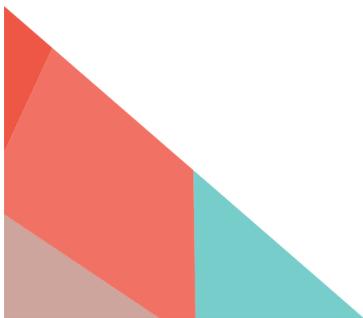




CHILD PROTECTION AND SAFE CAMPUSES

Recommendations for Holistic Policy and Institutional Reforms

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EXECUTIVE SUMMARY

For millions of students, schools are not a safe learning space.¹ Increasing incidents of violence to and from school as well as within the premises and online are on the rise. In Pakistan, recent cases of harassment and sexual abuse against children, particularly in educational contexts has brought serious focus on the need for a holistic and participatory child protection system. It is in this context that we would discuss the existing legal framework and protection mechanisms, identify their gaps and suggest policy recommendations as the way forward.

The idea that places of learning can be violent or dangerous might not come across as perceptible however, A UNICEF analysis of data underscores how common violence is in schools around the world. **Globally, half of students aged 13–15, about 150 million, report experiencing peer-to-peer violence in and around school. Globally, slightly more than one in three students aged 13–15 experience bullying, and about the same proportion are involved in physical fights. About 720 million school-aged children live in countries where they are not fully protected by law from corporal punishment at school.**² Studies have reported that violence experienced in schools and early years can have a lasting impact on the growth, academic achievements and psychological well-being of the child leading to depression, anxiety, lack of self-worth, poor academic performance and other challenges.³ With 60% of its population under the age of thirty, Pakistan is faced with the serious challenge of ensuring that these children and young adults not only have access to education, but that, that education is conducted in a safe learning environment as well to minimise the impacts of childhood violence.

Children are likely to face various types of abuse in and around educational settings which is not limited to harassment and sexual abuse alone. Many children experience bullying (both online and offline) and this can be hierarchical or linear depending upon its source. Authoritarian school structures with their outmoded systems and inaccessible senior administration can be intimidating and alienating in their own way, likewise, faculty and staff could be bullies and incidences of peer-to-peer bullying are also common. Certain risk factors like gender, race, ethnicity, religion, disability, disease or poverty may add to the susceptibility of violence that children face in educational settings.

Pakistan is a signatory to the **UN Convention on the Rights of Child 1989**. It is also a party to the **South Asian Initiative on Ending Violence against Children**. **A 25 of the Constitution of Pakistan 1973** calls for equality of citizens and allows for special measures to be adopted for women and children, **A 25-A** makes primary education a right of all children while **A 35** and **37** of the Constitution call for protection of family and promotion of social justice. The Sustainable Development Goals, **Goal 16**, calls on to significantly reduce all forms of violence and, in particular, to “*end abuse, exploitation and all forms of violence against... children.*” **Goal 5** is focused on violence against women and girls and **Target 4.A of Goal 4** calls for upgrading education facilities so they “*provide safe, non-violent, inclusive and effective learning environments for all.*”

In spite of these commitments on paper, till date however, Pakistan has not been able to establish a consolidated, holistic, and a coordinated child protection case management and referral system, in line with international standards across all its provinces. The devolution pursuant to the **18th Amendment of the Constitution** has only amplified the provinces’ individual responsibility to legislate on subjects within their domain. It is here that our biggest concern lies for the province of Punjab fares the worst in terms of its child protection mechanism when compared with other provinces and ICT.

KPK passed its Child protection and Welfare Act in 2010, Sindh passed the Child Protection Authority Act in 2011, Baluchistan passed the Child Protection Law in 2016 while ICT passed its Child Protection Law in 2018. In comparison to these more recent legislations, Punjab is still operating under the ‘**Punjab Destitute and Neglected Children Act**’ that was passed in 2004. A cursory look at the titles of these legislations itself suggests that the Punjab Law is more restrictive and limited to the protection of children who fall under the definition of ‘destitute’ or ‘neglected’. Since school going children are outside the scope, the Punjab Child Protection and Welfare Bureau and the Child Protection Units established under the law do not take cognisance of the matters impacting the life, health and well-being of any child at risk unlike the other provincial child protection boards/commissions etc. established under their respective legislations do. This is because, a ‘child at risk’ is more broadly defined in those legislations which allows for protection to be extended to many more children. This limitation can be classified as a serious gap in the child protection legislation in Punjab when compared with its

¹ An Everyday Lesson, End Violence in School, UNICEF, 1. Available at: https://www.unicef.org/publications/files/An_Everyday_Lesson-ENDviolence_in_Schools.pdf

² Ibid, 3

³ Ibid, 1

counterparts and that is unfortunate because there already exists a governance structure, a bureau and concerned officials under the Act, but due to the restricted definition in the statute, the provisions of the existing mechanism cannot be extended to protect more children. Accordingly, **it is highly and seriously recommended that, the Punjab destitute and neglected children Act 2004 be amended and updated in line with the competing provincial laws, and the constitutional and international commitments of Pakistan calling for an end to violence against children.**

This could also be taken as an opportunity to address some of the additional risks and challenges that educational settings pose to children. In particular, the **focus should be on developing with stakeholder consultation and participation, a set of ‘safe learning guidelines’ for schools, colleges, tuition centres and other learning spaces** which can then be implemented through the education department to ensure that minimum standards of safe operations and procedure to initiate confidential complaints are being followed in all learning environments for the safety and redressal of issues faced by students with a gender and child sensitive approach.

In order to make these endeavours a success, it is imperative the budgetary allocations are segregated on the basis of gender and **gender segregated budgets are announced by provincial governments** to show how much the government is committing to spend on education of girl child and vulnerable persons thereby increasing the chance of their access to education and will further provide a basis to assess whether any funds are being allocated to ensure that those learning spaces are safe and secure for children.



INTRODUCTION

According to World Health Organization (WHO), around **1 billion children** experience some form of physical, sexual, verbal, or psychological violence or neglect annually.⁴

Violence experienced in childhood can have lifelong impacts on growth, health and well-being of the child and by extension on the society at large because a culture of violence is likely to beget more violence. In addition to the health and well-being of the child, early childhood violence can also have serious impacts on cognitive, emotional and educational progress of the child leading to social problems and behaviours that might in turn expose the child to more risks such as substance abuse, isolation or sexual transgressions. Such children are also more likely to endure a range of illnesses later in life which may include but are not limited to depression, cardiovascular disease, diabetes, cancer and HIV.⁵

Preventing and addressing violence against children in early years with a child sensitive and participatory approach is therefore, of crucial importance for any country's progress and future. Countries that are invested in ensuing long-term success of their nations are prioritizing a safe and violence free environment for their children.

Preventing violence against children is also a very prominent feature of the international development agenda. **Sustainable Development Goal (SDG) target 5.1** calls for the elimination of all forms of violence against girls, and **SDG target 16.2** calls for ending all forms of violence against children. Access to education is equally prominent within the SDGs, with **SDG target 4.a** to build and upgrade education facilities that provide safe, non-violent learning environments for all.⁶

“Till date, no consolidated, holistic and coordinated child protection case management and referral system exists in Pakistan.”

On paper, Pakistan has also been showing a very keen interest in supporting rights of children. It was amongst the initial signatories to **the UN Convention on the Rights of Child (UNCRC)** in 1990.⁷ Pakistan is also a party to the **South Asian Initiative on Ending Violence against Children (SAIEVAC)**⁸ and has also ratified the **Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography**, 2002.⁹ In addition to this, the **Constitution of Pakistan 1973** provides for rights of children and calls for special measures for them where required,¹⁰ the **Pakistan Penal Code 1860** criminalizes offences against the person including those against the children and provides for penalties. Several special laws enacted through other legislations seek to give additional rights and cover to specific matters related to children which may vary from province to province such as **Child Marriage Restraint Act** and the **Child Protection Laws** in different provinces.¹¹ Till date however, Pakistan has not been able to establish a consolidated, holistic, and a coordinated child protection case management and referral system, in line with international standards across all its provinces.

⁴ School-based violence prevention: a practical handbook. Geneva: World Health Organization; 2019. Licence: CC BY-NC-SA 3.0 IGO. Available at: <https://www.unicef.org/sites/default/files/2019-08/Handbook-school%20based%20violence%20prevention.pdf>

⁵ Ibid

⁶ Read More Here: <https://sdgs.un.org/goals>

⁷ Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁸ <https://saievac.org/>

⁹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

¹⁰ Articles 25, 35 and 37 of Constitution of Pakistan, 1973.

¹¹ KPK Child Protection and Welfare Act 2010, Sindh Child Protection Authority Act 2011, Baluchistan Child Protection Act 2016 and ICT Child Protection Act 2018.

Since, 2005, Pakistan has also expressed its commitment towards protection of children in the **National Plan of Action against Child Sexual Abuse and Exploitation**¹² and in its periodic reports to the committee on rights of children established under the CRC.¹³ Even though, the **National Plan of Action** could not be implemented and the **18th Amendment** has prevented any nation-wide coherent system of child protection, Pakistan's position on protecting the rights of its children is very clear on paper. **The 18th Amendment is only indicative of the province's individual responsibility to respond to the need for child protection.**

While it is true that post the **18th Amendment of the Constitution of Pakistan 1973**, health, education and child protection are all provincial subjects, a consultative approach among the centre and the provinces can likely go a long way in establishing basic guidelines and standards of protection that can be applied uniformly across the country for a coherent, participatory and a holistic system of child protection in Pakistan as a whole.

“For the purposes of this paper however, we will focus on the context of violence and abuse in educational settings, whether formal or informal, public or private, so that a potent, targeted, appropriate to context and actionable outcome can be recommended, implemented, monitored and evaluated.”

Pakistani children suffer greatly from violence in many different contexts and scenarios as several cases in recent past have thrown a harrowing light in the ever-increasing plight of young children - male, female, differently-abled, minorities and transgender children in Pakistan.¹⁴ **We have therefore, decided to address this issue systematically and individually, calling for reforms within focused contexts, so that the way forward can be developed keeping the modalities of the different contexts, wherein children are likely to suffer violence, in mind. This is because each context merits its own response.** A context, may cover early childhood domestic abuse at home, or violence in conflict zones, and so on and so forth.

For the purposes of this paper however, we will focus on the **context of violence and abuse in educational settings**, whether formal or informal, public or private, so that a potent, targeted, actionable and appropriate to context outcome can be recommended, implemented, monitored and evaluated.

VIOLENCE AND ABUSE IN EDUCATIONAL SETTINGS

Not only is acquiring knowledge a duty upon the believers in Islam, but it is also the right of every child to access education in a safe learning environment. This right has not only been enshrined in international human rights instruments but also recognized in the law and constitutions of most civilized nations.¹⁵

¹² <https://www.slideshare.net/idspak/9-npa-for-children>

¹³ https://www.refworld.org/publisher_CRC,STATEPARTIESREP.PAK,573d6f624,0.html

¹⁴ <https://dailytimes.com.pk/536881/growing-sexual-child-abuse-in-pakistan/>. See also; <https://www.dawn.com/news/1473645>

¹⁵ Schedule 1, First Protocol, Article 2 of the Human Rights Act 1998, UK; Article 25 A Constitution of Pakistan 1973, Right to Education Act 2009, India, Section 3 of Education Act 1989, New Zealand.

Pakistan has also ratified the **UN Convention on the Rights of Child (CRC)** 1989 which recognizes the right to education of all children.¹⁶ This right however extends beyond mere access to schools to ensure that the learning environment is also safe for all children. The CRC calls for education to respect the dignity of children and their right to participate in school life.¹⁷ It also calls for strict limits on discipline and for the promotion of nonviolence in schools.¹⁸ In addition, the **CRC** calls on states to protect children from all forms of abuse, neglect, negligent treatment, exploitation and sexual abuse while they are in the care of **any** person.¹⁹ This is further strengthened by additional human rights instruments such as **Convention on the Elimination of all Forms of Discrimination against Women**²⁰ and the **Sustainable Development Goals**.²¹ In **Goal 16**, governments were called on to significantly reduce all forms of violence and, in particular, to “*end abuse, exploitation and all forms of violence against... children.*” **Goal 5** focused on violence against women and girls. And **target 4.A of Goal 4** calls for upgrading education facilities so they “*provide safe, non-violent, inclusive and effective learning environments for all.*”

“For millions of students, schools are not a safe learning space.”

The reason why it is becoming increasingly important to address the issue of violence in schools is because unfortunately, for millions of students around the world, the school environment is not a safe space to study and grow. It is a danger zone where they learn in fear.

A UNICEF analysis of data underscores how common violence is in schools around the world. **Globally, half of students aged 13–15, about 150 million, report experiencing peer-to-peer violence in and around school. Globally, slightly more than one in three students aged 13–15 experience bullying, and about the same proportion are involved in physical fights. About 720 million school-aged children live in countries where they are not fully protected by law from corporal punishment at school.**²² In addition to that, harrowing cases of child sexual abuse in learning environments have come to fore and even the recent cases of harassment and abuse in a leading private educational institute of Lahore has mandated that our attention be drawn to address the safety and protection of children in and around schools.

WHY DO CHILDREN NEED PROTECTION IN EDUCATIONAL SETTINGS?

- **Authoritarian School Structures**
- **Inaccessible Senior Admin**
- **Peer to Peer Violence**
- **Power-Imbalance**
- **Age, Gender, Race, Disability or Other Vulnerability**
- **Violence During Commute**

Children are most vulnerable and susceptible to face violence to and from schools as well as in schools not just from peers but also from authoritarian school structures, violent disciplinary policies and unscrupulous teachers and staff that may pose serious risks to vulnerable students. Any relationship where the power-imbalance puts the victim at risk of violence and abuse merits protection and assistance. As a place of life-long learning, and building capacity to function as

resourceful adults, places of educational nourishment and training need to be exceptionally secure for a healthy growth and development of the children.

¹⁶ Article 28, Convention on the Rights of Child, 1989.

¹⁷ An Everyday Lesson, End Violence in School, UNICEF, 7. Available at: https://www.unicef.org/publications/files/An_Everyday_Lesson-ENDviolence_in_Schools.pdf

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

²² Ibid, 3

It has been noted that violence in schools puts bodies, minds and lives at risk. It causes physical injury and can lead to depression, anxiety and suicide. It has short-term effects on students' educational achievement and leaves a long-term impression on their futures. The impact of violence in schools places an economic burden on society. **It has been estimated that the global costs of the consequences of violence against children are as high as US\$7 trillion per year.**²³

“Violence in Schools may also lead to psychological injury causing depression. It can have a serious impact on their future.”

In a report, the United Nations Office of the Special Representative of the Secretary-General on Violence Against Children identified four main forms of violence in schools: **bullying, physical violence, psychological violence, and violence that includes a dimension external to schools, including violence associated with gang culture, weapons and fighting.** It also determined that sexual violence in schools is a reality for many students.²⁴

“Risk factors may include Disability, Race, Gender, Poverty, HIV, Ethnicity which make such children more vulnerable and susceptible to violence.”

Global evidence suggests that certain risk factors increase a child's vulnerability to violence. These factors include disability, extreme poverty, ethnicity and HIV status. Children who live in institutional care or who are migrants, especially those who are unaccompanied or separated from adult caretakers, are also vulnerable.²⁵

In light of this, it has become imperative to review the existing laws and child protection mechanisms to identify the gaps and the way forward towards holistic and participatory institutional reforms so that a road-map towards safe learning can be established in line with Pakistan's global commitments and local laws.

UNDERSTANDING ABUSE AND VIOLENCE AGAINST CHILDREN IN SCHOOLS

Educational settings offer peculiar and their own special set of circumstances that can pose particular risks to children. Some of the main avenues of abuse and violence towards children can be classified as coming from four angles:

- a. authoritarian and non-participatory school structures with little or no mechanisms to report abuse or register complaints or access senior management or other counselling services;
- b. commute to and from school – mobility and safe transportation is a serious factor in ensuring access to schools and making that safe for children is of paramount importance since a lot of children are susceptible to violence and abuse during commute;
- c. people in authority – staff, teachers and other officials in the schools' work in very close proximity with children and are in positions of power and influence;
- d. peer to peer – close proximity of children with each other also puts them in a vulnerable position amongst one another particularly where a child may have aggravating risks factors such as a disability or other vulnerability or is from a class of person who falls under a greater susceptibility to violence because of their gender, class, race, ethnicity, religion or other factors.

²³ Ibid, 1

²⁴ Executive Summary, 'A familiar Face: Violence in the lives of children and adolescents', UNICEF. Available at: https://www.unicef.org/publications/files/Violence_in_the_lives_of_children_and_adolescents.pdf

²⁵ Ibid, 8.

WHAT DO CHILDREN IN EDUCATIONAL SETTINGS NEED PROTECTION FROM?

Types of Abuse in Educational Settings		
Harassment (Sexist & Sexual)	Bullying	Sexual Abuse (S377A PPC)
Cyber Harassment	Cyber Bullying	Sexual Violence (S375 PPC)
Cyber Stalking (S21 PECA)	Grooming	Unnatural Offences (S377 PPC)
Substance Abuse	Corporal Punishment	Tuition Culture

1. Harassment

Harassment is form of discrimination, threat or coercion which covers a wide range of offensive behaviors that may demean, humiliate, embarrass, cause interference with work, access to opportunities and performance or create an intimidating or hostile environment or cause physical, verbal or psychological harm to the victim.

Harassment is about power, bias and discrimination that could be rooted in gender, racial, religious, ethnic or other grounds.

‘Sexist’ harassment is different from ‘sexual’ harassment even though both are about power and control;

- ‘sexist harassment’, also known as discriminatory harassment, takes the form of derogatory remarks often rooted heavily in stereotypical generalizations believed about the gender in question; while
- ‘sexual harassment’ on the other hand, is specific to the body and involves actual touching or putting the victim in intimidation or threat of violence to his/her body.

Bullying is also a type of harassment.

2. Bullying

Bullying is repeated exposure of a person or a group of persons to negative actions on part of another person or group that may entail intentional infliction of injury or discomfort upon the victim through physical, verbal or other ways and where there is imbalance of strength between the bully and the bullied.²⁶

- Excessive, and demeaning ragging by a student to another is a type of bullying;
- Abuse of power by teachers or administrative staff exploiting the vulnerability of the student may also be a form of bullying;
- There can be institutional bullying if a culture of silence and/or victim shaming prevails.

²⁶ Olweus D. (1994) Bullying at School. In: Huesmann L.R. (eds) Aggressive Behavior. The Plenum Series in Social/Clinical Psychology. Springer, Boston, MA.

3. Sexual Abuse

Any sexual advance to force, induce, entice, or coerce a person to engage in obscene or sexually explicit conduct or simulation of such conduct including but not limited to fondling, caressing, stroking, exhibitionism, voyeurism either independently or in conjunction with other acts with or without consent in case of minors.

- Like harassment, sexual abuse is not about lust but about power.
- Cases of same gender sexual abuse have been reported therefore, segregation is not the solution.
- The blame is on the offender and not the victims particularly, when they are underage students.

4. Sexual Violence

Sexual violence includes acts of actual physical violence against the victim and may include but is not limited to:

- **Rape:** Where a man has sexual intercourse with a woman against her will, with coercion or mistaken belief on part of woman of her marital status in relation to that man or without her consent or when she is under the age of 16. [S375 PPC]
- **Unnatural Offences:** Where a person voluntarily has carnal intercourse against the order of nature with any man, woman or animal. [S377 PPC]
- Law does not currently recognize same gender sexual violence/intercourse as ‘rape’ and places it instead under the head of ‘unnatural offences’.
- Different punishments apply for rape and for unnatural offences with rape being more severe a penalty therefore, not recognizing same gender sexual violence/intercourse as ‘rape’ has penal implications.

5. Corporal Punishments and Other Disciplinary Acts Involving Violence or Physical Harm

Corporal punishment refers to any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. It mostly involves hitting (“smacking,” “slapping,” “spanking”) children with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, caning, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion.²⁷

- In Pakistan, a study among 3,582 school children aged 6–14 years in eight districts showed that prevalence rates for corporal punishment were 40.7 percent in government schools and 35.4 percent in private schools. The types of physical punishment used included slapping, caning, pulling ears, punching, kicking, and making students assume the ‘rooster position’, in which the child squats with arms looped behind the knees and firmly holds the ears.²⁸

²⁷ The Global Initiative to End Corporal Punishment of Children; The Committee on the Rights of the Child, The Convention on the Rights of the Child and its Treaty Body. Retrieved from: http://www.endcorporalpunishment.org/pages/hrlaw/crc_session.html.

²⁸ The NGOs Coalition on Child Rights 1998, cited in Jabeen, F. and Karkara, R. 2006, p. 81

6. Cyber Bullying

Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation.²⁹

- Cyber stalking is a type of cyber bullying but cyber bullying goes beyond mere stalking.

7. Substance Abuse

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.³⁰

- There is increasing awareness and recognition that drug abuse is rampant across Pakistan and is a serious problem in educational institutions
- State Minister for Interior Shahryar Afridi 75% of students in Islamabad's educational institutions are drug addicts.³¹
- A sample of 300 high school and college students aged 16-21 years were taken randomly. These participants were from different educational institution, located in Defence and Clifton areas of Karachi, Pakistan, the economically stable and upper middle-class population. 21 % of males reported drug abuse. 12.3 % of females reported drugs abuse. 10% students at school level and 25% students at college level reported drug abuse. 17% of students who abuse drugs reported that the marital status of their parents was divorced or separated. Overall 60 % of participants reported no financial difficulties. 35% students reported their parent's indulgence with drugs. Students who abuse drugs also reported that their best friends abuse drugs. (N=80) students who were smokers also reported that their best friends smoke cigarettes.³²
- Government of Punjab developed an action plan regarding anti-narcotics measures for the public and private educational institutions in Punjab in 2019.³³

8. Tuition Culture

Soliciting or encouraging private tuitions or promoting tuitions in academies whilst being an employee of the educational institute to its students is a conflict of interest.

- Teachers of institutions who promote private tuition culture abuse their position against their employer institute;
- Give rise to questions of bias and integrity over their commitment and quality of teaching at the institution due to the conflict of interest;
- Greater chances of abuse and harassment given the even weaker mechanism of check and regulation and implementation of laws and policies over tuition academies/private tuitions.

²⁹ <https://www.stopbullying.gov/cyberbullying/what-is-it>

³⁰ https://www.who.int/topics/substance_abuse/en/

³¹ <http://blogs.dunyanews.tv/24108/>

³² A Survey of Psychosocial Correlates of Drug Abuse in Young Adults Aged 16-21, in Karachi: Identifying 'High Risk' Population to Target Intervention Strategies, Pak J Med Sci July-September 2005 Vol. 21 No. 3 271-277, available at:

https://www.pjms.com.pk/issues/julsep05/pdf/drug_abuse.pdf

³³ <https://schools.punjab.gov.pk/system/files/ActionPlan1.pdf#overlay-context=governinglaws>

9. Grooming

In many cases of child sexual abuse in and out of educational institutions, abusers groom the victims and sometimes even their families. This is important as most victims of child sexual abuse believe that they are in love with their abusers and end up protecting them. 'Grooming' is also common in educational institutes in rural set-up where community connections are strong, both the victim child and their families are groomed in order to ensure that the abuse is never reported. Teachers should not be allowed to 'become friends' with students or to get too close to them. They should remain accessible but professional at all times.

EXISTING SUBSTANTIVE LAWS AND GAP ANALYSIS IN CONTEXT OF CHILD PROTECTION IN EDUCATIONAL SETTINGS

1. Harassment

There are three laws addressing harassment in different contexts:

- i. Protection against Harassment of Women at Workplace Act 2010
- ii. S 509 of Pakistan Penal Code 1860
- iii. S 19 of Pakistan Electronic Crimes Act 2016

i. Protection against Harassment of Women at Workplace Act

The 2010 law defines harassment in S2 (h) as:

S2(h). “harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;”

Apart from the fact that this law aims to address ‘workplace’ harassment that ‘women’ are likely to face, it is inadequate in addressing harassment in context of students in educational settings even though by way of extension, educational institutions and students have been covered via LHC judgment by Hon’able Justice Jawad Hassan.³⁴ Later judgments by Justice Athar Minallah stress on harassment being of sexual in nature only for protection under this law, leaving instances of discriminatory or sexist harassment not covered.³⁵

Many educational institutions have not complied with the provisions of the law which mandates that they clearly display the policy against harassment on campus and constitute the inquiry committee under the law. However, even where there has been compliance, the composition of committees has often come under criticism on basis of partiality and potential bias however, the recourse to the ombudsperson is available to the victim who may choose to bring proceedings with them instead.

There are however, no provisions in the law for those who ‘aid and abet’ or are otherwise complicit or reckless in addressing a complaint re harassment. This law therefore, does not

³⁴ W.P. No.28791 of 2019 LHC

³⁵ 2020 PLC (C.S) 186 IHC

adequately protect victims in general. It also fails to be applicable to students under eighteen as it offers protection to ‘women’ as opposed to ‘any person’.

ii. S 509 of Pakistan Penal Code (PPC) 1860

S 509 of PPC defines harassment in the context and from the perspective of ‘women’ as opposed to ‘any person’. In doing so, it is inadequate to address cases of harassment against children and against other genders. It also is inadequate in addressing discriminatory or sexist harassment which may not necessarily be of sexual nature but is discriminatory against another gender. In other words, while this section can be used for harassment in contexts outside of workplace, such as on-street etc., it nevertheless, has its own limitations which call for its review and reform.

“509. Insulting modesty or causing sexual harassment:

Whoever,-

- (i) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;
- (ii) conducts sexual advances, or demands sexual favours or uses verbal or non-verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of workplace, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behaviour, or conducts such behaviour with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile,, or offensive working environment;

shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both.

iii. S 19 of Pakistan Electronic Crimes Act (PECA) 2016

S 19 of PECA defines offences against the modesty of natural person including expressly a minor in a broad manner and covers intimidation and threats of a sexual nature. This can however, be a limitation where the intimidation is not of a sexual nature.

19. Offences against modesty of a natural person and minor.-(1) Whoever intentionally and publicly exhibits or displays or transmits any information which- (a) superimposes a photograph of the face of a natural person over any sexually explicit image or video; or (b) includes a photograph or a video of a natural person in sexually explicit conduct; (c) intimidates a natural person with any sexual act, or any sexually explicit image or video of a natural person; or (d) cultivates, entices or induces a natural person to engage in a sexually explicit act, through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to five million rupees or with both.

2. Sexual Abuse, Sexual Violence, Unnatural and other Offences in PPC

Pakistani Law defines rape in **375 of the PPC** in the context of women only and does not envisage the possibility of a male being victim of rape. The incidence of male rape and those of other genders are potentially covered in **S377 of PPC** under unnatural offences however it is pertinent to realize that the penal consequences for both **375** and **377** are very different with

rape being treated as a more serious offence with greater punishment. The difference in degree of punishment indicates that male children are not as adequately protected from the offence of rape and therefore, this needs to be reviewed.

Other sections in PPC relevant to children include, **S292A PPC** criminalizes exposure to seduction, **S328A** criminalizes cruelty to children. Perhaps, the most important protection for children is contained in **377A of PPC** which criminalizes child sexual abuse of children under the age of eighteen.

S292 A. Exposure to Seduction: - whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image, or attempts to do the aforementioned acts, shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend up to seven years or with fine which shall not be less than one hundred rupees and may extend up to five hundred rupees or with both.

S328A. Cruelty to a Child: - whoever willfully assault, ill-treats, neglects, abandons, or does an act of omission or commission, that results in or has potential to harm or injure the child by causing physical or psychological injury to him shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend up to three years or with fine which shall not be less than twenty-five thousand rupees and may extend up to fifty thousand rupees or with both.

S375. Rape:- A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

(i) against her will, (ii) without her consent, (iii) with her consent, when consent has been obtained by putting her in fear of death or of hurt, (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married or (v) with or without her consent when she is under sixteen years of age.

S376. Punishment for Rape:- (1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more, than twenty-five years and shall also be liable to fine.

S377. Unnatural Offences:- Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.

S377 A. Sexual Abuse:- whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in or assist any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or simulation of such conduct either independently or in conjunction with such other acts, with or without the consent where age of person is less than eighteen years is said to commit the offence of sexual abuse.

S377 B. Punishment:- whoever commits the offence of sexual abuse shall be punished with imprisonment of either description for a term which may extend to seven years and liable to fine which shall not be less than five hundred rupees or with both.

3. Bullying

S 503 (Criminal Intimidation) and **507** (Criminal Intimidation via Anonymous Communication) of the **PPC** are two provisions within the criminal justice system that can potentially cover bullying, however, there is a need to define bullying in context of educational

settings and allow for civil recourse to address this behaviour particularly, among children in a peer-peer bullying context.

503. Criminal Intimidation:

Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

507. Criminal intimidation by an anonymous communication:

Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

4. Cyber Bullying and Stalking

S18 of PECA 2016 covers intentional intimidation through any information system towards a natural person however, this section does not expressly cover minors. It remains to be seen how this will cover bullying of minors and also, given that this too is a penal provision, the desire and need for civil remedies is still something that needs to be developed to address bullying in context of educational settings. Whereas, **S21 of PECA 2016** covers the offence of online stalking.

18. Offences against dignity of natural person- (1) Whoever intentionally and publicly exhibits or displays or transmits any information through any information system, which he knows to be false, and intimidates or harms the reputation or privacy of a natural person, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both:

Provided that nothing under this sub-section shall apply to anything aired by a broadcast media or distribution service licensed under the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002).

21. Cyber Stalking:- (1) A person commits the offence of cyber stalking who, with the intent to coerce or intimidate or harass any person uses information system, information system network, the internet, website, electronic mail or any other similar means of communication to- (a) follow a person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person; (b) monitor the use by a person of the internet, electronic mail, text message or any other form of electronic communication; (c) watch or spy upon a person in a manner that results in fear of violence or serious alarm or distress, in the mind of such person; or (d) take a photograph or make a video of any person and displays or distributes it without his consent in a manner that harms a person. (2) Whoever commits the offence specified in sub-section (1) shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both: Provided that if victim of the cyber stalking under sub-section (1) is a minor the punishment may extend to five years or with fine which may extend to ten million rupees or with both.

5. Corporal Punishment

According to a recent judgement of the Islamabad High Court, **S89 of PPC** allows for violence and use of force against children as a means to discipline them and is therefore, untenable with **Article 14 of the Constitution** on inviolability of the dignity of man.³⁶ This judgement however, only suspends the application of **S89 of PPC** to the extent of Islamabad Capital Territory

³⁶ C.P. No 460 of 2020 IHC

- The Prohibition of Corporal Punishment Bill 2014 has NOT been passed.
- The Sindh Prohibition of Corporal Punishment Act 2016 bans corporal punishment
- S 33 of Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 bans corporal punishment.

In Punjab, corporal punishment was banned via **notification NO.DD(M)Child Protection/2018 dated 23 January 2018 in compliance with W.P CM/1/107273/17**. Corporal Punishment was also banned under **S16 (4) of Punjab Free and Compulsory Education Act 2014**, however, the 2014 act has not been notified till date and therefore, it is not implemented.

S89. Act done in good faith for benefit of child or insane person, by or by consent of guardian:

Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided

- First: That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;
- Secondly: That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt; or the curing of any grievous disease or infirmity;
- Thirdly: That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;
- Fourthly: That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

EXISTING PROCEDURAL CHILD PROTECTION LAWS & GAP ANALYSIS

Child protection mechanism, institutions and laws exist in four provinces and in ICT however, they vary in scope and extent of the rights and obligations. The greatest difference in the extent and scope of obligations is between the relevant Punjab law when compared with its counterparts in other provinces.

This is because, Punjab was one of the first province to enact a child protection law in 2004 however, at that time, the protection was envisaged and consequently afforded only to ‘destitute’ and ‘neglected’ children under the **Punjab Destitute and Neglected Children Act 2004**.

The understanding and jurisprudence over children in need of protection and the principles of such protection have since then evolved and developed greatly and the more recent provincial legislations in Sindh, KPK and most recently that of Baluchistan and ICT therefore, more closely incorporate the growing trends in child protection mechanism and systems.

For instance, these later legislations cover a broader concept of a “child at risk” as opposed to “destitute and neglected children” when compared with the Punjab Act. They also cover wider ambit of abuse which includes psychological harm amongst others.

At the mechanism level, the later legislations adopt a more holistic and participatory approach and allow wide powers to the child protection board/bureau/commission/authority to supervise, monitor, set minimum standards even for educational institutes in relation to child protection, maintain data on child abusers, rehabilitation and care, liaison with providers of child protection services and in general to keep all procedures child sensitive. The degree and extent may vary as between the different provinces, but more or less, they have a more progressive and wider ambit of protection towards any child at risk.

As opposed to that, the Punjab Destitute and Neglected Children Act looks inward when it comes to the procedural provisions and is silent on several aspects of child-centric and sensitive approach. **By introducing amendments to this legislation, it can be brought in line with acceptable standards of child protection globally as well as in line with the provincial advancements and the ICT law.**

A good aspect of the Punjab Act is that it contains a chapter on the offences and penalties in relation to children, however, a review of these along with an addition of civil remedies and participatory complaints redressal mechanisms after taking into account views of all stakeholders should be the way forward towards holistic reform.

IMPORTANCE OF GENDER-SEGREGATED BUDGET

Education Budget in Punjab

Education in Punjab

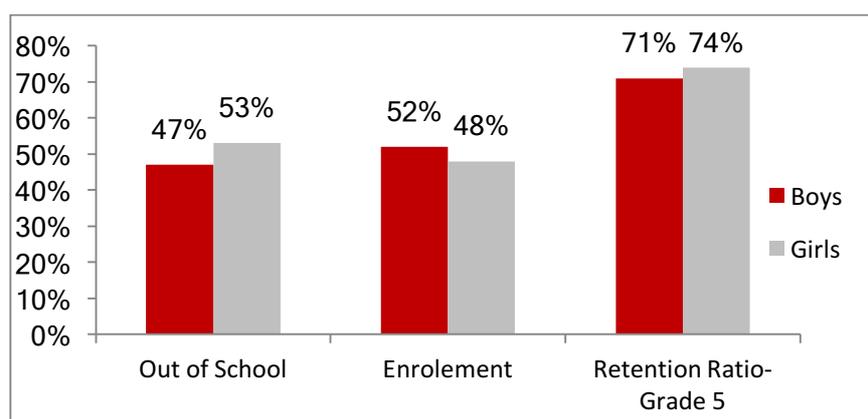
Education delivery in Punjab has improved in the last decade owing to numerous reforms undertaken in the education sector. Punjab has now the highest net primary enrolment rate, literacy rate and gender parity index (GPI) in Pakistan. However, still there exist a number of challenges faced by the education sector in Punjab. Not only a huge number of school-aged children are out of school, but also the ones studying in schools are not achieving quality learning outcomes. All these challenges are significantly linked with the magnitude of available financing and, more importantly, the efficiency in use of these resources.

Currently, out of 22.8 million out-of-school children (between 5-16 years), 49% are girls and 40% are boys.³⁷ This shows that a greater number of girls are out of school as compared to the number of boys. Provincial estimates present a similar situation, as 53% of girls in Punjab and 58% in Sindh have been reported out of school. Gender disparity is also evident from other education indicators such as survival rates, literacy, etc. In 2017, 26% of girls in the Punjab did not complete their primary level schooling and dropped out. The figure below demonstrates the glaring statistics of Punjab for the year 2017.

“Currently, out of 22.8 million out-of-school children, 49% are girls and 40% are boys in Pakistan.”

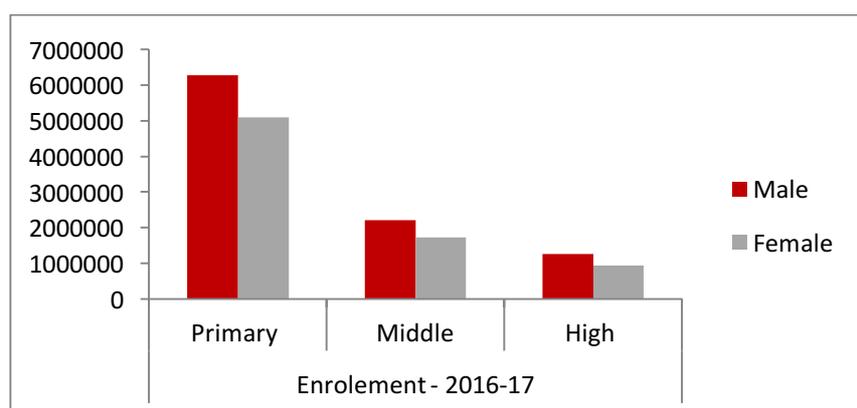
³⁷ Academy Of Education Planning & Management- 2018 <http://library.aepam.edu.pk/Books/Pakistan%20Education%20Statistics%202016-17.pdf>

Figure 1: Education Statistics for Punjab for the year 2017



About 25% of rural girls in Pakistan complete lower secondary education compared with 50 percent of rural boys³⁸. The situation is even worse in the rural areas of the province. For example, in rural Muzaffargarh district, the average literacy ratio is 28.5% – 40.85% for boys and a mere 14.77% for girls³⁹. Gender inequality in the education sector of Punjab is more visible through figure 4 given below that demonstrates enrolment across gender and levels of education:

Figure 2: Enrolment According to Gender and Level of Education



The education sector in Punjab needs multiple improvements in order to maximize the returns to the government’s public investment in schooling. Education for all is the primary responsibility of the state as **Article 25-A of the 1973 Constitution** reads: “State shall provide free and compulsory education to all children of the age of 5-16 years in such a manner as may be determined by law. Similarly, **Article 25** states: “There shall be no discrimination on the basis of sex and nothing in this Article shall prevent the State from making any special provision for the protection of women and children”.

To translate the aspiration enshrined in the Constitution, the Annual Development Plan of Punjab for the years 2018-2019 states “to ensure 100% enrolment, retention of all enrolled students up to 5-16 years, gender parity, and improvement in educational standards coupled with access to quality education”. As gender parity is clearly marked as a priority, it is assumed that all possible steps will be taken to ensure that this gap is being reduced - but as this analysis shows, this is not the case.

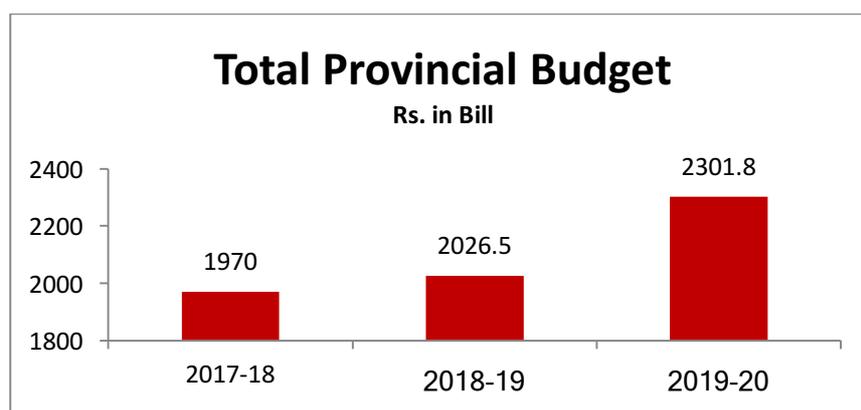
³⁸ UNESCO, 2016.

³⁹ Oxfam, 2017

Share of Education in Total Provincial Budget

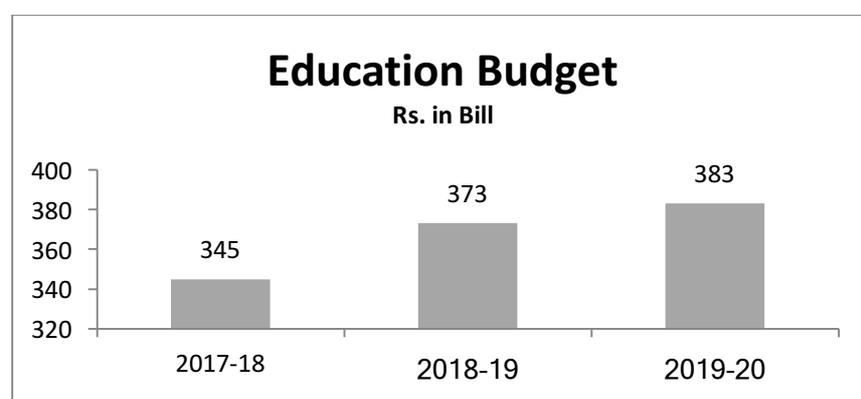
The budget of Punjab over the time period has increased; in 2018-19 it was Rs 2026.5 Billion and, in this year, i.e. 2019-2020 it has increased to Rs 2301.8 Billion⁴⁰. The government has claimed increase in investment of social services but that is not the case if a comparison is made vis--vis ratios:

Figure 3: Total Provincial Budget (Rs. In billions)



In its annual budget for fiscal year 2019-20, the Punjab government has allocated a total of Rs 382.9 billion for education, which was 373 billion in 2018-19 – meaning that the volume of investment has increased for education.

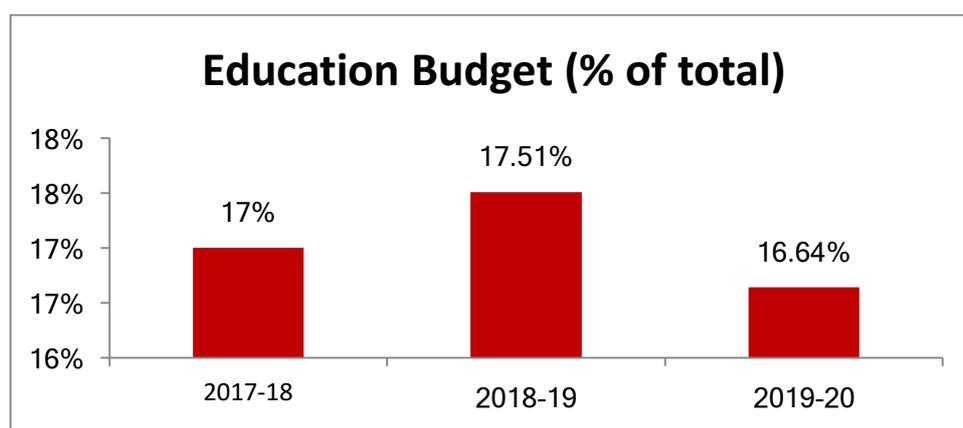
Figure 4: Education Budget (Rs. In billions)



however, if we compare the investment in terms of proportion, then the situation is different. For 2019-20 the allocation for education is 16.64% of the total budget of the province. In October 2018, when the mini budget was presented, Rs 373 billion was allocated for education in Punjab out of the total budget of Rs 2,026.51 billion, making it 18.4 percent of the total budget; it was initially 17.5 percent of the total budget⁴¹.

⁴⁰ <https://finance.punjab.gov.pk/system/files/ADP19-202.pdf>

⁴¹ *ibid*

Figure 5: Education Budget (% of total provincial budget)

The budget for 2019 has seen that education received less than what it did last year. The allocation was Rs 345 billion or 17.51 percent of the total budget of the province to education in fiscal year 2017-18. This means the allocation was 0.87 percent more two years ago than what it is during this fiscal year.

Composition of Education Budget 2019-2020

The Punjab government has allocated a total amount of Rs 383 Billion for various projects, departments and institutions of the education sector in the Punjab Annual Budget 2019-20. The specific allocations for the sectors and principal training institutions out of the total budget of Rs. 383 billion has been given in Figure 4.

Table 1: Punjab Budget Allocation for Specific Sectors/Institutions

Sectors/Institutions	Allocation (Rs. In Billion)
School Education	32
Higher Education	7.3
Special Education	1
Tertiary Education	35
TEVTA	1.5
Punjab Vocational Training Council (PVTC)	0.004

Initiatives on Education for Girls

Gender budgeting can improve effectiveness and efficiency of federal and provincial budgets. It also creates more transparency and accountability by detailing how the money allocated is actually spent and it provides policy-makers with inputs on differing priorities between men and women on expenditure needs⁴². In Pakistan, fiscal policies are not analyzed in terms of its differing effects on men and women. Consequently, it is very hard to collect gender-based data from the budget books. Currently, there is no system to disaggregate provincial education budget on the basis of gender. However, utilizing this increased volume of investment, initiatives to improve the status of education in the Province for girls has been announced which are given below:

⁴² Interview with Ms. Beenish Fatima Shah; Ministry of Education, Government of Punjab.

- Provision of government girl's primary, elementary and high schools has been announced- it is a continuation of the previous year's plan. An allocation of Rs.140 million has been made in ADP of 2018-19 for upgradation of 31 girls' schools⁴³. The aim is to establish a girl's school in every union-council of Punjab.
- Educational stipend of Rs.1000/month have been planned for female students belonging to brick kiln families.
- Another major initiative planned for 2019-2020 is "Insaaf School Program" for out of school children, of whom 53% are girls; hence we assume that it will have a positive impact on reducing numbers of out of school girls⁴⁴.

Budget Spending:

Budget tracking exercises over the past couple of years reveal patterns of under-spending for both the recurrent and development expenditure in all the provinces. Between 2015-16 and 2013-14, 15 percent of the Punjab's education budget remained unspent⁴⁵. In absolute terms, this ranges between US\$210 million to US\$270 million. This money could support 1.1 million to 1.5 million primary school students⁴⁶.

Reducing Child Marriage by Increasing the Education Budget

Education is one of the most powerful tools available to prevent and respond to child marriage⁴⁷. The study concludes that in order to ensure sufficient allocations to promote girls' education, the budget making process needs to be reconfigured. The gender lens should be introduced at a very early stage when budget call circulars are being sent to the departments concerned. Girls who are in school are not only protected, in many cases, from child marriage, but gain the knowledge and skills necessary to succeed throughout their lives. School attendance also reinforces to families and communities that girls are still children. Programs that enhance girls' enrolment and attendance can aid in decreasing their vulnerability to child marriage, particularly during the transition from primary to secondary school and throughout adolescence. Programs that increase the quality of education and ensure that schools are a safe place for girls also possess great potential to stem child marriage⁴⁸.

Focus on Vulnerable Groups:

Efforts for mainstreaming the transgender persons in Pakistan have shown some progress in recent years through judicial decisions and legislative instruments. However, despite fundamental guarantees under the Constitution of Pakistan, which prohibits discrimination based on gender, special laws have had to be enacted calling for affirmative action by the PML-N government.

Lack of access to education arising out of the societal neglect and social stigmas has inhibited the mainstreaming of the transgender community in Pakistan. Transgender persons in Pakistan customarily live in their own communities under the guardianship of their Gurus, as their parents often abandon them at tender ages.

⁴³ <https://finance.punjab.gov.pk/system/files/ADP19-202.pdf>

⁴⁴ <https://insaaf.pk/public/insafpk/news/full-document-citizens-budget-government-punjab-2018-2019>

⁴⁵ [https://www.sdpi.org/publications/files/integrating-Gender-into-Educational-Planning-and-Budgeting\(WP-171\).pdf](https://www.sdpi.org/publications/files/integrating-Gender-into-Educational-Planning-and-Budgeting(WP-171).pdf)

⁴⁶ http://i-saps.org/upload/report_publications/docs/1496496299.pdf

⁴⁷ <https://www.girlsnotbrides.org/wp-content/uploads/2016/03/2.-Addressing-child-marriage-Education.pdf>

⁴⁸ <https://www.girlsnotbrides.org/wp-content/uploads/2016/03/2.-Addressing-child-marriage-Education.pdf>

Therefore, the constitutional rights to education guaranteed under **Article 25-A** of the Constitution for free and compulsory education required re-affirmation under the Act vis-à-vis the transgender persons especially after the legal recognition to transgender identity by the Supreme Court in the **Constitutional Petition No. 43 of 2009**.

In that context, the Act, **Section 8**, prohibits any discrimination against transgender persons in acquiring admission in any educational institutions, public or private, subject to fulfilment of the prescribed requirements.

Additionally, under the same section of the Act, prohibitions against discrimination have been imposed on any opportunities for sports, recreation, leisure activities and any other positive externalities associated with education, based on person's sex, gender identity, and expression. Under **Section 4** of the Act, it is prohibited to discriminate against a transgender person and deny, discontinue of, or treat him or her unfairly in educational institutions and services thereof.

The **Minority Education Act** passed by the National Assembly 2015, some salient features of the Act are as follows:

- develop the sense of the principles and objectives of the Constitution and respect for the rights of women and minorities in the students;
- educate and encourage the students to defend the freedom of religion at all times, against all forms of abuse and violations;
- develop courses for realizing the importance of minority education;
- create awareness amongst students of minorities about their responsibilities and an appreciation of their rights and obligations as citizens of Pakistan;
- achievement of true democracy arising from the existing inequalities between different strata of the population and measures necessary for re-dressing these inequalities;
- propagate counter narrative to violence, terrorism and extremism;
- develop the narrative of unity, faith, discipline and tolerance amongst the students; and inculcate respect for all religions especially amongst the students.

A gender segregated budget would show how much the government is committing to spend on education of girl child and vulnerable persons thereby increasing the chance of their access to education and will further provide a basis to assess whether any funds are being allocated to ensure that those learning spaces are safe and secure for children.

COLLECTIVE OBSERVATIONS

1. Currently, there is no holistic national or provincial policy framework, guidelines or law that covers child protection as a whole that is operative.
2. After the 18th amendment, the 2005 National Plan of Action against Child Sexual Abuse and Exploitation could also not be implemented.
3. The 2005 Plan of Action envisages 5 core principles on which any future policy/guidelines or law should be developed, in that, any future guideline/policy/law must cover:
 - a. Prevention
 - b. Protection

- c. Recovery and Rehabilitation
 - d. Participation
 - e. Monitoring and Evaluation
4. Punjab Child Protection and Welfare Bureau founded under Punjab Destitute and Neglected Children Act which does not look upon as school going children as falling within their mandate of protection. This law could be amended to increase the scope of the bureau to cover protection for any child against the different forms of abuse they are likely to suffer or be vulnerable to because of their age.
 5. HEC has a policy on harassment for higher education but a coherent, holistic and participatory policy/guidelines/framework at school level should also be developed and implemented.
 6. Particular care and protection towards differently-abled and minority children must also be included.
 7. Currently, Pakistan has no operative registry/database of sex offenders that can enable background checks of persons dealing with children such as teachers. Under Police Order 1934 such a registry is to be maintained however, it is not being maintained.
 8. Until we don't have such data, we will not be able to move towards a coherent and integrated system of background check over teachers and other personnel dealing closely with children at a hiring level.
 9. Pakistan is a party to the global initiative of 'ending violence against children in schools which encompasses 'safe learning' as an agenda.
 10. Crimes against children remain a national issue under purview of fundamental rights of children and Pakistan Penal Code defines some of these crimes consistently at the national level such as in S377A, however, the overall child protection mechanism and its implementation has to be articulated at the provincial level for which a participatory approach that includes children as well as other stakeholders will have to be adopted.
 11. There is a need to sit with the all provinces at the national level to design standards which include safe learning where after the education department would be bound to ensure safe learning standards are reflected in their operations in schools.
 12. There appears to be no mechanism in some schools to access directors/senior management or any other designated and competent authority to address complaints of students.
 13. Students are often not aware of their rights and avenues and means of redressal of complaints.
 14. Any government officers that do tend to visit public schools to keep a check on attendance and lectures currently, do not inquire into the mental health or complaints of students related to any abuse etc. They should be trained to do so or any other mechanism that can address this gap should be developed and inculcated within the guidelines of safe learning and safe campuses.

15. Children have a lot of stories and hardly any avenues to express themselves. They need a mechanism through which they can reach out to concerned authorities.
16. Our culture does not encourage open communication between parent(s)-child(ren).
17. There is denial on part of individuals within the governmental framework as regards occurrence, scale and frequency of child abuse.
18. Teachers should not be allowed to “become friends” or interact in any capacity other than the professional capacity with the students.

As regards Education Budget:

1. The provincial Annual Development Plan (ADP) for the year 2018-2019 states “to ensure 100% enrolment, retention of all enrolled students up to 5-16 years, gender parity, and improvement in educational standards coupled with access to quality education”. This analysis shows that this is not the case.
2. In the 2019 budget, education received less than what it did last year. The allocation was 17.51 percent of the total budget of the province in the fiscal year 2017-18, while it was 17 percent in the fiscal year 2017-18. In the fiscal year, 2019-20, the allocation has fallen to 16.64%. This means the allocation was 0.87 percent more two years ago than what it is during this fiscal year.
3. Currently, there is no system to disaggregate provincial education budget on the basis of gender.

POLICY RECOMMENDATIONS AND WAY FORWARD

1. To consolidate child protection, universal child safeguarding standards should be developed in response to local context and based on a consultative and participatory process between provinces, federation and all other stakeholders.
2. Sexual harassment of students should be covered in a separate and holistic child protection in educational institutions law.
3. Sexist harassment or gender based harassment/discrimination should be a separate head and defined separately.
4. 2010 workplace harassment Law is currently silent the liability of those who may be complicit, aid or abet harassment at workplace so it should be reformed to reflect that.
5. To make the process participatory, an open call to students should be made and they should be encouraged to send in their recommendations or a ‘Charter of Demands’ which can be included and taken up in consultations with stakeholders while developing national child safeguarding standards.

6. Scope and mandate of child protection and welfare bureau should be expanded to cover all children by amending Punjab destitute and neglected children act.
7. Child protection policy/guidelines template should be drafted and shared with all educational institutions, including madrassahs and other informal educational settings.
8. Sensitivity trainings to be mandated for every staff, admin and faculty in all educational institutions, including Madrassahs and other informal educational settings.
9. External and internal accountability mechanism should be embedded in the protection framework so that in addition to internal mechanism students have means to access independent avenues as well as such as in shape of a helpline or list of numbers that can include contact details of line ministry or of the relevant department or other bodies that can offer assistance.
10. Any internal reporting and protection mechanisms in schools must compose of non-teaching faculty/staff or those that are not directly involved in teaching or managing the students on a daily basis. Moreover, child participation in inquiry committees whether through an alumni network or other means should be insured in inquiry committees.
11. Teachers and staff must be trained and be given and explained the child protection policy that applies before they are hired.
12. Policy to be accessible and explained to all students with direct access to point of first contact so that the student or parents/guardians have all information regarding accessing remedies and procedures.
13. Same gender sexual intercourse should be defined as rape by amending s 375 ppc.
14. Ban corporal punishment in Punjab via legislation.
15. Educational institutions should develop screening for substance abuse and adopt measures to curb use and exchange of narcotics in and around their campuses
16. No soliciting tuitions policy for all teaching staff of the institutions should be made a term of their contract of employment.
17. Role of parents and their engagement and involvement to back their children must be encouraged.
18. There is a need to address the impact and relevance of traditional 'authoritarian' schools vs more consultative, inclusive and participatory learning platforms and adopt policy guidelines or framework accordingly.
19. Sensitization and capacity building trainings and workshops at all levels of implementation and impact should be conducted and a continuous process of engagement and reflection be adopted to improve.
20. Data protection and privacy of school students must also be ensured so that their personal details like their contact numbers, address and emails are safeguarded.

21. Private schools, Madrassahs and informal educational settings should be included and be made part implementation of child safeguarding principles and framework.
 22. Collective voices should be raised to ensure accountability of private institutions to public at large even if no formal regulatory mechanisms currently exist.
 23. More information on how to get involved, how to assist, and how to access the reporting mechanisms and other forums should be made easily available in user-friendly terms so that all concerned stakeholders, groups and citizens know how and what they can do to play their part.
 24. The gender lens should be introduced at a very early stage when budget call circulars are being sent to the departments concerned.
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