



NATIONAL COMMISSION  
FOR HUMAN RIGHTS

# Manual for Independent Monitoring of the Rights of Children In Conflict With the Law In Closed Settings

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National Commission for Human Rights, Pakistan

## ACRONYMS

<b>ACC</b>	Afghan Citizen Card
<b>CRMS</b>	Child Rights Monitoring System
<b>FIR</b>	First Information Report
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICT</b>	Islamabad Capital Territory
<b>JJA</b>	Juvenile Justice System Act
<b>NCHR</b>	National Commission on Human Rights
<b>NHRI</b>	National Human Rights Institution
<b>PoR</b>	Proof of Registration
<b>PPC</b>	Pakistan Penal Code
<b>SEA</b>	Sexual Exploitation and Abuse
<b>SIR</b>	Social Investigation report
<b>UNASC</b>	Unaccompanied and Separated Child
<b>UNCAT</b>	United Nations Convention Against Torture
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNODC</b>	United Nations Office on Drugs and Crimes
<b>UNOHCHR</b>	United Nations Office of the High Commissioner on Human Rights
<b>VAC</b>	Violence Against Children

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## 1. Introduction

### 1.1 Objective of the manual

This manual aims to guide members of the National Commission on Human Rights (NCHR) – commissioners and staff members, as well as the commission’s partners whenever relevant- to conduct independent monitoring visits of the rights of children in conflict with the law in closed settings, in Pakistan, in line with the NCHR’s statutory mandate, and as per international best practices to promote and protect child rights.

Hence this manual constitutes a technical tool that describes the process that the NCHR must apply to fulfil its independent monitoring function for children in conflict with the law who are placed in closed settings (usually as a result of a judicial or administrative order). These settings comprise observation homes, juvenile rehabilitation centres or other facilities managed by the juvenile justice system but may also include prisons, detention centres hosting children and their parent(s) or refugees, hospitals and psychiatric institutions, reception facilities for Children on the Move, whether unaccompanied, separated or with their parent(s)<sup>1</sup>.

### 1.2 Expected results

Thanks to the technical guidance articulated in this manual, the NCHR team will be equipped to:

- Fully understand what an independent monitoring function entails;
- Apply a step-by-step approach to effective and child-sensitive monitoring of child rights in the context of closed settings for children in conflict with the law;
- Address the complexities of monitoring the rights of children in conflict with the law in closed settings;
- Ensure that monitoring eventually leads to positive change that serves the principles of Child Justice, as per international child rights standards as well as Pakistan’s local and international obligations.

### 1.3 Why is independent monitoring of the situation of children in conflict with the law in closed settings important?

Independent monitoring of the situation of children in conflict with the law in closed settings is essential since those children face specific risks listed below:

- ◇ **Children in conflict with the law in closed settings face increased vulnerability to rights violations**, which hinders their growth, safety, and well-being. Without family-based support, their social, emotional, and cognitive development suffers, as they largely rely on inadequately trained caregivers. Additionally, power dynamics often lead to neglect or abuse, as children lack autonomy and safeguards against ill-treatment.<sup>2</sup>
- ◇ **Children in conflict with the law in closed settings are typically hidden from view, making it easier for violations to go unnoticed**. Children’s confinement and isolation limit interactions with the outside world, reducing their chances to voice concerns and report abuse. External visits to these settings are often restricted to specific areas, further limiting oversight.
- ◇ **Children in conflict with the law in closed settings lack access to safe, confidential, and user-friendly complaint mechanisms for rights violations**, since their care is overseen by closed facility employees who may be the perpetrators of such violations, or their abettors. Those children also experience restricted movement and limited or controlled access to communication tools like courier, phones, and the internet, which impedes effective accountability.
- ◇ **In confined environments, children in conflict with the law might face challenges to report potential violations**. Trauma-induced emotional fragility may negatively affect their communication skills. Additionally, language barriers or disabilities might hinder their ability to communicate effectively.

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<sup>1</sup> See “NHRIs and Monitoring Child Rights in Closed Settings, National Human Rights institutions (NHRIs) series, A Tool for Child-Friendly Practices”, UNICEF.

<sup>2</sup>[https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document\\_files/world\\_report\\_on\\_violence\\_against\\_children.pdf](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf)

Moreover, they might struggle to find a trustworthy individual to confide in, particularly if they harbour distrust towards peers, the institution or its personnel, fearing repercussions for “speaking up”.

- ◇ **Children in closed settings often face stigma, social exclusion, and discrimination, which exacerbate their vulnerabilities.** These settings typically accommodate children accused of/involved in criminal activities, on the move, or coping with mental health issues or disabilities. Despite recent efforts to foster a Child Justice reform agenda in Pakistan, discrimination and exclusion persist, influencing the living conditions of these children while they are deprived of liberty. Moreover, the treatment experienced by children in conflict with the law in closed settings partly stems from inadequate resource allocation and management. Last, but not the least, testimonies of children in closed settings are not necessarily taken as seriously as they should by concerned authorities, due to various biases, fear of retribution, as well as limited awareness and capacities of duty bearers.

## 2. The National Commission on Human Rights' mandate and independent monitoring visits of the rights of children in conflict with the law in Pakistan

The NCHR<sup>3</sup> is an independent statutory body of the Government of Pakistan with an overarching mandate to look into matters pertaining to all forms of human rights violations within the territorial jurisdiction of the Islamic Republic of Pakistan by virtue of the National Commission for Human Rights Act 2012. The NCHR was created for the promotion and protection of human rights according to the Constitution of the Islamic Republic of Pakistan, 1973 and international human rights instruments.

Several provisions in the National Commission for Human Rights Act, 2012<sup>4</sup> highlight the importance of independent and autonomous monitoring of children's rights as a core aspect of the NCHR's mission concerning children:

- **Functions of the Commission (Chapter III, Section 9)**

**Section 9 (a)** authorizes the Commission to inquire into complaints of violations of human rights, including:

- (i) "violation of human rights or abetment thereof;
- (ii) or (ii) negligence. in the prevention of such violation, by a public servant;"

**Section 9 (c)** states that "the Commission or any person authorized by it may visit any jail, place of detention or any other institution or place under the control of the Government or its agencies, where convicts, under trial prisoners, detainees or other persons are lodged or detained for purposes of ascertaining the legality of their detention as well as to find out whether the provisions of the applicable laws or other provisions relating to the inmates living conditions and their other rights are being complied with;"

**Section 9 (i)** allows for the "direct investigation and inquiry in respect of any incident of violation of human rights."

- **Inquiries and Investigations (Chapter IV, Section 12):** The Commission is empowered to inquire into complaints of violations of children's rights, ensuring that their grievances are addressed independently and impartially.
- **Steps after Inquiry (Chapter IV, Section 18): Section 18(e)** allows the Commission to recommend appropriate measures to address violations of children's rights, emphasizing the importance of independent monitoring and action to protect children's rights effectively.
- **Financial Provisions (Chapter VI, Section 27):** This section ensures financial autonomy for the Commission, allowing it to allocate funds specifically for monitoring and addressing violations of children's rights without prior approval from the government.
- **Annual and Special Reports (Chapter VII, Section 28):** The requirement to prepare annual reports and special reports ensures that the Commission's activities related to children's rights are documented, evaluated, and reported transparently, demonstrating the Commission's commitment to independent monitoring in this area.

It is important to remember that Human Rights monitoring involves actively collecting, verifying, and promptly utilizing information to tackle human rights issues<sup>5</sup>, which includes child rights issues. It is an exercise that goes beyond passive observation, emphasizing independent and proactive information gathering, accuracy verification, and utilizing data to address injustices, stop and prevent abuse. The table underneath (Figure 1) summarizes what the NCHR's monitoring of child rights entails:

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<sup>3</sup> <https://www.nchr.gov.pk>

<sup>4</sup> <https://www.nchr.gov.pk/wp-content/uploads/pdf/nchr-act.pdf>

<sup>5</sup> Office of the High Commissioner on Human Rights, Manual on Human Rights Monitoring, OHCHR, Geneva, 2001, ed. with updates.

*Figure 1: NCHR's monitoring framework of child rights in Pakistan<sup>6</sup>*

NCHR	
<b>Independence</b>	Independent status
<b>Scope</b>	All children's rights
<b>Access to/collection of information</b>	Unrestricted access to facilities, employees, and documents, <b>subject to legal mandate.</b> Section 14 (Chapter IV, Section 14) empowers the Commission to seek reports and make recommendations concerning human rights violations by the armed forces, with the Federal Government mandated to inform the Commission of actions taken. The Commission cannot inquire into intelligence agencies but refers complaints to the competent authority (Chapter IV, Section 15).
<b>Public Findings</b>	Findings should be usually made public through reports or statements.
<b>Use of information</b>	Information used to inform advocacy efforts; recommendations directly addressed to relevant authorities and decision- makers.

<sup>6</sup> See "NHRIs and Monitoring Child Rights in Closed Settings, National Human Rights institutions (NHRIs) series, A Tool for Child-Friendly Practices", UNICEF, page 9.

### 3. Key definitions

**Best Interest of the Child:** a concept which includes a substantive right, a fundamental and interpretative legal concept principle and a rule of procedure aiming at ensuring the full and effective enjoyment of all the rights recognized in the UNCRC and of which the primary consideration is to guarantee the holistic development of a child<sup>7</sup>.

**Child:** The UNCRC states that: “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”<sup>8</sup>.

**Child Justice (system):** the legislation, norms and standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children considered as offenders<sup>9</sup>.

**Closed Setting:** closed settings refer to places “where children are cared for or detained without the possibility to leave freely (usually based on a judicial or administrative order). In the context of this manual, main settings are those in which children are in institutional or residential care and deprived of liberty (e.g. juvenile detention centers or other facilities managed by the juvenile justice system such as observation homes or rehabilitation centers), but may also include prison facilities, detention centers hosting children and their parent(s), hospitals and psychiatric institutions, education or rehabilitation centers, asylum centers, refugee camps or reception facilities for children on the move, whether unaccompanied or with their parent(s).”

**Diversion:** measures for referring children away from the judicial system, at any time prior to or during the relevant proceedings<sup>10</sup>

**First Investigation Report:** An FIR is registered under section 154 of the Code of Criminal Procedure, 1898 (Cr.P.C.) of Pakistan which under the head “Information in cognizable cases” states that “information regarding the commission of a cognizable offence given to an officer in charge of the station shall be put in writing by him.”<sup>11</sup>

**Juvenile:** “a child who may be dealt with for an offense in a manner which is different from an adult”<sup>12</sup>

**Observation Home:** “a place where a juvenile is kept temporarily after being apprehended by police as well as after obtaining remand from the Juvenile Court or otherwise for conducting an inquiry or investigation for the purpose of this Act”<sup>13</sup>.

**Rehabilitation Center:** “a place where a juvenile may be kept and given education\vocational or technical training for his mental, moral and psychological development and includes certified institutions, juvenile training institutions, borstal institutions, vocational centres, darul-amaan and women crises centres established by the Government or by voluntary organizations certified by the Government.”<sup>14</sup>

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<sup>7</sup> See article 3 (1) of the UNCRC and General Comment 14 of the UNCRC on the right of the child to have their best interests taken as a primary consideration.

<sup>8</sup> <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

<sup>9</sup>

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vEnG3QGKUXFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

<sup>10</sup>

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vEnG3QGKUXFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

<sup>11</sup> <https://www.paradigmshift.com.pk/what-is-fir-in-pakistan/#:~:text=An%20FIR%20is%20registered%20under,reduced%20to%20writing%20by%20him.>

<sup>12</sup> As per section 2 (h) of the Juvenile Justice System Act 2018

<sup>13</sup> See JISA 2018, section 2 (p)

<sup>14</sup> See JISA section 2 (k)

#### 4. Key principles

While, implementing its independent monitoring mandate, the NCHR must apply a child-rights based approach detailed underneath and further described in the annexure titled “**DOs and DON'Ts**”.

**DO NO HARM.** While preparing visits, engaging with children, asking questions to staff in the closed settings, **ensure** that children are not put at risk by the NCHR's actions. Additionally, **establish** child-sensitive procedures and policies to guarantee that children's rights and best interests are upheld throughout the monitoring process.

**TREAT CHILDREN AS CHILDREN, NOT AS “MINI ADULTS”.** **Interact** with/interviews children in a specific age/gender and culture appropriate manner and **assess** their well-being as per a set of criteria that is different from adults (which is the fundamental reason why this manual has been developed).

**RESPECT FOR THE CHILD'S DIGNITY.** **Pay particular attention** to respecting the child as a person. **Respect** a child's privacy by asking for permission before entering their room or looking at their belonging, **ask only** necessary or non-intrusive questions and **refrain** from making degrading comments. Additionally, **fully recognize** children's agency, **hear** their views – or respect their wish not to speak– whether explicitly expressed or communicated through behaviours and attitudes, and **do not publish** their pictures (regardless of the child's assent and guardian's consent).

**BEST INTERESTS OF THE CHILD.** The best interests of the child are the primary considerations during the visits and must prevail over the NCHR's need for data. If interviewing a child or holding a focus group is likely to cause trauma and secondary victimization and/or could put children at risk, other means of gathering relevant information can be used.

**NON-DISCRIMINATION.** **Select** the closed settings to be monitored and children to be interviewed in a non-discriminatory manner. During the monitoring visit, **be mindful** of any attitude, question or remark that may be, or be perceived as, discriminatory. (i.e. mocking a child's physical appearance, commenting on a child's ethnical origin, or his/her/their religion, etc...).

**RIGHT TO BE HEARD.** Hearing children's views is integral to the monitoring process. Unless it is against the child's best interests, **ensure that children are directly involved** in assessing whether or not their rights are respected in the closed setting, and their views are reflected in the NCHR's findings.

**RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT.** The NCHR's monitoring team must not jeopardize children's right to life, survival, and full development by putting them at risk or exacerbating trauma.

**PROTECTION AND CONFIDENTIALITY.** While interacting with children during the monitoring process, **include safeguards** to ensure their right to protection and the ability of the NCHR to take action if it learns that children are exposed to significant risks. Integrate confidentiality of information collected from individuals and management of personal data in your protection strategy for monitoring the rights of children in conflict with the law in closed settings and **ensure** that it applies to anyone involved in the monitoring process, including contractors, associates of the Commission, such as but not limited to, interpreters or civil society representatives. To this end, **present** information in an anonymized manner in the monitoring report.

## 5. Legal framework pertaining to children in conflict with the law in Pakistan (summary)

Pakistan has ratified several key international instruments that address the rights of children in conflict with the law:

- The United Nations Convention on the Rights of the Child (UNCRC) (1990): this is the most comprehensive treaty on children's rights, which Pakistan ratified in 1990. It sets out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. Article 40 specifically addresses the treatment of children accused or convicted of breaking the law.
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2001): Pakistan acceded to this protocol in 2016, which prohibits the compulsory recruitment of children under 18 into armed forces and requires states to demobilize children recruited or used in hostilities.
- The International Covenant on Civil and Political Rights (ICCPR) (1966): Pakistan acceded to the ICCPR in 2010. Article 14 provides fair trial guarantees for children, while Article 24 recognizes the right of every child to such measures of protection as are required by their status as a minor.
- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (1985): while not a treaty, these rules provide guidance to member states on the administration of juvenile (child) justice and the treatment of child offenders. Pakistan has incorporated many of these rules into its national laws.
- The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (1990): these guidelines provide principles for preventing juvenile delinquency through community-based programs and services. Pakistan has made efforts to align its juvenile justice system with these guidelines.
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990): these rules set out minimum standards for the treatment of children deprived of their liberty, including those in conflict with the law. Pakistan has incorporated these rules into its national laws and policies.

By ratifying these international human rights instruments, and incorporating their principles into national and provincial legislation, Pakistan has demonstrated its commitment to upholding the rights of children in conflict with the law. However, challenges remain in fully implementing these standards and ensuring that children in conflict with the law are treated in accordance with international norms and best practices.

At the national level, the key legislation governing the treatment of children in conflict with the law is the Juvenile Justice System Act (JJSA) 2018. The JJSA 2018 provides a comprehensive framework for the administration of child justice, emphasizing rehabilitation, reintegration, and the protection of children's rights. The JJSA 2018 establishes specialized Juvenile Courts to handle cases involving children in conflict with the law. It mandates the provision of legal representation, prohibits the disclosure of a child's identity, and requires proceedings to be conducted in a child-friendly manner. The Act also promotes the use of diversion, probation, and a reformatory approach to justice.

In addition to the national JJSA 2018, several provinces have enacted their own juvenile justice laws to supplement the national framework, but the JJSA 2018 overrides those.

**The JJSA 2018 has an overriding effect and applies to ALL CHILDREN under the age of 18 in Pakistan, including unaccompanied and separated children, asylum-seeking children, those with Proof of Registration (PoR), Afghan Citizen Card (ACC), and any undocumented child refugee residing in Pakistan.**

6. How to conduct independent monitoring visits of the rights of children in conflict with the law in closed settings?

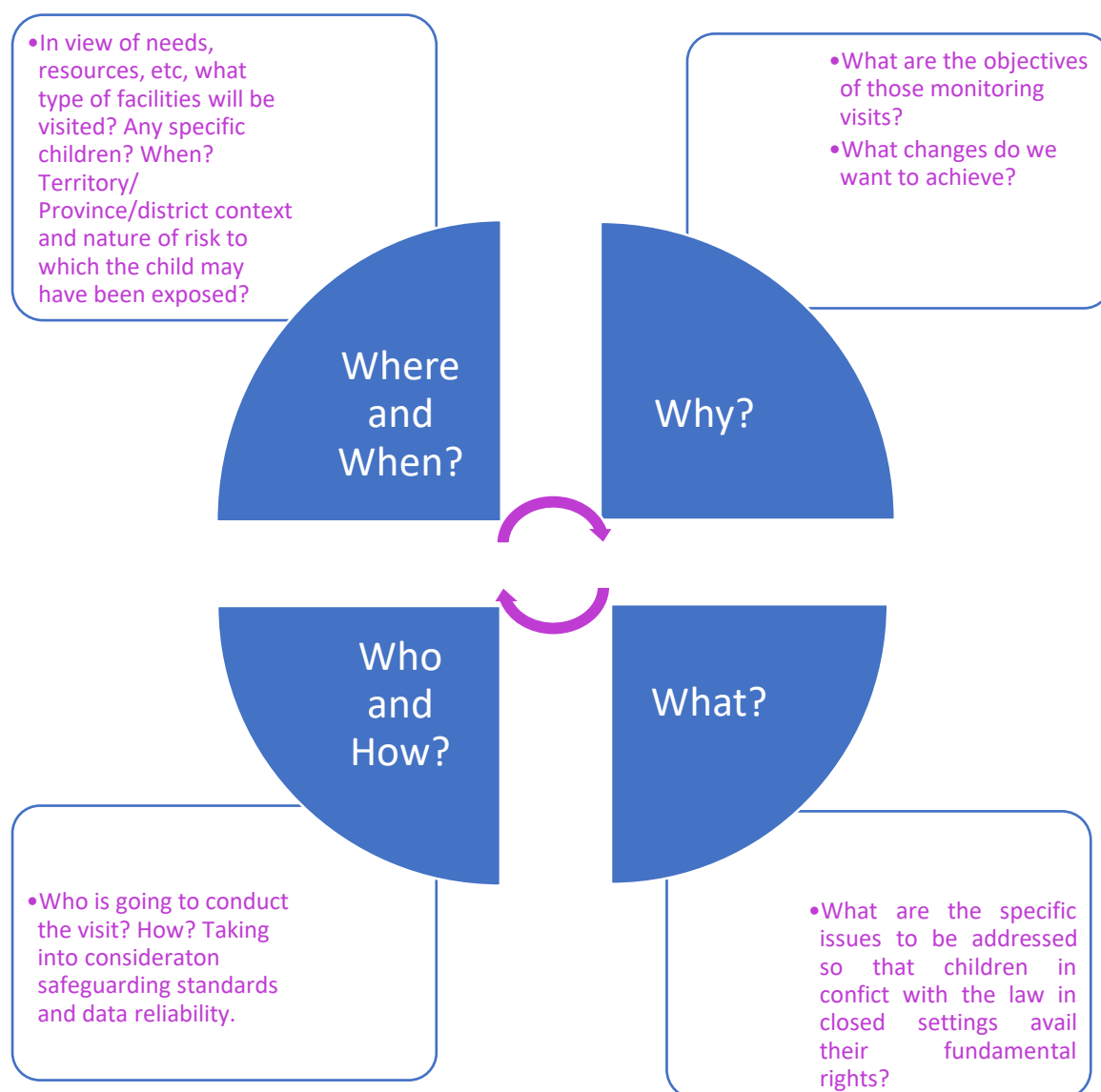
BE PREPARED!

6.1 Preparatory phase before the visit

6.1.1 Preparing the monitoring strategy

To ensure effective monitoring, **devise and apply a monitoring strategy** for children in conflict with the law in closed settings articulated around a process described in the diagram underneath (Figure 2):

*Figure 2: strategic process for monitoring the enforcement of child rights in closed settings, for children in conflict with the law<sup>15</sup>.*



<sup>15</sup> Currently, the JJSA 2018 neither applies to Gilgit Baltistan nor Azad Jammu Kashmir.

The monitoring strategy can be planned for a year or for several years and can be amended as per need and is based on the questions further explained underneath:

- **WHY?**

As mentioned in the diagram, defining monitoring goals is a determining step in the independent monitoring process, as it will enable the NCHR to reflect, from the outset, on avenues for change and impact.

- **WHAT?**

The NCHR has a broad mandate, hence prior to the monitoring visit, the Commission must always identify the concrete issues to be addressed to assess whether the rights of children in conflict with the law, in closed settings, are upheld. For example, a monitoring visit could be focusing on assessing whether all children in conflict with the law in a particular closed setting are legally represented and above the minimal age of criminal responsibility. The findings could lead the Commission to ensure legal representation if required and get the children who are legally entitled to it to be released or bailed out: *“During its investigation into custodial torture at Adiala Jail, NCHR took suo moto notice of the large number of under-trial prisoners and the lack of implementation of the Juvenile Justice System Act, 2018. Out of a total of 82 juvenile prisoners 79 were under trial – 29 of whom were without legal representation which was in contravention to Section 3(1) of the JSA, 2018. Additionally, 75% of male juveniles had no father and came from the most impoverished sections of society. With no support from family or the state, even those juvenile prisoners who had been granted bail had no recourse to sureties, no place to go, and despite provision of bail order remained incarcerated with habitual and hardened juvenile offenders. The NCHR included the situation of the juvenile prisoners in its inquiry report to the Islamabad High Court, and with the help of a pro bono lawyer Mr. Haseeb Sultan the Commission was able to provide under-trial inmates with legal representation”*<sup>16</sup>.

- **WHO AND HOW?**

The NCHR must decide who should conduct monitoring visits, depending upon its resources and capacities, which includes the number of staff, their skills and specialization (interpreters, child rights, languages, etc), their positions, keeping in view the objective of the visit.

A key objective of any monitoring visit must be to obtain cooperation from staff working in the closed settings where children in conflict with the law are living, hence, it is essential to remember that visitors/inspectors should focus on cooperation and avoid antagonism as much as possible.

Facility staff may fear that the NCHR will make negative judgements, it is therefore important that the NCHR staff work to defuse such concerns through their attitudes and behaviour. The goal is to seek the collaboration of the personnel in the closed setting, highlighting that the objective of the visit is to improve children’s lives and that the visit is an opportunity for both staff and children to express their concerns and be heard at a higher level. To this end, a monitoring team of three members is ideal.

- **WHERE?**

Deciding where to conduct monitoring visits must constitute an essential part of the NCHR’s overall strategy. This decision will impact the relevance of the findings, and their ability to shed light on a certain issue. The selection of the closed settings to be visited depends on various factors listed underneath:

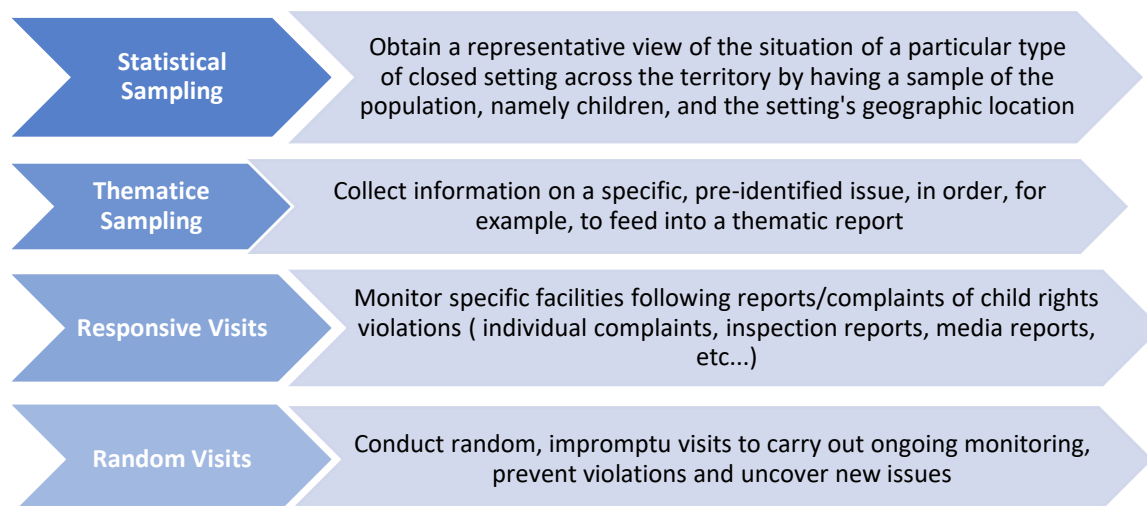
- *Type of setting* (juvenile rehabilitation centre, observation home, jail, remand home, refugee camp, etc), with due consideration to ensuring a balance among types of settings and to covering all those to the extent possible;
- *Characteristics of the children* in the closed settings (age, gender, mental and physical health, disability, parental care, unaccompanied or separated, migration/residency status, belonging to a specific ethnic or religious group, etc...);
- *Geographic location* of the closed setting: rural/urban, socio-economic situation of the area/province/neighbourhood, degree of isolation of mountainous areas, emergency area due to security crisis or natural disaster, etc...;
- *Country context* and nature of risks to which the child may have been exposed (trafficked child, etc...).

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<sup>16</sup> <https://www.nchr.gov.pk/wp-content/uploads/2023/06/Annual-Report-2022.pdf>, page 11.

Furthermore, different approaches can be used by the NCHR to identify which closed setting is to be monitored, depending on the visit's objective. The table below (figure3) describes various identification methods that the NCHR can apply and how they align with certain objectives:

*Figure 3: methods to identify closed settings to be visited and corresponding objectives.*



#### 6.1.2 Notification and Coordination

Notification and coordination are essential when visiting children in conflict with the law in closed settings. Before the visit:

- **usually submit** a formal notice to authorities. In some cases, no prior notice will be sent to authorities. However, establishing communication channels with the appropriate authorities responsible for overseeing the closed settings for children in conflict with the law is paramount. This may involve contacting the administration of the closed settings, government agencies tasked with child justice, or designated officials within the NCHR.
- **engage in collaborative planning discussions** to address logistical arrangements, security protocols, and any specific requirements or concerns related to the visit (are we likely to deal with any child with disability, what is the security situation in the area where the closed setting is located, what languages will be required to interview the children, how many are they, etc...?).
- **communicate transparently** about the objectives, its scope, activities, and expected outcomes of the visit, to foster an environment of cooperation and mutual respect.

By following these guidelines, inspecting team members can navigate the notification and coordination process effectively, laying the groundwork for a successful and productive visit to closed settings for children in conflict with the law.

#### 6.1.3 Documentation and Tools.

Proper documentation and tools facilitate organized data collection, objective assessments, and informed decision-making, thereby enhancing the credibility and impact of the independent monitoring process. Therefore, meticulous attention to documentation protocols and the utilization of appropriate tools are imperative for the NCHR and its inspecting team members. Hence:

- **Ensure that all necessary documentation is meticulously prepared** before each visit by gathering and verifying identification documents of the monitoring staff to confirm their authorization to conduct inspections. Clear identification not only establishes the legitimacy of the monitoring process but also fosters transparency and accountability in interactions with authorities and children in conflict with the law.

- **Prepare comprehensive and standardized checklists and questionnaires (see annexures)** for guiding the assessment process and capturing information accurately. Standardized checklists help ensure consistency and comparability across visits, enabling the systematic identification of areas for improvement and the tracking of progress over time. This commitment to documentation quality not only strengthens the integrity and impact of the monitoring process but will also reinforce the NCHR's mandate to protect and promote the rights of children.
- **Integrate Feedback Mechanisms:** To enhance the effectiveness and usability of documentation tools, the NCHR must integrate feedback mechanisms that allow inspecting team members to provide input on their experiences and suggest improvements. This involves incorporating sections for comments or suggestions within checklists and forms, as well as establishing channels for team members to submit feedback anonymously. By soliciting input from team members, the NCHR believes that it can continuously improve documentation tools to better meet their needs and enhance the quality of data collected during the visits.
- **Establish Data Management Protocols:** To safeguard the confidentiality and integrity of collected information, clear protocols for data management and storage must be established. Concretely, this means that the NCHR must implement measures such as data encryption, access controls, and secure storage solutions to protect sensitive information. Additionally, procedures for data entry, validation, and backup must be outlined to ensure the reliability and accuracy of collected data. By adhering to robust data management protocols, the NCHR will be able to maintain the trust and confidence of stakeholders while upholding standards of confidentiality and data integrity.

#### 6.1.4 Technology Integration:

To guarantee efficient monitoring visits:

- **Utilize technology, such as tablets and cameras,** can significantly enhance the efficiency and accuracy of data collection during visits. By digitizing documentation processes, the NCHR can streamline data entry, minimize errors, and facilitate real-time reporting from the field. Tablets equipped with pre-loaded forms and assessment tools enable inspecting team members to record observations, capture photographic evidence, and input data directly into secure databases, ensuring the integrity and confidentiality of collected information. Moreover, the use of cameras allows for visual documentation of physical conditions within detention facilities, providing visual evidence to supplement written reports and corroborate findings. High-quality photographs can capture details that may be overlooked in written descriptions, enhancing the comprehensiveness and persuasiveness of the monitoring reports produced by the NCHR. However, as mentioned earlier, the NCHR must be aware that it is essential to prioritize the privacy and dignity of the children in conflict with the law when taking photographs, obtaining assent whenever feasible, and refraining from capturing images that could compromise their confidentiality or safety.
- **Explore Mobile Applications and Software Platforms:** To streamline data collection, analysis, and reporting processes, the NCHR can use mobile applications or software platforms specifically tailored for monitoring visits to juvenile detention centers. These technological solutions can offer features such as customizable data entry forms, real-time data synchronization, and automated reporting functionalities. By leveraging technology, the NCHR can improve the efficiency and accuracy of data collection while minimizing administrative burden on inspecting team members.
- **Regularly Evaluate and Update Technological Solutions:** Lastly to stay abreast of advancements in data security, usability, and functionality, it is important to regularly evaluate and update technological solutions used for monitoring visits. This includes monitoring developments in software platforms, incorporating user feedback, and assessing emerging technologies for potential integration. By continuously evaluating and updating technological solutions, the NCHR can maintain its technological infrastructure at the forefront of innovation while meeting the evolving needs of its monitoring activities.

### 6.1.5 Training and briefing of inspecting team members.

Thorough training and briefings by technical experts are essential for inspecting team members before visiting closed settings where children in conflict with the law are detained. Therefore, the NCHR’s monitoring team must be trained and briefed on:

- **Preventing Sexual Exploitation and Abuse (PSEA)** since -as a fundamental principle- all stakeholders involved in the monitoring visit must abide by a 0 tolerance for SEAH, wherever, at any time, by anyone.
- **Preventing Sexual Exploitation and Abuse (PSEA)** within institutional and operational contexts by focusing on preventing and responding to misconduct by staff, volunteers, and partners. This is particularly important to design effective and safe rehabilitation and reintegration strategies of children in conflict with the law.
- Overall training on Child Protection will strengthen the team members capacities to prevent or respond to **Violence Against Children (VAC)**.
- **Cultural competence**, so that team members can navigate potential cultural nuances and barriers respectfully and effectively. This cultural competency is particularly crucial in Pakistan's diverse socio-cultural landscape, where children may come from various ethnic, religious, linguistic, and sometimes even socio-economic backgrounds. Specific expertise and training such as, but not limited to migration, may be required for certain visits.
- **Gender sensitivity and disability inclusion.** Given the distinct experiences and vulnerabilities of male, female and transgender children in conflict with the law, team members must be sensitized to gender and disability specific issues that may arise within closed settings. Training in this area addresses topics such as gender-based violence, access to healthcare, disability inclusive infrastructural adjustments, (ramps, washrooms, etc..) provision of communication aids, privacy considerations, ensuring that team members can identify and respond to gender and disability related challenges sensitively and appropriately. Here again, specific expertise (for example, sign language or communication with autistic children) may be required for certain visits.
- **Child sensitivity** which is indispensable to foster an understanding of the unique developmental needs and rights of children in conflict with the law. This entails age-appropriate communication, recognizing the evolving capacities of children at different stages of adolescence, and the impact of confinement especially for street connected children for example.
- **Role distribution during the visit:** who does what is essential to garner maximum adequate information in a relatively limited timeframe.

## 6.2 Execution phase



### 6.2.1 What to observe during the visits and why?

Once, the preparations are in order, the team is ready to start the monitoring visit. The table underneath (figure 4) summarises what is to be observed by the monitoring team to ensure the safety, dignity and well-being of children in conflict with the law in closed settings.

*[What is to be observed and monitored by the NCHR team for children in conflict with the law in closed settings? \(figure 4\)](#)*

OBSERVATION CRITERIA	EXPLANATIONS
<u>Segregation and Accommodation</u>	Segregation and accommodation within closed settings for children in conflict with the law are critical components of ensuring their safety, well-being, and rehabilitation.

<i>Check age and gender-based segregation</i>	Is there segregation by age and gender in closed settings to create a safe environment, prevent Sexual Exploitation and abuse of children, enable specialized care for children in conflict with the law, ensuring their rehabilitation and well-being?
	Does placement in segregated groups within closed settings consider various factors beyond age and gender, such as risk level, offense type, behavior, and individual needs, to ensure appropriate grouping, safeguard children, and promote effective rehabilitation?
<i>Check how specific needs of transgender children are addressed</i>	Transgender children in detention require specialized support, including separate accommodations, healthcare access, anti-discrimination policies, and staff training on respecting their gender identity, to ensure their safety, well-being, and inclusion in closed settings, affirming their rights and dignity. For example, if a transgirl child wants to be called “she”, this should be respected.
	Is there any mandatory, continuous training for all staff in closed settings on transgender rights, terminology, legal protections, and best practices to create an inclusive environment that addresses the evolving needs of transgender children in conflict with the law?
<i>Evaluate the Facilities and how they tackle daily Needs.</i>	Are the facilities adequate to meet the daily needs of children in conflict with the law, including access to clean water, sanitation, nutrition, and healthcare services?
	Are there appropriate recreational, sports, play areas, and educational opportunities to promote the holistic development of children in conflict with the law and support their rehabilitation and reintegration?
<i>Check if living areas and facilities are separated.</i>	How are the living areas within the closed setting segregated and designed to cater to the unique needs of children in conflict with the law based on their age, gender, and other factors to ensure their well-being, safety, and rehabilitation?
<i>Check supervision and staffing.</i>	What measures are in place to ensure adequate staffing with appropriately trained personnel in each segregated living area to maintain a secure environment, foster rehabilitation, and prevent and respond to violence against children?
<i>Check safety and security measures.</i>	What safety and security measures are in place within the segregated living areas to uphold the protection of children in conflict with the law, including access controls, surveillance systems, emergency response protocols, and regular risk assessments?
<i>Check the level of promotion of integration and socialization.</i>	How does the closed setting balance the need for segregation with opportunities for integration and socialization among children through structured programs and activities that promote healthy boundaries, positive relationships, and mutual respect?
<i>Check how regular monitoring and evaluation are, what are the written criteria.</i>	What processes are in place for the continuous monitoring and evaluation of segregation practices in collaboration with key stakeholders to ensure their effectiveness, alignment with official criteria, and compliance with evolving best practices and legal standards?
<b>Cell/Room Conditions</b>	The conditions of cells or rooms for children in conflict with the law within closed settings directly impact their physical and mental well-being. It is essential to assess and maintain these conditions to ensure a safe, child-sensitive, dignified, and humane environment for those children.
<i>Check cleanliness, lighting, and safety, including self-harm.</i>	How are the physical conditions within the cells or rooms, including cleanliness, lighting, and safety measures, maintained to ensure the well-being of children in the closed setting? What staff training and protocols are in place to address risks and emergencies?
<i>Check availability of proper bedding and seating.</i>	What provisions are in place to ensure children in the closed setting have access to proper bedding, seating, and other accommodations to promote their comfort, well-being, and dignity, including specialized support for children experiencing health or behavioral issues?
<b>Personnel and Training</b>	The personnel working within closed settings play a crucial role in ensuring the well-being and safety of children in conflict with the law. Adequate training and

	supervision of staff members are essential to maintain ethical standards, promote child-sensitivity, and provide effective care and support for children that feed a reformative approach instead of retributive one.
<i>Evaluate staff training on juvenile sensitivity and Child Right Monitoring System.</i>	What comprehensive training do staff members receive on child sensitivity, child justice principles, child protection, de-escalation techniques, and a child rights monitoring system to ensure the proper treatment and protection of children in the closed setting? (Including linkage with provincial child protection-case management and referral system).
<i>Monitor staff behaviour and adherence to ethical standards.</i>	What processes are in place for the regular monitoring of staff behavior, performance evaluations, and reporting mechanisms to ensure compliance with ethical standards and safeguard the rights and well-being of children in the closed setting in line with the JISA 2018, its rules, or any other relevant local or international regulation?
<i>Check if constant supervision of detainees is ensured</i>	How are children in the closed setting <b>continuously</b> supervised by appropriately trained staff to prevent incidents of violence, self-harm, or exploitation, and promote a safe, supportive, and therapeutic environment?
<u>Cultural Sensitivity and Diversity.</u>	Recognizing and honouring the diverse cultural backgrounds and identities of children in conflict with the law within closed settings is essential. Each child may come from a unique cultural context with distinct norms, values, and practices. Therefore, it is crucial to respect these cultural differences to create an environment that is inclusive and conducive to the well-being of all detainees and their healthy rehabilitation and reintegration.
<i>Assess the level of importance given to cultural sensitivity.</i>	How does the closed setting demonstrate cultural sensitivity in its operations, including accommodation practices, to understand and respect the cultural norms, values, and preferences of the children detained there?
<i>Assess the level of training and resources for staff on this topic.</i>	What training and resources are provided to staff in the closed setting to enhance their cultural competence, diversity awareness, and cross-cultural communication skills to effectively support and engage with children from diverse cultural backgrounds?
<u>Regular Review and Improvement</u>	By establishing procedures for regular review and improvement, collaborating with stakeholders, involving children in the process, emphasizing continuous learning and adaptation, and implementing necessary changes, closed settings for children in conflict with the law can enhance the effectiveness of their segregation practices. This approach promotes transparency, accountability, and responsiveness to the needs and rights of children, ultimately contributing to their rehabilitation and successful reintegration into society.
<i>Verify the establishment and enforcement of procedures for regular review</i>	What formal procedures are in place for the regular review and evaluation of segregation practices within the closed setting to ensure alignment with best practices, legal requirements, and the evolving needs of the children?
<i>Assess the extent of collaboration with stakeholders</i>	How and with whom does the closed setting collaborates for review and improvement of segregation practices, to gain diverse perspectives and enhance the effectiveness of protocols? Check if children are included in those consultations.
<i>Assess level of involvement of children in conflict with the law</i>	The NCHR monitoring process must empower children in closed settings to actively participate in reviewing segregation practices by: <ul style="list-style-type: none"> <li>- Soliciting anonymous feedback, suggestions and concerns from children</li> <li>- Ensuring confidentiality and protection from repercussions</li> <li>- Providing opportunities for children to share their invaluable perspectives and experiences</li> <li>- Recognizing children as key stakeholders whose input is critical for shaping policies and procedures that affect their well-being and rights</li> <li>- Building trust and rapport with children to secure tangible reforms and improvements based on their input</li> </ul>

<i>Assess the extent of continuous learning and adaptation</i>	How does the closed setting encourage staff to stay informed about evolving best practices in child detention management, seek ongoing professional development, and adapt segregation practices over time in response to changing circumstances, research, and standards of care?
<i>Verify to which extent necessary changes have been implemented</i>	Follow up to ensure closed settings are proactively implementing necessary changes and improvements to segregation practices based on the review, including revising protocols, providing staff training, allocating resources, communicating changes, and monitoring implementation through positive reinforcement of progress.

### 6.2.2 How to interview children in conflict with the law in closed settings?

The table underneath (figure 5) describes what areas of inquiries must be taken into consideration to interview the children. In addition to observing the close settings, interviewing children will further enable the NCHR to identify any concerns and help authorities take appropriate actions to address them. To facilitate this work, questionnaires have been included as annexures in this manual.

#### Areas of inquiry to interview children in conflict with the law (figure 5)

Areas of inquiry	Explanation
<b>Basic Information</b>	<p>Document each child's personal information such as full name, gender, age, address, who they are living with, spoken language, and nationality to ensure accurate records and effective communication.</p> <p>Inquire about the child's educational background, including school attendance, academic performance, and any special needs.</p> <p>Gather details on the child's legal history, such as prior interactions with the justice system and past placement or detention experiences, to provide context for interventions.</p> <p>Identify the child's specific status, such as refugee, unaccompanied, separated, having a PoR or ACC's card, being an orphan, youngest or eldest child in the family, etc.</p>
<b>Socio-Economic Profile</b>	<p>Gather details about the child's family, including:</p> <ul style="list-style-type: none"> <li>- Family composition (number of children, people living with the family, etc.)</li> <li>- Parental employment and household income</li> <li>- Family's social support networks</li> </ul> <p>Understand the child's educational and employment background, if applicable.</p> <p>Inquire about the child's access to basic amenities and services in their community, such as:</p> <ul style="list-style-type: none"> <li>- Healthcare</li> <li>- Education</li> </ul> <p>By documenting the child's socio-economic background and access to services, the monitoring team can gain a more holistic understanding of the child's circumstances, which is crucial for developing appropriate interventions and support.</p>
<b>Documenting Disabilities/Vulnerabilities</b>	<p>Document any physical or mental health conditions, disabilities, or other vulnerabilities the child may have, such as:</p> <ul style="list-style-type: none"> <li>- Learning disabilities</li> <li>- Mental health disorders</li> <li>- Physical impairments</li> </ul> <p>Identifying these factors is crucial for creating a comprehensive profile, helping authorities to provide tailored support and accommodations during</p>

	<p>the child's stay in the closed setting, but also to form the basis for personalized care plans and interventions to promote the child's well-being, rehabilitation, and reintegration in line with the JSA 2018.</p>
<p><b>Identification of Support Networks</b></p>	<p>Extend inquiries beyond the child's immediate family to identify other support networks, such as:</p> <ul style="list-style-type: none"> <li>- Relatives</li> <li>- Friends</li> <li>- Community organizations</li> <li>- Explore the child's participation in community programs or extracurricular activities.</li> </ul> <p>Understanding the child's support system, and his/her community involvement can help maintain important connections during their time in detention, as well as identify the child's strength potential for positive growth outside of the justice system.</p>
<p><b>Living Conditions and Treatment</b></p>	<p>Verify nutritional adequacy by assessing meal quality, quantity, and adherence to dietary needs and preferences.</p> <p>Confirm access to clean drinking water and maintain hydration levels. Investigate hygiene facilities' availability, cleanliness, and accessibility to uphold dignity and well-being.</p> <p>Assess the overall living environment, including cleanliness, safety, and recreational spaces. Include inquiries about mental health support services and recreational activities to promote psychological well-being and social integration.</p>
<p><b>Complaints and Resolution Process:</b></p>	<p>Inquire about complaint procedures for children regarding living conditions or treatment.</p> <p>Assess accessibility, child friendliness and confidentiality of complaint channels. Investigate how complaints are resolved, ensuring prompt, impartial and child-sensitive action.</p> <p>Include questions to gather feedback from children about their experiences. Establish regular mechanisms for soliciting and responding to youth feedback to empower detained children in conflict with the law.</p>
<p><b>Inquiry into Staff-Youth Interactions:</b></p>	<p>Include questions about staff interactions with children placed in the closed settings, including responsiveness, respectful communication, and efforts to build rapport.</p> <p>Assess positive behaviour management strategies and de-escalation techniques to address conflicts, minimizing punitive measures and ensuring that no VAC is taking place by staff members.</p>
<p><b>Monitoring of Discipline and Punitive Measures:</b></p>	<p>Extend the inquiry to assess disciplinary policies and practices within the closed setting, including the frequency and severity of disciplinary actions, use of solitary confinement or restraints, and compliance with legal standards.</p> <p>Explore the availability of recourse mechanisms for challenging disciplinary decisions to ensure accountability and transparency. These inquiries aim to evaluate transparency, accountability, and adherence to legal and ethical standards in disciplinary proceedings. Gathering feedback from children living in the closed setting is crucial to understand their experiences and improve behaviour management while safeguarding their rights and dignity.</p> <p>Approach these inquiries with sensitivity, acknowledging the potential impact on children's well-being. By examining these aspects, authorities can identify deficiencies, uphold children's rights, and foster a culture of accountability and transparency within the closed setting.</p>
<p><b>Communication with Family and Education</b></p>	<p><b>a. Case History:</b></p> <ul style="list-style-type: none"> <li>• <b>Family Background:</b> Inquire about the child's family background, including their living situation, family dynamics, and any challenges they may face at home. Understanding the family context can provide</li> </ul>

	<p>insights into the underlying factors contributing to the child's involvement in conflict with the law.</p> <ul style="list-style-type: none"> <li>• <b>Education and Employment History:</b> Assess the child's educational background and any previous employment experiences. Explore their access to educational opportunities and vocational training within the closed setting to support their rehabilitation and reintegration into society.</li> </ul> <p><b>b. Regular Communication with Family or Anyone Else:</b></p> <ul style="list-style-type: none"> <li>• <b>Frequency of Contact:</b> Determine how frequently the child is allowed to communicate with their family members or other significant individuals outside the closed setting. Assess the accessibility and usage of communication channels, such as phone calls, visits, or written correspondence, and whether they facilitate meaningful connections with loved ones.</li> <li>• <b>Support Systems:</b> Explore the availability of support systems within the closed setting to facilitate communication between the child and their family. This may include counseling services, family visitation programs, or mediation sessions to address conflicts and maintain positive relationships.</li> </ul> <p>Expand the inquiry to evaluate the quality and impact of family engagement initiatives in detention centres, including counselling and reintegration planning. Assess the availability and effectiveness of family reunification support services to aid successful transitions back into the community.</p>
<p><b>Access to Legal Representation:</b></p>	<ul style="list-style-type: none"> <li>• <b>Legal Rights Awareness:</b> Ensure that the child is aware of his/her/their legal rights and entitlements, including the right to legal representation and assistance. Provide information about the legal process and available resources to support their participation in legal proceedings and decision-making.</li> <li>• <b>Availability of Legal Aid:</b> Assess the availability of legal aid services within the closed setting to assist children in accessing legal representation. Verify whether qualified legal professionals are accessible to provide advice, advocacy, and representation to children throughout their legal proceedings. Also check whether the child is under trial or convicted and if rights to bail and appeal have been exercised.</li> </ul> <p>Extend the assessment to evaluate the quality and effectiveness of legal representation available to children in conflict with the law in the closed setting including the competence of legal aid providers, the provision of culturally competent services, and the accessibility of legal information and resources, support in case of special needs. Consider incorporating questions about children's satisfaction with legal representation and their understanding of legal proceedings and outcomes.<sup>17</sup></p>
<p><b>Documentation and Referral Pathways</b></p>	<ul style="list-style-type: none"> <li>• <b>Documentation of Legal Proceedings:</b> Inquire about the documentation of legal proceedings involving the child, including investigation, court appearances, hearings, and decisions. Ensure that accurate records are maintained to track the child's legal status and progress through the justice system.</li> <li>• <b>Referral Pathways for Legal Assistance:</b> Identify and assess the referral pathways available to children requiring legal assistance beyond the scope of the closed setting's services. Collaborate with external legal aid organizations or pro bono lawyers to ensure that</li> </ul>

<sup>17</sup> Including child accused's feedback o=in the monitoring process has been piloted for 13 child court performance assessments in Pakistan, in collaboration with civil society and the Law and Justice Commission of Pakistan and turned out to be highly useful to assess the quality of the child justice process in this context.

	<p>children have access to comprehensive legal support tailored to their individual needs.</p> <p>Evaluate the accessibility, responsiveness, and coordination of external legal aid organizations or pro bono lawyers in providing comprehensive legal support to children in conflict with the law, including representation in court proceedings, legal advocacy, and assistance with reintegration-related legal matters.</p> <p>Integrate mechanisms for soliciting children's input and preferences regarding family engagement and legal assistance.</p> <p>Provide opportunities for children to actively participate in decisions related to family communication, legal representation, and reintegration planning, empowering them to advocate for their rights and preferences in these critical areas. Remember that if a child is involved and part of a decision, he/she /they is/are more likely to make efforts towards positive change.</p>
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### 6.3 Post visits phase

The whole point of independently monitoring the rights of children in conflict with the law in closed settings is to redress child rights violations and protect children who are deprived of liberty. Hence the NCHR team must ask itself how to use the findings in a manner which makes a difference in those children's life. To this end, the NCHR may take the steps listed in the sub-sections below.

#### 6.3.1 Meet with the management of the closed setting.

- **DISCUSS ISSUES AND FINDINGS:** During the monitoring visit, set aside time to meet with staff and management of the closed setting to discuss preliminary findings, verify information, and hear their views on possible concerns or obstacles affecting the setting's ability to fully realize children's rights. The goal is to create a collaborative atmosphere and present the monitoring visit as an opportunity to reflect on needed improvements and perform better. Showing empathy and respect is essential.
- **PROPOSE THE CLOSED SETTING'S MANAGEMENT TO DEVELOP A PLAN TO IMPLEMENT THE NCHR'S RECOMMENDATIONS:** Ensure that NCHR recommendations are translated into tangible actions. Even if staff argue broader context limits opportunities, highlight actions that can be readily implemented without additional resources. This will create a positive perception of the monitoring process and guarantee further support and collaboration.

#### 6.3.2 Data Management and Reporting

- **PROMPTLY DOCUMENT AND UPLOAD** the monitoring findings to a secure database, enabling timely dissemination and transparency.
- **USE SECURE TABLET AND MOBILE DEVICES WITH ENCRYPTION** to protect the integrity and confidentiality of sensitive data.
- **USE ROBUST DATA BACKUP AND STORAGE PROCEDURES** to prevent loss or corruption, ensuring continuity and credibility of evidence.
- **PRIORITIZE ACCESSIBILITY AND TRANSPARENCY IN REPORTING**, with user-friendly interfaces and clear documentation of methodologies.
- **MAINTAIN COMPREHENSIVE INTERNAL RECORDS** to track changes over time, identify trends, and inform evidence-based decision-making and interventions.
- **EMPLOY ANALYTICAL TOOLS AND METHODOLOGIES TO EXTRACT MEANINGFUL INSIGHTS** from monitoring data, facilitating strategic planning and collaboration with stakeholders.
- **ENSURE DATA INTEGRITY AND CONFIDENTIALITY** through access controls, encryption, and adherence to ethical principles and legal requirements.

### 6.3.3 Follow-Up Reporting

- **SUBMIT** comprehensive reports detailing findings, observations, and SMART recommendations to address gaps and promote compliance with standards.
- **ACTIVELY MONITOR** the implementation of previous recommendations, tracking progress, and engaging stakeholders to ensure accountability and continuous improvement.
- **FACILITATE DIALOGUE AND COLLABORATION** with stakeholders, such as through meetings and workshops, to address challenges, share best practices, and develop joint action plans.
- **PROMOTE TRANSPARENCY AND ACCOUNTABILITY** by making monitoring reports publicly accessible, encouraging stakeholder feedback, and fostering a culture of openness to enhance scrutiny and drive positive change.

*Be mindful of your duty to remain **HONEST AND OBJECTIVE** when you report data, results, methods and procedures. Do not fabricate, falsify, or misrepresent data. Strive to avoid bias in data analysis, data interpretation, personnel decisions, report writing, expert testimony. Finally, honor patents, copyrights, and other forms of intellectual property, and do not use unpublished data, methods, or results without permission, and give credit whenever it is due.*

### 6.3.3 Address the issue of the rights of children in conflict with the law in closed settings at a systemic level

- **LINK FINDINGS TO BROADER POLICY ISSUES BY:**
  - (i) Conducting independent monitoring visits of closed settings to gain insight into how policy decisions and enforcement impact children's daily lives. These visits can reveal unexpected impacts, highlight gaps, and gauge the effectiveness of measures in changing the situation on the ground.
  - (ii) Using the monitoring visits to shed light on the level of enforcement of the Juvenile Justice System Act 2018 for children deprived in conflict with the law - including children on the move-, as well as the adequacy of resource allocation.
  - (iii) Leveraging the monitoring activities to identify critical issues and provide a solid foundation to build its strategy for addressing them.
  - (iv) Using concrete examples, case studies, children's views, and photos taken during the visits to provide a reliable account of children's experiences in the closed settings.
- **HIGHLIGHT PATTERNS BASED ON SEVERAL VISITS, SEVERAL FEEDBACK, OR COMMON OBSERVATIONS:** use independent monitoring to identify patterns of recurring issues across closed settings, such as inadequate staff behaviors, insufficient investment, or ignored problems, in order to uncover systemic issues affecting children and determine the policy interventions required to address them.
- **FEED INTO RESEARCH REPORTS AND INVESTIGATIONS WITH EVIDENCE AND CONCRETE EXAMPLES:** Monitoring visits provide first-hand accounts of children's experiences in closed settings, which can inform research reports and public awareness through tangible illustrations. Those case studies for example can guide the creation of behavior change communication material, etc.
- **PUBLICIZE FINDINGS:** Sharing monitoring findings publicly through reports and statements will enable the NCHR to inform and advise relevant authorities as well as promote change to implement NCHR recommendations.
- **BRIEF KEY ACTORS:** An important tool for the NCHR to generate impact is its direct access to decision-makers. This access must be used to hold briefings and dialogues with duty bearers to foster positive change and improve child justice in Pakistan.

### 6.3.5 Investigation and Prosecution

Whenever required:

- **PROMPTLY REPORT** potential child rights violations in closed settings to competent authorities for investigation and prosecution. This includes collaborating with law enforcement, judicial bodies, and partners to ensure thorough, impartial investigations adhering to due process and fair trial standards.
- **PRIORITIZE VICTIM-CENTERED APPROACHES** that uphold the best interests of the child, promote their participation, and ensure access to support services. Advocate for specialized mechanisms like establishment of juvenile courts as per successfully piloted models, development and involvement of specialized police, judicial and legal aid team, child-friendly interview facilities and trauma-informed care.
- **MONITOR THE EFFECTIVENESS OF INVESTIGATIVE AND PROSECUTORIAL PROCESSES**, assessing timeliness, thoroughness, impartiality, and adequacy of sanctions, especially with regards to the possibility to offer diversion or the application of the bail regime.
- **ENGAGE STAKEHOLDERS IN IDENTIFYING GAPS AND ADVOCATING FOR REFORMS** to enhance accountability and access to justice for children in conflict with the law.

#### 6.3.6 Continuous Oversight

The NCHR must emphasize the importance of continuous oversight and monitoring to safeguard the rights and dignity of children in conflict with the law within closed settings. This involves:

- **ONGOING MONITORING** through regular visits, inspections, and reviews to assess compliance, identify concerns, and track progress over time. This deters misconduct and promotes accountability. For example, follow-up visits conducted six months to one year after the monitoring visit provide an opportunity to assess whether actions have been taken in light of recommendations formulated and shared by the NCHR, identify new developments, and convey the message that the NCHR monitoring is not a one-time event but a continuing engagement, further encouraging the closed settings' higher management to take the necessary steps to comply with recommendations
- **COLLABORATION WITH STAKEHOLDERS** to share information, coordinate efforts, and leverage resources to support monitoring and advocacy activities. This includes joint initiatives, capacity-building, and awareness-raising.
- **REGULAR REVIEW AND ADAPTATION OF MONITORING STRATEGIES** to respond to evolving needs and circumstances. This includes soliciting feedback, exploring innovative methods, and investing in staff training to enhance the effectiveness of oversight.

## 7. Annexures

### 7.1 Checklist

REQUIRED DOCUMENTS		Tick	
NCHR identification cards			
National Commission on Human Rights Act – in English, Urdu and Sindhi.			
Notification of the board of the second board of the NCHR			
Juvenile Justice System Act 2018 and corresponding rules in English, Urdu and Sindhi or any other relevant language.			
ID cards (CNIC/passports) of all team members			
NCHR letter format in all three languages informing of the monitoring visit and any relevant communication exchange			
PPC			
Envelopes			
Charged tablet and inspection team mobile phones, chargers, adaptors for plugs			
Extra recording equipment and camera			
Complaint file containing relevant document, email, article that motivated inquiry, if applicable			
Extra paper and stationary			
Anatomy charts			
Ink pad and stamp from the NCHR			
Relevant circulars regarding recording equipment			
Contact list of the closed settings administration			
Last report of a previous monitoring visit if applicable			
Monitoring plan			
Recent jurisprudence			
Checklist, questionnaires, DOs and DONTs if no technology is available			
OBSERVATION CRITERIA		YES	NO
Material conditions	Children receive enough food and have access to a nutritious and healthy diet		
	The closed setting is clean: clean kitchen, clean beddings, children are clean		
	Sanitation facilities are clean, accessible, functioning and sufficient for the number of children hosted in the setting? Privacy and safety for children is ensured.		
	The setting is safe: there are no hazards for children (check electrical, gas heater, fire safety, protections on windows/balconies and access to dangerous areas such as kitchens, broken glass or iron bars, etc).		
	The setting adequately heated, cooled or ventilated and there is enough light everywhere		
	There is sufficient space for children to move around and no crowding and promiscuity issue.		
	The space is adequately equipped/furnished.		
	The setting child-friendly, with equipment adapted for children, decorations, recreational areas, etc		
	The setting is accessible to children with disabilities.		
	A safe and clean space is available to interview children, (with windows, etc)		
Access to education	Children have access to mainstream educational settings and in line with the national curriculum		
	Children have access to mainstream education within the closed setting in line with the national curriculum		
	Children have access to educational activities (library, etc)		
	Children have access to support based on their specific educational needs including needs linked to disability		

	Children have access to the digital environment to allow learning on an equal basis with other children		
Access to health services	There is a health facility within the closed setting		
	Children have access to external medical care whenever required based on a documented mechanism		
	Regular medical check-up for children take place in the closed setting		
	Children have access to adequate mental health services		
	Children also have confidential access to sexual and reproductive health services and counselling		
Individualized approaches	Each child has an individual file safely stored with all basic information recorded (proof of identity, sex, gender, proof of age, status, nationality, spoken language, religion, medical examination, legal file, social investigation reports, family details, etc)		
	Each child has his/her own locker and dedicated bed, clothes, etc		
	Children's individual needs are taken into account, i.e. disability, allergies, adaptations, etc		
	Children are allocated a particular staff member to whom they can turn for help and information		
	Staff of the closed settings hold regular meetings to review the situation of each child		
	Children receive individualized treatment if needed		
	Children receive individualized psychosocial and educational support		
	There is a community-based support network and the facility cooperates with it		
Access to play, leisure and recreation	The closed setting has areas dedicated to play and recreation		
	Children have access to outdoor plays and recreations		
	Children have access to indoor plays and recreations		
	These areas are well equipped (sports equipment, games etc)		
	There are dedicated games and recreational times (arts, music) in the daily schedule		
	These plays and games areas are accessible for children with disabilities		
Respect for civil rights (expression, religion, language, association, information, legal representation, etc)	Children can practice their religion and speak their language in the closed setting		
	Children are aware of their rights: they know what they have been accused of, what is the status of their case		
	Children have attended training on child rights and self protection		
	The close settings display information related to rights of children in conflict with the law that are visible, and can be easily understood by children		
	Children are able to elect delegates, focal points to represent them and can express their views through that representative or through meetings		
	All children are legally represented		
	Visits of lawyers are entered in the register		
	All legal files include details of the case, social investigation report.		

	Are children in conflict with the law on closed settings above 10?		
	Are children in conflict with the law been refused bail in accordance with the JJSA?		
	Are children in conflict with the law under trial been detained for less than 6 months?		
	The parents/guardians/custodians of the children are informed that the child is detained and know what he/she is accused of		
	Have children under trial and detained in closed settings, accused of a minor offense, been proposed diversion as an alternative to detention?		
Mechanisms/ opportunities for children to have their views heard (individually and collectively)	Children have regular opportunities to meet with staff and share their views and concerns and feel heard?. Have they seen concrete change as a result of expressing their views.		
	There are specific measures in place for children with communication difficulties (children with disabilities, young children, children who do not speak the national language, children who have suffered trauma, among others) to be heard.		
Protection from violence and abuse	The closed setting has a child protection policy in writing		
	Children have been reporting cases of physical, sexual or psychological violence.		
	Children carry signs of violence (bruises, wounds, etc)		
	Children are afraid to speak or meet the monitoring team or demand the team not to translate what they are saying		
	There is a mechanism to safely and confidentially report abuse by staff or by other children		
	Some action has already been taken by the management of the closed setting to hold the abusive staff accountable		
	There are sessions to help children manage conflict and de-escalate		
	Children are adequately segregated by age		
	Children are not with adult inmates		
		Children do not wear shackles or fetters	
Staff training and competencies	Management and staff are trained on child rights, child protection, Child Justice		
	Management and staff have a list of DOs and DON'T to protect children		
	Management and staff know the JJSA's content and relevant rules/SOPs		
	Management and staff receive other relevant training, such as on child development, handling trauma and positive discipline		
	Only qualified and regularly trained staff deals with children in conflict with the law in closed settings		
Access to a remedy	Children have access to an effective remedy- other than the internal complaint mechanism- in case their rights are violated		
	Children know this remedy		
	Children have used this remedy and as a consequence violations were redressed		
Privacy	children have their own room		
	Children have a space where they can isolate themselves and keep personal/valuable belongings		

	Is children’s correspondence, including e-mail and phone, private or controlled?		
	Can children access the digital environment with privacy? Is there a policy on confidentiality and protection online?		
	Sanitation facilities are equipped to guarantee privacy		
	Children able to have private/ unmonitored conversations with their peers inside the setting and with peers, relatives, and other relevant persons (e.g. doctor, lawyer, relevant adult) outside the setting		
	Staff respect children’s privacy, including keeping their situations confidential vis-à-vis other staff, children’s peers and third parties – with due respect for balance between confidentiality and protecting children from violence		
Relationship with parents and other close relatives	The closed setting is located in the same district/province as where the child lives		
	Parents and relatives are allowed (beyond judicial decisions in the child’s best interests) to visit		
	Children can communicate with parents and relatives on a regular basis (e-mail, phone, messages).		
Discriminatory practices	Are there different rules for certain children? (ask for examples)		
	Transgender children can express their gender identity safely and nobody mocks them		
	Children with disabilities take part in all activities thanks to an inclusive environment		

## 7.2 Guidelines to interview children in conflict with the law (dos and don’ts)

DOs	DON'Ts
<ul style="list-style-type: none"> <li>- Assure the child that the information they provide will be kept confidential to the extent allowed by law. Ensure that the interview setting provides privacy and is free from interruptions.</li> <li>- Obtain assent from the child and – preferably- consent from their legal guardian, before conducting any interview. Explain the purpose of the interview, what will be discussed, and how the information will be used. Explain that at any time, if the child does not feel comfortable, he/she/they can stop the interview or pause or shift to another question. have a pact with the child and ask for him/her/they to promise to tell the truth so that you may also form a trusting bond. Explain that the truth and their help are needed so that you may help him/her/them as much as possible or understand better the situation in the closed setting. Thank the child for his/her/their cooperation,</li> <li>- Be sensitive to the child's cultural background, language, and beliefs. Respect their cultural norms and practices throughout the interview process.</li> <li>- Recognize that many children in detention may have experienced trauma. Approach the interview with empathy, patience, and understanding. Avoid re-traumatizing the child by asking insensitive or triggering questions and take pause or stop the interview if you see that it is too distressing for the child;</li> <li>- Use age-appropriate language and concepts that the child can understand. Avoid using jargon or technical terms that may confuse or intimidate children. Also reassure the child and tell him/her/they that it is ok if they cannot answer;</li> </ul>	<ul style="list-style-type: none"> <li>- Do not start an interview without taking the time to build a rapport and;</li> <li>- Do not force a child to take part in an interview Avoid expressing personal opinions or judgments that could sway the child's responses;</li> <li>- Do not lie and do not make promises to the child that you may not be able to fulfil;</li> <li>- Do not scold or threaten the child;</li> <li>- Do not mock the child;</li> <li>- Do not publicize the identity of the child or any of his/her/their personal details;</li> <li>- Do not ignore disclosed abuse.</li> <li>- If you notice some bruises or wounds do</li> </ul>

<ul style="list-style-type: none"> <li>- Conduct the interview in a non-coercive manner, without exerting pressure or undue influence on the child. Allow the child to express themselves freely and without fear of reprisal;</li> <li>- Maintain a neutral stance throughout the interview; Physically position yourself at the same height level as the child;</li> <li>- Ask open-ended questions that allow the child to elaborate on their experiences, feelings, and perspectives. Avoid leading questions that could influence their responses and use the child response as a queue when you want to elaborate, with the same words;</li> <li>- Create a child-friendly environment with comfortable seating, sometimes toys even, or other items that can help put the child at ease;</li> <li>- If you notice some bruises or wounds, you may ask the child if it is ok to explain how that happened.</li> <li>- Have a safety protocol in place in case the child discloses information that indicates they are in immediate danger or at risk of harm. Know how to report such concerns to the appropriate authorities;</li> <li>- Offer follow-up support or referrals to mental health professionals, social workers, or other support services as needed. Ensure that the child has access to appropriate care and assistance after the interview;</li> <li>- Document the interview accurately and objectively, taking care to record the child's words and any relevant observations. Maintain confidentiality and secure the interview notes according to ethical standards and legal requirements.</li> <li>- <b><u>Check the child's file and verify that:</u></b> <ol style="list-style-type: none"> <li>a) <u>Age determination protocol has been adequately followed;</u></li> <li>b) <u>Status and identity of the child are clear and family traced;</u></li> <li>c) <u>Quality medical examination took place;</u></li> <li>d) <u>No child under trial has been in the closed setting over 6 months;</u></li> <li>e) <u>The child has legal representation;</u></li> <li>f) <u>In case of minor offence, a Social Investigation report is included in the file and that diversion has been proposed whenever applicable;</u></li> <li>g) <u>The child is aware of the charges held against him/her;</u></li> <li>h) <u>No child under 10 is detained;</u></li> <li>i) <u>The place of detention (closed setting) is notified as an observation home or a rehabilitation center, as per law.</u></li> </ol> </li> <li>- <u>The closed setting's administration avails and uses a referral pathway and has developed a rehabilitation and reintegration plan for the child, including the Unaccompanied and Separated Child (UASC)</u></li> </ul>	<p>not get fixed on it whilst talking to the child.</p> <ul style="list-style-type: none"> <li>- Do not make culture - insensitive comments.</li> <li>- Do not touch the child;</li> <li>- Do not lock yourself with the child, the door must always remain accessible, or go to a place where there are cameras with no sound.</li> <li>- If the child discloses abuse by a peer of a staff member, do not point out that person in front of children.</li> <li>- Do not threaten the staff in front of children;</li> <li>- Do not abuse the child in any manner whatsoever.</li> </ul>
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### 7.3 Questionnaire for children in conflict with the law

AREAS OF QUESTIONS	EXAMPLES of QUESTIONS
1)	Basic Information

<b>Recording Personal Details</b>	<ol style="list-style-type: none"> <li>1. What is your name?</li> <li>2. How old are you?</li> <li>3. Do you have a paper/document to prove your age? Which one?</li> <li>4. Can you tell me your gender?</li> <li>5. What is your current address? Where do you live? With whom? Who are they/is he/she?(if applicable)</li> <li>6. Where are you from? What is your nationality?</li> <li>7. What language do you speak?</li> <li>8. What language do you speak best?</li> <li>9. What is your religion?</li> </ol>
<b>Legal History</b>	<ol style="list-style-type: none"> <li>1. Did you have experience with the police before? Why?</li> <li>2. Did you go to court before? Why?</li> <li>3. Have you ever been involved in any criminal activities before?</li> <li>4. If yes, can you tell us what happened?</li> <li>5. Have you ever been detained or held in custody before?</li> <li>6. Why are you here this time?</li> <li>7. Since when are you here?</li> <li>8. Is your trial still going on or has the court taken a decision about you?</li> <li>9. Which one?</li> <li>10. How was the judge in the court?</li> <li>11. Did you understand what the judge said?</li> <li>12. Did you meet any probation officer? What is his/her name?</li> <li>13. How was he/she?</li> <li>14. Did he/she help you?</li> </ol>
<b>1) Socio-economic Profile</b>	
<b>Family 's profile</b>	<ol style="list-style-type: none"> <li>1. Can you tell me about your family? Who do you live with?</li> <li>2. Do you have any brother? Sisters, etc?</li> <li>3. Do you get along with everyone?</li> <li>4. If not can you tell me what happened?</li> <li>5. What do your parents' or guardians' do for a living?</li> <li>6. How would you describe your family's financial situation?</li> <li>7. Does your family receive any help to survive? Which one? From whom? When?</li> <li>8. Have there been any recent changes in your family that you would like to share? Did something important happened?</li> <li>9. What does your family do when someone is sick?</li> </ol>
<b>Household Socio-Economic Status</b>	<ol style="list-style-type: none"> <li>1. Who are your neighbours? How are they? Do you know them well? What do they do for a living? Do you like them? Why?</li> <li>2. At home, do you have water, electricity, gas, a bathroom?</li> <li>3. Did your family members go to school?</li> <li>4. What do they do for a living? (Other than the parents or guardians)</li> <li>5. Are there any community-based programs or organizations that support families like yours?</li> </ol>
<b>Access to Basic Amenities and Services</b>	<ol style="list-style-type: none"> <li>1. If you go to school or if you work, how do you go there?</li> <li>2. Are there any specific social welfare programs or resources that have helped you or your family?</li> <li>3. Are there good schools in your community?</li> <li>4. Good hospitals?</li> </ol>
<b>2) Documenting Disabilities/Vulnerabilities</b>	
<b>Disabilities and Health Conditions</b>	<ol style="list-style-type: none"> <li>1. Do you have any health problem or disability that affect your daily activities?</li> <li>2. Are you currently receiving treatment or therapy for any health-related issues?</li> <li>3. Have you ever had any learning difficulties or challenges in school?</li> </ol>
<b>Vulnerabilities and Support Needs</b>	<ol style="list-style-type: none"> <li>1. Do you feel comfortable discussing any personal challenges or vulnerabilities you may have?</li> <li>2. Are there specific situations or environments that you do not like? Why?</li> </ol>

	<ol style="list-style-type: none"> <li>3. Have you experienced any traumatic events or incidents that continue to impact you?</li> <li>4. Do you have nightmare? About what?</li> <li>5. Are you sometimes anxious? Frightened? When? Why?</li> <li>6. Is there any specific help that you feel would benefit you during your time in detention?</li> <li>7. Who is your favorite person?</li> <li>8. Your favorite place?</li> <li>9. Can you share a memory when you felt really happy?</li> </ol>
<b>Personal Background and Well-being</b>	<ol style="list-style-type: none"> <li>1. Generally, how do you feel?</li> <li>2. Have you encountered any problems related to your health or disabilities? Which ones?</li> <li>3. Are there any activities or hobbies that you really like? Which ones?</li> <li>4. Is there anything else you would like us to know about your health or well-being?</li> <li>5. How are you feeling now?</li> </ol>
<b>Identifying Support Networks</b>	<ol style="list-style-type: none"> <li>1. Who are the significant individuals in your life outside of your immediate family?</li> <li>2. Do they help you? How?</li> <li>3. Are there any community organizations or support groups that you are involved with whom you trust?</li> <li>4. How do these support networks help you or can help you?</li> <li>5. Are there specific people or groups you feel comfortable reaching out to for help?</li> </ol>
<b>Community Engagement and Activities</b>	<ol style="list-style-type: none"> <li>1. Have you participated in any community-based programs or activities?</li> <li>2. What kinds of activities do you enjoy engaging in outside of school or home?</li> <li>3. How have those activities help you?</li> <li>4. Are there specific hobbies or interests that you are passionate about?</li> <li>5. Do you want to make any difference for your community? Which one?</li> </ol>
<b>Maintaining Connections and Relationships</b>	<ol style="list-style-type: none"> <li>1. How do you stay connected with friends or peers outside of the closed setting?</li> <li>2. What strategies do you use to keep in touch with loved ones or mentors?</li> <li>3. Are there any upcoming events in your community/family that you are looking forward to?</li> <li>4. Is there anything else you would like to share about your social connections or community engagement?</li> </ol>
<b>3) Living Conditions and Treatment:</b>	
<b>Nutritional Adequacy</b>	<ol style="list-style-type: none"> <li>1. What do you eat daily? How would you rate the quality and quantity of the food?</li> <li>2. If you do not like something or really like something, do they take that into consideration for your meal?</li> <li>3. Are you hungry in this closed setting or do they give you enough food?</li> <li>4. Is there anything you would like to see improved in terms of food or meal schedules?</li> </ol>
<b>Availability of Water</b>	<ol style="list-style-type: none"> <li>1. Do you have access to clean and safe drinking water throughout the day?</li> <li>2. How often is water supplied, and do you feel adequately hydrated?</li> <li>3. Are there any concerns or issues regarding the availability or quality of drinking water?</li> </ol>
<b>Hygiene Facilities</b>	<ol style="list-style-type: none"> <li>1. Can you describe the hygiene facilities available to you, such as toilets, showers, and handwashing stations?</li> <li>2. How would you rate the cleanliness and maintenance of these facilities?</li> <li>3. Are these facilities easily accessible to you whenever needed?</li> <li>4. Is there anything that could be improved to enhance hygiene and sanitation?</li> </ol>
<b>Living Environment Assessment</b>	<ol style="list-style-type: none"> <li>1. How would you describe the overall cleanliness and maintenance of the living areas and communal spaces?</li> <li>2. Are you bed clean?</li> <li>3. Do you have enough clothes, blankets and bed sheets?</li> </ol>

	<ol style="list-style-type: none"> <li>4. How often do you change your clothes and bedding?</li> <li>5. Are there any safety concerns or issues that you have noticed within the closed setting?</li> <li>6. Do you feel comfortable and safe in the recreation areas and common rooms?</li> </ol>
<b>Mental Health Support and Recreational Activities</b>	<ol style="list-style-type: none"> <li>1. Are there any mental health support services or counseling available to you?</li> <li>2. Have you been able to participate in recreational activities or programs aimed at promoting your psychological well-being and social integration?</li> <li>3. How do you feel about the opportunities for social interaction and engagement within the closed setting?</li> </ol>
<b>4) Complaints and Resolution Process</b>	
<b>Complaint Mechanisms</b>	<ol style="list-style-type: none"> <li>1. Whom can you speak to for raising complaints or grievances within the closed setting?</li> <li>2. What options are available for children to report concerns about their living conditions or treatment by staff? Do you know how to do it?</li> <li>3. Have you ever utilized the complaint mechanisms provided? If so, what was your experience like?</li> <li>4. Are there specific staff members or individuals designated to handle complaints from detained children? Do you trust them? Why?</li> </ol>
<b>Accessibility of Complaint Channels</b>	<ol style="list-style-type: none"> <li>1. Is it easy to file complaints within the closed setting?</li> <li>2. Do you feel comfortable using these channels to report issues or concerns?</li> <li>3. Is confidentiality maintained when raising complaints, and are there measures in place to protect you from retaliation?</li> <li>4. Are there other methods available for submitting complaints, such as anonymous reporting through a box, or third-party services?</li> </ol>
<b>Resolution Procedures</b>	<ol style="list-style-type: none"> <li>1. Can you share any experiences or examples of complaints being addressed by the closed setting's authorities?</li> <li>2. How satisfied are you with the way complaints are handled and resolved?</li> <li>3. Are complaints investigated promptly and fairly?</li> <li>4. What follow-up actions are taken by authorities after complaints are raised?</li> </ol>
<b>Gathering Feedback and Perspectives</b>	<ol style="list-style-type: none"> <li>1. How would you describe your overall experience and treatment within the closed setting?</li> <li>2. Are there specific aspects of your living conditions that you would like to provide feedback on? What do you want to change? What do you want to keep?</li> <li>3. Do you feel that your opinions and concerns are taken seriously by the closed setting's staff?</li> <li>4. What suggestions do you have for improving the support and services provided to children here?</li> </ol>
<b>Promoting Youth Participation and Empowerment</b>	<ol style="list-style-type: none"> <li>1. Have you been involved in any activities or initiatives aimed at soliciting feedback from children here?</li> <li>2. Do you feel empowered to share your views and contribute to decision-making processes within the closed setting?</li> <li>3. Are there opportunities for children like you to participate in advisory committees or focus group discussions to discuss improvements?</li> <li>4. If not, would you like that?</li> </ol>
<b>5) Inquiry into Staff-Youth Interactions</b>	
<b>Quality of Staff-Youth Interactions</b>	<ol style="list-style-type: none"> <li>1. How would you describe the interactions between staff members and children within the closed setting?</li> <li>2. Do staff members respond promptly and respectfully to requests or concerns raised by children?</li> <li>3. Have you experienced positive communication efforts from staff members?</li> <li>4. Are there specific staff members whom you feel comfortable approaching for support or guidance?</li> <li>5. Are there others you wish to stay away from? If yes, can you tell me who and why?</li> </ol>

	<ol style="list-style-type: none"> <li>How do staff members demonstrate their commitment to building trust and positive relationships with youth?</li> </ol>
<b>Implementation of Behavior Management Strategies</b>	<ol style="list-style-type: none"> <li>Can you share examples of how staff address conflicts or behavioral issues within the closed settings?</li> <li>How do staff members support youth in managing emotions and resolving conflicts peacefully?</li> </ol>
<b>Use of De-escalation Techniques</b>	<ol style="list-style-type: none"> <li>Are mitigation techniques utilized by staff to manage challenging situations or behaviors?</li> <li>Can you describe any instances where staff effectively mitigated conflicts or crises?</li> <li>How do staff members prioritize the safety and well-being of youth during tense situations?</li> <li>Are there training programs or resources available to staff members to enhance their skills in de-escalation and conflict resolution?</li> <li>Did it make a difference in the way they behaved with you?</li> </ol>
<b>6) Monitoring of Discipline and Punitive Measures</b>	
<b>Disciplinary Policies and Practices</b>	<ol style="list-style-type: none"> <li>What do staff do when you do not follow the rules?</li> <li>How frequently are disciplinary actions taken against children, and what types of behaviors are being punished?</li> <li>Are punitive measures, such as solitary confinement or restraint, used within the closed setting? When and why?</li> <li>According to you are the punishments used in the closed setting severe?</li> <li>Do you think that those punishments are legal?</li> </ol>
<b>Recourse Mechanisms for Challenging Disciplinary Decisions</b>	<ol style="list-style-type: none"> <li>Are you aware of mechanisms to challenge punishment by staff of the closed setting?</li> <li>How easy is it to appeal or challenge in the closed setting?</li> <li>Do you have the possibility to ask for help from people who do not work in the closed setting for such problems? Who?</li> <li>Have you or others you know utilized any recourse mechanisms to challenge punishment, accountability? If so, what was the experience like? What happened?</li> </ol>
<b>Accountability and Transparency in Disciplinary Proceedings</b>	<ol style="list-style-type: none"> <li>Are rules and punishment, accountability secret in the closed setting?</li> <li>Is information about disciplinary actions and results shared openly with children?</li> <li>Are closed setting's staff held accountable for their actions and decisions regarding disciplinary measures?</li> <li>What steps are taken to ensure fairness in disciplinary proceedings by the staff?</li> </ol>
<b>7) Communication with Family and Education</b>	
<b>Family Background</b>	<ol style="list-style-type: none"> <li>Can you tell me about your family and living situation before coming to the closed setting?</li> <li>What are the dynamics like within your family? Do you face any challenges at home? Which ones?</li> <li>Who do you live with, and what roles do family members play in your life?</li> <li>How has your family situation influenced your experiences and decisions leading up to your involvement in the justice system?</li> </ol>
<b>Education and Employment History</b>	<ol style="list-style-type: none"> <li>What has been your educational journey so far? Can you read and write?</li> <li>Which schools have you attended, and how has your academic performance been?</li> <li>Have you faced any challenges or barriers to accessing education and educational opportunities?</li> <li>What is your favorite subject?</li> <li>What is the subject that you really do not like?</li> <li>Have you been employed or participated in any work-related activities before coming to the closed setting?</li> <li>What did you do? Where?</li> <li>How was this experience?</li> </ol>

	<ol style="list-style-type: none"> <li>9. Are there specific skills or vocational interests that you would like to develop or explore while in detention?</li> <li>10. How do you feel about the educational and vocational programs offered within the closed setting?</li> </ol>
<b>Frequency of Contact:</b>	<ol style="list-style-type: none"> <li>1. How often are you allowed to communicate with your family members or significant others outside the closed setting?</li> <li>2. How do you communicate: via phone calls, visits, or written correspondence?</li> <li>3. How often?</li> <li>4. Do these communication channels facilitate meaningful connections with your family, and how important are these connections to you?</li> <li>5. Are there any barriers or challenges you face in maintaining regular contact with your family?</li> </ol>
<b>Quality and Effectiveness of Family Engagement Initiatives:</b>	<ol style="list-style-type: none"> <li>1. Can you describe any family engagement initiatives within the closed setting, such as family counseling or parenting workshops?</li> <li>2. How would you rate the quality and effectiveness of these initiatives in strengthening family relationships?</li> <li>3. Have you been involved in reintegration planning or discussions with your family about your transition back into the community?</li> <li>4. What improvements or additional support would you like to see in family engagement programs within the closed setting?</li> </ol>
<b>Family Reunification Support Services:</b>	<ol style="list-style-type: none"> <li>1. Are there services available to support family reunification within the closed setting such as family mediation or case management?</li> <li>2. How effective are these services in addressing family conflicts and preparing for your transition back into the community?</li> <li>3. Have you received post-release support or follow-up services to help with family reunification and community integration?</li> <li>4. What role do you believe these support services play in facilitating successful family reunification and reintegration into society?</li> <li>5. When did you meet with the child probation officer last?</li> </ol>
<b>8) Access to Legal Representation</b>	
<b>Legal Rights Awareness</b>	<ol style="list-style-type: none"> <li>1. Are you aware of your legal rights as a detained child?</li> <li>2. What are those? Can you explain? How did you get to know them?</li> <li>3. Have you received information about the legal process and your rights during your time in the closed settings?</li> <li>4. How well-informed do you feel about the legal proceedings that affect you?</li> <li>5. Are there any specific legal questions or concerns you have that you would like addressed?</li> </ol>
<b>Availability of Legal Aid</b>	<ol style="list-style-type: none"> <li>1. Are there legal aid services available within the closed setting to assist you with accessing legal representation?</li> <li>2. Have you been able to consult with qualified a lawyer regarding your legal matters?</li> <li>3. Do you have a lawyer?</li> <li>4. When did you your lawyer last?</li> </ol>
<b>Quality and Effectiveness of Legal Representation</b>	<ol style="list-style-type: none"> <li>1. Is your lawyer, good, average, terrible? Why?</li> <li>2. When you have a question about your rights how easy is it for you to find the answer? How do you access that information?</li> <li>3. How satisfied are you with the outcome of legal proceedings or decisions that have affected you?</li> </ol>
<b>Understanding of Legal Proceedings and Outcomes:</b>	<ol style="list-style-type: none"> <li>1. Can you describe the legal proceedings and decisions that have impacted you?</li> <li>2. Have legal professionals explained the outcomes of legal proceedings in a way that you can understand?</li> <li>3. Do you feel empowered to participate in decision-making processes related to your legal situation?</li> <li>4. Are there areas where you would like more information or support regarding your legal rights and responsibilities?</li> </ol>
<b>9) Documentation and Referral Pathways</b>	

<b>Documentation of Legal Proceedings:</b>	<ol style="list-style-type: none"> <li>1. Can you describe the process of documenting legal proceedings involving you, such as court appearances, hearings, and decisions?</li> <li>2. Are records of your legal status and progress through the justice system maintained within the closed setting?</li> <li>3. Can you your legal documents and records, and do you understand what they say?</li> <li>4. Do you have any concerns or questions about the documentation of your legal proceedings?</li> </ol>
<b>Referral Pathways for Legal Assistance</b>	<ol style="list-style-type: none"> <li>1. Has the closed setting helped you get a lawyer?</li> <li>2. How are children helped to contact external legal aid organizations or pro bono lawyers for legal support?</li> <li>3. Have you received assistance from external legal aid organizations or pro bono lawyers for legal matters?</li> <li>4. Are there specific challenges or barriers you face in accessing legal aid?</li> <li>5. Are you satisfied with the provided help? Had the closed setting helped you access other type of help? Which one? Are you happy with that help?</li> </ol>

#### 7.4 Questionnaires for police officers

According to the Juvenile Justice System Act (JJSA) 2018, no child in conflict with the law should be held in police custody however, in certain circumstances, the NCHR is confronted with situations where children in conflict with the law are under the custody of police (e.g. refugee children, etc...). While we reiterate that non-custodial measures for children in conflict with the law must be given priority and that status of irregular child migrants alone cannot justify detention<sup>18</sup>, we cannot ignore the ground reality and must hold duty bearers accountable and protect children in all circumstances.

AREAS OF QUESTIONS	QUESTIONS
General Information	<ol style="list-style-type: none"> <li>1. Grade/Position:</li> <li>2. Department/Unit:</li> <li>3. Years of Experience in Law Enforcement</li> </ol>
Training and Knowledge	<ol style="list-style-type: none"> <li>1. Have you received specific training on handling children (in conflict with the law)? Yes / No If yes, please specify the nature and duration of the training:</li> <li>2. Who trained you on the topics that you have mentioned? When? Where?</li> <li>3. Have you received training on child psychology or development? Yes / No If yes, please provide details (Who? Where? What? When? Why? How?)</li> <li>4. Do you feel there are areas where you need additional training or support in handling children in conflict with the law? Yes / No</li> <li>5. If yes, please specify any specific training needs or areas of improvement:</li> <li>6. How do you stay updated on best practices and emerging trends in handling children in conflict with the law?</li> <li>7. Do you receive regular supervision or debriefing sessions to discuss challenging cases involving children?</li> </ol>
Understanding the Legal Framework	<ol style="list-style-type: none"> <li>1. Are you familiar with the legal framework concerning children in conflict with the law?</li> </ol>

<sup>18</sup> <https://www.nchr.gov.pk/wp-content/uploads/2024/05/Child-Protection-for-Children-on-the-Move-Report.pdf>

	<p>Yes / No If yes, please name the relevant laws</p> <ol style="list-style-type: none"> <li>Can you briefly explain the key principles or laws relevant to handling children in conflict with the law?</li> <li>How do you stay updated on changes in laws or policies related to children in conflict with the law?</li> </ol>
Communication and Engagement	<ol style="list-style-type: none"> <li>How do you talk to children in tough situations?</li> <li>Do you think about how old and mature a child is when you talk to them? Example: Can you tell a time when this mattered?</li> <li>How do you let children help you take a decision?</li> <li>What do you do if you can't speak the same language as a child?</li> <li>How do you respect different cultures when you talk to children from different places?</li> <li>Can you talk about a time when understanding a child's culture was important?</li> <li>Do you use community help or cultural experts to understand children from different backgrounds?</li> <li>How do you calm things down when a child is upset and in trouble?</li> <li>Can you tell me about a time when this worked?</li> <li>Do you ask children about how they felt during talks with the police?</li> <li>How do you get feedback from children, and make sure it is private?</li> <li>Have you changed things because of what children said? Give an example.</li> </ol>
Age-Appropriate Procedures	<ol style="list-style-type: none"> <li>How do you ensure that procedures and protocols are age-appropriate when dealing with children in conflict with the law?</li> <li>Are there any specific considerations you take into account based on the age of the child?</li> </ol>
Use of Force and Restraint	<ol style="list-style-type: none"> <li>Under what circumstances do you find it necessary to use force or restraints when dealing with children in conflict with the law?</li> <li>How do you ensure that the use of force or restraints is proportionate and necessary?</li> <li>Are there any specific guidelines or protocols you follow when using force or restraints on children?</li> <li>How do you handle situations where a child's behaviour escalates unexpectedly?</li> </ol>
Respect for Rights and Dignity	<ol style="list-style-type: none"> <li>How do you ensure that the rights and dignity of children in conflict with the law are respected during law enforcement procedures?</li> <li>Can you describe a situation where you successfully upheld the rights and dignity of a child during an encounter?</li> <li>How do you handle situations where cultural practices or beliefs contradict standard procedures?</li> <li>What steps do you take to ensure privacy and confidentiality for children during interactions?</li> </ol>
Referral and Support Services	<ol style="list-style-type: none"> <li>Are you aware of the support services available for children in conflict with the law in your area? Yes / No</li> <li>How do you typically refer children to these support services? Which services?</li> <li>Have you ever encountered challenges in referring children to support services? If yes, please explain.</li> <li>Do you maintain a list of available support services for easy reference? Can you show it please?</li> </ol>

	<ol style="list-style-type: none"> <li>How do you ensure that children and their families are aware of the support services available to them?</li> </ol>
Handling sensitive cases	<ol style="list-style-type: none"> <li>How do you handle cases involving children who may have experienced trauma or abuse?</li> <li>Are there any specific protocols or procedures you follow when dealing with sensitive cases involving children?</li> <li>How do you ensure that children feel safe and supported during sensitive interactions?</li> <li>Are there any resources or specialized services you can call upon when dealing with sensitive cases involving children? Which ones?</li> </ol>
Support for particularly vulnerable children	<ol style="list-style-type: none"> <li>How do you identify and respond to the needs of children who may be particularly vulnerable or at-risk? Who are those children?</li> <li>Are there any additional measures you take to support vulnerable children during law enforcement procedures?</li> <li>Are there any specialised services or interventions available in your area to support vulnerable children, and how do you access them?</li> </ol>
Mental Health assessment	<ol style="list-style-type: none"> <li>How do you spot mental health issues in children?</li> <li>Do you watch for signs of trauma or stress?</li> <li>How do you change your approach for children who went through trauma?</li> <li>How do you facilitate access to medical services for children with mental health issues?</li> <li>Can you tell a story of when you helped a child get mental health support?</li> <li>What do you do to help children with mental health issues when you talk to them?</li> <li>Do you know about laws for children's mental health and crime?</li> <li>How do you make sure you follow these laws?</li> <li>Do you work with mental health experts?</li> <li>do you have an example when working with mental health experts helped?</li> <li>How do you check if children are getting better with mental health help? Do you check if what you do is working?</li> </ol>
Documentation and reporting	<ol style="list-style-type: none"> <li>What documentation procedures do you follow when handling cases involving children in conflict with the law?</li> <li>How do you ensure accurate and thorough reporting of incidents involving children?</li> <li>Are there any specific forms or templates you use for documenting interactions with children?</li> <li>How do you ensure that sensitive information about children is handled confidentially and in compliance with privacy laws?</li> </ol>
Interagency Collaboration	<ol style="list-style-type: none"> <li>Do you work with other groups when dealing with children?</li> <li>Can you talk about a time when working with another group helped a child in conflict with the law?</li> <li>How do you make sure everyone works together well to help children?</li> <li>Do you face any problems when working with other groups, and how do you solve them?</li> <li>How do you keep talking and working with everyone involved in helping children in conflict with the law.</li> </ol>
Promoting Reformation	<ol style="list-style-type: none"> <li>How do you stop children from committing more offenses?</li> <li>Do you use any special programs to help with this?</li> </ol>

	<ol style="list-style-type: none"> <li>3. How do you make sure your help addresses the reason why a child might commit crimes?</li> <li>4. Do you work with groups or services to keep helping children in trouble?</li> <li>5. How do you check if the help you give to children in trouble is working?</li> </ol>
Community engagement	<ol style="list-style-type: none"> <li>1. How do you connect with the community to help children and police get along?</li> <li>2. What are some ways the community helps children who get in trouble with the law?</li> <li>3. Do you join events for children in the community?</li> <li>4. How do you get parents and teachers involved in stopping children from getting into trouble and helping those who might?</li> <li>5. Do you team up with schools, youth groups, or churches to give children good things to do?</li> <li>6. Do you ask children about how they feel when they interact with the police?</li> <li>7. How do you make sure children feel okay sharing their thoughts?</li> <li>8. Have you changed anything because of what children said? Can you give an example?</li> <li>9. How do you tell children that their opinions matter and get them to talk about how the police work?</li> </ol>
Personal reflection	<ol style="list-style-type: none"> <li>i. Looking back, would you change how you dealt with children in conflict the law?</li> <li>ii. What did you learn from dealing with children in trouble?</li> <li>iii. How do you use past experiences to handle similar situations better in the future?</li> <li>iv. Any ideas on how the government can help police deal with children in conflict with the law?</li> <li>v. How do you promote talking and sharing ideas within your team when dealing with cases involving children?</li> </ol>

### 7.5 Questionnaires for staff in the places of detention

According to the JISA 2018, children in conflict with the law can only be detained in rehabilitation centers. However, to date, no rehabilitation center has been notified in Pakistan and children in conflict with the law, when detained, are usually placed in separate barracks in jail or in other institutions largely managed like jails.

AREAS OF QUESTIONS	QUESTIONS
General Information	<ol style="list-style-type: none"> <li>1. Grade/Position:</li> <li>2. Department/Unit:</li> <li>3. Years of Experience in Law Enforcement:</li> </ol>
Identification and registration	<ol style="list-style-type: none"> <li>1) Do you have an MIS system to enter data of children in conflict with the law who reside in this premise?</li> <li>2) Who is responsible for data entry and maintenance?</li> <li>3) How do you confirm children's identity, their status?</li> <li>4) How do you separate registering children from adults?</li> <li>5) How do you keep personal info safe when registering children in conflict with the law?</li> </ol>

	6) How do you handle language and culture differences when registering young detainees?
Initial need assessment	<ol style="list-style-type: none"> <li>1. What protocols are followed to assess the mental health status of child detainees during intake?</li> <li>2. How are substance abuse issues identified among incoming child detainees, and what follow-up measures are taken?</li> <li>3. Are there specific protocols for identifying and addressing the needs of child detainees with disabilities or chronic illnesses (diabetes, etc)?</li> <li>4. How often are assessments conducted for child detainees, and are there follow-up assessments to monitor progress?</li> <li>5. Are there interdisciplinary teams involved in the initial assessment process to ensure comprehensive evaluation of child detainees' needs?</li> </ol>
Discipline	<ol style="list-style-type: none"> <li>1. Can you provide examples of restorative justice practices implemented within the facility for child detainees?</li> <li>2. How are grievances or complaints from child detainees regarding disciplinary actions addressed?</li> <li>3. What mechanisms are in place to monitor and review the effectiveness of disciplinary measures over time for child detainees?</li> <li>4. How are disciplinary measures tailored to the age and developmental stage of child detainees? Give an example.</li> <li>5. Are there opportunities for child detainees to participate in decision-making processes related to discipline and punishment within the facility?</li> </ol>
Security and Disaster Management	<ol style="list-style-type: none"> <li>1. How frequently are security protocols reviewed and updated to adapt to changing threats or risks for child detainees?</li> <li>2. Are staff members trained in conflict de-escalation techniques specifically tailored for child detainees to prevent physical altercations?</li> <li>3. What measures are in place to ensure the safety and security of staff members and child detainees during emergency situations (fire, terrorist attack, etc)?</li> <li>4. How are evacuation plans developed and practised to ensure the safe evacuation of child detainees in the event of a disaster (earthquake, floods, etc)?</li> <li>5. Are there specific protocols for reuniting child detainees with their families or guardians following a disaster or emergency situation?</li> </ol>
Contact with the Outside World	<ol style="list-style-type: none"> <li>1. How often do child detainees exchange with their parents/guardians/family members?</li> <li>2. How? What is the procedure? Are there special arrangements?</li> <li>3. How do you ensure that communication privileges are safe and not used for illicit purposes?</li> <li>4. How are cultural or linguistic barriers addressed to facilitate effective communication between child detainees and their families?</li> <li>5. What measures are in place to protect the privacy of communication between child detainees and their families or guardians?</li> <li>6. Are there opportunities for child detainees to maintain contact with supportive community members or mentors outside the facility?</li> <li>7. What measures ensure the safety and security of both detainees and visitors during visits?</li> </ol>

	<ol style="list-style-type: none"> <li>8. How do child detainees provide feedback on the quality of family communication processes?</li> <li>9. Are there channels for families to raise concerns or requests regarding communication with child detainees?</li> <li>10. How are complaints or grievances related to family communication handled and resolved?</li> </ol>
Education and reintegration	<ol style="list-style-type: none"> <li>1. What educational programs or schooling opportunities are available to child detainees within the facility?</li> <li>2. How are educational materials and resources tailored to meet the diverse learning needs and interests of child detainees?</li> <li>3. Are vocational training programs offered to child detainees to develop practical skills for their future? Which ones?</li> <li>4. What measures are in place to ensure that child detainees have access to educational opportunities that align with national curriculum standards?</li> <li>5. How are educational progress and achievements of child detainees monitored and documented within the facility?</li> </ol>
Recidivism	<ol style="list-style-type: none"> <li>1. How does the facility monitor and analyse recidivism rates among child detainees?</li> <li>2. Which factors contribute to recidivism, among child detainees?</li> <li>3. How does the facility assess the effectiveness of rehabilitation programs in reducing recidivism?</li> <li>4. Are there specific programs or strategies proven to be effective in lowering recidivism rates?</li> <li>5. How does the facility collaborate with external organisations to offer ongoing support post-release?</li> <li>6. What initiatives involve the community in promoting restorative justice and reducing recidivism?</li> </ol>
Religion Belief and Practices	<ol style="list-style-type: none"> <li>1. How are the religious beliefs and practices of child detainees respected and accommodated within the facility?</li> <li>2. Are there designated spaces or times for child detainees to engage in religious rituals or ceremonies?</li> <li>3. How are conflicts or misunderstandings arising from religious diversity among child detainees resolved?</li> <li>4. What measures are in place to ensure that child detainees feel comfortable expressing and practising their beliefs?</li> </ol>
Notification and Communication	<ol style="list-style-type: none"> <li>1. How are communication channels between staff members and child detainees monitored to ensure transparency and accountability and timely updates?</li> <li>2. Are there procedures in place to accommodate child detainees who may have limited literacy or language skills?</li> <li>3. How are communication privileges regulated to ensure that they are used appropriately and responsibly by child detainees?</li> <li>4. Are there opportunities for child detainees to provide feedback on the effectiveness of communication systems within the facility?</li> </ol>
Access to legal services and complaints	<ol style="list-style-type: none"> <li>1) How do children submit complaints?</li> <li>2) How do you ensure it is anonymous and safe?</li> <li>3) Are all the children represented by a lawyer?</li> <li>4) How often do the lawyers visit?</li> <li>5) When a child needs legal representation, do you arrange it? How?</li> </ol>

Specific needs	<ol style="list-style-type: none"> <li>1. What are the measures taken to ensure access to specific needs linked to the initial assessment (disability, gender variance, etc)</li> <li>2. What are the measures taken to protect children with specific needs from harassment and discrimination?</li> </ol>
Follow-up and reporting	<ol style="list-style-type: none"> <li>1. How are inspection findings communicated to relevant stakeholders within the facility, including management and frontline staff?</li> <li>2. Are there mechanisms in place for child detainees to provide feedback on the outcomes of reported issues or concerns?</li> <li>3. How do you track and monitor the implementation of recommendations from previous inspections or audits to ensure continuous improvement?</li> <li>4. What steps are taken to address systemic issues or challenges identified through inspection reports or detainee feedback?</li> <li>5. How often are follow-up visits conducted to assess the progress made in addressing recommendations or addressing concerns raised during inspections?</li> </ol>
Personal reflection	Any suggestions on your side to improve the situation for children in conflict with the law in closed settings?

## 7.6 Legal framework

<b>INTERNATIONAL INSTRUMENTS</b>	
<b>UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD</b>	
<b>Article 3</b>	It requires States Parties to “ensure that the institutions, services and facilities responsible for the care or protection of children (...) conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”
<b>Article 3 (best interest of the child)</b>	“The best interests of the child must be a top priority in all decisions and actions that affect children.”
<b>Article 16 (right to privacy)</b>	“Every child has the right to privacy. The law should protect the child’s private, family and home life, including protecting children from unlawful attacks that harm their reputation.”
<b>Article 24 (health and health services)</b>	“Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.”
<b>Article 33 (drug abuse):</b>	“Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.”
<b>Article 37 (a) and (c)</b>	“no child shall be subjected to torture or other cruel, inhumane or degrading treatment or punishment” and “every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.”
<b>Article 40 (juvenile justice)</b>	“A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.”

<b>Article (knowledge rights)</b>	<b>42 of</b>	"Governments must actively work to make sure children and adults know about the Convention."
<b>INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)<sup>19</sup></b>		
<b>Article 6 (1):</b>		"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."
<b>Article 6 (5)</b>		"Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women."
<b>Article 7</b>		"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."
<b>Article 9 (1)</b>		"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."
<b>Article 9(2)</b>		"Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."
<b>Article 9(3)</b>		"Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgement."
<b>Article 9 (4)</b>		"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."
<b>Article 9 (5)</b>		"Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation."
<b>Article 10 (1)</b>		"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."
<b>Article 10 (2) (b)</b>		"Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication."
<b>Article 10 (3)</b>		"The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status."
<b>Article 14 (1)</b>		"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law....but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children."
<b>Article 14 (4)</b>		"In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation."
<b>Article 24 (1)</b>		"Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."
<b>CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)<sup>20</sup></b>		
<b>Article 33</b>		It obliges States Parties to "maintain, strengthen, designate or establish, a framework, including one or more independent mechanisms, as appropriate, to promote, protect

<sup>19</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>20</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

	and monitor implementation of the present Convention (...) [taking] into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”
<b>UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT</b> <sup>21</sup>	
<b>Article 2 (prevention of torture)</b>	A State Party has an obligation to take effective measures to prevent acts of torture in any territory under its jurisdiction, including legislative, administrative, judicial, or other measures. Article 2(2) states that “no exceptional circumstances whatsoever” may be invoked in justification of torture.
<b>Article 4 (the criminalisation of torture)</b>	A State Party is required to ensure that all acts of torture are offences under their criminal law, including attempts to commit torture and acts by any person which constitutes complicity or participation in torture. The Committee against Torture requires that States use, as a minimum, the definition of torture included in Article 1 of the Convention.
<b>Article 10 (training officials)</b>	A State Party is required to ensure that all law enforcement personnel, medical personnel, public officials, and other persons who may be involved in custody, interrogation or treatment of any person are trained regarding the prohibition against torture, and that the rules relating to their duties incorporate the prohibition
<b>Article 11 (review of detention procedures)</b>	A State Party must keep under systematic review interrogation rules, instructions, methods, and practice as well as arrangements for the custody and treatment of persons under any form of arrest, detention, or imprisonment.
<b>Article 12 (prompt and impartial investigation)</b>	A State Party must ensure a prompt and impartial investigation where there is a reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.
<b>Article 13 (right to complain)</b>	A State Party must ensure that victims of torture have a right to complain to competent authorities, and to have their case promptly and impartially examined. Steps must be taken to protect the complainant and any witnesses against all ill-treatment or intimidation as a result of the complaint
<b>Article 14 (right to redress)</b>	A State Party must ensure that victims of torture obtain redress and has an enforceable right to compensation, including the right to as full rehabilitation as possible.
<b>Article 16 (ill-treatment)</b>	Each State Party is obliged to prevent in any territory under its jurisdiction other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture as defined in Article 1.
<b>GENERAL COMMENT 24 OF THE UNCRC</b> <sup>22</sup>	
<b>Non-discrimination (Article 2)</b>	States must ensure that all children in conflict with the law are treated fairly and without discrimination based on race, ethnicity, gender, disability, or any other status
<b>Best interests of the child (Article 3)</b>	The best interests of the child should be a primary consideration in all decisions and actions concerning children in conflict with the law
<b>Right to life, survival, and development (Article 6)</b>	Children have the right to life, survival, and development, and States must take measures to protect these rights, including by providing appropriate care and support
<b>Respect for the views of the child (Article 12)</b>	Children have the right to express their views and have them taken into account in all matters affecting them, including in legal proceedings.
<b>Protection from violence, abuse,</b>	States must protect children in conflict with the law from all forms of violence, abuse, and neglect, both within the justice system and in society at large

<sup>21</sup> <https://redress.org/wp-content/uploads/2018/10/REDRESS-Summary-of-UNCAT-2018.pdf>  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>22</sup> <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>

and neglect (Article 19)	
Legal safeguards (Article 40)	Children have the right to legal safeguards and procedural guarantees, including the right to legal representation (Article 37(d)), the right to be heard (Article 12), and the right to a fair trial (Article 40).
Alternatives to detention (Article 37)	States should prioritize alternatives to detention for children whenever possible, such as diversion programs, community-based rehabilitation, and restorative justice approaches
Conditions of detention (Article 37(b))	If detention is necessary, States must ensure that conditions of detention are humane and meet international standards, including access to education, healthcare, and recreational activities
Reintegration and rehabilitation (Article 39)	States have a duty to promote the reintegration and rehabilitation of children in conflict with the law into society, including through education, vocational training, and support services
<b>GENERAL COMMENT 2 OF THE CHILD RIGHTS COMMITTEE<sup>23</sup></b>	
Article 9	NHRIs should be accorded such powers as are necessary to enable them to discharge their mandate effectively, including the power to hear any person and obtain any information and document necessary for assessing the situations falling within their competence. These powers should include the promotion and protection of the rights of all children under the jurisdiction of the State party in relation not only to the State but to all relevant public and private entities.”
Article 19(s)	“Undertake visits to juvenile homes (and all places where children are detained for reform or punishment) and care institutions to report on the situation and to make recommendations for improvement.”
<b>OPTIONAL PROTOCOL TO THE UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (UNCAT)<sup>24</sup></b>	
Introductory Note	The optional protocol aims to “establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhumane or degrading treatment or punishment.” It requires States Parties to establish one or several independent national mechanisms to prevent torture in the country and in so doing, to give due consideration to the principles related to the status of national institutions mandated to promote and protect human rights.
<b>UN RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (HAVANA RULES)<sup>25</sup></b>	
Section M (Articles 72-78)	Calls for the appointment of independent inspectors with the power to conduct unannounced and regular inspections of facilities with unrestricted access to employees, juveniles and records, and with full guarantees of independence in the exercise of this function. They also specify that an independent office (Ombudsman) should receive and investigate complaints made by juveniles deprived of their liberty.
<b>THE NELSON MANDELA RULES<sup>26</sup></b>	
Rule 1	underscores the principle of non-discrimination, emphasizing that children in conflict with the law should be treated with humanity and respect for their inherent dignity.
Rule 2	emphasizes non-discrimination and taking into account the individual needs of prisoners. It requires that measures to protect and promote the rights of prisoners with special needs <b>should not</b> be regarded as discriminatory.
Rule 11 (d)	specifically addresses the separation of young prisoners from adults, highlighting the importance of keeping young offenders separate from adult inmates.

<sup>23</sup> [https://digitallibrary.un.org/record/490983/files/CRC\\_GC\\_2002\\_2-EN.pdf](https://digitallibrary.un.org/record/490983/files/CRC_GC_2002_2-EN.pdf)

<sup>24</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

<sup>25</sup> [https://digitallibrary.un.org/record/105555/files/A\\_RES\\_45\\_113-EN.pdf](https://digitallibrary.un.org/record/105555/files/A_RES_45_113-EN.pdf)

<sup>26</sup> [https://www.unodc.org/documents/justice-anprison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-anprison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

<b>Rule 23 (2)</b>	mentions providing physical and recreational training for young prisoners during exercise periods, indicating the need to cater to the developmental needs of young offenders.
<b>Rule 33</b>	mandates that the physician or other qualified health-care professionals regularly inspect and advise the prison director on matters concerning the health and well-being of prisoners
<b>Rule 36</b>	emphasizes that discipline and order in prisons should be maintained with no more restriction than necessary to ensure safe custody
<b>Rule 41</b>	ensures due process rights for prisoners who are accused of disciplinary offences. It mandates that prisoners be informed promptly, and in a language that they understand, of any allegations against them and be given adequate time and facilities for the preparation of their defence
<b>Rule 45</b>	addresses the use of solitary confinement. It prohibits the use of solitary confinement for children and emphasizes the need to avoid practices that amount to torture or other cruel, inhuman, or degrading treatment.
<b>Rule 47</b>	addresses the use of instruments of restraint on prisoners. It emphasizes that such instruments should only be used when necessary and under specific circumstances, with a focus on minimizing harm and respecting human dignity.
<b>Rule 50</b>	pertains to the conduct of searches of prisoners and cells, emphasizing the need to respect the dignity and privacy of individuals
<b>Rule 60</b>	states that body cavity searches should be avoided and should not be applied to children.
<b>Rule 64</b>	emphasizes the importance of providing every prison with a library stocked with both recreational and instructional books. It ensures that prisoners have access to educational and reading materials to support their intellectual development and rehabilitation
<b>Rule 65</b>	addresses the religious rights of prisoners, stating that every prisoner should have the opportunity to satisfy their religious needs by attending services provided in the prison and having religious books of their denomination in their possession.
<b>Rule 68</b>	ensures that every prisoner has the right and means to inform their family or designated contact person immediately about their imprisonment, transfer to another institution, or any serious illness or injury.
<b>Rule 88</b>	stresses the importance of maintaining family relations and safeguarding the rights of prisoners, including young offenders, regarding civil interests and social security benefits.
<b>Rule 92</b>	emphasizes the provision of education, vocational guidance, and training tailored to the individual needs of each prisoner.
<b>Rule 93</b>	advocates for the separation of prisoners into different groups and the provision of varying degrees of security, relevant to ensuring the safety and well-being of juvenile offenders.
<b>Rule 105</b>	highlights the importance of recreational and cultural activities for the mental and physical health of prisoners, including juvenile offenders.
<b>BEIJING RULES<sup>27</sup></b>	
<b>Basic Principles – Article 1</b>	The rules emphasize that juveniles should be treated with humanity and respect for their human rights, regardless of the reasons for their deprivation of liberty.
<b>Non-Discrimination – Article 2</b>	The rules stress that juveniles should not be discriminated against based on factors such as race, ethnicity, religion, or social status.
<b>Best Interests of the Child - Article 4</b>	The best interests of the child should be a primary consideration in all decisions and actions concerning juvenile offenders
<b>Alternative Measures to Detention – Article 6</b>	The rules advocate for the use of alternative measures to detention whenever possible, such as diversion programs, probation, or community service

<sup>27</sup> <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf>

<b>Conditions of Detention – Article 10</b>	The rules provide guidelines for the conditions of detention, including the need for proper facilities, education, healthcare, and recreation.
<b>Legal Safeguards – Article 11</b>	Juveniles are entitled to legal safeguards, including the right to legal counsel and the right to challenge their detention
<b>Rehabilitation and Reintegration – Article 13</b>	The rules emphasize the importance of rehabilitation and reintegration into society, including education, vocational training, and support services
<b>Prevention of Violence and Abuse – Article 16</b>	Measures should be taken to prevent violence, abuse, and exploitation of juveniles in detention.
<b>Monitoring and Oversight – Article 17</b>	There should be mechanisms in place to monitor and oversee the implementation of the rules, including inspections of detention facilities
<b>International Cooperation – Article 22</b>	International cooperation is encouraged to address issues related to juvenile justice and to promote the rights and welfare of juvenile offenders.
<b>UNITED NATIONS OFFICE on DRUGS and CRIME GUIDELINES on JUSTICE for CHILDREN in CONFLICT with the LAW<sup>28</sup></b>	
<b>Article 37</b>	<p>“States parties shall ensure that:</p> <p>(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;</p> <p>(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;</p> <p>(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;</p> <p>(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”</p>
<b>Article 40 (1)</b>	“States parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society
<b>Article 40 (2)</b>	<p>To this end, and having regard to the relevant provisions of international instruments, States parties shall, in particular, ensure that:</p> <p>“(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;</p> <p>(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:</p>

<sup>28</sup><https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-13/key-issues/4--justice-for-children-in-conflict-with-the-law.html>

	<p>(i) To be presumed innocent until proven guilty according to law;</p> <p>(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;</p> <p>(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;</p> <p>(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;</p> <p>(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;</p> <p>(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;</p> <p>(vii) To have his or her privacy fully respected at all stages of the proceedings.”</p>
<b>Article 40 (3)</b>	<p>“States parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:</p> <p>(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;</p> <p>(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.”</p>
<b>Article 40 (4)</b>	<p>“A variety of dispositions, such as care, guidance, and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”</p>
<b>SPECIAL GUIDANCE IN THE CONTEXT OF A PANDEMIC (COVID19):<sup>29</sup></b>	
This text provides technical guidance for the NCHR to adjust its methodology and pursue its independent monitoring of the rights of children in conflict with the law in closed settings despite epidemic/pandemic related constraints.	
<b>DOMESTIC LAWS</b>	
<b>CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN (1973)<sup>30</sup></b>	
<b>Article 4 - Right to Personal Liberty</b>	this provision guarantees the inalienable right of every citizen to be treated in accordance with the law, protecting them from actions detrimental to their life, liberty, body, reputation, or property except as prescribed by law, ensuring freedom to act within legal bounds and prohibiting compulsion to undertake actions not mandated by law.
<b>Article 9 - Security of Person</b>	this provision protects the security of a person, stating that no person shall be deprived of life or liberty except in accordance with the law.
<b>Article 10 - Safeguards as to Arrest and Detention</b>	this provision provides safeguards regarding arrest and detention, including the right to be informed of the grounds for arrest, the right to legal representation, and the right to be produced before a magistrate within 24 hours of arrest.

<sup>29</sup> [https://www.unodc.org/pdf/criminal\\_justice/endVAC/Children\\_in\\_detention\\_COVID-19\\_Menu\\_of\\_services.pdf](https://www.unodc.org/pdf/criminal_justice/endVAC/Children_in_detention_COVID-19_Menu_of_services.pdf)

<sup>30</sup> [https://biblioteka.sejm.gov.pl/wp-content/uploads/2017/04/Pakistan\\_ang\\_010117.pdf](https://biblioteka.sejm.gov.pl/wp-content/uploads/2017/04/Pakistan_ang_010117.pdf)

<b>Article 11</b>	addresses the issue of slavery, forced labor, and trafficking in persons. It is a crucial provision that aims to eliminate these practices and protect the fundamental rights of individuals
<b>Article 14 - Inviolability of dignity of man</b>	“(1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.” “(2) No person shall be subjected to torture for the purpose of extracting evidence.”
<b>Article 25 – Equality of Citizens</b>	: this provision ensures equality before the law for all citizens, entitling them to equal protection, prohibits discrimination based on sex, while allowing for special provisions to be made for the protection of women and children.
<b>Article 38 - Promotion of Social and Economic Well-being:</b>	this provision requires the State to secure the well-being of the people, including the provision of basic necessities of life, such as food, clothing, housing, education, and medical relief.
<b>PAKISTAN PENAL CODE (PPC)</b>	
<b>Section 82 of the Pakistan Penal Code</b>	“nothing is an offence which is done by a child under 10 years of age”.
<b>Section 83 of the Pakistan Penal Code</b>	extends the relaxation of criminal responsibility up to the age of 14 years, if the juvenile has not attained sufficient maturity to judge the nature and consequences of his/her conduct on this occasion
<b>JUVENILE JUSTICE SYSTEM ACT, 2018<sup>3132</sup></b>	
The Juvenile Justice System Act 2018 of Pakistan is a comprehensive legal framework designed to ensure the protection, rehabilitation, and fair treatment of juvenile offenders within the criminal justice system. The Act emphasizes the best interests of the child as the guiding principle in all matters concerning juvenile offenders (Section 2), advocating for reformative approaches such as diversion and rehabilitation programs (Sections 9, and 15). It establishes special procedures and courts dedicated to handling juvenile cases (sections 4 and 10), with provisions for the protection of juvenile rights, confidentiality, and privacy (Sections 3, 13 and 14). The Act prohibits certain practices detrimental to juveniles, such as corporal punishment and placement in adult detention facilities (Sections 16 and 17). Additionally, it outlines mechanisms for monitoring and evaluation to ensure compliance and effectiveness of the juvenile justice system (Section 22). Overall, the Act aims to promote the well-being and reintegration of juvenile offenders into society while upholding their rights and dignity.	

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<sup>31</sup> <https://sja.gos.pk/assets/library/acts/jjsa2018.pdf>

<sup>32</sup> For additional information pertaining to Children on the Move in conflict with the law, check the following link: <https://www.nchr.gov.pk/wp-content/uploads/2022/12/The-Plight-of-Afghan-Refugees.pdf>

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