

# **INTERNATIONAL TRADE UNION CONFEDERATION**

## **INTERNATIONALLY-RECOGNISED CORE LABOUR STANDARDS IN PAKISTAN**

### **REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF TRADE POLICIES OF PAKISTAN**

**(Geneva, 16 and 18 January 2008)**

#### **EXECUTIVE SUMMARY**

**Pakistan has ratified the eight core ILO labour conventions. However, all the core labour standards are violated massively and flagrantly.**

**Pakistan has ratified both the core ILO conventions protecting trade union rights. However, the rights enshrined in both conventions are violated on a regular basis. Much legislation has been enacted that withdraws workers' freedom of association and there is insufficient protection against anti-union discrimination. Several classes of workers are excluded from protection by the provisions of national labour law and several classes of employment are inappropriately defined as essential services, thereby depriving those workers of the right to collective bargaining or to strike. Workers in export processing zones (EPZ's), teachers and health workers, and workers at enterprises such as Pakistan International Airlines, Open Railways, and Karachi Shipyards cannot form trade unions, bargain collectively or strike.**

**Pakistan has equally ratified both the core ILO Conventions on discrimination. However, discrimination against women is a serious problem. Harassment at the workplace is a widespread activity against which there is no national law in force.**

**Pakistan has ratified the ILO's two core conventions on child labour. However, child labour is a very serious problem in the country and more measures need to be taken urgently to combat it through allocating more resources to provide universal free education and social protection combined with labour inspection. Child labour inspectors lack resources and corruption impedes their work. Labour inspection machinery in order to eliminate child labour and as required under ILO Convention No. 81 ratified by Pakistan, has not been functioning in two major provinces, namely Punjab and Sindh, on account of the industrial policies of the two provincial governments.**

**Pakistan has ratified both the core ILO conventions on forced labour. However, forced labour, including by children, is widespread. Bonded labour remains widespread despite legislation that should have outlawed the practice. National law regarding domestic trafficking remains silent the cooperation with neighbouring countries needs to be strengthened, given that Pakistan is a source, transit and destination country for trafficked people. Trafficking of women and children for purposes of forced sexual labour is also a serious problem.**

## INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN PAKISTAN

### Introduction

This report on the respect of internationally recognised core labour standards in Pakistan is one of the series the ITUC is producing in accordance with the Ministerial Declaration of the World Trade Organisation (WTO) (Singapore 9-13 December 1996) and endorsed at the fourth WTO Ministerial Conference (Doha, Qatar, 9-14 November 2001) in which the ministers stated: “We renew our commitment to the observance to the internationally recognised core labour standards”. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

Pakistan became a member of the WTO on the 1<sup>st</sup> of January 1995. The ITUC has two affiliates in Pakistan, the All Pakistan Trade Union Congress with 64,000 members and the Pakistan Workers’ Federation with 880,000 members.

Pakistan is an impoverished country that has suffered from decades of internal political disputes. It has faced particular difficulties resulting from its geopolitical situation in proximity to extremist forces in the region, terrorism, poor relations with India since independence that have strengthened the role of the army in shaping the country’s policies, and the continuing presence of Afghan refugees whose number amounted to three million during the 1980s. Its population is of around 159 million people. The GDP was estimated at \$128.8 billion in 2006 with an estimated annual growth of 6.2%. Inflation remains one of the biggest threats to the economy of the country, jumping to more than 10% in 2006. Agriculture amounts to 20.5 % of the GDP and industry for 26.7%. The tertiary sector comprises 52.9 % of GDP.

Pakistan’s main agricultural products are cotton, wheat, rice, sugarcane, fruits, vegetables, milk, beef, mutton and eggs. The main industries are textiles and apparel, food processing, pharmaceuticals, construction materials, paper products and fertilizer. The main import commodities in 2006 were petroleum and petroleum products, machinery, plastics, transportation equipment, edible oils, paper and paperboard and iron and steel, the main import partners being China, Saudi Arabia, UAE, US, Japan, Kuwait and Germany. Regarding exports in 2006, the main commodities were textiles (garments, bed linen, cotton cloth, yarn), rice, leather goods, sport goods, chemicals, carpets and rugs, and the main export partners US, UAE, Afghanistan, China and the UK. In 2006 exports rose to \$15.5 billion while imports amounted to \$24.4 billion, therefore giving Pakistan a negative balance of trade.

One of the main foreign exchange earners for the country has been the remittances of Pakistani migrants working abroad, in particular in the Middle East.

Pakistan has signed bilateral trade agreements with Malaysia, China and Sri Lanka recently. Pakistan is a member of the South Asian Association for Regional Cooperation (SAARC) and has signed the Agreement on South Asian Free Trade Area (SAFTA). Pakistan is working on a two pronged strategy regarding ASEAN countries. Pakistan intends to sign bilateral free trade agreements with major countries of ASEAN like Indonesia, Singapore, Malaysia or Thailand. At the same time, the

country wishes to negotiate a bilateral free trade agreement with the entire association on a 10+1 basis.

Pakistan is working towards improved bilateral market access to the EU too, being part of an institutional mechanism today, the so-called sub-Group on trade, under the aegis of the Pakistan-EU Joint Commission set-up under the 3<sup>rd</sup> Generation Cooperation Agreement in May 2007.

The country is seeking bilateral free trade agreements with certain non EU countries and is initiating negotiations with the European Free Trade Agreement (EFTA) made up of Switzerland, Norway, Iceland and Liechtenstein. Bosnia and Serbia have also agreed recently to negotiate bilateral free trade agreements with Pakistan.

## **I Freedom of association and the right to bargain collectively**

Pakistan has ratified both ILO Convention 87 (Freedom of association and protection of the right to organise convention, 1948) and ILO Convention 98 (right to organise and collective bargaining convention, 1949), on the 14th of February 1951 and the 26<sup>th</sup> of May 1952 respectively.

Article 17 of the Constitution of Pakistan states: “Every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law”. However, restrictions under law are expansive, unreasonable, and clearly in violation of ILO Convention 87. The 2002 Industrial Relations Ordinance (IRO) remains in force, as the government once again has failed to fulfil promises to the unions, the ILO, and the international community to amend the law to bring it in line with international standards. The PWF trade union centre has been pressing both at national and international level to bring the main labour legislation of Pakistan, in particular, the 2002 IRO, in conformity with the ILO Core Conventions and yet without adequate prior consultation with the trade unions the government has made recently unilateral changes to five different labour laws, effectively increasing hours of work and further weakening labour protection. The amendments have been made using the finance law in a procedure that unionists consider legally dubious.

The 2002 IRO covers the right to form trade unions and the right to collective bargaining, yet has many flaws. Several sectors are exempted from the IRO including the police, armed forces, ministry of defence, the Pakistan security printing Corporation, civil defence, fire services, Pakistan International Airlines, railways, Karachi shipyards and oil installations. Agricultural workers, non-profit workers, and teachers, among others, are not allowed to exercise the right to unionise.

The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent.

The IRO contains a special provision that allows the government to restrict associational rights of any category of workers by declaring them to be servants of the state. There is a legislative barrier to registration owing to the wide powers given to the registrar of trade unions who can refuse or cancel a union’s registration. This law authorises the Registrar of Trade Unions under Section 65 *ibid* to suspend the registration of any union in cases of criminal complaint against any office bearers of

the union, which can be misused by employers against bona fide trade unions. Section 46(5) in the IRO 2002 sets out that the Labour Court may order an award of compensation (12 to 30 months' wages) in case of wrongful termination in lieu of reinstatement of the workers. This enables employers to sack troublesome workers, such as trade union representatives, with impunity.

The IRO restricts the possibility of seeking interim relief from the National Industrial Relations Commission (NIRC) or the Labour Court against unfair labour practices. Furthermore, the penalties imposed on trade union representatives found guilty of unfair labour practices are comparatively heavier than those imposed on employers.

Many employers artificially promote workers to managerial status, frequently without the concomitant salary increase, so that they can no longer qualify for union membership. There is frequent use of anti-unionisation tactics including intimidation, dismissal and blacklisting. Moreover, if an employer is opposed to the formation of a union, the procedures for union registration and the appeals process can take many years.

The 1952 Essential Services Maintenance Act (ESMA), which applies to export processing zones, the security forces, most of the civil service, health care workers, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline and ports and other utilities, is often invoked to limit or ban strikes or curtail collective bargaining rights. Workers in some, but not all of these sectors (detailed below) can form unions but cannot go on strike. The ESMA provides for up to one year's imprisonment for anyone that contravenes the ban.

The estimated 12,500 employees working in the country's three Export Processing Zones (EPZs) are exempted by the ESMA from the protections and right to form trade unions provided by the IRO. The ESMA prohibits workers in export processing zones from forming or joining unions, bargaining collectively or striking. They have no protection against employer interference or antiunion discrimination. The Export Processing Zone Authority drafts labour laws within the EPZs. The Export Processing Zones Act of 1980 also provides for notifications to exempt the zones from coverage under the major labour laws.

The government reported in 2002 that it had authorised the EPZA to frame legislation, and that draft labour laws were being finalised by the authority. However, no further details were given. The EPZA advertises on its website that one of the incentives for investors is production oriented labour laws to be solely regulated by the authority.

Hospital staff, some civil servants and workers in many defence-related establishments are not allowed to form unions. These definitions are broad, therefore and effectively denying many workers the exercise of their rights. Forestry workers, for example, are considered civil servants, while many railway lines are classified as "defence installations", and consequently their workers as defence personnel.

In various state enterprises, the government and military continually demonstrate an anti-union approach by either banning trade unions, or petitioning to revoke the union registrations. Trade union rights have been suspended at Pakistan International Airlines Corporation and the Karachi Electric Supply Corporation (KESC). The Pakistan National Shipping Corporation, Army Welfare Sugar Mills, and

the Karachi Shipyard and Engineering Works and Open Railways are the most recent examples of the government's action against trade unions.

Amendments to the Banking Companies Ordinance in 1997 under Section 27-B state that a worker cannot become a union member or official in a banking institution unless he or she is employed by the bank in question, thereby restricting the right of a union members to choose who will represent them. They also stipulate that no officer or member of a trade union in a banking institution shall use any bank facilities including a car or telephone to promote trade union activities. Similarly, trade union activities are restricted in office hours. Any person violating such provisions shall be liable to a fine or imprisonment of up to three years, or both. Restrictions have also been imposed on the collective bargaining rights of banking staff.

Regarding the right to strike, there are many legal obstacles for the effective exercise of this right. It takes at least one month before a strike can be legally called. The period for bilateral dialogue between management and the union is 15 days. Where settlement is not reached, the conciliation procedure also lasts 15 days.

The government has the right to ban any strike that may cause serious hardship to the community or prejudice the national interest. The government has also the possibility of putting an end to any strike that has lasted for more than 30 days.

Section 144 of the Code of Criminal Procedure makes any gathering of more than four people subject to police authorisation. Hence, it can easily be used against any trade union gathering.

The 1999 Anti-Terrorist Ordinance codifies the crime of a terrorist act. This includes acts of civil commotion which carry a penalty of imprisonment for terms ranging from seven years to life, as well as fines. Illegal strikes, go-slow actions, and picketing are considered as forms of civil commotion under this ordinance.

The rare strikes that do occur are, given the complications attached to organising a strike, usually illegal and short. They are often broken up by police and used by employers to justify dismissals.

The CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO has requested continuously the government of Pakistan to amend its legislation or to adopt specific legislation so as to ensure that the following employees enjoy the right to form and join organisations to defend their own social and occupational interests: managerial and supervisory staff; workers excluded by virtue of section 1(4) of the IRO, namely workers in installations or services connected with the armed forces of Pakistan, Pakistan Security Printing Corporation or the Security Papers Limited or Pakistan Mint; establishments or institutions maintained for the treatment or care of sick, infirm, destitute and mentally-unfit persons excluding those run on a commercial basis, institutions established for payment of employees' old-age pensions or of workers' welfare, members of the watch and ward, security or fire service staff of an oil refinery or of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum products or of a seaport or an airport, workers of charitable organisations, workers at the Karachi Electric Supply Company, workers in the Pakistan International Airlines, Open Railways and Karachi Shipyard Engineering Company, agricultural workers and export processing zone workers. The CEACR

emphasises that all workers, with the only possible exception of the police and armed forces should enjoy the right to establish and join trade unions.

Considering that essential services are only those the interruption of which would endanger the life, personal safety or health of the whole part of the population, the CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO has requested the government of Pakistan to amend the legislation so as to ensure that workers employed in oil production, postal services, railways, airways and ports may have recourse to strike action.

The CEACR has recalled that a provision which permits either party unilaterally to request the intervention of the public authorities for the settlement of a dispute through compulsory arbitration leading to a final award effectively undermines the right to strike by making it possible to prohibit virtually all strikes or to end them quickly. Such system seriously limits the means available to trade unions to further and defend the interests of their members as well as their right to organise their activities and to formulate their programmes and is not compatible with article 3 of the convention.

The CEACR has urged the government to take the necessary measures to amend section 39 (7) of the IRO so as to ensure that sanctions for strike action may only be imposed where the prohibition of the strike is in conformity with the convention and that, even in those cases, the sanctions imposed are not disproportionate to the seriousness of the violation.

#### *Trade Union Rights in Practice*

On 21 July 2006, the Education and Literacy Department of the Sindh provincial government abruptly banned unions or associations among teachers and all other employees under the authority of the Education Department. The order affected over 400,000 teachers and education personnel at the provincial and district level. The order was formally approved by the provincial governor of Sindh and provided for disciplinary actions including possible dismissal from the civil service for any teacher found to be involved in union activities. The Sindh Professors and Lecturers Association (SPLA) and the Government Secondary Teachers Association (GASTA) immediately filed no less than four petitions challenging the order with the courts, and launched a campaign against the order.

The Sindh government moved quickly to enforce its anti-union order by taking an array of punitive actions against the leaders and activists of the teachers' unions. A total of 34 teachers were immediately served with forced leave orders, effectively suspending them indefinitely without pay. Another 150 teachers were threatened with dismissal, while many others faced various forms of harassment.

On 22 August 2006, about 2000 members of teachers' unions in the province, grouped under the banner of the Sindh Employees Alliance (SEA), held a major protest against the order in front of the Karachi Press Club. More teachers would have joined, but they were barred by police who engaged in preventive detention of teachers' leaders from the districts of Sukkur, Hyderabad, Dadoo, and other parts of the province to prevent them from travelling to Karachi to join the demonstration. When the marchers began to move towards the governor's house, the provincial police attacked the peaceful demonstration with batons and tear-gas, injuring six teachers. Another 45 protesting teachers were arrested and imprisoned. The Sindh

government then proceeded to file criminal cases of rioting against a number of the teachers involved, using this charge as justification for their dismissal.

The Sindh High Court ruled on 12 December 2006 that the government ban on teachers' organisations was contrary to constitutional guarantees of freedom of association. The court further overturned the punitive actions, including termination notices, taken by the Education Department against teacher union activists and those involved with the legal petitions. The Education Minister immediately stated the intent of the Sindh Government to appeal to the Supreme Court of Pakistan. The petition was filed and the Supreme Court ruled in February 2007 against the teachers and suspended the Sindh High Court's decision.

The largest public utility of the country namely Pakistan Water and Power Development Authority (WAPDA) employing more than 150,000 workers recently faced suspension of their representative elected trade union the Pakistan WAPDA Hydro Electric Central Labour Union, affiliated to the PWF. Following national and international interventions including from the ILO Committee on Freedom of Association, Public Services International (PSI) and ICFTU and others, their rights were ultimately restored.

Coca-Cola has a long record of antiunion activity in Pakistan and uses a mixture of tactics, including harassment and dismissals of union leaders and casualisation of the workforce, to achieve its goals. In years past, workers have reported that unions at Coca-Cola plants in Lahore and Gujranwala were eliminated. In 2006, the management started actions against the Coca-Cola Beverages Staff and Workers Union which represents workers at the Coca-Cola Beverages Pakistan Limited (CCBPL) factory in Karachi. The management notified the union that it was planning to outsource all 29 union jobs in the maintenance and transportation sections. The union strongly opposed this move, and made clear its plans to use planned bargaining for a collective agreement in 2007 to limit management's power to continue casualising the workforce. On 9 December 2006, management responded by unilaterally terminating 150 CCBPL permanent workers, including the union President, Vice-President, Treasurer and one additional union committee member.

When the union resisted this move, and rejected the severance package offered by the factory, the management rolled out an expanded voluntary retirement scheme to pressure union members. The union sought and obtained an interim court order on 23 December 2006, barring management from conducting dismissals or other actions regarding employment until 8 January 2007. However, CCBPL management blatantly violated this court order and continued to pressure union members to take the severance pay through a mixture of captive audience meetings between senior supervisors and individual workers, and information distributed to the workforce.

The Registrar of Trade Unions of Sindh banned the trade union at Karachi Shipyard and Engineering Works (KSEW) on 26 August 2006 at the request of the Federal Minister of Defence Production, stripping 3000 workers of their right to freedom of association. The ban effectively short-circuited union bargaining efforts with KSEW management over a number of pending union demands. The clear prior intent of the Ministry of Defence Production to eliminate the union was evident from 5 August 2006, when the ministry unilaterally ordered a change in status for the KSEW from a private company to public limited company, despite the fact that an estimated 80 percent of KSEW's production goes to private sector concerns. The result of this change was to make the company more directly vulnerable to

government intervention in labour affairs. At the end of the year 2006, the ban was still in place with little likelihood of any change.

A peaceful protest organised outside the Sindh Provincial Assembly in Karachi by workers from two closed-down state owned sugar mills (located in Dadu and Thattah) of the Sindh Sugar Corporation was viciously attacked by police with batons on 11 May 2006.

An antiunion campaign by management at the Army Welfare Sugar Mills, which operates directly under the jurisdiction of the Army Welfare Trust (AWT) of the Pakistan military, has been ongoing. After the union refused management demands to dissolve the union (based on an order from the AWT), management filed a petition to de-register the Army Welfare Sugar Mills Workers Union. The Sindh Labour Court rejected the petition of the management, but management appealed the decisions to Sindh High Court which reversed the Labour Court ruling and revoked the union's charter.

The state-owned PNSC (Pakistan National Shipping Corporation) has conducted a continuous campaign of harassment against the All Pakistan Seamen's Workers Union (APSWU), seeking both to intimidate and punish union leaders and consistently refusing to bargain with the union. The PNSC fabricated charges of misconduct and indiscipline against six APSWU leaders in the PNSC for their activities, leading to their suspension and barring them from working on ships in Pakistan for three years.

Another four unionists were suspended by Pakistan International Airlines (PIA) in March 2006 for distributing union literature. Pakistan Chief Executive Order no. 6/2001 suspended the status of all unions in PIA and abrogated the agreements between PIA management and unions. Appeals by the unions to rescind the order and enter in negotiations were completely ignored by the government and PIA management. Six of the suspended trade unionists were permitted to return to work in December 2006, but the PIA's clear policy of antiunion discrimination remains in force.

Rubina Jameel, president of the Working Women's Organisation (WWO) reported in 2004 that women trade union activists face accusations of bringing dishonour on their families if they try to organise women workers. Ms Jameel herself was criticised by religious groups for corrupting women and being against Islam because of her work.

The Liaquat National Hospital Workers' Union (LNHWU) has continued to be denied registration on the grounds that the hospital is a charitable institution. In fact, the hospital has long ceased (in 1990) to be a charitable institution and is run on a commercial basis. Nonetheless, 75 union members were forced to resign from their jobs. The management even worked with local authorities to file trumped up charges against unionists in the local courts. The union's court appeals against the illegal dismissals and the failure to register the union meet with continual delays.

In a recent trade union election, the provincial government of Punjab sought to promote a government-controlled union instead of the independent Pakistan WAPDA Hydro Electric Central Labour Union CBA, but were unable to prevent the independent union winning by a large majority.

In general, human rights monitors and international human rights groups report disappearances, use of torture against suspects by police, and a climate of

impunity marked by close connections between influential elites and local authorities. All these actions render the exercise of freedom of association extremely hazardous.

Trade union rights are also difficult to exercise due to threats of retrenchment including with regard to telecommunications employees represented by the Pakistan Telecommunication Employees Union and bank employees represented the National Bank of Pakistan Employees Union.

*Developments since declaration of a state of emergency*

Following the declaration of a state of emergency on 3 November 2007 in Pakistan several trade union leaders were arrested in their homes and in the streets. Liaquat Al Sahi, trade union leader at the State Bank of Pakistan and the organiser of the Karachi Pearl Continental Hotel Workers' Solidarity Committee, was involved in organising a protest at the Karachi Press Club against the declaration of a state of emergency. During the protest on 5 November 2007, Al Sahi, G. Fareed Awan, Assistant General Secretary of the All Pakistan Trade Union Federation (APTUF)-Sind Province and Ayub Qureshi, member of Pakistan Trade Union Federation (PTUF) were among the arrested, as were members of the Pakistani Federation of Chemical, Energy, Mine and General Workers' Union. According to some information, the trade union leaders were kept in police custody for two days. Liaquat Ali Sahi and four others were later charged with treason, an offence that carries the death penalty.

Mohammad Ashiq Bhutta, Information Secretary of the National Federation of Food Beverages and Tobacco Workers was arrested at his home at 3 am on 4 November 2007 and detained 14 hours before being released. There is information that many members of the IFJ affiliated Federal Union of Pakistan Journalists have been detained due to their support for restoration of the rule of law, democracy and freedom of association, and in particular the repeal of the "PEMRA" Ordinance against the freedom of the press and the removal of a ban on the private television channel GEO.

**Conclusions:**

*The effective exercise of the right to unionise and bargain collectively is gravely restricted in Pakistan, despite the fact that the country has ratified both ILO international core labour standards regarding those rights. Restrictions under law are widespread, unreasonable and in flagrant violation of both ratified conventions. The registrar of unions possesses too large powers regarding registration. The legislation in force in the country prevents the effective exercise of the right to strike due to many legal obstacles. National legislation bans the exercise of the right of joining a union, to bargaining collectively and striking to all workers in the export processing zones of the country.*

*There have been many anti-union actions in recent years conducted by state-owned enterprises and multinationals such as Coca-Cola, which has a long record of anti-union activity in the country. Workers under the authority of the education department have faced particular difficulties in exercising their rights to join and form a union recently.*

*The ILO supervisory bodies continue to denounce the situation and urge the government of Pakistan to amend the legislation to ensure that all workers enjoy their rights including the effective right of joining a union.*

*Since the declaration of the state of emergency in November 2007 there have been many actions against trade unionists in the country without respecting their legal rights. While the state of emergency has been lifted, the full restoration of human rights is still far from being attained.*

## **II Discrimination and Equal Remuneration**

Pakistan has ratified both ILO Convention 100 (Equal Remuneration Convention, 1951) and Convention 111 (Discrimination (Employment and Occupation) Convention, 1958), the 11<sup>th</sup> of October 2001 and the 24<sup>th</sup> of January 1961 respectively.

The law prohibits discrimination on the basis of sex; however, in practice this provision is not enforced. Women face significant discrimination in employment and are paid less than men for similar work. Strong societal pressure prevents women from working outside the home in many rural areas of the country.

Sexual harassment is a widespread problem throughout Pakistan. There is no law to protect women at the workplace in this regard. Harassment is especially high among domestic workers and nurses.

The CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO continues asking the government of Pakistan for information on how West Pakistan Minimum Wage Rules, 1962, is applied in practice and on any measures taken or envisaged to adopt equal remuneration provisions in accordance with the Convention at the federal level with a view to ensuring that the principle of equal remuneration for work of equal value is applied to all workers and in respect to all aspects of remuneration as defined in the convention.

The CEACR equally continues to request the government of Pakistan to provide detailed information on the different measures taken or envisaged to promote women's equal employment opportunities and to eliminate discrimination on the basis of sex. The CEACR reiterates its request for information on the structure, mandate and activities of the National Commission on the Status of Women.

The law does not discriminate against people with disabilities; there are employment quotas at both federal and provincial levels. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. The law requires public and private organisations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organisations that do not wish to hire persons with disabilities can instead give a certain amount of money to the government treasury, which uses funds for persons with disabilities. However, this obligation is almost never enforced.

## **Conclusions:**

*Pakistan has ratified both international core labour conventions aimed at eliminating discrimination in respect of employment and occupation. However, women are often discriminated against regarding employment and suffer from harassment at the workplace due to the lack of adoption and implementation of a national law against harassment. The ILO supervisory bodies continue to urge the government of Pakistan to inform them on measures taken to adopt effective equal remuneration and on policies to eradicate discrimination on the grounds of sex.*

## **III Abolition of child labour**

Pakistan has ratified both ILO Convention 138 (Minimum Age convention, 1973) and Convention 182 (Worst forms of Child Labour convention, 1999), on the 6<sup>th</sup> of July 2006 and the 10<sup>th</sup> of October 2001 respectively.

The Employment of Children Act prohibits employment of children under the age of 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. No child is allowed to work overtime or at night and should be guaranteed one day per week; however, there are few child labour inspectors and the existing ones have little training, insufficient resources and in some cases are susceptible to corruption.

Local laws do not mandate free public education, and schools generally charge tuition. Public schools, particularly beyond the primary grades, are not available in many rural areas. While some state governments pass laws requiring free public education, many public schools continue to charge tuition and fees for books, supplies and uniforms. As a result, of the 19.1 million children between the ages of five and nine, only 42 percent are in school. Less than half of the children who enrol complete more than five years of education.

The national literacy rate of 38 percent shows a significant gap between males (57 percent) and females (32 percent) due to historical and societal discrimination against educating girls. In one response to the situation, the government of Punjab province recently introduced measures to provide free education, text books and stipends to female students in the province.

There are indications of hazardous forms of child labour, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

Under the ILO-IPEC programme, the government of Pakistan has been able to establish some schools to assist poorer sections of the population in recent years. However, the CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO continues requesting the government of Pakistan to indicate whether the necessary funds have been allocated to the National Policy and Plan of Action to Combat Child Labour and to provide information on the concrete measures taken under this plan to eliminate the worst forms of child labour as well as on the results achieved.

### **Conclusions:**

*Despite the fact that Pakistan has ratified both international core labour conventions regarding child labour, the government has not demonstrated a firm commitment to children's rights and welfare in its laws and programmes. Universal free education is not guaranteed for all children and differences between educating boys and girls remain deep due to societal discrimination against girls. Enforcement of laws to combat child labour is weak and the existing child labour inspectors' lack of resources makes their work difficult, while there is also indication of corruption.*

## **IV Elimination of forced labour**

Pakistan has ratified both Convention 29 (Forced labour convention, 1930) and Convention 105 (Abolition of forced labour convention, 1957), on the 23<sup>rd</sup> of December 1957 and the 15<sup>th</sup> of February 1960 respectively.

Forced labour, including forced labour by children, is prohibited by law, but is widespread in practice. Debt bondage is a form of forced labour that is widespread in Pakistan despite the fact that it has been prohibited for 15 years under the Bonded Labour System (Abolition) Act, 1992 and the Bonded Labour System (Abolition) Rules, 1995. The Bonded Labour System (Abolition) Act 1992 outlaws bonded labour, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The Act makes bonded labour by children punishable by up to five years in prison plus fines. In September 2001, the Pakistani government formulated a National Policy and Plan of Action towards relief, rehabilitation and abolition of bonded labour.

Yet despite the passage of the Act and over 6 years after the approval of a comprehensive National Action Plan, bonded and forced labour remains widespread in many industries in Pakistan. The majority of the plan still has not been implemented. The Bonded Labour System (Abolition) Act has not been efficiently applied thereby leaving a considerable number in bonded labour. The failure of provincial government and the judiciary to take effective action against those using bonded labour has allowed them to act with impunity. In the small number of cases where bonded labourers have been released the role has not been filled by Vigilance Committees even though this is the institution required by law to perform this role.

In Attock (Punjab) an ILO Rapid Assessment team found a consistent pattern in which tenants are expected to work for free on the landlord's crops as well as on the crops they share with the landlord. The tenant is obliged to report for work at any time the landlord needs him and is expected to provide free labour to the landlord almost every day. Their wages are meagre and insufficient to cope with the cost of living. In Sindh, women suffer most from the bonded labour system. In addition to a full day's work in the field, they are expected to attend to their own household chores as well as their landlord's chores. Working in their landlord's house leaves them vulnerable to sexual abuse by the male members of the landlord's house.

Mines tend to be located in extremely remote areas where there is little other work available. The ILO Rapid Assessment into the mining industry documents a

range of exploitative measures contributing to debt bondage. Miners are typically paid on a piece-rate system, sometimes paid once the coal has been mined but often only once the coal has been sold. Equally, miners are not paid if the coal is not of the right quality. Miners are often not paid on time and the delayed payment results in them taking further loans to meet daily living expenses. Many miners told the ILO team that timely and regular payment of wages would reduce the need to take advances (peshgi) to meet subsistence costs. The original advance also rises due to workers having to pay for treatment for illnesses caused as a direct result of their work, leaving them with further debts to repay. There are extremely unsafe working conditions, especially in coal mines and safety laws are yet to be implemented adequately.

A 2004 survey of brick kilns in Punjab by the Federal Bureau of Statistics (supported by the ILO Social Finance Programme) found that nearly 90 percent of workers take advances or loans from the kiln owner. The vast majority have inherited their debt from their parents. They describe their loan repayment period as indefinite with 75 per cent complaining of restrictions on seeking other jobs. Around 50 per cent stated that permission was needed to move out of the kiln and that violence or the threat of violence was common.

The Pakistan Bhatta (Brick-Kiln) Workers union (PBWU) organised protests on 31<sup>st</sup> March 2007 against the efforts of the brick-kilns to continue the peshgi bonded labour system, despite a ruling by the Supreme Court that has outlawed this work arrangement. Hundreds of Bhatta workers marched out of their factories to join a rally at the main road of district Neshro Feroz. The main road was blocked for over two hours by this rally. This was the beginning of the first strike in the district.

The PWF-affiliated Bonded Labourers Federation has been making concerted efforts for the elimination of bonded labour. As a result of these efforts, the Supreme Court of Pakistan has directed the provincial governments to register brick-kiln enterprises under the Factories Act so that the workers can benefit from the existing labour laws for industrial workers. However, the laws are yet to be applied.

The Prevention and Control of Human Trafficking, Ordinance 2002 prohibits international trafficking in persons, and maximum penalties range from seven to 14 years' imprisonment plus fines but the law remains silent on internal trafficking; however, both forms of trafficking are serious problems in Pakistan today. Pakistan is a source, transit and destination country for trafficked persons. Women and girls are trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal and Central Asia for forced commercial sexual exploitation and bonded labour in the country based on deceptive promises of legitimate jobs.

Women and children from rural areas are trafficked internally to urban centres for commercial sexual exploitation and labour. Bonded labour of children in brick kilns, rice mills and textile factories remains a serious issue. In some cases families have sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped.

The CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO observes that, although the trafficking of children for labour or sexual exploitation is prohibited by law, it remains an issue of high concern in Pakistan. The CEACR continues to urge the government of Pakistan to redouble its efforts to improve the situation and to take, without delay, the necessary measures to

eliminate the internal and cross-border trafficking of children under 18 for labour and sexual exploitation, and urges the government to provide information on progress made in this regard.

**Conclusions:**

*Pakistan has ratified both the international core labour conventions aiming at combating forced labour; however, forced labour is a serious problem. Bonded labour remains widespread despite legislation prohibiting its practice and the adoption of a comprehensive National Action Plan. The country is a source, transit and destination for trafficked people, mainly women, young girls and children that are exploited for forced commercial and sexual labour.*

## Conclusions and recommendations

1. The government of Pakistan must comply in an effective way with the principles, values and standards emanating from the ILO core labour conventions ratified by the country and that constitute binding international labour law.
2. As a member of the ILO, Pakistan must show a higher degree of cooperation with the organisation and submit all the reports and information requested by its supervisory organs.
3. The national law in force in the country must be amended to ensure that all workers enjoy freely and effectively the exercise of the right to join an independent trade union, to bargain collectively and to strike. The powers of the registrar of trade unions must be restricted in order to ensure the genuine exercise of the right of association.
4. All legal obstacles that impede the exercise of the right to strike must be removed in accordance with the criteria enshrined in the ILO international core labour conventions.
5. The authorities of Pakistan must exercise a stronger control over all companies operating in the country that violate trade union rights, without any exception for multinational companies. National labour law must be extended to cover export processing zones (EPZs), including freedom of association and the right to strike.
6. All standards regarding political and civil human rights must be respected in Pakistan in order to enable workers exercising their rights to association and assembly, including to undertake demonstrations, to enjoy those rights without fear of arrest.
7. A stronger and independent judicial branch is necessary in Pakistan to ensure judicial security and legal channels to protect effectively labour and human rights.
8. New measures must be adopted in the country to end discrimination towards women and to end impunity against charges of harassment due to the lack of national legislation against this widespread activity at the workplace. The National Commission on the Status of Women must be strengthened.
9. Firm enforcement of the law is required in order to combat child labour in Pakistan. The government must provide child labour inspectors with more resources and prosecute firmly those that perform their job corruptly.
10. New measures need to be taken to combat and end completely the practice of bonded labour in Pakistan. The responsible branches of the government need to implement effectively the existing legal framework adopted to combat and end this working practice. The Vigilance Committees should have increased representation from workers' organisations.
11. The government of Pakistan must adopt effective legislation to combat and ultimately end trafficking and forced labour within the country of women and children for sexual exploitation. The country must increase its cooperation with neighbouring countries to combat international trafficking, given the fact

that it has become a source, transit and destination country for trafficked people.

12. To protect workers' fundamental rights established under the ILO core conventions, Pakistan needs to comply with ILO Convention No. 81, which it has ratified, pertaining to establishment of Independent Labour Inspection Machinery. In particular, as emphasised by the PWF, the Provincial Governments of Punjab and Sindh must comply with this ratified ILO Convention in order to enable the enforcement of labour laws in all parts of the country.
13. Effective enforcement of core conventions also requires the government to meet its international obligations under the ratified ILO Convention No. 144 for establishing tripartite consultation including representative workers' organizations in social dialogue concerning the world of work.
14. In line with the commitments accepted by Pakistan at the Singapore and Doha WTO Ministerial Conferences and its obligations as a member of the WTO and the ILO, regular reports should be provided to the WTO and the ILO on legislative changes and implementation programmes with regard to all the core labour standards.
15. The WTO should draw to the attention of the authorities of Pakistan the commitments the country undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the government of this country in these areas and provide a report to the WTO General Council on the occasion of their next trade policy review.

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