Pakistan – Observation 2018

Forced Labour Convention, 1930 (No. 29) (ratification: 1957)

The Committee notes the observations of the All Pakistan Federation of Trade Unions (APFTU) received on 9 December 2016. Articles 1(1), 2(1) and 25 of the Convention. I. Debt bondage. 1.

Legislative framework. The Committee previously noted the information in the mission report of the tripartite inter-provincial workshop carried out in May 2013, within the framework of the Special Programme Account (SPA) project, that the adoption of provincial bonded labour abolition legislation, by the end of 2013, was included in the provincial time-bound action plans. The Committee urged the Government to take the necessary measures to ensure the adoption of legislation aimed at eliminating bonded labour. The Committee notes the Government’s statement in its report that, the Federal Bonded Labour System (Abolition) Act 1992 remains applicable in the Islamabad Capital Territory (ICT) and Balochistan Province. The Committee notes with satisfaction that, Khyber Pakhtunkhwa (KPK) Province has enacted the KPK Bonded Labour System Abolition Act 2015, and Sindh Province has enacted the Sindh Bonded Labour System (Abolition) Act 2015, both of which contain provisions prohibiting bonded labour, extinguishing remaining debts, and providing for criminal penalties in case of violations. The Committee further notes that the Punjab Prohibition of Child Labour at Brick Kilns Act 2016 also regulates the employment of adults by requiring written contracts (section 3), which shall specify the amount of wages, the amount of advance and the payback schedule for the advance given. Brick kiln owners or occupiers are also required to send a copy of the contract to the inspector in the area. Moreover, such contracts may be terminated by either party given a 30-day prior notice in writing. However, the Committee notes the information of the APFTU that, despite the prohibition of bonded labour by law, this practice persists in brick kilns due to the absence of effective enforcement. The Committee therefore urges the Government to take the immediate measures to ensure the effective application of the newly enacted provincial legislation related to the abolition of bonded labour in practice, and to provide information in this regard. 2. Programmes of action. The Committee previously noted that the Provinces of Sindh and Punjab had both adopted a Provincial Plan of Action to Combat Bonded Labour. Moreover, the Government indicated that the “Elimination of bonded labour in brick kilns” project was being implemented in Punjab. In addition, an ILO project entitled “Strengthening Law Enforcement Responses and Action against Internal Trafficking and Bonded Labour” began in 2010 in the Provinces of Sindh and Punjab, aimed at engaging brick kiln owners to institute practices towards the eradication of bonded labour, as well as efforts to link brick kiln workers with social safety nets. The Committee notes the Government’s information that provincial governments are implementing various development projects to eradicate bonded labour. In Punjab, under a programme targeting brick kilns for the period of 2012–18 in four districts, 196 non-formal education centres are now operational in which 6,131 persons (3,143 males and 2,988 females) have been enrolled. Moreover, 1,423 brick kiln workers have obtained computerized national identity cards and the birth of 2,590 children have been registered in respective Union Councils. Punjab Province has also initiated an integrated project of elimination of child and bonded labour, which targets the rehabilitation of children working at brick kilns and the economic empowerment of their families. Moreover, the KPK Province has adopted a development scheme providing for the establishment of a child and bonded labour unit. The Committee takes due note of the measures undertaken by the Government and encourages it to pursue its efforts to combat and eliminate bonded labour, as well as to continue adopting measures aimed at supporting freed bonded labourers. It requests the Government to continue to provide detailed information on the specific measures implemented in the Punjab and other provinces in this regard, as well as information on the concrete results of these initiatives,
including the number of bonded labourers and former bonded labourers, benefiting from these measures. 3. District vigilance committees. The Committee previously noted the allegations from several national and international workers’ federations that the Bonded Labour System (Abolition) Act (BLSA) had not been properly applied and that the district vigilance committees (DVCs), set up under the BLSA, had not performed their functions of identifying and releasing bonded labourers. However, the Committee noted the Government’s statement that the DVCs were in place. Particularly, the DVCs in Punjab were reactivated following the direction of the Supreme Court of Pakistan. The Committee also noted the information contained in the mission report of the tripartite inter-provincial workshop indicating that the action plans developed by the Provinces of Balochistan, KPK and Punjab include reconstituting the DVCs by mid-2014. Moreover, the Committee noted that the time-bound action plans which included several provincial initiatives to strengthen monitoring, including undertaking raids related to bonded labour, the establishment of a bonded labour cell within the labour department, and the establishment of an anti-bonded labour force. The Committee further noted the Government’s indication that 370 cases have been registered by the local police related to bonded labour. The Committee notes the Government’s information that DVCs are operational throughout Punjab and 93 meetings of these committees (in 36 districts) were held during the last six months in 2016 under the supervision of the respective District Coordination Officers. The Committee also notes that, the KPK and Sindh Provinces have enacted new laws on bonded labour, under which the DVCs will be re-established in accordance with the rules framed. Balochistan Province also indicates that the DVCs will be functionalized soon, and the Bonded Labour System (Abolition) Act 1992 is currently being implemented by the District Administration. The Committee further notes the Government’s indication that it is impossible to monitor bonded labour through the normal inspection procedure. Therefore DVCs are being established under the provincial bonded labour laws. The Committee therefore requests the Government to take the necessary measures to ensure that the DVCs will soon be re-established in KPK and Sindh Provinces under the new laws and functionalized in Balochistan, and to provide information on any progress made in this regard. It also requests the Government to provide information on the operation of the DVCs, including copies of monitoring or evaluation reports. The Committee once again requests the Government to indicate if any legal action has been taken against persons employing bonded labourers, and to provide information on the number of prosecutions, convictions, and specific penalties applied, as well as copies of relevant court decisions. 4. Data-gathering measures to ascertain the current nature and scope of bonded labour. The Committee previously expressed the firm hope that the Government would carry out a statistical survey on bonded labour in the country. In this regard, the Committee noted the Government’s indication that provincial surveys of bonded labour have been included in the Provincial Plan of Action to Combat Bonded Labour of both Sindh and Punjab, and that these Provinces were working in consultation with employers’ and workers’ organizations to undertake this survey, using a valid methodology. The Committee notes the Government’s information that, the provincial governments have indicated that the issue would be discussed in the upcoming provincial tripartite consultative committee meetings. The Ministry of Overseas Pakistanis and Human Resource Development (Ministry of OP&HRD) also plans to discuss this issue in the upcoming Federal Tripartite Consultative Committee meeting. The Committee also notes that, the international labour standards unit in the Ministry of OP&HRD has worked on questions gauging instances of forced and bonded labour by recommending the inclusion of certain questions on the issue in the Labour Force Survey, including contracts of employment, wages, hours of work, working conditions and the right to leave employment. The Ministry has submitted this request to the Bureau of Statistics. Moreover, the KPK Province has indicated that it plans to carry out a study on bonded labour in brick kilns in the Peshawar and Nowshera districts. The Committee therefore strongly urges the Government to pursue its efforts to ensure that a survey of bonded
labour will be undertaken in each province of the country in the near future, in cooperation with employers’ and workers’ organizations and other relevant partners. It requests the Government to continue providing information on the progress achieved in this regard, as well as copies of the surveys, once completed. II. Trafficking in persons. The Committee previously noted the information from the Ministry of the Interior that under the Prevention and Control of Human Trafficking Ordinance 2002 (PCHTO), there were 12 convictions and 14 acquittals in 2012, and eight convictions and four acquittals in the first half of 2013. In 2012, there were 440 cases pending, and 475 such cases as of June 2013. The Committee also noted the information from the United Nations Office for Drugs and Crimes (UNODC) that Pakistan is a source, transit, and destination country for men and women trafficked for the purposes of forced labour and sexual exploitation, with trafficking for forced labour being more widespread. The Committee notes the Government’s information in its report that the Government plans to tackle issues of internal trafficking through criminal law amendment. The Committee also notes that, the Criminal Law (Amendment) Act 2015 inserted a new section 369A to the Pakistan Penal Code 1860, penalizing human trafficking with a penalty of imprisonment from five to seven years, or a fine from 500,000 Pakistan rupees (PKR) to PKR700,000. Moreover, the Federal Investigation Agency maintains 27 anti-trafficking law enforcement units at the federal, provincial and local levels that investigate human trafficking and smuggling cases. The Committee further notes that, in 2015, Punjab Province reported 947 investigations, 928 prosecutions, and 22 convictions for trafficking for sexual exploitation, as well as 5,113 investigations, 1,956 prosecutions, and 60 convictions for sexual exploitation. KPK Province reported 27 investigations, 27 prosecutions, and zero convictions for trafficking for sexual exploitation and separately reported 156 investigations, 83 prosecutions, and zero convictions for abduction of women for sexual exploitation. However, Sindh Province reported zero investigations, prosecutions, and convictions for trafficking for sexual exploitation. Concerning trafficking for labour exploitation, Punjab, KPK, Azad Jammu and Kashmir, and Gilgit-Baltistan reported a total of 21 investigations, 15 prosecutions, and one conviction. Sindh Province reported zero investigations, prosecutions and convictions for trafficking for labour exploitation. The Government also reported that investigations were carried out against 158 alleged traffickers, of which 59 were prosecuted and 13 were convicted under the PCHTO in 2015, compared with 70 investigations, 50 prosecutions, and 17 convictions in 2014. The Committee further notes the information provided by the Government as follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) of 26 November 2015 that, the review of the draft Act to Prevent and Combat Trafficking in Persons, Especially Women and Children, 2013 is under consideration at the federal level (CEDAW/C/PAK/CO/4/Add.1, paragraph 27). The Committee notes with concern the significantly low number of convictions as compared to the overall number of investigations and prosecutions. The Committee accordingly urges the Government to strengthen its efforts to ensure that, in practice, persons who commit trafficking offences are subject to sufficiently adequate and dissuasive penalties. In this regard, it requests the Government to continue to provide statistics on the number of trafficking cases registered, as well as the number of prosecutions, convictions and the specific penalties imposed pursuant to related legislation. The Committee further requests the Government to provide information on any progress made regarding the adoption of the draft Act to Prevent and Combat Trafficking in Persons, Especially Women and Children.