

RESEARCH CENTER, HIGH COURT OF BALUCHISTAN

The Legal Shield for Children



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COURT: HON'BLE MR. JUSTICE MR. GUL HASSAN TARREN BHC
SUBJECT: PROTECTION OF CHILD LAWS
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THE PROTECTION SYSTEM OF CHILD IN PAKISTAN: AN ANALYSIS OF CENTRAL AND BALOCHISTAN (PROVINCIAL) LAWS, GAPS, AND RECOMMENDATIONS

Children make up nearly 47% of Pakistan's population and remain the most vulnerable group to exploitation, abuse, and neglect. While Islam holds children in the highest regard and the Constitution of Pakistan pledges protection for their welfare, gaps between legal frameworks and their implementation persist—especially in Balochistan.

Pakistan has ratified major international treaties like the **UN Convention on the Rights of the Child (UNCRC)**, yet remains among countries with poor child protection outcomes due to fragmented implementation, lack of political will, and systemic gaps.

2. Constitutional and Federal Protection

Pakistan's **Constitution** promises protection through Articles 11, 25(3), 35, and 37(e). Federal laws supplement this promise:

Juvenile Justice System Act, 2018 (JJSA)

- Ensures separate trials, rehabilitation, and detention for children.
- Weak implementation and lack of juvenile courts remain a concern.

Pakistan Penal Code (PPC)

- Sections 82-83 protect children from criminal liability under a certain age.
- Sections criminalizing statutory rape, trafficking, and exposure to obscenity are in place but weakly enforced.

Other Key Federal Laws

- **Anti-Rape Act (2021):** Provides in-camera trials, child-sensitive procedures.
- **Prevention of Trafficking in Persons Act (2018):** Criminalizes trafficking of children.
- **Zainab Alert Act (2020):** Establishes national alert system for child abduction.
- **PECA (2016):** Criminalizes child pornography and online abuse.

3. Balochistan-Specific Legislation

Balochistan Child Protection Act, 2016

- The cornerstone child protection law for the province.
- Weaknesses: No notified rules, poor enforcement, inadequate institutions, and no reintegration policies.

Other Provincial Laws

- **Child Labour Act (2021):** Prohibits hazardous work for children under 14.
- **Compulsory Education Act (2014):** Guarantees free education from age 5–16, but implementation is lacking.
- **Borstal Institutions Act (2014):** Focuses on juvenile rehabilitation.
- **Breastfeeding and Nutrition Act (2014):** Promotes maternal-child nutrition and bans misleading formula marketing.
- **Child Marriage Restraint Act (1929):** Still in force without updates; allows child marriage under 18, contrary to international norms.
- **Domestic Violence Act (2014):** Explicitly protects children from abuse in domestic settings.

4. Institutional Landscape

National Commission on the Rights of Child (NCRC), 2017

A federal oversight body for monitoring, policymaking, and investigating violations of children's rights.

Implementation Deficit

- Balochistan lacks specialized courts, trained staff, and coordination across agencies.
- Laws remain underutilized due to poor public awareness, budgetary neglect, and outdated laws like the **Vagrancy Ordinance, 1958**.

5. Key Challenges

- Absence of rules under key laws.
- Discrepancies in child definitions and minimum marriageable age.
- Lack of specialized courts and trained officials.
- Institutional and resource gaps in rural and tribal areas.
- Weak monitoring and data systems.

6. Recommendations

1. **Notify Implementing Rules:** Especially for the 2016 Act in Balochistan.
2. **Modernize Outdated Laws:** Replace colonial-era laws with child-centric reforms.
3. **Improve Interagency Coordination:** Establish cross-sectoral child protection task forces.
4. **Community Awareness Campaigns:** Engage schools, mosques, and media.

5. **Training for Stakeholders:** Sensitize judiciary, police, and social workers.
6. **Dedicated Budgeting:** Ensure financial sustainability for child protection services.
7. **Strengthen Monitoring and Data Collection:** Create a centralized child protection database.
8. **Integrate Nutrition and Health Policies:** Link existing health laws with child welfare mechanisms.

7. Conclusion

Pakistan's child protection regime is legally comprehensive but operationally weak—especially in Balochistan. The success of child welfare frameworks depends not just on legislation but on commitment to enforcement, public awareness, judicial capacity, and cross-sectoral collaboration.

The End

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