

## **IV – PAKISTAN (2003-2004)**

Report prepared by T. Wagner, SPARC, July 2004

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### **a) Society for the Protection of the Rights of the Child (SPARC)**

SPARC is an independent non-governmental organization registered as a society in Pakistan in December 1992 and has been working exclusively on child-related issues since then, drawing inspiration from the United Nations Convention on the Rights of the Child.

SPARC was established to act as an advocacy group for child's rights. From its initial focus on protecting breastfeeding against the marketing of baby milks and foods, SPARC expanded its work to include other issues such as child labour, juvenile justice, education and violence against children.

SPARC acts to promote and protect the rights of children and to empower children using international standards as a yardstick through advocacy supported by research, awareness-raising, service delivery and human and institutional development.

### **b) The Committee on the Rights of the Child's Concluding Observations**

The Committee on the Rights of the Child considered the second periodic report of Pakistan on September 22, 2003.

In its Concluding Observations, adopted on 3 October 2003, with regard to breastfeeding, the Committee welcomed positive developments in the area of human rights, including the promulgation of the Protection of Breastfeeding and Child Nutrition Ordinance 2002. Nonetheless, the Committee expressed its extreme concern at the very poor health situation of children in Pakistan. Particular matters of concern included the insufficient focus on preventive health care; the still very high infant, under-5, and maternal mortality rates, partly due to weak antenatal and postnatal care and maternal malnutrition; the high prevalence of malnutrition among children, as well as diarrhoea, acute respiratory tract infections, and other illnesses.

### **c) SPARC's reports to the Committee on the Rights of the Child**

In September 2003, SPARC submitted a *Report on the Situation of Breastfeeding in Pakistan* as a member of the International Baby Food Action Network (IBFAN). In the report, SPARC presented the salient features of the Protection of Breastfeeding and Young Child Nutrition Ordinance 2002 and highlighted a number of problems with it, including that the National Infant Feeding Board envisioned under the law to advise the government on its implementation and enforcement. Moreover, labelling and breastfeeding promotion still had not been formulated, and the Rules had not been prepared, leaving the law unenforceable. At the time of writing this paper, **Rules have still not been notified.**

The report noted the significant concern that the **composition of the National Infant Feeding Board** includes a representative of the baby food industry and does not prohibit other members with industry bias. This will make it difficult, even impossible for the Board to effectively implement the law and recommend prosecution of violators.

The report also pointed out that there is **no national legislation offering universal and comprehensive maternity protection**, though the Constitution of Pakistan directs the State to ensure "maternity benefits for women in employment". There are several laws applying to specific sectors that provide some maternity protection to women employed in these sectors.

These various laws, however, do not cover all women workers, most notably women who are self-employed or who work in the completely unregulated informal sector.

#### **d) Review of Pakistan's second periodic report**

The Committee did question the Government delegation about breastfeeding programmes in Pakistan, and pointed out the link between breastfeeding and a reduced risk of death due to diarrhoea. The Government delegation was also asked specifically about the presence of a baby food industry representative on the National Infant Feeding Board envisaged under the new law. We understand that the response from the delegation was that the baby food industry is on the board because the government wants them to be there because it is important when they do their publicity and their advertising and that the government needs them there for lobbying purposes...

The very reason for the law, of course, is to prevent publicity and advertising by the baby food industry and to minimize their lobbying influence on the country's health policies. Fortunately, it appeared that the Committee was not satisfied with the Government delegation's responses, particularly with regard to the industry representative on the infant feeding board.

While SPARC was extremely pleased to learn that the Committee had addressed points highlighted in its report on the breastfeeding situation in Pakistan, it was disappointing to see in the Concluding Observations that the Government had been praised unconditionally for its enactment of a weak and flawed law on the protection of breastfeeding. There was no statement of concern about the presence of a baby food industry representative on the infant feeding board, or that the rules for implementing the law had still not been drafted a year after the law's promulgation. Nor was there any recommendation for action by the Government.

The Committee's Concluding Observations made it possible for the Pakistan Government to assume that it is performing adequately with regard to breastfeeding promotion or protection and to continue with its lackadaisical approach. This is evident in the fact that the Rules for implementing the law have not yet been notified nearly two years after its promulgation and breastfeeding protection and promotion are at a standstill.

With the exception of the Committee's concern at the very poor health situation of children, including in terms of high infant mortality and high prevalence of malnutrition among children, as well as diarrhoea and acute respiratory tract infections, **there was nothing in the Concluding Observations that would enable NGOs like SPARC to press the Government for stronger action on breastfeeding promotion and protection**, and specifically for removing the baby food industry from the infant feeding board. In fact, the Government can point to the Concluding Observations to argue that the Committee has welcomed the promulgation of the law and is satisfied with the government's efforts.

#### **e) Conclusion**

SPARC understands that the Committee must keep in mind diplomatic considerations while preparing its Concluding Observations. However, this does not serve the best interests of the child when it means governments are able to present themselves as taking adequate steps to protect child rights, when this is far from the reality. It is essential that the Committee take a firm stand with Governments and hold them accountable to their commitments as State parties to the Convention on the Rights of the Child. **Stronger recommendations, specific where appropriate, would be more useful** to groups like SPARC that link their advocacy work in Pakistan with the recommendations of such an esteemed body as the Committee on the Rights of the Child and with the international child rights context.

**The Committee might also consider setting deadlines** for governments to fulfil its recommendations; **or measurable targets** to be met by each country's next periodic review. This would provide the Committee another measure of the progress made by the reporting government. Child rights groups could also better monitor progress by their respective governments and advocate for better implementation. **Deadlines and targets could be linked with those under other international agreements**, for example, World Health Assembly Resolutions, ILO Conventions, the Millennium Development Goals and Education for All.