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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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PAKISTAN: End slavery and bonded labour

1. Pakistan's constitution expressly prohibits all forms of slavery and forced labour. Article 11 deems slavery non-existent and forbidden; no law shall permit nor facilitate its introduction in Pakistan in any form; it prohibits all forms of forced labour and trafficking of human beings and the employment of children below the age of fourteen years in any factory, mine or in any form of other hazardous employment. The International Covenant on Civil and Political Rights, in its Article 8, also expressly enshrines provisions against slavery; providing that; no one shall be held in slavery; that slavery and the slave-trade in all their forms shall be prohibited; and that no one shall be held in servitude.
2. However, Pakistan ranks third in the Global Slavery Index, which means that the issue of slavery has reached a critical point. It is estimated that there are around 2,000,000 -- 2,200,000 people involved in various forms of modern slavery in Pakistan.¹ Slavery has become endemic in Pakistan and is generally run by officers of the law enforcement agencies including the police, para-military forces, government officers and persons with financial and political clout in particular by the rich land owners. There are reports that the military in their detention centres across the country use girls as sex slaves in order to obtain confessional statements from people who are forcibly made to disappear, particularly more so in the Balochistan province.²
3. Forced labour, primarily in the form of debt bondage, is found most commonly amongst agriculture and brick kiln workers. In addition, a high number of incidents of bonded labour are also found in domestic services -- particularly women and children labourers, in the carpet weaving industry and in mining. In all of the above, with the exception of the mining industry, women feature as a major labour force. Since no written contract exists, workers are made vulnerable to all forms of exploitations. Bonded labourers mostly hail from socially excluded groups, including minorities and migrants who suffer additionally from discrimination and political disenfranchisement. Trafficking of women and children for the purpose of sex and the sex industry has become the easiest business which is made possible only with connivance of the various government officers posted at the different customs entry and exit points.
4. Children as young as 5 years-old are kept away from schools, forced to work 7 days a week for up to 18 hours a day and end up with crippling injuries, respiratory disorders and chronic pain. A new U.N. study says human trafficking from and through Pakistan has increased during the past year. Modern day slavery is a situation where people are tricked or they are forced into jobs or situations where they are economically exploited. They are controlled by violence, forced to live on no pay or base subsistence pay and they are not free to leave. It reflects all of the characteristics of slavery of past centuries as well as forced labour, and slavery-like practices such as debt bondage, forced marriage, human trafficking and sale or exploitation of children.
5. Pakistan has ratified several conventions and international declarations which prohibit outright any form of slavery, such as the Slavery Convention of 1926, the ILO Convention, the Universal Declaration of Human Rights, 1948 and the 1956 UN Supplementary Convention on the Abolition of Slavery. However, the menace of slavery still persists in its different shades and degrees in today's Pakistan and it is on the rise, as a means of exploiting for financial gains, every iota of physical strength of a person especially.
6. Millions of workers in Pakistan are held in contemporary forms of slavery. Throughout the country employers forcibly extract labour 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 these types of exploitations on the contrary; state practices actively support the existence of slavery. 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.

¹ The Global Slavery Index, 2013, The Walk Free Foundation <http://www.globalslaveryindex.org/country/pakistan/>.

² <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-012-2009>.

7. The two main sectors of agriculture and brick kiln industry - that constitutes the backbone of Pakistan's economy – primarily rely on bonded or forced labour including child labour. Millions of domestic servants, mainly debt bonded, provide crucial services – day and night - to the elite and rich living in the affluent areas of Pakistan's main cities. Similarly, millions of children below the age of 18 are involved in worst forms of labour in sectors like auto workshops, carpet weaving, hotels, restaurants, mining and waste collection. Thousands of these children are also subjected to begging and sexual exploitation, and forcible recruitment into extremist and non-state militant groups. Forced and early marriages of girls are a socially acceptable practice in many parts of Pakistan. Girls under the age of 18 are often forced into marriages to settle debts and disputes, under the guise of primitive social and cultural norms and customs.
8. Women in Pakistan face significant discrimination and high levels of violence with proportions as high as four in five women having faced some sort of domestic abuse. The Prevention of Anti-Women Practices Bill, that prohibits forced marriages, was passed in 2011, however no information is available in relation to its enforcement and there is still much work to be done in this regard. Women and their daughters becomes a free commodity for the holders and they rape them and use them for sex purposes and even trade and sell them to other land holders.
9. Shocking statistics have emerged with regard to human trafficking across Pakistan's borders; there have been 1 million Bangladeshis and more than 200,000 Burmese women trafficked to Karachi, Pakistan³; 200,000 Bangladeshi women were trafficked to Pakistan in the last ten years, continuing at the rate of 200-400 women monthly⁴. India and Pakistan both have become the main destinations for children under 16 who are trafficked in South Asia⁵.
10. Forced labour is a category of violence that is driven entirely by money and the willingness to put violence to work as an economic enterprise. This is a form of strong preying upon the weak. The most profitable thing to steal is the whole person⁶. Although slavery is prohibited by the constitution, only some forms of modern slavery have been criminalized and yet, the few regulations are being poorly implemented. The haphazard forms of co-ordination between the Central Government and provincial institutions contribute to worsening of the quality of mechanisms of monitoring and the frequency of labour inspections. An effective partnership between state agencies and NGOs is also lacking. Furthermore, data collection at a grassroots level and national surveys are non-existent.
11. The Global Slavery Index points out that despite the ratification of several international treaties relevant to the issue of slavery, such as the Abolition of Forced Labour Convention (1957) and the Worst Forms of Child Labour Convention (1999), Pakistan is still lacking in coordinated and adequate policies on the matter. Although slavery is prohibited by the constitution, only some forms of modern slavery are criminalised and yet those few regulations are poorly implemented. The current startling situation and the increasing number of people exposed to the risk of slavery have to be attributed mainly to the expansion of the informal sector within the country, together with privatization processes. The Formal sector has been shrinking and the government has lost all its control over the labour market. The Informal sector prefers to hire women and children as they represent a source of cheap labour and their employment allows avoiding labour laws. They are forced to work between 12 and 16 hours per day and are paid meagre amounts which are hardly enough for survival. The Government of Pakistan has failed in the supervision of the informal sector and hence is directly responsible for the perpetuation of slavery.
12. Due to the absence of the rule of law, slavery has become the best way for commercial and industrial activities to prosper unethically⁷.
13. The government of Pakistan is complicit in these abuses of worker's rights, both by the direct involvement of the police and through the state's failure to protect the rights of bonded labourers. It rarely prosecutes or punishes employers who hold workers in servitude, and workers who contest their exploitation are often imprisoned under false charges.

³ Indrani Sinha, SANLAAP India, *"Paper on Globalization & Human Rights"*.

⁴ CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*.

⁵ Iijima Masako, *S. Asia urged to unite against child prostitution*, Reuters, 19 June 1998.

⁶ Gary A. Haugen and Victor Boutros, *The Locust Effect* (OUP 2014).

⁷ *The Global Slavery Index*, op. cit.

14. It is the duty of the government of Pakistan to comply with its own national laws as well as with international human rights and labour laws outlawing bonded labour, to ensure that all workers are allowed to organize and be represented by unions, and to prosecute to the full extent of the law, employers who have held workers in bonded labour and those who have physically or sexually abused bonded labourers.

15. The situation calls for urgent government actions to implement the labour laws in letter and spirit and comply with international conventions safeguarding rights of the workers. An overhaul of the functioning and administering of the criminal justice delivery systems in Pakistan is clearly the only way forward, in order to grapple with this menace – slavery and bonded labour.

16. Thereby, we call upon the United Nation Human Rights Council to make necessary interventions with the government of Pakistan, to work together towards ending slavery and bonded labour in Pakistan as a matter of priority. To recommend for the full implementation and enforcement of Pakistan's international obligations to end slavery and slavery like practices and to begin to address issues of law enforcement and the lack of rule of law - in order to effectively eradicate slavery in all its forms and to protect the rights of all, especially the most vulnerable groups in Pakistan.
