

Stolen Childhoods: A Legal and Social Study of Child Protection in Pakistan

Syeda Faryal Fatima¹
Rachna²

Abstract

Child protection in Pakistan remains one of the most important, yet inadequately addressed area. Despite legislative development, millions of children continue to face challenges i.e. early marriages, online exploitation, forced religious conversions, practice of *Bacha bazi* and child labour. The harmful socio-cultural practices, such as Vani, Swara, Watta Satta, and Pait Likhai across rural communities are still dominant leaving such girls to go through lifelong traumas. In the current digital age, online child sexual exploitation, cyberbullying, and grooming have emerged as growing dangers. Although, Pakistan has enacted various child protection laws and established agencies such as the FIA, NCRC, and provincial child welfare bodies but weak enforcement and social acceptance of harmful customs continue to weaken these efforts. This study discusses the social, legal, and technological threats and related measures for child protection in Pakistan. The study aims to highlight the gaps between impact of law and enforcement. It further emphasizes the essential need for stronger implementation, awareness, and institutional accountability.

Keywords: *Vani, Swara, Watta Satta, Pait Likhai*, online child sexual exploitation, *Bacha bazi*, forced religious conversion, monsoon brides.

¹ The author is 5th year law student, Department of Law, Indus College of Law

² The author is 5th year law student, Department of Law, Indus College of Law

1. INTRODUCTION

Children are the most important as well as the most vulnerable members of any society, and how a nation treats its children usually indicates its moral and social norms. In Pakistan, the reality remains deeply disturbing and worrying. Despite constitutional guarantees, legislation on child protection laws and international commitments millions of children continue to live under various threats, be it early and forced marriages, online sexual exploitation, forced religious conversions, practice of *Bacha bazi* or exploitative labour conditions. These kinds of abuse are largely interconnected with economic disparity, gender inequality, and strong patriarchal norms that normalize violence against children.

Early marriage is common across Pakistan's rural and tribal regions. Traditional practices such as Vani, Swara and Pait Likhai that young girls are exchanged to settle disputes or compelled to be in a marriage even before their birth, are still prevailing. Recent socio-economic pressures that include climate-induced disasters, have also given rise to practice of "monsoon brides," indicating how poverty and displacement force families into marrying off their daughters for survival. Furthermore, in recent years, the technological sphere has created another wave of vulnerability by adding the growing access to the internet among youth which has resulted to an alarming rise in online child sexual exploitation, cyberbullying, and blackmailing of this vulnerable sector of society. The emergence of artificial intelligence and dark web platforms have made it even harder to track the actual perpetrators. Cases from Muzaffargarh and Lahore reveal the working of organized networks that exploit children for profit, leaving a deep impact on their lives. Although amendments in the *Prevention of Electronic Crimes Act (PECA) 2016* have strengthened this law with enhanced enforcement coordination, but the conviction rates are still minimal.

In addition to this, the continued practice of child labour in domestic and non-domestic settings reflects a continuing cycle of poverty, negligence, and weak governance. Reported cases of child labour such as Zohra Shah and Fatima continue to paint a bleak picture in the newspapers of the Pakistan. Meanwhile, the abuse regarding forced religious conversions of young girls underscores the lack of protection afforded to religious minorities. The Human Rights Commission of Pakistan HRCP reports that about 12 or more young girls are forcibly abducted and converted in Sindh. Another alarming practice of Bacha bazi, which though is attempted to be justified in the name of pride and cultural tradition, reflects the gaps in the application of rule of law and deeply damages the social fabric of Pakistan.

This research article examines these overlapping issues through combining legal analysis with social and technological perspectives. It indicates essential question that despite of various laws, policies, and international commitments, the lives of Pakistani children remain marked by violence, exploitation, and silence. This research article attempts to identify the gaps in the legislation encompassing these acts by referring insightful examples from other countries. It further elaborates on societal reluctance and negligence of enforcement agencies in reporting and prosecuting the perpetrators of offences against children.

2. EARLY MARRIAGE IN PAKISTAN

Pakistan is ranked as the sixth most dangerous country for women globally, and the fourth worst when it comes to economic inequality, discrimination, and threats arising from cultural, religious, and traditional practices.³ Pakistan faces a serious

³ 'Factbox: Which Are The World's 10 Most Dangerous Countries For Women?' Thomson Reuters Foundation (26 June 2018) available at: <https://www.reuters.com/article/us-women-dangerous-poll-factbox-idUSKBN1JM01Z> accessed 1 June 2022

challenge with child marriage, as nearly 19 million girls in the country were married before turning to 18, which indicates that one in every six young women is a victim of early marriage. The issue is far more common in rural areas, where about 21.6% of girls marry before 18, compared to 12.5% in urban regions. In 2018 alone, around 4.6 million girls were married before the age of 15.⁴ Early marriage is commonly accepted phenomenon through various cultural and customary practices.

This issue is common due to practices including Vani, Swara, or Watta Satta, where girls are exchanged to settle disputes or family debts. In one of the practices called Pait Lekhi a girl is being promised in marriage even before her birth or while still in her mother's womb.⁵ Another example is "monsoon brides" demonstrating how environmental crises intensify social vulnerabilities.⁶

2.1 Cultural Practice of Vani or Swara

Vani or swara is the common practice in certain rural parts of Pakistan. A girl, often the sister or daughter of the offender usually a minor is handed over to the victim's family as settlement.⁷ This exchange serves as compensation for the loss of life that allows perpetrator to avoid formal punishment. The practices are known as swara among the Pashtun communities and vani in Punjab and Sindh. It continues to impact many families despite being

⁴ UNICEF. (n.d.). *Child marriage country profile: Pakistan*. <https://www.unicef.org/pakistan/media/4151/file/Child%20Marriage%20Country%20Profile.pdf> U

⁵ Shabbar, S. Z., & Manzoor, A. (2022). An analytical study on early marriage in Pakistan: Impact on education and health. *Pakistan Journal of Educational Research*, 5(2). <https://doi.org/10.52337/pjer.v5i2.515>

⁶ Al Jazeera. (2025, March 8). 'My childhood just slipped away': Pakistan's monsoon brides. Al Jazeera. <https://www.aljazeera.com/features/2025/3/8/my-childhood-just-slipped-away-pakistans-monsoon>

⁷ Khalid, I., & Nasir, M. (2020). *Early marriages in Pakistan: Causes and consequences*. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3641315>

condemned as a violation of human rights under Pakistani law.⁸ It is known by various names depending on local customs and linguistic traditions, such as “Vani”, “Sakh”, “Sawara”, “Sharam”, “Khooon Baha”, and “Sang Chatti”.⁹

In Balochistan in 2008, a jirga resolved a tribal dispute, which had started over the killing of a dog, by forcing 15 underage girls into marriage as part of the settlement¹⁰. Data collected by the Madadgar National Helpline after the enactment of the 2005 and 2013 laws reveal a disturbing reality: around 406 women were forced into marriage, and 176 cases of Vani were recorded across Pakistan. Shockingly, 77% of such marriages were consummated, indicating the persistence of these inhumane traditions. According to reports, these figures represent merely 10% of the actual cases.¹¹ Despite legal prohibitions, this inhumane practice continues to be part in rural areas of KPK and tribal regions. The recent case of Bhagwani Shumali, Adil, a poor barber, allegedly took his own life after being compelled by a tribal council (*panchayat*) to give his 11-year-old daughter as *vani*. The incident began when Adil’s nephew allegedly spoke to the daughter of an influential man. He was tortured and forced to sign a document agreeing to the *vani*, even after paying compensation. Before his suicide, Adil recorded an audio message indicating the

⁸ Incidents of *vanī* and *sawāra* are quite often reported in the national press of Pakistan. See www.jang.com.pk/jang/jun2012-daily/01-06-2012/u108745.htm and www.dawn.com/2012/03/16/two-girls-saved-from-vani last visited 4th November 2012

⁹ Vani Verdic, (2021). The Tribune. Pakistan Law Commission Report, Banning the Tradition of Vani (Giving Female as Consideration for compromise). Child Marriage: 12 year Old Girl Given in Vani to 85 Year Old. The Tribune, Pakistan (October 1, 2011).

¹⁰ Declan Walsh, ‘15 Child Brides Used to Settle Pakistan Feud’ *The Guardian* (5 June 2008) available at: <https://www.theguardian.com/world/2008/jun/05/pakistan.humanrights> accessed 1 June 2022.

¹¹ Madadgar National Helpline. (2013). *Annual report on forced and early marriages in Pakistan*. Karachi, Pakistan: Madadgar Helpline

perpetrators and pleading for justice and protection for his family.¹² Another recent case of Dera Ismail Khan, an eight-year-old girl was allegedly married under the vani custom. The incident took place after two suspects reportedly raped a 12-year-old boy. To resolve the matter, a four-member panchayat, including the local mosque's cleric, decreed that the sister of one of the accused be handed over in vani and married to the victim. A local nikahkhan subsequently performed the marriage ceremony.¹³

2.2 Cultural Practices of Watta satta and Pait likhai

The practice of watta satta (exchange marriage) is also common in the rural areas of Pakistan. In watta satta, marriages are often arranged long before the actual marriage age. As per report around 94% of *watta satta* marriages involve at least one brother-sister pair, in 72% cases both sides exchange siblings whereas, about 16% arrangement includes uncle-niece exchange.¹⁴

Studies indicate that around 36% of marriages in rural areas follow this bride-exchange system. In many cases, one or both of the girls involved are too young to legally or socially marry¹⁵. A study in 2018 indicates 66-78% watta satta marriages in Sindh and 44-47% in Punjab¹⁶. In the Federal administered Northern areas,

¹² Khan, I. A., & Gabol, I. (2025, March 10). Dera Ismail Khan man dies by suicide after panchayat decision in Vani case. *Dawn*. <https://www.dawn.com/news/1896861>

¹³ Khan, I. A. (2025, May 28). Five held as Dera girl married off under vani custom. *Dawn*. <https://www.dawn.com/news/1913746> Dawn

¹⁴ Jacoby, H. G., & Mansuri, G. (2007). *Watta Satta: Bride exchange and women's welfare in rural Pakistan*. *American Economic Review*, 97(2), 1804–1825. <https://doi.org/10.1257/aer.100.4.1804>

¹⁵ Hanan, J. & Mansuri, G. (2007). *Watta Satta: Exchange Marriage and Women's Welfare in Rural Pakistan*, Washington DC: World Bank Policy Research Working Paper
Retrieved from URL: https://www.researchgate.net/profile/Ghazala_Mansuri/publication

¹⁶ Van Veen, S., van Moorten, R. and Durani, W. (2018) *Marriage Decision-Making: A Family Affair*. OXFAM, p. 27.

the ratio is 17.5%, Balochistan (12.5%), whereas, the North West Frontier Province/Federally Administered Tribal Areas (12%), and Azad Jammu and Kashmir (8.5%)¹⁷. These reciprocal arrangements create social pressure, if one marriage in such exchange fails, the other couple is usually pressured to dissolve their marriage as well. Another reason is facilitation to reduce the economic strain on both families, as due to reciprocal arrangement it considerably help the either family to reduce the dowry costs. However, in rural Pakistan, dowries are generally modest (around 12% of annual household consumption) and typically controlled by the bride rather than given directly to her in-laws.¹⁸

In Pait likhai or sung-chitti, the girls may be promised in marriage before birth, this happens during infancy, or even while she is still in the womb, this concept of reciprocity has also become an accepted social norm. As per reports from Sindh, these marriages are extremely difficult to cancel, as cancellation can create serious disputes and violence between the families and within the wider *beradri* (kinship community).¹⁹ A survey conducted in Pakistan shows, more than 58.7% were Watta-Satta / Pait Likhai cases.²⁰

¹⁷ Y. Zaidi and S. Farooq, 'Women's Economic Participation and Empowerment in Pakistan: Status Report 2016' (2016) UN Women Pakistan, p.18. Available at:

<[https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESE Asia/Docs/Publications/2016/05/PK-WEE-Status-Report-lowres.pdf](https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESE%20Asia/Docs/Publications/2016/05/PK-WEE-Status-Report-lowres.pdf)> accessed 1 June 2022.

¹⁸ Hanan, J. & Mansuri, G. (2007). Watta Satta: Exchange Marriage and Women's Welfare in Rural Pakistan, Washington DC: World Bank Policy Research Working Paper.

¹⁹ Shaheed, F. et al. (2019) Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Final Technical Report. Lahore, Pakistan: Shirkat Gah-Women's Resource Centre.

²⁰ Rehan, N., & Qayyum, K. (2017). Customary marriages in rural Pakistan. *Medical Journal of Malaysia*, Vol 72 No 3, 72(3), 175–179. <https://www.e-mjm.org/2017/v72n3/customary-marriages.pdf>

2.3 Practice of monsoon brides

Monsoon brides indicate young brides in Pakistan, specifically from flood-affected regions like Sindh, who are married off during or after monsoon seasons due to economic hardship caused by climate-induced disasters. These early marriages are often arranged by families seeking financial relief or to reduce the number of dependents during the time of crisis.

According to the UNICEF reports extreme weather such as the 2022 floods, are associated with an 18% increase in child marriage rates, effectively reversing five years of progress. According to Niaz Ahmed Chandio, coordinator of the local NGO Child Rights Committee, 45 cases of child marriage were officially registered in Dadu city over the past year, while dozens more were not reported²¹. Moreover, a recent UNDP study examining climate and politico-economic stressors in Pakistan found that in flood-affected areas, girls are 25% more likely to drop out of school and enter early marriage²².

The Al Jazeera article comments *on Pakistan's monsoon brides* as a grave concerning trend in Pakistan, where catastrophic flooding results in a surge in child marriages. It highlights the story of Asifa, a 13-year-old girl from Sindh province, whose family was devastated by the 2022 floods. They arranged her marriage as a means of economic survival. Her parents saw this as their only option to alleviate financial strain as they lost their crops and

²¹ Deutsche Welle. (2024, October 8). *Extreme weather drives surge in Pakistan child marriages*. <https://www.dw.com/en/extreme-weather-drives-surge-in-pakistan-child-marriages/a-70112459>

²² Nguyen, V. (2025, March 8). *Washed away*. Dawn. <https://www.dawn.com/news/1896579>

savings. Asifa, now 15 and a mother, reflects on the loss of her childhood and the harsh realities she faces.²³

2.4 Troubling Impacts of Early Marriage

Early marriages often result and rise a grave psychological and physical challenges, including symptoms of post-traumatic stress disorder (PTSD) and depression. At such a young age, a girl's body is typically not ready for childbirth. According to the *Pakistan Journal of Educational Research*, the mental impacts of early marriage are severe, 83.5% of women face postpartum depression, 10% experience memory loss, and 6.5% suffer from chronic migraines²⁴. This physical immaturity increases the risk of miscarriage, postpartum hemorrhage, and obstetric fistula. When girls between 12-16 years become mothers, their bodies are still in a developing stage, specifically the pelvis and birth canal, as they are not fully mature before 18, leading to severe complications during and after pregnancy.²⁵ The rate of miscarriages is also high in the case of early marriages. In Punjab, an estimated 304,000 more children die when their mothers marry before 18, about 18% higher than the average. In Sindh, child marriage is linked to 118,000 additional deaths, a 25% rise. In Khyber Pakhtunkhwa, it causes around 36,000 extra deaths (12% higher), while in Balochistan, the impact is most severe, with 33,000 more child deaths, nearly a 49% increase.²⁶ Sindh's

²³ Al Jazeera. (2025, March 8). "My childhood just slipped away": Pakistan's "monsoon brides". Al Jazeera.

<https://www.aljazeera.com/features/2025/3/8/my-childhood-just-slipped-away-pakistans-monsoon>

²⁴ Pakistan Journal of Educational Research (PJER, Vol. 5, Issue 2, 2022)

²⁵ Sezgin, A. U., Punamäki, R. L. (2020). Correction to: Impacts of early marriage and adolescent pregnancy on mental and somatic health: The role of partner violence. *Archives of Women's Mental Health*, 23, 167–166.

²⁶ Bari, F., Farooqui, A. Z., Khan, M. S., Khan, S. A., & Kureishi, A. (2021). *Costing study on child marriage: A country level report 2020-21*. UN Women Pakistan & National Commission on the Status of Women. <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAs>

Pregnancy-Related Mortality Ratio (PRMR) accounted for 345 deaths per 100,000 live births in case of early marriages²⁷, making it the second highest in the country after Balochistan and far above the national average of 251. National figures show that girls aged 15–19 are nearly twice as likely to die from pregnancy-related complications compared to those aged 20–24, indicating how early marriage endangers the lives of young brides.

Early marriage is also associated with poor sexual and reproductive health. Child brides are usually naïve in hygiene matters making them easily susceptible to sexually transmitted infections, including HIV, and putting them at higher risk for early pregnancy²⁸. This leads to increased fertility and population growth as discussed in the Fertility and Population growth section. Evidence from the data shows that 10% or more women who got married below 18 did not want to get pregnant at the time of their marriage.²⁹

Another bitter consequence of early marriage is discontinuation of education. Number of young females are compelled to discontinue their education due to restrictions imposed by their husbands or in-laws, expecting them to complete the household

ia/Docs/Publications/2021/06/Child%20Marriage%20Costing%20Study%20Report-Pakistan-Final.pdf UN Women Asia and the Pacific

²⁷ Pakistan Maternal Mortality Survey, 2019. Available at: <https://dhsprogram.com/pubs/pdf/PR128/PR128.pdf>, p. 22

²⁸ UN Women (2013). *The Costs of Violence: Understanding the Costs of Violence Against Women and Girls and its Response: Selected Findings and Lessons Learned from Asia and The Pacific*. Bangkok, Thailand: United Nations Entity for Gender Equality and the Empowerment of Women, Regional Office for Asia and the Pacific. Gender Scoping Stud

²⁹ Bari, F., Farooqui, A. Z., Khan, M. S., Khan, S. A., & Kureishi, A. (2021). *Costing study on child marriage: A country level report 2020-21*. UN Women Pakistan & National Commission on the Status of Women. <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/06/Child%20Marriage%20Costing%20Study%20Report-Pakistan-Final.pdf> UN Women Asia and the Pacific

responsibilities along with dealing with their early pregnancies³⁰. Nationwide data revealed that 37% of respondents never attended school, while only 46% of those did completed matric or below. According to *The Costing Study on Child Marriage in Pakistan's Flash Survey (2019–2020)*, the educational cost of early marriage is substantial. In Punjab, with a 21% incidence rate, around 66,000 girls were not able to complete secondary education; however, completion rates could have risen by 20% without early marriage. Similarly, 294,000 young brides across Pakistan were unable to finish higher secondary education, indicating a potential 24% increase if they had not married early. In Sindh (23% incidence), 90,000 girls were affected; in Balochistan (36.2%), 24,000; and in KP (32%), around 47,000.³¹

In the essence, depriving a major portion of population from proper education, consequently impacts the country's economic development. According to World Bank statistics, Pakistan's economy loses an estimated USD 0.8 billion or 0.42% of total GDP due to the overall incidence of child marriage.³²

2.5 Legislative and judicial approach regarding early marriage

In Pakistan, there are many child restraint acts; however, it lacks the proper enforcement. Recently, the Child Marriage Restraint

³⁰ Stark, L. (2018). Poverty, consent, and choice in early marriage: Ethnographic perspectives from urban Tanzania. *Marriage & Family Review*, 54, 565–581.

³¹ *The Costing Study on Child Marriage in Pakistan's Flash Survey (2019–2020)*,

³² Bari, F., Farooqui, A. Z., Khan, M. S., Khan, S. A., & Kureishi, A. (2021). *Costing study on child marriage: A country level report 2020–21*. UN Women Pakistan & National Commission on the Status of Women. <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/06/Child%20Marriage%20Costing%20Study%20Report-Pakistan-Final.pdf> UN Women Asia and the Pacific

Act, 2025 was passed in May 2025 that sets the minimum legal age of marriage at 18 for both males and females in the Islamabad Capital Territory (ICT). The violation falls under the ambit of cognizable offence, and it imposes penalties including imprisonment and fines³³. However, this bill has also faced severe criticism from other parties, by stating this bill as against the principles of Islam.³⁴ Sindh is the first province to introduce an Act that sets 18 years of age for marriage for both men and women, and labeling it as a cognizable offence. Anyone over 18 who marries a minor will face imprisonment of two to three years in prison, a fine, or both. The same punishment applies to anyone who arranges, performs, or helps conduct such a marriage. Officials who fail to confirm the couple's age without valid justification can also be penalized or held in contempt of court.³⁵ In Punjab, the Act keeps the girl's *marriageable age* to 16, while *male* as 18 age for marriage, but it is non-cognizable offence until a complaint is made by union council, which is also a major loophole in this act.³⁶

The province of KPK mostly follows Child Marriage Restraint Act (1929), the legal age for marriage is 18 for boys and 16 for girls. After the 18th Amendment in the Constitution, the law became outdated, and a new KP Child Marriage Restraint Bill has been pending since 2014. The draft bill of 2019, led by the Social Welfare Department, proposes increase in the marriage age for girls to 18, with stricter punishments up to three years and Rs. 40,000 fine and making the offence a non-bailable and non-compoundable. It also requires birth, CNIC, and marriage

³³ Section 5, 6 and 7 of Child Marriage Restraint Act, 2025 <https://pakistancode.gov.pk/pdf/files/administratorecc8e12e1de9dfa4925e655c9cd5a385.pdf>

³⁴ Ali, K. (2025, May 29). *Clerics warn president against signing child marriage bill*. Dawn. <https://www.dawn.com/news/1913987>

³⁵ Sindh Child Marriages Restraint Act- 2013

³⁶ The Punjab Child Marriage Restraint (Amendment) Act 2015 (XII of 2015).

registration. However, despite provincial consensus, the PTI-led KP government has not tabled the bill³⁷. Balochistan does not have their own provincial law on child marriage, it is implementing Federal laws related to marriage, such as Child Marriage Restraint Act, 1929 include Criminal Laws Amendment (Anti-Women Practices) Act, 2011.³⁸ As per reports in 2023 Balochistan set a final a draft (Balochistan Child Marriage Prohibition Act) aimed to protect child marriages; however, Press reporting indicates a draft existed, but enactment and full gazette notification were reported as pending³⁹. Despite Sindh's strict child marriage law, it has largely failed in practice. From 2018 to 2024, Sindh Police reported 272 FIRs, but only 30 convictions. Mostly in Hyderabad, while Karachi and Sukkur were reported none⁴⁰. Moreover, Khyber Pakhtunkhwa recorded only three cases, while Balochistan reported none, indicating the severe underreporting.

Despite having the law in place in all over Pakistan, according to the SSDO 2024 report, the conviction rate stayed zero across all

³⁷ UNFPA Pakistan & The Population Council. (2022, December 20). *Child marriage in Khyber Pakhtunkhwa: A political economy analysis and policy options*. UNFPA Pakistan. https://pakistan.unfpa.org/sites/default/files/pub-pdf/child_marriage_kpk_book_1_0.pdf (pakistan.unfpa.org)

³⁸ UNFPA & Population Council. (2021, December). *Child marriage in Balochistan: A political economy analysis*. UNFPA Pakistan / Population Council. https://pakistan.unfpa.org/sites/default/files/pub-pdf/unfpa_pea_balochistan_report_final.pdf (pakistan.unfpa.org)

³⁹ Khan, N. I. (2023, March 22). Draft law finalised to outlaw child marriage, Balochistan govt informs Shariat Court. *Dawn*. <https://www.dawn.com/news/1743539>

⁴⁰ Malkani, S. (2025, June 6). *Criminalising child marriage*. Dawn. <https://www.dawn.com/news/1915735>; The Express Tribune. (2025, March 11). *Conviction rate low in child marriage cases*. The Express Tribune. <https://tribune.com.pk/story/2568202/conviction-rate-low-in-child-marriage-cases>

provinces, and child marriage is among the least reported offence, despite its grave impact on children's rights and health.⁴¹

Undoubtedly the superior courts have played a leading role to address this issue in a strict manner through various landmark judgments and legal reforms. For instance, in *Sakeena Bibi v. Secretary Law, Government of Pakistan* (2021), the Federal Shariat Court declared the Swara (Vani), as un-Islamic, unconstitutional, and illegal custom. The Court emphasized on the 25th Constitutional Amendment (2018), and Section 310A of the Pakistan Penal Code (1860)⁴² that makes Swara a punishable offence.⁴³

Similarly, in *Ashraf Ali v. Badar Munir* (2024), the Sindh High Court upheld the lower courts' decision and declared marriage null and void under the Sindh Child Marriage Restraint Act, 2014. As per facts of the case, a teacher was allegedly married to his 16-year-old student. The Court directed NADRA to expunge the marriage record, and stated it as violation of Section 2(a) of the 2014 Act that defines a child as anyone below 18 years of age.⁴⁴

Furthermore, in *Mumtaz Bibi v. Qasim* (2022). The Court highlighted the object of marriage that is two individuals enter into the contract primarily for procreation and compared this with the

⁴¹ Sustainable Social Development Organization (SSDO). (2024). *Mapping study on violence against children in Pakistan: A provincial analysis of physical and sexual abuse, kidnapping, child trafficking, child marriage, and labor*. National Commission on the Status of Women / SSDO. <https://ngdp-ncsw.org.pk/storage/6865729cf1528.pdf>

⁴² 310A. Punishment for giving a female in marriage or otherwise in badal-e-sulh, wanni or swara

⁴³ Federal Shariat Court of Pakistan. (2021, October 25). *Judgment on Swara (Shariat Petition No. 01-I of 2017)* [PDF]. Islamabad: Federal Shariat Court of Pakistan.

⁴⁴ Sindh High Court. (2024, March 27). *Ashraf Ali v. Badar Munir (C.P. No. S-982 of 2020)*. Karachi: Sindh High Court

provisions of rape under Section 375(3), which penalizes sexual intercourse with minor girl and provide no exception even where such conduct occurs pursuant to a contract of marriage. Therefore, a contract of marriage with a minor, even with her consent, is void. The Court also mentioned Pakistan's obligations under the UN Convention on the Rights of the Child (UNCRC) and relied on amendments made in Protection of Women (Criminal Laws Amendment) Act 2006 and the Criminal Law (Second Amendment) Act 2016.⁴⁵

Although these judgments and legal statutes have symbolized the significant progress in recognizing and prohibiting child marriages. Nonetheless in reality Pakistan continues to face grave challenges in enforcement of child marriage laws and achieving convictions.

Mainly the causes which fail the case are inadequate evidence, disappearance of witnesses and long proceedings, which ultimately results in the acquittal of the accused.⁴⁶ The Director of Sustainable Social Development organisation (SSDO) also pointed out that weak investigations, ineffective prosecution, and insufficient survivor support results in a lack of public trust in the law enforcement and the judiciary.⁴⁷

⁴⁵ Mumtaz Bibi v. Qasim, PLD 2022 Islamabad 228

⁴⁶ Mehmood, A. (2025, December 17). *Child abuse cases rise in Punjab as convictions remain at just 1%*. *The Express Tribune*. <https://tribune.com.pk/story/2582529/child-protection-collapses-under-impunity> The Express Tribune

⁴⁷ The Newspaper's Staff Reporter. (2025, November 11). *Over 270 cases of violence against children reported in Islamabad: report*. *Dawn*. <https://www.dawn.com/news/1954318>

3. ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE

Over half of the world's population has access to the internet. Globally, one in three internet users is in the 18-year age group⁴⁸. The Internet offers a number of benefits for children, including learning personal and professional skills, creativity, and participation in the community. However, the notion of online violence is also present, which includes online bullying, sharing explicit images, spreading false rumors, or digitally recording sexual activity that occurs offline and forwarding this kind of stuff online. This type of abuse is particularly linked to the technology, thus rapidly increasing.

The real perpetrators behind violence against children often remain hidden. Many children stay silent because of fear, stigma, shame, or simply because they have nowhere to turn for help. Research from six countries across Africa, Asia, and Latin America shows just how rarely children open up: only 23% to 54% tell a friend or family member, just 1% to 25% actually seek help, and as few as 1% to 11% manage to access formal support.⁴⁹

The National Commission on the Rights of the Child (NCRC) released a report stating the situation of children in Pakistan, facing online harassment, inappropriate content, and sexual exploitation risks. It highlights how perpetrators are utilizing video/audio functions to contact children.⁵⁰ It further states

⁴⁸ Livingstone S, Carr J, Byrne J. (2016). One in three: Internet governance and children's rights

⁴⁹ Pereira A, Peterman A, Neijhoft AN, Buluma R, Daban RA, Islam A, et al. (2020). Disclosure, reporting and help seeking among child survivors of violence: a cross-country analysis. BMC public health.

⁵⁰ National Commission on the Rights of Child & UNICEF. (2024). *Situation analysis of child online protection in Pakistan*. UNICEF. <https://www.unicef.org/pakistan/media/5546/file/Situation%20Analysis%20of%20Child%20Online%20Protection%20in%20Pakistan.pdf>

different types of Online Child Sexual Exploitation and Abuse (OCSEA).

3.1 Forms of Online Child Sexual Exploitation and Abuse (OCSEA)

Cyberbullying, often referred to as internet bullying, involves the dissemination of harmful, false, sexual jokes or negative content by individuals, or groups through digital platforms⁵¹. It has become especially common on social media platforms like Facebook, Twitter, and Instagram, where children spend much of their time⁵². A study was conducted among 25 countries where Pakistan stood on 22nd place for the highest rate of cyberbullying. Pakistan has been included in the list of fastest-growing countries that are using the internet. Such fast growth in this sector has certainly its own grave consequences resultantly a rapid increase in cybercrime.”⁵³

Some of the reasons for rapid increase are lack of proper knowledge to use internet technology, safeguarding privacy and unawareness of cybercrimes and related laws. Research was conducted on Lahore’s youth indicated that cyberbullying affects nearly half of them, with girls facing more harassment than boys. As a matter of fact, most cases go unreported such as almost around 71% of students say bullying isn’t reported, and 85% avoid informing parents due to fear. Another concern in this regard is that, many parents neither monitor online activity nor openly talk about this issue. In terms of awareness, over 80% of students don’t have awareness about cybercrime laws, and nearly 90% want

⁵¹ Rezayi, S., Balakrishnan, V., Arabnia, S., & Arabnia, H. R. (2018, December). Fake news and cyberbullying in the modern era. In 2018 International Conference on Computational Science and Computational Intelligence (CSCI) (pp. 7-12). IEEE.

⁵² “Cyberbullying.” Cyberbullying - National Bullying Prevention Center, www.pacer.org/bullying/info/cyberbullying. Accessed 27 Dec. 2022.

⁵³ Kanza, K. (2021, 05 11). The Nation. Bullying in Pakistan.

schools to provide awareness on it. The impact is grave, with 88% reporting mental health struggles.⁵⁴

3.2 Case studies regarding online children's rights violation

The recent cases regarding the selling of such materials on the dark web are Muzaffargarh 2025, The National Cyber Crime Investigation Agency (NCCIA), with assistance from law enforcement, rescued 10 children and arrested two suspects, while four others remain at large. Six children were placed under the Child Protection Department's care.

Furthermore, the cases of blackmailing, in April 2022, the FIA's Cybercrime Cell uncovered a gang in Lahore that was exploiting children and selling such material. At least 10 children were victimized, lured with money, raped, and filmed. The perpetrators then blackmailed the victims, repeatedly forcing them into abuse and threatening to release the videos online. A case was registered under Sections 20, 21, and 22 of the Prevention of Electronic Crimes Act (PECA) 2016, and Section 109 of the Pakistan Penal Code (PPC).⁵⁵ The case of a teenager, a Grade 8 student, explained as a witness that his friend introduced him to the offender, who later took pictures, and over time, he tricked the victim and took nude images of him and blackmailed him.⁵⁶

The Victims of child sexual abuse often face re-victimization throughout their lives, knowing that images and videos of their exploitation may remain online forever⁵⁷. Many suffer lasting

⁵⁴ Jamal, R. (2020). *Effects of cyber bullying on the youth: A case study of Lahore students*. Global Digital & Print Media Review, 3(1), 29–43. [https://doi.org/10.31703/gdpmr.2020\(III-I\).03](https://doi.org/10.31703/gdpmr.2020(III-I).03)

⁵⁵ 'Gang Involved in Child Pornography Busted | the Express Tribune. The Express Tribune, 2 Apr. 2022, tribune.com.pk/story/2350667/gang-involved-in-child-pornography-busted.

⁵⁶ Sighted by MSK v. The State [2022] Islamabad High Court, Criminal Appeal No. 151/2020

⁵⁷ "Child Pornography." Child Pornography, 26 May 2015, www.justice.gov/criminal-ceos/child-pornography.

psychological harm, including disrupted sexual development, disturbed self-image, and difficulties in forming trusting relationships.⁵⁸

3.3 Legal Framework and institution regarding online children's rights violation

The current legal framework in Pakistan regarding the children protection is extensive and quite well equipped. Such as *Pakistan Penal code (PPC) 1860*⁵⁹, *The Prevention of Electronic Crimes Act (PECA) 2016*⁶⁰, *Prevention of Trafficking in Persons Act 2018*⁶¹, *Islamabad Capital Territory Child Protection Act 2018*,

⁵⁸ Ibid

⁵⁹ Sections 292A, 293, and 294 address the sale, distribution, and public exhibition of obscene materials, exposure to seduction of children, and obscene acts or songs, Section 292A specifically criminalizes seducing a child or exposing them to sexually explicit material, including films, videos, or computer-generated images, Section 293 prohibits the sale, distribution, or exhibition of obscene objects to persons under 20, Section 328A deals with cruelty to a child, including assault, neglect, or acts causing physical/psychological harm, Section 377A criminalizes sexual abuse of children, including groping, fondling, voyeurism, or obscene acts with persons under 18, Section 377B prescribes punishment for sexual abuse, Sections 371A and 371B criminalize the sale or purchase of persons for prostitution, Section 366A criminalizes the procurement of minor girls under 18 for illicit sexual intercourse Of PPC;

⁶⁰ Section 20 addresses offenses against the dignity of a person, including spreading false or harmful information online, Section 21 criminalizes online child abuse and offenses against the modesty of minors, Section 22 deals with child pornography, prescribing 14–20 years , Section 22A targets online grooming, solicitation, and enticement, Section 22B criminalizes commercial sexual exploitation of children, Section 22C addresses using information systems for kidnapping, abduction, or trafficking minors for sexual abuse, Section 24 and 24A address cyber stalking and cyberbullying, Sections 30–30D govern investigation procedures, victim and witness protection, in-camera trials, Section 34 facilitates international cooperation in investigating offenses. Section 43 declares offenses under Sections 10, 21–22C as non-bailable, non-compoundable, and cognizable. Section 43A provides a complaint mechanism specifically for cybercrimes against children, Section 45A mandates the government to establish support mechanisms for victims PECA;

⁶¹ Section 3(1) of the PTPA 2018 indicates that any individual who is involved in activities such as recruiting, harbouring, transporting, providing, or obtaining

*Khyber Pakhtunkhwa Child protection and Welfare act 2010*⁶², *Balochistan Child Protection Act 2016*⁶³, *Sindh Child Protection Authority Act 2011*⁶⁴, *Sindh Children Act 1955*⁶⁵, *Punjab Destitute and Neglected Children Act 2004*⁶⁶, and *Punjab Protection of Women Against Violence Act 2016*⁶⁷.

In 2023, Pakistan took a positive step by updating the PECA 2016, broadening its coverage to better address crimes related to online child sexual exploitation. Moreover, the judiciary has adopted a stringent approach towards the violations of PECA 2016. The case of *Umar Khan vs. The State*⁶⁸ is exemplary in this regard, where the accused was not granted post-arrest bail even though the

another person for compelled labour or commercial sex acts through the use of force, fraud, or coercion commits this offence.

⁶² Section 2(e)(vi) defines child pornography, Section 35 criminalizes deceiving or defrauding a child to engage them in activities harmful to their physical, mental, emotional, economic, or social well-being, Sections 36 and 37 address violence against children causing or intending to cause harm, pain, suffering, or humiliation, Section 40 defines offenses broadly, while Section 48 prescribes punishment for child pornography, Section 50 criminalizes exposing a child to seduction or sexually explicit material with intent to involve them in sexual acts, Section 53 addresses sexual abuse of children;

⁶³ Section 2(1)(w) defines sexual abuse and exploitation to include: (i) coercing a child into unlawful or psychologically harmful sexual activity, (ii) using children for commercial sexual exploitation, (iii) using children in audio or visual images depicting sexual abuse, and (iv) child prostitution, sexual slavery, trafficking, sale for sexual purposes, and forced marriage. Section 2(1)(t)(vii) further expands the concept of mental violence to cover psychological harassment of children via information technology, internet, or cyber devices;

⁶⁴ Child Protection Units District Level – Sindh Child Protection Authority. scca.sindh.gov.pk/child-protection-units-district-level. Accessed 26 Nov. 2022.

⁶⁵ Section 56 criminalizes inducing or promoting seduction, immoral behavior, or prostitution of girls under 18, Section 57 addresses seduction or outrage of modesty, making it an offense for anyone engaging in immoral conduct to seduce a girl under 18

⁶⁶ Section 3(k) defines a destitute and neglected child, including children who are or may be abused or exploited for immoral, illegal, or unconscionable purposes

⁶⁷ Section 2(1r) to include sexual violence, psychological abuse, stalking, and cybercrime

⁶⁸ 2022 SCMR 216

offence⁶⁹ did not fall under the non-prohibitory clause of Section 497 CrPc. The Supreme Court ruled that the nature of offence, and its impact on the society must be kept in view while granting bail.

Another notable example is the case of *Farhan Kamrani vs. The State*,⁷⁰ where the High Court of Sindh rejected his post-arrest bail, and the Trial Court convicted him for online harassment,⁷¹ awarding him fine of One Million rupees. The convict was a professor of psychology at a reputable university, yet he committed the crime. Through this precedent, the court signaled that educational qualifications do not mitigate the commission of heinous crimes. While these examples do reflect a positive change in cybercrimes cases, the root of issue and the dangerous spread of the crime still remain largely unaddressed.

There are multiple agencies such as, Federal Investigation Authority (FIA), Cyber Crime Wing (CCW), Pakistan Telecommunication Authority (PTA), Police, Child Protection Agencies (ICT and Provincial), National Human Rights Institutions (NHRIs), National Commission on the Rights of Child (NCRC), United Nations Children's Fund (UNICEF), International Telecommunication Union (ITU), International Criminal Police Organization (INTERPOL), We Protect Global Alliance, and other non-government Organizations that helped in the enforcement of the laws regarding Children. However, despite government efforts to block websites containing pornographic material, such content remains accessible through new platforms or VPNs. Additionally, there is no law that protects children from criminal liability if they are forced to share abusive material. This gap can discourage children from reporting abuse, as they may

⁶⁹ Prevention of Electronic Crimes, 2016 §§ 22(1)

⁷⁰ 2018 YLR 329

⁷¹ The Prevention of Electronic Crimes Act, 2016 §§ 20 & 21

fear being prosecuted, while perpetrators could exploit this loophole to blackmail or manipulate victims⁷².

Moreover, the conviction rate of cybercrimes is comparatively very low⁷³. The real cause of problem lies in the failure of establishing separate tribunals for such crimes. Although PECA 2016 addresses various forms of online abuse that affects individuals irrespective of gender or age. However, Chapter V of the Act confers the jurisdiction in Magistrates of the existing courts. It is a well- established fact that subordinate judiciary is already over-burdened with the pendency of cases and the outdated procedural practices including non- registration of FIRs, late submissions of Challan, inadequate investigations, and lengthy adjournments are persistently present. In such case the rapid spread, and severe impact of cybercrime on the society requires the establishment of separate tribunals with the presiding officers who have sufficient training in information technology and possess AI-centric knowledge to swiftly manage the case flow and adjudge the cases accordingly. Although the PECA 2016 provides the assistance of amicus curiae,⁷⁴ it is neither practical nor feasible to appoint amicus curiae for every case. When the presiding officer himself would be equipped with such technical knowledge, trials could proceed more expeditiously and conviction rate could significantly improve.

4. CHILD LABOUR

Children are considered most active human beings among all age groups, but it is regrettable when their activity turns into labour.

⁷² National Commission on the Rights of Child & UNICEF. (2024). *Situation analysis of child online protection in Pakistan*. UNICEF. <https://www.unicef.org/pakistan/media/5546/file/Situation%20Analysis%20of%20Child%20Online%20Protection%20in%20Pakistan.pdf>

⁷³ Ali, K. (2025, January 15). Cybercrime conviction rate ‘very low’. *Dawn*. <https://www.dawn.com/news/1885210>

⁷⁴ The Prevention of Electronic Crimes Act, 2016 Sec 43.

The outcry against child labour is not new; however, each time it is discussed, the threshold reaches new heights. Child labour remains one of the prominent issues in the South Asia region.⁷⁵ It is important to understand that Article 3 of the Convention recognizes child begging as a form of child labour.⁷⁶ Pakistan, being a signatory to this Convention, openly violates it by failing to curb child begging.⁷⁷ The Survey reports⁷⁸ released in 2022 and 2024 by the Provincial Governments regarding child labour reveals concerning figures of child labour, emphasizing the practice is a deep rooted in Pakistan. The report from Punjab alone submits that about 16.9 % children start child labour from the tender ages like 5 to 8 years. Children aged around 10-14 years often engage in hazardous forms of labour, posing risk to their health. In Khyber Pakhtunkhwa (KPK), around 73.8% children are engaged in hazardous occupation⁷⁹ while in Sindh, over 50.4 % children faces harsh conditions like extreme labour, long hours of work, unsafe work environment, and tools.⁸⁰

Child begging is not appreciated by local public in Pakistan. However, Pakistan is a religious country, children who are disabled and beg near a Pir' haveli or religious shrines are often

⁷⁵ UNICEF. (2018, April). *Child labour and exploitation*. UNICEF South Asia. Retrieved from <https://www.unicef.org/rosa/what-we-do/child-protection/child-labour-and-exploitation>

⁷⁶ International Labour Organization. (2017). *Normlex – Comment ID: 3298621*. Retrieved September 29, 2025, from https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3298621

⁷⁷ Hashmi, S. V. U. N. (2022). *Inquiry into the plight of street children in ICT – challenges & way forward* (p. 21). Wafaqi Mohtasib (Ombudsman)'s Secretariat. <https://www.mohtasib.gov.pk/>

⁷⁸ National Commission on the Rights of Child, & UNICEF. (2024). *The state of children in Pakistan 2024 report* (p. 99). National Commission on the Rights of Child.

⁷⁹ National Commission on the Rights of Child, & UNICEF. (2024). *The state of children in Pakistan 2024 report* (p. 99). National Commission on the Rights of Child.

⁸⁰ Dawn.com. (2025, October 10). *Over 1.6m children in Sindh trapped in child labour, survey finds*. Dawn. <https://www.dawn.com/news/1922115>

perceived as holy men.⁸¹ For example, in Gujarat, Pakistan, there are famous child beggars locally known as *Daulah Shah ke Chua*.⁸² They are usually known for their small heads, which occurs due to a medical condition called microcephaly.⁸³ It has been reported that infertile women would visit the shrine for treatment and are required to gift their first child to Daulah Shah, believing the child will become a chua who begs and bless visitors.⁸⁴ However, the controversy arose when each firstborn child was surviving with microcephaly which is a rare condition.⁸⁵ In any case, these children are exploited because of their disability, which is itself controversial. Moreover, the disheartening reality is they denied medical treatment⁸⁶ and are forced to beg for the rest of their lives.

Apart from begging, child labour also includes work in transport departments, factories, local eateries, waste-picking⁸⁷ automobile

⁸¹ Hussain, M., Rasheed, A., & Zia, M. A. (2024). A qualitative analysis of health among microcephalies (Shah Daula community): Narratives from Gujrat, Punjab, Pakistan. *Journal of Political Research and Social Sciences (JPRSS)*, 11(1) (P. 285)

⁸² Rajpal, S. (2020, December 17). *Indigenous traditions, modernity, and madness*. In *Curing madness? A social and cultural history of insanity in colonial North India, 1800–1950s*. Oxford University Press. <https://doi.org/10.1093/oso/9780190128012.003.0006>

⁸³ Hussain, M., Rasheed, A., & Zia, M. A. (2024). A qualitative analysis of health among microcephalies (Shah Daula community): Narratives from Gujrat, Punjab, Pakistan. *Journal of Political Research and Social Sciences (JPRSS)*, 11(1), 247.

⁸⁴ Miles, M. (1996). Pakistan's microcephalic chuas of Shah Daulah: Cursed, clamped or cherished? *History of Psychiatry*, 7(28), 571–589. Taylor & Francis. Retrieved from <http://www.independentliving.org/miles201005.html>

⁸⁵ Ingles, G. (2021, September 17). Primary microcephaly and the beggars of Shah Daula. *The Borgen Project*. Retrieved from <https://borgenproject.org/primary-microcephaly/>

⁸⁶ Hussain, M., Rasheed, A., & Zia, M. A. (2024). A qualitative analysis of health among microcephalies (Shah Daula community): Narratives from Gujrat, Punjab, Pakistan. *Journal of Political Research and Social Sciences (JPRSS)*, 11(1), 282–283

⁸⁷ International Labour Organization. (2023). *Rapid assessment of child labour in waste-picking in Pakistan*. International Labour Organization.

repair shops,⁸⁸ and other sectors. These environments remain unsafe for the children due to possibility of sexual abuse,⁸⁹ and recruitment in drug production or trafficking.⁹⁰

The children who work in such harsh conditions are mostly illiterate and poverty-ridden.⁹¹ They face health risks; such as research finds the children working in workshops had chronic backache, cough, watery eyes, skin lesions, and fatigue.⁹² For instance, the case of Muhammad Adnan vs. State⁹³ highlights the apprehension of abuse of children in transport department. The appellant was sentenced under S: 9(c) ⁹⁴because he was driving a rickshaw in which narcotics substance was found. The TC treated the 10-year old juvenile as an adult and sentenced him to life imprisonment. The matter eventually reached to Supreme Court, where the appellant was finally released but only at the expense of 11 years of legal battle.

4.1 The legal position of child labour:

Pakistan has taken multiple actions to curb the curse of child labour. The parliament actively identifies and drafts new laws, while the executives and judicial branches also play an important

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-islamabad/documents/publication/wcms_887600.pdf

⁸⁸ International Labour Organization (ILO). (2023). *Rapid assessment of child labour in automobile repair workshops in Pakistan*. <https://www.ilo.org>

⁸⁹ ECPAT International. (2025). *Case study: Child Rights Group of the Pakistan Paediatric Association, Pakistan* (p. 11). ECPAT International.

⁹⁰ International Labour Organization (ILO). (1999). *Worst Forms of Child Labour Convention, 1999 (No. 182)*. <https://www.ilo.org>

⁹¹ Rehman, M. A. (2023, December 19). *How Pakistan's socioeconomic problems are leading to child labour*. Research Society of International Law (RSIL). <https://rsilpak.org/2023/how-pakistans-socioeconomic-problems-are-leading-to-child-labour/>

⁹² International Labour Organization (ILO). (2023). *Rapid assessment of child labour in automobile repair workshops in Pakistan* (p. 10). https://s3.eu-central-1.amazonaws.com/.../wcms_887599.pdf

⁹³ Muhammad Adnan v. The State, PLD 2018 Supreme Court 823

⁹⁴ Narcotics Controls Act 1997

part in safeguarding children's rights. The efforts have resulted in numerous laws aimed for the protection of children from child labour such as, *Section 328 of Pakistan Penal Code 1860*, *Punjab Prohibition of Child Labour at Brick Kilns Act, 2016*, S; 2(e), *National Commission on the Rights of Child (NCRC) Act, 2017*, S; 15 & 17. *Article 11 (3) and Article 35 of Constitution of Pakistan 1973*, *Employment of Children Act, 1991*, *Pakistan Bonded Labour System (Abolition) Act, 1992*, *Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015*; *the Punjab Restriction on Employment of Children Act 2016*; *the Sindh Prohibition of Employment of Children Act, 2017*; *the Islamabad Capital Territory Prohibition of Employment of Children Act, 1991 (schedule of occupations amended in 2020)*, and *the Balochistan Employment of Children (Prohibition & Regulation) Act, 2021*.

However, legislation only becomes fruitful when it is implemented in its strictest sense. For that, laws shall be drafted in that context, for example, apart from *Section 328, PPC 1860*, *Pakistan Bonded Labour System (Abolition) Act, 1992*, & *Punjab Restriction on Employment of Children Act 2016* other Acts have not made the offences cognizable. This hampers the ability of the police to investigate and instantly curb a violation on sight by arresting the culprits without warrants. The courts⁹⁵ have repeatedly recognized the need for reforms and stated that merely providing free textbooks will not ensure the attendance of students.⁹⁶ The Action Plan for Human Rights for the promotion and protection of human rights was introduced in 2016 to eradicate child labour and implement Article 25-A of Constitution

⁹⁵ Syed Nazeer Agha vs. Government of Balochistan, PLD 2014 Balochistan 86 (Pakistan).

⁹⁶ Rehman, M. A. (2023, December 19). *How Pakistan's socioeconomic problems are leading to child labour*. Research Society of International Law (RSIL). <https://rsilpak.org/2023/how-pakistans-socioeconomic-problems-are-leading-to-child-labour/>

of Pakistan.⁹⁷ Another notable example is the successful eradication of child labour in the Sialkot soccer-ball industry in 2004.⁹⁸ The efforts are not rewarding enough because of lack of strict enforcement. Many Acts refers provisions where Police officers can lodge complaint when they are witnessing child labour crossing the prohibited parameters⁹⁹. The legislative intent behind this is exceptional, since police officers have accessibility and a legal cover for their safety when dealing with such crimes. Yet, there is no mechanism which can ensure how many complaints are registered by police officers monthly and hence such omissions allow these crimes to spread.

Moreover, the delay in the trial proceedings can result in life-altering consequences, as happened in the case of *Naseebullah v. The State*.¹⁰⁰ The Peshawar High Court dismissed an appeal against the judgement of juvenile Court, where the appellant had been arrested under section 9 of the Control of the narcotics and substance Act, 1997 for possessing three Maunds of Charas and was sentenced to life imprisonment. The appellant contended that he was not granted a relief under Section 11 of Juvenile Justice System ordinance, 2000 by the Trial Court because, when the trial was concluded, he had attained the age of 18 to 19 years. The Court concurred with the TC's judgement and reasoning.

Another concerning issue is with poor management of the case by investigation and prosecution which cost an innocent child laborer

⁹⁷ Hashmi, S. V. U. N. (2022). *Inquiry into the plight of street children in ICT – challenges & way forward* (p. 36). Wafaqi Mohtasib (Ombudsman)'s Secretariat. <https://www.mohtasib.gov.pk/>

⁹⁸ Dawn.com. (2004, November 27). Sialkot: *Eradication of child labour hailed — Global Forum for Sports and Environment*. Dawn. <https://www.dawn.com/news/375336/sialkot-eradication-of-child-labour-hailed-global-forum-for-sports-and-environment>

⁹⁹ Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015 §§16, the Sindh Prohibition of Employment of Children Act, 2017 §§ 17, the Balochistan Employment of Children (Prohibition & Regulation) Act, 2021. §§ 19, Employment of Children Act, 1991 §§ 16

¹⁰⁰ PLD 2014 Peshawar 69

11 years of his childhood. In the case of *Muhammad Adnan v. The State*¹⁰¹ the accused was driving a Rickshaw when he was arrested & sentenced under Narcotics Act¹⁰² for possessing drugs. At the time of arrest he was not even a teenager, but a child of tender age; however, the court failed to consider this fact. Furthermore, the police report was submitted after two years on special direction of Trial Court. The prosecution witnesses in that case were not present at the spot where the vehicle was seized. The Supreme Court, while deciding the appeal, observed that due to an inept investigation and prolonged proceedings, a child remained incarcerated for eleven years and attained majority in jail.

5. THE PRACTICE OF BACHA BAZI

Bacha Bazi, or as per its literal translation, “boy play,” is another form of abuse directed towards young boys aged 8 to 18 in Pakistan. It is a practice in which men from Northern areas keep adolescent boys with them for entertainment and sexual purposes.¹⁰³ This practice has historical roots in Uzbek communities of Afghanistan¹⁰⁴ and continues openly in markets of Afghanistan to this day.¹⁰⁵ Those who engaged in it consider

¹⁰¹ PLD 2019 Supreme Court 82

¹⁰² Control of the narcotics and substance Act, 1997 sec 9

¹⁰³ Jones, (2011). The invisible man: The conscious neglect of men and boys in the war on human trafficking. *Utah Law Review*, 2010(4), (pp. 1143–1165).

¹⁰⁴ Baldauf, I, (1990), (pp. 10-32). *Bacabozlik: Boylove, folksong and literature in Central Asia*. *Paedika*, 2(2), 10–32.

¹⁰⁵ Coleman, K, (2010, June 19). *Bacha Bazi documentary uncovers horrific sexual abuse of Afghan boys*. *Care2*. <https://www.care2.com/causes/help-the-dancingboys-of-afghanistan-escape-the-world-of-bacha-bazi.html>

this abhorrent practice a matter of pride,¹⁰⁶ when interviewed, a man said, “*Women are for children, and boys are for pleasure.*”¹⁰⁷

Bacha Bazi is a not widely reported or publically condemned but is quietly endured and impliedly accepted by the residents of northern areas of Pakistan. As a result, this issue does not receive the attention it requires. A study published by ECPAT identified poverty as primary cause behind the boys being sold to older men.¹⁰⁸ These boys used for indecent practices, such as seductively dancing at parties attended by older men, and tortured, if they refuse the requests of their masters, locally called as Bacha baz. They suffer from serious health issues if comply with the request.¹⁰⁹ Boys who have escaped this hell reported serious health complications and physical injuries as broken limbs etc.¹¹⁰

Their sexual enslavement lasts till they attain puberty or turn 19 and leave their pre-pubertal features, which became a curse for them.¹¹¹ This abuse is endured both voluntarily and forcibly. Bacha Baz can also kidnap these boys and torture them for the pre-pubertal features. One case entails the disturbing details where a fatherless young boy was kidnap in the pretext of helping the mother and child. He was kept locked in a room somewhere near

¹⁰⁶ de Lind van Wijngaarden, J. W., & Rani, B., (2011). *Male adolescent concubinage in Peshawar, Northwestern Pakistan. Culture, Health & Sexuality.* Advance online publication. <https://doi.org/10.1080/13691058.2011.599863>

¹⁰⁷ U.S. Army Human Terrain Team (HTT) AF-6,(2010). *Research update and findings: Pashtun sexuality.* <https://www.scribd.com/doc/39111225/Pashtun-Sexuality>

¹⁰⁸ ECPAT International, (2025), *Case study: Child Rights Group of the Pakistan Paediatric Association, Pakistan.* Bangkok, Thailand: ECPAT International. (P. 07).

¹⁰⁹ United Nations Human Rights Council, (2016), *A/HRC/31/NGO/X.* United Nations. (P. 2).

¹¹⁰ United Nations Human Rights Council, (2016), *A/HRC/31/NGO/X.* United Nations. (P. 2).

¹¹¹ Jones, S. V, (2015). *Ending bacha bazi: Boy sex slavery and the responsibility to protect doctrine.* *Indiana International & Comparative Law Review*, 25(1). (pp. 63–92)

Peshawar and sexually abused by several Bacha Baz for 40 -50 rupees, until one of them took pity on him and adopted him for Bacha Bazi. The boy was kept under false hope of being reuniting with his mother, a reunion that never occurred.¹¹²

5.1 Legal framework regarding Bacha Bazi

Astonishingly and unfortunately, the legal framework addressing this practice is insufficient. Although, Pakistan's state religion is Islam,¹¹³ and such desires or acts are penalized¹¹⁴. In spite of strong religious, moral, and cultural stance on the issue, there is lack of specific laws which can address this practice and punish accordingly. On Federal level, an attempt was made to include child pornography in the list of crimes, but it was never added in Pakistan Penal code, 1980.¹¹⁵ Moreover, in Khyber Pakhtunkhwa, KPK, the hub of Bacha Bazi, a comprehensive law was enacted against the sexual abuse of children. This represents a significant attempt in penalizing the pedophiles, as it also covers the crimes such as exposure to seduction and sexual abuse.¹¹⁶ It also prohibits the offenders from traveling in local transport, obtaining employment by recording their names in registers of sexual offenders.¹¹⁷ The offences are cognizable, non-bailable, and non-compoundable.¹¹⁸ The Act also places a responsibility on police to maintain a register of sexual offenders which will be published

¹¹² De Lind van Wijngaarden, J. W., & Rani, B, (2011). *Male adolescent concubinage in Peshawar, Northwestern Pakistan. Culture, Health & Sexuality*. Advance online publication. (p. 4). <https://doi.org/10.1080/13691058.2011.599863>

¹¹³ Constitution of the Islamic Republic of Pakistan, art. 2 (1973).

¹¹⁴ Pakistan Penal Code, § 377 (Act No. XLV of 1860).

¹¹⁵ National Assembly of Pakistan. (2014). *The Criminal Law (Amendment) Bill, 2014*. https://www.na.gov.pk/uploads/documents/1393407574_724.pdf

¹¹⁶ Khyber Pakhtunkhwa Child Protection and Welfare Act, §§ 50 & 53 (2010).

¹¹⁷ Khyber Pakhtunkhwa Child Protection and Welfare Act, §§ 55(b), 55(c), 55(e) (2010).

¹¹⁸ Khyber Pakhtunkhwa Child Protection and Welfare Act, §§ 54 (2010)

on the website of Child protection and welfare commission.¹¹⁹ The Act came into force in 2010 and till date there is no record of sexual offenders on website. This indicates that Bacha Bazi is still not reported by either of listed persons. The combination of insufficient laws and weak enforcement mechanism and cultural acceptance continues to fuel the practice of Bacha Bazi.

6. FORCED CONVERSIONS OF MINORS

The condition of children in Pakistan presents a devastating tale. While children of similar ages pray for snacks or favourite stationeries, many children in Pakistan are kidnapped, influenced, questioned about their faith, and left confused about the institution of religion and belief. Pakistan's two provinces, Sindh and Punjab are home to non-Muslims and hence, a hub of forced religious conversions.¹²⁰ However, it is particularly alarming that this act only happens with young girls. The most frequently targeted communities are Hindus in Sindh and Christians in Punjab.

Forced religious conversion is a taboo topic in Pakistan. Therefore, it is neither openly studied, nor discussed or reported by main media outlets or governmental agencies. Hence, the reports on this issue are comparatively fewer than those addressing other acts of abuse towards children. The Human Rights Commission reported that in 2022, on average 1,000 women and girls from Non-Muslim communities were abducted, forcibly converted to Islam, and married off to their abductors.¹²¹ The Human Rights Commission of Pakistan (HRCP) displayed an alarming figures, reporting that approximately 20 or more Hindu

¹¹⁹ Khyber Pakhtunkhwa Child Protection and Welfare Act, §§ 55(d) (2010)

¹²⁰ National Commission on the Rights of Child. (2021). *Policy brief on forced conversion with recommendations after analysis of Arzoo case* (p. 8). Government of Pakistan.

¹²¹ United Nations Human Rights Council. (2022). *Promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development A/HRC/51/NGO/192*, (p. 2). United Nations.

girls are abducted and converted each month in Sindh.¹²² The situation of Punjab is comparatively less critical than that of Sindh, with only about 30% of such cases are originating from Punjab.¹²³

6.1 Case studies regarding forced religious conversions.

These figures are formed with the disheartening stories of young girls such as the case of Manisha Kumari from Sindh, a 14-year-old Hindu girl was abducted and married off with his abductor after conversion to Islam.¹²⁴ Or the case of four minor and major victims from the same family, who were abducted and converted to Islam.¹²⁵ The cases of Punjab display more violent crimes such as, the victim, a 12-years old Christian girl, was abducted, raped for 08 months, when she finally called her parents after escaping from the rapist, the group of rapist produced a marriage and conversion certificate through a religious group in Police Station showing her as legally married to one of the rapist.¹²⁶ A report mentions that underage girls are first abducted, threatened for dire

¹²² United Nations Human Rights Council. (2023). *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development* A/HRC/53/NGO/109, (p. 2). United Nations.

¹²³ National Commission on the Rights of Child & UNICEF. (2024). *The state of children in Pakistan 2024* (p. 95). Government of Pakistan.

¹²⁴ National Commission on the Rights of Child. (2021). *Policy brief on forced conversion with recommendations after analysis of Arzoo case* (p. 13). Government of Pakistan.

¹²⁵ Global Forum for Divestment, Disinvestment, and Sanctions (GFoD). (2025, June 24). *No consent, no childhood: Forced conversions and the collapse of minority rights in Pakistan*. GFoD. Retrieved from <https://globalforumcdwd.org/no-consent-no-childhood-forced-conversions-and-the-collapse-of-minority-rights-in-pakistan>

¹²⁶ Asian Human Rights Commission. (2011, October 10). *The state of human rights in ten Asian nations* (p. 345). AHRC.

consequences and their thumb impression are then taken to marriage and conversion certificates.¹²⁷

6.2 The legal landscape of forced conversions:

The heinous way of converting minor girls is devastating and must be recognized as a crime against the entire community. The number of such violations increases each year¹²⁸ due to the absence of specific laws. The Constitution of Pakistan 1973 safeguards rights of minorities through Articles¹²⁹ and Principle of Policy.¹³⁰ However, the inclusion of fundamental right in the Constitution and penalizing an act violating that right, are two distinct matters. The Supreme Court of Pakistan has failed to consider this simple distinction by asserting that there is no need to enact Anti-Conversion laws in the presence of Article 20 of Constitution of Pakistan, 1973.¹³¹ Although, Pakistan has laws against child marriage, namely, Child Marriage Restraint Act 1929 and Sindh Child Marriage Restraint Act 2013, but they are not designed for the forced conversion, whether it occurs before or after marriage.

The issue of forced conversion accommodates two crimes simultaneously: child marriage and forced conversion of faith. The laws are required for forced conversions of minors, and the judgement of Lahore High Court in the case of *Nasira v. Judicial Magistrate and 5 others*¹³² proves this necessity. In that case, the Court granted custody of a 14-years old Christian girl to her natural guardian in accordance with the Guardian and Wards Act

¹²⁷ The Newspaper's Staff Reporter. (2022, December 11). 100 Christians faced faith conversion, child marriage in three years: report. *Dawn*. Retrieved from <https://www.dawn.com/news/1725714>

¹²⁸ Gul, A. (2023, January 16). UN to Pakistan: Curb forced conversions, marriages of religious minority girls. Voice of America (VOA). Retrieved from <https://www.voanews.com>.

¹²⁹ Article 20 & 21

¹³⁰ Protection of minorities.

¹³¹ *Nasira v. Judicial Magistrate and 5 others*, PLD 2020 Lahore 489, para. 25.

¹³² PLD 2020 Lahore 489, para. 25.

1890¹³³, yet refrained from invalidating her conversion, citing it a matter of heart.¹³⁴ This judgement and including many others depict two things; confusion and judicial reluctance. The confusion arises when the court considers a child rational enough to decide her religion and not rational enough to live without her parents. The judicial reluctance manifest judge's safe approach in dealing with conversion matters due to its religious-sensitive nature and sentiments of mob. Each time, the efforts to enact laws against forced conversion are obstructed by the extremist elements in Pakistan. These bills are *Protection of Minorities Bill Sindh 2015*, *The Protection of Persons against forced Religious Conversion Bill, 2019*,¹³⁵ and even the child Restraint Marriage Act, 1929 was termed as un-Islamic.¹³⁶ Pakistan is not a secular state; however, this fact does not grant any entity of state to crumble the minorities of the country. The example of Malaysia can become a great learning for curbing forced conversions of minors. In Malaysia, although Islam is the religion of federation,¹³⁷ the Government has introduced Mykad cards for children over the age of 12. These cards can store personal information regarding name, religion, and parent's information of the child in order to control the abuse.¹³⁸ Moreover, in 2018, the highest Court of Malaysia ruled that parent's consent is necessary for the religious conversion of minor.¹³⁹

¹³³ Article 19 clause b.

¹³⁴ *Nasira v. Judicial Magistrate and 5 others*, PLD 2020 Lahore 489, para. 62.

¹³⁵ National Assembly Secretariat. (2019, May 8). *Orders of the Day* (National Assembly meeting). Retrieved from <https://www.na.gov.pk/uploads/documents/8-5-2019.pdf>

¹³⁶ Centre for Social Justice. (2019). *Tackling the uncomfortable truth of forced conversions* (Working Paper Series No. 10, Centre for Social Justice. (p. 10).

¹³⁷ Constitution of Malaysia.. Article 3. Retrieved from <https://www.malaysia.gov.my/portal/search?key=constitution%20of%20malaysia>

¹³⁸ U.S. Commission on International Religious Freedom. (2019). *2019 Annual Report* (p. 06)

¹³⁹ U.S. Commission on International Religious Freedom. (2019). *2019 Annual Report* (p. 04)

Meanwhile in Pakistan, a commendable bill was drafted that outlined a comprehensive procedure for religious conversion of an adult. Under this law, the medium of conversion will be the Session Court which will give time to applicant for reconsidering the decision and learning Islamic ideologies. This bill had no provision for the conversion of minors, which specifies that minors are not deemed capable for making the decision of religious conversion at such a tender age. However, this bill's destiny was no different from others and therefore, it still rests in parliament, awaiting approval.¹⁴⁰

7. CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

In Pakistan, children's rights' violation is not just a legal issue; but a moral and social one too. Several laws are enacted and institutions are established, but the lives of many children still remain trapped in the cycles of abuse, exploitation, and silence. Girls are still being married off under customs of *vani*, *swara*, and *watta satta* and young children continue to work in homes, workshops, and factories. Moreover, the internet, instead of being a space for learning new skills and education, has become potential threat towards children. These horrific realities emphasize on the fact that Pakistan has made development only on paper; whereas, the actual state of affairs is different. The actual hurdle to overcome is changing social mindsets, breaking cultural and traditional taboos. Inclination towards protection of children indicates protecting the future of the nation, and that cannot be possible until every child feels safe, valued, and free from fear and threat.

¹⁴⁰ Guramani, N. (2021, October 13). Parliamentary panel rejects anti-forced conversion bill amid protest by minorities' lawmakers. *Dawn*. Retrieved from <https://www.dawn.com/news/1651813>

7.2 Recommendations

- I. To make children feel safer and more protected, it is essential to start by implementing comprehensive child protection policies and Committees in every school. These should include clear measures to address and prevent bullying and harassment, including those facilitated through digital technologies. A whole school safety approach is needed, one that enforces strong anti-bullying policies, encourages positive behavior, and actively deters harmful conduct.¹⁴¹ The recent instance of the Lahore High Court issuing the direction to the Punjab school education secretary to assemble a committee to curb physical bullying, cyberbullying, and harassment of children in educational institutions¹⁴² is the best example for such implementation.
- II. FIA is the leading enforcement agency for OCSEA. The FIA may collaborate with internet service providers (ISPs) to make alert systems that mark attempts to access child abuse material through search engines linked to the dark web. There are several good international examples to learn from. In the UK, for example, Microsoft partnered with the Child Exploitation and Online Protection Centre (CEOP) to introduce a “red panic button” on internet browsers¹⁴³, which upon clicking immediately notifies the National Crime Police and opens a page where users can

¹⁴¹ Schools must define clear reporting methods, including online channels, with trained staff to handle reports and maintain strong links to community and external systems and services. They should also develop and implement policies, procedures, and accountability mechanisms to manage the use of EdTech and all digital communication tools. See further: UNICEF, Child protection in digital education: Policy brief and technical note, 2023.

¹⁴² Khan, I. A., & Gabol, I. (2024, October 30). LHC seeks report on steps against bullying in schools. *Dawn*. <https://www.dawn.com/news/1868512>

¹⁴³ “Microsoft, CEOP Adds Panic Button to IE8 to Fight Online Child Abuse.” ZDNET, www.zdnet.com/article/microsoft-ceop-adds-panic-button-to-ie8-to-fight-online-child-abuse. Accessed 15 Dec. 2022.

report suspected online sexual abuse. Microsoft introduce easy access safety tool with user friendly application for parents, so that parents can educate their children about online safety mechanism. Parents should give their child confidence so that a child feels comfortable talking to them, in case any misfortune happens. Similarly, the European Commission has started a Child Sexual Abuse Anti-Distribution Filter for ISPs, which is now in use across several European countries, including Denmark, Finland, Italy, Malta, Norway, and Sweden. This system helps block the distribution of abusive material and provides extra level of protection for children online.¹⁴⁴

- III. Regarding early marriage in Pakistan, efforts should be taken beyond legislation. Moreover, the government should provide economic assistance to families in climate-affected areas. It will help them to reduce the pressure to marry off their daughters. Reporting of such crimes should be made easier & safer for the informants. There should be governmental program that rewards informants while ensuring their safety. The informants should notify the Union Council of the area and the Union Council, with the assistance of Police, shall prosecute the culprits. Moreover, for effective enforcement, the program should include submission of biannual reports to Civil Judge/Judicial Magistrate by Union Councils with conclusive measures to be taken in case those are found fake.
- IV. To combat child labour, the mafias behind these must be dismantled. Alongside enforcement, the use of AI in traffic laws has demonstrated positive results; similarly, it

¹⁴⁴ Legal and Technological Approaches to Tackle Online Child Abuse - Courting the Law. Courting the Law, 16 Mar. 2021, courtingthelaw.com/2021/03/16/commentary/legal-and-technological-approaches-to-tackle-online-child-abuse.

can be used for monitoring vagrants and children who are employed or pushed into begging by their parents. The AI-enabled cameras should identify vagrants and monitor their activity for a period of six months. If the vagrant is found to be begging for six months, an automated report shall be sent to District Magistrate and the SHO of the concerned area. This will put the law in motion, as begging is a cognizable offence under the vagrancy ordinances.

- V. To prevent forced religious conversions, a proper mechanism of conversion should be introduced similar to the bill pending in senate. Prominent scholars should educate general public regarding these laws and teaching of Holy Prophet (PBUH) should be taught and implemented.
- VI. The practice of Bacha Bazi shall be eradicated from its roots by prosecuting the perpetrators or Bacha Baz through special Acts such as Zainab Alert response & Recover Act 2020. Awareness programs should highlight the health, social and religious implications of this practice. Additionally, the parents of such children should also be prosecuted who willfully use their children in order to run their poorly planned family.