Child Sexual Abuse in Pakistan: Evidence-informed Policy Framework

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Research Article

Keywords: Policy Response, Preventative and Curative Aspects, Community Development Approach, Cultural Barriers

Posted Date: April 22nd, 2021

DOI: <https://doi.org/10.21203/rs.3.rs-418887/v1>

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Version of Record: A version of this preprint was published at International Journal on Child Maltreatment: Research, Policy and Practice on September 20th, 2021. See the published version at <https://doi.org/10.1007/s42448-021-00092-8>.

Abstract

Current policy response towards issue of child sexual abuse in Pakistan is not strategic and evidence-informed but incidents based and populist. Moreover, socio-economic, cultural and political factors influences also influence the policy response for addressing the problem of child sexual abuse (CSA). This study is an attempt to suggest the evidence-informed best practices regarding preventive and curative aspects of child sexual abuse in a policy framework. Using ICAST-R tool, 18-24 years old 274 university students were asked about their experiences of sexual abuse during childhood. After critical analysis of policy a rational and evidence-informed policy based on child rights framework and community development approach is proposed for identification of CSA, its prevention, addressing cultural barriers, responding to reported cases and other aspects. Overall, 41.69% respondents were sexually abused with one or other form of sexual abuse. Experience of CSA was reported more frequently by boys than girls. Only 34.21% of sexually abused children disclosed to someone and 65.78% victims of sexual abuse never disclosed the experience of sexual abuse to anyone. Among the victims of abuse who disclosed the abuse to someone only 12.82% disclosed within a day. Majority of disclosures (50.98%) were made to friend/peer, followed by parents (11.76%) and siblings (7.84%). Very small percentage of victims reported the abuse to doctor (3.92%), police (1.96%) or a counselor / social worker (1.96%).

Background

Islamic Republic of Pakistan is located in South Asia region where child protection is a recently recognized field (Pulla, 2017). After the 18th amendment in Pakistan's 1973 constitution and completion of devolution process in 2011, the provinces are responsible for legislation and policy making regarding protection of children. According to Census report 2017 (Government of Pakistan, 2017) over 80 million population of Pakistan is under 18 years of age which accounts 39% population of the country. Being in the state of conflict due to internal (war on terrorism) and external (neighbors) factors its priorities for social investment and human rights are lowly prioritized. Inconsistency and discontinuity of civilian and democratic governance also affected fulfillment regarding human rights. Islamization in Pakistan resulting in increased influence of clerics as interpreters of religious law has been the main barrier to achieving social development and implementation of ideals of human rights in modern age (Qadeer, 2006). Islamic Ideology Council^[1] reviews the laws for their compatibility according to religious ethos. Administratively, all the federal and provincial departments of government are headed by elite bureaucracy of British colonial era (Gardezi, 1981). Including human rights and social welfare, Child Protection Departments and all the federal and provincial government departments are headed by this network of bureaucrats. These general administrators do not have professional training or education background in human rights, social work, social welfare or social development and they are posted from one department to other on top decision making positions. Since its inception in 1947 Pakistan has gone through several decades of direct military rule and intervention in politics (Cohen, 2011). Socio-economic realities such as poverty is another important factor which is considered by policy makers of Pakistan as causing ground for issues related to child protection (Jabeen & Jabeen, 2016). All these factors create serious challenges regarding policy formulation and its implementation according to universal ideals of human rights.

Child sexual abuse is widely prevalent but recently recognized as a social problem in Pakistan. In Pakistan 8 cases of child sexual abuse were reported per day in media during the year 2019 (Sahil, 2019). However, reported cases of child sexual abuse are tip of ice berg. According to a recently published retrospective study (Abbas & Jabeen, 2020) on prevalence of child abuse in Pakistan conducted with equal number of male and female respondents, 41% (44% males and 39% females) of respondents reported facing at least one form (looking at private parts, pornography, touching private parts, speaking in sexual way and/or intercourse) of sexual abuse during childhood. According to findings of

the same study highest reported perpetrators of child sexual abuse are the people known to the child (including peer/friends, relatives and neighbor).

Emerging Orientations in the Field of Child Protection

Child rights are emerging frame of reference and commitment for social work practice (Roose & De Bie, 2008). The four basic principles of United Nations Convention on the Rights of the Child (UNCRC) are non-discrimination, best interests of the child, rights to survival and development and views of the child (UNICEF, 1989). Newly emerged child centered orientation focuses on the broader welfare and development of child as an individual having all rights rather than narrowly focusing on risks and harms to the child (Gilbert et al., 2011). There is growing trend to exercise the child protection models on the basis of community development process (Lonne, et al, 2021 : Young et al. 2014 : Wright, 2004 : UNICEF, 2006 : Gardner, 2003 : Hudson, 1999). United Nations Committee on the Rights of Child in point 31 of General Comment 7 on United Nations Convention on the Rights of Child recommended the home and community-based programmes for education and empowerment of Parents and guardians (UNICEF, 2006). According to the process of community development, the local community can be engaged for recognizing the problem, identifying the strategies for its solution, decision making for implementation and capacity building of community for protection of children (Wright, 2004). This method of community development can be further used to mobilize informal network for support regarding protection of children (Lonne, 2021). Indigenous culture must be considered while formulating the policy regarding protection of children (Parton, 2020).

Child Protection Policy and Practice Focus in Pakistan

In Pakistan policy response to sexual abuse cases is incident based and not strategic. As a response to the media highlighted issue of rape and murder of 6 years old girl child Zainab in district Kasur of Punjab province, the legislation 'Zainab Alert, Response and Recovery Act, 2020 was initiated to raise alert for response and recovery of missing and abducted and children. Issue of child sexual abuse should have been addressed in broader way but this law is overwhelmed by stranger danger and kidnapping of children by 'bad people'. The perpetrator Imran Ali was well known to the family and while the child was going for Quran reciting class and he exploited the trust rather than using force for taking the child away and killed the child after rape at an under construction building site by strangulation. The perpetrator was convicted and hanged after being identified through DNA test. Recently, in response to another media highlighted case of rape of women in front of her two children at motor way where her car ran out of fuel in Lahore, provincial capital of Punjab, Anti Rape and Chemical castration ordinance 2020 was legislated. Provisions of chemical castration and death punishment of offenders are not evidence informed and contrary to human rights. This legislation is against the article 7 of United Nation's International Covenant on Civil and Political Rights (ICCPR) which prohibits subjecting anyone to inhuman or degrading punishment. Similarly, article 16 of UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) ratified by Pakistan prohibits any inhuman or degrading punishment. This new legislation is also against the spirit of constitution of Pakistan (article 14) which states that dignity of a person is inviolable. Anti Rape and Chemical castration ordinance 2020 is more perpetrator focused and aimed at punishing the rapist rather than protecting the vulnerable.

Policies related to protection of children in Pakistan are influenced by populist believes and practices about who should be considered the child and how the children should be treated (NCCWD & UNICEF, 2008). Child protection policy in Pakistan tends to address manifestation (child labor, harmful cultural practices, children without guardian, juvenile offenders and sexual exploitation of children) rather than structural factors of child abuse (respect for human rights, democracy, rule of law, poverty and culture) protection (UNICEF, 2004 as cited in Jabeen, 2013). UNICEF (2004) further identified the underlying factors such as will and capacity of government, harmonization of national and international

laws, inter-departmental coordination, broader awareness, capacity building of children for self protection, initiating open debate in the community about protection of children and monitoring and reporting mechanism of child abuse.

Pakistan was rocked by reporting of high profile cases of child sexual abuse, especially in district Kasur of Punjab province and in recent years a trend has been observed about increased coverage of the issue in media (Sahil, 2017: 2018). This increased reporting is being perceived as increased incidence as a new phenomenon. The recent recognition of child sexual abuse is mostly reactionary, fearful ("Fears of serial child killer", 2018) and with a moral panic rather than proactive and rational approach. Media hype has charged the masses with anger, fear, insecurity and stranger danger among the masses and there is increased public demand for harsh punishment for the child sexual abusers. Harsh sentences create false sense of security among the people (Levenson et al., 2007). Media reporting of child sexual abuse also pivots mostly around the criminal justice system response to issue of child sexual abuse and broader social context and etiology of child sexual abuse about its causes, associated factors and prevention is not being discussed in broader social context of Pakistan. In Pakistan, policy response to violation of children rights is issue-to-issue based and not strategic and it also tends to address manifestations of child abuse rather than its root cause e.g narrow mandate of Child Protection & Welfare Bureau provided by Punjab Destitute and Neglected Children Act, 2004 (Jabeen, 2013).

[1] A constitutional body that advises government and parliament whether or not a certain law is repugnant to Islam.

Methods

Respondents of this study were equal number of male and female 18-24 years old 274 university students of BS Social Sciences programme recruited through random sampling. Participants were asked retrospectively about their unwanted sexual experiences during their childhood before attaining the age of 18 years. Approval for the study design was taken from Social Work Department, University of the Punjab, Lahore. Moreover, study design and purpose was discussed with Heads of all Departments of University where participants were studying and formal permission for conducting the study was granted by all except one Head of Department. Students were also briefed about the purpose of study and their consent was sought. Participants were told that they can withdraw from study at any stage during the study. Anonymity and confidentiality of the participants was ensured. Recalling the memories of adverse experiences of childhood could be traumatic and as a strategy to cope such issue participants of the study were informed about available free mental health support in Pakistan, in case of need. Internationally standardized tool ICAST-R (International Child Abuse and Neglect Screening Tool-Retrospective) was used for asking about their experience of sexual abuse, disclosure patterns, gap in incident of abuse and disclosure, neglect and socio-economic status of family during childhood. Child rights framework, community development and evidence-informed policy approach is proposed after critical review to formulate a strategic and holistic framework for addressing preventive and curative aspects of child sexual abuse in Pakistan.

Data Analysis

As shown in table 1, touching of private parts was the highest reported sub-forms of CSA reported by 27.37% (23.35% males and 31.38% females) respondents out of 274 respondents. Looking at private parts was the second highest reported sub-form of CSA reported by 25.91% respondents (27% males and 24.81% females). Sexual intercourse was reported by 8.39% respondents (10.94% males and 5.83% females).

Table 2 illustrates that among the 274 participants of study 41.60% were abused with at least one form of sexual abuse. Majority of abused children (65.78%) never disclosed abuse to anyone and only 34.21% victims disclosed their experience of sexual abuse to someone. Out of the 34.21% victims of child sexual abuse who disclosed their

experience to someone only 12.82% disclosed the experience of sexual abuse within a day of abuse and highest number of respondents (28.20%) reported the experience of sexual abuse after three or more years.

Table 3 presents that majority of the victims (50.98%) reported experience of child sexual abuse to their friends/peer, followed by parents (11.76) and siblings (7.84%). Extremely low number of victims disclosed experience of sexual abuse to a doctor (3.92%), police (1.96%) or a counselor / social worker (1.96%).

Table 4 is about prevalence of child neglect as reported by respondents. 'Injured when no adult supervising' was the highest reported form of neglect reported by 23.72% respondents (21.89% males and 25.54% females). Second highest sub-form of neglect was 'not taken care when sick or injured' reported by 21.89% respondents (24.08% males and 19.70% females).

As shown in Table 5 households of 22.26% respondents were unable to pay the utility bills and utility services of 20.43% were stopped for not paying the bills.

Discussion

Policy Response for addressing the problem of child sexual abuse

On the basis of primary data of this study, literature review, analysis of current policy response and emerging orientations for good policy practices following broad areas of policy response are illustrated below.

Identifying and Understanding the Problem of child sexual abuse for evidence-informed policy & legislation

A causal theory which is valid and adequate about linkages of intervention with attainment of objectives is important for a sound policy (Sabatier & Mazmanian, 1983). Pakistan's current policy framework failed to respond by establishing causal linkage between manifestations and root cause of child abuse in Pakistan (Jabeen, 2013). For successful implementation of a policy, tractability of the problem is very important which is provided by the causal theory (Sabatier and Mazmanian, 1983). Poor and incoherent understanding of child sexual abuse can hamper the capacity of law for prosecution of crime and protection of children (Mathew & Collin-Vézina, 2019). Identifying the problem of child sexual abuse, its explanation in broader social context is very important for formulation of an effective policy. Gathering of research data about various risk and protective factors of the problem is the first response to child sexual abuse (Radford et al., 2016). In point 39 of general comment 7 on United Nations Convention on the Rights of Child, United Nations Committee on the Rights of Child urges the state parties to collect data and develop indicators on all aspects of childhood for implementation of policy and assessment of its progress (UNICEF, 2006). There is growing research tendency and knowledge body for understanding the problem of child sexual abuse and there are reputed specialized research journals publishing research on this issue. In countries like USA and Canada incidence studies are conducted to understand this serious issue for solution (Sedalk et al., 2010 : Trocmé et. al, 2001).

In Pakistan there is lack of data on the issue of child abuse (Abbas & Jabeen, 2020) and most of the information is limited to reported cases of child sexual abuse. This situation requires serious data on incidence, prevalence, victim characteristics, offenders' characteristics, causes, risk factors, broader social conditions and other associated factors related to issue of child sexual abuse in Pakistan to provide the grounds for effective policy formulation. As it is evident in above stated literature and data that majority of the incidents of child sexual abuse are undisclosed and unreported. Moreover, perpetrators are mostly known and non-threatening who exploit trust rather than using power for sexually abusing the child. Peers are the highest reported perpetrators of child sexual abuse followed by close relatives, neighbors and teachers according to a recent study on prevalence of child abuse in Pakistan (Abbas & Jabeen, 2020).

Child sexual abuse is mostly perpetrated by the familiar faces and its really challenging to protect the children from these familiar faces.

Child Rights Framework for policy response

Pakistan signed and ratified United Nations Convention on the Rights of Child (UNCRC). In point 29 and 38 of general comment 5 and 7 respectively on UNCRC by International Committee on Child Rights urged the state parties to devise and implement a strategic plan based on child rights framework with a clear timeline (UNICEF, 2006). UNCRC (UNICEF, 1989) is helpful for providing the framework for protection of children from sexual abuse while taking stake holders (children, families and communities) on board, supporting, families, engaging communities, respecting cultural tradition and any arrangement by governments for ensuring the availability of rights to children. Article 1 of the UNCRC recognizes the child as an individual having all the rights in convention and article 3 emphasizes to secure best interests of the child. Similarly, new emerging child centered approach in the field of child protection requires that rather than risk and harm the center of focus should be the welfare and development of child as an individual having independent contract with state (Gilbert et al. 2011). Article 4 requires the governments to ensure availability of rights to children as mentioned in UNCRC and article 6 is about ensuring survival and development of children. Article 12 of the UNCRC states that adult should take the opinion of the children into account while making decision affecting them. Articles 26 and 27 require the government to financially support the families for maintaining standards of living good enough to fulfill the physical and psychological needs of children. Article 34 of the convention clearly illustrates that governments should protect the children from sexual abuse. Article 39 further recommends special measures for rehabilitation of the children who are neglected or abused. While at one point UNCRC emphasizes to ensure the rights of children to their cultural identity (Article 8 and 30) it also emphasizes to protect the children from any harmful cultural practice (Article 30) or any other activity harmful for their development (Article 32 and 36).

Social and Cultural Factors

Social and cultural factors are very important to consider while formulating the policy for protection of children. Child protection policies are not simply the responses to the problem of child abuse but these policies are greatly influenced by the social, cultural and political environment of the country (Parton, 2020). Inclusion of social, economic and political realities while formulating and implementing the policy increases its effectiveness (Bhuyan et al., 2010). On the basis of social norms the violence in a society is justified and sustained (Bicchieri, 2005). According to their unique cultural, economic and human infrastructural realities the nations should formulate their action plans (Finkelhor & Korbin, 1988). As it is shown in research data (Table 1) different forms of child sexual abuse are significantly prevalent but it is also evident in the above narrated findings that child sexual abuse is disclosed with delay or never disclosed (Table 2) in majority of the incidents. Experience of child sexual abuse was disclosed by majority of victims to friends/peer and small number of victims disclosed experience of abuse to guardians (Table 3). Delayed reporting of child sexual abuse has serious implication regarding safety of children, legal proceedings and therapy of victims (Cashmore et al., 2016 : McElvaney, 2013). Overall, delayed disclosure negatively affects the criminal justice outcome of reported cases (McElvaney, 2013). The reluctance to disclose the experience of child sexual abuse could be due to the taboo and stigma around this issue and lack of social support (Collin-Vézina et al., 2015). It was revealed by UNICEF that establishing Family Support Units with trained female professionals established by Sierra Leone special police units proved helpful in fighting against stigma associated with sexual abuse and rise in reported cases was observed after this intervention (Bastik et al., 2007).

Socio-economic Challenges

Among the respondents of study households of 22.6% respondents did not pay their utility bills and utility services of 20.43% were stopped because of non-payment (Table 5). Poverty is one of the important issue increasing risk factor of child sexual abuse (Finkelhor, 1984). Poverty affects the ability of individuals and communities regarding protection from abuse by increased risk and vulnerability to abuse (Jabeen, 2016). A study (Jabeen, 2014) on reported cases of child sexual abuse in Pakistan revealed that children with poor and lower middle socio economic backgrounds are more vulnerable to sexual abuse. Poverty eroded social fabric, weak civil authority, lack of empowerment and being with disadvantage ethnic identity are also factors associated with child sexual abuse in South Asian community (Frederick, 2010). According to a meta analysis study (Ligiero et al., 2019) cash transfers, micro financing with mentoring are effective for socio economic rehabilitation to address the risk factor of child sexual abuse because of economic reason. General comment 7 on UNCRC recognizes the poverty as a factor for undermining the basic quality of life of children and families and threatening survival (UNICEF, 2006). In the same comment it is recommended to take all measures such as support programmes and social security for rehabilitation of families affected by poverty to ensure basis standard of living consistent with rights of children.

Need to Engage Children, Parents and Community for Prevention of Child Sexual Abuse

People are capable of changing their personal and family lives and collective positive action by community can be very helpful for protecting the children (Young et al., 2014). Goldman et al (2003) has advised implementation of four stages prevention program. Public awareness activities, parent education programs, skills-based curricula for children, and home visitation are the four stages of proposed prevention strategy. Finkelhor & Dziuba-Leatherman (1995) also recommend similar child sexual abuse prevention measures of targeting parents, teachers, community and especially children directly, usually in school setting through such program. In essence CSA prevention programs with children serve three major functions; demarcating sexual abuse to enable children identify good and bad touch, creating resilience in children encounter the situation and embolden them report if something uncomfortable happens to them (Sanderson, 2004). Family connectedness with adult supervision is among the important lines of defense to protect children from abuse which provide shielding effects to both preschool and school going children (Centers for Disease Control and Prevention, 2018). Community development approach is helpful for mobilizing informal network regarding protection of children (Lonne, 2021). Community based child protection committees and networks can be engaged for identifying and addressing the risks to children, identifying resources and services to support children and families, referring them to available services or connecting the services provider with them, generating debate in community about child protection issues and their solution and ensuring participation of children in decision making process related to various child protection measures (Child Frontiers, 2012).

Response Mechanism and Coordination in reported cases of child sexual abuse

Conviction of sex crimes is extremely low in Pakistan (Gishkori, 2020) and this issue has been raised in finding of report submitted by investigation committee on child sexual abuse incidents in district Kasur of Punjab Province (Federal Ombudsman & National Commission for Children, 2019). Low rates of conviction are due to poor case management, delayed reporting, lack of evidence (Mustafa & Mehmood, 2015) and reconciliation before conclusion of cases by protecting the abuser (Jabeen, 2016 : Mustafa & Mehmood, 2015). Majority of child sexual abuse perpetrators are acquitted in Pakistan due to poor investigation (Khan, 2020) and lack of evidence (Zehra, 2019: Bilal, 2018) An effective policy response regarding child sexual abuse requires coordination and cooperation among various institutions such as schools, healthcare, police, child protection and judiciary in holistic manners (Save the Children Norway, 2005). Extremely low number of respondents reported experience of sexual abuse to police, doctor or social worker (Table 3) according to findings of current study. There are no counseling services for sexually abused children in reported and disclosed cases of sexual abuse. There is evidence that counseling and therapeutic services for

survivors can reduce the effects of traumatic experience of sexual abuse including the disclosure of child sexual abuse (World Health Organization, 2016). All the professionals working directly or indirectly with children including healthcare workers, child protection professionals, police, law enforcement officials, civil servants, prosecutors, lawyers, social workers, prison officials, judges, teachers, parliamentarians and all those serving at any position in human rights or child rights should be regularly trained about child rights and their protection as knowledge and skills related to child protection are not static (UNICEF, 2006).

Conclusion

Factors like colonial background, harmful social norms, lower socio-economic status, islamization of the state and inconsistent civil governance has the influences on policy responses, priority and institutional structures of country. Current policy response to the issue of child sexual abuse is not consistent with the ideals of human rights and framework of United Nations Convention on the Rights of Child (UNCRC). Policy and legislation is not holistic, strategic and right based but incident based and punitive which is contrary to good policy practices and against the spirit of other conventions ratified and constitution of Pakistan. There is need to harmonize national laws of Pakistan with international laws. The policy for addressing the problem of child sexual abuse should be consistent with framework of child rights according to UNCRC and based on comprehensive quality and quantitative data related to various important aspects of the problem.

Majority of the perpetrators are well known to the children and peers are also among the highest reported perpetrators. Socio-economic rehabilitation of the families through the especially designed programs should be used as tool for decreasing the vulnerability of children at risk of abuse. Available literature reveals that majority of child sexual abuse incidents are not disclosed or disclosed with delay and there is extremely low level of conviction in reported cases of child sexual abuse due to various issues. Cultural issues related to curative and preventive aspects of child sexual abuse should be addressed appropriately. Broader awareness, initiating debate on the issue of child sexual abuse through media and measures to address the stigma around the topic of sexuality can be helpful for addressing the problem. On the principles of community development, communities, families and children should not only be engaged for identification and solution of problem but should be reached for awareness and education for child sexual abuse prevention. Inter-departmental coordination should be improved and the professionals such as healthcare workers, police, law enforcement officials, civil servants, prosecutors, lawyers, social workers, prison officials, judges, teachers, parliamentarians and all those serving at any position in human rights or child rights should be well trained and oriented about child rights.

Declarations

Funding

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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Tables

Table 1: %age of children who are sexually abused (N=274)

Sub-types of sexual abuse	Male	Female	Total
Looking at private parts	27	24.81	25.91
Speaking in sexual way	16.05	13.86	14.96
Making sexual video while doing sexual things	6.56	5.10	5.83
Touching private parts	23.35	31.38	27.37
Sexual intercourse	10.94	5.83	8.39

Table 2: % of Gap in incidence and disclosure of child sexual abuse (N=274)

Disclosure			Total
	Male	Female	
Within one day	16	7.14	12.82
After few days	24	7.14	17.9
After few weeks	8	7.14	7.69
After few months	24	28.57	25.64
After a year or two	8	7.14	7.69
Three or more years	20	42.8	28.20
Total disclosure	41.66	25.92	34.21
Victims who never disclosed	58.33	74.07	65.78
Total sexually abused	52.63	47.36	41.60

Table 3: %age of disclosure to someone about sexual abuse (N=274)

Disclosed to	Disclosed by Respondent		Total
	Male	Female	
Parents	12.5	10.52	11.76
Other Relatives		5.26	1.96
Sibling	3.12	15.78	7.84
Teacher	9.37		5.88
Friend/Peer	56.5	42.10	50.98
Neighbor	3.12		1.96
Doctor / Health Professional	3.12	5.26	3.92
Police		5.26	1.96
Counselor / Social Worker		5.26	1.96
Religious Leader	3.12	5.26	3.92
Others	9.37	5.26	7.84

Table 4: Child Neglect %age (N=274)

Type of Neglect	Male	Female	Total
Not taken care when sick or injured	24.08	19.70	21.89
Not given food to eat or drink	10.94	11.67	11.31
Made to wear dirty or torn clothes	15.32	9.48	12.40
Not provided safe place to live	10.21	7.29	8.75
Injured when no adult supervising	21.89	25.54	23.72

Table 5: Socio-economic status of respondents %age (N=274)

Status of household utility bills	%
Not paid utility bills	22.26
Utility services stopped because non-payment	20.43