BREAKING THE BONDAGE
Bonded Labour Situation and the Struggle for Dignity of Brick Kiln Workers in Pakistan

A publication by:

FRIDRICH EBERT STIFTUNG

In partnership with:

BLLF
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Philipp Kauppert
Foreword

When we organized the “Freedom Day Exhibition” together with Bonded Labour Liberation Front (BLLF) in Islamabad in September 2013, the results were surprising and encouraging at the same time. Many people from diverse backgrounds including the brick kiln workers visited and spoke about the lack of awareness of the deplorable working conditions in brick kilns. Most of the visitors, locals as well as foreigners, were emotionally touched and impressed by the pictures and paintings, which expressed not only awkward stories of oppression and suffering but also of struggles and hope. For many people, it was a rare occasion to be confronted with a reality that seems far away from the modern image a city like Islamabad projects. The “Freedom Day Exhibition” has been taking place annually in Lahore since 2010 and has been playing its role in sensitizing people from all walks of life about the precarious working and living conditions of brick kiln workers and their families. The very concrete situation of workers and families caught by the system of bonded labour cannot be disconnected from the more abstract political and economic environment. It is produced and entertained by dominating interests and power structures that are enormously difficult to overcome. The historical experiences from international labour movements have shown that exploitation can only be challenged by genuine forms of social and economic empowerment, in connection with long-term political struggles.

This publication is another attempt to articulate feelings that are hard to express, to understand a system deeply embedded into its political and economic context, to identify strategies for breaking the unacceptable bondage, and to build new alliances with individuals, organisations and institutions motivated to act.

Philipp Kauppert
Resident Director
Friedrich-Ebert Stiftung
Pakistan
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BONDED LABOUR

Bonded labour is an organised system of slavery, in which the powerful become vicious masters and the weak turn into captive toilers devoid of all basic human rights.
When a person becomes an oppressed menial worker in exchange for a repayment of a loan, he or she becomes a bonded labourer and the lender becomes his/her owner. With its roots deeply entrenched in the feudal system, bonded labour is a reprehensible form of drudgery that exists even in the 21st century.
With the burden of loan and mounting interest, the labourers are trapped into working in extreme conditions for protracted number of hours at very little or no pay. They are not allowed to work for anyone else and pressure tactics are used to ensure their stay. Often they are even jailed and physically restricted to leave. The vicious cycle continues as the shady system weaved around it makes it impossible for the worker to pay off the loan or to escape alive. Often the debts are even passed on to next generations leading to children being involved in this bondage.
The terms of this unwritten, interlinked labour-creditor contract are heavily biased in favour of the lender. As a result, the bonded labourers are forced to forfeit their basic human rights, including the right to employment, to live freely, to exercise the freedom of association and even the right to sell the product of their labour at market value. The workers and their families are additionally subjected to physical and mental abuse.

Pakistan is amongst few unfortunate countries where the evil of bonded and forced labour is still prevalent in the 21st century. Millions of workers and their families toil from one generation to another like slaves in debt bondage and compulsive labourers in agriculture, brick making, carpet industries, domestic work, mining and other fields despite the existence of detailed constitutional, legal and administrative safeguards.
The constitutional, legal, judicial, policy and administrative framework adequately elaborate and intend to address the eradication of forced and bonded labour in Pakistan.
Geographically, the most widespread bonded labour persists in Sind and Punjab, although there are currently no updated statistics available to verify the magnitude of this problem. According to a study conducted in 2001, The International Labour Organisation (ILO) roughly estimated that there were over one million men, women and children employed as bonded labourers in brick kilns. The same study estimated that over 1.8 million sharecroppers are part of the bonded labour force.

“According to an estimate [2001], the total number of people kept in debt-bondage in Pakistan is more than 8.6 million.”

1 Bonded Labour in Pakistan, ILO Working Paper 2001
One of the prominent sectors characterised by the use of bonded labour is brick kilns. It is estimated that nearly 90 per cent of brick kiln workers in Pakistan are bonded, facing extremely harsh conditions of work. In addition to being physically strenuous, this line of work is tainted with social discrimination and extremely hazardous working conditions. According to Human Rights Watch, the labourers working in brick kilns receive consistently cruel and degrading treatment, including corporal punishment, captivity and denial of the right to organise.

The Punjab government has fixed a minimum wage of Rs.788 [5.4 EUR approximately] per 1,000 bricks for the special brick layers. According to a

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1Bonded Labour in Pakistan, ILO Working Paper 2001  
2PILER, Bonded labour in Pakistan, October 2000 [http://idsn.org]  
3The Express Tribune, Islamabad, January 2, 2012  
4The Punjab Gazette (Extraordinary) June 26, 2012
brick kiln worker, his owner pays him less than Rs.100 [Less than 1.0 EUR approximately] after subtracting the ‘loan payment’ that the worker owes. The worker also revealed that the approximate market price per 1000 bricks that the owner receives on the other hand is Rs7,000 [48 EUR approximately]. The total number of brick kilns in Pakistan is also a vague statistic. According to rough estimates, the number of brick kilns across the country are 10,000-11,000. Each kiln has an average of 25 families working on site. Most families are indebted due to the paishgi system, under which the labourer borrows money from the owner to fulfill the needs of his/her family. During the period of paishgi repayment (loan payback), the entire family becomes the prisoner of the kiln owner and is not even allowed to leave the premises without permission, which is not granted easily. On rainy days the work stops and as such during monsoon season the workers remain idle and unpaid. It is during this period that piece-rate workers become even more dependent on the owners for loans for their subsistence, piling up on their already outstanding advance.

“What is most unfortunate is that the children of those families grow up in an environment of fear and subjugation. Physically as well, the children grow up with skin and respiratory diseases due to exposure to intensive heat, clay and dust.”

Many cases of physical abuse, including rape have been reported. What is most unfortunate is that the children of those families grow up in an environment of fear and subjugation. Physically as well, the children grow up with skin and respiratory diseases due to exposure to intensive heat, clay and dust.

Categories of Birck Kiln Labourers:
- **Patheras** [Moulders] are workers who make the unbaked bricks. They are the main brick makers as their work involves excavating the clay, making the mixture and moulding lumps of clay into bricks. Most Patheras are women and children.
- **Bharaiwalas** [Stackers & Transporters] are labourers who are responsible for transporting the unbaked bricks on donkeys to the kiln.
- **Jalaiwalas** [Firing Men] are those who are supposed to feed coal into the furnace. This is the toughest job, especially in summers when temperature rises up to as high as 40 degree Centigrade.
- **Nikasiwalas** remove the bricks from the kiln once they are baked.
- **Jamadar** [Collector] is the middleman who arranges labour for the owner. Once the workers are employed, they come directly under the control of the employers.

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*The Express Tribune, Islamabad, September 15, 2013
*Paishgi is an Urdu word meaning advance or prepayment

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Photo by Nauman Sadiq
International Conventions

Pakistan is a signatory to the relevant ILO Convention No. 29 on Forced Labour (ratified in 1957), ILO Convention No. 105 on Abolition of Forced Labour (ratified in 1960) and ILO Convention 182 (ratified in 2001 on Worst Forms of Child Labour).

Additionally, Pakistan has also ratified:

1) The 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery.
2) The 1989 UN Convention on the Rights of the Child, Article 32 of which guarantees children’s protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education.
3) Philadelphia Declaration adopted by ILO in 1944 that stresses upon the member states to observe the principles regarding freedom of association and expression and work without exploitation and compulsion.

“These instruments clearly enunciate that the fundamental commitment made by the State ratifying the Conventions is to suppress the use of forced or compulsory labour in all its forms in the shortest possible time.”

Local Labour Laws

The same principles are also articulated in the 1973 Constitution of Pakistan. Article 3 of the Constitution vests in the State the responsibility to ensure the elimination of all forms of exploitation. The provisions of the Constitution regarding freedom of movement, assembly, association and speech,
equality of citizens and inviolability of dignity of man, all go together to deter the practice of bondage, slavery and coercion. Article 11 clearly declares that slavery must be non-existent in Pakistan. It prohibits all forms of forced labour and human trafficking and decrees that no law shall permit or facilitate their introduction into Pakistan in any form.

The Supreme Court directed the Government of Pakistan to take immediate measures to check the bonded labour system in Pakistan. The Government responded through the Bonded Labour System (Abolition) Act, 1992.

THE BONDED LABOUR SYSTEM (ABOLITION) ACT [BLSA], 1992

4. Abolition of bonded labour system

(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.

(2) No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced labour.

LABOUR RIGHTS IN THE CONSTITUTION OF PAKISTAN

The Constitution of Pakistan contains a range of provisions with regards to labour rights found in Part II: Fundamental Rights and Principles of Policy.

• Article 11 of the Constitution prohibits all forms of slavery, forced labour and child labour;

• Article 17 provides for a fundamental right to exercise the freedom of association and the right to form unions;

• Article 18 describes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business;

• Article 25 lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone;

• Article 37(e) makes provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;

• Article 38 seeks socio-economic well being of the people by raising their standard of living through adequate livelihood with reasonable rest and leisure.
The social evil of bonded labour thrives on the desperate socio-economic conditions and weaknesses of legal and administrative systems working together to create a vicious cycle:

**Poverty Leads to Victimisation**

Bonded labour has a direct correlation with poverty. Whether it is due to the need for money, fear of further destitution, or even the threat of violence from those who are powerful, workers are trapped into the never ending cycle of slavery as a result of extreme poverty. Approximately, more than 50% of households in Sind Province do not own any land or other income generating assets and as such are more vulnerable to falling prey to bonded labour. Powerful landlords with vast agriculture and economic assets exercise considerable influence over police and judicial administration in their vicinity. They use this power by defying the law and making labourers work at subsistence level and controlling their lives through debt bondage.

**No Justice in Law**

- **Lack of Enforcement of Laws:** The Bonded Labour System (Abolition) Act 1992 has outlawed bonded labour. However, a law becomes irrelevant when it is not enforced effectively. Powerful owners inhibit the public officials and law enforcers to take any positive action and discourage the workers from reporting it as a crime.

- **Lack of Implementation of Ratified Conventions:** The on ground implementation of the international conventions of C29 (Convention Concerning Forced or Compulsory Labour) and C105 (Convention Concerning the Abolition of Forced Labour) remains ineffective and incomplete.

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**THE PERPETRATING SYSTEM**

**THE MAIN FACTORS BEHIND BONDED LABOUR**

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

-- The Bonded Labour System (Abolition) Act 1992
The Curse of Ignorance

Education is empowerment that leads to social as well as economic development. The vicious cycle of poverty and the ignorance leading to financial exploitation faced by bonded labourers cannot be broken unless accessible education opportunities are provided. Unemployment is rampant and lack of opportunities for alternative work become limited due to illiteracy of the labourers.

A Vicious Cycle

Poverty and socio-cultural practices are often cited as causes of bondage conditions. However, the continued existence and even proliferation of the incidences of labour in forced and bondage conditions of work perpetuate poverty and preserve social ills. The workers and other human rights organisations criticise that it is the lack of proper implementation of laws and failure of the State to ensure social, welfare and employment securities to the poorest that kept them trapped and struggling for livelihood in the unending cycle of bondage. Almost all the releases of labourers from bondage conditions in the past were made possible through court orders instead of direct administrative actions. Situation is even more severe and most visible in brick making units and agriculture.
The Friedrich Ebert Stiftung (FES) is a German non-profit organisation committed to the values of Social Democracy. It was founded in 1925 as a political legacy of Germany’s first democratically elected president, Friedrich Ebert. To this day FES follows his mission to promote freedom, solidarity and social justice through the political process in Germany and abroad. At present, FES maintains offices in over 100 countries worldwide, of which 15 are in Asia. FES Pakistan has been working in the country in cooperation with local organisations since the 1980s. Its programmes aim at strengthening democratic institutions from national to local level; increasing the political participation of youth; enhancing women’s empowerment and gender equality; promoting a free and professional media; advocating social justice in the formal and informal economy; and enhancing regional cooperation for peace and development.
FES Pakistan, with its roots and history in striving for social justice, considers independent workers organisations and unions as among its conventional and closest cooperation partners both at national and international levels for the promotion of workers’ rights as enshrined in the national and international constitution, laws and conventions.

For the cause of elimination of bonded labour FES Pakistan works closely with Bonded Labour Liberation Front Pakistan (BLLF) and supports the organisation in relevant advocacy and awareness campaigns throughout Pakistan.

Bonded Labour Liberation Front Pakistan (BLLF)

BLLF is a pioneer organisation in Pakistan for its initiatives for eradication of bonded and child labour. It believes in an approach where all primary stakeholders, including employers, employees, civil society organisations and the government are involved proactively to maintain labour standards.

To combat the issue of bonded labour, BLLF follows a multi-dimension strategy:

- Release and rehabilitation of bonded labourers through direct intervention and legal aid. Since 1988, BLLF has achieved the release of over 80,000 bonded labourers in Pakistan; 45% of them were children, 25% women and 30% were men. BLLF runs a rehabilitation center in the heart of the Lahore called Freedom Campus, the only one of its kind in Pakistan.
- Address issues related to:
  - New legislation and implementation of existing laws;
  - Provision of accessible education for children;
  - Implementation of announced minimum wage;
  - Provision of marriage and death grant from Workers Welfare Funds.
- Carry out awareness campaigns.
- Organise regional and national campaigns on bonded labour and child labour to highlight the situation and design measures to mitigate the miserable conditions of the labourers.

“Since 1988, BLLF has achieved the release of over 80,000 bonded labourers in Pakistan.”
FES Pakistan and BLLF Together

Fredrich Ebert Stiftung Pakistan is one of the main partners of BLLF in its initiatives towards the abolition of bonded labour in Pakistan. Together, the two organisations continue with their efforts of advocacy through demonstrations, rallies, seminars and district-wise consultations. These initiatives have resulted in creating an echo effect that has led to increased awareness and understanding, for the masses as well as the government. Out of the 11,000 brick kilns existing in Pakistan, 5,000 are in Punjab, the largest province of Pakistan. With a major cluster of brick kilns existing in Punjab, the bonded labour instances are also very high in the province. BLLF with the support of FES carries out many activities that focus on eradicating this problem in this region. Some of the initiatives supported by FES Pakistan for the last 4 years include:

“These initiatives have resulted in creating an echo effect that has led to increased awareness and understanding, for the masses as well as the government.”

Freedom Day—Photo and Paintings Exhibitions

“The exhibitions are held each year to mark the historic decision of Supreme Court of Pakistan in favor of bonded labourers on September 18, 1988, when it outlawed bonded labour.”

As they say, a picture is worth a thousand words. To utilize the power of a visual medium to showcase the impact of bonded labour on the lives of millions, Friedrich Ebert Stiftung Pakistan in collaboration with BLLF organises photo and painting exhibitions each year on September 18 to mark and commemorate the historic decision of the Supreme Court of Pakistan when it outlawed bonded labour in 1988. In that ruling, the Supreme Court cancelled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. It resulted in the Bonded Labour (Abolition) System Act 1992 adopted by the parliament. This ruling had come as a response to the case of Darshan Masih, a brick kiln worker who had sent a telegram to the chief justice of Lahore to demand justice for him and other bonded labourers. Bonded Labour Liberation Front Pakistan celebrates this day as Freedom Day.
The photos and paintings are contributed by various artists across the country and vividly express the plight of bonded labourers. These exhibitions are attended by government officials, organisations from the private sector, other civil society activists, general public and the media.

Press coverage of the exhibition, 2013

Some paintings from the Freedom Day exhibition, 2013
Breaking the Bondage

Freedom Day Exhibition 2010

Snapshots from the Freedom Day exhibition held in Lahore and Islamabad, 2013
Seminars

BLLF arranges annual seminars with the support of FES Pakistan on the subject of bonded labour. These seminars are widely attended and appreciated. The purpose of these seminars is to disseminate information, highlight issues of exploitation and discuss solutions. They also provide a forum where bonded labour victims working in brick kilns across Punjab, relevant government authorities, activists and media come together.
Participants of the May Day Seminar, 2013
Rallies

The State’s functionaries, judges, police and the labour department, respond to the demands and heightened concerns of the people expressed through media reports, protests and political demands. It is here that FES Pakistan comes into action to contribute to the cause by supporting monthly rallies, all over Punjab, organized by BLLF. These rallies bring together a force of bonded labour victims and activists together to raise their voices against the existing atrocities and demand justice that is much deserved.

Consultation Meetings

The system of bonded labour cannot be abolished without the combined efforts of all the stakeholders. With this consideration, FES Pakistan supports BLLF in holding consultation meetings with key stakeholders in 20 districts of Punjab. These stakeholders include brick kiln workers, government administration, civil society organisations [CSOs], bar associations, members of the press clubs, employers’ associations, political representatives, trade unions and parliamentarians.

These Provincial Consultation meetings are held to:

- Assess the situation of the brick kiln workers in the respective districts and review results of the earlier consultations;
- Develop and review plans for taking proactive measures whereby stakeholders are assigned specific responsibilities;
- Establish a provincial level network for better coordination and advocacy with the stakeholders and policy makers.
Given these objectives, the agenda of these consultation meetings revolves around discussing issues like the re-activation of district vigilance committees [DVCs]; registration of brick kilns; registration of brick kiln labourers with the social security department; computerised national identity cards (CNIC) and inclusion of labourers in voters list; implementation of minimum wage award and statutory revision; enrollment of children of brick kiln workers in primary schools; and formation of a provincial level network. In the presence of all stakeholders, issues are highlighted, and the authorities are sensitised about the situation.

In order to solve We need the system to resolve
The development sector realises the social compulsions of the intergenerational poverty and powerlessness of people who fall prey to bonded labour. But it also realises that the socio-economic and legal systems not only drag them into this misery but also ensure to keep them there.

To work towards improving the bonded labour situation in Pakistan, a holistic approach is required that works not only to free the workers but also to rehabilitate them. To make a system that works, the existing system that creates the vicious cycle of bonded labour needs to be broken.

Tasking Parliamentarians and Provincial Assemblies’ Committees to examine the reasons for sluggish performance and implementation of National Policy and Plan of Action for the Abolition of Bonded Labour 2001 –NPPA, is one of the major steps needed. This analysis must suggest a time-bound corrective course defined in full consultation with representative workers’ organisations as well as the National Coalition Against Bonded Labour.

Following are some of the priority areas for which the development sector continues to raise its voice:

**MILES TO GO—THE WAY FORWARD**

- **Reviewing Laws:**
  Review of the specialised and relevant laws, policies, and accessibility of justice system free of executive and administrative influence;

- **Statistical Survey:**
  Undertaking of the long-pending national statistical survey on bonded labour by drawing active support from workers and other human rights organisations;

“To make a system that works, the existing system that creates the vicious cycle of bonded labour needs to be broken.”
• Rejuvenating District-Level Vigilance Committees:
Establishment of a system that ensures the proper functioning of the DVCs, which were envisaged as principal agencies for implementation and monitoring of the laws and programmes for the eradication of bonded labour in the Bonded Labour Abolition Act [BLSA]. This would involve constitution/re-constitution of Vigilance Committees by ensuring effective involvement of representatives of recognised trade unions. It would also require coordination of DVCs with the relevant local and provincial government departments and legislatures, bar councils and associations, and press bodies;

• Registration of Brick Kilns:
Registration of brick kilns and ensuring collection of their due taxes, and statutory contributions to Social Security, education cess, Workers Welfare Fund and other welfare schemes;

• Inspection System:
Enforcement of an effective labour inspection system to check the violations of specialised as well as relevant labour laws including laws on forced labour, child labour, social security, wages, working conditions, health and safety, unionisation and collective bargaining, and equality of treatment and payment of wages for men and women ensuring that child labour does not take place/is strictly monitored;

• Accessible Support System:
Creation of adequate complaint cells and helplines, accessibility and assistance of legal aid committees of provincial bar councils and legal aid centres for free legal aid, counselling and support services to workers in bondage;

• Collective Bargaining Rights:
As the implementation of collective bargaining rights for workers remain, the workers’ fair share in profits wage-fixation in brick making industry to be annually reviewed and adjusted through
bipartite sectoral negotiations between owners and representative workers’ organisations under the auspices of Workers Employers Bilateral Council of Pakistan [WEBCOP] involving DVCs;  

- **Registration of Workers:**  
  Efforts to increase registration of workers in brick making industry including issuance of CNIC, social security, Workers Welfare Fund and Employees Old-age Benefit Institution through DVCs;  

- **Capacity Building:**  
  Sensitisation and capacity building of the functionaries of labour departments, district administration, labour inspectors, police and judicial officers of the lower courts through legal education and training focussed on human and labour rights and equality of men; women, minorities, migrants, and ethnicities;  

- **Media Campaigns:**  
  Launch of campaigns to raise public awareness on bonded labour issues through mass media;  

- **Product Labelling:**  
  Certification/labelling of bonded labour-free products through DVCs, and creating consumer awareness on encouraging preference of bonded labour-free products;  

- **Rehabilitation Opportunities for Workers:**  
  Prevention of return of freed labourers into debt bondage through relief, rehabilitation, welfare and social assistance programmes through targeted and transparent utilisation of Bonded Labour Fund with adequate funding, as provided in the Gazetted Rules of Bonded Labour Abolition Act;  

- **Income Generation Programmes:**  
  Development and tailoring of asset building and income generation programmes including land distribution, workers’ cooperatives in brick kilns and other sectors, skill development apprenticeship programmes, accessible credit facilities, alternative employment skills and other opportunities through vocational training;  

- **Accessible Education:**  
  Availability of free and accessible education as per article 25A of the constitution\(^6\).  

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\(^6\) Article 25A of the constitution of Pakistan—Right to education: The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.
Through these demands and recommendations and by continuing to sensitise and mobilise the public and media forces, the development sector can keep the issue of bonded labour alive and push it step by step towards betterment. The system of exploitation may not be wiped out quickly but with strong political will and commitment, the worst forms of violation of rights and entitlements can be eliminated. A coordinated effort by all stakeholders is critical for the successful eradication of bonded labour from Pakistan.
DEDICATED TO ALL THE LABOURERS AND THEIR FAMILIES IN DEBT BONDAGE AND TO ALL THOSE WHO ARE MAKING EFFORTS TO ERADICATE THIS FORM OF SLAVERY.