

**LEGAL STRATEGY ADOPTED IN PAKISTAN
FOR DEALING WITH HUMAN TRAFFICKING**

by

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39-FSL/LLMIL-F04**

**A dissertation submitted in partial fulfillment
of the requirements for the degree of
LL.M (International Law)
(Faculty of Shariah & Law)
in the International Islamic University, Islamabad**

1430 A.H./2009 C.E.

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**Faculty of Shariah & Law
International Islamic University
Islamabad**



Accession No. TH-10071

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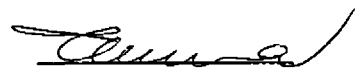
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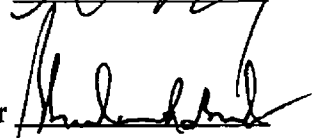


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List of Acronyms

AFPIS:	Automatic Finger Print Impression System
AHTU:	Anti-Human Trafficking Unit Of UNODC
ATU:	Anti Trafficking Unit
CEDAW:	Convention On The Elimination Of Discrimination Against Women
CEE:	Central And South Asian Europe
CEE:	Central And South Eastern Europe
CIA:	The United States Of America's Central Intelligence Agency
CIDA:	Canadian International Development Agency
CIS:	The Commonwealth Of Independent States
CMS:	Case Monitoring System
CNIC:	Computerized National Identity Cards
COMMIT:	Coordinated Mekong Ministerial Initiative Against Trafficking
ECPAT:	End Child Prostitution, Child Pornography And Trafficking
EU:	European Union
FC:	Frontier Constabulary
FIA:	Federal Investigation Agency
GDP:	Gross Domestic Product
GMS:	Greater Mekong Sub Region
GNP:	Gross National Product
GPAT:	Global Programme Against Trafficking In Human Beings
GRAP:	Gender Reform Action Plan
ICCPR:	International Convention On Civil And Political Rights
IETF:	Inter Agency Task Force.
IGO:	Inter-Governmental Organization
ILO:	International Labor Organization
INS:	Immigration And Naturalization Services
Interpol:	International Criminal Police Organization
IOM:	International Organization For Migration
IPEC:	International Programon The Elimination Of Child Labor

LEA:	Law Enforcement Agencies
LHRLA:	Lawyers For Human Rights And Legal Aid
NARA:	National Alien Registration Authority
NCSW:	National Commission On The Status Of Women
NGO:	Non-Governmental Organization
OEP:	Overseas Employment Promoters
OSCE:	Organization For Security And Cooperation In Europe
P&CHTO:	Prevention And Control Of Human Trafficking Ordinance
PISCES:	Personal Identification Secure Comparison Evaluation System
PLYC:	Pakistan Lions Youth Council
PTGHT:	Pakistan Thematic Group On Human Trafficking
SAARC:	South Asian Association For Regional Cooperation
SHARP:	Society For Human Rights And Prisoners Aid
TIP:	Trafficking In Persons
UK:	United Kingdom
UN:	United Nations
UNDP:	Un Development Programme
UNDP:	United Nations Development Programme
UNGIFT:	United Nations Global Initiatives To Fight Human Trafficking
UNHCR:	The Office Of The United Nations High Commissioner For Refugees
UNIAP:	United Nations Inter Agency Project On Human Trafficking
UNICEF:	United Nations Children's Emergency Fund
UNICRI:	United International Crime And Justice Research Institute
UNIFEM:	United Nations Development Fund For Women
UNODC:	United Nations Office On Drugs And Crime
VTVPA:	Victims Of Trafficking And Violence Protection Act
WEF:	The World Economic Forum

DEDICATION

This thesis is dedicated to my parents for their inspirational and unconditional support to my personal, academic and professional life, to my husband and my sons for their patience and resilience while finalizing my thesis; and to all my teachers for their guidance and advice that has impacted my character and personality building.

ACKNOWLEDGEMENTS

First of all I am very thankful to Allah Almighty. With much gratitude, I acknowledge my indebtedness to Ms. Huma Chughtai, my supervisor. Her guidance, support and cooperation tremendously helped me in keeping my thesis on the right track.

I would also like to express my gratitude to Professor Imran Ahsan Khan Nyazee for his expert advice on research methods, and for his "Thesis Hand Book" that I consulted time and again during my research. My special thanks is extended to Ms. Samia Maqbool Niazi who has remained helpful to me in many respects.

Finally, this research would not have been possible without the support and encouragement of my family, particularly my parents and my husband. They remain a constant source of inspiration for me.

ABSTRACT

Millions of human beings are trafficked throughout the world. The growing phenomenon is due to several factors: globalization of international economies, increase in international organized crime syndicates with transnational and trans-criminal links, poverty and rising unemployment for women, especially in developing countries, an increased demand for services in other countries, exposure to the internet, societal racism, wars/civil wars, and desperation to survive. Human beings are trafficked, moved, used and abused for a variety of reasons as migrant workers, domestic slaves, sex slaves, indentured servants/laborers, prostitutes, sweatshop workers, garment dungeon workers, begging slaves, and even mail-order brides who are ultimately exploited by their own husbands. It is a great dilemma that in the civilized world of the 21st century, the human beings remain as just another commodity for trade by the predators and traffickers. This is a centuries old practice with only one difference their modus operandi to commit crimes of trafficking has improved and has become more sophisticated to meet the challenges of the law enforcers.

The highly complex nature of human trafficking affects various different actors in the trafficking chain: trafficked persons, their families and community, and those who recruit, transport and use trafficked labor. It is difficult to measure the magnitude of the problem because of its illegal and clandestine nature. Moreover, the mechanisms, routes and modus operandi of traffickers change rapidly according to the economic conditions and based upon the supply and demand chain.

The defining variable of trafficking in persons is the violation of the migrant's human rights. Trafficking mainly affects women and children being weaker in nature. They are most frequently trafficked for sexual abuse and/or for labor exploitation, although, sometimes they are also forced into begging, delinquency, adoptions, and trade of human organs. Victims of trafficking are exposed to physical and psychological violence and abuse, are denied labor rights, and are made criminals before the law. They are also often forced and blackmailed into an unwanted relationship of dependency with their traffickers.

In South Asia, it appears that the 'worst forms' of trafficking relates to the illegal movement of women and children for the purposes of exploitation, mainly as commercial sex workers, forced servitude and child labor. Trafficking is contemporary slavery. Its bonds are not shackles of iron, but poverty; the inferior status of girls and women; the sexual abuse of girls, often by members of their own families or close relations; and the willingness of families and guardians of poor families to send their daughters to urban centers and even leave the country for their own material gain, without knowing the grave consequences. But if the trafficked women and girls manage to return to their homes, they generally suffer stigmatization and are unacceptable by their own communities, thus, pushing them back into more vulnerable/harmful situations and further exploitation.

Women and children being most vulnerable are exposed to the scourge of poverty and deprivation. The combination of bad health and nutrition, education, social conditions, and exposure to abuse and violence has greater repercussions on women and children. In addition, periodic natural disasters such as cyclones, floods, river erosions, drought and earthquakes, result in a large number of homeless and destitute women with children. For example, in Southern India, trafficking is more common in areas that are prone to natural

disasters, situated in less productive agro-climatic zones and where larger numbers of families live below the poverty line.

Given the magnitude of the issue of trafficking, especially in the Asia Pacific region, from where most of the trafficking takes place, it is important that these countries adopt measures that are well thought out, firm and well coordinated so as to combat the menace of trafficking.

Although Pakistan is not a country with great trafficking issues, it is, however, one of the transit states for traffickers. Whether, it is a country of origin or a transit state, the issue of trafficking needs to be fully addressed in consonance with the international laws and treaties so as to become partners in war against trafficking. This thesis aims at looking at the role of Pakistan and the *legal strategies adopted to combat human trafficking*.

Chapter 1. HUMAN TRAFFICKING - DEFINITION, DYNAMICS AND PERSPECTIVES

Human Trafficking is a global issue and a transnational crime. It is an internationally organized crime that is crippling people socially, physically, psychologically, economically, politically and legally. Trafficking in persons is modern-day slavery.

Information about human smuggling, the numbers of people smuggled, the conditions that they endure in transit and their treatment on arrival is patchy at best. It is currently estimated that some 800,000 people are smuggled across borders every year.¹ Millions more are enslaved in their own countries.

The smuggling and trafficking of people are not new phenomena and have existed as long as there have been boundaries between peoples and nations. Since the end of the Cold War, concern over human trafficking and smuggling has progressed up the policy agendas of many countries. Arguably it was the governments of Europe and North America that led this impetus in the 1990s, involving other regions if they happened to be countries of origin, transit, or reception for irregular migrants. It is also a period in which increasing efforts to control the movement of irregular migrants led to a plethora of visa restrictions, readmission treaties, carrier sanctions, airline liaison officers, and efforts to link development assistance to promises of controlling the movement of people².

Trafficking in persons and human smuggling are some of the fastest growing areas of international criminal activity. It often involves a number of different crimes, spanning several countries, and involving an increasing number of victims. Trafficking in persons

¹ 'Trafficking, Smuggling and Human Rights' by Jacqueline bhabha. Taken from www.migrationinformation.org/feature/display.cfm accessed: July 14, 2007

² FMO Research Guide: 'Human Smuggling and Trafficking' by John Morrison.

involves the exploitation of people through force, coercion, threat, and deception and includes human rights abuses such as debt bondage, deprivation of liberty, and lack of control over freedom and labor. Trafficking can be for purposes of sexual exploitation or labor exploitation. It is not always readily apparent when a "human smuggling" case crosses into the realm of a "human trafficking" crime.³

The most egregious recent development, trafficking in people has exploded on the scene in recent years. A significant proportion of those who end up being trafficked originate as economic migrants, refugees and IDPs with few legal alternatives to migration. Human trafficking is a \$10-billion-plus growth industry with conservative estimates ranging from 700,000 to 2 million people (primarily women and children) trafficked into labor slavery or sexual exploitation annually.⁴ The international community has, in the Trafficking in Persons Protocol, agreed upon a definition of trafficking in persons.

Article 3, subparagraph (a), of the Trafficking in Persons Protocol defines the crime as follows:

"Trafficking in persons" shall mean 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

³ www.montevideo.usembassy.gov/usaweb/paginas/Smugg_v_Traff_012505.doc accessed: March, 2006

⁴ www.crs.org/ger accessed: September 01, 2007

The Protocol defines trafficking in persons for the purpose of determining the scope of application of the Protocol itself and that of the Organized Crime Convention to trafficking activities, as well as to provide a common basis for the formulation of domestic criminal offences, criminal procedures, support and assistance measures for victims and other measures.⁵

1.1 How is “Human Trafficking” different from “Human Smuggling”

Trafficking in persons resembles the smuggling of migrants but there are significant statutory differences between TIP and human smuggling. It may be difficult to make a determination between smuggling and trafficking in the initial phase. Trafficking often includes an element of smuggling, specifically, the illegal crossing of a border. In some cases the victim may believe they are being smuggled, but are really being trafficked. The distinction between smuggling and trafficking are often very subtle, but key components that will always distinguish trafficking from smuggling are the elements of fraud, force, or coercion.⁶

1.1.1 Consent Factor

The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers. Force, Fraud or Coercion whether actual, perceived or implied is used against the person trafficked. It means that trafficking must contain any one or all of these elements.

⁵ “Toolkit to Combat Trafficking in Persons”, from www.unodc.org accessed: October 20, 2007

⁶ www.state.gov/g/tip accessed: January 14, 2008

1.1.2 Freedom of movement

Another major difference is that smuggling is often a criminal commercial transaction between two willing parties who go their separate ways once their business is completed. Persons smuggled are free to leave, change jobs etc when they reach at their destination. On the other hand, trafficking involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers. Trafficked persons are enslaved, subjected to limited movement or isolation, or have their documents confiscated.

1.1.3 Legal Treatment

Persons trafficked are victims, as they are used to generate illicit profits for the traffickers. It is important to note that trafficked victims are victims of crime regardless of their possible illegal entry into and stay in the country. They are unaware of their fate. From a practical standpoint, victims of trafficking also tend to be more severely affected and in greater need of protection from re-victimization and other forms of further abuse than are smuggled migrants. On the other hand the persons smuggled are violating the law. They should not be treated as victims but criminals.

1.1.4 Movement Domain

Smuggling is always transnational, whereas trafficking may not be. Human smuggling is the facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents. Trafficking can occur regardless of whether victims are taken to another country or only moved from one place to another within the same country.⁷

⁷

www.unodc.org/trafficking_in_human_beings accessed: January 15,2008

1 . 2 Human Trafficking as a Process

Even though all trafficking in persons cases have their individual characteristics most follow the same pattern: people are abducted or recruited in the country of origin, transferred through transit regions and then exploited in the destination country. If, at some stage, the exploitation of the victim is interrupted or ended, they can be rescued as human trafficking victims and it is possible they might receive support in the country of destination. Either immediately or at some later point, victims might be repatriated to their origin country; in some cases, relocated in a third country; or, as unfortunately too often still happens, deported from destination or transit countries as illegal migrants. Trafficking of human beings can be viewed as a process rather than a single offence.

Human trafficking can hence be characterized in terms of following phases of the trafficking in person process.

1.2.1 Recruitment Phase

The process of human trafficking begins with the abduction or recruitment of a person. There are several known methods by which people are recruited by human traffickers. Significant variations occur in how the victim is identified, and subsequently approached by traffickers; the inducement, if any, that is offered to the victim; and, the agreement reached, if any, by the victim and the contracting trafficker. While, initially, these variations may appear to be simply the result of opportunistic behavior by criminals, given the context of the origin country and traffickers involved, it appears that more often a particular type of victim is targeted and then recruited in a predetermined manner.

1.2.2 Transportation Phase

It continues with the transportation from the place of origin to the place of destination. In case of transnational trafficking in persons, the process includes the entry of the individual into another country. The transportation stage of the trafficking of persons goes beyond the boundaries of the victims' passage through transit countries, and concerns the entire process by which victims are moved between their countries of origin and their final destinations. Related criminal offences include abuses of immigration and border-control laws, corruption of officials, document forgery, acts of coercion against the victim, unlawful confinement and the withholding of identity papers and other documents. Distinguishing features that might be reported to increase knowledge and allow for greater analysis of human trafficking patterns include: the form of transport used; the journey period; the method of entry into countries; any change in the awareness of the victim of the traffickers' intentions; and the restrictions placed on the victim.

1.2.3 Exploitation Phase

During the exploitation phase victim is forced into sexual or labor servitude. The key human trafficking action associated with destination countries is the exploitation of victims in any number of forms. The Trafficking Protocol provides a non-definitive list of forms of exploitation that constitute trafficking in persons including the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Dependent on the legal system of a country, associated criminal offences include those related to slavery, involuntary servitude, forced or compulsory labor, unlawful coercion, unlawful threats, extortion, false imprisonment, kidnapping, illegal procurement, corruption, debt bondage, document theft,

destruction of documents, sexual assault, assault, bodily injury, rape, death, forced marriage, forced abortion, forced pregnancy and torture.

1.2.4 Profit Laundering Phase

A further phase may occur that does not involve the victim but rather the offender. Depending upon the size and sophistication of the human trafficking operation, the criminal (organization) may find it necessary to launder the criminal proceeds. There may be further links to other criminal offences such as the smuggling of migrants, weapons or drugs.⁸

1.3 Factors that give rise to Human Trafficking

While there are significant differences between TIP and human smuggling, the underlying issues that give rise to these illegal activities are often similar. Generally, extreme poverty, lack of economic opportunities, civil unrest, and political uncertainty, are factors that all contribute to an environment that encourages human smuggling and trafficking in persons.

The underlying cause range from the expansion of global market forces and a growing materialism perpetuated by the media, to rapid social transformation and the erosion of social values.⁹ The effects of increasing landlessness, poverty and male migration in search of employment are fast changing the traditional roles of women. The burden of endemic poverty, widespread malnutrition, illiteracy and socio-economic inequities are falling heavily on the shoulders of women. The social unit of the family, however, provides a way for most women to fit into the social system. But shelter-less, abandoned, divorced and widowed women, may find themselves outside the normal social support system. The situation of economic hardship contributes to the crisis within the family, which turns

⁸ Trafficking in persons: Global patterns from www.unodc.org/en/publications/publications_trafficking.html accessed: January 18, 2008

⁹ 'Trafficking of Women and Children: Changing scenario and Policy Implications in South Asia', An Article by Prof Ishrat Shamim, Taken from the book 'Sustainable Development'.

women and children out into the streets and into a life of hunger, disease, violence, fear and exploitation.

These factors, together with the help of unscrupulous pimps, procurers, brothel owners, traffickers and agents, trap young girls and women into sexual exploitation. Too often, there might be information about a trafficker that cannot be traced, as the crime is committed in one country, whereas the trafficked victims are in a vulnerable situation in another country. Moreover, absence of effective legislation and poor law enforcement combined with corruption are important factors that further accelerate the process of trafficking. The problem of unemployment, under-employment and abject poverty has led to the growing international trafficking and labor migration in recent years.¹⁰

In general, human trafficking seems to be increasing due to the strict border controls combined with the expansion of the areas of free mobility, such as the Schengen area, and the growing demographic imbalance in the world. The more closed are the borders and the more attractive are the target countries, the greater is the share of human trafficking in illegal migration and the role played by the national and transnational organized crime. The involvement of criminal groups in migration means that smuggling leads to trafficking and thus to victimization and the violation of human rights, including prostitution and slavery¹¹

Women and girls are more vulnerable to being trafficked because of factors contributing to the following demand and supply¹²:

¹⁰ 'Trafficking of Women and Children: Changing scenario and Policy Implications in South Asia', An Article by Prof Ishrat Shamim, Taken from the book 'Sustainable Development'.

¹¹ www.wider.unu.edu (Illegal Immigration, Human Trafficking and Organized Crimes – Discussion Paper No.2003/72) accessed: February 2, 2008

¹² 'Trafficking of Women and Children: Changing scenario and Policy Implications in South Asia', An Article by Prof Ishrat Shamim, Taken from the book 'Sustainable Development'

1.3.1 Factors Contributing To Demand

- I. Women's perceived suitability for work in labor-intensive production and the growing informal sector which is characterized by low wages, casual employment, hazardous work conditions and the absence of collective bargaining mechanisms.
- II. The increasing demand for foreign workers for domestic and care-giving roles, and lack of adequate regulatory frameworks to support this.
- III. The growth of the billion-dollar sex and entertainment industry, tolerated as a 'necessary evil' while women in prostitution are criminalized and discriminated against.
- IV. The low risk, high profit nature of trafficking encouraged by a lack of will on the part of enforcement agencies to prosecute traffickers (which includes owners/managers of institutions into which persons are trafficked).
- V. The ease in controlling and manipulating vulnerable women.
- VI. Lack of access to legal redress or remedies, for victims of traffickers.
- VII. Devaluation of women and children's human rights.

1.3.2 Factors Contributing To Supply

- I. Unequal access to education that limits women's opportunities to increase their earning in more skilled occupations.
- II. Lack of legitimate and fulfilling employment opportunities particularly in rural communities.
- III. Sex-selective migration policies and restrictive emigration policies/laws, instituted often as a 'protective' measure, limit women's legitimate migration.

Most legal channels of migration offer opportunities in typically male-dominated sectors (construction and agriculture work).

IV. Less access to information on migration/job opportunities, recruitment channels, and a greater lack of awareness of the risks of migration compared to men.

V. Disruption of support systems due to natural and human created catastrophes.

VI. Traditional community attitudes and practices, which tolerate violence against women.

1.4 The Purposes of Human Trafficking

Human trafficking is often conducted in order to obtain any one of the following objectives.

1.4.1 Sexual exploitation

An estimated 75 percent of all victims of human trafficking are trafficked for sexual exploitation. The world must increase attention not only on the root causes that leave people vulnerable to trafficking, but also on eliminating the demand for commercial sexual exploitation, which overwhelmingly impacts women and girls and fuels the growth of human trafficking. We must dry up the "market" for victims if we are serious about ending human trafficking¹³.

1.4.2 Bonded Labor

One form of force or coercion is the use of a bond, or debt, to keep a person in subjugation. This is referred to in law and policy as "bonded labor" or "debt bondage." Many workers

¹³ www.state.gov/g/tip/rls/fs/2005/43630.htm accessed: January 14, 2008

around the world fall victim to debt bondage when they assume an initial debt as part of the terms of employment, or inherit debt in more traditional systems of bonded labor. In South Asia, this phenomenon exists in huge numbers as traditional bonded labor in which people are enslaved from generation to generation. Most instances of forced labor occur as unscrupulous employers take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of unemployment, poverty, corruption, and cultural acceptance of the practice.

1.4.3 Domestic and Involuntary Servitude

Domestic workers may be trapped in servitude through the use of force or coercion, such as physical (including sexual) or emotional abuse. Children are particularly vulnerable to domestic servitude which occurs in private homes, and is often unregulated by public authorities. For example, there is great demand in some wealthier countries of Asia and the Persian Gulf for domestic servants who sometimes fall victim to conditions of involuntary servitude.

People become trapped in involuntary servitude when they believe an attempted escape from their conditions would result in serious physical harm or the use of legal coercion, such as the threat of deportation. Victims are often economic migrants and low-skilled laborers who are trafficked from less developed communities to more prosperous and developed places. Many victims experience physical and verbal abuse, breach of an employment contract, and may perceive them to be in captivity.

1.4.4 Child Labor

Most international organizations and national laws indicate that children may legally engage in light work. By contrast, the worst forms of child labor are being targeted for eradication

by nations across the globe. The sale and trafficking of children and their entrapment in bonded and forced labor are particularly hazardous types of child labor.

Child victims of trafficking are subject to the same harmful treatment as adults. Their age makes them even more vulnerable to the harmful consequences of abusive practices. Prolonged abuse in children, including physical and sexual abuse, hunger and malnutrition, may lead to permanent stunting of growth. The International Labor Organization (ILO) has documented that children in some tropical regions are at high risk of sunstroke, increased heart rhythm, poisoning due to chemicals in insecticides, machinery accidents, burns, stagnation of growth and general fatigue that makes them less resistant to diseases because of their exposure to harsh working conditions¹⁴.

1.4.5 Child Soldiering

Child soldiering is a unique and severe manifestation of trafficking in persons that involves the recruitment of children through force, fraud, or coercion to be exploited for their labor or to be abused as sex slaves in conflict areas. Government forces, paramilitary organizations, and rebel groups all recruit and utilize child soldiers. UNICEF estimates that more than 300,000 children under 18 are currently being exploited in over 30 armed conflicts worldwide. While the majority of child soldiers are between the ages of 15 and 18, some are as young as 7 or 8 years of age.

Many children are abducted to be used as combatants. Others are made to serve as porters, cooks, guards, servants, messengers, or spies. Many young girls are forced to marry or perform sexual services for male combatants. Forced conscription into armed conflict is another brutal practice affecting children, as armed militias recruit some children by kidnapping, threat, and promise of survival in war ravaged areas.

¹⁴ www.jss.co.za/pubs/ASR/12NO1/EFitz.html accessed: February 2, 2008

Child soldiers are a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in the Americas, Eurasia, and the Middle East also use children. All nations must work together with international organizations and nongovernmental organizations (NGOs) to take urgent action to disarm, demobilize, and reintegrate child soldiers¹⁵.

1.4.6 Camel Jockeys

Camel jockey sport of Middle East is flourished by the children from Rahim Yar Khan, Bahawalpur and D.G. Khan District of Pakistan. These are the hubs form where these victims are generated, the reason for the exploitation of these people is their backwardness, lack of resources and awareness. These are the only reasons that the perpetrator of this inhuman race, get these people trapped so easily .As far as camel jockey trade goes people themselves allow their children to be trafficked, while in the Middle East the ill fated trafficked children are subjected to become camel jockeys to stir the camels in the races to run fast. In the course of action, many children lose their lives or become disabled. People generally put themselves or their children in the hands of traffickers due to poverty, low literacy rate, unawareness of basic human rights, flaws in legislation, inefficient border security mechanism and immigration laws. They are promised fantastic opportunities but find themselves deceived and tricked.

1 . 5 Consequences of human trafficking

Human trafficking today is a global phenomenon, affecting men, women and children in over 130 countries of the world.¹⁶ Trafficking is a crime against individuals. As such, the

¹⁵ <http://www.state.gov/g/tip/rls/fs/2005/50941.htm> accessed: February 11, 2008

¹⁶ United Nations Office on Drugs and Crime, *Trafficking in Persons: Global Patterns* (Vienna, United Nations, 2006).

consequences are most directly felt by trafficked persons. Trafficking activities contravene fundamental human rights, denying people basic and broadly accepted individual freedoms. Trafficking also has broad economic, social and cultural consequences. As a criminal act, trafficking violates the rule of law, threatening national jurisdictions and international law. Further, trafficking in persons redirects the benefits of migration from migrants, their families, community and government or other potential legitimate employers to the traffickers and their associates. Because trafficking is an underground activity, its consequences are also hidden and adequate indicators have yet to be developed that will allow the anti-trafficking community to successfully measure the impact of this crime. Some of the most notable social, political and economic impacts of human trafficking in each of these areas are identified below.

1.5.1 The Impacts/consequences of trafficking on individuals

Violent crime can have a significant impact upon the health and well-being of its victims. The effects of victimization strike particularly hard at the poor, the powerless, the disabled and the socially isolated. Those already affected by prior victimization are particularly susceptible to subsequent victimization.

Each stage of the trafficking process can involve physical, sexual and psychological abuse and violence, deprivation and torture, the forced use of substances, manipulation, economic exploitation and abusive working and living conditions. What differentiates the consequences of trafficking from the effects of singular traumatic events is that trafficking usually involves prolonged and repeated trauma.

Trafficked victims may be deliberately selected for their specific physical attributes, which are then exploited in specific labor conditions. For example, the small size and

dexterity of children makes them desirable for work at rug looms where the exploitation of these physical attributes leaves them with eye damage, lung disease, stunted growth and a susceptibility to arthritis as they grow older.

However, in terms of global documentation, most is known about the impact of trafficking upon women and children for purposes of sexual exploitation. Detailed research on the physical consequences of trafficking upon women is relatively new. Increased likelihood of HIV infection is often cited as a risk among women trafficked for sexual exploitation.

1.5.2 Mental Health Impact

Relentless anxiety, insecurity, fear and physical pain have significant effects on the mental health and well-being of trafficked victims. Symptoms of psychological trauma in trafficked persons include stress disorder, anxiety, depression, alienation and disorientation.

1.5.3 Impact on behavior

Prolonged physical and mental abuse affects victims' behavior in negative ways, having an impact on both physical and emotional responses. Because trafficked persons often experience extreme forms of trauma over long periods of time, their capacities both to understand what has happened to them and to describe their experiences are directly impaired as a result of such abuse. Victims can find that it is difficult to make personal sense of the abuse they have experienced, much less try to explain it to the authorities. They are even less able to identify what help they might need as a result of the abuse. This lack of clarity may have negative consequences when a victim is being interviewed.

1.5.4 The political implications of trafficking in persons

In addition to the tragic impact on individuals, human trafficking has now reached such a scale that it has begun to influence the domestic and foreign policies of many countries. Because trafficking involves the movement of people across international borders, one of the most important areas of debate is migration policy. It has also become a major issue of discussion and concern in human rights circle. Some of the major concerns and challenges in each of these two areas are given below.

I. Shaping migration policies

Unprecedented number of people leave their homes and families every year in search of economic opportunities that are not available to them at home. Many of these individuals migrate legally. The numbers are so great, however, and the restrictions on regular or legal migration usually so stringent, that many migrants become absorbed into the illicit world of people smuggling. In too many cases, smuggling leads to conditions of ongoing exploitation and human misery. Commonly, many States equate “trafficking” with “illegal migration” or “smuggling of aliens” or movement of asylum-seekers, even though these are different phenomena. Thus trafficking in persons has helped to shape migration policies, in countries both of origin and destination.

II. Border control

Just as a common response to irregular migration has been to tighten borders, so too have countries responded to the increase in human trafficking by strengthening border control. Stricter border controls and increased law enforcement are common methods. Expenditure on border control is increasing rapidly throughout Australia, the United States, Western Europe and other perceived destination areas. At the global and regional levels, international cooperation in addressing trafficking is largely within the context of action to deter and

prevent irregular movements and the promotion of national legislation to assist in this. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, set up in South-East Asia, has a strong crime control emphasis and focuses on capacity-building of operational-level law enforcement, immigration and other key personnel involved in combating migrant smuggling, trafficking in persons and related forms of transnational crime. These policies depend upon the expectation that increase in overseas development and humanitarian assistance will also result in decreases in irregular migration, including trafficking.

III. Human rights

When trafficking is defined within the context of irregular migration, the crime control focus becomes the illegal entry or stay in a country, that is, infraction of state laws by the migrant. This focus raises the danger that the human rights abuses and exploitation that are the characteristics of trafficking may not be addressed. Even when government measures primarily target the recruiters and exploiters, trafficked persons are at risk of being considered collaborators in illegal migration rather than as victims of crime.

The unintended consequence of this approach can be severe. To cross closed borders, irregular migrants are more likely to use professional smugglers or traffickers. The involvement of criminal groups in migration means that smuggling may lead to exploitation and potential instances of trafficking, victimization and the violation of human rights.

The more strictly the laws of immigration against the illegal entrants are enforced, the more sophisticated forms of criminality are used in human trafficking to overcome the barriers that are needed to making a profit. This may increase the violence and abuse associated with the practice.

1.5.5 The economic impact of trafficking in persons

The difficulties in assessing the impact of human trafficking are most apparent when attempting to quantify its economic costs. The costs of the crime of trafficking in persons incorporates many elements, including the value of all resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders. These costs may be offset in part by the recovery of criminal proceeds and assets of the traffickers.

Trafficking in persons also results in loss of human resources and reductions in tax revenue. Further, trafficking in persons redirects the financial benefits of migration from migrants, their families, community and government or other potential legitimate employers to traffickers and their associates. All indications are that the income generated by related organized crime is significant and global. Given the ongoing nature of exploitation, human trafficking generates a stable and regular source of income for criminal networks, with a consequent impact on other forms of criminal activity as well as legitimate business.

1.5.6 Impact of trafficking on the rule of law

As a criminal act, trafficking violates the rule of law, threatening national jurisdictions and international law. Organized crime is one of the most important mechanisms for unlawful redistribution of national wealth, unduly influencing markets, political power and societal relations. These effects may be acute in countries responding to civil unrest, natural disasters or post-conflict situations. The corresponding challenges faced by Governments are in stark contrast to the opportunities created for human traffickers¹⁷.

¹⁷ http://www.ungift.org/docs/ungift/pdf/knowledge/background_paper.pdf accessed: March 1, 2008

1.6 The Role of State in Combating Human Trafficking, in General

The Government of a state is the most authoritative organ. In order to maintain law and order situation in the country and for the welfare of its people, the government is the most concerned party to eliminate trafficking like phenomenon from a country. The government should take following measures for eliminating such menace.

1.6.1 Demand Elimination

The government should take all appropriate measures to eliminate demand for trafficked persons. United States presented a resolution to highlight this need in 2005 at UN commission on the status of women. This was the first resolution of a UN body to focus on eliminating demand for human trafficking, and with this resolution, the CSW also acknowledged the important link between commercial sexual exploitation and trafficking, particularly of women and girls.

Specific measures aiming at reducing the demand should be undertaken such as conclusion of bilateral treaties, international agreements, memoranda of understanding to enhance law enforcement and judicial co-operation etc.

1.6.2 Civil and Criminal Measures

Civil and criminal measures should be taken by the government of each and every state to address the root causes that encourage trafficking such as poverty, gender discrimination / inequality. Better protection of fundamental rights of the people should be provided through strengthening the existing legislation. Intermediaries and perpetrators should be punished, condemned and penalized through civil, criminal, social and cultural measures.

1.6.3 Public Awareness

The government should raise public awareness of the issue of trafficking in persons. Measures should be taken to publicize the laws, regulations and penalties relating to this issue, and to emphasize that trafficking is a crime. Educational programs to raise awareness of the negative consequences of trafficking, its links to the commercial sexual exploitation, organized crimes and harmful public health effects, such as the spread of HIV / AIDS etc should be implemented.

1.6.4 Social and Economic Initiatives

Social and economic initiatives to prevent and combat trafficking should be taken. Such as research on best practices, methods and strategies, information and mass media campaigns etc. The governments should intensify collaboration with non governmental organizations to develop and implement the comprehensive programs to provide shelter and help lines to victims and for their effective counseling, training and social and economic re-integration into society.

Chapter 2. HUMAN TRAFFICKING IN THE WORLD TODAY AND THE COUNTER-MEASURES ADOPTED

2.1 Human Trafficking: Modern day slavery

"For those of you who think it cannot happen to you, I want to let you know that the dragnet of the traffickers is so wide that only God knows who is safe."

Titi Atiku Abubakar,

The above statement of Titi Atiku Abubakar, wife of Nigerian president, indicates that the complexities and magnitude of the problem under focus is enormous, especially in the highly corrupt societies. Whilst corruption is a common phenomenon in human practice, the ever increasing level of human trafficking is a recent addition to the dictionary of global woes. Although corruption is a global issue and is growing rampantly, its intensity and nature varies from region to region and from country to country. Human trafficking, in contrast, tends to be systematic in its occurrence especially that its span increases as the globalization process intensifies. Though previously in existence, it generally prevailed in the form of prostitution, child labor, and domestic servitude. Contemporary human trafficking is comparatively an organized business and, in a way, quite similar to the transatlantic slave trade that had strong networks and linkages spread around the globe. Today, not only children and women are trafficked; young boys seeking greener pastures abroad also fall prey to this merciless evil. It can safely be argued that in this age of jet-planes, cellular phones, and the Internet, there are now faster and more sophisticated means of dealing in commodified humans. There is little doubt that globalization has created inequalities resulting in the migration of the poor to the rich regions of the world.

In the ancient times, slavery and slave trade existed in various forms. People were caught and made slaves to be sold to rich people to work as domestic servants, factory laborers and field workers. War captives were also made slaves; criminals were punished with enslavement, and in some cases individuals in impoverished circumstances sold their relatives. Eventually slavery was recognized as a crime against the humanity. With this improved understanding of human nature one may think that any form of human exploitation that looks like slavery would be abhorred automatically; unfortunately this has not been the case. Even in this modern age, human beings continue to be priced as commodities and are exchanged for money in the market.

The business of human trafficking is today even more organized than ever before by groups that are also involved in smuggling of weapons and narcotics. There is very little doubt, that it is a lucrative business very difficult to combat. Its corrupting effects on governments and institutions are barely perceptible because they are highly sophisticate and hence are less visible than those caused by gunrunning and drug trafficking.

2.1.1 Women Trafficking

Exploiting the poverty and the low status of women in the developing world, the middlemen are able to bring together the supply and demand for cheap labor and sex in ways that would have simply been unthinkable not long ago. Evidently, globalization has not only stimulated the movement of capital, goods, and technology but also the movement of all categories of peoples from one end of the world to the other. This global development brought in its wake the loosening up of protective barriers and political boundaries which organized

criminal gangs have capitalized on to perpetrate many heinous acts including human trafficking¹⁸.

2.2 Human Trafficking in the United States

The United States of America is primarily a destination country, although there have been cases of American women being trafficked to other countries. Around 50,000 women and children are trafficked into the United States of America every year. Trafficked victims have traditionally come from Southeast Asia and Latin America; however, increasingly they are from the New Independent States and Eastern Europe. Women have been trafficked to the United States of America mainly for the sex industry, sweatshop labor, domestic servitude, and agricultural work. The average age of the trafficking victim in the United States of America is roughly 20 years old¹⁹. An estimated 35 per cent of all trafficked persons globally constitute children under the age of consent²⁰.

Human trafficking does not require the crossing of an international border; it does not even require the transportation of victims from one locale to another. Victims of severe forms of trafficking are not all illegal aliens; they may, in fact, be U.S. citizens, legal residents, or visitors. Victims do not have to be women or children; they may also be adult males.²¹ The human trafficking situation in the United States can be viewed on the basis of following two major geographical regions.

2.2.1 Latin America and the Caribbean

Latin America and the Caribbean are reported to be mainly an origin region. The majority of sources reporting trafficking in persons in the region indicate women as victims of

¹⁸ www.westafricareview.com/vol4.1/agbu.html accessed: March 3, 2008

¹⁹ www.state.gov/p/sca/rls/rm/17900.htm accessed: February 15, 2007

²⁰ www.westafricareview.com/vol4.1/agbu.html accessed: March 3, 2008

²¹ www.state.gov/g/tip accessed: January 14, 2008

trafficking. Trafficking in minors and girls is also frequently reported Latin America and the Caribbean.

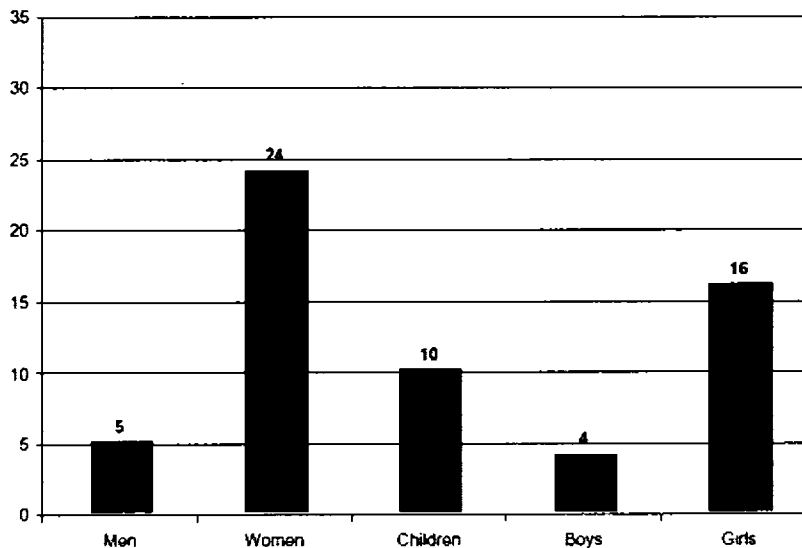


Figure 2-1 Reported profile of victims, Latin America and the Caribbean

Trafficking database shows sexual exploitation as the major purpose of human trafficking, while around one third of total victims are trafficked for forced labor.



Figure 2-2 Reported purpose of trafficking, Latin America and the Caribbean

The Latin America and the Caribbean region are primarily reported as places of origin, while some sources report that the region itself as the destination. North America &

Western Europe are cited frequently as a destination for victims trafficked out of Latin America and the Caribbean. Latin America and the Caribbean region are reported, to a lesser extent, as a destination and transit region.

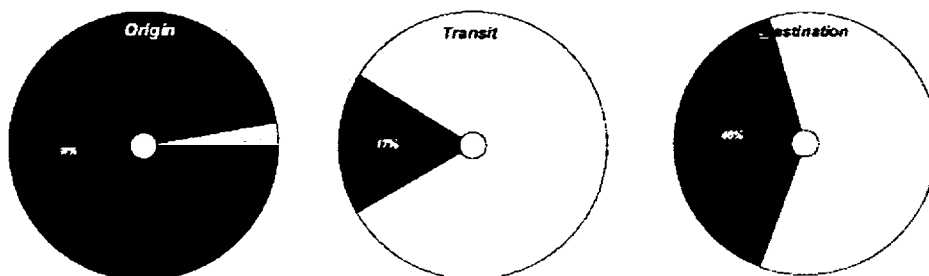


Figure 2-3 Percentage of the Latin America and Caribbean region as origin, transit or destination

2.2.2 North America

United States of America and Canada constitute North American region. The United States of America and Canada rank equally high as destination countries.

The majority of sources report trafficking of adult women, followed by minors. Trafficking in men in the region is more frequently reported than in other regions of the world.

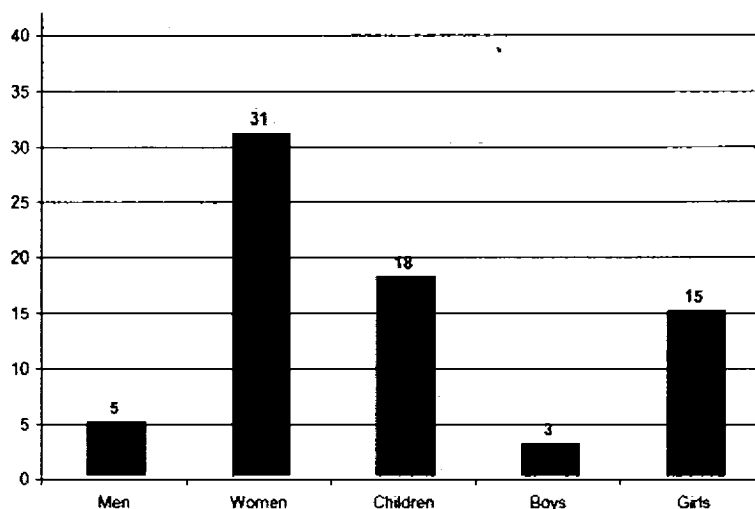


Figure 2-4 Reported profile of victims, North America

The majority of the sources collected in the Trafficking Database and reporting human trafficking in the region indicate sexual exploitation as the reason for the human trafficking, whereas next is the trafficking activity for the purpose of forced labor.

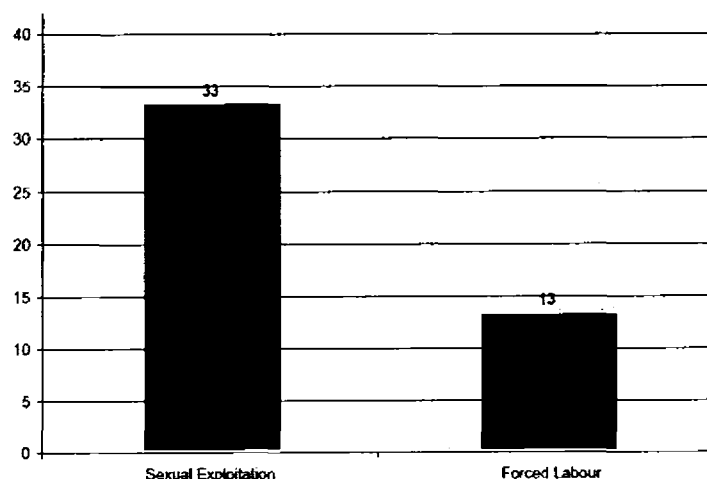


Figure 2-5 purpose of trafficking, North America

North America is reported exclusively as a destination region and victims come from all main origin regions of the world. The Commonwealth of Independent States, Asia, Latin America and the Caribbean are more frequently reported origin regions of victims trafficked to North America²².

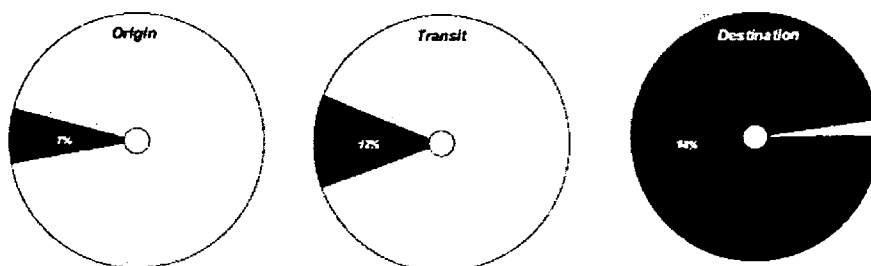


Figure 2-6 Percentage of North America as origin, transit or destinations

²²

www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf accessed: March 1, 2008

2.3 Counter measures adopted by United States

Realizing that the United States is a transit and destination country, the U.S. government has been in the forefront of those seeking remedies to this crime²³. USA views human trafficking as a global problem that should be addressed through domestic policies and coordinated international efforts. All the countries must work together in order to achieve significant progress.

United States of America has adopted a comprehensive and integrated anti-trafficking policy framework based on prevention, protection / assistance for victims, and prosecution / enforcement against traffickers. These three elements of U.S. policy are interconnected and the United States of America strives to implement policies that advance all of them concurrently. The following is a sampling of U.S. anti-trafficking programs and international cooperation.

2.3.1 Prevention

The United States of America views human trafficking as a global issue that must be addressed through country-specific, anti-trafficking initiatives as well as by regional cooperation. This plan requires the President's Interagency Council on Women, which is charged with the task to reduce trafficking in women, to develop and coordinate U.S. domestic and international policy on the issue. The Council's work has focused on ways to enhance and institutionalize the treatment of trafficking in U.S. government initiatives. The Department of Justice investigates and prosecutes trafficking cases that occur both in the United States of America and abroad when the United States of America is affected. The

²³

www.westafricareview.com/vol4.1/agbu.html accessed: March 3, 2008

United States of America has made considerable progress in implementing this national anti-trafficking action plan.

2.3.1.1 Role of International organizations, NGOs and the private sector

Programs already in place aim to foster close cooperation between government and the NGOs to enhance public education and awareness. The advocacy of NGOs in the United States of America and overseas has been instrumental in moving the issue of trafficking to the forefront of U.S. policy. The United States of America has close partnerships with domestic and overseas NGOs, including human rights groups, service providers and religious organizations. NGOs have courageously convened fora, produced moving documentaries, accurately reported the horrors faced by trafficking victims and examined how to adapt the existing support infrastructure available for trafficking victims, e.g. shelters for abused women, and health and legal clinics in immigrant communities etc.

2.3.1.2 Public awareness and education about the dangers and methods of trafficking

The Department of State's Bureau of International Narcotics and Law Enforcement develops brochures and pamphlets describing the tactics that criminal groups use to traffic women, the risks of trafficking, and what women can do to protect themselves. Moreover, education policy provides for Compulsory education till the age of 16.

2.3.1.3 Economic programs for women and children most vulnerable to being trafficked

The U.S. has increased its emphasis on economic opportunity and social development programs for women in source countries to provide economic alternatives to counter the lure of leaving their home countries or communities to look for employment. The U.S.

Government sponsors many microcredit programs for women, both in the United States of America and abroad. It also sponsors job skills training, small business development skills, and teaching programs to help make potential victims less vulnerable.

2.3.1.4 Data Collection

Centralized data on trafficking is collected which includes incidence rates, trafficking routes, suspected traffickers and related criminal activity. The US government created the Subgroup on Alien Smuggling and Trafficking of Women and Children. It works under the auspices of the National Security Council and focus on the implications of trafficking. This process has produced the first preliminary U.S. government estimates of trafficking to the United States of America as 45,000 to 50,000 annually²⁴.

2.3.2 Protection

2.3.2.1 Shelters, medical and legal assistance

There are limited shelters specifically designed for trafficking victims. The Office for Victims of Crime at the Department of Justice is funding a network of service providers to provide culturally appropriate and language specific services. These services include mental health counseling, emergency shelter, and referrals for medical care for physical, psychological and emotional problems, free legal assistance, information to victims and access to lawyers etc.

2.3.2.2 Hotlines for victim assistance

The US Department of Justice has established a worker exploitation complaint and rescue line to receive calls to assist trafficking victims. It has sought to publicize the complaint line by asking television stations and newspapers to display the toll-free number prominently in their coverage of the trafficking issue. It also funds the state victim assistance programs, that

²⁴

www.usdoj.gov/crt/crim/wetf/us_assessment.pdf accessed: February 03, 2007

offer direct services to trafficking victims, regardless of status. Victims can contact the state program for counseling and other services.

In the United States, a national Trafficking Information and Referral Hotline has been established. It helps people determine if they have encountered victims of human trafficking and to identify local resources available in their community to help these victims²⁵.

2.3.2.3 Alternatives to immediate deportation

The Immigration and Naturalization Service (INS) has two alternatives to immediate deportation of trafficking victims under current law. The first is "deferred action," under which individuals may be permitted to remain in USA with work authorization until INS decides to proceed with their removal.

The second option is known as "parole," through which INS can permit an alien to enter USA for "urgent humanitarian reasons" or "significant public benefit." Parolees are eligible for employment authorization while they remain there. The parole period can be extended indefinitely.

2.3.2.4 Repatriation

The Immigration and Naturalization Service department coordinates with countries of origin to facilitate return of trafficked persons as victims rather than illegal migrants, on case-by-case basis.

²⁵ www.america.gov/st/washfile-english/2004/May/20040512092435AjesroM0.8681147.html
accessed: April 27, 2008

2.3.2.5 Reintegration

United States of America has no formal reintegration programs because the number of U.S. women and children who are trafficked abroad has been relatively low to date. United States of America has worked closely with NGOs to ensure safe and dignified returns of victims' to their home countries²⁶.

2.3.3 Prosecution

2.3.3.1 US Federal laws for trafficking in women and children

U.S. code prohibits slavery and involuntary servitude, the traveling across state or national borders for the purposes of prostitution and certain immigration frauds that are often part of trafficking schemes.

Section 1590 (Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor) provides for imprisonment up to a maximum of 20 years. Under aggravating circumstances (if death results from trafficking or if the act includes kidnapping, attempted kidnapping, aggravated sexual abuse, an attempt to commit aggravated sexual abuse or an attempt to kill), imprisonment may be for any term of years or life.

According to section 1591 of the same code, sex trafficking leads to imprisonment up to a maximum of 20 years in case the age of the victim is between 14 and 18 years. If the victim is younger than 14 or if the crime involves force, fraud or coercion, imprisonment can be for any term of years or life. Both provisions also provide for fines²⁷.

Another relevant law is Victims of Trafficking and Violence Protection Act (VTVPA) of 2000. It is a comprehensive statute that addresses the significant problems of

²⁶ www.forcedmigration.org/psychosocial/papers/WiderPapers/iom_notebook4.pdf accessed: May 13, 2007

²⁷ www.unodc.org/documents/human-trafficking/Toolkit_files/08-58296_tool_3-2.pdf accessed: Dec 11, 2007

trafficking and has been designed to increase the protection available to victims of trafficking and other types of violent crimes²⁸. The Act links trafficking with domestic violence and spells out sanctions against those who engage in slavery and lays down procedures for victim restitution²⁹.

The Trafficking Victims Protection Act of 2000 also provides tools to combat trafficking in persons both worldwide and domestically. The Act recognizes the need to protect the victims while gaining their cooperation by providing a safe haven. Section 107(c) (3) provides that federal law enforcement officials may permit an alien's continued presence in the United States, if after an assessment, it is determined that such individual is a victim and a potential witness to such trafficking, in order to effectuate prosecution of the traffickers. Such officials while investigating and prosecuting traffickers shall protect the safety of trafficking victims and their family members from threats of reprisals from traffickers and their associates.

A particular characteristic of TIP's work is the categorization of countries in tiers. The tier rankings indicate the degree to which a country's government meets minimum standards for the elimination of trafficking, as defined in the 2000 Trafficking Act above. This Act divides the countries involved in the practices of Human Trafficking into three tiers as follows,

- Tier I: Countries having effective laws try to implement them to curb the trafficking issues and actively prosecute the convicted people under respective laws. Governments of these countries fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards.

²⁸ www.usdoj.gov/crt/crim/smuggling_trafficking_facts.pdf accessed: February 03, 2007

²⁹ www.westafricareview.com/vol4.1/agbu.html accessed: March 3, 2008

- Tier II: Countries having laws lack the will or resource to implement them effectively resulting in culprit's escape. includes countries whose governments do not comply with the minimum standards but are making "significant efforts" to do so; tier 2 is by far the largest category in each report published by the State Department

- Tier II (Watch List): Countries whose governments are making significant efforts to bring themselves into compliance with the TVPA's minimum standards based on commitments by the country to take additional future steps over the next year. A country is placed in this tier if absolute number of victims of severe forms of trafficking is very significant or is significantly increasing or if there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year.

- Tier III: Countries whose governments do not fully comply with the minimum standards as outlined in the TVPA and are not making significant efforts to do so³⁰. These countries neither have any laws nor will address the evil of human trafficking. This grading could trigger the withholding by the United States of non humanitarian, non-trade-related foreign assistance.

2.3.3.2 Implementing Training in Federal Agencies

Trafficking-specific trainings have been introduced for domestic and international law enforcement, including border enforcement officers and local police, to recognize trafficking cases and to respond appropriately to help protect victims. In addition, consular personnel

³⁰

<http://www.state.gov/g/tip/rls/tiprpt/2008/105378.htm> accessed: April 5, 2007

receive trainings to identify visa schemes used in the trafficking of women and children to the United States of America.

The Department of Justice has conducted workshops and training sessions at federal, state, and local conferences across the United States of America to raise awareness of the needs of trafficking victims, to train law enforcement and prosecutors on victims' rights and to assist in the development of service networks for trafficking victims. Police, judges and prosecutors are also trained on rule of law and anti-corruption issues.

United States has a zero-tolerance policy with regard to trafficking by United States Government employees and contractors. All federal agencies are required to ensure that their own personnel are trained and equipped with to carry out their responsibilities³¹.

2.3.3.3 Integrating and Coordinating International Programs

All US Federal agencies are required to coordinate foreign assistance and public awareness programs to combat trafficking in persons. In addition, these agencies are required to work for prevention of future victimization by reducing the vulnerability of individuals to trafficking, particularly through the expansion of educational and economic opportunities and the protection and promotion of human rights. Diplomatic and foreign policy tools are employed to encourage other nations and multilateral organizations to work with the United States to combat this crime, to draft and enforce laws against trafficking, and to hold accountable those who engage in this crime³².

The US State Department participates in ongoing regional migration fora, which include alien smuggling and trafficking in women and children issues. The Inter-governmental Consultations on Asylum, Refugees and Migration Policies in Europe, North

³¹ www.usdoj.gov/crt/crim/part_2.pdf accessed: February 03, 2007

³² www.ncjrs.gov/pdffiles1/nij/grants/202469.pdf

America and Australia (IGC) provides an informal setting for immigration and foreign affairs officials to discuss the latest issues affecting their respective countries. The United States of America funds programs through the International Labor Organization's (ILO) International Program on the Elimination of Child Labor (IPEC) to combat sexual exploitation of children³³.

2.4 Human Trafficking and the United Nations

International cooperation is a basic condition for the success of any response to trafficking in persons. National mechanisms to facilitate that cooperation must be established. Various forms of trafficking, including human trafficking, are committed across borders and cannot be addressed without joint international efforts and international cooperation. States must therefore turn to assist each other in the fight against various forms of complex and harmful transnational offences.

Several United Nations conventions and regional instruments form the international legal framework within which States must define their own laws in order to address effectively the problem of human trafficking. These instruments also provide a framework for States wishing to collaborate with each other in various aspects of the fight against human trafficking³⁴. The most directly relevant of these are:

- United Nations Convention against Transnational Organized Crime
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Protocol against the Smuggling of Migrants by Land, Sea and Air.

³³ www.humantrafficking.org/action_plans/15 (Retrieved February 2002)

³⁴ www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_1-4.pdf accessed: May 17, 2008

Both the protocols supplement the United Nations Convention against Transnational Organized Crime. It is very important to ratify and implement the Organized Crime Convention itself and its related Trafficking in Persons Protocol and Migrants Protocol if the world community seriously wants to counter and eliminate the menace of trafficking.

2.4.1 The United Nations Convention against Transnational Organized Crime

The United Nations Convention against Transnational Organized Crime is the international community's response to the need for a truly global approach. The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

The foreword of the convention provides that if crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means. If the enemies of progress and human rights seek to exploit the openness and opportunities of globalization for their purposes, then we must exploit those very same factors to defend human rights and

defeat the forces of crime, corruption and trafficking in human beings. Trafficking of persons, particularly women and children, for forced and exploitative labour, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts. It is widespread and growing. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide. The fate of these most vulnerable people in our world is an affront to human dignity and a challenge to every State, every people and every community. It further provides that the Member States should ratify not only the United Nations Convention against Transnational Organized Crime, but also the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which can make a real difference in the struggle to eliminate this reprehensible trade in human beings³⁵.

Article 1 provides for promotion of cooperation both for the prevention and for the effective fight against transnational organized crime. Other Articles seek to enlarge the number of States that take effective measures against transnational organized crime. It respects the differences and specificities of diverse legal traditions and cultures, while at the same time promoting a common language and helping to remove some of the existing barriers to effective transnational collaboration.

³⁵<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf>, accessed on 05.04.2010.

2.4.2 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime was adopted by the same resolution of United Nations General Assembly. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

The preamble of the Protocol provides that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights.

Article 1 of the protocol provides that it supplements the United Nations Convention against Transnational Organized Crime and shall be interpreted together with the Convention.

According to Art 2, the Protocol has three basic purposes i.e. the prevention and combating trafficking, the protection and support of victims of trafficking, and the promotion of cooperation between States parties.

Article 3 defines the term Human Trafficking in detail as discussed earlier. It widens the scope of the definition of human trafficking and states that the consent of a victim of

trafficking shall be irrelevant where any of the means set forth in definition have been used. It further provides that any person under eighteen years of age shall be considered to be a child for the purpose of this convention, and his recruitment, transportation, transfer, harbouring or receipt, for the purposes of exploitation, shall be considered "trafficking in persons" even if this does not involve any of the means set forth in the definition.

According to article 4, this Protocol shall apply to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5 is about criminalization. This article bounds the state parties to adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in the definition of human trafficking, when committed intentionally. However it will be Subject to the basic concepts of the legal system of that state party.

Articles 6, 7 and 8 constitute part II of the protocol, which is about the protection, assistance and repatriation of victims of trafficking. Part III comprises of Articles 9-13 and is about prevention, co-operation and other relevant clauses regarding the security and control of documents of victims of trafficking. Miscellaneous final provisions are provided in Articles 14-20.

2.4.3 Protocol against the Smuggling of Migrants by Land, Sea and Air

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that,

for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. According to Article 2, the Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process³⁶.

According to Article 3(a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. Article 5 provides that migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6. Article 6 is about criminalization of certain acts when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit³⁷.

Part II of the protocol is about Smuggling of migrants by sea. It comprises of Articles 7, 8 and 9, which mainly relates to co-operation and measures against the smuggling of migrants by sea.

Besides the Protocols United Nations is implementing a series of reforms, and in May 2007, adopted additional measures to prevent military and civilian personnel, assigned to UN peacekeeping and humanitarian missions, from engaging in sexual exploitation and abuse. These measures apply to approximately 90,000 UN uniformed personnel (troops,

³⁶ http://www.unodc.org/unodc/crime_cicp_convention.html accessed: April 5, 2010

³⁷ <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> accessed: April 5, 2010

military observers, and police) and 10,000 UN international and locally-hired civilian staff members engaged in peacekeeping worldwide. Some of the key UN reforms are as follows:

- UN Staff Regulations classify sexual exploitation and abuse as a form of serious misconduct subject to disciplinary action, including summary dismissal.
- With donor funding, United Nations Department of Peacekeeping Operations initiated mission-customized information campaigns and strategies to combat commercial sexual exploitation. In January 2008, this initiative was launched in Democratic Republic of Congo, Haiti, Liberia, Sudan and East Timor.
- The UN has a new victim assistance strategy, adopted by the UN General Assembly on December 19, 2007. It enables the UN to address the needs of victims who may have suffered at the hands of UN personnel. Assistance for victims and their children may include medical treatment, counseling, social support, legal services or material care.
- All personnel arriving at UN missions are made aware of the United Nation's standards of conduct and "zero tolerance" policy, and receive sexual exploitation and abuse prevention training. These personnel are also charged with informing local communities the procedures for reporting abuse and receiving complaints, etc³⁸

2 . 5 The Global Program against Trafficking in Human Beings

In response to the increasingly evident problem of human trafficking and exploitation, the United Nations Office on Drugs and Crime (UNODC), in conjunction with the United Nations Interregional Crime and Justice Research Institute (UNICRI), launched the Global Program Against Trafficking in Human Beings (GPAT) in March 1999. GPAT aims to shed

³⁸

<http://www.un.org/Depts/dpko/CDT/index.html> accessed: May 23, 2008

light on the causes and processes of migrant smuggling and trafficking in persons, and to promote the development of effective responses to these problems.

One of the strategic areas of work of this Program is the provision of technical cooperation, which involves assisting governments in their anti-human trafficking and migrant smuggling efforts. This work includes the training of criminal justice practitioners, providing Member States with legal advisory services on a consultancy basis and improving the capacity of Member States in their efforts to protect victims. Other strategic areas of work for GPAT are collecting and analyzing data aimed at increasing the global community's knowledge-base, and raising awareness to prevent human trafficking and migrant smuggling.

Global Program against Trafficking works with Member States and regional organizations in implementing the provisions of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A key part of the Program's efforts relates to facilitating information exchange and international expertise. This Program is also the focal point in supporting UNODC field offices in the development of technical assistance projects designed to support Member States. GPAT's technical assistance and assessment projects are carried out in selected countries in Asia, Africa, Europe and Latin America³⁹.

2.6 Human Trafficking in Greater Mekong Sub-Region

Greater Mekong sub-region (GMS) comprises of Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam. In this sub-region, trafficking in children and women is a problem of significant proportions. Poverty and economic disparities between countries, limited job prospects in many rural areas, and lack of safe migration channels have further contributed

³⁹ http://www.uncjin.org/CICP/traff_e.pdf accessed: July 12, 2008

to increasing vulnerabilities and risks. Despite its horrendous consequences on victims (consequences which include rape, physical and emotional abuse, torture, severe health risks, discrimination, exploitation and even death), trafficking in the GMS remains by and large a profitable and almost risk-free business.

Human trafficking has been on the agenda of GMS governments, international agencies and non-government organizations (NGOs) for almost two decades. Trafficking in persons in this sub-region is increasingly acute and dangerous. It operates in very intricate manner and comes in many forms and therefore very hard to monitor and control. The purpose of human trafficking in this region is not only for sexual exploitation or trafficking into prostitution, there are other intentions for trafficking, these include labor exploitation in factories, sweatshop, domestic work, begging and in the fishing industry.

The GMS governments have undertaken a Joint Declaration on Human Trafficking with a commonly agreed Sub-Regional Plan of Action to tackle the problem. The Declaration clearly recognizes all the aspects of human trafficking in the GMS, reaffirming their commitments to key principles of the UN Conventions.

The Royal Governments of Thailand and Cambodia have legislated progressive anti-trafficking legislation, the governments of China, Viet Nam and Lao PDR have completed their National Plans of Action. These national plans clearly delineate key program areas on action against human trafficking. Special policy attention is being given to the situation of women and children who are especially vulnerable to trafficking, with expanded technical cooperation programs in Thailand and China. The key measures taken by the GMS governments in these plans are keeping girls in school for prolonged time, vocational trainings, learning marketable skills and micro-financing which help to reduce their

vulnerability to trafficking. The GMS is also seeing the rise of a strong activist movement from women and children who act to stop the exploitation of both themselves and others⁴⁰.

2.6.1 Joint Efforts of UN & GMS Governments to counter human trafficking

Human trafficking continues to increase throughout the world, including in the Greater Mekong Sub-region (GMS). Human trafficking emerged as a priority issue in the 1990s and has increased exponentially since then. The UN has identified the need to combat human trafficking as one of its priorities for 2006-2010.

2.6.1.1 Trafficking in Children and Women (TICW)

The ILO's Project to Combat Trafficking in Children and Women in the Greater Mekong Sub-region known as TICW was the first major initiative to recognize the complexity of trafficking in the GMS, its fundamental links to labor migration and exploitation, and the need to develop programming to take account of this.

From its beginnings, TICW developed, tested and evaluated new processes and programming to tackle trafficking at its roots. The project commissioned research to fill in some important gaps in knowledge, including issues and patterns of trafficking in the GMS. These helped by providing reliable data on the number and categories of people being trafficked, as well as the mechanisms that facilitate and support the traffickers. The TICW program at first focused on actions in source communities to better understand the rationale of migrants and the techniques used by recruiters and traffickers. At the same time, it worked to strengthen communities and make them resilient to trafficking through education and the advent of community surveillance and reporting schemes.

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www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/buildingknowledge/meetingthechallenge.pdf accessed: August 13, 2008

2.6.1.2 United Nations Inter-Agency Project on Human Trafficking (UNIAP)

UNIAP in the Greater Mekong Sub region was established in June 2000 to facilitate a stronger and more coordinated response to human trafficking. At a regional level, UNIAP brings together the six Governments of the sub-region, United Nations agencies, international organizations and international non-governmental organizations. The UNIAP Regional Office is based in Bangkok. It manages the country programmes with guidance provided by an intergovernmental project steering committee that meets annually. The Resident Coordinator of the United Nations in Thailand is the principal project representative⁴¹.

2.6.1.3 International Organization for Migration (IOM)

The United States of America has funded a project by the International Organization for Migration (IOM) to break the cycle of trafficking and re-trafficking by arranging a safe return and offering a one-year voluntary reintegration package for trafficking victims in the Mekong sub-region.

2.6.1.4 Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)

The six States involved adopted a memorandum of understanding on cooperation against trafficking in persons in the Greater Mekong sub-region in 2004 which is called Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). In 2005, they adopted a three-year sub-regional plan of action (2005-2007), listing 18 activities to be undertaken on seven issues. Although not all of these have been implemented, cooperation was facilitated by a pre-existing United Nations Inter- Agency Project on Human Trafficking in the Greater Mekong Sub region. In this region, the specific responsibilities of the States taking part in a

⁴¹ www.no-trafficking.org/content/About_UNIAP/about_uniap.htm accessed: April 2, 2008

common initiative are made more complicated by their participation in several overlapping regional initiatives e.g. ASEAN and others, each of which emphasizes different techniques or activities⁴².

The key approaches of the UN and GMS Governments to counter trafficking in persons in this sub-region include:

- To maintain a close cooperation between GMS Governments, UN, NGOs and international organizations particularly through supporting the development and implementation of national, bilateral and regional policy frameworks and action plans.
- To promote a victim-centered approach to all human trafficking interventions, to ensure that the human rights of the victim are a primary concern.
- To promote and support sound research, especially to measure progress.
- To promote the use of the UN Protocol definition of human trafficking, and to encourage the recognition of all forms of human trafficking.
- To emphasize a holistic approach to human trafficking through supporting related projects such as those addressing violence against women, irregular and unsafe migration, labor exploitation, corruption and poverty alleviation⁴³.

Trafficking in Children and Women (TICW), UN Inter-Agency Project on Human Trafficking (UNIAP), International Organization for Migration (IOM) and Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) as well the ASEAN processes

⁴² www.ungift.org/docs/ungift/pdf/knowledge/background_paper.pdf accessed: April 5, 2008

⁴³

http://www.un.org.kh/index.php?option=com_content&view=category&layout=blog&id=42&Itemid=75 accessed: May 24, 2008

have become major driving forces to find appropriate approaches to fight against, curb and limit current human trafficking crimes thus bringing peace, stability and prosperity to Great Mekong-Sub region.

2 . 7 Human trafficking in Asia and Europe

The following analysis of the Asia and the Europe region shows the variation with respect to victim’s type, purpose, countries of origin, transit or destination.

2.7.1 Asia

Asia is mainly an origin region as well as a destination for trafficking in persons. Asian victims are reported to be trafficked from Asia to Asian countries, in particular to Thailand, Japan, India, Taiwan and Pakistan. Trafficking into countries in the region is reported mainly from the Commonwealth of Independent States, followed by South-Eastern Asia, pointing to intra-regional trafficking.

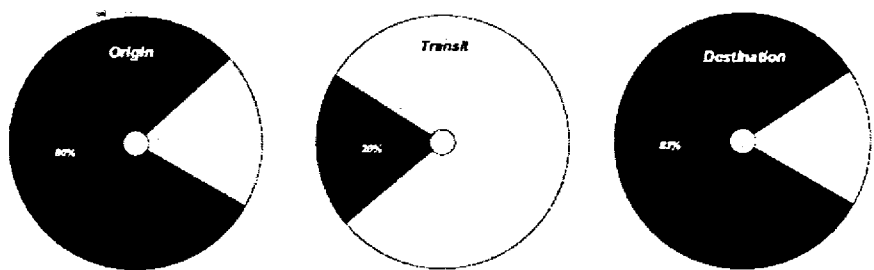


Figure 2-7 Percentage of Asian region as origin, transit or destination for trafficking victims

At a country level, China and Thailand are both ranked very high as origin countries, with Bangladesh, Cambodia, India, Lao PDR, Myanmar, Nepal, Pakistan, the Philippines, and Viet Nam ranked high as countries of origin. As destination countries, Thailand, Japan, Israel and Turkey rank very high while Cambodia, China, Hong Kong, Taiwan, Cyprus,

India, Pakistan, Saudi Arabia and United Arab Emirates are ranked high. Thailand ranks very high as an origin, transit and destination country.

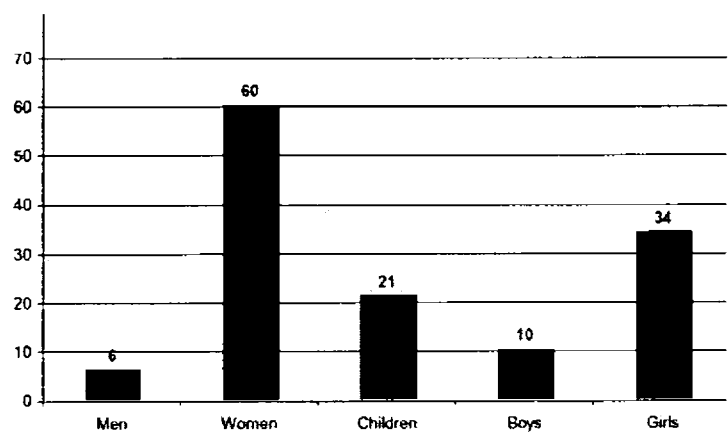


Figure 2-8 Reported profile of victims, Asia

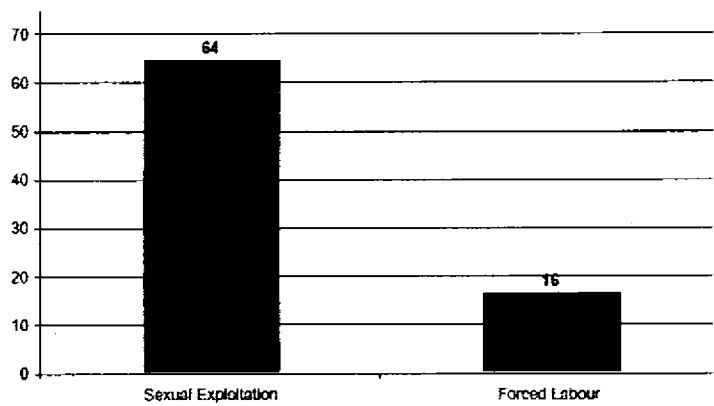


Figure 2-9 Reported purpose of trafficking, Asia

2.7.2 Europe

Europe comprises of two major sub-regions. These are Western Europe that serves predominantly as a sub-region of destination and Central and South Eastern Europe that serves primarily as an origin transit, and a destination region. These sub-regions, due to the very different nature of the human trafficking patterns affecting them, are discussed below separately.

2.7.2.1 Central and South Eastern Europe

As a sub-region, Central and South Eastern Europe (CEE) comprises of sixteen countries ranging from the northern Baltic countries to the Balkans. The majority of the sources collected in the Trafficking Database indicate adult women as victims of trafficking. Minors are also frequently reported to be victims of trafficking in the sub region, Central and South Eastern Europe.

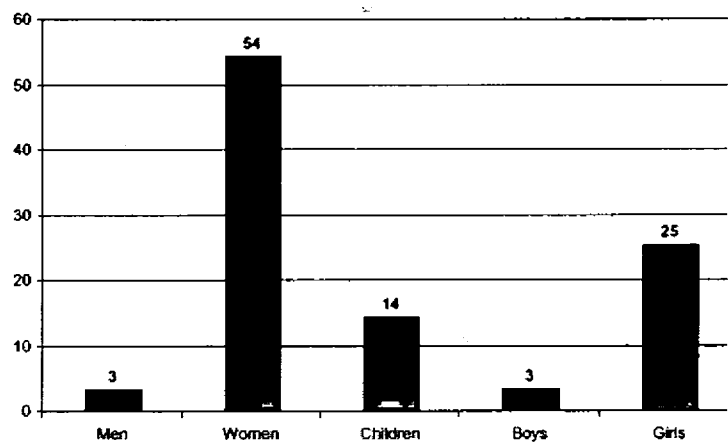


Figure 2-10 Reported profile of victims, Central and South Eastern Europe

Sexual exploitation is reported as the main cause of the reported trafficking in persons.

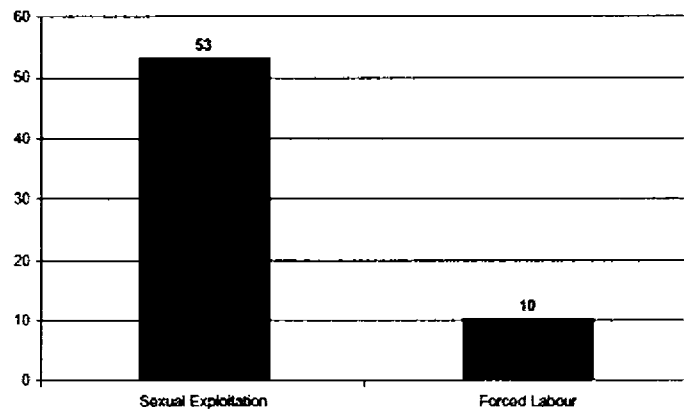


Figure 2-11 Reported purpose of trafficking, central and South Eastern Europe

Central and South Eastern Europe is reported as predominantly an origin sub-region. Victims trafficked out of this sub-region are reported to be exploited in Western Europe. Central and South Eastern Europe is reported, to a lesser extent, as a destination sub-region for victims mainly trafficked from the Commonwealth of Independent States. Central and South Eastern Europe is also reported to be a main transit sub-region.

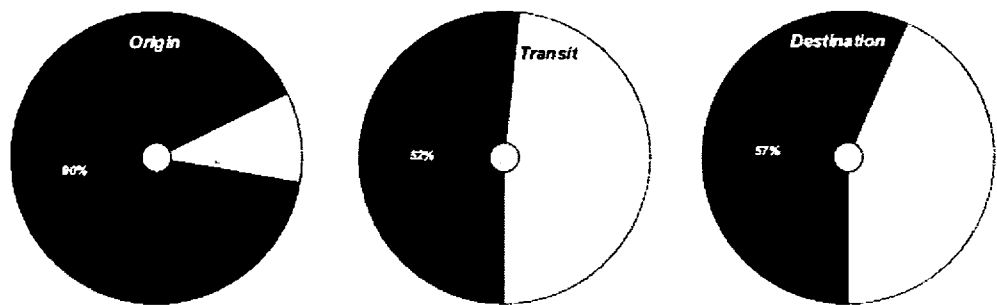


Figure 2-12 Percentage of Central and South Eastern European sub-region as origin, transit or destination for trafficking victims

2.7.2.2 Western Europe

Western Europe comprises of 19 countries. Among these, five countries are ranked very high as destination countries. They are Belgium, Germany, Greece, Italy and the Netherlands. Among Western European countries ranked high are Austria, Denmark, France, Spain, Switzerland and the United Kingdom.

The majority of the sources collected in the Trafficking Database, registering human trafficking activity in Western Europe, reported cases of trafficking of women and girls. A

lesser number of sources reported cases of trafficking of children. Trafficking in persons occurring for the purposes of sexual exploitation is mostly reported in the sub-region, whereas the reporting of trafficking for forced labor occurs less frequently.

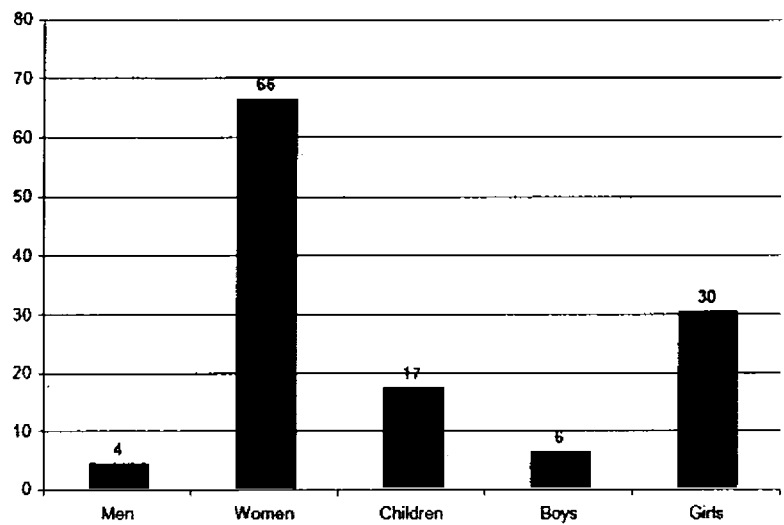


Figure 2-13 profile of victims, Western Europe

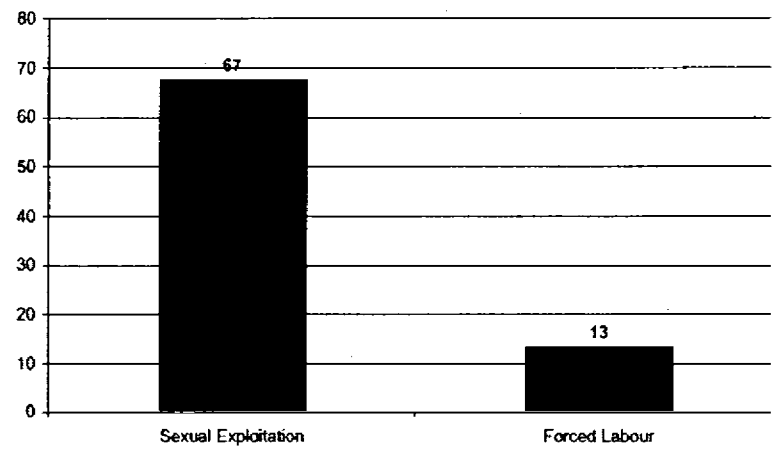


Figure 2-14 Reported purpose of trafficking, Western Europe

Victims trafficked into Western Europe are reported to come from all five major origin regions. Western Europe is reported largely as a destination sub-region. Countries from

Central and South Eastern Europe are cited most frequently as the origin of victims trafficked to Western Europe, followed by the Commonwealth of Independent States, Africa, Latin America and the Caribbean.

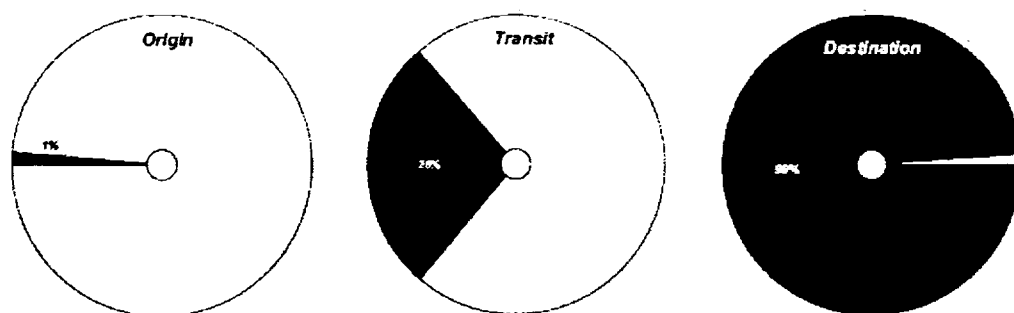


Figure 2-15 Percentage of Western European sub-region as origin, transit or destination for trafficking victims

Belgium, Germany, Greece, Italy, and the Netherlands are ranked very high as destination countries. Austria, Bosnia and Herzegovina, the Czech Republic, Denmark, France, Kosovo, Poland, Spain, Switzerland and the United Kingdom are reported high as destination countries⁴⁴.

⁴⁴ www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf accessed: May 18, 2008

Chapter 3. Human Trafficking and the Action Plan of Pakistan

3.1 Human Trafficking in Pakistan – Situational Analysis

Trafficking in human beings has become as lucrative as the illegal arms and drugs trade and their operators have connections and resources globally. Human traffickers have put in place very well organized networks across source, transit, and destination countries.

Pakistan has been facing the brunt of human trafficking for quite some time and has gained a higher momentum since the 1990s. Pakistan is a country of source, transit and transmission of women and children trafficked for sexual exploitation and bonded labor. It is the destination point for those being trafficked in from Bangladesh, Burma, Afghanistan and Central Asia; a transit point for those brought in from Far East Asia and Bangladesh to be taken elsewhere. In addition, it is also a recruiting ground for those who are internally (inter-provincially) trafficked, or are sent to Afghanistan and to the Gulf. According to some surveys, Pakistan and oil-rich Arab states are the principal destinations of not only the Bangladeshi children but also of Pakistani children.

Pakistan faces a significant internal trafficking problem involving thousands of women and children trafficked from rural areas. They are sold to settle debts and disputes or are forced into sexual exploitation, domestic servitude, or marriage.

Incidents are increasingly reported of children trafficked for use as camel jockeys or for employment in other hazardous occupations. The women from southern Punjab continue to smuggle out children to the United Arab Emirates for camel races despite the immigration department's strict checks. Extreme poverty is the major factor which is forcing

parents to go to the extent of sending their minor children to work as camel jockeys. The children are sometimes taken on false pretenses, are kidnapped, or are even sold by their parents⁴⁵.

According to the reports of Human Rights Commission of Pakistan, the practice of sending children to UAE began from Rahim Yar Khan in 1979. The local people allege that the influx of Arab sheikhs to their area to hunt in Cholistan area, in the 1970s, had encouraged child smuggling. They gave the parents or guardians presents, cash or goods in return. The families of these children had no idea of the harmful conditions their children were facing once they were away in the Gulf. The flow of wealth brought prosperity into their lives and attracted neighboring areas to send their children as well. However, the problem of child camel jockeys was effectively dealt with in May 2005 when the United Arab Emirates (UAE) banned the use of children as camel jockeys and signed agreements with UNICEF and major source countries, including Pakistan, to provide a mechanism for restoration and rehabilitation for victims. It has reduced the number of children being trafficked through and out of Pakistan for that purpose⁴⁶.

Women are trafficked into the country and forced to engage in prostitution. In a similar fashion, men and women are trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, traffickers confiscate passports and force the trafficked people to work to pay off their transportation debt.

Similarly, the bonded labor of children in brick kilns, rice mills and textile factories has been and continues to be a serious issue. In some cases, families sold these victims into

⁴⁵ www.protectionproject.org/human_rights_reports/report_documents/pakistan.doc accessed: May 3, 2008

⁴⁶ <http://www.businesstravellers.org/archives/pakistan-may-introduce-new-anti-trafficking-courts/>

servitude, or believed they were marrying off their children, or sending them for legitimate employment, while in other cases they were kidnapped.

3.2 Factors Responsible For Trafficking In Pakistan

The trafficking of human beings is inextricably linked to multidimensional socio-economic and legislative inadequacies. Poverty, lack of education and skills for women and children, natural disasters, the breakdown of families, the low social status of women, and gender-discriminating practices and the ineffectiveness of legal protection are some of the evident underlying factors that contribute to human trafficking phenomenon⁴⁷.

3.2.1 Poverty

Pakistan, as a country, has not been able to provide a satisfactory standard of living to its people. With the world quickly moving towards exceeding the carrying capacity of human beings, human beings themselves become one of the most abundant exploitable resources. Countries with low Gross National Products (GNP) are more vulnerable to having their citizens being trafficked than those countries with high GNPs. People belonging to poor and backward areas of Pakistan are among the cheapest laborers in the world and have been falling victims continuously to human trafficking.

3.2.2 Un-employment

Un-employment is also a major cause of human trafficking in Pakistan. More than one million people being added to the labor market each year. With the limited absorption capacity of the labor market, approximately half of these new entrants are unable to find jobs. The induction of trafficked workforce into an already saturated market further

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Syed Mohammad Ali, 'Development: Human trafficking', Daily times, September 30, 2008.

deteriorates the situation. Such conditions in turn make it fairly easy for traffickers to find people willing to be taken across domestic and international borders. The victims of trafficking are either lured by better job prospects, or kidnapped against their wishes⁴⁸.

3.2.3 Political & Economic Instability, Corruption, Highly Developed Organized Crime.

Armed conflicts, lack of internal security and economic instability are the main factors responsible for trafficking. Countries whose governments cannot maintain economic and political stability often find that this can lead to the proliferation of trafficking.

Pakistan does not have the infrastructure, technology, or manpower to decrease the amount of trafficking within its respective regions. Corruption of authority figures is one of the biggest obstacles in the path of combating trafficking. Traffickers bribe police and immigration officials to facilitate passage. There have even been occurrences when police officers are directly involved in the trafficking of victims.

Moreover, the lack of public awareness concerning the potential risks, coupled with inadequate legal enforcement, allows even involuntary smuggling of people to continue without much hindrance. Traffickers, recruiters and agents often have links with politicians and other influential people within the establishment, which enables them to continue their operations without fear.

⁴⁸ http://www.crescentlife.com/articles/social%20issues/menace_of_human_trafficking.htm accessed: May 21, 2008

3.2.4 Gender Discrimination

Lower image and perception of women within the society leads to discriminatory attitudes, violence against women and ultimately, towards their commodification.

3.2.5 Weak Legislation

Weak legislation and poor enforcement of human trafficking laws are also major factors contributing towards trafficking in Pakistan.

3.2.6 Lack of Resources in LEAs

In Pakistan, shortage of resources available with the Interior Ministry and other law enforcement agencies for anti-trafficking efforts are the factors that have induced traffickers to get involved in the trafficking business here.

3.3 Major Trafficking Routes and Methods Employed for Trafficking

Porous borders with Iran and Afghanistan are another issue in the given context. The major land route used for human trafficking is operative along the Balochistan-Iran border. Each day around 30 to 40 people are dropped by the human traffickers at Turbat to make their way to Iran. From Iran their agents take them to Turkey, Greece and Italy⁴⁹.

Tapping indirect air routes to the developed countries, human smugglers have opted a new modus operandi to reach there. They have started focusing on Eastern Europe. Cyprus, Ukraine, Belarus and Estonia are the new destinations from where the Pakistanis try to enter Western Europe. The agents prepare genuine documents for its clientele as

⁴⁹ Zulqernain Tahir, 'The allure of greener Pastures', 'Weekly The Review, Dawn', October 14-20, 2004

obtaining visa for these countries is not difficult. To stop them from traveling there on the legal grounds is a difficult task for the agency.

Various methods are being used by human traffickers. Some traffickers simply kidnap victims and force them into slavery, while other traffickers employ deception with the victims and their families. Traffickers often pretend to fall in love with the victims, describe enticing job opportunities abroad, or marry women and later sell them. Traffickers often beat people or threaten them with the use of violence against the life of a close relative to force them into submission. An additional technique utilized is a term referred to as debt bondage. In this case the trafficked victims owe money to the traffickers. As they have no available means to repay their "debt" the victims must work it off⁵⁰.

3 . 4 The Development of Human Trafficking Law in Pakistan

Before 2002, there was no specific law in Pakistan regarding offences in human trafficking. Various local laws were being applied against the culprits involved, including the victims of trafficking. No security measures were provided for the welfare and safety of the victims. Though some scattered and partial provisions were present in the Pakistan Penal Code, 1861, sections 339 and onwards and also in Hudood Ordinance.

Similarly the Registration of Foreigners Act 1939 requires any foreigners entering or already in Pakistan to report their presence to the prescribed authorities.⁵¹ The act also requires such reporting in the event that the foreigner moves from one place to another in

⁵⁰ www.unt.edu/honors/eaglefeather/2005_Issue/Johnnykutry2.shtml accessed: July 9, 2008
⁵¹ Section 3(a).

Pakistan.⁵² Any foreigner who is about to leave Pakistan must report the date of his or her intended departure to the appropriate authorities.⁵³

The Passport Act of 1920, regulates the requirements pertaining to travel documents. The Emigration Act 1922 covers the requirements that must be satisfied in cases involving immigration for the purpose of unskilled work and skilled work.

The concrete definition and punitive measures against the perpetrator came only through the promulgation of Prevention and Control of Human Trafficking Ordinance (P&CHTO) 2002, which proposed specific imprisonments for human traffickers as well as addressed the need for compensation to victims. This Ordinance helped to overcome the menace of human trafficking and to meet the national and international requirements and obligations. Human trafficking has been criminalized through this enactment for the first time. This Ordinance also helped Pakistan to move from tier III to tier II in the US category list⁵⁴.

Rules under Prevention and Control of Human Trafficking Ordinance 2002 have also been notified in 2004 which mainly relates to protection of victims of human trafficking, especially the vulnerable groups including women and children.

3 . 5 Prevention and Control of Human Trafficking Ordinance 2002

The Article 11 of the constitution of Pakistan prohibits slavery, all forms of forced labor, and trafficking in human beings. In August 2002, Government of Pakistan approved a new law to curb trafficking in persons, including the smuggling of women abroad for prostitution

⁵² Section 3(b).

⁵³ Section 3(c).

⁵⁴ www.sharp-pakistan.org accessed: September 20, 2008

and of children for camel racing and sexual abuse. The law is designed to effectively control human trafficking from and through Pakistan.⁵⁵

3.5.1 Salient Features of the Ordinance

The ordinance defines human trafficking as “obtaining, securing, selling, purchasing, recruiting, detaining, harboring, or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction or by giving or receiving any payment or benefit, or sharing or receiving a share for such person’s subsequent transportation out of or into Pakistan by any means whatsoever.”⁵⁶

Planning or executing a plan of trafficking into or out of Pakistan for the purpose of “attaining any benefit or for the purpose of exploitative entertainment, slavery or forced labor, or adoption in or out of Pakistan” is punishable by imprisonment for up to 7 years and a fine.⁵⁷ The punishment increases to 10 years’ imprisonment and a fine if, in addition to committing an offense of trafficking a person, someone kidnaps, abducts, or attempts to kidnap or abduct in connection with the trafficking offense. If a person plans to commit an offense of trafficking but has not yet done so, the punishment is imprisonment for up to 5 years and a fine.⁵⁸

Anyone who knowingly provides, obtains, or employs the labor or services of another person by coercion is subject to punishment of imprisonment for up to 7 years and a fine. The punishment increases to 10 years’ imprisonment and a fine if an offender

⁵⁵ www.protectionproject.org/human_rights_reports/report_documents/pakistan.doc accessed: May 3, 2008

⁵⁶ Section 2(h) of P&CHTO 2002.

⁵⁷ Section 3(i). Section 1(f) defines *exploitative entertainment* as “all activities in connection with human sports or sexual practices or sex and related abusive practices.”

⁵⁸ Section 3(i) of P&CHTO 2002.

kidnaps, abducts, or attempts to kidnap or abduct a person in connection with an offense of forced labor.⁵⁹

The Ordinance imposes a punishment of imprisonment for up to 10 years and a fine on anyone who “purchases, sells, harbors, transports, provides, detains, or obtains a child or a woman through coercion, kidnapping, or abduction or by giving or receiving any benefit” for trafficking the child or woman into or out of Pakistan for the purpose of “exploitative entertainment.” The punishment increases to imprisonment for up to 14 years and a fine if the offense involved kidnapping or abduction.⁶⁰

Tampering with documents related to trafficking in furtherance of any offense under this Ordinance, as well as preventing or restricting a person’s liberty to move or travel, is punishable by imprisonment for up to 7 years and a fine.⁶¹

If an organized criminal group commits any of the offenses under the ordinance, each member of the group is subject to imprisonment for up to 10 years. Punishment is enhanced to imprisonment for up to 14 years and a fine if the group’s purpose in committing the trafficking offense is exploitative entertainment.⁶²

Repeated commission of any of the offenses under the Ordinance is punishable by 14 years’ imprisonment and a fine.⁶³

The Ordinance provides for certain benefits for victims. These benefits include allowing the victim to stay in Pakistan, extending the victim’s stay in Pakistan;⁶⁴ paying

⁵⁹ Section 3(ii) of P&CHTO 2002.

⁶⁰ Section 3(iii).

⁶¹ Section 3(iv).

⁶² Section 4.

⁶³ Section 5.

⁶⁴ Section 6(i).

compensation and expenses to the victim;⁶⁵ or making arrangements for shelter, food, and medical care of a victim who is an unaccompanied child or a destitute woman.⁶⁶

All offences under the Ordinance are made as cognizable, non bail able, and non-compoundable⁶⁷.

3.5.2 The strength and weaknesses of the Ordinance

According to different clauses, the ordinance prescribes a punishment of 7-14 years' imprisonment and also includes parents. If they are guilty of the crime involving their own children they will be liable to the same punishment. Although these poor people are tricked by giving them the false pictures, they are told that their children will be used as players, but they are unaware of the consequences they don't know that their children might get killed. However, this law seldom applies to parents who sell their girls in marriage, as marriage is a sacred family rite, and therefore masks trafficking, even when it is a commercial transaction⁶⁸.

All forms of international trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from seven to 14 years' imprisonment plus fines. However a major lacking is the absence of any mention of internal trafficking. It doesn't contain any definition of internal trafficking. Whereas it is the fact that most of the trafficking in Pakistan is carried out internally, people from interior parts of the provinces are trafficked to urban developed areas⁶⁹.

Despite the establishment of provincial anti-trafficking units under FIA, there is lot to be desired while investigating and prosecuting cases of internal trafficking, including

⁶⁵ Section 6(ii).

⁶⁶ Section 6(iii).

⁶⁷ Section 8

⁶⁸ Nafisa Shah, 'Pakistan: Commercial marriages of the girls' The News International, July 9, 2006.

⁶⁹ www.sharp-pakistan.org accessed: September 20, 2008

instances of bonded and forced child labor. Many victims of bonded labor are associated in the brick, glass, carpet, and fishing industries. The Bonded Labor System Abolition Act established penalties of up to five years' imprisonment and can fine up to Rs.50, 000/- for violating its provisions.

3.5.3 Prevention & Control of Human Trafficking Rules 2004

The Government of Pakistan has also framed rules under this Ordinance which are called Prevention & Control of Human Trafficking Rules 2004⁷⁰. These Rules provide guidelines to the law enforcement agencies for dealing with issues relating to victim's welfare, security, assistance and rehabilitation (rules 3, 4 & 5).

Rule 7 provides for the earliest repatriation of the trafficking victims after recording his evidence, if the presence of the victim is no more required for the trial. In case where the presence of the victim is considered necessary, the court entitles the victim to apply for temporary registration with NARA or for work permit.

3.6 Pakistan National Action Plan for Combating Human Trafficking

Trafficking is a social issue that not only affects an individual but it also directly leaves strong Impact on a community and society so it needed to be handled with iron hands. Government is strongly pursuing a strategy under the National Action Plan to eliminate human trafficking from Pakistan in all its forms and manifestations.⁷¹ Pakistan is proactive in

⁷⁰ Prevention & Control of Human Trafficking Rules 2004 were notified by the Government on November, 29th 2004 vide S.R.O No 970(1)/2004.

⁷¹ Fouzia Azam, 'Empowerment vital to curb human trafficking', Daily The Nation, June 20, 2006.

taking stringent steps to curb the crime of human trafficking. The notification of the National Plan of Action is an important stride in this direction⁷².

The action plan against human trafficking covers the entire gamut of human trafficking including three P's of prevention, prosecution and protection. This plan is launched with emphasis on Prevention of human trafficking and protection of its victims. This plan recognizes that to combat human trafficking effectively, preventive measures, protection and assistance of victims and prosecution of traffickers are of equal importance. The plan integrates all aspects of the fight against human trafficking.

3.6.1 Prevention

The Government of Pakistan has taken a lot of measures which have helped in controlling the problem to a great extent. Broadly, Pakistan has taken the following steps,

3.6.1.1 Legal Initiatives

The first essential step was enacting appropriate and comprehensive counter trafficking legislation and instituting an effective law enforcement mechanism. Human trafficking has been criminalized through the enactment of the Prevention and Control of Human Trafficking Ordinance 2002 (PCHTO).

Another step was the notification of rules in 2004 under this Ordinance which mainly relates to protection of victims of human trafficking, especially the vulnerable groups including women and children.

⁷² <http://202.83.164.26/wps/portal/Moi> , 'Combating Human Trafficking' accessed: December 20, 2008

3.6.1.2 Administrative Initiatives

The Pakistan government has undertaken some administrative measures to deal with the growing problem of human trafficking. A Steering Committee is established in the Ministry of Interior to monitor and review the efforts against human trafficking. A ministerial level National Committee is working and regularly holds meetings to review progress.

The government is stepping up the patrolling of Pakistan's borders, especially the border with Iran, Afghanistan and coastal belt of Balochistan⁷³. National Alien Registration Authority (NARA) has started operations in Karachi to specially tackle the problem of aliens in Karachi.

FIA is being upgraded by enhancing passport circles and increasing their manpower. A standard operating procedure for immigration staff on off-loadees and deportees, along with a Travel Guide for Passengers and Investigation Manual/TORs for ATUs had been prepared. Further improvements include 8 hour shift at Islamabad Airport, 4 shifts at Karachi Airports, on the job training for the immigration staff at the counters.

Government of Pakistan through Ministry of Interior has taken an initiative to involve district councilors in the fight against human trafficking. Many workshops and seminars have been conducted throughout the country. Various community-based poverty reduction programmes have been initiated that play an important role in trafficking prevention.

To address the problem of human trafficking, the FIA and various airlines have introduced new measures. Under them, the passengers having student or visit visa must possess a return ticket and at least \$1,000 in hard cash before boarding a flight to Eastern

⁷³ www.protectionproject.org/human_rights_reports/report_documents/pakistan.doc accessed: May 3, 2008

Europe. Besides validity of travel documents, student visas would also be scrutinized for any mismatch between their domestic and foreign education plans.

3.6.1.3 Technical Initiatives

To prevent travel document fraud, specialized system called Personal Identification Secure Comparison Evaluation System (PISCES) is now operational at nearly all exit/entry point. Other interventions include computerized NIC, Machine Readable Passport and Automated Finger Print Impression System (AFPIS). Forgery detection equipment has been installed at all major check points. FIA has initiated Indexation of National Database on Human Trafficking, Human Trafficking Intelligence Gazette, Case Monitoring System (CMS). Immigration Monitoring System (IMS), is being updated regularly to provide online data to FIA HQrs as well as all the Passport Cells. UV light equipment has been made available at most of the immigration counters⁷⁴. Automated Border Control (ABC) has also been setup at Chaman border with Afghanistan. It uses biometric identification technology to register the across border travelers.

Inter Services Intelligence agency helps in determining the ownership of mobile phones whose numbers are given by the trafficking victims to the FIA.

3.6.1.4 Foreign Policy Initiatives

Pakistan has urged, several times, the developed countries of the world to cooperate with developing countries to eliminate the menace of human trafficking and smuggling. Government is continuously persuading the developed countries under this plan to bridge the resource gap, softening of visa restrictions and transfer of technology so that both our

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www.fia.gov.pk/HUMAN.htm accessed: November 13, 2008

labor as well as skilled class get enough opportunities locally which may stop the trend of going abroad illegally in search of better future.

3.6.1.5 Gender Reform Action Plan (GRAP)

GRAP has been launched by the Government, which aims at bridging gender gaps by examining and implementing policies and programmes from a women's perspective. GRAP focuses on four key areas, institutional reforms, policy and fiscal reforms, political reforms and legal reforms. Women's employment in public sector is one of the major areas under GRAP's institutional reforms. Besides, various rural development programmes for self-employment have been introduced for development of trafficking source areas.

Also mention about the mandate of the National Commission on the Status of Women (NCSW) whose mandate is to undertake research on the policies of the govt and various pieces of legislation that impact women and after identifying the gaps to bring out recommendations for the govt to implement.

3.6.1.6 Public Awareness Campaigns

Mass/public awareness campaign on human trafficking with Ministry of Information's help is on the anvil. A website has been setup in FIA to create public awareness against human trafficking. This website contains a list of authorized agents and fake/illegal agents.

Meetings, conferences and seminars are being held for better education on the subject using print and electronic media. Lists of notorious human smugglers are being maintained in Zonal Directorates for their early arrest prosecution and conviction as well as arrangement for the record of the criminals.

3.6.1.7 Surveillance of Common Trafficking Routes / Border Control

Though the graph of human smuggling by air has declined, it has increased by land and sea routes. 50 percent human trafficking through air, which is regarded as high profile, has come down during the last few years because of post 9/11 curbs.

According to Pakistan Thematic Group on Human Trafficking (PTGHT), the coastline between Karachi and Gwadar is often used for human trafficking for Gulf States. A proper system of registration of boats is required at all the points including Gwadar, Pasni, and Ormara etc. Fisheries department, Government of Sindh shall ensure that the vessels are registered properly and their data is maintained and shared with the Ministry of Interior. Maritime Security Agency will process Coast Guards request for provision of a suitable number of boats for use as static OPs and mobile boards for apprehension of victims being trafficked.

Persons are also transported by road to the border of Iran from where they are picked up by gangs and transported to Greece, Italy and Spain via ships⁷⁵. A new passport circle has been made at Turbat. Balochistan FC has established a new check post at Mund with 10 additional posts on Pak-Iran border. Balochistan FC and Coast Guards have readjusted their check posts in order to control human smuggling. Balochistan Levies is making enhanced efforts at Taftan border for apprehension of illegal emigrants. Moreover FC Balochistan and Balochistan Levies have enhanced border patrolling.

3.6.1.8 Monitoring of Overseas Employment Business

The root-cause of the problem of human trafficking is the corrupt recruiting agents and travel agencies. Hence, an appropriate step towards curbing the human trafficking is strong

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Shafi Baloch, 'Human trafficking on the rise in Pakistan', The Nation, Jun 13, 2008

surveillance and monitoring of the overseas employment business. The perpetrators involved are the recruiting agents, registered or fake⁷⁶. These agents either prepare genuine documents through the passport authorities or help their clients to clear all immigration checks at the airports.

In fact, the entire system of recruitment for jobs abroad requires complete restructuring. But the foremost need is taking to task the powerful politicians and corrupt officials who are allegedly backing the recruiting rackets.

3.6.2 Prosecution

Under this programme, the government has adopted a comprehensive strategy to protect the people and ensure speedy and effective prosecution of culprits⁷⁷. In order to speed up the prosecution of arrested culprits, FIA appoints a panel of standing Counsels which is attached with the FIA with the consultation of Ministry of Law, Justice and Human Rights.

3.6.2.1 Law Enforcement & Inter-Agency Liaison

This plan is also aimed at providing an efficient system to promote the cooperation of all institutions in combating human trafficking. An Inter-agency Task Force (IATF) consisting of all the LEAs is operational. It includes FIA, FC Balochistan, Balochistan Levies, Coast Guards, Maritime Security Agency, and Police. This task force intercepts people being trafficked and apprehends human traffickers at points of origin (such as internal Punjab), transit (such as Karachi, Mand Billo, Quetta) and exit (coastal areas, Gwader, Taftan. Ministry of Interior regularly holds meetings with the relevant LEAs. FIA arranges the warrants for search and arrest to FC and Coast Guards, for apprehension of illegal migrants and human Smugglers/traffickers.

⁷⁶ Hussain Ahmad Siddiqui, 'Unending human trafficking', Daily Dawn, April 5, 2008

⁷⁷ Muhammad Anis, 'Plan to Combat human trafficking launched', The News, December, 13 2005

Suitable amendments have been proposed in the P&CHTO 2002 to ensure the provision of speedy justice/conviction through establishment of special courts for human trafficking cases. Amendment has also been proposed in the Emigration Ordinance, 1979 for speedy trial and conviction of human smugglers.

The latest important intervention is the establishment of the Migration Management Cell (MMC) in the M/o Interior as a National Nerve Center to coordinate effort, conduct Research, collect/ collate/ disseminate and analyze data pertaining to migration and human trafficking.

3.6.2.2 Planning for Special Courts

Government of Pakistan is considering setting up special courts empowered to give stricter sentences to human traffickers and also to deal with the cases more quickly, particularly as a long delay may make it less likely that the victims are available or willing to testify. Ministry of Interior is seeking amendments to the Prevention and Control of Human Trafficking Ordinance 2002 in order to make this possible.

3.6.2.3 Legal Action against Overseas Employment Promoters involved in Mal-practices

The issue of prosecution sanction against Overseas Employment Promoters issued by Ministry of Labor under the Emigration Ordinance 1979 is being reviewed. Ministry of Interior/FIA has proposed withdrawal of prosecution sanction against OEPs in view of the fact that prosecution sanction against government employees has been ended by Federal Shariat Court, therefore sanction with respect of OEPs should also be done away due to gravity of the problem. Secretary Labor has proposed that when a complaint is lodged by

FIA against OEPs the case/matter may also be referred to Ministry of Labor for simultaneous investigation⁷⁸.

3.6.3 Protection of Victims

At the international level, Pakistan is fully committed to active involvement in international efforts to prevent and combat human trafficking and provide protection and support to its victims. The legal provisions regarding the protection of human trafficking victims, especially the vulnerable groups including women and children are provided in prevention and control of human trafficking rules 2005. Foreign victims, particularly Bangladeshis, face difficulties in obtaining repatriation to their home countries.

3.6.3.1 Establishment of Shelters

Establishment of shelters is necessary for the protection and other needs of the trafficking victims in order to provide safety, access to independent advice and counseling, medical health and rehabilitation from trauma, while giving special attention to security of the victims, confidentiality and privacy.

The purpose of providing secure accommodation is to protect victims, suspected victims and witnesses, help them, meet their relevant needs, and create a safe environment for them. A shelter is not considered as a place of confinement and the persons placed therein as victims or suspected victims. Secure accommodation also ensures suitable conditions for rehabilitation and reintegration. At the same time, secure accommodation provides safe environment to the victims awaiting their repatriation and that of witnesses that have presented evidence.

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<http://202.83.164.26/wps/portal/Moi> , 'Combating Human Trafficking'

A lot of emergency centers for women in distress are working, where trafficking victims can be sheltered and given access to medical treatment, limited legal representation, and some vocational training. The government provides temporary residence status to foreign trafficking victims. Many local and provincial NGOs provide shelter to victims of trafficking and those at risk for trafficking.

3.6.3.2 Protection of the privacy and identity of victims

Protection of the privacy and identity of victims during legal proceedings and at other levels of assistance is one of the main objectives of this plan. The exchange of information shall take place in due respect for the victim's privacy, safety and human rights. The confidentiality of the victim's particulars during the course of investigation and criminal proceedings shall be maintained. The officials have been directed about their responsibility to ensure safety and well-being of the victims.

3.6.3.3 Code of Conduct for Treatment of Victims

Under this plan it is the responsibility of all law enforcement officials to ensure that the victims are not mistreated or further victimized. All the media personnel have been subjected to a code of ethics for investigation and reporting of trafficking crimes in a sensitive manner.

3.6.3.4 Legal Assistance and Repatriation

A part of the strategy is the provision of limited free legal assistance to the victims of human trafficking. Legal counseling is provided for the trafficking victims to enable them to decide whether to give evidence in the court or not. A strategy is developed for assistance of

victims after 60 days of residence in shelter and for repatriation to home country of any non-Pakistani nationals.

3.7 Role of NGOs and Other Regional & International Organizations

Since 1991, more than 20 NGOs have been established under Societies Registration Act 1860, with a strong focus on trafficking. Besides, a lot of international bodies are executing their projects in Pakistan, in an effort to curb human trafficking in developing countries which are mainly origin of this menace.

3.7.1 Nongovernmental Organizations

Lawyers for Human Rights and Legal Aid (LHRLA), was the first organization to take up the issue of trafficking in women in Pakistan. LHRLA is supported by the Canadian International Development Agency (CIDA). It has executed various projects which aimed at raising awareness about trafficking, conducting research to gauge the severity of the problem, developing a plan of action for its elimination and providing legal aid to victims and their families. LHRLA is working for the release of all women detained illegally and subjected to trafficking.⁷⁹

SHARP is an NGO working for the promotion of Human Rights, welfare of prisoners and refugees and is actively involved in advocacy and human trafficking. Its free legal aid centers are working at Islamabad, Rawalpindi, Peshawar Karachi and Mianwali. SHARP is publishing first ever legal magazine in Pakistan with the name of AL_QANOON

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http://www.lhrla.sdnpk.org/traff_women.html accessed: April 14, 2008

regularly since January 2000 to create awareness about the law, basic rights and human trafficking⁸⁰.

Pakistan Lions Youth Council (PLYC) is an NGO targeting to the communities in both urban and rural areas within jurisdiction of Southern Punjab. The goal of the organization is to improve health and educational status of women and children in southern Punjab, who are most vulnerable to trafficking along with legal support. It plays an active role for socio-economic, health and educational development in Punjab, particularly in its underdeveloped areas, through support, training, research and advocacy⁸¹.

Ansar Burney Welfare Trust is another NGO involved in repatriation of human trafficking victims to their home countries.

3.7.2 International Organization for Migration (IOM)

The International Organization for Migration has always supported the measures to combat human trafficking in Pakistan. Besides conducting a national survey to assess the human trafficking situation, the IOM has been supporting training of law enforcement agencies to take effective action against this issue. It has created a model shelter for the protection of victims of trafficking.

In March 2004, IOM announced the launch of a thematic group on trafficking funded by the Canadian International Development Agency. The group is bringing together representatives from the Interior Ministry; the Ministry of Labor, Manpower, and Overseas Pakistanis; and the Ministry of Women's Development with civil society organizations, donors, and international NGOs active in the field of trafficking⁸².

⁸⁰ www.sharp-pakistan.org/Achievements.php accessed: September 20, 2008

⁸¹ www.plycngo.org/introduction.htm accessed: September 23, 2008

⁸² www.protectionproject.org/human_rights_reports/report_documents/pakistan.doc accessed: May 3, 2008

3.7.3 UN Global Initiative to Fight Human Trafficking (UN-GIFT)

The United Nations, some Governments and non-governmental organizations have jointly launched an initiative to wipe out the practice of human trafficking which currently entraps about 27 million people around the world. The 'Global Initiative to Fight Human Trafficking' was launched on the occasion of the 200th anniversary of the abolition of the trans-Atlantic slave trade.

The purpose of initiative is to raise public awareness throughout the world to eliminate the practice of human trafficking by informing potential victims about the dangers of the trade. The Global Initiative to Fight Human Trafficking (UN.GIFT) aims to mobilize state and non-state actors to eradicate human trafficking by (i) reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; (ii) ensuring adequate protection and support to those who do fall victim, and (iii) supporting the efficient prosecution of the criminals involved, while respecting the fundamental human rights of all persons⁸³.

The GIFT started its work by a global data collection effort, the development of policy tools and a series of regional events designed to strengthen anti-trafficking networks. It has generated coordinated initiatives in preparation of the first global stocktaking event, the "Vienna Forum to Fight Human Trafficking". The Vienna Forum has brought together representatives of Member States, United Nations agencies and other international and regional organizations, non-governmental organizations, business entities, academia, media representatives and individual experts.

The sessions provided insight on a wide range of topics including: the three P's; the demand and supply chains; the role of governmental, non-governmental, private, religious,

⁸³ http://www.ungift.org/docs/ungift/pdf/vf/aidmemoirs/proactive_prevention.pdf accessed: April 5, 2008

youth, and civil society actors; health issues; vulnerability factors; and obtaining better research and statistics. The Forum put together the seemingly impossible task of covering the widest scope possible in order to involve the diversity of actors who can contribute to combating human trafficking.

3.7.4 South Asian Association for Regional Cooperation (SAARC)

The South Asian Association for Regional Cooperation (SAARC) forum, founded in 1985, aims at promoting cultural ties and economic and social development among member states (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka). In January 2002, the Pakistani government signed the SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. Conventions were adopted to step up cooperation among law enforcement authorities to fight trafficking in women and children, terrorism, and the drug trade. In January 2004, leaders from SAARC member states met in Islamabad for the first summit in 2 years. Immigration, intelligence, and border security officials met again in early December 2003 in Chah Bahar, Iran, to discuss and curb human and drug trafficking across Pakistani–Iranian land and maritime borders⁸⁴.

3 . 8 Role of FIA in Combating Human Trafficking

FIA is a premier Federal Law Enforcement Agency created under an Act of Parliament. It stands to serve and assist the nation to get justice through effective law enforcement. It generally investigates cases of corruption, including offences under passport-related legislation and is also a leading agency charged with immigration control as well as prevention and control of human trafficking.

⁸⁴ www.protectionproject.org/human_rights_reports/report_documents/pakistan.doc accessed: May 3, 2008

3.8.1 Establishment of Anti Trafficking Unit (ATU)

Federal Ministry of Interior in collaboration with the US State Department has established the Anti Human Trafficking Unit (ATU), within the Federal Investigation Agency (FIA) headquarter, Islamabad as well as sub units in major cities of Pakistan, to curb rapidly growing crime of human trafficking taking place through various routes. The newly constituted ATU on its initial phase has compiled necessary data and information about the specified crimes and criminals. Creation and management of shelter homes and public awareness of this crime is also a part of this project. A help line on human trafficking has been established in FIA under this project. The purpose of this project is to build counter-trafficking programmes with an objective of implementing the P&CHTO ordinance 2002 against trafficking.

An Anti Trafficking Unit (ATU) Coordination & Monitoring Cell has been established in FIA HQrs. ATU Project Steering Committee has also been established to monitor execution of its interventions. The FIA's dedicated Anti Trafficking Unit (ATU) resulted in increased arrests and prosecutions of human traffickers and improved treatment of trafficking victims. The FIA issues "red book" that includes the names and addresses of the most wanted agents.

Capacity building training of all agencies to improve quality of investigation and prosecution will be continued⁸⁵. The agency is being strengthened on par with international standards. Computer-literate officers are being recruited to work for the Federal Investigation Agency⁸⁶. Officers showing good performance in the Anti Human Trafficking campaign are recommended for accelerated promotion besides cash awards.

⁸⁵ www.state.gov/g/drl/rls/hrrpt/2005/index.html accessed: January 14, 2008

⁸⁶ Reporter, 'Economic Instability Main Cause of Human Trafficking: Study,' Daily Dawn, November 6, 2002.

3.8.2 Overseas Investigation Operations

FIA has been directed to focus on illegal migration to certain countries. The Ministry of Interior plans to send officers abroad to countries where a large network of agents is indulging in this crime. Ministry of Labor and Ministry of Foreign Affairs etc. are helping in this effort. In this context, a quadrilateral level group has been made, which include Pakistan, Turkey, Iran and Greece. Henceforth, it has been decided to communicate names/addresses/phone Nos. of the human traffickers operating in other countries, to the Interpol, & to blacklist them. The Government is currently focusing on human smuggling to Iran, Turkey and Greece only, which needs to be expanded to other destinations including Africa and Italy as well. Pakistan has a burden-sharing problem with few countries like Bangladesh, India, Iran, Greece, Libya and Italy. Necessary steps are being taken for entering into new extradition treaties/agreements for mutual legal assistance, including readmission agreement with European Union (EU) and UK.

3.8.3 Illegal Activities of Immigration Consultants Firms and Reasons of FIA's Failure to Take Action against These Firms

Human trafficking in the name of providing consultancy is also in vogue. Some immigration consultant firms in the country continue their business despite being booked for human smuggling by the FIA and pending cases against them in the courts. These firms frequently advertise in the print media. These firms operate under legal cover and deny their role in human trafficking, claiming that they are only consultants and have so far sent hundreds of people abroad legally by providing consultancy services.

The matter apparently does not seem to fall under FIA's jurisdiction. The ministry of manpower and overseas employment can take action against such firms. The number of so-called immigration consultant firms has increased during the last five years. Many

consultants have sub-offices abroad to facilitate their clients. These firms often hire foreigners to give lectures on immigration rules and this is a common method to trap people.

In some cases the complainants withdraw their applications against the culprits after receiving their money back from them. The FIA faces difficulty in taking action against these firms because it cannot take action against them without the help of complainants. A number of complaints against the human smugglers do not convert into FIRs because of this reason and most of such complaints are disposed of at the inquiry stage.

FIA officials demand amendments in the Immigration Ordinance 1979, regarding action against the victims as well as for taking action against the human smugglers. They also seek removal of the provision of bail to the accused after paying the money back to the victims. They admit that only a handful of human smugglers receive punishments, due to discrepancy in the law. The money recovered from the human smugglers apparently has become a hall mark of the FIA's performance these days. In fact to get the culprits punished should be the prime objective of the agency⁸⁷.

Chapter 4. Conclusion and Proposals for Improvement

4.1 Conclusion & Recommendations for Improvement

4.1.1 Empowerment of People

The most effective way to eliminate human trafficking is by empowering people at risk. Empowerment and the provision of a secure environment for a citizen itself lead to elimination of exploitation of an individual.

4.1.2 Promotion and Protection of Human Rights

Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers.

Government should consult with judicial and legislative bodies, national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking legislation, policies and programmes. As a member of the United Nations Human Rights Council, Pakistan must ensure that it takes immediate actions to fulfill its pledge to the international community to uphold human rights to the highest standards.

4.1.3 Educational Initiatives

Community Education programs directed toward the general community as well as towards women and girls who are vulnerable to being trafficked, should be initiated by the government to create awareness about the issue of human trafficking. Community education incorporates aspects of community development through schooling, adult education, vocational training and social marketing (mass media, public relations and campaigns). The government should create conducive environment to influence behavior, support and strengthen existing community networks and to help create new ones.

4.1.4 Role of local government

Human trafficking is a curse that needs to be eliminated from the society, and this needs the involvement of local representatives.⁸⁸ Local governments have a major role in identifying vulnerable persons / places and referring them to the ATU. They can also be whistle blowers against recruiters and traffickers; alert ATU about missing persons; and work with NGOs to empower vulnerable persons. The synergy between NGOs, ATU and local government institutions can help to reduce the harm done to the rescued persons.

4.1.5 Role of NGOs

The NGOs are significant constituents in the implementation of all initiatives against human trafficking. There is a specific role of social welfare organizations in the rescue and rehabilitation of victims of trafficking and can facilitate all activities of AHT starting with intelligence collection up to conviction of the trafficker. They should assist the government in providing medical care and help, legal counseling and psychosocial counseling to rescued victims. They should take initiatives to establish and maintain shelter homes and ensure safe

⁸⁸ Fouzia Azam, 'Empowerment vital to curb human trafficking', Daily The Nation, June 20, 2006.

care of rescued persons, provide counselors, translators, support personnel and witnesses as and when required. NGO's should keep association with each other for various activities, especially rehabilitation, providing livelihood skills and employment to rescued persons. Local Non-Governmental Organizations that work with victims of trafficking and local prosecutors and law enforcement should be familiar with each others responsibilities and duties and coordinate with one another to help victims of trafficking.

4.1.6 Use of Media and Local Art Performance

Awareness of the nature and extent of Human Trafficking is foundational to preventing and ending human trafficking. Media can also play a vital role in public awareness against human trafficking and facilitate empowerment of the community at a massive scale. It can undertake sensitive reporting and improve awareness among the masses on all aspects of trafficking, and develop zero tolerance to human trafficking. It can empower vulnerable persons by providing relevant information and generate whistle blowers in the society against traffickers and encourage people to remove the 'culture of silence'. It can develop synergy among all stakeholders in all aspects of Prevention, Prosecution and Protection.

It can inform about the honorable and regular migration and the negative consequences and the risks involved to the potential migrants. People can be easily attracted to theatrical performances. They can be conveniently gathered with the local art performance because these usually deliver criticism using local language and culture so that the local audience can easily understand. The entertainment education and drama shows developed through participatory method and workshops facilitate interaction and two-way communication with the targeted beneficiaries, thereby providing input on their perceptions

and concerns. Government, NGO's and Local Art Organizations can collaborate each other in the dissemination, formulation and developing the awareness of trafficking.

4.1.7 Extension of Campaigns to Remote Areas

The government needs to focus on areas where there is a high risk for trafficking. Since women and children living in remote areas are most vulnerable, it is important that government's campaigns focus primarily on these areas to make the most effective use of resources. The government can link up with the NGOs already working in remote areas to develop and disseminate its community assistance program.

The design of campaign should be comprehensive and developed through a participatory process by involving both the public sector as well as the civil society both during planning and implementation phase. Awareness campaigns should be well thought out and well planned on the basis of gender, local culture and psychology. Campaigns should be planned and developed for the long term focus. These should be conducted and evaluated continuously so that they can improve in addressing the vulnerable communities and prevention of trafficking.

NARA is currently working in Karachi, it should extend its operations throughout Pakistan or at least to the major cities.

4.1.8 Role of Industry and Labor Market

Business and industry should audit and review their labor contracting and employment practices to make sure that trafficked persons are not among their labor force.

Employers should be provided with the information about human trafficking in the workplace so that they might help people they suspect are trafficked. Labor rights advocates and attorneys should receive training on human trafficking and the rights and remedies

available to clients who are victims of human trafficking. Children are also employed in several hazardous sectors, including leather tanning; mining and quarrying; deep-sea fishing; brick-making; rag-picking; carpet-weaving; manufacturing of surgical instruments and glass bangles; and other manufacturing work that involves exposure to dangerous machinery, electrical wires, toxic, explosive or carcinogenic chemicals. Industrialist should cooperate and government should closely monitor all such industries to ban such illegal employment.

4.1.9 Special measures for the protection and support of child victims

The particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. The best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

Government and non-governmental organizations, should;

- ensure that definitions of trafficking in children in both law and policy reflect their need for special safeguards and care including appropriate legal protection. In accordance with the Palermo Protocol, evidence of deception, force, coercion should not form part of the definition of trafficking where the person involved is a child.
- ensure that children who are victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons.

- adopt specialized policies and programmes to protect and support children who have been victims of trafficking. Children should be provided with appropriate physical, psychosocial, legal, educational, housing and health-care assistance. Adopt measures necessary to protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation.
- follow a risk assessment and consultation with the child, measures should be taken to facilitate the reunion of trafficked children with their families where this is deemed to be in their best interest
- Establish an adequate care arrangements that respect the rights and dignity of the trafficked child in situations where the safe return of the child to his or her family is not possible or where such return would not be in the child's best interests.

4.1.10 Research, analysis, evaluation and dissemination

Government should undertake, support the statistical research for trafficking. Such research should be firmly grounded in ethical principles including an understanding of the need not to re-traumatize trafficked persons. Research methodologies and interpretative techniques should be of the highest quality.

Effective and realistic anti-trafficking strategies must be based on accurate and current information, experience and analysis. The government should standardize the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element. The data should be disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.

4.1.11 Intelligence Database

Developing and sharing a database on traffickers and victims should be one of the major activities of the ATU. Building up a comprehensive database on traffickers and exploiters (including recruiters, buyers, sellers, harbourers, transporters, financiers, customers, etc.) will help in breaking their 'organized crime networks'. Similarly, a database on victims and vulnerable persons / communities will help to prevent them from being trafficked.

This database must be shared with all concerned law enforcement agencies to ensure prompt action, when required. The database should be maintained at district level should eventually be amalgamated into the national database. The data must be updated at all levels on a monthly basis and disseminated to all concerned, without any delay.

4.1.12 Identification of Trafficked Persons and Migrants

The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and /or deception throughout or at some stage in the process. While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. It is therefore an obligation of the government to ensure that such identification does take place. Ensuring that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.

4.1.13 Borders surveillance

More vigilance is required at all international borders. Currently ABC (automated border control) system is only working at Chaman border with Afghanistan. It needs to be extended

to all international borders. Moreover internal borders also need to be monitored as Pakistan is also facing the issue of internal trafficking besides international trafficking.

4.1.14 Legal Initiatives

The differences in legal frameworks across jurisdictions are the most fundamental impediment to an effective response to the ongoing crime of trafficking in persons. There is an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards. The government should make appropriate steps for the strict enforcement of the existing laws, introduction of stronger punitive measures and increase in financial penalties.

Government should make the legislation to seize, dispose of or confiscate assets and profits derived from the trafficking in human beings.

Prosecution and law enforcement at the federal, provincial and local level should meet and develop strategies to coordinate how to best prosecute traffickers, using the prevention and control human trafficking ordinance 2002 and other federal laws. Effective and proportionate sanctions should be applied to individuals and legal persons found guilty of trafficking or of its component or related offences. The definition of 'Human Trafficking' only has been included in the law and there is a need to comprehensively define the 'Human Trafficker' in P&CHTO 2002.

Government shall ensure that trafficking, its component acts and related offences constitute extraditable offences under national law and extradition treaties. It should ensure that the protection of trafficked persons is built into anti-trafficking legislation, including protection from summary deportation where such deportation would represent a significant security risk to the trafficked person and/or her/his family. The right of trafficking victims

to pursue civil claims against alleged traffickers and the protections for witnesses should be provided in law. Although the Penal Code prohibits circulation of any obscene material with violations subject to fines and up to 3 months of imprisonment, the law does not specifically prohibit child pornography which should be provided.

4.1.15 Role of Law Enforcement Agencies

Although there is evidence to suggest that trafficking in persons is increasing in all regions of the world, few traffickers have been apprehended. More effective law enforcement will create a disincentive for traffickers and will therefore have a direct impact upon demand.

The law enforcement agencies should timely collect, disseminate and utilize their intelligence on victims of trafficking and offenders. They should maintain a database of all categories of offenders including recruiters, traffickers, buyers, sellers, transporters, harbourers, customers, financiers, etc. These law enforcement agencies should also maintain a database of all places of exploitation, including the source, transit and destination areas as well as places where exploitation takes place under the facade of legal activities (like massage parlors, bars, social clubs, tourist places etc.).

The law enforcement agencies should work closely with the prosecutors on all aspects of law enforcement including drafting charge sheets and attend to the legal aspects that come up during investigation. They should keep watch at transit areas, such as railway stations, bus stops, etc. to spot trafficked victims. They should also maintain constant liaison with other government departments, NGO's, civil society and media for all activities on anti human trafficking.

Government should ensure that sufficient number of trained and appropriately equipped personnel is allocated to the task of combating the trafficking in human beings. It

should establish or improve inter-agency channels of communication to ensure the appropriate and timely exchange of information on traffickers/smugglers of humans, and any such trafficking associations and their methods.

The concerned authorities must also be vigilant even for internal trafficking, which may or may not be well organized. Police should also be actively involved and empowered to deal with the issue where trafficking internally takes momentum as FIA alone cannot tackle the problem of human trafficking because it simply involves immigration matters, and internal trafficking doesn't come in the scope of immigration.⁸⁹

Law enforcement agencies should develop and adopt human trafficking protocols to focus on victim identification and management, crime scene investigations, laws and responsibilities, coordination and communication among jurisdictions, not to harm the victims and other related issues. They should implement training on these protocols within their professionals associations and training academies.

4.1.16 Role of Public Prosecutor

Public prosecutors have a vital role to perform in crimes of human trafficking. As an ideal situation the public prosecutor should be involved in providing legal counseling at all stages, beginning with the drafting of the First Information Report (FIR) and culminating in prosecution/ post-prosecution activities. He should also ensure that legal protocols are complied with, including matters relating to chain of custody and all legal requirements that arise during investigation (e.g. opposing bail, cancellation of bail, cancellation of surety, victim-witness protection and providing compensation to rescued persons as per the law / administrative regulations etc.). There must be no safe havens for those who organize aid, profit from or participate in the smuggling of human beings.

⁸⁹ www.sharp-pakistan.org accessed: September 20, 2008

4.1.17 Elimination of Corruption from Immigration Department

The government of Pakistan should take action to combat corruption which assists smuggling and trafficking. As discussed earlier the nature of the crime of human trafficking is highly clandestine, so majority of human trafficking cases go unreported and culprits remain at large. There are reports that many human traffickers are associated with international criminal organizations and are, therefore, highly mobile and difficult to prosecute. Sometimes members of the local law enforcement agencies are involved in the lucrative business of illegal exportation or importation of human beings. Government should exercise due diligence in identifying and eradicating public-sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking should be investigated, tried and, if convicted, appropriately punished.

4.1.18 Restoration and Repatriation of Victims

The human trafficking also endangers the lives and security of the persons being trafficked. Government should ensure appropriate assistance to those persons where circumstances warrant and provide for their safe return. The government should also initiate action for restoration and repatriation of victims, in consultation with concerned authorities and NGOs. It should ensure, where appropriate, that protection, assistance and support is available to smuggled or trafficked persons who provide information concerning the smugglers or traffickers for investigative and judicial proceedings, which may include provision to remain in the country for this purpose. These would include extended witness protection services however trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard. Such

protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.

The reintegration programs of the government should focus on facilitating the recovery of women and children from traumatic experiences and on their return to normal life. This assistance should include individual and group therapy sessions focusing on overcoming fear, shame, denial, guilt, and self-blame. These programs should also provide information on options available to victims for work, continuing education, and vocational training in order to help address the economic aspects of reintegration. Government or NGOs can provide grants of financial and technical assistance for those interested in starting their own small businesses.⁹⁰

Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination like Pakistan, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.

Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families. Trafficked persons should not be held in immigration detention centres, other detention facilities or vagrant houses. They should be given access to primary health care, counselling and information about their right to access the diplomatic and consular representatives from their State of nationality.

It should be insured that trafficked persons who do return to Pakistan are provided with the assistance and support necessary to ensure their well-being, facilitate their social integration and prevent re-trafficking. Measures should be taken to ensure the provision of

⁹⁰ www.humantrafficking.org/combat_trafficking/reintegration accessed: October 12, 2008

appropriate physical and psychological health care, housing, and educational and employment services for returned trafficking victims.

4.1.19 Liaison with other countries

We need to negotiate mutual agreements with other countries, which secure benefits like minimum wages and other welfare for the migrants, and protection from indiscriminate arrests, prosecution, deportations etc. It is of critical importance to the success of international efforts to prevent and combat trafficking in persons that countries act in a cooperative manner, whether they are points of origin, transit or destination.

The primary means to prevent illegal migration and the related activities of smuggling and trafficking organizations is to reduce the root causes of illegal migration in the countries of origin. Investigation and prosecution of human traffickers must be a coordinated, cooperative effort among and within States. To this end, States should strive to improve communication, information sharing and cooperation for the purposes of disrupting, suppressing and eradicating such smuggling and trafficking activities.

Government should strengthen cooperation to establish a framework to facilitate the return of smuggled and trafficked persons and, after appropriate legal action, the return of smugglers and traffickers. It should encourage the negotiation of agreements with other countries regarding scientific and technical developments in forensic science related to secure documentation.

The government should promote the assignment to Diplomatic Missions abroad of migration control officers responsible for working with local officials, representatives of international organizations and representatives of the transportation industry to prevent and combat the human trafficking.

Technical cooperation among countries and international law enforcement agencies is essential for researching the extent and forms of trafficking and documenting activities of international criminal organizations. Special training is needed to develop the skills of local law enforcement agencies in the area of investigation and prosecution.

Government need to identify the skill demand in other countries and placement opportunities. Skill development programs should be initiated in Pakistan to develop trained man force and sign MOUs with other governments for its placement. This would create a lot of legal employment and decrease the use of illegal means for emigration.

4.1.20 Cooperation with International Organizations

In undertaking to combat all forms of smuggling of and trafficking in human beings, the government must maintain the protection of refugees in accordance with the 1951 United Nations Convention relating to the Status of Refugees, respect human rights and sustain the lawful movement of persons across national borders.

4.1.21 Miscellaneous Administrative Measures

The government of Pakistan should:

- improve training or establish expertise concerning scientific and technical developments in forensic science related to secure documentation and ensure that national travel and identity documents are of the highest possible quality and security;
- make effective provision for trafficked persons to be given legal information and assistance in a language they understand as well as appropriate social support sufficient to meet their immediate needs. State should ensure that entitlement to such information, assistance and immediate support is not

discretionary but is available as a right for all persons who have been identified as trafficked.

- ensure that law enforcement personnel are provided with adequate training in the investigation and prosecution of cases of trafficking. This training should be sensitive to the needs of trafficked persons, particularly those of women and children. The involvement of relevant non-governmental organizations in such training should be considered as a means of increasing its relevance and effectiveness.

- provide the appropriate training to the staff working in embassies and consulates in responding to requests for information and assistance from trafficked persons.

- make strategies aimed at preventing trafficking should take into account demand as a root cause. Government should also take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice

- strengthen the capacity of law enforcement agencies to arrest and prosecute those involved in trafficking as a preventive measure. This includes ensuring that law enforcement agencies comply with their legal obligations.

- should provide suitable information and legal and administrative assistance to trafficked persons to enable them to realize their right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation.

- take measures to prevent means of transport operated by commercial carriers from being used in the commission of human trafficking offences.
- take appropriate measures to ensure that travel and identity documents cannot easily be misused, falsified, unlawfully altered, replicated or issued.
- the overseas educational consultant firms which have mostly been established in recent past, need to be registered with any government agency like overseas employment promoters to avoid any illegal activity under cover.

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