

CHILD PROTECTION SYSTEM MAPPING AND ASSESSMENT

SINDH

DECEMBER 2012

ASAD SAYEED
AYESHA KHAN
FATIMA HAIDER
SIDRA KAMRAN

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.





COLLECTIVE FOR SOCIAL SCIENCE RESEARCH
173-I, P.E.C.H.S.
KARACHI-75400

TEL: 021-34551482, FAX: 34547532
EMAIL: info@researchcollective.org

www.researchcollective.org

EXECUTIVE SUMMARY

A mapping and assessment exercise on child protection systems in Sindh 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 will be used to plan for future services, engagement and coordination of key players, and financial and human resources to strengthen child protection systems. Similar exercises were conducted in Balochistan, Khyber Pakhtunkhwa, Punjab and Gilgit-Baltistan.

A child protection system comprises 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 (CSOs) 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; sexual exploitation; children and justice; and child protection in emergencies/armed conflict.

i. 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 labor, and discrimination on the basis of education or disability. It is not party to the Convention Relating to the Status of Refugees.

ii. 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.

iii. 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. It was guided by a Provincial Steering Committee comprised of government officials, who approved and customized the Toolkit based on the provincial context, 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.

iv. Basic Data and Provincial Risk Profile

Sindh's poverty-related indicators are weak. GDP is dropping, 31 per cent of the population lives below the poverty line, landlessness is a major problem, and food insecurity prevails in certain districts. Gender imbalance is extreme, and over half the population are under age 19. Sindh is off-track to meet its Millennium Development Goals (MDGs), in part due to the floods from 2010 and 2011, which affected more than two million children. On-going political conflict and growing crime in Karachi has affected children as well, although no major research has quantified it yet.

This context worsens child protection indicators as well. Birth registration is around only 20 per cent. Child labor in hazardous and bonded conditions exists in 0.2% of children. The overall instance of child labor as per the Sindh Multiple Indicator Cluster Survey (MICS) is 3.1%. The figures for child labor in hazardous industries for Sindh quoted in MICS are admittedly not precise. Other sources for Sindh give 3.5% as the figure. Bonded labor remains a problem in Sindh, despite the Bonded Labor System Abolition Act passed in 1992 and children are among those who suffer. The use of children as domestic workers in landed households and urban homes is widespread, although no data on this is available yet. Child marriage does take place. The legal age for girls to marry is 16 years while for boys it is 18 years. Honor killings and forced marriages are both used as dispute resolution mechanisms between families or tribal groups in Sindh. Figures based on media and police reports indicate that 266 females (all ages) in Sindh were killed in the name of honor killing in 2010.

HIV/AIDS is a concentrated epidemic among high-risk groups in Sindh, which include children living on the street who are subjected to commercial sexual exploitation. In 2011, the Sindh AIDS Control Programme counted 24 boys and 18 females who are living with the disease.

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 violence in Sindh was 1,529. The Non-government Organization (NGO) Madadgaar, which runs a helpline for victims of abuse, recorded 3,304 such cases from January 2010 to May 2012. There are an estimated 30,000 street children living and working in Karachi, many of whom are drug users. Reported cases of rape indicate that girls under age 18 are the most vulnerable.

There is no recent reliable data on children living with disabilities. 1998 figures for children with disabilities, up to age 19, number 451,337. In 2008, Sindh had 1,608 special children enrolled in schools.

There is virtually no comprehensive data on child trafficking (for purposes of labor and sexual exploitation) across national borders or across the provinces. Karachi does function as a hub for trafficking children from Nepal, Bangladesh, India, and the poorest parts of Pakistan. An estimated 3,409 adolescent street children are commercial sex workers in Karachi.

In Pakistan the most permanent form of family-based care for children who are orphans is guardianship. Full adoption is not possible, and there is no foster care system. 5.1 per cent of children up to age 17 are orphaned, and 4.9 per cent have only one living parent. There are at least 23 institutions for children without parental care in Sindh.

In Pakistan the minimum age for criminal liability is 7 years. Most children in conflict with the law are males. 271 children were in detention in jails in four juvenile jails in Sindh at the time of fieldwork. The figure does not include children who may be imprisoned in adult jails. Female juveniles are grouped with adult females and detained in women jails. Therefore, no data for female juveniles is recorded and made available.

v. Laws and Policies

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

The provincial Sindh Children's Act (1955) is a comprehensive law that lays out procedures for handling children in need of protection; however, it is not being fully implemented. The Sindh Child Protection Authority (SCPA) Act 2011 protects children at risk through the setting up of a provincial level Authority and Child Protection Units (CPUs) at the district level. However, the Authority has not yet been established and the 2011 Act does not override existing legislation. The Sindh High Court has banned *jirgas* to resist the influence of informal justice mechanisms in meting out harsh punishments to girls. However, this ban is not yet effectively enforced.

Pending legislation includes the Domestic Violence Bill and the Corporal Punishment Bill, that is pending approval of the Provincial Assembly.

vi. Formal Systems and Capacities

This Report includes an organogram that illustrates the overall child protection system in Sindh. The system involves actors from departments of Home, Social Welfare, Special Education, National/Provincial Disaster Management Authorities, Women Development, Federal Investigation Authority (FIA), Labor, Local Government and more. It also includes actors from the national level, such as National Database and Registration Authority (NADRA) and Bait-ul-Mal. The organogram shows the depth of involvement of these actors from the provincial to the community level.

There is some coordination among government departments and CSOs. There is a Working Group on Child Protection 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. The Working Group has established a Task Force on Birth Registration and a Task Force on Street Children. There is another Working Group on Protection in Emergencies, the purpose of which is to bring together all actors, including donors and government to better coordinate services during emergencies, such as the floods. This Working Group has a sub-cluster on Child Protection which works in emergencies after activation by the government and United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). It is led by the SWD and UNICEF.

The SWD was identified as the primary department with regards to child protection as it is the most closely involved government department in child welfare and protection issues. It runs 3 orphanages for children, 6 CPUs, 12 education/rehabilitation centers for children with disabilities, 4 shelters for women and children, as well as a Social Welfare Training Institute to provide in service training to human resources in the field and trainings to NGOs on different technical and administrative topics. SWD has registered almost 7,500 non-profitable or charitable organizations in Sindh. The Labor Department was identified as the secondary department with regards to child protection as its mandate includes addressing child labor and bonded labor issues. A Provincial Child Labor Unit (PCLU) has been set up in Sindh and the unit is working in collaboration with the International Labor Organization (ILO) to decrease child labor in the province. However, the department needs to be strengthened in order to fulfill its mandate.

There are child protection services in the private sector as well. They include homes for the destitute, private orphanages, shelters for women and children, rehabilitation services for drug users/addicts, and legal aid services. There are at least 34 schools for children with disabilities in Karachi. At least three non-government organizations provide life skills-based education to empower community members to prevent child sexual abuse. Further mapping at the district level across the provinces would be needed to complete the picture.

The SCPA, if established, would streamline the coordination among government departments, along with CSOs, to enhance and deepen the child protection system in the province.

vii. Children in Conflict with the Law

Despite provisions in the JJSO 2000, and the Sindh Children's Act 1955, there is only one court for children in the province, and it is not functional. As a result children are tried in adult courts that have been notified to try them. Judges are not well-versed in the law as it pertains to children. The JJSO does not override existing laws, such as those pertaining to Hudood and terrorism; as a result children tried under these laws can be sentenced to death. According to the JJSO, the state is to provide free legal assistance to child offenders and victims. However, this is not the case in practice and civil society organizations provide free legal aid to children.

The Home Department has three subsidiary units that play a role in handling of children in conflict with the law. The Police Department registers and investigates cases, but the police are often unaware of which law to register cases under. During this process children are detained beyond the permitted period (24 hours), and may be abused and manhandled by police. The Prisons Department manages the juvenile detention facilities in Sindh, i.e. the Youth Offenders Industrial Schools that detains boys between ages of 16-18. These Schools exist only in Hyderabad and Karachi, and need to be established in other districts as well. The Probation Department is the most underutilized and understaffed, with a total of only three probation officers in the province and none specifically appointed for children. This Department is responsible for running the Remand Homes in Sindh, to house children in conflict with the law under age 16. There is only one such Home in the province (in Karachi) whereas the law calls for one in each district.

At the community level the most important informal justice mechanism remains the tribal *jirgas*, or *faislos* as they are known in Sindh. A male council of elders constitutes a *jirga*, which rules on a wide range of family and community disputes, including those related to honor killings. It emphasizes a system of compensation for crimes rather than punishment. Girls under age 18 may be given in compensation to aggrieved parties, or killed as part of honor crimes.

Recommendations

- The JJSO after necessary amendments should override all other laws relevant to children and justice.
- The ban on informal justice system mechanism of *jirgas* must be enforced.
- The Home Department's subsidiary units need to increase collaboration.
- A formal system of referral should be established between the Home Department and the SWD so that children in need of care and protection, child victims and child witnesses can be provided protection.
- A system of formalized training with regard to children and justice needs to be made active immediately ensuring that all police, prison staff, judges, prosecutors, probation officers participate.
- Separate children's courts should be set up as per the requirement of JJSO.
- Remand Homes need to be established in more districts in Sindh.

viii. 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.

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 within the home. Corporal punishment has been banned in schools, and a bill criminalizing it is pending in the provincial assembly, as is a bill to stop domestic violence.

Social apathy to 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 although they 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 so as to help them protect themselves against violence and exploitation. There is also a move to standardize the age of marriage at 18 for both boys and girls.

The *acceptability of child labor* is common in Sindh, 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 the Bait-ul-Mal runs National Centers for the Rehabilitation of Child Labor (NCRCL) for children.

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 Sindh 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 Sindh 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 Sindh, in particular the smaller community-based organizations (CBOs) working at the village level. There have been some efforts to coordinate initiatives, however. There is no single procedure to register all NGOs working in Sindh, 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 of 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.

Creating a Protective Environment

The activities along the spectrum of 'continuum of care', or the protective environment for children, range from preventive to responsive. They include birth registration, identification of children at risk, access to services and legal aid, determination of best interest, alternative care, and more. These activities are mapped against four sets of actors: government, civil society, informal/kinship groups, and donors from multilateral or bilateral organizations that provide assistance. This mapping exercise reveals that informal groups play an important role in almost all of these activities, along with the other actors,

suggesting they should be more involved in future efforts to improve capacity and services for child protection.

Recommendations

- All CSOs must be registered with one authority, preferably the SWD. These CSOs must be held accountable and make transparent their practices, data, and partners and consent to regular audits by the government or a third party. The SWD will have to revise their registration process and strengthen their monitoring capacity if they are to undertake this task.
- Cooperation among CSOs working at the provincial and district level needs to increase.
- CSOs should focus on increasing the capacity of parents to engage with child protection and develop the skills necessary to meet their responsibilities to children.
- Operating procedures for all facilities offering child protection related services need to be standardized across government, NGO, and private sectors.
- Adoption of a more effective system for guardianship must be established
- There are several child rights coalitions/networks at the national level, e.g. National Juvenile Justice Network, Child Rights Movement and Pakistan Coalition for Education. These networks need to be more active and establish a stronger presence at provincial level as well.
- Child Protection Committees (CPCs) at the community level (as recommended by the SCPA Rules) should be set up. This could include both informal and formal actors and thereby increase coordination between the formal and informal systems.
- Life skills education should be made part of the curriculum in schools and madrassahs.

viii. Resource Mobilization and Fiscal Accountability

There is no separate classification for child protection in budget documents and functional classification of expenditure used by the Sindh Government. The same is true within individual departments. CPUs under the SWD amount to only 4.75% of its current budget. The major donor for child welfare and protection in Sindh is UNICEF. There is a need to improve capacity of government personnel associated with child protection activities, as well as maintain a database for effective monitoring and transparency. The proposed SCPA will address the above issues, and improve fiscal coordination substantially.

Recommendations

- Child protection should be provided as a consolidated head in budget documents.
- The aggregate development budget for the SWD needs to increase beyond 0.6% of total development budget for the province.
- Expenditure tracking and outcome-based budgeting should be introduced.
- Donor funding should be part of the consolidated account of the relevant department and subject to same scrutiny as other public funds.
- A coordinated child protection work plan needs to be prepared and funding sought on that basis. This will also reduce transaction costs for monitoring and accountability allocations, and for introducing outcome-based budget for child protection.

ix. Sindh Child Protection Authority

The SCPA Act was passed in 2011 providing for an interdepartmental coordinating body. It is not yet operational. Members will include representatives from a number of government departments, provincial assembly, and CSOs. The Authority will:

- coordinate and monitor child protection related issues at provincial and district level, support and establish institutional mechanisms for child protection,
- set minimum standards in child protection,
- review laws and propose amendments,
- recommend development of a policy and plan of action for children,
- set up a child protection management information system,
- mobilize financial resources for child protection,
- initiate through relevant authorities prosecution of offenders when a child is a victim,
- undertake systematic research on child protection issues.

It will oversee district level CPUs headed by a Child Protection Officer to protect and assist children in need. All key stakeholders need to make an active role in making it functional, which includes elected representatives. The Rules of Business need to be passed, so that CPUs may be set up, and a Child Protection Management Information System (CPMIS) can be developed. District level offices of various departments who are members of the Authority should closely coordinate with the CPUs. A third tier, at the *tehsil* level of the Authority, may be set up to improve outreach through community CPCs. These can include community-based organizations, child rights advocates, teachers, police officers, and union council staff.

x. Conclusion: Child Protection System Development

The Authority is an optimal model for collaborating on child protection issues. This section lays out action points, based on recommendations from this report. Much has already been accomplished by conceptualizing the SCPA. Devolution has been a first step towards mobilizing the funding and readiness of the Sindh 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, civil society, and stakeholders at the district and community level, can reap enormous benefits in the years to come.