

Introduction

Violence against children, in both its direct and more structural forms, is largely normalized and therefore tends to avoid redress in adequate and appropriate measure. It thus takes cruel advantage of children's vulnerabilities and their incapacity for self-protection through both, voice and direct action.

This chapter is an indictment of this culture of violence that is seen to be prevalent in the socio-cultural milieu of the country. Continued use of corporal punishment, instances of child sexual abuse, acid attacks, child marriages and other forms of traditionally instituted practices exacerbate this violence. Child trafficking and the recruitment of children by militants operating in certain conflict-ridden areas of the country also constitute other pernicious forms of violence against children. Successive governments in Pakistan have failed to formulate and implement effective policies to address the issue holistically, while certain progressive measures have been seen legislated and implemented sporadically over various issues in the past year.

In the wake of an incident, such as that of Zainab's, it is seen that, influenced by media angst and civil society pressure, the government responds with a well-worn script of knee-jerk reactions. Amidst heated public discourse, an issue dominates the headlines and a united front is formed only to subside in time without any resolve or efforts made to institute a strong mechanism for sustained reform. Despite a complex framework, the legislative tools we have at our disposal are not utilized effectively, and thus fail to deter perpetrators of violence against children. While further specialized legislation is needed, as the situation stands, our biggest failure in protecting our children is not lack of legislation but lack of its enforcement.

Similarly, broader reflection on the causes of such acts, increased sensitization and involvement at the community level along with an 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.

Corporal Punishment

Corporal punishment has been the predominant form of violence used against children in the interest of “disciplining” them. It is commonly defined as the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child’s behaviour¹. It is the qualification of “not causing injury” that differentiates this punishment from other forms of violence, even though corporal punishment has been known to cross the degree of severity in some cases. It is a form of violence that can have lasting repercussions on the psyche of children, who are known to lack self-confidence, have problems with aggression and have lower self-esteem². If practiced in schools it can further contribute to the child losing interest in education as in his mind it becomes associated with violence, being in effect counter-intuitive to learning and growth. Incidents of corporal punishment contribute to high drop-out rates and in its worst manifestations have led to many serious injuries and even deaths.

Pakistan is party to the UN Convention on the Rights of the Child (UNCRC) which categorically prohibits the employment of any form of violence against a child and clearly states that, “state parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (Article 19)³.

Article 28 further requires that; “State Parties take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention”, while Article 37 asserts that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”. Furthermore, Articles 3, 6,

¹Shmueli, B. (2008) ‘The Influence of UNCRC on Corporal Punishment- A Comparative Study’ in *Oregon Review of International Law*, Vol.10, pp. 190-242.

² Effects of Corporal Punishment on Children:

<https://endcorporalpunishment.weebly.com/effects-of-corporal-punishment-on-children.html>

³ Convention on the Rights of the Child:

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

and 40 also directly or indirectly prohibit the use of violence against children⁴.

In spite of this it is seen that corporal punishment continues with impunity in Pakistan, usually under the garb of correcting a child's behavior, as it is believed and widely used to aid disciplining and facilitate the learning process of the child in schools, homes, juvenile institutions and child-care facilities.

Cases of Corporal Punishment in Pakistan, 2017

A number of cases of physical violence against children in schools and other settings were reported in 2017. However, these cases represent a small proportion relative to the actual incidence of corporal punishment which is deemed much higher. A large number of cases often go unreported due to the trouble with monitoring in private settings and tacit cultural approval which overlooks these acts of violence as routine and even necessary.

- Video footages made the rounds in news media during the month of October 2017 which showed a bus conductor torturing special needs children on a school bus. The victims, were reported to be students of Gung Mahal School for the Deaf & Dumb — a government institute in Gulberg, Lahore. The conductor can be seen hitting and terrorizing special needs children in the video, while the children can clearly be seen cowering in fear as the conductor repeatedly physically and verbally abuses them. A child of 12, was forced to dangle from the bus's passenger support bar reportedly for some insignificant mischief, causing him to scream in fear, while the bus conductor can be seen standing beside him, laughing at the victim's agony⁵.
- A female schoolteacher in Chak 138-10R punished the whole class for the mischief of one student. Being infuriated the teacher allegedly resorted to beating the students while one parent claimed that nine students fell unconscious due to the extreme corporal punishment. It was

⁴ Global Initiative to End Corporal Punishment of Children. The Committee on the Rights of the Child: <http://www.endcorporalpunishment.org/pages/frame.html>

⁵ Lahore Bus Conductors Caught on Video: <https://tribune.com.pk/story/1531682/not-torture-special-children/>

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further alleged that the students were later locked due to which some wound up being unconscious⁶.

- A teacher at a private school in District Chishtian allegedly tortured a Grade 7 student for coming unprepared into the class, inflicting severe injuries on the child's head and eye. The student, thereafter, was transferred to the Tehsil Headquarter Hospital, Bahawalnagar. One of the child's eyes was severely wounded in the thrashing. Although doctors at the THQ Hospital Bahawalnagar administered first aid to the torture victim, they advised shifting him to Bahawalpur Hospital for the fear that the student might lose his eyesight in the hurt eye⁷.
- In another variant of cruel treatment meted out to students it was seen that a four-year-old girl was found unconscious in a classroom of a school in Taunsa, Dera Ghazi Khan District after her teacher allegedly locked her up there as punishment for talking to her friend during class and went home without letting her out. Upon recovery the girl claimed that, "when the school bell rang, everyone left but nobody opened the door of the room where I was locked"⁸.
- A ninth-grade female student was pushed off the top floor of her school building in Shahdara, Lahore allegedly by two of her teachers. The girl's crime turned out to be her refusal to "clean the classroom on her turn". The 14-year-old Fajjar Noor suffered serious injuries and had multiple fractures along with a broken spinal cord⁹.
- In a Madrassa – Tuition Centre in Karachi, an 8-year-old student was beaten to death allegedly by a cleric. Having endured regular beatings — the police said the child's body showed signs of torture — the boy had refused to return to the seminary knowing the cleric in question would strike him again. When his parents forced him to return to the madrassa, the man allegedly beat him to death using a stick and other

⁶ Corporal Punishment – Parents Demand Action: <https://tribune.com.pk/story/1372607/corporal-punishment-parents-demand-action-teacher/>

⁷ Student Tortured by Teacher in Bahawalnagar: <https://www.geo.tv/latest/140834-Student-tortured-by-teacher-in-Bahawalnagar-suffers-injuries-to-head-eye>

⁸ 4 Year Old Girl Faints: <https://tribune.com.pk/story/1416985/4-year-old-girl-faints-heat-teacher-locks-goes-home/>

⁹ 9th Grader Pushed Off School Building: <https://tribune.com.pk/story/1422171/9th-grade-student-pushed-off-school-building-teachers-lahore/>

implements. Instead of filing a case with the police, the family has ‘forgiven’ the accused¹⁰.

Federal and Provincial Legislation Pertaining to Corporal Punishment

Pakistan is one of the 92 countries trying to eradicate corporal punishment. In order to achieve this, it is necessary that the government brings all laws including the parallel justice systems of *panchayats* and *jirgas* in sync with the juvenile justice system and current acts, and repeal all conflicting laws including Section 89 of the Penal Code. In 2014, the Government reaffirmed its commitment to law reform in the context of launching a national campaign against corporal punishment. Since then there have been numerous bills, acts and amendments introduced at the provincial and federal levels which address these concerns. Their status, impact and jurisdiction is highlighted below.

Federal and Provincial Legislation on Corporal Punishment

Pakistan Penal Code: (Section 89 of the Pakistan Penal Code (PPC) 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, 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. This provision lays the defense for use of corporal punishment on children under the perceived “best interest of the child” and lack of monitoring and misuse of power and authority over the child plays a pivotal role in continued subjection of children to corporal punishment.

The current federal and provincial child protection legislation does not override this provision in the PPC which in its present form allows for ‘milder’ forms of corporal punishment to be institutionalized in the disciplinary mechanisms of schools, prisons, homes, and places of work.

¹⁰ Child Beaten to Death: <https://www.dawn.com/news/1384575/a-child-beaten-to-death>

¹¹“Pakistan Penal Code 1860” Pakistani Web. 2015.

<http://www.pakistan.org/pakistan/legislation/1860/actXLVof1860.html>

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The Punjab Destitute and 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 and Welfare Act 2010: This Act abolishes corporal punishment in all its manifestations; in any form including within the family setting or institutions. 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 and it states that this is “as provided under section 89 of the Pakistan Penal Code 1860” (Article 33) and allows for “reasonable punishment” by parents (Article 44).

The Sindh Right of Children to Free and 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’¹².

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 PKR 2,000.

The Criminal Law (Second Amendment) Act, 2016 (Act No.X of 2016): The law was enacted in 2016 and it amended the Penal Code with the insertion of a new article 328A on “cruelty to a child”, which punishes “whoever willfully assaults, ill-treats, neglects, abandons or does an act of omission or commission, that results in or has, potential to harm or injure the child by causing physical or psychological injury to him”. It did not however, clearly prohibit corporal punishment of children and did not amend Section 89 of the Penal Code which provides a legal defense for its use.

Gilgit-Baltistan Prohibition of Corporal Punishment against Children Act 2015: Article 2 of the Act defines corporal punishment based on the Committee on the Rights of the Child’s definition. Article 3 states that children have “the right to be

¹²The Sindh Right of Children to Free and Compulsory Education Act 2013.”[Web.http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIV%20of%202013.pdf](http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIV%20of%202013.pdf)

shown respect for [their] personality and individuality and shall not be made subject to corporal punishment or any other humiliating or degrading treatment” and that “corporal punishment of children by any person is prohibited in all its forms in the family and work place, in schools and other educational institutions including formal, non-formal and religious, both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings, both public and private, and in the juvenile justice system”.

Sindh Prohibition of Corporal Punishment Act 2016: The Act applies to the Sindh province and prohibits all corporal punishment of children in “work places, in schools and other educational institutions including formal, non-formal, and religious, both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings, both public and private, and in the Juvenile Justice System” (Art. 3(2)).

Right to Free and Compulsory Education Act 2012: Applicable in the Islamabad Capital Territory (ICT), the Act provides for the right to education for children aged 5-16 and prohibits corporal punishment (physical and mental harassment of students) in government schools for children of that age (Art. 13) and this provision overrules Section 89 of the PPC.

Similar legislation has been enacted in Sindh and Punjab; ***Sindh Right of Children to Free and Compulsory Education Act 2013*** and ***Punjab Right to Free and Compulsory Education Ordinance 2014***.

Child Sexual Abuse (CSA)

Violence against children when manifested in forms of sexual abuse gets mired in a mix of social taboos and notions of honour which prevent the victims and their families from reporting the crimes to the authorities. General silence and lack of action allows for these cases to proliferate and for the perpetrators to continue the varied forms of abuse with impunity. Misconstrued notions of propriety, morality and honour perpetuated and propagated by families and broader communities limit the space for children to speak out against such crimes, leaving silence as the only recourse.

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The brutal rape and murder case of seven-year old Zainab Ameen in Kasur, however, broke through all such notions and united the nation in a rallying cry of grief and anger to bring justice to the crimes perpetrated against the child. It has been seen since that there has been a drastic increase in the number of reports about cases of CSA from other parts of the country, indicating that reporting of such incidents has gone up. It is hoped that this jolt to our collective conscience does not die out and leads to sustained reforms in the law enforcement agencies and the justice system.

There are many forms of CSA including but not limited to rape, fondling, sexual assault, exposure, voyeurism and the commercial sexual exploitation of children. The most serious forms of sexual abuse may result in injury, fertility problems, sexually transmitted diseases, long term psychological problems and in the worst cases death of the victim either through sustained injuries or murder as part of the crime. Cases of CSA are hard to identify and are rarely reported in a country like Pakistan due to the above cited reasons of perceived shame and honour.

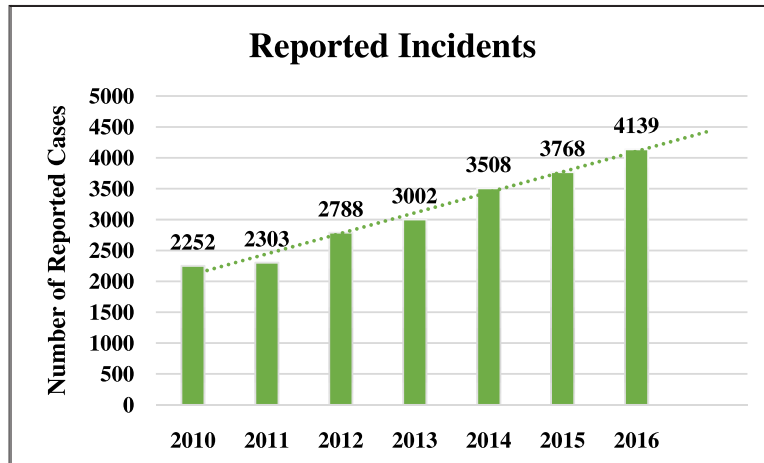
Statistics on Child Sexual Abuse

In 2016, eleven children in Pakistan reported being sexually abused every day, which was a 10% increase from the previous year. Coming to a total of 4,139 of reported incidents in 2016 the numbers are likely to be much higher given the countless children who suffer in silence.

During the past years, the number of child sexual abuse cases has gone up continuously. Sahil's¹³ study showed that during the past seven-and-a-half years, from 2010 to mid-2017, at least 22,528 cases of child sexual abuse were reported¹⁴.

¹³Sahil (NGO) has been working since 1996 on child protection especially against child sexual abuse and daily monitors national, regional and local newspapers to collect data on Child Sexual Abuse, Abduction and early forced marriage cases.

¹⁴ Child Abuse Still a Taboo in Pakistan: <https://www.thenews.com.pk/print/271400-child-abuse-talk-still-a-taboo-in-pakistan>



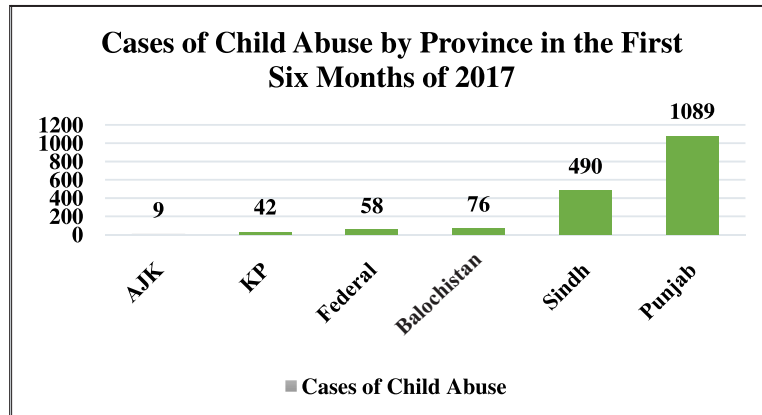
Reported Incidents of CSA from 2010-2016¹⁵

A steady rising trend can be seen in the figures of CSA from the years 2010 to 2016. Adding to these alarming statistics it was reported by Sahil that during the first six months of 2017, 1,764 cases of CSA were reported across the country. Being cognizant of the fact that this is only the number of reported incidents, it goes to reason that the number of unreported cases might be exponentially higher.

A provincial breakdown of the reported cases for the first half of 2017 is provided below which shows Punjab exceeding the other provinces in the number of reported cases.

¹⁵ Ibid.

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Cases of Child Abuse by Province in the First Six Months of 2017¹⁶

According to reports, three regions of Punjab, in particular namely Nankana Sahib, Sheikhpura and Kasur have recorded 111 cases of sexual assault against minors in the ongoing year. These incidents include rape, attempt of rape, sodomy, molestation, and acts of sexual harassment against both boys and girls¹⁷.

An AP investigation found that sexual abuse continues to remain a pervasive problem at madrassas, or Islamic schools, in the country, but regarding the position clerics maintain in the society and the taboo nature of the issue of sexual abuse, this topic often goes unacknowledged. The moral authority that the clerics enjoy seldom allows for prosecution to take place; police officials are often paid off (if they even pursue the case to begin with) or the victim's family is coerced to accept blood money in lieu of the crimes committed.

According to Sahil, a tally of cases reported in newspapers over the past 10 years of sexual abuse by clerics and other religious officials came to 359, which is quite likely only a fraction of the actual

¹⁶ Children Abused in Pakistan Everyday Report: <https://dailytimes.com.pk/183445/11-children-abused-pakistan-every-day-report/>

¹⁷ "3 Punjab Districts Witness 11 Cases of Sexual Assault": <https://tribune.com.pk/story/1483405/1-three-punjab-districts-witnessed-111-cases-sexual-assault/>

number of cases, considering the pervasive nature of the problem and the vast network of madrassas that span across the country¹⁸.

Case Studies

Zainab's Murder Case History & SPARC's Fact Finding Report

Background

Zainab Amin Ansari was a 7-year-old girl who was abducted on 4th, January, 2018, while walking to her aunt's house; which was within 100 meters from her own house. The body of 7-year-old Zainab was found in a trash heap 5 days after her family had reported her missing. Police believe she was raped and strangled to death, the latest victim in a spate of kidnappings and murders of young girls in the city.

Her parents had gone to perform Umrah (Pilgrimage) and she was under the care of relatives. After realizing that she is missing, her relatives and neighbors looked for her in the area and when all their efforts failed to find her, they went to the police to lodge a complaint. Five days later, her battered corpse was discovered in a garbage dump nearby. The medical examiner's terse report hinted at the horrors she had endured while the community was frantically searching for her.

The case prompted outrage and riots across Kasur, with residents blaming police for not doing enough to prevent a rash of abductions, sexual assaults and murders.

Zainab's gruesome rape and slaying earned this economically struggling city (Kasur) a macabre reputation as Pakistan's capital of child sex abuse. Furthermore, it also triggered an unprecedented national bout of soul-searching, outrage and public confessions from victims of sexual abuse. As Pakistan is a conservative society, child sexual abuse is rarely reported and sex education is too controversial for public schools. But Zainab's case thrust a long verboten topic into the public arena.

¹⁸ "Child Sexual Abuse in Islamic Madrassas in Pakistan":
<http://www.independent.co.uk/news/world/asia/child-sexual-abuse-rape-islamic-schools-clerics-madrassas-pakistan-a8069096.html>

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People came out on the roads to protest eagerly whereas the media gave intense coverage on the issue, raising awareness and demanding justice for Zainab. This public outrage and widespread anguish for the unsolved case of Zainab brought pressure to the law enforcers and the situation got untoward when two protestors got shot by the police.

During the investigation, the Punjab Police aired three CCTV clips on the media and secured 423 DNA samples of the suspects. The Supreme Court also expressed dissatisfaction with the progress of investigation into Zainab's case and set a deadline to track down the culprit. A committee was formed to address the legal remedies, preventive measures and effective investigation.

On January, 23rd, 2018 Punjab Police finally arrested the culprit with 'proper evidence'. They found an empty box near the body. Investigation and forensic examination has helped to identify the key suspect. His DNA matched with the sample that proved his guilt, plus the jacket found at suspect's house during police raid was similar to the one seen in CCTV footage i-e a zip-up jacket having two large buttons on either side. He has also confessed to his crime.

According to the information available, he was a 24-years old man Imran, residing in the same neighborhood as Zainab's. During the last year, 11 similar cases were reported before Zainab's episode and out of those; eight of the victims carry his DNA. Zainab was the 12th victim to be raped and killed in Kasur in two years. The other victims of the same perpetrator include; Eman (4); Fauzia (11); Noor (7); Ayesha (5); Laiba (9); Sana (7); and Kainat (8).

People are asking for an exemplary punishment for the perpetrator. Whereas the Political leaders have been asked to bring a National level policy regarding this issue.

Findings by SPARC's Fact Finding Team

A delegation of SPARC consisting of Khurram Shahzad & Muhammad Safdar visited Kasur on 22nd, January, 2018 to offer condolences to Zainab's family & to assess the investigation (which was underway at the time). The delegation was welcomed

by Ch Asim Asgher Advocate & Mst. Irshad Safdar. The Delegation met Zainab's uncles, & family members of the victim's father.

Zainab's family members pointed out drawbacks of the investigative procedure and appeared dissatisfied with the investigation.

Weaknesses in the Child Protection Mechanism in Kasur

The SPARC delegation also visited office of Child Protection Unit where the SPARC team observed inconsistencies in the narrative of the officials. The officials at the unit seemed to be covering up the failures of the administration.

Like most child protection units and government bodies, there seemed to be a lot of gaps in the system that exists in Kasur. The Child Protection Department in Kasur was established on 25th, November, 2017. The unit has an MOU with Dar-ul-Amman Kasur to provide shelter to female child victims, whereas the boys are referred to the child protection unit in Lahore.

Considering the history of Kasur District as a hub of child sexual abuse, the aforementioned shows the lack of interest of concerned authorities in providing meaningful care to victims of child sexual abuse. Not only the child protection mechanism is weak but the police has been accused of protecting perpetrators in the 2015 Kasur child sexual abuse case. Not to mention the killing of two protestors by the police is evidence enough of the draconian mindset of the local police.

The SPARC delegation had noticed, that there was a need for emphasis on developing awareness among citizens, in school going children, teachers & parents in the area.

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Allegations of Police Pressurizing the Victims of Sexual Abuse

The SPARC team met with the family members of the victims. They briefed the SPARC delegation that they were not satisfied with pattern of Police Investigation. One of the victim's father explained that the police had lodged an FIR against the victim's brothers just to blackmail them.

The SPARC team also met the family of a minor boy (Abbas) who was a victim of child sexual abuse. The victim's family claim that the police and influential individuals in the area are pressurizing the family to change their narrative and opt for a settlement with the perpetrators.

Since 2015, Kasur has been identified as a major hub for child sexual abuse and child pornography in the country. The fact finding report of SPARC's delegation only confirms the disturbing details that have already been coming out of Kasur since 2015. The local authorities are not only negligent but the alleged complicity of key officials in supporting perpetrators is a matter of grave concern.

Kainat– The Victim Before Zainab

In November, 2017, Kainat left her home to buy yogurt from a nearby kiosk. But on her way back, a few steps away from her door, she vanished. Twenty-four hours later a girl, matching the description of Kainat, was found lying in a trash heap outside Kasur’s main wholesale market. When they found her she was unconscious, her clothes were ripped and bruises dotted her face. Kainat remains in the hospital suffering from PTSD and her physical condition is currently unstable. She is also unable to speak or recognize her family members¹⁹.

Asma Murder Case

Four-year-old, Asma was raped before being strangled to death in Jandarpar Gujjar Garhi District in Mardan. She was kidnapped and was reported to have been missing for a day before she was found in a sugarcane field. Following Zainab’s case, the Chief Justice of Pakistan Justice Mian Saqib Nisar took suomotu notice of the sexual assault. Efforts have been in progress to arrest the culprits involved in the sexual assaults on Asma and samples have been taken from 200 people for DNA tests²⁰.

As of February, 2018, the KP Police arrested two suspects in Mardan in connection with the rape and murder of the minor girl. Briefing the media about the development in the case at Central Police Office (CPO), IGP Salahudin Mehsud said the two accused, including a 15-year-old boy have been arrested.

“The case had been solved despite the fact that it was completely blind, there were no CCTV footages as well,” he informed, saying that it was a difficult case because the crime scene was a 16 canal field and the police team found a drop of blood on one plant which led to the arrest of the 15-year-old accused and his friend”.

According to reports, the alleged perpetrator is a 15-year-old juvenile offender who works at a restaurant on daily wages but on Saturday did not go to work because he had to attend a wedding. Asma was heading home and asked the accused to get her sugarcane.

¹⁹ “Before Zainab there was Kainat Batool”: <https://www.geo.tv/latest/176477-before-zainab-there-was-kainat-batool>

²⁰ CJ Nisar Takes Notice of Asma Murder Case: <https://www.samaa.tv/pakistan/2018/01/cj-nisar-takes-suo-motu-notice-asma-murder-mardan/>

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It is believed that Asma went into the field twice after which the accused took her to the field and tried to rape her,” he informed, saying that the child started crying on which the accused panicked and strangled Asma but she did not die on which he put his hand on her mouth, killing her after approximately 15 minutes.

The accused took a bicycle and went to his friend and told him that he had killed a child. The police have also arrested the individual in question for aiding the perpetrator²¹.

There have been reports that the alleged perpetrator’s relatives have been threatening the victim’s family. The relative of the prime suspect arrested in the murder case of four-year-old Asma terrorized the minor’s family by barging into their residence wielding a knife. The man is a relative of Muhammad Nabi who has been arrested for the murder of Asma. Khyber Pakhtunkhwa police said that 15-year-old Nabi is related to Asma.

According to reports, the man harassed women present at the house and was subsequently caught by neighbours and handed over to the police²².

Teenage Boy Gang-Raped in Umerkot – The Plight of Male CSA Victims

On January, 24th, 2018 it was reported that a 14-year-old boy was allegedly gang-raped in Deh 325 near Samaro town of Umerkot district, the station house officer (SHO) Umerkot confirmed.

SHO Aziz Seenhrrio told the media that the two accused took the victim to a deserted place and allegedly raped him.

The official said a first information report (FIR) of the incident has been filed under Sections 377 [unnatural offences], 342 [punishment for wrongful confinement] and 34 [acts done by several persons in furtherance of common intention] of the Pakistan Penal Code (PPC) on complaint of the victim's father.

One accused had been arrested while search for the other was underway, said the police, adding that they were awaiting the

²¹Relative arrested in Asma murder case: <http://tribune.com.pk/story/1628392/1-relative-arrested-asma-murder-case/>

²²Mardan murder case: Suspect’s relative attacks Asma’s family: <https://www.geo.tv/latest/180784-mardan-rape-murder-case-suspects-relative-attacks-asma-family>

medical reports of the boy conducted earlier in the day at Taluka Hospital.

Kashif Bajeer, regional representative of the Society for the Protection of the Rights of the Child (SPARC), expressed his anger and grief over the incident and said the Mirpurkhas region, comprising Umerkot, Thar and Mirpurkhas itself, has become infamous for cases of child sexual abuse.

Man Caught in Online Child Pornography Racket

In April 2017, in Sargodha a man was arrested for selling child pornography on the Internet whereby he admitted to having lured some 25 children into the heinous act on the pretext of imparting them computer education. During the interrogation it was revealed that he had been selling child pornographic content online for the last few years. The suspect paid between Rs. 3,000 and Rs. 5,000 to the parents of the victims, saying that their children would learn computer hardware and software (skills) in his one-room rented workshop in Sargodha. The case however, suffered a blow when none of the allegedly exploited children or their parents approached by the Federal Investigation Agency, were willing to record the statement against the prime suspect²³.

High Profile Cases in January, 2018

After the revelation of the murder of 7-year-old Zainab, the 4-year-old Asma, and the plight of Kainat shaking the collective conscious of the nation, multiple other horrific cases caught the eyes of mainstream media in Pakistan. According to Sahil, the reported number of cases in January, 2018 alone were more than 100.

As many as 11 cases of child sexual abuse are reported from across Pakistan every day, according to data collected by non-governmental organization Sahil. According to the NGO there were 4139 cases of child sexual abuse in 2016, whereas the first 6 months of year 2016 saw 1764 reported cases out of which 60% cases were from Punjab.

²³ Man Confesses to Using Children for Internet Porn:
<https://www.dawn.com/news/1326633/man-confesses-to-using-children-for-his-internet-porn-business-in-sargodha>

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Below is a brief overview of some of the high profile cases from January, 2018.

School Guard Held in Karachi After Attempted Rape of Minor

On January, 10th, 2018 it was reported that A guard of a private school in the Ibrahim Hyderi area of the city was arrested on Friday after a five-year-old girl informed her parents of his alleged attempt to rape her. The minor's parents said she told them about the incident when she returned home from school on Thursday.

Her family reached the school today and beat up the guard in question, before informing and handing him over to the authorities, police officials said. DIG East Sultan Khawaja confirmed that the suspect was arrested and was being interrogated regarding the alleged incident. Chief Minister Sindh Murad Ali Shah has taken notice of the issue and directed DIG East to submit a detailed inquiry report on the incident.

Suspect arrested in Jhelum for rape of 8-year-old girl

On January, 19th, 2018 it was reported an eight-year-old girl was raped in Dina area of the Jhelum District allegedly by a relative.

The girl's father said that on Wednesday the child was with her mother at home when the accused, who is a relative of the family, tricked her into leaving with him. The child was taken to an abandoned place nearby where she was subjected to sexual abuse. Upon returning back home, the child told the parents of her harrowing ordeal.

A First Investigation Report (FIR) was filed against the accused, who was subsequently arrested by the police. A medico-legal examination of the victim was also conducted, and it confirmed that she was subjected to rape.

Accused Confesses to Raping 3 Year-Old in Nowshera

On January, 23rd, 2018 it was reported that a man accused of raping three-year-old girl confessed to his crime in a judicial magistrate's court, Superintendent of Police (SP) Investigation Sanaullah Khan confirmed.

A medical report confirmed that the minor was raped by accused Muhammad Hammad – who was sent to jail on judicial remand.

The man — a self-employed garbage collector — had coaxed the child into accompanying him into an under-construction site by offering her sweets on Thursday, January 18, 2018. The rapist attempted to escape the crime scene but was roughed up by citizens after the three-year-old girl's calls for help were heard by passersby.

Teenage Boy Allegedly Gang-Raped in Umerkot

On January, 24th, 2018 it was reported that a 14-year-old boy was allegedly gang-raped in Deh 325 near Samaro town of Umerkot district, the station house officer (SHO) Umerkot confirmed.

SHO Aziz Seenhrio told the media that the two accused took the victim to a deserted place and allegedly raped him.

The official said a first information report (FIR) of the incident has been filed under Sections 377 [unnatural offences], 342 [punishment for wrongful confinement] and 34 [acts done by several persons in furtherance of common intention] of the Pakistan Penal Code (PPC) on complaint of the victim's father.

One accused had been arrested while search for the other was underway, said police, adding that they were awaiting the medical reports of the boy conducted earlier in the day at Taluka Hospital.

Kashif Bajeer, regional representative of the Society for the Protection of the Rights of the Child (SPARC), expressed his anger and grief over the incident and said the Mirpurkhas region, comprising Umerkot, Thar and Mirpurkhas itself, has become infamous for cases of child sexual abuse.

3-Year-Old Sexually Abused in Rawalpindi

On 25th, January, 2018 it was reported that Police arrested a suspect who reportedly sexually abused a three-and-a-half-year-old girl in Bahar Colony area of Rawalpindi. The victim told her mother that the suspect, a shopkeeper, had molested her. The parents took their minor girl to a doctor because she was bleeding, and subsequently approached the police after the doctor confirmed that she had been abused.

Violence against Children

The police filed a case and arrested the suspect, following which the medical examinations of the suspect and the girl were conducted.

Principal in Peshawar Indicted for Child Abuse, Pornography

On January, 26th, 2018 it was reported that a local court has indicted a private school's principal on charges of child abuse, pornography, rape, blackmail and illicit relations. The accused, Attaullah Marwat, pleaded not guilty on all counts. The accused, who the private school's owner, was arrested after the Hayatabad police station registered a case against him on July 14, 2017, on the complaint of a boy student, who had accused him of sexually exploiting school children, including girls, and filming them by secret cameras installed on campus.

Man Held for Attempted Sexual Assault of Minor in Kasur

On January, 28th, 2018 it was reported that Police in Kasur arrested a man accused of attempting to sexually assault a minor girl in Kot Radha Kishan tehsil of Kasur on Sunday.

The incident took place in Baghel Singh village on the outskirts of tehsil Kot Radha Kishan, where locals alleged that a shopkeeper attempted to sexually assault an eight-year-old girl.

14-Year-Old Sexually Abused & Filmed by Perpetrator

On January, 29th, 2018 it was reported that in Haripur, the Khalabat Township police registered a criminal case against a police constable and two other suspects for allegedly molesting a teenage boy and filming the criminal offense.

Police quoted a resident of Khalabat Township as saying that a constable of Elite Force along with his two accomplices from the same locality had two months ago took his 14-year-old nephew to a rented room near DHQ hospital.

All the suspects, according to complainant, molested him and captured the offense in mobile phone camera. They intimidated the victim and forced him to keep mum otherwise they would upload the video clips on the social media.

The victim, according to his uncle, did not share his ordeal with the family for avoiding stigma but had to disclose when the suspects shared the stuff with a couple of boys from the same locality.

7-Year-old Sexually Abused in Upper Dir

On 29th, January, 2018 it was reported in Upper Dir, a seven-year-old boy was reportedly molested in the remote Chapatrara area of tehsil Brawal. He was shifted to HMC hospital in Peshawar. The Brawal police arrested the suspect during raid after relatives of the victim lodged report.

SHO Imran Khan Malezai said that on Saturday night about 8pm a grade-I student had come along with his mother and uncle to the police station. They reported that the boy was molested by 17-year-old person of the same area.

8-Year-Old Raped & Murdered in Mardan

On 29th, January, 2018 it was reported that an eight-year-old girl was allegedly raped by a 45-year-old man in the Kharkai suburbs of Mardan, police said. The toddler was playing outside her house in Mardan when she was picked up by an unidentified assailant on January 13, District Nazim Himayatullah Mayar had told Dawn earlier. A day later, she was found dead in a sugarcane field near her house.

8-Year-Old Sexually Abused in Sahiwal

On January, 30th, 2018, it was reported that a minor Christian boy who is identified as Daim Masih, between the ages of 6 to 7 years, was sexually abused. At the off time, on 29th, January, 2018 at 11a.m. he was coming back to his village Minar Wali 86/9 on walk.

On the way a villager named Shan Muhammad enticed Daim Masih and took him to his cattle farm. There the pitiless Shan sexually abused the little boy. After listening to the shrieks of the helpless boy, the nearby villagers Samuel Masih and Younas Masih reached at the site. Seeing the approaching neighbors, the culprit jumped over the wall and fled from the site leaving the wounded child. The poor child was admitted in the DHQ hospital for treatment.

Violence against Children

Federal and Provincial Legislation on Child Sexual Abuse

PPC: PPC only recognizes CSA after an act of penetration is established. 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 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 fine²⁴.

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.

Protection of Women (Criminal Law Amendment) Act 2006: The Protection of Women (Criminal Law Amendment) Act 2006 deleted ZinaBil-Jabr from the Hudood Ordinance and inserted Sections 375 and 376 in the PPC to replace it. Previously, the offenses of Zina (fornication) and ZinaBil-Jabr (rape) were described by the Offence of Zina (Enforcement of Hudood) Ordinance 1979. Section 8 of the Ordinance required “at least four Muslim adult male witnesses, about whom the court is satisfied, having regard to the requirements of *tazkiyah-al-shuhood* that they are truthful persons and abstain from major sins give evidence as eyewitnesses of the act of penetration necessary to the offence”.

After the insertion of Section 375 in the PPC, a man is said to have committed a rape if he has sexual intercourse with a woman against her will; without her consent; with her consent if it has been obtained by putting her in fear of death or hurt; with her consent, when the man knows that he is not married to her and the consent is given because she believes that the man is another person to whom she is or believes herself to be married; with or without her consent if she is under the age of 16 years. The Law further explains that penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape²⁵. Procedure

²⁴“Pakistan Penal

Code.”Pakistani.<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

²⁵“The Protection of Women (Criminal Law Amendment) Act 2006.” Web
<http://www.pakistani.org/pakistan/legislation/2006/wpb.html>

for complaint of Zina and Qazfhas been changed with applications being made directly to the sessions court as opposed to an FIR to the police.

Criminal Law (Second Amendment) Act, 2016: Under this Act three new sections are inserted in the PPC regarding child abuse or crimes against children i.e. 292A, 292B and 292C. Section 292A is about offence of exposure of child to seduction. 292B is about offence of child pornography and 292C is about punishment of child pornography. A new section 328A is inserted in PPC which describes the offence of cruelty to child and its punishment. Section 377A and 377B are inserted in PPC which describes the offence of sexual abuse with child and its punishment²⁶.

During October 2017, The National Assembly Standing Committee on Interior passed a bill increasing the punishment for involvement in child molestation and pornography to between 14 and 20 years in prison as opposed to the initial one of two to seven years²⁷, although concrete steps are yet to be taken to increase the duration of the punishment.

Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016: This Act makes certain amendments to the PPC in order to make stricter laws regarding the offence of rape. Under this Act, Section 55 of PPC is amended and offences related with rape are made non-compoundable. Section 376 of PPC is also amended; whoever commits rape of minor or person with mental or physical disability shall be punished with death or imprisonment for life. Through this amendment, disclosure of identity of victim of rape is also prohibited as per addition of Section 376A. Under this amended law DNA test is compulsory but with the consent of victim or his legal heirs and it is duty of investigating officer to send the samples of DNA to forensic laboratory as soon as possible. A new section 344A is inserted in PPC which describes that court is bound to conclude the trial of offence related with rape in three months²⁸.

²⁶ Pakistan Penal Code Child Abuse Amendment, 2016: <http://www.lawsofpakistan.com/wp-content/uploads/2017/04/Pakistan-Penal-Code-Child-Abuse-Amendment-2016.pdf>

²⁷ NA Body Passes Bill Increasing Punishment for Child Pornography: <https://www.dawn.com/news/1366061>

²⁸ Criminal Law (Amendment) (Offences Relating to Rape) Act,2016: http://www.na.gov.pk/uploads/documents/1481353702_249.pdf

Violence against Children

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography: In 2011, Pakistan ratified the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol calls for adopting a holistic approach towards addressing the growing menaces of child trafficking and exploitation of children in the sex industry. Since ratifying the Optional Protocol, Pakistan is obligated to address the sale of children, child prostitution and child pornography by addressing the root causes of the problems and enacting stringent legislation to counteract their prevalence.

Acid Attacks

An acid attack is a form of violent assault in which a perpetrator throws acid on the body of a victim “with the intention of injuring or disfiguring (them) out of jealousy or revenge”²⁹. The acid, usually sulfuric acid found in car batteries, is predominantly thrown at the face of the victim.

Acid thrown at a victim’s face or body burns tissues, often exposing and damaging bones. If the corrosive substances make contact with the eyes of the victim, the acid attack can leave the victim permanently blind. The victim has to contend with severe emotional and psychological trauma in the aftermath of the attack.

According to a study conducted by Acid Survivors Foundation (ASF), in cases in which the primary target is female, the main identifiable reasons for attack appear to be threefold:

(1) an escalation of preexisting domestic abuse by a husband; (2) a broader family dispute; and (3) cases in which a proposal of marriage has been declined³⁰. While the report identified that male survivors had experienced a different pattern of attack. Whilst some were attacked as part of broader family related disputes (or as secondary victims in attacks targeting women), several men were attacked as a result of business or commercial disputes³¹.

²⁹ Krishnan, V (2003) “Textbook of Forensic Medicine and Technology: Principles and Practice” India. Elsevier, pp. 362.

³⁰ Acid Survivors Foundation (2015) “Acid Violence in Pakistan – A Situational Analysis”: <http://asfpakistan.org/wp-content/uploads/2017/02/SAAV-report-2015.pdf>

³¹ Ibid.

While it is reported that there has been a 50% decline witnessed in acid crime cases across Pakistan since 2014, a reverse trend is witnessed in children being attacked in similar cases between 2013 and 2016 rising from 15% to 21%³². It is reported that children are vulnerable to such attacks when in the proximity of the victim (mostly the mother) or in cases of refusal of marriage or sexual advances³³.

Relative to previous years, Pakistan achieved some headway in obtaining some semblance of justice for victims of acid attacks as a historic decision was taken by the Anti-Terrorism Court (ATC). Previously such cases were not dealt with Anti-Terrorism clauses but since the requisite revisions have been made, these cases are heard in the ATC. In a few examples³⁴, such as those of Beenish Sharif³⁵ and Summon³⁶ the Anti-Terrorism Court awarded long-term imprisonments and hefty fines to make the punishments exemplary, in a display of swift and effective dispensation of justice.

While these punishments ought to be commended for setting a precedent it needs to be acknowledged that there is still a pressing need to implement these at a greater scale, as it has been the absence of stringent laws which have in the past accommodated and helped the accused in getting away with lesser punishments.

Legislation on Acid Attacks

The Acid Control and Acid Crimes Prevention Act 2011: This Act amended Section 332 of the PPC and ensured 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 a minimum of 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.

³² ASF Report – Acid Throwing Cases Throwing Post Sharp Decline: <https://tribune.com.pk/story/1333711/asf-report-acid-throwing-cases-post-sharp-decline/>

³³ Ibid.

³⁴ ATC Sentences Man to 29 Years in Prison: <https://www.pakistantoday.com.pk/2017/09/12/atc-sentences-man-to-29-years-in-prison-for-acid-attack/>

³⁵ Acid Attacks No More: <https://nation.com.pk/17-Nov-2017/acid-attacks-no-more>

³⁶ Acid Attack Victims Finally Getting Justice: <https://nation.com.pk/31-Dec-2017/acid-attack-victims-finally-getting-justice>

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The Anti-Terrorism Act (ATA), 1997: In 2012 the Punjab Government directed the police and prosecution departments that Section 7 of the Anti-Terrorism Act (ATA), 1997 be added in all cases regarding the throwing of acid, kerosene and petrol on women across the province and that such an offence should be tried exclusively in the Anti-Terrorism Courts (ATC).

Acid and Burn Crime Bill, 2014: The National Assembly's Sub-Committee of the Standing Committee on Interior and Narcotics Control on 13th January, 2017 passed the Acid and Burn Crime Bill 2014. Yet to be enacted the Acid and Burn Crime Bill 2014 strengthens the court's ability to convict the criminal, supports the victim, offers a comprehensive investigation mechanism not exceeding more than 60 days and renders legal action against the Investigating Officer in case of negligence and punishment of defective investigation. According to the Bill, if an acid or burn attack results in the death of any person, the perpetrator shall be punished in accordance with the provisions of existing law. The bill offers free medical treatment and rehabilitation for acid burn victims. The bill also outlines a process for conducting trials of accused in the shortest possible time. It also ensures protection for witnesses, provision of legal aid and financial support for victims and their dependents³⁷.

Criminal Traditional Practices

In Pakistan, women and girl children bear the brunt of Criminal Traditional Practices (CTPs), more commonly referred to as "Harmful Traditional Practices", which further exacerbates their vulnerable status in the society. These practices are largely carried out without the consent of the girl/woman involved and thus constitute a violation of human rights as set out in the Universal Declaration of Human Rights. As with all forms of violence against women and girls, harmful traditional practices are caused by gender inequality including unequal power relations between women and men, rigid gender roles, norms and hierarchies, and ascribing women a lower status in society³⁸.

³⁷ Strengthening Law NA Panel Clears Acid Burn Crime Bill: <https://tribune.com.pk/story/1294541/strengthening-law-na-panel-clears-acid-burn-crime-bill/>

³⁸ International Planned Parenthood Federation, "Harmful Traditional Practices Affecting Women and Girls": https://www.ippf.org/sites/default/files/harmful_traditional_practices.pdf

Practices such as early or child marriages along with other traditions such as marriages to settle a blood feud (vani/swara); marriage with the Holy Quran; honor killings (karokari) and exchange marriages (wattasatta) are all CTPs that exacerbate the already dismal state of child rights and child protection in the country. It is very difficult to ascertain the actual prevalence of CTPs in Pakistan as there is no reliable database to report on such issues.

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 league with local influential figures. This allows a large number of CTP cases to go unreported or go unaddressed.

Early or Child Marriages

Early marriage is any marriage of a child under the age of 18 without their consent and constitutes a violation of the Convention on the Rights of the Child. A number of social and economic factors result in the prevalence of child marriages in Pakistan. The close relationship between female chastity and family honor forces family members to marry girls at an early age to prevent sexual transgressions and consequent damage to family reputation. Moreover, the conceptualization of the girl child as “another's property” who has to eventually move to her husband's home prevents parents from investing in their daughter's education. Poverty, in no less measure, plays a pivotal role in proliferating the practice of child marriage, since it dispenses the family of an additional financial responsibility. Hence, daughters are married off at an early age to relieve parents of their “burden”.

According to a study by UNICEF in 2016, 3% of girls are married by or before the age of 15 and 21% of girls are married by or before the age of 18 in Pakistan³⁹. Given the low rates of birth registration in the country it is plausible that this number is much higher.

³⁹ Ibid.

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Child marriages result in serious reproductive health issues which can end up becoming life-threatening. Child brides are often unable to effectively negotiate safer sex, leaving themselves vulnerable to sexually transmitted infections, including HIV, along with early pregnancy⁴⁰, which in turn leads to a higher risk of maternal mortality. Besides these, health of the new born baby is also compromised and they may suffer from various physical and mental illnesses such as premature birth, weak immunity, and malnourishment.

Apart from the above-mentioned health complications, child marriages also result in low educational achievements and adverse economic implications for women. In the latter case, girls are often prohibited from working by their conservative families; in addition, because of their lack or absence of education, child brides are barred from gaining meaningful employment.

In 2017, a number of cases of child marriage were reported from different parts of the country.

- On 20th December, 2017, police rescued a 10-year-old child bride whose parents had sold her off to a 50-year-old man for marriage, in a village located in the Khipro area of Sanghar. The police arrested eight people, including the Nikkahkwan Haji Solangi and the girl's parents, however, the 'groom' and his accomplices managed to escape the scene. The bride's mother said that she had agreed to marry her daughter off as the family had to pay a loan and the money was required for her husband's treatment.
- It needs to be stated that child marriage while disproportionately impacts girls also has an impact on boys. A 21-year-old Pakistani girl was forcibly married to her 10-year-old cousin for keeping the hereditary property within the family. Mehwish was married against her wishes to Allah Ditta by her brother. The incident has been reported from Bhngsika village in the outskirts of the town of PindiBhattian⁴¹.

⁴⁰ United Nations Children's Fund, Ending Child Marriage: Progress and prospects, UNICEF, New York, 2014: https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf

⁴¹ 21-Year Old Pakistani Girl Married to 10-Year Old Cousin: <https://www.khaleejtimes.com/international/pakistan/21-year-old-pakistani-girl-married-to-10-year-old-cousin>

Vani/Swara

This custom is practiced in different parts of the country under different names. It is called *vani* in Punjab, *Swara* in Khyber Pakhtunkhwa and the tribal areas and *Dand* or *Bada* in Sindh. In this practice an accused family gives its girl or girls in marriage to an aggrieved family to settle a blood feud between the two parties. Women and girl children who are victims of *vani* or *swara* arrangements live in a hostile environment where they are treated as daughters or relatives of the enemy⁴². According to reports, it is seen that there were a total 50 recorded cases of *Vani* during the time period 2011 to 2017⁴³, although it is likely that the actual number of cases is much higher, but evades reporting.

Some of the *vani* cases reported by the national print media in 2017 included the following:

- In Layyah a 10-year-old girl was married off to a 17-year-old boy to avenge the court marriage of a couple in Darkhan locality of Karor Tehsil. Reportedly, the girl had contracted court marriage with a boy of Daphi locality. The girl's father Afzal, called for a Panchayat where the local jury arranged the marriage of the boy's 10-year-old sister with the girl's 17-year-old brother as settlement for the court marriage contracted by the older couple⁴⁴.
- In Sahiwal a similar case of bargaining girls to settle a dispute emerged. On the orders of the Panchayat to settle the rape of a woman an underage girl was given away in a "*vani*" marriage⁴⁵.
- In Dera Ghazi Khan a 9-year-old girl was married off to a man under the custom of *vani* to settle a kidnapping case. The *Panchayat* in Thana Kot Mubarak area had ordered that the child be married off to the nephew of a man, who had

⁴² Harmful Traditional Practices. Information taken from a brochure published by SPARC. Print.

⁴³ "Police register over 50,000 cases of violence against women since 2011". Pakistan Today. December 17th, 2017. <https://www.pakistantoday.com.pk/2017/12/17/police-registers-51241-cases-of-violence-against-women-from-2011/>

⁴⁴ Girl Married Off in Vani: <https://www.dawn.com/news/1348106>

⁴⁵ Another Girl Subjected to Vani to Settle Rape: <https://www.dawn.com/news/1348496>

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lodged a complaint against the girl's uncle for kidnapping his wife and three children⁴⁶.

Honour Crime and Killing

“Honour” crimes occur when an individual is attacked or killed by or on behalf of a family member because of an actual or assumed transgression of certain gender social norms which are framed as sully the honour of the family. It can be seen as a way of protecting family reputation or tradition. During the time period 2011 to 2017 the reported cases of honour killings have numbered 2,532, which includes a total of 160 during the first half of 2017⁴⁷.

Known as *karokari* in Sindh, honour killing is prevalent throughout Pakistan. Although both males and females can be victims of honor killing; young girls and women are most often the victims. This crime is mostly committed against a woman or girl who has dishonored her family by having sexual relations with a man; is accused of infidelity; has refused to be married against her will; is looking for a divorce or is a victim of rape (a cause of dishonor to her family)⁴⁸.

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

- A married teenage girl was killed by her family allegedly in the name of honour. The 19-year-old was married to a man, Asif, in Kot Pehlwan area of Sargodha district. The girl was accused of having illicit relations with another person by her husband, parents-in-law, father and an uncle. She was shot down by these family members after which her body was buried in the yard of the house⁴⁹.

⁴⁶ 9 Year Old Girl Married Off In Vani in Dera Ghazi Khan:

<https://tribune.com.pk/story/1465646/9-year-old-girl-married-off-man-vani-dera-ghazi-khan/>

⁴⁷ “Police register over 50,000 cases of violence against women since 2011”. Pakistan Today. December 17th, 2017. <https://www.pakistantoday.com.pk/2017/12/17/police-registers-51241-cases-of-violence-against-women-from-2011/>

⁴⁸ Harmful Traditional Practices. Information taken from a brochure published by SPARC.

Print

⁴⁹ Married Teenage Girl Killed for Honour:

<https://www.pakistantoday.com.pk/2017/12/31/married-teenage-girl-killed-for-honour-five-culprits-held/>

- 18-year-old Ghani and 15-year-old Bakhtaja were brutally killed by electrocution by their respective family members for eloping against the wishes of their family. While the fathers had, in fact, come to a settlement of sorts involving an exchange of daughters (*vani*) and cattle, upon the insistence of an older relative, the couple was to be put to death to make the punishment exemplary⁵⁰.
- Girls continue to be used in an abhorrent manner as pawns in family feuds or to settle scores which is sanctioned and condoned by tribal forms of justice. In this pursuit of restoring family's honour girls are subjected to more than just death. A teenage girl was forcibly stripped and paraded naked for an hour in Khyber-Pakhtunkhwa as "punishment" - because her brother had been in a relationship with a girl. The incident took place in Dera Ismail Khan's Ghara Matt area where the 16-year-old girl was surrounded by some men, stripped and forced to walk in the locality naked⁵¹.
- A *Panchayat* in Multan ordered a girl to be raped in an act of revenge. According to news reports, the council, comprising of at least 40 men, was convened in Muzaffarabad's Rajpur area after a 12-year-old girl, was raped by a man while cutting grass in a field, as per the FIR lodged at the police station. The panchayat ordered the victim's brother to rape the 17-year-old sister of the accused. According to the police, she was dragged to the area where the *Panchayat* was convened and was raped before the men and her parents⁵².

Legislation on Criminal Traditional Practices

Child Marriage Restraint Act, 1929: Child or underage marriage in Pakistan is banned under the Child Marriage Restraint Act 1929. Under the Act, the minimum age for marriage is 18 years for a male and 16 years for a female (section 2). Child marriage is punishable with a fine of PKR 1000 and an imprisonment of one month or both for an adult male (above 18 years of age) who contracts marriage

⁵⁰ Honour Killings in Karachi: <https://www.theguardian.com/world/2017/dec/27/honour-killings-in-karachi-shock-pakistans-largest-city>

⁵¹ Girl Paraded Naked for Brothers' Relationship: <https://www.khaleejtimes.com/international/pakistan/girl-paraded-naked-for-brothers-relationship-with-girl-in-pakistan>

⁵² 17-Year Old Raped for Revenge in Multan: <https://www.samaa.tv/pakistan/2017/07/17-year-old-raped-for-revenge-in-multan-on-panchayats-orders/>

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with a child (Section 4); A person who solemnizes a child marriage (Section 5); A parent or guardian who does not act to prevent a child marriage (Section 6).

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 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 fine⁵³. The law came into effect in June 2014⁵⁴.

Pakistan Penal Code: 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 PKR 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).

⁵³“Sindh Child Marriages Restraint Act 2013.” Web. 2014.
<http://www.lawdepartment.gos.pk/setup/NewsDocuments/NID-000153.pdf>

⁵⁴“Sindh Child Marriages Restraint Act comes into effect.” Dawn. 12 June 2014. Web.
<http://www.dawn.com/news/1112097>

Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act 2016: Pakistan Penal Code was amended in 2016 and new sections were inserted to stop this menace of honor killing. In Section 299 a new clause was inserted which defines “*Fasad fil arz*” as follows:

Fasad fil arz includes the past conduct of the offender or whether he has any previous conviction or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience or if the offender is considered a potential danger to the community or if the offence has been committed in the name or on the pretext of honour.

Section 311 of the PPC is also changed which provides for punishment of *Tazir* after or compounding of right of *qisas* in *qatl-e-amd*. Now under these amendments courts can punish the offender where the principle of *fasad fil arz* is attracted even after the right of *qisas* is waived or compounded⁵⁵.

Child Marriages Restraint (Amendment) Bill: The Bill Destined for Rejection Every Year

Child Marriages Restraint (Amendment) Bill 2017: The Senate Standing Committee on Interior on 23rd October, 2017 approved the “Child Marriage Restraint (Amendment) Bill 2017” which calls for the age of marriage for girls to be increased from 16 to 18 years. Moved by PPP Senator Sehar Kamran, the bill was rejected earlier on grounds of being contrary to Islamic injunctions regarding age of girls in marriage and remains to be enacted.

The bill has been making rounds in the upper and lower house periodically for several years. However, the lack of political will and consensus has meant that the bill has been failing to materialize for the past many years.

Child Trafficking and Abduction

Pakistan remained on the Tier 2 Watch List of the Trafficking in Persons Report in 2017, for the fourth consecutive year, after which it is susceptible to receiving an automatic downgrade to Tier 3, unless it earns another waiver or an upgrade. This is in spite of the government’s efforts during the year to increase investigations, prosecutions, and convictions of sex trafficking.

⁵⁵ Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act 2016: <http://www.lawsofpakistan.com/wp-content/uploads/2017/04/Pakistan-Penal-Code-Honor-Killing-Laws-Amendment-2016.pdf>

Violence against Children

The country's largest human trafficking problem is known to be bonded labor, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations. Bonded labor is concentrated in Sindh and Punjab provinces, but also occurs in Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and, to a lesser extent, in fisheries, mining, and handicraft-and carpet-making. Other forms of trafficking involve but are not limited to children being bought, sold, rented, or kidnapped and placed in organized begging rings and prostitution rings domestic servitude, small shops, brick kilns, and sex trafficking⁵⁶. Girls and women are also sold into forced marriages; wherein some cases their new “husbands” move them across Pakistani borders and force them into prostitution.

During the last two years Federal Investigation Agency (FIA) registered 7,430 cases of human trafficking and made 7,381 arrests under a special anti-human trafficking campaign launched across the country. In 2017 the total number of cases registered was 3,334 while the total number of people arrested and involved in trafficking was 3,148⁵⁷. A provincial breakdown for the year 2017 is given below:

Year 2017	Number of Registered Cases	Number of People Arrested
Punjab	2,784	2,746
Khyber Pakhtunkhwa	85	69
Sindh	82	31
Balochistan	59	4
ICT	324	298
Total	3,334	3,148

Provincial Breakdown of Cases Registered and People Arrested in 2017⁵⁸

⁵⁶United States Department of State, 2017 Trafficking in Persons Report -Pakistan, 2017.

⁵⁷ 7430 Cases Registered Under Campaign Against Human Trafficking:
<https://www.pakistantoday.com.pk/2017/12/28/7430-cases-registered-7381-arrested-under-campaign-against-human-trafficking/>

⁵⁸ Ibid.

It is argued that beggars and street children are the most vulnerable to intercity or inter-provincial trafficking and there are no cohesive coordination mechanisms in place among the provincial authorities to prevent and tackle this problem holistically. There are no available mechanisms at the provincial levels to provide relief to the victims' families or for punitive action against the culprits⁵⁹.

Pakistan ratified the United Nations Convention against Transnational Organized Crime (UNTOC) in 2000. Its related protocols namely, "The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children"; "Protocol against the Smuggling of Migrants by Land, Sea and Air"; "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition" have however, not been ratified as yet.

In addition to this, it is seen that current domestic law does not specifically address the issue of trafficking in persons, particularly internal trafficking. Since the 18th Amendment, separate provincial legislation on Human Trafficking and Smuggling is required which is in compliance with the International Conventions. As of 2017 there exist no provincial laws to deal with trafficking and kidnapping. Bonded labour is the only form of trafficking which has legislation enacted with regards to its prohibition at the federal and provincial levels (discussed in the Chapter on Child Labour).

National and Provincial Legislation on Child Trafficking and Abduction

PPC: Section 364A 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

⁵⁹ Cases of Kidnapping and Human Trafficking Increasing in Pakistan: <https://tribune.com.pk/story/1427287/cases-kidnapping-human-trafficking-increasing-pakistan-sc-told/>

Violence against Children

sexual purposes), Section 370 (buying and disposing of any person as a slave), and Section 371 (habitual dealing in slaves).

Section 369A of the PPC, amended in March 2016, prohibits transnational and internal forced labor and transnational and internal sex trafficking of women and children; however, Section 369A does not define the prostitution of children younger than age 18 as an act of human trafficking in the absence of coercive means⁶⁰.

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

Pending Bills on Human Trafficking Require Urgent Attention of Lawmakers

Internal trafficking has been a neglected issue in the country. While there are no accurate statistics available, the most commonly affected victims of trafficking are usually women and children. Be it bondage, prostitution (including forced prostitution), beggary, or the drugs trade; woman and children are often used by individuals and organizations engaged in organized crime. The problem is exacerbated by the lack of adequate laws on internal trafficking and the near absence of victim support mechanisms.

Trafficking in Persons Bill, 2017

Introduced in the Senate this Bill aims to target the criminals who exploit people and to protect and assist victims of trafficking. Section 5 highlights the Offence of Trafficking in Children and sets the punishment at imprisonment of 14 years, a fine as a Court may deem and proper to the crime, or both.

Smuggling of Migrants Bill, 2016

Introduced in the Senate this Bill seeks to prevent and combat the smuggling of migrants. The Act has separate but equally important purposes (a) the prevention and combating of smuggling of migrants in Pakistan; (b) the promotion and facilitation of national and

⁶⁰United States Department of State, 2017 Trafficking in Persons Report -Pakistan, 2017.

international cooperation to ensure; protection and assistance of victims of trafficking in person, especially women and children while maintaining full respect of their rights.

Children and Armed Conflict

In November 2016, Pakistan ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Given that children continued to be targeted for recruitment and training by armed groups and exposed to mortal danger through activities such as suicide bombing, detonation of landmines and are transferred to the front lines of conflict areas⁶¹, this is a welcome step particularly its obligation of criminalizing the recruitment and use of children in hostilities. Other forms of violence in which children are likely to be exposed include the killing and maiming of children through attacks on schools and/or hospitals and attacks or threats of attacks against protected personnel.

It should be noted however, that attacks by armed groups declined by about 28% in 2016⁶² while a further decline was reported in 2017 with 426 reported terrorist attacks compared to 785 in 2016⁶³. However, recruitment and use of children, including from madrassas, continued to be a concern and incidents of the use of children by armed groups for suicide bombings have been reported⁶⁴.

Although age disaggregated data is not readily available to determine the exact numbers of child casualties, UN reports highlight that the majority of child casualties are children from Balochistan. Other areas which show a high proportion of attacks particularly on schools and educational institutions include Federally Administered Tribal Areas (FATA), Khyber Pakhtunkhwa (KP) and South Waziristan⁶⁵.

⁶¹ 6 UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Pakistan (CRC/C/PAK/CO/5), July 11, 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En (accessed December 27, 2016), para. 69.

⁶² United Nations General Assembly Security Council, Report of the Secretary-General, "Children and armed conflict", (A/72/361-S/2017/821), 24 August 2017: <http://undocs.org/en/S/2017/821>

⁶³ Terrorist Incidents Sharply Down in Pakistan in 2017: <https://www.khaleejtimes.com/international/pakistan/terrorist-incidents-sharply-down-in-pakistan-in-2017>

⁶⁴ United Nations General Assembly Security Council, Report of the Secretary-General, "Children and armed conflict", (A/72/361-S/2017/821), 24 August 2017: <http://undocs.org/en/S/2017/821>

⁶⁵ Ibid.

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Loss of children's lives is further seen in sporadic acts of terrorism. A deadly attack on a shrine in the southern city of Sehwan killed at least 88 worshipers which included 24 children⁶⁶ in February 2017, while 4 children lost their lives when a passenger vehicle struck a roadside bomb in Gudar area of Central Kurram Agency in April 2017⁶⁷. As the year neared its end, a students' hostel for Agriculture Training Institute was targeted in Peshawar, leaving 9 dead and more than 30 injured⁶⁸.

Recommendations

Corporal Punishment

- The federal and provincial governments must introduce or enact (pending) anti-corporal punishment legislation which comprehensively bans physical punishment and psychological harassment in all settings. It is also recommended that the aforementioned legislation contain a provision for overriding Section 89 of the PPC which complicates the matter by tolerating mild forms of punishment in the perceived "best interest of the child".
- There is a need to counter the prevailing narrative on corporal punishment by raising awareness at the individual, community and societal levels through social mobilization campaigns and the medium of radio and television to bring about attitudinal shifts in the population and shift the focus to practicing and promoting non-violent means of education and parenting.
- The teacher training institutes at the provincial level should introduce child friendly teaching methods along with the introduction of a component on positive disciplining.
- There is a need to set up an effective monitoring and grievance redressal system to ensure that complaint mechanisms for parents and children are in place against physical or psychological violence in schools and other child-care institutions.

⁶⁶ Pakistan's Military Responds After Shrine Blast:

<https://edition.cnn.com/2017/02/17/asia/pakistan-shrine-bombing/index.html>

⁶⁷ Blast Rocks Parachinar: <https://tribune.com.pk/story/1392767/blast-rocks-parachinar/>

⁶⁸ 4 Injured as Heavy Fire Continues Inside Peshawar's Agricultural Training Institute: <https://tribune.com.pk/story/1573434/1-four-injured-heavy-fire-continues-inside-peshawars-agricultural-training-institute/>

Child Sexual Abuse

- Awareness campaigns should be initiated by the government and 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.
- Pakistani languages, including Urdu, do not have any words for terms like incest, rape, abuse, pedophilia, counselling and empathy which makes reporting of these crimes unnecessarily tricky⁶⁹. It is therefore important to address these concerns by familiarizing people to universal terms of different forms of CSA.
- The preamble to the Anti-Terrorism Act, 1997, includes the clause to provide for “speedy trial of heinous offences”. Rape and sexual violence against children should be added to Section 6 of the ATA so that it may be prosecuted with the same vigilance given to perpetrators of acts of terror and increasingly victims of acid attacks.
- Specialized educational training programs pertaining to child sexual abuse should be initiated in educational institutions throughout the country. These programs should enlighten children about the issue of child sexual abuse and victimization, including how to react when a sexual offender approaches them. These programs should have components that are not only directed towards students but also instructs teachers, parents and other youth service staff in the country.

⁶⁹ Time to Wake Up to Abuse: <https://dailytimes.com.pk/183293/time-wake-abuse/>

Violence against Children

Acid Attacks

- The federation and provinces should enact and implement comprehensive legislation, such as the Acid and Burn Crime Bill, 2014 to criminalize acid attacks and punish the perpetrators of acid violence.
- The government should provide rehabilitative facilities to victims of acid attacks as these victims suffer from severe psychological trauma, sometimes resulting in Post-Traumatic Stress Disorder (PTSD).
- Law enforcement agencies should be especially trained and sensitized to deal with victims of acid attacks.
- Awareness campaigns on acid violence should be initiated to initiate a social movement against acid violence in Pakistan. This will go a long way in discouraging future perpetrators of acid crimes.

Criminal Traditional Practices

- There is a need to pass pending pieces of legislation (such as the Child Marriages Restraint (Amendment) Bill 2017) and for existing legislation to be revamped to address prevalent CTPs in the country.
- There is a greater need to penalize the perpetrators of criminal traditional practices to discourage potential violators. Currently, there is a 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.
- 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 responsibility of the State with regards to providing security to all citizens is fulfilled.
- Public awareness and community mobilization campaigns should be initiated to build public trust in the formal law enforcement and justice systems. This will go a long way to discourage individuals from relying on informal or parallel justice systems which perpetuate criminal traditional practices.

Child Trafficking and Abductions

- The Federal Government should pass the pending pieces of legislation on Trafficking and Smuggling. Provinces ought to pass anti-trafficking laws that prohibit and penalize all forms of human trafficking and prescribe stringent penalties.
- 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.
- The Federal and Provincial Government should collaborate with international organizations to build the capacity of law enforcement agencies for purposes of dealing with both internal and external trafficking and to distinguish between trafficking and smuggling. Similarly, there is a need to strengthen the capacity of provincial governments to address human trafficking, including bonded labor, through training, and awareness raising and having stringent measures of accountability in place.
- The federal and provincial governments should provide additional resources to increase trafficking-specific services for victims, including but not limited to, victim identification and referral to rehabilitation services, provision of legal identity documentation and psychosocial support.
- The Federal and Provincial Government should increase prosecution and convictions of child traffickers in the country, while respecting due process.

Children and Armed Conflict

- The Federal and Provincial Governments must institute measures and allocate sufficient resources to promote the physical and psychological recovery, rehabilitation and social reintegration of child victims of armed conflict through functional child protection centers.
- The Federal and Provincial Governments 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.

Violence against Children

- Adequate mechanisms must be instituted to monitor registered and unregistered private madrasas using oversight mechanisms. Similarly, state curriculum must be monitored and revised, where necessary to ensure it is not propagating religious, sectarian or ethnic hatred.
- The government must monitor non-state armed groups, and prohibit them from accessing educational facilities to safeguard the lives and interests of children.

Conclusion

When it comes to violence against children, the phenomenon is global. There are an estimated 90,000 victims of child sexual abuse annually reported in the United States of America⁷⁰; a country which has much better forensic investigation and child protection mechanisms than Pakistan. However, what's extremely disturbing in the case of Pakistan is the blatant involvement of the police in supporting perpetrators, lack of adequate measures to protect victims, little or no emphasis on victim support and a broken system that makes acquiring justice next to impossible. This is not only the case with victims of child abuse but the situation remains pretty much the same for victims of harmful traditional practices, acid attacks, and other forms of abuse, neglect and exploitation.

In the wake of the deplorable condition of child rights in the country, the most disappointing thing to see is political point scoring and the apathy of concerned officials. The victims and their families (when they are not the oppressors) have nowhere to turn to, and even high-profile cases over the years have failed to result in justice in most cases, let alone speedy justice. However, it has to be acknowledged that the involvement of international actors often results only in more misery than a positive outcome. A very obvious example for that is the quote by Madeline Albright, who when asked about the death of 500,000 Iraqi children due to UN Sanctions during the 90s stated; 'we think the price is worth it'⁷¹. Hence, the fight to improve child rights in the country is real and it has to be won by the people. The civil society, government bodies and all those left with a conscious have a role to play in this fight. Lest we forget, there is a God and he is watching.

⁷⁰Cold Hard Facts: Statistics on Child Sexual Abuse: <https://www.thoughtco.com/facts-about-child-sexual-abuse-statistics-3533871>

⁷¹Squeezed to Death, The Guardian: <https://www.theguardian.com/theguardian/2000/mar/04/weekend7.weekend9>