

SENATE OF PAKISTAN



REPORT NO. 1

REPORT OF THE SENATE SPECIAL COMMITTEE ON ISSUE OF INCREASING INCIDENTS OF CHILD ABUSE

PRESENTED BY

SENATOR NUZHAT SADIQ
CONVENER

SENATE SECRETARIAT

REPORT OF THE SPECIAL COMMITTEE ON "ISSUE OF INCREASING INCIDENTS OF CHILD ABUSE"

I, Senator Nuzhat Sadiq, Convener of the Special Committee on issue of increasing incidents of child abuse have the honor to present the final report of the Committee. Senator Sherry Rehman, then Leader of the House, raised the issue of increasing incidents of child abuse in the country during the meeting of the Senate held on 11th April 2018, Honourable Chairman Senate, after taking sense of the House constituted a Special Committee to look into the "Issue of increasing incidents of Child Abuse"

2. The Composition of the Standing Committee was as under:-

1.	Senator Nuzhat Sadiq	Convener
2.	Senator Mian Raza Rabbani	Member
3.	Senator Muhammad Tahir Bizenjo	Member
4.	Senator Sitara Ayaz	Member
5.	Senator Taj Muhammad Afridi	Member
6.	Senator Mushtaq Ahmed	Member
7.	Senator Muhammad Ali Khan Saif	Member
8.	Senator Sardar Muhammad Shafiq Tareen	Member
9.	Senator Moulana Abdul Ghafoor Haideri	Member
10.	Senator Sherry Rehman	Member
11.	Senator Muhammad Azam Khan Swati	Member
12.	Senator RanaMaqbool Ahmed	Member
13.	Senator Naseebullah Bazai	Member
14.	Senator Kamran Michael	Member



3. The Committee held several formal and informal meetings with stakeholders to get their input in the matter. The Committee also paid visit to the National Protection Centre Islamabad. The Committee interacted with the following stake holders linked with the Child Abuse:

- a) Chief Justice, Islamabad High Court
- b) Chief Commissioner, ICT
- c) NADRA,
- d) National Police Bureau
- e) UNICEF
- f) Social Welfare Department Government of Balochistan
- g) Social Welfare Department and Chairman, Child Protection Government of Khyber Pakhtunkhwa
- h) Deputy Inspector General of Police, Islamabad

4. Pakistan ratified the UN Convention on the rights of the child (UNCRC) in 1990, committing itself to implement the convention's provisions through harmonized policies, legislation and plans of action, and to report progress to the UN committee on the Rights of the Child every five year.

5. Sahil, an NGO that works on child abuse and is also a partner organization of the Ministry of Human Rights reported that 3832 cases of child abuse were registered in 2018 throughout Pakistan. The provincial statistics show that 2403 cases were registered in the Punjab, 1016 cases in Sindh, 145 cases in Khyber Pakhtunkhwa, 130 cases in Federal capital, 98 cases in Balochistan, 34 cases in Azad Jammu & Kashmir and 6 cases in Gilgit Baltistan.

6. In the wake of 18th Constitutional Amendment, the subject of minors/children has been transferred to the provinces. Ms. Shireen Mazari, Minister for Human Rights said work on these issues was far beyond the scope and power of her ministry and needed overlapping engagement of federal and provincial governments as well as joint efforts of different ministries and departments. The committee directed the Ministry of Human Rights to clearly outline the role of



each ministry and department (federal and provincial) and then put in place a syncing mechanism to deal with the issue. Each ministry and department should play its role effectively.

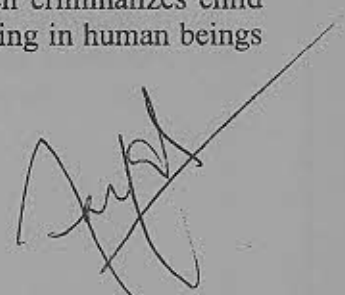
7. Child abuse is comprehensively addressed under following sections of Pakistan Penal Code 1860:

- 293 – Sale etc. of obscene objects to young person. Punishment may extend to six months.
- 365B Kidnapping, abducting or inducing woman to compel for marriage etc. Punishment imprisonment for life.
- 369 – Kidnapping or abducting child under ten years with intent to steal from its person. Imprisonment of either description for a term which may extend to seven years.
- 371A – selling person for purposes of prostitution, etc. Imprisonment which may extend to twenty five years)
- 371B – buying person for purposes of prostitution etc. Imprisonment which may extend to twenty five years.
- 375 – Rape. Punishment for rape is death or imprisonment for life.
- 377 – Unnatural offences. Imprisonment for life.

Steps taken by the Federal Government:

8. Federal Government has taken following legislative measures to address the issue:

- The Government of Pakistan has promulgated the ICT Child Protection Act, 2018 which provide for establishment of mechanism for rescue, care, and protection of children at risk and establishment of a welfare Fund for the children and for registration of the unattended children. Under this Act, a Child Protection Institute is being established.
- In order to effectively coordinate, monitor and promote the rights of the children, the National Commission on the Rights of the Child Act, 2017 has been promulgated. Under this Act, a Commission is being established which will examine existing laws relating to child and propose new legislations related to child rights/abuse.
- The Criminal Law (Amendment) Act, 2016 has been enacted which criminalizes child exposure to seduction, child pornography, cruelty to a child, trafficking in human beings and child abuse.

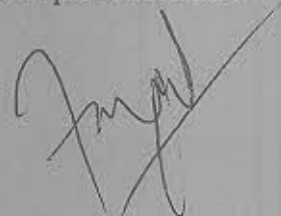


Steps taken by the Provincial Governments:

9. Provincial Governments have taken following legislative measures to address the issue:
- Punjab Destitute and Neglected Children Act, 2004 has been enacted. The said Act provides for care, protection, maintenance, reintegration and rescue destitute and neglected children including victims of abuse. Section 40 of this Act criminalizes child abuse/ exposure to seduction which makes it punishable with imprisonment of three years or with fine which may extend to fifty thousand rupees or with both.
 - The Sindh Child Protection Authority Act, 2011 was promulgated to provide for the establishment of an Authority known as the Sindh Child Protection Authority and to ensure the rights of the children in need of special protection measures including child abuse victims and provide for matters ancillary thereto. Section 2(c) of the said Act ensures the protection of child victims of abuse in the province.
 - The KP Child Protection Act, 2010 has been enacted. The said Act provides for the care, protection, maintenance, welfare, training, education, rehabilitation and reintegration of Children at risk including victims of abuse in the Khyber Pakhtunkhwa. Section 53 of the Act criminalizes child sexual abuse which is punishable with imprisonment for fourteen years and not less than seven years and shall also be liable to fine which shall not be less than ten hundred thousand rupees.
 - The Balochistan Child Protection Act, 2016 has been enacted which provides the protection of children in Balochistan from all forms of physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse and matters incidental thereto. Under Section 11 of the said Act, Child Protection Units are being established at district level to address the issues of child abuse.

Programmatic Measures taken by Ministry of Human Rights:

10. The Ministry of Human Rights have taken following programmatic measures:
- The Ministry of Human Rights is working to review and redraft the Regional Strategy on Child abuse and exploitation including online safety.
 - A Working Group has been established in the Ministry of Human Rights to address the issue of child abuse and to review the National Plan of Action, 2006. The Working Group comprises of relevant Federal and Provincial Government representatives and Civil Society Organizations (CSOs).
 - A massive awareness campaign has been launched to educate, sensitize, and create awareness about human rights including child rights and protection to prevent human rights violations.



- A Toll Free Helpline 1099 is also operating in the Ministry of Human Rights to provide free legal advice to the victims of human rights violations.
- At ICT level, National Child Protection Center is working to provide protection and rehabilitation services to the victims of child abuse.
- At ICT level, Women Crisis Centre is working to provide temporary shelter, free psycho-social counseling, legal & medical aid to the victims of violence against women/girl child.
- The Ministry of Human Rights is in process to design HR Management Information System to record human rights violations cases through development schemes.
- A situational analysis on child abuse in Kasur is being conducted and recommendations of the study will be circulated with relevant stakeholders for implementation. A fact finding report has also been shared with the concerned authorities to address the issue of child sexual abuse

11. The main focus during the discussions of the meetings, remained on solution of the issues of vulnerable Children regarding prevention, protection, recovery, monitoring and coordination. The representative of the National Police Bureau informed the committee that after 18th Amendment the subject of minors/children had been devolved to provinces and the National Police Bureau is not maintaining any record/data. The Committee showed resentment over lack of coordination between key departments. The Committee noted that all provinces have Child Protection laws but there is no coordination between the departments and Committee emphasized the need to consolidate all available data on human rights. If any progress is to be made, work done in isolation must be streamlined

12. The Committee was apprised by the Secretary Human Rights that the Ministry has developed an action plan for ending Child Abuse focusing on prevention, protection, recovery, monitoring and coordination in future. Committee was further apprised that if any progress is to be made fundamental issues must be addressed and the tendency for agencies to work in isolation must be curbed. Committee was also informed that Article 25-A of the Constitution clearly states that the government is to provide mandatory education for every child up to age of 16 years while according to Article 11C of the Constitution the age limit of child has been



reduced to 14 years, which was imperative for the protection of child rights in Pakistan. The Members of the Committee urged that the Senate has passed Islamabad Capital Territory Child Protection Act 2018, and the definition of the child has been clarified in the said Act.

13. The Committee observed that the non-registration of a child between the ages of one and five year is a violation of the convention of the Rights of the Child. The Committee noted that only 33% births are registered in Pakistan. The Committee directed the Ministry for taking steps to coordinate with the provincial authorities to better implementation of child protection laws and in this regard inter-agency protocols should also developed for better and effective coordination.

14. The increasing number of child abuse cases is a failure on the part of parents, social circles, media, law enforcement agencies and courts. Parents have to give time and attention to their children. Society, as a whole needs to pay attention towards children. Teachers have confined themselves to text books only. They need to pay attention towards character building and teach morality to children. Media needs to play its role. Stringent measures are required to monitor the internet sites.

Recommendations:

15. Following are the key recommendations which made by the Special Committee in various meetings for implementation:-

1. The Committee directed the Ministry of Human Rights to implement the action plan regarding the issues of the prevention, protection, recovery and reintegration, participation and monitoring and coordination of children to curb the increasing incidents of Child Abuse.
2. The Committee recommended that teachers should be given training, so they can sensitize the children; a chapter on child protection must be included in the school syllabi for awareness of the children, and local bodies system should also be used for




advocacy on this subject, the committee further opined that Friday sermons can also be used to sensitize people on this issue.


3. The committee directed the Ministry of Human Rights to clearly outline the role of each ministry and department (federal and provincial) and then put in place a syncing mechanism to deal with the issue. Each ministry and department should play its role effectively.
4. That a structure must be formed to address the issue of child abuse effectively and develop a coordinating system among the different departments working in the province and between the provinces and federal departments and a proper centralized system be developed for data collection.
5. The Committee directed the Ministry of Education and Professional Training to expeditiously arrange a building for establishing of Child Protection Institute in Islamabad.
6. The Committee directed the Management Services Wing of Establishment Division to finalize the case of creation of posts of staff for the Child Protection Institute in Islamabad.
7. The committee directed the ICT Police to make the Women and Children Center established by the ICT Police, fully operational.
8. The Committee directed the Ministry of Federal Education and Professional Trainings to revisit the working of eight Social Welfare Centers working under it, for effective service delivery and better referral mechanism.
9. The Committee directed the ICT police to initiate anti-child beggary campaign with the coordination of National Child Protection Center and Pakistan Bait-ul-Mal at ICT level.

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10. The committee directed the Chairman Pakistan Bait-ul-Mal/Pakistan Sweet Homes to chalk out referral procedures and criteria for better shelter services to the children at Pakistan Sweet Homes.
11. The Committee directed the Chairman Pakistan Bait-ul-Mal and Chief Commissioner Islamabad to effectively utilize the Child Labour Centers established by Pakistan Bait-ul-Mal across the country for rehabilitation of child laborers.
12. The Committee directed the Ministry of Human Rights to devise a criteria for referral of shelter/rehabilitation services, with the Edhi Home, SOS Villages and Faizul Islam Islamabad for providing shelter, educational and vocational services for the children.
13. The Committee observed that over ten million children reside and study in Madrasahs throughout the country. Appropriate and effective measures should be taken to save them from any abuse.
14. The Committee directed the Ministry of Human Rights to develop a database/MIS on Human Rights violation including child abuse.
15. The Committee directed the Ministry of Human Rights to widely disseminate and publicize the Toll Free Help Line 1099.

(SHEWAR FARYAL)
Secretary Committee


6/5/2019


(SENATOR NUZHAT SADIQ)
Convener