

**A**  
**BILL**

*To make provisions for raising alert, response and recovery of missing and abducted children*

[ To Be Introduced in the National Assembly]

**WHEREAS** the Constitution recognises the inviolability of life, liberty and dignity of a person as the fundamental rights;

**AND WHEREAS** in recognition of the Constitution's fundamental rights, it is necessary to make provisions for the protection of missing and abducted children under the age of 18, that includes Raising Alert, Responding and Recovering of Missing and Abducted Children.

**AND WHEREAS** it is obligatory on the Government of Pakistan to make provisions for ensuring the right to life and protection from abuse, abduction or exploitation of children under the age of 18, as envisaged under various national and international 'Rights of the Child' laws, conventions, covenants and instruments.

**AND WHEREAS** it is in belief that the first few hours of a missing or abducted child under the age of 18 are critical, and may result in harm, trafficking, rape or death, it becomes essential to legislate a nationwide institutional response including but not limited to the introduction of systems with respect to raising alerts, as well as the response and recovery of Missing and Abducted Children.

The Act is named in Memory of seven year old Zainab, resident of Kasur who was abducted, raped and murdered in January 2018.

It is hereby enacted as follows:

**PART I**

## 1. Short Title, Extent and Commencement

- 1) This Act may be called The Zainab Alert, Response and Recovery Act 2018.
- 2) It extends to whole of Pakistan including regions administered by Pakistan.
- 3) It shall come into force at once.

## 2. Definitions. In this Act, unless there is anything repugnant in the subject or context,:

- a) "Act" ; means the Zainab Alert, Response and Recovery Act 2018
- b) "Alert System"; An alert system established under this Act.
- c) "Abductor": means a person, a group of persons or an organization who abducts a child.
- d). "Abduction": means, " whoever by or compels, or by any deceitful means induces any child under 18 to go from any place to another.
- d) "Code"; means the Code of Criminal Procedure 1898 (Act V of 1898).
- e) "Child"; means a person who has not attained the age of eighteen years at the time of commission of the offence or when discovered to be missing or abducted.
- f) "Government" ; means the Federal Government or, where applicable, the Provincial Government.
- g) "High Court"; means the High Court having territorial jurisdiction in respect of an area for which an offence under this act has been committed.
- h) "Organization"; means any group, combination or body of persons acting under a distinctive name.
- i) "ZARRA"; means Zainab Alert, Response and Recovery Agency for Missing and Abducted Children.
- j) "Response"; means all those actions that must be taken by the Federal or Provincial governments, Federal and provincial ZARRA offices, police, local government, telecommunication companies, state and privately-owned media channels, airports,

railway stations, highway authorities, Missing Child Response and Recovery Teams or any other organisation that is assigned a task under this Act.

k) "Recovery"; means all those required actions that may include (but not limited to) search, investigation, forensics, coordination and dispatch of specially trained teams to rescue, recover and bring the missing or abducted child to safety.

k) "Missing child"; means any child under 18 who is reported to the police or any ZARRA office as missing because his / her 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.

## **PART II**

### **ESTABLISHMENT OF ZAINAB ALERT, RESPONSE AND RECOVERY AGENCY (ZARRA) AND ITS MECHANISM**

#### **3. Establishment of Framework of Zainab Alert, Response and Recovery Agency**

a). The Government shall establish the "Federal Agency for Zainab Alert, Response and Recovery of Missing and Abducted Children (ZARRA)". This office shall be established under the Federal Ministry of Human Rights. ZARRA branches shall also be established in each province and at district level. All ZARRA Federal, Provincial and District offices will be open 24 hours, seven days a week.

4). The primary Functions and responsibilities of the Zainab Alert, Response and Recovery Agency for Missing and Abducted children shall be as follows:

a). To activate Zainab Alerts at the national, provincial or district level.

These alerts will include information on the physical characteristics of the missing or abducted child as well as any other data that would help in the child's identification, so as to inform the public at large and all concerned agencies to whom these alerts will target.

b). To coordinate with Pakistan Telecommunication Authority (PTA) for issue of Zainab Alert SMSs, MMSs, tickers on TV channels and announcements on radio stations and alerts on social media as well as postings on relevant websites.

c). ZARRA will define procedures for how, when, with what frequency and in what geographical territory the missing or abducted child alert will be raised and also the timings and mechanisms for upgrading the alert from District to Provincial to Federal levels.

d). To provide nation-wide telephonic hotline number such as 911, accessible to all Federal and Provincial ZARRA branches, where any person can report a missing or abducted child. The same number can also be used by any member of the public who has any information relating to the missing or abducted child.

e). To maintain a national data base, in conjunction with provincial governments of every reported incident of a missing or abducted child, the actions taken, the current status of the case and its final outcome. This database shall be monitored for accuracy and kept current at all times. The database will cover all territories of Pakistan and will be accessible to public on ZARRA website in English and Urdu. ZARRA will define procedures for who, how and when a missing or abducted child event will be brought on the ZARRA database. ). Federal ZARRA will have the accountability to maintain the database while each provincial branch will have access to it.

f). To maintain case files for each case, coordinate any information on missing children with local law enforcement, detect criminal patterns in a geographical area, issue monthly public reports on missing and abducted children on its website, introduce procedures and key performance indicators that will improve and measure the

effectiveness of Zainab Alert, Response and Recovery system It will also issue Quarterly Missing and Abducted Children's report to Provincial Assemblies and National Assembly.

g). Zainab Alert SMS/MMS Pro Bono Service by State and Private Media and Telecommunication Companies: All Media and Telecommunication companies – print, broadcast or digital – such as newspapers, radio stations, TV channels and internet sites operating in Pakistan shall provide free access to sending and receiving Zainab Alerts and are required to immediately cooperate with the ZARRA to setup an Alert System. Any non-cooperation by any organisation shall result in penalties and fines as determined by Rules made by ZARRA.

h). ZARRA Provincial branches will coordinate and provide full real-time information to the Federal ZARRA and perform alert, response and recovery functions for their respective provinces as defined by the Federal ZARRA.

i) To analyse the performance of ZARRA, to evaluate the effectiveness of ZARRA functions and to take actions to continually improve the performance of ZARRA.

j). ZARRA will provide governance and oversight to ensure all actions relating to Zainab Alert, Response and Recovery are initiated and all functions from registration of FIR to safe recovery of child are performed efficiently. .

5). The primary Functions and responsibilities of Federal, Provincial and District Police and law enforcement organisations in relation to Zainab Alert, Response and Recovery of Missing and Abducted children shall be as follows:

a) To establish Missing Child Response and Recovery teams (MCRRTs) at federal, provincial and district levels and equip them with individuals highly trained in functions such as investigation, forensics, rapid response, search, rescue and recovery operations. Every MCRRT will be headed by a senior police officer of the rank of SP or above and

will also include a provincial Child Protection Officer, and a nominated citizen with suitable expertise to help the working of MCRRT.

b) **Registration of FIR:** The concerned Police Station shall be legally bound to register an FIR on every reported incident of a Missing or Abducted Child where his/her 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. Recording of FIR for a Missing or Abducted child is mandatory and must be done immediately when a case is reported. Failure to do the above will result in penalties and fines, for the concerned police officials, as determined in ZARRA rules.

c) The police station where a case of missing or abducted child is reported shall immediately and no later than 60 minutes after the FIR is filed, inform the concerned Federal / Provincial / District ZARRA of the Missing Child incident and keep providing latest status of the case and all available details. As the Missing or abducted child database is a shared database, maintained by the federal ZARRA, any new case entered in any geographical district on this database is simultaneously available and known to all ZARRA branches for their respective actions.

d) The Police station where a missing or abducted child case is reported, registers FIR and immediately begins investigation and search for the missing child.

e) The Police station simultaneously calls in and informs the District Missing Child Rescue and Response Team (MCRRT) of the Missing Child event and provides all possible information and support to the MCRRT team.

f) The District MCRRT springs into action and immediately launches, with the help of local police, the investigation, search, rescue and recovery operations.

g) In case any Provincial or Federal ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station, other ZARRA offices and the District MCRRTs. to ensure all actions relating to Zainab Alert, Response and Recovery are initiated. This includes registering of an FIR at the concerned Police Station on behalf of the complainant.

h) **Funding and Staffing of the ZARRA offices:** Funding for all ZARRA offices shall be provided by the Federal Ministry of Human Rights. Like wise the Federal Ministry of Human Rights shall employ adequate staff to manage and operate all ZAARA offices. The management staff of ZARRA will be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analysing data, preparing reports and coordinating with all other ZARRA offices. The qualification of staff shall be outlined in ZARRA rules.

#### 6. "Punishments":

a). Who ever commits an offence of abduction or kidnapping on a child under the **age of 18 years**, in order that such a child may be murdered, or subjected to grievous hurt, or slavery, or rape, or to the lust of any person; or that such a abducted or kidnapped child may be so disposed of as to be put in danger of being murdered, or subjected to grievous hurt, or slavery, or rape, or to the lust of any person shall be punished with death or with rigorous imprisonment for life, along with Rs.20 million in fine.

b). Whoever wilfully causes death of any child under the age of 18 years, shall be punishable with death or imprisonment of life and with and Rs. 25 million in fine.

c). Whoever commits rape of any child under the age of 18 years shall be punished with death or imprisonment not less than 25 years and a fine of Rs.20 million.

d). Whoever causes grievous bodily harm or injury to any child shall be punished with imprisonment for minimum 15 years and a fine of Rs. 5 Million.

e) Whoever causes physical harm, torture or injury to any child shall be punished with imprisonment for minimum 10 years and a fine of Rs. 3 Million.

f). Whoever does anything that exposes a child to grievous bodily harm or injury shall be punished with imprisonment for 8 years with mandatory Rs. 3 million in fine.

## 7. Changes in child related laws:

a). All Child Protection Acts, laws and Statues in all provinces shall be amended to include the definition of **"missing child"** as "any child" under 18 who is reported to the police or others as missing because his / her 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."

b). Child Protection Acts, laws and Statues in all provinces shall be amended to include **"missing children"** in the definition of children at risk or in need of protection.

c). Section 364A of PPC shall be amended to read: "whoever kidnaps or abducts a person under the **age of 18**, in order that ....."

d). Section 364A of PPC shall be amended to align the punishments with those stated at Section 6 above.

e). Section 369 of the Pakistan Penal Code shall be amended to read: "Kidnapping or abducting child **under 18 years** with intent to steal from its person..."

f). Section 369 of the Pakistan Penal Code shall be amended to align the punishments with those stated at Section 5 above.

g). Pakistan Penal Code shall be suitably amended to include the mandatory requirement of raising an FIR on every reported incident of a Missing or Abducted Child where his/her 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. Recording of FIR for a Missing or Abducted child is mandatory and must be done immediately when a case is reported.

**8. Power to make rules;** the Federal government and the Provincial governments, as the case may be, shall make rules to integrate all functionaries and to carry out the purpose of this enactment in an efficient and effective manner.

## STATEMENT OF OBJECTS AND REASONS

Zainab Alert, Response and Recovery Act 2018 is an Act to raise the required alerts and initiate the responses required for recovery of missing, abducted, abused or kidnapped children in Pakistan, the incidents of which are on an alarming rise nationwide. Pakistan's current laws and procedures have failed abysmally to protect or to recover missing and abducted children and have also been proved woefully inadequate to provide satisfactory results in the monitoring, tracking or recovery of missing and abducted children. They are also inadequate to check the deteriorating situation of missing, abducted and raped children in the country. Therefore, a need has arisen to enact special laws to provide a speedy system of alerts, responses, recoveries, investigations and trials of the accused to prevent and curb criminals and criminal activities against the children of Pakistan and to also ensure that these laws are properly implemented to effect meaningful change on the ground.

Shireen M. Mazari

**Member National Assembly**

Dr. Arif Alvi,  
President of Pakistan,  
Aiwan-e-Sadar, Constitution Avenue,  
Islamabad. Ph: 051 9204801

September 23, 2018

Dear President Alvi,

*A BILL To make provisions for raising alert, response and recovery of missing and abducted children*

Warm greetings and respects,

The enclosed bill was sent by **KASUR HAMARA HAI** to Dr.Shireen Mazari for passage by the Parliament and implementation in Pakistan.

This relates to the vital subject of missing and abducted children who often end up getting raped and killed.

Your kind perusal of this subject would could help protection and safety for the children of Pakistan.

Warm regards and best wishes.

Sincerely,

Shimaila Dawood  
For  
Kasur Hamara Hai

Naeem Sadiq

