



FEDERAL OMBUDSMAN

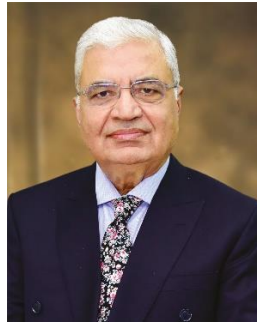
PROMOTION OF PROTECTION OF CHILD RIGHTS



Grievance Commissioner for Children,
Wafaqi Mohtasib Secretariat
Islamabad

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Federal Ombudsman

FOREWORD

This Booklet on “Wafaqi Mohtasib Secretariat and Child Rights” aims at providing comprehensive information about the parameters on which issues of children are addressed by WMS, testifying the priority accorded to safeguarding child rights. It high lights strategic responses to the critical challenges relating children in the country, such as the issue of street children, cybercrimes against children, Prison Reforms in the context of women and children, instituting mechanism for dealing with such tragedies as the Kasur incident and child labour. More importantly, primacy is accorded by WMS to providing relief to the complainant including those pertaining to rescue and mistreatment of children.

Pakistan has peculiar demographics and regional geopolitical situation which impacts its internal socio-economic dynamics.53 percent of the population comprises children below 18 years of age which is a huge

number. Bulk of this population lives in rural areas where access to basic amenities is limited. These are frequently disrupted by natural disasters, extreme weather conditions (droughts and floods) and the current climate crisis. Even in the urban areas, children belonging to vulnerable communities are exposed to different forms of risks. With weak family protection and abject poverty conditions, children are mostly subjected to exploitation and neglect. WMS has worked as catalyst for change and has provided an important platform for conversations on child rights issues.

In order to fulfill its Constitutional and UNCRC obligations, Pakistan needs a comprehensive approach. Through its various initiatives, WMS has tried to fill certain gaps and rendered services in various capacities, for the implementation of Constitutional provisions and UNCRC. Its pro-active approach has led to interventions on legal reforms. In addition, empowered institutions to monitor and protect child rights are fully functional. The Children's Complaints Cells/Grievance Commissioner is functioning at WMS, Islamabad and its Regional Offices, in Lahore, Karachi, Quetta and Peshawar.

WMS system works on children issues within the ambit of; a) redressal of complaints against acts of omission and commission by any federal agency, through an effective response system; b) providing platform for addressing child issues through research, advocacy and by engaging stakeholders on children's rights; and c) enabling the Wafaqi Mohtasib to advise the government on systemic issues that impact rights of children and help compliance of relevant Constitutional provisions on Child Rights and UNCRC. In the realization of these objectives, I acknowledge with appreciation, the valuable support extended by UNICEF as our major partner.

The Office of the Wafaqi Mohtasib remains committed to dispensation of quick administrative justice within its mandate - and bringing systemic reforms - by supporting vulnerable groups, in particular children, through initiatives that help in mitigating their exclusion and marginalization.

Introduction

Children, below the age of 18 years constitute 58 % of Pakistan's 220 million population. As custodians of the next generation, their role in the progress of the nation is pivotal. The Constitution of Pakistan safeguards the fundamental rights of children, which are further supported by relevant Acts and legal framework. Commitments for the protection of child rights are also strengthened by international obligations as derived, from the United Nations Convention on Child Rights (UNCRC). Achieving Sustainable Development Goals (SDGs) especially targets relating children are equally important. Synchronizing development goals with building resilience among communities especially children could be more beneficial in the years to come.

In view of the above, promotion and protection of child rights has been accorded priority by the Wafaqi Mohtasib Secretariat (WMS). In addition to addressing complaints related to children, focus has been on strategizing responses and proposing remedial actions on critical issues impairing child rights. Public outreach, advocacy campaigns and workshops have helped in creating awareness on child rights issues. Moreover, various surveys and studies conducted have also served as inputs for the policy and decision makers and other stakeholders.

The Booklet titled "Wafaqi Mohtasib Secretariat and Child Rights" attempts to briefly provide necessary information on the evolution of Wafaqi Mohtasib system-wide measures, studies conducted and main provisions of the Constitution of Pakistan and UNCRC.

Details of complaints handled by the Grievance Commissioner WMS are given as under:

Receipt				Disposal		
	Year 2022	April,2023	Total	Year 2022	April, 2023	Total
Federal Directorate of Education	151	-	151	161	-	161
Violence Cases	35	21	56	35	21	56
Total	186	21	207	196	21	217

Relevant Provisions of the Constitution of Pakistan:

It is pertinent to bear in mind that child rights provisions are enshrined in the Constitution of Pakistan. Implementation of these provisions, however, requires a holistic approach. Relevant provisions are enumerated below:

1. Article 11 (1) forbids slavery and states that no law shall permit or facilitate its introduction into Pakistan in any form.
2. Article 11 (2) prohibits all forms of forced labour or trafficking in human beings.
3. Article 11 (3) prohibits employment of children below the age of 14 years in any factory or mine or any hazardous employment
4. Section 25 (1)(2)(3) provides equal status to all citizens, who are entitled to equal protection under the law. It further provides that no discrimination is permissible on the basis of sex and the state can make special provision for the protection of women and children
5. According to Article 25 A, “the state will provide free and compulsory education to all children of the age of five to sixteen years in such a manner as may be determined by law”.
6. Section 35 specifies in the Principles of Policy that the state is responsible for protecting the marriage, the family, and the mother and child.
7. Article 37 establishes the need to inter alia protect human dignity and state’s obligation to “make provision for securing just and human conditions of work, ensuring that children and women are not employed in occupations unsuited to their age and sex.”

(In recent years, certain laws have been adopted to reinforce the above mentioned provisions such as the Right to Free and Compulsory Education Act, 2012; Employment of Children Act, 1991; Act to Prevent and Combat Trafficking in Persons especially, Women and Children, 2018.

At the provincial level similar and/or additional laws have been adopted pertaining to children in keeping with their respective geographical and cultural requirements).

United Nations Convention of Child Rights (UNCRC)

Pakistan is signatory to the UNCRC. It is a Convention that protects children's rights by setting standards. It defines a child as "every human being below the age of eighteen years unless, under the law applicable to the child, maturity is attained." UNCRC incorporates whole spectrum of human rights and calls for the protection of children from economic, sexual, and other forms of exploitation including torture, and capital punishment for offences committed before the age of 18. It also provides for special protections for orphans, refugees, juvenile offenders and the disabled. Four general principles on which UNCRC is built are:

1. Non-discrimination (Article 2): All rights apply to all children without exception. It is the state's obligation to protect children from any form of discrimination, and to take positive actions and measures to promote their rights.
2. Best Interests of the Child (Article 3): All actions concerning the child shall be in his or her best interests.
3. The Child's Rights to Survival and Development (Article 6): Every child has the right to life. The state has an obligation to ensure the child's survival and development.
4. Participation (Article 12): Girls and boys have the right to be involved in decisions affecting them.

Mandate of Federal Ombudsman:

Through President's Order No. 1 of 1983 the Office of Wafaqi Mohtasib (Ombudsman) was established in 1983, which was further regulated by Federal Ombudsmen Institutional Reforms Act No. XIV of 2013. It empowers the Federal Ombudsman to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration of an Agency. The Order defines Agency as a Ministry, Division, Commission or office of the Federal Government or a statutory body, corporation or other institutions established or controlled by the Federal Government.

Children's Complaints Office (CCO):

Children's Complaints Office was set up in WMS in 2008. This Office has served as a dedicated mechanism for receiving and resolving complaints from and about children. Complaints can be made to CCO if children feel an action by the government/public organization, and any other related organization has treated them unfairly. Adults can also lodge complaints on behalf of children. If the complaint is made by any person other than parent or guardian, these will be made known to them.

The CCO is playing a three-fold role:

1. to receive, examine and investigate complaints made by or on behalf of children;
2. to promote the rights and welfare of children.
3. to advise the government on systemic issues that impact rights of children and help compliance with UNCRC.

In view of the 18th Amendment to the Constitution of Pakistan, Provincial Ombudsmen have been established where Children's Complaint Offices are operational. However, WMS has also assigned its four Regional Office Heads to look after child rights issues within their area of jurisdiction. The Federal and Provincial Ombudsmen also working coordination, on child rights issues that have nation-wide implications. To involve multiple stakeholders in advisory capacity, National Committee of Children has also been constituted.

How to Lodge Complaint:

1. A complaint written in English or Urdu may be lodged with the Wafaqi Mohtasib Secretariat or any of the Regional offices as per addresses mentioned at the website www.mohtasib.gov.pk (also attached as Appendix) on WMS Form 'A' (as given in the provided links).
2. If a complaint is not lodged on WMS-Form 'A', it shall be accompanied by a solemn affirmation that:
 - a) the allegations contained in the complaint are correct and true to the best of knowledge and belief of the complainant;
 - b) previously no complaint on the subject was filed at the Wafaqi Mohtasib Secretariat or any of the Regional Offices;
 - c) no suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint will be entertained if it is pending before any Court, Tribunal or Board; and
 - d) a representation to a competent authority of the Agency in respect of the allegations contained in the complaint was made, but either no reply thereto was given within a reasonable time or the representation had unjustly been turned down.
3. Normally approach to higher authorities of the concerned Agency for redress of grievance is required before making a complaint to the Wafaqi Mohtasib, so as to give them an opportunity of doing so.

4. Copies of relevant documents including copy of the National Identity Card and the latest correspondence with the Agency should, if possible, be annexed to the complaint.
5. On personal presentation of the complaint in any of the Offices of the Wafaqi Mohtasib (Ombudsman) Secretariat, a receipt is issued immediately. However, in case of submitting the complaint by any other means, receipt is issued within 72 hours

To download application form please clicks here:

https://mohtasib.gov.pk/SiteImage/Downloads/form_a_english.pdf

https://mohtasib.gov.pk/SiteImage/Downloads/form_a_urdu.pdf

Wafaqi Mohtasib Secretariat

36- Constitution Ave, G-5/2 G-5, Islamabad,
Islamabad Capital Territory

Ph: +92-51-9216762, +92-51-9216763, +92-51-9216764

**For lodging online Complaints against
Federal Government Departments**

www.mohtasib.gov.pk

Email- fpc.commissioner@gmail.com

Website www.mohtasib.gov.pk

Helpline for Child complaints: 1056

Initiatives of WMS, in Brief:

For the implementation of UNCRC, UNICEF has been a major partner of WMS following the setting up of the Children's Complaints Office and National Commissioner for children. Some of the achievements of joint collaboration are:

Setting up of the National Committee on Children following the study conducted by Mr. Hjermandt former Child Ombudsman of Norway. Important publications related to the state of children in Pakistan and other issues were brought out. These are listed below:

1. State of Children in Pakistan Report, 2012 updated in 2015
2. International Study of Best Practices in Monitoring Children's Rights
3. Baseline Study on the State of Compliance of Federal Agencies responsible for Child Protection with the UNCRC
4. Document titled "Strengthening of Women and Child Detainees across Pakistan"
5. Report titled "Kasur Tragedy and Redressal of Systemic Issues"

In order to research and investigate systemic issues, the following independent studies have also been conducted:

1. **Report on the Inquiry into the Plight of Street Children in ICT: Challenges and Way Forward** The report was unveiled on 27 October 2022. Key findings of the report are:
 - The issues related to the deprivation of the rights of street children are closely linked with extreme poverty;
 - The lack of proper mechanism for data collection, particularly in the case of unregistered refugee children, is a serious impediment making the task of protection of the rights of children difficult;

- Child protection system is a combination of formal and informal structure which is complicated by the fact that there is no Child Court in Islamabad;
 - For the protection of female street children, no welfare centre is in existence;
 - Most of the street children in ICT, are brought from other areas in the country and are often involved in begging and collection of waste, trash and rags.
 - The internally trafficked children are left either on their own or at the mercy of those involved in trafficking;
 - Children who collect waste are exposed to hazardous substances. This activity results in their serious health issues.
2. Prevention and Control of Cybercrimes against Children: In view of increase in cybercrimes against children, for addressing systemic issues related to cybercrime, various approaches have been adopted with the purpose of: a) increasing public awareness; b) encouraging legal and educational reforms; c) strengthening media response and sensitizing media. Since cybercrime issues needed to be tackled at different administrative levels, Provincial Ombudsmen offices and other stakeholders were mobilized for raising public awareness and capacity building. Public Awareness and sensitization of media was carried out by dissemination of public service messages in coordination with PEMRA, Radio Pakistan, PTA, PTV, and others.

National Committee on Children:

First constituted in December 2014, under the chairmanship of Former Senator Barrister Dr. S. M. Zafar with 10 renowned members. It fulfilled the CRC requirement of social mobilization and monitoring. The Committee has rendered valuable guidance, provided policy inputs and adopted concrete measures resulting, inter alia, in the draft Bill on Eradication of Child Labour in 2017, Prison Reforms especially in

relation to women and children and extensive work on the Kasur incident.

The Committee has been reconstituted. It's first meeting was convened on 31 January 2022 under the chairperson, Former Provincial Minister Ms. Shaheen Attique ur Rehman. She has held several consultative meetings with all the stakeholders, defining their roles on child protection. To provide impetus to the work on child rights, five sub-committees had been proposed: Advocacy; Legal Framework; Promotion of awareness; research and coordination; child protection policy. The emphasis is on creating a network to address cases of victimized children at every stage of the complaint.

Appendix A

Focal Points of Wafaqi Mohtasib Regional Offices Contact Numbers

<u>Regional Office Peshawar</u> Address: 1 st Floor Benevolent Fund Building Ph: +92-91-9211570 Email: regionalheadpeshawar@gmail.com	<u>Regional Office Karachi</u> Address: 4-B Federal Government Secretariat, Saddar Karachi Ph: +92-21-99202115 Email: anwarhaider5@gmail.com
<u>Regional Office Quetta</u> Address: 1 st Floor Chamber of Commerce Zarghoon Road, Quetta- Cantt. Behind DG NADRA Headquarter Quetta Ph: +92-81-9202679 Email: ombuds.gsarwar@gmail.com	<u>Regional Office Lahore</u> State Life Building, 3 rd Floor, 15-A Davis Road. Ph: +92-42-99205060

Appendix B

Members of National Committee on Children

- 1. Ms. Shaheen Attique-ur- Rehman, Chairperson**
Vice Chairperson of Bunyad Foundation, Punjab.
- 2. Senator Rubina Khalid, Member**
Chairperson Senate Standing Committee on Information Technology.
- 3. Ms. Mehnaz Akbar Aziz, Member**
MNA / Chairperson Special Committee on Child Rights,
Parliamentary Task Force on SDGs.
- 4. Ms. Ashifa Riaz Fatyana, Member**
Minister for Women Development Punjab.
- 5. Grievences Commissioner for Childern (Ex. Officio).**
- 6. Mr. Farhatullah Baber, Member**
Ex– Senator.
- 7. Ms. Raheela Hameed Durrani, Member**
Former Speaker of the Provincial Assembly / MPA, Balochistan
- 8. Ms. Nighat Yasmin Orakzai, MPA, Member**
Provincial Assembly of Khyber Pakhtunkhwa (KPK)
- 9. Ms. Shamsa Ali, Member**
MPA and Lawyer, Punjab.
- 10. Mr. Justice (R) Manzoor Hussain Gillani, Member**
Chairman Association for the rights of the people of Azad Jammu &
Kashmir.
- 11. Ch. Muhammad Masaud Akhtar Khan, Member**
former District & Session Judge, Lahore.

12. **Mr. Zia Ahmed Awan, Member**
Founder of Madadgaar National Helpline, Sindh.
13. **Ms. Samar Minallah, Member**
Anthropologist, Documentarian, Filmmaker & Human Rights Activist.
14. **Ms. Manizeh Bano, Member**
Executive Director, Sahil, Islamabad.
15. **Ms. Ayesha Raza Farooq, Member**
Chairperson National Commission on the Rights of Child, Senator PML-N
16. **Ms. Riffat Sardar, Member**
Chairperson KP Commission on the Status of Women, Peshawar.
17. **Ms. Tabana Sajjad Naseer, Member**
Advisor (General) CPCC, Provincial Mohtasib Punjab.
18. **Ms. Tahira Yasub, Member**
SSP, Police Department Gilgit Baltistan.

Grievance Commissioner for Children



Wafaqi Mohtasib (Ombudsman)'s Secretariat
36-Constitution Avenue, G-5/2, Islamabad



Email- fpc.commissioner@gmail.com



Website: www.mohtasib.gov.pk



Helpline for Child complaints: 1056

Ph: +92-51-9217328, +92-51-9216762, +92-51-9216763, +92-51-9216764