



# Khyber Pakhtunkhwa Judicial Academy

## REPORT

### Three-Day Training on Child Protection/Juvenile Justice System Laws 27-29 July, 2020



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## **1.0 Introduction**

1.1 KPJA is statutorily mandated to provide training to all justice sector stakeholders, to hold conferences, seminars, lectures, workshops and symposia in matters relating to court management, administration of justice, law and development of skills in legislative drafting and to establish liaison with research institutions, universities and other bodies including the Federal Judicial Academy, towards the cause of administration of justice. (Section 4 of the Academy Act)

1.2 On 19 December 2018, the Academy held a consultative session on the need for separate child court given the new role of the judge in the Juvenile Justice System Act 2018. The participants agreed that the enforcement of the child protection regime in its true spirit required the establishment of a separate court. Hon'ble the Peshawar High Court Peshawar notified the first juvenile court at Peshawar. This followed the establishment of similar courts at divisional headquarters.

1.3 The establishment of new courts and the change in the child protection regime conceived by the new Act required improving the capacity building of the stakeholders. Hon'ble the Peshawar High Court directed the Academy to arrange training sessions. The Academy organized and conducted the first training session on 11-15 March 2019, the second on 12-14 September 2019, the third on 16-18 September 2020, and the fourth on 27-29 July 2020.

## **2.0 Purpose of the report**

2.1 This report aims to assess the quality and impact of the training delivered from 27<sup>th</sup> to 29<sup>th</sup> July, 2020.

2.2 The report begins with concept paper, general layout of the training session including, information about the participants, the resource person details, schedule of activities, proceedings, followed by recommendations for future improvements.

## 3.0 Concept Paper

### 3.1 Introduction

Law and Justice Commission of Pakistan examined the country's juvenile justice system in its 30th Report. The Commission noted shortcomings in the legal infrastructure to adequately respond to child rights. It emphasized Pakistan's obligation under the Convention on the Rights of the Child, 1989. It referred to specific pre-trial, trial and post-trial rights of children under the Convention including fixation of minimum age for criminal liability, detention of accused as a measure of last resort, treatment of accused with dignity, honor, and protection of privacy, special laws, and procedures for trial, the procedure for diversion and other alternatives to former trial, availability of independent judicial forum for trial, availability of legal aid, the interpreter during the trial, consideration of age in the decision of cases, the abolition of death sentence and life imprisonment without the possibility of release, establishments of institutions for the care, training, and rehabilitation of the offenders.

The Commission proposed reforms. The proposed legislative reforms included detention as a last resort measure, prompt decision-making on bail applications with due considerations of child age and antecedents, and alternatives to detention, such as supervision by the probation officer, parental guidance, and the diversion of cases. The suggested administrative changes included separate juvenile courts, separate juvenile placement agencies, the association of philanthropists, NGOs, and other volunteers where appropriate and training of staff.

KP adopted the Child Protection and Welfare Act in 2010. The Act aimed to provide for the care, protection, maintenance, welfare, training, education, rehabilitation, and reintegration of children at risk. It created the Child Protection Commission at a Provincial level, mainly to: (1) oversee the implementation of child protection, welfare, and rights; (2) coordinate with other institutions and departments for implementation and review of laws. Further, Child protection units were to be set up at the district level with Child Protection Officers as their heads. Such officers under the Act were empowered to inspect any premises where there was reason to believe the commission of an offense against a child at risk and were similarly empowered to

inspect Child Protection Institutions, to ensure that the requisite standards for children's rights were complied with. An exclusive Child Protection Court was also to be set up to deal with offenses against children at risk. A further step in the strengthening of the legislative regime was the 2018 Juvenile Justice System Act. The Act introduced the concept of diversion and created observation centers, rehabilitation centers, and juvenile justice committees. With the passing of two enactments, the legal regime was strengthened. However, no progress was possible until administrative measures were also implemented.

In March 2019, Honorable the Peshawar High Court established the first exclusive Child Court in the KP. These courts have now also been established at the divisional headquarters. The courts stand unique for their child-friendly environment. During the first quarter of the Judicial Performance Year from September to November 2019, they disposed of 448 cases against the institution of 356 cases.

KP Judicial Academy scheduled two training sessions for the presiding officers of the courts, prosecutors and other stakeholders in 2019 .The training was intended to fulfill the objectives of the new legal framework and to improve the capacity of the justice sector stakeholders to respond to the new challenge. The third training session is now to be delivered.

### **3.2 Methodology**

The teaching technique shall be lecture-cum-participatory. Besides other learning strategies such as flipcharts, snowballing, etc shall also be utilized. The training session involves pre- and post-testing to determine an improvement in trainee's comprehension.

#### **Objectives of the activity are:**

- Gaining conceptual clarity of the new legal regime.
- Understanding child psychology.
- Unraveling jurisprudential questions involved in juvenile justice system laws
- Working out difficulties in the proper implementation of the new legal regime.

- to know the international legal framework about child rights
- understanding guiding principles of juvenile justice
- understanding child forensic communication

## 4.0 Participants

4.1 Participants of the training were the Presiding Officers of the Child Protection Court, the Public Prosecutors, and other justice sector stakeholder associated with the child protection regime. Table below, describes in detail, the names of participants.

S. No	Name	Designation
1	Mr. Shakir Ullah Khan	Additional District & Sessions Judge
2	Mr. Nasir Khan	Additional District & Sessions Judge
3	Mr. Muhammad Asif	Additional District & Sessions Judge
4	Ms. Saadia Andaleeb	Additional District & Sessions Judge
5	Ms. Farhana Tabassum	Additional District & Sessions Judge
6	Mr. Rafi Ullah	Deputy Public Prosecutor
7	Mr. Muhammad Shakeel Ahmed	Senior Public Prosecutor
8	Mr. Shad Muhammad	Assistant Public Prosecutor
9	Mr. Imran Ullah Khan	Assistant Public Prosecutor
10	Mr. Muhammad Bilal Khan	Assistant Public Prosecutor
11	Mr. Hashmat Ullah	Deputy Director Prison
12	Syed Muhammad Afsar Shah	Senior Probation Officer
13	Mr. Shakeel Ahmad	Deputy Director Labor
14	Mr. Amjad Ali	Office Assistant, Zamung KOR
15	Mr. Salah Uddin	Social Welfare Officer

## 5.0 Resource Persons

5.1 Ms. Valerie Khan, Executive Director, Group Development Pakistan, shared her knowledge and experience. Besides, Mr. Sharafat Ali, Advocate Supreme Court of Pakistan, gave an intensive discourse on different subjects. Ms. Wadeeya Mushtaq Malik, Presiding Officer, Child Court, Peshawar, also shared her valuable experience.

5.2 It would be necessary to make mention of each resource person along with topic dilated upon by him/her. The following table contains these details:-

Location: Peshawar Judicial Academy		Date: 27 <sup>th</sup> -29 <sup>th</sup> July 2020		Duration three days: 9 am to 4.15 pm	
DAY 1 (July 27, 2020)					
TIME	ACTIVITIES	OBJECTIVES	FACILITATOR S	METHODOLOGY/MAT ERIAL	
9am-9.15 am	Registration	Ensure that the group composition is defined and ready for financial/technical audit	GDP and KPJA admin	Attendance sheet to be filled	
9.15 am-9.30 am	Welcoming, introduction of participants and facilitators	-Build the group dynamic; -Establish a comfort zone and trust among participants & facilitators	Valerie Khan, Executive Director, Group Development Pakistan	Cards and markers: each judge asks his/her neighbor her/his name and his/her main quality; then each participant will introduce his/her neighbor quoting the quality mentioned by the judge	
9.30 am-9.45 am	Setting up rules and ground principles for the training	-Ensure that the training workshop is conducted in a decent, healthy, safe, respectful and productive manner - Allow equal and meaningful participation	Nayab Ali, GDP capacity building officer	Markers and a card board: participants will suggest rules and the facilitator will write those on the board and add whatever may have been forgotten by participants at the end.	
9.45 am-	Presentation	-Make participants	Valerie Khan	Power point	

<b>10 am</b>	of the context and the overall objectives of the training	understand why they are here, what is expected of them -Identify and clarify expectations		presentation, interactive session.  Screen and retro-projector needed.
<b>10 am-10.15 am</b>	Administration of the pre-training test	-Assess what judges already know about child rights and child justice	Nayab Ali	Proforma being distributed
<b>10.15-10.30 am</b>	Four guiding principles of child justice	-Set up the legal and principle framework of the training content	Valerie Khan	Interactive session initiated by the question: what do you think are the 4 main principles of child justice?  power point presentation
<b>10.45 am-12.45pm</b>	Who is a child?	-Clarify the concept of child versus adult to understand better the concept of child justice	Valerie Khan, Sharafat Ali	Interactive sessions: activity 1, Neuro-Linguistic Programmatic exercise, activity 2: brainstorming individual power point presentation, charts, stickers, pencils, notebooks.
<b>1.45 am-3.45 pm</b>	International framework pertaining to child rights and significance of International Law	-improve knowledge of participants on international legal framework pertaining to child rights - Raise awareness of direct application of international human rights conventions in Pakistani jurisprudence.	Sharafat Ali & Valerie Khan	Power point presentation and interactive sessions: activity 1 discussions questions then compare Pakistani constitution with rights enshrined in UNCRC and UDHR; activity 2, questions relating to Pakistani judgments quoting international law
<b>3.45-4.15</b>	Feedback and	- get insight on the	Nayab Ali &	Tennis ball, notepad,

<b>pm</b>	session closure	way participants perceived the session (strengths/weaknesses) to potentially sustain/improve quality standards of the training - acknowledge the participants' efforts and encourage, mobilize, thank them to continue	Valerie Khan	interactive session  Each judge upon receiving the tennis ball, will tell what he/she thinks of the session  Suggestions for a better session will be asked orally and a suggestion box, will be pointed out
<b>DAY 2 (July 28, 2020)</b>				
<b>9.00-9.15 am</b>	Registration	Ensure that the group composition is defined	GDP and KPJA admin	Attendance sheet to be filled
<b>9.15-9.30 am</b>	Recap	Assess level of retention and acquisition of knowledge/skills imparted the previous day	Valerie Khan & Valerie Khan	Interactive session, tennis ball  Upon receiving the ball, each judge will tell what he/she has learnt yesterday
<b>9.30-10.45 am</b>	Domestic legal framework pertaining to child rights (with a focus on child justice and CSA)	-improve participants' knowledge/understanding of Pakistan's constitutional and legislative framework pertaining to child rights	Sharafat Ali & Valerie Khan	Power point presentations, charts, markers, interactive discussion: activity 1 quiz competition; activity 2: matching game; activity 3: ambassador's game; activity 4: gallery walk
<b>11.00 am-1.00 pm</b>	Continuation	-improve participants' knowledge/understanding of Pakistan's constitutional and legislative	Sharafat Ali & Valerie Khan	Same as above

		framework pertaining to child rights		
<b>2- 4 pm</b>	JISA 2018	- Improve knowledge & understanding of participants on juvenile justice law in Pakistan	Sharafat Ali	Study Circle, printed Handouts, activity 1: debate after going through the law
<b>4.00-4.45 pm</b>	Experience sharing session with presiding judge of the first specific child court in KP	Ensure peer connection and share lessons learnt	Ms. Wadeeya Mushtaq Malik	Microphones, question/answers sessions
<b>4.45-5.15 pm</b>	Feedback and session closure	- get insight on the way participants perceived the session (strengths/weaknesses) to potentially sustain/improve quality standards of the training - acknowledge the participants' efforts and encourage, mobilize, thank them to continue	Nayab Ali & Valerie Khan	Tennis ball, notepad, interactive session
<b>DAY 3 (July 29, 2020)</b>				
<b>9.15-9.30 am</b>	Registration & Recap	Assess level of retention and acquisition of knowledge/skills imparted the previous day	Valerie Khan & Nayab Ali & KPJA	Interactive session, tennis ball
<b>9.30-10-30 am</b>	Child Forensic Communication	-improve knowledge and capacity of judges to conduct child	Valerie Khan and Nayab Ali	Power point presentation, videos

		sensitive trials -Improve judges' knowledge on the impact that CSA has on the child		
<b>10.45-12.00 am</b>	SOPs for CSA cases	-improve the judges' capacities to proceed in court in line with international standards and counter secondary victimization of the child victim of CSA -Clarify DOs and DON'T	Sharafat Ali	Power point presentation, interactive session, Activity 1: walking along the line charts, markers
<b>12.00 - 1 pm</b>	SOPs for children in conflict with the law	-improve the judges' capacities to proceed in court in line with international standards and counter secondary victimization of the juvenile accused during trial -familiarize judges with the concept of diversion and reformative justice -clarify DOs and DON'T	Sharafat Ali	Power point presentation, interactive session, Activity 1: walking along the line, charts, markers
<b>2-4 pm</b>	Mock exercises	-Improve judges' skills to enforce those SOPs	Sharafat Ali and Valerie Khan	Role plays
<b>4-4.15</b>	Administration of	-assess impact of	Nayab Ali	Individual exercise

pm	post training questionnaires	the training		
<b>4.15-4.30 pm</b>	Feedback and closure of training	-Reinforce trust between trainees and trainers -Create a learning platform and a mobilized & qualified group of judges for child justice -Acknowledge role and efforts of all trainees in protecting and enforcing child rights in the province	Valerie Khan	Feedback wall and interactive session

## 6.0 Proceedings

### 6.1 Day 1

6.1.1 The training began with the recitation of the Holy Quran, followed by the address of the worthy Director General. The Director General welcomed the participants. In his opening remarks, he emphasized that children though the most vulnerable segment of society and constituting about fifty-two percent of the country population, received little focus under the criminal justice system. The Khyber Pakhtunkhwa Child Protection and Welfare Act was promulgated in 2010 to provide for the care, protection, maintenance, welfare, training, education, rehabilitation, and reintegration of children at risk. It was an important step when the crimes against children were on the rise. Unfortunately, however, the law could not be implemented in letter and spirit. Taking notice of the situation, the Judiciary established its first specialized child court in Lahore. The purpose of establishing the court was to protect children from the adverse effects of litigation before traditional courts. In the 2018 Juvenile Justice System Act was promulgated to improve the state of juvenile offenders for better access to

justice. Two years later, Pakistan's second child protection court was established in Peshawar. This milestone followed the establishment of similar courts in Mardan and Abbottabad. The Peshawar High Court pursued its efforts to reform the criminal justice system and persuaded the Provincial Government to set up similar courts at the divisional headquarters. The DG went on to observe that the children were the most vulnerable segment of society and victims of abuse. It was as such he said the religious, moral, and legal duty of all stakeholders to produce a child conducive environment. In the end, the DG appreciated Ms. Valerie Khan in her efforts for the capacity building of the stakeholders of the child protection regime.

6.1.2 After the DG address, the training session formally began with an orientation by Ms. Valerie Khan. She asked the participants to recollect and narrate one bad and one good experience of childhood. She then explained the objectives of the three-day training session as follows:

1. Identify the primary provisions of domestic and international standards that serve as the foundation of protecting children's rights and safety from child sexual abuse.
2. Know the main international guidelines on prevention, and know the cross-cutting principles of children's rights protection.
3. Understand how, according to international standards, to legally define a child and what constitutes a person being a child.
4. Comprehend and be able to use victim-centric best practices for child sexual abuse and children in conflict with the law.
5. Understand what the best practices are and how courts and police stations can become more child-friendly?
6. Know and be able to put into practice standard operating procedures for cases of child sexual abuse, child abuse, and children in conflict with the law.
7. Understand the different, varied, and special needs of children both psychologically and physically and the different stages a child can be in his/her life.

6.1.3 She shared the four guiding principles on the rights of the child, according to the UNCRC:

1. Non-Discrimination,
2. Best Interests of the Child,
3. Right to Dignity, and
4. Right to participation.

6.1.4 In the second lecture of the day, Mr. Sharafat Ali looked into various definitions of the word child both under the international and the national legal framework. He referred to CRC, Majority Act, Guardian and Wards Act, Child Marriage Restraint Act, National Commission on Rights of Child Act 2017, Juvenile Justice System Act 2018, K.P Child Protection and Welfare Act 2010, and several other domestic laws. He also referred to the minimum age of criminal responsibility under the Pakistan Penal Code and some provisions in the Constitution of Pakistan on child rights, such as the prohibition of child labor and free and compulsory education for the children.

6.1.5 In the third lecture, Mr. Sharafat Ali gave a comprehensive overview of the International Legal Framework on child rights. He first referred to the four guiding principles in International Law;

1. Non-Discrimination,
2. Best Interests of the Child,
3. Right to Dignity, and
4. Right to Participation.

6.1.6 Mr. Sharafat Ali dilated on the distinction between hard and soft law, explaining sources of the two as follows;

1. International conventions, whether general or particular, establishing rules expressly recognized by consenting states;
2. International custom, as evidence of a general practice accepted as law;
3. General principles of law recognized by civilized nations(Hard Law); and
4. Documents promulgated under the auspices of an intergovernmental body (Soft Law).

6.1.7 The speaker referred to the following international instruments dealing with children's rights;

1. UDHR and the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR) collectively known as the International Bill of Human Rights;
2. United Nations Convention of the Rights of the Child (UNCRC);
3. International Labour Organization Conventions;
4. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);
5. Convention on the Rights of Persons with Disabilities (CRDP);
6. UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT);
7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
8. South Asian Association for Regional Cooperation (SAARC) Conventions.

6.1.8 The resource person referred to the United Nations minimum standard for the administration of juvenile justice and the prominent aspects of the Beijing rules.

He also discussed the superior court's rulings in which International law was referred. Finally, he conducted three different group activities. The details are as follows;

<b>Activity 1:</b>	Divide the participants into five groups and ask them to discuss the following questions for 10 minutes. In the full class, ask each group to answer one of the questions. Whichever group volunteers first get to choose the question they wish to answer. Continue around the room until all questions have been answered.  Compare the definition of a child under Pakistan's domestic laws to the definition used in the international conventions that Pakistan has ratified. Is Pakistan's domestic legislation consistent with its international obligations? If not, where are the gaps?  Do any of the international treaties that Pakistan has ratified directly address
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	<p>child sexual abuse? Which treaties?</p> <p>Is “sexual exploitation” defined in international law? In Pakistani domestic law? Can you nevertheless name at least one example of a practice that constitutes “sexual exploitation”? Are there practices we haven’t discussed that you think might constitute “sexual exploitation”?</p> <p>What are the four Guiding Principles under the UN Convention on the Rights of the Child? Can you suggest something you might do to promote the “Participation” of a child victim in criminal justice proceedings in their case?</p> <p>What are the particular safeguards that the ICCPR sets for juvenile accused? The kindly quote at least two of those? Is the Pakistani legislation consistent with those safeguarding obligations?</p>
<p><b>Activity 2:</b> (45 minutes)</p>	<p>Material Required: Handouts UNCRC, UDHR, Constitution of Pakistan</p> <p>The facilitator will divide the participants into 2 groups for the activity and ask the group one to compare the fundamental rights in the Pakistan Constitution with those in the UDHR, list all the rights in the Constitution, all the rights in UDHR, and the rights that are the same in both documents on one chart. Group two will be asked to compare the fundamental rights provided in the Constitution of Pakistan with the UNCRC and list those rights that are available in the constitution, and those that are secure under UNCRC.</p> <p>In presentation: Are any rights included in the Constitution but not in the UDHR or UNCRC? Are any rights protected by UDHR and UNCRC, but not protected by the Constitution?</p> <p>After the 30 Minutes, each group will present their findings.</p>
<p><b>Activity 3:</b> (30 minutes)</p>	<p>The facilitator will divide the participants into 4 groups for the activity and ask each group to read thoroughly any one case law (from the above list) randomly provided by the facilitator and find out the following questions.</p> <p>What are the brief facts of the case?</p> <p>Which international instrument/law was quoted?</p> <p>How was the international law/commitment of the State narrated (applied?)</p>

	in the judgment? After 15 Minutes, each group will present its finding from the judgments.
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## 6.2 Day 2

6.2.1 The focus of this day was on a comprehensive discussion of the domestic legal framework about the child rights and experience sharing session with the Presiding Officer of the first Child Protection Court in KPK.

6.2.1 Mr. Sharafat Ali delivered three lectures. In the first lecture, he explained the national legal framework as follows;

1. Constitutional Provisions;
2. National Laws; and
3. Local/Provincial Laws.

6.2.3 The lecturer referred to Article 25(1) Article 25(3) Article 25-A Article 35 Article 37(g) of the Constitution of Pakistan. He referred also to sections 292 A, 292B ,292C 354, 354A, 365B, 366A, 366B, 377, 377A, 377B, 498B, 376 of the Pakistan Penal Code. Finally, he referred to section 19 A of the Prevention of Electronic Crimes Act 2016. Other National Laws he said were the JJSA, National Commission on the Rights of Child Act, 2017, and The Prevention of Trafficking in Persons Act, 2018.

6.2.4 In the training session, group activity was conducted. The details are as follows;

<b>Understanding Criminal Law (Amendment Offences Relating to Rape) Act, 2016</b> (20 Minutes)	The facilitator will provide a printed handout to reach participants and ask them to go through the contents of the handout.  Participants will be given the option to ask questions if they have any confusion regarding the information in the handout.
<b>Measuring the level of learning</b>	After participants read the handout in 20 minutes, the facilitator will give participants a page having a matching game

(10 minutes)	<p>(Annexed 2). Participants will be asked to match the points given in one column with the relevant/correct points given in the second column and write the number in the empty column.</p> <p>Participants will be given 10 minutes to solve this matching game. After 10 minutes, the facilitator will share the correct sequence, and each participant will check how many did they match correctly.</p>
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6.2.5 In his second lecture, Mr. Sharafat Ali gave an overview of the Provincial Laws. These included;

1. Punjab Destitute & Neglected Children Act, 2004;
2. Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010;
3. Sindh Children Act, 1955;
4. Sindh Child Protection Authority Act, 2011;
5. The Balochistan Child Protection Act, 2016; and
6. Sindh Child Marriages Restraint Act, 2013;

6.2.6 In his third lecture, he discussed different provisions and concepts under the Juvenile Justice System Act, 2018. He gave the background of the Act, explained what was meant as the best interest of the child, the role of the Juvenile Justice System Committee, the concept of diversion, and the significance of the report of the probation officer. He also dealt with the provisions about arrest under the Juvenile Justice System Act, 2018, provision of video-link trial, and release of a juvenile under section 6 of the Act.

6.2.7 In the last lecture of the day, Judge Wadeeya explained that to her the objectives of enforcing child protection regime meant;

1. To provide support services to children; and
2. To develop wavelenght with staff, public prosecutor, probation officers, police, lawyers, and other stakeholders (effective coordination of the stakeholders).

6.2.8 To achieve the aforesaid objectives she said that she made written correspondence with stakeholders including:

1. Peshawar High Court Peshawar;
2. Jail Superintendent;
3. CCPO/ SP Investigation;
4. Child Protection Institutions; and
5. Welfare commissions.

6.2.9 She said that she also held sessions with the probation officer and the public prosecutors as regards:

1. Preparing SIR reports;
2. Filing reports of good conduct during the probation period;
3. Providing the list for community services;
4. For establishing good practices during court proceedings; and
5. Effective management of recording of evidence.

6.2.10 With respect to her jail visits, she said that she set the following goals:

1. Effective Monitoring;
2. Collection of data; and
3. Age Assessment.

6.2.11 Resource person said that she maintained constant liaison with her District and Sessions Judge, Peshawar in the following areas:

1. For taking the matters to the Criminal Justice Coordination Committee; and
2. Pre-trial proceedings before Judicial Magistrates.

6.2.12 Resource person further informed about her success in the following areas:

1. Developing teamwork;
2. Establishing good practices;

3. Effective control over jail authorities to safeguard the interest of the juvenile;
4. Periodical reports streamlined;
5. Separate maintenance of record for each category;
6. Enhanced sensitization in the general public in approaching the court in sensational matters; and
7. Initiatives in progress with the provincial government over-issuance of notification through august High Court, Peshawar.

6.2.13 Resource person ended her lecture giving suggestions for further improvements as follows:

1. Immediate notification by Provincial Government, Khyber Pakhtunkhwa as to:
  - a. Juvenile Court (Section 4 JJSA 2018); and
  - b. Juvenile Justice Committee (Section 10 of JJSA 2018).
2. Establishment of:
  - a. Observation homes;
  - b. Juvenile Rehabilitation Centers; and
  - c. Inspection and Child Protection Unit (Section 22 of JJSA 2018).
3. Involving the role of Social Welfare Officers / Child Protection Officers at the District Court level;
4. Collection and maintenance of data involving micro indicators; and
5. Provision of a Support person to ensure the impartiality of the rights of the child.

### **6.3 Day 3**

6.3.1 The focus of this day was child forensic communication, SOPs for CSA cases, SOPs for children in conflict with the law. Finally, on the day end, mock exercises were conducted and post-training feedback was obtained.

6.3.2 The first lecture on child forensic communication was delivered by Ms.Valerie Khan. She shared with the participants, general perception problems about the child as a witness/victim, the perception that the child is not a reliable witness, and that the child is easily and highly

suggestible. She quoted from, "Leippe, M. R., Brigham, J. C., Cousins, C., & Romancyke, A. (1989). The opinions and practices of criminal attorneys regarding child eyewitnesses: A survey: "Prosecutors are reluctant to bring to court cases that rely primarily on a young child's eyewitness testimony, presumably because of burden-of-proof problems and a suspicion that jurors have negative stereotypes about children's memories".

6.3.3 The speaker said that recent research had disproved assumptions about the child witness perception. She referred to:

1. The Clown Study (1991)
2. The Physical Exam Study (1991)

6.3.4 The speaker finally gave a solution to solve the suggestibility problems as;

1. Ask short, concrete questions, such as:
  - a. "Who lives in your home with you?"
  - b. "Did this happen one time or more than one time?"
2. Use open-ended, narrative questions, such as:
  - a. "Tell me more about that."
  - b. "Tell me everything you can remember, whether you think it's important or not".
3. Do not ask leading or suggestive questions.
4. Do not ask: "He took your trousers off, didn't he"?
5. If you ask a focused question, follow it up with "tell me more about that" and encourage a narrative response.

6.3.5 In the last two lectures, the participants were apprised about the SOPs that could be followed for cases of Child Sexual Abuse and Children in Conflict with Law, for pre-trial, trial, and post-trial proceedings. Below are the details:

### 6.3.5.1 Pre-Trial Proceedings

1. Providing pre-trial advice to investigators
2. The initial meeting of the prosecutor with the victim/witness
3. Preparing child victims/witnesses for court proceedings
4. Right to be informed
5. Establish a cooperative relationship with the child victim/witness
6. Review trial proceedings for the victim or witness
7. Go over the child's testimony, the procedure of giving testimony and the likely questions to be asked to the child, and rights of victim/witness under Pakistani law
8. Privacy/Confidentiality
9. Measures to protect the privacy, dignity, and wellbeing of a child
10. Prohibition of publication of names, etc. of a child involved in any proceeding
11. International and Pakistani laws regarding privacy of child victim/witness
12. Specific articles and practices for courtrooms and trial proceedings

### 6.3.5.2 Trial

1. Trials in cases of child sexual abuse must be concluded within 3 months
2. CSA trials should be held in camera and limited to those persons necessary for the proceedings
3. Measures should be taken to protect the identity of the child victim/witness when he/she gives testimony, such as:
  - a. Use technology that changes victim/witnesses voice and his/her image, if he/she is testifying through a video linkage;
  - b. Hide the child victim/witness from people's view using a screen, shield, or glass through which one can only see on one side;
  - c. Use another room to give the testimony and then present the testimony in the courtroom through a video linkage/conference, or putting the accused and the child in two different rooms connected via video linkage.
  - d. Arranging and Presenting Child Victim/Witness Testimony in Court

4. Measures/Steps, the prosecution should take to make the child feel relaxed/comfortable before and during the trial (Familiarization Processes, Support, etc.)
5. Protective measures for child's safety and health
6. Special assistance protocols for language, interpreter and disabilities
7. Support Person
8. The child-Friendly and conducive environment in the courtroom
9. Waiting Area at Courtroom
10. Courtroom Facilities
11. Pakistani Laws about child's participation, competence and ability to give testimony/appear in court
12. Additional Methods to Consider in Arranging/Presenting Child Testimony
13. Alternatives to Oral Testimony
14. Questioning and Cross-Examination
15. Responsibilities of judges and prosecution during cross-examination
16. Method/procedure of questioning and guarding against the inappropriate line of questions
17. Acknowledge the child's experience and trauma
18. Fair trial and due process
19. Judges and prosecution should make sure that:
  - i. The child understands the reason they are in court/trial and why it is important to give testimony
  - ii. The consequences and procedure of the trial

#### **6.3.5.3 Post-Trial Proceedings**

1. Sentencing
2. Keeping the child victim informed about the progress of their case
3. Providing ongoing support to victims/witnesses
4. Appeal
5. Process of Appeal in Pakistani courts for child abuse cases

6. Appeals in CSA cases must be decided within six months
7. Closure
8. Reparations and Restitution Processes
9. Available Provisions for Reparation and Restitution through Pakistani institutions and laws

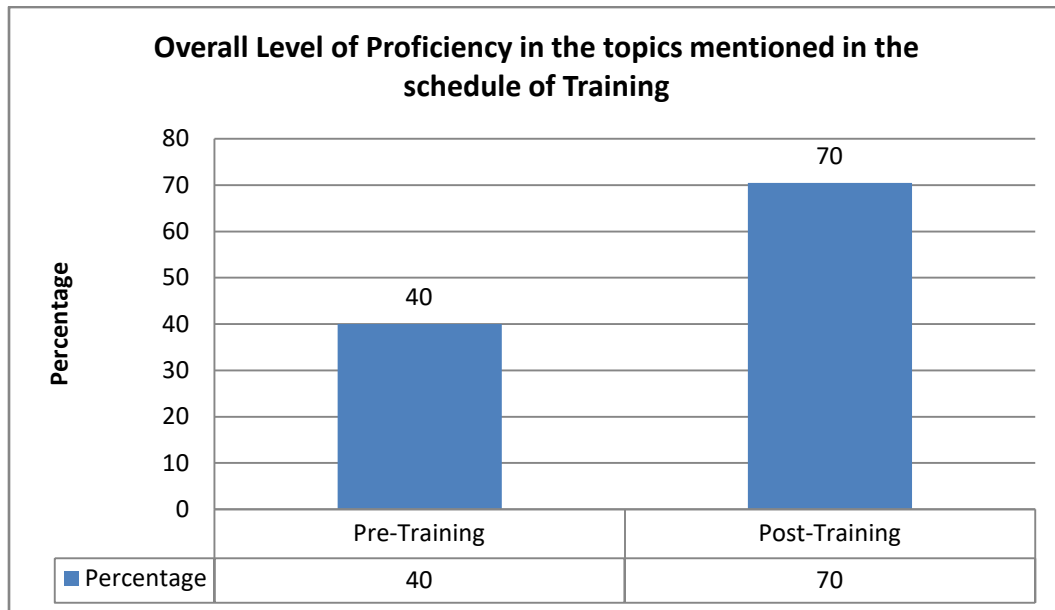
## 6.0 Impact of the training

6.1 Significant indicators of the training impact are:

6.1.1 Whether the training contributed to an increase in the knowledge of the participants?

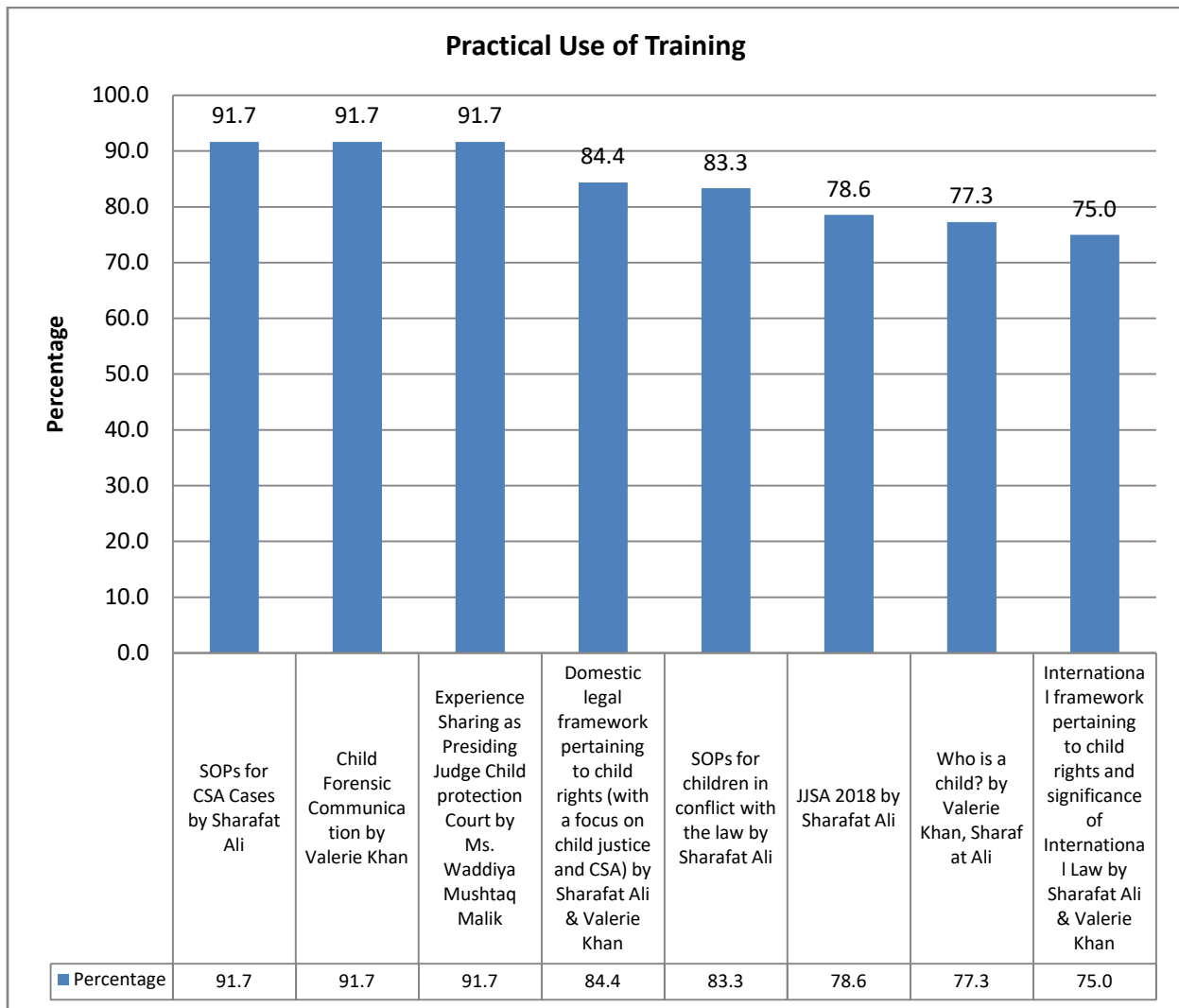
6.1.2 Whether that will translate itself into a practical utility?

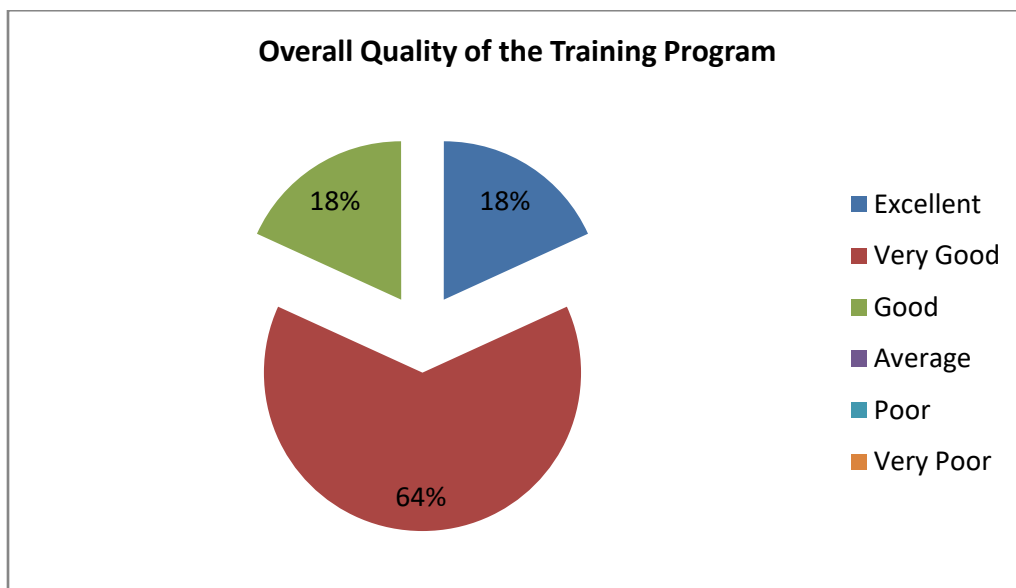
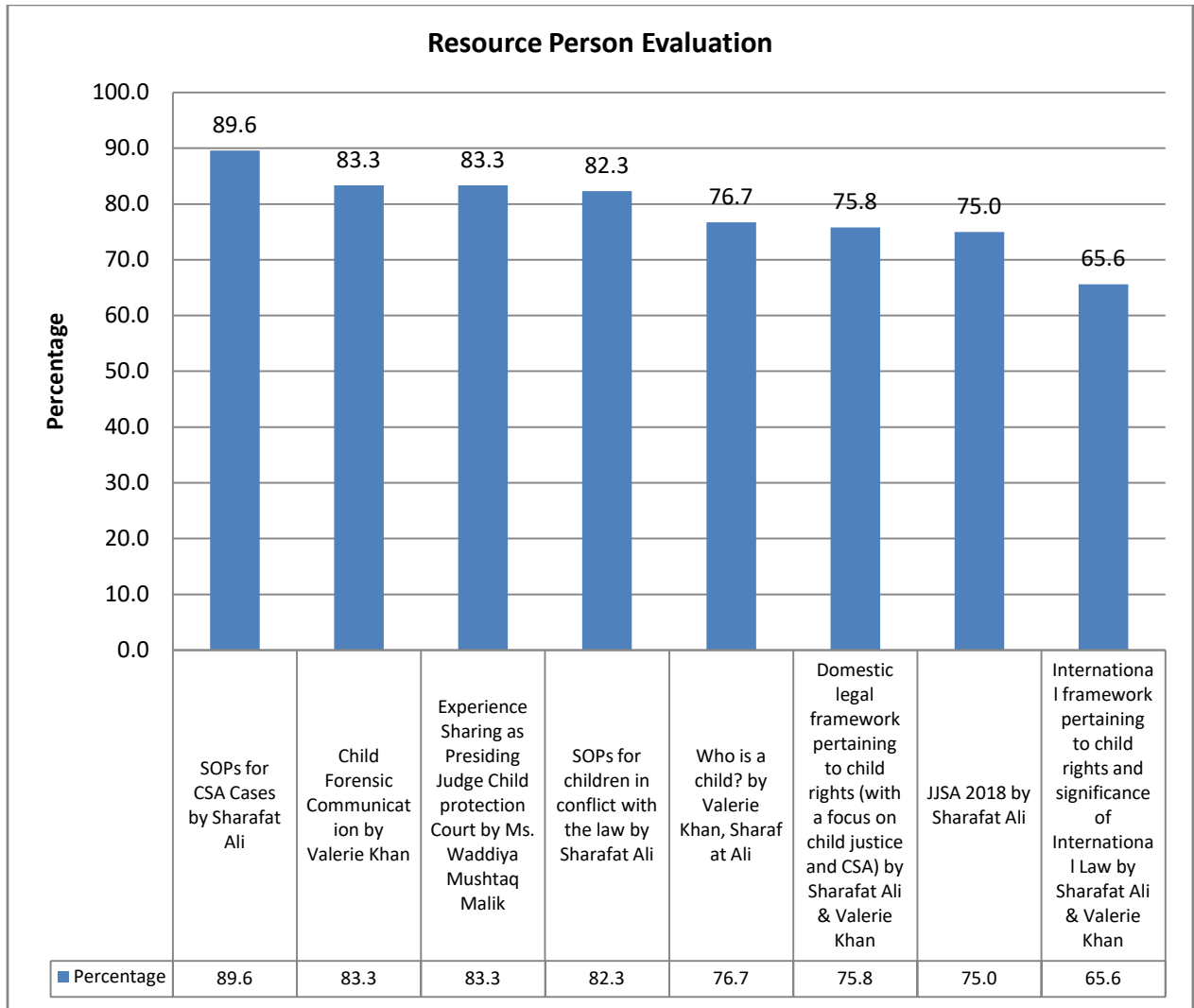
The evaluation questionnaire was designed to deal with this aspect. And the relevant feedback obtained from the participants is reflected below:

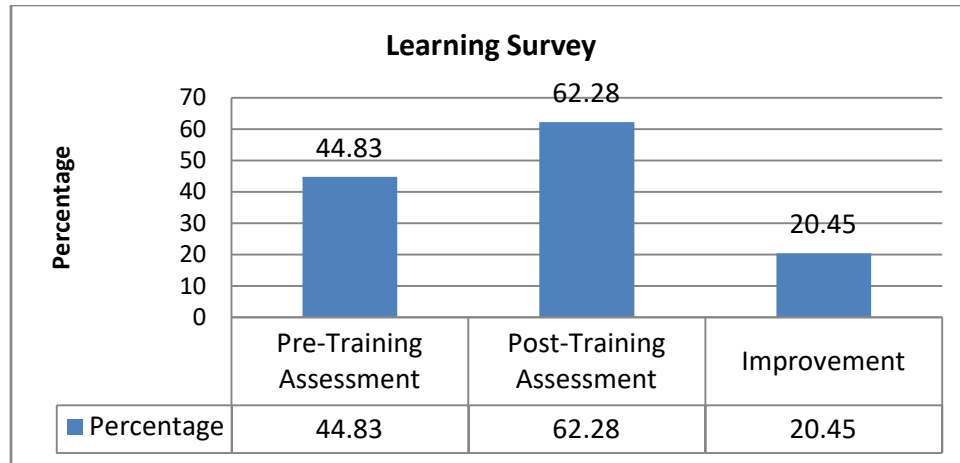


## 7.0 Quality of the training

7.1 As regards the quality of the training, it can be easily gleaned from the resource person’s evaluation by the participants. Moreover, the participants were asked to comment on the overall quality of the training program. Their response and the feedback, both on the assessment of the resource persons and the overall quality of the training program are shown in graphic form below:







7.2 Participants also furnished their general comments on the training. The same are reproduced verbatim:

1. More participants shall be included from the cross section of the society.
2. Expert of field with research work of the topic
3. It be practical and time be increased
4. The training is satisfactory
5. Sufficient time of training
6. Time be extended , arrange zoom training
7. It was all good and relevant but will recommend that the time of period was not sufficient for subject training, so second session may also be arranged
8. Time may be specified for question answer session

## 8.0 Conclusion

8.1 Participants' graphic feedback indicates that the training's performance and effect have been rated very well.

8.2 Based on the participants' feedback, training modules can be further improved.

8.3 According to trainees' reviews, it was the achievement of the objectives for which the training was designed and conducted.