

# PREVENTION AND CONTROL OF HUMAN

## TRAFFICKING RULES, 2004

Islamabad, 29 November 2004

S.R.O.970 (1)/2004\_ In exercise of powers conferred by section 12 of the Prevention and Control of Human Trafficking Ordinance, 2002, (LIX of 2002), the Federal Government is pleased to make the following rules, namely:

### 1. Short title and commencement

- (1) These rules may be called the Prevention and Control of Human Trafficking Rules, 2004
- (2) They shall come into force at once.

### 2. Definitions.- In these Rules, unless there is anything repugnant in the subject or context.

- (a) "court" means the court having jurisdiction to try the offences under the Ordinance
- (b) "Government" means the Federal Government
- (c) "Non-Governmental Organizations" means the Non-Governmental Organizations notified by the Government under these rules from time to time

(d) "Ordinance" means the Prevent and Control of Human Trafficking Ordinance 2002 (LIX of 2002); and

(e) "victim" shall have the same meaning as defined in the Ordinance

(2) Words and expression used but not defined in these rules shall have the same meaning as in the Ordinance.

### 3. Recording statement and custody of the victim.

(1) A victim of an offence under the Ordinance, shall be produced before the court for recording his statement under section 164 of the Code of Criminal Procedure, 1998 (V of 1998), except where the victim is unable, or otherwise not feasible for any reason to be recorded in writing, to get his statement recorded

(2) In case the victim is an un-accompanied child or a destitute women, the court before whom such victim is produced may pass an order to keep him in a shelter home established by the Government or by the Non-Government Organizations for accommodation, food and medical treatment

Provided that where the victim is not satisfied with the Non-Governmental Organization to which his custody was given by the court, he may apply to the court for alternate shelter.

(3) The court may, for the welfare of the victim, hand over the custody to any of his

blood relation after requiring a bond from the custodian for safe custody of the victim and his production before the court at the time and place mentioned in the bond and shall continue to produce until otherwise directed.

4. Establishment of shelter homes and security arrangements. – The Government shall establish shelter homes for safe custody of the victims and shall also make necessary security arrangements for the protection of the victims in the shelter homes whether established by the Government or the Non-Governmental Organizations.

5. Responsibilities of Non-Governmental Organizations.

- (1) The Non-Governmental Organizations to which the victims are handed over, shall be responsible for proper shelter, food and medical treatment at a notified place which shall be open to inspection by an inspecting officer notified by the Government.
- (2) In case any Non-Governmental Organization is found involved in maltreatment with the victim or fails to fulfill its responsibilities of providing proper shelter, food and medical treatment, its notification may be cancelled, after giving an opportunity of being heard.

6. Legal assistance to the victim.

- (1) The Government shall and the Non-Governmental Organizations may provide necessary legal assistance to the victim during trial of the case and other legal proceedings under the Ordinance.
- (2) The Government shall allocate appropriate funds for providing legal assistance to the victims.

#### 7. Recording evidence and repatriation of the victim

- (1) Where a victim is not a citizen of Pakistan, the court shall record the evidence of the victim at the earliest. If the victim is no more required for the trial, the court may direct the Government to facilitate such victim for this repatriation.

Provided that the victim whose presence is considered necessary by the court for the trial of the case or his immediate repatriation is not possible, shall be entitled to apply to the National Alien Registration Authority for his temporary registration as alien or for work permit.

- (2) If the repatriation of the victim is decided, the Government shall in consultation with the concerned Embassy or, as the case may be, the High Commission of the country to which the victim belongs, make necessary arrangements for its safe return.
- (3) The Non-Governmental Organizations may provide assistance to the Government

in the process of repatriation of the victim.

(4) The Government shall establish special funds for repatriation of the victim

(5) The Government shall establish special funds for preparation of the victim

[Ministry of Interior No.13/54/2002-FIA (PO)]

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