

CONTEMPORARY FORMS OF SLAVERY IN PAKISTAN

Human Rights Watch/Asia

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Cover photo: Bonded agricultural laborer near Badin, Sindh.

Human Rights Watch/Asia

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I. SUMMARY

Millions of workers in Pakistan are held in contemporary forms of slavery.¹ Throughout the country employers forcibly extract labor from adults and children, restrict their freedom of movement, and deny them the right to negotiate the terms of their employment. Employers coerce such workers into servitude through physical abuse, forced confinement, and debt-bondage. The state offers these workers no effective protection from this exploitation. Although slavery is unconstitutional in Pakistan and violates various national and international laws, state practices support its existence. The state rarely prosecutes or punishes employers who hold workers in servitude. Moreover, workers who contest their exploitation are invariably confronted with police harassment, often leading to imprisonment under false charges.

Contemporary forms of slavery, which are set forth and defined in international law, include debt-bondage, serfdom, the trafficking of women, and child servitude.² All of these forms of slavery exist in Pakistan. While all such

¹ Slavery is defined in the Slavery Convention of 1926 as "the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised."

² See *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, (April 1957), in United Nations, *Human Rights: A Compilation of International Instruments*, Volume I, (New York: United

forms of slavery deserve and require documentation, this report focuses primarily upon debt-bondage.³

Debt-bondage in Pakistan is endemic and widespread. The International Labor Organization (ILO), in its *World Labor Report 1993*, assesses the problems of debt-bondage in Pakistan to be among the worst in the world. There are no reliable statistics on the number of bonded laborers. Indeed, the difficulty involved in obtaining accurate numbers gives some indication of the magnitude of the

Nations Publication, 1994), pp. 209-215. In 1975, the United Nations created a Working Group on Contemporary Forms of Slavery consisting of five independent experts from the membership of the Subcommission on Prevention of Discrimination and Protection of Minorities to monitor the application of the slavery conventions.

³ Debt-bondage is defined in the convention cited above as "the status or condition arising from a pledge by a debtor of his personal services 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 towards the liquidation of the debt or length and nature of those services are not respectively limited and defined."

problem. While some NGOs estimate that the numbers range into the millions; there is little doubt that at least thousands of persons in Pakistan are held in debt-bondage, many of them children. Bondage is particularly common in the areas of agriculture, brick-making, carpet-weaving, mining, and handicraft production.

Bonded laborers in Pakistan suffer a range of violations of internationally recognized human rights. These include the right not to be held in slavery or servitude, the right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation, the right not to be arbitrarily arrested, the right to liberty of movement, and the right to freedom of association, including the right to form and join trade unions.⁴ The government of Pakistan is complicit in these violations, both by the direct involvement of the police, who consistently arrest bonded laborers under false charges, and through the state's failure to enforce its obligation to protect the rights of bonded laborers guaranteed under national and international law. Furthermore, the ability of workers to collectively address their exploitation is constrained by legislation which restricts trade union activity.

This report is the product of a long-term investigation that started with a mission we undertook in late 1993. A Human Rights Watch/Asia researcher visited the urban centers of Lahore, Faisalabad, Peshawar, Karachi, and Hyderabad as well as rural sections of Sindh, Punjab, and the Northwest Frontier Province (NWFP) to examine the treatment of bonded laborers and to assess the role of the government of Pakistan in maintaining and perpetuating the bonded labor system.

⁴All of these rights are contained in the International Covenant of Civil and Political Rights. Pakistan is not a party to the ICCPR; however, most of these standards are universally recognized as part of customary international law and therefore binding on all States. In addition, some of these rights are enshrined in ILO Conventions to which Pakistan is a party. Pakistan ratified the ILO Convention on Forced Labor (No. 29) in 1957, the Convention on Abolition of Forced Labour (No. 105) in 1960, the Convention on Freedom of Association (No. 87) in 1951, and the Convention on Collective Bargaining (No. 98) in 1952.

During this investigation, more than 150 adult and child bonded laborers were interviewed at or near their work sites. In particular, thirty-nine bonded laborers were interviewed individually at brick-kilns on the outskirts of Lahore, Kasur, Peshawar, Faisalabad, and Hyderabad; twenty-two at carpet-weaving centers and private homes with carpet looms in and around Lahore, Faisalabad, Peshawar, Karachi, Hyderabad, and Mithi; and twenty-four at agricultural sites in the interior of Sindh, rural Punjab between Lahore and Faisalabad, and rural sections of the Northwest Frontier Province between Peshawar and Swabi. Throughout this report, examples are drawn from these interviews with pseudonyms substituted for the real names of the laborers. Human rights activists, development workers, lawyers, labor organizers, government officials, Muslim and Christian religious leaders, police officers and academics were also interviewed. Information gained from these interviews was supplemented by primary source materials from a number of Pakistani nongovernmental organizations.

While this report seeks to document debt-bondage specifically in Pakistan, it is clear that debt-bondage is a worldwide phenomenon,⁵ and that the specific forms of bonded labor which exist in Pakistan are also found in India and Nepal. The latter two countries have carpet industries that employ bonded child laborers as well as agricultural sectors which depend on bonded agricultural workers.⁶

⁵Human Rights Watch has documented debt-bondage in a number of countries. See Middle East Watch and Women's Rights Project, "Rape and Mistreatment of Asian Maids in Kuwait;" *Human Rights Watch Short Report*, Vol. 4, No. 8, July 1992; Americas Watch, *The Struggle for Land in Brazil: Rural Violence Continues*, (New York: Human Rights Watch, 1992); Americas Watch, "Forced Labor in Brazil," Vol. 2, No. 8, December 1990, Americas Watch, "Forced Labor in Brazil Re-Visited: On-Site Investigations Document that Practice Continues," Vol. 5, No. 12, November 1993, Asia Watch and Women's Rights Project, *A Modern Form of Slavery: Trafficking of Women and Girls into Brothels in Thailand*; (New York: Human Rights Watch, 1993); and National Coalition for Haitian Refugees, Americas Watch, and Caribbean Rights, *Harvesting Oppression: Forced Haitian Labor in the Dominican Sugar Industry*, (New York: Human Rights Watch, 1990).

⁶See Anti-Slavery International, *Children in Bondage: Slaves of the Subcontinent*, (London: 1991); INSEC, *Bonded Labor in Nepal under Kamaiya System*, (Kathmandu: 1992); and *Report of the Working Group on Contemporary Forms of Slavery* (18th Session, June 1993), UN DOC E/CN.4/1993/67.

RECOMMENDATIONS

Human Rights Watch/Asia makes the following recommendations:

The government of Pakistan must comply with its own national laws as well as with international human rights and labor laws outlawing bonded labor. Specifically, the government should:

- * Promptly enforce the Children (Pledging of Labour) Act, 1933, and the Employment of Children Act, 1991, as well as international laws forbidding such practices; the Bonded Labour (Abolition) Act of 1992, including termination of bonded laborers' past debt and ensuring that "vigilance committees" mandated by the Act carry out their responsibilities. Any employer of bonded labor should be excluded by definition from serving on a "vigilance committee." The government should also consider establishing a specialized police force authorized to enforce these laws.
- * Ensure that workers in all industries, including agriculture, carpet-weaving and brick production, are allowed to organize and be represented by unions for the purpose of collective bargaining and negotiating and enforcement of contracts. This means that the government should (a) redefine what is an "essential" economic activity to apply to only truly strategic or essential areas, and (b) redefine the legal effect of that declaration so that certain worker rights may be restricted, but not the right to join unions. In particular, the government should ratify that bonded labor is prohibited even in areas considered essential.
- * Order prompt, impartial and thorough investigations of allegations of violations of the Bonded Labour (Abolition) Act. The government should publicize widely that all debts that are being "repudiated" by bonded laborers are cancelled, and tell the bonded laborers that they do not need to repay such debts.
- * Prosecute to the full extent of the law employers who have held workers in bonded labor and those who have physically or sexually abused bonded laborers. The government should also prosecute state officials and police officers who fail to enforce the prohibitions on bonded labor, cooperate with employers to keep workers in servitude and/or take punitive measures against laborers seeking legal redress against employers for holding them in bonded labor. The government should consider increasing the penalties for those convicted of violating the Bonded Labour (Abolition) Act and making the offense non-bailable under certain circumstances, such as those involving repeat offenders, multiple victims or the *prima facie* showing of the use of violence.
- * Order an immediate halt to arbitrary and punitive arrests of bonded laborers.

- * Ensure that bonded laborers can exercise their right to freedom of movement, to live where they wish and to be allowed to return to their villages at any time.
- * Repeal the provisions of section 7 of the Electoral Rolls Act, 1974 that deny bonded laborers the right to vote;
- * Invite the United Nations Working Group on Contemporary Forms of Slavery to visit Pakistan and undertake a fact-finding mission on the extent to which Pakistan has complied with international laws and standards outlawing bonded labor, and make recommendations for measures Pakistan could take to eliminate bonded labor.
- * Review all export licenses and withdraw them from any company which cannot show that its products are made under conditions which conform to labor laws.

Pakistan's trading partners, the multilateral lending institutions and other international organizations

- * The United States and member states of the European Union as Pakistan's largest trading partners should:
 - * Ban the import of all goods made by bonded labor and work out procedures for doing spot inspections of sites thought to be using such labor for the production of goods for export. Corporations from the U.S. and the E.U. receiving any kind of government assistance, from insurance to financing to licensing, which are importing products from Pakistan should take immediate steps to ensure they are not directly or indirectly supporting bonded labor by a) seeking certification from all their suppliers that bonded labor was not used in production and 2) conducting unannounced inspections of their contractors and subcontractors.
 - * Invoke provisions of the laws governing suspension of tariff benefits through the Generalized System of Preferences (GSP) program until Pakistan provides verifiable guarantees that bonded labor is being systematically abolished and employers appropriately prosecuted. The US and the European Union (EU) currently provide tariff reductions or duty-free access for exports from certain developing countries under their GSP programs. In the US, countries receiving GSP benefits must be taking steps to afford internationally recognized labor rights. Pakistan, a GSP recipient, has been under review since 1993 due to its violations of labor rights, including the practice of bonded labor. The review, which could result in suspension of GSP, should be continued until there is verifiable progress made by the government to systematically abolish the practice and to prosecute employers. The EU, under a new scheme which took effect on January 1, 1995, provides for suspension of GSP in cases when any form of slavery is practiced or

when slave labor is utilized, as defined by the ILO and Geneva conventions. Pakistan is a suitable test case. Under this provision, the EU should consider a complaint against Pakistan, conduct an inquiry and send experts to the country to investigate bonded labor.

* Union and governmental representatives to the annual conference of the International Labor Organization (ILO) in Geneva in June 1995 should petition the freedom of association committee to send a technical mission to Pakistan to make recommendations with the understanding that Pakistan would develop an action plan for abolishing bonded labor over a specific time period to be worked out with the ILO.

* Pakistan's international donors, including the World Bank, should use the leverage of economic aid to encourage Pakistan to take serious steps to comply with its own laws on abolishing bonded labor.

* The World Bank, in providing assistance to the government of Pakistan aimed at improving the education and social welfare of children should explore the possibility of establishing and funding a program with NGOs and the Pakistan Ministry of Justice to effectively implement Pakistan's Bonded Labor (Abolition) Act.

II. THE NATURE OF THE ABUSE

"Reema" and her husband "Ali" live in the interior of Sindh where they work on a sugarcane plantation. For most of their lives they worked for a landlord who beat them frequently. They were confined to his property because he claimed that they were financially indebted to him. "Reema" and "Ali", however, were convinced that the landlord owed them money as all they received in exchange for their many years of work was food and lodging. Whatever money was needed for basic necessities was extended as a loan from the landlord.

One day in 1990, while working in the fields, "Reema" was summoned to the landlord. Upon arriving at his house she was raped. She chose not to register a case against the landlord as she knew it was unlikely that the police would arrest him. Moreover, there was the possibility that by claiming that she was raped, "Reema" could be charged with adultery.¹

¹The Hudood Ordinances, implemented in 1980 during the regime of Zia ul-Haq, prescribe punishments for adultery and rape. Most importantly, the ordinances implemented evidentiary requirements that make it difficult for perpetrators to be convicted for rape. In order to convict a man of rape, four male Muslim witnesses must testify against the defendant. Judges also require physical evidence of rape, such as torn clothes, bruises, and cuts, in order to prove that the woman resisted advances. If the woman is thought to have accepted the forced intercourse passively, she can be charged and convicted for adultery. In numerous such cases women are convicted of consenting to an act of adultery due to their "loose" character or for offering no resistance. These laws account for much of the increase in the women's prison population since the early 1980s and are one of the major reasons women are jailed or detained and their complaints

Later that year, unable to live under such unbearable conditions any longer, "Reema" and "Ali" attempted escape, only to be detained by the local police and jailed in Mir Pur Khas for one month under false charges. Eventually, the police forcibly returned them to the landlord.

of police misconduct go unanswered. For a detailed description of the Hudood Ordinances and the related police abuse of women in custody see Asia Watch and Women's Rights Project, *Double Jeopardy: Police Abuse of Women in Pakistan*, (New York: Human Rights Watch, 1992), pp. 47-68.

In 1992 the couple and their children were sold to another landlord who owns mango orchards. "Reema" and "Ali," forced out of their original home, continue to work long hours, cannot leave their place of work, and are subject to vicious beatings. "Ali's" leg was broken in one such beating.²

The experience of "Reema" and "Ali" exemplifies the fate of bonded laborers in Pakistan. Their lives are marked by a consistent pattern of cruel, inhuman, and degrading treatment by their employers who control their labor. This exchange of labor for loans, in a context where a worker is not allowed to negotiate the length or term of his or her employment, constitutes debt-bondage.

Debt-bondage is one of the forms of slavery proscribed by the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. Pakistani laws, such as the Bonded Labour (Abolition) Act 1992, are consistent with international laws which seek to eliminate the bonded labor system. But those laws are not adequately enforced.

Bonded labor is most widespread in agriculture, particularly in the interior of Sindh and southern Punjab where land distribution is highly inequitable. Bondage in agrarian regions involves the purchase and sale of peasants among landlords, the maintenance of private jails to discipline and punish peasants, the forcible transference of teachers who train peasants to maintain proper financial accounts, and a pattern of rape of peasant women by landlords and the police.

Bonded labor in agriculture often emerges from historically hierarchical relationships between landlords and peasants. These relationships are reinforced by contemporary agricultural policies which give landlords privileged access to land, resources, and credit. In many cases peasant children inherit the debt, and thus the working conditions, of their parents.

² Human Rights Watch interview, village between Hyderabad and Mir Pur Khas, November 1993. The names of the villages in which Human Rights Watch interviews took place are not specifically named to protect the identities of bonded laborers who may suffer retribution for recounting their experiences.

Brick-kilns, which are located on the outskirts of most major cities and towns in Pakistan, operate almost exclusively on the basis of debt-bondage.³ Male heads of families receive advances which bond them and their entire families to owners of brick-kilns. Once bonded, the laborers are forced to live and work at the brick-kiln site. While all members of the family are expected to work, the minimal wages paid are given only to the male head of the family. The pay structure is such that basic necessities are not covered by the wages, forcing workers to take out further loans and increase their debt.

Bonded laborers are also used in the export-oriented carpet-weaving industry. The investigation conducted by Human Rights Watch/Asia, in addition to other studies,⁴ indicates that a high proportion of carpet workers are children, many of whom are bonded. The children either work on a loom at home or at a center with several looms. While there are looms in urban centers such as Karachi or Lahore, most carpet-weaving occurs in rural areas. Unlike the agricultural sector where children work alongside their families, child weavers are often the only members of their families who work on looms. In many cases, it is the parents who force the children to work. In some situations, particularly in the Thar area of Sindh, children are separated from their families and forced to live and work in enclosed areas which have several carpet looms. Harsh punishments are often meted out to children deemed to be inefficient, involving beating and in some cases, sexual abuse.

Bonded labor is also prevalent in the mining industry of Baluchistan. Laborers from remote areas of Baluchistan and Swat are enticed by contractors with promises of employment. While contractors initially house and support such laborers, they are eventually taken to mines in Baluchistan where they are sold to

³ According to Asma Jahangir, a lawyer with AGHS Legal Aid Cell in Lahore, most organized legal activism against bonded labor focuses on the brick-kiln industry. Thus many Pakistanis who are conscious of the bonded labor system (aside from bonded laborers themselves), underestimate the problem and believe it be a system limited to the brick-kilns. (Human Rights Watch interview, Lahore, November 1993). Other Human Rights Watch/Asia interviews with lawyers in Lahore, Hyderabad, and Karachi confirmed this assertion.

⁴See National Commission for Child Welfare and Development, Special Education and Social Welfare Division, Government of Pakistan and UNICEF, *Discover the Working Child*, (Pakistan: 1990); and Centre for the Improvement Working Conditions and Environment, Labour Department, Government of Punjab and UNICEF, *Child Labour in Carpet-weaving Industry in Punjab*, (Pakistan: 1992).

local employers. Laborers are confined to work sites at the mines until arbitrarily established debts are deemed settled.

In Sindh, many handicraft laborers are bonded to merchants. The process of bondage entails the extension of loans by merchants in exchange for a monopoly over goods produced. The laborers are not free to leave their place of work or sell their goods to other merchants. Merchants frequently use the police to maintain their control over bonded handicraft laborers.

CREDIT AND THE CONTRACT SYSTEM

Bonded laborers work in either the informal economy⁵ or the agricultural sector. Laborers in the informal economy, as well as the landless poor, are denied access to institutional forms of credit and must therefore rely on landlords, moneylenders, and employers.⁶ These latter groups are privileged in credit markets because they have tangible collateral and political influence. Workers in the informal economy and the landless poor tend to be denied credit because of the perceived higher costs of administering small loans and the discriminatory assumption that such workers are high risks.⁷

⁵ The informal economy which employs approximately 70 percent of Pakistan's workers, is composed of a myriad of individual or family-owned enterprises. These enterprises consist of small-scale production and service activities that use local inputs and are labor intensive. See S. Khan and M.J. Khan, *A Comparative Econometric Analysis of Informal and Formal Sectors in Lahore*, (Lahore: Punjab Economic Research Institute, 1986).

⁶ "Rural Poverty in Pakistan," in Shahid Kardar, *Political Economy of Pakistan*, (Lahore: Progressive Publishers 1987) pp. 144-153.

⁷The Grameen Bank of Bangladesh has proved the success of extending credit to the poor. This bank is oriented toward raising the productivity of the poor by providing collateral-free loans for small investment projects identified by the potential

beneficiaries. So as not to intimidate potential borrowers, banking services such as presentation and scrutiny of loan proposals, disbursements and supervision of loans, and collection of repayments are performed at the borrowers' doorsteps rather than in the bank's offices. The average loan is \$65 and the maximum is less than \$200. The rate of repayment has been 98 percent. See Molly Moore, "Banking on Bangladesh's Destitute Women," *Washington Post*, August 16, 1992.

In the agricultural sector, where credit is critical for survival until the harvests, peasants depend on non-institutional sources of credit. Peasants must purchase agricultural inputs, equipment, and basic necessities before the harvests. For example, sharecroppers, who have no direct access to institutional credit, are forced to rely on their landlord for seasonal loans.⁸ Dependence on landlords for credit leaves peasants vulnerable to debt-bondage. Failed harvests, common occurrences in Pakistan, often result in such limited options for economic survival that peasants must literally mortgage themselves to a landlord. If poor economic conditions continue and workers cannot repay their loans, they become permanently bonded to their landlord.

Interviews with bonded laborers, trade union leaders, and representatives of development organizations revealed that bonded laborers outside the agricultural sector tend to work under a contract system. Rather than paying wages or guaranteeing job security, employers remunerate workers on the basis of their output, such as the number of bricks produced or the length of carpet woven.

Employers provide contractors (*jamadars* or *thekedars*) with cash advances in exchange for guaranteed future products. The contractor must then ensure that laborers produce a designated amount of goods within a certain period of time. These contractors further subcontract, thereby creating multiple intermediaries between employer and worker. Often, it is subcontractors who bond laborers. In certain circumstances, laborers do not even come in contact with their employer. For example, in carpet-weaving, the carpet exporter based in Karachi or Lahore rarely sees where his or her carpets are woven.⁹ The exporter usually deals with a number of intermediary subcontractors located close to the villages where the weaving takes place. Subcontractors supply raw materials to workers which are debited to their accounts as loans. They provide credit, information, and a conduit for the finished goods to the market and pay workers for the amount of product made.

The contract system allows much room for abuse. According to Khawar Mumtaz of Shirkat Gah, a Lahore-based organization which works on issues involving women in development, the contract system is responsible for widespread

⁸ Mahmood Hasan Khan, "Agriculture," in ed. Subroto Roy and William E. James, *Foundations of Pakistan's Political Economy: Towards an Agenda for the 1990s*, (New Delhi: Sage Publications, 1992), p. 203.

⁹ Mahmood Ahmad Khan, "A thing of beauty which is no joy for its creators," *Viewpoint*, Lahore, July 19, 1990, p. 13.

violations of worker rights.¹⁰ Bonded laborers in the brick-kiln industry and in carpet-weaving told Human Rights Watch/Asia that contractors coerce workers to complete goods in a certain amount of time or face physical punishment. Moreover, earnings are exceptionally low and thus, all family members must work in order to survive. This situation leads to the extensive use of child labor. For the contractor there are minimal overhead costs because there are no trade unions to demand minimum wages, social security, and safe working sites.

BONDAGE AND THE SOCIOECONOMIC STRUCTURE

The bonded laborers interviewed by Human Rights Watch/Asia were either born into bondage because they "inherited" a debt from their parents, sold into bondage by family members, or put themselves into bondage by taking out loans under conditions which made them impossible to repay. In exchange for extending loans, lenders claim a monopoly over laborers' activities. Such a monopoly includes the ability to sell the workers (and in many cases their entire families) to other employers in exchange for the original debt.

¹⁰ Human Rights Watch interview, Lahore, November 1993.

Shakeel Pathan of the Special Task Force on Sindh told Human Rights Watch/Asia that inequitable accounting practices undermine the ability of bonded laborers to repay loans.¹¹ Interviews with bonded laborers, employers, contractors, and lawyers interviewed said that false expenses are added to the loans, workers are fined for disobeying the employers' policies, wages are often debited as loans, and/or exorbitant rates of interest are charged. At the various work sites which Human Rights Watch/Asia visited, no neutral sources existed to arbitrate financial disputes between employers and laborers.

While debts can be inherited from past generations, the problems of bonded labor are located in contemporary economic and political structures. In the Pakistani economy, where social services are often nonexistent, underemployment is high, and wages are low, access to credit is fundamental for survival, particularly when a failed harvest or a recessionary downturn can exhaust a worker's means of subsistence. If unable to obtain credit from alternative sources, workers fall prey to the advances of employers, landlords, and moneylenders who extend desperately needed cash in exchange for long-term control over their labor. In such an economic context, where alternative strategies for survival are limited, the male head of the family often enters into contracts which place himself, a member of his family, or his entire family into bondage.

Many employers interviewed by Human Rights Watch/Asia claimed that advancing loans was a necessary component of the wage structure. For example, Iqbal Malik, a carpet exporter from Lahore, stated that as carpet-weavers were extremely poor, they required him to supply looms, material, and occasionally cash in exchange for a commitment to weave a certain number of carpets within a set time. While there is an obvious shortage of credit, the extension of credit in exchange for a monopoly over a laborers' activities is in clear violation of international law.

In addition to advancing loans, employers also are able to control and structure bonded laborers' activities through a consistent pattern of violence. Over 90 percent of bonded laborers interviewed by Human Rights Watch/Asia were victims of work-related violence. As this report documents below such violence ranges from mild beatings to outright torture. Bonded laborers who disobey employers' orders are beaten with such regularity that many of them consider physical abuse intrinsic to their work.

¹¹ Human Rights Watch interview, Hyderabad, October 1993.

Women held in servitude suffer particular hardship.¹² The majority of loans that are extended to bonded laborers are given to men. As a consequence, female bonded laborers are faced with double exploitation as dependents of male bonded laborers. Although such women rarely receive financial compensation, they are expected to work full-time, over and above maintaining their households.

¹² World Bank, *Women in Pakistan: An Economic and Social Strategy: A World Bank Country Study*, (Washington D.C.: The World Bank, 1989), p.23.

According to representatives of War Against Rape, a national anti-rape organization, Women's Action Forum, an umbrella group for women's organizations throughout Pakistan, and the Bonded Labour Liberation Front (BLLF)¹³, a national advocacy group for bonded laborers,¹⁴ women bonded laborers are frequently sexually assaulted. As Ehsanullah Khan of the BLLF said in an interview with Human Rights Watch/Asia, "One of the most important issues facing bonded laborers in all parts of Pakistan is rape of women bonded laborers. Our reports indicate that it is happening regularly in brick-kilns, at carpet-looms, and in agriculture."¹⁵ Human Rights Watch/Asia interviewed two women bonded laborers whose daughters had been raped at brick-kilns near Lahore,¹⁶ one man whose wife was raped in the interior of Sindh, and two women who were raped in the interior of Sindh. If women bonded laborers seek legal recourse after sexual assault, they are subject to a series of laws which equate rape with adultery, an offense for which they can be punished under Pakistan's Hudood Ordinances.¹⁷

In agriculture and brick-making, if a male member of a family leaves the work site or the immediate vicinity, female family members can be held in custody as a guarantee for their return. If their family members do not return, these women are often sold into marriage or prostitution. Human Rights Watch/Asia interviewed five families, three at brick-kilns near Lahore and two at agricultural sites near Hyderabad, who had a female family member sold into marriage after her father or husband left his place of bondage.¹⁸

¹³ The Bonded Labour Liberation Front is an organization that has actively sought to end the bonded labor system in Pakistan. It has established schools for bonded laborers, set in motion legal action against those who hold workers in bondage, and raised awareness of this contemporary form of slavery in Pakistan. It has documented a number of cases of bonded laborers which further substantiate Human Rights Watch/Asia's investigations.

¹⁴ Human Rights Watch interviews, Lahore, October and November 1993.

¹⁵ Human Rights Watch interview, Lahore, November 1993.

¹⁶ Human Rights Watch interviews, brick-kilns outside Lahore, October 1993.

¹⁷ See Asma Jahangir and Hina Jilani, *The Hudood Ordinances: A Divine Sanction?* (Lahore: Rhota Books, 1990).

¹⁸ Human Rights Watch interviews, brick-kiln outside Lahore, October 1993 and village between Hyderabad and Mir Pur Khas, November 1993.

The bonded labor system makes extensive use of children. Human Rights Watch/Asia observed children working at every brick-kiln, carpet-loom, and agricultural site that it visited in Pakistan. A representative of the International Labor Organization in Islamabad told Human Rights Watch/Asia that bonded child labor in Pakistan was one of its greatest concerns.¹⁹

¹⁹ Human Rights Watch phone interview with ILO representative in Islamabad, November 1993. In an attempt to eliminate Bonded Child Labour throughout South Asia the ILO's Interdepartmental Project on the Elimination of Child Labour held the *Asian Regional Seminar on Children in Bondage* in Islamabad, November 23-26, 1991.

Children either work alongside their bonded families or are sold individually into bondage. Five children interviewed by Human Rights Watch/Asia at brick-kiln sites near Lahore and five working on farms throughout the interior of Sindh were born into bondage. Ten children interviewed at carpet-weaving looms in Mithi were sold into bondage by their parents. According to Baela Jamil of UNICEF in Lahore, "Faced with a lack of schools for their children and employment opportunities for themselves, parents throughout Pakistan have bonded their children to employers."²⁰ Child bonded laborers interviewed by Human Rights Watch/Asia revealed that they are rarely asked whether they wish to work as bonded laborers. Iqbal Masih, a bonded labor advocate, told Human Rights Watch/Asia, "Children have no choices in the bonded labor system. They are forced to work by their employers and sometimes by their parents. If they do not work, they will be beaten."²¹ The widespread existence of bonded child labor in Pakistan is particularly appalling as the government, which is a party to the Convention on the Rights of the Child, has repeatedly pledged to ban all forms of child labor in Pakistan.

While all bonded laborers are victims of a consistent pattern of abuse, a Christian lawyer in Lahore, who wished to remain unidentified for fear of reprisal, stated, "Christian bonded laborers suffer double exploitation as religious minorities and as bonded laborers."²² Human Rights Watch/Asia found it difficult to document particular abuses against non-Muslim bonded laborers as non-Muslims. However, eight Christians and three Hindus interviewed by Human Rights Watch/Asia stated that they were forced to work harder and were punished more brutally than Muslim bonded laborers. Asif Ali, a landlord from Sindh told Human Rights Watch/Asia that "the Kohlis and Bheels [low-caste Hindus] were *kaffirs* [infidels] and did not deserve any rights." Despite the difficulty in documenting

²⁰ Human Rights Watch interview, Lahore, November 1993.

²¹ Iqbal Masih was reported to be eleven years old in November 1993 when he was interviewed by Human Rights Watch/Asia in Lahore in the presence of Ehsanullah Khan, president of the Bonded Labour Liberation Front. He was a bonded laborer in the carpet-weaving industry and managed to free himself. At the time of the interview he was working with the Bonded Labour Liberation Front as an advocate for bonded laborers. In April 1995 he was shot dead while riding his bicycle in his village north of Lahore, apparently by a villager whom Iqbal had seen involved in an illicit act. As of this writing, an arrest had been made and the case was under investigation.

²² Human Rights Watch interview, Lahore, October 1993.

specific violations against non-Muslim bonded laborers as non-Muslims, it should be noted that the government of Pakistan legally discriminates against religious minorities and its practices have created a climate where the basic rights of such minorities are violated with impunity.²³

PUNISHMENT FOR SEEKING CHANGE

Workers who wish to change their working conditions or choose another place of employment are deterred by a consistent pattern of physical, sexual, and psychological abuse. Human Rights Watch/Asia visited carpet-weaving centers in Thar, where children were locked inside, and brick-kilns near Lahore in addition to farms in the interior of Sindh, where laborers were prevented from leaving by armed guards. Nineteen bonded laborers interviewed by Human Right Watch/Asia, who attempted escape were captured and returned to the work site. In addition to such restrictions on freedom of movement, bonded laborers have been disciplined and punished by being confined to private jails. The nongovernmental Human Rights Commission of Pakistan, in its annual report for 1993, documented twelve private jails in the district of Sanghar alone. One such prison, raided and closed down by the army in 1991, was described in *Newsline*, a prominent national newsmagazine:

²³ See Asia Watch, *Persecuted Minorities and Writers in Pakistan* (New York: Human Rights Watch, 1993.)

About 30 kilometers east of Tando Allahyar...is a fort like structure. Its walls, 14 feet high, are strategically covered with barbed wire....The residents of the area have long known that the building, commonly referred to as a *kot*, is a private prison where the all-powerful landlord of the area, Haji Ghulam Khokhar, incarcerated his *haris* [peasants]. The armed guards deployed in the bunkers to keep watch over the inmates were also familiar sights....There was cause for the heavy security and secrecy: the inmates of the *kot* - *haris* who worked on the lands from dawn to dusk - were physically chained with iron fetters weighing up to 25 kgs when they were brought back to the prison in the evenings. Women, who either worked alongside the men in the fields or in the *wadera*'s [landlord's] *haveli* [mansion], were often raped by the *wadera*'s guards, as a result of which many illegitimate children were born in the *kot*.²⁴

²⁴ Hassan Mujtaba, "The Living Dead," *Newsline*, December 1992, p. 49.

Such private jails are an extreme form of coercion in a system where the sustained exploitation of bonded labor is widespread. The ability of workers to address their exploitation is limited in two crucial ways. First, the justice system does not treat bonded laborers equally before the law, as required by international law and Pakistan's own constitution. When workers attempt to file charges against their employers, the police often refuse to register the cases or prosecute those who violate existing laws against bonded labor. Twenty-six bonded laborers interviewed by Human Rights Watch/Asia said no action had been taken against employers after they complained to the police or a local magistrate. Second, the right to organize is tightly restricted. According to the International Centre for Trade Union Rights, an independent organization: "The right to association and bargain collectively continues to be a right reserved for a small minority of Pakistani workers. Large sectors of the work force are prohibited from joining trade unions and engaging in collective bargaining."²⁵ Human Rights Watch/Asia interviewed seven bonded laborers who attempted to seek redress against their exploitation and were punitively detained by local police either under false charges or without charge at all. The arrest of bonded laborers is not only discriminatory but is also routinely carried out in clear violation of basic principles of due process provided in Pakistani and international law.

²⁵ International Center for Trade Union Rights, "Trade Union Rights and Industrial Relations in Pakistan," GM/TUR/4-2-94/(cf-5185), p. 16.

III. THE POLITICAL AND LEGAL CONTEXT

The denial of basic human rights to bonded laborers in Pakistan has a long history. A series of military regimes which governed Pakistan from 1958 to 1971 and again from 1977 to 1988 systematically crushed civil society and undermined democratic institutions such as the judiciary and parliament. The ostensible return to democracy since 1988 (in the form of the right to vote in elections) has not noticeably altered the legacy of authoritarian military rule in Pakistan. This legacy is manifest in limits on freedom of association for workers and peasants, legislated discrimination against women and religious minorities, and the failure of the judiciary to protect the rights of citizens as guaranteed in Pakistan's constitution.

The incongruity in Pakistan between procedural democracy and widespread human rights violations is rooted in a system of governance created in British India and reconfigured by successive post-colonial governments. The colonial system, and its legal apparatus, which sought to control subjects rather than govern citizens, was a model for the architects of Pakistan's state structure.¹ The state's denial of fundamental rights in order to maintain political control, a hallmark of British rule in India, endures in contemporary Pakistan.

¹ The chaos of independence and partition led Pakistan's initial leadership to rely heavily on preexisting (and hence, colonial) systems of governance. For example, the colonial state's Government of India Act of 1935 provided the framework for Pakistan's first Constitution of 1956.

In 1947, the state of Pakistan was created from partitioned sections of northwest and northeast colonial India.² Upon independence the new government was faced with the complex task of constructing legislative, executive, and judicial bodies virtually from scratch. This task was complicated by the lack of well organized national political parties, limited financial resources, the violence of partition,³ provincial antipathy towards the central state, and the emergence of India as a military foe.⁴

In the immediate aftermath of independence, Pakistan entered a dispute with India over the princely state of Kashmir.⁵ In the minds of Pakistan's leaders, this dispute, which led to subsequent military confrontations with India, made the establishment of a viable defense system crucial to the maintenance of Pakistan's independence, and much of the newly independent state's limited resources were thus diverted to military interests. Executive ordinances and coercive strategies to exact revenue primarily for the military frustrated the promotion of democratic institutions. The early years of independence were fraught with constituent assembly battles which sought to define the political form of the Pakistani state. These battles were fought among members of a parliament (which was also a constitution making body) that was elected on the basis of limited franchise two years before independence and that did not accurately reflect Pakistan's citizenry.⁶

²The Northwest section made up of the provinces of Punjab, Sindh, Baluchistan, and the Northwest Frontier Province; federally administered tribal areas; the Northern Areas; and Pakistani Kashmir constitute the current state of Pakistan. The Northeast section, a part of Pakistan until a civil war in 1971, is now the independent state of Bangladesh.

³At the time of the partition of India and Pakistan, several million people from both sides crossed the newly created borders. A number of well organized groups took advantage of the situation and systematically attacked targeted communities. Over 500,000 were killed in this communal violence.

⁴Ayesha Jalal, *The State of Martial Rule: The Origins of Pakistan's Political Economy of Defence*, (Cambridge: Cambridge University Press, 1990), pp. 48-135.

⁵For a history of the conflict over Kashmir please see Asia Watch and Physicians for Human Rights, *The Human Rights Crisis in Kashmir: A Pattern of Impunity*, (New York: Human Rights Watch, 1993), pp. 20-24.

⁶The majority of Pakistan's population lived in East Pakistan. Any representative form of democracy would have given control to this section of the country, which the West Pakistanis would not allow. The denial of equal representation to East Pakistan eventually led to a civil war in which East Pakistan seceded and became Bangladesh in

No democratic elections were held from 1947 to 1970 and in the absence of elected bodies, the civil bureaucracy and military became primary instruments of governance. Control by the executive branch of the judiciary was also firmly established during this period. Consequently, it became difficult for Pakistani citizens to seek accountability for the actions of their governing institutions.

Worker rights were seriously undermined during this early period,⁷ both by colonial codes and a series of acts and ordinances which sought to weaken, divide, and localize the trade union movement. The Essential Services Maintenance Act of 1952 was the first major labor legislation passed by the government of Pakistan after independence. This act denied freedom of association, including the right to bargain collectively, to workers in a number of industries and services designated "essential" by the government.⁸ Moreover, holding strikes and terminating employment without the employer's consent in such "essential" industries were made imprisonable offenses.⁹

⁷ Paradoxically, while legislation was passed undermining workers rights, the government committed itself to a labor policy in August 1955 that sought "to encourage the growth of genuine and healthy trade unions in order to promote healthy collective bargaining on the part of labour." M. Malik, "Trade Union Rights in Pakistan," (Prague: International Centre for Trade Union Rights, 1991).

⁸The essential industries and services are the generation, production manufacture of supply of electricity, gas, oil, or water to the public; any system of public conservancy or sanitation; hospital and ambulance services; fire fighting service; postal, telegraph and telephone service; railways and airways; ports; and watch and ward staff and security services maintained in any establishment.

⁹These restrictions on worker rights continue. The ILO has consistently criticized Pakistan for these restrictions of worker rights. See ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 80th Session, 1993,

In 1956, Pakistan's first constitution was ratified. During the nation's first tumultuous nine years, democratic institutions such as political parties had been severely weakened. The Muslim League, Pakistan's only national political party, had virtually collapsed. The new constitution called for direct elections but before they could be held, the army took power in a military coup and declared martial law. In 1958, General Ayub Khan became commander-in-chief, chief martial law administrator, and President of Pakistan.

Under the military regime of Ayub Khan, the press was controlled, the political opposition purged, and trade unions undermined.¹⁰ The army and the bureaucracy continued to control the governing process. In 1962, Ayub Khan abandoned martial rule and established the "Basic Democracy" system which extended limited political rights but did not challenge the military's firm control over civil society, the judiciary, and the civil service. In the economic sphere, he pursued industrialization and agricultural policies that favored powerful industrialists and large landlords. These policies further undermined the bargaining power of labor and peasant groups. In 1965, Ayub Khan held the first presidential election on the indirect voting basis of the "Basic Democracy" system and triumphed over Fatimah Jinnah, leader of the moribund Muslim League. After the election, trade unions, student organizations, and East Pakistani groups clamoring for greater autonomy demanded Ayub Khan's resignation.

In 1967, the Pakistan Democratic Movement was established. This alliance of disparate opposition groups sought a number of changes in the political system, among them, direct elections and the reestablishment of the parliamentary system. The government's response was to crack down on all opposition political activity. Such action precipitated widespread street demonstrations against Ayub Khan and his regime. In 1969, under pressure from many quarters, Ayub Khan resigned and his successor, General Yahya Khan, reestablished martial rule in Pakistan.

¹⁰Like his predecessors Ayub Khan undermined worker rights in practice while articulating policies that claimed to promote workers rights. For example, the industrial relations policy of 1959 claimed that the government would bring Pakistan's labor laws in compliance with the ILO standards. In practice, the rights to collective bargaining, freedom of association, and proscriptions against forced labor were never enforced. To this day, Pakistan's labor laws do not comply even with the ILO's most basic standards.

The Industrial Relations Ordinance of 1969 (IRO), Pakistan's major labor code, was passed in this context. The IRO recognized certain trade unions, called for consultations between employers and workers, defined unfair labor practices, established labor courts, and regulated collective bargaining. Notwithstanding its great advancement for worker rights in Pakistan, the IRO also restricted union activity in a number of ways. Most importantly, it did not guarantee basic labor rights for workers in agriculture, education and previously defined "essential" industries and services. The IRO also restricted the ability of unions to organize on an industry-wide or national basis.¹¹ The ordinance required that three-quarters of a given trade unions' members declare the same employer,¹² limited strikes to thirty days, and extended government authority to call off any strike that caused "serious hardship to the country" or threatened the national interest.

In 1970, Pakistan's first parliamentary elections were held. The Awami League, based in East Pakistan, won a majority of seats in the National Assembly with the Pakistan People's Party coming in second with the majority of seats in West Pakistan. The martial law regime and the Pakistan People's Party were not willing to concede power to a government based in East Pakistan. General Yahya Khan declared a military crackdown in East Pakistan, and a bloody civil war ensued. The result was the division of Pakistan into Pakistan and Bangladesh.

The Pakistan People's Party, led by Zulfikar Ali Bhutto, which won a majority of seats in the former West Pakistan, came to power in 1971. Bhutto, a prominent landlord from Sindh, ran on a populist platform which promised to extend political, economic, and social rights to the bulk of Pakistan's population. Bhutto partially succeeded in this endeavor, but structural constraints and Bhutto's own authoritarian tendencies undermined the thrust of his reforms.

In 1973, a new constitution which guaranteed a number of political, economic, and social rights was promulgated. Bhutto amended the IRO and enacted legislation which strengthened worker rights. He coupled his labor policies with land reform and the nationalization of major industries. During his tenure, select segments of civil society such as the press, student groups, and trade unions

¹¹Christopher Candland, "Organized Labor and Economic Reform in India and Pakistan," paper presented to the Association of Asian Studies 1994 Annual Meeting, Boston, 24-27, March 1994.

¹²Many large enterprises that share the government as a common employer are deemed essential under the Essential Services Maintenance Act and thus even they are denied the minimal worker rights guaranteed under the IRO.

expanded their activities. Moreover, through reforms he engineered, Bhutto created a series of checks and balances on the government, although key checks, such as the accountability of the government through the courts, and an independent judiciary, were not instituted in practice. Furthermore, during his later years in power, Bhutto circumscribed the freedom of the press, used violent means to suppress perceived political opponents, and amended the constitution to enhance his power.

Bhutto's later years in office were marked by widespread opposition to his leadership. A coalition of opposition groups, the Pakistan National Alliance, contested his power in the 1977 general elections. Although Bhutto won by a wide margin, many observers believe that the elections were rigged. Protestors took to the streets, and Bhutto declared a state of martial law. The army, led by Zia ul-Haq, staged a military coup. The military regime then tried and convicted Bhutto, Pakistan's first elected prime minister, for the murder of a political opponent. In 1979, with the Supreme Court's denial of his appeal, Bhutto was hanged.

The new government of Zia ul-Haq reestablished military rule with the promise to hold elections within ninety days. Zia did not fulfil that promise. During his initial years in office, he banned political parties, trade unions, and student groups. He controlled the press, brutally repressed all political opposition, and systematically undermined the rights of women, religious minorities, labor, and the peasantry. He diverted the majority of Pakistan's resources to the military and granted military officers agricultural lands, property throughout the country, and monopolies over certain industries.

In the legislative arena, Zia passed a number of presidential ordinances and constitutional amendments which undermined the judiciary. The Provisional Constitutional Order of 1981 allowed military authorities to decide whether cases would be heard in civil courts or in the martial law courts over which they held absolute power. The powerful martial law courts shut down most political activity, penalized speech that was deemed seditious, and eliminated guarantees of due process. Judges who did not abide by such decisions were dismissed. All the fundamental rights guaranteed under the constitution were also suspended.

In 1985, under domestic and international pressure to reintroduce democratic processes in Pakistan, Zia ul-Haq held general elections on a non party basis. While the opposition boycotted the elections, Muhammad Khan Junejo, a political supporter of Zia ul-Haq and a powerful landlord from Sindh, became prime minister. The new government immediately passed the Eighth Amendment which guaranteed that all constitutional amendments, laws, and ordinances promulgated during Zia ul-Haq's martial law period would be maintained. Under that amendment, moreover, neither the courts nor the legislative bodies could question the validity of these laws.

Subsequently, martial law was lifted, the Constitution of 1973 was revived, and General Zia ul-Haq appointed himself president. Although originally a document that guaranteed basic democratic rights, the Constitution of 1973 had been amended by the martial law regime to give the president wide ranging discretionary powers. In 1989, Zia ul-Haq dismissed the Junejo government and called for elections to be held within ninety days. In the interim, Zia ul-Haq was killed in a plane crash, the cause of which is still unknown. Elections were held and Benazir Bhutto, Zulfikar Ali Bhutto's daughter, and the leader of the Pakistan People's Party, was elected prime minister.

Benazir Bhutto's election marked the ostensible reintroduction of democracy to Pakistan. A genuinely free press was reestablished, parliament was reactivated, and more independence was granted to the judiciary. But serious abuses of human rights continued. The new prime minister claimed that there would be changes. With regard to worker rights, she pledged to restore all trade unions, eliminate contract labor, raise the minimum wage, and bring Pakistan into compliance with ILO conventions. These measures were not implemented.

The president of Pakistan, Ghulam Ishaq Khan, sought to undermine Benazir Bhutto's term in office and eventually dismissed her government on charges of corruption. New elections were held and, amid claims of vote rigging, Nawaz Sharif, a wealthy industrialist, became prime minister. Like his predecessor, he promised to improve worker rights. He claimed he would implement new labor legislation, extend social security, and increase the minimum wage. He also promised to bring Pakistan into compliance with the ILO conventions.¹³

But in the attempt to attract foreign investment, worker rights were ignored. For example, the Sharif government guaranteed the South Korean Daewoo Group that trade unions would not be allowed and labor laws would not apply in projects in which they invested. When workers attempted to protest this action, many were arrested and tortured in detention. In January 1993, the government stated that the Daewoo Corporation was an essential industry and thus workers had no rights to freedom of association or collective bargaining.

Nawaz Sharif's tenure was fraught with conflicts with the president, Ghulam Ishaq Khan. In April 1993, a power struggle between the two culminated

¹³While Nawaz Sharif was Prime Minister parliament passed the 1992 Finance Act which gave a number of incentives to foreign companies. This act allows the government to exempt all industrial units that export 75 percent of products from the Industrial Relations Ordinance.

in the President's dismissal of Sharif's government. In a landmark decision, which indicated a new independence for courts in Pakistan, the Supreme Court declared the president's actions unconstitutional and restored Nawaz Sharif as prime minister. However, under pressure from the army, both Ghulam Ishaq Khan and Nawaz Sharif resigned, and interim Prime Minister Moeen Qureishi and President Wassim Sajjad were appointed.

Qureishi implemented a number of reforms that sought to address political corruption, curb the activities of drug traffickers, and tax agricultural lands. In October 1993, elections were held for the national and provincial assemblies. Although no single party won an absolute majority, the Pakistan People's Party led by Benazir Bhutto took the most seats and formed the government. Farooq Leghari, an ally of Benazir Bhutto, became president and Nawaz Sharif, the leader of the opposition.

The democratically elected governments of Nawaz Sharif and Benazir Bhutto are similar in nature. Neither government carried out the overt systematic repression of human rights that was the hallmark of the Zia regime. Neither, however, did they strike down the series of discriminatory ordinances promulgated by Zia and his predecessors. Moreover, they allowed the coercive institutions of the state, including the police and the army, to abuse citizens with impunity. Both governments, while ostensibly concerned with the plight of workers, embarked on strategies which placed a higher priority on aggregate economic growth than on worker rights.¹⁴

THE APPLICABLE LAW

Pakistan has ratified a number of international covenants and conventions which proscribe slavery, forced labor, and debt-bondage. The constitution of Pakistan forbids slavery and forced labor; a Supreme Court decision declared that the bonded labor system is unconstitutional; and an act of parliament called for the abolition of bonded labor. But the practice continues. According to the Human Rights Commission of Pakistan:

¹⁴ In November 1993, the ILO governing body "advised the Pakistan government to take immediate measures to bring the country's labour laws into conformity with the ratified ILO conventions on freedom of association, collective bargaining and the abolition of forced labor."

Despite the Bonded Labour (Abolition) Act of 1992, forced labour continued to be practiced on a wide scale, mostly in agriculture, brick-kilns, fisheries, construction, carpet industry and over domestic servants. The size of it was estimated in the region of 20 million.¹⁵

The existing national and international laws on slavery, forced labor, and debt-bondage provide an excellent foundation for the eradication of bonded labor. However, if these laws are to be tenable, the government of Pakistan must ensure that they are effectively implemented.

International Law

The Slavery Convention of 1926 calls on all its signatories to "prevent and suppress the slave trade" and "to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms." This convention, which was adopted by the United Nations in 1953, is reaffirmed in Article 8 of the International Covenant on Civil and Political Rights which declares: "No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude." The definition of slavery is further clarified in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery, 1956. This convention considers debt-bondage, serfdom, the trafficking of women, and child servitude to be institutions and practices similar to slavery and defines debt-bondage as follows:

Debt-bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services 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 length and nature of those services are not respectively limited and defined.

¹⁵ Human Rights Commission of Pakistan, *State of Human Rights in Pakistan 1994*, (Lahore: 1995), p. 120.

In 1975, the United Nations created a Working Group on Contemporary Forms of Slavery to monitor the application of the slavery conventions. This group, which consists of five independent experts from the membership of the Sub-commission on Prevention of Discrimination and Protection of Minorities, holds an annual meeting, with representatives of member states, other U.N. agencies, and accredited non government organizations in attendance. The Bonded Labour Liberation Front of Pakistan and Anti-Slavery International have consistently raised the issue of bonded labor in Pakistan before this group to no apparent effect.

The International Labour Organization passed the Forced Labour Convention (No. 29) in 1930, to which Pakistan is now a party. This convention calls on its signatories to "suppress the use of forced or compulsory labour"¹⁶ in all its forms in the shortest period possible." At its 40th session in 1957, the ILO further clarified its definition of forced labor to specifically incorporate debt-bondage and serfdom¹⁷ and it passed the Abolition of Forced Labour Convention (No. 105). The ILO Committee of Experts on the Application of Conventions and Recommendations has reported on a number of occasions that Pakistan is not in compliance with the two forced labor conventions.

Domestic Law

In Pakistan, the constitution, a Supreme Court decision, and an act of Parliament all serve to outlaw bonded labor. The Constitution of 1973 lists a number of fundamental rights ostensibly guaranteed to all Pakistani citizens. The constitution states that all laws which are inconsistent with, or in derogation of, these fundamental rights are void. Slavery and forced labor are addressed in article 11 of the constitution:

- (1) Slavery is nonexistent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

¹⁶ The Forced Labour Convention (No. 29) defines "forced or compulsory labour" as "all work or service which is extracted from a person under the menace of any penalty and for which the said person has not offered himself voluntarily."

¹⁷ ILO, *Conventions and Recommendations 1919-1966*, Adopted by the ILO, (Geneva: ILO, 1966), p. 891.

- (2) All forms of forced labour and traffic in human beings are prohibited.

Although slavery is generically proscribed in the constitution, the bonded labor system is specifically banned under an important Supreme Court ruling passed in 1988. In the case of *Darshan Masih and others vs. the State*, the courts ruled that brick-kiln workers are indeed bonded laborers and that the bonded labor system is inconsistent with fundamental rights guaranteed in the constitution. Thus, the Supreme Court declared that the bonded labor system must be eradicated. This decision grants laborers the right to work wherever they wish; bans contractors from the bonded labor system; limits the amount an employer can loan employees; and attempts to make specific arrangements to end false arrests of bonded laborers. Its major limitations are that it upholds the legality of existing debts and implicitly limits the scope of the law to the brick-kiln industry. Moreover, it guarantees wages only to the male head of the household and not to other family members who also work.

The Supreme Court decision was followed by an important act of Parliament: the Bonded Labour (Abolition) Act of 1992.¹⁸ This act abolishes the bonded labor system, terminates bonded laborers past debts, and legislates harsh punishments for those engaged in the bonded labor system. It also calls upon the state to establish vigilance committees at the district level consisting of elected representatives from the area, the district administration, bar associations, the press, recognized social services, and labor departments of federal and provincial governments. These committees are to advise the district administration on matters relating to the effective implementation of the law. They are also to help rehabilitate freed bonded laborers, assure that the laws are properly applied, and provide bonded laborers with assistance to achieve the objectives of the law. While the law provides for the establishment of such committees, this has not occurred. The establishment of these committees would be the first important step to ensure that this act is enforced.

¹⁸ See Appendix I.

IV. BRICK-KILNS

*"Gul", a Christian Punjabi man, lives and works at a brick-kiln on the outskirts of Lahore. He and his family have worked as bonded laborers at the kiln for over fifteen years. Working hours are long, pay is low, and working conditions are intolerable. "Gul" attempted to organize other workers to collectively address their harsh working conditions in 1991. This resulted in his being brutally beaten at the behest of the kiln owner. "Gul" decided to leave the kiln. He was caught by the local police who held him for three weeks under a false charge of theft. He was held in police custody for several weeks, during which time he was beaten. He was eventually forced to return to the brick-kiln. In his absence, "Gul's" wife was sexually harassed by a **jamadar** [foreman/contractor]. By the owner's account, "Gul" cannot leave the brick-kiln until he clears his Rs.10,000 [\$300] debt. "Gul" insists his debt is no more than Rs. 2,500 [\$75], but he has no documentation and no way of challenging the owner's figures. As he does not have the required amount, "Gul" and his family continue to work at the brick-kiln.¹*

¹ Human Rights Watch interview, brick-kiln outside Lahore, October 1993.

Labor conditions in the brick-kilns of Pakistan have concerned human rights activists, trade unions, lawyers, and religious groups for many years. Such concern has resulted in significant judicial and legislative reforms. For example, a landmark Supreme Court decision in 1988 specifically cited work practices in the brick-kiln industry as a form of bonded labor.² The same Supreme Court decision declared such practices a violation of fundamental rights and ruled that they must immediately be discontinued. However, proscriptions against bonded labor in the brick-kiln industry have not significantly affected working conditions. Human Rights Watch/Asia's investigation in Pakistan reveals that debt-bondage, restrictions on freedom of movement, physical abuse, sexual harassment including rape, low wages, and a lack of medical and educational facilities are widespread and endemic in the brick making industry. The Human Rights Commission of Pakistan (HRCP), which has extensively monitored and documented working conditions in brick-kilns,³ has noted that during 1994 national laws on bonded labor were widely violated. The HRCP cites a number of examples including the following testimony of two former brick-kiln workers from Kasur:

Thousands of workers, they alleged, were made to do forced labour. Armed men stood guard day and night and if anyone wished to go away briefly he had to leave his children as security. Rape of women workers was a daily routine. Three families were recently bought for Rs 12,000 [\$360] and then made to work for 14 hours a day on pain of being burnt to death. Twice the courts intervened to have families released from the bondage of one or the other families.⁴

CONTEXT

²Pakistan Supreme Court 1988, *Darshan Masih and others vs. the State*.

³See Human Rights Commission of Pakistan, *Bonded Labour in Brick-kiln Industry of Pakistan*, undated.

⁴ Human Rights Commission of Pakistan, *State of Human Rights in Pakistan 1993*, (Lahore: 1994) p. 67.

Brick-kilns are located on the periphery of most major cities and towns in Pakistan and operate almost exclusively on the basis of debt-bondage. The vast majority of workers at brick-kilns are children, most of whom receive no compensation for their labor.⁵ Many started working before the age of thirteen, indicating that they were either the children or grandchildren of those initially given a loan.⁶ In the course of its own research, Human Rights Watch/Asia interviewed one six-year-old boy who worked as a bonded child laborer.

⁵According to *Discover the Working Child*, "On some [brick-kiln] sites as many as 14 children for every 10 adults have been found working," p. 16.

⁶ Human Rights Commission of Pakistan, *Bonded Labour in the Brick-kiln Industry of Pakistan*, p. 2.

Relative to their percentage of the total population, a high proportion of bonded brick-kiln workers in Punjab are Christians⁷: thirteen out of nineteen brick-kiln workers interviewed individually in Punjab by HRW/Asia were Christian. In Sindh a similarly high proportion of bonded laborers are Hindus: six out of fifteen brick-kiln workers interviewed individually in Sindh were Hindu. In these interviews, Christian and Hindu brick-kiln workers alleged that they suffer more abuse than their Muslim counterparts on the basis of their religious affiliation. Although the perception of religious discrimination was widespread, it was difficult to isolate specific instances of discrimination from other abuses, as most workers' basic human rights were systematically denied.

Alexander Malik, bishop of Lahore, claimed that most laborers entered the brick-kiln industry as a result of a decreasing demand for their labor in the rural sector.⁸ Human Rights Watch/Asia interviews confirmed that bonded brick-kiln workers who had taken out loans themselves are predominantly former agricultural laborers: twenty out of twenty-six brick-kiln workers who had sold themselves into bondage interviewed individually throughout Pakistan were former agricultural laborers. Before the independence of Pakistan, many rural landless laborers worked on large agricultural estates as daily wage earners. At the time of independence and during the 1950s many Hindu and Sikh landowners migrated to India. In Punjab in particular, many of the properties left by emigrant landlords were subdivided into smaller plots and redistributed to Muslim refugees. As those farms were often smaller in size and managed by owner cultivators, the need for daily wage labor decreased. The result was massive rural unemployment.

During Ayub Khan's regime in the 1960s, the green revolution, which sought to mechanize the agricultural industry to increase aggregate production, also caused widespread unemployment of agricultural daily wage earners. The green revolution was accompanied by attempts at land reform. Such attempts redistributed land to middle sized landlords. As land was redistributed to those at

⁷ Religious minorities in Pakistan (Hindus, Christians, Ahmadis, and Parsis) constitute less than 5 percent of the total population.

⁸ Human Rights Watch interview, Lahore, November 1993.

the middle of the socio-economic ladder, those at the bottom were further marginalized and left with few employment options. Thus many were forced to sell themselves into bondage.

In addition to rural landless laborers from Pakistan, a number of refugees from Afghanistan have fallen into bondage. After the Soviet invasion of Afghanistan in 1979, over three million Afghan refugees migrated to Pakistan.⁹ While the majority were cared for by the government of Pakistan and international refugee agencies, many were barely able to maintain themselves at subsistence level. Confronted with limited opportunities, a large number of Afghan refugees entered debt-bondage relationships in Pakistani brick-kiln and some have been forced to remain in Pakistan against their will, even after it became politically possible to return. Four such refugees were interviewed by Human Rights Watch/Asia. This is a clear violation of the ICCPR Article 12, Section 2, which states: "Everyone shall be free to leave any country, including his own."

While many bonded laborers who work in brick-kilns are born into a relationship of debt-bondage, others are recruited into such relationships by jamadars, contractors who often act as foremen. Human Rights Watch/Asia individually interviewed thirteen brick-kiln workers who had been born into bondage and twenty-six who had been recruited by jamadars. Jamadars procure

⁹The Soviet invasion of Afghanistan in December 1979 was fortuitous for Pakistan's military government. Over the next several years, in exchange for Pakistan's support of the anti-Soviet Afghan *mujahidin*, the American government funnelled billions of dollars' worth of military and economic aid to the martial law administration. The Afghan conflict was less of a boon for Pakistani society. In addition to the influx of three million Afghan refugees, it resulted in the proliferation of an arms trade, and the creation of a thriving black market for drugs. See Ayesha Jalal, *Democracy and Authoritarianism in South Asia*, (Cambridge: Cambridge University Press, 1995) p. 108.

workers for brick-kilns by providing them with a cash advance in exchange for a long-term monopoly over their labor. Unable to negotiate the terms or length of employment, laborers must often work at a brick-kiln for the rest of their lives. Despite significant domestic legislation prohibiting the practice of debt-bondage, the majority of workers at brick-kilns interviewed by Human Rights Watch/Asia have substantial debts ranging from Rs.5,000 to Rs. 25,000 [\$150 - \$750]¹⁰ These initial loans form the foundation of employers' control over bonded laborers.

THE EVER-INCREASING DEBT

Although the process of recruitment is fraught with false promises, the recruiting itself is done openly. Despite laws which prohibit bonded labor, jamadars, with the encouragement of brick-kiln owners, openly convince prospective laborers to agree to contracts which state that laborers must work for their employers until their debt is settled. Some workers at more remote kilns are physically coerced into debt-bondage.

¹⁰The exchange rate for Pakistani rupees [currency] at the time of publication was U.S. \$1= Rs.30.

● "Salamat", a Christian Punjabi man in his forties, used to work as a daily wage-earner on a farm. When the owners of the farm no longer needed his labor he sought different types of work. He was unable to find a job and needed some money to meet his family's basic expenses. He had borrowed money from a number of people to meet such expenses. To repay his various debts he took out a loan of Rs.1,500 [\$45] from a jamadar and sold himself, his wife and three children into bondage at a brick-kiln on the outskirts of Kasur.¹¹

● "Naqvi," a Muslim Sindhi man in his thirties from a small village near Hyderabad, was unemployed for a number of years. He met a jamadar who offered him a loan and the prospect of long-term employment at a brick-kiln near Mir Pur Khas. "Naqvi" knew that work at a brick-kiln site would be quite harsh, but he needed the money, and thus in 1983 he borrowed Rs. 2,000 [\$60] and started working at the brick-kiln. He did not know, however, that the pay structure at the brick-kiln was such that it would be impossible to repay the loan. After five years of work at a brick-kiln he got married and had children. He, his wife and children work together at the brick-kiln. According to the jamadar his current debt is Rs.5,000 [\$150].¹²

¹¹ Human Rights Watch interview, brick-kiln near Kasur, October 1993.

¹² Human Rights Watch interview, Mir Pur Khas, November 1993.

● "Rashid", a Muslim Pathan man in his forties, left Afghanistan in 1986 after fierce fighting between the Soviet Union and the American backed mujahaidin broke out around his village. He settled near Peshawar with his family and searched for work. He met an Afghan jamadar who offered him an advance and a job at a brick-kiln. "Rashid" believed that this was an excellent opportunity to sustain his family while they were refugees in Pakistan. Although the work was hard he believed that he could soon repay the debt and work as a free laborer. He was unable to reduce his debt and despite his many years of work, the debt actually increased. The jamadar at the brick-kiln site told him that his current debt was Rs.10,000 [\$300]. He would like to return to Afghanistan, but he has been told he must stay until his debt is paid.¹³

In exchange for recruiting laborers, jamadars receive a commission on the bricks produced by such laborers. Consequently, it is the jamadar who seeks to maximize the laborers' productivity as his earnings are directly related to the number of bricks produced. If a laborer escapes, the jamadar must either assume the debt or ensure that the laborer returns, so his interest is best served in retaining a laborer in bondage.

Accounts are maintained by employees of brick-kiln owners known as *munshis*. According to "Gul," a brick-kiln worker in Lahore, the account books are skewed in favor of brick-kiln owners.¹⁴ Other bonded laborers confirmed this assertion with reports of false expenses being added to loans, workers fined for disobeying employers' policies, wages debited as loans, the total number of bricks

¹³ Human Rights Watch interview, brick-kiln on the outskirts of Peshawar, November 1993.

¹⁴ Human Rights Watch interview, Lahore, November 1993.

produced underestimated, and/or exorbitant rates of interest charged. In some remote kilns, workers are paid with receipts that can only be exchanged at stores owned by the kiln owner.¹⁵

While all members of brick-kiln worker families are expected to work from sunrise to sunset, interviews with bonded laborers revealed that the minimal wages paid are given only to the male head of the family. The pay structure is such that basic necessities will not be covered by the wages and workers must continue to solicit loans. Consequently, debts continue to increase.

¹⁵ Human Rights Watch interviews, Peshawar, November 1993.

The debts that owners claim to hold against workers often bear little relevance to the initial loan transaction. In this context, some calculations are instructive. Brick-kiln workers interviewed took out, on average, initial loans of Rs.2,500 [\$75] and were paid between Rs.80 and Rs.120 a day [\$2.40 - \$3.60], 50 percent of which is deducted to repay their loans. If Rs.2,500 [\$75] were added to this debt for additional expenses (medical, personal expenses, extra food) the debt's principal would be Rs.15,000 [\$150]. At an interest rate of 100 percent a year, compounded weekly, workers, who work six days a week for Rs.80 a day [\$2.40], even if they receive these advances before the monsoon and only accrue interest without making any payments for the first nine weeks (bringing the debt to Rs.5,975 [\$173.85]), could repay the debt after thirty-five weeks of work.¹⁶ The total amount paid by workers to employers would be Rs.8,400 [\$252] (Rs.5,000 [\$150] principal plus Rs.3,400 [\$102] interest at the interest rate of 100 percent per year.)

Laborers are usually unaware of the many possible long-term implications of their loan transaction. Occasionally, when a disagreement develops between laborer and owner, or the laborer's services are no longer required, he and his family are sold to another kiln owner. The laborer is then bonded to the new owner.

● "Naemat," a Christian Punjabi man in his twenties worked at a brick-kiln in Kasur. His working conditions were extremely harsh. Unlike many other laborers, he would resist beatings by his employer and the jamadar. The employer no longer wanted to employ "Naemat," but was unwilling to release him from bondage. In 1992, "Naemat" was sold to another brick-kiln owner for Rs.2,500 [\$75], the amount of his alleged debt.¹⁷

¹⁶ If interest rates did not continue to accrue weekly while the loan was outstanding it would only take twenty-five weeks to repay the loan.

¹⁷ Human Rights Watch Interview, brick-kiln near Kasur, October 1993.

● "Rahim," a Muslim Sindhi man in his fifties, was born into bondage and worked for most of his life at a brick-kiln in district Hyderabad. The owner of the brick-kiln decided to slow down operations and as a result required fewer employees. In 1992, without any advance notice, "Rahim" and his immediate family were sold to another brick-kiln owner in the same district. Some of his friends were also sold to the same brick-kiln owner. Others, however, were dispersed to other brick-kilns. Most of "Rahim's" extended family and friends continue to work at the original brick-kiln. "Rahim" was told by his employer that his debt was Rs.10,000 [\$300].¹⁸

NATURE OF THE WORK

The working conditions of brick-kiln workers constitute cruel and inhuman treatment, and they facilitate increased bondage. Bonded laborers we interviewed in the brick-kiln industry worked twelve to fourteen hours a day, six days a week, ten months a year. They were paid on a contract basis for the number of bricks produced and thus were not entitled to any wages when not capable of working, for example, when incapacitated by illness or injury. Additionally, deductions were taken from wages for bricks broken during the production process. The kilns are closed for the duration of the rainy season. Baba Barkat, the leader of a small brick-kiln union based in Lahore, stated that when the brick-kilns are closed workers receive no wages and must take on more loans in order to survive.¹⁹

At the various brick-kiln sites in Punjab, Sindh, and NWFP that Human Rights Watch/Asia visited, the production process was quite similar: a number of different specialized workers operated under a relatively strict division of labor. Either late in the night or very early in the morning dirt from around the brick-kiln site is excavated and mixed with water to produce the basic ingredient for the bricks. This base is then put into a mold in the shape of the brick and *katcha* (raw) bricks are formed. The production of *katcha* bricks involves a high proportion of women and children workers. A family can prepare approximately 1,000 *katcha*

¹⁸ Human rights Watch Interview, brick kiln near Hyderabad, November 1993.

¹⁹ Human Rights Watch interview, Lahore, October 1993.

bricks per day.²⁰ According to Baba Barkat those who prepare katcha bricks are considered the most expendable as their work requires the least skill and thus they suffer the greatest physical abuse from employers and jamadars.²¹

The katcha bricks are then taken by another group of workers to the actual brick-kiln. In a process which requires great skill, a different set of workers, usually adult men, place the bricks into the kilns. The bricks are then heated and made into the final product. Subsequently, the bricks are taken out of the kiln and transported to the market by a final group of workers. The workers are supervised by jamadars, and the work site is usually under surveillance by guards (who are sometimes armed) called *chowkidars*.

At the fourteen brick-kilns visited, Human Rights Watch/Asia found that workers and their families must reside on site in violation of article 12 of the International Covenant on Civil and Political Rights which states: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." All thirty-nine bonded brick-kiln workers individually interviewed by Human Rights Watch/Asia asserted that employers consistently harass them with threats of collective punishment if one family member does not obey the employer. If one family member escapes, the remaining relatives housed at the brick-kiln are often brutally punished. Bonded laborers in the brick-kilns repeatedly told Human Rights Watch/Asia that they wished to live away from the work site in order to attain some privacy and temporarily escape the harassment of jamadars and brick-kiln owners. Mariam, a bonded laborer from a brick-kiln near Mir Pur Khas, stated, "We are the most scared, particularly for our daughters, in our homes. The abuse we suffer at work

²⁰ According to the Human Rights Commission of Pakistan, brick-kiln workers were paid between Rs. 80 and Rs. 110 [\$2.40 - \$3.30] per 1,000 bricks produced. The market rate at which those bricks were sold was Rs. 1,300 [\$39]. Human Rights Commission of Pakistan, *State of Human Rights 1994*, p. 121.

²¹ Human Rights Watch interview, Lahore, October 1993.

would not seem so bad if at night we could go to homes that the *malik* (employer) did not control."

Ehsanullah Khan, of the Bonded Labour Liberation Front, stated that because bonded brick-kiln workers did not have a permanent residence they were denied the right to vote. To support his statement he provided Human Rights Watch/Asia with a copy of a letter to him from the Election Commission of Pakistan which states: "This is to inform you that bonded labourers and nomads do not qualify to be registered as voters as per provisions of section 7 of the Electoral Rolls Act, 1974 because neither do they ordinarily reside in an electoral area nor do they own/possess a dwelling house or immovable property in that area."²² While a number of bonded laborers have been denied the right to vote, the application of this decision has been arbitrary. According to I.A. Rehman of the Human Rights Commission of Pakistan, many laborers have voted and in some cases the transitory position of bonded laborers has been manipulated by candidates seeking their support in different districts.²³

Seven out of fourteen brick-kilns visited by Human Rights Watch/Asia had no potable water, eleven had no schools,²⁴ and all lacked easy access to health care. Bonded laborers and trade union officials claimed that when workers wish to see a doctor, they must take out a loan, thereby adding to their debt. They also face occupational health hazards, as many laborers inhale noxious gases produced in the brick-kilns.

ABUSE

Brick-kiln workers are consistently subjected to cruel, inhuman and degrading treatment. Workers told Human Rights Watch/Asia that physical abuse is common punishment for failure to produce enough bricks, disobedience of employers or jamadars, or attempts to organize other workers. The forms of abuse

²² Letter no F..2(11)/93-Cord. of the Election Commission of Pakistan addressed to Ehsanullah Khan and signed by R.B. Jan Wahidi on August 8, 1993 on the subject of "Registration of Bonded Labourers and Nomads as Voters."

²³ Human Rights Watch interview, Lahore, November 1993.

²⁴ Those brick-kiln schools visited by Human Rights Watch/ Asia were established by the Bonded Labour Liberation Front.

include being beaten with sticks, whipped, and roughed up to the point of injury. Many male brick-kiln workers interviewed by Human Rights Watch/Asia were victims of physical abuse, and most workers considered this abuse a natural part of their work.

- "Sharif," a Muslim Punjabi man in his twenties, made a number of mistakes in his work at a brick-kiln near Lahore and he was regularly beaten for them. In September 1993 a beating by a jamadar resulted in a broken arm. While his arm was broken he could not work and thus was not paid. Whenever he complained to a jamadar he was slapped or pushed around.²⁵

²⁵ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

● "Salman," a Muslim Punjabi man in his thirties, did not get along with the jamadar at a brick-kiln near Kasur as the jamadar beat him on any excuse. He had a number of scars from this treatment. Once, in June 1993, after a disagreement with the jamadar, he was beaten unconscious and then locked in a small shed with no food for three days. After the third day he was brought out in front of the other brick-kiln workers where he was hung upside down by a rope and beaten with a long stick. The jamadar laughingly told the other workers that this would be their punishment if they disobeyed him. "Salman," who was told by the jamadar that his outstanding debts were in excess of Rs. 5,000 [\$150] tried to seek redress by complaining to the brick-kiln owner. The owner laughed at him and told him he should work harder.²⁶

● "Gul," a Christian Punjabi man in his thirties, attempted to organize other workers into a union near Lahore to demand an increase in wages and a decrease in debts. The result of such activities resulted in severe beatings by the owner of the brick-kiln and his brother over a period of five years. In late 1992, after the beatings the brother of the brick-kiln owner beat "Gul's" testicles with a metal instrument. "Gul" sought help from the local police. They refused to register a case against the brick-kiln owner.²⁷

²⁶ Human Rights Watch interview, brick-kiln near Kasur, October 1993.

²⁷ Human Rights Watch interview, Lahore, October 1993.

The ability of brick-kiln workers to move freely or change their place of residence is tightly restricted. Human Rights Watch/Asia found that at all fourteen brick-kiln sites we visited, bonded laborers are under constant surveillance by a *chowkidar* [guard], employed specifically to ensure that brick-kiln workers do not escape; at five of the work-sites the jamadars were visibly armed with rifles. In addition to guarding the work site, owners use a combination of psychological and physical techniques to deter workers from escaping. Workers are told that if they escape they will be caught by the police, beaten brutally, and that their families will be abused, separated, and sold. Chowkidars often carry weapons to scare the workers, and thus a climate of oppression is maintained. A brick-kiln owner interviewed by Human Rights Watch/Asia categorically stated that if he did not threaten "his" workers they would all run away.²⁸

Brick-kiln workers who attempt escape are often captured and illegally detained in buildings or homes maintained by the brick-kiln owner. In some cases they are confined for months. During the day they are forced to work and at night they are returned to their place of confinement. A newspaper article in Pakistan recounted the following incident:

forty-four people—mostly women and children—were abducted from a [brick] kiln near Rawalpindi and taken to Daodkhal in Azad Kashmir where they were kept for one year. Fed twice a day and not paid for their dawn to dusk labor, they were released only once advances of Rs. 165,000 [\$4,900] were accepted as paid off.²⁹

Workers who have attempted escape face the wrath of their employers. Many are captured and falsely arrested by the police and forcibly returned to kilns where they suffer harsh punishments.

Brick-kiln workers who leave the brick-kiln site must leave either a family member as hostage or material possessions, such as household utensils, as a guarantee that they will return.

²⁸ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

²⁹ Cassandra Balchin, "Slavery in Pakistan: Exploitation all the Way," *The Muslim*, September 6, 1988.

- In 1991, "Latif," a Muslim Sindhi man in his twenties, had a disagreement with a jamadar at a brick-kiln near Hyderabad over the number of bricks Latif allegedly broke. Because the jamadar regularly beat him, Latif tried to search for another job. Once the jamadar learned that he was trying to leave the brick-kiln, "Latif" was arrested by the police on a false charge of theft. In police custody he was beaten brutally.³⁰

³⁰ Human Rights Watch interview, brick-kiln on the outskirts of Hyderabad, November 1993.

● "Murshid," a Christian Punjabi man in his thirties, worked at a brick-kiln near Lahore with his family. Although he had never taken a loan, his father had a debt of over Rs. 5,000 [\$1,500] and thus he was obliged to work. One night in 1990, he packed up his few belongings and headed into Lahore to search for work. The local police went after him and turned him over to the jamadar of his brick-kiln.³¹

● "Mariam," a Hindu Sindhi woman in her thirties, went to a police station in 1992 to register a complaint against a particularly cruel brick-kiln owner. The police officers laughed at her, made a number of offensive sexual remarks and told her that she had two choices: she could either stay with them or she had to return to the brick-kiln. They then threw her into a police vehicle and drove her back to the brick-kiln site.³²

● The "Masihs," a Christian Punjabi family who lived and worked near Lahore wanted to leave a brick-kiln, but they had no money to repay their alleged debt. One night in 1991 they tried to run away. The police caught them and told them they had to pay a bribe or they would be returned to the police station. A family member was allowed to borrow money from a relative. He gave the money to the police and was nevertheless forced to return to the brick-kiln site. As a punishment for the family's

³¹ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

³² Human Rights Watch interview, brick-kiln between Hyderabad and Mir Pur Khas, November 1993.

attempted escape the brick-kiln owner increased their debt. They were told by the brick-kiln owner that they owed more than 10,000 rupees [\$300.]³³

WOMEN

Women brick-kiln workers face particular abuse. Despite the fact that they work as much as men, they are not recognized as independent workers by employers, contractors, and male family members and are not paid. In certain cases their marriages are arranged by the owner of the brick-kiln. Moreover, women are not given any maternity leave and are expected to work throughout their pregnancy and two to three days after giving birth.

There is a consistent pattern of sexual abuse at the brick-kilns, including rape. Two women brick-kiln workers interviewed by Human Rights Watch/Asia had been forced to have regular sexual relations with their employer or members of his family. Some women were raped by jamadars or local police officers. Women are often sold into marriage or prostitution if their husbands escape, or are held as a guarantee for their husband's return.

³³ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

- On the outskirts of Lahore, at the last brick-kiln at which "Mariam," a Christian Punjabi woman in her twenties, worked, the brick-kiln owner would ask her to help him in the house. Whenever she was in the house he would speak to her kindly and insist that he have sex with him. She refused his advances. He would then physically force her to have sex with him by beating her. The bruises were visible all over her body.³⁴
- "Cheema's" father, a brick-kiln worker in Kasur, died with an outstanding debt. In 1991, The brick-kiln owner sought to marry her to someone in exchange for cash. "Cheema's" remaining family begged the brick-kiln owner not to sell her. They were told that it would cost them Rs. 50,000 [\$1,500]. As they did not have the money, "Cheema," a Muslim Punjabi girl in her teens, was sold to a man from Lahore. Her family at the brick-kiln have not seen or heard from her since.³⁵

³⁴ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

³⁵ Human Rights Watch interview, brick-kiln near Kasur, October 1993.

● "Mala," a Muslim Sindhi woman in her fifties, told Human Rights Watch/Asia that the jamadar would harass women regularly while they did their housework at the brick-kiln near Hyderabad where her family worked. She asserted that most women do not feel free in their own homes as it is there that they are often attacked. She cited an example of one afternoon in early 1993 when her husband was working. The jamadar came to the house and sexually assaulted her daughter. One of the jamadar's helpers held "Mala" while he was with her daughter. When the husband came home in the evening, he tried to protest to the jamadar, who responded by beating him.³⁶

CHILDREN

Not only do children constitute a large proportion of brick-kiln workers, but the rate of child mortality in the brick-kilns is high. Afflictions common among child brick-kiln workers include deteriorating eyesight and even blindness. The families claim that the children are blinded because of impurities in the mud. A study conducted by a group in the Northwest Frontier Province revealed that children brick makers suffered 50 percent more chronic illnesses, especially chest infections, than their counterparts in neighboring villages.³⁷ Moreover, children who work in brick-kilns are often psychologically traumatized, as they live in fear

³⁶ Human Rights Watch interview, brick-kiln between Hyderabad and Tando Allahyar, November 1993.

³⁷ Dr. Tufael Mohammad Khan, *Children of the Brick Kilns in NWFP*, (Peshawar: UNICEF, 1990).

and witness a consistent pattern of physical violence against family members from a young age, according to a joint government–UNICEF report titled *Discover the Working Child*.³⁸ As with women bonded workers, children receive no compensation for their work and are sometimes kept as insurance against the escape of male adult family members.

³⁸ *Discover the Working Child*, p. 17 and Human Rights Watch interview with doctor from an international development organization who wished to be unnamed, Lahore, October 1993.

● "Mustafa," was born into bondage at a brick-kiln. When Human Rights Watch/Asia interviewed him near Faisalabad, he was no more than seven years old and worked several hours a day collecting mud in a wheelbarrow to make bricks. He has never been to school. In spite of his young age, he has been slapped and kicked by the jamadar at his kiln for not working hard enough.³⁹

● "Seema" is a nine-year-old girl who helps make the molds for the katcha bricks at brick-kiln near Lahore. She also helps her mother with the housework. "Seema" has a serious eye infection which is exacerbated by the fumes from the brick-kiln. As her family does not have enough money, she has not been to a doctor for treatment.⁴⁰

● "Veena" is twelve years old. She does the work of an adult at brick-kiln in Kasur in addition to cooking and cleaning at home. The owner of the brick-kiln has insisted that she be married to a much older man that he has chosen. Neither "Veena" nor her family want this to occur, but they feel they may have no choice.⁴¹

The condition of children in the brick-kiln industry is known both to the government of Pakistan and international agencies. The report mentioned above, *Discover the Working Child*, specifically states:

³⁹ Human Rights Watch interview, village near Faisalabad, October 1993.

⁴⁰ Human Rights Watch interview, brick-kiln on the outskirts of Lahore, October 1993.

⁴¹ Human Rights Watch interview, brick-kiln near Kasur, October 1993.

The children start working alongside their parents at a young age, between 6 and 8. They work long hours, starting at dawn during the hot season and working until late in the afternoon with a short break during the day. There is typically no shade in the working grounds and they are exposed to the scorching sun in the summer and suffer severe cold in the winter. They work barefoot and continuously inhale fine dust from the clay and noxious gases from the coal burning kilns. What makes the situation of the majority of the children of brick-kilns laborers especially untenable, however, are the particular circumstances arising from the indebtedness system under which they and their families live and work. The children cannot wait indefinitely for new laws and the social climate to make a difference in their life. Efforts to break their isolation, to integrate them in the surrounding schools, and accelerated programs of education must start immediately.⁴²

FREEDOM OF ASSOCIATION AND ATTEMPTS AT REDRESS

Brick-kilns are situated on the outskirts of cities and towns. While a few kilns may be clustered near one another, restrictions on freedom of movement make it difficult for workers at one kiln to have contact with workers at other kilns and organize on a broad basis. Nevertheless, when they do, there is often resistance from brick-kiln owners. Nine workers interviewed by Human Rights Watch/Asia had been told by employers that they must not join unions or attend meetings. Union activity is often brutally repressed. Seven brick-kiln workers interviewed by Human Rights Watch/Asia were beaten and punitively arrested by the police under false charges.

Despite serious restrictions on freedom of association, some small unions have formed near large urban centers such as Lahore. In sections of the interior of Sindh and near Lahore some of these unions have been successful in beginning to address the plight of brick-kiln workers and to increase wages. Mir Safdar Ali Talpar, president of the Bonded Labour Liberation Front Sindh, told Human Rights Watch/Asia that in Sindh there have been cases where bonded laborers have been

⁴² *Discover the Working Child*, p. 16.

able to organize and collectively seek improvements in their working situation.⁴³ Unfortunately, many of these unions' activities are limited as workers live on site and thus whenever organizers come and try to talk to workers, the management of the brick-kiln breaks up the meeting and often involves the police. Where unions have managed to take hold, employers have formed associations to combat such activity.

⁴³ Human Rights Watch interview, Mir Pur Khas, November 1993.

● A group of workers who sought better working condition at a brick-kiln near Sialkot were illegally confined by their employer in 1988. They were moved three different times and were beaten after each move. On a number of occasions the men were hung upside down and beaten with sticks. Sometimes these beatings were daily, sometimes they occurred every two or three days. The women were sexually abused.⁴⁴

● In 1992 a group of seven workers who tried to form a union near Lahore were brought into police custody where they were physically abused. They were so frightened by their treatment by the police, and by threats of further physical abuse and long term jail sentences that after their time in police custody, they dropped all complaints. They told a local union that they did not want to join with them as they had no complaints because their working conditions were excellent and they were extremely happy with the owners of the brick-kiln.⁴⁵

In addition to attempts at unionization, workers have sometimes tried to bring complaints directly to the police or the courts. In one case documented by the Human Rights Commission of Pakistan in 1993, Shafi Masih allegedly owed Malik Jahangir Rs.11,000 [\$330], and to avoid paying the debt, he escaped from the place of work. His wife, Cheema, remained and the owner attempted to illegally confine her, then to sell her to recover the debt. The workers resented this treatment of Cheema, and the employer apparently believed that they would register a case in the courts for her release. Six laborers were beaten with hot iron rods, shovels, and shoes on the suspicion that they sought legal remedy for Cheema. These laborers were then illegally confined to a nearby wheat factory; later, their twelve children and five women from their families were confined along with them. From the wheat factory they were moved to a private house. At both places the men were beaten.

⁴⁴ Human Rights Watch interview, Lahore, October 1993.

⁴⁵ Human Rights Watch interview, Lahore, October 1993.

The women were raped by Malik Jahangir and his brother. They were moved a number of other times. Eventually they were made to swear by the Bible, as they were all Christians, that they would remain silent about the abduction. A local brick-kiln union heard of the incident and registered a case. The next day the police arrested Malik Jahangir, but he was released on bail. The bail was then extended, and to date Malik Jahangir remains unpunished.

V. CARPET-WEAVING

"Anwar", a nine-year-old boy, started weaving carpets in a village in Thar at the age of seven. He knotted carpets twelve to sixteen hours per day, six to seven days per week. He was given some food, little free time, and no medical care. He was told repeatedly that he could not stop working until he earned enough money to repay an alleged family debt. He was never informed who in his family had borrowed money from or how much they had borrowed. Whenever he made an error with his work, he was fined and the debt increased. When his work was considered to be too slow he was beaten with a stick. Once, after a particularly painful beating, he tried to run away only to be apprehended by the local police who forcibly returned him to the carpet looms. In order to take a break from work he used to injure himself by cutting his own hand.⁴⁶

Pakistan's carpet weavers work on looms that, depending on the size, can accommodate one or two adults and up to six children. The looms are located in small centers in urban areas where the workers are adult and child daily wage earners, in rural centers where the majority of workers are bonded children, and in rural households where entire families are bonded.

The carpet-weaving industry of South Asia originated in northern India, but many carpet makers migrated to what is now Pakistan at the time of partition, when British India was divided into independent India and Pakistan. Initially the carpet industry was relatively small. "Tribal" rugs, which were the mainstay of production, were made by non-bonded artisans for domestic consumption.

In the 1970s, Pakistan's carpet-weaving industry expanded rapidly after Iran, the largest exporter of Persian rugs, effectively banned child labor, thereby raising the cost of Iranian-made rugs. That cost was further raised in 1979 when the United States placed an embargo on Iranian exports. In an effort to respect the embargo and maximize profits, American and European carpet importers searched for alternative low-cost sources for rugs. Consequently, India and Pakistan became critical to the international trade in Persian-style rugs, with Lahore and Karachi serving as the main weaving centers for Pakistan. Today the majority of carpets

⁴⁶ Human Rights Watch interview, Mithi, November 1993.

produced in Pakistan are for export (less than 1 percent of carpets produced are for domestic consumption), and the sale of carpets has become the fifth-largest source of export earnings for the government.

As the attraction of Pakistani rugs is their low cost, the domestic carpet industry makes extensive use of inexpensive labor, much of it bonded and much of it from children. A study on child labor in the carpet-weaving industry concluded that over 80 percent of carpet workers in Punjab were children below the age of fifteen. The study estimated that approximately 1.2 million children throughout Pakistan were involved in carpet-weaving.⁴⁷

Despite national and international laws which ban bonded labor and pledges to end all forms of child labor in Pakistan, the government of Pakistan aggressively promotes the export of rugs made by such laborers -- and the international demand for inexpensive rugs is exceptionally high.⁴⁸ The United

⁴⁷ *Child Labor in Carpet Weaving Industry in Punjab*, p. 19.

⁴⁸ Other countries which are important exporters of carpets are India, Nepal, China, Iran and Turkey. The carpet-weaving industries of both India and Nepal also make extensive use of bonded labor. In Nepal, the carpet looms where many children are bonded are also sites which serve as recruitment grounds for child prostitutes trafficked to India. While we do not have specific information on the production of carpets in China, unfair labor practices there are also widespread. Turkey and Iran also produce rugs, however, the type and price of rug produced in these countries do not make them direct competitors with Pakistan.

States, Germany, Japan, Switzerland, France, Great Britain, Italy, and Sweden are the primary importers of rugs from Pakistan.⁴⁹

The government of Pakistan is clearly aware that the carpet-weaving industry employs a number of bonded child laborers under harsh conditions. According to the study mentioned above:

⁴⁹ The carpet-weaving industry must import substantial amounts of wool to maintain its high level of output. New Zealand and Australia are the main suppliers of the required wool.

The thekedar often offers an advance of money to families so that they may set up a home-based weaving unit. This acts as a powerful inducement for poor rural families to put their children to work thereby setting off an inescapable cycle of debts which keeps the children in virtual forced labour for many years. The work is painful as well as unhealthy, the children have to keep a cramped position for long periods of time, they continuously breathe particles of wool dust harmful to their lungs, poor lighting conditions strain their eyesight and prolonged contact with chemical dyes damages their fingers. As the children grow up, their spines often become deformed.⁵⁰

Although legislation clearly prohibits the employment of children below the age of fourteen in the formal industry, carpet manufacturers have found many ways to circumvent the law. Industries which employ less than ten workers, for example, are largely outside the scope of most labor laws. According to a doctor who works with carpet-weaving children and wishes to remain unidentified, carpet-weaving centers have thus simply broken up into smaller units keeping their looms under separate roofs, or moved to rural areas where labor laws are not applied, wages are low, and trade unions non-existent, or relied on the piecework system to avoid those laws altogether. Where urban carpet-weaving continues, many of the weavers are refugee children from India, Bangladesh and Burma.⁵¹

RECRUITMENT

In rural areas contractors hired by carpet-weaving exporters in Lahore and Karachi entice residents of small villages to engage in carpet production with loans and equipment and the promise of large sums of cash. In small villages or in very poor areas with few other economic alternatives, contractors are often the only source of income and thus in recessionary periods families have no alternative but to turn to them for loans.

If the head of the family agrees to begin carpet-weaving, he or she receives a cash advance and a loom from a contractor who also supplies the material inputs.

⁵⁰ *Child Labour in Carpet-Weaving Industry in Punjab*, p.19.

⁵¹ Human Rights Watch interview, Karachi, November 1993.

The contractor pays workers, transports the finished goods to export centers, and ensures that the work is of sufficient quality and completed within a certain amount of time. Payments depend on the size and number of knots in the carpet. While many villagers receive some revenue, it is rarely enough to cover payments on the initial loan, and villagers quickly become financially dependent on contractors.

Eight individual adults and three families interviewed by Human Rights Watch/Asia were unaware of the long-term implications of their loan transaction. They believed that involvement in carpet production would result in some extra income to supplement their other economic activities. They did not realize that they would be bonded for an extended period of time and that they would have little time for these other activities. The demand for a certain product quotas within a specified time period is so high that entire families, including children, are needed to work on the carpets.⁵²

None of these workers were able to pay their loans. While they had some cash inflow, the pay schedule was such that their cycle of debt increased. Carpet weavers are often not paid the amount promised for their work and are fined for errors in the carpet. If villagers are late in delivering the finished carpet, the contractor invariably deducts more money from their payments. Moreover, inequitable accounting practices result in reduced revenue paid to workers.

● "Malik," a Muslim Punjabi man in his forties, was unable to find work for an extended period of time in the areas surrounding his village located near Faisalabad. A contractor who knew of his financial situation offered him a loan and carpet loom in exchange for the production of carpets. "Malik" thought this would be an excellent way to earn money. He thought that even if he found other work, his wife and children could work on the loom for extra cash. After some training and a few months of hard work the contractor came back demanding a payment on the loan. As "Malik" had not completed the carpet he had not earned enough money to begin making payments. The contractor beat him and told him to finish the carpet quickly. "Malik" and his entire family worked hard and upon completion of the carpet gave it to the contractor. In exchange "Malik" received some cash which met some of their needs. Nevertheless, the payment

⁵² It should be noted that in areas with inadequate schools parents were much more likely to make their children work.

was significantly less than what he expected. He was told that he had to repay his loan immediately or continue to weave carpets. While "Malik" received some money for the weaving, he wanted to find another form of employment, precisely because the debt burden from carpet-weaving was so great. But, until he could make enough money to pay the contractor, which seemed impossible, he and his entire family had to stay on as weavers.⁵³

⁵³ Human Rights Watch interview, village near Faisalabad, October 1993.

- "Mehr," a Muslim Punjabi man in his forties borrowed money and equipment from a contractor to generate extra income. Rather than working on the loom himself at his home in a village near Faisalabad, he forces his children to weave all day on the carpet looms. He has installed a light near the loom so that the children can work late into the night. When the children complain of the work, he beats them.⁵⁴

CHILDREN

In addition to bonded families there are also bonded child weavers who are sent to carpet-weaving centers by their parents. Human Rights Watch/Asia individually interviewed fourteen bonded child laborers. The parents of twelve of the children interviewed received a loan in exchange for a monopoly over their child's labor. All twelve children told Human Rights Watch/Asia that they did not have the option to refuse the work. Two bonded child carpet weavers we interviewed were abducted by strangers and sold into bondage. These two were taken to a region of the country where the language differed from that which they spoke at home. While an overwhelming number of children sold into bondage are boys, we observed a small number of girls. Carpet-weaving children who have worked for several years are occasionally freed by contractors. Such freedom appears to be arbitrarily decided upon by the subcontractor who often looks for the services of younger children.

- "Anwar's" mother needed some money for an emergency and pledged "Anwar's" labor to a carpet contractor in exchange for Rs.5,000 [\$150]. "Anwar," aged eight, was taken to a carpet-weaving center several kilometers from his home in district Thar in early 1993. He works and sleeps at the center. Occasionally, he is given permission to spend a night or two at his home with his mother. His mother pays the contractor regularly. However,

⁵⁴ Human Rights Watch interview, village near Faisalabad, October 1993.

the latter constantly increases the debt by claiming expenses for looking after "Anwar." As the debt increases it is becoming virtually impossible for her to repay the initial loan.⁵⁵

⁵⁵ Human Rights Watch interview, Mithi, November 1993.

● As there was no school for "Dev," a ten-year-old Hindu boy, to attend he spent his days playing near his home in a small town in the Thar desert. His parents thought it would be better for him to work. Thus, they sent him to a carpet-weaving center as an apprentice. He works hard during the day at the center. Most nights he returns home to sleep. All his wages are given to his parents.⁵⁶

● "Zulfikar," aged seven, was kidnapped from Gujranwala and brought to a carpet-weaving center in the North-West Frontier Province. He was playing in the street near his home when someone grabbed him and put him in the back of a van. After a long drive he was brought to a carpet-weaving center near Peshawar. He was sold by his abductors to a carpet contractor who has told "Zulfikar" that he has a certain debt to pay before he can be freed.⁵⁷

WORKING CONDITIONS

All of the carpet workers interviewed had a work-related illness or injury and sixteen out of twenty-two had been physically beaten. Common work-related diseases include respiratory ailments, night blindness, scabies, eczema, and tuberculosis. Poor lighting conditions at carpet-weaving centers strain eyesight, prolonged contact with chemical dyes poisons the skin, and the inhalation of chemically treated wool dust damages the lungs. As they must sit in a crouched position for extended periods of time, the growth of child carpet weavers is often retarded due to a lack of blood supply to the lower body.

Child carpet weavers, who work away from home at carpet-weaving centers, usually undergo an "apprenticeship" period. During this period, which can

⁵⁶ Human Rights Watch interview, Mithi, November 1993.

⁵⁷ Human Rights Watch interview, Peshawar, November 1993.

last anywhere from three months to three years, although children work full-time, neither they nor their parents receive any money. After the apprenticeship period is completed, the children's labor begins to generate income. The income is usually used to make payments on the parents' loan. Deductions are made to wages if children are ill and miss work. Children themselves rarely receive wages aside from a token amount of pocket-money. Any surplus revenue is given to the parents. Children are beaten if they weave carpets too slowly or disobey orders. Most children at carpet-weaving centers work long hours in harsh conditions with little free time. Certain carpet-weaving centers have specific rules about work schedules and the amount of carpet to be woven. A journalist recounted his experience at one loom:

On one of the walls reads a warning: any child caught sleeping is fined with two hundred rupees, any child caught trying to escape is beaten viciously and violently.⁵⁸

Conditions of work for children weaving at home are no better than those working in private workshops. Human Rights Watch/Asia found that parents also keep their children at the loom for long hours.

The working conditions of children in carpet-weaving has been well documented:

Seventy-four percent of the children disclosed that they suffered one or more types of illness and/or injuries due to their work. Many children deliberately injure their hands to escape from work and to avoid punishment, because they cannot do the knotting with injured fingertips. Seventy percent of children said that they were beaten either by their parents or employer if they tried to evade work.⁵⁹

Bonded carpet workers are also subject to a consistent pattern of physical, sexual, and psychological abuse. Late loan payments, mistakes in carpets, and delays in production are punished with severe beatings. Child carpet weavers

⁵⁸ S. Shakoore, "Small hands behind a big trade," *Weekend Post*, (Peshawar) February 11, 1994.

⁵⁹ *Child Labour in Carpet-weaving Industry in Punjab*, p. 15.

interviewed by Human Rights Watch/Asia in Lahore, the interior of Sindh, Karachi, and near Faisalabad exhibited signs of physical assault. Some adult and child carpet laborers alleged that they had been sexually molested by contractors. All carpet weavers interviewed had been verbally abused and threatened with physical assault for disobedience.

The police often fail to prosecute contractors for such abuse. Three carpet-weavers interviewed by Human Rights Watch/Asia sought to register cases against abusive contractors; the police refused to register all three cases. In addition, according to a social worker who wishes to remain unidentified, abuse that takes place within a weaver's private household is rarely punished.⁶⁰ However, in some carpet-weaving centers, the police, urged on by the Bonded Labour Liberation Front, have actually sought to monitor physical abuse of bonded laborers. On the rare occasions when the police have cracked down on such abuse, according to Ehsanullah Khan, carpet-weaving centers have moved to more remote areas. Human Rights Watch/Asia found the worst abuses in centers furthest away from towns and cities.

● "Salim", aged nine, was not very good at weaving carpets. His incompetence infuriated the foreman of the center at which he worked near Mithi. Consequently, he was slapped and beaten with a stick on a daily basis. Once, after he made a terrible mistake, the foreman took a shearing knife and made a deep cut between "Salim's" thumb and index finger. "Salim" was so terrified of the foreman that he did not attempt to register a complaint.⁶¹

● "Daulat," a Muslim Punjabi man in his thirties, received some money and a loom as an advance from a contractor near

⁶⁰ Human Rights Watch interview, Lahore, November 1993.

⁶¹ Human Rights Watch interview, Mithi, November 1993.

Faisalabad. In exchange he made a commitment to weave carpets at home. He was unable to complete a rug within the promised time period. Thus, the contractor beat him with a stick, slapped his wife, and roughed up his young children. He attempted to file a case with the police. A local police officer told them that they would not register the case.⁶²

⁶² Human Rights Watch interview, village near Faisalabad, October 1993.

● "Shakeel," a Punjabi Muslim man in his twenties, wove carpets at a carpet-weaving center during the day in Lahore. He rarely made mistakes and was quite efficient at his job. He alleged, however, that whenever the foreman was in a bad mood or was behind in his production schedule, all the workers were beaten with a long wooden stick.⁶³

FREEDOM OF MOVEMENT

Families who operate looms from their homes are not allowed to stop weaving carpets until their debt is deemed settled. As the pay structure makes this virtually impossible, such families must be involved in carpet production indefinitely. The only way home-based carpet weavers can escape from their bondage is by abandoning their homes. In addition to the great cost of leaving their land and property, this is an extremely risky venture, for in small villages the whereabouts of most individuals is commonly known. Thus, while home-based carpet weavers are not guarded, they are in effect prevented from abandoning their work.

● The "Zakaria" family made carpets for a number of years for a particularly cruel contractor. As they feared working for him they tried to generate enough income to repay their debt of Rs.30,000 [\$900]. This was impossible. Thus, they tried to leave their village located between Lahore and Faisalabad. They could not sell their home, as the contractor would find out. Thus, they moved to the home of relatives in a nearby village. The contractor, who had many contacts in the area, found the "Zakarias" and forced them to continue to weave carpets for him under the threat that he would beat them and their relatives.⁶⁴

⁶³ Human Rights Watch interview, Lahore, November 1993.

⁶⁴ Human Rights Watch interview, village between Faisalabad and Lahore, October

Children who work at carpet-weaving centers have been forcibly confined to such centers for extended periods of time. These centers are located in small enclosed buildings which are locked and guarded by watchmen. Children work within these buildings during the day and sleep in them during the night. Three children interviewed by Human Rights Watch/Asia had been chained to the carpet looms to prevent escape.⁶⁵

In the Thar area of Sindh, Human Rights Watch/Asia found a number of buildings in which carpet-weaving children were confined. In these buildings, which were usually locked, up to twenty-five boys guarded by an adult foreman would produce carpets. These boys were found working by Human Rights Watch/Asia late into the night. According to local sources, children would work in these centers for twelve to sixteen hours a day. The boys said that the only time they were allowed to leave was to periodically attend Friday prayers. Four boys interviewed by Human Rights Watch/Asia, cut themselves with carpet-weaving instruments as a tactic to take time off from work.

Five of the boys interviewed displayed visible signs of physical abuse. All twelve boys interviewed in Thar asserted that if they misbehaved the foreman would beat them with the sharp instruments used for carpet-weaving. Two boys, aged twelve and fourteen, alleged that boy weavers were often sodomized by the foreman. All of the boys interviewed in such centers had little self-confidence and appeared to be traumatized with fear.

Four of the boys recounted incidents in which certain children tried to escape. Within the village area it was difficult for them to hide as the local authorities tended to know of most residents' whereabouts and would inform the foreman. When captured, children are either immediately returned to carpet-weaving centers where they are severely thrashed or detained in police custody in order to scare them. The contractors frequently increase the debts of escapees on the pretext that they incurred extra costs trying to get the workers back. On top of these

⁶⁵ In a case cited in *Child Labour in Carpet-weaving Industry in Punjab*, a twelve-year-old child, Nadeem, who had been working since he was four, told interviewers he had spent up to four or five days at a time chained to his loom.

difficulties, escape from the villages is often dangerous as the area is surrounded by desert.

"Tanveer," aged twelve, attempted escape after being beaten by his foreman. He sought refuge in the home of someone in the village, but he was told that he would be found there. He then attempted to go into the desert to get to the next village. While he was walking along a desert road, the foreman caught him in a jeep and forced him back to work.⁶⁶

⁶⁶ Human Rights Watch interview, Mithi, November 1993.

VI. AGRICULTURE

"Shaukat" and his family work for a landlord near Badin. He originally worked for a former army officer from Punjab at a farm in district Nawabshah. He did not have good relations with the landlord, who beat him and his family members frequently. In 1983, the army officer sold "Shaukat," his wife, and three children to another landlord.

The second landlord was relatively kind, and "Shaukat" and his family, though bonded to him, did not mind the work. However, the second landlord ran into financial difficulties and in 1990 sold Shaukat and his family to a third landlord who had farms near Sanghar.

The third landlord was exceptionally cruel. The work, mostly menial labor, was extremely difficult, and if "Shaukat" did anything wrong he was confined to a building where he was beaten. "Shaukat" desperately wanted to leave, but the landlord said he could only do so if he repaid his alleged debt of Rs.120,000 [\$3,600].

A local peasant group intervened and negotiated with the landlord to decrease the debt to Rs.65,000 [\$1,950]. In 1992, a fourth landlord, for whom "Shaukat" and his family now work, paid the debt and now employs "Shaukat" and his family as agricultural workers on a sugarcane plantation. They remain bonded to the fourth landlord. While Shaukat and his family must work hard and turn over more than 90 percent of their sugarcane crop to the new landlord, conditions are slightly better.¹ "Shaukat's" wife, however, said that life is dangerous for the

¹ There are standard amount of crops to be turned over by sharecroppers and this is set forth in the Sindh Tenancy Act, but most peasants interviewed said that they received less than they should.

women in this area. She would never allow her daughters to work in the fields alone as it is likely they will be sexually harassed.²

² Human Rights Watch interview, plantation near Badin, November 1993.

Bonded labor is widespread in agriculture and involves the purchase and sale of peasants, the maintenance of private jails, and a pattern of rape of peasant women by landlords and the police. The abuse of bonded laborers is rarely questioned in this context, as the power of prominent landlords is entrenched in Pakistan's political, economic, and social structure.³

The agricultural sector is critical to Pakistan's economy, generating one-quarter of the nation's gross national product and employing approximately 50 percent of its labor force.⁴ Bonded labor in this sector is rooted in a land tenure system which favors those who own vast tracts of fertile land. Landless rural laborers are dependent on such landowners for employment, credit, and access to irrigation and agricultural inputs.

³ A number of nongovernmental organizations have sought ways to free peasants. One such group, Azad Dehqan Tehrik directed by Mian Hidayatullah, is an organization concerned with agricultural workers who have become bonded to particular *zamindars* [landlords or debt collectors]. The primary goal of this organization is to finance the payment of bonded laborers' debts in order to "free" them. Over 500 slaves have been freed by the organization, which solicits money from religious people in larger urban centers. See Jehongir Khan and Anwar Adil, "Socioeconomic Impact of Azad Dehqan Tehrik on Free Debt Slaves (Dehqans) at District Swabi," thesis presented to University of Peshawar, Department of Social Work, Sociology, and Anthropology, 1990.

⁴ See Mahmood Hasan Khan, "Agriculture," in ed. Subroto Roy and William E. James, *Foundations of Pakistan's Political Economy: Towards an Agenda for the 1990s*, (New Delhi: Sage Publications, 1992).

CONTEXT

Landholding patterns vary from region to region, with the interior of Sindh and the Seraiki-speaking areas of Punjab being the most inequitable. It is in these regions that bonded labor is used most extensively.

The contemporary land tenure system took form in the seventeenth and eighteenth centuries under Mughal rule. During this period, the peasantry paid rent to the state through a class of revenue collectors called zamindars. As long as the peasantry paid rent on the land they cultivated, land tenure was relatively secure. While the peasantry had de facto control over their land, they had no absolute ownership rights.

During the colonial period a radical shift occurred in traditional landholding patterns. The British, in an attempt to increase their control in India, granted absolute ownership rights to zamindars through a series of land alienation acts. Thus, those who were originally revenue collectors became powerful landlords. The customary rights of the peasantry over their land were ignored, and as a result of British colonial policy, peasants became tenants.⁵

The colonial system, which institutionalized the tenant system and promoted commercialized agriculture, strengthened the hold of landlords over the peasantry. In this context, many peasants fell into debt-bondage. According to an agrarian historian:

One important consequence of the revitalization of landlordism under British rule was a phenomenal growth of peasant indebtedness. For with a land market flourishing under the triple impact of agrarian legislation, demographic increase, and a progressive larger money supply many bought up estates at auction and evicted tenants....The development of a market economy lured the peasant with little or no capital to turn his field into a frontier of commercial agriculture and consequently himself into a perpetual debtor.⁶

⁵Inderjit Singh, *Tenancy in South Asia*, (Washington D.C.: The World Bank, 1988).

⁶Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India*, (New York: Oxford University Press, 1992), pp. 7-8.

In the regions of British India that now constitute Pakistan, peasants initially fell into debt with Hindu moneylenders. At the time of the division of British India into India and Pakistan, the departure of such moneylenders from Pakistan gave Muslim landlords the opportunity to extend credit and thus reinforce their control over rural society.

After the independence of Pakistan, successive post-colonial regimes made three attempts at land reform. However, all these attempts were subverted by large landlords who occupied powerful positions in Pakistan's political structure. In 1959, under the Land Reform Act, the government attempted to redistribute land to middle-sized landlords.⁷ Much of this land did not come from larger landlords, but rather from excess government land. Small peasants did not share any of the benefits of such reforms, however, the inequitable distribution of land remained.

⁷The Land Reform Act of 1959 set the upper limit land ownership at 500 acres of irrigated land. Such limits were on individual rather than family holdings. Thus large landlords were able to retain land well in excess of 500 acres. Moreover, loopholes existed to exclude certain landlords from the limits determined in the act.

The Second Land Reform Act of 1972 was passed amidst populist fanfare. Under its mandate rural landless laborers and small peasants were to be included in land reforms. But many of the same mistakes of the first land reform act were repeated. As in 1959 the ceilings were placed on individual rather than family ownership.⁸ The 1972 reforms did not affect the power of larger landlords in Sindh or southern Punjab, although in some parts of northern Punjab and in the Northwest Frontier Province where landlords were politically weak, the reforms worked to the advantage of landless tenants.

The political significance of the 1972 land reforms becomes clear when set against the backdrop of the socioeconomic changes wrought by the green revolution. The attendant shift to cash crops raised the cost of agricultural inputs. With the introduction of new technologies in the late 1960s, middle-sized and very large landlords augmented their economic clout at the expense of small peasant and landless laborers. With an already skewed ownership pattern, Pakistan's experience under the green revolution served to sharpen inequalities between the middle and lower strata. It also strengthened the power of coercion available to very large landlords over small peasant holders and landless laborers. Middle to larger landlords were able to use their privileged access to local authorities to secure cheap loans and manipulate the interrelated land, product, credit and labor markets even more effectively than before. Unable to finance the rising costs of cultivation, many small to marginal owners in the Punjab leased their land to middle-sized and large landlords who were anxious to enlarge their holdings in order to take full advantage of Pakistan's policy of subsidized farm mechanization. The introduction of tractors and other farm machinery further weakened the power of the landless poor as it resulted in massive unemployment of agricultural day-laborers.

⁸Individual landlords could hold up to 150 acres of irrigated and 300 acres of unirrigated land. According to one estimate, landlords in Punjab could legally hold as many as 932 acres, while those in Sindh could hold 1,120. Despite such legalities many landlords continued to hold tens of thousands of acres of land. Many landlords currently evade land-holding regulations by registering land in the name of peasants without their knowledge.

The Third Land Reform Act of 1977 sought to reduce the ceiling on individual land holdings to forty hectares of irrigated land or eighty hectares of unirrigated land. But after the imposition of martial law in 1977, little was done to implement this act.

The impact of land reform on bonded laborers is clear. In areas in which land reform has effectively been implemented (sections of the NWFP and Punjab), agricultural bonded labor is rare. In areas where the land tenure system remains highly inequitable, debt-bondage is pervasive.

DEBT-BONDAGE AND FORCED LABOR

Landlords often use their position of power to exact forced labor from their tenants. Three landlords interviewed by Human Rights Watch/Asia claimed that it is incumbent on all peasants to offer free labor to their landlords. Many landlords also actively seek to turn free tenants into bonded laborers.

Most free tenants have no resources other than labor power as they have no secure access to land or capital; many therefore enter tenancy contracts with landlords.⁹ Such contracts guarantee tenants land, credit, access to irrigation networks and agricultural input in exchange for their labor on the farms owned by a landlord.

The most common types of tenancy contract in Pakistan are sharecropping and fixed-rent tenancy. Under sharecropping, the rent is a contracted percentage (usually half) of the output of the rented land. A fixed-rent contract involves a specified rental either in cash or in kind. Under another type of tenancy contract, the "rent" is fully or partly paid in labor services. Other things being equal, these forms of tenancy have different implications for the contracting parties' incomes and incentives. In particular, the landowner's share under a sharecropping arrangement

⁹ According to the World Bank report, *Tenancy in South Asia* tenancy is of major importance in Pakistan as it accounts for nearly 70 percent of its cultivated area. It is particularly extensive in Sindh, where it accounts for over 60 percent of the cultivated area.

depends directly on the level of output, so that the consequences of a change in output, whatever its cause, are shared between the landlord and tenant. In fixed-rent tenancies, however, any reduction or increase in output affects only the tenant cultivator.

Where markets for capital and credit are imperfect or undeveloped, the only way that a person without assets may gain access to such resources is to enter into a tenancy contract. However, as all tenants must provide landlords either rent or a partial payment for inputs, they enter a vicious cycle of debt. They must borrow money from landlords to cultivate their land, and during poor harvests they must borrow more money to repay landlords. Landlords take advantage of this situation and in particularly difficult financial times convince peasants to enter into debt-bondage arrangements with them.

● "Suleiman," a Muslim Sindhi man in his thirties, worked with his entire family in sugarcane fields near Hala. He was told that he would receive Rs. 300 [\$9] per month for his work. After three years of work he was told he owed the zamindar Rs. 3,000 [\$90]. He attempted to leave the employ of the landlord but was tracked down and forced to continue to work.¹⁰

● "Lal," a Hindu Sindhi man in his forties, and his entire family of ten have worked for a landlord for their entire lives in a sugarcane field in Sindh. His parents had worked for the same landlord. He was told that he could not work anywhere else until he paid off the family debt of over Rs. 100,000 [\$3,000] that he inherited. As he earns subsistence wages, it is impossible for him to repay the debt.¹¹

● "Meeran," a Muslim Sindhi man in his thirties, was given a small percentage of the harvest in exchange for his and his family's work at a sugarcane farm. As this was not enough to survive, he would take advances from the landlord. The longer he worked, the greater his debt became. Eventually his debt became so high that he had to sell himself into debt-bondage to

¹⁰ Human Rights Watch interview, village outside Hala, November 1993.

¹¹ Human Rights Watch interview, Mir Pur Khas, November 1993.

the landlord. His initial landlord no longer needed his services. Thus, without "Meeran's" acquiescence, he and his entire family were sold to another landlord.¹²

ILLEGAL CONFINEMENT AND OTHER FORMS OF COERCION

Many forms of coercion are used to illegally confine bonded laborers and to deny them the freedom to choose their place of residence or employment. The most extreme of these is the private jail. Although private jails exist throughout Pakistan, Human Rights Watch/Asia's findings focus on the interior of Sindh. Such jails are used to discipline and punish workers who challenge landlords' authority. While most jails are merely buildings owned by landlords, these private jails occasionally resemble fortresses.

¹² Human Rights Watch interview, Mir Pur Khas, November 1993.

One of the most notorious cases involves the jail of Haji Ghulam Khokhar.¹³ In November 1991, the army raided this jail (known by various officials to have existed for some time) and freed 295 peasants who had been illegally confined in what was essentially a forced labor camp.

Human Rights Watch/Asia visited this private jail in Tando Allahyar. It is an enclosed area surrounded by fifteen-foot walls, covered with barbed wire, and turrets at each corner. Interviews with peasants who had once been detained there revealed conditions of severe brutality. While the jail was in operation, bonded peasants would spend their days working under the supervision of armed guards in fields. In the evening these peasants were confined to the jail and chained to iron fetters. During many nights the women would be raped in the jail by the guards. A number of children were born from such assaults. Within the jail people lived in makeshift shacks with no furniture or plumbing facilities. At the time the jail was raided in 1991, there were fifty-five women prisoners and 132 children. At times of illness, workers were not allowed to visit a doctor. The only food provided was some flour and occasionally chili peppers. The peasants were under constant surveillance, and the right to any privacy was denied. Defecation occurred in the open, as did sexual relations. Makeshift shades erected for privacy were destroyed. Physical abuse by Khokhar, his family and senior employees was common. In one case described by a journalist:

Haji Ghulam Khokhar's watch once disappeared from his bathroom. He suspected one of his female servants of stealing the watch and beat the woman black and blue, even though she kept swearing she had not stolen the watch. When he could not induce a confession from her, he summoned her father to his haveli and asked him to rape his daughter. When the old man refused to comply, he ordered two of his servants to rape the woman.¹⁴

¹³ See Hassan Mujtaba, "The Living Dead," *Newsline*, December 1992, pp. 47-51.

¹⁴ Ibid.

The local police were fully aware of the existence of the jail. They had a strong and close relationship with the local landlord. The landlord was finally charged with holding laborers in bondage and is currently in detention. Many, including his own family members, believe he was charged not because of his private jail but for unrelated political reasons. Although a number of peasants told the local police of the existence of the jail, the police took no action. Eventually, the laborers approached the army, and soldiers freed the laborers. The maintenance of a private jail by Haji Khokhar is in no way an isolated incident. Other private jails with similarly harsh practices exist throughout the interior of Sindh in places such as Sanghar, as our interviews indicate:

● "Jalal," a Muslim Sindhi man in his thirties, wanted to build a house and needed some financial help, so he borrowed money from his landlord. When he was unable to repay the loan in 1990, he and his entire family were confined in a dark room on their landlord's property near Hala and not allowed outdoors. After one month he was allowed to go outside on the condition that he would continue to work for the landlord.¹⁵

● "Sooli," a Hindu Sindhi man in his thirties, worked for a landlord near Sanghar who would lock many of his laborers in a private jail at night. The workers were not free to move around. If they disobeyed the landlord or any of his employees they would be brutally beaten in front of everyone in the jail. One day in 1991 a number of workers attempted escape. "Sooli" managed to get away, but some of his fellow workers were captured. "Sooli" does not know what happened to them afterwards.¹⁶

While private jails are an extreme form of coercion, the physical abuse of bonded laborers in agriculture is widespread. Human Rights Watch/Asia

¹⁵ Human Rights Watch interview, village near Hala, November 1993.

¹⁶ Human Rights Watch interview, village near Mir Pur Khas, November 1993.

interviewed fourteen laborers who recounted physical beatings and torture inflicted on them by their landlord or one of his employees. Many of the peasants' bodies bore physical evidence of such treatment.

● "Shireen," a Sindhi Muslim man in his twenties, and his entire family worked for a landlord in the interior of Sindh tending mango orchards. In 1992, he was accused of stealing some mangoes. His punishment was a number of days of torture which included being hung upside down naked and being beaten. He complained to the police, but they refused to register a case.¹⁷

● "Liaqat," a Muslim Sindhi man in his thirties, was beaten and whipped regularly by his former landlord in the interior of Sindh. When the landlord was in a particularly cruel mood he would put chilies in "Liaqat's" anus.¹⁸

According to a report conducted by the government of Pakistan, "The average rural woman in Pakistan is born in near slavery, leads a life of drudgery, and dies invariably in oblivion."¹⁹ Women bonded laborers, who are denied equal

¹⁷ Human Rights Watch interview, Hyderabad, November 1993.

¹⁸ Human Rights Watch interview, Hyderabad, November 1993.

¹⁹ Government of Pakistan, *Report of the Pakistan Commission on the Status of Women* (Islamabad: Government of Pakistan Press, 1986), p. 93. Public dissemination of this report, which was restricted to official circles during the reign of Zia ul-Haq, was encouraged by Benazir Bhutto during her term as prime minister.

protection before the law, have their basic human rights consistently violated. But bonded peasant women have a particularly hard time: they are sold into marriage, physically abused, and raped with impunity.

- "Shareefa," a Muslim Sindhi woman in her thirties, worked with her husband on a sugarcane farm in the interior of Sindh. Her husband left the farm after the harvest to search for work in the city. After he left, the local landlord demanded that she help him in his home. In 1990 while her husband was away the landlord raped her a number of times. She informed the local police but they refused to register a case and threatened her with a jail term under the Hudood Ordinances.²⁰

²⁰ Human Rights Watch interview, village near Mir Pur Khas, November 1993.

● In 1992 "Jawaid," a Muslim Sindhi man in his thirties, attempted to register a case against his landlord for raping his wife at a sugarcane plantation in the interior of Sindh. The police scoffed at him and refused to file an F.I.R. They told him that the landlord could do whatever he wished.²¹

EFFORTS AT REDRESS

A strong relationship exists between landlords and the local police. Bonded laborers are consistently detained by the police under false charges as punishment by landlords. Testimonies from bonded laborers confirmed this.

● "Farid," a Muslim Sindhi man in his forties, attempted to organize other bonded peasants from a farm near Mir Pur Khas to demand better treatment. In 1991, a police officer came into his home and took him into detention. The landlord charged him with theft. After a number of months in jail, where he was physically abused, he was released into the landlord's custody.²²

● "Sul," a Muslim Sindhi man in his thirties, belongs to a peasant collective. He has repeatedly tried to file cases on behalf of abused peasants. While he usually has overwhelming evidence against landlords, including multiple witnesses, the police consistently refuse to file first information reports and local prosecutorial authorities refuse to intervene.²³

²¹ Human Rights Watch interview, village outside Hyderabad, November 1993.

²² Human Rights Watch interview, Mir Pur Khas, November 1993.

²³ Human Rights Watch interview, Mir Pur Khas, November 1993.

VII. THE ROLE OF THE GOVERNMENT OF PAKISTAN

The government of Pakistan is responsible for the maintenance of the bonded labor system. It has failed to implement legislation which bans bonded labor. Its police have not arrested employers, while bonded laborers have faced punitive arrest. The government has sanctioned legislation which denies equal treatment before the law for women and religious minorities, and it has failed to enforce laws which seek to protect the rights of the child. Furthermore, government practices and policies stultify trade union activity which would allow bonded laborers themselves to collectively address violations of their right not to be held in servitude.

NON-ARREST OF EMPLOYERS

The complicity of the state in the bonded labor system is explicitly illustrated by the fact that employers of bonded laborers are rarely arrested, prosecuted, or punished for holding workers in bondage. Furthermore, employers usually escape punishment for illegal confinement, rape, or physical abuse of bonded laborers, all of which are clearly prohibited under the Pakistan Penal Code. Thirty-two bonded laborers interviewed by Human Rights Watch/Asia attempted to register complaints against employers; five of these cases made it to court. None of the accused employers was detained and none was prosecuted. The failure to arrest employers lies primarily with the police. A representative of Sindhi Hari Tehrik, a peasant organization in Sindh, and Ehsanullah Khan of the Bonded Labour Liberation Front told Human Rights Watch/Asia that their organizations had tried to register cases against employers and landlords, but either the police refused to register cases or judges were reluctant to prosecute and punish them.¹ Moreover,

¹ Human Rights Watch Asia interviews, Hyderabad, November 1993 and Lahore, November 1993.

the police rarely register FIRs filed by bonded laborers seeking prosecution of their employers. Police failure appears to be tolerated. Human Rights Watch/Asia found no evidence of members of the police being investigated for not taking necessary steps to protect bonded laborers.²

As the state does not take the initiative to effectively implement the protection afforded bonded laborers under national laws, including the Bonded Labour (Abolition) Act, most advocacy on the behalf of bonded laborers is undertaken by individual lawyers, human rights organizations, peasant groups, and labor unions. Despite the efforts of such groups, many bonded laborers do not even attempt to register cases against their employers because they believe that the state will not uphold their rights.

Three bonded laborers interviewed by Human Rights Watch/Asia who managed to register criminal charges against employers, were severely pressured by the police and their employers to dismiss the charges. For example, in clear violation of basic principles of justice, these bonded laborers were threatened both with prosecution for unrelated offenses if they did not drop the charges and with physical injury, to themselves or their families.

² Internal procedures for disciplining police officers are found in the Police Rules. The decision whether to enforce such rules rests with the commanding officer of the accused. In the case of the failure to protect bonded laborers, they are rarely investigated under such rules. This situation is exacerbated by the fact that no outside agency exists to investigate allegations of police abuse nor is there any mechanism independent of the police to lodge disciplinary or criminal charges against police officers.

In the few cases that go to trial, according to lawyers interviewed in Lahore and Hyderabad, the authorities consider the testimony of bonded laborers less valid than that of their employers.³ For example, three magistrates interviewed by Human Rights Watch/Asia conveyed a distinct bias in favor of the uncorroborated statements of the employers. One magistrate interviewed in Hyderabad remarked, "These people [bonded laborers] register cases because they are trouble makers."⁴

The failure to punish those who hold laborers in bondage is a clear signal from the government of Pakistan that the bonded labor system can be maintained with impunity. With the overwhelming evidence of the existence of bonded labor throughout Pakistan, it is not credible that the prosecutorial authorities are unable to identify those guilty of holding workers in bondage.

VIOLATING THE RIGHTS OF THE WORKERS

In addition to the failure to arrest those who hold workers in bondage, the police use the coercive apparatus of the state to punitively arrest bonded laborers. For example, bonded laborers who file charges against an employer, attempt to organize other workers, leave their place of work, or are disliked by a particular employer can be arrested and put into a lockup or jail; thirty-two bonded laborers interviewed by Human Rights Watch/Asia had been detained under such circumstances, in clear violation of basic principles of due process. For example,

³This is a violation of Article 26 of the ICCPR which states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

⁴ Human Rights Watch/Asia interview, Hyderabad, November 1993.

twelve of the bonded laborers interviewed by Human Rights Watch/Asia who had been illegally arrested claimed that at the time of their arrest they were not informed of the charges against them in violation of Article 9 (2) of the ICCPR. Those who were charged reportedly confronted false charges such as theft.

In the course of being arrested, laborers are kept in overcrowded lockups or jails without regard to age, circumstance of arrest, or status in the judicial process. The bonded laborers we interviewed who had been detained were not given any explanation of jail or lock-up rules, but twelve of them were punished for alleged infractions of these rules.

Bonded laborers are often kept in jail or lock-ups for extended periods of time. The police do not notify anyone of the arrests except perhaps the employer. Suspects are often held in prison until a payment is made to the police either by the suspect, or as is more often the case, by his or her employer. Laborers are occasionally released if there is a challenge made to the court through a lengthy process. Nine of those detained remained in police lock-ups for over three months without being presented before a magistrate.

Employers of bonded laborers often visit the lock-ups or jails in order to bribe officials for the return of "their" laborers. Employers, who tend to have established contacts with local police, negotiate the release of those arrested. As a result, with the support of the police, such laborers are forced to return to their place of bondage; twelve detained bonded laborers interviewed by Human Rights Watch/Asia were handed over to their employers by the police. While Pakistan's rules of detention are generally consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners, they are not effectively implemented.⁵

⁵ Pakistan's laws on detention allow the police to exercise sweeping powers in an abusive manner. Under the Code of Criminal Procedure, suspects of criminal offenses

may be detained by the police for twenty-four hours without a formal charge. Upon the presentation of sufficient evidence that the detention of the suspect is necessary for a thorough investigation, the courts may allow detention without charge for a period of up to fifteen days. In addition if the suspect is deemed to be a threat to "public order and safety" the deputy commissioner has the authority to permit an individual to be detained without charge for up to thirty days. The district commissioner may renew this "preventive detention" for up to three months. These provisions violate international standards of due process which stipulate that persons may only be arrested pursuant to judicial warrants, unless the person is apprehended *in flagrante delicto*.

TORTURE AND OTHER FORMS OF CUSTODIAL ABUSE

While illegally detained in lock-ups, bonded laborers are often physically, sexually and psychologically abused. They are held in the lowest level (class "C") jail where torture and rape are common and extrajudicial killings occur with impunity.⁶

Torture is used to force laborers to desist from registering cases against their employers, extract bribes, and intimidate or humiliate the detainees. Twenty-seven bonded laborers interviewed by Human Rights Watch/Asia had been slapped or manhandled, eleven were beaten with sticks, three stripped naked and abused, one hung upside down by a rope from the ceiling, four burned with cigarettes, one had his genitals crushed with pliers, and one had his legs pulled apart until he was in unbearable pain. Police treatment of women bonded laborers in custody is also grossly abusive. Although women police officers are required to be present at the arrest and interrogation of women, this protection is rarely afforded. Women prisoners are often held in custody indefinitely and suffer a consistent pattern of sexual assault, including rape.⁷

⁶ It is important to note that while bonded laborers suffer harsh treatment in prison, they may not be treated worse than other inmates. According to an Amnesty International report on Pakistan, "Most people in police or military custody are exposed to some form of torture or ill treatment." See Amnesty International, "Pakistan: Torture, Deaths in Custody and Extrajudicial Executions," ASA 33/05/93, (London: Amnesty International, December 1993).p.1.

⁷ For a detailed description of police abuse of women in custody in Pakistan see Asia Watch, *Double Jeopardy: Police Abuse of Women in Pakistan*, (New York: Human Rights Watch, 1992).

The treatment of male and female bonded laborers in prison constitutes a clear violation of Article 9 of the ICCPR, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." It also violates Pakistani law. Despite international and national laws governing custodial conduct, jail officials are rarely tried for perpetrating custodial abuse even in the case of murder.

RAPE OF FEMALE BONDED LABORERS

Human Rights Watch/Asia's investigation of bonded labor in Pakistan reveals a consistent pattern of sexual harassment, including rape of female bonded laborers. Employers, landlords, contractors, and even fellow bonded workers rape female bonded laborers with impunity. The state is complicit in such abuse by its failure to aggressively prosecute those who commit rape and in its use of the Islamic penal laws known as the Hudood Ordinances, under which raped women may be imprisoned on the charge of adultery.⁸

Human Rights Watch/Asia found that police consistently fail to register FIRs filed by bonded women laborers who allege that they have been raped by their employers. Three police officers interviewed by Human Rights Watch/Asia stated that bonded women laborers have sex with employers because they receive expensive gifts and are able to enjoy the privileges associated with being an employer's sexual partner.⁹ Women interviewed by Human Rights Watch/Asia claimed that when they attempted to file rape charges, the police taunted them and insinuated that they themselves were responsible for such actions because of their "loose behavior" or that they wanted to sleep with such men. Women who

⁸ As the state has failed to effectively address the crime of rape in Pakistan, nongovernmental organizations have primarily raised awareness and sought advocacy on this issue. The group War Against Rape (WAR) has documented the widespread nature of rape in Pakistan and the deep indifference with which Pakistani police officers address charges of rape. According to Asma Jahangir, the chair of the Human Rights Commission of Pakistan, rape is "perhaps the only crime where the onus of proving her innocence lies on the victim. Add to that the taboo that surrounds sexual crimes, and a woman is likely to incite the wrath of her family and community if she makes the crime publicly known in order to seek justice." (Asma Jahangir, "The Many Faces of Rape," *The Herald Annual*, Lahore, January, 1992.)

⁹ Human Rights Watch interview, Hyderabad, November 1993.

successfully file FIRs, despite these difficulties, are threatened by the police to drop their charges of rape or face charges of adultery under the Hudood Ordinances.

CHILDREN IN BONDAGE

At the ILO congress in June 1994, the government of Pakistan pledged again (as it has done many times in the past) to seek ways to end all forms of child labor in Pakistan. That stance would be consistent with the positions taken by the ILO and various branches of the United Nations.¹⁰ As a party to the Convention on the Rights of the Child, Pakistan must "recognize the right of the child to be protected from economic exploitation."¹¹ The government of Pakistan

¹⁰According to the ILO committee of experts on the Application of Conventions and Recommendations: "Forced labour exploitation of children, be it in forced child labour, child prostitution, child pornography, be it in factories, sweatshops, brothels, private houses or elsewhere is one of the worst forms of forced labour. It must be fought energetically and punished severely." ILO Conference, 79th session 1992, Report III, (Part 4A), Convention No. 29, p. 148. The ILO held a South Asia-wide conference in Islamabad which sought remedies to end bonded child labor in the region. The summary and conclusions of the conference can be found in *Children in Bondage - A Call for Action*, Asian Regional Seminar, November 23026, 1992, Islamabad (International Labor Organization, Geneva).

The UN Working Group on Contemporary Forms of Slavery has established a program for the elimination of the exploitation of child labor which states: "Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour....High priority should be given to the elimination of the most odious or degrading forms of child exploitation in particular...the sale of children, the employment of children in dangerous occupations or for enforced begging or debt-bondage. (E/CN.4/Sub.2/1992/34, annex I, paras 2-3). This program is also consistent with the mandate of the Special Rapporteur on the Sale of Children. See "Rights of the Child, Sale of Children," report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1992/76, January 12, 1993 (E/CN.4/1993/67).

¹¹ Convention on the Rights of the Child, Article 32.

acknowledged this responsibility in its National Programme for Action¹² which states:

Pakistan will pursue the norms of justice and equity which the Convention [on the Rights of the Child] propagates as values integral to human development and to the protection of vulnerable groups like children. National laws will be reformed to accord with the convention and used as a source of regulatory and educational support to adults as well as children...Pakistan is committed to achieving the rights of the child in the development perspective of "the whole child" and of "all children."¹³

¹²The government of Pakistan with UNICEF's support defined its agenda for children in the National Programme of Action which was conceived in the specific context of the government's Social Action Programme and Eighth Five Year Plan 1993-1998.

¹³ "National Programme of Action," p. 4, cited in paper presented at the Regional

Human Rights Watch/Asia's investigation discovered bonded child labor in all the industries that utilize adult bonded labor.¹⁴ As with adult bonded laborers,

Training Programme for Persons Working in Children's Organizations in Asia by Baela Jamil, Programme Officer UNICEF Punjab. Organized by International Commission of Jurists (Geneva) and AGHS Law Associates (Lahore), September 6 - 10, 1993, Lahore Pakistan.

¹⁴ Child labor is governed in Pakistan by a series of laws. The Employment of Children Act, 1938 prohibits children under the age of fourteen from working in certain industries. Children between fifteen and seventeen may work under conditions prescribed in the act. The Children (Pledging of Labour) Act, 1933 bans parents or guardians from pledging the labor of children under the age of fifteen. The Factories Act, 1934, bans children below the age of fourteen from working in factories. Children and adolescents between the ages of fourteen and seventeen may work in factories if a certificate of fitness is granted to them by the appropriate authority. The Employment of Children Act, 1991 prohibits children from employment in industries hazardous to their health. This act also regulates work hours and sets health and safety standards at sites where children work. See National Commission for Child Welfare and Development, Special Education and Social Welfare Division, Government of Pakistan and UNICEF Pakistan, *Summary of Child Legislation in Pakistan*.

child bonded laborers are physically, sexually, and psychologically abused. However, the cash advanced in exchange for a child's labor invariably goes to an adult and not to the working child. If a child is paid any wages, it is usually his or her parents who keep the money.

Children are employed because they are easily exploitable and are paid less than adults. In comparison with adult bonded laborers, child bonded laborers, who often work in isolation from their families, work longer hours for significantly less pay. The minimal pay received is usually reduced to make payments on debts and then given to children's parents. In some cases, children's work is not remunerated, as employers claim that the children are apprentices and are being taught a trade.

In agriculture and brick-making, children work alongside their families, whereas in mining and carpet-weaving bonded children are often separated from their families. Children who work away from their families are usually sold into bondage by their parents. In certain cases bonded children are abducted by contractors or employers.

When parents were asked by Human Rights Watch/Asia for the reason they sold their children into bondage, the invariable answer was that, as there were no proper schools in the area, it was better for children to work rather than to remain idle. More schools would clearly be desirable, but the lack of education facilities cannot justify the sale of children into bondage. The government is complicit in such transactions in that it consistently fails to prosecute parents or other individuals involved in holding children in bondage.

In 1992, the government of Pakistan established the National Commission on Child Welfare and Development to monitor the implementation of the Convention on the Rights of the Child. The commission has a federal office in Islamabad and regional offices affiliated with provincial governments. The commission has issued reports which specifically document the exploitation of child labor in Pakistan.¹⁵ Yet despite the official recognition of such exploitation, the government has not taken even the most basic steps to seek the eradication of bonded child labor or to punish those who directly engage in the abuse of bonded child workers.

The commission, in its first report, claimed that the government had difficulty in implementing the Convention on the Rights of the Child due to "a lack of coordination between the concerned federal and provincial agencies and the Commission, inadequate awareness among the general masses about the rights of

¹⁵ See *Discover the Working Child*.

the child, as enunciated in the Convention, ineffective enforcement of existing legislation and absence of legal coverage in certain areas, resource constraints, rapid population growth, and slow growth of institutions for child welfare."¹⁶

In order to honor its commitment to end bonded child labor, the government of Pakistan must immediately begin to implement legislation which seeks to protect the rights of the child. The international community has an important role to play in reducing the exploitation of bonded child labor by ceasing to import goods made by such labor.

FREEDOM OF ASSOCIATION/TRADE UNIONS

Many bonded laborers interviewed by Human Rights Watch/Asia were fully aware that the consistent pattern of abuse they suffer is in clear violation of a number of Pakistani laws. Their attempts to collectively organize into unions have been circumscribed by government policies and practices which limit trade union activity.

¹⁶ First Report on the Implementation of the Convention on the Rights of the Child, December 1992, cited in *Summary of Child Legislation in Pakistan*.

In addition to illegal police arrests of bonded laborers who attempted to organize fellow workers, a combination of legal and administrative hurdles make the registration of new unions exceptionally difficult.¹⁷ The two major pieces of labor legislation which regulate union activity in Pakistan, the Essential Service Maintenance Act and the Industrial Relations Ordinance, ban union activity from certain "essential industries" (including agriculture) and limit the formation of strong unions. According to the International Confederation of Free Trade Unions:

Unless the employer agrees to the formation of a union and most do not, the legal process of registration and appeal may take years. During that time the proposers of the unions are generally subjected to extreme, if technically illegal, harassment. Many unionization attempts fail.¹⁸

¹⁷*Trade Union Rights and Industrial Relations in Pakistan*, GM/TUR/4-2-94/(cf-5185)

¹⁸*Country Reports, Pakistan*, IHTUR/3(d)(i). International Confederation of Free Trade Unions, Human and Trade Union Rights Committee, Brussels, 26-27 May 1993.

As a result of government attempts to undermine trade union activity, only 3 percent of employed Pakistanis belong to unions, most of which are small and fragmented.¹⁹ Despite its pro-worker rhetoric, the government supports employers, including multinational corporations, in their attempts to weaken organized labor.²⁰

The mainstream trade union movement has not shown particular concern for the plight of bonded laborers.²¹ The Bonded Labour Liberation Front (BLLF), established in 1967 by Ehsanullah Khan, has attempted to organize and educate bonded laborers throughout Pakistan. However, it has been unable to overcome bureaucratic barriers to its registration as an officially recognized trade union. Smaller bonded labor unions exist, but they are divided and their power is limited.

THE NEED FOR ACTION

¹⁹ Ibid.

²⁰ International Human Rights Law Clinic and International Labor Rights Education and Research Fund, *Petition to Review Workers Rights in Pakistan*, Submitted to the Generalized System of Preferences Sub-committee of the Trade Policy Staff Committee, June 1, 1993, p.5.

²¹ In contrast, human rights organizations in Pakistan have enthusiastically addressed the problem of bonded labor. Organizations such as the Human Rights Commission of Pakistan have been instrumental along with the BLLF in promoting legislation which bans the bonded labor system. But these organizations are few in number, limited to major urban centers, and concerned with a multiplicity of other human rights issues.

The government of Pakistan recognizes that bonded labor is a major problem, but it has failed to enforce legislation designed to end it, such as the Bonded Labour (Abolition) Act of 1992, described in further detail in appendix I.

The government of Pakistan needs to effectively implement domestic and international laws in forced labor. It must proscribe unjust punitive arrests of bonded laborers and search for ways to rehabilitate workers. It must also actively investigate and prosecute all those complicit in the bonded labor system, particularly its own police force and officials who turn a blind eye to abuse by employers.

The solution to the human rights violations faced by bonded laborers cannot be sought merely by freeing individual workers. Bondage takes place in the context of a social structure dominated by powerful employers (including landlords) and a justice system that denies equal treatment before the law. It is therefore imperative that solutions move beyond solely "freeing" workers. Human rights abuses committed against bonded laborers will only be ended if such laborers are guaranteed comprehensive worker rights including the right to form and join trade unions.

The government must also recognize that the current justice system discriminates in favor of powerful employers and large landowners at the expense of all laborers. Thus, in order to comply with national and international laws which seek to eliminate bonded labor, the government must ensure that the right to equal protection before the law is effectively extended to bonded laborers. It must not allow bonded laborers to be punished for seeking legal redress against exploitation.

An effective program to eradicate the bonded labor system in Pakistan also requires the concerted and sustained effort of the international community. The International Labor Organization (ILO) must insist that the government of Pakistan comply with ILO standards on forced labor, collective bargaining, and freedom of association to which it is a party. The United Nations Working Group on Contemporary Forms of Slavery should press the United Nations Human Rights Commission to censure the government of Pakistan for its failure to comply with international laws and standards outlawing bonded labor. Pakistan's major trading partners (the European Union, Japan, and the United States) should discontinue importing goods such as carpets made by bonded labor.

APPENDIX I: BONDED LABOUR (ABOLITION ACT) 1992

(Gazette of Pakistan, Extraordinary, Part I, 17th March 1992)

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 11th March, 1992, and is hereby published for general information:

Whereas clause (2) of Article 11 of the Constitution of the Islamic Republic of Pakistan prohibits all forms of forced labour;

And whereas it is necessary to provide for abolition of bonded labour system with a view to preventing the economic and physical exploitation of the labour class in the country and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:--

1. Short title, extent and commencement.--

(1) This Act may be called the Bonded Labour System (Abolition) Act, 1992.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition: - In this Act, unless there is anything repugnant in the subject or context, --

(a) "advance (*peshgi*)" means an advance (*peshgi*), whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) "bonded debt" means an advance (*peshgi*) obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;

(c) "bonded labour" means any labour or service rendered under the bonded labour system;

(d) "bonded labourer" means a labour who incurs, or has, or is presumed to have, incurred, a bonded debt;

(e) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered into an agreement with the creditor to the effect that,--

(i) in consideration of an advance (*peshgi*) obtained by him or by any of the members of his family [whether or not such an advance (*peshgi*) is evidenced by any, document] and in consideration of the interest, if any, due on such advance (*peshgi*), or

(ii) in pursuance of any customary or social obligation, or

- (iii) for any economic consideration received by him or by any of the members of his family; he would--
- (1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, or
 - (2) forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or
 - (3) forfeit the right to move freely from place to place, or
 - (4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or person dependent on him, and includes the system of forced or partly forced, labour under which a surety for a debtor for a debtor 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 render the bonded labour on behalf of the debtor;
- (f) "family" means,--
- (i) in the case of a male bonded labourer, the wife or wives, and in the case of a female bonded labourer, the husband of the bonded labourer; and
 - (ii) the parents, children, minor brother, and unmarried, divorced, and widowed sisters of the bonded labourer wholly dependent on him;
- (g) "nominal wages", in relation to any labour, means a wage which is less than,--
- (a) the minimum wages fixed by the Government, in relation to same or similar labour, under any law for the time being in force; and
 - (b) where no such minimum wage has been fixed in relation to a form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality; and
- (h) "prescribed" means prescribed by rules made under this Act.
3. **Act to override other law, etc.**-- The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.
4. **Abolition of bonded labour system**--(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.
- (2) No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced labour.
5. **Agreement, custom, etc. to be void**--Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed

before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as bonded labourer, shall be void and inoperative.

6. **Liability to repay bonded debt to stand extinguished.**--(1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any Civil Court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed on such commencement to have been fully satisfied.

(4) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family was forcibly taken by any creditor for the recovery of any bonded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized.

(5) Every attachment made before the commencement of this Act, for the recovery of any bonded debt shall, on such commencement stand vacated; and, where in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any Court, tribunal or other authority pending sale thereof such movable property shall be restored, within ninety days of such commencement, to the possession of the bonded labourer:

Provided that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act.

(6) Subject to the proviso to subsection (5), any sale, transfer, or assignment of any property of a bonded labourer made in any manner whatsoever before the commencement of this Act for recovery of bonded debt shall be deemed to have created or transferred any right, or interest in or encumbrance upon any such property and such property shall be restored, within ninety days of such commencement to the possession of the bonded labourer.

(7) If restoration of the possession of any property referred to in subsection (4) or subsection (5) or subsection (6) is not made within ninety days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a

reasonable opportunity of being heard, direct the creditor to restore the applicant the possession of the said property.

(8) An order made by any prescribed authority under subsection (7) shall be deemed to be an order made by a Civil Court and may be executed by the Court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(9) Where any suit or proceeding for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance (*peshgi*) made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement stand dismissed.

(1) On the commencement of this Act, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. **Property of bonded labour to be freed from mortgage etc.**—(1) All property vested in a bonded labourer which was, immediately before the commencement of this Act, under any mortgage, charge, lien or other encumbrance in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other encumbrance; and where any property was, immediately before the commencement of this Act, in possession of the mortgagee or the holder of the charge, lien, or encumbrance, such property shall, except where it was subject to any other charge, on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in resorting any property referred to in subsection

(1) to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or encumbrance, such profits as may be determined by the Civil Court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. **Creditor not to accept payment against extinguished debt**—(1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or full satisfied by virtue of the provisions of this Act.

(2) Whoever contravened the provisions of subsection (1), shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen thousand rupees, or with both.

(3) The Court convicting any person under subsection (2) may, in addition to the penalties which may be imposed under that subsection, direct such person to deposit, in court, the amount accepted in contravention of the provisions os

subsection (1), within such period as may be specified in the order, for being refunded to the bonded labourer.

9. **Authorities who may be specified for implementing the provisions of this Act.**--The Provincial Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may designate an officer subordinate to him to exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and specify the local limits within which such powers or duties shall be carried out by such officer.

10. **Duty of District Magistrate and other officers designated by him.**--(1) The District Magistrate authorised by the Provincial Government under section 9, and the officer designated by the District Magistrate under that section, shall as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

(2) It shall be the duty of every District Magistrate and every officer designated by him under section (to inquire whether after the commencement of this Act, and bonded labour system or any other form of forced labour is being enforced by or on behalf of any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, and person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to implement the provisions of this Act.

11. **Punishment for enforcement of bonded labour.**--Whoever, after the commencement of this Act compels any person to render any bonded labour shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.

12. **Punishment for extracting bonded labour under the bonded labour system.**--Whoever enforces, after the commencement of this Act any custom, tradition, practice, contract, agreement or other instrument, by virtue of which any person or any member of his family is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years or with fine which shall not be less than fifty thousand rupees, or with both; and out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of not less than fifty rupees for each day for which bonded labour was extracted from him.

13. **Punishment for omission or failure to restore possession of property to, bonded labourer.**-- Whoever, being required by this Act to restore any property to the possession of any bonded labour, omits or fails to do so, within a period of

ninety days from the commencement of this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of ten rupees for each day during which possession of the property was not restored to him.

14. **Abetment to be an offense.**--Whoever abets any offense punishable under this Act shall, whether or no not the offense abetted is committed be punishable with the same punishment as is provided for the offense which has been abetted.

Explanation.--For the purpose of this section "abetment" has the same meaning as is assigned to it in the Pakistan penal Code (Act XLV of 1860).

15. **Vigilance Committees.**--(1) Vigilance Committees shall be set up at the District level in the prescribed manner, consisting of elected representatives of the are, representatives of the District Administration, Bar Associations, Press, recognized Social Services and Labour Departments of the Federal and provincial Governments.

(2) The following shall be the functions of the Vigilance Committees, namely:-

- (a) to advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner;
- (b) to help in the rehabilitation of the freed bonded labourer;
- (c) to keep an eye on the working of the law; and
- (d) to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.

16. **Offences to be tried by the Magistrate.**--(1) A Magistrate of the first class empowered in this behalf by the Provincial Government may try any offense under this Act.

(2) An offense under this Act may be tried summarily.

17. **Cognizance of offences.**-- Every offense under this Act shall be cognizable and bailable.

18. **Offences by companies.**-- (1) Where an offense under this Act has been committed by a company, every person who, at the time the offense was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offense and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in subsection (1), where any offense under this Act, has been committed by a company, and it is proved that the offense has been committed with consent or connivance of, or is attributable to, any neglect on the part of any director, manager, or other officer of the company, such director,

manager or other officer shall be deemed to be guilty of that offense and shall be liable to be proceeded against and punished accordingly.

Explanation for the purposes of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm means a partner in the firm.

19. **Protection of action taken in good faith.**-- No suit, prosecution or other legal proceeding shall lie against Government or any other officer of the Government for anything which is in good faith done or intended to be done under this Act.

20. **Jurisdiction of Courts barred.**--Save as otherwise provided in this Act, no Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Court in respect of anything which is done or intended to be done under this Act.

21. **Power to make rules.**-- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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