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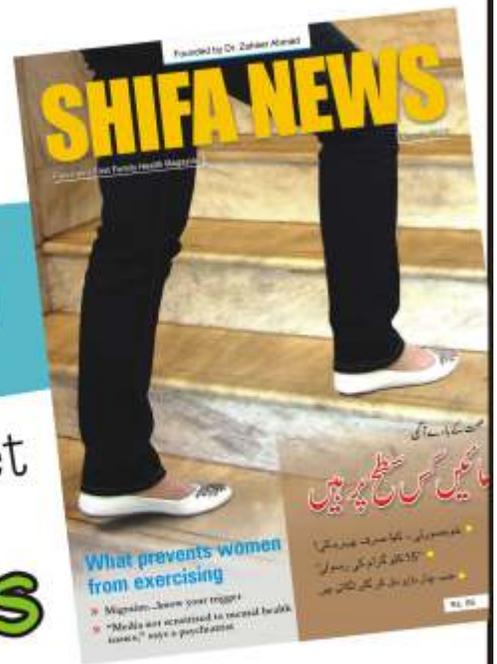
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# SAHIL

Against Child Sexual Abuse

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## In this Issue

Editorial	2
The Price of Honor: A Survivor's Story	3
Child Sexual Abuse...Seek Justice!	4
A Complaint Mechanism for Children	6
National Institutional Mechanisms as Response to Children in Need of Alternative Care	8
Shelter for Helpless Children...SOS Village & NCPC	10
Institutionalized Children: Standards of Care and Mental Health in Pakistan	12
Children Behind Bars - Juvenile Justice System in Pakistan	14
The Right to Free and Compulsory Education ACT-25A	17
Sahil...Standing up for Child Sexual Abuse Victims	19
What's on at Sahil	21

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## Editorial

Pakistan has a population of nearly 200 million people, with an estimated 79 million children. Of these children 48.75% are under the age of 18 years. This young population will require many kinds of facilities for them to reach their full potential.

Health, education and protection are basic needs that should be provided to all children. To reach this goal, a number of services and opportunities must be made available to children, especially those who may be in vulnerable circumstances.

A legal framework at the policy level, along with laws, is a starting point for any services of support.

A referral system is one of the ways to ensure child protection is addressed, as this can provide the benefit of services offered by government and other private and civil society organizations.

In this edition you will read about some laws for the protection of children from some of the most recurring issues that children usually face, such as; The Right to Free and Compulsory Education ACT-25A 2012, and The Juvenile Justice System Ordinance.

In addition you can also read about governmental and no-governmental organizations providing institutional care to neglected, orphans and destitute children.

Moreover the interview of Mr. Ejaz Qureshi, National Commissioner for Children is a value added addition to this issue.

Enjoy reading and share your feedback!

## The Price of Honor: A Survivor's Story

Sadaf Nazir  
SPOC Sahil RO  
Abbottabad

A lady told me a story of child sexual abuse that had happened 10 years back in her village, which I am sharing with you today.

Zolekha a villager, whose husband was an army man, took a second wife from the city.

Zolekha from her husband's own village lived with her husband's family in his village.

Zolekha had a daughter and 2 sons. With the passage of time, as the children grew up, they moved to a nearby city for labor work.

Zolekha used to leave the younger daughter at home every day and go to the jungle to graze cattle.

One day she went back home and her 14 year old daughter told her that her grandfather sexually abused her.

The horrified mother strictly forbade her daughter from telling this to any one, and started keeping the child with her all the time.

But unfortunately her daughter got pregnant, and the father was called from the city and told the whole story.

Grandfather on probing pretended that he misunderstood that she is his wife and it happened by mistake.

The villagers boycotted the grandfather, whereas the girl's parents remained silent for the sake of honor of the family.

One day suddenly the child was burnt while she was sleeping and its yet a mystery who did this.

After 10 years this hidden truth a buried true story was disclosed to me by Zolekha's neighbor on a funeral of a child in the same village.

Who is reprehensible for hiding this truth?

Parents?

Villagers?

Nobody thought of the child,

Parents saved their honor and villagers showed their so called norms and values but nobody saved the 14 year old innocent who was first sexually abused and then burnt alive brutally .

For the villagers this was just a story of a day.

This was neither published in any news paper nor registered in a police station.

The least I could do is to write it and get rid of the guilt and burden on my conscience.

My questions to the society are:

'Is child sexual abuse a western phenomenon?

Is child sexual abuse not our problem?'

Are we not selfish to let a cruel abuser move freely in our society?

I am afraid of the revival of the pre Islamic custom of burying daughters alive.

This is time to take joint actions against child sexual abuse. We have to play our individual and collective role for changing the behavior of our

society.

Above all the biases of race, sect, cast, nationalities and religion, we have to realize the responsibility of saving every child from sexual abuse.

We have to accept that child sexual abuse is a burning issue of our country

DO think!

This buried story, a hidden truth, arrived to me after 10 years, how many stories are yet to be disclosed?

***Sahil Training Department provides trainings to primary school teachers, parents and communities***

***on***

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## Child Sexual Abuse ... Seek Justice!

By Habiba Salman

The case of Child Sexual abuse must never be ignored or concealed, as it will further sprout more dreadful results. One should immediately seek justice for the child (victim) believing that he/she is by no means responsible for the abuse.

All evidences regarding the respective incident must be preserved, such as blood stained clothes Medical examination of the child within 24 hours of the incident, from a registered government hospital. Although the examination can also be carried out after the laps of twenty four hours but there is less likelihood of getting exact evidences scientifically. Always collect the medical reports on time and preserve them properly.

One can access the court for medical tests or retest from any medical board if the police officers delay the victim's medical examination.

Immediately register the First Information Report (FIR). Write everything in detail about the incidence and list all the evidences that you have. One does not require to take the victim to the police station to lodge the FIR, but it can be helpful. Always enlist all the evidences in the FIR and read the FIR carefully to ensure nothing is left out and do keep a copy of the FIR with you.

The FIR can be lodged against child sexual abuse under the following clauses;

- Clause 377 PPC: Sodomy
- Clause 375 PPC : Rape
- Clause 511 PPC: Attempt of rape and sodomy
- Clause 364-A PPC: Abduction of a child under 14 years of age for an illegal and unethical purpose
- Clause 366-A: Abduction or involving a child under 18 years of age unethically for any illegal purpose
- Clause 367-A PPC: Abduction of a boy or girl with the intention of child sexual abuse
- Clause 373, 372, 371-A, 371B PPC: Buying and selling of a child (boy/girl) for unethical and illegal purpose.

If the police officer harasses, humiliates the victim and, denies or delays the registration of the FIR the victim can lodge the report as per 22 A/B Cr.P.C through the Session Court.



Every court is supposed to have a defense lawyer, however for better pursuance of your case do arrange your own lawyer and provide him with a copy of your FIR and brief him/her in detail about your case so that a prudent case can be prepared.

Visit the Police Station regularly to stay informed about the investigation of the case. You must inquire about the visit of the Investigation Officer (IO) to the place of the incident, the recording of comments of the witnesses and the accused. If the investigating officer is not cooperative you can demand for an alternate investigator.

After the completion of the investigation the Investigation Officer is responsible to present a challan under clause 173 Cr.P.C which has all information related to the case he has documented. It also has the remarks of the witness/es who know about the incident. The victim can request for a court order if the police fails to produce the challan within 14 days of filing the case.

The accused (abuser) can submit an application for bail at any time during the investigation of the case. However the defense lawyer also receives a copy of the bail request and he can argue for the suspension of the bail. Moreover the defense lawyer can also submit application to another court to suspend the abuser's bail application.

After the submission of the challan the court orders to appear the victim and abuser/accused before the court. If the accused/abuser is found guilty before the court and accepts the allegations, the court pronounces punishments for him according to the law, and if he denies the allegations then the case is charge framed (further proceedings start).

First of all the court records the evidence of the victim, and obtains all the evidences. During this the defense lawyer can submit an application to the court to request that the accused/abuser must not be present in the court while the victim's remarks are being recorded where as his lawyer can stay there on his behalf. This is totally at the discretion of the court whether it allows it or not.

In the next step the accused/abuser's remarks in his defense is recorded. The defense lawyer can ask questions from the accused/abuser and the witnesses. Finally the court allows the defense lawyer and the prosecutor for final arguments.

If the court convicts the accused then he/she is convicted (punished) according to the law and if it fails to prove the allegations then he is acquitted (set free).

If the accused is acquitted is convicted for the crime, he has the right to lodge an appeal in an appellate court (another court).

## A Complaint Mechanism for Children

*An interview with Mr. Ejaz Ahmed Qureshi*

*The Commissioner for Children deals with individual complaints of children as well as with systemic issues impacting on child rights. He also coordinates and monitors child right activities with a view to ensure effective implementation of the UN convention on the rights of the child in Pakistan.*

**Sahil:** A brief overview of your experience on working for children.

**Mr. Qureshi:** Pakistan Ratified the UNCRC in 1990. In the beginning the Ministry of Social Welfare was responsible for its implementation, but even after the passage of almost two decades it could not be implemented in letter and spirit. The number of children in need of protection i.e. 40million, and 40% of them living in poverty demanded a meaningful step. Taking cognizance of the deficiency, Wafaqi Mohtasib Secretariat launched a project in 2009, Responsive Enabling Accountable



Systems for Children's Rights (REACH), through an agreement with UNICEF in order to address children's rights issues and to achieve the UNCRC compliance in Pakistan. Some of the knowledge products produced through this project are the reports on "The State of Children in Pakistan", International Study of Best Practices in Monitoring Children's Rights", The Baseline Study of Compliance of Federal Agencies Responsible for Child Protection with the UNCRC", and the "Way Forward of CCOs and a Child Ombuds-System in Pakistan" report.

On 8<sup>th</sup> May 2013, an administrative change made me the National Commissioner for Children (NCC). The idea of NCC is first of its kind in South Asia. The National Commissioner is responsible for the implementation of laws and policies for the betterment of children in the country. Besides addressing complaints from children or from their guardians, we also work for the implementation of child protection laws/policies and the budget required for their implementation throughout the country. In addition, we also work on producing knowledge products and awareness raising among government agencies, media, CSOs, and children about the responsibilities of National Commissioner for Children and about child rights.

**Sahil:** Do children lodge complaints directly?

**Mr. Qureshi:** Yes children do submit complaints. Any individual below the age of 18, or his/her guardians who feel that any federal/provincial agency/ public organization such as school, FBR,

NADRA, WAPDA, State Life Insurance Policy etc... have treated the child unfairly can lodge a complaint addressed to the, office of the National Commissioner for Children office.

It is encouraging to see that out of the total cases (620) we have received since 2009, 15 cases on average are directly filed by children each year.

**Sahil:** What type of cases have you been receiving so far?

**Mr. Qureshi:** I have received cases of different kinds. Majority of the cases are filed against teachers for corporal punishment, against WAPDA for open wires and electric current harming children and non provision of electric power effecting a child's education, non issuance of B-Form by NADRA and child sexual abuse cases against school guards.

However we also receive complaints from private institutions which are dealt through establishing independent regulatory bodies to respond to the complaints.

**Sahil:** How many cases do you receive on average in a year?

**Mr. Qureshi:** Since 2009 I have received around 620 complaints, out of which 311 complaints falling within the federal jurisdiction were resolved. The rest of the remaining cases were related to the provincial domains and were sent to the Provincial Ombudsmen. So, on average we receive 100 to 120 complaints in a year.

**Sahil:** What is the Procedure to file a complaint at the CCO?

**Mr. Qureshi:** As I said that a complaint can be filed by any individual below 18 years of age or by his/her parents, through telephone: 051- 9217251, 9217206-10, through email [complaints@mohtisib.gov.pk](mailto:complaints@mohtisib.gov.pk) and online on: [www.mohtisib.gov.pk](http://www.mohtisib.gov.pk). In addition one can also send us their complaints in writing to the, Office of the National Commissioner for Children, Wafaqi Mohtasib (Ombudsman) Secretariat, Constitution Avenue, Islamabad, Pakistan.

**Sahil:** What is the response mechanism that you use to address the complaint?

**Mr. Qureshi:** Along with the federal Commissioner for Children, Provincial Commissioners for Punjab, Sindh and Khyber Pakhtunkhwa have also been appointed, whereas the Ombudsman in Balochistan is expected to follow.

Investigating Officers/ Advisors have also been appointed as senior investigating officers for handling complaints pertaining to children in 8 regional offices i.e. Peshawar, Dera Ismail Khan, Lahore, Faisalabad, Multan, Quetta, Sukkur and Karachi under the Wafaqi Mohtasib Secretariats.

When a complaint is filed it is sorted out according to the geographical area of the complainant and the indicted office. The complaints are immediately investigated by the investigating officers and are resolved within the period of 2 months.

Moreover the Ombudsman also has separate laws then the other courts have, to penalize the agencies against which complaint has been filed if found guilty

**Sahil:** What issues related to children require more attention by the current government?

**Mr. Qureshi:** Government should spend more resources on education and on the eradication of poverty.

**Sahil:** Do you think that Pakistan should do advocacy for the ratification of the UN Optional Protocol on Communication Procedures (OP3)?

**Mr. Qureshi:** Yes advocacy should be done for the ratification of the Optional Protocol on Communication Procedures (UNOP3).

In addition we also need to strengthen the communication procedures for filing complaints within our country. In this regard we have also arranged many awareness raising seminars, workshops and round table meetings by involving some credible organizations such as UNICEF, Sahil and many others to speedup complaints mechanism.

**Sahil:** Any message for government?

**Mr. Qureshi:** In many parts of the World 4% of the GNP is allocated for children whereas Pakistan spends only 2% of its GNP on children. The share for children must be increased. The future of our children should be our top most priority as they constitute 40% of our total population. They should be given proper education and better budgeted policies should be made for them. Moreover the difference in private and government educational system should be stopped and better and uniform curricula should be introduced to provide equal opportunity to every child to develop. I also suggest that child headed families must be supported through cash support programs to assist them to attain education for their development.

Thank You Sir!

## **National Institutional Mechanisms as Response to Children in Need of Alternative Care**

Dr. Manizeh Bano  
Executive Director  
Sahil

Pakistan has a number of institutions looking after children. Here I will share some of the larger organizations of both the government and private sector.

### **Model-1**

Edhi Foundation, a charity, is the largest organization in Pakistan, with 335 centers providing 21 different services, which include orphanages and abandoned children infants. [www.edhi.org](http://www.edhi.org). They have 18 homes across Pakistan that provides shelter to more than 26,000 orphans.

Edhi foundation also caters for abandoned babies who are collected from any place in all parts of the cities. Cribs for the babies have also been placed by the foundation. The babies are given for adoption through an application and verification process. So far 21,320 babies have been adopted.

### **Model-2**

Child Protection and Welfare Bureau is a Punjab Government initiative established as an autonomous body. It is in 7 districts and has provided services to more than 42000 children. The Bureau ensures a holistic program for protection of children. The child protection units perform the essential functions of rescue, recovery, assessment, and reintegration and follow up.

To access the target groups, the bureau has open and mobile reception centers. These are on site camps established at busy crossings, market places and other strategic locations for social mobilization as well as serving as facilitation camps for the abused children.

CHILD HELP LINE 1121

### **Model-3**

SOS Villages in Pakistan provides shelter to more than 2500 children. These are divided into 2 groups, with boys being separated at age 14 into youth hostels. They also have schools as a part of their villages which encourage children from the community to attend.

The SOS villages follow the guidelines provided by the SOS Children's Villages International which incorporates the highest standard operating procedures.

**Sweet Homes** have been established by Baitul Maal which is an autonomous body that receives grants from the government. It is effectively incorporating the private –public partnership by raising funds through 11 private organizations. They have 28 centers across the country with a total of 3000 children. They have established the centers according to the target groups of vulnerable children in the 7 areas, including those affected by terrorism, provincial internal unrest, floods, military operation, earthquake, poverty, and child labor.

## Faith Based Charities

**Al-Khidmat Foundation** has both orphanages and orphan family support program. There are 11. Aghosh centers including those which are in the process of being built. The sponsorship program supports 3000 children through 17 community based structures. It intends to add another 7000 children to this pool.

**Islamic Relief Pakistan Child Welfare Program** supports 2448 orphans through a one to one sponsorship. The intervention ensures food, health and educational needs. It provides for widows who are domestic workers by financially supporting them so that they can spend more time with their children.

**Muslim Hands** is an international organization. They cater to orphans worldwide. In Pakistan it has been working since 1993. Adoption is with a family. Education and health care is provided. Monitoring of the children's progress is on a regular basis

**Muslim Aid** has a program called Rainbow Family which has sponsors a child's education, along with other benefits, such as, health care, extra coaching classes, art and other co curricula activities. This support is provided through a Child Development Center.

**Christian Orphanages** on a small scale, are established such as Jesus My Shelter, Christian Social Uplift Organization and Living Hope Orphan House. They are catering to an average of 20 children per organizations.

**Madrasahs** (religious institutions) also keep children. Here there is a range of standards from good learning centers to poorly managed ones. Nearly 20,000 Pakistani madrasahs have been registered with the government.

Unregistered madrasahs are estimated to be another 20 thousand.

The reported enrollment figures for madrasahs vary widely, ranging from 500,000 children to 1.7 million children.

## Shelter for Helpless Children

### **SOS Village :**

Children are the most vulnerable segment of the society those are unable develop any safe mechanism for themselves to avoid harm. In this situation there are a few non-governmental organizations who are struggling to save this valuable group. The SOS Village is one of the biggest networks of shelters with a comprehensive child protection and development system in place.

SOS Children's Villages provide homes for children in 13 cities throughout Pakistan. Children, who are orphans or abandoned and are between the age group of newborn to 10 years, can get admission to an SOS Village. Admission seekers are further classified into the following categories of Complete orphan, Children without either parent, Children whose mothers have remarried, Children whose mothers are suffering from a terminal illness, Lost or abandoned children.

### **The SOS has the following four principles:**

#### **A Village**

An SOS Village is the community in which the child lives and finds shelter and support from other members of this extended 'family'. An SOS Village is generally comprised of 15 family homes, a community hall, administration offices, mosque, director's residence, grocery shop, workshop, dispensary, essential staff residences and large playgrounds. The village presents a sense of society and a structure that integrates the mothers, children, social workers and volunteers in an attempt to provide every opportunity for the child to develop into a happy, confident and productive person.

#### **A Home**

The home is the focal point of the Village. It is in the home that the children find security, a feeling of 'belonging' and having their own place in the world. An SOS home is a self-contained unit and is as close as possible to a normal home in all respects. Every house consists of a living area, kitchen, separate bedrooms for girls and boys, and a room for the mother.

#### **Brothers and Sisters**

The essence of a family is an essential part of an SOS Village. This is the reason why a group of children of various ages grow up together as brothers and sisters in order to achieve a family atmosphere. Real brothers and sisters are not separated and are accommodated in the same house. At the age of 14 years , the boys are shifted to a Youth Home (Boys Youth Hostel).

#### **A Mother**

The Mother is the person with the ultimate responsibility for meeting the child's physical and emotional needs, as well as providing essential love and care. In the final analysis, the quality of care provided by the mother determines the success of our efforts. The SOS 'mothers' are selected with great care. They are usually single women, often widows without their own families and, are therefore able to commit

themselves completely to the responsibility of being in an SOS Village. By employing such women SOS also contributes towards their rehabilitation and provides them with a congenial and secure environment to live in. SOS Village has its branches in the following cities

Islamabad	Rawalpindi	Multan
Lahore	Faisalabad	Sialkot
Dhodial	Sargodha	Quetta
Karachi	Muzaffarabad	Jamshoro

## **The National Child Protection Center (NCPC) Islamabad**

*Sujata*

*Child Protection Officer NCPC*

### **About NCPC**

The National Child Protection Center is based in Islamabad since March 2007 situated at sector H - 9/4 with the aim of providing temporary shelter to the homeless, street and runaway children; and to those who are in need of protection.

NCPC not only provides above mentioned assistance to the children but it also make the awareness raising available in terms of information/knowledge for the communities related with general and child protection issues, specially for prevention of child abuse & exploitation.

### **Target Group**

The main target group of NCPC is children; particularly street and runaway children, abused & exploited children.

### **Services**

Children at NCPC are being provided with the services of temporary shelter, day care services of rehabilitation, counseling for trauma healing, non-formal education, and skill enhancement. The children admitted for shelter services are ranged under the age of 18 years (standardized by UNCRC). It further provides, referral services, social, legal, medical assistance.

### **Facilities**

Besides these services children at NCPC are provided with food, clothes, and some recreational facilities. A school named Out of School Children is linked with NCPC to provide non-formal education to children of nearby communities. Children admitted at OSCS are further mainstreamed for formal education since it can only provide education from play group to class 3.

### **Referral**

National Child Protection Center has additionally established a referral mechanism with some of the line departments, aiming coordination and better service delivery. NCPC is currently in collaboration with Islamabad Police and Rescue 15 to facilitate in identification and availing the facilities available for children in difficult circumstances in Islamabad.

NCPC Contact# 051-9258662-3, Helpline # 0800-11-515

<http://www.sos.org.pk/Person/Index/#>

## **Institutionalized Children: Standards of Care and Mental Health in Pakistan**

Dr. Manízeh Bano  
Executive Director  
Sahil

Pakistan has a population of nearly 200 million people, with an estimated 79 million children. Of these children 48.75% are under the age of 18 years. As there has been no census held in Pakistan since 1998, only estimates from various sources are available on the situational analysis of vulnerable children in need of institutional care. The vulnerability of children is high due to a number of factors. Pakistan has suffered natural disasters in the form of a devastating earthquake in 2005 leaving more than 2.8 million without shelter; floods in 2010-11 affected 20 million people; displaced persons due to conflicts in the north-west of Pakistan were an estimated 3 million; and finally the refugees from the Afghanistan war still residing in Pakistan is over a million people. Other factors that are contributing to the vulnerability of children include extreme poverty leading to an increase in child labor; terrorism; and drug addiction especially of children on the street. Juveniles in jails, although small in numbers are also as vulnerable as the other groups. Although exact numbers of children affected by the above factors is not available, but rough estimates have been made. Due to the floods 10 million children lost their homes. There are 1.5 million street children in Pakistan (State of Pakistan's Children Report, 2011). Children using drugs only in the city of Karachi alone is estimated at 2 million. (Pakistan Press International October, 2008).

### **National Legal and Policy Framework on Alternative Care and Gaps therein.**

The legal framework for shelters was provided as early as 1958 in the West Pakistan Control of Orphanages Act. Then came “The North-West Frontier Province (now known as KPK) Orphanages supervision and control Act 1976”. This was followed by the Balochistan Ordinance 1978 for orphanages for supervision and control. These ordinances were to issue licenses, supervise and regulate orphanages through a board. Since then a number of new laws have been initiated in the provinces.

Pakistan Bait-ul-Maal Act 1991 for providing assistance to destitute and needy widows, orphans, sick, old and infirm persons.

The Juvenile Justice System Ordinance 2000 has been enforced across the country for children in conflict with the law and child victims.

The Punjab Child Destitute and Neglect Act 2004 is a comprehensive law to cover institutions providing shelters to children, including the Pakistan Child Welfare Bureau (PCWB) set -ups, in the Province of Punjab.

The Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 support the establishment of a Child Protection and Welfare Commission. Powers and Functions of the Commission will also include: (g) to establish, manage, supervise, and control Child Protection Units (h) to provide protection measures, inter alia, food and shelter, education and training to the children at risk by establishing, managing, and

recognizing Child Protection Institutions in accordance with the criteria laid down by the commission. This province now has Child Protection Units in all the districts and provides shelter till the child is rehabilitated, preferably with the family.

The Sindh Child Protection Authority Act 2011 is to ensure the rights of the children in need of special protection measures.

### **Identified Gaps**

The major problem that is faced is the implementation of the laws which require budget allocations which are not given. The second gap is that the monitoring and evaluation is very weak, therefore assessment of performance is incomplete. This then means that best practices and the strengthening of institutions is difficult to achieve.

### **Best practices of Alternative Care across the country.**

The debate on family adoption for orphans or institutional care is ongoing. Both situations have their disadvantages. In institutional care it goes without doubt that the SOS villages maintain the highest standards. However if the adopting families are supported and follow up is done, then it is a better option for orphans.

For developing countries there will always be the dilemma of standards versus numbers. This dilemma affects best practices adversely

Best practices must ensure the child's emotional needs as much as the physical need. This becomes highly problematic as building relationships and caring for many children is very difficult. It requires a tremendous level of patience, training, and understanding a child's development process to deal with the children, especially along with the trauma of losing or being separated from the parent(s)..

### **Ground realities and Challenges in Realization of Child Rights in Alternative Care**

Ground realities are harsh. Children, especially those who have suffered a trauma, need very special handling with a lot of unconditional love. Both these aspects are extremely difficult to provide in the kind of institutional care that is available. The option of foster homes does not always provide the required support. Even if the family members take in the orphan, their own family pressures affect the interaction with the orphaned child.

### **Suggested Priority Interventions for enhancing Standards of Care and Mental Health in Institutional Care**

Firstly, the management and staff of any child institution need to be highly trained in all aspects of child development, including psychological needs and effects of trauma. Sensitization on kinds of abuse and recognition of indicators of abuse are a high priority need for enhancing the safety of institutionalized children.

Secondly, the child's welfare in health and education should ensure the child's ability to become an independent person.

Finally, it is very important to remember that where ever adults have total power over children the possibility of abuse is very high.

To LOVE these children straight from the HEART is the most essential element of any intervention.

## Children Behind Bars ~ Juvenile Justice System in Pakistan

*Sajjad Cheema*

*Coordinator Child Rights Governance*

*Save the Children*

Being a party to the United Nation's Convention on the Rights of the Child (UNCRC) the state of Pakistan is under an obligation to provide children with their rights. Pakistan ratified the UNCRC in 1990. After the ratification it was required to improve the local legislative framework to match the standards of the convention.

There is no second opinion to the fact that situation of Human Rights in Pakistan is not good enough. But situation is worse for some marginalized groups of the society, like women and children. However, women can raise their voice to seek justice to some extent but children are totally helpless, not even aware of their rights.

Due to the weaker position of children, they are exploited and their rights have remained unaddressed.

Absence of child protection systems, lack of educational facilities, exploitation and mal-treatment can cause deviant behaviors in children

There is further more neglected group among children, called Juveniles. Juveniles are in a critical condition and their cries remain un-heard. They are languishing in the prisons as they are alleged to be in conflict with the criminal laws of the country. Their stay in prisons did not serve any purpose except introducing them to the criminology. When a child is release from prison after the lengthy court proceedings, possibility of his rehabilitation in the society is very rare as the state has no rehabilitation service for such children. They are subject to stigmatization and sometimes unaccepted even by their own family. They are more likely to lose their educational career. Sometimes they could not find any option other than the adoption of a criminal life.

The term Juvenile is usually used for the children in conflict with law, article 37 and 40 of the UNCRC are with a clear direction for the member states to legislate to ensure the rights of the Juveniles. State of Pakistan had taken an initiative by adopting the Juvenile Justice System Ordinance 2000 (JJSO).

Basic concept of the Juvenile Justice System is to treat a child like a child, not like an adult. A lenient view



should be taken by considering the tender age and immaturity of the children. JJSO is provided to segregate the children from adults criminals to avoid making them hardened criminals and to reduce the risk of stigmatization, exploitation during the criminal proceedings. Minimum Age of Criminal Responsibility is under 7 years in Pakistan; police can book a 7 years old child against any reported offence. Around 1800 Children between the ages of 7 to 18 reported in prisons at a time. During a year about 10000 children come in contact with law.

The law (JJSO) was enforced in the 2000 to relax the miseries of the imprisoned children. Rules were also formed in 2002. But it is really unfortunate that JJSO could not be implemented, in most of the country. This is further unfortunate that there is no awareness regarding the JJSO among the implementers, specially the police. Recently a 3 year old Moosa Khan was arrested by the police in Lahore. JJSO has defined some principles to examine a child if reported in conflict.

The salient features of the law are as follows,

- JJSO sets the age of Juvenile as under 18, at the time of accordance. Without any gender discrimination.
- Death penalty is prohibited against any kind of offence.
- JJSO has provided a procedure to arrest a Child,
- It is mandatory to inform the parents of the arrested child.
- Police is bound to inform the Probation officer (PO) as well. PO is responsible to seek information about the arrested child regarding his/her character, family and education. PO will provide this information to assist the court for releasing the child on probation, under the observation of the PO.
- Police cannot handcuff or put a child in fetters.
- Corporal punishment is also prohibited during the custody.
- Police is bound to produce the arrested child in the court immediately, not later than 24 hours in any case. Court may release the child on bail. If the release is refused, the child could be placed under the custody of a P.O or a suitable person. But shall not under any circumstances be kept in a police station or jail.
- Child under the age of 15 years if arrested for an offence is punishable with imprisonment of less than 10 years and should be treated as an accuse of bail able offence.
- Child under the age of 15 years cannot be arrested under the preventive detention laws or under the provision of the chapter VIII of the code.
- Exclusive Juvenile Courts are suggested in JJSO to segregate the children from adults. A child shall not be charged or tried for an offence together with adult, even if nominated in the same FIR.
- Courts are bound to conclude a case in which a child is involved within 4 months, bail will be granted as right if case in not concluded in the period mentioned above.
- The state is under an obligation to provide free legal assistance to the children victim or accused of

an offence.

- The trial proceeding involving a child cannot be published in any form, unless specifically authorized, which may disclose the name, address, school or any identification, nor any picture of the child to avoid the stigmatization of children.
- Borstal Institutes will be established at district level and Court may send a child offender to a Borstal institution until age of 18 years or for the period of imprisonment, whichever is earlier.

There is a room for further improvement in the JJSO

The following points are suggested in this regard:

- The ordinance needs to describe the minimum age of criminal responsibility.
- Contradiction in section 10 and 4, section 4 (6) of the ordinance recommending to conclude trial in 4 month and on the other hand bail as a right is given after 4 months in section 10 (7-C). It means there is no extraordinary relaxation in the bail matter.
- No alternate remissions suggested by recommending simple imprisonment to the children.
- Section 10 creates two age wise categories of the juveniles (under 15 and over 15) by awarding exemption from preventive detention and relaxation in bail matters, this relaxation should be extend to all children and child is defined in the JJSO without any age wise category.
- Police will produce the child in court in 24 hours after arrest. Section 10 (2) needs reconsideration. 24 hours was suggested in PFC in 1860 for adults. This should be reduced in the case of child.
- Police is directed not to handcuff a child during transportation in section 12. Part B of the section 12 is ambiguous, attached with apprehension of escape.
- Section 6 (2) is confessing the concept of Exclusive Juvenile Court.
- Section 9 is not fixing any specific stage for the submission of FIR, so probation officers are not submitting any report.
- The ordinance is not clear on the detention of female juveniles, separate borstal is not recommended in absence of probationary release.

Children are the future of Pakistan; they are not property of their parents but subject to their own rights. The state of Pakistan is responsible to provide health, education, food, protection and other necessities to ensure the survival and development of the children. We can ensure the bright future of the country by providing the children with their rights. Children are not born criminals. Implementation of JJSO can help to reduce exposure of children to the criminal world and also the crime rate in future and to avoid.

## The Right to Free and Compulsory Education ACT-25A

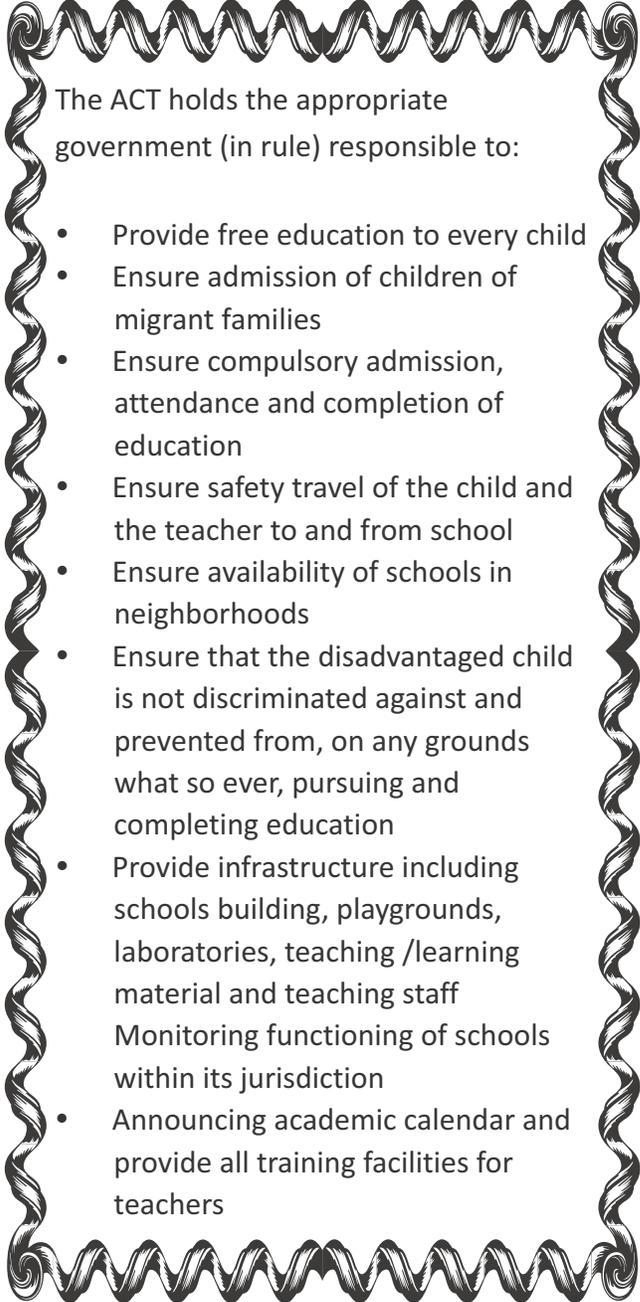
Habiba Salman

There are an estimated number of 46,000 to 60,000 out of school children in the Islamabad Capital Territory despite the presence of the right to free and compulsory education ACT-25A 2012, which was unanimously passed by the National Assembly on November 12, 2012, declaring free and compulsory education as the responsibility of the state.

All children between the age group of 5-16 years, regardless of age, sex, physical/mental ability, nationality and race/creed are entitled to enjoy this right in a neighborhood school established by the federal government and/or the local government in Islamabad Capital Territory (ICT). The act clearly points out that it is the duty of the state to establish schools at walking distance encouraging enterprise, institutions and other segments of the society by offering incentives to facilitate the arrangements of free and compulsory education.

Further it states that no child shall be denied admission in a school for lack of proof of age and neither can he/she be expelled from school till the completion of the prescribed education and nor shall a child be subjected to corporal punishment. A child shall be admitted in a school at the commencement of every academic year whereas no child shall be denied admission if admission is sought subsequent to termination of admission period of the academic year. Under this ACT private education institutions are bound to reserve 10 per cent quota for poor children it is clearly stated in the ACT that children who have not been admitted to schools or could not complete his/her education shall be admitted in an appropriate class in a formal system, having rights to receive special trainings within one academic year.

The act endows the right to transfer of school and deems it as a responsibility of the teachers to facilitate the transfer without any delay. Those who are held responsible for any delay are liable for disciplinary

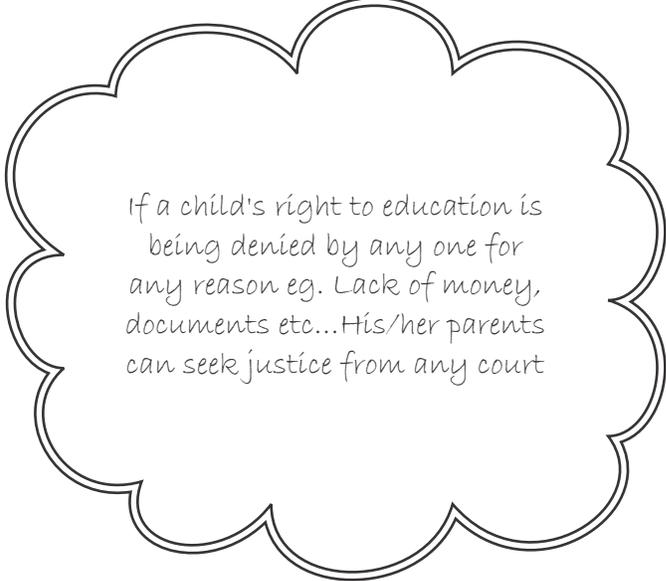


The ACT holds the appropriate government (in rule) responsible to:

- Provide free education to every child
- Ensure admission of children of migrant families
- Ensure compulsory admission, attendance and completion of education
- Ensure safety travel of the child and the teacher to and from school
- Ensure availability of schools in neighborhoods
- Ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds what so ever, pursuing and completing education
- Provide infrastructure including schools building, playgrounds, laboratories, teaching /learning material and teaching staff
- Monitoring functioning of schools within its jurisdiction
- Announcing academic calendar and provide all training facilities for teachers

action under the service rules.

With the enactment of this bill the state is responsible to establish an Education Advisory Council, whose responsibility is to look after the inspections and monitoring of the implementation of the law. The council is also responsible to ensure that every child attends school and no school is promoted through advertisements without registration and that no private schools are established without permission. If a child's right to education is being denied by any one for any reason eg. Lack of money, documents etc...His/her parents can seek justice from any court Besides defining the responsibilities of the state, the ACT also affirms the responsibilities of parents. It states that parents are equally responsible to ensure the child's admission and attendance in a neighborhood school.



*If a child's right to education is being denied by any one for any reason eg. Lack of money, documents etc...His/her parents can seek justice from any court*

Parents who fail to send their children to school despite having a school in the neighborhood shall on conviction be punished with fine which may extend to five thousand rupees and with further fine which may extend to five hundred rupees for every day after the conviction, or with imprisonment which may extend to three months or both.

If any employer of a child, after receiving due warning from the school Management Committee, continues to employ a child, whether on payment or otherwise, shall on conviction be punishable with fine which may extend to fifty thousand rupees or with imprisonment which may extend to six months or with both and with a further fine which may extend to one thousand rupees for every day after the conviction for which the non attendance at school continues.

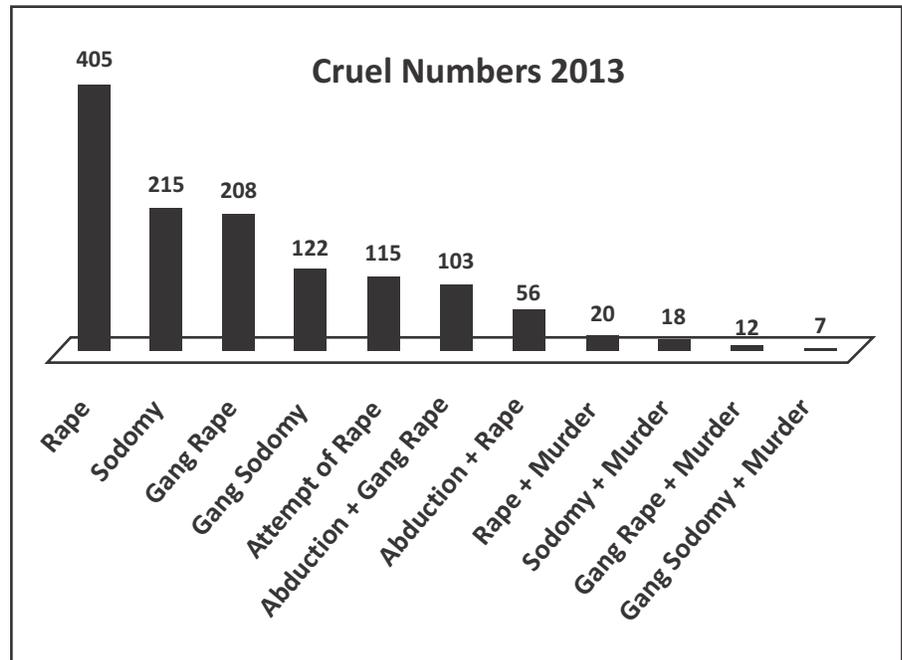
Despite having such a comprehensive law in place which is cognizable besides lack of rule of law in the country it is also evident that the general public is not aware of its rights.

## Sahil ... Standing up for Child Sexual Abuse Victims

Atta Mohy Ud Din Syed

Sahil has been working on child protection, especially against child sexual abuse since the last one and a half decade. Besides disseminating awareness on child protection through trainings and workshops, Sahil also has a response mechanism in place to support victims of child sexual abuse i.e. free legal aid and counseling services for victims.

Sahil monitors more than 80 daily newspapers published from all over the country to identify reported cases of child sexual abuse. The news clips of the case identified are further documented with all the details i.e. age of the victim, gender, alleged abuser, place of abuse, status of case, geographical area and time period of the crime. Moreover the trends in following code of ethics for reporting CSA cases by newspapers is also documented simultaneously by analyzing each reported case.



After the documentation of the case at the media department for Sahil Cruel Number Report, the case is further forwarded to the Legal Aid Department for legal support.

Sahil has Legal Aid Officers at the head office and in its 4 provincial offices. In addition it also has a number of referral lawyers registered who pursue cases in areas beyond the office. The reported cases related to rape and sodomy are further classified by the Legal Aid Officers according to their geographical locations, and dispatched to lawyers of the respective geographical areas.

First of all the Legal Aid Officer confirms the registration from the police station/ name of village/ area given in the news report and obtains the address of the victim. Then an offer letter for free legal aid and free counseling services is sent to the victim's family.

On the acceptance of the offer letter Sahil peruses the case. Along with free legal aid the victims are also provided free counseling services to cope up with the trauma and stress of the abuse. They are also prepared for the statement recording at the court.

Sometimes the victim's family does not take legal support because the is taken by the state, or the victim's family aims to enter into a deal for compromise with the abuser.

The 5 year trend analysis of Cruel number reports (2007-2011) shows that a total number of 50, CSA cases pursued by Sahil Legal Aid Officers and referral lawyers were convicted by different courts across the country. Whereas according to the news reports a total number of 141 CSA cases were convicted by courts across the country during (2007-2011).

During the (2013 –June 2014) Sahil legal aid has offered free legal aid to 1233 victims across the country.

Child Sexual abuse is prevalent worldwide. It has no boundaries, such as age, ethnicity, culture or socio-economic background. It can be controlled only through awareness of the crime, and prevention through self protection, otherwise its consequences can eventually be life threatening for the victim. Support Sahil to make ...Har Bacha Mehfooz... Safe Secure and Protected!

## **Sahil Legal Aid**

**SAHIL PROVIDES FREE LEGAL AID TO ALL VICTIMS OF CHILD SEXUAL ABUSE.**

**CONFIDENTIALITY IS STRICTLY MAINTAINED.**

**PHONE: 92-51-2850574**

**EMAIL: [LEGALaid@SAHIL.ORG](mailto:LEGALaid@SAHIL.ORG)**

**TOLL FREE SERVICE ON 0800-13518**

## What's on at Sahil

### Activities of Training Department

- Media Department Published Magazine on 25 Years of UNCRC
- Conducted two puppet shows for children at Kashiya Center Rawalpindi and Mashal Model School Bari Imam, Islamabad on the occasion of Universal Children's Day
- Held a Press Conference at National Press Club Islamabad on the occasion of World Day against the Prevention of Child Abuse

### Activities of Training Department:

Training department conduct Meri Hifazat training with

- NCHD in Sukkur , Ghotki and Jaffarabad District
- Bunyed Foundation in Lahore and Hafizabad District
- UNHCR in Islamabad Capital Territory and Mianwali District
- Iqra Roza-tul-atfal in Rawalpindi District

### Sahil Jeet Healing (Free Counseling) Center

- Conducted Adolescent Health training for secondary school teachers in Kasur of Lahore.
- Organized administration workshop at Mirpur Mathelo Ghotki and Naseerabad of Baluchistan
- Conducted Parents training on child protection and CSA in Ghotki District Sukkur and Naseerabad of Baluchistan
- Conducted Help line counseling in house training.
- Organized one day training on *Therapist self care* facilitated by Farooq Malik.

### Activities of Regional Office Sukkur

- Conducted :
  - Parents training on Child Rights, Protection, kinds of abuse and their effect, methods of raising in village chuttal Mirani , Qasim shah Muhalla, Pir Mehbob shah mohalla, sultan fakir, Bandki, yousif Chachar and Habibullah chachar of district ghotki,.
- Puppet Shows for children in union council Hussain Beli Qadir pur, City I, City II and city II.
- District administration workshop for members from Government, NGOs and Sahil Child Protection Network at District Commissioner's office Mirpur Mathelo ghotki on referral mechanism for child protection.
- Puppet Shows for children on Universal Children's Day at Rohri with the support of support of world vision and RDO,
- Team Building training with UC CPN members of five Muhallahs from Union Council City III.
- Trainings for NCHD in district Sukkur and Ghotki on the topic of MERE HIFAZAT . In district Ghotki 269



teachers

- Training with parents in village Lal Muhammad Abro and village Muhammad Waris Magrio of union council Sagar.
- Monitored replication sessions on sharing child protection messages with communities.
- Paid regular visits to Juveniles wards in the Jail in Sukkur.



## Activities of Regional Office Abbottabad

### • Conducted:

**Training on Adolescent Health** in Allam Academy on for teachers from 27 schools.

Admin workshop in DCO Office Abbottabad on Referral Mechanism.

Puppet Show in Al Quran Academy Abbottabad

Parental Training UC Jangi with CPN members

Admin workshop in Asyana Hotel Mansehra



### • Attended:

Teacher replications in Manshera organized by Teacher Master Trainers

Community Replication held 2 in UC Datta and 2 in City 2, replication organized by Community Master Trainers.

Community Replication held in City 1 organized by a Master trainer.



## Activities of Regional Office Lahore

### • Conducted :

- Adolescent Health -AH follow-up in Lahore
- AH Training in Lahore for teachers from private Schools
- District Administration Workshop in Kasur
- Meri Hifazat training in Kasur for Teachers
- Formed 5 Villages CPN in UC Bhaidian District Kasur
- Distributed CPN Bags, Caps and Registers among Village CPN Members in Kasur
- Organized a Press Conference At Kasur Press Club on 5 Year Analysis.
- Organized Press Conference At Lahore Press Club on 6 Month Analysis.
- Conducted Parents Training of Parents in 3 Villages At Manawa UC Lahore.
- Organized MH training in Lahore with the collaboration of AAS Foundation

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# Sahil



*Har Bacha Mehfooz... Safe, Secure and Protected*

*Sahil Mission is to develop a protective environment for children free from all forms of violence especially child sexual abuse.*

*The recognition which Sahil cherishes today, being expert in the area of child protection, is the result of many years of field based hard work.*

*Sahil's work includes:*

- Awareness Raising
- Trainings
- Free Counseling Facilities
- Free Legal Aid
- Research
- Publications
- Resource Center

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