

**COMPARITIVE ANALYSIS OF CHILD SEXUAL ABUSE
LAWS IN PAKISTAN & UNITED KINGDOM**

RESEARCH PROJECT



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COMPARITIVE ANALYSIS OF CHILD SEXUAL ABUSE LAWS IN PAKISTAN & UNITED KINGDOM

A Research Project submitted as part of the requirements for the degree of LLB.



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ABSTRACT

This research project analyses the matter of child sexual abuse and its prevalence in Pakistan compared to the United Kingdom, as well as the causes and consequences of the problem. To proceed, the different types of sexual abuse against children are comprehensively explained. Then, an analysis is performed to study the consequences of child abuse, enlightening how child abuse affects equally the victim and society. The most current statistics accessible is used to examine the predominance of child abuse in Pakistan. Furthermore, both countries' laws and procedures for preventing sexual abuse in children are thoroughly reviewed. At last, the research project makes a set of recommendations to address Pakistan's sexual abuse in children's issue. The suggestions give both avoidance and treatment strategies that, in case actualized, may offer assistance the nation address the grave issue of child abuse and give children with a secure environment in which to develop and nurture.

KEYWORDS: Sexual Abuse in Children, Violence, Pakistan & United Kingdom, Comparative Analysis.

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CHAPTER ONE
INTRODUCTION

COMPARITIVE ANALYSIS OF CHILD SEXUAL ABUSE LAWS IN PAKISTAN & UNITED KINGDOM

CHAPTER ONE

1.1 INTRODUCTION

A nation's most valuable asset is its children. A society's growth and development are always dependent on its children. The World Health Organization (WHO) has recognized child abuse as a growing public-health issue of global extents. Every year, one out of every two children aged 2 to 7 years old in the world is subjected to some type of violence. Children between age 11 to 15 years had been bullied through their classmates across the world, and it's far expected that a hundred and twenty million women had been subjected to pressured sexual touch earlier than the age of 20.[1]

A worldwide issue with devastating consequences for both individuals and society as a whole. Child abuse violates the most fundamental rights of children and adolescents, as enshrined in the Universal Declaration of Human Rights (UDHR). Violence against children develops in a lot of formats (physical, sexual, neglect, emotional, and psychological) and on multiple levels (individual, household, societal and institutional).¹

Sexual violence refers to a wide range of sexual acts committed against a child, including but not limited to child sexual abuse, incest, rape, sexual violence in the context of dating/intimate relationships, sexual exploitation, online sexual abuse, and non-contact sexual abuse. A child cannot, under any circumstances, consent to sexual activity. When an offender engages with a child in this manner, they are committing a crime that can have long-term consequences for the victim. Sufferers of the sexual abuse are at a highest chance of constricting HIV and different sexually transferred diseases, in addition to laid low with hurt, infection, undesirable pregnancy, separation, and mental distress.

Penetration (rape or oral sex) or non-penetrative behaviors such as masturbation, kissing, rubbing, and caressing outside of clothing may be used. Non-contact activities such as

¹ https://www.who.int/health-topics/violence-against-children#tab=tab_1

involving minors in the watching or development of sex and nudity, having to watch sexual acts, trying to encourage children to behave in inappropriate sexual ways, or pampering a child in order to prepare for abuse may also be included. Online sexual abuse is possible, and technology can be used to facilitate offline sexual abuse. Adult males are not the only ones who commit sexual abuse. Women, like other children, are capable of committing acts of sexual abuse.

The goal of the current study is to prevent child abuse by comparing the laws and procedures of Pakistan law and United Kingdom law. The Research Project also includes a section on Pakistani law for comparison with UK law. This study would help to find out the core problem that Pakistan still requires efficient methods for enforcing laws and dealing with child sex abuse cases. In order to prevent or reduce the occurrence of child abuse, the government and legislation of Pakistan must address a number of concerns and obstacles. This study will identify those aspects and describe the techniques and preventive measures that the UK has implemented to evaluate child abuse occurrences. These factors will be identified in this study, together with the approaches the UK has taken to handling child abuse cases.

1.1.1 BACKGROUND

Child Sexual Abuse is an extremely destructive phenomena that occurs everywhere in the world, without any exception. The consequences of CSA on victim are extremely troubling, because of the severe short and long-term negative impacts on children's physical, mental, and social well-being. The present qualitative research analyses the laws and approaches of United Kingdom and Pakistani Laws in order to prevent CSA. This research project is exclusive and unique, due to the fact that no previous analytical research between these specific countries has been made yet. The research also includes a portion on Pakistani law, which compares it to United Kingdom law. Despite having major laws and policies, Pakistan is lacking comprehensive laws to prosecute the culprits of the CSA, to control the occurrences and to implement the existing laws effectively. The objective of this paper is to educate people on the laws surrounding CSA in Pakistan as well as in United Kingdom. To analyze how UK is implementing their laws and take preventive measures against the CSA. And analysed gaps in the current legislative and policy framework of Pakistan. I also make certain recommendations at the end of this research project to safeguard children from being victimised of child sexual abuse.

1.1.2 PROBLEM STATEMENT

There is no argument that Child Sexual Abuse is serious social issue with serious consequences for the children involved, their families, and society as a whole. The study looked into the causes and consequences of child sex abuse. Reports of child sexual abuse are not restricted by race, economic class, or neighborhood. When child sexual abuse occurs, the victim's family finds it difficult to discuss the abuse, therefore they choose to act as if it never occurred. Once the abuse is not addressed by the family, the child is often left to confront their deepest fears on their own.

There are more reported crimes against minors in Pakistan. According to a Sahil report, child sexual abuse occurrences boosted by 14 percent in the beginning year of 2020 when compared with the same era in 2019. The large number of the incidents were classified as gang rape, rape, sodomy, or abduction. It is approximated that more than eight children are sexually abused each day. According to Sahil, the number of child sexual abuse incidents per day increased in the beginning year of 2020. (A Pakistani organization that focuses solely on child sexual abuse and exploitation). Data indicates that throughout the year 2021, more than 10 children were abused every day. Compared to 2020, there has been a more than 30% increase in child abuse cases.

Sometimes incidents that are reported to the police are not recorded or counted in statistics on child sex abuse. The reported cases of child sexual abuse are simply "the tip of the iceberg" in terms of the actual number of occurrences that go unreported or unnoticed. Because of low literacy rates and a lack of legal understanding in many areas of the country, sexual abuse cases are vastly underreported. Additionally, a significant portion of sexual abuse cases go unreported due to the victims' and their families' fear of societal stigmas, suggesting that the true number of such occurrences in the nation is significantly greater.

The main problem in this whole scenario is that, Pakistan is still lacking effective procedures to implement laws and tackle the cases of child sexual abuse. This study will establish the factors that determine what issues and challenges are faced by the government and legislation of Pakistan to prevent or reduce the rate of child abuse and explain the approaches and preventive measures that have been used by the UK to tackle the cases of child abuse. This study will identify those variables and describe the strategies that the UK has adopted to deal with child abuse cases. The research will be extremely helpful to those in the field of child

abuse. This is so that the study can present up-to-date data on child sexual abuse. The report will also act as a reference point for developing methods and guidelines for safeguarding children from sex abuse.

1.1.3 OBJECTIVES OF THE RESEARCH

The main objectives of this research were to gather data on the causes and consequences and to make comparative analysis on Pakistani and UK Laws of child sexual abuse. The specific study objectives are as follows:

1. Determine the long-term and short-term causes of child sexual abuse on victims.
2. To describe approaches to child sexual abuse prevention.
3. To identify the issues and challenges that Pakistan faces while implementing the laws of child sexual abuse.
4. To acknowledge the preventive measures taken by UK to control child sexual abuse and recommend those to be applied in Pakistan.

1.1.4 RESEARCH QUESTIONS

- What impact does child sexual abuse have on children?
- The current percentage of sexual abuse in child in Pakistan and UK?
- What are the UK laws that forbid the abuse of children?
- How effective is the system established by UK law to stop child abuse?
- How well does Pakistan safeguard children from abuse?
- Do Pakistan's child abuse prevention laws adhere to internationally accepted standards?
- Why Pakistan has still no landmark laws on child sexual abuse?

1.1.5 SIGNIFICANCE OF THE STUDY

The findings of the study will be extremely useful to parents, teachers, school administrators, policymakers, and the government. Careful consideration should be given to developing policies and legislation that will prevent or reduce child abuse. By contrasting the two, this study examines international law and Pakistan law in relation to the prevention of child abuse. In this way, it also explains Pakistani law. The present study also contributes to a better understanding of the problem of child abuse, as well as shortcomings and inadequacies in current legislation and methodologies within that area, as enacted by the legislative council, local governmental organizations, local police departments, the judicial system, as well as the common legal consciousness. This study also makes suggestions for how to make existing law in accordance with UK law by filling in its gaps. The current study will help design the appropriate policies, produce legislation, and ultimately enforce those laws.

1.1.6 STRUCTURE OF THE STUDY

This main body of this research project is made up of seven chapters, including an introduction, conclusion, and recommendation. The first chapter is an introduction that establishes the project's background, perspective, and framework. It includes the research objectives, the significance of the study, and the research questions that arose from the topic.

The second chapter discusses the research's key topics. It focuses on the various types of sexual abuse in children, along with long-term & short-term effects of sexual abuse on children. Following that, there is a discussion that ranges from the historical perspective of child sexual abuse around the world to the current prevalence of CSA in Pakistan. Furthermore, the chapter examined the laws and legal provisions in Pakistan and the United Kingdom, with a focus on the CSA.

The third chapter discusses research methodology. It begins with the research methods and analysis employed in the current study. Furthermore, it emphasizes theories based on child sexual abuse.

The fourth chapter compares the legal systems of the United Kingdom and Pakistan. It elucidates the differences in their mechanisms for dealing with and responding to child abuse issues.

The fifth chapter is a conclusion that summarizes the research and the sixth chapter offers modest suggestions and recommendations for the advancement of children, who are the hope of nations. Finally, the seven phase is of references.



CHAPTER TWO
LITERATURE REVIEW

CHAPTER TWO

2.1 LITERATURE REVIEW

Child Sexual Abuse is defined by the United Nations' WHO as;

"Participation of a child in physical intercourse which he or she doesn't really entirely comprehend, is not capable of provide informed consent to, as well as in which the child is not currently feasible and therefore cannot give consent, or that infringe social and cultural legislation or conventions."

It contains "intercourse, attempted intercourse, oral-genital contact, fondling of genitals directly or through clothing, exhibitionism or exposing children to adult sexual activity or pornography, and use of the child for prostitution or pornography."

2.1.1 FORMS OF CHILD SEXUAL ABUSE

▪ SEXUAL ABUSE

Having sex with a child who isn't old enough to have sex, as defined by the applicable legal provisions (this does not apply to consensual sexual activities between minors). Having sex with a child while using coercive power, compel, or intimidations; or abusing a position of power or impacts over the child that has been recognized, including inside the family.

▪ SEXUAL EXPLOITATION

Child sexual exploitation is a form of sexual abuse against children. It occurs when an individual or group takes advantage of a power imbalance to coerce, manipulate, or deceive a child or young person under the age of 18 into sexual activity in exchange for something the victim needs or wants.

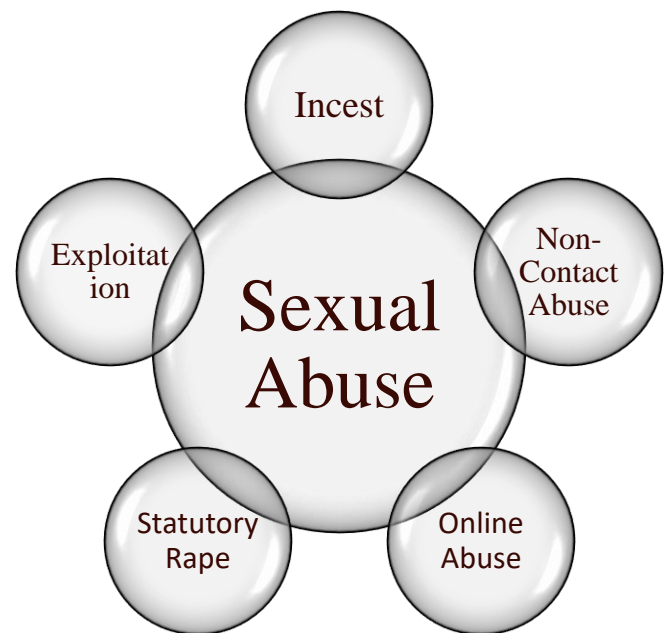


Figure: 1

- **STATUTORY RAPE**

Statutory rape is any non-coerced sexual activity in which one of the participants is a minor. Even though it typically refers to adult people having sex with children who aren't old enough to consent, the term "forcible rape" is only occasionally used in the terminology of laws in a few countries. Statutory rape frequently lacks overt force or threat. Statutory rape legislation assumes coercive power since a minor or an adult with a mental disability is not capable of giving consent.

- **ONLINE CHILD ABUSE**

In international law, there is no consensus on the definition of internet child abuse. When a child is bullied, threatened, harassed, groomed, sexually abused, or sexually exploited online or via a mobile device, that behavior is referred to as online child abuse.

- **NON-CONTACT CHILD ABUSE**

Noncontact sexual abuse can also occur, such as exposing a child to pornography, photographing or videotaping a child for sexual purposes, or sexual exploitation via the Internet.

- **INCEST**

Incest is a form of sexual abuse in which the offender is a member of the family. A parent, stepparent, grandparent, older sibling, or other close family could be the abuser. Incest can happen to children at any age. Boys, too, can be victims of incestuous relationships, despite popular belief that only girls are harmed.

2.1.2 AFTERMATHS OF CHILD SEXUAL ABUSE

CSA has an impact on the mental, corporeal, social, and relational levels. Then it could harm the child's self-concept, consciousness of trust, and view of the world. Childhood mental disorders such as conduct issues, temper disorders, and anxiety disorders are significantly more communal in children who have experienced sexual abuse, and the risk is greater in boys than in girls.

The offender is usually recognized to the child as a relative, neighbor, stepparent, or other extremely reliable person. Typically, either is a interaction break amongst parents and children

concerning this matter, as well as embarrassment and distress, which prevents a victim from reporting a case. Due to the shame and discernment, as well as anxiety of court trials, parents and caregivers are frequently hesitant to report CSA, and as a result, this is commonly not-reported. The significant is stoppage and providing children and people with the tackles needed to avoid a dangerous, deep-seated action that has long-standing results on a child's mind. Efficient precautionary procedures are necessary on a personal, family, and community levels.

Present Study gives analysis of child sexual abuse precaution strategies. Sexual abuse in children is a traumatic experience. It has both immediate and long-term consequences for victims. Childhood sexual abuse has been linked to increased levels of depression, guilt, complete disgrace, self-blame, disordered eating, somatic concerns, anxiety, dissociative patterns, repression, rejection, sexual problems, and relationship issues.

2.1.3 LONG_TERM EFFECTS

1.1 DIFFICULT EMOTIONS

Deal with challenging thoughts and memories can have an impact on how you feel on a daily basis. People who were sexually abused as children may experience low, sad, frustrated, or irritable mood swings, as well as feelings of intense distress and possibly suicidal ideation.

1.2 FEELING ALONE & LOW TRUST

Although child who have faced abuse sexually are frequently left feeling let down or "deceived" through the very people they trusted, they can find it hard to belief others as adults. They may be afraid of being hurt or rejected, so they may detach themselves from others or develop overly clinging or supported. Certain survivors supposed to be 'let down' or betrayed by those close to them, which can lead to them being drawn into difficult or abusive relationships.

1.3 SHAME & GUILT

A child who has experienced sexual abuse is probable to be persuaded to keep it a secret; the abuser may have even tried to place blame at their feet. As a consequence, their self-image may become firmly ingrained with a sense of shame, self-doubt, and "being to blame" for not preventing the abuse. This is particularly likely if others—like family members—failed to

shield the child from the violence or expressed disbelief or tragedy when told what had happened.

1.4 STRESS, PHOBIA & PANIC ATTACKS

Living through the trauma of child sexual abuse can shape adult survivors. More aware of potential dangers and fearful of them It is common to experience frequent anxiety and afraid of bad things happening Some survivors may experience anxiety symptoms as well. Position of being continuously 'on safeguard' and on the lookout for probable intimidations, terrors, particularly a fear of crowds, being around strangers, and panic attacks A panic attack occurs unexpectedly. And an overwhelming sense of fear and anxiety, accompanied by physical symptoms such as Difficulty breathing, drowsiness, and a rapid heartbeat are all symptoms.

1.5 FLASHBACKS

Individuals who have been abused as children frequently have 'flashbacks' about what happened to them. Flashbacks are intense memories that sense very actual and be able to be extremely upsetting. A fighter may believe that the harrowing occurrence is replaying itself and might even be able to detect traces, overhear noises, or sense hurt that they felt at the time.

When somebody goes through a stressful or distressing practice, the mechanism for organizing and storage memories can become overburdened, and the brain is unable to practice the experience usually. This indicates that the remembrance remains strong and is easily brought back by anything that brings the event back to mind, such as a location or someone, an odour, or a noise.

2.1.4 SHORT-TERM EFFECTS

1.1 POST-TRAUMATIC STRESS

Post - traumatic stress disorder (PTSD) relates to persistent psychological symptoms that occur in response to an extremely distressing, psychically disruptive event. CSA can have a significant physical, psychological, and sexual impact on a child. The body of the child might be affected for a long time. A child is more likely to develop post-traumatic stress disorder if he sustains multiple physical and emotional wounds as a consequence of this stressful incident and is also overlooked by his caregivers and parents. After being turned down by their well-

wishers, they do not learn how to trust anyone. Additionally, a dearth of efficient counselling pushes them out of society.

2.2 FEAR

A child who experiences child sex abuse is traumatized by the revolting act, which keeps them perpetually in the darkness of fear. Because kids are frightened of being detached from their parents, the majority of child abuse goes unrecognized.

2.3 SELF HARM

Aggression against oneself, such as self-blame, self-harm, and suicide, are common outcomes of sexual abuse. People who were sexually abused as children are more likely to commit suicide than the general population.

2.4 SEXUAL HEALTH

Being explicitly abused as a child, especially when the abuse is not discovered, can lead to perplexed thoughts about connections and sexual behavior.

2.5 EMOTIONAL & MENTAL HARM

Among the physical effects of sexual abuse are contagious diseases and unwanted pregnancies. Such personal repercussions add to the abuse's serious psychological and emotional harm. Every one of these victims experienced various problems, such as disordered eating, suicidal thoughts, depressed mood, and anxiousness. Reactive attachment disorder, post-traumatic stress disorder, attention problems illness, severe anxiety, and schizoaffective disorder are all adverse effects of CSA.

2.6 PHYSICAL HEALTH

A child sexual abuse survivor Children have some kind of physical or mental health issue, as well as long-term health issues like sexually transmitted diseases, heart disease, cancer, chronic lung disease, vertebral fractures, and liver problems.

2.7 ABUSIVE BEHAVIOR

The victim's behavior escalates into abuse. He is unable to trust anyone, which has an impact on both his present and future lives. One-third of abused children will eventually victimize their children, according to estimates.

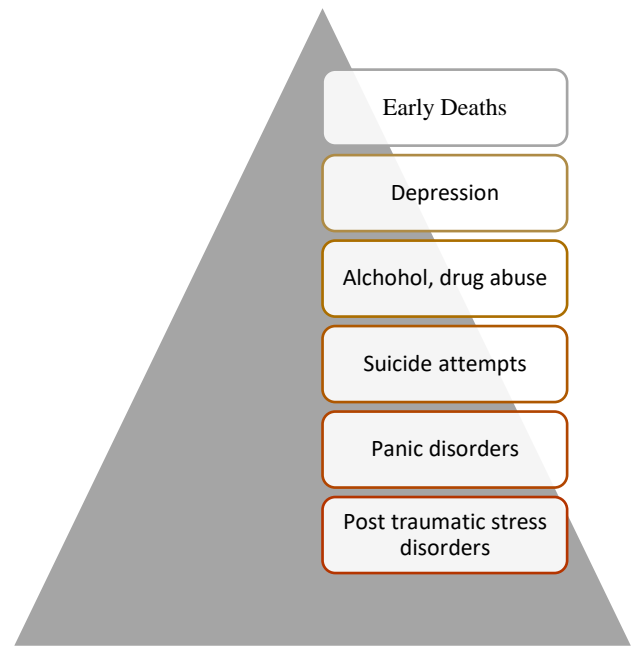


FIGURE: 2

Everywhere around the world, there is a high prevalence of child sexual abuse and misuse, which makes a negative effect on children's lives. According to the WHO World Report on Violence and Health (2002) and the UN Secretary General's Study on Violence Against Children (2006), violence against children, including physical, sexual, and emotional abuse, exploitation, and neglect, is pervasive throughout all countries. Despite these projections, the lack of information on the occurrence and effects of child abuse has been one of the biggest barriers to protecting children worldwide, particularly in the South Asia and Pacific region.

2.1.5 PREVALANCE

High-scoring states (the UK and South Korea both scored above 80) possess solid foundations in position, which include organisations, regulations, and strategies for combating sexual abuse of children, as well as initiatives to gather information and resources for legal and police services professionals. Most of the nations with lesser index scores overlook these abilities. There are certain lesser and lower-income nations that undertake well in this classification, having scored approximately 50 and 75, indicating that there are practical ways for regions to

raise one's rankings and take more steps to safeguard children.

82.7	United Kingdom	62.4	Brazil	52.8	Romania	47.3	Kazakhstan
81.5	Sweden	58.2	Serbia	52.7	Mexico	47.0	Indonesia
75.3	Canada	57.6	India	52.5	Cambodia	46.4	Nigeria
74.9	Australia	57.0	Turkey	52.4	El Salvador	45.9	Russia
73.7	United States	56.1	South Africa	50.8	Sri Lanka	45.4	Argentina
73.1	Germany	55.3	Philippines	50.6	Albania	43.7	China
71.6	South Korea	54.2	Tanzania	49.7	UAE	42.9	Vietnam
69.7	Italy	53.8	Kenya	49.4	Jamaica	37.8	Mozambique
65.2	France	53.7	Uganda	49.3	Mongolia	31.2	Egypt
63.8	Japan	53.4	Malaysia	48.8	Rwanda	28.3	Pakistan

High-scoring states have solid basics in place, including institutions, laws, and plans for combating sexual abuse of children, as well as initiatives to gather data and resources for legal and law enforcement experts. Most of the nations with lower index scores lack these abilities. There are several less-middle-income and less-income states that implement well in this grouping, indicating that there are practical techniques for countries to raise their rankings and take additional steps to shelter children.²

Government commitment and capacity scores, banded

Scores 75 or more		Scores 50-74.9		Scores 25-49.9		Scores less than 25	
UK	86.2	Sweden	74.8	Brazil	48.1	Myanmar	24.8
South Korea	84.9	Australia	72.9	India	47.5	Cote d'Ivoire	24.5
		Colombia	72.6	Mongolia	47.4	Niger	22.2
		Germany	70.1	Romania	47.3	Venezuela	18.7
		Peru	67.5	South Africa	46.7	Cameroon	16.8
		Italy	67.4	Nigeria	46.1	Burkina Faso	15.4
		US	65.7	Albania	45.7	Algeria	15.1
		Canada	64.9	El Salvador	44.5	Angola	13.5
		Tanzania	61.1	Sri Lanka	40.8	Uzbekistan	10.9
		Kenya	61.0	Jamaica	40.7	Pakistan	10.4
		Cambodia	59.7	Indonesia	40.6	Dem Rep of Congo	9.7
		Philippines	58.2	Argentina	40.4	Egypt	9.5
		Mexico	55.8	Nepal	39.8	Ethiopia	8.8
		France	54.6	Madagascar	39.6		
		Uganda	54.2	Malaysia	39.3		
		UAE	53.6	Mozambique	38.6		
		Turkey	53.0	Vietnam	38.4		
		Serbia	52.6	China	36.4		
		Rwanda	52.3	Russia	33.6		
		Japan	52.1	Morocco	32.2		
		Thailand	51.2	Ghana	32.0		
				Kazakhstan	31.5		
				Saudi Arabia	30.0		
				Bangladesh	27.6		

² <https://outoftheshadows.eiu.com/>

In Pakistan, according to the Sahil organization's data, at least ten children will be abused every day until 2021. Despite being a signatory to numerous international agreements and commitments, Pakistan did not adequately safeguard its children from harmful practices such as child sexual misconduct, smuggling, physical punishment, early and compelled weddings, acid offences, and female circumcision. Like prior years, street children continued to be one of the nation's most underserved and vulnerable population groups.

2.1.6 HISTORICAL PERSPECTIVE OF CHILD SEXUAL ABUSE

In recent decades, child sexual abuse has acquired worldwide attention and has become one of the most high-profile crimes. Prior to that, both Greek and Roman communities were involved in child sexual abuse. One of the most common concerns in mythology is sexual assault. Hercules raped 50 of Thestius' daughters. Zeus was also the culprit of numerous sexual assaults. In 1968, The International Conference on Human Rights has been called to analysed countries' progress in the 20 years since the adoption of the Universal Declaration of Human Rights. A work agenda for the future has been developed, and national commitments to human rights are being strengthened.

Since the 1970s, child sexual abuse and molestation have become more acknowledged as extremely damaging to children and hence intolerable to society as a whole. Legal action became more prominent in the 1970s, with the adoption of the Child Abuse Prevention and Treatment Act in 1974 and the establishment of the National Center for Child Abuse and Neglect. The number of reported child abuse cases has increased dramatically since the passage of the Child Abuse and Treatment Act. Finally, in 1979, the National Abuse Coalition was formed to put pressure on Congress to pass more sexual abuse laws.

The Child Abuse Victims' Rights Act was passed by Congress in 1986, giving children a civil claim in cases of sexual abuse. In the 1980s and 1990s, a number of laws were enacted to increase the prosecution and detection of child sexual abusers. During the 1970s, there was a significant shift in the legislature regarding child sexual abuse. Megan's Law, passed in 2004, gives the public nationwide access to knowledge on child abusers. Different countries around the world have enacted laws to protect children from abuse, all of which are very similar in content. The evolution of those laws has also been very similar. UNICEF is paramount in educating children about their rights, as well as detecting and reporting child abuse.

The Convention on the Rights of the Child was the first legally binding international instrument to include all human rights-civil, cultural, economic, political, and social rights. It was unanimously adopted by the General Assembly on November 20, 1989, and has since been ratified by all governments around the world. The 54 articles detail any child under the age of 18's individual right to develop to his or her full potential, discrimination - free, appetite and want, neglect, exploitation, or other abuses. Pakistan ratified the convention on November 12, 1990. It went into effect in Pakistan on December 12, 1990. Since then, the Government of Pakistan has recognized and promoted child rights at various stages.

In 2008, 6,780 incidences of violence against minors were reported in Pakistan: sexual attack, aimed murders, kidnappings, involuntary labour, and self-destructions are only a little example, with the exploitation of "child soldiers" in the battle between Islamic fundamentalists and the military to be added to the list. The Society for the Protection of the Rights of the Child (SPARC) produced a report in 2008 on the "Condition of Children in Pakistan," which highlights the government's failure to apply national and international legislation to protect minors' rights.

Child protection is a newly recognized field in the Islamic Republic of Pakistan, which is located in the South Asia region (Pulla, 2017). Due to ancient norms, limited execution of legislation, and significant feudalism and tribalism, child sexual abuse remains ignored and largely unpunished in Pakistan, despite being widespread and occasionally reaching national headlines. In 2018, the assassination of young Zainab Ansari resulted in a nationwide power outage in Pakistan. In the same year, the culprit was sentenced to death. However, an increasing number of incidences of child sexual assault have surfaced, indicating that Pakistan is still a long way from becoming a kid-friendly country.

2.1.7 CURRENT PREVALENCE OF CHILD SEXUAL ABUSE IN PAKISTAN

In Pakistan, child sexual abuse is prevalent, there is a lot of violence towards children, but it is only recently acknowledged as a social issue. Protection of Children from Sexual Abuse in Early Years Education in Pakistan is a topic of social and cultural taboo in Pakistan; hence this subject is rarely addressed. (F. Malik, 2010) Every day, it is believed that more than eight children are sexually abused. Child sexual abuse complaints per day increased in the first half

of 2020, according to Sahil (a Pakistani group that focuses solely on child sexual abuse and exploitation).³ In Pakistan, more than six children were sexually abused on average over the period, according to Sahil's six-month "Cruel Number" report.⁴

According to a recently published retrospective study (Abbas & Jabeen, 2020) on the prevalence of child abuse in Pakistan, 41 percent (44 percent males and 39 percent females) of respondents reported experiencing at least one form of sexual abuse as a child (looking at private parts, pornography, touching private parts, speaking in a sexual manner, and/or intercourse). People known to the kid (including peers/friends, family, and neighbors), according to the findings of the same survey, are the most commonly reported perpetrators of child sexual abuse. Child abuse is a dilemma in Pakistani society for a variety of reasons. The perpetrator is frequently a family member, and the lack of communication between parents and their children, as well as their blind confidence in family members, contribute to child abuse in this community.

The Government of Pakistan has taken a number of steps to address concerns of child abuse and violence. They have ratified international and regional conventions that require them to safeguard children from all forms of abuse and discrimination. However, due to a lack of a comprehensive definition of child abuse and related words, as well as cultural differences in reporting of child abuse instances, these laws and regulations are not enforced or are poorly applied.

Due to a lack of comprehensive laws, courts find it difficult to punish offenders (Gillani, 2009). The low conviction rate demonstrates the above. Pakistan's progress toward meeting the formal requirements of the UNCRC is slow, and progress toward CSA legislation is even slower. There is no child protection system, and children are completely under the control of their parents. A state or a single society cannot question parents or families regarding their pedagogical approaches. No one else can be intercepted because the family is considered a completely private domain (Mohammed, 2009).

³ <https://www.thenews.com.pk/print/713669-eight-children-sexually-abused-every-day-in-pakistan-in-first-half-of-2020-report>

⁴ <https://www.thenews.com.pk/print/713669-eight-children-sexually-abused-every-day-in-pakistan-in-first-half-of-2020-report>

2.1.8 LEGAL PROVISIONS ADDRESSING CHILD SEXUAL ABUSE IN PAKISTAN

▪ CONSTITUTION OF PAKISTAN, 1973

The Constitution of Pakistan provides many articles which deal with children, either directly or indirectly. To begin, the Constitution declares that "all citizens are equal before the law and are entitled to equal protection under the law."⁵ Slavery, human trafficking, and the employment of children under the age of fourteen were also prohibited.⁶ The 18th amendment to the Pakistan's Constitution of 1973 is extremely important. Many legislative measures were initiated prior to the amendment, such as the Charter of Child Rights Bill 2009 and the Prohibition of Corporal Punishment Bill 2010, but all of them were forwarded awaiting even after approval from the Ministry of Law, Justice, and Human Rights. Even though the provinces were given authority over child welfare and protection, the state should also play a role.⁷

▪ PAKISTAN PENAL CODE

Pakistan Penal code is one of Pakistan's fundamental laws dealing with crimes and their punishment.

- I. Section 375 of the PPC defines Rape and it is punishable under Section 376 of the PPC.⁸
- II. Unnatural offence is defined in Section 377 of the Penal Code.⁹
- III. Section 292-A relates to the Exposure to Seduction.
- IV. Section 292-B defines Child Pornography.
- V. Section 292-C provides punishment for child pornography.
- VI. Section 328-A relates to Cruelty to a Child.
- VII. Section 369-A relates to human trafficking.
- VIII. Section 377-A defines Sexual Abuse.
- IX. Section 377-B defines punishment for sexual abuse.¹⁰

⁵Article-25 <https://paktvoter.org/constitution-of-pakistan/>

⁶ <https://evaw-global-database.unwomen.org/en/countries/asia/pakistan/2015/article-11-of-the-constitution#:~:text=Article%2011%20of%20the%20Constitution%20adopted%20in%201973%2C%20and%20amended,in%20human%20beings%20are%20prohibited.>

⁷<https://mohtasib.gov.pk/SiteImage/Downloads/WMS%20Committee%20report/SOCP.pdf>

⁸ <https://advocatetamoy.com/2019/11/27/section-375-rape-ppc/>

⁹ <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹⁰ <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

The Zainab Alert, Response, and Recovery Act, 2019, is the most significant development in Pakistan regarding child sexual abuse. This Act includes provisions for spreading awareness, responding to, and recovering missing and abducted children. The law requires police to open a case two hours after a child's parents report them missing. It includes measures to expedite the process, such as the establishment of a dedicated helpline and a new agency to issue missing child alerts throughout Pakistan.¹¹

The following provincial laws protect children's rights from physical and sexual abuse:

- Punjab Destitute & Neglected Children Act, 2007
- Sindh Child Protection Authority Act, 2011
- Balochistan Child Protection Act, 2016
- Azad Kashmir Child (Care and Protection) Act, 2016
- The Gilgit-Baltistan Child Protection Response Act, 2017

Apart from these laws, several NGOs are working in Pakistan to protect the children from Sexual Abuse. Notwithstanding, these laws and measures are insufficient to meet the changing environment and culture of Pakistani society. The current laws criminalizing CSA require ridicule reforms. In Pakistan, there are no comprehensive laws in place to prosecute CSA perpetrators. There is also a lack of a child protection system and trained professionals, in addition to a lack of adequate laws and policies addressing CSA. Other factors that can influence minors' protection in Pakistan include a gap in research, dominant mentalities toward children's education, social stigmatization, and taboos, all of which can be an impediment and hindrance to effective child protection.

2.1.9 LEGISLATION AND POLICIES TO SAFEGUARD CHILDREN IN UNITED KINGDOM

In United Kingdom, there is no single definition of "child sexual abuse." Each country's government defines 'child sexual abuse' in its child protection guidelines

¹¹ <https://www.geo.tv/latest/266840-what-you-need-to-know-about-the-zainab-alert-bill>

ENGLAND

"Involves forcing or enticing a child or young person to participate in sexual activities, which may or may not involve a high level of violence, regardless of whether the child is aware of what is going on."

SCOTLAND

"Sexual abuse is defined as forcing or enticing a child to engage in sexual activities, whether the child is aware of what is going on."

Physical contact, including penetrative or non-penetrative acts, may be involved in the activities. They may include non-contact activities such as exposing children to pornographic material or watching sexual activities, using sexual language towards a child, or encouraging children to behave sexually inappropriately."

WALES

"Forcing or enticing a child or young person to engage in sexual activities, whether the child is aware of what is going on, including:

Physical contact, including penetrative or non-penetrative acts; non-contact activities, such as involving children in viewing or creating pornographic material or watching sexual activities; or encouraging children to behave sexually inappropriately."

The definitions help UK laws determine what constitutes a sexual offence. Furthermore, each country has a legal framework in place to protect children from adults who may pose a risk of sexual harm to them, as well as to deal with adults who have sexually abused children. The legislation defines what constitutes a sexual offence against a child and specifies the appropriate sentence.

According to UK law (England, Wales, Scotland), there are particular offences related to obtaining pornographic photographs of children that you may be punished for. In all countries of the UK, it is illegal;

- To cause or encourage a kid under 16 to engage in sexual activity by engaging in sexual conduct with a child under 16;

- To engage in sexual activity while a minor is present, allow a minor to see sexual activity, plan or assist in a child sex crime;
- To sexually exploit a youngster under the age of 18 by engaging in sexual activity with them (including paying for or arranging sexual services of a child).

An adult who has sex with a minor under the age of 16 in England and Wales is breaking the law, according to Serious Crime Act 2015 Part 67. Communication pertaining to sexual activity and communication aimed at gaining sexual fulfilment are both included in this (for example, grooming for sexual abuse).¹² According to section 90 of the Justice Act (Northern Ireland) 2015, it is unlawful for an adult to have sexual contact with a child under the age of 16.¹

Anyone of any age who has sexual contact with a child under the age of 13 is prohibited in Scotland by Section 24 of the Sexual Offences (Scotland) Act 2009. Anyone older than 16 who has sexual contact with a youngster between the ages of 13 and 15 is prohibited by Section 34 of the Act.

CHILD PROTECTION LAWS IN ENGLAND & WALES

The legal framework for child protection in England is provided by the Children Act 1989.¹³

The Act's fundamental guidelines are as follows:

The significance level on a child's wellbeing, as well as the standards and laws governing our duties to look out for children.

The Sexual Offences Act 1956's sections were repealed on May 1, 2004, when the Sexual Offences Act 2003 (SOA 2003) came into effect. A "significant modification of the legislation of sexual offences" was what it amounted to. Only England and Wales are covered by the Act.

¹² [https://learning.nspcc.org.uk/child-abuse-and-neglect/child-sexual-abuse#:~:text=The%20age%20of%20consent%20\(the,can%20never%20legally%20give%20consent.](https://learning.nspcc.org.uk/child-abuse-and-neglect/child-sexual-abuse#:~:text=The%20age%20of%20consent%20(the,can%20never%20legally%20give%20consent.)

¹³ <https://www.legislation.gov.uk/ukpga/1989/41/contents>

THE SEXUAL OFFENCE ACT 2003, provides certain provisions regarding the Child Sexual Abuse;

- **SECTION 4:** Causing someone to have sex without their consent.
- **SECTION 5:** Sexually abusing a young child under 13.
- **SECTION 6:** Penetration-based assault on a kid under 13.
- **SECTION 7:** Child under-13 sexual assault.
- **SECTION 8:** Provoking a minor under 13 to participate in sexual activity.
- **SECTION 9:** Interacting sexually with a child.
- **SECTION 10:** Provoking or encouraging sexual conduct in a minor.
- **SECTION 11:** Engaging sexually with a child while doing so.
- **SECTION 12:** Causing a minor to view a sexual act.
- **SECTION 13:** Child sex crimes committed by kids or teenagers.
- **SECTION 14:** Planning or assisting in a child sex offense's commission.
- **SECTION 15:** Interacting with a youngster after sexual grooming, etc.
- **SECTION 16:** Sexual behavior with a minor while in a position of trust is illegal.
- **SECTION 17:** Causing or encouraging a youngster to participate in sexual behavior is a form of abuse of a position of trust.
- **SECTION 18:** Sexual activity in a child's presence constitutes a breach of trust.
- **SECTION 19:** Causing a child to witness a sexual act is a breach of trust.
- **SECTION 20:** Interactions with a family member's child.
- **SECTION 26:** Encouraging a young member of the family to engage in sexual activities.
- **SECTION 47:** Paying for a child's sex services.
- **SECTION 48:** Promoting or encouraging child pornography or prostitution.
- **SECTION 49:** Controlling a child prostitute or a child that participates in pornography.
- **SECTION 50:** Planning or facilitating child pornography or prostitution.
- **SECTION 66:** Exposure. ¹⁴

¹⁴ <https://www.legislation.gov.uk/ukpga/2003/42/contents>

TACKLING CHILD SEXUAL ABUSE STRATEGY

In England and Wales, the Tackling Child Sexual Abuse Strategy has been released by the Home Office.¹⁵ Both England and Wales are covered by the components of the policy that deal with justice and policing. It applies to abuse that takes place online and offline. The three main goals of the approach are to:

Prevent all forms of child abuse, hold offenders accountable,
Stop crime and re-crime, protect and safeguard children and young people,
And offer support to all victims.

OTHER POLICIES AND GUIDANCE

The Crown Prosecution Service (CPS) in England and Wales offers guidelines for pursuing cases of child sexual abuse (CPS, 2020).¹⁶ In Wales, the government has outlined its policy in a national action plan for preventing child sexual abuse, safeguarding children from child sexual abuse, and assisting child victims and survivors of sexual abuse (Welsh Government, 2019).¹⁷ The Safeguarding Vulnerable Groups Act of 2006 establishes the guidelines for screening and disqualifying applicants for jobs working with children and vulnerable individuals in England and Wales.¹⁸ In the United Kingdom, which has one of the strongest sex offender regulation systems in the world, notification, vetting, and barring procedures are supplemented by a variety of other types of community surveillance of known sex offenders but without the requirement of public notification. Contextual Safeguarding is a new approach to understanding and responding to young people's experiences of significant harm (including child sexual exploitation) outside of the family home that is being piloted across a number of Local Authorities in the UK.¹⁹

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

¹⁶ <https://www.cps.gov.uk/legal-guidance/child-sexual-abuse-guidelines-prosecuting-cases-child-sexual-abuse>

¹⁷ <https://gov.wales/preventing-and-responding-child-sexual-abuse-national-action-plan>

¹⁸ <https://www.legislation.gov.uk/ukpga/2006/47/contents>

¹⁹ <https://contextualsafeguarding.org.uk/>

Contextual Safeguarding aims to broaden the objectives of the UK child protection system, which has traditionally focused on abuse within the family home, in recognition of the fact that young people are vulnerable to abuse in a variety of social contexts (Firmin, 2017a). This approach has been incorporated into and promoted by national child protection policy and guidance documents (DfE, 2018a)



CHAPTER THREE RESEARCH METHODOLOGY

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 RESEARCH METHODOLOGY

The research is both descriptive and analytical in nature, with qualitative data being used. The research also makes use of a variety of secondary data collection sources. This study does rely mainly on the literature review method. Several previous research articles, books, documentations, law journal articles, and law enforcement agency reports were briefed. The secondary data sources were used to determine the nature of child abuse in the country of Pakistan. To complete various components of this research, a variety of comparative and qualitative research methods from United Kingdom laws and national legal methods of Pakistan are used. Social sciences methods such as descriptive, comparative, analytical research methods have also been used to study the contemporary reformative thoughts in Pakistan. As far as its UK laws and its mechanism to protect children are concerned, they have been compared and analyzed in the light of Pakistani Law and its mechanism. This research is based on comparative study of UK laws and methods to prevent child sexual abuse with Pakistan's laws. The present study is one of the first of its kind to comparatively analyze the laws of two different countries on the basis of their rate of child sexual abuse.

THEORITICAL FRAMEWORK

THEORIES OF CHILD SEXUAL ABUSE

Why men sexually abuse children has been one of the major questions guiding twenty-first century research on sexually deviant behavior. Biological, psychological, and sociological theories have been proposed in the specialist literature to explain the emergence of deviant sexual fantasies and behavior.

Biological theory, psychodynamic theory, cognitive-behavioral theory, and integrated theory are the major theories discussed below. Each theory's key characteristics that explain the etiology of sexually deviant behavior are summarised.

BIOLOGICAL THEORY

When it comes to sexual behavior, these theorists believe that physiological factors such as hormone levels and chromosomal makeup have an impact.²⁰ Androgens, or male sex hormones, stimulate sexual arousal, orgasm, and ejaculation while also regulating sexuality, aggression, cognition, emotion, and personality (Rosler & Witztum, 2000; Marques et al., 2002). As a result, biological theories about deviant sexual behavior usually focus on rape because it is considered a violent act, and researchers have long hypothesised a link between aggression and high testosterone levels.²¹

PSYCHODYNAMIC THEORY

According to psychodynamic theory, the human psyche is made up of three primary components: the id, the ego, and the superego. To understand how all three elements interact, Freud proposed that all human behavior is motivated by wishes, which frequently exist at a subconscious level.²² The id is the unconscious domain from which all instinctual human drives (such as hunger, sex, aggression, and so on) emerge. The pleasure principle governs the id, which demands immediate satisfaction of these urges. The ego, the second component of Freud's model, is the conscious part of the human psyche that acts as a mediator between the id and the external environment.

The final component, the superego, is also known as the conscience. As Holmes and Holmes state, "most lessons about the consequences of behavior stem from experience, not perceptions of how the self would look relative to its environment" (Holmes & Holmes, 2002, p. 30). Thus, past experiences that clearly define the behaviors that warrant punishment and reward strengthen the superego.

MARSHALL AND BARBAREE'S INTEGRATED THEORY

Marshall and Barbaree (1990) proposed that early negative childhood experiences (e.g., sexual abuse, physical abuse, neglect) cause a child to perceive his or her caretakers as emotionally

²⁰ (Berlin, 1983; Marshall & Barbaree, 1990).

²¹ (Money, 1970; Rada, Laws, and Kellner, 1976).

²² (Holmes & Holmes, 2002).

distant, and the child to perceive himself or herself as unworthy of receiving love or protection. As a result, they have low self-esteem, poor interpersonal skills, and poor coping skills. Antisocial and misogynist attitudes in the home can be exacerbating factors.

They grow into hostile adolescents and adults who are insensitive to others and use aggression to solve problems. A biological link between sexual impulses and aggression is an important part of the theory. Both types of impulses originate in the same part of the brain, making it difficult for young boys to differentiate between anger and sexual arousal.

COGNITIVE BEHAVIORAL THEORY

The theory addressed how offenders' thoughts influenced their behavior, focusing on how sex offenders reduced their feelings of guilt and shame by rationalising it through excuses and justifications. Cognitive distortions (CDs), or distorted thinking patterns, were proposed as a theory that allowed offenders to absolve themselves of any responsibility, shame, or guilt for their actions (Abel et al., 1984).

Cognitive-behavioral researchers investigated how offenders' thoughts influenced their behavior. Regardless of how broadly or precisely the cognitive distortions were defined, these distorted thoughts were conducive to the continuation of deviant sexual practices. According to the theory, all sex offenders have a tendency to misinterpret social cues from others and are poor at identifying emotions such as anger or fear in their victims. They also saw the child's sexual curiosity as a desire to learn about sex, and they wanted to "teach" the child through sexual experiences. These misperceptions reinforced the offenders' narcissistic beliefs and reduced an offender's ability to feel empathy for his victims.

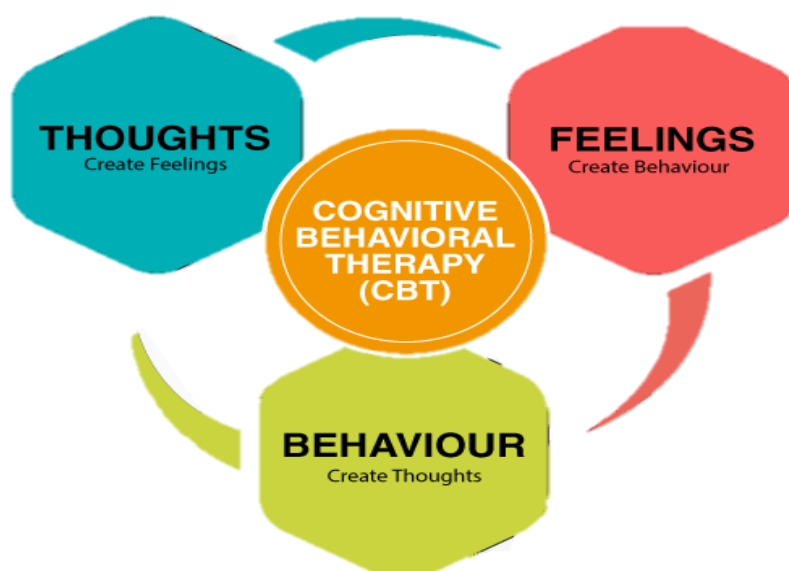


FIGURE: 5



CHAPTER FOUR COMPARATIVE ANALYSIS

CHAPTER FOUR

4.1 COMPARATIVE ANALYSIS

The previous chapters analysed the laws and processes of UK and Pakistani law in terms of child protection. The current chapter compares them in order to determine the outcome of the research.

4.1.1 RATE OF CHILD SEXUAL ABUSE

Child sexual abuse accurate data is not available either in Pakistan or in United Kingdom. According to the latest accessible data, in Pakistan every day in the last year, at least ten children were abused. According to the NGO's categories, 1,060 cases of abduction, 410 cases of rape, 483 cases of sodomy, 146 cases of gang rape, and 234 cases of gang sodomy were reported. According to the organization, these figures were derived from a thorough analysis of news reports from 85 newspapers. Sexual abuse of boys aged six to ten years old is also on the rise, according to officials. These figures are most likely only the tip of the iceberg. Abusers are frequently known to the victims, and in many cases, the matter is never reported to the police due to shame, ostracism, and fear of retaliation.

At the other side, according to the NSPCC, one out of every twenty children in the UK are a victim of child abuse. Various organizations are working hard to assist and prevent exploitation and abuses from occurring around the world and in their own country.

4.1.2 CHILD PROTECTION SYSTEM

The child-protection system in England is well known for their "legal, bureaucratic, investigative, and adversarial approach," in which the intervention is focused on the child's individual rights and the investigation of the risks associated (Hill et al., 2002). The Children Act of 1989 established the legislative framework for the current child-protection system in England. While in Pakistan, the first child protection policy was developed in 2009, but it has yet to be implemented. However, the identification of child protection issues as a distinct area of state policy and legislation is a relatively new phenomenon. In fact, neither the constitution nor any single law directly addresses the issue of child protection.

4.1.3 PROCEDURE

In Pakistan, Code of Criminal Procedure and the Pakistan Penal Code are only pieces of legislation that define the laws and procedures that apply to children. The first and most general code of procedures identifying child abuse and its reporting and procedure is the Codes which are inadequate. So far there is no exclusive laws which describes the offences of sexual abuse against children thoroughly. However, a new law has been passed, Zainab Alert, Response, and Recovery Act (ZARRA). It will be responsible for maintaining a directory of missing and abducted children, as well as collaborating with the helpline, 1099, which will forward all reported cases to the Department. Apart from this, there is no law passed specifically to protect children from sexual abuse or which describes the procedure for the commencement of trial.

At the same time, the child protection procedure in the United Kingdom is far more developed at the local and state level, as agencies such as Local Safeguarding Children Boards were established in 1974 in response to public uproar over the country's inability to pass any laws protecting children. Every police department in the United Kingdom has a specialized system known as a child abuse investigation unit. Their primary mission is to investigate cases of child sexual abuse in their territory. After investigating the case, the unit decides whether to file a criminal complaint against the suspect. Other child protection organizations can also collaborate with police units to assist them in caring for child abuse victims.

4.1.4 LEGAL PROVISIONS TO PREVENT CHILD SEXUAL ABUSE

The majority of Pakistan's child protection laws are out of date. The Pakistan Penal Code 1860 does not distinguish between offences that pertain to children and adults, nor does it include penalties for child sexual abuse offences. Given these facts, comprehensive laws that address child sexual abuse offences are needed.

On the other hand, in United Kingdom, these cases are handled by Crown courts. The Sexual Offences Act, 2003 is a significant advancement in British law pertaining to child sexual abuse. The act was introduced to reform the laws, particularly those pertaining to cases of child sexual abuse, because the government felt that the existing laws relating to sexual offences were outdated. The comprehensive legal framework for sexual offences in Scotland is provided by the Sexual Offences (Scotland) Act, 2009. In particular, this Act introduces new statutory laws relating to sexual abuse that occurs without consent and repeals the previous laws on rape,

sodomy, and a number of other related offences. According to this Act, consent is a voluntary agreement.

Despite being a signatory to the United Nations Convention on the Rights of the Child [UNCRC] and related protocols and conventions, Pakistan ranks fifth among the countries where children continue to face violence, lawlessness, and denial of fundamental rights (Mehnaz, 2011). The Pakistan Penal Code or any other Local law does not specifically define acts of child sexual abuse or child sexual molestation as crimes.

4.1.5 SPECIAL PROCEDURE

In order to make the child feel at ease in the courtroom, judges and attorneys would even remove their wigs. By asking their parents, guardians, or any other relatives with whom they feel comfortable to be in the court with the children, the court can create a child-friendly environment. And for the most part, these protocols are followed. Judges occasionally go above and beyond to comfort the children.

CONCLUSION

CHAPTER FIVE

CONCLUSION

To conclude, Child Sexual Abuse is a significant challenge for every country, whether it is Pakistan or United Kingdom, because it is a worldwide issue. However, because of cultural, societal and environmental differences, its nature varies from region to region. The study concluded that children in Pakistan are still in a miserable condition. So far, our country has not done its best to address children's issues as compared to the United Kingdom. However, the research revealed that there are some significant differences in reality subsequently considering their Law and mechanism, which are covered in chapter four of this research. The absence of laws and the application of procedures is the primary cause of these differences. Particularly, the significance of children's rights and the preventative measures of their abuse are greatly impacted by differences in traditional societies, legal rights and obligations, and cultures. United Kingdom have enacted laws and regulations aimed at protecting children and establishing procedures for doing so. However, in Pakistan, there is only a code of criminal procedure and a penal code that placed out the process for criminal infringements in the country, although there is no special procedure for children's safety and protection from sexual abuse. In the United Kingdom, several surveys have been conducted, and the NSPCC has issued guidelines for the process and conduct of hearings and investigations into these sorts of abuse incidents.

Pakistan has failed to enact comprehensive and exclusive child sexual abuse legislation. Because of an absence of ample laws, judges find it challenging to penalize perpetrators. The small sentence percentage demonstrates this. Pakistan's development toward meeting the prescribed obligations of the UNCRC is time-consuming, and progress toward CSA legislature is even slower.

In Pakistan, it is beneficial to have laws protecting children's rights, particularly afterward the endorsement of worldwide treaties, but further new laws are needed. Furthermore, the existing laws and mechanisms are poorly enforced. However, the presence of organizations in Pakistan that work for the betterment of children's rights, the prevention of child abuse, or the rehabilitation of children is highly encouraged. Finally, three methods are required for the prevention of child abuse: one is preventive measures such as legislation to avoid abuse, the

second is the provision of simple complaint procedures after an incident of abuse occurs, and the third is capital punishment.

Maltreating children stands a critical issue since it damages both the children and society at large. The safety of children must be the uppermost pressing matter for the government because these children are the upcoming generations of the country and of the world. The legislature should consider the time and sensitive position of child sufferers, the consequences of the procedures, and how to not further abuse them as a result of the processes and trials when developing procedures and guidelines.

CHAPTER SIX

RECOMMENDATIONS

The following recommendations for handling the issue of child sexual abuse are put forth based on the report's results.

Pakistan should revise its federal laws to make them consistent with the UNCRC's principles for protecting children against sexual abuse. A comprehensive law covering all offences related to child sexual abuse should be passed, similar to the child sexual offences laws in the United Kingdom. The Anti-Terrorism Act of 1997 should include child molestation as an offence that can be tried in a special court created by the Act. The death penalty or life in prison should be the penalties for sexually abusing children. States are required to correct errors and omissions in the pertinent legislation they have enacted. It is noteworthy in this process that everyone can understand the complaints procedures.

Appropriate use of the operating guidelines is required. Counseling at the police station and in the homes of the sexually abused children should aid in their rehabilitation. To train the judicial system, prosecution, defence attorneys, and the law enforcement agencies, a training workshop should be held. The law ought to address child sexual abuse. A child-friendly process should be implemented for documenting a child's testimony in the courtroom. The child might need a translator or an expert's assistance. If the child has a disability, a special educator can help with communication. During his cross-examination, the child cannot be subjected to any aggressive questions. By changing the relevant laws, new modes of gathering evidence will be implemented, including video trials, the use of screens, and pre-recorded conversations with the victim's children. Within 30 days, child evidence will be recorded. Trials ought to be held in secret. The conclusion of a trial should be set for a maximum of one year.

The state must create district-level Special Police Units with both male and female officers who are trained to handle child sexual abuse cases delicately. Besides this, rape kits and forensic lab support must be available at all police stations in each province. A strong public education campaign on child sexual abuse is required. In order to prevent child sexual abuse, public and private sector education campaigns must be stood up. Children need to be made

aware that sexual assault is illegal. The government must implement more measures to stop the crime of sexual abuse.

The research wasn't all-inclusive. As a result, more research should be done to identify additional variables that may be causing the learners' poor performance, their lack of confidence, the parents' role in the victim's recovery, the causes of abuse at a early age, role of legislation and judiciary, and the effects of abuse awareness among children in Pakistan.

References:

UNICEF, evidence review, 2005 available from:

1. <https://www.unicef.org/media/66751/file/Child-Sexual-Abuse-and-Exploitation-EvidenceReview.pdf>

Adnan Ali Hyder & Fauzia Aman Malik, Article, A challenge for public health in Pakistan. Available at:

2. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2753994/#B1>

Article 2022, Nadia aslam & group:

3. https://www.researchgate.net/profile/Niaz-Keerio/publication/359603227_Pattern_of_Injuries_in_Genito-Anal_Area_in_Cases_of_Sexual_Assault_A_Cross_Sectional_Study/links/6244c94c57084c718b771958/Pattern-of-Injuries-in-Genito-Anal-Area-in-Cases-of-Sexual-Assault-A-Cross-Sectional-Study.pdf

S. N. C. Biiyiikiinal and N. Sarl, History of Child Sexual Abuse, Article:

4. <https://link.springer.com/content/pdf/10.1007/BF00185329.pdf>

Munir Moosa Sadruddin, study on issues of child rights in Pakistan:

5. https://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/6_1/Dialogue_January_March2011_13-30.pdf

Annual Report SPARC:

6. <https://www.sparcpk.org/images/CSA.pdf>

Tahira Jabeen & Syed Saleem Abbas, A retrospective cross-sectional study examined the prevalence of child abuse:

7. <https://journals.sagepub.com/doi/10.1177/0272684X19861578>

WHO, Report on Violence against children:

8. https://www.who.int/health-topics/violence-against-children#tab=tab_1
9. What-are-the-possible-long-term-effects-of-experiencing-child-sexual-abuse-Accessible.pdf

Theories of Child sexual abuse, Nisha K P:

10. https://www.worldwidejournals.com/paripex/recent_issues_pdf/2014/August/August_2014_1408107250_49.pdf

Shamim Soomro & group, study on An in-depth analysis of child abuse's effects:

11. <https://sujo.usindh.edu.pk/index.php/IRJAH/article/view/1170/968>

Report SPARC:

12. <https://www.sparcpk.org/SOPC%20-%202020.html#>

Research Article, protecting children from sexual abuse Do we go far enough?

13. https://www.researchgate.net/profile/Vicky-Phares-2/publication/224028298_Prevention_of_Child_Sexual_Abuse_Are_we_Doing_Enough/links/00b7d53aeec3024673000000/Prevention-of-Child-Sexual-Abuse-Are-we-Doing-Enough.pdf

SAHIL Annual Report, Cruel Number:

14. <https://sahil.org/cruel-numbers/>

UNICEF, Child Rights:

15. <https://www.unicef.org/child-rights-convention/history-child-rights>

Tahira Jabeen, Critical Review on legislative and policy framework in Pakistan:

16. <http://www.pjcriminology.com/wp-content/uploads/2019/01/12-4.pdf>

SPARC Annual Report: Rate of Child Abuse in Pakistan:

17. <https://www.sparcpk.org/>

Statistics on Child Abuse In UK:

18. <https://learning.nspcc.org.uk/statistics-child-abuse>

Report, Child Abuse in England & Wales:

19. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020>

Pakistan Penal Code, Law in Pakistan:

20. <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

21. [https://mohr.gov.pk/Detail/MzFjMTM5ODctODkwYS00NTUyLTk2NjQtMmNjZjEwNzJIN2Fk#:~:text=The%20Constitution%20of%20Pakistan.&text=Article%2037\(a\)%20of%20the,or%20degrading%20treatment%20or%20punishment%E2%80%9D.](https://mohr.gov.pk/Detail/MzFjMTM5ODctODkwYS00NTUyLTk2NjQtMmNjZjEwNzJIN2Fk#:~:text=The%20Constitution%20of%20Pakistan.&text=Article%2037(a)%20of%20the,or%20degrading%20treatment%20or%20punishment%E2%80%9D.)