



## **SUBMISSION TO THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS TO THE HUMAN RIGHTS COUNCIL ON PROSTITUTION AND VIOLENCE AGAINST WOMEN AND GIRLS**

### **Introduction**

Sex work is a prevalent practice in South Asia, with around over 229,441 individuals engaged in Pakistan.<sup>1</sup> While the UN Charter on Human Rights 1949<sup>2</sup> lays the international legal framework regarding prostitution, local governments have historically sought to regulate the trade through legislative means. As per the Constitution of Pakistan, 1973 Article 37(g)<sup>3</sup> it is the responsibility of the State to prevent prostitution. However, the “Hudood Ordinance” and the “Pakistan Penal Code”, criminalizes the act. The following submission shall highlight the coercive nature of the sex trade, recognizing that women are often groomed or forced into the industry in Pakistan. It will also focus on institutions operating at the federal, provincial, and private levels that work to assist women and girls seeking to exit the trade in Pakistan.

### **Legislative framework**

The legislative framework concerning prostitution in Pakistan is a multifaceted landscape shaped by constitutional provisions and specific statutes. Despite the constitutional commitment to gender equality enshrined in Article 25(2)<sup>4</sup> challenges persist, particularly regarding violence against women and the intertwining of such issues within the legal system.

The Offence of Zina (Enforcement of Hudood) Ordinance, 1979<sup>5</sup>, stands as a significant legal deterrent against sexual activities outside of marriage, impacting women disproportionately, especially those engaged in or vulnerable to prostitution. The stringent measures outlined in this ordinance underscore the convoluted legal challenges faced by women in this context.

In conjunction with this, the Pakistan Penal Code addresses various aspects of prostitution, criminalizing activities such as pimping, brothel-keeping, soliciting, selling, and buying a person for prostitution.<sup>6</sup> The severity of these offenses is evident in the prescribed maximum penalty of twenty-five years of imprisonment and fines. Thus, these legal provisions contribute to the broader framework governing prostitution in Pakistan.

Moreover, the specific application of laws, such as The Punjab Suppression of Prostitution Ordinance, 1961<sup>7</sup>, directly pertains to certain regions like Heera Mandi<sup>8</sup> located in the city of Lahore, a historically

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<sup>1</sup> Newlines Magazine. (2023). Finding the Gaps in Stories of Sex Workers in Pakistan. Retrieved from <https://newlinesmag.com/spotlight/finding-the-gaps-in-stories-of-sex-workers-in-pakistan/>

<sup>2</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>3</sup> <https://www.pakistani.org/pakistan/constitution/part2.ch2.html>

<sup>4</sup> <https://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>5</sup> [https://www.pakistani.org/pakistan/legislation/zia\\_po\\_1979/ord7\\_1979.html](https://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html)

<sup>6</sup> <http://www.plilawsite.com/html/ppc371a.htm>

<sup>7</sup> <http://punjablaws.gov.pk/laws/130.html>

<sup>8</sup> Qureshi, T. (2019, October 22). The untold tales of Heera Mandi. *Daily Times*. Retrieved from <https://dailytimes.com.pk/487163/the-untold-tales-of-heera-mandi/>

significant brothel market. This ordinance criminalizes soliciting, providing a nuanced approach to addressing prostitution and related activities in specific geographical areas.

Therefore, this complex legislative landscape adds to the challenges faced by women in the prostitution trade and complicates their situation.

### **Factors Influencing Women's Involvement in Prostitution**

In Pakistan, women entering prostitution are often influenced by various factors, with economic reasons, mainly stemming from poverty, serving as a common entry point or coercion into the profession.<sup>9</sup> Economic hardships lead to the trading of women between tribal groups as a means of payment/dispute resolution or repayment debt.<sup>10</sup> Girls may be forced into marriages, domestic servitude, or prostitution by their parents.<sup>11</sup> The parents involved in selling their children to pimps, brothel keepers, and human traffickers are typically uneducated.<sup>12</sup> Moreover, early marriages, domestic violence, and perceived financial burden are commonly identified as key factors leading women, particularly from impoverished and rural backgrounds, into prostitution.<sup>13</sup> Women from these areas and backgrounds are often trafficked through various illicit channels, ranging from 'bacha bazaars' in neighbouring Afghanistan to prostitution rings and brothels operating in China.<sup>14</sup> Moreover, homeless individuals, grappling with the trauma of homelessness, become especially susceptible to engaging in prostitution as a means of coping.<sup>15</sup>

### **Human Trafficking Networks in Pakistan**

Despite existing legal frameworks, the challenge of combatting prostitution and human trafficking in Pakistan persists, with perpetrators often avoiding legal repercussions. Section 3 of the Punjab Suppression of Prostitution Act<sup>16</sup> mandates action against those involved in such activities, yet comprehensive enforcement remains elusive. A stark illustration is the recent marriage broker scheme, wherein Pakistani pimps and traffickers exploited vulnerable families, selling young women into prostitution in China.<sup>17</sup> Women's testimonies have also revealed that upon arriving in China, they faced mistreatment, physical assault, and substandard living conditions.<sup>18</sup>

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<sup>9</sup> Qayyum, S., Iqbal, M. M. A., Akhtar, A., Hayat, A., Janjua, I. M., & Tabassum, S. (2013). Causes and Decision of Women's Involvement into Prostitution and Its Consequences in Punjab, Pakistan. *Advances in Research*, 4(5), 40. Retrieved from [http://www.savap.org.pk/journals/ARInt./Vol.4\(5\)/2013\(4.5-40\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.4(5)/2013(4.5-40).pdf)

<sup>10</sup> Ibid.

<sup>11</sup> Human Rights Commission of Pakistan. (2022). *Modern Slavery in Pakistan: A Situation Analysis*. Retrieved from <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-Modern-slavery-1.pdf>

<sup>12</sup> Butt, M. A. J., & Akhtar, R.. Historical and Contemporary Factors of Prostitution: A Quantitative Comparison. *Pakistan Vision Vol. 20 No. 2*. Retrieved from [http://pu.edu.pk/images/journal/studies/PDF-FILES/8\\_v20\\_2\\_19.pdf](http://pu.edu.pk/images/journal/studies/PDF-FILES/8_v20_2_19.pdf)

<sup>13</sup> Qayyum, S., Iqbal, M. M. A., Akhtar, A., Hayat, A., Janjua, I. M., & Tabassum, S. (2013). Causes and Decision of Women's Involvement into Prostitution and Its Consequences in Punjab, Pakistan. *Advances in Research*, 4(5), 40. Retrieved from [http://www.savap.org.pk/journals/ARInt./Vol.4\(5\)/2013\(4.5-40\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.4(5)/2013(4.5-40).pdf)

<sup>14</sup> Associated Press, "China-Pakistan Traffickers Force Brides into Prostitution" *Voice of America* (June 17, 2019) <[https://www.voanews.com/a/south-central-asia\\_china-pakistan-traffickers-force-brides-prostitution/6170157.html](https://www.voanews.com/a/south-central-asia_china-pakistan-traffickers-force-brides-prostitution/6170157.html)>

<sup>15</sup> Noor, M. N. (2019). *The social logic of sexual risk-taking among homeless young people in Pakistan* (Doctoral dissertation). University of New South Wales, Centre for Social Research in Health, Faculty of Arts and Social Sciences.

<sup>16</sup> <http://punjablaws.gov.pk/laws/130.html>

<sup>17</sup> Al Jazeera. (2019, May 9). Pakistan cracks down on Chinese trafficking of women. Retrieved from <https://www.aljazeera.com/news/2019/5/9/pakistan-cracks-down-on-chinese-trafficking-of-women>

<sup>18</sup> Afzal, M. (Year of publication). *Bride Trafficking along the China-Pakistan Economic Corridor*. Retrieved from [https://www.brookings.edu/wp-content/uploads/2022/03/FP\\_20220317\\_bride\\_trafficking\\_afzal.pdf](https://www.brookings.edu/wp-content/uploads/2022/03/FP_20220317_bride_trafficking_afzal.pdf)

### **Violence perpetrated against women and girls in prostitution.**

The women engaged in prostitution are participating in a criminal activity and an illicit profession within the jurisdiction of Pakistan. This aligns not only with the legal status of the profession but also with the cultural perception, which consider it a taboo<sup>19</sup>. As a result, these women not only lack legal recourse but also frequently encounter various forms of violence from society, often deemed as inconsequential.

A brief insight of this form of violence can be discovered in this statement by a women involved in prostitution:

*“I was 17 years old when entered into prostitution. It was my first experience to go outside of my home place. It was decided before I had been paid Rs. 800/per person. Initially, I was taken to a deserted area where 3 people had sex with me the whole night. I entertained them as they wanted. When I demanded my wages, they snubbed me at gunpoint and behaved me very abusively. They abandoned me in a deserted area and just paid some money so I came back to my home place”.*<sup>20</sup>

Numerous instances exist that illustrate the violation of this such transactional arrangement:

*“I was raped by the customers approximately seven to eight occasions in different places, in different times. These incidents occurred to me when I was entailed by others, at gun point, knife point; threatening etc”. She explained “rape is the activity in which someone has sex with someone and after refuse to pay wages in the reward”*<sup>21</sup>

Moreover, these women are vulnerable to another form of violence, which is the risk of sexually transmitted infections/diseases. Study shows that HIV<sup>22</sup> is prevalent among female sex workers in the province of Sindh, often associated with inconsistent use of condom.<sup>23</sup> This issue, seemingly rooted in a lack of awareness, is, in reality, a consequence of both insufficient knowledge and a heightened demand for unprotected encounters. Studies reveal that prices paid for sex work significantly increase when condoms are not used.<sup>24</sup> Interviews and investigations underscore that many sex workers are oblivious to the potential harm caused by HIV, with some lacking awareness altogether. Consequently, these women find themselves unable to sustain their occupation or pursue alternative means of work, leading to a precarious situation for themselves and their families as the woman are subjected to social abuse:

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<sup>19</sup> Rizvi, Arshad, Prostitution in Pakistan: The Oldest and Bonded Phenomenon and its Impact on the Society (October 27, 2015). <https://ssrn.com/abstract=2680516>

<sup>20</sup> Qayyum, S., Iqbal, M. M. A., Akhtar, A., Hayat, A., Janjua, I. M., & Tabassum, S. (2013). Causes and Decision of Women’s Involvement into Prostitution and Its Consequences in Punjab, Pakistan. *Advances in Research*, 4(5), 40. Retrieved from [http://www.savap.org.pk/journals/ARInt./Vol.4\(5\)/2013\(4.5-40\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.4(5)/2013(4.5-40).pdf)

<sup>21</sup> Ibid.

<sup>22</sup> Altaf A, Agha A, Holte-McKinzie M, Abbas Q, Jafri SB, Emmanuel F. Size estimation, HIV prevalence and risk behaviours of female sex workers in Pakistan. *J Pak Med Assoc*. 2012 Jun;62(6):551-7. PMID: 22755338. < <https://pubmed.ncbi.nlm.nih.gov/22755338/>>

<sup>23</sup> Bano, S., Rahat, R. & Fischer, F. Inconsistent condom use for prevention of HIV/STIs among street-based transgender sex workers in Lahore, Pakistan: socio-ecological analysis based on a qualitative study. *BMC Public Health* **23**, 635 (2023). <<https://doi.org/10.1186/s12889-023-15550-w>>

<sup>24</sup> Qayyum, S., Iqbal, M. M. A., Akhtar, A., Hayat, A., Janjua, I. M., & Tabassum, S. (2013). Causes and Decision of Women’s Involvement into Prostitution and Its Consequences in Punjab, Pakistan. *Advances in Research*, 4(5), 40. Retrieved from [http://www.savap.org.pk/journals/ARInt./Vol.4\(5\)/2013\(4.5-40\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.4(5)/2013(4.5-40).pdf)

“All the respondents explored the issue that we were not considered human but animal and only the source of entertaining”.<sup>25</sup>

### **Legislative frameworks and the Role of Private Organizations in Supporting Exiting Prostitution**

The Protection of Women Act 2006 criminalizes human trafficking for the purpose of prostitution and the coercion of women into this profession. This serves as a deterrent, as individuals involved in such activities can face legal consequences.<sup>26</sup>

Moreover, the Human Rights Commission of Pakistan (HRCP) actively monitors, reports, and advocates for a wide range of human rights violations in Pakistan, including the issues of trafficking which causes prostitution in Pakistan.<sup>27</sup> It also covers and addresses with the aspect of women going through withdrawal or exit from prostitution. In addition to the above, considering the Prevention and Control of Human Trafficking Ordinance (PACHTO)<sup>28</sup> and aiming to improve its ranking of Pakistan from the Tier 2 watchlist, the Government of Pakistan passed two important laws, including the Prevention of Trafficking in Persons Act (PTPA) 2018<sup>29</sup> and the Prevention of smuggling of Migrants Act 2018<sup>30</sup> designed to protect women in Pakistan from engaging in prostitution.

The Pakistani Government, in collaboration with private organizations and NGOs dedicated to assisting women in or leaving prostitution, has taken multiple steps to help those willing to exit the profession. However, despite these efforts, prostitution remains a societal taboo, and its criminalization leads to restricted interactions with the legal system, limiting the following basic human rights granted to those involved:

- Right to Personal Liberty and Security
- Right to Work
- Right to Non-Discrimination
- Right to Health.
- Right to Privacy
- Right to Legal Recognition
- Right to an Adequate Standard of Living
- Right to Equality before the Law

Thus, exiting prostitution is a complex journey, and private organizations play a pivotal role in providing exit strategies for women seeking to leave the profession. These strategies encompass safehouses for protection, vocational training for alternative income sources, legal aid, and various forms of assistance.

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<sup>25</sup> Qayyum, S., Iqbal, M. M. A., Akhtar, A., Hayat, A., Janjua, I. M., & Tabassum, S. (2013). Causes and Decision of Women's Involvement into Prostitution and Its Consequences in Punjab, Pakistan. *Advances in Research*, 4(5), 40. Retrieved from [http://www.savap.org.pk/journals/ARInt./Vol.4\(5\)/2013\(4.5-40\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.4(5)/2013(4.5-40).pdf)

<sup>26</sup> <https://www.pakistani.org/pakistan/legislation/2006/wpb.html>

<sup>27</sup> Human Rights Commission of Pakistan. (2020). *Modern Slavery: Trafficking in Women and Girls in Pakistan*. Retrieved from <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-Modern-slavery-1.pdf>

<sup>28</sup> [https://www.fmu.gov.pk/docs/laws/Prevention\\_and\\_Control\\_of\\_Human\\_Trafficking\\_Ordinance\\_2002.pdf](https://www.fmu.gov.pk/docs/laws/Prevention_and_Control_of_Human_Trafficking_Ordinance_2002.pdf)

<sup>29</sup> [https://senate.gov.pk/uploads/documents/1533270017\\_228.pdf](https://senate.gov.pk/uploads/documents/1533270017_228.pdf)

<sup>30</sup> [https://senate.gov.pk/uploads/documents/1523870320\\_378.pdf](https://senate.gov.pk/uploads/documents/1523870320_378.pdf)

Private organizations, such as SHARP (Human Rights Organization)<sup>31</sup>, contribute significantly to this cause by:

- i. Providing free legal aid to women seeking to exit prostitution.
- ii. Contributing to the formulation of rules related to prostitution within the Human Trafficking Ordinance 2002.

Similarly, "More than Shelter,"<sup>32</sup> a non-profit organization, actively participates in assisting women leaving the profession by:

- i. Serving as a shelter for sex workers, particularly those disowned by their families.
- ii. Being founded by former sex workers, such as MDG by Naz, and providing financial and emotional support for women to rebuild their lives.

Sheed Society, initiated by Lubna Tayyab, contributes to women leaving prostitution through: providing paid internships in vocational training.<sup>33</sup>

The Women Action Forum (WAF)<sup>34</sup>, a national women's rights organization, that played a crucial role under General Zia UL Haq's rule for:

1. Advocating for the decriminalization of sex work to empower women to approach the legal system without fear.
2. Providing legal aid and support to sex workers facing violence or discrimination.

Hence, addressing the challenges of prostitution in Pakistan requires a holistic approach beyond legislative frameworks and private organizations. Empowering women to exit the profession demands comprehensive legal reforms, increased social awareness, and targeted support systems. Overcoming the societal taboo linked to prostitution is crucial for fostering a more inclusive and supportive environment. Meaningful change and improved prospects for those impacted by the sex trade complexities in Pakistan can only be achieved through a concerted effort across various dimensions.

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<sup>31</sup> SHARP. (n.d.). Completed Projects: Human Trafficking. Retrieved from <https://sharp-pakistan.org/projects/completed-projects/human-trafficking/>

<sup>32</sup> National Commission for Human Rights (NCHR). (2023). *More Than Shelter*. Retrieved from <https://www.nchr.gov.pk/wp-content/uploads/2023/12/More-Than-Shelter.pdf>

<sup>33</sup> Sheed Society. (2013, September 10). *The person behind SHEED: Lubna Tayyab*. Retrieved from <https://sheedsociety.wordpress.com/2013/09/10/the-person-behind-sheed-lubna-tayyab/>

<sup>34</sup> Khan, Leena Z. (2001, June). *Women's Action Forum (WAF) — Women's Activism and Politics in Pakistan*. Retrieved from <http://www.icwa.org/wp-content/uploads/2015/09/LZK-2.pdf>