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## Issue of Human Trafficking in Pakistan

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### Abstract

*Human Trafficking is one of the worst forms of exploitation and violation of human rights. Human beings are treated as a commodity for monetary profit under this phenomenon. In simple words, Human Trafficking is the trade of human beings for economic gain. South Asian region is known for ethnic diversity, politically unstable, unorganised migration and poverty, so this region is affected by human trafficking. Pakistan is badly affected by human trafficking, like other countries in South Asia. There are many causes of trafficking, like poverty, illiteracy, ethnic conflict, illegal migration and political instability, which accelerate it. Trafficking also exists in many forms like labour trafficking, child trafficking, sex trafficking, trafficking for organ transplants and commercial sexual exploitation. Pakistan is a country known for political instability and ethnic conflict because of the theocratic system of government. In this research paper, we will understand the trafficking, its causes, nature pattern and forms in Pakistan. The study also analyses the legal framework against human trafficking in Pakistan, including the working of NGOs. The methodology will be analytical, descriptive, historical, and comparative.*

**Keywords:** Human Trafficking, South Asia, Pakistan, Sexual Exploitation, Forced Labor

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### Introduction

Pakistan, or the Islamic Republic of Pakistan as it is formally called, is the sixth most populous country in the world. Human trafficking is an enormous issue in Pakistan, as it is in every other South Asian country. When it comes to human trafficking, Pakistan serves as both a starting point and a final destination. Modern-day slavery, or human trafficking, is controversial since it violates fundamental human rights. This kind of organised crime thrives in areas that are poor, have a diverse population, and are politically unstable (Mirza, 2010: 151). In search of employment opportunities, many Pakistani women and men go to the Persian Gulf and Iran in search of manual labour jobs. Involuntary slavery or debt bondage is a reality for certain Pakistani employees overseas due to the hefty fees charged by illegal labour agencies and sub-agents. In certain countries, employers may limit your freedom of travel, underpay you, threaten you, or even physically or sexually assault you. Women and girls from Pakistan are more vulnerable to traffickers who use violence, psychological pressure, and isolation to coerce them into prostitution throughout the Middle East and Europe. Afghanistan, Azerbaijan, and Iran are significant sources of people trafficked to Pakistan for forced labour and prostitution. In 2020, more than 3,400 Pakistani migrants will be imprisoned in Saudi Arabia alone. (Trafficking in Persons Report, 2021: 441).

The recent TIP Report 2021 Published by the US Department of State placed Pakistan in tier 2 watch in the second year consecutively. However, Pakistan has made significant efforts to



eradicate human trafficking but does not fulfil the essential standard to eliminate trafficking in human beings. There are a considerable number of victims in Pakistan; in 2020, 32,022 victims of trafficking were identified by provincial police, including 15,255 females, 9,581 males, 6,937 children, and 249 transgender victims. Many international reports stated that there are 8.5 million domestic workers in Pakistan (Trafficking in Persons Report, 2021: 437).

Although many aspects are present in the existing Penal Code post 272 amendment, which defines certain offences and establishes a description of trafficking, there is a need to enact legislation that fully incorporates the term trafficking in the Protocol. The law is still in the criminal justice paradigm, and comprehensive law on human trafficking is needed that addresses both substantive and procedural issues. This absence of a definition may be why, until recently, there were no recognised cases of human trafficking at the level of recorded cases. (UN GIFT, 2011: 67).

#### Nature and Pattern of Human Trafficking in Pakistan

Human Trafficking is not limited to a single geographic region of Pakistan but occurs in all corners of the nation with no apparent pattern. Even though some forms of trafficking, like forced marriages and bonded labour in Khyber Pakhtunkhwa and Sindh, are widespread in Pakistan, it is evident that these crimes are most likely to happen in places with large populations of undocumented immigrants and people who have been internally and externally displaced due to natural disasters or political and social unrest(Hussein & Hussain, 2012: 7).

Internal trafficking is an underground activity tied to organised crime, political-criminal nexus, and social cleavages that goes unreported because victims are afraid of retaliation if they go to the authorities. Furthermore, Pakistani law enforcement organizations give internal trafficking a low priority. They have a limited understanding of human trafficking, poor awareness of its existence, and a limited ability to monitor the crime and collect data in a methodical manner. Reporting, filing First Material Reports (FIRs), and data collection are all hampered by police indiscretion because of their inability to handle sensitive information with discretion. Human smuggling and illegal immigration were found to account for the vast majority of FIA cases, with most of the data pertaining to these issues rather than human trafficking. (Hussein & Hussain, 2012: 8). The most popular destinations for Pakistani immigrants are Europe, the Middle East, Malaysia, and South Africa. (Sajid, 2010: 108).The aforementioned information and analysis suggest that domestic trafficking and forced labour are predominant in Pakistan, despite the fact that the type and pattern of trafficking in the country are quite complicated.

#### Factors Behind Human Trafficking in Pakistan

Human trafficking is a complex issue that has many causes. The demand and supply for trafficking both have an impact on this process. Many ambitious Pakistanis are fleeing the nation because of its poor economy, rising prices, lack of economic possibilities, high unemployment rate, and heightened security risks. They tend to shrink inside because of the attraction of financial affluence in regions like Europe, the Middle East, Malaysia, and others. Pakistani illegal workers in host countries tend to be employed in low-wage, low-productivity jobs owing to the prevalence of various forms of trafficking. Studies on forced migration, a focus on local



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intersectional systems, and a globalised political economy that exposes various populations to trafficking in different ways may provide insight into the complexities of organ trafficking. We argue that theories of organ trafficking need to take into consideration the complex interplay between social exclusion and its underlying causes. Those of lower socioeconomic status are more vulnerable to all types of human trafficking, in our view (Yousaf & Purkayastha, 2015: 640). Poverty, pessimism, discrimination, corruption, deception, trickery, violence, political turmoil, and criminality are all fertile grounds for human trafficking. Human trafficking affects people of all ages, sexes, and ethnic and national backgrounds. Many factors add complexity to the crime of trafficking.

#### Forms of Human Trafficking in Pakistan

Forced labour, sex trafficking, forced marriage, organ trade, and domestic slavery are the most prevalent forms of trafficking in Pakistan (Yousaf & Purkayastha, 2015: 637). In 2019, the Pakistani and international media reported on cases of bride trafficking along the China-Pakistan Economic Corridor. Fraudulent marriages between Pakistani women and girls were common. Many Chinese men had travelled to Pakistan for marriage and offered Pakistani women a better future in China. Once the bride reached China, they alleged maltreatment, terrible living conditions, coerced pregnancy, or forced prostitution (Afzal, 2022: 1).

According to the Associated Press, more than 600 Pakistani women have become victims of human trafficking after marrying Chinese men. The forms of bonded labour constitute Bonded Labor in agriculture, Brick Kiln Industry, and domestic slaves are dominant in Pakistan (Afzal, 2020: 4). Forced marriage is a significant contributor to the problem of human trafficking in Pakistan, as it is in China. According to the most current Trafficking in Persons Report from the United States State Department, China is classified as a Tier 3 nation whose government "does not completely fulfil the Trafficking Victims Protection Act of 2000's minimal criteria and is not making substantial efforts to do so." (Trafficking in Persons Report, 2021: 174).

According to studies, women from the Bengali, Afghan Pashtun, and Hazara ethnic groups are the most trafficked in Pakistan. Female trafficking victims make up approximately 33% of the Bengali ethnic group. In Pakistan, bonded labour and the culturally sanctioned practices of WattaSatta (Exchange marriages), Vani, Swara, and bride price payment are examples of internal trafficking. "Mutah" practice is also prevalent in Pakistan, it is a type of short marriage contract to bypass the law, and most Pakistani sex workers practice it (Mohyuddin, 2013: 31).

The Associated Press reported that more than 600 Pakistani women have become victims of human trafficking after marrying Chinese men. The forms of bonded labour constitute Bonded Labor in agriculture, Brick Kiln Industry, and domestic slaves are dominant in Pakistan (Afzal, 2020: 4). The reported forms of trafficking constitute forced labour, sexual exploitation, forced marriages, child labour, many cultural practices prevalent that equally violate the rights of human beings as other forms of human trafficking.



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### Pakistan's Anti-trafficking Legislation

The PPC 1860 makes trafficking a crime in Pakistan. Many sections of the PPC make it clear that human trafficking is illegal. PPC Sections 371 and 371B make it criminal to trade people for the purpose of prostitution. Section 374 prohibits using bonded labour, while Section 366A forbids the illicit acquisition of female minors. Under Articles 370 and 371, slavery is forever prohibited. It is common practice to use Section 371A of the Penal Code, which addresses trafficking for prostitution, to incidents of human trafficking rather than the other provisions (Mirza, 2010: 158). The 2018 PTPA, which criminalised sex and labour trafficking, established a 10-year maximum prison sentence, a fine of up to one million Pakistani rupees (PKR) (\$6,260), or both for offences involving adult male victims. For crimes committed against women or children, offenders risk up to two years in jail, a fine of up to one million PKR (\$6,260), or both (Trafficking in Persons Report, 2021: 437).

Article 11(2) of the constitution of the Islamic Republic of Pakistan outlaws slavery and forced labour in any form. As for bonded labour, Pakistan is in board with ILO Convention 29. (Malik, 2016: 128). According to the Bonded Labor System (Abolition) Act of 1992 and the Bonded Labor System (Abolition) Rules of 1995, bonded labour is unlawful and punishable by law. The Act defines peshgi (or advance), bonded debt, tied labour, and nominal remuneration. Work performed for a peshgi is considered bonded labour, and those who violate this law face two to five years in jail and a fine of 50,000 rupees (Hussein & Hussain, 2012: 10).

The Prevention and Control of Human Trafficking Ordinance of 2002 (PCHTO) provides a comprehensive definition of human trafficking. The PCHTO, 2002, was passed to make effective measures to stop crimes related to human trafficking and to rescue and aid those victims of such trafficking. It was enacted in October 2002 and applied to the entirety of Pakistan. However, this statute has drawn criticism for focusing mainly on international trafficking rather than domestic trafficking. It is crucial to stress that internal trafficking is not part of the FIA's mission.

- In 2008, the Punjab government initiated a drive to abolish bonded labour. The Punjab Government has helped 3,237 bound labourers receive identity cards, and 1,906 bonded labourers obtain cash-free loans through this scheme (Husain 2012).
- The government operates 44 women's shelters, including the Shaheed Benazir Bhutto Women's Centers, administered and sponsored by the government and various provincial governments "Dar. ul. Amans. (DuAs)." Many of the women seeking refuge in these Du.As. are not trafficked victims. It's worth noting that Du.As. has a history of exposing women to additional sexual exploitation.

The Federal Investigation Agency (FIA) is Pakistan's leading governmental Coordinating and reporting entity on human Trafficking. It has 24 Anti-trafficking law enforcement joint task forces at the local, Provincial & national levels investigating human Trafficking and migrant

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smuggling cases. FIA also operates with three embassies abroad: Grace, Iran, and Oman to tackle this issue. Pakistan has ratified most key international human rights agreements, including the SAARC Convention on trafficking 2002, that place international duties on states to respect, protect, and fulfil human rights. When it comes to ensuring that national solutions to human trafficking do not contradict recognised rights or bypass the commitments that nations owe to all people, human rights law and enforcement mechanisms are vital.

In 2018, the government of Pakistan criminalised sex and labour trafficking by making the 'Prevention of Trafficking in Persons Act (PTPA), 2018' and implementing it successfully (Trafficking in Persons Report, 2021: 437). The problem with these is an insufficient legal framework against labour trafficking. In the Sindh area, bonded labour prevails significantly in brick kilns and farms.

#### Role of Civil Society and NGOs to Combat Human Trafficking

Human trafficking takes many forms, but one prominent aspect in Pakistan is the practice of forced marriage. According to the most current Trafficking in Persons Report from the United States Department of State, China is classified as a Tier 3 nation whose government "does not completely fulfil the Trafficking Victims Protection Act of 2000's minimal criteria and is not making substantial efforts to do so."

The Asma, Gulrukh, Hina, and Shahla (AGHS) Legal Aid Cell established Dastak, a women's shelter in Lahore in 1990. It is the only shelter in the nation that provides safety without using imprisonment or jeopardising women's right to liberty. To standardise the care and support given to female victims of violence, some organisations, like Rozan, have established a network to provide standard operating procedures (SOPs) for centres and shelters (Hussein & Hussain, 2012: 67).

The government of Pakistan announced the "National Plan to Combat Human Trafficking and Migrant Smuggling for 2021-2025" with the cooperation of FIA and MOI. This plan also consults and coordinates with NGOs, INGOs, civil society members, and other stakeholders. A successful plan to combat trafficking must take a two-pronged attitude: First, focus on a variety of institutions that can play a vital responsibility in reducing human trafficking across the country, and Second, support a definite target group with a significant level of a specific type of trafficking (Hussein & Hussain, 2012: 63). The step-like anti-human trafficking unit can be constituted for every district to monitor the problem and also collect the data on trafficking for better policy formulation. An umbrella national institution can be formed to coordinate all the anti-trafficking efforts by the government and NGOs. These all will help to deal with the trafficking successfully. However, human trafficking and the harms it causes are multifaceted issues that do not, in the end, belong to a single field or branch of law. Combating current exploitation may be difficult, but any real endeavour will necessitate a comprehensive array of sophisticated, intelligent weaponry, not simply one valuable but dull blade. Indorsing technical education in Pakistan will improve the workers' skills and requirements in other countries. Similarly, all parties who seek and are dedicated to addressing the problem of illegal migration



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should consider new types of equipment and trained employees in the FIA with significant resource commitment (Sajid, 2010:108).

### Conclusion

Human trafficking is a worldwide problem, and this study's narrow emphasis on the situation in Pakistan shed light on its intricacy. Scientists now have a theoretical footing on which to build, and artists have more latitude in their presentations than before. Extensive research has demonstrated and predicted that human trade would have far-reaching consequences for the social, political, and economic life of many countries, including the weakening of democracy and the rule of law in established democracies and the strengthening of authoritarianism in potentially democratic states. Individuals (through decreased demand), businesses (via investigation of whether they aid traffickers via hotels, apartment buildings, etc.), academics (via increased research), civil society (via increased involvement, especially from journalists), and governmental and intergovernmental organisations are all suggested as potential participants in the author's proposed multifaceted approach (at both the national and multilateral levels). Human trafficking is a complex problem with no easy solutions. Only a stateless, multidimensional strategy will be able to overcome this problem.

Pakistan is vulnerable because, like its South Asian neighbours, it confronts many of the same difficulties. In the wake of devastating events like war and natural catastrophes, human trafficking flourishes. The author persuasively argues that human trafficking is a global issue. In the long run, we will all experience the impacts of this. We need to work together as a global community to figure this out.

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