

The prevention of child sexual abus law family essay

Law



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\n[/[toc](#)]\n \nAs proponent of Islamic faith which lays special stress on the welfare of family and child, as a member of the United Nations and in accord with the afore-referred mandate, it is our religious, moral and constitutional duty to bring the required legislative and structural changes to honour our commitments to the rights of child and family. There is a need to suitably amend the Penal Law with a view to make certain acts/wrong against the children punishable. There is need to create socio economic institutions to fully realise the objectives of the International Convention. There is a need to give a new and fair deal to the child. The main obstacle that is foreseen in the promulgation of child protection law is the political will to put children first above everything else. The other lingering concern is the fragile democracy, and the possibility of political instability, based on the economic and security situation that currently exists in the country. Such a situation could scrap the whole effort that has thus far been made, and may cause a serious blow to the progress of law-making for children in Pakistan. There is an urgent need to legislate the Child Protection Bill, which will help millions

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of Pakistani children get over their plight, and would help Pakistan be seen in the international arena as country caring for its children and willing to do something about it. Most of all, we need to educate the masses, the law enforcement agencies, our legal practitioners as well as the judiciary. Law and law enforcement cannot be approached but only from a Court and legislative perspective. The wider legal responsibility for the impact of poverty and the consequences of structural adjustment, including limited access to education, and particular types of tourism development, also have to be included in any programmes of action, as these have direct impact on the type of legislation and enforcement needed. A cultural change of consciousness and effort must take place so that law enforcement can also be concentrated on the District, Tehsil, Town and Village level.

Recommendations:

Some recommendations for the prevention of Child Sexual abuse in Pakistan:-

1 - Legal:

- Need for a separate comprehensive law after flagging off the gaps in the existing Laws and Legislation and the existing Penal laws do not understand child sexual abuse, particularly Section 377 PPC for unnatural offences.

There is a need for a comprehensive law to fill all the gaps through appropriate amendments including protection, prevention, medical examination and procedural steps by making amendments in the Pakistan Penal Code, Criminal Procedure Code and The Qanun-e-Shahdat Order 1984.

- A separate section regarding child molestation should be inserted in

the Pakistan Penal Code as an offence. • Child molestation should be included as an act of terrorism in the Anti-Terrorism Act, 1997, and should be included in the Schedule of the Anti-Terrorism Act, 1997. • The offence of child molestation should be made triable by the Special Court for Anti Terrorist Activities. • Punishment awarded for child molestation should be enhanced up to death penalty or at least life imprisonment. • Instead of a general legislation covering all offences against children, focus on a Bill for Sexual Offences against Children like the Sexual Offences Act 2003 as available in UK. • Need for a law that includes sodomy, male child sex abuse, pedophilia and extradition of foreign tourist offenders. • Uniform definition of the child as 18 years. • Develop guidelines for enforcement and implementation of laws and not just depend on FIRs as it is the language of the police. • Bar Associations and other professional legal associations should offer to assist sexually exploited children. • Child sexual abuse laws should be included in the course of LL. B.

2 - Trial:

- Establishing special/separate trial Courts for Child Sexual Abuse Cases like the Anti Terrorist Courts, Anti Narcotics Courts, Family Court, Guardian Courts, etc. • Arrangements should be made for the training of Judges and Prosecutors. • Providing a child friendly Court atmosphere. • Laws should be made for alternative modes of evidence, including the playing of pre-recorded video interviews as evidence-in-chief pre-recorded cross examination and re-examination, the use of CCTV, and the availability of a support person. • Use of pre-recorded video interviews as evidence-in-chief, pre-recorded cross examination and re-examination, and CCTV all serve to

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shield the child witness from the formality of the courtroom, including judge, jury and counsel, as well as from the accused. However, many child witnesses are likely to be overwhelmed by the formality of the courtroom, the presence of the many participants in the courtroom, combined with their lack of understanding of court procedure.

- That the pre-recording of children's evidence is permitted within the present legislative framework.
- A further advantage of pre-recording children's entire evidence is in situations where there is a request for a retrial. Pre-recorded evidence may avert the need for their direct participation in the second trial.
- That the most appropriate time to pre-record a child's cross-examination and re-examination is as soon as possible after the recording of the child's initial video-taped evidence.
- Training of judicial and legal professionals in effective communication with children is desirable.

3 - Policy:

- Draft a comprehensive code on child rights keeping in view the key areas like the Right to Education, Juvenile Justice, criminal set of law, family law, Juvenile law, etc.
- A single code has to be drawn and sub-elements can be traced from the existing laws and amendments as necessary.
- The Juvenile Justice System Ordinance, 2000 addresses many issues relating to child abuse and exploitation. However, its implementation across the country is uneven. It needs to be implemented in letter and spirit at every level throughout Pakistan.
- Need for standard operating procedures.
- Prevention and social mobilisation are as important as law enforcement.
- Need for inclusion of rehabilitation, counselling/support to the children sexually assaulted, molested or abused in the family and police station.
- Need for

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training of officials dealing with the child offence cases by the judicial academy including the police. • Need to give confidence to the parents to come forward to register a case and create conditions to enable them do so.

4 - Law Enforcement Agencies:

- Establishing a Special Anti Child Sexual Abuse Unit at least at Tehsil level. •

Arrangements should be made for the training of the members of the Anti Child Sexual Abuse Unit by conducting workshops, and lectures. A police officer should be aware of the child sexual abuse laws. • Latest equipments should be provided to the Special Unit for investigative purposes. •

Establishing a Monitoring Cell at the District Police Officer's Office, for supervising the performance of the Anti Child Asexual Abuse Units in the District. • Forensic Laboratory should be fully equipped and assist the investigating officers. • First Information Report (FIR) should be recorded by a police officer not below the rank of a sub-inspector. • Cooperation should be strengthened between law enforcement agencies and the private sector. • There should be closer liaison between law enforcement agencies and the ministries responsible for tourism. • National legislation should place airlines and airports under a legal duty to notify the public about child sex tourism.

a) During Investigation:

- Be supportive and optimistic to the child and the family. • Arrange for a medical examination and transportation to the hospital. Collect items for a change of clothes if needed. • Make use of appropriate investigative techniques. • Be sure the child and family have been linked to support services or therapy. • Be sure that the family knows how to reach a police

officer to disclose further information. b) During the Court Phase

- Visit the court with the child to familiarise him or her with the courtroom setting and atmosphere before the first hearing. This role should be assumed by the public prosecutor.
- Prepare courtroom exhibits (pictures, displays, sketches) to support the child's testimony.
- File all evidence in accordance with State and Court policy.
- Update the family about the status and progress of the investigation and stay in touch with them throughout the court process.
- Provide court results and case closure information to the child and the family.
- Follow up with the probation department for preparation of the pre-sentence report and victim impact statement.

5 - General:

- Children should be educated about their rights so that they know what constitutes abuse and molestation
- Children should be encouraged to report any incident of abuse or molestation.
- Children should be taught that all adults are not infallible; that refusing an act that is 'uncomfortable' or seems to be 'wrong' does not constitute disobedience.
- Molested children should be provided adequate counselling from the psychological point of view.

Parents should be given guidance where their children are concerned. This is especially true of Pakistan where sex and sex-related themes are tabooed. Parents should be educated and should be told to allow the imparting of preventative knowledge. Only then can children receive information that may eventually save their lives.

- The state should recognise the right of a child to a safe and secure childhood.
- It is a fact that child labour, and hence child abuse, is a result of the poor economic conditions of the region. Such conditions are ideal for child abuse and molestation. The legal system of the

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country must undergo a massive reform. • Talk shows should be arranged on electronic media to aware the public about the effects and preventive measures regarding child sexual abuse. • The last but not least in effect is the much touted but truly beneficial act is the mass education.