



REPORT ON  
New Data Collection System  
For  
Child Victims and Juvenile  
Offenders in  
Khyber Pakhtunkhwa,  
Pakistan







## Message

Pakistan has ratified the Convention on the Rights of the Child (CRC) in 1990, which obligates it to develop and implement a legislative framework harmonized with the Convention in all areas affecting children's rights and at all legislative levels, and to ensure that all domestic laws and administrative regulations concerning children are rights-based and conform to the principles and provisions of the Convention.

UN has developed juvenile justice indicators for children in conflict with the law in order to allow countries to compare progress towards better protection of children in conflict with the law and the administration of juvenile justice. The resulting data would also create a basis for dialogue at local, national and international levels. Measurement will help make the concerns around children in conflict with the law more visible, and progress towards their improved protection in line with international standards more likely. The UN Committee on CRC has categorically observed in its concluding recommendations on the reports submitted by Pakistan “...that the Child Protection Monitoring and Data Collection System should be provided with adequate resources to systematically and comprehensively collect quantitative and qualitative data for the entire country, disaggregated by sex, age and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 year...”. It will help us develop more robust and relevant data collection and management systems, by drawing attention to gaps and other issues that require attention as well as to the steps taken in other countries that may shed light on the way forward. It will also be of interest to analysts and policy makers from the justice and child protection field, academics, researchers and human rights monitoring bodies. International and regional organizations, which are investing in data collection and analysis so as to nurture better policies for children, will also find it useful, notably the relevance of and limitations to cross-country comparisons.

The protection of children in conflict with the law is therefore one of the basic responsibilities of the Police. In line with its obligations the Khyber Pakhtunkhwa (KPK) Police played a lead role in developing a robust and relevant data collection and management systems, because as I have mentioned above the data on the number of younger children involved in criminal activity annually or the number of offences in which they are involved annually are important, because it can be used to analyse the need for preventive activities and to evaluate the effectiveness of existing preventive activities. Despite of the fact that KPK remained engrossed in controlling the rising wave of militancy

## Message

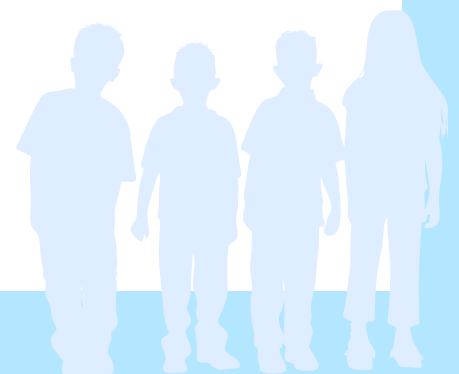
and terrorist activities, but still keeping in view the above objectives the KPK Police took the novel initiative - in fact the first of its kind in Pakistan - by introducing two new registers under my *Standing Order No. 4 and No. 5* in 2009, for specifically collecting data on crimes against and abuse of children and crimes and violence against women. The Register 26-A pertained to juvenile offenders and child victims, which fully complied with the juvenile justice indicators. These registers were distributed to all the 238 police stations of the KPK. We however piloted this initiative in five districts .i.e. Peshawar, Charsadda, Mardan, Nowshera and Swabi. The Muharrirs were trained for filling and collation of data from these registers. This idea is now being replicated as a model by the Balochistan Police for which we have extended all the technical help and know how. The National Commission on Child Welfare and Development will be provided this data for reflecting as compliance of the concluding recommendations in its next periodical

report to the UN Committee on the Rights of the Child.

Besides this, the KPK Police also set up a Police Child Protection Centre (PCPC) in September 2009, with the collaboration of Save the Children Sweden and Ministry of Human Rights. This centre is being set up with the aim of providing a remand home / separate facility for children coming in conflict with the law, because hitherto no such facility existed in the KP and children were kept with adults in violations of the law. Importantly, this centre provides psychological counseling to the first time offenders and child victims. A protection officer is there to provide legal aid to the child. The Missing Children Centre, previously established at Gulbahar Police Station, is now being integrated in the PCPC. This integration of the Missing Children Centre helped in the computerization of the data. No doubt, these initiatives were not possible without the generous support from Save the Children, Sweden and Mr. Jawad Ullah of SCS for his constant efforts and keen interest.

I am thankful to Mr. Fasihuddin Director General, Human Rights, for his herculean efforts in designing the format of the data collection Proformae and Registers and designing the training programmes for local police for generating the required information. In the end I would like to thank all my team of the Police Child and Women Protection Committee (PCWPC), the Juvenile Justice Working Group (JJWG), and especially Mr. Jawad Ullah, Program Manager Child Protection, Save the Children, Sweden for bringing these laurels to the KPK province for helping me in taking such initiatives which have no precedence in Pakistan.

Malik Naveed Khan (PSP)  
Provincial Police Officer,  
Khyber Pakhtunkhwa





## Message

United Nations Convention on the Rights of the Child has the set principles to ensure protection of children including juvenile victims as well as the offenders. The convention clearly states that *“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”*

Pakistan is signatory of the Convention since 1990; however, translating its obligations into implementation has always been a challenge. Subsequently, this had led towards exploitation of juveniles by refraining them from exercising their basic rights.

Being a child rights based organisation, Save the Children Sweden is implementing an ambitious Juvenile Justice Programme in collaboration with Khyber Pukhtoonkhwa Police, Balochistan Police and Ministry of Human Rights to establish an effective juvenile justice system in the country. The programme is following a multi-pronged strategy wherein a formal system to monitor and track cases of children coming in contact with the law, a mechanism to divert juveniles from criminal justice system and rehabilitation of juvenile prisoners has been established.

The report in hand presents the analysis of crimes committed by or against children and recorded in the database set up under the monitoring mechanism established by the Khyber Pukhtunkhwa Police.

Save the Children Sweden acknowledges the efforts of Khyber Pukthoonkhwa Police and presents special gratitude to the Provincial Police Officer, Mr. Malik Naveed for his commitment and personal interest in order to ensure the rights of children coming in contact with the law.

We immensely acknowledge the efforts of Dr. Fasihuddin, Director General Human Rights/Assistant Inspector General Khyber Pukhtoonkhwa Police, for designing of the monitoring system and making it workable by setting up the database, training of Police officials on the mechanism and rights of the children as envisaged in the teachings of Islam and UN CRC.

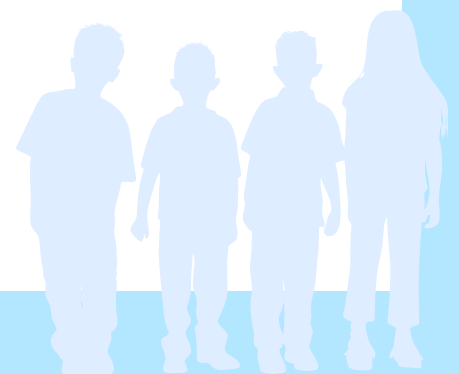
We are also grateful to Ministry of Human Rights and Pakistan Society of Criminology for the establishment of Police Child Protection Center and to make the pilot a successful replicable model.

### Message



We look forward to an extended cooperation with the Khyber Pukhtoonkhwa Police, Balochistan Police and Ministry of Human Rights to fulfill our commitment to the child rights, particularly protection of children coming in conflict with the law by ensuring the development of an effective juvenile justice system in Pakistan.

*Syed Mehmood Asghar*  
Country Director  
Save the Children Sweden



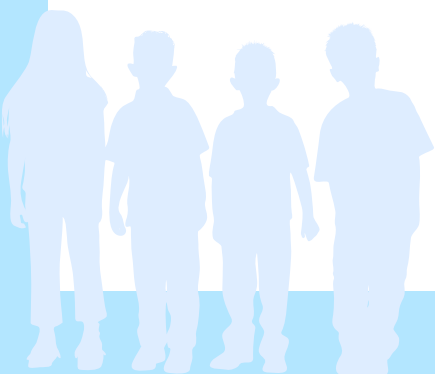
## Acknowledgment



We are grateful for the support and assistance we have received during the preparation of this report from all the stakeholders. The project was made possible thanks to a generous contribution by Save the Children Sweden.

Omissions and mistakes which remain are entirely our responsibility. We look forward to concrete feedback on this report to ensure improvement in reporting in future. We gratefully acknowledge the contribution of all the supporting staff of Khyber Pakhtoonkhwa Province (KP) Police, Regional Directorate of Human Rights Peshawar, Pakistan Society of Criminology (PSC), and those who have provided encouragement and comments. We also very gratefully acknowledge the meticulous editing of Mr. Mashood Ahmad Mirza, Director Federal Ombudsman and Mr. Imran Ahmad Sajid, Ph.D. Research Scholar, Social Work Department, University of Peshawar.

*Fasihuddin (PSP)*  
President,  
*Pakistan Society of Criminology*





## Child Victims and Juvenile Offenders in KPK

### Acronyms

|           |  |
|-----------|--|
| AIG       | Assistant Inspector General  |
| C.V.      | Child Victims  |
| CCPO      | Chief Capital Police Officer   |
| CNSA      | Control of Narcotics Substance Abuse, Act of 1997  |
| CPO       | Central Police Office  |
| CRC       | Convention on the Rights of the Child  |
| CrPC      | Criminal Procedure Code  |
| DG        | Director General   |
| DPO       | District Police Officer  |
| DSP       | Deputy Superintendent Police   |
| F/B/M/S,R | Father/Brother/Mother/Sister/Relative  |
| FIR       | First Investigation Report   |
| J.O.      | Juvenile Offenders   |
| JJSO      | Juvenile Justice System Ordinance  |
| JJWG      | Juvenile Justice Working Group   |
| KPK       | Khyber Pakhtunkhwa   |
| MACR      | Minimum Age of Criminal Responsibility   |
| MoU       | Memorandum of Understanding  |
| NCCWD     | National Commission on Child Welfare and Development   |
| NGO       | Non Governmental Organization  |
| NPB       | National Police Bureau   |
| PCPC      | Police Child Protection Center   |
| PCWPC     | Police Child and Woman Protection Committee  |
| PPC       | Pakistan Penal Code  |
| PPO       | Provincial Police Officer (Previously Known as Inspector General Police, IGP)                          |
| PSC       | Pakistan Society of Criminology  |
| PSP       | Police Service of Pakistan   |
| R&D       | Research and Development   |
| R/J       | Released/Jailed  |
| SHO       | Station House Officer  |
| SOPs      | Standard Operation Procedures  |
| SP        | Superintendent Police  |
| UNO       | United Nations Organization  |
| UNICEF    | United Nations Children's Fund, formerly known as United Nations International Children Emergency Fund |
| UNODC     | United Nations Office on Drugs and Crime   |
| Y/N       | Yes/No   |







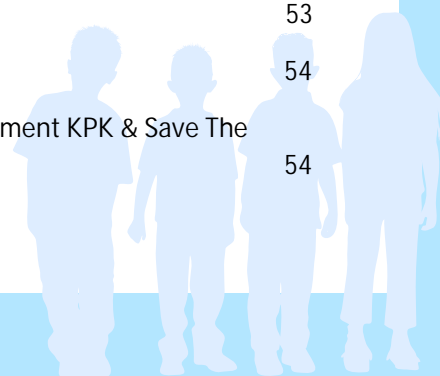
# Table of Contents

|        |  |    |
|--------|--|----|
| 1      | INTRODUCTION   | 1  |
| 2      | AVAILABLE DATA COLLECTION SYSTEM   | 3  |
| 2.1    | Police Existing Criminal Record  | 3  |
| 2.2    | International Standards  | 5  |
| 2.3    | The Need for Indicators  | 7  |
| 2.4    | Indigenously Devised System  | 9  |
| 2.4.1  | Printing of the Register No. 26 (A)  | 10 |
| 2.4.2  | Indicators in Register No. 26 (A)  | 11 |
| 2.4.3  | Format of the Register No. 26 (A)  | 11 |
| 2.4.4  | Standing Order No. 4 from the Provincial Police Officer for Register No.26 (A) | 12 |
| 2.4.5  | MOU for Police Child Protection Center (PCPC)                                  | 12 |
| 3      | KPK POLICE INITIATIVES FOR HUMAN RIGHTS  | 13 |
| 3.1    | Replication of the Devised System in Other Provinces by NPB                    | 13 |
| 3.2    | Data Collection Project  | 14 |
| 3.2.1  | Blue Proforma:   | 14 |
| 3.2.2  | Pink Proforma:   | 15 |
| 4      | POLICE TRAINING ON JJI   | 16 |
| 4.1    | Training Manual  | 16 |
| 4.1.1  | Contents of Training Manual  | 16 |
| 4.1.2- | Documents Included in Training Manual  | 16 |



Table of Contents

|       |   |    |
|-------|---|----|
| 4.1.3 | Training Criteria   | 17 |
| 4.1.4 | Constraints Faced During the Trainings  | 21 |
| 4.1.5 | Database Development for the Designed Proforma  | 21 |
| 4.1.6 | Database Development for the Missing Children Center at PCPC  | 21 |
| 4.1.7 | Impact of Training  | 21 |
| 5     | ANALYSIS OF THE DATA  | 23 |
| 5.1   | Crimes Against Children   | 23 |
| 5.2   | Juvenile Offenders  | 32 |
| 5.3   | Missing Children  | 41 |
| 5.4   | Children Falling Victim to Terrorist Activities   | 42 |
| 6     | POLICE CHILD PROTECTION CENTER  | 43 |
| 6.1   | Presence of Psychologist  | 44 |
| 6.2   | Child Protection Officer  | 44 |
| 6.3   | Police  | 45 |
| 6.4   | Missing Children Center   | 46 |
| 7     | Lessons Learned   | 47 |
|       | Annexure I  | 48 |
|       | Brief Profile of the Target Area  | 48 |
|       | Crime Rate for the Selected Districts of the KP -2009   | 48 |
|       | Annexure II   | 49 |
|       | Serious Crimes Against Person   | 49 |
|       | Annexure III  | 50 |
|       | Standing Order No. 13/2009  | 50 |
|       | Annexure IV   | 51 |
|       | Standing Order No. 4/2009   | 53 |
|       | Annexure V  | 54 |
|       | MOU Between Regional Directorate of Human Rights, Police Department KPK & Save The Children, Sweden | 54 |



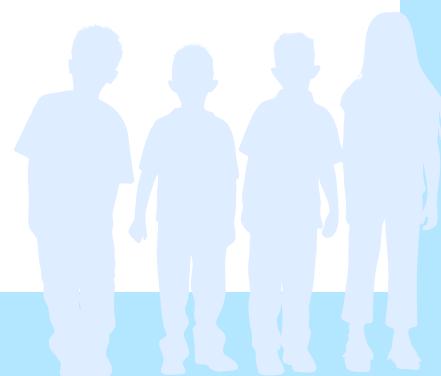
## List of Table and Figures

|                   |   |
|-------------------|---|
| Table: 2.1        | Police Existing System of Criminal Record   |
| Table: 2.3.1      | Quantitative Indicators   |
| Table: 2.3.2      | Policy Indicators   |
| Table: 4.1.4.1    | Awareness Level of Participants regarding CRC and JJSO  |
| Table: 5.1.1      | Age-Disaggregation of Victim Children   |
| Figure: 5.1.1 (a) | Age Disaggregation of Abused Children   |
| Figure: 5.1.1 (b) | District wise disaggregation of Child Victims   |
| Table: 5.1.2      | Details of Gender Distribution  |
| Figure: 5.1.2     | Gender-Disaggregation of Child Victims  |
| Table: 5.1.3(a)   | Child Victims-Referral to Doctor  |
| Table: 5.1.2 (b)  | Medical Report Received   |
| Figure: 5.1.3(a)  | Child Victims-Referral to Doctor  |
| Figure: 5.1.3(b)  | Child Victims-Medical Report Received   |
| Table: 5.1.4      | District-wise Legal Support Details of Child Abuse Cases 1.1.09 to 31.12.09                     |
| Figure: 5.1.4(a)  | Child Victims-Legal Support   |
| Figure: 5.1.4(b)  | Who Provided Legal Support  |
| Table: 5.1.5      | District-wise Challan and Traceability Progress Details of Child Abuse Cases 1.1.09 to 31.12.09 |
| Figure: 5.1.5(a)  | Child Victims-Traceability of Cases   |
| Figure: 5.1.5(b)  | Child Victims-Challan Completion  |
| Table: 5.1.6(a)   | Section of Law Violated   |
| Table: 5.1.6(b)   | Nature of Abuse/Crime   |

## List of Table and Figures

|                  |   |
|------------------|---|
| Table: 5.1.7     | No. of Accused and Arrested                         |
| Table: 5.2.1     | District-wise Disaggregation of Juvenile Offender   |
| Figure: 5.2.1    | District-Wise Disaggregation of Juvenile Offenders  |
| Table: 5.2.2     | Crime-wise Age Disaggregation of Juvenile Offenders |
| Figure: 5.2.2    | Juvenile Offenders-Age Disaggregation               |
| Table: 5.2.3(a)  | Nature Of Crime Committed                           |
| Table: 5.2.3(b)  | Section of Law Violated                             |
| Figure: 5.2.3(a) | Nature of Crime Committed                           |
| Figure: 5.2.3(b) | Section of Law Violated                             |

|                 |  |
|-----------------|--|
| Table: 5.2.4(a) | Released by Police   |
| Table: 5.2.4(b) | Legal Aid Provided By Police   |
| Figure 5.2.4    | Release Status and Legal Aid Provision   |
| Table: 5.2.5(a) | Probation Officer Informed   |
| Figure: 5.2.5   | Probation Officer and Family Informed  |
| Table: 5.2.5(b) | Parents/Family of Juvenile informed by Police  |
| Table: 5.2.6(a) | Released on Probation  |
| Figure: 5.2.6   | Released on Probation  |
| Table: 5.2.6(b) | Total Days Spent in Detention  |
| Table: 5.2.7    | Present Status of Juvenile   |
| Figure: 5.2.7   | Present Status of the Offender   |
| Table: 5.3.1    | Performance Report of PCPC and Missing Children Centre   |
| Table: 5.4.1    | Children Victim of Terrorist Activities in five selected districts of the KP for the period 1.1.09 to 31.12.09 |
| Table: I(a)     | Population : Police Ratio for the Selected Districts of the KP-2009  |
| Table: I(b)     | Crime Rate for the Selected Districts of the KP-2009   |
| Table: II       | Serious Crimes against Person  |





**F**or years there has been confusion about the rights of Juvenile Offenders and Juvenile Justice in Pakistan. It was noted that the Juveniles being arrested (deprived of liberty) were not treated properly by the law enforcing authorities, which in this case is the “Police Department”. The First Information Report (FIR) lodged against them had a number of problems therein, for example, incomplete FIRs, and subsequent fault lines and difficulties in investigation and prosecution etc. This situation was noticed by some of the officers in the law enforcing authorities. Foregoing in view, a project was started which was supported by Save the Children (Sweden), the Khyber Pakhtoonkhwa Province (KP) Police, and Pakistan Society of Criminology (PSC) for removal of such hurdles being faced.

Change is always and everywhere resisted, no matter it brings new ideas, new technologies, new concepts, new approaches and new commitments. In Pakistan, recently the Police Act, 1861 was repealed by a new police law, called the Police Order, 2002. Despite this major change, the concomitant Police Rules of 1934 (three volumes) remained unchanged. Chapter XXII of the Police Rules 1934 deals with the Police Station and the criminal record therein maintained manually by the Police-Station Clerk and other senior officers. This record is extremely comprehensive and consists of 25 major with its constituent parts, 50 in all registers (Police Rules, 1934. Chapter XXII Police Station, PR 22.45). These 50 registers in total cover each and every thing in a police station area jurisdiction regarding crimes, criminal processes, arrest, investigation, prosecution, conviction and criminal intelligence, etc. However, despite its comprehensiveness and pervasiveness, this record was lacking in data/record system on crimes against children and women. The absence of essential data in the reports of Pakistan at national and international forums, including the UN Committees, is often considered as inaction on the part of the state party. Since May, 2008, the KP Police launched a well-thought programme for police sensitization on issues of children rights, child abuse and children in conflict with law.

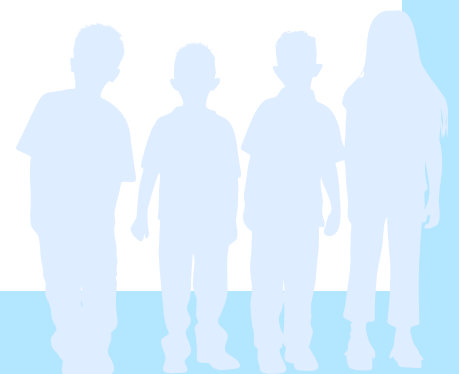
A number of initiatives were undertaken by the KP Police, which included designing of new proformae for data collection on victim children and juvenile offenders. The KP Police also conducted a series of training workshops for the police officials with the cooperation of and

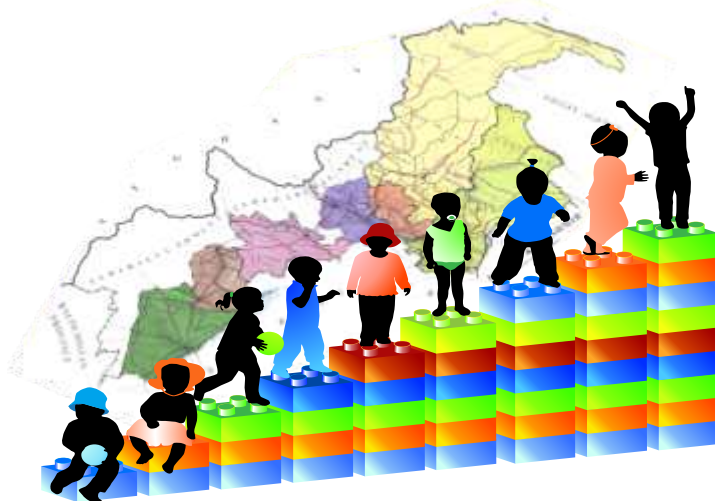
## Introduction

collaboration with all stakeholders, national NGOs, and with the patronage of the Inspector General of Police, KP (Provincial Police Officer-PPO under Police Order, 2002). New registers for crimes against and abuse of children, and crimes and violence against women were also printed and distributed to all 238 Police Stations in the Khyber Pakhtoonkhwa (KP). The KP Police Chief issued separate Standing Orders for each new register. The process got completed with the launching ceremony of the new data collection system on April 24th, 2009. It is expected that these new registers will now enable the collection of valid, verifiable and comprehensive statistics on crimes against children, juvenile offenders, and violence against women. This system covers nearly all the juvenile justice information indicators (both quantitative and policy indicators) as envisioned by the UN.

The KP Police have set an example for the rest of the police in other provinces of Pakistan and the Capital Police of Islamabad. This process was made possible due to the personal supervision of and academic input by the President of Pakistan Society of Criminology, Fasihuddin, who is also the Director General, Human Rights, Conflict Resolution and Peace Making, of the KP Police and the Chairman of the Police Child and Women Protection Committee (PCWPC), KP Police. The study of Pakistan Police in this case will be of good academic interest to the scholars of comparative research, comparative criminology and policing.

This *study* provides a detailed reference for the implementation of law, policy and practice to promote and protect the rights of children coming in conflict with law. The *study* provides a concise description of the role, powers and procedures, and developing activities of the Police Department. We hope that the *study* will be widely used by all those involved in promoting the fullest possible implementation of the Convention government, NGOs and others. We also hope that this *study* will help to bring the Convention on the Rights of the Child alive and encourage all those working with and for children to see implementation as more than a formal process. We hope it will be seen as the vivid and exciting process of working to improve the lives of the children coming in conflict with law.





## 2.1 Police Existing System of Criminal Record

In the existing criminal record system of police there are twenty five (25) registers in every police station.

Table: 2.1 Police Existing System of Criminal Record

|               |  |
|---------------|--|
| Register I    | First Information Report (FIR)                                     |
| Register II   | Station Diary  |
| Register III  | Standing Order Book (2 parts)                                      |
| Register IV   | Register of Absconders and Deserters. (4 parts)                    |
| Register V    | Register of Correspondence (2 parts)                               |
| Register VI   | Miscellaneous Register (4 parts)                                   |
| Register VII  | Cattle Pound Register (2 parts)                                    |
| Register VIII | Criminal Tribes Register (2 parts)                                 |
| Register IX   | The Village Crime Register (5 parts) part-v as Conviction Register |
| Register X    | The Surveillance Register (2 parts)                                |
| Register XI   | Index to History Sheets and Personal Files (2 parts)               |
| Register XII  | Register of information Sheet dispatched.                          |
| Register XII  | (a) Copies of Information Sheets Received                          |
| Register XII  | (b) Copies of Look-out Notices received                            |
| Register XIII | Minute Book for Gazetted Officers                                  |
| Register XIV  | File Book of Inspection Reports                                    |
| Register XV   | The Register of Births and Deaths (Vital Statistics)               |
| Register XVI  | Register of Government Officials and Property (4 Parts)            |
| Register XVII | Register of Licenses (6 Parts)                                     |

## Available Data Collection System

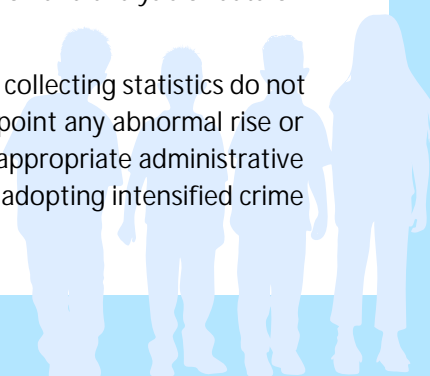


|                |  |
|----------------|--|
| Register XVIII | Receipt Books for Arms, Ammunition and Military Stores                       |
| Register XIX   | The Store Room Register  |
| Register XX    | Cash Accounts  |
| Register XXI   | File Book of Road Certificates   |
| Register XXII  | Printed Receipts Books (a) Police Gazette, (b) Criminal Intelligence Gazette |
| Register XXIII | Police Rules   |
| Register XXIV  | Charge Notes of Officers in-Charge of Police Stations                        |
| Register XXV   | Blank Register (Confidential Information)                                    |

Source: Police Rules, 1934. Chapter XXII Police Station, PR 22.45

The information on crimes at present is collated tediously at the police station level from the manual registers, from where it flows to the Superintendent of the Police (SP) and aggregated at the district level under the heads of body offences, property offences and recoveries made. The information so collected is passed onto the Central Police Office (CPO), where it is aggregated at the provincial level for comparison with previous year statistics. The information is then passed onto the National Police Bureau (NPB) - the nodal agency working under the Ministry of Interior - which acts as a repository of crime statistics at the national level. But strangely the NPB is a place for collection of such data in an aggregated form only. The NPB has not yet analyzed any data or published any national compilation of crime figures in a disaggregated form. *To explain why more police will not reduce the crime rate, it is needed to delve into issues of police management, for which the NPB data is inadequate. However, recently the NPB has taken some very important steps for collection and analysis of data on scientific grounds. No doubt, the NPB has little resources for this.*

So long as the mechanics used by a country for registering crime and collecting statistics do not undergo fundamental changes, such figures could at best be used to pinpoint any abnormal rise or drop in specific types of offences during a particular year. This facilitates appropriate administrative action, such as adding manpower and equipment to police resources and adopting intensified crime control measures by the police.







Available Data  
Collection System

The need for Data Collection System on Juvenile Justice Indicators and Police Child Protection Center (PCPC) was felt due to the poor maintenance of manual records on the crime and criminals, low quality of data on computer files and inadequate infrastructure for data collection at the provincial level. Therefore, the computerization of criminal record and the establishment of PCPC were considered as the only practical alternatives. Thus the KP Police for a start came up with idea of computerizing the entire data specific to the juveniles at the provincial level.

## 2.2 International Standards

The Committee on the Rights of the Child has suggested that statistical data incorporated into the reports of State parties on the implementation of the Convention on the Rights of the Child should be disaggregated by age, gender, ethnicity/religion, disability and any other relevant category. The UNODC-UNICEF Manual suggests that data should be disaggregated by gender, ethnicity, offence and district of origin. It also suggests that data on juveniles deprived of liberty be disaggregated by the kind of facility in which they are confined. The Committee on the Rights of the Child has noted the importance of registering all children deprived of their liberty, and the *Guidelines for Periodic Reports (Revised 2005)* asks for detailed disaggregated data in respect of the:

- Number of persons under 18 held in police stations or pre-trial detention after having been accused of committing a crime reported to the police, and the average length of their detention;
- Number of institutions specifically for persons under 18 alleged as, accused of, or recognized as having infringed the penal law;
- Number of persons under 18 in these institutions and average length of stay;
- Number of persons under 18 detained in institutions that are not specifically for children;
- Number and percentage of persons under 18 who have been found guilty of an offence by a court and have been sentenced to detention and the average length of their detention;
- Number of reported cases of abuse and maltreatment of persons under 18 occurring during their arrest and detention/imprisonment" (CRC/C/58/Rev.1, Annex, para. 24)

The Committee on the Rights of the Child, has in *General Comment No.10* urged the States to collect systematically disaggregated data on all aspects of the administration of juvenile justice and also to regularly evaluate their practice and its effects, invariably involving children, with due respect for their privacy and other safeguards:

*General Comment No.10: [Data Collection, Evaluation and Research]*

98. *The Committee is deeply concerned about the lack of even basic and disaggregated data on, inter alia, the number and nature of offences committed by children, the use and the average duration of pretrial detention, the number of children dealt with by resorting to measures other than judicial proceedings (diversion), the number of convicted children and the nature of the sanctions imposed on them. The Committee urges the States parties to systematically collect disaggregated data*

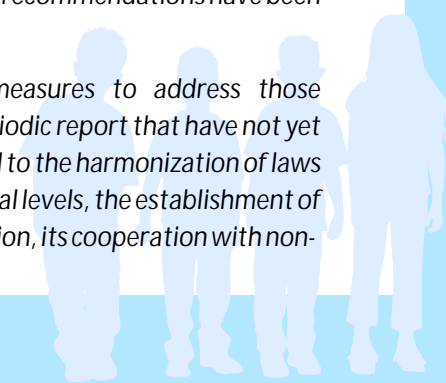
*to the information on the practice of the administration of juvenile justice, and necessary for the development, implementation and evaluation of policies and programmes aiming at the prevention and effective responses to juvenile delinquency in full accordance with the principles and provisions of CRC.*

99. *The Committee recommends that States parties conduct regular evaluations of their practice of juvenile justice, in particular of the effectiveness of the measures taken, including those concerning discrimination, reintegration and recidivism, preferably carried out by independent academic institutions. Research, as for example on the disparities in the administration of juvenile justice which may amount to discrimination, and developments in the field of juvenile delinquency, such as effective diversion programmes or newly emerging juvenile delinquency activities, will indicate critical points of success and concern. It is important that children are involved in this evaluation and research, in particular those who have been in contact with parts of the juvenile justice system. The privacy of these children and the confidentiality of their cooperation should be fully respected and protected. In this regard, the Committee refers the States parties to the existing international guidelines on the involvement of children in research."*

The Committee on the Rights of the Child in its 'Concluding Observations' on the third and fourth periodic report of Pakistan (CRC/C/PAK/3-4) in September, 2009, observed that:

"The Committee's previous recommendations

6. The Committee notes that some of the concerns and recommendations made upon the consideration of the State party's second periodic report (<http://www.unhchr.ch/html/menu2/6/crc/doc/statement/ds-pakistan-2.pdf> CRC/C/15/Add.217) have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.
7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including those related to the harmonization of laws with the Convention, improved coordination of the national and the local levels, the establishment of a monitoring mechanism, resource allocations for children, data collection, its cooperation with non-





governmental organizations (NGOs), the definition of the child, violence against and abuse of children, including sexual abuse, the right to education, child labour and juvenile justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations.

#### Data Collection

20. The Committee notes with satisfaction that a Child Protection Monitoring and Data Collection System has been established but expresses concern that the National Commission for Child Welfare and Development, mandated to provide the resources for data collection and system management, may not have sufficient human and financial resources to overcome the shortcomings of the existing statistical system and to fulfil its mandate in an effective manner.
21. The Committee recommends that the State party:
  - a. Ensure that the Child Protection Monitoring and Data Collection System is provided with adequate resources to systematically and comprehensively collect quantitative and qualitative data for the entire country, disaggregated by sex, age and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who require affirmative social actions due to disadvantages and disparities;
  - b. Continue its efforts to develop indicators in order to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children; and
  - c. Seek technical assistance from, among others, UNICEF in that regard."

#### 2.3 The Need for Indicators

In many countries, the statistical recording of the number and conditions of juveniles who are detained or placed in an institution is gravely lacking. Indeed, at times, juveniles are subject to judicial proceedings without a case file, or their files are mislaid. In some countries, statistics only exist for the capital city, and perhaps a handful of major towns, and ignore locally applied procedures and methods, about which no-one really knows the extent of arbitrary practices used against juvenile offenders. The United Nations Office on Drugs and Crime/United Nations Children's Fund Manual for the

## Available Data Collection System

Measurement of Juvenile Justice Indicators introduces fifteen juvenile justice indicators to assist local and national officials in establishing sustainable information systems to monitor the situation of children in conflict with the law. In short, a failure to carefully record and strategically make use of juvenile justice related information contributes to a failure to ensure the protection of the child in conflict with the law.

Disaggregation is extremely important for the purposes of maximizing the usefulness of the juvenile justice indicators. This is due to the fact that disaggregation both reveals patterns that are not apparent from looking at the complete group as a whole, and allows the situation of particularly vulnerable subgroups of children to be examined.

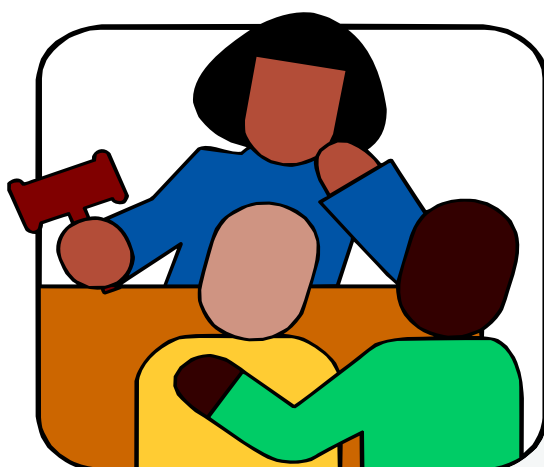
Disaggregated information can be used at the local level, such as in an individual place of detention, to make certain that particularly vulnerable groups of children, such as girls or especially young children are dealt with in a way that is appropriate to their needs. At the national level, the disaggregation of information for indicators such as Indicator 1 (Children in conflict with the law) and Indicator 9 (Custodial sentencing) can inform the development of national policies, including plans for the prevention of conflict with the law amongst children or court sentencing guidelines. If the indicators show, for example, that a large number of young boys come into contact with the law and are sentenced to deprivation of liberty for relatively minor offences, then prevention and sentencing policies could be adapted to address the situation.

The UN has designed/proposed fifteen juvenile justice indicators. An indicator explains how measuring the indicators can contribute to the protection of the child in conflict with the law through actions at both the local and the central level. It offers practical guidance, strategies and tools for information collection, and calculation of the indicators. These indicators offer a clear global definition of 'baseline' information that every country should be able to produce. Secondly, a national juvenile justice information collection process that leads to measurement of the indicators engages local institutions such as police stations, magistrate's courts and places of detention in information collection. Thirdly, measurement of the indicators also enables the existence of relevant policies to be assessed, both by local institutions and at the national level. The indicators may be used as a starting point for national assessment of how children in conflict with the law are dealt with, and for the identification of areas for improvement or reform. The fifteen indicators proposed by the UN are given below:

Table 2.3.1 Quantitative Indicators

|   |                                     |
|---|-------------------------------------|
| 1 | Children in Conflict with the Law   |
| 2 | Children in Detention               |
| 3 | Children in Pre-sentenced Detention |
| 4 | Duration of Pre-sentenced Detention |
| 5 | Child Deaths in Detention           |
| 6 | Separation from Adults              |





|    |                                  |
|----|----------------------------------|
| 7  | Contacts with Parents and Family |
| 8  | Custodial Sentencing             |
| 9  | Duration of Sentenced Duration   |
| 10 | Pre-Sentence Diversion           |
| 11 | After Care                       |

Table 2.3.2 Policy Indicators

|    |                                     |
|----|-------------------------------------|
| 12 | Regular Independent Inspection      |
| 13 | Complaints Mechanism                |
| 14 | Specialized Juvenile Justice System |
| 15 | Prevention                          |

A combined analysis of the fifteen indicators is considered necessary for the assessment of the situation of children in conflict with the law. However, in situations where it may not be possible to measure all fifteen, a number of 'core' indicators are identified as priority, namely: indicator one children in detention; indicator three children in pre-sentence detention; indicator nine custodial sentencing; indicator ten pre-sentence diversion; and indicator fourteen specialized juvenile justice system.

## 2.4 Indigenously Devised System

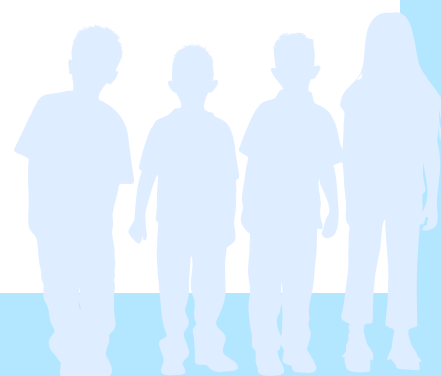
Keeping in view the need for a comprehensive data collection system on juvenile justice indicators in Pakistan, the Pakistan Society of Criminology (PSC) undertook to introduce a new data collection system based on the juvenile justice indicators. PSC, with the help of Save the Children, Sweden, developed a comprehensive data collection system for juveniles in conflict with the law and child victims in the KP Police.

### 2.4.1 Printing of the Register No 26 (A)

For the purpose of data collection on juveniles in conflict with law and crimes of violence against children from the Police Stations, a register named Register No. 26 (A) was designed by DG Human Rights, which was printed with the support of Save the Children, Sweden. The basic purpose of the register was to collect maximum amount of data. Prior to the introduction of this register there was no special register for the juveniles and child victims at the Police Station level. The cases were recorded along with other cases in old and conventional registers present at the police stations. This newly developed register obligates the KP Police to have the cases registered only pertaining to Juvenile Offenders and Child Victims. The indicators of the Register No. 26 (A) are given below:

### 2.4.2 Indicators in Register No 26 (A)

|    |   |
|----|---|
| 1  | Serial No                                       |
| 2  | F.I.R No  |
| 3  | Date of F.I.R                                   |
| 4  | Section of Law                                  |
| 5  | Name of Child                                   |
| 6  | Parentage                                       |
| 7  | Address & Phone No                              |
| 8  | Age & Medical Report                            |
| 9  | Complainant                                     |
| 10 | Accused   |
| 11 | Accused Relation with Child                     |
| 12 | Arrested Person                                 |
| 13 | Date of Challan (First Information Report-FIR)  |
| 14 | Brief Facts                                     |
| 15 | Departmental/ Legal/ Medical Action/ Prevention |



### 2.4.3 Indicators in Register No 26 (A)

رجسٹر - 26 A

ضلع

تھانہ —

## جرائم و تشدد دبر خلاف اطفال

**(Crimes Against and Abuse of Children)**

[illegible]

This register has been distributed to all the Police Stations of the KP. The indicators in the register are printed in both English and Urdu for the purpose of facilitation.



#### 2.4.4 Standing Order No.4 from the Provincial Police Officer for Register No.26 (A)

In order to give a legal status to the Register 26(A), a standing order was issued by the Provincial Police Officer (PPO), previously known as Inspector General Police (IGP), to all Police Stations of the KP. This standing order was about the Register No.26 (A) (Given at annexure). According to the standing order No.4;

*" The Director/AIG R&D KP in active participation of various international bodies and NGOs including Save the Children Sweden has designed some proformae in printed form which will be kept in shape of registers in every Police Station and the District Police Office. This register hereafter called as a 'Register for Crimes against and Abuse of Children' shall be maintained by the Moharrir of the Police Station under the supervision of the SHO. This register shall contain the following information month wise;*

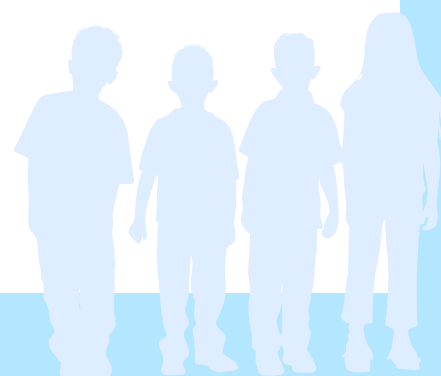
- 1- Crimes against and abuse of children about which FIR are lodged e.g.; physical abuse and sexual abuse.
- 2- Crimes against adults in which children are co-accused.
- 3- Crimes perpetrated by children, called Juvenile Offences, shall also be recorded in the same register with 'Red-Ink'.

*The entries in the register shall be made from 1<sup>st</sup> January, 2009 and it shall be called Register No.26 (A)."*

The Register was introduced in April, 2009 but entries were made retrospectively from January, out of the bulk of information scattered in police station record.

#### 2.4.5 MoU for Police Child Protection Center (PCPC)

The KP Police signed a Memorandum of Understanding (MOU) with Save the Children Sweden and Regional Directorate of Human Rights Peshawar in May 2009 for the establishment of Police Child Protection Center (PCPC). The PCPC was established with the aim to spearhead efforts for securing juvenile rights which hopefully will culminate into materialization of a full- fledged remand home. The project intends to usher a new set of ethos regarding child rights in Police and other government departments and inject a work ethic in the investigation and probation components of the justice system which will provide hope of a better and prosperous future for juvenile victims and offenders (See MoU at the Annexure).







## Khyber Pakhtunkhwa Police Initiatives for Human Rights

The KP Police initiated a number of innovative steps for the promotion and protection of human rights in the province. Briefly, the following are major initiatives introduced by the KP police:

- Establishment of Directorate of Human Rights, Conflict Resolution and Peace Making;
- Establishment of Police Child and Women Protection Committee;
- Establishment of Data Collection System regarding Juvenile Offenders and Child Victims (Register 26-a);
- Establishment of Police Child Protection Center and Missing Children Center;
- Leading role in the Provincial Juvenile Justice Working Group (JJWG); and
- SOPs for protection of Women Rights.

### 3.1 Replication of the Devised System in other Provinces by NPB

KP Police, because of its high-level support for innovation and improvement in juvenile justice, has been recognized as a pioneer in implementing research-based programs, building in quality-assurance mechanisms, evaluating outcomes to determine the most cost-effective ways to reduce delinquency and promote positive youth development, and educating policymakers and the public regarding the results. Keeping in view the international demands and performance results of the establishment of data collection system initiative taken by the KP Police, a meeting was called upon by the National Police Bureau (NPB) in which the President of Pakistan Society of Criminology and Save the Children Sweden were invited to make a presentation to NPB and other provinces, in order to provide technical assistance and support to other state and local reform efforts, including efforts to enhance the quality of data on juveniles accused of crimes and abused children, improve multi-system collaboration and coordination, and promote and spread best practices incorporating balanced juvenile justice approaches to delinquency. Save the Children Sweden also entered into a similar MoU with the Balochistan Police who showed keen interest in the replication of the initiative in Balochistan province, where the KP Police Model is in the process of being implemented. In this regard the KP Police and Save the Children Sweden held a number of orientation visits for the Balochistan Police to the PCPC for explaining the mechanics of the data collection so introduced.

# Khyber Pakhtunkhwa Police Initiatives for Human Rights

## 3.2 Data Collection Project

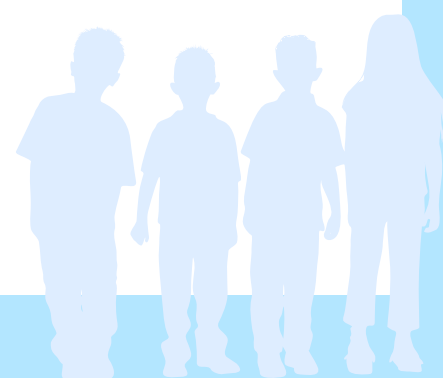
Pakistan Society of Criminology with the support from Save the Children Sweden started a project on data collection in August 2009. For the purpose of data collection, a comprehensive project was launched. The first round of the project was geared to impart training to the KP Police and the Second round is meant for the establishment of database at the Central Police Office (CPO), to interpret and analyze the collected data. For data collection, two Proformae were designed in two different colours for the facilitation of data entry.

### 3.2.1 Blue Proforma

This Proforma has been designed for the crimes committed by Juveniles commonly known as Juvenile Offenders.

#### 3.2.1.1-Indicators: Juvenile Offenders (BLUE)

|    |  |    |   |
|----|--|----|---|
| 1  | S. No  | 15 | No of Co-accused                                  |
| 2  | Police Station   | 16 | Relation of Co-accused with Juvenile (F/M/B/SR)   |
| 3  | District   | 17 | Age of Co-accused                                 |
| 4  | Name   | 18 | Total Days of Detention with Police               |
| 5  | Father Name  | 19 | Legal Aid Provided by Police                      |
| 6  | Gender   | 20 | Is Probation Officer Informed by Police?          |
| 7  | Age  | 21 | Is Parents/Family of Juvenile Informed by Police? |
| 8  | Sent for Medical Ossification Test (Y/N)                 | 22 | Released by Police with Surety or Without (Y/N)   |
| 9  | FIR No   | 23 | Date of Challan Put in Juvenile Court             |
| 10 | FIR Date   | 24 | Medical History of Juvenile                       |
| 11 | Section of Law   | 25 | Trail Started on Date                             |
| 12 | Complainant  | 26 | Conviction by Court                               |
| 13 | Any Relation of Juvenile to Complainant (F/B/M/S, Other) | 27 | Nature of Conviction                              |
| 14 | Nature of Crime with Brief History                       | 28 | Released on Probation (Y/N)                       |
|    |  | 29 | Status of Juvenile (R/J)                          |





## Khyber Pakhtunkhwa Police Initiatives for Human Rights

### 3.2.2-Pink Proforma:

This proforma has been designed for the crimes committed against children commonly known as Child Victims.

#### 3.2.2.1-Indicators: Crimes Against and Abuse of Children (PINK)

|    |   |    |  |
|----|---|----|--|
| 1  | S. No   | 15 | No of Accused                          |
| 2  | Police Station                                  | 16 | No of Accused Arrested                 |
| 3  | District  | 17 | No of Accused at Large                 |
| 4  | Name  | 18 | Date of Challan                        |
| 5  | Father Name                                     | 19 | Challan Completed (Y/N)                |
| 6  | Gender  | 20 | No of Accused Released on Bail         |
| 7  | Age   | 21 | Medical History                        |
| 8  | Complainant Relation to Child (F/B/M/S/Other)   | 22 | Legal Support Provided to Victim (Y/N) |
| 9  | FIR No  | 23 | Who Provided Legal Support?            |
| 10 | FIR Date  | 24 | Conviction of Accused                  |
| 11 | Section of Law                                  | 25 | Acquittal                              |
| 12 | Kind of Abuse/ Crime with Brief History         | 26 | Un-traced                              |
| 13 | Referral to Doctor/ Medical Consultant (Yes/No) | 27 | Appeal in Case of Acquittal            |
| 14 | Medical Report Received (Yes / No)              |    |  |

Both the proformae have short explanation at the bottom and were printed in thousands for all the police-stations and district police offices of the KP.

# Police Training on Juvenile Justice Indicators



4

*" All persons having contact with, or being responsible for, children in the criminal justice system should receive education and training in human rights, the principles and provisions of the Convention [on the Rights of the Child] and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials..." (Vienna Guidelines, 24)*

The Committee on the Rights of the Child has proposed specific training courses (both initial training and in-service retraining) for those working with children, mentioning in a variety of recommendations for judges, lawyers, law enforcement officials, personnel in detention/correctional facilities,

## 4.1-Training Manual

An indigenous training manual was developed by PSC for the practical training of the KP Police on the newly developed registers. For this purpose training material was developed from the original documents of case files of children in conflict with law. It is based on demonstration and experiential learning technique for data collection on crimes against children and juvenile offenders by the concerned police officials, called Station Clerk, i.e. Moharrir and his assistant-Madad or Naib Moharrir.

### 4.1.1-Contents of Training Manual

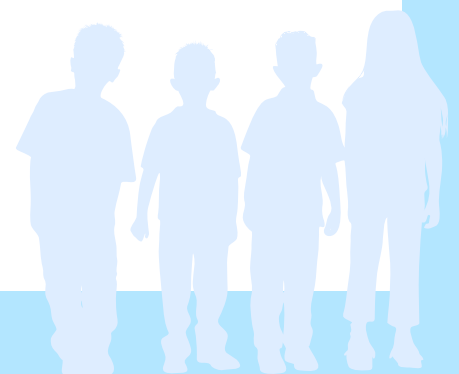
For the training purpose, four real case studies from district Peshawar were selected.

Juvenile Offenders----- 2 Cases

Victim Children----- 2 Cases

### 4.1.2-Documents Included in Training Manual

- Copy of FIRs
- Case Diaries
- Arrest Card
- Police Brief
- Bail Bond



## Police Training on Juvenile Justice Indicators

- Final Report (Challan)
- Conviction Slip
- Injury Sheet
- Memo of Site Plot
- Medical & Post Mortem Report
- Standing Order No. 4 along With Urdu Translation
- Proforma of Register 26 A
- Database Proforma of Crimes Against Children (Pink)
- Database Proforma of Juvenile Offender (Blue)
- Some Important Questions for Police

This training manual being designed was photocopied and was provided to each and every individual called for training. Then with the help of the training manual the participants were briefed on how to fill in the designed proforma.

### 4.1.3-Training Criteria

There is a huge gap in understanding of the above on part of the police officials responsible for maintaining the requisite record at police station level. The lower-subordinates and Moharrirs don't have full knowledge of the juvenile justice legislation and the requirements of the provincial and national governments vis-à-vis such data for onward submission to the UN Committee on Convention on the Rights of the Child (CRC). The Moharrirs often don't know how to make proper entries in these newly introduced registers and then transmit the same in a proper form computerized data, which shall become the basis of a comprehensive database at the headquarter level. Such difficulties are dealt in this training programme which aims at imparting knowledge and skills to the concerned police officials on real cases, obtained from police, prosecution and courts. Anomalies, gaps and shortcoming in the available record will be pointed out to the concerned officials. Practical demonstration on making entries in Register 26(A) and other relevant proformae was observed during training by all the participants. The PSC used interactive hands on methods for training the participants to make entries and compile and collate important information indicators in the proformae designed for central database at the provincial police headquarter.

In order to educate and sensitize the police station clerks, usually called Moharir and Naib Moharir, the police officials who are responsible for maintenance of criminal record, making regular entries and update the record under the Police Rules, 1934, a 5 days training-workshop was organized by Pakistan Society of Criminology and the KP Police for all the 72 police stations of district Peshawar, Nowshera, Charsadda, Mardan and Swabi. In this training-workshop all the Moharirs and Naib Moharirs of preventive wing (Watch and Ward) and of Investigation wing (Detection) were trained on data collection on crimes against and abuse of children and juvenile offenders. The training was based on lectures and experiential learning where the Moharirs, after lectures and demonstration, were asked to make entries with their own hands on the four selected case studies included in the training manual developed by Pakistan Society of Criminology. The training was held at two places, i.e. Mardan and

# Police Training on Juvenile Justice Indicators



Peshawar and was conducted by the Director General Human Rights KP Police, SP-Research KP Police and Program Manager Child Protection Save the Children Sweden. A total of 200 police officials were trained on the new data collection system UNCRC and JJSO 2000. All newly recruited staff of recently established Police Child Protection Centre (PCPC) also attended the training. The newly printed proformae in two colors, blue for juvenile offenders and pink for child victims were provided to all the police stations of the KP. The data related to these two categories of children i. e; victim and offenders has been computerized at the Central Police Office (CPO) KP.

It was noticed that 98% of the police Moharir staff were ignorant about the CRC (Convention on the Rights of the Child) and 10% had heard only the name of the JJSO (Juvenile Justice System Ordinance, 2000), but had not read it even once. When asked to enumerate one or two rights of the child, 70% narrated only one right and 50% narrated only two rights. The duties of a police officer towards a child victim or juvenile offender in the light of the respective laws were hardly known to the police officials. Deplorably, 95% of the Moharirs were not aware of the name of probation department, which is one of the important components of the juvenile justice system.

It is to be noted that although the proformae were sent to the police stations of the entire province but till December 2009, training was imparted only to the Peshawar and Mardan Region Police. Therefore this report is based on the data obtained from only these two region i.e; five districts.

## 4.1-Training Manual

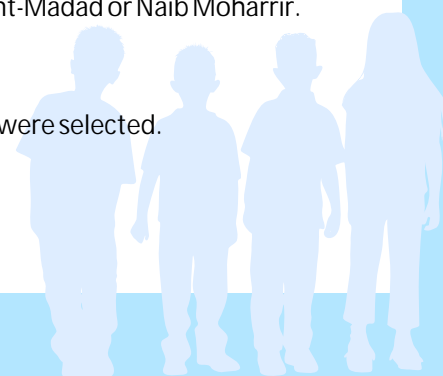
An indigenous training manual was developed by PSC for the practical training of the KP Police on the newly developed registers. For this purpose training material was developed from the original documents of case files of children in conflict with law. It is based on demonstration and experiential learning technique for data collection on crimes against children and juvenile offenders by the concerned police officials, called Station Clerk, i.e. Moharir and his assistant-Madad or Naib Moharir.

### 4.1.1-Contents of Training Manual

For the training purpose, four real case studies from district Peshawar were selected.

Juvenile Offenders ----- 2 Cases

Victim Children ----- 2 Cases





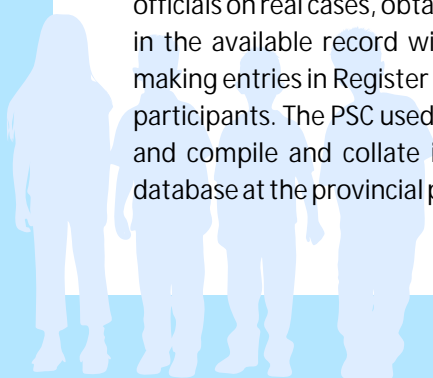
#### 4.1.2-Documents Included in Training Manual

- Copy of FIRs
- Case Diaries
- Arrest Card
- Police Brief
- Bail Bond
- Final Report (Challan)
- Conviction Slip
- Injury Sheet
- Memo of Site Plot
- Medical & Post Mortem Report
- Standing Order No. 4 along With Urdu Translation
- Proforma of Register 26 A
- Database Proforma of Crimes Against Children (Pink)
- Database Proforma of Juvenile Offender (Blue)
- Some Important Questions for Police

This training manual being designed was photocopied and was provided to each and every individual called for training. Then with the help of the training manual the participants were briefed on how to fill in the designed proforma.

#### 4.1.3-Training Criteria

There is a huge gap in understanding of the above on part of the police officials responsible for maintaining the requisite record at police station level. The lower-subordinates and Moharrirs don't have full knowledge of the juvenile justice legislation and the requirements of the provincial and national governments vis-à-vis such data for onward submission to the UN Committee on Convention on the Rights of the Child (CRC). The Moharrirs often don't know how to make proper entries in these newly introduced registers and then transmit the same in a proper form computerized data, which shall become the basis of a comprehensive database at the headquarter level. Such difficulties are dealt in this training programme which aims at imparting knowledge and skills to the concerned police officials on real cases, obtained from police, prosecution and courts. Anomalies, gaps and shortcoming in the available record will be pointed out to the concerned officials. Practical demonstration on making entries in Register 26(A) and other relevant proformae was observed during training by all the participants. The PSC used interactive hands on methods for training the participants to make entries and compile and collate important information indicators in the proformae designed for central database at the provincial police headquarter.



## Police Training on Juvenile Justice Indicators



In order to educate and sensitize the police station clerks, usually called Moharir and Naib Moharir, the police officials who are responsible for maintenance of criminal record, making regular entries and update the record under the Police Rules, 1934, a 5 days training-workshop was organized by Pakistan Society of Criminology and the KP Police for all the 72 police stations of district Peshawar, Nowshera, Charsadda, Mardan and Swabi. In this training-workshop all the Moharirs and Naib Moharirs of preventive wing (Watch and Ward) and of Investigation wing (Detection) were trained on data collection on crimes against and abuse of children and juvenile offenders. The training was based on lectures and experiential learning where the Moharirs, after lectures and demonstration, were asked to make entries with their own hands on the four selected case studies included in the training manual developed by Pakistan Society of Criminology. The training was held at two places, i.e. Mardan and Peshawar and was conducted by the Director General Human Rights KP Police, SP-Research KP Police and Program Manager Child Protection Save the Children Sweden. A total of 200 police officials were trained on the new data collection system UNCRC and JJSO 2000. All newly recruited staff of recently established Police Child Protection Centre (PCPC) also attended the training. The newly printed proformae in two colors, blue for juvenile offenders and pink for child victims were provided to all the police stations of the KP. The data related to these two categories of children i. e; victim and offenders has been computerized at the Central Police Office (CPO) KP.

It was noticed that 98% of the police Moharir staff were ignorant about the CRC (Convention on the Rights of the Child) and 10% had heard only the name of the JJSO (Juvenile Justice System Ordinance, 2000), but had not read it even once. When asked to enumerate one or two rights of the child, 70% narrated only one right and 50% narrated only two rights. The duties of a police officer towards a child victim or juvenile offender in the light of the respective laws were hardly known to the police officials. Deplorably, 95% of the Moharirs were not aware of the name of probation department, which is one of the important components of the juvenile justice system.

It is to be noted that although the proformae were sent to the police stations of the entire province but till December 2009, training was imparted only to the Peshawar and Mardan Region Police. Therefore this report is based on the data obtained from only these two region i.e; five districts.





#### 4.1.4 Constraints Faced During the Trainings

While training the Staff of Police, i.e. Moharrirs and M-Moharrirs, several constraints were faced.

- ☑ Transfer and Posting of Moharrirs especially in Peshawar and Swabi caused several problems during the trainings .i.e. due to the posting of new Chief Capital Police Officer (CCPO) of Peshawar and new District Police Officer (DPO) Swabi, almost all the Moharrirs and Madad Moharrirs so trained were transferred from their posts which led the PSC to arrange the training afresh for the new Moharrirs and Madad Moharrirs.
- ☑ Law and Order situation especially in Bannu, Hangu, Swat and other terrorist-affected areas.

Table: 4.1.4.1 Awareness Level of Participants regarding CRC and JJSO

| Questions | Known to Participants |     | Only Heard the Name |     | Acting Over these Laws |     | No Idea about It |
|-----------|-----------------------|-----|---------------------|-----|------------------------|-----|------------------|
|           | Yes                   | No  | Yes                 | No  | Yes                    | No  | Yes              |
| JJSO 2000 | 5%                    | 95% | 10%                 | 90% | 2%                     | 98% | 21%              |
| CRC       | 2%                    | 98% | 0%                  | 90% | 1%                     | 99% | 2%               |

#### 4.1.5 Database Development for the Designed Proformae

Database is a programme package used for storing data in way which can be easily accessed at any given time and the data is kept in a systematic way. For the purpose of data storage the Pakistan Society of Criminology developed a database according to the formats of the designed proformae. This database designed is in operation after it was installed at the Central Police Office (CPO). This database is capable of storing data safely and is able to generate over a hundred reports of different types. We must mention it here that the few main functions of the database are to avoid duplication of data, restrict un-necessary access, data backup, less chance of data changes etc. Without a database every one can delete or change the record. Only the authorized personnel have access to delete or make any changes in the individual entries in the database.

#### 4.1.6-Database Development for the Missing Children Center at PCPC

Though this database development was not a part of the programme but the Pakistan Society of Criminology took the challenge and worked for the data storage of the Missing Children Center, now in the Police Child Protection Center. A database was designed for this purpose and was installed at the missing children center. This database is in full operation and so far some 1600 entries have been recorded on to that database. Prior to this database, the record of the missing children center was stored in an old conventional way, i.e. a register with no proper format. Now with the availability of this database record is stored much more easily and safely.

#### 4.1.7-Impact of Training

The above mentioned trainings have made Pakistan Society of Criminology believe in two things. The first is that before these trainings the Police officials had no knowledge about the rights of

## Police Training on Juvenile Justice Indicators

a child and certain duties that needed to be performed while facing a child in conflict with the law. In case they had some idea about it, they were not applying these in real case scenario. The other point realized by the Pakistan Society of Criminology was that these trainings brought a visible change in the attitude of the Police Officials towards juvenile victims and juvenile offenders. This situation is evident from the amount of data received at the Central Police Office. As the data from the districts was to be sent from 1st January 2009 so it needed a lot of hard work on part of the Moharrirs and M-Moharrirs.

After the trainings on the designed data collection system the Moharrirs and M-Moharrirs were able to fill the data fields with the required data and were able to answer some questions about the JJSO 2000 and CRC. Due to these trainings the Police officials were educated about the laws and rights related to a child. It was found out during the trainings that the previous deadlock about depriving a child from his/her rights was mainly due to ignorance and certain un-answered questions in their minds. During the trainings the officials were involved in an experiential way of learning in which they were involved in question/answer sessions. During these sessions the officials talked openly about the problems they faced and also the doubts in their mind. It is because of these trainings that this milestone was achieved.





### 5.1- Crimes against Children

Reported Child Abuse cases in Five Selected Districts of the KP for the period 1.1.09 to 31.12.09:

Table: 5.1.1-Age-Disaggregation of Victim Children

|       |         | Districts |        |          |          |       | Total | %age |
|-------|---------|-----------|--------|----------|----------|-------|-------|------|
|       |         | Charsadda | Mardan | Nowshera | Peshawar | Swabi |       |      |
| Age   | 1 - 3   | 1         | 0      | 0        | 2        | 1     | 4     | 4.3  |
|       | 4 - 6   | 3         | 1      | 1        | 6        | 4     | 15    | 16.1 |
|       | 7 - 8   | 3         | 3      | 2        | 4        | 2     | 14    | 15.1 |
|       | 9 - 10  | 0         | 1      | 0        | 5        | 0     | 6     | 6.5  |
|       | 11 - 12 | 2         | 3      | 1        | 4        | 1     | 11    | 11.8 |
|       | 13 - 14 | 3         | 3      | 3        | 10       | 1     | 20    | 21.5 |
|       | 15 - 16 | 1         | 3      | 2        | 10       | 1     | 17    | 18.3 |
|       | 17      | 0         | 0      | 0        | 4        | 2     | 6     | 6.5  |
| Total |         | 13        | 14     | 9        | 45       | 12    | 93    | 100  |

Analysis of Table 5.1.1 (age disaggregation) indicates that the lowest age of the victim children ranged between 1-3 years as 4 cases (4.3%) were registered. The age cohort found most vulnerable or the one that registered the highest number of abuses was 13-14 years as 20 (21.5%) out of the total number of 93 registered cases followed by 15-16 (18%), The two age cohorts i.e. (13-14 and 15-16 years of age) and (4-6 years and 7-8 years of age) show highest %age of abuses-66 cases(71%) out of the total number of 93 reported cases. Figure 5.1.1 (a) explicitly explains the situation.

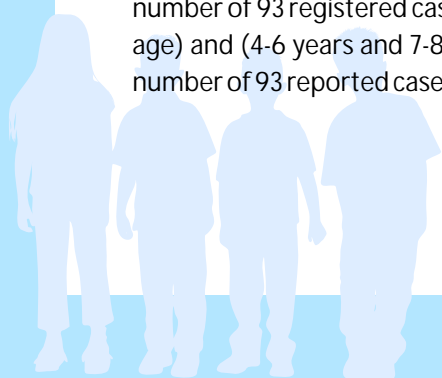


Figure: 5.1.1 (a) Age Disaggregation of Victims

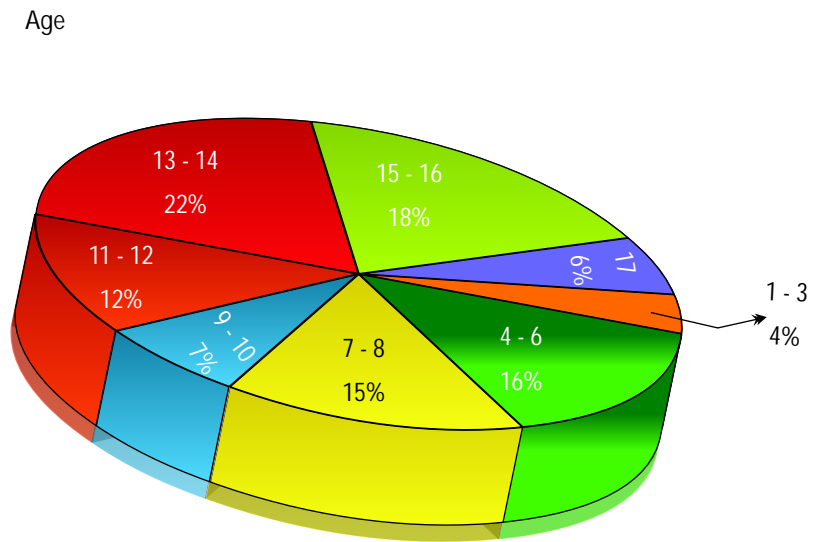


Figure: 5.1.1 (b) District wise disaggregation of C.V.

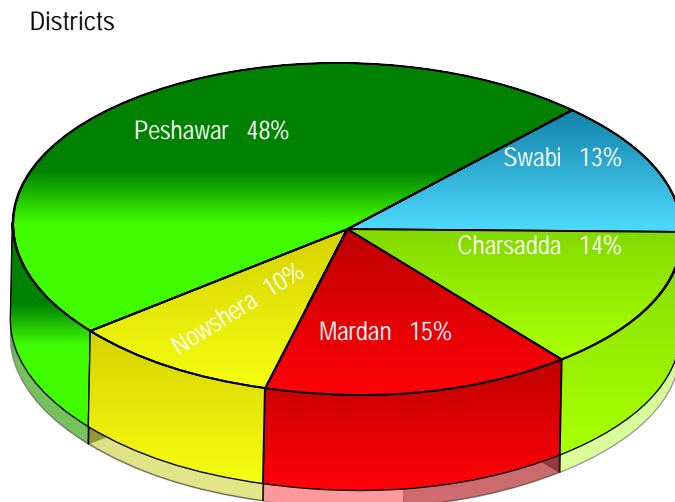


Figure 5.1.1(b) indicates that among the five selected districts, the highest incidence of victimization of children was recorded in district Peshawar; with a total number of 45 (48.3%) cases were registered in this district alone followed by Mardan 14 (15%), Charsadda 13 (14%), Swabi 12 (12.9%) and Nowshera 9 (9.6%).

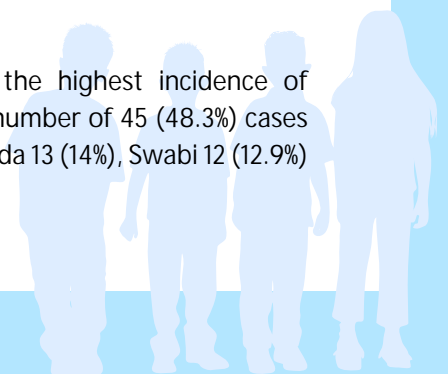
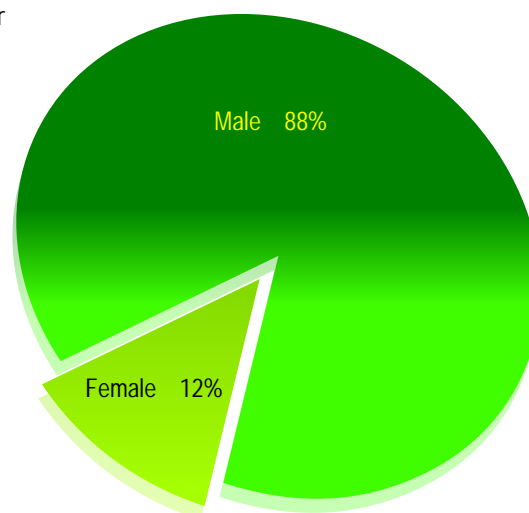


Figure: 5.1.2-Gender-Disaggregation of Victims

| District  | Gender    |           | Total    |
|-----------|-----------|-----------|----------|
|           | Female    | Male      |          |
| Charsadda | 2         | 11        | 13 (14%) |
| Mardan    | 2         | 12        | 14 (15%) |
| Nowshera  | 1         | 8         | 9 (10%)  |
| Peshawar  | 4         | 41        | 45 (48%) |
| Swabi     | 2         | 10        | 12 (13%) |
| Total     | 11(11.8%) | 82(88.2%) | 93(100%) |

Table: 5.1.2-Details of Gender Distribution

Gender



It transpires from Table: 5.1.2 that out of the total reported cases 88.2% of such abuses were against male, whereas 11.8% were reported against female children. The table also reflects that the highest incidence of abuses against female was in Peshawar district. The low incidence of cases against females is because of the fact that the female have less public exposure in KP perhaps due to cultural prohibitions and purdah. The highest incidence of such cases was reported in Peshawar - because it is an urban area -owing to relatively high literacy rate in contrast to the rural set ups of Mardan, Charsadda, Nowshera and Swabi.

# Analysis of the Data

Figure: 5.1.3 (a) Referral to Doctor

| District | Gender |      | Total |
|----------|--------|------|-------|
|          | Female | Male |       |
| No       | 1      | 22   | 23    |
| Yes      | 10     | 60   | 70    |
| Total    | 11     | 82   | 93    |

Figure: 5.1.3 (b) Referral to Doctor, Medical Report Received

| District | Gender |      | Total |
|----------|--------|------|-------|
|          | Female | Male |       |
| No       | 1      | 23   | 24    |
| Yes      | 10     | 59   | 69    |
| Total    | 11     | 82   | 93    |

Figure: 5.1.3(a)  
Child Victim-Referral to Doctor

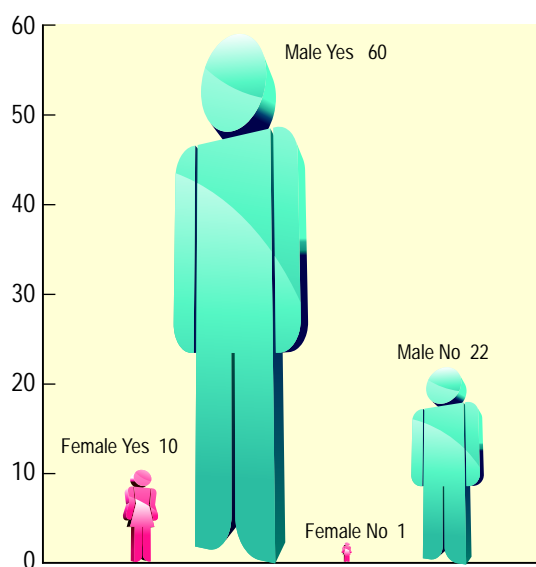
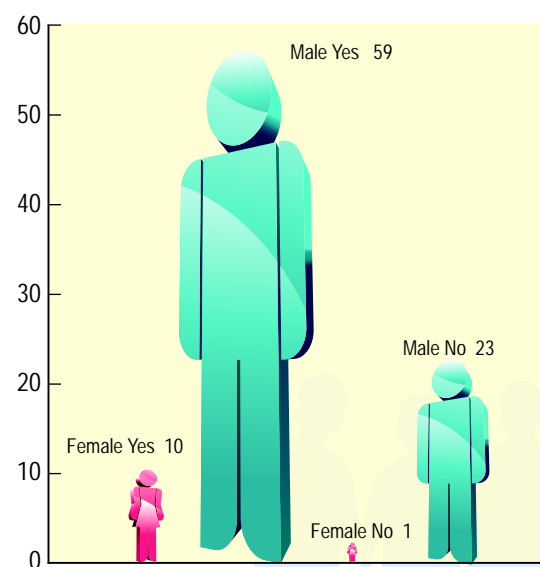


Figure: 5.1.3(b)  
Child Victim-Medical Report Received

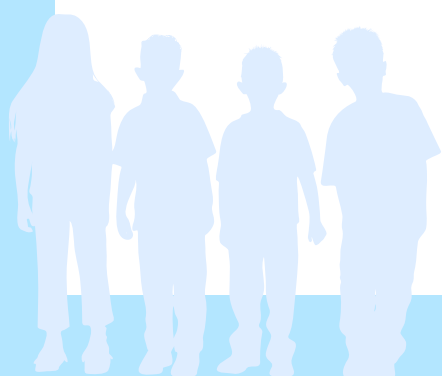
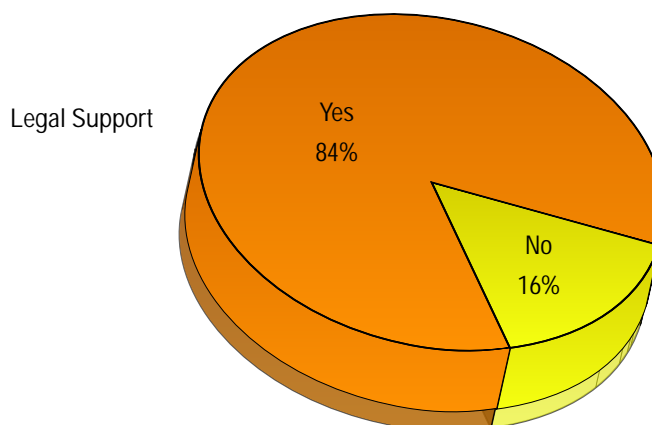


It emerges from Table: 5.1.3(a) that out of 82 cases of male victims, 60 cases of males were referred to the doctor, whilst out of 11 recorded cases of abuse among the females 10 were referred for the medical advice. This shows that the percentage of the female recorded cases is low owing to the social taboos and the public ignominy the family members have to face.

Table: 5.1.4  
District-wise Legal Support Details of Child Victim Cases 1.1.09 to 31.12.09

| District     | Legal Support Provided to Victim |         | Total | Who Provided Legal Support |         |         |        |         |         |         | Total |
|--------------|----------------------------------|---------|-------|----------------------------|---------|---------|--------|---------|---------|---------|-------|
|              | No                               | Yes     |       | None                       | Brother | Father  | Mother | Parents | Police  | Self    |       |
| Charsadda    | 1                                | 12      | 13    | 1                          | 0       | 0       | 0      | 0       | 12      | 0       | 13    |
| Mardan       | 0                                | 14      | 14    | 0                          | 0       | 0       | 0      | 0       | 14      | 0       | 14    |
| Nowshera     | 0                                | 9       | 9     | 0                          | 0       | 0       | 0      | 0       | 9       | 0       | 9     |
| Peshawar     | 10                               | 35      | 45    | 10                         | 1       | 3       | 1      | 5       | 17      | 8       | 45    |
| Swabi        | 8                                | 4       | 12    | 4                          | 0       | 0       | 0      | 0       | 0       | 8       | 12    |
| <b>Total</b> | 15(16%)                          | 78(84%) | 93    | 15                         | 1(1%)   | 3(3.2%) | 1(1%)  | 5(5.4%) | 52(56%) | 16(17%) | 93    |

Figure: 5.1.4(a) Child Victim-Legal Support



## Analysis of the Data

Figure: 5.1.4(b) Who Provided Legal Support

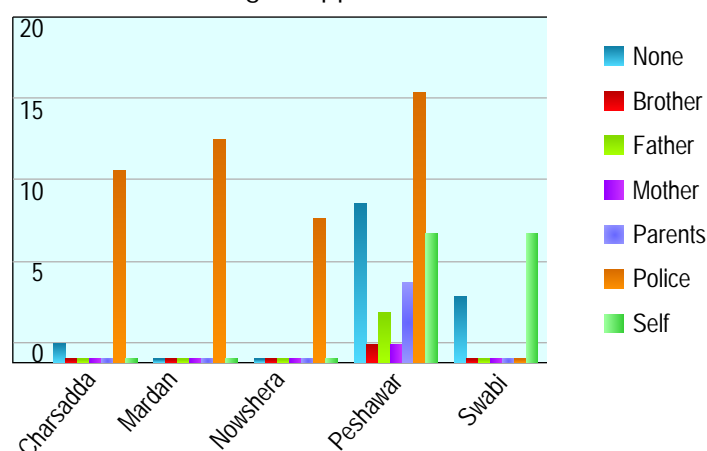


Table 5.1.4 is indicative of legal support provided to the victims of abuse. It emerged from Figure IV. (a). that 78 (84%) of the victims were provided legal support, whereas 16% were provided no legal support at all. Figure 5.1.4(b) points out that 52% were provided legal support by the Police but if we look at it from the perspective of the District wise number of cases with no legal aid; the highest number was recorded in the District Peshawar i.e. 10 cases out of total of 45 registered cases. The reason being that during 2009 Peshawar was beset with terrorist activities, lack of training on part of the police and a general ignorance about the child rights in the family and community.

Table: 5.1.5 District Wise Challan and Traceability Progress Details of Child Abuse Cases 01- 01 - 09 to 31 - 12 - 09

| District     | Challan Completed |           | Total    | Traceability |            | Total    |
|--------------|-------------------|-----------|----------|--------------|------------|----------|
|              | No                | Yes       |          | No           | Yes        |          |
| Charsadda    | 2                 | 11        | 13       | 13           | 0          | 13       |
| Mardan       | 3                 | 11        | 14       | 10           | 4          | 14       |
| Nowshera     | 2                 | 7         | 9        | 7            | 2          | 9        |
| Peshawar     | 11                | 34        | 45       | 37           | 8          | 45       |
| Swabi        | 1                 | 11        | 12       | 11           | 1          | 12       |
| <b>Total</b> | 19(20.4%)         | 74(79.6%) | 93(100%) | 78(83.87%)   | 15(16.13%) | 93(100%) |

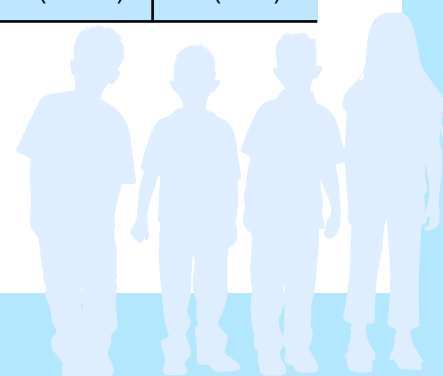






Figure: 5.1.5(a) Child Victim-Traceability of Cases

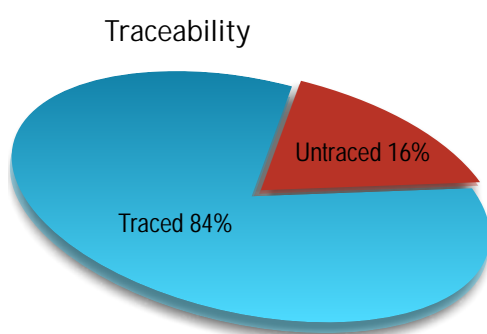


Figure: 5.1.5(b) Child Victim-Challan Completion

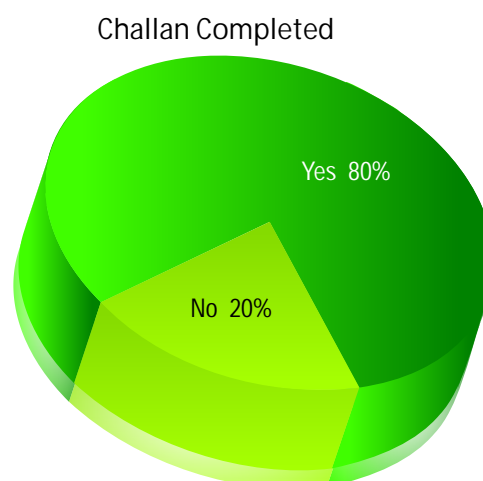


Table 5.1.5 indicates the completion of the challan final report - within the stipulated time and traceability of the cases. It is reflected from Figure 5.1.5 (a) that 78 (84%) of the victims were traced, whereas 16% were untraced. The highest number of untraced cases was recorded in Mardan i.e. 4 out of 14 recorded data, followed by Peshawar. This may be because of the poor quality of police investigation, set against existing standards of proof demanded by the judiciary or perhaps due to out of court settlement between the parties and not pressing charges against each other. Figure 5.1.5(b) points out that in 80% of the recorded cases, challan was completed within the stipulated time, which is quite a high percentage by any standard.

# Analysis of the Data

Table: 5.1.6(a)  
Section of Law Violated

| Section of Law         | Frequency | %    |
|------------------------|-----------|------|
| 279/230 PPC            | 1         | 1.1  |
| 302 PPC                | 7         | 7.5  |
| 302/334 PPC            | 1         | 1.1  |
| 302/34 PPC             | 1         | 1.1  |
| 302/376 PPC            | 1         | 1.1  |
| 319 PPC                | 1         | 1.1  |
| 324 PPC                | 4         | 4.3  |
| 324/334 PPC            | 1         | 1.1  |
| 324/337A2 PPC          | 1         | 1.1  |
| 324/34 PPC             | 6         | 6.5  |
| 324/34/302 PPC         | 1         | 1.1  |
| 337 H                  | 1         | 1.1  |
| 337A2 PPC              | 2         | 2.2  |
| 337F2 PPC              | 1         | 1.1  |
| 337F2/34 PPC           | 1         | 1.1  |
| 337F5 PPC              | 1         | 1.1  |
| 337H                   | 1         | 1.1  |
| 337H PPC               | 2         | 2.2  |
| 337L PPC               | 1         | 1.1  |
| 342/364A PPC           | 1         | 1.1  |
| 363/364 PPC            | 1         | 1.1  |
| 364 B PPC              | 1         | 1.1  |
| 364 PPC                | 2         | 2.2  |
| 364/365 PPC            | 1         | 1.1  |
| 364A PPC               | 5         | 5.4  |
| 364A/302 PPC           | 1         | 1.1  |
| 364A/365A PPC          | 1         | 1.1  |
| 364A/368 PPC           | 1         | 1.1  |
| 365/355/506/342 PPC    | 1         | 1.1  |
| 365A PPC               | 5         | 5.4  |
| 365A/324 PPC           | 1         | 1.1  |
| 365B/376A PPC          | 1         | 1.1  |
| 377 PPC                | 28        | 30.1 |
| 377/1220/506/342 PPC   | 1         | 1.1  |
| 377/34 PPC             | 1         | 1.1  |
| 377/355/342/511 PPC    | 1         | 1.1  |
| 377/506 PPC            | 1         | 1.1  |
| 377/511 PPC            | 1         | 1.1  |
| 382/342/377/511 PPC    | 1         | 1.1  |
| 419/420/377/511/34 PPC | 1         | 1.1  |
| 452/354 PPC            | 1         | 1.1  |
| Total                  | 93        | 100  |

Table: 5.1.6(b) Nature of Abuse/Crime

| Abuse/Crime with brief History | Gender |       |      |       | Total | %age  |
|--------------------------------|--------|-------|------|-------|-------|-------|
|                                | Female | %age  | Male | %age  |       |       |
| Un Natural Act                 | 5      | 16.13 | 26   | 83.87 | 31    | 33.33 |
| Hurt                           | 0      | -     | 1    | 100   | 1     | 01.08 |
| Injuries Through Firing        | 1      | 06.57 | 14   | 93.33 | 15    | 16.13 |
| Injuries Through Sharp Weapon  | 0      | -     | 3    | 100   | 3     | 03.24 |
| Kidnapping / Rape              | 0      | -     | 1    | 100   | 1     | 01.08 |
| Kidnapping / Murder            | 1      | 100   | 0    | -     | 1     | 01.08 |
| Kidnapping                     | 1      | 05.26 | 18   | 94.74 | 19    | 20.43 |
| Murder                         | 1      | 10    | 9    | 90    | 10    | 10.75 |
| Un Natural Act Attempt         | 0      | -     | 1    | 100   | 1     | 01.08 |
| Rape                           | 0      | -     | 1    | 100   | 1     | 01.08 |
| Murder (Qatl - e - Khata)      | 0      | -     | 1    | 100   | 1     | 01.08 |
| Rash Driving / Accident        | 0      | -     | 1    | 100   | 1     | 01.08 |
| Injuries / Beating             | 2      | 25    | 6    | 75    | 8     | 08.60 |
| Total                          | 11     | 11.8  | 82   | 88.17 | 93    | 100   |

It can be observed in Table 5.1.6(a) on the section of law violated and from Table 5.1.6 (b) on the nature of abuses committed that majority of the cases relate to serious offences against human person - a serious offence against a person is murder, kidnapping, rape, sexual assault or abuse, assault or an attempt to carry out any of these acts.

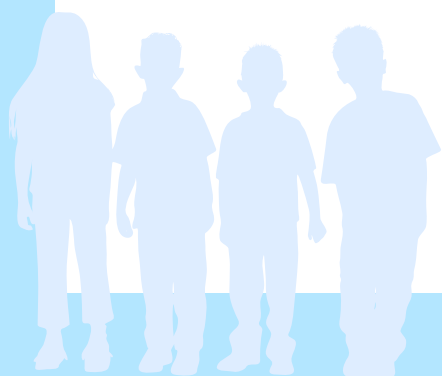
Table 5.1.6(a) shows that 28 reported child abuse cases involved violation of Section 377 of Pakistan Penal Code (PPC), which is the offence for unnatural acts, mostly sexual offence. The second most common offence was murder recorded u/s 302 followed by 324/34/302, which relates to hurt and body injuries - a pointer to increasing nature of violence in the society.

Table 5.1.6(b) shows that 33.4% child abuse cases involved un-natural acts against the child, 20.43% kidnapping, 16.13% injuries through fire arms and 10.8% murders. It is to be noted that females are mostly abused under the head of un-natural acts i.e. 4 out of 11 female abused cases.

Table: 5.1.7 No. of Accused and Arrested

| District  | No of Accused (1) | No of Accused Arrested (2) | Arrest Ratio (1/2) | No of Accused at Large | No of Accused Released on Bail | Conviction of Accused |
|-----------|-------------------|----------------------------|--------------------|------------------------|--------------------------------|-----------------------|
| Peshawar  | 80                | 67                         | 83.75%             | 11                     | 29                             | 0                     |
| Charsadda | 30                | 25                         | 83.33%             | 8                      | 12                             | 0                     |
| Mardan    | 26                | 16                         | 61.54%             | 1                      | 12                             | 0                     |
| Nowshera  | 18                | 10                         | 55.56%             | 3                      | 4                              | 0                     |
| Swabi     | 19                | 12                         | 63.16%             | 4                      | 10                             | 0                     |
| Total     | 173               | 130                        | 75.14%             | 27                     | 67                             | 0                     |

Table 5.1.7 shows the police performance in juvenile abuse cases. The arrest ratio for all the five districts remained 75.14% which shows a good police performance. But on the other hand, the conviction of the accused is totally nil. This refers to the poor investigation and prosecution in the target area. Peshawar and Charsadda police seems equally efficient in arrest of the accused i.e. 83%.



## 5.2 Juvenile Offenders

Juvenile Offenders in Five Selected Districts of the KP for the period 1.1.09 to 31.12.09:

Figure: 5.2.1-District-Wise Disaggregation of J. Offenders

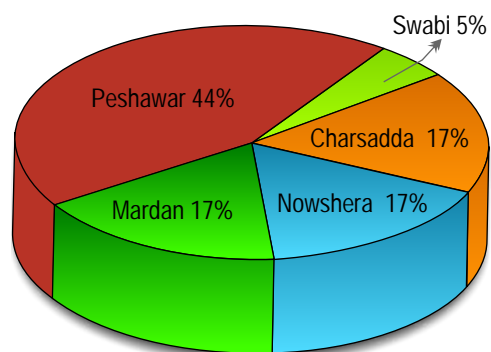
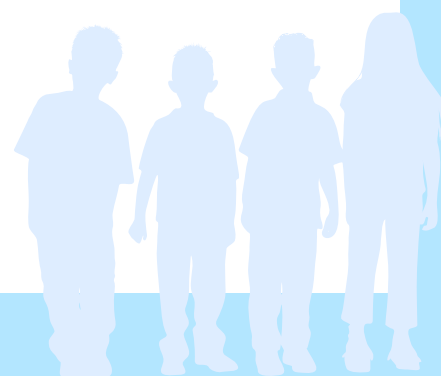


Table: 5.2.1 District-wise Disaggregation of J.O.

| District  | Frequency | Percent |
|-----------|-----------|---------|
| Charsadda | 3         | 16.7    |
| Mardan    | 3         | 16.7    |
| Nowshera  | 3         | 16.7    |
| Peshawar  | 8         | 44.4    |
| Swabi     | 1         | 5.6     |
| Total     | 18        | 100.00  |

Table 5.2.1 shows the district wise disaggregation of juvenile offenders. Out the total of 18 reported cases the majority of the offenders (44.4%) were reported from Peshawar district, followed by Charsadda (17%), Mardan (17%), Nowshera (17%) and Swab (5%).



rights

free learn love grow

acts health guidance work protection children help education

special

understanding development

parents exploitation

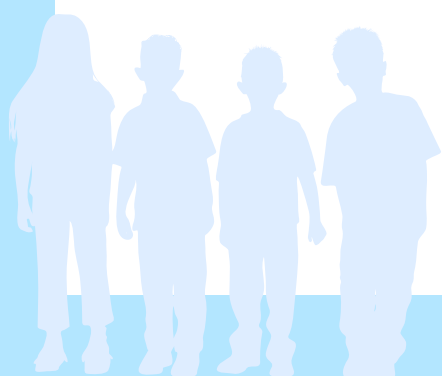
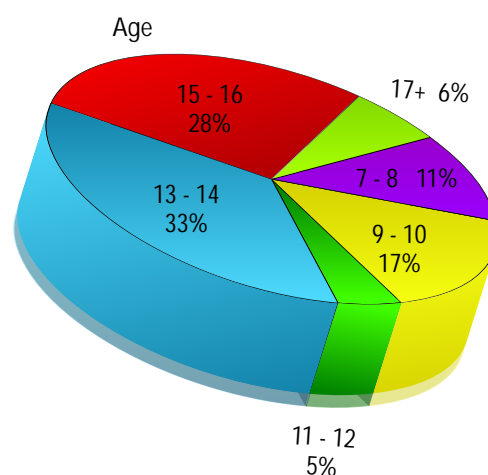
responsibilities handicapped political tolerance

care dignity

Analysis of the  
Data

|                             | Age     |         |         |         |         |      | Total | %age   |
|-----------------------------|---------|---------|---------|---------|---------|------|-------|--------|
|                             | 07 - 08 | 09 - 10 | 11 - 12 | 13 - 14 | 15 - 16 | 17+  |       |        |
| Drugs Trafficking           | 1       | 0       | 0       | 1       | 0       | 0    | 2     | 2.15   |
| Firing Intended to Murder   | 0       | 0       | 1       | 0       | 0       | 0    | 1     | 1.08   |
| Hurt and Assault            | 0       | 1       | 0       | 0       | 0       | 0    | 1     | 1.08   |
| Hurt                        | 0       | 1       | 0       | 0       | 1       | 0    | 2     | 2.15   |
| Injury Intended to Murder   | 0       | 1       | 0       | 0       | 0       | 0    | 1     | 1.08   |
| Injury Through Firing       | 0       | 0       | 0       | 1       | 0       | 0    | 1     | 1.08   |
| Injury through Sharp Weapon | 0       | 0       | 0       | 0       | 1       | 0    | 1     | 1.08   |
| Murder (Intentional)        | 1       | 0       | 0       | 1       | 2       | 0    | 4     | 4.30   |
| Murder(Un-Intentional)      | 0       | 0       | 0       | 1       | 0       | 0    | 1     | 1.08   |
| Theft                       | 0       | 0       | 0       | 1       | 1       | 0    | 2     | 2.15   |
| Un Natural Act              | 0       | 0       | 0       | 1       | 0       | 1    | 2     | 2.15   |
| Total                       | 2       | 3       | 1       | 6       | 5       | 1    | 18    | 19.35  |
| % age                       | 2.15    | 3.23    | 1.08    | 6.45    | 5.38    | 1.08 | 19.35 | 100.00 |

Figure: 5.2.2  
Juvenile Offenders-Age Disaggregation



# Analysis of the Data

Table 5.2.2 shows that the age cohort of 13-14 years was observed as the most susceptible age of offending i.e. 33% of the total, followed by 15-16 age cohort 28%, 9-10 as 7%. It is very strange to observe that 11% offending was reported in the age cohort of 7-8 (minimum age of criminal responsibility in PPC Section 82 is 7 years). This is what can help the policy makers to make good use of this data in future with an enlarged extent for raising the minimum age of criminal responsibility (MACR) from 7 to at least 12, as around 45% of the offending is observed among the age cohorts of 7-8, 9-10 & 11-12. The Committee on the Rights of the Child recommended that States should regard 12 as the absolute minimum and continue to raise the age. No State should lower its minimum age to 12.

Table: 5.2.3(a)-Nature Of Crime Committed

| Nature of Crime              | Frequency | Percent      |
|------------------------------|-----------|--------------|
| Drugs Trafficking            | 2         | 11.1         |
| Firing intended to Murder    | 1         | 5.6          |
| Hurt and Assault             | 1         | 5.6          |
| Hurt                         | 2         | 11.1         |
| Injury Intended to Murder    | 1         | 5.6          |
| Injured Through Firing       | 1         | 5.6          |
| Injured through Sharp Weapon | 1         | 5.6          |
| Murder (Intentional)         | 4         | 22.2         |
| Murder(Un-Intentional)       | 1         | 5.6          |
| Theft                        | 2         | 11.1         |
| Un Natural Act               | 2         | 11.1         |
| <b>Total</b>                 | <b>18</b> | <b>100.0</b> |

Table: 5.2.3(b)-Section of Law Violated

| Section of Law  | Frequency | Percent       |
|-----------------|-----------|---------------|
| 302 PPC         | 4         | 22.2          |
| 319 PPC         | 1         | 5.6           |
| 324 PPC         | 2         | 11.1          |
| 324/148/149 PPC | 1         | 5.6           |
| 337A PPC        | 1         | 5.6           |
| 337F PPC        | 1         | 5.6           |
| 337H PPC        | 1         | 5.6           |
| 377 PPC         | 2         | 11.1          |
| 380 PPC         | 1         | 5.6           |
| 380/454 PPC     | 1         | 5.6           |
| 452 PPC         | 1         | 5.6           |
| 9 CNSA          | 1         | 5.6           |
| 9B CNSA         | 1         | 5.6           |
| <b>Total</b>    | <b>18</b> | <b>100.00</b> |

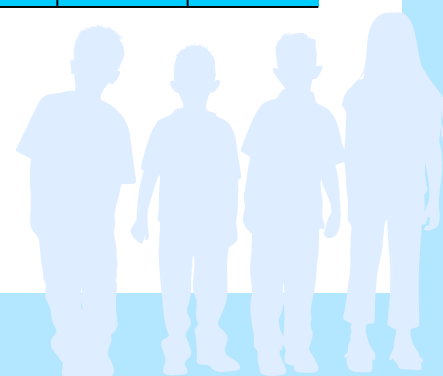
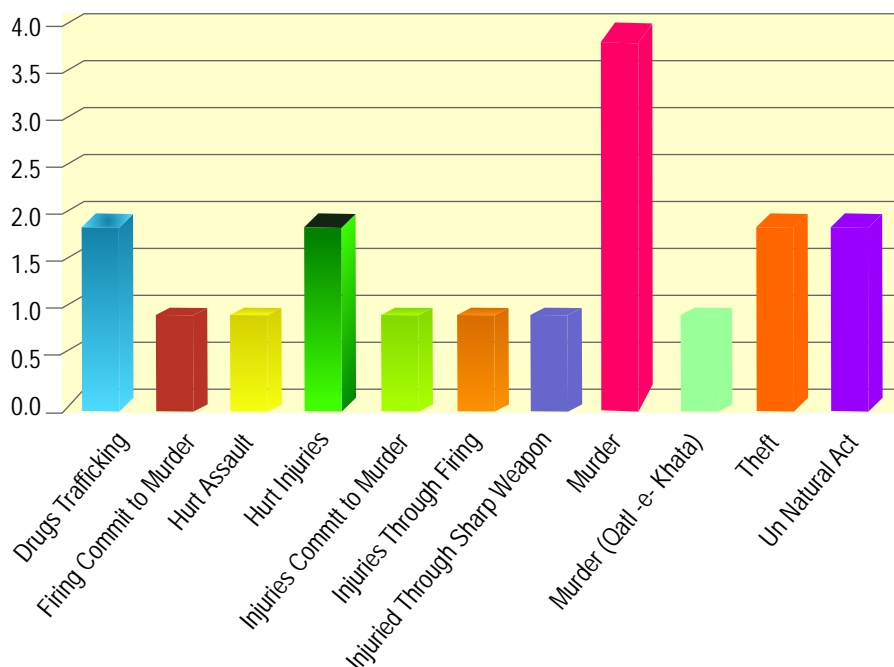
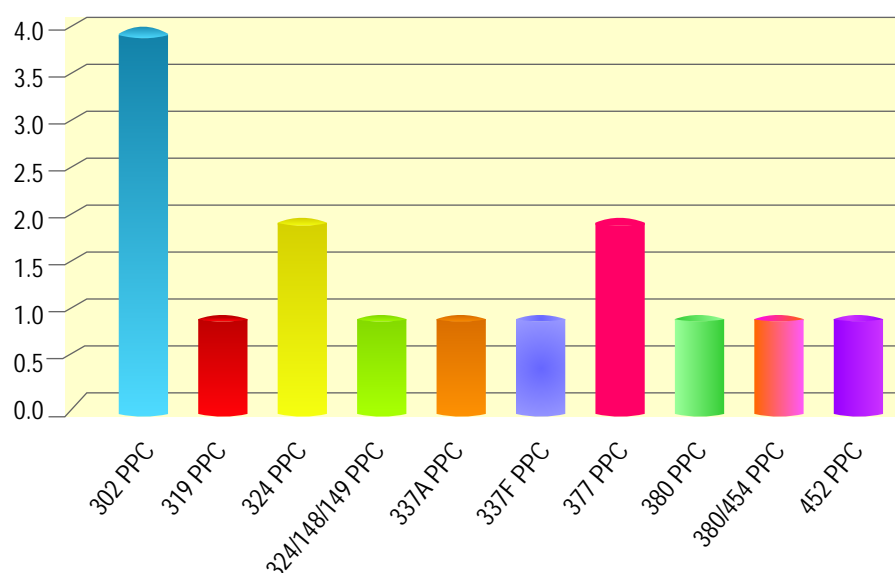


Figure: 5.2.3(a) Nature of Crime Committed



Analysis of the  
Data

Figure: 5.2.3(b)-Section of Law Violated



Tables (5.2.3 a & b) and Figures (5.2.3 a & b) show that majority of the juvenile offenders (22.2%) were involved in murders. Section 302 of PPC is observed to be the most violated section of law by the juveniles. It is something very astonishing and alarming to observe serious offences against a person among the juveniles an eye opener perhaps. This seems to be a precursor to a bigger problem.



# Analysis of the Data

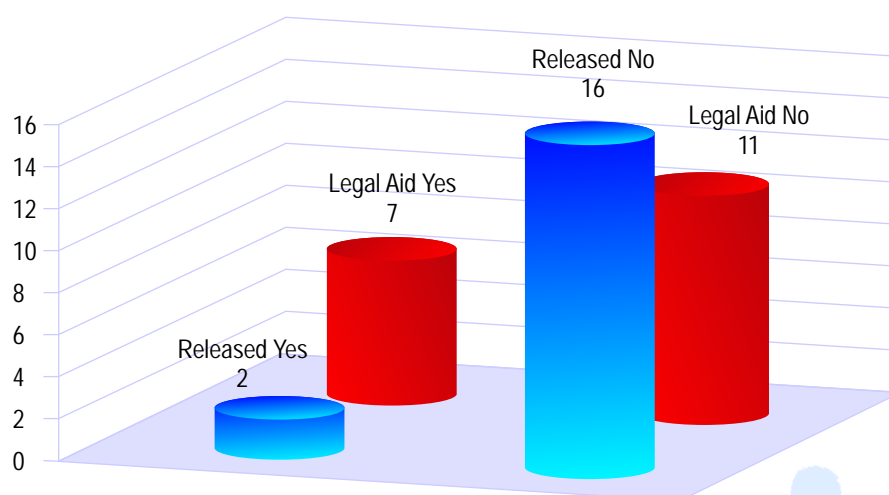
Table: 5.2.4(a) Released by Police

|       | Frequency | Percent |
|-------|-----------|---------|
| No    | 16        | 88.9%   |
| Yes   | 2         | 11.1%   |
| Total | 18        | 100.00% |

Table: 5.2.4(b) Legal Aid Provided By Police

|       | Frequency | Percent |
|-------|-----------|---------|
| No    | 11        | 61.1%   |
| Yes   | 7         | 38.9%   |
| Total | 18        | 100.00% |

Figure" 5.2.4 Release Status and Legal Aid Provision



Tables 5.2.4 (a) and (b) and Figures 5.2.4 reveal that majority of the offenders (88.8%) were not released by police with or without any surety etc. Similarly legal aid was not provided to the majority of the offenders (61.1%).



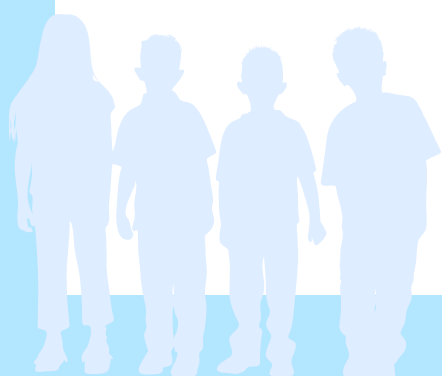


# Analysis of the Data

The use of diversion seeks to resolve the case of a child in conflict with the law without recourse to a formal hearing before the relevant competent authority. International guidelines recommend that consideration should be given, wherever appropriate, to dealing with children in conflict with the law without resorting to a formal hearing before the competent authority. (CRC, Article 40(3)(b). See also Rule 11(1) of the Beijing Rules). But the Police officials are usually reluctant to afford the facility of release with or without surety in case of juveniles. The reluctance is inherent or has become part of the defensive psyche, which need to be shunned with more and more advocacy and awareness raising of the Police force.

Table: 5.2.5(a) Probation Officer Informed Figure

|           | Probation Officer Informed by Police |     |       | % age |
|-----------|--------------------------------------|-----|-------|-------|
|           | No                                   | Yes | Total |       |
| Charsadda | 3                                    | 0   | 3     | 16.6  |
| Mardan    | 1                                    | 2   | 3     | 16.6  |
| Nowshera  | 3                                    | 0   | 3     | 16.6  |
| Peshawar  | 4                                    | 4   | 8     | 44.4  |
| Swabi     | 0                                    | 1   | 1     | 5.5   |
| Total     | 11                                   | 7   | 16    | 100   |
| % age     | 61                                   | 39  | 100   |       |



# Analysis of the Data

5.2.5 Probation Officer and Family Informed

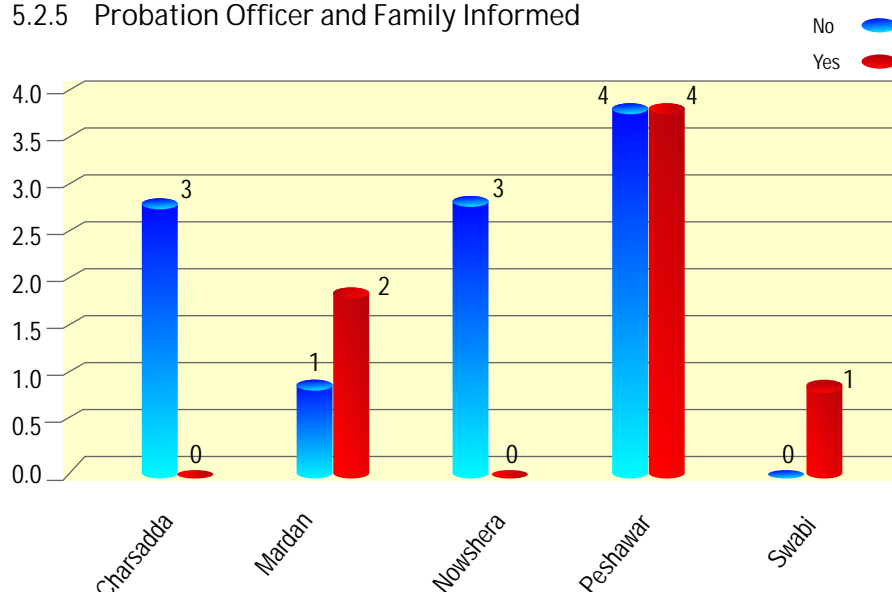


Table 5.2.5(a) shows that the Police followed the due course of law i.e. JJSO 2000, by informing the Probation Officer in only 39% of the cases, whereas in 61% of the cases it failed to inform the Probation Officer. However Peshawar District remained the most informed on the JJSO 2000 legal requirements as in all 4 reported cases the police informed the Probation Officer, due to the presence of PCPC in Peshawar and advocacy by the Juvenile Justice Working Group.

Table: 5.2.5(b) Parents/Family of Juvenile informed by Police

|       | Frequency | Percent |
|-------|-----------|---------|
| No    | 2         | 11.1%   |
| Yes   | 16        | 88.9%   |
| Total | 18        | 100.00% |

Table 5.2.5(b) has more to do with the States party's obligations to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. *CRC, Article 9(3)*, the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; *CRC, Article 37(c)*, the parents or guardian shall have a right of access.. *Beijing Rules, Article 26(5)*. The recorded cases indicate that in 88.9 % of the cases the juveniles were allowed to maintain contact with the family, whilst only 11.1 were held incommunicado in violation of the law (Incommunicado detention means denial to a juvenile to have an access to his/her family or to his/her lawyer).

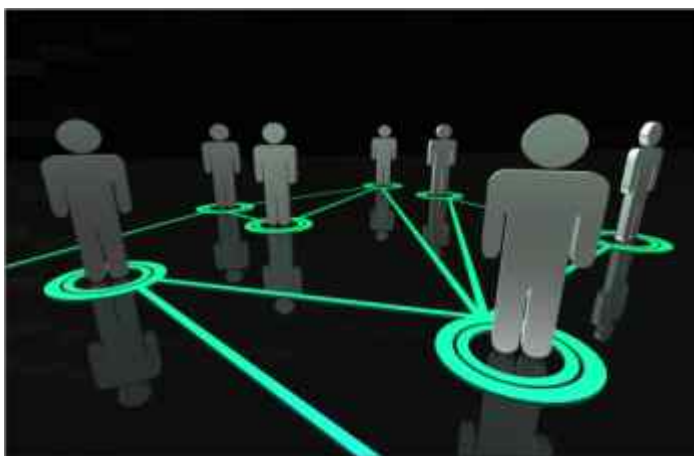


Table: 5.2.6(a) Released on Probation

|       | Frequency | Percent |
|-------|-----------|---------|
| No    | 2         | 11.1%   |
| Yes   | 16        | 88.9%   |
| Total | 18        | 100.00% |

Figure: 5.2.6 Released on Probation

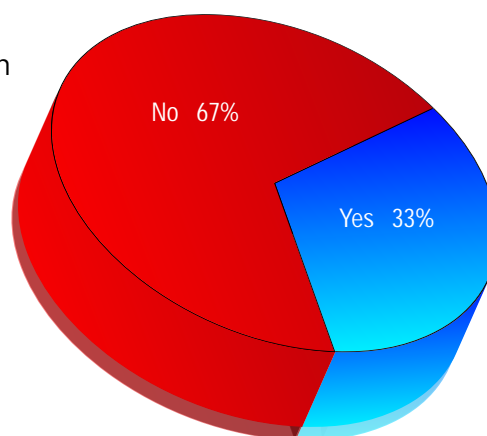


Table 5.2.6 (a) and the pie-chart Figure 5.2.6 show that majority of the juveniles in conflict with the law (67%) were not released on probation as only 33% were released on probation. Here too the point needs to be stressed that alternative dispositions to imprisonment are available but are not used, although the JJSO 2000 specifically provides for release of juveniles on probation often because of lack of knowledge of the judges about the probation system and also due to non availability of any authentic information as to whether he is a first time offender or a habitual a first timer is entitled to supervised release on probation only.

# Analysis of the Data

Table: 5.2.6(b) Total Days Spent in Detention

|       | Frequency | Percent |
|-------|-----------|---------|
| 0     | 10        | 55.6%   |
| 1     | 1         | 5.6%    |
| 2     | 6         | 27.8%   |
| 3     | 2         | 11.1%   |
| Total | 18        | 100.00% |

Table 5.2.6(b) shows that in majority of the cases (55.6%) juvenile offenders did not spend even a single day at police station. While only 27.8% juvenile offenders spent two (2) days at the detention.

Table: 5.2.7 Present Status of Juvenile

|                   | Frequency | Percent |
|-------------------|-----------|---------|
| Jailed            | 10        | 55.6%   |
| Nill              | 1         | 5.6%    |
| Released          | 6         | 27.8%   |
| Released on Baill | 2         | 11.1%   |
| Total             | 18        | 100.00% |

Figure: 5.2.7-Present Status of the Offender

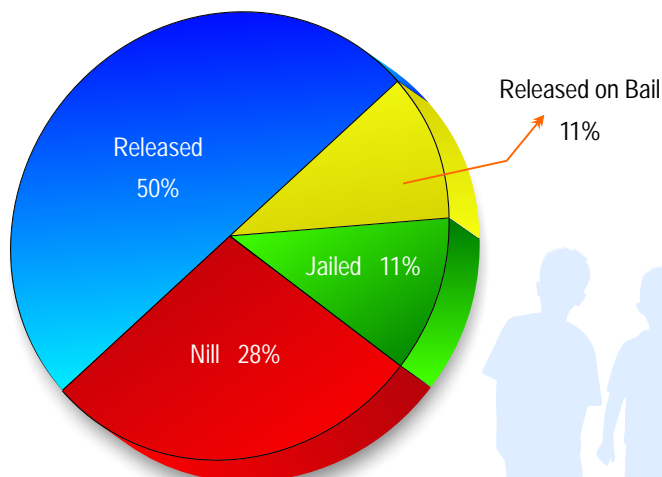


Table 5.2.7 and Figure 5.2.7 show the present status of the juvenile. It is clear that majority of the juvenile offenders (50%) were released, 11% were released on bail and 11% were jailed, while in 28% cases the status is nil, owing purely to botched reforms in the police record system. Under the Prosecution Ordinance the prosecutor is required to inform the SP (Investigation) on the status of the cases, but in practice the prosecutor is not fulfilling his basic duty. Besides this the Naib Courts do not furnish 'conviction slips' in time, which is another reason for not having updated information on the status of the case. But due to newly introduced juvenile justice indicators, the required information has started trickling in, because of continuous monitoring by the Regional Directorate of Human Rights and the Research Department of the KP Police.

## 5.3 Missing Children & PCPC

Table: 5.3.1-Performance report of PCPC and Missing Children Centre

| Month          | Cases of Child Victims |    | Cases of Child Offenders |   | Missing Children Centre |    |     |               |    |    |           |    |     | Children Staying Overnight |               | Counseling Sessions (Psychologist) |         | Referred to Shelters Home |
|----------------|------------------------|----|--------------------------|---|-------------------------|----|-----|---------------|----|----|-----------|----|-----|----------------------------|---------------|------------------------------------|---------|---------------------------|
|                |                        |    |                          |   | Missing Cases Reported  |    |     | Still Missing |    |    | Recovered |    |     |                            |               |                                    |         |                           |
|                | M                      | F  | M                        | F | Total                   | F  | M   | Total         | F  | M  | Total     | F  | M   | Total No.                  | Nights Stayed | Children                           | Parents |                           |
| September 2009 | -                      | -  | 1                        | - | 10                      | 2  | 8   | 0             | -  | -  | 10        | 2  | 8   | 3                          | 3             | 2                                  | 0       | 0                         |
| October 2009   | 1                      | -  | 3                        | - | 20                      | 4  | 16  | 3             | 1  | 2  | 17        | 3  | 14  | 2                          | 2             | 6                                  | 1       | 4                         |
| November 2009  | 3                      | -  | 3                        | - | 43                      | 8  | 35  | 4             | 1  | 3  | 39        | 7  | 32  | 1                          | 1             | 7                                  | 5       | 0                         |
| December 2009  | 1                      | 2  | 7                        | - | 55                      | 10 | 45  | 12            | 4  | 8  | 43        | 6  | 37  | 6                          | 6             | 13                                 | 9       | 0                         |
| January 2010   | 1                      | 4  | 8                        | - | 61                      | 12 | 49  | 24            | 5  | 19 | 37        | 7  | 30  | 9                          | 9             | 14                                 | 9       | 1                         |
| February 2010  | 2                      | 1  | 3                        | - | 75                      | 12 | 63  | 20            | 2  | 18 | 55        | 10 | 45  | 5                          | 5             | 7                                  | 4       | 2                         |
| March 2010     | 6                      | 7  | 5                        | - | 86                      | 15 | 71  | 22            | 5  | 17 | 64        | 10 | 54  | 21                         | 31            | 14                                 | 11      | 8                         |
| April 2010     | 1                      | 1  | -                        | - | 25                      | 2  | 23  | 20            | 1  | 19 | 5         | 1  | 4   | 3                          | 9             | 6                                  | 1       | 1                         |
| Total          | 15                     | 15 | 30                       | - | 375                     | 65 | 310 | 105           | 19 | 86 | 270       | 46 | 224 | 50                         | 66            | 69                                 | 40      | -                         |
| Grand Total    | 30                     |    | 30                       |   | 375                     |    |     | 105           |    |    | 270       |    |     | 50                         |               | 109                                |         | 16                        |

## Analysis of the Data

During the given period (1.1.09 to 31.12.09) a total number of 375 cases were reported in the centre. It is clarified that the missing children centre only exists in Peshawar and the data so collated is from Peshawar and not from other districts - of which 270 children were reunified with their families (72%) indeed a very high success rate as evident from Table. 5.3.1. Among the reported cases 16 cases were referred to the shelter homes (4.2%) for the reasons either the children refused to go back or their wellbeing was in jeopardy. It is noteworthy that of the total reported cases 105 children remained missing (28%) or their whereabouts were not known till now. This is an area of concern as to how these cases are dealt with, because prior to that such cases of missing children were closed. The centre has decided to keep the cases open till the missing children are traced out or will be reopened periodically to examine the status. But here it is pertinent to mention that a child can be missing for many reasons, and the problem of missing children is far more complex than what the statistics suggest. Moreover, lack of standardized

definition of the missing children adds to the complexity of the problem. Getting a clear picture of how many children become missing and why is an important step in addressing the problem, as it has direct relevance to the juvenile delinquency. It must also be borne in mind that the above statistics reflect only the reported cases.

### 5.4-Children falling Victim to Terrorist Activities

Table: 5.4.1-Children Victim of Terrorist Activities in five selected districts of the KP for the period 1.1.09 to 31.12.09

| District    | Total Terrorist Cases Registered | Total Persons Killed |       |               |      |        | Total Persons Injured |       |               |      |        |
|-------------|----------------------------------|----------------------|-------|---------------|------|--------|-----------------------|-------|---------------|------|--------|
|             |                                  | District             | Adult | Children      |      |        | Total                 | Adult | Children      |      |        |
|             |                                  |                      |       | Both Children | Male | Female |                       |       | Both Children | Male | Female |
| Peshawar    | 43                               | 206                  | 163   | 43            | 31   | 12     | 582                   | 475   | 107           | 76   | 31     |
| Charsadda   | 43                               | 33                   | 31    | 2             | 1    | 1      | 104                   | 88    | 16            | 13   | 3      |
| Nowshera    | 39                               | 10                   | 10    | Nil           | Nil  | Nil    | 114                   | 114   | Nil           | Nil  | Nil    |
| Mardan      | 3                                | 9                    | 9     | Nil           | Nil  | Nil    | 35                    | 35    | Nil           | Nil  | Nil    |
| Swabi       | Nil                              | Nil                  | Nil   | Nil           | Nil  | Nil    | Nil                   | Nil   | Nil           | Nil  | Nil    |
| Grand Total | 128                              | 258                  | 213   | 45            | 32   | 13     | 835                   | 712   | 123           | 89   | 34     |

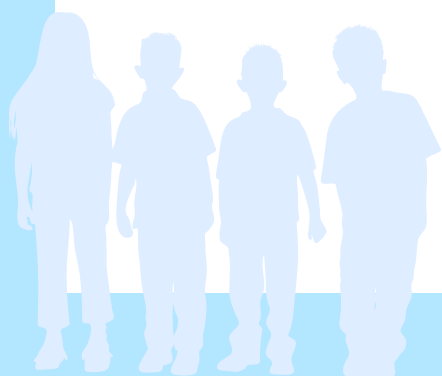
Table 5.4.1 gives the startling statistics of the number of children killed and injured due to terrorist activities. A total number of 45 children got killed during the series of terrorist activities in Peshawar (43) and Charsadda (2), whilst 123 children got injured in Peshawar (107) and Charsadda (16). It is pertinent to mention here that it is very difficult to collect these figures, because it is unknown as to who has died in the terrorist attacks. It becomes only when people start looking for missing persons and only then the true figures emerge. This data is collated after the police in the respective districts were asked to dig out the data about the killed and injured children from their manual record.





# Police Child Protection Center

The Police Child Protection Center (PCPC) was established in September 2009 with the help and support of Save the Children Sweden. This center is the very first of its kind in KP. The centre was established with the collaboration of Save the Children Sweden, Regional Directorate of Human Rights and KP Police for the purpose to strengthen the juvenile justice system and enhancing its capacity to create a protective environment for children coming in conflict with the law in KP. In this regard KP Police signed a Memorandum of Understanding (MOU) with the Regional Directorate of Human Rights and Save the Children Sweden to give practical effect to this idea. This center was established for the purpose to provide a segregated facility for children coming in conflict with the law as previously at the Police Stations level there was no provision of separate/segregated facility for the Children in conflict with the law under the law children cannot be kept with adults in any place of detention. Prior to that there were no special arrangements for the Juvenile Offenders and Abused Children like presence of Psychologist, Child Protection Officer, separate rooms for boys and girls, etc. At PCPC there are separate offices for the Officials, and also a seminar room where meetings can be conducted. It must be noted that several meetings of Juvenile Justice Working Group (JJWG) KP a synergy of government and non- governmental organizations for an ideal juvenile justice in KP - have been held at the Police Child Protection Center. PCPC is a well-maintained center with highly educated and trained staff and all the offices are equipped with latest computers, fax machines, printers etc.



# Police Child Protection Center



Some of the notable facilities present at PCPC are as follows:

## 6.1-Psychologist

A trained psychologist is present at PCPC. The job of the psychologist includes the following;

### Psychological Counseling

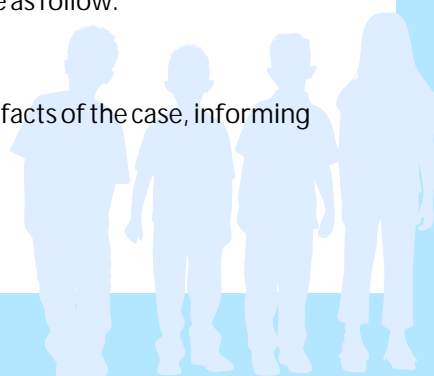
Psychological counseling is available for both Juvenile Offenders and Abused Children. It is a very important facility which is provided here in the PCPC. Whenever a child is being abused he/she faces a number of problems. Psychological treatment must be provided to the child because if this facility is not provided at the beginning stages then later on it might create very serious problems for the child. Such problems then affect the personality of the child. Similarly same facility is provided for the Juvenile Offenders too. So psychological counseling is provided at PCPC for the Juvenile Offenders and Abused Children and such cases are not just left at the office table, rather they are followed up till the end.

At PCPC separate files for Juvenile Offenders and Abused Children are maintained with great care and files along with their history are available for future reference. On each case dealt by the psychologist at PCPC, final comments or remarks are given for each case. Even when a child is sent to home after providing necessary psychological counseling, they are visited at homes for providing necessary parental counseling as well. This type of follow up is very important to see whether a child being provided psychological counseling is doing good or not.

## 6.2-Child Protection Officer

A Child Protection Officer (CPO) has been appointed at PCPC to monitor all the activities of the center. The notable responsibilities of the Child Protection Officer (CPO) are as follow:

- Assisting the Manager in overall execution of operations of the centre.
- Providing legal counseling to juvenile offender or victim, assessing the facts of the case, informing the child of his or her legal rights and of the pros and cons of the case.
- Advising and suggesting legal help for juveniles on need basis.



- Furnishing Legal Assessment Report of the juvenile cases handled by the centre inclusive of an in-depth technical analysis of the FIR keeping in view of the best interest of the juvenile offender or victim.
- Nurturing and maintaining close coordination and a personal working relationship with police stations for securing smooth transfer of children from Police stations to PCPC and to other child care organizations.
- Ensuring office discipline by personally monitoring all facets of center activities.
- Monitoring the use of official police vehicle by regular checking of the log book.
- Communicating feedback to the Manager about the status of center operations.
- Coordinating security arrangements with the Security in charge of the center particularly during the presence of juvenile offenders, victims or retrieved children at the center.
- Developing linkages with N.G.Os, lawyers and individuals working for protection of child rights and dealing in juvenile legal cases.
- Maintaining liaison with the police head quarters, police stations / probation and reclamation department / prosecution department / judiciary / bar council / bench bar committee / criminal justice committee / district governments.

### 6.3-Police

Police is present at the PCPC. The presence of the Police at the center indicates that they are helping PCPC in the following ways:

- **Security**  
Police are present 24 hours at the Police Child Protection Center. Police are always there and ready to provide any kind of help to the officials present at the center.
- **Wireless Facility**  
A notable facility at the Police Child Protection Center is the availability of the Wireless facility. Masoom is the call sign for PCPC. A wireless operator is present full time at PCPC to send and receive wireless messages
- **Police Transport**  
A full time police vehicle is present at the PCPC which is readily available for any kind of duty related to the center. As stated above, the Child Protection Officer is full time in contact with the Police Stations and whenever a case is reported from the Police Station about a child, this Police transport goes and picks up that child from the Police Station and brings him to PCPC.



# Police Child Protection Center

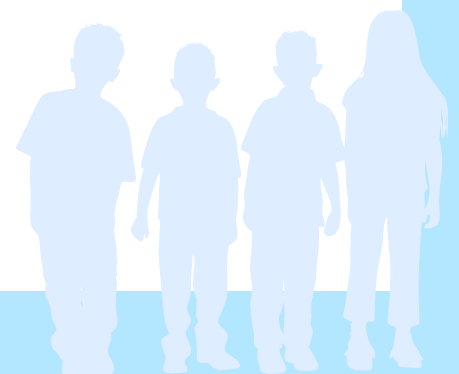


## 6.4 Missing Children Center

Missing Children Center previously was established at Gulbahar Police Station Peshawar. This center has been moved and merged in to PCPC. A separate portion has been allotted to the Missing Children Center with its own staff members like Computer Operators, Lady Police Inspector etc. Missing children center has been provided with computer and a separate database has been designed for them for the purpose of data storage. Previously the record was maintained in conventional way. No separate programme was designed and maintained for the purpose of data storage. Now all record is in computerized form and is easily accessible for generating over a 100 types of reports.

*Missing Children Center is providing following facilities to the community:*

- Child reported missing is brought to the Missing Children Center where he/she is treated by the psychologist. Even after the child has been integrated with the family, the psychologist present at the PCPC keeps a track of the case.
- The provision of basic facilities had a desired effect on the performance of the center which is evident from the amount of data available in its database. The number of cases recorded in the missing children center from September 2007 till 31<sup>st</sup> December 2009 was 1600. This record has also been published in an article on the 'missing children' in the *Pakistan Journal of Criminology* (Vol.1, No.3, Oct, 2009). Detailed analysis has been done on the collected data.



The data collection programme piloted by the KP Police is a pioneering endeavor for collating information on juvenile justice. This would help Pakistan in fulfilling its basic obligations to address the problem of juvenile delinquency in its true perspective, as required under the CRC.

The concluding observations of the Committee on the Rights of the Child are very clear and specific on the subject. It is pertinent to mention here that the National Commission on Child Welfare and Development (NCCWD), which is the lead agency, has been trying a lot in creating a uniform database on juvenile justice. However, what was required to do in order to comply with international obligations is initiated and introduced by the KP Police. The Balochistan Police has replicated the same database, registers and forms for data collection. This accurate data collection exercise on juvenile justice will help the government in formulating national policy on Juvenile Justice, legal reforms: support drafting or reviewing of national legislation, promotion of alternatives to imprisonment, in particular community service, promotion and implementation of diversion or extra judiciary measures, improvement of detention conditions for children deprived of their liberty.

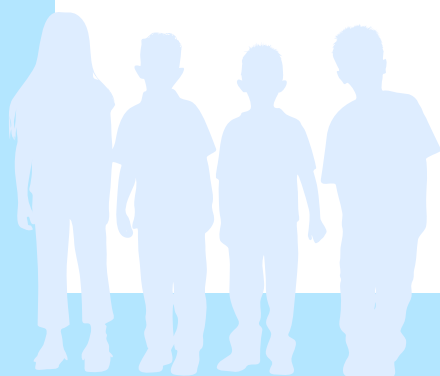
Although the database so created is limited in extent for now, but for future the data collection system would be improved and brought in line with the Juvenile Justice indicators. By the time of publication of this study, trainings in all 24 districts would have been completed; data collection forms and registers distributed. Hopefully by the turn of next year a complete comparison/analysis of the 2009/2010 will be published.

Besides this, there is no juvenile facility available with the KP Police, with the exception of PCPC at Peshawar. It is imperative that there should be available such a facility, at least at the divisional level, of course with the generous help of the foreign donors.

The KP Police deserves all accolades for putting in efforts for institutionalizing this initiative. Standing Order No.4 of the Inspector General of KP Police is an example (See Annexure - ).

Initially there was a certain disconnect in the data collection format for instance time taken between the registration of the F.I.R and Medical examination of the victim, X-Ray for bone ossification test, placement in detention facility and duration spent etc but now the trainees are being specifically apprised on the importance of the noting down of dates and time taken during the whole legal process in order to get a tell tale picture. Compelling reasons exist for accurate data collection, not the least of which is to ensure the fundamental fairness principle that all aspects of juvenile justice must be carried out in a fair and unbiased manner.

A common framework and inclusive system are acceded to better capture the range of qualitative data available from this system.



## Brief Profile of the Target Area

(Peshawar, Charsadda, Mardan & Swabi)

Table: I (a)

Population : Police Ratio for the Selected Districts of the KP-2009

| S No. | District  | Total Police Strength ( 2009 ) | Population ( 2009 ) | Population/Police Ratio |
|-------|-----------|--------------------------------|---------------------|-------------------------|
| 1     | Peshawar  | 17396                          | 299074              | 171.92                  |
| 2     | Charsadda | 2059                           | 1400150             | 680.01                  |
| 3     | Nowshera  | 1659                           | 1197473             | 721.80                  |
| 4     | Mardan    | 3689                           | 2021132             | 547.88                  |
| 5     | Swabi     | 1265                           | 1421337             | 1,123.59                |
|       |           | 26068                          | 9030837             | 346.43                  |

Source: Office of the Additional Inspector General Police (Investigation), KP

Table: I (b)

Crime Rate for the Selected Districts of the KP-2009 Per 100,000 Population

| S No. | District       | Population ( 2009 ) | All Reported Crimes ( 2009 ) | Crime Rate |
|-------|----------------|---------------------|------------------------------|------------|
| 1     | Peshawar (CCP) | 2990745             | 22830                        | 763.35     |
| 2     | Charsadda      | 1400150             | 8481                         | 605.72     |
| 3     | Nowshera       | 1197473             | 7786                         | 650.20     |
| 4     | Mardan         | 2021132             | 10197                        | 504.52     |
| 5     | Swabi          | 1421337             | 6422                         | 451.83     |
|       |                | 9030837             | 55716                        | 616.95     |

Source: Office of the Additional Inspector General Police (Investigation), KP

Table: II Serious Crimes Against Person

| Section Of Law | Name of Offence  | Bailable or Not | Compoundable or not                            |
|----------------|--|-----------------|--|
| 324            | Attempt to Qatl-e-amd(Murder)  | Not bailable    | Compoundable                                   |
| 334            | Itlaf-i-Uduw   | Not bailable    | Compoundable                                   |
| 337H           | Hurt by rash or negligent act  | Bailable        | Compoundable                                   |
| 364            | Kidnapping abducting in order to murder  | Not bailable    | Not Compoundable                               |
| 365            | Kidnapping or abducting with intent secretly and wrongfully to confirm a person  | Not bailable    | Not Compoundable                               |
| 279            | Driving or riding on a public way so rashly or negligently as to endanger Human life   | Bailable        | Not Compoundable                               |
| 377            | Un Natural Offences  | Not bailable    | Not Compoundable                               |
| 363            | Kidnapping   | Not Bailable    | Not Compoundable                               |
| 364A           | Kidnapping or abducting a person under the age of fourteen   | Not bailable    | Not Compoundable                               |
| 355            | Assault or criminal force with intent to dishonour a person, other wise then grave and sudden provocation                        | Not bailable    | Not Compoundable                               |
| 506            | Criminal Intimidation  | Not Bailable    | Not Compoundable                               |
| 342            | Wrongfully confining any person  | Bailable        | Compoundable                                   |
| 302            | Qatl-e-amd(Murder)   | Not bailable    | Compoundable                                   |
| 365A           | Kidnapping or abducting for extorting any property or valuable security or compelling any person to comply with and other demand | Not bailable    | Not Compoundable                               |
| 419            | Cheating by personation  | Not bailable    | Compoundable                                   |
| 420            | Cheating or thereby dishonestly inducing delivery of property etc  | Bailable        | Compoundable<br>(With the permission of court) |
| 511            | Attempting to commit offences  | Bailable        | Compoundable                                   |
| 376            | Rape: If the sexual intercourse with his own wife not being inder 12 years of age  | Bailable        | Not Compoundable                               |
| 337A(2)        | Shaijah-e-mudihah  | Not bailable    | Compoundable                                   |
| 337F(2)        | Badi'ah  | Not bailable    | Compoundable                                   |
| 382            | Theft, preparation having been made for causing death, or hurt, or restraint   | Not bailable    | Not Compoundable                               |
| 368            | Concealing or keeping in confinement a kid   | Not bailable    | Not Compoundable                               |
| 337L           | Hurts other then specified in sections hereto before and other hurts not covered hereto before                                   | Bailable        | Not Compoundable                               |
| 452            | House trespass having made preparation for causing Hurt assault etc  | Not bailable    | Not Compoundable                               |
| 354            | Assault or use of Criminal Force to a woman with intent to outrage her modesty   | Bailable        | Not Compoundable                               |



STANDING ORDER NO. 13/2009

DIRECTORATE OF HUMAN RIGHTS, CONFLICT RESOLUTION AND  
PEACE-MAKING UNIT IN CPO, KP

Whereas it is expedient to reorganize the police department for promoting human rights, raising police image, developing good working relationship with the civil society, NGOs, international organizations and media, and bringing peace and harmony in the society through a number of measurable, visible and effective interventions, a new unit/wing in the Central Police Office is created/established with the following structure and functions:

Name:

This unit/wing is to be notified/named as Directorate of Human Rights, Conflict Resolution and Peace-Making, (HRCRP) CPO, Peshawar.

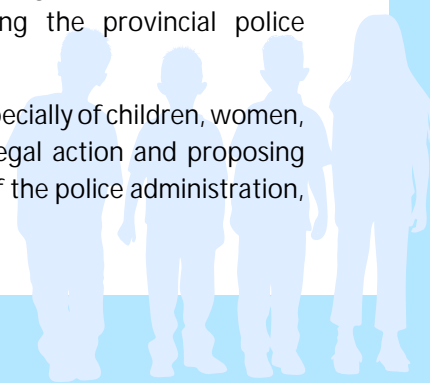
Structure:

- i the HRCRP will be headed by an officer not below the rank of S.S.P.
- ii the DIG/HRCRP will mainly be assisted by SP/Research, AIG/Legal, Incharge computer section and CPO media incharge/cell.
- iii all other departments will work with and assist the DIG/HRCRP as required by the law and as per SOPs of the CPO.
- iv the Police Child and Women Protection Committee (PCWPC) will work under the HRCRP.
- v DIG/HRCRP will be assisted by an SP/DSP HRCRP in the discharge of his duties.
- vi DIG/HRCRP office will be provided with all required staff, necessary facilities, equipments, etc, and other infrastructure as decided by the PPO, KP.
- vii DIG/HRCRP will work directly under the command, control and supervision of the PPO, KP.

Functions

The basic responsibilities of the HRCRP wing/unit shall be:

- i To assist and advise the PPO, KP in all matters related to Human Rights, Human Resource Development, Research and Peace-building initiatives concerning the provincial police department.
- ii To promote and work for protecting and securing the human rights, especially of children, women, minorities, elderly and people in need of help, by taking prompt legal action and proposing immediate legal intervention with the help of other branches/units of the police administration, law-enforcement agencies and responsible stakeholders.

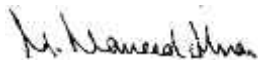


- iii To work in close liaison with other interested stakeholders. NGOs/INGOs and civil society to bring peace, tranquility and harmony in the society through various restorative justice practices like mediation, conciliation, arbitration etc, which shall be legally sound, socially compatible and culturally acceptable.
- iv To impart training and skills to the local police and members of ADR Committee on all such matters related to human rights protection, peace-building, social cohesion, communication skills, media handling and social reconstruction.
- v To develop database and ensure documentation of human rights abuses, crimes against children and cases of violence against women and minorities.
- vi To develop good working relationship with media by arranging sessions/briefings with selected media people, (the selection of which shall not be restricted to big cities only), which will focus on the performance and achievements of the focal police. Media is to be provided authentic statistics about the success stories of the provincial police.
- vii To represent the PPO on all such forums as steering committees for human rights, gender - discrimination, police training, police reforms (on related subjects), and as and when assigned by the PPO, KP.
- viii To monitor the working and functions of the newly established Police Child Protection Centre and gradually expand it to a proper Remand Home on the pattern of Sindh Province.
- ix To work for establishing a Police Women Protection Centre on the pattern of 'Police Child Protection Centre' in collaboration with and assistance from interested national/international organizations.
- x To work in close liaison with other components of the criminal justice system like prosecution, prisons, probation, courts and also social welfare and law departments. Ministry of Human Rights, Federal Ombudsman and their affiliated offices.
- xi To issue Annual Progress Report of the provincial police with facts and figures at the end of the year and present it to the media on every 1<sup>st</sup> / 2<sup>nd</sup> January in a widely represented session with mass media.
- xii To assist and advise the PPO on police training and education and human resource development issues, especially the various training programmes and facilities at the Police Training College, Hangu.
- xiii To assist and advise the PPO on matters related to women police and policing.



## Annexure III

- xiv Any other matter deemed fit for discussion, probe, documentation, training, etc or as assigned and ordered by the PPO, KP.



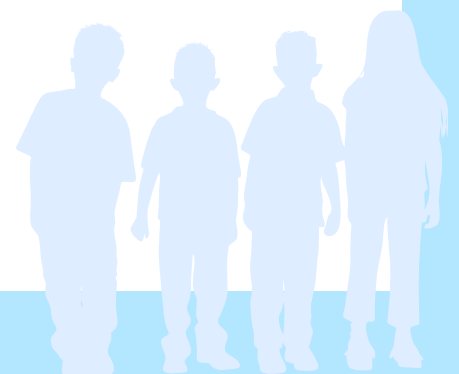
(MALIK NAVEED KHAN)

Provincial Police Officer, N.W.F.P., Peshawar

No. 9364-9414/C-I dated Peshawar, the 3<sup>rd</sup> September, 2009

Copy forwarded to the:-

1. All heads of Police Office in KP for information & necessary action.
2. Chief Secretary, KP, Peshawar, for information.
3. Secretary, Govt. of KP, Home & TAs Deptt: Peshawar, for information.
4. M.S. to Governor, KP, Peshawar, for information.
5. P.S.O. to Chief Minister, KP, Peshawar, for information.
6. C.O.S. HQ11 Corps, Peshawar Cantt. for information.



STANDING ORDER NO. 4/2009

New Register \_ Crimes against and Abuse of Children Register No. 26(A).

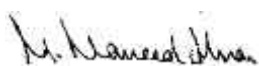
Data regarding crimes and violence against children and child abuse is not available with the Districts whenever asked by the CPO for onward submission to different quarters. The Central Police Office has no other option except to circulate the required information to the Districts and the Districts having no separate record, calculate the figures after going through the whole record of the FIR of the police station and often, the figures are imaginary which do not reflect the true picture.

Therefore in exercise of the powers vested under article 10(3) of the Police Order, the above Standing Order No. 4 is issued which shall be applicable to the whole of the Province of KP. It shall come into force at once.

The Director/AIG R&D KP in active participation with various international bodies and NGOs including Save the Children Sweden has designed some proformae in printed form which will be kept in shape of registers in every Police Station and the District Police Office. This register hereafter called as a 'Register for Crimes against and Abuse of Children' shall be maintained by the Moharrir of the Police Station under the supervision of the SHO. This register shall contain the following information month wise;

- 1- Crimes against and abuse of children about which FIR are lodged e.g.; physical abuse and sexual abuse.
- 2- Crimes against adults in which children are co-accused.
- 3- Crimes perpetrated by children, called Juvenile Offences, shall also be recorded in the same register with 'Red-Ink'.

The entries in the register shall be made from 1st January, 2009 and it shall be called Register No.26 (A).



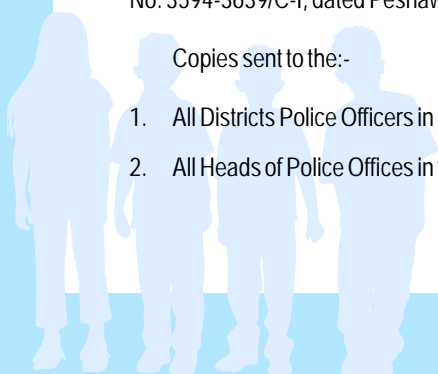
(MALIK NAVEED KHAN)

Provincial Police Officer, N.W.F.P., Peshawar

No. 3594-3639/C-I, dated Peshawar, 22/4/ 2009

Copies sent to the:-

1. All Districts Police Officers in KP for necessary action and compliance.
2. All Heads of Police Offices in the (Except DPOs) for information.



Annexure V

Memorandum of Understanding Between  
Regional Directorate Ministry of Human Rights, Peshawar  
And  
Police Department NWFP  
And  
Save the Children Sweden  
For  
Establishment of KP Police Child Protection Center  
at  
CPO Peshawar, NWFP

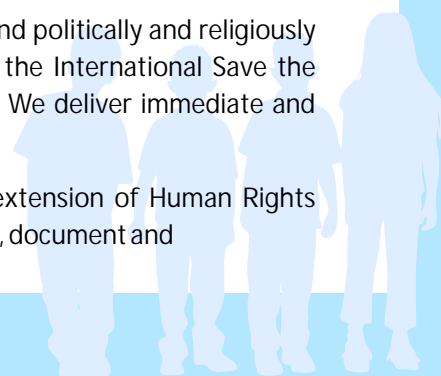
Parties

- 1.1 This Memorandum of Understanding (MOU) has been signed between Save the Children Sweden (hereinafter referred to as SCS), represented by the Country Director; Regional Directorate of Human Rights (hereinafter referred to as RDHR), represented by the Director; and Provincial Police Officer (hereinafter referred to as PPO), represented by Additional Inspector General of Police Headquarters, Government of KP. The main objective of this MOU is to develop a coordination mechanism between the above-mentioned parties for the establishment of an effective Juvenile Justice System in KP.
- 1.2 All hereinafter are also collectively referred to as "Parties".
- 1.3 This agreement identifies areas of cooperation between the parties for the implementation of the project, "Establishment of an effective Juvenile Justice System in KP". This will include setting up a practical and sustainable Child Protection Unit to be called, "KP Police Child Protection Center" at Central Police Office (CPO) Peshawar through the Government and Civil Society Partnership that will clearly define diversion and response mechanisms in cases of children coming in conflict with the law.
- 1.4 The Parties, through Child Protection Center CPC Peshawar are committed to collaborate and work to strengthen the Juvenile Justice System with the purpose of enhancing its capacity to create a protective environment for children coming in conflict with the law in KP.
- 1.5 Underlying the present MOU is the recognition of the respective mandates, responsibilities, comparative advantages, and complementarities of each organization.

2 Background

Save the Children Sweden is a broad-based democratic movement and politically and religiously unaffiliated non-governmental organization. It is an active member of the International Save the Children Alliance. Save the Children Sweden fights for children's rights. We deliver immediate and lasting improvements to children's lives worldwide.

The Regional Directorate of Human Rights is the provincial level extension of Human Rights Division, Government of Pakistan. Its mandate includes inter-alia, to report, document and



and recommend action against Human Rights violations in the province. The Directorate's functional responsibility is to monitor Human Rights violations especially those of the marginalized group including women and children. The Directorate also serves as the secretariat for Provincial Human Rights Monitoring Committee. The Directorate also has been mandated to focus on human rights violation in juvenile & women prisons and shelter homes for the disadvantaged.

The KP Police is committed to the cause of Child Protection and had established a Police Child protection committee (PCPC) in 2008 which has recently been renewed as Police Child and Women Protection Committee (PCWPC). The PCWPC has taken a number of steps to address the issues of Children and women in conflict with law. The Inspector General of Police, KP had consented to establish a child Protection Centre (CPC) The overall purpose of this MOU is to regulate the relations and responsibilities between Save the Children Sweden and the Partner organization in terms of the implementation of the agreed objectives that shall contribute to the realization of the UN Convention on the Rights of the Child.

### 3 Scope of the Agreement

The parties will cooperate in order:

- 3.1 To provide technical, institutional and financial assistance to the CPC Peshawar to support the establishment and strengthening of the Juvenile Justice System in KP.
- 3.2 To develop and establish a tracking mechanism to ensure implementation of JJSO at all tiers of juvenile justice system in KP.
- 3.2.1 To provide and promote an enabling environment where rights to development and protection of children in conflict with the law and other vulnerable groups are ensured.

Specific objectives of the project as reflected in the proposal

- Establishment of Child Protection Centre at the Police Department, KP
- Establishment of a remand home at Provincial capital.
- Capacity building of Police and other concerned departments in KP.
- Developing a one-stop/one-shop multidisciplinary approach creation of Sub-units at district level.
- Joint advocacy of the RDHRP and provincial Police to take up the issue of establishment of remand home at Provincial Capital, with the provincial home Department.

### 4 Obligations of the parties

4.1 All the parties share the overall responsibility for the success of the project. In the case of SCS, its office in Pakistan bears the first-hand responsibility, and is accountable to the Head Office of SCS. The specific responsibilities of the Parties are indicated below.

#### 4.1 SCS is obligated to:

- 4.1.1 Provide financial support for printing of registers for all Police Stations of KP

# Annexure V

4.1.2 Provide technical feedback and guidance to both RDHR and PCWPC for making the JJ system functional.

4.2 The Regional Directorate of Human Rights is obligated to:

4.2.1 To provide technical support and guidance to the police department KP for the establishment and functioning of "KP Police Child Protection Centre" in collaboration with Save the Children Sweden.

4.2.2 Assist in the Rehabilitation, Reintegration, and Protection of Children referred by CPC.

4.2.3 Provide assistance to CPO in establishing an effective database system on Juveniles in KP.

4.2.4 Undertake monitoring visits in the collaboration with PCWPC to all police stations, jails, and courts and to ensure that the processes are carried out in accordance with the JJSO 2000.

4.3 The Central Police Officer is obligated to:

4.3.1 Provide written permission to SCS and RDHR to visit, monitor, and evaluate the activities of the Child Protection Center and all Police Stations of KP.

4.3.2 Provide a proper space for the establishment of Child Protection Unit and dedicated staff for running the CPC.

4.3.3 Integrate the UN Convention on the Rights of the Child and Juvenile Justice System Ordinance 2000 in the curriculum of all Police Training Colleges in KP.

4.3.4 To establish a remand home for juvenile prisoners in Peshawar and ensure that all arrested children by police are placed in a safe environment at the remand home.

4.3.5 Develop linkages with Citizen Police Liaison Committees for ensuring diversion of juveniles from the criminal justice system.

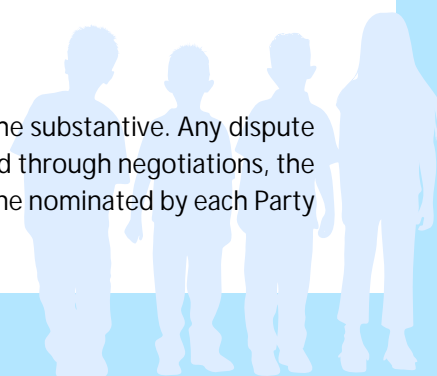
4.3.6 Provide quarterly progress reports at the end of each period.

## 5 Force majeure

Neither Party shall be liable for any breach of this Agreement if and to the extent that such breach arises as a result of any act beyond a Party's reasonable control including, but not limited to, insurrection or civil disorder, war or military operations, national or local emergency, acts or omissions of Government or regulatory authority, industrial disputes, fire, flood, lightning, explosion and inclement weather.

## 6 Law and Jurisdiction

This MOU shall be governed by and construed in accordance with the substantive. Any dispute arising out of or in connection with this Agreement that cannot be settled through negotiations, the parties agree it shall be subject to final settlement by three arbitrators, one nominated by each Party and the third by the two arbitrators nominated.




## 7 General

- 7.1 The implementation of this MOU will be in compliance with the general and financial rules and regulations and procedures of the Department of Police, RDHR, and SCS.
- 7.2 Any amendments in the agreement will be done with the consent of all the parties and the amendment will be done in writing and duly signed by all parties.
- 7.3 During the implementation of this MOU all the partners will avoid jeopardizing the good name and reputation of the other party, with statements or actions that may directly or indirectly affect that party.
- 7.4 This MOU will enter into force upon signature and shall cover the period from 1<sup>st</sup> April to 31<sup>st</sup> December 2012 however a yearly MOU will be signed to re-appropriate the objectives and financial resources.
- 7.5 All the parties will meet on quarterly basis in order to monitor the progress of the project and discuss emerging needs of the project and revisit the plans etc.

This MOU is prepared and signed by the duly authorized signatories in Three Originals, one for each party.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have on behalf of the parties hereto signed this AGREEMENT at the place and on the day and year below written.

**FOR**  
**Save the Children Sweden**

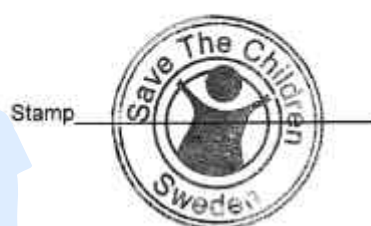
Signature: 

Name: Syed Mehmood Asghar

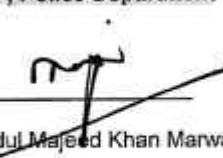
Title: Country Director

Place: Peshawar

Date: 13<sup>th</sup> July '09



**FOR**  
**N.W.F.P, Police Department**

Signature: 

Name: Mr. Abdul Majid Khan Marwat

Title: Additional Inspector General of Police  
Headquarters N.W.F.P, Peshawar.

Place: Peshawar

Date: 13/7/09

Stamp 