

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS
ON, "THE ISLAMABAD CAPITAL TERRITORY CHILD PROTECTION BILL, 2017"

I, Chairman of the Standing Committee on Human Rights, have the honor to present this Report on the Bill to provide for the protection and care of children in the Islamabad Capital Territory [The Islamabad Capital Territory Child Protection Bill, 2017] referred to the Committee on 15th May, 2017.

2. The Committee comprises of the following:-

1. Mr. Babar Nawaz Khan	Chairman
2. Sahibzada Muhammad Yaqub	Member
3. Sayed Essa Nori	Member
4. Begum Tahira Bukhari	Member
5. Ms. Farhana Qamar	Member
6. Ms. Phyllis Azeem	Member
7. Ms. Surriya Asghar	Member
8. Ms. Kiran Haider	Member
9. Ms. Asiya Naz Tanoli	Member
10. Ms. Zahra Wadood Fatemi	Member
11. Ms. Amra Khan	Member
12. Dr. Fehmida Mirza	Member
13. Dr. Shazia Sobia	Member
14. Ms. Musarat Rafique Mahesar	Member
15. Ms. Munaza Hassan	Member
16. Kanwar Naveed Jameel	Member
17. Ms. Kishwer Zehra	Member
18. Ms. Aliya Kamran Murtaza	Member
19. Mrs. Naseema Hafeez Panezai	Member
20. Mr. Sajid Nawaz Khan	Member
21. Minister for Human Rights	Ex. officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A in its meeting, held on 4th July, 2017 and made the following amendments:-

Clause 5

In clause 5, in paragraph (b), after the word and comma, "offence," the expression, "child, domestic and such other workers," shall be inserted.

4. The Committee recommends that the Bill as reported by the Committee placed at Annex-B may be passed by the National Assembly.

Sd/-
(JAWAD RAFIQUE MALIK)
Secretary
Islamabad, the 8th November, 2017

Sd/-
(BABAR NAWAZ KHAN)
Chairman
Standing Committee on Human Rights

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

to provide for the protection and care of children in the Islamabad Capital Territory

WHEREAS it is expedient to provide for protection and care of children in Islamabad Capital Territory from all forms of physical or mental violence, injury, neglect, maltreatment, exploitation, abuse and matters ancillary thereto;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**- (1) This Act may be called the Islamabad Capital Territory Child Protection Act, 2017.
 - (2) It extends to the whole of Islamabad Capital Territory.
 - (3) It shall come into force at once.
2. **Definitions.**- (1) In this Act, unless the context otherwise requires,-
 - (a) "alternative care" includes family care, placement in an institution established or regulated by the government or any other arrangement in the best interests of a child, as directed by the Court;
 - (b) "Board" means Child Protection Advisory Board established under section 6;
 - (c) "caregiver" includes government institutions and other organizations including non-governmental organizations, providing necessary age and gender-appropriate services for admission, care, protection and rehabilitation of children in need of care, recognized under this Act or the rules made thereunder;
 - (d) "child" means a person who has not attained the age of eighteen years;
 - (e) "child abuse" means physical or mental violence, injury, exploitation, neglect or negligent treatment, maltreatment or sexual abuse;
 - (f) "child exploitation" includes all types of exploitation prejudicial to the protection and care of a child including exploitation in terrorist activities, medical or scientific experimentation, sports or performing arts etc.;

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- (g) "Child Protection Institution" means the Child Protection Institution established under subsection (1) of section 10;
 - (h) "Child Protection Officer" means a Child Protection Officer appointed under subsection (2) of section 10;
 - (i) "child care plan" means a plan containing details of the services to be provided to the child, based on a comprehensive assessment of the child and his family under section 14;
 - (j) "comprehensive assessment" means an analysis undertaken by a Child Protection Officer under section 13, to determine as to whether a child requires care in accordance with the provisions of this Act;
 - (k) "Court" means the Family Court established under the Family Courts Act, 1964 (XXXV of 1964);
 - (l) "Government" means the Federal Government;
 - (m) "guardian" means a person, other than a biological parent, who has parental responsibility for a child, which may include a guardian appointed under the Guardians and Wards Act, 1890 (VIII of 1890);
 - (n) "initial assessment" means a preliminary analysis, under section 12, of whether a child requires protection;
 - (o) "maltreatment" means cruel treatment meted out to a child resulting from ignorance or willful neglect;
 - (p) "mental violence" means subjecting or exposing a child to scaring, terrorizing and threatening behavior that may result in psychological trauma, including anxiety, chronic depression, or any other treatment which may diminish the sense of identity, dignity and self-respect;
 - (q) "neglect" means failure on the part of natural or legal guardian or institution responsible for care of the child, to provide the child with physical, psychological and educational needs;

- (r) "physical violence" includes corporal punishment and all other forms of torture, cruel, inhuman or degrading treatment or punishment;
- (s) "prescribed" means prescribed by rules made under this Act;
- (t) "sexual abuse and exploitation" includes the inducement or coercion of a child to engage in any unlawful sexual activity including use of children in audio or visual images for child pornography, child prostitution, trafficking within and between countries for sexual exploitation, sale of children for sexual purposes;
- (u) "supervision order" means the lawful supervision of a child by a Child Protection Officer for the purpose of ensuring that the child is protected in accordance with the provisions of this Act;
- (v) "unattended child" means a child with unknown parentage, orphan, abandoned, neglected and destitute, homeless, or not in the legal custody of anyone.

(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.

3. Factors for determining the best interests of a child.- The factors to be taken into account while determining the best interests of a child shall include,-

- (a) child protection and care, well-being and safety of a child;
- (b) physical and emotional needs of a child;
- (c) religious and cultural views of a child;
- (d) level of education and educational requirements of a child;
- (e) considering family as a preferred environment for the care and upbringing of a child; and
- (f) effect on a child, of delay in making a decision.

4. Restriction on parental custody.- The Court may restrict the exercise of parental custody and control of a child when,-

- (a) a child is at risk of significant harm and is in need of care;

- (b) a child is subject of a child care plan; or
- (c) a child is subject of emergency powers exercised by a Child Protection Officer under this Act.

5. Child in need of care.- A child in need of protection and care shall include a child who-

- (a) has been subjected to or is under serious threat of being subjected to child abuse or child exploitation while in the care of parents, legal guardian or any other person who has custody of the child in any manner; or
- (b) is unattended, victim of an offence, found begging, imprisoned with the mother or lives in an immoral environment.

6. Establishment of Child Protection Advisory Board.- As soon as may be after the commencement of this Act, but not later than three months, the Government shall establish an Advisory Board to be known as Islamabad Capital Territory Child Protection Advisory Board.

7. Composition of the Board.-

- (1) The Board shall consist of following:-

(i)	Minister for Human Rights	Patron
(ii)	Secretary, Ministry of Human Rights	Chairperson
(iii)	Secretary, Capital Administration and Development Division or his nominee not below the rank of BPS 20	<i>ex officio</i> Member
(iv)	Secretary, Ministry of Law and Justice or his nominee not below the rank of BPS 20	<i>ex officio</i> Member
(v)	Secretary, Ministry of Interior or his nominee not below the rank of BPS 20	<i>ex officio</i> Member
(vi)	Inspector General of Police, Islamabad or his nominee not below the rank of SSP	<i>ex officio</i> Member

(vii)	A representative from National Commission on Status of Women	<i>ex officio</i> Member
(viii)	A representative from National Commission on Human Rights	<i>ex officio</i> Member
(ix)	Mayor, Metropolitan Corporation, ICT	<i>ex officio</i> Member
(x)	One Member of National Assembly, elected from the Islamabad Capital Territory, to be nominated by the Prime Minister	Member
(xi)	A total of four persons from the following categories: (i) one person from a non-governmental organization; (ii) one expert of sociology, psychology or related social sciences; (iii) one member of Islamabad High Court Bar Association; and (iv) one person representing minorities.	Members
(xii)	Director General	Secretary/Member

- (2) The members mentioned under clause (xi) of subsection (1) shall be appointed by the Government from among persons having experience in the affairs of children and at least two of them shall be women. Each member shall be appointed for a three-year term, extendable once for another similar term.
- (3) The allowances payable and terms and conditions as applicable to members other than *ex officio* members, shall be such as may be prescribed;