

Human Rights Commission of Pakistan

MODERN SLAVERY

TRAFFICKING IN WOMEN AND GIRLS
IN PAKISTAN



Modern Slavery

Trafficking in women and girls in Pakistan



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Introduction

Trafficking in persons, classified as modern slavery, is not just a serious violation of fundamental human rights, but is also an extremely lucrative—and illegal—global enterprise. Pakistan is a well-known source, transit and destination country for trafficking in persons, in particular women and children.¹ However, the lack of reliable data and constraints to identifying and reporting trafficking cases makes it difficult to assess the magnitude of the problem in Pakistan.

Drawing on primary and archival data and the experiences of stakeholders, this study focuses on trafficking in women and girls in Pakistan, both for the purposes of forced labour and sexual exploitation. The study unveils vulnerabilities and various forms of exploitation to which victims of trafficking are exposed. Based on their experiences, the report also pinpoints the inadequacy of existing anti-trafficking interventions and provides some recommendations for framing a comprehensive strategy to effectively counter trafficking in Pakistan.

Human trafficking is not a new phenomenon and has existed in the form of traditional slavery throughout human history. However, aided by globalization, it has become one of the fastest-growing criminal activities in the world in the last few decades. Each year, millions of people are trafficked across the world and forced to live in slavery-like conditions.

Although several international instruments were adopted in the twentieth century to address trafficking and slavery, the term ‘trafficking’ itself was not defined until December 2000 when member states of the UN General Assembly adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime² in its Resolution 55/25. While providing a broader definition of trafficking, the protocol was the first comprehensive instrument to address the problem globally. Article 3 of the UN Trafficking Protocol³ provides a definition of key terms:

- (a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having

¹ <https://borgenproject.org/human-trafficking-in-pakistan/>

² https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf

³ <https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>

control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) ‘Child’ shall mean any person under eighteen years of age.

This definition of trafficking clearly indicates the links between trafficking and slavery as trafficking includes slavery, practices similar to slavery, and servitude. It is important to note that the UN Protocol provides a broader definition of trafficking—in addition to the forms of exploitation mentioned in Section 3(a), it acknowledges that trafficking may be conducted for other forms of exploitation as well. Based on this definition, the United Nations Office on Drugs and Crime (UNODC) has highlighted three core elements of trafficking:⁴

- **Act:** the recruitment, transportation, transfer, harbouring, or receipt of persons
- **Means:** threat of or use of force, deception, coercion, abuse of power or position of vulnerability
- **Purpose:** always exploitation.

Due to the clandestine nature of the phenomenon, it is difficult to give a precise number of trafficked persons across the globe. However, various international organizations, based on their own definitions of trafficking and specific methods to measure it, provide some estimates. According to International Labour Organization, the Walk Free Foundation and International Organization for Migration (2017), approximately 40 million people around the world were victims of some form of modern slavery.⁵ Out of 40 million, almost 25 million were in forced labour while 15 million were victims of forced marriage.

⁴ <https://www.unodc.org/unodc/en/human-trafficking/faqs.html>

⁵ https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm

Moreover, trafficking in human beings is a gendered and age-specific phenomenon. The UNODC's Global Report on Trafficking in Persons (2020)⁶ indicates that, of the total detected victims of trafficking across the world, 65 percent were women and girls. Although, among detected victims, a significant majority of women (77 percent) and girls (72 percent) were trafficked for sexual exploitation, in South Asia women and girls are particularly vulnerable to being trafficked for forced labour. As evident from the statistics presented by UNODC, women and children are especially vulnerable targets for traffickers.

Focusing on Pakistan, this study highlights the problem of trafficking in women and girls as a form of modern slavery. However, before elaborating on the situation in Pakistan, it briefly discusses trafficking in persons as a manifestation of modern slavery.

⁶ https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

Trafficking in Persons as Modern Slavery

Internationally, slavery was initially outlawed by the League of Nations in 1926 and subsequently by the United Nations in 1948 and 1956 through the Universal Declaration of Human Rights and the Supplementary Convention on the Abolition of Slavery. However, in reality, it has not been possible to eradicate slavery because it generates enormous profits for some at the cost of exploitation of others.

While all forms of slavery degrade human beings and violate their fundamental human rights—including, for example, the right to life, liberty and security, freedom of movement, and freedom from torture—the specific forms of exploitation and organisation of trafficking have continued to change over time, staying one step ahead of the laws created to curb slavery and slavery-like practices. Analysing the evolution of human slavery from its ancient to modern form (human trafficking), underscores an important common feature of exploitation across all time: **vulnerable populations or those with the lowest social status are the main targets of exploitation.**

Case study: From poverty to prostitution

Seema belonged to a very poor family in Punjab. Her father did not work. Instead, her mother, who was a domestic worker, supported their family. One day, Seema's father took PKR 200,000 and sent her to Karachi to seek work. When Seema arrived in Karachi, her employer sold her into prostitution. A journalist, who found out about Seema's circumstances, registered an FIR, and fortunately Seema was then recovered by the police during a police raid. She was then brought forward in court where the judge deemed it best to send her to a women's shelter for refuge. It was later found out that Seema had contracted HIV.

Slavery may not be legally sanctioned today, but slavery-like practices have become widespread. Sometimes, it is difficult to distinguish between slavery and everyday exploitation, such as the exploitation of child labour.⁷ A rapid increase in the world population coupled with growing inequalities engendered by current globalization have significantly increased the worldwide supply of slaves, leading to their economic devaluation. In modern slavery, human traffickers or slave traders are not interested in the permanent ownership of slaves or trafficked individuals because they are treated as easily disposable commodities.

⁷ K. Bales and B. Cornell. 2008. *Slavery today*. Groundwood Books.

In comparing old and new forms of slavery, Bales (2000)⁸ identifies the following key characters:

<i>Old Forms of Slavery</i>	<i>New Forms of Slavery</i>
Legal ownership asserted	Legal ownership avoided
High purchase cost	Very low purchase cost
Low profits	Very high profits
Shortage of potential slaves	Surplus of potential slaves
Long-term relationship	Short-term relationship
Slave maintained	Slave disposable
Importance of ethnic differences	Less importance of ethnic differences

⁸ K. Bales. 2000. Expendable people: Slavery in the age of globalization. *Journal of International Affairs*, 53(2): 461–484.

Study Methodology

There is still a dearth of reliable data on trafficking in persons in Pakistan. The relevant agencies are often unable to identify or report trafficking cases due to lack of awareness of trafficking. This report is based on an analysis of primary and archival data.

Primary data was collected from the relevant stakeholders that are part of anti-trafficking interventions and efforts in Pakistan, including representatives of law enforcement agencies (LEAs) such as the Federal Investigation Agency (FIA) and police, government departments such as the Social Welfare, Child Protection and Welfare Bureau, and labour departments, and NGOs and international organizations that either provide services to victims of trafficking or are engaged in lobbying or creating awareness of trafficking in persons.

A number of interviews were also conducted with victims of trafficking whom stakeholders had recently encountered: these have been reported as case studies in this report while protecting victims' anonymity. In addition to primary data, archival data available on trafficking and forced labour have been analysed. This report particularly highlights the strengths and weaknesses of anti-trafficking legislation in Pakistan and documents its efficacy in terms of the needs of victims of trafficking.

Magnitude of Trafficking in Persons in Pakistan

Trafficking in persons for forced labour, domestic servitude and prostitution is a crime that ruthlessly exploits human beings, especially women and children. As a developing country, Pakistan has not been able to provide satisfactory living standards to its citizens. According to the Pakistan Bureau of Statistics' Labour Force Survey for 2018/19, the total labour force of the country is estimated to be 68.75 million.⁹ The survey indicates a higher unemployment rate (10 percent) for women compared to 5.9 percent for men and 6.9 percent for both genders.

The limited absorption capacity of the labour market, increasing unemployment rate, and lack of awareness compel many young people to consider migrating to work in other cities or abroad. Vulnerable to the false hope given by traffickers, recruiters and agents, many are subjected to violence and exploitation. According to the US Department of State's Trafficking in Persons Report (TIP Report) for 2021, Pakistan is a source, transit and destination country for trafficking in persons.

However, the real challenge for the country is internal trafficking, especially forced or bonded labour.¹⁰ Although, over the last few years, the government has made significant efforts to combat trafficking, including comprehensive legislation and capacity building of law enforcement officials, very limited primary data is available on trafficking in persons. This is largely due to the lack of understanding of the various dimensions of trafficking, the coordination gap among stakeholders, and weak mechanism for compiling and reporting trafficking cases.

Case study: False promises of employment

Irsa and her sister were promised that they would be provided jobs in Karachi if they accompanied a certain man to the city. Afterwards, they found out that their aunt had sold them to the man who, on arriving in Karachi, forced them into prostitution. Somehow, Irsa managed to contact a journalist who recorded their story and called the police. The perpetrator was arrested and Irsa, who had contracted Covid-19 at the time, was rescued.

During discussions with stakeholders, it was observed that they had different assumptions regarding the prevalence of trafficking or forced labour in Pakistan. Representatives of government agencies were of the view that trafficking in women and girls was not as widespread as NGOs and international organizations allege. However, respondents from NGOs and international

⁹ https://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/lfs2018_19/lfs_2018_19_final_report_.pdf

¹⁰ <https://www.state.gov/reports/2021-trafficking-in-persons-report/>

organizations felt that trafficking in persons, especially of women and children, was a serious problem, but that such cases were not highlighted because of lack of understanding and reporting. Not surprisingly, these divergent views are reflected in the data on trafficking reported by the government and nongovernment agencies.

Currently, forced labour is considered the most prominent form of modern slavery in Pakistan. According to estimates from the Walk Free Foundation’s Global Slavery Index 2018, Pakistan ranks eighth among 167 countries in terms of prevalence of modern slavery, with an estimated 3,186,000 people living under conditions of slavery.¹¹ The bulk of Pakistan’s modern slavery entails labour exploitation, occurring in the forms of child labour, bonded labour and forced labour.

Case study: Taken captive

Around 13 years ago, Dania was married to a daily wage worker, at the age of 12. She ran a beauty parlour at her home and lived peacefully with her husband and four children. One day, Dania went to a client’s house with her underage son to provide at-home services. She was offered tea, and on drinking it, fell unconscious. When she woke up, she had been taken captive. Dania was sold to different people in Larkana as well as Sukkur. Ultimately, she managed to escape and sought help from the police, after which she was taken to a women's shelter for refuge.

Yet the official figures released by the Pakistani authorities are much suppressed. The FIA’s Annual Report on Human Trafficking and Migrant Smuggling provides some information on trafficking cases and law enforcement in Pakistan.¹² The recent report indicates that, in 2020, 18 cases were registered under the Trafficking in Persons Act 2018 while 26 men and four women human traffickers were arrested. Zone-wise details of cases is given in Table 1.

Table 1: Cases and arrests under Trafficking in Persons Act 2018 (in 2020)

Zone	Cases Registered	Arrested (Men)	Arrested (Women)
Islamabad	1	1	0
Punjab-I	10	11	2
Punjab-II	3	4	2
Sindh-I	1	2	-
KP	3	8	0
Total	18	26	4

¹¹ <https://www.globalslaveryindex.org/2018/data/country-data/pakistan/>

¹² <https://fia.gov.pk/files/immigration/1783290281.pdf>

Moreover, during the same period, the FIA identified 23 victims of trafficking, including 16 men and seven women. However, no child victim of trafficking was identified and only six victims of trafficking were provided legal support by the FIA. Zone-wise details of these cases is given below in Table 2.

Table 2: Number of victims identified and support provided

Zone	Number of Victims			Support Provided to Victims		
	Men	Women	Children	Psychological Aid	Legal Aid	Financial Aid
Islamabad	7	0	0	0	0	0
Punjab-I	6	2	0	0	6	0
Punjab-II	0	4	0	0	0	0
Sindh-I	-	1	-	-	-	-
KP	3	0	0	0	0	0
Total	16	7	0	0	6	0

Since 2001, the US State Department’s TIP Report has been providing country narratives that briefly explain the nature and magnitude of trafficking in each country and the efforts of the government to combat trafficking. Based on the evaluation of progress made by countries to counter trafficking, as given by the US Trafficking Victims Protection Act’s (TVPA) minimum standards, over the last one year, they are ranked according to a three-tier system. According to the TIP Report (2021: 52), the different tiers are explained as follows:

Tier 1

Countries whose governments fully meet the TVPA’s minimum standards for the elimination of trafficking.

Tier 2

Countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to comply with those standards.

Tier 2 Watch List

Countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to comply with those standards, and for which:

- The estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions.
- There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including

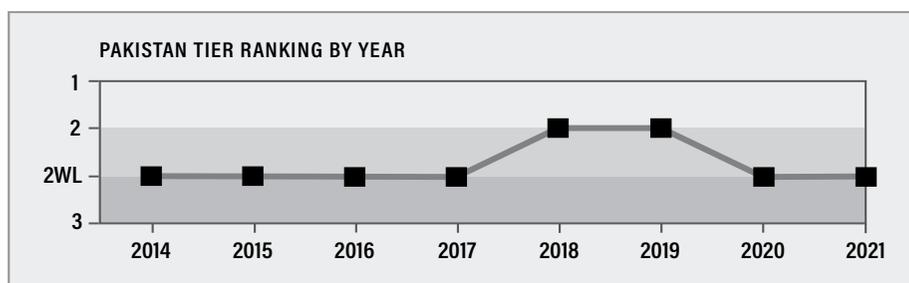
increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.

Tier 3

Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

The TVPA also provides that any country that has been ranked on the Tier 2 Watch List for two consecutive years and would otherwise be ranked on the Tier 2 Watch List for the next year, will instead be ranked under Tier 3 in the third year. However, the Secretary of State is authorized to waive this automatic downgrade only once, in that third year, based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. It is pertinent to mention that, according to the provisions of the TVPA, governments of countries under Tier 3 may be subject to certain restrictions on foreign assistance.

A review of Pakistan's last eight years' TIP ranking unveils that the country has not been taking enough measures to address trafficking in persons in accordance with the TVPA's minimum standards. With the promulgation of new anti-trafficking legislation in 2018, the ranking of the country was improved to Tier 2 in 2018 and 2019. However, due to lack of efforts to prosecute cases of sex trafficking and forced labour, particularly in Punjab and Sindh, and allocation of inadequate resources for victim care, in 2021 the country was placed on the Tier 2 Watch List for the second consecutive year.



Source: *TIP Report 2021*: 437.

In Sindh and Punjab, bonded labour is a common form of modern slavery, centred on brick kilns, carpet making, agriculture, fishing, mining, leather tanning, and production of glass bangles. The Asian Development Bank estimates that 1.8 million people, constituting almost 1 percent of Pakistan's population, work as bonded labourers. Women and girls are specifically

vulnerable to trafficking internally and externally. In feudal and tribal areas, women are traded between tribal groups as a form of payment or to settle disputes, sold into forced marriages, domestic servitude and prostitution.¹³

Case study: Sold into servitude

Farhat originally lived with her two sisters and parents in Afghanistan, where her father worked with the local police. Thirteen years ago, a group of people came to their home and forced her father into their car. His dead body was found nearby some days later—he may have been the victim of an extrajudicial killing. The incident took a heavy toll on Farhat’s mother, who became unable to cope and was committed to an asylum. As law and order in Afghanistan worsened, Farhat’s family migrated to Balochistan, Pakistan, with her maternal uncle. Some months later, her uncle told Farhat that he could no longer afford to support her. Farhat, who is illiterate, was sold into marriage without her consent in Kuchlak, near Quetta. Her uncle said that the money he received for her would be used to support her two sisters and mother. In fact, she was sold into domestic servitude and was not allowed to maintain any further contact with her family. At present, she has no idea where her family is—or even if they are still in Pakistan.

According to UNODC, approximately 300,000 people are trafficked from Pakistan each year.¹⁴ The worst form of trafficking among humans is the trade of children, who are bought, sold and kidnapped for work in begging rings, domestic servitude and prostitution. Babies too are kidnapped, to be sold to childless couples or used for trading across inter- and intra-regional boundaries. It is also reported that girls from underdeveloped countries such as Bangladesh and Burma are trafficked into Pakistan for sale.

¹³ <https://2009-2017.state.gov/documents/organization/123357.pdf>

¹⁴ World Bank. (2018). *A migrant’s journey for better opportunities: The case of Pakistan*.

Forms of Modern Slavery in Pakistan

At present, the following forms of modern slavery are considered prevalent in Pakistan.

Sex Trafficking

The trafficking of women and girls for sexual exploitation is one of the most prevalent forms of trafficking in Pakistan. A significant number of women involved in agriculture and micro-enterprises were found to be victims of sex trafficking and bonded labour. While serving as bonded labourers, they are subjected to sexual abuse and often receive meagre or no wages at all. Pakistan's predominantly patriarchal society, the violation of fundamental human rights, domestic labour, social exclusion and lack of awareness are major factors contributing to the problem. At the transnational level, sex trafficking occurs in the Middle East, where women are trafficked from developing countries such as Pakistan, India, Bangladesh, Indonesia, and Sri Lanka for the purposes of forced marriages, prostitution and the sex trade.

Case study: Sold into sex work

Rabia's father, who was addicted to drugs and would frequently beat his wife, sold Rabia's elder sister to an unknown person in Okara, Punjab. He also sold 18-year-old Rabia to an old man and forced her into prostitution. However, Rabia managed to escape along with her sister, and came to Karachi where they found legal aid. They were then presented in court where the judge decided to send them for refuge to a women's shelter.

Forced Child Labour

In Pakistan, a large number of children are trafficked as child domestic labour, primarily due to lack of education, poverty and unemployment. Employed as domestic labour, they face exploitation, physical and sexual abuse, and confinement and separation from their parents. Young boys around hotels, bus stations and truck stops are sexually exploited. Children and young persons are also kidnapped for the organ harvesting trade, where vital organs such as kidneys are removed and sold at very high prices. Newborn children are sold to couples who are unable to have a baby. In some cases, young girls are treated as a commodity and exchanged between two groups of people to settle debts or disputes. According to a report by Al Jazeera, approximately 2 million children work in Pakistan's brick kiln industry, living in slave-like conditions, where they

are forced to work for 14 hours a day, six days a week, and lack basic rights as workers and access to social security.¹⁵

Case study: When fathers sell their own daughters

Shanzay belonged to a poor, lower-caste family in Kasur, Punjab, with nine other siblings. Her family had never owned a house; they sometimes slept on roadsides, in huts or in small rooms on other people's agricultural lands. When Shanzay was around 5, her father, who was a drug addict, sold her to a rich family in exchange for a large sum of money, after which she worked as a child domestic labourer for the past 10-11 years. If ever she made a mistake, the family she worked for would beat her. Her father would only visit to collect her monthly wages (a paltry amount) directly from the family; she never received a single rupee of her wages. At around the age of 11, Shanzay attempted to run away, but her father found her and beat her for leaving. Forced to return, she was then brutally tortured by her owners. Her father is now on the lookout to marry her off in exchange for money, an arrangement which Shanzay considers shameful as it would sanction her torture for the rest of her life.

Bonded Labour or Debt Bondage

Bonded labour is an extreme form of modern slavery. A person or family may be bound in servitude to a landowner or factory owner when their labour is acquired as a way of repaying a certain amount given in advance, known as *peshgi*. In Pakistan, bonded labour is widespread in agriculture, brick kilns, tanning, and carpet industries. According to the Constitution of Pakistan, debt bondage is prohibited. The Bonded Labour System (Abolition) Act 1992 also prescribes severe punishment to those involved in the exploitation through debt bondage. Pakistan has also ratified ILO Convention 29 on forced labour.¹⁶ Despite these, the conditions of bonded labourers remain the same and they experience constant exploitation, particularly in Sindh, where a feudal structure prevails, and landlords have immense political and economic influence.

As dominant parties in both the administrative and legislative mechanism, they do not allow policies and laws to work in favour of labourers and peasants who are either paid very little or not paid at all. A significant number of victims of bonded labour belong to Scheduled Castes (Dalits) in the agriculture sector and 'low-caste' Muslims in the brick kiln sector, who have no say in the political system.¹⁷ They are considered 'disposable', often have unregistered nikahs and no CNICs, which means they have no social security, labour rights or even registered votes. Being absent from the voter base means that their issues are

¹⁵ <https://www.aljazeera.com/features/2014/7/17/pakistan-kiln-workers-live-like-slaves>

¹⁶ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029

¹⁷ <https://idsn.org/key-issues/caste-based-slavery/caste-based-slavery-in-pakistan/>

often considered irrelevant and ignored. However, when it comes to human trafficking, they are exploited financially in the name of *peshgi*.

In 2019, the Human Rights Commission of Pakistan secured the release of 63 bonded labourers in a brick kiln near Multan who had been sold by the brick kiln owner along with the brick kiln.¹⁸ In Pakistan, there are more than 20,000 brick kilns with more than 4.5 million workers, a significant number of whom has been victim of labour exploitation.¹⁹ It is important to note that women and girls who are subjected to bonded labour are also exploited sexually.

Forced Marriage

Forced or fake marriages have also fuelled the curse of human trafficking in Pakistan. In traditional societies like Pakistan, marriage is considered a form of socioeconomic security for young women. However, many young vulnerable women and girls are exploited through the conduit of forced or fake marriages internally and externally. In many cases, traffickers use marriage as a tool to trap young girls and women for trafficking for sex and as a shield against the laws. There are reported cases of women and young girls being traded to settle family disputes or given away as compensation for a crime committed by a male family member or they become victims of traditional practices such as bride price and *watta satta*.²⁰

Case study: By whose consent?

When Hina was six years old, she was taken in by her grandmother and paternal aunt after her mother died and her father remarried. Her new guardians arranged her marriage to her cousin, who was coerced into marrying Hina despite having feelings for someone else. Hina lived with her in-laws for a year, but the marriage was never consummated. She then returned to her grandparents' house where she struck up a friendship with a boy over the telephone. The boy and his friend convinced Hina to divorce her husband (*khula*) and run away with them. As a result, Hina ran away with the boy and contracted a (fake) *nikkah* with him. However, the boy and his friend became abusive and held Hina hostage, forcing her into prostitution. In the meantime, Hina's family approached the police and filed an FIR to recover her. After almost a month of captivity, Hina was finally found and recovered by the police. She was then brought forward in court where the judge deemed it best to send her to a women's shelter for refuge.

¹⁸ <http://hrcp-web.org/hrcpweb/hrcp-secures-release-of-bonded-workers/>

¹⁹ <https://interactive.aljazeera.com/aje/2019/pakistan-bonded-labour/index.html>

²⁰ Aurat Foundation. (2012). Pakistan NGO alternative report on CEDAW.

According to a study by the Noor Education Trust,²¹ there is a strong link between the practice of bride price and trafficking in women and girls in Pakistan. The study reveals that clients from different parts of Pakistan and abroad marry or purchase young girls from economically impoverished areas where the trade takes place in the name of bride-price custom. In many cases, fake nikahs (formal marriage contract in Islam that requires the consent of both groom and bride) are performed to validate the transactions and avoid any legal repercussions. The young girls are then used for sex and/or forced labour. Traffickers are particularly interested in minors as they can easily be trained, controlled and yield long-term benefits. A study by Enterprise for Business and Development Management (2009) on trafficking in Pakistan showed similar links between trafficking in women and marriage. Recently, the media reported that hundreds of Pakistani poor girls had been sold as brides and were trafficked externally for labour and sexual exploitation.²²

Begging

A significant number of women and children in Pakistan are considered to be trafficked for forced begging, particularly in major urban areas. Some reports also indicate that disabled persons in Pakistan, including minors, are trafficked internally and abroad for begging—sometimes with the involvement of family members according to the Integrated Regional Information Network (2011)²³ and TIP Report for 2015.²⁴

Case study: No choice but to beg

Six years ago in Jacobabad, Sindh, Maha's family forced her to marry a man in exchange for money from his family. She was told—after she was married—that she could not visit or return to her family, nor did her family bother to check whether she was well looked after. Maha, who is illiterate, was then taken to Quetta where she discovered that her in-laws earned their living through professional begging—a sordid and deceptive line of work that leaves people vulnerable to abuse. For example, to elicit sympathy, babies from poor families are bought to accompany the beggars. Maha's in-laws coerced her into becoming a beggar as well. Given her lack of resources and support, Maha had no choice but to acquiesce.

The Asian Human Rights Commission reported that thousands of microcephalic children are exploited by human traffickers in Pakistan for the purpose of

²¹ Noor Education Trust. (2008). *Brides for sale: Internal trafficking nexus at a glance*.

²² <https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-to-chinese-in-18-months>

²³ <http://www.irinnews.org/report/92183/pakistan-disabled-and-at-risk-of-being-trafficked>

²⁴ <https://2009-2017.state.gov/documents/organization/245365.pdf>

begging.²⁵ Traffickers might kidnap children and train them as beggars and/or identify vulnerable families and pay them a certain amount to rent their babies for the purpose of begging. The media has also reported cases of women and children trafficked from Pakistan to other countries for forced begging.²⁶

²⁵ <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-028-2011/>

²⁶ <https://tribune.com.pk/story/1225069/women-children-trafficked-pakistan-forced-begging-europe>

Combatting Trafficking in Pakistan: Legal and Policy Framework

According to the Constitution of Pakistan, slavery, forced labour, and trafficking in human beings are prohibited and the state is required to take necessary steps to protect people, especially women and children, from all forms of exploitation. For example, Article 11 of the Constitution proclaims:

- Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.
- All forms of forced labour and traffic in human beings are prohibited.
- No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

Before 2002, there was no particular law to deal with the issue of trafficking in persons in Pakistan. In October 2002, the Government of Pakistan promulgated the Prevention and Control of Human Trafficking Ordinance (PACHTO), and notified its rules in 2004, that defined trafficking and provided the legal framework to address the issue in the country. Although the PACHTO was a commendable first step to acknowledge the existence of trafficking in the country and take interventions to curb the menace, the legislation had many serious limitations. One of the most significant limitations of the PACHTO was that it blurred human trafficking and human smuggling as the same legislation was used to address both offences. Moreover, the presence of internal trafficking was entirely ignored in the ordinance as it defined trafficking only in terms of cross border movement.

Keeping in view the limitations of the PACHTO and to improve the ranking of Pakistan from Tier 2 Watch List, in 2018, the Government of Pakistan passed two important laws, including the Prevention of Trafficking in Persons Act (PTPA) 2018²⁷ and the Prevention of Smuggling of Migrants Act 2018. The laws are considered effective measures for preventing and combating trafficking in persons and smuggling of migrants in Pakistan as there are separate laws now to address both the issues. Persons trafficked to Pakistan from other parts of the world or persons trafficked for exploitation within Pakistan are now considered as victims of trafficking under the new legislation. According to the PTPA,²⁸ trafficking in persons involves ‘any person who, through the use of force, fraud or intimidation, hires, harbours, transports, supplies or obtains another person or attempts to do so, commits an offense of trafficking in persons.’

The Act further specifies the punishment of the traffickers that the person(s) involved in trafficking in persons ‘shall be punished with imprisonment which

²⁷ http://www.senate.gov.pk/uploads/documents/1533270017_228.pdf

²⁸ http://www.senate.gov.pk/uploads/documents/1533270017_228.pdf

may extend to seven-year or with fine which may extend to one million rupees or with both’, whereas if the offense was committed against a child or a woman ‘the person who commits the offense shall be punished with imprisonment which may extend to ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both.’

The Act further explains that if the crime involves a serious injury, life threats, illness or death, organized crime, confiscation, or destruction of the travel documents and repetition of the offense by the same offenders against the victims of trafficking in persons, the perpetrators shall be punished with imprisonment which may extend to 14 years and which shall not be less than three years and fine which may extend to two million rupees. The rules for the implementation of the PTPA were notified by the Government of Pakistan in October 2020, called the Prevention of Trafficking in Persons Rules 2020.²⁹

According to the new legislation, the FIA is now mainly responsible to deal with the issue of cross-border trafficking whereas provincial governments and police are responsible for cases of internal trafficking. However, as things stand, the police do not have the capacity and understanding of human trafficking. In addition to the new anti-trafficking legislation, the FIA has developed a five-year National Action Plan to Combat Human Trafficking and Migrants Smuggling (2021-25).³⁰ Under the National Action Plan, FIA seeks cooperation with government institutions, the UN and civil society with aims to:

- Strengthen the legislative and policy frameworks.
- Take affirmative action to increase women’s participation or representation in key institutions mandated to combat human trafficking and migrants smuggling (HTMS) especially law enforcement agencies, criminal justice institutions and the judiciary.
- Enhance capacities—in identification, investigation and prosecution and protection of the victims/smuggled migrants.
- Increase gender and age disaggregated data on the nature and scale of human trafficking and smuggling of migrants.
- Increase awareness on the HTMS crimes, enhance cooperation on national, regional and international levels.

Although the National Action Plan entails a very comprehensive roadmap to combat trafficking in persons in Pakistan, the real challenge lies in its implementation as the earlier plans were not able to achieve the set targets due to lack of resources and limited capacity of the organization.

²⁹ <https://www.fia.gov.pk/files/rules/1659902422.pdf>

³⁰ <https://fia.gov.pk/files/immigration/1815351109.pdf>

Previous Legal Provisions

Before adopting the specific anti-trafficking legislation, various laws were used to address offences related to trafficking in persons. For example, the following sections of the Pakistan Penal Code (PPC) address some dimensions of internal trafficking:

- Trafficking by way of kidnapping or abduction. [Section 359-366]
- Procuration of minor girl [Section 366-A]
- Importation of girl from foreign country [Section 366-B]
- Kidnapping or abducting in order to subject person to grievous hurt, slavery [Section 367]
- Buying or disposing of any person as a slave [Section 370]
- Habitual dealing in slaves [Section 371]
- Selling minor for purposes of prostitution, etc. [Section 372]
- Buying minor for purposes of prostitution, etc. [Section 373]
- Unlawful compulsory labour [Section 374]

In addition, the following laws deal with the issue of bonded/forced labour:

- Bonded Labour System (Abolition) Act, 1992 (applicable to ICT and Balochistan)
- Bonded Labour System (Abolition) Act, 1992 (adopted by Punjab in 2012)
- Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015
- Sindh Bonded Labour System (Abolition) Act, 2015
- Punjab Prohibition of Child Labour at Brick Kilns Act, 2016

The following are FIA-specific legal provisions to address the issues associated with external trafficking:

- Emigration Ordinance, 1979
- Passport Act, 1974
- Exit from Pakistan (Control) Ordinance, 1981
- Foreigners Act, 1946
- Relevant sections of PPC dealing with forgery in identity documents, cheating, impersonation, etc.

In addition to the country-specific legislation, Pakistan is also a signatory of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.³¹ In January 2002, SAARC countries, including Pakistan, India, Bangladesh, Sri Lanka, Maldives, Bhutan and Nepal, adopted the Convention to mutually fight the menace of trafficking in South Asia. However, the definition of trafficking provided in the Convention narrowly focuses only on the trafficking in women and children for commercial sexual exploitation or prostitution. Moreover, due to intense political conflicts among the several member states, little effort has been made to develop collaboration to implement the Convention.

Significance of Anti-Trafficking Legislation

- With the promulgation of PTPA (2018), Pakistan now has comprehensive legislation on trafficking in person. With separate legislation on trafficking in persons and smuggling of migrants, both offences are not conflated with each other.
- People who are trafficked within Pakistan are also now recognised as victims of trafficking.
- Law enforcement agencies have a clear mandate to combat trafficking in persons i.e., FIA is responsible to deal with trafficking cases involving cross border movement whereas the police are the lead agency to deal with cases of internal trafficking.
- Offences and other provisions relating directly and indirectly to trafficking in persons are no longer scattered across a large number of legislative and regulatory instruments.
- PTPA (2018) consolidates relevant provisions in a single statute and provides a clear and consistent approach to prevent and combat crimes of trafficking in persons.
- Previous legal provisions did not contain any relevant document fraud offences, nor did they criminalise harbouring and concealing illegal immigrants.

³¹ <https://evaw-global-database.unwomen.org/fr/countries/asia/india/2002/south-asian-association-for-regional-cooperation>

Challenges in Law Enforcement

Trafficking in persons and smuggling of migrants are different crimes and now there are separate laws to address both the crimes. However, stakeholders continue to confuse both for carrying a similar connotation. The following challenges need to be addressed:

- Learning something new is convenient and easy, but unlearning is difficult especially when the priorities of stakeholders are different and there is no willingness to change. The police, provincial prosecutors and service providers need to accept ownership and responsibility.
- The stakeholders, especially the police, are not aware of their mandate/responsibility of dealing with internal trafficking in Pakistan under the new legislation. Hence, they continue to register/investigate trafficking-related cases under different sections of the PPC or previous legal provisions. Therefore, cases of internal trafficking are not officially reported as trafficking and victims are deprived of their right to protection and assistance.
- Due to lack of understanding about the issue of trafficking and a weak mechanism to identify/report trafficking cases, the number of cases registered under the PTPA is negligible.
- There is a general perception among the officials of LEAs that there are other (more significant) crimes than trafficking that they need to look into. Dealing with trafficking seems a low priority for LEAs.
- Due to budgetary restraints/limitations, the LEAs are not able to facilitate victims of trafficking.
- At both federal and provincial levels, prosecutions and convictions of both sex trafficking and forced labour are very low, and the perpetrators are not punished rigorously.
- Despite having a comprehensive anti-trafficking law and relevant rules/SOPs, their actual implementation remains a daunting task. Dealing with the issue of trafficking in persons requires collaborative efforts on part of the stakeholders. However, the LEAs, prosecutors, judiciary, and labour, social welfare, women development departments are not working under one umbrella. Moreover, stakeholders are not aware of each other's working procedures
- There is no mapping or list of organizations or potential service providers, both in government and non-government sectors, that could be approached for assisting victims of trafficking.

- Often, victims do not trust the LEAs and in many cases do not cooperate with them. This is one of the reasons of poor case building.
- There is lack of understanding, unavailability of research or primary data/evidence to build a picture of the patterns and forms of trafficking in persons in Pakistan and identify gaps in the existing anti-trafficking interventions.
- While dealing with victims of trafficking, officials of the LEAs usually blame the victims for getting into certain situations of exploitation. The vulnerability of a victim is overlooked while dealing with such offences.
- Provincial labour departments do not refer suspected bonded labour cases to police for criminal investigation as trafficking cases under the new legislation. Officials from provincial police, labour inspectors, and social services do not have proper training on SOPs for victim identification and referral to rehabilitation services.
- The victims of bonded labour are generally not considered as trafficked persons by stakeholders and, consequently, have limited access to services including shelter and legal assistance.
- Due to lack of financial and social assistance, there are higher chances that victims of internal trafficking, especially forced or bonded labour, get into the same victimization cycle again shortly after being rescued.
- Many children are forced to do begging by their poor parents. The parents have their own excuses and set of reasons for allowing the children to beg; thus, the children end up doing the same thing again and again.
- The government has not allocated adequate resources to provide protection and services to the victims of trafficking. Moreover, there is no strategy for long-term rehabilitation of trafficked persons, especially women and children. Without a proper mechanism to address their vulnerabilities and needs, many trafficked women and girls are victimized.

Recommendations

- In order to identify the root causes and magnitude of trafficking, there should be a system to collect, compile, and report data on various dimensions of trafficking in persons in Pakistan. Officials of concerned government departments and LEAs should be sensitized and their capacities built to identify and report the crime. Academics and civil society organizations should be encouraged to conduct research studies to collect primary data and unveil the unexplored aspects of trafficking.
- After their capacity building, officials of LEAs should be required to register trafficking-related cases only under the PTPA. This will not only provide actual data but will also lead to provision of protection and other services to the victims of trafficking they deserve under the law.
- There should be a national human trafficking hotline to report any potential case of trafficking and that can offer support by LEAs and service providers.
- Developing a comprehensive ant-trafficking legislation and National Action Plan will not make any difference until they are implemented or practiced on the ground. There is a need to develop synergy and strong coordination among all stakeholders to prevent trafficking, protect victims, and punish traffickers.
- A national level mapping exercise of available services by various government and nongovernmental organizations could be helpful to refer victims to the concerned organization(s), identify gaps and assess the need for future interventions.
- Addressing the long-term vulnerabilities of trafficked women and girls is extremely important to protect them from revictimization. The government should develop a comprehensive strategy for rehabilitation and reintegration of trafficked women and girls into mainstream society. Only short-term protection is not enough.
- A significant number of trafficked women and girls are revictimized. There is hardly any information available on how women and girls survive trafficking in long run. Therefore, a study should be conducted to highlight factors that help victims survive trafficking.
- It is very important that interventions should be designed to raise public awareness about the malaise of trafficking. Print, electronic, and social media could be used to educate people on how to protect themselves from traffickers and immediately report any potential case to the concerned law enforcement agency.

- As traffickers generally prey on the vulnerabilities of marginalized groups, government should specifically have targeted interventions for such groups to protect them from exploitation.
- The government should allocate adequate resources for the implementation of anti-trafficking interventions and provision of services to victims of trafficking. A close collaboration and coordination between the stakeholders could also help in effective utilization of resources keeping in view the needs of trafficked women and girls.