

VIOLENCE AGAINST CHILDREN

Introduction

Violence against children is one of the major problems in the world affecting societies and families. It takes place in every country. Violence against children has many forms: physical abuse, sexual abuse, negligence, emotional abuse. It also has lifelong impacts on health and well-being of children, families, communities, and nations.¹

Children who are exposed to violence are more likely to misuse alcohol and drugs, smoke and engage in sexual behavior. Violence against children can have lifelong effects on the wellbeing of the children, it can result in death, lead to severe injuries, impair brain and nervous system development, and lead to unintended pregnancies. Children who have experienced violence are more likely to perpetuate the circle of violence.²

Despite being signatory to several international conventions and commitments, Pakistan failed to safeguard its children from ill practices of child sexual abuse, trafficking, corporal punishment, early and forced marriages, acid crimes and dishonor killings. Like previous years, street children remained one of the most neglected and at-risk population groups of the country.³

In Pakistan reported cases of child abuse decreased in 2019 with more than 8 children suffering from some form of abuse everyday compared to 10 in 2018.⁴ However, some heinous crimes were reported on daily basis.

On legalization front, Pakistan struggled to enact laws with harsher punishments for child abusers and bring the laws in harmony with international standards.⁵ The lack of implementation of existing laws

¹<https://www.who.int/health-topics/violence-against-children>

²<https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

³<http://sahil.org/cruel-numbers/>³

⁴<http://sahil.org/cruel-numbers/>

⁵<https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>

also raised question marks on the commitment of policymakers and law enforcers. The landmark ruling by Chief Justice Asif Saeed Khosa in rejecting the plea for out of court settlement in acid crimes⁶ and Multan Court doing the same in murder of case of Qandeel Baloch⁷, should be taken as example to curb down the attempts of using religion as a tool to get away from crimes against women and girl.

Children are the future of Pakistan. In order to safeguard this future, it's imperative that dedicated surveys are conducted to gauge the true scale of different forms of violence against children in Pakistan. Support programs for survivors of child abuse should be launched to break the circle of violence and to reintegrate the survivors in social and economic development process.

1. Child Sexual Abuse

Child sexual abuse, also called child molestation, is the most prevailing form of violence against children. These acts are carried out by adults or older adolescent at homes, schools and places of child labor. The common practices of child sexual abuse include rape, gang-rape, sodomy, sexual groping and fondling, sexual assault, indecent exposure, trafficking for forced prostitution, and the commercial sexual exploitation such as child pornography.⁸

Contrary to the popular belief, in most acts of child sexual abuse the perpetrators are acquainted with the victims. These include family members, friends, babysitters, neighbors, drivers, shopkeepers and teachers at formal institutions and religious schools.⁹

Child sexual abuse has short term and long term, physical and psychological effects on children. These include physical injuries, sexually transmitted diseases, fertility problems, forced and early pregnancies, and rape-murders. The survivors face mental health

⁶<https://www.dawn.com/news/1493452>

⁷<https://www.dawn.com/news/1507652>

⁸<https://www.rainn.org/articles/child-sexual-abuse>

⁹<https://www.dawn.com/news/1506224>

issues such as depression, poor self-esteem, post-traumatic stress disorder, anxiety, and eating disorders.¹⁰

Despite being widely prevalent and sometimes making news headlines, child sexual abuse remains unaddressed and often unpunished in Pakistan due to traditional practices, weak implementation of laws and strong feudalism and tribalism. Murder of young Zainab Ansari in 2018 caused nationwide outrage in Pakistan. The perpetrator was sentenced to death in the same year. However, the more and more cases of child sexual abuse have emerged which shows that Pakistan is a longshot away from being a safe country for children.

Legislation

Article 25 of 1973 Constitution of Pakistan talks about equality of citizens and equal protection for them including women and children.¹¹ Pakistan ratified **Convention on the Rights of the Child (CRC) on 12 December 1990**. According to it Pakistani children have the right to be protected from all forms of exploitation and abuse. Pakistan is also a signatory to **UN CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**.

The Pakistan Penal Code (PPC) only recognizes child rape after an act of penetration is established with forensic evidence. Following laws address child sexual abuse:

- **PPC Section 90:** Any purported “consent” given by a child under 12 years of ages is considered invalid.
- **PPC Section 336-A:** Prostitution or procurement of a minor girl under the age of 18 for sexually intercourse is punishable with imprisonment which may extend to ten years and also liable to fine.

¹⁰<https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

¹¹<http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

- **PPC 364A:** Kidnapping or abducting anyone under the age of 14 will be dealt with life imprisonment and shall be liable to fine.
- **Anti-Terrorism Act 1997:** Child molestation, gang, rape and robbery coupled with rape are punishable with death (if the crime results in death of the victim), or punishable with imprisonment extending to 14 years but not less than 7 years
- **The Protection of Women (Criminal Law Amendment) Act 2006:** Inserted Sections 375 and 376 in Pakistan Penal Code which categorized different kinds of forced and manipulative sexual intercourse as a rape.
- **Criminal Law (Second Amendment) Act 2016:** Inserted new provisions in the Pakistan Penal Code. The insertion of sections 292A, 292B and 292C criminalized the exposure of children to child pornography and seduction. In addition section 328C was also inserted in PPC which criminalized cruelty to a child. Furthermore, according to section 377A and 377B sexual abuse against someone under the age of 18 shall be punished with imprisonment or fine of Pakistani Rupees 500,000 or both.
- **Criminal Law (Amendment) (Offences Relating to Rape) Act 2016:** Strengthened laws on rape, including the rape of minors. The major changes included making DNA test compulsory, but only with the consent of survivor, or her/his parents/guardians/legal heirs; and bounding the courts to conclude trial of offences related to rape within three months.

The **Zainab Alert, Response and Recovery Act, 2019** is the latest development on legalization on child sexual abuse in Pakistan.¹² On 8 October 2019 Zainab Alert Bill was passed by the National Assembly committee. The bill was also passed by Senate on 4 March, 2020.¹³ This act provides ease for the missing child's parents to notify the police via a helpline. The act also provides a process for the local

¹²<https://www.ma-law.org.pk/pdflaw/PAKISTAN%20PENAL%20CODE.pdf>

¹³<https://www.geo.tv/latest/274092-senates-human-rights-committee-approves-changes-in-zainab-alert-bill>

police department to issue an emergency alert using emergency broadcasting system on mobile phones within a 20 km region where the child was last seen. A major key feature of the act is to establish a national database of missing and recovered children applicable across Pakistan and establishes an agency accountable to submit quarterly reports to the National Assembly of Pakistan¹⁴.

The provincial laws which safeguard children's right from physical and sexual abuse include:

- Punjab Destitute & Neglected Children Act, 2007
- Sindh Child Protection Authority Act, 2011
- Balochistan Child Protection Act 2016
- Azad Kashmir Child (Care and Protection) Act, 2016
- The Gilgit-Baltistan Child protection response Act, 2017
- Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Act, 2018

All provinces have Child Protection Act but only Balochistan and Gilgit-Baltistan have formed the corresponding mechanism for vulnerable children.¹⁵

Statistics and Cases

Crimes against children remained on high in Pakistan in the year 2019. The report 'Cruel Numbers 2019' published by non-profit organization SAHIL by the monitoring of 84 national and regional newspapers, daily, mentioned that over 8 child abuse cases were reported each day. The number was less compared to the 10 cases per day from 2018 however it should be noticed that these are the number of cases reported in media, the actual number can vary.¹⁶ An indication of this is a report presented to the Senate committee for child protection which mentioned that over 4,000 complaints of child

¹⁴<https://www.geo.tv/latest/266840-what-you-need-to-know-about-the-zainab-alert-bill>

¹⁵<https://tribune.com.pk/story/1842081/1-child-protection-concrete-steps-needed-protect-vulnerable-children-senate-panel/>

¹⁶<http://sahil.org/cruel-numbers/>

sexual abuse were filed all over Pakistan in 2019¹⁷. Going by this report, the number of daily reported cases is approximately 11. According to Islamabad Police, the Islamabad Capital Territory recorded 159 percent rise in child sexual abuse cases in 2019.¹⁸

Among the most noticed case from Islamabad was rape-murder of a 10 year old girl. Police found her body dumped in the suburbs of the federal capital. According to the police the girl was stabbed in the stomach after being raped. The girl died due to excessive bleeding.¹⁹

Kasur the hub of child sexual abuse scandal of 2015 and Zainab murder case 2018 remained in negative news in 2019 as well. In September, an 8 year old boy went missing in Chunian city in Kasur District. Few days later his body was found in a deserted area two mile away from his home, the autopsy report revealed that the boy was raped before murder. The suspect was let go by police after initial questioning and he was later arrested on after DNA report proved him the perpetrator of the crime.²⁰ Bodies of three children aged 8, 9 and 12 were also found in vicinity. The three children died in similar circumstances.²¹

Some other heinous acts of child sexual abuse reported in 2019 included:

- A girl in 9th grade was raped in Battal Town in Mansehra District in Khyber-Pakhtunkhwa province. Father of the girl lost mental equilibrium. Perpetrator was arrested by police.
- A man was arrested in Karachi for raping the daughter of his housemaid.

¹⁷<https://www.samaa.tv/pakistan-news/2020/01/over-4000-cases-of-child-abuse-filed-in-2019-report/>

¹⁸<https://www.thenews.com.pk/print/592345-capital-records-159pc-increase-in-child-abuse-cases-in-2019>

¹⁹<https://tribune.com.pk/story/1981717/1-fairshita-murder-case/>

²⁰<https://www.dawn.com/news/1508607/chunian-case-suspect-averted-arrest-twice>

²¹<https://www.dawn.com/news/1505833/kasur-shaken-again-as-bodies-of-three-minors-found-in-chunian>

- A boy aged 14 years was murdered after rape in Multan.
- Six boys were raped in Bilal Colony, North Karachi.
- Man was held in Lakki Marwat for assaulting an 11 year old boy.
- Cleric was held in Rawalpindi on charge of molesting a student.
- Two men were held in an alleged abduction and rape of a 14-year old.
- A five year old missing girl was founded dead after rape in Sahiwal.

The report by SAHIL also noticed increase in child sexual abuse committed by children. The data collected for such offences from July to December 2019 included 11 cases where the abusers were under 18 years. A minimum difference of 5 years in ages of perpetrator and victim was set to classify the act as ‘child’ sexual abuse. In 2019, 70 cases of child pornography were also reported.

The report is also consistent with most international findings on child sexual abuse. More than 48% of the abusers were acquaintances and out of the total closed spaces, 58% were acquaintance places whereas 29% were of the victims’. This shows that children are not safe in many places which are supposed to be safe for them. Out of the total reported cases, 28% happened in open spaces which is consistent with SPARC’s findings of previous year which shows that children working and living on streets are at risk of child sexual abuse.²²

The most alarming stats of SAHIL’s report are 8 percent increase from year 2018 in urban areas and ratio of boys being higher than the ratio of girls in contrast to the previous year. Generally it’s perceived that child sexual abuse takes place in rural settings against girls because of vicious traditional practices. However the rise in these categories shows that children of all genders aren’t safe anywhere.

²²<https://www.sparcpk.org/SOPC%20-%202018.html>

Recommendations

- I. Conducting National survey to gauge the true magnitude and scale of this issue.
- II. Effectively enforcing the current legislation related to child sexual abuse.
- III. Rigorously evaluating and strengthening existing child sexual abuse prevention programs.
- IV. Exploring, evaluating, and strengthening new specific legislation and policies and programs.
- V. Improving the support system for survivors including forensic testing, medical exams, legal and psycho-social support.
- VI. Raising awareness of the public about unacceptability of child sexual abuse, and promoting the notion that stopping child sexual abuse is everyone's responsibility.
- VII. Sensitizing the media on improved and child friendly reporting to protect the survivors and their families from trauma.
- VIII. Implement a strategy that include increasing parents' and other caregivers' awareness and knowledge of protective measures they can take on behalf of their children.
- IX. Creating a gender-sensitive dictionary of terms in national and regional languages to include correct scientific/technical words for crimes and change the derogatory terminologies used commonly.

2. Child, Forced and Early Marriages

Child, Early, and Forced Marriages (CEFM) are among the worst form of violence against children because they are not considered a violent practice at all. According to the estimates by UNICEF, Pakistan has the sixth highest number of child brides in the world.²³ 21 percent Pakistani girls are married under the age of 18 and 3 percent of girls get married under the age of 15. This means almost one-third of girls in Pakistan are married before they reach the 18 years of age. Pakistani children mainly girls are married off at tender ages using the ‘justification’ of ‘best interest of the child’ and other ulterior motives such as settling family feuds, denying them inheritance and selling them for money.²⁴

Child marriage violates the children rights and can have long term consequences for both the child bride and groom. Many girls are forced into marriage in their early ages, they are made to leave school and they are deprived of their right to education and future economic development. As these girls have little education and technical skills, they are more likely to experience domestic violence.

According to the Pakistan Demographic and Health Survey 2017-18, only 34% of the married women practice family planning.²⁵ The girls who are married at early age without their consent have little choice in deciding the age of child bearing. The survey mentioned that child marriages and early pregnancies create huge of death for mother and child from complications. The surviving children face health issues later on in their lives.

²³<https://data.unicef.org/topic/child-protection/child-marriage/>

²⁴<https://www.girlsnotbrides.org/child-marriage/pakistan/>

²⁵https://www.nips.org.pk/abstract_files/PDHS%20-%202017%20Key%20indicator%20Report%20Aug%202018.pdf

Legislation

*Pakistan is among the few remaining Muslim countries in Asia where the legal age at marriage for girls is still 16 years. This is in contradiction to UNCRC and CEDAW; Pakistan is a State Party to both these conventions. The major challenge in this regard has been the strong opposition from Council of Islamic Ideology (an advisory and recommendatory body) which has maintained the stance that laws prohibiting child marriage are un-Islamic.*²⁶

There are laws which criminalize forced marriages. *Prevention of Anti-Women Practices Act, 2011 amended the Pakistan Penal Code by adding a new chapter in it and outlawed giving a female in marriage or otherwise in badla-e sulh, wanni or swara; depriving women from inheriting property; forced marriages; and marriage with the Holy Quran.*²⁷

Under **Pakistan Penal Code Section 310-A** practices of Badla-e-Sulh, Wanni and Swara are criminalized. They are punishable with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to a fine of PKR 500,000.

According to **Pakistan Penal Code Section 498 B** the penalty for forced marriages are ten years maximum and three years minimum of jail term along with a fine of five hundred thousand rupees. Under **Section 498 C**, forcing, arranging or facilitating a woman's marriage with the Holy Quran is punishable with a jail term of maximum seven and minimum three years, along with a fine of PKR 500,000.

The only Pakistani law which is in line with international recommendations is Sindh Child Marriage Restraint Act 2014. This was the first law in Pakistan which places a ban on marriage of children under 18 years and makes its violation punishable with imprisonment of up to three years.

²⁶<https://www.washingtontimes.com/news/2019/aug/29/child-brides-pakistan-defended-muslim-conservative/>

²⁷https://pcsw.punjab.gov.pk/prevention_of_anti_women_practices

In 2019, Child Marriage and Restraint (Amendment) Bill 2018 was passed in Senate to increase the minimum age for marriage for female to 18 years.²⁸ However this bill was rejected in the National Assembly which shows the lack of seriousness by policymaker towards this grave issue.²⁹

Pakistani policymakers and judiciary have also failed to provide safety to the girls belonging from religious minorities. In 2019, the cases of forcefully converting Hindu and Christian girls to Islam and marrying them with much elder Muslim men continued to happen.³⁰ The continued occurrence of these acts in Sindh province, the only region which has outlawed under 18-year marriage, shows a bleak picture.³¹ A bill presented in Sindh Assembly to curb down this evil practice was rejected in October 2019.³²

The annual report 'Cruel Numbers' published by SAHIL mentioned that 104 child marriages were reported in Pakistan in 2019.³³ This includes 91 girls and 14 boys. Out of these, 62 girls and 11 boys were married below the age of 16. The ages of 15 girls and 1 boy were not mentioned in media. This means that marriages of 68% girls and 84% should be considered illegal even under the old laws which are not in harmony with the international standards. 64% girls were forcefully married under the extreme types which are outlawed by Pakistani laws.

²⁸<https://nation.com.pk/31-Jan-2019/senate-body-passes-child-marriage-restraint-act-amend>

²⁹<https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>

³⁰<https://www.pakistantoday.com.pk/2019/12/19/forced-conversions-continue-unabated-in-sindh/>

³¹<https://www.thenews.com.pk/print/464780-landmark-legislation-aimed-at-ending-early-marriages-in-sindh-being-poorly-implemented>

³²<https://tribune.com.pk/story/2079363/6-bill-forced-conversion/>

³³<http://sahil.org/cruel-numbers/>

Recommendations

- I. Increasing the minimum age of marriage for girls to 18 years at all federal and provincial laws in the country.
- II. Strong and effective implementation of the laws.
- III. Increasing the punishment for child, early and forced marriages (CEFM)
- IV. Making CNIC a mandatory requirement for Nikah Nama. Strict action to be taken against the violators including the personnel registering the marriage.
- V. Establishing an accurate database to assess the true scale of this problem.
- VI. Improving legal literacy and providing pro bono legal aid and other social services to those in need.
- VII. Enhancing the birth registration mechanism to ensure that every child has birth certificate and falsification of documents is not possible.
- VIII. Launching advocacy campaigns to sensitize the society about harms of CEFM.
- IX. Working directly with men and boys to change the patriarchal mindsets.
- X. Building the capacities of children by addressing this issue at educational institutions.
- XI. Creating education, training and employment opportunities for married girl children.
- XII. Increasing access for girl children to reproductive health information and services.

3. Child Trafficking

Child trafficking is a form of human trafficking and is defined as the practice of illegal relocating and transportation of children, typically for the purpose of slavery, forced labour and sexual exploitation. Child trafficking is a covert and a growing activity throughout the world. Child trafficking is affecting millions of children worldwide. It is estimated that 5.5 million children are in situation of forced labour as a result of child trafficking.³⁴

In Pakistan men, women and children are subjected to trafficking in persons. The largest form of human trafficking is bonded labour.³⁵ Boys and girls are bought, sold and kidnapped to work in organized illegal begging rings, domestic servitude, prostitution, and in agriculture in bonded labour. Illegal labour agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subject to forced labour in domestic servitude, unskilled labour, small shops and other sectors. Girls are also sold into forced marriages and sometimes are move across borders by their husbands and forced into prostitution.

The U.S. Department of State puts Pakistan in Tier 2, list of countries who don't fully meet the minimum standard for the elimination of the trafficking but are progressing towards that goal.³⁶ The efforts made by Pakistan in this regard include passing the country's first inclusive human trafficking law that banned all forms of sex trafficking and labor trafficking³⁷; securing its first conviction in 10 years of an official involved in human trafficking; and classifying and referring an increased number of trafficking survivors to care.

However the report mentions that involvement of officials in trafficking crimes is still a major problem but the government did not

³⁴<https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

³⁵<https://dailytimes.com.pk/397370/the-menace-of-human-trafficking-part-i/>

³⁶<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>

³⁷http://www.senate.gov.pk/uploads/documents/1533270017_228.pdf

report any new efforts to hold such officials accountable, including failing to investigate serious allegations of trafficking regarding a high-ranking diplomatic official. Government protection efforts have also been termed as inconsistent as only a small number of the total victims identified were referred to assistance services³⁸.

The year 2019 also saw emergence of one of the biggest trafficking scandals in Pakistan's history. The investigators confirmed at least 629 Pakistani girls and women were sold as brides to Chinese men and taken to China from 2018 to April 2019. The investigators compiled a list of names in effort to curb down the trafficking network however these efforts fell apart. In October, a court in Faisalabad acquitted 31 Chinese nationals mentioned in the list because the survivors who were shortlisted as witnesses refused to testify due to fear. These Chinese officials also showed ignorance about existence of such a list.³⁹

Legislation

Pakistan is a signatory to **UN CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**. According to the 1973 Constitution of Pakistan, all forms of slavery and trafficking is prohibited.⁴⁰ Following legislation exists in Pakistan to counter trafficking:

- **Pakistan Penal Code (PPC) Section 369A** amended in March 2016, criminalized transnational and internal forced labor and transnational and internal sex trafficking of women and children. Inconsistent with international law, Section 369A required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Section 369A

³⁸<https://www.refworld.org/docid/5b3e0ab0a.html>

³⁹<https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-to-chinese-in-18-months>

⁴⁰<https://evaw-global-database.unwomen.org/en/countries/asia/pakistan/2015/article-11-of-the-constitution>

prescribed penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani Rupees.

- **Bonded Labour (System) Abolition Act (BLAA)** prohibits bonded labour, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both.
- **Prevention of Trafficking in Person Act 2018** finally brought the law into compliance with international norms by exempting children from requirement that force, fraud, or coercion must be proven in order to constitute trafficking; and by inserting/including all trafficking for force and commercial sexual exploitation into the law. This new law also highlights the fact that women and children require special support due to their high vulnerability to trafficking.

It is to be noted that Pakistan doesn't have any provincial law on trafficking.

Recommendations

- I. Improving data and carry out research to generate evidence on the scale and nature of child trafficking in different regions of Pakistan and the loopholes in legislation and effective monitoring by law enforcement agencies at the borders.
- II. Passing provincial level anti-trafficking laws and coordinated anti-trafficking action plans.
- III. Advocating with state actors to take action against the groups that are organized and involved in trafficking children and to implement the laws effectively.
- IV. Training of law enforcement agencies on the issue of child trafficking and building their capacities to monitor and take action.
- V. Creating awareness amongst parents, communities and children so that community based protective measures are in place.

- VI. Involving youth groups to actively engage in monitoring the situation at the community level and provide information of trafficking networks to the authorities while also raising awareness.
- VII. Establishing child helplines at the district level so that complaints can be made immediately and alerts raised if a child is kidnapped or abducted.
- VIII. Developing information and communication materials and work with print and electronic and social media to create awareness on different types of child trafficking and use the findings of the research to create pressure on governments to take action.
- IX. Ensuring protection of religious minorities as they are most vulnerable to trafficking in Pakistan.

4. Corporal punishment

Corporal punishment (CP) is the use of physical force with the intention of inflicting pain or discomfort. In regards to children, the acts of CP are mostly done by adults on minors at home, educational institutions and (illegal) workplaces. Many countries have banned this heinous practice however Pakistan is among the 69 countries trying to eradicate it in educational institutions.⁴¹

The use of corporal punishment, supposedly to “discipline” and “train” children is deeply rooted in our traditions and social norms, which therefore results in weak or no enforcement of the existing laws and so the culprits are seldom reported, held accountable or punished.⁴² This harsh practice is a daily happening for some children. It is considered a “normal” part of childhood and is openly recognized as the rights of parents, guardians, teachers, religious instructors, (illegal) employers, or others in charge.

⁴¹<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5560991/>

⁴²<http://www.newslens.pk/in-pakistan-corporal-punishment-in-schools-is-still-a-tradition/>

Corporal punishment can cause serious physical injuries, and can even lead to death. Such an unfortunate incident was observed in 2019 when a 17-year-old student was beaten to death by one of his school teachers. The boy's classmates, told the police that the teacher had ostensibly done so because "he had failed to memorize his lesson".⁴³ This case is the most recent and egregious example of the widespread problem of corporal punishment in Pakistan's schools. Beatings leave students frightened, sometimes injured, and unable to learn effectively, making it more likely they will leave school.

It is also important to note that physical harm is not the only end result of corporal punishment. These acts of violence can have long-lasting psychological consequences on a child's personality and character development, thus continuing a vicious cycle of violence.⁴⁴ According to research, corporal punishment on children increases violent behavior and is associated with assaults on spouses, depression, and high drop-out rates from school, harming their future prospects.⁴⁵ Therefore, ending this inhuman, humiliating and degrading practice is not only a matter of children's fundamental rights and dignity, but it is also integral to reducing the level of violence in society.

Legislation

Conflicting nature of laws in Pakistan are a key reason for the ill practice of corporal punishment existing till date in Pakistan. The contradictions in these laws pose a challenge for law enforcement authorities and policy makers.

The laws which allow corporal punishment in some form include:

- **Pakistan Penal Code (PPC) Section 89** empowers parents, teachers and other guardians to use corporal punishment as a

⁴³<https://www.dawn.com/news/1504995>

⁴⁴<https://www.apa.org/monitor/2012/04/spanking>

⁴⁵<https://www.hellomotherhood.com/article/560572-the-effects-of-bad-parenting-on-children/>

means to discipline and correct the behavior of under-12 children in the [mis]perceived “best interest of the child”.

- **The Punjab Destitute and Neglected Children Act, 2004 Section 35:** allows some degree of punishment “in the best interest of the child”.
- **The KP Child Protection and Welfare Act 2010 Section 44:** allows for “reasonable punishment” by parents (Section 44).

The laws which ban all forms of corporal punishment include:

- **The Sindh Prohibition of Corporal Punishment Act, 2016:** forbids corporal punishment and humiliating treatment in workplaces, in schools and other educational institutions including formal, non-formal and religious, and juvenile justice system.
- **Right to Free and Compulsory Education Act 2012** applicable in in Islamabad Capital Territory
- **The Sindh Right of Children to Free and Compulsory Education Act, 2013** Section 13 (3) prohibits all forms of physical and psychological violence in schools
- **Punjab Free and Compulsory Education Act, 2014** also prohibits all forms of physical and psychological violence in schools
- **The Gilgit-Baltistan Prohibition of Corporal Punishment Act 2015** prohibits all corporal punishment of children in schools and homes.

Recommendations

- Repelling all conflicting and contradictory laws such as Section 89 of the PPC. Other provincial laws also need to be amended for effective enforcement of a total ban prohibition of corporal punishment throughout the country. Following the example of the law of Gilgit-Baltistan, corporal punishment should

be banned at homes too not just in educational institutions.

- Training teachers on positive disciplining methods.
- Creating awareness among parents and teachers on the psychological impact on children due to corporal punishment.
- Developing communication materials including videos on the cognitive issues of children to ensure the behavioral problems are understood and addressed properly.

5. Acid crimes

Acid violence is a very malicious form of gender-based violence in Pakistan, which has resulted in thousands of surviving girls and women facing long-lasting physical, psychological, and emotional scars.⁴⁶

Acid attacks cause serious damage to skin tissue, often revealing and sometimes melting the bones. These attacks also lead to permanent blindness. Alongside evoking emotional and psychological trauma, acid attacks cause loss of educational, training and employment opportunities for the survivors.⁴⁷

The act of acid attacks stems from the patriarchal mindset deeply rooted in our society.⁴⁸ The attacks are done mostly by family members. The perpetrators usually intend to scar and disfigure, rather than kill their targets to impose their dominance in family or clan disputes; rejection of a marriage proposal; girls' and women's refusal of amorous approaches by men, and family "honour" (*sic*) issues.

⁴⁶<https://tribune.com.pk/story/2062127/1-woman-falls-victim-acid-attack-lahore/>

⁴⁷<https://www.slideshare.net/nbhartiya/burning-injustice-a-book-on-acid-attack-by-hrln>

⁴⁸<https://asiafoundation.org/2014/10/01/acid-crimes-a-growing-crisis-in-pakistan/>

In Pakistan, the acid crimes are more prevalent in the rural areas and smaller cities/towns⁴⁹, where access to justice is weak and many cases acid crimes go unreported due to the cultural stigma of reporting gender-based violence (GBV). Girls and young women fear possible gender bias in the courts, unsupportive attitude from the family, high-priced legal fees, and potential backlash from their attackers against themselves or on their family members.

The continued use of Diyat is another hurdle in eradicating this evil practice from Pakistani society. Financial compensation is paid by the attackers as an out-of-court settlement to the survivors or heirs of victims to stop them from pursuing a court trial. This stops the court from taking any action and the perpetrators are set loose to continue their dirty deeds.⁵⁰

The back and forth attitude from the government has also delayed support for the survivors. In the Punjab budget, presented in June 2019, the government committed to allocate PKR 100 million for the ‘Nai Zindagi Programme’, a support scheme for the survivors of acid attacks in the province. The programme was designed to provide financial aid for surgery, technical learning, no-interest loans, and monthly stipends. However, this plan hasn’t materialized till date and hence raising ambiguity over Punjab government’s commitment towards addressing this issue.⁵¹

Legislation

Acid attacks became illegal in Pakistan in 2010 when parliament passed the **Acid Control and Acid Crime Prevention Act 2011**. This law imposed a sentence of minimum 14 years and a fine of PKR 1 million. The act also called for regulation of the sale and distribution of acids and corrosive substances. But the law is rarely enforced in rural areas, and acid attacks continue.

⁴⁹<https://www.thenews.com.pk/print/508431-incidents-of-acid-throwing-on-women-dropped-to-50-percent>

⁵⁰<http://asfpakistan.org/wp-content/uploads/2017/02/SAAV-report-2015.pdf>.

⁵¹<https://blogs.tribune.com.pk/story/90352/why-has-ptis-proposed-plan-to-help-acid-attack-survivors-still-not-come-to-fruition/>

The Punjab Government in 2012 ordered its police and prosecution departments to charge perpetrators of acid violence under the **Anti-Terrorism Act**. After this decision, many acid attack cases in Punjab were swiftly tried in anti-terrorism courts and the accused were given life imprisonment sentences, setting a strong precedent against acid burn violence.

In 2018 National Assembly passed the **Acid and Burn Crime Bill, 2017**. This law provides free medical treatment and rehabilitation for acid burn victims. It also outlines a process for conducting trials of accused in the shortest possible time.⁵²

Reported Cases & Response

In first week of August 2019, Acid Survivors Foundation Pakistan told the media that the reported cases of acid crimes have been reduced by half in last 5 years. A possible reason for this could be the increased conviction rate (17.3 percent increase in last 5 years).⁵³ However some heinous acts of acid crimes reporting in Pakistani media in 2019.⁵⁴⁵⁵⁵⁶

In a landmark judgment in July 2019, Chief Justice of Pakistan Mr. Asif Saeed Khosa rejected the mercy plea of a convicted acid crime attacker who had claim that he had been forgiven by the survivor of his attack.⁵⁷

⁵² <https://nation.com.pk/08-May-2018/na-passes-the-acid-and-burn-crime-bill-2017>

⁵³ <https://www.thenews.com.pk/print/508431-incidents-of-acid-throwing-on-women-dropped-to-50-percent>

⁵⁴ <https://tribune.com.pk/story/2062127/1-woman-falls-victim-acid-attack-lahore/>

⁵⁵ <https://www.pakistantoday.com.pk/2019/07/26/man-throws-acid-on-wife-over-monetary-dispute/>

⁵⁶ <https://www.pakistantoday.com.pk/2019/01/29/woman-receives-injuries-in-acid-attack/>

⁵⁷ <https://www.pakistantoday.com.pk/2019/07/11/no-mercy-for-acid-attack-offenders-rules-cjp/>

Mr. Khosa said that “acid attack is a bigger crime than murder and offenders do not deserve mercy”. He added that court can’t any leniency towards such criminals because there’s a big possibility that the survivors are pressurized to forgive the attackers. CJP Khosa said that acid attacks are a “crime against the state” and punishment for such acts was nothing short of life imprisonment.

Recommendations

- I. The provinces need to pass laws in order to ensure that survivors of acid crimes can access their fundamental right to healthcare and rehabilitative services
- II. The courts, just like the judgement by CJP Asif Saeed Khosa, should disallow using Diyat as a tool to escape facing conviction
- III. There is a need to establish more burn units and rehabilitation centers, as well as to ensure legal aid and access to medical services for acid crimes survivors.
- IV. Law enforcement agencies need to be especially trained to deal with acid crimes
- V. The best practices of relevant civil society organizations re. acid crimes, need to be taken up and replicated in the public sector
- VI. Societal attitudes towards girls and women to change for there to be any progress towards ending acid crimes and gender-based violence as a whole
- VII. State-sponsored awareness campaigns on the laws relating to acid crimes, gender-based violence, and gender equality need to be significantly improved and increased to counter prevalent patriarchy and misogyny.

6. Street children

Street Children are a global child protection concern, mainly specific to urban areas. According to estimates there are 1.5 million children in Pakistan who live and/or work on streets.⁵⁸ Street Children are persecuted by the police, exploited by their “employers” and disdained by society. In order to survive, these girls and boys are forced to collect garbage, beg, prostitute themselves, deal drugs or steal.

Street Children are most vulnerable population group in Pakistan. A number of reports provide evidence that up to 90% of street children in Pakistan suffer sexual molestation, assault, rape, and gang-rape.⁵⁹ They are exposed to violence and abuse on daily basis, resulting in adverse physical and psychological impact. Young girls on street are often forced in to prostitution and trafficking.

A report by non-profit organization SAHIL revealed that out of the total reported cases of child sexual abuse in Pakistan in the year 2019, 28% happened in open spaces.⁶⁰ The report also highlighted 8 percent increase from year 2018 in urban areas and ratio of boys being higher than the ratio of girls in contrast to previous years. These findings show that children working and living on streets are at risk of child sexual abuse.

In 2019, a hideous scandal came to light in Ratodero, Sindh when a pediatrician, was charged with manslaughter for causing an HIV outbreak. Approximately 900 children were infected due to the usage of old syringes and other unhygienic practices.⁶¹ This scandal once again highlighted the need to improve health practices in Pakistan including proper disposal of medical equipment. Street Children are more subjected to this as they roam around the garbage disposal sites,

⁵⁸<http://www.un.org.pk/pakistans-street-children/>

⁵⁹<https://tribune.com.pk/story/760420/the-plight-of-pakistans-sexually-abused-street-children/>

⁶⁰<http://sahil.org/cruel-numbers/>

⁶¹<https://www.nytimes.com/2019/10/26/world/asia/hiv-aids-pakistan-ratodero.html>

use discarded syringes for drug dosage, sleep in unclean areas and engage in unprotected sexual activities, all of which make them prone to getting HIV infections.⁶²

Recommendations

- I. National survey to gauge the real magnitude of this issue.
- II. Special and increased attention to this issue from all sections of the federal and provincial government, legislators, judiciary, law enforcement agencies, corporate sector, academia and non-profits.
- III. Increased opportunities for equal and affordable education to minimize the number of out of school children to reduce their tendency of joining street life.
- IV. Strengthening the laws and policies on poverty reduction.
- V. Providing non-formal education, vocational training, safe shelter and nourishment to the children when they are on streets.
- VI. Including street children and their families in social safety nets like Benazir Income Support Program so they agree on sending the children to schools.
- VII. Organizing child protection orientation with street children in groups.
- VIII. Training law enforcement agencies to provide the necessary safety to these children.

⁶²<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3653190/>

7. “Honour” Killings (aka Dishonor Killings)

SPARC continues to adhere to its longstanding, clear position that “There is NO honour in killing women and children in the name of so-called ‘honour’”

Known as “Karo-Kari” and by various other similar names in Pakistani languages, “honour” (*sic*) killing refer to the premediated, cold-blooded murder of a close relative who is perceived to have brought “dishonor” (*sic*) and “shame” (*sic*) on the family.⁶³ It is deeply entrenched in the patriarchal mindset in Pakistan, with women and young girls overwhelmingly bearing the brunt of such brutal killings.

The stated reasons or “justifications” include: rejecting a marriage proposal; suspicion of adultery or infidelity; illicit sexual relations; surviving abduction, rape or gang-rape; seeking a divorce; and some trivial matters, such as girls “daring to use a mobile cellphone.”⁶⁴

The actual reasons are more chilling: girls and women are used by their male relatives as pawns to settle their scores, carry out blood feuds, or end tribal enmity. The culprits have been getting away with murder due to the legal heirs’ forgiveness clauses in the *Qisas* and *Diyat* law, permitting out of court settlements and compromises.⁶⁵

According to Human Rights World Watch Report 2018, over 1000 cases of “honour” killings are reported in Pakistan every year.⁶⁶ As these acts are committed by relatives who don’t report the crime, the above-mentioned number is just the tip of a huge iceberg.

⁶³https://books.google.com.pk/books/about/Honour_Killing.html?id=p4XaAAAMAAJ&redir_esc=y

⁶⁴https://books.google.com.pk/books/about/Honour_Killing.html?id=p4XaAAAMAAJ&redir_esc=y

⁶⁵https://www.af.org.pk/pub_files/1366345831.pdf

⁶⁶<https://www.hrw.org/world-report/2018/country-chapters/pakistan>

Legislation and Ground Realities

In 2016, the Parliament passed a law to eradicate this evil practice from Pakistan. This legislation banned a family member or legal heir to pardon a murderer in such cases. The law imposed death penalty or life imprisonment for the convicts. However, despite the acclaimed law, the number of these crimes in Pakistan remains high. A reason for this is a major loophole in the law which allows the judge to rule out of the aspect of “honour” by unilaterally deciding whether or not the crime was “honour” based.

In September 2019, brother of deceased social media celebrity Qandeel Baloch, who murdered Qandeel in name of “honour” in 2016 was sentenced to life imprisonment.⁶⁷ It is noticeable that few days prior to the ruling, Qandeel’s parent told the court that they had forgiven their son⁶⁸ (the law which takes away the power from family to pardon the culprit didn’t apply to this case as it was passed after Qandeel’s death). The court however rejected the family’s plea.

According to data shared by Sindh Police, 108 women in the province were killed in the name of “honour” in the year 2019.⁶⁹ Infidelity was “justification” given for most these barbaric acts⁷⁰ whereas in some cases the girls were so young^{71,72} that using this “excuse” shows that the perpetrators think so less about the law that they can give any reason for their heinous crimes.

⁶⁷<https://www.dawn.com/news/1507652>

⁶⁸<https://www.dawn.com/news/1500816/qandeel-balochs-parents-announce-pardon-for-sons-urge-court-to-wrap-up-murder-case>

⁶⁹<https://www.dawn.com/news/1531683>

⁷⁰<https://www.pakistantoday.com.pk/2019/03/19/man-held-for-killing-daughter/>

⁷¹<https://gulfnnews.com/world/asia/pakistan/11-year-old-pakistani-girl-stoned-to-death-in-yet-another-honour-killing-incident-1.68203520>

⁷²<https://www.pakistantoday.com.pk/2019/02/06/police-arrests-primary-suspect-in-ramsha-murder-case/>

Recommendations

- I. The policy makers urgently need to revise, amend and strengthen the existing laws against dishonor killings.
- II. Public awareness campaigns need to be initiated to motivate severe condemnation of this heinous crime, and to target the patriarchal misogynist mindsets that condone dishonor killing.
- III. Effective government monitoring and enforcement of the existing laws and policies pertaining to dishonor killings is required, in order to set strong precedents, to serve as future deterrents.
- IV. The decades-old recommendations presented by civil society activists, researchers and academicians need to be taken up for action at the earliest by the federal and provincial governments, policymakers and the judiciary.