

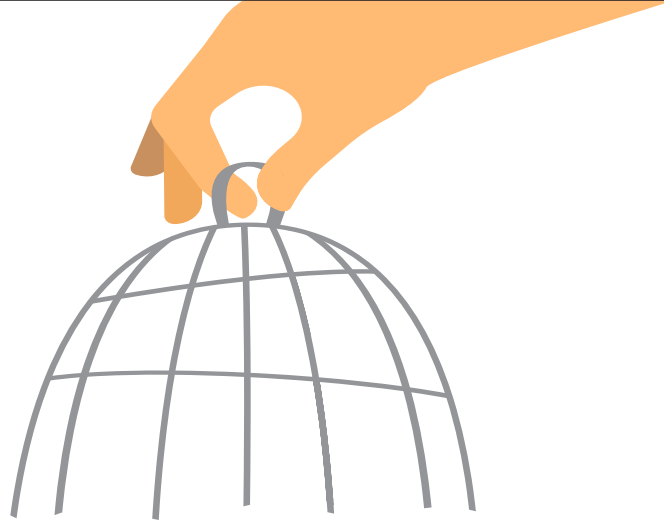


NATIONAL COMMISSION ON
THE RIGHTS OF CHILD

Policy Brief on **Child Trafficking**



December 2023



NATIONAL COMMISSION ON
THE RIGHTS OF CHILD

Policy Brief on **Child Trafficking**

December 2023

Issued by
National Commission on the Rights of Child (NCRC)



Author:

Ms. Aleena Khan
Legal Advisor, NCRC

NCRC Oversight:

Ms. Ayesha Raza
Chairperson, NCRC

Editors:

Mr. Zaheer Ahmed
Former Director Anti-Human Smuggling Unit, FIA
Received Trafficking in Persons (TIP) Hero Award in 2023 by U.S. Secretary State

Ms. Mehek Naeem
Member Punjab, NCRC

Design and Layout:

Mr. Ali Abbas
Strategic Engagement Officer, NCRC

Reviewed by:

NCRC Members



National Commission on the Rights of Child (NCRC) is an independent statutory body established by the Government of Pakistan for the promotion, protection, and fulfilment of children's rights in Pakistan. NCRC has the mandate to examine and review policies, laws, practices, and proposals, inquire into violations of child rights, conduct research, raise awareness, build capacities, provide technical support, and advise the Government on legislative and policy matters by virtue of the National Commission on the Rights of Child Act, 2017.

Published with the financial support of

unicef 
for every child

Table of Content

Preface	03
Members NCRC	04
Section-I: Introduction to Child Trafficking and Local Context	05
Child Trafficking	07
Child Trafficking in Pakistan: Its Root Causes and Socio-Economic Context	08
Nature and Scale of Child Trafficking in Pakistan	09
Section-II: Domestic Legal and Policy Framework on Child Trafficking	11
Special Anti-Trafficking and Anti-Smuggling Laws	13
Relevant Labour Laws in the Context of Child Trafficking	13
Constitutional Provisions Relating to Trafficking and Forced Labor	14
Provisions in the Pakistan Penal Code (hereinafter 'PPC') Relating to Trafficking	14
Child Protection Laws	15
Child Marriage Laws	15
Overview and Gap Analysis of PTPA	15
Section-III: International Legal and Policy Regime on Trafficking	19
International Legal and Policy Regime on Trafficking	21
United Nations Convention Against Transnational Organized Crime (UNTOC)	21
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol)	21
Protocol Against the Smuggling of Migrants by Land, Sea, and Air Supplementing the United Nations Convention Against Transnational Organized Crime	21
OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking	21
Other International Legal Instruments	22
UNCRC Committee's General Comments/Recommendations on Child Trafficking and Smuggling	23
International Labour Organization (hereinafter 'ILO') Conventions	23

Regional Legal Instruments	23
Special Procedures of the UN Human Rights Council Relevant to Child Trafficking/Smuggling	24
Section-IV: Legal and Policy Reforms	25
Recommendations and Reforms	27
Legislative and Policy Reforms on Child Trafficking	27
Institutional Reforms to Address Child Trafficking	29
Other General Recommendations to Address the Root Causes of Child Trafficking	31

Preface

Child trafficking is a part of a bigger problem of human trafficking and is pervasive across the globe. Trafficking happens because of poverty, lack of social and economic opportunities, and oppression and is mostly linked to the desire to break the cycle of poverty and oppression. Those trafficked are then compelled to many forms of labour, sexual slavery and exploited for forced marriages, extraction of organs, drug trafficking and so forth. Child trafficking has adverse physical, psychological, and social impact for children and results in child abuse and cruelty which in turn leads to a widespread children's rights violations. It robs children of their childhood and takes away their right to develop.



This crime is prevalent largely due to existence of structural factors like economic and social deprivation and others as mentioned above. However, gaps in legislation and weak enforcement mechanisms have a multiplier effect thus exacerbating the problem. Stronger laws coupled with efficient institutions to implement those laws are needed to combat the problem of child trafficking.

The aim, through this policy brief, is to create perspectives for lawmakers, judges, and law enforcement agencies by identifying gaps in legal and policy framework on the issue of child trafficking. Not only that, but the policy brief also attempts to make recommendations to fill the legislative lacunas and further suggests reforms on the institutional side for the effective implementation of the laws. While laws alone cannot root out the problem unless the structural factors which serve as the root causes are also addressed, hence an effort has also been made to make recommendations that can be used to address the root causes of child trafficking in the country.

Ayesha Raza Farooq,
Chairperson,
National Commission on the Rights of the Child

Members NCRC



Ayesha Raza Farooq
Chairperson



Khalid Latif
Secretary NCRC



Khalid Naeem
Member ICT



Mehek Naeem
Member Punjab



Pirbhu Lal Satyani
Member Sindh/Minorities



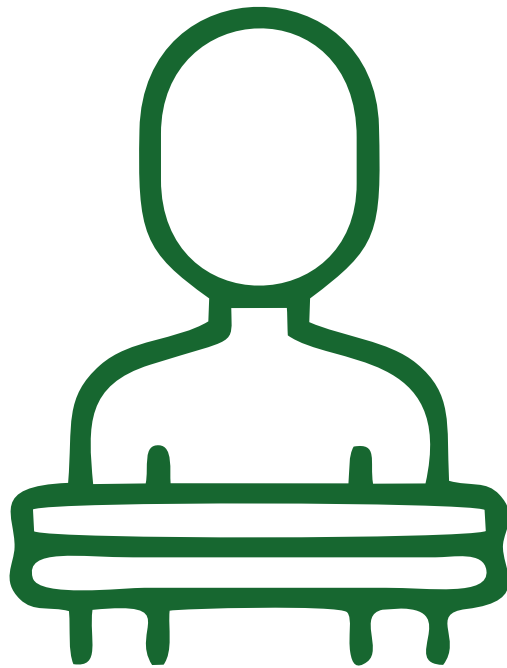
Nadia Bibi
Member
Khyber Pakhtunkhwa



Muhammad Hassan
Male Child Member



Rabia Imran
Female Child Member



Section-I

Introduction to Child Trafficking and Local Context

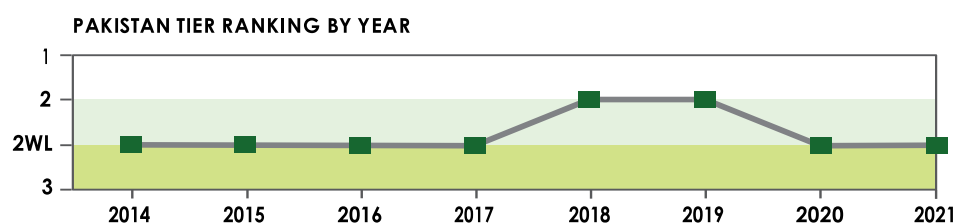
Child Trafficking

Child trafficking is a form of human trafficking or trafficking in persons (hereinafter 'TIP') and denotes the action or practice involving use of force, fraud, or coercion to illegally procure, transport, or harbour children for the purposes of forced labour, organ trafficking, drug trafficking, forced marriages, illicit adoption, and sexual exploitation. Trafficking can take place within a country as well as across international borders. TIP is one of the most widespread transnational organized crimes and tends to constantly evolve globally with technological advancements.

“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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” (Palermo Protocol)

“Any person who recruits, harbours, transports, provides or obtains another person, or attempts to do so, for compelled labour or commercial sex acts through the use of force, fraud or coercion, commits an offence of trafficking in persons and shall be punished with imprisonment which may extend to seven years or with fine which may extend to one million rupees or with both.” (Prevention of Trafficking in Persons Act 2018)

Pakistan is one of the countries which is highly affected by child trafficking as its geographic location makes it a source, transit, and destination country for human trafficking. Pakistan has porous borders due to which it encounters problems in border control and cross-border human trafficking to and from neighbouring countries becomes difficult to tackle with. The traffickers, being highly organized use both land and sea routes to cross the victims in destination countries. Since 2015, Pakistan has remained five times in Tier II Watch List countries in the US Department of State's annual report on TIP. However, in the annual TIP Report 2022, Pakistan's status improved from the Tier II Watch List to Tier II countries owing to some concrete measures taken by the Government of Pakistan to curb this practice which measures will be discussed in detail in later part of the brief.¹



Graph showing Pakistan's Tier Ranking in the US State Department's Annual Report on TIP till year 2021

Child trafficking takes many forms and is done for a variety of purposes which include but are not limited to bonded labour, domestic servitude, forced marriages, illicit adoption, camel jockey sports, organ trafficking, drug trafficking, and recruitment in armed conflicts. There are multiple forms of

¹Report on International Conference on Combatting Trafficking in Pakistan: Diagnosis, Discussions and Recommendations' (ssdo.org.pk) <<https://ssdo.org.pk/publications/event-reports>> accessed 20 July 2023.

domestic human trafficking, but sexual exploitation and bonded labour are more common in Pakistan. The highest number of trafficking victims belongs to different vulnerable groups including women, girls, young boys, and children. Child trafficking has adverse physical, psychological, and social impact for children and results in child abuse and cruelty which in turn leads to a widespread children's rights violations.

Child Trafficking in Pakistan: Its Root Causes and Socio-Economic Context

TIP is an international problem and is fuelled by social, economic, and cultural factors. Hence, it is important to understand human trafficking in its broader social, economic, and cultural context. Economic deprivation, market downturns, social inequality are some of the crucial structural factors of which trafficking is one manifestation. Economic needs and poverty render potential recruits vulnerable to deception, coercion, and exploitation. These sections of the society are also often physically, legally, or politically powerless to extricate themselves from exploitative practices they are made part of, partly because of their social positions. Furthermore, children from marginalized communities face increased risk of trafficking due to intergenerational poverty and longstanding discrimination.

Children are docile and easily controlled; hence, they are prone to diversified abuses in the form of trafficking. Trafficked children always belong to the economically constrained families because such children are the most neglected and abused ones. They are forced by their circumstances to help in earning livelihood of their families. The traffickers take advantage of their susceptibility and traffic them for forced labour and other exploitative practices. Parents are also involved in the trafficking of their children as they send their children for work due to financial needs.

Case Study- Kidnapped and Sold into Prostitution

Kanwal Shah, a 14-year-old living in the Northwest region of Khyber Pakhtunkhwa, on her return home from school was kidnapped by a couple of unknown men. She woke up in a brothel in Khanpur where she was forced into prostitution. She remained there for six years after which she was able to escape with the member of a brothel.²

The said structural factors help in understanding the causes of vulnerability that can lead to trafficking; these do not, however, constitute the entire picture as poverty alone does not necessarily create vulnerability to trafficking. The interaction between the said structural factors and weak national and international legal regimes, poor law enforcement, corruption, and lack of access to education and jobs is crucial to understand why some individuals are susceptible to trafficking. External factors like high global demand for domestic servants, agricultural labourers, and sex workers also contribute to the problem of human trafficking. It is this fusion of all these factors which helps to explain where and why vulnerability occurs. These structural causes are important to be identified in fight against trafficking as a bottom-to-top approach is needed to tackle the issue rather than a cosmetic top-to-bottom approach.

²Tayyaba Khurshid, 'Human trafficking: A global security concern' (pakistanoday.com.pk) <<https://www.pakistanoday.com.pk/2023/03/15/human-trafficking-a-global-security-concern/>> accessed 01 August 2023.

Nature and Scale of Child Trafficking in Pakistan

The hidden nature of the crime makes it difficult to prosecute the same which contributes to a further rise in such practices. The problem of child trafficking is prevalent across the globe and Pakistan is not immune from it. Both international and interstate trafficking take place in Pakistan however there is a lack of comprehensive data on the issue. Various reasons can be attributed to this lack of comprehensive and reliable data; the most crucial being that the certified data on human trafficking reflects only those cases registered and prosecuted under the Prevention of Trafficking in Persons Act 2018 (PTPA), but, as will be discussed later in detail, there is overlapping of national laws on the matter, due to which various cases of human trafficking are not reported as human trafficking and are registered as some other offence under the Pakistan penal Code or any labour law. Various reports of NGOs recorded the cases of human trafficking in which majority number of victims are children. For instance, an NGO called Sustainable Social Development Organization (SSDO)³ compiled data of child trafficking cases reported in Punjab and Sindh provinces according to which from January 1, 2023, to April 30, 2023, 613 cases of women trafficking, and 221 cases of child trafficking were reported in Punjab. In year 2022, Sindh police registered 125 cases of women trafficking and 214 cases of child trafficking in Sindh. Similarly, in June 2023, the capsizing of a boat in the Mediterranean Sea in Greece led to the drowning of 750 people around 350 persons among them were reportedly Pakistanis and a good number out of these 350 were children. The Global Slavery Index 2023 estimates that around 2.3 million people, including children, in Pakistan are living under conditions of modern slavery.⁴

Case Study-Forced Conversion, Marriage, and Slavery

Farah-a 12-year-old Christian girl was kidnapped from her home and was forcefully converted to Islam. She was raped and married to her abductor. At his home, Farah spent her days either chained inside to clean the house or outside to care for the animals. She was frequently beaten and raped by her abuser and his landlords. After five grim months of slavery, local police came to the abductor's home and took Farah to a government safe house.⁵

Children are easily controlled; hence, they are vulnerable to different forms of exploitation and abuses in the forms of labour, trafficking, slavery, domestic servitude, camel jockeys etc. The major triggering factor behind human trafficking in Pakistan, mostly in South Punjab and Sindh, is bonded labour in agriculture and brickmaking to a large extent, and in the mining, carpet weaving, glass bangles, and fishing industries to lesser extent.

Case Study- Using for Militancy

The seven-year-old Affan was kidnapped by his Madrassah teacher in Gujranwala and sent to a village in Khyber Pakhtunkhwa. There he was given his first weapon and extensively trained for suicide missions. Affan was lucky to be rescued by one of his uncles but there are many who spend their whole lives in the hope of being rescued.⁶

³See 'A Policy Brief on Child Trafficking' by SSDO (ssdo.org.pk) <<https://ssdo.org.pk/publications/policy-briefs>> accessed 19 July 2023.

⁴See 'Global Slavery Index' (walkfree.org) <<https://www.walkfree.org/global-slavery-index/findings/global-findings/>> accessed 20 July 2023.

⁵Hugh Tomlinson and Haroon Janjua, 'Christian girl, 12, 'married kidnapper'' (thetimes.co.uk) <<https://www.thetimes.co.uk/article/christian-girl-12-married-kidnapper-fmfqgg9fv>> accessed 01 August 2023

⁶Tayyaba Khurshid, 'Human trafficking: A global security concern' (pakistantoday.com.pk) <<https://www.pakistantoday.com.pk/2023/03/15/human-trafficking-a-global-security-concern/>> accessed 01 August 2023

The issue of internal human trafficking is much larger in scale and gravity than international human trafficking, but the same is not given due consideration. The official data about internal human trafficking is more difficult to collect as compared to the international human trafficking due to the reasons that most of the occurrences of internal human trafficking are never reported to the police and, even if reported at all, are registered under different crimes instead of human trafficking. Furthermore, some cultural practices of Pakistan are also connected to internal trafficking that are never considered human trafficking. Internal trafficking occurs mostly in the domain of informal economy; therefore, it is difficult to determine the location of internal trafficking. For example, the form of forced labour that involves exploitation of minors as maids is difficult to identify given the private and clandestine nature of domestic labour and also because in many cases the boundaries between child labour and forced labour or trafficking are blurred. Even the US State Department's annual report on trafficking in persons (TIP Report) highlights that more than 70 percent of bonded laborers in Pakistan are children, predominately in brick kilns and agriculture. Further, besides working in other sectors, millions of minors are working as domestic workers and they are frequently subjected to physical, sexual, or psychological abuse.

Case Study- Sold into Sex Work

Fasim was only six years old when his stepfather sold him to a stranger. He was taken to Quetta railway station by his stepfather on the false pretext of taking Asim out for a picnic. He was then handed over to that stranger who told Asim that he was being taken for a picnic and would be brought back home by evening. Asim was then taken by this stranger from Quetta to Okara in Punjab. Physical and mental abuse started as soon as he reached the stranger's house where he was taken in as an adopted child by the couple. The couple then sold Asim for 150,000. A few days later, he learned that he was now among people involved in the prostitution business where his look was transformed from a boy to girl by a woman who was running a prostitution business. One of his sympathetic customers helped him get in touch with his sister in Quetta who had to pay 300,000 to his captors. Even back home, when he was residing with one of his sister's in-laws, he was not safe from the sexual advances made at him by his brother-in law, on refusing which he was kicked out of the house. He was then taken in by a child protection bureau in Lahore and is now living in government-run shelter home in Rawalpindi.⁷

Adding to the issue of child trafficking is the fact that due to a lack of steady mechanisms for the rehabilitation of trafficked children, especially when their own families are involved, even those who are rescued remain susceptible to re-victimization or they return to exploitative situations and practices. Likewise, early release of children from shelters or safe homes without any risk assessment increases the chances of their further exploitation or repeated trafficking.

⁷Shazia Mehboob, 'Sold into nightmare', (tribune.com.pk) <https://tribune.com.pk/story/2307243/sold-into-a-nightmare> accessed 01 August 2023.



Section-II

Domestic Legal and Policy Framework on Child Trafficking

Special Anti-Trafficking and Anti-Smuggling Laws

Pakistan is party to the United Nations Convention against Transnational Organized Crime (hereinafter 'UNTOC') and its supplementary protocol, that is, Palermo Protocol. Owing to its obligations under the said international legal instruments, Pakistan ought to have domestic legislative framework on the matter. Until 2018, the Prevention and Control of Human Trafficking Ordinance 2002 was the only specialized legal instrument being used to fight human trafficking. The said law, however, had some crucial loopholes as it did not make distinction between trafficking and smuggling, did not protect victims against criminal liability, and failed to address the issue of internal trafficking. However, in 2018, Pakistan made another specialized law on the issue, that is, PTPA thus repealing the older law on the subject. For the effective implementation of PTPA, Prevention of Trafficking in Persons Rules (hereinafter the 'PPTA Rules') were notified in 2020. Since the discussion here is focused on the issue of child trafficking, PTPA will be discussed in detail in latter sections of the brief.

Moreover, Federal Investigation Agency (hereinafter 'FIA') in collaboration with United Nations Office on Drugs and Crime (UNODC) had also developed the National Action Plan (2021-2025) against Human Trafficking and Migrant Smuggling which is an important step to further solidify the efforts to curb human trafficking. 4P's framework, that is, 1) Protection, 2) Prevention, 3) Prosecution and 4) Partnership has formed the basis of the said five-year plan with the aim to strengthen key institutions through capacity building, awareness raising, coordination, and international cooperation.

Migrant smuggling although distinct from human trafficking may sometimes lead to it. People into and out of Pakistan are illegally migrated and thereafter become the victims of human trafficking. Migrant smuggling is mostly looked at from the lens of human trafficking, so it is important to mention the law on the subject. Pakistan has enacted the Prevention of Smuggling of Migrants Act 2018. The law provides punishments for different migration offences. The offences are made cognizable, non-bailable, and non-compoundable and shall be tried by the Magistrate of the First Class. Of further relevance in this regard is the Emigration Ordinance 1979 which regulates the emigration of Pakistanis for employment abroad. It criminalizes illegal emigration either through forging of documents or through intoxication, coercion, or fraud. This law is enacted to save the interests of Pakistani nationals abroad as such people often become the victims of human trafficking. The Foreigners Act 1946 is also to be mentioned here as it concerns the entry, stay, and employment of foreign nationals in Pakistan as they too can become victims of trafficking.

Relevant Labour Laws in the Context of Child Trafficking

There are some labour laws which are to be briefly mentioned here in the context of child trafficking as bonded labour or domestic servitude are the most common forms that child trafficking takes in Pakistan. The said laws are as follows: The Islamabad Capital Territory Employment of Children Act 1991; The Sindh Prohibition of Children Employment Act 2017; The Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015; The Baluchistan Employment of Children (Prohibition & Regulation) Act 2021; The Islamabad Capital Territory Bonded Labour System (Abolition) Act 1992; The Punjab Bonded Labour System (Abolition) Act 1992 (Amendment Act

2012); The Sindh Bonded Labour System (Abolition) Act 2015; The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015; Abolition of Forced and Compulsory Labour in Baluchistan Act 2021; The Punjab Prohibition of Child Labour at Brick Kiln Act 2016; The Islamabad Capital Territory Domestic Workers Act 2022; The Punjab Domestic Workers Act 2019; and The Khyber Pakhtunkhwa Home Based Workers (Welfare and Protection) Act 2021. As we have discussed earlier that sometimes parents are also involved in pledging the labour of children; therefore, it is pertinent to mention Children (Pledging of Labor) Act 1933 which prohibits any such agreements pledging the labour of children and penalizes both the person making such agreement and the person with whom the agreement is made and also the person who knowingly or with a reason to believe that an agreement has been made to pledge the labour of the child employs such child. However, the on the subject is quite old and the penalties it provides for under sections 4, 5 and 6 penalizing the aforesaid acts involve a fine ranging from to two hundred rupees which needs to be revised as they are too meagre and do not serve as a deterrent to prevent child labour. Furthermore, another crucial problem plaguing all these laws which are relevant to child labour practices is that there is a lack of uniformity or agreement on the definition of a word 'child'. Some of the aforesaid laws defines a child as below fourteen years of age, some say a child is someone below fifteen years of age while others define the word as someone below the age of sixteen or eighteen years of age. This leads to conflicting application of these laws and creates a problem where some of the laws overlap, or more than one law applies to a specific situation leading to anomalous results. This concern will be addressed in detail later in the legislative reforms section.

Constitutional Provisions Relating to Trafficking and Forced Labor

There are also some other general laws that contain provisions relevant to child trafficking. The Constitution of Pakistan has some relevant safeguards in the context of human trafficking and forced labour which merit discussion. The chapters on fundamental rights and principles of policy in the Constitution enshrine the rights of all people in the country and put unequivocal obligations on the government to value, protect, fulfil these rights. Most of the rights provided therein are relevant for the trafficking victims as well. For instance, Article 3 (Elimination of Exploitation); Article 11 (Slavery, Forced Labour, etc., Prohibited); Article 25 (Equality of Citizens); Article 25A (Right to Education); Article 35 (Protection of Family, etc.); and Article 37 (Promotion of Social Justice and Eradication of Social Evils).

Provisions in the Pakistan Penal Code (hereinafter 'PPC') Relating to Trafficking

PPC holds particular importance in combating human trafficking. Various relevant provisions are embodied in it for combating human trafficking, prostitution, forced labour and other similar acts. Chapter XVI-A of PPC is relevant in this regard. The provisions of this chapter are either directly applicable to the practice of human trafficking or to many acts that form part of the entire phenomenon. These provisions include section 364A - Kidnapping or Abducting under Age of 14; section 365-B - Kidnapping, Abducting or Inducing Women to Compel for Marriage etc; section 366A-Procuration of a Minor Girl; section 366 B-Importation of Girl from Foreign Country; section 367-Kidnapping or Abducting in order to Subject Person to Grievous Hurt, Slavery, etc; section

367A-Kidnapping or Abducting in order to Subject Person to Unnatural Lust; section 369-Kidnapping or Abducting Child under Ten Years with Intent to Steal from its Persons; section 369A-Trafficking of Human Beings; section 370-Buying or Disposing of any Person as a Slave; section 371-Habitual Dealing in Slaves; section 371A-Selling Person for Purpose of Prostitution, etc; section 371B-Buying Person for Purpose of Prostitution, etc; and section 374-Unlawful Compulsory Labour.

Child Protection Laws

There are numerous laws enacted about child protection with the aim to safeguard children from any exploitative practice or situation. These laws include Sindh Children Act 1995; Sindh Child Protection Authority Act 2011; The Punjab Destitute and Neglected Children Act 2004; The Khyber Pakhtunkhwa Child Protection and Welfare Act 2010, The Baluchistan Child Protection Act 2016; and The Islamabad Capital Territory Child Protection Act 2018. These Acts provides measures for the care and protection of destitute and neglected children and to ensure the safety of the rights of the children in need of special protection. They further include provisions laying out the measures for prevention of any child related offence and prosecution of offenders once the offences created therein are committed.

Child Marriage Laws

Since children trafficking also results in forced or underage marriages, so it is relevant to mention here the Child Marriages Restraint Act 1929 which criminalizes child marriages with imprisonment and fine. Punjab and Sindh have their own laws on the matter whereas Islamabad, Baluchistan and Khyber Pakhtunkhwa are still in the process of drafting a law on the matter to replace the

UNICEF latest statistics show that Pakistan ranks six in the world where girls are married before the age of 18 years. (2022)

colonial-era Child Marriages Restraint Act 1929. However, the problem with these laws except the Sindh Child Marriage Restraint Act 2013 is that they define different ages for a male and female child which in case of female children is below sixteen years and for male children is below eighteen years. This reflects a bigger problem in our legislation be it our child protection laws, labour laws or any other child specific law and that is the non-uniformity of how a child is defined under these laws in terms of age. This leads to conflicting application of these laws and creates a problem where some of the laws overlap, or more than one law applies to a specific situation leading to anomalous results. This concern will be addressed in detail later in the legislative reforms section.

Overview and Gap Analysis of PTPA

PTPA stands to be the landmark legislation regarding human trafficking crimes. It aims to provide for effective measures to prevent and combat TIP especially in women and children; to promote and facilitate national and international co-operation in the matter; and to protect the trafficking victims. A brief overview of PTPA will be given for ease of understanding of its substance which will also prove useful in its critical evaluation. Section 3 of PTPA criminalizes labour and sexual trafficking and provides punishments for the same which may extend to seven years of imprisonment or a fine up to one million rupees or both. However, if the offence of trafficking is committed against a child or a woman, the person who commits the offence shall be punished with imprisonment which may extend

to ten years, and which shall not be less than two years or with fine which may extend to one million rupees or with both. PPTA enhances the punishments up to fourteen years of imprisonment which shall not be less than three years and a fine up to two million rupees for offence of trafficking if it involves (a) serious injury, life threatening illness or death of the victim or another person; (b) activity of an organized criminal group; (c) confiscation or destruction of any travel document of the victim; or (d) repetition of the offence by the same offender. The said law has also introduced provisions regarding abetment in trafficking and criminal conspiracy to commit trafficking and has provided punishments for the same to create stronger deterrence. PTPA makes it clear that investigations for internal trafficking and external trafficking shall be carried out by the local police and FIA respectively. It goes a step further and provides for the protection of trafficking victims and witnesses so that fair trial can be ensured, and the offenders can be brought to justice. Furthermore, PPTA underscores the importance of raising awareness regarding trafficking crimes and emphasizes upon the national and international cooperation in the matter to curb the menace of trafficking. It further discusses the significance of data collection on the matter to identify not only the factors that lead to trafficking but also the offenders and the victims.

Despite having a comprehensive set of laws to combat human trafficking, the situation of trafficking within Pakistan has not improved much. In the following paragraphs, the brief will highlight and discuss the legislative gaps which may be responsible for diluting the effect of this legislation. A much stronger and integrated approach to combat human trafficking is still required based on prevention, prosecution of traffickers, and protection for victims.

Section 3 of PPTA defines 'trafficking in persons' as *"any person who recruits, harbours, transports, provides or obtains another person, or attempts to do so, for compelled labour or commercial sex acts through the use of force, fraud or coercion, commits an offence of trafficking in persons [...]"*. 'Compelled labor' is further defined later in the same section as including *"involuntary servitude, slavery or practices similar to slavery, or debt bondage and forced labour."* This demonstrates that many internationally recognized forms of child trafficking in the country like domestic servitude, forced marriages, beggary, pornography, organ trafficking, and usage of children in drug trafficking remain outside the ambit of 'trafficking in persons' as defined under PPTA. This definition restricts the ambit of human trafficking to forced labour and commercial sex thus narrowing its scope and adversely affecting its potential to effectively deal with all forms of human trafficking.

Furthermore, there is multiplicity of laws on the same offences as covered under PTPA. For instance, certain sections of PPC about kidnapping, abduction, slavery, and forced labour (see various sections between 354 to 374) contain some specific offences that explicitly or implicitly overlap with the offence of 'trafficking in persons' as contained in PTPA. Since these laws provide different punishments for the same offences, this creates unnecessary complication in sentencing and provides the defendant with increased defences and loopholes in those laws to get lenient punishments. Not only that, but it also gives law enforcement agencies (hereinafter 'LEAs') wide ranged power to choose law under which to register cases of human trafficking and consequently the forum at which the case is to be tried as they differ under PPC and PTPA. The same goes for different labour laws overlapping with the definition of 'compelled labor' as provided under PTPA but

prescribing different punishments from the ones under PTPA. As a result of the said overlapping, LEAs continue to use sections of PPC or labour laws, rather than that of PTPA, that criminalizes some forms of human trafficking and forced labour respectively.

Adding to the above complication is the fact that there is no non-obstante clause or a clause that gives PTPA an overriding effect over all other laws that either overlap with it or are contradictory to it. The presence of such a clause can help in reconciling the overlapping effect of the multiple laws.

It is important to note that a special law like PTPA provides special protection measures for the safety of victims and witnesses in the cases of human trafficking. Moreover, the concept of 'aggravating circumstances' as given in section 4 of PTPA (also discussed earlier) is important for enhancement of punishments if the offender is a habitual criminal or if the offence falls under the category of organized crime. This framework is only available when PTPA is invoked and not under the general provisions of PPC or any other overlapping law.

Section 4(b) of PTPA addresses the enhancement of punishment wherein an organized criminal group is involved in committing the offence of human trafficking. The explanation given in the same section defines 'organized criminal group' as *"a structured group of two or more persons, [...]"*. However, no further definition is provided as to what qualifies as a 'structured group' which is an important element to establish the involvement of an organized criminal group.

Section 13⁸ of PTPA deals with the compensation to be provided to the victim of trafficking. However, the said provision of compensation is made contingent upon the conviction of the offender. This goes against the very definition of 'victim' as provided under section 2(g) of the law wherein victim *"means a person against whom an offence under this Act is committed regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted"*, meaning that no condition of conviction whatsoever is attached to the said definition.

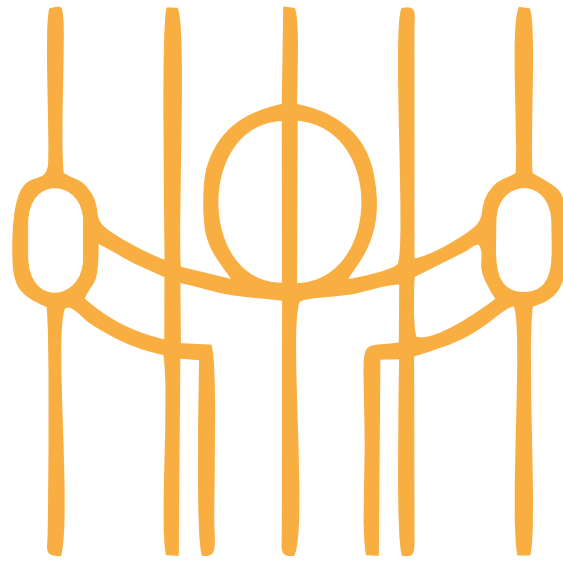
PTPA while criminalizing sex and labour trafficking prescribes penalties of up to seven years of imprisonment, a fine of up to 1 million rupees, or both, for trafficking crimes involving adult male victims and penalties of up to ten years' imprisonment or a fine of up to 1 million or with both for those involving adult female or child victims. By allowing for a fine in lieu of imprisonment, these penalties are made less stringent, and they do not correspond to the gravity and heinous nature of trafficking crimes.

In human trafficking crimes, apprehending the offender is not the only object instead the nature of this offence is such that it requires immunity of the victim from the criminal liability as well. As provided by the Office of the High Commissioner for Human Rights (hereinafter 'OHCHR') in its 'Recommended Principles on Human Rights and Human Trafficking', the non-punishment principle sets out that *"trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as a trafficked person"* (Principle no. 7). Section 6 of PTPA contains a provision in this regard which prohibits the liability of the victim under this offence. While PTPA recognises victims of human trafficking and eliminates criminal culpability for offences thereunder, it does not absolve victims of human trafficking from criminal liability for

⁸Where an offender is convicted of an offence under this Act, the Court may direct payment of compensation to the victim under section 545 of the Code.

offences prescribed under other laws. For instance, an individual who was trafficked to transport drugs could technically still be prosecuted and convicted under the Control of Narcotics Substances Act 1997 for offences that may carry death penalty.

The above critical evaluation of PTPA brings to the surface certain cracks and gaps in the law that may help the offenders slip through. It will be later discussed in detail as to how the said gaps can be filled to ensure that the law achieves the effect it is enacted for.



Section-III

International Legal and Policy Regime on Trafficking

International Legal and Policy Regime on Trafficking

After discussing in detail the domestic legal and institutional framework surrounding child trafficking, it is pertinent to discuss the international legal regime on the subject as this will enable us to evaluate the compatibility of domestic laws with international laws on the child trafficking.

United Nations Convention Against Transnational Organized Crime (UNTOC)

UNTOC also called the Palermo Convention is the key piece of international legislation addressing transnational organised crime. The convention was adopted by the United Nations General Assembly on 15 November 2000 and came into force on 29 September 2003. Pakistan signed this convention in 2000 and ratified in 2010. The objective of UNTOC is to promote cooperation to prevent and combat transnational organized crime more effectively. It provides guidelines to states for prevention, investigation, and prosecution of transnational offences committed by organized criminal groups.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol)

Palermo Protocol is a supplementary protocol to UNTOC. It is also referred to as the 'Trafficking Protocol' or 'UN TIP Protocol'. The protocol was adopted by the United Nations General Assembly in 2000 and entered into force on 25 December 2003. Pakistan has recently acceded to this protocol on 04 November 2022. The purposes of this Protocol are to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights; and to promote cooperation among states parties in order to meet those objectives.

Protocol Against the Smuggling of Migrants by Land, Sea, and Air Supplementing the United Nations Convention Against Transnational Organized Crime

The Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organised Crime was adopted by the United Nations General Assembly in 2000. It is also referred to as the 'Smuggling Protocol' and 'UN SOM Protocol'. This Protocol entered into force on 28 January 2004. Pakistan has neither signed nor ratified this protocol. The aim of this protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among state parties to that end, while protecting the rights of smuggled migrants. The protocol requires state parties that have ratified the same to ensure that migrant/child smuggling is criminalised in accordance with its terms, and those set out in UNTOC.

OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking

The Recommended Principles and Guidelines on Human Rights and Human Trafficking have been developed by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in order to provide rights-based and victim centric policy guidance on the prevention of trafficking and the protection of victims of trafficking.

Other International Legal Instruments

There are many other legal instruments like conventions, declarations and treaties that can also be made use of while charting out international legal framework around the issue. Prior to the adoption of anti-trafficking and anti-smuggling specific supplementary protocols of UNTOC in 2000, these legal instruments were made use of to tackle certain aspects of child trafficking/smuggling and still hold relevance in the contemporary world. They add to the said supplementary protocols of UNTOC and help to provide a comprehensive legal regime about trafficking and smuggling. These instruments are listed down as follows:

- a. Universal Declaration of Human Rights of 1948;
- b. United Nations Convention on the Rights of the Child of 1989 (hereinafter 'UNCRC');
- c. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography of 2000;
- d. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000;
- e. The International Covenant on Civil and Political Rights of 1966;
- f. International Covenant on Economic, Social and Cultural Rights of 1966;
- g. Convention against Torture of 1984;
- h. Convention on the Elimination of All Forms of Discrimination against Women of 1979;
- i. Convention on the Elimination of All Forms of Racial Discrimination of 1965;
- j. Convention on the Rights of All Migrant Workers and Members of their Families of 1990;
- k. Convention on the Rights of Persons with Disabilities of 2006;
- l. Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption of 1993; and
- m. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

UNCRC Committee's General Comments/Recommendations on Child Trafficking and Smuggling

UNCRC Committee has adopted the following General Comments pertaining to child trafficking and smuggling, which serve as policy guidelines and recommendations for state parties. These guidelines constitute soft law or are categorized as quasi-legal instruments which lack the legally binding force of the traditional law but may still be used as a blueprint for making laws and is able to produce certain practical and normative effects.

- a. Joint General Comment Numbers 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration;
- b. Joint General Comment Numbers 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return; and
- c. General Comment No. 6 (2005) of the Committee on the Rights of the Child on treatment of unaccompanied and separated children outside their country of origin.

International Labour Organization (hereinafter 'ILO') Conventions

It is pertinent to briefly list down some of the relevant ILO Conventions on the subject as bonded labour or forced labour is one of the most common forms of trafficking around the world and specially in the context of Pakistan. The said conventions are as under:

- a. ILO Forced Labour Convention (Convention No. 29 of 1930);
- b. ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957);
- c. ILO's Worst Forms of Child Labour Convention (Convention No. 182 of 1999); and
- d. ILO Domestic Workers Convention (Convention No. 189 of 2011).

Regional Legal Instruments

There are certain regional legislative instruments in place on the subject of trafficking which warrants a brief mention here. They are as follows:

- a. Council of Europe Convention on Action against Trafficking in Human Beings;
- b. ASEAN Convention Against Trafficking in Persons, Especially Women and Children; and
- c. SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

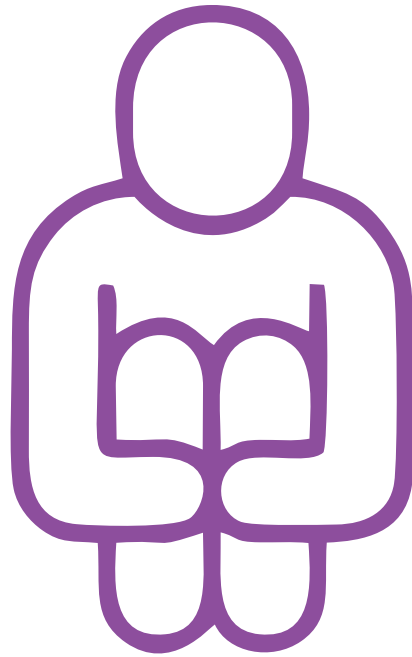
Special Procedures of the UN Human Rights Council Relevant to Child Trafficking/Smuggling

Special procedures constitute of independent human rights experts who work individually or in groups to report and advise on human rights issues. They are referred to by many titles, including Special Rapporteurs, Special Representatives, Working Groups, and Independent Experts. Special procedures have either thematic or country-specific mandates.

Special procedures have mandates to undertake country visits to assess human rights violations, act on individual cases of reported violations and concerns of a broader nature by sending communications, recommendations to states and others, conduct thematic studies, convene expert consultation and contribute to the development of international human rights standards.

The following three thematic special procedures are directly related to address child trafficking and smuggling across the world:

- a. Special Rapporteur on trafficking in persons, especially women and children;
- b. Special Rapporteur on the sale of children, child prostitution and child pornography;
- c. Special Rapporteur on contemporary forms of slavery, including its causes and its consequences; and
- d. Special Rapporteur on the human rights of migrants.



Section-IV

International Legal and Policy Regime on Trafficking

Recommendations and Reforms

After the detailed evaluation of the legislation about child trafficking, the discussion should now move to address the legislative and institutional reforms that can be suggested to fill the lacunas in these laws to effectively combat child trafficking. To unravel the complexity of this challenging task, the recommendations or reforms provided in this section have been divided into legislative and policy reforms, institutional reforms, and other general recommendations to address the root causes of the said problem.

Legislative and Policy Reforms on Child Trafficking

Some legal reforms will be suggested which can help fill the gaps in PTPA that often help the offenders and dilute the impact and effect it is intended to have. General reforms in the laws in the context of child trafficking will also be addressed.

- a. There is a need to have an agreement on the definition of the word 'child' itself so that it can be made clear as to which age groups are being targeted by the relevant legislation and policies and to ensure that full protection to the children is not compromised on the basis of inconsistency on this point among multiple legal instruments. Although PTPA defines child as any person below eighteen years of age which is in line with international standards. However, the problem persists because, as discussed earlier, many offences covered under PTPA overlap with provisions of other laws like PPC, some labour laws, and constitutional provisions. When there is inconsistency amongst these laws in terms of who qualifies as a child then the application of such laws become contradictory in terms of awarding punishments for any offence thereunder. For instance, the Constitution of Pakistan defines a child as a person below the age of fourteen years.⁹ The Mines Act 1923 creates further confusion when it defines the child as a person who has not completed fifteen years of age.¹⁰ The Child Marriage Restraint Act 1929 defines child as a person who, if male, is under eighteen years of age, and if female, is under sixteen years of age.¹¹ The Factories Act 1934 defines a child as someone below the age of fifteen years.¹² The West Pakistan Shops and Establishments Ordinance 1969 defines child a person who has not completed fourteen years of age.¹³ The Employment of Children Act, 1991 defines child a person who has not completed fourteen years of age.¹⁴ Under the 18th Constitutional Amendment, the matter of labour welfare is devolved to the provinces and they have made their own respective laws on the subject but the problem still persists in terms of nonuniformity of the definition of a child. Such inconsistency creates confusion in the cases of child trafficking as it mostly translates into forced or bonded labour so, depending upon the different ages under different laws, a child can simultaneously qualify both as a victim and not a victim of trafficking which leads to anomalous results.
- b. Further, as extensively discussed above, the definition of 'trafficking in persons' as provided under PTPA needs to be made wider in its scope by incorporating all the means and purposes of trafficking as enlisted in the definition given under Palermo Protocol so that all forms and

⁹Art. 11(3) states that no child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

¹⁰S 2(c)

¹¹S 2(a)

¹²S 2(c)

¹³S 2(c)

¹⁴S 2(iii)

modes of trafficking can be brought under its ambit. Moreover, this will help bring the definition in our domestic law in line with international law definition of the crime.

- c. To avoid the confusion created by application of multiple laws on the offence of trafficking, there should be a *non-obstante* clause in the PTPA which gives this law an overriding effect over all other contradictory and overlapping laws so that its application on the trafficking cases can be made certain. This *non-obstante* clause is also needed as section 6 of PTPA prohibits the liability of the victim for the offence of trafficking but since it does not have overriding effect over other laws dealing with same issues, it fails to protect such victims from being held liable under other laws on the subject. To reiterate the example given earlier, an individual who was trafficked to transport drugs could technically still be prosecuted and convicted under the Control of Narcotic Substances Act 1997 for offences that may carry death penalty. Even better way out of this situation would be to consolidate all laws on child trafficking under one law. All the relevant but overlapping general and specialized laws pertaining to trafficking, bonded labour, sexual exploitation and organ selling and related offences need to be harmonized and consolidated to better combat the issue.
- d. As discussed earlier, section 4(b) of PTPA addresses the enhancement of punishment wherein an organized criminal group is involved in committing the offence of human trafficking. The explanation given in the same section defines organized criminal group as *“a structured group of two or more persons, [...]”*. However, no further definition is provided as to what qualifies as a 'structured group' which is an important element to establish the involvement of an organized criminal group. Guidance, in this regard, may be sought from the definition of 'structured group' as given in Article 2 (c) of UNTOC which is reproduced here for ease of reference: *““structured group” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.”*
- e. Furthermore, for enhanced protection to the victims of human trafficking, the provision relating to the compensation to the victims as provided under section 13 of PTPA should be revised to ensure the provision of compensation to the victim regardless of apprehension, identification, prosecution, or conviction of the offender. The victims should be provided the monetary assistance as most of the trafficking victims are poor and underprivileged. In cases where the offender is not yet apprehended or identified, the compensation should be given from the public revenue. Hence, some public fund schemes are needed in this regard.
- f. Section 3 of PTPA provides punishment for human trafficking in terms of imprisonment or fine or both. However, given the heinousness of the crime of trafficking, fine should not be provided for in lieu of imprisonment as the gravity of the crimes demands stringent punishments so that strong deterrence can be created. Therefore, this section needs to be revised and only imprisonment or imprisonment together with fine should be provided for.
- g. As child trafficking mostly translates into child domestic labour, it is important to criminalize child domestic labour by making it a cognizable, non-compoundable, and non-bailable offence so that the powerful cannot escape the justice system and the offenders can be brought to

justice. NCRC has already recommended it to the Government and has also prepared a draft criminal amendment bill to criminalize the same which has been shared with the relevant ministry.

Institutional Reforms to Address Child Trafficking

Laws alone cannot achieve the desired effect unless they are accompanied by efficient institutions to implement those. Therefore, some institutional reforms along with some general recommendations are suggested here so that there is a solid framework in place to combat child trafficking. These institutional reforms are proposed keeping in view the legislative framework on the said issues.

- a. There is an urgent need to establish a tightly structured and fully functioning National Referral Mechanism (NRM) to link victims of human trafficking and migrant smuggling with service delivery organizations providing shelter, psychosocial services, legal support, and other facilities.
- b. Under different provincial legislative enactments on children's rights, various child protection institutions or units are made whose function is to immediately respond to any child protection issue including any possible case of child abuse and provide immediate protection and assistance to the children in need. The existing child protection organisations need to be well-staffed and well-funded with trained child protection officers having well-established linkages with hospitals, counselors, shelter homes, police, and magistrates. The same goes for the national, provincial and district level TIP committees made to combat trafficking and District Vigilance Committees formed under provincial Bonded Labour Abolition Acts which are loosely structured, poorly funded, and under-staffed.
- c. Since PTPA is a specialized law so separate courts or special benches be established for the implementation of the same. Judges of these courts also need specialized training and education on the issue of child trafficking. Moreover, judges should emphasize upon scientific based evidence in the said cases to ensure protection of victims' rights and effective prosecution of the offenders.
- d. Commissions on the rights of children should be established at provincial levels to coordinate with NCRC to address the issues of child rights and child protection in a comprehensive fashion at every level.
- e. Criminal records of the trafficking offenders should be integrated with NADRA to track their criminal history.
- f. National hotline needs to be established for reporting trafficking crimes. The said hotline would ensure better coordination among all stakeholders and would prove effective in providing effective victims services and act as a centralized database on both internal and external trafficking cases.
- g. Another issue halting the progress in tackling the issue of different forms of child trafficking is the lack of comprehensive data on the matter. To address this issue appropriately, one must know the exact nature and extent of the issue in terms of the regions and group of children who

are affected the most. Therefore, there is a need to enhance the capacity for data collection, research, and analysis of relevant LEAs, specifically the FIA and the National police Bureau with the support of NADRA, in order to identify trafficking trends and pattern so that more effective and targeted policies and laws can be made. This issue becomes more crucial when it comes to internal trafficking as data is available on the transboundary trafficking with FIA, but no data is available at any level on the internal trafficking which is prevalent in the country at a much larger scale.

- h. Due to high influx of refugees within Pakistan, there are still a lot of refugee children who are not registered with our national databases which makes them invisible and further susceptible to trafficking and child abuse. Therefore, Ministry of Interior should direct the relevant stakeholders to devise a policy to bring such children within the registration system.
- i. There are children who are addicted to drugs and are rescued by the Anti-Narcotics Force. However, there are no drug rehabilitation centres for such children where they can be referred to. Therefore, drug rehabilitation centres for such children are the need of hour and should be immediately provided for.
- j. There is a need to sensitize the LEAs to the issue of child trafficking and provide them with training to enhance their specialised technical investigation skills in line with new modes of communication and money transfer methods being used by human traffickers and organised crime groups. With advancement in technology and digitization, the modes of trafficking have become even complicated. To address the same, digitization, technology and knowledge integrated capacity building sessions of LEAs and related departments is needed. Trainings are also required to be provided to develop basic awareness of trafficking among frontline law enforcement practitioners in the areas of legal framework around the issue, referral of victims and victim centric investigation. The police must know about the trafficking indicators and should also be able to identify them when encountering such a case of trafficking in order to apply the right charge under PTPA. The lack of knowledge regarding the existence of this law serves as a major hindrance to its application and is also a reason for a low number of cases being registered under this law. For all of this to be achieved, adequate resources need to be allocated for the LEAs. This is crucial for the LEAs to ensure effective and certain prosecution of the offenders as they are the main actors in the entire process.
- k. The judiciary must also be trained on child trafficking. Informative sessions on the internal trafficking issues should be conducted to enlighten the judges about the issue. Judiciary must be trained to take charge of new legislation on the matter, that is, PTPA, and should also guide the counsels presenting the cases to use the appropriate law instead of utilizing provisions of other general laws.
- l. Victims of trafficking and smuggling often retract their original statements against the offenders before the courts. This results in bail and ultimately acquittal of the accused persons. Though a mechanism for victim and witness protection has been provided under PTPA but this also needs to be implemented by devising a strategy to eliminate this in practice by providing adequate security to victim after the incident, and to build the capacity of and give trainings to LEAs and judiciary to ensure that victim is giving statement without any influence or coercion.

- m. Uniform SOPs for victim identification, assistance and referral in child trafficking and smuggling cases have not been developed by the Government so far. Therefore, such SOPs should be developed and made applicable nationwide to all the stakeholders who are involved in dealing with child trafficking and smuggling cases.
- n. At an international level, there is a clear need for increased cross-border collaboration between relevant Pakistani LEAs and the governments of major destination countries for trafficking. Furthermore, cross-border exchange of information and ideas, adoption of best practices, and coordinated efforts to investigate and prosecute trafficking crimes is needed. Coordination at national, provincial, and district level among police, border security, intelligence, and investigation agencies is a must to curb the practice of trafficking.
- o. Extensive and thorough research needs to be conducted in identifying the root causes of the trafficking so that this crime is prevented, and comprehensive and targeted social and legal approaches can be devised to combat the same.

Other General Recommendations to Address the Root Causes of Child Trafficking

These recommendations are informed by NCRC's own work and research on the issues, but insights have also been taken from the recommendations given by the SSDO in its various policy briefs¹⁵ on the issues being dealt with, in the UN TIP Report 2022,¹⁶ those given in various policy briefs as prepared by NCRC on different child rights related issues,¹⁷ and Report on International Conference on Combating Trafficking in Persons in Pakistan.¹⁸

Data and Research

- a. Mechanisms should be developed and implemented for regularly collecting consistent and detailed public data on all forms of exploitation, which is broken down by age, gender and other relevant characteristics in order to design evidence-based policies.

Victim Support Services and Offender's Rehabilitation

- a. Support services should be provided to the children who are either at risk of child labour and trafficking or have been rescued as required by multiple child protection laws (as discussed above). The relevant provincial child protection These services may include but are not limited to:
 - i. Safe shelter
 - ii. Psycho-social support
 - iii. Legal assistance
 - iv. Educational support
 - v. Medical Support
- b. Adequate budget needs to be allocated for service delivery and support services and there needs to be strong liaising between organizations/departments working on these services.

¹⁵See, Policy Briefs by SSDO, (ssdo.org.pk) <<https://ssdo.org.pk/publications/policy-briefs>> accessed 21 July 2023.

¹⁶'2022 Trafficking in Persons Report: Pakistan' (state.gov) <<https://www.state.gov/reports/2022-trafficking-in-persons-report/pakistan/>> accessed 20 July 2023.

¹⁷See, 'Policy Brief on the Legal Framework for Child Labour in Pakistan'; 'Policy Brief on the Legal Framework for Child Marriage in Pakistan'; 'Policy Brief on Street-Connected Children in Pakistan' (ncrc.gov.pk) <available at <https://ncrc.gov.pk/#>> accessed 19 July 2023.

¹⁸'Report on International Conference on Combating Trafficking in Pakistan: Diagnosis, Discussions and Recommendations' (ssdo.org.pk) <<https://ssdo.org.pk/publications/event-reports>> accessed 20 July 2023.

- c. A resourceful and steady mechanism for victim rehabilitation must be provided for trafficking victims so that their reintegration in the society is made possible. There should be proper well-funded and well-staffed rehabilitation centres where these victims can be referred to and where they are provided adequate shelter, healthcare, education, and, most importantly, psychological counselling services so that they are able to get back on with their normal lives.
- d. A robust and coordinated national-level child protection mechanism needs to be put in place to safeguard children from trafficking, cruelty, and abuse.
- e. Evidence-based policy making should be implemented while executing initiatives related to children (e.g., Child Labour Project of Punjab).
- f. Support services should not only be available for the victims but also be readily available for the offenders to prevent recidivism. A non-judgmental and sensitive response is needed in this regard for people who seek help or who are at the risk of offending against children. Psychological support in this regard must be made easily available and accessible to all such people to address the deeper and larger issues that compel their problematic behaviour so that it can be prevented. Criminal response alone cannot tackle the larger problem at play here, so punitive measures must act in conjunction with other preventive mechanisms, psychological support being the crucial one.

Providing Safe Environment and Ensuring Child Participation

- a. Children should be empowered to be active citizens and members of a democratic society and child participation mechanisms at local and national levels need to be produced so that they can partake in decision-making processes.
- b. Children should be involved in judicial proceedings in a child-friendly manner, allowing them to express their views when decisions impact their lives (e.g., custody cases).

Income and Economic Strengthening

- a. Measures should be taken to raise levels of social protection and to create employment opportunities for all. This is because when adequate employment opportunities for adults will be created then this will automatically result in a decrease in the incidents of children being trafficked into child labour.
- b. Social protection programs should be linked with attendance of children in schools through which parents can be given economic incentives to send their children to school.
- c. By implying various strategies (such as an unnecessary funding as loan) in unregulated industry and particularly in the agriculture sector, children and women are forced to labour at low wages. This socially excluded community needs a thorough awareness campaign on labour rules, small loans with set interest rates, and small grants that can be delivered to their doorstep after socio-economic evaluation.

Providing Education and Life Skills

- a. Implementation of Article 25A should be ensured. Schools can play a very important role in early identification of children who are at risk of trafficking and other related issues by ensuring

attendance-based monitoring mechanism so that missing children and child abuse and neglect cases can be detected at early stages once it is realized that a child has stopped coming to the school. To achieve this purpose, school attendance may be linked with social security programs through which parents can be given economic incentives to send their children to school. Further, the schoolteachers need to be sensitized to the issue of trafficking and properly trained to identify such cases.

- b. Children's access to educational and vocational opportunities should be increased. Vocational training needs to be provided in schools to improve the overall goal of education and inclusion.
- c. An Action Plan needs to be developed to support the children who have dropped out of school or college.

Capacity Building, Training and Awareness Raising

- a. Information on trafficking should be incorporated in all police and law enforcement academies and curriculums.
- b. Vulnerable groups at risk of trafficking should be identified and be educated about trafficking and the various forms it takes. Public awareness must be raised through initiating various campaigns regarding the risks of human trafficking and the identification and reporting of suspected cases. This can be achieved through school programs, social media platforms, and community outreach efforts. A public service message can be aired on all TV channels making people aware of what trafficking is, how it happens, and the people at risk. The awareness should be raised in local languages in order for it to be easily understandable by all.



Report Complaints

☎ 051 9202733

✉ complaints@ncrc.gov.pk

NCRC Office: 502, 5th Floor, Evacuee Trust Complex,
Agha Khan Road, F-5, Islamabad



National Commission on the Rights of Child (NCRC)

5th Floor, Evacuee Trust Complex, Agha Khan Road, F-5/1, Islamabad

Tel: +92-51-920-3214 | Email: info@ncrc.gov.pk | Website: www.ncrc.gov.pk

 NCRC_Pakistan  NCRC Pakistan  NCRC Pak