

# SEXUAL VIOLENCE AGAINST MINORS: A COMPARATIVE ANALYSIS OF THE LEGAL FRAMEWORKS OF UNITED KINGDOM AND PAKISTAN

Muhammad Zaeem Arshad<sup>1</sup>, Ali Gohar Butt<sup>\*2</sup>

Corresponding Author: \*

Ali Gohar Butt

DOI: <https://doi.org/10.5281/zenodo.20282643>

Received	Accepted	Published
23 March 2026	03 May 2026	18 May 2026

## ABSTRACT

*Sexual violence against children remains a serious and pervasive threat to child welfare in the contemporary era. This study examines the prevalence and legal response to child sexual abuse in Pakistan, noting that over 18,000 cases were reported between 2017 and 2022. Despite Pakistan's obligations under the United Nations Convention on the Rights of the Child, significant gaps persist in the protection of children and the enforcement of their rights. The paper critically evaluates Pakistan's legal and institutional framework addressing sexual offences against minors and highlights deficiencies in accountability and implementation. A comparative analysis with the United Kingdom's legal system is undertaken to identify best practices and structural differences. The study further assesses recent legal developments in both jurisdictions and argues that weak enforcement and lack of deterrent punishment undermine the effectiveness of existing laws in Pakistan. It concludes by offering recommendations aimed at strengthening legal protections, improving institutional responses, and enhancing compliance with international child rights standards.*

## Introduction

### 1.1. Introduction of the research

Children are the future torch bearers of the country who in the future have to take up important responsibilities in all walks of life. It is pertinent for the children to have a proper growth environment in which their mental and physical health is kept in check and it is made sure that they do not face any kind of violence against them. One of the biggest issues that the world faces today is of sexual violence against the children and the occurrence of these events are on a rise with every passing day which is certainly a great matter of concern. The more worrisome issue here is that these sexual abuses occur mostly in places where parents believe their children are safe for example schools, coaching centres and even their own homes. Majority of abusers are the relatives or some personality with whom the victim is acquainted according to the data reported by UNICEF. One out of ten of every female who is under 20 have been forced to engage in sexual intercourse to which she did not consent. The rapes which are reported by



females reveal that almost 90% of these incidents have been done by either the spouse or someone with whom they are involved romantically. Whenever a kid is made target of non-consensual forced sexual encounter it falls under the category of "sexual violence against the children". Children all around the globe make up a stunning amount who have been subjected to such kind of sexual violence. Surprisingly 6-20% children have faced sexual violence according to reports by international organizations.

International law has also legislated upon this issue while keeping in mind the sensitivity of the crime. The rights of children are as important as any adult and this has been made crystal clear in the Universal declaration of human rights whose article 25(2) says that "children are entitled to special care and assistance." Convention on the rights of child have been specifically passed by the international body in order to compel the nations to take better actions to protect their children. Article 19 (1) of Convention on the Rights of the Child, 1989 (UNCRC) states that

“all member nations shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” Optional protocol’s article 1 states under article 1 of the optional protocol requires the states to protect the interests of the child victims of sexual violence.

The number of cases of sexual abuses all around the world are on a rise. The same is the case with children residing in Pakistan. More than 18000 children that live in Pakistan have faced sexual violence against them in the recent five years. These are the cases that have been reported and brought under the attention of the authorities however the original number is estimated to be much higher than what is being reported. In the developed countries which face these problems the awareness programs aim to spread knowledge among children about sexual abuse so when they face this kind of action against them they are in a better position to defend themselves.

Developing countries have multiple issues associated with the topic of sexual abuse as it is deemed a taboo in these societies. Pakistan is also among these societies where sexual violence against children is not given much attention hence the crimes associated with children are on a surge. Pakistan do not have any proper studies conducted in which the exact number of children which have been affected by this crime is recorded hence when there is no exact data recorded, no rehabilitation schemes are launched for the victims. Pakistan however has formed a commission in 1979 for the purpose of child welfare and development known as “NCCWD”. If we conclude that Pakistan has no specific legislation which talks about the welfare and protection of children against such heinous crimes it will not be untrue. Constitution of Pakistan however provides protection to the rights of all of its citizens generally. The constitution of Pakistan disallows the acts of prostitution, human trafficking and forced labour under section 361 to 374 of the Pakistan Penal Code however no

section of the penal code specifically talks about the sexual crimes against children. The issue of grave concern that rises here is that these laws, although codified, have little or no practical implementation on ground level hence all the heinous crimes that the constitution prohibits are still going on in the society on regular basis.

As far as matters in UK are concerned, their laws for sexual crimes against children are engraved in their common law system and multiple legislations on the issue have also been passed by the parliament. UK just like Pakistan do not have a proper database with records of children who have been sexually abused but UK does have sexual offences act 2003 in place whose s.5 to s.29 specifically deals with the sexual crimes against children. One of the biggest issues with sexual crimes against children is that the children are simply too naive to understand that something wrong is happening with them. Moreover, the parents or guardians usually fail to recognize such actions while they are taking place because most of the time these actions are done by people who have gained high trust levels of both the victim and the parents or caretakers of the victim. A study in the UK conducted with 2,276 young adult participants whose ages were between 11- 17 brought into light that almost one in twenty youngsters have faced sexual abuse which is shockingly high percentage for a country as developed as UK.

The sexual crimes against children in Pakistan are certainly far from being under control. It is not untrue that sexual crimes against children in Pakistan are increasing day by day and it is pertinent to mention here that the percentage with which the crimes are increasing is very alarming. It is pivotal to mention here that this condition is present even when Pakistan is a signatory of the child rights convention. This article will consider sexual abuses against children which takes place in Pakistan and how the government bodies which are under an obligation to take measures to counter such heinous crimes have failed miserably to perform their duties. The article will also discuss the societal norm which have made the topic of sexual violence against children a taboo hence contributing further to the problems which have to be solved in order to

counter this crime. Pakistan's internal legal system will be analyzed and compared with that of the UK in order to conclude how a developed country have acted to counter this issue. The article after a thorough analysis of the comparison between UK and Pakistan will also be concluding with suggestion on how Pakistan should learn from UK and take necessary steps to counter this crime.

### **1.2. Empirical research.**

Minors who have been subject to sexual abuse are affected in such a way that the repercussions they bear are agonizing. Their progress towards a more healthy and progressive life is halted. The true numbers of sexual violence in multiple countries are still not collected and this creates a huge obstacle towards improvisation of the legal developments of a country relating to this issue. Accumulating the number of sexual violence's would help the law enforcers to devise strategies to enhance their responsive actions as well. As per Attila Szabo and Ingunn Bjornseth, Minors who have been exposed to sexual assaults during the early age, develop several physical and mental conditions such as adopting depressive behavior, getting pregnant unwantedly, heart diseases, and several sexually transmitted diseases including HIV (Human immunodeficiency virus) leading to Aids.

Sexual abuse is a wide-spread plague which has affected people ranging from every age group and from all genders, be it, men women or transgenders. Luciana C Trindade along with others believe that, sexual abuse emerges to be incorporated into 'socio-economic, historic and cultural framework'. Sexual violence has a significant impact on the growth of a child in several ways. Some children tackle it in a way that minimizes the effect of sexual abuse on them. On the other hand, there are juveniles whose social and psychological well-being gets compromised as a result of unwanted sexual encounter. Sexual violence is a complex issue with cultural roots that touches on ethics and human rights.

Due to the stigma attached to it, reporting of sexual violence against children is discouraged, therefore it leads to a surge in such crimes. However, according to the reports, the reporting of such crimes has shown an upward

trend in the recent past. A number of 4140 instances of sexual abuse were reported in 2016, which breaks down to an alarming number of 11 sexual abuse cases per day. This would be a disturbing news at first sight but Rabia Azfar Nizami thinks that the upward trend in reporting of such crimes will not lead to an increment in sexual violence against minors but rather adopts an optimistic approach by believing that this shows progress in public confidence to speak up against crimes that went unnoticed in the past. Subsequently, Families and individuals should be made more aware of the need for assistance as time goes on.

Child labour again, is considered to be an infringement of child rights and many cases of sexual abuse against children are reported by those who are deployed in working fields in young ages. As Razzak Abro states, that child labour was previously seen in a very negative light, but now it has transformed into a huge nationwide calamity. The leading reason behind the prevalence of child labour is scarcity of resources. Children are compelled to leave their houses to support their families financially. In the midst of this process, they face sexual mistreatment and this has led them to believe that it is a "norm." More than 3.3 million children were trapped in child labour in Pakistan in 1996, according to the country's first ever 'National Child Labour Survey (1996)'. Since then, the economic condition of Pakistan has aggravated and now there would be a huge addition to this number. The lack of having accurate statistics relating to this has been a source of deterrence to child rights awareness.

### **Sexual Abuse against minors in Pakistan: Failure to Comply with International Obligations.**

#### **2.1. Grasping the notion of Sexual Abuse against Minors.**

##### **2.1.1. Comparison of How UK and Pakistan Define Sexual Abuse.**

In Pakistan, the term "sexual violence" does not have a defined meaning. Instead, the existence of different legal instruments is explained by their merits. For example, the Zainab Alert Response and Recovery Act 2020 (will be referred to as ZARRA from here

onwards in this article) defines "Rape" in a variety of ways. ZARRA defines rape as "any forcible or non-forcible sexual conduct with a child by another person." according to Section 2(1) of the ZARRA act. This means that even if the sexual act that has been done with the minor by an adult with the consent of the minor will still be considered under rape as a minor is not in the state of giving consent as per ZARRA act.

In contrast, the Sexual Offences Act 2003 governs sexual violence in the United Kingdom. It then lists rape, sexual assault, and penetration of a child/minor as examples of sex crimes against minors. Specifically, section 5 of the act states that, under the age of 13, it is an offence to use one's penis to inadvertently penetrate another person's vagina, anus, or mouth. On conviction on indictment, a person convicted of an offence under this section is subject to life imprisonment." It is a crime for an adult to sexually exploit a child under the age of 13 if they touch the child. It has been defined as "person commits an offence of sexual assault against children if he intentionally touches another person, the touching is sexual, and the other person is under 13."

Pakistani legislation does not provide a unified and comprehensive definition of 'sexual assault' as a single offence; rather, it addresses various forms of sexual violence through fragmented provisions under the Penal Code and related statutes. One confirmed example of this arises from the Pakistan Penal Code 1860 (PPC 1860). Whereby, provisions 376 and 377 only define the term rape, they completely seem to not include any sexual abuse against the children. Besides PPC 1860, Child Marriage Restraint Act 1929 also fails to address the term "Sexual Violence." Similarly, Comparatively, UK legislation incorporating, incriminating and defining the term 'sexual violence' makes it more robust and comprehensive to deal with sexual misconduct against the children

### 2.1.2. How International Law defines Sexual Abuse.

Different International organizations have multiple definitions according to which they define sexual abuse against children. One of

the leading international organization "World Health Organization" has defined the term 'sexual violence' in its world report on violence and health which was published in 2002 as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work". This definition comprehensively encompasses the actions which are undertaken by the perpetrators of this gruesome act.

Article 19 of the "Convention of the Rights of Child" 1989 also deals specifically with the acts of violence carried out against children. It covers and criminalises both mental and physical sexual crimes against a child. It demands legislation and laws criminalising sexual violence against children. It further demands preventive measures to be operational in a regime. These measures can be in the form of economic, regulatory and education to the younger children to guarantee their safety.

Additionally, International Criminal Court's (ICC) Rome Statute's article 7 declares "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity constitutes a crime against humanity". ". As the researcher points out, sexual assault is particularly heinous because it is a deliberate act intended to lower the worth and dignity, of the victims' in particular. It is observed that the motive behind people made to witness sexual horror is to intimidate the society as a whole.

### 2.2. Causes behind the rise of Sexual Abuse against minors in the country.

Sexual violence against children is a crime against humanity and a violation of fundamental human rights, according to UNICEF. Children have been sexually abused in a variety of settings, including the home, school, job, and even a playground as multiple cases have been reported in which teachers in Pakistan have been accused of sexually abusing students.

Child sexual abuse in Pakistan occurs at alarming rates, with significant underreporting

due to social stigma, lack of awareness, and limited communication between victims and adults. Contributing factors include inadequate sexual education, societal pressure, and victims' reluctance to disclose abuse due to fear, shame, and psychological distress. As a result, the victim's mental health begins to deteriorate, and they begin to indulge in self-blaming whereas whatever happened did not have their consent and neither was it their wish.

Children who are not taught about sexual assault are more likely to experience it themselves and try to hide the fact that they have been sexually assaulted. It is considered shameful in Pakistan to teach a youngster about sex. The remedy is for parents to provide sex education to their children. This approach would protect youngsters from being sexually exploited since they would be able to recognize such behaviour.

Another contributing factor that has led to the surge of sexual crimes against children is lack of legislation on the subject of child protection. The brutal rape and murder of the prepubescent, Zainab Ansari was committed by Imran Ali, (a predator who had sexually assaulted seven other girls in the vicinity before). Zainab's case media trial triggered chaos in the country leading to multiple protests within the country, demanding new laws to be enacted to bring the perpetrators to justice without delays. It highlighted the incapability of the Pakistan government that only after such incidents, the government becomes proactive and legislates on the matter unnoticed before however, it should be done prior to the incident happening.

Regardless of the fact, that Pakistan's government has enacted new laws, the cases of sexual abuse against minors are far from being under control. The leading institution in this regard, police, is considered to be illiterate as majority of them hail from conservative families who have inadequate knowledge of the repercussions of child abuse in the country. Moreover, the patriarchal mindset of the policemen compels them to disregard the rights of women and think that whatever happens to women, is their internal family matter. Another issue that is encountered, specifically by women is the absence of women police officers in police stations. The majority of

women turn their faces back from the police stations as they think, explaining the incident of sexual abuse to a male police officer would be inappropriate.

The biggest matter of concern is that the government of Pakistan doesn't maintain a record of the incidents that take place against children in terms of sexual abuse. The gap that is left behind by the government is then filled by NGOs such as "SAHIL Pakistan". The organization has worked tirelessly to bring into light the incidents that have been taking place in Pakistan and also the fact that the percentage of incidents is increasing very sharply. According to their data the cases increased from 2144 in 2010 to 4256 in 2016 which is an increase of almost 2500 cases in four years. An estimated figure that has been put out by the organization indicates that there are almost 3000 victims of child abuse alone in 2020. After analysing all the facts that have been stated, the researcher believes it is high time that the government should grid up their loins and work hard towards the cause of protecting their children against such cruelty.

### **2.3. International Legislative Framework to Safeguard Minors against Forced Sex and Failure to comply.**

The United Nations Convention on the Rights of the Child (UNCRC) which came into effect in 1989 is the international framework devised to uphold the rights of the children. In the following year, 1990, Pakistan ratified to UNCRC. Accordingly, UNCRC stresses to provide social, educational and welfare safeguard to the children in Pakistan. Article 19 shields children from any violence against them as UNCRC requires its signatories to devise educational, legal, cultural, organisational and all other possible frameworks in preventing any violation of children's safety. Article 34 of UNCRC goes further to criminalise any sexual exploitation of a minor. Despite being a signatory, Pakistan has yet to establish any authority or institutions that could materialise child safety in line with the UNCRC provisions. The current regime, more importantly, lacks the interconnectivity, competence and systematic approach in countering sexual violence against the children.

Pakistan government has introduced policy measures to prevent child abuse and exploitation. Punjab Curriculum and Textbook Board (PCTB) is the authority which is responsible for devising the syllabus for the educational institutions that operate in Punjab. This authority has played its role in combatting this heinous crime by designing a syllabus for children with specific focus on protection and welfare of the students. The syllabus contains data regarding the services which are being provided by the government of Punjab in order to curb the menace of child abuse. These services include Children's Services & Welfare Bureau's helplines, which allows students, instructors, and members of the general public to report child welfare concerns to the designated hotline if they arise during the course. In 1990, the Punjab Government also established School Management Councils in each of the province's educational institutions. This was done with the purpose to increase community participation, trigger interaction between the school authorities with the families of the students and respond to the intellectual, psychological, and behavioural queries of a pupil. 'Punjab School Education Department' has introduced an online service through which the aggrieved party can submit their complaints which makes it much easier for the victim to report any such incident. Despite introduction of such policies, there is absence of an official reporting mechanism, against the common issue of sexual abuse of a child in particular. The established bodies do not seem to practically resolve or halt the sexual violations against the children as they are non-authoritative and not linked to the law enforcement institutions. To align Pakistan's legal framework with the UNCRC, there needs to be legislation guaranteeing prevention of sexual violence mechanisms under a state formed institutions. It should also assure teacher training on how to stop a teacher from indulging into misconducts with a child and also how to groom a child

The government could legislate law that obligates offering of child protective services from a school to a child. The "School Management Councils", should then regulate the work of the schools, monitoring whether

the school is catering to protect basic human rights of its student. This would guarantee a link between the schools, children, their families, the neighbourhood, and the welfare organisations. This would also reduce the risk of child abuse, as the teachers would fear the accountability process and groom the children for a better future.

Socio-cultural norms in Pakistan significantly hinder the reporting of sexual crimes, as concerns over family honour and stigma often lead to underreporting and silence. This reluctance is compounded by public distrust in law enforcement institutions, which are widely perceived as ineffective, corrupt and ill-equipped to handle sensitive cases. The cases of Javed Iqbal's continuing murders in the middle of 90's of more than hundreds of minors to District Kasur's mass rapes for the purposes of obtaining content for pornography, the police have miserably failed to combat this social evil and the government has also failed to provide adequate attention towards the families of the bereaved. The ones who gather courage to visit police stations and report the matter, are dealt in such a way by the police officials that they feel helpless. Even if they get to register their case in the police station, the medical mechanism of the country causes unwarranted delays in the test, for evidence. For a rape victim, getting their medical done timely is their utmost priority as the life of semen is up to 5 days and subsequently, it dies alongside with evidence, weakening the case of the victim.

To inspect the legal gaps in enforcing the laws of child protection in Pakistan, an extensive study was managed by the Capital's top investigation agency "FIA", "UNICEF" and "Interior Ministry" in which it was determined whether the existing legislation was adequate to safeguard the rights of children in Pakistan. It was discovered that the legislation on the subject was not wide enough to protect the child rights and the irregular check and balance on this subject was also declared to be the contributing factor. Subsequent to the 18<sup>th</sup> amendment in the constitution of Pakistan, the provinces were given autonomous powers. This had led to the introduction of various courses on

child protection by the provincial governments, but they are nonaggressive.

### **Comparison of Legal Structures of United Kingdom and Pakistan to Combat Sexual Abuse against Minors.**

#### **3.1. A comparative study.**

##### **3.1.1. Crime Reporting and Database of Sexual Violence Crimes against Children**

Prior to 2019 there was no mechanism of reporting the crimes against children in Pakistan. The Zainab Alert Bill 2019 establishes a new government department named ZARRA, which will be responsible for decreasing child abduction, improving recoveries and making people aware about childhood sex exploitation in all regions of Pakistan. The Zainab Alert Act makes it simple for the parents or guardians to alert the police of their kid's disappearance. The Act also establishes a procedure for the local police force to send an emergency notice using the emergency broadcasting system on cell devices within a 20-kilometer radius of the location where the kid was last seen. The Act establishes a national database of abducted and found kids that is applied throughout Pakistan and requires the ZARRA agency to produce monthly results to the Pakistani National Legislature. The latest figures released by non-profit organisation Sahil in its "Cruel Numbers" report show that more than 8 children were sexually abused on average every day during the first half of 2020 in Pakistan, according to the most recent figures available. In addition, 38 children died as a result of being assaulted and raped, according to the report.

In the United Kingdom, the Children Act 1989 (the 1989 Act) and the Children Act 2004 serve as the statutory foundation for the child welfare system in the country, respectively. The legislation specifies the comprehensive duties of local authorities for maintaining and improving the well-being of all children under the age of 18 who reside within their jurisdiction. According to Sections 17 and 47 of the 1989 Act, specific duties are imposed on "children in need," as well as on children who have suffered or are expected to suffer severe injury or harm, regardless of where they reside. Other local agencies, such as

the police authorities and the healthcare system, are also obligated to protect children under the law, particularly under the 2004 Children Act. As a result of Section 10, each local council is required to develop policies and procedures to encourage collaboration among authorities, each of its relevant partners, and any other individual citizens or organisations dealing with children in a public authority's territory that the authority deems appropriate.

Moreover, under common law of UK, a concept of duty of care has emerged related to protection of children against sexual violence. Duty of care may arise in particular circumstances, such as if the police were aware of the specific threats against specific claimants. It was created by "the Social Services and Well-being (Wales) Act 2014", which received Royal Assent on May 1, 2014, that any child suspicious of being physically abused must be reported to the appropriate authorities. Families owe a duty of care to their kids, and parenting rights, as described in "Gillick v West Norfolk and Wisbech Area Health Authority (1986) AC 112, 170", exist and must be employed for the welfare of the child.

The legal framework governing the reporting of child sexual abuse in Pakistan is relatively new and requires further evaluation over time. Its development is expected to enhance timely intervention and victim protection, while comparative insights from the United Kingdom—particularly the imposition of a "special duty of care" on relevant stakeholders—may strengthen child safeguarding mechanisms.

##### **3.1.2. Criminal Investigation in Sexual Violence against Children Cases**

Following a crime, the investigator must preserve the crime scene, gather evidence, and devise an investigation strategy to establish probable cause to identify and arrest the offender or offenders. In Pakistan, the legal system has earned a reputation for lengthy delays, inadequate investigations, and incompetent case management. This reputation is well-deserved. According to a UNDP survey conducted in 2012, 43 percent of the cases filed in Sindh's courts took between five and 10 years to be resolved.

Following horrible crimes such as Zainab's murder and the Highway Rape Case, the Federal Government approved the Anti-Rape (Investigation and Trial) Ordinance 2020 ("ITO 2020"), which seeks to modernise the criminal justice system in situations of sexual assault and exploitation. The legislation of ITO 2020, as well as its execution, are examined in this article, which draws on the landmark Lahore High Court decision in Yasir v. the State as a reference. It was said that a Special procedure for investigation of cases of sexual assaults and this intention is clearly discernible from preamble of ITO 2020 which provides as under:

*" Through special investigating teams, provide prompt remedy of rape and sexual abuse offences against women and children."*

A particular focus of the Court's attention was Section 9 of the ITO 2020, which enables the establishment of special probe investigators and Joint Investigation Teams ("JITs") to examine breaches of the Ordinance listed in Schedules I and II. Regardless of the fact that Section 9 of the ITO 2020 is a mandatory provision, the court expressed dissatisfaction with the fact that no JITs or gazetted authorities were constituted as investigating officers under the Ordinance, which was passed in 2016. This demonstrates how lack of implementation of existing legal framework leads to inefficiency in the criminal justice system.

Another development is that the Anti-Rape (Investigation and Trial) Ordinance, 2020 under section 4, empowers the Prime Minister to establish Anti-Rape Crises Cells throughout the country. Whenever sexual abuse crime is committed, they are dutybound to pass on the information to the Anti-Rape Crisis Cell. These Cells will then be responsible for conducting the medico-legal examination of the victim without any delay. Their job is explained in section 5 as they will be responsible for securing, collecting and gathering any evidence that may seem relevant to the case, along with conducting a forensic analysis/examination.

Although, it is observed that ITO 2020 changed the investigating method for sexual assault cases but it has imposed more responsibilities on a police force that was already overwhelmed

by the previous administration. Because the revamp was of such extent and breadth that it should have been addressed in the legislature, these structural changes should not have been implemented by an Ordinance.

On the other side, in UK criminal investigation of offences of sexual violence is conducted under the "Criminal Procedure and Investigations Act 1996." The second section of the statute defines a criminal investigation as:

*"Investigative work done by law enforcement officers to decide whether or not an individual should be criminally charged, whether or not the individual who has been charged with it is guilty of the crime in question."*

The UK criminal investigation system for child sexual abuse is distinguished by joint investigations conducted by police and local social services. Under Section 26 of the Criminal Procedure and Investigations Act 1996, non-police investigators must adhere to the Code of Practice when handling investigative material. However, this requirement does not extend to material gathered by local authorities under Section 47 of the Children Act 1989. Despite this, it is considered good practice for local authorities to follow the Code when investigations are conducted collaboratively with the police.

This concept of joint investigation can be very vital for the effective investigation of cases of sexual violence against children. Pakistan can also create framework for engagement of other local entities such as NGOs and social services for recovering missing children and gathering evidence in that regard.

### 3.1.3. Trial in Case of Sexual Violence against Children

Delay in trial proceedings is not a new problem in Pakistan. The traditional adage says, "The wheels of justice turn slowly but grind incredibly fine." However, the first half of that soothing maxim best defines Pakistan's legal system, while the second part is still a long way off. Most litigants are familiar with endless delays, numerous court appearances, and growing legal fees. Things appear to be getting worse before they get better. There are more than 1.86 million cases pending in the district courts and over 0.39 million in higher courts

which ultimately demonstrate how lack of institutional capacity create hurdles in the path of justice.

There are various factors that can lead to slow proceeding of a criminal trial and delay in trial can impact the evidentiary value of a case. It was held by Court in *Zafarullah Khan v. Fahim-ud-Din* (1975) P.Cr. LJ 494. That there is no limitation in criminal prosecution. Delay significantly affects the credibility of oral evidence, as courts often view an unexplained lapse in lodging a First Information Report (FIR) as indicative of potential fabrication or deliberate implication of accused individuals in serious offences. In this context, Justice Hashim Khan Kakkar and Justice Ishtiaq Ibrahim in *Khizar Hayat v The State* 2025 SCMR 1339 overturned a conviction under criminal case, emphasizing that a 14-hour unexplained delay in registering the FIR—despite the police station being located merely nine miles from the site of the incident—undermined the prosecution’s case.

High Court judgement in *Yasir v. the State* also throws light on the need of speedy trials in case of sexual violence against children and women. It was recommended that speedy trial must be ensured in cases of sexual assaults and this intention is clearly discernible from preamble of ITO 2020 which provides as under:

*" Provide quick justice for rape and sexual assault, including women and children, through the deployment of special investigation teams."*

The Ordinance orders establishment of special courts throughout the country. These courts will try all offences related to rape and sexual crimes against women and children. It further states that the courts have four months to decide the case and imposes imprisonment of up to three years and fine on any public servant who fails to carry out the investigation properly or diligently.

In UK, on the other hand, The European Convention on Human Rights recognises the right to a quick trial under Article 6 of its provisions. According to English law, this privilege was established by the Assize of Clarendon in 1166, under which, if a judge was not immediately accessible, a summons would be issued, and the Magna Carta in 1215, which said, "To none will we sell, to none will we reject or delay, right or justice." In "*Golder*

*v UK* (1976) 1 EHRR 524", dating back to 1975, "as a result, the right to a fair and expeditious trial is consolidated with a series of reassurance pertaining to the court's organisation and structure, as well as the conduct of the proceedings, in accordance with Article 6. Article 6 also enumerates rights that are distinct but derive from the same fundamental premise and, taken together, create a single right. Generally speaking, the right to a fair hearing is made up of the following components."

The right to fair and speedy trial is very essential for penalizing those who are responsible for committing heinous crimes. The speedy trial can create deterrence effect as the fast and fair conclusion of case can put criminals behind the bars and prevent them from committing further crimes.

#### **Future Legal requirements to make Pakistan's Legal System compliant with International Obligations**

##### **4.1. Legislative Measures to Combat Sexual Violence against Children in Pakistan**

###### **4.1.1. Enactment of Child Protection Policies**

Children in Developing countries like Pakistan are subject to a wide range of types of abuse (physically, psychologically, and sexually abused), as well as economic exploitation and child trafficking. Approximately 30 years after Pakistan joined "the Convention on the Rights of the Child (CRC)", UNICEF reports that no public integrated child welfare care plan and care coordination has been developed in accordance with the international standards. UNICEF's Child Protection Programme is providing technical assistance to the Pakistan government in order to bolster child's right to be protected from all types of subjugation and violence.

According to the National Plan of Action (NPA) 2000 and policy for the elimination of working children, Pakistan fulfilled its promises made at the first international Congress against Commercial Sexual Exploitation of Children. As a consequence of consultations with non-governmental organisations (NGOs), the National Commission for Child Welfare and Development (NCCWD) has developed a new National Policy on Child Sexual Abuse (NPA).

Political efforts like as NPAs are important, but putting them in place takes a lot of effort. As according to child rights activists, the implementation phase of policymaking in Pakistan appears to be the main issue. As a result, it is suggested that the implementation of current laws be prioritised and law enforcement employees must be trained to raise their understanding of these challenges and how to best administer current regulations.

#### 4.1.2. Child Protection Institutions

NCCWD was established through a resolution on 16 November 1980, with subsequent updates until 1991. In 1990, Pakistan ratified the United Nations Convention on the Rights of the Child and played a significant role in the World Summit for Children held in New York. At the national level, the NCCWD functioned as an advisory body to the government, contributing to policy coordination, analysis, planning, and the development of initiatives aimed at the protection and welfare of both ordinary and differently-abled children. Over time, however, the effectiveness and institutional strength of the Commission declined.

Several have stated that the cause for Pakistan's substandard performance in implementing "the United Nations Convention on the Rights of the Child (UNCRC)" is because successive federal administrations have been unsuccessful in enacting legislation and policies that are specifically targeted at children in accordance with international obligations. Likewise, provision of resources, adequate organizational alignment, specialized training, and sensitization are all essentially does not exist.

Following the dissolution of the NCCWD, the Ministry of Human Rights in Islamabad announced the establishment of the National Commission on the Rights of the Child (NCRC). Examining current or planned laws, administration instruments, and suggestions linked to children's rights, as well as consulting with provincial commissions created under state rules and other provincial organisations, are among the agency's key functions. It also required them to investigate infringements of the rights of children and suggest to the adequate department or agency, the initiation of legal proceedings in such cases, as well as to

examine and evaluate any law, strategy, or practice relating to the safeguard of children's rights, and to propose recommendations for their practical deployment.

The new commission must ensure that the children must be protected against sexual violence at all costs. It must start awareness campaigns on large scale and work on enhancing the compliance of Pakistan with international legislations relating to protection of rights of children.

#### 4.2. Administrative Measures

##### 4.2.1. Prevention by Educating Children about Sexual Violence

Unfortunately, incidences of child sexual abuse will continue. Experts advocate for a more holistic strategy, one that emphasises raising awareness among both parents and children. To create a child's trust in the awareness that he or she will be safeguarded from any threat, danger, or abuse, parents and children must communicate often. It will encourage youngsters to express their worries to their parents if someone tries to breach a line, and to believe that their words will be taken seriously and that action will be done against the offender.

According to experts, the more children learn about how to say "no," the readier they will be to recognise potentially dangerous situations. While human rights organisations have suggested that children be taught about the subject through textbooks but this idea has been met with fierce hostility. Those who make the argument that age-appropriate sexual abuse information will not make children sexually active or promiscuous, but will instead make people aware and confident in interacting with abusive relationships, have been fighting a losing battle for years, as if the problem of child sexual abuse is being ignored.

There has been minimal investment in prevention and treatment or child sexual abuse deterrence. Appropriate evidence-based interventions for preventing child sexual abuse are accessible, but only a handful have been extensively promoted. As a result, it is advised that additional resources be allocated to developing, evaluating, and implementing evidence-based primary prevention methods for child sexual abuse. These tactics can aid in the

development of secure, stable, and caring interactions and settings for all children.

#### 4.2.2. Legal, Psychological and Financial Aid

"Every child stripped of his or her freedom must have the right to rapid access to legal and other relevant help," according to "Article 37 (d) of the 1989 Convention on the Rights of the Child". "Upon the capture of a minor, her or his parents and guardians should be immediately informed of such arrest," according to "the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985". This rule clearly reflects UN efforts to protect children against sexual and physical violence at the hand of custodial authorities. Likewise, "the Juvenile Justice System Ordinance of Pakistan" states that "any child who is suspected of committing a crime or is a victim of an offence will have the right to legal help at the expense of the State."

Victim compensation programmes play a critical role in supporting survivors of abuse; however, such mechanisms are largely absent in Pakistan. The country's healthcare system remains inadequate, with limited public provision and costly private insurance, leaving most individuals to bear medical expenses independently. Consequently, victims of violence must finance their own treatment, exacerbating their financial and psychological burdens. Existing support structures, including counselling and rehabilitation services, are sparse and primarily offered by under-resourced non-governmental organisations. Therefore, there is a pressing need for comprehensive state-backed initiatives to facilitate the recovery and reintegration of victims.

### Conclusion

#### 5.1. Conclusion

This study examines the prevalence of child sexual abuse and the adequacy of legal and institutional responses in Pakistan, with comparative reference to international standards, particularly the United Kingdom. Child sexual abuse remains a pervasive threat globally, with significant underreporting and long-term psychological and social consequences for victims. International law, especially under United Nations frameworks,

places strong emphasis on the protection of children's rights; however, implementation varies considerably across jurisdictions.

In Pakistan, despite reporting over 18,000 incidents of child sexual abuse in recent years, prevention and response mechanisms remain underdeveloped. The existing legal framework does not comprehensively define all forms of sexual offences against minors, and enforcement is further weakened by inadequate training of law enforcement officials, limited institutional capacity, and public distrust in investigative authorities. While legislative developments such as the Zainab Alert, Response and Recovery Act 2020 and the Anti-Rape (Investigation and Trial) Ordinance 2020 represent important progress, their effectiveness remains constrained by weak implementation and systemic inefficiencies. In contrast, the United Kingdom offers a more structured and collaborative investigative model involving police and social services, alongside well-established child protection mechanisms.

The study further highlights the absence of comprehensive child welfare and rehabilitation systems in Pakistan, noting that victim support remains largely limited and insufficient for long-term reintegration. It argues for stronger institutional coordination, enhanced professional training for investigators, and broader involvement of civil society organizations in prevention and recovery efforts. Additionally, the integration of child protection education into school curricula is recommended to improve awareness and early reporting.

Overall, the paper concludes that while Pakistan has made incremental legislative progress, significant gaps persist between law and practice. Effective protection of children requires not only legal reform but also institutional strengthening, sustained awareness campaigns, and the establishment of comprehensive victim support and compensation mechanisms aligned with international best practices.

### Bibliography

#### Primary Sources

#### Table of Legislation

#### Primary Legislation - Statutes (Pakistan)

Anti-Rape (Investigation and Trial Ordinance 2020

Constitution of Pakistan 1973

Child Marriage Restraint Act 1929

Pakistan Penal Code 1860

Zainab Alert Response and Recovery Act 2020

#### Primary Legislation - Statutes (UK)

Children Act 1989

Children Act 2004

Criminal Procedure and Investigations Act 1996

Sexual Offences Act 2003

Social Services and Well-being (Wales) Act 2014

#### Legislation (International)

Convention on the Rights of the Child, 1989

European Convention on Human Rights

International Criminal Court's (ICC) Rome Statute

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000

SAARC Convention on Preventing & Combating Trafficking in Women and Children for Prostitution, 2002

Stockholm Declaration and Agenda for Action, 1996 against Commercial Sexual Exploitation of Children,

South Asia Initiative to End Violence Against Children (SAIEVAC).

Third World Congress against Sexual Exploitation of Children and Adolescents 2008

Universal Declaration of Human Rights, 1948

#### Table of Cases

Gillick v West Norfolk and Wisbech Area Health Authority (1986) AC 112, 170

Golder v UK (1976) 1 EHRR 524

Mohammad Hussain vs State (1959) PLD Lah. 322

Sadaf Aziz etc vs Federation of Pakistan etc (2021)

Yasir v. the State and another (2021) CrI. Misc. No.43708-B

Yasir v. the State and another (2022) PLJ Cr.C 90

Zafarullah Khan v. Fahim-ud-Din (1975) P.Cr. LJ 494

#### References

Alina Rashid and others, 'Evaluation of a school-based sexual abuse prevention program for female children with intellectual disabilities in rural Pakistan- A feasibility study' [2021] 57(1) Applied Nursing Research

Avais M, Narijo H, and Parker M, 'A Review of Child Sexual Abuse in Pakistan Based on Data From "Sahil" Organization' [2020] 9 (3) Journal of Islamabad Medical & Dental College 212-218

Abbas S, and Jabeen T, 'Prevalence of Child Abuse Among the University Students: A Retrospective Cross-Sectional Study in University of The Punjab, Pakistan' [2019] 40 (2) International Quarterly of Community Health Education 125-134

Bjørnseth I, and Szabo A, 'Sexual Violence Against Children in Sports and Exercise: A Systematic Literature Review' [2018] 27 (4) Journal of Child Sexual Abuse 365-385

Jabeen T, 'Pakistan's Child Protection Legislative and Policy Frameworks: 1 A Critical Review' [2013] 5 (2) Pakistan Journal of Criminology 159-180

Mehnaz A, 'Child Abuse in Pakistan-Current Perspective' [2018] 3 National Journal of Health Sciences 114-117

Sanjeevi J and others, 'A Review of Child Sexual Abuse: Impact, Risk, And Resilience In The Context Of Culture' [2018] 27 (6) Journal of Child Sexual Abuse 622-641

Tania Nadeem and others, 'Cultural Considerations in Providing Trauma Care to Female, Childhood Sexual Abuse Survivors: Experiences from Pakistan' [2020] 48(1) Asian Journal of Psychiatry

Trindade L, Linhares S, and Barbas S, 'Sexual Violence Against Children and Vulnerability' [2014] 60 (1) Revista da Associação Médica Brasileira 70-74

Warratch A, Amin R, and Rashid A, 'Evaluation of A School-Based Sexual Abuse Prevention Program for Female Children with Intellectual Disabilities in Rural Pakistan- A Feasibility Study' [2021] 57 Applied Nursing Research

Noor Ul Ain Tahir, 'The Endless Wait: Crisis of Backlog in Pakistan's District Judiciary' (Institute for Strategic Studies, Research and Analysis (ISSRA), 4 November 2025) <https://issra.pk/insight/2025/the-endless-wait-crisis-of-backlog-in-pakistans-district-judiciary/insight.php> accessed 10 April 2026.

### Organizational Reports

Berti S, 'Rights of The Child in Pakistan' (Report prepared for the Committee on the Rights of the Child, 2022) <https://www.refworld.org/pdfid/46c190b40.pdf> accessed 23 April 2022

Child Sexual Abuse I, '3.2 The Effects of Child Sexual Abuse' (iicsa, 2022) <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/interim/nature-effects-child-sexual-abuse/effects-child-sexual-abuse> accessed 22 April 2022

Gehl R, and Plecas D, 'Chapter 1: Introduction' (Pressbooks.bccampus.ca, 2021) <https://pressbooks.bccampus.ca/criminalinvestigation/chapter/chapter-1-introduction/> accessed 22 April 2022

Organization W, 'World Report on Violence and Health 2002' (Apps.who.int, 2002) [https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf) accessed 25 March 2022

Prevention C, 'Fast Facts: Preventing Child Sexual Abuse' (CDC, 2022) <https://www.cdc.gov/violenceprevention/childsexualabuse/fastfact.html> accessed 23 April 2022

UNICEF, 'Sexual Violence Against Children' (Unicef.org, 2022) <https://www.unicef.org/protection/sexual-violence-against-children> accessed 24 March 2022

UNICEF, 'Child Protection' (Unicef.org, 2022) <https://www.unicef.org/pakistan/child-protection-0> accessed 23 April 2022

### News Articles

Correspondence T, 'NCRC Reviews Laws and Policies, Inquires into Violation of Child Rights' (Thenews.com.pk, 2022) <https://www.thenews.com.pk/print/919133-ncrc-reviews-laws-and-policies-inquires-into-violation-of-child-rights> accessed 23 April 2022

Desk W, 'Zainab Alert App Launched Nationwide For Recovery Of Missing Children' (Thenews.com.pk, 2021) <https://www.thenews.com.pk/latest/729787-zainab-alert-app-launched-nationwide-for-recovery-of-missing-children> accessed 22 April 2022

Haider S, 'Child Sexual Abuse: Let's Talk Before It's Too Late | The Express Tribune' (The Express Tribune, 2020) <https://tribune.com.pk/story/2250763/child-sexual-abuse-lets-talk-late> accessed 25 March 2022

Khurshid J, 'Zainab Alert Agency Set Up, Federal Human Rights Ministry Informs SHC' (Thenews.com.pk, 2021) <https://www.thenews.com.pk/print/820272-zainab-alert-agency-set-up-federal-human-rights-ministry-informs-shc> accessed 22 April 2022

Khan S, 'Govt Plans to Establish Commission On Child Rights | The Express Tribune' (The Express Tribune, 2012) <https://tribune.com.pk/story/318295/protecting-the-future-govt-plans-to-establish-commission-on-child-rights> accessed 23 April 2022

Khawar H, 'Protecting Children' (DAWN.COM, 2022) <https://www.dawn.com/news/1622324> accessed 23 April 2022

Mustafa Z, 'Is It Child Abuse?' (DAWN.COM, 2022) <https://www.dawn.com/news/1648075> accessed 25 March 2022

News A, 'Javed Iqbal - A Serial Killer Who Raped and Murdered Over 100 Teenage Boys in Late 1990S In Lahore' (ARY NEWS, 2015) <https://arynews.tv/flashback-a-serial-killer-who-sodomized-and-murdered-100-children-in-lahore/> accessed 25 March 2022

Shackle S, 'When Will There Be Justice for Pakistan's Victims of Child Abuse?' (Aljazeera.com, 2021) <<https://www.aljazeera.com/opinions/2021/3/11/when-will-there-be-justice-for-pakistans-victims-of-child-abuse>> accessed 25 March 2022

**Online Sources/ Websites**

Abid Z, 'In Pakistan's Kasur, Child Rapes and Killings Continue Unabated' (Aljazeera.com, 2019) <<https://www.aljazeera.com/features/2019/10/28/in-pakistans-kasur-child-rapes-and-killings-continue-unabated>> accessed 25 March 2022

Bettina T Schunter and Qassim Iqbal, 'Sexual abuse, social stigma and HIV vulnerability among young feminized men in Lahore and Karachi, Pakistan' [2013] 15(1/2) Culture, Health & Sexuality <[https://www.jstor.org/stable/23524969?pq-origsite=summon&seq=7#metadata\\_in\\_fo\\_tab\\_contents](https://www.jstor.org/stable/23524969?pq-origsite=summon&seq=7#metadata_in_fo_tab_contents)> accessed 28 September 2021

Learning N, 'Statistics on Child Sexual Abuse | NSPCC Learning' (NSPCC Learning, 2022) <<https://learning.nspcc.org.uk/research-resources/statistics-briefings/child-sexual-abuse>> accessed 24 March 2022

Lisa Bunting and others, 'Trends in Child Protection Across the UK: A Comparative Analysis' [2017] 48(5) The British Journal of Social Work <<https://doi.org/10.1093/bjsw/bcx102>> accessed 28 September 2021

Mirza A, 'Delays and Lapses in Pakistan's Criminal Justice System' (South Asia@LSE, 2016) <<https://blogs.lse.ac.uk/southasia/2016/12/06/delays-and-lapses-in-pakistans-criminal-justice-system/>> accessed 22 April 2022

Murtaza A, 'The Need for Victim Compensation Programmes - Pakistan And Globally' (Asafeworldforwomen.org, 2022) <<https://www.asafeworldforwomen.org/global-news/asia/pakistan/5017-need-for-victim-compensation.html>> accessed 23 April 2022

MalihaGull Tarar and VenkatRao Pulla, 'Child Protection System and Challenges in Pakistan' [2018] 5(3) Space and Culture, India <DOI:10.20896/saci.v5i3.302.> accessed 28 September 2021

PCTB, 'Punjab Curriculum and Textbook Board' (Pctb.punjab.gov.pk, 2022) <<https://pctb.punjab.gov.pk/>> accessed 25 March 2022

Stefano Berti, 'Rights of the Child in Pakistan' (Refworld, May 2003) <<https://www.refworld.org/pdfid/46c190b40.pdf>> accessed 28 September 2021

Trindade L, Linhares S, and Barbas S, 'Sexual Violence Against Children and Vulnerability' [2014] 60 (1) Revista da Associação Médica Brasileira 70-74

