

# PAKISTAN'S GENDER-SENSITIVE AND HUMAN RIGHTS-BASED RESPONSE TO TRAFFICKING IN PERSONS & SMUGGLING OF MIGRANTS



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This research report is based on analysis of data collected in two phases. The first phase report was largely based on desk review while qualitative interviews were conducted with stakeholders to enrich the analysis and fill gaps in the phase 2 report.

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## ACRONYMS & ABBREVIATIONS

AHTCs	Anti Human Trafficking Circles
BEOE	Bureau of Emigration and Overseas Employment
BSLA	Bonded Labour System (Abolition) Act
CPU	Child Protection Units
CPWB	Punjab Child Protection and Welfare Board
DOL	Department of Labour
DVCs	District Vigilance Committees
FIA	Federal Investigation Agency
FIR	First Information Report
HRCP	Human Rights Commission of Pakistan
HRMIS	Human Rights Management Information System
IATF	Inter Agency Task Force
KP	Khyber Pakhtunkhwa
LEAs	Law Enforcement Agencies
MOFA	Ministry of Foreign Affairs
MOHR	Ministry of Human Rights
MOI	Ministry of Interior
NCHR	National Commission for Human Rights
MOPHRD	Ministry of Overseas Pakistanis & Human Resources Development
MWS/T	Most Wanted Human Smugglers / Traffickers
PACHTO	Prevention and Control of Human Trafficking Ordinance, 2002
PKR	Pakistan Rupees
PPC	Pakistan Penal Code
<i>PSMA</i>	<i>Prevention of Smuggling of Migrants Acts, 2018</i>
<i>PTPA</i>	<i>Prevention of Trafficking in Persons Act, 2018</i>
SDG	Sustainable Development Goals
SOM	Smuggling of Migrants
SOPs	Standard Operating Procedures

SP-I	Sub-Programme I
TIP	Trafficking in Persons
TOCs	Transnational Organized Crimes
TVPA	Trafficking Victims Protection Act
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational Scientific & Cultural Organization
UNODC	United Nations Office on Drugs and Crimes



## 1. INTRODUCTION

### 1.1 Background and Terms of Reference (ToR) of the Study

Trafficking in persons<sup>1</sup> and smuggling of migrants<sup>2</sup> (hereafter “TIP” and “SOM”) are serious human rights issues. Smuggling of migrants and human trafficking are very interconnected phenomena but they are also separate and distinct, particularly in the cases of migration of low skilled workers from poor countries. Searching for better lives and without having neither knowledge nor money to afford a safe and reliable scheme of migration, these people often become victims of human traffickers<sup>3</sup> and objects of smuggling offence.

TIP and SOM are organized crimes and gendered phenomena; they affect men and women, individuals with variation in sex characteristics, diverse sexual orientation and/or diverse gender identities differently. Victims of TIP are children and adolescents, women, experiencing higher rates of modern slavery in domestic work, the sex industry and forced marriage, while men are more likely to be exploited in forced labour in construction and manufacturing sectors, and undocumented migrants.<sup>4</sup>

Learning from the first phase of the project, GLO.ACT Pakistan seeks to ensure that in rendering support to the government of Pakistan to implement the national response to trafficking in persons and smuggling of migrants, gender and human rights issues have a baseline from which to measure impact by the end of the project, as well as policy directions to ensure deliberate factoring in of measures to address gender and human rights gaps in implementation. It is recognized that ... “there are no gender-neutral inventions when the ultimate goal is to improve the lives of all people, women and men, girls and boys, as well as individuals of diverse bodily characteristics, diverse sexual orientation and /or diverse or plural genders.”<sup>5</sup> Furthermore, an effective intervention follows a human rights based approach which acknowledges how human rights violations occur as part of the trafficking and smuggling cycles.<sup>6</sup> Governments have a responsibility to protect and promote the rights of all persons within their jurisdiction, including non-citizens, and therefore have a legal obligation to work towards elimination of TIP and SOM.<sup>7</sup>

The GLO.ACT project piloted a Gender and Human Rights Tool which is an important resource for developing the baseline. The findings of the baseline and resultant policy positions complement ongoing initiatives at regional level that Pakistan is part of, such as the regional network of women

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<sup>1</sup> Article 3 (a) of the UN Trafficking Protocol 2000 defines trafficking in persons as the ‘recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

<sup>2</sup> The term “migrant” is used to refer to all migrants including economic migrants, asylum seekers and refugees traveling in mixed migration flows.

<sup>3</sup> Situation and Gap Analysis Report on Forced Labour Protocol-Pakistan, ILO (unpublished)

<sup>4</sup> Latham-Sprinkle, J., David, F., Bryant, K., & Larsen, J. (2019). Migrants and their vulnerability to human trafficking, modern slavery and forced labour. [https://publications.iom.int/system/files/pdf/migrants\\_and\\_their\\_vulnerability.pdf](https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf)

<sup>5</sup> UNODC Gender Brief for UNODC Staff “Mainstreaming gender in Organized Crime and illicit Trafficking projects [https://www.unodc.org/documents/Gender/Thematic\\_Gender\\_Briefs\\_English/Org\\_crime\\_and\\_trafficking\\_brief\\_23\\_03\\_2020.pdf](https://www.unodc.org/documents/Gender/Thematic_Gender_Briefs_English/Org_crime_and_trafficking_brief_23_03_2020.pdf).

<sup>6</sup> United Nations Human Rights Office for the High Commissioner “Human Rights and Human Trafficking” [https://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS36_en.pdf).

<sup>7</sup> <https://www.ohchr.org/EN/Issues/Trafficking/TiP/Pages/Index.aspx>.

champions in TIP and SOM (also supported by the GLO.ACT project).<sup>8</sup> They will also inform Pakistan's national strategic framework and action plan scheduled for 2020/21.

This study attempts to analyse whether Pakistan's legal framework and strategies are based on the principles of human rights and are gender-sensitive enough to counter the growing trends in this area. More specifically, this study examines:

- community-level trends and societal perceptions of gender stereotypes and relations that have an impact on the perpetuation and response to TIP and SOM;
- the relationship between gender inequality and drivers of TIP and SOM, as well as the role of women in combating TIP and SOM;
- structural issues leading to gender discrimination and human rights violations;
- whether the national TIP and SOM response (legislative, policy, operational levels) is likely to promote gender equality and human rights;
- aspects involved in TIP and SOM process that can be characterized as a violation of human rights, local context is NB; and
- whether and how human rights and gender can be integrated into the TIP/SOM agendas in Pakistan.

This research study employed various methods to collect and analyse primary and secondary data.

## 1.2 Research Methodology

As outlined in the next section, the research methodology is based on two qualitative research methods i.e., 1) Desk review and 2) Key Informants Interviews (KIIs). It was expected that both methods would inform the answers to the key questions concerning Pakistan's response to TIP as well as SOM.

Desk review: Desk review was conducted in Phase I, however, more in-depth desk review will be carried out in Phase II. In Phase II, the consultant will review the following material:

- i. Available theoretical academic literature – books, journals etc.
- ii. Historical material produced on the subject,
- iii. Media reports
- iv. Provincial and federal policies and laws
- v. NGOs reports produced on gender, human rights, TIP and SOM
- vi. Reports and research papers produced by UN agencies and international organisations on the subject

Analytical findings from the above were incorporated into the research report in both phases.

**Key informant interviews (KIIs):** KIIs were conducted in Islamabad, Lahore and Karachi between July to September 2021 to gather opinion from cross-section of Pakistani stakeholders. A list of potential stakeholders identified for interviews and semi-structured question guide was developed in consultation with UNODC's HTMS team to get qualitative data. KII sought to gather data and information about society, its social practices and norms, with the aim of deepening the understanding and/or acquiring knowledge about the phenomena of TIP and SOM. For Steinar Kvale, 'interview aims to obtain descriptions of the life world of the respondent with respect to interpreting the meaning of

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<sup>8</sup> UNODC TOOLKIT for mainstreaming Human Rights and Gender Equality (2021)

the described phenomena'.<sup>9</sup> Interview transcripts/minutes were recorded, analysed, and utilized to update this report.

This study has also made use of information gathered during online policy dialogue and GLO.ACT Women Network meeting held on 15 July 2020 and November 9 – 11, 2021 in Dubai, respectively.

### 1.3 Research Limitations

The study produced in the Phase I was mainly based on literature review of publicly available qualitative and quantitative data. In Pakistan, there is a considerable dearth of relevant literature produced on aspects of gender stereotypes perpetuating TIP and SOM. With a few exceptions, there is a huge gap in the available data. Reports published by the US State Department (TIP), International Organization for Migration (IOM), and UNODC inter alia suggest these are mainly based on estimation and anecdotal stories.

The FIA has remained the only lead law enforcement agency that has the authority, mandate, and responsibility to monitor human trafficking and smuggling of migrant in Pakistan. UNODC recently helped the FIA in revamping its data collection system and set up data collection indicators of TIP and SOM which with help FIA to provide a comprehensive national report that examines the trafficking and smuggling trends in the country. Although the recent passing of the PTIP Act 2018 has given the mandate to trace internal trafficking to the Provincial Police, it lacks clear policy and data collection capacity to identify cases of trafficking and smuggling from the vast crime-related data it gathers annually. Therefore, this study faced challenges to find and review credible literature produced on societal perception of gender stereotypes and relations that have an impact on the perpetuation of TIP and SOM in Pakistan.

This, in turn, justified the need for a primary data collection. Therefore, to address some of the data challenges, primary data collection was undertaken in phase two. Key informant interviews were conducted with key stakeholders. The key stakeholders included civil society, government officials, academia, journalists and UN agencies.

During fieldwork, it was revealed that most of the stakeholders – whether government or civil society – were not very much familiar with the intricate technical knowledge of TIP and SOM. This also posed a challenge for the researcher to retrieve information to substantiate his arguments for the study. This challenge, however, was, to some extent, overcome by further desk review.

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<sup>9</sup> Kvale, S. (1996). *Interviews: an introduction to qualitative research interviewing*. Sage Publications.



## 2. ANALYSIS & FINDINGS

### 2.1 Pakistan's TIP and SOM Phenomena

Trafficking in persons: This is a global problem, often fuelled by growing economic inequalities, environmental crises, armed conflicts, political instability, persecution, and the search for a better life.<sup>10</sup> The nature of trafficking in persons—multifaceted, complex, and clandestine—poses significant challenges for the development of effective anti-trafficking policies.<sup>11</sup> Trafficking of men, women and children for work outside their countries of origin in an increasingly globalized sex industry is a significant issue for public health professionals, international law enforcement, human rights agencies, international labour monitors, and groups concerned with women's and children's welfare.<sup>12</sup> TIP and SOMs are highly profitable and estimated to generate millions of dollars, especially because a human being can be repeatedly exploited for profit.

However, the revenues from trafficking reported are 'guesstimates', as they are based on estimates of the number of transactions between Women Trafficked for Sex Work (WTSW), clients, and traffickers.<sup>13</sup> According to UNODC's Global Report 2020, "illicit profits from trafficking can vary: large criminal organisations make the highest incomes, while small scale traffickers can earn little more than average wage"<sup>14</sup>. Accurate estimates, however, are difficult to obtain because the movement of people occurs almost completely in secret.<sup>15</sup>

Female victims continue to be particularly affected by trafficking in persons.<sup>16</sup> In 2018, for every 10 victims detected globally, about five were adult women and two were girls - about one third of the overall detected victims were children, both girls and boys, while 20 per cent were adult men.<sup>17</sup>

The UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted by General Assembly resolution 55/25 of 15 November 2000, defines a *trafficked person* as someone who is recruited; harboured, received transferred or transported across national and international borders, or internally by means including threat or coercion, for the purposes including exploitation of the prostitution of others, forced labour, slavery, or the removal of organs.

In Pakistan, lack of economic opportunities influences people's choice to relocate or immigrate for better life. This spurs the trend of migration both through legal and illegal channels.<sup>18</sup> Pakistan is one of the largest labour exporting countries of the region and since 1971 more than 10.61 million Pakistanis have proceeded abroad for employment according to the official statistics.<sup>19</sup> Remittances

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<sup>10</sup> Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward, published by IOM 2012. Page 22.

<sup>11</sup> Trafficking in Person Report 2018, Department of States, The United States of America. Page 3.

<sup>12</sup> Cwikel, J., & Hoban, E. (2005: p.306). Contentious issues in research on trafficked women working in the sex industry: Study design, ethics, and methodology. *Journal of Sex Research*, 42(4), 306-316.

<sup>13</sup> Cwikel, J., & Hoban, E. (2005: p.306). Contentious issues in research on trafficked women working in the sex industry: Study design, ethics, and methodology. *Journal of Sex Research*, 42(4), 306-316.

<sup>14</sup> UNODC Global Report on Trafficking, 2020. Pp 14

<sup>15</sup> Cwikel, J., & Hoban, E. (2005: p.306). Contentious issues in research on trafficked women working in the sex industry: Study design, ethics, and methodology. *Journal of Sex Research*, 42(4), 306-316. (Pp. 307)

<sup>16</sup> UNODC Global Report on Trafficking, 2020. Pp 31

<sup>17</sup> Ibid

<sup>18</sup> Human Smuggling and Trafficking in Pakistan. Policy Brief. Page 1

<sup>19</sup> [http://www.finance.gov.pk/survey/chapters\\_19/12-Population.pdf](http://www.finance.gov.pk/survey/chapters_19/12-Population.pdf)

sent home by the migrants play an important role in reducing poverty in Pakistan overall, and particularly in supporting households in conflict-affected areas.<sup>20</sup> Poor economic indicators expose the vulnerability of Pakistani unemployed population, which can be potentially exploited by the crime syndicates of human smuggling and trafficking.

Pakistan is a source, destination and transit country for men, women and children trafficked for the purpose of forced labour, sexual exploitation and organ removal.<sup>21</sup> Traffickers have exploited Pakistani girls in sex trafficking in Kenya and Pakistani adults, including with disabilities, to forced begging in the United Arab Emirates.<sup>22</sup> Pakistani boys are vulnerable to sex traffickers in Greece.<sup>23</sup> Anecdotal evidence suggests that victims of trafficking are among the large number of irregular migrants to Pakistan.<sup>24</sup> In particular, there is evidence of women and children being trafficked to Pakistan for sexual exploitation, sometimes in the form of forced marriages. NGO workers have reported the presence of Chinese, Russian, Nepali, Iranian, and Bangladeshi women in Pakistan; these women are believed to have been trafficked for the purposes of sexual exploitation, however, no details are available.<sup>25</sup> There is no reliable statistical information to indicate the magnitude of the problem.<sup>26</sup> Women and girls are trafficked from Pakistan to the United Arab Emirates regularly to work as dancers but are subsequently subjected to sexual exploitation.<sup>27</sup> Most of the NGOs interviewed for this study opined that women and children trafficked from East Asian countries and Bangladesh often transit through Pakistan.<sup>28</sup>

In Pakistan, bonded labour is widespread in agriculture, brick kiln work, tanning and carpet industries<sup>29</sup> and the possibility of child trafficking cannot be dismissed. The debt bondage is prohibited by Bonded Labour System (Abolition) Act 1992. Pakistan has also ratified ILO Convention 29 on bonded labour. Despite such legislations, however, the real conditions of bonded labourers remain the same.<sup>30</sup> For example, in Balochistan, most coal mines are in Duki, Mach, Quetta or Loralai. A senior FIA official described his experience of Balochistan:

*Coal miners are not local people, rather they are poor people from Upper Dir and Swat of Khyber Pakhtunkhwa province who often get exploited. They have the same pattern as of brick kiln workers in Punjab. Young girls from villages are taken to big cities like Lahore to work as maids. They are also given some money as advance.*<sup>31</sup>

According to most key informants, Karachi, being a multi-ethnic society and Pakistan's largest city, hosts a large number of Afghan and Rohingya refugees, Bengali irregular migrants, and others.<sup>32</sup> Most of the respondents from Karachi believed that the city also serves as a destination for internal trafficked persons, especially women and children. The government officials from FIA and Police believed that girls from interior Sindh, Khyber Pakhtunkhwa, and Punjab are being trafficked to

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<sup>20</sup> 'A Migrant's Journey for Better Opportunities: The Case of Pakistan' (World Bank Group, n.d.), <http://documents1.worldbank.org/curated/en/540841530861637430/pdf/Pakistan-International-Mobility-Draft-06.pdf>.

<sup>21</sup> 'Pakistan Crakes Down on Illegal Organ Trade', 19 February 2020. The Star <https://www.thestar.com.my/news/regional/2020/02/19/pakistan-cracks-down-on-illegal-organ-trade>

<sup>22</sup> 2020 Trafficking in Persons Report: Pakistan. The US States Departments. Pp 394

<sup>23</sup> IBID

<sup>24</sup> "Recent Trends of human trafficking and smuggling of migrants to and from Pakistan", UNODC CoP, July 2013. P. 2

<sup>25</sup> Ibid.

<sup>26</sup> Ibid

<sup>27</sup> Ibid. P. 3

<sup>28</sup> KIIs with NGOs in Islamabad, Lahore and Karachi, July – August 2021

<sup>29</sup> Bonded Labour in Pakistan, Nadeem Malik (2016). Pp. 128

<sup>30</sup> Ibid

<sup>31</sup> Interview with senior FIA official, 11 July 2021, Lahore

<sup>32</sup> Interviews with stakeholders, July-August 2021, Karachi

Karachi. They also thought that the city is considered a source, transit, and destination for trafficked persons. Karachi's unfrequented sea routes likewise provide great opportunity for migrant smuggling and trafficking of Pakistanis and foreign nationals. Moreover, the Fisherman Society of Karachi issues licenses to private boats; however, there are some boats without licenses, allegedly involved in migrant smuggling, that use unfrequented sea routes.<sup>33</sup> Pakistani nationals are among the ten most-detected nationalities that attempt irregular migration to the European Union (EU) and Australia.<sup>34</sup> According to respondents in Karachi, trafficking in persons may begin as migrant smuggling activity. Smugglers often lure unemployed Pakistanis, especially young women and girls from low income families, into lucrative job prospects in Europe and Middle East which often transition into begging or prostitution thus turning smuggling into trafficking.

Boys and girls are frequently traded and rented to work in structured begging syndicates, household and farming forced labour, and prostitution.<sup>35</sup> A senior police officer based in Shahdadpur Sindh believed that:<sup>36</sup>

*The Hindu minority in Sindh is vulnerable because they are weak – they have no say in governance, political and social fabric specially in Jacobabad (e.g. forced conversion and marriages).*

Pakistan is also a destination country for a large number of people from Afghanistan, Bangladesh and Myanmar; it also hosts a smaller population of migrants from Nigeria and Somalia. They largely reside in Pakistan as irregular migrants who may have been smuggled or maybe victims of trafficking. These groups might also use Pakistan as a transit country, before they are trafficked further afield.<sup>37</sup> Those who are smuggled often turn into victims of trafficking as they are subject to exploitation and coercion in transit or in the countries of destination.<sup>38</sup>

According to US States Department's TIP report 2021, the Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included finalizing implementation rules for the 2018 Prevention of Trafficking in Persons Act (PTPA), adopting a new five-year National Action Plan (NAP) to combat trafficking in persons and migrant smuggling crimes, and referring more potential trafficking victims for care than the previous reporting period.<sup>39</sup> Commenting on NAP, Sibgha Ajaz shared her concerns:<sup>40</sup>

*The human rights perspective has been integrated very well on paper but when it comes to translation of the law into policies and actions, there is a big gap. For example, the NAP of FIA, looking at a gendered lens, my concern is that you have to look at gender disintegration beyond numbers. Gender integration cannot be quantified but you need to look at the qualitative side of it and see how you will be building capacity.*

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<sup>33</sup> Interviews in Karachi, August 2021

<sup>34</sup> "Recent Trends of human trafficking and smuggling of migrants to and from Pakistan", UNODC CoP, July 2013. P. 1

<sup>35</sup> Cheema, F. E. A., & Zarif, T. (2014). Women Trafficking In Pakistan: Gravity Of The Menace And Causes. *Pakistan Journal of Gender Studies*, 8(1). Pp. 32

<sup>36</sup> Interview with senior police officer, Police Training Center, 17 August 2021, Shahdadpur, Sindh

<sup>37</sup> UNODC (2013). Recent trends of human trafficking and migrant smuggling to and from Pakistan. Available online.

<sup>38</sup> Smuggling of Migrant and Trafficking in Person: A Situational Analysis of Pakistan, December 2011. UNODC.

<sup>39</sup> 2020 Trafficking in Persons Report: Pakistan. The US States Departments. Pp 437

<sup>40</sup> Interview with Ms Sibgha Ajaz, Programme Coordinator, International Organisation for Migration (IOM), July 14, 2021, Islamabad

On the other hand, lack of quantitative evidence does not allow the assessment of the scale of human trafficking for different purposes, however, there is a strong anecdotal evidence available to suggest that the following violations of human rights occur in Pakistan: <sup>41</sup>

- Child sex trafficking between Pakistan and Iran;
- Trafficking from Afghanistan and Iran, and to a lesser extent Bangladesh into Pakistan for the purposes of forced labour or prostitution;
- Trafficking of children and vulnerable adults with disabilities for forced begging in Pakistan and Iran;
- Sex trafficking and trafficking for the purpose of sexual slavery from Myanmar into Pakistan;
- Trafficking of young children to Gulf countries for camel racing (supposedly decreasing);
- Trafficking via forced or fake marriages for the purpose of forced prostitution in Iran and Afghanistan; and
- Trafficking of men via fake marriages to be used as “slave grooms” for forced labour and domestic servitude in Hong Kong.

It is difficult to find Pakistani researchers and academia focusing on trafficking in persons. Liaqat Banuri, who is heading a national NGO working on refugees opined that:

*Because of lack of our own researchers – which has become our weakness - we have been put into the child soldiers list recently. We don't have any cases of child soldiers; however, we have been put into that list because we don't have our own research report.*

It is, however, difficult to study TIP, as it has numerous dimensions and one study can hardly address all its dimensions. For example, ‘a new area now is Cybersex trafficking. Cybersex trafficking is still a very new area but not sure what law this will come under or even if we have booked any case around this. I don't even know if we can register or report it to concern people even know what this is all about.’<sup>42</sup>

Smuggling of migrants: Pakistan is also a major source and transit country for smuggled migrants to Europe, with both Pakistanis and other nationalities, particularly Afghans, leaving from Pakistan towards Iran. <sup>43</sup> In Punjab, there are some well-known districts that are hubs of SOM. ‘For example, Gujranwala, Gujrat, Faisalabad, Mandi Bahauddin, Hafizabad and few regions of Sargodha where TIP and SOM activities take place regularly.’<sup>44</sup> According to a senior FIA official:<sup>45</sup>

*The main routes of migrant smuggling are through Balochistan including Quetta, Taftan, Gwadar and some other bordering areas. Those are the main routes through Balochistan, and victims of migrant smuggling are people interested in going through these routes are mainly from Punjab, Khyber Pakhtunkhwa, Afghan refugees and negligible number of female victims until now, as male are the main ones.*

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<sup>41</sup> Kumar, C (2015). Human trafficking in the South Asian region: SAARC's response and initiatives. *Journal of Social Sciences and Humanities*, 1 (1): 14-13.

<sup>42</sup> Ibid

<sup>43</sup> Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges (July 2018), UNODC. Pp. 11

<sup>44</sup> Interview with senior FIA official, 11 July 2021, Lahore

<sup>45</sup> Interview with senior FIA official, 19 July 2021, Islamabad

Although since the rise of the Taliban, UNHCR reported that 158,820 Afghans in need of protection had arrived in I.R. Iran, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan between 1 January 2021 and 24 January 2022, the vast majority (80%) being women and children. Furthermore UNHCR recorded a spike in August 2021 that quickly reduced to ‘normal’ levels by October.<sup>46</sup>

The available literature and data suggest that insecurity and political factors remain the main driving forces for migrant smuggling in and from Southwest Asia.<sup>47</sup> Poverty, high levels of unemployment and low wages have been cited by most of the key informants as factors influencing Pakistani migrants’ decision to migrate.<sup>48</sup> Lack of economic opportunities also plays a push factor for migrant smuggling from Pakistan.

According to articles 3 and 6 of the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, smuggling of migrants encompasses the procurement or facilitation of a person’s illegal entry or illegal stay in a country of which the person is not a national or a permanent resident in order to obtain, directly or indirectly, a financial or material benefit.

Although it is primarily known as a country of emigration (especially to Europe and the Middle East), it has also been, since its establishment (1947), both a country of immigration and a hosting country of refugees, mainly from India and Afghanistan.<sup>49</sup> Mass migration of millions of Muslims, Hindu and Sikhs from both sides of the border between Punjab and Sindh took place during the partition of Indian sub-continent. Nearly seven million Muslims migrated from India, mostly settled in Sindh and Punjab and six million Sikhs and Hindus migrated to India.<sup>50</sup> The country witnessed yet another crisis of migration in 1971 when East Pakistan declared independence and became a sovereign state called Bangladesh.

Although Pakistan is not a party to the 1951 Refugee Convention or the 1967 Protocol, it still has hosted one of the world’s largest refugee population<sup>51</sup> since 1979 when the war broke out in Afghanistan which pushed millions to move to Pakistan and Iran. Since March 2002, nearly 3.2 million Afghans have repatriated with UNHCR’s assistance, however, some 2.1 million registered Afghans remain in Pakistan.<sup>52</sup> Pakistan runs a 1500-miles long border with Afghanistan on its eastern side, with numerous unmanned check points that are used for cross-border movement. Following the Taliban take over, the recent UNODC SWOT Analysis<sup>53</sup> observed that measuring displaced Afghans in the region is challenging because of limited data, varying definitions, as well as political and financial incentives that result in a tendency towards higher or lower estimates. However available data from UNCHR on Pakistan is that resident Afghan population of 1.45 million with 78,497 newly arrived Afghans during the period January to December 2021. Whereas the government reports 300,000 newly arrived Afghan migrants, including up to 200,000 undocumented Afghan migrants. While the recent Taliban’s takeover of Afghanistan without completion of political settlement raises more concerns in Pakistan. These concerns include, but not limited to, 1) influx of additional Afghan

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<sup>46</sup> UNODC (2022) *Afghanistan and the Region: TIP and SOM since the Taliban take over*

<sup>47</sup> Ibid. Pp. 17

<sup>48</sup> KIIs in Islamabad, Lahore and Karachi – June-August 2021

<sup>49</sup> Yousef, K. (2013). The vicious circle of irregular migration from Pakistan to Greece and back to Pakistan. *IRMA research project, background report on Pakistan, ELIAMEP, Athens (Available in English and Greek from: <http://irma.eliamep.gr/publications/>)*. pp. 5.

<sup>50</sup> Ibid. pp. 6

<sup>51</sup> UNHCR Global Appeal 2008-2009. Pp. 267

<sup>52</sup> Ibid.

<sup>53</sup> UNODC (2022) *Afghanistan and the Region: TIP and SOM since the Taliban take over*

refugees, their settlement and humanitarian assistance 2) narcotics trade and gun running 3) trafficking in persons 4) demographic change and increased pollution and 5) governance overload and collapse of existing social services infrastructure – including but not limited to health, housing and public health, education, governance, employment and informal economy etc.

The most common routes of migrant smuggling from Pakistan are via land: Pakistan-Iran-Oman-United Arab Emirates; Pakistan-Turkey-Greece; Pakistan-Central Asian Republics-Europe; and Pakistan-Middle East-West Africa-Spain.<sup>54</sup> There are only three official designated crossing between Pakistan and Afghanistan i.e. Torkham and Spin Boldak in Khyber Pakhtunkhwa [in former Federally Administered Tribal Areas] and Chaman in Balochistan. However, a large number of Afghans cross the Pak-Afghan border to enter Pakistan without permission or without being assisted by the authorities at the border; most often through unregulated or less-regulated and un-guarded crossing points. The extensive border between Pakistan and Afghanistan, that is a mountainous borderline with three central points of proximity-the North-West Frontier Province, the [former] Federally Administered Tribal Areas and Balochistan- includes 200 transit points that facilitate the daily movement of populations of the two countries.<sup>55</sup> The recent takeover of Afghanistan by Taliban after the US withdrawal is also causing exodus of Afghans to Pakistan who fear Taliban persecution, according to media reports.

Balochistan also has a long and porous border with Iran where, according to officials from FIA and Balochistan Levies, there are dozens of unfrequented routes, especially Taftan in District Chaghi and the large unmanned coastal areas, making it extremely vulnerable to migrant smuggling and trafficking in persons.<sup>56</sup> Participants believed that through these unfrequented routes tens of thousands of people cross the border every year due to lack of institutional and human resource capacity, lack of clarity in policy, and weak coordination amongst stakeholders to prevent trafficking in persons.<sup>57</sup>

These major migratory circulations have had a major impact on the demography, economy and ethno-cultural development of Pakistan. As far as external trafficking is concerned, girls and women trafficked for sexual exploitation, trafficking for forced labour, commercial sexual exploitation, organ trafficking, and trafficking by adoption of children are other common practices in the province.<sup>58</sup> Recruiting of the women is most of the time done through connections and friends who have their trust and despite this fact that many victims seriously doubt the truth of the promises, they tend to dice their luck out of their wretched domestic situations.<sup>59</sup>

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<sup>54</sup> Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges (July 2018), UNODC. Pp. 11

<sup>55</sup> Yousef, K. (2013). The vicious circle of irregular migration from Pakistan to Greece and back to Pakistan. *IRMA research project, background report on Pakistan, ELIAMEP, Athens* (Available in English and Greek from: <http://irma.eliamep.gr/publications/>). Pp. 5.

<sup>56</sup> 'Gaps' Analysis in Data Collection and Information Sharing on Trafficking in Persons, UNODC COP, December 2019 (unpublished)

<sup>57</sup> Ibid

<sup>58</sup> 'Trends and Causes of Women Trafficking in NWFP', Published by CAMP, April 2010. Pp. 28

<sup>59</sup> Cheema, F. E. A., & Zarif, T. (2014). Women Trafficking In Pakistan: Gravity Of The Menace And Causes. *Pakistan Journal of Gender Studies*, 8(1). Pp. 35

Since Pakistan's creation, migration for work has originated from its underdeveloped areas to its metropolitan cities and the Gulf states. Peshawar, Rawalpindi, Lahore, Karachi and other cosmopolitan cities of Pakistan have remained their major destinations. It is also believed that the human trafficking occurring inside Pakistan in the form of bonded labour, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations<sup>60</sup> - this happens specially in Punjab and Sindh where a conducive environment is available for bonded labour due to unchecked feudalism and industrialization. Domestic trafficking, especially of women and children, is also of ongoing concern.<sup>61</sup> For instance, the 'war on terror' forced a large number of families out of former FATA ("Federally Administered Tribal Areas") and certain districts of Khyber Pakhtunkhwa. In this form of migration, not only men, but entire families were forced to migrate - including women, children and the elderly. The most vulnerable to exploitation among them are youth, and poor and women headed families.

*Case FIR No: 102/2020 AHTC Faisalabad dated 24.02.2020 – trial under process*

*Allurement of the victims for Emigration/work as beautician in a Beauty Salon in Oman by Arsalan Asghar and Zeeshan Asghar. Extortion of Rs. 250,000/- from each victim. Victims were held captive in women beauty salon in Oman. The victims were sexually abused and exploited under coercion by their sponsor Omani National and Zeeshan Asghar.*

Source: FIA AHTC Faisalabad

After interviewing a few Pakistani academics and researchers, it was revealed that universities offer a few courses on migration studies, however, these courses are not exclusively cover migration as a subject. 'The International Islamic University recently started a programme on demography which includes birth, death and migration – however, the migration aspect is not exclusively offered', according to Dr. Farhan Navid Yousaf. He further added that:<sup>62</sup>

*Similarly, we speak about human rights and there is definitely more potential, I used to teach that as a course and am teaching those courses here in the University of the Punjab too but it is not a degree program.*

Despite passing two important laws in 2018 — **the Prevention of Trafficking in Persons Act** and the **Prevention of Smuggling of Migrants Act** — to prevent trafficking and smuggling of migrants, Pakistan has been downgraded from 'Tier 2' to 'Tier 2 Watch List' in the 2021 Trafficking in Person Report of the US State Department for the second consecutive year. Overall, law enforcement agencies and the judiciary investigated 800 sex trafficking cases and initiated prosecutions in 756 cases and convicted 91 sex traffickers—compared with 916 sex trafficking investigations, 567 prosecutions, and 131 convictions in the previous reporting period.<sup>63</sup> Provincial police referred 11,803 trafficking victims to the government or NGOs for care, including 3,744 men – a significant increase from 799 trafficking victims referred to care in the previous reporting period though still inadequate compared with the total number of victims identified.<sup>64</sup>

<sup>60</sup> See e.g. The US State Department Trafficking in Persons Report 2015.

<sup>61</sup> Trafficking in Persons in Pakistan: A Review of National Laws and Treaty Compliance (October 2011, UNODC). Pp. 8

<sup>62</sup> Online interview with Dr. Farhan Navid Yousaf, Associate Professor—Institute of Social and Cultural Studies & Director, Center for Peace and Security Studies, University of the Punjab.

<sup>63</sup> Trafficking in Persons Report 2021. Pp. 438

<sup>64</sup> Ibid. Pp. 439

Federal and provincial authorities continued to collaborate with international partners and foreign governments on anti-trafficking efforts and the government has demonstrated increasing efforts compared to the previous years. Although TIP 2021 report is critical of Pakistan's low conviction rate, the country continues to disrupt networks, new laws on TIP and SOM were passed in 2018. It is also important to note that the FIA officials have developed more clarity on TIP offence under the new legislation following receiving training from UNODC to better segregate data distinguishing TIP from SOM.

## 2.2 Community-level trends and societal perceptions: gender stereotypes impacting perpetuation and response to TIP and SOM

In Pakistani society, gender norms sustain patriarchal privilege and women's roles are limited to daughter, sister, mother or wife.<sup>65</sup> Almost all interview respondents from civil society, academia and media believed that patriarchy has been strengthened over time due to unchanged conservative social norms while gender inequalities and systemic social exclusion have adversely impacted women's agency to exercise their human rights, especially those coming from marginalized families and groups.<sup>66</sup> They also added that in lower-middle and lower classes of the society, women are not encouraged to participate in public sphere due to social pressure.

According to several reports, in rural areas of Pakistan, most families do not allow their daughters to attain education which has created education disparity between rural and urban women<sup>67</sup>. Gendered stereotypes have played a major role in silencing women voices. Gender based violence exists in numerous forms which affects women and girls psychologically and physically. Domestic violence as a common practice is often accepted by women themselves as an essential part of their life.<sup>68</sup> Considering the stereotypical behaviour of the society, cases of rape and gender-based violence (GBV) remain largely unreported. For example, the use of phrase '*izzat lut jana*' refers to a case of rape in Urdu which puts all the burden of honour on the rape survivor losing respect, however, the rapist's honour remains intact.<sup>69</sup> The rape survivor is also referred to as a '*daaghi*' meaning stained.<sup>70</sup> According to the United Nations Population Fund, around 5,000 females are killed annually in the name of honour all around the world and out of these approximately 1000 women are killed in Pakistan per year. In other words, it means that 25 per cent of the total honour killings in the world occur in Pakistan.<sup>71</sup> The prevailing gender norms inextricably link women to notions of 'honour' that is held in high esteem in the conservative society of Pakistan. In its second year, Aurat March gave women across Pakistan a public space to articulate their issues, but not without inviting undue criticism and harassment.<sup>72</sup>

Pakistani society is demographically heterogeneous where the status of woman varies from geography to geography and class to class. Every year, cases of honour killing and rape are reported in large numbers. Gender based violence and forced/early marriages are the leading factors behind suicidal

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<sup>65</sup> Saeed, Fouzia. *Taboo! The hidden culture of a red light area*. Made For Success Publishing, 2015, p.4.

<sup>66</sup> Interviews with civil society representatives, academia and media, July-August 2021, Islamabad, Lahore and Karachi

<sup>67</sup> E.g. HRCP's Annual Reports 2020 and 2021

<sup>68</sup> *Mobilising men to help minimise violence against women*, Arifa

Mazhar [http://www.sdpi.org/sdc/13thsdc/abstracts/ending\\_violence\\_against\\_women.html](http://www.sdpi.org/sdc/13thsdc/abstracts/ending_violence_against_women.html).

<sup>69</sup> Rouse, Shahnaz. "The outsider (s) within: Sovereignty and citizenship in Pakistan." *Appropriating gender: Women's activism and politicized gender in South Asia* (1998): 660-685.

<sup>70</sup> Saeed, Fouzia. *Taboo! The hidden culture of a red light area*. Made For Success Publishing, 2015, p. 3.

<sup>71</sup> Gauhar, N. A. (2014). Honour crimes in Pakistan: unveiling reality and perception. CAMP. <http://www.camp.org.pk/wp-content/uploads/2016/03/HC-Report-CAMP.pdf>.

<sup>72</sup> 'The State of Human Rights', 2019, p. 12.

tendencies in women and girls.<sup>73</sup> There is high rate of acceptance and prevalence of violence against women embedded in Pakistan's traditional societies where women and girls are treated unequally. In the urban areas, tendency to report crimes against women is higher than the rural areas. Gender based violence and the underlying factors of these forms of violence are manifest in the forms of 'watta satta'<sup>74</sup> and 'wanni'<sup>75</sup> in Punjab and Sindh and 'swara'<sup>76</sup> or 'ghag'<sup>77</sup> in Khyber Pakhtunkhwa and Balochistan's Pashtun populated districts. According to a senior police officer from Punjab, 'every year the Crime Branch of the Punjab Police Department collects more than 5,000 cases of girls' abduction; however, after investigation an overwhelming majority turn out to be cases of elopement with boyfriends'.<sup>78</sup> Although elopement cannot be equated with abduction, it is common practice for girls' families to accuse boys and their male family members of abducting their daughters in the First Investigation Reports (FIRs). "While girl/woman eloping from her homes is an easy trap for TIP, sometimes, both coercion and elopement are involved. First, they are coerced and then they elope from their houses. There is no denial of the fact that women are an easy prey for TIP."<sup>79</sup> Ms. Bushra Khaliq, a women rights activist, shedding light on cases of elopement and marriages reached through other harmful practices, such as *wanni*, *watta/satta*, described that<sup>80</sup>:

*Girls and women who left their homes out of their own free-will, they leave their national identity cards (ID cards), their educational certificates, and other documents behind. Girls who are sacrificed in exchange marriages, their entire bodies, their entire lives are in absolute control of their husbands, in-laws, or parents. They can't even go ahead with their lives if they want to. They don't have the realization of what has happened to them. Sometimes, I feel they are in a state of withdrawal and total subjugation.*

State institutions often turn a blind eye on such cases. For example, in Punjab for the year 2014, the police actively colluded in *wanni* cases by protecting *panchayats* (in Gabber Arain, Tandaliyanwali and Muzaffargarh), not taking any action against such *panchayats* (in Sargodha, Dera Ghazi Khan and Taunsa Sharif) and arresting *panchayat* members involved in such verdicts (in Jaranwala, Darya Khan, Mian Chanu, Rahim Yar Khan and Rohiwala).<sup>81</sup>

Due to weak rule of law or fear of harassment, victims often reluctantly register First Investigation Report (FIRs) against perpetrators. Andaleeb Ajaid, Executive Director of a national NGO Bedari described the situation of runaway girls' situation:

*One of the biggest issues is that women or girls do not have any exposure to the outside world and that there is a gap in communication between girls and their families. There will be*

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<sup>73</sup> The State of Human Rights in 2018, HRCP. <http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>.

<sup>74</sup> Customs found in parts of Pakistan; Watta Satta: exchange marriage within the families.

<sup>75</sup> *Wani*, found in Punjab, is a form of arranged or forced marriage and result of a punishment decided by a council of community elders.

<sup>76</sup> *Swara* is a practice prevalent in Pashtun rural areas. Girls, often minors, are given in marriage to an aggrieved family as compensation to end disputes, often murder.

<sup>77</sup> *Ghag* means a custom, usage, tradition or practice whereby a person forcibly demands or claims the hand of a woman without her own or her parents will and free consent by making an open declaration that the woman shall stand engaged to him and no other man shall make a marriage proposal to her; Khyber Pakhtunkhwa Elimination of Custom of Ghag Act 2013.

<sup>78</sup> 'Gaps' Analysis in Data Collection and Information Sharing on Trafficking in Persons, UNODC COP, December 2019 (unpublished)

<sup>79</sup> Interview with a senior police officer, Punjab Police, 12 July 2021, Lahore

<sup>80</sup> Interview with Bushra Khaliq - Incharge, Women in Struggle for Empowerment (WISE), July 6, 2021, Lahore

<sup>81</sup> National Commission on the Status of Women (NCSW)2016.Women, Violence and Jirgas. Islamabad, Pakistan. P. 25. [http://af.org.pk/gep/images/publications/Research%20Studies%20\(Gender%20Based%20Violence\)/NB%20NCSW%20JIRGAS.pdf](http://af.org.pk/gep/images/publications/Research%20Studies%20(Gender%20Based%20Violence)/NB%20NCSW%20JIRGAS.pdf)Date accessed: 20 August, 2019.

*opposition from their families in case they want to marry someone of their own choice. They end up running away from home because nobody will understand or listen to them. When they come to our shelter home they say 'love is blind and we were blind too'. For them returning to their families is life threatening and a question of honour for the family.<sup>82</sup>*

In the case of religious minorities, the religious/faith-based identity may be strong but deeply stigmatised. Pakistan is a pluralistic society which accommodates diverse ethnic and religious identities. At the time of partition, non-Muslim citizens consisted of about 23% of Pakistan's total population<sup>83</sup> - this includes a significant non-Muslim population of East Pakistan (today's Bangladesh). Currently, Pakistan is an overwhelmingly Muslim majority country where non-Muslims constitute only 3 - 4% of its total population. The religious identity along with gender and class characteristics particularly impact the minorities as they experience social exclusion that varies across region and socio-economic status. Minorities further face social intolerance due to negative perception of dominant social and religious groups and lack of support structures to protect their rights. As a result, every year around 1000 girls belonging to Christian and Hindu communities are converted to Islam and forced to marry Muslim men.<sup>84</sup>

Available research suggests that young girls from poverty-stricken families remain the most vulnerable group and easy targets for clandestine rackets engaged in human trafficking and smuggling of migrants.<sup>85</sup> This is not surprising, as the legal and administrative environment in Pakistan does little to protect the rights of its citizens, especially women, minorities and those who are living in poverty. Illiteracy is widespread and awareness regarding social issues is very low. A study conducted in 2012 in *Rajanpur* revealed that the buying and selling of girls for money is a known practice in the region— however, this has been preceded by generations of social practices where a girl is sold off to settle murders or land disputes.<sup>86</sup> Pakistani society, especially in rural areas, often, does not raise objection to such practices. On the other hand, Pakistani society generally do not consider victims of TIP innocents. Iftikhar Mubarik, CEO Search for Justice, a national NGO working for child rights, opined that:<sup>87</sup>

*Generally, people in Pakistan perceive victims of TIP shrewd, who themselves wanted to migrant to Europe/abroad and they themselves found the agents, they themselves managed funds. They had the support and will of their families and they made this conscious decision with all their senses intact. Resultantly, if they had to face negative consequences, then it is part of the game. The point I am trying to make is that government institutes should be supportive of victims.*

A study conducted in Khyber Pakhtunkhwa investigated and determined the association between the familial environment and child trafficking.<sup>88</sup> The study argues that children from broken homes are

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<sup>82</sup> Online interview with Andaleeb Ajaib, July 7, 2021, Islamabad

<sup>83</sup> Mehfooz, M. (2021). *Religious Freedom in Pakistan: A Case Study of Religious Minorities*. Religions, 12(1), 51.

<sup>84</sup> Forced Marriages & Forced Conversions in the Christian Community of Pakistan, 2014.

<sup>85</sup> 'Trends and Causes of Women Trafficking in NWFP'. Published by CAMP in 2009. <http://www.camp.org.pk/wp-content/uploads/2016/08/Trends-Causes-of-Women-Trafficking-in-NWFP-Pakistan.pdf>.

<sup>86</sup> Trafficking Lives, Roshaneh Zafar, Founder MD Kashf Foundation, Dawn, May 18, 2019- Accessed July 12, 2020- <https://www.dawn.com/news/1483034>.

<sup>87</sup> Interview with Iftikhar Mubarik, CEO Search for Justice, 16 July 2021, Lahore

<sup>88</sup> Ali, Syed Rashid, and Niaz Muhammad. "Child Trafficking: Analysis of the Leading Familial Determinants." *FWU Journal of Social Sciences* 8, no. 1 (2014): 36.

more susceptible to trafficking, for example, broken families due to separation, conflict, death or divorce as a source of stress and strain for the parents that comes out in the form of child abuse and neglect.<sup>89</sup> Such neglected and abandoned children are more easily influenced and convinced by traffickers being the easiest target.

Patriarchal norms rooted in culture and traditions manifest in various forms of violence against women and girls. Furthermore, customary practices like ‘*walwar*<sup>90</sup>’ in Khyber Pakhtunkhwa disproportionately impacts women and girls from certain socio-economic classes. Human Rights Commission of Pakistan (HRCP) estimated that more than 10,000 women are victims of violence every year and ‘over 1,000 commit or attempt suicide due to the denial of their rights, extreme poverty, physical and sexual violence in Punjab.’ In 2018 HRCP’s own monitoring of report identified at least 199 victims, 153 of which were female.<sup>91</sup>

According to a study conducted in 2001, the International Labour Organization (ILO) roughly estimated that there were over one million men, women and children employed as bonded labourers in brick kilns in Pakistan.<sup>92</sup> ‘What is most unfortunate is that the children of those families grow up in an environment of fear and subjugation. Physically as well, the children grow up with skin and respiratory diseases due to exposure to intensive heat, clay and dust.’<sup>93</sup> “The government’s law enforcement action on labour trafficking, especially bonded labour, remained inadequate. Despite the existence of the BLSA, bonded labour persisted, largely due to ineffective enforcement of the law and powerful local officials as perpetrators.”<sup>94</sup> In addition, there is a lack of protection from abuse and exploitation at workplaces, and child domestic workers have no protection under the law (UNICEF/GoP 2015).

### 2.3 The relationship between gender inequality and drivers of TIP-SOM

In Pakistan, women constitute more than 50 percent of its population, however, most of them do not possess national identity card.<sup>95</sup> Despite the 1973 constitution’s guarantee of equality for citizens regardless of gender, legislative progress to redress the inequalities suffered by women has been uneven at best; Islamists have repeatedly opposed the few relevant laws, and successive governments have been lax in implementing them.<sup>96</sup> The 1961 Muslim Family Laws Ordinance remained the only substantial legislation that granted women some benefits and rights in family laws, offering a degree of protection of matrimonial rights.<sup>97</sup> The 1929 Child Marriage Restraint Act, also still in place, sets the bar at eighteen for men and sixteen for women, except in Sindh province, whose Child Marriages Restraint Act (2014) raised the minimum age to eighteen for both, however, these laws will only be effective if social attitudes toward the girl child change.<sup>98</sup>

In Pakistani society, gender inequality is institutionalized in its systems and laws as well as deeply

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<sup>89</sup> Ibid.

<sup>90</sup> Walwar is girl married in exchange of money by would-be groom family.

<sup>91</sup> The State of Human Rights in 2018, HRCP. Pp. 71-72 <http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>.

<sup>92</sup> Bonded labour in Pakistan, ILO Working Paper 2001 cited in Breaking the bondage: Bonded labour Situation and the Struggle for Dignity of Brick Kiln Workers in Pakistan (2013), Friedrich Ebert Stiftung Pakistan.

<sup>93</sup> Breaking the bondage: Bonded Labour Situation and the Struggle for Dignity of Brick Kiln Workers in Pakistan (2013), Friedrich Ebert Stiftung Pakistan.

<sup>94</sup> Trafficking in Persons Report 2021. Pp. 438

<sup>95</sup> (ADB. 2013. Pakistan: Social Protection Development Program. Manila).

<sup>96</sup> International Crisis Group. (2015). Women, Violence and Conflict in Pakistan. *Asia Report No. 265*. P. 2

<sup>97</sup> Ibid

<sup>98</sup> Ibid

rooted in its social norms. Such inequalities and social exclusion have adversely impacted the exercise of human rights by women and girls. Without formal identification – such as Computerized National Identity Card (CNIC) – women are unable to avail benefits and social services. They are also excluded from participating in elections, to seek formal employment, and from exercising their social, economic, and political rights.<sup>99</sup> Of the 46 million women that are registered to vote in Pakistan, only 40 percent participated in the 2018 elections.<sup>100</sup>

The 2021 Global Gender Gap Report ranks Pakistan 153<sup>rd</sup> out of 156 countries assessed on the index this year, with its gender gap widened in this edition by 0.7 percent points, to 55.6 %<sup>101</sup>, the third worst in the world with regards to gender inequality, despite the country showing considerable improvement in women’s literacy and a boost in educational attainment since 2006.

Women in Pakistan face a disproportionate burden of disease, with a high maternal mortality ratio— a key indicator of maternal health worldwide—due to low social status and inequities in access to basic health care, nutrition, and education.<sup>102</sup> Highly preventable female mortality rates make women’s health a central focus of global health policies.<sup>103</sup>

Women and girls are the most at risk population groups who are exposed to multiple forms of vulnerabilities such as: domestic and sexual violence, trafficking for sex and bonded labour, and smuggling. Societal stereotypes and intersecting inequalities entrenched in the society have created barriers for women, girls, and men from marginalized groups to engage in political, economic and social processes leading to empowerment.

Employment opportunities for women are very low in Pakistan; they work primarily in the home or on the farm. Female labour force participation in Pakistan is still well below levels in other countries with similar incomes, despite growing by more than half over the past 2 decades.<sup>104</sup> Rural women’s work is more than generally estimated. Almost two-thirds of Pakistan’s population belongs to rural areas and agriculture is the main labour activity of rural women with approximately 75 percent of women and girls employed in the agriculture sector.<sup>105</sup> Women’s multidimensional work that spans productive, reproductive, care, and community and social work does not get captured as the lines between work for economic gain, and work as an extension of household chores (livestock management) and on the family farm are blurred, including augmented labour force participation, that takes this into account raises rural women’s participation rates from 34% to 52% and even as high as 60% when the right questions are asked of the women themselves.<sup>106</sup> Another study cites that ‘almost 40% of women who are not working report that the main reason for this is that male family members do not permit them to work outside the home’.<sup>107</sup>

College education is a catalyst for women to enter into the formal, paid employment. 4% rural women

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<sup>99</sup> (ADB. 2008. Releasing Women’s Potential Contribution to Inclusive Economic Growth: Country Gender Assessment for Pakistan. Manila. p. 18).

<sup>100</sup> Pakistan’s Participation Puzzle: A Look at the Voting Gender Gap. USIP, July 18, 2019. [Pakistan’s Participation Puzzle: A Look at the Voting Gender Gap | United States Institute of Peace \(usip.org\)](#)

<sup>101</sup> Global Gender Gap Report 2021. Insight Report, March 2021. Pp 38

<sup>102</sup> Khan YP, Bhutta SZ, Munim S, Bhutta ZA. Maternal health and survival in Pakistan: issues and options. *J Obstet Gynaecol Can* 2009; 31: 920–29.

<sup>103</sup> Downs JA, Reif ML, Hokororo A, Fitzgerald DW. Increasing women in leadership in global health. *Acad Med* 2014; 89: 1103.

<sup>104</sup> [Policy Brief on Female Labour Force Participation in Pakistan - ADB Brief 70](#)

<sup>105</sup> Women, U. N. (2018). Rural Women in Pakistan, Status Report 2018. *United Nations*. Pp. XX

<sup>106</sup> *Ibid*

<sup>107</sup> [Policy Brief on Female Labour Force Participation in Pakistan - ADB Brief 70](#)

have college degrees, and 57% of them are employed, primarily as teachers.<sup>108</sup> Even among women with a high level of education, labour force participation is low—only about 25% of Pakistani women who have a university degree work outside the home.<sup>109</sup>

Data on victims of TIP and cases of SOM reveal that females are disproportionately targeted by traffickers and smugglers. “These TIP victims are promised employment with respectable jobs and lucrative salaries, marriage, or an opportunity to live a better life in developed countries, particularly in Europe and the Middle East. However, they ultimately land in wrong hands and often find themselves trapped into a life of debt bondage or sexual slavery in their new destination.”<sup>110</sup>

Young boys and men are typically get entangled in vicious rackets for the purpose of forced labour. Young girls and women in particular are susceptible to sex trafficking, lured by promises of employment and new wealth awaiting them in other lands, or through the use of brute violence and kidnapping. “A disproportionate number of Pakistani women and girls, 2-50 years old, are trapped in the human trafficking trade. While it is difficult to collect accurate data on such undercover activity—a fact acknowledged by all organizations working to end the practice. Pakistani brides, mostly from poor Christian families in Punjab, married Chinese men in the hopes of a better life, only to find themselves sold into sexual slavery once they reached their new home in China.<sup>111</sup> The limited information available for Pakistan reveals that female victims accounted for 59 per cent of the total detected victims.<sup>112</sup> Moreover, with a global increase in the number of children being trafficked, 30 per cent of all detected victims, girls far outnumber boys.<sup>113</sup>

Most of the smuggled migrants are from the small towns and villages, where agents with a vast network that extends to Tehran, Istanbul and the border regions of Greece operate and profit from human misery. ‘Poverty is also an element where there is not enough opportunities for income generation or human rights are not respected, people are encouraged to move elsewhere.<sup>114</sup> While some are suffering from desperate poverty or belong to minority communities whose lives are threatened, others are fed with false dreams of wealth and freedom awaiting them in liberal societies by greedy and deceptive agents. In interviews with some 50 Pakistanis caught in migrant smuggling or trafficking, the NCHR (National Commission of Human Rights) found that young girls and women who had travelled to the Middle East in the hope of securing employment got trapped in prostitution rings.<sup>115</sup>

The link between gender disparities and trafficking in persons is found to be strong. There are several factors which contribute to trafficking in women. Their vulnerability, especially as a consequence of violence, and the demand for their sexual services are two leading factors which have received increased attention in recent years.<sup>116</sup> Gender disparities and social exclusion increase susceptibility and vulnerability to trafficking. Human trafficking and migrant smuggling reflect negative trends in human development in the region. These criminal activities often result in forced labour and

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<sup>108</sup> Women, U. N. (2018). Rural Women in Pakistan, Status Report 2018. *United Nations*. Pp. XX

<sup>109</sup> [Policy Brief on Female Labour Force Participation in Pakistan - ADB Brief 70](#)

<sup>110</sup> Interview with senior FIA official, August 16, 2021, Karachi

<sup>111</sup> Human Trafficking (Editorial) Dawn Aug 30 2019, Accessed July 12 2020- <https://www.dawn.com/news/1502550>.

<sup>112</sup> Global Report on Trafficking in Person 2018 UNODC Page 64.

<sup>113</sup> The 2018 Global Report on ‘Trafficking in Persons’ by the UN Office on Drugs and Crime (UNODC).

<sup>114</sup> Online interview with Ms. Themrise Khan, Development Sector Specialist based in Karachi

<sup>115</sup> Human Trafficking (editorial) Dawn April 26 2019, Accessed July 12, 2020-<https://www.dawn.com/news/1478451>.

<sup>116</sup> ‘The gender dimension of human trafficking’. Briefing, Feb. 2016. European Parliament [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS\\_BRI\(2016\)577950\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf).

servitude, leading to serious human rights violations.<sup>117</sup> Pakistan has not shown consistent improvement on the Gender Gap Index since 2008 compared to Bangladesh and India.

The Human Rights Commission of Pakistan (HRCP) annual report 2019 states, “629 women had been trafficked (*for prostitution*) as brides to China”. A report titled *Unmet Promises, CEDAW Alternative CEDAW Report 2020 on Pakistan’s Fifth Periodic Report, under the title of Prostitution & Bride Trafficking*, observes that in 2019, the Federal Investigation Agency (FIA) cracked down on the trafficking of Pakistani girls to China. The report further elaborates that, “Aided by Pakistani and Chinese middlemen, a Chinese organization was allegedly targeting impoverished, mainly Christian, families since 2018, paying up to PKR 3 million for women to marry Chinese men”. The weak power-sharing at domestic and institutional levels does not guarantee an equitable access to economic and political power structures for women and girls. These underlying societal factors and permissive conditions that exacerbate gender and power disparities lead to high level of incidents of gender-based violence and modern slavery.

## 2.4 The role of women in combating TIP and SOM

Women can play a significant role in combating TIP and SOM at different levels and in different capacities. However, there are significant gaps in numbers, capacity and policy-level arrangement which hinder women leaders to play their effective role in combating TIP and SOM at local and national levels.

The division of labour and limited space for woman in public domain has made women dependent and unequal member of the society. Women’s participation and leadership is essential in formal as well as in informal structures. The quota system for women institutionalized in local government laws in provinces acts as a political incubator for women with political aspirations. In the Senate of Pakistan, there are 20 women members including two on general seats, 17 on reserved and one on technocrat seat. Out of the 53 committees of the Senate, nine are presided by women members.<sup>118</sup> In the National Assembly of Pakistan, there are sixty-nine women members including eight on general seats, 60 on reserved seat and one on non-Muslim seat. Out of the 35 parliamentary secretaries in the National Assembly, 14 are women. One of the 33 Committees of the National Assembly is presided by a woman member.<sup>119</sup> At the policy level, after sensitization, women parliamentarians, at national and provincial levels, can effectively influence processes making legislations gender-sensitive.

Amongst all four provinces, Punjab showed a significant increase in nomination of women and other marginalized candidates for representation in the National and Punjab Assemblies. Punjab nominated 236 women candidates for National Assembly, an increase from 123 women candidates nominated in 2013. In 2018 Punjab also nominated 664 women candidates for Punjab Assembly, a stark increase from the 231 women candidates nominated in 2013.<sup>120</sup> In most instances, however, women taking part in politics come from privileged families. Those male party leaders from various political parties often nominate their female family members as candidates on reserves seats.

Although the first appointment of women judges in Pakistan dates back to 1974, a significant appointment of female judges from 2009 onward has caused a jump in female representation to more

<sup>117</sup> UNODC Pakistan Website-Accessed August 06, 2020-<https://www.unodc.org/pakistan/en/country-profile-pakistan.html>.

<sup>118</sup> *Senate of Pakistan* [http://www.senate.gov.pk/en/all\\_committees.php?id=-1?id=-1&catid=90&subcatid=85&cattitle=Senate%20Committees](http://www.senate.gov.pk/en/all_committees.php?id=-1?id=-1&catid=90&subcatid=85&cattitle=Senate%20Committees).

<sup>119</sup> *National Assembly of Pakistan* [http://www.na.gov.pk/en/sectories\\_lists.php](http://www.na.gov.pk/en/sectories_lists.php).

<sup>120</sup> FAFEN Report 2018

than one third in family courts: a quiet move during the tumultuous years of the so-called Chaudhry Court.<sup>121</sup>

2018 <sup>122</sup>	Shariat Court		Supreme Court		High Court		District Courts		All courts total	%age
	M	F	M	F	M	F	M	F		
Federation	4	0	16	0					20	0
Islamabad Capital Territory					6	0	59	15	80	18.75%
Punjab					48	2	1,309	257	1,616	16.02%
Sindh					32	1	487	44	564	7.97%
Balochistan					9	1	197	22	229	10.04%
Khyber Pakhtunkhwa					19	1	323	84	427	19.90
<b>Total</b>	<b>4</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>114</b>	<b>5</b>	<b>2,375</b>	<b>422</b>	<b>2,936</b>	<b>14.54%</b>

***\*Women representation in Pakistan's judicial system***

The above table reflects only the latest data, however, in the previous years, the percentage for female judges was higher than the 2018, especially for Khyber Pakhtunkhwa which is consistently leading the table with a higher percentage amongst all four provinces.

Data shows that most female judges are appointed to the lower courts of Pakistan, where they work as district and session judges and, to a lesser extent, senior civil judges. Furthermore, over the past decades, the percentage of women enrolled in law schools has also increased, and there was a large pool of female law graduates ready to occupy the new positions in the judiciary.<sup>123</sup>

According to the National Police Bureau, Pakistani policewomen only make up 1.46% of the police force in the country.<sup>124</sup> The typical image of police and police station depicted in fiction (Pakistani fiction and entertainment industry) and real life discourage families to allow their females to choose a career in police service.

Generally, however, it is believed that women and girls are seen in leadership positions at community level through interventions by different NGOs or instances of women and girls heading CBOs. Considering the social structure of society, it is rare as women and girls are generally discouraged when it comes to community leadership and participation in political processes. There are very strong women leaders in the civil society sector who have been advocating for gender-sensitive legislations

<sup>121</sup> Holden, Livia. "Women judges in Pakistan." *International Journal of the Legal Profession* 26, no. 1 (2019). pp. 89.

<sup>122</sup> *Ibid.* pp. 100.

<sup>123</sup> Mehdi, Rubya. "Lady judges of Pakistan: embodying the changing living tradition of Islam." *Women Judges in the Muslim World: A Comparative Study of Discourse and Practice* (2017): 204-236. pp. 208.

<sup>124</sup> Then, Women Make Up Less. "2pc of Country's Police Force: Report; 2017."

and implementation of laws to protect women and girls. Their inclusion will strengthen the efforts against TIP and SOM.

## 2.5 National TIP and SOM response promoting gender equality

Eradicating human trafficking is on the list of the *UN Sustainable Development Goals (SDG) for 2030*. Under Goal 8 Decent Work and Economic Growth, the SDGs refer to “effective measures to eradicate forced labour, slavery and human trafficking” by year 2030.<sup>125</sup>

In line with the imperative of the global and national goals, Pakistan has signed and ratified a number of international conventions and protocols regarding trafficking in persons, smuggling of migrants, modern slavery and gender. To comply with the international human rights standards and to fulfil its obligation as part of the international community, Pakistan has also enacted a number of federal and provincial laws specific to TIP, SOM, human rights, and gender equality. This section identifies those international conventions and protocols and analyses whether Pakistan’s legislative response to TIP and SOM have mainstreamed gender and human rights.

Pakistan signed<sup>126</sup> the Universal Declaration of Human Rights, 1948, on 10<sup>th</sup> December 1948. Its Article 4 prohibits slavery or servitude and the slave trade in all their forms. Interestingly, Pakistan signed *The International Convention for the Suppression of the Traffic in Women and Children (1921) and its Protocol* on 12<sup>th</sup> November 1947.<sup>127</sup> This is now superseded by and consolidated as *The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1947)*. On 23 June 2010, Pakistan ratified<sup>128</sup> the *International Covenant on Civil and Political Rights, 1966*.<sup>129</sup> This Convention prohibits a number of practices directly related to trafficking, including slavery, the slave trade, servitude and forced labour. Pakistan also acceded to the *Convention on the Elimination of all forms of Discrimination against Women (1979)* on March 12, 1996. On 14<sup>th</sup> December 2000, Pakistan signed *The United Nations Convention against Transnational Organized Crime (UNTOC) 2000*, yet the country has not signed either of its Protocols.<sup>130</sup> “Pakistan remains one of only a handful of countries that”<sup>131</sup> “is not Party to the “*Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children*”, supplementing the “*United Nations Convention against Transnational Organized Crime*”.<sup>132</sup> Pakistan, however, has taken important legislative steps to combat TIP & SOM.

Article 11 of the Constitution of Pakistan prohibits slavery in any form; it also prohibits all forms of forced labour and traffic in human beings.<sup>133</sup> A report by the US Department of States has also suggested that 17 – 23 of the Emigration Ordinance 1979 (Pakistan) criminalize instances of domestic

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<sup>125</sup> UNDP Pakistan website accessed August 30 2020 - <https://www.pk.undp.org/content/pakistan/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth.html>.

<sup>126</sup>Signature constitutes a preliminary endorsement of the Convention or Protocol. Signing the instrument does not create a binding legal obligation but does demonstrate the State’s intent to examine the treaty domestically and consider ratifying it. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty’s objective and purpose.

<sup>127</sup>[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-2&chapter=7&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-2&chapter=7&clang=en).

<sup>128</sup>Ratification or accession signifies an agreement to be legally bound by the terms of the Convention. Though accession has the same legal effect as ratification, the procedures differ. In the case of ratification, the State first signs and then ratifies the treaty. The procedure for accession has only one step—it is not preceded by an act of signature.

<sup>129</sup>[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en).

<sup>130</sup><http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

<sup>131</sup> Human Trafficking (editorial) Dawn June 30 2020, Accessed July 12 2020- <https://www.dawn.com/news/1566073>.

<sup>132</sup> Trafficking in Persons Report 2020- page 43-<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

<sup>133</sup> Article 11, Constitution of Pakistan

trafficking.<sup>134</sup> This suggestion may, however, be mistaken as the offences, including unlawful emigration<sup>135</sup>, fraudulent inducement to emigrate<sup>136</sup>, false representation of government authority<sup>137</sup>, violation of terms of agreement with foreign employer by emigrant<sup>138</sup>, and receiving money for foreign employment<sup>139</sup>, all cover conduct that reaches across the national borders of Pakistan. Pakistan has taken important legislative steps to combat these crimes (TIP & SOM), including the promulgation of:

- a) *"The Prevention of Trafficking in Persons Act (PPTA), 2018"* which extends to the whole of Pakistan and Repealed the Prevention and Control of Human Trafficking Ordinance (2002); and
- b) *"The Prevention of Smuggling of Migrants Acts (PSMA), 2018"*.

The newly passed Pakistani TIP and SOM Acts empower the law enforcement agencies of Pakistan to effectively prosecute organized gangs perpetuating and benefitting from these crimes, while providing safeguards to the rights of victims of human trafficking and smuggled migrants.<sup>140</sup> These laws were drafted by the Federal Investigation Agency (FIA) with the technical support of the United Nations Office on Drugs and Crime (UNODC), in line with international guidelines.

While trafficking in persons may involve men and women of any age, the specific reference to 'women and children' highlights the fact that women and children are especially vulnerable to trafficking. The Prevention of Trafficking in Persons Bill was aimed at introducing measures to prevent and combat human trafficking, especially of women and children. It is generally believed that the new bill is comprehensive, covers internal trafficking as well, and is gender-sensitive by providing for more tough punishments in case the victims are women and children. It explicitly says, "Anyone who commits the offence of trafficking in person is liable to be punished with imprisonment up to seven years or fine up to one million or both. But if this offence is committed in respect of women and children the punishment has been extended up to ten years." The Act also stresses the need to promote and facilitate national and international cooperation in protecting the trafficking victims and in helping on related matters.<sup>141</sup>

The US Department of State Trafficking in Persons Report 2020 observes that the penalties prescribed in the new law were sufficiently stringent. However, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape.<sup>142</sup>

In parallel, however, the government also uses other sections of the Pakistan Penal Code (PPC) that are gender-sensitive and criminalize various forms of women trafficking. For example:

- a) Section 371A and 371B criminalized the buying and selling of a person for prostitution and prescribed penalties of up to 25 years' imprisonment and fines;

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<sup>134</sup>US, Department of State, Trafficking in Persons Report (2009) p.232

<sup>135</sup>Section 17 Emigration Ordinance, 1979

<sup>136</sup>Section 18 Emigration Ordinance, 1979

<sup>137</sup>Section 19 Emigration Ordinance, 1979

<sup>138</sup>Section 20 Emigration Ordinance, 1979.

<sup>139</sup> Section 22 Emigration Ordinance, 1979.

<sup>140</sup> UNODC Pakistan Website-Accessed August 06, 2020-<https://www.unodc.org/pakistan/en/country-profile-pakistan.html>.

<sup>141</sup> UNODC Pakistan Website-Accessed August 06, 2020 - <https://www.unodc.org/pakistan/en/stories/fia--inspector-irfan-abdul-nabi--incharge-immigration-and-anti-human-smuggling-at-fia-taftan-border.html>.

<sup>142</sup> TIP Report 2020, p. 390.

- b) Section 366A criminalized procurement of a “minor girl under 18” and prescribed penalties of up to 10 years’ imprisonment and a fine;
- c) Section 366-B: Importation of girl under the age of twenty-one years from foreign country for illicit intercourse with another person with prescribed penalty of imprisonment which may extend to ten years and shall also be liable to fine;
- d) Section 369: Kidnapping or abducting child under ten years with intent to steal from its person with prescribed penalty of imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
- e) Section 370 criminalized buying or disposing of any person as a slave and prescribed penalties of up to seven years’ imprisonment and a fine; and
- f) Section 371 criminalized habitual dealing in slaves and prescribed penalties of up to life imprisonment and a fine if the imprisonment was less than 10 years.

These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Most of the provincial governments have adopted or in the process of adopting their own laws, under devolution process that began in 2010, and federal laws apply until provinces enact corresponding laws.”<sup>143</sup> On the other hand, a UNHCR official in Islamabad was quite critical of both laws’ silence on refugees and opined that:

*Both the TIP or SOM laws do not mention asylum at all and that is why I feel that the refugee protection element in both laws is missing. For refugees, protection and assistance are both important. A common international law principle in the convention against torture and refugee law is that nobody should be returned to where they could face cruel or degrading treatment. However, this standard is not met at all in both laws. If this aspect is not covered in the law, it should be covered in some policy.* <sup>144</sup>

There are, however, other laws mentioned by the FIA which contribute to preventing TIP and SOM:

- Emigration Ordinance, 1979;
- Federal Investigation Agency Act, 1974;
- Passport Act 1974; and
- Foreigners Act, 1946.<sup>145</sup>

Other laws that are specific to women and children that the Ministry of Human Rights (MOHR) have drafted and pursuing the Pakistani parliament for its approval are:

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<sup>143</sup> Trafficking in Persons Report 2020 - <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

<sup>144</sup> Online interview with Ghazala Mirza, UNHCR Islamabad, 6 August 2021

<sup>145</sup> Ibid

Bill	Status
The Zainab Alert, Response and Recovery Bill, Act 2020	On the Gazette.
Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill, 2018	Prepared by MoHR placed before CCLC on 6 <sup>th</sup> February, 2019. Legal vetting of Bill awaited.
Christian Marriage and Divorce Bill, 2019	Sent to Cabinet for in principle approval.
ICT Domestic Violence (Prevention and Protection) Bill, 2019	Sent to Cabinet for in principle approval.
Child Employment Amendment Act 1991	Child Domestic Labour Proscribed under 1991 Child Employment Act-valid for ICT but provinces can adopt through a simple provincial assembly resolution.

It also refers to the Action Plan on Women Empowerment Package, and Human Rights Management Information System (HRMIS) with support from UNDP.<sup>146</sup>

The Fifth periodic report submitted by Pakistan on October 23, 2018 for the period covering 2013-2017 under article 18 of the Convention (CEDAW) states that: “the Government of Pakistan (GoP) follows a progressive and well-defined agenda for gender equality and women empowerment in the country. Guiding principles for the promotion and protection of women are embedded in provisions of the Constitution of Pakistan. Since the 18th Constitutional Amendment, 2010, the main responsibility to implement National and International obligations lies with the Provincial Governments which are continuously undertaking steps to improve the lives of women and to fulfil Pakistan’s national and international commitments.” The report claims that after the 18<sup>th</sup> Amendment in 2010, the Provincial CEDAW Committees (PCC) were revitalized/reconstituted to ensure implementation of CEDAW at provincial level. The report states that an Inter Provincial Ministerial Group (IPMG) has also been constituted to help the provinces harmonize their gender equality policies and legislations, and to encourage the sharing of best practices. Provincial CEDAW Committees (PCCs), IPMG, National and Provincial Treaty Implementation Cells (TICs), Provincial Women Development Departments and women Commissions play their roles in monitoring of the implementation of the Convention and in providing relevant data on measures adopted throughout Pakistan.

As an independent statutory body, the National Commission on Status of Women (NCSW) has complete financial and human resource independence and autonomy. NCSW is established with the specific purpose to examine policies, programs, and other measures taken by the Government for women’s development and gender equality; review laws, rules and regulations affecting the status of women; monitor mechanisms and institutional procedures for redress of violations of women’s rights and individual grievances; encourage and sponsor research to generate information, analysis, and studies relating to women and gender issues; develop and maintain interaction and dialogue with NGOs, experts, and individuals in society at the national, regional, and international level; any other

<sup>146</sup> Ministry of HR Pakistan Official Website-Accessed August 30, 2020-  
<http://www.mohr.gov.pk/Detail/MmY4YmZhNzctMjE0My00OTJhLWFIYjQtZWYyZmM2YjM3ZmUx>

function assigned to it by the Federal Government.<sup>147</sup> The Women Development Departments at provincial level operate for women empowerment through legislative, policy, and executive measures.<sup>148</sup>

An important piece of analysis conducted by Shirkat Gah is worth mentioning here, being the ‘Unmet Promises, Alternative CEDAW Report 2020’ on Pakistan’s Fifth Report. The report observes, “Pakistan has passed numerous laws and formulated policies to promote women’s rights in this period, however, unfortunately, many lack enabling laws, regulations, rules and actions to be effective.”<sup>149</sup> The report further observes, “A 2018 national Sustainable Development Goals Framework sets targets to be achieved by 2030 against each goal, and national priority indicators, but does not specify by when data gaps will be filled and baselines established for meaningful monitoring. Important targets and indicators for the realization of gender equality under SDG 5 are missing while several indicators and targets are not gender-disaggregated.”<sup>150</sup>

The comprehensive review of data sources by the Federal SDGs Support Unit in 2017 confirms that numerous data is available at national, provincial, and district levels.<sup>151</sup> However, the data is not disaggregated by gender, age, education, marital status, and other important indicators, etc. This underscores a failure to understand the inter-linkages of all SDGs to gender equality and progress, as well as the vitality of gendered data to understand the complexities that obstruct gender equality.<sup>152</sup>

After analysing the legislative environment, it appears that Pakistan has covered a wide range of areas where gender dimensions and human rights are seriously and clearly considered. However, the administrative arrangement and implementation of those laws are either weak or non-existent which needs a thorough analysis. Although there has been a strong commitment of FIA to implement the Anti Trafficking Law, its principle is still to be mainstreamed in the administration. Specifically, it is important to coordinate FIA efforts with magistrates, police officers, and lawyers in charge of effective implementation in respect of the Ordinance, to prevent internal and external trafficking. Moreover, the process of prosecution and conviction is slow, particularly of forced and bonded labour, while the government should strictly respect the due process and criminalize all forms of trafficking.

## 2.6 Pakistan’s human rights-based TIP and SOM response

The terms “smuggling” and “trafficking” are often used interchangeably to refer to irregular, commercially-assisted border crossing involving human exploitation. According to International Council on Human Rights Policy:

In broad terms, irregular migrants are in a precarious situation. Having neither legal immigration status nor citizenship of the country in which they reside, they lack specific attachment to the state in which they reside and often remain below the radar of national

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<sup>147</sup> NCSW website, retrieved information on 20 August 2020. [http://www.mohr.gov.pk/index.php/home/pps\\_page/14](http://www.mohr.gov.pk/index.php/home/pps_page/14)

<sup>148</sup> The Fifth Periodic Report Submitted by Pakistan On October 23 2018 For the Period March 2013-March 2017 Under Article 18 Of the Convention (CEDAW) Due In 2017;

<sup>149</sup> [https://www.ecoi.net/en/file/local/2023281/INT\\_CEDAW\\_CSS\\_PAK\\_41115\\_E.pdf](https://www.ecoi.net/en/file/local/2023281/INT_CEDAW_CSS_PAK_41115_E.pdf)

<sup>150</sup> *Beijing - 25 Years On: Pakistan Parallel Report*. October 2019. Available at <http://shirkatgah.org/shirkat/?p=14237> p. 4.

<sup>151</sup> Federal SDGs Support Unit, Ministry of Planning, Development and Reforms. Sustainable Development Goals: Pakistan’s Perspective – Data Reporting Gap; Draft report - for review. December 2017. Available at [https://www.pc.gov.pk/uploads/report/Data\\_Gap\\_Report\\_Report\\_Version\\_6.pdf](https://www.pc.gov.pk/uploads/report/Data_Gap_Report_Report_Version_6.pdf).

<sup>152</sup> *Beijing - 25 Years On: Pakistan Parallel Report*. October 2019. Available at <http://shirkatgah.org/shirkat/?p=14237> p. 4.

law. This can mean in practice that the protections to which they are entitled under international law may lie dormant.<sup>153</sup>

Trafficking in persons is an extreme form of violence and goes against the principles of the *Universal Declaration of Human Rights (UDHR)*, specifically Article 4, which states that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”.

In Pakistan, women and girls enjoy disparate rights depending on their religion and location, especially since 2010 after the 18<sup>th</sup> Amendment which devolved matters concerning women to the provinces. Especially there is a lack of harmonization in various women specific policies such as the minimum age of marriage for girls. The report poses questions such as: Why do gender equality/women’s empowerment policies not reference CEDAW or equality?<sup>154</sup> The report Human Rights Violations in Pakistan by Unrepresented Nations and Peoples Organization (UNPO) generated on the occasion of the 3rd Universal Periodic Review Of the Islamic Republic of Pakistan during the 28th Session, November 2017 says with reference to Equality and Non-Discrimination that “21% of Pakistani girls marry before they reach majority.<sup>155</sup> Notwithstanding the establishment of a National Commission on the Status of Women in 2012, support for the elimination of gender inequality remains low.”<sup>156</sup>

A shadow report of CSOs titled ‘*Discrimination Lingers On*’ on issues faced by minority women, 75<sup>th</sup> CEDAW Session, Pakistan Review, dated February 2020 also takes stock of the Article 6: Trafficking and Exploitation for Prostitution’ of the convention. With reference to the issue of ‘Trafficking and Exploitation for Prostitution’, the Concluding Observations - 4th Report (CEDAW/C/PAK/CO/4)- of the Committee says “(Para 24) The Committee urges the State party:

- (a) To conduct research on the prevalence of internal and international trafficking, including its scope, extent, causes, consequences and purposes, as well as its potential link with bonded labour, domestic servitude and child marriage;
- (b) To develop and implement a national comprehensive plan on internal and international trafficking in persons based on the findings of the research, with a result-oriented approach, including specific indicators and targets, in line with the Convention;
- (c) To strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders and support services for victims;
- (d) To conduct nationwide awareness-raising campaigns.
- (e) To adopt measures for the rehabilitation and social integration of victims of forced prostitution”.<sup>157</sup>

The bonded labour’s various dimensions have also not been integrated neither in law nor the national plan. According to ILO official, ‘TIP and SOM awareness is exceptionally low among workers and employers in Pakistan. Because of this, there are compliance issues because ultimately the workplaces

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<sup>153</sup> International Council on Human Rights Policy. *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*. International Council on Human Rights Policy, 2010.

<sup>154</sup> Unmet Promises, Alternative CEDAW Report 2020 on Pakistan’s Fifth Periodic Report. Alternative CSO Report, Submitted by Shirkat Gah – Women’s Resource Centre.

<sup>155</sup> HRW “World Report 2017: Events of 2016”, by HRCP. p 472.

<sup>156</sup> Report Human Rights Violations in Pakistan by Unrepresented Nations and Peoples Organization (UNPO) generated on the occasion of the 3rd Universal Periodic Review of the Islamic Republic of Pakistan during the 28th Session, November 2017.

<sup>157</sup> Page 16-17 Shadow Report of CSOs titled ‘*Discrimination Lingers On*’ on issues faced by minority women, 75<sup>th</sup> CEDAW Session, Pakistan Review, dated February 2020-<https://www.ecoi.net/en/document/2023260.html>.

and conditions need to be improved. But the laws do not effectively contribute because awareness levels is significantly low'.<sup>158</sup> He further added that:

*The number of labour inspectors is extremely low, and quality of labour inspection is not up to the mark. The inspectors do not know about these laws or sometimes even about labour laws, and even if they do, there are compromises due to kickbacks and corruption, weak capacity, while political influences also interplay.*<sup>159</sup>

According to UNODC, "like other countries of the region, Pakistan also faces significant challenges in the field of Transnational Organized Crimes (TOCs), requiring coordinated efforts by the national authorities in tandem with the international support, especially through capacity building."<sup>160</sup> Although TIP report placed Pakistan in the watchlist for the second consecutive year, it continues to make significant progress.

*Overall, with support from UNODC Pakistan has made progress on addressing trafficking. Now there is legislation. I believe the State contribution in this process has been very good and the State has welcomed this in partnership with UNODC. LEAs are being trained whenever there are resources and opportunities.*

There are a few civil society organizations that focus on trafficking in persons. For majority interviewed for this study, reasons for the lack of focus of civil society organizations are mainly lack of funding, lack of technical and specialized capacity to work on trafficking in persons and smuggling of migrants.<sup>161</sup>

Among other factors, human trafficking and migrant smuggling are caused by absence of safe, affordable and legal avenues of movement for people across borders whereas there are numerous factors that cause domestic trafficking in persons.

## **2.7 Mainstreaming gender and human rights in TIP/SOM agenda in Pakistan**

Given the response to international conventions, the new legislation and its gender focus, and ongoing efforts of the government of Pakistan, there is every reason to believe that Human Rights and Gender can be integrated into the TIP/SOM Agendas in Pakistan. However, despite these efforts, implementation is slow and beset with a lack of focus on gender. The solution is to work with law-enforcement agencies to cultivate a mindset change within the police and to improve their awareness and understanding of gender dimension in trafficking-related issues, since law-enforcement agencies generally accord low priority to gender.

The two laws and their rules, drafted by the Federal Investigation Agency (FIA) with the assistance of UNODC, are in-line with international standards and are based on United Nations model laws on TIP and SOM. These laws impose long imprisonment terms and substantial fines for traffickers, smugglers and their accomplices. One of the most important aspects of "The Prevention of Smuggling of Migrants Act, 2018" is the non-criminalization of smuggled migrants which shows the commitment of the

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<sup>158</sup> Online interview with Abid Niaz, Programme Officer, ILO, Islamabad

<sup>159</sup> Ibid

<sup>160</sup> UNODC Pakistan Website-Accessed August 06, 2020-<https://www.unodc.org/pakistan/en/country-profile-pakistan.html>.

<sup>161</sup> KIIs in Islamabad, Lahore and Karachi, July – August 2021

Government of Pakistan to ensure the protection of human rights of victims trapped by unscrupulous migrant smugglers.<sup>162</sup>

The case of the prosecution of the Chinese brides' issue is an example of how sometimes foreign policy, economic, or other concerns are placed above gender and human rights principles. Subsequently, the women initially interviewed by the police refused to testify and shortly thereafter, the Chinese nationals were either acquitted or bailed out and allowed to leave the country. The FIA investigation was curtailed and news reports dried up. The report Unmet promises questions what measures has the government taken to address this issue and prevent any further abuse?"<sup>163</sup>

The government continued to implement its **2015-2020 National Strategic Framework** against trafficking in persons and migrant smuggling. The Federal Investigative Agency (FIA) is the government's lead reporting and coordinating entity on human trafficking. The agency focused on transnational offenses, while provincial police generally investigated internal human trafficking cases. FIA investigated human trafficking and migrant smuggling cases through its 24 anti-trafficking law enforcement joint task forces at the federal, provincial, and local levels. FIA had satellite offices at three embassies abroad.

A total of 348<sup>164</sup> cases have been registered under the new Laws i.e. PTPA (Prevention of Trafficking in Person Act 2018) & PSMA (Prevention of Smuggling of Migrants Act 2018). Punjab province, where over half of Pakistan's population resides, continued to disproportionately report nearly all anti trafficking law enforcement efforts. The province of Punjab reported more overall convictions for trafficking than the previous reporting period.<sup>165</sup> However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity.<sup>166</sup> Moreover, the government did not take action against credible reports of official complicity in trafficking, and organizations reported official complicity and corruption led to several high-profile trafficking cases being dropped during the year. Observers alleged police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking. "The government continued to lack overall adequate resources for victim care, and only referred four percent of all victims identified to care".<sup>167</sup>

UNODC is helping the Pakistan's law enforcement agencies (LEAs) to prevent illicit trafficking, human trafficking, migrant smuggling, through the continued capacity building of the LEAs, and inter-agency and cross-border cooperation. A significant component of the work comprises the capacity building of communities who are particularly vulnerable and could potentially fall victim to the transnational criminal syndicates in affected regions such as Khyber Pakhtunkhwa and Baluchistan. Continuous consultation with civil society in collaboration with government stakeholders has contributed to ensuring that the programme activities are inclusive, involve the beneficiaries, and raise awareness amongst the general public regarding challenges related to illicit trafficking and the activities of TOC

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<sup>162</sup>UNODC Website-Accessed September 04, 2020- <https://www.unodc.org/pakistan/en/trafficking-in-persons-and-smuggling-of-migrants-laws-2018.html>.

<sup>163</sup> Unmet Promises, Alternative CEDAW Report 2020 on Pakistan's Fifth Periodic Report  
Alternative CSO Report, Submitted by Shirkat Gah – Women's Resource Centre.

<sup>164</sup> FIA Website-Accessed August 06, 2020 - <http://www.fia.gov.pk/en/ahtc.php>.

<sup>165</sup> Trafficking in Persons Report 2021. Pp. 437

<sup>166</sup> Ibid

<sup>167</sup> Trafficking in Persons Report 2020-<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

[Transnational Organized Crimes] networks. <sup>168</sup> UNODC Country Office Pakistan is currently implementing a national public awareness campaign against human trafficking and migrant smuggling in four districts of Punjab and Baluchistan. According to UNODC's research reports, most of the traffickers and victims belong to the four districts of Punjab; Sialkot, Mandi Bahuddin, Gujranwala and Gujrat and are trafficked/smuggled via Baluchistan to Iran and then to elsewhere. Therefore, the campaign is focused on the source and the transit to make the general population aware of the dangers associated with this crime. The campaign was developed in partnership with the FIA with a simple message in Urdu which translates as "Stand up against human trafficking and migrant smuggling; it is illegal, unethical, and un-Islamic". <sup>169</sup>

Victim assistance services were generally inadequate for women as compared to men. However, it is an imperative to build structures to rehabilitate female survivors of human trafficking. As of June 2019, there were government-run women's shelters in all 36 districts in Punjab, as well as a violence against women centre in Multan. However, there were only five *darul-aman* in Sindh, five in KP, and only two in Balochistan. <sup>170</sup> "The government identified more victims in 2019 as compared to 2018 but decreased victim protection efforts and such efforts remained inadequate. Provincial police referred 799 trafficking victims, mostly women and children, to the government or NGOs for care, a significant decrease from 2,697 trafficking victims referred to care in the previous reporting period and still inadequate compared to the total number of 19,954 victims identified. <sup>171</sup> Provincial child protection units (CPUs) were active in Punjab, Sindh, Balochistan, and KP, and identified and referred children in exploitative or vulnerable labour situations to NGO and government care. However, some CPUs faced staffing gaps that affected the availability and appropriateness of care. <sup>172</sup> "Moreover, some of the government shelters severely restricted women's movement and pressured them to return to their abusers, including traffickers. Some victims reported shelters subjected them to sex trafficking". <sup>173</sup>

*Often children from vulnerable families end up as victims while many girls from South Punjab are trafficked to other cosmopolitan cities of Pakistan.*

A senior police officer in Lahore shared with the researcher that 'to deal with child sexual abuse and murder cases, police department has become very sensitive about these matters. Such cases are dealt on priority basis. We have achieved a lot of success as well.'<sup>174</sup>

Child trafficking cases in which parents are, often, found complicit, were of particular concern, since authorities often returned potential child trafficking victims to their families immediately following identification without effective methods to ensure families would not subject their children to trafficking again.

The UN Committee on the Elimination of Discrimination against Women highlighted its concern regarding 'reports indicating that children, in particular girls who are internally trafficked, are subject

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<sup>168</sup> UNODC Pakistan Website-Accessed August 06, 2020 - <https://www.unodc.org/pakistan/en/illicit-trafficking-and-border-management.html>.

<sup>169</sup> UNODC Pakistan Website-Accessed August 06, 2020-<https://www.unodc.org/pakistan/en/unodc-national-campaign-against-human-trafficking-and-migrant-smuggling.html>.

<sup>170</sup> *The State of Human Rights*, annual report 2019, by HRC, p.12.

<sup>171</sup> Trafficking in Persons Report 2020-<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

<sup>172</sup> Trafficking in Persons Report 2021. Pp. 439

<sup>173</sup> Trafficking in Persons Report 2020-<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

<sup>174</sup> Interview with senior police officer of security division, Punjab police, 12 July 2021, Lahore

to bonded labour, domestic servitude and child marriages.<sup>175</sup> The Committee also shared its concern “at the lack of statistical data and information about the extent of the exploitation of women and girls for the purposes of prostitution.”<sup>176</sup> Furthermore, the EU GSP Plus Evaluation Report stated: “Pakistan... needs to make further improvements as it is the largest GSP+ beneficiary, yet the lowest ranked of all the GSP+ beneficiaries.”<sup>177</sup> International human rights monitoring bodies have, therefore, repeatedly recommended actions to the state of Pakistan to close gender gaps and improve human rights situation.

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<sup>175</sup> CEDAW Concluding Observations 2013, p. 6.

<sup>176</sup> Ibid.

<sup>177</sup> GSP Mid Term Evaluation July 2018.



### 3. POLICY PROPOSALS AND WAY FORWARD

The following policy proposals are based on desk review, policy dialogue (held during Phase I) interviews and other interactions with the government and civil society stakeholders. These are recommended proposed for key institutions to ensure a gender-sensitive and human-rights based response to TIP and SOM in Pakistan.

#### 3.1 Gender-sensitive legislation and policy

- Pakistan should ratify the Smuggling of Migrants Protocol and the Trafficking Protocol. Although most of its legislations are gender-sensitive and human rights-based, Pakistan should still accede to the United Nations ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons’ as a top priority. In addition, the country should also sign the *Protocols against Smuggling of Migrants by Land, Sea and Air, 2000*. Pakistan has already ratified similar international instruments and conventions and that the Protocol is in line with country’s existing laws and policies as well. For example, Pakistan is also a signatory to UN Convention on Transnational Organized Crimes and TIP and SOM protocols supplement this Convention. Therefore, Pakistan should accede to the United Nations Trafficking and Persons and Smuggling of Migrants Protocols as framework to implement the national response.
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol or UN TIP Protocol) was adopted by General Assembly resolution 55/25. The protocol entered into force on December 25, 2003. Despite showing progress on TIP and passed the Prevention of Trafficking in Person Act (PTPA) in 2018, it has not yet signed the TIP Protocol.<sup>178</sup>
- The amendment in PTPA 2018 should also be considered in future to remove penalty provisions that allow fines in lieu of imprisonment for sex trafficking offenses. While the government of Pakistan has passed numerous laws and formulated policies to promote women’s rights, many lack enabling regulations, rules of procedures or business to be effective. All public policies and legislation should be properly referenced against gender equality/women’s empowerment defined in the constitution of Pakistan, including Article 25, CEDAW, and other national and international instruments, conventions, and/or customary laws on gender.
- The process of the harmonization of the national legislation with international human rights and gender obligations must continue and be monitored and evaluated with regularity. There should also be an effort towards harmonization of the legislation and policies among the provinces after the devolution of powers following passing of 18<sup>th</sup> Constitutional amendment.

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<sup>178</sup> Status of ratification as of 18 February 2020 [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en)

## 3.2 Implementation

Available literature suggests that laws in Pakistan are not fully implemented. This fact was also highlighted by majority of stakeholders interviewed for this study. For example, Zia Awan explained that:<sup>179</sup>

*The new laws on TIP and SOM are more progressive - for example in these laws important aspects are emphasized in the last chapter what should be done by government (shelter homes, provide legal aid, awareness raising, helpline etc.), but implementation hasn't happened so far.*

Following proposals are recommended for strong implementations of laws to ensure conviction of criminals and protection of vulnerable individuals against TIP and SOM in Pakistan.

- Institutional responses must be enhanced to take affirmative action in favour of women. The development of the Pakistan's national strategic framework and action plan scheduled for 2020/21 which has ideally made a very strong reference to gender, human rights with effective plans for implementation on ground—developed in consultation with UNODC—should be strongly adhered to.
- Policy level engagement with the government and its relevant agencies needs to be initiated to influence and recommend mainstreaming gender and human rights in the strategic framework. The overarching goal of this evidence-based advocacy for mainstreaming gender and human rights must promote “safe, affordable, and legal avenues of movement for people across borders”<sup>180</sup> especially for the women/girls.
- Provinces other than Punjab including GB and AJK must catch up in terms of anti-trafficking law enforcement efforts, prosecutions and convictions. For this, the UNODC needs to engage civil society organizations and individual experts – especially women - to run provincial and national level advocacy campaigns to influence policy and legislations demanding gender-sensitive laws and policies to fight TIP and SOM. Lobbying and engagement with duty bearers with the help of experts and activists will help in paving ways for the said legislations and policy enactment.
- The government must show firm resolve by due actions against credible reports of official complicity in trafficking. In 2019 there were reports of official complicity and corruption which led to several high-profile trafficking cases being dropped during the year.
- The Provincial CEDAW Committees (PCC) must ensure effective implementation of CEDAW at the provincial level. The Inter Provincial Ministerial Group (IPMG) must facilitate the provinces to harmonize their gender equality policies and legislations. The Provincial CEDAW Committees (PCCs), IPMG, National and Provincial Treaty Implementation Cells (TICs), Provincial Women Development Departments and Provincial

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<sup>179</sup> Interview with Zia Awan, Founder/Head Lawyers for Human Rights and Legal Aid, 13 August 2021, Karachi

<sup>180</sup> UNODC Website <https://www.unodc.org/pakistan/en/country-profile-pakistan.html>.

Women Commissions must work in concert to monitor the implementation of the Convention and in providing relevant data on measures adopted throughout Pakistan.

- Training programs and capacity building of FIA field staff should be conducted to sensitize the human resource regarding gender. The Anti-Human Smugglers / Trafficking Circles (AHTC) for operations and Inter-Agency Task Force (IATF) established for the collection of intelligence and sharing of information, to control Human Trafficking/ Smuggling should be specifically sensitized to the different needs of women.
- Officials, including provincial police, labour inspectors, and entities providing social services should be trained for victim identification and referral to rehabilitation services with specific reference to gender needs. Prosecutors and judges should also be sensitized with reference to gender. It is important to ensure that victims are not unduly or disproportionately punished.
- Human rights and gender-sensitive principles should be placed above foreign policy, economics, or other concerns. The case of the prosecution of the Chinese brides' issue is an example of how sometimes foreign policy, economics, or other concerns are placed above gender and human rights principles.
- The FIA 24/7 Helplines (toll free phone-15, street address FIA, and FIA email) for reports, complaints and support should be made friendly for women. FIA should appoint more women operators who should be thoroughly trained to speak with the callers in a way that the callers feel safe and confident to share openly their problems. Safe spaces for voice, dialogue and action, and the provision of public services and benefits is a key step in empowering women and marginalized groups and individuals. Through such safe spaces, it is believed that forms and patterns of discrimination that hinder voices of the vulnerable will eventually evolve and make demands for protection of their rights.

### 3.3 Protection

- The enactment of the Zainab Alert Response and Recovery Act 2020 and an amendment to the Child Employment Amendment Act 1991 are commendable in that both the measures will prevent the trafficking and smuggling of children, including girls. The amendment to the Child Employment Act 1991 criminalizes and prevents child domestic labour, the incidence of which can be gauged from the fact that there are 264,000 child domestic labourers in the country. However, the civil society laments that there is still a need to enhance the protection of women and minorities, especially the minority women through early enactment of laws e.g., Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill, Christian Marriage and Divorce Bill, 2019, ICT Domestic Violence (Prevention and Protection) Bill, 2019. Moreover, it is also recommended that the provinces should adopt the Amended 1991 Child Employment Act through a simple provincial assembly resolution.
- Given the lower level of victim services in 2019, as evidenced by only four percent of all victims identified being referred to care, it is recommended that referrals of trafficking victims, especially women, to services should be increased in addition to the availability

and quality of services including legal assistance. It is an imperative to adopt measures for the rehabilitation and social integration of victims of trafficking, abusive marriages, and forced prostitution. The Women in Distress and Detention Fund, established under the Women in Distress and Detention Fund Act, 1996 (XV of 1996), should be properly operationalized and made effective.

- Behavioural change interventions must identify how and where traditional and harmful practices embed and normalise gender inequalities and intersect with gendered discrimination, and must seek to disconnect the values and beliefs that entrench and legitimise violence against women.
- It is worthy of note that Punjab is the only province which has a women's shelter in each of its 36 districts; Sindh has five women's shelters in its 29 districts and four centres that offered women in distress medical and legal aid and shelter for up to 72 hours; Khyber Pakhtunkhwa has six (06) shelters in its 26 districts and 10 welfare homes for exploited children; Baluchistan operated one women's shelter and one shelter for destitute male citizens among its 32 districts. In addition, it has come to light that some of the government shelters pressured women to return to their abusers, including traffickers while some victims reported some shelters subjected them to sex trafficking. The government needs to look into this victim protection in due earnest.
- Moreover, since it has been found that the lack of identity documents by women plays a key role in their exclusion, it is also important to promote and increase registration of women with NADRA – such interventions can be led by local NGOs and CSOs.
- Referrals of trafficking victims, especially women, to services should be increased in addition to the availability and quality of services including legal assistance. Referral mechanisms should be established through public and private partnership to assist victims of trafficking—at district, provincial and national levels. Once they are linked to the government and private sector services, referrals mechanisms would effectively help assist the victims on timely bases. Government agencies, private sector and civil society organizations working in isolation can be brought together to synergize their efforts and help the victims of TIP and SOM. Moreover, it will also help in understanding how grave the phenomena of TIP and SOM are.
- Restrictions on female migration should be done away with whereas female worker protections should be negotiated with the destination country governments. It is also important that the government provide opportunities to women for economic freedom and development through share in inheritance, employment, market or fair wages, services of child care, maternity leave and compensation, health safety and occupational hazard measures etc. and prevention of sexual harassment in the workplace. The lack of economic freedom and development increases the vulnerability of the women and their propensity for taking risks that eventuality places them in circumstances such as TIP/SOM or modern slavery through marriages and fake employment opportunities. Therefore, in

addition to Goal 5, “Goal 8 Decent Work and Economic Growth” should also make reflect a strong reference to women during implementation.

- Some of the government shelters pressured women to return to their abusers (families), including traffickers while some victims reported some shelters subjected them to sex trafficking. The government needs to look into this victim protection in due earnest

### 3.4 Government and civil society coordination

- Surprisingly, several government departments and ministries that are directly and indirectly relevant for the TIP and SOM, internally as well as externally, have not been playing their direct role in addressing TIP and SOM. There exists ample interest within the departments to become part of the coordinated and concerted effort to contribute in addressing the TIP and SOM issues. The government should bring together all relevant departments under the fold and define their roles and responsibilities. This will bring drastic improvement in the implementation and performance of government departments once their roles and responsibilities are clearly defined.
- The consultation and collaboration of the Government of Pakistan and civil society, including the beneficiaries, to jointly work in the areas of illicit trafficking & border management should be enhanced. It is expected to promote inclusive ownership and thereby lead to the sustainability of actions.
- The FIA Anti Human Trafficking Unit-Anti Human Smuggling (AHS) Directorate works and maintains liaison with the Ministry of Interior (MOI), Ministry of Foreign Affairs (MOFA), national and international organizations. However, it should also engage with the Ministry of Human Rights and the Ministry responsible for women to ensure compliance with national international gender commitments.

### 3.5 Engage women leaders to combat TIP and SOM

Issues concerning women are now gaining public attention. This has opened up various avenues and opportunities for women to actively advocate and pursue policies concerning women. In Pakistan, gender experts, civil society activists, and government officials are not very actively taking part in the efforts combating TIP and SOM. Therefore, following are some recommendations aiming to strengthen the fight against TIP and SOM.

- Empower and harness support for local women leaders, especially in rural areas, to support marginalized women. For example, creating a culturally sensitive, safe and enabling environment for men and women from diverse cultural, religious and social backgrounds to discuss and unite and challenge sensitive social norms and behaviours relating to gender roles.<sup>181</sup>

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<sup>181</sup> See Khattak, R. & Higdon, G. (2020). Strengthening Women’s Political Participation in Pakistan, Oxfam’s Inspiring Better Futures Case Study Series, Oxford: Oxfam International. <https://oxfamlibrary.openrepository.com/handle/10546/621107>

- Engage local powerful influential male role models to help champion the rights of women locally. Also, engage with male family and household members as well to sensitise about the rights of women.
- In Pakistan, gender experts, civil society activists, and government officials are not very actively taking part in the efforts combating TIP and SOM. Therefore, there is a need to identify and encourage women leaders from the government, law enforcement, prosecution, judiciary, the criminal justice sector broadly, as well as civil society sector/media who can play instrumental role in preparing strategic opportunities to advocate for the fight against TIP and SOM. During the process of engagement, sensitization and capacity building initiatives will help develop knowledge and skills of the women leaders on tackling TIP and SOM. GLO.ACT has already established the Women's Network with its partner countries, targeting female officials and male champions of women's rights working in policy making, the justice sector, law enforcement, civil society and other relevant local entities. GLO.ACT continues to strengthening the capacity, knowledge and resources available to the Network, including through mentorship and coaching. The GLO.ACT women network should be expanded at the provincial level – forming local chapters which should consist of government and local gender and human rights activists and experts to help contribute in the fight against TIP and SOM.
- Female Police and judges have a direct role in dealing with the issue and therefore, their active engagement is vital for the effective implementation of laws and policies on TIP and SOM

### 3.6 Ethical reporting of TIP and SOM cases and the role of media in awareness

Journalists interviewed for this study believed that the code of conduct for media have still slippages in terms of how gender sensitive issues are covered or violence against women issues are reported, often without consent. Social media has also added to the problems because there is a lot of naming and shaming in terms of how issues should be covered, headlines should be done etc. More often, media sensationalizes trafficking and smuggling reports which not only serves as a secondary victimization but also breach the confidentiality principle. Therefore:

- For women friendly reporting, sensitization of media on ethical reporting is key. Therefore, the role of ethical media reporting is critical in curbing the TIP and SOM in Pakistan. Public awareness employing various techniques, such as TV drama, print and electronic media, social media, is also strongly recommended to spread the message to the masses, especially the most vulnerable groups of the society.
- The importance of social media shall not be neglected – which serves as a double edge sword. Various strategies should be designed on tapping social media as a resource in the fight against TIP and SOM.
- Awareness raising and public education are regular phenomena and preventive measures. Civil society, considering its strong roots in local communities, should be taken as a formal partner in the fight against TIP and SOM. Sensitization of parliamentarians should be

engaged in awareness raising, especially in their respective constituencies, as they are closely connected with their voters who may listen to their representatives seriously.

- Considering the impact of TV on society, TV drama on the plight of TIP victims and SOM should be run. There is a considerable representation of women in local government who can be engaged in the awareness campaign. These women leaders are connected with the local communities and can easily spread the message to the people.
- Awareness and education campaign at the grass roots level in vulnerable districts of Pakistan is vital – this will also help to identify local women leaders/activist. Empower and engage them to take the lead in tackling the TIP and SOM at the grassroots level.

### 3.7 Monitoring & Evaluation

- Monitoring & Evaluation should be undertaken with a very clear view of the disparate needs and rights of women and girls depending on their context, religion and location etc. Gender-disaggregated indicators, targets and effective provision of important gendered data necessary for effective planning should be ensured. All key indicators on which reporting is required under the constitution of Pakistan, including Article 25, CEDAW, and other national and international instruments, conventions, and/or customary laws with reference to gender equality/women's empowerment or Goal 5 should be clearly identified and defined. The baselines and targets on gender equality indicators should be clearly established and data on the indicators should be regularly collected and all gaps in gender specific data should be addressed. It is an imperative to undertake meaningful monitoring of targets and indicators identified under 2018 National Sustainable Development Goals Framework to be achieved by 2030 against gender specific goals, especially Goal 5. This imperative is in sync with the aims of the Gender and Human Rights Tool of the GLO.ACT project which may serve an important resource for developing the baseline as planned.
- It is also recommended to undertake a fresh gendered political economy to explore power imbalance in Pakistani society perpetuated through laws, administrative arrangements, economic structures, social and cultural norms. It should also examine the gender dimensions of formal and informal institutions promoting gender disparities in Pakistani society.
- Data recording and reporting on acts of violence against minorities should be established. Especially data on Hindu women in Sindh and Christian women in Punjab, including forced conversion, abductions, and harassment in both rural and urban areas. This will form a clearer picture of the reality of the violence and harassment Hindu and Christian women face and better equip non-governmental organisations and the minority communities to advocate for the legislation needed for their protection.



## ANNEX A - LIST OF KEY INFORMANTS INTERVIEWED FOR THE STUDY

S. No	Name of respondent	Occupation	Location	Date and mode of interview (2021)
	<b>Islamabad</b>			
01	Ambar Rahim Shamsi	Multimedia Journalist	Islamabad	July 7 (in-person)
02	Ms. Anbreen Ajaib,	Executive Director, Bedari (NGO)	Islamabad	July 7 (online)
03	Munezeh Banor	Executive Director, SAHIL (NGO)	Islamabad	July 1 (in-person)
04	Abid Niaz Khan	Programme Officer, ILO	Islamabad	July 16 (online)
05	Liaqat Banuri	Executive Director, SHARP (NGO)	Islamabad	July 9 (in-person)
06	Asia	Acting Ex. Director	Islamabad	July 8 (online)
07	Sibgha Ajaz	Programme Coordinator, IOM	Islamabad	July 14 (in-person)
08	Ghazala Mirza	UNHCR	Islamabad	August 6 (online)
09	Zaheer Ahmed	Director Anti-Human Smuggling, FIA	Islamabad	July 19 (online)
10	Afshan Tehseen Bajwa	Chairperson, National Commission on the Rights of the Child (NCRC)	Islamabad	September 9 (in-person)
	<b>Lahore</b>			
11	Dr. Farhan Navid Yousaf	Associate Professor, University of Punjab	Lahore	8 July 2021 (online)
12	Aasia Bashir	Deputy Director Planning, Social Welfare Department, Government of Punjab	Lahore	July 19 (in-person)
13	Amna Mufti	Drama Writer, Columnist-BBC Urdu	Lahore	July 19 (online)
14	Ms. Bushra Khaliq	Incharge, Women in Struggle for Empowerment (WISE)	Lahore	July 6 (in-person)
15	Dr. Farrukh A. Khan, Associate	Associate Professor, Lahore University of Management Sciences	Lahore	July 19 (in-person)
16	Iftikhar Mubarik	CEO Search for Justice (NGO)	Lahore	July 6 (online)

17	Jamil Ahmed Khan	Deputy Director, FIA	Lahore	July 11 (in-person)
18	Mr. Moeen Masood	DIG, Police	Lahore	July 12 (in-person)
19	Raja Habib,	Bureau Chief, AAJ News	Gujranwala	July 10 (online)
20	Sabir Farhat	CEO, Pakistan Rural Workers Social Welfare Organization (PRWSWO)	Bahawalpur	July 3 (online)
21	Uzma Noorani	Former Co-C Chair, Human Rights Commission of Pakistan (HRCP)	Lahore	July 9 (online)
	<b>Karachi</b>			
22	Ms. Themrise Khan	Development Sector Specialist	Karachi	July 9 (online)
23	Amir Farooqi	FIA Sindh Zone I	Karachi	August 16 (in-person)
24	Asad Iqbal Butt	Co-Chairperson – Human Rights Commission of Pakistan (HRCP) – Sindh Chapter	Karachi	July 27 (in-person)
25	Dr Naima Saeed	Assistant Professor, Department of Criminology, University of Karachi	Karachi	July 7 (in-person)
26	Farhana Naheed	Director Field and Focal Person for Gender, Women and Shelter Homes - Social Welfare Department Sindh	Karachi	July 27 (in-person)
27	Abdul Hamid	Principal Police Training Centre	Shahdadpur	August 17 (online)
28	Muhammad Aslam Shaikh	Member Judicial- II Sindh Human Rights Commission – Government of Sindh	Karachi	July 15 (in-person)
29	Nuzhat Shireen	Chairperson, Sindh Commission on Status of Women (SCSW)	Karachi	July 9 (in-person)
30	Sameer Mandhar	Journalist, Express Tribune	Karachi	July 15 (in-person)
31	Sarim Burney	Chairperson, Sarim Burney Trust	Karachi	July 24 (in-person)
32	Zia Ahmed Awan	Founder/Head Lawyers for Human Rights and Legal Aid	Karachi	August 13 (in-person)





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