

Mapping and Assessment of the Child Protection System

PUNJAB

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ACRONYMS

ADR	Alternative Dispute Resolution
BISP	Benazir Income Support Program
CBO	Community-Based Organization
CCO	Children’s Complaint Office
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPA	Child Protection Authority
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
CRM	Child Rights Movement
CrPC	Criminal Procedure Code
CRSR	Convention Relating to the Status of Refugees
CSO	Civil Society Organization
DDMA	District Disaster Management Authorities
DG	Director-General
DVC	District Vigilance Committee
FIA	Federal Investigation Agency
FIR	First Information Report
GCC	Gender and Child Cell
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
IPCC	Inter-Provincial Coordination Committee
JJSO	Juvenile Justice System Ordinance 2000
LCU	Local Complaint Units
LSBE	Life-Skills Based Education
LNFB	Literacy and Non-Formal Basic 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

OCF	Office of Child Faciliation
ORC	Open Reception Centers
PACHTO	Prevention and Control of Human Trafficking Ordinance
PACP	Punjab Aids Control Program
PCCWD	Provincial Commission for Child Welfare and Development
PDS	Pakistan Demographic Survey
PODA	Potohar Organisation for Development Advocacy
PPC	Pakistan Penal Code
PPTCT	Prevention of Parent to Child Transmission
PSLM	Pakistan Social and Living Standards Measurement
SAHE	Society for the Advancement of Higher Education
SDDNCF	Socioeconomic Development of the Destitute and Neglected Children's Families
SEHER	Society for Empowering Human Resources
SERC	Socio-Economic Rehabilitation Centers
SOP	Standard Operating Procedures
SPARC	Society for the Protection and Rights of Children
SWD	Social Welfare & Bait-ul-Mal 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
WFCL	Worst Form of Child Labor

EXECUTIVE SUMMARY

A child protection system 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]. In order to assess the key risks facing children; the capacity of current structures, and the legal and policy framework relevant to child protection, a Child Protection Systems Mapping and Assessment (CPM&A) exercise was carried out in all the provinces of Pakistan with the support of UNICEF during 2012. For the purpose of CPM&A exercise, the following child protection themes were studied and analyzed : 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. The assessment will be used to plan for future services, engagement and coordination of key players, and financial and human resources required to strengthen child protection systems. A child protection system is comprised of both formal and informal actors and institutions. While this study includes a basic mapping of the informal sector, a detailed mapping of informal and community level systems was outside the scope of the study. There is a lack of ethnographic and sociological research in Pakistan that could have allowed mapping of those sections in a more detailed manner.

Global Context

Pakistan is signatory to the United Nations 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 CPM&A was a comprehensive process that engaged stakeholders from government, civil society and UNICEF, from November 2011-June 2012. A Provincial Working Group comprised of government officials, 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 Provincial Steering Committee in the form of a Toolkit, report, and presentations/meetings.

Basic Data and Provincial Risk Profile

Punjab's poverty-related indicators are weak. 59 per cent of the population lives below the US\$ 1.25 per day. Punjab is off-track to meet its Millennium Development Goals (MDGs), gender imbalances persist, and almost half the population is under age 18. While Punjab has not seen the kind of violent conflict that occurred in other provinces, nonetheless extremist groups have a presence in the southern part of the province, an area that was also affected by the 2010 floods.

Punjab leads the rest of the country on birth registration, with 77 per cent of children under age five registered. Up to five per cent of children ages 5-14 work, more than half of them in agriculture.

Child marriage is common and though the legal age for girls to marry is 16 and for boys 18, children younger than that are often married. Honor killings and forced marriages are both used as dispute resolution mechanisms between families or tribal groups in Punjab. Figures based on media and police reports indicate that 233 died as victims of honor killing.

HIV/AIDS is an ongoing concern, with 74 registered cases of children at one hospital in Lahore alone. Child abuse is prevalent, and includes corporal punishment, kidnapping, murder, and sexual abuse. In 2010, the number of children reported in newspapers as victims of sexual abuse was 1,839 and there were 892 children kidnapped in 2011. With regard to child trafficking, the form best known in Punjab is the kidnapping of children for use in camel racing in the Gulf states. This has largely been successfully tackled by authorities. Further data on child trafficking within Pakistan or across its borders is not readily available.

The optional module on disabilities was included in the Punjab Multiple Indicators Cluster Survey (MICS) 2007-8. It found that out of all children ages 2-9 years of age, just over five per cent had some form of disability. In Pakistan the most permanent form of family-based care for children who are orphans is informal guardianship. Full adoption is not possible, and there is no foster care system. Children with one or both parents dead comprise 4.3 per cent of the population under age 18.

In Pakistan the minimum age for criminal liability is 7 years. Most children in conflict with the law are males. The total number of juveniles in detention as of December 2011 is 768, however the figure does not include children who may be imprisoned in adult jails.

Laws and Policies

Many national laws are applicable in Punjab, e.g., the Pakistan Penal Code (PPC) which addresses multiple thematic areas of child protection. The Juvenile Justice System Ordinance (JJSO) 2000 is the most relevant law, also applicable in Punjab, and addresses process and standards for handling criminal cases involving children. Other national laws cover child marriage, employment, birth/death registration, human trafficking, and crime.

Laws specific to Punjab include the Punjab Destitute and Neglected Children's Act (PDNCA) 2004, and the Punjab Compulsory Primary Education Ordinance 1994. There is room for improvement in laws and/or policies related to specific areas of child protection, such as birth

registration, child labor, child marriage, honor killings, child discrimination, neglect, and so on. Most laws and policies do not directly refer or adhere to the CRC.

Formal Systems and Capacities

This Report includes an organogram that illustrates the overall child protection system in Punjab. The system involves actors from departments of Home, Social Welfare & Bait-ul-Maal (SWD), Special Education, National/Provincial Disaster Management Authorities (NDMA/PDMA), Women Development, Federal Investigation Authority (FIA), Labor, Local Government, National Database Registration Authority (NADRA) and more. The organogram included in this report shows the depth of involvement of these actors from the provincial to the community level.

There is some coordination among government departments and Civil Society Organizations (CSOs). There is a technical Working Group on Child Protection Policy chaired by the Director General of Social Welfare Department (SWD) and including members such as UNICEF and representatives from NGOs, as well as Secretaries from the above-listed government departments. Another technical committee on Standards in Child Care is organized along the same lines as above. The Child Welfare/Protection Steering Committee includes high-level relevant government representatives to provide an oversight and coordination role regarding all child protection interventions.

The Child Protection and Welfare Bureau (CPWB), housed in the Home Department, is the most closely involved government department in child protection issues and assisting vulnerable women and children. It has its own Child Protection Officers (CPOs), Open Reception Centers, and Child Protection Units (CPUs) to perform essential functions of rescue, recovery, assessment and follow-up of children in need. However these are not functional throughout the province. There is weak coordination between CPWB and other relevant Departments.

The secondary Department involved in child protection is the SWD. It runs services such as care for abandoned babies, care for destitute children, orphanages, and homes for children with disabilities, and rehabilitation centers in juvenile jails. Currently 7,264 voluntary organizations are registered with SWD, and CPWB is responsible for registering child protection institutions.

Children in Conflict with the Law

The JJSO calls for the establishment of separate juvenile courts, which has yet to be implemented. JJSO is the applicable law implemented in Punjab through the Punjab Juvenile Justice System Rules 2002. There are 25 juvenile cells (in adult district and central jails) and two Borstal institutions in 26 districts of Punjab. There are no special provisions for the protection of child witnesses. *Panchayats*, which represent elders, are the traditional informal justice system in Punjab; their decisions are largely made to the detriment of women and children's rights.

The management of juveniles throughout the justice process is in violation of many of their rights. While the relevant officials are meant to protect them from abuse, this is often not the case. There is no formal diversion process in operation; however, judges and Home Department have discretionary powers to free juveniles or release them on probation.

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 there is open discussion allowed about these practices; and what efforts are being made to change these attitudes. Social apathy over *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 within the home. A bill criminalizing corporal punishment against children was tabled in the National Assembly in 2010 and has been opposed within government. The Punjab government issued notifications in 2005 banning corporal punishment in schools but no legislation has been introduced in the Provincial Assembly.

Social apathy over *sexual violence against children* leads to 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 skills-based education to children in order to help them protect themselves against violence and exploitation. There is also a move to increase the minimum age of marriage for girls to 18 years so that the age of marriage is standardized for boys and girls.

The *acceptability of child labor* is common, linked with high levels of poverty and the easy manipulation of child labor in informal sectors of the labor force. There is open discussion on 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 the government runs some rehabilitation centers for children removed from hazardous labor.

The *reliance on informal dispute resolution mechanisms* is another prevalent attitude, justifying honor killings and the use of girls in marriage to settle disputes within parties. 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 directly working in child protection, while others are indirectly linked to it in one way or the other. NGOs conduct activities to combat these negative attitudes and practices in certain areas. These include issues pertaining to violence (including sexual) against children, domestic child labor, bonded labor in brick kilns and other abusive child labor.

However, 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. There is no single procedure to license all NGOs, and those with licenses are not properly monitored. The registration of all of them with one department, such as 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 features 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 Council Secretaries, police, magistrates, teachers, and health workers. In the absence of referral mechanisms they cannot be said to constitute a cohesive system.

Resource Mobilization and Fiscal Accountability

There is no separate classification for child protection in budget documents, and functional classification of expenditure used by the Punjab government. There is a need to improve capacity of government personnel associated with child protection activities, and to maintain a database for effective monitoring and transparency. The government must provide adequate financial resources to cover the implementation of legislation, provision of adequate services, and strengthening of existing bodies such as the courts, to fulfill its responsibilities for child protection.

Optimal Child Protection System

To streamline and organize the very fragmented child protection system in Punjab, a comprehensive child protection legislation should be drafted. This legislation (similar to the legislation passed in Sindh) should mandate a Child Protection Authority (CPA). The Advisory Board should be chaired by the Minister of Social Welfare and its members should include the Secretaries of Health, Education, Labor, Planning and Development, Social Welfare, Women Development, Law, Special Education, PDMA, Prosecution, Zakat, Finance, Literacy and Non-Formal Basic Education (LNFBE), Auqaf and Religious Affairs, Human Rights and Minorities departments and a Director-General (DG). Representatives from the FIA, Bait-ul-Maal, Benazir Income Support Program (BISP), and UNICEF should be co-opted members of such an Authority. Under the CPA, in each district CPUs should be set up, and Child Protection Committees (CPCs) at the Tehsil or community level. The Authority should manage a Child Protection Management Information System (CPMIS) and retain a Panel of Advocates that can provide free legal aid to children in need of protection. The Authority may also institute Thematic Groups that focus on specific issues under child protection. Formation of a Standing Committee on Child Protection in the Punjab Assembly will give the required impetus to such legislation being drafted and passed in the province.

Conclusion

The CPA is an optimal model for collaborating on child protection issues. Devolution has been a first step towards mobilizing the funding and readiness of the 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. Increased financial commitment,

legislative review, setting up a Standing Committee for child protection in the Punjab Assembly, and establishing a lead child protection institution/authority will help streamline the child protection system in Punjab and ensure protection to children.

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 (CSOs) 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 systems, 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 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]

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.

The purpose of the mapping and assessment exercise carried out in Punjab 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.

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 United Nations 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.

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

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.

Box 2. Pakistan’s international commitments relevant to child protection

PAKISTAN IS PARTY TO:	STATUS⁴	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

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.

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. ‘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 demonstrates intent to examine the treaty domestically and consider ratifying it.” [http://www.unicef.org/crc/files/Definitions.pdf]

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-06
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, issues with regard to service delivery in general, and child welfare and protection in particular 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 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.

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.

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. Although the highest increase in budgetary outlay amongst all provinces has occurred in Punjab in the last two years, expenditure on social sectors has not increased commensurately.

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.

The fourth area where Punjab, 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 Punjab. 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 maps out an optimal system for child protection proposing that a Child Protection Authority

(CPA) is set up in the province. Section 10 summarizes the main recommendations of the CPM&A.

SECTION 2. STUDY DESIGN

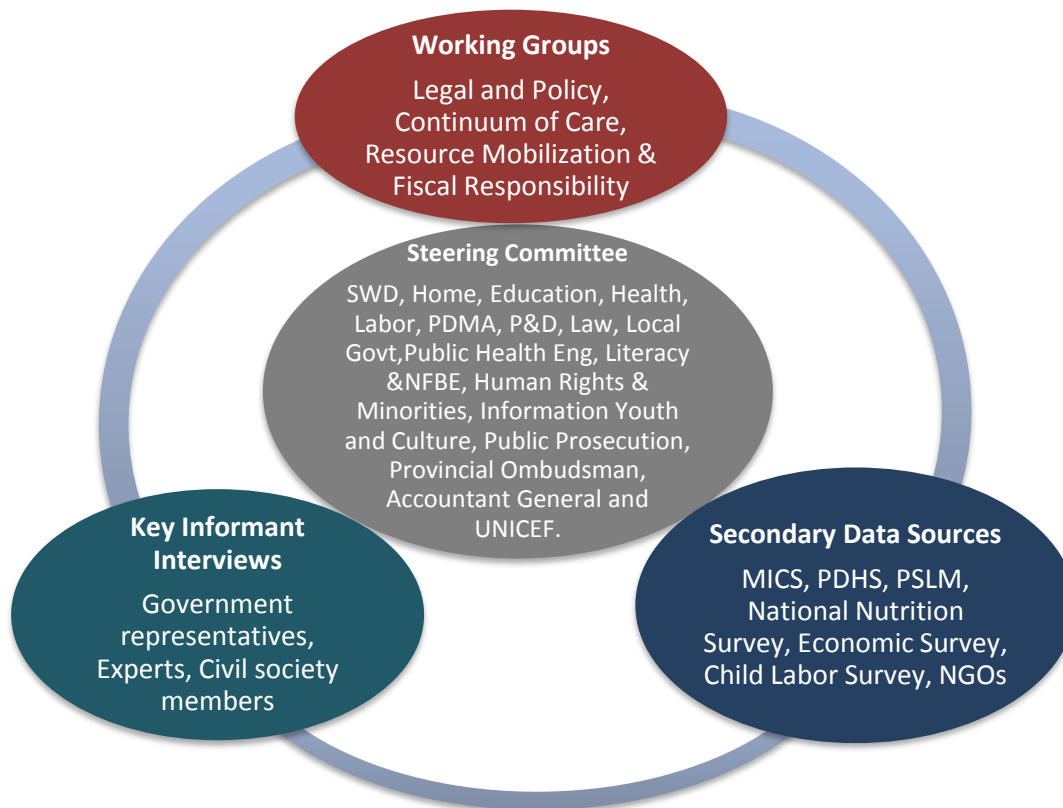
2.1. The Process

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 child protection 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 CPM&A Toolkit**.

9. **Provincial Steering Committees** were presented with the findings of their respective provincial CPM&As and their endorsement sought, which 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 (KPK), Balochistan and Gilgit-Baltistan. Second, a synthesis report for each province collated the findings from the CPM&A. Third, presentations summarizing the provincial findings were shared with the Steering Committees comprising selected government officials in each of the provinces.

SECTION 3. PROVINCIAL PROFILE AND BASIC DATA

3.1. Demographic and Macroeconomic indicators

Punjab is the most populous province in Pakistan, with over 103 million people. It has a large youth population, ie 44 per cent under age 18, in keeping with the overall demographic profile of the country. Its male to female ratio is almost equal, with females outnumbering males slightly. Three fifths of the population lives on less than USD 1.25 per day. Over 37 per cent of the population is urbanized (assuming the figure has grown since the 2007 data quoted above), which is less than Sindh.

Punjab is off track to meet its targets for the Millennium Development Goals (MDGs) 1,2,3,5, and 6 – which address poverty, universal primary education, gender equity, maternal health, and combatting of major diseases such as HIV/AIDS and malaria. It is still possible, if changes are made, to meet targets 4 and 7, which pledge to reduce child mortality and ensure environmental stability.

Table 1. Demographic and macroeconomic indicators

Indicator	Total	Male	Female	Source
Total Population (thousands)	103,488	51,560	51,929	Projection based on the growth rate as per Pakistan Demographic Surveys (PDS) 2003 and 2007
Population (thousands) under 18	45,809	22,884	22,925	Projection based on the growth rate as per PDS 2003 and 2007
Population that is urbanized, %	36.6%	n/a	n/a	PDS 2007
GNI per capita (US\$)	\$990.00	n/a	n/a	Punjab Economic Report 2007 http://portal.punjab.gov.pk/portal/docimages/15504PunjabEconomicReport2007-08.pdf
% of population below US\$1.25/day	58.7%	n/a	n/a	The Sixth NFC Position Paper on Resource Distribution Formula Amongst Provinces - Government of Punjab

Punjab has not seen the kind of violent armed conflict that KPK and Balochistan have been exposed to in recent years. However, there are two elements that are nonetheless applicable. One, young people recruited from *madrassahs* in Southern Punjab have been known to take part in terrorist attacks around the country, although numbers are not known. There are efforts underway to rehabilitate such young people if they are captured in conflict-ridden areas such as KPK and the Federally Administered Tribal Areas (FATA). Two, among the deaths caused by suicide bombings in Punjab over the last few years, there are certainly some children, although figures are not readily available. However, in 2010 catastrophic floods hit Punjab, affecting 850,000 households/families. South Punjab was the most adversely affected part of the province (in the districts of Dera Ghazi Khan, Layya, Rahimyar Khan, Muzaffargarh, Mianwali, Bhakkar, and Rajanpur). Over 2,070 schools for internally displaced people (IDP) were destroyed and the rehabilitation process continues.⁶ According to the Initial Rapid Assessment Survey by the World Health Organisation (August 2010), 30.2 percent of children were suffering from acute malnutrition in flood-affected districts, and 2.7 million people were displaced.⁷ There remains a threat of flooding during heavy monsoon seasons, which are difficult to predict on a yearly basis.

Currently, four million children are affected by severe food shortages⁸. There is 34% undernourishment in children under 5 years of age in Punjab. The National Nutrition Survey Report 2011 reveals that 59.5% are food insecure in Punjab, and of those that were food insecure 32.2 % were food insecure without hunger, 18.5 % were food insecure with moderate hunger, and 8.8% were food insecure with severe hunger.

There are regular outbreaks of dengue disease, primarily in Lahore. To date 11,429 cases have been reported in Lahore. No separate data on the number of children afflicted is available.⁹ There is a likelihood of the outbreak of dengue during the summer season in other districts of Punjab, primarily in central Punjab due to weather conditions that favor the mosquito-borne virus.

The proportion of communicable diseases was more than the non-communicable diseases in the 3rd quarter of 2011 in Punjab, although the trend is expected to reverse over the coming

⁶ (*Punjab Flood Relief and Rehabilitation* [<http://floodrelief.punjab.gov.pk/DamagRain.aspx>] and *Provincial Disaster Management Authority (PDMA)* [http://www.pdma.punjab.gov.pk/cp_home.aspx].)

⁷ (Flood and Poverty in Pakistan: A Preliminary Analysis at District-level of Systemic and Disaster-Induced Causes of Poverty - Paper by Ghulam M. ARIF, Nasir IQBAL, Shujaat Farooq, Pakistan Institute for Development Economics, PIDE)

⁸ Pakistan Health Profile, Health Department Website), http://health.punjab.gov.pk/?q=Punjab_Health_Profile

⁹ Provincial Disaster Management Authority http://www.pdma.punjab.gov.pk/pdf/Punjab_A2_Portrait_Dengue03oct11v3.1.pdf

years. Out of the 46 percent communicable diseases, 17 percent were diarrhea/dysentery in children less than 5 years of age and 12 percent diarrhea in children more than 5 years of age.¹⁰

3.2. Child Health and Education Indicators

Girls from Punjab are at less of a disadvantage when it comes to human development indicators than in the other provinces. Fewer female infants (under age 1) die than males, and the under 5-mortality rate is also lower for females (106 versus 117 for boys).¹¹ Pakistan's overall maternal mortality ratio is 276, but in Punjab the figure is below this average as well (227 per hundred thousand live births). Inadequate nutrition has led to 30 per cent of children under five years of age being moderately or severely underweight.

Table 2. Child health and education indicators

Indicator	Total	Male	Female	Source/Date
Infant mortality rate (under 1)	77	81	73	Multiple Indicators Cluster Survey (MICS) Punjab 2007-08:111
Under 5 mortality rate	112	117	106	MICS Punjab 2007-08:111
Maternal mortality ratio, reported	227			Pakistan Demographic and Health Survey (PDHS) 06-07:179
Percent Under-5 underweight moderate & severe	30.0%	not available	not available	National Nutrition Survey 2011:55
Percent infants with low birthweight	5.0%	not available	not available	Provincial Third Quarter Report 2011 available at Health Department Website http://health.punjab.gov.pk/index.php?q=Reports
Primary school enrollment ratio, net	77.4%	77.5%	71.9%	Pakistan Standards of Living Measurement Survey (PSLM) 2010-11
Secondary school enrollment ratio, net	40.1%	42.4%	37.7%	PSLM 2010-11
Urban school enrollment ratio, net	77.41	76.79	78.07	PSLM 2010-11
Rural school enrollment ratio, net	63.68	67.79	59.18	PSLM 2010-11

¹⁰ 3rd Quarter 2011 Provincial Report, Health Department, Punjab

¹¹**Infant mortality rate:** The number of children dying at less than 1 year of age, divided by the number of live births that year.**Under-five mortality rate:** the probability per 1,000 that a newborn baby will die, before reaching age five.

Punjab schools' enrollment ratios are the highest in Pakistan, yet there is a significant drop from primary school enrollment ratio (77.4%) to secondary school enrollment ratio (40.1%). Another significant gap is the drop from an overall urban school enrollment ratio to 77.41% to 64% in rural areas.

The negative gender disparity in enrollment ratios remains at 4-6% for girls at primary and secondary levels, and in urban areas school enrollment for girls (78%) is actually somewhat higher than for boys (77%). However, there is a dramatic drop for girls net enrollment ratio from urban to rural (59%) settings that needs to be overcome.

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).

There is an enormous provincial disparity, between Punjab's at a total birth registration rate of 77% (under age 5) and the other three provinces, which are hovering at around 20%. This reveals that it is indeed possible for a provincial government to succeed in birth registration drives. However, full data is unavailable, e.g. the figures for birth registration under age 18, and gender disaggregated data for urban and rural figures.

Table 3. Birth registration

Indicator	Value	Male	Female	Source/Date
Birth registration, total (under 5 years of age)	77.0%	77.5%	76.5%	MICS Punjab 2007-08:135
Birth registration, urban	83.5%	Not available	Not available	MICS Punjab 2007-08:108
Birth registration, rural	74.5%	Not available	Not available	MICS Punjab 2007-08:108

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 all sectors, such as hazardous industries and domestic work.

The Punjab MICS 2007-8 puts the total number of children ages 5-14 years in Punjab at 149,210, out of whom 5.1% work. Among working children, 60 per cent are engaged in the agricultural sector, followed by 25 per cent in services sector, and 15 per cent in the industrial sector.

Ten percent more girls than boys work in agriculture, and six per cent more girls also work in industries. Overall slightly more boys (5.7%) than girls (4.4%) are engaged in paid work. Data on child domestic workers is not available, however this sector includes a large proportion of girls, who work without legal protection and also sometimes without getting paid.

Table 4. Child labor

Indicator	Value	Male	Female	Source/Date
Child labor (5-14 years) total	5.1%	5.7%	4.4%	MICS Punjab 2007-08:137
Children in labor force (5-14 years) not attending school	9.8%	not available	not available	MICS Punjab 2007-08: 137
Among working children, % in agricultural sector	59.8	57.2%	67.3%	Child Labor Survey 1996
Among working children, % in industrial sector	14.7	13.2%	19.0%	Child Labor Survey 1996
Among working children, % in services sector	25.4	29.6%	13.8%	Child Labor Survey 1996
Among children who work, percent unpaid (for someone other than a household member)	1.0%	not available	not available	MICS Punjab 2007-08:110

There is no current Child Labor Survey planned at present. Another survey with child labor data is the Pakistan Labour Force Survey 2011, annually carried out by the government.

3.5 HIV/AIDS

Table 5. Children and HIV/AIDS

Indicator	Value	Male	Female	Source/Date
Estimated number of children age 0-14 living with HIV/AIDS	Not available			
Number of HIV/AIDS cases registered at the Special Clinic for Children, Pediatric Unit 1 Services/SIMS Hospital, Lahore	74	49	25	Interview with BCC Coordinator - Punjab Aids Control Program Office (18/04/2012)
Male to Female Ratio in Punjab	0.14	1	7	“ “
Percent of young people age 13-19 who have had sex before the age of 15 (national)	0.7%	0.9%	0.4%	National Aids Control Program 2010
Number of Children receiving ARV drug therapy (provincial)*	52	not available	not available	Interview with BCC Coordinator - Punjab Aids Control Program Office (18/04/2012)

The numbers of identified HIV cases are low, but as the literature has stated repeatedly, the threat of a full-blown epidemic remains, given its growing prevalence among high-risk populations in Pakistan. There is no available data on the total number of children living with HIV/AIDS. However, in one hospital 49 boys and 25 girls have been registered as positive cases.

According to the Punjab AIDS Control Program, in some areas in Punjab the ratio of male to female with HIV/AIDS is 1:1 such as Dera Ghazi Khan and Gujarat, in contrast to the 1:7 ratio shown above for the province as a whole. Further research is required to understand the context of these figures and develop a more detailed profile of the disease among children in Punjab.

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 6. Child marriages

Indicator	Value	Male	Female	Source/Date
Child marriage, total	81,785	8,717	73,068	PSLM 2010-11
Child marriage, urban	16,712	1,578	15,134	PSLM 2010-11
Child marriage, rural	65,073	7,139	57,934	PSLM 2010-11

Among the provinces, the number of female child marriages usually outstrips the number of male child marriages. In Punjab, the female number is more than eight times the number of boys who enter into child marriages. Child marriages in urban areas are scarce as compared to those in rural areas. The number of child marriages for boys in rural areas is significantly larger than in urban areas. In rural areas, eight times more girls enter into child marriages than do boys. These figures represent the number of married children who are currently 18 years of age or less.

- **Honor Killing and *vani***

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, a task 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.

Honor killings are the most frequent crime of violence against women that is reported. (Aurat 2011: 50). In Punjab there were 233 cases reported by Aurat Foundation in 2010. There was no information available about the age group of the women survivors of violence.

Tribal courts still continue to make decisions to resolve conflicts by arranging marriages of girls in compensation. The crime of *vani* was reported 18 times in 2010, but the age of the girls was not available.

Table 7. Honor killing and *vani* in Punjab [all ages]

Indicator	Value	Male	Female	Source/Date
<i>Vani</i>	18		18	Aurat Foundation 2011: 28
Attempted Honor Killings in 2010	2		2	Aurat Foundation 2011: 28
Honor Killings in 2010	233		233	Aurat Foundation 2011: 28

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).

Another form of abuse is corporal punishment for children, which is widely practiced, although the number of cases that get reported is low. The number of sexual abuse cases is also larger than those reported by police or the media, as social norms do not encourage prosecution of these offences. Over 1800 children were reported sexually abused in 2010, as reported by the NGO Sahil. According to its report *Cruel Numbers 2011*, the highest number of child sexual abuse cases were reported from the districts of Lahore (399), Kasur (206) and Okara (123) districts of Punjab.

Table 8. Children subject to abuse

Indicator	Value	Male	Female	Source/Date
Corporal punishment in schools	89%			Plan Interantional “ Learn without Fear” Campaign Study
Percentage of schools with protective school policies in place	37.0%			Fafen Education Monitor as quoted in the The State of Children in Pakistan 2010, SPARC, p 150
Number of children (0-17) experiencing sexual abuse 2010	1,839			Cruel Number 2011 - A compilation of child sexual abuse statistics in Pakistan Sahil:17
Number of children murdered in 2011	169	97	72	Annual Administration Report 2011 Punjab Police
Number of murder attempts against children in 2011	58	36	22	Annual Administration Report 2011 Punjab Police
Number of children injured in 2011	251	94	157	Annual Administration Report 2011 Punjab Police
Number of cases of child sodomy in 2011	1,227	1,206	21	Annual Administration Report 2011 Punjab Police
Number of cases of children kidnapped in 2011	892	437	455	Annual Administration Report 2011 Punjab Police
Number of children kidnapped for ransom in 2011	35	28	7	Annual Administration Report 2011 Punjab Police

Number of unmarried women exposed to violence in 2010	2,395		2,395	Aurat Foundation 2011: 33
Number of women exposed to violence in 2010 [ages 0-18]	1,002		1,002	Aurat Foundation 2011: 34

Over one thousand children, almost all boys, were sodomized in 2011, according to the Punjab police. An extraordinarily high number of children were also kidnapped in the same year (437 boys and 455 girls) and 35 more were kidnapped for ransom. According to another source, 1,666 cases of child abuse were reported in 2011, out of which 1,121 were boys and 545 girls (Madadgaar Data Sheet 2011).

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 who abandon 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).

Table 9. Children without adequate family care

Indicator	Value	Male	Female	Source/Date
Children (0-17) orphaned by all causes	4.3.%	not available	not available	PDHS 2006-7: 16
Number of residential institutions for children (run by Social Welfare Department)	28	not available	not available	Child Rights Cell - Social Welfare Department 10/04.2012
Number of residential institutions for children run by Child Protection and Welfare Bureau (CPWB)	7	not available	not available	CPWB Working Group meeting
Number of Children rescued by CPWB off the Streets of Punjab since 2004	22,240	not available	not available	Daily Status of Rescued/Registered Children in All Districts in Punjab (19/4/2012) - CPWB
Domestic adoptions, total (through Child Protection Court, CPWB)	24	not available	not available	Rizwan (Child Protection Officer), CPWB (4/23/2012)

Estimated number of children living on the streets (Lahore)	10,000	not available	not available	Situational Analysis conducted by CPWB in 2004
Estimated number of children living on the streets (Faisalabad)	2,500	not available	not available	Situational Analysis conducted by CPWB in 2008
Percentage of children with one living parent (half orphans)	4.1%	not available	not available	PDHS 2006-7: 16

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, non-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 (See *Guidelines for the Alternative Care of Children*).

Children with one or both parents dead, comprise 4.3 per cent of the population under 18. (Those with one living parent comprise 4.1 per cent).

There is a growing problem of street children in urban centres, with at least 12,500 counted in Lahore and Faisalabad. Since 2004, the CPWB has rescued over 22,000 children from the streets. There are 35 government run residential institutions for children, but the number of private institutions is not known.

3.8. Child Trafficking and Commercial Sexual Exploitation

Child trafficking takes place in Pakistan, in which children have been brought across the country and into the Gulf to be used for camel races¹², and brought from one part of the country to

¹² Starting Over: Children Return Home from Camel Racing <http://www.unicef.org/infobycountry/files/StartingOver.pdf> and Riding for Survival: A Worst Form of Human Trafficking [http://www.idosi.org/mejsr/mejsr12\(7\)12/15.pdf](http://www.idosi.org/mejsr/mejsr12(7)12/15.pdf)

another to be used as sex workers. However, there is less information on the exact figures. One reason for this is that the FIA collects data on cross-border trafficking from all the provinces, but this remains to be shared with concerned departments at the provincial level. Another reason is that the movement of children from one province to another has not been tracked, obviously due to the difficulty of doing so, which leaves us with little information about children’s mobility and related safety. There is virtually no comprehensive data on children trafficked in and out of the country for labor exploitation, or estimates for child migrants within the country, or estimates for children trafficked for commercial sex within the country either.

Table 10. Children and sexual exploitation

Indicator	Value	Male	Female	Source
Commercial sexual exploitation of children	Not available			
Number of children trafficked 2011	93	Not available	Not available	Madadgaar Data Sheet 2011
Number of children (Punjabi origin) trafficked via Taftan to France (2003-5)	243	Not available	Not available	<i>Trafficking of Punjabi Children to Europe - The Case of France</i> , Zubair Tahir, December 2005

There is one study, carried out on children trafficked from Punjab via Iran to France, that gives a figure of 132 boys who crossed over during the period 2003-5. The government claims that the trafficking of boys for use as camel jockeys in the Gulf, many of whom came from Southern Punjab, has now stopped. There is no disaggregated data on the number of children trafficked for commercial sexual exploitation, or labor.

3.9. Children and Justice

Children who come into conflict with the law are those who come in contact with enforcement authorities because they are suspected, or guilty, of breaking the law (UNICEF Toolkit on Diversion and Alternatives to Detention, 2009 draft, quoted in Toolkit 1a). In Pakistan the minimum age for criminal responsibility is 7.

Alternatives to detention refer to legal measures “imposed on children who are being formally processed through the criminal justice system that do not involve deprivation of liberty” (UNICEF Toolkit on Diversion and Alternatives to Detention, 2009 draft, quoted in Toolkit 1a). Aftercare is the “control, supervision and care exercised over children after they leave

community-based programs or are released from detention. It may include probation or enrollment in a community program” (UNICEF Toolkit on Diversion and Alternatives to Detention, 2009 draft, quoted in Toolkit 1a). Probation is the only system of non-custodial punishment in the country, but there are not enough probation officers to make it effective.

Though some data were available for children in conflict with the law there were still several gaps, which include the overall number of children that have come into conflict with the law. There is no information on the juvenile’s contact with parents and families. There is no system of pre-sentence diversion, such as community-based programmes, to avoid sending children to jail. Aftercare programmes to help them reintegrate into society after prison are providing insufficient support. Incomplete systems and data collection combined provide an unclear picture of children in the justice sector.

25 jails in Punjab have separate wards/cells for children and there are two Borstal Homes (in Bahawalpur and Faisalabad) for children in the province. However, children who turn 18 during detention are often sent to adult facilities after considerable delay. The Prison Department Punjab stated that 768 children were in detention since December 31, 2011 until September 2012, and 707 children were under trial during the same period. Gender disaggregated information was not available. According to data from the two Borstal Homes that detain convicted juveniles, 61 boys have been tried or convicted as of December 2011.

Assistant Director Probation Department stated that 254 children were currently under probation supervision. These are children who are ordered by the court to be released on probation after trial.

Table 11. Children in conflict with the law

Indicator	Value	Male	Female	Source/Date
Children in detention (total number of juveniles in detention as of December 31, 2011)	768		Not available	Office of Inspector General, Prison Department, Punjab
Children in pre-sentence detention (under trial as of December 31, 2011)	707		Not available	Office of Inspector General, Prison Department, Punjab
Separation from adults	100.0%			Annual Report - Children in Prisons in Punjab 2011[draft] AGHS

Custodial sentencing (Under probation supervision)	254	253	1	Assistant Director, Probation Department, Punjab
Number of children tried/convicted for: (total, as of December, 2011)¹³	61	61		Office of Inspector General, Prison Department, Punjab
Number of children tried/convicted for: (murder, attempt to murder, injuries and assault)	466			Office of Inspector General, Prison Department, Punjab
Number of children tried/convicted for: (offences against property)	24			Office of Inspector General, Prison Department, Punjab
Number of children tried/convicted for: (rape/zina or to attempt to, sodomy, human trafficking)	303			Office of Inspector General, Prison Department, Punjab
Number of children tried/convicted for: drugs - (possession, trafficking, arms, status offences, serious offences)	56			Office of Inspector General, Prison Department, Punjab
Other indicator: babies/infants accompanying mother to jail	118-120			Office of Inspector General, Prison Department, Punjab

3.10. Children and Disabilities

The Punjab MICS 2007-8 included the optional module on disabilities. Around five per cent of children ages 2-9 (the total in the province numbering 119,796) were identified as having some kind of disability.

¹³According to data from two borstal prisons in Punjab (Bahawalpur and Faisalabad) that detain convicted juveniles. Punjab Police Department maintains record of overall crime statistics in Punjab on its website [<http://www.punjabpolice.gov.pk/crimesstatistics.>]. No separate data on the number of children arrested in Punjab is available. On enquiring from the Statistical Officer (Investigation Branch) regarding segregated data on the number of children arrested in Punjab, he said that it is very difficult to bifurcate data as the entire process is manual.

Types of disabilities included: developmental, vision, hearing, and impairments, although the severity of the impairment is not given. Other impairments identified were those of understanding, movement, crisis/fits, learning, speech, and naming objects. Mental impairments was another indicator used.

Table 11. Children and disabilities (2-9 years)

Indicator	Value	Male	Female	Source/Date
Children with disabilities, total (2-9 years)	5.2%	not available	not available	MICS Punjab 2007-8:141
Children reported with a developmental impairment (2-9 years)	0.9%	not available	not available	MICS Punjab 2007-8:141
Children reported with a vision impairment (2-9 years)	0.6%	not available	not available	MICS Punjab 2007-8:141
Children reported with a hearing impairment (2-9 years)	1.1%	not available	not available	MICS Punjab 2007-8:141
Children reported with a movement impairment	1.2%	not available	not available	MICS Punjab 2007-8:141
Children reported with a learning impairment (2-9 years)	1.1%	not available	not available	MICS Punjab 2007-8:141
Children reported with a speech impairment (2-9 years)	2.0%	not available	not available	MICS Punjab 2007-8:141
Children reported with a mental impairment (2-9 years)	1.1%	not available	not available	MICS Punjab 2007-8:141

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 Punjab

Box 1 below describes laws that have been adopted from national legislation and endorsed by the Punjab Government 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 3. Child protection federal laws applicable in Punjab

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; penalties; Muslim family / Shariat laws override this law i.e. instead of adopting puberty as the mark for marriagabiity, the age enacted by parliament be enforced.	<ul style="list-style-type: none"> • Minimum age for girls should be increased to 18 • Penalties for violation of this law should also be increased.
Juvenile Justice System Ordinance 2000	Process and standards for handling criminal cases for children (under 18)	Not explicitly against solitary confinement for children	<ul style="list-style-type: none"> • Stronger implementation of law. • Capacity building of police, prison, probation, remand home staff, lawyers and judges on legislation. • JJSO should over-ride other laws such as the Code of Criminal Procedure, Anti-terrorism Act and the PPC
Employment of	Standards and working conditions for children.	Contradiction between ILO Minimum Age	<ul style="list-style-type: none"> • Employment under 16 should be banned

Children’s Act 1991	Lists occupations that are not allowed for children less than 14 years of age.	Convention –which requires it to be greater than or equal to age at which compulsory education ends (i.e. 16 for Pakistan). Does not cover domestic and home-based labor or children in agriculture apart from cinder farming.	<ul style="list-style-type: none"> • 16-18 should be regulated. • Penalties should be increased • Laws specifically addressing and regulating working conditions, hours and rights of domestic and home-based labor, children in farming, as well should be introduced
Birth Marriage and Death Registration Act 1886	Birth Registration standards and procedures	Birth registration for children with unknown fathers not possible. Weak implementation	<ul style="list-style-type: none"> • Rules and regulations (by-laws) for registering children with unknown fathers including those who have no contact with their families. • Stronger implementation of legislation.
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.	<ul style="list-style-type: none"> • 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 is 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>zinalaws</i> and Anti-Terrorism Act. Corporal punishment is allowed if considered for best interest of child. Weak implementation of honor killing laws.	<ul style="list-style-type: none"> • Increase min age of criminal responsibility to 12 (as per CRC recommendations). • PPC should override Zina and Anti-terrorism Acts. • Ban corporal punishment of children, under any circumstance.

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	<ul style="list-style-type: none"> Options of waiver of offence and compromise in the case of honor killings needs to be removed
Probation of Offender's Ordinance 1960	Allows the court upon considering the factors of (i) age of the offender and (ii) the nature of the offence, which should not be punishable with imprisonment for more than two years to either discharge the offender or put him on probation.	Implementation of law is poor. Practice suggests that judiciary is not familiar with the provisions of this law.	<ul style="list-style-type: none"> The law needs to be implemented Judges should be familiarized with it in conjunction with the JJSO, which urges probation as a preferred treatment for juveniles.
Guardianship and Ward Act 1890	Provides for procedure for legal guardianship and custody of children	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.	<ul style="list-style-type: none"> Expand law to include regulations regarding foster care, formal care and informal or kinship care; and/or supplement law 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.	<ul style="list-style-type: none"> 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 and National Disaster Management Act 2010 which are mainly concerned with organizing emergency response.

Section 82 of the PPC prescribes that no one below the age of seven is liable for any offence provided in any law. Section 83 of PPC qualifies the criminal liability for age group between 7 and 12 years of age by prescribing sufficient maturity test. However, the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (the *Zina* Ordinance), holds all individuals, regardless of age, criminally responsible, and distinguishes between an adult and a non-adult only for severity of punishment. *Zina* (adultery / consensual sex outside of marriage) and *zinabiljabr* (rape) are offences under the *Zina* Ordinance and every person regardless of age can be punished under this law.

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 4. Laws Specific to Punjab

Name	Key Features	Recommendations
<p>Punjab Local Government Ordinance 2001</p>	<ul style="list-style-type: none"> • Mandates the union administration to register marriages, births and deaths and to issues certificates for thereof • Prescribes a penalty of Rs. 500 if a birth is not reported 	<ul style="list-style-type: none"> • Rules should be so framed so as to make awareness campaigns part of the Union Councils/administrations' plan • The procedure for registering children with unknown parentage should be clearly articulated in legislation and children should be allowed to be registered with their mothers' name alone, too. • Legislative change making birth registration & certification free of cost should be introduced • Some form of accountability for not being able to register a certain minimum proportion of births must be introduced to improve the effectiveness of the system • Changes can be introduced by amending Rules of the law (by the provincial legislation) instead of amending primary legislation.

<p>Punjab Destitute and Neglected Children’s Act (PDNCA) 2004</p>	<ul style="list-style-type: none"> • Provides for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Province. • Protection can only be initiated for children under 15 but may continue to be extended for the child till he or she attains the age of eighteen. • Protection not extended to those in conflict with the law 	<ul style="list-style-type: none"> • PDNCA should also offer protection to children between 15-18 years of age or develop separate system for this age group. • The mechanisms and <i>agencies</i> made responsible for implementation of the law should be properly equipped or trained to deal with such a different category of children defined as ‘destitute and neglected’.
<p>Punjab Compulsory Primary Education Ordinance, 1994</p>	<ul style="list-style-type: none"> • Mandates education for children between the ages of 5 and 10. • Parents held responsible for ensuring children attend school, can be fined up to Rs. 200 per day for not sending child to school • Provides for the establishment of School Attendance Authority to ensure that every child attends a school. 	<ul style="list-style-type: none"> • School Attendance Authority must be established for the proper implementation of the law and be held accountable. • Composition of School Attendance Authority should be laid out. • Fine should be increased to encourage parents to send children to school.
<p>The Punjab Juvenile Smoking Ordinance, 1959</p>	<ul style="list-style-type: none"> • Defines a juvenile as any one under the age of 18. Criminalizes sale of tobacco to juveniles. 	<ul style="list-style-type: none"> • Implementation of this law is very weak. • Greater control needs to be exercised to prevent sale of tobacco to minors.
<p>The Reformatory Schools Act 1897</p>	<ul style="list-style-type: none"> • Provides for the establishment and maintenance of reformatory schools for ‘youthful offenders’ under age 15. 	<ul style="list-style-type: none"> • Law should be repealed • This law is in conflict with the JJSO 2000, especially sections 6-7, which is a federal law within the scope of ‘criminal law’ category.

The Punjab Borstal Act 1926	<ul style="list-style-type: none"> empowers courts to pass a sentence of detention in a Borstal Institution in the case of convict under twenty-one years offenders may be detained and given such training and instruction that will conduce to their reformation" 	<ul style="list-style-type: none"> The Borstal Act 1926 should prohibit corporal punishment.
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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: It is primarily set out in the Births, Deaths and Marriages Registration Act (1886); the Punjab Local Government Ordinance, 2001 (Section 76); and the Cantonments Ordinance, 2002 (Section 32c). NADRA established under the NADRA Ordinance, 2002, otherwise authorized to issue National Identity Cards, is also empowered to receive information regarding births and enter it in its database. Pakistan Citizenship Act 1951, and Pakistan Citizenship Rules 1952 (Rule 21) apply to birth registration for those who are born outside Pakistan. Under the Punjab Local Government Ordinance, failure to report a birth or death is punishable by a small fee.

Problems:

1. Law and rules are not clear on how to register children with unknown parentage, for example, children who have been abandoned, or born out of wedlock. The matter is said to be *sub judice* before the Federal Shariat Court.¹⁴
2. No policy dialogue is underway to address the situation with respect to stateless children at the legislative level.
3. Birth registration is not easily accessible or affordable.

¹⁴(http://app.com.pk/en/_/index.php?option=com_content&task=view&id=141700&Itemid=38).

Deviations from CRC: While Article 7 of CRC says the child will have the right to acquire a nationality, children born to people of Afghan and other origins in Pakistan do not have the right to Pakistani citizenship. They can get birth certificates, but they will not get a National Identity Card. They are practically stateless. Pakistan does not have effective legislation that ensures the maximum registration of children. There is no mechanism of registering children with unknown fathers.

Policy Priorities:

1. Each Union Council must be made fully operational with regard to birth registration entry. Districts with significantly low birth registration should be identified and projects should be undertaken in these districts that increase awareness of birth registration and provide birth registration free of cost. Budgetary allocations at the UC level will be needed for this.
2. The procedure for registering children with unknown parentage should be clearly articulated in legislation, and children should be able to be registered with their mothers' name alone.
3. Legislative change making birth registration and certification free of cost would facilitate poor people to approach registering authorities. Such a step could be taken through a change in delegated legislation i.e. rules, which the provincial government is authorised to change without going through a cumbersome process of amendment in the primary law (in the case the Births, Deaths and Marriages Registration Act and the Local Government Ordinance 2001).
4. Some form of accountability for not being able to register a certain minimum proportion of births must be introduced to improve the effectiveness of the system. Alternatively incentives could be introduced to encourage higher registration. Under the Local Government Ordinance, the term "reasonable time" should be defined and onus of responsibility to register births must not only fall on the head of the household but on local government too, which needs to be monitored in implementation.

Child Labor and Child Work: Employment of Children's Act 1991 prohibits and regulates child labor, and defines a child as under the age of 14. The Bonded Labor System Abolition Act 1992 bans the practice of bonded labor without specifically mentioning children. Penalties for keeping bonded labor are not severe. The Constitution prohibits the employment in hazardous occupations of children under 14. The Mines Act 1926, The Factories Act 1934, the Shops and Establishments Ordinance 1969, and the Penal Code 1860 criminalize forced labor without

specific reference to children (Section 374). Article 11(3) of the Constitution of Pakistan also prohibits employment of children under age 14 in hazardous occupations. A child labourer may file a complaint under Section 16 of the Employment of Children's Act. The law does not provide for services to such children.

Deviations from CRC: The law defines a child as under age 14 instead of 18, and this too for only hazardous occupations. The ILO Convention 138, Article 2¹⁵ 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:

1. Section 14 of Employment of Children Act 1991 provides for lenient penalties to violators, such as a fine of Rs 20,000 or one year imprisonment.
2. Since 2002 labor inspections in Punjab had been suspended, thus allowing for undetected child laborers in the formal sector.¹⁶This was imposed violation of the ILO Labor Inspection Convention, 1947 and clear legal provisions.
3. Legislation defines 14 to be the minimum age of child labor in hazardous occupations without addressing child labor in agriculture, domestic settings and household enterprises.
4. Area inspectors (of the Labour Department under the Factories Act 1934 and other allied laws) and District Vigilance Committees (under the Bonded Labour System Abolition Act 1992) are not properly trained on labor laws, including child laws, and are unable to prosecute employers in factories, or shop owners, etc. The administrative order issued by the Punjab Office of the Director General Labour Welfare for labour inspections require the inspector to give prior notice to employers/factory owners before visiting, which is a deterrent to identifying child labourers.

Policy Priorities:

1. Employment of Children Act 1991 should be revised to increase penalties and prohibit all forms of labor for children under 14. Definitions of child work and child labor need to be clarified.
2. The Factories Act 1934 must also be revised as it is outdated and penalties are nominal.

¹⁵ <http://www2.ohchr.org/english/law/ageconvention.htm>

¹⁶<http://dawn.com/2012/02/07/labour-inspection-ban-blamed-for-explosion>

3. Area inspectors must be trained regularly by ILO on labor laws.
4. Recruitment of area inspectors should be based on merit.
5. Domestic labor, children in agriculture (other than cinder farming) and home-based work must be included in the schedule to the Employment of Children Act 1991 in order to bring it within the prohibitory clause.

Child Marriage:The Child Marriage Restraint Act (1929) is complemented by other laws relative to Muslim personal laws, family laws, PPC 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. The CRC Article 24 (3) requires states to eliminate traditional practices prejudicial to the health of children.

Problems: The state is not able to enforce the law to avoid child marriages below age 16, although the law is applicable on all citizens equally. The laws relating to child marriages are too many and inconsistent. It is difficult for children to lodge complaints with Union Councils in order to protect themselves from such marriages. There are no special services for children at risk or subjected to child marriages. The *nikahnamah* does not require a birth certificate or identity card to be submitted, although the registrar of the marriage is not allowed to marry underage couples. Penalties for doing so are nominal, and underage marriages do not stand annulled if a violation occurs.

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. An amendment to the Child Marriage Restraint Act was introduced in National Assembly in 2009 to bring the age to 18 but it has not yet been passed.
2. Penalties for all those involved in child marriages must be increased and made more severe.
3. There is no follow up to secure the rehabilitation of children married below age. It has been suggested that special guidelines be issued.
4. A simple complaint lodging mechanism must be introduced through legislation to allow a child under threat of under-age marriage to lodge a complaint with the Union Council and authorized court.

5. Awareness about penal consequences and adverse social problems arising out of under-age marriages should be made well known through awareness and education campaigns.

Honor Killings and Vani:The PPC is the main statute that addresses honor killings. Criminal Law (Amendment) Act 2004 (I of 2005), and the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 have been introduced to the Pakistan Penal Code to address the crime of honor killings through certain provisions. The Criminal Law (Amendment) Act 2004 incorporated in PPC in 2005 outlawed honor killings specifically by outlawing *badal-i-sulh* as a possible form of compensation. The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 further strengthened the PPC to address honor killings.

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 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, *panchayats*, continue to pass judgments related to honor and the practice of offering girls in marriage to compensate for wrongdoings. The courts traditionally take a lenient view about honor killing.

Policy Priorities:

1. Ensure implementation of amended law.
2. Clarify confusion created by Qisas and Diyat Laws.
3. Enforce implementation of the ban on *panchayats* in their current form.
4. Train members of the judiciary against introducing mitigating circumstances as a justification of honor crimes.

Child Discrimination:There is no specific legislation outlawing discrimination with regard to disabilities, sex, religious denomination and other categories. Children of refugees are stateless.

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. *Zina* laws define adult differently for boys and girls. Traditional practices also encourage discrimination against girls with respect to inheritance. These violate CRC.

Problems: No policy dialogue is underway, but civil society is conducting advocacy for legal review. So far disability related law only cover employment opportunity, and discrimination against children with disability is not being debated. There is no explicit policy to address rights of children who have been discriminated against, and no specific law even though other laws clearly discriminate on the basis of sex, e.g. age of marriage, and *zina* laws.

Policy Priorities:

1. Legislation to end discrimination against children with disabilities must be introduced. The first step toward that end could be to ratify the Convention against Discrimination in Education.
2. Existing laws need to be properly enforced to reduce discrimination.
3. Legislation also needs to be introduced to allow citizenship to children who are born in Pakistan especially to parents who have refugee status.

Physical, Sexual and Psychological Abuse and Severe Neglect: There is no specific legislation that covers abuse. Acts of violence against children can be tried under various legislations including the PPC, PACHTO and the PDNCA 2004. However, the PPC sanctions corporal punishment (Section 89). Unfortunately beating of children as punishment is a socially sanctioned practice, both within the home and outside. There is a civil society lobby advocating for passage of domestic violence and corporal punishment bills in the provincial assembly. Under the JJSO 2000 all children will get free legal aid.

Deviations from CRC: Laws on domestic violence do not refer to CRC. The PPC Section 89 implies that if corporal punishment is practiced in good faith or for the benefit of the child, it can be practiced. This is against the provisions of the CRC.

Problems: None of the existing legislations address or define violence. Children have no knowledge and mechanism to access legal help if they need protection. The PDNCA 2004 refers to destitute and neglected children only. Rules under PNDCA have not been framed. Policies and regulations to prohibit and criminalize all corporal punishment are not in place, as a result,

no useful action can be taken against the perpetrator. The law allows for “good faith” as a valid reason for violence.

Policy Priorities:

1. The provincial assembly should pass the Prohibition of Corporal Punishment Bill, 2010 which aims to ban corporal punishment in educational institutions and other care institutions. It provides for the redressal of complaints of corporal punishment at departmental level and penalties to punish the perpetrators. However this Bill must use the definition of corporal Punishment provided in General Comment 8 by the Committee on the Rights of the Child, 2006.¹⁷
2. Punjab Assembly must pass proposed law against domestic violence as supported by civil society.

Children without Adequate Care or Alternative Care: Adoption is not legal, but the Guardianship and Wards Act 1890 allows for the court to grant legal guardianship to families. Punjab only has PDNCA 2004, which is helpful with respect to the rescue and care of destitute children.

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. While the PDNCA defines a child as any one under 18, it does not provide for legal protection of all children as Section 24 says that a child protection officer may take into custody a destitute and neglected child who is below the age of fifteen and produce him before the Court for proceedings to provide protection and custody. Article 20 (3) of CRC requires that a child's ethnic, religious, cultural and linguistic background be taken into account for alternative care while he/she is separated from their family, whereas none of the laws relating to child alternative care in Punjab do so.

Problems: There is no child adoption law (laws being restricted to *kafalah* or guardianship). The law does not explicitly promote or discourage family separation. Traditional kinship structures usually absorb those children in need of care within their extended family. There is no law

¹⁷[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.GC.8.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.GC.8.En?OpenDocument)

regulating or instituting formal kinship care or foster care systems. While PDNCA has powers to ensure the rights of children in need of special protection, in practice most abandoned children are referred to Edhi and/or NGO facilities. The Act also discourages placement of children over age 15 and those who are allegedly victims of violence by parents.

Policy Priorities:

1. Adoption or its Islamic version *kafalah* should be given a statutory legal status with detailed regulatory framework to monitor cases in which a child's custody changes hands.
2. Legislation should be enacted with specific reference to Article 21 of the CRC.
3. Legislation should include provisions to place a child in an alternative care institution after a child is orphaned, abandoned or separated from parents, and there must be post-placement monitoring and regulation.
4. Laws should be instituted that develop and regulate foster care systems.
5. Custody should be given after proper inquiry regarding the prospective guardian. The court through periodic reviews should supervise the case of every child once the child has been given in guardianship.¹⁸
6. PDNCA needs to be amended to provide for rescue of children, and its implementation needs to be made more effective so that the Bureau to be established under PDNCA carries out its role.

Child Mobility and Trafficking: Trafficking is addressed in the PPC (Sections 366-B, 369, 371, 372, 373) and the PACHTO. These cover cases of bonded laborers and camel jockeys who are trafficked to the Middle East, and cases of girls trafficked for commercial sex work as well. These laws criminalized kidnapping, kidnapping from Pakistan, and kidnapping from lawful guardianship. Other laws include: PACHTO Rules 2003 and 2004.

PACHTO defines a child as below the age of 18, which is compatible with the CRC definition (Section 1, Article 1). The state agency engaged in curbing international human trafficking is the FIA. The Punjab SWD and CPWB work in collaboration with some NGOs to support

¹⁸ <http://pakistan.childrightsdesk.com/?p=13471>

trafficked persons being deported back to Pakistan, and also to raise awareness about trafficking and human smuggling.

Deviations from CRC: Existing laws do not reference the CRC. Pakistan is not party to the UN Trafficking in Persons Protocol 2000. It does not recognize transfer and transportation of persons as part of trafficking, neglects to include trafficking through abuse of power, and ignores trafficking within Pakistan. Unlike PACHTO, the PPC provisions do not adhere to the CRC definition of a child, nor do they extend protection from kidnapping to street children or criminalize all types of trafficking (*ILO Trafficking Report 2006*: 40).

Whereas CRC Article 33 refers to drug trafficking: "States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances", PACHTO does not.

Problems:

1. PACHTO does not have separate provisions to safeguard the rights of survivors and provide for their needs. The 2002 Ordinance does not cover repatriation beyond saying it will be decided by the courts. It provides for no legal aid or protection for children from being returned to same environment (e.g. home) from which they were exposed to trafficking. [*ILO Trafficking Report 2006*]
2. The PPC Section 364-A does not criminalize all types of trafficking, as it only addresses kidnapping for murder and not for other types of trafficking such as trafficking for commercial exploitation.
3. PACHTO does not recognize the end products of trafficking, such as organ trade and forced marriage.
4. The PACHTO does not provide protection for children from being returned to the same environment from which they were exposed to trafficking (*ILO Trafficking Report 2006*).
5. Begging mafias within Pakistan also use trafficking and are not being broken up by law enforcement officers. Parents sell their children to traffickers as a means to combat poverty, and the judicial system is reluctant to punish them.

Policy Priorities:

1. PACHTO 2002 must address its deviations from CRC.

2. PACHTO must cover internal trafficking and should be amended to also include drug trafficking in relation to children, as stated under Article 33 CRC.
3. There needs to be more awareness-raising among professionals who work on issues of child abuse regarding the realities of trafficking.
4. There also needs to be an increase of law enforcement activities, investigation and prosecution of complicit government offices.
5. Enforcement of Bonded Labor System (Abolition) Act, and improvement of methods to identify victims and strengthen provincial Labor Department's capacity to combat bonded labor.
6. A comprehensive system to prevent trafficking of children at risk needs to be developed.

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 addresses 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. Pakistan signed the Optional Protocol in 2011 and ratified it, requiring laws against child prostitution and pornography to be made in accordance with CRC. However, the PPC Sections as relevant above do not reference the CRC or cover trafficking, prostitution, coercion to have unlawful sex, and rape.

Problems:

1. The PPC Section 496B leaves a woman liable to punishment under the law if she is found to have had willful sexual intercourse with someone to whom she is not married. A minor would have difficulty establishing beyond a doubt whether she had consensual sex or not.
2. The law does not provide for any services to children at risk of or subject to sexual abuse.
3. There are no protocols or regulations for the police, media or general public for the protection of confidentiality of children.

4. Customs that support child marriage, exchange marriage, or any form of forced marriage leave a girl vulnerable to sexual abuse.

Policy Priorities:

1. All existing laws be harmonized with the CRC. The Criminal Law (Amendment) Bill 2009 proposes amendments to the PPC and Code of Criminal Procedure to address child pornography, trafficking of children, corporal punishment and abuse to broaden the definitions of the offences and increase penalties (SPARC 2010: 209).
2. Passage of the Child Marriages Restraint (Amendment Bill), 2009 and Passage of the Child Protection (Criminal Law) Amendment Bill.
3. The Charter of Child Rights Act, 2009 to provide for establishment of a National Commission on the Rights of Children for effective supervision and monitoring of child rights at the national level. It empowers the Commission for granting licenses for the establishment of homes for children at risk.
4. There must be open policy dialogue that includes communities in order to raise awareness about the issues and help to build a consensus on how best to protect children from commercial sexual exploitation.

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. Children may approach the justice system for legal remedies, and a child (or someone on his behalf) may directly file a case in court. Under Article 4 of the Constitution every person within Pakistan irrespective of their citizenship status has the right to be dealt in accordance with the law. Children have access to legal representation even if they are illegally in the country. The JJSO states that deprivation of liberty should be a last measure of resort. In the Probation of Offenders Ordinance, 1960, conditional discharge (Article 4) or release on probation (Article 5) are alternatives to incarceration and are specified. The courts have an adequate manual administrative database that can track the status of each child. The Lahore High Court passed a stay order on the JJSO in 2004, and it has been under appeal since 2005. More liberal judges use its provisions nonetheless.

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.
- 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*).

Problems:

There is currently no active policy dialogue underway to address the above-mentioned departures from the CRC, particularly the fact that existing some laws allow for death penalty for children. Standards required under legislation have yet to be developed, relevant departments are not clear about rules and procedures. For example, children and adults are not strictly segregated in detention if they are in districts prisons that do not have juvenile wings.

Under JJSO legal assistance at state expense is to be provided for child offenders and child victims, however not all children can pay bail and the law does not cover that.

While probation services are specified they are not utilized to a maximum effect as the Punjab Parole and Probation Department is severely understaffed. Currently there are only 20 parole officers and 67 probation officers working in Punjab and they are not specific to children only. The courts and criminal justice institutions lack awareness and sensitization on how to handle children, at every stage in the criminal justice process. Some efforts by NGOs such as

SPARC and by the National Academy of Prison Administration for training are made but are not adequate.

Policy Priorities:

1. A policy dialogue needs to be started to address the departures from CRC in the existing laws and policies.
2. JJSO should override all other contradictory laws by amending Section 14 of JJSO.
3. 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).
4. Juvenile justice should be formally made part of syllabus of judicial, person and police training institutes (SPARC 2010: 107).
5. All actors must be familiarized with existing rules and regulations, particularly since most violations occur at the initial stage when a child is arrested. Judges, prison and police staff must all ensure that laws and rules are followed at all stages of the process. In particular, children and adults must be segregated at all times in prison.
6. Civil society monitoring bodies should be set up to closely monitor treatment of children in police stations and Borstal institutes.

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. The Calamity Act of 1958 is mainly concerned with organizing emergency response.

The Punjab National Calamities (Prevention and Relief) Act, 1958 was mainly concerned with organizing emergency response and to provide for compensation of the affectees of disaster. A system of relief commissioners at provincial level was established. An Emergency Relief Cell in the Federal Cabinet Secretariat was responsible for organizing disaster response by the federal government. (National Disaster Risk Management Framework for Pakistan, p. 9). 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 and approved by the Punjab government as well.

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

The PDMA is working on drafting a child protection policy for disasters. A more rigorous grassroots level system needs to be established so that affectee children get assistance at the local level during a disaster. The available mechanism of Relief Commissioners under the 1958 Act and the NDMA Act are at the moment silent with regard to child protection.

Policy Priorities:

1. 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).
2. 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 with respect to child protection in disasters.
3. Disaster Management Authorities should develop public awareness programs of early warning and disaster education with the help of electronic and print media.

4.3. Additional Recommendations

- Current laws against child sexual abuse are lenient and need to be strengthened.
- Express financial commitment should be made to enforce various child protection-related legislations that exist and to develop capacity of personnel executing these functions.
- The Criminal Law (Amendment) Bill 2009 proposes amendments to the PPC and Code of Criminal Procedure to address child pornography, trafficking of children, corporal punishment and abuse to broaden the definitions of the offences and increase penalties (SPARC 2010: 209). It proposes existing laws be harmonized with the CRC and should be passed at the earliest.
- A bill entitled Charter of Child Rights has been pending before the National Assembly since 2009 and if it were to be passed it would be the first domestic law to enunciate the entire range of children's rights guaranteed under the CRC and the Constitution of Pakistan (SPARC 2010: 210). The Charter will need to be adopted and passed by provincial governments in order to be legally binding.

SECTION 5. FORMAL SYSTEMS AND CAPACITIES

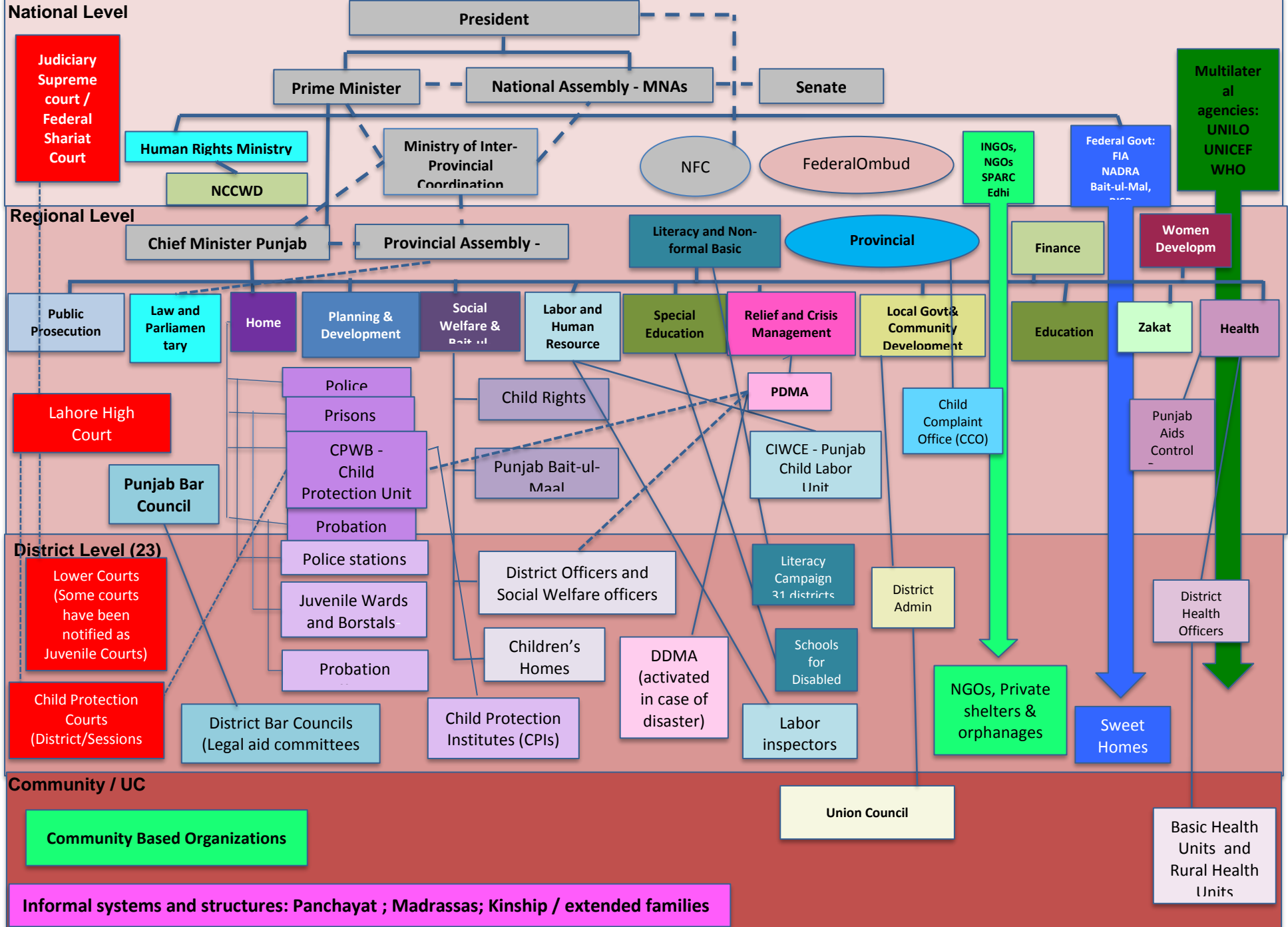
5.1. Overall Child Protection System in Punjab

The child protection system in Punjab has been mapped in this Section showing the linkages between various informal and formal structures and actors at a national, provincial, district and local level.

The primary department playing a role in the province is the Home Department (which house the CPWB) followed by the Social Welfare, Labour and several other departments as shown in the organogram below. While linkages have been developed across these departments it can be seen from the figure below that the child protection system is very fragmented. A duplication of services also exists. For example, at a provincial level both the SWD and the Home Department are providing residential services for children, a service being duplicated by the Sweet Homes run by the federal Bait-ul-Maal. However, there is no link between these bodies to coordinate the provision of these services. As such, no one body plays the lead coordinating role across the range of actors involved in child protection.

It can also be seen from the figure that the linkages that exist are limited to the provincial and district level. There are comparatively fewer formal structures at the local level and the formal, and informal actors at the local level are not linked to the actors at a district level or for that matter, to each other.

Figure 2. Overall child protection system in Punjab



- **Bilateral and Multilateral Agencies**

International organizations and agencies play a significant role in enhancing and improving child protection systems, raising awareness, and providing service delivery. They include UNICEF, Save the Children, and Plan International. There is no established coordination among them through a formal mechanism. Within the UN system, however, child protection is referred to, e.g. in the UN Development Assistance Framework.

- **Working Groups**

There is a provincial level technical **Working Group on Child Protection Policy** that is supported by UNICEF and headed by the SWD, and includes a legal expert as consultant. Other departments represented are Home- CPWB, prisons, police, and CSOs. Its mandate is to analyze, study and collect relevant material, including laws and policies, to prepare a draft Child Protection Policy to be presented before the provincial assembly. Numerous stakeholder meetings have been held and recommendations included. The strength of this Working Group is in its broad representation for purposes of drafting the policy. It would have been further strengthened if the CPWB was inducted alongside SWD as a member of the primary group, and if the draft policy were shared even more widely for civil society and media input.

There is a **Working Group on Standards in Child Care** that is supported by UNICEF and headed by SWD to develop standards to deliver child protection services in Punjab. Other departments included are Home- CPWB, prisons, police, and CSOs. The Group holds meetings and consultations with stakeholders to get feedback on the existing legal framework. It is the first time in Pakistan that a policy framework is being devised while simultaneously reviewing the existing legal framework with respect to CRC. The weaknesses of this Working Group are similar to those for Working Group on Child Protection Policy mentioned above.

There is a **Child Welfare/Protection Steering Committee** whose purpose is to provide an oversight and coordination role regarding all child protection interventions by UNICEF. It was also mandated to coordinate efforts on filling the CPM&A toolkit. The Chief Economist Planning and Development chairs it and its members are the Social Welfare, Home, Education, Health, Labor, PDMA, Law, Local Govt, Public Health Engineering, Literacy and Non-Formal Basic Education (LNFBE) , Human Rights & Minorities, Information Youth and Culture, Public Prosecution departments, the Provincial Ombudsman, Accountant General and UNICEF.

- **Accountability to Individuals**

There is no Commissioner or Ombudsman's office for child rights, specifically. The Provincial Ombudsman's Office offers a mechanism for redressal of grievances against any provincial government officers. The office established a Children's Complaints Office (CCO) to receive complaints from children, as well as any one else to redress grievances with specific reference to child rights. But the existing mechanism provides for recommendations after inquiry as its decisions are not binding. The mandate of the CCO is also to advise the provincial government to bring systemic changes with regards to issues highlighted in the UNCRC that affect the rights of children. The penalty on late birth registration in the Punjab Local Government Ordinance 2001 had been waived off because of CCO intervention.

The main office of the CCO is located in Lahore and regional offices have been established in the big cities of Punjab. The CCO has strengthened the regional offices of Punjab Ombudsman in Multan, Rawalpindi and Sargodha and has appointed assistant liaison officers at these regional offices. The CCO arranges different seminars, sessions and consultative meetings with concern departments and CSOs to improve coordination at the district level. UNICEF Punjab has been providing training to the Ombudsman's staff engaged in dealing with children's complaints.

The relevant law does provide for the Ombudsman's independent investigative capacity and the power of subpoena. The Ombudsman is vested with the powers of a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him under oath ;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for the examination of witnesses.

The general public, especially in the rural areas, lack awareness of the Ombudsman's office, and CCO.

The CPWB has established a confidential helpline for children. Any child who is being abused or is under threat of abuse or neglect, or has become destitute, or is without parental/alternative care, may call on the CPWB help line and register a complaint. One of CPWB's Child Protection Officers will be assigned the complaint that will take all steps to provide protection to the child, and if necessary bring her to the Child Protection Court established under the PDNCA 2004.

- **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. According to BISP's data, over 71% of children of its beneficiaries have never attended a school. BISP therefore plans to launch a scheme titled "Waseela-e-Taleem", a conditional cash transfer (CCT) programme for the primary education of children aged 5-12 years of its beneficiary families. BISP will provide cash transfers while families will agree to send and retain their children in primary schools.¹⁹

Another social protection programme, the Federal-level Zakat collection and distribution is also aimed at the poor. The Bait-ul-Maal runs programs for food support and orphans. The Punjab government runs its own Bait-ul-Maal program as well. All of these programmes run alongside provincial systems and structures, with minimal interaction between the two.

Shaheed Benazir Bhutto Centers run by federal government were places where trafficking and bonded labor victims could receive assistance. However, after the 18th amendment, these centers came under provincial control, and Punjab government is not very keen on retaining these centers²⁰. Darul-Amans, run by the SWD, are still operational and court may refer such victims to the Dar-ul-Amans for protection services. Children who were trafficked for camel jockeying and were repatriated were also given cash assistance upon their return by the SWD and CPWB.

The Punjab Education Foundation runs an Education Voucher Scheme, to assist underprivileged children access education. The scheme was launched in 2006 and has received positive results.²¹ The Punjab Skills Development Fund provides vocational training to youth affected by the recent floods, with contributions from the Government of Punjab and Department for International Development, UK for the poor and vulnerable populations in four districts of Southern Punjab, i.e Bahawalpur, Bahawalnagar, Muzaffargarh and Lodheran.

- **Human Resources and Social Work Training**

Those who professionally conduct social work are known as social workers/officers, and child protection officers. There is no one standard to determine their professional qualifications, and some experience in child protection is often seen as good enough. However, increasingly social work officers are required to have a master's degree in social work. There is no process for

¹⁹http://www.bisp.gov.pk/Waseela_Taleem.aspx

²⁰ <http://www.thenews.com.pk/Todays-News-6-135413-Fate-of-12-Women-Crisis-Centres-in-Punjab-still-hangs-in-balance>

²¹ <http://www.pef.edu.pk/pef-departments-evs-overview.html>

certification or licensing of social workers. NGOs offer some training for government officials on occasion, particularly on issues such as child sexual abuse, violence against children, and legal protection of children. Specialized training in child protection is extremely important because the provincial government is the primary actor in the field.

University of Punjab (Lahore), Islamia University (Bahawalpur), and Sargodha University (Sargodha) offer courses in social work at undergraduate and graduate levels. Parts of the curricula include focus on social services, developmental issues, protective and preventive topics, and therapeutic interventions. Fieldwork and research work are not adequately emphasized. Linkages with institutions of future relevance to students' education are weak. Highly qualified staff is not available. Teachers are not inclined to promote practical experience and involve students in real life problem solving exercises. The curriculum, books, recommended reading and research work are generally not considered to be of international standards. The Social Welfare Training Institute of SWD has also initiated a programme of training for child protection officers/social workers. However, its training is said to be inconsistent and without proper vision.

- **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. Once the case reaches the court, guardianship is granted under the Guardianship and Ward Act 1890.

Section 17 of the Act requires that: (1) In appointing or declaring the guardian of a minor, the Court shall be guided by what, appears in the circumstances to be for the welfare of the minor. (2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property. (3) If the minor is old enough to form an intelligent preference, the Court may consider that preference. (4) The Court is not supposed to appoint or declare any person to be a guardian against the will of the minor.

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 anecdotal evidence and media coverage that suggests children are being sold through small clinics and private agents. Coercion of parents, bribery, and abduction of children have been reported.

The concept of *kafalah* is less well known in Pakistan, although it is an Islamic version of guardianship, which allows for the voluntary care and maintenance, education, and protection of a minor by an adult in the same way a parent would do for a child. There are differing interpretations regarding whether *kafalah* allows for inheritance rights of the minor from the guardians. It is not a substitute for lineal descent. The term is not commonly used, although it seems to be broadly practiced.

Pakistan allows for inter-country adoption, in which children are taken away from Pakistan through a court process, to another country where they may be fully adopted if it is permitted under that country's law. However, there is no follow-up on the child to ensure he is well taken care of, in violation of CRC Article 21, which requires state parties to ensure that the adoption of a child is authorized only by competent authorities.

Residential Care Facilities:

The SWD runs residential care facilities for children (See Section 5.3). These facilities are run without minimum standards of care in place; moreover, there are no criteria for staff selection with specific reference to training for the care of young children. In the absence of any clearly laid criteria and a systematic approach adopted, it cannot be said if the children's best interests are indeed kept in view and principles of necessity and appropriateness followed.

The residential care staff of the institutions under government control are recruited and trained through a process approved by the relevant department (CPWB or SWD). But in the case of private institutions the process is done through independent procedures and criteria. There is no uniform criteria or procedures adopted under the law. This is coupled with the fact that there is no regulatory/licensing or certifying mechanism for the staff recruited in these institutions. Recently CPWB introduced the Punjab Control of Child Protection Institutions Rules 2011, which lays minimum standards for residential institutes to follow. SWD is also in process of developing minimum standards for alternative care institutes in collaboration with UNICEF. The rules have been recently introduced in Punjab so it is not yet possible to assess

how well they are being followed or CPWB's monitoring capacity. The Rules themselves are quite comprehensive.

- **HIV/AIDS and Child Protection**

The government has a National AIDS Control Programme, which has a provincial subsidiary working in Punjab under the Health Department. After devolution there is some confusion regarding the extent to which provincial health departments will be supervised and led by the national programme. Currently there is no formal coordination between child protection programmes in the province and the Punjab Aids Control Program (PCAP).

Children with HIV/AIDS may be vulnerable to discrimination because schools do have the authority to stop infected children from attending. Arrangements have been made to allow access to HIV positive mothers in order to educate them on mother-to-child prevention methods free of cost . But the facility is available only in four cities (Lahore: Services Hospital, Mayo Hospital, ShaukatKhanum, Jinnah Hospital), D G Khan (HIV Treatment Centre), Sargodha (HIV Treatment Centre), Gujarat (Aziz BhattiShaheed Hospital).The children born to HIV affected mothers have access to early diagnosis only if the mother is visiting the designated government hospital.

Anti-retroviral medication is available in Lahore's Children's Hospital, free for children living with AIDS/HIV. However, the facility is available in Lahore only, thus requires people from other areas to travel for medicines. Doctors in other areas of Punjab are themselves not aware of prevention of mother to child transmission measures, therefore are not able to refer mothers to hospitals in Lahore. The National Aids Control Programme states that HIV positive mothers are difficult to track once they are registered.²²The Pakistan report to UNGASS 2010 notes that HIV pregnant mothers who give birth out of PPTCT centers are not being tracked.

- **Emergency Preparedness and Response**

The NDMA coordinates efforts for disaster preparedness and management plans with its PDMA. The PDMA has adopted Standard Operating Procedures (SOPs) for emergency period to deal with affected children. The SOPs, which read more like a disaster management plan , establish a Gender and Child Cell (GCC), which is supposed to maintain liaison with the District Emergency Operations Centre to ensure that child protection is part of all relief functions at the

²²http://www.nacp.gov.pk/treatment_centres

grassroots level. This way child protection concerns will be streamlined in evacuation, relief distribution, supply of shelters, and provision of medical and sanitation facilities.

PDMA launched a helpline, which can also be used to respond to complaints regarding child protection and refer them to the relevant departments. The SOPs adopted by the Punjab PDMA aim at coordinating among various departments in the province of Punjab but they have not yet become binding on other departments which have been mentioned for the coordination efforts for child protection during emergencies. The document does not specifically lay out the post-emergency and transition period steps that might be required to be taken for child protection.

NDMA and PDMA are responsible to ensure that child protection issues are taken into account in the plan. NDMA is devising a child protection plan with the support of Save the Children. The PDMA and District Disaster Management Authorities (DDMA) will look after Child protection because of their proximity to the local level. While the PDMA is the lead agency to deliver services, other departments including health, education, social welfare, CPWB and local government have also been assigned roles during disasters. However, there is no overarching body, which brings all the relevant departments together.

The role of NGOs has been recognized in the SoPs adopted by the PDMA. They play a significant role and are free to coordinate with the district administration and provide services. NDMA encourages them to direct funds into food, shelter and health projects. PDMA is to appoint a coordinator after consulting NGOs engaged in child protection to act as a point of contact to closely monitor and coordinate their service. However, no standards have been established for NGOs in delivering services during emergencies.

- **Awareness of Child Rights**

This is a low priority area for government, and most initiatives in this regard are taken by international NGOs such as Save the Children or UN agencies such as UNICEF. This does little to increase the government ownership of awareness raising. A number of CSOs and the media are the important actors in raising awareness of child rights. They organize seminars, workshops, trainings (for government and non-government employees) and liaise with the media to create awareness. However this work is conducted largely in urban areas, with limited access to the poorer rural areas. The police and armed forces play no role in raising child protection awareness.

5.2. Primary Department: Home (Child Protection and Welfare Bureau)

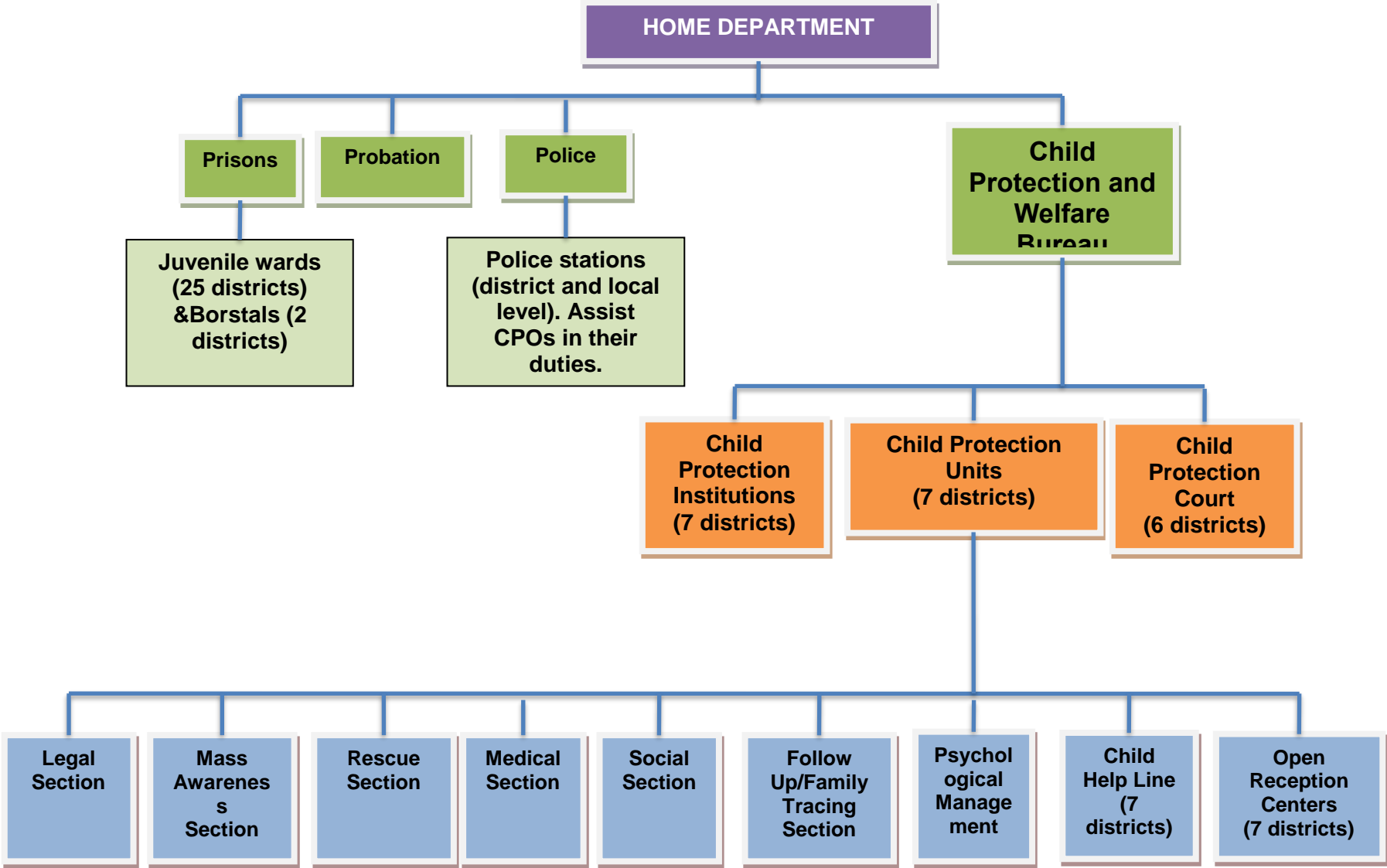
The Home Department is responsible for maintenance of law and order and protection of life and property of the citizens. The CPWB is an autonomous body established through an act of the Parliament in pursuance of Articles 3, 20, 30, of the CRC. It is placed under the administrative control of the Home Department, and bears the main responsibility of child protection in Punjab. The police and probation may refer cases to CPWB. The Director General of CPWB, Deputy Director Probation Department, Inspectorate General Prisons, and Inspectorate General Police all report to the Home Secretary who then to the reports to the Chief Minister, Punjab. The organogram in Figure 3 maps out the Home Department, emphasizing the structures that are relevant to child protection.

The functions of CPWB include: (i) to revise and harmonize the provincial framework regarding destitute and neglected children; (ii) to establish local structures and services that contribute to the reduction in numbers of street children; (iii) to raise awareness of the public at large on any type of abuse, neglect and exploitation of children; and (iv) to publicize good practices and lesson learnt with respect to child rights.

Destitute and neglected children refer to any of the following: those (i) found begging, or homeless, or without means of subsistence; (ii) without fit parent or guardian; (iii) residing in or associated with a brothel; (iv) likely to be abused or exploited for immoral or illegal purpose; (v) beyond parental control; (vi) lacking one or both parents and no adequate source of income; or (vii) victim of an offence punishable under PDNCA with parent or guardian convicted or accused for the commission of such offence.

CPWB has lead responsibility for assisting physically, sexually, psychologically abused and neglected children, as well as child victims of trafficking and children and justice.

Figure 3. Home Department organogram



Child Protection Officers are deployed in 7 districts of Punjab, who identify and rescue children in need of protection. Under the PDNCA 2004, **child protection institutions** have been established to provide rescued children with residential, education, vocational and recreational facilities. There are seven such institutes in seven districts of Punjab (Lahore, Gujranwala, Multan, Dera Ghazi Khan, Faisalabad, Rawalpindi, Sialkot). Since 2004, 39,313 children have been identified by CPWB, despite the fact that it lacks outreach in all districts.

Open Reception Centers have also been established for social mobilization to provide immediate relief to children in need of protection. These centers are operating in the cities of Lahore, Multan, Gujranwala, Rawalpindi, Rahimyar Khan, Dera Ghazi Khan and Faisalabad.

Police stations are present at district and local levels. **Local Complaint Units** (LCUs) are being set up in police stations across Punjab, and it has been proposed that children's cases may also be dealt with at these LCUs. However, no special interventions for children have yet been planned.

Probations officers are deployed across Punjab to provide services to children in conflict with law. There are juvenile wards in 25 districts and 2 Borstal Homes. Multan and Faisalabad have multiple facilities.²³ At any given time there are 500-600 juveniles in these prisons.

The **Child Protection Unit** (CPU) is the basic functional unit/arm of the CPWB that performs the essential functions of rescue, recovery, assessment, reintegration and follow up. After rescue, a detailed social investigation report is obtained and recorded, along with photograph of the child.

The Punjab Control of Child Protection Institution Rules 2011-12, provides guidelines for the care of destitute and neglected children. Under the PDNCA, the CPWB must act as monitoring and registration body for all children's shelters in Punjab, while at the same time also deliver shelter services itself. This creates a conflict of interest because this means that the CPWB is the only check on its own services. This compromises its impartiality and credibility, which are the fundamental requirements of any monitoring authority.

Child Protection Officers at CPWB are specially recruited for this purpose. To be eligible to enter service in the CPWB, a Master Degree in Social Work or Anthropology or Sociology is

²³This information was provided from the Prison Department and the Annual Report on Children in Prisons 2011 (released by AGHS Child Rights Unit, see: <http://www.aghscru.org.pk/pdf/2011.pdf>).

mandatory. These degree holders are required to appear for the Punjab Public Service Commission examination. Officers have complained that their job descriptions and actual field responsibilities do not match. There is no mandatory pre-service or in-service training to serve as CPO, and no specified code of conduct.

CPWB has a mass awareness section and CPOs are appointed to create mass awareness on child rights and protection issues. The SOPs require CPWB to mobilize communities around child protection issues, and build momentum within communities to report separated, unaccompanied, and missing children.

- **Coordination**

No formal coordination exists between the Home Department and other Departments. Home has the administrative control of four major departments that function under it, i.e., CPWB, Police, Probation and Prisons. There is limited coordination among these bodies under the administrative control of the Home Department. All of these work at district and local levels as well, where coordination is even weaker. This raises serious concerns about the effectiveness of these departments.

CPWB has no responsibility for birth registration, although it has proposed an amendment in the PDNCA to include it among its responsibilities. It shares joint responsibility with regard to the issues of child labor, gender discrimination, children without adequate/alternative care, and children in emergencies. It does on occasion conduct field research to determine the need for CPIs in areas, but it does not conduct its own situation or need analysis of child protection.

CPWB works together with PDMA and SWD for child protection during emergencies. This coordination has recently been introduced, and it is too soon to assess its effectiveness. To date there is no formal coordination mechanism in CPWB for this coordination, and it acts upon requests on an adhoc basis from agencies such as UNICEF. Only organizations and NGOs registered with CPWB will be permitted to coordinate with PDMA and work in affected areas.

- **Gaps in Services**

The biggest gap is the low coverage of CPWB at the district level, limited to only seven districts. The CPWB does not contract out for services, although there is no provision preventing it from doing so.

CPWB maintains a child help line - a 24 hours emergency phone service. This help line serves as a point of contact with the beneficiaries who can lodge complaints or provide feedback. Again, this helpline is not operative uniformly across Punjab- it exists in seven districts only.

- **Capacities and Resources**

There is one Director General, two Directors, four Assistant Directors, and 50 Administrative Personnel at the provincial level of the CPWB, and the total of provincial and district level staff is 352, covering seven districts of Punjab. It is expected that the staff will be slowly increased over the next five years.

The Probation Department lacks resources and coordination with the police to perform its function properly.

- **Emergency Contexts**

CPWB and police have the most active role to play during emergencies. CPWB sets up camps in disaster-affected areas on an urgent basis, and staff is especially deployed to safeguard children in the affected region. They have a very clearly defined role for the protection of separated, missing and unaccompanied children during emergencies. Police is required to ensure law and order during any disaster situation in the affected areas; provide assistance in emergency warning; rescue, relief and evacuation operation; protect life, property and liberty of citizens; and prevent harassment of women and children during an emergency.

As a preparatory measure, the CPWB upon receiving the alert from PDMA, will designate a representative at the district level to mobilize resources for setting up of operations in the affected districts including the establishment of **Child Protection Centers**. These centers will serve as a hub for reporting, identifying and rescuing lost, missing, separated and unaccompanied children.

The CPWB will be responsible for mobilizing the community around child protection issues and building momentum within the community to report children in need of protection. In areas, where services are provided by both the CPWB and the SWD, the children will be rehabilitated at the centre closest to their homes.

The CPWB will take a lead in coordinating response between the SWD and the CPWB. It has been involved with the PDMA in developing SOPs and guidelines for management of separated children.

5.3. Secondary Department: Social Welfare

After the 18th Amendment to the Constitution, Social Welfare has become a provincial subject. The Chief Minister himself, who in turn reports to the Prime Minister at the national level, holds the Social Welfare portfolio. However, there is still a National Commission for Child Welfare and Development (Human Rights Division) that coordinates with SWD for the purpose of reporting on the implementation of international treaties. There is an Inter-Provincial Coordination Committee (IPCC) at the national level, which holds the function of *coordination between the federal government and provinces in economic, social and administrative fields, and to promote uniformity of approach in the formulation of policies and their implementation in all fields of common national concern*. However, insofar as child protection issues are concerned, its role has not been very effective; for example the draft Child Protection Policy was forwarded to IPCC to decide whether it should be presented before the Cabinet Division or the Council of Common Interests in light of the 18th Amendment, but no decision has been taken.

The Rules of Business of SWD do not state explicitly that child protection is one of its functions, although it has a broader mandate of social protection. There is some overlap in functions between the mandate of SWD and CPWB, as both are involved in the rescue and recovery of children in need. However, referral and coordination between these two bodies, and other Departments as well, is very weak. SWD holds joint responsibility with other Departments (as mentioned earlier) with regard to all the thematic areas pertaining to child protection. It provides no specific preventive services, although the Punjab Bait-ul-Maal does provide monetary assistance to prevent harm or disadvantage being caused to a child.

At present 7,264 voluntary organizations are registered with SWD. They are organizations covered under the Voluntary Social Welfare Agencies (Registration and Control) Rules, and must submit annual reports to SWD District Officers. It is not clear whether SWD or CPWB has the power to monitor those registered NGOs providing shelter services. Currently, it is not regularly undertaken by either of the Departments.

The Child Rights Cell is funded by the UNICEF and is a notified project of the SWD. It does not have a presence at the district level, however, activities under this project are undertaken at district level through the help of District Officers and Social Welfare Officers. At the district level, officers are referred to for the care of needy citizens, but there is no systematic referral procedure.

- **Capacities and Resources**

Each of the 36 districts in Punjab have a Medical Social Welfare and a Social Welfare Officer who report to the District SWD office. The District Officer then coordinates with the district government and thus reports to the Executive District Officer. At the provincial level, the SWD has a designated position of Assistant Director Child Welfare. However, apart from this, the human and financial resources designated specifically to child protection and welfare are considerably low. The Child Rights Cell is funded by UNICEF and is a project based initiative.

- **Coordination**

Despite the difficulties in coordination within government Departments, the SWD very actively coordinates its activities with international agencies, domestic NGOs and INGOs. Child Rights Cell is a project of SWD, funded by UNICEF. SWD is currently involved in a social learning program for juveniles in collaboration with AGHS Child Rights Unit. It also has a monitoring role of a Plan International project on protection of children in cotton-picking areas of South Punjab which is implemented through UNICEF's support. SWD led the initiative to rescue and rehabilitate children working at camel jockeys in UAE with UNICEF's support.

- **Capacity Building**

The Social Welfare Training Institute that operates under the SWD is meant to train staff to perform the duties carried out by the different institutions under the Department, but it does not appear to be carrying out regular training activities. There is no procedure for issuing certification or licensing for social work practice.

- **Service Provision**

The following are children's institutions run by the SWD

1. **Gehwara** (6) at Lahore, Rawalpindi and Multan- *Institutional care for abandoned babies.*
2. **Dar-ul-Atfal** (10) in Lahore, Sargodha, Bahawalpur (male/ female), Sialkot, Rawalpindi, Gujranwala, Narowal (male/ female) & DG Khan)- *Homes providing shelter, education, food and recreational facilities to orphan and destitute children.*
3. **Nigehban** (8) in Lahore, Gujranwala, Sargodha, Rawalpindi, Faisalabad, Multan, Bahawalpur & DG Khan - *Center for lost, kidnapped and runaway children at 8 Divisional Head Quarters.*
4. **Kashana** (3) in Lahore, Rawalpindi & Sargodha - *Home to provide institutional care to needy and destitute girls.*
5. **Chaman** (1) in Lahore - *Home for children with disabilities.*

Due to the setting up of the CPWB, many shelter homes under SWD have become almost redundant. For example, the power to receive or arrange custody of abandoned babies is now the mandate of CPWB. Since no specific directions have been issued to SWD, they are still running their shelter for abandoned babies (*Gehwara*) but are not receiving any babies. Human and financial resources are being wasted. Similarly *Nigheban*, an institute for lost, kidnapped and runaway children run by SWD, has a common mandate with CPWB and most of its functions in practice have been taken over by it in the districts where CPWB has presence.

There are 20 Socio-Economic Rehabilitation Centers (SERCs) under SWD that are running in 20 juvenile wards across Punjab. Social Welfare Officers are appointed to run them, but frequent transfers and inadequate resources negatively render some of them dysfunctional. The functional ones are in Bahawalpur, Lahore, and Faisalabad.

Minimum care standards for the above institutions have been drafted with UNICEF's support, which have yet to be notified.

SWD's Child Rights Cell (CRC) has been involved in legislative reviews. The Office of Child Facilitation (OCF) is an ongoing project of CRC under which children are mobilized at district level to work for the promotion and protection of their rights.

- **Emergency Contexts**

The Child Rights Cell under the SWD is involved in protective services during emergencies. Under the Flood Emergency Response Project (FERP), in collaboration with UNICEF during the 2010 floods, they established CPUs in seven districts (Mianwali, Muzaffargarh, Dera Ghazi Khan, Rajanpur, Rahim Yar Khan, Bahawalpur and Multan). These CPUs identified children in need of assistance and formed referral linkages with relevant service providers and Departments. SWD also sets up medical camps and is extensively involved in food distribution during emergencies. In cases where PDMA has identified unaccompanied persons who are female and over 15 years of age in emergencies, they will be directed to SWD which will make arrangements for their rehabilitation at 'Kashana' centers, and be responsible for tracing their families.

5.4. Recommendations

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

- The fact that CPWB has been placed under the administrative control of the Home Department is an anomaly, it should instead be a lead department in carrying forward the dialogue on child protection in the province. SWD has recommended

CPWB be placed under its administrative control as it has outreach in all 36 districts of Punjab. SWD has requested this but no decision has been taken yet.

- Minimum Care Standards for child protection system need to be established with binding legal force. The standards are especially required for alternative care systems including residential care for the neglected and destitute children.
- Comprehensive pre- and post emergency child protection regulations need to be drafted and notified to be implemented by all the relevant departments. The PDMA SOPs need to be revised and notified with legal force to bind all the provincial departments.

- **Capacity Building**

- The subject of child protection needs to be introduced in all the relevant government departments including labour, education, health, prisons, police, parole and probation etc. especially with a view to be included in refresher courses for promotions etc. so that government employees' skills and competencies are strengthened. There can be two components of such a subject: one, the general understanding of child protection which may include introduction to CRC, concepts of child abuse, child sexual abuse, child commercial exploitation, child psychology and development; two, it can be specific with regards to the departments functions. For example, police officers need to be introduced to international best practices where they have to deal with children in conflict with law.
- In this regard, the police and local government departments need to be sensitized and given training on priority basis as in most of the cases they are the first point of contact. Children are 45 per cent of the total population, a child protection course needs to be introduced for police training.
- Social workers working for private and state owned residential care must be required to go through a certain minimum course for licensing before they are allowed to work in the sector.
- Inclusion of a child protection component in the general/common training programme at federal and provincial civil services academy/Management and Professional Development Department may be a good idea as many officials selected for the superior services and trained in the academy go on to serve in important positions at provincial governments later in their careers. The same is true for local government training institutes.

- **Service and Service Delivery Mechanisms**

- The network of CPUs set up by the CPWB needs to be widened to reach all districts in Punjab.
- Child helpline mechanism initiated by the CPWB and PDMA needs to be strengthened, well publicized and well resourced, with a regular assessment of its effectiveness. This service also needs to be strengthened by the police which should run child protection cells at the thana/police station level which is at the grass roots level.
- Prevention from child sexual abuse and HIV/AIDS needs to be institutionalized and child protection services around these two subjects need to be established and strengthened.
- SWD does not take a preventive approach towards social protection. Limited resources and funds reduce its capacity to provide and coordinate such services and initiatives.

- **Accountability Mechanisms**

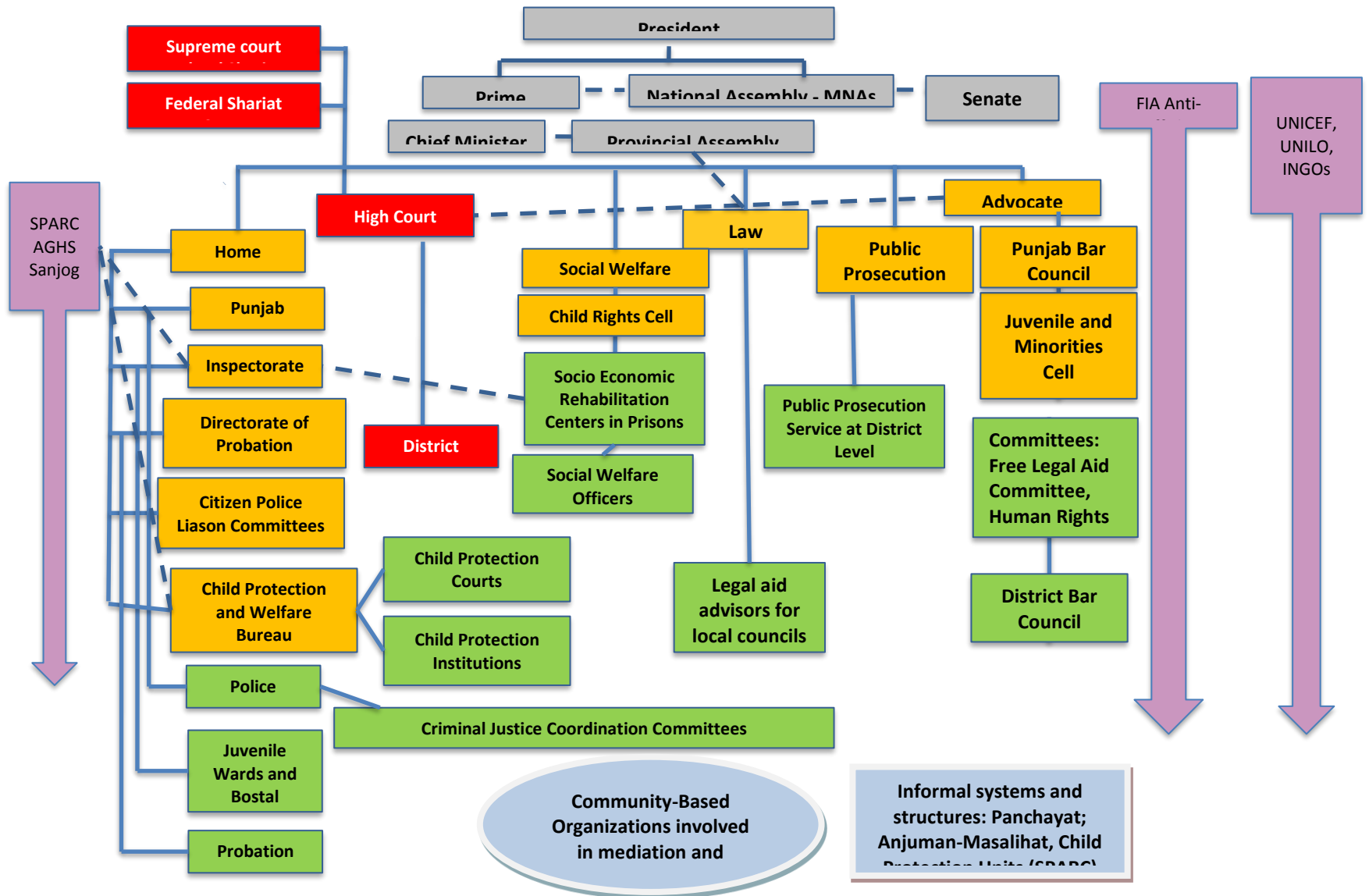
- At present there is no mechanism for the institutional accountability of various departments and organizations engaged in child protection. A legal framework needs to be established to ensure institutional accountability.
- Strict enforcement of internationally recognized standards needs to be enforced for accountability of government departments and non-government organizations.
- Residential care institutions need to be brought under a legal framework with the specific aim of holding them to account for their deficient services.
- Special penalties need to be introduced to penalize the police where their service falls short of established national standards.

SECTION 6.THE CHILDREN AND JUSTICE SYSTEM OF PUNJAB

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

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

Figure 4. Children and justice system in Punjab organogram



- **The Judiciary**

Mandate: The judiciary is one of the three organs of the state and observes the concept of separation of powers by acting independently of the executive and legislature. In the judicial hierarchy the Supreme Court is followed by the High Courts (one in each province and one in the federal capital). There is one High Court in Punjab with its benches in Rawalpindi, Multan and Bahawalpur. The Constitution entrusts the superior courts with an obligation to preserve, protect and defend the Constitution. The subordinate judiciary may be broadly divided into two classes; one, civil courts, established under the West Pakistan Civil Court Ordinance 1962 and two, criminal courts, created under the Criminal Procedure Code 1898. In addition, there also exist other courts and tribunals of civil and criminal nature, created under special laws and enactments. In addition to the regular courts working at a district and local level, there is no special infrastructure maintained for children and justice by the judiciary. Lahore High Court is working towards increasing the number of judges and the required infrastructure of courts in the Punjab. Funds are soon to be released for the establishment of 30 new judicial complexes.

The High Court may review and set aside unreasonable orders passed by juvenile courts e.g. in cases where bails are not granted, or probation is not ordered in appropriate cases. The Court may also at least, reprimand police or any other agency for their acts or omissions, or negligence and misconduct in dealing with child offenders or victims.

There are a number of weaknesses: (i) Access to the High Court for poor and disadvantaged sections of the population is difficult; (ii) the fee charged by lawyers for representation before the High Court is much higher as compared to lower court lawyers. There are practically no state-sponsored legal aid programmes, and very few private and charitable funding programmes, especially at the High Court level where expenses rise sharply.

Its strengths include: (i) The High Court's powers work as a relief mechanism against judicial excesses at the lower /trial level; (ii) The High Court's power to address grievances against executive excesses provides relief including that of the police, prison and other authorities; (iii) the High Court's relief-providing powers help highlight issues in juvenile justice.

The judiciary is required to uphold the rights of children as envisaged in the Constitution and the various laws. For children in conflict with the law, the JJSO is the applicable law implemented in Punjab through the Punjab Juvenile Justice System Rules 2002. JJSO also calls for the establishment of separate juvenile courts but this is yet to be implemented in Punjab.

There are no separate appointments of High Court or District judges to exclusively deal with children's cases. Child Protection Courts have been set up in seven districts by the High Court as

per the PDNCA 2004 to deal with cases of destitute and neglected children. A Session or District judge is appointed at these courts. They function jointly as juvenile courts but are hearing other criminal cases at the same time, which is prohibited under the law. One of the fundamental objectives of JJSO 2000 was the creation of separate courts for juvenile cases.

Judicial personnel are not familiarized with the JJSO, PDNCA 2004 or other relevant laws in great detail or in a systematic way. Due to an existing shortage of judges and immense backlog of cases, judges are spared for a limited time period for training. After appointment, civil judges are usually attached for a few weeks to the Court of Senior Civil Judge/District & Session Judges to get practical training. They also receive specialized training at the Punjab Judicial Academy. Various NGOs such as AGHS and SPARC working on child rights also undertake training of judges to educate them on child rights, JJSO and the international law on juvenile justice.

Child Witnesses : The Qanun-e-Shahadat Order 1984 (Law of Evidence) and JJSO do not lay out any special provisions for the protection or special treatment of child witnesses. The Magistrate or any other judge has the power to call for police protection for a witness at the time of court appearance. There is no mechanism for his protection outside the court. As a general practice of the courts, evidence from child witnesses is seldom admissible in cases.

The judiciary has the mandate to issue special protective orders for child victims still under threat, and order for the protective custody to an institution for shelter or counseling. The judiciary's approach will depend on the crime. The trial procedures is usually a very daunting experience for the victim, and the unfriendly environment of the court and judges further exacerbates the situation.

PDNCA 2004 deals with the rescue, protective custody, care and rehabilitation of destitute and neglected children. The Child Protection Court established under this Act deals with any child rescued under this law. However, there is an age-limit in the PDNCA, which prohibits the Child Protection Court from initiating proceedings of children above 15 years of age. This creates a huge gap in the protection services for children between 15-18 years of age. This issue is particularly difficult for girls in this age bracket as very few government and private shelter homes provide services to female children in Punjab.

- **Home Department**

Police, Probation and Prisons are attached to the Home Department, discussed earlier in this report, with an important role to play in children and justice. These departments are spread out across Punjab at district and community levels. Criminal Justice Coordination Committees have been formed in all 36 districts of Punjab under Section 110 of the Police Order 2002. Majority of the under-trial juveniles are detained in juvenile wards of 25 adult central and district prisons in Punjab and convicted children are detained in 2 borstal institutions which are correctional

facilities exclusively for children. There are juvenile wards (separate cells for children in adult jails) in 25 districts of Punjab and 2 Borstal Homes.

- **Children and Informal Justice Mechanisms**

Panchayat is a traditional informal justice system in Punjab. *Panchayats* comprise of five or more wise and respected elders chosen and accepted by the local community to settle disputes between individuals and villages. Children are often subjects of *panchayat* decisions, in which they may be forcibly married to the members of the opposing party (a custom known as *vani*) to resolve feuds. Such decisions are in violation of natural justice and universal human rights, and in disregard of the Constitution.

A resolution was passed in September 2011 in Punjab Assembly seeking legal cover for the *panchayat* system in rural areas of Punjab as a means to ensure prompt dispensation of justice to the people at the local level. A research study carried out in Punjab asserts that there was a high level of satisfaction with the justice dispensed (Minallah 2006). Nonetheless, the harmful traditional practices that are a result of the *panchayat* system, as well as the exclusion of women and children from participation, violate Articles 8, 10,11 of the Universal Declaration of Human Rights.

Anjuman-e-Masalihat Committees at the union council level were established by Punjab Local Government System Ordinance 2001 as part of an effort between government, NGO and international organizations (in particular the UNDP) to develop linkages between formal and informal justice systems, particularly in terms of maintaining human rights standards and to meet the needs of children, women, and minorities in particular. This system of Alternate Dispute Resolution (ADR) involved public bodies. People were selected to the Committee upon their recommendation for honesty and respect. However, under the new Punjab Local Government Act (draft) 2012, this mechanism has not been renewed.

There are occasions when community members approach the religious cleric to find ways to resolve their disputes, but this is not a very common practice.

- **Social Welfare Department**

SWD does not have any specific mandate with regard to children in conflict with the law. It has advocated that child protection should be within the domain of one department, preferably SWD, with a strong coordination system with the Home Department. SWD has initiated a request through the Planning and Development Department to shift the CPWB from the Home Department to the SWD. Due to this conflict and the ensuing lack of coordination, many important child rights-related issues fall through the cracks.

- **Justice Process**

There are no separate posts or a recruitment procedure for employing staff that will be involved in the justice process involving children. Article 114 of the Police Order, 2002 and Police Rules 14.4 and Conduct Rules empower the provincial police officer to issue a Code of Conduct to regulate police practices. The Code of Conduct for Punjab Police Officers 2011 is currently being followed in Punjab and Pakistan Prison Rules lay out the code of conduct for jail staff. Police seldom follow their Code of Conduct. Children are often mistreated and falsely accused in cases by the police and jail staff. There is no deployment of police with the exclusive function of child protection.

Arrest: Police has to register an FIR and immediately inform the probation officer regarding the child. Police also has to inform the guardian of the child of the arrest and the time, date and name of the court before which the child would be produced. An Investigation Officer is assigned to investigate the case. The probation officer makes a report on the child's character, educational, social and moral background that is to be shared along with the FIR at the time of trial. This report must also be shared with the child and the child's lawyer. In practice, though, probation officers do not become involved until the court orders them to do so.

Legal representation: Every child who is accused of an offence or is a victim of an offence shall have the right of legal assistance at the expense of the State. Lawyers may be requested by the court to represent children who do not have a lawyer on state expense. District Bar Councils have also established free legal aid committees that offer legal assistance to those who are unable to afford it. However, neither is commonly practiced. CSOs may get involved at this point, providing legal aid and counseling but only if the case comes to their notice.

Pre-trial Detention: Most children are sent to jail during this period. The Court may grant the police a physical remand of a maximum of 14 days during which the police is required to complete its investigation. The child is normally detained in police-lockup for the duration of the investigation. It is important to note that the JJSO 2000 does not allow children under the age of 15 to be kept in police custody. Some NGOs approach police to inquire if any children are in need of legal representation.

Court Process: Children are handcuffed and transported to court in the same vehicle as adults. CPWB also monitors the case proceedings of the juveniles. The JJSO2000 in section 4(6) clearly states that courts must conclude the trial within four months. The late production of a challan/charge sheet in court by investigation officers continues to delay juveniles' cases.

Detention after Sentencing and/or Alternatives to Detention: There is no formal diversion process in operation in Punjab. However, judges and Home Department have discretionary

powers to release juveniles from jail who have been arrested for petty crimes, and to free others on the basis of good behavior. 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 JJSO 2000 states deprivation of liberty should be a last measure of resort and encourages courts to consider this alternative. Age is not the only consideration for alternatives. Character, antecedents or physical or mental condition of the offender, and the nature of the offence or any extenuating circumstances may be reasons due to which the court may consider an alternative route. Currently there are 254 (including 1 female) juveniles under probation supervision in Punjab.

In Punjab two jails have been designated as Borstal institutions, one in Faisalabad and the other in Bahawalpur. These are the only two institutions in Punjab that are solely for the purpose of detaining convicted children, although JJSO directs the establishment of at least one borstal in every district. If the child is convicted the courts have the option to release the child under probation supervision or make an order for the child to be sent to a borstal.

Post-Detention Including Probation: One of the objectives of CPWB is rehabilitation of children once they are released. (The CPWB, however, only provides services to children who at the time of their admission are less than 15 years of age.) Psychological counseling, medical facilities and family reunification are provided. NGOs also get involved at this stage. If any time during the process, the child or his family is not happy with the performance of any of the government departments, they may lodge a complaint with the CCO at Punjab Provincial Ombudsman’s Office.

- **Effectiveness in Implementing Child Protection Mandate**

Box 5. Organizations and effectiveness in implementing child protection mandate

Formal Organizations	Effectiveness in Implementing Child Protection Mandate
Courts, include appellate mechanisms	Largely ineffective in implementing their children and justice mandate. It has been nearly 12 years since JJSO 2000 was passed, but judges possess very limited knowledge of this legislation. Special treatment reserved for children under the law is seldom given. Courts lack the requisite sensitivity to deal with children involved in the process of law.
Prosecutor's offices	Not very effective in Punjab. It appears to act more as a post office, receiving complaints, than actually prosecuting the perpetrators with fairness and following due process of law. In most cases, it fails to get the appropriate order.
Public defenders	Currently dysfunctional. Public Defenders Office was originally an attached department of the Human Rights and Minorities Department of Punjab. It was then transferred under the control of the Law Department.
Police agencies	Police is one of the biggest violators of child rights in Punjab. Lower

	ranking officer (Station House Officers) fail to offer necessary protection to child victims or children in conflict with law. Investigation procedures are weak, as a result many cases of child abuse, rape and murder remain unresolved. Street children often abused by the police and falsely implicated in cases. Children are also subjected to violence in custody and detained in police lockups for more than the legally valid period.
Remand homes	Remand homes are performing quite well, delivering education and vocational services to juveniles. NGOs greatly support these homes.
Incarceration: prisons that mix adults and children	The prison system has improved its compliance with the rules of age segregation. The practice of housing persons above the age of 18 in juvenile wards must be further eliminated. Adult wards in very close proximity of the juvenile wards, which puts children at risk. Efforts should be made to segregate convicted and under trial children.
Incarceration: facilities for children only	There are 27 facilities in Punjab to detain juvenile prisoners. Only two detain children exclusively while the remaining have juvenile wards within adult facilities. Female child prisoners are detained with adult women prisoners in Multan Women's Jail.
Probation system	Probation officers attribute lack of funds as the reason for their inability to perform their functions. Police do not cooperate with them even though they are explicitly required to inform the probation officers as soon as a child is arrested, but they seldom do so. At the time of the trial, the judges rarely ask for the character report, as they are not aware of these provisions of the JJSO.
Bar associations and legal aid societies	There is a Juvenile and Minority Cell operating as part of Punjab Bar Council, which focuses on cases dealing with juveniles and minorities. Free legal aid committees are also operating within District Bar Associations to provide legal assistance to those who are unable to afford private lawyers. Human Rights Committees and Jail Reform Committees are also part of the Punjab Bar Council.

Corporal Punishment: Section 12, JJSO 2000 prohibits subjecting a child to corporal punishment at any time under custody. A notification called 'Maar NahiPyaar' was introduced by the Punjab Education Department during the last government's tenure but it did not achieve any headway in combating corporal punishment in schools, primarily because the policy was overridden by a penal provision (Section 89 PPC) and provincial legislation PDNCA 2004 (Section 35-B) providing a legal cover in the garb of good faith to those harming children in the name of discipline. Adoption of Prohibition of Corporal Punishment Act [Bil] 2010 at the provincial level is a much needed step to effectively reduce the menace.

Diversion Mechanisms: There are no formal diversion mechanisms in place in Punjab. A project was initiated in 2009-2010, Juvenile Justice Reform Project, by Pakistan Crescent Youth Organization with support of UNICEF under which juvenile offenders were diverted and referred to the community for the social integration in two districts of Punjab. It has since expired.

Training to Handle Child Cases: Officials in the Home Department are not well-trained on the JJSO and how best to treat juvenile prisoners, which leads to violations of their human rights.

Police academies in Punjab have included in their training some sources on child protection, juvenile justice, gender sensitized policing, domestic violence, and human trafficking. Police officials are encouraged to find alternative measures for the treatment of children in conflict with law, i.e. police are encouraged to use restorative justice. There is no special training for probation staff.

Court System Databases: Though the database is manual, one can easily access information regarding children. Court clerks are well versed in accessing this information.

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, the 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 (or the ages of 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).

Child Victims: A citizen may refer a child to the police or the police may spot a child in need of protection on the streets. Such a child shall be cared for at the police station and brought before the local magistrate as soon as possible. CPWB operates Open Reception Centers around Punjab where children in need of protection may be referred. They also have rescue teams that go around the cities to take in to their safety children who are in need of care and protection. CPWB operates a helpline which children or other citizens can call if they know of a child who needs protection. A child in need of protection and care may be referred or brought to one of the Child Protection Institutes established under the SWD, or to an NGO.

6.2. Recommendations

- **Laws, Policies, Standards and Regulations**
 - Police Rules 1934 need to be revised, as many of its provisions hold no relevance today.
 - According to the Draft Police Rules 2002 'Crime Prevention and Community Policing branch' should be a part of every district police station. Community policing has been stated as the provision of help to women, children and senior citizens in distress situations.
 - Effective implementation of laws, primarily JJSO 2000, in their true letter and spirit is mandatory for effective delivery of justice to children.
 - Adoption of Prohibition of Corporal Punishment Act [Bill] 2010 in Punjab is critical for the elimination of corporal punishment in the provinces.
 - A child protection policy should be formulated that clearly states the roles of SWD and CPWB for children in need of care and protection.
 - Code of conduct for police, probation officer, and public prosecutors must include a special section on how to handle children's cases.

- **Cooperation, Coordination and Collaboration**
 - Police and Probation must enhance coordination and cooperation to ensure that the function of probation can be effectively delivered.
 - Home Department and SWD must also sharpen their coordination for effective protection of children in jails and the justice process.
 - Greater coordination between the police and CSOs will also increase children's accessibility to services offered by CSOs such as counseling and legal aid.
 - A strong referral system is needed among the CBOs, Child Protection Officers (CPWB), Social Welfare Officers and shelter homes (SWD) and child protection institutes (CPWB).

- **Capacity Building**
 - As judges, police, probation and prison personnel are very closely involved in the children and justice process, special officers should be recruited to deal with children's cases exclusively and have the necessary training to carry out their functions effectively, eg with child protection modules inserted in academies and civil service training institutes.

- **Service and Service Delivery Mechanisms**
 - Borstal institutions must be established in all districts, according to Section 4 of Punjab Juvenile Justice Rules 2002, so that family members of incarcerated children are in close enough proximity that they can easily meet them.
 - The policy of segregation amongst children should also be clarified and properly enforced.

- **Financial Resources**

- Greater resources/funds must be released for the Probation Department so it can perform its role under JJSO 2000.

SECTION 7. CONTINUUM OF CARE, CIVIL SOCIETY AND CHILD PROTECTION SYSTEM

This component of the mapping exercise outlines the continuum of care that exists for children in Punjab. 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, all contribute to building the protective environment.

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 regarding these practices. The major negative attitudes and practices identified in Punjab are listed below, and further details may be found in the Toolkit:

Box 5. Negative attitudes and practices

ISSUE	DESCRIPTION	IMPACT
Corporal punishment	Corporal punishment is accepted as a norm and is prevalent in schools, households, alternative care institutions, madrassas, and prisons and work places. Parents do not consider this to be a social problem and are seldom willing to take action against it. Human Rights Commission Pakistan's (HRCP) report, the State of Human Rights in 2011 notes with concern that the Prohibition of Corporal Punishment Bill, 2010, which was endorsed by the National Assembly's Standing Committee on Education on February 14, 2011, was subsequently opposed by senior officials of the Education Ministry stating that it may negatively impact the student-teacher relationship. Notifications were issued by the Punjab government in 2005 banning corporal punishments in schools.	Children avoid schools because of corporal punishment and in many cases drop out. Children experience psychological traumas and low self-esteem due to this practice.
Child labour	Child labour is common, especially domestic child labour. A high incidence of poverty results in families willingly sending their children to work at motor workshops, as sweepers in offices and as domestic servants. Industrial, commercial and other forms of labour are most visible in the urban areas but are also prevalent in suburban and rural settings, especially in agriculture and the brick kiln industry.	Children at work are vulnerable to various forms of abuse including sexual and other forms of physical abuse, both as domestic labour as well as industrial labour, at their workplaces.

Under age marriages	Underage marriages are not considered a negative practice, mainly due to social customs and traditions. It is practiced more among the rural population. It is also linked to the general understanding of Islamic teachings.	Children, especially girls get married at very young ages when they are neither physically nor psychologically ready for the responsibilities of marriage and child bearing. This leaves them vulnerable to various forms of abuse and has shown to have serious repercussions on their mental and physical health.
Violations in the name of honour	When girls and boys take a decision against the wishes of their family elders, it is considered a dishonour to their families, which must be put right by killing the disobedient couple.	The tradition of honour killing violates the young people's right to live with freedom and to be able to make independent decisions.
Children belonging to nomadic groups/populations	Nomads live on the margins of society. Nomadic children grow up in a hostile and alienated environment. There is a general understanding that nomads do not belong to any mainstream religion and therefore, are inferior.	Due to their seasonal mobility, nomad children do not get education or health care, such as early immunisation. Early marriages, ill health and malnourishment of children are common among this population.
Lack of attention toward children's sexual and physical health and related needs	Parents do not discuss with their children the changes children's bodies experience when they reach puberty. Also, there is strong reluctance to discuss with children how to safeguard themselves from sexual abuse and exploitation.	Children are ill-prepared to look after themselves. They do not know who they can turn to and how to react in hostile conditions. This adversely affects their health, psychological and sexual needs. They frequently live troubled lives even after marriage.

Box 6. Activities to combat negative attitudes and practices

ACTIVITY OR PROJECT	DESCRIPTION	COORDINATING AGENCY	IMPLEMENTING PARTNERS	GEOGRAPHICAL COVERAGE
Violence Against Children	Creating awareness on various aspects of violence against women including child marriages and corporal punishment. Activities planned include puppet and theatre performances for the public at large.	Royal Norwegian Embassy	SPARC and other NGOS such as GODH and Sahil	16 districts
The Global Campaign to End Violence in Schools 'Learn Without Fear' to address the issue of	A campaign to end all forms of violence against children in schools.	Plan International	Plan-Pakistan	Punjab

corporal punishment				
Child labour (domestic)	Lobbying with parliamentarians and labour department for the issuance of notification that includes domestic child labor as part of the list of prohibited occupations for children. Running campaigns against child labor through its child protection committees.	Royal Norwegian Embassy	SPARC	16 districts
Elimination of Bonded Labor in Brick Kilns	<ul style="list-style-type: none"> • 200 Non-formal education schools will be established for approximately 7,000 children and young persons from brick kiln families. • Facilitation of approx. 13,000 workers to acquire CNICs. • Provision of Rs. 40 million as microcredit in the form of small loans (to be rolled over for the project duration) • Enrollment in voter lists 	Annual Development programme and ILO	Labour and Human Resource Department Punjab	2 districts: Lahore and Kasur. Impact: Sixty schools have already been established with the help of ILO and local NGOs, 2,073 CNICS issued, So far approx. 32 million rupees have been disbursed to 702 workers.
Combating Abusive Child Labor II	Strategically, the project is designed to work at the district, provincial and national level to strengthen institutional capacity; to enhance the knowledge base; and at the grass roots level in the target districts to develop a model on how child labor across economic sectors can be effectively addressed at the district level.	ILO-IPEC Pakistan. The project is being implemented in close collaboration with the Government of Pakistan under the National Time Bound Programme Framework (NTBP), 2008-16 which forms a part of the National Policy and Plan of Action to Combat Child Labor (NPPA-CL)	Centre for Improvement of Working Conditions and Environment and Punjab Child Labor Unit and Punjab Rural Support Program	Districts of Sahiwal, Jhang, Layya, Multan, Jhelum, and Chakwal;

Para-legal Training Program (AGHS Legal Aid Cell)	Train 65 community women/young girls every year on various women-related issues including creating awareness on the illegality of practices such as honour killings and child marriages. These trainees then create awareness in their communities.	Royal Norwegian Embassy	AGHS Legal Aid Cell	Lahore, Kasur and other surrounding districts of Lahore
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7.2. Child Protection Services Available

There are several NGOs/CSOs in Punjab that are directly working in 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. 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 7. Advocacy

NGO/Network	Activities
Child Rights Movement Punjab Chapter	Punjab Chapter was set up in 2011 under SPARC’s initiative to follow the creation of the National CRM. The purpose is for like-minded NGOs and civil society groups to tackle the widespread violence, abuse, neglect and exploitation of children.
SPARC	Organizes trainings of staff within government departments and among civil society members. Current ongoing project deals with police training and capacity-building on democracy and human rights. Coverage national and provincial. Runs Child Rights Committees in Punjab.
AGHS	Advocacy for child rights, conducts fact-finding missions in cases of child abuse. Has formed a Child Rights Unit that focuses on the promotion and protection of child rights. Head office is in Lahore but its officers take advocacy initiatives to different districts. Organizes trainings of staff within government departments, human rights activists and civil society members on issues of child labor, child abuse, juvenile justice, and children’s right to participation. Publishes an annual report on children in prisons in Punjab. Provides legal aid, holds capacity-building workshops. Coverage national and provincial; takes campaigns to various districts of Punjab.
Sahil	Advocacy for child rights. Sahil operates through 2 Regional offices, (Rawalpindi, Lahore). Organizes trainings to sensitize on issues of child rights, child abuse, CRC, prevalence of CSA, its causes and dynamics, life skills, HIV/ AIDS detection and prevention, Hepatitis B and C, child-related laws in Pakistan, commercial sexual exploitation of children, child trafficking and rehabilitation model for child labor, Worst Forms of Child Labor (WFCL) C-182, child-related legislation. Publishes annual report on child abuse statistics.
Sanjog	Advocacy for rights of runaway children, street children, delinquent juveniles, and children from ethnic-religious minorities, ragpickers and survivors of human trafficking. Advocates for better implementation of JJSO 2000 and for child friendly legislation;

	consultative meetings with Bar and Bench. Strong member of National Juvenile Justice Network lobbies with government and civil society for protection of the rights of juveniles. Coverage national and provincial.
Bunyad	Advocacy for rural females, including children. Develops literacy material which it uses to convey message about literacy and social issues. Develops manuals for teachers training, social and community mobilization. Coverage provincial and in 18 districts of Punjab.
HRCP	Advocacy, fact-finding missions in cases of human rights violations. Training workshops with police, journalists, lawyers, activists, etc. Special Task Force in Multan and Core Groups working in different districts. Coverage national, provincial, and in 24 districts of Punjab.
Potohar Organisation for Development Advocacy (PODA)	Advocacy for child rights. Training to rural defenders on international human rights standards and links them with local government departments to ensure promotion and protection of human rights at all levels. Another program creates awareness about the constitutional rights of citizens and educates duty bearers and rights holders about universal human rights standards. Collects data about human rights violations in rural areas. Coverage provincial and six districts of Punjab.

Box 8. Life skills based education

NGO	Activities
AGHS	Child Rights Unit. Children Association with membership all over Pakistan, purpose is to teach children about their rights and how to protect them. Coverage national, provincial, and district.
Society for the Advancement of Higher Education (SAHE)	A program on education for good citizenship that tries to teach children how to become good citizens and develop a habit of learning beyond the textbook. Planning to start a quiz show in collaboration with Geo television for children
SAHIL	“MeriHifazat” a book for primary school children to teach children how to protect themselves from abuse. Trainings conducted with teachers and parents throughout Pakistan on how to use this material.
Dance4Life	Project to raise awareness among adolescents about reproductive health issues and life skills based education. Coverage Lahore and Islamabad.
MISEREOR	Basic Education and Health Program for Gypsy Children. Rural communities around Lahore district. Nine education centers are now functioning across the city, where 480 gypsy children are enrolled to learn about life skills along with basic literacy and numeracy. The outreach is limited and the quality of teacher also needs to be improved.

Box 9. Conflict with the law/ legal aid

Organization	Activities
Sanjog	Sanjog operates a legal aid program in Punjab through its regional office in Lahore. Legal Aid Program Lahore team consists of three lawyers, two social workers, one counselor for inside the jail for group and individual counseling sessions of the detained children, one female psychologist to counsel the family after reunification of child.
AGHS	Conducts fact-finding missions in selected cases of child rights violations. Lawyers working in two districts (Multan and Bahawalpur) to extend legal aid services. Social Learning Program for Children in Prisons (Lahore Camp Jail, Bahawalpur Borstal and Faisalabad Borstal).

Box 10. Residential services/shelters

NGO	Activities
PODA	Drop-in Centre for street children to offer them a safe space and basic lessons on hygiene and education, and protection from abuse and exploitation. Located in Chakwal, Punjab.

Street Youth Counseling and Information Centre (SYBAN)	Centre to help provide awareness to street children on basic rights, health issues, and also give them a platform. Location in Lahore.
SAHIL	In each of the two regional offices it also operates Jeet Healing Centers, which offer free counseling services to child victims of sexual abuse.
Private orphanages	(1) SOS Children's Villages provide residence and schooling to destitute and physically challenged children. (2) Edhi Foundation's Welfare Centres all over Punjab provide destitute, abandoned, lost and orphaned children facilities for protection and (3) a number of other private orphanages and shelter homes provide services to children.

7.3. Civil Society Organizations and Child Protection

Effective coordination that maximizes efficiency and establishes a referral system among the CSOs/NGOs, government, and communities 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. According to the statistics given by the SWD, 1352 NGOs are registered in Punjab that cater to child welfare. In fact, there is no unified procedure for licensing any NGOs working in Punjab. All are meant to be 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 actual 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.

Multilateral or bilateral agencies such as UNICEF or Save the Children often implement child welfare projects through CSOs. For example, Bunyad Literacy Council is currently implementing projects such as Mobile Literacy Funded by UNESCO, Education for Children in Brick Kilns 'Brick kilns Project' funded by ILO, AGHS is running a child rights project funded by Finnish Embassy, SPARC is running Drop-In centers for street children in collaboration with Kindernothe (KNH), SPARC is also running advocacy campaigns partnerships with Plan-International (among other partners). PODA was running a project in collaboration with UNICEF for psycho-social counseling of flood-affected children. UNICEF collaborates from time to time with various other NGOs for short-term projects related to child protection.

Media has played both a positive and negative role in the area of child protection in Punjab. With the emergence of several new private Pakistani television channels over the past few years, the level of reporting of child rights violations has considerably risen. Many CSOs have

used media to run awareness campaigns, to report child abuse cases and encourage children's right to participation.

A satisfactory level of coordination is visible amongst CSOs in Punjab. While most organizations are working according to their separate mandates and have different areas of expertise, they tend to collaborate on the pressing issues. For example, in September 2011, a group of 20 NGOs formed a coalition by the name of Child Rights Movement (CRM- Punjab Chapter) that collectively works on issues affecting child rights in Punjab. Member NGOs include SPARC, Sahil, AGHS, Sanjog, Action-Aid, Idara-e-Taleem-o-Aagahi, UNICEF, SAHE, GODH, SPO, PAHCHAAN, Plan-International, SHARP, Alif-Laila, Save the Children, Syban, SOS Village, Aaghaz Foundation, and Women Workers Helpline. The CRM has been lobbying the federal government to establish the National Commission for the Rights of the Child, in compliance with the recommendations given by the UN Committee on Child Rights in its Concluding Observations to Pakistan. It has also been advocating for the inclusion of domestic labour in the schedule of the 34 banned hazardous occupations as defined by the Employment of Children Act (ECA) 1991. In May 2012, CRM Punjab developed a six-month plan along with its other regional chapters to launch proactive advocacy campaigns on pending child rights legislation, and to take new initiatives to ensure child protection in the country.

Normally, there is very little coordination of activities at the community level being conducted by CSOs. As each organization is working according to its fixed mandate, it becomes difficult to collaborate. However District-Level NGOs and CBOs often reach out to provincial or national NGOs for assistance in terms of financial resources or expertise, for example Pakistan Youth League (a CBO in Multan region) is running through the support of Aurat Foundation, a national NGO. District level NGOs are usually working in coordination. As their sphere of work is less wide, they are better able to coordinate activities with other NGOs in the district.

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

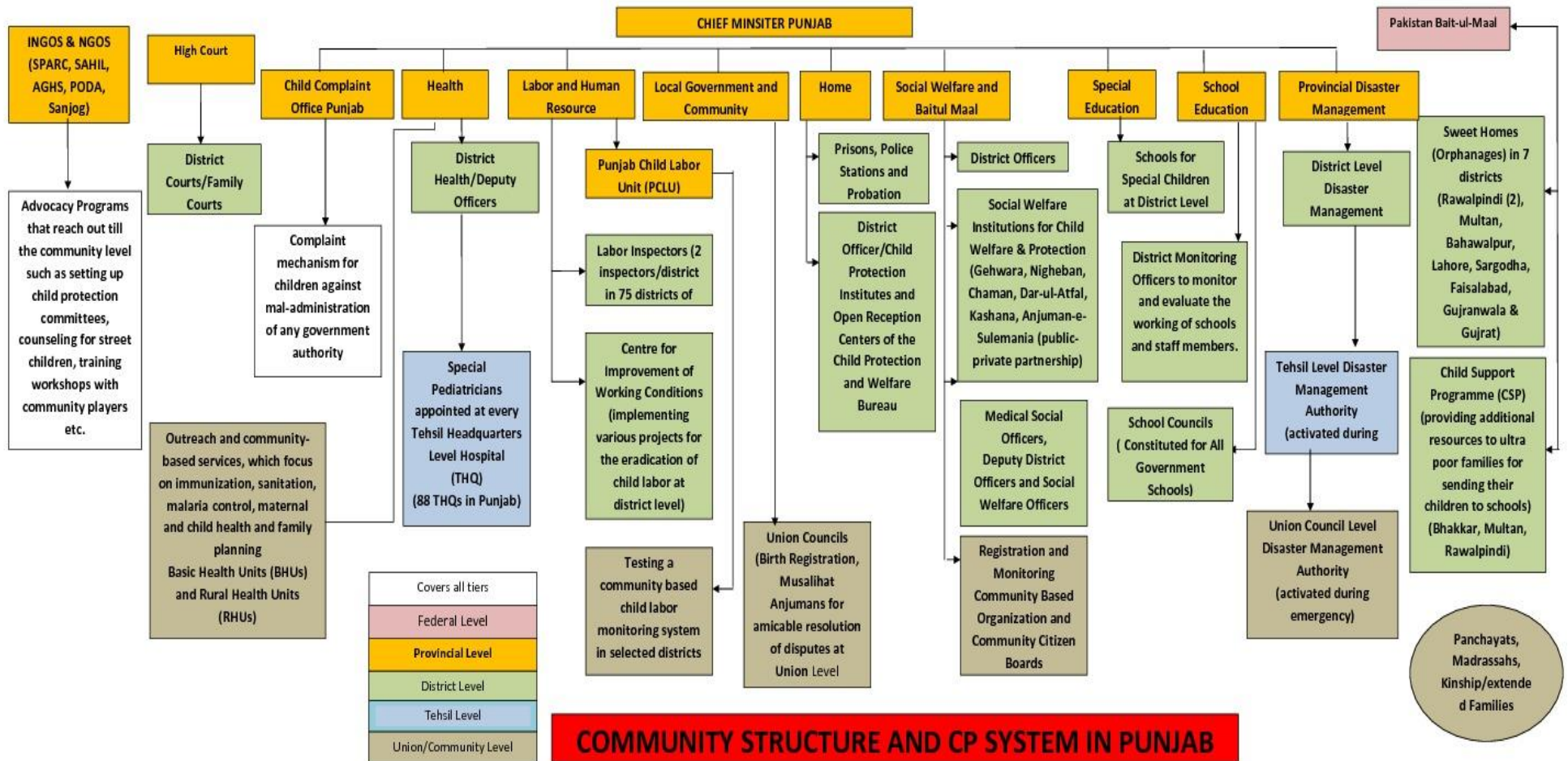
Figure 5 in this section maps out the formal and informal actors present at a District level in Punjab.

SPARC has established Child Protection Committees in 16 districts (Sialkot, Narowal, Jhelum, MandiBahauddin, Pakpattan, Bhakkar, Multan, Muzaffargh, Dera Ghazi Khan, Rajanpur, Mianwali, Bahawalpur, Faisalabad, Toba Tek Singh, Bahawalnagar&Jhang). These committees act as the focal point of child rights in the district, dealing with issues such as child labour, juvenile justice, violence against children, bonded labour and humanitarian crises. It must be recalled that no formal children protection unit exists within the police, but there are other services provided by the Home Department discussed earlier in this report.

None of the government community health workers or teachers are specially designated and trained to deal with child protection issues and impart knowledge at the local level. However, any of the health workers may be assigned with the duty to be involved in health campaigns involving child-related diseases/health problems.

Clerics in local mosques and those running madrassahs often hold a strong influence in decision making regarding community members and are often consulted for advice. However, madrassahs have gained a reputation for mistreating children and for brainwashing young minds to indulge in violent acts in the name of religion.

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



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7.5. Recommendations

- **Laws, Policies, Standards and Regulations**
 - Greater awareness of child protection laws especially among community-based organizations.
 - The registration of all CSOs and NGOs 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.

- **Cooperation, Coordination and Collaboration**
 - Improved coordination among CSOs can lead to improved advocacy and optimum/efficient use of existing resources. Many CSOs are working on the same issues and if they were to collaborate it would lead to more effective results and less duplication. The recently formed CRM is a positive step in this regard.

- **Capacity Building**
 - There is a need for enhanced cooperation among NGOs for capacity building through exchange of expertise.
 - The outreach of NGOs must be extended to more rural areas, particularly in Southern Punjab.

- **Accountability**
 - One provincial central body must be established that is exclusively responsible to ensure that all licensed NGOs are working according to their stated objectives and mandate. Monitoring of CSOs needs to substantially improve as exploitative management practices have been observed.
 - A consolidated database of information and activities in government and civil society should be set up.

- **Financial Resources**
 - NGOs need to work towards self-sustainability by focusing on domestic fund generation as opposed to relying on foreign aid.

SECTION 8. RESOURCE MOBILISATION AND FISCAL ACCOUNTABILITY

8.1. Allocations and Budgeting for Child Protection

There is no single classification head in the budget documents from which expenditure on child protection can be discerned. Moreover, 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 from budgets of different departments. 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 ward is part of the allocation for jails as a whole and no separate accounting is ostensibly maintained.²⁴

Determining which portion of the provincial budget is allocated to child protection is not possible as most departments make block allocation without delineating what share of the budget deals with children welfare/protection. 935 million is the total budget allocated to Social Protection schemes in the MTRF 2011-14 & Development Programme 2011-12, out of which 27 million is reserved for child welfare schemes under the SWD. According to Save the Children's Study on Federal and Provincial Budget Analysis (2009-2010), the Punjab government was spending 0.423 % of its current budget (more than any other province) on children's right in education, health and social welfare. It had allocated 3.6 % of its development budget to child-focused activities (less than Balochistan and Sindh).

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

²⁴ 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.

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 KPK are in the process of introducing such processes with the help of donor support. While outcome based budgeting has been introduced in Punjab it has not been extended to the SWD and Home departments yet. These departments are most relevant to child protection and it is advisable that they should introduce outcome based budgeting as well.

8.3. Role of Donors

According to Chief Social Protection Planning and Development Department, there is no significant donor assistance in the area of child protection in Punjab. UNICEF remains the main donor for child welfare and protection and provides technical support for various policy and legislative inputs. The Office of Child Facilitation working under the SWD is supported entirely by UNICEF but it has limited impact on child protection. There is some level of coordination across UN Agencies; UNICEF, UNDP, UNHCR and UN Women with regard to areas in child protection within the broader rubric of social protection and the few donor funded projects relevant to CP that are present in the province focus on AIDS and child labor.

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.
- Effort should be made to sustain welfare schemes that produce positive results such as the Socioeconomic Development of the Destitute and Neglected Children's Families (SDDNCF) started by CPWB under the Home Department.

- **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 Child Protection Management Information System must be created and maintained for effective monitoring and transparency, and to serve as a centralized source of relevant data.

SECTION 9. OPTIMAL CHILD PROTECTION SYSTEM

9.1. Child Protection Authority

It is proposed that the Punjab government establish a Child Protection Authority (CPA) along the lines of the Sindh Child Protection Authority with minor changes. At the moment, both KPK and Sindh have passed legislation that mandates a Commission/Authority that acts as the focal coordinating point of all child protection issues in the province. Balochistan has drafted legislation that mandates such a Bureau but the bill is yet to be passed by the Provincial Assembly. Punjab, however, has neither passed or drafted such legislation. The CPWB housed under the Home department is unable to act as a coordinating body for several reasons highlighted earlier in the report and the child protection system in Punjab is heavily fragmented.

Comprehensive child protection legislation in Punjab should be drafted that mandates a CPA. The Advisory Board of this CPA should be chaired by the Minister of Social Welfare and its members should include the Secretaries of Health, Education, Labor, Planning and Development, Social Welfare, Women Development, Law, Special Education, PDMA, Prosecution, Zakat, Finance departments and a Director-General (DG). Representatives from the FIA, Bait-ul-Mal, BISP could be included.

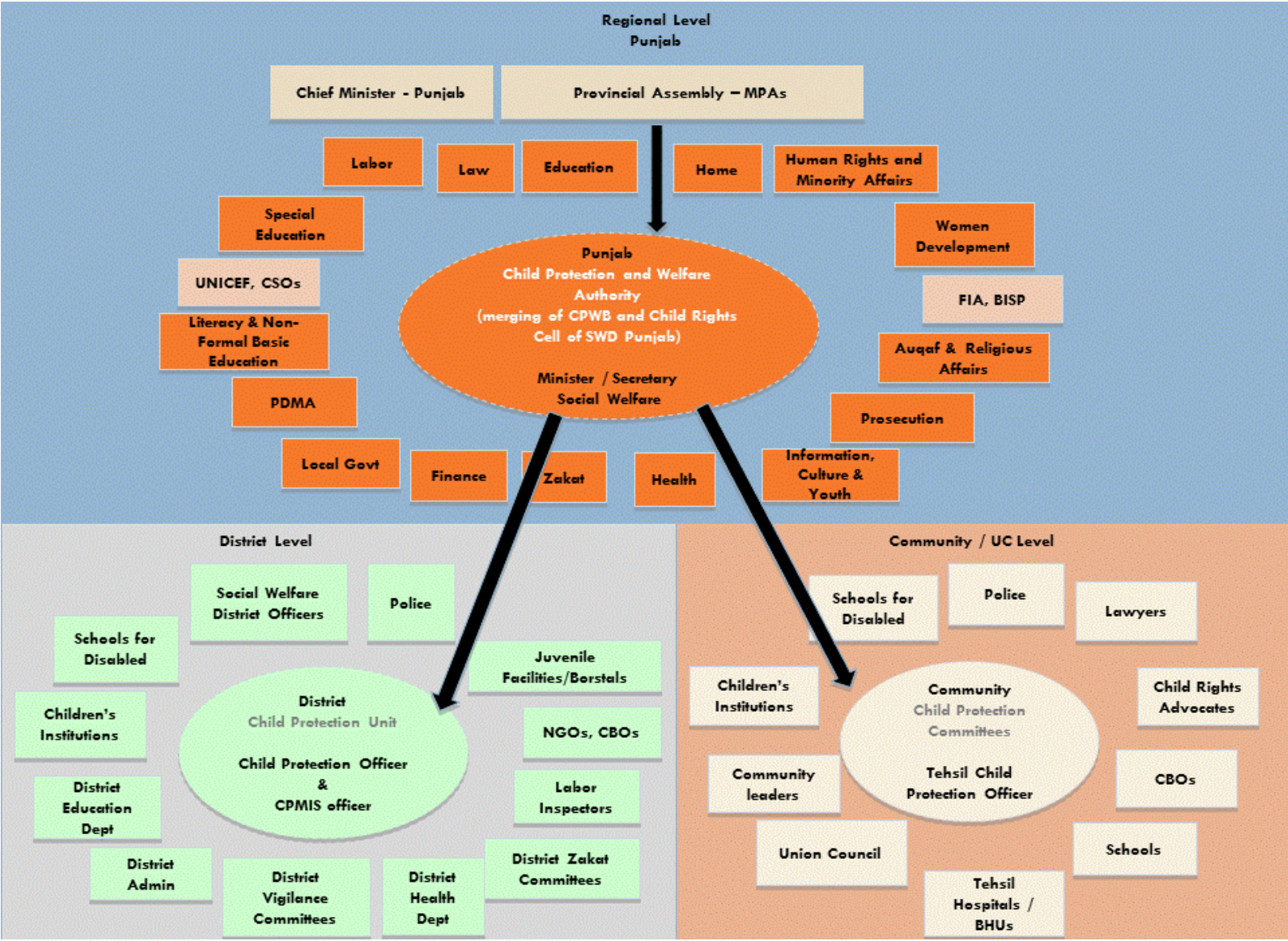
Under such an Authority, CPUs should be set up in all districts and Child Protection Committees (CPCs) should be instituted at a Tehsil/Community level. The CPU would act as the coordinating point for all child protection issues at the district level, provide services to children and coordinate a referral system. The CPCs would include representation from community actors such as CBOs, child rights advocates, teachers, police and health workers and be part of this referral system as well as advocate for child rights. Such a child protection bill should also call for a comprehensive CPMIS that links data from district to provincial level. The CPA should also include a panel of advocates that can provide free legal aid to children and establish Thematic Working Groups focusing on specific child protection issues.

In addition to this CPA, the Government of Punjab needs to prioritize child protection and set up a Standing Committee in the assembly to oversee child protection issues and advocate for the enactment of such a comprehensive child protection bill once it has been drafted. Once the bill has been passed, the Authority (as mandated) will be set up and take on the responsibility to coordinate child protection issues as mentioned above. The Standing Committee at the Parliament will continue to oversee child protection issues, budgetary allocations, and the functioning of the Bureau.

Such an Authority is an important initiative in creating an umbrella organization for child protection issues. The CPA will 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 mapped in Figure 6.

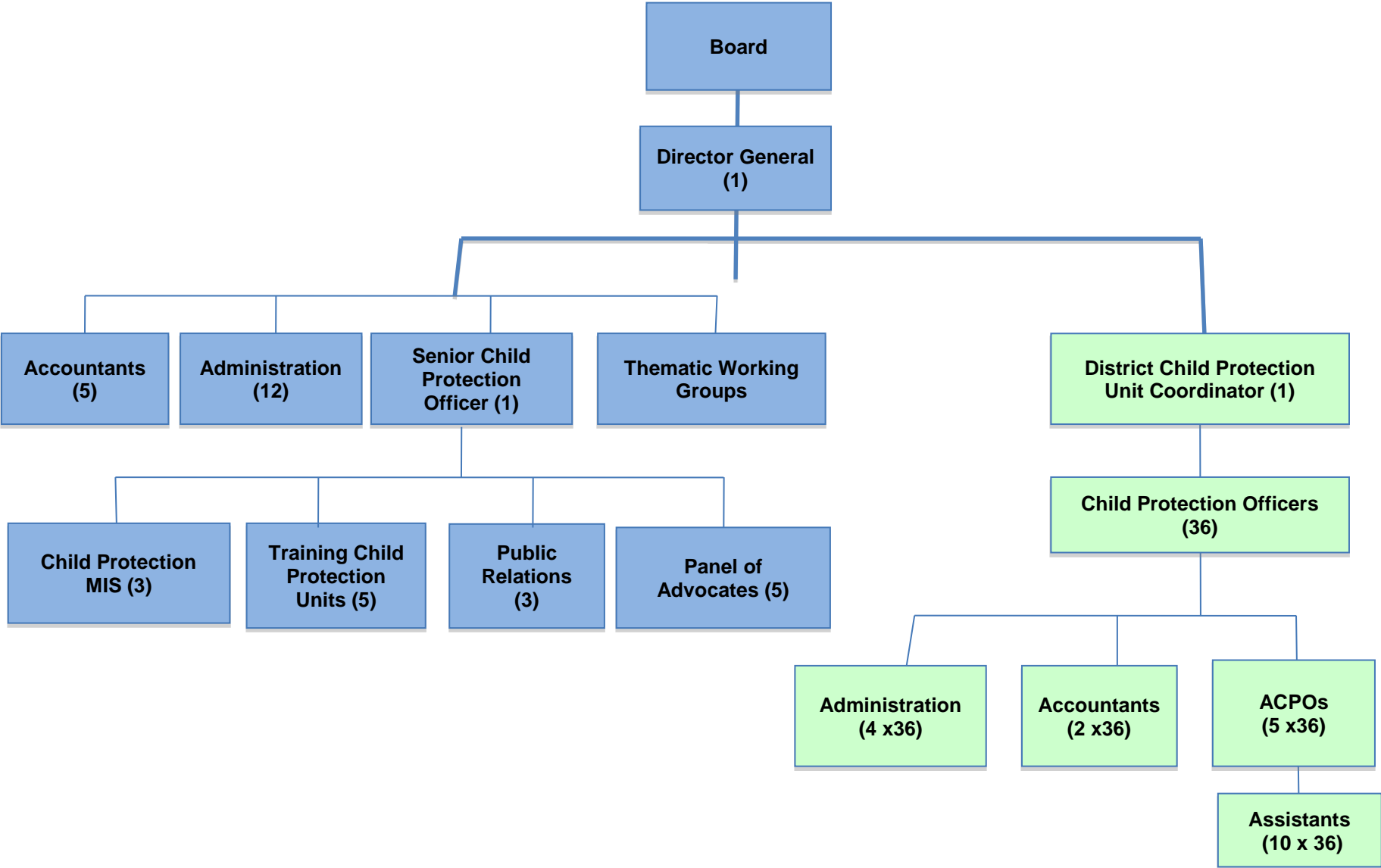
Figure 6. Optimal child protection system for Punjab



9.4 Proposed Staff for the Child Protection Authority

The Bureau will have a Head Office in Lahore and a CPU in each district of Punjab. The details of the staff are presented in Figure 7. There will be one DG 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. It is proposed that the staff for each CPU comprises of 1 Child Protection Officer, 1 Assistant Child Protection Officer, 10 assistants, 4 people in the Administration team and 2 in the Accounts team.

Figure 7. Optimal staffing of the Child Protection Authority



9.5 Costing for the Child Protection Authority

The suggested total cost for setting up the Authority is provided below in Table 5. The detailed costing has been provided in Annex 1.

Table 5. Costing for the Child Protection Authority (in Rupees)

	<i>Capital</i>	<i>Recurrent</i>	<i>Total</i>
Year 1	103,820,696	403,621,731	507,442,427
Year 2	10,382,070	443,983,904	454,365,974
Year 3	20,764,139	488,382,295	509,146,434
Year 4	31,146,209	537,220,524	568,366,733
Year 5	41,528,278	590,942,577	632,470,855

SECTION 10. CONCLUSION: CHILD PROTECTION SYSTEM DEVELOPMENT

The consolidated recommendations generated during the course of this CPM&A exercise have been summarized below.

10.1 Laws, Policies, Standards and Regulations

1. Register all CSOs with the SWD in order to monitor their standards and develop referral systems;
2. Increase penalties for child labor;
3. Enforce implementation of the ban on *panchayats*;
4. Introduce legislation to end discrimination against children with disabilities;
5. Develop legislation that allows nationality/citizenship to be granted to all children who are born in Pakistan, including those without identified father and those who are refugees;
6. Adoption or *kafalah* should be given a statutory legal status with detailed regulatory framework to monitor cases in which a child's custody changes hands;
7. Enforcement of Bonded Labor System (Abolition) Act;
8. Define and develop a framework/legislation that deals with the protection of IDPs during emergencies;
9. Child Protection should be added as a consolidated head in budget documents;
10. Minimum standards of care for all related facilities be enforced; and
11. Police Order 2002 should be revived with amendments that focus on child protection.

Legal Amendments

1. A policy dialogue needs to be started to address the departures from CRC in the existing laws and policies and correct them;
2. To achieve above goals, the following laws need to be amended or passed, as well as brought into line with the requirements of international conventions, in particular the CRC:
 - Child Marriage Restraint Act;
 - PDNCA; and
 - PACHTO
3. PACHTO must cover internal trafficking and should be amended to also include drug trafficking in relation to children, as stated under Article 33 of CRC;
4. The Criminal Law (Amendment) Bill 2009 proposes amendments to the PPC and Code of Criminal Procedure to address child pornography, trafficking of children, corporal

punishment and abuse, to broaden the definitions of the offences and increase penalties, and should be passed;

5. PDNCA 2004 needs to be revised and legislative gaps which are hindering the effectiveness of the law must be removed.
6. Passage of the Child Marriages Restraint (Amendment Bill) 2009, Domestic Violence Bill, Corporal Punishment Bill 2010, Criminal Law (Amendment) Bill 2009;
7. JJSO should override all other contradictory laws by amending Section 14 of JJSO;
8. A bill entitled Charter of Child Rights has been pending before the National Assembly since 2009 and if it were to be passed it would be the first domestic law to enunciate the entire range of children's rights guaranteed under the CRC and the Constitution of Pakistan. The Charter will need to be adopted and passed by provincial governments in order to be legally binding.

10.2 Cooperation, Coordination and Collaboration

1. Establish a lead Provincial Child Protection Authority;
2. Child protection committees comprising representatives of all relevant departments at district levels be set up to coordinate efforts and responses and to overcome hurdles;
3. A coordination mechanism between the SWD and the CWPB should be notified till a lead CP body is established;
4. Increase coordination between formal and informal CP institutions, e.g. *madrassas* and schools, with CPUs to identify and protect vulnerable children;
5. Institute coordination mechanisms among Home Department's subsidiary units;
6. Increase coordination between federal and provincial bodies should increase to avoid duplication of efforts;
7. Increase cooperation among CSOs working at the provincial and district level. Child protection networks at the national level need to develop a stronger provincial presence; and
8. Thematic issue-based working groups could be set up through the provincial government to tackle specific issues.

10.3 Capacity Building

1. Each Union Council must be made fully operational with regard to birth registration entry; procedure for registering children with unknown parentage; clearly articulated; birth registration and certification should be free;
2. Curriculum review of social work programmes and trainings should be undertaken and child protection modules should be developed;

3. 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;
4. Reduce frequency of transfers among government departments;
5. CSOs should focus on increasing the capacity and skills of parents;
6. To reduce the number of children in alternative care institutes, family-strengthening initiatives and income generating opportunities must be created for families who are forced to abandon children due to poverty; and
7. Capacity of data sharing institutions must be built.

10.4 Service and Service Delivery Mechanisms

1. Set up District level CPU in all districts;
2. Improve labour inspections, enforce age limit, protect children in hazardous occupations including agriculture and domestic work;
3. Child Protection Courts must be notified immediately;
4. A children's helpline should also be set up that is linked to the district CPUs and SWD;
5. Borstal institutes to be established in each district and more probation officers should be appointed (at least 2 per district);and
6. Establish a referral system by mapping child protection institutions and services in the district by networking and adding institutions to a referral list.

10.5 Communication, Education and Mobilization for Change

1. Mass awareness campaigns about child abuse, trafficking, and labour need to be held at the provincial, district and community levels;
2. CSOs (including media) should play a role in mobilizing communities to register births, especially in rural areas;
3. Increase awareness of community members and CBOs on laws and services related to child protection through mass communications campaigns;
4. Mass media campaigns to change attitudes and norms such as acceptance of corporal punishment, child labor, child marriages etc.;
5. The CRC made part of school curricula.
6. Life skills based education become an official part of the Punjab primary and secondary school curriculum and madrassas.

10.6 Financial Resources

1. The aggregate development budget for the whole of SWD needs to be increased;

2. Effort should be made to sustain welfare schemes that produce positive results such as the SDDNCF;
3. Prompt funding for the lead child protection body and CPUs;
4. Set aside funds and human resources, to establish necessary programmes and support services for Social Welfare and Labor Departments to fulfill their mandate during emergencies; and
5. Introduce expenditure tracking and outcome-based budgeting.

10.7 Accountability Mechanisms

1. There should be parliamentary oversight through a Standing Committee over the functioning of the CPWB. It should submit an annual report to the Standing Committee. This report should be made public;
2. A legal framework is needed to ensure institutional accountability in all child protection areas, covering public and private sectors;
3. Donor funding should be part of the consolidated account of the relevant department and subject to same scrutiny as other public funds;
4. District Vigilance Committees should be made active by the Labor Department to monitor bonded labor;
5. A CPMIS should be established which would:
 - Keep track of vulnerable children that were provided services
 - Record instances of child rights/protection violations
 - Track financial resources spent on Child Protection
 - Serve as a central location for all data pertaining to child protection.

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