



## Pakistan

### Human Trafficking and Organized Crime: The case of Pakistan

Judge Ayesha Malik

Pakistan is a small country with a large population. As per the 2017 census the total population of the country is 201 Million with 49% women and 51% men. Pakistan is described as a source, transit and destination country for men, women and children subjected to forced labour and trafficking. Trafficking in Pakistan is of serious concern internally; the main issue is of bonded labour. The second is child abduction where children are sold as slaves or placed in organized gangs for begging or theft, brick kilns and sexual trafficking. Then there is the problem of women and girls sold or forced into marriage.

#### Labour Migration

- One of Pakistan's most important exports is Labour Force.
- Remittances are a significant contributor (7%) to the GDP of the country.
- Overseas Pakistani workers remitted 19.62 \$ during FY18.
- 7th largest country of origin for international labour.
- Entrapment through fraudulent job offers ultimately turned into drug trafficking.

Pakistan is ranked 122 on the Sustainable Development Goals Index out of 157 countries. It is ranked as the 13th largest group trying to cross the Mediterranean, and is placed on the Tier 2 'Watch List' by the US State Department.

There are two types of trafficking issues: one is human smuggling, where people of their own free will opt to be smuggled out of Pakistan to some foreign country. They pay large sums of money, face dangerous circumstances or risk everything for a chance to illegally cross the border. Commonly movement is to Europe, Turkey, Russia and the Middle East. The second is coerced human trafficking where money is paid forcing men, women and children into labour or prostitution. Children are sold for work, begging, sex and camel jockeys. Also emerging is the sale of men and women for organ trafficking. Again money is the main consideration. All the reasons call for state action to prevent and protect victims.

The causes are typical: amongst others poverty, unemployment, debt, violence and exploitation are the key reasons. Organized groups are involved in drugs, illegal adoption, forced domestic work, sexual exploitation, organ sale, begging and bonded labour.

#### Vulnerability of children

- 46% of girls 15 and older are literate
- 40% of school age children are out of school
- 79 out of 1000 children died before their 5th birthday
- 30% of people live in poverty

#### Measures to combat. International conventions where Pakistan has rectified several of the major convention on child labour

The Constitution of the Islamic Republic of Pakistan provides for all the basic or fundamental rights to preserve the rights of every individual, to ensure that they are treated with dignity, equally without discrimination and in accordance with the law.

There are domestic laws which also regulate and protect the exploitation of children and women and regulate the work environment and terms of keeping labour.

Recently two important laws were made, the Prevention of Trafficking in Persons Act, 2018 and the Prevention of Smuggling Migrants Act, 2018. They criminalize trafficking, whether it is smuggling or forced trafficking, with long imprisonments. In fact, it is on account of these laws that Pakistan was moved to 2nd Tier on

the SDG Watch List. The problems that have been and still are in the forefront of this issue are the lack of proper investigations, prosecution and convictions. There is a lack of training and sensitization on the issue; identification of victims is weak. There is no official data collection on this issue.

Cases that come to Court, take a long time in being decided. The atmosphere and response of the Justice Sector is far from sensitive, making it a serious barrier to bring such cases to Court. The humiliation and stigma attached, not to mention the cost of litigation, are a serious barrier to accessing justice. Consequently few cases actually come to Court.

To overcome these issues and to facilitate the law some administrative measures have proven to be quite effective. The Anti Trafficking Unit of the FIA has been vigilant and active in combating and uncovering gangs involved in trafficking children and protecting them from exploitation. The Child Protection Bureau has been effective in rehabilitation and to provide shelter, education and protection to such children. The Courts have also played a role. It was in 1990 in a case that a direction was given by the Supreme Court of Pakistan for legislation to be made on preventing forced labour. Hence the Bonded Labour Abolition Act, 1992. Similarly the High Court directed the Punjab Government to take legislative measures to prevent child labour as domestic workers.

Even the illegal trade in organs was brought to the attention of the Supreme Court of Pakistan, which again directed that legislative measures be made to criminalize trade in organs and regulate organ transplantation. Hence the 2010 Act on transplantation of human organs.

Recently several cases have come to Court where children have been exploited and abused as domestic help or for sex. The case of young Zainab is one example of the courts stepping up, ensuring that there is no delay, and ultimately the conviction was upheld by the Supreme Court of Pakistan and the culprit was punished by way of the death penalty.

So we see a more active Court, some *suo motu* actions which have resulted in more convictions and have pushed the law enforcing agencies to become more active. However, a lot more is required.

Recently, the setting up of the GBV Court and Child Support Court is a good example of a more sensitive judiciary, conscious of the issues faced by such victims. This Court is sensitive to the plight of the abused. The women sit behind a screen to avoid eye contact with the accused. The Judge reviews all examination and cross-examination question to ensure that they are reasonable and not slanderous. The prosecutor is a woman and the environment is more sensitive. Consequently, there have been more convictions in rape cases. The child support Court hears cases of children whether victims or accused.

### **Training on gender sensitivity**

There are also social measures for the provision of protective and rehabilitation services. Quick response to the allegations by the abused or victim's social media and the media have played an important role in highlighting these issues.