

Mapping and Assessment of the Child Protection System

BALUCHISTAN

COLLECTIVE FOR SOCIAL SCIENCE RESEARCH

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ACRONYMS

ADR	Alternative Dispute Resolution
BISP	Benazir Income Support Program
BRSP	Baluchistan Rural Support Programme
BSDS	Baluchistan Skills Development Society
CBO	Community-Based Organizations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPC	Child Protection Committee
CPM&A	Child Protection Mapping and Assessment
CPMIS	Child Protection Management Information System
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CrPC	Criminal Procedure Code
CRSR	Convention Relating to the Status of Refugees
CSO	Civil Society Organizations
CWPB	Child Welfare and Protection Bill
DG	Director-General
DVC	District Vigilance Committee
FIA	Federal Investigation Agency
FIR	First Information Report
FPAP	Family Planning Association of Pakistan
HRCP	Human Right Commission Pakistan
IDP	Internally Displaced People
IDSP	Institute of Development Studies and Practices
ILO	International Labour Organization
INGO	International Non-Government Organization
JJSO	Juvenile Justice System Ordinance 2000
LG&RD	Local Government and Rural Development
LMD	Labor and Manpower Department
LSBE	Life-Skills Based Education
MDG	Millennium Development Goals
MICS	Multiple Indicator Cluster Survey
NADRA	National Database and Registration Authority
NCCWD	National Commission for Child Welfare & Development
NCRC	National Commission on the Rights of Children
NCRCL	National Centers for Rehabilitation of Child Labor
NDMA	National Disaster Management Authority
NFC	National Financial Commission
NGO	Non-government Organization
PACHTO	Prevention and Control of Human Trafficking Ordinance
PCCWD	Provincial Commission for Child Welfare and Development
PCPC	Police Child Protection Center
PDHS	Pakistan Demographic and Health Survey

PPC	Pakistan Penal Code
PPTCT	Prevention of Parent to Child Transmission
PSLM	Pakistan Social and Living Standards Measurement
PSLM	Pakistan Social and Living Standards of Measurement
SCPO	Senior Child Protection Officer
SEHER	Society for Empowering Human Resources
SOP	Standard Operating Procedures
SPARC	Society for the Protection of the Rights of Child
SWD	Social Welfare Department
UNDP	United Nations Development Programme
UNGASS	United Nations General Assembly Twenty-sixth Special Session
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WESS	Water, Environment & Sanitation Society

EXECUTIVE SUMMARY

Child protection constitutes of structures, functions and capacities that work together for child protection goals. It works on several levels of society, from government to community, and engages several actors, including government and civil society organizations or representatives [User's Guide: 7]. Child Protection Systems are currently organized around these themes: birth registration; child labor; harmful cultural practices; child marriage and discrimination; physically, sexually and psychologically abused and neglected children; children without adequate family care or alternative care; child mobility and child trafficking; commercial sexual exploitation; children and justice; and child protection in emergencies/armed conflict.

A mapping and assessment exercise on child protection in Pakistan was carried out with the support of UNICEF. Its objectives were to assess the key risks facing children, the capacity of current structures, and the legal framework/policy agenda relevant to child protection. The assessment was used to plan for future services, engagement and coordination of key players, and financial and human resources required to strengthen child protection.

Global Context

Pakistan is signatory to the Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and other Protocols and Conventions protecting children from sale and prostitution, hazardous labor, and discrimination on the basis of education or disability. It is not party to the Convention Relating to the Status of Refugees.

National Context

The process of devolution has altered the political, programmatic, policy, and service context of child protection. After the 18th amendment, introduced in 2010, the sole legislative and administrative authority on all matters relevant to child protection lies with the provinces.

Methodology

The Child Protection Mapping and Assessment (CPM&A) was a comprehensive process that engaged stakeholders from government, civil society and UNICEF, from November 2011-June 2012. It was guided by a Provincial Steering Committee comprised of government officials, who approved and customized the Toolkit given the provincial peculiarities, and granted time for interviews. The Toolkit was a detailed questionnaire used to gather data on all of the child protection thematic areas mentioned above. This report was an outcome of the Toolkit. Findings were shared with the Steering Committee in the form of Toolkit, report, and presentations/meetings.

Basic Provincial Data

Baluchistan has the highest proportion of its population (48%) living below the poverty line among the provinces. It is off track to meet its Millennium Development Goals (MDG) targets. Among the most serious problems that need to be urgently tackled is the lack of food security such that 90 per cent of the districts have extreme of low food security (61 per cent of the population). The damage caused by floods of 2011 and again in the summer of 2012 caused internal displacement and destroyed livelihoods, affecting a minimum of 350,000 children. Another serious challenge is the ongoing civil conflict between state and anti-state forces, which has caused internal displacement, an atmosphere of lawlessness, and terrorist attacks that have disrupted the lives of ordinary families.

Baluchistan is the least populated but geographically the largest province in the country. 10 million people live in the province, 65 % of which are estimated to be under age 19. Girls are at a severe disadvantage over boys when it comes to basic human indicators. With regard to child protection indicators the overall picture is grim as well. Only 23% of children have had their births registered. Child labor continues, although accurate data is difficult to find. According to the 2010 Multiple Indicator Cluster Survey (MICS) in Baluchistan, 17.3 % of children of ages 5-14 work, many of whom in hazardous sectors.

Negative cultural practices such as child marriage and swara or vani (giving girls in compensation to the aggrieved parties to resolve disputes) continue to take place, in spite of efforts by advocacy groups to end them. With respect to child abuse, press and non-government organizations (NGO) sources, reveal that violence against children, kidnapping, and missing children are on the increase. Data collected in the Baluchistan MICS 2010 show that 3.5 per cent of children are orphaned, with 812 living in some alternative care arrangement. Figures are not reliable since residential facilities in the private sector are not monitored.

Baluchistan is along a transit route for trafficked persons coming from northern Pakistan and Afghanistan to Iran, the Gulf and Europe. Trafficked children across the border number 697, according to recent data from the Federal Investigation Agency (FIA). Trafficked children are also vulnerable to commercial sexual exploitation within Baluchistan. It is estimated that there are 4,160 children this category in Quetta alone.

Baluchistan has seen displacement, hunger, and insecurity caused by both natural disasters in the form of floods over the past few years and a deepening security crisis caused by the conflict among state, non-state forces, and international actors. During the 2005-06 army operation, 33,600 children were displaced, and many remain so (UNICEF Situation Analysis on Women and Children 2012). There are reported to be 141 missing children, presumably picked up for security reasons by law enforcement agencies.

Laws and Policies

Many national laws are applicable in Baluchistan, e.g. the Pakistan Penal Code (PPC) which addresses multiple thematic areas of child protection. The Juvenile Justice System Ordinance 2000 (JJSO) is the most important law, also applicable in Baluchistan, and addresses processes and standards for handling criminal cases involving children. Other relevant national laws cover child marriage, employment, adoption/guardianship, human trafficking, and crime. In 2002, the government issued the Baluchistan Juvenile Justice System Rules. In 2010 the provincial government passed the Baluchistan Local Government Act making it mandatory for all births to be registered.

Baluchistan has a rather comprehensive policy framework in place; the Baluchistan Child Protection Policy, to be implemented by the Social Welfare Department (SWD). It is further streamlined into a Child Welfare and Protection Bill (CWPB) that remains to be passed by the Provincial Assembly. There are many existing laws that are relevant to child protection. Some, such as those pertaining to birth registration, child labor, trafficking, commercial sexual exploitation, for example, need to be implemented more effectively. Other child protection areas require legislation that does not exist, such as physical, sexual, and psychological abuse and neglect of children. Adoption is not legal, and existing law is inadequate. No law exists specifically against child discrimination. There is a National (and Provincial) Disaster Management Framework to address relief and rehabilitation of affectees.

Most of the pending legal and policy issues will be addressed by the CWPB, once it is passed. However, its implementation will require close coordination among all government departments, and Civil Society Organizations (CSOs), working on child protection issues. Its success will also depend upon the oversight of members of the Provincial Assembly.

Formal Systems and Capacities

The overall child protection system in Baluchistan brings together the Departments of Social Welfare, Women Development, Home, Labor, Health, Education, and Local Government and Rural Development (LG&RD). Several national bodies such as FIA, National Disaster Management Authority (NDMA), Provincial Disaster Management Authority (PDMA), National Database and Registration Authority (NADRA) and Bait-ul-Mal also play a role in child protection. The government has also set up working groups to address child protection needs during emergencies and birth registration issues. UNICEF has played a key role in drafting the Child Protection Policy and Bill. It works very closely with the SWD and non-government organizations (NGOs) to improve laws and services for children in need of protection. Other multilateral agencies such as United Nations High Commissioner for Refugees (UNHCR) and International Labor Organization (ILO) also have a role to play in child protection issues related to Afghan refugees and child labor.

Human resources remain weak although two universities offer degree courses in social work. In addition to these, NGOs such as Society for the Protection of the Rights of the Child (SPARC), Society for Empowering Human Resources (SEHER) and Institute of Development Studies and Practices (IDSP) also offer training courses in social work. There is no system for adoption or foster care in Pakistan. There is a Baluchistan AIDS Control Program despite the fact that only 162 HIV positive cases have been identified. PDMA has the lead responsibility in emergency preparedness and response; while UNICEF takes the lead in ensuring child protection needs are addressed.

Social Welfare Department

SWD has two Directorates i.e. the Directorate of Social Welfare and the Directorate of Literacy and Non-formal Education. The child protection mandate of the department is to provide shelter to children in need of care and protection; manage the Child Protection Management Information System (CPMIS) which collects data regarding these children; provide education to children with special needs, and rehabilitate children who are involved in substance abuse. The department also plays a child protection role during emergencies.

There is poor coordination among the SWD and other departments in the provincial government, as with civil society groups or federal institutions. There are no shelters or residential services for children at risk. There is no structure of the SWD at the Union Council. However, there are District Officers in every district who report to the respective Divisional Deputy Directors.

The SWD lacks the capacity to register and monitor other institutions (i.e. voluntary social welfare organizations). The SWD lacks adequate resources to support all of its projects, and it also cannot afford to contract out any services. The SWD is undervalued within government and therefore underfunded as well. The PDMA looks to the SWD to fulfill certain core responsibilities during emergencies, although it lacks the budget or infrastructure to do so.

Children and Justice System

The judiciary plays the primary justice role in Baluchistan. Different courts have different mandates, with the Supreme Court of Pakistan serving as the ultimate court of appeal. Courts of different levels may

hear and pass judgment in cases related to children, all of which must be in conformity with the JJSO and other relevant laws. Only five judges in the province have been notified to hear all children's cases. There is no witness protection program in Baluchistan.

The Home and Tribal Affairs Department is meant to provide security to the public and uphold the rule of law through the criminal justice system. The Frontier Corps is responsible for border security and internal security, reporting to the Home Department as well, and the Anti-Trafficking Cell reports to the Federal Government. There is a duplication of functions among these bodies. Home Department oversees the police, Levies, prisons, and Afghan refugees through its security and public order mandate. There are total of 10 Prisons including four Central Prisons. There is no separate facility for children so each prison may have juvenile prisoners. There are juvenile wards in the Quetta, Mach, Gaddani and Sibi Jails where legal, medical and psychosocial services are being provided to children by SEHER (with the funding of Save the Children. A Police Child Protection Centre (PCPC) has been set up in Quetta, which is a very successful model of coordination among Police, NGOs, international non-government organizations (INGOs), and the Home Department.

Jirgas are tribal councils that exist for ensuring security and social justice. Traditionally the council of elders is led by *sardars* (tribal leader) in Baluchistan. They resolve conflict and disputes, and conduct trials for crimes as well. Baluchistan is administratively divided into "A" and "B" zones, the former uses government mechanisms such as the police to handle justice and security issues, and the latter relies on locally raised tribal members to do the same. Efforts have been underway to bring more of the province into the "A" zone. Many issues related to child protection are handled through *jirgas*, such as honor killings, the offering of girls in compensation for murder, and bride price. Though *jirgas* have been banned by the Courts they are still operational. Other kinds of Alternative Dispute Resolution (ADR) mechanisms are being applied around the world, so it is conceivable that some effort could be made to have *jirgas* function under the law as ADR with specific operation procedures.

The SWD does not have a clear mandate with respect to children in conflict with the law (the subject of Human Rights is also with SWD, moreover, as the report is not published yet, therefore, it may be reflected that UNICEF has assisted the SWD in drafting Strategy which includes its the instant issue as well). It may try to step in and assist in a child rights violation on a case to case basis, but has no staff, infrastructure, or services assigned specifically for this. SWD can refer a child victim to NGOs for medical or legal aid, or shelter. However, this referral system is weak and needs to be further developed. The Provincial Commission for Child Welfare and Development (PCCWD) is meant to take over the responsibility for children in the SWD, but does not have sufficient human and financial resources to do so

Various government departments that play a role in the justice system have not been entirely effective in implementing their child protection mandate. There is almost no coordination between these departments (such as Home, SWD, FIA, Prosecution and Judiciary) on child protection issues. Legislation protecting children's rights has not been successfully implemented. Legal assistance at the expense of the state is provided by the Courts and Prosecution Department but is not satisfactory in most cases. There are no pre-sentence diversion mechanisms in place, and the Directorate of Reclamation & Probation lacks the staff to handle juveniles. The Home department, after the Judicial Policy of 2008, has improved its Parole policy but no children have benefitted from this so far. Moreover, the Courts of Law are also hesitant in sending convicts, including juveniles, on probation. Child help desks have been set up at 22 police stations where the police have been trained in child-friendly procedures.

Justice Process

The justice process for children in conflict with the law appears to be coherent, but there are some gaps. Diversion before arrest, necessitating probation, is not practiced enough. CSOs enter the process to offer assistance when it is too late to have the child released from custody. There are no special procedures for child witnesses. Children who are survivors of crime may be provided shelter at the PCPC, where referrals for further services may be made, however there is no formal system for referral services among the government departments and CSOs.

Community, Civil Society and Continuum of Care

The first step to assess the protective environment for children is noting attitudes, customs and practices that have a negative impact on children; whether open discussion around these practices is allowed; and what efforts are being made to change these attitudes.

Acceptability of violence against children is the first such attitude noted; it translates into widespread corporal punishment of children in schools or by elders, and also domestic violence. Government notifications banning corporal punishment have been issued to schools. However, the PPC allows corporal punishment. A Bill condemning corporal punishment has been drafted by the Education Department and is ready to be presented in a Cabinet meeting and Assembly session.

Societal apathy over sexual violence against children leads to a number of crimes such as rape and incest that are either ignored by society and the state or given scant attention. Underage marriages are broadly acceptable as well, particularly of girls under the age of 18 who are not ready physically or psychologically for marriage and childbearing. NGOs conduct intermittent awareness-raising campaigns, and have also worked with government and other stakeholders to impart life skill based education to children so as to help them protect themselves against violence and exploitation. There is also a move to standardize the age for marriage at 18 for both boys and girls.

The *acceptability of child labor* is common in Baluchistan, linked with high levels of poverty and the easy manipulation of children in informal sectors of the labor force. There is open discussion of the issue and a lively debate regarding the utility of banning or limiting such labor. CSOs seek to increase the minimum age of entry into the labor force, and Bait-ul-Mal runs National Centers for Rehabilitation of Child Labour (NCRCL) for children removed from hazardous labor.

The *reliance on informal dispute resolution mechanisms* is another prevalent attitude, leading to honor killings, and the use of girls in marriage to settle disputes within parties. Government in Baluchistan has begun to move against this, but the difficulties of pursuing justice within the formal system are so great that many people prefer to settle within the informal system.

Civil Society Organizations and Child Protection

There are several CSOs in Baluchistan that are directly working in the sphere of child protection, while others are indirectly linked to it in one way or the other. There is no comprehensive mapping of all CSOs, in particular the smaller community-based organizations (CBOs) working at the village level. There have been some efforts to coordinate initiatives during the emergencies caused by the floods. A network of NGOs has formed the Child Rights Movement, and another network is named Child Protection Network.

There is no single procedure to license all NGOs, and those with licenses are not properly monitored. The registration of all CSOs with one department, such as the SWD, will result in a stronger referral system, uniform standards of care, better planning of services and a consolidated system of data sharing.

District Actors in Child Protection

This report presents an organogram to map the child protection system at the district level, showing the key community players, both informal and formal, that make up this system. However, each district will not have the same system due to cultural, infrastructural, and other reasons. Key community players include the District Officers from the SWD, Deputy Commissioners, Union Councils Secretaries, police, magistrates, teachers, health workers, activists and advocates. In the absence of referral mechanisms they cannot be said to constitute a cohesive system.

Resource Mobilization

There is no separate classification for child protection in budget documents and functional classification of expenditure used by the Baluchistan Government. The same is true within individual departments. The major donor for child welfare and protection in Baluchistan is UNICEF. There is a need to improve capacity of government personnel associated with child protection activities, as well as maintain a database for effective monitoring and transparency. If a Child Welfare and Protection Bureau (henceforth referred to as the Bureau) is set up in the province, it will address these above issues, and improve fiscal coordination substantially. According to Save the Children's Study on Federal and Provincial Budget Analysis (2009-2010), the child-focused share of Baluchistan's current budget is a mere 0.05 % and development budget is 0.136 %. There is a case, therefore, for the provincial government to prioritize child welfare/protection related spending, especially since the 7th NFC award has increased the resource envelope of the province substantially. A coordinated child protection work plan needs to be prepared and funding sought on that basis. This will also reduce transactions cost for monitoring and accountability allocations, and for introducing outcome-based budget for child protection.

Mapping of Child Welfare and Protection Bureau

A Bill has been drafted calling for a Bureau but it has yet to be presented in the Provincial Assembly. The Bill is comprehensive and touches upon almost all issues relating to child protection. However, the composition of this proposed Bureau should be expanded to include the Secretaries of Health, Education, Law, Labor, Finance, and Women Development. The Zakat and Population Welfare Department should also be made members of the Advisory Board. Representatives from FIA, NADRA, Bait-ul-Mal, Benazir Income Support Program (BISP), and UNICEF should be co-opted members of the Board. If such a system is set up, the Bureau will consist of this Advisory Board, one Head Office and a Child Protection Unit (CPU) in each district of the province. It will also retain a Panel of Advocates and manage a comprehensive CPMIS.

Conclusion

The Bureau can be an optimal model for collaborating on child protection issues. This section lays out action points, based on recommendations from this report, in an order of priority. Much has already been accomplished by conceptualizing the Baluchistan Child Protection Policy and the Bureau. Devolution has been a first step towards mobilizing the funding and readiness of the Baluchistan government to plan for its own needs in the social sector with a renewed commitment. While the challenges of developing a strong child protection system in the province may be daunting, close coordination across government departments, with civil society, and with actors at the district and

community level, can reap enormous benefits in the years to come. The key recommendations discussed are:

Laws and Policies

1. Passage of **CWPB**;
2. Establish a **Standing Committee** in the parliament to act as an oversight body;
3. Clarify administrative ambiguities created by the 18th Amendment;
4. **Ban corporal punishment** to be used against children;
5. Reform the **Guardianship Act and Employment of Children's Act** to make the process of acquiring guardianship status of a child a simpler process, institute a foster care system and a tracking system of children in guardianship;
6. Strengthen existing **trafficking** laws to include internal trafficking;
7. Amend **JJSO to override** preceding laws;
8. Provide protection to **child witnesses and child victims**;
9. Revise **Police Rules** to address child protection issues;
10. Make informal justice systems such as **jirga system** defunct.

Cooperation, Coordination and Collaboration

1. Make the **Bureau** functional as soon as possible so it can serve as an optimal model of coordination on child protection issues;
2. Set up **thematic issue-based working groups** under the Bureau;
3. Increase collaboration among the **Home Department's subsidiary units**;
4. Establish **Child Protection Committees (CPC)** at the community level.

Capacity Building

1. Create awareness among all **government employees** regarding the laws, policies and penalties related to child rights violations;
2. **Non-government/private sector**: Undertake capacity building of lawyers and social workers on child protection issues;
3. Streamline existing **civil society networks**;
4. CSOs should not take the lead in providing **basic services**;
5. Develop LG&RD Department capacity on **birth registration**;
6. Enhance the capacity of **parents** to protect their children and teach them life skills;
7. Review and update **courses** on child and family welfare at major universities;
8. Reduce frequent **transfers** within relevant departments;
9. Strengthen the capacity of the **Directorate of Reclamation & Probation**;
10. Enhance the **capacity of the Prisons** staff dealing with juveniles;

Service and Service Delivery Mechanisms:

1. **Establish CPUs** in all districts of Baluchistan;
2. Notify **Child Protection Courts**;
3. Establish a **Borstal Institution and Remand Homes under the Home Department**;
4. Set up a shelter home under the SWD;
5. Set up a **children's helpline** at the provincial level that is linked to the district CPUs;
6. Notify special **child labor inspectors** to monitor child labor violations in the province;
7. Expand schools for **disabled** to a larger number of districts;
8. Establish **formal link at the district level** between the Police and SWD.

Communication, Education and Mobilization for Change:

1. Increase awareness of community members on **laws** related to child protection;
2. Initiate a mass communication campaign on existing **services** for child protection;
3. Mass media campaigns to change negative **attitudes and norms** regarding practices such as child labor, corporal punishment.
4. Make **Life Skills Based Education (LSBE)** an official part of school curriculum;
5. Mobilization for universal birth registration, vaccination, hygiene and other basic needs.

Financial Resources:

1. Allocate funds for the **Bureau and CPUs** at district level promptly;
2. Set aside **funds and human resources** for child protection services provided by other government departments such as the SWD;
3. Allocate resources to enforce **implementation** of child protection related laws;
4. **Increase funding and the role of the PCPC** which should be operated by the Home Department, in close coordination with SWD, and other stake holders.

Accountability Mechanisms:

1. An **Advisory and Monitoring Board** including members from CSOs be constituted;
2. **Standard Operating Procedures (SOPs) and guidelines** for child protection services to be established by SWD;
3. All NGOs providing services to children must be **registered with the SWD and closely monitored** by the proposed Bureau.

SECTION 1. INTRODUCTION

1.1. Background and Rationale for Study

Until recently, children's needs have been addressed by the government and civil society organizations (CSO) on issue-based agendas, with goals developed to improve indicators and achieve progress in tackling specific issues. Child labor is one such example, as is trafficking in children. Programmatic and policy approaches to tackle the former are not integrated with efforts to tackle the latter. The concept of child protection, instead, seeks to bring collaboration and coordination among stakeholders working for the welfare of the children who are most vulnerable in our society.

In order to build a system to protect the most vulnerable children, clarity of understanding needs to be achieved first:

“By definition, a child protection system has certain structures, functions, and capacities, among other components that have been assembled in relation to a set of child protection goals.”(User's Guide¹: 18). The system “operates at several levels (ranging from the formal to the less formal), involves several nested contexts, and relies on different actors. ... The actors include children, the family, the community, and the state, and they can operate at one or more levels.” [User's Guide: 21, 7]

This approach is being applied to the Child Protection Mapping and Assessment (CPM&A) exercise in Pakistan and the different components of such a system have been mapped.

“Child protection systems are currently organized around a number of themes. This is evident in global legal frameworks and conventions, national policies and laws, government structures, NGO (non-government organizations) and civil society projects, and informal practices. The Toolkit breaks these themes down to **(i) birth registration; (ii) child labor; (iii) harmful cultural practices (e.g., female genital mutilation/cutting, child marriage, discrimination); (iv) physically, sexually, and psychologically abused and neglected children; (iv) children without adequate family care or alternative care, (vi) child mobility and child trafficking; (vii) commercial sexual exploitation; (viii) children and justice; and (ix) child protection in emergencies/armed conflict.** Using these themes as a way to gather information on what exists, enables the user to begin the process of creating an integrated systemic approach. In essence the themes become the building blocks of an integrated system.” [User's Guide: 16]

The purpose of the mapping and assessment exercise carried out in Baluchistan was to assist in future planning for an improved child protection system in the province. It comprised of two main areas (Box 1). The first was an assessment of the basic data with regard to the thematic areas; the capacity of government, non-government, informal and other actors to protect children at risk; and a review of laws and policies in place for the same purpose. Next, the task was to use this information for future planning, i.e. to assist in building a child protection system that would engage human and financial resources, services and key players in order to prevent children from risk and protect them more effectively.

¹ This document is not dated. It was produced for the purpose of understanding the toolkit to be used in the mapping and assessment of child protection.

Box 1. Summary of key objectives of study

Part 1: Assessment	Part 2: Future Planning
Key Risks facing children	How to improve services?
Capacity of child protection structures	How to coordinate key players?
Legal framework/Policy agenda	Financial and human resources required?

1.2. Pakistan in a Global Context

The first step of the mapping and assessment exercise was to contextualize Pakistan in terms of its global commitments. Since Pakistan signed the Convention on the Rights of the Child (CRC), it has committed itself to protecting children’s human rights and preventing their exposure to harm. Its other international commitments directly address some of the thematic areas under research in this report, such as the Convention on the Rights of Persons with Disabilities (ratified in 2011) and International Labor Organization’s (ILO) Worst Forms of Child Labor Convention (ratified in 2001). These commitments require Pakistan to report on their implementation and create systems within the country to achieve their goals.

The National Commission for Child Welfare & Development (NCCWD) created on an executive order is responsible for coordinating the implementation of and reporting on CRC. NCCWD is due to be replaced by the National Commission on the Rights of Child (NCRC). This is being deferred due to the delay in the adoption of the NCRC Bill at the federal level. To meet its reporting requirements, Pakistan submitted its Periodic Report to the UN Committee in March 2009. The Committee reviewed the reports and forwarded its concluding observations in September 2009. The Committee noted a “lack of a legislative framework harmonized with the Convention in many areas and delays in the adoption of laws”²; of particular concern was the delay in the adoption of the Child Rights Bill, the Child Protection (Criminal Law Amendment) Bill, the NCRC Bill and the implementation of the Juvenile Justice System Ordinance (JJSO) 2000.

Pakistan has made some progress in implementing its commitments with regard to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) but further action needs to be undertaken. The Ministry of Women Development is responsible for reporting on CEDAW. The UN Committee reviewing these reports was concerned, among other observations, that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honor, and that there is lack of accountability for these crimes; and that the Convention has not yet been fully incorporated into the domestic law of the State.³ The current mapping and assessment of child protection will take a similar view on these particular thematic areas as they pertain to children.

A summary of Pakistan’s international commitments relevant to child protection is on the following page.

²Committee on the Convention on the Rights of the Child (b). 2007.

³Committee on the Elimination of discrimination against Women, June 2007. Concluding comments of the Committee on the Elimination of Discrimination against Women: Pakistan. CEDAW/C/PAK/CO/3. United Nations.

Box 1. Pakistan’s international commitments relevant to child protection

PAKISTAN IS PARTY TO:	STATUS ⁴	DATE
Convention on the Rights of the Child (CRC), 1989	Ratified	12-Nov-90
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)	Ratified	12-Mar-96
Optional CRC Protocol on Sale of Children, Child Prostitution and Child Pornography	Ratified	5-Jul-11
Optional CRC Protocol on Involvement of Children in Armed Conflict	Signed	26-Sep-01
Optional Protocol to CEDAW (1999)	Non-Party	
Hague Convention on Protection of Children and Inter-country Adoption	Non-Party	
Hague Convention on Civil Aspects of International Child Abduction	Non-Party	
Convention on the Rights of Persons with Disabilities (2007)	Ratified	5-Jul-11
Convention Against Discrimination in Education (1960)	Non-Party	
Minimum Age Convention (ILO Convention #138, 1973)	Ratified	6-Jul-06
Worst Forms of Child Labor Convention (ILO #182, 1999)	Ratified	11-Oct-01
Convention Against Transnational Organized Crime (2000)	Ratified	13-Jan-10
(Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	Non-Party	
Convention Relating to the Status of Stateless Persons (1954)	Non-Party	
International Covenant on Civil and Political Rights (1966)	Ratified	23-Jun-10
International Covenant on Economic, Social and Cultural Rights (1966)	Ratified	17-Apr-08
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	Ratified	23-Jun-10
Indigenous and Tribal Populations Convention (1957)	Ratified	15-Feb-60
Convention Relating to the Status of Refugees (1951)	Non-Party	

1.3. Institutional Changes in Pakistan, i.e. Devolution (18th Amendment)

The domestic context of Pakistan’s social sectors has changed dramatically over recent years. Pakistan has gone through a significant process of devolution since 2009. The 18th Constitutional Amendment – enacted in April 2010 – and the 7th National Financial Commission (NFC) – enacted in December 2009 - have together devolved substantial administrative, fiscal and legislative powers to the provinces from the federal level. This devolution has addressed a long-standing politically contentious issue with respect to the federal character of the state. It has thus added to underlying political stability in what is a multi-ethnic state. However, there are a number of issues with regard to service delivery in general and child welfare and protection in particular that have surfaced as a result of this devolution and need to be addressed.

The 18th Constitutional Amendment abolished the concurrent list in the Constitution. This list had allowed both the federal and provincial governments to concurrently legislate on a range of issues pertaining to social, cultural and economic areas. After the 18th Amendment, 44 of the 47 items on the

⁴‘Accession’ is an act by which a State signifies its agreement to be legally bound by the terms of a particular treaty. It has the same legal effect as ratification, but is not preceded by an act of signature. “To **ratify** a treaty, the State first signs it and then fulfills its own national legislative requirements.” “**Signature**’ of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State’s intent to examine the treaty domestically and consider ratifying it.” [http://www.unicef.org/crc/files/Definitions.pdf]

concurrent list have been devolved to the provinces, i.e. the provinces now have exclusive administrative and legislative jurisdiction over these functions. These include education, health, population, social welfare, labor and others. From the list, it is clear that virtually all areas relevant to child protection have now come under the provincial domain.⁵

The 7th NFC award has created the requisite fiscal cushion for devolution of functions through the 18th Constitutional Amendment. At the vertical level, the Award has reduced the federal share in revenues from 57.5% to 47%. This vertical devolution of fiscal resources to the provinces has enhanced the revenue base of all four provinces significantly. Moreover, by broadening the criteria for horizontal distribution of resources, the share of smaller provinces in revenues has increased substantially. The magnitude of the fiscal impact can be gauged from the fact that in the last year before the new NFC Award was announced, federal transfers to provinces were Rs. 635 billion and the year after the NFC was enacted, it increased to Rs. 1033 billion and by 2011-12 had reached Rs. 1313.7 billion.

Baluchistan has been the biggest beneficiary of the new NFC award because of the new criteria for distribution of fiscal resources introduced for the first time in this award, i.e. inverse population density (with a share of 2.7%) and poverty and backwardness (share of 10.3%). As a result, its share in the divisible pool has increased from 7.17% to 9.09% - the biggest increase in share for any other province. Additionally, the Award also recognized that Baluchistan has been historically underpaid its share in the Gas Development Surcharge, and as such, has committed to pay Rs. 120 billion as arrears in this head accumulated between 1954 and 1991 over 12 years. As such, Baluchistan's revenues from federal transfers increased from Rs. 57.29 billion in 2009-10 to Rs. 113.1 billion in 2010-11.

There are numerous teething problems associated with the quantum of devolution that have come the province's way rather suddenly. There are primarily four areas that the provincial government will have to address to overcome these problems. The first is the lack of capacity of provincial governments in a number of areas to effectively formulate and execute policies and to monitor outcomes.

The second area is the lack of prioritization of social sectors, other than education in the incremental expenditure that has come about as a result of enhanced revenues. The Baluchistan Government has increased its development expenditure 2.5 times compared to the pre-NFC award era, but much of this expenditure has been directed towards communications. Similarly current expenditure, post-NFC has doubled, but aside from education, where the budget increased by 553% in the first year after NFC Award (mostly on account of filling in teacher's vacancies and salary/pension increases), there has been no notable prioritization of other social sectors. Since much of the increase is geared towards public safety/law and order, given the situation in the province, this priority is understood. However, over time priority in expenditure should shift towards substantive allocations towards the social sectors.

Third, while the NFC Award has increased the resource base of the provinces significantly, it has created an adverse incentive so far as their own fiscal effort is concerned. Given the new responsibilities and obligations that the provinces have undertaken as a result of the abolishment of the concurrent list, it is all the more important that they increase their revenue effort.

⁵ Although there is a provision that until the province does not legislate on a particular issue, existing federal legislation will remain on the statutes.

The fourth area where Baluchistan, along with all other provinces, has also failed is the development of a local government system. The third tier of government is constitutionally enshrined but it is a provincial subject, and the provinces have to enact the law and hold local government elections. Since important child protection functions have to be carried out by local governments, it is imperative that an effective local government system is put in place as soon as possible.

As stated earlier, these are teething problems and can be resolved over time. Civil society monitoring and advocacy to resolve these issues and donor support will be critical to overcoming these issues.

1.4. Report Contents

This Report is comprised of ten Sections. The next Section (2) introduces the study design and methodology. Section 3 lays out the provincial risk profile and basic data relevant to child protection. Section 4 introduces all the relevant federal and provincial laws that affect children, and efforts underway to streamline laws and policies in Baluchistan. Section 5 describes the formal systems and capacities in the provincial government to protect children. Section 6 is a discussion of what happens to children who come into conflict with the law. Section 7 maps out the broader context, beyond formal systems, that makes up the continuum of care for children, as well as civil society efforts and the situation at the district level. In Section 8, there is discussion on resource mobilization and fiscal accountability in the existing system. Section 9 brings the recommendations together, and maps out an optimal system for child protection, much of which is already being developed at the present time. This includes a costing of the optimal system, based on available data. Section 10 summarizes the main recommendations of the CPM&A.

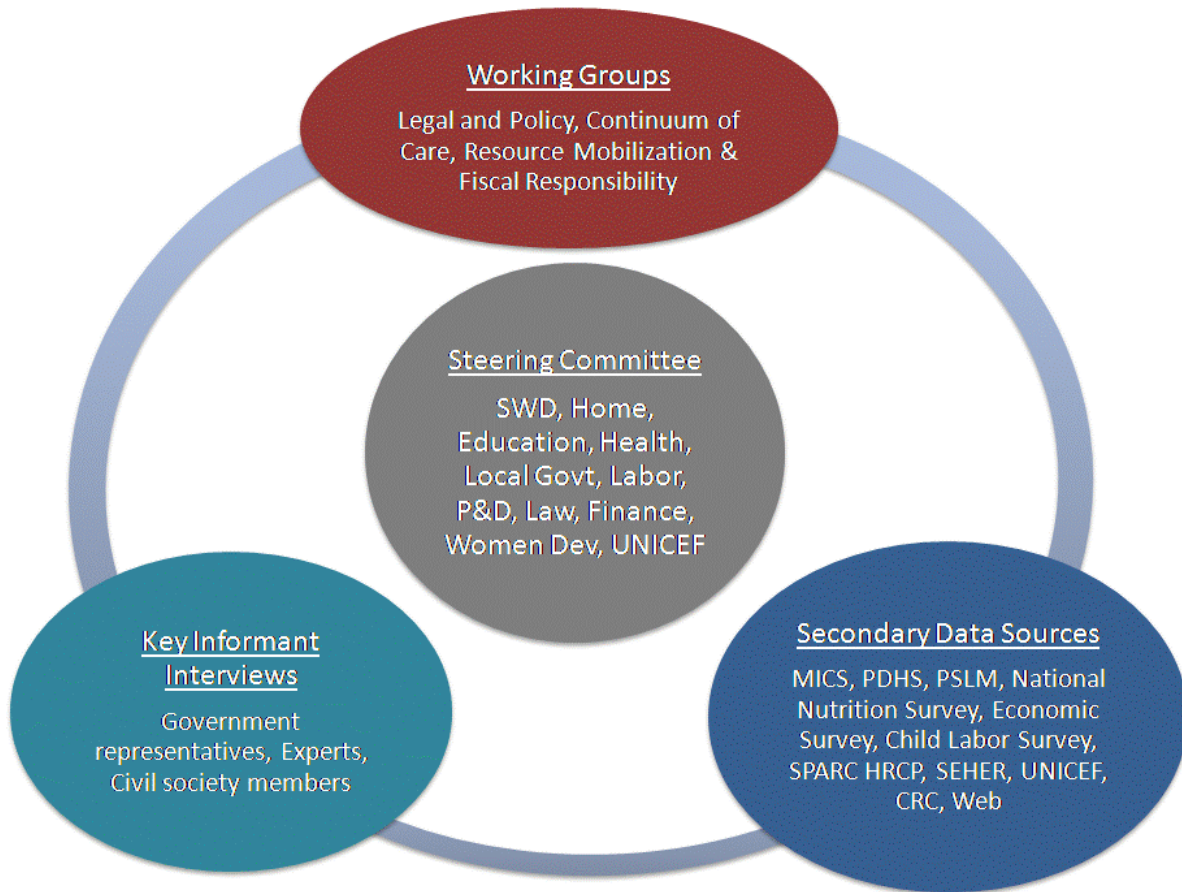
SECTION 2: STUDY DESIGN

2.1. The Process

The CPM&A was a comprehensive process that engaged stakeholders from government and civil society, as well as UNICEF. It was carried out from November 2011 until June 2012, and coordinated by consultants from the Collective for Social Science Research, Karachi. The process went through the following stages:

1. UNICEF **selected national consultants** to coordinate and conduct the CPM&A.
2. **Provincial Steering Committees** consisting of government department representatives who were stakeholders in the formulation of a child protection strategy for their provinces were **notified**.
3. The Collective for Social Science Research met with each Provincial Steering Committee along with UNICEF representatives to introduce the CPM&A Toolkit and process. **The Provincial Steering Committees amended and endorsed the Toolkit**, and named officials from relevant departments who would form Working Groups.
4. **Three Working Groups were established** for each Province as follows:
 - **Legal and Policy:** The first working group was formed to review legal and policy issues relevant to child protection;
 - **Continuum of Care:** The continuum of care working group reviewed the response to child protection in the province, including preventive and rehabilitation services provided by the government as well as civil society;
 - **Resource Mobilization and Fiscal Accountability:** The third working group reviewed the specific CP related budgets of key government departments, donors and multilateral agencies such as UNICEF
5. The Collective organized and conducted the Working Group meetings with the assistance of UNICEF and Provincial Social Welfare Departments (SWDs). The minutes of these meetings were subsequently reviewed by the SWD and approved and disseminated to all participants.
6. The Collective conducted **key informant interviews** with government and non-government representatives to gather information and data on the thematic issues highlighted by the Toolkit, systems in place to address these issues, and suggestions for improvement.
7. The Collective held **focus group discussions** with CSOs to discuss the provincial continuum of care spectrum for children and understand which organizations were engaged with child protection at the local level.
8. **Findings** from all the above interviews and synthesis of available data were **plugged into each provincial Microsoft Excel Toolkit**.
9. **Provincial Steering Committees** are to be **presented with the findings** of their respective provincial CPM&As and their endorsement is important to building a stronger child protection system.

Figure 1. Diagrammatic representation of study methodology



2.2. The Toolkit

The Toolkit referred to above is an Excel file organized to gather relevant data on all the thematic areas pertaining to child protection. Researchers entered into the toolkit all data gathered from various sources, including surveys and interviews.

“The **Mapping and Assessment Toolkit** consists of 20 inter-related tools with a number of questions embedded in each tool. These tools are organized into **five sections** in the Comprehensive Toolkit version. Those sections include **(1) General Provincial Information**, which establishes a context within which the system operates including the global legal and policy frameworks, the policy and legislative framework, and the specific risks that children face within a province; **(2) System Overview**, including system structures, functions, capacities, and the children and justice sector, with tools assessing the community context and role of civil society; **(3) Continuum of Care**, which assesses the protective environment, including norms and attitudes; **(4) Resource Mobilization and Fiscal Accountability**, which assesses the human and financial needs of the system and how well child protection is reflected during the budget process, and **(5) Moving Forward on System Development**, which allows users to frame and cost a program to develop the child protection system drawing on the results of the mapping and assessment.” (User’s Guide p.6)

The Toolkit was designed to generate and synthesize data, or lack of data, as well as recommendations in a condensed format. It can continue to be updated and used in order to guide future mapping and assessment exercises.

2.3. Outputs

The first output of the study was the set of completed Toolkits for Sindh, Punjab, Khyber Pakhtoonkhwa, Baluchistan and Gilgit-Baltistan. Second, a synthesis report for each province collated the findings from the CPM&A. Third, presentations summarizing the provincial findings will be shared with the Steering Committees comprising selected government officials in each of the provinces.

SECTION 3: PROVINCIAL PROFILE AND BASIC DATA

Baluchistan has the highest proportion of its population (48%) living below the poverty line among the provinces. Its progress against the Millennium Development Goals (MDGs) targets is overwhelmingly 'off track', which has serious consequences for children. **The under 19 population is estimated at 6.6 million, out of which 3.26 million are boys and 3.3 are girls.**

Compared to other provinces, its urbanized population is low at 23.3%. Life expectancy at birth is around 56 years and almost half of its population lives below USD 1.25/day.

None of the districts of Baluchistan can be considered food secure, and 90 per cent of the districts, home to 61 per cent of the population, have extreme or low food security (UNICEF 2012a: 20).

The floods of 2011 affected 0.3 million people, half of whom may be counted as children (UNICEF Pakistan Update 2011 Floods: Needs and Response in Sindh and Baluchistan). Although there was no need to set up Internally Displaced People (IDP) camps in 2011 and 2012, floods in the future may result in large-scale displacement and further setbacks to achieving human development goals. Matters are complicated further, as the province is also vulnerable to drought.

The challenges of child protection are made even greater by the ongoing civil conflict that pits different political groups demanding independence from the government, and the spillover effect of Afghan-War. In the past, government/military action has led to thousands of people being displaced in district Dera Bugti. Meanwhile this ongoing low-level strife is leading to the arrests and disappearances of a number of people, including some children. Activists put the number of missing, all ages, at 143, although this cannot be independently confirmed (Human Rights Commission Pakistan (HRCP) 2011: 42). An environment of lawlessness also prevails in parts of the province, resulting in kidnappings for ransom and insecurity for women. Recently there have been regular targeted killings of members of the Hazara Shia population, which has added a dangerous sectarian element to the situation.

There are a large number of Afghan refugees in Pakistan, due to the ongoing civil war in the neighboring country. One estimate, relevant only to the city of Quetta, is that 37,290 refugees reside in that area. (Society for Empowering Human Resources (SEHER) nd: 17)

3.1. Demographic and Macroeconomic indicators

Baluchistan is the least populated province in Pakistan and around 65 % of the population is estimated to be under age 19. Less than a quarter of the total population is urbanized, the remainder living across districts that constitute the largest geographic province in the country. Table 1 summarizes the demographic and macroeconomic figures for the province.

Table 1. Demographic and macroeconomic indicators

Indicator	Total	Male	Female	Source/Date
Total Population (thousands)	10054	5009	5045	Projection based on the growth rate between 2003 and 2007 as per the Pakistan Demographic Survey
Population (thousands) under 19	8027	3870	4157	Projection based on the growth rate between 2003 and 2007 as per the Pakistan Demographic Survey
Population (thousands) under 5	1736	870	866	Projection based on the growth rate between 2003 and 2007 as per the Pakistan Demographic Survey
Population that is urbanized, %	23.3%			Population Census 1998
GDP per capita (US\$)	\$410.00			Figure for 2004 as quoted in World Bank(2008) <i>Baluchistan Economic Report</i>

3.2. Child Health and Education Indicators

Girls are at a dramatic disadvantage when it comes to human development indicators. Far more girls are lost to infant and child mortality than boys, although the figures are unacceptably high for both sexes. Almost half as many girls enroll in primary and secondary school than do boys. The youth literacy is less than half of the age 15-24 cohort. Only 63% of boys in that age group are literate, while the figure of 26% for girls is stunningly low. As expected, the school enrollment ratios are far higher in urban than rural areas.

There is barely any data on HIV prevalence among the population of Baluchistan. According to the Department of Health, a total of 162 cases have been identified, which are not disaggregated by age. Further, there is no available data on children with disabilities, because unlike in Punjab, Baluchistan did not include the optional module on disabilities in its Multiple Indicators Cluster Survey 2010-11 (MICS).

Table 2. Child health and education indicators

Indicator	Total	Male	Female	Source/Date
Infant mortality rate (under 1)	72	63	82	Baluchistan Multiple Indicators Cluster Survey 2010 (MICS)
Under 5 mortality rate	89	74	107	Baluchistan MICS 2010
Maternal mortality ratio, reported	785			Pakistan Demographic and Health Survey (PDHS) 06-07:179.
Percent Under-5 underweight moderate & severe	41.8%			National Nutrition Survey, 2011, p 55
Primary school enrollment ratio, net	51.8%	62.6%	38.4%	Pakistan Social and Living Standards Measurement (PSLM) Survey 2010-2011
Secondary school enrollment ratio, net	28.9%	38.4%	15.3%	PSLM Survey 2010-2011
Urban school enrollment ratio, net	71.8%	79.0%	61.4%	PSLM Survey 2010-2011
Rural school enrollment ratio, net	44.8%	58.4%	27.1%	PSLM Survey 2010-2011
Youth literacy rate (15-24 years)	48 %	63%	26.%	Ministry of Education, Province Report 2008: 64 (Data for 2005-2006)

3.3. Birth Registration

Birth registration is a core indicator of child protection, without which children cannot access the benefits of citizenship in a modern state. It refers to the “registration of a child at birth with name, nationality, and right to be known and cared for by parents” (CRC Article 7).

Only 22.9 per cent of children have had their births registered, which is the lowest figure for any province in Pakistan. There is no major gender disparity in the figures for total birth registration in the population. However, there is a significant divide between urban and rural registration rates, which is to be expected.

Table 3. Birth registration

Indicator	Total	Male	Female	Source/Date
Birth Registration	22.9 %	23.7%	22.0 %	Baluchistan MICS 2010
Birth Registration, Urban	38.6%			Baluchistan MICS 2010
Birth Registration, Rural	18.8 %			Baluchistan MICS 2010

3.4. Child Labor

Child labor refers to “any work performed by a child which is detrimental to his or her health, education, physical, mental, spiritual, moral, or social development (CRC Article 23/33 Provisions)” Pakistan is signatory to the ILO Convention banning children from hazardous work up to the age of 14. The intricacies of the law related to child labor vary in different countries and in Pakistan the minimum age of employment is 14.

The last Child Labor Survey in Pakistan was conducted in 1996, and current figures are derived from a variety of additional sources, such as MICS. Unfortunately there are no accurate figures for children working in different sectors, such as hazardous industries and domestic work.

Figures from the MICS reveal that 17.3 percent of children in Baluchistan are engaged in child labor. There is some gender disparity according to types of work. According to the Child Labor Survey, for example, 31.6 of working female children are in the industrial sector, as opposed to only 6 per cent of boys. Girls also dominate among working children in the services sector. More boys work in agriculture.⁶

The fallout of work for children is greatest for girls: more working girls (62%) are not attending school than boys (47.2%).

According to data from the 2010 MICS, among children ages 12-14, child labor was highest in Sibi (26%), followed by Kalat (25%), Zhob (18.2%), Naseerabad (13.7%), Makran Division (13.5%) and Quetta (10.1%) (UNICEF 2012a: 69).

⁶ The 1996 Child Labor Survey was used to provide data on three sectors of the child labor force because this was required for the Toolkit and serves as a common source for all provinces.

Table 4. Child labor

Indicator	Value	Male	Female	Source/Date
Child labor (5-14 years) total	17.3%	18.8%	15.5%	Baluchistan MICS 2010
Children in labor force not attending school	53.2%	47.2%	61.9%	Baluchistan MICS 2010
Among working children, % in agricultural and mining sector	58.2%	59.6%	4.4%	Child Labor Survey 1996
Among working children, % in industrial sector	6.6%	6.0%	31.6%	Child Labor Survey 1996
Among working children, % in services sector	35.2%	34.4%	64.0%	Child Labor Survey 1996
Among children who work, percent unpaid	3.4%	4.0%	2.6%	Baluchistan MICS 2010: 115

There are at least 250 coal mines in Baluchistan, employing up to 40,000 workers, who usually come across the border from Afghanistan or Swat. They often serve as bonded laborers, digging in the mines in return for loans granted by the mine's owner. The average age for boys to start work is 13, according to one source (Bilal nd). An NGO that conducted a survey in these mines estimated that there were 437 workers under the age of 18 employed in this extremely hazardous occupation (SEHER 2007).

3.5. Harmful Cultural Practices

- **Child Marriage**

Under Pakistani law girls can enter marriage at age 16 and boys at age 18. CEDAW, to which Pakistan is signatory, stipulates that betrothal and marriage of a child below the minimum age should have no legal effect (Article 16). According to CRC, the minimum age for both boys and girls to enter marriage should be 18 years.

Table 5. Child marriages

Indicator	Value	Male	Female	Source/Date
Child marriage, total	4712	97	4615	PSLM Survey 2010-2011
Child marriage, urban	968	70	898	PSLM Survey 2010-2011
Child marriage, rural	3744	27	3717	PSLM Survey 2010-2011
Marriage up to age 15(percent)	6.70			Baluchistan MICS 2010
Marriage up to age 18 (percent)	34.60			Baluchistan MICS 2010

Among the provinces, the number of female child marriages usually outstrips the number of male child marriages. However, in Baluchistan the rural and urban numbers are not dramatically different (Table

3.5). The figures of marriage up to age 15 and marriage up to age 18 reflect the percentage of women married before these ages. The figures pertaining to child marriage (total), and rural/urban divides, are based on estimates taken from the data-set of the Pakistan Social and Living Standards Measurement Survey 2010-2011 (PSLM) and take into account the number of children currently married. The number of girls (n=4615) here is much larger than boys (n=97).

- **Honor Killing and Swara**

Comprehensive and reliable data on honor killings and other customary practices are extremely difficult to collect. Aurat Foundation has made a remarkable effort to collate data that should become a mainstay of recorded data kept by provincial governments, particularly in an age-disaggregated form. Data on honor killings is based largely on media reports, and it is unclear whether cases are actually increasing over the years or whether the media has grown more interested in reporting the crime. While the numbers are not as great as those for other child protection indicators, they do reveal the extent of vulnerability to the most severe form of patriarchal control. Tribal courts still continue to pass judgments based on *swara* (marriage in compensation) in some areas of Baluchistan but data on these practices was not available.

Table 6. Honor killing in Baluchistan

Indicator	Value	Male	Female	Source/Date
Honor Killings in 2010	36			Aurat Foundation 2011: 10
Honor Killings in 2011	81	25	56	Regional Director, Aurat Foundation (As quoted in Dawn)

Honor killings are the most frequent crime of violence against women that is reported. Out of a total of 79 incidents of violence against women in 2010, 36 were cases of honor killing (Aurat 2011: 50). There was no information available about the age group of the women survivors of violence.

3.6. Physically, Sexually and Psychologically Abused and Severely Neglected Children

Child abuse is the “deliberate act of ill treatment that can harm or is likely to cause harm to a child’s safety, well-being, dignity and development. Abuse includes all forms of physical, sexual, psychological or emotional ill treatment” (Save the Children, UK).

It includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in child pornography, and sexual slavery. Child sexual abuse may also include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material. (UNICEF CPM&A Toolkit 1a)

Child sexual abuse includes sexual activities with a child who is below the country’s minimum age of marriage, and the use of coercion, force or threats by an authority figure to carry out these activities (Article 18 of Council Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse). This form of abuse and exploitation includes child pornography, forcing children to witness sexual activities, and soliciting them for sexual activities (Articles 18-23 of above Convention).

Table 7. Child abuse reports

Child abuse	2010	2011	Jan-May 2012	Total
Baluchistan	453	269	191	913
National	5120	3592	2092	10,804

*Data supplied directly by Madadgaar

Madadgaar is an NGO that runs a helpline to support women and children exposed to violence. The above figures show that over a two and a half year period 913 cases of violence against children were reported in Baluchistan, out of a nation-wide total of 10,804. Gender disaggregated figures are available for 2011, revealing that 173 boys and 96 girls were among those seeking support

Table 8. Children subject to abuse

Indicator	Value	Male	Female	Source
Child sexual abuse reported by media (number) Jan-Oct 2011	18	9	9	Baluchistan Child Protection Management Information System (CPMIS) Jan through Oct 2011
Child sexual abuse reported by media (number) Jan-Jun 2012	58	33	25	Baluchistan CPMIS Jan through June 2012
Homicides in children reported by media (number)Jan-Oct 2011	13	5	8	Baluchistan CPMIS Jan-September 2011
Homicides in children reported by media (number)Jan-Jun 2012	9			Baluchistan CPMIS Jan through June 2012
Number of children missing (reported by media)Jan-Oct 2011	167	148	19	Baluchistan CPMIS Jan through Oct 2011
Number of children missing (reported by media)Jan-Jun 2012	69	68	1	Baluchistan CPMIS Jan through June 2012
Number of children kidnapped (reported by media)Jan-Oct 2011	40	23	17	Baluchistan CPMIS Jan through Oct 2011
Number of children kidnapped (reported by media)Jan-Jun 2012	5			Baluchistan CPMIS Jan through June 2012
Number of reported cases of violence against children Jan-Oct 2011	100	59	41	Baluchistan CPMIS Jan through Oct 2011
Number of reported cases of violence against children Jan-Jun 2012	66	39	27	Baluchistan CPMIS Jan through June 2012
VAW Survivors/Victims recorded in Baluchistan ages 0-18	0			Figure is for 2010, i.e. none reported. Data from Aurat Foundation. Parveen (2011:24)

The recent MICS included an optional module on attitudes toward domestic violence, which was included in the Baluchistan survey. The figure is arrived at by first determining the numerator, i.e. the number of women who state that a husband/partner is justified in hitting or beating his wife in at least one of the following circumstances: (1) she goes out without telling him; (2) she neglects the children; (3) she argues with him; (4) she refuses sex with him; and/or (5) she burns the food. The denominator is the number of women aged 15-49 years surveyed. The finding was that 53 percent believed at least one of these justifications for being beaten was true.

The value of collecting specific child protection related data is clearly demonstrated by having a dedicated CPMIS. The SWD in Baluchistan has recently set up a CPMIS and can provide data on certain

indicators that is likely to be more accurate than similar data provided from diverse sources regarding the other provinces. For example, the CPMIS recorded 100 cases of violence against children reported to during the quarter January to October 2011. Unfortunately the CPMIS still collects some data from media sources (regarding number of missing/kidnapped children and number of reported sexual abuse cases) but the hope is that it will soon access more direct sources of data.

The number of missing/kidnapped children is of particular relevance in Baluchistan because the reports include cases of children who are suspected of having been picked up by authorities in connection with political activity. In that context, 167 such cases over a three-month period in 2011 is indeed very disturbing.

The absence of age-disaggregated data on violence against women in Baluchistan indicates the difficulty in getting accurate information from a population which restricts access to women.

3.7. Children Without Adequate Family Care or Alternative Care

Alternative care is provided to those children whose families are unable to take adequate care of them or abandon/relinquish them. Alternative care may be formal or informal, including arrangements such as: kinship care, foster care, other forms of family-based or family-like care placements, residential care or supervised independent living arrangements (Guidelines for the Alternate Care of Children 2009).

Adoption is “the legal transfer of parental rights and responsibilities for a child which is permanent” (Save the Children UK, CPM&A Toolkit 1a). In Pakistan, adoption as such is not provided for in the law. Instead, courts can confer guardianship of orphaned children, but this can sometimes be a temporary, not permanent, responsibility. (CPM&A Toolkit 1a) A version of adoption/guardianship called *kafalah* in Muslims countries involves no change in kinship status but allows an unrelated child to receive care, legal protection and inheritance (Save the Children UK, Toolkit 1a). In Pakistan the most permanent form of family-based care permitted to orphans is guardianship.

Children without parental care are those who are not living in the overnight care of at least one parent. Such children who are out of their home countries or victims of emergency situations can be designated as unaccompanied or separate (Guidelines for the Alternative Care of Children).

Table 9. Children without adequate family care

Indicator	Value	Male	Female	Source
Children (0-17) orphaned by all causes (000s)	3.50%	3.3	3.8	Baluchistan MICS 2010: 124
Children's living arrangements	1.0%	0.8	1.2%	Baluchistan MICS 2010: 124
Children in alternative care (Jan-Oct 2011)	812	676	136	Baluchistan CPMIS presentation covering period of Jan through October 2011
Children in alternative care (Jan-June 2012)	487			Baluchistan CPMIS presentation covering period of Jan through June 2012.
% of children with one living parent (half orphans)	3.1	3.1	3.2	Baluchistan MICS 2010: 124

The Baluchistan MICS has recent data on orphans. The figure for orphans age 0-17 who are orphaned by all causes is 3.5% (p.124). Children living in alternative care number 812, according to the CPMIS in early 2012. Available facilities include one SOS home and one home run by the Edhi Foundation.

3.8. Child Trafficking and Commercial Sexual Exploitation

The number of children trafficked across border from Baluchistan into neighboring countries is disturbingly high; the Federal Investigation Authority (FIA) recently reported the figure of 697 to the Baluchistan CPMIS. Middle-men, sometimes even affiliated with government, have facilitated the cross-border trafficking, particularly to Iran. HRCP observes that Baluchistan has become the key transit point for people being trafficked from Punjab to Europe (HRCP nd).

There are reports from NGO sources on sexual exploitation in Baluchistan, but they cannot be considered comprehensive. Commercial sexual exploitation takes place in brothels located in cities, Quetta in particular. Children from refugee communities are particularly vulnerable (Munir 2004). A study on commercial sexual exploitation of children in Gwadar found that up to 1200 children were forced to engage in these practices (SEHER nd).

Table 10. Children and sexual exploitation

Indicator	Value	Male	Female	Source
Sexual exploitation of children	135			Baluchistan CPMIS presentation based on data supplied by three NGOs in Quetta.
Commercial sexual exploitation of children	27			Baluchistan CPMIS presentation Figures for Jan through October 2011
Number of children trafficked	697			Baluchistan CPMIS data, as received through FIA.
Number of children engaging in commercial sexual practices in Quetta	4160			Situation Analysis of Children and Women in Baluchistan (UNICEF 2012a)

There is no data on the number of children trafficked for commercial sexual exploitation, or labor exploitation, within Baluchistan or among the neighboring provinces. There is also no data available on the number of undocumented, deported, or migrant children within Baluchistan or among the neighboring provinces.

3.9. Children and Justice

There are very few children, all boys, who have been detained and sentenced in the past few years. For the month of October 2011, there were 84 juveniles under trial and 32 convicted.⁷ There were no females children reported as being held in detention. The reason for this may be that there is no facility to cater to female juveniles. In the case, that they are apprehended, they are kept in the women's ward. Data available for juvenile justice comes from the juvenile ward and the juveniles in the female ward go unreported. However, cultural practices dictate that it is more likely that a male child will be put in detention as compared to a female child who may be released or not apprehended at all in the first place.

⁷CPMIS Presentation, for month of October 2011

Table 11. Children in conflict with the law

Indicator	Total	Male	Female	Source/Date
Children in detention (under trial and convicted 2010)	49	0	0	Society for the Protection of the Rights of Child (SPARC) 2011: 78
Children in pre-sentence detention (under trial 2010)	38	0	0	SPARC 2011: 78
Custodial sentencing (2011)	6	6	0	

3.10. Emergencies and Armed Conflict

Baluchistan has seen displacement, hunger and insecurity caused by both natural disasters in the form of floods over the past few years and a deepening security crisis caused by the conflict between state and non-state forces. In the floods of 2011 alone, an estimated 150,000 children were affected. During the 2005-06 army operation, 33,600 children were displaced, and it is unclear how many families have been able to return to their homes by now. Intelligence agencies are believed to be behind the growing number of “missing” people arrested due to the political conflict, among them 141 children. Human rights organizations locally and internationally are attempting to have these people released as soon as possible, with only partial success. Table 12 summarizes information relating to children in emergencies.

Table 12. Children in emergencies

Indicator	Value	Male	Female	Source/Date
Number of missing children April 2010 and March 2011*	141			Asian Human Rights Commission http://www.humanrights.asia/opinions/columns/AHRC-ETC-031-2011
Number of children affected by floods in 2011	150,000 ⁸			Pakistan Update 2011 Floods: Needs and Response in Sindh and Baluchistan (UNICEF 2012b)
Number of internally displaced children (due to the military offensive in 2005-6)	33,600			Situation Analysis of Children and Women in Baluchistan (UNICEF 2012a)
Number of refugee children (registered with UNHCR)	140,800	68,992	71,808	UNHCR representative, Baluchistan
Number of Afghan refugees (registered with UNHCR)	352,000			UNHCR representative, Baluchistan
Minimum legal recruitment age	17			www.globalmarch.org/worstformsreport/world/pakistan.html
Estimated number of children released from abduction	35	15	20	CPMIS Presentation, not clear if it is related to armed conflict.

Baluchistan is home to a large proportion of Afghan refugees that have sought shelter in Pakistan over the last three decades. The number of refugee children registered with UNHCR is 140,800, out of a total of 352,000. The actual number is probably higher, since many refugees are not registered and cross-border movement is relatively easy.

⁸ This figure has been calculated by assuming that 50 % of the affected population are children.

An attempt was made to collect relevant data across many child protection themes but it was noted that in most cases data collection was very problematic for many reasons. Rigorous data collection is not a priority for many government departments or CSOs. Where data was available, it was not provincially representative and often pertained to a limited area or group of children; data was also not disaggregated by age. This is because of the lack of importance given to data collection and the low capacity of these organizations and departments collecting it. Figures for child abuse and children without family care or alternative care were very hard to collect as were figures for commercial sexual exploitation.

SECTION 4: LAWS AND POLICIES

This Section outlines the range of laws and policies that have a bearing on child protection issues and are applicable to the province. Legal and Policy Working Group members helped to analyze the laws and suggest recommendations for improving legislation where necessary.

4.1. Relevant Laws Applicable to Baluchistan

The table below outlines laws that have been adopted from national legislation and endorsed by the Baluchistan Government. Key features in each legislation have been summarized, gaps identified and recommendations made for improving existing legislation (i.e. the policy agenda for moving forward).

Box 2. Child protection federal laws applicable in Baluchistan

Name	Key Features	Gaps	Policy Agenda
Child Marriage Restraint Act 1929	Legal minimum ages for marriage. Boys = 18, Girls = 16	Discrepancy between male and female minimum ages; Minor penalties; Muslim family / Shariat laws override this law.	Minimum age of legal marriage for girl should be increased to 18 years. Penalties should be increased and this law should have overriding powers over other laws.
Juvenile Justice System Ordinance 2000	Process and standards for handling criminal cases for children (under 18)	Not explicitly against solitary confinement for children	Stronger implementation of law. Capacity Building of police, prison staff, lawyers and judges on legislation.
Employment of Children's Act 1991	Standards and working conditions for children. Lists occupations that are not allowed for children less than 14 years of age.	Contradiction between ILO Minimum Age Convention - Requires minimum age of employment that is greater than or equal to age at which compulsory education ends (i.e. 16 for Pakistan). Does not cover domestic and home based labor.	Employment under 16 should be banned; 16-18 should be regulated. Penalties should be increased. Contradiction between ILO and law needs to be resolved. Should regulate domestic and home-based labor as well.
Birth Marriage and Death Registration Act 1886	Birth Registration standards and procedures	Birth registration for children with unknown fathers not possible. Weak implementation	Rules and regulations (by-laws) for registering children with unknown fathers. Stronger implementation of legislation.

Name	Key Features	Gaps	Policy Agenda
Prevention and Control of Human Trafficking Ordinance (PACHTO)2002	Bonded Labor; Trafficking in and out of Pakistan	Does not cover organ trade, forced marriages, internal trafficking and use of children for drug trafficking.	Amend legislation to include internal trafficking, drug trafficking, organ trade and forced marriages. Legislation should explicitly provide rescue and rehabilitation services for child victims of trafficking
Pakistan Penal Code (PPC)	Minimum age for criminal responsibility = 7; Honor Killing; Corporal Punishment; Violence, murder, assault; trafficking; kidnapping; sexual abuse; forced labor (slavery / bonded labor)	While PPC does not hold children under 7 criminally responsible, children under 7 can be tried under <i>zina</i> laws and Anti-Terrorism Act. Corporal punishment is allowed if considered for best interest of child. Weak implementation of honor killing laws.	Increase min age of criminal responsibility to 12 (as per CRC recommendations). PPC should override <i>zina</i> laws and Anti-Terrorism Act. Corporal punishment under any circumstance should be strictly banned.
Criminal Law (Amendment Act) 2005	This law increased penalties for honor killings.	Allows the victim's family to negotiate a physical or monetary settlement with the accused in exchange for dropping cases, in keeping with the provisions of the Qisas and Diyat Laws	The proposed amendments on PPC and Criminal Procedure Code (CrPC) made by Aurat Foundation and lawyers should be adopted and passed by the Provincial Government.
Probation of Offender's Ordinance 1960	Under the Probation of Offenders Ordinance, 1960 if the court upon considering (i) age of offender and (ii) nature of offence, which should not be punishable with imprisonment for more than 2 years, is satisfied it is inexpedient to inflict punishment & a probation order is not appropriate, discharges offender after due admonition.	Implementation of law is poor.	The law needs to be implemented and judges familiarized with it in conjunction with the JJSO which urges probation as a preferred treatment for juveniles. Practice suggests that judiciary is not familiar with the provisions of this law.

Name	Key Features	Gaps	Policy Agenda
Guardianship and Ward Act 1890	Legal guardianship / kafalah	Full adoption under this law is not possible and the process can be complex. Foster care systems are not developed and there is no provision for tracking children in guardianship.	This law needs to be expanded to include foster care and formal kinship care and/or supplemented with additional laws regulating the above.
Bonded Labor System (Abolition) Act 1992	The Act abolishes bonded labor including in cases where families along with dependent children are bonded for labor in consideration of an advance payment. It mandates District Vigilance Committees (DVC) to monitor bonded labor.	The Bonded Labor System Abolition Act 1992 bans the practice of Bonded Labor without containing special provisions regarding children. Penalties for keeping bonded labor are not severe.	DVCs mandated under this act need to be made operational. Law enforcement officials and labor inspectors need to be sensitized to this issue.

Other laws include the Abolition of the Punishment of Whipping Act 1996, Control of Narcotic Substances Act 1997, Reformatory Schools Act 1897 (Child Rights Information Network Report 2011), Conditional Discharge (Article 4) or release on probation (Article 5) are alternatives to incarceration and are specified in the Probation of Offenders Ordinance, 1960, and Calamity Act of 1958 is mainly concerned with organizing emergency response.

In addition to these laws, a Child Rights Steering Committee established at the national level comprises of twenty members. These include two religious scholars to help ensure that policies promoted are in line with Islamic injunctions.

Box 3. Laws specific to Baluchistan

Baluchistan Local Government Act	2010	Birth registration, penalties for offence of failing to register births by head of household. Union council functions in registering births
Baluchistan Orphanages (Supervision and Control) Ordinance	1978	Provides for supervision and control over all orphanages. It is currently not implemented in the province and no Board regulating orphanages is functioning.

Baluchistan has a very comprehensive policy framework in place, i.e. the Baluchistan Child Protection Policy. It is to be implemented by the SWD and is based on concrete steps to be taken. However, it is not legally binding. It was not designed with formal consultation of children, although it identifies steps to improve their role in policy processes in the future. The Policy has clear guidelines on determining the best interests of the child.

The Policy has been further streamlined into a Child Welfare and Protection Bill (CWPB), which has yet to be passed by the Provincial Assembly. It defines a child as under the age of 18, however it will still be

variable depending on which existing law is being referred to. Children tried under the Anti-Terrorism Act can be punished harshly, i.e. by the death penalty, which is not permitted under other existing laws.

4.2. Legal and Policy Assessment in light of Child Protection Thematic Areas

What follows is a brief summary of how the above laws and policies influence the thematic areas of child protection. Further details may be found in the Toolkit.

Birth Registration: The Baluchistan Local Government Act 2010 mandates union councils to register births and prescribes penalties to heads of household for failure to do so. The Cantonment Act 1924 provides rules and regulations for birth registration in Cantonments. The National Database and Registration Authority (NADRA) Ordinance 2000, Birth, Marriage and Death Registration Act 1886 and Pakistan Citizenship Act 1951 are also relevant.

Problems: Birth registration is not free of cost, which is a major deterrent. There are vast differences in fees charged in different districts. Additional bureaucratic hurdles complicate the matter. Rural children, especially girls are registered less often in part due to restrictions on their mobility. Almost half of 546 union councils in the province lack basic facilities.

Deviations from CRC: Afghan refugees are issued proof of registration but not given nationality; NADRA's⁹ computerized registration does not allow for children without known fathers or children who are transsexual to be registered. Customary restrictions on girl's education and mobility have limited their awareness of the importance of birth registration.

Solutions: The CWPB will address some of the above issues. UNHCR¹⁰ is advocating a policy that would recognize birth registration as a right of refugee children. UNICEF, United Nations Development Programme (UNDP) and Plan Pakistan have initiated birth registration campaigns in selected districts (such as Gwadar) which have proven successful.

Policy Priorities:

1. Each Union Council must be made fully operational with regard to birth registration entry. Union Council secretaries should be provided with manual methods of registration so that the process can be started.
2. The procedure should be made simpler, i.e. the attestation requirement and double verification from NADRA and Union Councils should be addressed.
3. Districts with significantly low birth registration should be identified and more projects should increase awareness of birth registration and provide it free of cost.
4. All Union Councils should charge a standardized minimum fee for birth registration and no additional charges for issuing birth certificates.
5. The procedure for registering children with unknown parentage and refugee children should be clearly articulated in legislation.

⁹ The acronym stands for National Data Registration Authority which is responsible for issuing identity cards.

¹⁰ United Nations High Commissioner for Refugees.

Child Labor and Child Work: Employment of Children’s Act 1991 prohibits and regulates child labor. The Bonded Labor System Abolition Act 1992 bans the practice of bonded labor and Article 11(3) of the Constitution of Pakistan also prohibits employment of children under age 14 in hazardous occupations.

Deviations from CRC: Employment of Children’s Act 1991 defines a child as under age 14 instead of 18, and this too for only hazardous occupations. It also only addresses work in agriculture, household enterprises and domestic work. The ILO Convention 138, Article 2¹¹ states that the minimum age for all forms of child labor should be 15, and the minimum age may not be less than the maximum age for compulsory education, which in Pakistan is age 16.

Problems: Although the law allows for any person – including a child - to file a complaint under the Employment of Children’s Act, no such case has been reported. Legislation also does not provide for services to children who are workers, and inspectors from the Labor Department and police are not trained in prosecuting violators of the law. Child labor is also an accepted practice in society and there is little hesitation in employing them in hazardous occupations such as coal mining.

Solutions: The CWPB defines a child as under age 18 and prescribes penalties for failure to abide by this.

Policy Priorities:

1. Minimum age of labor should be increased to 16 to resolve the contradiction between ILO Convention 138 and national legislation.
2. Clarifying and defining the most hazardous forms of child labor and strengthening the Labor Inspection role in identifying and notifying culpable employers.
3. Prohibiting domestic child labor and addressing child labor and exploitation with severe penalties.
4. Families should be supported financially via conditional cash transfer programs and other safety net schemes to reduce economic pressures that drive children to work.
5. Passing of CWPB in Baluchistan.

Child Marriage: The Child Marriage Restraint Act (1929) is complemented by other laws relative to Muslim personal laws, family laws, Pakistan Penal Code and Criminal Procedure Code.

Deviations from CRC: The 1929 Act violates the CRC in defining a child as under age 16. According to Mohammadan Law, marriage is legal once the child reaches puberty. The Supreme Court in 2005 stated that no law or judgment could override the Shariat as a superior law.

Problems: There is no substantial policy dialogue on the issue, in part due to its wide cultural sanction and support from religious leaders. The Proposed Bill prohibits forced marriage, but does not mention child marriage. Meanwhile, marriages are often not registered in Baluchistan, which limits the role of government regulation. Child marriage laws come in the realm of religious law in Pakistan, hence there are variations based on religion. Existing laws do not provide mechanisms to children themselves for lodging complaints and conducting inquiries in case of violation. Implementing measures are also poor, e.g. the marriage contract does not require a birth certificate, and penalties for child marriages are mild and do not nullify the contract.

¹¹ <http://www2.ohchr.org/english/law/ageconvention.htm>

Solutions: The Child Protection Policy suggests raising minimum age of marriage to 18.

Policy Priorities:

1. Age of marriage needs to be standardized at 18 for both males and females and no other personal, family or religious law should have authority to override this.
2. Penalties for all those involved in child marriages must be increased and made more severe.

Honor Killings and Vani: The Pakistan Penal Code was amended in 2004 which added sections specifically addressing honor killings and outlawing Qisas as a possible form of compensation.

Deviations from CRC: The Criminal Amendment Act 2004 does not reference CRC and it is not yet clear whether it will be effective in abolishing this custom, as called for by CRC.

Problems: There is a legal confusion created by the compoundability clause of the Qisas and Diyat laws, which does not remove the option of compromise and waiver of offence. Advocacy groups maintain that the amended law is not being implemented and the courts and police are not doing enough. Police lack legal training, crimes go unregistered, data is hard to collect, and other problems persist (Lari 2011: 74-79). Honor killings are a major problem, largely in the few districts of Baluchistan that border Sindh and this practice is linked to a particular cultural attitude prevalent in those regions. Thus, while legislative change is an important first step, regulations that can moderate these specific cultural perceptions by ensuring strict enforcement and awareness of these laws are needed. Local tribal courts, *jirgas*, continue to pass judgments related to honor and the practice of offering girls in marriage to compensate for wrongdoings.

Solutions: There is an active policy dialogue calling for implementation of the law.

Policy Priorities:

1. Ensure implementation of amended law.
2. Clarify confusion created by Qisas and Diyat Laws.
3. Enforce implementation of the ban on Jirgas.

Child Discrimination: There is no specific legislation outlawing discrimination with regard to disabilities, sex, religious denomination and other categories. However, the Baluchistan Child Protection Bill ensures that all children will be protected from, all forms of discrimination and the government pledges to take all necessary measures to ensure this. Forms of discrimination include discrimination on the basis of race, color, creed, gender, ethnicity, social origin, and financial situation, degree/type of disability, status at birth, and marital status of parents (Chapter 1, point 4(5)). The Baluchistan Child Protection Policy 2011 as part of its mission states the Government of Baluchistan shall ensure the protection of all children from violence, abuse, exploitation, neglect and discrimination. A Children's Complaint Cell has been set up at the Ombudsmen Office in Quetta for complaints by, or on behalf of, children regarding malpractice or discrimination by a public servant or agency.

Deviations from CRC: There is no existing legislation in place that refers to child discrimination. All child marriage-related laws discriminate on the basis of sex when stating the minimum legal age for marriage

(it is 16 years for girls and 18 years for boys). *Zina* laws define adult differently for boys and girls. Traditional practices also encourage discrimination against girls to inherit.

Problems: There are no laws in place to address the rights of children who have been discriminated against. The public is largely unaware of the functions and services at the Children's Complaint Cell in the Ombudsman office. There is no interagency mechanism for collaboration on the issue of child discrimination.

Solutions: The pending Child Welfare and Protection Bill will address discrimination, and pledges that the government will adopt legislative measures to protect children. The Policy does the same. The Bill will also mandate a Bureau to be set up for collaboration on various child protection issues within government.

Policy Priorities: After passage of the CWPB, specific by-laws must be drafted to detail the services to be provided to children who have been discriminated against. This includes transsexual children.

Physical, Sexual and Psychological Abuse and Severe Neglect: There is no specific legislation that covers abuse. The PPC sanctions corporal punishment (Section 89). The Baluchistan government has issued an order that corporal punishment be banned in schools. However, this order does not have an overriding effect over a substantive law i.e. PPC. The draft Bill on the issue will resolve the problem)

Deviations from CRC: No legislation mentions the CRC. However, the Child Protection Policy 2011 does so.

Problems: There is no legislation that grants children at risk of violence, or subject to it, with rights to file complaints. There is also no legislation providing for services to children at risk of, or subject to, abuse. Customs that support child marriage, or forced/exchange marriage, leave girls open to abuse even within the institution of marriage. Bride price and honor killings are also linked with child abuse.

Solutions: The Policy 2011 commits to protecting children from abuse. The Policy spells out strategies to prevent abuse, and the Bill addresses physical, sexual and emotional abuse. A notification by the Education Department bans corporal punishment in school, but without meaningful impact yet. UNICEF and CSOs are raising awareness about the issue. Establishment of the Bureau will improve inter-governmental and inter-agency collaboration.

Policy Priorities: The CWPB must be passed immediately. The Child Protection Policy 2011 needs to be implemented in full.

Children without Adequate Care or Alternative Care: Adoption is not legal. The Guardianship and Wards Act 1890 allows for the court to grant legal guardianship to families. The Baluchistan Orphanages (Supervision and Control) Ordinance 1978 is meant to regulate the existing orphanages. However, it is not enforced.

Deviations from CRC: Law does not explicitly refer to CRC or the Hague Convention on Inter-country Adoption. The CRC takes into account a child's background, while no laws relating to child alternative care in Pakistan do so. The existing law does not explicitly promote/discourage family separation.

Problems: There is no child adoption law (laws being restricted to *kafalah* or guardianship). Traditional kinship structures usually absorb those children in need of care within their extended family. There is no law regulating or instituting formal kinship care or foster care systems.

Solutions: The Baluchistan CWPB commits to protect the rights of children without adequate family care. It commits to deliver a fostering service for children living away from family home, maintaining the delivery of a special guardianship service, and providing an aftercare service to children who are under special guardianship or under the care of the Child Protection Unit (which have yet to be established). The Bill does not discriminate among children depending on race, ethnicity, gender, etc.

Policy Priorities:

1. Passage of the Bill, followed by establishment of the Bureau and necessary systems is needed on an urgent basis.
2. All orphanages in Baluchistan should be registered with the SWD, who should then be responsible for setting standards and monitoring their quality.
3. Religious institutions that are providing alternative care facilities must be taken on board and included in this process of registration, monitoring and introduction of standards of care as they are currently not addressed.
4. Legal changes should be brought in the Guardians and Wards Act 1890 so that abandoned children are legally given into the guardianship of suitable persons in default of biological parents or nearer relatives.
5. Laws should be instituted that develop and regulate foster care systems.
6. Custody should be given after proper inquiry regarding the prospective guardian.
7. The case of every child should be supervised by the court through periodic reviews once the child has been given in guardianship.¹²

Child Mobility and Trafficking: Trafficking is addressed in a number of laws, including the PPC and the PACHTO 2002 (see above). Relevant sections of the PPC criminalize kidnapping from Pakistan and from lawful guardianship (Sections 366-B, 369,371,372,373). Baluchistan serves as a transit for trafficking to Iran, but children caught at the border were being treated as offenders, not victims, until recently.

Deviations from CRC: Existing laws do not reference the CRC. Pakistan is not party to the UN Trafficking in Persons Protocol 2000. The PPC provisions do not adhere to CRC definition of a child, do not extend protection from kidnapping to street children, nor criminalize all types of trafficking (ILO Trafficking Report 2006: 40).

Problems: PACHTO 2002 falls short of the UN Protocol by not recognizing transfer and transportation of persons as part of trafficking, neglects to include trafficking due to abuse of power and ignores trafficking within Pakistan [ILO Trafficking Report 2006].

The Ordinance does not recognize the end products of trafficking, such as organ trade and forced marriage. PACHTO has never been used to prosecute cases of cross-border trafficking of children in Baluchistan, and there is lack of data on internal trafficking of all sorts. The PACHTO 2002 does not

¹² <http://pakistan.childrightsdesk.com/?p=13471>

provide protection for children from being returned to the same environment from which they were exposed to trafficking (ILO Trafficking Report 2006). The custom of *valwar*, bride-price, encourages parents to marry their daughters to strangers in distant locations out of poverty. Begging mafias rely on trafficking, and *jirgas* allow forced marriages to settle disputes.

Solutions: Successful advocacy by UNICEF and CSOs resulted in the above-mentioned recognition of children as victims, not offenders, in cross-border trafficking. PACHTO 2002 requires the government to make arrangements for the shelter, food and medical treatment of a victim being an unaccompanied child or a destitute woman. FIA in collaboration with UNICEF has set up three rehabilitation centers for trafficked children, and the NGO SEHER facilitates reunion with their families. There is also a Police Child Protection Centre (PCPC) for children who are abused. There are three child protection cells in the province where children are kept, and then transported to Quetta. The CWPB explicitly refers to trafficking within Pakistan.

Policy Priorities: There needs to be more awareness-raising among professionals who work on issues of child abuse, exploitation or trafficking. There also needs to be an increase of law enforcement activities, investigation and prosecution of complicit government offices. Amendments to PACHTO, to strengthen it in light of above-mentioned problems are needed. There needs to be enforcement of Bonded Labor System (Abolition) Act, improvement in methods to identify victims, and strengthening of provincial labor departments' capacity to combat bonded labor¹³. A law to combat internal trafficking is needed, in conjunction with services provided for children trafficked within the country.

Commercial Sexual Exploitation: The PPC has laws relevant to sexual abuse and sexual harassment, trafficking, prostitution, coercion to have unlawful sex and rape. The Anti-Terrorism Act 1999 covers gang rape and child molestation, and PACHTO address trafficking of children (under age 18) for commercial sex. Pakistan ratified the Optional Protocol of CRC in 2010 that will require laws against child prostitution and child pornography to be made in accordance with CRC. Existing laws do not treat victims differently explicitly. The law does not grant children at risk of sexual abuse, or subjected to it, or witnessing it, with rights to file complaints.

Deviations from CRC: There is no reference to CRC or other conventions in existing legislation, including the PPC.

Problems: There are no legally mandated government services to protect children at risk of, or subjected to, sexual abuse. Confidentiality to protect children victims of abuse is not maintained, particularly by the media. Existing traditions and practices discussed above deepen the vulnerability of children to abuse for commercial purposes.

Solutions: The draft CPWB provides for CPUs to give protective and referral services to children at risk or subjected to sexual abuse. Two help desks have been established at two hospitals in Quetta to serve as focal points to coordinate with police on identified cases of sexual abuse, established with the support of UNICEF and DANESH, an NGO.

¹³Office to Monitor and Combat Trafficking in Persons. US State Department. 2011. *Trafficking in Persons Report 2011*. www.state.gov/j/tip/rls

Policy Priorities: The CPWB needs to be passed without further delay. Services for survivors of abuse need to be upgraded and expanded.

Children and Justice: The JJSO 2000 is the primary legislation dealing with this; however it does not serve to repeal laws that have preceded it. It does override them, except in relation to *hadd* offences and cases in special courts dealing with drugs and terrorism. In 2002 the government issued the “Baluchistan Juvenile Justice System Rules”.

Deviations from CRC: It is not specifically mentioned in the JJSO, but the CRC principles were adhered to in the drafting of this law. However there are a number of deviations from the CRC:

- Section 82 of the PPC establishes the minimum age of criminal responsibility as 7 years. Section 83 gives the court the arbitrary power to evaluate criminal responsibility of a child between 7 to 12 years, based on the child's maturity of understanding. The CRC does not establish a minimum age of criminal responsibility but the CRC Committee has developed a General Comment No 10 that encourages states to maintain the minimum age at 12 or above. The Beijing Rules recommend that the age be based on emotional, mental and intellectual maturity, and not be too low.
- While the JJSO prohibits death penalty for children, the Anti-Terrorism Law overrides the JJSO, meaning that children can be sentenced to death. Article 37 (a) of the CRC prohibits death penalty.
- Article 37 (a) of the CRC prohibits life imprisonment for children but Article 12 of the JJSO does not.
- Baluchistan Juvenile Justice System Rules 2002 allow for children to be handcuffed if need be, in contradiction to the CRC's principles.
- Hudood laws, and their religious sanction, are very important to child protection in the justice system, because in their current form, age has no bearing on conviction if a crime falls under Qisas or Hadd. Girls are liable for punishments from age 16 or attainment of puberty, and boys from age 18 or puberty. This is contrary to CRC, CEDAW, and the Constitution of Pakistan. The national government has withdrawn its original reservation on interpreting the CRC in light of Islamic laws, so it must proceed with making necessary changes to existing laws (Report on the Implementation of CRC in Pakistan 2003).
- Existing legislation and regulations are specified with respect to definitions of violations and associated consequences, and the handling of cases. The Baluchistan government has conferred the status of juvenile judges on five judges who may hear their cases, but other regulations are not in place. According to Section 3 of the JJSO, legal assistance at the expense of the state is to be provided to child offenders and child victims. Legal representation is arranged by families, or government or CSOs, and almost all children have access to legal representation. Children may approach the justice system for legal remedies, and a child (or someone on their behalf) may directly file a case in court. Children have access to legal representation even if they are illegally in the country.

Problems: The proposed CWPB does not address children in conflict with the law, although it is a critical area. Despite existing legislation, standards required are not in place, or rules to implement them are either absent or ignored. Children and adults are not strictly segregated in detention; there is no remand home; children's trials are not barred to the public, the probation department is very weak and probation officers are not effectively used in juvenile cases; and in most cases, judges are not aware of

relevant legislation. All children are not able to pay for bail, and assistance is not always forthcoming. Children are also exposed to mishandling at various stages of the justice process, due to lack of training of personnel and absence of specific services for their protection. Most violations take place at the initial stage when the child is arrested.

There are 22 police stations which have set up child desks, in collaboration with NGOs, to provide child friendly procedures. However, these desks are not institutionalized across all stations and not all police officers are trained. A database of court cases is maintained at the High Court.

Solutions: Familiarizing all actors with existing rules and regulations is more important than making new rules since several regulations exist that are not being adhered to. Specific directives need to be issued to the police, judiciary and prison staff to regulate the handling of the child at the stage of arrest, in detention and during the court proceedings.

Policy Priorities:

1. A policy dialogue needs to be started to address the departures from CRC in the existing laws and policies.
2. Baluchistan Juvenile Justice System rules should abolish handcuffing of children as per CRC requirements.
3. JJSO should override all other contradictory laws by amending section 14 of JJSO.
4. Juvenile courts should be set up, Borstal institutes should be established in each district and more probation officers should be appointed (at least 2 per district).
5. Civil society monitoring bodies should be set up to closely monitor treatment of children in police stations and jails.
6. Juvenile justice should be formally made part of syllabus of judicial, person and police training institutes. (SPARC 2010: 107)

Child Protection in Emergencies and Armed Conflicts: Pakistan is not a party to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. Pakistan has signed but not ratified the Optional Protocol on Children in Armed Conflict (Situation Analysis for Children and Women in Pakistan, UNICEF 2012). The Calamity Act of 1958 is mainly concerned with organizing emergency response. The NDMA Act 2010 provides for the establishment of national disaster management system for Pakistan meant to provide an effective relief and rehabilitation at the federal, provincial and district levels. A National Disaster Risk Management Framework was developed with government stakeholders and UNDP.

The Baluchistan Child Protection Policy explicitly provides for the protection of displaced children, refugees and children separated by conflict. It states that all children have the right to be registered and acquire a nationality as stated in the CRC, and that the Baluchistan government is to work towards building a system that leads to this. According to the Policy, all protective services are to be extended to displaced and refugee children.

Deviations from CRC: Legislation does not explicitly reference the CRC or other Conventions. There is no legislation on refugees and IDPs.

Problems: The existing Policy does not treat children differently on most counts, but registration of women and Ahmadis for relief with NADRA continues to be a problem. Ahmadis must declare themselves as non-Muslims to be registered and they are reluctant to do so; thus, they may be deprived of assistance.

Solutions: The SWD and UNICEF work in collaboration with Provincial Disaster Management Authority (PDMA) with respect to children in emergencies. PDMA is requested by Provincial Commission of Child Welfare Development (PCCWD) to nominate an official to attend any meeting by SWD and UNICEF regarding children in the affected areas. There is representation of PDMA and other relevant government line departments in the Child Protection Sub-Cluster meetings.

Policy Priorities:

1. The Baluchistan Child Protection Policy calls for a contingency plan for protection of children during emergencies to be implemented by the Department of Social Welfare and Special Education with PDMA. These children need to be monitored regularly and responsible organizations need to develop a rehabilitation plan for them.
2. With this in mind, it is necessary to define and develop a framework/legislation that deals with the protection of IDPs (with a special emphasis on children and children with disabilities).
3. A set of guidelines should be developed providing clear definitions of roles and responsibilities of all stakeholders, including government departments, military, donors, UN agencies, humanitarian organizations, and civil defense.
4. Disaster Management Authorities should develop public awareness programs of early warning and disaster education with the help of electronic and print media.

4.3. Recommendations

The policy priorities listed above serve as recommendations for further action in areas described.

SECTION 5. FORMAL SYSTEMS AND CAPACITIES

This Section will describe the overall child protection system in Baluchistan, and offer an analysis of its working. The SWD was identified as the primary department with respect to child protection and the Labor and Manpower Department (LMD) as the secondary department. This section will also map the SWD and LMD in terms of their work pertaining to child protection.

First, it must be noted that Baluchistan is governed quite differently from the other provinces in Pakistan. The province of Baluchistan is administratively divided into 6 divisions and 30 districts. Each district is then further divided into multiple *talukas*, which are further divided into a number of union councils. These divisions are made on the basis of population. Baluchistan is divided into 2 zones, A and B-zones. A-zones (4% of land mass of province) falls under the law enforcement of Police, while B-zones (96% of land mass of province) falls under the law enforcement of Levis, which are a community-based force raised by the tribal leaders of their areas. The population ratio for A and B-areas is roughly the same.

5.1. Overall Child Protection System in Baluchistan

Several Departments across the province play a role in child protection, including Social Welfare, Home, Labor, Health, Education, Local Government and Rural Development (LG&RD) and Women Development. Child protection is a comprehensive concept that deals with a large range of thematic issues, which requires that representatives of all of these departments coordinate and plan together how they will strengthen the system.

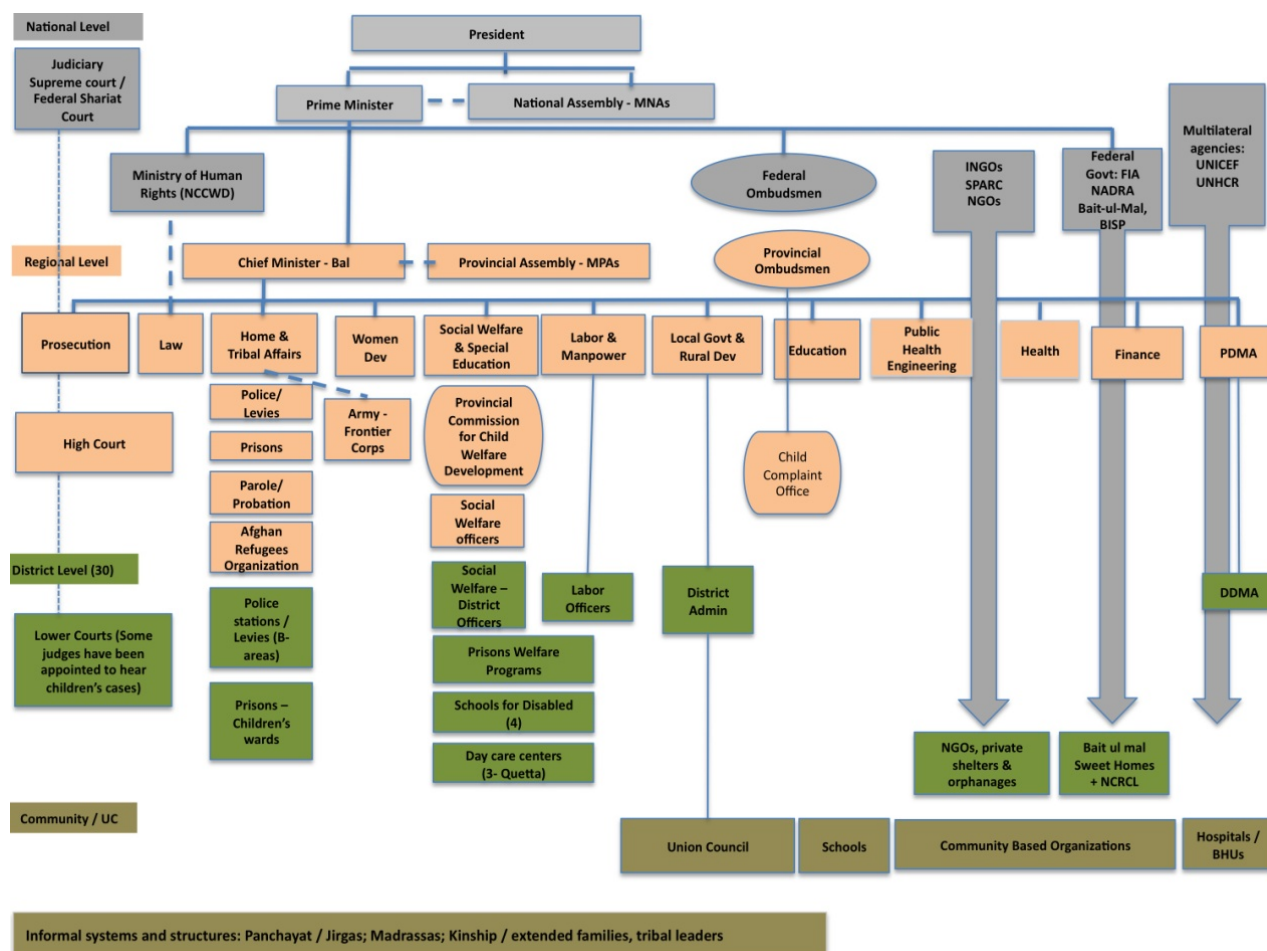
Several national bodies such as FIA, NDMA, NADRA and Bait-ul-Mal also play a role in child protection. Interviews have shown that their coordination with provincial departments is weak, in terms of strategizing and sharing of data. The organogram below brings together all those government bodies and networks relevant to child protection in the province.

The overall child protection system in the province is represented in Figure 2

- **Bilateral and Multilateral Agencies**

UNICEF has played a key role in drafting the Child Protection and Welfare Policy and Bill. It works very closely with the Social Welfare Department and NGOs to improve laws and services for children in need of protection. Other multilateral agencies such as UNHCR and ILO also have a role to play in child protection issues related to Afghan refugees and child labor. UNHCR addresses child protection issues related to refugees and internally displaced children. The international NGO Save the Children (Sweden) and Care International, as well as the Canadian Development Agency have funded research and projects on child abuse. Capacity training and funding is also provided by these agencies to local CSOs, which become implementing partners of various projects.

Figure 2. Overall child protection system in Baluchistan



- **Working Groups**

Emergency Cluster (led by UNHCR): An emergency cluster was established during the time of floods by UNHCR. Under the emergency cluster, two sub-clusters were developed, child protection (headed by UNICEF) and gender-based violence (headed by UNHCR). The clusters were developed at a provincial level as well as in districts affected by the disaster.

Sub-cluster on Child Protection Activities (led by UNICEF) is activated during emergencies and has a specific role of organizing relief and conducting rapid assessments. A large number of NGOs, community based organizations (CBOs) and government officials are represented in these clusters and they meet regularly. It is chaired by the SWD and has representatives from all relevant government departments, PDMA and NGOs working on disaster relief.

The Sub-cluster has developed Standard Operating Procedures (SOPs) with regard to missing, separated and unaccompanied children in emergencies, which are based on the Core Commitments for Children developed by UNICEF. It has served as an excellent platform for relief services to coordinate their efforts during emergencies. Frequent change of cluster members has led to difficulties in information sharing.

The direction and roles of the PDMA and SWD are confused in terms of coordination and service delivery.

Working Group/Steering Committee Birth Registration: This is chaired by the Secretary, LG&RD Department, and notified by the Additional Chief Secretary. Its mandate is to increase birth registration rates. Members include Departments of Social Welfare, Health, Education and Labor, as well as NADRA and UNICEF. It has planned and implemented a UNICEF-funded project to increase birth registration in eight districts (Noshki, Kila Abdullah, Pashni, Jaffarabad, Nasirabad, Sibi, Loralai and Lasbela). It meets quarterly. It has, however, been unable to develop a uniform approach across the province and standardize the fee structure.

Child Rights Steering Committee: Its purpose is to provide an oversight and coordination role regarding all child protection interventions. It was also mandated to coordinate efforts on filling the CPM&A toolkit. It is chaired by the Additional Chief Secretary Planning and Development, with representatives from other relevant departments.

Accountability to Individuals: A Children's Complaint Office has been set up at the Provincial Ombudsman office in Quetta. The Provincial Ombudsman has been authorized to serve as the Children's Ombudsman as well. He has not received special training for this role. He has the power for subpoena and independent investigation. However, the public is largely unaware of his office and does not know the procedure for filing complaints.

A help line for children at his office is supported by UNICEF and operated by the Family Planning Association of Pakistan (FPAP), to provide protection services including legal aid, psychosocial support and advice on health and education issues to the food affected districts of Quetta, Naseerabad and Jaffarabad in Baluchistan. The helpline has so far provided support to 1,549 children and 1,105 women this year, and referred 434 cases for other services.

- **Social Protection and Child Protection**

The Benazir Income Support Programme (BISP) is a federal cash transfer program targeted at women from the poorest households across the country. It plans to include child protection in its conditional cash transfer program for education and health that is currently being planned. Federal-level Zakat collection and distribution is also aimed at the poor. The Bait-ul-Mal runs programs for food support and orphans. All of these programmes run alongside provincial systems and structures, with minimal interaction between the two.

- **Human Resources**

There is no set of skills and training required to be a social worker in Baluchistan. The term is used to distinguish both professional and volunteer social workers. There is no licensing process for social workers either. There are also no programmes to train other professionals, such as health workers and educationists, to recognize child abuse and neglect.

University of Baluchistan and Sardar Bahadur Khan Women University have departments of social work with highly qualified faculty members. Students need to produce a research paper, based on fieldwork, to complete their degree. Coursework needs to be updated with focused information related to child

protection thematic areas. NGOs such as SPARC and SEHER provide training in social work for government officials and NGO workers. However quality is not standardized and it would be preferable if such training were to be institutionalized in the public sector.

The approximate number of graduates from departments of social work is 60 women and 250 men, including those who study at an undergraduate and a graduate level.

Lawyers do receive some training on the JJSO in their curricula, but it is not taught in sufficient detail. There is no systematized program of continuing education for them either.

- **Adoption/Kafalah/Guardianship**

There is no system of adoption or foster care in Pakistan. Children without adequate care can be placed in orphanages or residential institutions. Formal granting of guardianship goes through the family court and serves as the best alternative to domestic adoption. For inter-country adoption, local family court authorizes guardianship status, after which the country where the child is to be taken takes over the adoption process. No formal kinship care system exists in Pakistan but informal kinship care is quite common. Relatives often take responsibility of children whose parents are dead or cannot care for children for other reasons. However, no state support is given to families that informally care for these children.

There is no registry of orphanages, and of institutions offering alternative care. Furthermore, no reliable data is available on number of children under guardianship or in residential institutions. Standards for residential care facilities have been developed by UNICEF and SWD, and they are soon to be implemented.

There are very few residential care facilities for children under three years of age. SOS village has one facility in Quetta. Meanwhile, Bait-ul-Mal has two such facilities (in Quetta and Zhob), but these cater to children over three. There are three other orphanages in Quetta: Dar-ul-Falah, Dar-ul-Sakoon and Edhi Shelter Home. These institutions are not put through any registration process nor do they adhere to SOPs yet.

- **HIV/AIDS and Child Protection**

The incidence of HIV/AIDS is very low in Baluchistan: 162 HIV positive cases identified, including adults. Nationally, there are 200 pediatric cases identified. Nonetheless, there is a Baluchistan AIDS Control Program funded by the World Bank and run by the Health Department. Pakistan does have a National Strategic Framework II (2007-2012) to prevent a generalized epidemic and eliminate stigma and discrimination against the infected and affected. In Baluchistan, the Child Protection Policy recognizes the link between child labor and the increased vulnerability of children to infection with HIV/AIDS.

Under the National Aids Control Programme HIV positive mothers are difficult to track once they are registered. In Baluchistan there are 28 screening centers. There is no Prevention of Parent to Child Transmission (PPTCT) center in the province. The Pakistan report to the 27th United Nations General Assembly Special Session (UNGASS) 2010, notes that HIV pregnant mothers, who give birth out of PPTCT centres, are not being tracked. The government needs to improve capacity building for pediatric HIV management.

- **Emergency Preparedness and Response**

The PDMA has lead responsibility in emergency preparedness and response. A Child Protection Cluster (see above) acts as the primary coordinating mechanism of activities. PDMA is responsible for maintaining an overall emergency contingency plan, and UNICEF takes the lead in ensuring that child protection issues are adequately addressed. For this purpose it set up Child Friendly Spaces (CFS) and CPUs to cater to immediate needs. One CPU was set up in Jaffarabad and one in Naseerabad for the recent emergency and recovery period but they are no longer active.

UNHCR is primarily responsible for delivering services to refugees and internally displaced children. It works with the Afghan Refugees Organization, a government body administered by the Home Department. NGOs act as implementing partners in service delivery supported by multilateral organizations such as UNICEF. These include health care, counseling, shelter, and food. These NGOs are members of the clusters and coordinate their efforts with the provincial government.

When the immediate emergency at hand is over, and funding is no longer available, the above-mentioned efforts collapse.

Awareness of child rights and protection during emergencies is primarily the role of civil society and media, but there is a lack of coherence and no integrated awareness/communication campaign. The PDMA, police, and armed forces do not have a role here. UNICEF offers members of the Child Protection Cluster extensive training on child protection during emergencies. It also trains affected communities, not only on child protection, but on pre-emergency preparedness.

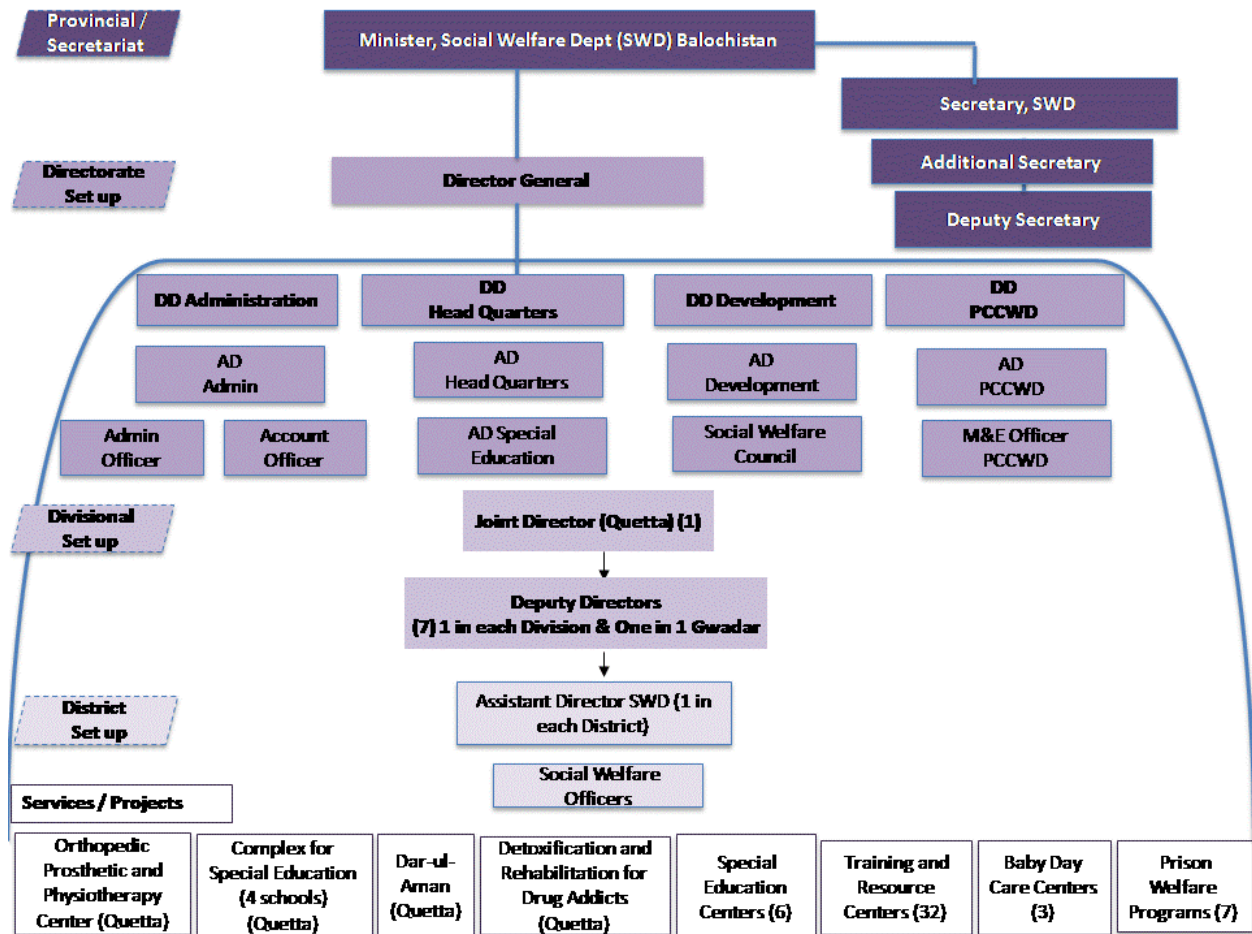
5.2. Primary Department: Social Welfare Department

The SWD in Baluchistan has two Directorates: the Directorate of Social Welfare and the Directorate of Literacy and Non-formal Education. The Department¹⁴ is responsible for the (i) registration and control of voluntary social welfare organizations;(ii) supervision and control of orphanages;(iii) special education; (iv) rehabilitation of poor and destitute, through training and rehabilitation center; (v) welfare of aged persons and rehabilitation of drug addicts, eradication of social evils, (e.g. vagrancy);(vi) coordination of social welfare programmes/schemes; and (vii) providing shelter to children without adequate care. The Department also registers special children and issues them disability certificates.

The child protection mandate of the department is to provide shelter to children in need of care and protection, manage the CPMIS which collects data regarding these children, provide education to children with special needs, and rehabilitate children who are involved in substance abuse. The department also plays a child protection role during emergencies.

¹⁴ <http://www.Baluchistan.gov.pk/social-welfare,-special-education,-literacy/-non-formal-education-&-women-development>

Figure 3. Social Welfare Department organogram



• **Coordination**

There is poor coordination among the SWD and other Departments in the provincial government, and also with civil society groups or federal institutions. For example, officials may not be aware whether Home or Social Welfare should address a child abuse case and what the procedure for coordination between the two ought to be. At the district level, officials also may not be aware of their Department mandates. A body needs to be established to oversee coordination across government departments.

The PCCWD is a subsidiary department of Social Welfare, and it has primary responsibility for child protection. However it does not manage all the services/projects that play a role in child protection, as shown in the organogram above. When a child in need comes to the attention of officers at SWD, it usually refers that child to a CSO for further care.

• **Gaps in Services**

There are no shelters or residential services for children at risk run by the SWD. There is no presence of the SWD at the Union Council level; however, there are District Officers in every district who report to the Deputy Director of the division.

SWD lacks capacity to register and monitor other institutions (i.e. voluntary social welfare organizations). It has expressed an interest in maintaining a list of unregistered institutions related to child protection so as to get them registered. With regard to special children, however, it registers them and awards them with certificates to enable them to use SWD services for the disabled.

There are no preventive services in place, however, SWD plans to build one shelter home for street children to protect children in need from abuse. The Rehabilitation and Detoxification Center is mainly for adults, although a few cases of children under age 18 have been reported.

The current helpline run by the FPAP may be taken over by SWD, yet it still lacks a system of services for children in need.

- **Resources**

The SWD lacks adequate resources to support all of its projects, and it also cannot afford to contract out any services. The SWD is undervalued within government and therefore underfunded as well.

- **Capacity Building**

The PCCWD in collaboration with UNICEF conducts different training workshops throughout the year on child protection areas including juvenile justice and emergency contexts. However, there is no pre-service training specifically for SWD staff on child protection.

- **Emergency Contexts**

The PDMA looks to the SWD to fulfill certain responsibilities. These are:

1. Make institutional arrangements (establishment of a committee, establishment of outreach offices) during disasters, and arrangements for provision of relief and recovery assistance to most vulnerable social groups.
2. Manage post-hospitalization care, recovery and rehabilitation of poor and vulnerable casualties after disaster.
3. Manage upkeep and rehabilitation of all vulnerable groups in post disaster scenario.

It cannot fulfill this mandated role as it does not have sufficient budget or infrastructure.

However, during emergencies, a cluster is mobilized including representatives of PDMA, UNHCR, UNICEF, SWD, CSOs, and Deputy Commissioners of districts involved. A sub-cluster of the emergency cluster is also formed to undertake child protection activities.

There is an overall emergency contingency plan drawn up by the PDMA in consultation with government departments and UN agencies. SWD provides input during the consultation process prior to the plan being finalized. Other than this, the department does no preparedness planning for emergencies and is only active in this context during the emergency. SWD's PCCWD plays no special role during an emergency. PDMA's contingency plan has a separate component dealing with child protection.

However, the SWD staff has to learn on the ground during the crisis situation. Some efforts to train SWD officers are being made in eight districts.

The emergency cluster creates important linkages among different organizations and puts into place an effective referral system. It allows for coordination with CSOs, donors, and other government departments and agencies. There are monthly inter-cluster coordination meetings in which representatives from all UN agencies participate. Since the 2010 floods, the SWD has conducted some sessions in eight districts of Baluchistan to build up informal community-based child protection measures.

5.3. Secondary Department: Labor and Manpower Department

With regard to child protection the LMD plays a secondary role among government departments. Its role is to mitigate child labor, especially the worst form of child labor (WFCL) and promote labor rights. A provincial level child labor unit has been established at the Directorate of Labor that looks after child-related cases. LMD has appointed a focal person for child related issues. The organizations currently in contact with the department include SPARC, SEHER, SANJOG, and BSDS. Recently SPARC and LMD have coordinated to initiate the Employment of Children (Amendment Bill) 2011.

LMD is mandated to register and forwards child labor cases to the labor courts. Other than this it does not conduct special activities to prevent child labor. Identification of children in need of protection is done through labor offices in the district; however, this capacity is extremely weak. The Department does not play a role in setting standards for child protection services, such as child labor prevention.

The LMD provides training to semi-skilled and skilled workers. One of its training centres is an Industrial Home in Kalat which will become a Technical Training Centre for boys. Also, the Department targets vulnerable groups which include: unemployed youths, drop-outs from educational institutes, rural women, jail inmates, drug addicts and rural women, by providing them with literacy training. Institutions such as vocational centres for embroidery and carpet weaving, technical training centers and vocational centres through Zakat funds, and polytechnic institutions are open to them.

Child Protection is not a priority of LMD, hence it has no sub-provincial set up specifically for child protection issues. The LMD also lacks the coordination among different departments for combating child labor. It does not help that the law is contradictory in establishing age limits for child labor.

Each district is meant to have labor officers; however, this is not the case. SEHER has trained only some labor inspectors with regard to child labor issues. Priority is not being given to the prevention of child labor and there are no systems/mechanisms in place to monitor child labor activities. LMD does not have SOPs for preventing abuse, harm, and harassment of children involved in child labor. Considering child labor in Baluchistan is such a grave issue, especially for those children working in mines and other hazardous industries, this should be formally taken up by the Department.

5.4. Recommendations

- **Laws, Policies, Standards and Regulations**

- System such as foster care should be developed for children without adequate family or alternative care. Guardianship and Wards Act should be reviewed to streamline the process of granting guardianship to individuals.
 - A system to track children who are under guardianship and those living in residential institutions should be established.
 - SOPs for residential homes and orphanages need to be enforced by the SWD.
- **Cooperation, Coordination and Collaboration**
 - A formal system of coordination including SWD, CSOs, federal institutions (such as FIA, Bait-ul-Mal and BISP) and other provincial Departments, including Home, Law, Labor, Health, Education, Zakat, Finance, LG&RD and judiciary needs to be notified. The mechanism should cover all thematic issues pertaining to child protection. (It appears likely that this will come into place upon the passage of the CWPB when the Bureau will be established.)
 - There should be coordination between the federally administered services/ structures and provincial departments in order to effectively use existing services rather than setting up parallel services. This would include liaising closely with Bait ul-Mal, BISP and Zakat Department.
 - Thematic issue-based working groups could be set up through the provincial government to tackle specific issues; e.g. a Working Group on Child Labor, Working Group on Honor Killing, etc. These need to have representatives from all relevant government departments and civil society.
- **Capacity Building**
 - Frequent transfers have a negative effect on the capacity of departments to execute projects. This issue must be addressed on a priority basis.
 - Social Welfare Officers who are posted in districts must be given at least 3 months of training or be attached to other Social Welfare officers before they are allotted a district so that they are aware of their responsibilities.
 - Capacity of district labor officers must be developed on child rights and child labor laws. They should be empowered to monitor adherence to child labor laws as currently they have very little to no authority in doing so. Child Labor inspectors should be made aware of their Terms of Reference and be trained accordingly.
 - Interactive training seminars involving government and NGO stakeholders on child protection concept and system-building are necessary.
 - A review of courses on child and family welfare being offered at major universities should ensure they are comprehensive and cover all areas of child protection and welfare.
 - The subject of Child Welfare and Protection may be included in the pre-service and in-service Training Courses of Federal Occupational groups and Provincial Administrative cadres i.e. in Civil Services Academy (Lahore), Mid Career Management Course etc.
- **Service and Service Delivery Mechanisms**
 - The Bureau made functional as soon as possible.
 - CPUs should be established under the Bureau. These units must have coordination with public and private shelters, orphanages, and should provide legal and psychosocial services for children.

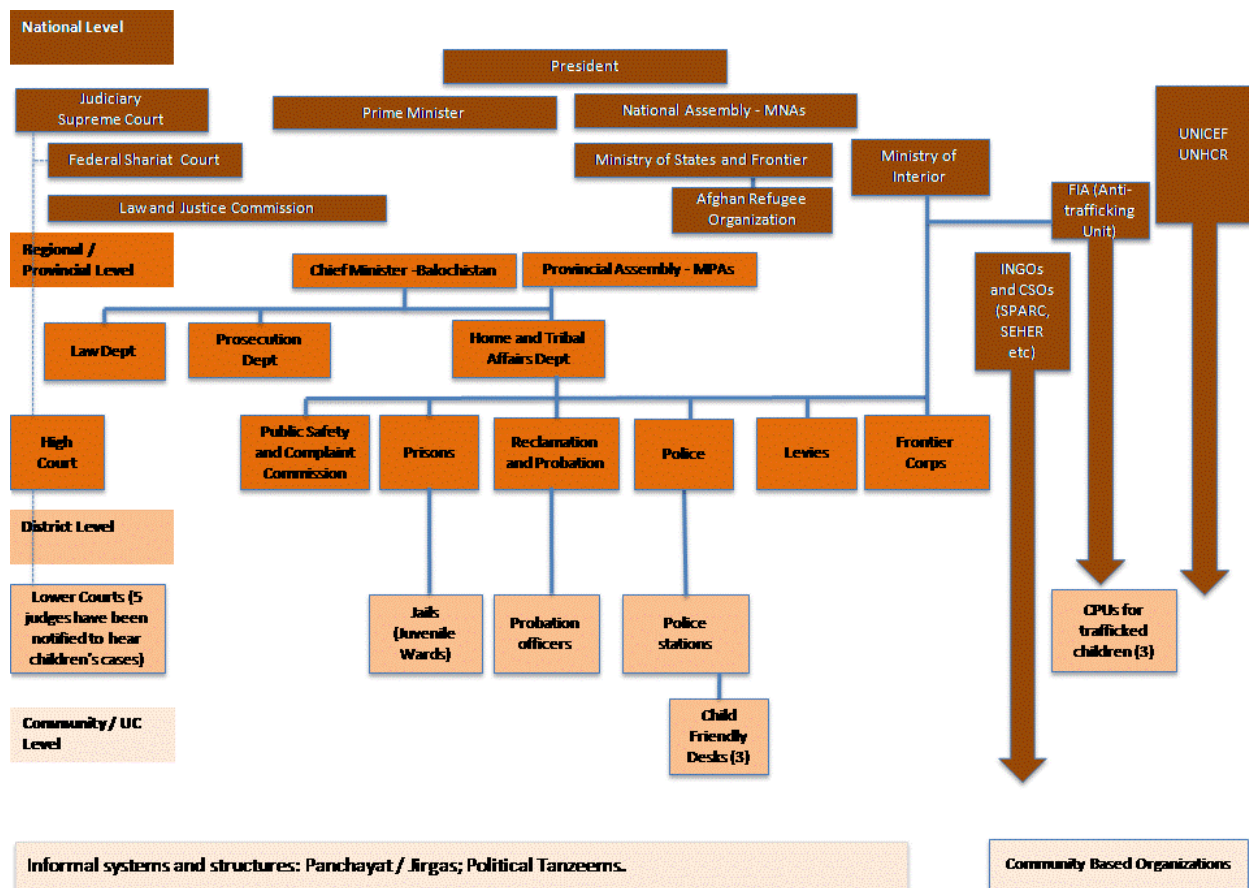
- Child protection services such as rescue and rehabilitation services, legal and psychosocial services and residential institutions of children in need of protection need to be increased.
 - The shelter home and Borstal institution planned by SWD need to be made operational as soon as possible.
 - A children's helpline should also be set up that is linked to the district CPUs. A helpline was established by FPAP (with the support of UNICEF) in Quetta, Naseerabad and Jaffarabad during the floods. This helpline could be expanded to other districts and eventually operated by the SWD.
 - Special child labor inspectors must be assigned to monitor child labor violations in the province.
 - The service being provided through schools for disabled currently operating in only a few districts should be expanded to other districts.
- **Communication, Education and Mobilization for Change**
 - A mass communications campaign is needed to make community members aware of existing services for child protection, including the Children's Complaint Cell.
 -
 - **Accountability Mechanisms**
 - SWD needs to establish SOPs and guidelines for the provision of different child protection services in order to strengthen their internal accountability.
 - A registry of all orphanages and residential institutions needs to be maintained by the SWD or the Bureau once it is established. It should be responsible for inspection, quality control, and regulating standards for private and public institutions. In the future, this could be assigned to district child protection officers working at CPUs.
 - The Ombudsman should be empowered to take disciplinary action for negligence and misconduct by police, probation officers, prisons, and other relevant government bodies dealing with child protection issues. Its recommendations should be made binding.
 - **Financial Resources**
 - The government needs to prioritize child protection as a major concern and set aside funds and human resources to establish necessary programmes and support services for SWD and LMD to fulfill their emergency mandate.
 - A Child Welfare Fund (as proposed in the CWPB) may be created with seed money by the Government and open to all philanthropists.

SECTION 6.THE CHILDREN AND JUSTICE SYSTEM OF BALUCHISTAN

6.1. Mapping and Assessment of the Children and Justice System in Baluchistan

The children and justice system in Baluchistan is represented in Figure 4 below.

Figure 4. Children and justice system in Baluchistan organogram



- **The Judiciary**

The judiciary plays the primary justice role in Baluchistan. Different courts have different mandates, with the Supreme Court of Pakistan serving as the ultimate court of appeal. As of January 2011, there were 5,446 pending cases at the Baluchistan High Court, and a backlog of 6,730 cases at the subordinate judiciary (civil and criminal courts) (Hussain 2011:26). There are 10 High Court Justices, 25 District and

Sessions Judges, 29 Additional District and Sessions Judges, and 137 Civil Judges and Magistrates in the province.

Courts of different levels may hear and pass judgment in cases related to children, all of which must be in conformity with the JJSO and other relevant laws. The JJSO establishes that juvenile courts alone are competent to conduct proceedings against children in conflict with the law. However judges are not always aware of the JJSO and do not conduct trials accordingly, in fact sometimes verdicts have been passed in violation of the JJSO.

Five judges in the province have been notified to hear all children's cases, although the JJSO stipulates that specific courts should be established for this purpose. These judges also hear other cases not concerning children. All judges are trained at the Federal Judicial Academy. The training course has a module on the juvenile justice system. The NGO SEHER conducts some training sessions on the rules of probation. The National Judicial Policy of 2009 urged the use of probation, especially for underage offenders and emphasized the early disposal of juvenile cases. There is no witness protection program in Baluchistan.

- **Home and Tribal Affairs Department**

The overall mandate of Home Department Baluchistan is to provide a secure and peaceful environment to the general public and uphold the rule of law through implementation of a criminal justice system. Its functions include administering prisons and crisis management, rehabilitating offenders, providing security to expatriates and foreigners, and keeping coordination among other law-enforcement agencies.

There is more than one body responsible for similar areas and with different reporting lines. For example, the Frontier Corps is also responsible for border security and internal security, nominally reporting to Home Department but run by the army. The Anti-Trafficking Cell, which duplicates some of the responsibility of the Home Department reports to the Federal Government.

Home Department oversees the police, Levies, prisons, Reclamation and Probation and Afghan refugees through its security and public order mandate. The Levies force is tribally constituted and accountable to local communities, although the Levies are attached to the Home Department. All children in conflict with the law would technically have to encounter one or more of these attached departments, which extend to the district level. Children can also encounter the security forces of the Frontier Corps, which is alleged to be involved in the cases of missing persons in Baluchistan; among them are at least three children (Hasan 2012:7).

A PCPC has been set up in Quetta with the financial support of Save the Children Sweden. The PCPC provides shelter to children separated from their families or otherwise mistreated, until parents are located, and it encourages the implementation of the JJSO and collects data. It works in collaboration with the NGO SEHER as a residential facility for the remand period. PCPC is a very successful model of coordination of Police, NGO, INGO and Home Department but further institutionalization is needed.

PCPC currently has 12 staff members, including two women social workers who are "lady constables." There is no formal training system in place for staff engaged in children and justice. Home Department

relies on NGOs for workshops and seminars, and officials from other Departments engage only intermittently with the issues.

Box 4. Organizations and effectiveness in implementing child protection mandate

Formal Organizations	Effectiveness in Implementing Child Protection Mandate
Courts, include appellate mechanisms	All courts are highly ineffective in ensuring the JJSO is implemented. The subordinate judiciary faces severe shortages of judicial staff, supporting staff and equipment. There is a significant backlog of cases.
Prosecutor's offices	The Prosecutor's Offices have no mandate specific to children and justice. There is no notion as of now of giving specific attention to children in conflict with the law. The Prosecution Department, established in 2007, does not have adequate financial and human resources.
Public defenders	There are none.
Police agencies	A police force, a Levies force and a Frontier Corps all function to maintain law and order. These Law enforcement agencies are by and large not aware of the JJSO and are not made aware of a specific mandate with regard to children and justice. The Police have established PCPC.
Remand homes	There are none.
Incarceration: prisons that mix adults and children	There are 10 Prisons including 4 Central Prisons. Since there are no separate or special prisons for children in the province, most of the convicted children are kept in Central Jail Mach and the majority of under trial prisoners are kept at District Jail Quetta. Sibi and Mach prisons also have juvenile wards. While these 4 jails have separate juvenile wards it is not always the case that children are segregated from adults as children may be detained at other jails. There is no formal process for determining the age of the child so segregation between adults and children is not always realized.
Incarceration: facilities for children only	There is no separate facility for children. However, there are juvenile wards in the Quetta, Mach, Gaddani and Sibi Jails where legal, medical and psychosocial services are being provided to children by SEHER (with the funding of Save the Children). There are no separate wards for girls.
Probation system	The Home Department has an attached department called Reclamation and Probation. There are 8 Parole officers (2 female & 6 male) and 14 Probation Officers (2 female & 12 male). From Jan 2011 till now, only 6 boys have been put on probation.
Bar associations and legal aid societies	Baluchistan High Court Bar Association, Bolan Bar Association, Baluchistan Bar Association, Baluchistan Bar Council. Bar Associations appoint lawyers to take up juvenile justice cases.
Legal Aid Programmes and Projects	SEHER Legal Empowerment Project, Sanjog, SPARC and Catholic Relief Services (for refugees) provide legal aid and psycho-social counseling to children in detention.

- **Children and Informal Justice Mechanisms**

Jirgas are tribal councils that exist for ensuring security and social justice. Traditionally, the council of elders is led by *sardars* in Baluchistan (tribal leader). They resolve conflict and disputes, and conduct trials for crimes as well. In "B" areas the Levies and tribal *jirgas* handle the bulk of local justice issues, although the apparatus of the state does exist and efforts have been underway to bring more of the province into the "A" zone. This has been met with stiff resistance among local populations.

Women and children do not participate in *jirgas*. Women may approach the *sardar* directly to resolve a problem, and he in turn may take it to a *jirga*. This is considered preferable to women visiting a police station, which is rarely done. Women and children may be allowed, in the case of some Pashtoon *jirgas* in Baluchistan, to appear before a *jirga* and present their case. [Just Peace International 2012: 29, 41] All *jirgas* do not have to be constituted by elders on an on-going basis; at the community level parties can agree to the formation of a *jirga* to address a specific problem at hand.

Political parties and their organizations do reach down to remote areas of the province, but it is not clear what role they have to play in informal justice mechanisms. NGOs are known to have participated in mediating solutions to local conflicts in areas where they are active, but no specific examples were identified for this study. There has been a growing role of local religious leaders, maulanas, within certain parts of Baluchistan, in particular Pashtoon society, and the Brahui belt. They offer to arbitrate disputes using Islamic law although their rulings adhere more to tribal norms and codes (Gazdar 2007:34).

Local imams of mosques can be approached particularly when cases related to family matters (marriage, divorce, inheritance, property) are concerned. *Merh* or *nanawate* are the Baloch and Pashtoon words for the practice of begging forgiveness from the victim, when the wrong doer admits guilt and brings apologies and gifts, in front of onlookers. The offer is not meant to be refused (Just Peace International 2012: 38).

There is also a system of fines (*chatti*), charged from the wrongdoer, which includes monetary compensation to the aggrieved party in a dispute. This can take the form of *swara*, giving a woman to the aggrieved party, or *wattasatta*, the exchange of girls for marriage. Honor killings are also a means to redress perceived wrongs with regard to illicit relationships between men and women. The incidents usually result in the death of the accused woman and sometimes, the man involved as well. The term in Baloch areas is *sayakari* and Pashtoon areas is *tor*. [Just Peace International 2012: 38-39] There is no age bar to these practices, and girls under age 18 are commonly victims of this form of conflict resolution/justice.

Jirgas and community practices are highly patriarchal across the different ethnic and tribal configurations of Baluchistan. The practice of blood money (*khoonbaha*) as compensation for murder, or the offer of *nekh*, to marry a girl/woman from perpetrator's family to a man from the victim's family in compensation, is still in place with some areas of exception. The custom of bride price (*lub*), paid by the groom's family to the father of the girl is the result of negotiations in which women do not have a significant role to play. The young age at marriage for girls makes them vulnerable to these decisions, and their victimization is a grave violation of CRC.

The informal justice system, as described above, is an attempt to balance collective rights and claims in order to keep broader social harmony among tribes and kinship groups. Group entitlement is the basis

on which settlements are negotiated. A child's individual rights are not taken into account when, for example, a girl is married off to compensate for a wrong committed by her family.

- **Justice Process**

The justice process for children in **conflict with the law** appears to be coherent and well-integrated, but there are some gaps and serious problems with coordination among different actors. The process can be divided into these steps: (1) Arrest and investigation, (2) Diversion (before and after pretrial detention), (3) Pretrial detention, (4) Court process, (5) Detention after sentencing and/or alternatives to detention, and (6) Post-detention including probation. The main actors in this process are the police, probation officers, judges and magistrates, and NGOs.

The police (Home Department) is mandated to engage with the child during the arrest and filing of First Information Report (FIR); filing of a Social Inquiry Report; placing the child in detention in a remand or Borstal Home (of which there are none in Baluchistan), bringing the child to and from court. If a child is put on probation instead of sentenced, the probation officer (Home Department) is to follow up on the case. The juvenile court under JJSO has discretion to release imprisoned juveniles for good conduct, or place them in remand. They are unlikely to recommend probation. CSOs usually arrive on the scene when it is too late to protect the child, particularly when a child needs a medico-legal investigation in case of abuse or violence. They may support probation cases, as provided for in the JJSO, and provide legal aid, psycho-social support, vocational training, and follow up on cases.

There are no special procedures or protection for **child witnesses**, and they rarely appear in trials. However the police or prosecutors may suggest a child to be summoned as a witness.

In cases where children are **survivors of crime**, their cases are taken from the police stations to the PCPC where they stay if they need shelter. PCPC also provides referral services and tracks families. The SWD could become involved if police refer a child to them, which is not often. If it does get a case, it conducts an investigation. If the case makes it to trial it should be conducted as per JJSO rules, which is usually not done.

CSOs may take the initiative to protect and counsel child victims or do so upon referral by the police. Sanjog, SPARC, SEHER and Catholic Relief Services undertake their own investigations of cases. The court may order a child to be given in custody to a CSO if being sent home poses a danger. The prosecutor's role is to determine the guilt of the accused, and if his work is done diligently it may result in getting the perpetrator convicted and reducing the period of painful court procedures for the child.

- **Social Welfare Department**

The SWD does not have a clear mandate with respect to children in conflict with the law. It may try to step in and assist a child rights violation on a case to case basis, but has no staff, infrastructure, or services assigned for this. SWD can refer a child victim to NGOs for medical or legal aid, or shelter.

The PCCWD is meant to take over the responsibility for children in the SWD, but has does not have adequate human and financial resources to do extend its role to children in conflict with the law. There are however, eight SWD that are social workers in the prisons and work with children as well.

- **Effectiveness in Implementing Child Protection Mandate**

National Legislation: While legislation may be specific, standards and/or rules of implementing are lacking. Relevant departments may not be familiar with them either. There is a lack of trained judges for children in conflict with the law. Children are not strictly segregated in detention; there is no remand home; children's trials are not barred to the public; probation officers are not used effectively in juvenile cases and judges are often unaware of the law.

Children's Legal Rights: The legislation is specific, however standards required by legislation have yet to be put in place. In some cases rules to implement different part of the legislation have not been made and even when they have been made, relevant departments are not familiar with them.

Legal representation: According to Section 3 of the JJSO, legal assistance at the expense of the state is to be provided to child offenders and child victims. In fact, legal representation is arranged by families, the government or CSOs and almost all children have access to legal representation. However, all children are not able to pay bail and assistance in that regard is not always provided. A child or someone on behalf of a child may file a case in court.

Corporal Punishment: It is permitted according to Section 89 of PPC, but Baluchistan Government has issued notifications to schools banning it. However, these notifications do not override the PPC and a Corporal Punishment Bill needs to be introduced in the Assembly to make corporal punishment illegal.

Diversion Mechanisms: These (apart from probation which is not a pre-sentence diversion mechanism) are not specified in legislation. Baluchistan UNICEF office has signed an agreement with a local NGO, SEHER to support diversion of juveniles and provide rehabilitation support to children at risk of offending and re-offending. In Baluchistan, emphasis was given to the need for community awareness on child rights. To this end, 22 sessions were organized in which 743 community members (601 males and 142 females) were informed on child rights and the need and utility of community support. Three Juvenile Delinquency Prevention Clubs were established in Lasbela, Bolan and Quetta. Additionally, SEHER identified and provided psychosocial support to juveniles who were released after completing their prison sentences- a total of 29 released juveniles were supported through counseling sessions.

Alternatives to Incarceration: Conditional discharge (Article 4) or release on probation (Article 5) are alternatives to incarceration and are specified in the Probation of Offenders Ordinance, 1960. The Juvenile Justice System Ordinance 2000 states deprivation of liberty should be a last measure of resort and encourages courts to consider these alternatives, age is not the only consideration for alternatives. While these services are specified they are not utilized to a maximum effect as the Probation Department is severely understaffed.

Training to Handle Child Cases: 22 Police Stations have set up Child Desks. The SHO and Moharrar at these stations have been trained in child friendly procedures. NGOs also conduct training for probation officers and other actors in the justice system. However, since this training is not institutionalized, children continue to be exposed to mishandling at various stages of the children and justice process.

Court System Databases: The lower courts keep manual filing systems, but there is a roster branch at the High Court, which has an effective database system of cases.

Child Immigration and Deportation: In cases where a child’s migration outside of Pakistan is under dispute, courts resolve it based on the principle of welfare of the child. Other factors to be considered are the same as those provided in Section 17 of the Guardians and Wards Act, 1890.

Best Interests Determinations: Both civil and religious laws are used in custody cases in Pakistan. Under Muslim Personal Law father is the natural guardian of a child and the mother is allowed physical or actual custody of a male child up to the age of seven years and of a female child until puberty (15/16). Muslim family laws are not applicable to non-Pakistanis (whether Muslim or non-Muslims) or non-Muslim Pakistanis.

However, a guardian judge has the power to award legal guardianship to either parent or even a third person “in the best interest of the child”. Under the provisions of the Guardians and Wards Act, 1890, which focuses on the welfare of the child, the guardian court is empowered to override religious laws where, in the view of the court, the child’s welfare is at stake.

Foreign courts orders are, in principle, recognizable in Pakistan. The CRC Concluding Observations report notes that state party’s legislation uses age limits, instead of the best interests of the child, as criteria in determining custody in case of divorce (Concluding Observations of CRC Committee 1996).

6.2. Recommendations

- **Laws, Policies, Standards and Regulations**
 - The JJSO should override all other laws relevant to children and justice. Informal justice systems such as Jirga system should be outlawed and strictly enforced. Mandate of Home Department must extend to include prevention of in-country trafficking and protection of child witnesses and child victims.
 - The operative Police Rules should be revised to include a chapter specifically addressing child protection issues. The presence of children in courts on the date of hearing should be ensured (by issuing standard regulations for authorities) and regulated in accordance with JJSO. JJSO rules and regulations must be strictly enforced throughout the judicial process.
- **Cooperation, Coordination and Collaboration**
 - The Home Department's subsidiary units need to increase collaboration. A formal system of referral should be established between the Home Department and SWD so that children in need of care and protection, child victims and child witnesses can be provided protection.
 - The Police and SWD should have a formal link at the district level. A network of referral systems involving CSOs as well should be formalized.
- **Capacity Building**
 - A system of formalized training with regards to children and justice needs to be made active immediately ensuring that all police, prison staff, judges, prosecutors, probation officers participate. The capacity of Probation Department should be strengthened so that deprivation of liberty can be used as a last measure for children in conflict with the law (as stipulated in the JJSO).

- **Service and Service Delivery Mechanisms**
 - Separate courts for children need to be established as well.
 - The SWD needs to set up a shelter home where it can house child victims and children in need of care and protection.
 - The Home Department should set up Remand Homes and Borstal Institutions on a priority basis.
 - Aftercare services should be provided to rehabilitate children leaving juvenile jails.

- **Financial Resources**
 - Resources should be allocated to the SWD department to provide the services to the children coming as offenders or victims.

- **Accountability Mechanisms**
 - SOPs for the management of children's cases by CSOs, as well as care in shelters, need to be defined and monitored by the government.

SECTION 7. CONTINUUM OF CARE, CIVIL SOCIETY AND CHILD PROTECTION SYSTEM AT A DISTRICT LEVEL

This component of the mapping exercise outlines the continuum of care that exists for children in Baluchistan. It consists of an analysis of the protective environment for children in the province. The promotion of positive attitudes towards child protection and open discussion of child protection issues are part of the protective environment, together with services to assist families, communities and countries to prevent violence, exploitation, abandonment and abuse, and response to their needs. Provincial or local child protection services and systems; protective social practices; the knowledge and capacity of communities, families and children, supported by research, good oversight and monitoring; all contribute to building the protective environment. This section will be divided into four parts: a discussion of the attitudes and practices that negatively affect this protective environment; the child protection system at a district and community level; role of CSOs; and recommendations to strengthen the continuum of care for children in Baluchistan. Major CSOs and their work have been identified, but do not reflect a comprehensive province-wide review of all such activities.

7.1. Negative Attitudes/Customs and Practices

The first step to assessing the protective environment was noting the attitudes, customs and practices that have a negative impact on children and also noting if there was an open discussion of these practices. The major negative attitudes and practices identified in Baluchistan are listed below, and further details may be found in the Toolkit:

- **Acceptability of violence against children:**

Corporal Punishment

Corporal punishment is accepted as a norm and is prevalent in schools, households and work places. Parents do not consider this to be an issue and are seldom willing to take action against it, often condoning and encouraging the act. There is an open discussion of the issue but a significant amount of people, be it family, teachers or government employees, think of it as necessary to correct misdemeanor. A major fall out of this attitude is that children do quit school because of corporal punishment.

Domestic Violence

It has been observed that if a woman is being physically or verbally abused by her husband, there is a high chance that the children are also being abused by either of the parents. The tension at home often forces children to leave their homes to live on the streets making them vulnerable to exploitation and further abuse. Domestic violence is not openly discussed as it is considered a family and hence private matter. Unless very drastic physical abuse takes place, law enforcers do not interfere in the matter.

Efforts targeting this attitude: The Government of Baluchistan has sent out notifications to all schools banning corporal punishment but the desired effect is yet to be achieved. Many teachers and officials are still unaware of the notifications. UNICEF and some NGOs, such as Tameer-e-Khalq Foundation and

Baluchistan Boys Scouts Association have drafted educational material that discourages the use of corporal punishment. This material is being taught in selected schools and teacher training programs.

- **Societal apathy towards sexual violence against children:**

Child Marriages

Underage marriages are not considered negative by a majority of the population partly due to some cultural beliefs and interpretations of Islamic teachings, according to which children may be married once they attain puberty, particularly girls. Children are forced to marry at a very young, when they are neither physically nor psychologically ready for the responsibilities. This leaves them vulnerable to various forms of sexual trauma and further abuse, and has serious repercussions on their health. There is some discussion on this issue.

Rape and incest

Since children are the most vulnerable section of society they are most susceptible to sexual violence in the form of rape and molestation. Despite prevalent denial that incest takes place, cases have been recorded in all four provinces. It has been reported from Karachi that in cases of incest the child's complaint is often not considered seriously by family members or the police. If it does reach the police, the police may try to bring about an out of court settlement or mediate between the family members. In such cases, the child is made to return to the same house where he or she was a victim of sexual violence by a parent or family member. If rape survivors wish to seek justice in the courts, they face a formidable set of prejudices from the police, medico-legal officers, prosecutors and judges that challenge the veracity of the accusations and hinder the due process of the law (Khan and Zaman 2012). There is reason to expect the situation to be similar in Baluchistan although detailed research is yet to take place on the subject.

Efforts targeting this practice: SPARC conducts campaigns at a national level against child marriages which are covered by newspapers, increasing awareness. NGOs mentioned above collect data, and the CPMIS will be a valuable means of centralizing this information.

- **Acceptability of child labor and trafficking**

Child labor takes place both at a formal and informal level. People accept this as an unavoidable norm due to a high incidence of poverty that forces families to send children to work. Their labor includes being used as bonded workers, particularly in industries such as coal mining. Children are often made vulnerable to various forms of abuse at these sites where there is no protection extended to children, which include substance abuse and commercial sexual exploitation. Children are trafficked from remote areas in the north of Pakistan as well as Afghanistan to be used as unpaid or minimally paid labor as well as commercial sexual exploitation. The province is also a transit for children trafficked from Sindh and Punjab to work in the Gulf, or sold to Afghan agents.

There is an open discussion of the issue. While groups (government employees, teachers, civil society) who are part of this dialogue may verbally criticize child labor, they often practice it (e.g. by employing children as domestic help). Some advocate for an outright ban on child labor, while others deem it a necessary evil until the incidence of poverty decreases in Pakistan. There is a government run

Inspectorate of Mines, which has a Central Mines and Rescue Station near Quetta, and four more in the province at Shahrag, Mach, Dukki and Narwar that could assume an effective role in protection for children.

Efforts targeting this practice: Efforts targeting this practice are minimal at the moment. Bait-ul-Mal operates 14 National Centers for Rehabilitation of Child Labor Centers (NCRCLC) in the province.

- **Reliance on informal dispute resolution mechanisms**

Honor killing and *vani* (exchanging or giving away of children, especially girls in order to resolve disputes and revenge killings) are practiced in Baluchistan. These practices violate basic human rights, including the right of freedom to choose one's life partner. There is an open discussion on this issue with regular media coverage. However, the formal justice system is not strong enough to prosecute the perpetrators who have on occasion been protected by the powerful.

Efforts targeting this practice: CSOs are involved in conducting trainings of actors in the legal system in order to sensitize them with regard to these issues. Attention is largely focused on legislating against acts such as honor killings. Serious efforts to target the attitude of these actors in the formal sector are beginning through training of law enforcement officers and engaging with the medico-legal system.

It was noted in the course of this mapping exercise that while some headway was being made in terms of legislative change, very few large-scale campaigns that target negative attitudes in the form of awareness programs for parents and communities were being conducted. Legislative and institutional change must be accompanied by awareness campaigns and education as these cultural practices result from an attitude towards the rights of children that must be changed.

7.2. Thematic Mapping of Child Protection Services Available

There are several NGOs/CSOs in Baluchistan that are directly working in the sphere of child protection while other organizations are indirectly linked to child protection in one way or another. These organizations constitute the formal system that contributes to the 'continuum of care' available to children. However, no comprehensive mapping has been done of all CBOs linked to Child Protection and one cannot assess the outreach of those that are scattered and working independently from each other.

The coordination in clusters is only temporary; however, there exist two networks that have a permanent function (see below). The Secretariat of the Child Rights Movement is SEHER, whereas the Secretariat for the Child Protection Network is the Baluchistan Boy Scouts Association. These groups meet monthly and have been effective.

Advocacy work has borne fruit in that the Baluchistan Child Protection and Welfare Bill was drafted after consultation with CSOs and the Government. SPARC has a history of lobbying for legislative change in matters such as child labor and corporal punishment in Baluchistan. NGOs are also engaged in training in child protection issues, e.g. SPARC and SEHER have conducted these capacity building sessions. FPAP runs a helpline for children, as does Madadgaar.

The following tables summarize some of the major child protection activities being undertaken by CSOs, INGOs and multilateral agencies in the province. This, however, is not a comprehensive mapping and is meant to be indicative of the type of child protection services and activities in the province.

Box 5. Emergencies

NGO	Activities
SEHER	<p>Coordinating mechanism at the local level, networking with other NGOs and donors.</p> <p>Established Child Friendly spaces when floods struck in 2007, 2010, 2011. Set up community-based youth clubs through working with parents. Participated in Emergency Clusters set up by PDMA and UNICEF, sub-Cluster on Child Protection.</p>
<p>IDSP (Institute for Development Studies and Practices)</p> <p>BSDS (Baluchistan Skills Development Society)</p>	<p>Supported by UNICEF to set up Child Friendly Spaces in 2010 and 2011. They are no longer functional but may be revived if necessary.</p>

Box 6. Advocacy

NGO/Network	Activities
Child Protection Network	<p>Coordinates work among NGOs on child protection issues.</p> <p>The Network includes the NGOs Aghosh, Baluchistan Boy Scouts Association, Global Vision, Today's Women Organization, Chaghi Development Society, WESS (Water, Environment & Sanitation Society), Taraqee Foundation</p>
Child Rights Movement	<p>Purpose to tackle violence, abuse, neglect and exploitation of children. Its membership is also active in other provinces.</p> <p>The Secretariat is SEHER</p>
SEHER	Child protection issues brought to media and policy-makers.
Sanjog	Awareness raising on street children.
Human Rights Commission of Pakistan	Child rights awareness, juvenile justice and data collection.
SPARC	SPARC acts as a focal point for all child rights issues. They arrange for preventive services for children and take part in advocacy campaign.
FPAP	Reproductive health, advocacy against child marriage.

Box 7. Life skills based education

NGO	Activities
BRSP (Baluchistan Rural Support Programme)	LSBE along with basic skills and livelihood training. Present in 13 districts
IDSP	<p>IDSP established four drop-in-centers in three Union Councils of Quetta city. IDSP is providing services to 1678 children in all drop-in-centers. Services are basic literacy, health & hygiene, psycho-social support, knowledge and awareness, recreational activities; life skills based education, basic religious education, livelihood skills, and ICT and Supplementary Nutritional Program.</p> <p>Zaanth Project: LSBE to poor adolescents. Operates in Khuzdar, Noshki, Loralai, Lasbela, Sibi districts. Meetings with all actors to give them awareness about child protection issues, child rights, birth registration and mobilizing them to send their children to drop-in-centers.</p>
Sanjog	Youth Empowerment Programme. 4 centres in Quetta for ethnic and religious minority children and youth. Provides non-formal education, LSBE, vocational training, psychological counseling, extra-curricular activities focused on child participation. Work is done in schools and <i>madrassahs</i> .

Box 8. Harmful cultural practices (early marriage and honor killings)

NGO	Activities
Aurat Foundation	Prevention of early marriages and honour killings, through advocacy.
Kamran Law Firm	
Human Rights Commission of Pakistan	
Masoom Rights Development Society	Legal aid

Box 9. Child sexual abuse

NGO	Activities
SEHER	Research on sexual exploitation in Quetta and Gwadar. Training and awareness-raising among stakeholders.
Sanjog	Life skills based education as a means to prevent abuse and other ills.
Danesh	Helpdesks at BMC and Civil Hospital Quetta for victims of abuse, training for doctors and paramedics on child sexual abuse, with support of UNICEF.
FPAP & Madadgaar	Helplines for children.

Box 10. HIV/AIDS

NGO	Activities
Health Care, Counseling and Information Center (CIC) for High Risk Youth (HIV/AIDS)	Targets 9-19 year old drug addicts to prevent spread of infection.
Sanjog	Awareness raising and counseling on HIV/AIDS, theatre performances on taboo issues
SEHER	Provides drug users and high-risk youth with awareness, counseling and information.

Box 11. Trafficking and sexual exploitation

NGO	Activities
SEHER	Rehabilitation of children victims of commercial sexual exploitation through child protection center (medical, psychosocial counseling , education, skill development, job placement, interventions through community and parent group, children and youth groups, establishment of child friendly spaces by volunteers).

Box 12. Conflict with the law/ legal aid

Organization	Activities
Sanjog	Legal aid to children in detention. Reunifies street children after they are released. Quetta
SEHER	Rehabilitation of children in conflict with the law in Quetta and Gwadar
UNICEF	44 Child friendly desks for victims, survivors and witnesses have been established. Two focal persons (SHO, Moharrar) in each police station have been trained in child friendly procedures. (20 desks in Quetta, 24 in Naseerabad Division.

Box 13. Child labor

NGO	Activities
WESS	Working Children Protection Programme (WCPP): Aims to raise awareness for working children and gives them essential life skills to protect against HIV&AIDS, sexual abuse and drug abuse. Programme works with parents to help identify safe means of income generation and share health and hygiene information. 3,257 child beneficiaries (2008-2012) in District Quetta
Sanjog	Rag Picker Center: Rag picking children of Pashtoon origin are targeted. The center is placed near garbage depots so children can access child friendly spaces. These children's ages vary from 6-16. The strength at the center varies from 90 to 70 children per month. Works in Quetta.
SEHER, WESS, IDSP, Al-Falah, With-Out Walls	Mainstreaming street children back into schools. Mainly Quetta, Pishin and Qilla Abdullah Districts.
WESS and SEHER	Vocational training to children, in Quetta.

Box 14. Children with disabilities

NGO	Activities
Anjuman-e-Mazooran-e-Samat	School for Deaf and Dumb, Quetta

Box 15. Residential services/shelters

NGO	Activities
SOS Children's Village	Facility for orphaned children. It is in the process of being expanded. Quetta 50 children.
Dar ul-Falah	Home for children. 89 children.
Edhi Orphanage Homes	Home for orphan children. 148 children.
Dar-ul-Aman	Shelter for women. Young children accompanying women are also provided shelter at this facility. Quetta.
Sweet Homes Orphanages	Serves orphan children. The admitted orphan children acquire optimum residential and educational facilities. Quetta (81 children), Zhob (53 children).
Dar ul-Sukun	Provides shelter to children and disabled. Quetta (18 children).

These residential facilities are not subject to any SOPs, so the quality of care cannot be ascertained. All are not registered with SWD, so exact figures about the number of children in their care are not available to the government.

7.3. Civil Society Organizations and Child Protection

Some attempts-such as the Child Rights Movement have been made to coordinate efforts of CSOs. However, effective coordination that maximizes efficiency and establishes a referral system among the CSOs, government, and civil society can only be achieved once some of the basic *procedural problems* are addressed.

Currently, there is no separate procedure being used to register NGOs that are working in child Protection issues. In fact, there is no unified procedure for licensing any NGOs working in Baluchistan. All CSOs are registered under either of one of these six laws: (i) Societies Registration Act 1860, (ii) The Trust Act 1882, (iii) Companies Ordinance 1984, (iv) Trade Organizations Ordinance 2007, (v) Cooperative Societies Act 1925, and (vi) Voluntary Social Welfare Agencies (Registration and Control) Ordinance 1961. Each law comes under the jurisdiction of a separate government department. This procedure of licensing is highly fragmented which results in no one entity having information on the number of organizations operating in the province (registered or unregistered). Licensing of voluntary organizations under the Voluntary Social Welfare Agencies Ordinance is done with the SWD on a district and provincial level. However, even these licensed organizations are not regularly monitored. The registration of all CSOs with one government department, such as the SWD, will result in the establishment of a strong referral system, uniform standards of care, better planning of services and a consolidated system of data sharing. However, the capacity of the SWD will need to be increased in order to achieve these goals.

There is no doubt that CSOs rely a great deal on **funding** from donor organizations, in particular UNICEF, which also supports a range of government activities in child protection. Child Protection Clusters in emergencies are the result of close collaboration among all these actors, with fruitful results at least for the time the Clusters remain in place. Most NGO activities rely on donor funding and cease operation once this funding runs out. Accountability of CSOs rests mainly with the donors, rather than SWD or another oversight body.

In addition to the work done by civil society organizations that has been detailed above, they all have a role to play in one or more of these areas: laws and policies, system organization and management, capacity building, data collection and analysis, and service provision. Details of this are provided in Section 2(e) Civil Society and Public Accountability Tool of the Toolkit.

7.4. Child Protection System and Community Actors at the District Level

The child protection system at a district level including the key community players, both informal and formal, that make up this system is represented in Figure 5. However, this system does not exist uniformly across all districts, given the division of districts into “A” and “B” zones. The province is in the initial stages of developing a comprehensive child protection system; however, some districts have a better system than others. Moreover, the level of engagement of different community players is often determined by the personality and interest of individuals. There are also some cultural differences among ethnic and religious groups that may affect outcomes for children. Thus it is difficult to generalize across districts unless a more formal and accountable system is developed.

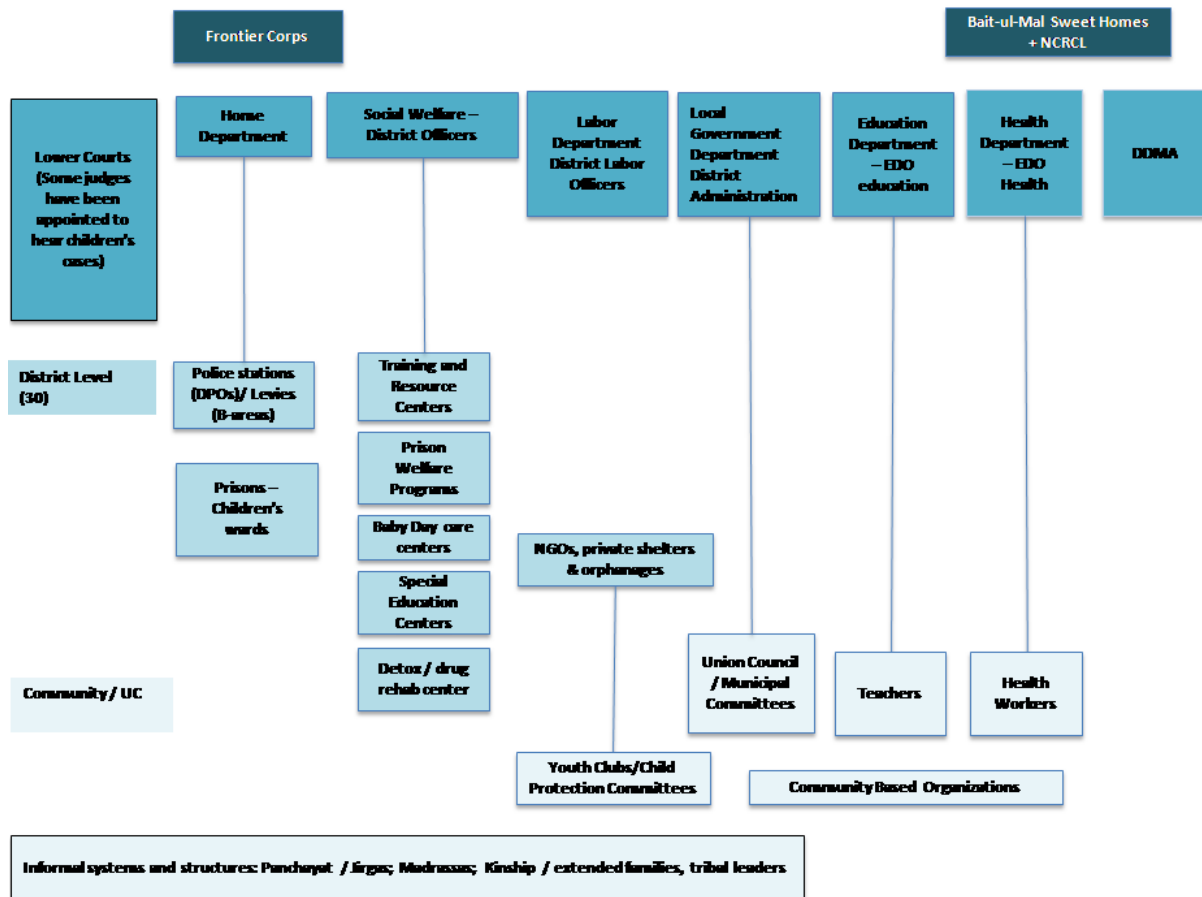
Key community **players** relevant to Child Protection at a district level include District Officers for Social Welfare, Deputy Commissioners, union council secretaries (role limited mainly to birth registration),

police, magistrates, teachers, health workers, religious leaders, CSOs, CBOs, and labor inspectors. However, there are no formalized referral mechanisms in place among these players; yet they may refer children in need to each other as seen fit.

Formal **systems** that exist at a micro level include Child Rights Units (set up during emergencies) or Committees that focus solely on child protection issues. The police have set up a Child Protection Center in Quetta. Other than these, informal systems that have a bearing on child protection include kinship groups, *jirgas*, political associations and religious leaders that informally decide disputes. These decisions are outside the purview of the formal legal system. Family and clan continue to be the first arena of available child protection.

Union councils have an important role in birth registration that is part of their mandate. However, they are unable to execute this responsibility and are not actively engaged in birth registration as evidenced by low BR rates. Recently, a birth registration campaign has been initiated in 10 districts of Baluchistan (Chaghi, Noushki, Jaffarabad, Naseerabad, Pishin, Killa Abdullah, Quetta, Lasbella, Loralai and Sibi) with the support of UNICEF, and Union Councils are being trained to improve registration rates. UNDP has also recently completed a project on birth registration in Gwadar, a result of which BR increased by 80%.

Figure 5. Organogram of child protection system at a district level



7.5. Recommendations

- **Laws, Policies, Standards and Regulations**
 - SWD needs to **register** all CSOs involved in child protection,
 - SOPs need to be developed and implemented CSOs providing child protection services
- **Cooperation, Coordination and Collaboration**
 - There should be more coordination, data sharing and referrals between CSOs.
 - Existing CSO networks (such as the Child Rights Movement) need to be streamlined to avoid duplication of efforts. These networks need a stronger presence at the provincial level.
 - NGOs should establish links at a local and community level as well as at the district and provincial governments.
 - Child Protection Committees (CPC) at the community level should be set up that draw on government and NGO as well as community resources to identify, refer, and rehabilitate children in need. Existing Child Protection Committees (set up during the

floods and by SPARC) could be strengthened and linked to the Bureau and the CPUs once the Bureau is set up.

- **Capacity Building**
 - Capacity of parents to protect their children and teach them life skills should be increased via parent-teaching programs.
- **Service and Service Delivery Mechanisms**
 - CSOs should not take the lead in providing **basic services** that are the responsibility of the government, e.g. residential shelters, legal for children, and more.
- **Communication, Education and Mobilization for Social Change**
 - Mass media campaigns to change attitudes and norms such as acceptance of corporal punishment, child labor, child marriages etc must be launched by government and non-government agencies.
 - The CRC and life skills based education should be made part of school curricula; advocacy for this may come from civil society.
- **Accountability**
 - There should be an oversight committee of elected representatives to oversee child protection issues in the province and to ensure that the Child Welfare and Protection Bill is passed, and once passed it is implemented in full letter and spirit.
 - Orphanages, madrassas and all such institutions should be registered so that they can be monitored and held accountable to the government. SWD should investigate unregistered institutions and provide Home Department with the list such that action may be taken against them.
 - CSOs need to be held **accountable** for their work even after a specific project is completed.

SECTION 8. RESOURCE MOBILISATION AND FISCAL ACCOUNTABILITY

8.1. Allocations and Budgeting for Child Protection

Although there is a functional classification (104 and 1041) in budget documents for 'Family and Children,' there is no separate classification from which to discern expenditure on child protection per se. Since child protection functions and activities are spread across a range of departments, it is difficult, if not impossible, to accurately decipher the total outlay on child protection.

Even within allocations for individual departments, there is no head under which child welfare or child protection expenditures are provided. In many cases budgets for child specific functions are embedded in broader categories and cannot be separated. For instance, the budget for the juvenile jail is part of the allocation for jails as a whole and no separate accounting is ostensibly maintained.¹⁵

From budget documents, we can decipher that the budget for social protection is 1.27% and 1.1% of the total current budget in 2010-11 and 2011-12 respectively. According to Save the Children's Study on Federal and Provincial Budget Analysis (2009-2010), the child-focused share of Baluchistan's current budget is 0.05 % and development budget is 0.136 %. The aggregate development budget for the SWD is 1.86 % of the total development budget of the province.

The tentative conclusion that can be drawn is that allocations for child related functions in the province are low. There is a case, therefore, for the provincial government to prioritize child welfare/protection related spending, especially since the 7th NFC award has increased the resource envelope of the province substantially.

It is also important that child protection is provided as a consolidated head in budget documents, which will allow to monitor expenditure in this area with some degree of accuracy.

8.2. Monitoring and Accountability

As mentioned above, the first pre-requisite for effective monitoring of financial allocations is to develop proper accounting procedures that collate across departmental allocations and provide details of individual projects and functions. The other condition for effective monitoring and accountability is that allocations across different heads are tracked so that it is ensured that resources are flowing in the direction where they are intended to. Moreover, resource inputs have to be matched with outputs in terms of non-financial indicators of child welfare and protection.

It is thus important that expenditure tracking and outcome based budgeting are introduced in the province. Punjab and Khyber Pakhtoonkhwa are in the process of introducing such processes with the help of donor support and it will be advisable that the Baluchistan government also does so in all social sector expenditure generally, and for social and child protection in particular.

¹⁵ We were informed by an ex DIG prisons that the share of the juvenile jail is between 2-3% of the total allocation for the Karachi Central Jail. It is not expected to be much different for jails across the country.

8.3. Role of Donors

The main donor for child welfare and protection in the province is UNICEF. It provides technical support for various policy and legislative inputs, creation of child protection systems at the district level, and is also working with the LG&RD Department on improving procedures for birth registration in the province. In the realm of financing, UNICEF's contribution to child protection related activities in the province is US \$3.71 million. This is part of UNICEF project cycle of 5 years (2008-2013).

8.4. Recommendations

- **Laws, Policies, Standards and Regulations**
 - Child protection should be provided as a consolidated head in budget documents.
 - Expenditure tracking and outcome-based budgeting should be introduced.
- **Cooperation, Coordination and Collaboration**
 - A coordinated child protection work plan should be prepared and funding sought on that basis. This will also reduce transactions cost for monitoring and accountability allocations, and for introducing outcome-based budgeting for child protection. Instead of departments sending individual expense requests for child protection, they can all be collated after thorough deliberations and possibly under a work plan by the Bureau and forwarded as a consolidated Child Protection allocation to the Legislature for approval. Since all relevant departments – Social Welfare, Home, Labor, Education and Health – have representation in the Bureau, this will improve fiscal coordination substantially. Also, once a coordinated plan for child protection is developed and funding sought on the basis of that plan, the issue of low allocations and lack of prioritization can be more effectively addressed through advocacy with legislators and bureaucrats. A coordinated child protection work plan will also enable donors to assess needs clearly and commit resources based on their own area of expertise
- **Financial resources**
 - The aggregate development budget for SWD needs to be increased.
- **Accountability Mechanisms**
 - Donor funding should be part of the consolidated account of the relevant department and subject to same scrutiny as other public funds.
 - A Management Information System (MIS) must be created and maintained for effective monitoring and transparency.

SECTION 9.OPTIMAL CHILD PROTECTION SYSTEM

9.1. Child Welfare and Protection Bill

The CPWB was drafted in 2011, which has yet not been presented in the Provincial Assembly. This Bill calls for the setting up of a Bureau which will consist of an Advisory Board, a CPU in each district and a Children's Advocacy Service. The Minister of Social Welfare will be the Patron of the Advisory Board. Other members of the Board will be: the Secretary of Home Department, Secretary of SWD, six other representatives of the government (out of which three will be women), and two non-official members that will be co-opted from civil society (preferably philanthropists). The Chairperson will be elected by the Board and a Director General will be appointed who will be the Chief Executive of the Bureau. The Bureau will also appoint Directors and Child Protection Officers for CPUs that will be set up in each District. Other than this, the Bureau will maintain a list of Advocates who will be engaged in children related cases.

9.2. Proposed Changes in the Child Welfare and Protection Bureau

If this CPWB is passed by the assembly and enacted, it has the potential to develop into an optimal child protection system. However, a few important changes need to be introduced in this first draft before it can be considered as integral to an optimal child protection system. Each department having a role and function in child protection should be included in the Bureau and provided with a separate budget for child protection related activities to make the system effective. The Secretaries of Health, Education, Law, Labor, Finance, Women Development and the Zakat and Population Welfare Department should also be made members of the Advisory Board. Representatives from FIA, NADRA, Bait-ul-Mal, BISP and UNICEF should be co-opted members of the Board.

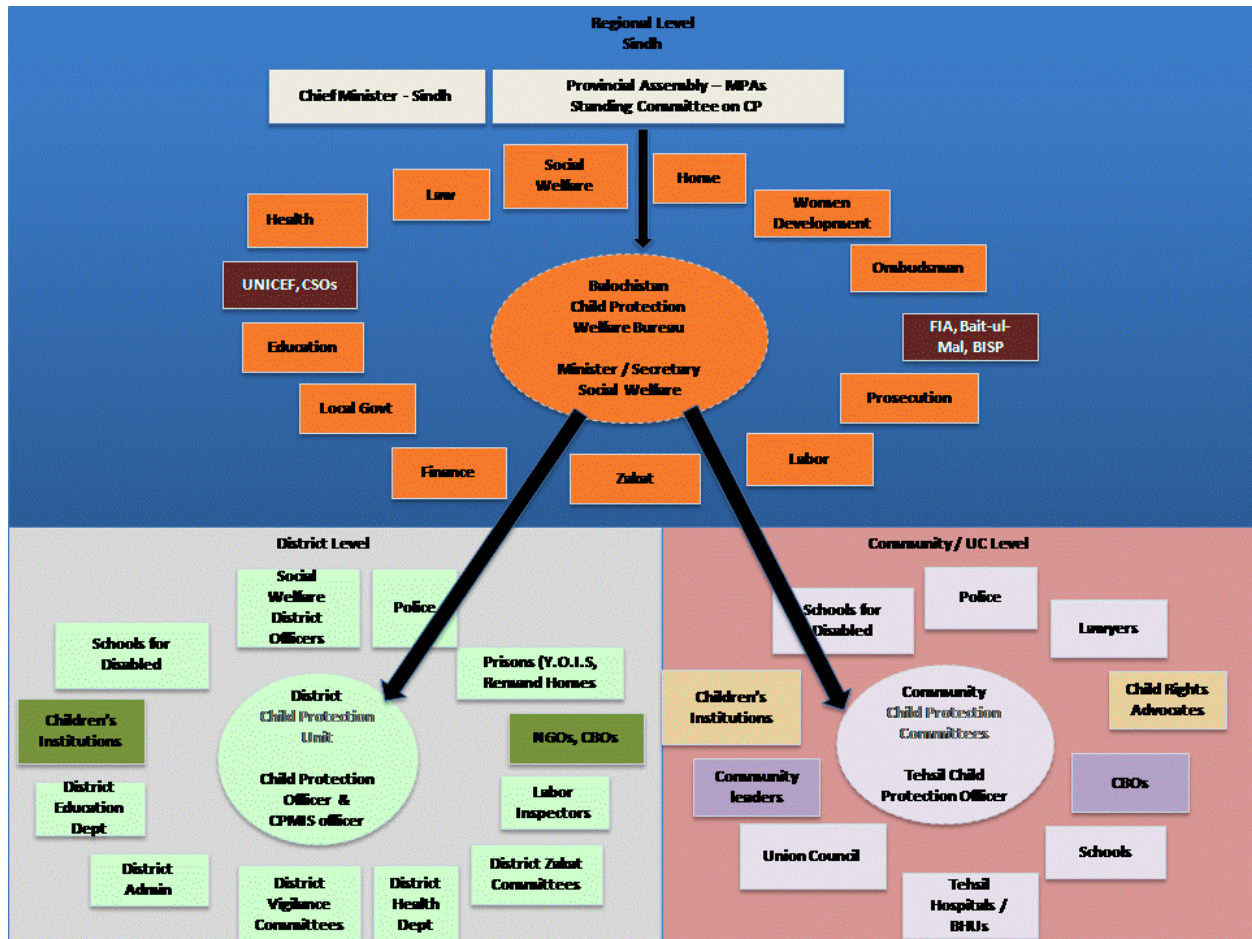
Other than expanding membership, the Bill should call for a comprehensive CPMIS that links data from district to provincial level. This would require a further capacity increase of the existing CPMIS. CPUs should be set up in all districts and Child Protection Committees should also be encouraged at a Union Council/Community level. The Committees would include representation from community actors such as CBOs, child rights advocates, teachers, police and health workers.

The Bill itself is very comprehensive and touches upon a range of child protection issues. However, it does not mention 'child marriage,' restricting itself to discussing only 'forced marriages.' Similarly, it does not mention the establishment of separate children's courts. These two additions should be made before the Bill is presented to the Assembly.

Khyber-Pakhtoonkhwa has already set up a Child Protection government body while Sindh has passed legislation and is in the process of setting up a Child Protection Authority. Punjab too has a Child Protection and Welfare Bureau though comprehensive child protection legislation in Punjab is yet to be introduced. Baluchistan lags behind in comparison to the other provinces on this account. The Government of Baluchistan needs to prioritize child protection and set up a Standing Committee in the assembly to oversee child protection issues and move the passage of the CWPB. Once the bill has been passed, the Bureau (as mandated) will be set up and take on the responsibility to coordinate on CP issues as mentioned above. The Standing Committee at the Parliament should continue to oversee CP issues and the functioning of the Bureau.

The Bureau, as envisaged by the CWPB is an important initiative in creating an umbrella organization for child protection issues. The Bureau will also provide the requisite profile and priority to child protection that has been hitherto missing because of lack of coordination across departments, and their lack of focus on child protection because of multiple tasks assigned to them. The optimal Child Protection System is presented below.

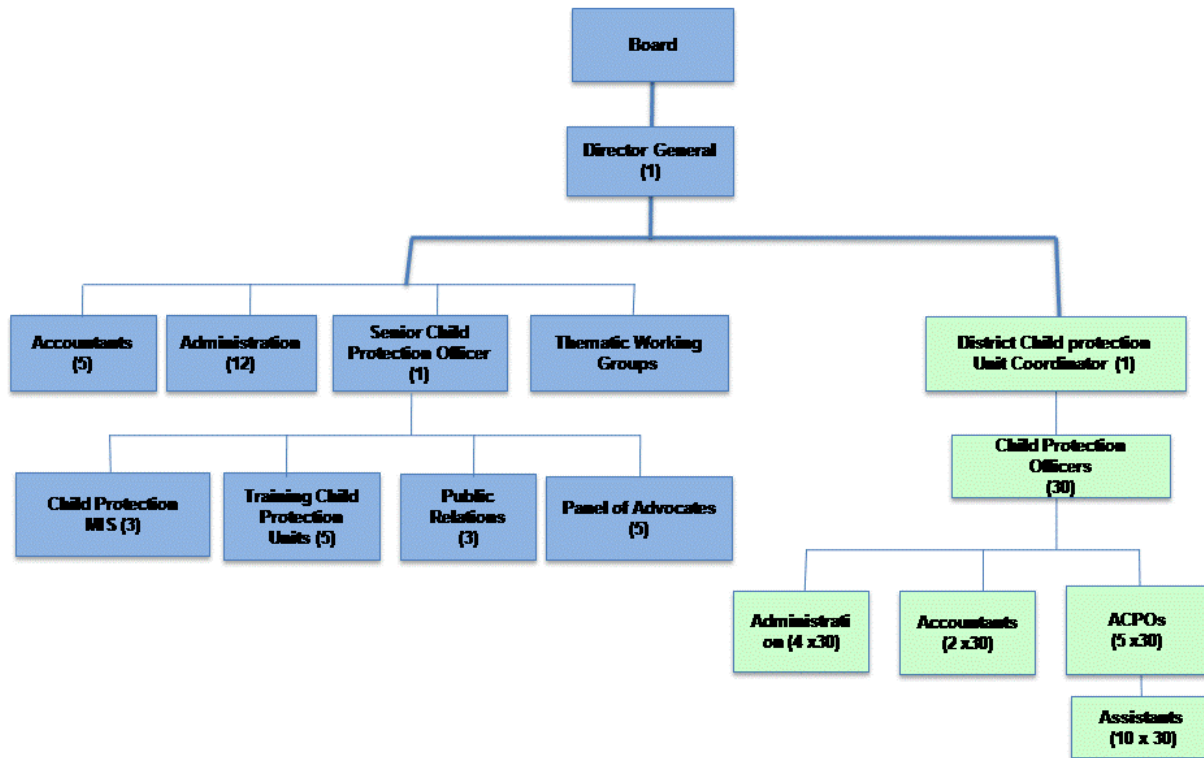
Figure 6. Optimal child protection system for Baluchistan



9.3. Proposed Staff for the Child Welfare and Protection Bureau

The Bureau will have a Head Office in Quetta and a Child Protection Unit in each district of Baluchistan. The details of the staff are presented in Figure 7.

Figure 7. Optimal staffing of the Child Welfare and Protection Bureau



There will be one Director General who will oversee the functioning of both the Head Office and the district CPUs and will be responsible for setting up and managing Thematic Working Groups on child protection issues. One Senior Child Protection Officer (SCPO) and one District CPU Coordinator will report directly to the DG. The SCPO will be responsible for overseeing a CPMIS at the provincial level, a Training Unit, a Public Relations team and a Panel of Advocates. The CPMIS will regularly input data provided by the CPUs on the number of children that have been helped by the CPU and will also monitor other information sources to compile data related to child protection that can be used for policymaking and allocation of funds. The Training Unit will be essential as the staff employed at the CPU will need regular trainings in order to bring them up to date with issues and methods related to Child Protection. The Panel of Advocates will represent the Bureau and children in need of legal aid in legal matters.

The CPU Coordinator will be in charge of coordinating closely with the CPOs at a district level and create a bridge between the provincial and district level systems. The staff for each CPU will comprise of 1 Child Protection Officer, 1 Assistant Child Protection Officer, 10 assistants, 4 people in the Administration team and 2 in the Accounts team.

9.4. Costing for the Child Welfare and Protection Bureau

The total cost for setting up the Bureau (one Head Office and 30 CPUs) is provided below in Box 18. The detailed costing has been provided in Annex 2.

Table 13. Costing for the Child Welfare and Protection Bureau (in Rupees)

	<i>Capital</i>	<i>Recurrent</i>	<i>Total</i>
Year 1	87,643,913	339,468,188	427,112,101
Year 2	8,764,391	373,415,007	382,179,398
Year 3	17,528,783	410,756,508	428,285,290
Year 4	26,293,174	451,832,159	478,125,333
Year 5	35,057,565	497,015,374	532,072,940

SECTION 10. CONCLUSION: CHILD PROTECTION SYSTEM DEVELOPMENT

Reform and coordination that is required to institutionalize a strong child protection is possible once the decision to act has been taken by all stakeholders. Below is a set of consolidated recommendations based on this report that may serve as a template for how the Baluchistan government may wish to proceed.

10.1. Laws and Policies

- Passage of the **CWPB** at the provincial assembly.
- A parliamentary oversight body through a **Standing Committee** should be established to push for legislative changes as necessary (to make laws in conformity with CRC) and oversee child protection policies in the province.
- Ambiguity created by the 18th constitutional amendment regarding roles and responsibilities of bodies previously working under the **federal government** needs to be clarified.
- **Review all relevant legislation** to conform with the CRC and other international instruments and **introduce new legislation** where needed (See Section 4 for further details).

10.2. Cooperation, Coordination and Collaboration

- Setting up the proposed **Bureau**. The Bureau should oversee all child protection issues across various sectors and set up service delivery/referral mechanisms for children in need of protection. Departments of Social Welfare, Law, Home, Labor, LG&RD, Health, Education, Women Development, Bait-ul-Mal, BISP and FIA should have representation in this Bureau as well.
- **Thematic issue-based working groups** could be set up under the Bureau to tackle specific issues; e.g. a Working Group on Child Labor, Working Group on Honor Killing, etc.
- The **Home Department's subsidiary units** need to increase collaboration. A **formal system of referral** should be established between the Home Department and SWD, so that children in need of care and protection, child victims and child witnesses can be provided protection.
- **CPCs** at the community level should be set up that draw on government and NGO as well as community resources to identify, refer, and rehabilitate children in need.

10.3. Capacity Building

- Accurate and timely **data to be shared amongst all stakeholders** to inform policies and programmes.
- All **government employees**, especially the police and judiciary must be made aware of all the laws, policies and penalties related to child rights violations particularly those relevant to customary and discriminatory practices. Similarly case workers (Social Welfare Dept, FIA and CPUs) and area inspectors (Labor Department) must be trained on related laws and policies. Medical practitioners need to be sensitized as well.
- **Lawyers and social workers need capacity building** on child protection issues as well. Interactive training seminars involving government and NGO stakeholders on child protection concept and system-building.
- LG&RD Department capacity must be developed on **birth registration**.

- **Capacity of parents** to protect their children and teach them life skills should be increased via parent-teaching programs.
- **Review of courses** on child and family welfare being offered at major universities to ensure they are comprehensive and cover all areas of child protection and welfare.
- Frequent **transfers** have a negative effect on the capacity of departments to execute projects. Social Welfare Officers that are posted in districts must be given at least three months of training or be attached to other Social Welfare officers before they are allotted a district so that they are aware of their responsibilities.
- The capacity of **Reclamation and Probation Directorate** should be strengthened so that deprivation of liberty can be used as a last measure for children in conflict with the law (as stipulated in the JJSO).

10.4. Service and Service Delivery Mechanisms

- **CPUs** should be established in all districts of Baluchistan. These units should provide rescue, rehabilitation, psychosocial, legal and referral services to children who are at risk or in need of protection.
- In order to implement JJSO, **Child Protection Courts** must be notified immediately.
- The **Borstal institution** planned by SWD need to be made operational as soon as possible.
- The SWD needs to set up a **shelter home** where it can house child victims and children in need of care and protection.
- The Home Department should set up Remand Homes and Borstal Institutions on a priority basis. Aftercare services should be provided to rehabilitate children leaving juvenile jails
- A **children's helpline** should also be set up that is linked to the district CPUs.
- Special **child labor inspectors** must be assigned by the Labor Department to monitor child labor violations in the province.
- System such as **foster care** should be developed for children without adequate family or alternative care.
- The **SWD needs to improve its capacity to deliver services** in all 30 districts, such as care of abandoned children or protection of child rights within the criminal justice system, day care centers and schools for disabled children.
- The Police and SWD should have a **formal link at the district level**.
- A **network of referral systems** involving CSOs as well should be formalized.

10.5. Civil Society

- Existing CSO **networks** (such as the Child Rights Movement **need to be streamlined** to avoid duplication of efforts. These networks need to develop a stronger presence at the provincial level.
- CSOs should not take the lead in providing **basic services** that are the responsibility of the government, e.g. residential shelters, legal for children, and more.
- CSOs need to be held **accountable** for their work even after a specific project is completed.

10.6. Communication, Education and Mobilization for Change

- **CSOs** (including media) should play a role in mobilizing communities to register births, especially in rural areas. (The SWD in collaboration with Information, IT, Education Departments and other stake holders may chalk out a comprehensive media campaign.)
- Increase awareness of community members on **laws** related to child protection.
- A mass communications campaign is needed to make community members aware of existing **services** for child protection, including the Children’s Complaint Cell.
- Mass media campaigns to change **attitudes and norms** such as acceptance of corporal punishment, child labor, child marriages etc must be launched by government and non-government agencies.
- The **CRC** should be made part of school curricula. Life skills lessons should also be introduced in madrassahs.
- **LSBE** should become an official part of the Baluchistan primary and secondary school curriculum

10.7. Financial Resources

- Funding for the **Bureau and CPUs** at district level must be provided promptly
- Child protection should be provided as a **consolidated head** in budget documents.
- Introduce **expenditure tracking and outcome-based budgeting**.
- The government needs to prioritize child protection as a major concern and set aside **funds and human resources** to establish necessary programmes where they do not exist and also support services for SWD and LMD to fulfill their emergency mandate.
- Resources need to be allocated to enforce **implementation** of various child protection related laws that exist and to develop the capacity of personnel executing these functions.
- A Child welfare Fund may be created with seed money from the Government and open to all philanthropists.

10.8. Accountability Mechanisms

- A system to **track and monitor children who are under guardianship** and those living in residential institutions should be established.
- SWD needs to establish **SOPs and guidelines** for the provision of different child protection services in order to strengthen their internal accountability.
- All NGOs providing services to children in need of care and protection must be **registered** with SWD.
- **DVCs** should be set up by the LMD to monitor bonded labor.
- A central body (SWD or the Bureau) should be responsible for inspection, quality control, and regulating **standards for private and public institutions** offering child protection services. In the future, this could be assigned to district child protection officers.

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