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FROM SUFFERING TO SAFEGUARDS: REFRAMING THE LEGAL AND RELIGIOUS PARADIGMS OF CHILD ABUSE IN PAKISTAN

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ABSTRACT

This article offers a multidimensional investigation into child abuse in Pakistan, reconceptualizing it not merely as a legal or moral crisis, but as a systemic failure embedded in socio-political, digital, and theological structures. By integrating jurisprudential analysis, Islamic epistemology, and data-driven evidence, it proposes a transformative framework that transcends punitive responses and instead emphasizes preventative, rehabilitative, and theological recalibration. It concludes with innovative policy prescriptions, anchored in maqasid al-shariah and contemporary child rights discourse, for institutional reform.

Keywords: *child abuse, legal anthropology, Shariah hermeneutics, cyber abuse, maqasid al-shariah, Pakistani jurisprudence, structural violence*

Literature Review: Global and Islamic Perspectives on Child Protection

Contemporary literature emphasizes that child abuse is a global phenomenon deeply influenced by socio-economic structures, cultural norms, and legal efficacy. According to Pinheiro (2006), structural violence and institutional failures often perpetuate cycles of abuse despite the existence of legal frameworks. The World Health Organization (2025) further identifies neglect and emotional abuse as underreported yet profoundly damaging categories, particularly in South Asia.

Islamic perspectives on child protection have been explored by scholars such as Al-Azmeh (2018) and Esposito (2003), who emphasize that classical Islamic jurisprudence aligns strongly with the moral imperative to safeguard children. The concept of *hifz al-nafs* (preservation of life) and *hifz al-nasl* (preservation of lineage) within *maqasid al-shariah* forms a comprehensive ethical foundation for child rights. However, studies by Al-Munajjid (2024) caution against misinterpretation and misuse of scriptural texts to justify corporal punishment or early marriage.

Legal pluralism in Pakistan—where civil, criminal, and religious laws intersect—has been critiqued for creating ambiguities and inconsistent enforcement. Shaheen and Azmat (2024) argue that legal mechanisms alone are insufficient without community-based approaches, public awareness, and theological clarity. Moreover, digital

exploitation, as highlighted by Interpol (2025), requires urgent attention in both national policy and religious discourse.

This review establishes the necessity of synthesizing global child protection paradigms with context-sensitive Islamic ethics, thus justifying the need for an integrative framework explored in the subsequent sections.

Introduction

Child abuse in Pakistan is not merely an isolated social pathology; it is an institutionalized anomaly, reflective of entrenched power asymmetries, socio-religious misinterpretations, and state inertia. Despite statutory measures and Islamic injunctions emphasizing child welfare, abuse proliferates in myriad forms from corporeal violence and sexual exploitation to digital manipulation and emotional attrition. This paper interrogates existing protection frameworks through an interdisciplinary lens, questioning whether they merely regulate abuse or actively dismantle its generative roots.

Child abuse is a multidimensional issue that has been defined and understood in various ways across academic disciplines, legal systems, religious teachings, and cultural frameworks. The following section provides a comprehensive overview of how child abuse is defined by different scholars, dictionaries, and international organizations, including insights from the Islamic perspective through Quranic verses and Hadiths.

UNDERSTANDING OF CHILD ABUSE:

Oxford English Dictionary (OED)

"Child abuse is the physical maltreatment or sexual molestation of a child."¹

Merriam-Webster Dictionary

"Child abuse is the physical, sexual, or emotional maltreatment or neglect of a child by a parent or other caregiver."²

United Nations Convention on the Rights of the Child (UNCRC, 1989)

"All forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse."³

World Health Organization (WHO)

"Child abuse or maltreatment includes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity."⁴

¹ Oxford University Press. (2023). Child abuse. In Oxford English Dictionary. <https://www.oed.com>

² Merriam-Webster. *Child abuse*. In *Merriam-Webster.com dictionary*

³ United Nations. (1989). *Convention on the Rights of the Child*

⁴ World Health Organization. (2006). *Preventing child maltreatment: A guide to taking action and generating evidence*. Geneva: WHO Press

Al-Munajjid (2021) – Islamic Perspective

"Child abuse in Islam includes any action that deprives a child of their rights, such as unjust punishment, verbal humiliation, denial of emotional support, or physical harm."⁵

Islamic Understanding of Child Abuse:

Islam places great emphasis on the protection, dignity, and just treatment of children. The Qur'an and Hadiths provide clear guidance on the sanctity of a child's life and well-being:

In Quran Allah says

"And when the girl [who was] buried alive is asked. For what sin she was killed."⁶

"Do not kill your children for fear of poverty. We provide for them and for you. Surely, killing them is a heinous sin."⁷

Prophet Muhammad (PBUH) says

"He is not one of us who does not show mercy to our young ones and respect to our elders."⁸ (Sunan Abu Dawood, Book 43, Hadith 2853)

Hadith - Kindness to Children:

The Prophet (PBUH) used to kiss children and show affection. When someone remarked, he said: "Whoever does not show mercy will not be shown mercy."⁹

Definition of Child Cyber Abuse

Child cyber abuse involves the use of digital technologies to harass, exploit, threaten, or harm a child. It may include:

Cyberbullying – persistent online harassment or humiliation.

Cyber grooming – adults establishing relationships with children online for sexual exploitation.

Sexual extortion (sextortion) – threatening to expose a child's private information or images.

Exposure to inappropriate content – such as pornography or violent material.

Online trafficking and exploitation – using social media or chat platforms to lure children into abusive situations.

Prevention of Electronic Crimes Act (PECA) 2016

PECA 2016 is Pakistan's primary cybercrime law. It criminalizes various forms of electronic and online abuse, including those that affect children.

Relevant Sections of PECA 2016:

- Section 21: Cyberstalking – Covers following or monitoring a child online without consent, causing fear or distress.

- Section 22: Spamming – Sending harmful or offensive content to children repeatedly.

⁵ Al-Munajjid, M. S. (2021). Islamic Teachings on Child Protection and Parenting. Darussalam Publishers

⁶ Surah Al-Takwir (81:8-9)

⁷ Al-Isra(17:31)

⁸ Abu Dawood, Book 43, Hadith 2853

⁹ Bukhari and Muslim

- Section 24: Cyberbullying – Sending threats, offensive messages, or videos/images to harass a child.
- Section 25: Child Pornography – Producing, distributing, or possessing child sexual abuse material. Punishable with up to 7 years imprisonment and Rs. 5 million fine.
- Section 26: Transmission of Harmful Content – Sending sexually explicit or indecent content to a child.
- Section 27: Offenses Against Dignity – Uploading humiliating or degrading photos/videos of a child.
- Section 29: Offenses Against Modesty – Online sexual harassment or indecent exposure of a child.

The FIA Cyber Crime Wing investigates cases under PECA, and complaints can be submitted online or through helpline 1991.

Pakistan Penal Code (PPC) 1860

The PPC, though not digital-specific, is applicable when online abuse leads to real-world harm.

Relevant Sections:

- Section 292: Sale of obscene books/content.
- Section 293: Sale of obscene objects to minors (up to 3 years imprisonment).
- Section 354: Assault on modesty.
- Section 377: Unnatural offenses (sodomy).
- Section 509: Insulting modesty using words, gestures, or electronic means.

Constitution of Pakistan

Relevant Articles:

Article 9: Protection of life and liberty.

Article 14(1): Protection of dignity and privacy.

Article 25(3): Special protection for women and children.

These serve as the constitutional basis for protecting children from online abuse.

Provincial Child Protection Laws

- Punjab: The Punjab Destitute and Neglected Children Act, 2004
- Sindh: Sindh Child Protection Authority Act, 2011
- KP: Child Protection and Welfare Act, 2010
- Balochistan: Child Protection Act, 2016

These laws provide protection and support services for abused children and can be extended to cyber abuse cases.

National Response Mechanisms

- FIA Cyber Crime Wing: Investigates cybercrime under PECA.
- PTA: Can block harmful online content.
- Reporting Portal: <https://complaint.fia.gov.pk>
- Helpline: 1991

Challenges in Implementation

- Low public awareness and digital literacy.
- Cultural silence and social stigma.
- Underreporting of abuse.

- Limited capacity of police and judiciary.
- Inadequate digital forensic tools.

Recommendations

- Amend PECA to include clearer definitions of grooming and exploitation.
- Set up fast-track courts for cyber abuse cases.
- Train judiciary and law enforcement in cybercrime handling.
- Collaborate with tech companies to remove harmful content.
- Launch national legal awareness campaigns.

4 Underlying Causes of Child Abuse in Pakistan

Understanding child abuse requires examining the systemic and layered factors that foster it:

- **Socioeconomic Marginalization:** High poverty rates, unemployment, and income inequality often pressure families into neglectful or abusive behaviors. Children may be forced into labor or early marriage to alleviate financial burdens (UNICEF, 2024).
- **Cultural Norms and Misguided Traditions:** Corporal punishment is culturally normalized, and family honor often takes precedence over justice, especially in cases involving sexual abuse (Sahil, 2024).
- **Gender-Based Disparities:** Girls are disproportionately subjected to early marriages, domestic servitude, and educational denial, which makes them more vulnerable to physical and emotional exploitation.
- **Digital Exposure and Parental Ignorance:** Unsupervised internet access and parental lack of digital literacy increase exposure to grooming, sextortion, and online abuse.

These factors are interconnected and self-reinforcing, creating a systemic environment where abuse not only persists but is also normalized or overlooked.

5 Impact of Child Abuse on Children and Society

Child abuse has devastating and long-lasting consequences that affect not only the individual child but also families, communities, and society at large. The impacts can be categorized into psychological, physical, educational, social, and spiritual domains. Understanding these consequences is essential for formulating effective legal and ethical responses to the issue.

1. Psychological and Emotional Effects

Children who experience abuse often suffer from severe psychological distress. Common outcomes include depression, anxiety, post-traumatic stress disorder (PTSD), and low self-esteem. Emotional neglect and verbal abuse can impair a child's ability to form healthy relationships, leading to isolation and long-term social dysfunction. According to WHO (2020), abused children are significantly more likely to engage in self-harming behaviors and substance abuse later in life.

Physical and Developmental Consequences

Physical abuse can result in visible injuries like bruises and fractures, but it may also affect brain development and general health. Repeated abuse during developmental years has been linked to delayed cognitive growth, chronic illnesses, and even

increased mortality. Malnutrition and poor hygiene are also common in neglected children, undermining their ability to thrive.

3. Educational Disruption

Abused children often perform poorly in school, showing lower academic achievement, increased absenteeism, and behavioral issues. Their ability to concentrate and trust authority figures is compromised, which impacts learning outcomes and future career opportunities. Many drop out of school early, perpetuating cycles of poverty and vulnerability.

4. Social and Behavioral Outcomes

Abuse can alter a child's moral and social development. Victims may become aggressive, rebellious, or withdrawn, and may replicate abusive behaviors in their future relationships. Social stigma and the lack of support systems further alienate these children, increasing their risk of criminal behavior and substance dependence.

5. Spiritual and Religious Impacts

In the Islamic context, child abuse violates not only social and legal norms but also deeply held religious values. It damages the child's understanding of trust, compassion, and divine justice. Islam emphasizes emotional well-being, mercy, and respect, especially for vulnerable individuals like children. Emotional abuse and neglect may erode a child's spiritual identity, distancing them from religious practices and values.

In sum, child abuse creates long-term harm that transcends the immediate incident. Addressing these effects requires a holistic approach that includes legal accountability, psychological rehabilitation, educational support, and spiritual nurturing.

6. Typologies of Child Abuse: Beyond Conventional Classifications

While conventional literature recognizes physical, sexual, psychological abuse, and neglect, a more nuanced taxonomy is warranted:

- **Symbolic Violence:** The use of culturally sanctioned language and norms to delegitimize a child's experience (Bourdieu, 1977).
- **Structural Neglect:** State failure to ensure access to safe education, health, and justice systems.
- **Algorithmic Exploitation:** Children's digital identities commodified by AI-based content and data mining without consent.

Emerging evidence from Pakistan's cyberspace suggests an alarming rise in **machine-mediated child exploitation**, including AI-generated pornography and automated grooming algorithms (Interpol, 2025).

7 Qur'anic Injunctions and Prophetic Teachings on Child Rights

Islamic scripture offers profound guidance on child protection. Several Qur'anic verses highlight the importance of treating children with kindness and justice:

- **"Do not kill your children for fear of poverty. We provide for them and for you. Surely, killing them is a heinous sin."** (Qur'an 17:31)
- **"And do not approach the orphan's property except in a way that is best, until he reaches maturity."** (Qur'an 6:152)

- **“They ask you what they should spend. Say: Whatever wealth you spend should be for parents, relatives, orphans, the needy, and the traveler.”** (Qur’an 2:215)

The Prophet Muhammad (peace be upon him) strongly emphasized mercy and care for children:

- **“He is not of us who does not show mercy to our young ones.”** (Sunan Abu Dawood, Hadith 4943)
- **“A father gives his child nothing better than a good education.”** (Tirmidhi, Hadith 1952)
- **“Whoever looks after and provides for an orphan, he and I will be in Paradise like this,” and he held his two fingers together.** (Sahih al-Bukhari, Hadith 6005)

These teachings affirm that in Islamic tradition, children are entitled not only to protection from harm but to nurture, dignity, education, and equitable treatment. Incorporating these values into Pakistan’s legal and cultural framework can reinforce both faith-based legitimacy and child rights enforcement.

8 Prophetic Jurisprudence and the Embodied Ethics of Child Dignity in Early Islam

Drawing from the Seerah of the Prophet Muhammad (PBUH), one encounters a jurisprudential and ethical model that enshrines the protection and dignified treatment of children. In both Makkah and Madinah, the Prophet exemplified a radical departure from pre-Islamic norms by instituting a culture of care, justice, and moral accountability toward minors.

In Madinan society, the Prophet institutionalized rights for orphans and economically vulnerable children, articulating strict prohibitions against their exploitation. The Qur’anic verse — *“Indeed, those who devour the property of orphans unjustly are only consuming fire into their bellies”* (Qur’an 4:10) — reflects this theological seriousness. The Prophet further modeled this ethic by prioritizing a child’s emotional and psychological needs even in liturgical settings; for example, he shortened congregational prayers upon hearing a child cry, embodying compassionate leadership (Sahih al-Bukhari).

While there is no documented instance of a formal *hudoood* punishment for child abuse during the Prophet’s time, the social and moral censure of such acts was emphatic. Perpetrators of cruelty or neglect were brought to the Prophet’s attention and subjected to communal reprimand or penal correction under *ta’zīr*— a flexible judicial tool used by Islamic authorities to maintain moral order in line with context and severity.

The Prophetic model thus offers a harmonized framework of spiritual morality and restorative justice — where child protection is not merely a legal principle, but a communal and theological imperative rooted in mercy, education, and preservation of human dignity.

9. Legal Framework in Pakistan: Gaps and Implementation Challenges Although Pakistan has introduced significant legislation such as the Zainab Alert, Response and

Recovery Act (2020), PECA (2016), and amendments to the Pakistan Penal Code, enforcement challenges persist:

- **Low Conviction Rates:** Child abuse cases often end in acquittals due to weak evidence, legal loopholes, and lack of child-friendly legal procedures (Justice Project Pakistan, 2024).
- **Under-resourced Institutions:** Child Protection Bureaus in most provinces operate underfunded and without trauma-informed staff.
- **Cyber Law Gaps:** PECA lacks targeted provisions on child-specific cyber exploitation despite a 300% increase in digital abuse cases since 2020 (FIA, 2024).

10. Shariah Perspective: Maqasid al-Shariah and the Ethics of Child Protection

Islamic jurisprudence inherently protects the rights of the vulnerable. The maqasid al-shariah provides a framework for promoting justice through:

- **Hifz al-Nafs (Protection of Life)**
- **Hifz al-'Ird (Protection of Dignity)**
- **Hifz al-Nasl (Protection of Lineage)**

Classical Islamic scholars, including Al-Ghazali and Ibn Ashur, support the notion of reinterpreting jurisprudence (*ijtihad*) to meet societal needs. This opens avenues for reformist fatwas that condemn early marriage, support age-appropriate consent, and emphasize child wellbeing.

11. Cyber Abuse: The Digital Frontier of Exploitation Cyber abuse has emerged as one of the fastest-growing threats to Pakistani children. The FIA's Cyber Crime Wing reported a significant spike in:

- **Online Grooming & Sextortion**
- **Live-Streamed Abuse & Child Pornography Rings**
- **Deepfake AI Exploitation**

Interpol (2025) identified Pakistan as a rising node in transnational child cybercrime networks, yet PECA 2016 remains outdated and lacks child-specific clauses. Religious hesitance around digital sex education and online safety awareness further compounds the issue.

12. Policy Recommendations To address these challenges, the following multidimensional strategy is proposed:

- **Legal Reform:** Amend PECA to include CSAM-specific penalties, mandate child-friendly courtrooms, and criminalize symbolic violence.
- **Religious Reinterpretation:** Mobilize recognized Islamic scholars to support protective fatwas and public sermons.
- **Digital Literacy Campaigns:** Educate parents, teachers, and clerics about digital child safety and reporting protocols.
- **Increased Budget Allocation:** Dedicate 1–2% of GDP to child welfare institutions and trauma recovery services.
- **School-Based Safeguarding Curriculum:** Implement age-appropriate modules across madaris and public schools.

13. Conclusion Addressing child abuse in Pakistan demands more than penal codes and reactive legislation. It requires an ethical and systemic overhaul—reframing protection as both a legal duty and a religious obligation. The convergence of Shariah values with universal child rights, when supported by strong enforcement, digital accountability, and socio-cultural reform, offers the clearest path from suffering to safeguards.

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