

Session 18  
Sitting 06

# BALUCHISTAN CHILD PROTECTION BILL



DEPARTMENT OF SOCIAL WELFARE & SPECIAL EDUCATION  
GOVERNMENT OF BALUCHISTAN  
QUETTA.

2015

**BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

**The Baluchistan Child Welfare & Protection Bill 2015 (Bill No. 10 of 2015)**

**BILL**

*to provide for the protection of children from violence, harm, injury, abuse, neglect or negligent treatment, maltreatment and exploitation in Baluchistan.*

**Preamble.-** WHEREAS it is expedient to provide for the protection of children from all forms of physical or mental violence, harm, 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 or where the child has no person providing care;

AND WHEREAS it is expedient to provide for care, maintenance, welfare, training, education, reintegration and rehabilitation to such children to the maximum extent possible to ensure their survival and development;

AND WHEREAS it is expedient to support the family to provide care and protection to their children, and further to provide a family-like environment, through guardianship, fostering, special guardianship or small family type homes for children without parental care;

AND WHEREAS it is expedient to ensure that no child shall be deprived of his or her liberty unlawfully or arbitrarily, and that any institutionalisation 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;

AND WHEREAS it is expedient to establish a Bureau for the protection, welfare, alternative family care, social reintegration and reunification of children;

AND WHEREAS it is expedient to establish Child Protection Units in each district to provide support to families and to take action to ensure that children at risk are protected;



It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act may be called the Balochistan Child Welfare and Protection Act, 2015.  
(2) It shall extend to whole of the Province of Balochistan except the tribal areas.  
(3) It shall come into force at once.
2. **Definitions.**- (1) In this Act, unless the context otherwise requires,
  - (a) "abuse": a general term used to describe a child who is at risk and falls within Section 8;
  - (b) "assessment" means the process of analysing the child's situation and circumstances, and determining what is in the best interests of the child under Section 21 and 22;
  - (c) "Bureau" means Child Welfare and Protection Bureau established under Section 9 of this Act;
  - (d) "child" means a person who has not yet attained the age of eighteen years;
  - (e) "child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—
    - (i). the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
    - (ii). such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
    - (iii). such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct;
  - (f) "Child Protection Officer" means a Child Protection Officer appointed under Section 12(4);
  - (g) "child protection plan" a document containing details of the services which are to be offered to the child, based on a comprehensive assessment of the child and family under Section 23;
  - (h) "Children's Advocate" a member of the staff of the Children's Advocacy Service who is appointed to represent the child under Section 14(4);



- (i) "*Children's Advocacy Service*" means the body established under Section 14 of this Act to represent the best interests of the child in cases where the plan is for the removal of a child at risk from the parental care;
- (j) "*Children's home*" means an institution established and certified under Section 48 as a children's home;
- (k) "*Court*" means the guardian courts established under the Guardians and Wards Act, 1890 (Act VIII of 1890);
- (l) "*Comprehensive assessment*" a full assessment of the child's background, history, present circumstances and needs undertaken by the Child Protection Unit under Section 22;
- (m) "*extended family member*" means any relative of a child;
- (n) "*forced marriage*" a marriage performed under duress and without the full, free and informed consent of both parties or for any illegal consideration;
- (o) "*foster parent*" a person, other than a person belonging to the extended family, who under a fostering agreement with the Child Protection Unit is responsible for the day to day care of the child in his or her family;
- (p) "*Government*" means the Government of the Balochistan;
- (q) "*guardian*" means a person who has parental responsibility for a child under a guardianship order under this Act which may include a guardian appointed under the Guardians and Wards Act, 1890 (Act VIII of 1890);
- (r) "*harm*" means any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing;
  - (i). It is immaterial how the harm is caused.
  - (ii). Harm can be caused by physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation;
- (s) "*initial assessment*" means a preliminary examination of the child's needs and circumstances and the extent to which services are required to safeguard and promote the child's welfare and best interests under Section 21;
- (t) "*place of safety*" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a child and which, in the opinion of the Child Protection Unit, may be a place of safety for the child;
- (u) "*prescribed*" means prescribed by rules made under this Act;
- (v) "*Special guardian*" means the person who has been approved as a special guardian by the Child Protection Unit who has either become the special



guardian of a child as a result of a court order or who has a child placed with him or her with a view to becoming a special guardian.

(w) "*supervision*" in relation to a child placed under care or supervision of any parent, guardian, extended family member or other suitable person or fit institution under this Act, means the supervision of that child by a Child Protection Officer for the purpose of ensuring that the child is properly looked after and that the conditions imposed by the Unit are complied with.

(x) "*Sexual exploitation*" in relation to a child means—

(i). the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, irrespective of whether that reward is claimed by, payable to or shared with the procurer, the child, the parent or carer of the child, or any other person; or

(ii). trafficking in a child for use in sexual activities, including prostitution or pornography;

(y) "*Trafficking in children*" in relation to a child means—

(i). the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders or from one place to another within Pakistan by any means, including the use of threat, force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control of a child; or due to a position of vulnerability, for the purpose of exploitation; and

(ii). includes the adoption of a child facilitated or secured through illegal means;

(z) "*Unit*" a Child Protection Unit established under Section 12;

(aa) "*Violence*" includes physical, emotional, socio-cultural and gender based violence.

(2) All other words and expressions used but not defined in this Act shall have the same meaning as assigned to them in respective laws.



## CHAPTER I PRELIMINARY

3. **Jurisdiction.**- (1) This Act shall apply to;
- (i). All children within the territorial limits of Balochistan, whether or not citizens of Pakistan; and
  - (ii). Any child at risk who is physically present within the area where this Act applies.
4. **General Principles.**- (1) Every child has the inherent right to life. All bodies, agencies and organisations working with children shall ensure to the maximum possible extent the survival and development of the child and shall safeguard and promote the best interests of the child.
- (2) For the full and harmonious development of his personality, the child should preferably grow up in a family environment.
- (3) All actions taken in relation to a child under this Act, or under any Rules or Regulations made under this Act, whether by the Courts, or the Bureau, or a Child Protection Unit or any other administrative authority, public or private, social welfare institution and NGOs or any other body, shall be subject to the overriding principle that the best interests of the child shall be the primary consideration.
- (4) 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 interest shall include;
- (a) the child's right to be protected from abuse, neglect and harm or threat of harm;
  - (b) the ascertainable wishes and feelings of the child;
  - (c) the welfare, well being and safety of the child;
  - (d) the child's physical and emotional needs and level of development;
  - (e) 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;
  - (f) the quality of the relationship the child has with a parent or other any other person and the effect of maintaining that relationship;
  - (g) the child's religious, cultural and spiritual views;
  - (h) the child's level of education and educational requirements; and



- (i) the effect on the child of a delay in making a decision;
- (5) In applying this Act, or any Rules or Regulations made under this Act, the best interests of the child shall take priority over the rights and duties of the child's parents, legal guardians or other persons legally responsible for him.
- (5) In applying the provisions of this Act, and any Rules or Regulations made under this Act, there shall be no discrimination on the basis of race, colour, creed, gender, language, political or any other opinion, nationality, ethnic affiliation or social origin, financial situation, degree and type of disability, status at birth or acquired status, or the marital or other status of their parents.
- (6) Every child capable of forming his own views shall be entitled to express those views.
- (7) Any Court, administrative authority, agency, body, institution or NGO making a decision relating to a child under this Act, or any Rules or Regulations made under this Act, shall be under a duty to assist the child to make his or her views known and to take those views into account in accordance with the age and maturity of the child.
- (8) All children have the right to be protected from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment and all forms of exploitation.

## CHAPTER II PARENTAL RESPONSIBILITY

5. **Parental Responsibility for Children.**- Subject to the provisions of any other law for the time being in force;

- (1) Where a child's father and mother were married to each other at the time of his birth, each of them shall have equal parental responsibility with regards to the child.
- (2) More than one person may have parental responsibility for the same child at the same time.
- (3) A person who has parental responsibility for a child at a given point in time shall not cease to have that responsibility solely because some other person subsequently acquires parental responsibility for the child;

(4) A Court may restrict the exercise of parental responsibility by a parent when:

- (a) the child is the subject of a child protection plan; or
- (b) the subject of emergency powers exercised by the Child Protection Unit; or
- (c) the child is under special guardianship.

(5) Where more than one person has parental responsibility for a child, each of them may act alone and without the other (or others) in meeting that responsibility, unless the Court has restricted the right of a parent to exercise parental responsibility.

(6) A person who has parental responsibility for a child may not surrender or transfer any part of that responsibility to another but may arrange for some or all of it to be met by one or more persons acting on his behalf.

**6. Meaning of "Parental Responsibility".-** (1) In this Act "parental responsibility" means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.

(2) A person who—

- (a) does not have parental responsibility for a particular child; but
- (b) has care of the child, may (subject to the provisions of this Act) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the best interests of the child.

**7. Appointment of guardians.-** Subject to the provisions of any other law for the time being force;

(1) Where an application with respect to a child is made to the Court by any individual, the Court may by order appoint that individual to be the child's guardian if the child has no parent with parental responsibility for him.

(2) In appropriate cases the Court may, in proceedings relating to the child, appoint an individual as guardian of the child even though no application has been made for it.

(3) A parent who has parental responsibility for his child may appoint another individual to be the child's guardian in the event of his death.

(4) A guardian of a child may appoint another individual to take his place as the child's guardian in the event of his death.



(5) An appointment under subsection (3) or (4) shall not have effect unless it is made in writing, is dated and signed by the person making the appointment.

(6) A person appointed as a child's guardian under this section shall have parental responsibility for the child concerned.

(7) Where, on the death of any person making an appointment under subsection (3) or (4), the child concerned has a parent with parental responsibility for him, the appointment shall take effect only when the child no longer has a parent who has parental responsibility for him, unless that parent consents to the appointment.

### CHAPTER III CHILDREN AT RISK

8. **Children at Risk.**- (1) A child at risk shall include—
- (a) Any child who has suffered harm, is suffering harm, or is at an unacceptable risk of suffering harm as a result of—
    - (i). physical or mental violence, injury or abuse;
    - (ii). serious impairment of health;
    - (iii). neglect or negligent treatment; or
    - (iv). maltreatment or exploitation including sexual abuse, incest or trafficking,while in the care of a parent(s), legal guardian(s) or any other person who has the care of the child;
  - (b) Any child whose parent is dead, incapacitated or absent or whose whereabouts are unknown and no arrangements have been made for the child's continuing and future care;
  - (c) Any child who is at risk of forced marriage;
  - (d) Any child who is an unaccompanied asylum seeker;
  - (e) Any child who is a victim of any armed conflict, civil commotion or natural calamity;
  - (f) Any child whose access to education is severely affected;
  - (g) Any child who is temporarily or permanently deprived of his or her family environment;

- (h) Any child who 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;
- (i) Any child with disabilities whose special needs cannot be met by his or her own family;
- (j) Any child who is living on the street;
- (k) Any child who is found working during the age of compulsory education;
- (l) Any child who is beyond the control of his parents, legal guardian or current carer;
- (m) Any child who is at risk of being in conflict with the law;
- (n) Any child who is involved or who is at risk of being involved engaged in the worst forms of child labour. The worst forms of child labour shall include:
  - (i) the sale and trafficking of children, forced or compulsory labour, including the forced or compulsory use of children in armed conflict;
  - (ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
  - (iii) the use, procuring or offering of a child for illicit activities, in particular for the production or trafficking of drugs; or
  - (iv) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, including begging and soliciting alms, or the use of the child to commit or assist in the commission of a criminal offence; and
- (o) Any child who has a parent, guardian or extended family member who is apparently unfit or unable or failed to provide proper care and exercise control over the child.

#### CHAPTER IV

#### CHILD PROTECTION ADMINISTRATIVE FRAMEWORK

9. **Child Welfare and Protection Bureau.**- (1) The Government shall, by notification in the Official Gazette, establish a Child Welfare and Protection Bureau (hereinafter called the Bureau) for exercising the powers and discharging the duties conferred or imposed in relation to children under this Act.

(2) The Bureau shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire land in



accordance with law and hold properties both movable and immovable and may, by the said name, sue and be sued.

(3) The Bureau shall conduct its business in such a manner as may be prescribed:

(4) Executive authority and the management of the Bureau shall vest with an Advisory Board (hereinafter called the Board) which shall consist of the following:

(a) The Minister for Social Welfare Human Rights Department Balochistan shall be the patron of the Board.

(b) At least six such other members as the Government thinks fit to appoint, of whom not less than three shall be women.

(c) The Secretaries to the Government of Balochistan Home and Tribal Affairs Department and the Social Welfare and Human Rights Department shall be ex-officio members of the Board.

(d) The Board may co-opt non-official members, not exceeding two, preferably from amongst the philanthropists.

(e) The members shall elect from amongst themselves a person as the Chairperson of the Board.

(f) The Director General of the Bureau appointed under Section 10(1) shall be the ex-officio secretary of the Board.

(5) A person shall only be appointed as a Chairperson or member of the Board if he has at least seven years experience of working in the field of child protection and social welfare.

(6) The Board shall meet at such place and time in such a manner as may be prescribed.

(7) All decisions shall be taken with simple majority with two-third members forming the quorum, of whom one shall be ex-officio member.

(8) The Chairperson shall exercise the powers as may be prescribed.

(9) The Board may delegate some or all the functions of the Bureau to a member, a special committee or the Director General.

(10) The term of the Chairperson and members shall be three years. Both the Chair and the members may be re-appointed for one further term of three years. The fact that a person has been a member of the Board shall not prevent that person from being appointed Chairperson of the Board, but any such appointment shall not be renewable after the first term of three years.

10. **Staffing of the Bureau.**— (1) There shall be a Director General who shall also be the chief executive of the Bureau.

(2) A person shall only be appointed as a Director General if he has at least seven years experience of working with children or for children in the field of social welfare, health, education or human rights.

(3) The Government may, for the smooth functioning of the Bureau, appoint as many officers and officials as may be necessary in accordance with the criteria as may be prescribed.

(4) The officers and officials appointed under subsection (3):

(a) may be assigned such duties and powers by the Board, as it deems fit;

(b) shall, unless directed otherwise by the Board, work under the control and supervision of the Director General;

(c) shall be subject to such disciplinary action as may be prescribed.

(4) Officers shall receive training in social work as provided for in minimum standards set by the Government.

(5) In performing such functions as may be entrusted to them by the Board, the best interests of the child shall always be their primary consideration.

(6) Tenure and other terms and conditions of the services of the Director General, officers and officials of the Bureau shall be prescribed by the Government.

(7) The Director General shall prepare an annual progress report of the Bureau at the end of each financial year.

11. **Powers and functions of the Bureau.**— Save as otherwise provided under this Act and subject to any other law for the time being in force the Bureau shall;

(1) Supervise, control, monitor and review the performance and duties of Child Protection Units,

(2) Maintain and update data on children at risk transmitted by Units,

(3) Maintain and update data on child abusers and persons convicted of offences against children,

(4) Establish, develop and co-ordinate referral systems among the organisations working with children,

(5) Co-ordinate with other governmental, semi-governmental, non-governmental organisations, law enforcement agencies and any other relevant bodies, whether operating inside or outside the Province of Balochistan, involved in carrying out the purposes of this Act,



(6) Certify all providers of children's services whether providing residential or day services that fulfil recognised minimum standards which shall be prescribed by the Government for carrying out the purposes of this Act,

(7) Establish and maintain emergency preparedness and disaster management mechanisms, including coordination with Child Protection Units for the provision of family-based care for separated and unaccompanied children focusing on infants, orphans and disabled children, as may be prescribed,

(8) Perform such other functions as may, from time to time, be prescribed.

**12. Child Protection Unit.-** (1) Soon after the commencement of this Act the Government shall by notification in the official gazette, for each district or a group of districts, establish a Child Protection Unit (hereinafter called the Unit) to provide protection services to children and their families for the implementation of this Act. The Unit will be the central agency in each District or group of districts that receives reports of children suspected to be at risk; assesses the risk to and safety of children; provides or arranges for services; takes such action as may be needed to protect children; and ensures that children who have suffered, are suffering or who are at risk of harm are placed with a guardian or a foster parent or an appropriate alternative to family care.

(2) The Unit shall be headed by a Director and consist of such staff as shall be necessary for its smooth functioning.

(3) A person shall only be appointed as a Director if he has at least five years experience of working with children or for children in the field of social welfare, health, education or human rights.

(4) The Government may, for the smooth functioning of the Units, appoint as many Child Protection Officers as may be necessary in accordance with the criteria as may be prescribed. Child Protection Officers shall be case workers for children and shall have received training in social work as provided for in minimum standards set by the Government. In performing such functions as may be entrusted to them by the Unit, the best interests of the child shall be their primary concern.

(5) The Government shall appoint as many supporting staff of the Unit, including legal staff, as may be necessary for its smooth functioning.

(6) Tenure and other terms and conditions of services of the Director and staff of the Unit shall be determined by the Government.

(7) The Unit shall conduct its business in such a manner as may be prescribed.

13. **Powers and Functions of the Unit.**- Save as otherwise provided under this Act, the Unit shall, in order to fulfil its obligation as set out in Section 12(1)-

(1) Safeguard and promote the interests of children at risk within the area of their operation;

(2) Promote the upbringing of children by their families;

(3) Receive reports of children who are at risk as defined under Section 8 of this Act;

(4) Receive and assess complaints against persons allegedly abusing children either directly or through any person or official;

(5) Investigate and assess the situation of children who are at risk;

(6) Take such action under this Act as is necessary to protect children who are at risk;

(7) Develop and deliver a range of appropriate services for children at risk, including community based services, preventive services, rehabilitative and reintegration services, counselling and family support services, services for children temporarily and permanently deprived of their families, and services for children in conflict with the law and children living with their imprisoned mothers;

(8) Deliver a fostering service for children who are in the care of the Unit and living away from the family home;

(9) Maintain the delivery of fostering services and to organise the recruitment, training and monitoring of foster carers;

(10) Maintain the delivery of a special guardianship service and training of special guardians;

(11) Provide an after care service to children who are under special guardianship or who have been under the care of the Unit;

(12) Reduce criminal offending by children by-

(a) making available services and programmes for children at risk of offending;

(b) making available services to advise and assist parents in managing their children's behaviour;

(c) making available services and accommodation for children who would otherwise be placed in pre-trial detention;

(d) make available services to assist children to reintegrate after committing an offence and to reduce the likelihood of offending.



(13) Administer children's homes established by the Government within the area of their operation and coordinate with the management of certified or registered NGOs under this Act or any other law for the time being in force;

(14) Produce an annual Children's Plan;

(15) Comply with all regulations and such minimum quality standards issued by the Government or such other body as the Government may appoint, as may, from time to time, be applicable;

(16) Have the power to reach agreement with a certified or a registered NGO under this Act or any other Act for the time being in force for the provision of children's services referred to in subsection (7). Such NGOs must comply with all applicable minimum quality standards.

(17) Seek assistance of any other department or organisation necessary for the assessment of a child;

(18) Provide after-care and follow up of children who have been deprived of their liberty as the result of a court order;

(19) Maintain and update records of all its activities and transmit the same regularly to the Bureau;

(20) In consultation and under direction from the Bureau, be responsible for the implementation and monitoring of family-based care for separated and unaccompanied children in emergency situations, with a focus on infants, orphans and disabled children; and

(21) Follow such other instructions and directions of the Bureau as may be issued to it from time to time for carrying out the purposes of this Act.

**14. The Children's Advocacy Service.-** (1) The Government shall, by notification in the Official Gazette, establish a Children's Advocacy Service which shall be the central agency in each Bureau area for exercising the powers and discharging the duties conferred or imposed in relation to children under this Act.

(2) Such a service, which shall be funded by the Government and be accountable to the Bureau, shall operate in accordance with the minimum standards set by the Government.

(3) The Child Advocacy Service shall conduct its business in such a manner as may be prescribed.

(4) The Child Advocacy Service shall maintain a list of advocates who possess specialised knowledge of child rights and child protection issues from amongst the practicing lawyers from each district.

(5) The Child Advocacy Services shall run training programme for the advocates listed with it from each district.

(6) The Child Advocacy Service shall, in any case falling under Section 15, appoint a legal representative for the child from the list so maintained while keeping in mind the residence of the child.

(7) Any person appointed to represent a child shall be remunerated from the Child Protection Fund as may be prescribed

(8) The Bureau shall ensure that children are informed of the Child Advocacy Service and that the service shall be accessible to children.

(9) The Child Advocacy Service shall have the authority to enter any residential unit for children to provide guardian services to children.

**15. Duties of the Child Advocacy Service.-** (1) A Children's Advocate shall be appointed whenever:

(a) the child protection plan is for removal of a child at risk from his parents, whether with or without the consent of the parent,

(b) a child has been abandoned and his parents whereabouts are unknown or the parents refuse to take the child; and

(c) Any proceedings relating to a child are taken under this Act,

(2) Where proceedings are taken in relation to a child under this Act, the Children's Advocate shall provide a report to the court setting out the best interests of the child.

(3) The Unit and any teacher, doctor, nurse, social worker, nursery worker or any other professional working with the child shall co-operate with the Children's Advocate.

**16. Budget.** – The Government shall make annual budgetary allocations for establishment and functioning of the Bureau, Units and the Child Advocacy Service.

**17. Child Protection Fund.-** (1) In addition to the annual budgetary allocations under section 16, the Government shall establish a Child Protection Fund (hereinafter called the Fund) for the protection of children.

(2) The Fund shall consist of all moneys received from any source by the Bureau or Units or Child Advocacy Service, as the case may be, for the protection of children from violence, harm, injury, abuse, neglect or negligent treatment, maltreatment and exploitation.



(3) The Fund may be utilized for payment to advocates engaged by the Child Advocacy Service or fines or damages on behalf of a child in accordance with the orders of the court.

(4) Subject to the approval from the Advisory Board, the Director General of the Bureau may allocate funds to the agencies providing services under this Act.

**18. Financial Control.-** (1) The Secretary Government of Balochistan Social Welfare and Human Rights Department shall be the Principle Accounting Officer of the Bureau.

(2) The Fund shall be kept, operated, spent and audited in such manner as may be prescribed.

(3) The Bureau as well as the Units and Child Advocacy Service shall make the annual audit report of the Fund available to general public as soon as such report is prepared.

**19. Powers of the Child Protection Officer.-** (1) A Child Protection Officer shall have the right of entry to any premises at which he has reasonable cause to believe:

(a) that a child who is the subject of a child protection notification, as defined in Section 20 is present; or

(b) that a child at risk within the meaning of Section 8 is present.

(2) any person who refuses entry of a Child Protection Officer to such premises shall commit an offence within the meaning of section 186 of Pakistan Penal Code, 1860 (Act XLV of 1860).

(3) Where a Child Protection Officer is refused entry to such premises, he may seek the assistance of the police to do so.

(4) The police shall assist the Child Protection Officer to enter the premises and may take any other such reasonable action as may be necessary to protect any child from immediate harm, including removal of the child, and to ensure that the Child Protection Officer is able to perform his duties in accordance with subsection (1).

(5) The Child Protection Officer shall also have the power to take such reasonable action as may be necessary to protect any child from immediate harm, including removal of the child.

(6) The Child Protection Officer shall have the right to interview any child who he reasonably believes is a child at risk and any child in respect of whom a child protection notification has been made. The Child Protection Officer shall have the

right to interview the child in the absence of his parents, legal guardian or any other person who has the care of the child.

(7) Where it appears to a Child Protection Officer that any public body, the police or the prosecution service are able to assist the Child Protection Officer in safeguarding or promoting the welfare of a child at risk, the Child Protection Officer may request the assistance of such body or person, specifying the assistance required.

(8) Any public body or person receiving a request under subsection (7) shall comply with the request except where it seriously and adversely affects the discharge of their own functions.

**20. Child Protection Notification.-** (1) Any person may notify the Unit whenever they have reasonable cause to believe that a child is at risk within the meaning of Section 8 which shall be considered a "child protection notification".

(2) Teachers, doctors, social workers, nursery staff and others entrusted with the protection and care of children are under a duty to make a child protection notification to the Unit wherever they reasonably believe that a child is at risk within the meaning of Section 8.

(3) Neither the Unit nor any Child Protection Officer shall disclose the identity of any person who makes a child protection notification, unless that person gives his consent or the Court so orders.

(4) A child protection notification may be made either orally or in writing to a Unit.

(5) Where a child protection notification is made in relation to a child who is not residing in the area of the Unit, or who during the course of investigation and assessment moves to the area of another Unit, the Unit to whom the referral has been made is under a duty to ensure that the child protection notification is made to the Unit in which the child now resides.

(6) Where the child cannot be found, the Unit may make an application for a Seek and Find order under section 31.

**21. Initial Investigation and Assessment.-** (1) When the Unit:

- (a) receives a child protection notification in accordance with Section 20; or
- (b) receives relevant information or a referral from the police; or



(c) is informed by a parent, legal guardian or any other person responsible for the care of a child that they can no longer continue to care for that child; or

(d) has reason to believe that a child living or present within the area for which it is responsible is a child at risk within the meaning of Section 8,

it shall carry out an initial investigation and assessment to determine whether action needs to be taken to safeguard the welfare of the child.

(2) The Unit shall ensure:

(a) that, in the case of subsections (1)(a) to (c), the information provided is acknowledged within 24 hours;

(b) that where there is evidence that the child is at immediate risk, or the initial investigation is as a result of the use of emergency powers under section 33, the initial investigation and assessment is completed by the Unit within 24 hours;

(c) that, in all other cases, the initial investigation and assessment is started by the Unit within 72 hours and completed within 10 days.

(3) No initial investigation and assessment shall be regarded as complete unless a child protection officer has:

(a) seen the child;

(b) according to the age and maturity of the child, has heard the views and wishes of the child; and

(c) produced a written report of the findings in prescribed format.

(4) During the proceedings of an initial investigation and assessment, the Child Protection Officer may request that the child and his parents, legal guardian or any other person responsible for the care of the child, attend at such premises as may be specified by the Child Protection Officer.

(5) Following the completion of the written report of the initial investigation and assessment, the Unit shall consider the report and make a decision on any action to be taken within seven days.

(6) Where the child is found not to be a child at risk, the Unit shall inform the child's parents, legal guardian or other person responsible for the care of the child, and any person who provided information to the Unit in accordance with subsections (1) (a) to (c).

22. **Comprehensive assessment.**- (1) Where an initial investigation and assessment conducted in accordance with section 21 indicates that the child is at risk within the meaning of section 8, the Unit shall:

- (a) inform the child's parents, legal guardian or other person responsible for the care of the child or the findings of the initial investigation and assessment;
- (b) instruct a Child Protection Officer to undertake a comprehensive assessment of the child and his family, legal guardian, or other persons responsible for the care of the child;
- (c) inform any person who provided information to the Unit in accordance with Section 21 of the fact that the initial investigation and assessment has found the child to be at risk.

(2) The comprehensive assessment shall be completed within 28 days of the completion of the initial investigation and assessment.

(3) No comprehensive assessment shall be regarded as complete unless the Child Protection Officer has seen the child and, according to the age and maturity of the child, has heard the views and wishes of the child and produced a written report of the assessment.

(4) On completion of the comprehensive assessment, the Unit shall decide whether the child is in need of protective services.

(5) If the child is not in need of protective services, the Unit shall inform the child's parents, legal guardian or other person responsible for the care of the child, and any person who provided information to the Unit in accordance with section 21.

23. **Child Protection Plan.**- (1) Where the child is in need of protective services, the Unit shall draft a child protection plan. The child protection plan shall recommend action to be taken and services to be provided. It shall specify whether:

- (a) the child's needs could be met by remaining with his parent, legal guardian or current carer with the provision of community based services; or
- (b) the child would be at risk as defined in section 8, if he were to remain with his parents, legal guardian or current carer.

24. **Community Based Services.**- (1) Where the child protection plan concludes that the child's needs can be met through the provision of community based services in accordance with section 23(1), the Unit shall, in accordance with the child protection plan, offer such preventative, rehabilitative and reintegration services,



counselling and family support services as recommended by the child protection plan and as are necessary to meet the needs of the child.

(2) The Unit shall seek to reach agreement with the parent, legal guardian or current carer of the child on the action to be taken and the community based services that will be offered to the child. Such agreement shall be recorded in writing and signed by all of the parties, including the child if he is of sufficient age and maturity. The text shall be read out before all of the parties, including the child, depending upon on his age and maturity.

(3) Where a parent or carer refuses to accept the provision of community based services, the Unit shall decide whether an application for performance of the child protection plan, or any other appropriate application, shall be made to the court in accordance with the provisions of section 28.

(4) Upon such application, the Court may make such order as it deems necessary to ensure that the child receives access to appropriate community based services recommended by the Unit, or such other appropriate measures or services, having regard to the child protection plan and the best interests of the child.

**25. Supervision Order.** – Subject to the provisions of any other law for the time being in force;

(1) Where the child protection plan indicates that the child's parent, legal guardian or current carer is in need of assistance to safeguard the child's welfare, the Unit may apply to the court for the issuance of a supervision order, in accordance with the provisions of section 28;

(2) A supervision order shall only be made by the court with the consent of the parent, legal guardian or current carer of the child and, where the child is over the age of 10 years, with the consent of the child.

(3) A supervision order:

(a) shall be delivered as a community based service;

(b) require that the Unit appoint a Child Protection Officer to advise, assist and befriend the child;

(c) may require the child to comply with directions given by the Child Protection Officer, including directions to:

(i). take part in specified activities at specified time;

(ii). attend at a specified service;

(iii). attend at a particular educational institution; or

(iv). attend at a particular health or psychological service;

(d) shall specify the length of time for which the Order shall apply.

(4) The directions contained in a supervision order shall not require the child to live away from home. In making directions, the best interests of the child shall be the primary consideration.

(5) The Child Protection Officer appointed in accordance with subsection 3(b) shall take such reasonable steps as are necessary to give effect to the order and shall decide whether, and to what extent, he exercises his power to give directions and to decide the form of directions to be given, having regard to the recommendations of the child protection plan.

(6) For the avoidance of doubt, parental rights shall continue to be exercised by the parents during any period for which a supervision order is in force.

**26. Removal and Placement of the Child.-** (1) Where the child protection plan specifies, in accordance with section 23(1)(b) that the child would be at risk if he were to remain with his parents, legal guardian or current carer, or the parents are deceased, unknown or without capacity and no arrangements have been made for the care of the child, or the parents refuse to care for the child for a period of four months, the Unit shall, in formulating its child protection plan, have regard to the following principles:

- (a) where a child cannot remain living with his parents, priority should be given to placement with the extended family;
- (b) A placement should be family based rather than institutional;
- (c) Siblings shall not be separated except in exceptional circumstances and where it is in the best interests of the child;
- (d) Due regard shall be paid to the desirability of continuity in a child's upbringing, and to the child's ethnic, religious, cultural and linguistic background;
- (e) Children shall be given clear explanations and information about decisions relating to their upbringing depending on their age and maturity;
- (f) that children need a permanent family home or fit person; and
- (g) That delay in reaching a decision on the child's future should be avoided as it is likely to prejudice the welfare of the child.

(2) Where the child protection plan is for removal of the child from his parents, the Unit shall immediately refer the case to the Child Advocacy Service for a Children's Advocate to be appointed.



27. **Removal with parental consent.**- (1) Where the child protection plan is for removal of the child from his parent, Child Protection Unit shall:

(a) seek to obtain the consent of the parents, legal guardian or current carer to the removal of the child;

(b) Seek the consent of the Children's Advocate.

(2) Where such consent is not given, the Unit shall make an application to the court for a Placement Order

(3) Where consent is given in accordance with subsection (1) (a) and (b) above, the Unit shall take into account the views of the parents, legal guardian or current carer of the child while deciding where to place the child.

(4) The Unit shall decide upon the placement of the child strictly in accordance with the following order of priority:

(a) in the extended family;

(b) with a guardian, foster parent or Special Guardianship; or

(c) as a matter of last resort, in an officially certified or recognised institution providing care for children.

(5) Before removing the child, the Unit shall seek the consent of the Children's Advocate.

(6) Before placing a child with a member of the extended family, a foster parent, a guardian or a Special Guardian, the Unit shall undertake an assessment of the person or persons in accordance with the prescribed criteria determine their ability to meet the needs of the child.

(7) In deciding upon the placement of the child, the Unit shall take into account the best interests of the child, the principles in subsection (1), and the views of the child, in accordance with his age and maturity.

28. **Placement without Parental Consent.**- (1) Where a parent, legal guardian or current carer refuses to accept the removal of the child in accordance with the care plan, the Unit shall decide whether to make an application to the court for a Placement Order, in accordance with the provisions of section 50:

(a) that the child shall be placed with a named individual or at a officially recognised institution for children;

(b) that the Unit share parental responsibility with the parents of the child;  
and

(c) that the Unit shall be permitted to limit the parents' exercise of parental responsibility to the extent that it is necessary to protect the child.

(2) No application shall be made to place the child away from the birth family in accordance with this section unless the Unit is satisfied that:

(a) such a placement is necessary to protect the child from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including serious impairment of health or sexual abuse; or

(b) the parents are deceased, incapacitated or cannot be found and the comprehensive assessment and child protection plan indicate that such a placement will meet the best interests and needs of the child.

(3) No child shall be placed with a family member, guardian, or Special Guardian without an assessment of that person first being carried out by the Child Protection Officer and it being determined that such a placement is in the best interests of the child:

(4) In any case where the Unit makes a decision to apply to the court for an order to remove the child from the parents, it shall make a referral to the Children's Advocacy Service for the appointment of a Children's Advocate.

**29. Procedure for applying to the court.** - Subject to the provisions of any other law for the time being in force;

(1) Any application to the court for a Placement Order or Supervision Order shall be made in the name of the Child Protection Unit.

(2) Upon filing any application to the court, the Unit shall also notify the parents, legal guardian and any current carer of the child of the fact of the application and the requested order.

(3) If a Children's Advocate has not already been appointed for the child, the Unit shall, on making an application, refer the case to the Children's Advocacy Service for such an appointment to be made.

(4) Before making any order the court shall:

(a) allow the parents, legal guardian or current carer of the child to make representations to the court;

(b) consider the reports of, and hear evidence from, the Child Protection Officer and any other relevant witnesses;

(c) consider the Child Protection Plan which must be filed as part of the application for a placement order;



- (d) consider the report of and hear evidence from the Children's Advocate.
- (e) where the child is of sufficient age and maturity and, at the child's request, allow the child to make representations.
- (f) a family member or any other person who has an interest in the welfare of the child may apply to the court to be heard. In so doing, the applicant shall specify their relationship to, or interest in, the child. The court shall grant such an application unless it is not in the best interests of the child.

(5) If the court decides:

- (a) to make a Placement Order, or
- (b) to permit the Unit to remove the child from his parents with their consent, contrary to the recommendation of the Children's Advocate, the court shall give reasons for its decision.

(6) A Placement Order shall only be made where the court is satisfied that the child has suffered, is suffering or is likely to suffer harm in accordance with the definition contained in section 8 and that the best interests of the child require that he be removed from his parents:

Provided that the poor material conditions shall not, of themselves, be a sufficient reason for placing the child away or removing the child from the family.

(7) In any proceedings on an application to the court under this Act, the court may make an interim order with respect to the child concerned. An interim order made under this section shall have effect for such period until the application is disposed of.

(8) Where the court makes an interim order it may give such directions (if any) as to the community based services or placement that the child shall receive pending the final disposal of the application.

(9) Where an order has been made, including an interim order, any party to the order may appeal within 7 days to the District Judge.

(10) Where an order is in force, any party to the order may apply to the court for review, discharge or variation of the order at any time.

(11) Where an application is made by a parent for review of a Placement Order:

- (a) the parents shall first seek the permission of the court to make such an application;

- (b) Permission shall only be given if in the view of the court there has been a change in family circumstances and there is a reasonable chance of success;
- (c) No such order shall be made within the first six months of the order having been made;
- (d) Following a first or subsequent application, no application shall be made for a period of 12 months;
- (e) the carer of the child shall only be notified once permission has been given for the making of an application, unless there are exceptional circumstances where the court is of the view that it would be helpful to hear evidence from the carer, or the carer has filed a notice at court that they wish to be informed of any application made relating to the child.

**30. Seek and Find Order.** (1) Where a child is the subject of a child protection notification under section 20, and the child cannot be found, the Unit may make an application to a court for disclosure of the whereabouts of the child.

(2) The court may order any person:

- (a) who he has reason to believe may have relevant information to disclose it to the court;
- (b) to produce the child to the court within a specified time.

**31. Review of Protective Services and Placements.-** (1) Where any community based services are provided under section 24, or the child is removed from his parents, legal guardian or current carer under sections 27 or 28, the Child Protection Officer shall undertake a review of the services or placement in accordance with this section and any accompanying regulations.

(2) The Child Protection Officer shall carry out a review three months after the commencement of any service or placement and at six monthly intervals thereafter. Such review shall:

- (a) Consider whether the service or placement continues to meet the child's needs and is in the child's best interests; and
- (b) Take into account the opinions of:
  - (i) the child (depending upon the age and maturity of the child);
  - (ii) the parent, legal guardian or the child's most recent carer;
  - (iii) any other relevant person.



(3) Within 14 days of the review, the Child Protection Officer shall file a report with the Unit, together with any amendments to the child protection plan, stating:

- (a) where the child remains placed out of the family:
  - (i) the reasons for the continued placement; and
  - (ii) whether reintegration with the birth family or extended family has been considered;
- (b) whether the services or placement continues to meet the child's needs and is in the child's best interests; and
- (c) whether the services or placement have been changed and the reasons for the change in services or placement;

(4) Where the report of the Child Protection Officer indicates that the service or placement is not in the child's best interests, the Unit shall amend the child protection plan (stating what action shall be taken; where the child will be placed; and within what timeframe) within 14 days to ensure that the services or placement offered best meet the needs of the child.

**32. Emergency Powers.**- (1) Where a police officer, the Unit, or a Child Protection Officer has reasonable cause to believe that a child is at immediate risk of harm within the meaning of section 8, he may:

- (a) remove the child; or
- (b) prevent a person, including a parent, from removing the child.

(2) Where such removal takes place, the police officer or child protection officer shall:

- (a) immediately inform the parents of the child, the legal guardian or the child's current carer of the reasons for the removal of the child and the further steps that will be taken;
- (b) inform the child, where he appears capable of understanding, of where he is being taken and the possible action that may be taken to ensure his protection; and
- (c) where a police officer or Child Protection Officer removes a child from his parents, the Unit of the relevant District shall be notified immediately;

(3) Where a police officer is responsible for the removal of the child, he shall ensure that under no circumstances shall a child remain at a police station for more than 4 hours prior to his accommodation by the Unit in accordance with sub-section (4)(a).

(4) On being informed that a child has been removed from his family or carer for protective reasons in accordance with subsection (1), the Unit shall:

- (a) share parental responsibility for the child and ensure that the child is immediately accommodated either with extended family, foster parents or, as a matter of last resort, in a children's home;
- (b) appoint a Child Protection Officer to undertake an initial investigation and assessment of the child in accordance with section 21. The initial investigation and assessment shall be completed within 24 hours in accordance with section 21(2)(b);
- (c) inform the parents, legal guardian or carer of the child of the initial investigation and assessment and, where possible, of further action that may be taken;
- (d) take appropriate action to protect the child during the initial investigation and assessment;
- (e) Undertake any necessary medical examination.

(5) Once it has exercised its emergency powers, the Unit shall not return a child to his home prior to completion of the initial investigation and assessment.

(6) Under no circumstances shall a child be removed from his family for longer than a period of 72 hours without an order from the court for extension of emergency powers in accordance with subsection (7)(b)

(7) Following completion of the initial investigation and assessment in accordance with section 21, and in any event before 72 hours after the child's removal, the Unit shall decide whether:

- (a) it is safe to return the child to his family; or
- (b) to apply to the court in accordance with section 29 for an extension of their emergency powers;

(8) Where the Unit decides to return the child to his family under sub-section (7) (a), the child shall be returned to his family as soon as possible. The Unit may choose to take no further immediate action or, where the initial investigation and assessment indicates that the child is at risk to commence a comprehensive assessment under section 22.

(9) Where the Unit decides to apply to the court for an extension of the emergency powers under sub-section (7) (b), it shall commence a comprehensive assessment under section 22 immediately.



33. **Extension of Emergency Placement.**- (1) Upon application of the Unit for extension of the emergency powers exercised under section 27, the court may make an order that the emergency powers shall last until the comprehensive assessment has been completed.

(2) If, as a result of the comprehensive assessment, the child protection plan specifies that the child would be at risk if he were to remain with his parents, legal guardian or current carer, and the parents, legal guardian or current carer do not agree to the removal of the child, the court may, upon application by the Unit, further extend the emergency powers until any final court hearing to determine the services or placement that best meet the needs of the child.

(3) The extension of emergency powers under this section shall permit the Unit to continue to share parental responsibility and to determine where the child shall live in accordance with the provisions of section 27 (4) (a). Where such an order is granted, the court shall consider what contact, if any, shall take place between the child and his parent, legal guardian, current carer or family.

34. **Special Guardian.**- (1) Where a Placement Order is made by the Court, the Unit shall determine whether placement with a Special Guardian would be in the child's best interests.

(2) Special Guardianship is a measure to provide a child who is without parental care, or is whose parents are unlikely to be able to care for him in a time frame that meets the child's needs, with special protection.

(3) Special Guardianship may be considered as an appropriate means of care for a child if:

- (a) It has not been possible to reintegrate the child with his or her family; and
- (b) It has not been possible to place a child within his or her extended family; or
- (c) It is not in the child's best interests to remain within his or her family or extended family; and
- (d) the child needs a permanent family placement; and
- (e) Special Guardianship is in the best interests of the child.

(4) Where an order is made for Special Guardianship, the Special Guardians shall have parental responsibility for the child, and the Court shall restrict the exercise of parental responsibility by the birth parents.

**35. Eligibility of Special Guardians.-** (1) A Special Guardianship Order may be made on the application of one person or a married couple.

(2) A person applying to be a Special Guardian shall have attained the age of 18, except where a sibling is applying to be Special Guardian.

(3) If the person applying to be a Special Guardian is married, the consent of the spouse must be obtained except where that spouse:

(a) cannot be found, or

(b) is incapable of giving agreement.

(4) Any person applying to be a Special Guardian must be resident of Pakistan, unless the applicant is part of the child's extended family.

**36. Approval of Special Guardians.-** (1) A person wishing to be considered as a Special Guardian shall fulfil the criteria set down in the prescribed Rules for Determining the Suitability of Special Guardians issued by the Government. Only a person who fulfils the criteria shall be eligible to become a Special Guardian.

(2) The Unit in the area in which a prospective Special Guardian resides shall determine whether applicants comply with the prescribed Rules for Determining the Suitability of Special Guardians.

(3) If after assessment, the person or married couple are found by the Unit to be suitable to become Special Guardians, the Unit shall issue a certificate of approval.

(4) Such approval shall last for a period of two years. The approval may be extended annually, provided the prospective Special Guardian continues to meet the criteria set out in the prescribed Rules.

**37. Placement of the Child with a Special Guardian.-** (1) Where the child:

(a) is the subject of an application for a Placement Order,

(b) has been removed from the parent, or in the case of a married couple, the parents, with their consent;

the Unit shall determine whether the child is in need of a long term placement and whether Special Guardianship would be in the child's best interests.

(2) Where subsection (1) (b) applies, and the Unit has determined that Special Guardianship is in the child's best interests, it shall seek the consent of the parent, or in the case of a married couple, the parents. Where such consent is not forthcoming, the Unit shall seek a placement order with a child protection plan of Special Guardianship.



(3) Where an application has been made for a placement order for a child falling under subsection (1) (a), the child protection plan shall specify that it is intended to place the child under Special Guardianship.

(4) Where parental consent or a placement order with a child protection plan of special guardianship has been obtained, the child shall be matched with a suitable Special Guardian, although such a placement may be made at an earlier time on an interim basis.

(5) The task of matching shall be undertaken by a Child Protection Officer in the Unit who has the required experience and expertise.

(6) In reaching a decision on matching, the Child Protection Officer shall

(a) take into account the characteristics and needs of the child and

(b) take into account any wishes and views expressed by the child.

(7) Once a child is placed with a Special Guardian under a Placement Order, the child may not be removed by a parent or any other person, other than the Unit in the exercise of its powers under section 26, or an order of the court.

(8) Where a child is placed with a Special Guardian, the Special Guardian shall have parental responsibility for the child until the child reaches the age of 18 years.

**38. Making an Application for a Special Guardianship Order.-** (1) The following may make an application for a Special Guardianship Order:

(a) the person or, in the case of a married couple, persons, who have been certified as suitable and with whom the child was placed following the making of a Placement Order;

(b) any foster parent who has cared for the child for a period of one year.

(2) Where an application has been made by a person specified in sub-section (1), the child shall not be removed by a parent or the Unit without an order of the Court.

(3) The application shall be made to the court in the area in which the applicant ordinarily resides.

(4) The application shall be heard by a court.

**39. Progress Reports.-** (1) A Special Guardianship Order shall not be made:

(a) unless the court is satisfied that a Child Protection Officer has had sufficient opportunities to see the child with the applicant or, in the

case of a married couple, both of them together, in the home, and has provided a written report on the child's progress to the court;

(b) the Children's Advocate has visited the home and according to the child's age and maturity, is assured that the child consents to the placement, and that the placement is in the child's best interests.

(2) A Child Protection Officer in whose area the prospective Special Guardians ordinarily reside shall visit the prospective Special Guardians one week after the child has been placed and then every month for 5 months. At the end of this period the Child Protection Officer shall provide a report on the progress of the child.

(3) The Child Advocate shall visit the child no later than 5 months after the child has been placed with the Special Guardian and provide a report to the court no later than 6 months after placement.

**40. A Special Guardianship Order.**- (1) A Special Guardianship Order shall not be made unless:

(a) the child has had his home with the prospective Special Guardian, or in the case of a married couple, with both of them, for six months prior to the order being made; and

(b) the child, if of sufficient age and maturity has given full and unconditional consent to the Special Guardianship.

(2) In making a Special Guardianship Order, the court shall determine what, if any, contact the child should have with the birth family and include any provision for contact within the Order.

**41. Parties to the proceedings.** - (1) The prospective Special Guardians or, in the case of a married couple, the prospective Special Guardians shall, as applicants be a party to the proceedings.

(2) The Unit holding the Placement Order for the child shall be a party to the application.

(3) The Children's Advocacy Service shall be a party to the application.

**42. Notifying relevant persons.**- (1) Where a Placement Order has been made, there is no duty on the court or the Unit to notify the birth parents of the child of the application for a Special Guardianship Order.



43. **Appeals.**- (1) Any person aggrieved by an order of the Unit under this Act, including a parent, guardian or extended family member of the child, may appeal to the District Judge.

(2) No appeal shall lie from an order made by a Unit in respect of finding that a child is not at risk.

44. **Revision.**- (1) The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any Unit or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit, provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

45. **Reports to be treated as confidential.**- (1) Any report of the Child Protection Unit or Child Protection Officer shall be treated as confidential but the substance of that report shall be open to the child, his or her parent, guardian or extended family member and other parties concerned.

46. **Prohibition of publication of names, etc., of children involved in any proceeding under the Act.**- (1) No report in any newspaper, magazine or news sheet of any assessment regarding a child under this Act shall disclose the name, address or school or any other particulars which to lead to the identification of the child, nor shall any picture of any child be published:

provided that for reasons to be recorded in writing, the authority holding the assessment may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to ten thousand rupees.

## CHAPTER V CHILDREN'S HOMES

**47. Children's homes.-** (1) Government may establish and maintain as many children's homes as may be necessary for the reception of children at risk under this Act.

(2) All children's homes shall be certified by the Bureau in whose area they operate.

(3) In order to be certified, children's homes shall fulfil recognised minimum standards as may be prescribed by the Government.

(4) Every children's home to which a child is accommodated under this Act shall not only provide the child with accommodation, treatment, maintenance and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

(5) No child accommodated at a children's home shall be deprived of his liberty

(6) A children's home shall not use any form of corporal punishment on a child, and any discipline shall be in accordance with the child's dignity and worth.

(7) A children's home shall support contact with the family where this is in the best interests of the child.

(8) Government may, by rules made under this Act, provide for the management and standards of children's homes established by it, and may also prescribe the manner in which privately managed institutions may be certified and ensure that they are regularly inspected for compliance with those standards.

**48. Transfer of Children from Children's Homes.-** (1) Government may direct any child at risk kept in any children's home within its territory to be transferred to any other children's home of a like nature in any other part of Pakistan with the consent of that Provincial Government (s) or the Federal Government or both.

(2) Government, by general or special order, may provide for the reception in a children's home within its territory, of a child at risk kept in a children's home of a like nature in any other Province where the Government of that Province makes an order for such transfer, and upon such transfer the provisions of this Act shall apply to such child as if he had been originally ordered to be sent to such children's home.



49. **Transfer of children suffering from mental health illness or suffering from any contagious disease.** - (1) Where it appears to the Bureau that any child kept in a children's home in pursuance of this Act is suffering from any contagious disease or mental illness, the Bureau may order his removal to a hospital or other place of safety for being kept there for such period as may be certified by a medical officer to be necessary for the proper treatment of the said child.

(2) Where it appears to the Bureau that the child is cured of such disease or of mental health illness, it may, if the child is still at risk, order the person having charge of the said child to accommodate him at the children's home from which he was removed or, order him to be discharged.

50. **Provision in respect of children at risk who abscond from their placement.-**

(1) If any child at risk absconds from a children's home or care of suitable person the management of children's home or suitable person concerned shall immediately report the matter to local police and the Unit.

(2) A Child Protection Officer or police officer may take charge without warrant of a child who has absconded from a children's home or from the care of a person under whom he was placed under this Act.

(3) No child shall ~~be~~ returned to the placement or to a children's home without:

- (a) An investigation by the Child Protection Officer to determine why the child absconded.
- (b) The Child Protection Officer seeing the child on his own in the absence of any carer or staff from the children's home;
- (c) The Child Protection Officer being satisfied that it is in the child's best interests to be returned to the placement or children's home;
- (d) The child being informed of his right to make a complaint and information on how to make that complaint.

CHAPTER VI  
MISCELLANEOUS

51. **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.

52. **Officers appointed under the Act to be public servants.**- Child Protection Officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

53. **Offences under this Act.**- All offences under this Act shall be cognizable and non-bailable.

54. **Delegation of powers.** - Government may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer authorized by Government.

55. **Power to make rules.**- Government may, by notification in the Official Gazette, make rules and regulations to carry out the purposes of this Act.



## STATEMENT OF OBJECTS AND REASONS.

The Balochsitan Child Welfare & Protection Bill 2014 prepared in compliance of the Constitutional provisions and international commitments, envisages the protection of children from violence, abuse, exploitation, neglect and discrimination etc.

The Protection of Children, their social security and general welfare are the responsibilities of the state. Section 35 of the Constitution of Islamic Republic of Pakistan 1973, states "The state shall protect the marriage, the family, the mother and the child". The Government of Pakistan has also made international commitments by signing and ratifying different convention and treaties. Pursuance to the 18<sup>th</sup> Constitutional amendment, the subject of Child Welfare and Protection has also been devolved to the Provinces, resultantly, the Provincial Governments are supposed to legislate on these devolved subjects.

It is expedient to provide for the protection of children from all forms of physical or mental violence, harm, 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 or where the child has no person providing care.

The Provincial Cabinet has also approved the said Bill in its meeting which was held on 20-05-2014.

Hence this Bill is being presented for approval of the Balochsitan Provincial Assembly.

(SARDAR SARFRAZ CHAKKAR DOMKI)  
MINISTER FOR SOCIAL WELFARE  
DEPARTMENT.

Dated Quetta the \_\_\_\_ / Sept., 2014.

Secretary,  
Balochistan Provincial Assembly.