

The Menace of Human Trafficking - Pakistan's Response to the Problem?

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Abstract

Human Trafficking, whilst not a new phenomenon, remains a heinous activity as women and children are the most vulnerable members of society, yet it is exactly this vulnerability that makes trafficking possible in the first instance. Trafficking in human beings is a covert, multi-faceted and organised criminal activity making it extremely difficult to detect and prevent, particularly in light of its cross-border nature, whilst victims are themselves often difficult to be recognised. This makes trafficking in human beings such a complex activity to approach. There are legislative provisions and international conventions in place to protect trafficked persons but many responses are perhaps too little, too late. This paper, therefore, considers measures that have been put in place by the Pakistan Government to protect trafficked persons.

Keywords

Human Trafficking, Human Smuggling, Slavery, Palermo Protocol, Prevention and Control of Human Trafficking Ordinance (PACHTO), Domestic Servitude, Sexual Exploitation, Debt Bondage and Forced Labour.

Introduction

Trafficking in human beings is a very sensitive issue as it is at the very intersection of contemporary anxieties concerning the global political economy, population growth, gender and ethnic stratification, transnational organised crime and human rights abuses and the inability of states, groups of states and international agencies to control any of these effectively. Human trafficking is the modern form of slavery. It happens when people are recruited, transported, or received through deception, threat or force. Once trapped, they are exploited using threats, physical force, emotional abuse, or told they must pay off a large debt to their captors. They may be enslaved for years, or their entire lives.

The problem is of global proportion. Almost every country, *including Pakistan*, is implicated in this shocking trade in human lives either as a place of recruitment, transit through to other countries, or the final destination for trafficked people.

The numbers are vast but unknown, as there are difficulties in identifying victims. In most cases the crime is kept hidden, and the definitions are not standard across cultures or law enforcement agencies. According to the United Nation's Global Initiative to Fight Human Trafficking (UN.GIFT), the estimated number is thought to exceed 27 million. However, this is a conservative figure, with the

majority being adult women exploited in the sex trade and children trapped into forced labour. The number seems overwhelming, but we agree with World Vision¹ that even one person being captured and sold is one person too many.

Magnitude of the problem can be gauged from the fact that around 161 countries are reported to be affected by human trafficking by being a source, transit and/or destination country. Human trafficking affects every continent and every type of economy.² The majority of trafficking victims³ are between 18 and 24 years of age.⁴ An estimated 1.2 million children are trafficked each year.⁵ 95% of victims experience physical or sexual violence during trafficking.⁶ 2.45 million people are estimated to be in conditions of forced labour as a result of trafficking.⁷ 43% of victims are used for forced commercial sexual exploitation, of which 98% are women and girls.⁸ 32% of victims are used for forced economic exploitation, of which 56% are women and girls.⁹

The United Nations Office on Drugs and Crime (UNODC) estimates that human trafficking generates \$7 billion every year, and is the third largest criminal activity in the world after the arms and drug trades. According to the US State Department's Trafficking in Persons Report, about 900,000 people are being trafficked across national borders annually. Around 225,000 people are trafficked annually from Bangladesh, India, Nepal, Pakistan, Sri Lanka and Afghanistan alone. Human trafficking exists because it is based on supply and demand. Using slaves means no labour costs, so manufacturers can undersell their competition. It also means the complete disregard and lack of respect for individual human beings. Research shows that victims are often recruited by a relative, a 'supposed' friend, or someone they trusted. Traffickers¹⁰ and victims often share the same nationality, and female traffickers are often used to recruit women. Homelessness, economic downturn and social instability as a result of national disaster or war are also factors, with women and children always being the most desperate and vulnerable. Poverty, lack of access to education and employment, and domestic violence create a supply of 'surplus' children and vulnerable adults who can be easily manipulated and tricked by traffickers. Van Liempt reported that *'increased demands for cheap labour and sex, coupled with restrictions on legal migration possibilities, have clearly opened a niche for traffickers.'*¹¹ The phenomenon of trafficking could not have grown to its current extent if market forces did not support such an industry.

Traffickers use a variety of methods to recruit their victims. They commonly target vulnerable individuals by placing advertisements for comparatively well-paid employment positions in destination countries. Once the individuals arrive, they find that they have been deceived about the nature or conditions of the work they have to do. Trafficking in human beings and their subsequent exploitation in varied forms by traffickers in human beings is one of the most despicable forms of violation

of human rights. Trafficking in its widest sense includes not just exploitation of prostitution or other forms of sexual exploitation, it also includes forced labour or services, slavery or practices similar to slavery or trade in human beings for removal of organs. Trafficking clearly violates the fundamental right to a life with dignity. It also violates right to health and health care, right to liberty and security of person, right to freedom from torture, violence, cruelty or degrading treatment. It violates for children who have been trafficked, or victims of child marriages their right to education, it violates the right to employment and the right of self determination.

Traffickers also have a number of ways of preventing their victims from escaping, among them debt bondage, threats and violence, detention, and withholding of personal legal documents such as passports and visas. They often threaten to hurt or kill a victim's children or family in their home country. Further, uncertainty about their migration status and fear of being detained or deported makes victims afraid to seek help.

According to the US State Department *Trafficking In Persons Report (TIP)*¹² in 2009, Pakistan is reflected as a source, transit and destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation. Pakistan's largest human trafficking problem is that of bonded labour which is concentrated in Sindh and Punjab provinces, particularly in brick kilns, carpet making, agriculture, fishing, mining, leather tanning and production of glass bangles, estimates of Pakistan victims of bonded labour, including men, women and children, vary widely but are likely over one million. Parents sell their daughters into domestic servitude, prostitution, or forced marriages, and women are traded between tribal groups to settle disputes or as payment for debts. Pakistani women and men migrate voluntarily to Gulf states, Iran and Greece for low skilled work as domestic servants or in the construction industry as a result of fraudulent job offers made and high fees charged during recruitment, however, some find themselves in conditions of involuntary servitude or debt bondage once abroad, including restrictions on movement, non payment of wages, threats of physical or sexual abuse.

Last year, one of the shocking news about human trafficking came from Hazar Ganji, Quetta, Balochistan. A driver of a container, upon encounter with law-enforcing agencies, escaped leaving behind his vehicle that contained more than 100 people (trafficked people). Sixty dead bodies were recovered from the container and many were found fainted. The container was reportedly being transported from Afghanistan to Iran via Pakistan. Eyewitnesses say, most of the deceased apparently belonged to Afghanistan. They said the driver of the container when opened the container's door found the people dead inside and some unconscious due to suffocation. The incident is a reflection of the problem.

Conceptualisation and Definitions

In its dictionary meaning, the concept of trafficking denotes a trade in something that should not be traded in. Thus, we have terms like drug trafficking, arms trafficking and human trafficking. It is appropriate to clarify the terms 'slavery' and 'human trafficking' at the first instance, because there is an inescapable overlap between the terms "slavery" and "human trafficking,"¹³ although the technical definitions are a bit different. For purpose of this article the terms will be used interchangeably, because all trafficked people live in slavery-like conditions. The international Slavery Convention of 1927 signed by the League of Nations and carried on by the United Nations, defines that "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The concept of trafficking in people refers to the criminal practice of exploitation of human beings where they are treated as commodities for profit and after being trafficked, are subjected to long term exploitation.

For the purpose of this paper, the working definition of trafficking which as stated in the U.N. Protocol (2003)¹⁴ to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, 2000,¹⁵ to which Pakistan is a signatory is adopted. It defines trafficking in (article 3 (a)) 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 service, slavery or practices similar to slavery, servitude or the removal of organs."

The definition of trafficking consists of three core elements, the *action* of trafficking, the *means* and the *purpose*. If all the elements of human trafficking are present, the fact that an adult initially consented is irrelevant. It is also considered trafficking if the victim had no real or acceptable alternative but to submit to the abuse. If the victim is a child, it is considered trafficking even if there is no threat or use of force. Trafficking need not be across borders; it can occur within the borders of a single country.

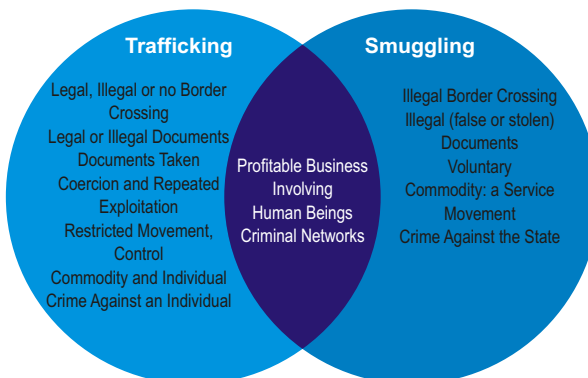
In the light of the definition of these exploitative situations *vulnerability* refers to that section of a population, in a socio-economic context of severe deprivation, which is at risk because of its inability to cope with the pressure of life and living. It

is understood to “refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.”¹⁶ The term “forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁷

Besides this, it is also imperative to churn out key differences between the crimes of 'human trafficking' and 'human smuggling'. The Protocol Against the Smuggling of Migrants¹⁸ also helps to draw a distinction between trafficking and smuggling, although commentators have pointed out the continued difficulty of measuring trafficking given the range of actions and outcomes covered by the term. But usually smuggling occurs when someone is paid to assist another in the illegal crossing of borders. This relationship typically ends after the border has been crossed and the individual has paid the smuggler a fee for assistance. If the smuggler sells or 'brokers' the smuggled individual into a condition of servitude or if the smuggled individual cannot pay the smuggler and is then forced to work that debt off, the crime has now turned from smuggling into human trafficking. The key distinction between trafficking and smuggling lies in the individual's freedom of choice. A person may choose and arrange to be smuggled into a country, but when a person is forced into a situation of exploitation they are then victims of human trafficking. Central to the distinction is the denial of the victim's liberty. Smuggling in the migration context is defined as “the facilitation of illegal border crossing, often (but not necessarily) for financial gain.” Smuggling, in contrast with trafficking, “does not require an element of exploitation or violation of human rights.”¹⁹ Both are however deemed illegal and connected with organised crime or other types of crime as well.

Table I: Regional Comparison of Deportees-From 2007 to 2009

Trafficking and Smuggling: Similarities and Differences



Source: International Organization of Migration (IOM)

It is also important to establish what a human rights issue is and which a migration one is. Migration and human trafficking, though separate and distinct processes, are connected. It is also important to note that though the boundaries between volunteer/non-volunteer migrations are becoming blurred, migration *per se* is not a crime. The pressing need for work and life opportunities has turned migration into a common livelihood strategy, creating a fertile field for traffickers and unscrupulous 'employment agents'.

Criminalization of Trafficking in Pakistan

In Pakistan, the constitution, a Supreme Court decision, and an act of Parliament all serve to outlaw bonded labor. The Constitution of 1973 lists a number of fundamental rights ostensibly guaranteed to all Pakistani citizens. The constitution states that all laws which are inconsistent with, or in derogation of, these fundamental rights are void. Slavery and forced labor are addressed in article 11 of the constitution:

“(1) Slavery is nonexistent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human beings are prohibited.”

One of the country's major problems is the smuggling of Pakistani children to Gulf countries for camel racing. Law enforcement agencies and the immigration department feel that increasingly high profits and lessening fear of harsh punishment have bolstered syndicates of human traffickers across Asia, the Middle East and Europe. The Zina Hudood Ordinance (1979)²⁰ criminalises Zina (extra-marital sex, including adultery or fornication), Zina-bil-jabr (rape outside of a valid marriage), and selling, hiring, buying or disposal of any person for the purpose of prostitution (Section 13, 14). The punishment for these acts is life imprisonment. The Foreigners Act of 1949 and Foreigners Order of 1951 does not permit foreigners to enter Pakistan except from designated areas and in a specified manner. New laws relating to illegal immigrants (1996) lay down a jail term of up to 10 years for unauthorized entry into the country. The Employment of Children Act lowered the minimum age for employment from 15 to 14 in mining, factories, shops and other commercial and industrial establishments. The Child Labour Act, 1991 allows children to be employed in 'hazardous' occupations if they are carried out with the help of family members or in a government-recognised formal school. The Prevention and control of Human Trafficking Ordinance, 2002 (*hereinafter* PACHTO) has been promulgated to deal with all types of human trafficking. It is a comprehensive legislation and the first of its kind in the South Asian Association for Regional Cooperation (SAARC) region. The PACHTO defines human trafficking to

include trafficking for any purpose, viz. prostitution, forced labour and services, etc. This ordinance takes into consideration even mental injury of a person as an act of exploitation and provides for harsher sentences for serious violations. It also takes into consideration the organised nature of the crime and casts a vicarious liability on each member of the group by providing stringent punishment. The ordinance also includes provisions for compensation to the victims. Under Pakistani law, the level of proof for 'Zina' (extra-marital sex) and 'Zina-bil-jabr' (rape outside of a valid marriage), which is liable to 'hadd', requires either a confession or at least four Muslim male witnesses. If this high evidentiary requirement cannot be satisfied, then the crime of Zina or Zina-jal-jabr is liable to tazir, which does not require four Muslim male witnesses. If unable to prove rape, the court takes the rape victim's statement as a confession of adultery, which results in the punishment of the rape victim. Under the Child Labour Act, 1991, children may be employed in hazardous places if the work is carried out with the help of female family members or any schools recognised by the government. This leaves ample scope for violations of the human rights of such children (Hadd and tazir are Islamic punishments)..

Analysis of PACHTO

Pakistan's principled legislative response to trafficking in persons is PACHTO, which is a comprehensive legislation the first of its kind in the SAARC region, which mostly covers all possible forms of Human Trafficking into or out of Pakistan, especially women and children, with respect to the modes and objectives. One of the country's major problems is the smuggling of Pakistani children to Gulf countries for camel racing. Law enforcement agencies and the immigration department feel that increasingly high profits and lessening fear of harsh punishment have bolstered syndicates of human traffickers across Asia, the Middle East and Europe.

Under the PACHTO, trafficking is defined as kidnapping, abducting, using coercion, or giving or receiving any payment or benefit for a person's transport into or out of Pakistan, to buy, sell, recruit, detain, harbour, obtain, secure, or receive a person, with or without their consent. The law punishes planning or executing a plan of trafficking to attain any benefit for purposes of exploitative entertainment, among other things. Exploitative entertainment includes sexual practices or sex. Planning to commit a trafficking offence, but not doing so, is punishable with up to five years in prison and a fine; planning or executing a plan of trafficking into or out of Pakistan may be punished by up to seven years in prison and a fine; and if the trafficking offence includes kidnapping, abduction or attempting to kidnap or abduct, punishment may be up to 10 years in prison and a fine.

The PACHTO also prohibits buying, selling, harbouring, transporting, providing, detaining, or obtaining a child or woman by coercion, kidnapping, abduction or by giving or receiving any benefit for trafficking the child or woman into or out of Pakistan, for purposes of exploitative entertainment. Punishment may be up to 10 years' imprisonment and a fine or up to 14 years' imprisonment and a fine if kidnapping or abduction took place. The law further punishes: altering documents to facilitate an offence; preventing or restricting a person's liberty to move or travel; organized criminal activity in connection with trafficking, and repeated violations. This statute also provides some assistance to child victims, such as medical care and shelter.

However, the legislation suffers from certain limitations. There is no specific attention to child trafficking as distinct from others. The role of NGOs has neither been identified nor assigned. Legislation is focused on trans-border trafficking and not on domestic/internal trafficking. Its jurisdiction is only extended to Federal Investigating Agency (FIA).

The Pakistan Penal Code (PPC) criminalizes kidnapping, abduction, or inducing a woman to compel her to marriage; to procure a minor girl under 18 (Sec 359-366); or to import a girl under the age of 21 from abroad with the intent that she may be or knowing that it be likely that she will be, forced or seduced to illicit intercourse with another person (Section 366) with a punishment of up to 10 years imprisonment. But this law doesn't cover boys, thus leaving them unprotected.

Kidnapping a child under 10 years is punishable with death under the Penal Code. Section 370

criminalizes buying or disposing of any person as slaves or dealing in slaves, selling minor for purposes of prostitution, etc. (Sec. 372), buying minor for purposes of prostitution, etc. (Sec. 373), unlawful compulsory labour (Sec. 374). What is unfortunate is that the legal framework is in place, but it is not implemented in letter and spirit.

The Constitution of Pakistan provides for security, safeguards to arrest and detention, and prohibits slavery and forced labour as fundamental rights. Despite these legal provisions, most trafficking cases are tried under the Passport Act, which imposes very low fines. There is lack of harmony between the PACHTO and PPC provisions. For instance, the offences of PACHTO does not establish any correlation with the relevant provisions of the PPC, but authorizes the First Class Magistrate to pass sentences only up to three years, PACHTO empowers them to pass higher sentences. So whilst trying these cases the First Class Magistrate will never pass a sentence that is more than three years.²¹

Pakistan's Response to the Problem

Pakistan has responded to the challenge of human trafficking by envisaging a strategy of prosecution, protection and prevention. The government formed a National Inter-ministerial Committee on Human Trafficking headed by the Minister for Interior, for policy making. It has also constituted an Inter-Ministerial Committee on Human Trafficking, Smuggling and Illegal Immigration headed by Secretary Interior to oversee implementation of the PACHTO. In 2005 a National Plan of Action (NPA) to combat human trafficking was drawn up by the government of Pakistan. Besides combating trafficking, rescue and rehabilitation of victims of trafficking are also given priority under NPA. Under the NPA, legal and law-enforcement systems are activated to strengthen the implementation of the PACHTO. The Federal Investigation Agency (FIA) is designated as the lead organization in combating the human trafficking problem in Pakistan. It has setup an Anti-Trafficking Unit (ATU) within the Federal Investigation Agency (FIA) for country wide operations. Besides this an Inter-agency Task Force (IATF) consisting of all the Law Enforcement Agencies has been operationalized which includes FIA, Frontier Corps (FC) Balochistan, Balochistan Levies, Coast Guards, Maritime Security Agency, and Police, with the task to intercept people being trafficked and to apprehend human traffickers at points of origin. Anti trafficking units have also been established in the provincial police departments. The government launched the National Plan of Action in 2005. It established the National Database and Registration Authority (NADRA) for helping authorities in detecting document frauds, established the National Alien Registration Authority (NARA), introduced Personal Identification Secure Comparison and Evaluation System (PISCES) put in place at nine ports to prevent document forgeries and frauds, introduced computerized National Identity Card (NIC) and Machine Readable Passports (MRP) and created a database of people coming in and out of the country. The above mentioned steps brought the following results (Table I):

Inter-Agency Task Force (Iatf) Interceptions

Interceptions by	2006	2007	2008
FIA	717	4534	5041
Frontier Corps	1896	4533	936
Coast Guards	974	1560	1665
Balochistan Levies/Police	38	21	53
Security Agency	10	55	14
Total	3635	10703	7709

Source: Federal Investigation Agency (FIA), Ministry of Interior, Islamabad, Pakistan

Table I shows that interceptions by the inter agency task force marked an improvement from 56 interceptions in 2005 to 10,703 in 2007, to 7,709 in 2008, and to 5,742 till November 2009 (majority Afghan nationals). The arrests of human traffickers rose from 300 in 2005 to 1526 in 2008 and 1560 till Nov 2009. The Advisor to the Prime Minister on Interior informed the Senate that “a total of 313,153 Pakistani nationals were deported by various countries from January 1999 to October 2008 (BBC 2009). This comes to an average of 31,846 deportees per annum or 2,654 deportees per month. The overwhelming majority of these deportees were said to be illegal migrants entering another country illegally or staying there without due authorisation.”²² Out of these deportees' 57% belonged to the Punjab and 31% to Khyber Pukhtoonkhwa (KPK).

Conclusion

The Government of Pakistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant overall efforts, including the prosecution of some trafficking offences and the launch of public awareness programming, the government did not show evidence of progress in addressing the serious issues of bonded labour, forced child labour, and the trafficking of migrant workers by fraudulent labour recruiters; therefore, Pakistan is placed on Tier 2 Watch List. Convictions of trafficking offenders decreased during the reporting period. The government continued to punish victims of sex trafficking and did not provide protection services for victims of forced labour, including bonded labour.²³ Pakistan was previously placed at Tier 2, a rating which means Pakistan is doing enough to combat the human trafficking problem, but its relegation to Tier 2 Watch list is attributable for not doing enough or not complying with the minimum benchmarks.

The essential attributes of trafficking, which presuppose the very existence of vulnerable situations of inequality and injustice, coupled with the exploitation of these vulnerable circumstances by the traffickers and others, causing untold harm to the trafficked victim with a multiplicity of rights violations, provide a status of uniqueness to trafficking. Therefore, policies, programmes and strategies that address prevention of trafficking have to be unique, with focus and orientation to all these issues. Accordingly, prevention of trafficking needs to be addressed not only in relation to the source areas, but also the demand areas, the transit points and the trafficking routes. The best method of preventing trafficking is by integrating it with prosecution and protection. Prosecution includes several tasks like the identification of the traffickers, bringing them to book, confiscating the illegal assets created out of trafficking, making the traffickers compensate for the damages and ensuring that they do not cause any further harm. Protection to the trafficked victim includes all steps in the redressal of the grievances and violations, which may

be tangible or intangible, that would help the victim to survive, rehabilitate and establish herself/himself. Thus, prosecution and protection contribute to prevention. However, considering the fact that prosecution and protection are the issues that come up only after trafficking has taken place, prevention of trafficking remains the bottom line. Prevention strategies for the source areas can be identified only after understanding the vulnerability situations.

Recommendations

In order to address the issue of human trafficking in all its aspects, we recommend that:

- Ambiguities regarding different laws like PPC, PACHTO etc addressing the issue shall be clarified;
- FIA alone can not prevent this crime so police should also be nominated in Prevention & Control of Human Trafficking Ordinance 2002;
- Strengthening and enhancing the capacity of the police officials on the issue to properly investigate and book cases under Pakistan Penal Code (PPC) relevant sections;
- In the Emigration Ordinance, 1979 there is a provision of Special Court for the trial of the offences thereunder. It would be in the fitness of things if the offences under the Prevention and Control of Human Trafficking Ordinance 2002 are also made triable by these courts;
- Strict implementation of present set of laws dealing with illegal migration and a,emd,emt to PACHTO to address internal trafficking;
- Awareness raising and community involvement at the grass roots level;
- Establishment of rehabilitation centres for victims of trafficking;
- Effective measures to curb bonded labour to improve Pakistan's ranking in TIP report;
- Proper and transparent nikah (marriage) and birth registration;

Pakistan has ratified most of the core international human rights instruments which impose international obligations of state responsibility to *respect, protect* and *fulfil*. Human rights law and its enforcement mechanisms are critically important when it comes to ensuring that national responses to trafficking do not violate established rights or circumvent the obligations that states owe to all persons. Ultimately, however, trafficking and its associated harms are multi-dimensional problems that do not, in the end, belong to one discipline or one branch of law. Combating contemporary exploitation may not be possible but any serious attempt will require a full arsenal of modern, smart weapons, not just one precious but blunted sword.

End Notes

¹World Vision is an international NGO combating human trafficking.

²United Nations Office on Drugs and Crime, *Trafficking in Persons: Global Patterns* (Vienna, 2006)

³Estimates of victims vary widely according to the definitions used by the institutions carrying out the research and also due to the clandestine nature of the phenomenon.

- 12.3 million victims of forced labour are estimated in the world today, of whom some 2.45 million are trafficked according to ILO. Of these, most are trafficked into forced labour for commercial sexual exploitation, while one third are trafficked for other economic exploitation. Over half of the persons subject to forced economic exploitation, and almost all those subject to forced commercial sexual exploitation, are women.
- 700,000 to two million are trafficked across international borders annually, an estimate advanced by the United Nations Population Fund.
- The US Department of State has estimated 600,000 to 800,000 men, women, and children trafficked across international borders each year, approximately 80 percent are women and girls.
- UNICEF reports that across the world, there are over one million children entering the sex trade every year and that approximately 30 million children have lost their childhood through sexual exploitation over the past 30 years.

⁴International Organization for Migration, Counter-Trafficking Database, 78 Countries, 1999-2006 (1999)

⁵UNICEF, *UK Child Trafficking Information Sheet* (January 2003).

⁶Based on data from selected European countries. The London School of Hygiene & Tropical Medicine, *Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe* (London, 2006), (based on data from selected European countries).

⁷Labour Organization, *Forced Labour Statistics Factsheet* (2007)

⁸International Labour Organization, *Forced Labour Statistics Factsheet* (2007)

⁹Ibid

¹⁰The term “traffickers”, where it appears, is used to refer to: recruiters; transporters; those who exercise control over trafficked persons; those who transfer

and/or maintain trafficked persons in exploitative situations; those involved in related crimes; and those who profit either directly or indirectly from trafficking, its component acts and related offences.

¹¹Van Liempt, I. (2006) .Trafficking in Human Beings: Conceptual Dilemmas. in C. van den Anker & J. Doomernik (eds.) *Trafficking and Women.s Rights*, London: Palgrave Macmillan: pp.27-42

¹²U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report*, (TIP) REPORT,2008.

¹³International Organization for Migration (IOM) defined trafficking as “the illicit engagement (through recruitment, kidnapping, or other means) and movement of a person within or across international borders, during which process the trafficker(s) obtains economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate fundamental human rights.”

¹⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Nov. 15, 2000, S. TREATY DOC. NO. 108-16 (2004), 2237 U.N.T.S. 319 [hereinafter Palermo Protocol].

¹⁵*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, United Nations A/RES/55/25, General Assembly, 8 January 2000, entered into force 25 December 2003.*

¹⁶Jordan, Ann D. 2002. 'Human rights or wrong? The struggle for a rights-based response to trafficking in human beings', *Gender and Development, Volume 10 Number 1: 28-37.*

¹⁷Ibid page .9

¹⁸*UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Crime, 2001.*

¹⁹*Also: Smuggling is the service provided by intermediaries who organise illegal crossing of international borders. See Glossary in van Krieken, P. J. (ed.), 2001.*

²⁰The Hudood Ordinances, implemented in 1980 during the regime of Zia ul-Haq, prescribe punishments for adultery and rape. Most importantly, the ordinances implemented evidentiary requirements that make it difficult for perpetrators to be convicted for rape. In order to convict a man of rape, four male Muslim witnesses must testify against the defendant. Judges also require physical evidence of rape, such as torn clothes, bruises, and cuts, in order to prove that the woman resisted

advances. If the woman is thought to have accepted the forced intercourse passively, she can be charged and convicted for adultery. In numerous such cases women are convicted of consenting to an act of adultery due to their "loose" character or for offering no resistance. These laws account for much of the increase in the women's prison population since the early 1980s and are one of the major reasons women are jailed or detained and their complaints of police misconduct go unanswered.

²¹Azam, Farooq, (2009), *Human Trafficking, Human Smuggling and Illegal Migration to and from Pakistan*. P.31.

²²Ibid p.14.

²³US. Department of State, Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report*, (TIP) REPORT, 2009.

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