

Women and Child Trafficking for Sexual Exploitation in Pakistan

Anwaar Mohyuddin¹ and Hafeez-ur-Rehman Chaudhry²

Abstract

This research paper is an attempt to provide a national picture of commercial sexual exploitation of women and children in Pakistan. The study documents the magnitude, incidence and consequences of various types of violence against women and children engaged in beggary and sex business. For each type of violence against women and children addressed, the study also reviews what is known about the causes and associated risk and protective factors. Its focus is on prevention strategies, in particular through the identification of best practices in prevention, including those designed by the victims themselves. It surveys legal responses to violence and services for women children who have been its victims, again including interventions devised by women and children; furthermore, the study describes the evidence demonstrating which interventions work, which are promising, and which have been shown to be ineffective. The study provokes comprehensive national reviews of the situation of violence against women and children as possible covering, among other things, prevalence, legal frameworks, child protection systems, statistics, violence in institutions, evaluation of reports and recording of data and initiatives to protect children and prevent violence against them that have proven to be effective. The process of the preparation of the study includes consultations at the local and national levels which aim to ensure that all parts of civil society pay increased attention to violence against women and children. The study seeks to generate sharing approaches to the issue, in particular from a South and South Asia perspective. Efforts are made to discern gaps in legal protection at the local and national levels and to put forward specific proposals for strengthening legal standards, policies and programs.

Keywords: demand, supply, impunity, poverty, unemployment, sex-workers, trafficking, beggars and master beggars

Introduction

Eliminating the demand for victims of sexual exploitation is the major issue under investigation of this study. Analyzed as a market, human trafficking includes both supply and demand forces. On the supply side, poverty, corruption, lack of education, and the eternal human yearning for improving one's life make people vulnerable to the lures of trafficking. The nations must continue, making significant efforts to address these "push" factors. The wicked kind of 'push' factor is forced throwing out of the communities unwanted in a country. A case of boat people has been haunting the world. Images Asia has sought to raise international awareness of the flight of women from Burma³, Bangladesh, Nepal; etc. trafficked to Pakistan, an issue which, until now, has been completely overlooked. In particular, the denial of citizenship and related abuses have had far-reaching consequences, and this has led to the untold saga of thousands of people who have been rendered stateless, who are forced to flee from country to country in order to escape persecution and find a means by which they barely survive. For them, to be smuggled across international borders

¹ Department of Anthropology, Quaid-i-Azam University, Islamabad, Pakistan. Email: unwaar@gmail.com

² Department of Anthropology, Quaid-i-Azam University, Islamabad, Pakistan. Email: hafeez@qau.edu.pk

³ Burma was renamed Myanmar by the military regime in 1989. However, as many Burmese appalled at the junta's human rights record prefer to use the name of Burma. Throughout this report, we will refer to the country as "Burma".

is the only option, and trafficking is a risk that cannot be avoided. At the same time, we cannot ignore the demand side of the equation. Market demand — especially from male sex buyers — creates a strong profit incentive for traffickers to entrap more victims, fueling the growth of trafficking in persons. It is critical that governments take action to fight commercial sexual exploitation. For example, where prostitution flourishes, so does an environment that fuels trafficking in persons.

Furthermore, field research shows the great harm suffered by people used in prostitution: Though all victims were subjected to trafficking, 57.1% commercial sexual workers (CSW) were working involuntarily against their consciousness and 42.9% CSWs were, apparently, acting as such because of their helplessness — extreme poverty, unemployment, lack of other alternative, etc. 100 percent of people being used in prostitution want to escape but were bonded by debt. The women in prostitution have been raped, mostly they have been physically assaulted, and majority met the clinical criteria for post-traumatic stress disorder. This year (2004), the UN Commission on the Status of Women highlighted the need for more action in demand education by adopting a U.S. resolution on eliminating demand for trafficked women and girls. This was the first UN resolution focused on eliminating demand, and, importantly, it acknowledged the link between commercial sexual exploitation and trafficking.

International organizations and governments have an important role to play in drying up the demand for trafficking in persons, and this role cannot be ignored if we are to be serious about ending modern-day slavery.⁴ The most commonly quoted definition of trafficking was provided by the "United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children" passed in November 2000:

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 (in particular, labour and sexual 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".

Methodology

Different research techniques and tools were used for data collection. A structured questionnaire was developed by the Bangkok team and shared with the National Consultant in each country. The questionnaire was pre-tested and translated into Urdu for data collection. Five different questionnaire were prepared for five different categories of the respondents which include Interview Schedule for the Victims/Survivors, Clients/Users, Employers/Pimps, Beggar and Beggar Masters.

The individual interviews were conducted with the key informants that are employer, users and exploiters, victims and the traffickers. To obtain qualitative information from the respondents, focus group discussions were conducted with CSW victim/survivors, clients of the victim, employers, beggars and master beggars. Case study method was used to obtain information regarding the individuals who have suffered because of trafficking. The case studies collected from the field have been presented in the body of the report. Sample Size for the present research was 658 which include 438 CSE and 220 baggers. Further breakup of the sample is given below.

⁴ Trafficking in Persons Report 2005, Released by the Office to Monitor and Combat Trafficking in Persons, Department of State, USA. June 3, 2005

CSE		Girls	Boys	Women	Total
	Worker/Victims	72	68	70	210
	Client	71	65	69	205
	Employer	8	6	9	23
Beggary	Beggary victims	67	63	68	197
	Master Beggar	4	6	13	23

Results and Discussion

Commercial Sexual Exploitation of Women and Children in Pakistan is a complex issue because of religious background of the country, government's commitments to international conventions and local customs and traditions. Besides the topic limits the scope of the subject to an organized business in which demand and supply are major issues.⁵

Trafficking has a variety of definitions. A child is defined as person under the age of 18 (UN-CRC). UN defines child sexual abuse as 'contacts or interaction between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in position of authority, such as a parent or caretaker) when the child is being used as an object of gratification for an older child's or adults' sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressures.'⁶ Likewise the definitions given by First World Congress against Sexual Exploitation of Children⁷ and UNICEF⁸ are different, perhaps framed to suit their agenda.

Internationally, there is no consensus on the term "trafficking". In 1994, the United Nations General Assembly came near to a comprehensive definition in its stipulation that "trafficking" is the "illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers, crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption."

Yet the definition is incomplete. It does not include boys and men who are also at times victims of trafficking. Moreover, the listing of situations should not be seen as exhaustive. Trafficking arises in a variety of situations beyond the list given, including trafficking for begging and use as agents of crime. A key element behind the trafficking is coercion. However, it is possible that there are other situations where there is no coercion at the time of trafficking, but where the person arrives later in a circumstance tantamount to slavery, such as being forced to work in appalling labour conditions. There is often a linkage with debt bondage whereby the services of the victims are pledged by parents and others in payment of the latter are debts. One should thus be concerned with countering not only trafficking but also forced labour and slavery-like practices.⁹

In 1996 the European Parliament defined "trafficking in human beings" as: the illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion by abusing that person's vulnerable situation or administrative status. Another interesting definition is the one proposed in the preliminary report compiled for the

⁵ Ritchie, Denise (2004) "Demand' & the child Sex Trade", Post-Yokohama Mid-term Review of the East Asia and Pacific Regional Commitment and Action Plan against CSEC, November 2004

⁶ UN ESCAP(1999)

⁷ Second World Congress against Commercial Sexual Exploitation of Children, Yokohama, 2000, p-9

⁸ UNICEF, Child Protection Programme, 2001

⁹ Vittit Muntarbhorn, "The Trafficking in Women and Children in the Mekong Sub Region". <http://lox2.loxinfor.co.th/~cwanet/cv14n28.htm>

UN Special Rapporteur on violence against Women which is clear enough and not too vague. In the report the word "trafficking in women" means:

*"All acts involved in the recruitment and/or transportation of a woman (or a girl) within and across national borders for work or services by means of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion"*¹⁰.

Many of the women and girls serve as domestic servants... Since there are no specific laws in Pakistan regulating this informal work sector, the employers take license to subject their employees to various forms of abuse. Though criminal laws penalizing assault and other forms of abuse may be used, they are rarely relied upon even by Pakistani citizens... A majority of the trafficked women are further victimized by the police and pimps once in police custody. They are trapped. Furthermore, shame, fear and poverty force them to remain entrapped in the web of this trade, preventing them from returning to their country.¹¹

<http://lox2.loxinfo.co.th/~cwanet/cv14n26.htm>

Trafficking is the recruitment and or the transportation of persons by others using violence/the threat of violence, abuse of authority or dominant position, deception or other forms of coercion, for the purpose of exploiting them sexually or economically for the profit or advantage of others, such as recruiters, procurers, traffickers, intermediaries, brothel owners and other employers, customers, or crime syndicates.¹²

The definition of trafficking in women is contested and greatly debated at conferences. As trafficking in women is a very complex issue, bound up with various and often conflicting interests on behalf of states and NGOs, the definition becomes even more important. When outlining measures and policies to prevent trafficking, wording of the definitions can make the difference between a law, policy and measures that assist the women involved and one that further victimizes them.¹³

In Pakistan, trafficking of women and children for sexual exploitation from across the borders is considered as human smuggling and legally proceeded against under related rules and regulations. In the country, there exist laws that deal with prostitution in which both rape with or without consent are covered. Violence against women is now being projected as major negative aspect of Pakistan's Islamic Society (See newspapers)

Surveys by civil society organizations indicate that both adolescent boys and girls are vulnerable to exploitation. The age for entry into prostitution may be the teen years, when children of both sexes are employed to work in homes, shops, transport, etc. There is no policy or programme to end prostitution of this kind. The research is qualitative but comes from firsthand experience with victims and their rehabilitation.

Saboor (2003) unearthed reasons for dropouts from school were involvement of teachers in child sex abuse. According to him 30% of the parents were of the view that child sex abuse is very much common in this culture and children are forced and/or willing to be involved in this profession.¹⁴ Sahil views the existing research to be enough to demonstrate that child sexual abuse is in fact widespread in Pakistan. However, walls of silence prevent communities and the government from speaking out. (Sahil) Worse, child prostitution and trafficking enjoy police protection since some police earn financial compensation from the

¹⁰ Wanchai Roujanavong, "Thailand: The Situation of Traffic in Women" <http://lox2.loxinfo.co.th/~cwanet/cv14n22.htm>

¹¹ Lawyers for Human Rights and Legal Aid "Wife, domestic servant, slave !!!" Report on Trafficking of Women and Children in Pakistan

¹² Lawyers for Human Rights and Legal Aid (LHRLA) - Workshop on Trafficking in Women & Children in Pakistan, Karachi, October 2002

¹³ Foundation of Women's Forum Trafficking in Women for the Purpose of Sexual Exploitation - Mapping the Situation and Existing Organisations Working in Belarus, Russia, the Baltic and Nordic States, Stiftelsen Kvinnoforum, Stockholm, August 1998 (<http://www.qweb.kvinnoforum.se/papers/traffickingreport.html#def>)

¹⁴ Saboor, Saqib (2003) "Cultural Cognition of Child Labour" M.Sc. Thesis, University of Arid Agriculture. P-47

pimps who run the business.

In Pakistan male prostitutes are believed to be cheaper for clients than female prostitutes. The prime age for male prostitutes is 15-25. It is likely that even less is known about their working environment and specific problems because the social taboos for boys admitting to sex with male clients are even greater than for girls.

Preliminary findings of Sahil's (1998) own research into male child prostitution in a bus stand show that the children are usually runaways who are coerced by local hotel owners in urban centers to exchange their bodies in return for board and lodging. This points to the reality that children and adolescents have limited skills to rely on to support themselves, if they need to do so, and that prostitution is often the most practical and lucrative means of providing for them.

In January 2004, Sustainable Development Policy Institute (SDPI) initiated an ILO funded Child Trafficking Project covering whole Pakistan to gain better understanding of the nature and magnitude of Child Trafficking for different exploitive purposes like child labour and sexual exploitation. Swat was considered as the center of this business in NWFP and the survey conducted found that the basic causes of child trafficking were extreme poverty in case of girl child trafficking. This was due to illiteracy in the lowest socio-economic strata of population. Other causes were unemployment, lack of sex and health education, large family size, anarchic judicial system, etc. The age of victim averaged 11 and above, and she was married to allow passage outside Swat.¹⁵

A survey in NWFP found that out of 1,710 adult male respondents in communities throughout the province, about 83 percent said they knew about the practice of *bachabazi*. Almost half of those who knew about it thought the practice was either common or very common. Similarly, almost 81 percent of the respondents said they knew that some boys in their own communities sell sex for money. The places from which boys could be procured for sexual services included hotels, schools, workplaces, markets, bus stations, and video shops. The study concluded that there was a high prevalence of male sexual abuse and commercial sexual exploitation of children in NWFP and that social norm such as *bachabazi* helped to perpetuate the widely tolerated practice of adults keeping young boys for sexual services. (NGO Coalition on Child Rights 1998)

It is common knowledge that girls from Bangladesh, Burma, and other regions of South Asia are trafficked into Pakistan for sale to pimps, but the issue is particularly embarrassing for the Pakistan government because its solution would require regional collaboration and acknowledgment of each country's role in perpetrating the problem. Since India, Pakistan, and Bangladesh do not enjoy relations of mutual trust there has been no progress made on a problem that has been highlighted in the press and by activists for years.

The violence against women in Pakistan is on the increased evident from the fact that during the year 2004 print media reported 4,302 cases that include murder, rape and other kind of violence. According to findings of Madadgar research in most of the reported cases of kidnapping of children and women, the victim in one way or the other knew the perpetrator – an *amil* (*pir* – spiritual healer), *maulvi*, *wadera*, *decoit*, pimp or a trafficker.¹⁶ A Sahil research 'conversation with mothers on child sexual abuse' revealed about the causes were mainly media exposition. Poor attribute it to their environment and situation where girls are working and the rich, since they have freedom to act because of their liberty.

Lawyers for Human Rights and Legal Aid (LHRLA) published updated reports on the "flesh trade" which include comprehensive figures from its own surveys. LHRLA (1996) estimates that up to 150 Bangladeshi women and children are trafficked into Pakistan each

¹⁵ Saleem Shah, (2004) Female Child Trafficking in Swat: From Crime to Custom, SDPI Study

¹⁶ Urban Resource Centre, Vol. 13 No. 01 January 2005

day, coming through an elaborate network of pimps and corrupt law-enforcement agents that covers the region. Women and young girls are auctioned off at sales reminiscent of the slave trade during the nineteenth century, and each “sale” brings the pimp over two hundred dollars. The buyer, to whom the woman or girl is married off, may be a pimp himself or a man who uses her as a laborer. The occasional runaway or victim of a rare police raid finds herself in jail charged under the Hudood laws with illegal sex outside of marriage or else with illegal entry into the country. Their only hope for release and rehabilitation, even if only within Pakistan, is free legal aid offered by a limited number of nongovernmental organizations in the country and refuge at one of the Edhi Welfare Trust charitable homes for the destitute.

Girls from within Pakistan are also working in brothels around the country. Pimps will pick up destitute or runaway girls and women from the streets and persuade or force them into the profession. Other victims are sold into the business by their own family members or even kidnapped from their own homes. Auctions of girls have been reported in small towns, where they fetch Rs.30-40,000 for their “owners.” (HRCP 1996)

One early study identified four broad categories of prostitutes: dancing girls, society (“call”) girls, students or nurses earning additional income through prostitution, and full-time prostitutes in brothels. In a small survey of 40 full-time prostitutes (ten from each province), it emerged that most of them were between 20-35 years of age and had been sold and married off to their pimps by their families. This was particularly common in northern parts of the country such as Swat and Parachinar, from which girls would end up in brothels in other regions. From within the category of dancing girls, or *kanjars* as the community in the red-light district is known, further sub-categories have been identified within a hierarchy. It is possible that adolescent girls predominantly occupy one of these sub-categories, although age breakdowns are not always available. In another study of 100 commercial sex workers in Lahore, 47 were ages 15-25.

The Human Rights Commission of Pakistan has documented numerous reported incidents of the kidnapping and sale of women within Pakistan, as well as the trafficking of Afghan women in Peshawar. (HRCP 1996) Accurate figures on the proportion of trafficked women who are adolescents are impossible to obtain, but the fact that young girls are sold into prostitution and that mothers and daughters are sold separately demonstrates that the business values the young independently. Further, those who find themselves bought and sold are invariably victims of poverty, and lack the support and protection of their families.

There is an interesting bias in the law stemming from cultural and religious censure against homosexuality. Under the Pakistan Penal Code (Section 377), sodomy (i.e. “carnal intercourse against the order of nature with any man, woman or animal”) is punishable by up to ten years, whereas vaginal or oral penetration, or any other sexual violence to a child, is punishable up to two years only. As Sahil points out, the legislation reflects a greater interest in differentiating between acceptable or unacceptable sexual conduct rather than protecting children from sexual violence per se. (Sahil) Lawyers for Human Rights and Legal Aid (LHRLA) has reported that over 19,000 boys from the region, ranging from 2 to 11 years of age, have been trafficked as camel jockeys to the Middle East – a trade that can cost them their lives. A father who sold his son was prosecuted as the boy died in a camel race.

These weaknesses in the law, which may not create the problem of child prostitution but arguably facilitate its continuation, remain despite Pakistan’s commitment to the Convention on the Rights of the Child. Under Article 34 of the CRC, state parties commit to taking all appropriate national, bilateral, and multilateral measures to prevent the inducement or coercion of a child in unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and pornographic performances. Particularly

with regard to the trafficking of women and children in the region, such bilateral and multilateral measures are not being taken by Pakistan.

The National Commission for Child Welfare and Development has begun a project with ILO/IPEC to conduct research and “establish administrative measures” to combat child trafficking in the South Asian region. (Ministry of Women Development 1997) The commission has prepared a report on combating the trafficking of children which is still in draft form and was not available for this literature review. Meanwhile, the recommendations made by the Working Group on Youth Development in preparation for the Ninth Five Year Plan (1998-2003) do not mention the need to combat child sexual abuse/exploitation or trafficking by addressing the underlying causes of this social problem. In fact, the report lists “problems in maintaining traditional moral values” as one of the major issues “afflicting” Pakistani youth. It is unclear, therefore, whether sexual exploitation of adolescents is being encouraged by default at the policy level.

The above discussion introduced one type of sexual violence and abuse to which adolescents are vulnerable, that of the commercial sex industry. Even more difficult for Pakistani society to tackle effectively are the violence and abuse endured by the young within their own homes or communities – where the criminals are not pimps but ordinary members of society and often well-known to their victims. Despite the “walls of silence” surrounding these crimes and the difficulty in exposing and prosecuting the perpetrators, nongovernmental organizations have made steady progress in documenting and publicizing the extent of the problem and the press has begun to report incidents more frequently. The figures (Sahil Surveys) indicate a widespread problem of sexual abuse. In 1997, for example, one child every day was reported either gang raped, raped, murdered after a sexual act, or abducted for purposes of sexual fulfillment. Females are more vulnerable than males on every count of abuse.

War Against Rape, a small organization with offices in Lahore and Karachi, conducted a similar exercise based on newspaper reports of sexual abuse cases of girls in the Punjab between 1991-1993. These findings confirm that adolescent girls are particularly vulnerable to sexual abuse. Out of 149 press cases analyzed, 85 percent were of girls between ages 10-20. Since the total number of child sexual abuse cases registered with the Punjab police in this time period was 4,200, an analysis of these cases would probably reveal with more accuracy the class distribution of victims.

The Punjab study provides valuable insight into how sexual abuse occurs. In 89 percent of the cases, abduction/attempted abduction, and physical abuse also accompanied sexual abuse. The abuser was most often identified as an acquaintance; only 33 abusers (22 percent) were confirmed as arrested. Findings from a small Karachi survey of medical-legal incidents recorded at the Police Surgeon General’s Office (January-August, 1998) confirm again that adolescents are at high risk for rape and sexual assault. Out of 95 cases of reported rape, gang rape, sodomy, sexual abuse, rape and abduction, and incest, the victims were ages 12-18 in 43 cases, and 19-40 in 41 cases. (WAR 1998)

Since the problem of child sexual abuse, as well as the definition of a child as under age 18, has been slow to be accepted in Pakistan, little is being done at the national/policy level to protect young people. Sahil is currently the only nongovernmental organization devoted solely to the task of raising awareness about child sexual abuse and handling crisis cases. Another on-going project tackling child sexual abuse in Islamabad is called Aangan; formerly a project with the community-based organization Bedari and now a part of a new organization called Rozan. Aangan’s activities also include raising awareness using both the media and seminars, and counseling victims and survivors. War Against Rape (WAR) works with victims of child sexual abuse as an outgrowth of its experience with violence against

women. WAR handles individual cases of sexual abuse and provides legal help to survivors in Lahore and Karachi.

The Hudood Ordinances 1979, which apply to rape and sex outside marriage, cause the most damage of all. Under Hudood (Offence of Zina Ordinance, Clause 6), a woman or a man can commit rape with someone to whom he/she is not validly married if it is against the will or consent of the victim or if the victim is put in fear of death or believes him/her to be married to the offender. Further, under the Zina Ordinance sex committed with a non-adult girl under age 16 is considered rape, but if the girl has attained puberty the accused is to be awarded a lighter sentence. Both boys and girls are considered adult if they are age 18 or 16 respectively, or have attained puberty. An adult can be charged with adultery and awarded maximum punishment of whipping and death. Worst of all, if a victim alleges rape and cannot prove it, he or she becomes liable to be charged with illegal sex outside of marriage and receive maximum punishment. Hence, it was not out of any misinterpretation of the law that a boy of age 12 found himself in a Punjab jail, convicted under the Hudood Ordinances.

According to Aamer Liaquat Hussain, an ex-minister in the religious affairs of Pakistan minister has revealed hundreds of cases of alleged child sex abuse at Islamic schools, or Madrasahs. There were 500 complaints this year of abuse allegedly committed by clerics, as compared with 2,000 last year, but as yet there have been no successful prosecutions.¹⁷

Marjan Wijers¹⁸ from the Foundation against Trafficking in Women in the Netherlands sheds some light on the issue by distinguishing between different approaches to trafficking and the strategies. These are moral problem, criminal problem, migration problem, human Rights problem, public order problem and labour issue problem. These need a multi-pronged solution. These vary between on the one hand repressive strategies, which aim at suppressing organized crime, illegal migration or prostitution and on the other strategies, which aim at supporting the women concerned and strengthening their rights.¹⁹ Mixing approaches might lead to undesirable side effects for women e.g. restriction of women's freedom of movement or using women as witnesses for combating organized crime without allowing them the corresponding protection.

*"Trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence through trafficking. Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but who are then deprived of their basic human rights, in conditions which are akin to slavery."*²⁰

And while Pakistan, a source, transit and destination country for human trafficking, introduced the Prevention and Control of Human Trafficking Ordinance in 2002 designed to criminalize and stamp out the trade, it has yet to be successfully implemented in the country's provinces. There have been cases registered under this law. We're not clear whether they

¹⁷ Paul Anderson "Madrasahs hit by sex abuse claims" BBC News, Islamabad (http://news.bbc.co.uk/2/hi/south_asia/4084951.stm)

¹⁸ Speech at Transnational Seminar on Trafficking in Women in Budapest on June 20-24, 1998 4. "Between Repression and Empowerment", speech at an international conference in Moscow; "The Trafficking of NIS Women Abroad", November 3-5, 1997, Conference Report

¹⁹ "Between Repression and Empowerment", speech at an international conference in Moscow; "The Trafficking of NIS Women Abroad", November 3-5, 1997, Conference Report

²⁰ November 1996 European Commission Communication on Trafficking in Women for the Purpose of Sexual Exploitation

were human trafficking incidents or human smuggling, because these concepts are not clear to law enforcement and government officials.²¹

Authorities in Pakistan do not consistently differentiate between trafficking and smuggling so actual rates of prosecution are difficult to determine. Lack of resources also limits victim assistance efforts. Government officials greatly need training on the distinction between trafficking and smuggling; this along with increased resources allocated to victim assistance would significantly further Pakistan's fight against trafficking."²²

When a complaint is registered, usually through Herculean efforts on behalf of the victim, any follow-up by the police is generally minimal and rudimentary, a mockery of professional investigative methodology. Furthermore, even such limited action by the police usually requires persistent inquiries and pressure from the complainant".²³

"Women are being sold like animals in Pakistani markets. The trade is being encouraged by corrupt officials and politicians in the Sindh province of the country. Anti-human practices are taking place in markets of Thar and other parts of Sindh under protection of influential politicians. The buyers of these unfortunate women fix their prices after examining and scanning their bodies. They humiliate and sexually harass these women in public."²⁴

"More and more sex workers in Pakistan are practicing "*mutah*" — a short marriage contract — to gain a sense of legitimacy and beat the law of the land. In most red light districts of Lahore, Karachi, Multan, Hyderabad and other cities, every time there's a police raid, sex workers and their patrons seek cover by owing allegiance to any sect that allows *mutah*. *Mutah* marriages are not limited to Pakistan. In India's Hyderabad, such incidents are common when cash-rich Arab sheikhs come searching for young brides. In most cases, the marriages last a night or so and greedy clerics even issue marriage/divorce certificates to provide legal cover. Poverty, ignorance and lust seem to be paving the way for exploitation of women, on both sides of the border".²⁵

BBC report on "Social customs 'hide child sex abuse'" - Prostitution among underage boys in South Asia is 'rife' said on 21 January, 2003 that Socially accepted practices are being used to hide the sexual abuse of children in various parts of the world, according to a new report from an international advocacy group [ECPAT]. The Bangkok-based international child protection campaign group, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) reserves its harshest criticism for forced marriages of adolescents and children.

As regards 'Boy prostitution', the report describes the problem of prostitution among underage boys in South Asia, which is never discussed openly because of religious and sexual taboos. In Pakistan, it says, the use of boys as homosexual prostitutes for older men is virtually tolerated, but the boys themselves are unable to seek help from the police because they are seen as outcasts.²⁶ Richard Galpin²⁷ writes that some in the North West Frontier Province see sexual abuse as normal. According to him a new report on attitudes to

²¹ Mariam Khokhar, The International Organisation for Migration (IOM) on Tuesday first counter trafficking training course, Ankara 2004 IRINnews.org

²² US Department of State, "**Trafficking in Persons Report**" Released by the Office to Monitor and Combat Trafficking in Persons, June 14, 2004

²³ Human Rights Watch, "CRIME OR CUSTOM? - Violence Against Women in Pakistan, 1999
http://www.hrw.org/reports/1999/pakistan/Pakhtml-01.htm#P160_8127

²⁴ Paralumun - New Age Womens Village "The selling of women in Pakistan", <http://www.paralumun.com/issuespak.htm>

²⁵ The Telegraph of Calcutta, India as reported in <http://www.worldsexguide.com/guide/Asia/Pakistan/>

²⁶ Anusheh Hussain, "The Other Side of Childhood – Male Child Prostitution at a Bus Stand in Pakistan", A Research by Sahil, NGO, 2004

²⁷ Richard Galpin, "Pakistan's wall of silence on child abuse" BBC News, published on January 4, 1999

child sex abuse in Pakistan's North-West Frontier Province paints a horrifying picture of widespread abuse. The report shows that many of the population believe that the sexual abuse of young boys is a matter of pride. Children are common victims of sexual exploitation, which often occurs, in educational institutions, work situations and even in their own houses. Trafficking of children to the countries of Middle East is another menace in Pakistan. In Pakistan particularly the government functionaries very reluctantly acknowledge the problem of sexual abuse. However, prostitution, including child prostitution is illegal in the country – http://www.lhrla.com/link/pakistan_needs.html

National Legislation and Policies against Child Labour in Pakistan Legislation

Article 11 (1) of the Constitution of Pakistan forbids slavery and states that no law shall permit or facilitate its introduction into Pakistan in any form. Article 11 (2) prohibits all forms of forced labour and traffic in human beings, Article 11 (3) prohibits employment of children below the age of 14 years in any factory or mine or any other hazardous employment.

Major national legislative developments include:

- The Employment of Children Act (ECA), 1991
- The Bonded Labour System (Abolition) Act, 1992
- The Prevention and Control of Human Trafficking Ordinance (promulgated in October 2002)

Pakistan is signatory to the:

- ILO Convention on the Worst Forms of Child Labour (No. 182);
- ILO Forced Labour Convention (No. 29);
- ILO Abolition of Forced Labour Convention (No. 105);
- UN Convention on the Rights of the Child (CRC).

IPEC Action in Pakistan

A Memorandum of Understanding (MoU) was signed between the ILO and the Government of Pakistan in 1994. The National Steering Committee (NSC) that has been created under this cooperation agreement is chaired by the Federal Secretary for Labour. The NSC is comprised of representatives of the concerned Federal ministries (social welfare, education, health, planning, finance), representatives of employers' and workers' organizations, and NGOs.

According to SPARC,²⁸ Children in Pakistan experience many forms of violence and exploitation by society and the State. Street children face abuse, torture and even death at the hands of the police and society. Boys are recruited to fight adult wars by groups opposing the government or involved in sectarian and ethnic strife. Girls and boys under 18 years of age are kidnapped and trafficked, across national borders to work as camel jockeys and domestically into many forms of child labor, including domestic servitude and prostitution, sold and bought like cattle. Little girls are sold as child brides and also sexually exploited.

One study of reported cases of child sexual abuse suggests that at least four children every day are sexually abused in Pakistan. However, it is impossible to know the true number, as most abuse is never reported. Children are often powerless to expose sexual abuse, especially when it involves family members or trusted acquaintances. Thus, it remains hidden from the community or even the family and the child suffers in silence. To file rape

²⁸ <http://www.sparcpk.org/ViolenceAgainstChildren.htm>

charges face police harassment and disbelief, and may themselves face arrest and prosecution for engaging in extramarital sex²⁹

According to Masooma Butt, “The trafficking of women and children is a multibillion-dollar business spanning the entire globe. In 2002, the Pakistan government introduced and enforced the 'Prevention and Control of Human Trafficking Ordinance'. As you find out, a lot remains to be done as far as its execution is concerned”³⁰

Public discussion of child abuse, sexual abuse, and the sexuality of mentally handicapped people is unwelcome in Pakistan, as in some other Asian and Muslim nations.³¹ Rape of young girls occurred “rather frequently. This is understandable, because grown up girls and women are protected, while young girls have more freedom until they start to menstruate”.³²

In 1990, at St. Josephs Girls College in Karachi, 120 girls aged from 16-18 answered questions about child sexual abuse. 80% said they had experienced or had known people who had been victims of child sexual abuse. 26% of these said they had experienced disturbing sexual experiences with friends or relatives. 57% knew people who had been sexually abused as children³³

Further, even though the hard punishment can only be awarded to adults, this may include girls as young as eight if they have reached puberty. This definition fails to protect children from criminal responsibility before they reach a certain age. The Pakistan Penal Code protected minor girls by providing that sexual intercourse with a girl under fourteen even with consent would constitute rape. This immunity is not incorporated in the Zina Ordinance.³⁴

According to a 1991 national survey by a nongovernmental social welfare organization in Pakistan, between 100 and 150 Bangladeshi women are illicitly taken to Pakistan each month. The majority is lured by promises of better jobs, but often ends up in brothels where they are compelled to provide sexual services, or in private homes where they are forced to work as domestic servants or, in some cases, to become wives. The average age of the women and girls victimized by this trafficking is 15.³⁵

Trafficking is of two types: internal and external. The internal trafficking – demand and supply of Lahore’s red light area (*Heera Mandi*), where approximately 1500 women commercial sex workers (WCSWs) are providing services, is met from internal Punjab cities like, Kasoor, Multan, Sialkot, Gujrat, Gujranwala, and Lahore. The major reason behind this flesh trade is poverty some other factors are ‘disintegrated families’ this includes women belonging to the family background where their husbands were involved in drug consuming activities. Some divorced women who start prostitution similar case of widow, who also started prostitution to meet with their expenses.³⁶

²⁹ Human Rights Watch – Women’s Rights, <http://www.hrw.org/women/sexualviolence.html>

³⁰ Flesh Trade <http://jang.com.pk/thenews/mar2005-weekly/you-01-03-2005/#1> downloaded on April 16, 2005

³¹ Miles, M. (1996) Walking delicately around mental handicap, sex education and abuse in Pakistan, *Child Abuse Rev* 5,4:263-74

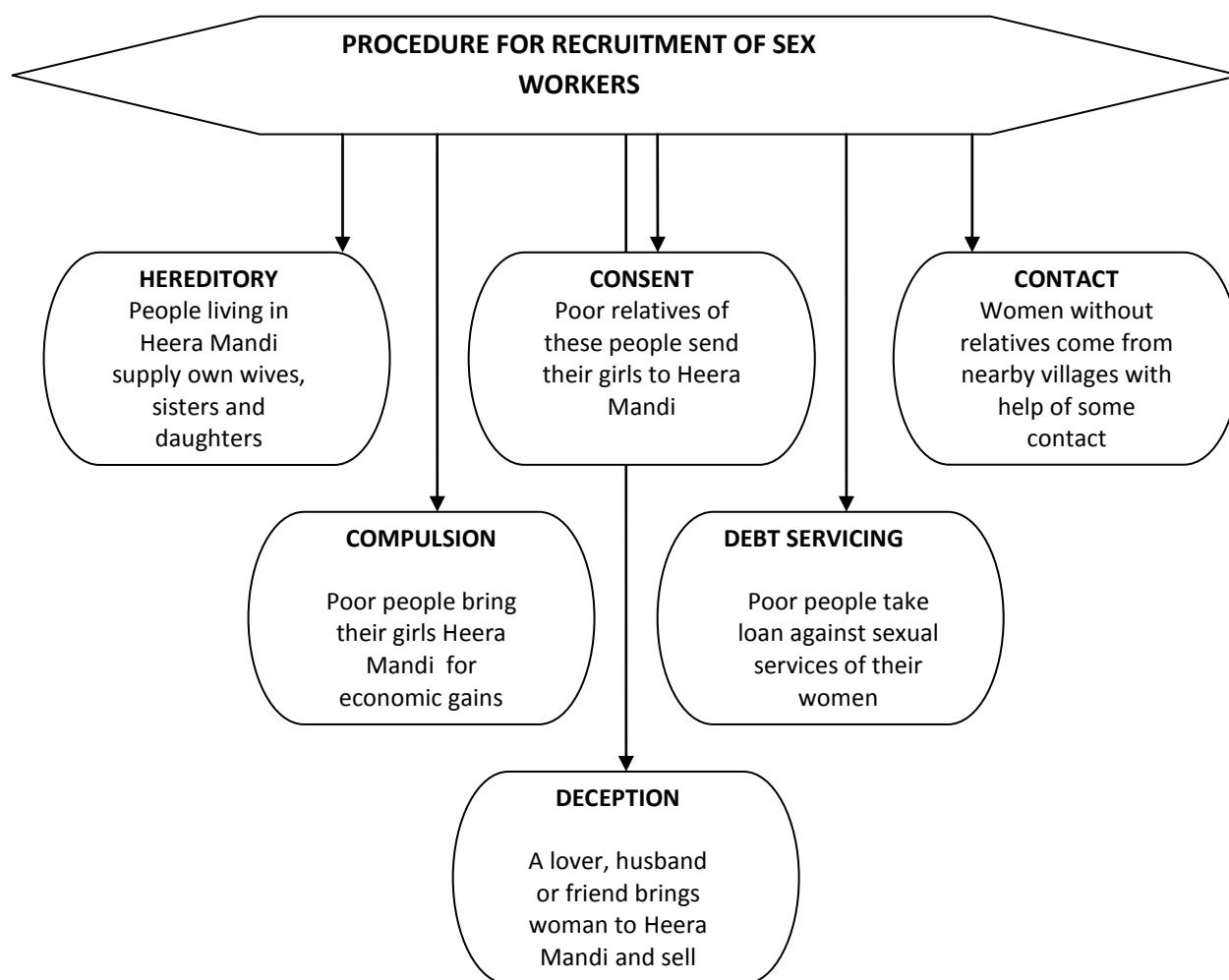
³² Sikkil-Buffinga, A. J. (1980) Roles and attitudes toward sexual behavior in Pakistan, in Forleo, R. & Pasini, W. (Ed.) *Medical Sexology*. Amsterdam [etc.]: Elsevier, p166-9

³³ War Against Rape - <http://war.org.pk/n006.htm>

³⁴ Shazia Rafiq, “Justice and equality for women” <http://www.onlinenews.com.pk/articledetails.php?id=52986>

³⁵ Dorothy Q. Thomas, Human Rights Watch, Double Jeopardy - Police Abuse of Women in Pakistan, 1991

³⁶ Action Aid Pakistan “Internal trafficking in women in Lahore”



Action Aid Pakistan – Survey Findings

The trafficked children are used in sex trade and in camel races. For camel races young boys are used and for sex both male and females are used. Pakistan is a source of providing trafficked children to countries like United Arab Emirates, Kuwait, and Qatar as camel jockey.³⁷

Conclusion

The UN and other countries around the globe have developed many charters, conventions, multi-lateral and bilateral agreements and ratified them to address the problems of trafficking and prostitution legally. Pakistan has declared illegal and/or criminalized systems of prostitution, which includes criminalizing pimps, brothels, promoters and buyers, also known as “customers or clients” The legally prohibited prostitution activities and enterprises are in reality tolerating mushrooming brothels and the buying of women and children for commercial sexual exploitation. Women have been discriminated against more than ever before. The prostitution is treated as “sex work” rather than sexual exploitation and violence against women; instead the trend has now shifted to curtailment of the demand.

The study has concluded that gross disservice has been made to nation by banning prostitution as a profession without offering alternative sources of the livelihoods of those affected. While prostitution has been banned, dancing has been allowed and cultural shows

³⁷ Centre for Research and Social Development (2004), “Child Trafficking for Camel Races: A Perspective from Pakistan.”

are now organized at official level. Prostitution is considered as the most effortless, most money-spinning and most readily available employment. It is thriving upon poverty, conflict in developing countries, affluence in developed nations and time saving modern technology. The cover of dancing is the best camouflage for prostitution. Likewise, the customary Pakhtun laws have widened the sphere and extended the influence of male prostitution like smuggling and kalashnikov culture. This appears to be hard to eliminate or eradicate.

References

- Action Aid Pakistan “Internal trafficking in women in Lahore”
- Centre for Research and Social Development (2004), “Child Trafficking for Camel Races: A Perspective from Pakistan.”
- Conference Report. (1997). "Between Repression and Empowerment", speech at an international conference in Moscow; "The Trafficking of NIS Women Abroad", November 3-5.
- European Commission. (1996). Communication on Trafficking in Women for the Purpose of Sexual Exploitation Flesh Trade <http://jang.com.pk/thenews/mar2005-weekly/you-01-03-2005/#1> downloaded on April 16, 2005
- Foundation of Women's Forum. (1998). Trafficking in Women for the Purpose of Sexual Exploitation - Mapping the Situation and Existing Organizations Working in Belarus, Russia, the Baltic and Nordic States, Stiftelsen Kvinnoforum, Stockholm, (<http://www.qweb.kvinnoforum.se/papers/traffickingreport.html#def>)
- Galpin, R. (1999). “Pakistan's wall of silence on child abuse” BBC News. <http://www.sparcpk.org/ViolenceAgainstChildren.htm>
http://www.hrw.org/reports/1999/pakistan/Pakhtml-01.htm#P160_8127
- Human Rights Watch, (1999). “CRIME OR CUSTOM? - Violence Against Women in Pakistan,
- Human Rights Watch. (2005). Women’s Rights <http://www.hrw.org/women/sexualviolence.html>
- Hussain, A. (2004). “The Other Side of Childhood – Male Child Prostitution at a Bus Stand in Pakistan”, A Research by Sahil, NGO.
- Khokhar, M. (2004). The International Organization for Migration (IOM) on Tuesday first counter trafficking training course, Ankara IRINnews.org
- LHRLA. (2002). Wife, domestic servant, slave !!! Report on Trafficking of Women and Children in Pakistan. Lawyers for Human Rights and Legal Aid. Karachi.
- LHRLA. (2002). Workshop on Trafficking in Women & Children in Pakistan, Lawyers for Human Rights and Legal Aid. Karachi.
- Miles, M. (1996) Walking delicately around mental handicap, sex education and abuse in Pakistan, *Child Abuse Rev* 5,4:263-74
- Paralumon - New Age Womens Village “The selling of women in Pakistan”, <http://www.paralumun.com/issuespak.htm>
- Pasini, W. (Ed.) *Medical Sexology*. Amsterdam [etc.]: Elsevier, p166-9
- Paul Anderson “Madrasahs hit by sex abuse claims” BBC News, Islamabad http://news.bbc.co.uk/2/hi/south_asia/4084951.stm
- Rafiq, S. Justice and equality for women <http://www.onlinenews.com.pk/articledetails.php?id=52986>
- Ritchie, D. (2004). Demand & the child Sex Trade, Post-Yokohama Mid-term Review of the East Asia and Pacific Regional Commitment and Action Plan against CSEC,
- Saboor, S. (2003) “Cultural Cognition of Child Labour” M.Sc. Thesis, University of Arid Agriculture. P-47

- Second World Congress against Commercial Sexual Exploitation of Children, Yokohama, 2000, p-9
- Shah, S. (2004) Female Child Trafficking in Swat: From Crime to Custom, SDPI Study.
- Sikkil-Buffinga, A. J. (1980) Roles and attitudes toward sexual behavior in Pakistan, in Forleo,
- Speech at Transnational Seminar on Trafficking in Women in Budapest on June 20-24, 1998 "Between Repression and Empowerment", speech at an international conference in Moscow; "The Trafficking of NIS Women Abroad", November 3-5, 1997, Conference Report
- The Telegraph of Calcutta, India as reported in <http://www.worldsexguide.com/guide/Asia/Pakistan/>
- Thomas, D. Q. (1991). Human Rights Watch, Double Jeopardy - Police Abuse of Women in Pakistan,
- Trafficking in Persons Report (2005), Released by the Office to Monitor and Combat Trafficking in Persons, Department of State, USA. June 3, 2005
- UN ESCAP Report (1999)
- UNICEF, Child Protection Programme, 2001
- US Department of State, "Trafficking in Persons Report" Released by the Office to Monitor and Combat Trafficking in Persons, June 14, 2004
- Vitit Muntarbhorn, "The Trafficking in Women and Children in the Mekong Sub Region". <http://lox2.loxinfo.co.th/~cwanet/cv14n28.htm>
- Wanchai Roujanavong, "Thailand: The Situation of Traffic in Women" <http://lox2.loxinfo.co.th/~cwanet/cv14n22.htm>
- War Against Rape - <http://war.org.pk/n006.htm>