

Violence against Children

Violence against children is fast emerging as a norm in many parts of the world. In most cases, acts of violence are normalized by social and cultural factors that allow perpetrators to find justifications for their actions, allowing acts of violence to continue unabated. In September 2014, UNICEF released a survey report which enumerates acts of violence against children in 190 countries around the world. The report provides information on multiple and complex forms of violence which can broadly be categorized as physical, mental, sexual, and neglect.

The report provides startling revelations on the state of violence against children in Pakistan; the country is included among the ten countries around the world with the highest number of child homicide rates. Even shocking was the acceptance and predisposition towards violence among children and adolescents in Pakistan; for instance, the report revealed that 53% of girls and 34% of boys (between the ages of 15 and 19 years included in the survey) thought that a husband is justified in beating his wife under certain circumstances¹.

The report is an indictment of the culture of violence that is fast becoming entrenched in the socio-cultural milieu of the country. Incidents of violent acts against children are on the rise, fed by national and regional developments that have not spared even the youngest members of society. Furthermore, government apathy towards these developments has only strengthened perpetrators of violence as they continue to operate with impunity. It must be understood, however, that the current state of child protection in Pakistan cannot be simply addressed through top-down initiatives. Increased sensitization and involvement at the community level along with openness towards discussing tabooed topics (pertaining to child protection) can be a key towards bringing about a holistic change in the lives of children in Pakistan.

Child protection issues emerged as a major impediment in the international community's drive towards achieving the Millennium Development Goals. Child protection is emerging as an issue of increasing concern for both developing and developed nations which cannot be removed from the post 2015 development

¹ News Desk, 'Violence against Children: Child Homicide in Pakistan among the World's Worst' published in *The Express Tribune*, September 6, 2014 (source: <http://tribune.com.pk/story/758602/violence-against-children-child-homicide-rate-in-pakistan-among-worlds-worst/>)

agenda. Keeping this in view, the Special Representative of the UN Secretary General carried out a series of consultations with children around the world with regards to the inclusion of child protection as a goal in the post 2015 agenda².

The above development highlights two important factors; the importance of child protection in the post-2015 development agenda and the inclusion of children as stakeholders in future development initiatives aimed at bringing about positive changes in their lives. It is nothing short of ironical that the government representatives from Pakistan who were included in the consultation process did not mention violence against children as a central concern in the country. Furthermore, issues of violence and child protection were subsumed under the more general categories of peace, justice and human security. This sheds light on the extent to which the government is genuinely concerned with formulating and instituting an effective child protection policy in the new development agenda and calls for the increased role of CSOs and communities at large to influence the democratically elected government in Pakistan to take concrete steps towards improving the state of child protection in the country.

Pakistan has signed and ratified the Optional Protocol to the UNCRC dealing with the Sale of Children, Child Prostitution and Child Pornography. Throughout 2014, the Federal Government failed to take any concrete measures regarding its adoption and enforcement in Pakistan; the report on its implementation in the country remains awaited.

Violence against Children in Pakistan

Violence against children in Pakistan is multifaceted and layered with the capacity to affect various aspects of a child's life. For instance, corporal punishment in educational institutions will not only affect a child physically and psychologically but will also adversely impact the overall quality of education in schools by discouraging teacher-student interaction and causing children to drop out of schools.

² Why children's protection from violence should be at the heart of the post 2015 development agenda: a review of consultations with children on the post 2015 development agenda. (<http://resourcecentre.savethechildren.se/library/why-childrens-protection-violence-should-be-heart-post-2015-development-agenda-review>)

Similarly, the cultural and social norms which prevent open discussions on tabooed topics like child sexual abuse result in the perpetuation of such practices by allowing offenders to go unreported and unpunished. Hence, various forms of violence against children are complex acts which are strongly entrenched in the cultural and social milieu of Pakistan with a capacity to influence different aspects of a child's life.

In 2014, the Madadgar National Helpline released its three year database on violence against children in Pakistan. The data reveals the appalling state of child protection in Pakistan and reports a high prevalence of various forms of violence in the country. The table below only presents the cases that have been reported in newspapers, police reports, and electronic media: it is safe to assume that the actual prevalence of violence against children in the country is much higher.

Violence against Children Data³

Reported Cases from January 2000 to December 2013	
Murder	10,192
Rape	4,572
Sodomy	3,429
Torture	4,996
Trafficking	3,336
Missing Children	11,224
Suicide	4,857
Police Torture	2,071
<i>Karo Kari</i>	1,107
Kidnapping	11,697

³ The Madadgar National Helpline Database on Violence against Children (source: <http://madadgaar.org/data.html>)

Forced Marriage	11,069
<i>Vani</i> Cases	1,381
Total	69,604

The provincial disaggregation of acts of violence against children is presented in the table below;

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Provincial break down from Jan. 2000 to Dec. 2013	
Balochistan	2,135
KPK	5,161
Punjab	39,142
Sindh	23,166
Total	69604

The highest numbers of incidents have been reported from Punjab and Sindh. This may be partially due to better reporting standards in the two provinces.

Corporal Punishment

Corporal punishment in homes, schools and places of work is one of the most pervasive forms of violence against children in Pakistan. The country is included among the 50 states around the world where the administering of a ‘reasonable’ degree of violence is overlooked (even encouraged) in the ‘better interest’ of the child. This wide acceptance of corporal punishment stems from traditional or cultural attitudes towards child rearing throughout the world. The supporters of the use of corporal punishment argue that the technique is a simple and effective

⁴ Ibid

means of discouraging misbehavior. For them, fear of the rod is a time tested method of ensuring that children remain disciplined and obedient to their elders⁵. These cultural understandings of discipline are appropriated by legislators and policy makers whereby a ‘reasonable’ degree of physical violence is often overlooked in legislation on child protection. Modern research has revealed the deleterious physical and psychological effects of corporal punishment on a victim. Growing children bear the brunt of these adverse impacts. In many cases, children internalize physical violence as an acceptable means of discipline which allows it to persist through generations.

Article 19 of the UNCRC obligates State parties to ‘take legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence’. The document further exhorts them to ensure that the disciplinary measures adopted in schools are consistent with a child’s human dignity and well being.

Corporal Punishment in Pakistan: Prevalence

Till date there is no official database to enumerate instances of corporal punishment in homes, schools and places of work. Such an undertaking verges on the impossible in the current context of wide acceptability of physical violence in Pakistan. For instance, milder cases of physical violence are never reported to authorities; similarly, parents and school authorities usually reach informal settlements in cases where a child is seriously hurt or injured. This makes mapping of instances of physical violence problematic. In this context, researchers collect data to analyse the extent to which corporal punishment has become normalized in the society at large. These surveys map the acceptability of corporal punishment among various actors and attempt to understand the various ‘push’ factors which compel teachers to adopt physical violence as a disciplinary tool.

In a 2013 survey conducted by Plan Pakistan, researchers attempted to understand the various factors which compelled teachers to physically punish children. The research conducted in districts Chakwal, Thatta, Lasbella and Gilgit was based on

⁵ Ritz, M., (N.A) ‘Violence against Children: Corporal Punishment’ published by ‘*The Global Initiative to end all Corporal Punishment*’ (source: http://www.enmcr.net/site/assets/files/1382/violence_against_children_-_corporal_punishment.pdf)

information collected from a total 497 respondents which included officials from the education department, teachers, parents and students, representing both public and private schools. The research revealed that education department officials had an ambivalent attitude towards corporal punishment in spite of a government policy prohibiting corporal punishment in schools; a considerable number of school teachers (irrespective of whether they were public or private school teachers) supported the administering of corporal punishment- the prevalence was higher among male teachers as compared to female teachers; parents, especially those belonging to poor households were in favor of using physical violence to discipline children. Finally, a considerable number of teachers interviewed in the research were aware of alternatives to corporal punishment⁶.

Corporal Punishment Cases in 2014

A number of cases of physical violence against children in schools and other settings were reported in 2014. These cases represent a small proportion of the actual incidence of corporal punishment in different settings as a large number of incidents are left unreported due to a tacit cultural approval which overlooks (and encourages) acts of violence against children for disciplinary purposes.

- In May 2014, a female government school teacher in Faisalabad punished a third grade student for taking a sick leave. The brutal assault left the victim with an injured arm. The girl's mother was present in the school at the time and rushed to rescue her daughter when she heard her screams. The teacher did not allow the victim's mother to enter the classroom and continued beating the girl behind locked doors. The mother complained to the school principal but no action was taken against the teacher⁷.
- In August 2014, a school principal in Abbotabad punished a tenth grade girl student. A mistake made by the student made the head teacher angry and he made the student stand in the scorching sun for two hours: excessive heat made the student lose consciousness after which she was repeatedly kicked by the teacher who thought that she was pretending to be unconscious. The girl's father heard about his daughter's ordeal and

⁶ Plan Pakistan (2013) *Stopping the Fear: Why teachers use corporal punishment*, Islamabad: Plan Pakistan.

⁷ 'Student Beaten for Taking a Sick Leave' The Express Tribune, 26 March, 2014.

took her to a local hospital where the doctors diagnosed her with a muscular condition (paralysis) requiring at least a month's bed rest for full recovery⁸.

- In May 2014, a teacher in the Dargai area of Malakand Agency was arrested after he physically punished a first grade student in Government Primary School, Sherkhana Village. The punishment left the boy with scars on his neck. The teacher was arrested by the Malakand Levies after a complaint was lodged against him by the victim's father. The conflict is being resolved through informal means by village elders⁹.
- In September 2014, a female grade nine student from Murad Wala Government Girls High School was punished for being late. The teacher forced the student into a 'rooster squat' for five minutes. At this the said student complained that corporal punishment was not allowed in schools; this made the teacher angrier and she started beating the girl with a stick. The assault left the girl unconscious and fractured two of her fingers. The district education officer took notice of the incident and formed a team to further probe the matter¹⁰.

Federal and Provincial Legislation on Corporal Punishment

Pakistan Penal Code (Section 89 of the Pakistan Penal Code 1860 states that 'nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either expressed or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person'¹¹. The current federal and provincial child protection legislation does not override this provision in the PPC which allows 'milder' forms of corporal punishments to be institutionalized in the disciplinary mechanisms of schools, prisons, homes, and places of work.

⁸ 'Corporal Punishment: Man Accuses Teacher of Crippling his Daughter' The Express Tribune, 25 August, 2014. (source: <http://tribune.com.pk/story/753168/corporal-punishment-man-accuses-teacher-of-crippling-his-daughter/>)

⁹ 'Teacher held over corporal punishment' Education Pakistan, 10 May, 2014. (source: <http://pakedu.net/pakistani-education-news/teacher-held-over-corporal-punishment/>)

¹⁰ Corporal Punishment: Student's Fingers Broken for 'Being Late for Class' Express Tribune, 20 September, 2014. (source: <http://tribune.com.pk/story/764562/corporal-punishment-students-fingers-broken-for-being-late-for-class/>)

¹¹ Pakistan Penal Code 1860 (source: <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>)

Prohibition of Corporal Punishment Bill: The Prohibition of Corporal Punishment Bill was passed by the National Assembly in March 2013: it lapsed as it was not passed by the Senate before dissolution of the National Assembly prior to the May 2013 national elections.

The Bill was a progressive piece of legislation as it comprehensively banned physical violence for disciplinary purposes in educational institutes, child protection centers, and detention centers for juveniles. Under the bill, a perpetrator of physical violence against a child was punishable with a fine of Rs.50, 000 and an imprisonment of one year¹². The Bill also overrode Section 89 of the PPC¹³.

Efforts to legislate against corporal punishment were reinitiated in March 2014 when MNA Marvi Memon presented a private member bill to ban all forms of physical violence in educational institutions. The Bill proposes to ban all forms of physical punishments in schools which may include striking by hand, using a stick, pulling hair, or hitting with a shoe, belt, or any other object. The Bill proposes an imprisonment of one year and a fine of Rs. 50,000 for any person involved in administering physical punishment to a child¹⁴. The Bill is yet to be passed by the National Assembly.

The Punjab Destitute & Neglected Children Act 2004:

Section 35 of this Act is in line with Section 89 of the PPC whereby some degree of punishment is allowed in the best interests of the child.

The Khyber Pakhtunkhwa Child Protection & Welfare Act 2010: This Act bans corporal punishment in family and other settings (Section 4). It punishes perpetrators of corporal punishment, sexual abuse, trafficking and kidnapping, child pornography, and forced begging with prison sentences and fines; however, the Act does not override section 89 of the PPC.

¹² ‘Bill prohibiting corporal punishment of children approved.’ The News. 12 March 2013.><http://www.thenews.com.pk/article-91880-NA-approves-bill-prohibiting-corporal-punishment-of-children>>.

¹³ The Prohibition of Corporal Punishment Act 2013, Institute of Social Justice. (Source: <http://www.isj.org.pk/he-prohibition-of-the-corporal-punishment-act-2013/>)

¹⁴ ‘1 year in Prison, 50 k fine or both for child corporal punishment suggested’ The News International, 25 March, 2014 (source: <http://www.thenews.com.pk/article-142347-1-yr-in-prison,-50k-fine-or-both-for-child-corporal-punishment-suggested>)

The Sindh Right of Children to Free & Compulsory Education Act 2013: Section 13(3) of this Act prohibits all forms of physical and psychological violence in schools. The provision apparently overrides Section 89 of the PPC as it states that ‘no child shall be subjected to corporal punishment and mental harassment’¹⁵.

The Sindh Children Act 1955: This has a provision which deals with cruelty to children. A person involved in such an act is punishable with imprisonment of up to two years and a fine of Rs. 2,000

The ICT Right to Free & Compulsory Education Act 2012: Section 13 (2) of this Act bans physical punishment and mental harassment of students; this provision overrules section 89 of the PPC.

Administrative Prohibitions

The Government of Punjab has banned corporal punishment in all educational institutions through an administrative notification. The notification has remained largely ineffective in bringing about a decrease in corporal punishment in the Neglected Children (Amendment) Act 2007 is the apex child protection legislation in the province.

National Campaign to End Corporal Punishment

In March 2014, Pakistan officially launched a national campaign to ban corporal punishment in schools. The campaign was initiated by the Government of Pakistan, through the Ministry of Law, Justice & Human Rights, in collaboration with the South Asia Initiative to End Violence against Children (SAIVAC) and the South Asia Coordinating Group on Action against Violence against Children (SACG). The campaign is in line with SAIVAC’s Regional Campaign against Corporal Punishment of Children and aims to achieve the following objectives:

- Bring together concerned actors to take necessary actions on enacting & encompassing legislations with explicit prohibition of corporal punishment of children in all settings.

¹⁵ ‘The Sindh Right of Children to Free and Compulsory Education Act 2013’ (source: <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIV%20of%202013.pdf>)

- Build capacities of authorities, civil society, children and other stakeholders on positive parenting, teaching, caring and appropriate implementation of the legal reforms needed.
- Raise awareness around harmful consequences of corporal punishment on children's development at community, sub-regional and national levels¹⁶.

Recommendations

- The provincial governments should enact anti-corporal punishment legislation which comprehensively bans physical punishment and psychological harassment in all settings. The legislation must adopt a zero tolerance stand against 'milder' forms of punishment in the 'better interests of the child' by overriding Section 89 of the PPC.
- Individual schools should institute complaint mechanisms for parents and students who want to register their grievances against physical or psychological violence in schools.
- The governments should initiate awareness campaigns to apprise the general public on the harmful impacts of physical and psychological violence. This will go a long way in changing the general perceptions about corporal punishment as an acceptable tool for disciplining children.
- The teacher training institutes at the provincial level should introduce child friendly teaching methods as a permanent part of the teachers' syllabus in these schools.
- The current monitoring mechanisms to check the performance of schools should also focus on 'softer' aspects of quality education like child friendly teaching and decrease in the prevalence of physical and psychological violence in schools.

Child Sexual Abuse

Acts like fondling, stroking, exposure of genitals, showing pornography to a child, encouraging a child to watch or listen to sexual acts, and inappropriately watching a child in private acts (going to the toilet), in addition to penetration and oral sex,

¹⁶ 'Pakistan's Children Break the Stick as a Symbolic End to Corporal Punishment in the Country' (source: <http://www.saievac.org/wp-content/uploads/2014/04/COP-Campaign-Launch-Blurb-Pakistan.pdf>)

are constituted as child sexual abuse¹⁸. Research has revealed that child sexual abuse results in a number of complications which include eating disorders, sexual disorders, suicidal behavior, depression, low self esteem, and problems with family functioning¹⁹.

Social stigma associated with child sexual abuse often forces victims and their parents to ignore or repress the act altogether, allowing perpetrators to continue the abuse unabated. Researchers and specialists argue that child abuse usually involves the following four step cycle²⁰:

- **Tension Building:** Tensions increase, breakdown of communication, victim tries to placate the abuser.
- **Incident:** Verbal, emotional, and physical abuse. The victim may feel bouts of anger; may blame the abuser and argue with him/her. The abuser in turn may respond with threats and intimidation.
- **Reconciliation:** The abuser may apologize to the victim; give excuses for his/her actions; may even blame the victim for the ordeal; or may try to trivialize the act of abuse.
- **Calm:** The victim may reach a state of calm in which the act of abuse may be forgotten.

According to UNICEF, around 120 million girls around the world (approximately one girl in ten) have been raped or assaulted by the time they turn 20²¹. A large proportion of these victims come from the developing world where child protection institutes are either non-existent or ineffective: Pakistan is one of these countries.

CSA in Pakistan: Prevalence

The Pakistani cultural context does not allow an open dialogue on CSA. In majority of the cases, social stigma and fear of ‘dishonor’ to the family prevents

¹⁸ ‘What is Considered Child Sexual Abuse?’ Stop it Now: Together We Can Prevent the Sexual Abuse of Children (Source: http://www.stopitnow.org/warning_signs_csa_definition)

¹⁹ ‘Impact of Child Abuse’ ASCA (Adults Surviving Child Sexual Abuse) (Source: <http://www.asca.org.au/about/resources/impact-of-child-abuse.aspx>)

²⁰ Sherazee, M. ‘Stolen Childhood: Child Abuse is a Harsh reality in Pakistan with Incest as one of the Common Types’ Dawn, 2014 (Source: <http://www.dawn.com/news/1115058>)

²¹ ‘One in Ten Girls Sexually Abused World Wide’ Dawn, 6 September 2014.

parents from informing the police; similarly, print or electronic media also face considerable problems in highlighting cases of CSA. Sahil, a local NGO working on CSA publishes its annual Cruel Numbers Report which provides regularly updated information on the prevalence of CSA. Most of the cases enumerated in the report are taken from secondary sources and the actual prevalence of CSA in the country is much higher.

According to the Sahil Cruel Numbers Six Monthly Report 2014, a total of 1,786 cases of CSA were reported between January and June 2014. This is a significant increase when compared with the six month figures from last year: between January and July 2013 a total of 1,204 cases of CSA were reported.. A large proportion of the victims included girls: the report highlights that out of 1,786 cases reported in 2014, 1,172 involved girls (66% of the total) and 614 (34% of the total) involved boys respectively. The reported victims fell within the age brackets of 6-10 years (8%), 11-15 years (26% of the cases), and 16-18 years (11% of the cases); furthermore, age of the victims was not reported in 34% of the cases and some instances of children up to one year of age being victimized were also reported. Furthermore, the report highlighted various forms of CSA whereby 755 victims were abused after being abducted, 313 were raped, 147 were sodomized, 100 were gang raped, 94 had to face attempts at rape, 63 were gang sodomized, and 53 were victims of child marriages.

The rural urban divide of the CSA cases reveals that out of the 1,786 cases, 1,200 were reported from the rural areas while 586 cases occurred in urban areas. The provincially disaggregated data shows that the highest number of CSA cases were reported from Punjab (1,086); followed by Sindh (519), Khyber Pakhtunkhwa (75), the Federal Capital (59), Azad Jammu and Kashmir (AJK) (24), and Balochistan (23).

²²

Sexual Abuse Cases 2014

. Some of the cases highlighted by the national newspapers in 2014 involved the following In August 2014, Masooma Bibi²³, a 14 year old resident of Andrasi

²² Sahil, 'Cruel Numbers Report, January-June 2014', Sahil Publications, Islamabad.

Village in Mansehra-Khyber Pakhtunkhwa was raped by a fellow villager. She lodged an FIR against the accused at the Shinkiari police Station where a local police officer registered her complaint and consoled her, promising to bring her tormentor to justice. On pretext of taking the girl for a medical examination to a local hospital, the police officer then took the girl to his house and raped her. The girl immediately informed the District Police Officer (DPO) of her ordeal, who immediately ordered for the arrest of the perpetrator and initiated proceedings for Masooma's medical examination. The officer was arrested²⁴. As of September 2014, the victim was receiving regular threats from criminal elements sent by the accused to settle the case²⁵.

- In October 2014, a number of CSA cases were reported from District Bahawalpur in Punjab with alarming frequency. A five year old girl was abducted from Islampura locality in Ahmedpur East; she was then taken to an abandoned home where she was raped by the accused. The police have registered a rape case against the accused and are searching for him. In the same month, a five year old girl was raped in Tahliwali Village in rural Bahawalpur; and again in October 2014, a 13 year old girl was raped by her cousin in Chak 12-BC: the Police have arrested the accused²⁶.
- A heinous CSA case was reported from Quetta-Balochistan in November 2014 when Seher Batool, a six year old Hazara girl was found strangled to death in a garbage heap after apparently being subjected to rape attempts²⁷. The Hazara, a beleaguered ethnic group is repeatedly targeted by terrorist groups because of its association with the Shia sect. The police are yet to arrest the culprits behind the rape and murder of Seher Batool.

Federal & Provincial Legislation on CSA

PPC: PPC only recognizes CSA after an act of penetration is established. This is a major shortcoming as 'milder' forms of sexual abuse like inappropriate touching, fondling, or exposure/voyeurism etc. are not criminalized in the PPC. Any consent given by a child under 12 years of age is declared invalid by the PPC (Section 90). The PPC also prohibits same sex intercourse (a common form of CSA); same sex

²³ Pseudonym to protect the victim's identity

²⁴ 'Worst Nightmare: Rape Victim Falls Prey to Sexual Violence Again' Express Tribune, 21 August 2014.

²⁵ 'Teenage Victim Pressured by Victim to Settle the Case' Express Tribune, 3 September 2014.

²⁶ 'Two Children, Four Women Raped in Bahawalpur' Express Tribune, 20 October 2014.

²⁷ 'Six Year Old Hazara Girl Murdered in Quetta after Attempted Rape' Dawn, 7 November 2014.

intercourse is punishable with an imprisonment extending to ten years but not less than two years. Similarly, procurement of a minor girl (below 18 years of age) for sexual intercourse is also prohibited (Section 377). The Act is punishable with an imprisonment extending to ten years and a fine²⁸.

Anti-Terrorism Act 1997: Child molestation, gang rape, and robbery coupled with rape are punishable with death (if the crime results in the death of the victim) or a punishment extending to 14 years but not less than 7 years.

Criminal Law (Amendment) Bill 2014: The bill is one of the first attempts in Pakistan to enact a legislation which is in line with the UNCRC Optional Protocol (OP) on the Sale of Children, Child Prostitution and Child Pornography. The Bill provides for amendments in Section 82 and 83 of the PPC through which the minimum age of criminal responsibility is proposed to be increased.

The Bill also proposes insertion of new sections in the PPC which include 292 A (exposure to seduction), 292 B (Child Pornography), 292 C (punishment for child pornography), 328 A (cruelty to a child), 369 A (trafficking of human beings, in particular internal trafficking), 377 (child sexual abuse: which includes seemingly ‘milder’ forms of abuse such as stroking, fondling, caressing, exhibitionism, voyeurism, or any obscene or sexually explicit conduct).

The Cabinet, in its meeting held on March 13, 2013 considered the Criminal Law (Amendment) Bill 2013. The proposal was approved with the direction that the minimum age of criminal responsibility from 7-12 years shall not be exploited or linked to ‘terrorism’ related cases. Due to the dissolution of the National Assembly before the May 2013 elections the bill was not introduced. Currently, the bill is required to be presented before the Cabinet for consideration as a policy matter. The summary has been submitted to the Cabinet Division for placing it before the Cabinet²⁹.

Recommendations

²⁸ See supra note 11.

²⁹ Information provided by National Commission for Child Welfare and Development.

- The Federal Government should immediately pass the Criminal Law Amendment Bill 2014 to criminalize milder forms of sexual abuse, child pornography, and internal trafficking of children for prostitution.
- Awareness campaigns should be initiated by the government and the CSOs to initiate an open debate on CSA. Currently, the tabooed nature of all discourse on CSA allows perpetrators to continue with their crime without fear of legal repercussions: media and school level information campaigns can be an effective start to bring CSA issues into the mainstream.
- Law enforcement agencies should be sensitized to recognize the seemingly ‘milder’ forms of CSA and to ensure the protection of victims of CSA. Effective monitoring and accountability of law enforcement agencies should be initiated to ensure that members of law enforcement agencies are not willfully ignorant of or complicit in the sexual abuse of vulnerable children.

Acid Attacks

Acid attacks involve the deliberate use of acid to injure or disfigure another human being. The victim of an acid attack rarely dies; however, the attack specifically aimed at the victim’s face disfigures him/her permanently. Acid attack victims rarely have access to legal recourse and rehabilitative services and usually come from low income backgrounds with no means to support themselves³⁰.

In Pakistan most of the acid attacks are carried out on women and girl children and the perpetrators most often include family members and unsuccessful suitors. The attacks may be triggered by property disputes, unsuccessful marriage proposals, and family feuds. Reporting of acid attacks remains problematic, especially in cases involving women and girl children whereby family members may be hesitant to report an acid attack because of the nature of aspersions leveled against her character by the male attacker.

Acid Survivors Foundation (ASF) is a national non-profit organization working to promote human rights of acid attack victims and to eradicate acid violence from the country. The organization compiles annual information on the prevalence of acid attacks in Pakistan. The data provided by the Foundation reveals that over a

³⁰ ‘Acid Survivors Trust International’ (source: <http://www.acidviolence.org/index.php>)

five year period, the number of acid attacks reported from different parts of the country have increased. The table below provides a yearly disaggregation of acid attacks in Pakistan between 2009 and 2014.

Year	Number of Attacks
2009	43
2010	55
2011	150
2012	110
2013	143
2014	115 (till October 2014)
Total	616

According to the data provided by ASF, 115 acid attacks have been carried out throughout Pakistan between January and October 2014 in which a total of 160 victims have been targeted. These include 113 females and 47 male victims. Among the 113 female victims, 32 were adult women (above 18 years of age) and 29 were children (18 years and below); age of the victim remained unknown in 52 cases. Similarly, the age disaggregation of male victims reveals that out of the 47 males targeted in acid attacks in 2014 (so far), 13 were adults (above the age of 18 years), 11 were children (18 years and below) and 23 victims with undisclosed ages.

Furthermore, the provincial distribution of acid attacks over the years reveals that in a time period between 2007 and 2013, the highest number of acid attacks occurred in Punjab (589), followed by Sindh (29), Balochistan and Khyber Pakhtunkhwa (16 attacks reported from both provinces), Islamabad Capital Territory (ICT) (10), FATA (6), and Azad Jammu and Kashmir (1). In addition, the location of the attack was not specified in 282 incidents of acid violence reported during the same time period³¹.

³¹ Information provided by Ms. Zainab Qaiserani, Project Coordinator-Acid Survivors Foundation.

Acid Attack Cases 2014

Some of the acid attack cases reported by the national print media in 2014 included the following: In September 2014, Shabnam bibi, a 16 year old girl was attacked with acid by two men in Jhang district of Punjab when the girl's family rejected the marriage proposal of one of the attackers. The girl was severely injured in the attack with 90% of the burns affecting her face, causing damage to her eyes: the girl's mother was also injured in the attack. Police have arrested one of the attackers while the other has gone into hiding³².

- The acid attacks in 2014 appear to be a continuation of a growing trend of such attacks being carried out by fundamentalist religious organizations in Balochistan³³. In July 2014, three acid attacks were carried out separately in Quetta, Mastung and Pishin districts of Balochistan in which 12 women and girl children were targeted. In all of the mentioned cases, the assailants rode motorcycles and sprayed acid on the faces of their victims using syringes³⁴.

Legislation

The Acid Control & Acid Crimes Prevention Act 2011: This Act amended section 332 of the PPC and inserted sections 336A and 336B in the PPC. Section 336A of the Act criminalizes the intentional use of acid or other corrosive substances to harm another individual. The punishment for such a crime is given in Section 336B whereby a person involved in an acid attack is punishable with imprisonment of minimum 14 years and a fine of one million rupees. The Act also calls for the regulation of the sale and distribution of acids and corrosive substances.

The Provincial Legislation on Acid Crimes: Efforts are being made to bring in comprehensive provincial legislation to control acid related violence in the provinces. In May 2014, the Punjab Assembly Women's Caucus presented (as a

³² 'Woman, her Daughter Injured in Acid Attack', Dawn, September 21, 2014 (source: <http://www.dawn.com/news/1133353>)

³³ 'Two Girls Injured in Mastung Acid Attack' The Nation, July 23, 2014 (source: <http://nation.com.pk/national/23-Jul-2014/two-girls-injured-in-mastung-acid-attack>).

³⁴ 'Growing Extremism and Acid Attacks in Balochistan' Daily Times, August 4, 2014 (source: <http://www.dailytimes.com.pk/opinion/04-Aug-2014/growing-extremism-and-acid-attacks-in-balochistan>)

private member bill) the Acid & Burn Crimes Bill 2014 in the Assembly³⁵. Significant parts of the Bill include expansion of the definition of ‘corrosive substances’ to include a variety of other substances which can be used in such attacks; entitlements of acid burn victims to benefits prescribed under the Disabled Person (Employment and Rehabilitation) Ordinance 1981; death sentence or life imprisonment for the attacker if the attack results in the death or injury of the victim; provision of interim monetary relief for the victim during court trial (later to be paid by the convict as ordered in the final court judgment); minimum imprisonment of three years for a person attempting to commit an acid attack-similar punishment is proposed for individuals who are found guilty of aiding, abetting, or colluding in an acid attack.

³⁶.

As of November 2014, the Bill is yet to be passed by the provincial assembly.³⁷. All the Provincial Governments have yet to present similar laws to deal with this issue within their respective territories. In July 2014, the Provincial Commission on the Status of Women (PCSW) in Khyber Pakhtunkhwa organized an orientation session on the need to pass the Acid & Burn Crimes Bill in the province. The Bill was tabled as a private member bill by in the provincial assembly; however, the Bill failed to win approval from majority of the members and could not be passed.³⁸.

Recommendations

- The provinces should enact and implement comprehensive legislation to criminalize acid attacks and punish the perpetrators of acid violence. In addition to punishing offenders, the legislation should have proactive provisions to regulate the sale and purchase of acids and corrosive substances.
- The government should have greater

³⁵ ‘Burning Issue: Over 50% Acid Attacks occur in Punjab’ Express Tribune, June 6, 2014 (source: <http://tribune.com.pk/story/718067/burning-issue-over-50-acid-attacks-in-pakistan-occur-in-punjab/>)

³⁶ ‘Acid and Burn Crime Bill’ to be presented in PA on the 17th’ The News, May 9, 2014 (source: <http://www.thenews.com.pk/Todays-News-5-248942-Acid-and-Burn-Crime-Bill-to-be-presented-in-PA-on-17th>)

³⁷ See Supra Note 34.

³⁸ ‘Acid and Burn Crime Act 2014: PCSW Plans Orientation Session for MPs from Khyber Pakhtunkhwa’ Business Recorder, July 16, 2014 (Source: <http://www.brecorder.com/general-news/172:pakistan/1202521:acid-and-burn-crime-act-2014-pcsw-plans-orientation-session-for-mps-from-khyber-pakhtunkhwa/?date=2014-07-16>)

Criminal Traditional Practices

Criminal/ harmful traditional practices have deep cultural roots and have the resilience to persist. These practices may emerge and persist in different forms but their harmful impact on a child's physical, intellectual, and emotional development are unquestionable. The commonly prevalent criminal/harmful traditional practices include child marriages, son preference, female infanticide, honor crimes, forced feeding, and accusations of witchcraft³⁹.

These practices are widely prevalent in Pakistan where thousands of adults and children, mostly females are subjected to regressive traditions which undermine their well being; a number of these traditional practices result in the death of the victim. Both nationally and internationally, there is a tendency to label these practices as 'harmful'; SPARC is deliberately using the term criminal to stress that a number of these practices have been criminalized through legislation and there is greater need to work towards the criminalization of the remaining acts in line with international standards. Criminal Traditional Practices (CTPs) have remained entrenched in Pakistan because of a cultural acceptance or misconceived religious understanding which allows these practices to thrive and the perpetrators to evade legal prosecution. Moreover, these practices are mostly prevalent in remote rural areas where reporting standards are poor and the law enforcement is (in many cases) in cohorts with local influentials. This allows a large number of CTP cases to go unreported or unaddressed.

Child Marriages

Child marriages are widely prevalent in Pakistan with a large number of cases being reported from remote rural areas. According to the UNICEF State of World's Children Report, 7% of the girls in Pakistan were married before the age of 15 years while 24% were married before they were 18⁴⁰. These are depressing figures, considering the fact that a large number of underage marriages go unreported. Furthermore, apart from emotional and psychological issues, child marriages result in serious reproductive health issues which end up becoming life threatening.

³⁹ Protecting Children from Harmful Practices in Plural Legal Systems (2012), published by Plan International.

⁴⁰ UNICEF (2014) 'The State of World's Children 2014 (In Numbers)' (source:

file:///E:/Hamza%20Data/SOPC%202014/Violence%20against%20Children/SOWC2014_In%20Numbers_28%20Jan.pdf)

The minimum age of marriage for girls in Pakistan is 16 years while it is 18 years for boys.

According to UNICEF, the maternal mortality ratio in Pakistan (2008-2012) stood at 250 deaths per 100,000 live births⁴¹: apart from the lack of reproductive health facilities in the country, a considerable number of these deaths can be attributed to underage marriages.

In Pakistan, child marriages are directly related to a patriarchal mindset which promotes a culture wherein the family's honor (specifically male honor) is directly related to female 'chastity'. Women's sexuality and mobility is strictly controlled and fear of male companionship before marriage compels many families to marry off their daughters at a young age to preserve family 'honor'. Apart from the above mentioned health complications, child marriages also result in low educational achievements and serious economic implications for women. In the latter case, girls are often prohibited from working by their conservative families; in addition, because of the lack or absence of education, child brides are barred from gaining meaningful employment.

Some of the child marriages reported by the national print media in 2014 included the following:

- In October 2014, an eight year old girl from District Toba Tek Singh-Punjab was sold by her uncle to a 35 year old man for Rs.200, 000. The man took the girl with him after solemnizing Nikah; the incident was brought to the notice of the DSP who ordered the SHO to investigate the matter⁴².
- In August 2014, police in Muzaffargarh foiled a child marriage attempt whereby a 12 year old girl was being married to a 35 year old man. The police raided the ceremony and arrested the girl, her family and the family

⁴¹ UNICEF Statistics (Source: [file:///E:/Hamza%20Data/SOPC%202014/Violence%20against%20Children/SOWC2014 In%20Numbers 28%20Jan.pdf](file:///E:/Hamza%20Data/SOPC%202014/Violence%20against%20Children/SOWC2014%20In%20Numbers%20Jan.pdf))

⁴² 'Probe into underage girl's marriage ordered' The Nation, October 14, 2014 (source: <http://nation.com.pk/national/14-Oct-2014/probe-into-underage-girl-s-marriage-ordered>)

of the ‘groom’. The groom managed to flee from the scene: the police have formed teams to arrest the accused⁴³.

Vani/Swara

This practice involves marriage as a means to settle a feud or dispute between families. The practice is prevalent throughout Pakistan and is known by various names in different areas; for instance, it is called *Vani* in Punjab, *Swara* in Khyber Pakhtunkhwa and *Dand* in Sindh. The practice is a gross violation of human rights and is especially prejudicial towards women or girl children who have to spend the rest of their lives in the homes of their family’s enemy. In many cases, girl children are selected for these marriages as a quick solution to end a dispute. These children are then mistreated in their new homes as an act of revenge for their family’s actions. According to the Madadgar National Helpline, 1,381 cases of *Vani* were reported from different parts of the country in a 13 year time period between 2000 and 2013⁴⁴. The same database reveals that in 2013 alone, 176 cases of *Vani* were reported from different parts of the country⁴⁵.

Some of the *vani* cases reported by the national print media in 2014 included the following:

- In April 2014, a local *Jirga* in District Batagram in KP ordered a father to marry off his eight year old girl to a 26 year old man to settle a dispute. The father of the girl was accused of eloping with a woman and the *swara* was arranged to appease his rivals (the family of the woman he had eloped with). After being informed about the crime, local police registered an FIR against 13 members of the *Jirga*.⁴⁶

⁴³ ‘Police foil child marriage bid: ‘groom’ escapes’ Dawn, August 25, 2014

⁴⁴ The Madadgar National Helpline Database on Violence against Children (source: <http://madadgaar.org/data.html>).

⁴⁵ ‘1600 Pakistani women murdered, 370 raped in 2013’ The Nation, March 7, 2014 (source: The Madadgar National Helpline Database on Violence against Children (source: <http://nation.com.pk/national/07-Mar-2014/1600-pakistani-women-murdered-370-raped-in-2013>))

⁴⁶ ‘Jirga gives minor girl in *vani* to settle dispute’ Dawn, April 28, 2014 (source: <http://www.dawn.com/news/1102750>)

- In May 2014, a four year old girl was married to a 25 year old man to settle a love marriage dispute between two families in District Mandi Bahauddin in the Punjab. The dispute started when a resident of the Village Hersa Sheikh contracted a love marriage with a girl. The girl's family did not approve of the union and registered a fake FIR against the boy's father. When the boy's family refused to return the girl, the latter's family convened a village Panchayat which ordered the boy's father to marry his four year old daughter to the brother of his daughter in law. After being informed of the crime, the police registered cases against 18 persons involved in contracting the marriage, including panchayat members⁴⁷.

Honor Killings

Honor killings are triggered by an entrenched patriarchal mindset in Pakistan whereby male and family honor is directly linked with the conduct of women. As a result of this mindset, women in most parts of the country are only conceived in terms of their relationship to men: as mothers, daughters, or sisters and not as individuals. The men in the family determine the future of women and girl children by restricting their mobility and making their life choices themselves; most importantly decisions relating to a girl's marriage are often made by her family; any exercise of autonomy by a girl in this regard often results in a violent reaction by the family⁴⁸. Possible transgressions that often result in the death of the victim include 'illicit' sexual relations, infidelity, suspicion of adultery, rape, seeking divorce, or refusing arranged marriage.

As of October 2014, 1,107 cases of honor killings were reported from different parts of the country according to the Madadgar National Helpline⁴⁹. The Washington Post reported that 869 women were killed in the name of 'honor' in Pakistan in 2013⁵⁰. Perhaps the most harrowing incident of honor killing in 2014 took place in Lahore when Farzana Iqbal, a 25 year old pregnant woman was

⁴⁷ 'Chiniot girl given in wani' The Nation, May 3, 2014 (source: <http://nation.com.pk/national/03-May-2014/chiniot-girl-given-in-wani>)

⁴⁸ Lari, M, Z. (2011) 'Honor killings in Pakistan and compliance of law' published by Aurat Foundation.

⁴⁹ The Madadgar National Helpline Database on Violence against Children (source: <http://madadgaar.org/data.html>).

⁵⁰ 'In Pakistan, 1000 women die in 'honor killings' annually. Why is this happening' Washington Post, May 28, 2014 (<http://www.washingtonpost.com/news/morning-mix/wp/2014/05/28/in-pakistan-honor-killings-claim-1000-womens-lives-annually-why-is-this-still-happening/>)

bludgeoned to death by her relatives outside the Lahore High Court. The girl's family was against her marriage⁵¹.

Throughout the year, a number of cases of honor crimes were reported from across Pakistan in which girl children were targeted.

- In September 2014, a 17 year old girl was gunned down by a young man when she refused to marry him. The incident took place in Tarnol area of ICT. The police registered a case against the accused and initiated murder investigations⁵².
- In June 2014, a teenage girl was doused in petrol and set on fire after she refused a marriage proposal. The incident took place in District Toba Tek Singh, Punjab. The 18 year old girl was at home when her proposed suitor entered the house and set her on fire. The girl was taken to a hospital but succumbed to her injuries⁵³.
- In the same month, a couple was publically beheaded for contracting a court marriage after eloping. The couple was murdered by the girl's family after they returned to their hometown. The couple was first subjected to severe torture after which their heads were chopped off in full public view⁵⁴.

National and Provincial Legislation

The Child Marriage Restraint Act 1929: The law prohibits child marriage in Pakistan and declares 16 years as the minimum age of marriage for girls and 18 years (as the minimum age of marriage) for boys (Section 2). Child marriage is punishable with an imprisonment of one month and a fine of Rs. 1,000 for an adult male (above 18 years of age) who contracts marriage with a child (section 4); a person who solemnizes a child marriage (section 5); and a parent or guardian who does not act to prevent a child marriage (section 6).

⁵¹ 'Pakistani family sentenced to death over 'honor killing' outside court' Reuters, November 19, 2014 (<http://www.reuters.com/article/2014/11/19/us-pakistan-women-killings-idUSKCN0J30SV20141119>)

⁵² 'Girl Killed in Chishtiabab' The News, September 24, 2014

⁵³ 'Girl burned alive for rejecting proposal' Daily Times, June 6, 2014.

⁵⁴ 'Newly-wed couple beheaded in public over love marriage' The News, June 29, 2014.

The punishment for contracting, aiding or abetting a child marriage is ridiculously low; in addition, the law is biased against the girl child whereby the minimum age for girls is lower than that of boys.

The Sindh Child Marriages Restraint Act 2013: This Act bans child marriages and proposes strict punishments for perpetrators, aiders and abettors of underage marriages. The law establishes 18 years as the minimum age of marriage for both boys and girls (section 2). An adult male (above 18 years of age) who contracts marriage with a child is punishable with an imprisonment extending to three years (not less than two years) and a fine (section 3). Similarly, a person who is responsible for solemnizing a child marriage is punishable with an imprisonment of up to three years but not less than two and a fine.⁵⁵ The law came into effect in June 2014⁵⁶.

Other Provincial Legislations: The Sindh Child Marriages Restraint Act 2013. It is imperative that the other provinces enact similar laws.

In Punjab, Alliance against Child Marriage, a network of rights based NGOs has drafted a bill entitled, ‘The Child Marriage Prohibition Punjab Bill 2014’. In line with the one in Sindh, the Bill establishes the minimum age of marriage for both boys and girls at 18 years. Other features of the Bill include compulsory requirement of National Identity Card (of both parties) for registration of *Nikah*⁵⁷. The Bill further proposes a punishment which includes an imprisonment of up to three years and a fine extending to Rs. 200,000 for offending parties, including the clerics solemnizing the marriage.

In the absence of provincial laws, the outdated Child Marriage Restraint Act remains the only law dealing with this subject in all the Provinces, except Sindh, AJK and Gilgit-Baltistan. The law also applies to PATA and FATA⁵⁹.

Proposed Federal Law: In March 2014, MNA Marvi Memon presented the Child Marriages Restraint (Amendment) Bill 2014 in the National Assembly. The Bill

⁵⁵ ‘Sindh Child Marriages Restraint Act 2013’ (Source:

<http://www.lawdepartment.gos.pk/setup/NewsDocuments/NID-000153.pdf>)

⁵⁶ ‘Sindh Child Marriages Restraint Act comes into effect’ Dawn, June 12, 2014 (source:

<http://www.dawn.com/news/1112097>)

⁵⁷ Islamic solemnization of marriage

⁵⁹

proposes setting the minimum age of marriage for both boys and girls at 18 years. It also called for harsher punishments for perpetrators of child marriages whereby a person (above 18 years of age) who is found guilty of marrying a child will be punished with a rigorous imprisonment of up to two years and a fine extending to Rs.100,000, or with both. The Bill also empowers courts of law to issue injunctions to prohibit any marriage which is in contravention to the provisions of the law. Any person who knowingly disobeys such an injunction is punishable with imprisonment extending to one year and a fine of Rs. 100,000 or with both⁶⁰.

The Bill was severely criticized by the Council of Islamic Ideology (CII) which had already given its recommendations on the Child Marriage Restraint Act. The Council had ruled that laws specifying a attained puberty. Similar, interpretations of religion have hindered the passing of child marriage legislation at the provincial level. For instance, in January 2013, an anti-child marriage bill was presented in the Khyber Pakhtunkhwa provincial assembly by an MP from the Awami National Party. The Bill could not be passed as it was opposed by both treasury and opposition benches who termed the proposed legislation as ‘NGO-centric’⁶¹.

PPC: The PPC defines honor killing as a crime committed under the pretext of Karo Kari, Siyah Kari or similar practices (section 299). Section 302 of the PPC states that any person causing the death of another person is punishable with death as *qisas*; punishable with death or imprisonment for life as *ta’zir*; or with a punishment extending to 25 years in prison (in cases where Islamic injunctions with regards to Qisas do not apply).

The Prevention of Anti Women Practices (Criminal Law Amendment) Act 2011: The Act substitutes section 310 of the PPC whereby a person involved in forcing a girl to marry through any of the common cultural practices is liable to imprisonment for seven years and to a fine of Rs 500,000. The Act also inserts a new chapter in the PPC (chapter XXA) which lists offences against women. These offences include depriving a woman of her right to property (section 498A); forced marriage (section 498B); and marriage to the Holy Quran (section 498C).

⁶⁰ ‘The State of Pakistan’s Children Report 2013’, Islamabad: SPARC Publications

⁶¹ ‘View from courtroom: Bill related to child marriages generates heated debate’ Dawn, March 31, 2014 (source: <http://www.dawn.com/news/1096802>)

The Provincial Legislation against Criminal Traditional Practices: As of 2014, Khyber Pakhtunkhwa remains the only province to have passed a provincial law to discourage criminal traditional practices. The Khyber Pakhtunkhwa Elimination of the Custom of Ghag Act 2013 criminalizes the practice of forced marriages in the province.

The law defines “Ghag” as ‘a custom, usage, tradition or practice whereby a person forcibly demands or claims the hand of a woman, without her own or her parents’ or *wali*’s will and free consent by making an open declaration, either by words, spoken or written, or by visible representation, or by imputation, innuendo, or insinuation, directly or indirectly, in a locality or before public in general. The person can also declare, that a woman shall stand engaged to him or any other particular man and that no other man shall make a marriage proposal to her or marry her, threatening her parents and other relatives from giving her hand in marriage to any other person, and by also include obstructing the marriage of such woman in any other manner pursuant to such declaration (section 2B).

Section 4 of the Act punishes an offender with an imprisonment extending to seven years (but not less than three years) and a fine of up to Rupees 500,000 or with both. Any person who willfully abets or facilitates Ghag is also punishable (section 5)⁶².

Supreme Court Decision on Criminal Traditional Practices: In July 2013, the Supreme Court of Pakistan declared traditional feud settling customs like *vani* and *swara* as inhuman and directed the IGs of Police in the provinces and the capital territory to ensure that such practices do not take place in their respective jurisdictions⁶³.

In July the Chairperson of the Sindh Human Rights Commission stated that influential landlords in the province who were holding *Jirgas* had been issued legal

⁶² Khyber Pakhtunkhwa Elimination of the Custom of Ghag Act 2013 (source: http://www.af.org.pk/Acts_Fed_Provincial/KP_Bill%20Acts_since%202002/KP%202013/Elimination%20of%20Custom%20of%20Ghag%20Act,%202013.pdf)

⁶³ ‘Inhuman Punishments by *Jirgas* are illegal: SC’ The Nation, July 12, 2013 (source: <http://nation.com.pk/national/12-Jul-2013/inhuman-punishments-by-jirgas-are-illegal-sc>)

notices. It was further stated that the decision had been taken in light of the Supreme Court ruling which declared Jirgas as illegal⁶⁴. The action was taken after media reports revealed that a number of MPs in Sindh were holding Jirgas in their areas of influence⁶⁵.

Recommendations

- Existing outdated legislation on criminal traditional practices should be updated and revamped in line with international human rights standards. The provincial assemblies should take immediate steps to pass revamped legislation on child marriages and other harmful traditional practices.
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- There is a greater need to penalize the perpetrators of criminal traditional practices to discourage potential violators. Currently, there is very low conviction rate of perpetrators of criminal traditional practices; mostly, these crimes are settled informally without involving the police which allows these practices to continue.
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- Public awareness and community mobilization campaigns should be initiated to build public trust in formal law enforcement and justice systems. This will go a long way in discouraging individuals from relying on informal or parallel justice systems which perpetuate criminal traditional practices.
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- The prevalence of criminal traditional practices should be targeted through awareness and advocacy campaigns that are supported by religious and political leaders. This will go a long way in tackling the problem at the grassroots level.
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- The police and district administration should crack down on parallel legal systems in all parts of the country to ensure that women and children are not exploited and targeted through criminal traditional practices and the primary

⁶⁴ ‘Landlords holding illegal Jirgas have been issued notices: Moot told’ Daily Times, June 28, 2014 (source: <http://www.dailytimes.com.pk/punjab/28-Jun-2014/landlords-holding-illegal-jirgas-have-been-issued-notices-moot-told>)

⁶⁵ Many MPs among Waderas holding jirgas’ published in The News, June 28, 2014 (source: <http://www.thenews.com.pk/Todays-News-4-258557-Many-MPAs-among-waderas-holding-jirgas>)

responsibility of the State with regards to providing security to all citizens is fulfilled.

Child Trafficking & Abduction

Child trafficking in Pakistan has two major dimensions: firstly, women and girl children are trafficked to Pakistan from Bangladesh and Central Asian countries, mostly for forced commercial sexual exploitation. Secondly, children (a large number of them are young girls) are trafficked from rural/ peripheral areas of the country to cities where they may be engaged as domestic workers, bonded laborers, and sex workers. Pakistan is also a transit country for young girls from East Asian countries and Bangladesh who are being trafficked to the Middle East for commercial sexual exploitation⁶⁶.

In 2014, Pakistan remained on the Tier 2 watch list of the US Department of State with regards to trafficking in persons. The State Department's Trafficking in Persons Report 2014 maintained that Pakistan is a source, transit point, and destination for victims of trafficking⁶⁷. Pakistan's continued presence among the Tier 2 watch list countries may lead to suspension in foreign aid in the future⁶⁸.

The report further stated that the Government of Pakistan does not fully comply with the minimum international standards for eliminating trafficking in persons but is making significant efforts to do so. As of 2014, the country's major focus remained on cross border trafficking and government officials failed to distinguish between human trafficking and smuggling (the former is a crime against a person as it involves violation of basic human rights; the latter is a crime against the State and may not involve violation of the human rights of the smuggled person⁶⁹).

The Federal Investigation Agency (FIA) is primarily tasked with addressing external human trafficking in Pakistan; the agency revealed that between 2009 and

⁶⁶ 'Modern Day Slavery in Pakistan- Women and Child Trafficking' (source: <http://www.wvi.org/pakistan/article/modern-day-slavery-pakistan-women-child-trafficking>)

⁶⁷ US Department of State 'Trafficking in Persons Report 2014' (source: <http://www.state.gov/documents/organization/226848.pdf>)

⁶⁸ 'Rise in human trafficking: Pakistan may face aid cuts and more' Express Tribune, February 24, 2014 (source: <http://tribune.com.pk/story/675402/rise-in-human-trafficking-pakistan-may-face-aid-cuts-and-more/>)

⁶⁹ International Center for Migration Policy Development 'Difference between smuggling and trafficking' (source: <http://www.anti-trafficking.net/differencebetweensmugglingand.html>)

February 2014, the agency has intercepted 61,200 people at the Pakistan-Iran and Pakistan-Afghanistan borders. Furthermore, the agency has prepared a red list of most wanted traffickers which include 141 traffickers who operate a network of 7,890 people. The above information is restricted to cases of external or cross border human trafficking; moreover, there is no separate database on child trafficking in Pakistan.

A high number of abduction/kidnapping cases were reported from different parts of the country in 2014. The lack of a uniform database on abduction cases remained a major hindrance in providing a comparative analysis; furthermore, among the four provinces, only Khyber Pakhtunkhwa Police has a separate category for child abduction cases in its crime database.

As of September 2014, 11,097 kidnappings and 87 kidnappings for ransom cases were reported from Punjab (by August 2014)⁷¹: 150 cases of child abduction in Punjab were reported in 2014 according to a police report released to media⁷²; the Khyber Pakhtunkhwa Police reported 667 cases of adult and 27 cases of child abductions until October 2014⁷³.

The Balochistan Police does not have a separate category of abductions/kidnappings in their online crime database: separate information on child kidnapping is also not available. Cases of abductions/kidnappings are subsumed under the larger category of ‘crimes against person’ whereby 1,415 cases of crimes against person were reported to the Balochistan Police by the end of June 2014⁷⁴. The Sindh police database on crime was being updated and could not be accessed while this research was being compiled⁷⁵.

⁷¹ ‘Punjab Police: Crime Statistics’ (source: <http://punjabpolice.gov.pk/crimesstatistics>)

⁷² Islam, Shamsul, ‘Kidnappings: 150 child abductions reported in 2014’ Express Tribune, August 29, 2014 (<http://tribune.com.pk/story/755142/kidnappings-150-child-abductions-reported-in-2014/>)

⁷³ ‘Khyber Pakhtunkhwa Police: Crime Statistics’ (source: <http://kppolice.gov.pk/Crimestatistics/crimefigure.php>)

⁷⁴ ‘Balochistan Police: Crime Head Wise 2014’ (source: <http://www.balochistanpolice.gov.pk/crimebr/Hencrime.php>)

⁷⁵ ‘Sindh Police: Crime Statistics’ (source: http://www.sindhpolice.gov.pk/announcements/Crime_statistics/Jan14-May15-2014/crimefigure01.01.2014to15.05.2014/crimefigure01.01.2014to15.05.2014/hydrange%2001.01.2014to15.05.2014/CrimeDataHydrange01.01.2014to15.05.2014.htm)

Child Abduction Cases in 2014

A number of child abduction/ trafficking cases were reported from different parts of the country in 2014. These cases point to the poor state of child protection in the country as a whole and the immediate need to improve law enforcement in the country.

- In November 2014, a serious debate on the state of child protection in the country was triggered when Karachi Police recovered 36 minor girls from a private residence in the Liaqatabad area of Karachi. The girls belonged to the Bajaur Agency in FATA and had been sent to Karachi by their parents to study in a seminary. The seminary cleric had handed over the girls to a family after the latter failed to pay back a debt: the family was supposed to take care of the girls as a way of repayment of debt.

The seminary was being run by the same person who had brought the girls from Bajaur; it was further revealed that after completing their education, the girls would be sent back to Bajaur where they would impart religious education to women and young girls⁷⁶. The incident cannot be purely regarded as an abduction or trafficking case but reveals how children can be used as bargaining chips in adult affairs. In this case, an economic transaction resulted in children being put in care of a family without permission from their parents.

The case also highlighted that the mushrooming of unregistered Madrassahs that are tasked with providing religious education to children. In this regard, the absence of registration with a State authority allows these institutions to operate unmonitored, raising a number of child protection issues which may include involvement of children in armed conflict, child sexual abuse, and abduction/trafficking of children.

- The forced conversion of minority girls after abduction is becoming a common practice in Pakistan. According to a report released by the Movement for Solidarity & Peace, hundreds of Christian and Hindu girls are forcibly converted to Islam every year. In many cases, the girl is first

⁷⁶ Khan, Asim and Rizvi, Manzar, 'Police recover 36 minor girls from Karachi home' Dawn, November 27, 2014 (source: <http://www.dawn.com/news/1147025/police-recover-36-minor-girls-from-karachi-home>)

abducted from her home before being converted. The report further stated that the average age of Christian girls who are abducted, converted, and then married off to the abductor or a third party lies between 12 and 25 years⁷⁷. An incident was reported in January 2014 when a 14 year old Christian girl from Rawalpindi, Punjab, was abducted, forcibly converted to Islam and married to a Muslim boy from her school. After police's intervention, the girl was produced before the court; however, she was accompanied by 50 armed men who had come to support the boy's family. The girl initially stated that she had converted to Islam and had married her class fellow; however, she later retracted her statement and revealed that she had been forced to convert after being abducted. The court did not allow the girl to return to her family⁷⁸.

National & Provincial Legislation on Child Trafficking & Abduction

The current legislative framework for dealing with human trafficking/ kidnapping does not deal with internal human trafficking in Pakistan. Furthermore, as of 2014, there are no provincial laws to deal with trafficking and kidnapping.

PPC: Section 364 A addresses the abduction of a minor whereby a person involved in the abduction of a child below 14 years of age is punishable with a death sentence or life imprisonment. The minimum imprisonment term for kidnapping a minor is seven years imprisonment.

Other sections dealing with child abduction include section 369 (kidnapping of a child with the intention of stealing from a child); section 366A (procuring of a minor girl for sexual purposes); section 366B (importation of a girl from a foreign country for sexual purposes); section 370 (buying and disposing of any person as a slave); and section 371 (habitual dealing in slaves).

⁷⁷ Staff Report, '1000 Christian Hindu girls forced to convert to Islam every year' Pakistan Today, April 8, 2014 (<http://www.pakistantoday.com.pk/2014/04/08/national/1000-christian-hindu-girls-forced-to-convert-to-islam-report/>)

⁷⁸ Manzoor, Usman, '14 year old Christian girl abducted, forcibly converted, married' The News, January 10, 2014 (source: <http://www.thenews.com.pk/Todays-News-2-225669-14-year-old-Christian-girl-abducted,-forcibly-converted,-married>)

The Prevention & Control of Human Trafficking Ordinance 2002: This Ordinance deals with external human trafficking in Pakistan. Section 3 punishes child/ female traffickers, planners and executors of human trafficking, and individuals who force people to perform labor or other services under threat.

The Criminal Law (Amendment) Bill 2014: Currently, this Bill is required to be presented before the Cabinet for consideration. The summary has been submitted to the Cabinet Division for placing it before the Cabinet.

Section 369A of the proposed Bill suggest punishment for a person involved in internal human trafficking (including child trafficking) with an imprisonment of five to seven years and a fine of Rs 500,000-700,000 or both.

Recommendations

- The Federal Government should pass the Criminal Law (Amendment) Bill 2014 to criminalize internal human trafficking in Pakistan.
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- There is a need to develop an accurate and updated database on human trafficking which provides reliable and disaggregated information based on internal/external trafficking, adult/ child trafficking, and male/ female trafficking.
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- The Federal and Provincial Government should collaborate with international organizations to build the capacity of law enforcement agencies for purposes of dealing with both and internal and external trafficking. They should sensitize the police to identify and deal with internal trafficking victims. In addition, the FIA should be informed about the difference between human trafficking and smuggling and the need to use different approaches for victims of both.
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- The Federal and Provincial Government should take a tough stance against child traffickers and commercial sex rings in the country to counteract the major triggering factors behind human/ child trafficking.

Children in Armed Conflict

In March 2014, Pakistan's Permanent Representative to the UN emphasized the need to end the use of children in armed conflict. He further stated that children are often coerced into participating in violent activities which are a blatant violation of their fundamental rights. He also called for an end to drone strikes as they infringed upon children's rights to education, security, and development. He specifically pointed out the persistent attacks by militant organizations on schools in conflict affected areas of Pakistan which endanger the lives of students and teachers and called for international support for bringing the perpetual recruiters of children in armed conflict to book⁷⁹.

The proof of pudding is in eating it. Pakistan has yet to ratify the Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict: it was signed by it in September 2001. The ratification of the Optional Protocol will pave way for legislation against recruitment of underage children in armed conflict, by both State and non-state actors.

The Optional Protocol sets 15 years as the minimum age for voluntary recruitment in armed forces; furthermore, persons below 18 years of age who are voluntarily recruited in armed forces are entitled to special protection measures⁸⁰.

According to the Ministry of Law & Justice, the legal review of the OP has already been conducted and the Ministry of Defense has given its consent for the ratification. The summary of the OP will soon be submitted to the Cabinet for consideration for ratification, according to the Ministry officials.

As of December 2014, a total of 1,578 people have been killed in terrorist violence throughout the country, according to the South Asia Terrorist Portal (SATP). The total number of civilian deaths in an eleven year period between 2003 and 2014 is

⁷⁹ 'Pakistan to focus on stopping the use of children in armed conflict' The Nation, March 8, 2014 (source: <http://nation.com.pk/national/08-Mar-2014/pakistan-to-focus-on-stopping-the-use-of-children-in-armed-conflicts>)

⁸⁰ Xari Jalil, 'Call for Ratifying Protocol against Kids in Armed Conflict' Dawn, September 23, 2014 (<http://www.dawn.com/news/1133742>)

19,734 civilians; this includes a large number of children who have died in terrorist attacks in different parts of the country⁸¹.

As of 2014, there are no official statistics that enumerate the number of children who have died from terrorist attacks in Pakistan.

In November 2014, the Guardian published statistics from different parts of the world, compiled by human rights organizations on the large number of ‘collateral’ deaths caused by drone strikes. The report highlighted that drone strikes in Pakistan have specifically targeted 24 terrorists and killed 874 people in the process; furthermore, an estimated 142 children died because of drone attacks targeting 24 militants⁸².

Children Killed in Terrorism: Cases in 2014

- In January 2014, 15 year old Aitzaz Hassan tackled a suicide bomber outside his school, saving hundreds of lives after sacrificing his own. Security agencies claim that Aitzaz’s actions saved the lives of 2,000 students. The boy was praised as a national hero for standing up to the militants who have killed thousands of innocents and destroyed hundreds of schools throughout the country, especially in the conflict affected areas of FATA and Khyber Pakhtunkhwa⁸³.
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- In December 2014, a suicide bomb attack at the Wagah Border near Lahore killed 60 people and injured more than 100. The attack was carried out by a young boy between 18 to 20 years old. The deceased included ten women and seven children⁸⁴.

⁸¹ SATP, ‘Fatalities in Terrorist Violence in Pakistan’ (source: <http://www.satp.org/satporgtp/countries/pakistan/database/casualties.htm>)

⁸² ‘41 men targeted but 1,147 people killed: US drone strikes, the facts on the ground’ (source: <http://www.theguardian.com/us-news/2014/nov/24/-sp-us-drone-strikes-kill-1147>)

⁸³ Boone, Jon, ‘Pakistani boy who died trying to stop a suicide bomber is hailed as a hero’ The Guardian, January 9, 2014. (source: <http://www.theguardian.com/world/2014/jan/09/pakistani-boy-suicide-bomber-hero>)

⁸⁴ ‘Suicide attack at Wagah kills 60, over 100 injured’ Daily Times, December 11, 2014 (source: <http://www.dailytimes.com.pk/national/02-Nov-2014/suicide-blast-at-wagah-kills-60-over-100-injured>)

Countering Violent Narratives in Schools: An Initiative by SPARC and Creative Associates

In January 2014, SPARC collaborated with Karachi Youth Initiative, a program funded by Creative Associates International and the USAID, to counter violent narratives in schools situated in conflict affected areas of Karachi. Currently, the project is being implemented in eight secondary schools of strife affected areas of Karachi including Sohrab Goth, Sachal Goth, GulshaneIqbal and Abbas Town. The project aims to promote an atmosphere of tolerance, peace, and harmony in the targetted schools by promoting extra- curricular activities which encourage students to challenge the dominant violent discourses which promote antagonism between communities in Karachi. The initiative has received wide support from civil society representatives and school management of the schools. They state that the project not only deals with a relevant social issue but also builds the capacity of schools with regard to organizing extra-curricular activities.

Recommendations

- The Federal and Provincial Governments should ensure the writ of State in conflict affected areas of the country to prevent militant groups from recruiting children as suicide bombers and militants.
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- Rehabilitation centers should be set up for children who have been involved in armed conflict or who have witnessed violent events.
- The Federal and Provincial Government should have an accurate, official database on the victims of terrorism in Pakistan. This database should include information on children who have been affected by the protracted conflict between armed forces and terrorists in Pakistan.
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- Schools should encourage extra-curricular activities like debating, essay writing, and painting competitions on topics related to peace and harmony to

develop a counter-narrative to the dominant discourses of violence and antagonism prevalent in Pakistan.

Conclusion

Violence against Children remained a grim reality in Pakistan throughout the year. Children continued to be targeted through institutionalized and extreme forms of violence which resulted in serious injuries and even loss of life.

The exact magnitude of violence against children is hard to fathom, even in the presence of a database on various forms of violent activities as many of them are done surreptitiously and norms of honor and privacy prevent victims from reporting their ordeals to authorities. However, a single official database on violence against children is indispensable for guiding policy makers who can learn about the approximate magnitude of the problem from a reliable source. There is wide disparity in the number of cases of various forms of violence reported by different sources and this hampers concrete policy level initiatives to counter violence against children in the country.

The current legislative framework to deal with various forms of violence needs revamping to bring it in line with international standards. This is especially relevant for the current legislation on corporal punishment, CSA, child trafficking, child marriages, and the involvement of children in armed conflict. The Eighteenth Constitutional Amendment provides an excellent opportunity to the provinces to legislate on various forms of violence that afflict children; however, it seems that child and human rights have always been ignored by successive governments that support high profile and 'visible' development projects.

Apart from legislation, the current administrative set up is not equipped to ensure the effective implementation of various child protection laws and policies. In many cases, a tacit cultural approval behind many forms of violence actually discourages victims from approaching authorities who, in any case, are reluctant to take action against the perpetrators.

It is also about time that the nation and the community at large start to recognize violence as a form of crime.

Violence against children will continue unabated if it continues to be ignored by families and communities who are the child's first line of defense against perpetrators of violence. The Federal and Provincial Governments should recognize that specific forms of violence that target children exist and there is a need to counter these forms of violence through community mobilization, awareness campaigns, legislation, and strong enforcement of laws.