

**Draft**

# **NATIONAL CHILD PROTECTION POLICY**



National Commission for Child Welfare &  
Development  
Ministry of Social Welfare & Special Education  
Government of Pakistan  
Islamabad

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# 1

## 1. Vision

To promote and create a protective environment for ALL children that ensures their protection against all forms of violence, abuse, and exploitation.

# 2

## 2. Introduction and Justification

Child Protection is defined as protecting the rights of all children to protection against violence (physical, psychological, emotional, socio-cultural, and gender-based), abuse, exploitation, neglect, and discrimination.

The Holy Prophet (peace be upon him) said, "Treat the children under seven with tenderness and compassion, children from seven to fourteen years of age with care and concern and children older than fourteen years of age with trust and cooperation." These teachings do not support the use of violence against children even for disciplinary purposes.

The Constitution of the Islamic Republic of Pakistan addresses child protection. The following sections are directly related to child protection:

Chapter on Fundamental Rights: In Section 25, it is stated that:

- (1) All citizens are equal before law and are entitled to equal protection of law.
- (2) There shall be no discrimination on the basis of sex alone.
- (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

Chapter on Principles of Policy: in Section 35, it is stated that, "The State shall protect the marriage, the family, the mother and the child."

The Government of Pakistan has also made international commitments by signing and ratifying different conventions and treaties. It has ratified the Convention on the Rights of the Child (CRC) in 1990, the ILO Convention on Worst Forms of Child Labor (No. 182) in 2001, and the ILO Convention 138 on Minimum Age for Employment in 2006. It has also signed the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography.

The UN Convention on the Rights of the Child is in essence a comprehensive "bill of rights" for all children relating to protection rights, development rights and participation rights. The underlying principles of the Convention are summarized as follows:

(i) Non-discrimination (Article 2): All rights apply to all children without exception. The State is obliged to protect children from any form of discrimination and to take positive action to promote their rights.

(ii) Best Interests of the Child (Article 3): All actions concerning the child shall take account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility fail to do so.

(iii) Survival and Development (Article 6): Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.

(iv) Protection (Article 19, 32, 33, 34, 35 and 36)<sup>1</sup>: The rights of children to be protected against violence, abuse, neglect and exploitation, including sexual abuse and exploitation, economic exploitation and worst forms of labour, illegal use of drugs and drugs trafficking, kidnapping, selling and child trafficking and protection during armed conflict are listed in the Convention.

(v) The Child's Opinion (Article 12): The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. Participation rights allow children to have a say in the decisions affecting their lives. They give children the possibility to express their views, to discuss issues they consider important, to assemble and to receive information that is relevant for them

(vi) Right to Identity (Article 7): The child's name, nationality and family relations determine the child's identity. Establishing a child's identity is in essence an official acknowledgement of the child's existence. It makes the child visible to society and turns him or her into a legal being with rights and duties. It also secures the exercise of other child rights such as the right to education. It also reduces the danger of abduction, sale of or trafficking in children.

Children, because of their dependence and immaturity, are vulnerable to abuse in its various forms. Parents or guardians have primary responsibility for the care and protection of their children. When parents or guardians do not or cannot fulfill this responsibility, the state has the legal obligation to intervene to ensure that children are adequately protected.

The Convention recognizes the critical role of the family (defined as nuclear or extended) in the life of a child. It states that the family, as the fundamental unit of society that provides the natural environment for the well-being, growth and identity of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities.

The wider community also has a responsibility for the welfare and protection of children. All personnel involved in organizations and institutions working with children and families (schools, religious schools/institutions, medical institutions, social services, police, prisons etc) should be alert to the possibility of child abuse. The wider community of relatives, friends and neighbors are well placed to help and must also be aware of the steps to take if a concern arises. Personnel working with children and the wider public should know that early action is often the best way to protect children and to enable a family to stay together.

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<sup>1</sup> Details of the articles pertaining to child protection are provided in Annex 1.

The involvement of the State is complementary. The State ensures the protection of the child and guarantees the observance of all child rights by means of the specific activity carried out through the state institutions and the public authorities with competence in this field.

## 3

### 3. Situation of Children in Pakistan

According to the latest estimates based on the 1998 Census, Pakistan has a population of more than 160 million, of whom approximately half are children less than 18 years old. Between 23-27% of the population has been below the poverty line in the last decade implying that a large number of children (approximately 1-2 million on average per year) were born in poor households. Poverty poses survival risks for children and their families and significantly contributes to the issues of child exploitation. Simultaneously, a weak institutional framework and budgetary constraints compound the situation. While there is dearth of reliable data pertaining to all aspects of child protection, the information below provides a glimpse into the situation of children needing protection.<sup>2</sup>

#### *I. Child abuse, exploitation, trafficking*

- Studies have shown that 15-25 % of all children in Pakistan endure some form of sexual abuse.
- There are approximately 8 million child laborers under the age of 14, including children in bonded labor, especially in the rural areas.
- Despite the Government's efforts to prevent child trafficking, many children are sold, abducted or trafficked. Minor girls are trafficked within and outside the country for the entertainment industry (mainly dancing and singing) and sex work while minor boys are usually trafficked to the Middle Eastern countries to be camel jockeys.
- Harmful traditions and practices make some children vulnerable to abuse and exploitation, e.g. *Swara*, whereby minor girls are sometimes given in marriage as a method of dispute resolution; *walwar* or bride price that has changed into a method of trafficking as poor parents agree to marry their daughters to strangers in far flung places in return for bride price, even on installments.
- Child marriage/forced marriages dictated by customs.
- The numerous cases of missing and kidnapped children
- The prevalence of corporal punishment in schools, homes and institutions as the Pakistan Penal Code (section 89) allows corporal punishment as a disciplinary measure against children below the age of 12 years.

#### *II. Children without identification/registration records*

- There is very low birth registration of children due to the absence of detailed by-laws for birth registration. In 2006 birth registration was between 10-30 percent in different provinces of Pakistan.

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<sup>2</sup> Where government statistics are unavailable, the statistics quoted are taken from NGO reports available at NCCWD.

### *III. Children in conflict with the law without protection*

- The very low minimum age of criminal responsibility at 7 years needs to be raised to internationally acceptable level.
- At any given time there are approximately 3000 children in conflict with the law detained in different prisons of Pakistan.
- There is no significant improvement in the way children in conflict with the law are handled by the police and the judicial system, neither are there adequate services for their re-education and social re-integration.

### *IV. Difficult/complex situation of street children*

- There were 35,000 children living and working on the street in four major cities of Pakistan according to a 2004 UNODC report. These numbers have probably increased due to rising poverty; these children are more vulnerable to violence, sexual abuse and exploitation.
- Except for a few rehabilitation centers, services for children living on the street are scarce.

### *V. Disability and health related vulnerabilities*

- According to the 1998 census 2.4% of the population has disability, of whom 10 % are children under 5 years of age and 24% are children between 5-14 years old
- There is a high rate of drug use among youth in Pakistan due to the rise in narcotics trade from Afghanistan according to UNODC but specific statistics are unavailable; there are very few rehabilitation services in place.
- The risk of HIV-AIDS has increased according to two studies of the National AIDS control program, which reported prevalence of HIV infection among Intra-venous Drug Users (IDUs) in Karachi as 23% and 27% respectively. According to the health department 2200 children under 15 years of age have HIV AIDS.<sup>3</sup>

### *VI. Low child participation*

- The overall literacy rate is 62%
- Children's participation in the decisions affecting them is not encouraged.
- There are few systematic life-skills education programs for children and adolescents and few recreation facilities for children, especially girls.

### *VII. Orphaned children*

According to a UNICEF report, 4.8% children in the 0-17 years age bracket are orphaned and need to be taken care of by legally entitled guardians or by introducing family-like arrangements.

### *VIII. Weak institutional framework for child protection*

- The weak institutional framework is also a contributory factor to lack of protection.
- Lack of a monitoring system for child rights creates difficulties for effective measures to be undertaken for child protection, and the evaluation of the impact of policies and programmes aiming at protecting children.

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<sup>3</sup> Statistics provided by the health department of population establishment of Pakistan in the year 2001. It is for children between the ages of 0-15.

## 4

### 4. Mission Statement

The Government of Pakistan shall ensure the protection of all children from violence, abuse, exploitation, neglect and discrimination. To this end it shall adopt legislative and regulatory measures for protecting children, implement child protection systems, develop its' administrative and institutional capacities to prevent and address the protection-related risks, and create awareness through increased dissemination of information to the public.

## 5

### 5. Guiding Principles

The following principles are key for Child Protection:

***Best interests of the Child:*** In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

***Ensuring Child Protection & Welfare rights:*** Creating a protective environment that progressively enforces the right of children to be protected against violence, abuse and exploitation by linking child protection to social protection services and closely monitoring the child protection situation.

***Justice, Equity & Non-discrimination:*** This includes bringing the law into conformity with the standards set out in the CRC and other international protocols to which Pakistan is committed. This includes the equitable distribution of resources to eliminate gender, social, cultural, and urban/rural disparities. It also includes delivery of child protection services in a manner that promotes non-discrimination, tolerance, respect for diversity and inclusiveness, with priority given to the most vulnerable individuals and groups.

***Rights-based approach:*** Child Protection is to be guided by a human rights-based approach to programming, congruent with the rights and fundamental freedoms articulated by the Constitution of Pakistan and the Convention on the Rights of the Child.

***Family-centered/Extended family approach:*** Respecting the importance of norms and local culture regarding extended family care for the child's well being, vulnerable children shall be assisted in the broader context of their families. Those without families shall have recourse to family-like care provided by the government.

***Participation and Consultation:*** Promoting a participatory and consultative process for the planning, implementation and monitoring of child protection programs, which are to be designed in a manner that both duty-bearers and rights holders engage in the process and provide input. It shall involve parents and communities in creating an environment suitable for the well-being and development of their children.

***Integrated and Cross-sectoral:*** All segments of society, including all levels of government, political leadership, the private sector, NGOs, and the media shall be encouraged and supported to play an active role for the prevention of violations of child rights. The programmes, services and interventions aimed at child protection shall be appropriate and responsive to the range of cultural, social and economic conditions in communities, with an effort to overcome societal norms and values harmful to children.

***Interdisciplinary and inter-sectoral intervention:*** Child rights and protection approach is effective through collaboration and coordination with all responsible bodies by integrating these issues in the economic/financial, legal, social welfare, labour, education and health policies.

***Accessibility, transparency and accountability:*** Protection services shall be accessible to all children who are in need and action shall be taken to build access for all where barriers exist. Focus shall be on the priority needs of the most vulnerable children with interventions that are financially viable, cost-efficient and effective; ensuring that child protection and social welfare institutions are accountable and transparent at all levels.

***Promoting partnerships:*** In all types of activities, the Government promotes the achievement of diversified partnerships between institutions, between specialists and institutions, between professionals, between professionals and beneficiaries, etc. This requires active stakeholder participation, with clearly defined rights and obligations, with the permanent purpose of protecting the rights of the children.

## 6

### 6. Goals

The goals of Child Protection System are as follows:

- Strengthen the institutional capacities of Governmental Authorities in charge of Child Protection Systems at the national, provincial and local levels;
- Coherent reform of legal and administrative frameworks from the perspective of child rights and child protection;
- Strengthen the infrastructure for preventing all forms of child abuse, neglect, and exploitation at the community level;
- Establish a comprehensive national monitoring system for child protection, manage an information database, and undertake relevant research;
- Develop the child protection system of services by diversifying the types of services, re-organization of existing services, piloting and extending new services centered on family and the community;
- Information, public awareness and capacity building on child protection for stakeholders, key decision makers, professionals, media specialists, parents, children, and the general public;
- Institutionalized co-operation with key sectors involved in intervention and prevention of child abuse and exploitation, namely Probation and Child Care Services, Justice and Law Enforcement authorities, Immigration, Defense, Health, Education as well as the NGO and INGO networks.

# 7

## 7. Assumptions

The creation of a protective environment for children presupposes the following:

- **Coherent reform of the legislative framework** (revision of general and specific existing laws, promotion of new legislative acts);
- **Development and consolidation of the child protection system**, including specialized national, provincial and local authorities and social services;
- **Co-operation and partnership** between the child protection authorities and other ministries (from sectors with responsibilities related to the child/families: Education, Health, Labor, Religious Affairs, Law and Justice, NADRA, Immigration etc.)

The Government of Pakistan's vision concerning this complex process takes into consideration the important human and financial resources needed on short, medium and long-term bases:

- ◆ **human resources** needed in training, networking, permanent information, public awareness include:
  - specialized staff working in the child protection system;
  - professional staff in public and private sector organizations with responsibilities related to the child/families in the areas of education, health, justice, police;
  - parents/extended families/guardians and shelters;
  - the children themselves
- ◆ **financial resources:** are defined as the sources and the mechanisms for financing the services, the projects, the allowances for children and families taking into consideration the complementarities and effectiveness of budgeting from national and international resources.

# 8

## 8. The Institutional Framework of the Child Protection System

Promoting Child Protection necessitates the creation of specialized bodies at different levels, from the national to the local/community level, and strengthening of their institutional capacities. To be responsive to the needs of child protection, institutional structures, strengthened by the administration shall be vested with authority to implement legal and policy provisions.

### ***8.1 The National Commission for Child Welfare and Development***

The NCCWD was created in 1980 under the Ministry of Social Welfare and Special Education. Its responsibilities are as follows:

- Evaluating and monitoring existing national policies and legislation from the perspective of child rights;
- Elaborating and co-ordinating specific policies, strategies and action plans in consultation with all the stakeholders at a national level;

- Drafting proposals for new legislation;
- Developing a system of social services for child protection;
- Monitoring violations of child rights.

Provincial Commissions for Child Welfare and Development (PCCWDs) and other Regional Commissions in AJK and Northern Areas work under the umbrella of the NCCWD. At the district level, District Commission for Child Welfare and Development (DCCWD) shall be established.

In the present framework of the Child Protection Policy, taking into consideration the complex efforts for the countrywide implementation of the CRC, the consolidation of the NCCWD and Provincial and Regional Commissions are a priority. Consolidation requires human and material resources, as well as a strong mandate to coordinate implementation of the Child Protection System, which is an integral part of the Convention.

### ***8.2 Child Protection Bureaus/Authorities at Provincial Level<sup>4</sup>***

In addition to the existing Provincial Commissions for Child Welfare and Development (PCCWDs) and Regional Commissions such as AJKCCWD, the Provincial Governments of Sindh and Balochistan, in line with NWFP and Punjab, shall each establish Child Protection Bureaus/Authorities under the provincial Departments of Social Welfare and Special Education in each capital. As distinct from the PCCWDs, which essentially function as Steering Committees with their membership drawn from various government ministries, the Child Protection Bureaus/Authorities shall function as executive bodies/structures being accredited as public administration bodies. These structures shall constitute modern cost-effective administrative bodies capable of governing the Child Protection System.

The powers, roles and responsibilities of the existing provincial Child Protection Bureaus are provided in Annex 2.

### ***8.3 Child Protection Units at District and Tehsil Level***

Child Protection Units (CPU) at the district level are placed under the overall umbrella of the local Social Welfare Department and the Child Protection Bureau/Authority in the provincial capitals. The CPUs are intended to strengthen gate-keeping at the local level by introducing a single point of contact for families and children who need support.<sup>5</sup>

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<sup>4</sup> There are currently Child Protection Bureaus in two provinces, namely Punjab and NWFP. The government of Punjab has established a Child Protection and Welfare Bureau in the provincial capital, Lahore, while the NWFP government has recently established one in Peshawar. These models have to be evaluated and assessed before being replicated elsewhere in the country.

<sup>5</sup> Presently Child Protection Units (CPUs) function in Muzaffarabad, Bagh and Neelum districts in Azad Jammu Kashmir and Mansehra, Abbotabad and Batagram districts of NWFP under Department of Social Welfare. CPUs also function under the Child Protection and Welfare Bureau of Punjab under Home Department in seven districts of Punjab, namely Rahim Yar Khan, Rawalpindi, Multan, Faisalabad, Gujranwala, Sialkot and Lahore. The Government plans to extend CPUs to all districts of Pakistan. A child protection center has been established under the Social Welfare Ministry in Islamabad.

The primary tasks of Child Protection Units (CPUs) are provided in Annex 2.

**Proposed Administrative Structure for Child Protection**



# 9

## 9. Strategies and Plan of Action

The Government of Pakistan shall take steps to prevent and address child abuse, neglect and exploitation.

### 9.1 *The Legislative Environment*

**Objective:** To draft, validate and implement a child rights-based approach to legislation.

An adequate legislative framework, its consistent implementation, accountability and the absence of impunity are essential elements of a protective environment.

Type of actions:

#### *A) Legal Framework*

To review and propose amendments in the laws, initiate new laws wherever necessary, and bring laws into conformity with the relevant international instruments to serve the best interests of the children.

Efforts shall be made to establish a supportive legislative environment by focusing as a priority on the following:

- Repeal of section 89 of the Pakistan Penal Code, which allows corporal punishment to be used against children under 12 years of age.
- Passage of the Child Protection Bill at the federal and provincial levels, or making legal provisions including the following elements:
  - Definition of a “child” as a person under the age of 18 years;
  - Prohibition of child sexual abuse, child sexual exploitation, child labour exploitation, prostitution, pornography, child trafficking and any form of violence against children;
  - Addressing any form of child abuse/ exploitation / trafficking with penalties;
  - Prohibition of physical punishments of any kind which may result in endangering the life, physical, mental, spiritual, moral or social development of the child, both within the family, and in any institution;
  - Making notification of child abuse, exploitation or trafficking compulsory for professionals working with children/ families, such as teachers, doctors, nurses, policeman and social workers;
  - Improving rules and procedures concerning:
    - compulsory birth registration;
    - registration of all children without birth documents;
  - Revising the minimum age of criminal responsibility from 7 years to 12 years;
  - Amending the Juvenile Justice System Ordinance to provide for diversion and restorative justice for juvenile offenders;

- Addressing internal trafficking of children with penalties and sanctions;
  - Defining the worst and most hazardous forms of child labour and strengthening the Labour Inspection role in identifying and notifying culpable employers who employ child labour;
  - Prohibiting domestic child labour and addressing child labour and exploitation with penalties;
  - Prohibiting the sale and trafficking of organs, especially children's organs;
  - Decriminalizing status offences such as begging and vagrancy, survival behaviors and victimization by trafficking or criminal exploitation;
  - Revising the FIR format and computerizing police records, so information recorded may be disaggregated by gender and age;
  - Introducing a mechanism for child complaints to check the abuse of public power; and
  - Introducing specific legislative provisions for protection of children with disabilities.
  - Raise the minimum age of marriage for girls from 16 to 18, and raise the minimum age for hazardous work from 14 to 18.
- Elaborating and approving obligatory minimum requirements regarding the quality of child care in re-education centers and penitentiaries.
  - Introducing a system of accreditation for service providers; develop standards for services and formalize inspection to ensure the compliance of services to approved standards.
  - Developing norms, regulatory mechanisms and welfare support for low-income families to enable them to care for their children within the familial environment;
  - Develop rules and regulations for the creation and the organization of Child Protection Courts or judges by the provincial Governments in consultation with the respective High Courts; and
  - Conducting regular inspections and monitoring of institutions charged with the care of children.

#### *B) Dissemination of Legal Information*

***Information campaign related to the new legislation addressed to the Public at large:*** Efforts shall be made to disseminate information on laws and regulations that protect children as a deterrent to abuse and to discourage behaviours that violate their rights. It shall also serve as incentive (e.g., access to micro-credit finance facility, alternative care support system where families are not capable of providing support) for those who rely on legal measures to protect children from violence, abuse, neglect, exploitation and discrimination.

***Information Campaign related to the new legislation for Stakeholders and Key Decision Makers at the federal, regional and local levels:*** Each authority will elaborate local plans for implementation of the new legislation in their respective districts. To implement the new legislation, the central and local public administration authorities must have knowledge and ownership of the Pakistani Child Protection Policies, laws, programmes, services.

### *C) Ongoing needs analysis and monitoring of child protection legislation*

The new laws and their elaboration shall be periodically analysed and reviewed by NCCWD, the governmental authorities responsible for child protection in consultation with international and national organisations and civil society.

#### **9.2 The Institutional Structure**

Objective: development of the public institutional framework for a decentralised child protection system

Promoting the new Child Protection legislation creates complex responsibilities for the specialized governmental bodies at different levels, which will strengthen their institutional capacities.

The existing institutional structure consists of a National Commission for Child Welfare and Development (NCCWD) at the federal level, Provincial Commissions for Child Welfare and Development (PCCWDs) in each province, and regional Commissions in AJK and Northern Area. In district level, District Commissions for Child Welfare and Development (DCCWDs). Each body needs to be consolidated, depending on its present stage of development. Simultaneously, the system needs to be consolidated holistically for efficient operation along vertical and horizontal communication lines.

The NCCWD shall be strengthened for effective supervision and coordination of child rights at national and international levels and shall co-ordinate with the Provincial Governments for child protection activities. The NCCWD shall refer the grievances of children regarding the violation of child rights and protection to the appropriate public and private authority/institution for redress including the ombudsperson. .

In addition to strengthening the existing structure, new institutions for Child Protection shall be established. Every provincial government, by notification in the official Gazette, shall establish a Child Protection Bureau. These Bureaus shall in turn establish District Child Protection Units at the district and tehsil levels in consultation with the Local Government. Whereas the PCCWDs and DCCWDs function as umbrella groups for government stakeholders within the Social Welfare departments at each level of government, the Child Protection Bureaus at the provincial level, and the Child Protection Units at the district level shall directly provide a range of services and interventions for children at risk of violence, exploitation, neglect and/or abuse.

The following actions shall be taken for the institutional development of the NCCWD, provincial Child Protection Bureaus and district Child Protection Units:

- Development of internal organisational structures;
- Expansion of staff schemas with high levels of personnel specialisation; specifically staffing shall include: legal specialists, social workers, sociologists, psychologists, communication/PR specialists;
- Building formalised partnerships with ministries, authorities, NGOs, and international bodies;
- Staff training/ specialisation;
- Communication strategy, including creation of the institutional image, external communication and public awareness;
- Technical assistance projects for the development of internal procedures for management, monitoring, inspection, projects design, projects management etc.

For the system development the priority actions should be:

- To elaborate and disseminate procedures, regulations, working tools
- Experience sharing between Child Protection Bureaus and Child Protection Units through national seminars, workshops, and exchange visits to create and sustain a professional network of institutions.

### **9.3 Child Protection at Local and Community Levels**

*Objective: Creation of an effective local level structure for the protection of child rights, and a supportive and protective environment for children at the community level*

Child abuse means any voluntary action of any person (who may have a relation of responsibility, trust or authority with a child), through which the life, the normal physical, mental, spiritual, moral and social development, the bodily integrity, physical or mental health of the child are harmed or endangered.

Child abuse is divided into four categories - physical abuse, neglect, sexual abuse, and emotional abuse – and these are more typically found in combination than alone. A physically abused child for example is often emotionally abused as well, and a sexually abused child may also be neglected. Any child at any age may experience any of these types of child abuse. Child neglect means the omission, either voluntary or involuntary, of a person who is responsible for the upbringing, care and education of the child, to undertake any measure which is subordinated to this responsibility, and which results in endangering the physical, mental, spiritual, moral and social development, the bodily integrity and the physical and mental health of the child.

Trafficking in persons is defined in the Article 3 of the protocol to prevent, suppress and punish trafficking in persons especially on women and children (2000) (Palermo Protocol), Supplementary to the UN Convention against Trans-national Organized Crime, as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.”

In the community context, efforts shall be made to enhance the prosecution of offences relating to the sale of children, child prostitution and child pornography.

Special efforts shall be made to protect girls from violence inflicted by adults in authority in the name of “discipline”, just as they need protection from that inflicted in the name of “tradition” or “health” or due to stereotypical views of gender. More girls are employed in domestic work than any other form of child labor. They are exploited and abused on a routine basis, yet they are nearly invisible among child laborers. Efforts shall be made to prohibit domestic child labour. In order to combat forced child marriages, family courts shall be sensitized and efforts shall be made to raise community awareness about the negative effects of child marriages.

Corporal punishment breaches all children’s fundamental rights to respect for their human dignity and physical integrity. The Government of Pakistan shall support the prohibition of corporal punishment in schools and religious institutions in accordance with international standards. Necessary measures shall be adopted to eliminate

corporal punishment and other cruel or degrading forms of punishment of girls and boys.

The efficient prevention shall be insured through

- a) public awareness
- b) information and training of professional groups & community leaders
- c) development of prevention competencies of Child Protection Units under the Social Welfare Department

**a) Public awareness**

Efforts shall be made to transform customs and traditions so that children may be protected from all forms of exploitation, neglect and abuse. This will only be possible through raising awareness of duty-bearers such as parents and communities about child protection issues and their roles and responsibilities. Attitudes and traditions that facilitate abuse, corporal punishment and early/forced marriage (e.g. concepts like “family honor”) will be influenced through raising awareness of the general public and through legal provisions.

Silence surrounding the issues of abuse, exploitation and rights violations shall be addressed so it is no longer taboo. Official statistics on these issues shall be gathered, recorded, presented and publicized. Children shall be made aware of the dangers of exploitation and shall be encouraged to register complaints against the perpetrators. The perpetrators shall be prosecuted, and cases of prosecution are to be widely publicized.

*Type of actions:*

Elaboration of information brochures and posters addressed to the public, dissemination of informative materials through the print and electronic media, pilot information activities in a number of communities identified with increased rates of abuse/ exploitation, mass-media campaigns (including the training of journalists on issues related to the child abuse/exploitation prevention).

**b) Information and training of professional groups & community leaders**

Professional groups—social workers, teachers, doctors, nurses, and policeman—and especially formal and informal leaders of the community including religious leaders may influence the attitudes of parents and the general public. They need to be trained on issues related to child abuse and exploitation (definition, prevention, risk situations, intervention) and they need to be prepared for explaining these concepts to parents and children.

The initial training curricula for future teachers, doctors, nurses, social workers shall include at least one module concerning CRC and child abuse, exploitation and neglect.

This network of trained professionals will be an important human resource for disseminating information to prevent child abuse through individual discussions with adults and children and mass public awareness campaigns.

*Type of actions:* elaboration of manuals addressed to professionals; training activities; pilot activities managed by professionals and community leaders in communities identified with increased rates of abuse and exploitation; setting up identification, registration, referral and treatment services and mechanisms to address abuse and violence.

**c) Developing the competencies of Child Protection Units**

District Child Protection Units shall be created and administered under the local Social Welfare Departments. Making the local communities responsible and active in the process of preventing child abuse, neglect and exploitation, including sexual exploitation with commercial purpose, exploitation through labour, child trafficking, unsafe migration, domestic violence and other forms of violence towards children shall increase the capacities of Child Protection Units.

*Type of actions:*

- Elaboration of methodologies for identifying and reporting risk situations;
- Introduction and use of indicators related to the child abuse and exploitation prevention aspects in the monitoring visits to families, residential institutions, services, schools etc;
- Training of professionals working in Child Protection Units; and
- Developing consultative community structures and preparing them to support initiatives for the prevention of abuse, neglect and exploitation through the formation of Child Protection Committees.
- Provision of preventive and protective services and programmes of general interest.

**9.4 Child Participation**

Objective: Integrating Child Rights into the formal education system to empower children for active participation in decisions concerning their welfare and protection and provision of life skills-based education

The participation of children in decisions that affect their lives is a fundamental right (Article 12 CRC). It means that children have the right to express their views in all matters affecting them within the family and the local community | whether at school, in the hospital or other institutions, and at the provincial and national levels. Adults should give due consideration and weight to the child's view in accordance with the age and maturity of the child. Children thus have the right to be actively involved in society and to participate in decisions that may affect them. They have a right to resist violations of their rights and can try to take action to realize their rights.

In legal terms, participation is not one single right, but rather a cluster of rights, as listed below:

Participation Rights of children	UN Convention on the Right of the Child
Listening to the children's opinion and taking it into consideration. Right to be informed on the consequences of his/ her opinion.	Article 12
Right to freedom of expression	Article 13
Right to freedom of thought, conscience and religion	Article 14
Right to freedom of association and peaceful assembly	Article 15
The evolving capacities of the child as legitimate limitation ground for parental guidance	Article 5

*Type of actions:*

- Including CRC in the school curriculum
  - o Elaboration of manuals—one for children 8-11 years old (primary school), the second for teenagers;
  - o Training of teachers for teaching CRC;

- Educational programs on child protection issues in schools.
- Creation of Children's Help Line;
- Educational mass-media campaign;
- Enhance existing Youth Parliaments and develop new forums to provide leadership opportunities, develop democratic awareness and enhance participation of children and adolescents;
- Special educational programs for children with disabilities.

### **9.5 Prevention of Violence Against Children in Specific Situations**

Objective: improvement of the quality of life and reducing the risks of abuse and exploitation for children living and working on the streets, children in institutions, and children in conflict with the law

Policies shall be implemented for the prevention, protection, rehabilitation and reintegration of children who are at risk, including orphans, abandoned children, children with disabilities, children of migrant workers, children working and/or living on the street, children in conflict with the law and children living in extreme poverty. The child's right to protection, health, education and recreation shall be honored even if the child is imprisoned with the mother or born in jail.

Three main strategies shall be developed:

- safety and monitoring program for children living and working on the streets with the aim of reintegrating them within the family or family-like environment;
- reform and monitoring of residential care institutions, including borstal institutions;
- reform and monitoring of the juvenile justice residential services.

Children living in residential care and in juvenile institutions, including borstal institutions, are a special category of children at high risk of abuse and exploitation. In order to ensure the safety of children in residential care and juvenile detention facilities, efforts shall be made for an efficient reorganization to meet with minimum standards and regular monitoring of each institution.

Type of actions:

- Undertake studies and research for detailed analyses of problems and of priorities and recommendations for change;
- Elaboration of:
  - methodology for the re-organization of the residential care institutions;
  - minimum standards of care for residential institutions;
- Training of managers and staff of residential institutions;
- Creation of Child Councils or Societies in each institution to encourage child participation on the pattern of currently instituted dramatics and debating societies or sports teams;
- Promoting pedagogical and educational methods through which the child's right to freedom of speech and participation are encouraged;
- Systematizing data collection to ensure the transparency and availability of information to the public.

### **9.6 Child Labor**

Objective: Prevention and elimination of child labor.

Child labour deprives children of their childhood and is an obstacle to their physical, emotional and social development. Children involved in the worst forms of child labor suffer major physical and psychological problems. The physical consequences may be the result of involvement in hazardous work, physical abuse, lack of proper nutrition, risky sexual behaviour (leading to exposure to HIV/AIDS, hepatitis and other sexually transmitted diseases), and lack of proper medical care. Child labour affects the child's development in the short and long-term. Additionally, the possible lack of a permanent home, constant moving from one place to another, and uncertainty about what tomorrow might bring, prevent children from developing their own social support networks.

At the same time, children are subjected to negative reactions from other people, such as exclusion, stigmatization and labeling ("beggars", "vagrants" or "miscreants"). This can lead to low self-esteem and high vulnerability. The lack of a stable environment and the negative reactions of others combine to create a distorted perception of the self, which proves detrimental to children's personal development.

With regard to violence against children occurring in the workplace, efforts shall be made to implement domestic labour laws, eliminate child labour and prioritize the elimination of worst forms of child labour in conformity with ILO conventions. Where children are working illegally, recovery and integration programs shall be put in place and enhanced.

In order to achieve the objective, three major types of interventions are envisaged:

- (i) Institutional capacity building at central and local levels through training and sharing the models of intervention, as well as sharing knowledge, experiences and best practices;
- (ii) Direct action intervention - direct services providing incentives to children at risk in both urban and rural areas to enrol in educational activities in accordance with the child situation assessment;
- (iii) Active involvement of elected local government representatives at the union council, tehsil and district levels for child protection and through strengthening the role of the Musalihat Anjumans (Reconciliation Committees) for proactive actions.

At central level there shall be a **National Steering Committee (NSC) for the prevention and combating of child labour** coordinated by the Ministry of Social Welfare and Special Education. The **NSC** shall coordinate and monitor activities in the field of child labour in Pakistan. The NSC should include all the ministries and governmental authorities concerned with child rights and protection, for example the Ministry of Education, Ministry of Women's Development, Ministry of Interior, Ministry of Labor, Unions and Employers' Associations.

Labor Inspection plays an important role. The multi-disciplinary approach allows institutions to target child labor in a comprehensive way, beyond their fragmented mandates; e.g. although Labour Inspectors are not mandated to inspect the informal economy, they can nevertheless contribute technical expertise on field monitoring visits conducted by police or social workers.

At the district level Multidisciplinary Teams or Commissions comprising of representatives from the District Commissions for Child Welfare and Development (DCCWDs) may be created with additional members drawn from the School Inspectorate, Labor Inspectorate, Police and other stakeholders and community

leaders. At the local level Community Consultative Councils shall contribute to the identification of risky situations and exploitation cases.

Aiming at the school reintegration of child victims of labour exploitation, special programs for sustaining poor families shall be developed.

Type of actions

Monitoring child labour involves:

1. The identification of children at risk as well as those involved in the Worst Forms of Child Labour,
  - at the places where they work, with special focus on the risks they are exposed to,
  - at school – with a review of their attendance and performance,
  - in their families and communities;
2. Immediately withdrawing children from hazardous forms of child labour, possibly by first reducing the risks they are exposed to (as a temporary measure);
3. Providing an integrated package of services for their rehabilitation
4. Tracking the progress of the child even after the completion of their rehabilitation package;
5. Using information learned through this process for policy formulation.

### **9.7 Child Protection in Emergencies**

Objective: To build a rapid-response child protection intervention capability for national emergencies such as natural disasters or the outbreak of armed conflict.

Mass awareness shall be created through social counseling with families and shelters shall be provided for disowned, kidnapped and orphaned children. Needs-based rehabilitation services for victims of natural disasters as well as armed conflict and other deprived children shall be established.

Children shall be protected from armed conflict and from the impact of armed conflict in compliance with international humanitarian law and human rights. Registration of invisible *madaris* shall be made compulsory with a strong monitoring role of the federal government and civil society including Bar Councils. Special rehabilitation centers shall be established for children without parents or inadequate family care due to poverty. Proper parental and health care and formal vocational/skills training shall be provided to children in areas of armed conflict.

Type of actions

- Developing and adoption of a contingency plan for protection of children during emergencies by the MoSWSE
- Capacity building of NDMA to implement the contingency plan together with the MoSWSE
- Regular monitoring of situation of children affected by armed conflict
- Development of a rehabilitation plan for children associated with fighting forces

### **9.8 Birth Registration**

Objective: Ensuring the right to an identity for each child, beginning with his/her birth.

At the outset, a child's identity is established by registering the child's birth. This should happen immediately after birth, meaning within days rather than months. The CRC establishes an obligation to register, which is not limited to nationals of the State, but applies to every child under the State's jurisdiction including foreigners including migrants, asylum seekers, and refugees. At a minimum the registration must include the child's name at birth; the child's sex; the child's date of birth; where the child was born; the parents' names and nationality.

A system shall be developed to ensure the registration of every child at or shortly after birth, and fulfill his or her right to acquire name and nationality, in accordance with national laws and relevant international instruments. Effective coordination shall be encouraged among relevant responsible agencies i.e. M/o Local Government, Interior (NADRA and NARA) and immigration authorities. An awareness raising campaign shall be launched to sensitize the masses on the importance of registration at birth. Capacity of the staff responsible for carrying out birth registration shall be further enhanced.

Special procedures for children without birth registration or with late birth registration shall be put in place. The state shall register and provide identification to children without identity records in accordance with the laws of Pakistan.

The activities to be introduced for birth registration include:

- elaboration of nation-wide, systematized birth registration facilities;
- strengthening existing Basic Health Units (BHUs) and constructing new BHUs in areas which are not currently serviced;
- training of medical staff for co-operating in registration at birth;
- training of union council representatives for registering births;
- public awareness campaigns;
- enhancing coordination between the union councils and NADRA for proper record keeping of birth registration in soft and hard versions; and
- provision of incentives for prompt birth registration, such as basic maternal health kits and sanitation packs.

### **9.9 Child Protection Management Information System (CPMIS)**

Objective: Development of a uniform structure for data collection and computerised data recording, to facilitate evidence-based policy formulation.

In 2000, 190 member states of the United Nations, including Pakistan, committed to achieve Millennium Development Goals (MDGs) by 2015. The government has aligned the Poverty Reduction Strategy Paper (PRSP) indicators and the Five Year Plan 2005-10 targets with MDGs. Additionally, there is a need to include specific child protection indicators along with those that have already been developed, so that the situation of children can be assessed and analyzed. There is also a need to include some questions on specific child protection issues, such as domestic child labour to the Population Census questionnaire in order to assess the situation of the child within the household.

A Child Protection Data Collection and Monitoring Information System shall be developed at District level to record the incidence and nature of child abuses. This shall be introduced in a phased manner, and shall start collecting information on selected priority child protection indicators. Through a cross-sectoral approach, the Federal Bureau of Statistics and the Planning Division shall insert sections in their

questionnaires on child protection issues and link the system to the regular periodic national surveys that are undertaken. It shall also be linked to records maintained for the purpose by police, FIA and other law-enforcement agencies.

Special efforts shall be made to create reporting mechanisms at the community level within the local Government for reporting crimes against children such as physical and sexual abuse, corporal punishment, trafficking, selling of girls in the name of marriage, “swara” or giving girls for dispute settlement and violence against child domestic workers.

The information generated by the Child Protection Data Collection and Monitoring System shall be used to report on the situation of rights of children in Pakistan through the CRC report.

The monitoring system can also be used for prevention activities with a focus on:

- **primary prevention** (activities targeting all children, usually awareness-raising);
- **secondary prevention** (activities focusing on children who have been identified as being at special risk of abuse or exploitation, according to a set of established criteria);
- **rehabilitation/tertiary prevention** (activities focusing on children who have been withdrawn from a situation of abuse or exploitation and who need to be prevented from re-entering such situations).

The actions required for a Child Protection Management Information System include:

- developing a set of key indicators to measure the situation of children
- elaboration of monitoring procedures and collecting data tools;
- developing an informatics system / national database;
- training of specialized staff working in the monitoring system;
- developing annual/regular reports.

### ***9.10 The Development of Child Protection Services***

Objective: development of appropriate interventions for child protection through various protection services at different levels

Child Protection Services have a crucial role in prevention, intervention and reintegration processes.

Child victims of violence, abuse and exploitation are entitled to care and non-discriminatory access to social services. These services include recovery, rehabilitation and reintegration; help lines to enable children to seek assistance; legal and psychological aid; and educational activities. There is a need to revamp and re-create social services across the country as follows:

#### **Establishment of Child Protection Services**

<b>Classification category</b>	<b>Description of services which need to be developed and provided</b>
Prevention services	<p><b>Services developed at community level, linked to the Child Protection Unit for primary and secondary prevention</b></p> <p>a) <b><i>Services for primary prevention</i></b> are addressed to ALL</p>

Classification category	Description of services which need to be developed and provided
	<p>children from their respective communities; the core activity is informing both children and adults about child rights, abuse and exploitation and their detrimental consequences. This includes educative actions such as “schools for parents”. Other important activities should be:</p> <ul style="list-style-type: none"> <li>- Awareness-raising and mobilizing communities and stakeholders for the protection of children.</li> <li>- Partnerships with media for protection of children.</li> </ul> <p><i>Type of services:</i> information centers in/near schools or cultural institutions, youth centers. In small communities, for saving resources, these services can be offered directly by the Child Protection Units.</p> <p>b) <b>Services for secondary prevention</b> are addressed to children in high risk situations: children living in poor families, orphans living in extended/shelter homes, children who are not attending school, etc.</p> <p>These services include financial and/or material support for families and children, counseling for parents, life skills based education for children, day care support, specialized support for school integration/ reintegration, counseling for children</p> <p><i>Type of services:</i> day care centers, counseling centers for parents, help lines for children, life skills education services for children and youth. Local councils may also set up different types of day care services according to the needs identified in the community.</p> <p>For each beneficiary of secondary prevention services it is necessary to draw a personalized prevention plan based on the detailed analysis of his/her situation. Social workers should be responsible for the elaboration and implementation of the plan, cooperating with other professionals, parents and extended family, as well as other community members and children themselves.</p> <p>Data concerning child beneficiaries of secondary prevention services shall be integrated in the Monitoring System.</p>
Protection and rehabilitation services	<p>c) Specialised services organized at community or at district level shall aim at <b>the protection</b> of children in situations of abuse, exploitation, neglect and child abandonment and <b>their rehabilitation</b> in the most appropriate conditions. .</p> <p>These are addressed to children identified as being in dangerous situations who are in need of:</p> <ul style="list-style-type: none"> <li>-in the short term: protection, security, emergency medical intervention; and,</li> <li>-in the medium and longer terms: promoting their well-being, rehabilitation, support for social reintegration, school participation.</li> </ul> <p>It is important to immediately remove the child from the dangerous</p>

Classification category	Description of services which need to be developed and provided
	<p>environment (family, residential centre, street, trafficking network etc) and to place him/her in a secure environment. In the medium and long term, after complex elaboration of individualized protection plans, the child can be integrated in familial type services or in continuing care, receiving complementary rehabilitation services.</p> <p>Designated officials such as protection officers working through the Child Protection Bureau shall be empowered to take specific actions to protect the integrity and well-being of the child.</p> <p>These child protection services shall collaborate and co-operate with medical institutions, police and justice institutions, including Child Protection Courts.</p> <p>Type of protection services include:</p> <ul style="list-style-type: none"> <li>- Crisis shelters for children;</li> <li>- Counseling and assistance services, including psychosocial and legal assistance;</li> <li>- Day care centers for abused children protected in familial environment (shelter family, extended family or natural family);</li> <li>- Shelters for street children, daycare centres, helplines, educational and vocational services.</li> </ul> <p>Statistics of children who benefit from these protection services shall be integrated in the Monitoring System.</p>
Continuing care services	<p>d) Specialized services organized at community or at district level addressed to the child who is, either temporarily or definitively, deprived of the care of his or her parents, or who, in order to protect his or her interests, cannot be left in their care.</p> <p>The beneficiaries of continuing care services are:</p> <ul style="list-style-type: none"> <li>i) the child whose parents are deceased, unknown, deprived of the exercise of parental rights, placed under interdiction, declared dead or missing by a court of law and for whom no legal guardianship could be established;</li> <li>ii) the child who, in view of his or her best interests, cannot be left in the care of their parents, for reasons for which the parents cannot be held accountable;</li> <li>iii) the abused or neglected child;</li> <li>iv) the foundling or the child who has been abandoned by his or her parent;</li> <li>e) the child who has committed an act prohibited under the criminal law but who is not criminally liable.</li> </ul> <p><b>Participation of the child</b> as an active contributor to his/her rehabilitation at every step of the process. Professionals must ensure the child's participation at all stages of the development of the plan of services, including the allocation of specific responsibilities for both the institutions providing services, and for the child. This is of crucial importance in reinforcing the child's autonomy and his/her preparation for reintegrating into society</p>

Classification category	Description of services which need to be developed and provided
	<p>Type of services:</p> <ul style="list-style-type: none"> <li>- “Kafala”/Foster care services,</li> <li>- family-like residential care services: Child Protection Centers, children’s homes, places of safety and re-education facilities.</li> </ul> <p>Data concerning children who benefit from these protection services shall be integrated in the Monitoring System</p>

The Government stresses the importance of the following issues in the development of a child protection system:

- coherence: official definition of each type of service and coherent organization methodology;
- complementarities : complementary missions and actions for different type of services on community level;
- quality: compulsory minimum standards for residential services, day care services, counseling centers and best practice manuals for managers and professionals; and
- decentralization: the emphasis should be placed on the development of services at the community level, under the co-ordination of local authorities responsible for child protection issues

The National Commission for Child Welfare and Development (NCCWD) at the federal level, the PCCWDs, Child Protection and Welfare Bureaus and Civil Society Organizations at the provincial level, and the DCCWDs and Child Protection Units at the district level shall be mandated and upgraded to provide the above services.

The costing of the Child Protection Services at the federal and provincial levels shall be undertaken by the Planning Division in consultation with the Social Welfare Ministry, which can then be used as base for improving the funding of Child Protection Services. The adoption of the Pakistan Child Protection Code by the National Assembly, and similar Codes in each province, would also facilitate service delivery congruent with child protection rights. Poverty Reduction Strategy programmes and social protection programmes shall be linked with Child Protection in terms of budget allocations and monitoring indicators.

### **9.11 Justice for All Children and Juvenile Justice/Child Courts:**

Objective: Development of a child friendly juvenile justice system.

Justice for all children shall be ensured through child friendly laws, rules and regulations, implementation procedures and mechanisms issued/promulgated by the Government.

A separate system of criminal justice shall be established for children under the age of 18 years. Juvenile Courts, which have been designated in each province, shall be enhanced and shall cease hearing adult cases. To expedite juvenile cases and reduce court backlogs, dedicated juvenile judges shall be designated at the district level and child-friendly court procedures established. The Juvenile Justice System Ordinance 2000 (JJSO) must be extended to apply to all parts of the country, and its implementation enhanced. Judges and law-enforcement officials shall be trained on child rights and protection and the JJSO through pre-service and in-service training in

academies and colleges. The parole and probation system shall be strengthened and made more accessible to children. In line with other provinces, borstal institutions shall also be established as a priority in Balochistan.

Courses on child protection shall be developed integrated into the curriculum of the training institutes such as NIPA, Judicial Academy, Police and FIA Training Colleges and academies all over the country.

Community confidence in the justice system shall be enhanced by bringing the perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions. Persons convicted of violent offences and sexual abuse of children shall be prevented from working with children in the future.

The provincial Governments in consultation with the respective High Courts shall establish one or more Courts for a designated area. The court will issue orders in respect of handing over the custody of a child-in-need-of-care either to the parents, guardian, foster parents, a suitable person or a Child Protection Centre as the case may be. The court shall inform the child of the situation and shall obtain his/ her views before making an order in respect of his/her custody and care. Juvenile courts shall be designated to work closely with Child Protection Bureaus and Child Protection Units.

The Musalihati Anjumans or Reconciliation Councils established through the local government system (at present active in 5 districts of each province) for alternate dispute resolution can also be entrusted to act in the best interests of children in need of protection. Their primary function is to expedite dispute resolution for vulnerable groups in cases that might otherwise involve a lengthy and expensive process in regular courts. The members of such committees are the Nazims, influential community leaders, local *ulema* (scholars of religion), and if need be, members of national and provincial assemblies. Usually a three-member committee, of whom at least one member has to be a woman, has the authority to settle disputes concerning issues such as domestic violence, forced labor, forced marriage and sexual harassment, bypassing the complex documentation and court procedures. The services of these committees are free of cost and are geographically close to both parties. These committees can work in conjunction with the formal legal system to promote the best interest of the child.

### **9.12 Budgeting for Child Protection**

In order to ensure the effective implementation of measures for child protection, funds shall be made available from the federal and provincial governments, local bodies, grants or donations received from foreign governments, national and international agencies, non-governmental organizations, private sector organizations and individuals. Existing funding scheme of local government such as CCB (Citizen Community Board) should be explored to utilize the fund for child protection programmes by raising awareness on protection issues and facilitating coordination among different departments in district level.

Awareness of the social responsibility of the corporate sector shall be increased to generate funds for child protection. The government shall reward corporate social responsibility, especially in those industries that directly engage in child labour and industries for which children are a target market, such as soap, auto-repair shops, children's garments, sports goods and informal sector work.

Child Protection Funds shall be set up at the district and sub-district levels to address child protection issues. To overcome the gap in resources, initially the Government shall provide seed money. The government shall ensure that the most vulnerable families receive social protection funds through zakat, bait ul maal, ration cards and card schemes.

### ***9.13 Highlighting Children's Issues***

Public dialogue and debate shall be encouraged to ensure that child protection issues are at the forefront of the public consciousness. Data collection and reporting shall be encouraged through civil society organizations, media, educational institutions, the Information Ministry for onward action by the competent authorities and even the Parliament. Discussions will be facilitated so that the protection failures are acknowledged. Civil society and the media will be engaged to recognize and report harmful treatment of children anywhere and at any level.

Capacity building and training programs will be launched, enhanced and all stakeholders shall be sensitized on child protection issues such as parliamentarians, judges, lawyers/bar councils, law enforcement personnel, child protection officers, social workers, police, teachers, health workers and all those who deal with children. Existing training institutions' capacity to address child protection will be strengthened.

## **Annex 1: Relevant Articles of CRC for Child Protection**

Articles 1, 19, and 32-37 of the Convention on the Rights of the Child are directly relevant to child protection. They are copied below:

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

**Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

**Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

**Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

## **Annex 2: Powers of Child Protection Institutions:**

### **Primary Functions of the Child Protection Bureaus:**

- a) functioning as a focal point for effective supervision and coordination of child rights matters at provincial and local levels, and coordinating activities for the development, protection, survival and participation of children;
- b) developing in consultation with all the stakeholders, Provincial Policies and Plans of Action for the promotion and protection of the rights of the child;
- c) reviewing and proposing new laws and amendments in the laws, wherever necessary, to bring them into conformity with the relevant international instruments and to serve the best interests of the children;
- d) monitoring the implementation of laws related to child rights and suggesting measures for their effective implementation;
- e) providing technical and other support in the interests of children to the provincial departments, local governments or civil society organizations;
- f) monitoring the violation of child rights, enquiring into or referring individual complaints for their redress to the appropriate authorities;
- g) mobilizing financial resources, through national and international agencies, for programs relating to the rights of children;
- h) Provide protective measures, inter alia, food and shelter, education and training to the children-in-need of care
- i) establishing and managing Child Protection Centers in accordance with the criteria laid down by the NCCWD;
- j) monitoring and supervising the prosecution of persons accused of offences created under this Act and coordinating the legal representation of juvenile offenders in the courts;
- k) ensuring that recommendations made by the UN Committee on the Rights of the Child are implemented; and;
- l) implementing such acts as are ancillary and incidental to the above functions
- m) setting up and monitoring social services for children and families in need of protection.

### **Primary Functions of Child Protection Units:**

1. Receiving and registering children and their families who are considered to be in need of protection.
2. Assessing the needs of individual children and their families according to survival and departmental priorities; shelter, food, health, education, cognitive, emotional, and evolving capacities.
3. Planning and coordinating the provision of services in cash or in kind to meet the assessed needs of children and their families. Some services will be provided directly by the Child Protection Units whereas others shall be negotiated or advocated by the CPU with other government departments or non-governmental organizations.
4. Preparing annual service development plans derived from patterns of demand, the existence or absence of services
5. Periodically/Quarterly reviewing the intervention plan to protect children to ensure its continuity and capacity to meet the assessed needs.

### **Annex 3: International Legal Standards and Guidelines for Child Protection**

Over many years, the United Nations and other international agencies have developed legal standards and guidelines and advocated for increased awareness and for serious commitments to improve child protection internationally. These include (UNICEF: 2005b):

1. The UN Convention on the Rights of the Child (CRC). Some of the basic CRC provisions are: Violence (Articles 16,19,24,28,37,38,40), Abuse and neglect (Articles 19), Exploitation (Articles 11,32, 34,35,36), and Deprivation of primary caregivers (Articles 7,9,10,11,18,20,25,37).
2. An explicit link with the Millennium Declaration (Section VI), as well as implicit links with the Millennium Development Goals (MDGs), 1-6,8.
3. The UN Special Session on Children. The objectives of this Session included: Protecting children from harm, exploitation and war (objectives 6, 7 of World Fit for Children); Protecting against abuse, exploitation and violence (goal 3 of Plan of Action).
4. Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.
5. Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography.
6. The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children to the UN Convention on Transnational, Organized Crime, International Labour Organization Conventions 138 and 182.
7. Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (Stockholm Agenda).
8. Yokohama Global Commitment 2001 on Commercial Sexual Exploitation of Children.
9. The Geneva Conventions on International Humanitarian Law and additional protocols, and the Rome Statute on the international criminal court.
10. The UN guidelines and standard minimum rules related to juvenile justice, including:
  - UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules);
  - UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines);
  - and
  - UN Rules for the Protection of Juveniles Deprived of Their Liberty.
11. UN Guidelines for Action on Children in the Justice System, 1997.
12. UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, 2005.
13. ILO Convention 182 on the Worst Forms of Child Labour.
14. ILO Convention 138 on Minimum Age.
15. Hague Convention on Inter-Country Adoptions.
16. UN Declaration on Social and Legal Principles Relating to Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.
17. International Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV/AIDS, 2004.