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The Legal Shield for Children



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THE PROTECTION SYSTEM OF CHILD IN PAKISTAN: AN ANALYSIS OF CENTRAL AND BALOCHISTAN (PROVINCIAL) LAWS, GAPS, AND RECOMMENDATIONS

“The child should be fully prepared to live as an individual in society, embodying the principles of peace, dignity, resilience, freedom, justice, and unity.” (The United Nations Convention on the Rights of the Child)

Children form a significant proportion of Pakistan’s population, with around **47% of** citizens under the age of 18. Children are most vulnerable cohort in the society and it is easiest to subject them to physical, psychological and sexual abuse than to other sections of the society. Islam considers children as a blessing and a source of joy, viewing them as Allah’s (s.w.t.) most valued gift to brighten the lives of parents and their families. The Quran acknowledges this by stating, “Riches and offspring are temptations of the worldly life.” The Islamic legal framework—derived from the Quran, Sunnah, ijma (consensus), and juristic discussions—safeguards children's rights as part of Shariah’s overarching objective to ensure the good of all people and protect them from harm. Islam emphasizes that parents have obligations to provide for the moral, educational, and physical well-being of their children, including giving them a commendable name, teaching them writing, and arranging their marriage upon reaching puberty. The Hadith underscores compassion towards children, with sayings such as “Those who do not have mercy upon the minor (small child) and do not respect the elder are not from us.” Islam strictly forbids any form of harm to children, highlighting that any act causing a mark on a child necessitates Qisas (retribution) or compensation for bodily injury. The desired objective in teaching religion is to instill the concept of Islam so that children remain loyal to the faith, rather than compelling them through force or violence, as such methods contradict Islamic principles of benevolence and righteousness.²

Pakistan International Commitment to the rights of Children

Pakistan has ratified several key UN human rights treaties that provide a broad framework for the protection of children's rights. Among these, the UN Convention on the Rights of the Child (UNCRC), 1989 stands out as a core treaty that addresses various aspects of children's rights holistically. Pakistan ratified the UNCRC on 12 November 1990 and has also ratified two of its optional protocols on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography. In addition to its treaty obligations, Pakistan is also part of a broader international framework that is consistent with its human rights commitments.¹ *Despite being a Signatory to the “United Nations Convention on The Rights of the Child [UNCRC]” and related Protocols and conventions, Pakistan is the fifth amongst the countries that has a very bleak Picture for its children as they continue to be subjected to violence, lawlessness and denial of Fundamental rights.*³

Pakistan Legislative Framework for Protection of Child

Pakistan's legislative framework for child protection rests on the Constitution, federal laws, and provincial enactments. The **Constitution of Pakistan** recognizes the State's responsibility towards children through various provisions: **Article 11** prohibits child labour and trafficking; **Article 25(3)** allows special laws for the protection of children; **Article 35** obligates the State to safeguard the family, mother, and child; and **Article 37(e)** stresses humane work conditions and protection against exploitation. However, these provisions are largely aspirational, lacking direct enforcement mechanisms specific to child protection.

At the **federal level**, several laws address matters related to children directly and indirectly. These include the **Juvenile Justice System Act 2018**, **Pakistan Penal Code**, **Anti Rape (Investigation & Trial) Act 2021**, **Trafiking in Person Act 2018**. Following the 18th Amendment, **provincial laws** have become central to child protection. All the provinces have since enacted their own child protection laws. Yet, these laws vary in scope, implementation, and institutional support, leading to inconsistency and fragmentation across the country.⁴

Constitutional Provisions for Child Protection

The **Constitution of Pakistan** lays the foundation for the protection and welfare of children. **Article 11** prohibits slavery, forced labour, and the employment of children in hazardous work, thereby addressing some forms of exploitation. **Article 25(3)** permits the State to enact special provisions for the protection of women and children, recognizing the need for affirmative measures. **Article 35** obliges the State to protect the marriage, family, mother, and child, emphasizing the family unit as the cornerstone of society. Further, **Article 37(e)** mandates the promotion of humane working conditions and the protection of children against exploitation at the workplace.

Federal Key Legislations.

1- Juvenile Justice System Act, 2018 (JJSA)

The Juvenile Justice System Act, 2018 (JJSA) represents Pakistan's primary federal legislation concerning children in conflict with the law. Enacted to replace the Juvenile Justice System Ordinance, 2000, it sought to harmonize domestic juvenile justice with international obligations, particularly the UN Convention on the Rights of the Child (UNCRC). The Act provides for specialized procedures for children's arrest, trial, and rehabilitation, including the establishment of juvenile courts, observation homes, and borstal institutions.

The JJSA provides several important protections and privileges to children, including the ***right to legal assistance at state expense***, privacy protections to prevent the disclosure of identity, ***mandatory separate detention from adults***, ***diversion mechanisms*** to avoid formal trial where appropriate, and ***priority for rehabilitation over punishment***. It also guarantees that upon arrest, parents or guardians must be informed immediately, and that trials be conducted in a child-friendly environment by specially designated juvenile courts.

Despite its progressive framework, the JJSA suffers from weak implementation, especially regarding the mandatory segregation of juveniles from adult prisoners and their placement in observation homes. A critical challenge remains the chronic delay in establishing separate juvenile courts across provinces and the absence of adequately trained judicial, police, and probation personnel.

Moreover, the system struggles with institutional deficiencies, such as lack of resources, overcrowded detention facilities, and absence of robust monitoring mechanisms. Social and structural biases—including gender, ethnic, and socio-economic discrimination—further weaken the Act's intended rehabilitative approach.

While JJSA lays down a promising statutory foundation, realization of its objectives requires sustained political commitment, adequate resource allocation, enhanced legal awareness among stakeholders, and effective institutional coordination.

2- Pakistan Penal Code (PPC): Provisions Protecting Children

The Pakistan Penal Code (PPC), 1860, contains several important provisions aimed at the protection of children in Pakistan. Foremost among these is the recognition of the legal principle of *doli incapax*, found in sections 82 and 83, which exempt children below ten years of age from criminal liability entirely, and conditionally exempt certain aged children unless they possess sufficient maturity of understanding.

The PPC also establishes specific protections for children in relation to *Qisas* and *Diyat* offences. Under the Islamic law provisions of the PPC, a child offender is exempt from the punishment of *Qisas* (retaliatory punishment), and their cases are instead adjudicated under *Ta'zir* punishments, focusing on reform rather than retribution. Additionally, the right of minor heirs of deceased to receive their shares in the amount of *Diyat* (Blood Money) in compounding (*Sulh*) of offences in *Qisas* cases are safeguarded.

Several provisions in the PPC criminalize offences that specifically protect children from abuse and exploitation. **Section 361** criminalizes kidnapping a child from lawful guardianship, recognizing the paramount right of children to remain in the care of their legal guardians. **Section 375**, as amended by the Criminal Law (Amendment) Act 2020, includes statutory rape provisions by criminalizing sexual intercourse with girls below the age of sixteen, irrespective of consent. Moreover, **Section 377A** and **377B** specifically address sexual abuse and exploitation of children, providing enhanced penalties for sexual offences involving minors.

These statutory protections are bolstered by provisions against child trafficking (Sections 369 and 370), child prostitution (Sections 371A and 371B), and exposure to obscene material (Section 292).

Collectively, while the PPC provides significant substantive legal protections to children, challenges remain in the consistent enforcement of these provisions, particularly in rural and marginalized communities. Effective implementation of these protective measures requires strengthened coordination among law enforcement, child protection agencies, and the judiciary.

3- Anti-Rape (Investigation and Trial) Act, 2021

The Anti-Rape (Investigation and Trial) Act, 2021 provides special protections for child victims of sexual offences, including child-friendly investigation procedures, mandatory in-camera trials, prohibition of degrading medical tests, and strict confidentiality of identity. It ensures swift legal proceedings through Special Courts and crisis cells, aiming to reduce trauma and safeguard the rights and dignity of child victims of sexual violence.

4- Code of Criminal Procedure, 1898 (CrPC)

The CrPC provides procedural safeguards for children, including priority for bail in offences involving minors and exempt minors from executing bonds allowing the court to except bonds from surety. These protections complement special laws like the JJSA to safeguard children in the criminal justice process.

5- Hudood Laws

The Hudood laws in Pakistan—primarily the Offence of Zina (Enforcement of Hudood) Ordinance, 1979, and the Offence Against Property (Enforcement of Hudood) Ordinance, 1979—contain provisions protecting children. Most significantly, children are exempt from *Hadd* punishments (fixed punishments under Islamic law). These protections ensure that children accused of Hudood offences are not subjected to the Hudood penalties of Islamic criminal law.

6- Prevention of Trafficking in Persons Act, 2018

The Prevention of Trafficking in Persons Act, 2018 provides enhanced protections for children by prescribing stricter punishments for trafficking offences involving minors. It specifically criminalizes the recruitment, transportation, and harboring of children for exploitation—

including forced labor, sexual abuse, and organ trade. The Act mandates that when the victim is a child, penalties are more severe.

7- Prevention of Electronic Crimes Act, 2016 (PECA)

PECA 2016 provides specific protections for children against online exploitation. It criminalizes child pornography (Sections 22 & 22A), online sexual abuse, and trafficking of obscene material involving minors, prescribing stringent punishments. The Act also safeguards children from cyber harassment, blackmail, and grooming for exploitation. Special procedures are required for handling cases involving child victims, including privacy protections and non-disclosure of identity. These provisions aim to protect children from the increasing risks of abuse in digital spaces.

8- Zainab Alert, Response and Recovery Act, 2020 – Strengthening Protection against Child Abductions

The **Zainab Alert, Response and Recovery Act, 2020** establishes a national framework for the **rapid response to child abductions**, applying across Pakistan, including Balochistan. The Act led to the creation of the **Zainab Alert, Response and Recovery Agency (ZARRA)**, tasked with coordinating efforts to recover missing children under 18 and issuing **mass alerts** through SMS, television, and other media.

Key protections for children include:

- A **mandatory alert system** for missing children.
- Coordination between police, transport, and telecom authorities.
- A **national database** of missing and recovered children.
- Legal obligation for all agencies to act swiftly upon a reported disappearance.

In cases involving Balochistan's remote areas, the Act has the potential to **reduce delays in recovery** through federal-provincial coordination. While ZARRA centralizes alerts, effective implementation in Balochistan depends on **local enforcement capacity, inter-agency cooperation**, and public awareness.

The Act reinforces that **timely intervention saves lives**, and places legal responsibility on the state to **protect and recover children at risk of exploitation and abuse**.

9- The National Commission on the Rights of Child Act, 2017 – Federal Oversight on Child Rights

The **National Commission on the Rights of Child (NCRC) Act, 2017 (Act No. XXXII of 2017)** establishes a **statutory and independent body at the federal level** tasked with safeguarding, monitoring, and promoting the rights of children in Pakistan in line with the **UN Convention on the Rights of the Child (UNCRC)**.

Institutional Structure and Mandate

- The Commission comprises a **Chairperson, ex-officio representatives** of key federal divisions, provincial child rights commissions, civil society experts, and **two child representatives** (one boy and one girl).
- It is headquartered in Islamabad and may establish offices across the country.
- The Commission is a **body corporate** with power to sue and be sued.

Key Powers and Functions

The NCRC is mandated to:

- **Review laws and policies** affecting children and recommend reforms.
- **Investigate violations** of children's rights and refer cases for action.
- **Monitor implementation** of national and international obligations.

- **Collect data**, conduct research, and spread awareness.
- Promote protection from **violence, abuse, trafficking, neglect, torture, pornography, and exploitation**.
- Recommend action on **emerging child rights issues** and advise on **international treaties**.

Oversight and Reporting

- The Commission is required to publish an **annual report** on the state of child rights and can submit **special reports** on urgent matters.
- It also assists in preparing Pakistan's **treaty compliance reports**.

Accountability and Transparency

- The Commission is funded through a **non-lapsable Child Rights Fund**, and its **accounts are audited** by the Auditor General of Pakistan.
- Proceedings remain valid despite vacancies, ensuring operational continuity.

Significance for Child Protection

As a **dedicated child rights watchdog**, the NCRC plays a **central role in policy coordination, advocacy, monitoring, and redressal of violations** affecting children. Its statutory mandate, child-inclusive composition, and emphasis on accountability mechanisms reflect a **rights-based approach to governance** and signal a national commitment to treating children as rights-holders, not mere dependents.

This law fills a long-standing gap by establishing a **permanent federal institution** solely responsible for **children's welfare, protection, and participation**, bridging the implementation divide between **provincial and national frameworks**.

10- The Oaths Act, 1873 – A Procedural Framework and Its Child-Specific Implications

The Oaths Act, 1873 (Act X of 1873), though procedural in nature, holds significant relevance in the context of child protection within judicial proceedings. It governs how oaths and affirmations are administered to individuals who appear before courts to give testimony. For children, particularly those under the age of twelve, the Act provides a vital legal safeguard that balances the procedural requirements of the justice system with the cognitive and emotional capacity of young witnesses.

Specifically, the proviso to **Section 5** creates an important exception for children under twelve years of age. If such a child understands the duty to speak the truth but does not comprehend the nature of an oath or affirmation, the law allows the court to accept their testimony without administering a formal oath. Importantly, the child remains bound to speak the truth, and their evidence is admissible in law.

Provincial Legislative Framework: Balochistan

Building upon the federal legislative commitments and Pakistan's ratification of international child rights instruments, the provinces have developed their own frameworks to address the unique challenges faced by children within their jurisdictions. Among these, **Balochistan has made a landmark intervention through the Balochistan Child Protection Act, 2016**, which serves as the most significant and comprehensive piece of child-specific legislation in the province. While various other laws touch upon children's issues—ranging from education to labour—the 2016 Act is the first to systematically address **the multidimensional threats of abuse, exploitation, neglect, and violence** faced by children in Balochistan. Enacted to give effect to Article 19 of the UN Convention on the Rights of the Child (UNCRC), the Act symbolizes the province's intent to establish a formalized child protection mechanism rooted in law, policy, and institutional structure.

The **Balochistan Child Protection Act, 2016** (Act No. VII of 2016) sets out to protect children from all forms of physical or psychological harm, maltreatment, exploitation, and neglect. The Act comprises 31 sections that elaborate on key child protection concepts, establish implementation institutions such as the **Child Protection Commission** under the Social Welfare Department, and outline the process for **case management** and **referral services**. It introduces the concept of the *best interest of the child* as a guiding principle and mandates that child protection services are to be treated as a public responsibility, funded by the provincial government. The Act is aligned with the UNCRC and provides for localized **Child Protection Units** in each district, operating under family courts.

However, despite its progressive intent, the Act falls short in several critical areas. **No implementing rules or regulations have been notified** even years after its passage, significantly impeding execution. The administrative apparatus remains underdeveloped, with no clarity on the qualifications, training, or accountability of child protection officers. **Inter-agency coordination**, essential for holistic protection, is vaguely addressed, and there is little integration with existing **social protection mechanisms** such as the Benazir Income Support Programme or child labour rehabilitation centres.

When **compared with corresponding laws in other provinces**, especially the **Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010**, Balochistan's framework appears considerably underdeveloped. For instance, **KP has established specialized Child Protection Courts** under Section 15, enabling dedicated judicial attention to child rights cases with clear timelines, whereas Balochistan relies on existing family courts. Unlike KP's law, a well-defined **Child Protection and Welfare Fund**, robust **audit mechanisms**, and **annual reporting obligations** to the Provincial Assembly—are either absent or only nominally present in Balochistan's Act.

Another glaring omission in Balochistan's Act is the lack of provisions for the **reintegration of children into family or community settings**, a key international standard and a recognized challenge in other provinces like Punjab. Institutionalized children in Balochistan remain at risk of prolonged institutional care without exit strategies, social reintegration, or psychosocial rehabilitation support.

In sum, **while the Balochistan Child Protection Act, 2016 is a significant legal milestone**, its operational architecture remains weak. It has neither sufficiently internalized lessons from other provinces nor addressed long-standing gaps such as judicial specialization, institutional resourcing, or intersectoral convergence. Unless these structural issues are urgently resolved—through rules formulation, administrative reforms, and interdepartmental coordination—the Act risks remaining a paper framework, detached from the lived realities of vulnerable children in the province.⁴

Other Legislation in Balochistan for the protection of children.

1- The Balochistan Employment of Children (Prohibition and Regulation) Act, 2021

The **Balochistan Employment of Children (Prohibition and Regulation) Act, 2021** (Act No. XII of 2021) is a key legislative effort by the province aimed at aligning child labour regulations with constitutional and international obligations. Enacted following the 18th Constitutional Amendment, the Act prohibits the employment of children under the age of 14 and strictly bans adolescents (aged 14 to under 18) from engaging in hazardous occupations, thereby operationalizing Article 11(3) of the Constitution of Pakistan and relevant ILO Conventions.

The Act provides a **comprehensive framework for both prohibition and regulation**: it bans child employment in hazardous work, defines what constitutes hazardous and light work, and lays down conditions under which limited adolescent work may be permissible—particularly in the context of vocational training or non-harmful family-based work. Notably, the Act introduces the concepts of “*light work*” and “*hazardous work*”, placing clear restrictions on employment that may expose minors to physical, psychological, or sexual abuse, unhealthy environments, illegal activities, or extreme working conditions.

To oversee enforcement, the Act establishes a **Coordination Committee on Child Labour** comprising representatives from the government, employers, civil society, and labour groups. This committee is mandated to advise the provincial government on legal, administrative, and policy measures for the eradication of child labour. The Act also empowers inspectors to enforce its provisions and prescribes penalties for violations.

While the Act marks a **significant advance in legal protections against child labour**, its success depends on **effective implementation, public awareness, inter-agency coordination, and routine inspections**—areas that still pose considerable challenges in Balochistan. The law's harmonization with the province's broader child protection regime, especially the Balochistan Child Protection Act, 2016, remains essential for a unified and effective child rights framework.

2- The Balochistan Vagrancy Ordinance, 1958

Originally enacted as the **West Pakistan Vagrancy Ordinance**, this law was later adapted as the **Balochistan Vagrancy Ordinance, 1958** following administrative restructuring. Though primarily aimed at curbing the social menace of vagrancy, the Ordinance includes several provisions that directly concern the **welfare and protection of children found in circumstances of destitution, street-living, or forced begging**. It defines a "child" as a person under the age of fourteen and includes child vagrants as a specific category subject to protective detention and welfare intervention.

The Ordinance authorizes the establishment of **Welfare Homes** where detained vagrants—including **children**—may be housed, educated, and rehabilitated. Under Sections 3 to 6, it mandates medical examination, classification, and educational instruction for children placed in these homes. It also provides for **voluntary admission** of destitute or orphaned children, subject to the satisfaction of a District Magistrate.

Notably, Section 10 imposes **criminal penalties on individuals who employ, cause, or permit children to solicit alms**, reflecting an early legislative acknowledgment of child exploitation through street begging. Furthermore, **guardians who connive in such practices are also held criminally liable**, which aligns conceptually with modern child protection frameworks.

However, the Ordinance's approach is distinctly **penal and custodial**, reflective of its time. Children found begging may be **arrested without warrant**, detained, and even sentenced under the same provisions as adult vagrants (Sections 7–9). Although some procedural safeguards are included—such as the presumption of vagrancy, options for probation, and provisions for dependent children—the **absence of a child rights-based lens and lack of procedural distinctions between juvenile and adult vagrants make the law outdated**.

Moreover, its compatibility with **modern instruments like the UNCRC or Pakistan's own Juvenile Justice System Act, 2018** is questionable, particularly given the punitive orientation and undefined duration of confinement. The Ordinance also lacks specific integration with social welfare services, education departments, or juvenile courts.

Despite these shortcomings, the Ordinance continues to operate in Balochistan and **fills a legal gap in the absence of specialized street child legislation**. However, its continued use **highlights the urgent need for legislative reform**, ideally through the replacement or significant amendment of the Ordinance to align with contemporary child rights standards and restorative justice principles.

3- The Child Marriage Restraint Act, 1929

Enacted during the British colonial era, the **Child Marriage Restraint Act, 1929 (Act XIX of 1929)** remains in force across Pakistan, **including in Balochistan**, and serves as the primary legal instrument addressing the **prohibition of underage marriages**. While originally intended as a modest social reform, the law has continued to shape Pakistan's legal stance on child marriage well into the post-independence period.

The Act defines a “**child**” as a **female under the age of sixteen and a male under the age of eighteen**, a definition that starkly contrasts with the universal threshold of eighteen years prescribed under the **United Nations Convention on the Rights of the Child (UNCRC)**, to which Pakistan is a signatory. Under the Act, **any adult male above eighteen who contracts a marriage with a child is punishable** with simple imprisonment of up to one month, or a fine of up to one thousand rupees, or both. Similar punishments are also prescribed for **those solemnizing such marriages**, including religious figures, as well as **parents or guardians** who facilitate or negligently permit child marriages.

In terms of procedure, **only a Magistrate of the First Class** is authorized to take cognizance of offences under this Act, and complaints may only be initiated by the **Union Council** or another prescribed authority, with a strict **limitation period of one year**. Courts are further empowered under Section 12 to **issue injunctions** prohibiting planned child marriages, and violation of such injunctions is treated as a criminal offence.

Despite its continued application, the law has faced sustained criticism for being **outdated and insufficient as a protective instrument**, particularly in Balochistan where the **age threshold for girls (16 years)** continues to facilitate early and forced marriages, particularly in tribal and rural areas. The **absence of modern enforcement mechanisms, lenient punishments**, and the lack of a **child rights–centric approach** render the law ineffective in preventing child marriage in practice.

Unlike the **Sindh Child Marriage Restraint Act, 2013**, which raised the minimum marriageable age for both males and females to 18 and introduced more stringent penalties, **no corresponding amendment or provincial legislation** has been enacted in Balochistan to reform the 1929 law. This legal inertia contributes to **inconsistencies across provinces** and undermines efforts to develop a unified national approach to child protection.

Given the provincial autonomy granted after the 18th Constitutional Amendment, the continued reliance on this colonial-era statute in Balochistan **highlights an urgent need for legislative reform**. The introduction of a province-specific law harmonized with both constitutional protections and international obligations would be a significant step toward eliminating the practice of child marriage and protecting the rights and development of children in the province.

4- The Balochistan Protection and Promotion of Breast-Feeding and Child Nutrition Act, 2014

The **Balochistan Protection and Promotion of Breast-Feeding and Child Nutrition Act, 2014 (Act No. I of 2014)** is aimed at ensuring **early childhood nutrition and maternal health** through the protection and promotion of exclusive breast-feeding. Enacted in alignment with international health and nutrition standards, including those of the **World Health Organization (WHO)** and **Codex Alimentarius Commission**, the Act represents the province’s commitment to reducing infant morbidity and mortality, as well as to combating malnutrition in the early years of life.

The Act defines an **infant** as a child up to twelve months and a **young child** as one between one and two years of age. It regulates the marketing and distribution of **designated products**, including infant formula, feeding bottles, pacifiers, and related accessories, and strictly prohibits the **promotion of such products as substitutes to mother’s milk**. Central to the legislation is the recognition of **mother’s milk as the safest and most essential form of nutrition** during infancy. To ensure this, the law makes it illegal for manufacturers or distributors to advertise breast milk substitutes or offer gifts, incentives, or donations to healthcare workers or institutions for promotional purposes.

The law establishes an **Infant Feeding Board** with representation from government, the medical profession, civil society, and the industry. This board is empowered to oversee implementation, monitor violations, approve educational materials, and advise on public health policy related to infant and child nutrition. The Board also plays a role in referring cases for prosecution when violations are discovered, particularly relating to unethical marketing practices or substandard products.

Importantly, the Act mandates **strict labeling standards**, requiring all designated products to carry health warnings in Urdu—such as *"Mother's milk is best for your baby and helps in preventing diarrhea and other illnesses."* It forbids any imagery, terms, or comparisons that could imply equivalence to or superiority over breast milk. The law also empowers the government to appoint **inspectors** to investigate violations, conduct sampling, and monitor quality, ensuring that designated products meet international safety and nutrition benchmarks.

Violations of key provisions—particularly the marketing and distribution of unauthorized products—are punishable with **imprisonment up to two years or fines ranging from fifty thousand to five hundred thousand rupees**. Repeat or corporate offenders may face institutional penalties, including suspension or revocation of business licenses.

This Act is particularly relevant in a context like Balochistan, where **child malnutrition rates remain among the highest in the country** and access to maternal healthcare is limited in remote areas. By legislating the **protection of breastfeeding practices and curbing the commercial exploitation of infant feeding**, the law seeks to support mothers, discourage early weaning, and uphold the nutritional rights of the child during their most vulnerable developmental stage.

Nevertheless, successful implementation remains contingent on **adequate awareness among health professionals, routine monitoring, and coordination between the health and food regulatory sectors**. The law's potential lies not only in its punitive provisions but also in its vision of a **preventive and public health-driven approach to child nutrition**—a significant evolution in the provincial child rights framework.

5- The Balochistan Borstal Institutions Act, 2014

The **Balochistan Borstal Institutions Act, 2014 (Act XXIII of 2014)** provides the statutory framework for the establishment, regulation, and administration of **Borstal Institutions** in the province. These institutions are intended to serve as **rehabilitation and reformation centres for juvenile offenders**, emphasizing education, psychological development, and reintegration over punitive incarceration. Enacted under the broader umbrella of juvenile justice reform, the law complements and operationalizes principles articulated in the **Juvenile Justice System Act 2018**, and is aligned with **international standards**, particularly the United Nations Convention on the Rights of the Child (UNCRC) and the Beijing Rules.

The Act defines a **juvenile** as any person under the age of eighteen at the time of the commission of an offence. It authorizes the **Government of Balochistan to establish Borstal Institutions in each district**, with a mandatory institution at the provincial headquarters. These institutions are designed to provide not only custodial care but also facilities for **education, vocational training, health services, psychological counseling, and character development**.

A core principle under Section 4 is that all juveniles detained in Borstal Institutions must be treated in a manner consistent with **child rights, dignity, and best interests**, with specific protections outlined in an annexed schedule. Importantly, **female juveniles must be housed in separate enclosures and attended to exclusively by female staff**, and in the absence of such arrangements, they must be transferred to a care home rather than kept in police custody or regular prisons.

Under Section 6, courts may direct that juveniles convicted of offences be sent to a Borstal Institution until the age of eighteen or for a term shorter than prescribed, thereby **diverting them from the adult prison system**. The admission process is formalized through judicial orders, medical examinations, and proper record-keeping, ensuring that juvenile inmates are **registered, monitored, and medically assessed** upon entry.

The law introduces a **multi-tiered administrative structure**, including the appointment of a Director, Incharge, and supporting staff for each institution, with the requirement that no member of the police may be appointed to these roles—signaling a shift away from punitive correctional models. A **visiting committee** is also to be appointed for each institution to provide external oversight and ensure transparency.

Significantly, the Act recognizes the mental health needs of juvenile inmates (Section 10), allowing for the **transfer of mentally disordered juveniles** to appropriate psychiatric facilities, in accordance with the Mental Health Ordinance, 2001. It also allows juveniles to engage in **remunerated work**, provided such employment complies with child labour laws and international standards protecting young workers.

In terms of **rehabilitative opportunities**, the Act includes provisions for **release on parole**, under the supervision of **parole officers** from the Reclamation and Probation Department. These officers are tasked with ensuring post-release support, community reintegration, and supervision to prevent recidivism.

The law also provides for **independent inspection mechanisms and complaint procedures**, mandating regular visits by qualified inspectors not associated with the institution's administration, and offering inmates the right to make complaints to an impartial authority. The discipline regime, while permitted, is explicitly limited to **only what is necessary to maintain order and safety**, thereby ensuring a **non-punitive and child-sensitive custodial environment**.

Overall, the **Balochistan Borstal Institutions Act, 2014** represents a **progressive legal step toward child-centered justice in the province**. However, challenges remain in operationalizing the framework—particularly in terms of infrastructure, staff capacity, and integration with broader child protection services. Full realization of the Act's rehabilitative potential requires not only sustained political commitment and budgetary support but also **inter-agency coordination with health, education, and social welfare departments**.

6- The Balochistan Compulsory Education Act, 2014

The **Balochistan Compulsory Education Act, 2014 (Act V of 2014)** operationalizes the right to **free and compulsory education for all children aged five to sixteen years** in the province, in accordance with **Article 25-A of the Constitution of Pakistan**. This legislation marks a critical provincial step in recognizing education as a fundamental right and addressing the **structural and socio-economic barriers** that prevent universal enrollment—particularly for girls and children from marginalized communities.

The Act mandates that every child within the specified age group must attend a school, and it places a **statutory obligation on parents and guardians** to ensure compliance. A child is defined broadly to include both sexes, and education is to be provided for **classes I to X** in all schools established or registered by the government, including madrassas. The definition of "free education" is notably expansive, requiring the state to provide not only tuition-free education but also **free textbooks, stationery, one school-time meal, and transport facilities**—a progressive commitment considering the socio-economic realities of the province.

To monitor and enforce compliance, the Act empowers **Parent Teacher School Management Committees** and **School Attendance Authorities**, which are given legal powers to issue attendance orders, maintain enrollment records, oversee school performance, and facilitate school-community engagement. The **School Attendance Authority** may initiate prosecution against parents or employers who fail to comply with the law, with **fines and imprisonment** prescribed for persistent non-compliance (Section 8).

The legislation acknowledges **barriers to access**, such as mental or physical disabilities, lack of nearby schools, and household dependency on child labor, and makes **conditional exemptions** in such cases. Nonetheless, it empowers the authorities to pursue enforcement wherever feasible, using both **persuasive and penal approaches**. Employers who continue to engage school-age children in work are likewise liable to fines or imprisonment, emphasizing the **interplay between education and child labour eradication**.

Importantly, the Act also provides for the **formation of Parent Teacher Management Committees (PTMCs)** through democratic processes. These committees are tasked with responsibilities that range from **mobilizing community enrollment**, recommending school improvements and mid-day meal programs, to maintaining school infrastructure and discipline. The PTMCs are also empowered to maintain bank accounts for funds received from the

government or other donors, highlighting a **decentralized and participatory governance model** in educational administration.

The Act repeals prior statutes, including the **Balochistan Primary Education Ordinance, 1962** and the **Balochistan Compulsory and Free Education Ordinance, 2013**, creating a singular legislative framework for compulsory education in the province. However, it preserves actions and obligations already undertaken under the repealed laws, ensuring legal continuity.

Despite its comprehensive vision, **implementation challenges persist**, particularly in remote districts of Balochistan where schools are either non-functional or completely absent, and the cultural, economic, and security context continues to hinder female enrollment. The ambitious provisions for free meals and transport have also remained largely aspirational due to **budgetary constraints**.

Nonetheless, the **Balochistan Compulsory Education Act, 2014** provides a **solid legal foundation** for achieving universal primary and secondary education in the province. For it to be truly transformative, sustained investment, community mobilization, and intersectoral coordination—particularly with child protection, health, and labour departments—are essential.

7- The Balochistan Letters of Administration and Succession Certificates Act, 2022 – A Child-Centric Perspective

From a child protection lens, the law's **built-in safeguard** is its acknowledgment that **any controversy involving a minor heir** must be referred back to the appropriate judicial forum for adjudication. This ensures that NADRA cannot issue a certificate where minor children's interests require **judicial supervision and protective relief**, as envisioned under general child welfare principles and personal laws.

8- The Balochistan Juvenile Smoking Ordinance, 1959 – Protecting Children from Tobacco Exposure

The **Balochistan Juvenile Smoking Ordinance, 1959 (W.P. Ord. XII of 1959)** is one of the earliest legislative instruments aimed at protecting children in the province from the harms of **tobacco use and exposure**. Though limited in scope, it reflects early recognition of tobacco as a public health hazard—particularly for **juveniles under the age of sixteen**.

The Ordinance prohibits the **sale or distribution of tobacco products to children**, and imposes fines for violations, with penalties increasing for repeat offenders. Notably, those holding a licensed tobacco vend can have their licenses **revoked upon repeated violation**, serving as a regulatory deterrent.

In terms of enforcement, the law authorizes **teachers, proctors, and other notified individuals** to confiscate and destroy tobacco products if found in the possession of juveniles in **public places**, including schools, parks, and transport facilities. While the law lacks modern enforcement tools and has modest penalties, it provides a foundational basis for **school-based and community-level tobacco control efforts** targeting children.

From a child protection perspective, the Ordinance contributes to **early prevention of tobacco addiction**, which is closely linked to long-term health, cognitive development, and social outcomes. Its value lies in creating a **legal boundary between minors and harmful substances**, complementing broader public health and education policies.

Although outdated in language and relatively limited in penalties, the law remains operative and could be further strengthened through integration with **contemporary anti-tobacco initiatives**, particularly in school environments and child welfare programs across Balochistan.

11- The Balochistan Domestic Violence (Prevention and Protection) Act, 2014 – Safeguarding Children

The Balochistan Domestic Violence Act, 2014 explicitly includes **children under 18** as aggrieved persons entitled to protection from all forms of domestic abuse—physical, sexual, emotional, verbal, and economic. The Act applies to children living in a domestic relationship with the accused and recognizes their right to safety, dignity, and protection within the household.

A key safeguard lies in **Section 10**, which empowers the court to grant **custody of a child victim** to a guardian or service provider, and in cases of **sexual abuse**, bars visitation by the accused. Courts may also issue **protection and residence orders** to shield child victims from further harm. Protection Committees and Officers are tasked with assisting affected children, providing access to shelter, medical care, and legal aid.

Other Legislation in Pakistan

- The National Commission on the rights of child Act 2017
- The Islamabad Capital Territory Child Protection Act 2018.
- The employment of Children Act 1991
- The probation of offender’s ordinance 1960
- The West Pakistan Probation of offenders Rules 1961
- The guardians and ward Act 1890
- The Punjab Juvenile smoking ordinance 1959
- The Punjab Prohibition of Child Labour at Brick Klins Act 2016
- The Punjab restrictions on employment of Children Act 2016
- The Punjab domestic workers Act 2019
- The Punjab free and compulsory education Act 2014
- The Sindh Prohibition of employment of Children Act 2017.
- The Sindh Prohibition of corporal punishment Act 2017
- The Sindh Child Marriages Restraint Act 2013
- The Sindh Child Protection Authority Act 2011
- The Sindh Children Act 1955
- The KPK Prohibition of employment of children Act 2015
- The KPK Child Protection and Welfare Act 2010
- The Convention on the Rights of the Child

Conclusion.

Pakistan has strong child protection laws, but weak enforcement—especially in Balochistan—limits their impact. Without implementation, coordination, and reform, legal protections risk remaining ineffective. Urgent, child-focused action is needed to bridge this gap.

Recommendations

In light of the legal and institutional analysis presented, the following suggestions may be considered to enhance the protection of children's rights in Pakistan, particularly in Balochistan:

1. **Formulate and Notify Implementing Rules:** the Government of Balochistan should promptly formulate and notify the long-pending rules under the Balochistan Child Protection Act, 2016. This could operationalize the law and allow institutions to perform their intended functions.
2. **Revise and Modernize Outdated Laws:** It would be appropriate to revisit colonial-era and outdated laws such as the Child Marriage Restraint Act, 1929 and the Vagrancy Ordinance, 1958. Introducing new, child-centric legislation could help bring provincial laws in line with international standards.
3. **Strengthening Interdepartmental Coordination:** Stronger coordination mechanisms among child welfare, health, education, and police departments may be explored. A multi-sectoral task force or case referral system could enhance responsiveness to child protection cases.
4. **Encouraging Community Awareness and Engagement:** Efforts may be directed toward community-based awareness campaigns, especially in rural and tribal areas. Mobilizing local stakeholders—including religious leaders and school committees—could foster greater acceptance of child protection norms.
5. **Enhancing Training and Capacity Building:** It may be beneficial to develop training modules and regular capacity-building sessions for police, judges, child protection officers, and social workers, focusing on child-sensitive approaches and the principles of restorative justice.
6. **Allocation of Dedicated Budgetary Resources:** The provincial government may explore the possibility of allocating dedicated budget lines for child protection services, shelters, nutrition programs, and juvenile institutions. Financial sustainability is essential for long-term impact.
7. **Promote Data Collection and Research:** Establishing a centralized child protection database could help monitor trends, identify vulnerable populations, and inform evidence-based policy reforms. Collaborations with academic institutions and civil society may be helpful in this regard.
8. **Integration of Nutrition and Health Interventions:** Given the high rates of child malnutrition in Balochistan, integrating the Breastfeeding and Nutrition Act, 2014 with child protection and healthcare systems may serve to improve early childhood outcomes.

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The End