

Sexual Abuse of Street Children in Pakistan: Legal Protection Under International and National Law

Nazir Ullah*, Saidatul Nadia Abd Aziz**, Noor Aziah Mohd Awal***

DOI: <https://doi.org/10.22304/pjih.v11n1.a4>

Submitted: June 25, 2022 | Accepted: January 3, 2024

Abstract

This study covers the social and legal dimensions of sexual abuse encountered by street children in Pakistan. It aims to elucidate the underlying reasons and contributory factors to child sexual abuse within the nation. This study employed qualitative methods, which involved analyzing data from primary sources such as acts of parliament and relevant journal articles. It highlights the exploitation of street children through prostitution, pornography, trafficking, and sex tourism. Therefore, it explored various manifestations of child sexual abuse both within street settings and beyond, alongside their foundational causes in Pakistani society. The study addresses the issue of sexual abuse among street children from two perspectives. Initially, it examines the different forms, prevalence, causes, and consequences of such abuse. Subsequently, it assesses the efficacy of both international and national laws and policies designed to counteract child sexual abuse. Despite the existence of legal frameworks in Pakistan aimed at addressing this issue, they are critiqued for being inadequate and inconsistent. The paper advocates for the introduction of more stringent legislation and enhanced trial transparency as measures to curb the incidence of child sexual abuse effectively. Updating and reinforcing existing legal provisions could significantly reduce the prevalence of such abuse in society.

Keywords: child sexual abuse, legal protection, street children.

A. Introduction

The phenomenon of street children constitutes a significant urban challenge. These children are often encountered in railway stations, in markets near transportation hubs scavenging for food, and under bridges seeking shade from the sun. The term “street child” lacks a precise definition but generally refers to minors who lack a stable residence or shelter.

Coined in the 1980s, the term “street children” describes youths who inhabit or spend a substantial portion of their time in urban streets, endeavoring to support their families and themselves through various forms of employment.¹ Additionally,

PADJADJARAN Journal of Law Volume 11 Number 1 Year 2024 [ISSN 2460-1543] [e-ISSN 2442-9325]

* Ph.D Scholar of the Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, 43600, naazirullah@gmail.com.

** Senior Lecturer of the Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, 43600, nadia_aziz@ukm.edu.my.

*** Professor of the Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, 43600, naha@ukm.edu.my.

¹ Aasma Raja, “Drug Abuse and its Relationship to Sexual Abuse of Street Children,” accessed on February 15, 2022, <https://sahil.org/early-childhood-sexual-experience-male-prostitution/>.

the category encompasses those who are inadequately protected, cared for, or insufficiently supervised by adults.²

Glauser characterizes street children as individuals who spend their lives on streets. They often sleep in various outdoor locations, staying awake until late hours, getting minimal sleep, and being perceived by passersby as abandoned, homeless, tramps, or juvenile delinquents.³ Similarly, Boakye-Boaten defines street children as any minor, regardless of gender, who has not yet reached adulthood and for whom the street (in its broadest interpretation, including unoccupied dwellings, wasteland, etc.) serves as both a habitual residence and a source of livelihood, all while lacking adequate protection, supervision, or guidance from responsible adults.⁴

Furthermore, the United Nations provides a universally accepted definition of street children as any child, regardless of gender, for whom the street, in the most expansive sense, constitutes both a regular dwelling and a means of earning a living and who does not receive effective protection, oversight, or direction from responsible adults.⁵ Children living on the streets are exceptionally vulnerable to sexual abuse,⁶ a form of exploitation where children are used for sexual gratification in various ways, ranging from exposure and touching to rape and sodomy.⁷

The impact of child sexual abuse varies widely, depending on factors such as the nature of the abuse, its severity, the circumstances in which it occurs, and the child's existing life conditions. In developing countries like Pakistan, several factors contribute to the high incidence of child sexual abuse, including poverty, limited access to education, lack of awareness about criminal behaviors, and insufficient legal frameworks contribute to the prevalence of child sexual abuse. In addition, the confluence of religious norms, societal taboos, and socio-cultural expectations concerning honor intensifies the risk of exploitation faced by children.

Addressing the issue of child sexual abuse necessitates not only raising public awareness but also the active involvement of public health workers in preventative initiatives. Programs implemented through institutions like The Institute for Public Health and Protection of Children's Rights are instrumental in educating children and

² Riccardo Lucchini and Daniel Stoecklin, *Children in Street Situations: A Concept in Search of an Object* (Cham Switzerland: Springer, 2020), 66.

³ Allison James and Alan Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Studies of Childhood* (United Kingdom: Routledge, 2014), 145.

⁴ Agya Boakye Boaten, "Street Children: Experiences from the Streets of Accra," *Journal of International Studies*, no. 8 (2008): 77-78.

⁵ Adnan Ashraf, Basharat Hussain, and Faseeh Ullah, "Legal and Institutional Coverage to Street Children in Khyber Pakhtunkhwa," *Pakistan Journal of Humanities and Social Sciences Research* 3, no. 2 (2020): 101-114.

⁶ Dena Aufseeser, "Street Children and Everyday Violence," In: Christopher Harker, Kathrine Horschelmann, Tracey Skelton (ed.), *Conflict, Violence and Peace. Geographies of Children and Young People* (Singapore: Springer, 2015), 110.

⁷ Syeda Shahida Batool and Arham Abtani, "Psychological Impact of Childhood Sexual Abuse: Perspective of Victims," *Journal of Arts and Social Science* 4, no. 2 (2017): 36.

parents on recognizing the signs of sexual abuse and navigating the process of seeking necessary support.⁸

The problem of child sexual abuse in Pakistan has come under increased scrutiny following the tragic case of 7-year-old Zainab from Punjab's Kasur district, whose sexual abuse and murder brought national attention to this pervasive issue.⁹ Despite decades of global research into child sexual abuse, there is a recognized need for more focused efforts to combat this problem within Pakistan.¹⁰ According to a report by Sahil, a notable increase in reported child abuse cases was observed in 2022, with approximately 4.253 instances, marking a 10% rise from the 3.852 cases reported in the previous year. These cases include a range of crimes such as abduction, missing children, rape, sodomy, attempted rape, gang sodomy, gang rape, child pornography, and child marriages. Furthermore, the report highlights around 92 cases of murder following sexual abuse across various regions of the country, underscoring the urgency of addressing this critical issue.¹¹

In Pakistan, children face abuse in several forms, including prostitution, pornography, and sex tourism. Due to the socioeconomic challenges and limited access to resources, a significant number of children, estimated to be approximately 1.5 million, reside on the streets of major cities such as Karachi, Lahore, Peshawar, and Rawalpindi. These vulnerable street children are subjected to various forms of abuse, including sexual exploitation. To address this critical issue effectively, it is imperative to implement strategies to mitigate the factors contributing to the high number of street children. Such strategies should prioritize initiatives that focus on reuniting these children with their families and providing them with essential rehabilitation services.¹² Additionally, fostering open lines of communication about sexual abuse between parents or caretakers and children can cultivate an empowering environment. This approach not only enhances the rates of disclosure among victims and strengthens their self-esteem but also acts as a deterrent to potential perpetrators.

Despite the presence of protective measures in the Constitution and the Pakistan Penal Code, 1860, aimed at safeguarding children from sexual abuse, statistical evidence indicates that these existing laws have been ineffective in addressing the issue within Pakistani society. Moreover, Pakistan has ratified the Convention on the Rights of the Child, 1989, with the intention of integrating the convention's objectives into its national legislation. This paper seeks to explore the social

⁸ Usman Shaukat Tarar, Sharin Shajahan Naomi, and Muhammad Aurangzeb Khan, "Child Sexual Abuse in Pakistan: From Tears Shed to Lives Lost," *Liberal Arts and Social Sciences International Journal* 4, no. 1 (2020): 36, <http://dx.doi.org/10.47264/idea.lassij/4.1.4>.

⁹ Ali Chughtai, "Zainab's Murder: Heinous Crimes, Speedy Trial, and the Challenge of Procedural Rights," *Review of Human Rights* 4, no. 1 (2018): 12, <https://doi.org/10.35994/rhr.v4i1.85>.

¹⁰ Ali Chughtai.

¹¹ Manizeh Banu, "Cruel Numbers 2022," accessed on February 15, 2023, <https://sahil.org/cruel-numbers/>.

¹² Muhammad Ahmed Abdullah (et.al.), "A Qualitative Exploration of Pakistan's Street Children, As a Consequence of the Poverty-disease Cycle," *Infectious Diseases of Poverty* 3 (2014): 2, <https://doi.org/10.1186/2049-9957-3-11>.

challenges encountered by street children and to review the legal mechanisms available for the protection of children against sexual abuse.

This paper scrutinizes the various forms of sexual abuse encountered by street children in Pakistani society and evaluates the international and national legal frameworks designed to combat this issue, highlighting their strengths and shortcomings. A qualitative doctrinal research approach was employed, sourcing information from primary materials such as international human rights conventions and Pakistan's legal provisions for child protection against sexual abuse. Furthermore, secondary data were compiled from diverse sources, including journal articles, reports from human rights organizations, newspapers, publications, and online resources, to enrich the analysis.

B. Prevalence of Street Children

1. Types of Street Children

The United Nations International Children's Emergency Fund (UNICEF) distinguishes two main categories of street children: "children of the streets" and "children on the streets." the former refers to boys and girls who regard the streets as their home¹³ and may maintain sporadic connections with their families, seeking basic necessities, a sense of belonging, and companionship among peers in similar situations. Some within this group may have completely broken ties with their families due to various reasons, including prohibitions against returning home or escaping abusive conditions. Conversely, "children on the streets" maintain regular familial ties and return to their homes. Although they may have access to education, their families often compel these children to beg or work on the streets to contribute financially.¹⁴

2. Statistics of Street Children in Pakistan

The elusive and isolated existence of street children makes it challenging to obtain precise statistics; nonetheless, The United Nations International Children's Emergency Fund estimates the global population of street children at approximately 150 million.¹⁵ United Nations data indicates that between 1.2 to 1.5 million children in Pakistan's major cities live on the streets.¹⁶ These children are frequently subjected to severe abuse, including sexual abuse, child labor, trafficking, and various other forms of violence and maltreatment. A 2021 report by Sahil revealed that out of the total reported cases, 291 children were sexually abused and exploited on the streets. Factors such as illiteracy, poverty, unemployment, rapid population

¹³ Somesh Kumar Singh Tomar and Khirud Chandra Moharana, "Shadows of the Street: India's Street Children," *Journal of Sociology and Anthropology* 11, no. 1-2 (2020): 3, <http://dx.doi.org/10.31901/24566764.2020/11.1-3.337>.

¹⁴ Augendra Bhukuth and Jerome Ballet, "Children of the Street: Why Are They in the Street? How Do They Live?" *Economics and Sociology* 8, no. 4 (2015): 135, <http://dx.doi.org/10.14254/2071-789X.2015/8-4/10>.

¹⁵ Muhammad Ahmed Abdullah (et.al.), "A Qualitative Exploration of Pakistan's Street Children, As a Consequence of the Poverty-disease Cycle," 1.

¹⁶ Shah Nawaz, "Invisible Children: A Case Study of Street Children Education in Pakistan," (Proceedings of 6th AASIC, 2018): 259.

growth, gender discrimination, traditional family structures, and low socioeconomic development significantly hinder child development, survival, and protection in Pakistan,¹⁷ contributing to the growing presence of children on the streets.

3. Prevalence of Sexual Abuse in Street Children

Surveys and interviews conducted by various Non-Governmental Organizations (NGOs) reveal that between 80% to 90% of street children in Pakistan fall victim to sodomy, sexual, and physical abuse inflicted not only by adults but also by older children within their own communities.¹⁸ Alarming, around 90% of these children experience sexual abuse on their very first night living on the streets.¹⁹ Among the street children, approximately 8% are girls, who are particularly vulnerable to exploitation and trafficking. Often, these children seek refuge and sustenance at various shrines, places that unfortunately expose them to recruitment by criminal networks engaged in sexual abuse.²⁰ Furthermore, it is prevalent for these children to become entangled in substance abuse and manipulated by criminals operating on the streets.

Street children are an easy target for abusers as they are innocent, poor, and ignorant of their fundamental rights and often have no family or close circle to support them during their exploitation. Similarly, abusers use them for illegal benefits without resistance, as the children are unlikely to register complaints against their abusers.²¹ The significant hotspots of street children in Pakistani cities are Data Darbar, Badami Bagh, Minar-e-Pakistan, Regal Chowk, Railway station, Laxmi Chowk in Lahore, and some parts of other major cities in Punjab, Sindh, Khyber Pakhtunkhwa, and Baluchistan provinces.²² The following are the major categories of sexual exploitation of street children in Pakistani society.

a. Prostitution

The prostitution undertaken by street children often constitutes efforts to survive, involving occasional tasks performed in exchange for money, food, shelter, or

¹⁷ Aliya Khalid, Muhammad Nasir, and Shuja Ur Rehman, "A Study to Identify the Hot Spots of Street Children in Lahore," *Pakistan Vision* 16 (2020): 45.

¹⁸ Save the Children, "Commercial Sexual Exploitation of Children: A Situational Analysis of Pakistan," accessed on March 19, 2022, <https://humantraffickingsearch.org/resource/commercial-sexual-exploitation-of-children-a-situation-analysis-of-pakistan/>.

¹⁹ Sadiq Hussain and Ghazala Khan, "Street Children and Rehabilitation Services in Pakistan," *Journal of Behavioral Sciences* 23, no. 2 (2013): 118.

²⁰ Faras Ghani, "Pakistan's Street Children," accessed on March 10, 2022, <https://www.aljazeera.com/gallery/2014/8/20/pakistans-street-children>.

²¹ Amir Humza Sohail, Muhammad Hassaan Arif Maan, and Sachal Sohail, "Sex and the Street: The Open Secret of Sexual Abuse Among Pakistan's Two Million Street Children," *Child and Adolescent Psychiatry and Mental Health* 15, no. 65 (2021): 2-4, <https://doi.org/10.1186/s13034-021-00420-3>.

²² Aliya Khalid, Muhammad Nasir, and Shuja Ur Rehman, 51.

protection.²³ These children engaged in survival prostitution hail from different locations including villages, cities, and small towns. These individuals bring their unique backgrounds and experiences. Many originate from families grappling with significant challenges, while others voluntarily escape their homes. Some turn to these activities as a means of survival, particularly after expulsion from educational settings.²⁴ Importantly, it should be noted that a number of these children have experienced sexual and physical abuse prior to their current circumstances.

Child prostitution significantly contribute to the child sexual abuse and exploitation on the streets in Pakistan. Female child prostitution is not commonly visible on the streets or in other public places, yet many are involved in exploitative prostitution in brothels of major cities. They often disguised as “dancing girls.”²⁵ Conversely, male child prostitution is omnipresent and highly visible in major urban areas. The exact number of male and female child prostitutes remains unknown, although it is presumed that males outnumber females.²⁶ Boys are often employed as massagers, with different sexual identities, and in the transport industry, making them readily accessible to abusers.

The sexual exploitation of boys frequently takes place in locations such as bus terminals, markets, streets, hotels, restaurants, and shrines.²⁷ A 2005 report by Save the Children disclosed that commercial sexual abuse of children in transport terminals is systematic. Many bus and truck drivers hire children as assistants and cleaners, offering them basic needs in return.²⁸ In addition, reports indicate the occurrence of child prostitution at specific shrines where criminal organizations engage in drug trafficking and the sex trade. Notable examples include the Bari Imam shrine in Islamabad and Baba Shah Jamal shrine Lahore, both of which are recognized for providing access to young sex workers and narcotics.²⁹

b. Trafficking

²³ Manida Naebklang, “Status of Action Against Commercial Sexual Exploitation of Children: A Global Monitoring Report,” accessed on March 20, 2022, <https://humantraffickingsearch.org/resource/global-monitoring-status-of-action-against-commercial-sexual-exploitation-of-children-pakistan/>.

²⁴ Lukman, Z.M. “Childhood Abuse among Children Involved in Prostitution in Malaysia,” *The Social Sciences* 4 (2009): 567.

²⁵ Manida Naebklang, “Status of Action Against Commercial Sexual Exploitation of Children. ECPAT International, 2011,” accessed on March 8, 2024, https://ecpat.org/wp-content/uploads/2021/08/A4A_V2_SA_PAKISTAN-1.pdf.

²⁶ Anwaar Mohyuddin and Hafeez-ur-Rehman Chaudhry, “Women and Child Trafficking for Sexual Exploitation in Pakistan,” *Journal of Asian Development Studies* 2, no. 4 (2013): 27.

²⁷ Tufail Muhammad, “Commercial Sexual Exploitation of Children; A Situational Analysis of the Transport Industry of Pakistan,” accessed on March 27, 2022, <https://sahil.org/early-childhood-sexual-experience-male-prostitution/>.

²⁸ Tufail Muhammad.

²⁹ ECPAT International, “Contribution to the UNHCR Report on Children Living and/or Working on the Street and the Links to Sexual Exploitation,” accessed on March 27, 2022, https://www.ohchr.org/Documents/Issues/Children/Study/ECPAT_International.pdf.

Human trafficking, recognized as a severe violation of human rights and equated with modern-day slavery, persists as a global concern. Children and women, in particular, are exceedingly vulnerable and often become victims of this egregious crime. Child trafficking, especially, emerges as a distressing activity that infringes upon fundamental human rights and subjects its victims to dangerous conditions with bleak prospects for their future and survival.³⁰ Over recent decades, significant efforts have been made to develop comprehensive definitions that cover various facets of trafficking, including forced labor, bodily mutilation, prostitution, and pornography.³¹ Article 3 (a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 offers a universally accepted definition. This provision characterizes trafficking as the recruitment, transportation, transfer, harboring, or receipt of individuals through the threat or use of force, coercion, abduction, fraud, deception, the abuse of power, or exploiting a position of vulnerability. This is done to achieve consent for the purpose of exploitation, which encompasses prostitution, sexual exploitation, forced labor or services, slavery or practices akin to slavery, servitude, or the removal of organs.³²

Annually, a significant number of children are trafficked from the streets for various purposes such as prostitution, commercial sex work, camel jockeying, and domestic labor.³³ Contributing factors such as poverty, gender discrimination, and a history of sexual and physical abuse increase their susceptibility to trafficking. Traffickers often abduct and sell some children, while others become ensnared by deceitful promises of improved living conditions and job opportunities.³⁴ Children trafficked for sexual exploitation endure profound violations of their fundamental rights, including liberty, dignity, security, freedom from violence, and protection against inhumane treatment. A significant number of children in Pakistan fall prey to domestic trafficking, which exploits them for various reasons, including debt settlement and dispute resolution.³⁵ Of particular concern is the widespread sexual and physical abuse these vulnerable individuals endure. Moreover, instances have been recorded of Pakistani children being trafficked to different global regions, notably to Middle Eastern countries. The Noor Education Trust's report illuminates

³⁰ Neil Howard, *Child Trafficking, Youth Labor Mobility and the Politics of Protection* (London: Palgrave Macmillan, 2017), 31.

³¹ Sourav Madhur Dey, "Women and Children Trafficking in Bangladesh: Historical Significance and Current Challenges," *Remarking an Analisation* 1, no. 9 (2016): 68.

³² Article 3 (a) of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, 2000.

³³ Hannah Stevenson Doornbos, "Slavery and the Streets: Exploring the Links Between Modern Slavery and Children in Street Situation," accessed on April 3, 2022, <https://toybox.org.uk/assets/downloads/slavery-and-the-streets.pdf>.

³⁴ Ishrat Shamim, "Mapping of Missing, Kidnapped, and Trafficked Children and Women: Bangladesh Perspective," *International Organization for Migration (IOM) Dhaka* (2001): 4.

³⁵ Syed Rashid Ali, Hussain Ali, and Ahmad Ali, "The Nexus Between Female Child Trafficking and Pakhtun Culture in Peshawar," *Journal of Social Sciences & Economic Review* 1, no. 1 (2020): 8, <https://doi.org/10.36902/rjsser-vol1-iss1-2020>.

this predicament, indicating that many internally trafficked children are sent to the Gulf States for sexual exploitation. The majority of these victims are below 20 years old (86%), predominantly originating from Pashtun communities in Peshawar, Nowshera, Mardan, and Swabi (83%). It is imperative for public health workers to recognize and address this issue by actively participating in efforts to mitigate its prevalence. Collaboration between the Institute of Public Health and Child Protection Organizations to launch awareness campaigns for parents and children about the risks of sexual abuse could prove instrumental in combating this challenge.³⁶

c. Child Sex Tourism

Child sex tourism involves the exploitation of children through sexual abuse by individuals who travel specifically to engage in such activities. Street children, as an exceptionally vulnerable group, frequently become targets for these tourists due to a lack of adequate protection from their communities.³⁷ Moreover, children who work, particularly those employed in the tourism industry and dependent on seasonal income, face a heightened risk of falling victim to child sex tourism.³⁸

C. International Laws and Policies for Prevention of Child Sexual Abuse

Given the severe nature of child sexual abuse, there exists a global commitment to address and eradicate it from societies.³⁹ Although certain United Nations General Assembly Resolutions handle the issue of street children, neither the Convention on the Rights of the Child, 1989, nor other human rights agreements explicitly refer to street children.⁴⁰ Legal frameworks, such as the CRC and its Optional Protocols, have been devised to protect children's rights. States bear the responsibility to implement effective measures to prevent child abuse and support the recovery of victimized children.⁴¹ Despite the presence of international human rights laws, specific global legal instruments dedicated exclusively to safeguarding street children from sexual abuse are absent. However, various important laws and agreements are in place that cover incidents of child sexual abuse, impacting both street-dwelling and non-street-dwelling children.

³⁶ Syed Rashid Ali, Niaz Muhammad and Abdullah, "Child Trafficking: Analysis of the Leading Familial Determinants," *FWU Journal of Social Sciences* 8, no. 1 (2014): 37.

³⁷ Clara Sommarin, Frans De Man, and Jeanette Trang, "Government, Civil Society and Private Sector Response to the Prevention of Sexual Exploitation of Children in Travel and Tourism," accessed on April 5, 2022, <https://www.unicef.org/media/66766/file/Prevention-of-SEC-in-travel-and-tourism.pdf>.

³⁸ Janez Mekinc, Katarina Music, "Sexual Exploitation of Children in the Tourism- The Dark Side of Tourism," *Innovative Issues and Approaches in Social Science* 8, no. 2 (2015): 70.

³⁹ Ben Mathews, *New International Frontiers in Child Sexual Abuse: Theory Problems and Progress* (Switzerland: Springer Cham, 2019), 123.

⁴⁰ Ajay, "Legal Protection of the Street Children in India: A Critical Analysis," *ILI Law Review Summer Issue* (2019): 12.

⁴¹ Sara Shapouri, "Ending Child Sexual Abuse and Exploitation: A Guide for Child Protection in Iran," *Whittier Journal of Child and Family Advocacy* 7, no. 1 (2007): 79.

The Convention on the Rights of the Child (CRC) stands as one of the most universally endorsed human rights treaties, addressing both the rights of children and the obligations of state parties to safeguard these rights. Pakistan ratified the Convention on November 12, 1990.⁴² The CRC delineates children's rights into four primary categories: the right to survival, the right to protection from neglect, abuse, and exploitation, the right to develop to their full potential, and the right to participate in family, community, and societal life. The CRC's preamble asserts the fundamental right of every child to receive protection and care, recognizing the dire conditions faced by children in many states that necessitate special care and protection.⁴³

Certain rights enumerated by the CRC hold particular significance for street children. The heightened vulnerability of these children to abuse due to their visibility on the streets is addressed in Article 19, which mandates state parties to shield children from all forms of violence, including sexual abuse. This article specifies that states must undertake measures to ensure this protection. While Article 19 broadly addresses sexual violence against children, it does not explicitly define sexual abuse and exploitation. The UNCRC Committee's General Comment Number 13 clarifies that violence encompasses physical, mental, and sexual abuse, linking Article 19 directly to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. Given the increased likelihood of street children engaging in antisocial behaviors such as drug addiction and trafficking, it is incumbent upon state parties to implement stringent laws and regulations to deter children from these activities.⁴⁴

Articles 34, 35, and 39 of the CRC specifically address the issues of child sexual abuse and exploitation. Articles 34 and 35 require state parties to undertake measures to protect children from all forms of sexual abuse and exploitation. This encompasses preventing the inducement or coercion of a child into unlawful sexual activities, as well as the exploitative use of children in prostitution and the production of pornographic materials. Article 39, similarly, mandates state parties to assist in recovering and reintegrating victimized children within their jurisdictions. Despite recognizing the significance of these rights, the CRC does not provide for an individual complaint mechanism through which the grievances of street children could be directly presented to the Committee on the Rights of the Child. Additionally, although special rapporteurs play a crucial role in identifying and addressing the issues faced by street children, the CRC lacks a designated special rapporteur for this vulnerable group.

The UN General Assembly adopted the Optional Protocol in 2000, which came into effect on January 18, 2002. Pakistan signed the Optional Protocol in 2001 and

⁴² United Nations Treaty Collection, "Convention on the Rights of Child, 1989," accessed on 10 April 2022, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en.

⁴³ The preamble of the Convention on the Rights of the Child, 1989.

⁴⁴ Article 33 of the Convention on the Rights of the Child, 1989.

ratified it in 2011. This Protocol augments the Convention on the Rights of the Child (CRC) by broadening the scope of actions state parties must take to protect children from sexual exploitation. It criminalizes specific activities, such as child prostitution, child pornography, and the sale of children, advancing beyond the CRC to emphasize not only protection but also the imposition of penalties for prevention. Additionally, the protocol sets forth vital standards for the protection of child victims in criminal judicial proceedings and recognizes their right to appropriate remedies.⁴⁵

Article 3 of the Optional Protocol mandates that state parties integrate provisions against child sexual abuse and exploitation into their penal or criminal codes. This article explicitly outlines the criminal acts of sexual abuse toward children that must be incorporated into the criminal justice systems of the state parties.

“(i) Sexual exploitation of the child, (ii) transfer of organs of the child for profit, (iii) Engagement of the child in forced labour, (iv) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption, (v) Offering, obtaining, procuring, or providing a child for child prostitution, (vi) Providing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the purpose of child pornography.”⁴⁶

Article 4 addresses the jurisdiction over offenses related to child trafficking, child prostitution, and child pornography, indicating that state parties may assert jurisdiction over these offenses based on the principle of active personality. In addition, Article 9 obliges state parties to enact distinct preventive measures to shield children from sexual abuse, detailing the requirements for such protective actions.

“States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies, and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.”⁴⁷

The second paragraph of the article underscores the critical need to raise public awareness about preventive measures against child sexual abuse through education and training. It further emphasizes that state parties must offer support to victims in their recovery, facilitate their reintegration into society, and ensure they have access to appropriate mechanisms for obtaining compensation from offenders. The

⁴⁵ The United Nations Children’s Fund, “Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,” accessed on April 17, 2022, https://www.unicef-irc.org/publications/pdf/optional_protocol_eng.pdf.

⁴⁶ Article 3 of the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2002.

⁴⁷ Article 9 of the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

Committee on the Rights of the Child has identified additional preventive measures not explicitly outlined in the protocol, such as the establishment of an effective birth registration system.⁴⁸ The article also stresses the importance of a holistic strategy to tackle the root causes of children's vulnerability to sexual abuse, acknowledging that children living on the streets, in poverty, affected by war, and unaccompanied minors face a higher risk of sexual abuse.

The International Labour Organisation's Convention 182, focusing on the worst forms of child labor, is pivotal in the fight against child sexual abuse. This convention obliges member countries to undertake measures to eliminate child prostitution, pornography, and trafficking.⁴⁹ It highlights the urgency of taking immediate actions to halt the exploitation of children and mandates countries to act swiftly to prevent their involvement in detrimental labor practices. Moreover, the convention advocates for the rehabilitation and reintegration of exploited children back into society.

1. International Commitments

The first global congress against child sexual exploitation, held in Stockholm in 1996, represented a pivotal moment in the international campaign to combat this issue. UNICEF, Non-Governmental Organizations (NGOs) supporting the Convention on the Rights of the Child (CRC), ECPAT International, and the Swedish government collaboratively organized the congress.⁵⁰ It convened representatives from 122 states, including Pakistan, alongside various international agencies and non-governmental organizations. The assembly engaged in thorough discussions and deliberations, culminating in the adoption of a declaration and action plan aimed at eradicating the commercial sexual exploitation of children.⁵¹

The action plan advocated for the "development of national agenda for action and indicators of progress, with set goals and time frame for implementation, targeted to reducing the number of children vulnerable to commercial sexual exploitation of children and nurturing environment attitudes and practices responsive to child rights."⁵² The agenda underscored the necessity of collaborative efforts among states and recommended the collection of data on both victims and perpetrators of sexual abuse. Furthermore, the congress proposed strategies

⁴⁸ The United Nations Children's Fund, "Handbook on the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography."

⁴⁹ Article 1 & 3 of the C182-Worst Forms of Child Labor Convention, 1999 (Number 182).

⁵⁰ Karen Mahler, "Global Concerns for Children Rights: The World Congress Against Sexual Exploitation," *Journal of International Family Planning Perspectives* 23, no. 2 (1997): 79.

⁵¹ Tufail Muhammad, "Commercial Sexual Exploitation of Children; A Situational Analysis of the Transport Industry of Pakistan."

⁵² Sarah Alexander, Stan Meuwese, and Annemieke Wolhuis, "Policies and Development Relating to the Sexual Exploitation of Children: The Legacy of the Stockholm Conference," *European Journal on Criminal Policy and Research* 8 (2000): 479-501.

focused on prevention, protection, recovery, reintegration, and the encouragement of child participation to address this challenge effectively.⁵³

In 2001, UNICEF, NGOs, ECPAT International, and the government of Japan organized the Second World Congress in Yokohama.⁵⁴ The Congress primarily focused on evaluating progress in the development of national action plans, relevant legal frameworks, and policies aimed at protecting children from sexual abuse.⁵⁵ Upon analyzing the issue, participants of the congress endorsed the Yokohama Global Commitment. This declaration reaffirmed their dedication to developing national agendas, strategies, or plans of action and effective implementation of measures, including child rights-based laws and law enforcement.⁵⁶ The Yokohama commitments also stipulated that state parties should tackle the root causes of child sexual abuse and enhance educational opportunities for children, with a particular emphasis on girls. Additionally, the commitment urged states to enact legislation to criminalize the commercial sexual abuse of children, explicitly advocating against the penalization or criminalization of the child victims themselves.

The third World Congress against the sexual exploitation of children and adolescents took place in Rio de Janeiro, Brazil, from November 25 to 28, 2008.⁵⁷ Representatives from states, intergovernmental and non-governmental organizations, the legal community, human rights institutions, parliamentarians, religious leaders, researchers, and academics attended the Congress.⁵⁸ The primary agenda was to review developments and actions undertaken since the previous meetings.

A crucial objective of the congress was to identify key lessons and challenges in implementing the goals and targets of a call to action aimed at prohibiting and preventing child sexual abuse and offering necessary support to the victims. This call to action stressed the importance of intensifying efforts to combat the issue by creating uniform child protection systems at the national level.⁵⁹ it urged states to

⁵³ Christine Beddoe, *World Congress Against the Sexual Exploitation of Children and Adolescents* (United States: John Wiley & Sons, 2015), 17-18.

⁵⁴ Child Rights International Network, "Yokohama Congress- The Second World Congress against the Commercial Sexual Exploitation of Children," accessed on April 10, 2022, <https://archive.crin.org/en/library/events/yokohama-congress-second-world-congress-against-commercial-sexual-exploitation.html>.

⁵⁵ Second World Congress Against Commercial Sexual Exploitation of Children, "Yokohama Global Commitment 2001," accessed on April 10, 2022, <https://www.refworld.org/docid/3f9fe2bd4.html>.

⁵⁶ Tufail Muhammad, "Commercial Sexual Exploitation of Children: A Situational Analysis of the Transport Industry of Pakistan."

⁵⁷ Christine Beddoe, 17-18.

⁵⁸ ECPAT International, "Report of the World Congress III Against Sexual Exploitation of Children and Adolescents," accessed on March 23, 2022, https://childhub.org/sites/default/files/library/attachments/870_863_EN_original.pdf.

⁵⁹ Tufail Muhammad, "Commercial Sexual Exploitation of Children; A Situational Analysis of the Transport Industry of Pakistan."

allocate the necessary budgets, focusing on identifying environments where children are at high risk of sexual exploitation, to protect them from such violence.⁶⁰

D. Pakistan's National Law on Child Sexual Abuse

Although Pakistan has established laws to safeguard children, there is a significant absence of specific legislation targeting sexual abuse against street children. The legal framework includes comprehensive rights and protections for children; however, the Pakistan Penal Code, 1860, remains the primary legislation addressing child sexual abuse offenses.

The Constitution of Pakistan lays down general principles for future legislation and affirms fundamental rights for all citizens.⁶¹ The chapter on Fundamental Rights in the constitution aligns closely with the Convention on the Rights of the Child (CRC) provisions. It mandates that legislatures create laws and regulations to protect its citizens, with particular emphasis on children and women.⁶² Article 8 declares any laws inconsistent with fundamental rights as void, aiming to eliminate rules that contradict the constitution's fundamental rights. Article 9 ensures the security of life and liberty for all citizens, while Article 11 outlaws slavery, forced labor, and human trafficking within the country. Article 25 prohibits gender discrimination and ensures equal legal protection for both genders. Notably, Clause 3 of Article 25 acknowledges children's special need for protection due to their vulnerability, permitting the state to enact specific laws for the protection of women and children. The constitution thus provides fundamental social and economic rights to children. While it does not explicitly state the best interest principle, Article 25 (3) encompasses a broad scope, compelling the state to legislate for children's protection.⁶³

Before the implementation of the Criminal Law (Second Amendment) Act 2016, the Pakistan Penal Code 1860 only included definitions for certain offenses related to rape and unnatural offenses, lacking specific provisions for child sexual abuse offenses. Sections 375 and 376 of the Penal Code, which defines rape and prescribes its punishments, underwent re-incorporation into the Penal Code with the enactment of the Protection of Women Act, 2006.⁶⁴ In its fifth periodic report, Pakistan acknowledged the gravity of child sexual abuse as a serious crime within the country and recognized the necessity for reforms in criminal law to address child sexual abuse more effectively. Consequently, the Committee on the United Nations of the Rights of the Child (UNCRC) recommended that Pakistan prioritize the creation

⁶⁰ ECPAT International, "Report of the World Congress III Against Sexual Exploitation of Children and Adolescents."

⁶¹ Shabbar Raza Rizvi, *Constitutional Law of Pakistan: Text, Case Law and Analytical Commentary* (Lahore: Vanguard Books Pvt Ltd, 2002), 47.

⁶² M. Mehmood, *Law of Crime, Pakistan Penal Code, 1860 with Commentary* (Lahore: PLD Publications, 2014), 21.

⁶³ Muhammad Imran Ali, "Protection of Children from Sexual Abuse: Application of the United Nations Convention on the Rights of the Child in the Domestic Legislation of Pakistan & India," *International Journal of Human Rights* 6 (2019): 37.

⁶⁴ Muhammad Imran Ali, "Protection of Children from Sexual Abuse in Early Years Education in Pakistan: Challenges and Issues," *Journal of Early Childhood Care and Education* 2 (2018): 123.

of legislation that explicitly defines and prosecutes child sexual abuse.⁶⁵ The Pakistan Penal Code underwent significant amendments with the enactment of the Criminal Law (Second Amendment) Act, 2016 to more effectively address the grave issue of child sexual abuse within the country. This act introduced several sections dedicated to offenses related to child sexual abuse. Section 292-A criminalizes the act of exposing children to seduction with the intent of sexual abuse, along with specifying the penalties for such offenses. The legislation has been expanded to include child pornography under section 292-B, detailing the punishments for such acts. Furthermore, section 22 of the Electronic Crimes Act of 2016 categorizes child pornography as a serious crime, outlining appropriate penalties.

The amendment broadens its scope to cover acts of cruelty towards children under section 328-A and trafficking within Pakistan under section 369-A. Notably, section 377-A provides a definition for child sexual abuse, with section 377-B detailing the punishment. Sexual abuse is defined as engaging or coercing any individual under eighteen years of age in sexual activities, including fondling, exhibitionism, or any obscene conduct, with or without consent, thus establishing a comprehensive legal framework to combat child sexual abuse.⁶⁶

In response to the tragic case of Zainab, a seven-year-old girl from Kasur district in Punjab province, who was sexually abused and murdered, the National Assembly enacted the Criminal Laws Act, 2018. This act aims to enhance penalties for offenses related to child sexual abuse and child pornography. Section 377-B of the Code has been amended to increase the punishment for sexual abuse from 14 to 20 years. In addition, section 292-C now includes provisions for child pornography with a minimum penalty of two years and a maximum penalty ranging from seven to 20 years.⁶⁷

According to Sahil's data, the incidence of reported cases of child sexual abuse in Pakistan is on an alarming rise, indicating that the existing amendments to the Pakistan Penal Code are insufficient to combat this issue effectively. Comprehensive legislation specifically targeting all facets of child sexual abuse has yet to be enacted in Pakistan. The absence of uniform and comprehensive legislation makes it challenging for courts to impose penalties on perpetrators of sexual abuse. Additionally, burdening the already overburdened courts with extra responsibilities would not serve the interests of justice or the needs of child victims who require a speedy response.⁶⁸ The UNCRC Committee has expressed grave concerns regarding the high number of child victims of sexual abuse and exploitation. The committee is particularly troubled by the government's failure to implement adequate preventive

⁶⁵ United Nations Committee on the Rights of the Child, "Concluding Observations on the 5th Periodical Report of Pakistan," accessed on April 10, 2022, <https://digitallibrary.un.org/record/835009?ln=en>.

⁶⁶ Section 377-A of the Pakistan Penal Code, 1860.

⁶⁷ Section 377-B & 292-C of the Pakistan Penal Code, 1860.

⁶⁸ Tahira Jabeen, "Child Protection Legislation in Pakistan: Bringing International Child Rights Obligations and Local Values Together," *Pakistan Journal of Criminology* 8, no. 3 (2016): 21.

measures against child sexual abuse and to establish punitive measures for all types of child sexual abuse offenses.⁶⁹

The Constitution of Pakistan mandates the protection of children from all forms of violence and authorizes the government to develop comprehensive laws and policies for safeguarding children from abuse. Although a few amendments have been incorporated into the legal regime pertaining to child sexual abuse, the statistics show that the implementation of the law is far from achieving its objectives. Consequently, merely updating, revising, and disseminating existing laws does not effectively address the problem. Thus, there is a critical need for comprehensive and uniform legislation to eradicate child sexual abuse. The primary authority responsible for addressing this issue is the police, which have shown a lack of the necessary sensitivity required for handling cases of child sexual abuse effectively. The deployment of trained law enforcement personnel throughout all phases of addressing this issue, from prevention to the successful prosecution of offenders, becomes crucial. Moreover, beyond legal and procedural reforms, forensic laboratories are essential for crime and perpetrator identification.⁷⁰

Current reports indicate that Pakistan has a limited number of forensic labs specializing in forensic science, with the Punjab Forensic Science Agency being the only advanced facility in the country.⁷¹ Therefore, establishing advanced forensic laboratories in each district is vital to facilitate prompt and accurate investigations of sexual abuse cases. The present legal framework requires revision to align with human rights standards and to offer sufficient protection for child victims. In *Muhammad Shahzad Khalid v The State*, the Islamabad High Court Observed that Pakistan is a Signatory to the UNCRC, emphasizing the need to consider international standards on Child Sexual Abuse (CSA) as outlined in the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography.⁷²

To combat child sexual abuse effectively, establishing a child-friendly legal process is essential, one that ensures adequate legal support and guidance for victims. Presently, child-related laws in Pakistan fall under the jurisdiction of various government departments, and the devolution of legislative matters following the 18th Constitutional Amendment has led to further fragmentation of this issue. Moreover, the existing legal standards for child protection fail to conform to both the constitution and UNCRC guidelines. In light of these shortcomings, consolidating existing legislation on sexual crimes against children into a unified, comprehensive

⁶⁹ United Nations Committee on the Rights of the Child, "Concluding Observations on the 5th Periodical Report of Pakistan," accessed on April 10, 2022, <https://digitallibrary.un.org/record/835009?ln=en>.

⁷⁰ *Salman Akram Raja v Government of Punjab*, 2013 SCMR 203.

⁷¹ Nauman Rasool and Muzamal Rasool, "DNA Evidence in Sexual Assault Cases in Pakistan," *Medicine, Science, and the Law* 60, no. 4 (2020): 276, <https://doi.org/10.1177/0025802420934240>.

⁷² *Muhammad Shahzad Khalid v The State*, Criminal Appeal Number 151/2020.

law is crucial. This law should include effective mechanisms for reporting, investigating, and prosecuting such offenses.

E. Conclusion

Street children in Pakistan are highly vulnerable to sexual abuse and exploitation daily. These depressing acts include rape, unprotected sex, survival sex, and trafficking for various purposes. The rising number of street children in the country can be attributed to factors such as poverty, family problems and disputes, lack of education and proper supervision, urbanization, armed conflicts, and natural disasters. Consequently, street children face numerous challenges that have social, physical, and psychological repercussions.

The issue of street children experiencing sexual abuse requires urgent attention from governmental and non-governmental organizations, as well as from donor agencies. The implementation of strict legislative measures, complemented by effective administrative actions, could play a crucial role in preventing such egregious acts against these vulnerable individuals. Pakistan should aim to revise its national legislation to align with international standards set by the UNCRC, ensuring the protection of children's rights. Incorporating the principle of the child's best interest into the fundamental rights chapter of the constitution is vital, as it will guide the development of future child protection laws.

Pakistan needs comprehensive and separate legislation that specifically addresses issues related to child sexual abuse. To effectively tackle this issue, establishing special courts dedicated to handling child sexual abuse cases would prove beneficial. These specialized courts would facilitate an expedited legal process, ensuring swift justice to victims. Supporting this initiative, it is imperative that judges, prosecutors, law enforcement officials, and other judicial personnel undergo specialized training. Workshops and programs focused on child sexual abuse cases should be designed to provide these professionals with the skills necessary for delivering prompt and sensitive justice.

Addressing child sexual abuse within Pakistan's conservative and traditional society poses additional challenges. Despite these societal constraints, it is vital for public health professionals to recognize their role in safeguarding children's well-being and to engage actively in prevention efforts. Awareness programs conducted by entities like the Institute of Public Health and Protection of Children's Rights are essential for educating children and parents about the risks of sexual abuse. Introducing a national registration system for individuals convicted of child sexual abuse could significantly bolster prevention strategies. Moreover, the establishment of strict enforcement protocols, accompanied by clear guidelines through a monitoring authority, is crucial for combating these offenses against vulnerable street children effectively.

References

Books

- Aufseeser, Dena (ed.) "Street Children and Everyday Violence," In: Christopher Harker, Kathrine Horschelmann, Tracey Skelton. *Conflict, Violence and Peace. Geographies of Children and Young People*. Singapore: Springer, 2015.
- Beddoe, Christine. *World Congress Against the Sexual Exploitation of Children and Adolescents*, United States: John Wiley & Sons, 2015.
- Howard, Neil. *Child Trafficking, Youth Labor Mobility and the Politics of Protection*. London: Palgrave Macmillan, 2017.
- James, Allison and Alan Prout. *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Studies of Childhood*. London: Routledge, 2014.
- Kinnear, Karen L. *Child Sexual Abuse: A Reference Book, Santa Barbara California*. United States: ABC-CLIO, 2011.
- Lucchini, Riccardo and Daniel Stoecklin. *Children in Street Situations: A Concept in Search of an Object*. Cham Switzerland: Springer, 2020.
- Mathews, Ben. *New International Frontiers in Child Sexual Abuse: Theory, Problems and Progress*. Switzerland: Springer Cham, 2019.
- Mehmood, M. *Law of Crime: Pakistan Penal Code, 1860 with Commentary*. Lahore: PLD Publications, 2014.
- Munir, Muhammad. *Rights of the Child in Islam: Theory, Mechanism, Practices, and Convention on the Rights of the Child*. Islamabad: International Institute for Research and Dialogue, 2017.
- Rizvi, Shabbar Raza. *Constitutional Law of Pakistan: Text, Case Law and Analytical Commentary*. Lahore: Vanguard Books Pvt Ltd, 2002.

Other Documents

- Ahmed Abdullah, Muhammad (et.al.) "A Qualitative Exploration of Pakistan's Street Children as a Consequence of Poverty Disease Cycle." *Infectious Disease Poverty* 3 (2014): 1-8. <https://doi.org/10.1186/2049-9957-3-11>.
- Ajay. "Legal Protection of The Street Children in India: A Critical Analysis." *ILI Law Review Summer Issue* (2019): 1-12.
- Alexander, Sarah (et.al.) "Policies and Development Relating to the Sexual Exploitation of Children: The Legacy of the Stockholm Conference." *European Journal on Criminal Policy and Research* 8, no. 4 (2000): 479-501. <http://dx.doi.org/10.1023/A:1008759107302>.
- Ashraf, Adnan, Basharat Hussain, and Faseeh Ullah. "Legal and Institutional Coverage to Street Children in Khyber Pakhtunkhwa." *Pakistan Journal of Humanities and Social Sciences Research* 3, no. 2 (2020): 102-114.
- Banu, Manizeh. "Cruel Numbers 2022." Accessed on February 15, 2023. <https://sahil.org/cruel-numbers/>.

- Bhukuth, Augenddra and Jerome Ballet. "Children of the Street: Why are They in the Street? How Do They Live?" *Economics and Sociology* 8, no. 4 (2015): 134-148. <http://dx.doi.org/10.14254/2071-789X.2015/8-4/10>.
- Boakye-Boaten, Agya. "Street Children: Experiences From the Streets of Accra." *Journal of International Studies* 8 (2008): 76-84.
- Child Rights International Network. "Yokohama Congress- The Second World Congress against the Commercial Sexual Exploitation of Children." Accessed on April 10, 2022. <https://archive.crin.org/en/library/events/yokohama-congress-second-world-congress-against-commercial-sexual-exploitation.html>.
- Chughtai, Ali. "Zainab's Murder: Heinous Crimes, Speedy Trial and the Challenge of Procedural Rights." *Review of Human Rights* 4, no. 1 (2018): 11-29. <https://doi.org/10.35994/rhr.v4i1.85>.
- ECPAT International. "Contribution to the UNHCR Report on Children Living and/or Working on the Street and the Links to Sexual Exploitation." Accessed on March 27, 2022. https://www.ohchr.org/Documents/Issues/Children/Study/ECPAT_International.pdf.
- _____. "Report of the World Congress III Against Sexual Exploitation of Children and Adolescents." Accessed on March 23, 2022. https://childhub.org/sites/default/files/library/attachments/870_863_EN_original.pdf.
- Ghani, Faras. "Pakistan's Street Children." Accessed on March 10, 2022. <https://www.aljazeera.com/gallery/2014/8/20/pakistans-street-children>.
- Humza Sohail, Amir (et.al.) "Sex and the Streets: The Open Secret of Sexual Abuse Among Pakistan's Two Million Street Children." *Child and Adolescent Psychiatry and Mental Health* 15, no. 65 (2021): 1-4. <https://doi.org/10.1186/s13034-021-00420-3>.
- Hussain, Sadiq and Ghazala Khan. "Street Children and Rehabilitation Services in Pakistan." *Journal of Behavioural Sciences* 23, no. 2 (2013): 118-128.
- Imran Ali, Muhammad. "Protection of Children from Sexual Abuse: Application of the United Nations Convention on the Rights of the Child in the Domestic Legislation of Pakistan & India." *International Journal of Human Rights* 6 (2019): 29-52.
- _____. "Protection of Children from Sexual Abuse in Early Years Education in Pakistan: Challenges and Issues." *Journal of Early Childhood Care and Education* 2 (2018): 113-134.
- Jabeen, Tahira. "Child Protection Legislation in Pakistan: Bringing International Child Rights Obligations and Local Values Together." *Pakistan Journal of Criminology* 8, no. 3 (2016): 16-33.
- Khalid, Aliya (et.al.) "A Study to Identify the Hot Spots of Street Children in Lahore." *Pakistan Vision* 1 (2014): 41-55.
- Lukman, Z.M. "Childhood Abuse Among Children Involved in Prostitution in Malaysia." *The Social Sciences* 4, no. 6 (2009): 567-572.

- Madhur Dey, Sourav. "Women and Children Trafficking in Bangladesh: Historical Significance and Current Challenges." *Remarking an Analisation* 1, no. 9 (2016): 68-73.
- Mahler, Karen. "Global Concern for Children's Rights: The World Congress Against Sexual Exploitation." *International Family Planning Perspectives* 23, no. 2 (1997): 79-84. <https://doi.org/10.2307/2950828>.
- Manida Naebklang. "Status of Action Against Commercial Sexual Exploitation of Children. A Global Monitoring Report." Accessed on March 20, 2022. <https://humantraffickingsearch.org/resource/global-monitoring-status-of-action-against-commercial-sexual-exploitation-of-children-pakistan/>.
- Mekinc, Janez and Katarina Music. "Sexual Exploitation of Children in the Tourism—the Dark Side of Tourism." *Peer-Reviewed Academic Journal Innovative Issues and Approaches in Social Sciences* 8, no. 2 (2015): 64-85. <http://dx.doi.org/10.12959/issn.1855-0541.IIASS-2015-no2-art04>.
- Mohyuddin, Anwaar and Hafeez-ur-Rehman Chaudhry. "Women and Child Trafficking for Sexual Exploitation in Pakistan." *Journal of Asian Development Studies* 2, no. 4 (2013): 23-36.
- Nawaz, Shah. "Invisible Children: A Case Study of Street Children Education in Pakistan." (Proceedings of 6th Asian Academic Society International Conference-2018).
- Raja, Aasma. "Drug Abuse and its Relationship to Sexual Abuse of Street Children." Accessed on February 15, 2022. <https://sahil.org/early-childhood-sexual-experience-male-prostitution/>.
- Rashid Ali, Syed, Hussain Ali, and Ahmad Ali. "The Nexus Between Female Child Trafficking and Pakhtun Culture in Peshawar." *Journal of Social Sciences & Economic Review* 1, no. 1 (2020): 1-13. [http://dx.doi.org/10.36902/rjsser-vol1-iss1-2020\(1-13\)](http://dx.doi.org/10.36902/rjsser-vol1-iss1-2020(1-13)).
- Rashid Ali, Syed (et.al.) "Child Trafficking: Analysis of the Leading Familial Determinants." *FWU Journal of Social Sciences* 8, no. 1 (2014): 36-45.
- Rasool, Nouman and Muzamal Rasool. "DNA Evidence in Sexual Assault Cases in Pakistan." *Medicine, Science and the Law* 60, no. 4 (2020): 270-277. <https://doi.org/10.1177/0025802420934240>.
- Save the Children. "Commercial Sexual Exploitation of Children: A Situational Analysis of Pakistan." Accessed on March 19, 2022. <https://humantraffickingsearch.org/resource/commercial-sexual-exploitation-of-children-a-situation-analysis-of-pakistan/>.
- Second World Congress Against Commercial Sexual Exploitation of Children. "Yokohama Global Commitment 2001." Accessed on April 10 2022. <https://www.refworld.org/docid/3f9fe2bd4.html>.
- Shahida Batool, Syeda and Arham Abtahi. "Psychosocial Impact of Childhood Sexual Abuse: Perspective of Victims." *Journal of Arts and Social Sciences* 4, no. 2 (2017): 36-48.

- Shamim, Ishrat. "Mapping of Missing, Kidnapped and Trafficked Children and Women: Bangladesh Perspective." *International Organization for Migration, (IOM) Dhaka* (2001):1-4.
- Shaukat Tarar, Usman (et.al.) "Child Sexual Abuse in Pakistan: From Tears Shed to Lives Lost." *Liberal Arts and Social Sciences International Journal* 4, no. 1 (2020): 35-43. <http://dx.doi.org/10.47264/idea.lassij/4.1.4>.
- Shapouri, Sara. "Ending Child Sexual Abuse and Exploitation: A Guide for Child Protection in Iran." *Wittier Journal of Child and Family Advocacy* 7, no. 1 (2007): 63-79. <https://doi.org/10.4000/abstractairanica.38127>.
- Singh Tomar, Kumar (et.al.) "Shadows of the Street: India's Street Children." *Journal of Sociology and Anthropology* 11, no. 1-2 (2020): 1-10. <http://dx.doi.org/10.31901/24566764.2020/11.1-3.337>.
- Stevenson Doornbos, Hannah. "Slavery and the Streets: Exploring the Links Between Modern Slavery and Children in Street Situation." Accessed on April 3, 2022. <https://toybox.org.uk/assets/downloads/slavery-and-the-streets.pdf>.
- The United Nations Children's Fund. "Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography." Accessed on May 10, 2022. https://www.unicef-irc.org/publications/pdf/optional_protocol_eng.pdf.
- Tufail, Muhammad. "Commercial Sexual Exploitation of Children: A Situation Analysis of Pakistan." Accessed on March 27, 2022. <https://sahil.org/early-childhood-sexual-experience-male-prostitution/>.
- United Nations International Children's Fund for Every Children. "Government, Civil Society and Private Sector Response to the Prevention of Sexual Exploitation of Children in Travel and Tourism." Accessed on April 5, 2022. <https://www.unicef.org/media/66766/file/Prevention-of-SEC-in-travel-and-tourism.pdf>.
- United Nations Committee on the Rights of the Child. "Concluding Observations on the 5th Periodical Report of Pakistan, 2016." Accessed on April 10, 2022. <https://digitallibrary.un.org/record/835009?ln=en>.
- United Nations Treaty Collection. "Convention on the Rights of Child, 1989." Accessed on May 10, 2022. https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV11&chapter=4&lang=en.

Legal Documents

- Article 19 of the Convention on the Rights of the Child, 1989.
- Article 33 of the Convention on the Rights of the Child, 1989.
- Article 1 and 3 of the C182-Worst Forms of Child Labour Convention, 1999 (Number 182).
- Article 3 of the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2002.

Article 9 of the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

Muhammad Shahzad Khalid v The State. Criminal Appeal Number 151/2020.

Salman Akram Raja v Government of Punjab. 2013 SCMR 203.

Section 377-A of the Pakistan Penal Code, 1860.

Section 377-B & 292-C of the Pakistan Penal Code, 1860.

Supra Note 9 and 10 of the Preamble of the Convention on the Rights of the Child, 1989.