

FROM INTERNATIONAL MANDATE TO NATIONAL LEGISLATION: PAKISTAN'S RESPONSE TO ERGA OMNES OBLIGATIONS ON CHILD SEXUAL ABUSE

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Abstract: This article critically assesses Pakistan's compliance with erga omnes obligations under the Convention on the Rights of the Child (CRC) concerning sexual abuse of children. It discusses the discrepancies between the international and national levels of legal provision and scrutinizes Pakistani measures to safeguard children against sexual exploitation from the perspective of the CRC. However, there are shortcomings in implementing such laws and, therefore, such protections are not effectively implemented. In the current article, some of the major fields of Pakistan's legislation that do not conform to international standards are described, and the importance of legal reforms is stressed. Pakistan can better work to eradicate child sexual abuse and meet the requirements of the CRC through the synchronization of national laws with international norms and standards.

Keywords: child sexual abuse; Convention on the Rights of the Child; erga omnes; legislation; Pakistan.

1. Introduction

Sexual abuse of children is one of the most widespread and developing problems in the world experienced today and it only brings endless suffering and chaos for the victims throughout their lives. As an indirect phenomenon, it is global and multicultural which means it may cause harm to individuals or some sort of mental harm thus impacting societies at various levels (Srivastava *et al.*, 2017).

The most crucial instrument of human rights across the world particularly those of children is called the Convention on the Rights of the Child (CRC) which is revered as the symbol of children as well as their protection spanning across several

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continents. It includes a compilation of provisions for the children's safeguarding and the children's rights and dignity (Polonko, Lombardo & Bolling, 2016).

Fundamental to the effectiveness of the CRC is the 'erga omnes' obligations which means the responsibility of states to maintain as well as realize the goals and objectives of the CRC against domestic laws and systems. As for child sexual abuse avoidance, the CRC has its responsibilities, the significance of which is enormous (Ragazzi, 2010). In its emphasis, the CRC insists on a strong state's role in acting in advance and preventing, investigating and solving the cases of child sexual abuse by all means, as well as choosing a child's welfare as a priority whenever the states have to make decisions or actions.

This article seeks to clarify the extent to which the principles espoused in the Convention on the Rights of the Child regarding CSA. Indeed, child sexual abuse is perhaps one of the worst violations of children's rights because the violation not only robs the children of their self-image, and their ability to live a stress-free life, but also their bodily integrity as well. On state parties, the CRC is required to ensure that they do everything that is within their powers to operate in a preventive manner, investigation/elucidation mode concerning cases of child sexual abuse while giving paramount importance to the rights and best interest of the child at all times.

Pakistan, which ratified the CRC in 1990 (Ali, 2019), has an obligation under international treaties to implement children's rights domestically in the country. At the same time with the adoption of measures with the intention of eradicating CSA, a number of gaps unconcealed inadequacies, deliberately ignoring the state's obligations under the CRC.

A considerable area that needs to check the performance of Pakistan with its erga omnes obligation based on the CRC, is an analysis of the current legal frameworks and their protection of children and addressing CSA. However, as will be evidenced later and despite the government's claims of having enacted the laws and regulations that aim at the protection of children against the vice of CSA in Pakistan, there is a remarkable gap between the rhetoric and reality.

As this affects the due process of the CSA cases, it could be seen that the existing legal system in Pakistan is, in fact, flawed. Such gaps in legislation fall under the categories of loosely defined forms of child sexual abuse; insufficient and unappealing penalties for offenders; hindrances to justice and assistance services for victims, and; poor implementation mechanisms and policies on cases of sexual abuse. Since these are the main challenges that make Pakistan partially implement the CRC, what is needed now is a broad comparative analysis that will consider means of improving the country's domestic legal systems. Pakistan may cultivate some of these resources in their national plan and to safeguard the children from sexual abuse that are obligated by CRC and erga omnes.

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The aim of this article is to determine the deficiencies in the legislation and the violation of Pakistani legislation on the rights of children, special attention is paid to the effectiveness of the legal protection measures. A qualitative research method is used with a literature review conducted to identify gaps in Pakistan's legal regime and compare with CRC guidelines. This article also serves to fill a gap left in the extant literature concerning the non-compliance of Pakistan child protection laws to CRC standards. This, in turn, emphasizes on need for legal amendments and policy coordination for the protection of children from sexual violence and gives effect to international standards.

2. Addressing Child Sexual Abuse through Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is a leading international instrument that protects children's rights such as fighting sexual abuse. This means under Article 34, the states are obliged to ensure that all necessary steps are taken so that children are not exploited sexually. Article 19 also goes beyond physical aggression to include violence that the CRC seeks to eliminate, proving that the article is all-inclusive (Whalen, 2022). The CRC Committee elaborated more tasks with regards to child sexual abuse in its General Comment No. 13 (GC. 13), which offers a comprehensive definition of unlawful acts such as solicitation of sex with a minor, involvement of a child in pornography and commercial sexual exploitation (General Comment No. 13, 2011). It affords member states the opportunity to adopt national laws and to act for prevention and protection. According to the provision of the CRC in Article 19, the states are required to exercise all efforts that will ensure that children are not exposed to all forms of violence as explained in GC13. It extends the concept by adding intimate partner violence; this requires a strategic approach that will enhance the prevention of the issue as well as support the victims. This partnership brought into limelight, the CRC's multi-faceted approach to ending violence against children. The CRC requires affirmative action states to implement measures for monitoring violence against children including any legal systems to CRC compliance. It means that domestic laws must be examined and amended as well as various laws introduced at different levels to keep Articles 34 and 19 in focus at every level.

Article 4 of the CRC brings into focus the need of the State Parties to give full and effective realization to the constitutional rights in such a way that all the laws and structures in existence within the respective countries meet the provisions of the Convention Rights. It is focused on economic, social and cultural rights, state budgets and international relations (Ruggiero, 2022). The practical aspects of Article

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4 are also awareness based on Article 42 but its monitoring is mostly on an international level as depicted in Articles 43,44 and 45 of the CRC concerning the committee for the rights of the child. It was established in 1991 and becomes responsible for the submission of periodic reports to the CRC, in which states are required to implement the provisions of the CRC and also endeavor to promote children's rights in the entire world. The member states will train and make periodic reports on the implementation of CRC every fifth year and these reports should show challenges and action as well as the legislative measures that the state parties have instituted (General Guidelines, 1996). These periodic reports are reviewed in concluding observations by the CRC Committee and are also crosschecked to comply with the essentials of CRC that offer legal safeguards to children. The CRC stresses the affirmative action of a government, in terms of creating an environment that ensures that child rights are respected within society and the law.

An analysis of international case studies reveals how different countries address child sexual abuse through the Convention on the Rights of the Child (CRC). Norway has good CRC compliance as its laws respect CRC provisions and are committed to enforcing a child rights-compliant legal system. Some of these are; compulsory reporting, separate or specialized child protection services, and preschool and primary school education that correspond to the CRC standards (Sevda Clark, 2017). As a signatory to CRC obligations, Canada has integrated the welfare of the child and developed strategies for combating the exploitation of children, such as training of police and improving support to victims (Bruning, Doek, 2021). Bangladesh has gone a long way to domesticate most of the provisions of CRC by modifying its national laws mostly related to child protection policies but major challenges remain in enforcement/monitoring in the country, especially in the rural areas. These cases present different levels of achievement and challenges in transforming CRC commitments into practice against the sexual abuse of children (Nahid Ferdousi, 2020).

3. Erga Omnes Obligations and the Convention on the Rights of the Child

Erga omnes obligations denote legal obligations that are owed to the international community at large, rather than to specific parties or states. Without a doubt, these obligations form the structure and content of the international law that defines the world order as an environment for states' interaction and regulating their behavior in the form of international relations (Iovane, Rossi, 2021). The legal principles of sovereignty of States, equality of States, and promotion of peace and security have defined the concept of the mutual obligations of States as erga omnes obligations. More often than not, human rights duties are what may be termed as erga omnes duties that in one way or another intersect many areas of international law. People

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should acknowledge that the state must protect human rights outside as well as within its boundaries and make equal protection throughout the world for every person (Arnardóttir, 2017). This responsibility is based on the simple understanding that human rights are inalienable, universal, and integral. Consequently, at the time when the state defaults, it might violate the most basic human rights including genocide and crimes against humanity thereby denying its obligations, and because of this, the international community is obliged to act to cover for the defaulting state in the required action. A rather jaw-dropping example is one of the Rwandan government's definitions of genocide in 1994 (Meron, 2012). The international community, which had the UN as a platform was not only given the mandate, but even before the UN Convention on Genocide was adopted in 1948, the universal principle threatened that no state or people could remain inactive when such a human atrocity was committed (Vrdoljak, 2009).

Erga omnes obligations are critical in the fulfillment of the Convention on the Rights of the Child where, the articles 19 and 34 of the CRC, proclaim that the priority of every government is to protect children from all forms of sexual violation and abuse including sexual abuse (Ragazzi, 2010). These rights are reflected in the CRC that was adopted by the General Assembly of the United Nations in 1989, but it is indeed true that the CRC enshrines the bulk of the rights that children should be protected, more to do with propriety that a child should remain protected from all forms of exploitation and abuse, including sexual abuses. Erga omnes obligations mean that states parties to the CRC are also subject to their obligation to protect children within their state as well as in other states for this obligation is not restricted or limited within the geographical jurisdiction of the state (Nenn, 2023).

The CRC indicates that one of the key obligations of governments all over the world is to make legislation that prohibits child sexual abuse, reporting such crimes, and prosecuting offenders. In this respect, states are legally responsible for enacting laws against all forms of child sexual abuse, setting the right age of consent to include young children and the right legal age in the judicial system to handle the cases professionally and the prosecution of violators of children's rights. Furthermore, child victims need appropriate assistance services that include health care services, psychiatric services, psychotherapy and legal services for which their recovery will be helped and their welfare ensured (Mathews, 2019). If recognizing erga omnes obligations as an inherent responsibility, it means that countries have a prior obligation traditionally to fulfill the stipulations of the CRC to curb child sexual abuse.

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4. Addressing Child Sexual Abuse through the Convention on the Rights of the Child in Pakistan

The report titled "The Cruel Numbers" for the year 2023 issued by "SAHIL" (The Cruel Numbers, 2023) explores the grim scenario of child sexual abuse (CSA) in Pakistan; which has totalized a spine-chilling 4213 cases published in newspapers only. The above figure, which affects Pakistani children in several ways such as abduction, missing children, child marriage, alongside child sexual abuse, makes sense of the most essential and looming issues that befall children. These numbers do not answer how many broken lives of children are left in the dust being sexually exploited and tormented. The report suggests that collaborative efforts are necessary to tackle the following causes of child sexual abuse: pervasive cultural practices, poor laws that protect the girl child, and flawed child protective services.

The Convention on the Rights of the Child (CRC) was ratified by Pakistan on the 12th of November 1990 but the ratification was on the 12th of December 1990 (Ali, 2019). It is important to point out that for the CRC to operate in Pakistan parliamentary permission is needed. The Supreme Court of Pakistan has approved this principle in a judgment titled "Shehla Zia vs. WAPDA" (Shehla Zia v. WAPDA, 1994). with regard to the following reasoning: where an international treaty was signed, legislative approval is required for the implementation of the treaty into domestic legislation.

The Convention on the Rights of the Child (CRC) mandates a member state such as Pakistan to facilitate the practice and the enforcement of the said Convention in its territory. To safeguard children from sexual abuse, the state must enhance new laws and introduce reforms in its existing laws that will address the issues of child sexual abuse. The CRC Committee evaluates the adherence of member countries to the provisions of the CRC, and the CRC Committee comes up with concluding observations with reference to the periodical reports provided by such states on a regular basis (Ali, 2019). Pakistan's then first of the kind location was official by submitting its initial report to the CRC Committee in 1993 (Initial report to the CRC Committee, 1993). This is followed by concluding observations which show the extent to which the country has complied with the CRC procedures. Therefore, Pakistan has been submitting the reports to the CRC committee, after joining the CRC in 1991. It is, therefore, evident that Pakistan's membership in the CRC gave the state the intention to observe and protect children's rights.

5. Analyzing Legislation Protecting Children from Sexual Abuse in Pakistan

Regarding the crimes against children in Pakistan the Pakistan Penal Code, 1860 (PPC) is the main source of legislation though a few amendments were made by the Criminal Law (Second Amendment) Act, 2016 in the PPC. These amendments set

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out various degrees of complicity with a special focus on the sexual maltreatment of children.

Section 292A PPC regarding child seduction explains the kind of activities that make use of the child in the act of sexually exercising and exposing such child to pornographic material. This part is to make children below the age of 18 unequivocal on exploitation and the evils of inappropriate content. As such, through the use of strict regulations like chronic imprisonments and sizeable fines, the regulation shows the severity of those actions. The amendment is also a reminder that punishment should also be used to send a message that the society disapproves of any attempt being made in child sexual abuse attempts and it also works as an action against such kinds of abuse of minors.

Section 292B PPC involves either enactment or possession of children's images in a sexually exploitative or sexually derogatory manner. This section is also broad involving not only the type of medium for an artistic illustration but also it covers other media such as photography, film, video, or computer-generated images. Real participation and control by the children and or/ young people are one of this type of screenshot's main components, as well as their digital manipulation and imitation for them to appear as viewers.

Section 292C makes child pornography offences attract severe penalty measures and this underlines the wrongfulness of using children. They are liable to imprisonment for not less than two years and not more than seven years alongside fines in the range of 200,000 to 700,000 rupees, which speaks volumes on society's detestation of the said exploitative acts. Such strict measures are meant to discourage the offenders, safeguard vulnerable children as well as assert their rights not to be exploited or abused.

Section 328A PPC is thus anchored very explicitly upon legal imperatives that punish the use of violence on children. They include assault, battery, endangering the welfare of a child, cruelty to children, manufacture, and selling of firearms to a child under 16, desertion, and abandonment. Fashioned with the intendment of the minimum imprisonment of one year and the maximum height of three years with a fine of 25000 to 50000 rupees the law conveys a strong message that no harm against children will be tolerated anyhow and the supreme purpose of the Act is to safeguard and protect the children from becoming a prey of cruelty.

Section 369A PPC deals with the vice of human trafficking with harsh cabinet measures. By providing the mandatory minimum imprisonment of five years and a maximum of seven years along with the monetary fines ranging from five hundred thousand rupees to seven hundred thousand rupees, the law helps prevent the human trafficking crime and the pain and suffering of victims.

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Section 377A PPC goes to a great extent to explain the case of sexual abuse especially when children are involved in the act. Mainly through analyzing several actions for instance coercion, inducement, and exploitation, the law maintains a high degree of certainty in the identification of unwanted behaviors. For instance, the legislation encompasses those under eighteen years pointing to the fact that they are vulnerable to sexual assault and hence require protection from all kinds of sexual misconduct. By stressing these conditions, this section becomes the most important weapon in combating the exploitation of children as well as the protection of their rights and dignity. Section 377B PPC is intent on describing punishment rigors for the sexual offenders that target the vulnerable group. This shows the magnitude of the offense. The lawmaker takes such actions seriously and prescribes a maximum of seven years imprisonment term and a fine of not less than Rs. 500,000. This clause serves as a warning to anybody who might wish to transgress the law; it makes the law take its toll on the culprits and at the same time protects the victim's integrity as well as their entitlements. This is a clear indication of how society stands to protect the law against sexually abusing children.

6. Identifying Gaps in the Legislation Protecting Children from Sexual Abuse

The laws outlined under section 292A, Section 292-B, Section 292C, section 328A, section 369A, section 377A, and section 377B of the Pakistan Penal Code (PPC) relating to Child sexual abuse show a very good effort to address the said heinous crimes. However, important deficiencies continue to dominate in these requirements. Despite handling issues of seduction as well as the exposure to obscene material with such severe penalties, Section 292A PPC also reveals some flaws. The wording of the statement does not have the specification on the age of the particular child and this results in some confusion as to how unequivocal a child is if they are to be deemed to be qualified or not in this code of stipulation. Besides that, this act could be changed by additional distinct factors of seduction, this work has suggested that its misinterpretation might lead to an uneven implementation. However, there are no such provisions regarding online grooming or digital exploitation which fails to consider the modern way of abuse and it becomes all the more necessary to update the laws to make them effective in the protection of children in the digital era. By the simple analysis of Section 292B PPC, one might get the impression that it did address the issue of child pornography in a way, a single shot, a single codified comprehensive approach but the matter is not so black and white. What the language offers is just a definition of what a child can be and has resulted in inequality in implementation. In fact, there is no specific provision in the legislation about current forms of digital media or methods of distribution which include social media and encrypted messaging services. Section 292C PPC which is supposed to prevent the

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production of child pornography is rather full of these remarkable deficiencies. More concrete examples and standards might have strengthened the position, and this will eliminate confusion regarding which cases fall under the law's purview, thus bolstering its broad utility for combating child sexual exploitation.

Section 328A PPC only allowed cruelty to children; however, the issues of abuse are not very well defined. A set weakness is that it provides no clear standardized method by which one can determine what amounts to 'cruel' and, therefore, results in unjust outcomes. Furthermore, these specified sanctions may not fit the degree of harm and they will thus fail to punish the aggressors as would be deserved. Therefore, to increase its effectiveness in the protection of children against all sorts of harm and torture, the law has to be reviewed and, where necessary, amended.

Section 369A PPC targets human trafficking. There are lacunas which should be filled. The challenges of identifying the liable persons and prosecuting them and providing adequate resources to security organizations are the circumstances that hinder the implementation. In addition, legal consequences may not adequately deter traffickers or afford much weight to the crime either.

Section 377A PPC, therefore, refines the issues of sexual abuse but, in the process, it creates gaps on how those are addressed. One of the possible deficiencies can be seen in the lack of specific detail which might be easily missed by inherent bias. Furthermore, it does not address, in so many words, online sexual exploitation and the practice of grooming, two fairly frequent forms of abuse that are inherent to our technological era which are left out from the initiative. This is so since failure to fill this gap in the law may see the law incapable of preventing children from being subjected to all forms of sexual abuse and exploitation. It should be referred that Section 377A PPC has several legal loopholes, which should be closed down. The first issue that arises is that the term which refers to 'sexual abuse' is not clearly defined and is therefore ambiguous. Likewise, in 377B PPC, the approach of the prescribed penalty of up to 7 years imprisonment and a substantial fine is undoubtedly disproportionate, and it may deter victims from reporting the crimes and make the situation even worse.

7. Insights from Pakistan's Periodic Reports to the CRC Committee and CRC Committee's Assessment of Pakistan's Compliance

In monitoring the progress in Pakistan, the CRC Committee carries out the monitoring duty through an assessment of the periodic report and the concluding observations. Pakistan's work has resulted in integrating children's rights into the constitution, the adoption of laws relating to the same judicial system, and the legislation of new laws for the resolution of new challenges such as child sexual

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abuse. Pakistan's periodic report as well as the concluding observations of the CRC Committee stated Pakistan's progress in implementing the required CRC in its state. Pakistan submitted its first initial report to the CRC Committee on January 25, 1993 (Initial report to the CRC Committee, 1993), and the Committee shared its conclusion on April 25, 1994 (Concluding observations of the CRC Committee on the initial report, 1994). The second report was presented on January 19, 2001 (2nd Periodical Report, 2001). and the committee's final observations were made on October 27, 2003 (Concluding observations on 2nd periodical report, 2003). The 3rd and 4th combined reports were submitted on January 4, 2008 (3rd & 4th Combined consolidated report, 2009), and the Committee delivered the concluding observations on October 9, 2009 (Concluding observations on combined 3rd & 4th periodical report, 2013). Pakistan submitted its 5th Report on January 7, 2015, to the Committee (5th Periodical Report, 2015), and on June 3, 2016, the Committee drew its concluding remarks (Concluding observations on the 5th Periodical Report, 2016). Pakistan submitted its merged 6th and 7th reports to the CRC Committee on August 3, 2023 (Combined 6th and 7th periodic reports, 2024).

The periodic reports of Pakistan and the CRC Committee's concluding observations paint the true picture of the country in the implementation of the CRC provisions. Pakistan's involvement in the CRC commenced with the initial report, and was, thereafter, followed by the concluding observations by the CRC Committee. In the first report, emphasis was on the parliamentary bills which addressed the issue of the harmonization of laws on the protection of children from sexual exploitation. The CRC Committee observed that there is something wrong with the legal procedure and called on Government officials to be mindful of the role that has been assigned to them. The second report focused on child sexual abuse; however, this report does not contain legislative policies in its structure it, therefore, raised concerns from the CRC Committee on the implementation of programs and enforcement measures. The 3rd and 4th consolidated reports found the establishment of the National Commission for Protection of Children and domestic laws such as the Protection of Women Act 2006. Despite these endeavors, those issues persisted. Some of the challenges were focused on the prosecution of cases and no legislation was highlighted by the CRC Committee in its concluding observations. In its recent 5th periodic report Pakistan has attempted to bring about required amendments in the Pakistan Penal Code (PPC) through the 'Child Protection (Criminal Law Amendment) Bill' which enlists various offenses concerning child protection. However, there were no specific parts of this bill, which was devoted to defining the crimes against children; Therefore, the CRC Committee advised providing legal and judicial assistance to the child victims. Pakistan's latest 6th & 7th periodical report discussed the legislative amendments through the Criminal Law (Second Amendment) Act, 2016. Using this statute, the

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sexual offences against children, and the offenders, were described, with the portions of the sections stating the penalties. The enforcement of legislative solutions is also not ideal what is more the desire to combat the phenomenon is still a compelling issue.

This engagement of Pakistan with the CRC Committee reflects the understanding of the country in regard to child protection and, to some extent, CSA concerns. However, legal ambiguities and lacunae compounded by the lack of effective implementation jointly with social stigmatization slow the process. Not only these problems have always been highlighted by the CRC Committee but they have urged Pakistan to come out with a systematic plan of action for the prevention of child sexual abuse and exploitation.

8. Reforming Legislation to Safeguard Children from Sexual Abuse in Pakistan

In Pakistan, the legal landscape needs to be transformed in its entirety so that the excessive system inefficiencies that lead to Child Sexual Abuse (CSA) can be addressed. Sections 292A, 292B, 292C, 328A, 369A, 377A, and 377B of the Pakistan Penal Code (PPC) are amended now to afford proper protection to children and the punishment given to the offenders is the maximum possible. First of all, Section 292A requires an amendment in which the term obscene material should be widened in which digital content on electronic smartphones also comes under this Act. Recently, propinquity of the internet and social networks, the topic's coverage expands the need for online grooming and children's sexual abuse. The work of Section 292B should be enhanced through augmentation of the penalties for the production, distribution, and possession of child pornography. Moreover, the rules should provide that the ISPs are the ones to spread these criminal materials to the public. This is why reforms are needed in Section 292C by adding another clause that seeks to prohibit anyone who has in his/her possession child sexual abuse material with the intention of sharing or spreading across. Moreover, special attention should be paid to the reporting responsibility for everyone, the website's owners, and Internet companies, so that the actions and prosecutions would be immediate. Section 328A must contain definitional provisions and must provide for physical, emotional, and sexual abuse of children regardless of any type, in its content. With this amendment, the police would have got very vital assistance especially when handling and prosecuting child sexual abuse cases. Section 369A states that the penalties shall be increased where an offender commits the crime of trafficking of children for sexual exploitation. Apart from that, there have to be provisions concerning rehabilitation as well as services for the victims of child trafficking. Sections 377A and 377B need modifications that address sexual abuse

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and turn the focus on child sexual abuse as a more significant problem rather than targeting homosexuals.

Lastly, the mentioned reforms are dire because they seek better ground for the protection of the children and ensure those who are involved in the sexual exploitation of children are brought to book. However, a considerable amount of effort is needed for identification, giving aid to the victims, and enforcing identification with proper means and judicial systems.

After studying the concluding observations of the CRC Committee about the periodic reports generated by Pakistan further evidence of the above shortcomings in regard to how the legislation of Pakistan is aligned to international norms can be concluded. The Committee has much to say about the fact that the unresolved section looks like containing mistakes in the definite and indefinite language used for this grievance and its treatment. To perform the national commitment to the rights and lives of children, it is very essential to make specific amendments and clarifications about the law within the Convention of Child Rights.

9. Assessing Pakistan's Erga Omnes Obligations in Legislation Addressing Child Sexual Abuse

It is in this spirit that an analysis of Pakistan's compliance with 'Erga Omnes' multifaceted obligations is intended to assist in legal reforms. Something fascinating the legal reform in the context of Pakistan has done in terms of global commitments and child safety and the elimination of sexual abuse (Ali, 2018). In this regard, the matching measures involve the examination of Pakistan's laws from the perspective of the very principles of the Convention on the Rights of the Child (CRC). The CRC also demands infringement of all types of child abuse including sexual abuse and declares it up to the respective state parties to pursue legal reformations to meet these specifications. Pakistan has developed legal instruments addressing child sexual abuse in the form of legislative measures for example, the Criminal Law (Second Amendment) Act, 2016 seeks to enhance the penalty for child sexual abuse and other violence against children. While the adoption of rules by the legislature having the force of law means a lot in the enforcement of the right, such reforms add little value if the available mechanisms for the enforcement of the rights are underdeveloped. The police who fail in their work means that impunity is given to the defenders of child sexual abuse while those in need of protection become victims themselves, creating a gap between policy and practice (Ali, 2018).

However, it has to be pointed out that the concluding observations, adopted by the CRC Committee which responds to the periodic reports submitted by the Countries concerned, form the last step of the evaluation. The CRC Committee's concern about the periodic reports presented by Pakistan is evident from the concluding

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observations of the CRC Committee. The first examination of Pakistan as well as the recent follow-up review of the CRC legislation have also revealed the discrepancies between the Pakistani laws and the CRC standards and constituents. This brought awareness of the many problems regarding child rights law and legal structures. There is thus a need to start fighting for improvements in the statutes that are in line with the CRC guidelines and hence promote child rights enhancement. For example, the CRC Committee noted some of the issues with the child sexual abuse laws. As noted by the CRC Committee in the consolidated 3rd and 4th reports, the existing statutes have to be amended so that the law would become clear and could not contain sentences with ambiguous meaning. The review of the 5th periodic report concerned the necessity of further intervention in the existing crisis concerning child sexual abuse. The CRC Committee has pinpointed the most important concerns, namely that the laws on child sexual abuse are not clear and they do not define not only these abuses but also consent. This uncertainty in the definition itself supplements legal procedure, de-routes the functions of a prosecutor and supports the hands of offenders in enhancing impunity.

The solution in this case requires the thorough reform of the law with the primary aim of coming up with legal definitions to enable interpretation and the dispensation of justice. Strengthening the investigative and prosecutorial arm of the justice system by orders of magnitude can be a famous way of making sure that impunity does not triumph and children do not pay the price for shedding their rights. The matters of concern should not be delayed anymore and the following actions should be taken at the earliest to avoid further violation of children's rights in Pakistan and to show commitment to the CRC as a legal code. Besides, international cooperation and accountability are the components of decisions on Erga Omne's obligation, together with the CRC. The fact that Pakistan is a signatory to bilateral agreements with world organizations; and the fact that the CRC has a mechanism of periodic scrutiny are pointers to the fact that Pakistan has not been wanting in the performance of its obligations.

Conclusions

Although the Convention on the Rights of the Child (CRC) is a ray of hope from the side of the international community, the solution it provides to the problem of child sexual abuse is in the protection and assistance of children. Even though the concept of erga omnes duties has been formulated on a very moralistic approach, there is systematic practice of child sexual abuse in every corner of Pakistan and the world in general. The CRC is a large international treaty that is permissive of the inherent value of every child and provides vigor that they should not be subjected to any form

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of abuse but sexual abuse in particular. These conclusions' importance lies in identifying not only the primary rights but also the obligations that states have as regards the conditions that can facilitate the achievement of these rights.

As a party to CRC, Pakistan is to remain bound to the principles of CRC and ensure the safety of children from all forms of sexual abuse. On the other hand, the absence of means to install the CRC principles into a framework in Pakistan due to shortages as well as the lack of public opinion over it also due to this culture that does not accept the binding authorities. Likewise, the Criminal Law (Amendment) Act, 2016 intended for the protection of children and at the same time demanding a harsher punishment for offenders is still not enough to fill the gaps in Pakistan's justice system; therefore, the impunity culture is not to blame. One big challenge to the fight against child sexual abuse in Pakistan is that the country lacks laws on this issue in its complete sense. However, existing laws prohibit some sorts of sexual abuse; still, they experience a challenge in including the necessary protection for such child victims or being able to get to the bottom of other issues like poverty, inequality, and stigma that lead to child sexual abuse.

The paramount essence of addressing the current need for preventing CSA in Pakistan represents the need for an acute and common legislative intervention that complies with the principles of the CRC and Erga Omnes obligations. By achieving the aim of harmony of the national rules with the international commitments and standards Pakistan will be prepared to set an example for a more humane safe society where no child suffers from sexual exploitation. In this way, the Pakistani leaders can start a new era in which no child molestation cases exist and parents feel safe for their children; all of this without compromising their determination to protect children's rights and enforce a culture of responsibility.

The main value of this paper lies in its critical analysis of Pakistan's compliance with the Convention on the Rights of the Child (CRC) concerning child sexual abuse, highlighting the discrepancies between international standards and national legislation. The voids of this study include a lack of comparison of Pakistani legal aspects with other countries' legal frameworks and an analysis of available case settings that may not cover the whole world scenario of child sexual abuse. Literature failures comprise inadequacy in the assessment of societal aspects, for example, poverty and cultural prejudice that hampers practicable enforcement of child protection laws. Future work could look into cross countries of legal reforms of member countries including Pakistan to realize how legal harmonization with CRC might eliminate child sexual abuse. This may help other legal systems, particularly in the developing world, to use the present papers as reference points for the harmonization of domestic laws to international norms, continuing to inspire legal development both in European and non-European countries.

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