**[Child Abuse and deterrent punishment](https://nation.com.pk/10-Feb-2020/child-abuse-and-deterrent-punishment%22%20%5Ct%20%22_new)**

Dr Usman Hameed February 10, 2020

On 7 February 2020, the national assembly of Pakistan passed a resolution calling for public hanging of child molesters. While the resolution was non-binding, meant for further debate and discussion only, it was met with sharp criticism. Those opposing the resolution included some members of the ruling party itself led by its federal Minister for human rights. Another federal Minister took to twitter asserting ‘this is just another grave act in line with brutal civilisation practices, societies act in a balanced way barbarianism is not an answer to crimes...... this is another expression of extremism’. Raja Pervaiz Ashraf, a national assembly member of PPP, stated, ‘we cannot put public hanging into practice. It violates the laws of the United Nations’. Likewise, condemnation also came from human rights bodies, particularly Amnesty international that rarely let go of any opportunity to remind Pakistan of its international obligation to abolish the death penalty under an optional protocol of ICCPR 1966. One human rights expert went on to claim that there is no empirical evidence to show that public hangings are a deterrent to crime or in protecting the psychosocial well being of children.

Admittedly, the issue of the death penalty for child molesters has been contentious, it would be over-simplistic to suggest that public hanging of such persons would make Pakistan a laughing stock in the world community and the country would violate its international commitments by doing this. The learned ministers and rights activists need to be reminded that Pakistan is a signatory to the UN Convention on Rights of the Child 1989 which obliges it to take effective measures to protect children against any kind of abuse. What steps have we taken so far to fulfil this duty? As to the claim of the lack of empirical evidence, one can reply that neither is there any empirical evidence to indicate public hanging would not be a deterrent to the crime.

Another way to interpret the non-binding resolution can be that the people of Pakistan have been outraged by a rising tide of child molestation and have come to a shared understanding, through their chosen representatives that further debate and discussion should take place to recommend appropriate measures to curb this ghastly crime. In response to the uproar against the resolution, suffice is to say that every country has its own social needs and indigenous circumstances which have to be kept in view while deciding what kind of punishment would be best suited to discourage a particular kind of criminality. Thus, for example, internal laws of at least three US states, of Louisiana, Texas and Montana provide the death penalty for the crime of child molestation. Similarly, India has enacted ‘The Protection of Children from Sexual Offences Act 2012’ giving the death penalty to child rapists through speedy trial in special courts constituted for this purpose. In the same vein, China has a zero-tolerance policy towards child molestation and those who sexually abuse children and cause irreparable harm are destined to face the death penalty as required by Chinese law. These countries, while passing their internal laws, did not pay much heed to international outcry; by contrast, they considered what punishments would be best fitted to prevent the crime in their local conditions.

Everywhere in the world child molestation is regarded as a horrendous crime warranting rigorous measures for its control. This is so because the victim being a child is weak and vulnerable, and the trauma he/she experiences while going through abuse stays with him/her forever. Noticeably, there have been instances of people having nightmares even at the age of 60-70 years, of sexual abuse taken place in their childhood. Thus, states not affording the death penalty at least guarantee stricter punishments to repeat offenders, perpetrators, who victimise multiple children, and who stood in a position of trust concerning their victims. For example, states of Washington and Kansas passed so-called Sexual Predator Laws allowing offenders to be committed to mental institutions indefinitely after they have served their prison terms.

Psychologists believe that ‘paedophilia’ is a result of severe mental disorder and much like alcoholism, it cannot be ensured that the behaviour would not be repeated unless cured by sustained treatment. This mental illness can be treated either by ‘cognitive therapy’ or ‘chemical castration’ while cognitive therapy change sex offenders’ understanding of what they do and chemical castration eliminates the psychological cause of the urge. If these arrangements are available in your country, then, of course, the alternative punishments can be a more appropriate response to the crime. On the other hand, if your state does not have these facilities what option you are left with to deal with the criminality apart from deterrence. Of course, the modalities of deterrence could be discussed, debated upon and adapted, for instance, public hanging may not always be justifiable but this does not mean the seriousness of the offence can be denied because of the possible backlash of the international community.

Pakistan’s current legal regime protecting children against violence, exploitation and sexual abuse is inadequate, to say the least. Formerly, we had laws against sodomy or murder only, but in 2016 we enacted laws criminalising exploitation, abuse, trafficking etc. In January 2020, the parliament passed Zainab Alert, Response and Recovery Act 2020 which aims to protect and raise an alert when a child goes missing or is abducted; the Act applies to Islamabad Capital Territory only.

The effectiveness of these laws is as yet to be tested. On a social level, it is thought to be a taboo in Pakistan to educate your child about sanctity and inviolability of his or her body. Use of forensics in criminal investigations is almost non-existent as per the statement of a former Chief Justice of Pakistan, and reporting of crimes is stigmatised, making it nearly impossible to prove the charge.

Under these circumstances, not having deterrent punishment can give a free license to paedophiles and sexual predators to implement their sinister designs without fear of consequences. If anyone has any alternative such as ‘cognitive therapy’ or ‘chemical castration’ they are more than welcome to take part in the on-going debate. However, silencing the discussion which reflects the consensus of the society to deal sternly with something so despicable, and that too under the apprehension of international fury would be nothing short of a tragedy.