

U.S. Department of State

Diplomacy in Action

Pakistan

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

[2018 Trafficking in Persons Report \(http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm\)](http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm)

Tier 2

PAKISTAN: Tier 2

The Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Pakistan was upgraded to Tier 2. The government demonstrated increasing efforts by increasing the number of victims it identified and investigations and prosecutions of sex trafficking. The provincial government of Punjab increased investigations, prosecutions, and convictions for bonded labor, the country's largest human trafficking problem. The government of Azad Jammu and Kashmir adopted a law prohibiting bonded labor. The governments of Khyber Pakhtunkhwa and Sindh reported operating two additional women's shelters and three additional child protection units, respectively. The government continued to implement its 2015-2020 national strategic framework against trafficking in persons and migrant smuggling. However, the government did not meet the minimum standards in several key areas. Overall government law enforcement efforts on labor trafficking remained inadequate compared with the scale of the problem; Punjab continued to be the only province to report prosecutions and convictions for bonded labor. Convictions for sex trafficking decreased and the government's overall convictions remained small compared with the extent of trafficking in Pakistan. Official complicity in trafficking crimes remained a pervasive problem, yet the government did not report new law enforcement efforts to hold such officials accountable, including failing to investigate serious allegations of trafficking regarding a high-ranking diplomatic official. Government protection efforts remained inconsistent; only a small number of the total victims identified were referred to assistance services.

RECOMMENDATIONS FOR PAKISTAN

Increase prosecutions and convictions, particularly of forced and bonded labor, while strictly respecting due process; pass an anti-trafficking law that criminalizes all forms of human trafficking, including sex trafficking of those under 18 without requiring coercive means, and prescribes penalties commensurate with other serious crimes, such as rape; thoroughly investigate credible allegations of government complicity in trafficking and stringently prosecute and punish officials who are complicit; provide additional resources to increase trafficking-specific services for victims, including for men and boys, and ensure victims are not penalized for acts committed as a result of being subjected to trafficking; ensure the creation, dissemination, and use of standard operating procedures (SOPs) for victim identification and referral to rehabilitation services at the provincial level; expand ability for freed bonded laborers to obtain identification documents and gain access to government services; take steps to eliminate all recruitment fees charged to workers; issue policies and provide trainings to government officials that clearly distinguish between human trafficking and migrant smuggling; strengthen the capacity of provincial governments to address human trafficking, including bonded labor, through training, awareness raising, funding, and encouraging the creation of coordination task forces and the adoption of provincial-level anti-

trafficking action plans; lift current bans on female migration to discourage migration through undocumented channels; improve efforts to collect, analyze, and accurately report anti-trafficking data, distinct from data on smuggling; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained law enforcement efforts against trafficking. Pakistani law did not criminalize all forms of sex and labor trafficking. Section 369A of the Pakistan Penal Code (PPC) amended in March 2016, criminalized transnational and internal forced labor and transnational and internal sex trafficking of women and children. Inconsistent with international law, Section 369A required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Section 369A prescribed penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani rupees (PKR) (\$4,530 and \$6,340), or both. These penalties were sufficiently stringent but, with respect to sex trafficking, were not commensurate with those prescribed for other serious crimes, such as rape. Several other sections of the PPC criminalized some forms of human trafficking, such as slavery and selling or buying a minor for the purpose of prostitution; maximum penalties for these offenses range from a maximum of five years to life imprisonment. These prescribed penalties were sufficiently stringent and, with regard to sex trafficking, were commensurate with those prescribed for other serious crimes, such as rape. Transnational sex and labor trafficking offenses, as well as some non-trafficking crimes such as migrant smuggling and fraudulent adoption, were criminalized in the Prevention and Control of Human Trafficking Ordinance (PACHTO), which prescribed penalties of seven to 14 years imprisonment. Prescribed penalties for PACHTO offenses were sufficiently stringent and with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labor System (Abolition) Act (BLSA) criminalized bonded labor, with prescribed penalties ranging from two to five years imprisonment, a fine, or both; these penalties were sufficiently stringent. Most of the provincial governments have adopted their own labor laws under a devolution process that began in 2010, although federal laws apply until corresponding provincial laws are enacted. During the reporting period, the government of Azad Jammu and Kashmir adopted the BLSA, joining the provinces of Khyber Pakhtunkhwa, Punjab, and Sindh. The National Assembly held multiple hearings during the reporting period to solicit input on a draft comprehensive trafficking bill that would take effect for all regions upon enactment; at the end of the reporting period the bill was in committee for review.

The government reported investigating 90 alleged traffickers, prosecuting 53, and convicting 29 under PACHTO in 2017, compared with investigating 98 alleged traffickers, prosecuting 60, and convicting 25 in 2016. Despite efforts to differentiate human trafficking and migrant smuggling in law and policies, some law enforcement officials continued to confuse the two crimes and may have reported statistics conflating them, as PACHTO criminalized both trafficking and smuggling. The government also reported data on trafficking investigations, prosecutions, and convictions under the penal code by province and special administrative area. Overall, the government reported investigating 6,376 alleged sex traffickers and prosecuting 6,232 during the reporting period, an increase from 2,979 alleged sex traffickers investigated and 2,021 prosecuted during the previous reporting period. The government's overall conviction of sex traffickers decreased from 111 to 72 during the reporting period, although the government of Khyber Pakhtunkhwa reported five sex trafficking convictions compared with zero during the last two reporting periods. Punjab continued to report the vast majority of law enforcement action against sex trafficking; of the national statistics on sex trafficking, 95 percent of investigations and prosecutions and 93 percent of convictions took place in Punjab.

The government's law enforcement action on labor trafficking remained inadequate compared with the scale of forced and bonded labor in Pakistan although overall investigations, prosecutions, and convictions for bonded labor increased in Punjab. While the Islamabad Capital Territory reported one investigation on bonded labor, Punjab remained the only province to report legal action under the BLSA during the reporting period. Punjab provincial authorities reported investigating 264 alleged traffickers, prosecuting 257, and convicting 37 traffickers for bonded labor, a significant increase compared with 27 alleged traffickers investigated, 12 prosecuted and 10 traffickers convicted during the previous reporting period. An international organization stated the BLSA was not adequately enforced countrywide because of police inaction on complaints and lower court judges' lack of understanding of the BLSA. Media reported three police raids on farms in Sindh, resulting in the release of 80 men, women, and children from bonded labor and one raid in Islamabad releasing 15 family members from bonded labor in a brick kiln; while the media stated charges were filed in the Islamabad case, the government and media did not report if charges were filed in the Sindh cases. Punjab was also the only province that reported taking law enforcement action under PPC section 374, unlawful compulsory labor, and section 369A, trafficking in human beings. Under section 374, Punjab reported the investigation and prosecution of four alleged traffickers during the reporting period. Punjab reported the investigation of 114 and prosecution of 112 alleged traffickers and the conviction of 17 traffickers under section 369A; it did not disaggregate these cases between sex and labor trafficking. The government of Sindh's law enforcement efforts on labor trafficking decreased during the reporting period with a total of three alleged traffickers investigated and three prosecuted under PPC sections 370, buying or disposing of any person as a slave, and 371, habitual dealing in slaves, compared with 19 alleged traffickers investigated and 16 prosecuted in the previous reporting period. The government also reported data on several penal code sections that criminalized other non-trafficking crimes in addition to labor trafficking but did not disaggregate the data to document its specific efforts to combat forced labor under these penal codes. The government did not report individual sentences for any of the convictions.

The government's lead reporting and coordinating entity on human trafficking remained the Federal Investigative Agency (FIA), despite its statutorily limited jurisdiction on human trafficking encompassing only crimes punishable under PACHTO, which was focused on transnational offenses. FIA investigated human trafficking and migrant smuggling cases through its 27 anti-trafficking law enforcement joint task forces at the federal, provincial, and local level. FIA's basic training for new recruits included information on human trafficking and migrant smuggling. FIA also reported 17 law enforcement officers participated in six anti-trafficking trainings in 2017 held by foreign governments or international organizations; FIA contributed in-kind support to some trainings.

Official complicity in trafficking remained a significant concern as the government did not report vigorous efforts to address credible allegations and has not reported the conviction of an official found to be complicit in trafficking crimes for ten years. Some feudal landlords and brick kiln owners were affiliated with political parties or held official positions and reportedly used their influence to protect their involvement in bonded labor. In some cases, when bonded laborers attempted to escape or seek legal redress, police refused to file a case and some police even returned bonded laborers to their traffickers. NGOs continued to report perpetrators of bonded labor successfully filed false charges against victims leading to their arrest and imprisonment. Some police reportedly acted against trafficking only when pressured by media and activists, and other reports indicated police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking. In November 2016, members of the Gilgit-Baltistan Legislative Assembly and senior officials from Gilgit-Baltistan were accused in media reports of involvement in a child sex trafficking ring; the government appointed a committee of members of the Gilgit-Baltistan assembly to investigate the allegations but did not report the outcome of the investigation. In January 2017, an Islamabad High Court judge was suspended and indicted for allegedly subjecting a 10-year-old girl to torture and domestic servitude; at the end of the reporting period the case was under trial. In February 2018, Australian media reported the High Commissioner for Pakistan in Australia had been accused of subjecting

her domestic worker to forced labor for 18 months; the government of Australia investigated the allegations and granted the victim protected status. The Government of Pakistan did not report criminally or administratively investigating these claims.

PROTECTION

The government increased victim identification but demonstrated mixed efforts to protect and assist victims. The government reported law enforcement, immigration, and social service personnel had SOPs for the identification of trafficking victims within their respective departments; however, it is unknown how widely such SOPs were disseminated and if officials regularly used SOPs for victim identification. The government did not report training provincial officials, other than immigration officers, on victim identification. The government reported identifying victims at both the federal and provincial level; overall, it identified a total of 14,588 victims, an increase compared with 4,649 victims identified in 2016. FIA's anti-trafficking units reported identifying 17 Pakistani victims and no foreign victims in 2017, compared with 131 Pakistani victims in 2016. Provincial police reported identifying 14,571 victims in 2017, of which 12,133 were women, 2,133 were men, and 107 were children. This was a significant increase in the identification of women victims compared with the identification of 2,134 women, 2,184 men, and 200 children victims in 2016. The government did not report which form of trafficking the victims were subjected to or disaggregate the number of victims identified by province. In part due to lack of dissemination and training on SOPs, authorities may have charged sex trafficking victims with moral crimes. NGOs accused some law enforcement officials of allowing false charges against bonded laborers to be brought by brick kiln or landowners.

The government reported referring victims to care through various agencies and at both the federal and provincial level. It reported referring to care a total of 303 victims, compared with 351 in 2016. FIA reported it referred the 17 victims it identified to NGO-run shelter and rehabilitation services; however, provincial police referred only 286 of the 14,571 victims they identified to rehabilitative care and did not report what happened to the other 14,285 victims. Civil society continued to provide victim services without government support. Government-run shelters were available to women experiencing a range of difficult circumstances, including trafficking victims. Punjab reported all 36 district women's shelters in the province were operational. Sindh province operated three women's shelters in its 29 districts and also operated four centers that offered women in distress medical and legal aid and shelter for up to 72 hours. Khyber Pakhtunkhwa reported six of its 26 districts had women's shelters, an increase of two during the reporting period, and Balochistan reported it operated one women's shelter in its 32 districts. NGOs and local politicians noted concerns about the quality of government victim care services and lack of resources. NGOs also noted government women's shelters limited victims' freedom of movement and, in the recent past, traffickers forced some of the women in government shelters into prostitution. Punjab continued to operate its wholly integrated center providing shelter; medical and psychological support for female victims of violence; and facilities for law enforcement, judicial officials, and a courtroom. While the center was open to all female victims of violence, including trafficking victims, it did not report receiving referrals for trafficking victims.

Provincial child protection units (CPUs) in Punjab, Sindh, and Khyber Pakhtunkhwa identified and referred children in exploitative or vulnerable labor situations to NGO and government care. Sindh reported it operated 15 CPUs, an increase of three during the reporting period. Balochistan did not report if it had established any CPUs despite passing legislation in November 2016 to establish such units in all districts. Boys could access government shelters; however, the government did not fund shelters for males over the age of 18. The Punjab Child Protection and Welfare Bureau (CPWB) housed children in child protection shelters. CPWB operated open reception centers to identify and register children living on the street; during 2017, the centers identified and referred 6,474 child beggars to services, compared with 1,457 children in 2016. Authorities did not report how

many of these children were identified as victims of forced begging. CPWB also identified and removed 17 children from domestic servitude. Khyber Pakhtunkhwa continued to fund and operate a 1,000 bed shelter for homeless children.

The BLSA required districts to establish bonded labor vigilance committees (DVCs) to ensure the implementation of the BLSA and provide assistance to bonded labor victims. The government of Punjab reported its DVCs held 83 meetings during the reporting period. NGOs noted the Sindh government, in particular, had not implemented the BLSA or established the required DVCs. It is unknown if DVCs set up under the Khyber Pakhtunkhwa BLSA were operational during the reporting period. Punjab and Khyber Pakhtunkhwa provided free legal aid to bonded laborers who requested help. Bonded laborers who were released but lacked identity documents were unable to access government services, including health care and food stipends, and sometimes returned to brick kilns or farms and assumed more debt. Punjab's labor department issued 21,567 identity documents to brick kiln workers during the reporting period, which allowed them to access government benefits and reduced the vulnerability to trafficking. NGO-run shelters were available to bonded laborers, including entire families. The government reported it provided protection to victims to encourage their cooperation in investigations; however, it did not report how many it provided such protection to in 2017 and it is unclear how often protection was available or adequate. Victims expressed reluctance to testify against their traffickers due to threats of violence against them and their families. The Ministry of Interior had the authority to grant extensions for foreign victims to stay in the country until a decision was reached on the victims' repatriation by the Federal Review Board of the Supreme Court; however, it is unclear if this policy allowed permanent legal alternatives to removal to countries in which victims would face retribution or hardship.

PREVENTION

The government maintained efforts to prevent trafficking. The government reported its continued implementation of the 2015-2020 national strategic framework against trafficking in persons and migrant smuggling. Provincial governments continued to allocate resources for development-related labor programs, some of which were specific to the prevention of bonded labor. Khyber Pakhtunkhwa's labor department dedicated 7 million PKR (\$63,410) for specialized inspection teams within its office on child and bonded labor. Punjab continued to implement its multi-year project to eliminate child and bonded labor. Punjab prosecuted 1,516 brick kiln owners for lack of compliance with labor laws, including non-payment and illegal deductions from wages, and imposed fines totaling 519,000 PKR (\$4,700), compared with the prosecution of 3,989 brick kiln owners during the previous reporting period. Punjab's labor department continued to operate a hotline to report labor violations, including child labor in brick kilns and to remove children working in brick kilns and admit them to school; the Punjab government reported at the end of the reporting period it supported 87,013 children in school. The provincial governments of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh continued to fund and implement multi-year programs focused on combating the worst forms of child labor and other labor abuses. Punjab continued to implement a birth registration program for brick kiln workers. FIA's research and analysis center published quarterly newsletters with statistics and information on the government's efforts to combat trafficking and smuggling.

The Bureau of Emigration and Overseas Employment (BEOE) monitored overseas migration by issuing licenses to private employment promoters and monitoring workers who migrate through their own arrangements. The Emigration Ordinance of 1979 prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. The government allowed licensed employment promoters to charge migrant workers a service fee of 6,000 PKR (\$54) and workers to pay all the costs associated with overseas employment. While the government stipulated a receipt should be issued to the migrant workers for

these costs, the government did not specify any cost limit and the BEOE did not consistently review migrant workers' receipts—in 2016, an international organization's research revealed more than 80 percent of Pakistani workers' cost for employment in Saudi Arabia and United Arab Emirates was the result of exorbitant visa fees. BEOE reported it canceled 29 licenses of registered employment promoters and suspended 41 during the reporting period but it did not provide details of the promoter's violations. The government continued to ban female migrant workers under the age of 35 from migrating for domestic work. The UN and members of civil society argued any ban on female migration increased the likelihood such women would migrate illegally and therefore heightened their vulnerability to human trafficking. BEOE required migrant workers to attend a pre-departure briefing at one of its seven offices that included information on what to do if the migrant worker encountered problems; however, observers asserted the government did not take sufficient steps to inform emigrants about trafficking even though a number of migrant workers become trafficking victims. FIA partnered with an international organization to run an awareness campaign in Punjab and Balochistan against migrant smuggling and human trafficking. The Azad Jammu and Kashmir, Khyber Pakhtunkhwa, and Punjab governments reported providing information to the public on migrant smuggling and human trafficking, but did not provide details on how many potential migrant workers were reached. BEOE employed 21 community welfare attachés in 15 destination countries to provide support and information to Pakistani migrant workers; the government did not report how many Pakistani victims abroad the attachés identified or assisted.

In July 2017, the governments of Pakistan and Afghanistan partnered to provide Afghan Citizen Cards (ACCs) to the estimated one million undocumented Afghans living in Pakistan. The government received approximately 880,000 applications for ACCs, which provided legal protection from deportation under Pakistan's Foreigner's Act, and as of March 2018 had distributed 308,000 ACCs, valid through June 30, 2018. The government also granted previously registered Afghan refugees an extension of proof of registration cards until June 30, 2018; however, during the reporting period, there were reports of harassment and extortion of Afghan refugees by Pakistani provincial authorities, police, and host communities. In 2016, media reported some undocumented Afghan nationals who returned to Afghanistan due to alleged threats from Pakistani law enforcement were subjected to bonded labor in brick kilns in Afghanistan after being unable to pay their transportation cost from Pakistan. The government made efforts to reduce the demand for commercial sex acts. The government did not make overall efforts to reduce the demand for forced labor, although the provincial government of Khyber Pakhtunkhwa reported targeting more than 1,000 employers through trafficking awareness raising events. The government provided anti-trafficking training for its diplomatic and peacekeeping personnel. Pakistan is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the last five years, Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The country's largest human trafficking problem is bonded labor, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations. Bonded labor is concentrated in Sindh and Punjab provinces, but also occurs in Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and, to a lesser extent, in fisheries, mining, and handicraft- and carpet-making. Some feudal landlords and brick kiln owners affiliated with political parties use their influence to protect their involvement in bonded labor. Children are bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns, and sex trafficking. According to a prominent child rights NGO, the majority of children living on the street in Pakistan are subjected to forced begging. Begging ringmasters sometimes maim children to earn more money. NGOs report boys are subjected to sex trafficking around hotels, truck stops, bus stations, and shrines. Illegal labor agents charge high recruitment fees to parents in return for employing their children, some of whom

are subjected to forced labor and sex trafficking. Trafficking experts describe a structured system for exploiting women, girls, and LGBTI individuals in sex trafficking, including offering victims for sale in physical markets. Observers report police accept bribes to ignore prostitution in general, some of which may include sex trafficking. Women and girls are sold into forced marriages; in some cases, their new “husbands” force them into prostitution in Iran or Afghanistan. In other cases, including some organized by extra-judicial courts, girls are used as chattel to settle debts or disputes. Non-state militant groups kidnap children, buy them from destitute parents, or coerce parents with threats or fraudulent promises into giving their children away; these armed groups force children to spy and fight in Pakistan and Afghanistan. Pakistan’s large number of IDPs, due to natural disasters and domestic military operations, are vulnerable to trafficking.

Pakistani men and women migrate voluntarily to the Gulf states and Europe for low-skilled employment—such as domestic service, driving, and construction work; some become victims of labor trafficking. False job offers and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters entrap Pakistanis into sex trafficking and bonded labor. Some Pakistani children and adults with disabilities are forced to beg in Iran. Pakistan is a destination country for men, women, and children subjected to forced labor—particularly from Afghanistan, Bangladesh, and Sri Lanka. Women and girls from Afghanistan, China, Russia, Nepal, Iran, Bangladesh, Uzbekistan, and Azerbaijan are reportedly subjected to sex trafficking in Pakistan. Refugees from Afghanistan, Bangladesh, and Burma, including Rohinyga, as well as religious and ethnic minorities such as Christians and Hazaras, are particularly vulnerable to trafficking in Pakistan.

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