

## **Registration of FIR and proposed changes in laws.**

Missing child is the first link of a chain of events that often lead to kidnapping, rape, trafficking or murder of children. The first 48 hours of a missing child are critical in shaping the final outcome of what might happen to a child. Sadly our current laws and procedures provide no protection to the missing children in these crucial first 48 hours.

There are a number of critical requirements that need to be addressed in our procedures or incorporated in our laws in order to establish an effective child protection system. Four such issues that require urgent reforms are described in the following paragraphs.

1. The Balochistan Child Protection Act 2016, the Sindh Child Protection Authority Act 2011, the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 and the Punjab Destitute and Neglected Children Act 2004 do not include '**missing child**' in the definition of a child in **need of protection**. Although it is well known that a 'missing child' is the first essential manifestation of a sequence of events that often lead to heinous crimes, the above laws do not include such missing children in the category of those deserving protection. It is therefore necessary to include in the definition of **"children needing protection", all those children reported to the police or others as missing because their whereabouts are not known to his/her parents or legal guardians regardless of circumstances and causes of disappearance or time elapsed since the child went missing."** Hence the Child Protection Statutes in all provinces ought to be amended to include **"missing children"** in the definition of children at risk/in need of special protection.
2. In cases of missing children, the police does not file a 'First Information Report (FIR)' until 48 hours have elapsed. Instead a note is made on a "Roznamcha", a register maintained to record the routine happenings of a police station. Likewise no investigation is initiated at this stage. This provides a huge window of opportunity to the criminal to traffic, sexually assault or even kill a child. The chances of recovery are substantially reduced if no actions are taken within the first 48 hours. **The recording of FIR and initiation of**

**investigation by police ought to be made mandatory and immediate in all cases where a child is reported as 'missing'.**

3. Kidnapping / abduction and trafficking are considered cognizable offences which require raising of an FIR and initiation of investigation. Although 'Missing children' are invariably the first indications of a potential kidnapping or trafficking, the incidents of 'missing children' are not considered cognizable offences. Thus no FIR is raised and no investigation is initiated. **It is absolutely essential to treat the incident of a 'missing child' as a cognizable offence that is immediately followed by an FIR and the initiation of an investigation.**
4. The following two sections of the Pakistan Penal Code 1860 (PPC) Section 364A and Section 369 that deal with kidnapping are not compatible with the Convention on the Rights of Child, as they do not address all children under the ages of 18 years.
  - a) **Section 364A** of the Pakistan Penal Code says, "Whoever kidnaps or abducts any person under the age of **FOURTEEN** in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or maybe so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years (cognizable offence).
  - b) **Section 369 of the Pakistan Penal Code says, " Kidnapping or abducting child under ten years with intent to steal from its person:** Whoever kidnaps or abducts any child under the age of **TEN** years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."
  - c) It is therefore recommended that Section 364A of PPC be amended to replace the **age of FOURTEEN years with EIGHTEEN years**, and Section 369 of the PPC be amended to replace the **age of TEN years with EIGHTEEN years**.

