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Insights into Women Trafficking: Strengthening Legal Systems Against Modern-Day Slavery

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ABSTRACT

This research article delves into the complex issue of women trafficking as defined by the United Nations, encompassing transportation through improper means for unauthorized purposes. Focusing on Pakistan's role as a source and transit country, particularly for victims of bonded labor, the author sheds light on the challenges despite legislative efforts aimed at combating trafficking. The complicity of poverty-stricken parents in child labor exacerbates the issue, underscoring the need for alternative employment opportunities for released victims. Furthermore, the study emphasizes the pivotal role of media engagement in raising awareness and empowering victims, while also addressing social, legislative, and systemic inadequacies perpetuating trafficking. The author advocates for strengthened legal frameworks, enhanced law enforcement capacities, and international cooperation to effectively combat women's trafficking and safeguard human rights.



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1. Introduction

The United Nations defines women trafficking as the transportation, transfer, recruitment, harboring, or receipt of people through improper means such as force, abduction, coercion, or fraud for unauthorized, improper, or illegal purposes, including sexual exploitation or forced labor (Krolikowski, White & Alabase, 2022). Women trafficking has evolved into various forms over time, aimed at enriching itself and exploiting individuals. In this context, three key elements—acts, means, and objects—play vital roles. Pakistan serves as both a source and transit country for men, women, and children subjected to trafficking in persons, particularly forced labor and prostitution (Khan et al., 2022). The most prevalent form of women trafficking in Pakistan is bonded labor, primarily concentrated in the Sindh and Punjab provinces, encompassing agriculture, brick-making, mining, and carpet-making industries. Estimates suggest that bonded labor victims, comprising men, women, and children, exceed one million (Bilal, 2017). In egregious cases, when laborers speak out against abuse, landowners resort to kidnapping them and their family members.

According to a 2009 report by the United States, Pakistan serves as a central route for women and children smuggling, forced labor, and sexual trafficking. To combat this scourge, Pakistan enacted legislation in 2018 aimed at discouraging women and children smuggling. The Federal Investigation Agency of Pakistan reported that 6,767 illegal Pakistani individuals entered Europe in 2017 via the Turkey-Iran border. Furthermore, there are reports of Chinese nationals entering Pakistan, solemnizing marriages, and subsequently taking brides to China for purposes of prostitution (Said, 2022). Hotspots for women and children smuggling include Gujarat, Mandi Baha-ud-din, and Jhelum. Similar to other forms of smuggling, women trafficking thrives on the supply and demand gap, with trafficking groups often establishing offices in remote areas (Makarenko, 2012).

This research article aims to investigate various factors contributing to women trafficking, its diverse means, and legislative and executive measures undertaken by the state of Pakistan, as well as international efforts to mitigate it. Given the Pakistani context, the author provides solutions and recommendations tailored to the societal conditions in Pakistan.

2. Historical Perspective and causes of Women trafficking:

In the last decade, the political, public, and attention of scholars have focused much on Women trafficking due to contemporary forms that exist in our society in the form of modern slavery (Patterson, 2012). However, the Women trafficking scholars i.e. Alison Brysk and Austin Choi Fitzpatrick are of the view that most women trafficking exists for sexual exploitation in our society and across the world (Behbahani, 2015). To uphold women's and children's rights, all forms of women's trafficking must be rooted out, especially for sexual exploitation. To end sexual exploitation global response is needed of the hour to counter it.

The offense of women trafficking is committed for economic gains which results in women and children's exploitation (Bassiouni et al., 2010). Trafficking is not concerned with the international or beyond the limits of borders but within the borders are also women trafficking offence is also committed. Mostly, women, male and female children are trafficked for several purposes from farms, houses, dating sites, roads, etc. Women trafficking affects all regions of the world. Women trafficking occurs for financial gains. The persons become vulnerable to women trafficking due to the reasons of poverty, violence, and discrimination (White, 2013). Women trafficking has become a major risk in the last decade due to the availability of modern tools and transportation. To arrest the issue at the international level comprehensive strategy is need of the hour to curb the issue from Bud.

The international police are the best antidote to curb the curse of women trafficking. In Pakistan hot spots for women trafficking are Sind and Punjab provinces in agricultural and brick-making and to a lesser extent in the carpet-making and glass and fishing industries (Kara, 2014). The disabled child is forced to

beg charity from the people. Kidnapping of children and girls is the order of the day not only at the international level but in Pakistan is also common (Sajid et al., 2010).

In Pakistan compliance with the minimum requisite standard to cope with the anti-women trafficking efforts even had not been made up till now. The law and order situation in developing countries should be checked in the true sense to control the menace of women trafficking not only in Pakistan but in the whole world (Thaheem, 2016). If, the proper steps are not carried out then the time will come when we will not be able to cope with it in the true sense. Even though the penalties for the said crimes are about 07- to 14 years its true implementation is success and true deterrence.

Some of the traffickers were successful in acquitting from the offenses on the grounds due to the non-presence of sufficient evidence against them even though they tortured the child to death but the culprits were acquitted because the child died on account of infectious disease (PANDEY, 2022). Some of the landlords have connections with the political parties they will never be in the clutches of law enforcement agencies. As politicians are dominant upon the government officer, they need the politician for promotion and transfer and posting during their service tenure so, they never afford to displeasure of the political bosses. They are not public servants to do justice by remaining in their posts but to please their political bosses for the long tenure of their service. According to the media reports brothel houses can't run without the support and connection with the law enforcement agencies (Weitzer, 2011). Some of the officials of the law enforcement agencies according to the report of the independent respondent used bribes to run their illegal businesses due to which the owners of the brothel houses are not afraid to run their illegal businesses due to the cooperation of the law enforcement agencies with them.

Similar is the matter with the landlords that the media persons and the local law enforcement agencies members either do not dare to raise their voice against the landlords for the illegal business of forced labor from the poor, destitute, and underdog vulnerable groups or they use to accept bribe (Khan et al., 2018). The factories owner uses the labor department to not raise their voice for the labor and they give them hush money for their illegal business and for not giving rights to the labor class (Jalal, 2014). They did not consider them women and children. They take more work from them beyond their body powers but pay them less as a result the miseries of the destitute class increase which impacts their health and psychological problems besides these social problems are the order of the day for them. Pakistan's government has done considerable work in this regard to end forced labor, especially by the children at brick kilns. Special laws have been promulgated in this sense that no child will work under 14 years of age in the brick kiln industry (Latif et al., 2016).

3. Forms of Women trafficking:

Under this heading, the author has discussed the various forms of women trafficking. Following are the forms of women and children traffic that happened in municipal and international scenarios;

3.1 Bonded/Forced Labor

According to the International Labor Organization bonded labor means the work which is not being offered voluntarily is called bonded labor (Derks, 2010). The victims of domestic or bonded labor is now a day a burning question to which the nongovernmental organizations have assigned special attention to counter it. These servants are not even allowed to move with their sweet wills anywhere even to see their parents. They have to get permission from their immediate bosses for the said purposes. They have to spend more time at the workplace. Nobody bothers to see their health issues. Every day is the murderer of the wishes and whims of the people who are indulged in bonded labor. This form of labor happens when the slave person reaches the destination he has to pay the expenses of traveling, visa, and passport fees and recruitment fees are the additional cost incurred by the laboring person (Andrees, 2008).

The employer even takes into custody the legal documents of the slave in his custody so he cannot move without his prior permission. The enslaved person even did not dare to report the matter to the nongovernmental organizations due to fear of legal complications. Migrant workers are more vulnerable

to domestic servitude and they have also to bear more health-related issues (Women, 2017). Domestic servitudes are often tortured by their bosses because the masters are not feared to complain from the servitude side. As mentioned by Marks & Olsen (2015), “that according to the UN Organization for Labor Rights Protection estimates that about 20.9 million people are victims of bonded labor. The people who are victims of bonded labor further become prey of organ removal, forced or child marriages, and forced adoptions.” The fishing, textile, construction, mineral, and agricultural industries curtail a lot of the population in the form of bonded labor. The majority of the world's slaves live in the world in India in the form of bonded labor.

In Pakistan about 20000 brick kilns are present wherein about 4.5 million people work. They are paid about 960 PKR per 1000 bricks (Niketa et al., 2021). One brick is paid less than one rupee. From the total earnings, the labor is paid half and the remaining amount keeps the employer with him which is never paid to the labor due to the bad ambitions of the employer. Due to the remaining amount with the employer, the labor continues to work the employer that will never be paid to him. According to the reports Pakistan ranked 8th among the 167 countries on the global slavery rank (Shah et al., 2020). Child labor is present in the form of bonded labor due to the reason that child labor is cheap and offered more frequently due to unemployment. The destitute class mostly indulges in the form described above due to non-education facilities for the children. Due to child labor, the faculties of child growth are affected adversely. Since, 1992 slavery has been prohibited but after the 18th Amendment, it has become a provincial subject (Bilal, 2017).

3.2 Forced marriages

The forced marriage is also recognized as a violation of women's rights. This is that marriage which solemnized with the consent of one partner. It is sexual enslavement and domestic servitude. Forced marriages are most common in the countries of the subcontinent, Africa, and Asia (Hussain, 2020). The developing countries are mostly involved in forced marriage due to non-awareness about the rights of women by themselves. Forced marriages do not occur at the couple's discretion but at the discretion of the elders of the family. There is no age of girls acknowledged at the world level for the solemnization of marriage and it varies from country to country (Haarr & Duncan, 2023). Forced marriages are often solemnized due to duress, physical abuse, threat, and death threats by family members that constitute by force and coercion. In the United States of America forced marriages are considered a crime and women and children rights violation and in some other cases, it is understood as child abuse. However, an arranged marriage is something different from a forced marriage.

3.3 Sexual Trafficking

In the United States commercial sex under the age of 18 years is considered automatically considered a victim of sexual trafficking crimes (Hartjen, 2021). Those persons who are underprivileged/undernourished mostly due to their abject poverty become easy prey for the offenses of sexual trafficking. They are economically and politically marginalized due to no access to basic amenities of life available to them. Some women and girls are offered jobs as waitresses, models, and dancers by oversee. They indulge there in sexual trafficking. When they arrive there they are sold there in the sex industry for sexual activities by threat in case of any non-compliance on their side they have to absorb torture from the suppliers (Szymanski & Mikorski, 2016). The employers threaten the victim that they are free after paying the debt money to them which comes in the category of bonded labor. Sex trafficking has devastating results for the victim who will never be able in future to live honorably in society. As society takes revenge on socially disturbed individuals. The sexual trafficking victims also become victims of health problems i.e. HIV/AIDS other traumas are drug addiction and long-lasting physical, mental, spiritual, and psychological traumas in addition to malnutrition and social ostracism (Khan-Leonard, 2020). Studies show that about 30 percent of children run from their schools due to sexual abuse at schools. In the area of Khabar Pakhtunkhwa young girls are sold for marriage purposes and later on

these are further sold for prostitution (Khan et al., 2023).

3.4 Begging of Women Trafficking

Begging is another kind of women trafficking in Pakistan at the national level and the international scenario. People give alms to children and persons who are physically impaired etc. due to which the vulnerable groups of women trafficking are increasing day by day besides this people are getting rid of proper work (Sarker & Panday, 2006). Due to earning from the labor work people earn not more than 500 to 700 daily. But the people who beg alms earn more than 3000 per day. Due to more average money from begging people prefer this business. People prefer to pay to vulnerable groups due to the kidnapping and thereafter, trafficking of the vulnerable groups at the international and municipal level is very common. If people stop giving alms without proper verification then the curse can be mitigated.

3.5 Drug peddling /smuggling

At the national and international levels first, the people are kidnapped and then transmitted to the transnational level. The victims are subjected to narcotics and addicted to them (Kar et al., 2017). Then they used them to sell it. As the teen ages people and children are not easy prey of the law enforcement agencies due to which they are used for selling of drugs. When these victims are engaged by law enforcement agencies as drug peddlers then the traffickers disown them and change their location. Therefore, law enforcement agencies should keep in mind whether the drug peddlers are victims or traffickers.

3.6 Forced criminality

Women and children trafficker kidnaps them from one region and convey them to another region their traveling document is kept in the custody of traffickers and the victims are forced to commit forced criminality (Charles & Patricia, 2023). The victims are subjected to different kinds of threats. In case of noncompliance with their illegal commands, the victims have to face the music trap of law enforcement agencies as their master vivid them as criminals they keep videos and proofs of their criminality with them which they show to the law enforcement agency in case of need and noncompliance with their illegal orders.

3.7 Organ harvesting

Some of the women trafficking is caused by to use of the body parts of the victims for sale. They use one kidney of the victim or one lung. In some cases they don't care about the life or health of the victim they sell the organs of the body of the victim like hot cake at ordinary prices to some of the acceptors of are ill due to their one or two body parts on account of disease or accidents (Pascalev et al., 2016). In such kinds of crimes chain of women and children traffickers is involved. This work is accomplished with the help of kidnapping people, medically equipped people searching for required acceptors who need the body parts and dealing with fiscal matters for the subject.

4. Legal Framework in the Pakistan and International Scenario:

Women trafficking which is otherwise popularly known as modern-day slavery involves the use of force, coercion, fraud, and obtaining some type of labor or for commercial sex, these acts are against the will and whims of the person who is trafficked (Patterson, 2012). The persons who are indulged in the business of traffickers may use violence, and false promises to the victims and their family members to move them from parental care to the place where they to utilize against their wants for forced labor or commercial sex, manipulation of well-paying jobs or on the promises of romantic relationships to lure victims that is being trafficked. Presently, as highlighted by Patel (2020), "there are about 45.8 million people who are caught in the trap of modern-day slavery around the world by traffickers to aim their vested interests that

include about 10 million children, 4.8 million people in forced sexual exploitation and 15.4 million people in forced marriage.” However, 100 percent exact reporting is not possible because several cases go unreported.

The protection of children from abduction and missing under the age of 18 years is the sole responsibility of the government. The government should raise alerts about the search, response, and recovery of missing persons. Pakistan signed the United Nations Convention on the Rights of Children in the year 12-November, 1990 (Jabeen, 2013). However, children under the age of eighteen years are under immense pressure of abduction, kidnapped, exploitation, forced labor, and sexual exploitation. Therefore, the government should be very much responsible for raising alert, search, and recovery of the missing person in time. These queries came under discussion during the year 2018 when a small girl Zainab was kidnapped from the area of District Qasur. Thereafter, her dead body was recovered after the commission of rape.

The world alert means any information received about the kidnapping or missing of any children then proper response for the recovery of the child should be immediately made on any media. The management of ZARRA is equipped with skills to manage the database, for monitoring and plan, for preparation of reports, and coordinate with all the officers. To avoid the kidnapping of children and women trafficking a helpline has been established i.e. 1099 (Khaliq & Sultan, 2022). The recovered children should be provided psychological support to cope with the society in future.

4.1 Registration of FIR

Upon receiving information about the missing child the station house office records the same in writing in register no.1 of police station u/s 154 of Cr.P.C. Thereafter, he shall depute a police officer for the investigation of the same and shall make all possible women and children efforts for the recovery of the missing child. The police officer shall sensitize society through the media; especially using social media as well to locate the location of the missing child he will use the model tools of investigation. The investigation officer after the registration of the first information report in the case of a missing child enjoys the same power as he has in the commission of the cognizable offence.

In case the investigation officer in the investigation officer does not comply with the laws on the subject he shall be subjected to punishment which may be 1 to 2 years and a fine may amount to 50 thousand to 01 lac rupee (KHALIL et al., 2021).

4.2 Provision of Legal Aid in Criminal Matters

In the criminal matter provision of legal aid to the minor or lunatic and other parties shall be made affordable by accepting the application from the person. The application for the provision of legal should be supported by required documents (KHALIL et al., 2021). The competent authority shall decide the application within seven days after receipt of the same. If the contents of the application are found satisfactory the authority may allow for the provision of legal aid or financial support in case during the inquiry if, the authority is not satisfied then the authority may revoke the same in good faith (Mahmood, 2021). The authority may recommend an advocate and a panel of advocates or volunteers on the subject. The panel of advocates or free aid unit shall properly prepare the record of the case. The authority shall decide on the payment of the fee or expenses of the panel of advocate or their expenditures.

5. Women trafficking and International Efforts to Mitigate it:

England and Wales are taking the best approach regarding women trafficking in this regard they have made legislation to end modern slavery the modern slavery act has provisions regarding forced labor and sexual exploitation and in the act, they have increased significantly the punishment pertaining the crimes relating with the women trafficking (Haynes, 2016). The potential victims who have caused crimes concerning women trafficking are delivered to one or two agencies that have expertise in these kinds of crimes. The first responder and police person are given specialized training to cope with the crimes of

women and children training which helps further ineffective investigation and to get award punishments to the culprits of these kinds of crimes. England is considered a destination country for most women trafficking people. The women trafficking number is being increased due to ineffective cooperation among the countries at the international level (Temitope, 2018). The modern slavery act gives defenses to the victim of crimes regarding women trafficking. The assets of the women and children traffickers are confiscated which are generated on account of women trafficking by the state law enforcement agencies (Craig, 2017). In England, the magistrate can issue restraining orders against the possible trafficking at the request of the police chief.

In England, training for law enforcement agencies to cope with the crimes relating to modern slavery is undergone in the College of Policing (Van Dyke & Brachou, 2021). There are a lot of authorized practice materials available for the personnel of law enforcement agencies. The member of the law enforcement agency when coming in contact with the victim of modern slavery must immediately ensure its life protection. The authorized trained official or officer should immediately interview the victim carefully. The interviewer should keep in mind the indicators regarding modern slavery in interviewing the victim. If the potential victim is not in a position to disclose information immediately then the member of the law enforcement agency should arrange safe accommodation and ensure that the victim shall not come in contact with the exploiter. The police who interview child victims should be trained in this regard. It should be kept in mind that the child should not succeed in fleeing away and the chances of re-trafficking should be eliminated. The interviews of the victims should be done completely in a friendly manner. According to the United Kingdom there are following specific signs of modern slavery; (i) The victim is distressed with the authorities. (ii) Acting as the person is instructed by another. (iii) The person has a lack of knowledge about the areas of the United Kingdom. (iv) The person is fearful of talking about the status of immigration. (v) The person is fearful and emotional about the family members. (vi) The person has little knowledge about the English language. (vii) The person's passport and travel documents are not with him and are confiscated by the master or traffickers. At the international level, Pakistan was a signatory of the SAARC convention for preventing and combating the trafficking of women and children for the illegal act of prostitution in the year of 2002 (Vyas, 2012). Legislation has also been done for child welfare in South Asia in the year 2002.

6. Recommendations and Conclusion:

In addressing the intricate challenges of women trafficking, governments must recognize the complicity of parents in child labor due to extreme poverty. Efforts should focus on comprehensive victim search strategies, ensuring that rescued children are not inadvertently returned to situations of forced labor without adequate assessment of parental involvement. Moreover, effective measures to combat unemployment and poverty are essential prerequisites for the sustainable prevention of forced labor. Released victims of bonded labor must be provided with viable alternative employment opportunities to mitigate their susceptibility to re-victimization by traffickers. The media emerges as a crucial ally in disseminating information and raising awareness about women's trafficking and preventive measures. By amplifying the voices of victims and facilitating communication with law enforcement agencies, the media can empower individuals to seek assistance and hold perpetrators accountable. Heightened awareness campaigns can underscore the legal consequences for traffickers and bolster societal condemnation of such heinous crimes.

Reflecting on the escalating trends of women trafficking over the past two decades, it is evident that social and legislative inadequacies, coupled with deficiencies in the criminal justice system, perpetuate this scourge. To effectively address these challenges, concerted efforts are needed to enhance legal frameworks, bolster law enforcement capacities, and foster international cooperation in combating women's slavery. It is imperative to institute reforms that ensure the independence and efficacy of police departments, allocate investigation funds judiciously, and streamline operational procedures to optimize resource utilization. In conclusion, the urgency of strengthening legal systems to combat women's

trafficking cannot be overstated. By implementing the aforementioned recommendations, societies can endeavor to eradicate this grave violation of human rights and foster a future where all individuals are afforded dignity, safety, and justice.

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