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# The Kasur Incident of Child Abuse

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Fact Finding Report

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National Commission For  
Human Rights, Government of  
Pakistan

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## LIST OF ACRONYM

CRC	Committee on Rights of the Child
CSO	Civil Society Organization
DBA	District Bar Association
DCHD	Democratic Commission for Human Development
DCO	District Coordination Officer
DPO	District Police Office
HRCP	Human Rights Commission of Pakistan
IG	Inspector General of Police
NCHR/Commission	National Commission For Human Rights, Government of Pakistan
PCHR	Parliamentarian Commission on Human Rights
UNCRC	The Convention on the Rights of the Child
UPR	Universal Periodic Review
WISE	Women in Struggle for Empowerment

“The Kasur episode is clear manifestation of decadence in our moral values and the failure inter-alia of religious leadership, political leadership, preventive measures, law enforcing agencies and neighborhood watch. The sociologists will have to diagnose the causes of these failures in democratic and Islamic State and propose curative measures so that recurrence of such like episode is checked”.

**Justice ® Ali Nawaz Chowhan,  
Chairman (NCHR).**

## **ACKNOWLEDEMENT:**

First of All, The Commission is thankful to Allah Almighty who strengthened us to investigate the Kasur Incident at this initial stage of the establishment of the Commission. Secondly, to the patronage, guidance and support of Honorable Chairman NCHR Justice ® Ali Nawaz Chowhan for making this whole exercise possible. Thirdly, the Commission expresses its gratitude to all members of its first fact finding committee; Mrs. Kishwar Shaheen Awan, Mr. Muhammad Shafique and Mr Ishaq Masih Advocate who, despite all resource constraints managed to thoroughly investigate the matter and reveal the facts related to this very important case. The Commission recognizes Mr. Atta Ul Mustafa of DeCurious Law Firm and his associate Mr. Arshad Mahmood of PCHR for doing the hard work of documenting this fact finding mission and producing this report in supervision of Honorable Member NCHR Chaudhry Muhammad Shafique. We owe thanks to Chief Secretary Punjab; Mr. Khizer Hayat Gondal and IG Police Punjab Mr. Mushtaq Sukhera for their cooperation.

The Commission is also thankful to members of CSOs particularly Mr. I. A. Rehman, Ms. Hina Jilani and Mehboob Aslam of HRCP, Ms. Tanvir Jahan of DCHD, Ms. Bushra Khaliq of WISE and Ansar Sajjad Bhatti, Mr. Chaudhry Iffat Saeed and Mr. Imtiaz Hussain of Sahil and Child Rights Movement Punjab for their cooperation and support.

The Kasur episode is clear manifestation.....

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## **PREFACE:**

The Kasur episode is clear manifestation of decadence in our moral values and the failure of interalia; religious leadership, political leadership, preventive measures, law enforcing agencies and neighborhood watch. The sociologists will have to diagnose the causes of these failures in an Islamic State and propose curative measures so that recurrence of such like episode is checked.

Cases of child sexual abuses have not been a rare occurrence in Pakistan, rather they are taking alarming proportion. Police data of the first 6 months of 2015 shows that more than 577 cases of child sexual abuse have so far been reported in Punjab only and a large number of child abuse incidents remained unreported. Pakistan is a signatory to the Convention on the Rights of the Child and has also ratified Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. However the overall state of child rights in Pakistan suggests that the State has to act fully in the spirit of international treaties for realization of child rights in Pakistan.

Pakistan lacks internationally accepted rights based child protection mechanism at national, provincial and local level. National and provincial laws and policies on child protection are inadequate. Child sexual abuse, Child Prostitution and Child Pornography are dealt indirectly in national and provincial laws. Denial and repression are also evident in the current state of legislation on child sexual abuse in Pakistan. For instance, Section 90 of the Pakistan Penal Code (PPC) declares any consent (for sexual intercourse) given by a child under 12 years of age as invalid; Section 377 of the PPC criminalises unnatural offences which include same sex intercourse indirectly, a common form of child sexual abuse.

After the 18th Amendment, the Punjab Destitute and Neglected Children Act 2004 is the major child protection law in the province. This law also criminalises the sexual abuse of children under Section 40 a person who is involved in securing “custody of a child ostensibly for any purpose but exposes such a child to the risk of seduction, sodomy, prostitution or other immoral conditions, to be punished with an imprisonment of either description for a term which may extend to three years and a fine which may extend to Rs50,000 or with both”.

Section 377 of the PPC.....

Section 377 of the PPC criminalises unnatural offences and includes indirectly child sexual intercourse. However, commercial sexual exploitation of children and child pornography has no expression in national laws. <sup>1</sup>

### **THE COMMITTEE CONSTITUTED BY NCHR:**

The Commission is a newly formed body, constituted on the recommendation of a parliamentary committee and is established by the Federal Government. At the moment, the Commission is resource less and hopes to become operational soon in all respects i.e budget, logistics, staff etc. Nonetheless considering the nature of the Kasur incident of child sexual abuse, the Commission took serious notice under Section 9 of the National Commission For Human Rights and expressed its concerns and strongly condemned the reported incident, where the victims were children in their adolescence.<sup>2</sup> The Commission constituted a fact finding committee of the following three Members;

1. Ch. Muhammad Shafique, Member ICT
2. Ms. Kishwar Shaheen Awan, Member Punjab and
3. Mr. Ishaq Masih Naz, Member Minorities

### **THE MANDATE OF THE COMMITTEE:**

The committee had the following mandate;

- i. To ascertain facts of the incident,
- ii. to submit an investigational report which should also suggest why the preventive mechanism failed, resulting in the horrible episode, which shocked the nation.
- iii. to ascertain the progress of investigation by the Federal/Provincial Agencies.

The Fact Finding Committee developed a comprehensive methodology, met all relevant stakeholders including representatives of provincial & district governments, CSOs, victims and their families.

The committee decided.....

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<sup>1</sup> See Appendix-III for details.

<sup>2</sup> See Appendix-IV for details

## **METHODOLOGY USED:**

The committee decided to take on board all relevant stakeholders. Therefore it decided to reach out to the victims and their families to ascertain the truth. By adopting participatory approach and empirical research method, the committee visited village Hussain Khan Wala in District Kasur where the committee met victims and their families and inquired about the incidents. To ascertain why the preventive mechanism failed, the committee held meetings with provincial government and district government particularly the Home Department of the Punjab, the Police through IG Police Punjab and the DPO Kasur, District Social Welfare Department through DCO Kasur and solicited their response to the incident. The government response was tested through civil society organizations replies on Kasur incident. District Bar Association Kasur and print & electronic media were also taken on board. Additionally, the committee also discussed the matter with Mr. Ahmad Saeed, MPA over the phone.<sup>3</sup>

## **OBSERVATIONS:**

In the light of foregoing, the Commission observed the following;

1. That, children were sexually abused in village Hussain Khan Wala, Distt Kasur on large scale since 2010. Victims and their parents were being blackmailed by the perpetrators by using the dishonour blackmail associated with sexual abuse as a bargaining chip. In this regard, it is unfortunate that parents and village residents had to take to the streets to actually get the authorities to take notice, And that too after the videos had been widely circulated. Predators like those who sexually abused the children in Kasur thrive on our state of callousness and tendency to overlook issues considered taboos here. This allowed the perpetrator to continue with their onslaught and the victim had no immediate recourse to relief or justice.
2. That, crime prevention mechanism and social protection mechanism of the State and their approaches towards situational crime prevention and social crime prevention failed in protecting innocent children and preventing their sexual abuse in District Kasur. Prima Facie it appears that policemen at Ganda Singh Wala police station showed inaptitude and failed to take cognizance of this horrific large scale abuse which amounts not only to criminal negligence rather.....

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<sup>3</sup> See Appendix-II for details.

criminal negligence rather it was connivance.

3. That inappropriate use of anti-terrorism act against complainants and inhabitants of village Hussain Khan Wala of District Kasur is causing fear of police-persecution and mistrust, leading towards social boycott to participate in investigation. The Commission welcomes the recent announcement of the Chief Minister Punjab for immediate withdrawal of cases registered under anti-terrorism act.
4. Stringent accountability action has to be taken against concerned officials both at police station level, the DPO and those on duty for special reporting. It is for consideration that the political leadership is also questioned by the Honorable Chief Minister on its inaptitude and lack of concerns for their constituency resulting in bringing a bad name.

### **RECOMMENDATION:**

In the light of foregoing, the Commission recommends the following;

### **POLICY LEVEL RECOMMENDATIONS:**

1. NCHR strongly recommends the Federal Government to take steps for expeditious enactment of following pending bills;
  - a. The Criminal Laws Amendment Bill 2009,
  - b. National Commission on the Rights of Children Bill, 2009 and
  - c. The Charter on the Child Rights Bill, 2009.
  - d. To check flaws in the Police Act 2002

Apart from a number of progressive steps with regard to child protection, the bills propose amendments in the PPC to expand the definition of sexual abuse of children; criminalise child pornography and ban internal trafficking (a major contributor to organised sexual abuse of children). Unfortunately, much like society at large, the elected representatives of the people have shown strong reaction to the plight of children vulnerable to abuse and exploitation. The bill is yet to be passed by the National Assembly and Senate. It is imperative that this important piece of legislation is passed to fulfil its commitment to our children and to the international community. Where the

latter is concerned, Pakistan.....

latter is concerned, Pakistan ratified the UN Convention on the Rights of the Child and its optional protocol on the Sale of Children, Child Prostitution and Child Pornography. Both call for Pakistan to take effective legislative and administrative steps to curb child sexual abuse.

2. NCHR recommends that child protection system should be reviewed and reformed in compliance with the provisions of the CRC. Budgetary provisions will be increased for child protection and appropriate administrative actions will be taken for child protection and assistance. Government of Pakistan should take all necessary steps to adopt and implements National Plan of Action for Children and National Child Protection Policy at Federal, Provincial and Local levels in accordance with the concluding observations of the Committee on the Rights of the Child.
3. NCHR recommends that Federal and Provincial governments should promote public awareness about child rights and child protection issues in collaboration with all relevant stakeholders including CSOs. Law enforcing agencies, prosecution, judiciary, lawyers and social welfare departments should be sensitized at Federal, Provincial and district levels. Physco-social treatment and counseling for victims and their families should be developed systematically.
4. NCHR requests the people representation and religious leaders to get sensitized and play their due role to stop recession of our moral values and to keep a vigil over rough elements in the society.
5. The NCHR expects of the Federal Government and the Provincial Government to review all Police laws as these have not changed the abhorrent police culture nor has made this institution worthy of trust.

#### SPECIFIC RECOMMENDATIONS TO KASUR INCIDENT:

1. NCHR will write to Police Department Punjab to investigate callously inaptitude and criminal negligence rather connivance of police in preventing this child sexual abuse and prosecute all those who were involved and responsible. NCHR will monitor the proceedings. It will also monitor the investigation and proceedings of Joint Investigation

Committee and progress report will be sought from Chief Secretary Punjab on monthly basis. Frequent interaction with Joint Investigation Committee will be ensured through IG Police office Punjab.

2. NCHR will write to Prosecutor General of Punjab office to appoint well trained and experienced prosecutors and progress on prosecution legal and judicial proceedings be monitored.
3. The NCHR requests the Punjab Government to establish a Trauma and Counseling Centre at Kasur. NCHR will work with DCO & DPO Kasur for trauma counselling of victims and their families in collaboration with civil society organisations and representatives of local peoples.

## **FIELD VISITS & MEETINGS OF THE COMMITTEE:**

*Meeting with the Chief Secretary, Home Secretary and IG Police, Government of Punjab:*

IG Police Punjab, Mr. Mushtaq Sukaira in the presence of Chief Secretary and Home Secretary Punjab briefed the committee on the incident of Kasur Child abuse and shared the progress. IG Police admitted before the committee that children were abused in Kasur however he differed with the magnitude and numbers of victims of this abuse as projected in Media. Accused made their video clips and the parent did not reveal it in time due to social taboo and self-respect. These immoral activities were continuing for almost last 6 years. When these incidents surfaced, police reacted promptly and cases were registered under relevant section of laws including Anti Terrorist Act.

He also shared that a joint investigation team comprising DIG Police, SP Police, DSP Police, member of ISI and member of IB, is formed on the direction of the Chief Minister who himself is monitoring the matter. IG Police also informed the committee that about 30 videos of child abuse are found and confiscated and from these videos, 18 victim children and 04 accused are identified. First FIR was lodged on 26<sup>th</sup> July 2015 when a complainant approached Ganda Sigh Wala police station for the first time. He also mentioned that the protest of people of village Hussain Khan Wala was unnecessary and

against the spirit of negotiation between government and victims families which were held before the protest wherein it was decided that protest will be called off. At the end, the Chief Secretary assured the committee that police is now vigilant & fully sensitized and the matter will be investigated in transparent manner and accused will be dealt in accordance with the law.

*Meeting with District Police Officer & District Coordination Officer:*

Newly appointed DPO Ali Nasir Rizvi, while briefing the delegation, shared that 23 FIRs have so far been registered and that out of these 27 FIRs, 20 are under S/377 PPC, 01 rape & 06extortion.<sup>4</sup> He also shared that accused in all these FIRs are the same 18 individuals. Out of these 18 nominated accused, police has so far arrested 17 accused one is on bail.<sup>5</sup> Further, he stressed that there is no doubt that these incidence of child sexual abuse have happened in the village however media and some other people are giving exaggerated numbers and this issue is being publicized just out of proportion. He further, reiterated that police is fully cooperating with the victims and registering FIR of all those who are coming for that. While admitting the mistakes and negligence of the concerned police officials he assured the delegation that with JIT in place, police trying to bridge the trust deficit between the police and the people of the concerned village. He requested NGOs to play their part in bringing police and the people close. However he was adamant that law will takes its course no matter who the violator is. He denied the allegations that police is harassing the complaints and their supporters by implicating them in frivolous cases. He further claimed that the FIR so far registered against the villagers and protestors are under the law and also denied the allegation that police is trying to hush up the matter because of political pressure.

DCO Kasur shared his version of the whole episode and blamed media and other political actors for further aggravating the situation. He admitted that callous attitude of the police at the initial stage is the major source of our concern. He suggested that the idea of

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<sup>4</sup> See Appendix –II for details.

<sup>5</sup> Ibid.

community policing is the only way to address these sort of crimes in the society. He further shared that Government has constituted a joint investigation team and hope that it will dig out the whole truth and the institutional lapses on the part of the police.

*Meeting with the Victim's Families and individuals:*

Victims' parents and close relatives shared how the accused were used to abuse and blackmail their 7 to 12 years kids since 2009. Master Ahmad Din, shared that the accused were used to inject the child before sodomizing him and filmed. We remained silent because of the fear of these videos and of the influence that the accused family carries. Some of their close relative are employed at Lahore High Courts, Lahore. We feel many a times that all this is being done with the connivance of the local police as police humiliated and tortured all those who went to lodge report against the accused. They robbed us and extorted even the jewellery from some families. He recalled that in 2012 when one woman went to request the parent of the accused to returned her jewellery they threatened her of dire consequence and publically humiliated her.

Muhammad Akram, shared that his nephew was sexually abused by the accused when he went to fetch drinking water from a place near to the haveli of the accused. He further said that on that fateful night my nephew complained of severe abdominal pain and he even went to the doctor who administered him pain killer and advised to take the child to the hospital. At that time no one realized that the child is experiencing this abdominal pain because of the sexual abuse. We came to know about this only when I saw video clips and identified my nephew as victim.

With regards to the police role in the whole affair, all those who were present said with one voice that police is still after them and their supporters and many of the villagers are in hiding out of the fear of being arrested by the police as police publically intimidating that it will arrest all those who were part of the protest against police. Police has already registered an FIR against numerous unknown person and using FIRs as an intimidating tool against the complainants and their supporters. Hence we have decided to boycott the proceedings of the JIT and this boycott will continue till the FIR against us has not been

withdrawn by the administration.....

withdrawn by the administration.

Mr. Sultan and Mobeen, (Mr. Sultan, hailed from a local Zimindar family) the main actors and supporters of the victims' families in this case shared that police harassing them and has falsely implicated them in a murder case and further that police in order to mitigate and undermine the severity of the whole incidence putting it as the outcome of a land dispute. However he also shared that they intend to use the disputed land for constructing a hospital with the help of some philanthropic organization. Mr. Mobeen, though resident of the village however he came back to his village only a year ago. Both Sultan and Mobeen are now organizing the people of village Hussain Khanwala and of surrounding villages and have also constituted a 10 member executive committee to oversee this particular case and the welfare of the people in future. He shared that due to the police fear we have not yet been able to organize meeting of the executive committee.

Though some of the victims of child sexual abuse were around however delegation did not ask any question from them. One individual by showing a bandage on his left leg allegedly claimed that he got injured by police shooting on the protestor earlier this month. They also questioned as to why accused are being kept in the police station –B-Division instead of lock up in the police station, Ghanda Singh.

*Meeting with the President, District Bar Association, Kasur:*

Mr. Muhammad Saleem, President District Bar, admitted that though the incidence of child sexual abuse is a fact however it is being blown out of proportion by certain elements. He went on to explain that the land dispute between the parties is also an important factor in this whole incidence. He was of the view some of the arrested individual have been falsely implicated by the complainants. One of the arrested accused is a WAPDA employee and posted in another city and has nothing to do with incidence. All this is being highlighted to take the political mileage out of this incidence, this could be ascertain from the fact that an FIR has also been lodged against an honorable member of the Bar just because his father is a candidate in the upcoming local bodies elections.

HRCF through Ms Hina Jillani and.....

### *Meeting with CSOs:*

HRCP through Ms Hina Jillani and I. A. Rehman shared its findings that says that local police is siding with the accused party and has aligned itself with the government. Further local MPA of the ruling party is fully involved and is trying to harass the complainants to save the accused party. HRCP also expressed its concern regarding the investigation of the cases and feared that police will try to involve kids and instead of sexual abuse will try to make it a sodomy case. Crime scene has not been protected by the police and people and media is openly visiting the haveli. HRCP suggested that FIA should also investigate as the possibility of selling these videos to pornographic sites cannot be ruled out. The most unfortunate aspect of this incidence is that still no body taking care of the psycho emotional health of the victims and everything is being shared in the presence of the innocent victims. HRCP further recommended that use of children for pornographic videos should be made a separate offence under the penal laws of Pakistan.

WISE through its Executive Director Miss Bushra Khaliq, CRM through Mr Irshad Advocate and representatives of Sahil shared observations of their fact finding missions that people of village Hussain Khan Wala knew this indecent act since 2010 however they were reluctant to bring it to the fore due to cultural taboos. CRM highlighted the neglected attitude of local police station particularly SHO who was involved in blackmailing and frightening the complainants. Representative of Sahil informed the committee that SHO use to make videos of all those complainants who tried to reach out to police station in this matter and passed on to accused/culprits. DCHD's representative stated about the the disturbing role of local politicians who tried to protect accused persons initially.

All CSOs unanimously confirmed that child abuse occurred in village Hussain Khan Wala at a large scale in a systematic mode. They denied the claim that it is a property dispute. All of them confirmed Child pornography and commercial sexual exploitation of children.

Following meetings during.....

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## APPENDIX-I

Following meetings during two days fact finding mission on 18<sup>th</sup> and 19<sup>th</sup> August 2015 were held;

S#	Meeting description	Participants	Date & Time
1.	Meeting with Civil Society Organisations	<ul style="list-style-type: none"> <li>• Sahil</li> <li>• WISE</li> <li>• CRM</li> </ul>	Wednesday dated 19.08.2015 at 10:00am in Regional Directorate of Human Rights, Lahore
2.	Meeting with Provincial Government Punjab	<ul style="list-style-type: none"> <li>• Chief Secretary Punjab</li> <li>• Home Secretary Punjab</li> <li>• IG Police Punjab</li> </ul>	Wednesday dated 19.08.2015 at 12:00pm in Chief Secretary Office Lahore.
3.	Meeting with District Government Kasur	<ul style="list-style-type: none"> <li>• DCO Kasur</li> <li>• DPO Kasur</li> <li>• CSOs</li> </ul>	Wednesday dated 19.08.2015 at 4:00pm in DCO office Kasur.
4.	Meeting with Victims and their families	<ul style="list-style-type: none"> <li>• Victims and their parents</li> <li>• CSOs members</li> </ul>	Wednesday dated 19.08.2015 at 7:00pm in village Hussain Khan Wala, Distt kasur.
5.	Meeting with District Bar Association Kasur	<ul style="list-style-type: none"> <li>• President &amp; Ex-President DBA Kasur</li> <li>• Advocates and Members of DBA Kasur</li> </ul>	Thursday dated 20.08.2015 at 11:00pm in Bar Room, DBA Kasur
6.	Meeting with District Administration Kasur	<ul style="list-style-type: none"> <li>• DCO Kasur</li> <li>• DPO Kasur</li> <li>• CSOs</li> </ul>	Thursday dated 20.08.2015 at 12:00pm in DCO office Kasur.
7.	Meeting with Press	<ul style="list-style-type: none"> <li>• The Committee</li> <li>• Sahil</li> <li>• CRM</li> <li>• WISE</li> <li>• Electronic and Print Media</li> </ul>	Thursday dated 20.08.2015 at 02:00pm in Press Club Lahore

8.	Meeting with Civil Society Organizations	<ul style="list-style-type: none"> <li>• HRCP along with Ms Hina Jillani and I.A.Rehman</li> <li>• CSOs</li> </ul>	Thursday dated 20.08.2015 at 04:00pm in HRCP office Lahore
9.	Meeting with Civil Society Organizations	<ul style="list-style-type: none"> <li>• DCHD</li> <li>• CRM</li> </ul>	Thursday dated 20.08.2015 at 05:00pm in DCHD office Lahore

Details of FIRs registered and their progress.....

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**DISTRICT POLICE OFFICER REPORT ON KASUR INCIDENT**

Subject:- REPORT REGARDING SODOMY CASES OF VILLAGE HUSSAIN KHANWALA, PS GANDA SINGH WALA, DISTRICT KASUR.

In Kasur where innocent children were sodomized by accused who also made their video clips and due to social taboo and self-respect, the parent did not reveal it in time. These immoral activities were continuing for almost last 6 years. When these incidents surfaced, police reacted promptly and cases were registered under relevant section of laws including Anti Terrorist Act.

1.	<b>FIR No.190/15 dated 01.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>06</b> nominated accused namely Haseem Amir, Saleem Akhtar Sherazi, Tanzeel-ur-Rehman, Ateeq-ur-Rehman, Waseem Abid & Aleem Asif along with 02 unknown.
	<b>Accused arrested.</b>	<b>06</b> accused have been arrested. 01 accused namely Haseem Amir arrested on 28.07.15 & 04 accused namely Saleem Akhtar Sherazi, Ateeq-ur-Rehman, Waseem Abid, Aleem Asif arrested on 10.08.15, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>At large</b>	<b>2</b> unknown
2.	<b>FIR No.191/15 dated 01.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>04</b> nominated accused namely Haseem Amir, Saleem Akhtar Sherazi, Tanzeel-ur-Rehman, Ateeq-ur-Rehman & 02 unknown.
	<b>Accused arrested.</b>	<b>04</b> accused have been arrested. 01 accused namely Haseem Amir arrested on 28.07.15 & 02 accused namely Saleem Akhtar Sherazi, Ateeq-ur-Rehman arrested on 10.08.15, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>At large</b>	<b>02</b> unknown.

<b>3.</b>	<b>FIR No.192/15 dated 01.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>06</b> nominated accused namely Haseem Amir, Saleem Akhtar Sherazi, Tanzeel-ur-Rehman, Ateeq-ur-Rehman, Waseem Abid & Aleem Asif along with 03 unknown.
	<b>Accused arrested.</b>	<b>06</b> accused have been arrested. 01 accused namely Haseem Amir arrested on 28.07.15 & 04 accused namely Saleem Akhtar Sherazi, Ateeq-ur-Rehman, Waseem Abid, Aleem Asif arrested on 10.08.15, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>At large</b>	<b>03</b> unknown.

<b>4.</b>	<b>FIR No.201/15 dated 04.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>15</b> nominated accused namely Haseem Amir, Naseem Shehzad, Basharat Cheor, Faizan Majeed, Ali Majeed, Abdul Manan, Tanzeel-ur-Rehman, Ateeq-ur-Rehman, Waseem Abid, Aleem Asif, Waseem Sindhi, Saleem Akhtar Sherazi, Irfan Fridi, Usman Khalid & Muhamamd yahya.
	<b>Accused arrested.</b>	<b>15</b> accused have been arrested. 04 accused namely Haseem Amir, Naseem Shehzad, Basharat Cheor, Faizan Majeed arrested on 28.07.15, 02 accused namely Ali Majeed, Abdul Manan arrested on 04.08.15, 01 accused namely Usman Khalid arrested on 07.08.15 & 05 accused namely Ateeq-ur-Rehman, Waseem Abid, Aleem Asif, Saleem Akhtar Sherazi & Muhammad Yahya arrested on 10.08.15, 01 accused namely Irfan Faridi arrested on 17.08.15, 02 accused Tanzeel-ur-Rehman & Waseem Sindhi arrested on 28.08.15.
	<b>At large</b>	--
<b>5.</b>	<b>FIR No.212/15 dated 09.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>04</b> nominated accused namely Haseem Amir, Naseem Shehzad, Aleem Asif & Muhammad yahya.
	<b>Accused arrested.</b>	<b>04</b> accused have been arrested. 02 accused namely Haseem Amir, Naseem Shehzad arrested on 28.07.15, 02 accused namely Aleem Asif Muhammad Yahya arrested on 10.08.15.
	<b>At large</b>	--

<b>6.</b>	<b>FIR No.218/15 dated 13.07.2015 u/s 377/386/387/293 PPC, 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>04</b> nominated accused namely Haseem Amir, Tanzeel-ur-Rehman, Aleem Asif & Ali Majeed. <b>One accused namely Faheem Adnan is nominated in supplementary statement.</b>
	<b>Accused arrested.</b>	<b>04</b> accused have been arrested. 01 accused namely Haseem Aamir arrested on 28.07.2015, 01 accused namely Ali Majeed arrested on 04.08.2015 and 01 accused namely Aleem Asif arrested on 10.08.2015, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>Joined investigatin</b>	<b>01</b> accused namely Faheem Adnan.
	<b>At large</b>	--
<b>7.</b>	<b>FIR No.219/15 u/s dated 13.07.2015 u/s 377/386/387/293 PPC,7 ATA, PS Ganda Singh Wala</b>	
	<b>Accused involved.</b>	<b>06</b> accused namely Haseem Amir, Naseem Shehzad, Waseem Abid, Aleem Asif, Muhammad Yahya & Waseem Sindhi.
	<b>Accused arrested.</b>	<b>06</b> accused have been arrested. 02 accused namely Haseem Amir, Naseem Shehzad arrested on 28.07.2015 & 03 accused namely Waseem Abid, Aleem Asif, Muhammad Yahya arrested on 10.08.2015.01 accused Waseem Sindhi arrested on 28.08.15.
	<b>At large</b>	--

<b>8.</b>	<b>FIR No. 238/15 dated 30.07.2015 u/s 506 PPC, PS Ganda Singh Wala</b>	
	<b>Accused involved.</b>	<b>06</b> nominated accused namely Saleem Akhtar Sherazi, Ateeq-ur-Rehman, Tanzeel-ur-Rehman, Aleem Asif, Muhammad Yahya & Abid s/o Yahya.
	<b>Accused arrested.</b>	<b>06</b> accused have been arrested. 05 accused namely Saleem Akhtar Sherazi, Ateeq-ur-Rehman, Aleem Asif, Muhammad Yahya & Abid s/o Yahya arrested on 10.08.2015, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>At large</b>	--
<b>9.</b>	<b>FIR No. 247/15 dated 12.08.2015 u/s 377/293/367-A PPC, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>01</b> nominated accused namely Abdul Manan & 02 unknown.
	<b>Accused arrested.</b>	<b>01</b> accused have been arrested. 01 accused namely Abdul Manan arrested on 04.08.2015.
	<b>At large</b>	--
<b>10.</b>	<b>FIR No. 248/15 dated 13.08.2015 u/s 377/293/367-A/386/387/506 PPC 7 ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>05</b> nominated accused namely Haseem Amir, Aleem Asif, Naseem Shehzad, Faheem Adnan & Maqsood Sindi.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 03 nominated accused namely Haseem Amir, Naseem Shehzad arrested on 28.07.2015 & Accused Aleem Asif arrested on 10.08.15.
	<b>Joined investigation</b>	<b>02</b> Accused Faheem Adnan & Maqsood Sindh.
	<b>At large</b>	--
<b>11.</b>	<b>FIR No. 249/15 dated 13.08.2015 u/s 377/293/367-A/386/387/506/337J PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>04</b> nominated accused namely Haseem Amir, Aleem Asif, M. Yahya & Waseem Abid.
	<b>Accused arrested.</b>	<b>04</b> accused have been arrested. 04 accused namely Haseem Amir arrested on 28.07.15 accused Aleem Asif , Yahya , Waseem Abid arrested on 10.08.15.
	<b>At large</b>	--
<b>12.</b>	<b>FIR No. 250/15 dated 13.08.2015 u/s 377/293/367-A/386/387/506/337J PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir, Ali Majeed, Abdul Manan.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 03 accused namely Haseem Amir arrested on 28.07.2015, Abudl Manan & Ali Majeed arrested on 04.08.15.

	<b>At large</b>	--
<b>13.</b>	<b>FIR No. 251/15 dated 13.08.2015 u/s 377/293/367-A/386/387/337J/364A PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>02</b> nominated accused namely Haseem Amir , M Ramzan.
	<b>Accused arrested.</b>	<b>01</b> accused have been arrested. 01 accused namely Haseem Amir arrested on 28.07.2015.
	<b>Joined investigatin</b>	<b>01</b> Accused namely M. Ramzan.
	<b>At large</b>	--
<b>14.</b>	<b>FIR No. 252/15 dated 13.08.2015 u/s 377/293/367-A/386/387/337J/506 PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>04</b> nominated accused namely Aleem Asif, Wasim Abid , Fiazan Majeed & Ramzan.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 02 accused namely Aleem Asif, Fiazan Majeed arrested on 28.07.2015 and accused Waseem Abid arrested on 10.08.15.
	<b>Joined investigatin</b>	<b>01</b> Accused namely M. Ramzan.
	<b>At large</b>	--
<b>15.</b>	<b>FIR No. 253/15 dated 13.08.2015 u/s 377/293/367-A/506 PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir , Fiazan Majeed, Aleem Asif.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 02 accused namely Haseem Amir, Fiazan Majeed arrested on 28.07.2015 & 01 accused Aleem Asif arrested on 10.08.15.
	<b>At large</b>	--
<b>16.</b>	<b>FIR No. 254/15 dated 13.08.2015 u/s 376/293/386/387/506 PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Yahya, Aleem Asif, Wasim Abid.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 03 accused namely Yahya, Aleem Asif, Wasim Abid arrested on 10.08.2015.
	<b>At large</b>	--
<b>17.</b>	<b>FIR No. 255/15 dated 13.08.2015 u/s 377/293/367-A/386/387/337J/506/364A PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir, Fiazan Majeed, Ramzan.
	<b>Accused arrested.</b>	<b>02</b> accused have been arrested. 02 accused namely Haseem Amir, Fiazan Majeed arrested on 28.07.2015.

	<b>Joined investigatin</b>	<b>01</b> accused namely M Ramzan.
	<b>At large</b>	--
<b>18.</b>	<b>FIR No. 256/15 dated 13.08.2015 u/s 377/386/387/367A/337J/506 PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>02</b> nominated accused namely Haseem Amir, Fiazan Majeed.
	<b>Accused arrested.</b>	<b>02</b> accused have been arrested. 02 accused namely Haseem Amir, Fiazan Majeed arrested on 28.07.2015.
	<b>At large</b>	--
<b>19.</b>	<b>FIR No. 257/15 dated 13.08.2015 u/s 377/293/367-A/386/387/337J/506 PPC 7-ATA, PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir, Fiazan Majeed, Naseem Shehzad.
	<b>Accused arrested.</b>	<b>03</b> accused have been arrested. 03 accused namely Haseem Amir, Fiazan Majeed, Naseem Shehzad arrested on 28.07.2015.
	<b>At large</b>	--

<b>20.</b>	<b>FIR No. 261/15 dated 18.08.2015 u/s 377/293/364/367A/386/387 PPC 7-ATA,PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir, Fiazan Majeed, Ali Majeed.
	<b>Accused arrested.</b>	<b>03</b> nominated accused namely Haseem Amir, Fiazan Majeed, Ali Majeed already arrested on remand in other cases.
	<b>At large</b>	--
<b>21.</b>	<b>FIR No. 262/15 dated 18.08.2015 u/s 377/293/367A/386/387/506B PPC 7-ATA,PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Haseem Amir, Aleem Asif, Basharat Mochi.
	<b>Accused arrested.</b>	<b>02</b> nominated accused namely Haseem Amir, Aleem Asif already arrested on remand in other cases.
	<b>At large</b>	<b>01</b> accused namely Basharat Mochi.
<b>22.</b>	<b>FIR No. 263/15 dated 18.08.2015 u/s 452/420/506B/148/149 PPC PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>05</b> nominated accused namely Saleem Akhtar Sherazi , M Yahya , Waseem Abid , Khadim Hussain , Tanzeel-ur-Rehman.
	<b>Accused arrested.</b>	<b>04</b> nominated accused namely Saleem Akhtar , M. Yahya, Waseem Abid already arrested on remand in other cases, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.
	<b>Joined Investigation</b>	<b>01</b> accused Khadim Hussain.
	<b>At large</b>	--
<b>23.</b>	<b>FIR No. 264/15 dated 18.08.2015 u/s 377/293/386/387/367A/506 PPC 7-ATA,PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>02</b> nominated accused namely Haseem Amir, Fiazan Majeed.
	<b>Accused arrested.</b>	<b>02</b> nominated accused namely Haseem Amir, Fiazan Majeed already arrested on remand in other cases.
	<b>At large</b>	--
<b>24.</b>	<b>FIR No. 265/15 dated 21.08.2015 u/s 506/452 PPC PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Zulfiqar, Kalsoom bibi,Nabila bibi
	<b>Accused arrested.</b>	--
	<b>At large</b>	<b>03</b> nominated accused namely Zulfiqar, Kalsoom bibi,Nabila bibi
<b>25.</b>	<b>FIR No. 268/15 dated 22.08.2015 u/s 365/420/506/B/148/149 PPC PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>05</b> nominated accused namely Saleem Akhtar, Tanzeel-u-Rehman, Aleem Asif, Attique-u-Rehman & Khadim Hussain.
	<b>Accused arrested.</b>	<b>04</b> nominated accused namely Saleem Akhtar, Aleem Asif, Attique-u-Rehman already arrested on remand in other cases, 01 accused Tanzeel-ur-Rehman arrested on 28.08.15.

	<b>Joined investigation</b>	<b>01</b> accused Khadim Hussai.
	<b>At large</b>	--

<b>26.</b>	<b>FIR No. 269/15 dated 22.08.2015 u/s 506/B/420 PPC 25/D Telegraph Act PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>03</b> nominated accused namely Faheem Adnan, Aleem Asif & Adnan.
	<b>Accused arrested.</b>	<b>01</b> nominated accused namely Aleem Asif already arrested on remand in other cases.
	<b>Joined investigation</b>	<b>01</b> accused Faheem Adnan joined investigation.
	<b>At large</b>	<b>01</b> accused Adnan at large.
<b>27.</b>	<b>FIR No. 271/15 dated 26.08.2015 u/s 365/506B/337/A1,L2,F1 PPC PS Ganda Singh Wala.</b>	
	<b>Accused involved.</b>	<b>02</b> nominated accused namely Tanzeel-u-Rehman & Khadim Hussain.
	<b>Accused arrested.</b>	<b>01</b> nominated accused namely Tanzeel-u-Rehman arrested.
	<b>Joined investigation</b>	<b>01</b> nominated accused namely Khadim Hussain.
	<b>At large</b>	<b>03</b> Unknown

<b>Total FIRs</b>	<b>27 (20 sodomy, 01 rape &amp; 06 extortion)</b>
<b><u>Recovery.</u></b>	Mobile phones, Memory Cards, CDs & Cash Rs.27000/-.(On checking of memory cards, 28/30 video clips have been found).
<b><u>Name of victims (20).</u></b>	Muhammad Danish, Musab, Abu Sufyan, Shah Zaib, Ijaz Ahmad, Muhammad Azeem, Tayyab Amin, Sharjeel, Mushraf, Arslan, M Waleed, Allaha Dita, Adeel Mushtaq, Hafiz Yasar, Arslan s/o Asghar, Surya Bibi, M Saleem, Waheed Akhtar, M. Tahir & M. Zaman.
<b><u>Name of accused of sodomy/Rape.18</u></b>	<b><u>(17 Accused Sodomy &amp; 01 Accused Rape)</u></b>
	Haseem Amir, Faizan Majeed, Basharat Cheor, Naseem Shehzad, Ali Majeed, Abdul Munan, Usman Khalid, Muhammad Yahya(rape accused), Aleem Asif, Attiq-ur-Rehman, Waseem Abid, Tanzeel-ur-Rehman, Waseem Sindhi, Irfan Afridi, Faheem Adnan, Maqsood Sindhi, Basharat Mochi & Ramzan.
<b><u>Name of accused of extortion (06)</u></b>	Saleem Akhter Sherazi & Khadim Hussain, Zulfiqar, Kalsoom bibi, Nabila bibi & Adnan.
<b>Accused Arrested (15).</b>	Haseem Amir, Faizan Majeed, Basharat Cheor, Naseem Shehzad, Ali Majeed, Abdul Munan, Usman Khalid, Muhammad Yahya, Aleem Asif, Saleem Akhter Sherazi, Attiq-ur-Rehman, Waseem Abid & Irfan Faridi, Tanzeel-ul-Rehman, Waseem Sindhi.

	<p><b>04 accused formally arrested on 28.07.2015.</b>  <b>02 accused formally arrested on 04.08.2015</b>  <b>01 accused formally arrested on 07.08.2015.</b>  <b>05 accused formally arrested on 10.08.2015.</b>  <b>01 accused formally arrested on 17.08.2015.</b>  <b>02 accused formally arrested on 28.08.2015.</b></p>
<b><u>Accused on physical remand (15).</u></b>	Namely Haseem Amir, Faizan Majeed, Basharat Cheor, Naseem Shehzad, Ali Majeed, Abdul Munan, Usman Khalid, Muhammad Yahya, Aleem Asif, Saleem Akhter Sherazi, Attiq-ur-Rehman, Waseem Abid, Irfan Faridi, Waseem Sindhi & Tanzeel-u-Rehman on physical remand till 08.09.2015 from Anti Terrorist Court No. 04, Lahore.
<b><u>Accused Joined Investigation 04.</u></b>	Faheem Adnan, Ramzan, Maqsood Sindhi & Khadim Hussain.

<b><u>Accused at large (05).</u></b>	Basharat Mochi , Zulfiqar, Kalsoom bibi, Nabila bibi & Adnan.
	(07 unknown accused have not so far been nominated or identified)
<b><u>Addition of Section 7 ATA.</u></b>	Section 7 ATA was added in 07 cases on 10.08.2015. where as the remaining/other cases were registered u/s 7ATA along with orther sections of law.
<b><u>Constitution of JIT.</u></b>	JIT has been constituted by the Home Department on 11.08.2015. The team is comprised of.

1. Mr. Khudabaksh Abubakar, Deputy Commandant Punjab Constabulary.	(Convener)
2. Representative of ISI.	(member)
3. Representative of IB.	(member)
4. Mr. Khalid Bashir Cheema, SSP/RIB, Gujranwala.	(member)
5. Mr. Liaqat Ali DSP/Investigation Branch, Punjab.	

**JIT is investigating all the cases registered under ATA in this incident**

Pakistan ratified the Convention on the Rights.....

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**LEGAL FRAMEWORK FOR CHILD PROTECTION**

Pakistan ratified the Convention on the Rights of the Child on 12 November 1990 and is duty bound to incorporate its provisions into domestic law. CRC is a comprehensive international treaty which encompasses all those rights and freedoms which are considered essential for realization of full potentials and best interest of the children. Child protection is also one of cornerstone of the convention. Article 34 of CRC obliges States to protect children from “all forms of sexual exploitation and sexual abuse” and to take measures against the three particular (and often linked) forms of exploitation – sexual abuse, prostitution and use in pornography – set out in paragraphs (a), (b) and (c). Article 34 states that;

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.”

Article 19 of CRC more generally covers protection from “all forms of physical or mental violence” and specifically mentions sexual abuse. The exploitative use of children in prostitution and pornography is also linked to the sale of and traffic in children<sup>6</sup>. Pakistan is also a party to three other international instruments aiming at directly or indirectly related to child protection: the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW),

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<sup>6</sup> See Article 35 of CRC.

ratified in 1996, the Declaration and Agenda for Action adopted at the issue of the World Congress against Commercial Sexual Exploitation of Children, signed in 1996, and reaffirmed by the Yokohama Global Commitment in 2001, and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Pakistan is also party to 'SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002'. All these International and regional instruments require Pakistan to take all necessary legislative and administrative measures to protect children from all forms of abuses and exploitation including sexual abuse and sexual commercial exploitation. Article 1 of the optional protocol requires State party to prohibit the sale of children, child prostitution and child pornography. Sale of children is defined in Article 2 of OP II to CRC as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration". The same Article also defines child prostitution and child pornography as "the use of a child in sexual activities for remuneration or any other form of consideration" and "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes" respectively. Articles 8 and 9 of the OP II to CRC are very important. Article 8 provides safeguards to child victims of the prohibited practices at all stages of criminal justice system. However, Article 9 requires State Party to adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent all these offences. It also requires State party to take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery. State parties are bound to promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol.

The First World Congress against Commercial Sexual Exploitation of Children 1996 , to which Pakistan is a state party, in its Declaration calls on States, in cooperation with national and international organizations and civil society, to:

- accord high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;

- criminalize the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized;
- review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;
- enforce laws, policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;

These are guideline for Government of Pakistan being State party to all above mentioned international instruments which demand their compliance in national laws. Government of Pakistan has taken a number of steps to incorporate these provisions in national legislation. Some steps resulted in national and provincial enactments fostering child rights and child's welfare while others are in process of legislation.

Currently, matters related to child protection including child sexual abuse are dealt indirectly in Pakistani legislation. However, commercial sexual exploitation of children and child pornography has no expression in national laws. For instance, Section 90 of the Pakistan Penal Code (PPC) declares any consent (for sexual intercourse) given by a child under 12 years of age as invalid; Section 377 of the same criminalises unnatural offences which include same sex intercourse, a common form of child sexual abuse. Section 377 states;

**“Unnatural offences:** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.”

This state of inadequate national legislation on child protection is addressed in numerous bills which are pending at different phases of legislative process. These include:

- (1) The Criminal Laws Amendment Bill, 2009
- (2) National Commission on the Rights of Children Bill, 2009
- (3) The Charter on the Child Rights Bill, 2009

Pakistan has a National Plan of Action for Children.....

Pakistan has a National Plan of Action for Children which requires due attention and implementation at Federal and Provincial levels. National Plan of Action for Children provides concrete measures for the survival, development and protection of children from all forms of neglect, abuse, and exploitation. The goals and targets as set forth by the UN Special Session outcome document “A World Fit for Children” are clearly reflected in the NPA. A distinct sub section of the NPA deals with protection of children from sexual abuse and exploitation. The National Plan of Action for Children was officially adopted by the Federal Cabinet on 24th May 2006. The main strategic thrust of the NPA are: political commitment, raising awareness, capacity building, advocacy, networking, social mobilization, enhanced allocation of resources, and setting up and strengthening functional structures and systems.

Government of Pakistan has also prepared comprehensive National Child Protection Policy which needs to be adopted at Federal and provincial level. The Policy provides for adopting legislative and regulatory measures to protect children from abuse and exploitation; enhancing administrative and institutional capacities at national, provincial and district level to effectively address the issues of protection and welfare of children; create awareness through increased dissemination of information to the public on child protection through media; protection of children at local and community level by setting up child protection system; encouraging children’s participation in the process and decisions affecting them; prevention of children from violence at homes, schools, workplaces and institutions; ensure child protection in emergencies like earthquake, floods and armed conflict, etc; encourage birth registration at all levels; provision of child protection services like counselling, psychosocial services, legal assistance; establishing day care centres; publicizing help lines; educational and vocational services; justice for children in conflict with the law and establishing child protection fund for protection of children living in poverty, exploited, abused or being victims of other type of violence.

In Punjab after the 18th Amendment, the Punjab Destitute and Neglected Children Act 2004 is the major child protection law in the province. This law also criminalises the sexual abuse of children under Section 40 whereby a person who is involved in securing “custody of a child ostensibly for any purpose but exposes such a child to the risk of seduction, sodomy, prostitution or other immoral conditions, shall be punished with an imprisonment of either

description for a term which may extend to three years and a fine which may extend to Rs50,000 or with both”. There is an urgent need to update this legislation in accordance with CRC and Optional Protocol.

In a nutshell, the operationalization of the national child protection framework has faced major challenge in Pakistan, many of which could be attributed to the lack of a coherent implementation mechanism and an effective channel through which to apply various international laws to meet local conditions and requirements, including the revision of outdated laws left over as a legacy from colonial times. Inadequate resources allocated by the State have posed further constraints on the robust child protection policy implementation.

In concluding observations of 2003, the Committee on the Rights of the Child while considering State Report expressed its concerns on increasing numbers of child sexual abuse cases in Pakistan. The committee forwarded some recommendations which are reproduced here;

- (r) assess scope, nature and causes of child abuse and neglect with view to adopting comprehensive strategy
- (r) adopt effective measures and policies aimed at changing attitudes, such as counselling for parents and guardians
- (r) thoroughly investigate cases of violence and apply sanctions against perpetrators
- (r) gather data on child abuse and neglect
- (r) provide services for physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent criminalization and stigmatization of victims, including thorough cooperation with ngos

The President of Pakistan has.....

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**NATIONAL COMMISSION FOR HUMAN RIGHTS**

The President of Pakistan has given his assent to National Commission for Human Rights Act of *Majlis-e-Shoora* (Parliament) on the 30<sup>th</sup> May, 2012 which has provided genius for the establishment of a National Human Rights Commission. The Act No. XVI OF 2012 provides its *raison d'être* as follows;

WHEREAS it is expedient to provide for the creation of a National Commission for Human Rights, for the purposes of promotion and protection of human rights as provided for in the Constitution of the Islamic Republic of Pakistan and the various international instruments to which Pakistan is a state party or shall become a state party;

Section 9 of the Act provides an exhaustive list of functions of the Commission. Section 9(a) empowers the Commission to take cognizance of any incident of violation of human rights in Pakistan either *suo-moto* or on a petition. Section 9(a & b) says;

**9. Functions of the Commission.**—The Commission shall perform all or any of the following functions, namely:—

- (a) *suo-moto* or on a petition presented to it by a victim or any person on his behalf, inquire into complaints of—
  - (i) violation of human rights or abetment thereof; or
  - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court by making application for becoming a party to the proceedings before such court;

Though Section 9 is detailed, particular attention is invited on Section 9(I) which enables the Commission to investigate and inquire incidents of human rights violations and Section 9(K) which binds the Commission to develop a national Plan of Action for the Promotion and Protection of Human Rights. Section 9(I & K) are produced here *mutatis mutandis*;

- (i) direct investigation and inquiry in respect of any incident of violation of human rights;
- (k) develop a national plan of action for the promotion and protection of human rights; and

Procedure for inquiries and investigations is provided in Chapter IV of the Act. Section 18 of the Chapter IV of the Act is important which provides 'steps after inquiry'. Section 18 says;

**18. Steps after inquiry.**—The Commission may take any of the following, amongst other, steps upon the completion of an inquiry held under this Act, namely:—

- (a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (b) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (c) provide a copy of the inquiry report to the complainant or his representative;
- (d) the Commission shall send a copy of its inquiry report together with its recommendations to the Government or authority which shall, within a period of one month or such further time as the Commission may allow, submit its reply indicating the action taken or proposed to be taken to implement the recommendations or reasons why these cannot or should not be implemented; and
- (e) the Commission shall publish its inquiry report together with its recommendations and the reply of the Government or authority thereto.

Although the NCHR was created in 2012, it started its limited functions in May 2015 with the appointment of Chairman and members. The Commission is at initial stage of planning and awaits its budget and staff to become fully operational.

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