

A

Bill

to provide for prevention of trafficking of persons and matters connected therewith or incidental thereto

WHEREAS, it is expedient to prevent trafficking of persons, especially women, children and adult males and to provide care, protection and rehabilitation to the victims of trafficking, to prosecute offenders and to create a legal, economic and social environment for the victims and for matters connected therewith or incidental thereto;

It is enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement: (1) This Act may be called the Trafficking of Persons (Prevention, Protection and Rehabilitation) Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions: (1) In this Act, unless the context otherwise requires,—

(a) “Anti-Trafficking Police Officer” means a police officer referred to in section 9;

(b) “Anti-Trafficking Unit” means a unit set up by Federal and Provincial Governments under section 10;

(c) “Appropriate Government” means, in respect of matters relating to,—

- i. Federal government having union councils/local government structure;
- ii. Provincial governments having districts/local government structures.

(d) “Bureau” means the National Anti-Trafficking Bureau established by the Federal Government under sub-section (1) of section 3;

(e) “Child” means a person who has not completed the age of eighteen years;

(f) “Child Welfare Committee” shall have the meaning assigned to it in section 10 of the Juvenile Justice Act, 2018;

(g) “Designated court” means a court designated under section 46;

(h) “Union/District Anti-Trafficking Committee” means a committee constituted by the appropriate Government under section 13;

(i) “District Police Human Trafficking Specialist Officer” means a police officer referred to in section 8;

- (j) "Magistrate" means a District Magistrate or Additional District Magistrate or a Sub-Divisional Magistrate;
- (k) "Narcotic drugs" and "psychotropic substances" shall have the meanings, respectively assigned to them in the Control of Narcotic Substances Act, 1997;
- (l) "National Anti-Trafficking Relief and Rehabilitation Committee" means a committee established by the Federal Government under sub-section (1) of section 11;
- (m) "Notification" means a notification published in the Official Gazette and the term notify shall be construed accordingly;
- (n) "Premises" means any building, conveyance, land, location, place, structure or any part thereof and includes any source, transit or destination of trafficking;
- (o) "Prescribed" means prescribed by rules made by the appropriate Government under this Act;
- (p) "Protection Home" means the Protection Home referred to in sub-section (1) of section 21;
- (q) "Rehabilitation" means all measures and processes of physical, psychological and social well-being of a person who is trafficked and includes access to education, skill development, health care including psychological and physiological support, medical services, economic empowerment, legal aid and assistance, safe and secure accommodation;
- (r) "Rehabilitation Fund" means the fund established under sub-section (1) of section 30;
- (s) "Rehabilitation Home" means the Rehabilitation Home, referred to in sub-section (1) of section 22;
- (t) "Provincial Human Trafficking Specialist Officer" means an officer appointed by the Provincial Government under sub-section (1) of section 6;
- (u) "Federal/Provincial Anti-Trafficking Committee" means a Committee established by the appropriate Government under sub-section (1) of section 12;
- (v) "Provincial Police Human Trafficking Specialist Officer" means a police officer appointed by the Provincial Government under sub-section (1) of section 7;
- (w) "Trafficking of person" (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, 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. 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;

(b) "Consent" of a victim of trafficking in persons to the intended exploitation set forth in section 2(w) (explanation) shall be irrelevant where any of the means set forth in have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child, a female, an adult male or a transgender, for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(x) "Victim" means any person on whom an offence of trafficking has been committed or attempted by any other person or persons:

Provided that for the purpose of receiving compensation or relief under this Act, any dependent or legal heir, shall also be construed as a victim.

CHAPTER II NATIONAL ANTI-TRAFFICKING BUREAU

3. National Anti-Trafficking Bureau: (1) The Federal Government shall, by notification, establish a Bureau to be called the National Anti-Trafficking Bureau for exercising the powers and discharging its functions under this Act.

(2) The Bureau shall have police officers and other officers of such appropriate ranks, as may be necessary, for the discharge of its functions.

(3) The manner of selection, deputation, functioning and reporting of the officers and employees of the Bureau shall be in such as may be prescribed.

4. Functions of Bureau: The Bureau shall perform the following functions in relation to trafficking of persons, namely: —

(i) co-ordinate and monitor surveillance and preventive efforts along with the known or probable routes;

(ii) facilitate surveillance, enforcement and preventive steps at source, transit and destination points;

(iii) maintain co-ordination between various law enforcement agencies and non-Governmental organizations and other stakeholders;

(iv) strengthen the intelligence apparatus to improve the collection, collation, analysis and dissemination of operational intelligence;

(v) increase international co-operation and co-ordination with concerned authorities in foreign countries and international organizations, in operational and long term intelligence in investigation, mutual legal assistance, to facilitate universal action for prevention and suppression and to implement any obligation under the various international conventions and protocols that are in force in respect of counter measures;

(vi) co-ordinate actions and enforcement by various bodies or authorities established under this Act;