

**[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]**

**A**

**BILL**

to provide protection against the offence of Women Trafficking

**WHEREAS** it is necessary to provide relief and protection to women against their misuse and abuse and to prevent their exploitation.

**AND WHEREAS** the constitution ensures to provide respect and dignified status to women in the society and eradication of social evils.

**AND WHEREAS** it is expedient to take effective measures to prevent offences relating to women trafficking and to protect and assist the victims of such offence.

It is here by exacted as follows:

1. **Short title extent and commencement.**- (1) This Act may be called the Prevention and Control of Women Trafficking Act, 2010.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**- In this Act , unless the context otherwise requires:-

(a) **“women”** means a female of the age of eighteen or above;

(b) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) **“Coercion”** means the use of force, violence, physical restraint, deception, fraud or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of infliction of serious harm;

(d) **“Middle-person/broker”** means person who is acting or dealing for the consideration of money between the parties;

(e) **“Bride price”** means the money, which is received by the middle person/broker or parents or walli or Guardian against the marriage/Nikah of a woman;

(f) **“Documents”** related to Trafficking includes a passport, traveling, attested documents, ID card, traveling documents, Nikahnama, and any identification document used by law enforcement authorities for harassment and exploitation;

(g) **“Exploitative entertainment”** means all activities in connection with the women trafficking for sexual practices;

(h) **“Women Trafficking”** means selling, purchasing, obtaining, securing, recruiting or detaining or harboring, or receiving a woman, irrespective of her implicit or explicit consent by use of coercion, kidnapping, abduction or by giving or receiving any payment or bride price or any benefit or sharing of receiving share for such women/minor girl subsequent transportation outside or within Pakistan by any means whatsoever for the purpose of exploitative entertainment;

(i) **“Bargaining and purchasing of women”** means selling and purchasing of women or minor girl giving or marrying a female under the garb of alleged marriage/Nikahnama to legalize the temporary marriage with the intention trafficking or otherwise;

(j) **“Individual or organized criminal group”** means a person and group of two or more persons, existing for a period of time and acting in concert with the aim of committing any offence under this act in order to obtain, directly or indirectly, any financial or other material benefit and includes a person who is

knowingly receiving or expecting to receive disbursing benefits accruing from the commission of any offence in relation to women trafficking by and organized criminal group;

(k) “**Victim**” means the female or minor who is the victim of or against whom any offence under this Act has been committed.

3. **Punishment for women trafficking:** Whoever plans or executes any such plan for women trafficking in or outside Pakistan for the purpose of attaining any benefit for the purpose of exploitative entertainment, or forced labor, may be punished with imprisonment of either description for a term which may extend to ten years and may also be liable to fine which shall not be less than fifty thousand rupees;

Provided that if any women and minor girl is given in wedding by any wali or guardian on the basis of bride price or any prohibited compensation or transaction thereof and if it is also proved that a middle person/broker is involved in the transaction of women trafficking or for sexual purposes or for sale or labor purposes shall be treated as offender under this Act and shall be punished with imprisonment which shall extend to fourteen years with fine which shall not be less than one hundred thousand rupees.

4. **Kidnapping or abducting for the purpose of women trafficking:-** whoever kidnaps or abducts a woman for the purpose of trafficking shall be punished with life imprisonment and shall also be liable to a fine not less than one hundred thousand rupees.

5. **Attempt for women trafficking:-** Whoever plans to commit the offence of women trafficking but has not yet executed the same shall be punishable with imprisonment which may extend to seven years, and may also be liable to fine not less than twenty-five thousand rupees.

6. **Distraction of documents:-** Whoever knowingly takes in custody , confiscates, possesses, conceals, removes, or destroys any documents relating to women trafficking in furtherance of any offence without lawful authority shall be punishable with the imprisonment which may extend to seven years with fine not less than thirty thousand rupees.

7. **Women trafficking in group:-** Whoever, commits the offence of women trafficking in group, each member of such group shall be punishable with imprisonment which may extend to fourteen years and shall also be liable to fine of one hundred thousand rupees.

8. **Complaint.**- Under this Act any citizen/resident who has attained the age of majority or is a relative of the victim, or neighbor or any civil society organization who have reason to believe or any news published in media that such occurrence has taken place or there is an apprehension of such occurrence may file an application or forward it to any public/private authority for further action.

9. **Enhanced punishment for the repetition of offence:-** Whoever repeats the offence of women trafficking shall be liable after every such subsequent offence to imprisonment for life and shall also be liable to fine not less than five hundred thousand rupees.

10. **Offences to be Cognizable:-** All offences under this Act, shall be cognizable, non-bailable and non-compoundable.

11. **Overriding effect:-** The provisions of this Act shall have over riding effect, notwithstanding anything contained in any other law, for the time being in force.

**STATEMENT OF OBJECTS AND REASONS**

Pakistan's Constitution ensures rights and protection of women and children. Pakistan has also ratified the UN Convention on the Rights of the Child (CRC) and UN Convention on Elimination of all forms of Discrimination against Women (CEDAW) making it obligatory on the State to bring all national policies, legislation, programmes and plans in conformity with its Constitutional and International Commitments.

Although no accurate statistics on trafficking exist, Pakistan has over the years become a source, transit, and destination country for trafficked persons. Women and girls are trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labour in the country based on erroneous promises of legitimate jobs. In a similar fashion, women and girls are trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Further, women and children from rural areas are trafficked to urban centers for commercial sexual exploitation and labour. In some cases families sell these victims into servitude, while in other cases they are kidnapped. Women are trafficked from East Asian countries and Bangladesh to the Middle East via Pakistan. Traffickers bribe police and immigration officials, to facilitate safe passage. The Bill aims at taking effective measures to control and prevent the growing incidents of trafficking of women and girls and to protect and assist victims of trafficking and related offences.

Sd/-

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