

CHILD PROTECTION SYSTEM MAPPING AND ASSESSMENT

BALUCHISTAN

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This report was commissioned by UNICEF Islamabad Country Office as part of a Child Protection System Mapping and Assessment exercise in all provinces of Pakistan.





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EXECUTIVE SUMMARY

A mapping and assessment exercise of the child protection system in Balochistan was carried out with the support of UNICEF. Its objectives were to assess the key risks facing children, the capacity of current structures, and the legal framework/policy agenda relevant to child protection. The assessment was used to plan for future services, engagement and coordination of key players, and financial and human resources required to strengthen child protection. Similar exercises were conducted in Sindh, Khyber Pakhtunkhwa, Punjab and Gilgit-Baltistan.

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

Global Context

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

National Context

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

Methodology

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

Basic Provincial Data

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

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

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

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

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

Laws and Policies

Many national laws are applicable in Balochistan, e.g. the Pakistan Penal Code (PPC) which addresses multiple thematic areas of child protection. The Juvenile Justice System Ordinance 2000 (JJSO) is the most important law, also applicable in Balochistan, and addresses processes and standards for handling criminal cases involving children. Other relevant national laws cover

child marriage, employment, adoption/guardianship, human trafficking, and crime. In 2002, the government issued the Balochistan Juvenile Justice System Rules. In 2010 the provincial government passed the Balochistan Local Government Act making it mandatory for all births to be registered.

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

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

Formal Systems and Capacities

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

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

Social Welfare Department

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

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

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

Children and Justice System

The judiciary plays the primary justice role in Balochistan. Different courts have different mandates, with the Supreme Court of Pakistan serving as the ultimate court of appeal. Courts of different levels may hear and pass judgment in cases related to children, all of which must be in conformity with the JJSO and other relevant laws. Only five judges in the province have been notified to hear all children's cases. There is no witness protection program in Balochistan.

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

Jirgas are tribal councils that exist for ensuring security and social justice. Traditionally the council of elders is led by *sardars* (tribal leader) in Balochistan. They resolve conflict and

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

The SWD does not have a clear mandate with respect to children in conflict with the law. It may try to step in and assist in a child rights violation on a case to case basis, but has no staff, infrastructure, or services assigned specifically for this. SWD can refer a child victim to NGOs for medical or legal aid, or shelter. However, this referral system is weak and needs to be further developed. The Provincial Commission for Child Welfare and Development (PCCWD) is meant to take over the responsibility for children in the SWD, but does not have sufficient human and financial resources to do so

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

Justice Process

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

Community, Civil Society and Continuum of Care

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

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

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

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

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

Civil Society Organizations and Child Protection

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

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

District Actors in Child Protection

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

Resource Mobilization

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

Mapping of Child Welfare and Protection Bureau

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

Conclusion

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

province may be daunting, close coordination across government departments, with civil society, and with actors at the district and community level, can reap enormous benefits in the years to come. The key recommendations discussed are:

Laws and Policies

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

Cooperation, Coordination and Collaboration

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

Capacity Building

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

Service and Service Delivery Mechanisms:

1. **Establish CPUs** in all districts of Balochistan;
2. Notify **Child Protection Courts**;
3. Establish a **Borstal Institution and Remand Homes under the Home Department**;
4. Set up a **shelter home** under the SWD;

5. Set up a **children's helpline** at the provincial level that is linked to the district CPUs;
6. Notify special **child labor inspectors** to monitor child labor violations in the province;
7. Expand schools for **disabled** to a larger number of districts;
8. Establish **formal link at the district level** between the Police and SWD.

Communication, Education and Mobilization for Change:

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

Financial Resources:

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

Accountability Mechanisms:

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