

# CHILD PROTECTION SYSTEM MAPPING AND ASSESSMENT

2013

Punjab

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



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## EXECUTIVE SUMMARY

A child protection system constitutes of structures, functions and capacities that work together for child protection goals. It works on several levels of society, from government to community, and engages several actors, including government and civil society organizations or representatives. Child protection systems are currently organized around these themes: birth registration; child labour; harmful cultural practices; 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.

A mapping and assessment exercise on child protection systems in Pakistan 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 systems.

The child protection system comprises of both formal and informal actors and institutions. While this study includes a basic mapping of the informal sector, a detailed mapping of informal and community level systems was out of the scope of the study. There is a lack of ethnographic and sociological research in Pakistan that could have allowed mapping of those sections in a more detailed manner.

### **Global Context**

Pakistan is signatory to the United Nations Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and other Protocols and Conventions protecting children from sale and prostitution, hazardous labour, 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 18<sup>th</sup> 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 Mapping and Assessment (CPM&A) was a comprehensive process that engaged stakeholders from government, civil society and UNICEF, from November 2011-June 2012. A Provincial Working Group comprised of government officials, approved and customized the Toolkit given the provincial peculiarities, and granted time for interviews. The Toolkit was a detailed questionnaire used to gather data on all of the child protection thematic areas mentioned above. This report was an outcome of the Toolkit. Findings were shared with the Provincial Steering Committee in the form of a Toolkit, report, and presentations/meetings.

### **Basic Data and Provincial Risk Profile**

Punjab's poverty-related indicators are weak. 59 per cent of the population lives below the US\$ 1.25 per day. Punjab is off-track to meet its Millennium Development Goals (MDGs), gender imbalances persist, and almost half the population is under age 18. While Punjab has not seen

the kind of violent conflict that occurred in other provinces, nonetheless extremist groups have a presence in the southern part of the province, an area that was also affected by the 2010 floods.

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

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

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

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

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

### **Laws and Policies**

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

Laws specific to Punjab include the Punjab Destitute and Neglected Children's Act (PDNCA) 2004, and the Punjab Compulsory Primary Education Ordinance 1994. There is room for improvement in laws and/or policies related to specific areas of child protection, such as birth registration, child labour, child marriage, honour killings, child discrimination, neglect, and so on. Most laws and policies do not directly refer or adhere to the CRC.

### **Formal Systems and Capacities**

This Report includes an organogram that illustrates the overall child protection system in Punjab. The system involves actors from departments of Home, Social Welfare & Bait-ul-Maal (SWD), Special Education, National/Provincial Disaster Management Authorities (NDMA/PDMA), Women Development, Federal Investigation Authority (FIA), Labour, Local Government and

more. It also includes actors from the national level, such as National Database Registration Authority (NADRA) and Bait-ul-Mal. The organogram included in this report shows the depth of involvement of these actors from the provincial to the community level.

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

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

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

### **Children in Conflict with the Law**

The JJSO calls for the establishment of separate juvenile courts, which has yet to be implemented. JJSO is the applicable law implemented in Punjab through the Punjab Juvenile Justice System Rules 2002. There are 29 separate juvenile facilities/wards in 26 districts of Punjab and two Borstal institutions. There are no special provisions for the protection of child witnesses. *Panchayats*, which represent tribal elders, are the traditional informal justice system in Punjab; their decisions are largely made to the detriment of women and children's rights.

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

### **Community, Civil Society and Continuum of Care**

The first step to assess the protective environment for children is noting attitudes, customs and practices that have a negative impact on children; whether there is open discussion allowed about these practices; and what efforts are being made to change these attitudes. Social apathy over *violence against children* is the first such attitude noted; it translates into widespread corporal punishment of children in schools or by elders, and also domestic violence within the home. A bill criminalizing corporal punishment against children has unfortunately been opposed within government.

Social apathy over *sexual violence against children* leads to crimes such as rape and incest that are either ignored by society and the state, or given scant attention. Underage marriages are broadly acceptable as well, particularly of girls under the age of 18 who are not ready physically or psychologically for marriage and childbearing. NGOs conduct intermittent awareness-raising campaigns, and have also worked with government and other stakeholders to impart life skills-

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

The *acceptability of child labour* is common, linked with high levels of poverty and the easy manipulation of child labour in informal sectors of the labour force. There is open discussion on the issue, and a lively debate regarding the utility of banning or limiting such labour. CSOs seek to increase the minimum age of entry into the labour force, and the government runs some rehabilitation centres for children removed from hazardous labour.

The *reliance on informal dispute resolution mechanisms* is another prevalent attitude, justifying honour killings and the use of girls in marriage to settle disputes within parties. The difficulties of pursuing justice within the formal system are so great that many people prefer to settle within the informal system.

#### Civil Society Organizations and Child Protection

There are several CSOs directly working in child protection, while others are indirectly linked to it in one way or the other. NGOs conduct activities to combat these negative attitudes and practices in certain areas. These include issues pertaining to violence (including sexual) against children, domestic child labour, bonded labour in brick kilns and other abusive child labour.

However, there is no comprehensive mapping of all CSOs, in particular the smaller community-based organizations (CBOs) working at the village level. There have been some efforts to coordinate initiatives. There is no single procedure to license all NGOs, and those with licenses are not properly monitored. The registration of all of them with one department, such as SWD, will result in a stronger referral system, uniform standards of care, better planning of services, and a consolidated system of data sharing.

#### District Actors in Child Protection

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

#### **Resource Mobilization and Fiscal Accountability**

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

#### **Optimal Child Protection System**

To streamline and organize the very fragmented child protection system in Punjab, a comprehensive child protection legislation should be drafted. This legislation (similar to the legislation passed in Sindh) should mandate a Child Protection Authority (CPA). The Minister of Social Welfare should chair the Advisory Board and its members should include the Secretaries

of Health, Education, Labour, Planning and Development, Social Welfare, Women Development, Law, Special Education, PDMA, Prosecution, Zakat, Finance, Auqaf and Human Rights Departments and a Director-General (DG). Representatives from the FIA, Bait-ul-Mal, Benazir Income Support Program (BISP) and UNICEF should be co-opted members of such an Authority. Under the CPA, in each district CPUs should be set up, and Child Protection Committees (CPCs) at the Tehsil or community level. The Authority should manage a Child Protection Management Information System (CPMIS) and retain a Panel of Advocates that can provide free legal aid to children in need of protection. The Authority may also institute Thematic Groups that focus on specific issues under child protection. Formation of a Standing Committee on Child Protection in the Punjab Assembly will give the required impetus to such legislation being drafted and passed in the province.

### **Conclusion**

The CPA is an optimal model for collaborating on child protection issues. Devolution has been a first step towards mobilizing the funding and readiness of the government to plan for its own needs in the social sector with a renewed commitment. While the challenges of developing a strong child protection system in the province may be daunting, close coordination across government departments, with civil society, and with actors at the district and community level, can reap enormous benefits in the years to come. Increased financial commitment, legislative review, setting up a Standing Committee for child protection in the Punjab Assembly, and establishing a lead child protection institution/authority will help streamline the child protection system in Punjab and ensure protection to children.

