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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF HUMAN RIGHTS

NOTIFICATION

Islamabad, the 5th March, 2021

S. R. O. 297(I)/2021.—In exercise of the powers conferred by section 30 of the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018), the Minister-in-charge is pleased to make the following rules, namely:—

PART-I
PRELIMINARY

1. **Short title and commencement.**—(1) These rules shall be called the Islamabad Capital Territory Child Protection Rules, 2021.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

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- (b) "best interest of the child" means any decision taken to ensure fulfillment of child's basic rights and need, identity, social well-being, physical, emotional and psychological development;
- (c) "carer" means a person who looks after a child in absence of a biological parent or guardian;
- (d) "care and placement order" means an order passed by the court under sub-section (3) of section 17 of the Act, to provide the child with appropriate alternative care placement when the court is satisfied that the child is suffering, or is at risk of significant harm in the current placement;
- (e) "case management" means a process as stated under rule 6;
- (f) "child in need of care" means a child as described in section 5 of the Act;
- (g) "confidentiality" means the utmost duty to ensure the privacy of information shared by and about a child and his family in the course of a case;
- (h) "controlling Division" means the Division to which business of the Act stands allocated;
- (i) "focal point" means a qualified person from respective department, institution or caregiver working in close coordination with controlling Division to provide services for a child in need of care;
- (j) "Form" means form attached to these rules;
- (k) "protection" means a set of services and mechanisms to prevent and respond to any form of abuse, including violence, exploitation, or neglect of a child;
- (l) "protective services" means services provided to a child in need of care by a Child Protection Institution and includes any service provided by the police, health or education or any other institution or department for the care and protection of the child;
- (m) "significant harm" means harm to a child including maltreatment, physical or mental violence, sexual abuse and exploitation to a child in need of care.

(2) Words and expressions used but not defined herein shall have the same meanings as assigned thereto in the Act and rules made thereunder.

PART-II
SUPERVISION AND CERTIFICATION

3. **Functions of Director General.**—(1) The Director General shall be the chief executive officer of the secretariat of the Child Protection Advisory Board and shall be provided with such staff and facilities as the Board may consider necessary.

(2) The secretariat of the Child Protection Advisory Board shall be located in Islamabad.

(3) The Director General shall perform the following supervisory functions relating to the Child Protection Institutions, namely:-

- (a) to supervise by taking regular periodic reports from the institutions, physical visits, correspondence and all other actions as deemed appropriate;
- (b) to exercise control over child protection institutions and monitor the operations and maintenance of all essential services provided in the institutions;
- (c) to regulate the affairs of the Child Protection Institutions;
- (d) to maintain and update a comprehensive list of all certified caregivers operating in the ICT;
- (e) to manage, control, ensure capacity building and decide administrative matters relating to staff and Child Protection Institutions;
- (f) administrate a child protection helpline to receive child abuse reports;
- (g) to regulate meetings of the child protection institutions and all matters connected with or ancillary to a meeting;
- (h) to do such acts as are ancillary and incidental to the above functions or required by the Board; and
- (i) to submit annual report to the Board within one month after completion of each financial year.

4. **Certification of caregiver.**—(1) The Director General may certify a caregiver which is managed or controlled by a not-for-profit or

non-governmental organization (NGO), society or association for the protection, care and rehabilitation of a child in need of care.

- (2) No caregiver shall be certified unless the caregiver, —
- (a) is registered with the government, under public policy for regulation of NGOs;
 - (b) declares to make such efforts or arrangements to meet the minimum quality care standards for a childcare institution as required under the Act and rules made thereunder;
 - (c) specializes in child care and protection;
 - (d) submits financial and activity reports to the government as required under the law;
 - (e) has developed and implements a child protection policy aligned with the Constitution of Pakistan and international child safeguarding standards;
 - (f) declares to take custody granted by the court for the care and protection of a child in need of care;
 - (g) declares to provide support and facilitate the concerned Child Protection Officer for care, protection and rehabilitation of child in need of care and protection;
 - (h) declares to submit quarterly report to the controlling Division; and
 - (i) declares that no employee of the caregiver has ever been convicted of an offence of child sexual abuse, child sexual or economic exploitation, child trafficking, or violation of care and protective services.

5. **Withdrawal of certificate.**—(1) The Director General may withdraw the certificate, for reasons to be recorded, issued to an organization or society as a caregiver under these rules if,—

- (a) any of the conditions under which the certificate issued has been violated; or
- (b) the Child Protection Advisory Board through a written report has recommended for withdrawal of such certificate.

(2) The Controlling Division shall not withdraw a certificate issued under these rules, without giving show cause notice and opportunity of hearing to the concerned organization or society.

PART-III
ASSESSMENT AND CHILD PROTECTION SERVICES

6. **Case management.**—(1) The case management shall include registration, assessments, case planning, provision of services, making referrals, monitoring and follow-up.

(2) Case management and referral services shall be conducted as outlined in the manuals, guidelines, standards, tools and templates approved by the controlling Division.

7. **Initial assessment.**—(1) The Child Protection Officer shall promptly carry out the initial assessment by filling out the prescribed Form-A in order to determine whether the child is in need of care or not.

(2) While carrying out the initial assessment, the Child Protection Officer shall, —

(a) consult relevant service providing agencies or institutions including health and education institutions, law enforcement agencies or caregiver institutions; and

(b) if there is a reasonable cause to believe that the child is at immediate risk of significant harm, exercise emergency powers under section 18 of the Act.

(3) The Child Protection Officer shall complete an initial assessment within seven days and, in case the emergency powers are exercised, then the initial assessment shall be completed within three days.

(4) No initial assessment shall be regarded as complete unless a Child Protection Officer has -

(a) met with the child;

(b) heard the views of the child in accordance with his age and level of maturity; and

(c) provided a written report of the findings in the Form-A.

(5) Initial assessment shall be made without making any discrimination based on the child and his parent's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

(6) Where the child is not found to require protection in accordance with the provisions of the Act, the Child Protection Officer shall inform in writing the child's parents, legal guardian or other person responsible for the care of the child, or any other person concerned.

8. **Comprehensive assessment.**—(1) Where findings of an initial assessment under section 12 or exercise of an emergency power under section 18 of the Act reveals that the child requires protection and care in accordance with the provisions of the Act, the Child Protection Officer shall undertake a comprehensive assessment of the child and his family environment by filling out Form-B to determine in detail the nature and scope of protection needs.

(2) The Child Protection Officer must ensure that during the comprehensive assessment the views of the child, who is capable of forming his own views, are expressed freely in all matters referred to in the Form-B, and the views of the child are given due weight in accordance with the age and maturity of the child.

(3) The comprehensive assessment shall be completed within thirty days of the completion of the initial assessment or exercise of emergency powers.

(4) If a significant harm case is established as mentioned in sections 4 and 16 of the Act, the Child Protection Officer shall exercise emergency powers, only when necessary, to temporarily separate the child from the abusive caregiver. In all cases, the removal of the abuser from the premises shall be prioritized, if possible.

9. **Assistance to Child Protection Officer by Police.**— Where a Child Protection Officer requires removal of a child from custody under subsection (1) of section 18, the Child Protection Officer may, if so required, request for assistance of the police officer designated by the concerned station house officer, and such assistance shall be rendered by the police officer designated by the concerned station house officer.

10. **Child care plan.**— (1) Where the Child Protection Officer concludes after a comprehensive assessment or after exercising emergency powers that a child needs to be provided with protection and care, he shall accordingly develop a child care plan specifically tailored to address the types of abuse identified through the assessment to rehabilitate and protect the child.

(2) The Child Protection Officer shall make all possible efforts to ensure complete development of child's personality and that he is preferably brought up in a family structure and environment. Where special protection of a child or assistance to the parents or caregiver is required from the state, including out-of-home care, the participation of the child in the related decision-making process may be ensured to the maximum extent possible.

(3) No child shall be removed from his family home and environment without reasons to be recorded in writing by the Child Protection Officer after considering all views including those of child and to protect the child from violence, physical or psychological abuse and neglect.

(4) Where the child care plan concludes that the child needs to be provided with protective services, the Child Protection Officer shall, in accordance with the child care plan, refer the child to such services as are appropriate to take care of the child in accordance with the national and international child safeguarding standards.

(5) In case of interim child care plan, the Child Protection Officer shall provide services as per the child care plan to the child and the family. These shall include alternative care placement for children in risk of significant harm.

(6) Where a parent or carer refuses to accept the decision to refer the child to appropriate services, the Child Protection Officer shall make an application to the court under section 17 of the Act to ensure implementation of the child care plan.

(7) The Child care plan prepared by the Child Protection Officer shall record the reasons of the Child Protection Officer for devising a plan and shall also set a timeline for the proposed plan.

(8) Every child care plan shall include a follow-up strategy for each case.

(9) Each child care plan shall contain remarks of the incharge Child Protection Institute.

11. Monitoring and follow-up.— Where service referrals are made, the Child Protection Officer shall make fortnightly follow-up with the child and family and the focal points to seek update. On non-compliance by the child, his parent or guardian, or the stakeholder receiving the referral, the Child Protection Officer shall investigate and share report with Director Child Protection Institution.

Form-A
INITIAL ASSESSMENT REPORT
(See rule 7 and section 12 of the Act)

1. Name of Child
2. Date of Birth/Age
3. Son/daughter of
4. Residing at
5. Under the care of (Name of parents/ guardian)
6. Date and time of taking into care
7. Place of taking into care
8. Whether the child was sent to Child Protection Institute?
9. Whether the child was referred to another caregiver/protective service?
10. Whether the police is informed, has initiated investigation or has completed investigation report?
11. Whether the child taken into care was attended or un-attended?
12. Why was the child in need of care? Whether he/she was victim of an offence, a juvenile offender etc. Give reasons?
13. If the child was victim of an offence, what sort of abuse he/she suffered from, e.g. physical, psychological, sexual, neglect etc.?
14. Whether the child was taken into care under emergency power?
15. Whether parents / guardians are informed? If no, state reasons.
16. For how long a child needs care/ protective services and why?
17. Whether the case is competent for Comprehensive Assessment?
18. Any other pertinent information.
19. Describe brief history of the case.

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Signature

(Name of Child Protection Officer)

(Name of Child Protection Centre)

(Place of Child Protection Centre)

(Date and Time)

Form-B
COMPREHENSIVE ASSESSMENT REPORT
(See rule 8 and section 13 of the Act)

Case/ Diary No. _____

Child Protection Centre _____

A. Personal Information of the Child.-

1. Name of Child
2. Date of birth/Age
3. Son/daughter of
4. Residing at
5. Under the care of (Name of parents/ guardian)
6. Date and time of taking into care
7. Place of taking into care

B. Un-attended Child.-

1. Did the parents intentionally separate the child from family? Under what circumstances? How common is this issue?
2. Is there any official or community based protective service available for such children in the area where child resides?
3. Is the child availing any such protective service? If not then why?
4. How did community respond to separation?
5. Are there large numbers of children reported as separated, un-accompanied or missing from the area the child has been found? If yes, how many?
6. What are the age groups? Are girls and boys affected differently, and how?
7. Is community providing interim solutions to the issue of un-attended children?

C. Sexual Abuse and Exploitation:

1. What form of sexual abuse and exploitation the child has been suffering?
 - (i) Was it the inducement or coercion of the child to engage in any un-lawful or psychologically harmful sexual activity?
 - (ii) Was it the use of the child in commercial sexual exploitation?
 - (iii) Was it the use of the child in audio or visual images of child sexual abuse?
 - (iv) Was it child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between

countries) and sale of children for sexual purposes and forced marriage?

(v) Any other form?

2. What were common patterns of sexual violence against the child and the attitude of parents and community towards this phenomenon?
3. Under what circumstances, the child was suffering from sexual abuse?
4. Has there been an increase in incidences of sexual violence against children in the community in recent past (last 3 months)?
5. Has there been a change in the patterns of sexual violence?
6. What are the most common situations in which sexual violence occurs to the children?
7. Are there services where people can get help if they have suffered sexual violence? And if so, can girls and/or boys access such services on their own?

D. Physical violence.-

1. What types of Physical violence the child has been suffering? Is it, *e.g.*
 - (i) hitting, kicking, shaking, beating, bites, burns, strangulation, poisoning and suffocation?
 - (ii) all corporal punishment and all other forms of torture, cruel, inhuman or degrading treatment or punishment?
 - (iii) Physical bullying by adults and by other children?
 - (iv) Any other form?
2. Are there reports of girls and/or boys being particularly targeted in violent instances?
3. Are there reports of the child being involved in the incitement of armed or civilian violence?
4. Is the child implicated/ involved in armed conflicts?
5. What are the harmful traditions existing in family or community that could worsen with increased distress and insecurity?

E. Emotional violence:

1. What form of emotional violence the child has been suffering?
Does it include:
 - (i) persistent harmful interactions with the child, including, conveying to child that he/she is worthless, un-loved,

un-wanted, endangered or only of value in meeting another's needs;

- (ii) scaring, terrorizing and threatening; exploiting and corrupting; spurning and rejecting; isolating, ignoring and favouritism;
- (iii) denying emotional responsiveness; neglecting mental health, medical and educational needs;
- (iv) insults, name-calling, humiliation, belittling, ridiculing and hurting a child's feelings;
- (v) exposure to domestic violence;
- (vi) placement in isolation or humiliating or degrading conditions;
- (vii) psychological bullying by adults or other children, including *via* information and communication technologies (ICTs) such as mobile phones and the Internet (known as cyber-bullying or cyber-harassment).

- 2. What were common patterns of mental violence against the child and the attitude of parents and community towards this phenomenon?
- 3. Under what circumstances, the child was suffering from such violence?
- 4. Has there been an increase in incidences of such violence against children in the community in recent past (last 3 months)?
- 5. Has there been a change in the patterns of such violence?
- 6. What are the most common situations in which such form of violence occurs to the children?
- 7. Are there services where people can get help if they have suffered such violence? And if so, can girls and/or boys access such services on their own?

F. Neglect or Negligent treatment.-

- 1. What form of Neglect or Negligent treatment to the child has been suffering?
 - (i) Physical neglect which may include failure of parents/ guardian or caregiver to protect a child from harm, including through lack of supervision, or failure to provide the child with basic necessities including adequate food, shelter, clothing and basic medical care;
 - (ii) Psychological or emotional neglect including lack of any emotional support and love, chronic inattention to the child, parents/ guardian or caregivers being psychologically unavailable by overlooking young children's cues and signals, and exposure to intimate partner violence, drug or alcohol abuse;

- (iii) Neglect of children's physical or mental health which may include ignoring essential medical care;
 - (iv) Educational neglect including failure of parents / guardian or caregiver to secure their children's education through attendance at school or otherwise;
 - (v) Maltreatment including failure of the parents/ guardian or caregiver to provide needed and age-appropriate care.
2. What were common patterns of neglect or negligent treatment to the child and the attitude of parents and community towards this phenomenon?
 3. Under what circumstances, the child was suffering from such Neglect?
 4. Has there been an increase in incidences of neglect or negligent treatment to the children in the community in recent past (say last 3 months)?
 5. Has there been a change in the patterns of such neglect or negligent treatment to the children?
 6. What are the most common situations in which neglect or negligent treatment occurs to the children?
 7. Are there services where people can get help if they have suffered from neglect or negligent treatment? And if so, can girls and/or boys access such services on their own?
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Signature

(Name of Child Protection Officer)

(Name of Child Protection Centre)

(Place of Child Protection Centre)

(Date and Time)

[F.No. 6-1/2015-NCCWD.]

MARYAM ASLAM,
Section Officer (Admn.).