

PACTA SUNT SERVANDA: EVALUATING PAKISTAN'S REPORTING ON CHILD SEXUAL ABUSE WITHIN THE CONVENTION ON THE RIGHTS OF THE CHILD FRAMEWORK

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Abstract

This article critically assesses the extent to which Pakistan has complied with the Convention on the Rights of the Child (CRC) and focuses on the principle of pacta sunt servanda, which advocates thorough and faithful performance of the covenants entered by a party. The article's focus is on the measures that have been established under the provision of the CRC by Pakistan to protect children from sexual abuse. However, the contention remains whether Pakistan as a member of CRC effectively utilizes the legislature in the course of protecting a child from sexual abuse under CRC. The recommendations of this article entail a firm comparison between the provisions of the legislation of Pakistan and those of CRC regarding the protection of children from sexual abuse. This article assesses the reports prepared by Pakistan on CRC requirements and submitted periodically to the CRC Committee. This article seeks to establish to what extent these reports show Pakistan in abidance with Pacta sunt servanda as well as the principles of the CRC encompassing the protection of children from sexual abuse. The concluding observations of the CRC Committee in case of consideration of the country reports of Pakistan are explained in detail to decipher the legal nakedness and the lack of enforcement approach to child sexual abuse in the country. The conclusions of this article draw this realization that it is high time that the country enhances its laws that would align with the international obligations of Pakistan under the CRC.

Keywords: Child Sexual Abuse, Convention on the Rights of the Child, Legislation, Pacta Sunt Servanda, Pakistan.

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1. INTRODUCTION

The protection of children from sexual abuse is a human rights issue of paramount global order, encompassing nationalities. Based on this kernel of truth, the international community pays a lot of attention to establishing complete mechanisms for securing the health, education, and rights of children universally. Among these instruments, the Convention on the Rights of the Child (CRC) is a hallmark treaty that tries to protect all these rights, including the civil, economic, social, and cultural rights of every child, beyond the limits of race, religion, and nation (Convention on the Rights of the Child, 1989).

Fundamentally, the term "Pacta Sunt Servanda" defines the significance of international agreements that states ratify and pledge their commitment to abide by the commitment they pledged in the agreements. That is to say that for countries acceding to the CRC, this involves ratifying the convention and including its principles in the national legal framework and policy to ensure the protection and promotion of children's rights (Mendez, 2013, p. 16).

Besides the enactment of the laws and policies, the implementation of the CRC also requires the formation of an environment where children can entirely exercise their rights. This has different dimensions, such as legal, institutional, and societal frameworks, all aimed at preventing children from every form of exploitation and harm, especially sexual abuse.

The basic notion of "Pacta Sunt Servanda" on which the CRC rests is that signatory parties must meet their commitments under the treaty (Jiang, 2022, p.764). However, the duties go a step further beyond just ratifying and striving for active integration and alignment of the core principles of the CRC with domestic laws, policies, and national practices, which eventually enable the practical realization of the convention in the country.

By signing the Convention on the Rights of the Child in 1990, Pakistan agreed to honor the principles of the treaty, which include the prevention and protection of child sexual abuse (Ali, 2018, p.117). Conversely, the role played by Pakistan must be carefully examined to determine whether it has effective means to bring about a solution to this problem. Pakistan has chosen to address child sexual abuse by creating new laws to revise the existing ones and enact special ones. The Criminal Law (2nd Amendment) Act (The Criminal Law (Second Amendment) Act, 2016) brought amendments to the provisions of the Pakistan Penal Code that gave stern punishments to child offenders. Along with passing this legislation, significant loopholes in the law still linger in protecting children from sexual abuse in the context of the legal provisions of Pakistan. Often, these loopholes contain violations of different norms regarding sexual abuse, weak protection of the victims, and issues connected with the violation of the system's impunity and corruption.

Pakistan is a signatory to the CRC; therefore, as provided by one of the core provisions of the CRC, the government has a mandate to present periodic reports to the Committee on the Rights of the Child (CRC Committee). These reports pool together useful information on Pakistan's efforts and challenges in realizing CRC objectives, including roadblocks they encountered and their strategies to deal with them. The CRC Committee goes through the submitted periodic reports of the national government and comes up with concluding observations that cover many important issues. Moreover, it is of course this mechanism that serves as a central element of state evaluation of its fulfillment of the CRC requirements or finding the areas that need more detailed study. A thorough examination of the periodical reports submitted by Pakistan to the CRC Committee gives a clear picture of the state's involvement in child sexual abuse prevention and the handling of such issues. The concluding observations of the CRC Committee on reports can be regarded as a consistent tool for Pakistan in developing a robust policy structure concerned with preventive measures against the abuse of children by sex offenders. This type of analysis will ultimately provide the country with a comprehensive and accurate picture of the areas that require correction to address and rectify the weaknesses.

The CRC Committee's concluding observations aim to hold state parties accountable by aligning with the principle of Pacta Sunt Servanda, which outlines the obligation of state parties to fulfill their responsibilities after joining the CRC. If Pakistan is to show its goodwill in this regard, it should not only comply with the CRC, but also undertake the CRC Committee's recommendations and execute its legal responsibilities to act for the protection of children's rights (Weissbrodt, Hansen, & Nesbitt, 2011, p.121).

2. CONVENTION ON THE RIGHTS OF THE CHILD AND SAFEGUARDING CHILDREN AGAINST SEXUAL ABUSE

Societies continue to celebrate the Convention on the Rights of the Child (CRC) for its enduring transformative role as one of the first major international instruments that drew attention to safeguarding children's rights, particularly in terms of sexual abuse. Article 34 of the CRC, which emphasizes child sexual abuse, is the standout point in this issue. It mandates that all member states must ensure the complete prohibition of such practices. Another thing to note is that Article 19 of the CRC does not only refer to physical punishment but goes beyond that to include any form of violence, such as sexual abuse. Thus, through this combined prevention within the CRC, its comprehensive approach becomes obvious, aimed at the safety and welfare of children (Whalen, 2022, p.300).

The CRC Committee's General Comment No. 13 (G.C.13) enriches understanding of the magnitude and scope of sexual abuse and exploitation of children that involves various forms of activities that impair children's psychological and physical well-being (General

Comment No. 13, 2011, p.10). Inducing and coercing children into illegal sexual acts, commercial sexual exploitation, and the creation of child pornography are examples of such activities. In this way, G.C.13 gives the formulation to the member states for legislation and actions for prevention and intervention (Svevo-Cianci, Herczog, Krappmann & Cook, 2011, p.984). The state parties are required to comply with G.C.13 through Article 19, which is about enacting executive and social measures to protect children from all manifestations of violence. It does not only confine itself to physical abuse but also includes sexual violence and takes some proactive measures to prevent, intervene, and support the victims. This shows that Articles 19 and G.C.13 side by side in the CRC illustrate the approach of this body to the eradication of sexual violence against children (Whalen, 2022, p.299).

The CRC not only builds measures instead of prohibiting anyone who causes violence to children but also compels member states to put in place and adopt proactive measures to prevent and eliminate sexual violence against children within their jurisdiction. This calls for legislation that will bring the frameworks in line with the CRC's obligations, with the aim of having universal and inclusive coverage for children. The responsibility of the state parties includes making assessments of the national laws and aligning the provisions with the CRC to eradicate child sexual abuse. Such a process involves drafting laws at the national, provincial, and municipal levels, which in turn strengthens the domestic legal frameworks according to the CRC principles.

The provisions in the CRC, specifically Articles 34 and 19, along with G.C.13, provide a strong worldwide framework for combating sexual abuse and violence against children globally (Maxwell, 2022, p.72). Thus, the CRC puts forward the responsibilities of States Parties, specifies in the provisions the ways a legal framework should be developed for safeguarding children from sexual abuse, and emphasizes how state officials should ensure a safe and harmless condition for children that is free of violence and exploitation.

2.1. Implementation of the Convention on the Rights of the Child

In accordance with Article 4 of the Convention on the Rights of the Child (CRC), States Parties are required to fully comprehend the underlying concepts of the CRC and to implement national laws to enhance the utility of the CRC. In effect, Article 4 highlights a primary notion of international law, which states that once a member state ratifies the CRC, it has a duty to ensure its national law, administration structures, and all related policies are in line with CRC requirements (Ruggiero, 2022, p.417). The CRC pays significant attention to the topics of economic, social, and cultural rights, highlighting the importance of states utilizing available resources to uphold these rights, and resorting to international cooperation when necessary.

The realization of Article 4 is the complex instrument consisting of reputation-building negotiations and raising awareness among the population, including children and other

groups of citizens, mentioned in Article 42. This is also underpinned by the relevant articles 43 and 45, which describe, mainly through the CRC Committee, the international mechanisms that should be in place for monitoring and implementation. Founded in 1991 and having since been expanded, the CRC Committee performs the foremost supervisory function of bringing periodic reports following the provisions of Articles 44 and 45 (Whalen & Lansdown, 2022, p.427). The CRC mandates member states to submit reports enlisting the progress made by them in providing for CRC rights, with the initial reports due at the most two years of ratification, which is followed by periodical reporting every five years ((General comment No. 5, 2003, p.13). These submissions should include a detailed analysis of the difficulties, joint progress, as well as the employed CRC’s provisions to meet CRC Committee obligations and, among those, the legislative changes taken to adjust the domestic laws to the CRC requirement (General Guidelines regarding the Form and Contents of Periodic Reports to be submitted by State Parties, 1996, p.6).

The committee’s work reconciles the planning of national laws with the principles of the CRC to reduce the number of violations of children’s rights on the territory of the states. In the review mechanism, the Committee makes suggestions in the form of concluding observations to the states in terms of compliance with children’s rights (Hoffman, 2020, p.139). To a great extent, the CRC, encompassing many years’ worth of efforts aimed at uniting child rights in a single and comprehensive document, itself represents the outcome of those efforts. In addition to that, the CRC’s jurisdiction applies to all individuals under the age of 18 who stand for the distinct pledge to protect children’s rights internationally. Ruthless examination of domestic legislation and bringing it into compliance with the treaty’s provisions is a main requirement for member states in testing their loyalty to the CRC.

2.2. Pacta Sunt Servanda and State Parties’ Responsibilities under the Convention on the Rights of the Child

Pacta Sunt Servanda, meaning “agreements must be kept,” is the fundamental principle in international law that mandates states to abide by their obligations not to breach treaties that they have ratified. It is the basis of practical cooperation and friendly relations, promoting diplomacy of stability and its intelligible rules in the sphere of interstate relations. This vector acknowledges the voluntary nature of state agreements and the obligations by which they abide, ranging from diplomatic, economic, environmental, and human rights treaties (Jiang, 2022, p.765). For instance, the Treaty on the Non-Proliferation of nuclear weapons (NPT) is a treaty that precludes signatory states from obtaining nuclear weapons, but in exchange, they have access to civil nuclear technology (Baldus, Müller & Wunderlich, 2021, p.206). However, the Paris Agreement provides the opposite by stipulating that the participating countries should tackle greenhouse gas emissions and adaptation to climate change (Santos, Ferreira & Pedersen, 2022, p.21). These treaties are living proof of the pacta sunt servanda principle, which politically binds the parties together and creates legal

obligations. Also, a way of settling the differences that might occur from acts of disregarding agreed matters is through this concept. International organizations, such as courts and tribunals, rely on it. Therefore, the International Court of Justice (ICJ) in the Barcelona Traction case affirmed the fact that states should strictly respect their commitments in a treaty and repay a debt, even if it is borrowed from another state or one of their nationals (Tams & Tzanakopoulos, 2010, p.793). Under pacta sunt servanda, international law is upheld, state stability is preserved, and the relationship between the states is brought to a trustworthy level. Treaties bind states, fostering collaboration and peaceful existence.

The doctrine of pacta sunt servanda is a founding idea of international law, and in the case of the Convention on the Rights of the Child, it is very vital. The CRC becomes customary law once a ratified treaty holds its binding commitment to the state parties to achieve the protection and development of children's rights. A scan of how this principle was implemented in the context of the CRC shows the wide range of methods and the difficulties state parties face in honoring their obligations. For instance, in Norway, a country that is recognized as one of the most developed when it comes to child welfare, the widespread practice of adhering to the CRC principles can be observed through their full and effective incorporation in legislation, social programs, and the institutional mechanisms that are designed to defend children's rights. Efforts done by Norway to observe and engage concerning child poverty issues, such as inclusive and accessible education and child protection efforts, reflect the clear and visible commitment by Norway to the fulfillment of its obligations under the CRC (McTavish, McKee, Tanaka & MacMillan, 2022, p.14). Ultimately, while "pacta sunt servandum" talks about the obligation to uphold the CRC, the disparities in state performance show how international norms interplay with domestic realities and bring forth the need to intensify these efforts to bridge the gap and make sure that children are granted holistic well-being everywhere on the globe.

3. APPLICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN PAKISTAN

Child sexual abuse in Pakistan is a pervasive and deeply troubling issue, with recent data highlighting the extent of the problem. According to the NGO Sahil's annual report "Cruel Numbers," In the year 2023, a total number of 4213 child abuse cases have been reported in newspapers. The total of 4213 cases includes reported cases of child sexual abuse (CSA), cases of abduction, cases of missing children, and cases of child marriages (Cruel Numbers, 2023, p.01).

Pakistan signed and ratified the Convention on the Rights of the Child (CRC) on November 12, 1990, and it was effective in the country on December 12, 1990 (Ali, 2018, 99). Although, in Pakistan, ratification of a treaty is considered to be an executive act, it requires legislative action to fulfill the treaty obligations. In *Shehla Zia vs. WAPDA* (Shehla Zia vs.

WAPDA,1994, p.703) the Supreme Court established that legislation must ratify international treaties and agreements for them to become laws. A member country such as Pakistan has to apply the CRC within its borders. To prevent children from sexual abuse, the state must initiate actions, among which the biggest are reforms in legislation to enact comprehensive laws (Ali, 2019, p.32). The CRC Committee oversees the member state's implementation of the CRC principles by issuing concluding observations after the countries have submitted periodical reports. Pakistan has been submitting periodical reports to the CRC Committee since 1993, and the Committee judged the country's progress towards the implementation of CRC provisions through its concluding observations. Pakistan has submitted its recent combined 6th and 7th reports in August 2023. The government has the approach of putting children's rights in the Constitution, passing the relevant bills in the last two years, and placing the draft bills for consideration. Discussing child sexual abuse requires a review of the legislation enacting protective laws in Pakistan. Pakistan's acceptance of the CRC reflects its intention to defend children's rights. Nevertheless, the accomplishment of translating international commitments into domestic laws needs legislative action. Pakistan has worked to include children's rights in its constitution, and enact related laws and legislation to address emerging issues like child sexual abuse.

3.1. Legislation Addressing Child Sexual Abuse in Pakistan

The primary source of law addressing child sexual abuse in Pakistan is the Pakistan Penal Code (Pakistan Penal Code, 1860) as amended by the Criminal Law (Second Amendment) Act (The Criminal Law (Second Amendment) Act, 2016). These amendments were designed to try and stamp out various types of criminal action, especially those committed against children by way of sexual abuse and exploitation. Among the amendments are Section 292A, which is based on seduction; Section 292-B, which discusses child pornography under the background of the need to protect children from offline and online pornography; and Section 292C, which provides for the penalties for its transmission, dissemination, or possession. Section 328A speaks of cruelty to a child, where the relevance of child abuse or neglect is enhanced. Also, Sections 577A and 377B define sexual abuse and specify the penalties for perpetrators. These changes in the PPC are highly commendable actions by the government to help address societal issues. The components of sections 328A and 369A focus on the protection of the vulnerable group.

But still, this notable virtue may have its dark side. Implementation and enforcement remain catalytic, as the final step depends on the efforts of law enforcement agencies and the judiciary. There may be ambiguities in defining offenses such as exposure to seduction or cruelty to a child, which are difficult to understand and prove. Additionally, the purpose of penalties is not only to deter but also to provide a rehabilitation program for the victim and address the root causes of crime. The introduction of these amendments is a positive strategy;

however, it is only the initial step and further committed efforts are necessary for its proper implementation and tackling ongoing reasons for criminal behavior in Pakistan.

3.2. Flaws in the Legislation Addressing Child Sexual Abuse

The Criminal Law (Second Amendment) Act (The Criminal Law (Second Amendment) Act, 2016) was a major win in the fight against child sexual abuse. Critical analysis, though, reveals some voids in this law. The main goal of Section 292A was to prevent sexual behaviors that may corrupt minors. Despite its successful aim, the effectiveness of Section 292A in preventing actual child sexual abuse remains uncertain. This is mostly because of the uncertainty of what is meant honestly by the phrase "exposure to seduction" and the absence of comprehensible regulations for implementation. Sections 292B and 292C deal with child pornography and prescribe punishments for its manufacturing, transmission, and possession. Section 328A, which does not provide the necessary elements for identifying what actions are called cruelty, therefore opens other interpretations and loopholes in actions against cruelty. Furthermore, the lack of criteria to decide the punishment category and gravity of the situation may lead to inconsistencies in sentences, which is not effective at being a deterrent. Sections 377A and 377B outline sexual abuse and incorporate punishments prescribed for the perpetrators. Even though these clauses deal a blow to sexual violence, there are some questions about their generality and implementation. However, the strict definition of sexual abuse may not cover the full range of non-consensual sexual acts, and the extent of the punishment might not always suit the gravity of the offense, causing both sorts of mistakes.

Despite the insertion of specific provisions in the Pakistan Penal Code (Pakistan Penal Code, 1860) through the Criminal Law (Second Amendment) Act the Criminal Law (Second Amendment) Act, 2016) to safeguard children and combat sexual offenses, the law still has some loopholes that require closure. These lacunae encompass an ambiguity in the particular definition of the offenses, an inconsistency in enforcement and sentencing, and an inadequacy in dealing with the complexity of some particular forms of exploitation, mainly concerning minors. Bridging these lacunae will demand far-reaching reforms that ensure child rights and the justice system's proper implementation.

3.3. Pakistan's Periodic Reports and Concluding Observations of the CRC Committee

The periodic reports prepared by Pakistan and the concluding observations of the CRC Committee exhibit the development of Pakistan in relation to the implementation of the provisions of the CRC across its state. Pakistan submitted its 1st initial report to the CRC Committee on January 25, 1993, and the Committee delivered its concluding observations on April 25, 1994. The 2nd periodic report to the Committee was submitted on January 19, 2001, and the Committee delivered its concluding observations on October 27, 2003. The 3rd and 4th combined periodic reports to the CRC Committee were submitted on January 4, 2008, and the

Committee delivered its concluding observations on October 9, 2009. The 5th periodic report to the Committee was submitted on January 7, 2015, and the Committee delivered its concluding observations on June 03, 2016. Pakistan has submitted its combined 6th and 7th reports on August 3, 2023, to the CRC Committee.

The initial report (Initial Report to the CRC Committee, 1993, p.6) of Pakistan mentioned the legislation aiming at consolidating laws related to the protection of children from sexual abuse into one document. The CRC Committee observed that the legalization existing for convention ratification was not proper in its application. Despite the enforcement of certain provisions, further steps are necessary to ensure proper guardianship (Concluding Observations of the CRC Committee on the Initial Report, 1994, p.5). The 2nd report submitted by Pakistan does not contain specific legislative laws that address child sexual abuse (Second Periodical Report submitted by Pakistan, 2001, p.441). The CRC Committee worries that Pakistan has not implemented programs that are effective in dealing with child sexual abuse and exploitation. Emphasizing the importance of conducting legislative review at both the federal and provincial levels, the Committee underscored the lack of laws enforcing penalties on perpetrators and of definitions of consent in sexual relationships. Additionally, it posted about poor prosecution rates, data absence, and inadequate reporting on child sexual abuse cases. Urgent action is called for so that the pieces of legislation can align with the principles of the CRC and the protection of children in Pakistan can be effective (Concluding observations on 2nd periodical report by Pakistan, 2003, p.6).

In the 3rd and 4th consolidated reports of Pakistan, it is evident that the National Commission for Protection of Children was established at the federal and provincial levels. These efforts were made to enforce domestic laws such as the Protection of Women Act 2006, which repealed the *Haddood* Ordinance and resolved rape cases under the Pakistan Penal Code. Nevertheless, the report notes that child sexual harassment cannot be prosecuted for a subset of relevant offenses. The Lahore High Court judgment in “State vs. Abdul Malik” brought to the forefront the significance of enacting legislation to deal with sexual assault against children (Third & Fourth Combined consolidated report submitted by Pakistan to the CRC Committee, 2009, p.627). The Committee, in its observations, shows a high level of worry about the criminal offense of child rape in general and the absence of specific laws and their definitions. One of the recommendations is legislative review and the enforced adjustment of definitions and limitations on perpetrators prosecution. The very fact that child sexual abuse is such a deep-rooted problem in Pakistan needs immediate action to counter it effectively (CRC Committee concluding observations on combined 3rd & 4th periodical report of Pakistan, 2009, p.23).

Through Pakistan's 5th Periodical Report, it has been stated that the government introduced amendments into the Pakistan Penal Code in 2009 called the 'Child Protection

(Criminal Law Amendment) Bill' aimed at making various offenders punishable whose conduct is related to that of child protection, i.e., exposure to explicit material, child pornography, cruelty, or child trafficking, but there is no provision pertaining specifically to child sexual abuse in them. This report identifies child sexual abuse as a grave offense and explores the need to amend penal laws to enhance the effectiveness of legal measures against this crime, thereby strengthening the protection of children in Pakistan (Fifth Periodical report submitted by Pakistan to the CRC Committee, 2015, p.44).

In its review of the 5th periodical report submitted by Pakistan, the CRC Committee specifically pointed out the need for measures to suppress child sexual abuse. Pakistan has mentioned the laws, i.e., the Pakistan Penal Code and the Criminal Law (Amendment) Bill, 2016, which focus on the seduction of adults, child pornography, and trafficking of people. However, the bill, once passed by the Lower House, was lying in the Upper House, awaiting approval. The Committee pointed out that the adoption of a law should be a matter of public concern, and it should be made criminal while providing the reporting system. It pointed out that government actions were inadequate and suggested legal measures that put emphasis on victim protection and justice. Such legal measures should also be comprehensive and coordinated with a child-friendly reporting mechanism that promptly deals with child sexual abuse and exploitation, highlighting the urgency of this problem (Concluding observations of the CRC Committee on the 5th periodical report of Pakistan, 2016, p.8).

It was described in the combined 6th and 7th periodical reports of Pakistan that child sexual abuse and exploitation were dealt with in the laws by explicitly defining and prohibiting the act. The Criminal Law (Second Amendment) Act, 2016, is comprised of Sections 377-A, 377-B, 292B, and 292A. According to Section 377A, child sexual abuse is recognized as any activity involving minors under the age of 18. Subsection 377-B warrants both imprisonment sentences ranging from one to seven years and fines for those who commit the crime. Sections 292A and 292B cover seduction that is exposed to children and child pornography, respectively, which are punishable with imprisonment for three to seven years (Combined 6th and 7th periodic reports submitted by Pakistan, 2023, p.19).

Up until now, Pakistan has submitted seven periodical reports to the CRC Committee, and the CRC Committee considered it a serious issue not to have legislation in place for the protection of children against child sexual abuse.

3.4. Analyzing Pakistan's CRC Committee Reports

The periodic progress reports by Pakistan presented to the CRC Committee detail a long journey that is in many places seasoned with legislative advances, but elsewhere is notably bound by gaps and impediments. At first, there was a concentration on making a legal

framework for services related to this problem. Nevertheless, later reports show that, instead of focusing on laws, there are no measures clearly directed at the prevention of child sexual abuse. While it is stated that the formation of the National Commission to Protect Children is more important, laws such as the Protection of Women Act, 2006 are equally important. However, there are some remaining flaws, as shown by the difficulty of continuing the prosecution even when the offenses against children are related to sexual harassment. The gaps in the legislation addressing child sexual abuse are evident in the Lahore High Court's judgment in "State vs. Abdul Malik." The hurtful gap would be filled by reforming the bill like the Child Protection (Criminal Law Amendment) Bill in 2009. Though it covers the issue, it does not address it in any way to provide direct solutions to child sexual abuse rather than just recognition of how serious it is.

The lag in periodic reporting, which was apparent in the 6th and 7th combined reports in 2023, highlights Pakistan's incoherent stance, with the effect of hindering the monitoring mechanism. It was paragraph 116 of the 2023 report that marked a crucial step with the Criminal Law (2nd Amendment) Act, 2016, stating some provisions within the Pakistan Penal Code by which have given a definition of child sexual abuse. Sections 377A, 377B, 292B, and 292A highlight different offenses against children that carry powerful punishments to deter offenders. Still, the difficulty of closing the gap between legislation and enforcement as the issues of corruption and societal reluctance seem to worsen the problem. Similarly, this draws a line under the need for a centralized law to fight the problem of child sexual abuse in a holistic manner. Finally, Pakistan's reports suggest an emerging will to fight against child sexual abuse, but there is a dead area between legislative commitments and the practical realization of the required actions.

3.5. Reviewing CRC Committee's Observations on Pakistan's Reports

The concluding observations of the Committee on the Rights of the Child brought into focus Pakistan's efforts, which have been found wanting in several areas, including in the context of reforming state machinery and the legal system. Upon the first report rendered by Pakistan, the CRC Committee noticed that the laws enforced in the country are not in line with the Convention on the Rights of the Child. The CRC Committee drew attention to the imperfections of the legal system of the country while commenting on the second report submitted by Pakistan, insisting on reviewing legislation on different levels: federal and provincial. It highlighted the shortcomings of the legislative system in terms of penalties for the perpetrators and consent definition in sexual relationships, as well as sexual abuse reporting rates and inefficiencies of prosecution. The call for urgent action is an absolute necessity to ensure the legislation is in harmony with CRC principles and enhance child protection in Pakistan. The CRC Committee remarked about child rape laws and their non-specificity issues, as reflected in Pakistan's 3^r and 4th consolidated reports. Suggestions consist of the formation of legislation, reviewing it, and making it more precise in terms of prosecution. Child sexual

abuse in Pakistan is an entrenched issue, hence the immediate need for efficient interventions. A review of the CRC Committee on the 5th periodic report revealed several child sexual abuse-related measures that needed to be taken on an urgent basis. The Pakistani government invoked laws such as the amendment in the Pakistan Penal Code through the Criminal Law (Amendment) Bill, 2016 to address the related issues hindering enforcement owing to the legislative delays in approving these laws. It censured government lethargy and suggested stringent legal actions and other schemes from the child-friendly reporting mechanism to immediately prevent child sexual abuse. This explains why the problem requires an immediate and substantial response to prevent further deterioration of children's rights in Pakistan.

Important issues are outlined by the committee in its observations. Primarily, the lack of specific laws leads to unclear ground and lowers the risk of punishment among the culprits. Ambiguity as to what constitutes child sexual abuse and what consent implies complicates legal prosecution. The second consideration is that the focus on the investigation and prosecution effectiveness may be a sign of a lack of confidence in the justice system of Pakistan, highlighted by low prosecution rates that conserve impunity. The solution to these problems should be achieved through multi-tiered measures. There should be legislative reforms enacted to give meaning and ensure the supremacy of enforcement machinery.

3.6. Harmonizing CRC Committee's Observations on Pakistan's Reports with Pacta Sunt Servanda

The concluding observations of the CRC Committee concerning the steps that Pakistan has taken in combating child sexual abuse give a detailed insight into the country's adherence to the CRC provisions. The classic principle of Pacta Sunt Servanda, or agreements must be kept, is the most important point of the states sticking to their treaty commitments. In particular, the CRC Committee underscores various areas where Pakistan's process of implementation falls below the meaning of the principle of non-discrimination. Initially, the CRC has been ratified by Pakistan, and the plan to effectively implement the CRC has been contemplated, but legislative and other related means are not enough to implement the CRC. Pakistan being emphasized by the Committee about the review and enhancement of the legislation, either federal or provincial, illustrates the dissimilarities existing between Pakistan's commitments and its consequent conduct as well. There is no penal legislation that specifically targets those who abuse children sexually, nor is there any law that clearly defines sexual consent. Consequently, all these add up to making the gap even wider.

Also, the CRC Committee's persistent qualms, demonstrated in many periodic reports, show the very bad situation of child sexual abuse in Pakistan, which the country has not solved yet. Child sexual abuse enjoys immunity from the enactment of any laws specifically targeting their prevention, and inadequate investigation and prosecution of perpetrators further exposes the existence of a structural weakness towards children's rights protection and

exploitation. The recommendations put forth by the CRC Committee on Pakistan to criminalize child sex abuse, put into place mandatory reporting systems, and emphasize the prosecution of offenders exemplify the urgency that is to be taken soon. The Committee, by demanding that Pakistan have a child-centered approach in the reports and a proactive strategy to support the victims, stresses the fact that to eradicate child sexual abuse, the approach has to be holistic.

It is obvious that the Committee's observations aim at making Pakistan responsible for their billion-dollar obligations that they had to meet under the CRC. Through the magnification of loopholes in Pakistan's legislative regime and coordination deficits, the committee intends to demand from the Pakistani government that it honor its commitments made as per the CRC. The call for legislative reform and proactive actions at all levels is almost a constant element in the recommendations, emphasizing the expectation that the Pakistani government will enact concrete measures in this area.

On the other hand, it is much more important to realize that the committee in the CRC has limitations in enforcing compliance. Though the Committee might have an opinion and recommend actions, it is the states that bear the responsibility to pass the changes. Hence, in spite of the Committee's findings being in alignment with the principle of Pacta Sunt Servanda, which calls for holding Pakistan accountable, the moving of these findings to a reasonable effect depending on Pakistan's action is paramount.

The CRC Committee's final remarks on the implemented measures by the Pakistani government to prevent child sexual abuse point to question marks regarding the proper fulfillment by the Pakistani government of its commitments under the CRC. The committee's suggestions related to parliamentary reforms, establishing an accountable mechanism, and enhancing victim support demonstrate their determined effort to defend the rights of children. However, Pakistan's failure to accept the Committee's advice and take relevant measures against child sexual abuse may result in the partial upholding of the provisions in this treaty.

3.7. Evaluating Pakistan's Compliance with Pacta Sunt Servanda in CRC Implementation

Assessing the degree to which pacta sunt servanda, as exemplified by the CRC, is followed by Pakistan necessitates the scrutiny of its legal reforms as well as implementation tactics for preventing child sexual abuse. Pakistan offers periodic reports to the CRC Committee about its achievements and failures in combating child sexual. The development of the Pakistani legislature regarding child sexual abuse is a sign of slow but often weak reactions to the problem. The assessment of Pakistan's compliance with Pacta Sunt Servanda, particularly in connection with the CRC and protection against sexual abuse, is a pivotal inquiry aimed at determining the country's dedication to international commitments and the effectiveness of the national legislation in ensuring children's rights, particularly against sexual abuse. Pakistan ratified the CRC in 1990 and would be responsible for complying with the principle of Pacta

Sunt Servanda. It should be noted that although Pakistan has framed national laws to incorporate the provisions of the CRC, for instance, the Criminal Law (2nd Amendment) Act 2016, there exist fundamental loopholes that prevent the full implementation of protective measures against child sexual abuse. The periodical reports submitted by Pakistan before the CRC Committee describe ongoing problems in implementing the recommendations. The CRC Committee's concluding remarks prove that Pakistan has not fully implemented its laws in compliance with the CRC; problems like inadequate legal frameworks, absence of implementation, and insufficient protection mechanisms have been observed. According to the concluding observation of the CRC Committee on Pakistan's periodic reports on its CEDAW, the existence of the legislative measures often does not correspond with their practical application, which points to a distinct implementation gap. The CRC Committee's observations conform with the ideology of Pacta Sunt Servanda and the requirements of states to honor their treaty obligations. But Pakistan reacted to the suggestions presented timidly and moved the system forward only partially. The line of continuity between the concluding comments of the CRC Committee and the principle of Pacta Sunt Servanda illustrates the necessity for Pakistan to treat the protection of children from sexual abuse as a primary concern and enhance its legal and institutional frameworks to fight against the sexual abuse of children. Attention should be paid to the refinement of the legal framework, the improvement of the work of law-enforcing bodies, and the communication of the issue of protecting children's rights in society. Nevertheless, the problem of Pakistan's compliance with the Pacta Sunt Servanda through the practical application of some CRC provisions that encompass the protection of children from sexual abuse still persists, and combating it requires the joint efforts of domestic and international actors to provide care to all children within its borders.

4.CONCLUSION

Hence, evaluating the Pakistani commitments from the perspective of the Convention on the Rights of the Child (CRC) along with the principle of Pacta Sunt Servanda indicates the improvements and shortcomings within Pakistan's continued journey towards providing safety to children against sexual abuse. Officially recognizing the importance of children's rights through joining the CRC, Pakistani governments continue to struggle to translate their membership into draft laws that are backed up by enforcement structures. It is possible to identify the critical issues when examining various aspects, like the identification of the implementation of the CRC, the understanding of the legal principle of Pacta Sunt Servanda, and the specific application of these standards in the context of Pakistan. The principle of Pacta Sunt Servanda, a principle of international law, states that, as a state party to the CRC, Pakistan has to fulfill the provisions stated herein. This also involves extensive endeavors to protect children from sexual exploitation and abuse through appreciable parliamentary measures for establishing laws and implementing them.

While adopting a pluralistic approach and making efforts to domesticate the CRC, the protection of child sexual abuse continues to remain weak and inadequately addressed in Pakistani laws. These deficiencies leave children exposed to similar risks, suggesting that there is a need to enhance the existing and the implementation of child laws. The reporting mechanisms to the CRC Committee are essential and effective means by which member states may be both evaluated and depicted considering the need for reform. However, there are contradictions along with a need for more frequent and serious reports to identify the actual efficacy of the policies and practices in Pakistan, as well as a look at the concluding observations of the CRC Committee, which show that their reports have lots of limitations and a lack of thoroughness. Due to such statements, the CRC Committee findings are useful in addressing legal compliance issues about Pakistani laws. However, the gap between these ideals and practice on the ground is a sign of a major problem to tackle. The principle of Pacta Sunt Servanda confirms that agreements reached on the international level should be followed strictly, as all state parties are bound by their signatures that confirm the international agreement. Thus, there is a clear implication for Pakistan; legislative reforms notwithstanding, what is essential for protecting children's rights is not merely change on paper but implementation and enforcement in letter and spirit.

It is noteworthy that legal reforms take place and work on legislation continues. The question's key issues lie in their practical implementation and outcomes. It is, however, still an open question if and how these reforms succeeded in preventing child sexual abuse; hence, the need to raise awareness and strive to make policies match the desired practice. As for the future direction of the state, Pakistan must accept the principle of Pacta Sunt Servanda by strengthening its legal system, increasing the set of measures to combat violations effectively, and using a wide range of prevention and intervention activities. It will also help in highlighting how Pakistan is committed to the protection of children's rights, as well as effectively implementing and following set international legal parameters. To accommodate international commitments and national laws, a non-negotiable approach to the rule of law is necessary. There is a regulatory point to identify the future of Pakistan in its mission to safeguard children from sexual exploitation. To achieve this goal, however, there needs to be a concerted and sustained global campaign to prevent and eradicate any form of abuse and neglect of children and also to promote their rights to be protected and to be free from every form of abuse. The war against child sexual abuse is not merely a matter of enacting new laws but a fight calling to include effective prevention strategies, enough safeguard measures, and children's rights promotion.

If Pakistan follows the principle of Pacta Sunt Servanda and measures of eliminating CRC in a full sense, then the country has a chance not only to improve its legal situation but also to protect Pakistani children from sexual abuse. Such continued effort shall be a testament to the nation's determination and commitment to safeguarding the inhabitants who are most

susceptible to facing the impact of the danger and its capacity to address its international responsibilities honorably and passionately.

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