

TIME RECEIVED

May 15, 2015 6:03:17 PM GMT+02:00

REMOTE CSID

+41227348085

DURATION

311

PAGES

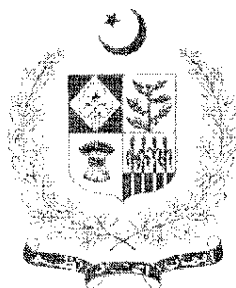
10

STATUS

Received

15 May 2015 17:55 pakistan mission +41227348085

page 1



PERMANENT MISSION OF PAKISTAN
TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANIZATIONS

56 rue de Moillebeau

1211 Geneva 19

Tel: (4122) 7491930

Fax: (4122) 734 8085

E-mail: mission.pakistan@ties.itu.int

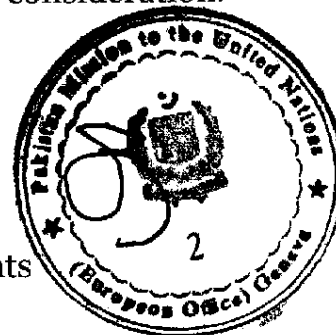
No. Pol/SR-Children/2012

15 May 2015

The Permanent Mission of the Islamic Republic of Pakistan accredited to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and with reference to latter's Note Verbale dated 31 March 2015, has the honour to enclose the reply of the Government of Pakistan to the Questionnaire prepared by Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography to assess assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation, pursuant to HRC resolution 7/13.

The Permanent Mission of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

The Office of the High Commissioner for Human Rights
Geneva



Sections 56 and 57 of the Sindh Children's Act 1955 have enacted similar provisions with respect to causing and encouraging seduction of young girls and outrage of modesty. Section 58 covers a new aspect in respect of sexual exploitation of children: protecting young girls who are exposed to risks of seduction: *'If it appears to a Court on the complaint of any person that a girl under the age of 18 years is, with or without the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution, the Court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl'*.

The Child Protection Authority under the Sindh Child Protection Authority Act 2011 is mandated to initiate through relevant authority, prosecution of offenders where children are subjected to sale, prostitution or child pornography.

The Khyber Pakhtunkhwa Child Protection and Welfare Act 2010, under Section 50, covers the offence of exposing a child to seduction and carries a punishment of up to seven years or a fine which may extend to ten thousand rupees or with both.

Article 3 Section 1(a)(i)(b) and Section 1(c) which criminalize organ trafficking and child pornography, are also criminal offences in Federal and Provincial law and carry imprisonment terms.

The word 'obscene' which broadly covers the prohibition on child pornography in national legislation carries a punishment under Section 292 of PPC of up to three months and/or fine, under Section 293 up to six months and/or fine and under Section 294 up to three months and/or fine.

In Balochistan, Child Protection and Welfare Bill is under process. The proposed bill is aimed at achieving protection of children from exploitation, harm, injury, abuse, neglect and maltreatment.

The Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 lays down punishments for both offences mentioned above. Section 40 of the Act defines the crimes whereas Section 48, lays down the punishment for child pornography, which is up to seven years imprisonment with a minimum term of three years and fine.

There are also other provincial statutes that cover pornography by outlawing 'obscene objects' (the Punjab Control of Goondas Ordinance 1959 Section 13 (u)). Section 21 and 21-A provides for a punishment of up to two years.

Article 3 Section 1(a)(i)(c) penalizes the engagement of children in forced labor. No child below the age of fourteen, under Article 11 of the Constitution of Pakistan, shall be engaged in any factory, mine or other hazardous employment. Section 374 of the PPC prohibits 'unlawful compulsory labour' and sets a punishment of imprisonment for up to five years, or a fine, or both. 'Child' is not specifically mentioned in this Act however it is presumed to be covered.

The Employment of Children Act, 1991, prohibits the employment of children in certain occupations and processes set forth in **Section 3, Part II** of the Act. 'Child' under this legislation, means a person who has not completed his fourteenth year of age. Furthermore, **The Factories Act 1934 (Amended in 1997)** and **Mines Act, 1923**, also prohibit the employment of a 'child'; Under these Acts, a child means a person who has not completed his fifteenth year. Moreover, under **The Bonded Labor System (Abolition Act, 1992)** bonded labor is generally prohibited for all ages without any age caveat. Other laws prohibiting and governing child labour include **Khyber Pakhtunkhwa Factories Act 2013** and **Shops & Commercial Establishments Ordinance 1969**. Similar provisions regarding exploiting children in forced labour are set out in **Section 59** of the **Sindh Children's Act 1955**.

Moreover, the Government of Pakistan is in the process of amending legislation and enacting new laws to bring national laws in line with its commitments under the UNCRC and Optional Protocol. The Criminal Law (Amendment) Bill 2014, is one such law which was drafted and processed for this purpose. The Bill proposes amendments in the PPC and Cr.P.C to harmonize these with the UNCRC and Optional Protocol. The Prime Minister has approved introduction of the Bill in the Parliament.

Another law is the National Commission on the Rights of Children Bill 2014, which has been drafted to strengthen the existing Commission for effective supervision, monitoring and coordination. National and provincial consultations with the stakeholders have been conducted. The Prime Minister has approved introduction of the Bill in the Parliament.

Policy Framework:

A National Policy and Plan of Action has been prepared in consultation with all relevant stakeholders at national level to create a conducive environment for realization of children's rights in the wider societal context and to awaken the conscience of the community to protect children from violation of their rights, while strengthening the family, society and the Nation.

Institutional Framework

The Standing Committees on Human Rights

The National Assembly and the Senate have Standing Committees on Human Rights. These bodies offer insights on public policy and keep a check on the human and child rights situation in the country, receive complaints dealing with child rights violations, conduct inquiries, hold hearings and make recommendations.

Human Rights Cell at the Supreme Court of Pakistan and District and Sessions Judges

The Human Rights Cell at the Supreme Court of Pakistan works under the direct supervision of the Chief Justice of the Supreme Court. The Court takes up cases, using its *suomotu* powers that require relief on an urgent basis and/or constitute a pattern of human rights violations. Child rights violations that have been taken up by the court include kidnapping, murder, rape, honour killing, *vani*, child marriages, torture, inhumane treatment, harassment, and acid attacks. Similar cells operate at provincial High Courts. District and Session Judges have been tasked with monitoring detention venues and providing redress to juveniles/prisoners as part of the NJP.

The National Commission for Human Rights (NCHR)

The NCHR is being established under the National Commission for Human Rights Act, 2012. The Commission will keep a close look on the situation of human rights as well as child rights. The Commission will have the power to investigate human rights violations complaints; conduct visits to places of detention; review laws, recommend amendments to existing laws or new legislation; and develop a NPA for promotion and protection of human rights.

The Sindh Child Protection Authority (SCPA)

In Sindh, a 11-member SCPA set up under the Sindh Child Protection Authority Act (SCPAA), for establishing institutional mechanism for child protection. Another part of its agenda is to set minimum standards that all child-relating institutions, such as educational institutions, orphanages, shelter homes, child parks and hospitals, must meet in order to ensure protection of rights of children.

Federal and Provincial Ombudsmen and Children Compliant Offices (CCOs)

An independent statutory body, the Federal Ombudsman, has been given the mandate to redress citizens' grievances against government departments. The Ombudsman appointed a Commissioner for children, in May 2013, the role of whom is to advocate and create awareness about child rights. He/She also deals especially with individual complaints and *suo moto* cases to address child rights violations. Under the Ombudsmen, which operate at federal and provincial levels, CCOs have been established, which are tasked with addressing complaints about child protection – whether it be at school, home and public services. Complaint boxes have been placed at public and private schools in cities across the Punjab. These cities include Lahore, Sargodha, Multan, Rawalpindi, Faisalabad, Gujranwala, Mianwali, Kasur, Muzzafargrah, Chakwal, ShakarGarh (Ikhlaspur), Katas Raj, Essa Khel, Bhalwal and Khushab. Children can use the boxes to file complaints against teachers, parents or anyone else who violate child protection laws.

The Khyber Pakhtunkhwa (KP) Child Protection and Welfare Commission (CPWC)

In KP, the CPWC which was set up in 2010, keeps an eye on the status and rights of children by reviewing provincial laws while monitoring the province for implementation as well as violation of laws. It can suggest changes to existing laws or recommend that a new law be legislated. The CPWC also implements policies for protection, rehabilitation and reintegration of children at risk.

Directorate of Human Rights, Department of Law, KP

Under the recently promulgated KP Promotion, Protection and Enforcement of Human Rights Act 2014, a grievance redress mechanism cell has been constituted. The cell will have competence to hear any or all complaints relating to "human rights" as defined within the Constitution of Pakistan and/or international treaties which have been ratified by the State Party.

Directorate of Human Rights, Peshawar High Court, KP

In order to protect fundamental human rights as enshrined within the Constitution, a Human Rights Directorate has been constituted in the Peshawar High Court. The directorate can redress the grievance of children relating to the rights contained with the Optional Protocol.

Punjab Health Care Commission

The Health Care Commission, established in 2010, oversees public, private and non-governmental healthcare establishments in order to improve the quality of health service delivery.

Budgetary Framework

The 7th NFC Award and the 18th Amendment in 2010 resulted in an increase in the allocations for provincial health and education budgets since these laws enabled the delegation of administrative and legal powers as well as financial resources to provinces.

Between 2011 and 2013, two programmes run by the National Commission for Child Welfare and Development (NCCWD) were regularized. Rs. 6.897 million were allocated for the NCPC and Rs. 3.07 million for the implementation of the NPA for children in 2011-12 and 2012-13.

2. Based on your experience, what elements are necessary for a comprehensive and rights-based care and recovery system of child victims of sale and exploitation, including sexual exploitation?

A strengthened Management Information System is required to be put in place so that data on the victims be maintained and updated. Coordination among the relevant public stakeholders and civil society organization is required. Moreover, help lines which are already in place needs to be managed with more proficiency for the recovery of

child victims. In order to prevent such cases, awareness campaigns are also required to be launched at every level.

3. Provide examples of good practices and successful initiatives of assistance and rehabilitation programmes which facilitate the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.

The public private partnership has been proved to be a successful experiment in this regard. The Government of Pakistan along with the civil society and NGOs have been able to establish some important networks such as the Core Group on Child Sexual Abuse and Exploitation; Child Rights Network and Parliamentarians' CAUCUS on Children. For rehabilitation of children, the following were set up: 28 Centers (sweet homes) by PBM, 159 centers for rehabilitation of children involved in child labor by PBM, 8 "NIGEBAN Centers" in Punjab, Child Protection Bureau's and Cells in the Provinces, 13 Drop-in Centers/Child Protection Centers (Government & UNICEF), SOS Children's Villages for proper care, upbringing and rehabilitation of children on long-term basis, Society for the Protection of the Rights of Child (SPARC), SAHIL and ROZAN at National level, BUNYAD and SUDHAR Punjab, Dost Foundation of Pakistan Pediatric Association in Khyber-Pakhtunkhwa, SEHAR in Balochistan and CEENA GB.

Legal Aid is being provided by LHRLA Initiator, Azad Foundation (Sindh) and Madadgaar Helpline for Women & Children in collaboration with LHRLA. Moreover, Children Advisory Committee (CAC) was formed in 2012 by Wafaqi Mohtasib funded by UNICEF. PFCR started National Child Rights Awareness Campaign which was launched in 2012.

The Home Department, Government of Punjab established a CPWB in 2004. It provides care, rehabilitation, education and training to destitute and neglected children. Additionally, The Punjab Destitute and Neglected Children Act 2004 was promulgated to consolidate the law for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Province of the Punjab other than those involved in criminal litigation.

The Khyber Pakhtunkhwa CPWC established under the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 is to act as focal point for effective supervision and coordination of child rights matters at provincial and local level, and is to implement policies on prevention, protection, rehabilitation and integration of children at risk. Furthermore, it is to review all provincial laws, rules & regulations affecting the status and rights of children and to propose new laws as and when needed and to prevent child labour, child sexual abuse, child trafficking and any form of violence against children.

Moreover, the CPWC in Khyber Pakhtunkhwa is expanding its activities in view to have access to maximum number of children of the province. For this purpose Child Protection Institute & Child Protection Unit Peshawar has been established and in future more units are proposed to be launched. It currently provides shelter, non-formal education, vocational training and psycho-social counseling to children.

Realizing that lack of reliable and systematic data collection is a huge gap in the child protection work, the body with the support of UNICEF established Child Protection Information Management System (CPMIS) in the province as per the mandate given under section 4(1(p)). The system was developed based on the review of existing data collection, analysis and utilization systems in different departments where they also maintain some child protection related indicators in their systems. These include Police, Probation, Prison, Child Care Institutions, Health, Education etc. Series of consultations and meetings have been conducted to ensure the CPMIS is made functional and data utilized for policy advocacy and better programming. Focal Points in each of the mentioned departments have also been provided relevant orientations and capacity building. Nonetheless, for the CPMIS to be fully functional, these departments have to agree on common operating procedures and protocols which shall be officially notified for application and adoption.

Moreover, keeping in view the importance of awareness raising regarding child right and enhancing the capacity of stakeholders the body has initiated a series of trainings for law enforcement agencies (police, probation, prosecution) and duty bearers of districts where CPUs have been established. The body has developed closed coordination with the police department and the 2010 Act has been included in the training syllabus of police training college Hangu.

Additionally, the body has played an effective role in the formation of DCWG District Coordination Working Group formerly known as DPWG. A close coordination with PDMA and FDMA has been maintained in order to ensure the protection of vulnerable children during the emergencies. It conducted 8 child Protection working group meetings one each at eight districts where CPUs exist. Capacity building trainings for the relevant stakeholders of the concern districts have also been held.

Relating to its responsibilities under section 9 of the Act, the body has established 11 district Child Protection Units at Peshawar, Mardan, Swabi, Buner Swat, Charsadda, Kohat, Abbottabad, Lower Dir, Battagram and Chitral with the financial assistance of UNICEF under the Program Cooperation Agreement. From May 2011 to 12th June 2014 all the 11 CPUs have identified and registered accumulatively 14551 cases of children including 8737 male and 5812 female children and 2 cases of transgender children. Among other indicators the body through its Child Protection Units has registered 5 child prostitution cases and 2 cases of pornography. These units directly provide the counselling services to the children victim of sexual, physical, emotional abuse etc. From May 2011 to

12th June 2014, a total of 1878 children including 1134 male and 744 female have been counselled for various issues. The number of counselling session with 1878 children is 6866 including 4115 counselling sessions with male and 2751 sessions with female children. In order to identify the vulnerable children the body has attained a short code number 1121 which has made the access of vulnerable children convenient.

Furthermore, the body has established CWF (Children Welfare Fund) for the children at risk. Such children are assessed and provided with the financial support. As of May 2011 to 12th June 2014, social support has been provided to 6691 children including 4021 male and 2670 female children.

In order to reach out every vulnerable child in the community the Child Protection Units in each district have formed Child Protection Committees so as to facilitate the process of identification and reporting of vulnerable children in the community. The capacity building of the CPC members are done time to time. The CPCs refer cases to the concern CPU of the district. So far 644 CPCs have been established which include 305 male and 306 female Child Protection Committees, 17 adolescent boys and 16 adolescent girls Committees. The awareness sessions are conducted in the community and schools in order to impart basic information and knowledge about the child rights. Since the establishment of Commission the number of awareness sessions conducted with 644 CPCs is 673 of which 313 conducted with male and 322 with female CPCs, 19 with adolescent boys and 19 with adolescent girls.

At the district meetings are arranged quarterly so as to ensure the efforts done for the protection and welfare of children are well coordinated. Furthermore, it aims at strengthen the referral linkages, Identify new I/NGOs and agree on signing of LOUs/MOUs and address the issues of children through coordinated team work approach. The total number of DCMs conducted from May 2011 to 12th June 2014 is 59.

4. Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.

Although we have witnessed marked political development during this era, yet we are faced with economic difficulties. The problems aggravate when the country is hit by natural calamities which result in destruction of property and natural resources. The catastrophic earthquake of 2005 and the incessant floods in 2007, 2010 and 2012 posed a huge challenge for rebuilding villages, recovery and rehabilitation of the victims. In 2012 alone, 4.8 million people were affected by floods. Unfortunately, children were exposed to the hostile environment and natural calamities. It rendered them more vulnerable to psychological distress, harm and disease. The situation on ground and corresponding mechanisms in place have an impact on the overall performance.

However, realizing that lack of reliable and systematic data collection is a huge gap in the child protection work. Besides, there is lack of capacity, awareness, coordination and appropriate training.

5. How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?

The views of the children are respected and they are free to express their opinion. Their right is protected by article 19 of the Constitution of Pakistan which deals with the freedom of expression. The view and needs of children will be ensured by allocating time for children at the national TV as well as private TV channels where children may and express their opinion with regards to their needs. Similarly the print media especially newspapers publish magazines which are widely circulated in English and as well as in local languages where scripts and articles will be written by children. Keeping in view the importance of giving children a voice the Children Complaint Office (CCO) will be strengthened under the Responsive, Enabling and Accountable Systems for Children's Rights (REACH) project to provide a mechanism for receiving and resolving complaints from and about children.

Several different types of child inclusive activities are being encouraged by the government. Conferences are being organised that will be entirely moderated by children. Freedom of expression among children and youth through its various interventions, i.e., children's clubs at community/village level will be promoted. At the same time, Pakistan will encourage CSOs to set up clubs in schools and assemblies at provincial and national level. Government officials and parliamentarians regularly attend programmes of CSOs and listen to the views of children who run these children assemblies to discuss child rights and violations.

6. How do you ensure access of child victims to support services?

Through CPWC, the provincial Government of Khyber Pakhtunkhwa is expanding its activities in view to have access to maximum number of children of the province. For this purpose Child Protection Institute & Child Protection Unit Peshawar has been established and in future more units are proposed to be launched. It currently provides shelter, non-formal education, vocational training and psycho-social counseling to children.

IN Sindh, Legal Aid is being provided by LHRLA Initiator, Azad Foundation (Sindh) and Madadgaar Helpline for Women & Children in collaboration with LHRLA. Moreover, Children Advisory Committee (CAC) was formed in 2012 by Wafaqi Mohtasib funded by UNICEF. PFCR started National Child Rights Awareness Campaign which was launched in 2012.

In order to reach out every vulnerable child in the community the Child Protection Units in each district have formed Child Protection Committees so as to facilitate the process of identification and reporting of vulnerable children in the community. The capacity building of the CPC members are done time to time. The awareness sessions are conducted in the community and schools in order to impart basic information and knowledge about the child rights. Since the establishment of Commission the number of awareness sessions conducted with 644 CPCs is 673 of which 313 conducted with male and 322 with female CPCs, 19 with adolescent boys and 19 with adolescent girls.

7. How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for the care and recovery of boys and girls?

The gender perspective is being taken into account while establishing and management of the assistance and rehabilitation programs. Article 25 of the Constitution of Pakistan guarantees non-discrimination by the State, and guarantees equality for all citizens. Furthermore, to deal with defacto inequality the Constitution expressly allows for special provisions to be made in favour of children and women. Gender discrimination and disparity reduction is one of the overarching strategies. All provincial laws, including KP Child Protection and Welfare Act, 2009, the Sindh Child Protection Authority Act, 2011, the Sindh Right of Children to Free and Compulsory Education Act, 2013, the Balochistan Free and Compulsory Ordinance, 2013, the ICT Right to Free and Compulsory Education Act, 2012, enacted recently, treat children equally without any consideration of caste, gender, religion and origin.