

[To be submitted with National Assembly]

**A
Bill**

to provide for the establishment of National Commission on the Rights of the Child and matters ancillary and connected thereto

WHEREAS it is expedient to establish a National Commission on the Rights of the Child to monitor, promote and protect children's rights and advocate for change in legislative framework to make it more child-centered.

AND WHEREAS Article 25 of the Constitution says that nothing shall prevent the State from making any special provision for the protection of children.

AND WHEREAS it is necessary to provide an environment for children that is free of violence, abuse and exploitation as espoused by 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:-

**CHAPTER I
PRELIMINARIES**

1. Short title, extent and commencement. - (1) This Act may be called the National Commission on the Rights of the Child Act, 2009.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context, the following words and expressions shall have the following meaning;

- (a) "**Adult**" means a person who has completed 18th years of age;
- (b) "**Commission**" means the National Commission on the Rights of the Child established under section (5) of the Act;
- (c) "**The best interests of a child**" Where there is a reference in this Act to "the best interests of the child", the factors to be taken into account in determining the child's best interests shall include;
 - (i). the child's right to be protected from abuse, neglect and harm or threat of harm;
 - (ii). the welfare, well being and safety of the child;
 - (iii). the child's physical and emotional needs and level of development;
 - (iv). the child's family to be considered as the preferred environment for the care and upbringing and the responsibility for the protection of the child to rest primarily with the parents;
 - (v). the quality of the relationship the child has with a parent or other any other person and the effect of maintaining that relationship;
 - (vi). the child's religious, cultural and spiritual views;
 - (vii). the child's level of education and educational requirements;

- (viii). the child is given the opportunity to freely express his own views and opinion and these views are to be given due weight; and
- (ix). the effect on the child of a delay in making a decision.
- (d) **“Child”** means a person who has not yet attained the age of 18 years, at the time of any relevant proceeding;
- (e) **“Child at risk”** means a child who: -
 - (i). is an orphan or is a victim of neglect by his parents or lawful guardian; or whose parents or guardians are unfit or incapacitated to look after his needs and exercise control over him; or
 - (ii). is without a home or settled place of abode and without any ostensible means of subsistence; or
 - (iii). is accused of or convicted of an offence and living at a place of detention; be it a reformatory school, borstal institution, jail or any other place notified to detain children accused of or convicted of an offence; or
 - (iv). is living with his mother at a place of detention; be it a special women jail or district or central jail or any other place notified to detain women accused of or convicted of an offence; or
 - (v). is being or likely to be abused or exploited for immoral or illegal purpose or unconscionable gain; or
 - (vi). lives in a brothel or frequently visits any place being used for sex or is associated with any person who leads an immoral or depraved life; or
 - (vii). is forced into the worst forms of the child labour, exploitative labour, or beggary; or
 - (viii). has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; or
 - (ix). is victim of any armed conflict, civil commotion or natural calamity; or
 - (x). is subjected to human trafficking within and outside Pakistan; or
 - (xi). is being misused for drug trafficking or peddling or is subjected to abuse of any intoxicating, hallucinating substances including glue, narcotic drugs, spirits etc.; and
 - (xii). is affected or infected with a serious disease, disabled and without any care.
- (f) **“Children’s Home,” or “Home”** means a home set up for the care and protection of children at risk, be it a child protection centre, orphanage, etc.;
- (g) **“Commission”** means the National Commission on the Rights of the Child as set up under this Act;
- (h) **“Committee”** means the United Nations Committee on the Rights of the Child in Geneva;
- (i) **“Convention”** means the United Nations Convention on the Rights of the Child;
- (j) **“Director General”** means the person appointed under sub-section (1) of section (8) of the Act;
- (k) **“Fund”** means the Child Rights Fund established under section (22) of the Act;
- (l) **“Government”** means the Federal Government;
- (m) **“Harm,”** to a child,
 - (i). is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.
 - (ii). It is immaterial how the harm has been caused.
 - (iii). Harm could be caused by:
 - (a) physical, psychological or emotional abuse or neglect;
 - (b) sexual abuse or exploitation.

- (n) “**Licence**” means a licence granted under this Act;
- (o) “**Licensee**” means the holder of licence to operate a children’s home under this Act;
- (p) “**Licensed home**” means a children’s home licensed under this Act;
- (q) “**Member**” means a member of the Commission;
- (r) “**Prescribed**” means prescribed by the Rules and Regulations made under this Act.

3. Principle of Administration. – (1) The Federal Government, and the Provincial Governments, shall respect and ensure the rights of children as set out in the Constitution of the Islamic Republic Pakistan and in the schedule to this Act within their respective jurisdiction.

(2) The Federal Government 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.

CHAPTER II

ESTABLISHMENT AND MANAGEMENT OF THE COMMISSION

5. Establishment of Commission: - (1) The National Commission on the Rights of the Child is hereby established for carrying out the purposes of this Act.

(2) The Commission, established by sub-section (1), shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to enter into agreements, contracts, acquire and hold property, both moveable and immoveable, and to sue and be sued in its name.

(3) The Commission shall be entirely independent in the exercise of its functions and shall have administrative and financial autonomy.

(4) The headquarter of the Commission shall be at Islamabad. The Commission may establish regional offices at such other place or places in Pakistan as it considers necessary.

6. Establishment of Provincial Commissions. - (1) Provincial Governments shall, by notification in the official Provincial Gazette, constitute Provincial Commissions and District Commissions or District Child Protection Committees.

(2) Subject to sub-section (3), a Provincial Commission and a District Commission or District Child Protection Committee shall consist of a chairperson and not more than such number of members as the Provincial Government may prescribe:

Provided that not less than half of the total number of members of a Provincial Commission and a District Commission or District Child Protection Committee shall comprise of such persons who are professionals, qualified with respect to child rights and, child protection.

(3) A Provincial Government shall nominate the members of the Provincial Commission and District Commissions or District Child Protection Committees who shall hold office for a term as may be prescribed by the respective Governments.

(4) A Provincial Government shall determine the functions of the Provincial Commission and District Commissions or District Child Protection Committees which may be prescribed.

- 7. Functions and Powers of the Commission.** - (1) The Commission shall;
- (a) act as a focal point for effective supervision and coordination of children's rights related matters in general and children at risk in particular at national and international level and co-ordinate with the Provincial Governments in respect of activities for the survival, development, protection and participation of children etc.;
 - (b) comment on proposed new legislation at the earliest possible stage, or require the government to issue a child impact assessment to ensure that the legislation will comply with the best interests of the child;
 - (c) analyse existing law, policy and practice to assess compliance with the Convention and other international human rights obligations relating to children and make recommendations to the Government;
 - (d) undertake inquiries and produce reports on any aspect of policy or practice affecting children;
 - (e) promote respect for the views of children by; ensuring that the Commission's work is directly informed by the views of children in order to reflect their priorities and perspectives; ensuring that the views of children are reflected in proposals presented to the Government, reports, responses to the Government initiatives and research priorities;
 - (f) raise awareness of existence of the Commission and children's rights among children and adults by producing and disseminating information about children's rights;
 - (g) analyse existing government statistics on children in general and children at risk in particular to identify gaps or the need for disaggregated data and where there is a lack of existing information about their lives, it shall produce data of its own through Commissioned research, or urge the government to undertake any necessary research;
 - (h) collect and publish data on the situation of children in general and children at risk in particular and take appropriate steps to protect and promote the rights of such children;
 - (i) incorporate children's rights into the school curriculum and press for inclusive education and contribute to the development of the necessary materials for children of all ages, as well as promoting child-centred education;
 - (j) engage or use media and encourage it to promote awareness about children's rights and expose violations of those rights;
 - (k) take appropriate steps to provide training on Children's rights to all professionals working with children – judges, teachers, health professionals, social workers, lawyers, probation, police, prison officers and so on;
 - (l) organise events to increase awareness and to sponsor children's rights competitions, media events, children's conferences, public lectures, or school activities;

- (m) set minimum standards of care for the children at risk in the light of national, regional and international obligatory parameters and coordinate with the Provincial Governments and Islamabad Capital Territory for their effective implementation;
- (n) influence policy makers and practitioners to take greater account of children's rights;
- (o) take necessary actions for the implementation of the proposed amendments in the existing or proposed new legislation;
- (p) ensure that children – as an individual or as a group - have effective means of redress when their rights are violated and monitor the availability, effectiveness and usage of complaints procedures that already exist, and identify gaps in the provision of complaints procedures, and analyse the findings from children's complaints to identify patterns of concern, and incorporate these patterns into policy proposals and recommendations for change;
- (q) be consulted over the reporting obligations under the Convention and other international human rights treaties which Pakistan is a party to and to ensure that recommendations made by the Committee or other International Human Rights Institutions are implemented while taking into account the best interests of a child;
- (r) do such other acts as are ancillary and incidental to the above functions;
- (s) undertake any other functions and powers delegated to the Commission by the Government.

(2) The Commission, subject to exceptions under the law, may summon any person whose attendance is considered necessary for the purpose of any business before it and the person so summoned shall be bound to appear at the time and place mentioned in the summons.

(3) The Commission may form committees, as may be prescribed, to look into the specific pattern of violations of children's rights.

(4) All the executive authorities and citizens shall act in aid and assistance of the Commission in the performance of their functions.

(5) Decisions made by the Commission shall be binding on the concerned executive authorities and citizens.

(6) The Commission may, subject to such conditions as it may specify, delegate all or any of its powers under this Act to a member, a committee or the Director General.

8. Management of the Commission. - (1) The Government shall appoint a senior officer in grade 20 or above as the Director General of the Commission for a specific term, as may be prescribed.

(2) The Director General shall exercise all administrative and financial powers of the Commission under this Act:

Provided that every appointment made or administrative or financial powers exercised by the Director General shall be reported to the Commission, without unnecessary delay, for its information.

(3) The Director General may resign from his office by writing under his hands to the Government.

(4) The Government may remove the Director General, during the term of his office, in a manner as may be prescribed.

9. Employment of Officers and servants. - (1) The Government shall appoint regular permanent qualified and highly skilled staff in the areas of child survival, development, protection and participation.

(2) The Commission may appoint advisors, consultants and experts having specialization and expertise in the children's rights' related matters for provision of expert assistance from time to time as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

10. Powers of the Commission to intervene. - (1) The Commission shall have powers to intervene into a specific case of violation of child rights or a specific pattern of abuse where concern has been expressed either by-

- (a) children themselves, or
- (b) interested adults, or
- (c) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, or
- (d) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children-

that the child is at risk or the best interests of children are not being considered and take legal action in circumstances where it is impossible or inappropriate for the child to do so on his own behalf.

(2) If a person to whom this section applies;

- (a) has reasonable grounds to suspect that a child is at risk, and
- (b) those grounds arise during the course of or from the person's work, the person must, as soon as practicable, report to the Director General the name, or a description, of the child and the grounds for suspecting that the child is at risk.

(3) A person to whom this section applies satisfies his or her obligations under sub-section (2) in relation to two or more children that constitute a particular class of children if the person reports that class of children to the Director General together with:

- (a) a description that is sufficient to identify all the children who constitute the class, and
- (b) the grounds for suspecting that the children of that class are at risk.

11. Protection of persons who make reports or provide certain information.- If, in relation to a child or a class of children, a person makes a report in good faith to the Director General or to a person who has the power or responsibility to protect the child or the class of children;

- (a) the making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
- (b) no liability for defamation is incurred because of the report, and
- (c) the making of the report does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy, and
- (d) the person so reporting may not be compelled to attend any court as a result of providing a mere information on an alleged abuse or neglect and report, or evidence of its contents, will not be not admissible in any judicial proceedings (other than the exclusive courts which may be constituted for the said purpose).

12. Composition of the Commission. - (1) The Commission shall be constituted within sixty days of the commencement of this Act, by notification in the Official Gazette, comprising of (a) Patron (b) Chairperson (c) a Secretary and (d) Members (Nominated and Ex-officio).

(2) **Patron.** - The Prime Minister shall be the Patron of the Commission.

(3) **Chairperson.** - The Minister in-Charge of the Ministry of Social Welfare and Special Education shall be the Chairperson of the Commission.

(4) **Secretary.** - The Director General of the Commission shall be ex-officio Secretary of the Commission.

13. Nominated Members. - (1) The Government shall appoint not more than eleven persons as nominated members of the Commission.

(2) The Government shall appointed such person as nominated members who have extensive experience in children's right with significant achievement in their respective fields while keeping in mind the gender and diversity of child rights practitioners which may include doctors, lawyers, academicians, child rights activists and so on with following composition;

- (a) One member from each Province, Islamabad Capital Territory, Federally Administered Tribal Areas and Federally Administered Northern Areas;
- (b) Three children representatives (below 18 years), one male, one female and disabled child;
- (c) One member from the minorities on rotation basis to ensure representation of all the recognized minorities.

14. Ex-Officio Members. - The Government shall nominate representatives, not below the rank of Joint Secretary as ex-officio members of the Commission, from the Ministries of;

- (a) Human Rights,
- (b) Law and Justice,
- (c) Finance,
- (d) Education,
- (e) Health,
- (f) Labour,
- (g) Youth Affairs, and
- (h) Social Welfare and Special Education.

15. Co-opted Member. - In performance of its functions, the Commission may co-opt not more than two persons or representatives from two different renowned international and national organizations or agencies, who shall sit in the meetings as observers.

16. Terms and conditions of office of Members. - (1) The nominated members of the Commission shall hold office for a term of two years.

(2) A member, however, shall be eligible for appointment only for two consecutive terms.

(3) The members shall act on gratis basis and shall be entitled to travelling and daily allowance as may be prescribed by the Commission.

(4) A nominated member of the Commission may resign from his office by writing under his hands to the Government.

(5) A vacancy in the membership of the Commission shall be filled within seven days of resignation for the unexpired portion of the term of the member vacating his office.

17. Disqualification from being a Member. - A person shall be disqualified from being nominated or continuing as a member of the Commission if that person;

- (a) becomes a member of Parliament or Provincial Assemblies; or
- (b) found or declared to be of unsound mind under any law in force in Pakistan or in any other country; or
- (c) becomes an un-discharged insolvent; or
- (d) is serving or has served a sentence of imprisonment imposed by any court in Pakistan or any other country; or
- (e) holds or enjoys any right or benefit under any contract made by or on behalf of the Commission or Commission; or
- (f) has any financial or other interests as is likely to affect prejudicially the discharge by him of his functions as a member of the Commission; or
- (g) has abused the position as a Member as the case may be to render its continuance in office detrimental to public interest:

Provided that no person shall be removed under this clause until he has been given a reasonable opportunity of being heard.

18. Meetings of the Commission. - (1) The Commission shall meet at least twice a year at a place and on such times as the Commission may direct and shall be presided over by the Chairperson or any other member authorised by him on his behalf.

(2) Half of the total members of the Commission shall constitute quorum of the meeting thereof.

(3) All decisions of the Commission shall be taken by majority of the members present and voting, and in case of equal division of votes, the Chairperson shall have the casting vote.

(4) All recommendations, orders and decisions of the Commission shall be authenticated by the signatures of Chairperson or any other member authorized by him on his behalf.

19. Budget. - The Government shall make annual budgetary allocations for establishment and functioning of the Commission.

20. Reports. - (1) The Commission shall prepare annual report of its activities and such other periodical or special reports as it may consider necessary.

(2) Reports of the Commission shall be laid before the Majlis-e-Shoora (Parliament) through the Chairperson of the Commission.

21. Rights and Liabilities of the Commission. - All rights, liabilities and obligations, of the existing Commission constituted under the Federal Government Resolution No. 1-1/80 (NCCWD) dated the 11th August 1981 and Resolution No. F.1-1/86 (NCCWD) dated the 13th June 1991 whether arising out of any contract or otherwise, shall be deemed to have been acquired or incurred by the Commission on commencement of this Act, provided these are consistent with the objectives of the Commission.

CHAPTER III CHILD RIGHTS FUND

22. Child Rights Fund. - (1) In addition to the annual budgetary allocations under section (19) of this Act, the Government shall establish a Fund to be known as “Child Rights Fund” for the promotion and protection of the rights of children in Pakistan.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by the Federal, Provincial, local Governments, and Bait-ul-mal, or any individuals or national and international organisation.

(3) The Fund, created under sub-section (1), shall be administered by the Commission, which shall make such allocations for specific activities, as it deems appropriate.

- (4) The Fund shall be utilized for-
- (a) performing functions of the Commission;
 - (b) promotion and protection of the rights and welfare of children; and
 - (c) such other activities, which may fall within the purview of the Commission.

(5) 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.

(6) Subject to the approval from the Commission, the Commission may allocate any amount from this fund to agencies established by the Provincial Governments for the protection of children.

23. Financial Control. - (1) The Director General shall be the Principle Accounts Officer of the Commission in respect of expenditures incurred from the Fund and shall, for

this purpose, exercise all the financial and administrative powers delegated by 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 Commission 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.

CHAPTER IV LICENSING OF CHILDREN HOMES

24. Licence 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 licence granted to him by the Commission in respect of the home:

Provided that nothing in this sub-section shall apply to-

- (a) a juvenile correctional centre;
- (b) any school, other than a school required by the Commission to be licensed;
- (c) any house where five or more 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;
- (d) any home, in present or in future, maintained or operated wholly by the Government under any other law.

(2) Save with the prior written permission of the Commission, no person shall maintain a home at any address or location other than that provided for in the licence granted in respect of the home.

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

(4) Save with the prior written permission of the Commission, no licence shall be transferred into the name of any person other than the licensee.

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

26. Power of the Commission in respect of licences. - (1) The Commission may refuse to grant a licence in respect of any home, or may refuse to permit the transfer of a licence or to renew a licence.

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

(3) At all reasonable times-

(a) any person authorized by the Commission; or

(b) 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.

27. 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.

28. 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 licence and the directions of the Commission are at all times complied with in respect of the home and every child maintained therein.

29. Liabilities. - (1) Whoever breaches the terms and conditions of licence 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) All offences under this Act shall be non-cognizable and non-compoundable.

(3) 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 authorised by it in writing.

CHAPTER V MISCELLANEOUS

30. 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 1860 (XLV of 1860).

31. Immunity. - No suit, prosecution or other legal proceeding shall be instituted or entertained against any person, acting or purporting to act under this Act or the rules, in good faith and the best interests of a child.

32. Powers to make Rules and Regulations. - The Commission may, with the approval of the Government, by notification in the official Gazette, make rules and regulations for carrying out the purposes of this Act.

33. 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 THE RIGHTS OF CHILDREN

(See sub-section (1) of section 3)

1. Respect for Child Rights. - (1) The Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

(7) The Federal Government, and the Provincial Governments, undertake to make the principles and provisions of the Schedule widely known, by appropriate and active means, to adults and children alike.

(8) The Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, recognize that every child has the inherent right to life.

(2) The Federal Government, and the Provincial Governments, shall ensure to the maximum extent possible the survival and development of the child.

3. Registration at Birth.- (1) The Provincial Government 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 Provincial Government shall enact proper laws relating to registration at birth.

4. Preservation of Identity. - The Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Pakistan 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 Government 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 Federal Government, and the Provincial Governments, shall respect the right of the child to freedom of thought, conscience and religion.

(2) The Federal Government, and the Provincial Governments, 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 Federal Government, and the Provincial Governments, 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 Pakistan 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 the Child. - (1) The Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, 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 child maltreatment, 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 State. The Provincial Governments shall in accordance with law ensure alternative care for such a child.

13. Rights of Specially-abled Children. - (1) The Federal Government, and Provincial Governments, 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 Government recognizes 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 Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) 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;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) 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;

- (f) To develop preventive health care, guidance for parents and family planning education and services.

(3) The Provincial Governments shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

(4) The Federal Government, and Provincial Governments, 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 Federal Government, in accordance with national conditions and 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 Federal Government, and Provincial Governments, 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:

- (a) Make primary education compulsory and available free to all;
- (b) 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;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

16. Rest & Recreation. - The Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, shall take legislative, administrative, social and educational measures to ensure the implementation of this section. To this end, the Government shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment which shall not be less than 14 years;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

18. Drugs.- The Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, the Government shall in particular take all measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.
- (d) The Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, shall ensure that:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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 Federal Government, and Provincial Governments, 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 Federal Government, and Provincial Governments, 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 –

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