seventh reports* [hereinafter Replies], (Apr. 02, 2025), U.N. Doc. CRC/C/PAK/RQ/6-7, ¶ 27.

<sup>23</sup> Replies, ¶ 27.

<sup>24</sup> Committee on the Rights of the Child, *Combined sixth and seventh periodic reports submitted by Pakistan under article 44 of the Convention, due in 2021* [hereinafter State Party Report], (Feb. 07, 2024), U.N. Doc. CRC/C/PAK/6-7, ¶ 77.

<sup>25</sup> Sarmad Ali, *Unearthing the facts about children facing the most severe penalties in Pakistan*, Penal Reform International, Nov. 11, 2021, accessed Nov. 26, 2025, <https://www.penalreform.org/blog/unearthing-the-facts-about-children-facing-the-most/>.

“[t]he imposition of death penalty in Pakistan upon children is operational,” despite JJSA Section 16’s prohibition.<sup>26</sup>

15. LAW and Marvi Rural Development Organization (MRDO) conducted a two-year research survey titled *Tracing of Children/Juveniles Facing the Death Penalty and Life Imprisonment* to assess how many children and juveniles in Pakistan face, or risk receiving, death or life imprisonment sentences. Over a two-year period, LAW examined 20 out of the country’s 106 prisons, focusing on 10 prisons in Punjab and 10 in Sindh.<sup>27</sup> This survey included only people who were children at the time of prison visits (April-June 2020 and March-May 2021). The survey did not include juvenile offenders whom prison authorities had moved to adult barracks after they reached age 18.<sup>28</sup>
16. The survey found that most children facing sentences of death or life imprisonment were between 14 and 18 years old at the time of their incarceration. In 2020, LAW and MRDO identified 87 juveniles—including 3 girls—who were either facing, or at risk of receiving, sentences of death or life imprisonment.<sup>29</sup> The majority of these children were very young at the time of their incarceration: 4 boys were only 10 years old, 4 boys were 11, one girl and 8 boys were 12, and 14 boys were 13. The largest group—one girl and 33 boys—were 14 years old when they entered prison. Authorities imprisoned one girl and 7 boys aged 15, 4 boys aged 16, and 2 boys aged 17. One person was 21 at the time of imprisonment, suggesting the possibility that the alleged offense occurred during his childhood but the authorities treated and prosecuted him as an adult.<sup>30</sup> The alleged offenses included 60 cases of murder, 27 cases of rape, one case of terrorism combined with murder, and one case of kidnapping combined with rape.<sup>31</sup>
17. In 2021, LAW and MRDO identified 42 juvenile males who were either facing, or at risk of receiving, sentences of death or life imprisonment.<sup>32</sup>
18. In assessing the survey results, LAW and MRDO concluded that authorities had used inadequate age determination procedures, often classifying children as adults and placing them at risk of the death penalty.
19. In November 2025, The Advocates for Human Rights and LAW conducted an online survey to gather insights from legal professionals in Pakistan regarding JJSA implementation, focusing in particular on how the JJSA applied in potential capital cases involving known or possible children. The survey covered the period from May 2018 (the date of the JJSA’s enactment) through November 2025.
20. The six attorneys who responded to the survey reported caseloads ranging from zero to 25 clients who were facing a potential death penalty for an offense they allegedly committed when they were *indisputably* under the age of 18. They reported having zero to 10 additional

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<sup>26</sup> LAW, *Report submitted in response to the “Call for submissions on draft general comment No. 27 on children’s rights to access justice and effective remedies,”* (2025), 2-3, <https://www.ohchr.org/sites/default/files/documents/cfi-subm/crc-gc27/subm-general-comment-cso-65-legal-awareness-watch-pakistan-submission.docx>.

<sup>27</sup> Ali, *supra* note 25.

<sup>28</sup> LAW and Marvi Rural Development Organisation (MRDO), *Tracing of Juveniles Facing / Convicted of Offences Punishable by Death Penalty (DP) & Life Imprisonment (LI) – Volume II* [hereinafter LAW & MRDO 2021], (LAW & MRDO, 2021), 3, <https://legalawarenesswatch.com/wp-content/uploads/2025/09/Tracing-of-Juveniles-Full-Book-Web-1.pdf>.

<sup>29</sup> LAW and Marvi Rural Development Organisation (MRDO), *Tracing of Juveniles Facing / Convicted of Offences Punishable by Death Penalty (DP) & Life Imprisonment (LI) – Volume I* [hereinafter LAW & MRDO 2020], (LAW & MRDO, 2020), 6, <https://legalawarenesswatch.com/wp-content/uploads/2025/09/Tracing-of-Juveniles.pdf>.

<sup>30</sup> *Id.* at 8.

<sup>31</sup> *Ibid.*

<sup>32</sup> LAW & MRDO 2021, *supra* note 28, at 5.

clients who were facing a potential death penalty for an offense they allegedly committed when they *might have been* under the age of 18. These clients faced charges of homicide, unintentional homicide, rape, blasphemy, and dacoity (gang robbery) with murder.

21. In responding to open-ended questions, the attorneys responding to the survey identified several key challenges in the implementation of the JJSA: poor communication among relevant authorities, police reluctance to follow JJSA procedures, and a lack of governmental commitment to enforcing child protection laws. They offered various solutions: ensuring timely case conclusions, holding investigative police officers accountable for non-compliance with the JJSA, and introducing juvenile justice committees to support diversion and restorative justice approaches. As relevant, the subsections below discuss additional specific survey findings derived from the attorneys' responses to multiple choice questions.

**A. JJSA's Section 8 age determination procedures fall short (List of Issues paras. 3(e), 4(a)).**

22. Proper age determination under Section 8(1)-(2) of the JJSA plays a crucial role in ensuring that children in conflict with the law access the specialized criminal justice regime and its legal safeguards.
23. Section 8(1) of the JJSA states that when a person allegedly responsible for a crime seems or asserts to be a juvenile, the police officer-in-charge or the investigation officer must verify their age using birth certificates, school records, or other relevant documents, and if these are unavailable, the officer must rely on a medical officer's report to determine the age.<sup>33</sup> When the police bring an individual who seems to be a juvenile before a court, the court must determine the suspect's age before authorizing further detention. The court must consult available records such as the police report or a medical officer's report.<sup>34</sup>
24. Half of the November 2025 survey respondents stated that police and judges *never* followed Section 8's age determination procedures. One quarter stated that they sometimes followed them, and one quarter said that they always followed them.
25. Justice Project Pakistan reported that, from 2019 to 2024, the failure to verify children's ages led courts to try children as adults and impose death sentences in 12 cases.<sup>35</sup>
26. Officials misunderstand, misconstrue, and even deliberately undermine Section 8. LAW's training workshops with police officers in 2019 and 2020 revealed a deeply concerning picture. 2% of police officers participating in the workshops admitted deliberately recording incorrect ages of juveniles in case files to avoid technical complications and to expedite investigations, while 5% acknowledged having no prior knowledge of the JJSA before the training.<sup>36</sup> LAW also observed that many police officers and defense lawyers who participated in LAW's training sessions "had no idea of age determination under JJSA": police officers often assessed a juvenile's age based solely on physical appearance, and lawyers dismissed the legal requirement of age verification as irrelevant within juvenile justice proceedings.<sup>37</sup>
27. A Pakistani news website recently reported that "[t]he police officers/investigation officers intentionally or unintentionally do not treat an arrested person as juvenile if that appears to be

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<sup>33</sup> The National Assembly of Pakistan, Juvenile Justice System Act, 2018 [hereinafter JJSA], Section 8(1), <https://legalawarenesswatch.com/wp-content/uploads/2025/09/JUVENILE-JUSTICE-SYSTEM-ACT-2018-final-1.pdf>.

<sup>34</sup> *Id.*, Section 8(2).

<sup>35</sup> National Commission on the Rights of Child (NCRC), *The State of Children in Pakistan 2024*, (Islamabad: NCRC, Apr. 2025), 117, <https://ncrc.gov.pk/wp-content/uploads/2025/04/State-of-Children-V2.pdf>.

<sup>36</sup> LAW, *Annual Activity Report 2019-2020*, (LAW, 2020), <https://legalawarenesswatch.com/annual-activity-report-2020/>.

<sup>37</sup> *Ibid.*

juvenile in order to avoid their duties rising under the JJSA.”<sup>38</sup> The National Commission for Human Rights and other NGOs interviewed juveniles in detention and found that police routinely neglect to verify their ages properly, and in some cases, even coerce them into misrepresenting their birth date before a judge.<sup>39</sup> LAW reports that law-enforcement officials tend to disregard their obligations under the JJSA and treat (potential) child offenders as adults when the alleged offenses are particularly serious.<sup>40</sup>

28. Section 8 gives police too much discretion. If authorities cannot find a birth certificate or other relevant documents, police decide whether and how to determine a juvenile’s age. The court may intervene only if the person appears to be a juvenile *and* the police bring the case before the court under Section 167 of the Code of Criminal Procedure.<sup>41</sup> Section 8 requires a medical examination when documentation is missing, but the medical officer reports her findings to the police, not the court. Police have the final say regarding whether to present the question of age determination to the court.<sup>42</sup>
29. Section 8 also fails to establish a clear and short timeframe during which police must take the child to the hospital for a medical examination. As a result, officers may detain children without promptly initiating scientific age assessment, meanwhile detaining them with adults, keeping them in handcuffs, subjecting them to physical or verbal abuse, and not respecting other JJSA procedural safeguards.
30. Moreover, medical test results can take weeks to arrive. The JJSA offers no mechanism to safeguard children during this waiting period, leaving them vulnerable to violations of their legal rights.<sup>43</sup>
31. In the November 2025 survey, 75% of respondents rated the quality of the Section 8 medical examination and medical opinions as “always poor.”
32. Disregard for age determination extends beyond the investigative stage; trial courts frequently fail to establish the defendant’s age.<sup>44</sup> In *Dost Muhammad v. State* (2020), the defendant submitted a document containing incorrect information, but the investigating officer failed to arrange a medical examination to clarify the discrepancy, and the trial court also refrained from ordering a medical examination.<sup>45</sup> In *Mirwise v. Mohib-Ur-Rehman, SI/SHO Police Station Saddar, Loralai and another* (2021), the petitioner challenged the trial court’s age determination. He argued that his school certificate and the National Database and Registration Authority (NADRA) records had conflicting birth dates, and he asked the court to appoint a medical board and check his academic records to verify his age. The High Court

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<sup>38</sup> Pakistan Today, *JJANP highlights gaps in Juvenile Justice System, calls for urgent govt action*, Sept. 10, 2024, accessed Nov. 26, 2025, [https://www.pakistantoday.com.pk/2024/09/10/jjanp-highlights-gaps-in-juvenile-justice-system-calls-for-urgent-govt-action/?utm\\_source](https://www.pakistantoday.com.pk/2024/09/10/jjanp-highlights-gaps-in-juvenile-justice-system-calls-for-urgent-govt-action/?utm_source).

<sup>39</sup> National Commission for Human Rights (NCHR), *Alternative Submission to the UN Committee on the Rights of the Child (CRC) on Pakistan’s combined sixth and seventh periodic reports on compliance with the Convention on the Rights of the Child*, (Islamabad: NCHR, Apr. 2025), ¶ 35, <https://nchr.gov.pk/wp-content/uploads/2025/04/NCHR-Submission-on-CRC-2025.pdf>.

<sup>40</sup> Meeting between The Advocates and Advocate Sarmad Ali, Director of LAW (Oct. 2025) [hereinafter Advocate Ali, Oct. 2025].

<sup>41</sup> Sheherazade Amin, *Juvenile Justice - One of the most basic responsibilities of a government is to provide a person with a legal identity*, The Nation, Aug. 06, 2025, accessed Nov. 26, 2025, <https://www.nation.com.pk/06-Aug-2025/juvenile-justice#:~:text=When%20a%20juvenile%20is%20caught%2C,the%20age%20of%20the%20accused>.

<sup>42</sup> Ibid.

<sup>43</sup> Advocate Ali, Oct. 2025, *supra* note 40.

<sup>44</sup> National Commission on the Rights of Child - The State of Children in Pakistan, “Gaps and Challenges - Juvenile Justice,” accessed Nov. 26, 2025, <https://stateofchildren.com/juvenile-justice-in-pakistan/gaps-and-challenges-juvenile-justice>.

<sup>45</sup> Ibid.

reviewed the case and ruled that NADRA records, which are based on self-reported information, were not conclusive proof. Instead, the High Court ruled, trial courts must examine all relevant documents, hear witnesses, obtain a medical report, and decide based on the full body of evidence. The High Court sent the case back to the trial court, instructing it to determine the petitioner’s age according to JJSA Section 8(1).<sup>46</sup>

33. Some judicial authorities ignore the findings of the medical examination, directly violating Section 8. In *Sanaullah v. State* 2020 MLD 659 Quetta, the trial court sentenced the defendant to death, even though a medical board confirmed that the defendant was 17 years old.<sup>47</sup>
34. In 2020, the Lahore High Court commuted the death sentence of M.I., who had been arrested for murder in 1998 at the age of 17, to life imprisonment and ordered his release from jail.<sup>48</sup> In 2021, the Supreme Court commuted M.A.’s death sentence, ending his 23-year stay on death row.<sup>49</sup> These decisions signal progress, but authorities took excessive time even after the JJSA took effect to conduct age-determination inquiries and resolve the cases properly.

*Lack of universal birth registration places children in disadvantaged communities at heightened risk of the death penalty.*

35. The Committee in its List of Issues requested information about measures taken “[t]o address the alarmingly high numbers of unregistered children under 1 and 5 years of age and to ensure universal birth registration for all children by updating the relevant legislation, facilitating late birth registration and removing fees.”<sup>50</sup> The Replies outline “[a] reduction in processing fees” as well as “birth certificate requirements” and “a fully digitized system for easier access,”<sup>51</sup> but do not suggest authorities have eliminated fees altogether or eliminated barriers in rural areas where parents may lack meaningful access to such digital systems.
36. The lack of universal birth registration exacerbates improper Section 8 age determination practices. The 2017–18 Pakistan Demographic and Health Survey by the National Institute of Population Studies showed significant disparities in birth registration across age, area, and income. Among children aged 2 to 4, 44.3% had their births registered (37.5% with a birth certificate and 6.8% without), while among those under 2, 38.9% had their births registered (33.9% with a birth certificate and 5.0% without). Birth registration rates vary sharply by location, reaching 60.3% in urban areas and only 33.6% in rural areas. Wealth also plays a major role, with registration rates ranging from just 9.3% in the lowest wealth quintile to 76.0% in the highest.<sup>52</sup> UNICEF recently commented that the number of unregistered children

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<sup>46</sup> High Court of Balochistan, *Mirwise v. Mohib-Ur-Rehman, SI/SHO Police Station Saddar, Loralai and another*, PCrLJ 2021 1032, [https://bhc.gov.pk/loralai-bench/resources/judgments/justice-rozi-khan-barach/reported-judgments/2021#lg=gl\\_judgements&slide=63](https://bhc.gov.pk/loralai-bench/resources/judgments/justice-rozi-khan-barach/reported-judgments/2021#lg=gl_judgements&slide=63).

<sup>47</sup> Asma Hanif Sethi, *Reimagining Juvenile Justice in the Digital Age: A Critical Review of the Juvenile Justice System Act, 2018*, 4(3) ACADEMIA International Journal for Social Sciences 3689, 3694-3695 (2025).

<sup>48</sup> Justice Project Pakistan, *Muhammad Iqbal*, Jun. 30, 2020, accessed Nov. 26, 2025, [https://archive.jpp.org.pk/case\\_study/muhammad-iqbal/](https://archive.jpp.org.pk/case_study/muhammad-iqbal/). See also: The Express Tribune, *Juvenile’s death penalty: Arrested in 1998 in a murder case in Mandi Bahauddin*, June 11, 2020, accessed Nov. 26, 2025, [https://tribune.com.pk/story/2239928/juveniles-death-penalty?utm\\_source](https://tribune.com.pk/story/2239928/juveniles-death-penalty?utm_source); Sarah Belal, *Lost juveniles*, Dawn, Feb. 06, 2019, accessed Nov. 26, 2025, [https://www.dawn.com/news/1462138?utm\\_source](https://www.dawn.com/news/1462138?utm_source).

<sup>49</sup> Radio Free Europe/Radio Liberty, *Pakistani Court Commutes Death Sentence After 23 Years*, Mar. 29, 2021, accessed Nov. 26, 2025, <https://www.rferl.org/a/pakistani-court-commutes-death-sentence-after-23-years/31174938.html>.

<sup>50</sup> List of Issues, ¶ 4(a).

<sup>51</sup> Replies, ¶ 30.

<sup>52</sup> National Institute of Population Studies (NIPS) and ICF, *Pakistan Demographic and Health Survey 2017-18*, (Islamabad, Pakistan & Rockville, MD: NIPS/ICF, Jan. 2019), 27, <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>.

under the ages of 2 and 5 remains alarmingly high, identifying Pakistan as having the world’s largest population of unregistered children.<sup>53</sup>

37. Section 8(1) gives priority to birth certificates, school records, and other relevant documents, and calls for medical examinations only when those records are unavailable. The law, however, ignores the reality that many children—especially in poor or rural communities—can rarely provide police with reliable documents to prove their age. Parents may avoid registration offices due to cost or lack of awareness. LAW notes that people may easily falsify documents, undermining the reliability of documentation as compared to a medical examination. By prioritizing documents, JJSA gives insufficient weight to scientific age-assessment methods.

**B. Children in conflict with the law do not receive state-funded legal assistance as required under JJSA Section 3, and the quality of legal assistance they receive is often not effective, and children are therefore ill-equipped to assert their rights under the JJSA.**

38. JJSA Section 3 provides that “[e]very juvenile or a child who is victim of an offence” has the right to access state-funded legal assistance and must receive information about their rights from a legal practitioner within 24 hours of placement in custody.<sup>54</sup>
39. The State Party Report states that District & Sessions Judges have the power to appoint a panel of lawyers to ensure juveniles involved in criminal proceedings receive free legal aid, and that helplines at the national and provincial levels provide women and children with legal guidance and counseling support.<sup>55</sup>
40. Despite these claims, children in conflict with the law “lack . . . legal representation,”<sup>56</sup> and therefore are at heightened risk of unclaimed juvenility, unverified ages, procedural violations, and even wrongful death sentences. In the November 2025 survey, 100% of respondents agreed that state special funding for the legal assistance of children in conflict with the law under Section 3 was “[n]ever available or not used.”
41. Pakistan has consistently failed to allocate dedicated funds for the legal representation of children in conflict with the law. In its 2019-2020 Annual Report, LAW reported that the Punjab province had not allocated *any* resources for juvenile offenders’ legal assistance.<sup>57</sup> In 2023, Advocate Ali reiterated that the Government had not established “funds for providing free legal services to children.”<sup>58</sup> In October 2023, the Sindh Human Rights Commission wrote to the Sindh High Court, urging it to create a mechanism for providing free legal aid to 385 juvenile offenders held in three provincial correctional facilities. The Commission’s Chairperson stressed that, under the JJSA, children in conflict with the law require rehabilitative support and that free, quality legal assistance is essential to their reintegration.<sup>59</sup>

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<sup>53</sup> UNICEF, *Country Office Annual Report 2023 – Pakistan*, (UNICEF, 2023), 2, <https://www.unicef.org/pakistan/media/5841/file/Pakistan-2023-COAR.pdf.pdf>.

<sup>54</sup> JJSA, *supra* note 33, Section 3(1), (2).

<sup>55</sup> State Party Report, ¶ 108.

<sup>56</sup> NCHR, *supra* note 39, ¶ 34.

<sup>57</sup> LAW, *supra* note 36.

<sup>58</sup> The Nation, *Legal Awareness Watch calls for implementing juvenile justice Act 2018*, Aug. 21, 2023, accessed Nov. 27, 2025, <https://www.nation.com.pk/21-Aug-2023/legal-awareness-watch-calls-for-implementing-jvenile-justice-act-2018>.

<sup>59</sup> Ishaq Tanoli, *Call to provide free legal aid to 385 juvenile offenders in Sindh*, Dawn, Oct. 23, 2023, accessed Nov. 27, 2025, <https://www.dawn.com/news/1782970>.

42. According to LAW, most provinces have not yet created dedicated funds to provide legal assistance to children in conflict with the law. Only Khyber Pakhtunkhwa has complied with Section 3's legal assistance requirements.<sup>60</sup> NGOs like LAW<sup>61</sup> try to fill the gap by providing *pro bono* legal assistance to children who do not have access to state-funded legal assistance.
43. LAW and MRDO's 2020 and 2021 surveys found that none of the juveniles in the 20 prisons had had defense counsel at trial.<sup>62</sup>
44. In *Suleman v. State 2018 PLD 186 Peshawar*, trial courts had imposed death sentences on juveniles who did not have legal representation. When an NGO intervened and provided legal counsel on appeal, the Peshawar High Court recognized a miscarriage of justice and returned the cases for review, ordering the lower court to verify the defendants' age and to ensure they had proper legal representation.<sup>63</sup>

**C. Most children in conflict with the law do not have access to child-sensitive justice.**

45. JJSA Section 4 requires the Government to establish Juvenile Courts with exclusive jurisdiction over cases involving alleged child offenders.<sup>64</sup> Section 11 provides that proceedings remain closed to the public, thereby protecting the child's privacy.<sup>65</sup>
46. The State Party Report notes that "[t]he Government has established six pilot child courts in Pakistan, while four more are being established." It also reports progress in professional training, stating that "[t]he capacity building of 160 actors of justice is leading to groundbreaking child-sensitive jurisprudence."<sup>66</sup>
47. In 2023, a news website reported that Juvenile Courts exist in only a few districts, and that the absence of child-sensitive courts was adversely affecting children's psychological well-being.<sup>67</sup> In 2024, another news website reported that "[m]any areas lack properly functioning juvenile courts" and that "there is a shortage of educated employees, such as judges and lawyers focusing on juveniles."<sup>68</sup> As of January 2025, authorities had set up 13 "Child Protection Courts," but those courts fail to meet the JJSA's requirements. Although these courts delivered efficient results and adopted more child-centered practices, the Peshawar High Court removed their power to hear juvenile cases. In parallel, provincial judicial bodies have issued broad notifications that give all additional district session judges jurisdiction over juvenile cases, undermining the distinct role that the JJSA envisions for child-sensitive justice.<sup>69</sup>
48. Courts fail to hold closed hearings, violating Section 11's privacy protections. Moreover, media coverage often discloses child offenders' personal information, exposing them and their families to stigma.<sup>70</sup>

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<sup>60</sup> Advocate Ali, Oct. 2025, *supra* note 40.

<sup>61</sup> LAW, *supra* note 36.

<sup>62</sup> LAW & MRDO 2020, *supra* note 29, at 6; LAW & MRDO 2021, *supra* note 28, at 11.

<sup>63</sup> Sethi, *supra* note 47, at 3695.

<sup>64</sup> JJSA, *supra* note 33, Section 4(1), (4).

<sup>65</sup> *Id.*, Section 11(2).

<sup>66</sup> State Party Report, ¶¶ 80-81.

<sup>67</sup> Changezi Sandhu, *Pakistan's Juvenile Justice System needs reform: Problems of implementation remain*, Pakistan Today, Oct. 01, 2023, accessed Nov. 26, 2025, <https://www.pakistantoday.com.pk/2023/10/01/pakistans-juvenile-justice-system-needs-reform/>.

<sup>68</sup> Awais Bilal Daudpoto, *Juvenile justice*, The News International, June 05, 2024, accessed Nov. 27, 2025, <https://www.thenews.com.pk/print/1196907-juvenile-justice>.

<sup>69</sup> Nabila Feroz Bhatti, *Where is the tender face of justice?*, The Express Tribune, Jan. 19, 2025, accessed Nov. 27, 2025, <https://tribune.com.pk/story/2523078/where-is-the-tender-face-of-justice>.

<sup>70</sup> National Commission on the Rights of Child, *supra* note 44.

#### **D. Police fail to adhere to Section 5 detention and notification requirements for children in conflict with the law.**

49. Section 5 requires authorities to place arrested children in “observation homes,” rather than detaining them at a police station.<sup>71</sup> The police must promptly inform the child’s guardian of the arrest and provide details of the court where the child will appear. The police must also inform the probation officer of the arrest so the officer can gather information about the child and other relevant circumstances to assist the court during its inquiry.<sup>72</sup>
50. The State Party Report concedes that authorities are not placing children in observation homes. Instead, Provincial Governments create separate areas within jails to house juvenile offenders who are awaiting trial.<sup>73</sup>
51. LAW reports that there is just one dedicated observation home for children in conflict with the law—in Karachi. Elsewhere, police jail children in police stations.<sup>74</sup> LAW attributes this failure in part to gaps in the JJSA, which does not specify who should operate observation homes, whether observation homes should function as independent facilities or as designated spaces within police stations, and what minimum infrastructure and resources they must have.<sup>75</sup>
52. LAW and MRDO’s 2020-2021 survey identified significant challenges in the implementation of Section 5’s probation officer provision. The survey identified only one case in which probation or social welfare officers participated in judicial proceedings. The survey concluded that the social welfare system fails to show “proactive initiative,” likely because of insufficient training and limited awareness of justice issues affecting children.<sup>76</sup>
53. LAW recently identified a communication breakdown between departments. Police do not notify probation officers when they apprehend children, preventing probation officers from monitoring and assisting potential child offenders. At the same time, probation officers do not take initiative to collaborate with the police or provide support to children in conflict with the law.<sup>77</sup> A nationwide shortage of probation officers poses an additional barrier to effective implementation of Section 5.<sup>78</sup>
54. The November 2025 survey confirms that police non-compliance with Section 5 persists. All respondents agreed that police “never provided complete and timely information” to either the guardian or the probation officer.

#### **E. JJSA Section 12 allows joint trials with adult codefendants.**

55. Section 12 requires courts to try children separately from adults but allows joint trials when the court finds it necessary to serve the interests of justice. In such cases, the court may let the child participate through audiovisual links rather than appearing in person.<sup>79</sup>
56. LAW and MRDO’s 2020-2021 survey found that in serious cases such as murder and rape, adults—often co-defendants—frequently instigated children to commit the crimes or used them as instruments to carry them out. One boy, for instance, said that his father urged him to

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<sup>71</sup> JJSA, *supra* note 33, Sections 20, 21, 22.

<sup>72</sup> *Id.*, Section 5(1)(a)-(b).

<sup>73</sup> State Party Report, ¶ 293.

<sup>74</sup> Advocate Ali, Oct. 2025, *supra* note 40.

<sup>75</sup> National Commission on the Rights of Child, *supra* note 44.

<sup>76</sup> Ali, *supra* note 25.

<sup>77</sup> Advocate Ali, Oct. 2025, *supra* note 40.

<sup>78</sup> Bhatti, *supra* note 69.

<sup>79</sup> JJSA, *supra* note 33, Section 12.

kill his mother. Nearly all children in detention were first-time offenders, suggesting that adults often exploit minors to carry out criminal acts on their behalf.<sup>80</sup> These dynamics suggest that authorities may use Section 12 to circumvent the JJSA’s protections for children in conflict with the law in cases where children are particularly vulnerable to manipulation by adults in their lives.

**F. Detention conditions do not support social reintegration of children in conflict with the law.**

57. To support social reintegration of children in conflict with the law, JJSA regulates the establishment, certification, and inspection of Rehabilitation Centres.<sup>81</sup> Rehabilitation Centres are to offer children education, vocational training, and technical instruction to foster their mental, moral, and psychological growth. Rehabilitation Centres include certified institutions, juvenile training institutions, “Borstal” (juvenile) institutions, vocational centres, and women crisis centres.<sup>82</sup> JJSA requires authorities to place girls in conflict with the law in Rehabilitation Centres that the Government certifies as exclusively for females.<sup>83</sup>
58. The State Party Report asserts that Punjabi authorities have designated the Borstal Institutes in Bahawalpur and Faisalabad, along with juvenile wards in Punjab jails, as Juvenile Rehabilitation Centers, providing juveniles with education, healthcare, vocational and technical training, and religious instruction.<sup>84</sup>
59. LAW observes that the State Party Report misrepresents the status of Rehabilitation Centres; the Borstal Institute in Faisalabad (Punjab) does not meet the requirements of the JJSA, because it houses people up to the age of 21. The JJSA requires separate, dedicated Rehabilitation Centres exclusively for children.<sup>85</sup> Additionally, the 31 “child barracks” in Punjab (as of 2021) exist within ordinary prisons, undermining the JJSA’s rehabilitation goals.<sup>86</sup> Many children serve their detention in standard prisons, where they experience overcrowding and unhygienic living conditions and receive minimal vocational, educational, and rehabilitative support.<sup>87</sup>
60. The National Commission on the Rights of Child recently concluded that “rehabilitation centres are not established as required by law.”<sup>88</sup>

**G. Authorities fail to publish transparent data about children in conflict with the law (List of Issues para. 19).**

61. The Committee requested disaggregated data “on children alleged to have, accused of or recognized as having infringed criminal law” who have been arrested, held in pretrial detention, detained with adults, and convicted and serving a sentence.<sup>89</sup> Annex VII of the State Party Report provides incomplete data that is not consistently disaggregated even by gender. Moreover, it provides no information about the ages of the children in conflict with the law. It omits entirely the Province of Sindh, as well as the Islamabad Capital Territory and Pakistan’s administrative territories.

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<sup>80</sup> Ali, *supra* note 25.

<sup>81</sup> JJSA, *supra* note 33, Sections 20, 21, 22.

<sup>82</sup> *Id.*, Section 2(k).

<sup>83</sup> *Id.*, Section 17(2).

<sup>84</sup> State Party Report, ¶ 293.

<sup>85</sup> Advocate Ali, Oct. 2025, *supra* note 40.

<sup>86</sup> *Ibid.*

<sup>87</sup> NCRC, *supra* note 35, at 117.

<sup>88</sup> *Ibid.*

<sup>89</sup> List of Issues, ¶ 19(a)-(e).

62. Authorities do not publish official and transparent data on the number of people sentenced to death who were under the age of 18 at the time of the alleged offense, nor do they provide public information about child-offenders on death row. Rather, they simply assert that no person is under sentence of death for a crime they committed when under the age of 18.<sup>90</sup> LAW has repeatedly condemned the absence of data on the number of children facing the death penalty in Pakistan’s prisons and the use of “outdated and unreliable estimates” that lack any sound scientific basis.<sup>91</sup>

#### **H. Children may face the mandatory death penalty for blasphemy (List of Issues para. 4(b)).**

63. The Committee requested information about measures taken “to repeal [Pakistan’s] blasphemy laws and to ensure that children under the age of 18 are exempt from criminal responsibility for such crimes.”<sup>92</sup> The Replies concede that authorities may “accuse[] [children] under blasphemy laws,” and assert that “[c]hildren are exempt from Hadood punishments,”<sup>93</sup> which presumably would include the mandatory death penalty for blasphemy.

64. In December 2023, a local news website reported that authorities in Punjab arrested 19 children on blasphemy charges between January 1 and October 16 of the same year. The report said that 6 children remained in prison, while the others had left detention after courts acquitted them. The Inspectorate General of Punjab Prisons released these figures after Advocate Ali filed an appeal with the Punjab Information Commission.<sup>94</sup> Because the crime of blasphemy carries a mandatory death sentence, these cases raise serious concerns. Because the JJSA is a special law, its prohibition against the death penalty for people under the age of 18 at the time of the offense *should* override general laws as well as special laws adopted prior to 2018.

#### **II. Child marriage places girls and women at an increased risk of coming into conflict with the law and being sentenced to death (List of Issues paras. 3(a), 5(b), (e)).**

65. The Committee requested information about measures taken to eradicate and prevent child marriage and to set the marriage age for boys and girls at 18,<sup>95</sup> as well as measures to criminalize domestic violence and marital rape.<sup>96</sup> The Replies reference Punjab’s “Women Helpline,” Sindh’s Child Protection Courts, and Balochistan’s Child Protection and Welfare Act, all of which address child marriage.<sup>97</sup> The Replies also reference provincial laws to address domestic violence, including by providing shelters, protection orders, and support services for victims.<sup>98</sup>

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<sup>90</sup> Replies, ¶ 27.

<sup>91</sup> LAW, *supra* note 36.

<sup>92</sup> List of Issues, ¶ 4(b).

<sup>93</sup> Replies, ¶ 31.

<sup>94</sup> Sher Ali Khalti, *19 children arrested for blasphemy in Punjab from Jan-Oct*, The News International, Dec. 01, 2023, accessed Nov. 26, 2025, <https://www.thenews.com.pk/print/1134123-19-children-arrested-for-blasphemy-in-punjab-from-jan-oct>.

<sup>95</sup> List of Issues, ¶¶ 3(a), 5(e).

<sup>96</sup> *Id.*, ¶ 5(b).

<sup>97</sup> Replies, ¶¶ 22-23.

<sup>98</sup> *Id.*, ¶ 28.

66. UN Women reports that “Pakistan is home to nearly 19 million child brides today.”<sup>99</sup> Research shows that “[c]hild brides in Pakistan are at an elevated risk of sexual and physical abuse . . . and other adverse . . . social outcomes.”<sup>100</sup> A UNICEF South Asia report says that “girls who are married before turning 18 are more likely to experience physical, sexual and emotional abuse at the hands of their husbands.”<sup>101</sup>
67. According a groundbreaking study by the Cornell Center on the Death Penalty Worldwide, on a global scale, child marriage increases the risk that a woman will be sentenced to death.<sup>102</sup> With insufficient protections against domestic violence, including marital rape, and inadequate support for victims, Pakistan creates conditions in which women and girls who were subjected to child marriage may be at particular risk for coming into conflict with the law, either for killing their abusers or for committing crimes at the behest of a coercive and controlling spouse. Yet on a global scale, and likely in Pakistan, trial courts “largely fail to take into account gender-based violence as a mitigating factor to reduce sentences, even in the context of child marriage,” and they “rarely consider the mental health effects of child marriage, such as post-traumatic stress disorder, depression, and other mental or emotional disorders. While youthfulness exacerbates these effects, adult women in abusive relationships should also benefit from the protection of laws recognizing the relevance of domestic abuse and child marriage to capital sentencing.”<sup>103</sup>
68. As of August 2025, 18 women are on death row across Pakistan, including 14 for murder and 3 for blasphemy.<sup>104</sup> While there is no available information about whether any of these women came into conflict with the law due to circumstances arising out of child marriage specifically, a recent report from the National Commission for Human Rights and Justice Project Pakistan observed that these cases “expose compounded layers of vulnerability. Many [of the women sentenced to death] come from impoverished or socially marginalised backgrounds, with limited access to effective legal representation or awareness of their procedural rights. In addition to the stigma of criminal prosecution, many have experienced gender-based violence, coercion, abandonment, or mental health issues prior to their alleged offenses. Despite this, Pakistan’s criminal justice system does not incorporate gender-sensitive safeguards in sentencing or post-conviction review.”<sup>105</sup>

### **III. Authorities fail to uphold the best interests of the child when the child’s parent is sentenced to death (List of Issues para. 3(c)).**

69. The Committee requested information on measures “[t]o implement . . . legislation providing for the concept of the best interests of the child.” It also requested information about measures

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<sup>99</sup> *Breaking tradition to end child marriage in Pakistan’s remote village*, UN Women, 13 Nov. 2024, <https://www.unwomen.org/en/news-stories/feature-story/2024/11/breaking-tradition-to-end-child-marriage-in-pakistans-remote-village>.

<sup>100</sup> Sharafat A. Chaudhry and Rabia Mustafa, *Child Marriage*, School for Law and Development, Feb. 17, 2023, accessed Dec. 02, 2025, <https://sld.com.pk/2023/02/17/understanding-child-marriages-in-pakistan/>.

<sup>101</sup> UNICEF South Asia, *Four ways child marriage destroys children’s futures: How child marriage hurts children in South Asia – and their countries*, Apr. 17, 2023, accessed Dec. 02, 2025, <https://www.unicef.org/rosa/stories/four-ways-child-marriage-destroys-childrens-futures>.

<sup>102</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), at 15. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>103</sup> *Id.* At 15-16.

<sup>104</sup> National Commission for Human Rights & Justice Project Pakistan, *The Death Penalty in Pakistan 2025*, by Sarah Belal and Ayesha Gardezi (National Commission for Human Rights & Justice Project Pakistan, Oct. 2025), 31, <https://www.jpp.org.pk/the-death-penalty-in-pakistan-2025>.

<sup>105</sup> *Ibid.*

to ensure that children’s right to have their best interests treated as a primary consideration is fully integrated, consistently interpreted, and effectively applied across all legislative, administrative, and judicial processes and decisions.<sup>106</sup>

70. In its Replies, Pakistan states that it has implemented the concept of the best interests of the child by enacting various national and provincial laws. It further notes that “[t]hese legal frameworks ensure that the rights and welfare of children are prioritized in all decisions, including legislative, administrative and judicial processes,” and that authorities effectively implement such laws “across proceedings involving children with a focus on their protection, rehabilitation and overall well-being.”<sup>107</sup>
71. The Replies fail to describe any measures to safeguard the best interests of children whose parents face death sentences or execution.
72. On a global scale, States that sentence parents to death or execute them impose serious short- and long-term harm on these parents’ children.<sup>108</sup> Children of parents facing the death penalty often struggle with anger and constant uncertainty. The legal process can create anxiety, stress, sleep problems, loss of focus at school, and withdrawal from normal activities. Some children feel pushed into work when a parent can no longer provide for the family. Some children develop mental disorders or self-harming behaviors. The execution of a parent irreversibly prevents the child from maintain a relationship with the parent, and also creates intense confusion, fear, and trauma for children, far beyond the grief of a natural death. Such trauma can carry into adulthood, creating long-term intergenerational harm.<sup>109</sup>
73. Social stigma and exclusion surrounding a parent’s death sentence can intensify the suffering children experience. For example, blasphemy charges carry severe public condemnation in Pakistan. Children of people accused or convicted of blasphemy can face insecurity and displacement. In one case, a mother moved with her children to her parents’ home to keep them safe, which led to prolonged separation from other family members and created fear and instability for the children.<sup>110</sup>
74. Children who live in prison with their mothers enjoy the right to know and be cared for by their parent, but such living conditions can raise serious concerns. First, living in prison is far from a normal childhood, limiting opportunities for play, education, and social development. Second, children face the same harsh conditions as their mothers, exposing them to physical and psychological harm.
75. Under Rule 326 of the Pakistan Prison Rules 1978, women in prison—including on death row— can keep their children with them until they reach the age of 3. In the provinces of Punjab, Sindh, and Khyber Pakhtunkhwa, the age limit extends to 6 years.<sup>111</sup> Annex VII of

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<sup>106</sup> List of Issues, ¶ 3(c).

<sup>107</sup> Replies, ¶ 25.

<sup>108</sup> Human Rights Council, *Summary of the panel discussion on the human rights of children of parents sentenced to the death penalty or executed - Report of the United Nations High Commissioner for Human Rights*, (Dec. 18, 2013), U.N. Doc. A/HRC/25/33, ¶ 6; The World Coalition Against the Death Penalty, *The Rights of Children Whose Parents Have Been Sentenced to Death or Executed*, (France: The World Coalition Against the Death Penalty, Oct. 2019), 7, [https://www.acat.ch/app/uploads/2024/04/EN\\_Fact-sheet.pdf](https://www.acat.ch/app/uploads/2024/04/EN_Fact-sheet.pdf).

<sup>109</sup> Martra Santos Pais, Special Representative of the Secretary-General on Violence Against Children, *The rights of the child when a parent is sentenced to the death penalty or executed*, United Nations, Oct. 11, 2017, <https://violenceagainstchildren.un.org/en/article/rights-child-when-parent-sentenced-death-penalty-or-executed>.

<sup>110</sup> Rousselot, *supra* note 2, at 31.

<sup>111</sup> Pakistan Prison Rules 1978, Rule 326,

<https://data.jpp.org.pk/entity/ij4ejjwvn1e?file=15611004870833sj7dbi7prg.pdf&page=121>.

the State Party Report has incomplete data, but states that 27 children live with their incarcerated mothers in prisons and jails in Khyber Pakhtunkhwa.

76. According to a recent report, at least 140 children younger than 6 are living in 45 prisons across Punjab with their incarcerated mothers.<sup>112</sup> Fatima Tahir, a psychologist overseeing UNICEF’s child protection initiatives, notes that children spending their early years in Pakistani prisons alongside their mothers suffer harms for which they bear no responsibility. Growing up in such a restrictive environment means they absorb fear or aggression rather than learning through typical play. Many experience delays in language and cognitive development, and others exhibit behavioral problems.<sup>113</sup>
77. Mothers and their cohabitating children face harsh detention conditions. A 2023 study revealed that food in several jails in Khyber Pakhtunkhwa failed to meet basic hygiene standards, and prisons do not provide specialized meals for young children, offering only a single milk packet per day. Overcrowding and inadequate sanitation and hygiene in the women’s barracks lead to constant contamination of women’s detention facilities.<sup>114</sup>
78. Women in prison report that they lack privacy for breastfeeding, often having to nurse in public and endure mockery and harassment. Jail wardens regularly directed inappropriate comments at them and even physically punished them for breastfeeding.<sup>115</sup>
79. A 2022 study conducted in one district jail and two central prisons in Khyber Pakhtunkhwa identified major obstacles to ensuring adequate education for children living with their mothers in prison. These obstacles included the lack of educational infrastructure, the unavailability of qualified teachers, and the lack of systematic school schedule.<sup>116</sup> The study also found that authorities allowed some children over the age of 6 to remain in prison with their mothers, despite provincial rules requiring their removal and care outside the facility.<sup>117</sup>
80. Like other women in prison, mothers on death row can keep their young children with them until they reach the legal age limit. One woman gave birth and raised her baby while living on death row.<sup>118</sup> A large proportion of women in ordinary prison wards live alongside their small children, but “advocates report . . . that fewer women on death row are held with children because their families had cut contact with them.”<sup>119</sup> While such arrangements spare some children from prison conditions, they also may violate the best interests of the child and the child’s right to know and be cared for by his or her parent.
81. Detention conditions for women on death row and their children are worse than in the general prison population. Prison authorities confine people on death row in separate sections, placing them in death cells smaller than 8m<sup>2</sup>, arranged in blocks of four or five. Authorities usually assign two people to each cell, but overcrowding sometimes forces seven or eight to share the

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<sup>112</sup> Khalid Rasheed, *140 children living in Punjab jails with mothers*, The Express Tribune, Oct. 04, 2025, accessed Nov. 27, 2025, <https://tribune.com.pk/story/2570470/140-children-living-in-punjab-jails-with-mothers>.

<sup>113</sup> *Ibid.*

<sup>114</sup> Abd Ullah and Niaz Muhammad, *Unhygienic Environment to Children with Incarcerated Mothers in Selected Jails of Khyber Pakhtunkhwa, Pakistan*, 2 CARC Research in Social Sciences 112, 114 (2023).

<sup>115</sup> Deena Jamal, Fatima Shafi, and Yasar Adnan, *Women behind bars –The nightmare of prisons in Pakistan*, Dawn, Oct. 31, 2023, accessed Nov. 27, 2025, <https://www.dawn.com/news/1785284>.

<sup>116</sup> Tabinda Rani, Muhammad Ilyas Khan & Shagufta Perveen, *State of Educational Rights of Inmate Dependent Children: A Case Study of Prisons in Khyber Pakhtunkhwa, Pakistan*, 4(2) Journal of Law & Social Studies 286, 291–292 (2022).

<sup>117</sup> *Id.* at 293.

<sup>118</sup> The Cornell Center on the Death Penalty Worldwide, *supra* note 102, at 31.

<sup>119</sup> Eleos Justice, Monash University and The Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women*, by Mai Sato and Sandra Babcock (Eleos Justice, Monash University and The Cornell Center on the Death Penalty Worldwide, Mar. 2023), 29, <https://dpw.lawschool.cornell.edu/publication/silently-silenced-state-sanctioned-killing-of-women/>.

same space. Heating is not available in the death cells. Children stay in the death cells with their mothers and can play in the surrounding block area.<sup>120</sup> Although children can access medical care inside the facility, they receive no educational support.<sup>121</sup> Officers search the death cells once a week, or more frequently as a punitive measure.<sup>122</sup> Once authorities set an execution date, they move the person awaiting execution into solitary confinement.<sup>123</sup>

82. Once children who live in prison with their mothers reach the legal age for removal, their fate is uncertain. If the woman's relatives or friends cannot or will not provide support, authorities are supposed to "arrange for the removal of the child to healthy nursery surroundings through the special societies managing such institutes."<sup>124</sup> According to Human Rights Watch, however, beyond this vague language "there is no procedure for removing children once they turn 6."<sup>125</sup>
83. Children with a parent in prison face obstacles to realizing their right to know and be cared for by their parent, particularly when the parent is on death row. Parents on death row can nominally maintain family ties, but strict restrictions limit meaningful contact. Officials screen all mail, provide only one free letter per week, and allow two additional letters per month at the individual's expense. They restrict phone calls to one per week. Prison rules require constant guard supervision during visits. Privacy is limited; guards often remain uncomfortably close despite rules to observe from a distance.<sup>126</sup>
84. Children of people on death row often visit their parents less over time. Long, costly travel from rural areas and social pressure make regular visits difficult. According to local NGOs, children tend to stop visiting after a year or two because peers notice their absence on visiting days and may bully them.<sup>127</sup>
85. The death penalty has also negative socio-economic effects on children of people sentenced to death. In most cases, the person sentenced to death was the family's main income-earner. Their imprisonment and legal expenses drain already limited resources. Some families lose their homes, land, and the ability to send their children to school. Travel expenses to visit loved ones in prison and the need to provide them with extra food and essentials further strain financial resources.<sup>128</sup>

#### IV. Recommendations

86. The coauthors suggest the following recommendations for the Government of Pakistan:

##### *Death penalty*

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and aligned with international human rights standards.
- In the interim:

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<sup>120</sup> Prison Insider, *Pakistan: detention conditions of people sentenced to death*, Jan. 18, 2022, accessed Nov. 27, 2025, <https://www.prison-insider.com/en/articles/pakistan-conditions-de-detention-des-condamnes-a-mort>.

<sup>121</sup> The Cornell Center on the Death Penalty Worldwide, *supra* note 102, at 31.

<sup>122</sup> Prison Insider, *supra* note 120.

<sup>123</sup> *Ibid.*

<sup>124</sup> Pakistan Prison Rules 1978, Rule 327,

<https://data.jpp.org.pk/entity/ij4ejiwvn1e?file=15611004870833sj7dbi7prg.pdf&page=121>.

<sup>125</sup> Human Rights Watch (HRW), *A Nightmare for Everyone: The Health Crisis in Pakistan's Prisons*, (United States of America: HRW, Mar. 2023), 11, [https://www.hrw.org/sites/default/files/media\\_2023/03/pakistan0323%20web.pdf](https://www.hrw.org/sites/default/files/media_2023/03/pakistan0323%20web.pdf).

<sup>126</sup> Prison Insider, *supra* note 120.

<sup>127</sup> Rousselot, *supra* note 2, at 32.

<sup>128</sup> *Id.* at 32-33.

- Impose an official moratorium on executions and commute all existing death sentences to sentences aligned with international human rights standards.
- Limit the death penalty to the “most serious” crimes.
- Implement the UN Human Rights Committee’s 2024 recommendations concerning age determination in capital cases.
- Conduct a nationwide review of all death penalty cases to identify individuals who may have been under 18 at the time of the alleged offense, and immediately stay all executions pending age verification.
- Conduct a thorough, impartial, and independent investigation into all death sentences imposed since the JJSA’s adoption on people who were or may have been under the age of 18.
- Commute all death sentences imposed on individuals who were under the age of 18 at the time of the alleged offense.
- On at least an annual basis, publish transparent data of the number of people under the age of 21 facing capital charges or sentenced to death, disaggregated by known or determined age at the time of the alleged offense, current age, sex/gender, nature of the alleged offense, date of arrest, date of sentencing, sentencing authority, nature and status of age-determination proceedings, detention location and conditions, and the status of any appeals, mercy petitions, or commutation processes.

#### *JJSA age determination*

- In collaboration with civil society, train police, prosecutors, judges, and defense lawyers on legal standards for age determination and the binding nature of JJSA Section 8.
- Introduce criminal and disciplinary consequences for officials who do not comply with JJSA Section 8 age-determination procedures, or who deliberately falsify or manipulate age records.
- Strengthen national birth registration systems, including by eliminating fees and establishing mobile registration units and community outreach programs in rural and low-income areas.

#### *Access to child-sensitive justice*

- Allocate dedicated provincial and federal funds for juvenile legal aid as mandated by JJSA Section 3.
- Ensure that every child or suspected child in conflict with the law has a defense lawyer from the moment of apprehension, including during age determination, remand hearings, and police interrogation, through and including any appeals or requests for clemency or pardon.
- Fully operationalize JJSA Section 4 by establishing dedicated Juvenile Courts in all districts, with exclusive jurisdiction over juvenile cases.
- Strengthen and adequately resource the probation and social-welfare system by recruiting and training sufficient probation officers with specialized child-justice expertise to ensure their active participation in all juvenile proceedings.
- Strengthen implementation of JJSA Section 5 by creating monitoring and accountability mechanisms to ensure that police promptly inform probation officers upon a suspected child’s apprehension and that probation officers actively cooperate with police throughout the process.
- Provide comprehensive, mandatory training for all stakeholders—including police, judges, prosecutors, defense lawyers, and probation officers—on child-sensitive justice, as required by the JJSA, to ensure the protection, rehabilitation, and fair treatment of children in conflict with the law.

### *Detention*

- Create dedicated observation homes in every district, with clear minimum standards, independent from ordinary police stations.
- Establish Rehabilitation Centres exclusively for individuals under 18, in compliance with the JJSA, and ensure that all facilities provide education, psychosocial support, vocational training, healthcare, and gender-sensitive services.

### *Child marriage*

- In collaboration with civil society organizations, implement domestic violence prevention programs targeting girls who have been subjected to or who are at risk of child marriage.
- Codify gender-specific defenses and mitigation to ensure that courts take into account the effects of child marriage and other forms of gender-based violence for women and girls who come into conflict with the law.

### *Children of parents charged with capital crimes or sentenced to death*

- Ensure that all judicial authorities take into account, at the time of sentencing, the best interests of any child of the parent being sentenced, particularly with respect to whether sentencing the parent to death will be in the best interests of the child.
- Conduct formal assessments of the impact of parental death sentences or imprisonment on children and integrate findings into decision-making.
- Ensure that courts consider how a sentence may affect the mental and physical health of any children of parents being sentenced, particularly when the court evaluates a potential death sentence.
- Ensure that all children of parents sentenced to death receive high-quality care for their mental and physical health.
- Guarantee safe, hygienic, and age-appropriate living conditions for children residing with mothers in prison, including access to nutritious food, healthcare, recreation, and privacy.
- Facilitate regular, meaningful, and child-sensitive contact between children and parents on death row, minimizing restrictions and providing financial support for travel and other logistical challenges.
- Establish clear, child-focused procedures for children leaving prison—whether after reaching the legal age limit to stay with their mother or due to the mother’s death or execution—ensuring their placement in safe and supportive care settings if family care is unavailable.
- Provide financial and social support to families affected by parental death sentences and imprisonment to ensure children’s access to food, education, and housing.
- Collect, maintain, and publish annual, disaggregated data on children affected by parental death sentences or imprisonment.