

A photograph of a vigil for Zainab. In the foreground, several lit candles are visible. In the middle ground, a woman in a patterned shawl is lighting a candle. To her right, another woman in a yellow shawl is looking down. In the background, a portrait of a young girl with blue hair is being held up. The scene is dimly lit, with the primary light source being the candles.

Violence against Children

VIGIL FOR ZAINAB
VIGIL FOR ZAINAB

Introduction

Violence against children (VAC), especially child sexual abuse (CSA), is one of the most pressing and prevalent human rights violations in Pakistan. It occurs in various forms and at multiple levels. It robs children of their childhood, physical, mental and emotional health, education, and future livelihood opportunities.

It is an abject failure to protect our children from harm – by their parents and families, as well as by the State.

Children suffer corporal punishment at schools and madrassas, at home and in illegal child labour workplaces. Children are also victims of so-called “honour” killings (*sic*), acid crimes, kidnapping or abduction, rape/gang-rape, sodomy, paedophilia, pornography, child marriage, forced conversions, and harmful traditional practices (elaborated below).

Some children are particularly vulnerable to violence, due to their belonging to minority religious or ethnic communities, or being differently-abled (aka CWDs/PWDs) or TGIs, or street children, or simply due to their socio-economic class status and deprived circumstances. The effects of such violence are deep and they leave permanent psychological scars.

Despite being widely prevalent and sometimes making news headlines, violent crimes against children seldom receive justice or adequate redress. Some are completely shrouded in silence, either due to traditional tacit cultural approval, e.g. sexual abuse of boys by well-known categories of perpetrators, or due to being a taboo topic, e.g. incest.

While there is a need for strengthened and specialized laws, even the existing laws are not effectively implemented and thus they fail to deter perpetrators. Patriarchal gender discrimination and societal norms also play an important negative role in this regard.

It needs to be noted that such crimes are even more prevalent in the remote rural areas, where feudalism and tribalism still holds sway, where reporting mechanisms are inadequate, the LEAs are subordinate

to the local landlords and tribal chieftains, and formal justice is both unaffordable and inaccessible. Hence, most cases go unaddressed, unreported, unregistered, uninvestigated, and unpunished, allowing the perpetrators impunity and freedom to continue their crimes.

Pakistan currently has the largest percentage of young people in its history, with 52.5% of the population below 25. However, the deprivations and hardships affecting our vulnerable and disadvantaged children have largely been ignored or left unaddressed.

The Prime Minister's mention of child abuse in his first address to the nation after being elected in 2018, as well as the Human Rights Minister's stated commitment in 2018, to the protection of child rights, and the effective implementation of Pakistani laws and the UN CRC and other Conventions, are hopeful signs. They need to be translated into urgent actions.

Child Sexual Abuse

The rampant sexual abuse of children (evident in the list of reported cases below) is one of the most heinous of the crimes and human rights violations taking place in Pakistan. Frequently, a child sexual abuse (CSA) crime surfaces in the media and causes national outrage, temporarily bringing a hidden subject into public discourse. However, it is swiftly swept under the carpet and ignored until the next such incident is reported.

In contrast to the evidence, instances of child sexual abuse are mostly either ignored or are treated as an anomaly by the law enforcement agencies (LEAs), police and other authorities, rather than as a widespread problem that needs to be tackled through a multi-pronged approach, and the sustained efforts of all the stakeholders, not just the LEAs and other government authorities.

Legislation related to child sexual abuse remained inadequate and poorly implemented during 2018. There is a continuing lack of adequate measures to provide the CSA survivors with the necessary medical, psycho-social and legal support, or rehabilitation assistance, both in the short and long term.

There are various forms of child sexual abuse reported, including but not limited to: rape, gang-rape, sodomy, sexual groping and fondling, sexual assault, exposure, voyeurism, trafficking for forced prostitution, and the commercial sexual exploitation of children, e.g. through the production and sale of child pornography videos.

The effects of CSA are devastating, both in the short and long term. These include internal and external injuries, later fertility problems, life threatening sexually-transmitted diseases, such as STIs, RTIs, HIV/AIDs and others, as well as deep and life-altering psychological problems, and in the worst cases, death of the victim through sustained injuries or post-rape murder.

Post-rape murders are usually carried out to prevent the child from naming the perpetrator, who is not a stranger and is easily recognizable by the child.

Statistics on Child Sexual Abuse

Crimes against children are on the rise in Pakistan. The year 2018 started with the horrific news of the rape and brutal murder of six-year-old Zainab in Kasur.¹ Since then, according to data compiled by Sahil, a Pakistani non-government organization (NGO), 3,832 child abuse cases were reported in the newspapers during 2018,² which comes to over 10 child abuse cases reported each day.

Of these 3,832 cases, child sexual abuse (CSA) comprised 2,327 cases. Sahil 2018 data shows that the reported cases of child abuse increased by over 11%, as compared to the previous year, 2017, whereas **just the reported CSA cases increased by a startling 33% over the 2017 data.**

There is a gender divide in the reported child abuse cases, with 55% girls and 45% boys. Of the reported CSA cases, 51% were girls and 49% were boys. This is in inverse proportion to the total population divide of 48.8% girls and women and 51.2% men and boys in Pakistan.

¹ She is being named here, because her parents wanted this. SPARC abides by the law and VAC Code of Conduct.

² Sahil annual report “Cruel Numbers 2018”, launched April 2019.

Just the reported rape cases have increased by 15% in 2018, while the reported sodomy cases have registered a huge 61% increase over 2017. A total of 5,628 perpetrators were identified (including gangs) in the reported cases.

Sahil data classifies forced child marriages separately. But it also needs to be counted as a clear case of rape of minors. It is a widespread traditional practice, but **in 2018 only 130 cases were reported in the newspapers, with 85% girls and 15% boys.**

This shows that little girls are mostly married off to older men, who are usually already married, with several children of their own. The girl child brides start producing children while being children themselves. Several fundamental human rights are thus violated, including the girl child's right to choice in marriage and reproduction, reproductive health, education, recreation and childhood.

Sahil reported 1,064 cases of kidnapping/abduction in 2018, comprising 79% girls and 21% boys. Again, the wide gender gap is obvious.

86% of the total child abuse cases, reported in the newspapers, were initially registered with the police in 2018. But this is not the final figure of how many cases actually went to trial and how many were settled out of court through "forgiveness" or compensation settlements.

To commemorate International Children's Day 2018, Save the Children published a global report titled: "The Many Faces of Exclusion". The report's "End of Childhood Index" ranks Pakistan at 149 out of 174 countries, the major cause of exclusion being discrimination against girls.

The above data and reported figures for 2018 clearly do not represent the true scale of the problem. Once again, only the tip of the iceberg is being reported and the unreported cases are exponentially higher, particularly in the remote rural areas, without access to either the media, or to empathetic LEAs.

There is no way for NGOs, philanthropic or charity organizations, or other civil society entities and activists – operating on a small scale,

mostly locally based, with severe resource constraints, as well as official travel restrictions across large swathes of Pakistani provinces – to investigate and track down the unreported cases.

The subject of child abuse, especially child sexual abuse (CSA), is shrouded in the silence of stigma, “shame” and “dishonour” (*sic*). The taboo nature allows perpetrators to continue to abuse vulnerable children with impunity, without fear of legal repercussions, and so, countless children continue to suffer CSA in silence every single day, with new sufferers being added to their ranks daily.

Street children are more vulnerable in this regard. A number of reports provide evidence that up to 90% of street children in Pakistan suffer sexual molestation, assault, rape, gang-rape or “sodomy”.³ They are exposed to violence and abuse on a daily basis, resulting in adverse physical and psychological impact.

Young girls on the street are often forced into prostitution and thus, it is reported that only 8% of children living on the streets in Pakistan are girls.

In addition to suffering from constant injuries, skin infections, respiratory problems and severe malnutrition, street children are at a hugely increased risk of acquiring severe and serious infections, such as STIs, RTIs, HIV/AIDS and Hepatitis, due to their exposure to child sexual abuse. They are also at the highest risk of taking up cigarette-smoking and narcotic drug use, often resulting in addiction.

“Pakistan’s Hidden Shame” is a documentary film by M. Naqvi and Jamie Doran, which reveals the unpleasant reality of sexual abuse faced by homeless boys in the north and north-western regions of Pakistan. It alleges that 9 out of 10 street children (boys) have been subjected to paedophilia. Whatever the real statistics, these children warrant urgent special attention from the provincial governments, law enforcement agencies, social welfare entities, local administrations, development agencies and civil society.

³ This term is still included in Pakistani laws.

Legislation

The **Pakistan Penal Code (PPC)** only recognizes child rape after an act of penetration is established with forensic evidence. Any purported “consent” given by a child under 12 years of age is considered invalid (Section 90). Prostitution or procurement of a minor girl for sexual intercourse is covered under Section 366-A: “Whoever by any means whatsoever, induces any minor girl under the age of 18 years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person is punishable with imprisonment which may extend to ten years and also liable to fine.”

Prohibition of homosexual relations is covered under PPC Section 377, which prohibits “carnal intercourse against the order of nature with any man, woman or animal”, punishable with imprisonment up to ten years but not less than two years.

Under the **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 punishable with imprisonment extending to 14 years but not less than 7 years.

The **Protection of Women (Criminal Law Amendment) Act 2006** inserted sections 375 and 376 into the Pakistan Penal Code, which state that a man is said to have committed rape if he has sexual intercourse with a woman/girl against her will, without her consent, with her consent if it is obtained by putting her in fear of death or hurt, with her consent when the man knows that he is not married to her, if consent is given because she believes that the man is another person to whom she is or believes herself to be married, and with or without her consent if she is under the age of 16.

In 2011, Pakistan signed and ratified the UN CRC’s Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Following the ratification, it was incumbent upon Pakistan to enact domestic legislation, but Pakistan’s laws did not criminalize or prescribe punishments specifically against child pornography until after the infamous 2015 Kasur child sexual abuse horror of widespread paedophilia and pornography surfaced through the social media, following which, a law was passed in the National Assembly,

criminalizing child pornography, and seeking to impose prison sentences ranging from 14 to 20 years, along with a fine of Rs.1 million.

Under the **Criminal Law (Second Amendment) Act, 2016**, tabled in the National Assembly in 2016, three new sections were inserted in the Pakistan Penal Code regarding child abuse or crimes against children. Section 292-A is about the offence of exposure of a child to seduction, Section 292-B is about the offence of child pornography and Section 292-C pertains to the punishment for child pornography. A new section 328-A was inserted, which describes the offence of cruelty to a child and its punishment. Sections 377-A and 377-B were also inserted, describing the offence of sexual abuse towards a child and its punishment.

Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016 strengthened the laws on rape, including the rape of minors. Section 55 of the PPC was amended and offences related to rape were made non-compoundable. Section 376 of the PPC was also amended: Whoever commits “rape of a minor or a person with mental or physical disability can be punished with death or imprisonment for life”. Through this amendment, disclosure of the identity of a rape survivor is also prohibited (Section 376-A). A DNA test is now also compulsory, but only with the consent of the survivor, or her/his parents/guardians/legal heirs. A new Section, 344-A, was inserted, which prescribes that the court is bound to conclude a trial of offences related to rape within three months.

By ratifying the **UN CRC’s Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**, which calls for adopting a holistic approach towards addressing the growing menace of child trafficking and exploitation of children in the sex industry, Pakistan is thus obligated to address these issues holistically, by focusing on their root causes, enacting stringent legislation, and strictly enforcing it. This has not happened, as we see increasing numbers of cases being reported, as per the annual Sahil report: “Cruel Numbers”.

Reported Child Sexual Abuse Cases in 2018

After the nationwide horror and outrage at the brutal rape and murder of seven-year-old Zainab in Kasur in January 2018, there were numerous cases of child sexual abuse (a growing number of child rape cases were also followed by murder) reported throughout the year (see the following list), but they are universally acknowledged to be just the tip of a giant iceberg of unreported CSA crimes, especially in the rural areas.

1. In January, the body of a fifteen-year-old girl, who was raped and murdered, was recovered from a field near Sargodha.
2. In Karachi, a mother reported that her six-year-old daughter was raped by her paternal uncle.
3. An eight-year-old girl was raped by her male relative in Dina (Jhelum District).
4. A man was arrested in Rawalpindi for repeatedly raping his fifteen-year-old daughter.
5. The fourteen-year-old son of a mosque Imam was heading to a madrassa for Quran lessons when he was abducted and raped in a nearby field by two youths at gunpoint.
6. A fifteen-year-old boy was kept in illegal confinement and raped over the course of four days by four men in Rawalpindi.
7. The police arrested a shopkeeper for raping a minor girl in Rawalpindi.
8. The Supreme Court of Pakistan took *suo moto* notice of the rape and murder of a four-year-old girl found dead in a sugarcane field in Mardan.
9. In February, a teacher at a madrassa was arrested for raping a child.
10. A seven-year-old boy was murdered after being raped inside a coaching centre in Karachi.

11. An eight-year-old girl was raped in Karachi's Landhi area.
12. A seventeen-year-old hearing-impaired girl was raped in Gujjar Khan. The rapist was pardoned by the girl's illiterate father, who later claimed that he was made to sign an Affidavit by "influential elders" of the area and that he did not even know what was written in it.
13. The police arrested a man in Karachi for raping his eleven-year-old stepdaughter.
14. A nine-year-old girl in Thattha district was raped as she was returning home from tuition class.
15. An eight-year-old boy was raped by a labourer in Jhelum district.
16. An eleven-year-old boy was raped by two men in Maamakhel in Lakki Marwat district.
17. A twelve-year-old boy was gang-raped by five teenage boys in Shangla.
18. In March, three men attempted to rape a fourteen-year-old girl of the minority Bagri community in Qazi Ahmad town of Nawabshah/Shahheed Benazirabad district; but when she resisted, they tortured her so severely that they fractured her backbone.
19. A seven-year-old boy was found dead in Mardan after being raped.
20. A seven-year-old girl was raped in Khanewal district.
21. The police recovered the body of a six-year-old girl from the house of a neighbour, accused of raping and killing her in Jhelum district.
22. An eight-year-old hearing-impaired girl was raped in Mardan.

23. In April, an eight-year-old girl was burnt after being raped; she later died at a hospital in Lahore.
24. An eleven-year-old girl was raped and strangled to death by two neighbours in Ghotki district.
25. An eight-year-old girl was raped by two of her relatives in Shikarpur district.
26. In May, a nine-year-old girl was raped and murdered and her body was found floating in a pond in Larkana.
27. A man was arrested for raping a thirteen-year-old girl in AJK.
28. In July, a five-year-old girl went to a shop to buy sweets; the shopkeeper lured her inside and raped her in Rasuh Mori area in Kotri.
29. An Anti-Terrorism Court (ATC) sentenced a teenage boy to life in prison for raping and murdering a four-year-old girl in Mardan.
30. In August, a seven-year-old girl was raped and brutally murdered by some of her close relatives in Karachi.
31. A seven-year-old girl was raped by a man in Pakhwal Village (Rawat), while she was going to fetch ice from a neighbour's house.
32. The body of a five-year-old girl covered in torture marks who had been raped and killed, was recovered from Takht-Bhai (Mardan).
33. An eleven-year-old boy was sexually assaulted by three young men in Muslim Colony (Taxila).
34. A twelve year old boy of Khairpur was raped and killed; his body was found near Gambat Bypass Road.

35. In September, a minor boy was critically injured while being raped in Sherakot, and succumbed to his injuries at the Children's Hospital.
36. Four men, who subjected a minor boy to rape, made a video recording of the crime and later blackmailed the child's family for money in Kasur.
37. A 14-year-old PWD girl was raped by her neighbour in Kabirwala (Khanewal).
38. In November, police arrested three members of a notorious gang, who had gang-raped a fourteen-year old girl, a 9th-grade student, in Karachi. They had also filmed the act for blackmail.
39. In December, the police arrested a gang member involved in child kidnapping, rape and sexual abuse in Karachi. The accused confessed that his gang used to kidnap children for sexual exploitation, charging between Rs.1,500-Rs.2,000 for each abduction. The police also recovered a seven-year-old kidnapped child from the accused's premises.

The above is simply an illustrative sample, and it is not intended to provide a complete or comprehensive list of all child rape, murder or sexual abuse cases during 2018.

Child Trafficking

A paedophile and pornography-peddling gang, which raped, sexually abused and videotaped over 200 children over a sustained time span of years, was discovered and exposed in a Kasur village in 2015. Since then, despite national shock and outrage – and even in spite of some initial signs of police action – parts of Kasur district still remain a hub of child sexual abuse, apparently with impunity, and also with allegations of political influence, protection and international links.

After the 2015 exposé, the rape-cum-serial killing of minor girls came to light in Kasur in early 2018. Subsequently, the crime of trafficking and sale of minor girls for prostitution emerged. In December 2018, the Punjab Child Protection and Welfare Bureau received information

about the sale of two minor girls (aged 3 and 12) for prostitution in Shareefpura Mohalla, Kasur city.

Also in December 2018, 15 children, who had been abducted and trafficked from different areas of Pakistan, were recovered from an LPG container in Kerman province of Iran, while en route to further destinations.

It was reported recently, that a woman confessed to selling around 1,200 newborn babies after kidnapping them from a hospital in Faisalabad during her 30-year service there. The authorities also recovered a five-day-old baby girl and Rs.180,000 in cash from her house.

The Federal Investigation Agency (FIA) carried out a raid in Mianwali and recovered 19 teenagers, aged 12 to 19, from a bus. The driver of the bus was arrested. The recovered children, hailing from Gujrat and Mandi Bahauddin, were being trafficked.

The US Government's 2018 report on Trafficking in Persons (TIP) in Pakistan states: "Convictions for sex trafficking decreased and the government's overall convictions remained small compared with the extent of trafficking in Pakistan. Official complicity in trafficking crimes remained a pervasive problem, yet the government did not report new law-enforcement efforts to hold such officials accountable."

The Pakistan Penal Code (PPC) was earlier amended to criminalize sex trafficking of women and children, but it was inconsistent with international law. Section 369-A of the PPC requires a demonstration of force, fraud, or coercion to constitute an offence of child sex trafficking.

In 2018, the federal government enacted the Prevention of Trafficking in Persons Act, which finally brings the law into compliance with international norms, by exempting children from the requirement that force, fraud, or coercion must be proven in order to constitute trafficking; and by inserting/including all trafficking for forced and commercial sexual exploitation into the law.

Trafficking in persons involves men, women and TGIs of any age, but the specific reference to ‘women and children’ in the new law, highlights the fact that women and children are especially vulnerable to trafficking, thereby requiring special legislative measures.

Recommendations re. Child Sexual Abuse

1. Data collection: A national survey is required, with adequate funding and trained human resources, in order to ascertain the true magnitude and scale of the problem, as only the tip of the iceberg is currently being reported and even less is being investigated, prosecuted and convicted.
2. Effective enforcement of the current legislation related to child sexual abuse (CSA) is needed. Rape and sexual violence against children needs to be handled, investigated and prosecuted with the same vigilance as acid crimes are now being addressed.
3. More effective, strengthened, specific legislation and policies pertaining to child sexual abuse are required.
4. The shocking and increasing numbers of CSA incidents bring to attention the ineptitude and failure of the law enforcement agencies (LEAs) in Pakistan to prevent CSA; to protect children; and to investigate, prosecute and obtain convictions through the judiciary. There are numerous reports and allegations of the blatant involvement of the police, at various cadres, in supporting, protecting and shielding the perpetrators. Therefore, there is an urgent need for the effective retraining, monitoring and accountability of the law enforcement agencies.
5. The State needs to establish preventive and protective mechanisms against CSA at all administrative levels, especially at the district level and even at the Union Council level, by involving and capacity building of the local government elected representatives.
6. The federal and provincial governments need to provide more resources and capacity building, to ensure that the police,

medico-legal doctors and paramedics, court officials, social workers, shelter workers, and child welfare authorities respond promptly and adequately to reported cases of child sexual abuse, and that they are properly trained and sensitized to deal professionally and sensitively with all such cases.

7. There is little or no emphasis on support and assistance for CSA survivors. Very often, they are not even taken for forensic testing or a medical exam, unless they are in a severe or critical life-threatening state. The State authorities and institutions need to provide comprehensive medical, legal, and psycho-social support in the immediate short term; and rehabilitative services and facilities in the longer term.
8. There is an urgent need to scale up and replicate countrywide the well-known few strong referral mechanisms set up in the public sector as well as by the private sector and NGOs/CSOs, complete with 24/7 telephone helplines, speedy response mechanisms, and immediate access to medical help, as well as the provision of psycho-social trauma counselling.
9. There is an urgent need for free legal aid through a roster of competent and committed *pro bono* lawyers, as the victim or survivor's family most often does not have access to legal aid, nor can they afford lawyers' fees at commercial rates. This results in the family mostly being coerced into opting for an out of court compromise "settlement" with the perpetrator(s) in the form of compensation or "forgiveness" affidavits.
10. There is an urgent need for awareness-raising of both the media and the public; by initiating public open debates and discussions on child sexual abuse, particularly focusing on parents, teachers (of regular schools and madrassas), extended families, communities and most importantly, amongst children themselves. It is critical to enhance their knowledge about the issue and how to prevent or respond to it. It is also important to bear in mind that in most cases, the abuser is a "person of trust", well known to the child.
11. There is a need to advocate, promote and publicize the following principles, especially through the media: As adults

(especially parents), we must believe our children when they report abuse of any kind, instead of ignoring or shutting them up, due to wrong and outmoded notions of “honour” (*sic*), traditional family and socio-cultural “values”, and fear of societal “shame”, “dishonour” or stigma. Adults must never resort to blaming or shaming the child, which would double the abuse.⁴

12. There is a need to develop and produce a special dictionary of terms in Urdu and other Pakistani languages, for the correct scientific/technical words for crimes including rape, gang-rape, sodomy, sexual abuse, CSA, paedophilia, child pornography, child trafficking and sale, child (forced, early) marriage, abduction, forced conversion, dishonour killing, giving away and using little children as pawns for peace-making between feuding tribes or clans (*badal-e-sulah*, *swara*, *vanni*, *watta-satta*, *walwar*, among others), abuse of PWDs/CWDs and TGIs, and so on.

This dictionary must be gender-sensitive and must eliminate cultural euphemisms for sexual crimes, e.g. “robbing her of her honour” (rape); “honour killing” (premeditated familial murder), “committing unnatural acts” (aka “sodomy”, or homosexuality). Such euphemisms (which then extend to the women-centric, sexist, swear/curse/abusive words that men publicly and loudly use to insult one another) make the unbiased reporting, public discussion and analysis of sexual crimes of violence very difficult in the print, electronic and social media, as well as being highly insulting and humiliating for girls and women.

Corporal Punishment

Corporal punishment (CP) is the use of physical force with the intention of causing pain or discomfort by someone in a position of authority. Pakistan is one of 92 countries trying to eradicate corporal punishment in educational institutions.

⁴ See various publications of Rozan, Sahil, Aahung and others – designed for use with children, teachers, parents, e.g. “Tinku and Tina”, “Meri Hifaazat” and many others.

Article 28 (2) of the UN CRC states: “Parties shall 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.”

Being a State Party to the UN CRC, Pakistan has made some progress in the form of enacting laws (for details, see below), which prohibit corporal punishment of children in schools. However, these laws are inadequate, since they do not cover the family, domestic, (illegal) workplace, and other settings.

The use of corporal punishment, ostensibly to “discipline” and “train” children is deeply entrenched in our traditions and social attitudes, which thus encourages weak or no enforcement of the existing laws, and so the perpetrators are rarely reported, held accountable or punished. Additionally, this brutal practice has legal sanction under Section 89 of the Pakistan Penal Code (PPC) as a means to correct the perceived “misbehaviour” of children below the age of 12.

This cruel practice is a daily occurrence for some children – at their (illegal) workplaces, homes and educational institutions. It is considered a “normal” part of childhood and is openly acknowledged as the right of parents, guardians, teachers, religious instructors, (illegal) employers, or others in charge. Research shows that children who are already discriminated against and vulnerable, due to poverty, disability, sex, religion, caste, class and ethnicity – are more likely to suffer corporal punishment.

The findings of a survey conducted by the Society for the Advancement of Education (SAHE) in collaboration with Alif Ailaan (AA), titled “The Voice of Teachers” (2016) show that **70% of teachers in Pakistan endorse corporal punishment and find it “useful”**.

According to a report by the United Nations, CP is widely practised in educational institutions in Pakistan, in at least 40% of government schools, 35% of private schools, as well as in religious schools (madrassas). The UN data is conservative.

In contrast, the SAHE/AA research also shows that **“The widespread use of corporal punishment, for example, affects children’s**

willingness to go to school and their behaviour in the classroom. Worryingly, teachers across the board seem to view corporal punishment as useful.”

Corporal punishment can cause serious physical injuries, and can even lead to death. However, it is essential to note that this form of violence can have lasting, permanent psychological repercussions on a child’s personality, character and attitude formation, thereby perpetuating a vicious cycle of violence.

According to a research report by Plan International, corporal punishment on children increases violent behaviour and is associated with assaults on spouses, depression, and high drop-out rates from school, harming their future prospects. Therefore, ending this inhuman, humiliating and degrading practice is not only a matter of children’s fundamental human rights and dignity, but is also integral to reducing the level of violence in society.

Selected list of Corporal Punishment cases reported in the media

A number of cases of physical violence against children were reported in the media in 2018. The following is just a selected small sample:

1. A young boy was suspended by his feet and beaten with a stick in a village in Nowshera.
2. An 11-year-old boy was beaten mercilessly and his head was shaved by a cleric for not learning his lesson at a madrassa in Vehari District.
3. A 10-year-old boy was beaten to death with a stick by a cleric in Karachi’s Bin Qasim area.
4. A 12-year-old boy in Khanewal district was stripped and beaten with a metal rod by a madrassa teacher.
5. A video (that went viral) showed a principal beating male students at the Mastung Cadet College.

6. An 8-year-old girl was tortured and hung by a rope as punishment by a cleric at a madrassa in Multan.
7. A seven-year-old boy died three days after being brutally beaten with an iron rod by a madrassa teacher in Lahore.
8. On 5 August 2018, the Supreme Court took *suo moto* notice of a torture incident: a 10-year-old boy was brutally beaten by a religious cleric for stealing a few rupees from a mosque in Sheikhpura.
9. A 4-year-old nursery student was rushed to the hospital after his school teacher brutally clubbed and slapped him as punishment for playing with his class fellows at the Government Chan Pir Elementary School, Mohallah Chokhandi, Narowal.
10. In Hyderabad, the police arrested a mosque cleric for beating his students with a belt.

It is important to note that the vast majority of cases go unreported due to inadequate school and madrassa monitoring and supervision, especially in the public sector schools, as well as the tacit socio-cultural approval which ignores these criminal acts of corporal punishment as routine or trivial matters.

These above-cited cases, again, are merely the tip of the huge iceberg, as the above list is just an illustrative sample. It also shows that there are no CP cases being reported from large swathes and entire regions/provinces in Pakistan, which is due to increasing curbs on the media and a high degree of conservatism and traditionalism, which either simply accepts CP, or is unwilling to bring “dishonour” to the family by reporting it.

Legislation pertaining to Corporal Punishment (CP)

It is obvious, from the following list of laws, and their brief descriptions, that the laws regarding CP are in contradiction and conflict. In fact, they represent the same continuing conflicts in the mindsets of the legislators and policymakers across Pakistan:

Pakistan Penal Code (PPC), 1860: Section 89 permits and even provides a “justification” for the use of corporal punishment on children in the [*mis*]perceived “best interest of the child”.

The Sindh Children Act, 1955: has a provision which deals with cruelty to children, punishable with imprisonment of up to two years and a fine of Rs.2,000.

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, again “in the best interests of the child”.

The KP Child Protection and Welfare Act, 2010: prohibits corporal punishment “in all its kinds and manifestations” but also states (in Section 33) that this is “as provided under Section 89” (of the PPC) and allows for “reasonable punishment” by parents (Section 44).

Right to Free and Compulsory Education Act, 2012: applicable in the ICT prohibits corporal punishment in government schools; this provision also overrules Section 89 of the PPC.

Similar legislation has been enacted in Sindh: **The Sindh Right of Children to Free and Compulsory Education Act, 2013:** Section 13(3) prohibits all forms of physical and psychological violence in schools. The provision apparently overrides Section 89 as it states that “no child shall be subjected to corporal punishment and mental harassment”.

Similar legislation has been enacted in Punjab: **Punjab Free and Compulsory Education Act, 2014.**

The Gilgit-Baltistan Prohibition of Corporal Punishment against Children Act, 2015: not only prohibits corporal punishment of children in schools, but also in family settings, a crucial step forward to stop violence against children. It has also taken the law out of the ambit of Section 89 of the Penal Code, which permits harm short of grievous hurt to a child less than 12 years of age by a guardian for his/her “benefit” (*sic*).

The Criminal Law (Second Amendment) Act, 2016: amends the Penal Code with the insertion of a new Section, 328-A, on “cruelty to a child”. It does not however, clearly prohibit corporal punishment of children.

The Sindh Prohibition of Corporal Punishment Act, 2016: forbids corporal punishment and humiliating treatment of children under 18 years of age “in workplaces, in schools and other educational institutions including formal, non-formal, and religious, both public and private, in child care institutions including foster care, rehabilitation centres and any other alternative care settings, both public and private, and in the juvenile justice system”.

The 2016 Sindh law is thus far the most progressive law, and is in line with the UN CRC provisions.

However, there are other, much older laws still in effect, which need to be repealed or amended for effective enforcement of the more recent laws which prohibit corporal punishment in Pakistan. It is unclear as to which new law overrides which older law(s). The confusion, conflicts and contradictions urgently need to be resolved.

For example: in Punjab, the **Borstal Schools Act, 1926**, permits corporal punishment for boys in Borstal institutions; but the **Juvenile Justice System Ordinance, 2000 (JJSO 2000)**, which is now replaced by the **Juvenile Justice System Act, 2018**, prohibits corporal punishment of children in custody but does not override the previous laws and PPC Sections; the **Prisons Act, 1894** provides for whipping as a punishment; and it is lawful in alternative care settings under Article 48 of the **Sindh Children Act, 1955** and Article 35 of the **Punjab Destitute and Neglected Children Act, 2004**.

In 2018, a draft Bill on Child Rights was prepared, based on the recommendations of the Child Rights Committee constituted by the Hon. Chief Justice of Pakistan, at the Supreme Court of Pakistan. This multi-stakeholder Committee was constituted in the aftermath of the trial of a serving Islamabad Sessions Court Judge and his spouse, who were convicted of physically, mentally and emotionally torturing their 9-year girl child maid, after the internally trafficked and sold girl, T.

was purchased from her father by a middleperson and subsequently sold off into modern day slavery to the Judge and his spouse.⁵

The draft Bill proposes measures and punishments for several offences related to child abuse, including torture and corporal punishment (CP). It proposes that whoever causes or permits to cause CP to a child, through omission or commission in any form, under any circumstances, or for any purpose, shall be punished with imprisonment, which may extend to six months. However, this draft Bill was not tabled in Parliament during 2018 by the Government.

Recommendations

1. In order to effectively enforce legislation pertaining to corporal punishment, the government needs to table in Parliament a Bill to repeal all conflicting and contradictory laws, such as Section 89 of the PPC. Other provincial laws also need to be amended for effective enforcement of a total ban and prohibition of corporal punishment throughout the country. There must be a clear and explicit statement in the law banning physical violence and psychological harassment in all settings, not just in educational institutions.
2. There is a need to introduce orientation and refresher training programmes for teachers in alternative non-violent disciplinary measures, child-friendly teaching methods, and positive reinforcement techniques. There are several viable models in use by NGOs, CSOs and the private sector, which can be adopted for replication in the public sector.
3. There is a need to set up an effective supervisory and monitoring system to ensure that CP is reported, and that the perpetrators are held accountable and are punished.
4. Additionally, there is a need for an effective and simple complaint mechanism or helpline for parents and children to report CP and call for help.

⁵ See detailed Briefing Note by one of the Co-Petitioners, rights defender Tahira Abdullah, submitted to the Supreme Court of Pakistan in March 2018, as directed by the Hon. CJP.

5. Most importantly, there is a need for advocacy towards an attitudinal shift in society, and to counter the prevailing tolerance for, and narrative on, corporal punishment, by raising awareness on the prevailing culture and the detrimental effects of CP, and for promoting non-violent methods of teaching and maintaining discipline.

Child, Early and Forced Marriage

Child, early and forced marriage (CEFM) is deeply entrenched in our tradition, culture and customary practices. Chronic poverty, the curse of the dowry system, misplaced erroneous notions of “honour” (*sic*) and “shame” (*sic*), high and increasing rates of sexual crimes against girls and women (especially rape and abduction for rape), and high adult illiteracy levels, play a pivotal role in promoting child marriage.

CEFM is concentrated among the poorest households in remote rural areas where feudalism and tribalism prevails, where there is inadequate access to justice and the media, and reporting rates are low. This allows both the families and facilitators to evade the law with impunity.

Additionally, unequal gender norms, uninformed reliance on varying religious misinterpretations and conflicting injunctions pertaining to child marriage, and stereotypical, patriarchal, misogynist attitudes towards the girl child and women, are all major drivers of early, forced, childhood marriage.

Child marriage in Pakistan is also a commercial undertaking, as it often involves the transfer of money as well as settlement of debts. It is widely practised across Pakistan in various forms. In the cruel traditional customs of “*swara*” and “*vanni*”, a young girl is forcibly married off to a member of an enemy tribe or clan in order to settle blood feuds, or as part of the punishment for a crime committed by her male relatives. These and other traditional practices were declared illegal by a law enacted by Parliament titled: “**Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011**”. Nevertheless, they still continue with impunity, being mainly ordered and sanctioned by the illegal institution, known as “*Jirgas*” or

“*Panchayats*” (illegal councils of male elders, adjudicating unjustly and with impunity in villages, towns and cities).

‘*Watta-Satta*’ is another customary, traditional practice, which involves the simultaneous marriage of two brother-sister pairs from two households. It puts both the women in a precarious and subjugated position, as a divorce between one of the couples often triggers divorce and domestic violence between the other couple too. In some areas of Pakistan, the bride is sold to the highest bidder in another traditional practice known as ‘*Walwar*’. This is different from the dowry expected by the groom’s family from the bride’s family, which is also highly condemned by women’s rights groups and activists.

In certain rural feudal land-holding families, women and girl children are deprived of their property inheritance rights by symbolically marrying them to the Holy Quran. This unIslamic, illegal, unjust and inhuman practice serves a number of purposes: that the woman/girl child will not go out of a “superior” family into an “inferior” one; and, being “elevated” now in a holy sense, she will be less at future risk of sexual abuse; she will never bear children who might become heirs to the patrilineal family property; and she will therefore never demand her rightful inheritance share of the family property. Fathers and uncles are as complicit as brothers in this unholy practice. It is now a criminal offence under the law, but continues with impunity in wealthy, influential, rural feudal families, tribes and clans.

Forced child marriage makes a significant contribution to girls’ sexual abuse, exacerbating the already dismal situation of child rights in Pakistan. Socio-cultural approval surrounding child marriage prevents this illegal practice from being reported as a crime. The limited data available on the subject shows that at least 30% of the marriages in Pakistan fall under the child marriage category, but the actual **total of 130 CEFM cases reported in 2018** (see Sahil 2018 data, also cited above), makes a mockery of what we see and observe around us everywhere in Pakistan.

Child marriage violates a child’s fundamental rights to physical, mental and emotional health, education, recreation, and protection. Every year, countless children fall victim to this illegal practice, resulting in adverse life altering consequences and often leading to death, especially as a consequence of child marital rape, STIs, RTIs,

HIV/AIDS, obstetric fistula, early and repeated pregnancies, and difficult childbirths, very often at home, unattended by trained medical or paramedical birth attendants, nurses or midwives.

They are also at an extremely high risk of physical and sexual abuse within large extended joint family households, and consequently of sexually transmitted infections and diseases, unwanted pregnancies, and pregnancy-related complications, such as obstetric fistula (OF). OF can result in permanent incontinence, leaving the girl child in constant pain, embarrassment, shame, stigma, isolation, and vulnerable to further reproductive health complications, infections and diseases. The health of her newborn baby is also compromised.

Furthermore, she is consequently at high risk of being divorced and returned to her natal family, where she is usually unwanted and uncared for, particularly by her male siblings, after her parents have passed away. Not having received an education, she is unable to support herself or her children.

A report by the Centre for Communication Programmes, titled “Child Marriage in Pakistan”, estimates 1.875 million child marriages per year, but this remains a contested and independently unverified statistic. Pakistan is said to have the sixth-highest absolute number of child marriages in the world.

According to the global network, “Girls Not Brides”, almost 21% Pakistani girls are married before the age of 18; and around 30% marriages fall under the CEFM category, with the highest prevalence in the Sindh province.

As reported by the independent NGO, Human Rights Commission of Pakistan (HRCPP), 74% of the married girls in Khyber Pakhtunkhwa province are below 16 years of age.

These are staggering statistics, which call for urgent government attention and stringent action to enforce the law and punish the criminals, including both sets of parents, the bridegroom (if he is above 18, marrying a girl below 18), the cleric who performs the marriage ceremony, and the witnesses from both families, who sign the “*Nikah Nama*” (the marriage contract document).

The consequences of early marriage for little girls are well known, but there is little research and empirical data on boy child grooms. They face social and economic challenges and are very often forced to drop out of school to take up menial jobs to support their new family, placing both children in a vicious cycle of poverty and violence.

Child marriage not only affects the lives of millions of girls and boys but also has a huge impact on the national economy. According to first-ever estimates from the World Bank and the International Centre for Research on Women, ending the practice of child marriage would save billions of dollars in annual public health and welfare expenditures, resulting in global savings of more than US\$4 trillion by 2030. These effects would be felt by the poorest countries and households in particular. In Pakistan, the potential savings are estimated at Rs.6.2 billion annually.

Legislation

The **Child Marriage Restraint (Amendment) Bill 2018** was tabled in the Senate, not by the Government Treasury benches, but by the Leader of the Opposition. It defined a minor as a person under the age of 18. A person marrying a minor would be liable to pay a fine of Rs.200,000, and serve three years' rigorous imprisonment. The Bill further stated that a court, upon receiving a complaint, can issue a stay order to stop the marriage ceremony being carried out. Those violating the law would be liable to one year in prison and a fine of Rs.100,000.

In May 2017, the National Assembly had already rejected the previous draft Child Marriage Restraint Bill for the second time on the alleged grounds of its being "contrary to Islamic injunctions" (*sic*). The proposal would have set 18 years as the legal age at marriage for women nationwide. In a series of rulings, the Council of Islamic Ideology (CII - an advisory and recommendatory body) declared that Pakistani laws prohibiting child marriage are un-Islamic. The CII's rulings continue to be widely criticized and strongly opposed, especially by child rights and women's rights networks and activists.

Pakistan is one of the few remaining Muslim countries in Asia where the legal age at marriage for girls is still 16 (except under a new law in the Sindh province). The difference in the legal age at marriage for boys and girls (18 and 16 respectively, except in Sindh), is

discriminatory, and thus, is in contravention of Article 25(2) of the Constitution of Pakistan, which states that “There shall be no discrimination on the basis of sex.” It is also in contravention of, and non-adherence to, the UN CRC and CEDAW. Pakistan is a State Party to both UN Conventions.

Section 2 of the Child Marriage Restraint Act, 1929, sets the legal age for marriage at 16 for girls and 18 for men. Under this now outdated Act, child marriage is punishable with a fine of Rs.1,000 and imprisonment of one month or both, for an adult male who contracts, solemnizes or does not act to prevent such a marriage.

The Eighteenth Amendment of the Constitution of Pakistan in 2010 empowered the provinces to independently review and revise the minimum age at marriage. Only in Sindh, the minimum age at marriage for both women and men was set at 18 when the Sindh Assembly unanimously adopted the **Sindh Child Marriage Restraint Act** in 2014. The passage of this Act has now made marriage below age 18 a punishable criminal offence. Unfortunately, this law is not being rigorously implemented in Sindh. For example, the District Monitoring Committees (DMCs), which are tasked to prevent child marriage in Sindh, have been set up and notified, but so far their progress is weak and ineffective.

In the Punjab Assembly, an amendment Bill to introduce harsher penalties for marriage under the age of 16 was adopted. However, despite strong advocacy from rights activists, the Punjab law did not increase the girl child’s legal age at marriage to 18, at par with boys. Nor did Punjab make it a cognizable offence, which the Sindh law has done.

The **Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011** deals with a number of harmful traditional practices affecting mainly girl children in Pakistan, such as “*Swara*”, “*Vanni*”, and others described above. The Act substitutes Section 310 of the Pakistan Penal Code (PPC). Now a person involved in forcibly giving a girl in marriage through any of the above-described traditional cultural practices, is liable to imprisonment for 7 years and a fine of Rs.500,000. Section 498-A prohibits the act of depriving women from property inheritance; Section 498-B prohibits forced marriages; and Section 498-C prohibits marriage of a girl with the Holy Quran.

According to the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, child marriage is defined as marriage before the age of 18. The **Universal Declaration of Human Rights (UDHR 1948)** recognizes the right to “free and full” consent to marry and says that a person must be mature enough to make an informed decision. This is also in line with the Pakistan Constitution and religious injunctions, contrary to the CII’s hugely disputed rulings by its former Chair and members.

As stated previously, with regard to CEFM, Pakistan has signed and ratified a number of important relevant international commitments including the UDHR, CRC, CEDAW, the Cairo Declaration on Population and Development (ICPD 1994), the Beijing Declaration (FWCW 1995), the Khartoum Declaration, the Cairo Declaration on the Convention of the Rights of the Child and Islamic Jurisprudence, among others.

Pakistan is also a member of the regional South Asia Initiative to End Violence Against Children (SAIEVAC). In addition, Pakistan is one of the first countries to propose setting the target to end CEFM by 2030, on the occasion of the Open Working Group on the Sustainable Development Goals.

However, there is no overarching law in the country that either upholds the minimum age at marriage equally for both boys and girls as being 18, or defines a child as a person below the age of 18 (with the exception of Sindh province since 2014).

Where laws to restrict CEFM do exist, their implementation is constrained by inadequate institutional mechanisms and the lack of effective enforcement, monitoring and accountability, especially of the LEAs/police and child protection entities.

Recommendations

1. The existing legislation requires strong and effective implementation. Strengthening enforcement of legislation entails training and refresher training on CEFM laws for key government officials, the judiciary, law enforcement agency personnel, legislators and policy makers.

2. Child, early and forced marriage (CEFM) urgently needs to be made a cognizable crime, at both federal and provincial levels, by either enacting new laws or strengthening the existing laws.
3. Taking Sindh's progressive child marriage legislation as a model, there is an urgent need to enact the tabled pending legislation, such as the Child Marriages Restraint Bill 2018, to increase the minimum age at marriage for girls to 18 years, at par with boys.
4. The legal punishment for contracting, soliciting or failing to prevent a child marriage is ridiculously low in the pre-Independence outdated law, and needs to be made more severe and exemplary, in order to act as a deterrent to CEFM practices, in their various manifestations.
5. There is a need for all branches of the Judiciary to start pronouncing the strongest possible judgements, convictions and sentences for all CEFM crimes, and to stop the impunity and end the toxic influence of the illegal adjudication councils known as *Jirgas* and *Panchayats*.
6. Due to unaffordability and lack of information, most CEFM victims/survivors have little or no legal representation and thus lack of access to the formal modes of justice. There is a strong need for the State to increase legal literacy, and to provide *pro bono* legal aid and other social services to those who require them.
7. Pakistan is a patriarchal society and unequal gender norms are considered the prime reason for the prevalence of child marriage/CEFM. Thus, there is a need for advocacy campaigns to raise a collective, unified voice against the issue. Public awareness campaigns are needed to address the cultural acceptability and traditional attitudes, as well as to educate and sensitize society, especially rural and feudal communities, on the harmful impact child marriage has on young girls and on boys too.

8. Advocacy efforts need to engage men and boys by working directly with them to sensitize them and attempt to change their patriarchal attitudes towards women and girls; and to persuade parents to send and keep their daughters in school and in higher education.
9. It is crucial to sensitize, mobilize and build the capacity of children, and education is a key factor in this process. Girls' right and access to primary and secondary education must be ensured, along with basic life skills and leadership education to enable young girls to realize their full potential and aspirations. Higher levels of education will lead to higher earning power, which in turn will act as an effective incentive to delay the age at marriage for both girls and boys.
10. There is a need to create opportunities for schooling and employment for married girl children, especially in rural communities – through access to both formal and non-formal education (NFE), microfinance, job creation programmes and technical/vocational skills training. There is also a need to review and revise public school policies or practices that discriminate against the admission of married or pregnant young girls.
11. Married girl children must have access to reproductive health information and services, as well as the required physical and psychological health services and legal aid in cases of domestic violence and sexual abuse.
12. There is a need to strengthen the capacity of duty-bearers, especially parents and guardians, by taking effective measures to reduce/eradicate poverty; increase employment skills and opportunities, and sensitize duty-bearers on their basic obligations.
13. The possession of a birth certificate can provide legal protection against child marriage/CEFM. There is lack of education and awareness regarding the necessity of birth certificates and CNICs, especially for girls/women in the rural areas, and thus large numbers remain unregistered and undocumented. Administrative actions are required to register

the birth of all children. The assistance of Lady Health Visitors (LHVs) and midwives could be sought for this purpose. Pakistan is working towards achieving universal birth registration by 2024, which will prove to be a major step towards ending child marriage/CEFM in the country.

14. **If the *Nikah Nama* form includes the requirement for both the bride and groom to possess a CNIC before it can be officially filled out, the minimum age at marriage for both boys and girls would automatically become 18 years. This is an urgent recommendation.**
15. A reliable, accurate database needs to be established to accurately ascertain and quantify the true scale of the problem, as incidents of child marriage/CEFM often take place in remote rural areas, with low access to justice, or to the media, allowing perpetrators to evade criminal prosecution with impunity.

Street Children

Article 20 of the CRC defines the rights of street children: “A child, who is temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to protection and assistance provided by the State.”

Street children are deprived of all fundamental rights. They have no access to basic minimum needs such as shelter, food, clean water, sanitation, hygiene, healthcare, education, recreation, adequate clothing, freedom from violence, exploitation and forced child labour, or protection from trafficking, prostitution and pornography.

Evidence from various research studies shows that up to 90% of street children in Pakistan suffer sexual assault or rape. They are exposed to the worst forms of violence, corporal punishment, abuse and exploitation on a daily basis. Little girls are often forced into prostitution.

A documentary titled ‘*Pakistan’s Hidden Shame*’ reveals the reality of sexual abuse faced by homeless boys in the north-western and northern

areas of Pakistan. It alleges that nine out of ten street children have been victims of paedophilia at some point.

Furthermore, due to the easy availability and cheap price of industrial adhesives, the vast majority of street children are addicted to sniffing glue. This, coupled with subsequent copious use of – and eventual addiction to – cigarettes, narcotic drugs and/or alcohol, permanently impairs their physical and mental wellbeing.

Street children also suffer constant injuries, skin infections, respiratory problems and severe under/malnutrition. They are at an exponentially increased risk of acquiring life threatening STIs, RTIs, HIV/AIDS and Hepatitis due to their exposure to child sexual abuse, prostitution and trafficking.

Their psychological wounds never heal. In the absence of child welfare services, they remain permanently scarred and impacted, which thus tends to perpetuate the vicious cycle of violence and abuse through generations.

"Street children are our children, and if we don't look after them, who will?" said Prime Minister Imran Khan in his first address to the nation after winning the general elections of 2018. In December 2018, the Prime Minister inaugurated a shelter home for orphans, street children and the homeless in Khyber Pakhtunkhwa as a first step. The PTI government's stated social welfare and universal education agenda should provide hope for the future of the conservatively estimated 1.5 million children on the streets of Pakistan's cities, as well as for the estimated 23-24 million children out of school, the overwhelming majority of the latter being girls.

Recommendations

The following recommendations pertain to Street Children:

1. The plight of street children warrants special attention from all sections of the federal and provincial governments, legislators, judiciary, policy makers, LEAs, health and education professionals, researchers, academicians, civil society organizations, development organizations, philanthropists, the private sector via CSR, and particularly from the print,

electronic and social media. Despite ongoing efforts to assist street children through the government, as well as by civil society organizations and philanthropic organizations/charities (such as the Edhi Foundation), which provide concrete services, support and help to street children and orphans, nevertheless, the problem is huge and the need is great, and thus, it is critical that all sections of society must support and help the governments to get children off the streets and provide them help, as an urgent priority.

2. Access to free, compulsory primary and secondary education is a fundamental Constitutional right of every child, as stipulated in Article 25-A, the Right to Education (RTE). The universal, compulsory and free provision of education and vocational skills training, safe shelter, food, health care and social protection is a pre-requisite for getting children off our streets permanently.
3. Existing laws and policies on education and poverty reduction need to be strengthened, along with enhanced financing, strong implementation and monitoring mechanisms.
4. There is an urgent need to ascertain the true quantity and scale of the issue of street children in Pakistan, by carrying out an initial national survey to set the baseline, and thereafter including them in the decennial national census, as a special category for enumeration.
5. It is essential to raise the legislators' and public's awareness on the plight of street children through media advocacy campaigns; and to provide special training for the law enforcement agencies and social welfare services to assist them.

Acid Crimes

Acid violence is a very pernicious form of gender-based violence in Pakistan, as a result of which the surviving girls and women remain permanently scarred, physically, psychologically and emotionally. This crime is usually instigated by tribal enmity, family feuds or clan

disputes; refusal of a marriage proposal; girls' and women's rejection of amorous advances by men, and family "honour" (*sic*) issues.

The perpetrators usually intend to scar and disfigure, rather than kill their targets, resulting in permanent physical disfigurement as well as severe emotional and psychological trauma; loss of educational, training and employment opportunities; and in many cases, resulting in economic dependency, although there are some notable exceptions across Pakistan.

It is documented that acid crimes are more prevalent in the rural areas and smaller cities/towns, where access to justice is weak, and many cases acid crimes go unreported due to the cultural stigma of reporting GBV crimes. Girls and young women fear possible gender bias in the courts, unsupportive family dynamics, unaffordable legal fees, and potential repercussions from their attackers against themselves or on their family members.

A small number of NGOs are working with acid crime survivors and on the issues pertaining to acid crimes, e.g. Acid Survivors Foundation (ASF). The public sector entities need to learn from their experiences, best practices and evidence-based interventions.

Reported Cases

The following is an illustrative list of just a few selected cases of reported acid attacks in 2018:

1. In July, two young girls were injured in an acid attack in Bahawalnagar while they were sleeping at home.
2. In August, a family of three suffered burn injuries in an acid attack near Khanpur while they were asleep at home. The attacker barged into the house and hurled acid at them to take revenge over an old enmity. The couple's minor daughter also suffered burn injuries during the acid attack.
3. In September, a woman and 5 members of her family were injured in a brutal acid attack by her husband in Lahore. Initial

police investigation revealed that he attacked the family after his wife filed for divorce in a local court. A baby and a five-year-old girl were also injured in the attack.

4. In the same month, a woman was injured after her estranged husband threw acid on her face. She was living alone with her child in Islamabad.

Legislation:

Pakistan made significant progress with the enactment of “**The Acid Control and Acid Crimes Prevention Act, 2011**”, which made the crime punishable with imprisonment of a minimum of 14 years and a fine of one million Rupees. The Act also called for the regulation of the sale and distribution of acids and corrosive substances.

In 2012 it was decided that acid crimes will be tried exclusively in the Anti-Terrorism Courts (ATCs). In the case of B. and S., two female survivors of acid attacks, the ATC awarded long-term imprisonments and large fines, in order to make the punishments exemplary and serve as a future deterrent.

The National Assembly passed “**The Acid and Burn Crime Bill, 2017**” in May 2018. The Bill stipulates free medical treatment and rehabilitation for acid crime survivors, and also outlines a process for conducting trials of the accused in the shortest possible time. It remained to be passed by the Senate of Pakistan, in order to become an Act of Parliament during 2018.

Recommendations:

1. The Senate needs to expedite passage of “**The Acid and Burn Crimes Bill, 2017**”, in order to ensure that survivors of acid crimes can access their fundamental right to healthcare: medical, psychological and rehabilitative services.
2. The continued frequent use of *Diyat* (financial compensation paid as an out-of-court settlement to the survivor or heirs of a victim instead of undergoing a court trial and facing conviction), needs to be circumvented by strengthening the

- laws, and setting larger fines and longer jail sentences for those convicted.
3. There is a need to establish more burn units and rehabilitation centres, as well as to ensure legal aid and access to medical services for acid crimes survivors.
 4. Law enforcement agencies need to be especially trained to deal with acid crimes.
 5. The best practices of relevant civil society organizations re. acid crimes, need to be taken up and replicated in the public sector.
 6. Societal attitudes towards girls and women need to change for there to be any progress towards ending acid crimes and GBV as a whole
 7. State-sponsored awareness campaigns on the laws relating to acid crimes, GBV, and gender equality need to be significantly improved and increased to counter continuing pervasive patriarchy and misogyny.

“Honour” Killings (aka Dishonour Killings)

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

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

The stated reasons or rationales or “justifications” include: rejecting a marriage proposal; suspicion of adultery or infidelity; illicit sexual relations; surviving abduction, rape or gang-rape; seeking a divorce;

among others, some of which are trivial matters, such as girls “daring” to use a mobile cellphone.

The real actual reasons are even more chilling: girls and women are used by their close male relatives (e.g. fathers, uncles, brothers, husbands or sons) as pawns to settle their own scores, carry out blood feuds, or end tribal enmity. The perpetrators have been literally getting away with murder due to the legal heirs’ forgiveness clauses in the *Qisas and Diyat* law, permitting out of court settlements and compromises.

In the Human Rights Watch World Report 2018, it was revealed that activists estimate that there are over 1,000 “honour” killings **reported** in Pakistan every year. This is known to be just the tip of a huge iceberg of unreported murders committed with impunity by the victims’ own relatives.

The victims are secretly buried in family compounds or special graveyards, without performing the traditional funeral services or public rituals. This naturally increases the lack of accurate data and statistics on dishonourable killings.

“Honour” (*sic*) killings are mostly committed in the rural areas where male village elders run parallel illegal councils called “*Jirgas*” and “*Panchayats*”, which almost always rule against women and girls.

In 2017, an Alternate Dispute Resolution (ADR) law was enacted by Parliament. The law focuses on out-of-court settlements through official arbitrators appointed by the trial courts, ostensibly with the consent of both parties. Women’s rights and child rights activists vehemently objected to the inclusion of a new, thinly disguised version of “*Jirgas*” and “*Panchayats*” in the draft ADR Bill, so it was diluted a little in the revised final version of the draft law before its enactment by Parliament. But the enacted law still contains lacunae, which require urgent amendments, if all forms of GBV are ever to be eliminated in Pakistan.

Legislation

In 2016, the Parliament enacted a stricter law to curb so-called “honour” crimes. It marked the culmination of over three and a half

decades of sustained efforts, research and evidence-based advocacy, and activism of women's rights groups and individuals. The immediate catalyst was the nationwide protest and outrage over the "honour" (*sic*) killing of a prominent Pakistani model, Qandeel Baloch. According to the new legislation, a family member or legal heir is no longer entitled to pardon a murderer in "honour killing" (*sic*) cases. The new law prescribes either the death penalty or life imprisonment for the convicted culprit(s).

However, despite the acclaimed 2016 law, the number of so-called "honour" crimes in Pakistan remains high. This is attributed to a major loophole in the new law, which allows the judge to rule out the aspect of "honour" killing, by unilaterally deciding whether or not the crime was "honour"-based.

Recommendations

1. The Legislatures urgently need to revise, amend and strengthen the existing laws against dishonour killings. The relevant Parliamentary Standing Committees need to regularly monitor their effective enforcement through the implementing government departments and other state entities, especially the LEAs, MoHR/DoHRs, WDDs, NCSW/PCSWs, NCHR/PCHRs, and so on.
2. Public awareness campaigns need to be initiated to motivate severe condemnation of this heinous crime, and to target the patriarchal misogynist mindsets that condone dishonour killings.
3. There is a need to carry out the much-needed reforms in the law enforcement and criminal justice systems. This will build public trust and confidence, which will go a long way to discourage individuals from relying on informal parallel **illegal** adjudication systems, which exploit the poor and the powerless, and openly target women and girl children.
4. Effective government monitoring and enforcement of the existing laws and policies pertaining to "honour" (*sic*) killing is required, in order to set strong precedents, to serve as future deterrents.

5. The decades-old recommendations on dishonour killings – presented by civil society activists, researchers and academicians – need to be taken up for action at the earliest by the federal and provincial governments, legislatures and the judiciary.