



# CHILD SOLDIERS: CRC COUNTRY BRIEFS

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Prepared by The Coalition to Stop the Use of Child Soldiers

## PAKISTAN

Islamic Republic of Pakistan

### I. SUMMARY

<b>CRC-OP-CAC:</b> <b>Declaration:</b>	signed 26/09/01; Not ratified N/A
<b>Other treaties ratified:</b>	CRC; GC; ILO 182
<b>Legal minimum recruitment age:</b> <b>Conscripts:</b> <b>Volunteers:</b>	No conscription 16; 18 for deployment in hostilities
<b>"Straight-18" position:</b>	Does not support
<b>Government Armed Forces:</b>	612,000 active; 513,000 reserves
<p><b>CHILD SOLDIERS:</b> While there is currently no conscription, government armed forces recruit volunteers at the age of 16. However there is no evidence of deployment before the age of 18. The government has signed but not ratified the OP-CRC-CAC.</p> <p>Children, some under 14, have been recruited by armed groups fighting in neighbouring Afghanistan and in Jammu and Kashmir. <i>Madrassas</i> in Pakistan, some sponsored by political parties and factions in Pakistan, have played an important role in the training and recruitment (sometimes forced) of children for political and military activities in these conflict areas.</p> <p>Armed groups in Pakistan are also known to have children in their ranks, but the ages of the children are unclear.</p>	

### II. COUNTRY PROFILE

#### GOVERNMENT

##### National Recruitment Legislation and Practice

Under Article 39 of the 1973 Constitution, “[t]he State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.”<sup>i</sup> There is no conscription in Pakistan.<sup>ii</sup> The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has never been applied, as the number of voluntary recruits has been sufficient.<sup>iii</sup>

According to Pakistan’s Permanent Mission to the United Nations in Geneva in 1997, the legal enlistment age is between 17 and 22 for officers and between 16 and 25 for soldiers.<sup>iv</sup> Fighter pilots can be admitted for training at the age of 16.<sup>v</sup> The Pakistani Government has stated on a number of occasions that although under-18s are recruited, there are adequate safeguards to ensure they are not involved in armed conflict.<sup>vi</sup>

During negotiations on the Optional Protocol, the Pakistan delegation pressed for 16 as the minimum age for voluntary recruitment and 17 for involvement in hostilities, but did not ultimately obstruct consensus.<sup>vii</sup>

### **Military training and Military Schools**

There are a number of cadet colleges that admit children from the age of 10. The Pakistani Government states that these colleges are exclusively focused on academic pursuits and that no military training is imparted.<sup>viii</sup> Students receive no stipend and are under no compulsion to join the armed forces upon graduation.<sup>ix</sup> According to UNICEF, the pupils are not considered members of the army, and may choose whether or not to join the army after completing their schooling and attaining the age of 18.<sup>x</sup>

Much attention has been paid to the role of informal Islamic schools or *madrassas* in Pakistan, as centres for indoctrination, training and recruitment of children for political and military activities.<sup>xi</sup> Many *madrassas* are legitimate, informal educational institutions, serving poor students with few alternative educational opportunities.<sup>xii</sup> But some networks of *madrassas* are run by religious sects, political parties and factions affiliated to warring factions in Afghanistan, Jammu and Kashmir – and potentially dissident organisations active further afield.<sup>xiii</sup>

Although children recruited from *madrassas* have served in non-governmental armed groups, the government of Pakistan has in the past been accused of failing to prevent such military training and indoctrination. Through its administration of *zakat* tithes the Pakistan Government has also been an important conduit of financial support to the *madrassas*. But many of the schools also have independent sources of income and links to international Islamist networks.<sup>xiv</sup>

A 2002 World Bank report, Country Assistance Strategy (CAS), found that an estimated 15 to 20 percent of *madrassas* in Pakistan are involved in military related teachings and training. The CAS maintains that the radicalisation of some *madrassas* commenced with their politicisation during the 1980s and establishment along the Pakistan-Afghan border. The report concludes that the objective was to form a cadre of religiously motivated "Mujahideen" to fight in Afghanistan and also provide political support to the erstwhile Zia-ul-Haq regime.<sup>xv</sup>

The Pakistan government has increasingly recognised the problem, particularly as *madrassas* feed neighbouring conflicts as well as sectarian violence in Pakistan itself. In February 2000, Pakistan's Interior Minister claimed that "only one per cent" of the *madrassas* in Pakistan sent their students for training in Afghanistan.<sup>xvi</sup> There are an estimate 15,000<sup>xvii</sup> to 25,000 *madrassas* in Pakistan.<sup>xviii</sup> In April 2000, the Interior Minister warned that sectarian parties were "spreading poison" and "polluting the minds" of children: "All their *madrassas*, inappropriate literature, weapons and their activities will be stopped."

A new Presidential ordinance promulgated in August 2001 prohibits *madrassas* from receiving foreign funds without state approval and provides for the integration of the seminaries with the general education system. But it remains to be seen how the government will implement this law in the face of staunch opposition from religious parties.<sup>xix</sup>

In September 2001 the government of Pakistan signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which requires states to take "all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalise such practices."

## NON-STATE ARMED GROUPS:

### Cross-border recruitment

A large refugee population and porous borders have made Pakistan an easy source of recruits for various armed groups involved in the neighbouring conflicts of Afghanistan and Jammu and Kashmir.<sup>xx</sup> Groups associated with Islamic and sectarian parties in Pakistan have also attracted children to their ranks,<sup>xxi</sup> but the degree to which they have participated in political violence to date is unclear.

- The Taliban

Amnesty International has reported cases of forced recruitment of children through *madrassas* in Pakistan to fight with the Taliban in Afghanistan. In one such case, the father of 13-year-old Maroof Ahmad Awan filed a petition in the Sindh High Court in Karachi, Pakistan, accusing the principal of the local Jamia Islamia of sending his son to fight in Afghanistan without parental permission. The father said: "I handed him over to the school to learn the *Qur'an*, not to handle guns. He is too young to fight in a war." A month after the petition was submitted the boy returned saying "I was persuaded to go to Afghanistan by the *nazim* of the school." According to Amnesty International some 600 other juveniles were taken in buses to Afghanistan on the same day. The father withdrew his petition after the Pakistan police registered a criminal case, although no investigation was made and no one was arrested.<sup>xxii</sup>

UN sources reported recruitment of children from *madrassas* in the summer of 1999 when the Taliban launched a major recruitment drive in expectation of an offensive.<sup>xxiii</sup> In November 2000 it was reported that *madrassas* sponsored by networks supporting the Taliban periodically close (eg for holidays) and send young students for military service – presented as a form of *jihad* and therefore part of their religious obligation and education. Many return after one or two months and are not used on the frontline but rather to free more experienced fighters for the front.<sup>xxiv</sup>

- Armed groups in Jammu and Kashmir

In the conflict in Jammu and Kashmir, sources in Pakistan report that some armed groups might identify prospective recruits at 15 or 16 (often from poor and disadvantaged families), but they are generally over 18 by the time they infiltrate Indian territory or engage in operations. In May 1999 one report on 250 young recruits at a *Lashkar-e-Taiba* in Kashmir described, "All are Pakistanis from villages and small towns in Punjab and the North Western Frontier Province...The training is divided into three stages: 21 days of small weapons training, wilderness skills and fitness. The boys are then sent home, where they are monitored by party elders to see if they are spiritually and physically fit enough to continue."<sup>xxv</sup> This pattern was confirmed by Kashmir government sources that reported only a few instances of teenage infiltrators being intercepted as they crossed the line of control.<sup>xxvi</sup> In April 2000, however, Kashmir's first suicide bomber turned out to be just 18 years of age.<sup>xxvii</sup>

### Internal Recruitment

- Mohajir Qaumi Movement (MQM)

The MQM represents the *Mohajir* community politically, but its factions have engaged in periodic violence with nationalist groups drawn from the indigenous Sindhi community. The number of fighters is not known, but fighters are reportedly split between the original MQM, (MQM-Altaf), a large breakaway group (MQM-Haqiqi), and other smaller factions. It is believed that the MQM factions have under-18s in their ranks. Human Rights Watch reported in 1999 that on one occasion "unidentified gunmen shot

*Mohajir* men, including one sixteen-year-old, who was the only one to survive. Later that evening nine *Muttahida* activists, ranging in age from fifteen to twenty-two, were killed and five were injured by unknown gunmen.<sup>xxviii</sup> The degree to which activists under 18 are engaged in armed conflict is unclear as many such killings take place in disputed circumstances.

- Jeay Sind Qaumi Mahaz (JSQM)

JSQM is the leading Sindhi nationalist movement. There is no available information on the recruitment and use of child soldiers by this group.

- Sectarian Groups

In October 1999, the Pakistan Government complained about Afghan training and support for sectarian groups in Pakistan.<sup>xxix</sup> In November 2000 it was reported that children were recruited to these groups from *madrassas* or from amongst returning veterans of conflicts in Afghanistan and Jammu and Kashmir.<sup>xxx</sup>

The Shia movement *Tehrik Nifaz-e-Fiqah-e-Jafria* (TNJF) and the Sunni group *Sepa-e-Sahaba* are engaged in sectarian violence, primarily in Punjab and Sindh. After the death of its leader in 1983 the TNJF split into two factions, the more radical and pro-Iranian transforming into a political party, the *Tehrik Jafria Pakistan* (TJP). *Sipah-e-Mohammad* is a splinter extremist group of TNJF and *Lashker-e-Jhangvis* a splinter extremist group of *Sipah-e-Sahaba*. According to one source in 2002, youths comprise the majority of both *Sipah-e-Mohammad* and *Lashker Jhangvi* members.<sup>xxxi</sup>

## DEVELOPMENTS

### International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Pakistan as well as those from neighbouring countries that recruit in Pakistan. Moreover, the Government of Pakistan has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Pakistan's signature to the OP-CRC-CAC is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups.

### III. URGENT ACTIONS RECOMMENDED

- ⇒ The government of the Pakistan should ratify the CRC-OP-CAC and also declare its commitment to a 'straight-18' standard for recruitment.
- ⇒ Non-state armed groups in Pakistan should declare their commitment to the standards set in the CRC-OP-CAC and also a 'straight-18' standard for recruitment.
- ⇒ The government of Pakistan should ensure the non-deployment and safety of children under the age of 18 in its armed forces.
- ⇒ The government and non-state armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- ⇒ The government should protect children from recruitment and use for military purposes by any armed force or group.
- ⇒ The government of Pakistan should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and

tribal areas.

⇒ The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice.

#### **IV. QUESTIONS TO STATE REPRESENTATIVES**

- What mechanisms are in place to ensure that voluntary recruitment of under-18s into the Pakistani armed forces is genuinely voluntary? to verify the age of recruits?
- What steps have the Government of Pakistan taken to reduce the possibility of recruitment of children enrolled in *madrasses*?

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- <sup>i</sup> Blaustein, A.P., Flanz, G.H., *Constitutions of the countries of the world*, Oceana Publications, NY.
- <sup>ii</sup> Statement by the representative of Pakistan during the January 1997 meeting of the UN Working Group on an Optional Protocol to the Convention on the Rights of the Child, UN Doc. E/CN.4/1997/96, para. 59.
- <sup>iii</sup> Horeman B. and Stolwijk, M. *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998; AI(Switzerland), *Die Militärgesetzgebung*, 8/98.
- <sup>iv</sup> Communication from the Permanent Mission of Pakistan to QUNO, 16/12/97.
- <sup>v</sup> Pakistan airforce website. [www.paf.museum.com.pk](http://www.paf.museum.com.pk)
- <sup>vi</sup> Statement by representative of Pakistan Government to the Asia-Pacific Conference on the Use of Children as Soldiers, Kathmandu, May 2000; Communication from the Pakistan Ministry of Foreign Affairs in Islamabad to the CSC on 2/4/01.
- <sup>vii</sup> UN Doc. E/CN.4/1997/96, op. cit. para. 59; also UN Doc. E/CN.4/1998/102, op. cit. paras. 40 and 73.
- <sup>viii</sup> Ibid.
- <sup>ix</sup> Information provided to CSC by the Pakistan Government, 5/00.
- <sup>x</sup> Information provided by UNICEF, 11/6/99; Save the Children-Sweden, at: [www.rb.se](http://www.rb.se).
- <sup>xi</sup> Spillius, A., "Seminaries churn out warriors for Kashmir", op. cit. See also, Rashid, A; Taleban: Militant Islam, Oil and Fundamentalism in Central Asia, UK, 2000; Dawn, "Religious Schools Battle for Image", 7/12/99; Dawn, "Religious Students Rush to Afghanistan," 10/8/98; Newline, "Young Guns", 9/97; The News, "Edge of the Extreme", 24/1/97;
- <sup>xii</sup> Chandran, S., "Madrasahs in Pakistan-I. Madrasahs a brief review", Article No. 314, 25/1/00, Institute of Peace and Conflict Studies, New Delhi, at: <http://www.ipcs.org>.
- <sup>xiii</sup> Spillius, A., "Seminaries churn out warriors for Kashmir", op. cit. See also, Rashid, A; Taleban: Militant Islam, Oil and Fundamentalism in Central Asia, UK, 2000; Dawn, "Religious Schools Battle for Image", 7/12/99; Dawn, "Religious Students Rush to Afghanistan," 10/8/98; Newline, "Young Guns", 9/97; The News, "Edge of the Extreme", 24/1/97.
- <sup>xiv</sup> Information provided by HRW, 4/00.
- <sup>xv</sup> South Asia Intelligence Review, No. 1.3, 200, citing *The News*, August 2, 2002.
- <sup>xvi</sup> Baruah, A., "Pakistan bans display of arms", *The Hindu*, 17/2/00.
- <sup>xvii</sup> Chandran, S., "Madrasahs in Pakistan-I. Madrasahs a brief review", Article No. 314, 25/1/00, Institute of Peace and Conflict Studies, New Delhi, at: <http://www.ipcs.org>.
- <sup>xviii</sup> Spillius, A., "Seminaries churn out warriors for Kashmir", op. cit.
- <sup>xix</sup> Zaidi, M., "Pakistan drafting law on madrasahs regulation", *The Hindustan Times*, 2/2/00; Chandran, S., "Madrasahs in Pakistan-II. Breeding ground for Islamic militants?", op. cit; CNN.Com, 14/4/00.
- <sup>xx</sup> Far Eastern Economic Review, "Inside Jihad" by Zahid Hussain, Newline, 2/01; 7/9/00.
- <sup>xxi</sup> Ibid.
- <sup>xxii</sup> AI, *Children in South Asia Securing Their Rights*, Report ASA 04/01/98. Information from articles published in the Pakistani Daily Dawn, 12/8/97 and the monthly magazine Newline, 9/97.
- <sup>xxiii</sup> See UN document S/PV.4037, Provisional Verbatim of Security Council debate on children and armed conflict, 25/8/99 and AFP 2/12/99.
- <sup>xxiv</sup> Mission to Pakistan by the Coalition to Stop the Use of Child Soldier, November 2000. See also "Child soldiers for Taleban? Unlikely" by Scott Peterson, *Christian Science Monitor*, 6/12/99.
- <sup>xxv</sup> Reuters, "Pakistani holy warriors kill for Kashmir", 2/5/99.
- <sup>xxvi</sup> Kashmir Government representative's statement at Asia-Pacific Conference on the Use of Children as Soldiers, Kathmandu, May 2000.
- <sup>xxvii</sup> SC-Sweden, *Children of War* newsletter, 2000.
- <sup>xxviii</sup> HRW World Report, Pakistan, 1999.
- <sup>xxix</sup> *The Independent* (Bangladesh), 13/10/99; CNN, 7/12/99.
- <sup>xxx</sup> Mission to Pakistan by the Coalition to Stop the Use of Child Soldier, November 2000.
- <sup>xxxi</sup> Information provided by Save the Children-Pakistan, August 2002.