

SOUTH ASIAN REVIEW OF THE **Commercial Sexual Exploitation of Children**



PAKISTAN STUDY REPORT 2001



Undertaken by

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Preface and Acknowledgements

Writing on an unacknowledged issue like commercial sexual exploitation of children is fraught with many difficulties in a closed society like Pakistan. In fact, no systematic effort has ever been made towards this end to date. As a result, even the information available from few sources is sketchy at best. That is perhaps the reason that no one has ever been able to come with even estimates of incidence or prevalence of commercial sexual exploitation of children in the country.

Secondly, most of the reports and studies on the subject are not written for public consumption. They are only meant for use in global or regional reviews, thereby implying that a certain format has to be followed for the purposes of uniformity. The present study report is no different in this regard. It was commissioned to South Asia Partnership-Pakistan (SAP-PK) by United Nations Children Fund's (Unicef's) Regional Office for South Asia (ROSA) through SAP International for Review of CSEC in South Asian, for pre-Yokohama Consultation in Dhaka, 5-6 November, 2001.

Despite this, it is hoped that this study report will at least help development and social activists in understanding the dynamics of this complex issue. The stress is on highlighting the trends involved, so that an effective programming could be introduced on CSEC. SAP-PK wants to further research the issue in order to come up with a concrete strategy on how to best protect children's rights and ensure their development as envisaged in the UN Convention on the Rights of the Child (CRC).

This study report would have been impossible without the guidance, support and cooperation of many organizations and individuals. They include SAP International staff, Dr. James Arputharaj and Ms. Bimali Ameresekere in particular; participants and facilitators of the Training Workshop for South Asian Review of *Commercial Sexual Exploitation of Children* in Colombo from June 11-15 this year, especially Dr. Sugan Bhatia and Leo Fonseka; SAP-PK's Executive Director, Mr. Muhammad Tahseen, and Program Manager, Mr. Irfan Mufti; my team members, Shabnam Rashid, Anila Noor, Tariq Azim, Anjum Shahzad and, in particular, Muhammad Saeed; all the organizations and government departments working on the issue in Pakistan; and finally, my wife and mother who allowed me time to take this gigantic venture.

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Chapter 1

Situation Assessment and Analysis

1.1.1. Introduction to the Country

Facts and Figures¹	
Official Name:	Islamic Republic of Pakistan
Capital:	Islamabad
Region:	South Asia
Area (sq. km):	770,880
GNP per Capita:	470 US\$
Population:	152,435,008
Under 18: 71,952,000	Under 5: 23,470,000
Population below Poverty Line:	31.0 (% of population below 1 US\$ per day)
HIV Incidence:	0.10%
Urban Population:	34%
Unemployment Rate:	6.1% (1997)
Literacy Rate:	Male: 57% Female: 33%
Tourism Arrivals:	351,000

The figures in above table appear to be quite authentic. However, according to Unicef's *The State of World's Children 2001*, Pakistan's population under 18 in 1999 was 73,691,000, while those under five were 23,793,000. The report also states that the population urbanized in 1998 was 37% of the total population. A Punjab Government research report estimates Pakistan's current population growth rate at 2.7% annually, which is one of the highest in the region. In 1951, it was 1.79%. By 1972-1973, it climbed to 3.69%. By the year 2003, the last year of the country's Ninth Five-Year Plan, it is projected to slow down to 2.5%. The dependency ratio, the number of children under 15 years of age relative to the working population between 15 and 64, is very high. This contributes to economic stresses, as a high proportion of resources must be devoted to the needs of the children.²

Mr. Shahid Javed Burki, a leading economist, writes: "Pakistan has a demographic structure that is the result of large increase in population in the last few decades. Consequently, Pakistan's population is very young. The census of 1998 counted 55 million children under the age of 14. There are another 13 million youngsters between the ages of 15 and 19. In other words, in 1999, children and the very young accounted for 53.4% of the total population. This year we have 72 million people under the age of 19, a situation different from that of the other countries that have already experienced declines in fertility. Of the 15 largest countries in the world in terms of the size of the population, Pakistan has by far the youngest population."³

¹ ECPAT, Website Database

² ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

³ *Population as an Asset: Dawn*, 1 August 2001

1.1.2. CRC Ratification by Pakistan and Observations Thereon

The issue of child rights came to the forefront in Pakistan with the country's ratification of the CRC. Pakistan deposited its instrument of ratification on 12 November 1990 and the Convention entered into force for the country exactly one month later. At the time of ratification, Pakistan made a general reservation according to which the provision of the CRC shall be interpreted in the light of principles of Islamic laws and values. The government at that time, however, recognized that practically no provision of the CRC came into direct conflict with any of the major precepts of Islam, barring the matter of adoption for which an appropriate provision had already been made in the CRC. The ratification of the CRC led to the setting up of an elaborate structure for its implementation and monitoring. The NCCWD, established in 1980, was assigned the task of coordinating with other federal and provincial ministries, departments and NGOs for implementing the Convention. It is supported by its provincial chapters (PCCWD) as well as by a number of other committees constituted especially for this purpose.

Following the ratification of the CRC, states parties are under obligation to submit periodically a report to the Committee on the Rights of the Child, the monitoring and technical assistance component of the Convention. It must show steps taken by the governments for the realization of the rights contained in the CRC. An initial report on the implementation of the Convention was submitted to the Committee in early 1993. Prepared by the NCCWD, it was more a description of the government's goals in the social sector than an analysis of the state of Pakistan's compliance with the CRC. The Committee criticized the GoP for not submitting a standard report and failing to follow its guidelines with respect to the report writing.

Who is a Child?

Before the adoption of the CRC, there was no standard definition of child even under the international law. However, Article 1 of the CRC changed all that by defining a child for purposes of the Convention as a human being below the age of 18 years, unless national laws recognize the age of majority earlier. In Pakistan, there was no standard definition of a child till the promulgation of Juvenile Justice System Ordinance in July 2000 that finally defined a child as someone below 18.

On 22 November 1993, the Committee at its pre-sessional working group asked Pakistan to respond to certain questions. It inquired about the process followed in preparing the report and about other concrete measures taken to ensure compliance with the Convention's provisions. The Committee also expressed its interest in status of the CRC in relation to the Constitution, and federal and provincial laws. Misleading responses were provided to the Committee in response to the questions raised by it. The Committee had a total of more than 60 questions, to which NCCWD later submitted written responses drawing on assistance from experts in the area of child rights.

One of the major steps that Pakistan has undertaken since submission of its initial report has been its attempts to withdraw its reservation to the CRC which stated that "the provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values." On 23 July 1997, Pakistan under CRC's article 51(3) withdrew its ratification by submitting it to the UN Secretary General's Office. However, the withdrawal was not given any publicity in the country.

The next report, due in November 1997, was submitted in February 2001, after a delay of more than three years. This time, Unicef took upon itself the responsibility for guiding

the GoP in this regard. The process for writing the report of the CRC commenced with the hiring of a consultant to prepare a model of the report and to activate all channels that might be helpful in gathering information according to the UN guidelines. The consultant prepared sectoral questionnaires on the basis of these guidelines, which were sent to relevant ministries/departments and NGOs, and the information thus obtained was used as a main source for the preparation of a skeleton (draft) report. This report also proposed a model prepared with the help of Unicef. It was decided that experts would improve upon the report with the coordination of the consultant. The resource persons were selected on the basis of their experience and knowledge in each area of the CRC, and a Writer's Forum with 12 experts was formed.

Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography

There have been reports in the media that GoP has also decided to sign Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, adopted by the UN in May 2000. Recently, there was a discussion to create a new authority/agency to deal with human smuggling. As this was not found feasible, the job was given back to FIA (enforcing the Immigration Law) and Directorate General of Immigration and Passport (issuing passports).

A Task Force has been constituted for the specific purpose of controlling the human smuggling. However, another Task Force would be established in FIA for dealing with the organized crime of human smuggling and for taking effective action against gangs and agents involved in trafficking in persons, for which adequate staff and resources would be provided to FIA. This is the first step to honor commitment of making appropriate legislation and taking appropriate steps to control human smuggling as per the Protocol and Enforcement Plan of the UN Convention Against Transnational Organized Crime, to which Pakistan is a signatory, before the end of 2002.

The adoption of the Convention by Pakistan could have literally revolutionized the status of the child in country if it had been done with sincerity. The CRC has been described as the most complete, comprehensive and innovative statement of children's rights ever made. Anees Jilani, who undertook a review of all the laws of Pakistan in the context of CRC for Unicef in 1989 in order to convince the GoP to muster the courage to sign and ratify the CRC, laments: "Ten years have passed and nothing has happened except that a few seminars and workshops held here and there; and some spotty projects undertaken by a few government agencies and NGOs in the whole country.

1.2. Situation Assessment

1.2.1. Forms of Sexual Exploitation

Child Prostitution

"Child Prostitution is the act of offering the services of a child to perform sexual acts for money or other consideration with that person or any other person."¹ Though not very visible in Pakistan, due to cultural and religious factors, its existence is well known and acknowledged by many sectors of society. As in other countries within the region, it is difficult to put a figure on the scope and scale of the problem. According to the NCCWD,

¹ Background Documents to the First World Congress, Stockholm, Sweden, 27-31 August 1996

it is not sponsored by organized crime as it is in the neighboring countries. However, this assessment is slightly contested by NGO accounts that assert that gangs organize child prostitution in the cities. Nonetheless, there is very little formal research on the issue.¹

Girl prostitution is a tradition that has prevailed in the region since ancient times. It has been a custom for the men of upper classes to visit brothels to be entertained by women through singing, dancing and sex. Prostitution in such brothels is a family business, and here the birth of a female child is welcomed. Girls in these communities are taught to dance and sing from an early age, and do not have a choice but to take up the profession because they are ostracized from society. Apart from the girls who are born to the prostitutes, many young girls are kidnapped and trafficked from other countries, cities and villages and coerced into prostitution.

Girl prostitutes in Pakistan can be categorized as follows:

a) *Girls sold or married for profit*: The legal age of majority for girls in Pakistan is 16 years old though marriages do take place at younger ages. In some parts of the country it is customary to receive bride money at the time of marriage, though payment may not always be in cash.

b) *Female prostitutes*: There is a premium on virginity and in prostitution it is sold at an early stage. The price of “first night” is enormous as compared to usual local rate. This tends to push a girl child of a family into commercial sex work at an early age of 11 or 12. Prostitution usually exists under the guise of dancing business and traditionally red light areas in major cities have legal sanction for dance and music; however, prostitution is an essential part of the lives of these dancing girls. Organized rings bring girls into prostitution from other provinces. Within larger cities of the provinces, girls come from adjoining small towns. Another form of prostitution is run by *naikas* (elderly former prostitutes) in rented houses in various localities in the cities. Lower-middle class girls from the suburbs and adjoining towns come and stay for short periods of time to conduct business. Finally, there are exclusive high-class call girls also.²

In her research study³ carried out in smaller cities of Punjab, Dr. Seemeen Alam groups girl prostitutes in two categories: one, those belonging to families of prostitutes, who have been in this profession for generations; and two, girls who are new to the profession and are spread all over the city looking for clients. In all, 48 such girls were interviewed. They did not know their rates and were totally at the mercy of madams who could be mothers, elder sisters or aunts. There were 18 who lived with their parents or husbands. Their mothers were also professional prostitutes and the men were heroin addicts who did nothing except arrange clients for their womenfolk.

In the professional families, girls below 15 years are not initiated into the sex trade. These girls generally claimed that their mothers or guardians never beat them. They got good food and were treated better than boys. Nine girls said that they did not operate in their own cities. Pimps arranged for them to be taken to bigger cities on demand. These girls usually went in groups. Manhandling by clients was common, since they were at their mercy. Then there were those who were not from families of prostitutes but were forced or go into this business for other reasons. One such group consisted of orphans and destitute with no one to fall back on, and kidnapped girls who had been sold and resold and forced into prostitution. Out of 17 such girls, three were from Bangladesh while seven looked to be *Pathans* or Afghani.

¹ ECPAT, Website Database

² ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

³ Dr. Seemeen Alam, *Girl Child in Especially Difficult Circumstances*

Some school going girls were also found in this business. They get into prostitution for pocket money, and operate through friends without the knowledge of their parents. Eight such schoolgirls were interviewed. Girls on the street were also found to be in the sex trade. They were beggars or doing unskilled labor, and occasionally get into prostitution for extra income. They roam around in market places, near hospitals and building sites. They were poorly paid, sometimes just a meal or some small gift. These girls were extremely dirty and their clientele comprised of laborers and men who accompany relatives in hospitals. Most of them said that their parent did not know of their activities.

Boy prostitutes can be found in all parts of Pakistan, despite the fact that homosexuality is condemned by the society and Islam. Poverty, a history of sexual abuse, family circumstances and friends are usually the forces that lead many youngsters into the profession. Boy prostitutes are commonly found in small wayside hotels and at bus stands. The prime ages of male prostitutes are 15 to 25 years, but they can also be as young as 13 years. Usually the male prostitutes work under a pimp who brings in clients and pays for police protection.¹

Male Child Prostitution in the NWFP

In the NWFP, some wealthy and elderly people customarily keep young attractive boys for sexual pleasure. In order to understand this attitude, a study was commissioned by National Coalition for Child Rights, Unicef-Peshawar and some NWFP CBOs in 1997. It revealed that 23% of the population in the province considers pedophilia a matter of pride, 14% a symbol of status while another 11% does not consider it bad. The report suggested that male child prostitution, instead of decreasing, is on the rise in the NWFP and found boys to be sexually abused and exploited at work places, markets, hotels, bus stands, video shops, snooker clubs, schools and other community places. Children are not considered to be safe anywhere, not even in schools, where even teachers exploit them.

Little boys are forced into prostitution because of economic constraints, and through blackmail and pornography. These boys, coming from poor families, are forced to work in small hotels, restaurants, workshops, or sell flowers, newspapers or religious books. Generally, they leave their homes at an early age and live with strangers or other families in the cities. They have to earn money to support their large families back in the villages. They are brought into prostitution through rape. Later, they voluntarily opt for it due to easy money. Many a time, the mode of payment is in the form of a film show or a cigarette that they can hardly afford. A research conducted by UNESCAP in collaboration with NCCWD on a total of 233 interviewees revealed that out of them 159 were boy prostitutes. A majority of them, 98, were boys working at small wayside hotels and offering masseur services. The key findings revealed that 52% of boy prostitutes were found at bus stands and terminals, and 23% were found at hotels and restaurants, while others were found in cinemas, video shops and public parks.²

On 21 October 1998, police in a sting operation raided 56 male prostitution dens and arrested 95 boy prostitutes from the area of Pir Widhai, Rawalpindi, where more than 100 such brothels operate. Children as young as eight years are brought here from underdeveloped and rural areas of Kashmir, Gilgit, Skardu, Swat and Peshawar either through kidnapping or trapping the runaway children. Their captors offer them to clients staying at shabby hotels for a night. Arrested children told reporters that their main clients were drivers, conductors and passengers. According to letter published in a

¹ *The Other Side of Midnight: Discourse*, June 1997

² ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

newsletter¹, boys in singing and dancing business are also involved in prostitution. Many parents give their children to people running this business against a loan and some parents have also sold their children for good in return of money. Most of these children are part of entertainment in then interior of Sindh.

Child Pornography

Child pornography is any visual or audio material that uses children in a sexual context. It consists of “the visual depiction of a child engaged in explicit sexual conduct, real or simulated, or the lewd exhibition of the genitals intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material.”² Going by this definition, which restricts child pornography to use of children in pornographic movies and images, the phenomenon is rare in Pakistan.

The discovery of a pornographic film, which used a 14-year old girl in it, by WAR, Lahore in 1996 has been the only major reported case so far of use of a child in a pornographic movie. Recently, there have been reports that some Indian websites put nude pictures and smart interviews of Pakistani girls. These websites also invite others to contribute their pornos, especially to the story sections that abound in contributions from Pakistan. But one can never be sure that the images and stories have actually been contributed from Pakistan, as the style and tone of most of the stories is almost same and there is nothing to suggest concretely that the images are of Pakistani girls.

In order to fully understand child pornography in the context of Pakistan, one has to enhance the scope of its definition to include exposure of children to pornographic material, also because it makes them vulnerable to abusers. In Peshawar and some other urban centers, there are cinema halls that are notorious for showing pornographic films. It has been reported that most of the men who come to these cinema halls are accompanied by young boys who they ‘keep’ for sexual gratification.

Growing Cases of Incest

The most dangerous trend emerging out of children’s access to pornography is the growing cases of incest in middle class in urban areas. Incest cases in our society are not reported in normal circumstances. A couple of weeks ago, an incest case occurred in an unfortunate middle class family of Islamabad in which a brother, 19, committed incest with his sister, 14, while they were alone at home. The girl became pregnant and the unfortunate family is in a miserable situation. This happened due to both children’s access to Internet and porno movies. They committed this act after repeatedly having access to the porno material suggesting incest between brother and sister, father and daughter, etc.

However, the area of both pornography and exposure to pornographic material lacks sufficient research, making it difficult to make any conclusive statements. The transmission of mystifying, non-scientific and incorrect sexual information takes place on a large scale through publications, religious sermons, and through hundreds of small mostly illegal sexual health clinics run mainly by quacks, which exist all over the country. This information borders on pornography and is accessible to all age groups of children.³

Presently, more than 370 Pakistani cities and towns enjoy the facility of Internet. The setting up of Internet kiosks and cafes has no doubt helped bridge the digital divide to a

¹ SPARC, Issue 17, December 1998

² Background Documents to the First World Congress, Stockholm, Sweden, 27-31 August 1996

³ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

great extent. But for the younger generation, this path is full of dangers. Children are now exposed to a flood of information and knowledge, but at the same time they have to browse through junk e-mails luring them to visit pornographic sites. "Fearing pornographic surfing by children and employees, parents and businessmen have urged the government to introduce filtering devices on the Internet that deny access to pornographic sites," writes Mansoor Ahmad in a newspaper article.¹

Child Exploitation in Tourism²

Recently, the WTO sought details from Pakistan about child abuse and exploitation in the tourism industry as well as the steps that are being taken by the government to stop this practice. In an official letter to the government, the WTO Secretary General specifically inquired about child prostitution and child abuse in the tourism sector. Three years ago, the WTO created the Child Prostitution and Tourism Task Force in cooperation with countries, tourism agencies and NGOs to counteract sexual exploitation of children. A global code of ethics for tourism, adopted by consensus at the last WTO General Assembly in Santiago, pressured countries to fight against child sexual exploitation. Anyway, it can be said with authenticity that child exploitation in tourism is an uncommon phenomenon in Pakistan, unlike some of its neighbors like Sri Lanka.

1.2.2. Forms of Sexual Abuse

For the average Pakistani, child sexual abuse is defined as rape and/or sodomy, perhaps because there is a lack of awareness regarding the psychological effects of molestation, etc. Another reason could also be the association of rape with honor. This is the nightmare of every family, as rape, especially of girls, is perceived to bring dishonor and disrepute to the family. It is believed that her chances of ever getting married are ruined (and they often are), as she has been "disgraced" and has lost her virginity.³

According to reported incidents of child sexual abuse in 2000 collected by an Islamabad-based NGO Sahil, 2,397 men along with 49 female abettors sexually abused 1,317 children; whereas in 1999, 1,629 men had sexually abused 945 children. This clearly shows a significant increase of 39% in cases of child sexual abuse as well as an increase in the ratio of abusers to children. It also suggests that reporting of such cases has increased, though the reported incidents are still the tip of the iceberg due to societal tendencies of denial and silence. In the case of girls, 266 cases of rape, 238 cases of abduction for sexual purposes and 148 cases of gang rape were reported. In the case of boys, 240 cases of sodomy and 115 cases of gang sodomy were reported. 64 girls and 51 boys were murdered after being sexually assaulted. Of the reported 1,317 cases, 793 (60%) were girls and 524 (40%) were boys.⁴

Child sexual abuse is considered to be fairly widespread in Pakistan, although it is underreported. According to a survey carried out in 1996 of boys in grades nine and ten, 70% had been abused at some point in their life.⁵ According to another estimate, eight women are raped every day in Pakistan, out of which more than five are minors. According to a report compiled by ESCAP, it was found that there was a clear difference between who the molesters are likely to be for boys and girls. It was thought that girls

¹ *Children be Barred From Wrong Use of Internet: The News*, 18 July 2001

² *SPARC Newsletter*. Issue No. 25, December 2000

³ Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan, *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*

⁴ *Sahil*, Magazine 4, Issue 18, October-December 2000

⁵ *Child Abuse on the Rise in Pakistan: The Nation*, 4 June 1998

were likely to be abused by family members, acquaintances and neighbors, while boys were likely to be abused by teachers and total strangers. Both boys and girls are at risk of being exploited by shopkeepers, with girls having a slightly higher risk factor.

Common Facts about CSA in Pakistan¹

- 1 rape case is reported every three hours in Pakistan
- 90% of child sexual assault cases are not reported
- 1 in 3 girls are likely to be sexually abused before the age of 18 years old
- 1 in 4-7 boys are likely to be sexually abused
- 75% of abusers are usually known to the child and are often close relatives
- Girls are more likely to be abused inside their homes and boys outside them
- Abusers mostly target children aged 10-15 years

Many of the abusers have been found to be abused themselves when they were children. "Acting out" the incident is their way of dealing with the anger, humiliation and feeling of helplessness. As victims they used to feel weak and out of control. Therefore, in order to feel strong and in control, at times they start abusing children which gives them the false feeling of control and strength.

According to one study, the common age group for both genders was found to be nine to 10. Majority of the abusers were men, while only 13% females were abusers, out of which majority were teachers, maid servants and relatives. Moreover, it was found that there was not a great age difference between the victim and female abuser unlike in the case of male abusers.

Dr. Aisha Mehnaz, Associate Professor at the Department of Pediatrics, Dow Medical College Karachi, carried out research on child sexual abuse by interviewing a group of children in Karachi.² They told researchers that sexual abuse was common in their area where young boys were easy prey, often tempted and lured by abusers, during schools time and released after school hours. The abusers are usually teachers and senior students. The research also revealed that in small localities there were private cinema houses that put up pornographic movies for children to watch to make the practice seem exciting to them so that later they could be easily lured by the abusers. Threats and cruel punishments were given to those who did not comply with the wishes of the abusers.

Another important aspect of child sexual abuse is incest. Generally it is perceived that this phenomenon is non-existent in our society, or if it does happen then it is negligible. The data shows 70 cases of incest during 1997-99, with the predominant numbers of abusers being fathers. Interestingly, all the victims were girls and there was not a single reported case where a father or brother had sexually assaulted a boy. Even these cases were reported after the girl had gone through a long ordeal of sexual violence. Mostly, in these reported cases the mother was the one who mustered up enough courage to finally take action and approach the police. In all the reported cases, the crime was rape.

According to Dr. Ambreen Ahmad³, several factors contribute to this. Firstly, we as a society do not accept that it could occur in our culture and hence we close our eyes to the warning signs even when they are quite obvious. Of course, stereotyped gender roles, the subordination of women, the dependence of women on men of their family,

¹ Sita Ghimire, *An Assessment of Interventions to Reduce Violence and Discrimination Against Girls in South Asia*

² *Denial Cannot Make the Problem Go Away: The Dawn*, 27 December 2000

³ Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan, *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*

false notions of family honor, all contribute towards the exacerbation of this problem. Children seem to be the most vulnerable to incest in the 6-8 year age group.

Sexual abuse within state institutions is not an uncommon or unheard of phenomenon in Pakistan. In fact, it is one of the major problems facing juvenile prisoners, especially in Sindh and Punjab. It was disclosed last year, after a mutiny in Hyderabad Jail, that adult criminals sexually abused juveniles regularly in the jail. Later, the army rescued 50 juvenile prisoners who were sexually abused on a regular basis by adult criminals. The Chief of Hyderabad Prison admitted that 50 children had been recovered from the barracks of the criminals and then transferred back to the juvenile ward.

On August 25, the Lahore High Court ordered an inquiry when a team of doctors confirmed that eight prisoners of Kot Lakhpat Jail, Lahore had been sexually abused after being administered tranquilizers repeatedly. The evidence came after the Court took up a complaint filed by a juvenile prisoner who accused the jail officials of making money by allowing inmates to enter their ward during the night to subject them to sexual abuse. Earlier, a group of young prisoners confined in Ward No. 1 of the Kot Lakhpat Jail wrote a letter to an advocate to inform him that their Assistant Superintendent received money from other prisoners to let them inside their ward to molest them. They requested him to refer their complaint to the Chief Justice of the LHC and make sure that the jail authorities do not hear about it as otherwise they would be tortured. When the case was forwarded, the jail officials completely denied the allegations.

A Justice still took up the complaint and ordered physical examination of the victims by a team of doctors, who confirmed that eight of the 11 prisoners inspected were given a tranquilizer in tea before being subjected to sexual abuse. The victims were between 15 to 17 years of age. The same Justice also constituted a team of doctors to randomly inspect jails in Punjab, and monitor the maltreatment and abuse of prisoners. The inspection revealed that the jail officials repeatedly abused the prisoners.¹

Dr. Seemeen Alam's writes in her survey report, conducted in 1993 on Punjab jails, that juvenile prisoners are sexually abused not only by older inmates but also by the administrative staff. Children in most jails are not segregated according to appropriate age categories, which increases their vulnerability to abuse. Also, they are not provided with recreational facilities, education (except in the case of religious learning) or vocational training. As a result, they spend long hours unoccupied and are, therefore, easy prey for abusers.²

1.2.3. Trafficking for Sexual Purposes

Trafficking is defined as the "transfer of a child from one party to another for whatever purpose in exchange for financial or other reward compensation." Sexual trafficking is the profitable business of transporting children for commercial sexual purposes. It can be across borders or within countries, across state lines, from city to city, or from rural to urban center.³ Zia Ahmed Awan, President, LHRLA, Karachi defines trafficking as "the recruitment, transfer, transport, harboring or receipt with or without consent, bogus marriages, false adoptions and kidnapping with a view to exploit women and children in bonded and illegal labor, domestic work, begging, slavish marriages, sex-tourism and entertainment and prostitution for the benefit of traffickers and crime syndicate.

¹ SPARC, *The State of Pakistan's Children 2000*

² Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

³ Background Documents to the First World Congress, Stockholm, Sweden, 27-31 August 1996

Pakistan is a source, destination and transit country for the trafficking of children. Though the clandestine nature of the problem makes gauging numbers very difficult, it is understood that the problem is large. Despite widespread general knowledge about trafficking, the government has done little to stem the flow of women and children trafficked into the country, or to help victims of trafficking. Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. Estimates on the number of women and children vary widely. At a minimum, thousands of women and children are trafficked into and out of the country each year. Like other places, victims often fall prey to prospects of marriage or offers of work in legitimate jobs. The most common route is from Bangladesh through India to Pakistan. A smaller number arrive from Burma, Sri Lanka, India and Afghanistan. A few victims end up in shelters and are eventually repatriated, but there are few shelters available.¹

Zia Ahmad Awan on Trafficking

“Child trafficking has become a real problem in Pakistan. The major causes are economic, demographic and socio-cultural factors. The economic factors are lower socio-economic order of Pakistani society, economic instability, poverty, lack of employment opportunities and low per capita income. The demographic factors are over population, rural-urban migration and international migration. The socio-cultural factors are lack of education, lack of awareness in respect of laws regulating marriage, dream of better living, inability of parents to support their children and dependency of parents on income of their children. Trafficking of children for sexual purposes is a growing problem in South Asian countries including Pakistan. Bangladesh and Nepal are dominant source countries. Now, the menace is growing in Pakistan and Pakistani female children are being trafficked to Middle East. There have been some cases of trafficking of Pakistani female children to Europe also. Internal trafficking of male children for sexual purposes is common because of homosexuality in some parts of the country, especially the NWFP.”

Women trafficked from Bangladesh are typically the ones from families with several daughters. They lack directly applicable skills and their wages are very low. Therefore, when a pimp disguised as an agent offers them the opportunity for a better job in another country they are willing to leave home. Before the women and children can get to Pakistan, the agents charge a fee ranging from \$145 to \$435 for their “service” of taking them across the subcontinent. Some of the trafficked women and children are also abducted from outside their homes. Young girls report of teenage boys lurking outside their schools, befriending them and eventually taking them on an “adventure”. They realize, just a little too late, that the boy, who is usually an agent, has deceived them. A small number of trafficked women claim to have been physically forced to travel with an agent or to have been drugged and rendered unconscious during the journey to India or Pakistan.

The pimps can be Bangladeshi, Indian or Pakistani. They are organized and have an extensive network throughout the subcontinent. Their strong links with the law enforcement agencies allow them to get away with the heinous deed. After picking up their charge they take them to the main city, usually Dhaka, and onward to the Indian border. In India, the group travels to a major city, such as New Delhi, where some of the women are given temporary work before being transported to Pakistan. Another journey takes the agent(s) and the remaining women to the Indian border with Pakistan. In Pakistan, almost all trafficked women are taken through Lahore to Karachi.

¹ ECPAT, Website Database

Once in Karachi, the women and children are kept in Bengali *paras* (slums) in Ayesha Manzil, Federal B Area, North Karachi, Nazimabad, Gulshan-e-Iqbal and Machar Colony. The trafficked women and children are confined to dens while being closely monitored by the pimps. They are kept in crowded rooms and deprived of proper food and clothing. They are forced to do chores in the den, and are beaten if they refuse to cooperate. In the mean time, the pimp arranges a buyer. The sale price of a woman ranges from \$1,285 to \$2,428) depending on her age, beauty, virginity and education. A farcical marriage takes place and the buyer actually marries the purchased woman. Later, he either sells her to someone else and makes a tidy profit for himself or keeps her in a brothel so that she may become a permanent source of income. Alternatively, he may make her a laborer in the fields and the house.

The Role of Law Enforcers¹

In 1997, Rahima paid a trafficker to be taken over to Pakistan. "I was in a group of 60 people. We traveled through Amritsar. When we crossed the border to Pakistan at night, the Pakistani border rangers arrested us. They detained us for two days and pushed us back to India. We tried to cross again, but this time we were arrested by the Indian border guards. They took all the young girls and raped them. There were about 10 of them in our group, aged 12 or 13. They kept them in a place under guard. After two hours, they were released and sent back to their families. They looked almost dead. Some were unconscious. They were bleeding and wounded. They couldn't walk and we had to carry them.

Once sold or married off, the women are either forced into working at brothels, used, abused and sold again, or kept and subjected to various forms of torture, while being relegated to a life of domestic labor. Many of the women and girls serve as domestic servants where they are often raped, tortured and subjected to all forms of physical and verbal abuse. A small percentage of the women, forced either into domestic servitude or into sexual slavery, manage to run away, only to be tracked down by the pimps or husbands or to be arrested by the police. They are further victimized by the police and pimps once in police custody.²

It has been reported from many sources that destitute girls at government run homes are vulnerable to be trafficked to the Gulf countries. Reportedly, they are sent for the sexual gratification of the Arab sheikhs on weekends and return the very next day. The pimps/suppliers make huge sums of money out of this, while the poor victim gets nothing. This is done in connivance with the law enforcement agencies like airport security and FIA. Prostitutes also go to the Gulf countries on trips where they perform dance and also engage in sexual activities with clients. Such girls are considered lucky and also envied by the others as they return loaded with gold, 'gifted' by the Arab Sheikhs. Apart from this, internal trafficking from villages and smaller towns is quite common in Pakistan. Mostly, the destination is either Lahore or Karachi.

Pakistan is a source country for young boys who are kidnapped or bought and sent to work as camel jockeys in the Gulf States. Women and children are trafficked from East Asian countries and Bangladesh through Pakistan to the Middle East. Pakistan serves as a destination point for women who are trafficked from Bangladesh, Burma, Afghanistan and the Central Asian States. There also is evidence of trafficking within Pakistan from rural to urban areas.³

¹ *Trafficked from Hell to Hades: Images Asia*, November 1999

² LHRLA, *Trafficking of Bangladeshi Women and Children: Discourse*, December 1997

³ US Department of State, *Trafficking in Persons Report*, July 2001

1.3. Situation Analysis

1.3.1. Factors Contributing to Sexual Exploitation and Abuse

Pakistan is a Third World country suffering from dearth of funds. External debts are crucial to the running of the country and a major chunk of its budget goes into debt servicing. Another contender for Pakistan's scant resources are its defense needs, accounting for 31% of the federal government's expenditure. Health and education sectors make up about 2% of the total government expenditure. 'Resource constraints' have become convenient excuses for not taking steps to promote/protect child rights.

There are other baseline factors also that affect the status of children in the country. Predominantly an agricultural country, the major mass of its cultivable land belongs to a handful of powerful landlords. In order to retain control over its people, this class has always stood in the way of development, resisting education. The feudal thinking is also reflected in the family setup. Social norms are designed to perpetuate the strong patriarchal traditions that relegate females to a subordinate position. The low status of women reflects directly on the situation of children. The well being of children in the early years of life depends on the well being of the mother, her health and educational status and the household environment that she creates. For the majority of Pakistan's children, the social and home environment is least conducive to the promotion of their rights.¹

Factors Contributing to Child Sexual Exploitation and Abuse

According to ECPAT Website Database, the factors leading to prostitution mirror those found in other developing countries: poverty, low education levels and a social structure that disadvantages children. Like other countries in the region, the girls are sold by their parents, or lured away, under the pretext of a job or marriage. A government report comes up with this explanation: Over-prevalence of poverty creates an environment that may lead to child sexual exploitation and abuse. Other complex contributing factors include economic disparities, inequitable socio-economic structures, lack of education, growing consumerism, urban-rural migration, gender discrimination, irresponsible male sexual behavior, harmful traditional practices, armed conflicts and trafficking of children.²

There are a variety of underlying and immediate factors that contribute to child sexual exploitation and abuse in Pakistan. Most of the underlying factors relate to policy, legislation, lax implementation of law, and traditional, cultural and religious practices; while the immediate factors include phenomenon like poverty, lack of education and growing consumerism.

Pakistan has certain laws that cover sexual abuse of children and prostitution. However, the legislation is not comprehensive in either protecting the child completely nor is it extensive in covering all the situations in which the child may be abused and exploited. In addition many of them carry anomalies regarding the age limit that defines a child. For instance, while most laws accept that girls are minors until the age of 16 or 18, the Offence of Zina under the Enforcement of Hudood Ordinance claims a girl to be an adult if she has reached puberty. No legislation in Pakistan that claims to protect the rights of women and children can be seen in isolation as long as the Hudood Ordinance is in

¹ Anees Jillani and Zarina Jillani, *Child Rights in Pakistan*

² NCCWD, Report on *National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan*

existence. The mere existence of this Ordinance makes a mockery of the rights of a child because under it rape can be equated with adultery in the absence of proper witnesses.¹

The Lie of the Land²

Despite the fact that the Child Marriage Restraint Act of 1929 is in force in Pakistan, the sale and exchange of female children continues unabated in rural Sindh under the grab and contrived legitimacy of marriage. And while the statute imposes penalties on persons affecting a marriage in which either party is a child – defined as any female under 16 and any male under 18 – it does not affect the validity of such unions. On paper at least, the law states that a parent or guardian who arranges and facilitates the marriage of a minor may be sentenced to a maximum of one month's imprisonment or a fine of 1,000 rupees, or both. But the imposition of such penalties is practically unknown. Moreover, there is no provision for child marriages to be declared null and void.

The *maulvis* who solemnize these marriages are largely indifferent to concerns of age or consent. But there are some who, though unperturbed by the question of age, stress that selling daughters is *haram* and not asking for their consent at the time of *nikkah* makes for a void contract of marriage. A father or other male guardian cannot give consent to a marriage on behalf of the bride, they say while objecting if the girl appears to be an unwilling participant in the proceedings.

No doubt, over the years, there has been a considerable decline in the occurrence of child marriages but it is lower in the case of females than males. The trend of child marriages has been a major cause of girls' illiteracy or lower level of education. It is also evident that child marriages are widely prevalent among cultivators and laborers. Dependency on elders and lack of independent occupational aspirations or occupational mobility further hampers the efforts of limiting child marriages. As a result, child marriages, particularly in the rural areas of Pakistan, continue to take place. There are, however, spatial trends as indicated by different trends of distinct villages. Big farmers seem to be gradually doing away with child marriages; and it remains more concentrated among the landless farmers and laborers. Exposure to urban areas has helped in reduction of child marriage; and finally, realization of bad effects of child marriages has positive relationship with reduction in child marriage.³

Growing consumerism is also adding to the growing child sexual exploitation and abuse. The old values are changing, and more and more families are succumbing to artificial demand created by the multi-national corporations. This is reflected in their desire to be like others at whatever they might cost might have to pay. Now, educated girls of middle-class families are also opting for prostitution as a part-time job, leading to an increase in the phenomenon of prostitution.

1.3.2. Factors Contributing to Trafficking

The trafficking of human beings is, in effect, an extension of the free market philosophy - the laws of supply and demand, and the movement of labor. Poverty has long been the reason behind the migration of workers from rural to urban areas. Increasing income disparity, improved communications and the return of seemingly successful past

¹ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

² Sabeen Jatoi, *Small Changes: The Herald*, August 2001

³ Anees Jillani and Zarina Jillani, *Child Rights in Pakistan*

migrants to their villages which have created a greater awareness of 'how the other half live', have added momentum to the flow by fuelling the desire amongst the 'have-nots'.

Globalization has added an international dimension to the phenomenon of child trafficking. The desire of families to break out of their cycle of poverty has made them increasingly receptive to 'opportunities' abroad. Options for women are, however, limited largely to child minding, domestic service, offers of marriage by wealthy outsiders or prostitution. The apparent lack of alternative options for self-improvement mean that it continues to be relatively easy to trick women into 'migrating' for employment overseas or into selling their children to a broker for a cash advance on money the child will be able to 'earn' in their 'care'.

Factors Contributing to Child Trafficking

According to a government report¹, the criminals and criminal networks take part in procuring and channeling vulnerable children towards commercial sexual expatriation. In perpetuating such exploitation, corruption and collusion, absence of or inadequate laws, lax law enforcement, and limited sensitization of law enforcement personnel play equal role.

On the demand side, market forces have been at play too. Urban migration by men has increased the demand for sexual services. Economic development which brings greater opportunities for local women, and social stigma too, reduce the supply of local prostitutes, and increase the demand for foreign women. This demand is further increased by factors such as the lower costs, for some the perceived exotic allure of foreign women, and by the greater license granted for acts with foreign women - often considered 'lower beings' - which would perhaps not be tolerated with local women. In spite of the increasing number of stories involving the trafficking of women and children, it is worrying that many are still willing to take a chance.

Those sold into sexual slavery in neighboring countries are often all considered prostitutes rather than being seen as exploited, and have the status of illegal immigrants in host countries. Often, on both counts, they are therefore subject to arrest, detention and deportation, situations that become make them vulnerable to further abuse. Their illegal status therefore becomes the basis for their physical confinement within the brothels in which they are forced to work.

In the context of Pakistan, the internal trafficking owes much to the development paradigm followed over the years – the unequal resource distribution has led to limited economic opportunities for most of the population. This, at times, results in migration of families from rural to urban centers for the purposes of trafficking as they lack skills as well as education to adopt any other profession.

1.3.3. Vulnerable Children

Statistical data tells us that 1 in every 3 girls and 4-7 boys respectively are likely to be sexually exploited or abused in some way before reaching the age of 18 years. Despite the fact that not much discussion and research has been held on the issue, many studies have been conducted to determine who are the particularly vulnerable children in order to come up with strategies for their prevention. In this regard, high risk places for children

¹ NCCWD, Report on *National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan*

have been identified as video centers, video game shops, snooker clubs, cinema halls, bus terminals, roadside hotels/restaurants and shrines.¹

Another study² reports us that certain public places are increasingly becoming high risk for children, especially boys. Video shops are identified as one of the most high risk places. Many video shops owners offer free showings of X-rated movies to young boys. Using this means, boys are then lured into the racket and forced or persuaded to provide sexual favors to the video shop owners. Video game arcades and game rooms where pool is played are also notorious for being favorite haunts of adults who abuse children. Sooner or later children run out of money to play and it is then that they are approached by men who offer to pay for them and gradually develop a relationship with the boy that ends up in asking for sex in return for their favors. A method employed by owners of the video games arcade is to let children play on credit. After children have been placed under a considerable amount of debt, the owner blackmails them into sexual relationship with himself or with other men.

Cinema halls, especially those exhibiting pornographic films, have also been identified in this report as places where child prostitution is flourishing. In small cities and towns, restaurants exhibiting X-rated movies are notorious for involving children in sexual activities. Some restaurant owners entice children by charging them highly discounted rates for viewing X-rated movies. Railway stations, bus stations and shrines are other public places where children, especially those who run away from home for various compelling reasons, are at high risk. Pir Wadhai in Rawalpindi is notorious for providing boys for sex. In all probability, the practice is common at most bus stands in the country. A more serious but unexplored form of CSA is the institutionalized prostitution of boys in the transport industry. Young boys are often employed as assistants by truckers who then expect them to provide them with sexual services. Several micro studies have also shown that *madrassas* (places of religious education) are also high-risk places for children. Older students and sometimes, even instructors, have been accused of sexual excesses against children.

The analysis of age group of victims shows us the most vulnerable age group of children from both genders. In the case of female children, abusers mainly target children between the age bracket of 10 to 15 years. As far as the male child are concerned, the most vulnerable age group is 5 to 10 years.³ Now, we briefly discuss some of the children groups who are particularly vulnerable to sexual exploitation and abuse.

Street /Runaway Children: While all children are at risk of sexual abuse, children living on and off the street ('street children', as they are commonly known) are particularly vulnerable. Those children 'on the street' who have no parent or guardian to return to at night and who must fend for themselves are at greatest risk of both sexual abuse and exploitation by clients, pimps, police and others. Moreover, they are at high risk of being picked up by the police. According to an estimate, there are more than 10,000 children on the streets of Karachi alone.⁴

Girls on the street have been found to be in the sex trade. Operating either as beggars or unskilled laborers, they roam around in market places, near hospitals and building sites.

¹ Dr. Muhammad Tufail Khan

² Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan, *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*

³ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

⁴ *10,000 Children Vulnerable on Streets of Karachi: Dawn*, 26 July 2001

They are poorly paid, sometimes just a meal or some small gift. These girls are extremely dirty and their clientele comprises laborers and men who accompany relatives to hospitals. Mostly, their parent did not know about their activities.¹ In 1996, an Islamabad-based NGO Sahil conducted a survey on male child prostitution and found that the children involved in prostitution are usually runaways who get off at the bus stop and are coerced into the trade with the offer of free board and lodging by the local hotel owners. These hotels are located near the bus stand and provide services mainly to people in transit. According to the children, a large part of their clientele are army soldiers and police officers of the immediate and surrounding areas. As a result, these hotels enjoy the protection of the police and continue to thrive.²

Plight of Street/Runaway Children³

The plight of street or runaway children came to the forefront with the Javed Iqbal incident involving killing of more than 100 street children in Lahore. This one incident exposed a number of unpleasant truths about the frailty of the family and its crumbling support system in the face of extreme poverty. All these children came from poor families, and had left home either to look for work or to escape the harshness of their existence at home. HRCP's inquiries reveal that 30 of the victims were children who had runaway from home due to domestic disputes and others had left home in search of work. About 35 children had been away from home for one to four months and 13 for more than four months. Parents of 17 had reported to the police about their missing children, but the police had only registered one report.

Children in Madrassas: Abuse of children in *madrassas* (religious schools) has also been reported. According to newspapers, these are rare and isolated incidents. However, the falseness of this perception has been established by informal NGO visits. Similar to the family, these are institutions from which the chances of such news escaping are extremely limited as the teacher, the religious clerk and the employer are people who exercise great influence in their respective communities. Though the state departments including the recently set up Ministry of Human Rights constantly pledge to take action against these institutions, nothing has been done so far.⁴

Economically Active Children: According to ILO figures, there are 14 million Pakistani children in child labor. This makes them about 20% of the total population of children in Pakistan (about 70 million). These children work daily to earn their living, and are more vulnerable to sexual exploitation and drug abuse. According to a report⁵, young boys in the 11-14 age group at Kasur identified tanneries that have a reputation for child prostitution. One of the tanneries named by a participant was well known to the children, as the owner never refused employment to boys. Another child worker said that some of the boys going there become "addicted" and then they are willing to provide any service for just on e cigarette. This could be a reference to drugs, as children are also lured into prostitution by making them dependent on heroin, etc. It was also started that older boys take new boys to tanneries and initiate them into such activities. When asked whether these children's parents knew about what was happening, children said that parents did not usually believe the boys when they told them such things. "They think that children are making excuses for not going to work," confided one child worker.

¹ Dr. Seemeen Alam, *Girl Child in Especially Difficult Circumstances*

² Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

³ HRCP, *State of Human Rights in 1999*

⁴ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

⁵ Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan, *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*

Children Near Cinema Halls: It is common knowledge that certain cinema halls, all over the country, screen X-rated films illegally. It is also common knowledge that adults often take children along to such movies for their sexual gratification. Boys at such cinema houses in Peshawar said they knew that some men brought teenage boys with them to watch movies. One of them added that the practice of bringing boys to cinema halls was common in cinemas where pornographic clips were being shown. Boys also said that some children who sold potato chips, candies or were begging in the vicinity were also prostitutes. They said that almost everyone knew about them and those who wanted to hire their services would negotiate with them in the premises of the cinema halls. The prostitute boys usually go with their clients after the show.¹

Children Near Video Shops and Pool Tables²

In an FGD conducted in Lahore, young men frequenting video shops and pool tables narrated several incidents of child prostitution in Lahore and Faisalabad, indicating that such incidents are commonplace and are in the knowledge of most people:

- I know some children in my locality who go with older men for money.
- A boy in Faisalabad would have sex for money in the verandah of the market when the market was closed on Fridays.
- Many young maids in our locality have sexual relationships with boys of the same area. They usually do it for money.
- A house in our locality is notorious for CSEC, I have seen young boys going in there for prostitution.
- I know a boy who is given free burgers and kite string by the owner of the burger shop. He prostitutes himself because his parents cannot afford to get him things that he likes.

Children in Prisons: The sexual abuse of children has been found to be prevalent in jails. This statement in a prison survey report, conducted by Dr. Semeen Alam in 1993 on Punjab jails, has also been established through informal NGO visits to jails all over the country. Children were found to be sexually abused not only by older inmates but also by the administrative staff. Children in most jails are not segregated according to appropriate age categories, which increases their vulnerability to abuse. Also, they are not provided with recreational facilities, education (except in the case of religious learning) or vocational training. As a result, they spend long hours unoccupied and are therefore easy prey for abusers.³

Sexual abuse is one of the major problems facing juvenile prisoners in the Provinces of Sindh and Punjab. A major problem in juvenile prisons is over congestion. Close contact leads to sexual interaction among adolescents in many cases. There is also some homosexuality activity by the older prisoners.⁴ In September 2000, after a mutiny at Hyderabad Jail, it was disclosed that adult criminals sexually abused juveniles regularly in the jail. The army rescued 50 juvenile prisoners who were sexually abused on a regular basis by adult criminals. The Chief of prison in Sindh admitted that 50 children had been recovered from the barracks of the criminals and then transferred back to the juvenile ward. This indicates that the jail officials were themselves involved in their transfer to the adult criminal jails.⁵

¹ Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan, *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*

² Ibid.

³ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

⁴ SPARC, *The State of Pakistan's Children 2000*

⁵ SPARC Newsletter, Issue No. 24, September 2000

It is important to note that the laws regarding detention of children clearly state that such children should only be kept in reformatory schools and not in jails. Section 27 of the Prisons Act 1894 specifies separation of adult prisoners from the male prisoners under the age of 18; and those who have reached the age of puberty from those who have not. Similarly, according to the Prison Rules 1978, Rule 294 and 296 on separation of juveniles states that young prisoners should be kept in separate wards from adults: "There must, on no account, be an opportunity for conversation or communication with adults, and they must be kept out of sight of adults as far as possible."¹

1.4. Legal Measures Against Sexual Exploitation and Abuse

Pakistan has certain laws that cover sexual exploitation and abuse of children. However, the legislation is not comprehensive in either protecting the child completely nor is it extensive in covering all the situations in which the child may be abused and exploited. In addition, many of them carry anomalies regarding the age limit of a child. For instance, while most laws accept that girls are minors until the age of 16 or 18, the Offence of Zina under the Enforcement of Hudood Ordinance claims a girl to be an adult if she has reached puberty. No legislation in Pakistan that claims to protect the rights of women and children can be seen in isolation as long as the Hudood Ordinance is in existence.

The mere existence of this Ordinance makes a mockery of the rights of a child because under it rape can be equated with adultery in the absence of proper witnesses. Legislation and judicial measures must address the reality and validity of this Ordinance before examining the effectiveness of other laws. Even though the punishment under the Ordinance is the strictest (life imprisonment and, in some cases, capital punishment), in effect it is unenforceable because of the absurd and unrealistic terms of evidence where the victim may actually end up as the accused. Much of the legislation covering abuse of minors is provincial rather than federal and federal laws overrule provincial laws, which means that Hudood Laws apply to the whole country. An accused can be charged under the provincial law in addition, but not solely.

In the following, we look at the existing legislation with regards to different offences that fall under the head of child sexual exploitation and abuse, although it has to be kept in mind that Pakistan suffers from their lax enforcement and not many cases, especially those of rape and sodomy, are not reported because of social stigmatization the victim family has to face:

(a) Prostitution: The prevention of prostitution, including the restriction on advertising, printing, circulation and display of obscene literature, is a Principle of Policy written into the **Constitution of the Islamic Republic of Pakistan**. It is also a criminal offence under the **Pakistan Penal Code of 1860** (Act No. XLV) to transport or import a girl under the age of 18 years for purposes of prostitution. The offence is punishable by 10 years imprisonment or fine or both. The **Provincial Suppression of Prostitution Ordinance of 1961** is comprehensive legislation related to prostitution. This law makes it a crime to keep a brothel; to attract attention by words, gestures, willful and indecent exposure of the body for purpose of prostitution of a child girl under 16 years of age; to procure, entice or lead away, or attempt to do so, any woman or girl with a view to luring her to become a prostitute; and to keep or detain any woman or girl against her will in any place with intent that she may have sexual intercourse with any man other than her lawful husband.

¹ Anees Jillani, *Cries Unheard: Juvenile Justice in Pakistan*

The **Punjab Children Ordinance of 1983** and the **Sindh Children Act of 1955** also make it a criminal offence to allow a child between the ages of four and 16 years to frequent a brothel not being the home of that child, or to abet, cause or encourage the seduction or prostitution of a girl under the age of 16 years or cause or encourage anyone other than her husband to have sexual intercourse with her. The Punjab Children Ordinance of 1983 also authorizes the Court of a First Class Magistrate to order protection of a child on information received from any interested party in case any offences against the body of the child are being committed.

The Punjab Children Ordinance of 1983, under Sections 25, 26 and 27, covers similar offences to the Sindh Children Act. It, however, does not cover exposure to the risk of seduction as covered under the Sindh Children Act (Section 58). Furthermore, the Punjab Children Act defines a girl child as less than 16 years of age as opposed to the 18 years specified in the Sindh Children Act. Whilst the penalty for placing or exposing a child to a brothel is the same as in the Sindh Children Act, the penalty for “causing or encouraging seduction, etc. of a young girl” (Section 26) and the penalty for “seduction or outrage of modesty” (Section 27) is different in that it provides for three years confinement and/or a thousand rupee fine.

Some Other related Laws

Punjab Youthful Offenders Ordinance 1983 (PYO): It came in effect in Punjab in January 2000. Subsequently, first certified school for juvenile prisoners started functioning at Sahiwal, Punjab on 21 April 2000. The Chief Justice of Lahore High Court also declared the courts of district and sessions judges in Punjab as juvenile courts. On the other hand, the Sindh Governor approved setting up of at least two courts of additional session judges and two courts of judicial magistrates to conduct cases of women, children and under-trial prisoners in jails.

Juvenile Justice System Ordinance 2000 (JJSO): Recent years have seen heightened activity in areas related to child labor and juvenile justice. The JJSO was promulgated effective 1 July 2000 as a step towards providing rehabilitation of juveniles. It bans the death sentence and whipping of children below the age of 18 years. It requires separate criminal courts for children that leads to confusion over those who are already under trial. LHC recently gave a judgment that those already under trial not be benefit for the legislation. The task of rehabilitation has been assigned to the Ministry of Social Welfare. The Ministry would delegate the responsibility to the provinces and monitor the progress under the Ordinance. The government is also attempting to establish legal aid centers with the efforts of young lawyers. Most of these centers will be located in the vicinity of jails.

ILO Convention 182: The government ratified ILO Convention 182 concerning Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, which includes child prostitution and trafficking for sexual purposes, in August this year.

(b) Pornography: The **Constitution of the Islamic Republic of Pakistan**, under its Principle of Policy clause 37 (g), provides that the state shall prevent prostitution; gambling and taking of injurious drugs; and printing, publication, circulation and display of obscene literature and advertisements. **The Pakistan Penal Code** Section 292 prohibits the sale of obscene literature and/or books; the punishment is three months

imprisonment or a fine or both. Under Section 298, the selling of such obscene literature and/or books to children under 20 year of age is punishable by imprisonment for six months or a fine or both. Under Section 294, obscene acts and songs are punishable by imprisonment of three months or a fine or both. The term “obscene”, however, is not defined anywhere in the Code. There is no specific law that provides protection to children in the case of being used for pornography or being exposed to the same.

(c) Child Marriage: The Marriage Restraint Act of 1929 states that a girl may not be allowed to marry if she is below the age of 16 years. However, in case such a marriage does take place the law does not invalidate the marriage, thereby bringing sexual trauma upon the child under total religious and social sanction as well as legal immunity.

(d) Sodomy: It is covered under the **Pakistan Penal Code** (Section 377). The law states that “whomever, intending voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years and shall also be liable to fine.” The minimum sentence for sodomy is two years and the maximum ten years. It is obvious that the State considers sodomy a far more serious crime than vaginal or oral penetration or any other sexual violence to a child where two years is the maximum punishment. It seems that the concern lies more with the nature of the crime, i.e. whether it is “against the order of nature” rather than with the violent aspect of the crime or the trauma that it will cause. Legislation seems therefore to be motivated by morality, i.e. what sexual conduct is acceptable or unacceptable, rather than with the intent to severely penalize sexual violence against children per se. This undermines the seriousness with which child sexual abuse is either understood or addressed.

(e) Rape: The Offense of Zina (Enforcement of Hudood) Ordinance of 1979 makes it a crime punishable with imprisonment for life, and whipping not exceeding 30 stripes, and fine, to kidnap or abduct any woman with intent that she may be compelled to marry any person against her will or that she may be forced or seduced to illicit intercourse; and to sell, let to hire, or otherwise to dispose any person with intent that such person at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose.

The ordinance states that the offence of Zina may be committed by an adult person, defined as a person who is 18 years old if male and 16 years old if female, or a person having attained puberty. Zina is defined as a man and women willfully having sexual intercourse without being validly married to each other. To prove the offence of Zina liable to Hadd punishment, testimony is required. This means either a confession by the accused or the testimony of four Muslim adult male witnesses having witnessed the act of penetration. Tazir punishment may be given if the requisite proof for Hadd punishment is not forthcoming. Tazir means any punishment other than Hadd. Most cases of child sexual abuse are registered under the Hudood Ordinance. Besides making the girls and boys vulnerable to malicious charges of adultery and creating a dangerous situation where a girl who has reported rape can be charged for adultery if she cannot prove rape, the Ordinance has repealed the earlier law on sexual intercourse with wife of minor age (under 14 years), which, as a result, is no longer considered rape.

Chapter 2

After Stockholm

2.1. Government's Response to Commitments Made in Stockholm

The Stockholm Agenda and Plan of Action Against Sexual Exploitation of Children, to which Pakistan is a signatory, demands from the governments to strengthen comprehensive cross-sectoral and integrated strategies supported with a holistic Plan of Action to address the issue. The National Commission on Child Welfare and Development (NCCWD), Ministry of Women Development, Social Welfare and Special Education, has been designated focal point for this purpose.

According to a government report, after the First World Congress on Sexual Exploitation in Stockholm, the Government of Pakistan is looking forward to meet the challenges of the future in child welfare and recovery and reintegration of children victim of sexual abuse and exploitation. The NCCWD, in collaboration with Save the Children, Sweden and Pakistan Pediatric Association, organized a two-day National Workshop on Development of Plan of Action against Child Sexual Abuse and Exploitation in Pakistan in February 2001. As such, it developed a plan of action focusing on the objectives, actions and strategies that needed to be undertaken in the best possible manner.¹

There is no doubt that the NCCWD has taken some initiatives like involving all the stakeholders in the process of developing the National Plan of Action. Still, this has more to do with the fact that the government had to meet its international commitments before Second World Congress against the Commercial Sexual Exploitation of Children, to be held in Yokohama, Japan, in December 2001. One can gauge the government's seriousness from the fact that nothing substantial was done with regard to this for almost four years after the First World Congress in Stockholm in 1996.

As far as the involvement of NGOs in the development of National Plan of Action is concerned, many believe that it is more out of international pressure and the fear on the part of the government that a solo flight would result in nothing but embarrassment owing to its limited capacity and understanding of the issue. Anyway, Pakistan is still not even moving towards database and information system to monitor child sexual exploitation and abuse, although the draft National Plan of Action has a monitoring plan of its own to measure the success of various interventions proposed in it.

2.2. National Plan of Action (NPA)

The problem of child sexual abuse and exploitation is a phenomenon of longstanding and global prevalence. Recently, some micro studies and a national situation analyses

¹ NCCWD, Report on National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan

have uncovered the issues surrounding various forms of child sexual abuse and exploitation in Pakistan. The protection of children from all forms of abuse and exploitation is a high priority for Government of Pakistan. The Pakistan's National Policy and Plan of Action against child sexual exploitation and abuse is anchored on the UN Convention on the Rights of the Child and the 1996 Stockholm Declaration and Agenda for Action against commercial sexual exploitation of children. It affirms the vision and the philosophy laid down in the Constitution of Islamic Republic of Pakistan and the National Plan of Action for children (1991).¹

The process began with the formation of a Core Group of experts, which developed guidelines for formulating the Plan of Action. It was followed by a two-day National Consultation in Islamabad participated by representatives of government and NGOs from all the four provinces, Azad Jammu and Kashmir, Northern areas and Islamabad capital territory. The comments and suggestions from the National Consultation were thoroughly analyzed and incorporated in the draft plan. The plan is presently with the Federal Cabinet for approval and adoption.

Priority Concerns in Formulation of NPA

In order to contribute significantly to the effort in meeting the challenges related to child welfare and development, the following programmatic issues have been addressed as priority concerns in formulation of strategy/Plan of Action:

- Creating awareness among general public on child sexual abuse;
- Developing strategies for the prevention of child sexual abuse at different level of the society like schools, working places, homes and institutions;
- Enacting laws that would cover all aspects of child sexual abuse;
- Developing information material for children to protect themselves from various types of abuses;
- Developing and provide rehabilitative services to the vulnerable and/or abused children; and
- Developing improved monitoring mechanisms at national/local level in cooperation with the civil society.

In the National Policy/Plan of Action, life for children in a just, humane and child friendly society was taken into consideration on the following lines:

- Children are treated as human beings with respect, inherent worth and dignity;
- Children have hope and opportunities to enjoy their fundamental rights, as guaranteed in the United Nations Convention on the Rights of the Child, irrespective of their sex, ethnicity, religion and or socio-economic status;
- Children are free from all forms of sexual abuse and exploitation; and
- Children have access to services and resources, to enable them to develop their full potential and share quality in life, liberty and happiness.

The objectives of the workshop were as follows:

- Formulation of policy guidelines for the authorities working for the cause of child right in public and private sector;
- Development of strategies for prevention, protection, rehabilitation and participation of children to combat the issue of sexual abuse and exploitation in Pakistan;
- Development of an outline of work plan for the welfare and development of children considering the challenges of the new millennium;

¹ NCCWD, Report on National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan

- Identification of the priority areas where the problems of child sexual abuse and exploitation concentrate;
- Preparation of a model for the public private partnership to address the child sexual abuse and exploitation issue; and
- Advocacy and mobilization of the general masses on the issue of child sexual abuse and exploitation.¹

The National Plan of Action is child centered and has three distinct components: prevention, protection, and recovery and rehabilitation. The main strategy of the plan is participation of the people, which runs like a thread in all the three program components mentioned above. The other strategic thrusts of the plan are awareness raising; advocacy and social mobilization; capacity building; setting up and strengthening of functional structures and systems; political commitment; and networking. Recognizing that the problem of child sexual abuse and exploitation cannot be solved by one sector alone, a partnership between and among government and civil society organizations at national, provincial and local levels has been envisaged. Resource mobilization, including international assistance, will be intensified to generate a broad-based support for the programs incorporated in the NPA. Partnership building activities for participation, decision making and acknowledging each stakeholder's contribution will be undertaken at the national, provincial, district, and local levels. The Core Group of experts will continue to assist the NCCWD in implementation of activities envisaged in the NPA.²

There is a need to adopt some specialized policy measures in order to implement the National Plan of Action.³ They are as follows:

1. Review and Revision of Existing Laws:

- Sufficient legislation to combat this issue has been done, but still there is room for its revision and further expansion; and
- The environment for nourishing this problem is persistent and over prevalent, which needs to be checked legislatively.

2. Enforcement of Laws Through Programs/Services Delivery:

- Prevention strategy to secure the population at risk by formulation of effective legislation, vigilant enforcement and services needed be timely disseminated;
- Strategy for withdrawal of affected children and families, providing specific services and assistance; and
- Rehabilitation consisting of physical, psychological as well as social treatment, vocational training, and useful financial assistance. The community involvement is a must for recovery and rehabilitation.

3. Awareness:

- Awareness is the major tool by which resource availability could be strengthened manifold;
- The awareness in this field needs special care keeping in view the socio-religious-cultural values without creating conflicting situations;
- The socio-religious-cultural values be taken as a positive point in the matter and could be artistically accommodated in awareness campaign;
- Restricted awareness campaign to the population at risk, affected children and their families, and discouraging the persons, groups involved in promoting the child abuse and commercial sexual exploitation of children;

¹ NCCWD, Report on *National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan*

² Ibid.

³ Ibid.

- Jails are known centers where child abuse and sexual exploitation of children are reported. Jail reforms be properly concentrated upon; and
- Careful development of curriculum on sex education that should be socially and religiously acceptable, and culturally advisable.

4. Research:

- The child abuse and commercial sexual exploitation is an unrecognized phenomenon, and does not exist on surface in Pakistan. It flourishes underground and is not fully discovered and explored. Extensive explorative and evaluative studies be carried, and carefully be brought to limelight; and
- Disparities in legislation and enforcement be removed, and awareness, rehabilitation and institutional structure available for the purpose be interlinked and inter-netted. New multi-purpose institutions be planned.

5. Training:

- Training of trainers and regular careful training of various segments of society for involving them in combating the problem and refining the capacities of those already working for the purpose.

Monitoring Plan of National Plan of Action: The following is the monitoring plan of NPA with expected outcomes and the indicators to measure them against each activity:¹

PROGRAM I: PREVENTION

Objective: To prevent children from being sexually abused or exploited or harassed through heightened awareness, knowledge and commitment by all sectors of the society to child rights and issues surrounding child sexual exploitation.

Strategic Activity 1: Multimedia awareness raising for general public.

Expected Outcomes:

- 1) Increased level of awareness on CSA/CSE amongst general public; and
- 2) More conducive social and policy environment.

Indicators:

- 1) Active media coverage of CSA/CSE issues;
- 2) A strong and highly visible social mobilization campaign implemented at national, provincial and local levels; and
- 3) Number of media practitioners trained on the CRC and CSA/CSE.

Strategic Activity 2: Development of information and education material on CSA/CSE.

Expected Outcomes:

- 1) Increased level of awareness on CSA/CSE amongst general public; and
- 2) More conducive social and policy environment.

Indicators:

- 1) Culturally appropriate information and education material developed and produced; and
- 2) Number of information and education materials disseminated.

Strategic Activity 3: Observance of Universal Children's Day.

Expected Outcomes:

- 1) Enhanced public awareness and understanding of children's rights and issues surrounding CSA/CSE; and
- 2) More conducive social and policy environment.

¹ NCCWD, Report on *National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan*

Indicators:

- 1) Universal Children's Day observed at national, provincial, district and local levels; and
- 2) Issues surrounding CSA/CSE highlighted on Universal Children's Day.

Strategic Activity 4: Awareness raising through traditional and performing arts.

Expected Outcomes:

- 1) Enhanced public awareness and understanding of children's rights and issues surrounding CSA/CSE; and
- 2) More conducive social and policy environment.

Indicators:

- 1) Number of activities/events organized at all levels.

Strategic Activity 5: Workshops and seminars for professional groups and NGOs/CBOs on children's rights.

Expected Outcomes:

- 1) Enhanced knowledge and understanding of children's rights and issues surrounding CSA/CSE; and
- 2) Enhanced social mobilization for protection of children's rights and prevention of CSA/CSE.

Indicators:

- 1) Number of workshops, seminars, orientation meetings and briefings held and types of target audiences; and
- 2) Number of participants in these events.

Strategic Activity 6: Integration of children's rights, and personal health and protection education in the curriculum.

Expected Outcomes:

- 1) Inclusion of children's rights, and personal health and protection (sex education) into the curriculum of schools and teacher training programs;
- 2) Enhanced knowledge and understanding of children's rights and CSA/CSE issues;
- 3) Increased awareness and participation of teachers on prevention of CSA; and
- 4) Protection behavior developed among school children.

Indicators:

- 1) Teaching modules on the CRC, and personal health and protection developed;
- 2) Modules incorporated in the curriculum;
- 3) Teachers trained on the new modules; and
- 4) Schools imparting children's rights, and personal health and protection education to children.

Strategic Activity 7: Awareness raising and sensitization of high-ranking officials, and members of the parliament and provincial assemblies.

Expected Outcomes:

- 1) Enhanced awareness and understanding of CSA/E issues;
- 2) Enhanced political commitment; and
- 3) More conducive social and policy environments.

Indicators:

- 1) Appropriate information material developed and produced;
- 2) Number of information material disseminated and types of target audiences; and
- 3) Press statements by decision makers.

Strategic Activity 8: Sensitization of police and court officials.

Expected Outcomes:

- 1) Enhanced understanding of children's rights and CSA/CSE issues; and

- 2) A child friendly police and judicial system.

Indicators:

- 1) Various types of information and education materials (posters, leaflets, booklets, brochures, etc.) developed and printed;
- 2) Number of information and education materials disseminated and types of target audiences; and
- 3) Number of orientations held.

Strategic Activity 9: Awareness-raising at the workplace.

Expected Outcomes:

- 1) Enhanced awareness of employers and child workers on CSA; and
- 2) A more protected environment for children at the workplace.

Indicators:

- 1) Number of seminars, workshops and special events held and types of target audiences; and
- 2) Number of employers and children attending the above-mentioned events.

Strategic Activity 10: Community mobilization to develop local vigilance system.

Expected Outcomes:

- 1) Increased participation of communities on child protection issues; and
- 2) Empowered communities to protect their children from CSA/CSE.

Indicators:

- 1) Strategy for community vigilance system developed;
- 2) Number of community vigilance structures established; and
- 3) Number of active/functional community vigilance structures.

PROGRAM II: PROTECTION

Objectives:

- To ensure that there are comprehensive laws that cover all aspects of child sexual abuse and exploitation;
- To ensure full enforcement of laws to protect children from sexual abuse and exploitation;
- To ensure that children are not victimized by the legal system;
- To protect children from being exposed to and be used in the production of pornographic material; and
- To ensure regional cooperation to combat trafficking.

Strategic Activity 1: Review of the existing legislation and development of new laws relating to child protection.

Expected Outcomes:

- 1) Appropriate legislative measures reviewed, amended and passed; and
- 2) A responsive child protection system, based on the CRC and other international measures, in place.

Indicators:

- 1) Legislative enactment criminalizing all forms of sexual abuse and exploitation of children through prostitution, trafficking and pornography;
- 2) No gender bias in laws; and
- 3) Legal age of protection against CSA/CSE is 18 for both boys and girls.

Strategic Activity 2: Review and strengthening of enforcement of laws on child protection.

Expected Outcomes:

- 1) More responsive child protection structures in place to ensure expedient action on child protection interventions; and

- 2) Successful investigations and increased convictions of abusers.

Indicators:

- 1) The existing procedures and mechanisms reviewed and modified;
- 2) Number of orientations and trainings held and types of target audiences; and
- 3) Police procedures in place to monitor convicted offenders.

Strategic Activity 3: To develop and implement a code of conduct for shelters.

Expected Outcomes:

- 1) Better and protective environments for victims of CSA/CSE and other children in especially difficult circumstances.

Indicators:

- 1) Code of conduct for shelters developed; and
- 2) Code of conduct followed by shelters.

Strategic Activity 4: Training of law enforcement personnel on improved implementation mechanisms.

Expected Outcomes:

- 1) Law enforcement personnel educated on new system;
- 2) Law enforcement personnel sensitized on the best interests of the child; and
- 3) A child friendly and culturally appropriate prosecution system in use.

Indicators:

- 1) Number of training events organized and types of target audiences; and
- 2) Free legal aid services provided to sexually abused/exploited children.

Strategic Activity 5: Publicity of laws and mechanisms against CSA/CSE.

Expected Outcomes:

- 1) Enhanced public awareness about laws on CSA/CSE; and
- 2) A more protected societal environment for children.

Indicators:

- 1) Project for publicity of laws developed; and
- 2) Project for publicity of laws implemented.

Strategic Activity 6: Situation analysis of child pornography.

Expected Outcomes:

- 1) A better understanding of the magnitude and types of child pornography in Pakistan, and the emergence of future trends.

Indicators:

- 1) Study on child pornography designed and implemented;
- 2) Findings and recommendations of the study disseminated to policy makers and general public; and
- 3) Actions taken at the state level regarding child pornography.

PROGRAM III: RECOVERY AND REHABILITATION

Objectives:

- To promote and achieve the best possible recovery of child victims of sexual abuse and exploitation;
- To ensure that services provided to child victims and their families are comprehensive and of high quality, using non punitive approach and in keeping with the best interests of the child;
- To build a national pool of healthcare providers who have the expertise to deal with all types of child abuse; and
- To facilitate full rehabilitation and reintegration of child victims into their families and communities.

Strategic Activity 1: Develop a national Core Group of master trainers on psycho-social recovery and rehabilitation of victims of CSA/CSE.

Expected Outcomes:

- 1) A Core Group of master trainers developed; and
- 2) Structure in place for capacity building in the areas of psycho-social recovery and rehabilitation.

Indicators:

- 1) Training imparted to national Core Group of experts; and
- 2) Mechanisms in place to utilize the expertise of the Core Group for capacity building.

Strategic Activity 2: Develop training packages for healthcare providers.

Expected Outcomes:

- 1) Packages/tools for capacity building of healthcare providers in place.

Indicators:

- 1) Training needs assessment done; and
- 2) Training packages developed and printed.

Strategic Activity 3: Train service providers.

Expected Outcomes:

- 1) Capacity of service providers in the area of psycho-social recovery and rehabilitation built;
- 2) Early recovery and rehabilitation of child victims into their families and communities; and
- 3) Accessibility of a variety of child friendly services to victims and families of CSA/CSE.

Indicators:

- 1) Number of healthcare providers trained;
- 2) Number of healthcare outlets providing psycho-social intervention and support services; and
- 3) Number of children/families provided services.

Strategic Activity 4: Establish child sexual abuse committees in all major hospitals.

Expected Outcomes:

- 1) Services to victims and their families institutionalized; and
- 2) Effective case management ensured through multi-disciplinary approach.

Indicators:

- 1) Number of CSA committees established; and
- 2) Number of CSA committees active in providing services.

Strategic Activity 5: Support services for victims/survivors of CSE.

Expected Outcomes:

- 1) Victims/survivors of CSE offered therapeutic and other rehabilitative services.

Indicators:

- 1) Pilot project developed and implemented in Rawalpindi-Islamabad area;
- 2) Lessons learned from pilot project; and
- 3) Model amended and replicated in other parts of the country.

Strategic Activity 6: Development of referral system for victims of CSA.

Expected Outcomes:

- 1) The recovery and rehabilitation of victims of CSA/E facilitated and expedited.

Indicators:

- 1) A referral system developed;
- 2) Referral system implemented; and
- 3) Number of children referred to higher level of care.

Strategic Activity 7: Publicize the available services.

Expected Outcomes:

- 1) Enhanced access to services for victims and families of CSA/CSE.

Indicators:

- 1) Information about the service facilities developed; and
- 2) Information about service facilities disseminated.

Strategic Activity 8: Establish a Documentation Center on CSA/CSE.

Expected Outcomes:

- 1) Timely and effective monitoring and evaluation of CSA/CSE situation and program interventions; and
- 2) Easy access to data for planning, policy and program development.

Indicators:

- 1) Documentation Center established; and
- 2) Data gathered, analyzed and disseminated.

Chapter 3

Good Practices

Although working on child sexual exploitation and abuse is a new domain in Pakistan, still various actors in this arena have employed good strategies and approaches to achieve their objectives. In particular, some of the NGOs working on the issue helped initiation of debate as well as came up with other concrete measures through programming around child rights and protection. In the following, we analyze some good practices used by an Islamabad based NGO and a government agency, as well as a very successful media intervention:

3.1. A Non-Governmental Organization (Rozaan)

Rozaan has developed orientation programs on child sexual abuse for school children, school teachers, parents, police, doctors and smaller NGOs and CBOs. It also invites religious leaders and community groups to attend and participate in these programs, which helps the participants realize that child sexual abuse exists in Pakistan among all socio-economic groups and that it is never the fault of the child. The long and short-term effect of child sexual abuse and the signs and symptoms of an abused person are also openly discussed.¹

Content of Rozaan's Workshop With Professionals

Rozaan generally conducts a two-day workshop with professionals like NGO workers, doctors, police and teachers to:

- raise awareness among a variety of participants;
- provide basic information on child sexual abuse;
- provide basic information about the development of the program;
- identify people and organizations willing to take up the issues of child sexual abuse; and
- prevent children from being abused and to encourage sensitivity when dealing with abused children.

Rozaan also has a follow-up program on how to prevent a child from being abused and how to support an abused girl. The main content of the program is the same for all participants, but the techniques and the focus of the sessions differ from group to group. For example, during the session with children, more discussion takes place about what abuse is, how to protect oneself from being abused and what should be done if abuse takes place. During session with teachers and NGO workers, detailed discussions take place about what child sexual abuse is, what the symptoms of an abused person are, and ways to help protect and support abused girls.

¹ Sita Ghimire, *An Assessment of Interventions to Reduce Violence and Discrimination Against Girls in South Asia*

Rozan also provides a correspondence service (by letter or telephone) to those who are in need. There are three main categories of people who make the phone calls and write letters to them in order to share their experiences and receive help:

- 1) People who are impressed with and who have benefited from the organization's publications;
- 2) People who are at present facing problems of abuse; and
- 3) People who were abused in the past and facing the effects at present.

The NGO responds according to the needs of each person. The counselors provide ideas/techniques, in a participatory way, to those who are facing problems of abuse at present to help them protect themselves. This may involve giving the abuser negative feedback or informing elders or a friend depending on the situation. They also provide counseling to people who have been abused in the past.

3.2. A Governmental Agency (NCCWD)

The National Commission for Child Welfare and Development (NCCWD) has been designated as the focal point for coordination and implementation of the CRC in Pakistan. Its approach has been to involve all stakeholders – NGOs, professionals and experts – in its activities. This experiment has proved to be very successful, as all the planning with regard to child protection and development is being done through a consultative process and in a participatory manner. The agency has also set up a sub-group on child sexual exploitation and abuse in the National Expert Committee on Social Welfare and Protection of Rights. Moreover, the NCCWD has developed a plan of action in collaboration with UNESCAP on Combating Child Trafficking and Child Sexual Exploitation.

At the international level, the NCCWD is collaborating with International Social Services (ISS) to deal with the problem of separation of children from their parents. About 31 registered orphanages are functioning in the Punjab alone in this respect. In order to prepare for the Second World Congress against the Commercial Sexual Exploitation of Children, to be held in Yokohama, Japan from 17-20 December 2001, it organized a national-level consultation on the National Plan of Action on Child Sexual Exploitation and Abuse in February 2001.¹

There has been some criticism on the working of the NCCWD too. For example, an expert on child rights and development writes that the agency “had expressed its resolve to ensure popular participation in the reporting system, but it never went beyond holding of meetings with secretaries of the federal and provincial ministries, and seminars. The government basically has failed to involve popular participation in the drafting of a progress report and, for that matter, even to disseminate the provisions and principles of the CRC.”²

The NCCWD has also initiated a process of reviewing national laws and enforcement of the CRC through these laws. Furthermore, it has established relevant structures at provincial, district and community levels that work in close collaboration with local NGOs in order to contribute to raising awareness about the CRC, as well as to monitor and report on its implementation. Several Expert Committees with various members of civil society (including NGOs, teachers, and members of the legal and media sectors) have also been established. These Expert Committees are on:

¹ SPARC, *The State of Pakistan's Children 2000*

² Anees Jillani and Zarina Jillani, *Child Rights in Pakistan*

- 1) Child Health and Nutrition;
- 2) Registration of Children at Birth;
- 3) Child Labor;
- 4) Protection of Rights; and
- 5) Juvenile Justice.¹

3.3. A Successful Media Intervention (The News)

Use of the media can be identified as another effective strategy. An Islamabad-based NGO published articles, case studies, and question and answer pages on child sex abuse regularly in weekly children magazine of the leading daily English newspaper *The News* and occasionally in other magazines. From readers' reactions, it can be said that use of media is very effective in reaching a larger number of people.²

Views of Readers

- A woman expressed her opinion: "I have been a regular reader of this page for the last three years and it has been very helpful for me to share the information with my daughter/son."
- One rape victim has been receiving counseling through letter from the NGO for three years. In the first few letters, she expressed negative feelings: "I hate manhood, I cannot consider marrying a man, my body has become very dirty and impure, etc." However, in the last few letters she wrote, "Now I am interested in marriage, I respect my body. I no longer feel that it is impure and dirty. I have more self-esteem. My life has changed due to my communication with you."

Undoubtedly, use of media as a strategy to impart awareness to public at large on the issue of child sexual exploitation and abuse has proved very successful. Earlier, there was no debate on the issue and most of the related news were either withheld or not given due coverage in the national and local press, considering the sensitive its nature. The publication of this column not only helped opened up debate on the issue in the media, but also allowed more space to NGOs and other interested professionals.

At another level, this intervention helped many victims as well as sufferers to share their agony. The advice they received from the psychologist brought about a very positive change in their lives and, in a way, they were rehabilitated. Lastly, many hitherto taboo issues like incest were brought to the fore and research was initiated on them. Similarly, myths were dispelled about the abusers as most of the victims were abused by acquaintances, who were educated and also had a social standing.

¹ ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

² Sita Ghimire, *An Assessment of Interventions to Reduce Violence and Discrimination Against Girls in South Asia*

Chapter 4

The Way Forward

4.1. General Recommendations

The following steps can ensure that both NGO and government strategies against child sexual abuse are made more effective and mutually supportive:¹

- Police training must include sensitization on issues such as child sexual abuse;
- Awareness raising information should be disseminated on this issue for the public and also on related issues such as how to report cases;
- Research needs to be initiated on child pornography and children's exposure to pornography;
- Laws must be reviewed so as to provide total protection to children and the laws must be drafted keeping in mind the existing socio-economic realities of the majority of Pakistani children. Systematic programs for the dissemination of these laws to the concerned groups is as critical as drafting these laws because without knowledge of their legal rights children have no way of protecting themselves;
- Laws such as the Hudood Ordinance make it possible for the victim to be penalized and, in many cases, allow the perpetrators to roam free. The Ordinance must be repealed since it continues to exist as a travesty of all other progressive legislation, which attempt to grant children their fundamental rights for a safe and wholesome childhood;
- The legal lacuna in the Marriage Restraint Act of 1929 must be removed. Marriage to a girl under the age of 16 years of age should be held invalid;
- Speedy courtroom procedures must be ensured and justice should be provided with sensitivity to the victim. For example, in-camera hearings should be allowed;
- Shelters specifically for abused/exploited children need to be set up which would include rehabilitative programs;
- In order to assess the number/amount of cases registered under child sexual abuse and to determine changing trends in reporting procedures, it is imperative that information regarding this be made available by the police, shelters and hospitals. Government and NGO collaboration is imperative for designing systems for public awareness and the rehabilitation of victims and perpetrators;
- The government must extend its support to NGOs and individuals wanting to research in the area of child sexual abuse;
- Children should be taught preventive strategies in schools and informed about their legal and social rights;
- Sexual health must be introduced as part of the government curriculum in schools and colleges;
- The media must be sensitized to the issue and encouraged to promote a balanced, informed view;
- Systems must be developed for making the police more accountable;
- The NCCWD should set up a special committee (which must include NGOs who have done research or are in the process of doing research) to investigate the dynamics of child prostitution and to come up with viable intervention strategies; and

¹ Sahil, *Child Sexual Abuse and Exploitation in Pakistan*

4.2. Other Recommendations

4.2.1. Recovery and Reintegration

1. Reintegration strategies should be developed involving the national network of hospitals and various health centers at the provincial, district and community level as well as key members of civil society. Those strategies should be implemented through a range of approaches such as residential care. Psychotherapy and community based programs that nurture and promote indigenous support groups and networks. They should always seek to involve the immediate family of the child.
2. All services and interventions addressing the issue of sexual exploitation must demonstrate respect for the child and be open and non judgmental. These programs can be effective and efficient only if they adopt participatory strategies and respond to the child, the family and the community.
3. Currently in Pakistan there are no programs of recovery, psychosocial rehabilitation and reintegration of victims of child sexual abuse and exploitation. There is an urgent need to establish such facilities, at least in all the major urban centers of the country.
4. Training programs targeting medical staff, law enforcement officials, lawyers, judges and other involved in dealing with victims of sexual abuse or exploitation should be provided. Such training should be aimed at raising awareness about the issues and at making the target audience aware of how to deal with the children as victims and avoid inflicting on them further trauma.¹

4.2.2. Prevention

1. The results of this study highlight the need to make use of the findings to break the deafening silence around the issue of child sexual abuse and child commercial sexual exploitation and to add substance to the debate and decisions on the subject of the sexual exploitation of children in Pakistan.
2. A major national awareness-raising campaign concerning the issue of child commercial sexual exploitation needs to be developed and launched by the authorities, in close collaboration with key members of civil society. Such campaigns should be aimed at removing taboos that prevent people from talking about these issues. It should also be aimed at removing the stigmatization of victims in order to facilitate their eventual reintegration in society. It should also be aimed at raising awareness about HIV and the spread of AIDS.
3. A social awareness program should be developed and implemented which aims to overcome the problems of societal complacency and denial of child sexual abuse.
4. The educational system should be used to raise awareness about the issues and to promote protective behavior among children. Such programs should also target parents, teachers and social workers in addition to the children.
5. Income-generation schemes targeted at the high-risk sections of society should be encouraged in order to reduce poverty levels thereby avoiding the need for some to resort to commercial sexual exploitation as a means of survival.

¹ ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

6. More research should be undertaken aimed at further identifying effective culturally sensitive measures that could be undertaken to prevent the sexual abuse and exploitation of children in Pakistan.¹

4.2.3. Protection

1. Laws should be modified to bring them in line with the CRC, particularly Article 2, ensuring equal treatment of girls and boys before the law, “irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status”.
2. New laws should be considered which will clearly define pornography, including in its electronic forms, and which will criminalize its production, distribution and possession.
3. In the case of child sexual exploitation, the age defining a child should be in line with the CRC as a child subject to exploitation is not in a position to offer consent.
4. Law enforcement personnel should be trained to increase their awareness of child sexual abuse and child sexual exploitation, about existing legislation and how best to implement those. The fact that children subject to abuse and exploitation are victims and not criminals should be emphasized.
5. There is a need for training among law enforcement personnel, NGOs and agencies involved in recovery and reintegration work as well as lawyers and medical staff. This will contribute to a better understanding of the role of each in the rescue and reintegration of children from sexual abuse and exploitation.
6. Enforcement of existing laws should be given priority in order to bring to justice those who sexually exploit and abuse children.
7. Pakistan is not yet considered a priority country for sex tourists; however, there are some reports and incidents that speak of a demand for young children from foreigners, Pakistan needs to be extra vigilant to prevent this trend, especially realizing that a large proportion of HIV/AIDS infection in the flesh market in neighboring countries may divert foreigners to Pakistan Consequently. The Pakistani Tourist Board should take appropriate measures to inform tourists that having sex with a child in Pakistan is a crime and that if caught the perpetrators will be punished.²

4.2.4. Coordination and Cooperation

1. Child sexual abuse and exploitation are complex problems that demand a multi-disciplinary and well-integrated response. The development and implementation of strategies to deal with these issues should be development involving relevant members of the public sector and civil society.
2. Implementation programs should be monitored in order to determine what has been effective and what has been less effective in order to learn from the efforts undertaken. The outcome of such monitoring should be shared with all those concerned on a regular basis and programs modified accordingly.³

¹ ESCAP, *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*

² Ibid.

³ Ibid.

5.1. List of Abbreviations and Acronyms

AIDS:	Acquired Immune Deficiency Syndrome
CBO:	Community-Based Organization
CRC:	United Nations Convention on the Rights of the Child
CSA:	Child Sexual Abuse
CSE:	Child Sexual Exploitation
CSEC:	Commercial Sexual Exploitation of Children
ECPAT:	End Child Prostitution, Pornography and Trafficking of Children for Sexual Purposes
ESCAP:	Economic and Social Commission for Asia and the Pacific
FGD:	Focus Group Discussion
FIA:	Federal Investigation Agency
GoP:	Government of Pakistan
GNP:	Gross Domestic Product
HIV:	Human Immunodeficiency Virus
HRCP:	Human Rights Commission of Pakistan
ILO:	International Labor Organization
ILO C182:	ILO's Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
IPEC:	International Program on the Elimination of Child Labor
ISP:	Internet Service Provider
ISS:	International Social Services
JSSO:	Juvenile Justice System Ordinance 2000
LHC:	Lahore High Court
LHRLA:	Lawyers for Human Rights and Legal Aid
NGO:	Non-Governmental Organization
NPA:	National Plan of Action
NWFP:	North Western Frontier Province
NCCWD:	National Commission for Child Welfare and Development
PCCWD:	Punjab Commission for Child Welfare and Development
PPA:	Pakistan Pediatrics Association
PYO:	Pakistan Youthful Offenders Ordinance 1983
SAP-PK:	South Asia Partnership-Pakistan
SC-S	Save the Children-Sweden
SEC:	Sexual Exploitation of Children
SIDA:	Swedish International Development Cooperation Agency
SPARC:	Society for the Protection of the Rights of the Child
UK:	United Kingdom
UN:	United Nations
UNESCAP:	United Nations Economic and Social Commission for Asia and the Pacific
UNHCHR:	Office of the United Nations High Commissioner for Human Rights
Unicef:	United Nations Children's Fund
US:	United States
WAR:	War Against Rape

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The following is a selected bibliography of documents consulted while writing this review. Only those documents have been listed here from which the review has borrowed extensively. Most of this material deals with country situation of commercial and non-commercial sexual exploitation of children, and has been produced locally. Selected material from regional and international sources has also been included for either of the two reasons: first, it contains information on Pakistan related to CSEC/SEC; and second, it helped the writer in identifying ways to formulate a structure for the review. *An asterisk has been placed after all documents directly related to CSEC.*

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