

VIOLENCE AGAINST CHILDREN



Introduction

Violence against children is a pervasive problem that affects approximately half of the world's children each year, imposing heavy burdens of physical, psychological, and social suffering on them. Violence against children cuts across boundaries of geography, race, class, religion and culture. It occurs in homes, schools and streets; in places of work and entertainment, and in care and detention centers. Perpetrators include parents, family members, teachers, caretakers, law enforcement authorities and other children. Some children are particularly vulnerable because of gender, race, ethnic origin, disability or social status. And no country is immune, whether rich or poor¹.

A Global view of Violence against Children

Violence against children is a serious issue. In the short term, it can lead to severe injuries, dangerous coping behaviors, and even death. In the long run, it can impair children's health and development, lead to mental health issues, and contribute to unintended pregnancies and communicable diseases. What is more, children who are exposed to violence are more likely to be victims or perpetrators of violence in the future, in turn affecting new generations.

The COVID-19 pandemic has disrupted many aspects of children's lives and may be putting children around the world at a greater risk of violence. Many of the factors associated with such violence have been exacerbated by COVID-19. Violence at home, for instance, is linked to parental stress, financial hardship and poor mental health. School closures and national lockdowns have also meant that teachers and healthcare workers, who usually identify and report instances of child maltreatment, are no longer interacting regularly with children².

¹https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf

² <https://www.sciencedirect.com/science/article/pii/S0145213421001265>

The coronavirus disease (COVID-19) threatens to reverse years of development gains and further inhibit progress towards protection-related SDGs by 2030. Though the full impact of the pandemic on children's exposure to violence and exploitation is still emerging, at its peak, around 1.8 billion children lived in the 104 countries where violence prevention and response services were disrupted³.

Violence against children in Pakistan

Child Sexual Abuse

According to a recent study from Sahil a non-governmental organization has shown that a total number of 3852 cases have been reported from all four provinces including Islamabad Capital Territory (ICT), Azad Jammu and Kashmir (AJK), and Gilgit Baltistan (GB). The data indicates that the total of 3852 cases includes reported cases of child sexual abuse (CSA), cases of abduction, cases of missing children, and cases of child marriages. The data shows that more than 10 children have been abused per day during the year 2021⁴.

According to UNICEF, children in Pakistan are vulnerable to many forms of violence, exploitation and child trafficking. It says that even after almost 30 years since Pakistan ratified the Convention on the Rights of the Child (CRC), no public coordinated child protection case management and referral system aligned with international standards has been established⁵.

Legislation

In Pakistan policy response to sexual abuse cases is incident based and not strategic. As a response to the media highlighted issue of rape and murder of 6 years old girl child Zainab in district Kasur of Punjab province, the legislation 'Zainab Alert, Response and Recovery Act, 2020 was initiated

³ <https://www.unicef.org/reports/global-annual-results-2020-goal-area-3>

⁴ https://drive.google.com/file/d/1-2AsTk0Jt_dFE4MIFzahH5hg_rsZVBAF/view

⁵ <https://www.unicef.org/pakistan/child-protection-0>

to raise alert for response and recovery of missing and abducted and children⁶.

Policies related to protection of children in Pakistan are influenced by populist believes and practices about who should be considered the child and how the children should be treated.

Acts and Bills

- Anti-Rape (Investigation and Trial) Act 2021
- The Criminal Laws (Amendment) Act, 2021
- The Sindh Child Protection Authority (Amendment) Act, 2021
- Islamabad Capital Territory Child Protection (Amendment) Bill 2021
- The National Commission on the Rights of the Child (Amendment) Bill 2021

Corporal Punishment

Corporal punishment is the most widespread form of violence against children. It is any punishment in which physical force is used and intended to cause some degree of pain or discomfort. Corporal punishment in homes, schools and places of work is one of the most pervasive forms of violence against children in Pakistan. The state's failure to protect children stems from its inability to address corporal punishment effectively, be it through official policy or through a structured national narrative aimed at stigmatizing and eventually outlawing violence against children.

Legislation

In a landmark development for children's safety in Pakistan, a new law banning corporal punishment came into force across the country's capital.

⁶ <https://assets.researchsquare.com/files/rs-418887/v1/adc53d13-6b45-4ac4-81af-ed98b64063ea.pdf?c=1640776331>

The ‘Islamabad Capital Territory (ICT) Prohibition of Corporal Punishment Bill’ bans all forms of corporal punishment in formal and informal educational institutions, seminaries, childcare institutions and juvenile rehabilitation centres.

The bill imposes penalties on educators, caregivers or other perpetrators exercising any form of physical punishment and reverses an earlier provision of the penal code which allowed teachers and guardians to administer such punishment “in good faith” or “for the benefit” of the child. This marked an important step towards protecting children from violence, changing attitudes towards corporal punishment, and better ensuring children’s dignity and rights⁷.

Child Marriages

Pakistan has the 6th highest number of girls married before the age of 18 in the world⁸. The issue of child marriage has always plagued our society. It tends to occur among the country’s most marginalized and vulnerable communities. While both boys and girls are married off early in many parts of Pakistan, a greater number of girls become victims of this age-old custom. The practice largely stems from the prevalence of gender inequality in society and patriarchal cultural norms, and it is further perpetuated due to weak legislation.

Atleast 58 cases of early child marriage and seven cases of Vani, were reported in 2021, Sahil, NGO revealed in its report⁹.

Legislation

Currently, the federal law is based around an act passed in 1929, where the age limit for marriage was 14 years and above. It was increased to 16

⁷ <https://www.end-violence.org/articles/ban-corporal-punishment-comes-force-pakistans-capital>

⁸ https://twitter.com/unwomen_pak/status/1402886983869927426

⁹ <https://www.thenews.com.pk/print/954375-3-852-children-abused-in-2021-report>

years by the Muslim Family Laws Ordinance, 1961. The current law sets the legal marriage age at 16 for girls and 18 for boys, setting different and thereby discriminatory marriageable ages for girls and boys.

After 2010, the prevention of child marriages became a provincial subject. Sindh is the only province so far to have passed a law barring marriage under the age of 18. In Sindh, the Child Marriages Restraint Act, 2013, makes underage marriage a cognizable and non-compoundable offence. This means that the police can take action on their own to arrest offenders upon any information, and no private conciliatory deals can be made between families, communities or jirgas to bypass the law.

The Punjab Marriage Restraint (Amendment) Act, 2015, still permits girls to be married at 16. Khyber Pakhtunkhwa and Balochistan continue to be governed by the 1929 act, like the federal law¹⁰.

Street Children

Street children generally fall into two main categories: children of the street and children on the street. ‘Children of the street’ are homeless and live and sleep on the streets in urban areas. On the other hand, ‘children on the street’ earn their living selling small items or beg for money on the streets and return home at night. This definition does not adequately account for children abandoned by their families, runaways or those who might have become street children due to other factors such as drug abuse. So, a broader term “street-connected children” is used.

In 2021, the chairperson of the Child Protection and Welfare Bureau (CPWB), Sarah Ahmad, claimed “There are at least a million street children in Punjab” alone.

Legislation

In the context of Pakistan, the situation of street children is mostly observed through the lens of child protection or child welfare. There is a

¹⁰ <https://www.dawn.com/news/1675775>

dire need to address the situation through a rights-based approach, especially since Pakistan has ratified the UN Convention on the Rights of the Child (UNCRC) in 1990 which elaborates survival, development, protection and participation rights of children.

Likewise, the Constitution of Pakistan provides a legal framework for child protection, particularly: Article 35 prescribes the state to protect the marriage, the family, the mother and the child; Articles 11 and 25 elaborate on child protection; Article 25A guarantees free and compulsory education from 5-16 years of age; Article 25(3) recommends special laws for child protection; Article 37(e) directs the state to protect children from vocations unsuited to their age and morals; and Article 38(h) directs for measures for the social protection of children¹¹.

Honor killing

Much of Pakistani society operates under an "honour" code where women can be killed for bringing "shame" on their families by acts such as interacting with men or marrying someone they choose themselves. More than 470 cases of "honour" killings were reported to police in 2021, according to the Human Rights Commission of Pakistan (HRCP), though many cases go unreported by families who collude with the killers -- often male relatives.

Pakistan ranked 153 out 156 countries on the World Economic Forum's Global Gender Gap index in 2021, which noted stark disparities in access to justice, education and employment¹².

Legislation

The government has failed in formulating policies on the issue and defining a regulatory framework to charge the offenders with punishments. It has been observed that the conviction rate in case of honor

¹¹ <https://www.dawn.com/news/1683213>

¹² https://www.france24.com/en/live_news/20220525_getting_away_with_murder-in-pakistan

killings is just 2.0% while the acquittal rate is 20.9%. The statistics mentioned underline the fact that the government is just relying on obsolete laws that have lost sense of implementation to handle the unabated violence and have left the innocent victims on the mercy of law enforcement agencies who prefer to bury the case for it to never surface again. The bill that was passed by legislators in 2016 to stop honor killings in Pakistan and subject the perpetrators to meet punishment lacks some basic requirements.

Child Trafficking

The question of women protection still remains unresolved in Pakistan, as women, especially girls in their teens struggle for their rights, respect and identity which has become an uphill battle for them.

However, the continued denial of the girls' rights by the society, the government and the judicial system continues unabated. Kidnapping of teenagers, forced marriages and possibility of human trafficking have aggravated the situation. The country's largest human trafficking problem is bonded labor, Reports estimate more than 70 percent of bonded laborers in Pakistan are children.¹³

Legislation

The Khyber Pakhtunkhwa cabinet approved the draft Child Protection and Welfare (Amendment) Act, 2021. The Act carries life imprisonment for offender involved in child trafficking. "Whoever involves himself in child trafficking within Pakistan shall be punished with imprisonment for life or a term which may extend to 25 years, but which shall not be less than 14 years and shall also be liable to fine which may extend to Rs5 million¹⁴.

¹³ <https://www.state.gov/reports/2021-trafficking-in-persons-report/pakistan/>

¹⁴ <https://www.dawn.com/news/1692515>