



THE LEGAL
FRAMEWORK FOR

CHILD PROTECTION

IN SOUTH ASIA



EXECUTIVE
SUMMARY



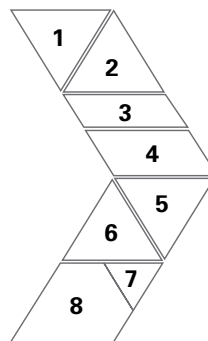
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Cover Photo:

- 1** © UNICEF/UN048309/Kiron
Rabbi (14) engaged in recreational group activities at an Adolescent Club in Chachra Modhopara, Jessore Sadar, Bangladesh.
- 2** © UNICEF/UN0285283/Mohammadi
Zeinab, 12 years old left Qades district of Badghis province due to conflict in Afghanistan. Settled in Zaimati camp, she participates in the child friendly space and enjoys sometime with her friends.
- 3** © UNICEF/UNI28601/Haviv
A boy at a camp for displaced people of the Tamil ethnic group in Eastern Province, Sri Lanka.
- 4** © UNICEF/UN0331393/Das
The Kanyashree Club girls discuss ideas with their teacher, Karanjali Balika Vidyalaya, Kulpi, 24 Parganas, West Bengal, India.
- 5** © UNICEF/UNI202391/Lopez
Child monks were among the most disadvantaged of Bhutan's children alongside poor/working children and children with disabilities.
- 6** © UNICEF/UN0308126/Zaidi
A married girl attending her class in UNICEF supported Accelerated Learning Programme (ALP) center in Hussain Buksh Jatoi village, Khairpur district, Sindh province, Pakistan.
- 7** © UNICEF/UNI41465/Pirozzi
A girl smiles on Gan Island in Laamu Atoll, Maldives. She is from a host family that took in 13 people affected by 2004 earthquake.
- 8** © UNICEF/UN0118463/Shrestha
A group of children walk to school on the first day of classes since floods disrupted schooling in Shitalpur Bairgania village in Rautahat Districts, Nepal.



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PREFACE

Every child has the rights to be protected from violence, abuse, exploitation and neglect guaranteed by the Convention on the Rights of the Child. All countries in South Asia are a State Party to the Convention. State Parties are obliged to undertake all appropriate legislative, administrative and other measures to implement the rights enshrined in the Convention.

Violence, abuse, exploitation and neglect are part of the lives of the children of South Asia. 36 per cent of girls and women aged 15-19 years in Bangladesh suffered domestic violence. 72 per cent of boys and men aged 15-49 years in Afghanistan considered a husband to be justified in hitting or beating his wife. 82 per cent of girls and boys in Nepal experienced violent discipline. 30 per cent of South Asian women aged 20-24 years were married before age 18. Child labour continue to exist with about 29 per cent in Afghanistan and 12 per cent in India.

A legal framework is one contribution to the prevention and response to violence. It contributes to the functioning of child protection systems; providing a framework for prevention, early interventions and response services and direction on funding required. While countries in South Asia continue to strengthen their national and sub-national legislation in their efforts to tackle these harms, there continue to be significant gaps.

The Report on *the Legal Framework for Child Protection in South Asia* reviews the legislation in the eight countries in South Asia and their alignment with international laws and standards. While progress has been made, the review finds significant gaps in the legal framework for child care and protection services, prohibition of all forms of violence against children and justice for children. The report provides recommendations in areas where countries may need to consider strengthening.

No child should experience violence. I am confident that this report will contribute to the efforts to end all violence against all children.



Jean Gough
Regional Director South Asia

EXECUTIVE SUMMARY

Children’s protection from all forms of violence, abuse, neglect and exploitation is a fundamental right guaranteed by the Convention on the Rights of the Child (CRC). Violence against children occurs in every country of the world and in all spheres of their lives, including in the home, at school, at work and in the community generally. For millions of South Asian children, violence is widespread and pervasive and remains a harsh reality of their lives, with long-lasting consequences.

This report assesses the progress of eight South Asia countries – Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka – in aligning national child protection legislation with international standards. This includes:

1. Legal framework for child care and protection services: Whether governments have a solid legal framework in place to guide the delivery of child protection prevention, early intervention and response services for children and their families;
2. Legal framework for prohibition of all forms of violence against children: The extent to which all forms of violence against children in the home, school and community have been clearly defined and prohibited; and
3. Legal framework for justice for children: Whether national legislation ensures access to justice for child victims/witnesses, children in conflict with the law and children involved in family or civil disputes.

LEGAL FRAMEWORK FOR CHILD CARE AND PROTECTION SERVICES

All countries in the region other than Bangladesh have a general statement of the government’s responsibility to protect children from all forms of violence, abuse, neglect and exploitation and to provide support to children in need of protection, generally under the Constitution and/or child protection laws. All countries have child protection laws that mandate a government agency to coordinate, regulate and oversee child protection services. In Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, Pakistan and Sri Lanka, multisectoral child protection committees or boards have been established to promote inter-agency collaboration, and in Bangladesh, Bhutan, India, Nepal and Pakistan, legislation also requires the appointment of district-level child protection units and/or child protection officers. However, legislation in Afghanistan and the province of Punjab in Pakistan lacks a comprehensive statement of the obligation on central and state-level child protection authorities to ensure delivery of child protection services for children and families. In Bangladesh, Nepal, two Pakistan provinces (Balochistan, Islamabad Capital Territory [ICT]) and Sri Lanka, the role of the child protection authority is framed primarily in terms of response rather than a full continuum of prevention, early intervention and response services. Only in Bhutan, Maldives, Nepal and some Pakistan provinces (Balochistan, Gilgit-Baltistan, Sindh) does the child protection authority have a clear responsibility to monitor and regulate all child protection service providers and not just residential care facilities and other alternative care providers.

Legislation in most South Asia countries includes a definition of ‘children in need of protection’ or ‘disadvantaged children’ outlining the circumstances where services and interventions may be needed to protect a child. However, laws in most countries lack clear guidance on inter-agency reporting and referral of all suspected cases of children in need of protection.

Only Bhutan, Maldives and Nepal make it mandatory to report all cases of children in need of protection to the child protection authority. Legislation in Bhutan, India and some Pakistan provinces (Balochistan, Gilgit-Baltistan, Khyber Pakhtunkhwa, ICT) outlines a child-centred process for social welfare assessment and intervention planning to support and protect the child. The emphasis is on family support interventions, and removal of children from their homes is only done where necessary and in their best interest. However, child protection laws in Afghanistan, Bangladesh, Maldives, two Pakistan provinces (Punjab, Sindh) and Sri Lanka focus primarily on procedures for rescue and removal of children and bringing them before the court for a protection order, without clear guidance on assessment and care planning.

All countries in the region give the courts or other competent authority the power to issue protection orders in the best interest of the child, including supervision orders and care orders removing a child from his/her parents or caregivers. Child protection laws in Afghanistan, Bhutan, India, Maldives, Nepal, some Pakistan provinces (Balochistan, Gilgit-Baltistan, Khyber Pakhtunkhwa) and Sri Lanka explicitly require that any decision be governed by the best interest of the child, and Bhutan and Maldives further require that consideration be given to the child's gender and any special needs relating to disability. In Afghanistan, Bhutan, India, Maldives and some Pakistan provinces (Balochistan, Gilgit-Baltistan, ICT), the courts are explicitly required to ensure active participation of both the child and parents in the child protection hearing. However, laws in some Pakistan provinces (Punjab, Sindh, Khyber Pakhtunkhwa) and Sri Lanka do not make it clear that parents are parties to the proceedings and have the right to be heard, and Punjab and Sindh in Pakistan and Sri Lanka do not make provision for the child to be heard. Bangladesh guarantees the right of the child to participate in the court hearing but not his/her parents.

Progress has been made across South Asia in strengthening the legal framework governing alternative care for children. All countries except Afghanistan have designated a government agency to oversee residential care facilities for children, but only laws in Bangladesh, Bhutan, India, Maldives and Nepal have a competent authority responsible for ensuring the well-being of children in all types of alternative care. Whilst laws generally provide for a range of alternative care options, the focus of legislation in most countries is primarily on the establishment and management of residential types of alternative care. Only laws in India and Maldives make specific provision for the proactive recruitment of foster parents. Legislation in Bhutan, India, two Pakistan provinces (Punjab, Sindh) and Sri Lanka makes it compulsory for residential care providers to be approved and registered by a government authority, and failure to do so is an offence. Only Bhutan, Maldives and India make specific provision for approval of all alternative care providers, including kinship carers and foster carers.

Despite the high numbers of children in residential care throughout South Asia, legislation in most countries does not provide sufficiently rigorous gatekeeping, monitoring and oversight of all children in alternative care. Legislation in Bangladesh, Bhutan and India outlines a standard process and criteria for the admission of children into an alternative care setting based on a comprehensive assessment and best interest determination, but other countries lack a standardized process for such admissions. Only India's legislation explicitly requires all children in alternative care to have an individual care plan, and only Afghanistan, Bangladesh, India and Nepal require regular periodic review of placements.

Among the countries in the region that permit domestic and intercountry adoption, only India has in place relatively comprehensive adoption safeguards in line with international standards. Adoption legislation in Bhutan, Nepal and Sri Lanka has significant gaps and does not fully ensure that children are protected from adoption abuses. Afghanistan, Bangladesh, Maldives and Pakistan neither recognize nor permit adoption but do allow the courts to appoint a guardian for a child. However, guardianship laws lack procedures to ensure that the appointment is based on a best interest determination and do not have sufficient safeguards to address appointment of guardians who are not habitually resident in, or intend to remove the child from, the country.

Surrogacy is an issue of growing concern in South Asia, and although India and Nepal have recently taken steps to curb commercial surrogacy through ministerial circulars or directives, as yet no country has introduced legislation to comprehensively address this area.

LEGAL FRAMEWORK FOR PROHIBITION OF ALL FORMS OF VIOLENCE AGAINST CHILDREN

All South Asia countries have provisions in law to address severe forms of physical violence against children, but only Nepal's Act Relating to Children, 2018, and Pakistan's Sindh province's Prohibition of Corporal Punishment Act, 2016, fully prohibit all use of physical force against children, however light, in all settings. In all South Asia countries, severe forms of physical abuse of children would be punishable under criminal offences of causing hurt, criminal force, battery or assault. Afghanistan and Nepal also prohibit any use of force against a child, regardless of injuries. However, in Bangladesh, India, Maldives, Pakistan and Sri Lanka, the penal codes include a broad justification for use of reasonable force against a child by a parent, guardian or other person in charge of the child.

Progress has been made across the region in penalizing all forms of child sexual abuse but gaps remain. The age of consent for sex is 18 years in Afghanistan, Bhutan, India and Nepal and 16 years in Bangladesh, Pakistan and Sri Lanka. Child sexual offences are defined in gender-neutral terms in Afghanistan, Bhutan, India and Maldives, but in Bangladesh, Pakistan and Sri Lanka, statutory rape is defined as an act committed by a male against a female and therefore applies only to girls. Bangladesh and Sri Lanka apply a lower age of consent regarding statutory rape if the perpetrator is married to the girl. In Afghanistan, Bhutan, India, Maldives and Nepal, the high age of consent means that all adolescents are subject to arrest and prosecution for any consensual sexual contact. Afghanistan, Bangladesh, Bhutan, Maldives, Pakistan and Sri Lanka also have separate offences that penalize consensual same-sex intercourse and thus discriminate against LGBTQ adolescents.

Whilst all countries in the region have offences relating to commercial sexual exploitation of children, only Sri Lanka has a separate and distinct offence of child prostitution that is applicable to both girls and boys and defined to prohibit all conduct required by the Optional Protocol to the CRC (OPSC) on the sale of children, child prostitution and child pornography i.e., offering, obtaining, procuring or providing. None of the South Asia countries has a distinct offence for organizing, facilitating or promoting sexual exploitation of children in travel and tourism, though some acts could be penalized under general provisions with respect to child sexual abuse and sexual exploitation. All countries in the region have taken steps to penalize trafficking in children; however, in Bhutan, India and Nepal the offence is not defined in line with the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the South Asian Association for Regional Cooperation (SAARC) Convention as it requires the use of force, coercion, threats and suchlike in cases involving children. In many South Asia countries, sale of children in all its forms is not fully recognized as an offence separate and distinct from trafficking. Only India has a broad offence penalizing the sale of children for all purposes.

Across the region, there has been some progress in addressing child pornography; however, only India and Nepal have relatively comprehensive child pornography offences defined in accordance with the OPSC and penalizing everyone involved in the chain of supply and demand. Other countries either address child pornography under general crimes relating to obscene material (Afghanistan, Bangladesh, Maldives), or fail to define child pornography material in line with the OPSC (Bhutan, Pakistan, Sri Lanka). Bhutan, India and Pakistan also include child pornography offences in their cybercrime laws and have introduced legislative measures to

address grooming, online solicitation and other aspects of online protection. Maldives has recently introduced a new offence to combat grooming of children.

Although steps have been taken in recent years to address child and forced marriages, the marriage of children under the age of 18 remains permissible in Afghanistan, Bangladesh, Bhutan, Pakistan and Sri Lanka, and only Maldives, Nepal and Sri Lanka have set the same age for girls and boys. Laws in Afghanistan, Bangladesh, India, Nepal and two Pakistan provinces (Punjab, Sindh) make it an offence to contract, arrange, facilitate or conclude the marriage of a person under the legal minimum age for marriage. In Afghanistan, Bangladesh, Bhutan and Pakistan, this offence does not apply to all child marriages as laws allow some children to legally marry under the age of 18.

All countries in the region have legislated a minimum age for employment or work of children, which ranges from 13 years in Bhutan to 14 in Bangladesh, India, Nepal and Sri Lanka, 15 in Afghanistan and 16 in Maldives. Labour laws in Bangladesh, India, Nepal and some Pakistan provinces (Khyber Pakhtunkhwa, Punjab, Sindh) include limitations on the type of work that children under the age of 18 can perform and the hours and conditions of work. All countries except Pakistan (federal law) set 18 as the minimum age for engaging children in work that is hazardous or harmful, and all but Maldives have issued a list of prohibited hazardous or harmful work.

None of the South Asia countries have in place provisions for compulsory recruitment into the armed forces. The minimum age for voluntary recruitment is 18 in Afghanistan, Maldives, Nepal and Sri Lanka, 17 in Bangladesh, 16 in Pakistan and 16.5 in India. Afghanistan, India, Nepal and Sri Lanka have criminalized the recruitment or use in hostilities of children under the age of 18 by armed groups, but this issue has yet to be adequately addressed in Bangladesh, Maldives and Pakistan.

South Asia countries have taken steps to identify and prohibit traditional practices harmful to children, including the following: sex selective abortions and female infanticide (India and Nepal); acid crimes (Bangladesh, India, Nepal, Pakistan); dowry violence (Bangladesh, India, Nepal); sexual exploitation of boys by men known locally as '*bacha baazi*' (Afghanistan); female bonded labour or *kamalari* (Nepal); dedicating a woman or girl to a deity or temple (India, Nepal); and giving of women and girls in settlement of disputes (Afghanistan, Pakistan). However, India and Sri Lanka do not have in place legislation to address female genital mutilation/ cutting, while sex selective abortions, dowry violence and honour killings have not been fully prohibited across the region.

LEGAL FRAMEWORK FOR JUSTICE FOR CHILDREN

A) Child victims and witnesses in criminal proceedings: Most South Asia countries have taken some steps to strengthen access to justice for child victims and witnesses in line with the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. In all countries in the region except Afghanistan, Maldives and Pakistan, children are recognized as competent witnesses and national laws do not set an age limit for children to testify, do not presume that children's evidence is less trustworthy and do not require as a matter of law that their evidence be corroborated or require a certain number of witnesses as proof of any fact. However, in Afghanistan, Maldives and Pakistan, successful prosecution of crimes against children is hampered by the lesser status given to children's evidence before the courts. In Afghanistan and Sri Lanka, the child's parent or guardian must make a complaint or give consent to initiate prosecution in certain crimes against children.

Legislation in Afghanistan, Bangladesh, Bhutan, India (sexual offences only), Nepal and Sri Lanka expressly recognizes the special vulnerability of child victims and witnesses and the

need for child-sensitive approaches, guided by the best interest of the child. Some countries also make provision for measures to facilitate children’s testimony and reduce contact with the accused. These include the use of screens (Afghanistan, India, Bangladesh, Pakistan), testimony via video-recorded statement (Afghanistan, Bangladesh, India, Maldives, Pakistan, Sri Lanka), use of live-link or closed-circuit television (Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka), prevention of aggressive questioning of the child (India, Bhutan, Sri Lanka) and removing the accused from the courtroom whilst the child is testifying (Afghanistan, Bangladesh, Nepal). Sometimes such measures are limited. In India, the law only provides for use of these measures in cases of child sexual offences, and in Maldives and Pakistan, for victims of specified sexual offences and trafficking. All countries in the region have legislative measures in place to protect the privacy of child victims and to prohibit publication of identifying information, but in Pakistan and Sri Lanka this protection relates only to victims of stipulated offences. All countries in the region allow criminal courts to impose compensation orders on the accused as part of sentencing in the criminal proceedings, thus sparing victims the added cost of initiating civil proceedings. In India, Nepal and Sri Lanka, provision has also been made for the establishment of victim compensation funds.

B) Children in conflict with the law: In all South Asia countries, juvenile justice laws have been introduced to promote a separate and distinct approach to handling children in conflict with the law. In Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, juvenile justice legislation explicitly takes precedence over all other national laws that may impact on handling children in conflict with the law. However, the age of criminal responsibility across the region remains quite low, ranging from 7 to 15 years. Only Maldives, setting the age at 15 years, meets the minimum age recommended by the United Nations Committee on the Rights of the Child (UN CRC Committee). In Sri Lanka, juvenile justice protections apply only to children under the age of 16, while in India, there is broad discretion to transfer children aged 16 years of age and older charged with a heinous offence to the Court to be tried as adults.

In all countries, children’s due process rights are guaranteed under the national constitution, criminal procedure laws and/or juvenile justice legislation. However, legislation in most countries does not fully guarantee children the right to the presence and assistance of a parent or guardian at all stages of the criminal justice process, with only Bangladesh, Bhutan, Maldives and Nepal expressly requiring a parent or guardian to be present during police questioning of a child. Legislation in Bangladesh, Maldives, Nepal and Pakistan also includes a clear guarantee of children’s right to free legal aid, requiring the State to appoint a lawyer at its expense for any unrepresented child in conflict with the law.

Some progress has been made across the region in legislating for diversion. Juvenile justice laws in all countries except India and Sri Lanka give the police or prosecutors discretion to issue a warning, promote reconciliation or refer the child to a “diversion” programme depending on the nature and circumstances of the offence as an alternative to initiating formal criminal proceedings. However, only Maldives has fully incorporated the key procedural safeguards as recommended by the UN CRC Committee, in particular the requirements that the child freely accepts responsibility for the offence, agrees to diversion conditions, and that completion of the diversion agreement results in conclusive closure of the case.

In all countries in the region, juvenile justice legislation calls for the establishment of specialized courts to handle children in conflict with the law. These courts are required to conduct children’s proceedings *in camera*, and all countries require proceedings to be separated from trials before other courts. India, Maldives and Nepal require hearings to be conducted in a child-friendly environment, and Bhutan, India and Nepal require proceedings to be conducted informally to encourage maximum participation of the child. Other countries provide limited guidance on adaptations to the courtroom environment and court procedures to facilitate children’s active participation. In Afghanistan, Bangladesh, Bhutan, India and Pakistan, the courts have been

given broad discretion to dispense with the child's attendance at trial, thus undermining their right to participate fully.

All countries in the region have introduced a broader range of sentencing options for children and include some restrictions on their imprisonment. However, in Bangladesh, India, Nepal and Sri Lanka, children charged with specified serious offences remain subject to adult terms of imprisonment; Afghanistan, Bangladesh, and Pakistan allow for judicial corporal punishment of children for some offences; Maldives, Pakistan and Sri Lanka do not expressly prohibit life imprisonment of children; and India only prohibits life imprisonment without the possibility of release.

Most countries in the region have made provision for specialized facilities for the custody and rehabilitation of children in conflict with the law, established by the government and/or operated in partnership with non-government organizations (NGOs). Laws in Bangladesh, Bhutan and Maldives also include an explicit statement of children's right to be separated from adults in all places of detention. Laws in Afghanistan, Bhutan, India, Nepal and Pakistan do not permit children under the age of 18 to be sent to prison, and Afghanistan and Bhutan support the establishment of both open and closed custody rehabilitation centres for children. Legislation in Afghanistan, Bhutan and Maldives includes detailed guidance on the care, treatment and rehabilitation of children in detention, but laws in other countries have limited provisions on standards of care and treatment for children in detention and are not governed by binding, detailed minimum standards in line with the UN Rules for the Protection of Juveniles Deprived of Liberty.

C) Access to justice for children in civil proceedings: South Asia countries have made limited progress in ensuring children's access to justice in civil proceedings. In all countries, children, as with adults, may apply to the court to challenge or seek remedy for a violation of their fundamental rights. However, limited provision is made for child-friendly complaint mechanisms or measures to assist children to initiate proceedings before the court. National human rights commissions in Afghanistan, Bangladesh, Maldives, Nepal, Pakistan and Sri Lanka and child rights commissions in India have broad authority to investigate and resolve human rights violations on their own initiative or based on a complaint from a child or someone on his/her behalf. These commissions are authorized to resolve the matter through mediation, recommendations to appropriate authorities or referring the matter to the courts. Only in Bangladesh and India can the commission institute court proceedings on behalf of a child.

Under civil procedure laws in all countries other than Maldives, children can only initiate or defend civil proceedings through a next friend or *guardian ad litem* (person appointed for the purposes of the legal proceedings). Legislation only requires the court to ensure that a *guardian ad litem* is appointed for the child where he/she is a party to the proceedings (plaintiff or defendant), and the process for requesting appointment of a guardian is not accessible and/or child friendly. No country explicitly makes provision for a *guardian ad litem* or other legal representative to be appointed to defend and protect the rights of children in family or civil law proceedings that affect them (e.g., custody disputes between their parents).

Children's right to express their views in relation to any decision about their care, custody or guardianship is not fully guaranteed in all countries. With respect to custody disputes between parents, laws in Afghanistan, Bangladesh, Bhutan, India and Sri Lanka do not make provision for children to express their opinion, and in Nepal the law states only that the court "may" obtain the child's views. In guardianship matters, the courts in Bangladesh, India and Pakistan may, but are not required, to elicit the child's views. Afghan courts must decide on the appointment of a guardian in the presence of the child, but there is no requirement that the child's views be

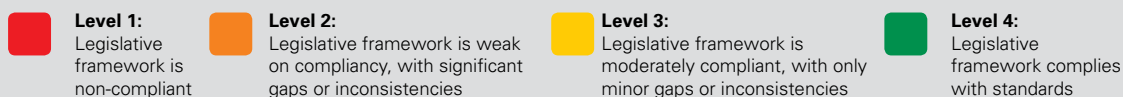
heard and given due consideration. In some countries, children from a specified age have the right to choose their guardian (age 10 in Nepal and Sri Lanka) or to select which parent they will live with (7 in Pakistan and Maldives, 9 in Bhutan). However, none of the countries in South Asia have child-friendly procedures to facilitate children's informed participation in civil proceedings (other than in relation to protection orders and adoption) and to ensure they are supported in reaching a fully informed opinion and to express their views freely and without undue influence.

CONCLUSIONS

South Asia countries have made progress in strengthening their national legal frameworks for child protection. What this review has shown however, is that significant gaps remain and more needs to be done to align legislation with international standards. Although the level of compliance varies between countries, a number of common themes have emerged:

- The best Interest principle – ensuring that all decisions about the custody, guardianship, care and protection of children are guided by a comprehensive best interest determination – is not fully entrenched in law.
- Children's right to participate in decisions about their care, custody and protection is not fully guaranteed and varies depending on the issue being determined, or is left to the discretion of the court.
- There is lack of clarity about the primacy of child-specific laws over other laws, resulting in inconsistent application of child protection safeguards.
- In most countries, the legal framework for comprehensive and family-focused child care and protection services is under-developed. The region has emphasized child protection response procedures rather than regulating a full continuum of child protection services, and there is a lack of guidance in many countries on reporting and referral and on a child-centred and family-focused process for assessment and intervention planning.
- Most countries have weak legal provisions on gatekeeping, alternative care placements and regulation of family-based alternative care.
- Safeguards with respect to adoption/ guardianship and surrogacy require strengthening.
- The protection of children from all forms of violence is undermined in most countries by broad justifications for 'reasonable' correction of children.
- Narrow and gendered definitions of sexual violence and exploitation do not provide equal protection to all children.
- More focus is needed on child pornography and emerging online protection issues.
- Progress has been made in identifying and prohibiting harmful practices against children, but gaps remain. In particular, child marriage, sex selective abortions, dowry violence and honour killings have not been fully prohibited across the region.
- Special measures for child victims and witnesses in criminal proceedings are limited and available only for specified sexual offences.
- The age of criminal responsibility remains low across the region.
- Laws governing diversion do not fully respect children's due process rights.
- The specialized approach to sentencing does not apply equally to all children, and there is generally a lack of guiding principles for sentencing to ensure primacy of rehabilitation and reintegration, proportionality and use of custodial measures as a last resort and for the shortest appropriate period.
- Measures to facilitate children's access to justice and participation in civil proceedings are lacking.

REGIONAL REPORT CARD



	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1. CHILD CARE AND PROTECTION SERVICES								
Responsibility for prevention, early intervention and response services	Level 3	Level 2	Level 4	Level 3	Level 4	Level 3		Level 2
Reporting, assessment and response procedures	Level 3	Level 2	Level 4	Level 4	Level 3	Level 3		Level 2
Alternative care	Level 2	Level 3	Level 3	Level 4	Level 3	Level 3		Level 3
Adoption/ guardianship/ <i>kafalah</i>	Level 2	Level 2	Level 3	Level 3	Level 2	Level 2	Level 2	Level 3
Surrogacy	Level 1	Level 1	Level 1	Level 2	Level 1	Level 1	Level 1	Level 2
2. PROHIBITION OF ALL FORMS OF VIOLENCE								
Physical abuse, emotional abuse, neglect and maltreatment	Level 3	Level 2	Level 2	Level 2	Level 2	Level 4	Level 2	Level 2
Sexual abuse and sexual exploitation	Level 2	Level 2	Level 3	Level 3	Level 2	Level 3	Level 2	Level 3
Abduction, sale and trafficking of children	Level 3	Level 3	Level 3	Level 3	Level 2	Level 3	Level 2	Level 3
Child marriage and forced marriage	Level 2	Level 2	Level 2	Level 2	Level 3	Level 3	Level 2	Level 2
Child work and child labour	Level 4	Level 2	Level 3	Level 3	Level 3	Level 3		Level 3
Children in armed conflict	Level 4	Level 2	Level 4	Level 3	Level 3	Level 3	Level 2	Level 4
Other practices harmful to children	Level 3	Level 3	Level 1	Level 3	Level 3	Level 4	Level 2	Level 1
Extraterritoriality and extradition	Level 3	Level 2	Level 3	Level 2	Level 4	Level 2	Level 3	Level 3
3. JUSTICE FOR CHILDREN								
A. Child victims and witnesses in criminal proceedings								
Children recognized as capable and credible witnesses	Level 2	Level 3	Level 4	Level 4		Level 4	Level 1	Level 4
Proceedings initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	Level 1	Level 3	Level 4	Level 3	Level 4	Level 3	Level 3	Level 3
Measures to facilitate testimony and reduce hardship	Level 3	Level 3	Level 3	Level 3	Level 3	Level 3	Level 2	Level 3
Protection of privacy and safety	Level 3	Level 4	Level 4	Level 3	Level 2	Level 3	Level 2	Level 3
Compensation	Level 4	Level 4	Level 4	Level 4	Level 4	Level 4	Level 4	Level 4
B. Children in conflict with the law								
General due process rights	Level 3	Level 3	Level 4	Level 4	Level 4	Level 4	Level 3	Level 3
Age and criminal responsibility	Level 3	Level 3	Level 3	Level 2	Level 4	Level 2	Level 2	Level 2
Arrest, investigation and pre-trial detention	Level 3	Level 3	Level 4	Level 3	Level 4	Level 3	Level 3	Level 2
Diversion	Level 2	Level 3	Level 4	Level 1	Level 4	Level 4	Level 2	Level 2
Courts and trial proceedings	Level 3	Level 3	Level 3	Level 3	Level 3	Level 4	Level 3	Level 2
Sentencing	Level 3	Level 2	Level 3	Level 3	Level 3	Level 3	Level 3	Level 2
Children deprived of liberty	Level 3	Level 2	Level 4	Level 4	Level 3	Level 2	Level 3	Level 2
Records and privacy	Level 3	Level 2	Level 4	Level 2	Level 4	Level 3	Level 2	Level 2
C. Access to justice for children in civil proceedings								
Access to complaints mechanism and redress for violations	Level 3	Level 3	Level 2	Level 3	Level 2	Level 3	Level 3	Level 3
Best interest the primary consideration	Level 2	Level 2	Level 2	Level 3	Level 3	Level 2	Level 3	Level 4
Right to participate and have views given due consideration	Level 1	Level 2	Level 2	Level 2	Level 3	Level 2	Level 2	Level 1
Measures to facilitate children's participation in proceedings	Level 1	Level 1	Level 2	Level 1	Level 1	Level 1	Level 1	Level 1

AFGHANISTAN



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES

Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●

3. JUSTICE FOR CHILDREN

A. Child victims and witnesses in criminal proceedings

Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●





B. Children in conflict with the law

General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●






C. Access to justice for children in civil proceedings

Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●









BANGLADESH

 Level 1: Legislative framework is non-compliant	 Level 2: Legislative framework is weak on compliancy, with significant gaps or inconsistencies	 Level 3: Legislative framework is moderately compliant, with only minor gaps or inconsistencies	 Level 4: Legislative framework complies with standards
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1. CHILD CARE AND PROTECTION SERVICES






Responsibility for prevention, early intervention and response services	
Reporting, assessment and response procedures	
Alternative care	
Adoption/ guardianship/ <i>kafalah</i>	
Surrogacy	

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	
Sexual abuse and sexual exploitation	
Abduction, sale and trafficking of children	
Child marriage and forced marriage	
Child work and child labour	
Children in armed conflict	
Other practices harmful to children	
Extraterritoriality and extradition	

3. JUSTICE FOR CHILDREN





A. Child victims and witnesses in criminal proceedings

Children recognized as capable witnesses	
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	
Measures to facilitate testimony and reduce hardship	
Protection of privacy and safety	
Compensation	

B. Children in conflict with the law

General due process rights	
Age and criminal responsibility	
Arrest, investigation and pre-trial detention	
Diversion	
Courts and trial proceedings	
Sentencing	
Children deprived of liberty	
Records and privacy	

C. Access to justice for children in civil proceedings

Access to complaints mechanism and redress for violations	
Best interest the primary consideration	
Right to participate and have views given due consideration	
Measures to facilitate children's participation in proceedings	

BHUTAN



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES

Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●

3. JUSTICE FOR CHILDREN

A. Child victims and witnesses in criminal proceedings

Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●

B. Children in conflict with the law

General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●

C. Access to justice for children in civil proceedings

Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES	
Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●
2. PROHIBITION OF ALL FORMS OF VIOLENCE	
Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●
3. JUSTICE FOR CHILDREN	
A. Child victims and witnesses in criminal proceedings	
Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●
B. Children in conflict with the law	
General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●
C. Access to justice for children in civil proceedings	
Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●

MALDIVES



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES

Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●

3. JUSTICE FOR CHILDREN

A. Child victims and witnesses in criminal proceedings

Children recognized as capable witnesses	
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●

B. Children in conflict with the law

General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●

C. Access to justice for children in civil proceedings

Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES	
Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●
2. PROHIBITION OF ALL FORMS OF VIOLENCE	
Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●
3. JUSTICE FOR CHILDREN	
A. Child victims and witnesses in criminal proceedings	
Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●
B. Children in conflict with the law	
General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●
C. Access to justice for children in civil proceedings	
Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●

PAKISTAN



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES

Responsibility for prevention, early intervention and response services	
Balochistan	●
Islamabad Capital Territory	●
Gilgit-Baltistan	●
Khyber Pakhtunkhwa	●
Punjab	●
Sindh	●
Reporting, assessment and response procedures	
Balochistan	●
Gilgit-Baltistan	●
Islamabad Capital Territory	●
Khyber Pakhtunkhwa	●
Punjab	●
Sindh	●
Alternative care	
Balochistan	●
Gilgit-Baltistan	●
Islamabad Capital Territory	●
Khyber Pakhtunkhwa	●
Punjab	●
Sindh	●
Adoption/ guardianship/ <i>kafalah</i>	●
Surrogacy	●

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of Children	●
Child marriage and forced marriage	●
Child work and child labour	
Federal	●
Balochistan	●
Gilgit-Baltistan	●
Islamabad Capital Territory	●
Khyber Pakhtunkhwa	●
Punjab	●
Sindh	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●

3. JUSTICE FOR CHILDREN	
A. Child victims and witnesses in criminal proceedings	
Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●
B. Children in conflict with the law	
General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●
C. Access to justice for children in civil proceedings	
Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●

SRI LANKA



Level 1:
Legislative framework is non-compliant



Level 2:
Legislative framework is weak on compliancy, with significant gaps or inconsistencies



Level 3:
Legislative framework is moderately compliant, with only minor gaps or inconsistencies



Level 4:
Legislative framework complies with standards

1. CHILD CARE AND PROTECTION SERVICES

Responsibility for prevention, early intervention and response services	●
Reporting, assessment and response procedures	●
Alternative care	●
Adoption/guardianship/ <i>kafalah</i>	●
Surrogacy	●

2. PROHIBITION OF ALL FORMS OF VIOLENCE

Physical abuse, emotional abuse, neglect and maltreatment	●
Sexual abuse and sexual exploitation	●
Abduction, sale and trafficking of children	●
Child marriage and forced marriage	●
Child work and child labour	●
Children in armed conflict	●
Other practices harmful to children	●
Extraterritoriality and extradition	●

3. JUSTICE FOR CHILDREN

A. Child victims and witnesses in criminal proceedings

Children recognized as capable witnesses	●
Proceedings can be initiated <i>ex officio</i> and not privately settled unless in the best interest of the child	●
Measures to facilitate testimony and reduce hardship	●
Protection of privacy and safety	●
Compensation	●

B. Children in conflict with the law

General due process rights	●
Age and criminal responsibility	●
Arrest, investigation and pre-trial detention	●
Diversion	●
Courts and trial proceedings	●
Sentencing	●
Children deprived of liberty	●
Records and privacy	●

C. Access to justice for children in civil proceedings

Access to complaints mechanism and redress for violations	●
Best interest the primary consideration	●
Right to participate and have views given due consideration	●
Measures to facilitate children's participation in proceedings	●



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