REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MARCH 24, 2020

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 24th March, 2020

No. F. 22 (11)/2019-Legis.—The following Acts of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 19th March, 2020 are hereby published for general information:—

ACT NO. XV OF 2020

An Act to make provisions for raising alert, response and recovery of missing and abducted children

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the inviolability of life, liberty and dignity of a person as fundamental right;

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 eighteen years, that includes raising alert, responding and recovering of missing and abducted children;

Price: Rs. 40.00

[5343(2020)/Ex. Gaz.].

AND WHEREAS it is obligatory on the Government of Pakistan to make provisions for ensuring the right to life and protection from violence, abuse, neglect, abduction or exploitation of children under the age of eighteen years, as envisaged under various national and international laws, conventions, covenants and instruments, relating to the rights of children, including, but not limited to, the United Nations Convention on the Rights of the Child ratified by Pakistan on 12th November, 1990;

AND WHEREAS it is a matter of national concern that children under the age of eighteen years, who are abducted, are at high risk of violence, exploitation, abuse, trafficking, rape or death;

AND WHEREAS it is urgent and necessary to introduce systems with respect to raising alerts, as well as the response and recovery of missing and abducted children, so that incidents such as that of a seven-year old Zainab, resident of district Kasur, who was abducted, raped and murdered in January, 2018, do not occur again in future;

AND WHEREAS it is in the interest of efficacy and avoidance of duplication of efforts that the ZARRA established pursuant to this Act will work supporting and complementing the mandate of federal and provincial law enforcement agencies and child protection and welfare institutions and to coordinate and guide the efforts of all governmental agencies, authorities and departments in relation to cases of missing and abducted children.

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, 2020.

(2) It shall extend to the whole of 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 2020;

(b) "Alert" means any notification raised by ZARRA after receiving any information or complaint about missing children on any media;

(c) "Alert system" means an alert system established under this Act;

(d) "Abduction" means,—

(i) whoever by will or force, threat, violence, coercion or by any deceitful means induces any child under eighteen years of age to move from one place to another and includes kidnapping as defined in the Pakistan Penal Code 1860 (Act XLV of 1860); or

(ii) whoever has un-lawful custody of a minor or removing a child from the custody of his parents or lawful guardianship;

(e) "Abductor" means a person, a group of persons or an organization who kidnaps, traffics or abducts a child;

(f) "Board" means the ICT Child Protection Advisory Board established under the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

(g) "Child" means anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted;

(h) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(i) "Government" means the Federal Government of the Islamic Republic of Pakistan;

(j) "missing child" means any child for whom a complaint is lodged with the police or in respect of whom information is given to any ZARRA office or any other relevant authority assigned under this Act as missing because his whereabouts are not known to his parents or legal guardians or is a runaway child regardless of circumstances and causes of disappearance or time elapsed since the child went missing;

(k) "organization" means any group, combination or body of persons acting under a distinctive name;

(l) "rape" means any forcible and non-forcible sexual conduct with a child by another person;

(m) "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, to provide

psycho-social support and bring the missing or abducted child to safety;

(n) "response" means all those actions that must be taken by the ZARRA office, 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 organization or individual that is assigned a task under this Act; and

(o) "ZARRA" means Zainab Alert, Response and Recovery Agency established under this Act of Missing and Abducted Children.

PART II

3. **Establishment of Zainab Alert, Response and Recovery Agency.**—(1) The Government shall, by notification in the official Gazette, establish Zainab Alert, Response and Recovery Agency (ZARRA) of missing and abducted children.

(2) The ZARRA shall consist of a Director General who shall be appointed by the Prime Minister after public advertisement in such manner and in such terms and conditions as may be prescribed by Ministry of Human Rights. Other officers and employees shall be appointed by the Director General in consultation with Ministry of Human Rights in such manner and on such terms and conditions as may be prescribed by rules.

(3) The management staff of ZARRA shall be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analyzing data, preparing reports and coordinating with all other offices.

(4) Standard operating procedures (SOPs) shall be devised to ensure the safety and protection in the hands of authorities of the recovered missing or abducted child.

(5) All helplines including helpline 1099 shall forward to ZARRA all complaints relevant to the mandate of ZARRA.

4. **Superintendence and administration of ZARRA.**—(1) The superintendence of the ZARRA shall vest with the ICT Child Protection Advisory Board.

(2) The administration of the ZARRA shall vest in the Director General.

(3) The Director General shall exercise such powers and perform such functions as may be prescribed.

5. **Powers and functions of ZARRA.**—The following shall be powers and functions of ZARRA that shall be performed under the administration of the Director General, namely:—

(a) to activate Zainab alerts, when there is a missing or abducted child, which shall 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 shall be issued;

(b) to coordinate with Pakistan Telecommunication Authority (PTA) for issuance of Zainab alert SMSs, MMSs and with Pakistan Electronic Media Regulatory Authority (PEMRA) for broadcast/ tickers on television channels and announcements on radio stations and alerts on social media as well as postings on relevant websites or online, print media or any other available medium to report abductions;

(c) to define procedures for how, when, with what frequency and in which geographical territory the missing or abducted child alert shall be raised;

(d) to provide nation-wide telephonic toll free hotline number 1099 or such other number where any person may report a missing or abducted child and such number may be used by any member of public who has any information relating to the missing or abducted child;

(e) to maintain online data base both in ZARRA and Division concerned and 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 shall be kept updated at all times. The database shall cover all territories of Pakistan and shall be accessible to public on ZARRA website in English and in Urdu;

(f) to define procedures for who, how and when an incident of missing or abducted child shall be brought on to the ZARRA database. National Commission on Rights of Child and Division concerned shall also have the responsibility to maintain a database. To maintain proper record for each case, coordinate any information on missing children with local law enforcement agencies, 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 ZARRA;

(g) to ensure that the concerned stakeholders perform their duties in accordance with the prescribed rules;

(h) to introduce a user friendly cellular mobile application linked with the main database for reporting of any missing child and for updated information of any child abducted or recovered;

(i) to initiate, refer or take action for proceeding against any non-cooperation or non-compliance by any organization or stakeholder in accordance with the rules as may be prescribed under this Act;

(j) to ensure that full real-time information is being received in ZARRA office;

(k) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of any such child;

(l) to facilitate the provision of legal aid or advice, where circumstances so requires;

(m) to coordinate and cooperate with relevant foreign agencies and authorities in cases of missing or abducted children where the child has been wrongfully removed to, or from, Pakistan, and frame Standard Operating Procedures for the same;

(n) to do any other task necessary to perform the functions of ZARRA; and

(o) to seek the cooperation of all federal and provincial law enforcement agencies and any other federal or provincial agencies, authorities or departments in cases of missing or abducted children.

6. **Powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act.**—Without prejudice to the business allocated to the Division concerned, the following shall be powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act, namely:—

(a) to analyze the performance of ZARRA, to evaluate the effectiveness of ZARRA functions and to take actions to continually improve the performance of ZARRA; and

(b) to provide governance and oversight in order to ensure that all actions relating to ZARRA that are initiated, from registration of FIR to safe recovery of child and referral for rehabilitation of a recovered child, are performed efficiently.

7. **Coordination between ZARRA and Local Police Stations.**—(1) The police station where a case of missing or abducted child is reported shall, immediately and not later than two hours after the complaint is lodged, through any available means of communication call, fax, electronic email or ZARRA mobile application, inform the ZARRA of the missing child incident and keep providing latest status of the case and all available details on daily basis. The missing or abducted child database shall be shared on online database, maintained by the ZARRA office in accordance with the prescribed rules. The police officer shall ensure that the required information in Schedule to this Act, is made part of the complaint.

(2) The Local Police and concerned law enforcement agencies shall on receipt of information under sub-section (1) take an immediate action and launch, the investigation, search, rescue and recovery operations. ZARRA shall wherever required, coordinate the efforts of the concerned Police stations and any other Federal and provincial agencies, authorities or departments.

(3) In case ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station and other ZARRA offices to ensure all actions relating to ZARRA are initiated. This includes registering of a complaint at the concerned police station, any other federal or provincial agency, authority or department that ZARRA may consider necessary in this regard on behalf of the complainant.

PART III

8. **Registration of FIR.**—(1) "Notwithstanding anything contained in any other law for the time being in force, upon receiving information that a child is missing, the officer in charge of a police station shall reduce the same into writing in the same book and in the same manner as prescribed for a cognizable offence under section 154 of the Code of Criminal Procedure and shall be under a duty to cause investigation of the same and recover the missing child and also ensure that the required information in Schedule A to this Act, is made part of the complaint.

(2) A police officer investigating the case of a missing child shall have the same powers as available to an officer investigating a cognizable offence under the code of criminal procedure:

Provided that the provisions of this section are intended to supplement the powers, responsibilities and duties of the police in relation to missing

children and nothing herein shall be deemed to curtail or detract from their powers, responsibilities and duties in respect of any offence relating thereto as provided under any other law for the time being in force".

9. **Punishment under this Act.**—Any police officer who does not comply with the provisions of section 8 of this Act in case of missing or abducted child or any other public officer who willfully delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished with imprisonment of either description not less than 1 year and up to 2 years and a fine of not less than Rs. 50,000/- and up to Rs. 100,000/-.

PART IV

10. **Power to make rules.**—ZARRA in consultation with the Minister-in-charge may, by notification in the official Gazette, make rules within six months of the commencement of this Act to carry out the purposes thereof.

11. **Power to amend Schedule A to this Act.**—ZARRA in consultation with the Minister-in-charge may amend the Schedule A to this Act so as to add thereto or omit there from or amend therein any entry.

12. **Financing of ZARRA.**—(1) The remuneration payable to the Director General, other employees, staff and administrative expenses of the ZARRA shall be made from funds allocated by Federal Government.

13. **Director General, officers and employees deemed to be public servants.**—The Director General, officers and employees of ZARRA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860) and shall be subject to all the relevant provisions of sections 161 to 169 of the said Act XLV of 1860.

PART V

14. **Application of Code.**—The provisions of the Code shall apply to the proceedings under this Act, except in the case of juveniles who will be dealt under the Juvenile Justice System Act, 2018.

15. **Completion of trial.**—Notwithstanding anything contained in any other law for the time being in force, offences against children under the age of 18, including but not limited to, section 292-A, section 292-B, section 323, section 328-A, section 361, section 362, section 364, section 364-A, section 365, section 366-A, section 369, section 369-A, section 372, section 373, section 375, section 377 and section 377-A of the Pakistan Penal Code shall be tried by magistrates and judges, as the case may be, specifically designated for such purpose by the Sessions Judge of the district concerned and all such trials shall be concluded in not more than three months:

Provided that nothing herein shall affect the trial of any offence being conducted or to be conducted by the anti-terrorism courts established under ATA 1997.

16. **Act to override other laws.**—Subject to section 15, the provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

17. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty.

Schedule

[*See* Section 7(1)]

(a) Basic information about the missing child:—

(i) Full name;

(ii) Date of birth;

(iii) Birthplace;

(iv) Nicknames, if any;

(v) Current and previous addresses. Who else lived there?;

(vi) Current and former employers;

(vii) Languages spoken; and

(viii) School attended;

(b) Physical description of the missing child:—

(i) Height;

(ii) Weight;

(iii) Age;

(iv) Build;

(v) Hair Color and Length of Hair;

(vi) Eye color;

(vii) Any distinguishing marks - such as tattoos, birthmarks, scars, etc.;

(viii) Beard, mustache and sideburns; and

(ix) Most recent photo of the missing child;

(c) Habits and personality of missing child:—

(i) Does the child have any personal or emotional problems?;

(ii) Any addiction drug or smoking;

(iii) What level of education or training does the child have? ; and

(iv) Does the child visit frequently any particular areas or places of interest? ;

(d) Clothing that the missing child was wearing the last time seen:—

(i) Style and color of wearing cloths;

(ii) Style and color of jacket or outerwear ;

(iii) If applicable, type of headwear;

(iv) Type of glasses;

(v) Type of gloves; and

(vi) Type and color of footwear;

(e) Trip plans of the missing child the day he went missing:—

(i) What were the missing child's plans and activities on the day he went missing?;

(ii) Where was he or she going?;

(iii) Why was he or she going there?;

(iv) If the individual was travelling by car, can you provide the make and model number, licensed plate number, as well as registration if possible; and

(v) Provide information about any other vehicles or mode of travel the missing child may have access too;

(f) Information about the last time the missing child was seen:—

(i) The time and location of where he or she was last seen;

(ii) The name of the individual who last saw the missing child;

(iii) The name of the individual who last talked at length with the missing child;

(iv) The direction the missing child was travelling the last time seen;

(v) The attitude of the missing child the last time seen;

(vi) Was the missing child complaining of or concerned about anything before he or she went missing;

(g) Overall health and condition of the missing child:—

(i) Physical condition;

(ii) Any known medical problems or disease;

(iii) Any handicaps or disabilities;

(iv) Any psychological problems;

(v) Any medications that the child is taking;

(vi) Any addictions that the child has;

(vii) Provide the name of the missing child's family physician and their health card number, if possible;

(viii) Provide the name of the missing child's main dentist, if possible;

(ix) Potential people that the child may have contacted last time; and

(x) List all of the child's friends and acquaintances who the missing child may try to contact. Try to include addresses and telephone numbers; and

(h) Belongings of the missing child:—

(i) Items such as a hairbrush, a toothbrush, or undergarments in the event that investigators may need to undertake DNA analysis;

(ii) Any electronic equipment such as a cell phone or computer. What is the maker of phone and the cell phone provider; and

(iii) As well, do you know if they were active on a chat line or other social on-line or media network such as facebook?