

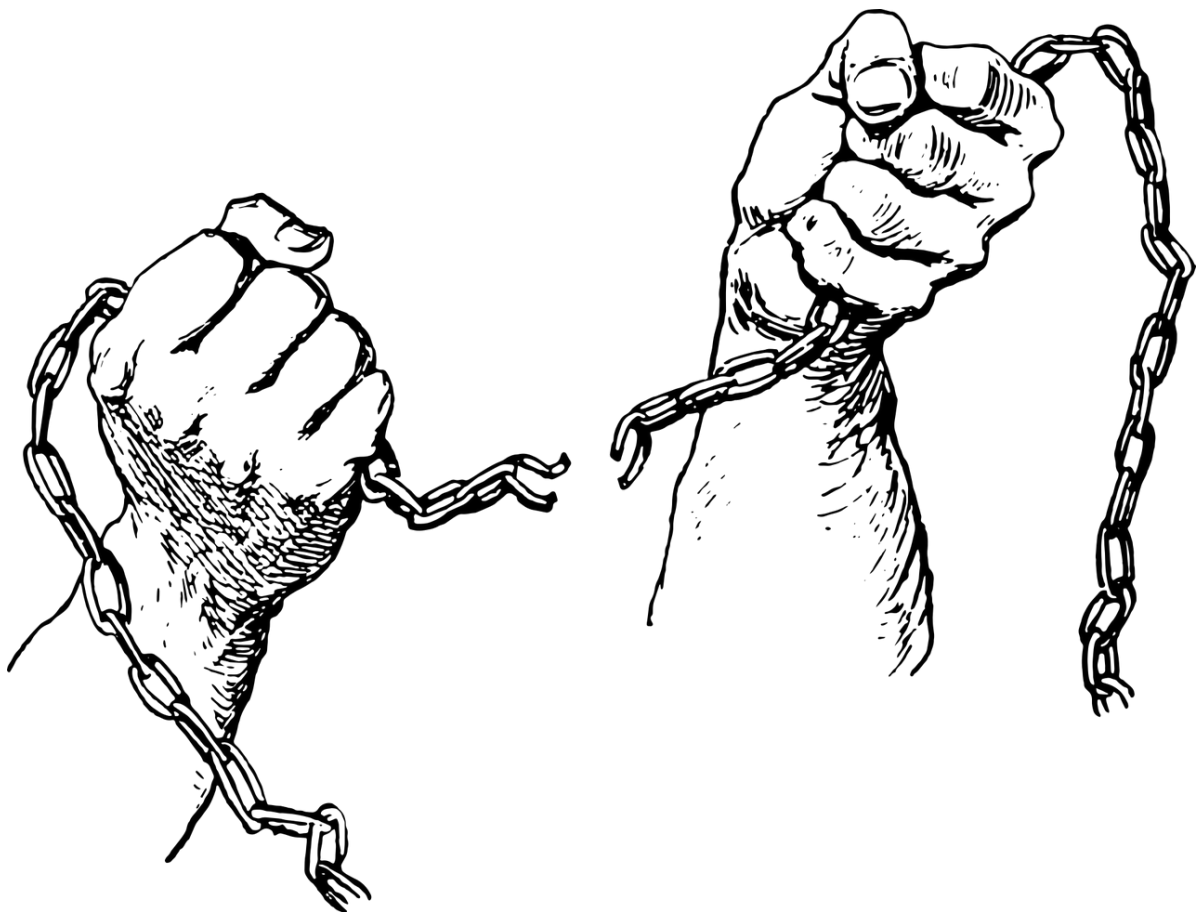


All-Party Parliamentary Group for
the Pakistani Minorities

APPG For the Pakistani Minorities Report

EXPLOITATION OF BONDED BRICK KILN LABOURERS IN PAKISTAN:

THE UNSEEN MODERN-DAY SLAVERY



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The Inquiry

This Inquiry is run by the All-Party Parliamentary Groups (APPGs) for Pakistani Minorities. The APPG on Pakistani Minorities is a cross-party group of Parliamentarians working on the situation of minority communities in Pakistan, including among others, religious or belief minority communities.

The Inquiry consisted of desk research and an evidence-gathering process, including an open call for written evidence and oral hearings. A panel consisting of parliamentarians, lawyers, and academics, heard oral evidence from victims and experts on the topic. Written evidence was received from relevant stakeholders, including non-governmental organisations, faith groups, experts, and victims and their families (where safe and appropriate).

The aims of the Inquiry were to:

- I. analyse the scope of the sexual, verbal, and physical abuse suffered in brick kilns, particularly by women and girls;
- II. identify the impact of bonded labour on the mental and physical health of the victims and their families;
- III. identify how bonded labour affects the education and employment opportunities of victims along with the economic consequences and impact on social status;
- IV. identify the weaknesses and limitations in the existing laws which criminalise the practice of bonded labour in brick kilns and the challenges with the implementation of those laws; and
- V. recommend actions which could be adopted by the Government of Pakistan and the Government of the United Kingdom to combat and end this practice.

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Dedicated to the memory of Iqbal Masih, a 12-year-old boy who was enslaved and later murdered in Pakistan on 16 April 1995 for his untiring efforts to liberate others like himself.

ACKNOWLEDGEMENT

The Inquiry would like to thank all those individuals and organisations which provided evidence, whether oral or written, including:

Aid to the Church in Need (ACN)

The Association of Women for Awareness and Motivation (AWAM)

Barnabas Aid

Centre for Legal Aid, Assistance, and Settlement (CLAAS)

Global Human Rights Defence (GHRD)

Human Liberation Commission Pakistan (HLCP)

Insight UK Team

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Several individuals and organisations provided the evidence anonymously.

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Foreword From the APPG Co-Chair Lord Alton

'Those who deny freedom to others, deserve it not for themselves' - These wise words were spoken by the great American President, and liberator, Abraham Lincoln at a time of great soul searching before the Civil War about ending slavery in America. In this and every generation we, too, must see slavery as an evil and extreme violation of fundamental human rights and human dignity. It is an affront to the principles of equality, freedom and justice that are the bedrock of all civilised societies.

To its credit, Pakistan has passed legislation to outlaw bonded labour - another word for slavery - but the implementation of this legislation has proved to be singularly difficult. This 21st-century slavery has made Pakistan's brick kiln owners into rich men. Their wealth has been accumulated on the broken backs of millions of the poorest and helpless labourers who have paid a high price in human misery. This is a terrible blot on the name of Pakistan.

After hearing shocking stories, the All-Party Parliamentary Group (APPG) for Pakistani Minorities, felt under an obligation to delve deeper and to shed light on this often-hidden slavery, which has destroyed the lives of countless hundreds of thousands of people.

Based on the evidence collected by the specially established ad-hoc inquiry, the APPG has concluded that this grave issue requires urgent attention from governments and policymakers. For some of the poorest and most vulnerable members of society, this is their lived reality and a matter of life and death. We have offered several recommendations which, if implemented, could transform the lives of countless thousands.

I note that the Pulitzer Centre on Crisis Reporting recently highlighted *'Bonded by Brick'* in a three-part documentary produced by Centrum Media. It describes the harsh, severe, often inhuman conditions in the brick kilns where it says *'Workers have no guarantees and no rights. They are chained to the places that employ them—or bonded by the bricks they manufacture.'* It features the work of Syeda Ghulam Fatima, the General Secretary of a Lahore-based human rights organisation, who has bravely managed to save 85,000 enslaved people from brick kilns. They say that for her activism *'she has been shot, electrocuted, and beaten several times.'*

The documentary tells the story of Naveed, a 17-year-old worker who describes how one of his kidneys was forcefully taken from him by the kiln owners to pay back a debt his family owed. I hope that the authorities in Pakistan will ensure that those responsible for this – and for shocking crimes such as those described to us during our Inquiry - are brought to justice.

As it became very clear from the evidence received by the Inquiry, it is not just brick kiln workers who are exploited and violated. We also heard evidence from a female agricultural worker who is a bonded labourer. Her story was truly shocking. Women labourers in the world's fourth largest cotton producer pick most of Pakistan's cotton. Their plight requires urgent action by the authorities too.

Among the evidence, the most shocking of all are the stories of young children – born into a life of slavery, destitution, and abject misery. They should be in schools, not servitude. For

too long a blind eye has been turned to owners who treat employees as subhumans - a throwback to the degrading inhumanity of the caste system and 'untouchability.'

Debt bondage is not only a stain on a great nation's reputation, but also an assault on human dignity and human rights, it enslaves men, women, and children.

Over 200 years ago, during the attempts by cross-party parliamentarians and campaigners to persuade the British Parliament to act against the British slave traders of his day, the great MP and reformer, William Wilberforce said, *'You may choose to look the other way but you can never say again that you did not know.'*

No one who reads this short report will be able to say they *'did not know.'* What follows must be concerted, persistent and determined political and judicial action. The annihilation of barbaric debt bondage should be a priority for all right-thinking people.

In bringing this report to fruition, I would like to thank my colleagues on the Inquiry Panel, Jim Shannon MP, Fiona Bruce MP, Baroness (Helena) Kennedy of the Shaws LT KC, Professor Javaid Rehman, Professor Mariz Tadros, and Dr Zia Ullah Ranjah, Advocate Supreme Court of Pakistan, for sparing their valuable time and being willing to listen to harrowing evidence of the physical and sexual abuse of the victims. I also would like to express my gratitude to Ms Rabiya Javeri Agha, Chairperson of the National Commission for Human Rights, Pakistan for agreeing to be the Advisor to the Inquiry.

Finally, I would like to thank the APPG Secretariat: Morris Johns, Dr Ewelina Ochab, Professor Javaid Rehman, and Andy Bailey for their sterling work in assisting with the Inquiry and the production of the report and Elaine Alam for interpreting at the oral hearing.

Lord Alton of Liverpool

Co-Chair APPG for Pakistani Minorities

Executive Summary

Bonded labour, also termed debt bondage, is defined by the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery as:

the status or condition arising from a pledge by a debtor of his personal services or of 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 the length and nature of those services are not respectively limited and defined.¹

The Inquiry has heard damning evidence on the nature and scale of bonded labour in Pakistan and its impact on the lives of people, whole families, and communities.

The Inquiry concluded that the treatment of bonded labourers at brick kilns is an ongoing issue that continues to be neglected and is a serious concern, especially for already marginalised and vulnerable communities in Pakistan, such as religious minority communities. Although the Government of Pakistan has passed legislation to outlaw this practice, the implementation of the law is non-existent. The Inquiry recommends a series of actions which could be adopted to provide relief to victims and end the practice altogether.

For the UK Government

- To use the UK Aid budget (£41.5 million in 2024 rising to £133 million in 2025) for greater scrutiny and monitoring of Pakistan's compliance with the International Labour Organisation (ILO) requirements on the prevention of slave labour, child rights, women's rights, and minority rights.
- To earmark £500,000 to hire 100 brick kiln inspectors who will make regular, unannounced inspection visits to the 20,000 brick kilns, and document any issues of child labour or bonded labour. These reports will be referred to the Pakistan enforcement authorities for prosecution. All of these reports need to be available to the UK Government for review.
- To provide comprehensive advice to businesses in relation to the high risk of modern-day slavery in brick kilns in Pakistan, introduce a rebuttable presumption that all brick kilns are tainted in modern-day slavery until proven otherwise, and require all UK-funded projects to ensure that they purchase from certified brick kilns only.

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>

- To use UK Aid to provide capacity building for provincial labour inspectorates on the ILO's standards on the prevention of slave labour, child rights, women's rights, and minority rights, and best practices, including by using modern technology such as smartphones, GPS, and other technology (instead of relying on paper records only).

For the Government of Pakistan

- To ask that the Pakistan Government issue a report on the number of brick kilns visited by inspectors, a summary of the violations of the Bonded Labour and Child Labour law, and convictions obtained in the prior 12 months.
- To confiscate the assets of all those who benefited from bonded labour and repurpose those assets to create a national trust fund to support victims/survivors of bonded labour, including funding the education of children from the families of bonded labour.
- To introduce a certificate scheme for brick kilns which comply with all the requirements of the relevant laws in Pakistan and pay the Employees' Old Age Benefits and Employees Social Security. (Only certified brick kilns should be used as suppliers for government contracts).
- To ensure urgent and unconditional implementation of existing legislation, especially the Bonded Labour Abolition Act (BLAA) 1992 and the associated provincial legislation, and arrange mechanisms for their monitoring and compliance, for example by ensuring that the District Vigilance Committees (DVC) are effective, regularising formalised contracts between owners and workers, and the registration of all brick kilns.
- To ensure the complete abolition of child labour on brick kilns using the Employment of Children Act 1991, and the Punjab Prohibition of Child Labour at Brick Kilns Act 2016.
- To ensure swift investigations of all allegations of violations of the bonded labour laws and ensure effective prosecutions.
- To improve access to social services for brick kiln workers including the Employees Old Age Benefit Insurance and Employees Social Security Insurance; for example, sending mobile documentation clinic vans to ensure that all the workers have Computerised National Identity Cards (CNIC cards).
- To appoint a senior official to oversee a nationwide campaign to end bonded labour in brick kilns and who will report every six months on the progress made in implementing the laws.
- To engage in awareness raising about the issue of bonded labour, but also on women's rights including highlighting the legal status and consequences of early and forced

marriages and the creation of safe sanctuaries for women and children who escape from servitude.

- To engage in awareness raising about the need for education for children, and work with civil society organisations on delivering education programmes to children and adults locally.
- To improve access to microfinance and eliminate the advances and loans from owners of brick kilns.

I. Bonded Labour - Introduction



Debt bondage or bonded labour is a form of modern-day slavery, defined by UNICEF as ‘*an abuse analogous to slavery in which individuals are pledged to work either for a money lender or a landlord to repay a debt or loan.*’²

According to the 2023 Global Slavery Index, an estimated 10.6 in every thousand people were in modern slavery in Pakistan at any point in 2021.³ This means that 2,349,000 people experienced some form of modern slavery, be it forced labour, forced marriage or other forms of slavery, in Pakistan in 2021.

Bonded labour in brick kilns is a serious issue in Pakistan as the country produces forty-five billion bricks per year with over 20,000 brick kilns in the country.⁴ Pakistan is the 3rd largest brick producer in South Asia and brick kilns in Pakistan are estimated to employ more than one million workers.⁵

Bonded labour in Pakistan is a product of poverty, societal marginalisation and the failure of the government to act against its underlying causes and as a model of modern slavery in Pakistan operates as follows: labourers borrow money from their employers before they start working at a brick kiln, or once they have started working there, for essential needs or emergencies. Such borrowings are called ‘*peshgi*’ or advance payment. This advanced

² https://www.unicef-irc.org/php/TheSaurus/Glossary_Display.php?GLOSS_ID=102&PoPuP=No.

³ The Global Slavery Index 2023. Available at:

<https://cdn.walkfree.org/content/uploads/2023/05/17114737/Global-Slavery-Index-2023.pdf>

⁴ <https://www.nchr.gov.pk/wp-content/uploads/2023/08/The-Issue-of-Bonded-Labour-in-Pakistan.pdf>

⁵ Ibid.

payment debt keeps each family bonded to their brick kiln, with money deducted from their wages to repay the loan but also to pay the interest on the loan at an exorbitant rate. As most of the workers in brick kilns are illiterate, they do not know/understand the rates being charged each month. A survey of 324 brick kilns in eight districts of Punjab revealed that the documentation of loans given to workers and their repayments against loans are not properly and transparently documented at the majority of these brick kilns:

While workers at almost 60% of the brick kilns said that their employer is managing loans and repayment records, such records are being maintained on an ad hoc basis that cannot be audited. In many cases, employers get blank undated checks from workers against the loans, which is an illegal practice and is at times used against the workers whenever they raise [their] voices for their rights and entitlements. As many as 59.17% of brick kilns surveyed maintained records of loans and their repayments in a non-standardized format.

Workers at around 75% of the brick kilns were not satisfied with the way the records were maintained and agreed that these were not clear, transparent, and fair. The arbitrary documentation forces workers to pay significantly more than the amount they acquire as a loan. The determination of compound interest is subjectively done against the interest of the workers.⁶

In 2019, a study by the Development Alternatives, Inc. (DAI) produced a modern-day slavery study for the Department of International Development (DFID) outlining how the money is distributed between owners, brokers, and labourers, in this system:

A brick kiln needs to produce around 50,000 bricks per day to be sustainable, which requires 200-250 labourers. To get this number of workers, owners rely heavily on jamadars. On average, a single person can make around 200 bricks a day, so to reach the 1000 brick threshold would require 5-6 people i.e. a family. A Gazette notification of the Government of Punjab states that 1000 bricks is equivalent to PKR 1,110. But a family making 1000 bricks may be paid as little as PKR 500 for their work. The brick kiln owner is able to make huge savings from unpaid/underpaid wages each month. And the jamadar or broker receives the equivalent of 20 bricks of every 1000 made by a family they bring in for work, for as long as the family works for the brick kiln owner.⁷

Debt bondage is associated with high-interest rate charges. As most of the workers are illiterate, they do not know or understand that high interest rates are being added to their loans

⁶ https://www.pattan.org/v2/data_files/Bricks_Report_final.pdf

⁷ See: Fraser Murray, Samanthi Themini, Nida Mustaq, Shehryar Fazli, Sasha Jespersen (2019) Modern Slavery in Pakistan. DAI. Available at: https://assets.publishing.service.gov.uk/media/5e56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan.pdf

and/or how they affect their loans. Furthermore, once employed in a brick kiln, labourers often have to continue to borrow money from their employers for essential necessities, as they earn very little, and cannot have any savings. Their plight is made worse during the rainy season, which could last up to two months. During this period while the brick kilns stop operating, they are not paid any wages, they therefore need to borrow more. Recently, brick kilns have been forced to shut down in the winter, due to the high level of pollution and smog in the major cities in Pakistan. During this period when brick kiln workers are unable to work, the money brick kiln labourers owe keeps increasing, while their capacity to repay decreases, keeping them permanently in debt.

In many cases, it proves impossible for the workers to pay off the debts from their meagre earnings; this remains the case even when the whole family is working as a unit. Years pass by without the original loan being reduced and as a result - the debt is passed down from one generation to the next, locking the family in a cycle of slavery and poverty.

The high interest on the amount borrowed, low wages, ongoing financial needs or emergencies, also unlawful deductions from wages, forged entries into the books, and other issues, are some of the reasons for this descent into poverty-induced slavery for so many people.

Bonded labour is illegal in Pakistan. Pakistan's Bonded Labour System (Abolition) Act 1992⁸ was to free all bonded labourers and erase their debts. The Act established criminal sanctions for those responsible for holding workers in debt bondage. However, successive governments have lacked the political will or capacity to enforce the law.

There has been no palpable change in reducing this modern slavery in recent years. Experts point to inter alia brick kiln owners' strong political connections, corruption among officials, and lack of interest by the state actors such as Labour Inspectors and prescribed actors such as District Vigilance Committees (DVC), for this state of affairs. The Government has taken a number of positive steps as indicated in the study by the Pakistan Institute of Labour Education & Research (cited below), but those have not been pursued further.

In April 2000, the government created a fund called 'Fund for Education of Working Children and Rehabilitation of Freed Bonded Labourers (BLF),' with an initial amount of RS 100 million donated by Bait-ul-Maal. Despite the National Policy and Plan of Action (NPPA) and the creation of the fund, those freed are living in subhuman conditions in camps around Hyderabad (Sindh). The money has not been used for the rehabilitation of those released from bondage. Though the formation of DVCs in all the districts was mandatory according to the Bonded Labour System (Abolition) Act, 1992, the formation and functioning of the committees have not been effective as there is hardly any DVC intervention on record.⁹

⁸ <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apmYag%3D%3D-sg-jjjjjjjjjjjj>.

⁹ <https://piler.org.pk/wp-content/uploads/2017/02/Effectiveness-of-Interventions-for.pdf>

Religious Minorities as Bonded Labour

Religious minorities in particular are victims of this system. Demographic analysis of brick kilns reveals that bonded labour reinforces inequalities in Pakistan, disproportionately affecting already marginalised religious minorities. According to the most recent national census, religious minorities constitute 3.73% of Pakistan's population.¹⁰ On the other hand, the percentage of religious minorities in brick kilns is often as high as 50%, sometimes even higher, especially in Punjab and Sindh, the two provinces predominantly occupied by religious minorities. As reported by Anti-Slavery International:

Those who are enslaved are also predominantly from scheduled castes and minority groups, with various studies estimating that around 90% of bonded labourers come from these groups. The profound prejudice of the wider society against scheduled castes and minorities, which must also pervade government and civil service as well as other sections of society, establishes a culture of toleration for abuses of the most extreme kind, including slavery, to be perpetrated against vulnerable people from these sections of society.¹¹

The majority of studies agree that the main reasons for modern slavery to persist in Pakistan are the lack of implementation of existing laws by the State, corruption by officials at different levels, and grinding poverty. However, it can also be argued that the lack of will to enforce respective laws is rooted in the cultural attitudes towards low caste and non-Muslim members of society, as suggested in a report by Christine Molfenter.¹² Employers often take advantage of their low status in society, societal ostracization, hatred based on religious and racial inferiority, illiteracy, as well as their inability to find alternative, better-paid jobs:

On a daily basis, they experience discrimination in public services: For instance, nurses refuse to treat scheduled castes fearing pollution; for the same reason barbers and restaurants do not provide any service to scheduled castes and in schools minority children have to sit in the back benches or are even required to clean the school. Occasionally there are also reports of violent attacks against minorities, like rape, stripping, kidnapping and murder, based on their religion or caste.¹³

This was confirmed by one of the witnesses, Mr Pirbhu Lal Satyani, from Sindh Province, who mentioned that:

In 2007, thousands of labourers in agriculture particularly were freed through the courts and rehabilitated in camps in Khairpur, through among others, the Pakistan

¹⁰ POPULATION BY RELIGION.pdf (pbs.gov.pk)

¹¹ <https://www.antislavery.org/reports/poverty-discrimination-and-slavery-the-reality-of-bonded-labour-in-india-nepal-and-pakistan/>

¹² See:

https://www.academia.edu/1973698/Bonded_Child_Labour_in_Pakistan_The_States_Responsibility_to_Protect_from_an_Institutional_Perspective?rhid=28165406084&swp=rr-rw-wc-95239706

¹³ Ibid.

Institute of Labour Education Research. They surveyed those freed and found that 84% of them belonged to the scheduled caste Hindu-Dalit community.¹⁴

Among other disturbing reports from brick kilns, the Inquiry has heard shocking evidence of women and girls, especially from religious minority backgrounds, being subjected to abuse. Reports included incidences of sexual abuse. All these issues are further explored in the next chapter of the report.

¹⁴ Oral hearing, Pirbu Lal Satyani.

II. Exploitation of workers and its impact



2.1 The life in brick kilns

The life for a brick kiln worker in Pakistan is a life of exploitation, poverty, and severe working conditions. Brick kiln workers are subjected to harsh working conditions: long hours, often six or seven days a week. They often receive less than legally prescribed minimum wages which are insufficient to meet even basic needs. As a result, the whole family is forced to work together as a unit to try to meet their basic needs. Women often have no choice but to take their newly born children to work and work in extreme conditions. Children in brick kilns are deprived of basic education.

These tribulations in the bonded labourers' lives were highlighted by the submission from the Association of Women for Awareness and Motivation (AWAM):

Bonded labour inflicts multi-faceted hardships on both its victims and their families. For the victims themselves, the consequences are dire, spanning from physical to psychological realms. They endure gruelling working conditions, often in hazardous environments, leading to injuries, chronic health issues, and exhaustion. Moreover, the coercive nature of bonded labour inflicts severe psychological trauma, manifesting as anxiety, depression, and post-traumatic stress disorder (PTSD), stemming from feelings of powerlessness and fear. Socially isolated and deprived of educational

opportunities, victims find themselves caged in a cycle of exploitation, perpetuated by the burdensome debt they are forced to bear. Such debt bondage not only shackles them to their oppressors but also condemns their families to economic destitution and social marginalisation.¹⁵

Working hazards

Brick kilns are located away from cities, and far away from the public eye, as submitted by the Centre for Legal Aid Assistance and Settlement (CLAAS):

The majority of the brick kilns are located in suburban or remote areas, very far from the main cities. Due to this distance, the community working and living at the brick kiln faces various challenges:

- Lack of access to quality healthcare
- Lack of alternate employment opportunities
- Lack of water, sanitation, and other infrastructure
- Lack of accessibility to education
- Lack of access to information
- Lack of transportation.¹⁶

Describing his first impressions on a visit to a brick kiln, one of the witnesses told the Inquiry that:

The first thing that strikes me is that the actual workers are individuals working in very rough conditions. They are barefoot, have no gloves, and work like this from dawn to dusk all day every day. At that time, it was March, so it was already getting very hot. The conditions in this region only worsened in spring and summer. You could see them, and the pictures show using the most basic, pickaxes and shovels, trying to plough their way through huge mounds of earth. Channelling streams of water, which would be mixed with earth, create a kind of cement mixture, which is put onto these very basic, wheelbarrows. It is a piece of wood with a wheel attached, which is then wheeled from one end of the site to the other. These were then formed into the bricks.¹⁷

Environmental hazards

Hazardous conditions in brick kilns have been well documented and analysed by experts.¹⁸ The environmental dangers include hazardous fumes from the billowing black smoke during

¹⁵ Written submission, The Association of Women for Awareness and Motivation.

¹⁶ Written submission, Centre for Legal Aid Assistance and Settlement.

¹⁷ Oral hearing, John Pontifex, ACN.

¹⁸ See for example: Mushtaq Ahmad et al., 'Fine particulate matter from brick kilns site and roadside in Lahore, Pakistan: Insight into chemical composition, oxidative potential, and health risk assessment' (2024) 10 Heliyon 4. Available at: <https://www.sciencedirect.com/science/article/pii/S2405844024019157#:~:text=These%20brick%20kilns%20emit%20many,by%20air%20pollution%20%5B51%5D>. See also: Mrinal Kanti Saha et al., 'Occupational and environmental health hazards in brick kilns' (2020) JAPH 135-146.

the brick-making process which could cause asthma, and other health issues, increasing the risk of contracting tuberculosis. The contaminated water used to mix the soil, without any protective equipment, often gives workers skin diseases. When they do become sick, limited access to healthcare often leads to health complications, and sometimes death.

Brick kiln workers are rarely provided with safety equipment. Workers baking bricks wear open wooden sandals to reduce heat, however, this exposes them to other risks. They only use metal rods in handling fire covers and do not wear any protective equipment. When removing hot bricks, workers sometimes might wear rubber strips on their hands and occasionally cover their mouths with a strip of cloth. Otherwise, they are not provided with any safety equipment that could protect them from the foreseeable risks associated with the work. Similarly, workers do not have any training in relation to health and safety at work.

A 2021 report by the Solidarity Centre, a US based international worker rights organisation, corroborates that little attention has been given to regulating the brick kiln workers health despite considerable dangers:

The literature highlights that workers' access to health and education is non-existent. A brick manufacturing plant uses multiple raw materials and produces many by-products. Among these, many substances are potentially harmful to brick kiln workers' health. The kilns burn wood, coal, plastic and tires, causing the emission of fine dust particles, hydrocarbons, sulphur dioxide and oxides of nitrogen, fluoride compounds, carbon monoxide and a number of carcinogenic dioxins. According to estimates, exposure to wood smoke is associated with a 70 percent increased risk of contracting chronic obstructive pulmonary disease. Moreover, brick dust also causes eye allergies, depression, and multiple skin problems. It is also known that excessive exposure to heat and humidity limits human performance. Brick workers are exposed to the sun for long hours and to high dust concentration during the manual breaking of coal. Occupations exposed to dust and smoke, including brick kiln workers, are at a higher risk of developing chronic respiratory symptoms and illnesses. In addition, a majority of brick kiln workers live on-site in kacha houses (made of mud bricks), where they have no access to fresh water, toilets, and drainage facilities.¹⁹

The country has been experiencing an increasing amount of smog near major cities in winter, and in an attempt to prevent it, successive governments have been taking some measures in recent months including temporarily shutting down brick kilns. These temporary closures result in further injustices for the workers who, due to the lack of earnings, are forced to burrow yet more money.²⁰

The transition to improved, cleaner technology would benefit not only the workers but also the surrounding population and the country, as one witness testified:

¹⁹ Pakistan.Report.Forced-labor-in-the-brick-kilns.pdf (solidaritycenter.org)

²⁰ <https://www.globalcitizen.org/en/content/pollution-pakistan-bricks>

The environmental hazards from the brick kilns and their working practices affect not only the workers but the wider population as well. I understand that kilns make a significant contribution to smog in and near urban areas. Modernisation and streamlining, along with more humane working practices, would be beneficial not only for workers at the kilns but also for the nation as a whole. The U.K. could provide expertise on how this might be delivered. There could be a facilitation of the exchange of information with countries where modernisation has taken place.²¹

There are solutions available to reduce environmental pollution, including zigzag technology, which could help to address the issue of smog, without having to close brick kilns. The zigzag technology is a method of firing bricks in a kiln that uses a unique design to reduce emissions of pollutants and increase efficiency. It is also cost-effective, occupational safety and health compliant and offers a better return on investments.²² Since August 2020, the Punjab government has offered interest-free loans to convert brick kilns on zigzag technology.²³ The ILO has been training brick kiln owners and workers, in collaboration with the Environment Protection Department (EPD), the Government of Punjab, the Punjab Vocational Training Council and the Brick Kiln Owners' Association of Pakistan. It is one of the initiatives of ILO's project on the promotion of decent work funded by the Italian Agency for Development Cooperation (AICS).²⁴

Living Conditions

The conditions of work in brick kilns are highly dangerous. Furthermore, the living conditions in brick kilns, where the workers live, are similarly hazardous and offer no privacy. No medical coverage or social protection, the shortage of clean drinking water, and the absence of latrines were among the common issues identified during the Inquiry. A study by the Sustainable Development Policy Institute in Pakistan found that over 60% of workers residing in katcha (mud-built), and pacca (brick-built) houses are living below the poverty line. Furthermore, 80% have no running water at home, 60% have no latrine facilities, and 82% do not have proper drainage.²⁵

The lack of privacy in brick lanes was identified by one of the witnesses who described its impact on women:

Women felt particularly vulnerable at brick kilns due to their homes being built without any boundaries or fences, without providing any privacy or safety. The lack of clean water, or proper toilet facilities forces women to go in the open, either late at night or early morning, which adds to the risks experienced by them.²⁶

²¹ Written submission, Msgr. Dr. Michael Nazir-Ali.

²² What Is Zigzag Technology in Brick Kilns? | Graana.com

²³ MU-17 Sep 2020.pdf (un.org)

²⁴ <https://www.ilo.org/resource/news/promoting-environment-friendly-brick-kilns>

²⁵ https://sdpi.org/social-analysis-of-brick-production-units-in-pakistan/publication_detail

²⁶ Oral hearing, Aslam Pervaiz Sahotra, HLCP.

Lack of Social Services

Bonded labourers do not have any social security. In the majority of cases, they do not receive any sickness benefits, pension benefits from the *Employees' Old-Age Benefits Institution* which is the pension, invalidity pension and old age grants payment department of the Government of Pakistan, or any other form of social benefits.

Many brick kiln workers do not have Computerised National Identity Cards (CNIC) which means that they have no social security, labour rights or the right to vote. Similarly, many have unregistered marriages, and as such, no associated social benefits. Without the relevant registration, they do not have access to any government support and are dependent on brick kiln owners for further loans in case of emergency. This in turn adds to the already existing debt. In 2014, there was a campaign by the Punjab Government, in cooperation with ILO, to start providing CNIC for the bonded labourers. At the time, it was discovered that apart from having no official papers of proof of nationality, such as birth certificates (in order to obtain CNIC), it was not possible to verify their identity based on their fingerprints as these were severely damaged due to the hazardous work without protective equipment such as gloves.²⁷

Despite the above concerns, little is being done to address the issue and brick kiln workers are left with little to no assistance. Trade unions are non-existent, or very weak and unable to improve the working conditions of bonded labourers. According to a report by the National Commission for Human Rights, only three unions with a membership of 333 are registered at the provincial level.²⁸ There are many reasons for this, including, the hostile attitude of the owners, illiteracy, lack of knowledge, and a historically weak trade union movement in the country. The Brick Kilns Owners Association, by contrast, is organised and effective, with a good media presence. It claims to have the elimination of bonded labour as one of its objectives,²⁹ although it took steps to block the implementation of the Bonded Labour System (Abolition) Act, by petitioning the Shariat Court of Pakistan to declare provisions of the act as un-Islamic.³⁰ While this attempt by Brick Kiln Owners was legally unsuccessful before the Shariat Court, as noted above, the Bonded Labour System (Abolition) Act has generally remained ineffective. It is claimed that many parliamentarians themselves own several brick kilns and as such do not have much interest in implementing the 1992 Act or any other relevant laws.³¹

²⁷ <https://www.ilo.org/resource/article/fingerprints-solve-social-security-problem-pakistans-brick-kiln-workers>

²⁸ [The-Issue-of-Bonded-Labour-in-Pakistan.pdf](https://www.nchr.gov.pk/The-Issue-of-Bonded-Labour-in-Pakistan.pdf) (nchr.gov.pk)

²⁹ <https://www.bkoap.org/>

³⁰ <https://www.federalshariatcourt.gov.pk/Judgments/Shariat%20Petition%20No.%208%20-%20L%20-%20of%201993.pdf>

³¹ <https://www.youtube.com/watch?v=2MimJKZqb6g>

Child and Early Marriages

Because of the ever-present poverty and illiteracy girls are typically married by their parents at an early age (later referred to as child and early marriages). Among many issues, child and early marriages are often forced marriages, in that a girl cannot give informed consent to the marriage. Very often, they are not even asked for their consent. The scale of this phenomenon was highlighted in a 2019 study done in Punjab:

Among the total respondents, 249 (99.6%) said that they were married underage while only 1(.4%) denied this. The majority 243 (97.2%) of the respondents replied that their consent was not asked for their marriage and 7 (2.8%) said that their consent was asked for their marriage. The majority 208 (83.2%) respondents have to face violence from their in-laws and husbands while 42 (16.8%) denied this statement.³²

Child and early marriages have a profound negative effect on the lives of women and girls. As noted by UNICEF:

Child marriage robs girls of their childhood and threatens their well-being. Girls who marry before 18 are more likely to experience domestic violence and less likely to remain in school. They have worse economic and health outcomes than their unmarried peers, which are eventually passed down to their own children, straining a country's capacity to provide quality health and education services.

Child brides often become pregnant during adolescence, when the risk of complications during pregnancy and childbirth increases. The practice can also isolate girls from family and friends, taking a heavy toll on their mental health.³³

³² <https://pjss.bzu.edu.pk/index.php/pjss/article/view/780/701>

³³ <https://www.unicef.org/protection/child-marriage>

2.2 Physical and mental abuse of brick kiln workers



Bonded labour inflicts multi-faceted hardships on the workers, but also their families. For victims themselves, the consequences are dire, including gruelling working conditions, often in hazardous environments leading to injuries, chronic health issues, and exhaustion, as outlined in a study published by the BMC Public Health.³⁴ Moreover, the coercive nature of bonded labour inflicts severe psychosocial damage especially among child workers, stemming from feelings of powerlessness and fear.³⁵ Socially isolated and deprived of educational opportunities, workers find themselves locked in a cycle of exploitation, perpetuated by the burdensome debt they are forced to bear. Such debt bondage not only shackles them to their oppressors but also condemns their families to economic destitution and social marginalisation.

Among other things, the informal nature of the sector, the lack of regulations and weak legal and policy environment, and the lack of monitoring leave workers vulnerable to severe exploitation. As a result, they have become one of the most marginalised and vulnerable people in the country. Some workers are subjected to abuse in its various manifestations, as described by the victims' submissions in the Inquiry.

The exploitation of women and girls

Women and girls are among those most vulnerable in all the circumstances. Without being responsible for the decisions to take the loan and/or its negotiations, they have to pay the price for all the consequences, as pointed out by CLAAS in their submission:

³⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507845/>

³⁵ <https://www.sciencedirect.com/science/article/pii/S0925753521000965>

Women are often excluded from financial decision-making and are thus doubly disadvantaged, being unable to influence the negotiation of loans yet having to bear the consequences through the resulting bondage. Bonded labour perpetuates poverty.³⁶

The exploitation of women takes place at several levels. They are unlikely to be paid separately for their labour. Instead, the (already low) wages are paid to the family head, normally a man. As such, they are economically dependent on that man. This is highly concerning as, for example, if a woman is ill-treated or abused at home, or is a victim of domestic violence she would have no possibility to end such abuse but is forced to accept this environment. Women work as hard as men in brick kilns alongside them, however, they are also required to do all the household duties including cooking, cleaning etc. Thus, some women and girls, in addition to being harassed and abused at work, are also susceptible to exploitation and abuse by their husbands and/or fathers. A 2019 study looking at various kinds of abuse suffered by women in the brick kilns such as verbal, mental, and sexual abuse found that:

Out of 250 respondents, 51 (20.4%) females admitted that they [were] the sufferers of mental torture at home. Only 2 (0.8%) answered that they were sexually abused by their men, while 23 (9.2%) female workers replied that they have to face all three types of violence. Only 42 (16.8%) females denied any violence against them.³⁷

A distinct issue on this theme of exploitation by family members was mentioned by a witness to the Inquiry, Msgr Dr Michael Nazir-Ali, a Pakistani-born British Catholic priest and former Anglican bishop, that poverty and oppression of the bonded labourers was not only imposed by the owners but sometimes by their own community and family members, referring to J.C. Heinrich's *The Psychology of a Suppressed People*:

The causes of intergenerational poverty have to do with exploitation and marginalisation by the owners and their agents, but they also have to do with the socialisation of the oppressed themselves in terms of customs, rituals, addiction and intra-family and community oppression of the weakest. The very strong culture of dependency which encourages inertia and even regression should be recognised. There is a particular psychology of the oppressed which also needs to be addressed.³⁸

Rape and sexual violence

Women and young girls are particularly vulnerable in the bonded labour system. The Human Rights Commission of Pakistan reported that around 35% of women workers at brick kilns are abused and harassed by their bosses.³⁹ According to a report by the Human Rights Watch:

³⁶ Written submission, CLAAS.

³⁷ <https://pjss.bzu.edu.pk/index.php/pjss/article/view/780/701>

³⁸ Written submission, Msgr. Dr. Michael Nazir-Ali.

³⁹ <https://tribune.com.pk/story/2092859/35-women-workers-harassed-tortured-brick-kiln>

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 their 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.⁴⁰

Harassment of women in brick kilns is very common, as mentioned in a study of brick kilns in Punjab:

When female workers were asked about harassment from their managers or owners, 209 (83.6%) females replied 'yes' while only 41 (16.4%) denied this statement. When they were asked about the way they have been harassed, 134 (53.6%) responses were about [verbal] harassment, 73 (29.2%) responses were about physical harassment and only 2 (0.8%) replied that they have been harassed both ways (orally and physically). women were reluctant in the presence of other women or their males, to tell the truth about their miseries at brick kilns as some of them told when they were alone that they were being used sexually on a regular basis by their managers and owners.⁴¹

ACN reinforced this point in their submission to the Inquiry, and also highlighted the detrimental effects of this treatment on the children of the abused women:

Those trapped within the brick kilns are often subjected to the worst forms of physical and psychological abuse, with their most basic rights denied. The kiln owners regularly abused the female workers, keeping them physically tied down in their homes as prisoners. They are not allowed to leave and are required to do manual labour around the home.⁴²

Christian and Dalit women are particularly vulnerable - marginalised because of being women and because of belonging to religious minority groups and a caste. Witnesses to the Inquiry provided harrowing testimonies of abuse they encountered. One 20-year-old victim who was born in a brick kiln told the Inquiry:

My father had worked at the brick kiln for 22 years and I was born there. My mother passed away. I lived there with my father and brothers. The owner used to send my father away [under] a pretext and then 10-12 men would enter the house, and start raping me, despite my pleas. They would use force and beat me with baseball bats when I resisted. When I put up a lot of resistance, they would use medicine to make me unconscious. They would bite me and leave marks on my skin. I was so embarrassed and frightened that other women would see them.⁴³

⁴⁰ <https://www.hrw.org/reports/1995/Pakistan.htm>

⁴¹ <https://pjss.bzu.edu.pk/index.php/pjss/article/view/780/701>

⁴² Oral hearing, Daniel Beurthe, ACN.

⁴³ Oral hearing, Victim S.

One of the men who was forced to witness the rape of his wife testified before the Inquiry that:

When he came out from the room after raping my wife, he looked at me contemptuously, as if he had conquered something. As he came forward, he slapped and kicked me, and said, "Go and complaint to whomever you want". I was crying and sobbing uncontrollably, as I saw my wife naked after she had been violated. She was cowering sitting in a corner, naked and shivering. She kept repeating, "I want to die, I want to die because now I'm not able to show my face to anyone". I wanted to kill our owner, but we were helpless.⁴⁴

Sexual violence is often accompanied by other forms of violence. As one Human Rights Watch reported:

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 she 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.⁴⁵

Evidence received by the Inquiry suggests that sexual violence is more prevalent where the victim is a widow or otherwise without a man. One witness, while describing her ordeals, provided information not only about the sexual violence by the owner but also verbal abuse of being referred to as "churi," a word derogatively used to describe Christians:

I am a 48-year-old widow. I had a tough life filled with slavery and family responsibilities. I live with my three young children. Being alone, I often worried about facing harassment and rape.

My miserable life, full of challenges, started when my husband became extremely sick after a heart attack. To pay for his medical bills, I had to accept slavery. Even though I borrowed money, it was not enough to cover everything. I struggled to keep up with my husband's treatment, but could not afford a heart transplant, despite taking out a loan. Tragedy struck eight years ago when I became a widow with three kids aged 10, 12, and 8. The borrowed money now hung over me like a heavy burden, reminding me of the past and my beloved husband.

As a single woman in a harsh world ruled by brick kiln owners, I faced many challenges. People looked down on me because I was a Christian widow, calling me names like "Churi." The owners saw me as a vulnerable woman to be exploited, subjecting me to threats, and humiliation, and to satisfy his lust.

⁴⁴ Written evidence, Victim M

⁴⁵ <https://www.hrw.org/reports/1995/Pakistan.htm>

On various occasions, the brick kiln owner raped me multiple times. During my working hours, he used to sit with me and humiliate me by forcefully touching my body parts, which led me to great fear. I started crumbling and was frightened by his actions. During those hateful rapes, he would say you have to make me happy and fulfil my desires, otherwise I will beat you to death. I used to yell and cry, but he would continue to rape me. It happened often. Once I managed to run from the grip of the owner and the place of the incident. However, the brick kiln owner followed me and reached my home. He beat my children, resulting in bruises all over their bodies. He threatened me, claiming to be the owner and lord of our lives, demanding obedience whenever he asked.⁴⁶

Other forms of violence, suffered in addition to sexual violence, were mentioned by several witnesses. One woman testified to the Inquiry that:

My husband has been suffering from pneumonia for a long time, and whenever he is unable to work, he is physically and verbally abused and beaten. About 2.5 years ago the brick kiln owner called my husband to his office at night and in my husband's absence, the owner's son and his friends came around to our home. They started sexually harassing and molesting me. They forcibly took off my clothes, leaving me naked and started touching my personal body parts. Then they all took turns in raping me. They used my body as a toy to satisfy their lust.

Since then, the owner, his son and his friends regularly come and rape me. I really feel ashamed, but I am helpless to do anything.⁴⁷

There are many similar horrific accounts of rape and sexual violence, as well as other forms of abuse and exploitation. The culture of shame and stigma around the issue of rape and sexual violence means that women and girls would rarely report the crimes to relevant authorities. A survey of 324 brick kilns in eight districts of Punjab revealed that the majority of workers interviewed did not or would not report cases of sexual harassment to anyone:

The reporting of cases of sexual harassment was also found to be extremely low in the brick kilns surveyed in eight districts of Punjab. Workers at only 1.5% of brick kilns said the cases of sexual harassment had been reported to the employers.⁴⁸

The fact that there is no accountability or assistance from trade unions, or State oversight and intervention in such cases (including with investigations and prosecutions), means that the owners of brick kilns and their managers can act with impunity.

⁴⁶ Written submission, Victim S

⁴⁷ Written submission, Victim B

⁴⁸ Bricks_Report_final.pdf (pattan.org)

Child labour



Child labour is widespread in all parts of Pakistan. Results, for example, from Punjab Province Child Labour Survey 2019-20 Report show the prevalence of child labour: out of all 5–14-year-olds, 13.4% were engaged in work in the past 7 days, and 15.5% reported working in the past 12 months (including the past week). Among children in child labour, 47.8% of children in Punjab aged 10-14 work under hazardous conditions, 9.9% work for long hours (i.e. work longer than the age-specific threshold set out in the Punjab Prohibition of Employment of Children Act 2016), 13.7% work at night, 15.6% have been exposed to some type of abuse at their workplace (psychological, physical and/or sexual), 8.7% work in hazardous occupations or industries and 18.8% work with hazardous tools or machinery.⁴⁹

Article 25A of the Constitution obliges the State to provide free and compulsory quality education to children between 5 and 16 years old. However, as the provincial legislation establishes 14 the minimum age for admission to employment, the commitment to education until 16 is significantly affected. The UN Committee of the Application of Conventions and Recommendations has requested that Pakistan raise the minimum age for admission to employment to 16 years old, in line with the age for the completion of compulsory schooling.⁵⁰ However, this has not been done yet.

Child labour is of endemic level in brick kilns in Pakistan. As children grow, they are forced to work long hours, often up to 16 hours a day, and are paid very low wages, or no wages at all. From being exposed to hazardous working conditions, including extreme heat, dust, and

⁴⁹

https://labour.punjab.gov.pk/system/files/CLS%20Punjab%20Main%20Report%20%281%29_compressed.pdf

⁵⁰ All Comments (ilo.org)

toxic fumes from an early age, they suffer respiratory problems, and skin problems and are seriously malnourished. Even if they do not work in the brick kiln, they are denied access to education.

Children in brick kilns face particularly hazardous and dangerous conditions affecting their well-being and development. As reported by BBC, a Christian boy, Iqbal Masih, was only four when he was forced to work in the carpet industry, after his family took a loan from a local industrialist. Iqbal was placed with a carpet maker to work until the debt and high interest rate had been paid off. Iqbal was chained to a loom and made to work as much as 14 hours a day. He was fed very little and beaten more than other children because he attempted to escape and refused to work. The dire conditions he was in affected his growth; he had the height and weight of a 6-year-old when he was 12. Ultimately, he managed to escape and was rescued by a human rights organisation. He became an outspoken public advocate against child exploitation. In 1994, he received the Reebok Human Rights Youth in Action Award and spoke at many child rights events. He was shot and killed on 16 April 1995, in Pakistan, at the age of 12.⁵¹

In 2022, a US Department of Labour Report covering Pakistan's progress in addressing child labour pointed out that:

Children in Pakistan are subjected to the worst forms of child labour, including commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in domestic work, brick manufacturing, and agriculture. Pakistan's provincial labour inspectorates do not have sufficient human and financial resources, and enforcement data are unavailable. Furthermore, police corruption, particularly the taking of bribes from suspected perpetrators to ignore child labour crimes and a lack of willingness to conduct criminal investigations, hindered Pakistan's ability to address child labour throughout the country.⁵²

A 2014 study from ILO found a high percentage of children suffering from injuries at work in the brick kilns:

Over 60% of the working child respondents in Pakistan brick kilns have never attended school. More than 50% had started working at the brick kilns between the ages of 8 and 10. In one site, the majority had started working before they had reached the age of 8.

Among the working children, 95% complained of exhaustion during the last month. A health approach to child labour – Synthesis report of four country studies on child labour in the brick industry.

In the last month, 87% of the working children had experienced a minor injury. The difference between working children and controls was statistically significant. The

⁵¹ <https://www.bbc.co.uk/programmes/p0548s7x>

⁵² https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2022/Pakistan.pdf

rates of ill health varied according to the site with those in eastern Pakistan experiencing the highest rates of injury, more than 50% reporting breathing problems, and 70% reporting headaches and fever in the last year. Within the last month, 95% of the child workers from these provinces reported some degree of musculoskeletal pain (as compared to 60% in the western sites).⁵³

According to a report by the ILO, the initiatives to deal with child labour and forced labour are hampered by lack of reliable data.⁵⁴ A survey conducted in 2015 by PATTAN Development Organisation, on child labour at the brick kilns of Punjab which reviewed 324 brick kilns in eight districts of Punjab, revealed that as many as 83.16% of brick kilns surveyed were found to have hired children.⁵⁵ Almost 75% of the brick kilns had children working through school hours. Only 6.08% of the brick kilns surveyed had some sort of policies on child labour. The government of Punjab's brick kiln census documented that 32,727 children 14 years and younger are not attending school.⁵⁶

As a witness to the Inquiry commented:

In Pakistan, everybody knows that we have more than 26 million children out of school. On the one hand, we have a free and compulsory education Act, under which the government claims to provide free and compulsory education to children from age 5 to 16. And on the other hand, the laws that say the below the age of 14, the children cannot work. So, there is somehow this confusion.⁵⁷

The Punjab Government has taken some steps to outlaw child labour including the Punjab Prohibition of Child Labour at Brick Kilns Act 2016,⁵⁸ and the Punjab Restriction on Employment of Children Act, 2016.⁵⁹ However, as the above-cited figures indicate, child labour is prevalent. The other initiatives include the Government of Pakistan Department Bait Ul Mal and the ILO establishing the National Centres for Rehabilitation of Child Labour to provide education, stipends and clothing to children who were victims of child labour.⁶⁰ Pakistan's National Commission on the Rights of Child has issued a National Action Plan 2023-26, which makes a number of important recommendations. These recommendations

⁵³ <https://www.ilo.org/ipeinfo/product/download.do?type=document&id=25300>

⁵⁴ [wcms_882381.pdf](https://www.ilo.org/wcmsp5/groups/public/-/media/ro/ro_hq/publications/ro_hq_publications/wcms_882381.pdf) (ilo.org)

⁵⁵ https://pattan.org/v2/data_files/Bricks_Report_final.pdf

⁵⁶ Punjab Brick Kilns Census. Labour and Human Resource Department, Government of Punjab. Accessed at http://dashboards.urbanunit.gov.pk/brick_kiln_dashboard/.

⁵⁷ Oral hearing, Pirbu Lal Satyani.

⁵⁸ [pak164574.pdf](https://www.fao.org/pak164574.pdf) (fao.org)

⁵⁹ <http://punjablaws.gov.pk/laws/2668.html>

⁶⁰ <https://tribune.com.pk/story/990310/the-right-to-education-removing-the-child-from-child-labour-for-the-last-20-years>

could be adopted to reduce child abuse.⁶¹ However, urgent action needs to be taken to stop child labour in brick kilns, by Pakistan Government, international aid agencies and the ILO.

Organ harvesting

There have been some reports of organ harvesting in brick kilns that require further attention. For example, according to reports, a 17-year-old boy Naveed was subjected to kidney removal by a brick kiln owner as a payment for the debt owed by his family.⁶²

Two reports by the Human Rights Commission of Pakistan highlighted this issue. One report mentioned that bonded labourers would sometimes agree to sell their organs in a desperate attempt to repay the loan:

A respondent in Multan told HRCP that four members of her extended family had sold their kidneys to pay back their ever-increasing peshgi. The 'sale' itself was also arranged by the brick kiln owner.⁶³

Another report by the same Commission stated that despite this ultimate sacrifice many ended up being slaves again.

During the year, a number of reports appeared in the press about bonded kiln labourers who had sold kidneys to pay off debts. Early in the year, around two dozen such labourers had staged a protest before the Lahore Press Club, displaying their scars. They demanded protection for labourers and stated they had been forced to sell organs to buy freedom for themselves or close family members. In many cases, the labourers soon found themselves in debt again, despite the kidney sale, and were often forced to undertake arduous work despite ill health.⁶⁴

In a submission to this Inquiry, a Christian boy, reported that he left his job to work on a brick kiln to assist his ailing father who had been enslaved for over 30 years:

Unfortunately, my father could not recover and passed away. To arrange his funeral, I had to once again borrow from the brick kiln owner. The situation grew worse as after a while his demands for loan repayment intensified. He started physically abusing me demanding repayment; and subjecting me to brutal beatings, witnessed by my grief-stricken family. My wife and mother, in tears, pleaded for mercy. They knelt down and begged him, but their cries fell on deaf ears. In the depths of despair, I heard about a chance to be free – a local agent promising freedom from the debt in exchange for my kidney. Seeing it as the only way to secure a future for my family, I reluctantly agreed, and took this decision to save my family. The agent took me to a different city

⁶¹ <https://ncrc.gov.pk/wp-content/uploads/2024/02/Action-Plan.pdf>

⁶² <https://bitterwinter.org/moden-slavery-in-pakistan-a-survey/>

⁶³ 2019-Revisiting-the-Bonded-Labour-System-Act-1992-EN.pdf (hrnp-web.org)

⁶⁴ <https://hrnp-web.org/ar/AR2005.pdf>

where I had the operation. But he betrayed me, and I ended up with only a fraction of the promised amount. I remained trapped, until we were rescued by a human rights organisation which paid off my debt and freed us.⁶⁵

Conversion Tool

Christians and Dalit Hindus are frequently called by the pejorative term '*chuhra*.' The religious discrimination they face means that they cannot sell food or drinks, which limits their access to economic opportunities. Being illiterate and poor, working in brick kilns or on agricultural land, as bonded labour, is sometimes the only employment opportunity left to them. There they face the additional challenge of being forced to convert. CLAAS submitted to the Inquiry information about such cases.

While conducting an awareness session at one of the brick kilns in Raiwind, the CLAAS team was notified of a family of 50 Christian labourers who were forced to convert to Islam as an option for their freedom from paying heavy debt.⁶⁶

Katherine's Story

I am 29 years old and have lived in a brick kiln for 27 years. Life was extremely hard there. I grew up watching my family suffer daily. When it rained, obviously the water would halt work at the brick kiln. Then the owner would be very upset at the fact that the work had stopped. For us, it was a grim time as well, as we had to borrow more money for our household, for buying food, or for other necessities. It was just extremely hard for us, and the debt just kept going up all the time. It was a vicious cycle.

The worst was that there was no end to the abuse, especially the sexual abuse. Those culprits only saw the girl in front of them, begging to save her honour, as an object created for them to satisfy their lust. They never regarded her as a human being, and somebody else's daughter, or mother or sister. I had witnessed quite a few men going into women's homes resulting in rapes. Even if you are married, it was not sufficient to protect you, from the evil men there.

We could never go to report the abuse going on there, because they had everybody so terrorised. Getting anybody to share any information talking about this continuous abuse was impossible. The place was isolated. We were so scared we would not step out of the area, and we never witnessed a police officer or anybody ever coming to the brick kiln. They never wanted any word to get out.

It was not only the Christian women who suffered, but the abuse going on would be worse for Christians. So, it did make a difference in how different groups were treated there. Sometimes people would offer money and land if you converted and changed your religion.

(name anonymised)

⁶⁵ Written submission, Victim I

⁶⁶ Written submission, CLAAS.

Other forms of violence and abuse

The Inquiry received information about a few cases of labourers being burnt alive. In one case, of Shama and Shahzad, the labourers were beaten and burnt alive in a brick kiln where they worked. They were murdered by a mob, in 2014, on suspicion of having committed an offence under the draconian blasphemy laws, while 5 police officers stood by.⁶⁷ The accusation was later turned out to be false. In March 2024, a Christian man was reported to be found dead in a brick kiln owned by politically influential people. There was strong suspicion that he had been killed deliberately, but the family, terrified of consequences if they approached authorities, refused to press charges.⁶⁸

2.3 Slavery and illiteracy



Illiteracy is rife at brick kilns. A study by Technium discovered that *‘on one brick kiln 80% or 120 out of 150 sample size of brick kiln workers are illiterate which definitely leads to poverty & so many financial & social problems in their life.’*⁶⁹ As a result of growing up illiterate, workers suffer several disadvantages. The lack of knowledge about their loans, and interest rates, and their inability to pick up accounting mistakes, make them extremely

⁶⁷ <https://www.amnesty.org/en/latest/news/2016/12/pakistan-how-the-blasphemy-laws-enable-abuse-2/>

⁶⁸ <https://www.nation.com.pk/09-Apr-2024/brick-kiln-worker-burnt-to-death>

⁶⁹ https://www.researchgate.net/publication/360951267_Socio-economic_Determinants_Dynamics_of_Debt_Bondage_A_descriptive_Analysis_of_Brick_Kiln_Workers_in_Punjab_Pakistan

vulnerable to exploitation and susceptible to further abuse and exploitation by owners and their clerks. Lack of education further means that they may also struggle to communicate effectively and as such, be able to advocate for better conditions. They are unlikely to apply for Computerised National Identity Card (CNIC) without which their children cannot apply for scholarships, register for voting, or apply for services provided by the government. They are also unlikely to know about occupational hazards or be aware of health issues and how to prevent them or where to seek help.

Illiteracy is further linked to the issue of child labour. Instead of attending school, children work from dawn to dusk in brick kilns. Women often have no choice but to take the newly born children with them and work in extreme weather, exposing themselves and their newborns to severe risks.

Illiteracy has a profound effect, particularly on girls. This is due to child and early marriage and the associated risks, as explained in the previous section, and the fact that they do not have financial independence even if they are working. This cycle of poverty - illiteracy- early marriage is impossible to break away from. The only escape from this cycle is through education when children are able to go to schools and grow up to be aware of their rights and obligations and get better-paid jobs.

It is vital that, where the State is failing to provide education to children at brick kilns, alternatives are explored. For instance, there are NGOs and civil society organisations providing children at brick kilns with some basic education. More informal elementary education and mobile schools would be a positive step forward, as suggested by Msgr. Dr. Michael Nazir-Ali:

The work of churches and Christian-led charities among workers in terms of education, paying off debt, housing and provision of alternative skills has been very important. Children's education needs to be promoted through the enforcement of law regarding education but also by the utilisation of funds allocated for the purpose of educating children at the workplace, so they acquire a skill at work but also basic literacy and numeracy etc. Churches and Christian NGOs run excellent adult literacy programmes, such as IBADAT, which could be mobilised and further enabled through U.K. aid funding. Vocational Training centres like those in Gujranwala and Raiwind can also be used for the provision of new skills for workers.⁷⁰

⁷⁰ Written submission, Msgr. Dr. Michael Nazir-Ali.

2.4 Effects on Families and the wider community

The negative effects of slavery, and bonded labour, on the family unit and the wider community, have been well documented in many studies. The Association of Women for Awareness and Motivation (AWAM), in their submission to the Inquiry explained how bonded labour leads to social fragmentation and intergenerational trauma:

The impact on the families of bonded labourers reverberates across generations, compounding the cycle of poverty and exploitation. Economic exploitation leaves families mired in poverty, unable to access healthcare or afford nutritious food. Moreover, the separation of family members and the disruption of familial bonds exacerbate emotional strain and social stigma. Children, deprived of education and opportunities for social mobility, inherit the burden of their parents' bondage, perpetuating the cycle of intergenerational vulnerability. Thus, bonded labour not only inflicts immediate suffering on its victims but also casts a long shadow of deprivation and despair over their families, necessitating comprehensive interventions to address the root causes and provide support for survivors.⁷¹

With family members having no or little control over their own lives, family structures in such an environment inevitably break down. Due to constant pressures concerning money and financial instability, the family can easily become dysfunctional. Substance abuse and family abandonment are not uncommon, as ACN highlighted in their evidence:

The owners of the brick kilns do not allow the children of the workers to go to school. Sometimes the landlord asks them to work in the landlords' homes, doing housework. There they are harassed, sometimes sexually. As their parents work long hours in the brick kilns, children are not cared for and often fall into drug use or other addictions.⁷²

Enslavement has not only a demoralising effect on the victims and their families but also on the wider community as well, particularly religious minority community members. They are generally more likely to be abused, and feel more isolated, perpetuating their marginalisation, as noted by a report by the National Commission for Human Rights:

The bonded labour system is particularly cruel to members of the minority communities such as Christian brick kiln workers in Punjab and Hindu Haris in Sindh. Christians make up 2% of Pakistan's population of 220 million. Most languish at the bottom of the social ladder due to poverty, and systematic discrimination (despite a 5% government quota) remain largely uneducated and are thus compelled to work for low-paid jobs. Approximately, 60% of workers living and working in the brick kilns are Christians.⁷³

⁷¹ Written submission, AWAM.

⁷² Oral hearing, Daniel Beurthe, ACN.

⁷³ <https://www.nchr.gov.pk/wp-content/uploads/2023/08/The-Issue-of-Bonded-Labour-in-Pakistan.pdf>

In Pakistan, a man has a very important position in the family (and the society). All important decisions are made by a man. In turn, a man is to provide the safety and security for the family members. In a bonded labour environment, where if a family member is being physically, and particularly, sexually abused, a man's inability to provide protection has a devastating effect on him and can in turn lead to family disputes and breakdown. This is illustrated by the following submission received by the Inquiry:

I have been working under the custody of a landowner for 17 years. The conditions were so challenging at times. One day he beat my wife with sticks and asked her to satisfy her physically. My wife refused him, held his feet, and cried out "Please forgive me." At that dreadful time, when my wife tried to avoid being abused, the landlord beat her even more.

One day it happened that the nephew of the landowner came to our house, and both started looking at my wife from head to foot with evil intentions. When I asked him to stop, he punished me instead, he beat me viciously, kicking me out of the house, his nephew locked my wife in a room and raped her forcefully. I was feeling so hopeless at that time I wanted to kill those animals, but I was very weak and helpless.

In our culture, a husband is considered a protector and shield for a family, but I was unable to protect my family. I could not look my wife in her face. My daughter also watched everything, and she also was very afraid of them.⁷⁴

⁷⁴ Written submission, Victim R

2.5 Witness testimonies

The Inquiry received horrific testimonies from victims and their partners, including verbal, physical and sexual abuse. Two of which are included below.

Sara's testimony

I am a widow, with three children. I got married 13 years ago. We were already suffering from poverty and unemployment. When our daughter was born, my husband decided to take a loan from the brick kiln owner and work for him until we had paid back.

One night when my husband was on the way to work, suddenly he saw some movement; thieves who had come to rob. They saw him and shot him with a gun. My husband died.

It was the worst time I have ever experienced in my life, and I had to go through a lot of pain and hardships during this time. The brick kiln's owner and manager started abusing me verbally first and then sexually. I had to bear their harsh and abusive language, sometimes they would beat me with wooden sticks or iron rods, especially whenever I used to refuse their demands for sex. The owner used to call his friends whenever he wanted, and they would drink alcohol until they were drunk, then take me to their place forcefully and abuse me and torture me like wild animals, one by one raping me. I would cry and beg them to stop but they never listened to my pleas and did whatever they wanted to do, to satisfy their lust. Even after raping me, they would not be satisfied and used to torture me by touching my private body parts. Sometimes as many as nine men took turns in raping me.

I felt so abandoned and helpless that sometimes I used to think I should commit suicide, but my kids were the only motivation for me to live. I was even more worried, thinking they were growing up. I was particularly worried about my daughter N, who was 10 years old. I was afraid that these animals would abuse and rape my daughter as well, as they had raped me. They were using my body like a toy for their lustful satisfaction. I was helpless because I had to pay their loan which was a huge amount for me.

After my husband was murdered, I took another loan of about 200,000 rupees in order to file the case against the murderers of my husband, because I wanted justice for my husband, and I wanted to see his murderers behind bars. But I was not fortunate enough to get justice. I started receiving threats from the murderer of my husband, that unless I withdrew the case, they would kill me and my children, just as they had killed my husband. I had no choice but to withdraw the case.

I strongly believe in my God, and I never gave up because in my heart I knew that if there is a Pharaoh on the earth, then definitely Moses will come to show the power of God. One day God heard my cries, responded to my tears, and sent a team to help me, and my children get freedom from the evil custody of the brick kiln owner. I wish my husband was with us, on the day when the chains of our slavery were broken for ever.

(name anonymised)

Mukhtar's Testimony

We have two sons and a daughter. I had been working for a brick kiln owner for the last 18 years. Our employers hated us praying, which as Christians we loved. Whenever he caught us praying, he used to verbally abuse us. He started forcing us to convert to Islam, but we didn't want that because we had a strong belief in Jesus.

The situation reached a breaking point when he raped my wife. He started by beating her and hurling abuse; and even though I was listening to her screaming for help outside, I was helpless, knowing well that he was raping my wife for the sake of our loan. I could not bear this injustice, and I cried and cried. When he came out from the room after raping my wife, he looked at me contemptuously, as if he had conquered something. As he came forward, he slapped and kicked me, and said, "Go and complaint to whomever you want". I was crying and sobbing uncontrollably, as I saw my wife naked after she had been violated. She was cowering sitting in a corner, naked and shivering. She kept repeating, "I want to die, I want to die because now I'm not able to show my face to anyone." I wanted to kill our owner, but we were helpless.

This crime was repeated many times. Every time I used to cry loudly, holding onto his feet, begging him to leave and spare my wife, and not to dishonour her anymore. I promised that I and my sons would work twice as hard if only he spared my wife. One day after listening to my pleas, he beat me even more, and said I will never let your wife and your daughter go, because your wife is the source of pleasure for me, and your daughter is also growing up; she will also be providing sexual pleasure for my son. I was filled with anger, and I started shouting at him. The owner's guards started beating me and my son as well, and the owner said if you want to go just pay back my loan, and you can go; knowing quite well that we did not have enough money to repay him.

Prayers were our only hope. We prayed daily and begged God for freedom and an alternative source of income. Our prayers were answered, and a team rescued us by paying our debt and getting us out of that living hell.

(name anonymised)

III. Existing Pakistani laws to address slavery

There are several laws in Pakistan that are to address the issue of slavery, including bonded labour specifically. These are explained below.

3.1 The Constitution of the Islamic Republic of Pakistan 1973 (as amended)

Articles 3, 37(e), 38(a-c) of the Constitution of the Islamic Republic of Pakistan 1973 (as amended) (hereafter, the Constitution)⁷⁵ ensure the elimination of all forms of exploitation, providing humane conditions of work, securing people's well-being through facilities at work, and social security insurance.

Article 11 of the Constitution prohibits slavery and forced labour. According to Article 11(1), *'Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction to Pakistan in any form.'*

According to Article 11(2) of the Constitution, *'All forms of forced labour and traffic in human beings are prohibited.'* Article 11(3) further states that *'No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.'*

3.2 The Pakistan Penal Code 1860

Sections 339 to 342 of the Pakistan Penal Code⁷⁶ ('hereafter, 'the PPC') deal with wrongful restraint and wrongful confinement, stipulating that no person has the right to wrongfully restrain or confine a person who has been lawfully provided with this right under the law. The penalty for the former is imprisonment for one month or payment of a fine and for the second the penalty is imprisonment for up to one year or a fine.

Sections 370, 371, and 374 of the PPC deal specifically with slavery.

Section 370 says that: *'Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.'*

Section 371 states that: *'Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.'*

⁷⁵ https://portal-huqooq.s3.amazonaws.com/uploads/2020/11/constitution_of_pakistan.pdf

⁷⁶ <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

Section 374(1) states that: ‘*Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to five, or with fine or with both.*’

3.3 Laws abolishing bonded labour

Several laws have been enacted in Pakistan to stop the practice of bonded labour.

The Bonded Labour System (Abolition) Act 1992

The Bonded Labour System (Abolition) Act 1992,⁷⁷ on paper, abolished the bonded labour system and imposed criminal penalties for those involved in extraction and compelling the crime, as per Sections 4 and 11, respectively.

Section 4 of the Act abolishes the institution of bonded labour, outlawing the practice of bonded labour in its entirety.

Sections 5 and 6 invalidate any arrangements for giving, taking or repayment of *peshgi* and additionally Section 6(3) terminates bonded labourers past debts.

Section 15 calls upon the Government to establish District Vigilance Committee (DVC). These consist of elected representatives from the area, the District Administration, Bar Associations, as well as the press and the recognised Social Services, and Labour Departments of the Federal and Provincial Governments.⁷⁸

In providing the functions of the DVC, Section 15(2) provides as follows:

The following shall be the functions of the Vigilance Committee, 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 free 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 objects of the law⁷⁹

The Bonded Labour System (Abolition) Rules 1995

Rule 4 of the Bonded Labour (Abolition) System Rules 1995⁸⁰ outlines the powers and duties of the District Magistrate for implementing the provisions of the Bonded Labour System

⁷⁷ <https://pakistancode.gov.pk/english/UY2FqJw1-apaUY2FqA-apmYag%3D%3D-sg-jjjjjjjjjjjjjj>

⁷⁸ Ibid. Section 15 (1)

⁷⁹ Ibid. Section 15 (2)

⁸⁰ <https://www.refworld.org/legal/decrees/natlegbod/1995/en/80012>

(Abolition) Act 1992. This includes the power to inspect any premises or workplace in his/her jurisdiction where he/she has a reason to believe that bonded labour is being enforced. Under Rule 5, the District Magistrate also has the power to designate his duties to Magistrates, Labour Officers, Labour Inspectors and Police Officers (not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police).

Provincial legislation

The 18th Amendment to the Constitution of Pakistan devolved the power from the centre to the provinces, enabling them to enact their own legislation on labour rights. As a result, the Punjab Bonded Labour System (Abolition) Act 1992 (Amendment 2012),⁸¹ the Sindh Bonded Labour System (Abolition) Act 2015,⁸² the Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015,⁸³ and the Gilgit-Baltistan Bonded/Forced Labour System (Abolition) Act 2020⁸⁴ was enacted to address the issue of bonded labour on provincial levels.

3.4 Other relevant laws

Other relevant laws include:

The Punjab Prohibition of Child Labour at Brick Kilns Act 2016

The Punjab Prohibition of Child Labour at Brick Kilns Act 2016⁸⁵ bans the employment, and engagement of a child to work at a brick kiln.

Section 5 of the Act prohibits the employment of children at brick kilns stating: *'Notwithstanding the provisions of any other law, an occupier shall not employ, engage, or permit a child to work at brick kiln.'* According to the Act, a child refers to *'A person who has not completed the fourteenth year of age.'*

The Employment of Children Act 1991

The Employment of Children Act 1991⁸⁶ regulates the employment of children in the hazardous workplace including brick kilns. However, Section 3 permits children to work as an occupier's family members engaged in non-hazardous work.

⁸¹ <http://punjablaws.gov.pk/laws/1797a.html#:~:text=4,-,Abolition%20of%20bonded%20labour%20system.,to%20render%20any%20bonded%20labour>

⁸² chrome-

extension-

<https://www.ex-ilo.org/dyn/natlex2/natlex2/files/download/104999/PAK104999.pdf>

⁸³ See:

https://kpcode.kp.gov.pk/uploads/2015_14_THE_KHYBER_PAKHTUNKHWA_BONDED_LABOUR_SYSTEM_ABOLITION_ACT_2015.pdf

⁸⁴ <https://iclgb.gov.pk/wp-content/uploads/2022/01/GB-Bonded-and-forced-labour-2020.pdf>

⁸⁵ [pak164574.pdf](https://www.fao.org/pak164574.pdf) (fao.org)

⁸⁶ Employment of Children Act, 1991 (pakistancode.gov.pk)

Factories Act 1934

Factories Act 1934⁸⁷ provides the basic framework for dealing with the workers' safety in the workplace, registration of workers, working hours, prohibitions of employment of children, the inspecting staff, and other necessities such as latrines and urinals.

Similarly, the Labour Policy of Pakistan 2010⁸⁸ and the Punjab Labour Policy 2018⁸⁹ aim to ensure decent conditions for all workers irrespective of the nature of their work, in compliance with international labour standards on working conditions, hours, health and safety, rest, holidays and wages.⁹⁰

Minimum Wages Ordinance

Minimum Wages Ordinance⁹¹ deals with the fixation and implementation of minimum wages including for brick kiln workers.

Provincial Employees Social Security Ordinance

Provincial Employees Social Security Ordinance⁹² provides medical coverage to the workers.

⁸⁷ FACTORIES ACT 1934.pdf (ma-law.org.pk)

⁸⁸ <https://www.scribd.com/document/649726443/Government-of-Pakistan-Labour-Policy-2010>

⁸⁹ <https://labour.punjab.gov.pk/system/files/Labour%20Policy%202018.pdf>

⁹⁰ <https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/lang--en/index.htm>

⁹¹ <https://24justice.pk/the-minimum-wages-ordinance-1961/>

⁹² <http://punjablaws.gov.pk/laws/187.html>

3.5 Challenges with the implementation of the laws

The Peshgi System

Despite the legal framework being in place, Pakistan has failed to implement them and address the issue of bonded labour. There are several reasons for this state of affairs. Among others, despite that the original intention of the law was to abolish '*peshgi*' or advance payment, it has crept back into the bonded labour system, including by way of provincial ordinances:

Although the Bonded Labour System (Abolition) Act – which was adopted by the Punjab government with minor amendments in 2012 – overrides all other laws, the provincial ordinance of January 2016 revived the system of *peshgi* and fixed its limit at 'six times the wage of a worker for one wage period, if his wages are time-rated, and earned wages during one month, if his wages are piece rated.' The difficulty caused by confusion in interpreting this provision was met by fixing the *peshgi* limit at Rs 50,000.⁹³

The District Vigilance Committees (DVCs)

One of the main pillars of the attempts to outlaw slavery permanently was the creation of DVCs, under the Bonded Labour System (Abolition) Act 1992 and complimentary provincial laws. Their function was to implement important requirements of the legislation. Under the law, the District Magistrates are to head the DVCs, which is responsible for identifying bonded labourers. Upon identification, courts, District Magistrates, Sub-District Magistrates, or other competent authorities are to declare bonded labourers free, and grant release certificates which entitle them to rehabilitation grants.⁹⁴

However, the DVCs lacks functionality as no meetings are held and no visits to the field are conducted to monitor the situation on the ground. According to one witness in the Inquiry, some of the members of DVC nominated 5-10 years ago are not even alive anymore.⁹⁵ Other reports also verify the ineffectiveness of the DVCs:

The gravity of the issue becomes apparent when considering that, in Sindh, the number of reported cases of bonded labour surpassed 3,000 in 2020, a stark increase from the 1,700 cases recorded in 2019. This underscores the notion that laws, devoid of proper implementation, hold little significance.⁹⁶

⁹³ <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2019-Revisiting-the-Bonded-Labour-System-Act-1992-EN.pdf>

⁹⁴ <https://www.antislavery.org/wp-content/uploads/2017/01/1-poverty-discrimination-slavery-final.pdf>

⁹⁵ Oral submission, Aslam Pervaiz Sahotra, HLCP.

⁹⁶ <https://rsilpak.org/2023/bonded-labour-what-is-the-way-forward/#:~:text=The%20gravity%20of%20the%20issue,proper%20implementation%2C%20hold%20little%20significance>

It is critical that the DVCs are made effective and able to fully operate in each district. One way of overcoming the lack of interest in nominated officials might be to make their membership less formalistic, for example, the membership could be increased to include community and trade union representatives. Another option would be to pay the members according to their performance and results. Another suggestion by a witness at the Inquiry was that the labour inspectors should be devolved to the district level from the provincial level, as they are much more likely to be aware of the labour issues at the local level.⁹⁷

The APPG Inquiry recommends that DVCs are made more effective, including by making their membership more inclusive, and by including community and trade union representatives.

Registration of brick kilns

Only a few brick kilns are registered under the Factories Act 1934, under which all the workplaces are supposed to be registered. The Inquiry was informed by the AWAM that brick kiln owners claim that their establishments do not fall under the definition of ‘premises’ as they lack boundary walls, potentially exempting them from the regulations.⁹⁸ A report by the National Commission for Human Rights comments on the problems:

In 2021, a Commission, set up on orders of the Supreme Court to investigate the practice of bonded labour in Pakistan, especially Islamabad, found that none of the brick kilns in Islamabad were registered with any government organisation. The report identified the following points:

- No brick kiln is registered with the labour department, social security institutions, or any other authority.
- Labourers working in brick kilns are not registered either with the labour department, social security institutions, or with any other authority. No legal mechanism is available for the registration of their contracts with any department.
- Many labourers working at brick kilns do not have any identification documents such as registration or birth certificates.
- Many of the bonded labourers are also not registered as voters so they are deprived of their basic right to vote.
- Wages are not paid on a daily, weekly, or monthly basis. A complex accounting system is used which the labourers do not understand.⁹⁹

⁹⁷ Oral hearing, Pirbu Lal Satyani.

⁹⁸ Written submission, AWAM.

⁹⁹ <https://www.nchr.gov.pk/wp-content/uploads/2023/08/The-Issue-of-Bonded-Labour-in-Pakistan.pdf>

The above refers to a relatively small, compact, and urban area of Pakistan. The situation is likely to be worse in the rural areas.

In 2023, the ILO Committee of Experts on Applications of Conventions and Recommendations, commenting on Pakistan's compliance with the Worst Forms of Child Labour Convention Treaty requested the Government to strengthen its efforts to eliminate child debt bondage, including: (i) through the effective implementation of the laws abolishing bonded labour; (ii) by establishing DVCs in all the provinces and strengthening their capacity as well as the capacity of the law enforcement officials responsible for the monitoring of child bonded labour; and (iii) by continuing its efforts to ensure that all operating brick kilns are registered.¹⁰⁰

The APPG Inquiry recommends that the Pakistani government should take all necessary steps to register all brick kilns, with the help of modern technology such as satellite photography and Google Earth, as a first step to abolish child slavery in brick kilns. Furthermore, it should be codified that the Factories Act 1934 covers brick kilns as well; thus, opening the doors for the legislation covering health and safety and social security benefits to be applicable to them.

Lack of written contract

Advocate Tahir Bashir told the Inquiry that the basic documents required by law are routinely ignored and discarded:

Section 3 of the Prohibition of Child Labour on Brick Kilns Act 2016, requires a written contract between the employer and a worker, but in all my practice until now I have never seen a written contract between them.¹⁰¹

The absence of a written contract also means that the owner can charge the worker for any amenity he likes, for example, electricity, or a house. Furthermore, as reported by a union officer in the Human Rights Commission of Pakistan report, '*Revisiting the Bonded Labour System Act 1992*', the lack of a written contract affected the worker's pursuit of justice in court¹⁰²

The APPG Inquiry recommends that a written contract, if necessary, read verbally and explained should be made compulsory.

Social Security

Common complaints from bonded labourers and human rights organisations are that brick kiln owners refuse to pay workers the minimum wage. Workers are not insured or registered,

¹⁰⁰

https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:4365945,103166

¹⁰¹ Oral hearing, Advocate Tahir Bashir.

¹⁰² <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2019-Revisiting-the-Bonded-Labour-System-Act-1992-EN.pdf>

thus the employers avoid paying contributions to the Employees' Old Age Benefit and Employees Social Security. According to a 2019 report by the Human Rights Commission of Pakistan, under the 1935 labour laws, an industrial labourer needs a social security card to safeguard his rights.¹⁰³ If workers were to have social security coverage, they would be entitled to a range of benefits including free healthcare. One of the common reasons given by brick kiln owners for non-compliance with the legislation is that they cannot afford to comply with the laws on brick kiln registration, minimum wages, and contributions to the Employees' Old Age Benefit Institution (EOBI) and Employees Social Security Institution (ESSI). However, a detailed study in 2015 by the Society for the Protection of the Rights of Child, entitled '*Hope for the Bonded Labourers*', made it clear that this was not the case, and the owners could recover all their costs within 18 months:

However, registration of brick kilns requires payment of contribution by the owners for the workers which would mean an additional labour cost of 12% to the employer. Since the benefits are available to the secured (registered) workers and their families, let us assume that the brick kiln owner makes registration of heads of working families. In a typical brick kiln, employing 30 families, the cost of registration of brick kiln workers with ESSIs and EOBI will be Rs. 32,400 per month. The net profit still remains more than half a million every month. Theoretically, the owner can recover the principal amount in "nine" production cycles, i.e., a maximum of 18 months. Even if a rainy season is taken into account, even then the whole amount is recoverable in 20 months' time.

Profit Implications of Registration with ESSIs and EOBI

Variable Monthly Contribution @ 12% of minimum wage of Rs. 9,000 for 30 workers
 Monthly Profits of the Owners (dividing profit of Rs. 1,225,000 from a cycle by 2 to make an approximate estimate of monthly profit) Profit after Incurring Cost 1,080 X 30 = 32,400
 $1,225,000/2 = 612,500$ Net Profit of the Owner 22 580,100.

The additional cost to the owner is insignificant in terms of his net profits each month, and the benefits to workers delivered through provincial ESSIs and WWBs supported by the Workers Welfare Fund (WWF), and EOBI are enormous.

Brick kiln owners point out their inability to pay minimum wages and make contributions to EOBI and ESSI due to the low profitability of the business. However, it is hoped that this Chapter has shown the overall cost implications of implementing the minimum wage and extending social security cover to workers are fairly low.¹⁰⁴

The APPG Inquiry recommends that the owners should be made responsible for their workers' benefits.

¹⁰³ <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2019-Revisiting-the-Bonded-Labour-System-Act-1992-EN.pdf>

¹⁰⁴ <https://sparcpk.org/images/BL.pdf>

Police and Enforcing Authorities

Although Pakistan has passed legislation to outlaw this modern slavery, it has failed to follow through by ensuring the implementation of those laws. In some cases, enforcement agencies including police officers, not only fail to act against employers breaking the law but actively side with owners and persecute labourers fighting for their rights. A report by Human Rights Watch Asia found that:

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.¹⁰⁵

One witness told the inquiry about her struggle to engage the police:

I was raped many times and sexually abused at the brick kiln. [When] my husband [tried] to resist or confront them when they were abusing me, he was tied to the bed. [When] the children started crying, they would be deeply disturbed and hit the children.

Once I actually managed to get on a rickshaw to go to the police station, to go and talk to the police to ask them to do something. But the police told me there is nothing [they] can do about this because ‘you have to pay your debt.’ So, as you have to pay a debt, they can do whatever they like with you.¹⁰⁶

A Human Rights Commission report also mentioned how the influential and rich brick kiln owners can bribe and use their influence to pervert the course of justice to their own advantage:

About 20 years ago I filed before the District Labour Office on behalf of the labourers who were not being paid the wage rates set up by the Government, in turn, the owner filed a case against the labourers. Similarly, whenever we try to help the [people in need], the feudal landlords running the brick kilns use the police and other state machinery in their favour.¹⁰⁷

Charges against landlords, and factory or brick kiln owners are usually dropped by the police. They rarely investigate working sites which consequently means that most of the perpetrators

¹⁰⁵ <https://www.hrw.org/reports/1995/Pakistan.htm>

¹⁰⁶ Oral hearing, Victim K.

¹⁰⁷ Oral hearing, Advocate Tahir Bashir.

operate with impunity and even the murder of bonded labourers remains without investigations or prosecutions.¹⁰⁸

According to the Asian Human Rights Commission (AHRC), even the highest-ranking police officers use their position to keep bonded labourers in jail without charges. In one case, the owner of a brick kiln was the Senior Superintendent of the Punjab Police. He was assisted by several other police officers who also ran illegal brick kilns.¹⁰⁹

The APPG inquiry discovered that the attitude of police officers towards victims is often adversarial and hostile. In the case of religious minority victims, the societal discrimination against them, including by the police, makes it even more unlikely that they will seek and see justice being done.

The APPG recommends that police officers and judiciary members should be trained to engage with bonded labourers' complaints.

Ethically produced bricks

Senator Babar told our Inquiry that the State should lead in sourcing ethical products when buying from the brick kilns:

The buyers of the bricks should be bound to consider and examine the working ethics in that brick kiln, whether it is observing the minimum standards of working conditions, the minimum standards of health and safety of the workers, the minimum standards of the child labour, and this is called ethical buying. We do not have the standard of ethical buying in Pakistan. So, I would suggest that we should have. We should introduce a system of ethical buying.¹¹⁰

The Inquiry recommends that the Ethical Buying Standard should be compulsory for all the State purchases of bricks for all the infrastructure building projects in Pakistan, but also all international organisations should apply it for their considerable purchasing power in Pakistan.

¹⁰⁸ <http://www.indypendent.org/2006/07/01/walking-out-of-slavery/>

¹⁰⁹ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-159-2008/>

¹¹⁰ Oral hearing, Senator Farhat Ullah Babar.

IV. Pakistan's International Obligations

Pakistan has several international legal obligations pertaining to the issue of bonded labour.

- Pakistan is a signatory to the Universal Declaration of Human Rights in 1948.¹¹¹
 - Article 4 of which states that: '*No one shall be held in slavery or servitude.*'
- Pakistan is also a party to the International Covenant on Civil and Political Rights which Article 8 states:
 - 1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.
 - 2. No one shall be held in servitude.
 - 3. (a) No one shall be required to perform forced or compulsory labour;
(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - (ii) Any service of a military character and, in countries where conscientious objection is recognised, any national service required by law of conscientious objectors;
 - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - (iv) Any work or service which forms part of normal civil obligations.
- Pakistan is also a State Party to the International Covenant on Economic, Social and Cultural Rights¹¹² which compels the States Parties to recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and take appropriate steps to safeguard this right.

¹¹¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹² <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

- Pakistan ratified the Forced Labour Convention 1930 (No 29) in 1957.¹¹³
 - Article 1 calls its signatories to ‘*suppress the use of forced or compulsory labour in all its forms in the shortest period possible.*’
 - Article 25 provides that: ‘*Each Member of the ILO which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.*’
- According to Article 1 of Abolition of Forced Labour 1957 Convention (No 105)¹¹⁴:

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:

 - a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;
 - b) as a method of mobilising and using labour for purposes of economic development;
 - c) as a means of labour discipline;
 - d) as a punishment for having participated in strikes;
 - e) as a means of racial, social, national, or religious discrimination.
- The ILO’s Convention No. 81—Labour Inspection Convention 1947¹¹⁵ requires States to develop a labour monitoring system and inspection of workplaces to improve working conditions and protect labourers engaged in any form of work.
- The ILO regards debt bondage and forced labour as abhorrent, as defined in the Worst Forms of Child Labour Convention 1999 (No 182).¹¹⁶

Pakistan has a plethora of international legal obligations which must be fully reflected in Pakistan’s domestic legislation and implemented.

¹¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/forced-labour-convention-1930-no-29>

¹¹⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/abolition-forced-labour-convention-1957-no-105>

¹¹⁵ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081

¹¹⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/worst-forms-child-labour-convention-1999-no-182>

V. Recommendations

For the UK Government

- To use the UK Aid budget (£41.5 million in 2024 rising to £133 million in 2025) for greater scrutiny and monitoring of Pakistan's compliance with the International Labour Organisation (ILO) requirements on the prevention of slave labour, child rights, women's rights, and minority rights.
- To earmark £500,000 to hire 100 brick kiln inspectors who will make regular, unannounced inspection visits to the 20,000 brick kilns, and document any issues of child labour or bonded labour. These reports will be referred to the Pakistan enforcement authorities for prosecution. All of these reports need to be available to the UK Government for review.
- To provide comprehensive advice to businesses in relation to the high risk of modern-day slavery in brick kilns in Pakistan, introduce a rebuttable presumption that all brick kilns are tainted in modern-day slavery until proven otherwise, and require all UK-funded projects to ensure that they purchase from certified brick kilns only.
- To use UK Aid to provide capacity building for provincial labour inspectorates on the ILO's standards on the prevention of slave labour, child rights, women's rights, and minority rights, and best practices, including by using modern technology such as smartphones, GPS, and other technology (instead of relying on paper records only).

For the Government of Pakistan

- To ask that the Pakistan Government issue a report on the number of brick kilns visited by inspectors, a summary of the violations of the Bonded Labour and Child Labour law, and convictions obtained in the prior 12 months.
- To confiscate the assets of all those who benefited from bonded labour and repurpose those assets to create a national trust fund to support victims/survivors of bonded labour, including funding the education of children from the families of bonded labour.
- To introduce a certificate scheme for brick kilns which comply with all the requirements of the relevant laws in Pakistan and pay the Employees' Old Age Benefits and Employees Social Security. (Only certified brick kilns should be used as suppliers for government contracts).
- To ensure urgent and unconditional implementation of existing legislation, especially the Bonded Labour Abolition Act (BLAA) 1992 and the associated provincial

legislation, and arrange mechanisms for their monitoring and compliance, for example by ensuring that the District Vigilance Committees (DVC) are effective, regularising formalised contracts between owners and workers, and the registration of all brick kilns.

- To ensure the complete abolition of child labour on brick kilns using the Employment of Children Act 1991, and the Punjab Prohibition of Child Labour at Brick Kilns Act 2016.
- To ensure swift investigations of all allegations of violations of the bonded labour laws and ensure effective prosecutions.
- To improve access to social services for brick kiln workers including the Employees Old Age Benefit Insurance and Employees Social Security Insurance; for example, sending mobile documentation clinic vans to ensure that all the workers have Computerised National Identity Cards (CNIC cards).
- To appoint a senior official to oversee a nationwide campaign to end bonded labour in brick kilns and who will report every six months on the progress made in implementing the laws.
- To engage in awareness raising about the issue of bonded labour, but also on women's rights including highlighting the legal status and consequences of early and forced marriages and the creation of safe sanctuaries for women and children who escape from servitude.
- To engage in awareness raising about the need for education for children, and work with civil society organisations on delivering education programmes to children and adults locally.
- To improve access to microfinance and eliminate the advances and loans from owners of brick kilns.