

Fondation Scelles

Connaitre, Comprendre, Combattre  
l'Exploitation Sexuelle

### Excerpt from the book:

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**Cautionary note:** The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

## PAKISTAN



### POPULATION

197 million



### GDP PER CAPITA

1,547.9 USD



### POLITICAL SYSTEM

Multiparty Federal Republic



### HUMAN DEVELOPMENT INDEX

147<sup>th</sup> rank among 187 countries



### GENDER INEQUALITY INDEX

130<sup>th</sup> rank among 147 countries



### CORRUPTION PERCEPTIONS INDEX

117<sup>th</sup> rank among 180 countries

Prostitution in Pakistan remains an exceedingly intricate and diverse issue. Although all forms of prostitution-related activity have been declared illegal in the country, practices remain omnipresent in almost every province and district, primarily driven by poverty. The word "prostitute" or "prostitution" in Urdu, the national language of Pakistan, is a heavily stigmatized word, and carries exceedingly negative connotations. The practice is often associated with women, but it is equally widespread among men.

Women are victims of sex trafficking, and are generally recruited through coercion or deception (false marriages, false offers of employment or forced marriage). Pakistani prostituted women can be classified into three distinct categories.

The former are referred to as *Tuwaif*, who come from artists' families. These young girls are raised solely for the practice of prostitution. From childhood, they are trained to dance and sing for

visiting sex buyers, and have sexual relations with sex buyers who are from middle to upper socioeconomic classes.

The second form of prostitution concerns migrant families of prostituted persons. Since the 1980s, the red-light districts of major cities like Lahore and Karachi have been a high migration destination for families of prostituted persons. This is in response to the implementation of Islamic regulations, which have closed many red light districts in the country's small and medium-sized cities. This has brought forth a number of difficult situations within society, as there are no specific public policies, nor legislative strategies to confront the issue of said migration. Migrant women from Afghanistan, Bangladesh, Myanmar, the Philippines, Nepal and the Central Asian States are trafficked into prostitution for a limited period of time to low and middle-income sex buyers.

Finally, the third category of prostituted females includes prostituted women or young girls in brothels. These women usually come from extremely impoverished families and tend to be the most marginalized in society. They are subjected to the most extreme forms of exploitation from brothel owners, police, and sex buyers.

### **Current legislation in Pakistan**

Legislation on issues regarding or relating to sexual exploitation has been unfavorable towards victims of exploitation. In 1979, the military regime of General Zia-ul Haq, driven by the objective of bringing the Pakistani legal system closer to Islam, promulgated a series of revisions to the Pakistani Constitution with the Hudood Orders, mainly concerning sexual crimes. Most notably, sexual intercourse outside of marriage was found illegal and punishable by public flogging or stoning, a practice extracted from Sharia law. Many women, who had decided to take their cases to court, were persecuted as their taking the stand was considered a confession of the crime committed. Furthermore, in order for cases of rape or sexual exploitation to be duly proven, the Hudood Orders established and required the presence of four adult Muslim male witnesses. If women were unable to present these testimonies, they were punished as criminals. The Women's Protection Act, enacted in 2006, amended the penalties by abolishing the corporal punishment prescribed by the Sharia law and replaced it with a term of imprisonment of up to five years and/or a fine. Victims continue to be prosecuted under the remaining elements of the Hudood Orders because societal customs often place the burden on prostituted women rather than the sex buyers. Today, legislation and law enforcement efforts

against prostitution and sex trafficking remain insufficient.

With regard to human trafficking, the law does not criminalize all forms of trafficking, making it difficult to ensure its proper implementation. Transnational sex trafficking is criminalized in the Prevention and Control of Human Trafficking Ordinance (PACHTO), which provides for sentences of 7 to 14 years' imprisonment.

However, laws regarding domestic sex trafficking are far less conclusive. Indeed, although article 369A of the Pakistan Penal Code, amended in March 2016, declares internal sex trafficking of women and children to be illegal, and yet in the same section, the prostitution of children under the age of 18 is not recognized as an act of human trafficking.

In July 2016, the Punjab passed a law criminalizing the sex trafficking and forced labor of children with a prison sentence of three to seven years. In March 2017, Sindh's provincial government passed a similar law prescribing between five and ten years' imprisonment.

In June 2018, Pakistan adopted a new law to combat and prevent human trafficking. The law included a better definition of trafficking, a better system of care for victims and the possibility for the government to manage awareness campaigns (Act to prevent and combat trafficking in persons especially women and children).

### **Sexual Exploitation of Boys**

Although the exact number of prostituted persons in Pakistan is unknown, the prevalence of underage prostituted male is estimated to be higher, regardless of the fact that homosexual activity in Pakistan is illegal. While the majority of male victims often come from the same backgrounds as their female counterparts, the method of exploitation seems to differ

between sexes. Firstly, boys are exposed to a higher risk of sexual exploitation due to their greater freedom of movement. They are easily trapped as they leave their homes to play in the streets. The sexual exploitation of these boys is generally more visible, often seen in public spaces, such as the streets, markets, restaurants, bus stations, public toilets, etc. In addition, several small-scale studies have shown that, paradoxically, madrassas (Islamic schools) tend to be high-risk places for boys. Safety may be compromised at school, as teachers sometimes blackmail and threaten boys with fines and disciplinary sanctions if they refuse certain forms of sexual abuse.

Reporting cases of this type of sexual exploitation remains exceedingly complex due to a number of social barriers. On one hand, families feel more comfortable reporting abuse perpetrated against boys as defamation issues do not affect men in the same way as women. On the other hand, however, many boys are often unwilling to report their abuse, a seemingly rising trend. The common association between male prostitution and homosexuality has important consequences on the judicial situation for boys victim of sexual exploitation. Boys are frequently advised not to speak to the authorities about their experiences due to their sexual identity and the social taboo of homosexuality. In addition, gender bias has a significant effect on the attitude of law enforcement. Often, if male victims choose to file a complaint, it is rare that their requests are taken into consideration due to the existing stigma surrounding the notion that, since they are men, they are mentally and physically capable of stopping any form of sexual activity imposed on them.

### **The Hijra Community: A Group Extremely Vulnerable to Sexual Exploitation**

The Hijras have existed in South Asia for hundreds of years and are largely defined as belonging to the “third gender” which includes those who are transgender, eunuch, hermaphrodites and transvestites. It is estimated that 500,000 individuals define themselves as Hijras within Pakistan. Due to the very conservative Islamic structure of Pakistani society, there is little to no public awareness that gender is not binary. It is for this reason that there is an endemic phenomenon of sexualization of transgender people that often leads to sexual harassment in public places, humiliation, abuse and gang rape. In addition, due to the lack of acceptance of those who do not conform to societal gender binaries, many transgender people are unable to find employment, and are deprived of many fundamental rights.

Unemployed and forced from their homes, many transgender individuals often turn to Khawaja Sira communities for shelter, food and acceptance. Within these communities, all transgender individuals are subject to a highly controversial Guru-Chela system. Hijras obey a leader, known as the Guru, who imposes a limited number of employment opportunities: prostitution, begging or dancing. The Guru takes a certain percentage of the Hijra’s earnings in exchange for accommodation, protection and acceptance. This guru culture has proven to be detrimental to the Hijras, as Gurus tend to sexually abuse vulnerable transgender youth, rather than act as guardians. Many Gurus encourage young transgender individuals to enter into prostitution and force them to beg on the streets, which exposes them to certain forms of sexual exploitation. Education is generally discouraged and repressed within the community, as it empowers Hijras and reduces their dependence on Gurus. Yet, individuals often have no choice but to join these communities since it is

exceptionally difficult to live in a society where violence and abuse predominate. Thus, they prefer the *Guru-Chela* system, which gives them some protection.

Although there is a minimal governmental response to the Hijras' socio-economic circumstances, the situation of transgender prostituted persons has improved in recent years as a result of a series of Supreme Court decisions. A June 28, 2017 ruling stated that transgender should be recognized as intersex on their national identity cards. In the past, in order to receive an identity card, one had to declare themselves as male or female. As Hijras do not define themselves as either, their refusal to declare themselves as male or female deprived them of identity cards and in turn of certain rights such as the right to vote or to run for elections.

### **Forced Marriages and Child Marriages**

Gender roles, reinforced by traditional attitudes, beliefs and practices, have contributed to limiting women's participation in Pakistan's social development. One of the most pervasive traditional practices in Pakistan is the forced marriage of women and children. According to a UNICEF report, 21% of Pakistani girls are married before the age of 18, and 3% are married before the age of 15. Women living in poverty are generally the most at risk of forced marriages. Due to a popular familial notion that daughters are an economic burden as opposed to sons, early and forced marriages are often motivated by the prevailing practices of *Watta Satta*, dowry exchanges, and *Vani* (also known as *Swara*). *Vani* is a cultural custom according to which a young girl is forcibly married off as a form of punishment for a crime committed by one of her male relatives. *Watta Satta*, on the other hand, is the practice of exchanging two women from

different families, which usually involves the exchange of young girls. This practice often parallels the continued cultural tradition of dowries, where brides are sold for the best price offered. Dowry practices are used as a form of sexual exploitation. Deceived by a female member of the family directly involved in the sale of the bride, the young women are then sold by their husbands into prostitution.

For a number of years, the legal age of marriage for women has been a debated issue. In accordance with Pakistan's Child Marriage Restraint Act of 1929, the legal age of marriage for women is 16 years old, and 18 years old for men. Over the years, several attempts have been made to raise the legal age of marriage for girls from 16 to 18 years of age, yet all have been rejected. In May 2017, the National Assembly rejected one of these attempts to revise the Child Marriage Restraint Act. Conservative Islamic beliefs are proving to be the main cause of the refusal to postpone the child's age. In its last rejection, the National Assembly stated that the amendment was "contrary to religious injunctions," as were the common objections of the Council of Islamic Ideology. The purpose of this organization is to provide Islamic legal advice to the government, and often proclaim that the Pakistani law against child marriage is un-Islamic. Within Pakistani courts, there is frequent confusion and lack of separation between Islamic religious interpretations and federal law, which often results in a significant lack of clarity. The law setting the legal age of marriage at 16 years old is not properly enforced in many Pakistani courts, which interpret it and apply Sharia law in order to declare a girl fit for marriage once she has reached puberty.

### **Magnitude of HIV/AIDS Amongst Victims**

Prostituted persons in Pakistan face a number of grave health issues, the most common being HIV/AIDS and other sexually transmitted infections (STIs). Regarding prostituted women, male sex buyers are proving to be the vector of transmission. It is estimated that more than two thirds of sex buyers do not use condoms, which significantly increases the threat of HIV/AIDS and other STIs. The lack of education surrounding STI risks also contributes to the heightened danger of infection among prostituted persons. HIV/AIDS is incredibly widespread amongst Hijra communities, due to a combination of two factors: the government's refusal to provide public services, such as medical treatment and education, and their extreme vulnerability.

In Pakistan, sexual violence and drug addiction are interrelated issues. Indeed, many victims of sexual exploitation and abuse begin using drugs as a means of coping with abuse and exploitation. These victims fall into an endless cycle of addiction and the subsequent need for drug money. Some are even paid in the form of drugs in exchange for sexual services. In addition, the correlation between commercial sex and the drug trade is a determining factor in the prevalence of HIV/AIDS and STIs among prostituted persons.

### **Repression and Corruption**

In October 2002, the *Prevention and Control of Human Trafficking Ordinance* (PACHTO) was enacted, defining what constitutes human trafficking and creating the first laws relating to human trafficking in Pakistan. Subsequently, in accordance with the 2009 National Action Plan adopted in 2009, the *Federal Investigation Agency* (FIA) was established to lead anti-trafficking efforts through the intermediary

of the Department of Anti-Human Trafficking and Smuggling.

Despite a lack of adequate resources and funding, the FIA has since taken a considerable number of anti-trafficking measures in recent years. Since November 2015, there has been a drastic rise in arrests for trafficking (3,466 over the course of the past 3 years) and, according to the Interior Minister Ahsan Iqbal, in an address to the National Assembly in December 2017, there have been a total of 7,430 recorded cases of human trafficking over the last two years. This increase in the number of investigations and arrests correlates to some structural modifications implemented within the FIA, particularly with the establishment of the Anti-Trafficking Unit, a specialized unit devoted to all matters relating to human trafficking, as well as the establishment of the Human Trafficking Circles and sub-units of the Anti-Trafficking Unit in the FIA's regional areas (Karachi, Lahore, Rawalpindi, Peshawar and Quetta). The Human Trafficking Circles and sub-units of the Anti-Trafficking Unit investigates and prosecute illegal migrants and travelers, resulting in a 2016 government report mentioning the increase in the number of investigations, prosecutions and convictions for trafficking for sexual purposes. In 2016, the five FIA regional areas (Punjab, Khyber Pakhtunkhwa, Sindh, Balochistan, and Islamabad Capital Territory) along with the two semi-autonomous territories (Azad Jammu and Kashmir and Gilgit-Balkistan) reported a total of 1,374 investigations of sex trafficking cases, 2,353 prosecutions and 41 convictions. The vast majority of said reports pertain to the Punjab province, the most populous province of Pakistan. The FIA still lacks infrastructure in a number of major cities in the regional areas (notably Gujranwala and Gujrat). Despite the latest operations, the FIA has limited number of

border points, which considerably reduces their impact and effectiveness as border police. These dysfunctions have contributed to the continued corruption within the FIA. Although the FIA's main purpose is to combat human trafficking, a number of agency officials were discovered to have been involved in trafficking cases. In recent years, a number of Pakistani women, with the involvement of numerous FIA officials, were sent abroad with fake documentation.

Corruption within law enforcement has proven to be a grave issue for many prostituted persons. Prostitution remains illegal in the country, many women face heavy criminal charges and potent social stigmatization. In the red-light district and the vicinity of Shahi Mohalla's bazaar in Lahore, more than 60% of prostituted women's families have faced at least one legal issue. These women have great difficulty in coping with the expenses associated with their legal issues, and subsequently fall into a cycle of perpetuating prostitution in order to pay their accumulating bills. Police harassment for the purpose of financial gain and/or sexual gratification is a seemingly all too prevalent occurrence. Public officials tend to exploit the stigma and criminal charges attached to prostituted persons in order to amplify their individual power and authority. The most vulnerable to police harassment are migrant prostituted persons.

### **Government Initiatives**

Over the past few years, the Pakistani government has taken a number of initiatives to fight against human trafficking and sexual exploitation.

In July 2017, Pakistan officially joined a global initiative against human trafficking and smuggling of migrants. Launched in 2015 by the European Union and the United Nations Office on Drugs and Crime (UNODC), the 4-year project involves

13 countries around the world. The Pakistani Government is responsible for the development and implementation of national measures against trafficking and smuggling, including through legislative frameworks that meet international standards.

Prosecution and victim protection are insufficient and poorly defined at the national level, with little to no resources available in many parts of the country. However, in recent years, the country's larger provinces have adopted a number of legislative measures to combat these issues.

In 2015, rehabilitation centers for victims were established in all 36 districts of Punjab, providing women victims of sexual exploitation with access to a number of necessary resources (first aid and legal assistance). In 2016, Balochistan established child protection units throughout the province. The provincial governments of Sindh and Punjab have also taken a number of initiatives regarding shelters for victims. In 2017, the province of Sindh also increased its budget dedicated to women's shelters, allowing for an increase in resources and support mechanisms.

In regard to the many issues victims face with law enforcement, the gradual increase in the presence of female police officers is a promising trend. Although their numbers are still low, these female civil servants provide a form of protection and fairer legal proceedings for victims. According to data compiled by the National Police Bureau, out of a total of 391,364 police officers across the country, only 5,731 are women. This accounts for less than 2% of the total police population, with the highest percentage being in the province of Gilgit-Baltistan (3.4%) and the lowest in the largest geographical province of Balochistan (0.4%).

In conclusion, the most pertinent and pressing measures to be taken addressing sexual exploitation are those aimed at combating corruption within the FIA and the police forces. In addition, the FIA needs to receive more appropriate funding in order to establish itself in all large cities in the various districts and to enable it to operate better as a border police force. In addition, monitoring mechanisms within the FIA and other police groups are necessary to combat the prevalence of corruption. By stopping the sexual abuse of victims by law enforcement officers, victims would have more favorable opportunities to report offenses.

In terms of legislation, the lack of clarity on many legislative issues related to prostitution makes criminalization and law enforcement challenging. The government must take more cohesive measures on human trafficking and child trafficking, child prostitution, forced marriages and early marriages. For instance, in order to address the imprecise nature of the trafficking legislation, the government is advised to adopt an overarching law that prohibits and penalizes all forms of trafficking of individuals below the age of 18.

In Lahore's Shahi Mohalla red-light district, local community based activism has proven to be extremely productive in combating sexual exploitation. Women's centers provide vocational training in specialized fields (sewing, embroidery, cooking, etc.) that provide alternative employment opportunities for vulnerable women. A number of projects and academies of classical music and dance have opened with the aim of strengthening the cultural heritage of these women. Finally, in response to the lack of appropriate education, the local community has created educational sectors for children. Each of these projects have

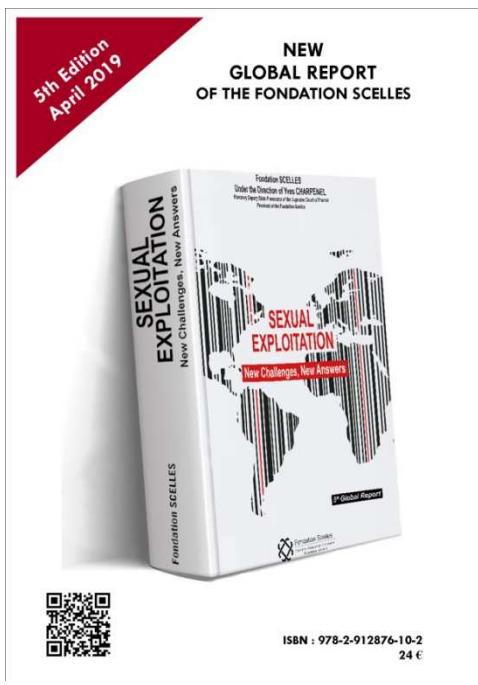
proven to be effective methods for the community's socio-economic development, and are therefore a promising model for other communities across the country.

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

## CONTACT

**Sandra AYAD, Head of the International Observatory on Sexual Exploitation**  
[sandra.ayad@fondationscelles.org](mailto:sandra.ayad@fondationscelles.org)

14 rue Mondétour  
75001 Paris - France



[\*\*www.fondationscelles.org\*\*](http://www.fondationscelles.org)  
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