



## Children born out of wedlock in Pakistan: born and dumped with no rights

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**Abstract:** The rights of children born out of wedlock in Pakistan remain hidden and ignored, often wrapped in social, cultural, religious, and legal sensitivities. Their protection requires efforts from national human rights organizations, members of the civil society, and at international community to ensure Pakistan's compliance with its national and international commitments.

The rights of children born out of wedlock are adversely impacted in the societies where social stereotypes and patriarchy exist. In Pakistan, the situation of children in general and of those born out of wedlock remains particularly deplorable, given that often they are not treated as right holders. Pakistan is ranked 152 out of 181 countries in the [Global Child Rights Index](#) published by Kids Rights Foundation.

Against this background, the social, cultural and legal challenges faced by the children born out of wedlock are on the rise in the country. Challenges stem from social stigmas, religious intolerance, and legal miscalculations. Since sex out of marriage is illegal and punishable with death under [Zina and Hudood Ordinance](#) (1979), the presence of such radical laws and social stigmas force the parents of children born out of wedlock to dispose them, including by killing the newborn or

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dumping them into garbage or sewages. According to [Deutsche Welle](#), a German International Broadcaster,

In Pakistan, abortion is illegal, and so is adultery – creating a situation where hundreds of children born out of wedlock are secretly killed each year. Their bodies are, literally, thrown out with the garbage.

Over 75 years since the inception of Pakistan in 1947, successive governments have ignored the issue of legally and socially mainstreaming the children born out of wedlock into the national frameworks. This governmental inability to address such a relevant issue can partially be attributed to the cultural sensitivity attached to the matter as well as religious pressure due to an increase in religious intolerance and extremism in the country.

In 1951 the philanthropist Abdul Sattar Edhi established a welfare organization named the [Edhi Foundation](#) to provide shelter for the dumped children. Later other non-governmental welfare organizations were established to provide shelter and care for abandoned children, including Anjuman [Kahsana-e-Iftal-o-Naunehal](#), [SOS Children's Village](#) of Pakistan, [Ansar Burney Trust](#), and [Chippa Welfare Association](#). Until 2009, however, no efforts were made by Pakistani governments to integrate children born out of wedlock into the national database and registration system.

In 2009, former president Asif Ali Zardari, head of a left-wing government, announced the policy of registering parentless children under his surname into the National Database and registration system. Although this policy was introduced to address specifically the situation of children who lost their parents due to the earthquake that hit Pakistan in 2008, the registration of children born out of wedlock was also carried out under this initiative. The National Database and Registration Authority (NADRA) took two years to develop the policy and carry out the registration of parentless children. However, this policy ran for a short period of time and was subsequently terminated due to administrative inconsistencies and political and religious opposition.

Importantly, it has been [criticised](#) that no accurate data or no data at all are provided by the government concerning the total number of children born out of wedlock or even the total registrations made by NADRA. This is a matter of concern for charities, welfare and human rights organizations who are willing to provide assistance in this domain. According to the Edhi Foundation, 23,320 [parentless children](#) have been given for adoption to childless parents over the last 50 years. This is arguably a small portion of the total number of parentless children living in Pakistan and whose identities are not officially recorded in any national database and registration system and are therefore unknown to schools, health services, welfare institutions.

On the other hand, during 2013 Edhi foundation alone [buried](#) 1,300 newborn children in Karachi. Moreover, between 2017-2018 the Edhi Foundation and Chippa Welfare Foundation [found](#) 345 newborn abandoned babies from garbage

drums in Karachi. These are the figures of Karachi city alone, leaving us to wonder how many other children are dumped into garbage. Edhi Foundation [reported](#) that it recovered discarded bodies of 890 infants in 2008, with a steady rise to 990 in 2009, and 1210 in 2010. These numbers reflect the situation of children born out of wedlock between 2008-2013, at a time when the population of Pakistan was estimated as [170 million](#). Considering the population's growth to 240 million in 2023, the number of children born out of wedlock as well as those who are killed and dumped may have tremendously increased.

Nonetheless, Pakistan's inaction and failure to protect the rights of children occur notwithstanding certain guarantees that are provided in its Constitution. In particular, [article 9](#) enshrines the right to life and liberty of everyone without discrimination. Moreover, [articles 25 and 25A](#) respectively guarantee the equality of citizens and the right to free and compulsory education to all children aged five to sixteen without distinction and discrimination. Additionally, [articles 26 and 27](#) ensure non-discrimination to access public places and safeguard against discrimination in service respectively.

Furthermore, Pakistan [signed and ratified](#) the Convention on the Right of Child ([CRC](#)) in 1990, its optional protocol on sale of children, child prostitution and child pornography, and the International Covenant on Civil and Political Rights ([ICCPR](#)) in 2008. These instruments protect and guarantee an exhaustive list of children rights, including the rights to life, liberty and security, equal access to education, identity, and protection from discrimination. However, Pakistan has failed significantly to fulfil its national and international commitments; as a result, the rights of children in general and those born out of wedlock in particular in Pakistan remain in a state of deep neglect.

In this regard, through its concluding observations and general recommendations in relation to the five reports submitted by Pakistan under the CRC procedure, the CRC Committee has time and again shown its deep concerns on the lack of progress made by Pakistan in implementing the CRC and the ICCPR and bringing the national legal framework in compliance with international human rights obligations. In its concluding observations on the [periodic report](#) of 2016, the CRC-Committee noted that

The state have not yet been implemented or sufficiently implemented, including those related to the harmonization of laws with the Convention, improved coordination of the national and the local levels, the establishment of a monitoring mechanism, resource allocations for children, data collection, its cooperation with non-governmental organizations (NGOs), the definition of the child, violence against and abuse of children, including sexual abuse, the right to education, child labour and juvenile justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations.

Despite regular calls from the CRC-Committee, Pakistan have not taken any steps to develop a national framework and realise its international commitments

under the CRC. Emblematically, the data collection for the children born out of wedlock is yet to be initiated, and perhaps, the political will for its consideration does not exist.

Under such circumstances, it must be emphasised that the political, legal, economic, social, and cultural rights of the children born out of wedlock remain in a limbo in Pakistan. These children have systematically been denied their right to register as citizens and to hold an identity document or passport. They are essentially excluded from this process because the registration into the national database requires a person to indicate *inter alia* the names of his/her father and mother. As a result, once they become adults, they are not able to exercise the right to vote and participate in public affairs, while everyone else can vote at the age of 18. Identity documents are among the mandatory documents a person has to present to access education and other public services at all levels. Critically, the rights of parentless children remain neglected even as they become adults because access to employment and public services requires possession of identity documents, forcing the parentless adults to engage in illegal activities, such as prostitution, selling of drugs, and criminal activities. They will hardly be able to have a regular job and be entitled to any property, and their own children will be exposed to the same fate.

It is worth highlighting that social and cultural exclusion, and widespread discrimination in the public sphere, are other issues faced by children born out of wedlock. Words like 'Harami', meaning 'illegitimate', an expression to address someone born out of so-called 'illegal sex', are used to address these children; such words not only amount to social discrimination but also to harassment and bullying. Such discrimination poses adverse effects on the mental health of the victims and results in associated psychological and behavioural issues. Lack of access to employment and economic resources forces these children into poverty, which subsequently drives them to involve in child labour, sexual exploitation, systematic begging, theft and crime.

### **Looking head**

Keeping in view the dire need of children born out of wedlock to be respected and protected and given the legal, social, cultural, and dogmatic challenges they face on a daily basis, key recommendations can be articulated as follows to address swiftly and effectively such a critical situation.

- *Guarantee immediate, free and universal access to birth registration and birth certificates:*

Pakistan should adopt again the registration of children born out of wedlock as a necessary process to guarantee their basic human rights under national law. The past registration taken by former president Asif Ali Zardari proved to be effective legally, socially, and culturally; during that period the children were able to obtain national identity cards and could subsequently apply to be educated in higher

education institutions and later to employment. However, due to the discontinuation of the registration process, further protection concerns have raised again.

- *Establish special higher education institutions:*

Pakistan should support the establishment of special higher education institutions which can help educate children born out of wedlock during their development and which can later support their integration into the national employment framework. It would be a significant step since their admission in higher education institutions is currently unavailable.

- *Legal reconsiderations:*

Pakistan should promulgate legal frameworks to bring children born out of wedlock into the national legal mainstreaming. This is the most important step in addressing their situation and requires active participation of legislators, children right's activists, and NGOs to push for national legislation that ends the discrimination against these children.