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Smuggling of Migrants and Trafficking in Persons: A Situational Analysis of Pakistan



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1. VISION STATEMENT

UNODC provides technical services to assist states and communities in preventing, resisting and reducing transnational and organized crimes. In particular, one of UNODC's objectives is to remind States of their international commitments and raising awareness about the need for prevention, protection and prosecution to effectively combat smuggling of migrants and trafficking in persons. UNODC is active in assisting the Government of Pakistan in their law enforcement, prosecutorial and protection efforts pursuant to outcome two of the country programme (CP).

LIST OF ABBREVIATIONS

AHTC	Anti Human Trafficking Centres
AJK	Azad Jammu Kashmir
CMS	Case Management System
CPC	Criminal Procedure Code
CPLC	Citizen Police Liaison Committee
IATF	Inter Agency Task Force
FATA	Federally Administered Tribal Areas
FIA	Federal Investigation Agency
FC	Frontier Corps
GB	Gilgit-Baltistan
GoP	Government of Pakistan
ILO	International Labour Organization
IOM	International Organization for Migration
KPK	Khyber Pakhtoonkhwa
LEA	Law Enforcement Agency
Mol	Ministry of Interior
MSA	Maritime Security Agency
NADRA	National Database and Registration Authority
NARA	National Alien Registration Authority
PACHTO	Prevention and Control of Human Trafficking Ordinance
PPC	Pakistan Penal Code
UAE	United Arab Emirates
UNICEF	United Nations Children Fund
UNODC	United Nations Office on Drugs and Crime
UN Women	United Nations Women

1. EXECUTIVE SUMMARY

The concepts of human trafficking and migrant smuggling are often confused in Pakistan. This is due not only to the lack of distinction in legislation, but also because those who are smuggled turn into victims of trafficking as they are subject to exploitation and coercion in transit or in the countries of destination.

While not always the case, irregular migrants largely stem from central and south Punjab and parts of Sindh. Many are trafficked within Pakistan itself, forced to work in prostitution, domestic servitude, bonded labour in the brick kiln, carpet weaving and mining industries. Pakistan is also a destination and transit country for those smuggled and trafficked from other countries, primarily from Bangladesh and Afghanistan.

Most irregular migrants who exit Pakistan travel by land via Iran and Turkey in order to access European soil such as Greece and Spain. Many take boats from Pakistan's southern coast to Oman in order to access the Middle East. Those who can afford it travel by air, many to Dubai in the hopes of transiting to other destinations in the Middle East, North America, or Australia.

The inequality of wealth distribution and poverty in rural, agricultural communities and the prevalence of bonded labour are strong migration drivers for those who are smuggled or trafficked into or out of Pakistan. This is exacerbated by the ignorance of families who send or sell their family members as to the dangers of irregular migration. They are easily deceived by recruiters and unaware of the exploitation and risks involved. In addition, family and community links in destination countries serve as major pull factors.

Agents, facilitators, transporters, and financial agents responsible for facilitating irregular migration flows are encouraged by high profits and a relatively low risk of interference by law enforcement and prosecution. Pakistan has been successful in disrupting human trafficking and migrant smuggling, but has failed at successfully creating deterrence through prosecution and the imposition of stiff penalties. Gaps in the legislation, the reluctance on the part of victims to serve as witnesses, and other challenges involving the collection and presentation of evidence are among the several challenges to law enforcement and the judiciary.

The Government of Pakistan (GoP) must enhance capacities of law enforcement officers within the Federal Investigation Agency (FIA), provincial police and other relevant law enforcement agencies (LEAs) in order to effectively combat irregular migration. In addition, the GoP would significantly benefit from a comprehensive, global, and multi-layered strategy, buttressed by inter-agency information sharing and regional cooperation mechanisms. The success achieved by mobilizing the community in public awareness campaigns in the fight against child trafficking to camel races in the United Arab Emirates (UAE) should be evaluated and replicated in other areas where possible.

Below is a list of recommendations for the Government of Pakistan to consider in their efforts to combat irregular migration flows out of and into their country. The recommendations are further detailed in section 11 of this report.

- To develop a nation-wide policy on migration both into and out of Pakistan, which would encompass minimum labour standards.

- To develop robust training programs for the FIA, provincial police, other members of the Inter Agency Taskforce (IATF), judiciary, prosecutors, and other relevant government agencies or departments such as the National Database Registration Authority (NADRA) and National Alien Registration Authority (NARA).
- To improve upon the structural organization of law enforcement agencies, including the creation of specialized offices within the provincial police focusing on trafficking in persons and smuggling of migrants, more specialized offices within the FIA, and the strategic placement of FIA officers in several key destination countries.
- To improve allocation and distribution of resources to law enforcement agencies such as the construction of safe homes and holding centres for deportees to facilitate information collection and reintegration into Pakistan. In addition, to increase the presence of LEA check posts in key transit areas.
- To enhance the legal framework as it pertains to irregular migration by expanding the jurisdiction of the Prevention and Control of Human Trafficking Ordinance (PACHTO) to the provinces, to include provisions on internal trafficking within the existing framework, and to introduce legislation on smuggling of migrants. Furthermore, to extend the legal framework to all territories within Pakistan.
- To improve success in prosecutions by protecting victims of trafficking so they serve as witnesses in criminal cases, focusing on dismantling criminal networks and prosecuting agents, transporters, traffickers and smugglers rather than prosecuting smuggled migrants or victims of trafficking themselves. In addition, to reduce reliance on confessions from smuggled migrants and victims of trafficking by courts considering evidence from other sources, including evidence collected in other countries.
- To improve information collection and sharing capacities as well as enhance cooperation with regional partners, in part by clearly separating trafficking in persons and smuggling of migrants in data analysis and establishing mutual legal assistance agreements with source and destination countries.
- To improve upon the identification of victims and enhancing the human rights standards for irregular migrants by enhancing the provision of their services (integration, medical, legal, and vocational).
- To improve public awareness on the dangers and consequences of human trafficking and migrant smuggling.

2. INTRODUCTION

2.1. Background

Irregular migration can be likened to a business driven by the laws of supply and demand. Pakistan is a source, transit and destination country for irregular migrants. The magnitude of the problem is not known due to the clandestine nature of this criminal activity. While human trafficking and migrant smuggling are two distinct phenomena that both occur in Pakistan, often they intersect. It is widely accepted that families are often involved, pressuring or encouraging children and other family members to leave their communities in order to make money for the family. In some cases, girls and boys are used to settle disputes or to pay off debts, either through forced marriage, prostitution, or domestic labour. Others who use smuggling routes in order to enhance their economic well-being may be subjected to human rights abuses along the way or at their destination.

While there are numerous push and pull factors for irregular migration in the region, relative poverty, rather than absolute poverty, and inequality of wealth distribution are major migration drivers. In other words, families see their neighbours reaping benefits from remittances abroad and are enticed. This results in concentrated populations of migrants from the same villages in destination countries. Migrants eventually form communities and networks, which in turn bolster the pull factor to that country.

Pakistan is not a signatory to the United Nations Convention against Transnational Organized Crime (UNTOC) 2000, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children or the Protocol against the Smuggling of Migrants by Land, Sea and Air. However, in 2002 Pakistan promulgated its most important domestic law on trafficking in persons called the *Prevention and Control of Human Trafficking Ordinance (PACHTO)*.¹ This was supplemented by a policy document released a few years later called the *National Action Plan for Combatting Trafficking*.²

The Federal Investigation Agency (FIA), under the authority of the Ministry of Interior, is the main government law enforcement agency handling all matters pertaining to human trafficking and migrant smuggling. In response to this issue, they have created Anti-Human Trafficking Circles (AHTC) in 12 cities across Pakistan designed to control and prevent these crime types. Many officers of the FIA indicate that the irregular migration from Pakistan to other countries is a growing problem as it is a lucrative business for agents and the income disparity between the rich and poor is ever present. Some describe a moral superiority of human trafficking or smuggling networks as it is not perceived by many in Pakistan as immoral, unlike smuggling drugs or weapons.

2.2 Purpose

The purpose of this assessment is to provide an updated situational analysis of human trafficking and migrant smuggling into and out of Pakistan. It supplements other recently published UNODC assessments related to irregular migration in Pakistan.

This assessment establishes a baseline on which to launch comprehensive studies, develop national project work plans, and measure future progress. In addition, it outlines issues and challenges faced

¹ <http://www.fia.gov.pk/pchto2002.htm>

² <http://www.fia.gov.pk/HUMAN.htm>

by local law enforcement authorities that may in turn point to opportunities for assistance and coordination.

2.3 Methodology

This assessment is the result of interviews with representatives of the Government of Pakistan, non-governmental organizations, United Nations (UN) agencies and embassies working on anti-human trafficking and migrant smuggling operations across Pakistan. It is supplemented by a non-exhaustive review of relevant literature.

2.4 Limitations

The primary limitation to drafting this report is the ability to collect reliable data from GoP agencies and departments. Data is not uniformly recorded, collected, synthesized or analyzed within districts, cities or regions, thereby making it virtually impossible for headquarters to collect reliable aggregate statistics. In addition, because trafficking in persons and smuggling of migrants are two distinct crime types which are not adequately distinguished in the legislation, data collecting software programs, or paper ledger books where information is collected, the statistics obtained do not provide an accurate picture of the number of cases that are registered or prosecuted at a national, provincial or district level. Furthermore, the GoP has considerable difficulty in providing specific detail regarding the sections of the legal framework under which cases are registered and prosecuted and it is not possible at all to collect gender segregated data. For these reasons, by in large, data and statistics have not been provided in this report.

Furthermore, because migrants originating from or transiting through Pakistan often are destined for or travel through Iran and other Middle Eastern countries, efforts were made to collect regional specific information. These efforts were largely unsuccessful. It should be noted that this assessment is based on information interviewees were able to access and share.

Some of the officials interviewed were unwilling to share information that could potentially cause risk to their operations. The names and organizations of those who were interviewed are not specifically referenced in this document in order to maintain their privacy.

2.5 Definitions

Human trafficking and migrant smuggling are terms that are misused, underused, and at times overused in Pakistan. The two phenomena are entangled, partly due to the nature of the activity associated with these crime types and the data available from Pakistani authorities. Although they are separate and distinct concepts in international law, the terms are often misunderstood and used interchangeably in Pakistan. Many do not know if trafficking or smuggling requires crossing an international border, forced labour or to what extent coercion or consent is involved on the part of victims or migrants.

According to the UN definition, trafficking in persons is the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving for receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at the minimum, the exploitation of the prostitution or other forms of sexual exploitation forced labour or services,

slavery or practices similar to slavery, servitude or removal of organs.³Trafficking can be within or external to a nation's borders and the victim's consent is irrelevant due to the dislocation and exploitation of the victim.

Unlike the UN definition, according to domestic law (PACHTO) and the National Action Plan, human trafficking in Pakistan must involve cross-border movement.⁴ Furthermore, by and large, all forms of domestic trafficking are not offences under PACHTO and there are no national policies to address this issue.

Smuggling is defined by the UN as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.⁵Smuggling of migrants must involve crossing a national border. Pakistan does not have domestic laws or policies on migrant smuggling, instead offences are scattered among several different legislations. Therefore, there is no specific definition for smuggling in Pakistan. (Please see section 7.1 for a review of domestic instruments on trafficking and smuggling.)

For the purposes of this assessment, it should be understood that victims of trafficking are coerced, deceived, and are not aware nor knowingly consent to be subject to the human rights abuses. On the other hand, smuggled migrants are aware of the conditions of travel and dangers of travelling illegally and choose to do so willingly.

2.6 Scope of Problem

The volume of irregular migrants who enter, transit, exit or are trafficked within Pakistan is unknown. The only official figures available are with respect to those returned to Pakistan (deported) or individuals who were intercepted before crossing a national border (see section 8.1). Part of the reason the extent of irregular migration is not known is due to the lack of or misreporting on these crime types. For example, children who are trafficked are often reported as missing, abducted or kidnapped if at all.

The National Alien Registration Authority (NARA), under the direction of the Ministry of the Interior, undertook efforts to register illegal migrants living in Pakistan. Although their attempt to register fell far from the mark (see section 5.1, they estimate there are 3.35 million illegal immigrants in

³ Article 3 of Human Trafficking Protocol, UNTOC, 2000

⁴Human trafficking, defined in Section 2 of the Prevention and Control of Human trafficking Ordinance (PACHTO) 2002, is " obtaining, securing, selling, purchasing, recruiting, detaining, harboring or receiving a person, not with standing 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 laid down by law."

⁵ Article 3 of Migrant Smuggling Protocol, UNTOC, 2000

Pakistan.⁶ Although exact figures are not known, the FIA estimate approximately 1.62 million people are living illegally in Karachi alone.⁷

Internal or domestic trafficking is believed to be a more extensive issue than migration out of the country. Bonded labour in the agriculture, brick making, carpet weaving and mining industries is the source of the largest domestic trafficking problem in Pakistan, mostly concentrated in Sindh and Punjab provinces.⁸ It is estimated that 1% of the population, approximately 1.8 million people, work in bonded labour.⁹ Children who runaway, are bought, sold or kidnapped are coerced to work in gangs, depending on them for shelter and food and exploited by gang leaders to work in begging or prostitution rings, sell drugs and partake in petty crimes. Community leaders tell stories of children who are kidnapped for their organs or begging, often kept hungry to look weak.

3. Context of Irregular Migration in Pakistan

3.1 Deception

There are often stories of the dangers of irregular migration in the media, for example, stories of people who are abandoned and die in containers¹⁰ or of domestic labourers, often young girls, who are tortured to death or driven to suicide.

FIA officers indicate that many trafficking or smuggling agents in Pakistan are well-known and influential in communities. They recruit potential migrants by conveying messages through key and trusted individuals in local communities; enticing people by promising payment for those who recruit or recommend. They tell stories of obtaining high paying jobs and legal status at their destination; and provide a guarantee that several attempts will be made at reaching their destination if intercepted. Law enforcement officers and representatives of civil society organizations who work with victims and irregular migrants indicate the many, especially those who are illiterate, are deluded by the promises of hope, freedom and money. They are at times unaware that they will be travelling using illegal routes or that there are palpable dangers involved in doing so. Some are even oblivious that they would be working illegally at their destinations. In many cases, parents and families of irregular migrants not aware of how their children are exploited because they are ignorant to labour laws and human rights as they themselves are familiar with slave-like conditions.

Agents tend to avoid direct contact with irregular migrants themselves, promise discounts on certain legs of the journey, and do not disclose the multiple vulnerabilities and dangers leading to injury and death that may occur during the journey or at the destination. The element of deception and ignorance to the dangers of using illicit routes for travel and residence appears to be a critical element of this crime type. It is universally agreed that efforts undertaken to increase public

⁶ Figures are estimates based on NARA's website which has not been updated in several years.

⁷ Acting DG FIA Mr. Manzoor Ahmed stated this figure in his opening comments at the UNODC sponsored workshop on Human Trafficking and Migrant smuggling, November 29 – December 1, 2011. Estimates of the amount of illegal migrants in Pakistan are as high as 5 million, with 2.8 million of them in Karachi.

⁸ 2010 Trafficking in Persons Report, Department of State, United States of America

⁹ 2011 Trafficking in Persons Report, Department of State, United States of America

¹⁰ An example of news story from Pakistan media <http://www.pakistantoday.com.pk/2011/08/the-struggle-against-human-trafficking/?printType=article>

awareness through a variety of methods (including media campaigns, workshops, theatre, song, public awareness sessions, etc) is essential to combating this problem. Organizations that have conducted public awareness campaigns in order to dismantle the myths and deception have reported success in shifting public perception.

3.2 Border Control

There are 26 legal exit points in Pakistan and 2400 km of borders shared with China, Afghanistan and Iran. The porous nature of Pakistan's borders is cited by many as a major stumbling block to combating irregular migration.

Torkham is the busiest border crossing between Afghanistan and Pakistan, located in the Federally Administered Tribal Areas (FATA) and under the principal control of the political agent of Khyber Agency. It is said that 15 000 to 20 000 people cross this border on both sides every day, most of whom do not cross FIA immigration check posts. Only those who require a stamp on their visa pass through immigration posts. As the local laws of FATA supersede national laws, the FIA must obtain permission from the political agent to make arrests.¹¹

The federal government has the authority to operate more freely in Baluchistan, as there is no act of parliament impeding them. Chaman border, connecting Baluchistan with Kandahar province in Afghanistan, is another major artery between these two countries said to accommodate 10 000 to 20 000 people every day.¹² A mandatory biometrics system was implemented at this border point in 2008, however it was destroyed by Afghan tribesmen and forced to close. Tribes that have been crossing to visit families and for livelihood appear to be staunchly antagonistic at any attempt at regulating this right.

Taftan border, located at the Iranian border, is another major artery between Iran and Pakistan, and a known smuggling route. Tribesmen with families on either side of the border are issued a permit, referred to as the Randhari card, to travel between the two countries, a document that is reproduced illegally quite easily. It is unknown how many people cross this way, and many suggest that smugglers use unconventional routes all across the Iranian-Pakistani border. Iran has started construction on a barrier between the two countries stretching from Taftan to Mand, a project that has enflamed Baluchi tribesmen as something that would hamper their trade and social activities.

3.3 Land relations

Land relations and poverty in Pakistan are directly related to the issue of bonded labour and irregular migration. Although it is arguable whether or not feudalism is still practiced in Pakistan, rich and influential families control most of Pakistan's agricultural land and utilize sharecropping methods for cultivation. The result is that rural dwellers borrow from landlords in order to cultivate land and are obligated to provide a proportion of the crop produced to landlords. Impoverished families become indebted over generations to landowners, creating an impetus to send family members to other regions within Pakistan or migrate irregularly to supplement the family income. Although irregular migration is a country-wide problem, many believe that it is no coincidence that

¹¹ The Frontier Crimes Regulation (FCR) is a set of laws applicable to residents of FATA only.

¹² <http://www.dawn.com/2011/10/19/pakistan-says-will-revive-biometrics-on-afghan-border.html>

Punjab and parts of Sindh, two provinces within Pakistan in which sharecropping methods are still used and poverty is rampant, are the primary sources of human trafficking and migrant smuggling.

3.4 Natural Disaster and Conflict

Pakistan is a disaster and conflict afflicted country, creating a ripe environment for vulnerable persons to be kidnapped, sold, and driven or coerced to migrate irregularly.

The United Nations High Commission for Refugees (UNHCR) undertook a flood protection assessment after 2011 floods in Sindh province. Based on key informant interviews and focus groups with a random sampling of flood-affected villages, trafficking was mentioned as a concern only days after floods hit. In addition, UN organizations including the International Organization of Migration (IOM) and the UNHCR indicated that trafficking was reported as a concern after the 2005 earthquake and the 2010 floods. One NGO related incidences of internal trafficking from Khyber Pakhtunkhwa (KP) – young girls taken as sex workers in the red light districts of Lahore and Karachi. Furthermore, FIA officials and non-governmental organizations report that sectarian violence, plaguing much of Pakistan, is another factor influencing domestic and cross border trafficking and migration. At times, irregular migrants fall prey to sectarian violence in their attempt to leave the country.

The extent to which vulnerable populations, including unaccompanied minors and women, were forced into the sex industry, marriage, and labour after being displaced by conflict and natural disaster is unknown. Pakistani law enforcement agencies no doubt experience great challenges in preserving the security of vulnerable populations under these circumstances.

4. Pakistan as a Source Country

4.1 Trends and Routes in Irregular Migration

The FIA has identified 23 main districts from which irregular migrants mostly stem, with a concentration in central and south Punjab and some parts of the frontier region.

While not strictly the case, there appears to be a concentration of migrants from Mirpur, AJK and Jhellum who travel to the United Kingdom, those from Gujrat and Gujranwala who enter Schengen countries, those from Quetta (mainly from the Hazara ethnic community) who travel to Australia, and those from KP who travel to Middle Eastern countries such as Saudi Arabia and the United Arab Emirates (UAE). These patterns illustrate the powerful pull factor of Pakistani communities established elsewhere for irregular migrants.

It is widely understood that most irregular migrants from Pakistan travel by land¹³, using Iran and Turkey as gateway countries to Greece, Spain and other European destinations.¹⁴ Europe is regarded by many irregular migrants as the ultimate destination, a region ripe with work, opportunities, and asylum systems that uphold the principle of non-refoulement.¹⁵ Mand Balo, bordering Iran and Baluchistan province, is a chief transit point for irregular migrants travelling by land from Pakistan. Some travel to North Africa using a combination of land and sea routes, using it as a staging ground to access Lampedusa and the Spanish islands.

The dangers of travelling by boat are well known by law enforcement agencies. Migrants are starved to lighten the load of boats, which always carry well beyond maximum capacity causing migrants to drown en route. Gwader, a major port city and a district in southern Baluchistan leading to the Gulf of Oman, is a key launching point for those travelling by sea to Oman and other Middle Eastern countries. Jiwani, a town in Gwader district and bordering Iran, is said to be a commonly used transit point for this purpose. Small boats are found in the fishing villages in Karachi and across the entire southern border of Pakistan for this purpose.

Karachi is regarded as a transit city that agents and facilitators use to accumulate and recruit irregular migrants while securing illicit routes by land or sea for travel to Iran and Oman. Bandar Abbas, a historical port city located in southern province of Hormozgan province in Iran, is a receiving city for many irregular travellers by boat.

Agents force migrants travel in segments, using secluded safe houses along the way, often located in forests to hide them from the reach of authorities. Irregular migrants remain in safe houses for as long as several months while waiting for others irregular migrants to join them for onward travel. Migrants are passed on from one facilitator or agent to another throughout their journey. Some attest that they were accompanied part of the way and others indicate that they were abandoned entirely.

Those who travel by air are said to be more informed and affluent than those who travel by land and sea. Countries who intercept irregular migrants travelling by air indicate that Pakistanis often carry genuine passports with improperly issued or fraudulent visas. Some irregular migrants are able to obtain valid visas, however they overstay in destination countries. Others obtain valid visas to the Middle East and use it as a transit point to obtain fraudulent identities, passports and visas for onward travel to a third destination.

Interceptors, victims and irregular migrants relay stories of smugglers creating fake families, although the majority of travellers are groups of single travellers – often men ranging from the age

¹³ One FIA official estimated that 20% of illegal migration is routed through airports, while the other 80% through land and sea routes.

¹⁴ The FIA has identified Iran, Turkey, Greece, Oman and Spain as major destination countries for irregular migrants from Pakistan. They refer to this region as IGTOS.

¹⁵ Non-refoulement is a concept in international refugee law, enshrined in the 1951 Convention Relating to the Status of Refugees and 1967 Protocol, preventing the return of refugees to areas where they might be again subject to persecution. Irregular migrants often submit claims that they have been subject to a well-founded fear of persecution due to their political opinion, religion, race, nationality, or membership to a particular social group in their countries of origin, requesting destination countries to offer them refugee protection and permanent residency.

of 15 – 65 years. Women almost never travel alone, and are often accompanied by minors. There appears to be increasing concern among a number of destination countries in Europe and North America that children or other family members are smuggled and trafficked through valid visa programs, such as family reunification or skilled worker programs.

Forced marriage and prostitution have emerged as major concerns. For example, some women and girls are forced to marry and then sold by their husbands to work as prostitutes and sell drugs. As mentioned above, there appears to be a growing trend in major cities to use children in begging rings, with parents often complicit in selling them to gangs. Organizations working against child trafficking have indicated that Rahim Yar Khan, DG Khan, and Bahawalpur in Punjab province and Tharparkar and Mirpurkhas in Sindh province have served as breeding grounds for children working as camel jockeys in the Middle East and other forms of child trafficking (please see section 9.2 for more information).

4.2 A Closer Look at Certain Destination and Transit Countries

4.2.1 Turkey

Turkey is primarily accessed via land through Iran. With a total of 71 503 Pakistanis intercepted from 1995 to August 2011, Pakistanis are the second most common nationality (after Iraqis) to be intercepted in Turkey during the last 15 years, Afghans following behind at the third most common nationality. Most of the irregular migrants are intercepted at the Turkish and Greek border points. In response to large volumes of irregular migrants, Turkey has established over 35 detention centres, 4 more to be added in the coming years. It is generally accepted that most irregular migrants from Pakistan do not stay in Turkey, but rather it is used as transit country to Greece and other European destinations.

4.2.2 Greece and Spain

Turkey and Greece have worked together to increase interdiction and deterrence measures in the Aegean Sea, Greek Coast guard is cited as particularly active. Pakistanis tends to target Greece for seasonal work on farms. Most irregular migrants appear to be young men from Gujarat. While exact figures are not known, Spanish officials estimate that a large proportion of the irregular Pakistani population are migrants from Jhelum, Gujarat and Gujranwala.

4.2.3 Oman

It is assumed that Pakistanis are attracted to the Middle East due to their familiarity with the countryside, commonalities in culture and religion, and proximity to Pakistan. Due to large numbers of Pakistanis arriving in Oman by boat, the FIA has stationed an officer in Muscat to work with the Omani government to intercept, identify and repatriate irregular migrants. The FIA indicates that the Omani government is cooperative and assists with costs incurred by interception, repatriation and the provision of medical services. Whilst it is unknown how many irregular migrants use Oman as a destination or transit point, it appears that presence of the FIA in this receiving county has been useful for information collection and interdiction purposes.

The FIA indicates that a large proportion of irregular migrants die of starvation, snake bites and drowning in their attempt to reach Muscat, a large proportion of them requiring immediate medical

attention when intercepted. Routes by sea are known to be very risky; one FIA officer estimated that 40% of the boats carrying irregular migrants are lost. Once in Oman, migrants are dropped off with no direction afterwards of how to find food, shelter, clothing or work.

The ages of irregular migrants intercepted in Oman range from 12 to 65 years old, most of whom are from 30 to 50 years old. Not very many women have been intercepted travelling this route; those who were intercepted were destined to work as domestic servants or sex workers. The large majority of irregular migrants from Pakistan are men who work in the agriculture sector. When intercepted, migrants of other nationalities, namely Indians, Bangladeshis or Afghans, often pass themselves off as Pakistani in order to access legal or medical services or prevent deportation. Afghans claiming to be from Pakistan must provide a Pakistani address and phone number in order to be repatriated. At times, they are deported to Afghanistan from Pakistan.

4.2.4 Australia

As mentioned earlier, Australia has been experiencing a trend of irregular migrants, in particular Hazaras from Quetta. The routes to Australia vary. Some migrants travel from Pakistan to Dubai on genuine passports and visas, but then travel irregularly by air to from Dubai to Malaysia or Indonesia, at which point they board boats aiming for Christmas Island, a territory of Australia located in the Indian ocean. Improved interdiction methods in Malaysia and Indonesia have assisted to curb irregular migration flows to Australia. Nonetheless, boat arrivals have been a source of much heated debate in Australia and often a central issue in its political elections.

4.3 Costs and Money Flow

The costs of travel by land, sea and air appear to vary significantly, however land and sea routes are significantly less expensive than air routes. Irregular migrants pay up front, or in installments, or are involved in debt bondage along the way (forced to work as labour and prostitution to pay back debts).

More than one interviewee indicated that the costs to travel by land and sea from Pakistan to Italy is 800,000 PKR, Greece is 650 000 PKR, and Turkey approximately 400 000 PKR. (These figures were substantiated by other interviewees however the extent of its accuracy is unknown.) One FIA official indicated that it costs approximately 30 000 PKR to travel to Karachi, and any additional costs are determined based on destination and mode of travel.

Figures for air routes appear to range anywhere from 1000 Euro to 10 000 Euro for a visa and ticket to a European destination. Some estimate that irregular migration is more lucrative than drug smuggling, especially as it not seen by many in Pakistan as morally objectionable nor the punishments as harsh. It is unknown how much children, women or men are sold into prostitution, domestic servitude or labour within or outside of Pakistan. Therefore estimating the value and profit of the industry is difficult.

Most monetary transactions are laundered through informal channels referred to as hawala networks or informal value transfer systems (IVTS), greatly compromising FIA's capacity to track the money trail among agents, facilitators and transporters.¹⁶ Furthermore, one interviewee indicated

¹⁶ For more information on hawala networks and informal money transfer systems, please refer to UNODC publications on this subject.

that despite financial monitoring systems, banks find ways to protect their big clients, including smugglers and traffickers. This may be the result of low paid bank tellers hired on temporary contracts who rely on large accounts to maintain job security.

5. Pakistan as a Destination and Transit Country

5.1 Trends

Pakistan is a receiving and transit country for victims of trafficking and other irregular migrants. Bonded labour is the largest issue facing Pakistan. Many irregular migrants originate from Bangladesh and Afghanistan and work on farms, in factories or mines. Child labour is also common in Pakistan, one organization estimating that 1 out of 5 households employing children.¹⁷ In addition, the FIA has reported that women from Bangladesh, Afghanistan and the Central Asian countries tend to be involved in prostitution. There is a small Somali population in Pakistan, most of them are believed to be registered refugees with the UNHCR, as well as a population from the Philippines. It is believed that Filipinas work as maids for families who want their children to speak English, although others have been arrested for drug smuggling. There is a concern among Pakistani authorities that irregular migrants are involved in terrorist-related activities, especially among the Afghan population.

As referenced above, NARA was established by the Ministry of Interior to determine the amount of illegal migrants living in Pakistan before July 10, 2000.¹⁸ As per a small sample collected in Karachi only, NARA determined that there are 78 different nationalities of illegal migrants. Most were from Afghanistan; the second highest concentration of illegal migrants were from Bangladesh, and the third stemmed from a combination of various African countries including Congo, Somalia, Nigeria, Niger, and Rwanda.

NARA officials are of the opinion that irregular migrants tend to use Pakistan as a transit country, most of whom stay for work purposes and have no intention to reside permanently.

At present, NARA has registered 150,000 people as illegal aliens in Pakistan, providing them with registration cards. Those who registered enjoy the benefits of a NARA card including, inter alia, amnesty from prosecution under the Foreigner's Act, the right to work, attend school, open a bank account, and register a mobile phone. NARA cardholders are not permitted to vote nor provided with a passport or travel document.

NARA is limited in its ability to register irregular migrants by its resources, tools and its Karachi-only focus. Furthermore, irregular migrants are reluctant to make themselves known to government officials, for fear of punishment and deportation. At present, NARA is still mandated to register irregular migrants who arrived in Pakistan before July 10, 2000. Not only is there a need for this date to be extended in order to obtain a fuller picture of the irregular migrant population, there appears to be no next policy for NARA after registering irregular migrants.

Nonetheless, NARA remains the only official mechanism between the Government of Pakistan and irregular migrants. NARA is able to register 15 to 20 new irregular migrants per week and renew roughly 600 cards per month.

However, there are populations of irregular migrants who have been living in Pakistan for generations, including migrants from Myanmar (Burma), Bangladesh and Afghanistan.

The Burmese came to Pakistan in the 1990s and mainly work in the textile industry or as labourers. Bengalis tend to work in retail (pawn shops) or factories, as labourers, or in the fishing industry, most of them having migrated during and after the war between East and West Pakistan in the early 1970s. The Afghans have been seeking refuge in Pakistan for the last 30 years due to the economic, political, and social unrest in their country caused by decades of war. According to NARA, neither the Bangladeshi nor the Afghan governments are willing and/or able to repatriate their nationals back to their countries.

Notably, Pakistan is also home to Bihari Muslims. Originating from India, they migrated to Pakistan after the India-Pakistan partition in 1947. The Bihari people form part of the *muhajirs*, people who migrated from Muslim minority states in India to join other Urdu-speaking Muslims in Pakistan. It is not known what proportion of Biharis in Pakistan are irregular migrants.

5.2 Bengalis

Bengalis who arrived in Pakistan before 1978 were given legal status in Pakistan, however those who arrived after are considered irregular migrants. It is very difficult to distinguish those who arrive pre and post 1978, so much so that NADRA issued Computerized National Identity Cards (CNIC) to several Bengalis erroneously. (These cards have been since de-issued.)

It is widely agreed that a high volume of Bengalis are exploited in Pakistan, often working as domestic labourers, collecting garbage, selling goods, working in garment factories, printing presses, and in the fishing industry.

Non-governmental organizations have reported that Pakistani men who cannot afford the expenses associated with wedding ceremonies will choose to buy a trafficked woman from Bangladesh. These women become second or third wives, and often wife-slaves. Some women find that being sold to a family in Pakistan actually resulted in a higher quality of life, and therefore they do not see themselves as victims. Bangladeshi women in Pakistan are extremely vulnerable to violence and abuse.

Bengalis appear to be seen as a powerful political base in Karachi, political parties using their population as pawns in power mongering and politics. It is believed that the economic crisis in the 1980s was accompanied by a high influx of irregular migrants from Bangladesh. However, with its economy on the rise and a number of Pakistani companies shifting operations to Bangladesh, some estimate that the flow of Bengalis has been reduced.

Notably, Bengalis are not only trafficked into Pakistan, but many also use Pakistan as a transit country to other destinations.

Javed is a 19-year-old Bangladeshi man from Karachi who several years earlier attempted to travel illicitly to Greece in order to find work. He boarded a bus along with several other people that was heading to Mand Balo. Before reaching the Iranian border, the bus was taken hostage by herdsmen in Baluchistan. He and all the other passengers were taken as slaves. For several months, Javed was tortured and treated like a slave. He was beaten regularly and his nails were pulled off, and one day his index finger cut off. After several months, eventually Javed was released and he returned to Karachi. He now volunteers for an anti-trafficking NGO in Karachi and talks to other youth about the dangers of smuggling

5.3 Afghans

Afghans have been refugees in Pakistan for decades, many of them registered with the UNHCR. However, a large proportion of Afghans remain unregistered. Afghans form an especially vulnerable population in Pakistan who work as bonded labour in brick kilns and other factories, often subject to harassment and abuse by employers, law enforcement, and by many Pakistanis who regard them as unwelcome. Many Afghans do not have access to educational or health services. There is a tendency for women and girls to work in prostitution. Afghans who are trafficked or smuggled to Europe and other regions appear to use illicit routes from Pakistan, most likely crossing into Pakistan via Torkham or Chaman border, making connections with agents in Pakistan for onward travel via the land border with Iran to other destinations.

6. Agents, Facilitators, Transporters

6.1 Nexus of Criminal Networks

There are a number of crimes associated with smuggling and trafficking, including money laundering, fraudulent documentation, and identity theft. Unscrupulous dealers promise migrants visas to Saudi Arabia for haj¹⁹ or other European or North American destinations, and then disappear after taking their money. One FIA officer reported that Pakistanis and people of other nationalities who are convicted of crimes in other jurisdictions use irregular travel routes to avoid detection by authorities. Lastly, authorities in other countries suspect that illegal migrants use funds gained through smuggling and trafficking to finance terrorism. There is no evidence in Pakistan to suggest this.

There is conflicting information available as to whether criminal networks facilitating people smuggling and trafficking in persons are distinct or overlap. Part of this conflicting information may be attributed to the fact that law enforcement agencies and society at large appear to view both offences as part of the same crime.

There is also conflicting information as to whether or not human trafficking and migrant smuggling networks intersect with drug, weapons or other smuggling networks. FIA officers in Karachi indicate that there is a tendency for trucks that carry people into Iran to bring petroleum oil and lubricants back into Pakistan illegally, suggesting that there is a distinct nexus between some forms of

¹⁹ Haj is a pilgrimage to Mecca, Saudi Arabia undertaken by Muslims

smuggling of goods and people by land. Others suggest that due to the perceived moral repugnancy associated with other forms of smuggling that this nexus does not exist.

However, some advise that commodities are commodities, whether they are people, drugs, weapons, or oil. They suggest that transporters, key members of the human trafficking and migrant smuggling rings, would rather maximize profit by carrying products to and from destinations despite their content.

6.2 Hierarchy of Criminal Rings

There is also a lack of understanding on how the hierarchy of criminal rings is established transnationally, and to what extent these rings are organized using main agents, sub agents, facilitators, transporters and recruiters that interact with each other. Research suggests that agents are multilingual and, in some cases, foreigners. Agents that have been incriminated are known to be Pakistani, Iranian and Bangladeshi in nationality. Some FIA officials indicate that Pakistani agents are well known in their communities who use their social capital to recruit migrants; others report that Pakistani agents are rich and influential people who have sub agents across the Middle East and connections in government and law enforcement.

One can assume that as law enforcement agencies improve upon their interdiction efforts, this will cause criminal networks to become more organized in response. The FIA has established a database of 3300 agents, and have indicated that the last 200 agents registered are new names with no known links to previous agents.²⁰ This suggests that there is a new wave of agents facilitating smuggling and trafficking to and from Pakistan. Some officers have indicated an increasing trend in women working as agents, backed by their husbands or other male relatives who handle money.

7. The Legal and Policy Framework

7.1 Description of the Framework

Several Pakistani legislations have a bearing on human trafficking and migrant smuggling. Below is a list of the primary legislations applicable to this crime type:

- Pakistani Penal Code, 1860
- Code of Criminal Procedure, 1898
- Foreigner's Act, 1946
- Pakistan Citizenship Act, 1951
- Passport Act, 1974
- Emigration Ordinance, 1979
- Exit from Pakistan (Control) Ordinance, 1981
- Evidence Act, 1984
- Bonded Labour (Abolition) Act, 1992
- Prevention and Control of Human Trafficking Ordinance, 2002

²⁰Reported at the October 18th, 2011 quarterly Anti Trafficking meeting at FIA Headquarters in Islamabad in which provincial police, NGOs, UN agencies and select countries were invited. Notably, the FIA compiled a book of the most wanted traffickers; one of their goals is to arrest and prosecute as many as possible in this book. Likewise, they maintain a black book of those who have been convicted.

It is beyond the scope of this assessment to analyze sections of the law and its affect on controlling and preventing human trafficking and migrant smuggling, however the most commonly cited gaps in the legal framework will be cited below.

Section 173 of the Code of Criminal Procedure (1898), otherwise referred to as *challan*, is the official submission by the FIA to the court proceeding prosecution.²¹ Below is the number of cases that have proceeded to challan, resulting in convictions.

7.2 Gaps in the Legal Framework

Some believe that PACHTO was written and promulgated by Pakistani authorities mainly to prevent the country from being rated “tier 3” by the Americans in their annual Trafficking in Persons report. Whether or not this is true, the reality is NGOs and law enforcement agencies alike have indicated that there are gaps in PACHTO that need to be addressed.

In addition, as mentioned previously, there is no domestic law that focuses specifically on migrant smuggling, rather the offences are scattered in several legislations. As well, migrant smuggling is not defined in Pakistani legislation. While confusion between human trafficking and migrant smuggling is not unique to Pakistan, it is important to distinguish the two offences as their definitions differ, as should the associated responses from law enforcement agencies, prosecutors and the judiciary. For example, smugglers should not nor cannot be prosecuted as traffickers; therefore this lack of distinction causes barriers to prosecution as smuggling is not defined by the law.

One major challenge cited by FIA officers is that PACHTO, at present, does not have concurrent jurisdiction for both FIA and provincial police. This prevents provincial police from arresting and charging offenders, thereby shortening Pakistani law enforcement’s reach in effectively dealing with this crime type. Furthermore, due to their lack of knowledge of irregular migration, provincial police may not correctly identify trafficking crimes, but rather register the crimes as kidnapping, abduction or torture.

Another gap in PACHTO that is universally pointed out by government and non-government officials alike is that it does not refer to or regulate domestic or internal trafficking. At present, those responsible for recruiting and coercing men, women and children to work as bonded labourers, prostitutes, or any other exploitative work within the boundaries of Pakistan cannot be charged or convicted as traffickers.

In addition, PACHTO along with other domestic laws are seen as inadequately addressing children’s issues. For example, different domestic laws have varying ages of majority, ranging from 8 to 18 years old depending on gender. Activists in Pakistan have been advocating for an increase of the age of majority as well as the age of criminal responsibility²² so that child victims can be better protected, supported and rehabilitated.

²¹ The challan is a conclusive report of a case and is required to register it for trial.

²² Section 82 and 83 of Pakistani penal code categorizes the age criminal responsibility as 7 years old. Activists are currently lobbying the Ministry of Interior to increase it to 10 as well as to allow judges the discretion to impose it at 15.

Other domestic legislations including the Pakistani Penal Code and the Criminal Procedure Code were written in the late 1800s, well before the current era of modern technology and crime. These laws no doubt require updating to better reflect modern crime involving, inter alia, fraudulent document, identity theft, and imposters associated to human trafficking and migrant smuggling.

In addition to the legal framework, many criticize the absence of a national policy regulating migration into and out of Pakistan. The National Plan of Action for Combating Trafficking has also been criticized by many as stagnant due to a lack of will by the Government of Pakistan to implement it. Many argue that a state-wide policy on migration management is required – one that covers cross border and internal movements, outlines minimum standards for labour rights and human rights, and is designed as a guide for policy makers and civil society. It has been reported that a migration policy was indeed drafted by the Government of Pakistan a few years ago (the date of completion is unknown), however UNODC was not successful in obtaining a copy. It is said to be currently under review by the Ministry of Human Resources or the Ministry of Overseas Pakistanis. There is no known date for its release.

7.3 Challenges in Prosecution

There are a number of challenges preventing the successful prosecution of traffickers and smugglers. First of all, law enforcement officials regularly argue that there is a shortage of prosecutors, and in large that they are overworked and grossly underpaid.

Secondly, prosecution is dependent upon victims of trafficking or other irregular migrants to come forward and serve as witnesses. It is rare for irregular migrants to serve as witnesses for a myriad of reasons, including a lack of trust towards law enforcement officials for fear of being imprisoned or punished, allegiance toward traffickers or smugglers in the hopes that they will be able to migrate irregularly again due to the guarantee system, and concern that family members who are involved would be criminally implicated. Potential witnesses also fear reprisal from smugglers or traffickers against themselves or their family members due to the lack of witness protection services offered by the state or courts. In some cases, the agents are their relatives, causing them to be unwilling to speak against them in the court of law. These fears fuel witnesses to provide half or false statements in the attempt to thwart law enforcement investigations.

Many agree that a fast-acting and effective solution to some of the challenges listed above is to amend the legislation so that traffickers can be prosecuted using evidence other than victim accounts, including the ability to allow officials of other countries to present evidence. An official from a foreign embassy indicated that they have credible evidence against 83 agents and facilitators in the province of Punjab, however the FIA cannot arrest nor can the courts convict based on this information due to limitations in the legislation. Another solution to address this problem involves providing witness protection services to victims so to encourage them to act as witnesses. Others advocate for the creation of specialized courts to try human trafficking and migrant smuggling cases. (See section 8.5 for more information on victims.)

The third major challenge in prosecution is related to the fact that trials are held in the jurisdiction in which the interception took place. For example, if a potential smuggled migrant from Punjab and his or her smuggler is intercepted in Baluchistan, the trial will be held in Quetta. Irregular migrants often do not have the money or means to travel to Quetta to serve as witnesses, thereby directly

affecting the outcome of trials. Jurisdictional guidelines prevent the trial from taking place anywhere else. Furthermore, the federal legal framework is not extended to all territories in the Pakistan, namely FATA and Swat. (Some federal laws are not extended to Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB) as well.) This causes considerable challenges to provincial police operating in these territories to deal with trafficking in persons and smuggling of migrants crimes, as well as for the FIA as they do not have a clear mandate in these areas.

The lack of responsibility by state authorities to bring a case to trial is seen as another challenge to prosecution. For example, some argue that law enforcement agencies do not bear sufficient burden to bring case to trial and that there is insufficient responsibility on the public or state institutions to ensure that cases are heard and resolved as per the concepts of due process and natural justice. Instead, the reality is that families of victims bear the burden to bring cases to trial. One can argue that in situations in which families are facilitating the irregular migration of children and other family members, it is unlikely that trial will take place.

8. Challenges in Law Enforcement

There are a number of challenges that law enforcement officers must navigate in order to effectively maintain law and order in Pakistan. One difficulty is the effect of growing militancy in Pakistan on the safety and security of law enforcement agencies. Resources that would otherwise be dedicated to fighting crime are diverted to security initiatives and programs. In addition, FIA offices have been targets of bomb attacks and threats in the past, contributing to the difficulty in staffing FIA offices located in high risk areas, for example Quetta or Peshawar. Senior managers of the FIA are frequently sorting through a high volume of transfer requests from officials located in high risk areas of the country.

Compounded by FIA's already vast mandate, frequent changes in government and senior leadership have an impact on its ability to be effective. Its success in focusing on human trafficking and migrant smuggling crime types is dependent upon personalities and individual ambitions of those at the very top.

Below is a summary of other challenges in law enforcement specific to combatting irregular migration.

8.1 Resources and the Volume of Offloades and Deportees

Offloades is the term used for those attempting to travel with illegal documents through one of the Pakistan's 26 legal checkpoints. Deportee is the term used to refer to those who travelled to destination countries irregularly and have been intercepted and returned to Pakistan.

Law enforcement agencies often cite the lack of resources as the main restricting factor impeding their ability to function. This is well illustrated when comparing the ratio of law enforcement officer to deportee or offloades.²³ For example, the Karachi port will have at any one time more than 500

²³ According to the FIA, the volume of deportees and offloades have decreased over the years due to increased interceptions by the IATF and public awareness of the consequences of irregular migration.

deportees returned at one time with only 40 officers available to process them. FIA officials in Quetta also argue that they often have to process 500-600 individuals who have been intercepted or deported at any one time, with less than 10 officials to process them. The Islamabad airport indicated that they receive 30-40 deportees every two days, also with minimal staff to process them. FIA officials indicate difficulty in determining the identity of migrants, stating that often Indians, Bangladeshis and Afghans attempt to pass themselves off Pakistani.

FIA officers indicate they do not have sufficient holding centres designed to feed, shelter, and provide medical services or to interrogate deportees, greatly affecting their ability to collect accurate information. In some situations this means that irregular migrants are sent to other FIA offices for interrogation, thereby allowing time and opportunity for migrants to be influenced by agents or family members to not share information.

FIA officers indicate that the lack of vehicles to transport deportees or offloaders from one jurisdiction to another resource challenge. (In some cases, non-governmental organizations have filled in this gap.) They also indicate they lack raw resources to do their jobs effectively, such as checkpoints along common travel routes, training rooms, interrogation rooms, computers, and reference material.

The real challenge for law enforcement is to be proactive in fighting irregular migration as most energy is spent on simply processing deportees. For example, there is a need to conduct more sting operations, to better enforce the border checkpoints with more FIA personnel, and to expand the number of checkpoints across the country. The lack of training and resources greatly affects their ability to be effective.

8.2 Inter Agency Cooperation

The Inter Agency Task Force (IATF), comprised of, inter alia, the FIA, Frontier Corps, Coast Guards, Marine Security Agency, Baluchistan Police, Rangers, is a mix of military and civilian organizations with the purpose to interdict and prevent irregular migration. The IATF has served as an effective deterrent, intercepting all throughout the country.

Not only are the provincial police first responders, they are also responsible for policing crimes related to internal trafficking including bonded labour. As such, they can be considered as the FIA's main partner in combating irregular migration. However, many agree that the provincial police have not had adequate training on human trafficking and migrant smuggling issues to effectively identify and refer cases to the FIA nor to collect evidence and bring to trial cases that cannot be referred to the FIA. Many sources state that provincial police do not investigate trafficking cases appropriately because officers do not understand even basic concepts. Furthermore, FIA officials state that some provinces do not refer cases to the FIA as frequently as they should, partly because of the absence of formal information sharing mechanisms. The primary reason, however, is likely due to their differing set of policing priorities and focus on maintaining security.

If trafficking across Pakistan's international borders is truly just the tip of the iceberg, as some FIA officials suggest, the vacuum of knowledge within provincial police authorities on how to accurately address irregular migration has far reaching consequences. FIA officials call for increased cooperation among all law enforcement agencies at the national and provincial level, especially at the deputy director level or lower. Some suggest that this can be achieved with the establishment of

liaison officers within the FIA and the provincial police to help with coordination and referrals. Others have suggested that provincial police would benefit from the creation of anti-human trafficking cells (as the FIA has established) that are dedicated offices focusing on domestic trafficking issues. The importance for the Government of Pakistan to improve training to provincial law enforcement agencies to irregular migration is underscored by the devolution of national responsibilities to the provinces accompanied by the 18th amendment.²⁴

8.3 Data collection and Information Sharing

Another challenge for law enforcement authorities is related to the quality of information collection and analysis as well as the willingness or ability to share information among other government agencies and with national and international stakeholders. By and large, the FIA is not able to analyze trends related to these crime types so to develop strategic operations or formulate policy. In addition, there are very few information sharing mechanisms within the Government of Pakistan or with other foreign governments designed to facilitate interdiction or prosecution.

Foreign governments cite that they rely on personal relationships with individual FIA officers in order to pass or collect information on criminal activity associated with irregular migration. Furthermore, there appears to be little official cooperation between Pakistani and foreign judiciaries. Pakistan has not established extradition treaties with most foreign governments nor have they developed mutual legal assistance programs in order to facilitate prosecution of offenders within or outside of Pakistan.

For more information regarding the challenges in data collection and information sharing within the FIA, please refer to a recently published UNODC document on this issue.

8.4 Corruption

Pakistan is rated 134 among 183 countries on Transparency International's Corruption Perception Index, in line with countries such as Sierra Leone and Eritrea.²⁵

Senior and junior officers of the FIA acknowledge that their officials have been bribed and complicit in criminal activity associated with human trafficking and migrant smuggling. Some have been arrested in connection with visa scams, embezzlement, abuse of power, and accepting bribes.²⁶

Some interviewees suspect that complicity of law enforcement officers in criminal rings reaches even senior levels of the FIA and prominent politicians, thereby allowing the agents to continue their criminal activities without prosecution. There is no evidence to prove this claim. There is a perception among the international community in Pakistan that police officers who uncover corruption rings are transferred to different sections or out of the FIA entirely to prevent them from coming forward. There are unconfirmed stories that it costs 10,000 PKR for a deportee in Quetta to be released without being charged, and that some transporters travel during the day and take conventional routes as law enforcement officials along the way have been bribed to facilitate the journey.

²⁴ The 18th amendment was passed in April 2010 in efforts to reduce the powers of the President and enhance provincial autonomy. For more information, refer the recently published UNODC report on this subject.

²⁵ <http://cpi.transparency.org/cpi2011/results/#CountryResults>

²⁶ http://app.com.pk/en_/index.php?option=com_content&task=view&id=33635

Other forms of fraud have been reported by law enforcement officers and stakeholders alike. For example, it is reported that some officers with the provincial police are of the opinion that having an elevated number of First Investigative Reports (FIRs), an official report issued by the investigating officer on a case in order to trigger an official investigation, reflects a higher crime rate under their watch. As a result, it is believed that these officers purposefully avoid registering FIRs so to create the illusion of a lower crime rate.

There are also reports of fraud at the municipal, tehsil or union council level. More specifically, these councils are responsible for registering civil status records such as birth, death, marriage and divorces. International governments who verify civil status documentation for Pakistani migrants declare that a high percentage of documents are improperly issued or fraudulent, which are then used to obtain genuine travel document or identity cards, thereby facilitating irregular migration.

Although the extent to which corruption pervades law enforcement and other government officials is unknown, corruption cannot be denied and is a major challenge to combating this crime type.

8.5 Victim Services

The Government of Pakistan has not developed adequate protection services for victims of trafficking or other irregular migrants. Research suggests that law enforcement officers do not adequately identify victims of trafficking, and even when identified, they have a tendency to treat victims as perpetrators by charging them with offences and failing to refer them to social services within the country. FIA officers indicate that irregular migrants who have been intercepted a second time are not considered victims and will be charged. This practice appears faulty as it is possible that victims of trafficking, including children, may have been coerced to attempt to travel more than once.

There are reports of trafficked women who have found law enforcement officers quite helpful; nonetheless there is a shortage of government run shelters, medical facilities, legal aid societies, and services for victims of trafficking.

The FIA has provided limited consular, medical and legal services in partnership with NGOs and other governments, for example in the case of deportees from Oman. However, more improvements can and should be made in this area in order to be in line with international standards. Most protection and social services are primarily provided and financed by non-governmental organizations.

9. Successes of FIA

9.1 Ten Years of Progress

In the last 10 years, the Government of Pakistan has taken considerable strides to improve upon its ability to combat irregular migration. The promulgation of the PACHTO in 2002, the establishment of the National Plan of Action Combating Human Trafficking a few year later, the recognition of 23 problem districts, the establishment of AHTCs and checkpoints all over the country are testimony to this fact.

Other successes include the establishment of the Migration Management Cell within the Ministry of Interior and the formulation of an inter-Ministerial group designed to address trafficking issues. Furthermore, the IATF was established in order to enhance interceptions. The creation of an FIA link office in Oman to assist with deportations has proven to be a strategic success as it is a primary destination and transit country for irregular migrants. Also significant are FIA's efforts to introduce more female law enforcement officers, improving upon their ability to provide services to both genders.

In areas that the Government of Pakistan has not adequately performed, NGOs and donors have risen to the challenge, such as enhancing training programs to FIA and provincial police and instituting victim support services.

Perhaps the most revelatory and significant success of Pakistan, involving the comprehensive effort of UN agencies and local and international NGOs, the government of the receiving country in question, and the Pakistani government, is the deconstruction of the child trafficking ring to the camel racing industry in the UAE. The section below explores some of the lessons learned from this success.

9.2. Camel Jockey's in the UAE

Camel racing in the Middle East is a long-standing tradition.²⁷ As it became more competitive in the 1980s, child jockeys were introduced, preferred by race organizers as they are lightweight. The children used in races were trafficked from Pakistan, Bangladesh, Sudan and Mauritania; they were made to care for and ride the camels. They lived on farms, were malnourished in order to keep light, and often sustained serious injuries. There are varying estimates on the number of children used in camel jockeying in the Middle East, mostly ranging from 3,000 – 5,000, but reach as high as 40,000. Reports suggest that in some cases, parents of camel jockey children were taken to the UAE before they agreed to release their children; organizers prevented them from seeing the farms their children would be subjected to for years to come.

In response to mounting international pressure from UNICEF and other child and human rights advocates, the UAE issued a decree in 2005 banning the use of children under the age of 16, an offence punishable by jail time and strict fines. Race organizers began to use remote control jockeys in lieu of children. In 2008, camel jockey children from Pakistan, Bangladesh, Sudan and Mauritania were repatriated to their countries by the UAE government; most were reunited with their families and provided integration services. It is reported that approximately 1000 of such children were repatriated to Pakistan.

Although Pakistani children trafficked to the UAE originate from all over Pakistan, most of the children were as young as 5 years old and sourced from central and south Punjab, in particular Rahim Yar Khan, Muzaffargarh, Multan, DG Khan. Poverty is rampant in these parts of Pakistan driving parents to sell their children to race organizers. It is said that Middle Eastern sheikhs own land and property in these parts of the country, possibly a contributing factor to sourcing children from Pakistan.

²⁷<http://www.thenational.ae/news/uae-news/the-rich-history-of-camel-racing>

The FIA reports that the camel jockey trafficking ring to Pakistan has virtually ended. This success is attributed to the introduction of robots as jockeys, intervention on the part of UNICEF and the UAE government, as well as concerted efforts to increase public awareness in regions from which the children were sourced. In addition, repatriated children were provided with health and integration services, access to vocational skills training and assistance in finding work locally. Families were linked with organizations that provided legal aid and social services; children who could not be matched with families were provided protection. Union councils were involved in the implementation of community support and awareness programs.

While most agree that the problem of child jockeys from Pakistan has greatly reduced, some non-governmental organizations are skeptical. Some report that race organizers still demand children and the UAE government has not monitored their involvement closely enough. This fact coupled with poverty and families' ignorance to the risks may contribute to the on-going use of Pakistani children. Although the use of Pakistani children has not been confirmed, there are recent reports that children are still being used as jockeys in camel races in the UAE,²⁸ and throughout other countries in the Middle East.

Nonetheless, the important lesson to retain is the effectiveness of a global and multi-layered approach to combating this problem. The solution included the involvement of UN agencies and NGOs, the UAE government and its law enforcement agencies, as well as the Pakistani government and its law enforcement agencies – all supported by community mobilization. A comprehensive approach at tackling the problem from a government and community level appears to have prevented the proliferation of children being trafficked to the UAE.

10. Responses of International Community

10.1 UN Agencies

Other than the UNODC, there are several United Nations agencies working in Pakistan with mandates that touch upon human trafficking and migrant smuggling issues, principally the International Labour Organization (ILO), United Nations High Commission on Refugees (UNHCR), International Organization on Migration (IOM), UN Women, and United Nations Children's Fund (UNICEF).

For example, UNCHR works with the FIA on issues related to their ability to respond to non-nationals. They conduct border monitoring at the Afghanistan-Pakistan border in order to assist Afghans who wish to claim asylum in Pakistan. The ILO works with the GoP to increase standards of labour.

The IOM established task forces in Punjab and Sindh to provide support to victims. The taskforces, comprised of civil society, government bodies, lawyers, medical staff, and teachers, provided victims with referrals to supporting agencies, financial assistance and assistance with law enforcement. The IOM has also funded and organized public awareness programs and implemented training to build the capacity building of the FIA.

²⁸ <http://www.independent.co.uk/news/world/middle-east/uae-defies-ban-on-child-camel-jockeys-1914915.html>

Also, UN Women continues to advocate for improvements in legal framework against trafficking. A number of UN agencies fund non-profit organizations, which provide legal aid services to vulnerable populations. In 2008, an interagency group on child trafficking led by UNICEF, comprising of the IOM, UNICEF, UN Women, UNODC, was established in order to exchange information and establish a coordinated approach in human trafficking interventions. This interagency group is no longer active. In recent years, it appears that UN agencies have not made any significant attempts to coordinate their activities in combating human trafficking and migrant smuggling.

10.2 Destination Countries

A number of destination countries have funded and implemented programs in Pakistan in effort to combat irregular migration. The EU has funded studies and projects in strongholds of human trafficking. Australia and United Kingdom have provided capacity building aimed at developing immigration intelligence within the FIA. To this end, in 2006 the UK Foreign and Commonwealth Office worked with the Government of Pakistan to establish and Immigration Intelligence Unit (IIU). Unfortunately, the IIU has not yet been established.

Several embassies dedicate resources to training airline staff on facial recognition, security features on passports, and recognizing suspicious flight routes. Others also fund and implement programs to develop the capacity of law enforcement agencies. The ultimate objective for such programs is to prevent the numbers of irregular migrants that arrive in their countries. This is done under the premise that the most impact can be achieved if irregular migrants do not leave source countries nor permitted to transit through others. Some countries are particularly active, partly due to domestic political pressures, in developing anti-human trafficking and migrant smuggling programs within source countries themselves. Other destination countries receiving irregular migrants from Pakistan, for example Greece, have not developed programs in source countries but rather focus on strengthening their own physical borders.

Ultimately, whether or not it is well-founded, there is a fear of radicalization that accompanies vulnerable Pakistani migrants. Criminal activity associated with irregular migration, including the use of fraudulent documentation, money laundering as well as the possible nexus with narcotics, weapons and other crimes, does not help to dispel this fear. Generally, there is a lack of trust for Pakistani law enforcement agencies as many perceive them to be ill-equipped to properly deal with illegal migration and its associated crimes.

10.3 NGOs

A variety of non-government organizations are active in Pakistan, providing services to victims of trafficking and irregular migrants. They have also provided funding to the FIA to increase capacity building, provide legal aid, establish shelters, and implement grassroots public awareness campaigns of the dangers of illegal migration in vulnerable communities. While they fill gaps that the Government of Pakistan has proven unable to fill, similar to a challenge faced by UN agencies and destination countries, their involvement is ad-hoc and does not appear comprehensive or adequately strategic.

11. Recommendations

While they are not exhaustive and vary in significance and influence in combating this crime type, the recommendations below were reoccurring themes that emerged during the course of research for this report.

The value of a number of the recommendations is relevant beyond their impact on combating irregular migration. (Please refer to other UNODC publications on migrant smuggling and human trafficking for more recommendations.)

The Government of Pakistan should consider and implement the following recommendations:

1. To develop a nation-wide policy on migration

- Develop a nation-wide policy on migration, including a comprehensive Government of Pakistan vision and approach on combating irregular migration as well as a minimum standard of rights for labour.
- Develop a next policy for NARA following the registration of irregular migrants, including enhancing amnesty provisions for those who register.

2. To develop robust training programs for the FIA, provincial police, other members of the Inter Agency Taskforce (IATF), judiciary, prosecutors, and other relevant government agencies or departments such as the National Database Registration Authority (NADRA) and National Alien Registration Authority (NARA)

- Human trafficking and migrant smuggling training ought to be mainstreamed into training at the FIA academy and given to all officers before taking post.
- Training should be geared to enhance identification of victims and investigation skills.
- Basic and advanced training on concepts related to human trafficking and migrant smuggling is required.
- Focus on delivering training to those who do not usually have access (beyond Islamabad) and in source areas for irregular migration.
- Compile reference material for law enforcement agencies on irregular migration, including all relevant legislations in one composite reference book.

3. To improve upon the structural organization of law enforcement agencies

- Establish more AHTC offices within the FIA or create sub-offices in regions that are responsible for large geographical areas.

- Expand upon the Oman model by placing FIA agents in other receiving countries in order to facilitate deportations.
- Consider implementing the AHTC structure with provincial police in order to improve their operations vis-à-vis bonded labour, unpaid domestic servitude, and other forms of human trafficking.

4. To improve allocation and distribution of resources to law enforcement agencies

- Construct holding centres in areas in which large numbers of deportees and offloaders accumulate in order to feed, shelter and interrogate.
- Provide FIA offices with vehicles in order to enhance checkpoint patrols and buses in order to transport those intercepted.
- Strategize with donor agencies and countries to ensure that development aid is not redundant and focus on maximizing benefits.
- Increase NARA's capacity to register irregular migrants.
- Focus on enhancing proactive measures to combat irregular migration, such as increasing sting operations, neutralizing safe houses, etc.

5. To enhance the legal framework as it pertains to irregular migration

- Integrate domestic or internal trafficking into the definition of human trafficking outlined in PACHTO.
- Allow for concurrent jurisdiction of PACHTO to national and provincial law enforcement.
- Define and criminalize migrant smuggling in a separate act or ordinance.
- Extend federal laws to all provinces and territories
- Use the example of laws recently adopted to prevent violence, abuse against women as a learning tool and model to promote and implement changes to the legal framework.²⁹

²⁹ The Government of Pakistan has recently stiffened the laws against acid attacks, forced marriage and preventing women from inheriting property. <http://www.ndtv.com/article/world/new-laws-protect-women-from-abuse-in-pakistan-157750>

6. To improve the focus on and success in prosecution

- Focus on prosecuting traffickers, smugglers, agents, facilitators and transporters rather than the smuggled migrants or the victim of trafficking themselves.
- Prosecute family members who allow children to be trafficked or smuggled.
- Enhance the burden on law enforcement agencies to prosecute offenders.
- Create special courts in regions that are prone to human trafficking and migrant issues in order to minimize jurisdictional challenges.
- Develop and implement prosecutor and judiciary training programs.
- Establish a legal aid program and enhance health, vocational, reintegration and compensation services to victims of trafficking as well as smuggled migrants to encourage their cooperation as witnesses in criminal cases.
- Reduce reliance on witnesses for convictions by allowing courts to consider evidence from other countries and sources.
- Introduce ombudsman services at the federal and provincial level to receive and investigate complaints, which may or may not be against government officials.

7. To improve information collection and sharing capacities as well as cooperation with regional partners

- Establish information sharing mechanisms among relevant government and law enforcement agencies designed to involve both high level and operational ranks alike.
- Create a position within all FIA and provincial police stations responsible for information sharing and coordination among Government of Pakistan agencies. Create standard operating procedures to accompany this position.
- Place an officer within each FIA and provincial police station, who is solely responsible for inputting and updating data on the computerized case management systems.
- Enhance current electronic information collection data software by clearly separating trafficking in persons and smuggling of migrants as two separate crime types, making programs user-friendly and increasing its capacity to generate reports for monitoring purposes.
- Establish mutual legal assistance and extradition treaties with destination countries.
- Form the Immigration Intelligence Unit, as initiated by the British government, in order to increase the ability to collect, analyze and disseminate information.

8. To improve the identification of victims and the provision of services to irregular migrants

- Create taskforces or resource pools of lawyers, psychologists, doctors and other professionals in areas in which trafficking in persons and smuggling of migrants is prevalent. Seek to create seamless services with human rights approaches for victims of trafficking.
- Assign a police officer in all provincial and FIA police stations, who is responsible for reporting and liaison on human rights issues, including bonded labour, human trafficking. This person would be responsible for developing relationships with referral organizations.
- Provide services for victims by establishing shelters and resource centres that specialize in the provision of counseling, rehabilitation, medical services and legal aid.
- Set up and enhance civil society organizations to serve as a bridge between irregular migrants and law enforcement. Such organizations would improve the performance of law enforcement through the provision of technical support, partnering and supportive engagement with the community. (The Citizen Police Liaison Committee (CPLC) in Karachi serves as an effective model of such organizations.³⁰)

9. To improve public awareness on the dangers and consequences of human trafficking and migrant smuggling.

- Utilize the media and other avenues to implement widespread public information campaigns on the dangers and consequences of irregular migration.
- Widely disseminate information to deconstruct the myths and deception surrounding irregular migration. This can be done by involving community leaders, town councils and student populations in areas in which irregular migration is prone, ensuring that material is available in Urdu, Punjabi, Sindhi, and other local languages.
- Promote the prospects of legal migration, the activities undertaken by law enforcement to reduce irregular migration, and spread awareness of victim support services.

³⁰ The CPLC maintains databases and communication infrastructures as well as provides specialized services including crime analysis and the investigation of kidnapping and terrorism. By providing a range of support services, the CPLC has helped to create safer spaces for humanitarian activities and offers an alternative 'hybrid' service delivery mechanism where existing government structures or capacities are inadequate. <http://www.odihpn.org/humanitarian-exchange-magazine/issue-50/partnering-for-security-the-citizens-police-liaison-committee-in-karachi-pakistan>



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