

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A BILL

WHEREAS it is expedient to enact the Child Protection System Act to promote child rights and protect child at risk in Islamabad Capital Territory (ICT), Gilgit Baltistan, FATA and FANA.

AND WHEREAS Article 25 of the Constitution ensures that the State may make special provision for the protection of children.

AND WHEREAS Article 142(d) of the Constitution provide exclusive power to the parliament to legislate for Islamabad Capital Territory (ICT), Gilgit Baltistan, FATA and FANA.

AND WHEREAS it is necessary to implement the rights of the child in accordance with the teachings of Islam, the Constitution of the Islamic Republic of Pakistan and the Convention on the Rights of the Child.

It is hereby enacted as follows:-

PART-I

PRELIMINARIES

1. Short title, extent and commencement. – (1) This Act may be called the Child Protection System Act 2014.

(2) It extends to the Islamabad Capital Territory (ICT), Gilgit Baltistan, FATA and FANA of Pakistan.

(3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) “begging” means- (i) soliciting or receiving alms in a public or private place; (ii) exposing or exhibiting any sore, wound, injury, deformity or disease with the object of obtaining or extorting alms; and (iii) having no visible or known means of subsistence and found wandering about with the ostensible object of soliciting or receiving alms;

(b) “best interest of a child” means primary consideration, in all actions either by public or private bodies, for protection, survival, development and participation of children;

(c) “brothel” means any house, part of a house, room or place in which a prostitute carries on prostitution or any place where facilities are available for prostitution;

(d) “child” for the purpose of this Act means every human being below the age of eighteen years;

(e) “child at risk” means a child in need of protection who;

(i) is at risk, including an orphan, child with disabilities, child of migrant workers, child working and or living on the street, child in conflict with the law and child living in extreme poverty;

(ii) is found begging; or

(iii) is found without having any home or settled place of abode or without any ostensible means of subsistence; or

(iv) has a parent or guardian who is unfit or incapacitated to exercise control over the child; or

(v) lives in a brothel or with a prostitute or frequently visits any place being used for the purpose of prostitution or is found to associate with any prostitute or any other person who leads an immoral or depraved life; or

(vi) is being or is likely to be abused or exploited for immoral or illegal purposes or gain; or

(vii) is beyond the parental control; or

(viii) is imprisoned with the mother or born in jail;

(ix) has lost his parents or one of the parents and has no adequate source of income; or

(x) is victim of an offence punishable under this Act or any other law for the time being in force and his parent or guardian is convicted or accused for the commission of such offence; or

(xi) is left abandoned by his parent or parents as the case may be, which will include a child born out of wedlock and left abandoned by his parent;

(f) “child pornography” means taking, permits to be taken, with or without the consent of the child, any photograph, film, video, picture or representation, portrait, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of obscene or sexually explicit conduct, where:-

(i) the production of such visual depiction involves the use of a minor engaging in obscene or sexually explicit conduct; or

(ii) such visual depiction is a digital image, computer image, or Computer-generated image that is, or is indistinguishable from, that of a minor engaged in obscene or sexually explicit conduct; or

(iii) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct, preparation, possession or distribution of any data stored on a computer disk or any other modern gadget;

(g) “Child Protection Institution” means an institution or organization for the admission, care, protection and rehabilitation of children at risk, established or recognized under this Act or the rules made there under, which shall include a “Kafalat Ghar” or “Children Home” or “Orphanage” established by Government for the abandoned children;

(h) “Child Protection Officer” means a person appointed as Child Protection Officer under section 15 of this Act; (i) “Child Protection Unit” means a Child Protection Unit established for a local area under section 16 of this Act;

(j) “child trafficking” means knowingly purchasing, selling, harboring, transporting, providing, detaining or obtaining a child through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him into or out of Pakistan or with intention thereof, for the purpose of exploitative entertainment by any person and receiving or expecting to receive some benefit in lieu thereof;

(k) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);

(l) “Commission” means the Child Protection and Welfare Commission established under section 5 of this Act;

(m) Council means Executive Council of the commission,

(n) “Corporal Punishment” means intentional use of physical force intended to cause a high degree of pain or discomfort for discipline, correction and control, changing behaviour or in the belief of educating or bringing up the child, that either results in or has a high likelihood of resulting in injury, psychological harm, mal-development or deprivation;

(o) “fosterage” means breast feeding and nurturing of an infant by a women (who is not the natural mother of that infant) according to Islamic tenants;

(p) “Fund” means the Children Protection and Welfare Fund established under section 12 of this Act;

(q) “Government” means the Federal Government;

(r) “kafalat” means adoption by payment to the Child Protection Institution where the child is under protection, for his living, maintenance and education expenses in that institution;

(s) “member” means a member of the Commission;

(t) “narcotic drug” means any article defined as narcotic drug in the Control of Narcotic Substance Act, 1997 (Act No. XXV of 1997);

(u) “prescribed” means prescribed by rules or regulations made under this Act;

(v) “protection” means care shelter maintenance, education and provision of parental/ family environment, this will also include an infant given in fosterage;

(w) “rules and regulations” means rules and regulations made under section 65 of this Act;

(x) “section” means a section of this Act;

(y) “sexual abuse” means employing, using, forcing, persuading, inducing, enticing, or coercing any child to engage in, or assisting any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or stimulation of such conduct either independently or in conjunction with other acts, with or without his consent; and

(z) “suitable person” means a person declared by the Court suitable, in the best interest of the child, for entrustment with the custody of a child at risk.

(2) Words and expressions used and defined under this Act, if defined under any other law for the time being in force shall be considered in addition to this section and not in derogation thereof and any words and expressions used in this Act but not defined shall have the same meaning respectively assigned to them in Code or the Juvenile Justice System Ordinance, 2000 (Ordinance No. XXII of 2000) or in any other relevant Federal Law.

3. Principle of Administration. – (1) The ICT Administration, GB, FATA, FANA shall respect and ensure the rights of children as set out in the Constitution of the Islamic Republic Pakistan and in the Schedule-I to this Act within their respective jurisdiction.

(2) The ICT Administration, GB, FATA, FANA may amend the schedule by a notification in the Official Gazette.

4. An Act to override all other laws. – The provisions of this Act shall override the provisions of any other law for the time being in force.

PART-II

ESTABLISHMENT OF THE COMMISSION

5 . Establishment of the Commission. ---(1) the Government shall establish a Commission to be known for the ICT, GB, FATA, FANA, and the Commission Shall be known as the Child Protection Commission.

(2) The commission shall consist of;-

(a) The Secretary Law Justice & Human Rights shall be the chairperson of the commission;

(b) (i) the government shall appoint a Vice Chairperson having experience of working on issues related to Child Rights for more than ten years, and is committed to the cause of child welfare and protection, (ii) the Vice Chairperson shall be the member/ Secretary General of the commission and shall work on full time on the prescribed terms and conditions (iii) the term of the office of the Vice Chairperson shall be for four years from the date on which he/she assume the charge of his/ her office. The term of the office of the Vice Chairperson may be extended only once for another four years;

(c) The government shall appoint eleven members one member each to represent rural and urban Islamabad, one member from minorities, one member from chamber of commerce and industries, one member from Islamabad Bar Association, one member from registered labour unions, one member representing the NGOs, one member representing INGOs, one member representing UN agencies working for children, one child member of outstanding performance from public sector education institution, one child member of outstanding performance from private sector education institutions. The term of the office of a member other than a child member shall be for four years, extendable once for another four years. The child member shall be selected once for two years term;

(d) Ten ex-officio members who shall be representatives of ministries of Interior, information, finance, cabinet, Education, Health local government; National Commission on Human Rights, National Commission on Status of Women and Both the elected members of National assembly;

(3) the vice chairperson and members appointed under sub section (2) (b),(c) may resign from his or her office by tendering written resignation addressed to the chairperson, and on acceptance of such resignation such vacancy shall be filed within thirty days for an expired term of the member.

6. Removal of members and Vice Chairperson:- the Vice Chairperson and members appointed under sub-section (2) (c) may be remove from the office by the Chairperson if he or she as the case may be ; (a) after proper inquiry found guilty of misconduct; (b) is adjudged an insolvent; (c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority; and (d) has on convection of any offence involving moral turpitude been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.

7. Acting Vice Chairperson:- by reason of vacancy in the office of Vice Chairperson due to death, illness, resignation or otherwise, the chairperson shall appoint an acting Vice Chairperson from amongst adult members of the commissions appointed under sub-section(2)(c).

8. Terms and conditions applicable to members;- (1) The traveling and daily allowances and other allowances payable to and terms and conditions as applicable to members other than ex-officio members, shall be such as may be prescribed; (2) the salary and allowances applicable to Vice Chairperson, shall be such as prescribed by the government; (3) the executive and financial authority of the commission shall be vested in the Chairperson to be administered by the vice chairperson through good will and authentication of the office of the chairperson.

9. Secretaries of the Commission:- there shall be a secretariat of the commission headed by the Vice Chairperson with complement of officers and the support staff as may be prescribed.

FUNCTION AND POWERS OF THE COMMISSION

10 Function and powers of the commission:- (1) (a) the Commission shall examine the policy, programs and other measures taken by the government for the implementation of U.N. Convention on the Rights of the Child and other international, regional and national treaties signed and ratified by the government; (b) to devise strategy and set targets for the prevention, protection, rehabilitation and reintegration of children at risk; (d) to review all laws, rules and regulations affecting the status and rights of children and propose new laws in this behalf, (e) to promote inter provincial and regional coordination for creating conducive environment, strengthening referral mechanism for smooth reunification and reintegration of street children with their families across the country; (f) Strengthening public private partnership for the welfare and protection of the children; (g) monitoring the implementation and provide guideline for developing strategy in support implementation of child related laws; (h) to examine progress report and recommend goal and targets for future planning and development; and (i) approval of agreements, funds and budget sanctions and utilization, sanction of staff and final approval of appointments, formation of special committees.

(2) Executive Council: - (a) there shall be an executive council which shall be principal administrative body of the commission responsible for preparing strategies, plans of actions for ensuring right welfare and protection of the children in Islamabad by executing all policies, decisions and guidelines recommended from time to time by the commission; (b) the Vice Chairman appointed under section 5. (2)(b)(i) shall be the chairperson of the executive council, (c) the Executive council shall consist of senior officers nominated by:- (i) Chief Commissioner Islamabad, (ii) Chairperson Capital Development Authority Islamabad, (iii) Directorate General of Education Islamabad (iv) Directorate General of Special Education Islamabad (v) Directorate of Social Welfare Islamabad, (vi) D.G. Health Islamabad, (vii) I. G. Police Islamabad, (viii) P.I.D (ix) one Union Council Chairperson nominated by the Government, (x) one nominee of unicef (xi) one nominee from INGOs and (xii) one nominee of Islamabad based NGOs, (xiii) the Child Protection Officer appointed under section 15 shall be the Secretary General of the executive council.

11. Meetings of the Commission and Executive Council:- (1) meeting of the commission (a) meeting of the commission shall be held twice in a calendar year however the chairperson may call additional meetings if and when required, (b) all meetings shall be chaired by the Chairperson, (c) the agenda of the meeting shall be circulated among members at least one week before the meeting, (d) the meeting of the commission shall be conducted in accordance with the procedure as may be prescribed, (e) all the decisions of the commission shall be authenticated by the chair person or any person authorized by the chairperson, (f) the quorum of the meeting shall not be less than one half of the total strength of the Commission.

(2) Meetings of the Executive Council (a) meeting of the Executive Council shall be held in each quarter of the year however the chairperson the Executive Council may call additional meetings if and when required, (b) all meetings shall be chaired by the Chairperson the Executive Council, (c)

the quorum of the meeting shall not be less than one half of the total strength of the Executive Council,

PART III CHILD'S PROTECTION AND WELFARE FUND

12. Child's Protection and Welfare Fund.— (1) The Government shall make annual budgetary allocations for establishment and functioning of the Commission.

(2) In addition to the annual budgetary allocations under sub-section (1) the government shall establish a fund to be known as Child's Protection and Welfare Fund for the promotion and protection of the rights of children in ICT, GB, FATA, FANA.

(3) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by the Government and, or any individual or national and international organization,

(4) The Fund, created under sub-section (2), shall be administered by the executive council, which shall make such allocations for specific activities, as it deems appropriate.

(5) The Fund shall be utilized for-

(a) Promotion and protection of the rights and welfare of children; and

(b) Such other activities, which may fall within the purview of the executive council.

(6) The Fund may be utilized for payment of compensation, fines or damages on behalf of a child in accordance with the orders of the Court.

13. Audit of the Fund: – (1) The Fund shall be kept, operated, spent and audited in such manner as may be prescribed, (2) The executive council as well as each child protection institution shall make the annual audit report of the Fund available to general public as soon as such report is prepared.

14. Financial Control. - (1) The Chairperson of the commission shall be the Principal Accounting Officer of the commission, (2) The accounts shall be maintained in accordance with the standards as prescribed by the Controller General Accounts, Government of Pakistan, (3) The executive council shall, in consultation with Auditor General of Pakistan, appoint a Chartered Accountant as auditor, who shall carry out the audit of the accounts of the commission on annual basis, (4) The auditor referred to in sub-section (3) shall be appointed on such remuneration and on such terms and conditions as the commission may, in consultation with Government and the Auditor General of Pakistan, determine, (5) The accounts of the Fund shall also be audited by the Auditor General of Pakistan.

PART IV CHILD PROTECTION OFFICERS AND CHILD PROTECTION UNIT

15. Appointment of the child protection officers:— (1) The commission may appoint child protection officers to carry out the purposes of this Act.

(2) The executive Council shall determine the eligibility for appointment, terms and conditions of service of the child protection officers.

(3) The child protection officer may seek police assistance in performance of his duties under the Act or the rules.

(4) A station house officer shall provide appropriate police assistance to the child protection officer, whenever such assistance is sought.

(5) Subject to the provisions of this Act and of any rules made there under, a Child Protection Officer may, within the local limits for which he is appointed, and in any other area with the permission of the Commission,- (a) inspect any Child Protection Institution or any other such establishment or building where shelter, training facilitation offered or purported to be offered to children at risk, run under governmental or non-governmental organization, the means employed for livelihood of such children, their living conditions and all relevant record etc; (b) enter and search,

with police assistance, if any, as he/she deems necessary, any building, premises or place, in which he has reason to believe that an offence under this Act or any rules made there under has been or is being committed or may continue to be committed; (c) seize such materials and articles which he/she has reason to believe may furnish evidence of the commission of an offence punishable under this Act or any rules made there under; (d) call any person to be present as witness in the course of search in connection with any other matter under this Act where the presence of witnesses is necessary; and (e) exercise such other powers as the Commission may delegate to it, for carrying out the purposes of this Act or any rules made there under: Provided that the powers under clause (a) of this sub-section shall be exercisable only by a Child Protection Officer specifically authorized in this behalf, by an order in writing, by Government, subject to such conditions as may be specified in such order.

(3) The provisions of the Code shall apply to searches and seizures made under this Act.

(4) The Child Protection Officer may, with prior authorization of Government, in writing through Gazette notification, register First Information Report or Complaint against any person or persons who have committed any offence under this Act.

PART V

ESTABLISHMENT AND RECOGNITION OF CHILD PROTECTION INSTITUTIONS

16. Child protection unit:- (1) There shall be a child protection unit for a local area. (2) The unit shall consist of such members as the commission may determine. (3) The unit shall exercise powers and functions devolved upon it by the commission.

17. Supervision and control of members of the unit:- A member of the unit in the performance of his duties under this Act or rules, shall be under the control, supervision and guidance of the commission.

CHILD PROTECTION INSTITUTIONS

18. Establishment and recognition of child protection institutions:- (1) The Commission may establish and maintain child protection institutions at any place in the ICT, GB, FATA, FANA.

(2) The Commission may delegate its powers and functions of managing and maintaining any child protection institution to a local government or to a non-governmental organization subject to the terms and conditions as the council may determine. (3) The Commission may recognize any other institution to be a child protection institution whether established and maintained by a local government or any non-governmental organization. (4) The Commission may establish or recognize any association for the aftercare and rehabilitation of children at risk discharged from a child protection institution and may regulate its activities and functions in the prescribed manner. (5) The Commission may authorize any person or a body of persons to inspect, check and supervise any child protection institution as to whether it is functioning in accordance with the provisions of this Act, the rules or the regulations. (6) In case a child protection institution is found acting in contravention of this Act, the rules or the regulations, the Commission may pass such order as it deems fit for the proper management or maintenance of such institution. (7) No order shall be passed by the Commission under sub-section (6) unless the existing management is provided with an opportunity of hearing.

19. Administration and management of child protection institutions:- Child protection institutions shall be managed, maintained and controlled in the manner as may be prescribed.

PART VI

LICENCING OF CHILDREN HOMES

20. License to operate children's home:- (1) No person shall establish or maintain or operate a children's home (hereinafter in this Act referred to as "home") for children at risk in

Islamabad Capital Territory except under a valid license granted to him by the Commission in respect of the home:

Provided that nothing in this sub-section (1) shall apply to- (i) a juvenile correctional centre; (ii) any school, other than a school required by the Commission to be licensed; (iii) any house where less than five children are boarded and maintained by relatives of such children, or by the wish or with the consent of the parents or lawful guardians of such children, save in cases where the Commission, by notice in writing, expressly requires any such house to be licensed; (iv) any home, in present or in future, maintained or operated wholly by the Government under any other law.

(2) Without prior written permission of the Commission, no person shall maintain a home at any address or location other than that provided for in the license granted in respect of the home.

(3) A license shall be valid for a period of five years from the date of its issue and may be renewed successively.

(4) Without the prior written permission of the Commission, no license shall be transferred into the name of any person other than the licensee.

21. Application for license:- Every person who desires to establish and maintain a home shall make application to the Commission, in the prescribed form and manner, for a license.

22. Power of the Commission in respect of licenses:- (1) The Commission may refuse to grant a license in respect of any home, or may refuse to permit the transfer of a license or to renew a license.

(2) The Commission in granting a license, may attach thereto such terms and conditions as it may, in any case, think fit.

(3) At all reasonable times- (1) any person authorized by the Commission; or an officer of the police force, not below the rank of Inspector, may visit and inspect any home for the purpose of verifying that the home is licensed, ensuring that the home is properly administered and that the children therein are receiving adequate care and attention, and may interview any child in private.

23. Terms and Conditions to operate a home:- The terms and conditions for the functioning of homes and minimum standards of care to be observed by the operators shall be prescribed by the Commission.

24. Responsibility of the licensee:- It shall be the duty of every licensee to- (a) act in the best interests of every child in his home; (b) ensure that every child in his home receives at all times careful and humane treatment and suitable education; and (c) ensure that all the provisions of this Act and all the terms and conditions of the license and the directions of the Commission are at all times complied with in respect of the home and every child maintained therein.

25. Liabilities:- (1) Whoever breaches the terms and conditions of license as prescribed by the Commission in operating a home be punished with imprisonment of either description for a term which may extend to one year and liable to fine which may extend to twenty five thousand rupees: Provided that nothing shall prevent any court from punishing the accused under any other law for the time being in force for the offence committed against the child.

(2) The Court of Sessions shall not take the cognizance of any offence under this Act unless a complaint has been filled by the Commission or a person authorized by it in writing.

PART VII CHILD PROTECTION COURTS

26. Establishment of the Child Protection Court:- (1) The Government may, by notification, establish one or more Courts under this Act for a local area. (2) The Government may appoint presiding officer of the Court established for the purpose of this Act in consultation with the Islamabad High Court and may lay down the qualifications, terms and conditions for the presiding officers. (3) Until a Court is established for a local area, the Islamabad High Court may confer powers of the Court for a local area upon a Sessions Judge or an Additional Sessions Judge.

27. Powers and functions of the Court:- (1) The Court shall exercise powers conferred and functions assigned to it under the provisions of this Act or the rules. (2) The Court shall finally decide a case within one month from the date of production of a child before it. (3) Provisions of the Code and the Qanun-e-Shahadat Order, 1984 (P.O. No. X of 1984), unless otherwise expressly provided by this Act or the rules, shall not apply to proceedings before the Court. (4) The Court, exercising powers under this Act, shall be deemed to be a Court of Sessions in terms of section 476 of the Code.

PART VIII

RESCUE, CUSTODY, CARE, PROTECTION AND REHABILITATION OF CHILDREN AT RISK

28. Rescue of child at risk:- A child protection officer may take into custody a child at risk and produce him before the Court within twenty-four hours of taking the child into such custody:

Provided that where a child at risk is in the custody of his parent or guardian, the officer shall not take him into custody but shall in the first instance, make a report to the Court:

Provided where female child at risk is rescued and has to be given under the custody, her custody shall be given to a female protection officer.

Provided further that the first proviso shall not be applicable in case of a child who is found begging nor is a victim of an offence alleged to have been committed by his parent or guardian.

29. Temporary custody:- Whenever a child at risk is taken into custody in accordance with section 28, he shall immediately be produced before the Court and if immediate production of the child before the Court is not possible due to any reason, shall immediately be taken to the nearest child protection institution for temporary custody till his production before the Court within the stipulated time.

30. Court may direct production of child by parent or guardian: - the Court, to which a report is made under the first proviso of section 28, may – (i) call upon such parent or guardian to produce the child before it and show cause why the said child should not, during the pending proceedings, be removed from his custody; and may order the child to be admitted in a child protection institution or on suitable surety being offered for the safety of such child and for his being brought before it, permit the child to remain in the custody of his parent or guardian; or (ii) If it appears to the Court that the child is likely to be removed from the jurisdiction of the Court or is concealed, may issue a search warrant for the production of the child, and order his immediate admission to a child protection institution.

31. Examination of person producing or reporting:- (1) The Court before which a child is brought under section 28 or is produced under section 30 shall examine on oath the person who has brought the child or made the report and record the substance of such examination and may order the admission of the child to a child protection institution pending any further inquiry, if any, (2) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record substance of the evidence which may be adduced and consider any cause which may be shown why an order directing the child to

be admitted to a child protection institution or be given in the care of a suitable person should not be passed.

32. Entrustment of the custody of a child at risk:- (1) If the Court is satisfied that the child brought before it, is a child at risk and that it is expedient to deal with him, the Court may order that he be admitted to a child protection institution or his custody be entrusted to a suitable person, who is able and willing to look after the child, until such child attains the age of eighteen years, or in exceptional cases for a shorter period; (2) The Court which makes an order for entrusting a child in the custody of a suitable person may, when making such an order, require such person to execute a bond, with or without sureties, as the Court may require, undertaking to be responsible for the care, education and well-being of the child and for the observance of such other conditions as the Court may impose for ensuring welfare of the child; (3) The Court that makes an order for entrusting the custody of a child to a suitable person under this section may order submission of periodical reports as to the welfare of the child to the Court by an authorized officer; (4) The Court may from time to time during the custody of a child by an authorized person, compel the production of the child in the Court to satisfy itself that the conditions of such custody are being carried out; (5) If at anytime it appears to the Court, from information received from any source that there has been a breach of any condition contained in the bond, it may, after making such inquiry as it deems fit, order the child to be admitted into a child protection institution or be entrusted to the custody of any other suitable person.

33. Sending of child having place of residence outside jurisdiction:- (1) In the case of a child at risk whose ordinary place of residence is not within the jurisdiction of the Court, the Court may direct that the child be kept in such custody and be produced before a Court having territorial jurisdiction over the place of residence of the child or to deal with his custody in any other manner provided in the Act; (2) Where a child is produced before a Court on the direction of any other Court passed under the foregoing provision of this section, such Court may regulate the custody of the child as if the child had been produced before it in terms of section 28 of this Act.

34. Warrant to search for child:- (1) If it appears to a Court from information received on oath or solemn affirmation laid by any person who, in the opinion of the Court, is acting in the interest of the child that there are reasons to believe that a child is at risk, the Court may issue warrant for the production of the child before it;

(2) The officer executing the warrant shall be accompanied by the person laying the information, if such person so desires and may also, if the Court by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner or the police or both;

(3) If any such child is brought before the Court and the Court is satisfied that the child is a child at risk, it may deal with his custody in accordance with the provisions of this Act.

35. False, frivolous or vexatious information:- (1) If in any case in which information has been laid before a Court by any person under the provisions of section 42, the Court after such inquiry as it may deem necessary, is of the opinion that such information is false, frivolous or vexatious, the Court may, for reasons to be recorded in writing, direct that compensation, not exceeding thirty thousand rupees, as it may determine, be paid by such informer to the child or to an aggrieved person against whom the information was laid;

(2) Before making any order for the payment of compensation, the Court shall call upon the informer to show cause why he should not pay compensation;

(3) The Court may, by its order directing payment of compensation, further order that in case of default, the person ordered to pay such compensation shall suffer simple imprisonment for a term not exceeding six months;

(4) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid, as compensation shall be taken into account in any subsequent civil suit relating to such matter;

(5) When an order for payment of compensation is made under sub-section (1), the compensation shall not be paid to the person ordered to receive it before the expiry of one month in order to allow sufficient time to the informant to represent against any such order.

36. Period of custody:- Subject to any order of the Court or any direction of the Bureau, a child ordered to be admitted to a child protection institution shall be kept in such custody till he attains the age of eighteen years.

37. Contribution of parents:- (1) Where an order has been made for the admission of a child into child protection institution or giving the custody of the child to a suitable person, the Court may direct a parent, in a suitable case, to pay maintenance of the child at such rates as may be determined by the Court;

Provided that while passing any such order, the Court shall take into consideration the capacity of the parent to pay maintenance; (2) In case of non-compliance of the direction for the payment of maintenance issued under sub-section (1), the Court may recover the amount from the parent as arrears of land revenue.

PART IX SPECIAL OFFENCES RELATING TO CHILDREN

38. Abolishment of corporal punishment:- Corporal punishment stands abolished in all its kinds and manifestations and its practice in any form is prohibited.

39. Punishment for corporal punishment:- Whosoever causes or permits to cause corporal punishment, through omission or commission, in any form, under any circumstances or for any purpose, to a child, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees, or with both.

40. Fraud or deceit on a child:- Whosoever, by words, spoken or written, or by signs or otherwise, incites, attempts to incite, deceits or allows a child to engage in any activity which is harmful for the physical, mental, emotional, economic and social well being of a child shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or both.

41. Violence against a child :- Whosoever, commits an act which cause or intend to cause, harm, pain, suffering or humiliation to a child, destroys, defiles or diminishes the value of any property belonging to him, is said to have committed an offence of violence.

42. Punishment for violence:- Whosoever, commits violence against a child shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to one hundred thousand rupees; provided that if the offence is committed by a group of more than two persons, the term of imprisonment which may extend to ten years each with a fine which may extend to one hundred thousand rupees each.

43. Harmful practices .---Whosoever, coerces or induces any child to indulge in or to undertake any activity or vocation for the purposes of complying with a tradition or a custom, which is or might be dangerous, harmful, hazardous or otherwise improper for any child, shall be guilty of the offence of harmful practice.

44. Punishment for harmful and abusive practices:- Whosoever commits the offence of harmful practice shall be punished with imprisonment for a term which may extend to three years or fine which may extend to one hundred thousand rupees or both.

45. Dealing in organs of a child:- (1) Whosoever illegally sells, purchases, delivers, transports, imports, exports, keeps or deals in any manner whatsoever in organs of a child, directly or indirectly, with or without consideration, or aids or abets in the commission or omission of the above, shall be guilty of an offence, (2) Notwithstanding anything contained in sub-section (1) of this section an act of implantation or transplantation of organs or tissues from the body of a living child, if authorized by qualified medical experts and conducted under their supervision in accordance with the standards of medical profession in the best interest of the child, shall not constitute an offence.

46. Punishment for dealing in organs of a child :- Whosoever, commits the offence of dealing in organs of a child may be punished with sentence of death or imprisonment for life and shall also be liable to fine which may extend to one million rupees.

47. Unauthorized custody :- Whosoever takes a child at risk, into his custody in contravention of the provisions of this Act, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.

48. Punishment for attempting to commit an offence:- Whosoever attempts to commit an offence punishable under this Act or to cause such an offence to be committed, shall be punished with the punishment provided for that offence.

49. Cruelty to a child:- Whoever, not being a parent, having the actual charge of or control over a child, willfully assaults, ill-treats, neglects, abandons or exposes him to be assaulted physically, or negligently fails to provide adequate food, clothes or medical aid, or behaving with the child in a manner likely to cause such child unnecessary mental and physical suffering, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.

50. Employing child for begging:- Whoever employs any child for the purpose of begging or causes any child to beg or whoever having the protective care of a child connives at or encourages his employment for the purpose of begging, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.

51. Giving intoxicating liquor or narcotics drug to child:- Whoever gives or causes to be given to any child any intoxicant or narcotic drug, except upon the prescription of a duly qualified medical practitioner, shall be punished with rigorous imprisonment of either description for a term which may extend to four years and shall also be liable to a fine which may extend to fifty thousand rupees.

52. Permitting child to enter places where liquor or narcotic drugs are sold:- Whoever, with mala fide intentions; (i) takes a child to any place where an intoxicant is served or consumed; or (ii) being the proprietor, owner or a person in charge of such place, permits a child to enter such place; or (iii) causes or procures a child to go to such place; shall be punished with rigorous imprisonment of either description for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.

53. Punishment for child pornography:- Whoever commits an offence of child pornography shall be punished with rigorous imprisonment of either description for a term which may not be less than three years and may extend to seven years and also liable to fine which may not be less than two hundred thousand rupees and may extend to five hundred thousand rupees.

54. Inciting child to bet or borrow:- Whoever, by words, spoken or written, or by sign, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering, shall be punished with rigorous imprisonment for a term which may extend to six months and shall also be liable to a fine which may extend to fifty thousand rupees.

55. Exposure to seduction:- Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image or attempts to do the aforementioned action, shall be punished with rigorous imprisonment of either description for a term which may extend to seven years or liable to fine which may extend to ten hundred thousand rupees, or with both.

56. Abetting escape of child:- Whoever- (a) knowingly assists or induces, directly or indirectly, a child admitted to a Child Protection Institution, to escape from the institution; or (b) knowingly harbors, conceals, connives with, assists or prevents a child from returning to a Child Protection Institution or to any person to whom the protection of the child was entrusted by the Court, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

57. Child trafficking:- Whoever involves himself in child trafficking within Pakistan shall be punished with imprisonment for life or which shall not be less than fourteen years and shall also be liable to fine which shall not be less than five hundred thousand rupees and may extend to ten hundred thousand rupees.

58. Sexual abuse:- Whoever commits an offence of sexual abuse shall be punished with imprisonment for a term which may extend to fourteen years and shall not be less than seven years and shall also be liable to fine which shall not be less than ten hundred thousand rupees.

59. Offences under this part cognizable, non-bailable and non-compoundable. ---(1) All offences under this chapter shall be cognizable, arrests may be made without warrant, shall be non-bailable and non-compoundable;

(2) Nothing contained in this chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Chapter and carries harsher punishment under that law;

(3) Whoever having been convicted of an offence under this chapter is convicted for a subsequent offence under the same section or sections shall be punished with rigorous imprisonment which shall not be less than the maximum punishment prescribed for that offence or twice the numbers of years of imprisonment and also fine which shall be twice the amount of fine provided for that offence in this chapter, whichever applicable;

(4) All offences under this part shall be investigated, tried and punished in accordance with the procedure prescribed in the Code.

60. Punishment for actions in contravention of this Act:- Whoever contravenes the provisions of this Act including any person acting under this Act or any person and institution dealing with the custody and other matters related to a child at risk shall be punished with imprisonment of either description for a term which may extend to three years or liable to fine which may extend to fifty thousand rupees or with both.

PART. X MISCELLANEOUS

61. Discharge of a child at risk, from a Child Protection Institution or from the care of any person to whose care he was entrusted :- 1) The Commission may at any time order a

child at risk to be discharged from a Child Protection Institution, either absolutely or on such conditions as the Commission deems appropriate; (2) The Court may, at any stage, on application or otherwise, discharge a child at risk from a Child Protection Institution or suitable person, as the case may be, either absolutely or on such conditions as the Court deems appropriate.

62. Transfers between institutions of like nature in different parts of Pakistan:- (1) The Commission may, in consultation with the manager of a child protection institution, transfer the custody of the child to any other such institution in any part of the Pakistan. (2) A child at risk shall normally be kept in an institution that is at or nearest to his place of domicile; (3) The Court having jurisdiction over the local area of the Islamabad where a child is being kept may exercise all the powers of the Court under this Act or the rules; (4) The Government may direct any child to be transferred from any child protection institution in Islamabad to any institution of like nature in any other Province of Pakistan in respect of which the Government of that Province has made provisions similar to this Act under any law for the time being in force:
Provided that no child shall be so transferred without the consent of the Government of that other Province.

63. Officers to be public servants:- The officers appointed or authorized under this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

64. Protection of action taken under this Act: No suit, prosecution or other legal proceeding shall be instituted against any person, acting or purporting to act in good faith for the welfare of a child at risk under this Act, rules or regulations made there under.

65. Act to over-ride other laws: Provisions of this Act shall have an overriding effect, notwithstanding anything contained in any other law for the time being in force, with the exception of any section or sections of any other law for the time being in force, which may be more protective in case of a child at risk.

65. Power to make rules and regulations :- 1) Government may, by notification in the official Gazette, make rules, as may deem necessary, for carrying out the purposes of this Act. (2) Commission may, by notification in the official Gazette, make regulations for carrying out the purposes of this Act.

66. Complaint against Commission. ---Commission shall be answerable to the Executive Authority of the country in case of any complaint submitted by any person, organization, and both government or non-governmental, against the Commission, in writing with full identity and address of the complainant, and after conducting inquiring through independent inquiry committee, appointed for the purpose by the Executive Authority.

Provided that no action shall be taken by the Executive Authority of the country against Commission or any member of the Commission after conducting inquiry until a fair chance of hearing may not be given to the concerned.

67. Power to remove difficulties:- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under the section shall be laid, as soon as may be after it is made, before the Parliament.

THE SCHEDULE-I

THE RIGHTS OF CHILDREN

Section 3 (1), (2),

1. Respect for Child Rights:- (1) The ICT Administration, GB, FATA and FANA shall respect and ensure the rights set forth in this schedule to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

(2) The ICT Administration, GB, FATA and FANA shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

(3) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

(4) The ICT Administration, GB, FATA and FANA undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his parents, legal guardians, or other individuals legally responsible for him, and, to this end, shall take all appropriate legislative and administrative measures.

(5) The ICT Administration GB, FATA and FANA shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, in the number and suitability of their staff, as well as competent supervision.

(6) The ICT Administration GB, FATA and FANA shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present schedule. With regard to economic, social and cultural rights, the Governments, shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

(7) The ICT Administration, GB, FATA and FANA undertake to make the principles and provisions of the Schedule widely known, by appropriate and active means, to adults and children alike.

(8) The ICT Administration, GB, FATA and FANA shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Schedule.

2. Inherent Right to Life:- (1) The ICT Administration, GB, FATA and FANA recognize that every child has the inherent right to life.

3. Registration at Birth:- (1) The ICT Administration, GB, FATA and FANA shall ensure that every child is registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

(2) The ICT Administration, GB, FATA and FANA shall enact proper laws relating to registration at birth.

4. Preservation of Identity:- The Government, GB, FATA and FANA undertake to respect the right of the child to preserve his identity, including nationality, name and family relations as recognized by law without unlawful interference.

5. Parents:- (1) The ICT Administration, GB, FATA and FANA shall ensure that a child shall not be separated from his parents against his will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. (2) In any

proceedings pursuant to sub-section (1) of section 5 of this schedule, all interested parties shall be given an opportunity to participate in the proceedings and make their views known. (3) The right of the child shall be respected, who is separated from one or both parents, to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

6. Child's Views:- (1) The ICT Administration, GB, FATA and FANA shall assure to the child who is capable of forming his views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (2) For the purposes of sub-section (1) of section 6 of this schedule, the child shall in particular be provided the opportunity to be heard in any judicial proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with law.

7. Freedom of Expression:- (1) Every child in the ICT, GB, FATA and FANA shall have the right of freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. The exercise of this right may be subject to certain restrictions as are provided by law and are necessary. (2) The ICT Administration GB, FATA and FANA in this regard recognizes the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his social, spiritual and moral well-being and physical and mental health.

8. Freedom of Religion:- (1) The ICT Administration, GB, FATA and FANA shall respect the right of the child to freedom of thought, conscience and religion. (2) The Government, shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his right in a manner consistent with the evolving capacity of the child.

9. Freedom of Association:- The ICT Administration, GB, FATA and FANA recognize the rights of the child to freedom of association and to freedom of peaceful assembly. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

10. Right to Privacy:- No child in the ICT, GB, FATA and FANA shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation; and every child shall have the right to the protection of the law against such interference or attacks.

11. Upbringing of the Child:- (1) The ICT Administration, GB, FATA and FANA shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. (2) For the purpose of guaranteeing and promoting the rights set forth in the present Schedule, the ICT Administration, GB, FATA and FANA shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

12. Protection from Violence:- (1) The ICT Administration, GB, FATA and FANA shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence (including corporal punishment), injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

(2) Such protective measures, as described in sub-section (1) of section 12 of this schedule, shall, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of physical or mental violence, injury or abuse, neglect or negligent treatment, child maltreatment or exploitation, including sexual abuse,, and, as appropriate, for judicial involvement.

(3) A child temporarily or permanently deprived of his family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the ICT Administration, GB, FATA and FANA. The ICT Administration, GB, FATA and FANA shall in accordance with law ensure alternative care for such a child.

13. Rights of Specially-abled Children:- (1) The ICT Administration, GB, FATA and FANA recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. In this regard, the ICT Administration, GB, FATA and FANA recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or other caring for the child.

(2) Recognizing the special needs of a disabled child, assistance extended in accordance with sub-section (1) of section 13 of this schedule shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

14. Right to Health:- (1) The ICT Administration, GB, FATA and FANA recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. In this regard, the Government shall strive to ensure that no child is deprived of his or her right of access to such health care services. (2) The ICT Administration GB, FATA and FANA shall pursue full implementation of this right and, in particular, shall take appropriate measures:

To diminish infant and child mortality;

To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

To combat diseases and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangerous and risks of environmental pollution;

To ensure appropriate pre-natal and post-natal health care for mothers;

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

To develop preventive health care, guidance for parents and family planning education and services.

(3) The ICT Administration, GB, FATA and FANA shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

(4) The ICT Administration, GB, FATA and FANA recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. The ICT Administration, GB, FATA and FANA within their means, shall take appropriate measures to assist

parents and others responsible for the child to implement this right and shall, in case of need, provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.

15. Education: - The Government, recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: Make primary education compulsory and available free to all;

Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; Make higher education accessible to all on the basis of capacity by every appropriate means; Make educational and vocational information and guidance available and accessible to all children; Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

16. Rest & Recreation:- The ICT Administration, GB, FATA and FANA recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and arts. They shall, in this respect, respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

17. Child Labour :- (1) The ICT Administration, GB, FATA and FANA recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

(2) The ICT Administration, GB, FATA and FANA shall take legislative, administrative, social and educational measures to ensure the implementation of this section. To this end, the Government shall in particular:

Provide for a minimum age or minimum ages for admission to employment which shall not be less than 14 years;

Provide for appropriate regulation of the hours and conditions of employment;

Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article;

Ban Child Domestic Labour under 14 years of age.

18. Drugs:- The ICT Administration, GB, FATA and FANA shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

19. Sexual Abuse:- (1) The ICT Administration, GB, FATA and FANA undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, the ICT Administration GB, FATA and FANA shall in particular take all measures to prevent: The inducement or coercion of a child to engage in any unlawful sexual activity; The exploitative use of children in prostitution or other unlawful sexual practices; The exploitative use of children in pornographic performances and materials. The ICT Administration, GB, FATA and FANA shall take all appropriate measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

20. Juvenile Justice:- (1) The ICT Administration, GB, FATA and FANA shall ensure that:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his family through correspondence and visits, save in exceptional circumstances;

Every child deprived of his liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

(2) The ICT Administration, GB, FATA and FANA shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of; any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

21. Rights of Children in Care:-The ICT Administration, GB, FATA and FANA shall take such steps necessary to ensure that children who cannot live with their birth families, grow up in a family environment. Where this is not possible, or not in the child's best interests, shall take all appropriate measures to ensure that children in any children's home or child protection centre, or any other such place, or children living with their accused or convicted mothers enjoy the following rights –

- to be fed, clothed and nurtured according to prescribed minimum standards;
- to be consulted and, according to the child's abilities, to express his views about significant decisions affecting that child;
- to reasonable privacy and to possession of the child's personal belongings;
- to be free from corporal punishment;
- to be informed of the standard of behaviour expected by the caregivers and of the consequences of not meeting that standard;
- to receive medical and dental care (including psychological care) when required;
- to participate in social and recreational activities appropriate to the child's abilities and interests;
- to receive the education, and, as far as may be reasonably practicable, to participate in the religious activities, of the child's choice;
- to privacy during discussions with a family member or a legal representative;
- to be informed of the child's rights under this Act and the procedures available for enforcing those rights.

Marvi Memon
National Assembly Member

STATEMENT OF OBJECTS AND REASONS

1. Pakistan ratified the United Nations Convention on the Rights of the Child (UN CRC) in 1990, and is under obligation to implement its provision by harmonizing national policies, programmes, plans of action with it and report progress to the UN Committee on the Rights of the Child, Geneva after every five years. The subject of child protection and welfare has been transferred to provinces through 18th Constitutional Amendments. The provinces have their own legislation on the child protection and are in process of improving these, whereas the ICT, GB, FATA, FANA are separate entities but devoid of such legislation therefore “The Child Protection System Bill 2014 is proposed to be promulgated, as the law will be an effort to implement the United Nations Convention on the Rights of the Child (UNCRC) in ICT, GB, FATA, FANA.

2. The salient features of the proposed Act are:-

- (a). The Act has provision of establishment of Child Protection Commission for ICT, GB, FATA and FANA;
- (b). Establishment of Child Protection and Welfare Fund for the ICT, GB, FATA, FANA;
- (c). Establishment of child protection Units having shelter and rehabilitation facilities for children in difficult circumstances at ICT, GB, FATA and FANA;
- (d). Mechanism of issuing licenses to the children homes in ICT, GB, FATA, FANA;
- (e). Establishment of Child Protection Court.
- (f). Mechanism for rescue, custody, care, protection and role of destitute and neglected children in ICT GB, FATA, FANA;
- (g). Some special offense related to children and punishment for those offences are recommended in the Bill;
- (i). The Rights of the children given in schedule-I are to be respected and to be ensured as principal of administration in this Bill.

3. The safeguards provided in this Act will go a long way in protection of all children. This Act not only complies with the constitutional provisions but also fulfills our obligation under different international conventions in general and the United Nation’s Convention on the Rights of the Child (UNCRC) in particular.

Ms Marvi Memon
Member National Assembly