

**Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography**

REFERENCE: AL  
PAK 9/2015:

2 September 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the sale of children, child prostitution and child pornography pursuant to Human Rights Council resolution 25/6.

On this basis, I would like to bring to the attention of your Excellency's Government information I have received concerning the reported **sexual exploitation of up to 280 children by a gang of 25 individuals in the village of Husain Khan Wala in Kasur district and the production of around 400 child abuse images since 2006.**

According to the information received:

In 2006, a gang of up to 25 individuals began to sexually exploit children in the village of Husain Khan Wala, in Kasur district. Children of both sexes, mainly between the ages of 10 and 16, were targeted by the alleged perpetrators. Until this year, it is reported that a total of up to 280 children were sexually abused over this period of time.

Many of the alleged perpetrators are reportedly related and live in close proximity to the victims. According to our sources, the alleged perpetrators would use their positions of prominence and through threats, violence or with the use of drugs they raped children and also forced them to perform sexual acts on each other. This sexual abuse was reportedly systematically filmed by the alleged perpetrators and around 400 videos were produced over the period of time in question.

The videos were apparently sold for Rs. 50 apiece in the district and the perpetrators also sold them online to paedophiles abroad. Moreover, the videos were reportedly further used to blackmail the child victims and their relatives in exchange of their silence and money. In order to pay the alleged perpetrators,

numerous child victims repeatedly stole money and jewellery from their families and were subsequently punished for these thefts. Furthermore, the child victims were purportedly also blackmailed into abusing other children.

According to the information received, at the beginning of this year, videos of the sexual abuse were circulated in the village and the relatives of the child victims first became aware of the ongoing exploitation. A mother, having identified her son in the video, presented herself to the police station of Ganda Singh Wala to file a complaint. She was reportedly beaten and threatened by the police officers who further refused to register her case.

In parallel, the villager leaders apparently attempted to reach some reconciliation between the alleged perpetrators and victims since many of their families were reluctant to pursue legal action because of the perceived “dishonour” brought by the sexual abuse and the videos. Nonetheless, a compromise could not be reached and several parents of the victims filed First Information Reports with the police of Ganda Singh Wala in July 2015.

During the month of July, the police purportedly did not follow-up on the reports and shared the information with the alleged perpetrators. Some of the latter are reportedly part of the clan or relatives of a Member of the Provincial Assembly. In addition, according to our sources, the alleged perpetrators, with the collusion of the police, harassed and intimidated the families of the victims.

During the first week of August 2015, a demonstration of up to 4,000 villagers of Husain Khan Wala in Kasur district was reportedly met with force by the police on Dipalpur Road. There were allegedly several casualties both among the demonstrators and the police force. The villagers were protesting about the perceived lack of action by the authorities following the filing of the First Information Reports.

By 11 August 2015, the local police had reportedly failed to interview the alleged victims, collect evidence, secure crime scenes or confiscate the videos of the sexual exploitation. According to the information received, the regional and district police officers further attempted to portray the revelations on the child sexual exploitation as politically motivated in the context of an ongoing land dispute between villagers. Finally, the police also reportedly questioned the abuse of the children insisting on their possible consent to the sexual acts.

According to our sources, the child victims and their families have not received any care or been provided with recovery and rehabilitation services. It is further reported that due to deeply engrained cultural traditions, psychological support and measures to prevent the recurrence of the abuse have not been considered either by the parents of the victims or by the authorities.

A Joint Investigation Team was set up and 16 individuals were apparently in custody at the end of August. Six police officers have also reportedly been suspended.

I would like to take this opportunity to express my extremely grave concern to your Excellency's Government regarding the aforementioned large scale sexual exploitation of up to 280 children and the production and dissemination of child abuse material which has been ongoing since 2006. The extremely traumatic experience which has been reported means that the children may also have been exposed to sexually transmitted infections including HIV in addition to other physical harm. Moreover, the alleged victims will have suffered severe psychological damage. Both these aspects require the provision of urgent medical, reproductive and mental health support as well as social and legal services on the short and long term. Furthermore, the existence of the videos of the sexual exploitation re-victimises the children each time the child abuse material is viewed by others. It can increase and perpetuate the feelings of shame, humiliation and powerlessness felt by the victims.

The reported cultural traditions that disregard psychological support and measures to prevent the repetition of the abuse, such as awareness raising and education programmes to combat social tolerance and impunity for child sexual abuse and exploitation, are a further cause for concern. The right to receive care, recovery and reintegration services and the duty for the State to provide these are enshrined in the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography.

I am further seriously concerned by the alleged acts of violence and threats inflicted by the police against relatives of the victims, and by the reported collusion between local authorities and the local police force with the alleged perpetrators. The absence of effective access to justice not only places the victims at risk for their personal safety but also violates their right to just and effective remedies. Alleged attempts by village leaders to obtain an agreement between the families of the victims and the perpetrators, outside of the judicial system, are also disturbing since they perpetuate impunity for these heinous crimes. As stated by the Committee on the Rights of the Child, "for rights to have meaning, effective remedies must be available to redress violations".

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. I would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above mentioned allegations.
2. Please provide information on measures adopted by the relevant authorities to ensure the security and protection of the victims, and accountability of the alleged perpetrators through the due process of law and without undue delay. If these measures have not been adopted please inform why.
3. Please provide any further information on appropriate protection and redress mechanisms available for the victims, such as adequate, effective and prompt reparation for the harm suffered, through compensation, rehabilitation, and counselling as well as medical and psycho-social support.
4. Please provide information on the measures taken to ensure the accountability of members of the police who did not take action following the filing of the complaints by the victims, inflicted violence and threats on the complainants, and/or colluded with the alleged perpetrators. Similarly, please provide information on the measures adopted to ensure the duty of due diligence in the investigation of crimes by law enforcement forces. If these measures have not been adopted please inform why.
5. Please provide information on any investigation conducted following the demonstration in August that resulted in several casualties.
6. Please provide information on comprehensive strategies adopted by the national authorities to prevent the sexual abuse and exploitation of children, including awareness raising campaigns and education programmes, training of professionals dealing with child victims and potential victims, the establishment of child-friendly reporting and complaint mechanisms, and child-sensitive justice proceedings.

I would appreciate receiving a response within 60 days.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Maud De Boer-Buquicchio  
Special Rapporteur on the sale of children, child prostitution and child pornography

**Annex**  
**Reference to international human rights law**

In connection with the above alleged facts and concerns, I would like to highlight articles 19 of the United Nations Convention on the Rights of the Child (CRC), which was ratified by your Excellency's Government on 12 November 1990 and provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Articles 34 and 35 further add that States Parties shall undertake to protect the child from all forms of sexual exploitation and sexual abuse as well as take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Furthermore, I would like to draw your Excellency's Government's attention to the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, which your Excellency's Government ratified on 5 July 2011. Article 3 provides that each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature, and shall take measures to establish the liability of legal persons for these offences. Article 8 provides that each State Party shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, and shall take measures to ensure appropriate training for the persons who work with victims of the offences prohibited under the Optional Protocol. Article 9 is also essential as it requires States Parties to ensure prevention, awareness raising, appropriate assistance and compensation measures.

In this respect, article 39 of the CRC further insists on the need for States Parties to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

The Committee on the Rights of the Child further emphasizes, in its General Comment No.5 (2003) on General measures of implementation of the Convention on the Rights of the Child, that "where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39."

In its Concluding Observations in 2009 (CRC/C/PAK/CO/3-4), the Committee on the Rights of the Child recommended that your Excellency's Government review its

legislation and promptly adopt legislative measures in order to clearly define and expressly outlaw sexual abuse and sexual exploitation of children. It also recommended that Pakistan undertake studies on sexual abuse and exploitation in rural and urban areas and from a gender perspective to enable it to understand the extent, scope and root causes of these practices, adopt adequate measures and policies to prevent the stigmatization and ostracism of women and children who report cases of sexual exploitation and abuses, and contribute to changing attitudes. The Committee also recommended that cases of abuse of children, including sexual abuse, be properly investigated and that perpetrators be duly prosecuted. Measures should also be taken to provide victims with support services for their physical and psychological recovery and social reintegration, in a gender-sensitive manner.

In addition, the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 23 June 2010, provides in article 7 that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 24 further states that every child shall have the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

Finally, in its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).