

The State of
Bonded Labor
in Pakistan



National Coalition Against Bonded Labor

Copyright © NCABL 2009

All rights reserved. No portion may be reproduced without the permission of NCABL Secretariat.

First Edition: 2000 Copies

ISBN: 978-969-8616-23-6

Published by

National Coalition Against Bonded Labor (NCABL)

Members of NCABL

Human Rights Commission of Pakistan
Society for the Protection of the Rights of the Child
Takhleeq Foundation
Pakistan Institute of Labour Education & Research
Thardeep Rural Development Programme
Society for Human Rights and Prisoners Aid
Hari Mazdoor Tanzeem
Interactive Resource Centre
Green Rural Development Organisation
Bhandar Hari Sangat
Marwari Development Programme
Justice and Peace Commission
Bonded Labour Liberation Front
Pakistan Workers Federation
Working Women Organisation
National Commission for Justice and Peace
Democratic Commission for Human Development
Pakistan Rural Workers Social Welfare Organisation
Coalition against Child Labour
Sustainable Development Policy Institute

Advisors

International Labour Organization
Trocaire
ActionAid

NCABL Secretariat:

House No. 151, Street 37,
F-10/1, Islamabad.
Telephone: +92 51 229 1553/229 1559
Telefax: +92 51 229 1680
E-mail: info@sparcpk.org, islamabad@sparcpk.org
www.sparcpk.org

Author

Shujaat Ali Shah (Rahi)
Photographs: Kashif Bajeer, Getty Images, Flicker

Published with the support of Trocaire



Design and Printed by **ENCORE**, +92-51-2105545, info@encore.com.pk

The State of
Bonded Labor
in Pakistan

Shujaat Ali Shah (Rahi)

National Coalition Against Bonded Labor

Contents

Abbreviationsxv

Report from the Chairmanxvii

Report from the Secretary.....xxi

Chapter 1

Man Was Born Free 1

Issue of the Bonded Labor 3

A System Steeped in History 3

Bondage through Indenture 4

The Curse of ‘Peshgi’ 4

Bonded Labor in Asia 5

Feudalism 5

Trafficking Market 5

Definition of Bonded Labor 6

Indebtedness through a Loan 7

Human Trafficking and Bonded Labor 8

Eighth Annual Trafficking in Person Report 9

Modern Day Slavery.....	9
Difficulties in Estimating Bonded Labor Population	10
Small Hands at Work	10
'Frailty, Thy Name is Woman' ... A Misnomer?	13

Chapter 2

Bonded Labor... Scenario in SAARC 15

Bonded Labor... Global Overview.....	17
A Lifetime Bondage.....	17
A Long-Standing Social Evil	17
Slavery Assuming Various Shapes.....	17

Bonded Labor in South Asia.....	18
South Asian Association for Regional Cooperation (SAARC).....	18
SAARC Development Goals	19
Nepal.....	20
Bangladesh	21
Bhutan.....	22
Sri Lanka	23
Maldives	24
India.....	24
A Widespread Evil.....	26

Chapter 3

Bonded Labor in Pakistan..... 29

Pakistan's Commitment.....	31
Pakistan's Constitution	32
Bonded Labour System (Abolition) Act, 1992.....	33

National Policy and Plan of Action For Abolition of Bonded Labor	35
Action Plan	36
Frame Work of the Action Plan	37
Reconstruction & Activities of Vigilance Committees.....	38
National Survey	38
Bonded Labor Fund.....	38
SPARC's Report on NPPA.....	39
Child Labor in Pakistan	40
Work at the Cost of National Economic Progress.....	40
Children's Rights.....	40
The Employment of Children Act 1991 (ECA)	42
Policy to Combat Child Labor.....	44
National List of WFCL	45
Labor Laws Prohibiting Child Labor	45
Situation of Bonded/Forced Child Labor	46
Bonded Labor and Pakistani Women.....	47
Women and Trafficking	48
Report By The Bureau of Democracy, Human Rights, & Law (US).....	48
Bonded Laborers Released During a Decade (1995-2005)	49
Tip of the Iceberg	50
Chapter 4	
Agriculture Sector	53
The Hub of Economic Activity	55
Land Reforms.....	55
Did the Land Reforms Reduce the Size of Ownership?...	56
Bonded Labor in Punjab and Sindh	56
Magnitude	57
Poverty and Starvation Affecting the Marginalized	

Communities	57
The Largest Child Labor Industry	58
Bondage in NWFP	58
Causes of Bonded Labor.....	58
Reports About the Agriculture Sector.....	59
The Great Escape	59
More Escapes	60
Agonies of Zuhra Bibi's Family	61
Sanghar: 82 Detainees Released	62
The Threat Still Hovers.....	63
The Nightmare	63
Commission Proposed for Freeing Bonded Labourers	65
 A visit to the Hari Camp of Sikandarabad, Kotri (Sindh)	 65
 Recommendations.....	 67

Chapter 5

Industrial Sector	69
Sectors involved.....	72
 Brick Kilns (Bhattas).....	 73
Reports about Brick kilns.....	75
More Reports	76
Daughters and Kidneys on Sale	76
Sold Kidneys and Yet.....	77
Paid through Death	77
The Cost of Son's Marriage	77
Bonded Laborers Freed in Rawalpindi	78
The Family Sold	78
57 People Freed in Hyderabad.....	79
The Curse of Bonded Labor	79
Labor Laws Don't Protect Brick Kiln Workers	80
Recommendations.....	81
Energy Efficient Brick Production (EEBP) Project	82

Other Major Industries of Pakistan	83
Carpet Industry	83
The Ergonomic Carpet Weaving Loom	83
Combating Child Labor in the Carpet Industry	83
Carpet Industry in Sindh	84
Carpet Industry in Punjab	84
Risks for Children	85
Recommendations	85
Glass Bangle Industry	85
Involvement of the Entire Family	85
Hazards	86
Impact on Children	86
Seasonal Demand	86
'Peshgi' System in Glass Bangle Industry	86
Processes Involved	87
Hyderabad---The City of Bangles	88
Children's Role	88
Recommendations	88
Tanneries	89
Tanneries in Karachi	89
Tanneries in Kasur	89
Children Working in Tanneries	90
Unpleasant Work	90
Hazards Involved	90
The Prize for Taking a Just Stand	91
Ethnic Diversity of the Workers	91
Concerns Raised by the Workers	92
Does 'Peshgi' System Exist in Tanneries?	92
Tanning Process	93
Recommendations	94
Fishing Industry	94
Pollution in the Karachi Harbor	95
Deep Sea Trawling	95
Hazards of Deep-Sea Fishing and Children	95

Children Working at Gawadar	95
Health Hazards	96
Bondage and Other Problems of the Fishing Industry	96
SMEDA's Contribution	96
'Saltish' Treatment of Alexander's Horses	97
Recommendations.....	97
Mines.....	98
Mineral Resources of Pakistan	98
The Risks Involved	98
Miners' Occupational Diseases	99
The Labor Agent 'Solves' the Problems of the Poor	99
Cross-Sectoral Issues	100
Are Children Involved in Mining Sector?	100
Primitive Techniques Continue	101
Recommendations.....	102
The Estimated Number of Rag Pickers	103

Chapter 6

Epilogue.....	105
Events.....	107
Citizen Community Boards (CCBs)	107
Rehabilitation Centers Formed	107
Hari Convention	108
Rehearsal for Life	109
Training Workshop on Bonded Labor	109
Talk Show	110
Four Kilometer Long Banner	110
HRCP Condemns Harassment of Human Rights Defenders	111
Social Security Ordinance	112

SPARC Expresses Shock over Reports about Sale of children	112
PILER Publishes a Study on Caste Based Discrimination ...	114
Seminars on Bonded Labor in Peshawar and Quetta ...	114
Rally in Hyderabad on August 9, 2008	115
Seminar and Rally in Lahore on September 18, 2008.....	115
Signature Campaign	116
Review of the Bonded Labour System (Abolition) Act 1992	116
All Hyderabad Kiln Workers' Convention	119
Review of Sindh Tenancy Act	120
Establishment of National Commission for Human Rights.....	121
Charter of Demand by NCABL, Hyderabad	121
Domestic Violence (Prevention and Protection) Bill 2008....	123
Domestic Violence against Women and Children (Prevention and Protection) Bill 2008	124
NCABL Proposed Amendments in Bonded Labour System (Abolition) Act 1992	125
Amendments in Pakistan Penal Code to Penalize Internal Human Trafficking	125
Field Visit of Peshawar, NWFP	126
A Field Visit of Hyderabad, Sindh.....	128
Frequently Asked Questions (FAQs)	131
Bonded Labor Released in Sindh in 2008.....	133

Analysis of the Situation.....	133
“A Weed that Grows on Every Soil”	133
Bonded Labor---A Voluntary Agreement?	133
Pushing Children into Industry	134
Power of Education	134
Exploring the Situation in All Poverty-Stricken States	134
Why are We Far from Achieving the Target?	135
Why does the System Still Prevail?	135
Ineffective Enforcement of Law.....	135
Corruption of the Lower Courts	136
The Role of Police	136
Inability to Implement the Ratified Conventions	136
Combating the Long Standing Evil Demands Genuine Commitment	137
Have We Done Enough for the Freed Bonded Laborers?	137
Education---The Light at the Other End of the Tunnel..	138
 A Million-Dollar Question	 138
 Suggestions	 138
Survey	138
Raising Awareness.....	139
Sensitization of Police	139
FIR Regarding Bonded Labor.....	139
Sensitization of Public Servants	139
Education	140
Non Formal Education.....	140
Vocational Training.....	140
Legal Education	140
Strong Legal Framework and Coordination	140
Involving the Provincial Authorities	140
District Vigilance Committees	141
Empowerment of the Vigilance Committee	141
Minimum Wages and Social Security.....	141
Mass Media	141

Complaint Cells / Help-Lines	141
Registration of Brick Kilns	141
Issuance of CNICs and Social Security Cards	141
Amendment of Law	142
Sindh Tenancy Act	142
Releasing the Victims' Possessions	142
Rehabilitation of the Victims.....	142
Income Generation Programs	143
Protection of Child Laborers.....	143
Language of Court Proceedings	143
Capacity Building.....	143
Ensuring Community Participation	143
Training Kits.....	143
Extending the Field of Activities.....	144
Use of Fund.....	144
Monitoring the Use of Funds	144
Creating More Employment Opportunities.....	144
Concerted Efforts for Reformation.....	144
Bibliography	145
Websites Cited	149
Glossary.....	151

Abbreviations

AJK	Azad Jammu and Kashmir
BLLF	Bonded Labour Liberation Front
CBO	Community-Based Organization
CCB	Citizen Community Board
CNIC	Computerized National Identity Card
CRC	Convention on the Rights of the Child
DPO	District Police Officer
DVC	District Vigilance Committee
ECA	Employment of Children Act (1991)
FATA	Federally-Administered Tribal Areas
FCS	Fishermen's Cooperative Society
FIR	First Information Report
GRDO	Green Rural Development Organisation
HRCP	Human Rights Commission of Pakistan
HTM	Hari Mazdoor Tanzeem
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization
ILRF	International Labor Rights Forum
IPEC	International Programme on the Elimination of Child Labour
KFHA	Karachi Fish Harbour Authority
NADRA	National Database Registration Authority
NCRCL	National Centre for the Rehabilitation of Child Labour
NFE	Non-Formal Education
NGO	Non-Governmental Organization
NIC	National Identity Card
NPPA	National Policy and Plan of Action
NRSP	National Rural Support Program
N-WFP	North-West Frontier Province
OHS	Occupational Safety and Health (Act)
PBC	Pakistan Broadcasting Corporation
PBM	Pakistan Bait-ul-Mal
PTV	Pakistan Television

SAARC	South Asian Association for Regional Cooperation
SDG	SAARC Development Goals
SITE	Sindh Industrial and Trading Estate
SMEDA	Small and Medium Enterprise Development Authority
SPARC	Society for the Protection of the Rights of the Child
TIP	Trafficking in Persons
UNDP	United Nations Development Program

Report from the Chairman

The human rights situation in Pakistan over the past years has been visibly uneven. There have been some gains but many more setbacks. Greater awareness of rights has pushed public expectations of their realization higher and higher, and the state's inability to satisfy these aspirations is fairly obvious. Equally obvious is the fact that, given a better comprehension of the importance of human rights and a stronger will to raise the level of respect for them, the record could have been better.

Perhaps, the most significant achievement in the area of human rights, over the past decade and a half, has been the finalization of a framework for elimination of bonded labor. Since bonded labor is a slavery-like evil, and slavery is the worst form of denial of an individual's human rights, it merited even greater attention than it has received.

Although slavery had been prohibited in all of Pakistan's constitutions, no specific measures to target bonded labor had been adopted, until 1988, when the Supreme Court, in a rare display of activism in public interest, outlawed 'peshgi' (advance against wages that created the trap of bondage) and liquidated all 'peshgi' liabilities. Quite a few years elapsed before human rights activists succeeded in getting a law for the abolition of bonded labor system adopted by parliament. The law was used to secure the release of several thousand bonded workers but it did not yield optimum results for lack of will on the part of the administration. It was only in the year 2001 that the government could be persuaded to draw up a plan of action for the elimination of bonded labor. It could then be claimed that the legislative and policy requirements had been completed and if the implementation machinery was quickly put in place, a decisive assault on the evil of labor bondage could have been possible. Unfortunately, this condition has been met only marginally. As a result, large groups of workers are still in bondage and the crucial task of devising plans for the rehabilitation of workers freed from bondage is yet to be realized.

The government deviated from its usual lethargy while ratifying the ILO Convention 182 (against the worst forms of child labor) but the requisites of follow-up action did not receive due consideration. Besides, the linkages between child labor and lack of social security and educational facilities were not given appropriate weight and the results of compulsory primary education schemes, launched by provincial governments, are still to be evaluated. Some welcome steps towards greater acceptance of children's rights were reaffirmation of the legal bar to the awarding of death sentence to children and the adoption of a special legislation to deal with children in conflict with law. Implementation, however, leaves much to be desired. The situation should have been radically better if the state had fully honored the obligations it had assumed by ratifying the Convention on the Rights of the Child, (CRC) and that too quite early in 1990.

The commitments made while ratifying the Convention for the Elimination of all forms of Discrimination against Women (CEDAW) have been respected to an even smaller extent. The task of bringing domestic legislation in harmony with CEDAW provisions is pending. However, no human rights issue has been debated more passionately than the denial of women's right to dignity of person - violence against women, that is, which ranges from use of offensive language against them to killing them for (other people's) honor. One reason for this is increase in incidence of all forms of violence against women, especially rape, honor killing, domestic violence and denial of freedom to move around, to study, to make a career or to choose one's life partner, as a feudal-patriarchal society's reaction to women's struggle for their basic freedoms and for due space for their self-realization. Besides, women activists have been joining the battle for their rights in increasing numbers. Their pressure has forced the introduction of pro-women rhetoric in official discourse and even flaws in the Hudood Ordinances, the most recent invention of a mechanism for oppressing women, have begun to be admitted.

The media has played a significant part in sustaining the rights discourse. The power to play a more decisive role in promoting human rights lies only with the people.

The National Coalition Against Bonded Labor (NCABL), which had been formed to work for elimination of bonded labor under a joint fight by civil society groups needed to play their due role and I am happy that the coalition and the movement is gaining its momentum. The State of Bonded Labor report is a significant development because of the need of proper documentation by NGOs in respect of hurdles faced by them for eradicating the menace of bonded labor. We have to adopt scientific methods in our fight against bonded labor. All those involved in this struggle must complete and upgrade their documentation in all forms of bonded workers' exploitation.

I A Rehman

Chairman

National Coalition against Bonded Labor

March 2009

Report from the Secretary

Article 4 of The Universal Declaration of Human Rights states “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. Meanwhile, Article 11(1) of the Constitution of the Islamic Republic of Pakistan also prohibits slavery and forced labor.

The harsh reality, however, remains that people from ancient times till date have been held in bondage and servitude by the rich and the influential. The forms and content changed but slavery continued in forms of debt bondage (Peshgi) as in Pakistan and else where in some parts of the world, while, their rights as human beings were violated with impunity.

Bonded Labor, a modern form of slavery, affects hundreds of thousands of poor families in Pakistan. It is rooted deep in the feudal and socio-economic system and persists despite constitutional, national and international commitments. Pakistan has ratified the ILO Conventions 29 and 105 regarding forced labor and its abolition and also passed legislation in 1992, the Bonded Labor System (Abolition) Act 1992. The National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers (2001) is another instrument meant to address the problems of bonded laborers. Despite these measures, the situation of bonded laborers remains one of the most pressing human rights issue in the country.

A small number of civil society organizations are working for the abolition of bonded labor in the country. Their advocacy, awareness raising campaigns and service delivery has resulted in providing a degree of prominence to the issue and some relief to the bonded laborers.

National Coalition Against Bonded Labor (NCABL), a group of over 30 organizations working with/ on/ for bonded labor/ laborers, since 2004 is targeting policy makers/

parliamentarians, government officials (federal and provincial), partner organizations and bonded laborers to raise their voice collectively for abolition of bonded labor in Pakistan.

The State of Bonded Labor in Pakistan is the first annual report by the NCABL that documents and analyze the situation of bonded labor / laborers between 2004 and 2008 and measure their everyday conditions in the country, and to an extent in South Asia, against international commitments and standards. This report presents an overview of the situation of bonded laborers, the various sectors that employ bonded laborers, the current legislative and policy environment and the various actors involved in their uplift and the kind of interventions they are undertaking. It provides a summary of developments on bonded labor/ laborers in Pakistan both positive and negative. It also provides an analysis of the laws and the gaps that need to be reviewed. This report will serve as an important advocacy and awareness raising tool and will help organizations working on bonded labor in Pakistan.

I take this opportunity to extend my thanks to our consultant Mr. Shujaat Ali Shah (Rahi) who collected the data, made field visits, conducted interviews and prepared this report. Executive Director SPARC, Mr. Qindeel Shujaat, deserves special appreciation for carrying out the difficult task of editing the whole report.

The Coalition's achievements described in the report would not have been possible without the active assistance of some individuals and organizations. Among those I, on behalf of all coalition members, wish to thank for their assistance, cooperation, guidance and support Mr. Paul Braithwaite and Mr. Connor Kelly from Trócaire and Mr. Syed Tauqir Ali Shah, Mr. M Saifullah and Ms. Rabia Razzaque from the ILO.

I would like to extend special thanks to Mr I A Rehman for his unstinted support to the coalition as Chairman. He was

always present at every meeting/activity and offered his valuable guidance in resolving issues and problems faced by the coalition.

I am proud and honored to be associated with the NCABL, a movement that speaks for the most neglected and marginalized groups of the society “the Bonded Laborers”.

Irfan Raza

Secretary

National Coalition Against Bonded Labor (NCABL)

Man Was Born Free.....

What do the Sages of the Ages Say about Slavery

What do the Sages of the Ages Say about Slavery

- Whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally.

(Abraham Lincoln)

- There are many things more horrible than bloodshed, and slavery is one of them.

(Padraic Pearse)

- Slavery is an institution for converting men into monkeys.

(Ralph Waldo Emerson)

- I didn't know I was a slave until I found out I couldn't do the things I wanted.

(Frederick Douglass)

- I cannot be fired. Slaves have to be sold.

(unknown)

- Slavery is a weed that grows on every soil.

(Edmund Burk)

- Those who deny freedom to others, deserve it not for themselves.

(Abraham Lincoln)

- Slaves lose everything in their chains, even the desire of escaping from them.

(Jean Jacques Rousseau)

- Men would rather be starving and free than fed in bonds.

(Pearl S. Buck)

- No man can put a chain about the ankle of his fellow man without at last finding the other end fastened about his own neck.

(Frederick Douglas)

- In giving freedom to the slave, we assure freedom to the free-honorable alike in what we give and what we preserve.

(Abraham Lincoln)

Chapter 1



Man Was Born Free...



Chapter 1

Man Was Born Free...

The great French philosopher of the 18th century, Jean-Jacques Rousseau, opened his tremendously powerful treatise, “The Social Contract”, with the dramatic sentence, “Man was born free and everywhere he is in chains.” Though the context was entirely different, the fact remains that slavery exists throughout the world in one shape or the other.

The twenty-first century slaves undergo various agonies. They may experience labor exploitation, sexual abuse, or both. They may be subject to the use of force and coercion which can be direct or psychological. Labor exploitation may include forced labor or debt bondage. It could be within the industry or at private homes.

Freedom is a fundamental and non-negotiable right of a human being. A slave is treated as less than human. Slavery was supposedly banished to the confines of history, but the huge human trafficking around the world, and forced and bonded labor proves otherwise, demonstrating that international community has failed to chain the abominable demon of slavery.

Issue of the Bonded Labor

A System Steeped in History

Bonded labor, also called the debt bondage, is a means of paying off loans with direct labor instead of currency or goods. The system is

steeped in history and it emanates from the socio-economic patterns that prevail in a country. It is a method of enslaving people worldwide and is considered a manifestation of slavery and its practices. People are bound by the debt that they, or their family members, have to pay. The laborers are to pay back the debt at very high interest rates and the debt is seldom paid off. Children, being innocent and weak, are highly vulnerable to this kind of exploitation. International Labour Organization (ILO) has called it the worst kind of child labor. A potentially rich future is lost for every bonded child.

Bondage through Indenture

Bondage is the state of subjection to an influence or force. In its basic sense it denotes the state of being bound to an unfree labor system. It is a form of indenture. The indentured servants are under contract of an employer for a certain period of time. During this period, they have to work in exchange for their food, clothing, lodging, transportation and other requirements. If the laborer has taken a loan from the employer, the employer may forgive the debt in exchange for the labor which sometimes continues indefinitely.

The Curse of 'Peshgi'

Why do people accept the bondage? Simply because they, in their desperate need, take advances ('peshgi'), usually the substantial ones from employers. High unemployment, low wages, periodic crop failures, natural calamities, frequent sickness, and unusual expenditure on customary norms, leave workers, peasants and family heads with no alternative but to borrow from employers or landlords. The debt goes on growing, the terms of service gradually mutate, and the employer and employee relationship becomes more and more exploitative. Since their financial conditions do not allow them to repay the amount, the victims are caught in a web of debt and are obliged to work for almost an unlimited period, sometimes for more than one generation. The bonded laborers seldom know the amount of debt that they have to pay and thus their employers or slave masters ensure their continued servitude.

Bonded Labor in Asia

The issue has been of much concern in South Asian countries, such as Pakistan, India and Nepal. The feudal system in Pakistan and the caste system in India, influence the economy and politics of the country. It results in the exploitation and serfdom of the poor. The system of bondage is gross human rights violations prevalent in South Asia and is widely linked to the underlying causes of poverty in South Asia. At times the bonded labor is the cause of a natural devastation exploited by some for their financial gains. Myanmar cyclone, for instance, has raised the risks of forced labor. There have been increasing incidences of human trafficking, forced labor, and child labor following the catastrophe, e.g., in a country devastated by Cyclone Nargis, or an earthquake of the magnitude that Pakistan had to undergo few years ago.

Feudalism

The major role in the system of bonded labor is played by landlords, employers of industrial workers, and the human traffickers. The feudal landlords in Pakistan create a state within a state, enjoying the absolute power which tends to corrupt them. The unscrupulous landlords, employers and traffickers ignore the laws and are least bothered about justice, honesty and rights of the poor, women and children. Some members of their family, obtain the key positions in politics, industry, business, civil service, and police, and control the environment to their advantage. Their influence over police, judiciary system, bureaucracy, and political leaders is obviously tremendous and this influence normally results in injustice, exploitation and slavery. Feudalism is, as a matter of fact, one of the major causes of the moral, economic and social crises of Pakistan.

Trafficking Market

The international market in forced laborers is far larger than is usually estimated. The agents of the sordid market find easy prey in the vulnerable people from countries like India, Philippines, Indonesia, Malaysia, Bangladesh, Pakistan, Cambodia, etc., and exploit the poor communities luring them using their intricate and fraudulent methods.



Definition of Bonded Labor

The Bonded Labour System (Abolition) Act 1992 (Pakistan) gives quite a comprehensive definition of the bonded labor 'as a system of forced, or partly forced, labor under which a debtor enters, or is presumed to have entered into an agreement with the creditor to the effect that:

- in consideration of an advance ('peshgi') obtained by him or by any of the members of his family (whether or not such advance ('peshgi') is evidenced by any document and in consideration of the interest, if any, due on such advance ('peshgi'), or
- in pursuance of any customary or social obligation, or
- for any economic consideration received by him or by any member of his family;

he would:

- render by himself or through any member of his family, or any person dependent on him, labor or service to the creditor; or for the benefit of the creditor; for a specified period, or for an unspecified period, either without wages or nominal wages, or

- forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or
- forfeit the right to move freely from place to place, or
- forfeit the right to appropriate or sell at market value any of his property or product of his labor or the labor of a member of his family or any other person dependent on him; and includes the system of forced, or partly forced, labor under which a surety for a debt enters, or has or is presumed to have, entered, into an agreement with the creditor to the effect that, in the event of the failure of the debtor to repay the debt, he would rend the bonded labor on behalf of the debtor.’

G.M.Arif of Pakistan Institute of Development Economics, Islamabad, summarizes the definition of bonded laborer as follows:

“A bonded laborer is a person who has pledged to work for his creditor, against nominal wages in cash or kind, till the creditor declares that the loan is repaid. During the period of bondage, the labourer does not have the freedom to seek other employment or other means of livelihood or to move from one place to another. In other words, bonded labourer is pledged to work for a pittance to redeem debts, which he may not even have himself incurred.”

(Bonded Labour in Agriculture: A Rapid Assessment in Punjab and North West Frontier Province, Pakistan, ILO, Geneva, March 2004)

Indebtedness through a Loan

As defined by the ILO, “a bonded laborer refers to a worker who renders service under conditions of bondage arising from economic considerations, notably indebtedness through a loan or advance. When debt is the root cause of the bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified period until the loan is repaid.”

“Debt is the central and defining characteristic of almost all bonded labor relations. The creditor-debtor relation is embedded

into the employer-employee relation in such a way that it leaves the worker strangled, with no choices, freedom or rights.”

'Bonded Labor thrives in New Forms', OneWorld South Asia Home

Once tricked into taking the debt, a person may be deprived of his rights to negotiate the terms and conditions of work, and may be exploited regardless of his age or health. He may receive food and accommodation as an indirect payment. The value of the his or/and his family's work may be much more than the borrowed money, but exploitative system of little or no payment for work, and high rate of interest on the debt, makes him more or less like a permanent slave. His master pulls the strings so adroitly that that he never ever succeeds to pay his debt off. The illiteracy of the victims compounds the problem as the debtors cannot verify the loan payment they make in the shape of their work.

Human Trafficking and Bonded Labor

Human trafficking is closely connected to slavery, forced labor, child labor and bonded labor and like them is an infringement of the basic human rights. “The Trafficking Victims Protection Act (2000)¹ defines ‘severe forms of trafficking’ as:

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of force, fraud, or coercion for the purpose of subjugation to involuntary servitude, peonage, debt bondage, or slavery.”²

Human trafficking is probably the fastest growing illegal trade of the world, second only to arms. *“With an estimated revenue of*

1. The Trafficking Victims Protection Act of 2000 (“TVPA”), passed on October 28, 2000, marks the most comprehensive U.S. law to address the various aspects of trafficking in persons both internationally and domestically.

2. <http://www.state.gov/tip/rls/tiprpt/2008/105376.htm>



forty-two billion dollars, it is so lucrative that many drug dealers are changing their cargo to human beings.”³

People traffickers often prey on young women and children as they are the most vulnerable ones. They try to win the confidence of their potential victims using their imaginative and creative skills to trick, and can be callous to any extent.

Trafficking is a safety risks for every nation it touches. It undermines the health and security of all nations and fuels the growth of organized crime around the world.

Eighth Annual Trafficking in Person Report

The US Department of State releases an annual trafficking in persons report every year. The report covers 170 countries of the world and is the global compendium of human trafficking trends. It examines both labor slavery and sex trafficking.

Modern Day Slavery

The slavery of the ancient times has now assumed new shapes and dimensions, such as human trafficking, child labor,

3. <http://stopchildslavery.com/2008/02>

bonded labor, and forced labor. “A wide range of estimates exists on the scope and magnitude of modern day slavery. The International Labor Organization (ILO)—the United Nations agency with addressing labor standards, employment, and social protection issues—estimates that there are 12.3 million people in forced labor, bonded labor, forced child labor, and sexual servitude at any given time; other estimates range from 4 million to 27 million.”⁴

Difficulties in Estimating Bonded Labor Population

The exact magnitude of the bonded labor still remains a mystery. ILO has also observed the snags:

‘The ILO has noted several difficulties in accurately estimating the number of bonded laborers in a particular country or region. The first difficulty is determining the population to be measured because land-holding a land-use patterns tend to be common to both bonded and nonbonded labor. For example, the exchange of services in lieu of pay is fairly common among sharecropping tenant farmers. Other industries in which bonded labor exists, are quarrying, carpet-making, fishery, and brick-making industries. Such work, however, in turn involves both those workers who are indebted, in the sense of bonded labor to the landowner, and those who are not. The matter is further complicated by the fact that being indebted to a landowner does not automatically imply bondage, nor does non-institutional debt.’

*(Bureau of International Labor Affairs, US Department of Labor;
July 10, 2008)*

Small Hands at Work

Children are involved in work all over the world though not all kinds of work are illegal or problematic. According to a rough estimate, over 246 million children are engaged in child labor worldwide. They work as the invisible labor in houses, help

4. www.state.gov/g/tip/rls/tiprpt/2008/105376.htm

their parents in fields or work in manufacturing enterprises producing goods such as toys, garments, bangles, medical instruments, soccer balls, matches, brassware, bricks, etc. Despite the fact that we are committed to protect children's rights by setting standards in health care, in education, and in legal, civil and social services, more than half of these children are kept engaged in hazardous kind of work with almost 180 million of them facing long-term health risks. They enjoy few human rights or legal protections, if any. They work for the minimum possible reward and almost always have to forego their right of getting education. India, Bangladesh and Pakistan are among the high risk countries for child labor where children are used as commodities and are deprived of their human and legal rights.

There are millions of children whose labor can be considered forced, not only because they are too young to choose to work, but also because they are, in fact, actively coerced into working. These include child bonded laborers -- children whose labor is pledged by parents as payment or collateral on a debt -- as well as children who are kidnapped or otherwise lured away from their families and imprisoned in sweatshops or brothels. In addition, millions of children around the world work unseen in domestic service -- given or sold at a very early age to another family.

Bonded child labor is found primarily in informal, unregulated or illegal sectors of the economy. It is most common among the economically vulnerable and least educated members of society such as minority ethnic or religious groups or the lowest classes or castes. Children are especially vulnerable to exploitation because their lack of maturity makes them easy to deceive and ensures that they have little, if any, knowledge of their rights. As the London-based human rights organization Anti-Slavery International (ASI) states,

It is an axiom that the weakest and most marginalized groups of people are those most vulnerable to exploitation. Within the context of slavery, indigenous peoples along with women and children are amongst the groups most affected.

A large number of children and families in the brick kiln industry work under conditions of debt bondage. Human Rights Watch/Asia estimates that brick kilns in Pakistan “operate almost exclusively on the basis of debt bondage.” Children working at brick kilns are largely regarded as part of a bonded family unit and work alongside their parents, with only the head of the family receiving remuneration. There are also cases, however, where children inherit debts from parents and become bonded as individuals.

Similar situations of false recruitment and otherwise forced child labor have also been documented in Pakistan. Forms of forced child labor are found in many regions of the world. It is generally assumed that forced and bonded child labor is most widespread in Asia, particularly in the Indian subcontinent. While reliable statistics on forced and bonded child labor are lacking, it is estimated that the number of child victims are increasing globally in some sectors and industries despite national and international laws prohibiting the practice.

*(The Use of Child Labor in U.S. Agricultural Imports
& Forced and Bonded Child Labor Bureau of International Labor
Affairs, US Department of Labor;)*



'Frailty, Thy Name is Woman'----A Misnomer?

'Frailty thy name is woman' cries Hamlet in one of the most well-known plays of Shakespeare. The assumption may be a misnomer but the fact remains that women and children are the most exploited creatures of the globe. In the poor and uneducated societies, women are almost always dependent on men and are deprived of their basic rights. In the tradition of bonded labor, the entire family of the victim is treated as a pool of labor among landlords and employers. In its worst shape, the girls and women are separated from their parents and husbands, are sexually harassed and exploited, tortured and trafficked.



Chapter 2



Bonded Labor... Scenario in SAARC



Chapter 2

Bonded Labor... Scenario in SAARC

Bonded Labor..... Global Overview

A Life Time Bondage

Freedom is an innate condition of a human being, and yet slavery has been the fate of millions all over the world. Slavery of the modern age is mostly in the form of forced labor, bonded labor, and trafficking of people. Millions of people are in bondage around the globe only for the reason that they, or someone of their family, borrowed some money for survival, food, medical treatment, wedding ceremony or funeral. In a poor country, borrowing money as little as a couple of pounds, can trigger the kind of slavish life that may take a lifetime, or more, to pay off. There have been innumerable cases when the debt could not be paid back in generations as the cycle of interest and debt kept them enslaved.

A Long-Standing Social Evil

Slavery was a system that provided colonial labor to the western world for plantation in South East Asia, Africa and the Caribbean. In Asia it catered for the interests of the feudal lords, and took its root in the ancient caste system. It is a longstanding social evil.

Slavery Assuming Various Shapes

The modern shape of slavery makes children to be trafficked to the Gulf States to be used as unwilling jockeys and domestic labor, women sold and sent to Europe and America for sexual exploitation or domestic

slavery, or families to be kept like cattle on agricultural estates, to name just a few. All this is incompatible with the social or ethical values, democratic norms, or the modern egalitarian socio-economic order that we need to establish. And yet here we are with the system of slavery, in one shape or the other, around us.

Bonded Labor in South Asia

South Asian Association for Regional Cooperation (SAARC)

South Asia refers to the seven countries called SAARC (South Asian Association for Regional Cooperation). Four of these states, India, Pakistan, Bangladesh, and Sri Lanka, once formed British India, while the rest, Nepal, Bhutan, and Maldives, were not colonized during their modern history. Roughly one and a half billion people reside in South Asia.

South Asia is an abode of ancient civilizations along the Ganges and Indus rivers. Around half of the world's poorest people call it their home. Here, poor people earn less than a dollar per day. It is in this zone of the world where poverty is concentrated.

The bonded labor scenario in South Asia is appalling where it is widely prevalent. An extremely huge number of low caste laborers, minorities and migrants have been suffering generation after generation due to forced labor and debt bondage. Bonded labor is a matter of great concern as it perpetuates poverty and destitution. It hampers the economic growth of the countries involved, and undermines their labor productivity.

In South Asia bonded labor exists in huge proportions. People get trapped in a kind of involuntary servitude that they normally pass on to the posterity. Once they accept debt from their employers, they enter a vicious circle that they cannot manage to get out during their lifetime. Despite legislation and state protection against the bonded labor, millions and millions of people have been suffering from a permanent subjugation in

India, Pakistan, Nepal, Sri Lanka and other states of South Asia. Human trafficking is a common phenomenon in the South Asian region. Recruits charge an exorbitant fee that culminates in debt bondage and forced labor. Being a multidimensional threat human trafficking has a devastating impact. It increases global health risks and promotes the growth of heinous organized crimes.

SAARC Development Goals

SAARC recognizes the issues of poverty, bonded labor, forced labor, trafficking of women and children, child marriage, exploitation of the vulnerable communities, lack of education and literacy, and the various kinds of social evils prevalent in the South Asian countries. It has included the following areas among the SAARC Development Goals (SDG):

Goal 6: Reduce social and institutional vulnerabilities of the poor, women and children

Eradication of social evils such as dowry, female feticide, trafficking of women and children, bonded labor, child marriage, hazardous child labor, disadvantages suffered by marginalized and socially excluded people, etc.



Goal 13: Access to primary / communal school for all children, boys and girls

Availability of school within walking distance in every village / island / urban center; achieve gender parity at both primary and secondary levels

Goal 14: Completion of primary education cycle

Universal retention rate at the primary level, acceptable level of teacher-student ratio, provision of mid-day meal, acceptable coverage of girl students and students from disadvantaged groups (such as Dalits and Adivasis) at primary, secondary and vocational levels through stipend program

Goal 15: Universal functional literacy

Additional efforts at formal and community levels to ensure that all members of the population have access to functional literacy.

Nepal

Nepal, one of the least developed countries of the world, has a population of about 300 million, one third of which are living below the poverty line. Agriculture is the mainstay of the country,

UN Convention on the Rights of the Child was ratified by Nepal in 1990. The government introduced and enforced laws about the protection of children which include the Children's Act 1992 and Child Labor Prohibition and Regulation Act 2000.

According to the estimate of ILO/IPEC, the number of child laborers in the country is around 2.6 million. The most dominant sector employing laborers, especially children, is agriculture.

According to one research, 40,000 girls are sold into bonded servitude in Nepal. These girls, sometimes as young as seven, are sold and shipped off to work in distant cities, as reported by the Global Giving, *July 28, 2008*.¹

1. www.globalgiving.com

Bangladesh

Bangladesh is the most populous of the world's least developed countries with a population of 158.7 million. "It has a vibrant civil society, probably the strongest non governmental organizations (NGOs) in the world...Among Bangladesh's challenges are: poor quality health and education services and unequal access to those services especially by the poor and women; continuing incidence of undernutrition in children, especially girls; and weak institutional capacity for the rule of law and protection of human rights." However, "Bangladesh's progress in the last decade earned it a medium human development rating by the United Nations Development Program (UNDP)." (Bangladesh-Overview, a report by Canadian International Development Agency) (www.acdi-cida.gov.gc.ca/Bangladesh)

Laborers in Asia's shrimp industry are regularly exploited and abused which amounts to virtual slavery. Debt bondage, physical abuse, hazardous working conditions and child labor are fairly common in Bangladesh and Thailand's processing factories. At times the laborers are beaten, publicly tortured and sexually molested, as reports by CSR Asia² Weekly reflect.

Over the year, human trafficking and child labor remained a problem in Bangladesh. According to a study conducted in 2006 by the Bangladesh Institute of Labor Studies, "attacks on children constituted over 50 percent of deaths, injuries, and sexual assaults reported among domestic workers during the year".³

Key findings of researches conducted on trafficking of persons in Bangladesh suggest that traffickers living aboard visit Bangladesh to marry women who are then sold into bonded labor, menial jobs or commercial sexual exploitation. Exploiters of minors and women are almost never prosecuted.

-
2. CSR Asia is a Social Enterprise that works to promote and support corporate social responsibility. It serves as an advocate of sustainable economical, social and environmental development across the Asia Pacific Region.
 3. www.state.gov/drl/rls/hrrpt/2007/100612.htm



On positive note, the government tried to decrease the number of forced and bonded laborers from the large-scale industries. Nevertheless, the incidence of child labor has been reported in the industries like shrimp processing, metal works, tanning, battery recharging, welding, carpentry, ship breaking, saw milling, hotels, and domestic servitude.

During the last two years almost 200 camel jockeys were repatriated and reunited with their parents.

Bhutan

Bhutan, a small state with a population of 672,000 people, is a hereditary monarchy. The law prohibits the employment of children though there is no minimum age for employment. The “NGOs estimated that there are approximately 45,000 persons under 18 who are working.....Children under 18 often performed agricultural work and chores on family farms and shops after school and during holidays.”⁴ (Country Reports on Human Rights Practices, US Department of State, *March 6, 2007*)

4. www.state.gov/g/drl/rls/hrrpt/2006/78870

“Trafficking in children for bonded labor and prostitution has increased dramatically in Bhutan. Bhutanese girls are regularly kidnapped and forced to work either in the commercial sex industry or in sweatshops in slavery-like conditions.”⁵

Sri Lanka

Previously known as Ceylon, Sri Lanka is a multi-religious and multi-ethnic nation, with a population of over twenty million. The country has a rich cultural heritage and is one of the world-famous tourist resorts. Sri Lanka is famous for its production of rubber, cinnamon, and Ceylon tea, a trademark of its national export.

Sri Lanka is a source and destination country for men and women trafficked for the purposes of involuntary servitude and commercial sexual exploitation. The law prohibits forced or bonded labor, but there are reports of some rural children employed in debt bondage as domestic servants in urban households, and that some are abused. Sri Lankan women, who work as domestic servants in Middle Eastern countries, have been reported to be forced into domestic servitude or sexual exploitation and some find themselves in situations of involuntary servitude when faced with restrictions on movement, withholding of passports, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by recruitment agents. Some Thai, Russian and Chinese women have been trafficked into Sri Lanka for the purpose of sexual exploitation in sex trade industry.

Children are trafficked internally for commercial sexual exploitation and, less frequently, for forced labor. Some children from rural areas are reportedly sent to work as domestic servants in urban households where, due to debts owed by their parents to traffickers, they may find themselves in situations that lead to debt bondage. The government estimates that more than 2,000 children are engaged in prostitution. The majority of

5. www.protectionproject.org/human_rights_reports/report_documents

children engaged in prostitution are victimized by local citizens, though there are reports of sex tourism as well. Protecting Environment and Children Everywhere, a domestic NGO, estimated that there were 6 thousand male children between the ages of 8 and 15 years engaged as sex workers at beach and mountain resorts. Some of these children were forced into prostitution by their parents or by organized crime.

The designated Terrorist Organization Liberation Tigers of Tamil Eelam (LTTE) had recruited children for use as soldiers in areas outside the Sri Lankan government's control. Government security forces may also be complicit in letting a pro-government paramilitary organization recruit, sometimes forcibly, child soldiers. (U.S. State Dept Trafficking in Persons Report, June, 2008).

The Committee on the Rights of the Child in its concluding remarks in 2003 showed concern at the high proportion of children, including very young children, working as domestic servants, in the plantation sector, on the street and in other parts of the informal sector.

Maldives

Maldives (or Maldivian Islands) is the smallest Asian country in terms of population (350,000). It encompasses an area featuring 1192 islets, 250 of which are inhabited. Fishing is the main occupation of the people engaging almost 30% of the country's work force. No significant research has been made so far to know the magnitude of the bonded labor issue in the islands.

India

One sixth of the people of the world live in India which houses 1.13 billion people as estimated in March 2008.⁶ The country has more than two thousand ethnic groups.

In India the Bonded Labor System (Abolition) Act, 1976, was proclaimed about 32 years ago and yet the issue of bonded

6. www.indianchild.com/population_of_india.htm



labor could not be resolved due the problems being faced in the implementation of the law. Some reasons are the lack of awareness, lack of political will, lack of actual prosecution of the offenders, apathy, corruption on a large scale, lack of accountability, lack of adequate enforcement staff, and caste system.

India has the largest number of working children in the world ranging up to 115 million, at least 15 million of them working under compulsion as reported by the Newstrack India (July 29, 2008). The report states:

“The great majority of the bonded laborers are working in the agricultural sector, tending cattle and goats, picking tea leaves on vast plantations especially girl children working in fields of sugarcane and basic crops all across the country. Apart from agriculture, which accounts for 64 percent of all labor in India, bonded child laborers form a significant part of the work force in a multitude of domestic and export industries. These include, but are not limited to, the production of silk and silk saris, beedi (hand-rolled cigarettes), silver jewelry, synthetic gemstones, leather products (including footwear and sporting goods), hand-woven

wool carpets, and precious gemstones and diamonds. Services where bonded child labor is prevalent include prostitution, small restaurants, truck stops and tea shop services, and domestic servitude.”⁷ “It is cheaper to buy a child than a buffalo in India,” observes a human rights activist.⁸ While a buffalo may cost up to US\$350, a child may be sold for as low as US\$12 (CSR Asia, Dec 3, 2007).

The International Labor Rights Forum (ILRF), along with their international partners, including OECD Watch, India Committee of the Netherlands, Deutsche Welthungerhilfe and Eine Welt Netz NRW, released a report on September 24, 2007. The report focuses on the recent trends in employment of child labor on cottonseed farms in India. The report estimates that roughly 416,460 children are still working on cottonseed farms in the major producing states in India. Out of them 22,960 are under the age of 14. The number indicates an increase from the 2003-04 harvest season.⁹

The 2006 Human Rights Watch investigation concludes that caste-based discrimination is at the heart of bonded labor and is highly intermingled with child exploitation.¹⁰

A Widespread Evil

- In PHILIPPINES ‘hawks’ prey on unsuspecting rural families who are trapped to send their young children to the illegal recruits. They sell the victims as the household slaves or traffick them to Europe and Asia where they end up in brothels.
- In the tobacco-growing industry of INDONESIA, workers usually become indebted to their employees as a result of which the whole family members have to work to pay off the debt. Many girls have been working in the commercial sex industry as the bonded laborers. Bonded labor is also found

7. www.newstrackindia.com/newsdetails/ (Tuesday, July 29, 2008)

8. www.crs-asia.com/index

9. www.laborrights.org/stop-child-labor/cotton-campaign/830

10. <http://stopchildslavery.com/2008/02>

in the fish industry of the country and others are exploited as domestic laborers.

- A large number of Thai women are trafficked for sexual exploitation to EUROPE, JAPAN, NORTH AMERICA, AUSTRALIA, SINGAPORE, MALAYSIA, TAIWAN, and BAHRAIN. US Department of State in its Trafficking in Person Report (2006) states: "Thai laborers working abroad often pay excessive recruitment fees prior to departure, resulting in situations of severe indebtedness which can lead to debt bondage.....Implementation of THAILAND's labor export regulations is weak, allowing unscrupulous employment agencies to subject Thai workers to conditions of debt bondage overseas."
- US Department of State, in its report released on June 4, 2008, has included the following countries which are involved in the human trafficking but making concerted efforts to combat the evil:
Honduras, Morocco, Mongolia, Ghana, Indonesia, Philippines, Thailand, France, Greece, Mauritania, Bahrain, United States and Nepal.



Chapter 3



Bonded Labor in Pakistan



Bonded Labor in Pakistan

Pakistan has a population of over 165 million. The quantum of the issue of bonded labor in the country cannot be precisely assessed as no survey has been conducted so far by the government. Yet it is generally alleged that bonded labor exists in various parts of the country particularly in the sectors of brick kiln and agriculture.

According to the Human Rights Commission of Pakistan (HRCP) in 2007 “Bonded labor was prevalent across the country with the number of bonded labourers in Pakistan recorded at 1.7 million, indicating that the problem was far from solved.” (State of Human Rights in 2007, Page 7)

Pakistan’s Commitment

Commitment by the Government of Pakistan has been made in the Constitution and national laws as well as through policy statements and the ratification of international conventions. Pakistan is committed to abolish bonded labor system and has ratified several international conventions such as:

- ILO Convention No. 29 concerning Forced Labor, 1930 (ratified in 1957). The term forced or compulsory labor shall mean all work or service, which is exacted, from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. [Article 2(i)]

- The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery, 1957 (ratified in 1960). Under this Convention debt bondage is defined as “the status or condition arising from a pledge by a debtor of his personal service or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.
- The 1989 UN Convention on the Rights of the Child (ratified in 1990). It states that children must be protected from all forms of economic exploitation. This includes performing any work “that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” The Convention also calls for the prevention of the use of children in illicit production and trafficking of drugs; protection against all forms of sexual exploitation; and prevention against abduction, sale or trafficking of children for any purpose.

Pakistan’s Constitution

The magnitude of bonded labor and their exploitation by employers demand social and legal intervention to protect the victims and measures needed to be taken to eradicate the unjust system of bonded labor. The commitment of Pakistani government to curb the menace emanates from the Constitution sanctioning against slavery and forced labor in the country. Pakistan is morally and legally bound to fulfill its obligations under the United Nations Declaration of Human Rights 1948, and International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights 1976 ratified by Pakistan in April 2008 to abolish the bonded labor system prevalent in the country.



Article 11(1) of the Constitution of the Islamic Republic of Pakistan prohibits slavery and forced labor. In 1988, Supreme Court of Pakistan directed the Federal Government to codify the spirit of the Constitution and provide punishment for such crimes through legislation. The apex court observed this while taking cognizance of the incidence of bonded labor practices in brick kilns. This led to the promulgation of Bonded Labour System (Abolition) Act, 1992. This act provided a clear definition of bonded labor and prescribed punishment for such practices. (Source: Fund for the Education of Working Children of Freed Bonded Labourers)

Bonded Labour System (Abolition) Act, 1992

The main objectives of the promulgation of the Bonded Labour System (Abolition) Act, 1992 in Pakistan are as follows;

- i) Bonded labour is declared illegal. Every bonded laborer stands freed or discharged from any obligation to render bonded labour. Those detained in civil prison shall be released forthwith;

- ii) Any custom or tradition or any contract by which any member of the family or dependent of such person, who is required to do any work or render any service as bonded laborer shall be void and inoperative.
- iii) After the commencement of the Act, no person shall give any advance in pursuance of the bonded labor system;
- iv) No person shall compel any person to render any bonded labour or other form of forced labor;
- v) The act also envisage the extinguishment of the liability of the bonded labourer to repay any bonded debt;
- vi) The act is intended to free the mortgaged property of bonded labor;
- vii) Freed bonded labor shall not be evicted from any homestead or other residential premises which he was occupying;
- viii) Vigilance committee at the district and sub-divisional level will be set up to advise the implementing authorities on all matters relating to the enforcement of the legal provisions; and
- ix) Any violation of its provision shall be cognizable and bail able offence, punishable with imprisonment which may extend to two years or fine up to Rs.50,000/ or both. By making the offences cognizable under the act, the state has undertaken the act, and unlike some of the previous legislations, does not leave it to initiative of the affected individuals.

It is not always possible to appreciate the scope of the Bonded Labour System (Abolition) Act, 1992 by simply reading and analyzing its provisions. It is only possible by studying carefully the way in which the act is actually implemented and interpreted in practice particularly the court decisions by which effort is given to the law that one can be certain that the standards laid down by the legislative process are really being observed.

Judiciary especially supreme court has played a vital, important and vibrant role. Judicial decisions have made a tremendous impact on the formulation and implementation of national policies. It is now time that courts should react sharply to the misery and devise strategies, new remedies and evolve new

concepts to transform the theoretical constitutional principles into functional values.

National Policy and Plan of Action for Abolition of Bonded Labour

Bonded Labor in Pakistan is prohibited under the Constitution and the Law. The Bonded Labour System (Abolition, Act, 1992) was promulgated in the country to legally declared extraction of bonded labor as a criminal offence. The rules framed under the Act namely Bonded Labour System (Abolition) Rules 1995, provide the mechanism and procedural details. They contain provision for establishment of the fund for the rehabilitation and welfare of the freed bonded laborers.

The Government commits to eliminate bonded labor through concerted efforts aimed at the transformation of traditional socio-economic structures and poverty reduction through an integrated and coordinated approach for the eradication and rehabilitation of workers in bondage. In the light of its commitments, the Government of Pakistan formulated a National Policy and Plan of Action (NPPA), which was adopted by the Federal Cabinet on September 5, 2001. The NPPA recognizes the situation at ground, and for the purpose of strict implementation of the law, the following measures were decided to be taken:

- Orientation and training of officials of Home Departments, Police, District Administration, Labor Inspectors and all other relevant government officials, on the issue of bonded labour, its implications, legislative and international obligations to the Government of Pakistan and the methodology and the system to address the problem effectively.
- Regular monitoring and evaluation of functioning of the law implementation agencies through
 - Monitoring Teams
 - Complaint cells in the offices of District Administration and Labour Officers at the district level

- Coordinating cells in the Provincial Home Departments and Ministry of Labor
- Periodical inter-Ministerial and inter-Provincial meetings
- involvement of social partners, NGOs, CBOs, trade unions and employers' organizations in the mobile monitoring teams for the purpose of effectiveness and coordination of monitoring campaigns
- Provincial Labour Departments would register all the brick kilns in their relevant jurisdictions so that all the relevant laws could be made applicable to them.
- Free legal aid cell / centres will be established with the assistance of Bar Councils / Associations to render counseling and advocacy services to needy bonded laborers.

Action Plan

The Action Plan addresses the problem through practical and long-term initiatives focusing on infrastructure for training, employment generation avenues, schooling for the children of bonded workers and fully-protective social safety net. A National Committee for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers was constituted to:

- a. Review the implementation of the law
- b. Monitor the working of the District Vigilance Committees, and
- c. Address the concerns of national and international bodies on bonded/freed labor-related matters.

Frame Work of the Action Plan

	Activities	Time Frame
1.	Approval of NPPA by the Government	approved on Sep 5, 2001
2.	Constitution of a National Committee for the Abolition of Bonded Labour	constituted on Oct 13, 2001
3.	Reconstruction of Vigilance Committees	by Dec 2001
4.	Undertaking of National Survey for ascertaining the extent of bonded labour in the country	by Jan 2002
5.	Preparation of Rehabilitation programme for freed bonded workers and relief package for haris living in camps	by Jan 2002
6.	Creation of legal aid cells	by Feb 2002
7.	Registration of all brick kilns	on continued basis
8.	Awareness raising	on continued basis
9.	Monitoring of working of Vigilance Committees	on continued basis
10.	Monitoring of working of the implementation of law by Vigilance Committees	on continued basis
11.	Sensitization and orientation of implementation agencies about laws and system pertaining to bonded labor	on continued basis
12.	Education and Vocational Training of the families in bondage	on continued basis
13.	Implementation of the Rehabilitation	to be continued subject to availability of resources.

(From: 'National Policy and Plan of the Action for Abolition of Bonded Labour', Pages: 1 to 7)

Reconstruction & Activation of Vigilance Committees

District Vigilance Committees (DVCs) are to be constituted and will be headed by District / Zila Nazims. They are required to meet periodically, at least once in two months and to report to the Coordination Cells at the Home Departments of the provinces and the Ministry of Labour at the federal level. The committees are to visit suspected areas periodically as well as when some complaint was received. The trade unions, employers' organizations, NGOs and community based organizations are to be involved in the activities of the Vigilance Committees. The Committees are to hold meetings with the employers or respective landlords to apprise them of the sensitivity of the issue and their moral, legal and religious obligations towards their employees.

National Survey

A survey was proposed to be undertaken through the Federal Bureau of Statistics and in collaboration with academic institutions to find out the ground realities and facts pertaining to bonded labor.

Bonded Labor Fund

A Bonded Labor Fund for Education of Working Children and Rehabilitation of Freed Bonded Labourers was established with an initial contribution of Rs.100 million in 2002 by the Federal Government. Ministry of Labour also prepares a guideline manual for operationalizing NPPA Fund through ILO technical assistance.

Some measures which are to be taken to achieve the target:

- Preparation of Rehabilitation and Relief Package
- Rendering Counseling and Advocacy through Legal Aid Cells
- Registration of Brick Kilns
- Awareness Raising
- Monitoring and Evaluation
- Involvement of Social Partners
- Vocational Training of Self-employment Opportunities.



SPARC's Report on NPPA

SPARC reported comprehensively about NPPA (The National Policy and Plan of Action for the Abolition of Bonded Labour) announced in 2001:

“The implementation of the policy is not satisfactory and the Rs.100 million fund remains unutilized. On the other hand, District Vigilance Committees (DVCs) to be set up under the Bonded Labor System (Abolition) Act 1992, to monitor bonded labor problem, have not been activated in many districts of Pakistan”. So far five DVCs in NWFP (Mardan, Bannu, D I Khan, Abbottabad and Haripur), four DVCs in Punjab (Muzaffargarh, Sargodha, Multan and Lahore), and ten DVCs in Sindh (Shikarpur, Kashmore, Khairpur, Sanghar, Tharparkar, Mithi, Umerkot, Qamber, Shahdadkot and Nawabshah) are notified. The DVCs are headed by the District Nazim and have representatives from the press, bar, workers, employers and the relevant government agencies including police and local councilors as well as minorities.

Punjab Government has made some efforts to build the capacity of the DVCs, through awareness and training, so that

they can play an effective role in combating bonded labor in their respective districts. According to the available data, the Punjab Government, with support from National Database Registration Authority (NADRA), has launched a campaign to issue Computerized National Identity Cards (CNICs) to workers and their families employed at brick kilns. This will empower bonded laborers and their families to access rights and facilities granted to the citizens of Pakistan. So far, over 11,000 workers have been facilitated.

The Labour and Human Research Department has conducted a survey of all the brick kilns in the Punjab province and plans to register all of them under The Factories Act 1934. Most of the brick kilns in Punjab have already been registered and a model contract is being worked out so that the financial transactions between the workers and employers can be recorded and an arbitration mechanism established in case of default. A plan is being made with the assistance of Literacy Department to establish NFE centers at the clusters of brick kilns. Approximately, 3,456 out of 3,858 brick kilns in Punjab have been registered.” (Sabeen Mohsin, *“The Growing Numbers”, The State of Pakistan’s Children 2007, page 189, SPARC*)

Child Labor in Pakistan

Work at the Cost of National Economic Progress

When children are to forego education in order to contribute to the economic survival of their parents, the poverty perpetuates. It culminates in hampering of the real economic growth and thus undermines the productivity and economic progress. In Pakistan, children have been involved in agriculture as well as in industries such as bangle making, carpet weaving, sports industry, rice mills, stone cutting, quarries, painting, welding, auto mechanical shops, and deep sea fishing. They are working as street vendors, are involved in begging, rag picking or domestic help.

Children’s Rights

The UN Convention on the Rights of the Child (UN CRC) has

been ratified by Pakistan. By acceding to it, we are committed to give children the right to survival and

- To develop them to the fullest
- To protect them from harmful influences, abuse and exploitation, and
- To allow them to participate fully in family, cultural and social life.

The Convention on the Rights of the Child (1989) outlines the fundamental rights of children, including the right to be protected from all forms of economic exploitation and harmful work, from all forms of sexual exploitation and abuse, and from physical and mental violence, as well as ensuring that children will not be separated from their families against their will. These rights are further refined by two Optional Protocols, one on the sale of children, child prostitution and child pornography, and the other on the involvement of children in armed conflict. Pakistan has ratified the convention in 1990 but has not ratified the optional protocols on children in armed conflict except for the Juvenile Justice System Ordinance 2000 and there is no enabling legislation for CRC implementation.

- **ILO Convention on the Worst Forms of Child Labor (No. 182):** The ILO Convention on the worst forms of child labor was ratified by Pakistan in 2001. Countries ratifying the Convention are expected to identify worst forms of child labor and develop, implement and monitor action programs in collaboration with employers and workers organizations.
- **ILO Minimum Age Convention (No. 138):** This Convention was ratified by the Government of Pakistan in 2006. It requires the States to pursue national policies which will effectively abolish child labor. It establishes a minimum age for admission to employment or work which shall be not less than the age of completion of compulsory schooling, so that young people can develop physically and mentally before entering the workforce.

Article 11(3) of Constitution of Pakistan provides protection of children against employment; states that no child labourers should be employed in factories, mines and hazardous occupations.

The Employment of Children Act 1991 (ECA)

The Employment of Children Act 1991 is the national law dealing with employment of children in Pakistan. It contains the following features:

- It regulates as well as prohibits employment of children in certain Occupations and Processes. Four (4) occupations and thirty four (34) processes are banned where children under 14 years of age are not permitted/ allowed to work.
- Regulation means that children will get special concession comparing the adults. The employer should be responsible to provide safe and secure working environment, follow work time/ hours for children which will not be over seven hours per day (including one hour break), no over-time, reporting to the labour inspector, etc.
- Any person can report to First Magistrate and file a complaint without registering an FIR with police.

Some Gaps in ECA 1991 are as follows:

- The law is not enforced and there is hardly any implementation of the said law. No prosecutions are reported against offenders (employers) under this law in a review done by SPARC.
- This law is not applicable on the establishment where the process is carried on by the occupier with the help of his or her family. This means that if a person is working on brick kiln and if he and his sons are also working, the employer can take the defense that children are only working for their families. This present exception is absurd as these occupations and processes remain hazardous for children regardless of whether a child is working for a stranger, his family or government. Upon violation of ECA, the employer or any person who employs any child or permits any child



to work in contravention of its conditions, is punishable with imprisonment for a term extending up to one year, or with fine extending up to Rs 20,000, or with both. Repeating the same offence means that the offence is punishable with imprisonment for a term extending up to two years but which shall not be less than six months.

- Pakistan has ratified the ILO Conventions No. 138 (Minimum age of Admission to Employment) and No 182 (Worst Forms of Child Labour). The Convention 138 demands that no child should be employed under 14 years of age (for developing countries) and no child, under 18 years of age should be employed in any hazardous occupations. However the age defined for children under Employment of Children Act 1991 is 14 for hazardous occupations/ processes. This should be raised to 18 years.
- The domestic child labour is not covered by the law, and there is no other law which provides protection for children employed as domestic workers. In many countries, child domestic labour is included in list of hazardous occupations because regulating and monitoring of each house is not very practical.

- The Act provides for the formulation of a National Committee on the Rights of the Child. TORs are not defined and this Committee is not functional.

Policy to Combat Child Labor

The National Policy and Plan of Action to Combat Child Labour was launched in May 2000. It defines the policies, strategies, activities and responsibilities of different agencies, along with the time-frame, delivery system, and funding for child labor elimination. The objectives of the Plan are:

- Progressive elimination of child labor
- Immediate withdrawal of children from worst forms of child labor
- Preventing entry of under-aged children into the labor market through universalization of primary education and family empowerment
- Rehabilitation of working children through non-formal education, pre-vocational training and skill development.

National Policy and Plan of Action to Combat Child Labour was approved in 2000 but has failed in meeting its target particularly dealing with worst forms of child labor and its elimination by 2005.

In 2006, the Cabinet approved a National Policy on Children and Plan of Action formed by the Ministry of Social Welfare. This policy has been launched after one year in the mid of 2007. It has a special chapter on Special Protection and one of the objectives is the elimination of the worst forms of child labor. The time frame which is given to achieve the target is to eliminate the worst forms by 2006, child labor (except domestic labor) by 2010 and domestic labor by 2015. This target is quite non-serious considering ILO Time Bound Program for elimination of the worst forms of child labor is not yet over and that is limited to a few sectors.

National List of WFCL

During the year 2001 and 2002, the Government of Pakistan carried out a series of consultations with tripartite partners and stakeholders which include relevant government departments (Labor, Social Welfare), Employers, Trade Unions and NGOs. In the process various occupations and categories of work were identified which were considered to be hazardous under the provision of the ILO Convention on the Worst Forms of Child Labor No 182. As a result, a list of hazardous occupations was prepared. Initially 29 occupations were listed as hazardous but in 2005 five more were added.

Labor Laws Prohibiting Child Labor

The Shops & Establishments Ordinance 1969 prohibits employment of a child below 14 years in any establishment. The term 'establishment' is defined under this Law to mean a shop, commercial or industrial establishment, private dispensary, hotel, restaurant, cafe, cinema and such other places as are notified by the concerned provincial governments. The Shops and Establishments Ordinance 1969 also regulates the working hours of children between the ages of 14 and 17.

The Road Transport Workers Ordinance 1961 remains the only law that bans employment of children below 18 years of age in the road transport sector. For employment of drivers, the minimum age is fixed at 21 years.

The Factories Act 1934 prohibits employment of children below the age of 14 years in any factory. It allows employment of children between the ages of 14 and 17 years provided that they have a certificate of fitness obtained from a certified surgeon.

The Mines Act 1923 which applies to all mines and oil fields in Pakistan, prohibits the employment of children below the age of 14 years; and disallows even their presence in an underground mine. Children between the ages of 14 and 17 years are allowed to work provided they obtain a certificate of fitness from a qualified medical practitioner. However, their hours of employment are restricted.

The Merchant Shipping Act 1923 states that no child below the age of 14 years is to be engaged or carried to sea to work in any capacity in any ship registered in Pakistan, or in any foreign ship, except in a school ship, or training ship; or in a ship in which all persons employed are members of one family.

Situations of Bonded/Forced Child Labor

Some examples of Bonded/forced child labor are examined below. They include debt bondage, kidnapping, trafficking and sale of children, and domestic servitude.

- **Debt bondage**

Debt bondage, occurs when, in return for a money advance or credit, a person, having no other security to offer, pledges his/her labor or that of a child for an indefinite period of time. In many cases a parent takes a loan aware that the labor of his entire family will be offered in return. In other cases the child alone is subjected to bondage by parents or a guardian who pledges the child's labor in exchange for a loan:

Children become a commodity in this process. Parents have absolute power over their children, making it possible for children to be pledged chattel-like to pay off debts.

Technically, bonded laborers can end their state of servitude once the debt is repaid. But the fact is that this rarely occurs.

In cases of “intergenerational” bondage, debts are passed down from parent to child. Once a parent is no longer able to work, the debt is assumed by the child. This is a very common practice in our rural settings.

- **Trafficking of Children**

The abduction or transportation of children leads to some of the most exploitative and abusive situations of child bondage. In some cases, children are kidnapped, taken far away from home and sold into prostitution. However in most cases, children are

sold or forced to work in small-scale industries. Even if they are not sold by their parents or guardians, the salary is generally taken by their parents in advance. As a result, the child is then confined to the workplace until he/she is able to pay off the debt owed in advance.

- **Domestic Servants**

The use of children as domestic servants is widespread in Pakistan. Although no reliable global or national figures exist on the number of children engaged in domestic employment, the figure is undoubtedly higher.

Child domestic servants -- usually young girls -- work as “virtual slaves.” They are given or sold to families or distant relatives to serve as household help. They generally work extended hours, and are sometimes treated harshly by their employer, beaten or sexually abused. They are often not paid. Strangers to the city or town where they work and isolated from their parents, the children are powerless to change their position.

Bonded Labor and Pakistani Women

The Constitution of Islamic Republic of Pakistan guarantees equal rights to women but in practice the working women have much greater load to bear and usually suffer more than working men. For instance the women who work in brick kilns have to do their daily household chores as well. Their pangs increase manifold due to the absence of document, such as national identity card (NIC), birth registration and voter registration. They undergo physical and mental exploitation including sexual abuse. Girls have no opportunities to get educated as brick kilns are normally situated in far flung areas. Despite working for about 12 to 18 hours per day, they cannot earn enough. Most of these women are weak, anemic and hydrated and have no access to health and educational services. They are not provided the facilities that are normally enjoyed by the registered and permanent employees. Balanced and nutrient diet for them is a dream. They are the most affected and the most vulnerable.

Women and Trafficking

US TIP, while looking at trafficking situation in Pakistan and tracing its link with bonded labor, reports:

“Unconfirmed estimates of Pakistani victims of bonded labor are in millions. Women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, Azerbaijan, Iran, Kazakhstan, Kyrgyz Republic of Turkmenistan, Uzbekistan and Tajikistan are also trafficked to Pakistan for sexual exploitation and involuntary servitude.”

Report by The Bureau of Democracy, Human Rights, & Law (US)

Here are the excerpts from the report by the Bureau of Democracy, Human Rights, and Labor (US) on the state of affairs in Pakistan last year, released on March 11, 2007:

“Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Discrimination against religious minorities continued. Child abuse, commercial sex exploitation of children, discrimination against persons with disabilities, and work rights remained concern.”

While reporting about the “Prohibition of Forced or Compulsory Labor”, the bureau points out:

“The law prohibits forced or bonded labor, including by children; however, the government did not enforce the prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to five years in prison and up to \$825 (50,000 rupees) in fines.

Estimates by NGOs, SPARC and SHARP suggested that between 1.5 and 2 million persons were involved in some form of bonded

labor, primarily in Sindh Province. Bonded labor was almost common in the brick, glass, carpet and fishing industries. In rural areas particularly in the Tharparkar District of Sindh, bonded labor in agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus or Muslims and Christian descendants of low caste Hindus.

Bonded Laborers Released During a Decade (1995-2005)

Data of the decade “1995-2005 reveal that a total of 8,305 bonded laborers were released throughout the country. The research by Pakistan Institute of Labor, Education and Research (PILER) further indicates that the majority of bonded laborers (5,166) were freed by the joint efforts of the NGOs, judiciary and intervention, whereas 563 were released through administrative intervention and 722 got their freedom through a combined judicial and administrative intervention.

Rehabilitation of labor freed from bondage remains an issue. The released workers take refuge in camps, or temporary shelters, provided by a number of NGOs, notably HRCF, National Rural Support Program (NRSP) and Green Rural Development Organization (GRDO). At present there are several camps in and around Hyderabad providing shelter to estimated 10,000 freed laborers from different provinces.”

(The State of Pakistan's Children 2007, SPARC, Page 189)

Bonded laborers often were unable to determine when their debts were fully paid. Those who escaped, frequently faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to lack of

alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.”

Tip of the Iceberg

What we know through media about the state of the bonded laborers, is only the tip of the iceberg. Bonded laborers are both men and women of all ages. In many instances, they belong to low bottom castes, excluded group which are at the bottom of economic system- the poorest of the poor. These people are victims of social, economic and political exclusion. Most of the agonies go unnoticed. The woes and pangs of the victims of bonded laborers include:

- Physical abuse, such as beating, keeping in chains
- Sexual abuse and exploitation, such as rape, forced prostitution
- Mental anguish
- Harassment by police
- Kidnapping
- Trafficking
- Unsafe organ trade of the bonded laborers
- Humiliation
- Separation of children from parents
- Separation of women and girls from their male family members
- Trading the young daughters and children of the laborers
- Forced labor
- Social discrimination
- Working unusually long hours

- Hazardous conditions
- Unhygienic health conditions
- Nominal payment.



Chapter 4



Agriculture Sector



Chapter 4

Agriculture Sector

The Hub of Economic Activity

Agriculture is the hub of the economic activity of Pakistan with about 45% of the total employment and a quarter of its GDP. Agricultural laborers and landless tenants constitute a large number of rural population. Most of the agricultural land in Sindh and Punjab is owned by a small number of landlords. At the time of Partition of subcontinent in 1947, those who owned more than 100 acres of land constituted less than one percent of all landowners in Punjab and NWFP. In Sindh and Punjab the landlord-tenant system prevails, though in Punjab owner-operator system also exists. Generally, tenants get the land for cultivation on a sharecropping basis. Due to eviction of tenants, owner-cultivation increased tremendously in Punjab (from 39% to 69% during 1972 to 2000, as the agriculture census indicates).

Land Reforms

“The 1972 land reforms accepted private ownership of land as the basic institution, fixing the ceiling on ownership with reference to the individual and not the family: 150 acres irrigated or 300 acres without irrigation. The 1977 land reforms further reduced the ceiling on the individual holding to 100 acres irrigated and 200 acres without irrigation. These reforms, particularly those of 1972, made significant changes in the tenancy laws. A landlord could no longer evict a tenant without producing substantial

evidence of the latter's failure to meet tenancy conditions. The landlord was made responsible for land revenue, water rates, and the cost of seed. The tenants, however, would have to share, on a 50-50, the cost of fertilizers and pesticides."

(Bonded Labor in Agriculture: A Rapid Assessment in Punjab and North West Frontier Province, Pakistan; Bonded Labour Research Forum 2004)

Despite the reforms, the conditions of the tenants in the country has deteriorated. Following are some of the reasons:

- a. Lack of political will to implement the land reforms as the country's provincial and national assemblies are dominated and influenced by landlords with large tracts of land.
- b. Weak administration.
- c. Corruption prevalent in almost every walk of life including revenue officials, 'patwaris', 'tehsildars', police, judiciary, members of the parliament, etc.

Did the Land Reforms Reduce the Size of Ownership?

The abolition of 'Jagirs', did not necessarily reduce the size of ownership of large estates. On the contrary, the 'zamindari' system continued to exist; there was no ceiling on the area one could own as long as its owner paid the land revenue and water rent.

(Naqvi, 1989)

Bonded Labor in Punjab and Sindh

An extremely large number of bonded labor belongs to the sector of agriculture, especially in Punjab and Sindh where the feudal system is centuries old. People are forced to live in complete deprivation by the landlords who may have 700 acres of land and control over all the resources. The research by Ercelawn and Nauman in 2001, also confirms the allegation that bonded labor exists on a large scale in the agriculture sector in the shape of debt bondage of sharecroppers, particularly in Sindh. Bonded Labour Research Forum has reported cases in which tenants

are beaten by landlords as well as cases of tenants selling their kidneys or marrying off their daughters to repay loan.

Magnitude

According to the research carried out for the Government of Sindh and the Asian Development Bank, there are some 1.7 million landless agricultural workers (Haris) and sharecroppers in five district of Sindh Province (Thatta, Dadu, Badin, Mirpurkhas and Umerkot). The report notes that most of these people are in debt bondage.

('Glimpse of Situation', Life in Bondage, issue 1, August 2007)

Poverty and Starvation Affecting the Marginalized Communities

Majority of those bonded in the northern Sindh are Muslims while most of those working in the agricultural sectors towards southern Sindh belong to the 'untouchable' caste of 'dalits' and to the tribal communities who have migrated from the drought-prone areas of Tharparkar desert. Poverty and starvation have forced these communities to accept the landlords' cash advances binding them to work for them from dawn to dusk. Most are forced to provide 'begar', a kind of unpaid, forced



labor, on top of the tasks assigned to them against the debt.

(‘Understanding Bondage’, Life in Bondage, issue 2, November 2007)

The Largest Child Labor Industry

“A ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, which includes domestic work, street vending, illegal work, and family business, hazardous work such as leather, surgical instruments, and brick kiln industries.”

*(‘Pakistan---Report of Human Rights Practices’, 2000,
US Department of State)*

Boys and girls are expected to assist the bonded family by being engaged in activities such as performing domestic chores of the landlord, looking after their children, tending livestock, collecting firewood, etc. In worst cases they may be trafficked, tortured or sexually abused as well.

Bondage in NWFP

A researcher from Pakistan Institute of Development Economics, Islamabad, states: “The tribal system and reliance on non-agriculture sources certainly prevent bonded in NWFP. However, ‘sardari’ system, which prevailed in some parts of NWFP, creates its own pattern of bonded as it offers no occupational choices apart from agriculture.....It is likely that in the ‘sardari’ system the total land of a village is owned by ‘sardars’. Landless households have no choice but to work for these ‘sardars’.

(Bonded Labour in Agriculture: A Rapid Assessment in Punjab and North West Frontier Province, Pakistan; by: G.M.Arif, ILO Geneva; March 2004)

Causes of Bonded Labor

Why do people accept to become bonded labor in agriculture sector and why can they not get out of the quagmire? The reasons are several, such as:

- a. The chronic debt that keeps increasing
- b. Lack of alternative employment opportunities

- c. Illiteracy of the tenants
- d. Violation of tenancy legislation, for instance the landlord sharing 50% of the crops but not sharing any input costs
- e. The continuous threat of eviction of tenants by the landlord
- f. Failure of the economic system and the administration to ensure the payment of minimum wages to tenants.

Reports about the Agriculture Sector

The status of the freed bonded laborers as reported by the Human Rights Commission of Pakistan, 2006:

“Data compiled by the HRCP Special Task force on Bonded Labor in Hyderabad showed that from January to December 15, 2006 it had received 175 applications from Haris. 132 complaints had been sent to authorities. There had been only 13 responses to these complaints. 998 Haris had been released, the greatest numbers from the Mirpurkhas district, from where 358 were set free and from Sanghar, from where 263 were released. 12 of the released haris had been freed by the district administration. The rest, 986, had escaped.”

(Page 253, Status of Human Rights in 2006)

The Great Escape

In its latest report about the developments and events in the agricultural sector of Pakistan, the Bureau of Democracy, Human Rights, and Labor, US Department of State observes:

Landlords in Sindh and Punjab, as well as in rural areas operated illegal private jails. Approximately 20 men, women and children escaped a private jail run by Tahir Khan Khosa, a feudal landlord in rural Sindh. The escapees claimed that they had been in detention for the past three years after they were unable to pay debts to Khosa on time. Khosa denied the allegations, but the escapees appealed to Sindh government authorities to investigate the case. By the end of the year escapees accepted an out-of-court group settlement of approximately \$1,650 (100,000 rupees) and forgiveness of their outstanding loans.

(Report released on March 11, 2008)



More Escapes

“In January 2007, over forty peasants including women and children escaped from the private jail of a ‘wadera’ of Sanghar. They took shelter at the Sikandarabad hari camp, Kotri. They staged a protest against the wadera outside the Hyderabad Press Club. One of them, Premo, told reporters that they had been working without compensation for the last 25 years. They still fear for their life and safety and have appealed for protection.

In Hyderabad over fifteen laborers escaped from a wadera’s private jail in Umerkot and sought refuge in Kotri. The Hyderabad circuit bench of the Sindh High Court registered a case against nine kiln owners for keeping workers in bondage and meting out inhuman treatment to them, including forcible removal of some workers’ kidneys and assaulting their wives.”¹

1. <http://hrcp-web.org> (5-3 Labour 2007.pmd)

Agonies of Zuhra Bibi's Family

Less than two years ago, the Supreme Court issued an order to the District and Session Judge of Lahore to investigate into the complaint lodged by Zuhra Bibi against Faisal Khalid Cheema of Gujranwala, who had allegedly kept her family in bondage for 18 years. She also stated that the Cheema family exploited her young children sexually. The complainant stated that she, along with a number of family members, had escaped during previous Ramadhan and was protected by an NGO in Lahore. Her family had worked with the Cheemas for generations in their poultry farms, cattle farms, agricultural fields, and as domestic helpers. In order to keep them in permanent bondage, the Cheemas sent their children as bonded slaves to their influential relatives.

All family members were coerced to work to earn two meals. The worst agony that they had to undergo was that their young daughters were sexually abused by the Cheema youngsters. Whenever they protested and lodged a complaint with the elder Cheemas, her family was violently treated and the matter was ignored by commenting that they were looking for excuses to shun work; and if they showed their desire to quit the job, they were beaten mercilessly and were threatened that cases would be filed against them.

She alleged that the Cheemas were criminal-minded and whenever they were caught for an illegal act, they made their 'kamis' ('low' caste servants) go behind bars for them and then arranged to set them free on bail. Zuhra Bibi stated in her application that her 13-year-old daughter, Saadia, used to work at Gul Nasir Cheema's residence. The girl was sexually assaulted by Hussain, son of Gul Nasir Cheema. When the innocent girl complained, a man called Judge Jursee beat her with a stick and treated her brutally. Then Hussain Cheema assaulted her several times. She pleaded that her daughter be medically examined to establish the fact.

She further stated that Faisal Khalid and his brother Bilal got drunk and raped another girl Sameena, daughter of Faiz Ahmad, and later Faisal continued molesting her. Zuhra Bibi alleged

that Faisal Khalid bound her eldest daughter Maria with a motor cycle, dragged her and treated her violently. She added that Bilal Cheema and his cousin Hassan, dragged Maria in front of her in the street, took her to their 'haveli' and assaulted her. She stated that Faiz Ahmad, who had filed a case to the District and Session Judge Gujranwala, was caught by the police on 4 October, 2006, and was brutally handled for 16 days. Then Faiz Ahmad was prosecuted and was jailed for seven years.

While the case was in progress, the secretary of All Pakistan Bhatta Union, told the court that since Zuhra Bibi's family had been in contact with her, she had been receiving several threats. She stated that outside the court a family member of Zuhra Bibi, Shaukat, had told her that her son, son-in-law, and daughter-in-law were in the custody of the Cheemas due to which she was terribly upset and under tension.

(Daily Ausaf, August 2008)

Sanghar: 82 Detainees Released

Police recovered 82 peasants, including women and children, from a private jail of a landlord near Jhol, Sanghar on May 10. The action was taken on the complaint of Manoo Menghwar who had informed the police that the landlord, Ali Ghulam Marri, had detained him and other peasants illegally and forced them to work and added that somehow he had managed to reach the police station.

Strong contingents of police from Sinjhor, Jam Nawaz Ali, Dilore, Naoabad police stations, led by SHO Jhol, raided the agricultural farm at Chaborlo and recovered the peasants. A case (18/08) for illegal confinement and forced labour, was registered against the landlord at Jhol police station.

Maroo Kohli, Sono Kohli, Laloo Meghwar and many others told police that 19 families were forced by the landlord to work at his fields without any pay for the last three years.²

(Source: Daily Dawn, the Internet Edition; May 11, 2008)

2. <http://Dawn.com/2008/05/11/local/23.htm>

The Threat Still Hovers....

A bonded laborer and his three brothers worked as sharecropper peasants with a landlord, Haji Sahib, for 15 years. After his death, his sons, including one working as the in charge of the local police station, used to treat them cruelly and forced them to sleep separately from their family members. They beat them pitilessly. The in-charge of the local police station raped his daughter repeatedly for four years. The daughter got married and was sent away to be shielded from the cruel landlord. But when she came back after a long time to see her parents, her husband was beaten by the police officer and she was made a captive. The laborer alleged that her two-year old son and the seven-day daughter were actually the illegal children of the landlord. The married daughter of one of his brothers was also raped by the landlord. When the nephew of the bonded laborer protested, he was chained and beaten up.

Later, one of the brothers escaped and took refuge in Sikandarabad, a camp near Hyderabad. A petition was filed in the Session Court of Hyderabad and eventually 39 members of the family got released. But the threat still hovers over them as the local MPA demanded that they give Rs. 500,000 to the landlord otherwise he would kidnap the family again.

(‘Born to be Free’, Life in Bondage, issue 1, August 2007)

The Nightmare

“Some 13 years back, Veero along with her family members left Nagarparkar due to drought and went to Umerkot in search of a better life. In Umerkot she worked for a local feudal lord in bondage for three years. The landlord used to abuse her and other women sexually.

When her daughter grew older, the landlord asked her to send the daughter to him. She refused and fled at night from the village with her daughter. At Umerkot city she met with HRCP representatives who gave her a letter and asked her to meet the district police officer for help. She took the letter and went to meet the DPO but as he was out of the city, she had to spend

three days at his office without food and water. She could not even step out of the office fearing that landlord might find her and kill her. After three days, she met with DPO who took her to the village and recovered 39 members of her family.

Back in Umerkot city, the local police conspired with the landlord, tortured her and kept the family hostage for three days. Later, the DPO intervened, gave them money for fare and sent them to Matli camp. At Matli she saw money for the first time. She stayed there for two years and then moved to Azad Nagar camp for better opportunities.

Now she is staying in Azad Nagar camp where she is sending her younger son to school. Her miseries are not over yet. Now at Azad Nagar, the residents are attacked time and again by the feudal lords who beat the men and threaten to kidnap them. The influential land occupant groups have built huge bungalows around the camps. These men harass the women whenever they go out for work so that the residents leave the precious land which they can later use for commercial purposes.”

(‘Struggle is On’, Life in Bondage, issue 3, March 2008)



Commission Proposed for Freeing Bonded Laborers

Leftist leaders, human rights activists and victims of feudal system in Hyderabad called for the appointment of a commission tasked with taking suo moto notice of peasants' complaints and getting about 1.7 million bonded labourers freed from feudal lords' private jails.

The speakers who were delivering speeches at a seminar on "Rehabilitation of Bonded Labourers after Liberation" organised by Shakeel Pathan Memorial Society urged the government to make arrangements for rehabilitating peasants on a war footing after their release and providing them basic facilities.

The freed peasants should be issued National Identity Cards, they should be enrolled as voters and women organisations should establish vocational centres near the liberated peasants' camps, they demanded.

(Daily Dawn, Karachi, September 10, 2007)

A Visit to the Hari Camp of Sikandarabad, Kotri

It was a bright sunny day on August 7, 2008 when a three-member team of SPARC visited the hari camp of Sikandarabad, Kotri and were warmly received by the 'in charge' of the camp, Bhooro Mull Chansee, a 43-year-old man. Bhooro briefed the team about the state of affairs at the camp where freed haris have been living for more than a decade:

- There used to be about 1,200 families in the past. The number has dwindled to that of 900 to 1,000 families since the others left to look for jobs.
- The ratio of the Hindus and Muslims living here is three to two.
- A man and his wife earn almost 3,000 to 4,000 rupees per week by selling concrete. About 100 men, 70 women, and 40 children from the camp also work in the textile mills where one can earn from 80 to 150 rupees per day.

- With the assistance of SPARC and others civil society organizations, many people in camps have the identity cards. This helps to get a job easily in a factory.
- Three private schools have been operating in the camp, two are run by NRCP, and the third one by Green Rural Development Organization. The strength of each school is more than 100.
- They eat two meals a day, and normally have bread, onion and grams. Meat is scarcely consumed.
- There is great shortage of water. They have to fetch water from a distance. There are just a few connections of water for more than a hundred houses. And the water that they get through pipes is not only insufficient but also too impure.
- There are no health facilities, no dispensary, no doctor, not even a nurse. About a hundred camp members died within a year, mainly due to impure supply of water.
- They have 100 to 150 goats, three or four buffaloes, and three and four cows.
- No electricity has been provided. Thefts at night are a common feature. They steal our flour, sugar, radio sets, mobiles, cots, bicycles, and other articles of household during night.
- The camp is surrounded by Shora, Chandio, Masihi, Balochi, and Khosa communities. They have a claim on the land allotted to us. They unlawfully occupy the lands. Sometimes they pay a little to the camp members to construct their houses here. Some of them frame them through false First Information Reports (FIRs) alleging that the camp members fire at them, try to demolish their rooms, make advances towards their women, or set their cotton crops on fire. This provides an opportunity to police to enter the latter's houses.

Recommendations

- a) Using the facility of mobile service of NADRA, all haris should be issued computerized national identity cards. Since the haris are illiterate, the process should be made as simple as possible.
- b) Social security cards should also be issued to all laborers, and a mechanism must be built to ensure that all agriculture workers get protection like industrial workers.
- c) Arrangements should be made to provide clean water to the freed haris through water taps or wells.
- d) More projects to permanently rehabilitate the haris of the camp are to be devised.
- e) The haris are in dire need of learning techniques to generate money in order to increase their income.
- f) Record-keeping of all permanent tenants by landlords must be ensured by the revenue officials.

Unless genuine land reforms are made to limit the land in the possession of the landlords, the eradication of bonded labor would remain an impossibility.



Chapter 5



Industrial Sector



Industrial Sector

Industrial Sector

Rapid assessments, baseline studies and Occupational Health and Safety Studies (OHS) have been carried out in the sectors mentioned below:

Rapid Assessment

- Deep Sea Fishing, Sea Food Processing, and Ship Breaking
- Scavenging (Rag Pickers)

Baseline Surveys

- Coal Mining
- Tanneries
- Surgical Instruments Manufacturing and
- Glass Bangle Manufacturing

OHS Studies

- Mining
- Tanneries
- Surgical Instruments Manufacturing
- Glass Bangle
- Rag Picking, and fishing

As reported by Azmat Ali Ranjha, Minister of Trade, Embassy of the Islamic Republic of Pakistan and Washington, under the ILO's Project of Support; certain direct interventions have been piloted. Projects in six selected sectors have been launched since early 2006. Through these projects, the targeted children are being withdrawn from hazardous working conditions and provided basic adult literacy, life skills and OHS awareness. A selected number of these children are linked with vocational training opportunities enabling them to switch over to other non-hazardous trades or to work under non-hazardous conditions within the same trade. A selected number of target children are also linked with financial assistance to continue their education and vocational training through available credit facilities and social safety nets. Selected families of the target children are linked with available micro-credit facilities in the district. The empowerment of these families (if implemented effectively), can have a significant impact in withdrawal of the target children from the hazardous conditions. The projects are entitled in the following industries:

1. Elimination of Worst Forms of Child Labor from the Tanneries, Kasur
2. Elimination of Worst Forms of Child Labor from the Surgical Instruments Manufacturing Industry, Sialkot
3. Elimination of Worst Forms of Child Labor from the Glass Bangle Industry, Hyderabad
4. Elimination of Worst Forms of Child Labor from Deep Sea Fishing Industry, Gawadar
5. Elimination of Worst Kinds of Child Labor from Rag Picking sector in Rawalpindi and Islamabad, and
6. Elimination of Worst Kinds of Child Labor from Coal Mining, Shangla.

Sectors Involved

In order to find out the nature, extent and dynamics of bonded labor in the country, authentic survey and the qualitative and quantitative analysis of bonded labor is yet to be conducted in various sectors, such as brick-making, carpet-weaving, glass

bangles, construction, tanneries, mining, marine fisheries, beggary and domestic work.

Brick Kilns (Bhattas)

Where agriculture may not suffice to sustain all the villagers, industries like brick kilns, called '*bhattas*', provide employment. A study estimates that across the country there are about 4,000 brick kilns, with 700,000 bonded laborers, over half of which are women and children. However, the number of kilns could well be over 5,000, with about 4,000 in the province of Punjab alone. Out of the rest, at least, 400 are in the NWFP. "Features that account for the concentration of brick kilns in Punjab include a large number of population, widespread prosperity, continuing high public investment in infrastructure, plentiful clay, fine sand and water, and a large pool of landless labour." (Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, Bonded Labour Research Forum, 2004)

Brick kilns are normally found in extremely rural environments and employ the poorest and the most vulnerable. Advances taken by the family head are binding on the entire family. The kiln workers are provided the shelter yet the absence of the alternative shelter deters them from looking for better prospects, and it makes it easier for the owners of kilns to impose restrictions on their mobility. Recruitment is, in general, indirectly done by a 'jamadar', in violation of the Supreme Court judgment.

Jamadar oversees the laborers and guarantees the repayment to the kiln owners. He is paid his share out of the wages of the laborers.

The laborers have to work under gruesome conditions, in the scorching heat, with a temperature exceeding 40 degree Celsius. The kiln chimneys bellow out smoke containing soot that can penetrate deep inside lungs and may cause chronic lung disease, congestion, asthma or even cancer. The future of our valuable children is burnt away in such a deadly environment

along with the burning coal in the kilns. Majority of the brick kiln workers are convinced that their families will be hurt and they will be tracked down if they attempt to flee bondage.

Most of the 'bhatta' workers work as makers of unbaked brick ('patheras'), followed by those doing the work of kiln stacking and unloading ('bharai walas' and 'nikasi walas') and of baking ('jalai walas'). Payment to almost all these 'bhatta' workers is made by piece rate on the basis of 1000 bricks.

As only one-fifth of the country's brick kilns have been registered so far, the kiln laborers lose the opportunities to avail educational scholarships, marriage grants, old age benefit, and death grant, etc.

As mentioned above, in the most populous province of the country, Punjab, the phenomenon of bonded labor is more common in its brick kiln sector. Lately, the Labor Department of the province held discussions with the owners of brick kilns, workers and their leaders, nongovernmental organizations and human right bodies as well as with the relevant government agencies which resulted in certain concrete and positive steps on the part of the Punjab Government:

a) National Identity Cards

With the support of National Database Registration Authority (NADRA), about 11,000 workers were facilitated to acquire the national identity cards (NICs).

b) Registration of Brick Kilns

At least 3,456 out of 3,858 kilns in the Punjab province have been reported to be registered. The Labor and HR Department claims to have conducted a survey of all the brick kilns in the Punjab and plans to register all of them under the Factories Act 1934. A model contract is being worked out so the financial transactions between the workers and employers can be recorded and an arbitration

mechanism established in case of default. A plan is also being made with the assistance of Literacy Department to establish non-formal education centers at the clusters of brick kilns.

Reports about Brick Kilns

Human Rights Commission of Pakistan, while reporting about the bonded labor involved in the brick kilns recommends:

“In order to curb bonded labour, it is recommended that National Identity Cards (NIC) be issued to the brick kiln workers. Non-formal literacy and skill training centres should be established at brick kilns with pilot testing of brick making technologies to check their effectiveness.

It is important to devise financial mechanisms for facilitating workers and employers to enable them to launch publicity campaigns pursuing the Supreme Court’s October 20, 2006 decision, which directed government agencies and departments to act against bonded labor.”

(State of Human Rights, Page 172, March 2008)



Citing the examples of exploitation of the bonded labor, the report adds:

Bonded labor has led to the exploitation of a very large proportion of the labor force. For example:

- a) In January, the Sital Marri police freed kidnappers of eight brick kiln workers without taking any action against them. The incident was widely construed as mafia activity to kidnap brick kiln workers for exploitation as bonded labor within Punjab;
- b) A brick kiln owner of Sumbrial More, Sialkot, sent his men to Kot Addu and Multan to round up and bring people for bonded labor through any means. His members kidnapped four members of the brick kiln worker Muhammad Azam's family. At Hassanabad Gate No.2 another four laborers were kidnapped. An HRCP team arrived in time to stop the vehicle and when police at Rescue-15 were informed they remained uninterested, quibbling over which police station's jurisdiction the case fell under. Four hours after the incident occurred, Shah Rukan-e-Alam Town Officer in-charge, pleaded ignorance.

(State of Human Rights, Pages 172-3, March 2008)

More Reports

Here are a number of reports for 2007-2008, that appeared in the media, about the plight of brick kiln workers:

Daughters and Kidneys on Sale

Rano, a mother of six children, working in the brick kiln in Morrkhanda, has been striving to pay off a debt of Rs. 200,000 for the last 40 years. The owner of the kiln sold Rano's two daughters and kidneys of her five family members including her own.

(from 'Lest the Hope Dies', Life in Bondage, issue 1, August 2007, contributed by GRDO)

Sold Kidneys and Yet.....

'Life in Bondage' also reports about Amjad who stated that he and his wife had to sell their kidneys for Rs. 70,000 and Rs. 50,000 respectively, and yet they were unable to repay the debt.

Paid through Death

Riaz, aged 30, working as a laborer at the Rehmani Brick Kiln Azizabad, Khanewal, was tortured and then later shot dead when on February 5, 2007, he demanded his wages to unload a truck. The owner allegedly bribed the police and arranged for the burial without post mortem. However, a field worker of JPCP, who was called after the incident took place, managed to get the post mortem done. The case was filed to investigate into the matter.

('Laborer Murdered', Life in Bondage, Issue 1, August 2007)

The Cost of Son's Marriage

Gulzar Masih s/o Barkat Masih, a resident of Shantinagar, Khanewal, worked on the kiln of Khalid Iqbal. In October 2004, he took a loan of Rs. 30,000 from the kiln owner, to spend it on the marriage ceremony of his son. About two days before the wedding, Gulzar was asked to lay his thumb impression on a blank paper as a proof of the debt he had taken.

After his son's marriage, Gulzar was offered a job with higher wages on another kiln which he accepted. The former kiln owner got furious and asked Gulzar to pay back the debt or to work on his kiln. On his refusal, a case was filed against him to pay the debt of Rs. 60,000. The session court of Khanewal, in October 2007, decided in favor of Khalid Iqbal, and ordered Gulzar to sell his property including two cows, a donkey, and six goats. JPC has filed an appeal against the court judgment.

*('The Debt Trap', Life in Bondage, Issue 2, November 2007,
contributed by JPC-Multan)*

Bonded Laborers Freed in Rawalpindi

'On January 26, the Lahore High Court in Rawalpindi, freed 21 former bonded laborers, including women and children. They had been held captive in a bonded labor camp in Rawalpindi. Police registered the case against the owner of the brick kiln, Malik Yaqub, but he fled. The victims, who had been held for the last year, reported that Yaqub was violent in his dealings with the laborers.

On November 22, the Lahore High Court in Rawalpindi recovered 40 bonded laborers, including women, children, and elderly persons, from a brick kiln in Loi Bhair, near Rawalpindi.'

(Bureau of Democracy, Human Rights, and Labor, US Department of State, March 11, 2008)

The Family Sold

Talib Hussain and his family, resident of Basti Tarywala, Multan, worked on the kiln of M. Akram and M. Muneer. They sold them to Bashir Khan of Mianwali for 337,845 rupees. They were told that Bashir Khan would give them better wages. Happy over this, they moved to the kiln of Bashir Khan.

In February 2008, one of the uncles of Talib Hussain died. When he asked for the leave, Bashir Khan held them on gun point and stated the family was now under his debt. Talib Hussain tried to escape after three days but was captured shortly.

Later, he requested the kiln owner to set them free and promised to pay the money back. Talib was then allowed to go to Multan for the money in order to get released. In Multan he contacted JPCP who filed a case in the court. The court taking immediate action ordered to constitute a bailiff for the release of his family.

The bailiff team with lawyers and JPCP staff went to the kiln to get the family released. When the kiln owner heard of the bailiff, he locked the family. The bailiff, however, recovered all the 19 members of Talib's family.

(Courtesy JPC, Life in Bondage, Issue 3, March 2008)

57 People Freed in Hyderabad

'The South Asian' reports that on June 3, 2008, the District Session Judge Hyderabad received an application by several kiln workers from Hyderabad to free 57 people from their kiln owners. The police raided the kilns and recovered the people who seemed to be in an inhuman condition. During the raid, GRDO volunteers, advocate for the bondage laborers Mr. Shehzado Saleem Nahiyo, and others accompanied the police. The court issued the orders to free the laborers and to bring the kiln owners before the court. GRDO settled the victims on temporary basis at Azad Nagar, a village near Hyderabad, established by GRDO and Actionaid Pakistan.¹

(‘The Saga of Bonded Kiln Owners’, The South Asian, June 09, 2008)

The Curse of Bonded Labor

The government's inability to implement laws which forbid bonded labor means it will take much longer to eradicate the scourge. This is especially true of brick kiln workers and peasants working on lands who are the worst victims as they do not receive any of the minimum wages they are legally entitled to.

At a seminar on the issue in Lahore, a brick kiln worker's leader said that a part of the reason the workers were not receiving their minimum wages was because 80 per cent of the estimated 15,000 kilns had not been registered. This is also despite the fact that they are required by law to be registered but that too is not implemented. Nor is an earlier Supreme Court ruling which cancelled any debt bonded laborers may have owed to their employers. That was meant to end a vicious cycle where a worker was never able to pay off his debts—usually incurred by his forefathers—because he was paid paltry sums by his employer, thereby keeping him entrapped in slavery ad infinitum. The concept of workers demanding their due rights is an alien one so the cycle of abuse is perpetuated. To break this and other forms of injustice, it is imperative for the law enforcers to do their job and implement laws that

1. www.thesouthasian.org/archives/2008

have been amended to bring about relief. This requires the police registering workers' complaints of abuse without any fear of reprisal from influential quarters. It also requires the administration to remain impartial and conduct inspection of places like brick kilns, mines, factories and agriculture lands to ensure that working conditions there are in accordance to the law. If they are found to be in violation, the proprietors should be prosecuted and duly punished.

(Daily Dawn Karachi, 22 September 2007)

Labor Laws don't Protect Brick Kiln Workers

Brick kiln workers, men, women and children - get no protection under the existing labor laws, according to a recent study of some 10,000 brick kilns conducted by Dr. Saba Gul Khattak, visiting research fellow at SDPI. The research revealed that almost 64 percent of workers lived below poverty line. Men, women, and children of the family, too, join together, each working for 10 hours daily to prepare 1,000 moulds of brick but they receive inadequate compensation, ranging from Rs300 to Rs350 working in inhuman condition in the absence of shelter or latrines. She attributed the situation to the absence of their association, though the owners are organized.

As for contract there was none and working hours or compensation was not specified. In fact 25 per cent workers simply rely on verbal conditions. Working children often receive tongue lashing and even beating, though the survey has not mentioned any incident of sexual harassment. Besides, 80 per cent of these workers do not have running water and 87 per cent do not have sewerage drains in their makeshift houses and around the kiln area. Only 57 per cent possess national identity cards since a majority of brick kiln workers came from central and southern Punjab as well as from Azad Kashmir. There are no Afghan refugees among the workers at Islamabad, according to findings of research. The workers also suffer from several respiratory problems due to air pollution because of the smoke coming out of kiln chimneys. Several of them suffer from waterborne diseases such as TB, Hepatitis etc.



Dr Saba demanded from the state to provide brick kiln workers the cover of labor laws to ensure them fair wages, health care and child education facilities.

(SDPI Bulletin, 03 February 2009)

Recommendations

- a) All the brick kilns must be registered. The ones which fail to register within a year, may be issued warnings. A reliable database should be built up about all the kilns of the country. It should be mandatory for all brick kiln owners to get their kilns' particulars added to the system.
- b) All the laborers should be issued the computerized national identity cards (CNICs) using the NADRA's mobile service.
- c) The laborers should be issued the security cards too.
- d) The release of the bonded laborers should go along with the release of their luggage. The law should be modified accordingly.
- e) The environment of kilns can be improved by seeking the technical advice. Here are some proposals by Dr Bilal Zubeir, the Vice President of Product Development at GEO2 Technologies in Boston (MA), USA:

“The consultant I met reminded me that the brick-making industry had advanced a lot in the past few decades. I hope Pakistan, through legislation, regulation and government assisted financing, can also implement some of the newer technologies. I learnt, for example, that by making minor modifications to drying process for the bricks—making a ventilated air-drying shelter from cheap local materials instead of drying bricks in the sun—he was able to reduce drying time from four months to four days for a brick kiln close to Peshawar. Similarly, clean coal technologies are now becoming available where both the coal is pre-treated for more complete combustion (less coal, and hence less cost, required per firing), and smoke is scavenged before it can leave the chimneys. Right next door, in India, much work is being done, especially by Development Alternative, and in improving brick-making industry and we can learn a thing or two from them as well”²

(Picture of the Day: Laboring on Bricks)

Energy Efficient Brick Production (EEBP) Project

Brick production is a large and very traditional industry in many parts of Asia. It is a booming industry as the demand for bricks is increasing due to rapid socio-economic growth. The Asian brick industry is infamous for consuming large amounts of coal and producing high Carbondioxide (CO₂) emissions because of its inefficiencies and ill adapted technologies. As in other developing countries of South Asia, brick kilns in Pakistan are owned by small-scale entrepreneurs, often using a poorly qualified and low-paid work force and even “bonded labor”.

In 1996, SDC supported the transfer of the environment-friendly Vertical Shaft Brick Kiln technology from China to India in collaboration with the Swiss Resource Centre and Consultancies for Development (SKAT). The technology was

2. <http://pakistaniat.com/2006/07/09>

adapted and applied in Nepal and recently in Afghanistan. With climate change a global concern, the need for an initiative on improved brick production in Pakistan became clear.

Energy Efficient Brick Production (EEBP) Project is now implemented in Pakistan by Swiss Resource Centre and Consultancies for Development (SKAT) with the support of SDC. The objective is to replicate what was done in other similar SDC-funded initiatives in the region taking into account Pakistan's context. The first phase of this project will demonstrate the effectiveness of Vertical Shaft Brick Kilns (VSBK) and investigate other environment friendly brick production technologies. It also studies the social, technical and economic viability of scaling up such initiatives in the next phase of the project.

Other Major Industries of Pakistan

Carpet Industry

The Ergonomic Carpet Weaving Loom

The carpet industry in Pakistan has been employing the same weaving methods for centuries. These methods have several safety hazards health risks for the weavers, especially children. Musculoskeletal problems, such as pains and aches, physical deformity, and cumulative trauma disorder, apart from serious accidents, may be caused because of poor design of the carpet loom. An ergonomic carpet weaving loom has been designed by the Centre for the Improvement of Working Conditions and Environment within the Labor and Human Resource Department, Government of Punjab. This loom is claimed to significantly reduce the health and safety hazards. It has been installed in 30 workplaces in the districts of Gujranwala, Hafizabad and Sheikhpura.

Combating Child Labor in the Carpet Industry

A project 'Combating Child Labour in the Carpet Industry in Pakistan' is being run since 1999. At the moment, the project is spread in nine districts of Punjab and one district of Sindh. The project has been funded by the US Department of Labor,

Pakistan Carpet Manufacturers and Exporters Association, and Government of Pakistan. The project is designed to target about 26,000 carpet weaving children and their siblings for their withdrawal or prohibition from working in carpet industry, and their education / pre-vocational training. The project also aims at providing income generation opportunities to the family adults and improving OSH at the workplaces. The authorities claim that around 8,000 carpet weaving children, and 1904 families and 1440 females have benefited from the different components of the program. An ergonomic loom has been devised under the project. The loom has won an international prize. The project is now in its second phase. The major achievements of the second phase are as follows:

- 7,840 children (6,823 carpet-weavers consisting of 5,614 girls and 1,009 boys; and 1,217 younger siblings consisting of 959 girls and 258 boys) have graduated from 240 centers for Education and Support Services (ESS)
- A total of 6,308 children (5,235 girls and 1,073 boys) have been mainstreamed into formal schools (77% of the total). Out of these, 80% are girls.
- 150 VEFs (Village Education Fund) were established with the community contribution of Rs.231,980 (US\$4,069) to benefit 186 centers in 113 villages.

Carpet Industry in Sindh

In Sindh more than 90% of the carpet weavers belong to Manghwar, a Hindu community of the drought-prone desert of Tharparkar. Carpet weaving is included in the list of the hazardous forms of child labor; and the irony is that children are the master weavers. “They start working in the carpet industry from the age of three and by the time they are 18 years old, they become experts with an experience of almost 15 years.” (Fiza Qureshi, “Knotting Carpets, Not Futures”, Discourse, Page 9, December 2007)

Carpet Industry in Punjab

Despite a strong reaction demonstrated by the international

community, quite a large number of children are still found working in this industry. A research in the Punjab, commissioned by ILO, reveals that there are over 107,000 children in the range of 5 to 14 years. In the age group 15 to 17, another 58,000 children may be added which brings the magnitude to the tune of 165,000. It has been estimated that 78% of them work at home weaving carpets.

Risks for Children

While busy in hand-knitted carpet-making, children have to sit in cramped positions for hours together. This affects their physical development as their muscles and bones are under constant pressure. They have to work in enclosed environment at home or in the factory with little ventilation, and instead of abundant oxygen that they require, they inhale dust and cloth-particles.

Recommendations

- a) Concerted efforts are required by the civil society and the government to protect our children and provide them the schooling that is their right. Our radiant future also depends on the real investment that we need to make.
- b) The children who are admitted in the government schools are to be given the pocket money and stipend, and their parents should be partly compensated if they shift them from the factory to school.
- c) The new ergonomic carpet loom should be widely advertised so that the old, traditional loom is soon replaced by the new one all over the country. The price of the new loom should be nominal.

Glass Bangle Industry

Involvement of the Entire Family

Glass bangle-making sector in Pakistan uses home-based women laborers including children working at home as well as factory. The work involves almost all members of the family. Due to its association with the cottage industry, the safety standards have always been far from satisfactory.

Hazards

Working on glass and metal furnaces and working with coal dust are hazardous. One can see a large number of young boys and girls, men and women in glass bangle factories in Pakistan and India, moving around on broken glass, soot, coal dust and burning material, busy shaping the molten glass or polishing and reshaping them. The furnaces may have an unusually high temperature. The workers are exposed to excessive use of chemicals and various sources of heat without reasonable safety precautions. Processes involved require the heating of bangles in oven or on open flames. The workers may suffer from tuberculosis, asthma, sore eyes, throat irritation, headache, skin burn, scabies, etc.

Impact on Children

Child labor is a common feature in glass bangle factories. They are evident at all stages, in factories as well as at home. They are exposed to a hazardous environment which is harmful even for their adults. The young laborers have to carry molten glass and burning loams to earn a fairly meager amount to feed their family. Oven work is extremely dangerous for children. They can be easily attacked by respiratory diseases such as asthma and consumption.

Seasonal Demand

Labor demand in the sector is highly seasonal. The two Muslim festivals, Eid-ul-Fitr and Eid-ul-Azha, are the periods when the demand of glass bangles is at peak. During the traditional wedding season of winter, too, the demand is on rise. The labor demand, therefore, remains seasonal. During the peak periods, the workers have to work long hours. Employers place a high premium on the availability of workers during the peak season. Labor management is usually the responsibility of 'thekedars'. Few workers are directly employed by the employers. Payment to workers is made on a per-piece rate.

'Peshgi' System in Glass Bangle Industry

Women workers of the bangle industry, if they need any money,

borrow loan of just a few hundred rupees and, according to a rapid assessment on bonded labor, are under no obligation to work for one contractor. The male workers may borrow higher loan but, generally, the size of this loan is comparable to their earning within a month; thus loans are taken from the employers but, unlike brick kilns, the bonded labor is not so indebted in this sector. Bondage and coercion may not be completely non-existent, but, as a report suggests, the existence of prior social proximity between the workers and the contractor or employer is an important factor explaining the lack of abuse. The terms of loan repayment are often agreed upon by mutual consent of the worker or the employer/contractor. The creditor-borrower relationship seems to be evenly balanced. The grace period of a month is given if a worker stops working for the employer from whom he has taken a loan. The grace period is forfeited if the worker starts working with another employer within the sector. If a worker intends to leave the job, he has to serve a few-day notice. The mutual contract is often honored. If the worker does not respect it, he may face the social sanctions imposed by the community. Some workers themselves work as small contractors hiring workers, usually boys in their teens to work in a small workshop on daily wages.

The wages may range between 50 rupees per day to 500 rupees per day. One of the reasons why the workers accept even the low wages is that it is hard for them to think of another profession outside their sector.

Processes Involved

The processes of bangle-making can be classified into three stages:

- a. converting the molten glass into semi-circular open bangles
- b. leveling of the open bangles, joining into closed bangles, and
- c. producing the finished bangles.

Intense heat is required to melt, shape, reshape and join the glass

bangles, using ovens, furnaces, and small burners. The laborers are exposed to high temperatures, working for a long and continual period in heat and steam. The work is difficult and monotonous while the work conditions are very poor. Risk of injury and burns may be caused for handling of hot and sharp stuff.

Hyderabad---The City of Bangles

The largest concentration of glass bangle factories is in Hyderabad, Sindh. Dozens of factories produce glass bangles in the Sindh Industrial and Trading Estate (SITE). Each factory covers a huge area of several hundred square yards. Two other places of Hyderabad, Latifabad (named after the great Sufi poet of Sindh) and the old city (Churi Para and its neighboring localities of Noorani Basti and Ilyasabad) also produce glass bangles but they correspond more closely to the cottage industry. Most of these houses where bangles are produced, have just one room. As a charitable gesture, the Siddiquis, the migrated community that deals in glass bangles, have established a hospital for their workers. The 'Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan' (Bonded Labour Research Forum) gives a rough estimate of "around three to four thousand families residing in the three old city localities" of Hyderabad.

Children's Role

The Baseline Survey, which was conducted by ILO in 2003, estimates that 9,584 boys and girls below the age of 18 are engaged in manufacturing glass bangles in Hyderabad. 55 percent of these working children attended school as well. Exposure of open flame, extreme heat, continuous inhaling of fumes, may cause health hazards for the children working in such places.

Recommendations

- a) Protection gear must be provided to the laborers.
- b) All the laborers should be registered, and provided the computerized national identity cards, and social security cards.

- d) Children should not be employed in bangle making industry.
- e) Glass bangle should be discouraged as a cottage industry.

Tanneries

Pakistan manufactures and exports a large number of leather products. There are several hundred tanneries in Karachi, Sindh, and Kasur, Punjab. More modern technology is deployed in Karachi as compared to Kasur, which may be due to the closer integration of Karachi tanneries with the international market. Winters and the period following Eid-ul-Azha are the periods of high activity due to availability of a large number of hides. Some tanneries work only during the peak season. The workers are usually employed by contractors and payment to them is made on daily basis.

Tanneries in Karachi

Karachi (Sindh) and Kasur (Punjab) are the two most important cities where tanneries are heavily concentrated. According to a report by Bonded Labour Research Forum, in Korangi, Karachi, there are about 250 tanneries out of which around 150 are registered with an active tanneries association. The factory area has a number of mosques built by various factory owners and a hospital constructed by the tanneries association. The association also runs an industrial training institute. Roughly speaking, total number of workers in this sector in Korangi is 7,500. The number may increase to 10,000 if the ancillary workers associated with the sector are also included.

Tanneries in Kasur

There is a combination of traditional, semi-advanced and advanced tanneries in Kasur. During the last two decades the tanneries shifted from home to industry. Kasur had 235 registered tanneries and about the same number of unregistered ones, in 2004. Around 75% of the tanneries belong to Khateeks, a community that migrated from Jalandhar and other towns of East Punjab in India. They are the pioneers of this industry in Kasur where the first proper tannery was established by them

in 1960. According to an estimate by the Bonded Labour Research Forum the number of workers in Kasur in 2004 was around 15,000 which include ancillary workers.

Children Working in Tanneries

A large number of young children are involved in this sector which exposes them to fumes and chemicals while they treat skins with tannic acid. All operations leading to leather tanning process are included among the hazardous form of child labor. Their wages are about half of what the adult males receive.

A Baseline Study commissioned by ILO-IPEC in Kasur, Punjab, in 2003, identified 717 boys, in the age range of 5 to 17, working in the tanneries. A large number of these children's parents complained that they had to pull out their children from schools because they could not afford their schooling expenses.

Unpleasant Work

Working in this sector is extremely unpleasant. The workers are exposed to noise, smell and unpleasant material and environment. Much of the processing involves handling of the animal by-products, a traditional taboo for many in Asia. 'Karah' work is considered as one of the most unpleasant ones. During this process animal waste products are boiled in a mixture of water and potent chemicals in large open pans, called 'karah'. This is done to recycle the animal waste into material used by poultry-feed and soap industries.

Hazards Involved

Pakistani tanneries lack proper ventilation that affects the laborers' health. Dangerous chemicals lie in the open stores. Incidents of blade injuries, chemical burns, and electric shocks are quite common. In Kasur, factories are fairly close to homes and the general population is vulnerable to diseases. 'Fleshing', i.e., the process when leftover fats on hides are cleaned, has been identified as particularly dangerous. The process is carried out in revolving drums in Karachi, and in open ditches in Kasur. Workers have to carry big loads of sodium to the revolving

drums. They have to stir them and also clean them by virtually entering these drums. 'Shavering' process is also a hazardous one. Machines with sharp blades are used to 'shave' the hide for obtaining consistent thickness. Workers are to handle material close to sharp blades and even a small error of judgment can result in the loss of fingers, hands or other parts of body.

The Prize for Taking a Just Stand

A worker, Khalid, was dismissed by Majeed on the grounds that he had damaged some material intentionally. The workers intervened on Khalid's behalf and explained to Majeed that the damage had been unintentional and that he should show some leniency. Majeed got upset on this intervention and fired all 12 workers as well as Khalid on the spot. They had worked in this factory for several years prior to this incident. After the dismissal these workers were unable to get work in any factory in the sector. They finally returned, after a three-month period of being without work to plead with Majeed. In a sign of utter humility and desperation their family members including their elderly parents had to come and plead with Majeed too. Majeed then relented and rehired these workers. The workers now feel that they will have to put up with even harsher behavior on the part of Majeed as they are now demonstratively beholden to him.

Courtesy: Bonded Labour Research Forum

Ethnic Diversity of the Workers

Three main groups of workers in Karachi are Punjabis, Pathans/Pashtuns, and Sindhis. The former two ethnic groups are present in almost equal numbers, and comprise roughly 90% of the workers of the sector. Pathan/Pashtun workers are generally involved in the jobs that are more demanding and hazardous, e.g., pre-tanning salt curing ('kachay-ka-kam') or final chemical treatment ('fleshing'). Punjabi workers are often

from the high-density districts such as Sialkot, Sheikhpura and Narowal. Workers tend to be attracted to contractors of their own ethnic community.

Concerns Raised by Workers

According to the Rapid Assessment on Bonded Labour in Hazardous Industries in Pakistan (2004) by the Bonded Labour Research Forum:

In both Kasur and Karachi, workers raised concerns about three sets of issues:

- low and stagnant wages,
- vulnerability to the threat of firing or job insecurity, and
- effects on health and safety.

On all of these issues the employer-employee relationship in the tannery sector appears to be adversarial --- far more than, say, in the glass bangles sector. The health and safety issue, in particular, appears to be one over which employers are keen to avoid taking responsibility..... Additionally, a disproportionate share of uncertainty and risk in a sector that, in any case, faces seasonal fluctuations has to be borne by the workers.”

Does ‘Peshgi’ System Exist in Tanneries?

Employing workers by a ‘thekedar’ (contractor) is common in the sector. ‘Peshgi’ (advance payment) is almost non-existent. On the contrary, the contractor holds back the wages to ensure that the workers will continue work till the task is accomplished. In exceptional cases there is an advance payment which is regarded as an act of generosity by the contractor or the employer. ‘Peshgi’ payments are exceptional, rather than a norm in Karachi and Kasur tanneries. An interesting innovation in the ‘peshgi’ system in Kasur tanneries is the group-based responsibility. The worker may get the advance on the guarantee of a group of six other workers. If the borrower leaves the job before he clears his account, the borrowed money is to be realized from the guarantors. Bonded Labor Research Forum

observed that there had been strong collective action on the part of contractors and factory-owners in Kasur and Korangi to ensure that a worker who shows dissent to one contractor would not be hired by anyone else in the sector.

In the sub-sector of ancillary industry associated with tanneries in Kasur, advance system that may lead to bondage, does exist. Workers in this sector, who are usually the Christians, take 'peshgi' from the karah-owners on a routine basis. The owners consider it as necessary to attract workers to an extremely unpleasant job. However, the 'peshgi' in the sector is interest-free.

Tanning Process

Two basic stages are involved in the tanning process:

- The first stage in the tanning industry is the 'wet blue' (semi-finished) stage. During this stage, hides are cut out into a large, straight piece, soaked in water for eight hours to clean salt and blood, and then sodium and 'choona' are sprinkled on hides to clean hair. Wool is separated from the hide and sold to sweater and carpet factories. Hides are dropped in big pedal machines with sodium and 'choona' that rotate for 24 hours. This is done to plump the hides and to preserve them from decay. Leftover fats on hides are also cleaned during this stage and the process is called 'fleshing'. 'Chroming' is also carried out by sprinkling chromium salt to strengthen the fiber and 'meetha' soda (Baking) to fix the chromium salt. After all these processes are completed, the product becomes Wet Blue.
- In the second stage, the wet blue is converted into a 'crust' that may be exported or may be sent to local factories producing leather goods. During this stage, the semi-finished piece is first washed with detergent soap to clean the dust from the skin, and chromes, chemical agent and oils are used to lubrication of fiber to soften the skin. Oils are also used: vegetable oil to increase the overall strength, resin oil to add to its thickness, and replacement oil to bleach the skin. Thus, the wet blue is converted into a Crust,

and the tanning is complete and is set for dyeing. Further chemical processes may be carried out according to the required specifications.

Recommendations

- a) It is the responsibility of the state to provide free schooling facilities. Free universal education up to secondary level should be provided by the government. Steps should be taken to provide free schooling facilities to the children of the workers.
- b) Proper measures must be taken to protect the health of the tannery workers and the general public living in close proximity.
- c) Protective clothing, such as boots and gloves, should be provided to those exposed to hazardous work in tanneries. Regular replacement of these items should also be ensured.
- d) The dangerous traditional machines need to be replaced with the safe modern ones.

Fishing Industry

Pakistan has a coastline of 1,090 km and a fishing area of approximately 3000,000 sq kms. There is complete lack of focus on fishing industry in government policies and little institutional investment. Pakistan's export of fishing products stand at about 0.25% of world export. (Agri Overview, Fisheries Sector in Pakistan)³

On the coast of Pakistan, there are more than 30 species of shrimps, 10 species of crabs, 5 species of lobster and about 70 commercial species of fish including sardine, hilsa, shark, mackerel, butterflyfish, pomfret, sole, tuna, sea bream, Jew fish, cat fish. Fisheries sector in Pakistan offers direct employment to over one million people, most of which work as fishermen (Pakissan.com, September 2, 2008).

3. www.pakissan.com/english/agri.overview/fisheries.sector.in.pakistan.shtml

Pollution in the Karachi Harbor

It has been alleged that around 300 million gallons (GMD) of untreated industrial and municipal waste is thrown daily into the Arabian Sea and the ratio between land and sea pollution in Karachi is 1:10. The Karachi harbor, they claim, has been transformed into a septic pool resulting into disappearance of species like jelly fish, whales, dolphins, etc.⁴

(Ecotopics International News Service)

Deep Sea Trawling

Concern has been repeatedly registered by the fishing community about deep-sea trawling. As many as 22 stern trawlers and tuna trawlers were operating in the territorial waters of the country in 1999 and they discarded 332,000 tons of marine species in 1999-2000 (Ecotopics International News Service). Trawlers, they feel, have been combing the territorial waters of Pakistan for a long time, indulging in poaching and under-reporting besides polluting the sea by throwing bycatch (unwanted species) into the sea. Deep sea trawling was banned for a while by the military regime of General Pervez Musharraf, but the ban was later lifted.

Hazards of Deep Sea Fishing and Children

Deep fishing industry requires long working hours at odd times, manual handling of heavy loads, uncomfortable posture, exposure to extreme weather, etc., and may cause health hazards. It might be normal for those who have been involved catching fish for decades. But for the children it is tough and risky, and is considered the hazardous kind of labor. Moreover, the children who work at the fisher community are deprived of all rights. They have no access to education, health, medicine or even food.

Children Working at Gawadar

The State of Pakistan's Children 2006 (SPARC) reveals that a large number of children work in Gawadar, a sea-port of

4. www.ecotopics.com/articles/pakistan_fisheries.htm

Balochistan, in deep-sea fishing, boat making, and processing. They work with their fathers or some other family members.

Health Hazards

A study by CIWCE's states that children working in the fishing sector suffered from heat stress, cut and bruises from handling of nets and other equipment, and high temperatures. They underwent sleep deprivation due to odd and long working hours, and biological hazards in the shape of fungi. They were exposed to fuel and lubricant and had to lift heavy weights.

Bondage and other Problems of the Fishing Industry

In a workshop held on 10-11 February 2007 in Sri Lanka, the representatives of Pakistan Fisherfolk Forum (PFF), Tahira Ali and Mohammad Ali Shah expressed concern about the exclusion of inland fishing sector from the scope of the Convention. They highlighted the institution of bonded labor in inland fishing in Pakistan, where workers were bonded to contractors who control fish marketing. They also showed their concern about the shore-based women workers who had been displaced by the introduction of automated net-working units. They also talked about the fishers detained for transborder fishing by national governments on both sides of the Indo-Pak border.

SMEDA's Contribution

"The main problems faced by Pakistan's fishing industry are technical, operational and regulatory in nature. During 1992-2002, SMEDA (Small and Medium Enterprise Authority) worked for the uplift of the fishing industry through a number of measures. First it carried out a sector study identifying the key issues being faced by the industry. Then SMEDA worked closely with Karachi Fish Harbour Authority (KFHA) and Fishermen's Cooperative Society (FCS) in the cleanup and improving hygienic conditions of the fish harbour, encouraging the fishermen to use modern on-boat storage and handling techniques, boat modification, training of fishermen, etc."

(Source: Pakissan.com / The Nation)

‘Saltish’ Treatment of Alexander’s Horses

Legend has it that the salt reservoirs of Khewra (Punjab) were discovered in 327 B.C. by the army of Alexander the Great, which halted in the area of Jhelum. Due to the summer heat, the horses were suffering from dehydration and Alexander ordered them to be rested in a cold cave in the hills. To everyone’s astonishment, the horses made a remarkable recovery; the cave was carved out of salt and by licking its walls, the horses recovered from their salt deficiency.

Ramazan Khokar, an indigenous chronicler, notes that Khewra salt mines are mentioned in Mughal accounts such as the Tuzek-e-Babari, Ain-e-Akbari and the history of Ranjeet Singh. In the Mughal era, these mines were under the control of government and in the Sikh regime in the early 19th century, they were the biggest source of government income. The first recorded history of mining in India dates back to 1774, when an English company was granted permission by the East India Company to mine coal in Raniganj (Bengal).

Source: Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, Bonded Labour Research Forum

Recommendations

- a) Government schools are to be established near the residential areas of the fishermen in order to provide their children the facility of schooling.
- b) Children should not be assigned any hazardous work.
- c) There is no sustainable fisheries policy in the country. The government should introduce one.
- d) Measures are to be taken to bring down the pollution level of the sea to the minimum.
- e) Research work by the public and private sectors should be carried out as to understand the effects of deep-sea trawling on fishing community livelihood.



Mines

Mineral Resources of Pakistan

Pakistan has significant mineral resources. It has the world's second biggest salt reservoir located in Khewra, Punjab. There exists a large number of coal and other industrial and construction mineral deposits. More than four dozen of minerals have been found throughout the country. They include marble, dolomite, fluorite, sulfur, rock salt, barite, chromites, basalt, lead, copper, zinc, magnetite, gypsum, limestone, and most importantly, coal with over 175 billion tons of reservoirs in the deserts of Tharparkar (Sindh), apart from the precious and semi-precious stones, gold and silver as indicated by the geologists.

The Risks Involved

A lot of safety risks are involved in this industry, such as use of explosives, rock fall, inhaling poisonous gases, weak strata, underground fires, use of high-voltage electricity, inadequate ventilation, electricity, spontaneous heating, mine inundation, and transportation of men and material on haulage. The conditions in the mines are, in general, the most hazardous. There are hardly any safety measures. The laborers are rarely

Miners' Occupational Diseases

The NWFP Government, exercising powers of section 20-A (1) of the Mines Act, 1923, via Notification No.SO(L)/1-15/95/894, notified the following diseases as occupational diseases for the workers employed in the mines of NWFP.

(The Sindh Government notified almost the same occupational diseases for the miners of Sindh Province, except No. 10 listed below in 1986)

1. Pneumoconiosis
2. Carcinoma of the lung
3. Nystagmus
4. Dermatitis
5. Heat stroke
6. Carbon monoxide poisoning
7. Loss of hearing acuity
8. Tuberculosis verrucosa
9. Tunnel workers anemia
10. Tetanus

Source: Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, Bonded Labour Research Forum

provided even the basic safety equipment like goggles and face-mask. Generally, the miners are illiterate, untrained and over-worked, getting low wages leading to malnutrition and ill-health. This increases the chances of accidents during work. Annually, more than 100 mine workers lose their lives or become disabled in Pakistan.

The Labor Agent 'Solves' the Problems of the Poor

Only the disadvantaged and marginalized laborers are attracted to become miners and they subsequently become bonded laborers as they are linked to the practice of 'peshgi'. Since they are extremely poor, they have to take loans in order to survive.

The 'peshgi' is secured through a middleman or a labor agent known as 'mate' in Punjab and 'jorisar' in Sindh and Balochistan. The laborers which are recruited normally owe money to their

Cross-Sectoral Issues

Both policy and future research needs to pay attention on social networks and social hierarchy. Bonded labor--if defined to include the most extreme forms of coercion and abuse--is not only related to particular sectors, technologies or contractual arrangements; but it is also closely related to social relations and social hierarchy. Some groups are systematically vulnerable and it would be a mistake to continue ignoring this finding in future research or policy. By way of a preliminary example, a social survey that is able to count the number of Musalis, Masihis and other socially marginalized groups, might provide a fairly accurate indication of the population that is vulnerable to bonded, coercive and abusive labour relations.

Courtesy: Bonded Labour Research Forum

village shopkeepers. The middleman 'solves' their problem by giving them the amount in advance so that they arrange provisions for their families while they migrate to the workplace. The amount of 'peshgi' varies from 5,000 to 50, 000 rupees. The advances taken usually tend to grow than decline. Repayment is often in the form of deductions from fortnightly or monthly wages. The wages are usually received and distributed by the middleman who is responsible to the company in case a worker runs away. Once the advance is taken, the laborer loses his right to move and work with another employer unless he repays all his debt.

Are Children Involved in Mining Sector?

Children are rarely found working inside the mines but they do help their elders leading donkeys underground to ferry out coal. They are known as 'tapalis' and may be the sons or younger

brothers of the miners working in the same mine They are usually close to 15 but may be much younger.

'A Rapid Assessment of Bonded Labor in Pakistan's Mining Sector' notes

"Children have also to face the added menace of sexual abuse. The appalling living and working conditions, in conjunction with the complete absence of family life, promote the incidence of child sexual abuse by miners, 'jorisars' and other workers, such as donkey owners and cooks."

Primitive Techniques Continue

Almost 90% of the mines are in the hands of private owners. They continue to depend on the old mining techniques based on non-capital intensive methods as they lack the technical skill and scientific knowledge to develop the sector. "The unsystematic development of mines, the lack of investment of inadequate physical infrastructure including elementary mining machinery such as haulages, fans and pumps, and the unsatisfactory terms and conditions for labor became major stumbling blocks in the way of expanding mining in Pakistan.....The general neglect of this sector has meant that working conditions in mines remains amongst the worst of all industrial sectors. In fact, the condition of miners appears actually to have deteriorated since the British introduced some improvement back in the 1850s." (Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan, Bonded Labour Research Forum)

The Labor Employed

In most of the mines in Pakistan, migrants are employed from Swat, Shangla, Kohistan, Dir, and other parts of the North-West Frontier Pakistan. Some of them belong to Azad Kashmir.

Recommendations

● Mining

- a) Mining has been placed among the hazardous form of child labor. No child should be exposed to a hazardous environment such as mines where blasting can be fatal for the one who does not know how to protect himself.
- b) Matters relating to safety and health of the mine workers must be closely and regularly monitored.
- c) Primitive techniques of mining need to be replaced by the modern ones. Technical advice, in this respect, should be provided by the government.
- d) In order to improve the state of affairs, to explore the untapped deposits of coal, etc., and to avoid labor exploitation by the mine contractors, mining industry may be nationalized.

- *Construction* is one of the largest sectors of economy. Usually it attracts workers from traditional rural occupations such as agriculture. Protective measures need to be taken especially where workers have to work on heights on scaffolding. A number of fatal accidents have been reported. A couple of months ago, a worker died as he fell from the dome that he was standing on during the construction of the Central Library of Kohat University of Science and Technology. This has not been the only fatal accident since active construction has started in the newly established public sector university.
- Some extreme forms of bonded labor and coercive and abusive labor arrangements have been reported in a rapid assessment of construction work. Same is the case about *Beggary and Domestic Work*. These sectors are big enough to warrant attention on part of the policy makers.
- *Surgical Industry* requires fast work and nimble fingers. Children are likely to be employed in such places despite the fact that this might prove injurious to them; they may get respiratory illness and might get burns due to the negligence of the employers.

- According to the research carried out by Sustainable Development Policy Institute on RAG PICKING, in 2003, there are around 89,500 to 106,500 children engaged in scavenging in five major cities of Pakistan, namely Karachi, Lahore, Islamabad, Peshawar and Quetta.

The Estimated Number of Rag Pickers

Target City	Estimated Number of Rag Pickers
Karachi	33,000-40,500
Lahore	35,000-40,000
Peshawar	10,000-12,000
Quetta	8,000-10,000
Islamabad	3,500- 4,000
Total	89,500-106,500

Source: SDPI/ILO Rapid Assessment 2003



Chapter 6



Epilogue



Chapter 6

Epilogue

Events

Citizen Community Boards (CCBs)

The elements of the Local Government Ordinance 2001 promotes community participation through Citizen Community Boards (CCBs)... In one such case 125 families in bondage in Sukkur got their CCB registered in leveling project and were rewarded Rs. 500,000 by local council. They were provided technical assistance, too, by GRDO. Another CCB of the freed laborers, mostly comprising minorities, of Hussain Khan Leghari received Rs. 150,000 for the improvement of sanitary environment of the locality.

(Courtesy: Life in Bondage, Issue 3, March 2008)

Rehabilitation Centers Formed

Pakistan Baitul Mal (PBM) has established 151 National Centers for the Rehabilitation of Child Labour (NCRCL) to eliminate forced labor in the country. Objectives of these centers are to wean away children from the hazardous child labor environment, impart primary education and to mainstream children in regular schools.

PBM Managing Director said that the body, working under the Social Welfare and Special Education Ministry was committed to providing basic necessities of life such as shelter, food, education and healthcare to the people. He said that the PBM was making all possible efforts to educate children working on the street, and that many rehabilitation

centers have been established countrywide since 1995 in this regard. He said that these centres impart quality education to victims of forced labor aged between 5 to 14 years, and that over 17,200 students were currently enrolled in the primary education program.

“The PBM has also introduced a Rs 300 monthly stipend for parents by distributing Rs 10 as daily pocket money to each child, apart from providing free uniforms, school bags, stationery and other related items,” he added.

Besides rehabilitation centers, the PBM has also launched a ‘Child Support Program’ in five selected districts of each province. “Through this program the PBM is paying RS 200 per month to families with the one child and Rs 350 to those with two or more school-going children.

(Daily Dawn Karachi, January 21, 2007)

National Centers for the Rehabilitation of Child Labour (NCRCL) Province / Region-Wise Location

	Punjab	Sindh	NWFP	Balochistan	ICT/AJK/NA	FATA
Lahore (6)	Muzaffargarh (2)	Karachi (8)	Peshawar (2)	Quetta (1)	Islamabad (1)	S Waziristan (1)
Bahawalpur (1)	Pakistan (1)	Hyderabad (2)	Mirpur (1)	Sibi (1)	Muzaffargarh (2)	Mohmand Agency (1)
Sargodha (2)	Gujrat (2)	Gharhi (1)	Tank (1)	Q.Abdullah (1)	Kathi (1)	Kamran Agency (1)
Layyah (1)	Sialkot (2)	Nawabshah (1)	Banna (1)	Bolan (1)	Karachi (1)	Khyber Agency (2)
Khashtab (1)	Mirshakpur (1)	Larkana (1)	Lower Dir (1)	Punjab (2)	Sulaiman (2)	Bajaur Agency (1)
Sahiwal (1)	R.V Khan (1)	Badin (1)	Bangor (1)	Talhar (1)	Sugh (1)	N Waziristan (1)
Chkara (1)	Bhakar (1)	Sacchabad (1)	Gujrat Dir (1)	Barkhan (1)	Chaghi (1)	
Jhang (2)	Attock (2)	Sukkur (1)	Bhakra (1)	Thatta (1)	Chashmy (1)	
Gujranwala (1)	M Dakh (1)	Jangar (1)	Chandolia (1)	Pak (1)	Gharhi (1)	
Bahawalpur (1)	Ladkhan (1)	N Faisal (1)	Chamal (1)	Gawadar (1)	Swabi (1)	
D.G.Khan (1)	Multan (1)	Khanpur (1)	Mirpur (1)	Jah (1)	Bombay (1)	
Faisalabad (1)	M B Doh (1)	Thatta (1)	Kohat (1)	Kalit (1)	Mirpur (1)	
Bahawalpur (1)	Narwal (1)	Thala (1)	Muzaffargarh (1)	Khan (1)	Aston (1)	
Jhelum (1)	Rawalpindi (1)	Bhakar (1)	Mardan (1)	Khan (1)		
Kasur (1)	T.T Sing (1)	Milki (1)	Nowshera (1)	Laraha (1)		
Khanawal (1)	Yohar (1)	Charkhan (1)	Swat (1)	Laraha (1)		
Chakwal (1)	Rajapur (1)	M P R Khan (1)	Swabi (1)	Mastung (1)		
Nankana (1)		Kambar (1)	Shanghar (1)			
		Jamshoro (1)	Mulband (1)			
		Maryat (1)	Laki Maryat (1)			
		F Allah Yar (1)	Kalotian (1)			
			Kandi (1)			
			Abotabad (1)			
Total	49	29	26	18	13	6

Hari Convention

“Bhandar Hari Sangat held a convention of 200 male and female tenant farmers, wage farm workers, trade unionists, hari rights

workers group and representatives of districts Mirpurkhas, Tanda Allah Yar, Jamshoro, Karachi, Sanghar, Jacobabad, Dadu, Ghotki and others on March 23, 2008 at the Hyderabad Press Club.

The convention discussed and approved the Constitution and Manifesto of the Sindh Hari Porihat (Tenant Farmers and Laborers) Council, which is a representative organization of the tenant farmers, wage farmers and laborers of the province for advocacy of their rights. The convention also elected office bearers and executive body of Hari Porihat Council.

Photo Rustamani, veteran hari leader and member of Sindhi Hari Committee (that pioneered the movement of tenant farmers for their rights in Sindh), presided over the convention. Renowned Sindhi progressive intellectual advocate Husein Bux Thebo, leader of Cmambar Hari Movement. Ahmad Khan Leghari and Central President of Balochistan Bazgar Committee Sattar Bangalzai were the chief guests on the occasion.”

(Life in Bondage, Issue 3, March 2008)

Rehearsal for Life

“To popularize messages on social issues, IRC organizes Interactive Theater Festival every year in urban and semi-urban areas of Pakistan. Earlier, six festivals had been organized in Multan, Lahore, Islamabad, and Mirpurkhas.

The seventh interactive theater festival was organized in Mumtaz Mirza Auditorium last year in Hyderabad on March 16-17, 2008. Six theater groups from Sindh and Punjab participated in the two-day festival that focused on global warming and bonded labor issues....(They) highlighted the plight of bonded laborers in Sindh and Punjab.”

(Life in Bondage, Issue 3, March 2008)

Training Workshop on Bonded Labor

Justice and Peace Commission organized a Training Workshop

on Bonded Labor on June 1 and June 8, 2007 at the JPC office, facilitated by Mr. Hyacinth Peter. The speakers talked about bonded laborers' problems such as not getting the wages announced by the government, schools, houses, health facilities, 'peshgi', trafficking of laborers, no record of advances, and misconduct with women.

(Life in Bondage, Issue 1, August 2007)

Talk Show

To create sensitization amongst masses, Interactive Resource Center developed a talk show on the issue of bonded labor. The discussion was generated through an interactive theater play by Multan theater group. The participants comprised brick kiln laborers, freed laborers, labor union representatives, lawyers, and NGO representatives. The freed laborers shared their stories and general apathy of law enforcers toward the issue. They demanded that the government should ensure strict implementation of law and provide them basic amenities.

(Life in Bondage, issue 1, August 2007, contributed by JPCP)

Four Kilometer Long Banner

A four kilometer long banner was displayed by the Insan Foundation during a seminar at the Press Club, July 7, 2007- 'World Environment Day'.¹ The participants demanded the accomplishment of the Millennium Development Goals and the world's longest banner was signed by millions of people from across the country for the actualization of the goals to ensure the eradication of poverty. Following demands were presented by the participants of the conference:

- Poverty eradication
- Provision of non-discriminatory modern technical education
- Pollution-free industries
- Ensuring the constitutional rights of the masses
- Control of price hike

1. <http://by112w.bay112.mail.live.com>

- Promotion of agricultural industry with a view to creating more jobs
- Safe and conducive working environment
- Resolution of the landless farmers' problems
- Not accepting the foreign loans without the consent of the masses
- Banning child labor and bonded labor.

(Courtesy Mahar Safdar Ali)

HRCP Condemns Harassment of Human Rights Defenders

In a statement issued to the press, Iqbal Haider, Co-Chairperson of the Human Rights Commission of Pakistan strongly condemned the harassment and victimization of human rights defenders, for raising voice against bonded labor, on June 20, 2008 at Karachi.²

Mr Haider said that it was shocking that the main accused reportedly involved in the crime of bonded labor and kidnapping, arrested under the court order, had been released after the dismissal of the independent judiciary of the supreme court. Now not only that he had been released but he had the audacity to harass, and victimize human rights activists like Mr Akhter Baloch by reportedly filing a criminal case of defamation in a district and session court of Sanghar. It is also learnt that the court had issued warrant of arrest of Mr Akhter Baloch in a baseless and mala fide case. Akhter Baloch is a member of HRCP and has been actively pursuing the cases of bonded laborers, in particular for recovery of the bonded family of Munno Bheel.

Mr Haider has called upon the authorities to give due protection to the bonafide member and activist of HRCP, and to prevent misuse of the due process of the law and ensure that no human rights activist is harassed and victimized by the violators of human rights and the law.

2. <http://hrpcblogger.wordpress.com/category/bonded-labour>

Social Security Ordinance

On June 13, 2008 the government introduced various amendments in the Social Security Ordinance aimed at providing medical care and other facilities to employees appointed on monthly wages. Previously, employees getting wages above Rs. 5,000 per month were not included in Provincial Employees' Social Security Ordinance 1965. To protect the interest of employees, the government amended the law so that employees appointed on monthly wages up to Rs. 10, 000 would be included in the scheme and such employees as well as their dependents would be provided medical care and other benefits provided under the Ordinance. Through an amendment in provincial employees' security ordinance, government included all workers drawing wages up to Rs10,000 per month under the Social Security Ordinance and reduced rate of contribution from 7 percent to 6 percent.

(Report April 1-Dec 31, 2008 Legislative Watch, NCJP)

SPARC Expresses Shock over Reports about Sale of Children

In one event, Lalan Lashari, a resident of village Mohammad Bux Laghari, came to Moro Town, District Naushehro Feroz, along with his six children, including a three-year old daughter (K) and called out: "Purchase my children. I am sick and unemployed and cannot afford to feed them." Surprisingly many families rushed to buy the children. Lashari offered to let the District Coordination Officer (DCO) fix the price of his children. Hundreds of citizens gathered to show their solidarity and provided flour and other essentials to the family.

Unfortunately, the atrocious trend of sale of children is rapidly taking place in the province. Sometime ago, a woman named Aisha Malik brought her children for sale in a bazaar in Hyderabad. It is a fact that increasing poverty, unemployment and inflation have made the poor vulnerable and the government has failed in mitigating the problems through providing collective social security packages, the SPARC statement said, adding that

beyond the harsh reality of poverty, it is unethical and illegal to sell children in the market like commodities.



The NGO said that it was the foremost responsibility of the government to provide social security and legal protection to the children of the country. “The trade of children is spreading like a menace in society and it is being encouraged by solidarity packages being offered by the state and society to the parents. Therefore, it is necessary to discourage the practice of selling children and instead of providing solidarity packages to helpless individuals, a holistic approach should be adopted to provide social security to vulnerable families. The sale of children is a crime and parents who are involved in the dreadful act should be punished in accordance with criminal rules. In this regard, the state is obligated to ensure safe and secure environment for children through phasing out new protection mechanisms for the children, he said, adding that the state is also accountable to ensure children’s rights enshrined in the United Nation’s Convention on the Rights of the Child (CRC).”

(Daily News, September 24, 2008)

PILER Publishes a Study on Caste Based Discrimination

PILER reports in study on Caste Based Discrimination in South Asia (Dec 2007) that 90 percent bonded laborers living in camps near Hyderabad city are scheduled caste Hindus. The profile of bonded laborers clearly establishes the link between caste and bondage. In agriculture sector, bondage is widespread in lower districts of Sindh-Mirpurkhas, Badin, Sanghar, Umerkot and Tando Allahyar-where majority of haris are scheduled caste Hindu-Kolhi, Bheel, Bagri and Menghwar. This is established through a survey of 1,000 households of the released haris revealed that a vast majority, 843 households, or 84 percent were scheduled castes. The same survey revealed that remaining 16 per cent of released bonded laborers are low caste Muslims i.e. Khaskheli, Machi, Katchi, and other tribes.

The report also highlighted that majority of bonded laborers in the brick kiln sector in Punjab province are Christians.

Seminars on Bonded Labor in Peshawar and Quetta

NCABL organized one-day seminars on prevalence of bonded labor in NWFP and Balochistan respectively on July 25, 2008 (Peshawar) and on August 1, 2008 (Quetta). Representative of NGOs, trade unions, representatives of labor, Social Welfare and Human Rights departments, elected representatives, lawyers and journalists participated in the seminar.

Participants discussed the issue of bonded labor and gave their own view points. It was observed that bonded labor went unchecked in both provinces and was prevalent in mines, brick-kilns, agriculture sector and carpet industry. Participants underlined the need for registration of bonded laborers, saying this hazardous form of labor could not be eliminated until the government registered them by conducting survey on the national level. In both seminars, it was agreed that laws regarding bonded labor were not being implemented in the provinces. The NCABL identified a number of organizations

working in NWFP and Balochistan who could play their role in efforts for elimination of bonded labor.

Rally in Hyderabad on August 9, 2008

A rally for the freedom of Bonded Laborers and to mark the Indigenous People's World Day was arranged at Hyderabad to release the bonded laborers by Bhandar Hari Sangat. Hundreds of farmers, women, children, civil society members and workers gathered at Talik Charhi Hyderabad. The march ended at Press club Hyderabad. The participants waved red flags and chanted slogans against bonded labor system in Sindh and demanded the release of the farmers and workers. At the press club, speakers from different organizations pledged to continue their struggle for the restoration of the fundamental human rights and national independence of the bonded laborers.

Seminar and Rally in Lahore on September 18, 2008

On September 18, 2008, the NCABL/BLFF organized a seminar and peaceful rally titled "We Demand for Abolition of Bonded Labor in Pakistan" in conjunction with the freedom day to celebrate the 20th anniversary of the Famous historical and renowned decision of the Supreme Court of Pakistan in favor of bonded laborers. A large rally with more than 600 workers and activists including women started from Freedom Campus Lawrence Road Lahore to the Supreme Court building at the Mall Lahore under the leadership of the BLLF.

It was the major finding of the seminar that slavery was still rampant. Some efforts have been made to expose and handle the problem, but much still remains to be done. The campaign against bonded labor and child slavery must be relentless and be placed high on the nation's agenda. As a complex and a multi-dimensional problem, bonded labor and child slavery must be attacked at different levels and by various means.

It is imperative to review the adequacy of the existing legislation. In particular, the following aspects should be covered:

- Definition (the various forms of bondage should be specified in the law.)
- Objective (total abolition)
- Specification of sanction
- Compensations of victims
- Liquidation of debts and other obligations
- Enforcement machinery, e.g., measures of speedy trial
- Enabling provisions for the establishment of special courts
- Avoiding publicity for violators
- Establishment of rehabilitation schemes.

Signature Campaign

Bhandar Hari Sangat and Sindh Hari Porhiat Council formed by Bhandar Hari Sangat under its Hari Movement objective jointly launched Signature Campaign for amending Sindh Tenancy Act and setting up peasant courts for resolving cases of tenant farmers outside Hyderabad Press Club on 23rd of September 2008. They called for implementation of proposals in regard to amendments by incorporating the same in the act as these were handed over to head of the Special Committee of the former Sindh Assembly. They claimed the proposals were strictly based on the Universal Human Rights Declaration. They proposed to register all Tenants families, introduce a transparent system for maintaining accounts of Tenants and Landlord, and establish Tenants courts for resolution of disputes between Tenants and Landlords.

Review of the Bonded Labour System (Abolition) Act 1992

The National Coalition against Bonded Labor (NCABL) and SPARC organized a roundtable of experts to review the Bonded Labor System (Abolition) Act, 1992 (BLSAA) on July 29, 2008 at Lahore and Hyderabad, and at Karachi on July 30, 2008.

Given below are the observations and recommendations made at the review meeting:

- Despite the measures taken by the government such as enactment of the BLSAA, there has been little improvement in the bonded labor system, vigilance committees remain dormant, the fund established for the rehabilitation and welfare of freed bonded laborers remains unutilized, and there have been no major arrests or convictions under the law.
- What is needed is to identify these weaknesses, take a fresh look at the protection measures offered by the federal and provincial governments and devise new recommendations and changes in the current system. To achieve this it is vital to revisit the inactive provisions of the current law and policy.

The objective of these consultative meetings was to identify the gaps in the BLSAA and to formulate recommendations for its improvement. Given below are suggestions given to improve the Law:

- A bonded laborer has to pay for a brick that is destroyed during preparation or after due to natural calamity or an accident. Since the bonded laborer is not directly responsible for this it is suggested that the BLSAA should be amended to prohibit the deduction of wages.
- Extending Peshgi to the laborer should be made punishable. Peshgi and bonded debt have been assigned different meanings under the BLSAA but in practice Peshgi is being used as bonded debt.
- Courts should be setup with exclusive powers to deal with bonded labor cases
- DVCs should be constituted at Town/Union Council level and given suo moto powers to address the issues of bonded labor.
- Strict punishment should be awarded in cases of violation of the BLSAA.

- The BLSAA should be amended to provide free legal aid to the victims of bonded labor.
- Complaints of bonded labor should be exempted from all expenses, such as court fees, fee for deputing bailiff for the recovery of dues etc.

Rule 3 of the Bonded Labor System (Abolition) Rules 1995 demands for the establishment of an authority to deal with cases of dispossession or disentanglement of bonded laborers or their families of their belongings. But the provincial government has not set up or notified any such authority to help the victims get back their possessions etc.

Section 17 of the act makes all the offences bailable and therefore it fails to deter the perpetrators from breaking the law. The law should be amended and the word bailable should be substituted with non-bailable at the same time awarding severe punishments for violations.

- Only two First Information Reports have been filed since the promulgation of the BLSAA in 1992. In both cases the reports were quashed and the culprits were not evicted.
- Section 16 of the BLSAA provides for a special trial procedure. The offence will be tried by the Magistrate of the First Class empowered in this behalf by the provincial government summarily. In practice, however, Magistrates refuse to entertain cases violating BLSAA for want of jurisdiction since the provincial government has not issued a clear instruction in this regard.
- The Constitution of the DVCs is complex and therefore hinders smooth functioning and makes it difficult to convene regular meetings among some other problems. It is important that the constitution is simplified so that the BLSAA benefits the disadvantaged bonded laborers. It was recommended that a monitoring body such as a Provincial Vigilant Committee should be constituted to monitor the DVC.

- Sections 9 and 10 of the Act while defining the functions of the District Magistrate states that the District Magistrate will be responsible for implementing the provisions. This needs to be changed because the post of District Magistrate no longer exists.

All Hyderabad Kiln Workers' Convention

“All Hyderabad Kiln Workers' Convention” was held in Hyderabad on May 16, 2008. About 200 kiln workers from Hyderabad and surrounding areas participated in the convention.

It may be mentioned that construction work in Hyderabad has boomed due to rapid urbanization and more and more kilns are mushrooming to fulfill the needs of brick in the city. As a consequence, the number of kiln workers is also increasing who are being trapped in the web of bonded labor through Peshgi.

Following demands were put to the government for their consideration;

1. Registration of Kiln workers' unions;
2. Raise in the wages of kiln workers;
3. Civic facilities must be extended to kiln workers;
4. Bonded labor should be eradicated from kilns
5. False cases registered against the kiln workers should be withdrawn;
6. Kiln owners should be awarded death penalty for kidnapping bonded women workers;
7. Government should provide social security cards to kiln workers

A “Follow-up Convention of All Hyderabad Kiln Workers” was organized at Azad Nagar Community Center near Hyderabad. Many kiln workers joined Hari Mazdoor Tanzeem (HTM), a pressure group was established by GRDO to demand and advocate the rights of peasants and laborers.

Review of Sindh Tenancy Act

NCABL/ SPARC organized a one-day consultative meeting in Hyderabad on July 29, 2008 to discuss, review and highlight the Sindh Tenancy Act 1950 and lobby with the government authorities to make amendments in the Act. Government officials, media, lawyers and civil society organizations attended the meeting. Discussion points of the meeting were as follows:

- The Sindh Tenancy Act 1950 is not relevant now because of new technologies being used in agriculture and therefore there is a need to review the pact between Haris and Zamindars.
- On January 9, 2002, the High Court of Sindh gave a judgment to review the Sindh Tenancy Act 1950. As a follow-up, the Speaker of Sindh Assembly Syed Muzafar Ali Shah formed a committee of 12 Members Provincial Assembly (MPAs) for reviewing of Sindh Tenancy Act. The committee had almost finalized the draft proposal of amendments but the tenure of the assembly expired. Unfortunately the next elected Provincial Assembly did not take up the issue.
- Debt/loan which is given to Haris by Zamindar is not mentioned in the Act and it is silent about the 'Peshgi' system, and the limit of advance.
- There should be only one law introduced for agriculture and industries which should cover low income people also.
- According to the ILO survey, 70% farmers are working as a single crop cultivator or cutting in a session, but the Tenancy Act is silent about their rights, so it is necessary to give protection to the seasonal farmers, who are in majority.
- It is the responsibility of the government to give free legal aid in case of clashes with the Zamindar, because farmers are not able to bear the lawyers expenses. Sindh Tenancy Act is not protecting the rights of the farmer. There is a need to establish Hari courts in Sindh.
- If a farmer is to get loans from the Zamindar, an agreement should be signed before the court of Civil Judge.

Establishment of National Commission for Human Rights

The Federal Cabinet on October 15, 2008 approved the draft of a bill for establishing a Commission on Human Rights in the light of the UN General Assembly resolution requiring member states to establish independent human rights bodies. The official draft of this bill was submitted to the Parliament on December 16, 2008.

On December 18, 2008, Pakistan's Parliamentarians Commission on Human Rights and Asia Pacific Forum of National Human Rights Institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights held discussion with right based organizations on draft legislation of a NCHR.

According to the draft bill, the Commission will have powers to review laws dealing with human rights and suggest changes in them. Moreover, citizens will have the right to register a complaint with the Commission against human rights violations. The Commission members will be authorized to inspect jails. Constitution of human rights courts in all provinces is also part of the proposed bill. The NCHR would be headed by a serving or retired judge of the Supreme Court or High Court and it would consist of members of the four provinces. There would be two women and two minority members from each province.

However, the bill keeps the bureaucratic control over the Commission and does not provide for an independent and autonomous according to the Paris Principles.

Charter of Demand by NCABL, Hyderabad

The members of various organizations working under the banner of NCBAL, who gathered at Hyderabad on December 20, 2008 at the occasion of Annual General Meeting (AGM) on the issue of bonded labor resolved that

- The existing laws on bonded labor and other labor laws be implemented in letter and spirit which are poorly implemented.

- Till amendments are made in relevant laws, parliamentary committee should be constituted to review the existing laws such as Bonded Labor System Abolition Act (BLSAA-1992) and its rules 1995 and Sindh Tenancy Act-1950 which is already pending in Sindh Assembly.
- In the light of Supreme Court directions dated 20-10-2006 to Provincial Chief Secretaries, as a short term measure, the Standing Operating Procedures(SOP) be adopted by respective provincial governments for setting mechanism through the Labor Department for registration of Brick kilns and procedures for proper application by Police such as BLSAA-92.
- To sensitize and train the police and judiciary at training centers and academy at the provincial as well as the district level.
- To expedite the progress regarding National Plan of Action 2001 for the eradication of bonded labor and rehabilitation of freed bonded labor through effective activation of National Steering Committee and utilization of Bonded Labor Fund.
- Access to Bonded Labor fund should be made simpler and must be available for freed bonded laborers during emergency situations.
- The institution of District Vigilance Committee(DVC) which is the main organ of monitoring under BLSAA-92, should be activated and made more functional by linking to Provincial legal aid cells.
- To fulfill international obligations under ILO conventions on fundamental rights such as 29,87,89,98,100 ,138,182 and other conventions and recommendations.
- The issue of recovery of family members of Manoo Bheel should be given priority by the present Government and higher judiciary of the country.
- Bonded labor or skilled workers should be given land and resources for their livelihood. Presently Agricultural land being distributed amongst landless women by Sindh

Government, the women in freed bonded labor camps and areas be given priority.

- To withdraw the fabricated cases against recently freed laborers in the recent surge from last year, where 100 cases have been registered from the total release of 3000 laborers.
- Calls upon the government of Pakistan to implement the international obligations such as ICESCR by legislating nationally, and give priority to the elimination of bonded labor.
- Calls upon the civil society organization to be sensitive and give proper attention to the plight of bonded laborers.
- Calls for the immediate release of 78 missing bonded laborers in Mirpurkhas.
- Minimum wages should be applied in all sectors including informal sector.

Domestic Violence (Prevention and Protection) Bill 2008

Women's rights and civil society organizations were called for a joint comprehensive consultative process spanning over a period of approximately six months. At the end of the series of consultations, recommendations were incorporated in the original draft and were sent to the Ministry of Women Development in August 2008.

The draft bill broadens the definition of domestic violence: physical and emotional abuse committed by the accused including sexual, verbal and economic abuse. Hurting, confinement, criminal force, assault, mischief, criminal intimidation and attempt are also considered crimes.

Under the proposed bill, harassing a member of the household with threats, unwelcome telephone calls and letters is punishable. Also, stalking and abetting are punishable crimes. Interestingly,

these acts of violence can be brought to notice by the victim or any person connected to the victim. Hospitals and private clinics can also report such acts to the police. Subsequently an accused will be imprisoned or ordered to pay up to Rs.10, 000 in compensation for abusing the victim and Rs. 5, 000 for harassing and stalking.

However, this Bill remained pending in the parliament.

(Report April 1-Dec 31, Legislative Watch, NCJP)

Domestic Violence against Women and Children (Prevention and Protection) Bill 2008

A PPP member of the Sindh Assembly, Humaira Alwani, submitted this draft bill on October 9, 2008. The Sindh Law Department returned this bill relating to domestic violence to the assembly secretariat, urging it to follow proper procedures. However, the real reason behind the returning of the bill seemed to be the absence of political will and the prevailing mindset which wanted to drag the matter out and to eventually bury it.

Prior to this Bill, Humaira Alwani also submitted another Draft bill entitled “The Sindh Prevention of Gender Harassment at Work Place Bill, 2008” in the Sindh Assembly. That bill, too, was returned by the law department to the assembly secretariat due to procedural issues.

Either there was a lack of basic understanding of the issues, or a lack of coordination, as the PPP-led government had already approved bills on these issues in the Federal Cabinet. Those bills are to be tabled in the National Assembly, and need to be debated so that laws can be prepared on the subject of domestic violence and harassment at work place.

(Report April 1-Dec 31, Legislative Watch, NCJP)

NCABL Proposed Amendments in Bonded Labour System (Abolition) Act 1992

The NCABL organized number of consultative meetings to review and to propose reforms in Bonded Labour System (Abolition) Act 1992. The findings of all these meetings were tabled in the Annual General Body meeting of NCABL in Hyderabad in December 2008. It was decided that an experts meeting should be called to review the proposed gaps, and to develop a draft amended bill on Bonded Labour System (Abolition) Act 1992. In the light of the feedback received, amendments were proposed and a bill was drafted by NCABL Secretariat.

This draft was presented in the Experts meeting organised by the secretariat where legal experts and activists participated from all over Pakistan. The meeting was held in Islamabad on April 16, 2009. The participants included Mr. I. A. Rehman (HRCF), Mr Anees Jillani, Barrister Zafarullah, Mr Zia Awan, Mr Zahoor Awan and other 35 experts from all over Pakistan. Detailed deliberations were held on drafted bill. Following the discussions, the drafted bill was reviewed and the feedback was incorporated and submitted to the Ministry of Labour on behalf of the NCABL.

(Irfan Raza, May 2009)

Amendments in Pakistan Penal Code to Penalize Internal Human Trafficking

SPARC has drafted The Protection of Children Amendment Bill 2009 to support Government of Pakistan in making necessary amendments in Pakistan Penal Code and Code of Criminal Procedure. SPARC has incorporated amendments in Pakistan Penal Code to penalize human trafficking which takes place internally (within Pakistan). So far human trafficking within national borders was not exclusively covered by the law, and the Human Trafficking Ordinance promulgated in 2002 only applies when human trafficking takes place across borders. It is expected that this bill will soon be tabled before the parliament for approval.

Field Visit of Peshawar, NWFP

An update by the consultant of SPARC on his field trip to Peshawar on August 4-5, 2008, revealed the following

- The data about the number of bonded laborers in the North West Frontier Province (with at least 50% Afghanis) is limited to brick kilns. However, Liaqat Bacha, the trade union leader claims the number is manifold and extends to various industries and agricultural fields.
- Zahoor Khan, Director, Social Welfare and Women Development, Peshawar, estimated that there were 3,000 to 5,000 kilns in the province out of which only about two dozen had been registered till date. The brick kiln owners were extremely reluctant to get registered since they wanted to avoid the labor department and did not want to provide them the opportunity of collective bargaining. Mr Zahoor Khan felt that bonded laborer could be eradicated only if the labor were brought into social safety net which provided them the social security cards, national identity cards, old age benefit, schooling of their children, etc. He believed that eradication would remain a dream if the authentic data were non-existent.
- Mr Irfanullah, Chief Inspector, Department of Labor, stated that conducting an authentic survey of the bonded labor in the kiln industry of the province was too difficult since the kilns were situated in sensitive areas, far away from the town, and they did not function in an organized manner. Mr Irfanullah said that Legal Aid Service Unit (LASU) had been providing free legal services and had also been settling many cases through pretrial mediation creating a congenial environment for the bonded labor.
- Mr Sikandar Khan, the legal officer, Legal Aid Services Unit, Child and Labor Bonded Cell, Directorate of Industries, Commerce and Labor, told the SPARC consultant that only 14 cases were reported to LASU so far. All the first 12 were settled in favor of the bonded laborers within a week. The last two were being handled. He said that the only thing a

victim had to do was to report; the rest had to be taken care of by LASU.

- According to the legal officer, the legal aid is supported by a team of legal experts engaged in different regions of the province. Five legal experts have been engaged on following regional basis to provide legal assistance to any one in bonded labor situation approaching the Department of Labor for legal assistance:
 1. Malakand Region: Dir (Upper and Lower), Swat, Buner, Shangla, Chitral
 2. Hazara Region: Haripur, Abbotabad, Mansehra, Batgram, Kohistan
 3. Central Region: Peshawar, Charsadda, Noshehra, Mardan, Swabi
 4. Kohat Region: Kohat, Hangu, Karak
 5. Southern Region: D.I.Khan, Tank, Bannu, Lakki Marwat.
- LASU has set up a free phone service (Bonded Labor Help Line: 080067788). Anyone seeking legal advice can call and ask for guidance and help. LASU works in close coordination with district governments, particularly the labor department, at district level.
- Master Khuda Dad, Chairman Bonded Labor Liberation Front (BLLF) and the President of Pakistan Workers Federation, was, however, critical of the LASU's approach towards the problems of the victims. He suspected that the victims were tortured callously by police after they reported against their employers and the poor, terrified victims were left with no option but to declare that they had been 'released'. Moreover, release could be meaningful only if the luggage of the freed bonded laborer was also released at the time of their release from the bondage.
- Mr Sikandar Khan, the Legal Officer, revealed that the District Vigilant Committees (DVCs) were formed in the districts of Abbotabad, Haripur, Mardan, and Swabi in 2006, in Shangla, Mansehra, and Noshehra in 2007, and in

Peshawar in 2008. Only the initial meetings could be held in these districts. It is pretty evident that DVCs are virtually ineffective.

- Haji Sahab, the contractor/owner of a brick kiln in the outskirts of Peshawar, complained that the laborers did not work hard enough to earn despite enjoying facilities of free accommodation, water and power; they, he alleged, wasted their energies in watching programs on DVDs. As a result, he concluded, a laborer who was employed for an advance of Rs. 25,000, was now under obligation to pay Rs.60,000 for getting more and more loans, under the pretext of treating his ailing wife or daughter.

A Field Visit of Hyderabad, Sindh

A field visit of the Sindh Province was made on 6-9 August 2008. As compared to NWFP, Sindh has been highly vibrant about the issue, with a much higher number of bonded labor, involving several nongovernmental organizations working on the lines to minimize or eradicate the system of bonded labor, providing plots, certain basic facilities, and legal and monetary support to the bonded laborers. There are seven camps around Hyderabad with several thousands of freed bonded laborers in each of them. These laborers seem to be aware of the problems facing them and some of them are fairly eloquent in voicing their demands. Some of the organizations, directly or indirectly involved in the issue, are as follows:

- GRDO focuses on reduction of the bonded labor, helps rehabilitate them, allots plots to them, and assists in schooling of the children. Till 2006 the organization worked only for haris and then extended the canvass to kiln workers as well. Freed bonded laborers have been provided residential plots by GRDO, HRCP (Human Resource Commission of Pakistan), and NRST (National Research Support Programme).
- SPARC provides the legal support to the victims and helps

release them. GRD and other organizations refer the cases to SPARC for the legal support. After the bonded laborers obtain freedom, SPARC refers them back to GRDO for rehabilitation.

- Hari Himmat Welfare Society claims to have released more than 200 people in the last six months.
- Bhandar Hari Sangat mobilizes haris, surveys along with other organizations, and is assisted by Action Aid.
- SPO (Strengthening Participatory Organization) works for the capacity building of the community-based institutions.
- SDS (Sindh Development Society) works on humanitarian grounds for equality, equity peace and justice in the society. Its goal is creation of consciousness and capacity building of common masses. It focuses on women mobilization and their empowerment.
- Pakistan Human Rights and Department of Labor, Ministry of Labor Sindh, have also been actively working.

The SPARC consultant had an opportunity to meet the free bonded labor, NGO workers, legal advisers, political and social activists, literary figures, and representatives of the public sectors at Hyderabad, and discussed the issue of bonded labor with them. Here is the synopsis of their feelings, information, and views:

- Laborers migrate from Tharparkar, a desert with almost no water, production, or industries. It is a land of drought and dust with erratic rainfall. Its people depend mainly on cattle and pastoral activities for their livelihood and wells for water. These poverty-stricken migrants provide inexpensive bonded labor to agriculture, brick kilns, carpet industry, glass bangle industry, and other industries of the province. Almost all the domestic workers at Karachi and Hyderabad are from Thar area.
- Around 70-75% of the bonded laborers in Sindh are in the agriculture field.

- Minimum advance taken by the laborers ranges between Rs.15,000 and 1,500,000.
- Around 60% of the laborers working in various industries of Sindh are not directly employed by the factory owners but by the contractors. Such laborers are not covered by law and in case of any injury or death, no compensation is made.
- The bonded laborers are not aware of the importance of identity cards. Very few of them carry one.
- Shehzado Saleem, the legal adviser of SPARC suspects that the reason why the national survey about the bonded labor is not conducted is to conceal the magnitude of the issue.
- 95% bonded laborers in Sindh are Hindus, including Manghwar, Bheel, and Kolhi, communities, whose employers are often Muslims. More than 90% of the carpet weavers of Sindh belong to the community of Manghwar.
- Normally, the landlords are not prosecuted for their illegal acts concerning bonded labor because
 - police usually protects them stating that their laborers move around freely
 - neither the landlords/employers nor their advocate appear in the court at the time of trial, and
 - victims are only interested in their release; they are least bothered about the rest of the affairs.
- Shehzado Saleem Nahiyoon, the legal adviser of SPARC at Hyderabad said that the cases filed by the bonded laborers were about settlement of accounts, freedom from bondage, release of household articles of the freed bonded laborers, harassment, etc. About two dozen cases had been handled by him since December 2007 which were successfully settled in favor of the victims. The number of the released bonded laborers due to the efforts of SPARC during this period was around 300.
- Nazar Husain Joyo, ILO Project Manager, was of the opinion that haris should not be uprooted and in order to improve

the situation in the agricultural field, efforts were required to create a congenial environment by developing the mutual relationship between the landlord and the hari.

- Comrade Ramazan had a totally different vision. The agro industry, he thought, was weakening the base of agricultural sector. He said the chemical fertilizers and pesticides were adversely affecting the potentials of the land. He advocated for the organic farming in order to reduce the expenses of the hari as well as the landlord.

Frequently Asked Questions (FAQs)

Three of the frequently asked questions about bonded labor are:

- a. What causes boded labor?
- b. Why could it not be eradicated during the last 17 years after the promulgation of the relevant act ?
- c. How can it be eradicated?

Here are some answers to the questions by the people, in Hyderabad, who have been directly or indirectly involved with the issue of bonded labor, forced labor, and problems of the industrial and agriculture sectors:

- There is lack of education so traditional system is being followed. (Dr Ghulam Husain)
- The key figure in the game is that of the Nazim, a person with political mindset who has no intention to do away with it. (Kashif Bajeer, Protection Manager SPARC)
- Haris are under debt because whole of the earning goes to agro industry. (Comrade Ramazan, political activist)
- The districts of Sindh have been unofficially divided among influential people with vested interests. Their interest lies in the prevalence of the bonded labor system not in undoing it. (Shehzado Saleem, Legal Adviser SPARC)
- The landlord, with more than a thousand acre of land, gets too mighty. He manages to get his favorite candidate

Chapter 6

- selected even against the seat of a hari. (Dr Ghulam Husain)
- The taxes that a landlord has to pay are virtually paid by the tenants. (Ghaffar Malik, Executive Director, SDS)
 - Tenancy Act is prejudiced in favor of the landlord. The feudal system is being protected by the state. (Comrade Ramazan)
 - There are complications in the implementation of the law. For instance, powers have not been delegated to the judge. Then there is a law for the release of the victims but not about the release of their luggage. (Shehzado Saleem)
 - A lot can be done with the cooperation of the DCO; he should send clear-cut instructions to police stations. (Kashif Bajeer)
 - Laws should be implemented in letter and spirit. Judges and police need to be sensitized. (Dr Ghulam Husain)
 - Police needs reformation. (Kashif Bajeer)
 - Abolition Act 1992 does not seem to support the haris much. Amendment is imperative. (Shehzado Saleem)



- Land should not be a property. It should be utilized for food and accommodation. (Comrade Ramazan)
- Awareness is to be raised at the grass root level. (Dr Ghulam Husain)
- The land in the possession of landlords should be limited. (Shehzado Saleem)

Bonded Laborers Released in Sindh in 2008

Several non-governmental organizations provided legal aid to bonded laborers in Pakistan. According to the available information provided by SPARC, 1362 bonded peasants and brick kiln workers were released by SPARC from the province of Sindh in the districts of Hyderabad, Mirpurkhas, Umerkot, Matairi, Badin, and Sanghar. GRDO also provided legal aid and over 400 affectees got independence from bondage. GRDO also provided temporary shelter to the released workers. Besides this, HRCP, Child Rights Committees were the other front liners in providing legal aid to bonded laborers.

Analysis of the Situation

“A Weed that Grows on Every Soil”

Bonded labor is an inauspicious institution that has been working havoc around the globe. It has plagued a large number of societies for long. Campaigns and legislations by the international community and the states have almost failed to bring about any significant change. The bondage still persists affecting the destiny of millions in South Asia.

Bonded Labor---A Voluntary Agreement?

The proponents of the tradition argue that the institution of bonded labor is based on a voluntary agreement between the employers/landlords and the ones indebted. They believe the economic conditions of the subordinates would have been much worse without this system. However, they seem to ignore the fact that its benefits are far less than its disadvantages, and that the institution culminates in perpetual exploitation of the victims.

Pushing Children into Industry

There is also a misconception that the children of the poor parents have to give a helping hand to their parents by earning something and that this adds to the income of the family, thus indirectly helping the nation. As a matter of fact, when children are added to the labor force, the number of jobless people in the country increases and the income of the grown up laborers is also adversely affected. The employers prefer the cheaper labor which is available in the shape of children. We need to invest in children by harnessing their potential capabilities and by building their capacity in the interest of the nation; and that is possible only through educating them on proper lines. No nation of the world ever got rid of its economic problems by pushing children into industry or agriculture sector. The fact is that when children are engaged in employment, the process of poverty accelerates.

Power of Education

Education enables an individual to recognize his rights and responsibilities and to find the best means to deal with the problems. The edifice of national pride and its components is built by the realization of a nation's capacity to excel as provided by education. It is a tragedy that we have lost almost 60 years of our existence in deluding that we are in the process of building a great nation, like the one built by our forefathers. How can we achieve this if we do not enable the people to move in that direction? What we are doing in this respect will not deliver. We must remember that grand buildings are built on strong foundations.

Anees Jillani

'Education for Nationhood', SPARC's DISCOURSE, June 2007

Exploring the Situation in all Poverty-Stricken States

While analyzing the issue of bonded labor, one might feel that canvas of the system extends to most of the poor countries of the world. Unfree work relations are rampant in many countries where people are employed against their will by

using the threats of violence and destitution. All the poverty stricken countries of the world need to be explored with a view to analyzing the situation in order to help develop the positive correlation between economic growth and free labor markets. The international organizations seem to be endeavoring to spearhead a global alliance against forced and bonded labor. Their efforts, however, need to extend to all poverty stricken areas of the world.

Why are We far from Achieving the Target?

Having said that, we must not ignore how important the issue is so far as Pakistan is concerned. Despite the significant amount of work done on bonded labor, we are far from achieving our target. Why? It seems

- media is not as sensitive to the issue as it should have been
- politicians have their own vested interests and consider some other issues to be much more important than bonded labor
- the general populace is not giving the due attention
- the government seems to be self-complacent to have had done enough about it.

Why Does the System Still Prevail?

In theory, all the bonded laborers should have been free of any kind of bondage after the Bonded Labor System (Abolition) Act 1992, and those responsible for the breach of law should have been taken to task and duly persecuted. On the contrary, the system still prevails and in practice the socio-political power of the landlords allows them to continue using bonded laborers for their advantage with impunity. The illiteracy, unequal powers, corruption, apathy, traditional and cultural practices, and brutal feudal system make bonded labor difficult to eliminate.

Ineffective Enforcement of Law

The bonded labor is more likely to exist and flourish in the countries where there is the absence of statutory labor rights,

or where the state is unwilling to interfere with employers and crimps. The Bonded Labor System (Abolition) Act 1992 has outlawed bonded labor, and has made such kind of labor by children punishable by up to five years in jail and up to \$900 (Rs. 50,000) in fines. Yet the provincial governments of the country failed to enforce the mechanism. The law could not be effectively enforced due to the interests of certain characters involved in the game. The strong social ties that exist between the exploiting employers and public officials do not allow the justice to prevail.

Corruption of The Lower Courts

The Constitution provides for an independent judiciary, yet its independence seems to be extremely limited in practice as it remains subject to executive branch which tends to influence it at various levels. Lower courts, in particular, are highly corrupt apart from being inefficient. They succumb to the religious and political influence. The court procedures are normally too lengthy and the number of judges fairly limited, culminating in heavy backlog of cases. The cases routinely take years. It is tantamount to justice denied.

The Role of Police

The role of police in all this process is very crucial. Unfortunately, corruption within the Pakistani police is an open secret. They expect fees to register even the genuine cases and charge heavily for registering the false complaints. Some members of police are themselves involved in heinous crimes. Violators of law are either not arrested due to their social status or political links, or they are released after they bribe the police. Even if the employers, who violate laws prohibiting bonded labor, are penalized, the penalties are too meager and inadequate to be deterrent. Thus, virtually the exploiters enjoy relative impunity before the law.

Inability to Implement the Ratified Conventions

The implementation of the international conventions remained the crux of the matter where we always failed to deliver. Despite

all our legislation to enforce C29 (Convention Concerning Forced or Compulsory Labour) and C105 (Convention Concerning the Abolition of Forced Labour), the national scenario is much less than satisfactory. Pakistan has been constantly criticized for the ineffective implementation of its laws on forced and bonded labor. Most of the vigilance committees are yet to be established; and those which exist are either not operative or quite ineffective. A number of times we came fairly close to face international sanctions due to our inability to implement the ratified conventions.

Combating the Long Standing Evil Demands Genuine Commitment

For effective enforcement of law the legal and administrative snags are to be strongly combated. This requires the law reforms where necessary, political will, sensitization of the implementing officials, capacity building to ensure compliance with law, and the pro-activity at the governmental level. Bonded labor is an old and long-standing evil; it needs to be attacked from all fronts. We cannot succeed in our mission unless we raise the level of awareness in the civil society, unless we have the political will to help the down-trodden members of the country, and unless we are mentally prepared to prosecute the offenders, whosoever they are. Anything less than genuine commitment is bound to fail.

Have We Done Enough for the Freed Bonded Laborers?

Our responsibilities do not end after bonded laborers are freed. The freed laborers need moral, advisory, and practical support as, due to their lack of education and resourcefulness, they may not seek a different or a better livelihood and may return to their former status. We should not push them in vacuum just by taking them out of a kiln or an industry. A child, driven out of a bangle factory and looking for a job elsewhere, may get involved in household activities somewhere which might be equally exploitative to him and access to education may still remain a dream. A family freed from a landlord or a kiln owner,

may be found working in the same environment with the same landlord or the kiln owner after a year or so if they are left with no better option.

Education---The Light at the Other End of the Tunnel

To combat the bonded labor and to bring about the social transformation, the role of education is most significant. Unless the child labor is provided the opportunities to be educated, the societies cannot succeed in getting rid of the vicious circle. "UNICEF addresses the issue of child labor through a combination of approaches including a focus on changing prevalent mindsets, forming self-help groups, improving the quality of mainstream education, providing transitional schools to return children to learning levels appropriate to their age."

(www.unicef.org/india/resouces_230.htm)

Education would give the bonded children a sense of confidence and empowerment. It will give them hope--the radiant light at the other end of the tunnel that might help melt the shackles of servitude.

A Million Dollar Question

The rough estimate of the people in slavery around the world is 27 million, out of which 20 million might be the bonded labor. But if exploitation through debts can be termed as the bonded labor, then virtually all the poor nations of the world are suffering from the same chronic disease. They are under the heavy debt that passes on from one generation to the other. Every newborn baby of the third world is born with the debt that he never borrowed but he is supposed to bear the brunt of it. Can't these poor nations be called the bonded laborers in a world where every one was supposed to be born free? --- It is the burning question of the third millennium.

Suggestions

Survey

It is hard to gauge the magnitude of the bonded labor unless

a reliable survey is conducted to collect authentic data. No authentic survey has been carried out so far to establish the number of bonded laborers in Pakistan. The government should arrange one within a year or two to find out the number, extent and dynamics of the issue which would help plan the strategic interventions and affirmative actions.

Raising Awareness

- a) Awareness is the first major step towards the right direction. The menace of bonded labor cannot be grappled with effectively unless an attitudinal change is brought about and the awareness is raised to a sufficient level. The Ministry of Education, Higher Education Commission, the universities both in the public and private sectors, colleges and schools are to be involved to extend the range of awareness. A nation-wide campaign is to be launched by the government.
- b) Most of the stakeholders are ignorant of the existence of several penal provisions. An awareness campaign to make them known to the stakeholders may be launched.

Sensitization of Police

Police must be sensitized about the bonded labor issue. Bonded labor and the related labor laws should be a part of their general training and syllabus.

FIR Regarding Bonded Labor

The infringement of bonded labor is not a civil dispute, as is normally assumed by the police, but a patent and criminal offence. FIR, therefore, should be immediately registered when the case is reported.

Sensitization of Public Servants

Public servants need to be sensitized about the importance of bonded labor laws, its relationship with human and civil rights, and its impact on the nation's economic development.

Education

- The masses in general and the villagers in particular must be made aware that education of their children is much more important than their contribution to the family income.
- As identified by UNESCO, Pakistan needs to spend at least 4% of its gross national production on education. Currently, Pakistan is the lowest in this respect in Asia.
- Education of children, at least to primary level, in the first phase, if not to the middle or matriculation level, should be made free and universal.
- Concrete measures are to be taken to increase the literacy rate in the country. Textbooks provide a fundamental roadmap. They need to contain material about children's rights and the issue of bonded labor.

Non Formal Education

Where the families have no other option but to involve their children in labor, the government has a responsibility to provide nontraditional / non-formal education to their children, avoiding a clash between their working hours.

Vocational Training

Vocational training programs are to be organized for the free bonded laborers in order to provide them the opportunities to change their professions.

Legal Education

The law regarding the bonded labor should be taught in the law colleges. The 1992 Act should be made an examinable subject in the legal syllable. The C29 and C105 may also be taught.

Strong Legal Framework & Coordination

Combating bonded labor demands a strong legal framework and a close coordination and cooperation between the laborers and the implementing authorities.

Involving The Provincial Authorities

Concerted efforts need to be made to involve district authorities and provincial governments.

District Vigilance Committees

Eradication of bonded labor is simply impossible without constituting the District Vigilance Committees in all the districts where it exists. The DVCs must be constituted without any further delay and solid measures are to be taken to ensure that they work regularly and effectively.

Empowerment Of The Vigilance Committee

The Vigilance Committee may be empowered to take suo-moto action. The law should be amended accordingly.

Minimum Wages and Social Security

The government must control the minimum wages of the brick kiln workers and others, and should ensure their social security especially schooling of the children and health coverage.

Mass Media

With the increasing impact of the media, it seems imminent to encompass the whole gamut of social issues such as human rights, labor rights, and rights of women and children. The non-governmental organizations might join hands and pool their resources to launch a new television channel and a couple of radio stations.

Well-integrated and controlled programs on adult literacy, labor in general, and freed bonded laborers can be telecast.

Complaint Cells / Help-Lines

Complaint cells and help-lines are to be increased and made accessible to all the stakeholders especially the victims. Their existence is to be widely circulated through media.

Registration Of Brick Kilns

To bring the bonded labor in the mainstream and to bring them into the social net, it is important that all brick kilns are registered.

Issuance of CNICs & Social Security Cards

All workers must be issued computerized identity cards, and social cards. They must be the part of the social security net.

Amendment of Law

Previously, the District Magistrate was the head of the Vigilance Committees. His office was abolished after the devolution system. Now, by executive order, Nazims have been made the chairpersons of the Vigilance Committees. Any shift of responsibility is to be incorporated in law.

Sindh Tenancy Act

There is a difference between tenancy matters and illegal confinement. The tenancy laws in Sindh have been changed but there still is a tendency in courts not to take action under 1992 Act. The government must make it clear that the Bonded Labour System (Abolition) Act 1992 has to take precedence over the Sindh Tenancy Act 1950 whenever there appears to be a conflict in the interpretation of the law. It should also consider whether the relevant sections of Sindh Tenancy Act need to be replaced.

Releasing the Victims' Possessions

When the bonded laborers are released, their possessions should be released simultaneously. A released family might undergo enormous difficulties without their luggage.

Rehabilitation of the Victims

Thousands of victims have been released with the help of human rights activists, NGOs, and trade unions. Yet not enough efforts have been made at the governmental level to rehabilitate the freed laborers.

More efforts to rehabilitate the freed bonded laborers are required on the part of the government. If they are ignored and left on their own, they might revert to their previous status due to their lack of resourcefulness, illiteracy, and poverty. Since the abolition of the bonded labor system ensues the serious economic implications, the rehabilitation programs should include suitable alternatives.

Income Generation Programs

Special income generation programs are to be tailored to cater for the needs of the affected families. If there is a substantial increase in the income of the family, the parents are likely not to put their children in hazardous forms of work and might be easily motivated to send their children to school.

Protection of Child Laborers

In order to protect the young workers, employers are to be made bound to ensure that:

- A vivid documented policy has been developed to deal with child labor.
- An effective system exists to check the laborers' age at the recruitment time.
- The child laborers have an access to education.
- They are not to be placed to in hazardous conditions.
- They are not engaged to work overtime and at night.
- They have access to health services and their medical check-ups are arranged.

Language of Court Proceedings

Proceedings of courts should be in the language that is comprehensible to the victims they aim to protect.

Capacity Building

Capacity building of the institutions, entrusted with the responsibility of enforcing and implementing the labor rights must go on actively.

Ensuring Community Participation

To ensure community participation, resources are to be mobilized to educate labor, parents of the bonded child labor, and involving the educational, literary and social circles.

Training Kits

Training kits on bonded labor are to be developed to be used as training instruments.

Extending the Field of Activities

Keeping in view the magnitude of the bonded labor issue, the field of activities is to be extended. The volunteers are to be mobilized to watch the implementation of laws and report its violation.

Use of Fund

It seems the Fund established for the issue is not being utilized. The public functionaries are to be sensitized and their capacity may be built to draw upon the fund.

Monitoring the use of Funds

It is extremely important to effectively monitor the proper use of the funds allocated for the purpose.

Creating More Employment Opportunities

The government should create more employment opportunities in the sectors where private investment is almost non-existent and where people are reluctant to invest.

Concerted Efforts for Reformation

In order to reform the traditional socio-political structure causing poverty and other social evils, consistent and concerted efforts are required. A coordinated and integrated approach can reduce the poverty and help rehabilitate the freed workers.

To achieve the desired target, we have to employ all techniques of awareness-raising, media liaison, advocacy, lobbying, capacity building of all stakeholders, community-based interventions, and coalition building amongst the partners concerned.

Unless Freedom is Universal, it is only Extended Privilege.

(Christopher Hill)



Bibliography

- **Bonded Labour in Agriculture: A Rapid Assessment in Punjab and North West Frontier Province**
By: G.M.Arif, Pakistan Institute of Development Economics,
Islamabad International Labour Office, Geneva (March 2004)
- **Bonded Labour in Pakistan**
Aly Ercelawn and Muhammad Nauman
PILER
- **Bonded Labour in Pakistan**
IFP Declaration
ILO, Geneva
(2001)
- **Bonded Labor: A Toolkit for Paractitioners**
SPARC (2008)
- **Capacity Building of Functionaries for Action Against Bonded Labour**
International Labour Organization
Islamabad
- **Capacity Building of State Functionaries for Action Against Bonded Labour (Modules)**

Prevention and Elimination of Bonded Labour in South Asia
Pakistan Component

- **Combating Bonded Labour by Capacity Building of District Government Functionaries**
(Report of Workshops held in 2005)
Compiled by: Saeed Ahmad Awan
Government of Punjab
(January 2006)
- **Compendium Reading Material**
- **Conspiracy of Silence (pamphlet)**
SPARC, Islamabad
- **Fund for the Education of Working Children and the Rehabilitation of Freed Bonded Labourers**
Labour and Manpower Division
Government of Pakistan, Islamabad
(Oct 2004-Feb 2006)
- **National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers: 2001**
Child Labour Unit
Ministry of Labour, Manpower and Overseas Pakistanis
Islamabad
- **Project Completion Report**
Project Number: RAS/04/M57/NET
National Development Program
Islamabad
- **Rapid Assessment Studies of Bonded Labour in Different Sections in Pakistan**
Bonded Labour Research Forum, 2004

- **Role of Judiciary in Elimination of Bonded Labour in Pakistan**
Ministry of Labour
International Labour Organization Office for Pakistan
- **SPARC's Discourse (Quarterly)**
Islamabad
(Issues: 2007-8)
- **State of Human Rights in 2007**
Human Rights Commission of Pakistan
- **1. Steps Taken for Elimination of Worst Forms of Child Labour in Pakistan**
2. Steps Taken by Province of Punjab in Pakistan for Elimination of Bonded and Child Labor
(information provided by Azmat Ali Ranjha, Minister (Trade), Embassy of the Republic of Pakistan, Washington DC)
- **The State of Pakistan's Children 2007**
SPARC, Islamabad
(2008)
- **Understanding Bonded Child Labour in Pakistan**
Child Workers in Asia
(Task Force on Bonded Child Labour)
Child Workers in Asia Foundation, Bangkok, Thailand
(2007)
- **Unfree Labour in Pakistan: Work, Debt and Bondage in Brick Kilns** Pakistan Institute of Labour, Education and Research

Websites Cited

by112w.bay112.mail.live.com

Dawn.com

en.wikipedia.org/wiki/Sri_Lanka >

hrcpblog.wordpress.com/category/bonded-labour/

hrcp-web.org/2008/05/11/local23.htm

www.indianchild.com/population_of_india.htm

www.nonstopenglish.com/reading/quotations/k_Slavery.asp

<http://stopchildslavery.com/2008/02>

<http://www.acdi-cida.gov.gc.ca/Bangladesh>

<http://www.antislavery.org/>

<http://www.crs-asia.com/index>

www.dol.gov/ilab

www.ecotopics.com/articles/pakistan_fisheries.htm

<http://www.globalgiving.com>

www.laborrights.org/stop-child-labor/cotton-campaign/830

www.newstrackindia.com/newsdetails

<http://www.pakissan.com/english/agri.overview/fisheries.sector.in.pakistan.shtml>

www.protectionproject.org/human_rights_reports/report_documents/

www.state.gov/g/drl/rls/hrrpt/2006/78870

www.state.gov/g/drl/rls/2007/100612.htm

www.state.gov/g/tip/rls/tiprpt/2008/105376.htm

www.stopchildenslavery.com/20008/02

www.thesouthasian.org/archives/2008/

www.unicef.org/india/resources_230.htm

Glossary

Adivasis:	'Indigenous people' or 'original inhabitants'; they make 8.14% of India's population or 85 million people, according to 2001 census.
Bait-ul-Mal:	Originally the state treasury in an Islamic state. In Pakistan the institution has been set up mainly for disbursement of ZAKAT.
Beedi:	('Beeri' in Urdu) hand-rolled cigarettes
Begar:	Compulsory unpaid or nominally paid work
Bharai:	Stacking of bricks in a brick kiln
Bhatta:	Brick kiln
Bheel:	One of the scheduled castes into which pre-independence Indian Hindu society divided its people. Bheel is among the lowest and the poorest in the hierarchy and mostly comprises farm laborers
Choona:	Lime
Dalits:	'Low' caste community of India; previously known as untouchables and Harijans, are now increasingly being called 'Dalits'.
Fleshing:	Cleaning leftover fats on hides in a tannery

Jagir:	Land revenue grant; feud; estate
Hari:	Sindhi peasant, tenant or farm laborer
Haveli:	Mansion or spacious house (of a landlord, etc.)
Hazardous:	Any work that significantly increases the probability of injury or other risks to health, can be termed as hazardous.
Jalai Wala:	A brick kiln laborer involved in baking
Jamadar:	Labor head; foreman; a man who oversees labor, often to include hiring, distribution of advances and of compensation, and guarantees repayment
Jorisar:	A term used for a middleman or labor agent in mining sector (in Balochistan and Sindh)
Kachay-ka-kam:	Pre-tanning salt curing process in a tannery
Kammi/Kami:	Low-caste servant; non-agricultural service castes with low social status
Karah:	A large open pan; 'karah' work in a tannery is a process when animal waste products are boiled in a mixture of water and chemicals in a large pan to recycle the animal waste into material used by poultry-feed and soap industries.
Khateeks:	A community that migrated to Pakistan from Jallundhar and other cities of East Punjab, India they are the pioneers of tannery work in Kasur, Punjab.
Manghwar:	A Hindu community living in Tharparkar
Masihis:	'Low' caste Christians, also known as 'Isais'
Mate:	A term used for a middleman or labor agent in mining sector in

Naib Nazim:	Deputy Mayor
Nazim:	Mayor
Nikasi:	Unloading of bricks in a brick kiln
OSH (Act):	The Occupational Safety and Health Act of 1970 was passed to assure safe and healthful working conditions through standards, enforcement, research, information, education, and training.
Punjabi:	Ethnic group from Punjab with Punjabi as the mother-tongue
Pashtun:	Ethnic group from Balochistan, NWFP, or mother tongue as Pashtu
Pathan:	A Pushto-speaking ethnic group of NWFP
Pathera:	A man, woman or child who prepares unbaked bricks, including preparation of clay
Patwari:	The lowest revenue official or village registrar
Peshgi:	Advance payment against labor
Ramadhan/ Ramazan:	Muslims' fasting month
Sardar:	Feudal lord
Sardari:	Feudal system
Siddiquis:	Urdu-speaking community of Ferozabad, India, who migrated to Hyderabad, Sindh, and many other cities of Pakistan, in 1947; they established a large number of glass bangle factories in Hyderabad.
Tapali:	A young worker, usually a teenager, assigned the job of taking donkeys underground and bringing them out laden with coal. He may also be assigned tasks such as carrying goods to or from a mine.

Tehsil:	Administrative division in a district
Tehsildar:	Revenue and administrative official in charge of a 'tehsil'
Tharparkar:	A district in Sindh; it is named so according to its geographical conditions; 'thar' means 'a desert' and 'parkar' refers to 'a rocky and hilly terrain'.
Thekedar:	Contractor/Sub-contractor
Wadera:	Feudal lord with all the connotations of his repressive character and his influence with local official functionaries and their superior. Allied and more neutral terms are ZAMINDAR, the man who owns large tracts of agricultural land, and JAGIRDAR, the person who has inherited extensive lands gifted to his ancestors by former colonial and other rulers for services rendered.
Zakat:	A regular charity that Islam imposes on the Muslims as a fixed proportion (2.5%) of his/her income and wealth, and meant as a contribution to help the poor and the needy.
Zamindari system:	Feudalism

Introduction to National Coalition Against Bonded Labor (NCABL)

The National Coalition Against Bonded Labor (NCABL) was formed in 2004. It is a coalition of civil society organizations to work collectively for elimination and eradication of bonded labor from Pakistan.

Chairman

I. A. Rehman

Secretariat

SPARC

House No. 151, Street No. 37, F-10/1, Islamabad.

Telephone: +92 51 229 1553/229 1559 Telefax: +92 51 229 1680

E-mail: info@sparcpk.org, islamabad@sparcpk.org Website: www.sparcpk.org

