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Irregular Migration and Associated Crime in Pakistan: A Review of the Federal Investigation Agency's (FIA) Training Programmes



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United Nations Office on Drugs and Crime

Telephone: +92-51-2601461-2

Fax: +92-51-2601469

Email: fo.pakistan@unodc.org

Website: www.unodc.org

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About the authors

Dr Andreas Schloenhardt

PhD (Law) (Adelaide), Associate Professor

The University of Queensland, TC Beirne School of Law, Brisbane Qld 4072, Australia

☎ +61-7-3365 6191, 📠 +61-7-3365 1454, a.schloenhardt@uq.edu.au

Andreas Schloenhardt is Associate Professor/Reader at The University of Queensland TC Beirne School of Law in Brisbane, Australia; and Adjunct Professor at the Monterey Institute of International Studies in Monterey, California.

His principal areas of research include criminal law, organised crime, narcotrafficking, terrorism, international criminal law, and immigration and refugee law. His recent works focuses on trafficking in persons, organised crime legislation, the illicit trade in timber and timber products, and the illicit market for amphetamine-type stimulants (ATS). His work is frequently cited by other scholars, in government publications, and judicial decisions, including the High Court of Australia. Andreas is a frequent commentator on organised crime and criminal law on national television, radio, and in newspapers.

Mr Brendan PJ Hall

LLB, BA candidate, Research Assistant

The University of Queensland, TC Beirne School of Law, Brisbane Qld 4072, Australia

brendan.hall@uqconnect.edu.au

Brendan Hall is a Research Assistant at The University of Queensland TC Beirne School of Law and a member of the university's Human Trafficking Working Group. In 2010, Brendan completes his studies in law and arts (Chinese, Japanese) at The University of Queensland.

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Abbreviations

CBT	Computer-based training
FIA	Federal Investigation Agency (Pakistan)
NAB	National Accountability Bureau
PISCES	Personal Identification Secure Comparison and Evaluation System (Pakistan)
SOCA	Serious and Organised Crime Agency (United Kingdom)
UAE	United Arab Emirates
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar

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Andreas Schloenhardt
Brendan Hall
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Islamic Republic of Pakistan

Figure 1 Islamic Republic of Pakistan, map (2004)



1. Introduction

This report reviews existing training programmes on irregular migration and associated crime offered by the Federal Investigation Agency (FIA) of the Islamic Republic of Pakistan and develops recommendations to enhance the training of FIA officers and other law enforcement personnel in this field.

1.1 Background

Irregular migration, especially in the form of migrant smuggling and trafficking in persons, and associated criminal activities such as money laundering, document fraud, and corruption, are of imminent concern to Pakistan. Trafficking in persons is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. Smuggling of migrants involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.

Virtually every country in the world is affected by these crimes. Recent reports confirm that Pakistan is simultaneously a sending, transit, and destination point for smuggled migrants and trafficked persons. Domestic trafficking, especially of women and children, is also of ongoing concern.

The challenge for all countries, rich and poor, is to target the criminals who exploit desperate people and to protect and assist victims of trafficking and smuggled migrants, many of whom endure unimaginable hardships in their bid for a better life. Pakistan's Federal Investigation Agency (FIA), as the country's chief national law enforcement agency, has a mandate to prevent and suppress trafficking in persons and migrant smuggling and is in a unique position to comprehensively combat these phenomena, along with associated crime such as money laundering, document fraud, and corruption.

In response to the emergence of migrant smuggling and trafficking in persons, the Government of Pakistan has taken decisive action to develop national strategies to prevent and suppress these crime types and protect the rights of victims. In 2002, a *Prevention and Control of Human Trafficking Ordinance* was enacted. This was followed by the development of a *National Action Plan for Combating Human Trafficking* and the creation of an Anti-Trafficking Unit within the FIA.

UNODC, the United Nations Office on Drugs and Crime, is the guardian of the *United Nations Convention against Transnational Organised Crime* and the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children* and the *Protocol against the Smuggling of Migrants by Land, Air, and Sea*. UNODC leads international efforts to comprehensively prevent and suppress migrant smuggling and trafficking in persons and protect the victims of these heinous crimes. UNODC's Country Office in Islamabad stands ready to assist Pakistan's authorities in their efforts.

1.2 Context

In December 2009, UNODC, through its country offices in Afghanistan and Pakistan, completed a comprehensive study entitled *Crime Facilitating Migration from Pakistan and*

Afghanistan.¹ The report examines specifically the smuggling of migrants in both countries² and also touches on issues relating to trafficking in persons and associated crime such as document fraud, corruption, and money laundering.

This study recommended, inter alia, that Government of Pakistan adopt the following objectives:

1. To increase their knowledge of the migrant smuggling industry, including special attention to:
 - a. the groups that organise more sophisticated, air-based smuggling;
 - b. the prevalence and distribution of corruption facilitating the industry;
 - c. the financial size of the industry; and
 - d. identifying major pools/channels of money derived from the industry.
2. To develop special investigative techniques appropriate to disrupting and prosecuting those involved in facilitating unauthorised migration.
3. To improve the management of prosecutions in this area, in particular through:
 - a. evidence collection and management (with links to point 2 above);
 - b. case preparation; and
 - c. prosecutor skill development.

In support of the above objectives, UNODC further recommends the following actions in Pakistan:

Information collection, management, analysis and dissemination

- Enhancements to FIA data collection and management processes, including to enable disaggregation of crime types.
- Generalised, basic intelligence analysis training – UNODC’s roll-out of computer-based training centres is an efficient way to deliver this.
- Advice on integrated analysis of, for example, information coming from document examiners with mass data coming from departures/arrivals.
- Establish indicators and benchmarks of progress on relevant crime types.
- Deepen and expand FIA’s reporting capacities and habits. This could begin with the development of reporting templates, drawing from the improvements in data collection and management recommended here.
- Establish FIA-led, local inter-agency units on crime facilitating migration, initially as coordination committees. FIA’s Anti-Human Trafficking and Smuggling Units (AHTSU) may be appropriate nodes around which to build inter-agency mechanisms.

Detection and investigation

- Training and equipment to enable FIA in particular to use special investigative techniques, with hands-on mentoring where appropriate, including in the pursuit of the proceeds of crime.
- Adapt for Pakistan the relevant UNODC computer-based training (CBT) modules (current and in development) and integrate them into the ongoing roll-out of CBT centres.
- Impostor detection training for staff in airports, including airline or private security staff as appropriate. For efficient, ongoing delivery, consider developing an impostor detection module for UNODC’s CBT program.

¹ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (Dec 2009).

² See further Section 2 below.

- Review, update and replace as appropriate the relevant training modules at the FIA Training Academy.
- Training and mentoring in handling internationalised migration-related investigations.
- Incorporate into investigations active questioning of suspects and witnesses on law enforcement corruption.

Case management, preparation and presentation

- Joint sessions with investigators and prosecutors to share requirements and improve mutual assistance.
- Prosecutor training and mentoring in case preparation and presentation on crimes facilitating migration, including in the recovery of proceeds of crime.³

In order to respond in a strategic manner to these recommendations, UNODC Pakistan requested the services of an Irregular Migration and Associated Crime Training Advisor to advise UNODC on assisting the Government of Pakistan to improve training curricula and materials related to irregular migration and associated crime. This report has been prepared in response to this request.

1.3 Objectives

The objective of this report is to evaluate existing curricula and training programmes delivered by the Government of Pakistan – through the FIA – on trafficking in persons and migrant smuggling, and advise UNODC on methods to improve training to counter irregular migration and associated crime. This report is designed to guide UNODC’s training assistance to the Government of Pakistan.

1.4 Organisation and Contents

This report is organised into five parts. Following this introductory Part 1, a short background section contained in Part 2 summarises some of the patterns and levels of trafficking in persons, migrant smuggling, and associated crime in Pakistan to highlight the significance of these phenomena and emphasise the need for training in this field. Part 2 also identifies key legislative instruments and outlines the principal enforcement agencies charged with combating migration-related crime in Pakistan.

Part 3 of this report broadly outlines and evaluates the range of existing training programmes currently delivered by the FIA (sometimes in cooperation with international partners) on trafficking in persons, migrant smuggling, and associated crime. In light of these evaluations, Part 4 contains a range of recommendations for the future development of basic, specialised, and computer-based FIA training programmes, and enunciates the general objectives and learning outcomes by which any such programmes should be guided. Finally, Part 5 this report outlines the way forward by reflecting on the immediate steps necessary to begin the implementation of the recommendations set out in this report.

³ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (Dec 2009) 69–71.

1.5 Methodology

The research undertaken during this assessment involved the examination of open source material, as well as collaboration and personal interviews with Pakistani government agencies, foreign missions, and international organisations. The assessment also benefited greatly by drawing on a wide range of assessment 'toolkits' and training manuals developed by UNODC and the United Nations' Global Initiative to Fight Human Trafficking (UN.GIFT).

A period of twenty working days was allocated to carry out and complete this assessment. An initial period of ten days was spent compiling and analysing open-source background information on the levels and patterns of irregular migration and associated crime in Pakistan, and on the operation and structure of relevant laws and law enforcement agencies.

This was followed by a five-day visit to Islamabad, Pakistan between January 25 and 29, 2010. This period was used to validate initial research and collate details to bridge information gaps (including those discovered both prior to and during the fieldwork period), to consult with a wide range of relevant experts, and for areas for reform and possible recommendations to be identified. As part of this process the authors visited the FIA headquarters and its Training Academy, and interviews were conducted with representatives of the FIA, UNODC, UNICEF, the United Kingdom's Serious and Organised Crime Agency (SOCA), the Australian High Commission, and a Pakistani judicial officer. The UNODC Country Office Pakistan also provided office space, transportation, and administrative assistance as required.

The final phase of the project involved the examination of findings from the fieldwork conducted, and the producing and tailoring of recommendations to enhance and develop curricula and training programmes delivered by the FIA on irregular migration and associated crime, as well as advise UNODC on methods to improve training to counter these phenomena.

This report was completed and presented to UNODC on February 18, 2010. The information presented within this report is current as of that date.

Limitations and Obstacles

Identifying and analysing current training programmes relating to irregular migration and associated crime in Pakistan often proved a difficult task throughout this assessment. Information was frequently unavailable and, at other times, out of date or incomplete.

It has to be noted that upon commencement of this assessment, the authors were not furnished with any basic documents, data, or other information on current FIA training programmes. Specifically, very little basic background was made available to the authors about the staffing and training of personnel working in the FIA's Immigration Wing, its Anti-Trafficking Unit, and the 16 Anti-Trafficking Circles stationed around the country.⁴

Importantly, the authors were also unable to make direct contact with staff working on the frontline in relevant FIA anti-trafficking units and liaise with other relevant agencies operating in this field. All interviews were further limited to staff based in Islamabad and the

⁴ See further Section 2.3 below.

time constraints of this assessment did not allow travel to and direct consultation with provincial and local FIA officers. Expert consultation was thus largely limited to senior FIA officials and a range of representatives from foreign missions and international organisations.

The combination of these factors places obvious constraints on the ability to comprehensively analyse the effectiveness of existing FIA training programmes. Accordingly, the information presented in this report should be considered as an indicative snapshot rather than a detailed account of training relating to irregular migration and associated crime in Pakistan.

2. Settings

2.1 Irregular Migration and Associated Crime in Pakistan

2.1.1 Migrant Smuggling

A study of migrant smuggling from Pakistan (and Afghanistan) conducted by UNODC in 2009 found

a thriving criminal industry, consisting of several different market segments, mostly insulated from other forms of organised crime but reliant on a range of complementary crime types, such as identity fraud and money laundering.⁵

Perceptions of economic opportunity, security fears, access to better education, and reuniting with family members are the principal factors influencing the type of criminal organisation migrants engage and which route they take to their target destination.

Criminal networks offer migrants an array of services, with transport and corruption forming the core of them. Identity fraud and the maintenance of a guarantee system insuring clients against failed migration attempts are also a common extension of the services these networks provide.

The criminal industry facilitating migration has several distinct features when juxtaposed against Pakistan's drug trade, including substantial profits with limited law enforcement risks and less social stigma. The industry is also less consolidated than the drug trade, with 'minor player' migrant smugglers facing a substantially lower threat to their businesses from competitors and law enforcement agencies.⁶

Regarding high-level sponsorship/protection of migrant smugglers, the lower risk associated with the industry has resulted in two contradictory trends:

- a) more distant sponsorship, as smugglers are not always reliant on close arrangements with protectors and small-time agents can still perform their role without attracting the attention of law enforcement agencies; and
- b) some direct involvement of sponsors in migrant smuggling businesses owing to a low risk to their social/political positions.

While the migrant smuggling industry is highly lucrative, profits are relatively dispersed and primarily generated by a large number of small and mid-scale businessmen. In contrast to the drug trade, the use of coercion does not seem to constitute common practice among organisations facilitating migration.

Within the last decade, criminally-assisted migration has risen from a marginal issue to one of low-priority status within Pakistan. UNODC assesses that the structure of the industry is evolving due to growing risk, albeit from a low base. It is probable that the smuggling industry will experience some consolidation due to pressure on smaller agents who will transfer or convert their enterprises into more consolidated networks. Disruption efforts by destination countries have also been expanding and, according to UNODC, will cause two trends, namely:

⁵ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 4.

⁶ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 5.

- a) Dispersal of organisers to the least accessible bases and a shift of power upstream, such as from Greece to Turkey or from Pakistan to Afghanistan.
- b) Narrower and tighter sponsorship. Arrangements at the top will become closer and will need to become more carefully controlled.⁷

The FIA has reported that it is taking increased action against what it refers to as ‘human traffickers/agents’, however, confusion seems to exist as to the distinction between human trafficking and the smuggling of migrants. Pursuant to international definitions, very few of these ‘traffickers/agents’ are actually human traffickers, but rather the vast majority constitute migrant smugglers.⁸

According to FIA figures, the Agency secured convictions of up to 1,730 traffickers/agents in the first nine months of 2009. This figure marks an increase compared with convictions in 2006 and 2008 publicly reported as 1,448 and 1,411 people, respectively. The figure, however, is significantly below the 5,022 convictions reported for 2007 which seemed to have had an accelerated rate of trial and conviction.⁹

2.1.2 Trafficking in Persons, especially Women and Children

The US State Department’s *Trafficking in Persons Report*, published in June 2009, describes Pakistan as ‘a source, transit, and destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation’.¹⁰

The country’s most pervasive human trafficking problem is that of bonded labour, particularly in Sindh and Punjab provinces, and is centred around brick kilns, carpet-making, agriculture, fishing, mining, leather tanning, and production of glass bangles.¹¹ While estimates vary considerably, according to some sources Pakistani victims of bonded labour — including men, women, and children — may be in excess of one million.

Trafficking of Pakistani men and women who voluntarily migrate to Gulf States, Iran, and Greece to engage in low-skilled employment remains an ongoing issue. Fraudulent job offers and exploitative recruitment fees result in situations of forced servitude and debt bondage once abroad. This includes restriction of movement, withholding of wages, threats, and physical and sexual violence.

Women and girls also constitute a significant target for trafficking in and out of the country. Women are traded between different tribal groups as forms of payment and to settle disputes, while daughters are sold by their parents into forced marriages, domestic servitude and prostitution.¹² NGOs report that Pakistani girls are also trafficked to Middle Eastern countries for sexual exploitation.

⁷ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 5.

⁸ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 51.

⁹ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 51.

¹⁰ US, Department of State, *Trafficking in Persons Report* (2009) 231.

¹¹ US, Department of State, *Trafficking in Persons Report* (2009) 231.

¹² US, Department of State, *Trafficking in Persons Report* (2009) 231.

Pakistan serves as a destination for women and children from Afghanistan, Azerbaijan, Bangladesh, India, Iran, and Nepal trafficked principally for forced labour. The country further operates as a transit point for women from Bangladesh and Nepal trafficked into the Gulf States.

The FIA also reports that hundreds of children, primarily from the Rahimyar Khan and Bahawalpur Districts, have been trafficked to the UAE to be used as jockeys for professional camel races. The children are said to have ranged from five to twelve years of age, with fatalities and severe injuries a common occurrence. According to the FIA, the majority of reported jockey trafficking was orchestrated by agents through the use of fake parents and birth certificates. Agents were also found to have assisted biological parents in the trafficking of their own children while, in other cases, parents arranged the process themselves.¹³

In 2005, the UAE Government introduced a ban on the use of children as camel jockeys below 45kg in weight and 14 years of age. According to information provided by the FIA, the same year saw 185 children deported back to Pakistan, with 101 children returned to their parents while 84 still remained in the custody of the Child Protection and Welfare Bureau Government of Punjab in Lahore.

The FIA reports that, to date, 69 camel jockey cases have been registered with the FIA Anti-Trafficking Circle in Lahore, resulting in the arrests of 49 individual parents as 'facilitators', as well as three agents and sub-agents. Cases remain under investigation and no convictions or acquittals have yet to be recorded.¹⁴

The prevention of camel jockey trafficking and the securing of related convictions appear to be a priority for the FIA's Anti Trafficking Unit. The FIA also notes that intelligence networks have been concentrated in areas prone to the trafficking of children as camel jockeys in an effort to unearth the location of agents. Immigration check-posts have also reportedly been briefed on the profiling of women accompanying children to the UAE, and close collaborations between the FIA and other law enforcement agencies have been established to focus on trafficking through the Pakistan-Iran border.

Despite its intensified efforts, the FIA notes several problems in securing the arrests of agents involved in the camel jockey trade. These include a shortage of staff and vehicles as well as the refusal of facilitator parents to provide reliable details and information about agents. A recent FIA operation charged with the locating and arresting of known agents reportedly failed due to incomplete or false addresses provided by facilitator parents.¹⁵

2.1.3 Associated Crime

While the link between migrant smuggling, trafficking in persons, and other forms of organised crime appears to be weak, the industry is heavily reliant on a range of auxiliary criminal services often crucial to the success of journeys which involve several agents and

¹³ Pakistan, FIA, *Anti-Trafficking Unit*, available at http://www.fia.gov.pk/dep_trafficking.htm (accessed 12 Feb 2010).

¹⁴ Pakistan, FIA, *Anti-Trafficking Unit*, available at http://www.fia.gov.pk/dep_trafficking.htm (accessed 12 Feb 2010).

¹⁵ Pakistan, FIA, *Anti-Trafficking Unit*, available at http://www.fia.gov.pk/dep_trafficking.htm (accessed 12 Feb 2010).

facilitators and are typically multi-modal.¹⁶ Three such associated crimes that complement the migrant smuggling industry in Pakistan are that of document/identity fraud, money laundering, and corruption.

Document fraud

Irregular migrants are usually required to establish their identity either prior to or at some point during their journey. To meet this need, a plethora of specialised service providers exist to assist migrants in the production of particular documents and provision of identity documents and other credentials. For example, criminal elements in Pakistan possess the expertise to tamper with genuine foreign passports and visas.¹⁷ A sophisticated photo substitution in Pakistan costs up to US\$ 1200.00 on top of the cost of a passport, and forged or doctored passports will also be replete with fake entry stamps and visas to establish a reliable travel history.¹⁸

Technological advances and the intensive use of in-built security features has made forging or tampering with passports increasingly challenging. Thus visas, being more vulnerable than passports, are likely to remain the preferred target of document fraud for some time. Officials in Pakistan remain confident that efforts to prevent the use of tampered documents and visas are successful in most instances, and that the practice only accounts for a small proportion of the criminal industry complementing irregular migration.

The increased challenge presented by forging travel documents has seen a shift towards imposters obtaining and travelling on genuine documents, primarily sourced through diaspora networks of people with a similar background. Theft of documents occurs, but trade is the most common scenario, with often substantial delays before a seller reports their passport as lost or stolen.

Fraudulent applications for local identity documents are also a feature of irregular migration by air. According to UNODC, it appears that smugglers are targeting vulnerabilities in the application process to obtain authentic passports for fraudulent identities or to be used by imposters. Demand for such services has waned, however, due to a move towards irregular migrants using stopovers on air routes to meet up with facilitators and receive documents and false identities, particularly in the Middle East. The need to leave Pakistan with a false identity is minimal in such instances and, instead, migrants can depart using their own genuine passport.¹⁹

Fraudulently assisting migrants in meeting visa requirements also accounts for a significant proportion of the criminal activity facilitating irregular migration. Core services include advice on how migrants can make false representations in applications and the production of documents such as bank documents, education qualifications, and employer references to corroborate application claims.

¹⁶ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 16.

¹⁷ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 19.

¹⁸ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 19.

¹⁹ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 22.

Money laundering

The high revenues generated by the criminal industry facilitating illegal migration, and the tendency for transactions to be executed in cash, necessitates the laundering of significant amounts of money, particularly by those operating within larger criminal networks. Principal methods include depositing funds with financial agents who arrange for money to be transferred offshore, purchasing property with proceeds of crime offshore, particularly in the UAE, and the manipulation of existing company accounts and invoices in order to transfer money into corporate accounts.²⁰

The transfer of money to others within the criminal network is also a necessary component of operations, comprising both the use of informal value transfer systems and established companies such as Western Union. The movement of money from Pakistan into Iran often involves the purchasing and smuggling of goods into Iran, later to be sold to effect an intra-network transfer.

Smugglers expend considerable effort and money on the laundering of money and moving funds internationally, highlighting profit as the predominant motive for their operations. The high tendency for migrant smuggling-related convictions to result in fines means that such penalties can be absorbed by the industry as a cost of business, with little overall effect on the operations of criminal enterprises and networks.²¹

Corruption

Corruption of government officials, especially at border control points, can serve to facilitate irregular migration if relevant officers are paid to 'turn a blind eye' to illegal border crossings. UNODC's 2009 report found that '[l]ow-level corruption at border crossings — especially land borders — appears to be institutionalised, to the extent that escorts can cite standard rates per migrant.'²²

2.2 Legislation

Pakistan's laws on trafficking in persons and migrant smuggling have been updated following the country's accession to relevant international treaties. On December 14, 2000, Pakistan signed the United Nations (UN) *Convention against Transnational Organised Crime*.²³ The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*,²⁴ and the *Protocol against the Smuggling of Migrants by Land, Sea and Air*,²⁵ which supplement the *Convention against Transnational Organised Crime* have, to date, not been signed by Pakistan²⁶ although elements of these treaties have been introduced into domestic law.

²⁰ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 59.

²¹ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 59.

²² UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 60.

²³ 40 ILM 335 (2001)

²⁴ 40 ILM 377 (2001).

²⁵ 40 ILM 384 (2001).

²⁶ UNODC, *Signatories to the United Nations Convention against Transnational Crime and*

2.2.1 Trafficking in Persons

The *Prevention and Control of Human Trafficking Ordinance 2002* (Pakistan)²⁷ is the principal instrument to prevent and suppress trafficking in persons and is based in large parts on provisions under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

Section 2(h) of the *Prevention and Control of Human Trafficking Ordinance 2002* (Pakistan) defines 'human trafficking' as:

obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person's subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3.

Section 3 of the Ordinance creates a suite of criminal offences relating to human trafficking, debt-bondage and coercion/exploitation of workers, and child trafficking. An offence is aggravated if it is committed by an 'organised criminal group',²⁸ or is committed repeatedly.²⁹

The *Prevention and Control of Human Trafficking Ordinance 2002* is supplemented by a set of regulations introduced in 2004/05 which set out investigation and prosecution procedures, mechanisms in relation to security, welfare, and accommodation of victims, the involvement of non-government organisations, and provisions relating to the repatriation of victims to their countries of origin.³⁰

2.2.2 Migrant Smuggling

Pakistan's laws relating to the smuggling of migrants are not a model of clarity and it is difficult to identify and assess relevant laws with certainty. The above-mentioned UNODC report noted that '[t]here are important gaps in current legislative frameworks and law enforcement approaches. Some facilitating activities and some categories of unauthorised migration are not criminalised.'³¹

Many difficulties stem from the fact that Pakistan, like several countries, struggles to distinguish the concept of migrant smuggling from that of trafficking persons, and that many, if not most languages, do not contain separate words for the terms 'smuggling' and 'trafficking'. The absence of comprehensive legislation on migrant smuggling is further

its Protocols, available at www.unodc.org/unodc/en/treaties/CTOC/signatures.html (accessed 11 Jan 2010).

²⁷ The full text of the Ordinance is available at Pakistan, FIA, *Prevention and Control of Human Trafficking Ordinance 2002*, available at www.fia.gov.pk/pchto2002.htm (accessed 12 Feb 2010).

²⁸ Section 4 *Prevention and Control of Human Trafficking Ordinance 2002* (Pakistan). 'Organised criminal group' is defined in s 2(j) of the Ordinance.

²⁹ Section 5 *Prevention and Control of Human Trafficking Ordinance 2002* (Pakistan).

³⁰ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

³¹ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 5.

explained by the fact that Pakistan has not (yet) signed the *Protocol against the Smuggling of Migrants by Land, Air, and Sea*, although it is understood that the Government of Pakistan has taken steps towards acceding to this treaty.

Some authorities in Pakistan hold the view that the *Prevention and Control of Human Trafficking Ordinance 2002* also captures common instances of migrant smuggling. According to UNODC sources, Pakistani law enforcement and judicial officials suggest that the inclusion of ‘recruiting [...] harbouring or receiving a person [...] by [...] receiving any payment or benefit, or sharing or receiving a share for such person’s subsequent transportation out of [...] Pakistan’ in section 2(h), combined with the repetition of the purpose of ‘attaining any benefit’ in section 3 of the Ordinance, amounts effectively to criminalisation of migrant smuggling.³² In the absence of reported case law, it is not possible to confirm this interpretation. According to UNODC, by December 2009 there had been no convictions for migrant smuggling under the *Prevention and Control of Human Trafficking Ordinance 2002*.³³

Pakistan’s laws relating to immigration, emigration, and foreigners also capture elements of migrant smuggling by criminalising conduct such as facilitating illegal immigration, the smuggling of Pakistani nationals abroad, and related offences. The *Immigration Ordinance 1979* (Pakistan), for instance, contains a number of offences relating to the entry of non-citizens into Pakistan. Offences under the *Emigration Ordinance 1979* (Pakistan) relate to document forgery and forced migration and for the smuggling of Pakistani nationals.³⁴ The *Foreigners Act 1946* further prohibits assisting the illegal entry of non-citizens into Pakistan.³⁵

2.3 Government Agencies

2.3.1 Central Authorities

In recognition of the national and international significance of migrant smuggling and trafficking in persons, the Ministry of Interior of Pakistan established a steering committee to monitor and review anti-trafficking/smuggling efforts in Pakistan. The Joint Secretary (Security) has been chosen as the focal point for coordination and information exchange on these issues.

The FIA’s Additional Director General (Immigration) acts as the National Rapporteur on human trafficking. This role involves liaison with other Ministries, agencies, international partners, the Director General FIA, the Anti-Trafficking Unit(s), border security, and other law-enforcement agencies, in order to efficiently implement operational investigation and criminal prosecution of human trafficking crimes. The specific duties of the Additional Director General (Immigration) include:

- 1) Identification of requirements arising from implementation of the National Action Plan, and taking appropriate actions to resolve them;
- 2) Provision of information to relevant authorities ensuring that ministries and other agencies are properly informed on the activities of the Plan;

³² UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 49.

³³ UNODC, Country Office Pakistan & Country Office Afghanistan, *Crime Facilitating Migration from Pakistan and Afghanistan* (2009) 49.

³⁴ Sections 18, 17(2) *Emigration Ordinance 1979* (Pakistan).

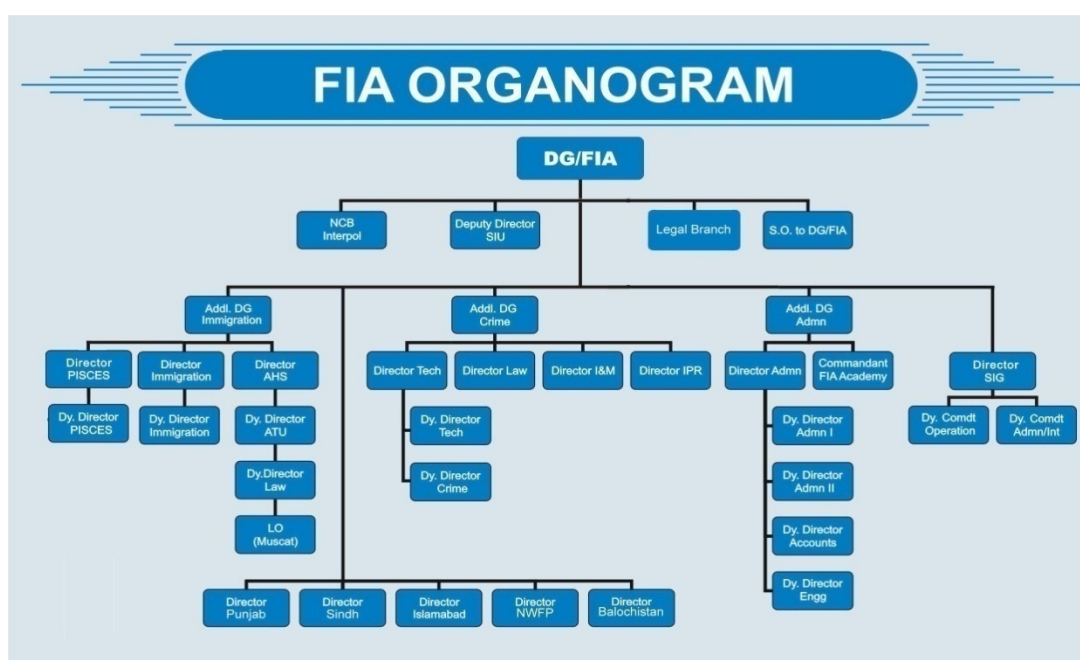
³⁵ Section 13A *Foreigners Act 1946* (Pakistan).

- 3) Direction, co-ordination and liaison with all stakeholders, including other ministries, agencies and organisations;
- 4) Supervision over activities of the Anti-Trafficking Units;
- 5) Convening meetings of appropriate actors within the nucleus organizations in order to resolve functional problems;
- 6) Accordingly, ensuring that adequate support resources are available from appropriate Government bodies for the Plan; and
- 7) Maintaining close contacts for potential donor support through international partners.³⁶

2.3.2 Federal Investigation Agency (FIA)

As the national policing agency, Pakistan's Federal Investigation Agency (FIA) — established in 1974 and governed by the *Federal Investigation Agency Act 1974* (Pakistan)³⁷ — has primary responsibility for investigating and preparing cases for migrant smuggling and trafficking in persons and for the prosecution of offenders. It is also involved in the apprehension of fake recruitment and employment agencies.³⁸

The Director-General acts as head of the FIA and is assisted by three Additional Director-Generals and ten Directors. Six Directors assist the Director-General at the Islamabad Headquarters in controlling the Functional Wings of Administration, Crime, Immigration and Anti-Trafficking, PISCES, Special Investigations, and Technical Assistance. Five Directors are further responsible for supervising the zones of Lahore, Karachi, Peshawar, Quetta, and Islamabad.³⁹



³⁶ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

³⁷ The complete text of the *Federal Investigation Agency Act 1974* (Pakistan) is available at Pakistan, FIA, *Anti Introduction to FIA*, www.fia.gov.pk/abt_background.htm (accessed 11 Jan 2010).

³⁸ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

³⁹ Pakistan, FIA, *Organisational Structure*, available at www.fia.gov.pk/abt_organization.htm (accessed 19 Jan 2010).

Immigration Wing

On June 9, 1975,⁴⁰ the FIA established an Immigration Wing which is divided into two branches: the Immigration Branch and the Anti-Human Smuggling Branch.

The Immigration Branch has the mandate to control and monitor the arrival and departure of international travellers, as well as to prevent and detect instances of human smuggling at Pakistan's 25 airports, land border crossings, seaports, and (international) railway stations.⁴¹ Officers assigned to the Immigration Branch examine travel documents of arriving and departing passengers at border checkpoints, while also aiming to prevent, detect, arrest, and detain passengers travelling on forged and fake documents. Officers are further charged with arresting offenders on the request of police and other law enforcement agencies, as well as implementing orders and instructions conveyed by the Government in respect of passengers included in various watch lists, stop lists, and black lists.⁴²

According to the FIA, approximately 500-600 officers are currently assigned to duties within the Immigration Wing. It should be noted, however, that all FIA officers rotate between different parts of the FIA every two to three years (with the exception of some female officers who are exclusively posted at international airports).

Under the Immigration Wing, the FIA operates 16 'Anti-Human Trafficking Circles' in all major cities across Pakistan. These Circles (previously called Passport Circles) are tasked with enforcing relevant immigration laws, including the *Immigration Ordinance 1979*, *Passport Act 1974*, *Foreigners Act 1946*, *Exit from Pakistan (Control) Ordinance 1981*, and various provisions under Pakistan's *Penal Code*.⁴³ Members of the Anti-Trafficking Circles are also involved in the deportation and return of persons entering Pakistan on forged documents or who make false representations and declarations in relation to their immigration.⁴⁴

At present, entry into the Anti-Trafficking Unit, Immigration Wing, and Anti-Trafficking Circles does not involve any mandatory training in this line of work.

Anti-Trafficking Unit

The FIA has established an Anti-Trafficking Unit based at the FIA headquarters as a special division to deal with all trafficking in persons and migrant smuggling matters. The Anti-Trafficking also maintains sub-units in the zonal directorates in Karachi, Lahore, Rawalpindi, Peshawar, and Quetta.⁴⁵

The principal tasks of the Anti-Trafficking Unit, as articulated by the FIA, include:

⁴⁰ Prior to 1975, immigration check-points were operated by provincial immigration authorities.

⁴¹ Pakistan, FIA, *Immigration Wing*, available at www.fia.gov.pk/dep_immigration.htm (accessed 8 Jan 2010).

⁴² Pakistan, FIA, *Annual Administration Report 2008 (2009)* 7.

⁴³ Pakistan, FIA, *Immigration Wing*, available at www.fia.gov.pk/dep_immigration.htm (accessed 8 Jan 2010).

⁴⁴ Pakistan, FIA, *Annual Administration Report 2008 (2009)* 9.

⁴⁵ Pakistan, FIA, *Anti Trafficking Unit*, available at www.fia.gov.pk/dep_trafficking.htm (accessed 8 Jan 2010).

- The prevention and protection of victims of trafficking;
- The investigation and prosecution of cases;
- The building and maintenance of a database of persons involved in trafficking in persons or migrant smuggling;⁴⁶
- Liaison with NAS of the US Embassy in Islamabad, non-government organisations, provincial police et cetera; and
- The development of a referral system for the transfer of victims to shelter homes and to facilitate the repatriation of victims of trafficking and smuggling to their countries of origin.⁴⁷

Personal Identification Secure Comparison and Evaluation System (PISCES)

PISCES, the Personal Identification Secure Comparison and Evaluation System, is an electronic database operated by the FIA to collect information on persons entering and exiting Pakistan. It allows officers to collect and compare information, identify persons and, if necessary, question and detain persons of interest. PISCES was initially introduced at all international airports in Pakistan in 2004 and now operates at twelve airports, four seaports, five land border crossings, and two (international) railway stations across Pakistan. Further expansion of the PISCES project is anticipated in the near future.⁴⁸

The database records all incoming and outgoing passengers and links all points of entry and exit. The information on PISCES is shared among all law enforcement and immigration agencies and intelligence services in Pakistan. Since its inception, the database has been vital in identifying persons travelling on forged and stolen passports, and fraudulent visas. It is also of great use in identifying cases and patterns of migrant smuggling and human trafficking, and assists in the identification and arrest of persons wanted by Interpol and foreign law enforcement agencies.

2.3.2 Other Agencies

Pakistan's response to trafficking in persons and, to a lesser degree, migrant smuggling, represents a whole-of-government approach that is not exclusively focused on law enforcement. The *National Action Plan for Combating Human Trafficking* mandates a great range of agencies with duties relating to the prevention and suppression of trafficking in persons. The following sections briefly identify some of the key departments.

Pakistan's **Ministry of Foreign Affairs** has responsibility for 'signing, ratification and implementation of the necessary international conventions, protocols, agreements and other instruments'⁴⁹ relevant to trafficking in persons and migrant smuggling and to increase 'efforts to make international cooperation among countries of transit and designation more

⁴⁶ A 'list of most wanted traffickers' is available at Pakistan, FIA, *Most Wanted Human Traffickers*, available at www.fia.gov.pk/Most_Wanted_Human_Traffickers.htm (accessed 12 Feb 2010).

⁴⁷ Pakistan, FIA, *Anti Trafficking Unit*, available at www.fia.gov.pk/dep_trafficking.htm (accessed 8 Jan 2010); Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁴⁸ Pakistan, FIA, *Personal Identification Secure Comparison and Evaluation System (PISCES)*, available at www.fia.gov.pk/prj_pisces.htm (accessed 8 Jan 2010).

⁴⁹ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

effective, and cooperation and exchange of information with international organisations'.⁵⁰ The Ministry is also tasked with coordinating awareness-raising about the 'negative consequences of smuggling of and trafficking in human beings'.⁵¹

The Director-General of the **Immigration and Passport Division** of the **Ministry of Interior** has responsibility for some aspects relating to immigration control and for ensuring the legitimacy, security, and control of travel and other identity documents.⁵²

The **National Database & Registration Authority** under the **Ministry of Interior** is responsible for ensuring that Pakistani travel and identity documents are of adequate quality to prevent forgery.⁵³

The **Ministry of Labour** exercises several functions in relation to the monitoring and regulation of recruitment and employment agencies.⁵⁴

The **Ministry of Law & Justice** has responsibility for the development and reform of laws relating to trafficking in persons and migrant smuggling.⁵⁵

Provincial police forces and agencies such as the **Frontier Constabulary** exercise no formal functions under the *National Action Plan for Combating Human Trafficking*, however given their general policing and border control mandate will frequently have first-hand access and exposure to victims and perpetrators of migrant smuggling and human trafficking.

⁵⁰ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵¹ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵² Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵³ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵⁴ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵⁵ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

3. Existing Training Programmes

3.1 National Strategies & Requirements

Under the *Pakistan National Action Plan for Combating Human Trafficking*:

- i Training will be provided for all persons and bodies involved with different aspects of human trafficking and working with victims of trafficking. Such training will emphasise the protection of their human rights.
- ii Training will also be provided in the identification of victims for all the stakeholders working with victims of human trafficking and children, including authorities and relevant service-providers.⁵⁶

The FIA has also been tasked with:

Providing training to anti-trafficking and immigration officials as well as other relevant officials including Judges and Prosecutors etc to speed up the prosecution effort which is felt to be a weak link.

An associated intervention is building capacity to promote competence/professionalism and integrity amongst the anti trafficking staff. Training of ATU staff to augment skills and professionalism in combating human trafficking will be geared up.⁵⁷

According to the *National Action Plan for Combating Human Trafficking*, all staff of the Anti-Trafficking Unit(s) shall receiving training on the following issues:

- i Methods of identification of victims and suspected victims;
- ii Use of relevant surveillance methods and tools;
- iii Obtaining, analysing and presenting as evidence the information, documents, other things possessed by victims, and other sources;
- iv Rules for treatment of victims and suspected victims.⁵⁸

3.2 FIA Training Programmes

The FIA Academy, established in 1976, is the Agency's facility to train new recruits and also deliver training to experienced FIA officers. The Academy also offers courses attended by provincial police officers, army and air force personnel, the National Accountability Bureau (NAB), and member of other agencies, and is used by foreign missions to conduct training for FIA staff.⁵⁹

The FIA Academy offers specialised training courses on human trafficking, immigration, money laundering, and forged documents, among a variety of other courses.⁶⁰

⁵⁶ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵⁷ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵⁸ Pakistan, FIA, *Pakistan National Action Plan for Combating Human Trafficking*, available at www.fia.gov.pk/HUMAN.htm (accessed 18 Jan 2010).

⁵⁹ Pakistan, FIA, *FIA Academy*, available at www.fia.gov.ok/dep_academy.htm (accessed 8 Jan 2010).

⁶⁰ Other specialised training courses include terrorism, cybercrime, crime scene evidence

FIA agents are currently offered three distinct streams of training, both on a structured and ad hoc basis. The FIA delivers extended basic and advanced generalist training programmes via their training Academy based at the FIA headquarters in Islamabad, as well as in zonal centres scattered around the country. FIA personnel also participate in more intensive, specialised training programmes offered intermittently to branches of Pakistani law enforcement by international agencies and foreign donor countries.

Basic Training Programme

Upon joining the FIA, all new recruits undertake a mandatory basic training programme delivered via the FIA Training Academy.

The program is designed to induct new recruits into the Agency and provide them with the basic operational skills and procedural knowledge necessary to discharge their duties across a broad range of FIA mandates.

Although the programme was previously delivered over a six-month period, it has since been condensed to a three-month format. In 2010, the FIA will offer the basic training programme twice throughout the year with capacity to train approximately 25 recruits each round.

Training is delivered by experienced FIA officers and instructors from the FIA Training Academy Faculty. An assessment component is also attached to the programme, with trainees who do not satisfactorily complete particular elements of training being required to re-sit examinations before they may complete their training programme.

Further information regarding the specific content of the basic training programme was not available to the authors.

Advanced Training Programme

Theoretically open to all FIA staff who have completed the basic training programme, the FIA also delivers a generalist advanced training programme which forms a pre-requisite for most low to mid-level promotions within the Agency.

Similar to the basic programme, the advanced training seeks to enhance FIA agents' knowledge and skill-base across the broad spectrum of FIA responsibilities, although pitched at officers with a higher level of experience.

In 2010, two advanced training programmes are scheduled to take place at the FIA Training Academy, with a single course offered to male and female officers. The programme runs over a two-month period with capacity to train approximately 25 officers.

Though the authors were not furnished with particulars as to who delivers training in this Advanced Program, it appears that instructors include a combination of senior FIA officers, relevant experts and local university academics. As with the basic programme, the advanced

and fingerprints, Pakistan, FIA, *FIA Academy*, available at www.fia.gov.ok/dep_academy.htm (accessed 8 Jan 2010).

course also comprises a mandatory assessment component which must be passed prior to an officer completing the course.

Further information regarding the specific content of the advanced training programme was not available to the authors.

Specialised Training Programme

In addition to the basic and advanced streams of training delivered by the FIA, selected FIA officers also undertake short-term, specialised training offered on an ad hoc basis by foreign donor countries or international agencies.

These specialised programmes — varying in length, but typically not exceeding three to six days — generally involve a range of Pakistani law enforcement agencies and cover a range of subject areas including, but not limited to, human trafficking, immigration, money laundering and document fraud. Instructors include a combination of international experts as well as senior FIA officers.

FIA Zonal Directors are responsible for selecting FIA participants in specialised programmes, though often face a range of capacity constraints in determining who can be made available to participate in such courses.

3.3 Observations and Areas for Improvement/Deficiencies

In the absence of more detailed information and more in-depth insight into existing training programmes, their contents and delivery, it is difficult to make succinct observations and remarks about current FIA training practices.

In consultation with external observers, it was remarked that in spite of the training programmes currently offered to FIA personnel, staff lack even the most basic investigative skills. Low-level FIA staff also appear to lack any real authority or autonomy to carry out activities of their own accord. Delegation of responsibility seems to be lacking, with even the most rudimentary procedures requiring approval from the upper echelons of the FIA. It is thus difficult to assess the effectiveness of existing training programmes.

It is remarkable that there is no requirement for FIA personnel to complete any specialised training prior to or upon transferring into particular sections of the Agency. Only generalist training is offered by the FIA and all specialist courses are offered on ad hoc bases. Participants in these courses are not selected systematically.

The most significant impediment to better and more systematic training appears to be limited resources, financial and otherwise. Further, there is no strategic plan relating to staff training and capacity building within the FIA.

Moreover, capacity constraints seem to exist in being able to make staff available to participate in specialised programmes as there are no officers to fill the void created by those away on training. Consequently, staff are either unable to participate in training or inappropriate staff are chosen to take part, with little correlation between course topics and participants' duties or required skill-sets.

On the part of foreign donor countries, there is a lack of coordination in offering specialised training to and for the FIA. Certain foreign agencies appear to have large quotas of funding that needs to be expended within specified time frames but training programmes does not seem to be offered judiciously or on the basis of carefully analysed needs. There also appears to be significant overlap in the training programmes offered. Other programmes are offered in complete isolation with no connectivity and most courses are offered once only and not on a sustainable basis.

It should also be noted that the FIA Academy in Islamabad, the principal training facility of the FIA, is very small and has a no capacity to train large numbers of staff at any one time. Accommodation within the Academy is limited to a capacity of approximately 20 persons.

The frequent rotation of FIA staff between positions and divisions further constrains training and means that many areas are ostensibly lacking experienced staff. It also makes some training redundant if staff are rotated to a new section shortly after completing specialised programmes. For some participants, there may also be language barriers if training programmes are offered exclusively in English.

As a final point, it has to be noted that the Commandant of the FIA Academy changes frequently and that this post is perceived as an undesirable position within the upper ranks of the FIA. The Commandant, effectively the director of the Academy, seems to change regularly, meaning that coordination with foreign and international agencies is made difficult and programme proposals are often not developed further. This also highlights the need to create the position of a training coordinator within the Academy to ensure that training is not adversely affected by internal FIA rotations and politics.

4. Future Programmes

Inadequately trained personnel hamper effective prevention and investigation of trafficking in persons and migrant smuggling as well as prosecution and conviction of offenders. Relevant authorities and complicit parties often do not perceive trafficking in persons and migrant smuggling as criminal activities that pose serious risks to migrants, victims of trafficking, and the wider community. Accordingly, Articles 10(2) and 14(1) of the *Protocol against the Smuggling of Migrants* duly call on State Parties to strengthen specialised training for law enforcement and other relevant officials.

Against the background set out in Parts 2 and 3 of this report, it is crucial that the FIA, in conjunction with other relevant agencies, maintains a very high standard of training on all issues relating to trafficking in persons and migrant smuggling. Such training needs to be aimed at two separate, but equally important audiences:

- 1) Recruits, general police officers, and other first respondents who may be involved in the detection of relevant cases; and
- 2) Specialised officers who carry out the investigation and oversight of trafficking and smuggling cases.

It needs to be emphasised that the current environment in Pakistan is strongly supportive of the necessary changes and investments needed to prevent and combat trafficking in persons and migrant smuggling more comprehensively at all levels of government and across all sectors of civil society. Senior government figures and senior officers of the FIA have repeatedly expressed their determination to enhance training programmes and raise greater awareness about these phenomena. Most recently, in late 2009, Mr Abdul Razzaque Cheema, FIA-PSP (Additional Director Karachi) specifically recommended that:

- Selected FIA officers participate in anti-human trafficking and anti-migrant smuggling training with overseas agencies and international organisations;
- Training on trafficking in persons and migrant smuggling matters be extended to junior officers and should also include female FIA officers;
- Workshops on the *Prevention and Control of Human Trafficking Ordinance 2002* be organised;
- The FIA Academy, in cooperation with relevant non-government organisations should organise training and workshops in all zonal headquarters to raise awareness on trafficking in persons and migrant smuggling;
- Manuals on the investigation of cases of trafficking in persons and migrant smuggling be prepared to enhance and standardise investigation techniques and procedures; and
- Guidelines for the Border Security Forces should be prepared to help identifying victims of trafficking and smuggling.⁶¹

These factors will significantly facilitate and strengthen the implementation of any new training programmes aimed at preventing and suppressing trafficking in persons and the smuggling of migrants more effectively.

⁶¹ Pakistan, FIA, *Immigration Wing*, available at www.fia.gov.pk/dep_immigration.htm (accessed 8 Jan 2010).

4.1 General Objectives

4.1.1 Goals

The suite of practical recommendations and other measures to re-shape and enhance training programs on migrant smuggling and human trafficking outlined in this report is based on achieving an array of divergent goals. These include:

In-depth knowledge

To convey an in-depth knowledge about the patterns and modi operandi of migrant smuggling, trafficking in persons, and attendant circumstances to expert staff in specialised FIA units and other relevant agencies, including provincial police, frontier corps, prosecution authorities, judiciary, and border/customs agencies.

Investigative skills

To develop and enhance the skills needed to identify, apprehend and investigate cases of migrant smuggling and human trafficking, examine crime scenes, seize property, and work with victims of trafficking and smuggling.

Broad-based understanding

To generate a broad-based understanding not only of the criminal offences and their enforcement, but also of the causes, consequences, and international dimension of migrant smuggling, human trafficking, and associated crimes such as money laundering, corruption, and document fraud.

Resource creation

To create a set of training materials that serves as resources and reference points for trainers and participants;

Institution building

To strengthen the role of the FIA as the lead agency in this area of law enforcement and establish its Immigration Wing, Anti-Trafficking Unit, Anti-Trafficking Circles, and the FIA Academy as centres for education, information, and cooperation in this field.

Awareness-raising

To raise awareness among law enforcement personnel outside specialised units, especially among front-line personnel that operate at local levels, in border regions, at border control points, airports, and seaports who will often have first contact with smuggled migrants, trafficked persons, and smugglers and traffickers.

Cooperation

To improve inter-agency collaboration by using training programmes to create lines of communication, partnerships, and networks between different agencies and departments, thus contributing to a whole-of government approach.

Suppression and Prevention

To contribute to making the suppression and prevention of irregular migration and associated crimes in Pakistan more effective as well as enhance the international response to combating these phenomena. To this end, training programmes should take into account country-specific and sector-specific circumstances while also drawing on elements that have proved effective elsewhere.

4.1.2 Facilitating Factors

The recommendations set out in the following sections are, in part, based on the anti-human trafficking and anti-migrant smuggling material developed by UNODC and UN.GIFT. These recommendations are set out as elements of a technical assistance program to be developed further by UNODC in cooperation with the FIA, other Pakistani agencies, and possibly other donor countries.

The recommendations should be seen in combination, not isolation, as they seek to reflect and respond to the many diverse challenges relating to trafficking in persons and migrant smuggling in Pakistan. The problems associated with these phenomena are complex and unlikely to be solved by a single policy or practical measure. The recommendations should thus be seen as an inter-related — but by no means exhaustive — collection of tools.

In addition to the form and content of these recommendations, the overall environment and circumstances surrounding their implementation is directly proportionate to their ultimate success. To this end, the presence of a range of factors is crucial to the effective execution and long-term prospects of any proposed measures. These factors include, but are not limited to, the following:

- Any proposed measure needs to be supported by clearly articulated goals and other indicators of success in the short, medium, and long terms;
- The creation of further bureaucracy, cumbersome procedures and approval processes should be avoided;
- Any unnecessary intra/inter-agency secrecy needs to be removed and greater transparency created;
- Insofar as possible, training programmes should be consistent with current government policy, domestic laws, and — where applicable — international treaties;
- All training programmes must be politically neutral, both in the way they are administered and in their ultimate objectives;
- The proposed programmes should be cost-effective and avoid dependency on donor funding in the long-term; and
- Upon implementation, periodic assessments of individual elements and overall concepts of the training programmes need to be undertaken. Any resulting recommendations — and those charged with their implementation — should be flexible to adapt based on the information gained from these assessments. Some elements and strategies may need to be adjusted to take advantage of successes and compensate for failures.

4.1.3 Obstacles

Creating and enhancing FIA-led training programmes on migrant smuggling and human trafficking, and ultimately ensuring they have an impact in building capacity to combat these crimes, is a task not without sizeable challenges and obstacles.

First, it has to be noted that many important aspects of these phenomena are not related to law enforcement. UNODC is aware of the fact that better training of law enforcement personnel cannot prevent irregular migration and associated crime. Where not combined with a holistic approach, increased detections and arrests in one location may simply result in the diverting of migrant smuggling and trafficking in persons elsewhere, and in increasing the demand for more risky services. Where migrants are simply returned to their countries of nationality or residence without consideration for the underlying root causes which made

them migrate in the first instance, they may simply attempt to migrate again — perhaps under more clandestine and/or dangerous conditions than those endured previously. There are important push and pull factors which influence a person to seek the services of migrant smugglers or fall victim to human traffickers. All of them must be addressed in a comprehensive way, based upon a multi-dimensional partnership, which has to involve the State, civil society, academia, the media, and international organisations.⁶²

Second, consistent and comprehensive training of all law enforcement personnel working on issues relating to human trafficking and migrant smuggling is costly – both in terms of financial and human capital. Adding to the financial costs for trainers, facilities, course material, et cetera are the expenses associated with travel and accommodation, and the need to reassign tasks during the absence of course participants.

Third, in the current setting the enhancement and creation of training programmes in Pakistan relies on the availability of donor funding. Such funding will fluctuate over time, making it difficult to sustain programmes into the future. Even if and when funding is made available, a danger arises in creating donor-dependency in areas for which the FIA should have full responsibility.

Fourth, as outlined previously in this report, there exists a myriad of agencies which play a role in the prevention and suppression of human trafficking and migrant smuggling in Pakistan. The country's federal structure exacerbates this situation, with multiple law enforcement agencies at the provincial and federal levels. Accordingly, an absence of requisite training and knowledge across the whole gamut of agencies, and without effective communication and coordination among them, means that significantly curtailing these crimes is rendered unachievable.

Fifth, the role of the FIA has grown substantially in recent years with new responsibilities such as corruption and cybercrime added to the Agency's already extensive mandate. Accordingly, the FIA must negotiate several competing priorities when deciding to invest in new training programmes. Further compounding this issue is the volatile security situation in Pakistan which can cause priorities and deployment of resources to shift rapidly and without warning.

4.2 Learning Outcomes

To guide the design and development of new curricula and training programs, it is essential that specific learning outcomes be articulated, taking into account country-specific patterns of crime and the operational skills and knowledge required to deal with them. Moreover, these enunciated learning outcomes will serve to provide a benchmark against which the skill and knowledge levels of FIA personnel can be measured upon completion of training programmes, thus enabling an assessment of the effectiveness of relevant curricula as well as the identification of areas in need of further improvement.

In light of this, upon successfully completing any of the trainings programmes on human trafficking and migrant smuggling delivered via the FIA, participants should:

⁶² UNODC, *Basic Training Manual on Investigating and Prosecuting Migrant Smuggling* (c2009) 11–12.

- Demonstrate a general understanding of the causes, concepts, and criminology of trafficking in persons and migrant smuggling;
- Recognise the conceptual and practical differences between migrant smuggling and trafficking in persons;
- Posses a comprehensive knowledge of the relevant material in this field of study, including relevant legislation and treaties, case law, government and policy papers, et cetera;
- Understand and appreciate the situation, needs, and rights of perpetrators and victims of human trafficking and migrant smuggling;
- Possess a basic understanding of associated crimes such as money laundering, corruption, and document fraud, including relevant offences;
- Be able to independently research, identify, and locate relevant information, data, legislation, case law, and other literature of the highest quality; and
- Be able to communicate and liaise effectively (individually and as a team) with victims, witnesses, partner agencies, and other stakeholders;

4.3 Programme Types

In shaping and developing training programs, it is important that the delivery, standards, content, and learning resources recognise and build on the experience, background, and prior education and training of different audiences. Separate programs are designed for those learning about trafficking in persons and migrant smuggling for the first time, while others may have years of experiences from investigations and collaboration with other agencies. The ever-changing patterns and levels of these phenomena, however, make it necessary that even experienced officers are continuously kept up-to date with new and emerging trends, with policy and legislative developments, investigative techniques, and findings from overseas agencies, international organisations, and independent research.

In reviewing and developing training programmes it is also worth noting that the FIA is currently initiating a process to record and catalogue the training undertaken by each officer with a view to improving staff development and deploying officers in the specific fields in which they have obtained special training. This move will also enhance the FIA's expertise in specific areas of policing and assist in identifying future training needs.

It is thus crucial that all officers working in the FIA's Anti-Trafficking Unit are properly trained on all aspects relating to trafficking in persons, migrant smuggling, and associated crime and that they have a comprehensive understanding of relevant laws, procedures, investigative techniques, the role of victims, avenues of international cooperation, et cetera.

Given the spread and levels of trafficking in persons and migrant smuggling across Pakistan — and the mandate of the FIA to prevent and suppress these phenomena — it is important that all new FIA recruits gain a general understanding of the basic causes and concepts of trafficking and smuggling, and the tools available to fight it.

In many cases, general FIA officers will be among the first to be in contact with traffickers, smugglers, and their victims. Or they may come across traces of trafficking and smuggling in unrelated investigations. And introductory training for new recruits, and regular refresher training for general staff assists in recognising cases of trafficking in persons and migrant smuggling and in referring them quickly and correctly to the Anti-Trafficking Unit.

Conducting training programmes in Islamabad or other central locations is costly and requires officer to leave their usual stations for a period of time. It is not always feasible and possible to release staff for training programmes and enable them to travel to training locations. To address these issues, a computer-based training programme can be used to introduce the topics of human trafficking and migrant smuggling to officers across Pakistan, including to staff in remote locations and persons otherwise unable to attend face-to-face training sessions.

Accordingly, three types of programmes are envisaged:

- (1) A specialised intensive programme;
- (2) An introductory recruit and refresher programme; and
- (3) A computer-based training programme.

Each programme is introduced and outlined in the following sections.

4.4 Specialised Programme

In Pakistan, the FIA's Anti-Trafficking Circles are the key audience for a specialised training programme on migrant smuggling and trafficking in persons. These Circles comprise of many senior investigators with comprehensive experience and inside knowledge. Training programmes delivered to this audience must be designed not only to keep existing knowledge up-to-date, but also to expose experienced officers to information from other jurisdictions, connect them with experts from other countries and international agencies, and also to provide a forum to share their experience with colleagues and counterparts. Given the scope of migrant smuggling and trafficking in persons and the criminal industry facilitating it, it would further be desirable in the medium and long-term to make participation in these specialised training programmes available to all officers in the FIA's Immigration Wing, as well as to select staff from other relevant federal and provincial agencies.

4.4.1 Contents

The modules outlined in the following section are designed to provide a solid basis of knowledge that can be adapted to specific contexts and agency needs. These modules have been separated into three areas: migrant smuggling, trafficking in persons, and general and associated issues. The selection of modules is based in part on UNODC's *Basic Training Manual on Investigating and Prosecuting Migrant Smuggling*.⁶³

The individual modules can be adapted to the needs of different agencies, different levels of seniority, and different parts of Pakistan. They can serve as the basis for upgrading or supplementing training programs of national training institutes. UNODC stands ready to assist the FIA in this adaptation process.

⁶³ See further <http://www.unodc.org/unodc/en/human-trafficking/publications.html>.

Migrant Smuggling

Concepts & Causes of Migrant Smuggling	<ul style="list-style-type: none"> • Definitions and constituent elements of the offence of migrant smuggling and related conduct; • Causes and concepts of international migration and migrant smuggling; • Distinguishing migrant smuggling and human trafficking.
Criminology of Migrant Smuggling	<ul style="list-style-type: none"> • Patterns and modi operandi of migrant smuggling; • Levels of migrant smuggling; • Perpetrators and criminal organisations; • Focus on Pakistan; • Focus on neighbouring countries: Afghanistan, Iran; • Global issues and global comparison; • Destination countries: UAE and the Gulf region, UK, Asia-Pacific.
Legislation	<ul style="list-style-type: none"> • <i>Protocol against the Smuggling of Migrants by Land, Air, and Sea;</i> • <i>Convention against Transnational Organised Crime;</i> • Alternative offences that can be used to prosecute migrant smugglers in the absence of specific legislation.
Investigation & Intelligence	<ul style="list-style-type: none"> • Points of entry for investigation; • Proactive, disruptive, and reactive investigation techniques; • Covert investigation techniques: use of informants; surveillance and undercover operations; • Types of strategic and tactical intelligence necessary to combat migrant smuggling; • Improving gathering, analysis, use and sharing of information.
Victims & Witnesses	<ul style="list-style-type: none"> • Debriefing and protecting smuggled migrants as witnesses of crime; • Understanding the limitations of smuggled migrants' role as witnesses; • Dealing with child victims and witnesses; • Recognising the challenges in seeking the cooperation of smugglers and smuggled migrants in criminal proceedings; • alternative sources of evidence; • Witness & victim protection.

Trafficking in Persons, especially Women and Children

Concepts & Causes of Trafficking in Persons	<ul style="list-style-type: none"> • Definitions and the constituent elements of the offence of trafficking in persons and related conduct; • Causes of trafficking in persons, especially women and children; • Distinguishing trafficking in persons and migrant smuggling; • Types of trafficking in persons: labour trafficking, sex trafficking, child trafficking, organ trafficking.
Criminology of Trafficking in Persons	<ul style="list-style-type: none"> • Patterns and modi operandi of trafficking in persons; • Levels of trafficking in persons; • Perpetrators and criminal organisations; • Focus on Pakistan; • Focus on neighbouring countries: India, Nepal; • Global issues and global comparison; • Destination countries: UAE and the Gulf region.
Legislation	<ul style="list-style-type: none"> • <i>Protocol against Trafficking in Persons, especially Women and Children;</i> • <i>Convention against Transnational Organised Crime;</i> • <i>Prevention and Combat of Human Trafficking Ordinance 2002.</i>
Investigation & Intelligence	<ul style="list-style-type: none"> • Points of entry for investigation; • Proactive, disruptive, and reactive investigation techniques; • Covert investigation techniques: use of informants, surveillance and undercover operations; • Types of strategic and tactical intelligence necessary to combat trafficking in persons; • Improving gathering, analysis, use and sharing of information.
Victims & Witnesses	<ul style="list-style-type: none"> • Debriefing and protecting trafficked persons as witnesses of crime; • Understanding the limitations of trafficked persons' role as witnesses; • Dealing with child victims and witnesses; • Recognising the challenges in seeking the cooperation of traffickers and trafficked persons; • Alternative sources of evidence; • Witness & victim protection.

General and Associated Issues

Money Laundering & Financial Investigation	<ul style="list-style-type: none"> • Laundering of proceeds of migrant smuggling and trafficking in persons; • Parallel financial investigations; • Financial investigations in the pre-arrest phase; • Seizure of assets, freezing of funds, and confiscation of proceeds of crime; • The role of financial investigation units (FIUs); • The role of financial investigations in investigating migrant smuggling and trafficking in persons generally.
Corruption	<ul style="list-style-type: none"> • Corruption in sending, transit, and destination points; • Domestic and international frameworks.
Refugees & Human Rights	<ul style="list-style-type: none"> • Human rights of smuggled migrants and trafficked persons; • Rights of suspected smugglers and traffickers; • Principles relating to the protection of refugees; • Law enforcers' and prosecutors' role in protecting and promoting human rights.
Document Fraud	<ul style="list-style-type: none"> • Passport forgery; • Visa fraud; • False representations; • Offences, frameworks, detection technology; • PISCES.
Immigration & Visa Issues	<ul style="list-style-type: none"> • Pakistan's immigration system; • <i>Immigration Ordinance 1979</i>; • <i>Foreigners Act 1946</i>; • Foreign visa and passport systems.
International Cooperation	<ul style="list-style-type: none"> • International cooperation through formal and informal mechanisms (mutual legal assistance); • Establishing joint investigation teams; • Inter-agency cooperation.
Information & Data Management	<ul style="list-style-type: none"> • Data collection; • Reporting; • Information and file management; • Research methods.

4.4.2 Delivery

The delivery of a specialised training programme will initially depend on international experts who design the syllabus and course contents and also teach some modules of this programme. It is desirable, however, to gradually build sufficient expertise within the FIA so that experienced investigators, former course participants, and other expert staff gradually deliver core components of the course. It would further be beneficial to engage presenters from key agencies in neighbouring countries such as Iran, Afghanistan, UAE, et cetera.

The training programme must also be designed to allow maximum interaction between course participants. Exercises, case studies, syndicate work, and other scenarios must be built into the programme to stimulate discussion and encourage debate.

As mentioned previously, the specialised programme not only serves to convey knowledge and information to participants, but also to offer a forum for exchange of ideas, debate, and the building of partnerships and networks. Accordingly, wherever possible, training programmes should involve participants from a variety of agencies. In a Pakistan, this will include — but is not limited to — Customs, provincial police, prosecution authorities, the judiciary, and frontier corps. Insofar as possible, training programmes should also involve participants from foreign jurisdictions, especially neighbouring countries, to enhance law enforcement cooperation and cross-border dialogue.

4.4.3 Assessment

To enhance the quality of this training programme and to facilitate the learning process, it is recommended that participants in the specialised training programme be expected to complete a number of oral and written assessment components in order to graduate from the course successfully. Assessment methods can involve oral presentations, written assignments, research papers, examinations, et cetera.

4.4.4 Handbook

To complement the development of specialised anti-human trafficking and anti-migrant smuggling training programmes for the FIA, it is recommended that course participants be given a comprehensive *Resource Handbook* which participants can develop and compile during the training programme and which will be available as a resource beyond graduation.

The *Resource Handbook* should comprise of key domestic and international materials relating to migrant smuggling, human trafficking, and associated issues. This includes, for example, copies of Pakistani legislation, relevant international treaties, UNODC Trafficking in Persons Toolkit and UNODC Migrant Smuggling Toolkit, a copy of the FIA's 'Human Trafficking Red List', key cases and judicial decisions, relevant scholarly commentary, and a list of reference materials to facilitate further reading and research.

The creation of this *Resource Handbook* would serve a range of purposes. It will provide course participants with a summary of their specialised training programme, and also serve as an accessible resource for all members of the FIA Anti-Human Trafficking Units to assist in their operational duties.

It is envisaged that the Handbook will evolve as the training programme progresses, with participants compiling the learning materials and resources provided to them in lectures and

seminars to form an accessible and customised resource. To ensure the Handbook keeps pace with any changes in patterns and levels of crime as well any relevant legislative, political, and jurisprudential developments, it is crucial that the material contained within is added to and updated on a periodic basis, and that any such changes are instituted by all staff to ensure clarity and consistency. To this end, it would be desirable for the Handbook to be available in electronic format, with a member of the FIA Training Academy or UNODC responsible for its maintenance and emailing updates to course graduates.

Though the potential forms and layout of any such *Resource Handbook* are many and varied, it is suggested that prior to commencing their training programme, course participants be furnished with a tabulated folder divided into discreet sections that represent each of the training modules canvassed in the programme. The folder will be compartmentalised using a top-down approach, initially separated into ‘Migrant Smuggling’, ‘Human Trafficking’, and ‘Associated Issues’ sections and, within these sections, further divided into modules or themes as outlined above. Initially, the *Resource Handbook* will contain basic reading material relating to the migrant smuggling and human trafficking situation in Pakistan for course participants to peruse in advance. As the programme progresses, course participants will be provided with additional documents during classes which will serve to summarise the content covered in individual lessons. Participants will then insert these loose-leaf documents into their folders under the corresponding thematic headings. This process would continue throughout the duration of the program and ultimately provide trainees with a comprehensive resource to complement their specialised training.

4.4.5 Graduation

Upon completion of the specialised training programme, course participants should be issued with a certificate confirming their successful participation. It is recommended that the programme further include a short ‘graduation’ event to mark the completion of the course. It may be desirable to invite a senior FIA officer or other public figure to present participants with their certificate and deliver a short address on a relevant topic.

4.4.6 Model Programme

The following schedule may serve as a model for a specialised FIA programmes on trafficking in persons, migrant smuggling, and associated crime. This model covers a training period of ten days over a two-week period.

	Day 1	Day 2	Day 3	Day 4	Day 5
Hr	modules	modules	modules	modules	modules
1	Welcome, Introduction	Concepts and causes of migrant smuggling	Migrant smuggling legislation	Immigration & visa issues	Refugee & human rights
2					
3					
4	Definitions, legal frameworks; Agencies and mandates	Criminology of migrant smuggling	Investigation & Intelligence (migrant smuggling)	Document fraud	
5					
6					
7					
8					

	Day 1	Day 2	Day 3	Day 4	Day 5
Hr	modules	modules	modules	modules	modules
1	Concepts and causes of human trafficking	Human trafficking legislation	Investigation & intelligence (trafficking in persons)	International cooperation	Information & data management
2					
3		Victims & witnesses	Money laundering & financial investigations		
4	Criminology of trafficking in persons				
5					
6			corruption		
7					
8	Graduation				

4.5 Basic Recruit Training

In addition to the creation of a new specialised programme it is important to ensure that all FIA recruits undergo a thorough introductory training on issues relating to migrant smuggling, human trafficking, and associated crime. Such basic training should focus on four key areas:

- Causes and concepts of trafficking in persons and migrant smuggling;
- Legislation
- Investigation techniques and procedures;
- Dealing with victims.

To further develop these training modules, it is necessary to review the existing curriculum and contents of the FIA's basic training programme. In the absence of this information, the authors were unable to make further recommendations.

4.6 Computer-based Training Programme

Computer-based training (CBT) is a form of e-learning, involving training presented on interactive CD-ROMs and lessons delivered via interactive television. As a result, students who are located in remote areas throughout the world can learn practical skills at their own pace.

UNODC has developed a range of training packages that have been designed to enable law enforcement officials around the world to enhance their skills, knowledge and awareness at their own pace and in their own language. Programmes are tailored for domestic legal circumstances, but also emphasise the regional and global impact of transnational organised crime by using state of the art interactive computer-based law enforcement training packages.

Existing human trafficking online learning tutorials developed by UNODC include:⁶⁴

⁶⁴ See further www.unodc-elearning.org/human-trafficking.html (accessed 12 Jan 2010).

Understanding Human Trafficking (duration 90-120mins)

The objective of this module is to introduce participants to human trafficking and the problems that law enforcement faces in dealing with this serious crime.

Human Trafficking Process (duration 120-180 mins)

The objective of this module is to enable participants to better detect, investigate and prosecute offenders by learning about the process of human trafficking, how it works, and the different actions involved.

Identifying and Dealing with Victims

The objective of this module is to raise participants' awareness to enable them to better identify and deal with victims of human trafficking.

In addition to existing training modules, UNODC is currently developing a module on migrant smuggling.

In 2009, UNODC began a process of opening computer-based training facilities across Pakistan for a variety of law enforcement agencies. A first training room has been opened at the FIA Academy in Islamabad in late 2009 with the capacity to train twelve participants in a single session. Two cohorts have thus far undertaken the programme.

Further information about the computer based training in Pakistan is available from the UNODC Country Office in Islamabad.

5 The Way Forward

While it is beyond the scope of this report to develop a detailed implementation plan for the design and delivery of new training programmes on migrant smuggling and human trafficking for the FIA, a number of suggestions can be made for the way ahead.

In light of the scale and patterns of migrant smuggling and human trafficking in Pakistan, it is desirable to move swiftly and conduct a first specialised programme in the second half of 2010. The programme should be held at the FIA Academy in Islamabad to a group of 20-25 staff selected from the Anti-Trafficking Circles.

While the initial training may require greater input from international experts and may need coordination and oversight by UNODC or other agencies, this first training should also serve to train persons capable of delivering future training programmes. This will immediately enhance the capabilities of the FIA and reduce the dependency on donor agencies and international experts in the medium and long-term.

It is further important that a schedule for specialised training programmes be developed to ensure that the programmes are offered regularly and that a maximum number of anti-trafficking personnel are trained each year. It is recommended that the specialised training be offered every 4-6 months which will allow the training of 50 to 75 officers annually. Once a regular training schedule for the FIA Academy in Islamabad is established, it may also be feasible to offer specialised programmes in Lahore, Karachi, and other centres across Pakistan. This will also allow the inclusion of provincial police forces and others unable to travel to Islamabad.

Further review and analyses are needed to make more concrete recommendations for the integration of a training module into the FIA's basic and advanced training programmes. It would be desirable to review the contents of these programmes in their entirety with a view to enhancing their quality and delivery.

In the medium and long-term, it is advisable to establish the position of a training mentor or coordinator within the FIA who will be tasked to oversee the delivery of all anti-human trafficking and anti-migrant smuggling training programmes and liaise with senior officers in the FIA, the Academy, and with the donor community.

As a general point, greater coordination between donor agencies is needed in order to improve the standard of training in the FIA Academy in the long-term. At present, much assistance provided to the FIA is offered on an ad-hoc and unsustainable basis without any coordination between specialised programmes offered by donor countries and international organisations. It is desirable for donor agencies to coordinate their efforts more effectively and liaise with the FIA Academy more closely on a regular basis.

Lastly, some questions remain about the legislative and enforcement frameworks pertaining to preventing and suppressing migrant smuggling and human trafficking in Pakistan. Much of the available information is inconsistent and not clear. Further and more comprehensive research needs to be conducted to examine the relevant law and law enforcement arrangements in this field.

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