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Forced and Bonded Labour in Pakistan

The legal framework

Pakistan has ratified International Labour Organization (ILO) Convention 29 on forced labour and the United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery.

In 1989, the Supreme Court ruled that employers should not give large loans to labourers at the beginning of their employment which they have to pay back in full before being released by the employer, a system called *peshgi*.

“*Peshgi* system in future is to be discontinued...the [owner] shall give to the labourer an advance loan which shall not be in any case more than seven days wages...if a loan is not settled no additional loan is to be given...”

The Bonded Labour System (Abolition) Act, 1992 (the 1992 Act), and the Bonded Labour System (Abolition) Rules, 1995, go further and completely outlaw bonded labour, cancel all existing bonded debts, and forbid lawsuits for the recovery of such debts.¹ The Act made forced labour, including debt bondage, punishable with between two to five years imprisonment, and/or with a fine of up to Rs.50,000. District Vigilance Committees were to be established to implement the law and assist the rehabilitation of released bonded labourers. The Rules established a fund for the rehabilitation and welfare of released bonded labourers.

In September 2001, the government formulated the National Policy and Plan of Action for the Abolition of Bonded Labour and the Rehabilitation of Freed Bonded Labourers (the National Action Plan). It sets out the following tasks: a national survey to identify the extent of bonded labour; implementation of the law and release of bonded labourers; restructuring and monitoring of the District Vigilance Committees (nominally established in the mid-1990s, but actually non-existent); national identity cards for migrants; state assistance for judicial redress; awareness raising; the involvement of social partners; and the preparation of rehabilitation programmes for freed bonded labourers and relief packages for *haris* living in camps, including access to basic education, health, water and sanitation services. A fund of Rs.100 million (US\$1.5 million) was allocated towards the implementation of the plan.

¹ The Act states: “Every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied...shall stand extinguished...No person shall make any advance under the bonded labour system...”

The scope of forced and bonded labour in Pakistan

In 2000, research by the Pakistan Institute of Labour Education and Research (PILER) estimated the total number of sharecroppers in debt bondage across Pakistan to be over 1.8 million people.² A further 6.8 million people were estimated to be forced to provide compulsory labour for the landlord on their farm or house (*begar*³).

Following the publication of the National Action Plan, rapid assessments were carried out in nine sectors of Pakistan,⁴ to establish the extent of bonded labour in these sectors. The rapid assessments were commissioned by the Ministry of Labour in collaboration with the ILO, and carried out under the auspices of the Bonded Labour Research Forum between October 2002 and January 2003. These were intended to be the first phase in a research programme, to be followed by a national survey.

The results of the rapid assessments indicated that, some 15 years after the passage of the Act, and six years after the approval of the National Action Plan, bonded and forced labour is still commonly used in many industries across Pakistan.

Brick kilns

A 2004 survey of brick kilns in Punjab by the Federal Bureau of Statistics⁵ found that nearly 90 per cent of brick kiln workers took loans from the kiln-owner. When the employer is the creditor, the majority of workers have outstanding debts of up to Rs.10,000 (US\$167), but more than 10 per cent have debts of over Rs.25,000 (US\$420). The vast majority had inherited their debt and described their loan repayment period as indefinite, with 75 per cent complaining of restrictions on seeking other jobs.

The rapid assessment study undertaken for the Ministry of Labour and the ILO (2004) also found that debt bondage affected the vast majority of workers and that the classic brick-making family has large and continuing debts of around Rs10,000 per adult worker, therefore totalling Rs.50,000 and more for the family.⁶ It stated that “all categories of kiln labour, both salaried workers, such as *jalai walas*, and piece-rate labour, take substantial advances - both at the time of joining a kiln as well as subsequently.”⁷

The Rapid Assessment also concluded that “...there has been no reduction in legal bondage as defined under the Supreme Court judgement. Despite national legislation forbidding any advance tied to labour, more labour is in debt bondage than ever before”⁸

² PILER, *Bonded labour in Pakistan*, October 2000.

³ *Begar* is the word used to refer to this traditional system of forced labour demanded by landlords.

⁴ The sectors were: brick kilns, agriculture, carpet industry, mining, glass bangle making, tanneries, construction, domestic work and begging.

⁵ Federal Bureau of Statistics, survey of brick kilns in Punjab 2004.

⁶ Bonded Labour Research Forum, with Ministry of Labour, Manpower and Overseas Pakistanis, Government of Pakistan, and ILO, *Labour, Debt and Bondage in Brick Kilns*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, Pakistan, 2004, page 25.

⁷ Bonded Labour Research Forum, *et. al.*, *Labour, Debt and Bondage in Brick Kiln*, *op. cit.*, summary page.

⁸ Bonded Labour Research Forum, *et. al.*, *op. cit.*, page 35

Joint research published in 2008 by the Pakistan Institute of Labour Education and Research (PILER) and Anti-Slavery International (henceforth described as the PILER study) reached the same conclusion.

An advance is taken at the time of joining the kiln and often further advances are taken subsequently to pay for other expenses such as illness, weddings or funerals. Subsequent advances are often termed “friendly loans”, probably to avoid being held in violation of bonded labour law and to reduce the risk of losing the money through a court decision to cancel the *peshgis*.

Asghar Bhatti, a 50-year-old brick kiln worker at a brick kiln in Multan district took a loan of Rs.10,000 four years ago to pay off his previous employer and move jobs. The new employer had promised higher wages, but did not fulfil this promise. Subsequently he took an additional loan of Rs.10,000 for the marriage of his daughter and according to his employer, he now owes Rs.25,000.⁹

In addition to the main advance taken when joining the kiln and advances taken for large unforeseen expenses, kiln workers may also take *dasti* (a running advance) for daily household expenses. Advances are provided without any written agreement on the condition that it will be deducted in instalments from wages. None of the workers interviewed by the PILER study had ever received a receipt detailing what they had received and what they had paid back. Advances are normally taken by the male elder of the family, but are binding on the whole family. In the event of death or permanent disability, the obligation of debt and labour is transferred to other family members.

With the exception of salaried *jalai* workers (those who bake the bricks), labourers are paid a piece rate (wages paid according to the number of bricks produced) on the basis of 1000 bricks. Payments are made each week after adjusting for debt repayment. In some areas a penalty of 20 bricks per 1000 is deducted for damage or poor quality. The usual deduction for debt-servicing is between Rs.40-50 per 1000 bricks, but can be as much as Rs.100. Accounts are settled at the end of the season and inaccurate records are a common problem.

Piece rate wages mean that brick kiln workers do not have any paid days off. Any absence from work (at the weekend, for religious holidays or due to illness) reduces the family income, impacting on the ability to repay the advance. Illness and medical expenses are key factors in prolonged indebtedness. The harsh work, poor living conditions and poor diet experienced by kiln workers leads to frequent illness and disease, especially among children. Government hospitals are few, so many brick kiln workers have to get additional advances to see a private doctor.

Allah Dita, a 40-year-old brick kiln worker in Multan district pays Rs.50 per visit to the doctor. With a family of six it is a frequent expense, and on many occasions, he has not had enough money to buy the medicine prescribed.¹⁰

⁹ Pakistan Institute of Labour Education and Research (PILER) and Anti-Slavery International, *Analysis of the effectiveness of interventions for the release and rehabilitation of bonded labourers in Pakistan*, PILER, Karachi, 2008, page 47.

¹⁰ PILER and Anti-Slavery International, *Analysis of the effectiveness of interventions for the release and rehabilitation of bonded labourers in Pakistan*, *op.cit.*, page 51.

Some employers provide shelter to those who live onsite. Workers are not charged explicitly for on-site accommodation, but are generally charged for electricity. Those who live onsite are usually always at the disposal of their owner. Ghulam Mohammad, a 40-year-old brick kiln workers at Sultan Town, Faisalbad noted that “they can wake you up even in the night, besides you live under their control all the time.”¹¹

Once an advance is taken, workers are not free to leave and 50 per cent of those surveyed by Federal Bureau of Statistics in 2004 stated that permission was needed to move out of the kiln. The kiln owner may insist that members of an indebted family stay behind as surety. Workers are aware that violence is used at some kilns and felt threatened even when no violence had occurred at their kiln. Both *Jamadars* (supervisors) and workers interviewed by the rapid assessment were confident that workers who fled would be tracked down.

Bashir Ahmed, a kiln worker from Multan district with a debt of Rs.30,000 explained the difficulty of leaving the kiln: “How can I leave this place without paying the debt? It is unthinkable to me; I know the owner will never let me go and even if I succeed in escaping he will track me down. I am a very poor person”¹²

Low wages both compel workers to take loans and ensure that they are unable to repay the advances. The national minimum wage is Rs.184 per 1000 bricks. Yet, the rapid assessment found the average piece rates to be approximately Rs.129 per thousand across Multan, Lahore, Peshawar, Haripur and Hyderabad.¹³ The Federal Bureau of Statistics 2004 survey of brick kilns found that around 66 per cent of households had annual incomes smaller than Rs.10,000. Only 10 per cent had incomes above Rs.30,000, which is equal to the current minimum wage of one adult, despite often working for 10 or more hours a day.¹⁴

Most workers interviewed for the rapid assessment field research stated that they did not think they or their children would, or could, ever be free of debt. Owners similarly “conceded that only half of indebted labour was able to redeem the (initial) advance”.¹⁵ Of 200 workers surveyed in the PILER study in Multan, Faisalbad and Punjab, not a single worker had been able to repay the advance themselves.¹⁶

Women and children participate significantly in the brick kiln sector, but are rarely acknowledged as workers, except if they inherit liability for outstanding debts. A sample survey of brick kilns in Punjab by the Federal Bureau of Statistics found that nearly 50 per cent of children working in kilns were between 10 and 14 years old.¹⁷

¹¹ PILER and Anti-Slavery International, *op. cit.*, page 60.

¹² PILER and Anti-Slavery International, *op. cit.*, page 48

¹³ Bonded Labour Research Forum, *et. al.*, *Labour, Debt and Bondage in Brick Kilns*, *op. cit.*, pages 48-49.

¹⁴ Federal Bureau of Statistics, survey of brick kilns in Punjab 2004, quoted in Bonded Labour Research Forum, *et. al.*, *Labour, Debt and Bondage in Brick Kilns*, *op. cit.*, pages 40-41.

¹⁵ Bonded Labour Research Forum, *et. al.*, *Labour, Debt and Bondage in Brick Kilns*, *op. cit.*, page 29.

¹⁶ PILER and Anti-Slavery International, *op. cit.*, page 48.

¹⁷ Federal Bureau of Statistics, Survey of brick kilns in Punjab 2004, quoted in Bonded Labour Research Forum, with Ministry of Labour, *et. al.*, *Labour, Debt and Bondage in Brick Kilns*, *op. cit.*, pages 40-41.

According to the rapid assessment, workers in brick kilns were not even aware of general legislation related to bonded labour. Many workers were aware that large advances had been declared illegal in the past, but some talked of having to pay back these cancelled debts in order to continue working at the kiln.

Agriculture

Agriculture generates around 25 per cent of Pakistan's Gross Domestic Product and 45 per cent of total employment in the country. The ILO rapid assessment of confirmed the existence of forced and bonded labour in the agricultural sector.

In Attock (Punjab), the rapid assessment team found a consistent pattern in which tenants are expected to work for free on the landlord's crops as well as on the crops they share with the landlord. The tenant is also obliged to report for work at any time should the landlord need him, and is expected to provide free labour (not necessarily to tend to the crops) to the landlord. The tenant receives virtually nothing for his labour except for one meal and a cup of tea after a full day's work.

To compound the situation further the landlord rarely contributes to the farming costs and sharecroppers have to take advances to cover the costs of seeds, tools, fertilizer, etc. The prices of goods are often inflated by the landlord (e.g. a former bonded labourer was charged Rs.800 by his landlord for fertiliser that actually cost Rs.500.¹⁸) Even when a tenant has had a good crop he often has made no profit after he has given the landlord his share of the crop (usually 50 per cent) and repaid the loan.

Along with sharecropping, wage labour is also common. In either case, once an advance is taken, the individual and their families must work for the landlord until the debt is repaid. The ability to move freely and take basic decisions on their future (e.g. whether to send their children to school) is frequently lost. The PILER study notes a practice of landlords selling the *hari* (agricultural labourer) families to another landlord without their consent, such as the case of Janhwar Bheel who escaped with his family before they were sold to a new landlord for Rs.80,000.¹⁹

Records of borrowing are kept by the landlord and the falsification of records and delays in payments are commonly reported. The rapid assessment team found extreme cases where the landlord had not settled accounts with tenants for 20 years. In 2005, PILER conducted interviews with 100 former bonded labourers in four camps in and around Hyderabad city. Nearly two thirds of them had been bonded for four years or more and 23 of them had been bonded for 11 years or more.²⁰

In Hafizabad and Bahawalnagar, where 75 and 67 per cent respectively of rural households are landless, the rapid assessment team found the presence of the *Seeri* system. *Seeries* take a loan which then compels them to work for the landlord as a servant. They are paid a semi-annual sum of wheat and rice. Landlords prefer *seeri* labour to 'free' labour, since wages to free labourers are higher. *Seeries* are not

¹⁸ PILER and Anti-Slavery International, *op. cit.*, pages 86-87.

¹⁹ *Ibid.*

²⁰ PILER and Anti-Slavery International, *op. cit.*, page 87

allowed to leave the village, and their services are therefore available to the landlord around the clock. A *seeri* rarely repays their loan in their lifetime.

Carpet Industry

According to the rapid assessment of bonded labour in the carpet industry, over one and a half million people are estimated to be employed in the carpet industry²¹. The rapid assessment states that “The advance, or *peshgi*, system is common throughout the country, and all workers take some advance payments as a sign that he is engaged by the contractor and will work for him until the carpet is completed.”²²

Field data from the four provinces in which the rapid assessment team conducted research found that all workers had taken an advance from their employer. The minimum debt found was Rs.800, and the maximum debt found was Rs.75,000.²³

In 75 cases (around 20 per cent), the advance taken was more than Rs.5,000 and in 40 per cent of cases more than Rs.1,000 had been taken as an advance. Weavers were paying off this amount in small weekly instalments, but the balance remained the same due to high interest rates.²⁴ In cases found in the Hazara community, *peshgi* advances exceeded more than two years earnings and weavers were employed in sheds, working long hours to pay off the debt. They were given some money at the end of each week to cover expenses.²⁵ In 12 cases, the carpet weavers received no wages as all their earnings went directly towards loan repayment.²⁶

In Thar Desert, some workers took loans of more than Rs.30,000 to pay for funeral rituals. They had been paying back 20 per cent of their weekly wages to the employer for many years, but had not paid back even one quarter of the debt.²⁷

Both daily wage and piece-rate labour exist in the carpet industry and both are fixed at the beginning of the contract. Weavers pay back the loan in instalments, 20 per cent is normally deducted each week from their earnings. Carpet looms are installed either at the weavers’ residence or at a common shed, for which rent is charged of Rs.15-20 per week. Those who live in the common sheds are also charged for food and rent of the premises: in North Western Frontier Province (NWFP), Rs.500 per month, in Sindh and Balochistan Rs.350-400 per month, and in Punjab Rs.350-450 per month.²⁸

²¹ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 2.

²² Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 31.

²³ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 32.

²⁴ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 31.

²⁵ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 32.

²⁶ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 34.

²⁷ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 31.

²⁸ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 26.

Weavers must work for the same employer until the debt is fully repaid and are not allowed to leave the village or town without the permission of the employer. A weaver is obliged to complete the carpet contracted before moving to another employer, or they have to refund the full cost of the carpet. If a defect in the completed carpet is found, the weavers have to bear the cost of replacement or repair. In NWFP and Punjab, the rapid assessment found weavers working for more than 10 hours daily, many of whom were working seven days per week.²⁹

Coercion is prevalent in enforcing debt bondage. In Punjab, more than half the weavers employed in sheds interviewed by the rapid assessment team said they had been physically mistreated by their employers.³⁰ Weavers said they were afraid of their employers who often have links with the local police and politicians. If weavers try to escape the area, the employer will trace them and make them pay back the loan.

Carpet weaving is hazardous work for children, but child labour is widespread in the sector. The rapid assessment noted that children under 15 were working alongside adults in all the workplaces visited and that in the sample, children under 15 made up about 40 per cent of the total labour force employed.³¹

The rapid assessment found a number of cases of children being put into bonded labour in exchange for an advance payment taken by their parents. The highest incidence of this was found in Thar Desert. Children live at their work places, receive 50 per cent of the wages of adults and are not allowed to leave the premises until the debt is fully paid. The employer charges interest on the advance, and around Rs.400 per month for board and lodging. All the child workers seen by the rapid assessment team were considered malnourished. Some children reported sexual abuse by older workers to the researchers.³²

Mining

The rapid assessment on mining states that “in the mining sector, bonded labour as an instituted system of recruitment clearly exists, apparently conforming to the ‘classic’ stereotype of debt bondage” It adds that “forced labour in the mining sector is characterised by physical force, the threat of violence and a relationship between unequals. There is no question of equal bargaining power between the ‘partners’ in this unwritten contract. Furthermore, the active collusion of powerful mine owners with the state machinery further unbalances this relationship in favour of the employers.”³³

²⁹ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 25.

³⁰ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, page 29.

³¹ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, pages 20 and 40.

³² Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, *op. cit.*, pages 33-34.

³³ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Pakistan’s Mining Sector*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 25.

Mine workers are usually hired on the basis of securing an advance from a contractor hired by the mine owner. Advances were found to vary between regions in Pakistan, with the range between Rs.5,000 and Rs.50,000.³⁴ Once an advance is taken, miners are obliged to work at the mine until the debt is repaid. If they wish to visit their home village they must usually ensure that a family member remains in their absence.

Those who try to escape are tracked down by the *jorisar* (middle-man or contractor hired by the mine owner) who are often from the same region as the miners. When asked what would happen if one of his workers escaped one *jorisar* replied: “Where will he hide from us? We know him and his family. He will have to move to a different province.”³⁵

Miners gave accounts of fellow miners being severely beaten following escape attempts. There is often collusion between the *jorisar* or mine-owner with local police officials and if workers attempt to leave they may be threatened with imprisonment. One worker in Azad Kashmir borrowed Rs20,000 as an advance in order to buy a donkey for use in the mine. When he had paid back all but Rs.4000 of the original loan he asked if he could look for work elsewhere. To ensure that the worker would not leave, the contractor claimed that the worker owed him Rs.40,000 and not just Rs.4,000. The worker was subsequently brought to the mine in chains, made to work in this fashion and then escorted to his room in the evening. After about 12 days the man managed to escape, but was apprehended, severely beaten and put to work again. He was only released when some local people arranged a settlement.³⁶

Advances serve to retain a permanent and cheap labour force throughout the year. While interest is not commonly charged on the advance, few miners are able to pay back their initial loan. This is due to a combination of large advances, low piece-rate wages, and the fact that miners are often compelled to take additional loans, particularly for medical expenses linked to occupational illnesses and accidents. While compensation is usually paid for accidental death and onsite accidents, there is no compensation for sickness acquired as a result of mine conditions.

Wages are often paid only once the coal is sold, and this delay forces workers to take additional advances in order to meet daily expenses. Wages are also not paid if the excavated material is not of a certain quality. A common kitchen system is practised in most of the mines, and the costs of rations are often inflated. Miners are often illiterate and many of those interviewed for the rapid assessment complained that their original advance amount had been inflated through fraudulent accounting.

Some miners involve their children in mining in order to boost their income. Some are as young as 10 years old, but most are closer to 15. In Punjab and NWFP, children work as *tapalis*, taking donkeys underground and bringing them out with coal.

³⁴ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 16.

³⁵ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 18.

³⁶ Told by a labour leader in a mine in Punjab, in Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 22.

Elsewhere, they work in the common kitchens or carry goods to and from the mine. Children are vulnerable to sexual abuse by adults working in the mines.

Domestic work

The rapid assessment found clear evidence of bondedness in the domestic service sector, both in rural and urban settings, and noted that: “This bondedness is directly related to agricultural bondedness, since the original debt was usually incurred when the workers were *haris*.”³⁷ The report also highlighted that “...caste-based domestic service in the home of a landlord comprises the most oppressive labour arrangements and is most likely to involve bondedness.”³⁸

Once an advance is taken, the whole family becomes indebted. A bonded servant may be bought and sold, by way of landlords assuming the loan arrangement from one another, without the workers’ participation in the decision. In rural and town settings, a dominant feature of domestic servitude is in-kind payment, usually wheat.

P, aged 13, worked in a house in Model Town, Lahore, for four years. Before that, she worked in the house of a landed employer, Choudry, along with her mother. She was sent to her current house when Choudry’s daughter had a baby. P looks after the baby and cooks. P is scolded by her employer’s husband, who makes the servants work the whole day. If any guests come at night they are woken up to work, even if it is midnight. P wants to stay with her own family, but she has to stay in her employer’s house because of her parents’ debt. P earns Rs.800 per month, but this money is deducted from the debt.

Domestic work is largely undocumented and takes place in private homes, away from the scrutiny of outsiders. This leaves domestic workers especially dependant on their employers and vulnerable to physical and psychological abuse. Domestic workers consistently complained to the rapid assessment researchers of being subject to various forms of sexual harassment.

Conclusions and recommendations

Advances are used to trap the worker and retain a cheap and constant supply of labour that employers can use as they wish. Many workers are unable to repay the debt as it tends to increase due to low wages, high interest payments, inflated charges for other goods or services, delays in payments of wages or the need to take further loans to meet emergency expenditure or daily subsistence needs. However, workers cannot leave their employer until their debt is paid and in this way bonded labourers are forced to work for little or no pay in extremely harsh conditions, often for many years. Those who try to challenge their situation are subjected to threats, physical violence and restrictions on their freedom of movement.

³⁷ Bonded Labour Research Forum, *et. al.*, *A rapid assessment of bonded labour in domestic work and begging in Pakistan*, Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 33.

³⁸ Bonded Labour Research Forum, *et. al.*, *A rapid assessment of bonded labour in domestic work and begging in Pakistan*, *op. cit.*, page 18.

The research carried out as part of the rapid assessment studies clearly confirms that bonded and forced labour continues to affect millions of people across Pakistan in a variety of industries. Anti-Slavery International considers the following priority areas for action. It should be stressed that many of the proposals below are already contained within the 2001 National Plan of Action and are simply awaiting effective implementation by the Government of Pakistan.

Failure to apply national legislation

The conclusion of the rapid assessment on brick kilns was that there “is obvious violation of national and international laws”³⁹ and this is also true for the other industries covered in this paper. Despite this the 1992 Act has not been properly applied and those who use bonded labour have been able to do so with impunity.

PILER has only been able to document the release of some 8,530 people between 1990 and 2005. Of these, 5,166 were released through judicial intervention in combination with non-governmental organisations and local state officials. Only 563 were released solely through state intervention.⁴⁰

All of these cases documented by PILER were released under *habeas corpus* legislation and not the 1992 Act which makes it less likely that prosecutions are pursued against those using bonded labourers. According to statistics provided by the Government to the National Assembly, in the 12 years to 2004, only 23 cases were filed under the 1992 Act and the fines collected during this period totalled Rs.6,100. This clearly demonstrates that the law is not being properly implemented and those who use bonded labour are going unpunished.

Some judicial rulings have also contributed to this problem. On 9 January 2002, the High Court of Sindh (Circuit Bench at Hyderabad) dismissed 94 cases, the great majority of which were filed by bonded labourers for their release, on the basis that “living beyond ones means and being in a continuous state of debt has become the main reason for such disputes and the resultant emergence of petitions.” The court made no reference to the 1992 Act which prohibits large advances, sets all bonded labourers free and nullifies their debts.

The ruling therefore had the effect of negating the 1992 Act, and although a bench of the Supreme Court, Karachi Registry allowed an appeal on 26 March 2003, it did not suspend the January judgement of the Sindh High Court and the appeal has still not been heard.

The role of the police in efforts to tackle bonded labour is also negligible. They execute court orders, but do not take action on their own initiative. On occasions, the police have even been reluctant to cooperate in releasing bonded labourers. In June 2003, the Sialkot District Session Judge issued a notice to several police officers for failing to assist the court’s bailiff in recovering bonded labourers held at a farm in Sialkot. Such delays allow landlords time to move or sell on bonded labourers. In

³⁹ Bonded Labour Research Forum, *et. al.*, *Labour, Debt and Bondage in Brick Kilns, op. cit.*, page 40.

⁴⁰ PILER and Anti-Slavery International, *op. cit.*, page 7.

some cases, when the court bailiffs report that the individuals have not been found, Judges have considered the claim of the petitioner false and fined them.

The lack of understanding and commitment to tackling bonded labour demonstrated by members of the judiciary and police is also seen in individuals in the government. This is exemplified by a government official who told a rapid assessment team that: “*whoever gets an advance or loan has to pledge something in return. What has the mineworker got that he can pledge? He only has himself. So, when he comes to work in the mines he has to pledge himself. What is wrong with that?*”⁴¹

For these reasons it is important that programmes to train and raise awareness of bonded labour and its legal definitions are implemented for those involved in legal procedures, such as judges, lawyers, and the police; as well as for officials at a local, provincial and national administration basis. It is also imperative that the 1992 law should be used to effectively prosecute all those using bonded labour. Data should be published from each of the provinces regarding the number of prosecutions, successful convictions, and sentences passed under the 1992 Act.

Absence of machinery to identify and release bonded labourers

The national survey, which was supposed to follow the rapid assessment studies of 2002-03, has still not taken place and should be carried out as a matter of urgency so that the Government knows exactly where it needs to target its resources.

While the 1992 Act made the formation of District Vigilance Committees mandatory, by the end of 2003 they had only been formed in a couple of districts. In 2004, Vigilance Committees were established in 18 districts of Sindh and Punjab, but by the end of July 2004, only the District Vigilance Committee in Hyderabad had convened its initial meeting. In short, the Vigilance Committees have not performed their function of identifying and releasing bonded labourers and have not been restructured as envisaged in the National Action Plan.

The lack of adequate labour inspection machinery is another key reason why bonded labourers are not being identified and released. Under new industrial policy, labour inspectors are not permitted to visit industrial units to check implementation of industrial laws. In 2002, the Punjab provincial government abolished inspections of industrial units, replacing them with annual self-assessment forms, removing a key mechanism for detecting bonded labour. The Punjab provincial government also withdrew the requirement for brick kilns to be registered as factories, thereby denying brick kiln workers the limited protection of labour legislation.

Rizwa Zeb, a labour inspector in Faisalbad stated that “inspections were the only way to even check incidences of bondage: you may form many committees but how can you check anything when you are not allowed to enter the private premises...Earlier, at least, employers were afraid, but now they have no fear and can do whatever they

⁴¹ Bonded Labour Research Forum, with Ministry of Labour, Manpower and Overseas Pakistanis, Government of Pakistan, and ILO, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, op.cit., page 25

want. You talk about bondage, but when an inspector cannot visit a brick kiln, how do you expect us to take any action or just point out if bondage is taking place?"⁴²

Bonded labour occurs within the general context of the labour market in Pakistan, where violations of labour rights are common. Piece-rates do not provide for paid holidays or sick leave which encourages and compounds indebtedness. The rapid assessment team found widespread violation of the minimum wage legislation along with a variety of other labour laws. These laws need to be monitored and fully implemented across all provinces in Pakistan.

The Government needs to abolish the current system in which industrial units complete annual self-assessment forms and replace it with independent inspections carried out by a pro-active and properly resourced inspectorate. All brick kilns need to be registered with the authorities.

In addition, the 2002 Industrial Relations Ordinance expands the categories of labour that are excluded from the right to form trade unions and engage in collective bargaining. Such legislation should be revoked as it hampers the ability to tackle bonded labour and other forms of exploitation

Addressing social exclusion issues

The World Bank estimates that 33 per cent of Pakistan's population live below the poverty line. High unemployment ensures that there is a downward pressure on wages and working conditions and this is compounded by an increase in landlessness in some areas. In 1999, 69 per cent of rural households in Sindh were landless⁴³ and in 2000 the figure in Punjab was 67 per cent.⁴⁴

The lack of employment options, particularly in the countryside, contributes to bonded labour, as does a lack of permanent and secure shelter and access to health facilities. These issues are also key to ensuring the effective rehabilitation of released bonded labourers and their absence forces many back into debt bondage.

Health expenditure is often the cause of taking initial or subsequent advances. The provision of access to free health care for bonded labourers would therefore have a big impact in preventing debt bondage situations arising. Measures should also be taken to prevent occupational injury and illness and where this still takes place workers should be properly compensated.

Shelter is perhaps the most urgent need for those who have escaped debt bondage as they usually face homelessness. Those that have taken shelter in rehabilitation camps continuously face the risk of eviction by local administration and kidnapping by

⁴² PILER and Anti-Slavery International, *Analysis of the effectiveness of interventions for the release and rehabilitation of bonded labourers in Pakistan, op.cit.*, pages 52-53

⁴³ Growth, Inequality and Poverty, Social Policy and Development Centre, Oxford University Press, Karachi, 2001, quoted in PILER and Anti-Slavery International, *Analysis of the effectiveness of interventions for the release and rehabilitation of bonded labourers in Pakistan, op.cit.*, page 27

⁴⁴ Bonded Labour Research Forum, with Ministry of Labour, Manpower and Overseas Pakistanis, Government of Pakistan, and ILO, *Bonded Labour in Agriculture: A Rapid Assessment in Punjab and North West Frontier, Pakistan, opt.cit.*, page 10

landlords. Over 90 per cent of freed bonded labourers interviewed by PILER said that they had a constant fear of kidnapping. In Punjab, there are no rehabilitation camps.

Din Mohammad Khokar knows that bonded labour is illegal, but says there is no use in freeing people until there are alternative sources of income and accommodation. Ten years ago he was released, but today he and his family of six work as bonded labourers at a brick kiln in Multan district. He was forced to take an advance after being freed because “we have a large family, and without a home of our own and any other source of income we were unable to live”. Together his family earns Rs.300 per day, but he still needs to take further loans to meet their daily expenses.⁴⁵

The full implementation of the National Plan of Action would directly address many of the issues which cause bonded labour and allow it to persist. The Bonded Labour Fund has resources of some Rs.125 million specifically for such initiatives, but, as of June 2008, the fund has not been fully utilised.

In addition to the policies outlined in the National Plan of Action, the Government also needs to address social exclusion and discrimination in Pakistan. Those who suffer from bonded labour are disproportionately from ‘low’ castes or other minority groups and are inherently disadvantaged in accessing jobs, education and judicial forums for redress.

This point is highlighted in many of the rapid assessments, one of which notes that “the issue of social hierarchy- either in the generalised sense of ‘high’ and ‘low’ castes, or in the localised context of the political monopoly of an individual employer- is important in all instances of coercive and abusive labour arrangements.”⁴⁶ It also stresses that bonded labour is “closely related to social relations and social hierarchy” and that “Some groups are systematically vulnerable and it would be a mistake to continue ignoring this finding in future research or policy”.⁴⁷

⁴⁵ PILER and Anti-Slavery International, *op. cit.*, pages 61-63.

⁴⁶ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Hazardous Industries in Pakistan: Glass Bangle-Making, Tanneries and Construction*. Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, *op. cit.*, page 80.

⁴⁷ Bonded Labour Research Forum, *et. al.*, *A Rapid Assessment of Bonded Labour in Hazardous Industries in Pakistan: Glass Bangle-Making, Tanneries and Construction*, *op. cit.*, page 83.