



EXECUTIVE SUMMARY

Pakistan*



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Introduction

Separated from British India in 1947 on the basis of Muslim nationhood, Pakistan was again divided in 1971 when the west part became Bangladesh. Pakistan is home to 166 million people today, almost half of them are children.¹

Since the country's economy has been in recession for years, nearly one-third of the population is now living under the poverty line.² Poverty is pushing more children into child labour and ongoing conflict and natural disasters have increased the vulnerability of thousands of children. The combination of poverty, low levels of education, extensive child labour and children's low status in society has contributed to their sexual abuse and exploitation. Some research has shown that boys are equally vulnerable as girls and the most vulnerable ages for children are between 11 – 15 years old.³ However, as an Islamic nation, issues regarding commercial sexual exploitation are not openly recognized as a problem of the society.

There exists a stark difference between girls and boys involved in commercial sexual exploitation. Girls engaged in prostitution are not visible on the streets, but are kept in brothels in red light districts or as dancing girls. Family members or third parties tend

to push girls into prostitution from as early as 11 or 12 years of age.⁴ The younger age of entering into prostitution is driven by a high premium for virgin girls. The situation of boys is different as vulnerable boys are usually those who are seeking work and striving for food or lodging. The practice of sexual exploitation of boys takes place in streets, markets, bus terminals, hotels, restaurants and shrines. Boys who are found in these locations are often from poor rural and semi-urban areas. Research also shows a strong relationship between use of drugs and sexual exploitation as children become addicted to the drugs in order to deal with the abuse and exploitation.⁵ Although there is no official report of sexual exploitation of children by international tourists, but prostitution of boys takes place at pilgrim and local tourist shrines.

Pakistan serves as an origin, transit and destination country for child trafficking, mostly of girls. Destinations for cross border trafficking are mainly the UAE and the Middle East. However, internal trafficking may actually be a greater threat in Pakistan. Common methods used for traffickers are promises of a job or money offered to the family of a young girl or the promise of marriage.

National Plan of Action (NPA)

The National Plan of Action for Children (NPA)⁶ was approved in 2006, under the responsibility of the National Commission for Child Welfare and Development (NCCWD), the main authority in charge of child rights and welfare in Pakistan. The NPA covers all areas of child health, education and protection. With a monitoring system annexed to the plan, the time frame under which the goals must be met is 2015. Also as annexed to the NPA for Children is the National Plan of Action against Child Sexual Abuse and Exploitation which was developed in order to address sexual abuse and exploitation by covering key specific actions to be taken around prevention, protection and recovery. Unfortunately, however, there appears to be no resource allocation for the implementation of activities enumerated in the plan.

In 2008, a National Child Protection Policy was drafted to address and prevent violence, abuse and neglect, exploitation and discrimination in children. The draft is yet to be approved by the Federal Cabinet. Lastly, with regard to trafficking in children, a National Plan of Action for Combating Human Trafficking (Trafficking NPA) was launched in 2006. The Trafficking NPA was developed by the Ministry of Interior, with IOM support. The plan is consistent with the previous government's effort in dealing with illegal migration and human smuggling with particular emphasis on Iran and the Gulf States as destinations. The plan however, is criticized as lacking measures to deal with internal trafficking and lacking of a specific timeframe and a failure to address children with special vulnerabilities.

Cooperation and Coordination

The Ministry of Social Welfare and Special Education (MSWSE)⁷ was the nodal agency for child protection until the 18th Constitutional amendment divided its function into separate provincial governments. Commissions for Social Welfare and Development have now been set up at provincial and district levels, but none has a specific function to address CSEC. The government has also established a Child Protection and Management Information System (CPMIS) in 2008 to perform its duty within the NCCWD, in collaboration with other ministries and to distribute and gather information regarding child trafficking, child protection, sexual exploitation and violence against children. To address human trafficking, an Inter-Ministerial Committee on Human Trafficking, Smuggling and Illegal Immigration in the Ministry was formed to monitor and review efforts to combat human trafficking. A specific Inter-Agency Group on Child Trafficking was also set up in 2008 by ten agencies including UN agencies and NGOs.

Meanwhile, Child Protection Committees (CPCs) have been formed in each district.

At the regional level, Pakistan is a member of the Regional Task Force for the implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.⁸ The Task Force has been formed to enhance international cooperation against human trafficking and member countries meet annually. Pakistan has also been part of various joint-working groups with several countries as well as having bilateral cooperation with countries such as Greece, Turkey, Iran. Information regarding human traffickers and smugglers is also disseminated through Interpol. Lastly, Pakistan is part of the South Asian Initiative to End Violence Against Children (SAIEVAC). In November 2010, SAIEVAC had its first Board Meeting in Kathmandu, during which SAIEVAC's workplan for 2010-2015 was approved.⁹

Pakistan's preventive strategies against CSEC mostly focus on access to basic education and awareness raising of child rights and issues relating to sexual abuse.¹⁰ NGOs have been playing the main role in implementing preventive activities. However, the government has been active in some areas of awareness raising programmes, as well as supporting law enforcement agencies relating to combating trafficking in children. Child sexual abuse has been targeted through several campaigns, but the demand side of child prostitution remains untouched, as well as outreach campaigns to children regarding child trafficking.¹¹ However, there are several NGOs who have been playing a significant role in the prevention of

CSEC, for example by establishing centres for vulnerable boys and girls, drop-in centres for street children in urban areas.

With regard to child pornography, the Pakistan Telecommunication Authority (PTA) has formed a code of conduct for internet café owners. Moreover, a series of literature on protecting children from pornography has also been disseminated in schools and the ICT industry in the country has been active by offering services such as filtering and blocking of inappropriate websites for children and organizing training sessions for online child safety.

Pakistan is a federal state. The government has enacted several federal laws as well as provincial laws relating to children; most of them comply with Islamic law. However, there is no uniformity on the application and enforcement of these laws in different levels. The Penal Code of Pakistan does not apply to the tribal areas; neither does the Supreme Court jurisdiction. At the international level, Pakistan is not party to UN Trafficking Protocol or the Optional Protocol on the sale of Children, Child Prostitution and Child Pornography.

The main Pakistani laws that deal with **child prostitution** are the Pakistan Suppression of Prostitution Ordinance of 1961 (Prostitution Ordinance) and several provisions under the Penal Code. However, the Prostitution Ordinance only prohibits causing, encouraging or abetting the seduction or prostitution of a girl below 16 years of age.¹² Boys are therefore not protected and the minimum age fails to comply with international standards. The same case applies to the Penal Code where procurement of only minor girls is punishable¹³, leaving boys out with protection. Moreover, many women and children can be subject to the Zina Ordinance, which by Muslim values, punishes sexual intercourse outside of marriage, as well as rape, which must be witnessed by at least four Muslim males.

Pakistan has no specific legislation on CSEC

in travel and tourism, nor any extraterritorial agreements with other countries for prosecution of internationals who abuse Pakistani children.

Pakistan has several laws to address human trafficking. The Prevention and Control of Human Trafficking Ordinance (Trafficking Ordinance) of 2002¹⁴ is one of them, though it deals only with transnational trafficking. The Trafficking Ordinance criminalizes **trafficking for sexual exploitation** but does not specify children as victims and leaves offences such as the transfer and transportation of persons unpunishable. The Penal Code also provides several provisions regarding trafficking for sexual purpose. Section 366-B penalizes whoever imports a girl under 21 years into Pakistan for the purpose of being forced or seduced to illicit intercourse. Section 372 criminalizes transactions of any person under the age of 18 with the intent that such person shall be employed or used for prostitution. Moreover, the Prostitution Ordinance punishes whoever brings into a province any woman or girl for prostitution.¹⁵

There is no specific law regulating **child pornography** in Pakistan. Pornography can be regarded as obscene materials, of which possession, sale, hire, distribution, exhibition, circulation or production is punishable under the Penal Code. Children are protected from the exposure to obscene materials by the

prohibition of the sale of such materials to persons under 20 years of age. Some related laws include the Prevention of Electronic Crimes Ordinance of 2007 that prohibits cyber stalking. Such stalking includes the use of the Internet to communicate obscene material.

In 2000, the Juvenile Justice System Ordinance (JISO) 2000 was enacted to ensure a better treatment in the justice system of children. A police specialized unit has been established to investigate human trafficking and cybercrime, including child pornography. The Federal Investigation Agency (FIA) has set up Anti-Trafficking Units (ATUs) to be in charge of identifying and protecting potential or actual victims of trafficking and prosecuting offenders. Several child protection units are established in different areas.¹⁶ With regard to child pornography, the FIA has set up a National Centre for Cyber Crime (NR3C)¹⁷ and a complaints centre. Though it has received several complaints from the public, the Centre has reportedly never conducted major investigations.

The Government's support services include legal aid, counseling and rehabilitation in 20 districts across Pakistan. The Federal Government has established a National Child Protection Centre (NCPC) in Islamabad¹⁸ and the Child Protection and Welfare Bureau

(CPWB) providing child protection services from all forms of abuse and exploitation was established in Punjab.¹⁹ However, safe shelter and crisis centres for victims are available only in large urban areas and most of them are not specific to children. There are fifteen Drop-in Centres (DICs) in seven major cities for children suffering from abuse and exploitation. Medical services are available at all hospitals at district and sub-district levels as well as medico-legal sections to manage cases of child abuse. In most cases, psychological counseling and free legal aid are only provided by NGOs proving their major role in child support services in the country. With regard to helplines, the FIA has set up a Help Line which offers information and assistance for trafficking victims based on a referral system, but is not specifically focused on children.²⁰

UNICEF and local NGOs have organized capacity building training for the FIA and law enforcement agencies with a special focus on CSEC and child trafficking.²¹ The National Police Academy has integrated lessons to sensitize issues relating to child abuse and knowledge of the CRC into their national curriculum. Also, in 2009, all Pakistani UN Peacekeeping Mission forces received various trainings including combating human trafficking.²²

Child and Youth Participation

There exists a common believe in Pakistan that children are not capable of making major decisions of their own. The level of child and

youth participation in decision-making or official policy processes is therefore very low.

Priority Actions Required

National Plans of Action

The government should adopt a comprehensive action plan regarding child trafficking, as well as ensure the efficiency of the Committees established by various NPAs relating to CSEC.

Coordination and Cooperation

Pakistan should urgently establish the National Commission on the Rights of Children and allocate sufficient resource for its functioning. Also, the coordination among different government bodies at all levels should be strengthened for the implementation and monitoring of children's rights.

Prevention

The government should strengthen its awareness raising programmes, especially in the areas that have been receiving less attention, such as child prostitution or sexual exploitation of boys. Moreover, research on many additional topics should be carried out to reduce the risk of CSEC in children, such as child sex tourism.

Protection

Pakistan should sign and ratify key international instruments regarding CSEC such as the OPSC and Trafficking Protocol. It should establish a mandatory reporting system for the cases of CSEC as well as setting up a specialized law enforcement agency and child protection units on sexual crimes against children. Reform of legislation should take place to ensure the protection of children, for example, within the Zina Ordinance.

The reform should include clear definitions to be in line with international standards relating to CSEC, such as child prostitution, child pornography and most importantly, the clear and consistent definition of a child. Additionally, law enforcement personnel should receive a specific training and capacity building on tackling with CSEC crimes and victims.

The government should also come up with a specific child care system for child victims of CSEC and provide capacity building for professionals. A structured referral system should be set up as well as specialized programmes for boy victims.

Child and youth participation

The government should prioritise child participation and promote the active participation of children in the fight against CSEC.

Endnotes

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- ⁷ Ministry of Social Welfare and Special Education. Accessed on 25 September 2010 from: <http://www.moswse.gov.pk/>
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- ¹¹ ECPAT International, Pakistan Progress Card, July 2010. Accessed on 25 September 2010 from: http://www.ecpat.net/TBS/HTML/MakeHistory_country.html
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- ²² US Department of State, 2010 Trafficking in Persons Report: Pakistan. Accessed on 25 September 2010 from: <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>