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Internal Trafficking of Women and Girls in Pakistan

A Research Study

December 2012

This publication is produced as a research study for the Gender Equity Program by Aurat Foundation with the financial support of the American people through the United States Agency for International Development (USAID).

The study was carried out by Ms. Maliha Hussein and Ms. Shazreh Hussain.

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Preface

The Gender Equity Program (GEP) is a fundamental part of Aurat Foundation's long-term commitment and action to serving the cause of women's empowerment and advancement in Pakistan. GEP is a five-year USAID-supported grant-making program which aims to close the gender gap in Pakistan. Implemented with the collaboration of Asia Foundation, GEP strives to facilitate behavioral change, enable women to access information, resources and institutions, acquire control over their lives and improve societal attitudes towards women and their empowerment.

The objectives of GEP are:

- Enhancing gender equity by expanding women's access to justice and women's human rights.
- Increasing women's empowerment by expanding knowledge of their rights and opportunities to exercise their rights in the workplace, community and home.
- Combating gender-based violence.
- Strengthening the capacity of Pakistani organizations that advocate for gender equity, women's empowerment and the elimination of gender-based violence.

In the first year of GEP, research commenced on five studies on gender based violence. These consisted of:

1. Research Study on Domestic Violence
2. Knowledge, Attitudes and Practices on Sexual Harassment
3. Customary Practices Leading to Gender Based Violence
4. Social and Legal Responses to Rape: A Knowledge, Attitudes and Practices Study
5. Study on Internal Trafficking of Women and Girls in Pakistan

Given that these topics are very sensitive, GEP had to struggle to find researchers ready to undertake these studies, particularly on rape and internal trafficking. Although there were many security related delays GEP pressed on with the studies, the findings of which have carefully informed the design of grants cycles 6, 7, 8 and 9.

The main purpose of the study on Internal Trafficking of Women and Girls in Pakistan is to help assess the enormity and pattern of this practice within the country. Through an extensive literature review that renders an international perspective on trafficking, interviews with non-governmental organizations, key law enforcement officials and victims, this study presents a comprehensive overview of this covert practice in Pakistan. Additionally, the study also attempts to gauge the factors that are responsible for internal trafficking, identifies the most vulnerable segments of the population and has developed a set of procedures that will prove to be most effective in curtailing this crime. These procedures include:

- Imposing an adequate punishment for labour and sex traffickers.
- Improving methods of detecting victims of trafficking especially among the most vulnerable segments of society such as internally displaced persons.
- Convicting law enforcement officials who participate or facilitate human trafficking especially bonded labour.
- Fostering a change in mindset in the police force through capacity building so that there is a better comprehension of issues related to trafficking.
- Strengthening the capacity of civil society organizations and providing financial support to international non-governmental organizations thereby enabling them to target specific interventions related to internal trafficking.

The tireless effort and emotional energy that went into conducting this study is highly appreciated by GEP. Maliha Hussein and Shazreh Hussain's work has helped prepare a template for future GEP initiatives in the endeavor to providing seamless service to victims and survivors of internal trafficking.

Simi Kamal
Chief of Party
Gender Equity Program (GEP)

Acknowledgements

The writing of this report was a heart breaking exercise because it took us deep into a territory which is often unexplored. It forced us to look at the open wounds of so many who suffer as a result of our collective inability to put in place safeguards to protect the most vulnerable members of society; women, girls and the poor. The writing of this report also took us to the door of many brave women and men who are doing whatever is in their power to help and protect the vulnerable. We would like to acknowledge all those who spoke to us openly and gave us generously of their time. We would especially like to thank those who are working to protect the victims of internal trafficking. We would like to acknowledge the many brave female officers in the police, the individuals belonging to civil society as well as people who are working to prevent the trafficking of women and children in Pakistan. Had they not shared their thoughts, experiences and work with us, this study would not have materialized. We would particularly like to acknowledge the tremendous support that we received from Lawyers for Human Rights and Legal Aid (LHRLA), Human Rights Lawyers Association (HRLA)/Madadgar, Asma, Gulrukh, Hina and Shahla (AGHS), PANAHA and Human Rights Commission of Pakistan (HRCP).

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Abbreviations and Acronyms

AGHS	Asma, Gulrukh, Hina, Shahla
APNS	All-Pakistan Newspaper Society
BLSA	Bonded Labour System Abolition Act
CAMP	Community Appraisal and Motivation Programme
CSO	Civil Society Organizations
CIDA	Canadian International Development Agency
DFID	Department For International Development
DuA	Dar-ul-Amans
ECA	Employment of Children Act
FIA	Federal Investigation Agency
FIR	First Information Report
GEP	Gender Equity Project
GRP	Gender-Responsive Policing Project
HRCP	Human Rights Commission of Pakistan
IDP	Internally Displaced People
IHMST	Illegal Human Smuggling and Trafficking
ILO	International Labour Organization
ILRA	Industrial and Labour Relations Act
IOM	Internal Office for Migration
KAP	Knowledge Attitude Practice
LCU	Lady Complaint Unit
LHRLA	Lawyers for Human Rights and Legal Aid (LHRLA)
NGO	Non-Governmental Organization
NWFP	North Western Frontier Province
PACHTO	Prevention and Control of Human Trafficking Ordinance
PAGE	Program for the Advancement of Gender Equity
PILER	Pakistan Institute of Labour Education and Research
PISCES	Personal Identification Secure Comparison Evaluation System
PPC	Pakistan Penal Code
PTGHT	Pakistan Thematic Group on Human Trafficking (PTGHT)
SBBWC	Shaheed Benazir Bhutto Women's Centre
SOP	Standard Operating Procedure

SPPS	Support to Punjab Prosecution Service
SPARC	Society for the Protection of Rights of the Child
TIP	Trafficking in People
ToT	Training of Trainers
TVPA	Trafficking Victims Protection Act
WAR	War against Rape
UNDP	United Nations Development Program
USAID	United States Agency for International Development

Executive Summary

Background and Methodology

Introduction

This report presents the findings of a study commissioned by the Gender Equity Program (GEP) to examine the various aspects of internal trafficking of women and girls in Pakistan. The main purpose of the study is to help assess the enormity and pattern of internal trafficking in Pakistan. Additionally, the study also attempts to gauge the factors that are responsible for internal trafficking; identify the most vulnerable segments of the population and develop procedures that would prove to be most effective in curtailing this practice. The findings of this study are expected to be used by GEP to develop a series of initiatives to combat this menace. The current study has also reviewed a range of cultural practices and traditions which can be regarded as trafficking as they involve compelled service, coercion and an element of force. It is for this reason that this report includes culturally sanctioned practices such as *Vani*, *Watta Satta* and *Swara* and others that include bride price and forced marriage under the broad definition of trafficking being used in this report. This study was undertaken between April and July, 2012 by a two member team with contributions from legal resources and field researchers in Southern Punjab.

Defining Trafficking

The UN General Assembly defines human trafficking as "The illicit and clandestine movement of persons across national borders with the end goal of forcing women, girls and children into sexually oppressive and exploitative situations for profit for recruiters, traffickers and crime syndicate, as well as other illegal activities related to trafficking such as forced domestic labour, false marriages, clandestine employment and false adoption." The eight major forms of trafficking as stated in the United Nations (UN) Protocol against trafficking 2000 are forced labour, sex trafficking, bonded labour, debt bondage among migrant labourers, involuntary servitude, forced child labour, child soldiers and child sex trafficking.

Methodology

Secondary literature, interviews with key agencies working towards preventing trafficking and rehabilitating victims such as local and international Non-Governmental Organizations (NGOs), media representatives who are reporting on trafficking, law enforcement agencies such as the police, Federal Investigation Agency (FIA) and courts that try and bring the perpetrators to justice were consulted during the course of this study. Furthermore, interviews were also conducted with some of the victims to gain valuable insight into the dynamics of internal trafficking and the existing knowledge, attitudes and practices (KAP) among key stakeholders.

The secondary literature consulted for this report is as follows:

- a) The study has used the annual reports produced by the United States Department on Trafficking in People.
- b) Press reports have been reviewed to gain an understanding of the manner in which the issue is reported in the national and local press.
- c) A review of existing legislation on internal trafficking which entailed an examination of both the laws

propagated to counter trafficking and also those designed to curb activities contributing to it.

- d) A study of cases registered under sections of the Pakistan Penal Code (PPC) regarding internal trafficking.
- e) Reviewing First Information Reports (FIRs) from existing case files.

In addition to this, the case study method was used to gain insight into the world of internal trafficking of girls and women. The study team was rendered permission to interview victims of internal trafficking via Civil Society Organizations (CSOs). And lastly, a market in Rajanpur in Southern Punjab that reportedly sells girls and women was also visited where a local field researcher spoke with women and key stakeholders in that area.

Key Constraints

A clandestine activity linked to organized crime, political collusion and social cleavages, internal trafficking remains under reported as victims are reluctant to go to the authorities due to intimidation and fear of reprisals. Furthermore, law enforcement agencies in Pakistan render low priority to combating internal trafficking. Their comprehension of trafficking is limited, their recognition of its existence is low and their capacity to monitor the crime and collect data in a systematic manner is weak. Unable to handle sensitive data with a degree of discretion, the police, often fail to make a distinction between the perpetrator and the victim which further confuses the manner in which reports are made, FIRs registered and data collected. During the course of this research, it was noted that most of the cases dealt with by the FIA were connected to human smuggling and illegal immigration and a majority of this data focused on these issues rather than trafficking itself. Put differently, regardless of the unambiguous distinction between these crimes, they are all reported together.

Literature Review

There is a vast array of literature on human trafficking in Pakistan. Most of these reports have been undertaken in the past decade and are primarily based on studies and surveys commissioned by donors. There are no studies focusing specifically on internal trafficking, although some studies have focused on various aspects indirectly related to internal trafficking in Pakistan such as bonded labour and the culturally sanctioned practices of *Watta Satta*, *Vani*, *Swara* and payment of bride price. While evidence of internal trafficking exists, it is difficult to assess the gender dimension of internal trafficking and quantify the number of girls and women affected by this practice. Additionally, it is also difficult to extract the number of girls from existing figures.

- a. As of 2001, the United States Department of State Office publishes an annual report on Trafficking in People (TIP). It offers an overview of the underlying forces associated with internal and external trafficking and how they impact men and women. Primarily dealing with external trafficking, the report outlines a series of recommendations which it classifies into different categories representing the different stages of trafficking such as prosecution of perpetrators, protection of victims and prevention.
- b. A study financed by the European Union and undertaken in collaboration with Action Aid provides a thorough analysis of illegal migration, human smuggling, and trafficking in Pakistan. Drawing on interviews from 173 trafficking victims interviewed in the four project areas of Karachi, Quetta, Rahim Yar Khan and Peshawar with additional interviews in Swabi.

- c. The International Organization of Migration (IOM) and the International Labour Organization (ILO) have also examined internal trafficking in Pakistan. The IOM report concludes that trafficking is mostly of women and children and is both cross border and internal.
- d. A research study on the Trends and Causes of Women Trafficking in North Western Frontier Province (NWFP) was conducted as part of a United Nations Development Program (UNDP) funded project by an NGO named Community Appraisal and Motivation Programme (CAMP) in January 2010. This particular report shares invaluable information on the trend of trafficking in Chitral which is infamous in the province of Khyber Pakhtunkhwa owing to this menace.
- e. An NGO by the name of Sahil produces a publication entitled Cruel Numbers which renders data on the trends and patterns of sexual abuse and exploitation of children. Some of the cases referred to in the data focus on aspects of trafficking such as the practice of marrying off young girls for monetary gain by poor parents in Khyber Pakhtunkhwa. Although these cases studies do not specifically deal with the issue of trafficking, they do however, highlight the fine line between such cultural practices and internal trafficking.
- f. Society for Protection of the Rights of the Child (SPARC) undertook a study in 2006 entitled "Fading Light: Study on Child Trafficking." The report draws attention to the lack of recognition regarding complexities involving domestic child kidnapping, smuggling and trafficking in the country's existing laws. It also reveals that domestic child trafficking occurs from rural to urban areas for economic reasons. Furthermore, the study found that in the case of Pakistan, children are trafficked more for forced labour than sexual exploitation.

Review of Existing Legislation

This section of the report seeks to give a critical analysis of existing legislation for trafficking in Pakistan. It also examines the various offences that fall under the umbrella of internal trafficking such as bonded labour, forced marriage child marriage, sexual exploitation and child trafficking. It is important to note that forced domestic labour is often accompanied with violence and rape. There is no all-encompassing law designed to tackle the different facets associated with internal trafficking. Therefore, when internal trafficking takes place in Pakistan, it is first incumbent upon the police to identify the specific law applicable so that the offender can be prosecuted under it.

As an illustration, there are many sections of the Pakistan Penal Code (PPC) which explicitly prohibit actions that often accompany internal trafficking. Some of these sections deal with procuring a minor girl (Section 366), importing a girl under twenty-one from a foreign country (section 366), and selling a girl for prostitution (section 371). The PPC also covers cases of kidnapping, abducting or inducing women to compel for marriage, etc. (section 365). Some of the laws examined in this section are as follows:

- a. The Protection of Women (Criminal Laws Amendment) Act, 2006 seeks to amend some of the provisions in the *Hudood* Ordinances. For instance, it removes the crime of rape from the *Hudood* Ordinances and inserts it in the PPC. Prior to this, rape victims were required to produce four male witnesses to the crime. Victims who were unable to meet this stringent evidentiary requirement automatically incriminated themselves for charges of fornication or adultery. The Protection of Women Act prohibits charging women with fornication for offences where they cannot prove their "absence of consent."
- b. The Prevention of Anti-Women Practices (Criminal Laws Amendment) Act, 2011, seeks to eliminate

anti-women customary practices. It is considered by some as a weak piece of legislation since it reduces the current punishment for some offences, for instance, the three to ten years rigorous imprisonment for marrying off girls and women to settle disputes has been lowered to up to three years imprisonment in the proposed bill.

- c. Child marriages remain a problematic area to legislate in Pakistan. The main reason for this pertains to the age of maturity which under Islamic law is puberty, while in other legislation it varies from the age of 16 to 18. The Child Restraint Act of 1929 penalizes those involved in different aspects of child marriages, including parents and husband etc. However, it fails to declare the marriages null, thereby allowing them to continue with a minimal, out-dated punishment.
- d. The Domestic Violence (Prevention and Protection) Bill treats the beating of wife, children and/or domestic helpers as a crime against the state as opposed to a domestic affair. If found guilty, perpetrators can receive a minimum punishment of six months and a fine of at least 100,000 rupees.
- e. The Bonded Labour System (Abolition) Act, 1992, and the Bonded Labour System (Abolition) Rules, 1995 prohibit and prescribe the punishment for bonded labour. The Act explicitly defines *peshgi* (or advance), bonded debt, bonded labour and nominal wages. It considers any work done against *peshgi* as bonded labour prescribing a punishment of two to five years and a fine of 50,000 rupees for convicted violators.
- f. The Employment of Children Act (ECA), 1991, defines a child as any person below the age of fourteen. It prohibits the employment of children in specific sectors.
- g. The Prevention and Control of Human Trafficking Ordinance 2002 (PACHTO) renders a detailed definition of human trafficking. It has been criticized for solely focusing on trafficking in and out of Pakistan and not addressing issues of internal trafficking. It is important to note that the FIA does not consider internal trafficking as part of its mandate.

Review of Press, Police and Court Cases

It is pertinent to note that press reports usually highlight cases of external trafficking. Culturally sanctioned practices of trafficking such as cases of bonded labour, forced labour, domestic servitude, bride price and *swara* are not reported unless they become high profile cases taken up by human rights organizations. The print media mostly focuses on external trafficking reports that are usually sourced from press releases prepared by CSOs, coverage of special events organized by CSOs funded by donor organizations, interviews or statements issued by Government representatives, reports that are unearthed as a result of special investigations undertaken by the police, reports of court cases from a list of cases on human trafficking or high profile cases that gain global media attention. A simple web search on human trafficking in Pakistan renders 1.1 million results while a search on the trafficking of women and girls gives 49,600 results; a strong indicator of the lopsided reporting between external and internal trafficking although the latter remains a bigger problem.

In regards to internal trafficking, the main function of the federal and provincial government is to register the FIRs in response to a report of an event or criminal incident brought to their attention. It is the duty of the police to register the FIR without any delay. Non-registration of an FIR is an offense and can be grounds for disciplinary action. The Human Rights Commission of Pakistan (HRCP) reports that a complainant may have to resort to bribery to ensure the FIR is registered while the accused may attempt to offer bribery to stop an FIR from being registered.

Some of the leading causes of why FIRs are not registered are:

- a) Corruption on the part of the complainant or the police officer.
- b) In an attempt to give the impression of a low crime rate in their region, police officers sometimes neglected to register an FIR.
- c) A flawed procedure under which police twist facts to classify a complaint under a cognizable or non-cognizable offense depending on where their sympathies lie.
- d) Inadequate training for police which negatively affects their performance in terms of registering and non-registering cases of internal trafficking. As an illustration, some of the FIRs reviewed for this report found that the police booked traffickers and prostitutes under the same section of the PPC. No effort was made to ascertain whether the females being 'managed' by the pimp were victims of trafficking.
- e) The absence of Standard Operating Procedures (SOPs) to guide police investigations. Additionally, the lack of training on such issues and procedures detrimentally affects police investigations.

In recent years the Supreme Court of Pakistan has actively taken "suo motto" action of a multitude of issues. In cases of suo motto the judge takes notice of a matter on his or her own initiative. In 1992 the Supreme Court of Pakistan passed the Bonded Labour Abolition Act, however, bonded labour continues to flourish in many parts of Pakistan. According to the definition of employer provided by the Industrial Relations Ordinance of 1969 the term *zamindar* cannot be considered to mean employer as land ownership is generally held jointly amongst family members.

It is difficult to ascertain the number of trafficking cases that have been presented before the courts and the judgments on them as these cases are not reported separately but under different petitions, applications and appeals. However, a review of the records of the provincial courts reveals that various High courts in all the provinces have taken steps to computerize data and publish certain types of information for public consumption.

Profiles of Trafficking

This report focuses on twelve case studies that serve to deconstruct the myths that surround trafficking. Interviews with victims of human trafficking render insightful facts in regards to trafficking:

- a) Traffickers are not always strangers but can also be parents, step-parents, brothers, close male and female relatives, neighbors and friends.
- b) The strategies they use are not limited to force and coercion but can also entail a potent mix of social customs, religion, love and affection, poverty, bribery and alliances with influential and powerful people.
- c) The ages of girls and women trafficked can range from two to fifty years.
- d) The trend of trafficking in Pakistan is not only about girls and women being trafficked from poverty-stricken areas to urban centers. Girls have been known to be trafficked from Karachi, Lahore and Faisalabad to South Punjab and Baluchistan.

- e) Victims of trafficking are often lured on the pretext of better employment, marriage and others kidnapped from right outside their homes.
- f) It is important to note that even though victims of internal trafficking may be recovered and reunited with their families; they are usually stigmatized by society upon their return.

Dynamics of Internal Trafficking

Pakistan is classified as a Tier 2 country in the Trafficking in People Report (TIP) published by the United States Department of State in 2011. Tier 2 countries are not fully compliant with Trafficking Victims Protection Act of 2000 (TVPA), but are attempting to do so. Primarily concerned with external trafficking, this report states that Pakistan is a source, transit and destination country for men, women and children subjected to forced labour and sex trafficking. Having taken some positive measures to curb trafficking, Pakistan has now been removed from the Tier 2 watch list of the US State Department. There is no official data about the magnitude of trafficking into, out of or within Pakistan. Some of the reasons for why data related to trafficking is not consolidated are:

- a) Many incidents of internal trafficking are never reported and hence never caught.
- b) Even when cases are reported, when they concern illegal immigrants that are part of a hidden population in Pakistan, they are registered under different crimes instead of being consolidated in one place under trafficking.
- c) Certain cultural practices that are closely linked to internal trafficking are so widespread and accepted they are not viewed as trafficking and hence never reported.
- d) Most of the research conducted on trafficking in Pakistan is anecdotal. While several studies have been conducted on the national and district level, the number of girls and women trafficked for domestic labour, forced marriages or sexual exploitation is very difficult to ascertain from these reports.

According to the International Labor Organization (ILO) there are at least 12.3 million adults and children in forced labour, bonded labour and commercial sexual servitude at any given time. At least 1.39 million of these people are victims of sexual exploitation, both transnationally and within countries. Furthermore, 56% of all forced labour victims are girls and women.

Given the close links between poverty, vulnerability, displacement and trafficking, it is likely that trafficking will be on the rise in Pakistan. In recent years, natural disasters, conflict and rising insecurity have displaced scores from their households. More than half a million Pakistanis remain displaced due to floods in Sindh in 2010 and approximately one million remain internally displaced by armed conflict. A national survey on internally displaced people (IDP) found that this particular group is most at risk of trafficking owing to their dire economic circumstances.

It is hard to ascertain the location of internal trafficking. However, it is clear that it exists in some form or another in all districts across Pakistan. For example, in Punjab, districts in Southern Punjab where poverty levels are high and central districts of Gujranwala, Gujrat, Sialkot and Mandhi Bahauddin high trafficking levels are high. In KP, Chitral was reported to be most affected by trafficking. The province of Sindh does not appear to have any such distinct pattern. In Balochistan, the border and coastal districts appear to be most affected.

Pakistan's largest human trafficking problem is believed to be bonded labour, in Sindh and Punjab mainly for agriculture and brick making but also in mining, carpet-making, the glass bangle and fishing industries. In addition to this, boys and girls are also bought, sold, rented and kidnapped to work in begging rings, domestic servitude and prostitution. Some are sold into forced marriages and moved across Pakistani borders after being sold into prostitution. It is important to note here that poverty often forces parents to become complicit in the crime of trafficking. It is not uncommon for parents to accept payment and compensation in lieu of their children.

Profile of Victims

Studies suggest that in Pakistan, females belonging to the Bengali, Afghan Pashtun, and Hazara ethnic groups are trafficked the most. The Bengali ethnic group represents 33 percent of female trafficking victims. The IOM-Raasta (2005) study highlighted some key characteristics of victims of trafficking:

- a) Young girls from poverty-stricken families remain the most vulnerable group.
- b) Victims of war torn areas.
- c) Female victims of domestic violence.
- d) Indebted families and young boys from large, poor and landless families.

Factors that Contribute to Trafficking

Human trafficking thrives on circumstances of poverty, desperation, discrimination, corruption, deceit, trickery, violence, political conflict and criminality. A victim of human trafficking may be male or female belonging to any age, race, ethnicity and nationality. There are a number of factors that sustain this practice:

- a) Perpetrators are confident that they will not be caught and hence never be prosecuted and punished.
- b) Gender inequality and gender based violence influence the patterns of vulnerability, recruitment and control of trafficked victims.
- c) Poor families seeking employment opportunities for themselves or their children often fall prey to internal trafficking due to lack of awareness regarding employment opportunities and procedures to verify the authenticity of employment agencies and recruitment methods. Victims are often lured in through deception for employment.
- d) Poor families often sell their daughters in marriage to benefit from the dower money, bride price and also to decrease their household expenditure. It is estimated that 40 percent of girls are married before the age of 18 and an additional 13 percent by age 15.

The Response to Trafficking

Government Response

Mentioned in the Trafficking in People report of 2011 as a tier 2 country, the government of Pakistan

has taken certain measures in order to be removed from that list. Some of these actions include:

- a) The Ministry of Interior (MOI) designed a plan to monitor and track external trafficking cases and provide means of identification and other services to victims.
- b) The Federal Government now provides legal aid to bonded labourers in all provinces.
- c) The Punjab Government launched a project in 2008 to eliminate bonded labour. It is through this project that the Punjab Government has assisted 3,237 bonded labourers obtain identity cards and 1,906 bonded labourers obtain cash free loans.
- d) The Government currently runs 44 women's shelters which include 26 government-run and funded Shaheed Benazir Bhutto Women's Centers and numerous provincial government "Dar-ul-Amans (DuAs)." Many of the women seeking shelter in these DuAs are not victims of trafficking. However, it is important to note that DuAs continue to have a reputation of subjecting women to further sexual exploitation.

Donor Response

The United States has been at the forefront of efforts to curb trafficking worldwide. More specifically, it has been instrumental in highlighting the issue of trafficking in Pakistan. The United States Agency for International Development (USAID) has funded numerous projects that deal with trafficking either directly or indirectly. Most recently, the USAID implemented a five year GEP in an effort to close the existing gender gap in Pakistan. The program hopes to facilitate a change in mindset regarding women's rights enabling them to access information, resources and institutions for empowerment.

Various other international organizations have also funded programs to encourage gender equality in Pakistan. The Canadian International Development Agency's (CIDA) Programme for the Advancement of Gender Equality (PAGE) is a seven year program focused on enabling CSOs and government to strengthen, accelerate and influence gender related policies in Pakistan. The Department For International Development (DFID) has rendered support via the Gender Justice and Protection project which aims at tackling violence against women through a change in mindset. The European Commission also funded a project entitled Promotion of Rights, Capacity Building Measures and Initiatives to Curb Illegal and Temporary Migration Including Human Smuggling and Trafficking (C-PRISM). The aim of the program was to increase awareness regarding issues of Illegal Migration, Human Smuggling and Trafficking and also to support national and international efforts to reduce and prevent their occurrences.

International Organizations

The United Nations Development Program (UNDP) is implementing a project to strengthen the government's capacity to counter the trafficking of women. Funded by DFID, the project focuses on developing a database of trafficking victims and establishing trends related to trafficking, capacity building of law enforcement officials by developing curriculum for their training and Training of Trainers (ToTs), review and strengthening of existing anti-trafficking laws, awareness raising and sensitization of parliamentarians, judges, lawyers & journalists in Khyber Pakhtunkhwa with the assistance of an NGO and the recovery of Bengali and Nepalese women languishing in jail throughout the nation who are actually victims rather than perpetrators of trafficking. There are approximately 2,000 women languishing in jails throughout Pakistan on such wrongful charges.

Civil Society Response

The Human Rights Commission of Pakistan, Lawyers for Human Rights and Legal Aid, Ansar Burney Trust, Sahil, Rozan, Aurat Foundation, Shirkat Gah and Madadgar are just some CSOs working on various aspects of human trafficking in Pakistan.

Dastak a shelter for women in Lahore was established by Asma, Gulrukh, Hina, Shahla (AGHS) Legal Aid Cell in 1990. It is the only shelter in the country that provides protection without using custodial restraint and compromising on women's right to liberty. Other organizations like Rozan have set up a network to develop SOPs for centers and shelters in order to standardize care and support for female victims of violence.

Recommendations on Action Plan

The factors that assist internal trafficking to thrive in Pakistan include criminal intent, financial gain, poverty, illiteracy, patriarchal views and injustices imbedded in deeply held beliefs and customs in context to women. Additionally, lack of reporting and a failure to enforce existing laws that may lead to the prosecution of traffickers further encourage this menace to continue unchecked.

The findings of this report show that internal trafficking is not confined to a specific geographical location but rather exists in all corners of Pakistan without any indication of a clear pattern. While some forms of trafficking are prevalent in certain provinces in Pakistan, such as, bonded labour in Sindh and forced marriages in Khyber Pakhtunkhwa, it is clear that human trafficking is most likely to occur in areas where there is a concentration of illegal migrants and/or internally and externally displaced individuals owing to natural disasters or political and social conflicts. An effective strategy to curtail trafficking must have a two thronged approach (i) focus on a range of institutions that can play a key role in curbing human trafficking across the country and (ii) assist a specific target group focus on districts that shows a high level of a certain type of trafficking.

Based on the research conducted on the trend of internal trafficking in Pakistan, following are some recommendations that may prove to be effective tools to curb this practice:

- a) Capacity building of the print and electronic media to increase awareness, encourage policy reform and enforce existing laws related to trafficking.
- b) Foster a change in mindset in the police via capacity building so that there is a better comprehension of issues related to trafficking. This capacity building measure is necessary if victims and perpetrators are to be dealt with in an appropriate manner. Furthermore, such initiatives will eventually increase the level of confidence victims have in law enforcement officials that will lead to a higher percentage of cases being reported.
- c) Assisting the police in understanding the official code of conduct with respect to information to the press and building links between the police and journalists may prove to be a mutually beneficial means of highlighting the issue of trafficking without undermining the position of the victim. It is recommended that such alliances between the police and the media be promoted.
- d) The inclusion of internal trafficking cases into PACHTO 2002.
- e) It is recommended that GEP strengthen the capacity of CSOs, development NGOs and provide

financing to International NGOs to target specific interventions related to internal trafficking.

- f) It is also recommended that GEP support various shelters such as the Shaheed Benazir Bhutto Women's Centres (SBBWCs) so that they can serve as a model to support future victims. This initiative could prove to be a valuable opportunity to forge a relationship between the public and private sector; private sector philanthropists, provincial Women's Development Departments, police and lawyers.

Following are the measures the Government must undertake to curtail trafficking:

- a) Significantly increasing law enforcement activities.
- b) Imposing adequate criminal punishment for labour and sex traffickers.
- c) Actively investigating and prosecuting government officials suspected of being complicit in cases of trafficking.
- d) Convicting public officials at all levels who participate in or facilitate human trafficking including bonded labour.
- e) Strengthen counter-trafficking legislation.
- f) Raise awareness and increase enforcement of the provisions of the Bonded Labour System Abolition Act (BLSA) among law enforcement officers.
- g) Improve methods for identifying victims of trafficking, especially among vulnerable persons.
- h) Ensure that the federally run SBBWCs continue to be managed as spaces where victims can receive assistance.
- i) Undertake local-language awareness campaigns.

1. Background and Methodology

This report presents the findings of a study commissioned by the Gender Equity Project (GEP). The Project is financed by USAID and jointly implemented in Pakistan by The Asia Foundation and Aurat Foundation. The main purpose of the study is to help assess the magnitude and pattern of internal trafficking in Pakistan. The study attempts to assess the factors which are responsible for internal trafficking, identify the most vulnerable segments of the population, and identify the measures which would be most effective in dealing with it. The findings of the study are expected to be used by GEP to put in place a series of initiatives to combat this menace.

The study was undertaken between April and July, 2012 by a two member team¹ with contributions from legal resource persons and field researchers in Southern Punjab.

1.1 Defining Internal Trafficking

There are several different definitions of trafficking. The UN General Assembly defines human trafficking as "The illicit and clandestine movement of persons across national borders with the end goal of forcing women, girls and children into sexually oppressive and exploitative situations for profit for recruiters, traffickers and crime syndicate, as well as other illegal activities related to trafficking such as forced domestic

labour, false marriages, clandestine employment and false adoption." The UN Protocol against Trafficking, 2000, defines trafficking in persons as "the recruitment, transportation, transfer, harbouring or receipt of person by means of 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 the giving or receiving of payments of benefits to achieve the consent of a person having control over another person for the purpose of exploitation."

Over the past 15 years "trafficking in persons" and "human trafficking" have been used as umbrella term for activities involved when one person obtains or holds another person in compelled service. The Trafficking Victims Protection Act (TVPA) of the US describes this compelled service using a number of different terms: involuntary servitude, slavery, debt bondage, and forced labour. While some definitions such as the UN General Assembly's definition and the definition given in Pakistan's Trafficking Ordinance associate it with movement of people across national borders and "transportation out of or into Pakistan."

It is generally accepted that at the heart of this phenomenon are myriad forms of enslavement and it need not necessarily involve international transportation unless it specifically refers to international or external trafficking. During the

¹ Maliha H. Hussein and Shazreh Hussain two freelance consultants based in Islamabad with help from Humaira Masihuddin as a legal expert who reviewed court cases.

course of this study it was found that within the law enforcers in Pakistan, this term was generally understood to relate to external trafficking. Even though the phenomenon of external trafficking is gradually being better understood within Pakistan, the lack of a specific law which deals with internal trafficking, colours perceptions regarding its prevalence inside the country.

The spirit of these definitions also suggests that people may be trafficking victims regardless of whether they were born into a state of servitude or were transported to an exploitative situation, whether they once consented to work for a trafficker, or they participated in a crime as a direct result of being trafficked. Major forms of human trafficking, generally include forced labour, sex trafficking, bonded labour, debt bondage among migrant labourers, involuntary domestic servitude, forced child labour, child soldiers and child sex trafficking.

Internal trafficking is defined as those forms of "non-consensual exploitation of individuals that only involves transportation within national boundaries of a State. However, human trafficking as a phenomenon involves mobility and exploitation; it is a fluid concept and in practice these distinctions can be blurred. Each of these major forms of trafficking as defined in the US Trafficking in People report are briefly described below. (Trafficking in People Report 2011)

- a) **Forced Labour:** Also known as involuntary servitude, forced labour may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labour in their own countries. Female victims of forced or bonded labour, especially women and girls in domestic servitude, are often sexually exploited as well.
- b) **Sex Trafficking:** When an adult is coerced, forced, or deceived into prostitution - or

maintained in prostitution through coercion - that person is a victim of trafficking. All of those involved in recruiting, transporting, harbouring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking also can occur within debt bondage, as women and girls are forced to continue prostitution through the use of unlawful "debt" purportedly incurred through their transportation, recruitment, or even their crude "sale" - which exploiters insist they must pay off before they can be free. It is critical to understand that a person's initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

- c) **Bonded Labour:** One form of force or coercion is the use of a bond or debt. Often referred to as "bonded labour" or "debt bondage." The Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit debt in more traditional systems of bonded labour.
- d) **Debt Bondage among Migrant Labourers:** Abuses of contracts and hazardous conditions of employment for migrant labourers do not necessarily constitute human trafficking. However, the imposition of illegal costs and debts on these labourers in the source country, often with the support of labour agencies and employers in the destination country, can contribute to a situation of debt bondage. This is the case even when the worker's status in the country is tied to the employer in the context of employment-based temporary work programs.
- e) **Involuntary Domestic Servitude:** A unique form of forced labour is the involuntary

servitude of domestic workers, whose workplaces are informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to non-consensual exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Investigators and service providers report many cases of untreated illnesses and widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

- f) **Forced Child Labour:** Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labour, including bonded and forced labour of children, should be eradicated. A child can be a victim of human trafficking regardless of the location of exploitation. Indicators of possible forced labour of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.
- g) **Child Soldiers:** Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children - through force, fraud, or coercion - as combatants or for labour or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are unlawfully made to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.
- h) **Child Sex Trafficking:** According to UNICEF, as many as two million children are subjected

to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under the Palermo Protocol as well as by legislation in countries around the world. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and poor health.

In addition, to these generally accepted categories of trafficking, the current study also looked at the range of cultural practices and traditions which can be regarded as trafficking because they involve compelled service, coercion and an element of force. The many culturally sanctioned practices such as *Wata Satta*, *Vani*, *Swara* and others which involve bride price and forced marriage, also fit within the broad definition of trafficking being used here.

1.2 Methodology

This study is based primarily on a review of secondary literature; interviews with key agencies working to prevent trafficking and rehabilitate victims such as local and international Non-Governmental Organizations (NGOs); media representatives reporting on crime; government agencies responsible to catch and punish perpetrators such as the police; the Federal Investigation Agency; and courts which aim to convict and punish perpetrators. Interviews were also held with some victims to gain key insights into internal trafficking and assess the prevalent knowledge, attitudes and practices (KAPs) among key stakeholders.

The study used annual reports produced by the US State Department on Trafficking in People, as well as reports produced by donor funded projects such as the International Organization for Migration, International Labour Organization, Action Aid, etc. A host of local organizations have also been monitoring different facets of internal

trafficking such as Community Appraisal and Motivation Programme (CAMP), the Noor Trust, Ansar Burney Trust, War Against Rape (WAR), Madadgar, Sahil, Rozan, Human Rights Commission of Pakistan, etc. Some organizations such as Aurat Foundation, Shirkat Gah and other women's organizations and human rights activists have been monitoring legislation with respect to women's rights and have published reports on the subject. These were also used during the current review. Interviews were also held with organizations managing some of the shelters for victims such as Panah, Dastak, etc.

The study also included a review of press reports to learn the manner in which the issue is reported in the national and local press, the sources of information of these reports, as well as the attitudes they revealed. However, much of the crime is not reported in the press and thus for the current study, press reports were not used to assess the magnitude of the problem, but simply to evaluate the dynamics of trafficking, trends in reporting patterns and the insight they provide in understanding prevalent knowledge, attitudes and practices in the country. The previous work undertaken by organizations like Sahil in collecting press clippings was built upon and used extensively. This was supplemented by a web search on press reports that have appeared in the last few years. While many organizations claimed they maintained press clippings, they found it difficult to produce these for use by the research team.

The study also included a review of existing legislation on internal trafficking. This included a review not only of those laws which were especially promulgated to deal with trafficking but also those which were designed to curb any activity which could contribute to trafficking and protect victims and punish perpetrators. Raahnuma a site providing information, support and direct services to survivors provided invaluable information on the legal framework in Pakistan. Previous work undertaken by Shirkat Gah was also used extensively. These sources were used for an analysis of the nature of laws that existed, gaps in the legal framework, and legal

protection afforded to victims and punishments prescribed to victims. In order to better appreciate the scope of the legislation and assess how effectively it was being implemented and what gaps still exist, interviews were held with key resource persons, lawyers, civil rights activists such as AGHS and others.

Visits were also undertaken to the local court in Islamabad to access cases registered under sections of the Pakistan Penal Code (PPC) pertaining to internal trafficking. As records are not computerized, the process proved to be a time-consuming procedure, riddled with bureaucratic procedures and clearances that had to be obtained. While extensive records were reviewed, this yielded only a small sample of cases which were relevant for the purpose of the present study. Nevertheless, these cases were reviewed for a better understanding of how police reports are filed, investigations undertaken, cases are prosecuted, witnesses' testimonies elicited and judgements made. This gave important insight into the criminal justice system in the country regarding trafficking issues.

The police are a key stakeholder in the process and as the main institution responsible for reporting and registering cases and conducting investigations; it was felt important to assess their needs and willingness to partner in future efforts to deal with the crime. Therefore, police stations in Karachi, Lahore and Islamabad were visited and interviews with senior police officers held. Special effort was made to meet with women police officers and obtain their perspective. However, records in police stations could not be accessed, only the First Information Reports (FIRs), which were in case files could be reviewed. Meetings were also held with the Federal Investigation Agency to identify their role in helping to curb internal trafficking and assess their willingness and potential as a partner organization.

The case study method was used to gain additional insight into internal trafficking of women and girls. While the case studies were expected to rely primarily on a review of secondary data, the study team was provided

contact with some victims of trafficking, through civil society organizations (CSOs). This opportunity was used to document cases of the women and girls involved. In the interest of protecting these women, the true identities and real names of the victims have been withheld. However, the studies, locations and all other facts for the said case studies are true. These studies reveal the common patterns of internal trafficking, profile of victims, nature of the trafficking case, ploys used by perpetrators, factors which contributed to the case, nature of support and services available and those interventions which can be most helpful for preventing the crime, protecting victims and punishing perpetrators. The cases reveal the incredibly complexity of the problem in Pakistan.

Arrangements were made to review the workings of a market which was reported to deal with women and girls in Rajanpur in Southern Punjab. In order to collect information discretely, a local field researcher was hired to go and talk to some of the women and other key stakeholders in the area. Key informants, mostly women, were interviewed in several adjoining villages to gather information on the dynamics of trafficking and specific cases encountered. Media representatives and police officers in the area were also interviewed.

1.3 Key Constraints

Trafficking is generally a clandestine activity that is linked to organized crime, political connivance and social cleavages in society. Even though in the case of Pakistan, some forms of trafficking are being practised openly, there were only a few instances where the trafficking was actually reported. A key constraint is that cases of trafficking remain unreported because victims are reluctant to go to the authorities, or are unable to do so because of intimidation and fear of reprisal. Similarly, it is very difficult to obtain first-hand information from those who have been exploited because either many trafficking cases remain undiscovered or victims/survivors are afraid or unwilling to talk about their experiences. As such, it is difficult to make assessments from

reported cases about magnitude or trends as what is reported in the press is the tip of the iceberg. An increase in the number of cases reported could simply mean that more women and their families have the confidence to come forward rather than an increase in the number of cases. Similarly, a reduction in reporting does not imply that the crime is decreasing.

One of the key constraints faced was that it is difficult to get reliable data on the subject. Law enforcement agencies in Pakistan give low priority to combating trafficking. Overall, their understanding of trafficking is poor, their acceptance that it exists is low, and their capacity to monitor the crime and collect data in a systematic way is weak. Most law enforcement agencies are not equipped or trained to understand the issues or handle sensitive data with any degree of discretion. Often there is no distinction between the perpetrator and victim and this further confuses the manner in which reports are made, FIR's registered and data recorded. Welfare and human rights organizations in Pakistan that are involved in the protection and rehabilitation of trafficking victims do not easily provide access to the victims to safeguard victim confidentiality.

Another constraint encountered by the team, was that a variety of misconceptions exist about human trafficking, smuggling and illegal migration among civil rights activists, NGO staff, social workers and government personnel. Definitional misinterpretations disallow the systematic collection of data for sharing and comparison purposes. For example, the FIA and media reporting confuse data relating to trafficking, smuggling and illegal migration. These problems also exist at the enforcement level. Most of the cases dealt with by the Federal Investigation Agency (FIA) were related to human smuggling and illegal migration and a majority of its data was on these issues rather than on trafficking. Nevertheless it is all reported together.

2. Review of Literature

There are an increasing number of reports available on human trafficking in Pakistan. Most of these reports have been undertaken in the last ten years and are based mainly on studies and surveys commissioned by donors. These studies focus on a range of aspects linked to both internal and external trafficking, human smuggling and illegal migration. There are no studies which focus exclusively on internal trafficking, although some studies have focused on aspects related to internal trafficking in Pakistan such as bonded labour and the culturally sanctioned practices of *Wata Satta*, *Vani*, *Swara* and payment of bride price.

The large number of Afghan refugees in the country and their vulnerability to trafficking has led to several studies of their plight in the major cities of the country. While there is evidence available on the various forms of internal trafficking, its magnitude and trends are difficult to determine. Within that, it is even more difficult to assess its gender dimension and quantify the numbers of women and girls affected by it on an annual basis. Trafficking of children has been an area of particular interest for several organizations including the International Labour Organization, Save the Children and Society for Protection of the Rights of the Child. However, it is difficult to extract from their studies, the number of girls who are impacted.

The United States Department of State Office has begun publishing an annual report on Trafficking in People (TIP) since 2001. It gives an overview of

the dynamics of both internal and external trafficking and how it impacts men and women. In rating country performance, the TIP report examines both human trafficking violations and efforts to stop human trafficking. These efforts mostly include passing prohibitive legislation, arrests of perpetrators, and convictions following arrests.

Countries are also measured against standards specified in the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA report is used as a monitoring tool on the state of trafficking in many countries including Pakistan. This report has become a key source of information on trafficking and examines the status of 184 countries. The report categorizes countries into "tiers." Tier 1 includes countries that fully comply with TVPA standards. Tier 2 countries are those which are not fully compliant with TVPA standards but are attempting to do so. The Watch List countries fit in Tier 2, but it is seen that human trafficking incidents reported are increasing at alarming rates and are outpacing the country's efforts to combat them. Tier 3 countries are those which are not compliant with TVPA standards and nor are they attempting it. Many of the figures reported in this publication with reference to external trafficking for Pakistan are based on the reports prepared by Government on the offenders under PACHTO, and the reports prepared by the Federal Investigation Agency. Furthermore, most of these relate to external trafficking. The TVPA report also outlines a series of recommendations and classification of different categories/stages of

trafficking; these are classified as prosecution of perpetrators, protection of victims and prevention. (Data and Research on Human Trafficking: A Global Survey 2005) (Violence - Laws and Legislations)(Trafficking in Persons Report - Pakistan 2011)

A study financed by the European Union and undertaken in collaboration with Action Aid provides a fairly comprehensive analysis of illegal migration, human smuggling and trafficking in Pakistan. This study (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009) was undertaken as part of a project titled the Promotion of Rights, Capacity Building Measures and Initiatives to curb illegal and temporary migration including human smuggling and trafficking (C-PRISM). The study attempted to provide an integrated analysis of relevant national and local studies on the subject, identify gaps in research and institutional arrangements. It developed a methodological framework for understanding illegal migration, human smuggling and trafficking in Pakistan and provided baseline indicators for the different forms of each of them. The focused was on assessing trends, methods, sites, and actors involved in the proliferation, prevention, control and rehabilitation. It analyzed much of the previous work undertaken and concluded that one of the major constraints in research on trafficking in Pakistan was the methodological confusion in the research issue that was in many ways universal to the study of trafficking. It attempts to outline the pattern of human trafficking, including trafficking of women and children. The study draws on interviews with 173 trafficking victims interviewed in the four project areas of Karachi, Quetta, Rahim Yar Khan and Peshawar with additional interviews in Swabi. It compares these with other primary surveys to assess trends and patterns of trafficking.

The International Organization of Migration (IOM) and the International Labour Organization (ILO) have also been at the forefront in examining human trafficking in Pakistan. IOM has sponsored research both on illegal migration in Karachi and human trafficking in selected cities of Pakistan.

Studies undertaken by the International Organization for Migration have generally focused on external trafficking. One of the earliest studies it commissioned on Pakistan was the 'Trafficking in Persons in Pakistan' study implemented by RAASTA Development consultants. This study attempted to provide a national overview of human trafficking in Pakistan. The IOM study conducted in 2005 collected data on 201 trafficking victims out of which 124 were women and 77 were children. The study identifies some key characteristics of trafficking victims and concluded that mostly women and children were trafficked both cross border and internally.

The IOM, in 2005, published Pakistan Thematic Group's Position Paper on Trafficking which attempts to develop a conceptual framework and strategies to combat trafficking with funds from the Canadian International Development Agency. This forum facilitated members in studying, debating and reaching a consensus on pertinent issues regarding the nature, and causes and consequences of the phenomenon, to identify viable solutions in tackling it. However, it does not provide any new information on the magnitude or trends on internal trafficking.

Over the years, ILO has also commissioned a series of reports on bonded labour in Pakistan. One of these reports focused on the situation of bonded labour in Sindh and Balochistan in the agriculture sector. This study was based on a review of secondary information, rapid field surveys and interviews with key informants in Sindh and Baluchistan. Rapid assessment surveys covering nine industries were commissioned by the Pakistan Ministry of Labour and the International Labour Organization (ILO) between October 2002 and January 2003.

The Pakistan Institute of Labour Education and Research (PILER) have also undertaken research on bonded labour in Pakistan. Rapid assessment surveys highlight the magnitude of the problem in Pakistan, in specific sectors like brick kilns and agriculture. It also looks at the need to ensure the proper identification of bonded labourers and effective prosecution of those who violate the

law. ILO also produced a regional report on the Demand Side of Human Trafficking in Asia. As part of a regional project on Combating Child Trafficking for Labour and Sexual Exploitation (TICSA), ILO produced studies at both the country level and the regional level. At the country level, it undertook a rapid assessment of trafficking of children for labour and sexual exploitation in Pakistan in 2006. It used multiple data collection tools and included a diversity of respondents in its rapid assessment on the issue. The qualitative findings of the study provide a better understanding of the poverty-trafficking linkages.

A research study on the Trends and Causes of Women Trafficking in Khyber Pakhtunkhwa (KPK) was undertaken as part of a UNDP funded project by the NGO, Community Appraisal and Motivation Programme (CAMP) in January 2010. The geographical coverage of the study included a few districts of KPK, namely Chitral, Mardan, Swabi and Landikotal. The final findings are based on interviews with 50 victims of trafficking and selected key resource persons. CAMP undertook this study to provide a baseline for the project with the objective of creating an information base and a resource for future programmatic initiatives. The survey focuses on determining the extent of trafficking of women to and from the province, including the major areas of origin, transit and destinations of trafficking in Khyber Pakhtunkhwa.

The study reported that trafficking, which is mostly practiced under the guise of customary practices in Khyber Pakhtunkhwa, is extremely difficult to reveal. Traditional practices like *walvar*, *sar paisa*, and *swara* are deep rooted and socially/culturally accepted, making it even more challenging to sift out the right information. The numbers and magnitude of the issue is difficult to ascertain because victims are well 'hidden' and society accepts this as a social practice. The greatest contribution of the study is the details provided regarding district Chitral which is known to be the most notorious in the province regarding this issue. The study identifies some of the support available for victims of trafficking, and the level of awareness among the stakeholders

regarding the crime of trafficking in KPK. The study also looked at support mechanisms that are available, how they are accessed and where gaps exist.

There has been considerable interest in child trafficking and many studies have focused on the issue. The trafficking of children from Rahim Yar Khan, for camel racing, has generated considerable interest in the literature on trafficking in Pakistan and a study on the subject was produced by the Centre for Research and Social Development in 2004.

Sahil, an NGO working on child sexual abuse has also produced several case studies on the abuse of children and it produces a publication called Cruel Numbers which provides data on the trends and patterns of sexual abuse and exploitation of children. Some of these cases include the aspect of trafficking. A study which focuses exclusively on girls is a study by the Noor Education Trust (2008) titled Brides for Sale. While this study documents the practice in Khyber Pakhtunkhwa of marrying off young girls for money by poor parents, the case studies provided do not always capture the issue of trafficking and show the blurred lines between various cultural practices and internal trafficking.

Society for Protection of the Rights of the Child (SPARC) undertook a study titled "Fading Light: Study on Child Trafficking" in 2006. The report highlighted the lack of recognition of complexities involving domestic child kidnapping, smuggling and trafficking in the country's existing laws. The report focused on both trafficking of children within Sindh province and across the border. The primary objective of this research was to explore the linkages between the labour and trafficking of children and assess the magnitude of trafficking in the province, where child labour was highly pervasive. The study attempted to evaluate the scope of trafficking by correlating the problem with level of education of children and their families, employment patterns in families, migration, as well as cultural practices. The study was conducted in the rural areas of seven districts of Sindh. The study found that domestic child trafficking occurs from rural to urban areas mainly

for economic reasons and Karachi remained the most popular destination for traffickers where children end up in forced child labour under harsh working conditions. The study also indicated that within the borders of Pakistan, children are trafficked more for forced labour than for sexual exploitation. The report calls for a national study on child trafficking to measure the magnitude of the problem and develop strategies to discourage and eventually eliminate it.

3. Review of Existing Legislation

Whenever internal trafficking occurs in Pakistan, it generally involves not one but several offences and crimes committed together such as; deception, abduction² and kidnapping,³ bonded labour, forced and/or child marriage, sexual exploitation, and trafficking. Forced domestic labour is often accompanied with violence and rape. However, there is not one all encompassing law which deals with all the different facets associated with internal trafficking. The laws which are relevant for dealing with internal trafficking are diverse and deal with a range of these issues.⁴ The specific crime or offence which is committed whenever internal trafficking takes place has to be first specified to be able to identify the law which is applicable and under which the offender can be prosecuted.

There are many sections of the Pakistan Penal Code (PPC) which expressly prohibit actions that often accompany internal trafficking. Some of the more important ones are those which deal with

procuring a minor girl (Section 366), importing a female under twenty-one from a foreign country (section 366), and selling a woman for prostitution (Section 371). While the first two crimes carry a sentence that may extend to ten years and a fine, the third one may carry a sentence of up to 25 years and a fine.

The PPC also covers cases of kidnapping, abducting or inducing woman to compel them into marriage, etc. (Section 365⁵). The law prohibits the above and defines the several acts that force a woman to compel to do a certain act. The compulsion of the woman is punishable through this law.

Many cases of internal trafficking also involve sexual exploitation which occurs under circumstances which the PPC considers as rape (Section 375). The law also explains the level of consent of women for the act to not be considered as rape⁶. The law states that rape is

² Forcefully compelling a person to go from any place deceitfully. The victim could be a major or a minor.

³ Removing a minor away from lawful custody without the guardian's consent. The victim has to be a minor.

⁴ Raahnuma has provided a detailed listing of these laws and the relevant clauses in its website.

⁵ The law states that whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

⁶ It states that even if it is with the consent of the woman, if this consent has been obtained by putting her in fear of death or of hurt or if the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or with or without her consent when she is under sixteen years of age.

punishable with death or imprisonment between ten years to twenty-five years and a fine. Gang rape by two or more persons is punishable with death or imprisonment for life. The PPC also considers cohabitation caused by a man deceitfully inducing a belief of lawful marriage a crime (Section 493), punishable with rigorous imprisonment for a term which may extend to twenty-five years and a fine.

The practice of honor killing (*karo-kari*), involves the homicide of a member of a family by other members or a social group, due to the belief of the perpetrators that the victim has brought dishonour upon the family or community. The perceived dishonour can be due to any number of things but can also be caused by a girl or a woman wanting to terminate or prevent an arranged marriage or desiring to marry by her own choice. Although, in every case, a man/boy or woman/girl is identified as *karo* and *kari* respectively, victims of honour killings are mostly women and girls. Although not all cases of *karo-kari* fall into the category of trafficking, several do. Honour killings can involve abduction and kidnapping. There is also a form of *karo-kari* in which the girl is declared *kari* and is punished by being sold instead of being killed.

An intention to traffic women and girls can easily be masked by resorting to a socially accepted practice. Currently, as per the law, murder is primarily a crime against the person rather than a crime against the State and is governed by the provisions of *Qisas* and *Diyat* introduced in the criminal law in the year 1990 as part of the effort to 'Islamize' laws in Pakistan. These changes redefined the offences of murder and manslaughter along with their punishments in 'Islamic' terms and the provision for retribution or blood money was made available. The introduction of the *Qisas* and *Diyat* provisions have provided a statutory right to the heirs of the deceased to pardon the killer/s, ask for

compensation or demand retribution. These provisions prove handy in cases of 'honor' killings as the majority of such murders of women in Pakistan are committed by family members who either benefit from these provisions or are 'forgiven' by the heirs of the deceased.

The Government of Pakistan passed a bill in December 2004 making honour killing punishable under the same penal provisions as murder, and enhanced the punishment for it. The bill was passed due to the Criminal Law (Amendment) Act 2004, which amended the Pakistan Penal Code 1860, and the Code of Criminal Procedure, 1898. However, this bill did not alter the provisions whereby the accused could negotiate a pardon with the victim's family under so-called Islamic provisions. Until the provisions of *Qisas* and *Diyat* are revoked, perpetrators of 'honor killings' will not fear retribution and Pakistan will be unable to adequately protect women. The Criminal Law (Amendment) Bill aims to eliminate procedural delays and encourage people especially women, to step forward and report acts committed against them which violate them physically and end in the murders of wives and daughters.

The Protection of Women (Criminal Laws Amendment) Act 2006 was approved by the National Assembly on 15 November 2006 and was enacted on 1 December in the same year. This Act affects the application of the Hudood Ordinances especially in matters relating to sexual crimes, such as rape. The Act amends some of the provisions in the Hudood Ordinances, inserts and deletes some sections and transfers some offences to the Pakistan Penal Code; for example, it removes the crime of rape from the Hudood Ordinances and places it in the Penal code.⁷

The preamble of the Act declares that it is necessary to provide relief and protection to women against misuse and abuse of law and to

⁷ Previously, according to the Hudood Ordinances, women who accused men of rape required evidence from four men for a conviction, and failing that, faced the possibility of being punished for having sex outside of marriage. Under the new Act, rape will be an offence under the penal code and convictions will be based on evidence. The Act also prohibits charging women with fornication offences in the cases where women allege they were victims of rape but cannot prove their "absence of consent".

prevent their exploitation. Although many human rights activists have welcomed this new legislation as a "step in the right direction", others say that the Act falls short of its stated intentions. Some legal experts and activists have criticized the Act by stating that it is not very different from the Hudood Ordinances which human and civil rights groups have lobbied to have abolished. The Human Rights Commission of Pakistan describes the Act, in its 2007 report, as "farical," saying that it does not address discrimination against women, creates confusion between Islamic and civil laws, and gives "leeway to the judiciary to interpret the law in the most orthodox way." Human Rights Watch (HRW) criticizes the Act as not complying with Pakistan's obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Several laws have been enacted to deal with the anti women practices prevalent in the country. While all the cases that might be prosecuted and punished under these laws may not be related with internal trafficking they apply to some of the offences which are very much a part of trafficking. These include the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 and the Domestic Violence (Prevention and Protection) Act 2012.⁸ Through the Criminal Law (Second) Amendment Act 2011, provisions have been added in the Penal Code that carry heavy punishments for the crime of inflicting injuries through acid or such other dangerous substances. The 'Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011, is a private members bill moved in the National Assembly by the head of the ruling party at the time, seeking to eliminate anti-women customary practices. Some consider it to be an extremely weak piece of legislation since it reduces already

available punishments for some offences.⁹ Nevertheless, the bill highlights the need to deal with customary practices inimical to women.

Child marriages have been one of the most problematic issues in Pakistan. The key issue in this regard relates to the age of majority; this under Islamic law is age of puberty, while in other legislation it varies from the age of 16 to 18. Child marriage is related to a number of other societal issues and customary practices such as exchange marriages (*watta-satta*), forced marriages, practice of giving women and children in compensation in tribal or familial clashes (*chatti*), etc. A law, the Child Marriage Restraint Act, was promulgated in 1929 to deal with the issue. While it does deal with penalizing those involved in different facets of conducting child marriages, including parents and the husband etc., it does not declare the marriages invalid, thereby allowing child marriages with a minimal, outdated punishment. Apart from this law, there are other provisions in the law which deal with elements that involve child marriages such as the Family law Ordinance and the Pakistan Penal Code.

The Pakistan Penal Code also prohibits many customary practices such as *vani*, *Swara* or *vulver* and *chatti*; all related to the selling of girls into 'marriage' in exchange for money, settling disputes with the exchange of girls and the use of girls as compensation for crimes. This practice has been widely condemned and is illegal under various provisions of law in Pakistan. The PPC states that in the case of *Qatl-i-Amd*¹⁰, an adult sane guardian (*wali*) may, at any time on accepting mutually agreed compensation (*Badl-i-sulh*)¹¹, compound his right of *qisas*: Provided that a female shall not be given in marriage or otherwise in *Badl-i-sulh*. Section 310 of the PPC specifies the punishment for giving a female in marriage or otherwise in

⁸ It should be noted however, that this Act is applicable within Islamabad only.

⁹ For example, the three to ten years rigorous imprisonment for settling disputes by marrying off girls and women in the existing provision (310A) in the PPC has been lowered to up to three years imprisonment in the proposed bill.

¹⁰ Whoever, with the intention of causing death or with the intention of causing bodily injury to a person, by doing an act which in the ordinary course of nature is likely to cause death, or with the knowledge that his act is so imminently dangerous that it must in all probability causes the death of such person, is said to commit *Qatl-e-Amd*.

¹¹ *Badl-i-sulh* means the mutually agreed compensation according to Shari'ah to be paid or given by the offender to a *wali* in cash or in kind or in the form of movable or immovable property.

Badal-i-sulh and makes this punishable with rigorous imprisonment which may extend to ten years but shall not be less than three years.

A lot of cases of forced and child marriages and some customary practices are often accompanied by domestic violence as well as physical, emotional and psychological abuse. The law has been weak to protect women from such abuse and the attitude generally is that domestic violence is a private matter and is not specifically recognized as an offence.

Different elements involved in violence are to a certain extent covered by the law. Psychological and emotional violence are, however not generally recognized as offences by society. Physical assault is recognised as an offence and the Pakistan Penal Code gives a broad definition of the various circumstances under which the perpetrator or abettor can be punished.¹² The PPC states that whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will-cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault (Section 351). The PPC includes those cases where a person assaults or uses criminal force over a woman with intent to outrage her modesty (Section 354), or dishonour a person, otherwise than on grave provocation (Section 355), attempts wrongfully to confine a person (Section 357), puts a person in fear of injury in order to commit extortion (Section 385), extorts by putting a person in fear of death or grievous hurt (Section 386), puts a person in fear of death or of grievous hurt, in order to commit extortion (Section 387)¹³. These offences carry prison terms ranging from one year to life imprisonment, death and fine.¹⁴

A Domestic Violence (Prevention and Protection) Bill was introduced for approval by Parliament by the upper house of the federal parliament of Pakistan in February 2012. The bill makes violence against women and children an offence carrying jail terms and fines. Previously, if a man beat his wife or children, police could not arrest him and it was considered a domestic affair. Those found guilty of beating women or children will face a minimum six months behind bars and a fine of at least 100,000 rupees. Besides children and women, the bill also provides protection to the adopted, employed and domestic associates in a household. This law classifies domestic violence as acts of physical, sexual or mental assault, force, criminal intimidation, harassment, hurt, confinement and deprivation of economic or financial resources. The law was passed unanimously in the National Assembly, the lower house of parliament, in August 2009. It came into effect after the President signed it into legislation; however, there was resistance to signing the bill by the parliamentarians belonging to the political parties of JUI-F and PML-N.

Bonded Labour comes under the preview of several laws which, at the highest level, includes the Constitution of Pakistan which forbids slavery and states that no law shall permit or facilitate its introduction into Pakistan in any form (Article 11.1) and prohibits all types of forced labour and traffic in human beings (Article 11.2). The Bonded Labour System (Abolition) Act 1992, and the Bonded Labour System (Abolition) Rules 1995, prohibit and prescribe the punishment for bonded labour. The Act explicitly defines *peshgi* (or advance), bonded debt, bonded labour and nominal wages; it considers any work done against *peshgi* as a form of bonded labour. The Act abolishes the bonded labour system with immediate effect. It declares all bonded labour

¹² The PPC states that whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will-cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault (Section 351).

¹³ <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹⁴ The most severe punishment in this category is for whoever assaults or uses criminal force on any woman and strips her of her clothes and in that condition, exposes her to the public view for which the punishment is death or imprisonment for life, and fine.

free and discharged from any obligation to render any bonded labour, or any form of forced labour, or payment of debts. It also prohibits any person from extracting labour under forced conditions from anyone. All customs, traditions, or contracts entered into before or after the commencement of the Act, pertaining to forced labour or bonded labour, have been declared void and inoperative. The Act prescribes a punishment of two to five years and a fine of 50,000 rupees for convicted violators.

Wrongful restraint and confinement are also covered in the PPC and defined as "voluntarily obstructing any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed" (Section 339). Wrongful confinement refers to preventing "any person from proceeding beyond certain circumscribing limits" (Section 340). Wrongful confinement for three or more days is punishable with imprisonment which may extend to two years, or with fine, or with both (Section 343). Wrongful confinement for ten or more days is punishable with imprisonment which may extend to three years, and shall also be liable to fine (Section 344). Wrongful confinement in secret in such a manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person is punishable with imprisonment for a term which may extend to two years in addition to any other punishment to which he may be liable (Section 346).

Child Labour is also expressly prohibited by Article 11 (3) of the Constitution of Pakistan which prohibits employment of children below the age of 14 years in any factory or mine or any other hazardous employment. The Employment of Children Act (ECA) 1991 also has sections defining what child labour is and the age at which it is applicable. Section 2 of the Act defines a 'child' to mean any person who has not completed his fourteenth year. Section 3 of the Act bans employment of children under-14 in occupations connected with transport by railways,

cinder picking, cleaning of an ash pit or building operations in railway premises, catering at a railway station or on a train, construction of a railway station, working close to or between railway lines, working in a port area, and manufacture or sale of fireworks. Part II prohibits employment of children in 13 specific sectors. The prohibition against employing children in hazardous labour, and the regulations governing the working conditions of children under 14 do not apply to family run establishments, and schools (training institutes) established, assisted, or organized by the Government.

A significant impetus to enacting legislation on human trafficking in Pakistan was provided by the US Congress enacting the Victims of Trafficking Act of 2000. This US legislation introduced a system of grading countries on tiers and threatened a country with sanctions if it was perceived that the country was not doing enough to combat trafficking. Resultantly, the Government of Pakistan promulgated the Prevention and Control of Human Trafficking Ordinance 2002 (PACHTO), in October 2002. The Ordinance describes human trafficking as "obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person's subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3. The promulgation of PACHTO led to the establishment of an Anti-Trafficking Unit within the Federal Investigation Agency (FIA).

The Ordinance has been criticized for focusing on trafficking in and out of Pakistan only and not addressing issues of internal trafficking. The Government of Pakistan has not given FIA the mandate to deal with cases of internal trafficking. There is no law which deals specifically with internal trafficking, these offenses are booked under different laws by the Police and, as a result, the patterns of internal trafficking and its relationship with external trafficking is poorly

understood and not dealt with properly. The lack of conceptual clarity in categorizing traffickers, smugglers, trafficked victims and smuggled persons also hinders proper classification of data. In 2005 the Government of Pakistan established a national plan of action to combat trafficking in persons as combating trafficking became a political priority. In addition, a special cell within the Ministry of Interior was formed to coordinate anti-trafficking responses, training police officers, attorneys and judges on anti-trafficking measures. However, weak legislation, inadequate resources, lack of political will and institutional fragmentation proved to be a major barrier in combating human trafficking in Pakistan. As a result, Pakistan was placed on Tier 2 for its limited efforts to combat trafficking in persons by the US Department of State's Office to Monitor and Combat Trafficking in Persons.

There has been significant progress in legislation on women's issues in Pakistan and more than half a dozen laws have been enacted for the protection and promotion of women's rights in the period between 2010 and March 2012. However, the 18th Constitutional Amendment in April 2010 halted the legislative process by Parliament on many issues related to women's rights, and several bills lapsed, as the 18th Amendment brought this subject within the domain of Provincial legislation. Provinces now see to their own legislation in almost all matters, as well as dealing with internal trafficking including issues such as domestic violence. (Shirkat Gah - Women's Resource Centre Pakistan 2012) Two bills pertaining to women's sexual and reproductive rights were brought in front of the Parliament. The first, the Domestic Violence (Protection and Prevention) Act 2009, is still pending, while the second one, the Protection against Harassment in the Work Place Act 2009 has been passed. These laws aim to protect women and criminalize forced marriages and other similar customary practices discriminating against women, like giving women in marriage to settle civil or criminal liability, domestic violence, acid crimes and sexual harassment at the workplace. The Women in Distress and Detention Fund Act has also been amended to

enable the Ministry of Human Rights to use the fund in order to provide financial and legal assistance to women in jail. Moreover, on International Women's Day in March 2012, the President gave his assent to the bill establishing an autonomous and effective National Commission on the Status of Women.

4. Review of Press, Police and Court Cases

4.1 Press Reports on Human Trafficking

As part of this review an analysis was undertaken of reports which have appeared in the press regarding human trafficking in Pakistan. The printed press has grown very rapidly in the country and includes national, regional and local newspapers. (Between Radicalization and Democratization in an unfolding conflict: Media in Pakistan 2009) The Pakistani media landscape reflects a multi-linguistic, multi-ethnic and class-divided society. Print media is published in 11 languages with Urdu and Sindhi as the two largest language groups. The All-Pakistan Newspaper Society (APNS) estimated that print media included 424 dailies, 718 weeklies, 107 fortnightlies, and 553 monthlies.¹⁵ The combined circulation of these papers is estimated to be around 7 million in 2012. There is a clear divide between Urdu and English media. Urdu media, particularly the newspapers, are widely read in urban and rural areas. The English media is urban and elite-centric, is more liberal and professional as compared to the Urdu media. The English print, television and radio channels have far smaller audiences than their Urdu counterparts, but have greater leverage among opinion makers, politicians, the business community, and the upper strata of society.

For the current study, the method used to collect the press reports was a review of what has appeared in the English and Urdu press over the last few years. In addition, press reports were collected from those organizations which have been monitoring the press with reference to this issue. Although an attempt was made to collect the same from Aurat Foundation, HRCP¹⁶ and Sahil. (Between Radicalization and Democratization in an unfolding conflict: Media in Pakistan 2009), only Sahil was able to share the clippings with the research team. Sahil does not focus on internal trafficking per se but reports on cases in which children have been sexually abused in a special report titled Cruel Numbers 2010. In 2010, from all over Pakistan, a total of 2,595 cases of child sexual abuse were recorded. This indicates that 5 children are assaulted every day. Of these cases, 73% involved girls who were sexually abused. Sahil reported that 73% of the reported cases were registered with the police (Anwar 2010).

Discussions with NGOs working on trafficking indicated that there were very few cases which were actually reported in the press. What is very significant about the press reports is that they tend to highlight cases of external trafficking. These reports are usually sourced from (i) press releases prepared by Civil Society Organizations

¹⁵ Jang is the top daily newspaper with a circulation of 850,000. *Nawa-e-Waqt* holds second place with 500,000, followed by *Pakistan* (279,000), *Khabrain* (232,000), *The News* (120,000), *Dawn* (109,000), and *Business Recorder* (22,000).

¹⁶ HRCP publishes data on internal trafficking based on newspaper reports as well as information sent in by HRCP's volunteer teams from districts.

working on human trafficking issues, (ii) coverage by the press of special events organized by Civil Society Organizations usually under donor funded projects, (iii) interviews or statements issued by Government representatives, (iv) reports of cases which are unearthed as a result of special investigation by the police or cases registered with the police, (vi) reports of court cases gleaned from a summary examination of the list of cases on human trafficking, and (v) high profile cases of arrests often picked up from the international media.

It was noted that the English media generally tended to report and rely on press statements prepared by civil society organizations and statements issued and stories picked up from international media. The vernacular press tends to focus more on cases registered with the police or from the courts. In rare cases, a report on trafficking is published because of the interest of the reporting journalist on the issue. The press reports in Urdu generally tend to be brief and appear as snippets while the English papers generally tend to give more details. The helpline established by the NGO Madadgar has been a source of regular information on the number of cases reported. Ansar Burney also issues regular press releases. In August, 2011, an English paper reported on human trafficking based on information provided by the Ansar Burney Trust which had reported that 21 Pakistanis had been killed by traffickers in the Iranian city of Bandar Abbas; "the victims had been promised jobs in England in return for a hefty payment." The paper also reported that the NGO had claimed that it had secured the release of 15 brick kiln workers from Qambar in Sindh who were taken to Afghanistan after being promised good jobs by agents.

Culturally sanctioned practices of trafficking such as cases of bonded labour, forced labour, domestic servitude, bride price, *swara* are seldom reported unless they become high profile cases and which have been subsequently taken up by

human rights organizations.

The annual publication of the Trafficking in People (TIP) Report by the US State Department appears to have provided an impetus to reporting on the subject. Government representatives have made statements to defend the status of Pakistan at the time of the publication of the TIP report and highlight the actions being taken. It was reported in August 2011 that the government had sought a report from relevant agencies on the US State Department's Trafficking in Persons Report 2011. Pakistan has not been fully complying with the set standards but is placed in Tier 2 as it is making "significant efforts" to combat human trafficking. The newspaper further reported that the Foreign Office asked the Interior, Law and Human Rights ministries to research and produce the current position of human trafficking and the measures that have been taken to tackle it (Asghar 2011).¹⁷ This report exerted pressure on the Government of Pakistan such that the Government has felt compelled to highlight its achievements on the topic and as of December 2011, Pakistan had been taken off the US Tier 2 Watch List.

A report by the Human Resource Development Network, quotes and presents precise numbers for human trafficking, and says "at least 200,000 women and girls had been trafficked to Pakistan from Bangladesh and Central Asian countries for commercial sex exploitation and domestic work in recent years. Estimates suggest at least 300 children are trafficked to the Middle East every year for use as a camel jockeys." (Maqsood 2009). It was clear that the report had been inspired by TIP's publication and had obtained some figures for which it had not provided sources.

The press also gives coverage to events hosted by donor funded projects and thus these are also a source for data relating to human trafficking. A report on the seminar on human and child trafficking which was organized by the Pakistan Society of Criminology in November 2010 was reported in The Dawn. The press report

¹⁷ Asghar, Mohammad. Govt seeks report on human trafficking. Dawn. Available at <http://dawn.com/2011/08/08/govt-seeks-report-on-human-trafficking/>

highlighted the number of participants who attended the event supported by AUSAID and Save the Children Sweden. A report in The Nation in June 2008, reported that human trafficking was on the rise in Pakistan. The press report had been prompted by the Pakistan Thematic Group on Human Trafficking (PTGHT) and reported that the coastline between Karachi and Gwadar was often used for human trafficking. The report also elaborated on some of the findings of the Thematic Group regarding the most frequent routes used by traffickers in Pakistan such as the Makran coast, Thar and the porous border with Afghanistan. In addition, the sea routes of Karachi, Ormara, Pasni Gwadar and Jiwani were also stated as routes in order to get through to the Gulf.

High profile and dramatic cases like arrests of suspected traffickers are always news worthy and are immediately reported. The Express Tribune reported in December 2011, that a suspected human trafficker based in Nairobi, Kenya, had been arrested upon arrival in Islamabad after he was netted by the Pakistan High Commission (Kharal 2011). Pakistan Today reported in November 2011 that the Serbian police had arrested 17 people and dismantled a human trafficking ring suspected of organizing the transfer of hundreds of clandestine immigrants to the European Union countries from many countries including Pakistan (Police dismantle human trafficking ring, 17 arrested 2011). The Daily Times (Hassan 2011) reported that human trafficking cases witnessed a sharp increase in 2011 and the authorities concerned seemed unable to keep check on this nefarious act. The Daily Times also reported that in Islamabad district courts, 26 cases were registered against different people allegedly involved in human trafficking incidents.

On a rare occasion, a motivated reporter provides a case study based on the statements of women who have been internally trafficked and on whose case he or she appears to have accidentally stumbled on to. The Nation reported that in Tibi Samiata a village in Rajanpur, Southern Punjab, cases of human trafficking have been reported. (Najam 2011) The report stated

One such incident had been unearthed in which there was an attempt to traffick a married woman from Lahore but luckily she escaped. The report quoted the name of the woman and her husband who was a resident of Lahore's Samanabad area. The women reported that she had fallen unconscious after consuming a soft drink given to her by an unidentified lady. The next day when she came to her senses, she found herself being helped out of a car near Basti Lashari in Jampur. According to the woman, a human traffickers' network planned to sell her for Rs 400, 000. However, she managed to escape and reached the office of the DSP in Jampur. A case had been registered against the alleged abductors. (Najam 2011)

that destitute people, particularly children and women, were being enticed into lucrative opportunities, abducted and shifted to Tibi Samiata from other areas of the country for onward trafficking.

The internet has also become a key source of posting information which appears to suit some of the sources who seek anonymity or who would like to create awareness about the issue to a wider audience. A web search on human trafficking in Pakistan gives 1.1 million results while a search on women and girls trafficking gives 49,600 results. This is an indicator of the lopsided coverage of external trafficking which has captured far greater attention compared with internal trafficking which is a far bigger problem. The Ansar Burney Trust has created a web page (Human Trafficking) on which it reported on Women Markets in Pakistan on January 28, 2012. The web site quoted a report about the "sale of women in Pakistan like animals." The Trust reported that it had stumbled upon this old and secret act of selling women in markets in the year 2000, while it was involved in humanitarian activities in the drought affected areas of Pakistan's Sindh province, its employees and volunteers discovered markets where very young girls and women were being sold like animals (Human Trafficking).

Another site (Human Trafficking Pakistan Criminal Records) gives a summary of cases of human

trafficking both internal and those which have some element of illegal smuggling or migration. The source of its information is news reports which appear in a range of local newspapers such as The Pakistan Observer, The Express Tribune, The News, etc. These press reports are based on statements given to the press by local police stations across the country as well as the FIA. These too indicate that internal trafficking takes place very widely across the country. To be noted here is that the cases reported are not necessarily of the same cities, for example, some cases that are reported from the Larkana police station but the victim is from Lahore. In another case the victim was from Tehsil Jaranawala in District Faisalabad.

One kidnapping was reported by the Bara Kahu police station in Islamabad in which the perpetrators were a man and a woman trained as doctors who were involved in kidnapping and human trafficking.

4.2 Cases Registered with the Police

Law enforcement in Pakistan is carried out by several federal and provincial police agencies. The four provinces and the Islamabad Capital Territory each have a civilian police force with jurisdiction extending only to the relevant province or territory. At the federal level, there are a number of civilian agencies with nationwide jurisdiction including the Federal Investigation Agency, the National Highways and Motorway Police, as well as several paramilitary forces including the Pakistan Rangers and the Frontier Corps. At the time of independence, the police was governed by the colonial-era legislation, namely the Police Act of 1861 which it had inherited. However, one of the outcomes of devolution in Pakistan was to finally replace this legislation with the Police Order 2002. The objective of this revision was to reform the police and create a professional, service oriented and democratically accountable police service. The

reform entailed the separation of the investigation function from the watch and ward function, insulation from political interference and establishing several oversight bodies. As part of the reform, the police was made more accountable to the District Nazim who was expected to write a part of the performance evaluation of the District Police Officer (Jamal 2010).

With respect to internal trafficking, the key role of the federal and provincial police is to register the First Information Reports (FIRs) in response to a report of an event or criminal incident brought to their attention. FIRs are a record of the initial information that is provided by a complainant to the police.¹⁸ FIRs are prepared when police receive information about the commission of a cognizable offence, which is an offence for which police are not required to obtain an arrest warrant to make an arrest. Police are authorized to start an investigation into a cognizable case on their own and do not require any orders from the court to do so. FIRs are prescribed in Section 154 of the Pakistan Code of Criminal Procedure which states: (Jamal 2010)

"154. Information in cognizable cases: information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf."

The FIR is lodged at a police station in the area where the crime or incident took place. FIRs are usually handwritten in Urdu and include the

¹⁸ Anyone can report the commission of a cognizable offence either orally or in writing to the police. Even a telephonic message can be treated as an FIR. Police officers may also file FIRs on their own initiative.

following information: Report number; Date and time of report; Complainant/informant's name and residence; provision of Penal Code applicable to the offence; site of occurrence of offence; name of the accused, if known/or suspect; and reason for delay in investigation of crime, if any. The registering police station is also identified. A more or less uniform format is used throughout Pakistan. The police maintain a printed and numbered register in which the report is written.¹⁹ Carbon copies are made of each FIR; one copy is retained at the police station, the second sent to the Inspector General's office and the third to the prosecutor's office. The individual asking for the FIR to be registered has the right to receive a copy of the FIR and the accused is also entitled to a copy, as are third parties who are involved in a case. FIRs are legally required to be publicly accessible (Jamal 2010).

It is the duty of the police to register the FIR without any delay or excuses. Non-registration of an FIR is an offence and can be a ground for disciplinary action against the concerned officer. In practice, the police may conduct an initial investigation before registering an FIR and, officers may try to avoid registering FIRs because the number of registered FIRs provides an indication of the crime rate, police officers are under pressure to keep the number of registered FIRs low and make the crime rate seem lower than it is. The Human Rights Commission of Pakistan (HRCP) reports that a complainant may have to resort to bribery to ensure the FIR is registered while the accused may also attempt to use bribery to try to stop an FIR from being registered (Jamal 2010).

Registration of an FIR is meant to initiate the investigation process and may lead to court-ordered arrests and formal charges. However, even if an FIR is filed, police may not investigate a complaint if one or more of the following is found, the case is not serious in nature; there is not enough ground to investigate; or the police

resources are already over-committed in investigating more serious offences. If the police decide against investigating the complaint, they must document the reasons for their decision and inform the complainant. FIRs are valid throughout all of Pakistan. However, while police in one area of Pakistan can become aware of an FIR against someone in another area of the country, they generally do not unless the police in the original jurisdiction call attention to a particular FIR. However, there is no national system to track FIRs, and there is no systematic coordination between various police organisations at inter-provincial level or inter-organisation level. Police officers in one district will not be able to know about FIRs registered elsewhere unless a circular is issued intimating them of offence and suspects. Until police obtain orders to search and seize in other districts or provinces the accused are generally not pursued in these areas (Jamal 2010).²⁰

Devolution has prompted some provincial governments to take provincial level initiatives to enhance police performance. Police has issued new policy guidelines, as part of its Free Registration Policy 2011, for the prompt registration of complaints in the form of FIRs. The policy is a reiteration of existing law and was designed to curb the police practice of not registering FIRs until after initial inquiries which was a hindrance to prosecution. The policy document states that the new guidelines aim to press officers to register FIRs as soon as they receive complaints - as stated in Section 154 of the Criminal Procedure Code (CrPC) - as the courts had expressed concern about delays in registration (Khan 2011). Prompt registration, ensures that the FIR has evidentiary value in the courts. "The longer the delay, the stronger the suspicion that the prosecution's case is either wholly or partially false" (Khan 2011). It noted that corruption, on the part of the complainant or police, was a major reason why FIRs were not registered. Another was that officers feared that

¹⁹ In addition to a serial number, each FIR is assigned a sequential number to indicate the number of FIRs registered by the police station as well as the year in which they are registered.

²⁰ Provincial police can request the home department of another province to allow them to pursue criminals across provincial boundaries.

the crime rate in their region would go up which would make it look like they were performing poorly. With fewer FIRs registered their area would be seen as relatively crime free. Apart from non-registration of cases, the flawed procedure also resulted in other malpractices by the police including the police twisting facts to classify a complaint as a cognisable or non-cognisable offence, depending on whether their sympathies lay with the complainant or the accused. "This situation endowed police with a free hand to bargain with the accused and was a lucrative medium for blackmail and extortion. The "conferment of absolute impunity and unabated discretion given to the police" to register cases violated the equal rights clause in the Constitution, and suggested various monitoring guidelines to check/ensure that officers are following instructions to register all FIRs (Khan 2011). District Police Officers (DPOs) have criticised the guidelines, stating that if into practice, they would result in a greater burden on the courts in the form of false FIRs, more paperwork for the police, and increased false criminal complaints. The DPOs maintain that the punishment in Section 182 of the Pakistan Penal Code for the registration of false cases is not strong enough to be an effective deterrent. The police are concerned that people in rural areas often try to register FIRs against their enemies which have no basis in fact. "Free registration will to some extent give these people a legal cover to waste their own and their rivals' money in court proceedings and police investigations" (Khan 2011).

DPOs have also been told to establish or strengthen complaint cells where citizens can complain about the police, and monitor them regularly. Fifteen police response centres will also be made into reporting centres where citizens can report crimes. Officials at these centres would maintain a written record of offences reported to them and pass them on to the relevant police stations. In addition, wireless control cells in each district would keep a record of offences reported

over the wireless network. The Reader's Branch in the DPO office would then compare the information received from the response/reporting centres and wireless cells with the record of FIRs. If they find that offences had been reported but cases not registered, action would be taken against the officials responsible. They could be punished under the Punjab Employees Efficiency, Discipline and Accountability (PEEDA) Act 2006 with up to three years in prison and/or a fine (Punjab Employees Efficiency, Discipline and Accountability Act 2006).

A step further and as a special initiative to protect women, Prime Minister Benazir Bhutto established the first ever women-only police station in Rawalpindi in 1994. (Jamal 2010),²¹ followed by The Bhutto administration proceeded to create women-only police stations in Abbotabad, Peshawar, Lahore, Multan, Karachi and Larkana. However, the intention to do so in every city of Pakistan was never realized because the government was dismissed in November 1996. In terms of performance, the Women's Police Station in Peshawar had not registered a single case until 2004, whereas the one in Abbotabad had registered 400 cases by that time (Taj 2004). However, the Abbotabad police station, along with the other all-women police stations were stopped from registering cases in 2002. A study revealed that women police officers were not allowed to register FIRs by senior ranking male officials of the department. Currently, the women's police station in Islamabad is the only one allowed to register FIRs (Jamal 2010).

The Federal Investigation Agency (FIA), established in 1975, is the main enforcement agency that has the authority and responsibility to monitor smuggling and trafficking in Pakistan. The promulgation of the Prevention and Control of Human Trafficking Ordinance (PACHTO) 2002 led to the establishment of an Anti-Trafficking Unit within the FIA. The Anti-Trafficking Unit is a specialized authority combating human trafficking,

²¹ Jamal Asad. (2010). Police Organizations in Pakistan. Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan. Available at [http://www.hrcp-web.org/pdf/Police_Organisations_in_Pakistan\[1\].pdf](http://www.hrcp-web.org/pdf/Police_Organisations_in_Pakistan[1].pdf).

and is expected to also be a contact body with non-governmental organizations providing a help line, securing accommodation and cooperation in all activities. The ATUs are directly subordinated to the Director General FIA and shall coordinate all activities with the National Coordinator in the Ministry of Interior. Under the Ordinance, any suspected victim or indication of the pursuit of human trafficking discovered by any other domestic ministry or agency is supposed to be communicated to the ATUs without delay, at the same time providing all relevant data to it and other support. ATUs are expected to provide protection to actual and potential victims (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009).

Thus a main source of data collection on illegal migration and smuggling is the FIA and its Personal Identification Secure Comparison Evaluation System (PISCES) that records movements across all major air, land and sea routes and checkpoints. PISCES is a source of reliable data on deportees that have been apprehended by foreign nations and returned to Pakistan in the last five years. The data constraint in this regard is that the mandate of the FIA is limited to monitoring only legal check posts; illegal routes are only monitored by border agencies that include the Frontier Constabulary, Frontier Corps, and Rangers who do not generally collect data on apprehension and do not majorly focus on anti-human smuggling or counter-trafficking. Furthermore, the only collection of data on the issue by the FIA is in the form of cases registered and number of traffickers apprehended. In the case of camel jockeys, the organised process of returning and rehabilitating children has allowed the FIA to record relatively better data on the trends of human trafficking (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009).

The offenses connected with internal trafficking are booked under different laws by the police as there is no all-encompassing law that covers internal trafficking. However, the provincial police force is charged with dealing with those crimes which are associated with internal trafficking

under the Pakistan Penal Code, the Hudood Ordinance, Bonded Labour Abolition Act and other laws mentioned above. Internal trafficking as a phenomenon is not understood by the police and thus many cases remain un-registered and un-investigated. The issue of internal trafficking is not tackled in the curriculum for police training at any level. For example, in some FIRs reviewed, it was found that the police booked those who were clearly traffickers and those who were being prostituted under the same section of the PPC. No attempt was made to ascertain if the girls/women are being 'managed' by the pimp and the 'Auntie' were victims of trafficking. Not even in the case of a girl who was described in the FIR as being around 17 years of age. Once a marriage contract is produced, the police treat that as a document which establishes legality and the authority of the husband over the wife, obviating the need for further investigation.

Police officers who did have an understanding of trafficking maintained that even with a strong intention to help victims, it was a very challenging task given the socio-cultural realities of Pakistani society. They maintained that most cases of abduction reported to them turned out to be cases in which the girls had left the house of their free will or contracted marriages against their parents will. There are no Standard Operating Procedures to guide police investigation. In the absence of the sensitization of the police on these issues and procedures, it is challenging to identify and surface issues of trafficking.

On the other hand women police officers in the Lady Constable Units (LCUs) established to facilitate women coming into the police stations reported that the attitude of male police officers towards women entering the police station was very negative. Any woman who came to the police station was seen to be a "bad" woman; "If she wasn't why would she be entering a police station?" A young female ASP pointed out that even when she is able to interview a victim and detect a case of trafficking, there is no support system for women at the police stations and one comes up against a wall. *Dar ul Amans* are not safe places and very few organizations step in and

provide counselling, shelter and legal aid. Furthermore, she stressed the need for proper rehabilitation of survivors through providing them with vocational skills so they had a means of livelihood.

Hence it is difficult to get a sense of the volume of internal trafficking cases specifically reported or registered. Police officials readily admit that the issue with collecting data is that hardly any cases are registered. For example, according to the AIG Forensic at the Sindh Police, in 2009, 1258 persons were freed from private jails in Sindh but not a single case was registered. Interviews with officials reveal that the police claim to know what is generally going on. The principal constraints faced by police are political pressure, lack of resources and lack of support. One officer explained that if they freed bonded labourers from private jails where they were held captive, they had no place to keep them or feed them.

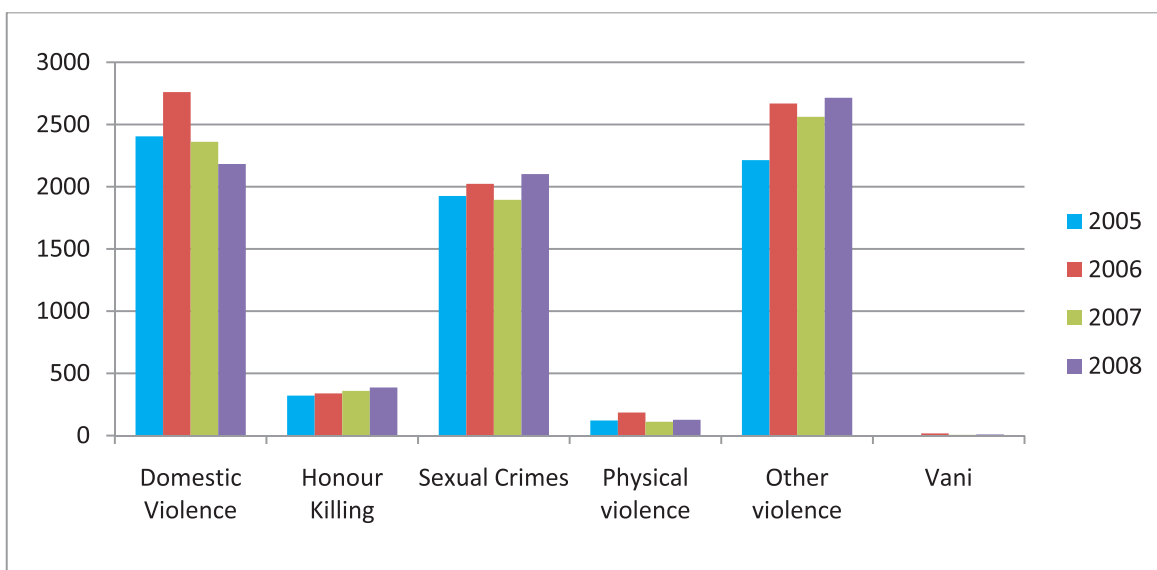
However, human rights cells had been established in some districts and at the IG office. UNDP was running a VAW programme with the Sindh police which was dealing with some of the constraints faced by the Police. Additionally in Mirpurkhas, a cell for bonded labour was also created on the

initiative of a police officer. Support was provided by women lawyers, who were available for advice and with clearly established SOPs. These measures bore fruit and as a result 52 cases were registered. However, after the departure of this officer, no cases have been registered.

An impetus to data collection and analysis was provided as a result of pressure from the US State department. However, although however, the FIA collects some data on trafficking, i.e. which is generally associated with external trafficking, the data is provided by provinces and is aggregated at the provincial level, so it is not possible to tell which districts are the most affected. Neither is the data sex-disaggregated. However, due to pressure from international organizations the Gender Crime Cell at the National Police Bureau in Islamabad has compiled figures of reported violence against women from 2005 to 2008 as recorded by the police. An analysis of this data indicates that between 7,000 to 8,000 cases are registered each year for domestic violence, honour killing, acid burning, *vani*, gang rape, rape, sexual violence and other types of gender based crimes (Khan 2009).

Many more reports also represent data on

Types of FIRs Registered in Cases of VAW (2005-2008)



violence against women.²² However, similar to trafficking, most cases of gender based violence, particularly in the domestic sphere, go unreported. Approximately 70-90% of Pakistani women in rural areas are subjected to domestic violence. (Gender Violence in Pakistan 2010) Typical acts include murder, rape, acid attacks and burning. It is difficult to tell from this data which cases also involved trafficking. Organizations like Shirkat Gah, Aurat Foundation, WAR, and others, monitor the situation regarding the status of women in the country. In one report, Shirkatgah states that there has been an increase in violence including sexual and domestic violence, acid throwing, killings and rape (Shirkat Gah-Women's Resource Centre Pakistan 2012).²³ According to incidents reported and registered at different forums (police stations, courts and complaint cells), there has been a 13% increase in crimes against women since 2008 (Junaidi 2012). More than 2000 women were killed in the name of honor from 2008 to the end of 2010 (Annual Reports). Actual numbers may be more since many cases go unreported.

4.3 Court Cases Filed

The hierarchy of the Pakistan judicial system in ascending order includes District Courts, High Courts and the Supreme Court. The subordinate judiciary is broadly divided into two classes; civil courts established under the West Pakistan Civil Court Ordinance 1962, and criminal courts created under the Criminal Procedure Code 1898. The provincial governments appoint the civil and criminal court judges and their terms and conditions are regulated under the provincial civil servants rules, with the High Court exercising administrative control over them. Cases of internal trafficking are criminal cases and would fall under the jurisdiction of the criminal courts of Pakistan. The criminal courts comprise of a

Session Judge, Additional Session Judge and Judicial Magistrate Class I, II & III. The law fixes their pecuniary and territorial jurisdictions. In keeping with the quantum of penalty, appeals against criminal courts lie with the Session Judge or High Court.

In addition, there also exist other courts and tribunals of civil and criminal nature created under special laws and enactments. Their jurisdiction, powers and functions are specified in the statutes responsible for their creation. The decisions and judgments of such special courts are assailable before the superior judiciary (High Court and /or Supreme Court) through revision or appeal. The Federal *Shariat* Court established by Presidential Order in 1980 is one such special court. It has the remit to examine any law that may be repugnant to the "injunctions of Islam, as laid down in the Holy Quran and the *Sunnah*." If a law is found to be repugnant, the Court is to provide notice to the level of government concerned with specifying the reasons for its decision. The Court also has jurisdiction to examine decisions of any criminal court relating to the application of *hudoob* penalties.

Cases of human trafficking would generally first be heard at the district level and only be escalated to the higher courts on appeal. However, in recent years, the Pakistan Supreme Court has been very active in taking suo motto notice of many issues. The trend towards judicial activism has become very strong in Pakistan following the judicial "revolution" epitomized by the restoration of the Chief Justice of Pakistan. Judicial activism is generally expressed in cases of judicial review i.e. people versus the State, where an aggrieved person or group seek the court's intervention against an action - or lack thereof - on part of the State²⁴ (Uzair).

²² The Human Rights Commission of Pakistan reports that 4,500 women were victims of violence in the first half of 2009 alone. Yet this figure only hints at the full picture of physical abuse in the country. The Commission reports that a woman is raped every two hours, a gang rape occurs every eight hours, and about 1,000 women die annually in honour killings.

²³ Shirkat Gah - Women's Resource Centre. Women's Rights in Pakistan- Status and Challenges. Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012.

²⁴ In cases of suo motu the judge takes cognizance of a matter on his/her own initiative. The Supreme Court of Pakistan has been expressly conferred powers under Article 184 (3) of the Constitution to take suo motu action for the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II of the Constitution.

Historically, the Supreme Court of Pakistan has sometimes come forward to protect human rights in public interest litigation to safeguard the legal rights of the people. Issues regarding human rights began to gain extensive mention in the judgments of the Superior Courts of Pakistan in the late 1980s. In a number of cases, the apex court exercising the original jurisdiction under Article 184 (3) of the Constitution protected the legal rights of the people.²⁵ In the recent past, the present Chief Justice of Pakistan having taken *Suo Motu* notice of the cases relating to the violation of legal rights of fundamental nature, issued directions for the protection of such rights. (Justice Abbasi 2006) The *Brick Kiln* workers case is one instance wherein positive and far-reaching steps were taken against bonded labor.

After a 1988 Supreme Court decision, Pakistan passed the Bonded Labour Abolition Act in 1992, which abolished the bonded debt system (known as "*peshgi*," where a creditor provides money in advance to an individual who then has to work off the debt) that had perpetuated forced labour for decades previously,, however, the practice of bonded debt continues in many parts of Pakistan. The cases of bonded labour that were generally presented to the High Court were under Habeas Corpus and not under the Bonded Labour Act as cases of bondage in the agriculture sector did not technically qualify under the Act. According to the Labour Department of the Government of Sindh, part of the problem was that the *zamindar* could not be considered an employer under the Act. The Industrial Relations Ordinance of 1969 provides the definition of an employer under which the landowner cannot be considered an employer, as land ownership is generally held under joint ownership with other family members. Prosecutions under the bonded labour Act are rare not just in Pakistan but also in India. In Pakistan, only one prosecution was made under this act whereas no such legal action seems to

have been taken under anti-bonded labour law since its enactment in India over 34 years ago.

It is very difficult to assess the number of cases of internal trafficking involving women and girls which were actually presented before the courts and the subsequent judgements on them because these cases are not reported separately but under different petitions, applications and appeals.²⁶ Thus it is difficult to identify the types of cases this involves. However, human rights applications are reported separately in the list although it is difficult to assess the types of human rights applications from this list alone. On the Baluchistan website, statements showing performance in terms of the types of cases presented, the disposal of cases as well as the status of these cases are given. The lists report 42 different types of cases. Internal trafficking would probably fall in at least 6 or more of these categories. In Khyber Pakhtunkhwa, the provincial high court has also supported a pilot initiative of compiling more than 1000 judgments of Justice Ejaz Afzal Khan, the Chief Justice of the Peshawar High Court from the year 2000 to 2011 from the available computerized records of the court. A subject index of the judgments has also been prepared with a brief assessment of each case. It is difficult to identify cases of internal trafficking from this list because these cases would fall under different crimes.

Cases tried under the external trafficking Ordinance of PACHTO are easily identifiable. During 2010, the government reported that it convicted 310 offenders under PACHTO. The majority of these cases resulted in no jail time or imprisonment of less than six months duration, which are far less than PACHTO's prescribed minimum penalties. However, at least five cases resulted in six months to two years imprisonment; nine cases resulted in two to ten years imprisonment, and one case resulted in 10

²⁵ In *Darshan Masih* case (PLD 1990 SC 513), bonded labour was declared illegal and unconstitutional. In certain other cases involving violation of rights of women which included *Mukhtara Mai* case, *Mianwali case of Wannu*, *Mirawala case* and *Shaista Almani* case of marriage by choice, appropriate relief was granted to the victims.

²⁶ A review of the records of the provincial courts reveals that in each province the various High Courts have undertaken initiatives to computerise the data and publish various types of information for the public. A review of the case list in Sindh shows that the list does not indicate the type of cases but simply gives the names of the parties involved.

to 14 years imprisonment. The Federal Investigation Agency (FIA) reported that in 2010, a human trafficker who was required to stand trial in Pakistan for 30 cases filed under PACHTO was extradited from Italy. Furthermore, the FIA's anti-trafficking cells dealt with undocumented migration and smuggling, in addition to human trafficking. The government reported that it also took law enforcement actions against traffickers under the vagrancy ordinances. Under various sections of the penal code, the government prosecuted at least 68 traffickers in 2010: six for sex trafficking, 38 for labour trafficking, and 24 for either labour or sex trafficking. On the other hand, in a well-publicized case, an additional Sessions judge in November 2010 acquitted the former Lahore Bar Association president and two of his family members for torturing their 12-year-old maid to death, ruling that the girl's death was the result of an infection.

Overall statistics of prosecutions and convictions for human trafficking are weak not only in Pakistan but globally. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) reports that in 2006 there were only 5,808 prosecutions and 3,160 convictions throughout the world for human trafficking. This means that for every 800 people trafficked, only one person was convicted in 2006. In a global report on forced labor, published in 2005, the ILO observed that the offence of exacting forced labor, even when recognized under national law, is very rarely punished. Moreover, when forced labor cases are prosecuted, the sanctions are often very light compared to the gravity of the offence. This study analyzes two key court decisions in Pakistan. One of these was very effective and led to the enactment of legislation. This was the case of *Darshan Masih v. State*, P.L.D. 1990 S.C. 513 (Forced Labor and Human Trafficking). This was one of the earliest public interest litigation cases in Pakistan and began when the Chief Justice of the Supreme Court received a telegram in the summer of 1988 from brick-kiln workers pleading for the Court's assistance. The court treated it as a writ petition to enforce fundamental rights under the Constitution, including Article 11's prohibition on forced labor, traffic in human beings and child labor. The Court ordered a

police investigation to free the detainees, while also appointing senior members of the bar to assist in the judicial inquiry. In its landmark decision on this case, the Court attempted to dismantle the bonded labor system by prohibiting the system of advances (known as *peshgis*) and banning the use of coercion or police force to bring back escaped workers or retain them. Past *peshgis* were still valid but could only be enforced by legal means, and brick-kiln owners were specifically ordered not to use unlawful means for recovery, such as coercive methods or the police. The Court further ordered that brick-kiln owners could not deduct costs for bricks damaged or lost because of rain from workers' wages. Finally, the Court prohibited the use of intermediary contractors (known as *jamadars*). To ensure that the order was widely distributed and read, the Court issued it in Urdu as well as English. Following the decision of the Supreme Court in *Darshan Masih*, the national legislature passed the Bonded Labor System (Abolition) Act of 1992. The Act provides in part that "the bonded labor system shall stand abolished and every bonded laborer shall stand free and discharged from any obligation to render any bonded labor". The Act also extinguished any existing debts. The Committee of Experts has specifically noted that bonded labor, as defined in the Act, is a form of forced labor.

Another case which illustrates the complexity of the situation of bonded labor and the difficulty of dealing with it was the Judgment of High Court of Sindh, Circuit Court, Hyderabad (2002). In 2000, 94 petitions for release were filed with the High Court of Sindh by *haris*. They were not brought under the Bonded Labor (Abolition) Act but rather under Section 491 of the Code of Criminal Procedure; essentially a habeas corpus provision that gives a court the power to set at liberty any person illegally or improperly detained in public or private custody. The Court described the petitions as alleging that individuals and sometimes whole communities were detained at the hands of "the owners of the land where the alleged detainees were working/tilling the soil". In most cases the persons who were allegedly detained were *Haris* and belonged to the Bheel/Kolhi tribes. In almost all cases there was

no physical detention but there seemed to be a dispute over money which was borrowed by the *Haris* from their landlords. The petitioners representative urged that though such persons may not be physically detained as understood in common parlance they are for all practical purpose under restraint which impedes their free movement. However, the Court was not receptive to these arguments and it was found that when police raided places of private custody and freed *Haris*, the detainees had no "physical signs or indications of improper or illegal detention". The Regarding the description of the *Haris* by their counsel as that 'mental', the Court observed that it was "theoretically" interesting but presented problems for identifying it in practice. On behalf of the landlords, counsel argued that the *Haris* had taken loans and were to be dealt with in accordance with the provisions of the Sindh Tenancy Act. The Court denied the petitions and held that the entire matter was regulated under the Sindh Tenancy Act and the Tribunal therein established. In reaching its conclusion, the Court emphasized that the allegations of confinement were false. "*The detain[ee]s were neither under guard nor any kind of pressure was over them. No compound wall was found available around the houses of detain[ee]s. The aforesaid detain[ee]s are prima facie proved to be Haris of respondents and they are to be dealt with under the above stated law.*" However, this decision was appealed to the Supreme Court by the Human Rights Commission of Pakistan (Forced Labour and Human Trafficking - Casebook of Court Decisions: a training manual for judges, prosecutors and legal practitioners 2009).

A key role of the judiciary has not only been to hear the cases against human trafficking but to also curb the activities of illegally established alternate dispute resolution mechanisms which tend to make decisions which are against all norms of justice and highly inimical to women. One such institution in the country is the local *Jirga* system which continues to undermine women's rights and exposes them to physical,

social and sexual exploitation, especially in the tribal areas. In April 2004, the Sindh High Court declared the pronouncing of verdicts upon people by *Jirgas* as illegal. The Court ordered the District administration and police to take actions against such *Jirgas*. However in practice this judgment of the High Court was being continuously defied.

In December 2010, the Peshawar High Court also ordered action against *Jirga* members who had taken the decision to hand over two teenage sisters to a rival family as a means of settling a dispute between the two families. The Bench observed that neither Islam nor the laws of Pakistan allowed such inhuman and brutal customary practices and ordered an FIR to be registered against the *Jirga* members. On the directives of the Peshawar High Court (PHC), the police arrested three members that had ordered the marriage of the two girls in their rival family against their will while a prayer leader and another accused managed to escape. To date, cases have been registered but outcomes are still awaited.

At present the Supreme Court is hearing Constitutional Petitions against the holding of *Jirgas* and *Panchayats*. In March 2012, the Supreme Court of Pakistan ordered the Chief Secretaries and the Inspector General of Police (IGP) of all Provinces and Islamabad to submit a report on the holding of illegal *Jirgas/Panchayats*. The Court also ordered the officials concerned to take action against people who held these sessions in their jurisdiction.

4.4 The Law in Action

This section of the report is based on a review of actual cases.²⁷ For the purpose of this study it was decided that ten to twelve cases would be collected and analysed. The researcher accessed the record room of the Islamabad district courts to obtain consigned case files of cases disposed under the above mentioned sections. A total of only 6 case files under 371 A/B were found after a

²⁷ Humaira Masihuddin a Lawyer in Islamabad helped to identify these cases, obtain the records and undertake an analysis for this review in May-June, 2012.

complete search of the entire record from 2005 to 2012, correspondingly 6 cases were chosen under 365 B whereas there were no cases found under 366 B. Applications for copies of files identified by their titles were then filed with the relevant authorities and photo copies obtained. The whole process of took almost three days.

As pointed out earlier in the section, there is no single piece of legislation which comprehensively and within one document targets the practice of internal trafficking. Rather the acts and omissions committed during internal trafficking are scattered over several acts and promulgations spanning different time periods. The violation of family laws like marrying without proper registration and marriage of under-age boys and girls that take place during trafficking are dealt with through multiple agencies with most violations reported to the Deputy Commissioner or the Union Council which after investigation marks them to the magistrate who then issues summons, etc. The hard core crimes; criminal intimidation, wrongful restraint and confinement, abduction, buying and selling of persons, more or less fall within the ambit and domain of the Pakistan Penal Code (PPC). The three most important sections chosen for analysis vis a vis the criminal justice system are 366, 365 B and 371 A/B. The following definitions of the above mentioned sections will clarify why these sections were chosen and cases filed under them studied and analysed.

366A. Procuration of minor girl:

Whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

365B. Kidnapping, abducting or inducing woman to compel for marriage etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or

seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

371A. Selling person for purposes of prostitution, etc.

Whoever sells, lets to hire, or otherwise disposes of any person with intent that such a person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person shall at any time be employed or used for any such, purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanations: (a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

(b) For the purposes of this section and section 371B, "illicit intercourse" means sexual intercourse between persons not united by marriage.

371B. Buying person for purposes of prostitution, etc.

Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanation: "Any prostitute or person keeping or managing a brothel, which buys, hires or otherwise obtains possession of a female, shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution."

It is evident from a reading of the above mentioned sections that as far as trafficking is concerned 371A/B appears to be the most relevant.

The six cases obtained from files under section 365 B - Kidnapping, abducting or inducing woman to compel for marriage etc. had to be given up as a closer review revealed that all the cases had been filed by relatives of girls who had run away to contract marriages of choice and hence was deemed irrelevant for the purpose of this report. The cases under sections 371 A/B were then studied and analysed from several angles, which included, the number of accused, the places from where they hailed, the circumstances of their arrest, whether bail was granted or not, if the criminal justice system as a whole was sensitized to the issue of trafficking and victims of trafficking.

The following are brief accounts of the six cases based on the information contained in the court files.

- a. Case # 1: In this case the police raided a car on the information of a special informant, that two men along with four girls were waiting for clients in one of the main markets of Islamabad and that these men were in the trafficking business; after acquiring girls from different parts of the country they supplied them to buyers. Despite the fact that the two men belonged to Mianwali and Pakpattan, and three of the girls belonged to Lahore and one to Faisalabad, there is nothing in the file to suggest that investigation or further enquiry into the probability of trafficking was considered. Also, there was no effort on the part of the police to ascertain if the girls were wilful participants or coerced. It is worth noting in this case that, despite a period of one and a half years, the prosecution did not produce a single witness from the list of five who were police officers and had arrested the
- b. Case # 2: In this case six accused; one man and five women were arrested in a posh locality of Islamabad. They were arrested from a car as they allegedly waited for customers. When the FIR was registered one of the accused was referred to as 'Auntie'. Although apprehended in Islamabad the driver hailed from Sarghoda, the 'Auntie', was from Gujrat/Islamabad, and the four girls were all from Lahore. Later all six accused absconded on bail and were declared proclaimed offenders. Warrants of attachment of their property were also issued. As in the previous case, no further enquiry was held to ascertain the exact relationship between the individuals from diverse areas although there was a strong possibility of trafficking. It is worth noting that the women applied for a reduced sum of the surety bond which was allowed and the bail was set at 25,000 from 100,000 rupees each. No distinction was made between the lady referred to as 'Auntie', a term that is usually used for women who manage sex workers or brothels. The accused were all booked under the same sections of buying and selling of persons. In the *saza slip*²⁸ at least one girl was estimated to be 17 to 18 years of age. A minor below the age of consent adds a new dimension to the offence but no concern is apparent on the file as to this aspect. There is no record of the identity cards of the accused either.
- c. Case # 3: There were also six (three men and women each) accused in this case; the latter all being Chinese. Warrants were issued to search their premises, located in a sector

²⁸ The *saza slip* is prepared by the police. In it the police provides details of the physical appearance of the accused and makes its recommendations for the punishment that should be awarded. This slip is submitted to the court and kept in the police records.

of Islamabad; based on an informant's tip, as well as written complaints by other residents of the area. During the raid, the above mentioned six were arrested and incriminating evidence in the form of condoms was recovered from each room raided on the premises. A sign of trafficking could have been that the girls were from China but there was no investigation along these lines and when they were produced in court, the judge granted the women bail pointing out that no prima facie case was made out under 371A/B and because the section on fornication 496B is open to bail. No further investigation was carried out to ascertain whether the girls had been trafficked or not. All the accused men were sent to the judicial lock up and later granted bail. All six subsequently absconded and their perpetual warrants of arrest were issued.

- d. Case # 4: The case file reveals very little as it is based on just two documents: an application for physical remand and bail bonds. The police put in an application for the physical remand of two accused; a man and a woman, so that further investigation could be undertaken. This step was taken in order to affect the subsequent arrest of eight to ten girls being supplied through a beauty parlour in Islamabad. The judge refused to give the woman a physical remand and granted her bail the very same day, while the man was sent on a full 14 day remand. The case pertains to the year 2008 and has been pending in the system to date, in the list of disposed or consigned case, and is an incomplete file.
- e. Case # 5: In this case the accused were a man and a woman; apprehended due to an interrogation conducted in a robbery case. The accused described how after every robbery they would go to the house of a woman, who supplied women in Rawalpindi. The Islamabad police made the accused call her to come to Islamabad and where she was arrested along with her driver. This was the only case in which instead of raiding the place, the police set up a trap for the offenders. The

judge dismissed the accused bail petition on the grounds that the nature offence was heinous, and that the case did not fall within the prohibitory clause. The file has no documentation pertaining to the accused woman; and neither do the documents show whether she was granted bail or if allegations of her being a party to the crime, were further investigated or not. The case was filed in November, 2008 and no subsequent file has been found to date; except the one pertaining to bail.

- f. Case # 6: In this case, the accused included three men and three women, apprehended from a guest house in Islamabad after a tip from an informant. All six were booked under the sections 371A/B although two (one man and one woman) were singled out as the suppliers. In this case, the judge dismissed the bail petition of two of the males, however, there was nothing on the file pertaining to how the women were treated except the fact that all six, the managers, the girls and the buyers were booked under the same sections. There were no documents like *challan* or *saza* slip from which additional information could be gleaned, and further, no trace of this case in subsequent records can be found which can show that the case still might be pending in the courts.

An analysis of the above mentioned cases reveals that whereas there was no dearth of cases pertaining to every kind of offence such as theft, possessing illegal arms, kidnapping, forgery, misappropriation, etc., there were just six files pertaining to cases filed under 371A/B. Hence, law enforcement in this aspect appears to be sporadic and inconsistent. A comparison of the five out of the six cases in which bail applications were made, shows there is judicial inconsistency. In the first three cases bail was granted; whereas in the last two cases bail was dismissed on the grounds of the charge being of heinous nature and the fact that it fell within the prohibitory clause. It must be noted that in the first three cases bail was granted even though an offence that carries punishment of up to ten years or more falls under the

prohibitory clause, showing that granting bail is an exception rather than the rule. At the bail stage, the courts which granted bail did not seem to consider the prima facie fact apparent on the surface of the record that showed the vast variation in the places from where the accused hailed and which made the charge of trafficking seem most probable.

Law enforcers as well as the judicial officers do not appear to have an understanding of the phenomenon of trafficking. They appear to make no distinction between the traffickers and the trafficked. There is no evidence in the files to suggest that any effort was made to ascertain if the women being supplied were wilful participants or victims. The indifference of the prosecution, especially in the cases where bail was granted, and the accused absconded, is apparent from the record. In one case, even after a year and a half, no evidence was produced in the court although the complainant and the witnesses were all police officers working in the same city. The low rate of detection, apprehension and poor quality of investigation by the police, the weak follow-up from the prosecution and lack of precautions taken by the judiciary to protect victims of trafficking or bring traffickers to justice, makes the buying and selling of persons a lucrative business with low associated risks and high benefits.

5. Profiles of Trafficking

5.1 Overview

It is through case studies of victims that the realities of trafficking are fully exposed. This form of modern-day slavery is marked by humiliation, incarceration, rape, torture and murder. The case studies further serve to deconstruct the myths that surround trafficking. It was found that traffickers are not always strangers and can be parents, step-parents, brothers, close male and female relatives, neighbors and friends. Ploys used by traffickers are not limited to force and coercion, but can be a mix of social customs, religion, love and affection, poverty, bribery and alliances with the influential and powerful. In some areas, like Rajanpur, even devious entrapment ruses are not really required as there is widespread acceptance of trafficking in the form of customary practices like *wani*, *swara*, *chatti*, and *karo-kari*. Marriage was found to be a powerful weapon of perpetrators and was used in many cases to exercise complete control over the victim; especially if one is married to the perpetrator; few questions are asked to determine the age, consent or circumstances of the victim. The ages of girls and women trafficked ranged anywhere from two to fifty years. Trafficking thrives in rural and urban areas. Trafficking is not simply about girls and women from poverty-stricken areas but is also widespread in urban centers; girls from Karachi, Lahore and Faisalabad are being trafficked to South Punjab and Baluchistan.

The police, in most cases, allies with the

traffickers, who are financially stronger and powerful. The response of the police to victims is characterized by a resistance to registering FIRs; a refusal to take action even after the FIR has been registered, passing on sensitive information to traffickers and the harassment of the victim and her family eventually culminating in pressure on the victim and her family to compromise. The judicial system, as it stands, provides minimal protection to the survivor whereas traffickers are able to skillfully negotiate between the loopholes and escape. In areas where feudal Sardars are still the 'dispensers' of justice, many aid and abet trafficking. Unfortunately, even if women escape and reach their homes, they may well be murdered by their own family members; at the very least, they will be subjected to slander and censure. Some NGOs provide legal aid but their resources are stretched. There is barely a handful of shelter homes, and only in a couple of them, where women are treated humanely. The deeply ingrained subjugation and objectification of women in Pakistani society manifests itself in the re-victimization of women and girls at every stage.

Most of the cases studies shared below are derived from unpublished sources and were referred to the researchers by Panah and Ansar Burney. Two of the cases are based on first hand interviews referred to by HRCP and Madadgar. The names of the victims have been changed to protect them. The first case study of Kulsum was tracked by the researchers from February to June, 2012 and illustrates how, despite the intervention of CPLC, HRCP and WAR, little could be done to

assist the victim. In this case especially, there were no funds for the family to pursue the case further. The researchers thus felt morally obliged and compelled to arrange financial and legal aid for the victim. As the case will demonstrate, in this process the family lost its key assets, the brother committed suicide and now Kulsum has come back to the village; but she is traumatized and in shock along with her family. Furthermore, there is no counseling or help available to her. This case illustrates the horrors which accompany trafficking victims and their families. It also demonstrates the powerful web of intrigue which makes the system complicit and the limited ability of Civil Society Organizations to deliver effective help due to limited resources.

5.2 Case Study # 1: Employed, Abducted and Incarcerated

Kulsum is from a village close to Rahimyar Khan, South Punjab. She was 19 years old when a debt incurred for her father's operation brought the family - her mother, sister and brother - to Karachi in search of work. The family came and stayed with her mother's brother. Her uncle helped to find Kulsum a job at a school with a salary of Rs. 3500, while her sister got a job as a domestic help in a house. Her brother also got a job driving a rickshaw.

Kulsum had been working for a couple of months at the school, when a woman by the name of Nida, the mother of a student, visited the school and befriended her. She introduced herself to Kulsum and would chat with her every time she came to pick up her daughter. Kulsum now recalls how her affectionate and friendly manner made her feel very special. After a few weeks, once Nida developed a strong friendship with Kulsum, she suggested that Kulsum leave her school job and come and work for her. She would be part of the family and help to look after Nida's daughter. Nida would even pay Kulsum a thousand rupees more than she was getting. Kulsum agreed and Nida visited Kulsum's Uncle's house to persuade the family to give Kulsum permission to work for her. When Kulsum's

family visited Nida's house, they found only two other women there, Nida's sisters and her daughter. Reassured that there were no men in the house, they agreed to let Kulsum work for Nida.

At first, Nida showered Kulsum with love and affection: "She loved me more than a sister could, more even than a mother." Kulsum would work at Nida's during the day and go back home in the evening. After a few days, Nida convinced her and her family that given the distances, Kulsum was better off staying the night. Kulsum recalls: "For the first month she would take me to visit my family every week herself, stay there and bring me back. She would not eat without me; she would make me sleep next to her. She ran a beauty parlor and would often take me along. Sometimes she would apply make-up to my face, and say "See how pretty you are". After a month, one day, at the parlor she asked me to dress up in a trouser and shirt - "Just for fun," she told me. She applied make-up to my face and we went back to her house. That night, three men came to Nida's house. She locked me into a room and all three of them raped me. I was a prisoner after that. She had a *chowkidar* (security guard) outside and a young man appeared who lived in the house and worked for her as a pimp. I told her I would go to the police. She told me that they would rape me all night. The police would support her, she assured me. All she had to do was send them a girl and some money. Later, I discovered that she used to send girls to the police on a regular basis to keep them happy. She told me that if I tried to run away, she would have me and my family murdered. She said she had very powerful contacts. She forced me to dance and started giving me tranquillizers and alcohol. Her sisters were also engaged in prostitution. Her brother had married five times. He had no job and would send all the women he had married to Nida. One of his wives had five children. She would leave the children at Nida's house, get ready at the parlor and go out. Nida sent me out with her sisters once or twice; I don't know where it was. The men were all well-dressed. They appeared to be educated. At one point, she wanted to send me to Dubai. I heard her talking to someone,

negotiating a price, but she could not because she did not have my ID card."

Meanwhile, Kulsoom's mother had left for the Punjab. Nida would allow Kulsoom to speak with her family briefly after 15 days. The sister who was working in Karachi came to visit a couple of times, but Kulsoom was too scared to say anything. After five months Kulsoom's mother called Nida and asked her to give Kulsoom leave and send her back home with the salary that was due. Nida had stopped giving Kulsoom's salary after the first two months. She had told the family that she was facing some difficulties and would give the salary due in a lump-sum. She promised to send Kulsoom in three days. Kulsoom heard Nida negotiate a price of Rs 2 lakhs for her on the phone. The next day Kulsoom was sold to three men for 2 lakhs. Three men came to pick her up and she was taken to a flat, beaten and raped. The next morning, they moved her to yet another flat.

When Kulsoom did not appear, her family called Nida again. Nida told them that Kulsoom had stolen creams from her parlor and she had thrown her out. She told them she had no idea where she was. The family began to suspect foul play - if Kulsoom had stolen something why did Nida not inform them? If she had left Nida's house why would Kulsoom not have gone back to her Uncle's house? They decided to register an FIR. Her Uncle recalls "When we went to the police, *Baji* (Nida) was already sitting there. The police told us to get out or they would put us in jail, 'Your daughter has stolen from Madam'. After *Baji* left, they told us she had given them Rs. 20,000 already and further demanded Rs. 30,000 from us. Later we took around 20 people with us and started protesting outside the thana (police station) and finally on October 14th, the FIR was registered. However, the police took no action. Nida visited our *jhuggi* with three or four men. She threatened us, "I will burn down your *jhuggis* and kill your children." Our neighbors backed off. Whenever we went to the police station, the *chowkidar* (guard) would charge us Rs. 300 to let us go in. The SHO would assure us that our daughter had run off and married someone. One

year passed after the FIR had been registered and we had gotten nowhere."

Meanwhile, Kulsoom was being kept in a flat and would be given tranquillizers every day, while the three men who had bought her, would rape her. They men also sold her to other people. A few times in the week, they would take her to men in some hotel. Kulsoom remembered her state as she spoke one week after she was recovered: "I was conscious but my hands and feet were numb. I could not move them. When I would walk, I would often fall down."

However, Kulsum's family did not give up and finally the unrelenting pressure of the family on both Nida and the police led to the holding of a *jirga*. However, it comprised Kulsum's relatives and a few people nominated by Nida. In the *Jirga*, Nida swore on the Quran that she knew nothing of Kulsum's whereabouts and would accept any punishment if it were proved that she did; Kulsum's family had to back off; they recall "Our elders said we cannot fight now. We thought all we can do is go and pray at a shrine". The family resigned to the situation when Kulsum herself called her family and asked them not to harass Nida. This call was traced to Gulshan-e-Iqbal area in Karachi whereby, the family went back to Nida and demanded to know Kulsum's whereabouts. Another short call revealed that she was being held captive but could not tell them where, as a result of which her family started looking for her again and got in touch with the Human Rights Commission of Pakistan (HRCP). HRCP in turn put them in touch with the Citizen's Police Liaison Committee (CPLC).

Subsequently, CPLC pursued the case, and asked Nida to come to their office. She resisted at first but finally arrived. She came with her head covered and a *tasbeeh* (rosary) in her hand. She told CPLC that Kulsum had stolen from her, and that she was a "*ghalat larki*" who had run off and married someone. CPLC convinced Nida that they had enough evidence against her, to get her arrested. After cross-examining her in the presence of Kulsum's family, the lady at CPLC told Nida that her mobile conversations had been

taped and she would be arrested if she did not return the girl. This resulted in Kulsum's father getting a call telling him that his daughter would be returned. Kulsum recalls that the men packed up the flat, gave Kulsum an injection and turned her out. She could barely walk but managed to get a rickshaw; one of the men had claimed that he would help her escape. Kulsum called him and he helped her reach her village in Rahim - Yar Khan. Kulsum recalls "I was in such a bad state and had changed so much that my younger brothers and sister refused to believe it was me. My youngest sister kept staring at me. 'This is not my sister,' she told my father".

The Assistant Sub-Inspector of the police station where the case had been registered asked that the charges be dropped. CPLC intervened again and asked for Kulsum to be brought back to Karachi. Four days after she had gotten home, still weak and barely able to walk, Kulsum was on a train back to Karachi with her mother and Uncle. In Karachi, CPLC advised the family to work out a compromise (*samjhota*) with Nida as she had powerful connections and there were no resources to fight a case, "*Haath na daalo, nuqsan uthao ge*" (If you lay hands on them, you will suffer). Nida, meanwhile, sent a message telling the family to drop the case. She maintained that she could buy lawyers and judges. HRCP encouraged the family to lodge a case against Nida, maintaining that a criminal must be brought to justice on all accounts. Meanwhile, the police officers from the concerned police station kept calling her Uncle, telling him to bring Kulsum to the police station to record her statement. A visit to the police station by her Uncle and brother resulted in more threats from the police and attempts to coerce them into dropping the case. In light of these, they refused to take Kulsum to the police station "We can never take her there. God knows what they will do to her." However, they took the decision to file a case. Kulsum's mother was adamant: "I have had to sell my buffalo and my house to get my daughter back. Our honor is destroyed; my brothers and sisters say that she sold her daughter. Our relatives blame us. I thank God that I have got my daughter back, but I can no longer sleep at night. I want this *Baji* to be punished. She said my daughter went

herself. I will ask her 'Is this the condition I gave you my daughter in?' I want justice. When she is separated from her own daughter, when she gets beaten, then she will know what it is to do this to someone else's daughter. Then let her come and ask for "*sulah*" (reconciliation). I don't want her to do this to anyone else".

It was one week after she had been thrown out of the flat that Kulsum met the researcher. She was very frail and spoke with difficulty: "My entire body still aches. I can barely sit up. The people in the village tell my parents they should kill me. Others accuse them of having sold me. My cousin to whom I was betrothed has decided not to marry me. Nida keeps sending death-threats to my brother and Uncle. How long will my family tolerate this? They will wish I had never come back". She kept repeating "My life is over."

Once the decision to register the case was taken, one of the first steps was a medical examination. The whole process took several hours, with the lower staff demanding money and the family paying Rs. 500; the doctors however were cooperative and did not make any demands but she had to be taken back again the next day because the ultra-sound had not been done the first day. HRCP advised Kulsum to go to PANAH, a shelter, a safe place where the police could take her statement. Kulsum was reluctant. She could not bear the thought of being confined or away from her family again. However, faced with the alternative of reporting to the police station, after a few days, she relented and went to PANAH. Although the management was kind, it appeared to her to be another trial, "I just escaped from one prison. The women here are telling me you will never get out. My mother tried to leave some money for fruit. They don't allow you to bring anything in. With great difficulty, I got permission to send for a packet of chips and biscuits. I have cooking duty but I have no strength to stand. I have been separated from my family for 2 years. Now I am alone here again." Once the statement was recorded, she left. After, she had spent a week in PANAH; War against Rape took up Kulsum's case and provided her with a lawyer.

The police continued to threaten and harass Kulsum's family. They had kept Kulsum's brother's CNIC and would not return it; finally he threatened to report them to HRCP and it was given back to him. During this time, Kulsum's brother saw the SHO leave the police station with Nida's 'husband'. He was talking and laughing with him. The SHO did not see them. Once he left, Kulsum's brother and Uncle went in. They were kept waiting for an hour and then told to go.

On 14-10-2010...The case was registered and enquiry was entrusted to ASI Ali Gopang, he visited the place of offence and tried best to trace out the abductee but could not succeed. The case was disposed off a FRT "A" class...dated 16-11-2010. On 11-02-2012, the case was reopened and the investigation of the case was entrusted to SI Muhammad Irshad, he recorded the statement (enclosed) of the abductee Mst X who was recovered through CPLC, after recording the statement of the abductee, Mst X, the I.O. raided at the residence of the accused X on 17-02-2012 but the house was locked and on one was at home. The case is under investigation.

Excerpt from Progress Report by DSP Admn East Range for DIG police East Range Karachi

The SHO called later and asked for their address (the family had moved to a different location) as he needed to discuss important matters with them. Kulsum's brother refused to give it to him. He told the SHO they would come themselves when required.

Since it went to court, the case has been shifted from one judge to another. In a span of two months, three different judges heard the case. The first two conducted two hearings each and the last judge held three hearings and promised to pass orders but there have been three adjournments after that. During this time, the lawyer provided by WAR went on a break, but the case hearings continued with Kulsum represented only by the State prosecutor. Nida was successful in getting bail, even though in the crime she is accused of, bail is an exception, not

the rule.

On her last appearance in court, holding prayer beads in her hands and wearing a hijab, she jeered at Nida's brother as he and his Uncle left: "Look what I did to your sister and what have you been able to do to me? Nothing. My men want to kill you. One signal from me and you and your Uncle will be finished." Kulsum's brother went back to his village shortly after and while the family was away to attend the birth celebrations of a nephew, he committed suicide by swallowing pesticide. He was rushed to the hospital but it was too late. As he lay dying, he told his family and friends that he could not take the shame and humiliation any more. "He was the only one who was educated, he was the only one who was earning, I wish he had thought about what would happen to us without him" says Kulsum. After a pause, she says "Why am I still alive?"

5.3 Case Study # 2: Abduction and Forced Marriage

Rubina, a sixteen year old, was living with her parents, both Bengali immigrants, in Orangi, Karachi. Noor Mohammed, a man married to her mother's cousin, began to frequently visit her parents' house. He would come sometimes with his wife and, sometimes by himself. He was particularly attentive to Rubina, showering her with love and affection. He gained Rubina's trust and affection to such a degree that, at times, she would even complain to him about her parents.

One day, Noor Mohammed told Rubina parents to send her home with him so she could spend a couple of days with his family. Her parents refused and told him that they needed her to help them as they were in the process of setting up a small shop. Noor Mohammed left the house a little before sunset. Later, the family found out that Noor Mohammad had not left the area. He had just gone across the street to Rubina's married sister's house and stayed there till after sunset. Shortly after Noor Mohammad left her house, Rubina left to go to her *Khala's* (mother's sister's) house which was just a couple of doors away from her own. Rubina used to go visit her

*Khala's*²⁹ house some days to help with picking out pieces of meat from the waste of chickens slaughtered at the butcher's shop. After some hours, when Rubina did not come back at the expected time, her parents called her *Khala* to find out why Rubina had not returned. Her *Khala* told them that Rubina had not come to her house that evening.

Her parents went straight to Noor Mohammed's house and told him that they suspected he was responsible for her disappearance. He denied any knowledge of the matter and offered to locate her through the power '*ilm*'³⁰ he had. After going into a trance, he told them that the girl was in Hyderabad and she was very happy. The parents asked him to accompany them to Hyderabad. He kept telling them he would go but would then cancel the trip at the last minute. After five days the parents returned to him and told him that they would now register an FIR against him. He in turn gave them a *taveez*³¹ and told them to bury for an hour after which Rubina would contact them. When Rubina called she was crying and told her parents that she had been gagged and taken at gunpoint. The parents again asked Noor Mohammed to help locate her or speak with them. When she called a second time a woman, whom Rubina's father, Ejaz, later identified as the first wife of Hanif, the man whom Rubina had been sold to, came on to the phone. She blamed the parents for having said something to Rubina which had made her faint.

Rubina's father decided to register an FIR, "I went to the police to register an FIR. They told me to give them money but I said I had no money. They told me to come back after some days. Then I went to Madadgar³². Madam Bushra sent someone with me and the police registered a case." Subsequently, Noor Mohammed's daughter-in-law told Rubina's father in confidence that Noor Mohammad, his eldest daughter,

Rehana, and her husband had taken Rubina to the Punjab and sold her there. The police arrested Rehana and she confessed to the crime. Noor Mohammed was also arrested and told the police that Rubina had been sold to Hanif, a man in the army. He gave them Hanif's address in Jampur, District Rajanpur.

Madadgar got permission for the police party to cross the provincial border and go to Rajanpur in five days although it usually takes 20 to 25 days. Rubina's parent's had to pay the expenses of the travel and food for the police party as the police told them that they had no funds for such activities. Relatives and people in their neighborhood lent them money. When the parents and police party got to Jampur and went to the accused man's house; Rubina and Hanif were not there, only his brother and fifteen year old son were in the house and they denied any knowledge of Rubina's whereabouts. The police told Hanif's brother and his son to come to the police station but they did not comply. Later a lawyer appeared and spoke to the Investigating Officer (IO) outside the police station saying and showing a *nikahnama* for his marriage to Rubina. The parents produced her B-Form³³ which showed that she was only sixteen years old whereas the *nikahnama* stated her age as eighteen. At the end of the day the police party told the parents that there was nothing more they could do and it was time to go home.

Madadgar held a press conference in which the details of Rubina's case were shared with the media. One channel aired a brief report. However, police persisted in taking no action. After several days of no action being taken by the Orangi police, Madadgar moved the case to the Crime Branch. The day after it was moved, Rubina's parents received another call. This time Rubina spoke to them calmly. Her father, suspecting that she must be under pressure, asked

²⁹ Mother's sister

³⁰ Spiritual powers

³¹ Amulet

³² Madadgar is an NGO that provides support to victims of trafficking.

³³ This is the National identity form for girls and boys under the age of 18.

her "Do you want me to free the men who are in jail for your kidnapping?" She answered with one word, "No". The phone call ended on that note.

The researcher who had been documenting this case, again felt obliged to take action. She contacted a highly influential person through a friend to help in recovering Rubina from Rajanpur. The District Police Officer (DPO) of Rajanpur was asked by the Chief Minister's office to take action. When contacted by the researcher, the DPO maintained that there was nothing much he could do; the police party would have to come from Karachi and he could help but could not guarantee that Rubina would be located and handed over to them. However, due to the pressure of the call from the office of the Chief Minister of the Punjab; some behind the scene negotiations resulted and a couple of days later, Rubina appeared with Hanif at the Orangi Police Station. The parents were summoned with the police maintaining that the girl had given a statement in support of Hanif. Her father informed Madadgar and, out of fear, did not report to the police station till the Madadgar Field Officer could go with him. When the parents arrived, Rubina, who was still in the custody of Hanif, maintained that she wanted to stay with him. She kept her statement unchanged, even when her parents spent time and when was produced in court. The judge held an in camera meeting with Rubina to ascertain whether she was under pressure. However, even in the chamber, Rubina insisted that she wanted to stay with Hanif. As her B-form provided proof of her being under-age, the judge sent her to the PANAHA till the next hearing. After a couple of days, on a Sunday, Rubina was produced in court by the IO and the judge who had sent her to PANAHA granted Hanif permission to take her with him. Her parents and the lawyer from LHRLA/Madadgar were kept in the dark and had no information about this hearing.

Rubina was kidnapped in January 2012. By June of 2012 but she had still not been recovered. When last contacted by the researcher, Rubina's father had once again traced her. This time she was in Mand, Baluchistan as Hanif had been posted there. Ejaz told the researcher that he could not say

much over the phone but he had a plan to get his daughter back to Karachi in the next few days. He maintained that she wanted to come with him. However, given that Rubina was handed over to Hanif by the court, it appears highly unlikely that this will happen.

The researcher was able to speak to Rubina on June 14, 2012. Rubina confirmed that she had in fact been kidnapped and sold to Hanif who had married her. She was happy with him and wanted to stay with him. She said that her father and Hanif had reconciled and she would now go with her father to Karachi to meet her family. When asked if Hanif had another wife, she responded by saying "Yes he does. *Mashallah* he has five children". In response to a question on Hanif's motive in buying her and marrying her, she said "I don't know; he knows best. His wife was not well mentally, but she is a very good person. She treats me like a little sister and makes me sleep with her."

Researcher's Comment: Although, this is a clear case of kidnapping and the kidnappers are under arrest, the reasons behind Rubina's change of stance as evidenced by her statements in support of her 'husband', Hanif, are still not clear. Bushra Syed, the Field Officer of Madadgar, who has over fifteen years of experience in dealing with cases of trafficking, maintains that kidnappers and traffickers have techniques for tricking and coercing victims when possession is in jeopardy and reveal their true colors only once they have managed to cut-off all support. She cites a recent case of two women, a niece and her aunt who disappeared from a neighborhood in Karachi. When the mother whose daughter was missing registered a case, the two women gave a statement in court saying they had contracted marriages of their own free will to two men. The honeymoon did not last long. After two years, the mother was contacted by her daughter who told her that they had been sold soon after to a family in Kandhkot, she had had a child and they were both being kept in a stable with animals. They were desperate to be rescued. She was not able to contact her mother again. Madadgar and LHRLA pursued the case in Quetta. The women were not produced. Finally, under pressure from the High Court, a local Sardar got the women to his Dera. The mother met

her daughter and sister for 20 minutes at the Sardar's dera, surrounded by heavily armed Baloch guards. There were marks of beatings and burns on the women and they appeared terrified. However, they quietly maintained that they were in Kandhkot of their own free will. There is now little hope of them being seen again.

5.4 Case Study #3: Orphaned, Bonded and Raped

Samina is a seventeen years old orphan. Soon after her father died, her only brother, suspecting an affair between his mother and his uncle, killed them both. She was fourteen years old then. Her grandfather brought her to Karachi from the Punjab but died a year later. Her brother was in jail and she had nowhere to go. A woman from the village who used to bring girls for domestic and sex work took charge of her. She told her she would find her work at a house where she would be well looked after and she could use the salary to free her brother. The house she was taken to belonged to a 50 year old retired army officer and his wife. The army officer abused Samina mentally, physically and sexually. She recalls that once she took an omelet to the table. The man, his wife and his father were sitting at the table. He shouted at her about the omelets and picked it up and put it in her *shalwar* (pants). Another time, he was angry with her and took all her clothes off while his wife was sitting there. Finally, one day when his wife was away, he entered her room and raped her. His wife returned and started banging on the door, pleading with him to stop. He did not. She was repeatedly raped, humiliated and beaten. The woman who had brought her would come and take her salary every month, telling Samina that she was using it to help get her brother out of jail.

After a year, the man stopped paying the woman who had brought Samina. The woman reacted by putting a petition in court. She maintained that the army officer and his wife were keeping Samina in their house against her will. When Samina appeared in court, she told the judge she was being physically tortured and raped. The judge immediately sent her to PANAHA, a shelter. Once

she was at PANAHA, she decided not to pursue the case. The couple she had worked for arrived at PANAHA with clothes and sweets asking to meet with Samina. Samina consented to meet with the woman but not the man. The woman started asking her what she had said about "Bhajjan". Samina told her that she had not said anything till after the medical. The woman insinuated that Samina was having an affair with a cook in the neighborhood and her husband was completely innocent. Finally, reassured that Samina was not filing a case, she left.

Although PANAHA is a temporary shelter, Samina is still at PANAHA. She has nowhere to go. She is learning skills so she can earn a living once she is old enough to leave.

5.5 Case Study # 4: Sold to a Trader of Women

Saira is from a poor family; her father being a painter. Her mother had borrowed money a few times from a woman called Nargis who had offered her help. Nargis claimed that her brother was working in BISP and would get Saira's mother Rs. 20,000 and a monthly income. She also offered to find employment for any young women in the family. Subsequently, Saira and her young aunt were handed over to Nargis, but she disappeared with them.

A month later the family realized that she had been kidnapped. Her father went to register a case at the local police station. Every day he was asked to bring ½ a kilo of sugar and ½ a kilo of yogurt for the policemen but no action was taken. Someone took Saira's father to Express News' (a local news channel) reporter Imran Khan. Imran, deeply affected by the emaciated and distressed state the father was in, decided to take up the case report as a result of which senior police was forced to take notice. However, they maintained the case was being looked into and the police was doing its best and Nargis, who had abducted the women, was taken into custody. The police told Imran that she had confessed to selling the girls in Dera Ghazi Khan (DG Khan) but the police would say no more. Under pressure from the media, the

police finally organized a raid to DG Khan and took Nargis with them but no member of Saira's family. Later, Sardar Khosa who was instrumental in Saira's recovery, told the press that Saira had told him the police party had come to the place she was being kept at, however, they had not entered the house or searched it and turned back from the door. At a press conference of the Deputy Inspector General (DIG) Investigation in Lahore, Imran again raised the issue. He was told Saira's case was difficult but the police was following up and the DIG maintained that although they had not been able to verify, they had been told that the women had been taken to a neighboring country. When Imran Khan pressed the Senior Superintendent Police (SSP) investigation further after the conference, he was told that the women were now in Afghanistan and it was very difficult for the police to do anything. When Imran persisted, he was told that the police had done what they could and that if he was not satisfied, he should find the girls himself. Imran Khan resolved to do precisely that.

Meanwhile, Saira's father was contacted by the kidnappers from an unknown number and they asked for a ransom of Rs. 3 lakhs. He was told to come to Rokni, an area in Baluchistan. They asked to speak to Saira and the kidnappers put her on the phone. It was confirmed that Saira was in their custody. Saira's father tried to speak with the police about this matter and visited the police station. The kidnappers found out about the visit to the police station. That very evening he got a call from the kidnappers telling him that they knew he had gone to the police station and there was no point in him contacting the police as they would be unable to do anything even if he brought them to Rokni. On their return from DG Khan, the police sent Nargis to jail. As the key informant was no longer accessible, Imran decided to go to DG Khan. He put Saira's parents on a Daewoo to DG Khan. In DG Khan, Imran found a powerful ally, Sardar Saif Khan Khosa. The Sardar not only agreed to help but donated the Rs. 3 lakh required for the ransom.

Negotiations were initiated with the kidnappers. A delicate balance had to be maintained between gaining the confidence of the kidnappers and

gathering enough information to ensure Saira's and the recovery team's safety. When the kidnappers asked the father to come to Khetran, it was decided to enlist the support of an influential person from Khetran. Sardar Khalid Khetran pledged to help in this regard. He spoke to the kidnappers under the guise of being a van-driver whom the parents had asked for help in understanding the location. The kidnappers got suspicious and further attempts to locate a middleman by contacting tribal elders who would ensure the team's safety led to a near breakdown of communication. As more negotiations ensued the kidnappers finally agreed to fix a time and place to collect the ransom. The team, comprising, Sardar Khosa, Sardar Khalid, Imran Khan, Saira's father and Tariq from Express News left for Rokni. On the way from DG Khan to Rokni, the team crossed the last check-post of the Punjab, Sakhi Sarwar. This check-post was equipped with powerful search-lights and cameras to check trafficking and the transport of stolen goods. There is no other route from Punjab to Baluchistan. Yet, the Express reporter noted, women and girls like Saira continue to be trafficked. The issue was not lack of information and awareness on the part of the police but something else.

In Rokni, efforts to locate a guarantor were renewed and one was finally located. It was evening before the guarantor called Sardar Khalid with instructions. The kidnappers took the Rs. 3 lakh and returned 10,000 as a 'discount' when Saira was handed over. Saira was silent and traumatized; she put her head on her father's lap and slept. It was several hours after arriving at Sardar Khosa's house that she broke down in tears. As she wept, the concerns she voiced revealed what survivors of trafficking expect to suffer: Would the 'animals' who had abducted her be punished? Would they be put to death? Was her brother angry with her? Would she be able to go to school again? The next day, a raid was organized on the basis of information provided by Saira. To ensure that the kidnappers would not be alerted, the police party that accompanied Imran Khan and Sardar Khosa was not told of the destination. The criminals were apprehended as they partook of a feast celebrating the collection

of the ransom. Subsequent to this raid, Saira's Aunt was also rescued. In a statement to the press, Lakhoo Khosa, the illiterate gang-leader, was unrepentant:

"If people voluntarily bring a girl and sell her to me, I show her to the buyer and tell him have a look. It is up to you. I only do what the whole world is doing. It is not just me; thousands are involved in this business." Another journalist who asked Lakhoo how people got to know about him was told: "Just like people bring goats to those who are known as traders of goats, people bring women to someone who is a trader of women."

Lakhoo Khosa is in jail. The report on Express TV notes that Saira has returned to her home but another ordeal has begun for her. She is now the object of slander and gossip in the community she lives in.

Researcher's Comment: *Undoubtedly, Imran Khan undertook a highly commendable and life-threatening initiative to rescue Saira and have the criminals involved arrested. It needs to be noted though that although aware of the social realities in Pakistan and the re-victimization of survivors of trafficking in Pakistan, Express News, failed to observe standards of ethical reporting. Saira's face was shown on TV, right after the rescue, sleeping in her father's lap, breaking down and weeping and filmed in her house and mohallah after her return.*

5.6 Case Study # 5: Marriage, Deception and Prostitution

Sabina is one of three sisters whose father died when she was a child. A police officer would come and visit her mother regularly. When they reached adolescence, the police officer arranged to marry the three sisters to three brothers. Sabina and her two sisters were raped on their wedding night by men whom they had been sold to by their "husbands". The "husbands" prostituted the three girls on a daily basis. Videos were made of the rapes to blackmail the girls into staying. One day, Sabina escaped and found her way to Madadgar and was given shelter in PANAHA. A case was registered against the police officer, the mother and the three brothers.

The court hearings kept being delayed, with a hearing happening every six months. After several months of staying at PANAHA, Sabina stayed for some months with a relative. Meanwhile, the mother and the police officer disappeared while two of the brothers were caught and put into jail for nearly eight months. However, Sabina kept receiving threats all the time saying that acid would be thrown on her face. They would beat her sisters and get them to call her and plead with her to come back. They told her they would kill her when they came out of jail. After a year passed, with no established source of livelihood, constant threats and cries for help from her sisters, she finally gave up and went back. She has now told the court that she wants an out-of-court settlement.

5.7 Case Study # 6: A Father Sells Daughters

Sidique married again soon after his wife died. He had three daughters from his first wife; Naeema, seven Rubab, four and Saima, a two-years old. His second wife did not want to look after three girls. Siddique solved his problem by taking his daughters to Karachi from Lodhran and selling them. Three middle-class families, living in Defense Housing Society, one serving in the national army bought the girls.

The incident came to light when the eldest, Naeema, was able to escape nine years after her imprisonment in November 2011. She found her way to the office of Express News. There were cuts, bruises and burn marks on her body. The channel contacted Madadgar who together with LHRLA had an FIR registered. Simultaneously, they began the task of locating her other sisters and relatives in Lodhran. This proved particularly challenging as Naeema barely remembered where her house was. Her mother's brother was located and brought to Karachi. He agreed to take the girls back with him. Her middle sister, Rubab, was quickly located as she had been sold to relatives of the family that had bought Naeema. The youngest sister was located but could not be rescued. The man who had bought her was a serving Colonel in the army, living in apartments

in Defence, Karachi. The police refused to take any action on the grounds that they could not take on the army. In fact, the police started supporting the colonel in every way they could. The girls' uncle received death threats from the colonel. After a couple of months, intimidated by the threats from the colonel and without the means to stay in Karachi to pursue the case against the families who had bought the girls, the Uncle returned with them to Lodhran. The youngest sister, now eleven years old, remains a captive to the colonel and his family to this day.

5.8 Case Study # 7: Trafficking through Madrassas

15 year old Shazia, was a student at a *madrassa* in Karachi. She was staying at the hostel provided by the *madrassa*. One day, the parents went to meet her and were told that she was not in the college any longer. When the parents contacted the police, the police refused to take any action and told the parents that they did not want the *maulvis* on their backs. When the family persisted in getting an FIR registered, two of their other daughters were picked up and disappeared. Shazia's 14 year old brother was also sent to jail because the *Madrassa* administration registered a case against him for threatening them with a gun. Shazia's family alleges that all this has been done to silence them and that the *madrassa* is involved with trafficking girls; others have met the same fate as their daughter.

5.9 Case Study # 8: Forced Marriage and Prostitution

Sajida, a 16 year-old girl, was kidnapped by her step-sister from Rahim Yar Khan and brought to Karachi. She was 'married' off to a man. On the first day, he handed her over to two men. The girl was kept in captivity with other women and forced to have sex with men for over a year. She was raped by 10 to 12 men every day. The

women there were clothed and fed but given no money and not allowed to leave the premises. Once she escaped and reached the City Court, but was found by her captors and brought back. Six months after that, a boy, who came to her as a client, took pity on her. He gave her a mobile and the number of Ansar Burney Trust (ABT). She called a number of times. At first ABT thought it was a crank call, but then they arranged a police raid. The police found five women and two men there. The girls were rescued. Fake *nikahnamas* were found which were used by gang, on the pretext of the men and women in the house being portrayed as husband and wife. Afia is now living in a shelter.

5.10 Case Study # 9: Dynamics of Trafficking in District Rajanpur

In Rajanpur District, the '*pachad*' or rain-fed area is known for the trafficking of women and girls, where it is not only common but a socially acceptable practice. The Union Councils of Harand, Dajal, Hajipur and Mohammedpur are particularly notorious in this regard. The forms of trafficking that are most common are (i) outright sale and purchase of women/girls (ii) declaring a woman/girl '*kali*'³⁴ and then selling her (iii) the murder of women/girls after labelling them '*kali*' either to demand a woman/girl, money from the family whose boy/man is declared *kalo* or to protect a man in the family who has murdered someone by declaring the man murdered *kalo* (iv) '*chatti*' which includes the exchange of a woman/girl, money or property to settle *kalo-kali* or other disputes (iv) the buying of wives when there is no girl to exchange with a family for marriage (*wata-satta*)³⁵, the man is old or handicapped, a wife is childless or the man simply wants a new wife. A girl/woman can be sold for anywhere between Rs. 150,000 to Rs. 700,000. In the villages where these forms of trafficking were being practiced, the community raises no objection to any form of this practice, not even to

³⁴ Kalo-Kali or Karo-Kari is the practice of declaring a girl/woman and boy/man as having had an illicit relationship. The typical punishment is death. Interestingly, women and men who have married each other without the permission of their families can also be declared Kalo-Kali. The selling of women who have been declared Kali with the proceeds going to the man who has declared her Kali is a profitable variation.

³⁵ Watta-satta: A family will give a daughter in marriage to a family that will give them their daughter in marriage.

outright sales, and there are little or no social consequences for perpetrators. Several women in the village confided to the researcher that they mourned the death and sale of girls and women whom they knew were completely innocent. They shared that women who were bought were treated 'worse than animals'.

Many Sardars in these areas actively aid, abet and participate in trafficking. Women who have been declared 'kali' are taken to the house of the Sardar. The Sardar tells her family to give "*jind di thor*" (spare her life) and suggests that she be sold. She remains in the house of the Sardar till a buyer is found. Local informants reported that women taken to the houses of the Sardars, are raped and sexually exploited by the Sardars themselves; the so called dispensers of 'justice'. However, when there is a case of 'kali', there is an assembly to which the village elders and concerned parties come. A turban is tied around the Sardar's head and both parties formally agree to abide by his decision. *Chatti* is a common dispute resolution mechanism used by the Sardars to settle such and other disputes.

Other incidents of trafficking were also researched during this study and are given in Annex 1.

6. Dynamics of Internal Trafficking

6.1 Overview

Pakistan is classified as a Tier 2 country in the Trafficking in People Report published by the United States Department of State in 2011. The report noted that Pakistan was a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. The Government has taken some positive measures as is evident from the fact that Pakistan has been taken off the Tier 2 Watch List of the US Department of State. However, this report is primarily concerned with the dimension of external trafficking and the issues dealing with internal trafficking are not included. This section of the report explores some of the dynamics of internal trafficking in Pakistan based on the findings of this study. It attempts to analyse some of the data reviewed to assess if possible, the magnitude, patterns and trends which emerge. It is expected that this analysis will help us to identify the most meaningful interventions and investment options that can help curb this crime in Pakistan (Data and Research on Human Trafficking: A Global Survey 2005) (Violence - Laws and Legislations)(Trafficking in Persons Report - Pakistan 2011).

6.2 Magnitude of the Problem

There is no official data about the magnitude of trafficking into, out of or within Pakistan. The principal reason for this is that many of the cases

are never caught or reported. Most people, relevant to the study of human trafficking, such as victims, survivors, or illegal migrants are part of a hidden population. Even when cases are reported they are registered under different types of crimes and not consolidated in one place as cases of trafficking. Many cultural practices linked to internal trafficking are so widespread and socially accepted that they are not even perceived of as trafficking. Most of the available information on cases of trafficking is anecdotal, and some is of the case study type from which it is difficult to assess its magnitude, patterns or trends. While several studies have been conducted both nationally and at the district level, none of these studies were really designed to assess the magnitude of the crime. Similarly, estimates have been made of cases of bonded labour in Pakistan. Thus the number of women and girls who are trafficked for domestic labour, forced marriages or sexual exploitation is very difficult to estimate. Therefore, while many studies provide findings from their interviews with trafficking victims and describe their profile, it is difficult to estimate the number of those trafficked in the country.

There are widely differing estimates of human trafficking globally. The UN's Global Initiative to Fight Trafficking (UN.GIFT) estimates that an estimated 2.5 million people are in forced labour (including sexual exploitation) as a result of trafficking.³⁶ Of these, 1.4 million or 56% of the cases are in Asia and the Pacific. International

³⁶ International Labour Organization, Forced Labour Statistics Factsheet (2007)

Labor Organization (ILO) estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time. Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56% of all forced labor victims are women and girls. (Belser et. al 2005)

Given what is known about available statistics in Pakistan regarding facets of internal trafficking, it appears that this number significantly under estimates human trafficking. PILER estimated the total number of agricultural sharecroppers in debt bondage in Pakistan to be over 1.8 million, and estimated that there could be as many as one million brick kiln workers in bonded labour. Since the bonded labour phenomenon generally includes entire households, it can be assumed that at least 50% of these are women and girls (Ercelawn and Nauman 2001). According to SPARC, an estimated 8 million children are currently working in Pakistan, with almost two-thirds employed full-time. In Sindh, children make up a quarter of the unskilled workforce and can be found in virtually every factory, workshop, field, informal sector and domestic service. While most of these children are not willingly engaged in labour, it is not clear how many of them are engaged in forced i.e. the type which can be categorised as trafficking. (PAKISTAN: Domestic child trafficking pervasive - report)

1. Bonded Labor	Number
Agriculture Sector	1,800,000
Brick Kiln Workers	1,000,000
2. Child Labor	8,000,000
3. Vulnerable communities	
Below the poverty line	30,600,000
Internally displaced due to conflict	1,000, 000
Internally displaced due to floods	500,000
Illegal migrants	5,000,000

Given the nexus between poverty, vulnerability, displacement and trafficking, it appears that the volume of those becoming victims is likely to increase as all these factors are on the rise in Pakistan. Natural disasters, conflict and rising insecurity has displaced many households. Over the last decade, Pakistan has experienced large-scale involuntary internal displacement caused by a range of factors. The main cause of internal displacement was military operations against militants especially in the Malakand region of the Khyber Pakhtunkhwa province, leading to an exodus of about 2.3 million people in 2009. This is also true due to the military offensives against Taliban militants in FATA, which pushed the number of internally displaced persons to 2.7 million between April and July 2009, the largest internal displacement of population in the country's history until then. Large-scale displacement occurred in Pakistan in August and September 2010 and 2011 after the floods hit the country affecting 20 million people, forcing over 7 million people from their homes. Although most of the people displaced by the flood returned to their home areas soon after floodwaters receded, they were mainly living in the open as over 1.9 million houses had been damaged or destroyed across the country. More than half a million Pakistanis remain displaced due to floods in 2010 in Sindh Province, and nearly one million remain internally displaced by armed conflict (Din 2010).

Government statistics showed that the displaced population was, like the general population, young and roughly equally divided between men and women. A national IDP survey suggested that most internally displaced families were highly vulnerable in economic terms. Seven out of ten were living below the national poverty line. Being able to pay rent was their greatest concern along with access to food and water. The impact of internal displacement on women has been particularly significant. Assistance, including cash support, has mainly been channelled through registered male heads of internally displaced households. Internally displaced women and girls in crowded and unfamiliar environments are particularly vulnerable to trafficking. In recognition of this reality some organizations such

as have World Vision established child and women friendly centres.³⁷

Another segment of the population which is vulnerable to trafficking is illegal migrants. It is estimated that around five million illegal immigrants have been residing in different cities of Pakistan for more than three decades. They include around two million Bangladeshis, two and a half million Afghans and half a million other nationals including Africans, Iranians, Iraqis and Myanmar, residing in Quetta, Peshawar, Lahore, Islamabad, Rawalpindi and other cities.³⁸ During the course of this review, it was found that many women who are subject to trafficking are Bengali and Burmese who have been living in extremely difficult conditions in Pakistan (Five million illegal immigrants residing in Pakistan 2012).

6.3 Geographic Location of Trafficking

It is very difficult to pinpoint the exact location(s) of internal trafficking. It is taking place in most districts in the country in one form or another. Registered FIRs indicate that it has been reported across the country. However, there are some districts which are reputed to have a higher incidence of specific types of trafficking.

Discussions with the Police in Sindh indicated that bonded Labour was prevalent in Mithi, Umerkot, Mirpurkhas, Sanghar, Badin, Tando Allah Yar, Thatta, Hyderabad, Khairpur and Nawabsha. The Sindh Police reported that Mithi and Umerkot were also known for cross-border trafficking between India and Pakistan. Forced marriages were reported to be common in Larkana, Shadalkot, Qambar, Shikarpur, Kashmore, Ghotki, and Jacobabad. Border areas between provinces are particularly prone to trafficking (Shah 2009).

The FIA has a list of the 23 districts most affected by external trafficking but it does not have a way of mapping internal trafficking. However, some of the reports on internal trafficking indicate that the districts mentioned above are also reported to have a higher incidence of internal trafficking. In

Punjab, the districts cover both Southern Punjab where poverty rates are high and the central districts of Gujranwala, Gujrat, Sialkot and Mandhi Bahauddin. In KP, districts appearing in the Northern part of the province and Chitral were reported to be particularly prone to trafficking. In Sindh there does not appear to be any distinct pattern. In Baluchistan, the border and coastal districts appear to be most affected but there is no clear pattern which emerges.

Karachi is the most popular destination for migrant children as 30% of the children were reported to be living in that city (Shujaat et. al 2005). In big cities like Karachi, Hyderabad, Larkana kids as young as five are employed as servants (Pakistan Sharp rise in human trafficking in Sindh Province 2012). Sahil's monitoring of cases of child sexual abuse showed that 79% of the cases were reported from Punjab, 10% from Sindh, 4% by KPK and 6% from Baluchistan and the Federal Capital. Only 1% of the cases were reported from Azad Jammu and Kashmir. However, this could also mean that the occurrence in other places is simply not reported.

6.4 Types of Trafficking

Trafficking in Pakistan includes the full spectrum of the various forms known to exist. Some varieties are not fully acknowledged as trafficking issues because they are so deeply embedded in the manner in which traditional systems are organized. Many practices which lead to the crime stem from the cultural and social practices surrounding marriages, child and otherwise, and the custom of bride price in certain parts of the country. Still other practices exist because of high levels of poverty which force parents to often become complicit in the transgressions in return for compensation for their children. While incidents of child soldiering are not very common in Pakistan, the spread of militancy in the country has also led to recruitment and use of children in terrorist plots. In addition, internal trafficking is also connected with external trafficking as many

³⁷ World Vision. August, 2010.

³⁸ Five million illegal immigrants residing in Pakistan. (2012). The Express Tribune. Available at <http://tribune.com.pk/story/322325/five-million-illegal-immigrants-residing-in-pakistan/>

of women and girls who are trafficked internally are often generally trafficked outside the country. Similarly, women from other countries are trafficked into Pakistan and then transported from one place to another. Thus internal and external trafficking often forms an intricate and inextricable web.

The country's largest human trafficking problem is said to be bonded labour, concentrated in the Sindh and Punjab, in agriculture and brick making, and to a lesser extent in the mining, carpet-making, glass bangle, and fishing industries. Bonded labour is also reported to exist in the fisheries, and mining sectors. Children are trafficked internally (bought, sold, rented, or kidnapped) for forced labour, included begging rings, domestic servitude, and prostitution. Girls and women belonging to rural areas are taken to urban centres for commercial sex exploitation and involuntary domestic servitude (Pakistan 2008). They are also sold into forced marriages; in some cases their new "husbands" move them across Pakistani borders and force them into prostitution. NGOs and police reported markets in Pakistan where girls and women are bought and sold for sex and labour.

There are several aspects of working in brick kilns which makes it liable to bonded labor. The first is that brick kilns are generally located in isolated areas away from cities and main towns. Those agreeing to work on brick kilns are displaced from their original place of residence thereby disrupting their social support networks. These families also tend to be the poorest without any land or other source of income and more often than not a minority community with no political patronage or state protection. They tend to rely almost exclusively on the owner of the brick kilns. Wages are already low and some owners even deduct the cost of damaged bricks from the workers' salaries. They get embroiled in the system of *Peshgi* or advances against salary. The family is generally never able to repay the advance and it gradually escalates and serves to enslave the family as they cannot leave the employment unless they pay off the debt. If a worker tries to escape, he is brought back to the employer. Upon

the death of the worker, his family inherits the liability

A crucial aspect of the bonded labor story is that it highlights the use of apparently legitimate and voluntary economic transactions as the means of extracting forced labour. Bonded labor is also very common in Sindh and Punjab and can be attributed to inequitable land holding patterns in the country. Most tenants work under various sharecropping relationships with landlords. Nomadic *Hari* families, who are usually from minority communities, also owe money to them. The most concrete evidence of the existence of bondage in the agriculture sector in Sindh is provided by the Human Rights Commission of Pakistan (HRCP). The Commission has established camps in the outskirts of Hyderabad to provide shelter to families escaping bondage. On average, the records of HRCP indicate that they assist close to 2000 families secure their release from bondage on an annual basis.

Field interviews conducted with families indicated that while the majority of tenants have taken credit and are can only leave after it is returned. Therefore, not all cases of debt strictly constitute bondage as tenants can technically move after paying their debts, but due to inadequate record keeping and the manner in which debts are repaid (through notional computation of the value of the produce which is then deducted from the amounts owed), there is always disagreement about the amount of money owed by the tenants. *Hari* families indicated that there was large variation between what they thought they owed to the *zamindar* and what the *zamindar* or *kamdar* thought was due to them. Many *Hari* households felt that they were caught in a situation similar to bondage and could never leave as the system was designed to keep them in perpetual debt. This appears to be one of the most significant aspects of the *Hari-zamindar* relationship.

Most *Haris* in Sindh were settled and had inherited their tenancy relationships. They owned a piece of land along which was their homestead and were not dependent on the landlord for having a place to live as they own

houses in hamlets and villages. Under these circumstances, it was difficult to get embroiled in debt bondage. *Haris* who were prone to it had migrated from Tharparkar. They did not own their own homes and were dependent on the landlord for their basic daily needs, and were especially vulnerable in emergencies. It was assessed that four of the sixteen districts of Sindh were likely to have medium to high levels of bondage whereas the remaining districts face either none or very little of the phenomenon. Most districts expected to have higher levels of bonded labour are those adjoining Tharparkar.

The prevalence of bondage was quite insignificant in Baluchistan. Key Informants shared that bonded labour in Baluchistan did not exist in the same sense as in Sindh; the *Saradari* system prevailing in parts of Baluchistan created its own pattern of bonded labour as there are no other occupational choices apart from agriculture. The districts where there was expected to be some form of bondage were; Nasirabad, Jaffarabad, Jhal Magsi, Dera Bughti and Kech. Thus only a few of the 26 districts of the province were expected to have bondage. During the British era arrangements for land settlement in the canal-irrigated Nasirabad and as such were developed, therefore this area is somewhat prone to situation that exists in Sindh. The landlords from Jhal Magsi felt strongly that bondage could not exist in a tribal society because of the prevailing norms of patronage and protection. However, while this may be correct, the social bondage within such a society often approximated conditions similar to that of debt bondage.

Women victims are usually trafficked for sexual exploitation often combined with domestic servitude. One of the studies reviewed which had interviewed 173 victims of trafficking in Pakistan revealed that from among the victims, 58 were female trafficking victims and a majority of the females had been trafficked for prostitution (36%) and sexual abuse (24%). Thus overall, 60 percent of the females had been victims of sexual exploitation. In the second tier of female victims were forced labour victims that represented 16% of female trafficking victims in the study. Female

victims had been recruited through 'forced marriage' while most others had been victims of 'deception for employment' and 'deception by marriage' (Hussain et. al 2004). A survey by CAMP in 2010 also showed that among the victims, 32% had left home for marriage, 28% had been taken by force, and 18% had left homes for jobs and 16% because of the negative attitude of the family. These survey findings confirmed the reports of secondary studies that commercial and non-commercial sexual exploitation are the more common forms of women trafficking in Pakistan. A majority of the victims had been recruited through forced marriage and this was one of the common forms of victimization. Accordingly, awareness building activities and training modules were identified as a priority need to inform people about the types of exploitation and how the community should act to protect female members (Special law on women trafficking demanded in Khyber Pakhtunkhwa).

Ansar Burney Trust staff discovered markets in the drought affected areas of Sindh where very young girls and women were being sold like animals. The staff from the Trust stated that while they had been involved in rescuing such persons for many years, this was the first time that they had come across an actual market set up for the sole purpose of trade of women and girls. During the course of this research, a market where women were bought for sale was also discovered in Rajanpur. The buyers fixed the price of the women after examining and scanning their bodies. They take advantage of the situation and humiliate, molest and sexually harass these women in public like in an animal market. These women are then kept in private prisons or taken to other parts of Pakistan and abroad for resale and to be used for prostitution, drug smuggling and slave labour. Women can be resold by their buyers to others. Many girls, some underage, gave birth to children who were also sold in these markets. The women were brought to these "mandis" from neighbouring India and from the extreme poverty ridden areas of Interior Sindh and Southern Punjab. Some were of Bangladeshi origin brought to Pakistan through India. Upon further investigation, it was revealed that these

activities occur on both sides of the border and usually involve influential landlords and politicians and local police and authorities know about them. The women being bought or sold were those who were either abducted, those who were brought with the false promise of a better life and those whose families owed money to these landlords and were taken due to inability to pay back the loan (Human Trafficking). With the help of the Pakistani Paramilitary Forces, the Trust was successful in closing down many such "mandis" and securing the release of around three hundred victims.

Most children were trafficked for economic pursuits where the trafficker targeted poor families and exploited their poverty with false promises. A research by SPARC in 2005 identified monetary gain as the prime motivation for trafficking. In 90% of the cases, parents of the trafficked children received financial gain from the agent. The research shows that of the 402 migrant children surveyed, 112 (28%) moved to other places on economic grounds, mostly cities, for work. Of the total cases identified, 10% were internationally trafficked and 90% were domestically trafficked (Shujaat 2005).

6.5 Profile of Victims

Among women and girls those most vulnerable to trafficking tend to belong to a younger age bracket from poor households. Within Pakistan, the rural-urban migration pattern which takes people in search of better employment plays a role in aiding forced labour markets which support internal trafficking. This happens occurs as families that migrate have few or no support networks around them and are vulnerable to deception and more likely to be forced into arrangements that are detrimental for the future of their children. Interviews with victims show that migration pushes individuals and communities into new social and political spaces where their previous social structure and economic network cannot protect them. In these cases, individuals and communities are at a greater risk of being deceived and exploited. Moreover, discussions with Government representatives and civil society

activists show that traffickers and agents are known to target and tempt migrant communities or rural families with opportunities in urban areas. Women and children are at the greatest risk in these cases.

The majority of female trafficking victims are Bengali by ethnicity and represent 33% of the population. Their high visibility in studies on trafficking, confirm views of experts and social workers that there is a higher incidence of female trafficking from Bangladesh into Pakistan as well as internally in Pakistan. Afghan, Pashtun and Hazara communities are also highly vulnerable to the crime. The reason for this is that most of the Afghan and Bengali population in Pakistan are part of the illegal migration communities which are marginalized and therefore vulnerable. This finding points to the nexus between illegal migration and trafficking in Pakistan (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009).

The IOM-Raasta (2005) study concluded that the majority of victims of trafficking both cross border and internal, are women and children. The study identified some key characteristics of vulnerable individuals/groups as: (a) young girls from poor families; (b) victims of war; (c) female victims of domestic violence; and (d) indebted families and young boys from large, poor and landless families. Moreover the study reveals that more than 40% of women victims were deceived by promises of jobs, marriages, recreational outlets and 23% were coerced into forced marriages. Out of 125 female victims, 61 were Pakistanis, while around 35 victims or 28% were of Bengali. Similarly, 77 cases were of child victims that represented 38% of the sample size of 201 victims. About 50% of the child victims were abducted and more than a quarter were deceived by employment promises. The survey undertaken by Action Aid-EBMD, 2009 largely corroborates the findings of the IOM study (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009).

Studies show that the majority of victims had no or minimal education. About 35% of respondents

in Action-Aid-EBMD, 2009 survey were illiterate while another 27% only had a primary education. These two educational categories in combination formed 62% of the trafficking victim respondents. These findings strongly suggest that there are clear linkages between the lack of education and human trafficking. It can be suggested that persons with low education are more likely to be victims at least in geographical areas prone to it. Since education is also an indication of poverty levels, the baseline findings reinforce socio-economic level and trafficking linkages as indicated in secondary studies. Hence, it is one of the root supply side determinants of the crime with promises of non-existent jobs and money as the main instruments of recruitment.

A significant research on the practice of bride price in Khyber Pakhtunkhwa conducted by the Noor Education Trust (NET) in Peshawar, establishes the link between trafficking and this customary practice. As part of the NET study 175 civil society respondents and 195 victims/survivors were interviewed. One of the main findings of the study was that this is a type of trafficking which is concentrated in the northern regions of the province, such as; Swat, Malakand, Chitral and Dir districts. However, it is on the rise in the central region of the province, i.e. Mardan, Swabi, Nowshera, Charssadda and Peshawar. The survey of victims revealed that the majority of female victims are trafficked as children and the most vulnerable group is between ages 10 to 20. The study reveals that Pashtun girls are most vulnerable to trafficking and especially those who belong to illiterate and semi-literate backgrounds. Poverty has also been identified as a major factor the family's consenting to a marriage for money.

Studies confirm that in Pakistan, women and children are a vulnerable population, for trafficking. In the case of female victims, the Action Aid study recorded 34% female victims while the IOM-RAASTA recorded 40% females. The Action Aid study reports that the majority of the female respondents are child trafficking victims. About 61% of female respondents were trafficked at the age of 17 years or less. The

IOM-RAASTA study reported that child victims comprised 38% of their respondents while the Action-Aid study indicated 36% were child victims. Therefore, considering error levels and sample size differences, child trafficking in the study area represented around 30-35% of human trafficking categories. These figures suggest that children are significantly vulnerable and especially those that are poorly educated and belong to impoverished households.

6.6 Profile of Perpetrators

There is no specific profile of a perpetrator. Anyone looking to make illegal profits can be one. Those who are generally involved include recruiting agents, land owners, brick kiln owners, parents, family, friends, relatives, etc. Public departments that can aid or abet this process may include the police, immigration authorities, travel agents and passport issuing authorities. UN.GIFT estimates that 52% of men are recruiters, 42% are women and 6% are both men and women. In 54% of the cases, the recruiter was a stranger to the victim, whereas in 46% of the incidents he/she was known. The majority of suspects involved in trafficking are nationals of the country where the crime occurs.

6.7 Factors that Contribute to Trafficking

The victim may be female or male, child or adult, any race or ethnicity, from a country in any region of the world. Poverty and the lack of economic opportunities perpetuate traffickers. Often families of victims are deceived, but sometimes a family member is complicit in the victim's fate. Political instability, community-sanctioned discrimination, corruption and weak rule of law shelter those who play by their own rules of deceit and criminality. Violence in the community, crises in the home, and the low value associated with the lives of women and children can make people easy prey for traffickers (Trafficking in Persons - USAID's Response 2006).

The main motive behind trafficking is financial gain through exploitation for sex or labour. It is

estimated that global annual profits made from the exploitation of forced labour are US\$ 31.6 billion. Factors that lead to the continuation of the crime is belief among the perpetrators that they will not be caught, and if caught, will not be prosecuted or punished. This is perpetuated based on the fact that victims are from marginalized households who are cut off from social networks with little or no recourse to the law enforcement agencies. This is why trafficking victims generally include migrants, displaced persons and foreigners who have access to limited support systems in areas from which they are trafficked. Invariably, trafficking involves highly skewed power relationships in which the victim perceives herself to be completely powerless whereas the perpetrator is in a position of power and feels he can manipulate law enforcing institutions. The fact that many of the victims are helpless, illiterate, women and girls, who have little knowledge about the law, gives more confidence to traffickers. The perception of the police as a corrupt and unreliable institution discourages the victims or their families from approaching them.

Inequality and gender-based violence influence patterns of vulnerability, recruitment, and control of trafficking victims; keeping them silent and unable or unwilling to testify. They affect their interactions with law enforcement, prosecutors and judges, even health providers and legal advocates. In some societies, particularly in Asia, girls feel a sense of gratefulness to and responsibility for their parents, which may lead them to acceptance and tolerance of the situation even if they are trafficked into commercial sexual exploitation. GBV and commoditization of women and girls destroys self-esteem and can result in psychological, emotional, and physical harm (Trafficking in Persons - USAID's Response 2006).

The TIP Report 2011 states that certain feudal landlords who are affiliated with political parties or are officials themselves; use their social, economic, and political influence to protect their involvement in bonded labour. The report noted that there was a great degree of reluctance among official and political circles in accepting that

bonded labour existed. The report notes that while the Government continued its programmes to prevent and combat bonded labour, it did not criminally convict any offenders or officials who facilitated the process (Trafficking in Persons Report 2011). As such, the Government, particularly in Sindh has declared that according to reports by the Rangers and the Ombudsman there is no evidence of bonded labour. Discussions with the Regional Director of Human Rights Department in Sindh indicated that they received only two cases of complaints on account of bondage since their establishment in 1995. Additionally, the media and NGOs reported that a certain percentage of police, received bribes from brothel, land, and factory owners who subjected individuals to forced labour or prostitution, to overlook these activities on their premises.

Poor families looking for employment also fall prey to internal trafficking because of lack of awareness about opportunities, procedures to verify the authenticity of agencies and recruitment methods. Findings from many of the secondary studies indicate that in most cases of internal rural-urban trafficking of women and children, 'deception for employment' has been used a recruitment method for exploitation in the form of forced labour and prostitution. Moreover, the process of rural-urban migration tends to put women and children in a vulnerable position in urban centres that further increases their chances of becoming targeted by traffickers.

Poor families also look for husbands for their daughters as a means to benefit from the dower money, bride price and to reduce household expenditure by marrying off girls early. About 40% of girls are married by 18 and 13% by 15. In Pakistan, one woman dies every 20 minutes during childbirth and the major cause is child marriage. The Child Marriage Restraint Act establishes a minimum age of 16 for marriage of girls and 18 for boys, despite overwhelming evidence of its negative impact on their physical, emotional and mental wellbeing. An active marriage market also contributes to demand for women and leads to their trafficking. A survey of

illegal migrants in Karachi (CSSR; 2005), suggests that this seems to be the situation in Karachi's Bengali communities. There were reports that agents who transport migrants, sometimes try to separate girls from families, and these girls are sold in different cities in Pakistan. The data collected by Action Aid also shows that in addition to the Bengali community in Karachi, the migrant Pashtun and Hazara communities in the north-western regions of Pakistan are particularly vulnerable to internal and external trafficking in comparison to other communities in the region (Baseline Study of Illegal Migration, Human smuggling and Trafficking in Pakistan 2009) (Labor Rights in Pakistan Declining Decent Work and Emerging Struggles 2010).

7. The Response to Trafficking

7.1 Government

The Government of Pakistan has taken several initiatives to deal with preventing trafficking, protecting victims and prosecuting the offenders. This includes formulation of an overarching policy and institutional framework as well as legislation to deal with different facets of crimes and offences connected with the issue. The Federal Investigation Agency (FIA) and Interior Ministry have taken steps to stop human smuggling in the country. There has also been significant progress in legislation on women's issues in Pakistan and more than half a dozen laws have been enacted for the protection and promotion of women's rights in the period between March 2010 and March 2012. However, the 18th Constitutional Amendment in April 2010 halted the legislative process by the Parliament on many issues related to women's rights and several bills lapsed as the amendment brought the subject within the domain of Provincial legislation. Provinces must now institute legislation in some of these before it becomes applicable at the provincial level. On International Women's Day in March 2012, the President gave his assent to the bill establishing an autonomous and effective National Commission on the Status of women (A Bill: National Commission on the Status of Women Act 2012).³⁹ The Women in Distress and Detention Fund Act has also been amended to enable the Ministry of

Human Rights⁴⁰ to use the fund to provide financial and legal assistance to women in jail. The Government has formulated a National Child Protection Policy and a Protection of Child Act that contains provisions related to child trafficking.

The Ministry of the Interior (MOI) has designed a plan to monitor and track external human trafficking cases, as well as to provide victims with identification and services. The MOI is in the process of rolling out the plan for district level police officers and FIA. The Federal Government, as part of its National Plan of Action for Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers provides legal aid to bonded labourers in all provinces. The provincial Governments have also undertaken several initiatives to rehabilitate the victims. District Vigilance Committees (DVC) were established for resolution of labour problems; however, these have not proved to be a very effective forum. The Sindh Government has been implementing a project since 2005 in which it provides state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded labourer families. The Sindh Department of Labour registered registers workers of brick kilns as a first step in guaranteeing that labour laws are applied to work sites. The Punjab Government has a special project to eliminate bonded labour in

³⁹ This Commission has already been working since its establishment in the year 2000 through a Presidential Ordinance. The new law has strengthened the composition and working of the Commission and granted it more autonomy.

⁴⁰ This Ministry was established as a separate entity with effect from 2008.

brick kilns which was launched in 2008. This project is reported to have helped 3,237 bonded labourers obtain identity cards and 1,906 bonded labourers obtain interest free loans in 2010 (Trafficking in Persons Report 2011).

The Government has also established support structures for dealing with victims of violence. There are currently 44 Government run women's shelters. These include 26 government-run and funded Shaheed Benazir Bhutto Centres and numerous provincial government "Dar-ul-Aman" (DuAs), offering medical treatment, vocational training, and legal assistance. However, the majority of women assisted by these facilities are not trafficking victims. DuAs are shelters for women who have been accused or against whom there is an FIR or legal case. They are under the control of the Social Welfare Departments and provincial governments. Women in need of protection, not female criminals, are placed through local courts in the shelter. DuA initially tries to arrange a compromise between the disputing parties or provides free legal or medical aid as needed from a government hospital; and shelter is provided to the woman as a last option. The quality of the Dar-ul-Aman facilities varies from district to district within the provinces. In 2006, guidelines for DuAs were developed in collaboration with CSOs, police, medical practitioners, government, judiciary and the law departments. The guidelines were notified in 2007 and DuA Superintendents were given training on these guidelines. However, Dar-ul-Amans continue to have a reputation for victimizing women and subjecting them to further sexual exploitation. Recently, a victim of trafficking interviewed by the media stated that she would rather go back to the trafficker than back to the Dar-ul-Aman in Multan where she was sent for shelter.

Till 2010, 23 women's emergency crisis support centers provided services to survivors of violence. Following devolution of the crisis centers established by the Federal Government, the Punjab Government has refused to adopt 12 such functional centers, replacing them instead with crisis support desks that only serve as referral

mechanisms. Other Provinces have adopted Women's Crisis Centers but have failed to provide adequate and timely budgetary allocations to them thereby sending a message that women's issues occupy low priority in Government budgets. Shelters faced resource challenges and were sometimes crowded and under-staffed. Due to insufficient shelters, police sometimes placed freed bonded labourers in a police station for one night before presenting them to a judge. There were also reports that women were abused in some government-run shelters.

The Trafficking in People report of 2011 on Pakistan notes that the Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking, but is making significant efforts to do so. However, they admitted that such cases did not generally come to the surface and they were in a position to take action only if such cases were brought to their notice. TIP 2011 notes that the Government of Pakistan made limited progress in its efforts to protect victims of human trafficking but due to lack of adequate procedures and resources, identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child labourers, women and children in prostitution, and agricultural and brick kiln workers, proved difficult. There is no coordinated process to refer victims of internal trafficking to protective services, and access to the same varies within the country.

In some cases special initiatives are undertaken by enterprising officers, showing how small well considered measures can provide a meaningful strategy to combat trafficking. In July 2010, the Regional Police Office in Hyderabad and an NGO established Pakistan's first anti-bonded labour cell in Mirpukhas, Sindh. The cell is designed to permit bonded labourers to file police reports and obtain legal advice. In January 2011, the Federal Ministry of Labour and Manpower hosted several provincial-level training seminars for local labour officers, designed to increase the effectiveness of labour officers in registering violations against landowners and brick kiln owners who use bonded, forced, or child labour. The Government

has established an inter-agency task force on human trafficking. The FIA met with NGOs and international organizations on a regular basis to discuss trafficking and smuggling prevention

7.2 Donors

The U.S. Government has been at the forefront of efforts to stop trafficking throughout the world and it has been instrumental in highlighting the issue in Pakistan as well as providing support through a range of measures and projects. Congressional legislation mandates the State Department's annual Trafficking in Persons (TIP) report, which documents efforts of governments worldwide to combat severe forms of smuggling in persons. USAID has also financed several projects which deal with these issues directly or indirectly in Pakistan. This includes financing of the five year Gender Equity Project under which this review was commissioned and under which a range of USAID-supported grants are made to close the gender gap in Pakistan by facilitating behavioral change and enabling women to access information, resources and institutions for empowerment. USAID has also assisted IOM in the implementation of its projects on human trafficking at the district level as well as establishing a shelter in Islamabad.

The Canadian International Development Agency (CIDA) has also provided funding for programmes in Pakistan which have been used for many activities which have improved understanding of trafficking in Pakistan. CIDA's Programme for the Advancement of Gender Equality (PAGE) was a seven-year program (2002/03 - 2009) stemming from CIDA's Policy on Gender Equality (1999). PAGE focused on enabling CSOs and the Government to strengthen, accelerate and influence policy and programming to advance gender equality in Pakistan. It provided funding to the Lawyers for Human Rights and Legal Aid a local NGO for a national study on Trafficking of Women and Children in South Asia and within Pakistan. CIDA also provided funding to IOM for developing an analytical framework for addressing trafficking in Pakistan and for the Pakistan position paper on trafficking. It has supported smaller

organizations in undertaking research on specific issues at the local level such as a situation analysis of *Vani* in District Mianwali, a video on honor killing, dramas on farmer's rights, women's rights, etc. Under this project it also provided funds to UNDP for establishment of Sex Disaggregated Databases in Pakistan and to Action Aid for a variety of women's rights issues.

DFID has provided support under the Gender Justice and Protection project administered by the UNDP - a five year £2.5 million programme on tackling violence against women. The project was aimed at creating an enabling environment for equality, empowerment and participation of women and other disadvantaged groups in development initiatives. DFID assessed that although concrete steps had been taken, legislation alone was not enough. The key challenge was to change mindsets, making violence against women a socially intolerable crime for which its root causes need to be tackled along. It supported a range of institutions working on the subject in Pakistan. In addition, in the conflict-affected areas of Pakistan, DFID has provided £22m in humanitarian aid with a focus on women and special protection measures to prevent and address abuse and exploitation of women in IDP camps. DFID has supported specific stand-alone initiatives on women's empowerment including the Gender Equality Project and the Gender Support Programme.

GTZ now GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit supports a programme titled Support for Good Governance in Pakistan - Gender Reform. The programme supports the Social Welfare and Women's Development Departments of Khyber Pakhtunkhwa and the Federally Administrated Tribal Areas (FATA). It provides capacity development to enhance skills and know-how of Government officials, and is helping to develop new approaches and modules. Support is also given to the media, community members and civil society organisations to help them address violence against women. The programme also encourages the collection of reliable data which can be fed into the development of provincial

polices and a legal framework that addresses gender-based violence. The approach of the program is divided into four strategic pillars: prevention, response, advocacy, and networking and coordination. Influential local figures, such as religious leaders and political representatives, are addressed in an effort to raise awareness about women's rights and the damaging effects of certain customs and traditions. One aspect also involves capacity building of Governmental and non-governmental actors to help them carry out preventive measures. Survivors of violence are also facilitated for rehabilitation and reintegration into society; a crucial element of which is the support given to government-run women's shelters - the 'Dar-ul Aman' (DUA).

To support advocacy work, GIZ also supports research undertaken to improve the quality of information available at the provincial level by encouraging networking and coordination between Governmental and non-governmental actors. This enables them to exchange experiences of delivering services to survivors of violence, as well as share improvements they have achieved. GIZ is also running two other projects, Gender-Responsive Policing Project (GRP) and Support to Punjab Prosecution Service (SPPS). Under the GRP project, a set of standard operating procedures have been developed for cases of violence against women and there is an effort to develop procedures for other offences as well. A format for reporting crimes against women has also been developed and introduced; however, internal trafficking is not a category which is included in the format. A certain number of Lady's Complaint Units run by women police officers have been established to facilitate women and collect data on crimes against women. Under the SPPS project an induction course for prosecutors is being devised for the newly established prosecution service and 500 prosecutors who have received no training and specialized courses for more senior individuals of the category.

The European Commission has undertaken to incorporate issues related to migration and asylum systematically in its political dialogues with

third world countries. It has used the Aeneas programme for financial and technical assistance to these countries. As part of this programme, the European Commission supported a project entitled Promotion of Rights, Capacity Building Measures and Initiatives to Curb Illegal and Temporary Migration Including Human Smuggling and Trafficking (C-PRISM) in 2006. To contribute to bringing about wide-spread awareness on the prevalence of the issues of illegal migration, human smuggling and trafficking, and, through this process support national and international initiatives to reduce and prevent occurrence of the same. Its activities included establishment and capacity building of Community Organisations and NGOs that would act as focus organs in awareness building, reporting and counselling on the issues; coordination and liaison with Government Organisations and law enforcement agencies directly and indirectly concerned with the issue sets addressed by the project; review of existing laws and policies that had direct bearing on the issue; organising seminars on existing policy and on coordinated and symbiotic actions; and supporting existing government actions and creating a sustainable network of like-minded NGOs. The project focused on four geographical areas, namely Karachi (Sindh), Peshawar (Kyber Pakhtunkhwa), Quetta (Baluchistan) and Rahim Yar Khan (Punjab). The implementing organization is ActionAid, Pakistan in partnership with an NGO named Basic Education for Awareness Reforms and Empowerment/Basic Education for Afghan Refugees in Peshawar, Karachi and Quetta, and JAAG Welfare Movement in Rahim Yar Khan.

7.3 International Organizations

There are a host of International Organizations as well as local NGOs and CSOs which have been working in Pakistan on gender issues. The availability of funds from different donor agencies has helped finance a wide range of initiatives including research, lobbying for policy reform, capacity building to strengthen institutions dealing with curbing trafficking as well protecting victims through a broad range of initiatives. Most international organizations dealing with the issue are linked to the United Nations family and

include the International Organization on Migration (IOM), the International Labour Organization (ILO), the United Nations Development Programme and others like Action Aid. Most of these organizations have designed specific interventions to capitalise on the availability of funds locally from USAID, DFID, CIDA and the European Union.

IOM, especially, has assisted the government in formulation of the Human Trafficking Ordinance, 2002, through provisions of over 70 national legislations to use as examples. IOM is currently conducting a counter-trafficking programme to combat the issue. Under this project, eight district taskforces have been created in vulnerable districts throughout the country that regularly discuss the situation in relevant areas, identify victims, create referral mechanisms for support to them and build a network between stakeholders in the local government, law enforcement and civil society to collectively combat the crime. Furthermore, IOM continues to assist law enforcement agencies to increase their capacities in responding to the challenge. ILO has similarly, undertaken research on bonded and child labour issues in Pakistan in various industries. ILO has also worked closely with the Government and civil society organizations to lobby support for a range of policy, legislative and institutional reforms to ensure the adoption of decent work as a national objective.

An Inter-agency Group on Child Trafficking was established in June 2008 jointly led by UNICEF and Save the Children Sweden. Other members of the group included Action Aid, IOM, ILO, UNDP, UNFPA, UNIFEM and UNODC. Objectives of the group were to improve coordination among various agencies for effective action in support of children being trafficked or those in danger of it. The expected outcomes were a technical review of PACHTO particularly to highlight gaps relating to forms of child trafficking and protection of victims, a comprehensive assessment on the situation of

child trafficking in the country and a communication strategy also to be shared with the Government and civil society. The group worked with the FIA led Thematic Group and the MOI led Inter-Ministerial Committee on Human Trafficking. They have also started a "stock-taking" exercise building a directory of NGOs working on child trafficking issues in Pakistan and a list of reports, publications and reference materials on the subject.⁴¹ Some future undertakings in the work plan include; developing a National Plan of Action on Child Trafficking, assessment of the current criminal justice system's response to the victims of the crime, assessment of the rescue, recovery, repatriation and reintegration arrangements and development of training modules on child trafficking for law enforcement personnel (The National Strategy for Child Exploitation Prevention and Interdiction 2010).

UNDP is implementing a project to strengthen the government capacity to counter trafficking of women. Funded by DFID, the project focuses on developing a database on trafficked victims and establishing trends; capacity building of law enforcement officials by designing curriculum for their training and training the trainers; review and strengthening of anti-trafficking laws; awareness raising and sensitization of parliamentarians, judges, lawyers and journalists in Khyber Pakhtunkhwa with the assistance of an NGO. It also includes a component on the return of Bengali and Nepali women in jail throughout the country who are suspected of being wrongly charged while actually being victims of trafficking. It is estimated that close to 2,000 women are currently in jails in this situation. Project units were to be set up with MOI at the federal level and in Home departments in the four provinces to help the Government coordinate and implement project activities (Azam 2009).

UNIFEM has carried out a technical review of; PACHTO and the draft National Migration Policy (NMP) from the perspective of women rights and gender issues as enshrined in the Convention on

⁴¹ One of the group members, UNIFEM, has sponsored a review of PACHTO by a legal expert.

the Elimination of All Forms of Discrimination against Women (CEDAW), also ratified by Pakistan. The organisation is now developing standard operation procedures (SOP) relating to the proposed changes in PACHTO. An analytical paper on the impact of migration from gender perspective has been commissioned as well.

The UNODC also planned a project on trafficking, drawing upon the United Nations Global Initiative to Fight Human Trafficking (UN-GIFT). The project aimed to improve the mechanisms in the three areas of prevention, prosecution and protection. The project was to be implemented not only at the federal level but also in Punjab with the possibility of extension to other provinces. One of the key project strategies was to build on the work already done by the Government and international and national agencies. The review of PACHTO to address gaps and revisit the national plan of action for possible refinements was to be a major thrust of the project. The project was to be implemented jointly with other concerned UN agencies. It is not clear if this project was ever implemented.

7.4 Civil Society

Civil Society Organizations (CSOs) have been very active in Pakistan in lobbying for policy reform, undertaking specific research, securing legal assistance for victims as well as protecting and rehabilitating women victims from poor families and in creating awareness among local communities. The Human Rights Commission of Pakistan, Lawyers for Human Rights and Legal Aid, Ansar Burney Welfare Trust, Sahil, Rozan, WAR, Aurat Foundation, Shirkat Gah, Madadgar, and AGHS all work on various aspects of trafficking. Counseling services and legal aid is provided to victims by them and independent lawyers on a pro-bono basis across the country. The Bar Association and Councils have mandated and set up free Legal Aid Cells (Qayyum). The Supreme Court Bar Association has also worked

actively to secure the individuals' rights. However, victims of trafficking are difficult to draw out to use these services and therefore, organizations have to work in a proactive manner to secure legal assistance for them. The UN Trust Fund in partnership with LHRLA developed a project to develop a group of lawyers and counsellors who would be trained and then announced as a resource pool.

Civil Society Organizations have played a key role in bringing about amendments in the existing legislative framework and enactment of new legislation to protect women in Pakistan. Organizations such as Aurat Foundation, Shirkat Gah, and Action Aid have all worked on preparing comments and draft bills and continue to work towards improvement of these proposed laws. Advocacy has included regular association with relevant Government bodies, especially the Ministry of Women Development. Shirkat -Gah has helped to undertake research and to highlight the situation of women in Pakistan in both national and international forums.⁴²

Many organizations have also established help lines such as APWA, LHRLA and Madadgar. The APWA helpline connects the caller to advocates who provide advice online. It acts as a referral to lawyers who fight cases of survivors of all forms of violence against women for very low fee. The UNDP Gender Justice Programme established help lines for women in Hyderabad Sukkur and Larkana with the help of local partners. A national helpline is also planned in partnership with certain small organizations. The project aims to enhance capacity of its partners and provide them with four years of funding for staff and infrastructure to operate a helpline. Shelters, counselling and legal aid are available in Karachi and help lines in Lahore, Peshawar and Quetta.

There are three main CSO-run shelters: Dastak in Lahore, Mera Ghar in Peshawar and PANAHA in Karachi. Another shelter was operating in

⁴² Donor agencies have in many cases financed these organizations and International Organizations have partnered with many local CSOs. These efforts have served to further strengthen their capacity. While most CSOs count on donor assistance to finance their services, some have developed more indigenous sources of funds such as local philanthropist and charitable donations.

Islamabad by IOM under conditions of great secrecy but has now closed down.

Dastak was established by the AGHS Legal Aid Cell in 1990. It is the only shelter in the country that provides protection without using custodial restraint and compromising women's right to liberty. Its objective is to provide an immediate safe haven to women escaping from violence and in need of protection. From 1990 to 2010, more than 6000 women have been given shelter and assistance in relocation, resettlement and obtaining legal redress. The management designs its policies and programmes with the objective of assisting women in enhancing their capacity to gain economic independence as well as personal autonomy. It provides a range of services which include legal aid, medical aid, free board and lodging for women and children, skill-building and rehabilitation. It aims to set an example for other shelters that use custodial restraint in violation of women's right to liberty and dignity and as a result has launched a campaign to actively engage legislators, policy-makers and practitioners in the field of protection to change the mind set of duty bearers towards the concept of women's protection. A manual on standard operating procedures has been developed for setting up and running a shelter by the organization.

PANAH was established in 2001, when the city government in Karachi handed over its DuA to the PANAH Trust. It provides a safe place for victims of domestic violence and other social injustices. Services include free board and lodging, legal and medical aid, psychiatric treatment and counseling, informal education and vocational training, rehabilitation and resettlement for women and children. It also provides guidance, arranges for court statements, attends court hearing and provides monetary help for services needed by survivors. PANAH was visited during the current review and it was clear that the centre was well-run, by a humane, caring management. However, the shelter exercises custodial restraint; the policy of placing restrictions on the movement of women even within its four walls needs to be revisited and aligned with the approach followed by Dastak of

respecting women's right to liberty.

Some organizations like Rozan have set up a network to help standardize the care and support for women victims of violence, including both government and private Centers and Shelters. Rozan is also working on making Standard Operating Procedures (SOPs) for Centers and Shelters.

The internet has also become a source for guidance and help. Raahnuma for instance is a site providing information, support and resources for anyone who is undergoing abuse, for friends and families of victims who are seeking help, and for allies who are working in the field to provide advocacy and direct services to survivors. It aims to be a one-stop resource that guides people on what to do, where to go, who to contact, and how to seek relief from violence and abuse; and offers step-by-step procedures on getting justice, making sure that those accessing its site are aware of resources available to them, as well as the gaps in the present criminal justice system. The site includes contact information of service-providers such as NGOs, legal aid agencies, police headquarters and hospitals. Raahnuma also raises awareness with regard to prevention strategies; how to stop violence from occurring in the first place, and what people can do to support survivors and decrease violence in their communities.

There have been a few initiatives which have adopted a public private sector partnership approach to combat trafficking based on the recognition that a concerted effort is required to deal with this menace. One initiative in this regard is the Citizen Police Liaison Committee (CPLC) with its head office in the Governor's House and five zonal offices in Karachi. It is a non-political statutory institution, operationally independent and managed by dedicated and concerned citizens offering their honorary services. It was initially established at 4 Police Stations vide the Commissioner's Administrative order in 1989. It is run by 70 volunteers and 200 paid staff and the five zonal offices are headed by a Chief, assisted by a Deputy Chief and seven

members including woman who are all volunteers. Each office also had has four paid staff members, who are working as Citizen Liaison Officers, besides handling all other routine office work. CPLC has several functions, those relevant for dealing with internal trafficking are as follows; ensure that FIR's are duly registered and that no FIR/Complaint is refused⁴³ and help report acts of misconduct or neglect of duty on part of any police officer. Karachi is one of the hubs of internal and external trafficking. CPLC is an

influential organization, commanding the respect and cooperation of the police. Anecdotal evidence suggests that the CPLC can play a critical role in preventing internal trafficking and protecting victims. However, an interview with the Chief of CPLC revealed an alarming lack of understanding of the phenomenon of internal trafficking and perhaps explains to some extent the minimal role CPLC has in combating internal trafficking (Chinoy).

Discussion on internal trafficking with Mr. Ahmed Chinoy, Chief of CPLC

"In a city like Karachi, it is not possible to prostitute anyone against their will...there is too much awareness created by the media and people like yourself. There is hardly any trafficking..."

"We don't have much to do with internal trafficking except 'if there is excessive harm inflicted (bahut ziyada ziyadti)'."

Q. We hear about girls being brought to Karachi from different parts of the country to be prostituted or for labour?

Most cases come from South Punjab, only some from KP and Balochistan. Most cases are not forcefully done. In 90% of the cases women know; they give their consent. They know where and why they are going. Only 10-15% are girls under 18; most are between 18-30 years old. Parents have usually sold them for Rs. 2.5 lakhs (250,000)_- the girls have usually been prostituted before. These girls are mostly not educate; at the most between class four to six. Some women are used to it: they are bought by agents and sold to others. Sometimes they stop getting paid or are not paid enough; then there is a complaint. There are also batches of girls; 10-18, brought by agents. A year's pay is given in advance. Some run away after eight months. Then the agent files a complaint of abduction against the family that employed her.

Q. We hear about women being made to deal with 24 customers a day?

Well, they are brought here and contracted out to brothels so they [the brothels] have to make their money.

Q. What about under-age girls sent to Karachi?

A. Obviously they have been sent with the consent of their parents.

Q. Do you think the girl 'consents' to being sold and prostituted?

A. Well, not even her parents can force her to get on to a plane...somewhere there is consent.

Q. Why do you say that? Even if the girl were to kick and scream, where would she go; to the Police? And what would they do to her; would she not be sexually abused there?

A. There is now a great deal of awareness; no SHO will do such a thing. At least 90% won't.

⁴³ CPLC keeps tabs on other police cases and reasons for delays in FIRs, while also helping collect data on cases registered and processed and stopping the trafficking trade where possible

8. Recommendations on 8. Action Plan

8.1 Overview

This section of the report outlines key recommendations and identifies a set of initiatives based on the findings of this study. The findings clearly indicate that a one pronged strategy would be neither adequate nor effective. The issues being dealt with have emerged due to interaction between a complex set of factors and include criminal intent, financial gain, poverty, illiteracy, patriarchal views and injustices imbedded in deeply held beliefs and customs, lack of reporting, lack of enforcement of existing laws and failure to prosecute. It is clear that suggestions for action have to follow a wide spectrum of actions that can help to prevent the crime, protect the victims, ensure enforcement of existing laws and prosecute the perpetrators. These recommendations have been selected from a range of options depending upon which are most likely to be effective in dealing with the various forms of internal trafficking.

Recommendations which have emerged from the work of forums established to reflect on the issue and develop a strategy such as the Thematic Group on Human Trafficking, the Trafficking in People Report and ILO were also reviewed. The experience of agencies working on different aspects of trafficking in Pakistan such as IOM, ILO, Action Aid and the UN has also been considered. The findings of the investigative studies undertaken by the Gender Equity Project on a series of institutions dealing with some of these issues were also reviewed. Effective strategies call

for working with a range of stakeholders to cover a range of interventions.

8.2 Key Recommendations

The findings of this study show that internal trafficking is not confined to a specific geographic location; trafficking can occur in any part of Pakistan and reports do not indicate a clear pattern. Although, some forms of trafficking are more likely to occur in some areas such as bonded labour (Sindh), forced marriages (Khyber Paktunhkwa) and domestic labour (Urban areas), external trafficking (border districts), it is also more likely to occur where there is a concentration of vulnerable populations such as illegal migrants, internally and externally displaced persons due to natural disasters or political and social conflicts. Even when it originates in one place, the victim is quickly transported to another location. An effective strategy to deal with trafficking should therefore be to take a two pronged approach; (i) to focus on the wide range of institutions which can play a key role in dealing with trafficking across the country and (ii) to assist a specific target group in focussing on districts where the trafficking is reported to be high.

A few major reasons of trafficking are; poverty, illiteracy and lack of information among parents who often willing hand over their children to perpetrators as brides or domestic servants or on the promise of better prospects. Families and victims lack confidence in reporting the case and

are unaware about the law and measures to be taken to recover the victim and punish the perpetrators. A starting point to deal with the issue must include enhancing awareness on this issue of marginalized communities. The media is a strong avenue for information dissemination on the subject and electronic media should be financed to produce special programmes on the issue across the country. A more targeted approach should be used to inform and sensitize vulnerable communities through Non-Governmental Organizations.

Reporting of trafficking in the print and electronic media has shown to be an effective instrument in attracting the attention of policy makers and enforcement agencies on the issue. Many reports filed by the media are currently done in a manner which sensationalises the crime, obscures the key issues, is unethical and it is difficult to extract meaningful conclusions from them. However, when reported properly they have proved to be an impetus to policy and legal reform and leading to enforcement of legal provisions and action against perpetrators. Investments in strengthening the capacity of print and electronic media can prove to be an important vehicle for enhancing awareness, policy reform and enforcement of existing laws.

Many cases of internal trafficking are not reported because the victim is not in a position to report it due to a lack of awareness of the law, or fear of bringing dishonour to the family or apprehensions regarding the attitude and/or corruption of the police. The police lack sensitivity to the issue and their understanding is influenced by patriarchal values prevalent in society. Many cases which are reported are often not registered because of the failure of the police to follow the steps prescribed by law regarding the FIR, and subsequent to the filing of the report. It is recommended to work closely with the police to enhance their understanding and strengthen their capacity to deal with trafficking issues to help change their attitudes and instil greater confidence among the

victims to report cases.⁴⁴

Police officers are also afraid of reprisals from influential people so usually action is not taken because of the actual or perceived threat of political or official pressure. In some cases, the police report a lack of resources as a result of which they are forced to take actions which may not be in the best interest of the victim. Specific measures and innovative strategies such as linking police with groups representing the community, civil society organizations (CSOs) and NGOs will provide police additional support. Female victims are afraid to go to the police station because of their perception as male dominated bastions who are highly prejudicial to women and provide little support and sympathy to them. Furthermore, increasing the number of women police force, creation of special units of women and special windows for crimes against women could all be used as effective strategies for building effective police community liaison and policing strategies. A review of press reports indicates that local police *Thanas* (stations) are also key sources of information on cases of internal trafficking which are "leaked" to the press. Police however are often afraid to speak to the press because of lack of training on what should or should not be said and fear that action might be taken against them. Capacity building of police in terms of an official code of conduct with respect to information handling and building links between them and media representatives could be a mutually beneficial way of highlighting the issue without undermining the position of the victim. Innovative approaches to building such linkages should be promoted.

The Judiciary can also play a key role in helping protect victims and punish perpetrators. Recent Judicial activism recently been evidenced in Pakistan, has been instrumental in the judiciary taking suo motto notice of key issues such as the land mark decision regarding declaring brick kiln workers as bonded labour and the *jirga* system unlawful. While there is a high pay off to the

⁴⁴ Changing the attitude of the police would include; strengthening their capacity to understand the issues, deal appropriately with victims and perpetrators which would in turn enhance confidence of victims to report more cases which is critical to prosecution and punishment of criminals.

judiciary taking notice of trafficking issues, there are limited entry points for a direct intervention by a development project to influence these decisions.

The role of legislation in dealing with crimes and offences is undisputed. The enactment of PACHTO 2002 has served to highlight issues regarded external trafficking into and out of Pakistan. The Ordinance has also fixed clear institutional responsibility for pursuing cases of external trafficking. This has helped to establish a better system of monitoring the cases and may also have contributed to better reporting and increased prosecution. It has been recommended this Ordinance be extended to cover internal trafficking as well. The findings of this study show that while each facet of internal trafficking is covered by one law or another, there is still need for an overarching law on internal trafficking. Some civil society organizations have prepared a draft internal trafficking bill. The added value of such a law would be to enhance awareness of the customary practices which constitute trafficking and make it punishable. In addition, a specific law is needed to protect children unambiguously under the law. This would help protect clients and make law enforcement agencies sensitive to these practices. This is all the more important due to the complicity of many families in the trafficking of their children and their perception that they are entitled to do what they want with their children.

Civil Society organizations have played a critical role in undertaking a range of actions to protect and rehabilitate victims, highlight the issue for greater enforcement and prosecution of cases in all tiers of the judicial system as well as lobby for reform. However, with no sources of funds of their own, many rely on donor funds. In collaboration with certain international organizations, local NGOs have also been effective in undertaking research as well as a range of livelihood support opportunities which can help to rehabilitate bonded labour and other victims.⁴⁵ Moreover, while a number of them

have strong and charismatic leadership, the second tier of management generally needs capacity building. Such organizations could use specialised training to deal with targeted interventions related to internal trafficking such as rehabilitating victims, understanding police responsibilities and legal aspects, preparing press briefs and lobbying with parliamentarians for reform. It is recommended that GEP strengthen the capacity of CSOs and NGOs and provide financing to international organizations to target specific interventions related to internal trafficking.

The findings of this study show that various shelters established by the Government and NGOs such as the Shaheed Benazir Bhutto Women's Centres (SBBWCs), *Panah*, *Dastak* and *Mera Ghar* and other donor funded projects such as by the IOM, provide a valuable service for women victims. However, these shelters are generally under resourced and managed by staff not properly trained on managing them. In view of devolution of certain basic services from the Centre, some centres have been transferred to the Provincial Governments who do not have sufficient capacity at the moment and have not provided adequate support to them. It is recommended that select centres be supported under the Gender Equity Program (GEP) as a model for support to victims. Innovative public private sector partnerships to manage these centres. Local philanthropic resources should be tapped and a committee established at the district level in which philanthropists, provincial Women's Development Departments, police and lawyers are members. GEP can be instrumental in fostering and encouraging such partnerships.

8.3 Programme for Action

The recommendations which have been outlined here have been framed in a manner which is consistent with the overarching strategy of the GEP to combat Gender Based Violence. An approach to strengthen systems and services

⁴⁵ NGOs as mentioned in a previous recommendation, offer the best avenue for interacting with local communities, helping to establish innovative partnerships with lawyers, police and courts and helping to monitor some aspects of internal trafficking.

which are already in place and enhance their links and capacity to deal with the range of issues connected with internal trafficking is being adopted. The programme of action is structured to build a seamless service which would include a chain of institutions and processes at various levels to help prevent the crime, protect and rehabilitate victims and prosecute and punish perpetrators.

From among the recommendations, there are many actions that the Government has to undertake such as significantly increasing law enforcement, including imposing adequate criminal punishment for labour and sex traffickers, as well as labour agents who engage in illegal activities; vigorously investigating and prosecuting government officials suspected of being complicit in the act and convicting public officials who participate in or facilitate human trafficking, including bonded labour; strengthening counter-trafficking legislation; raising awareness and increasing implementation of provisions of the Bonded Labour System Abolition Act (BLSA) among law enforcement officers; improving methods for identifying victims, especially among the vulnerable; ensuring that the federally-run Shaheed Benazir Bhutto Centers continue to be managed as places where victims can receive assistance; and undertake local-language awareness campaigns.

The target group for various interventions are designed to include (i) parents, vulnerable women and girls (ii) support organizations such as CSO which play an important role in detecting cases, and protecting and rehabilitating victims (iii) human rights activists and lawyers who have provide support to victims and enhance awareness about the issue (iv) law enforcement agencies, particularly the police and Federal Investigation Agency (v) the media, which has an important part in disseminating information (iv) judiciary, which of prosecutes offenders and crimes associated with trafficking (v) policy makers, to strengthen existing legislation.

The overall goal of the initiatives would be to assist in eliminating all forms of trafficking in the country. The objectives would include; (i) increasing awareness among vulnerable sections of the population to help prevent trafficking (ii) providing protection and rehabilitation to victims of internal trafficking (iii) improving capacity of CSOs and human rights activists by providing training and financial resources (iv) sensitizing police and prosecutors to deal effectively with crimes and offences associated with trafficking through training and orientation (v) sensitizing judiciary on accurate application of laws to cases, protecting victims and taking appropriate action against perpetrators (vi) enhancing capacity of media to report on the issue in a manner which is ethical, raises awareness and influences policy making (vii) strengthening the policy framework.

The grants under the GEP⁴⁶ provide an opportunity to test innovative approaches to dealing with human trafficking in Pakistan. Some long held hypothesis of what can influence positive change for women in the country can be piloted through focused interventions in select districts. The experience of organizations working on the subject illustrates the importance of working in partnership with a range of stakeholders including local communities, law enforcing organizations and CSOs. Innovative proposals can be invited from these organizations to be tested in selected districts. Such a Request for Proposals would not be prescriptive but would challenge interested organizations to collaborate in submitting ideas which would have to demonstrate clear impact on human trafficking.

⁴⁶ See annexure for detailed samples of RFPs.

9. Annexures

9.1 Union Council

9.1.1 Union Council Hajipur

Madgalori is a village with 40 to 45 households and three girls were sold in three years. A woman had been declared 'kali' by her husband who was in the army. She was handed over to Bilal Shah, an influential Syed of the area and was as a result purchased by a man in Madgalori; he sold his sister to a man in a nearby village and purchased her. The proceeds of the sale were given to her first husband. In another case a girl whose parents had died was declared 'kali' by her father's brother and sold.

In Basti Hajipur, it was reported that two brothers had murdered their father as he was preventing them from selling their sisters. After his death, they sold all three sisters. Another man sold his young daughter so he could buy a woman from the Sardar's house who had been declared kali.

In Tibbi Soldi, it was reported that a four year old girl was given in '*chatti*' as her brother had run away with a girl from another family. A girl who had been orphaned was sold by her mother's brother for one and a half lakhs.

9.1.2 Union Council Wahlashari

In Bhakkarpur, a man brought his three daughters and announced that they were for sale. He kept them at the house of Shah Bilal, an influential Syed⁴⁷ of the area, in whose house women are kept and sold. Ironically, the ladies of this house dispense amulets and write out prayers for local people. Each daughter was sold for Rs 4 lakhs each. One of the girls ran away soon after from the family that bought her and the other three are now under strict surveillance lest they escape.

In Basti Khalilani, a man murdered another man and gave his daughter to settle the dispute. Another man declared his own wife 'kali' and sold her to a man from another village. A third man declared his sister and wife 'kali' and sold them to one man. A young woman was declared 'kali' by her brothers and sold. A man who had runaway with a woman and married her gave his four year old sister in '*chatt*'.

9.1.3 Union Council Kot Laisan

In the beginning of 2012, a young man and woman ran away from their homes and got married. A *jirga* was constituted and presided over by Mujtaba Khan Dreshak. He instructed the young man to give his sister in *chatti*. The young man

⁴⁷ Those who claim to be descendants of the Prophet (pbuh) and, therefore, command a privileged position in society.

offered to give money but refused to give his sister. When the Sardar insisted, he got up and left the assembly. He took his wife and left for Sind. The Sardar gave a deadline for the giving of the sister in *chatti*. When the deadline passed, the young man and his wife were murdered. The people of the area maintain that neither the man nor the woman's families killed them. The Sardar sent his own men to murder them and avenge his honour.

9.2 Requests for Proposals

Some ideas for which requests for proposals could be elicited from interested parties are given below.

- (i) Designing workshop modules to sensitize police with regard to the scope and dynamics of trafficking in Pakistan to facilitate incorporation in the police curriculum by (i) training master trainers in the police and (ii) sharing modules with organizations working on police curriculum and training.

Objective One:

To improve police performance in effectively dealing with cases of internal trafficking.

To award a sub-grant to facilitate incorporation of internal trafficking as a topic in the police curriculum by; (i) developing a training module to sensitize the Punjab police on the scope and dynamics of internal trafficking in Pakistan, (ii) training 30 master trainers in police academies in the province to deliver the module, and (iii) disseminating the module to organizations working on developing police curriculum for incorporation into regular training.

Studies on internal trafficking have shown that one reason for poor police performance in dealing with cases of trafficking is due to a limited understanding of the phenomenon among police officers. This has implications for the manner in which cases are registered, investigated and

prosecuted. A review of court cases reveals that in applying laws, the police often make no distinction between traffickers and victims. Those who are being trafficked are often booked under laws which are designed to prosecute perpetrators the crime. This module will serve the purpose of raising awareness and understanding the definition of trafficking, and its various forms including bonded labour, sexual exploitation of women and children, the practice of forced marriages, child marriage and other customary practices of *swara/chatti*, *vani* and *karo kari*. The module, through case studies, will also identify laws related to trafficking in the Pakistan Penal Code and help the police develop a better understanding of the application of these laws. It will also introduce the police to key questions that need to be considered in any investigation and gender-sensitive ways of conducting the investigation.

Suggested time period: 24 months

Minimum suggested outputs:

- Modules developed and pilot-tested with the police.
- Training of 30 master trainers in police academies
- Orientation of staff of ten police stations in two districts

Who should apply?

NGOs with experience of working with the police in Punjab.

- (ii) Developing police procedures for laws pertaining to internal trafficking and lobbying for their adoption by the police.

Objective Two:

To institutionalize good practices in the management of trafficking cases by the police through enhancing accountability, transparency and performance through developing standard operating procedures and codes of practice for laws relating to internal trafficking.

Despite a legal requirement to develop standard operating procedures for the 500 offences which come under the purview of the police, little progress has been made in developing the necessary codes of practice. Developing codes of practice for internal trafficking will add considerable value in protecting victims and punishing perpetrators. Police recognize the need to develop procedures and requires technical assistance for this purpose. This will require detailed stakeholder consultations with the police, lawyers, judges and human rights organizations working on trafficking.

Suggested time period: 24 months

Minimum suggested outputs:

Procedures developed for the following laws:

- Kidnapping or abduction of a person under 14 years of age for slavery or sexual exploitation (364-A PPC)
- Kidnapping, abducting or inducing a woman to compel for marriage, etc. (365-B PPC)
- Kidnapping, abducting or inducing a woman to compel her marriage, etc. (366 PPC)
- Inducing any minor girl under 18 years of age to go from any place or do an act to force her for illicit intercourse (366-A PPC)
- Importing a girl under 21 years of age with intent to force/seduce her to illicit intercourse. (366-B PPC)
- Kidnapping or abducting any person for slavery. (367 PPC)
- Kidnapping or abducting any person for an unnatural lust. (367-A PPC)
- Buying or disposing of any person as a slave. (370 PPC)
- Habitual dealing in slaves (371 PPC)
- Selling, letting to hire or disposing of any person with the intention of prostitution/illicit intercourse (3701-A PPC)
- Buying, hiring or taking possession of any person with the intention of prostitution/illicit intercourse. (371-A PPC)
- Selling, letting to hire or disposing of any

person under 18 years of age with the intention of prostitution/illicit intercourse. (372 PPC)

- Buying, hiring or taking possession of any person under 18 years of age with the intention of prostitution/illicit intercourse. (373 PPC)
- Unlawful compulsory labour. (374 PPC)
- Enticing, detaining or taking away a woman for illicit intercourse. (496-A PPC)
- Bonded labour. [Bonded Labour (Abolition) Act 1992

Who should apply?

Technical specialists familiar with the legal and police system in Pakistan and have the capacity to formulate procedures.

(iii) Sensitization workshops for prosecutors on understanding and applying laws to protect victims and take action against perpetrators.

Objective Three:

To improve the performance of prosecutors in effectively dealing with cases of internal trafficking.

A review of court cases on internal trafficking suggests that judges, lawyers and prosecutors have a minimal understanding of this issue.⁴⁸ This, among other factors, leads to insufficient protection for victims, minimal or no effort to ascertain if persons arrested under sections of PPC are victims or perpetrators of the crime and poor prosecution practices. In particular, state prosecutors, who have a critical role to play in bringing perpetrators to justice do not have the understanding or training required to do so. In the Punjab, a separate department has been formed, whereas in other provinces, prosecutors are a part of the Police. In Punjab there are currently 800 prosecutors who are law graduates and over 60% have received no training. Some work has been undertaken to develop an

⁴⁸ Sensitization workshops with judges are not being recommended as the Judicial Academies have not been open to interventions from donors or civil society organizations.

induction course and specialized training courses and there is a window of opportunity to raise awareness and develop capacity for prosecuting cases of internal trafficking. These workshops will serve the purpose of raising awareness and understanding the definition of the issue and identifying various forms including bonded labour, sexual exploitation of women and children, the practise of forced marriages, child marriage and other customary practices of *swara/chatti*, *vani* and *karo kari*. They will also help participants to reflect on the gender-sensitive and effective application of the laws applicable in cases of internal trafficking. In particular, the workshops will focus on providing guidelines for directing police investigation, building capacity to take circumstantial evidence into account and use the discretion prosecutors have to drop a case where it is clear that those accused of a crime were coerced into committing it by traffickers.

Suggested time period: 30 months

Minimum suggested outputs:

- Design and implementation of 15 sensitization workshops.
- 300 prosecutors, sensitized on internal trafficking in ten cities with Karachi, Lahore, Rajanpur, Gujrat, Peshawar, Mardan and others

Who should apply?

NGOs with experience of working with judges and lawyers on human rights issues.
(iv) Training of journalists to encourage ethical and comprehensive reporting on trafficking of women and girls in Pakistan.

Objective Four:

To award a sub-grant to strengthen the capacity of media on reporting cases of trafficking of women and girls in Pakistan.

There is little understanding among the general public on issues of internal trafficking of women and girls. The media can play an instrumental role

in raising awareness and understanding forms of internal trafficking in the country such as bonded labour, sexual exploitation of women and children, the practise of forced marriages, child marriages, *wani*, *swara*, *chatti* and other cultural practices as there is little recognition that these constitute cases of trafficking. There is wide spread acceptance of these cultural practices which encourages poor enforcement of existing law and re-victimization of women and girls who are trafficked. Creating awareness is likely to create a pressure and demand for better enforcement of laws. The media has a role in reporting cases of trafficking. However, the media can only play an effective role in this regard, if it reports cases within an ethical framework, without sensationalizing the case or endangering the survivor by revealing her identity. It is, therefore, important to get reporters and bureau chiefs to reflect on the part they can play in raising awareness and highlighting cases.

The capacity of the media can be built through holding workshops and seminars on their responsibility in preventing trafficking, instituting awards for newspapers reporting the most cases and observing ethical guidelines.

Suggested time period: 24 months

Minimum suggested outputs:

- Design of and delivery of 20 seminars with appropriate materials
- Training sessions held to sensitize 600 media representatives (local, provincial and national) from newspapers and news channels on the dynamics of trafficking and ethical reporting.
- At least 100 reports filed by 25 different representatives of national and local media on trafficking cases.
- Award ceremony to reward and acknowledge the best coverage by a newspaper and journalist.

Who should apply?

NGOs and firms with experience of working with media and knowledge and understanding of trafficking issues.

(v) A documentary on trafficking of women and girls in Pakistan to create awareness about the issue.

Objective Five:

To raise awareness among different sections of society on the dynamics of internal trafficking

In society at large and among key actors responsible for its prevention and control specifically, there is minimal awareness about what constitutes trafficking. Socio-cultural beliefs and practices render several forms of trafficking invisible, thereby facilitating traffickers and resulting in the re-victimization of those who are trafficked. Film is a powerful medium that can be used to raise awareness with a wide range of audiences. The documentary would highlight socio-cultural beliefs that facilitate the issue; its various forms such as bonded labour, sexual exploitation of women and children, the practice of forced marriages, child marriages, *wani*, *swara*, *chatti* and *karo-kari*; case studies of survivors; and the issues regarding prevention and control through brief interviews with legal experts, and NGOs working on trafficking and law enforcement agencies. The documentary would be in Urdu with English subtitles and also be dubbed in regional languages.

Suggested time period: 12 months

Minimum suggested outputs:

- A documentary on trafficking.
- Launching of the documentary.
- Airing of the documentary on TV and disseminating the findings.
- Five discussion sessions organized around the documentary.

Who should apply?

Film-making/media companies with experience in social issues and demonstrated expertise in all stages of production from research, script-writing, filming and post-production.

(vi) Advocacy Campaign for Legislation on Internal Trafficking

Objective Six:

To prevent internal trafficking through create an enabling environment for legislation through raising public awareness and supporting an informed debate between key stakeholders.

Studies on internal trafficking show that the level of awareness of this issue is low among the general public and key stakeholders responsible for policy-making. Although there is legislation to address external trafficking, Prevention and Control of Human Trafficking Ordinance (PACHTO) 2002, there is no legislation for internal trafficking. As a result, there is no definition of internal trafficking and cases are dealt with by applying different sections of the Pakistan Penal Code (PPC) but there are lacunas in the existing laws. It is clear that a specific and comprehensive law is needed. Some groundwork has been done by NGOs in partnership with parliamentarians and legal experts and drafts of a recommended legislation have been prepared. These can be used as a starting point for discussion and debate among parliamentarians, legal experts, judges and police to carry the process forward. In addition, there is a need to build awareness of the general public to support the process for legislation and protect potential victims by promoting an understanding of the issue, the forms it assumes and strategies used by traffickers. This will require; conducting seminars and consultations with parliamentarians, judges, and legal experts, NGOs and human rights activists at the national and provincial level with a view to refining the proposed legislation, if necessary, getting the draft endorsed, and lobbying for support with parliamentarians to get it passed as a law. In addition, to raise public awareness, advocacy material will be designed, printed and disseminated. Seminars and workshops will be conducted at the grass-root level with community-based organizations and particularly youth, in at least two districts where trafficking is particularly widespread.

Suggested time period: 36 months

Minimum suggested outputs:

- Three provincial and one national consultation with key stakeholders on legislation for internal trafficking.
- Draft legislation with feedback from key stakeholders and legal experts.
- 4000 posters, stickers and booklets to raise awareness about internal trafficking.
- 20 workshops at community level workshops with women and men (especially youth).

Who should apply?

NGOs/ Legal Aid Firms with a track record of working on trafficking issues

(vii) District-based One Window Service for Support of Victims and Prevention of Trafficking

Objective Seven:

To develop a one-window service for victims of trafficking in selected districts and create a set of seamless services for prevention and control of trafficking

Studies on trafficking show that a one-window operation to support families and victims of trafficking by providing them with essential services is critically needed. Families and victims need support in dealing with the police, accessing legal services, counselling and funds to meet the expenses of travel, board and lodging. Typically, families/victims or survivors of trafficking are further impoverished and traumatized as they are shunted from one place to another. An NGO would be given funds to establish a crisis centre to provide immediate access to a safe place for victims. It would also raise awareness on trafficking and prevention strategies by holding workshops with community based organizations. The Organization would be supported to provide a helpline, counselling services and funds for legal aid and rehabilitation. In addition, it would be facilitated to network with and sensitize law-enforcement agencies, local government, the judiciary and shelters in the selected district so

that this resource can be leveraged to prevent trafficking and support victims in accessing justice. Suggested time period: 36 months

Minimum suggested outputs:

- Ten sensitization workshops on trafficking designed and conducted with police officers, judges and local administration.
- Assistance and support to at least 200 victims and their families.
- Establishment of a help line for victims.
- Establishment of a crisis centre.
- Facilitating and establishment of a network for legal aid.
- Linkages with existing shelters.
- Provision of counselling services to 200 victims.
- Award for police station that has been most supportive of victims/survivors/families of victims at a special ceremony.

Who should apply?

An NGO with experience of providing services to victims of trafficking; access to networking and technical expertise to provide the services listed.

(viii) Establishment or Strengthening of Existing Shelters

Objective Eight:

To create safe places for girls and women victims of trafficking by supporting and improving existing shelters and establishing new ones.

Shelters are critical for the protection of victims and survivors of trafficking. There are currently few of these facilities in Pakistan and even fewer that are managed and run in a humane manner. Even the best shelters are starved for resources. Existing shelters need more resources to support their existing services and extend their capacity. Assistance will be provided to existing shelters with a commitment to providing a safe space without compromising women's rights. Funds will be made available to support existing services, provide new services and build capacity to improve the quality of services and management. Finances will also be provided to establish new

shelters. The selection of NGOs wishing to establish these shelters will be made according to specified criteria which will include willingness to be trained by organizations experienced in running shelters, a commitment to protecting women's human rights and open to on-going monitoring on adherence to standards.

Minimum suggested outputs:

- Two new shelters established
- Two existing shelters strengthened to support existing and addition to new services

Who should apply?

NGO's with experience of providing services to victims of trafficking. Access to networking and technical expertise to provide services listed.

9.3 List of People Met: February - June, 2012

Parliamentarians

Yasmeen Rehman
Parliamentarian

Government of Pakistan

Mr. Rehman Malik
Adviser
Ministry of Interior
Government of Pakistan

Chaudhary Tanvir Ahmed
Additional Director General
Federal Investigation Agency (FIA)
Tel: 03004160373
Tanvirahmad59@yahoo.com

Mr. Munir Shaikh,
AIG Forensic,
Sindh Police
Karachi

Mr. Zafar Awan
Federal Investigation Agency
Islamabad

Mr Nasir Jamil
Deputy Director
Federal Investigation Agency
Lahore, Punjab
042-99203686
Cell: 03004525047
Mr Asif Haneef
Inspector Investigation
Federal Investigation Agency
Lahore, Punjab
Cell: 03009624144

Mr Sajjad Mangh
Criminal Record Office (CRO)
Lahore

Provincial Police

Mr Usman
Chief Traffic Officer
DSP
Punjab Police

Mr Amir
SHO Sarghoda
Punjab Police

Ms Nazia Baquir
Punjab Police

Ms Qurat Ul Ain
Assistant Sub-Inspector
Women's Complaint Unit
Saddar Thana
North Cantt
Lahore

Ms Qaiera
Constable
Saddar Thana
Women's Complaint Unit
North Cantt
Lahore

Ms Erum Abbassi
Assistant Sub-Inspector

Legal Resource Persons

Hina Jilani
AGH
Lahore

Feisal Mahmood
GIZ Consultant (Training)

Mr Ali Murtaza
Legal Expert
Trafficking Issues
Lahore

Justice Aslam Nasir Zahid
Karachi

Mr Saif Anjum
Home department Punjab
Formerly DCO Okara

Tariq Javed
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