

Modern Slavery in Pakistan

Final Report

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INTRODUCTION

The aim of this scoping study is to improve understanding of the forms and potentially the prevalence of modern slavery in Pakistan. Further, to understand how it can be effectively tackled. Given the diversity of modern slavery in Pakistan, the study was expected to focus on specific “focal forms” of modern slavery when assessing prevalence patterns, drivers/vulnerabilities and perpetrator types.

The research adhered to a comprehensive and clearly defined methodology, including a rigorous literature review, fieldwork for primary data collection and data analysis to draw out key themes and summarise findings from the literature view and data collection. These findings were used to test the relevance of DFID’s draft Modern Slavery conceptual framework to Pakistan and adapt, design, and produce a framework that is contextually relevant to Pakistan.

Definitions

Modern slavery has been adopted as an umbrella term to cover slavery, servitude, forced and compulsory labour and human trafficking. DFID outlines Modern Slavery as:

- » Exploitive gain - the intent to exploit victims for personal gain by compelling them to provide some form of work or service.
- » Involuntariness - the victim has not offered himself or herself voluntarily or has removed consent.
- » (Threat of) Penalty - the victim is unable to leave due to force or physical threats, psychological coercion, abuse of the legal process, lack of finances, deception or other coercive means.
- » In certain cases, modern slavery may also apply where the victim is deprived of choice of alternatives compelling him/her to adopt one particular course of action.
- » A person does not need to be aware that they are in a state of modern slavery to be considered a victim.¹

Using this definition, a typology was developed of the focal forms of modern slavery present in Pakistan. In consultation with DFID, selected focal forms of slavery: bonded labour, sexual exploitation, forced marriage and child labour, human trafficking and smuggling were investigated through fieldwork. The report assesses the patterns and forms of slavery as well as discussing vulnerabilities and high-risk groups. Further contextualisation will be provided by describing actors and facilitators.

The report draws on evidence from both the literature review and fieldwork to develop an understanding of the focal forms of modern slavery in Pakistan. Further to this the report will delve into the role of family structure and traditional societal norms in the perpetuation of modern slavery. By exploring the intersections between the economic environment, State responses and the role of family structures the report will shed light on how slavery flourishes in Pakistan.

Methodology

A literature review was conducted of existing evidence on forms of modern slavery in Pakistan, including identification of evidence gaps and opportunities for primary research. The findings were used to inform the design and parameters of further primary research, which aimed to complete the typology for all forms of slavery in Pakistan, whilst conducting a thorough analysis on the specific types outlined below.

The research team of two sub-teams comprised a gender-balanced, local-international combination of contextual and subject-matter expertise. The research employed key informant interviews, after potential stakeholders were identified during the initial stage of research. Further respondents were thereafter identified via snowball sampling during the fieldwork.²

Primary research locations were selected to ensure coverage of the selected focal forms of slavery. Initially, key informant interviews were conducted in Islamabad, focusing broadly on modern slavery, and engaging with international stakeholders who are more likely to have a broader perspective on modern slavery. The research team then conducted key informant interviews in Lahore, Peshawar and Karachi³ with a range of

¹ DFID Conceptual Framework on Modern Slavery

² List of people interviewed in the research included. See Appendix 1

³ While it was not possible to travel to Balochistan or to more rural settings, specific stakeholders were engaged in the selected primary research locations in an attempt to include other key locations in the research.

stakeholders in order to explore the focal forms of slavery identified and selected using the literature review. Focal forms selected in consultation with DFID and BHC Pakistan include:

- » Bonded labour
- » Human trafficking and smuggling of people
- » Commercial sexual exploitation
- » Child labour
- » Forced marriage

The prevalence and dynamics of child exploitation were investigated across all of the focal forms.

Interviews focused on the following core questions, with further probing on specific forms of slavery where interviewees had the requisite expertise, in order to add resolution to the typology. Thereafter, questions were adapted in relation to the type of key informant being interviewed, particularly in consideration of appropriate terminology.

- » What are the patterns of prevalence of focal forms of slavery in Pakistan, and how do these vary across the country?
- » What are the common vulnerabilities that leave communities and individuals exposed to different forms of slavery in Pakistan?
- » What are the groups, organisations, and available resources which are working to address the problem of modern slavery in Pakistan?
- » Why are certain programming efforts successful or unsuccessful in their particular locations?
- » Who are the different perpetrators of modern slavery and what are the drivers that motivate them?
- » What methods do perpetrators employ to control and coerce victims of modern slavery in Pakistan?

Limitations

Terminology proved to be challenging; it is apparent that the term “modern slavery” is not commonly used in the Pakistani context, nor is it well understood by key stakeholders who are currently addressing the various forms of modern slavery. Within the development sector in Pakistan, modern slavery is not used by all donors or funding sources, so there has not been a demand to classify the diverse forms within a single framework. As such, implementers have been operating without use of the term, even if they are delivering work related to one of the focal forms identified in this report.

When discussing human trafficking and commercial sexual exploitation in particular, it became apparent that relevant terminology used by the research team was not necessarily the terminology used by stakeholders in the Pakistani context. This was for various reasons including historical use of terminology (e.g. the government has long conflated human trafficking with people smuggling), for the safety or wellbeing of stakeholders/victims/beneficiaries (e.g. classifying trafficking as rape – see box below) or to avoid using otherwise sensitive language (e.g. saying “women are ‘made to do bad things with men’” rather than forced prostitution). While alterations to language were made throughout the fieldwork period, terminology restricted the ability of stakeholders to answer research questions. Challenges were also observed in directly translating concepts that might be captured in a single word or phrase in English, into Urdu or other languages.

For example, one stakeholder who was conducting research on sex trafficking expressed their frustration identifying trafficking cases as when registered with the police, court and within the legal process they are recorded as cases of rape to enhance a victim’s chance for justice or compensation.

In the case of more sensitive subject areas such as internal human trafficking and sexual exploitation, and in particular taboo subjects (e.g. young boys being sexually exploited by older men) there was a dearth of organisations and stakeholders openly working on these issues and/or a reluctance to discuss them. This in turn limited the extent to which the research could investigate these areas, both in terms of the number of respondents included and the level of detail that the research could elicit. Where it was difficult to corroborate findings or accounts from respondents due to low numbers of relevant stakeholders, this is clearly stated in the text.

The research faced challenges in disaggregating demographic factors when discussing factors of vulnerability. A lack of individual or community-level data collection and recent research – which also limited

up-to-date literature and research during the literature review stage – dissuaded stakeholders from confidently discussing the type of individuals that were at risk. This included disaggregating against common axes such as gender, religion, age, disability and ethnicity. Where possible, specific examples of vulnerabilities and trends against these axes have been provided and it is recommended that further research focusing on the links between marginalisation on the basis of various axes and modern slavery should be conducted. The widespread nature of some of the focal forms of modern slavery also exacerbated the difficulty in identifying particular groups or moving beyond assumptions based on general ideas of vulnerability (concerning age, ethnicity, religion, and socio-economic status e.g. young, poor Christian women). Importantly, in highlighting this limitation the endeavour is not to undermine the fact that these general ideas of vulnerability are likely to replicate themselves in instances of modern slavery, but to recognise the challenges associated with exploring and unpacking the different groups that might be at (varying levels of) risk within each focal form.

Typologies of modern slavery in Pakistan

This table was originally drawn up based on the literature review and was refined using findings from the fieldwork. As discussed in the methodology section and throughout the paper, limitations meant it was not always possible to corroborate findings from the fieldwork or go beyond the literature review. Where the research was not able to go beyond or confirm findings from the literature review, this has been marked with a (**).

Focal Forms of modern slavery in Pakistan						
Type	Forms of control	Physical movement	Exploitation	Victims	Perpetrators	Location/s
Bonded labour	Debt bondage; generational debt bondage; lack of alternative livelihoods.	No movement for agriculture; movement from less cultivated to more cultivated areas, especially during droughts; migration to brick kilns from rural to urban outskirts; rural to urban movement for domestic servitude.	Withheld wages; unfair labour relations; confinement; physical and psychological control.	Poor, landless families; women in debt bondage; poor and illiterate women and children.	Middlemen/ brokers; owners and landowners.	Lower Sindh; Southern Punjab; Punjab and KP.
Forced marriage	Family and community pressure; harmful religious and cultural traditions; lack of personal/physical security especially of single /young women and adolescent girls; trafficking.	No movement; rural to urban; rural to outside of Pakistan; from natural disaster-prone areas; as internal trafficking.	Forced marriage; physical, sexual and psychological abuse; commercial sexual exploitation; domestic servitude; bonded labour; further trafficking.	Widespread, women; young women and adolescent girls.	Families (that sell and buy); communities.	Widespread.
Child labour and trafficking	Bonded labour; lack of alternative opportunities; sale by family; lure of	No movement in rural or in urban areas; rural to urban.	Forced and bonded labour; sexual exploitation; commercial sexual exploitation;	Victims of domestic violence; families in debt bondage; children of poor	Traffickers and agents; trusted community figures; families	Widespread but happening more in rural settings more closely linked to debt

	income; kidnapping and abduction; psychological control; separation from parents.		domestic servitude; physical and psychological abuse; confinement.	families; runaways; victims of forced marriages.	(urban and rural; landowners.	bondage and cultural practices. Still commonplace in urban areas too.
Commercial sexual exploitation	Lack of alternative opportunities; deception; fake marriage or relationships/lure of a better life; kidnapping and abduction; forced marriage.	No movement; rural to urban; trafficking inside and outside of Pakistan.	Commercial sexual exploitation; forced prostitution; confiscation of earnings from prostitution; physical and psychological abuse; confinement.	Victims of domestic violence; women in forced marriages; victims of fake marriages; transwomen. Street children, nomadic and LGBTQI+ boys.**	Husbands and families; traffickers, agents and pimps; clients.	Widespread. Red-light district; brothels; guru-chela system; transport hubs; domestic work.
Human trafficking	Deception; lure of jobs and higher income; fake documentation; fake marriage; kidnapping and abduction; lack of alternative opportunities.	Rural to urban/semi-urban locations; external trafficking via land, air and sea.	For purpose of labour exploitation, sex trafficking and sexual abuse, psychological coercion, isolation and document confiscation.	Victims of other forms of modern slavery that employ trafficking; men and women going for overseas employment. Poor and illiterate women and children from large families.**	Middlemen; owners and employers; family or relatives.	Widespread but concentrated in poor areas; Punjab (Gujranwala, Gujrat, Sialkot and Mandhi Bahauddin); interior Sindh KP (Chitral); border and coastal areas of Balochistan.**
Organ harvesting** ⁴	Lack of alternative opportunities; existing debt bondage; deception by middlemen.	From rural to urban areas for removal of organs; return to place of residence following surgery.	Deception concerning process and after care; hidden expenses/smaller payments then promised.	Largely affecting poor, illiterate males; families in debt bondage (esp. agriculture).	Middlemen; actors associated with private hospitals (doctors, nurses, etc.).	Widespread in Punjab, particularly Sarghoda.

⁴ Organ harvesting was not a selected focal form to be researched during the fieldwork and as such these are findings from the literature review.

BONDED LABOUR

India, Nepal, and Pakistan account for over 85 percent of the estimated 20 million bonded labourers, globally.⁵ Bonded labour is the practice where a landlord or employer provides workers with a loan in advance of any work being completed. The loan, known as '*peshgi*' is paid back by providing labour. Also known as debt-bondage, this practice is recognised as a form of slavery under the United Nations definition: "The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".⁶ Its status as a form of slavery is further compounded as loans, while re-payable over time, often become a burden for workers due to their inability to pay it back. This is often attributed to reasons beyond the workers' control (such as injury or illness) but also exploitative practices by those providing the loan (such as high-interest and incorrect bookkeeping). Consequently, the workers become entangled in a continual cycle of debt and forced labour. According to the Global Slavery Index, about 2.1 million people are working as bonded labourers in Pakistan.⁷ They are particularly vulnerable because they are tied to the employer until their debt is paid. Workers in bonded labour often are exposed to exploitation, various forms of torture, and held against their will.

Slavery was forbidden in the 1973 Constitution. In 1992 the GoP introduced legislation specific to bonded labour which focussed on eradicating bonded labour across the entire economy. It also focussed on identifying and prosecuting perpetrators. Further legislation in 1995 aimed at facilitating the implementation of laws (from the 1992 Act).

Peshgi

Peshgi is a system where the employer pays the prospective labourer a loan, which obliges the labourer to work for the employer for a period of time until the loan *peshgi* is repaid. The practice of using *peshgi* has been part of labour relations for over two centuries now, and it transcends both traditional and modern forms of bonded labour, pinning labourers to their employer.⁸

Debt is widespread in Pakistan. Most loans in rural areas are informal and with a landlord, agent or money lender, or through friends. It is imperative for owners (of farms, brick kilns or factories employing bonded labour) to have a consistent supply of labour to maximise profits; therefore, they need to be prepared to provide substantial *peshgi* each season to guarantee workers. With high levels of unemployment in Pakistan, *peshgi* can be viewed positively by workers, as it provides job security and meets urgent economic needs. Furthermore, uncleared debt can also be misconstrued as being consistently in work and never at risk of unemployment and insecurity. Therefore, the pervasive threat of unemployment can be a vector in driving people into bonded labour - a situation that also suits owners.

The prospect of finding new work outside traditional means of employment can be daunting for labourers. Although new opportunities emerging out of a changing economy can be an attractive proposition, workers choose to persist in bonded labour relationships due to their lack of education and awareness of other opportunities; there is also little desire for mobility as many along with their families have been in one form of employment for so long that they perceive change as unstable. New freedoms of economic change are therefore seen as dangerous as despite the potential of higher wages, it can lead to other forms of economic marginalisation and instability, including the lack of access to loans for unexpected expenditure. As a result, people remain trapped in traditional forms of employment.

Patterns and forms

Bonded labour in Pakistan exists in both rural and urban areas, across various sectors. Besides the consistent themes across all forms of bonded labour, these practices have also evolved over time due to socio-economic change. The move from traditional to corporate farming in some regions has resulted in changing employment status. For example, there has been a trend of discarded tenant farmers moving to urban outskirts, where they often end up working in brick kilns. Other key determinants, such as the varied relationships between labourer and employer also defy efforts to assign any uniformity to the prevalent forms of bonded labour in Pakistan.

For labourers, a loan is often a helpful arrangement as it offsets financial stress and helps finance basic subsistence, the cost of migrating for work (in the case of miners, see below), financial shocks and other

⁵ Kara, S. 2012. Bonded Labor: Tackling the System of Slavery in South Asia. Columbia University Press.

⁶ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>

⁷ <https://www.globallslaveryindex.org/2018/findings/regional-analysis/overview/>

⁸ Qureshi, A and Khan, A. (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

family needs. *Peshgi* establishes a tie between the labourer and the owner, and in practice often extends further to bond the family unit. Paying back the *peshgi* is not an easy process as owners use the control that they have created via *peshgi* to alter the terms and conditions of employment to work in their favour. In the absence of written contracts, this is done through several mechanisms, including changing the length of employment, reducing wages, and withholding salaries. Conditions agreed upon in the first place may not be favourable and are not changed by the owner, but the failure to reach output quotas is frequently used to enhance debt obligations (this included owners purposely undercounting outputs). Labourers' vulnerability allows owners to alter work conditions to increase profits and indefinitely tie labourers to the employer. It is also common that when labourers either die or cannot continue working due to physical impediments, the debt is transferred onto the family. In most instances, this means that children will take on the role of the parent. In different focal forms, it is common to find more extreme acts perpetrated against workers. This includes cases of physical and sexual abuse, incarceration, and restriction of movement.

Agriculture

The largest number of bonded labourers in Pakistan are in agriculture and this is a well-established practice in rural areas. Historical feudal practices explain the prevalence and forms of bonded labour, with vast privately-owned holdings run by wealthy owners. Wealthy landowners (*zamindars*) often move to cities leaving holdings to be managed by middlemen (*kamdars*) and *munshis*.⁹ Labourers are known as *haris* (sharecroppers), and initially enter into debt bondage by agreeing to *peshgi*. Bonded labour in agriculture is reportedly most prevalent in Sindh and southern Punjab. Declining feudalism as well as land reforms in the 1950's and 1970's impacted on land ownership. Alongside Islamic inheritance laws, this has led to landholdings becoming smaller and smaller. In other areas of Punjab and Khyber Pakhtunkhwa (KP), the advent of commercial agriculture has also replaced traditional forms of bonded labour, which has led to the introduction of short-term contracts. It has also led to a rise in migrant labour. Yet these modalities continue to be governed by traditional hierarchies and caste.¹⁰

Due to the historical context, it is common to find that labourer families have been working on the farm for generations and as such, the tenant-landlord relationships are hereditary. Debts incurred by families via *peshgi* are carried over from one generation to the next – children are born into bondage and women are married into it. Labourers have become progressively poorer as families are forced to remain in bonded labour, unable to fully repay their debts and therefore seeing the length of time required to pay it off extending. Unable to support themselves through farming and with little or no education, workers are subjected to minimal economic mobility other than entering debt bondage.

Landowners have been able to adapt their practices with subtle changes to create the appearance that labourers are no longer bonded, but the relationship between the landowner and labourer continues to entail bonded labour. Labourers do now have some margin of mobility: they are able to change employers, but they have to convince a prospective employer to buy their debt from the current owner. It is commonplace that this situation only worsens conditions for labourers as it can lead to multiple debts. The shift to agribusiness and large-scale leasing of land for cash crops has also seen a significant increase in the influence of middlemen as contractors or brokers of labour. The importance of the employer in bonded labour has reduced and middlemen are becoming responsible for the recruitment, employment and management of workers.

With the latest legislative changes to end bonded labour in 1995, it has become increasingly common to find brokers that supply landowners with labour. Acting as an intermediary, brokers ensure that landowners can source labour for both permanent and seasonal work. The relationship between the contractor and labourer can become bonded, as the contractor often gives the labourer the *peshgi* (particularly for seasonal labour). As such, the labourers can end up being in debt to both brokers and landowners, which can result in the labourers requesting a longer pay-back arrangement. This can subsequently increase the vulnerability of labourers as it will mean that their gross earnings will diminish as the amount of time spent to pay back the original loan is extended.

Mines

Mining is a growing industry in Pakistan, with coal mining in various parts of the country, and gold and copper mining in Balochistan emerging as a sector with good growth prospects in the near future.¹¹ As the

⁹ The research found that wealthy agricultural holders will exploit their rural links to bring labourers to work in other enterprises in urban areas, still in debt bondage.

¹⁰ This has been referred to as neo-bondage, where the forms have moved to more commercially based farming, but the owners are the same. See for example Bremen, J. 2007. *Labour Bondage in West India: From Past to Present*. Oxford University Press.

¹¹ Pakistan is investing heavily in developing its capacity to mine its coal deposits, mainly to supply China.

mining sector grows, opportunities and potential for exploitation are increasing. Workers are recruited mainly from KP (in particular Swat, Shangla and Dir),¹² as the workers from the mountainous Dir region are considered hardier and adept at working in difficult conditions. However, these areas are also affected by high levels of unemployment and illiteracy, similar to other areas of the country.

As is the case with agriculture, *peshgi* is commonly used. What distinguishes mining from other forms of bonded labour is the importance of social linkages is not as significant as in agriculture and brick kilns. The role of the middleman is more important and there is no reliance on traditional links between the employer and the labourer. Additionally, there are differences between agriculture and mining in the relationship between labourers and mine owners – it is a sector with a high level of physical force, threat of violence and an unequal relationship. It has been observed that the mine owners exert high levels of control over the lives of workers who reside at the mine compound.

Because labourers are sourced in KP and Punjab,¹³ *peshgi* is often used to pay for migration costs.¹⁴ Working conditions in mines are dangerous, despite the established safety regulations. Fines for breaching these regulations are so low that owners are more willing to pay the fine than make the required changes. Labourers receive little safety equipment or protective gear such as goggles, gloves, steel-toed boots, protective hard hats, and they receive little or no safety training. They are forced to work in mines with little ventilation, and masks and safety lamps are not commonplace. Occupational accidents in mining are alarmingly high and the Pakistan Central Mines Labour Federation estimates that between 100 and 200 labourers die on average in coal mine accidents in the country every year.¹⁵ Working in dangerous conditions thus makes for a precarious existence for bonded labourers in mining.

In addition, miners are not insured against being temporarily incapacitated, or even permanently disabled. Injuries usually require the labourer to negotiate with mine owners or the middleman for time off and an extension of their *peshgi* to cover the time needed for recovery. Living conditions are also very rudimentary and characterised by small, crowded structures lacking basic amenities. Overcrowding often leads to outbreaks of skin ailments and other infectious diseases. In addition, catering in mines is poor and a large majority of miners show signs of malnutrition. Workers are responsible for their own medical treatment. Poorly paid, and subject to extremely poor living conditions and given the location of the mines, the miners are also physically isolated as they are too far away to return to their place of origin. Respondents also highlighted that child sex slavery exists in the mines.

Fishing

Bonded labour in fishing demonstrates the same themes, including the use of *peshgi*, but there are differences in the relationship between the employer and worker. The situation has evolved over generations where fishermen have become increasingly indebted to brokers and landowners.

The fishermen (*looray*) do not share *baradari* or class ties with employers or brokers. They do share geographical links with agents and landlords, but they speak a different language and have a completely different way of life.¹⁶ The result is an adverse equation for the fishermen, as when the landowners started to consolidate their holdings and began to control the shorefront of their property, fishermen who had lived on houseboats along the shore were required to pay rent. *Looray* then end up in bonded labour to pay rent. This situation is similar to other forms of bondage where families are increasingly becoming more indebted to employers with the passage of time. Over time, *looray* have sought *peshgi* from brokers to work in other areas due to the seasonal aspect of fishing.

Brick Kilns

The situation of bonded labour in brick kilns is similar to agriculture where the workers are under-educated and don't own their own land. They lack any capital for economic mobility and are therefore predisposed to working in bonded labour. This could be either agriculture or the brick kilns - depending on where they live.¹⁷ Not having land, savings or education, but also a generational history of bonded labour and caste-based discrimination makes alternative livelihoods inaccessible.

¹² Miners are also sourced in Punjab but majority come from KP. Khan 2017.

¹³ The respondents in this research focused on KP and mines in Balochistan. The research recognises that there are miners coming from Punjab.

¹⁴ The research recognises that migration is not just a feature of mining but exists in other sectors.

¹⁵ <https://www.newsclick.in/unions-rise-protest-following-19-deaths-yet-another-mining-accident-pakistan>

¹⁶ The *Looray* are part of endogamous group that cover an area of the Indus river from Taunsa Barrage to Larkana. See Qureshi, A and Khan, A. (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

¹⁷ Interviews provided examples of ex-agricultural workers migrating to working in brick kilns because there was no work in the agricultural sector.

Victims of bonded labour in brick kilns can either be piece-rate workers or *pathera* - salaried workers. In both cases, they are known to take cash advances under the *peshgi* system, which are subject to high interest and manipulation of debt repayment, resulting in debt bondage. Victims are usually recruited through brokers or *jamadars* who receive a commission from the workers for finding them employment, but also from the kiln owner.

As work in brick kilns is seasonal, labourers need strategies to diversify their work and ensure income flow throughout the year. This is the primary basis for *pesghi* – workers take loans during the off season to sustain themselves. In other cases, labourers (and their families) will migrate to other areas to find work. Frequently, this secondary income source will also be bonded and accessed through middlemen, and permission is often required from the kiln owner if a member of the family wants to look for work elsewhere.

This need for multiple employment results in debt with multiple lenders. Middlemen can supply a *peshgi* to help labourers migrate, but they will often have to negotiate an additional *peshgi* with the brick kiln owner to help pay for their return for the new season.¹⁸

One stakeholder outlined how money is distributed between owners, brokers and labourers: 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.

The industry employs men, women, and children – often as family units – in small-scale manufacturing units in rural areas as well as on the outskirts of urban areas. Landlords and owners exercise high levels of control over bonded labourers and their families. The pressure to meet quotas (to earn a certain level of income) discourages families from sending children to schools as they are valuable contributors. Landowners accept child labour because it increases productivity levels. Women are frequently victims of sexual violence and the fear of further violence stops them from speaking out. One interviewee spoke of violence towards women as a way of punishing husbands being commonplace. Men comply or do not protest violence against women as they fear repercussions that will affect their employment and debt.¹⁹

Domestic labour/domestic servitude

According to one interviewee, domestic labour and domestic servitude is the “elephant in the room”.²⁰ It is not always a form of bonded labour and can range from exploitative domestic work where certain employment and living conditions present parallels to bonded labour, to domestic servitude with very few freedoms. Living conditions can be difficult as workers are usually accommodated in homes, which heightens the risk of physical and sexual abuse. Employment is arranged informally and as a result, workers do not have access to social security or health insurance. The work is largely out of reach of state legislation, and due to its overwhelmingly female workforce falls outside monitoring, as scrutiny is considered inappropriate.²¹ Domestic workers and victims of domestic servitude generally come from poor families with low levels of education. In rural areas, employers tend to be wealthy landowners but in urban areas, it is not uncommon for middle and upper-class families to engage a domestic worker. Domestic work or domestic servitude is characterised by informal, verbal contracts, low wages, and poor working conditions. However, there are distinctions between domestic workers in rural settings, and those working in urban settings.²²

To begin with, the employment of urban domestic labour does not use *peshgi*, which has an important impact on the mobility of workers. In urban settings, the people employed as domestic workers are drawn

¹⁸ The box shows a breakdown of costings in production in brick kilns, in particular it shows how much a middleman can hope to make from the labour that he will supply to the kiln employer.

¹⁹ Ahmad 2017

²⁰ Interview, June 2019.

²¹ Collective for Social Science Research Karachi. 2004. A rapid assessment of bonded labour in domestic work and begging in Pakistan. ILO Working Paper.

²² Zulfiqar, G. 2018. Dirt, foreignness and surveillance: the shifting relations of domestic work in Pakistan. *Organisation*, 26(3): 1-6.

invariably from poorer migrant families. Here, informal networking through linkages with both employers and prospective workers' families is used to find employment. There is more flexibility for urban domestic workers as it is easier to find new employers if the need arises. In full-time employment, workers can be at risk of sexual and physical abuse. Workers usually have low levels of education with little chance of finding work in other sectors due to a lack of marketable skills.

In rural areas, employment can be based on caste affiliation, work can have an exploitative nature and whole families can be involved.²³ As is the case with other forms of bonded labour, domestic servitude is generational and ties families with their wealthy employers. It is common for women to be caught in domestic servitude via marriage and for children to be sold into domestic servitude. In brick kilns family members can be chosen to work in domestic servitude. In these circumstances, physical and sexual abuse is commonplace. Moreover, workers are not only confined to living in rural homes. Wealthy families who move to urban areas may take workers with them. This can split the families of domestic workers, increasing the vulnerability of women workers.

Other forms of bonded labour

There are other forms of bonded labour in Pakistan which share similar aspects to those already discussed, but with key differences. In the case of football production (Sialkot) and bangle making (Hyderabad) the relationships between owners and labourer are different. Both use *peshgi* and have similar structures of bonded labour as studied in the other sectors, but the relationships are significantly less exploitative.

In Sialkot, workers and employers usually have a shared background, where employers are usually former workers who have risen to positions of authority.²⁴ *Peshgi* does bind workers and families to owners and middlemen but there are other additional ties that emerge. Employers are often looked upon as aspirational for workers and there is a strong sense of community in the football making community. Correspondingly, the inherent pride in the quality of the work and a sense of responsibility to the family as well as the community plays a strong role in the relationship between labourers and owners.²⁵

Bangle making was originally based in India and moved to Hyderabad after 1948. The relationship between owners and labourers has evolved over generations to create strong ties. The majority of workers are drawn from *biradari* (extended kin group), who migrated from India bringing their artisanal skills with them. Employers and workers share a cultural background, and this results in significantly low levels of debt bondage. Labourers recognise the uniqueness of the work and that the profession provides personal and community identity. Therefore, it is important to labourers to maintain practices of bonded labour to prevent production from losing its identity.

These cases demonstrate several forms of exploitation, nonetheless these forms of exploitation are subtle and complex. Due to the high regard in which the workers hold their employers, it is common that people accept lower wages. Another factor emerges from the community responsibility to keep the cultural practice from dying out. In cases where workers fail to meet their responsibilities due to unforeseen issues, the community as a whole will turn against the worker (and the family). However, owners will exploit these links to improve profits and further coerce workers into exploitative situations if there is a need.

High risk groups and vulnerabilities

Extreme poverty and unequal distribution of wealth have traditionally been blamed for prevalence of bonded labour in Pakistan. In Pakistan, bonded labour practices have been part of the nation's socio-economic fabric since the colonial period. Given the inherent links between bonded labour and unequal power relationships, distinct segments of society are at particular risk of exploitation. In most sectors, the people working in bonded labour come from families which have remained trapped in bonded labour for several generations. It is so deeply entrenched as an economic model that bonded labourers tacitly accept it as a way of life.

Labourers are invariably from impoverished backgrounds and have minimal if any formal education, which significantly restricts socio-economic mobility and access to alternative livelihoods opportunities. They also lack the necessary knowledge of their rights and are at risk of being easily manipulated by owners and middlemen. Workers are collectively and individually weaker by belonging to groups at the lower end of the social hierarchy. As *peshgi* and bonded labour have existed in Pakistan for generations, labourers "only know" this system and invariably do not challenge exploitation. As bonded labour is a part of the livelihoods of labourers, the role of the family comes to the fore. On one side, there is a need to provide for families,

²³ In a later section of this report forced marriage for domestic servitude or child labour will be discussed in greater depth

²⁴ There is the possibility that for some workers they can rise up the chain to become middlemen.

²⁵ Qureshi, A and Khan, A. (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

yet there is also pressure exerted by families on labourers to accept poor conditions, so long as income/remittances continue, underpinned by obvious economic dependencies.

While there are commonalities across different forms of bonded labour, different, specific factors of vulnerability come into play within each sector. Control exercised by kiln owners and agricultural landowners is heightened as most labourers live on-site. This situation is the same in other forms where accommodation forms a key part of contractual arrangement. People are at constant risk of abuse and eviction if they choose to protest. Labourers are in a situation wherein they do not want to lose their jobs as they already live in precarious circumstances; therefore, they find themselves tolerating working conditions.

Demographically, there are noticeable patterns associated with religion, ethnicity or caste. In Sindh, most agricultural bonded labourers are Hindu *haris*.²⁶ Their religious background can be used against them by owners to reinforce their authority and control. Domestic servitude in rural areas of Sindh and Punjab is based on caste lines. In brick kilns in Punjab and in KP, the labourers mostly consist of Christians. The number of Afghan labourers in brick kilns is on the rise as they are the cheapest labour supply as well as there being brick kilns owned by Afghans. Their immigration status is another vulnerability that owners can exploit.

There is also a growing number of migrant *haris* working in agriculture. The move towards commercial agriculture provides only seasonal work so they are impelled to find other work during the off season in order to survive. Migrant workers suffer from further vulnerabilities as they will be isolated from their established communities. Due to moving frequently, *haris* experience friction from other communities as they are seen as competitors for work. Furthermore, migrant *haris* will often be indebted to multiple owners as well as *zamindars* who help them find work.

Drought-prone regions, particularly Tharparkar in lower Sindh, near the Indian border, also happen to be predominantly Hindu. Anticipating seasonal droughts, field workers move to more cultivated areas nearby, where they find landlords to work for. While ready to return home after the drought season, many are forced to remain until they repay the debts and often hidden costs incurred during their stay, including for inputs, food and accommodation. Changing weather patterns and significantly longer drought periods - as much as four or five years - are creating new levels of debt and new generations of bonded labour. The religious identity also makes them even less likely to obtain legal recourse, due to widespread discrimination.

The *peshgi* offered to migrant workers in mining is high, which compounds the challenges of repayment. It is not uncommon to find private prisons where workers who have been unable to reimburse the *peshgi* are intercepted and attacked. Violence against workers is ubiquitous and it is well known that people who flee mines are hunted by employers. The use of *peshgi* in this case enables workers to migrate to where the employment is based. However, the distance creates isolation and exacerbates the bond to the employment for workers. Having no links with the local community, migrant labourers will be isolated, far away from family. Employment bases can be in isolated areas where there are no communities, in these cases migrant workers are even more isolated and reliant on employers for support.

Looray fishermen in Southern Punjab are ethnically distinct from both their employers and the local population, having migrated to the region as areas where they originate from (southern Indus) experienced over-fishing and a drying up of stocks. They are not well-received by the local population and remain on boats limiting interaction with communities. The majority of interaction is with the employer and fellow workers. The *looray* became bonded labour due to fishing on the edge of privately-owned land (and therefore having to pay to access the land), as well as requiring access to a fishing licence, which are held by employers. Unable to buy fishing licences, *looray* are particularly vulnerable in that their livelihood depends on having a fishing licence and the only person who can supply it is the employer. *Looray* families continue to be trapped as their forefathers were unable to repay the debt as they cannot apply for a fishing licence by themselves.

Women experience bonded labour differently than men. Under a patriarchal system, women are not only exploited by employers, but also husbands who demand both productive and reproductive labour from them. In brick kilns and agriculture where families are employed as a single unit, money earned by a woman would be paid directly to their husband or father. In working environments where physical and sexual abuse from employers is a common occurrence, women face additional risks of sexual abuse. In domestic work/servitude, this situation is common. Here it is particularly difficult for women to protect themselves as the situation occurs in private homes. The need to retain some employment forces women to endure these exploitative conditions. Speaking out against gender-specific vulnerabilities and abuses may cause repercussions such as being blamed for what they experience or bringing shame to the family. Women will

²⁶ Qureshi, A and Khan, A (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

not receive any maternity concessions and will be expected to work through their pregnancy. Once a child is born, women will be expected to return to work immediately. Any time lost will be added to the *peshgi* or other members of the family will be expected to cover the absence of the mother by working longer hours.²⁷

Children are also at risk as they may be born into bondage. Owners will want to maximise the prospective working capital of families; therefore, children are viewed as valuable commodities by employers. In sectors such as carpet weaving, children have increased value as they have smaller hands and can undertake more intricate weaving on carpets.²⁸ In brick kilns, it is thought that adolescent girls are the most efficient brick-makers. As children grow older, they will invariably take over the *peshgi* from their parents and continue working for the owner (see section on child exploitation). The relationship between birth registration and child labour is yet to be fully researched.

Poor and precarious working conditions increase vulnerability of those caught in bonded labour. Labourers are at risk of injury and illness due to poor occupational health and safety measures and do not receive healthcare. It is commonplace for workers to increase their *peshgi* to pay for medical support for work related illness and injury. The end result is an ever-increasing debt that workers will never be able to repay. In mining, working in conditions where there is no safety equipment and medical support means that workers often have short careers, only to return to KP, with little, if any compensation, and little prospect of being able to work in any capacity.

Actors and facilitators

Bonded labour is a socially accepted practice in the context of patronage and a hierarchical rural social structure.²⁹ Rural Pakistani society used to be dominated by landowners and tribal leaders who use bonded labour to perpetuate the patronage that has come as a result of unequal power and land distribution. However, this is changing as wealthy urban based industrialists now control most of the commercial farming.³⁰ Pakistani society has become dominated by tycoons and the military, who come from industry (and are not from the landed aristocracy). In rural areas, landowners and business owners – who are often highly influential individuals and frequently cross into the political sphere – have secured a relative monopoly over local resources and institutions, thereby compelling the rural population to become dependent on them for basic welfare and security. This allows for landlords and industry owners to mask exploitative labour conditions under the veneer of providing assistance.³¹

Bonded labour continues to be framed as a contractual business relationship, given that *hari-zamindar* relationships can greatly vary. Wealthy land and business owners have been able to use bonded labour as a way of maximising profits based on the supply of cheap labour. Landowners will provide substandard living conditions in addition to a poor working environment, with a view to further cost savings.

As wealthy landowners move to the cities and diversify their capital and invest in other businesses, they tend to take labourers with them. Landowners who have become owners of factories also often take labourers with them. This is especially the case with Christian *pantheras* (moulders) in brick kilns and with *chamars* in tanneries. For labourers that remain, this might mean increased control by management-level actors (e.g. *munshis* who are the accountants/bookkeepers in brick kilns) or brokers, which can lead to them being exploited twice.

Legislative change has come into effect, but owners have been able to find ways to circumvent legislation by making adaptive changes to the types of bonded labour so that it does not contravene legislation.³² Examples of these changes would include altering employment contracts from permanent to seasonal/temporary, as well as moving from being a direct employer to using middlemen as the main employer. In each instance the responsibility of the employer to the worker are removed.

Being able to dominate and control the labour force is the key focus of employers. Employing methods that abuse traditional employer-labourer relationships are generally found to be most effective. To this extent, employers adopt a number of approaches to assert their domination over workers. This includes exploiting the illiteracy of workers, manipulating different groups to create dissonance between workers (divide and rule), falsifying accounts, not paying wages on time and altering conditions of loans to require rapid

²⁷ Further discussion on forced marriage is discussed later in the report.

²⁸ The interviews provided very little information on carpet weaving.

²⁹ Malik, N. 2016. Bonded labour in Pakistan. *Advances in Anthropology*, 6 (1): 127-136.

³⁰ The military are the most common owner of both rural and urban real estate.

³¹ Martin, N. 2009. The political economy of bonded labour in the Pakistani Punjab. *Contributions to Indian Sociology*, 43 (1): 35-59.

³² There are very minimal inspections and little efforts by owners to mask their practices. Fines are minimal and it is easier to pay fines than change practices.

reimbursement. Workers who try to end their employment without the consent of the owner, flee or cause any other problems can end up being incarcerated or held in privately run jails (by owners). According to an HRCP report, these prisons have subhuman conditions, where prisoners are malnourished, beaten, shackled, raped, tortured and trafficked.³³

There is also popular discourse that demonises people who flee (without acknowledging the underlying reasons). Upon their return, workers are usually physically abused and made to take more debt as punishment. The only way out for many labourers experiencing violence is to find another employer who is willing to purchase the debt from the current employer.

Middlemen and subcontractors are becoming increasingly common in bonded labour to recruit additional workers. The risk to employers lessens as the middlemen are responsible for ensuring that the required amount of labour is supplied. This informal process is prevalent in all forms of bonded labour. Middlemen are particularly important for supplying migrant labour for sectors where there is a dearth of local labour available.

Middlemen are usually former labourers who have been identified by employers as potential recruiters. The recruitment process used by middlemen across sectors of bonded labour is similar. They have been able to rise up through the hierarchy of workers and are entrusted with the task of returning to their home communities in order to recruit more workers.³⁴ Workers will be recruited by middlemen from their home village and region; as a result, the middlemen will know the families and be able to wield control. Also, the line of communication between the worker and the employer has been cut and the worker needs to go through middlemen.

There are advocates of bonded labour in Pakistan.³⁵ They argue that it is an effective form of employment and that it allows people to find work given that it is based on traditional employment patterns. Bonded labour is justified in that it can provide stability to labourers and their families, enabling access to reliable lines of credit and security. In addition, there is a public discourse that is extensively used in media and other outlets that portray labourers as lazy and dishonest.³⁶ This discourse creates negative stereotypes of bonded labourers in the public eye and ignore the underlying reality. The abuses that labourers and their families experience at the hands of owners, middlemen and subcontractors in terms of coercion, physical violence and sexual abuse are disregarded.³⁷

³³ <http://hrcp-web.org/hrcpweb/hrcp-and-labour-criticise-new-punjab-law/> This data is old but does demonstrate that owners will take the law into their own hands and punish labourer's.

³⁴ Middlemen in other sectors can be family members of owners or close family friends.

³⁵ Qureshi, A and Khan, A. (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

³⁶ There have been recent cases of bonded labourers being freed however there is a common misconception of labourers as lazy.

³⁷ Qureshi, A and Khan, A. (eds) 2016. Bonded labour in Pakistan; Oxford University Press.

FORCED MARRIAGE

Patterns and forms

Although the legal right to consent to marriage does exist, marriages fall along a continuum defined by the degree of coercion and consent.³⁸ That said, marriage often happens without any consideration of consent. It is generally not considered as forced marriage (rather, just marriage) and where there is an element of trafficking, this is rarely acknowledged. Attempts to do so put it at odds with deep-rooted local customs pertaining to marriage and the cultural values associated with woman/girl. Forced marriage and the exploitative domestic work and violence (physical, sexual and mental) that accompanies it is seen as normal/routine rather than being exploitative.

While some high-profile cases have protected women from forced marriages by invoking a woman's constitutional right to liberty and dignity and the prohibition of slavery and trafficking,³⁹ the fact remains that most cases of forced marriage go unreported and unpunished. The practice of forced marriage is perpetuated in the name of culture, religion, the sanctity of the family unit and control over women. Women and girls often do not know that they have the option to refuse a marriage, and if they do know, very few of them possess the capital (financial and social) or accessible support (legal, institutional and societal) to take action in a way that guarantees their safety and overall wellbeing.

Forced marriage including child marriages is driven by a number of cultural and social norms around gender, family and marriage that are fiercely upheld by religious leaders, families and community elders. While these marriages may be forbidden by Pakistani law, there are several practices which constitute and facilitate forced marriage, including *Swara* (girls given in marriage as a form of dispute resolution, including to repay debts), *Addo Baddo* (marriages among families or tribes – 34% of young married women are married to a first cousin on their father's side),⁴⁰ *Pait Likkhi* (marrying children before they are born or at a very young age) and *Watta Satta* (bartering brides for a price). Marriages can take place within provinces or on an inter-province level. Equally, women can be externally trafficked for the purpose of forced marriage. For example, stakeholders mentioned trafficking into Afghanistan via Karachi and Balochistan.

The acceptance, normalisation and protection of these practices around marriage means that while lack of consent clearly categorises these marriages as forced marriages, in the Pakistani context they are seen as just normal marriages. This should not undermine that forced marriage is as much a form of modern slavery as any other. Instead, it highlights the context in which forced marriage takes place and that addressing forced marriage in the Pakistan context is a task of addressing the status quo rather than exceptional circumstances.

Building on the acknowledgement that forced marriage is a form of modern slavery firmly sat within ubiquitous and deeply entrenched practices/customs, forced marriage is found to frequently overlap with other forms of modern slavery, including human trafficking (internal and external), forced and exploitative labour and sexual exploitation. It can serve multiple purposes beyond the act of forced marriage which benefit everyone with the exception of the woman herself (explored further in section on *Actors and Facilitators*). As such, forced marriage is not only a form of modern slavery in its own right, but also serves as a vehicle for further exploitation, as described below.

Marriages can be used as a viable source of family income, with women and girls literally being sold to men in exchange for their hand in marriage. For those facing abject poverty, marrying off daughters can act as a significant financial impetus (although girls can be sold for as low as PKR 40,000). Additionally, women can be used as a currency to settle outstanding debts. Marriage can also be used to deceive women and girls (and in the process, their families) into exploitation by actors who explicitly seek to coerce and control women (and girls) in order to further their own financial gains. This, in turn, draws a linkage between forced marriage and commercial sexual exploitation, where many women are sold into marriages (real and false) and forced into sex work by their husbands or other actors.⁴¹

³⁸ Critelli, F. 2010. Beyond the veil in Pakistan. *Journal of Women and Social Work*, 25(3): 236-249. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/0886109910375204>

³⁹ For examples see Yefet, K.C. 2009. 'What's the Constitution got to do with it? Regulating Marriage in Pakistan', *Duke Journal of Gender Law and Policy* 16: 347-377.

⁴⁰ National Institute of Population Studies. 2013. Pakistan demographic and health survey.

⁴¹ Patterns, vulnerabilities and actors will be discussed in more detail in the section on sexual exploitation

Meanwhile marriage can also be used as a means of increasing the size/productivity of the family workforce where women are essentially sold into lifelong labour endorsed by the institution of marriage, forming clear intersections with bonded labour. This cuts across multiple types of work, including agricultural work, working in brick kilns, domestic work and home care of children and the elderly. To illustrate, adolescents and younger girls are considered to be the most efficient brick makers, which serves to incentivise child marriages to improve family efficiency in the brick kiln, therefore boosting income. One stakeholder reported spikes in the number of child marriages around harvest season, as women and girls are married into families as a form of free labour and to produce children who can then be also used as additional labour for the purpose of agricultural work. There were also frequent reports of women being taken as a wife to perform domestic work in the household. This includes marrying a woman as a second, third or fourth wife, specifically to exploit her and any children she produces as domestic labour.

Motivations for marriage are not mutually exclusive – they can happen to a woman/girl simultaneously or consecutively. For example, one victim of forced marriage, named M (from Punjab), is now 19 years old. Since her brother wanted to marry a woman from another family, an exchange marriage of M and the woman took place (*watta satta*). M was married to the much older brother of that family. M's husband discovered he was infertile and decided to divorce and return M as he believed she deserved to have children. However, the return of M meant the exchange marriage was no longer valid, and the family demanded either their daughter (M's brother's wife) to be returned, or to receive money in exchange for their daughter. M's brother, who wanted to keep his wife and being too poor to pay for her, sold M to a 13-year-old boy belonging to another family who lived in Balochistan for a sum of PKR 400,000 in order to pay the debt. In this marriage, M was forced to have sex with other men within the family as well as with strangers. M finally managed to run away, taking a bus from Balochistan to Sindh before approaching a policewoman who brought her to a women's shelter

High risk groups and vulnerabilities

Forced marriage is a pervasive local custom in Pakistan, as is child marriage – 21% of girls are married before their 18th birthday and 3% are married before their 15th birthday.⁴² Marriage can undermine a girl's ability to attend school, increase her vulnerability to domestic violence, and have significant impact on her physical and psychological health particularly in the case of early childbirth.⁴³ Forced marriage is widespread and it is difficult to identify what demographically sets apart communities/groups that practice forced marriage and those that don't. But women from poorer backgrounds who have a lower level of education and fewer alternative opportunities for independence therefore have less bargaining power, making them highly vulnerable to being forcibly married.

The practice of forced marriage is driven by patriarchal structures enshrined within cultural, social and religious norms that perpetuate male control over women and the continued dependence of a woman on a man, making a large section of Pakistan's population of women highly vulnerable to forced marriage. Particularly in rural and tribal settings, it is observed that local customs which establish men's authority and power over women's lives means that for those who are vulnerable to forced marriage, there is demand for immediate transition via marriage from being controlled by fathers, brothers or other male family members to being controlled by husbands.

For women lacking control over their own lives – often those within families defined by lower social status tied to caste, ethnicity and religion, financial poverty and lack of access to capital, (access to) education

The socially acceptable age for marriage and inconsistencies across provincial laws that defines the legal age for marriage helps create an enabling environment. One stakeholder reported that when asked during a focus group conducted with children on violence against women and children as to what age they believed a child to be a child, the answer was nine or ten.

and employment opportunities – there is little space to question decisions around marriage and adult life made by male family members. For these women, there is often also no alternative support system – financial or social – that they can lean on to escape the prospect of forced marriage.

⁴² UNICEF. 2018. Global Databases: Child Marriage.

⁴³ Awaz Foundation Pakistan. 2010. Impact of early age marriages on girls' rights to education.

The value of women as sellable and disposable commodities also makes them particularly vulnerable to forced marriages. As mentioned earlier, the socially acceptable practice of using women as currency via the institution of marriage encourages families in financial poverty to utilise marriage as a means of promoting their own economic wellbeing. Similarly, the acceptable use of women as units of production makes them particularly vulnerable to forced marriages. The practice of returning an unsatisfactory wife, coupled with the potential reputational and financial strain it could place on her family, encourages women to be more tolerable of exploitative and abusive situations.

Those who are returned receive little protection and face risk of being resold into even worse situations, as they are now less attractive than if they had not been returned/divorced. For women and girls who seek protection away from the family, there are government-run women's shelters that are only available to women with pending court cases. Additionally, these shelters are known to practice custodial restraint and severely restrict a woman's movements and NGOs and local politicians continuously note concerns about the low quality of victim care.⁴⁴ There are some privately-run shelters and even some public-private shelters who also provide rehabilitative services (limited by available funding) which are available for women to enter and leave at their will.

While disaggregating demographic trends due to the widespread nature of forced marriage was hard to achieve, examples of specific vulnerabilities of certain minority groups were given to highlight groups at risk due to their precarious status as a minority (ethnic and religious). Amongst the Afghan population, it was reported that there is a growing trend of families selling their daughters into marriage at a young age in response to the constant threat of kidnap and sale into marriage – so that they know where their daughters are going, but also so they do not miss out on the potential income that she could provide to the family.

A trend of forced conversion and forced marriage was frequently cited, where Muslim men would marry non-Muslim (predominantly Hindu) women for the purpose of forced marriage or out of a skewed sense of “religious responsibility”. Prior to the Hindu Marriage Act 2017, legal protection of marital status did not extend beyond marriages between non-Muslim partnerships and made women particularly vulnerable to kidnapping and forced marriage.⁴⁵ These women would either be lured by intermediaries or convinced that conversion and marriage would improve their quality of life, or they would be kidnapped before being forcibly converted and married.

Actors and facilitators

Marriages are largely arranged through family networks and very often within the close or extended family itself. While many of these actors would be exploitative in some form, the strong presence of religious and cultural institutions and practices as well as people's dedication to them means it is unlikely that these actors recognise their actions as exploitative. To acknowledge this, actors should in some cases be differentiated between enabling actors of forced marriage and those seeking to exploit based on malicious intentions.

The family and the family unit play an undeniably important role in facilitating forced marriages in Pakistan. While it is true that they are enabling actors, there are differences between families who engage in the (buying and selling of women and girls) transaction. When a family sells for the sole purpose of marriage, they are enabling actors of forced marriage. However, the financial benefits they derive from forced marriage by receiving money in exchange for facilitating a marriage should be acknowledged and when forced marriage takes place specifically for financial gain, the act is exploitative. In the case that marriage is facilitated to adhere to cultural and social norms and supposedly in the best interest of the girl, her lack of choice in the matter (whether that includes lack of choice of partner, of age of marriage, of getting married at all),⁴⁶ coupled with the fact that she receives none of the benefits that the family-that-sells receives and that she is immediately at risk of domestic violence and sexual abuse, renders the act exploitative.

Depending on the purpose of marriage, families who buy can be more explicitly exploitative. At the very least, a family that buys for the sole purpose of marriage (including buying-in-kind in the form of exchange

⁴⁴ US State Department. 2019. Trafficking in Persons Report 2019. Available here: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>

⁴⁵ See more here: <https://www.reuters.com/article/us-pakistan-women-marriage/kidnapping-forced-marriage-pakistans-hindu-women-hope-for-protection-in-new-law-idUSKBN17E11J>

⁴⁶ As defined by the OHCHR: Forced marriages are marriages in which one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.

marriages) can be enabling actors of forced marriage. When such families introduce explicit intentions for a marriage (when the more severe form of exploitation is not the marriage itself but the treatment that follows, e.g. forced prostitution), they become actors for exploitation.

Many factors of vulnerability are deeply rooted in long-standing local traditions and customs; however, as one stakeholder explained, “forced marriage is turning into a business”.⁴⁷ While this would largely imply entry of new types of actors who have purely exploitative, profit-driven motivations, stakeholders could not identify these actors. However, when marriage is used explicitly as a means of sex trafficking and commercial sexual exploitation, such types of actors become more apparent. This is discussed further in the section on Commercial Sexual Exploitation.

The term ‘marriage brokers’ was only used when referring to foreign marriage brokers, namely Afghan and Chinese marriage brokers.

⁴⁷ Interview, Islamabad July 2019.

CHILD LABOUR

Patterns and forms

Child exploitation cuts across a number of the focal forms of modern slavery explored in this scoping study and child labour is seen to fall under forms of trafficking, bonded and forced labour and commercial sexual exploitation. Stakeholders mentioned a number of sectors in which child labour takes place: domestic labour, forced prostitution, the transport sector, street vending, garbage collection, forced begging, carpet weaving, the brick kiln industry, mining and shipbreaking.⁴⁸ Location-wise, child labour takes place in rural settings (home-based work or small cottage factories), urban settings and even within refugee camps.

The supply of child labour is as prevalent as the demand, as children are often seen to be cheaper, easier to control, easier to hide and more efficient as workers. Recent reports place most child labour in the rural setting, particularly given the strong intersection with bonded labour and agriculture.⁴⁹ However, outside of the agricultural industry, rural to urban patterns of movement are strong, with ethnicity playing a role to the extent that it overlays those rural to urban patterns. Girls are generally more likely to be found in home-based settings while boys are more likely to be working in public settings (garbage collection, begging, etc.).

However, trends of child labour vary across Pakistan, according to different value systems and gender norms in the various provinces. For example, in KP, Sindh and Punjab, families are more likely to send girls for home-based work, whereas in Balochistan, families are more likely to send boys to work in various sectors, including domestic work, and are less comfortable in sending girls to work at all. While girls from Afghanistan are in demand for cheap labour, many Pakistani households will not hire them as they do not trust them in their homes. Afghan children are likely to work in factories across the country, particularly Afghan-owned cottage factories.⁵⁰

In order to explore patterns in a generalised way, it is useful to disaggregate child labour within the different sectors and locations into children who remain in or close to the family unit and those who are separated (and often trafficked) from their families. Children caught in bonded labour or otherwise exploitative labour in brick kilns, agriculture and mining tend to remain in or close to their family units, as the whole family unit is usually bonded. The dynamics of child labour in brick kilns and agriculture is explored in detail in the section on *Bonded Labour* in this report. Children who work in local factories are also likely to remain close to the family unit and while some might live on site some also return home. Carpet weaving and glass bangle making are some examples of child labour known to be largely home-based and to take place within the family setting, although this may still take place in factories, and industries shifting in locations e.g. carpet weaving has shifted from KP to Lahore.⁵¹

When child labour is present in factories, it is reportedly intentionally hidden or separated from the primary workforce.

When children are separated from the family unit, there is often an element of trafficking. Children are known to be trafficked (including via forced marriage) into domestic labour, exploitative labour in factories, forced begging, forced prostitution and sexual slavery. However, there is little or no data to confirm this. Often, informal brokers play a role in the recruitment and movement of children for various types of child labour and one stakeholder noted that the number of informal brokers is rapidly increasing. In many cases, brokers approach parents in financially strained households with offers of advanced payments and a monthly salary in exchange for their child's labour. Additionally, when children are separated from the family unit, they become more vulnerable to further exploitation including physical, psychological and sexual abuse.

⁴⁸ It was not possible to investigate the dynamics of child labour in each of these sectors in detail given the scope of the field research. However, child labour within bonded labour and within commercial sexual exploitation – focal forms explicitly included in this research – was explored and can be found in the respective section of the report.

⁴⁹ <https://www.refworld.org/pdfid/5448a8510.pdf>

⁵⁰ One stakeholder did note that the Central Asian market is more attractive for Afghans as there is more opportunity and diversity of opportunities.

⁵¹ Hansen, A. and Rosell, P. D. 2012. 'Children working in the Carpet Industry of Pakistan: Prevalence and Conditions'. Available at: https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2854&context=key_workplace

Brokers would either deceive the parents about the nature of the job, the working conditions, etc. but it is also possible that the parents are aware of the working conditions and knowingly send their children for work. Brokers would be responsible for everything from accompanying the child to the workplace and collecting salaries to distributing them to parents. It is not uncommon for parents to lose touch with their children, or to depend solely on brokers to facilitate communication.

Child labour in focus: Domestic work

Across the country, large numbers of children are known to be trafficked into child domestic labour, where they are subject to forced and exploitative labour, physical and sexual abuse, as well as confinement and separation from their parents. There is a high prevalence of violence and death and while the data is incomplete, stakeholders quoted numbers varying from 40 deaths in two years, 60 deaths since 2010 and 24 between 2010 and 2014. However, these numbers are unlikely to capture the full extent of the violence.

Brokers play a pivotal role in the recruitment of child domestic labourers, approaching poor families to give away their child for domestic labour. It is not clear as to how brokers connect with employers, however, it is assumed that this is also done through informal networks. Brokers can work casually and opportunistically or can practice more formally. They provide parents with an advance and then a monthly wage but are likely to take the first month's salary as payment. They are also responsible for transferring money between the employer and the parents. While not confirmed by any stakeholders, there is an opportunity to deduct wages as additional payment.

Children do not see any of the wages for their domestic labour (as it is received by parents/brokers) and may be subject to long working hours, abusive behaviour and poor living conditions. They do not receive employment contracts and communication with their parents is often restricted to messages via the broker, especially when the parents are not aware of the child's location or working conditions. While child domestic labour is rampant, the prevalence of more severe working and living conditions is not clear.

It was noted that the older a child domestic labourer gets, the less attractive they are for the job as they are less affordable and less controllable, reinforcing that there is specific demand for child labour for domestic labour. Some stakeholders suggested that on reaching the age of 16, some children might return to their families to begin other forms of work (e.g. brick making); and in the case of girls, they may be married off. However, given the reported lack of communication between parents and children, how the return happens (e.g. who pays for it, do they still rely on the broker to locate their parents, are they replaced by the same broker, etc.) and what they do following their return is unclear.

High risk groups and vulnerabilities

Poor access to education is an important node that connects various factors of vulnerability to child labour. The constitutional requirement for compulsory and free education until the age of 16 is yet to be fully implemented and as a result, many children remain out of school. Coupled with unsafe or unproductive environments for children outside of school and the house, if children are unable to go to school, parents might consider it safer and prefer them to be in a workplace that is away from the dangers of the streets.

Even if children were able to access education, the pervasive lack of belief in the long-term benefits of schooling versus the short-term and immediate benefits of a child providing income to a family discourages parents from sending their children to school. In larger, poorer families, children are expected to contribute to the family income and parents are not averse to, or do not see any particular issue with, child labour. This is exacerbated by exploitative labour experienced by parents, poor family planning and more importantly, poverty, which means that parents are unable to earn enough income to sustain the immediate family. As a result, child labour then becomes a means of survival.

Those caught in the vicious circle of child labour are highly vulnerable to bondage-like and exploitative working conditions. The fact that they are children makes them more likely to be controlled via psychological and physical abuse. Isolation and confinement, particularly when separated from the family, can also be leveraged for control. In home-based work in particular, it is more difficult for child labourers to be identified and rescued. There is inadequate protection and rehabilitation services for victims of child labour – government programmes are insufficient while NGO responses are limited by funding. In KP and Punjab, there are temporary child protection shelters, and various efforts are being made to identify vulnerable children.⁵² However, as there is no alternative care system in Pakistan, more permanent solutions see vulnerable children being kept in government-run institutions. One stakeholder observed that exploitative

⁵² U.S. Department of State. 2018. Trafficking in Persons Report 2018. Available at: <https://www.state.gov/documents/organization/282803.pdf>.

actors (e.g. criminal gangs who are notoriously kidnapping and recruiting children for criminal activity) are known to frequently visit children in these institutions. It is not clear what legal recourse is available to children and how they can access it.⁵³

Given the gendered nature of modern slavery, further, focused research into the respective experiences of girls and boys is clearly needed.

Actors and facilitators

As with other forms of modern slavery in Pakistan, the general acceptance of child labour implies that actors might not explicitly consider themselves exploitative despite the fact that they are clearly exploitative.

Parents are important facilitators in child labour and while their role is usually exploitative, they should be considered as a varying combination of enabling and exploitative as actors, depending on how they view their actions and intentions. As long as the parent is receiving and benefitting from the money earned through child labour (particularly when the child is working in more severe working conditions) there is a level of exploitation taking place. However, the environment (economic and cultural) in which parents make the decision to send their child for work should be carefully considered.

Some stakeholders flagged the concern around lack of communication between parent and child and the fact that a parent would not ask questions or follow-up on the wellbeing of their child unless they, for some reason, failed to receive their payment. It was not clear whether this was due to a lack of awareness about potential working conditions, a condition set by the employer or broker, or a lack of interest or general acceptance of poor conditions.

The importance of brokers was repeatedly discussed, being described as “pivotal” by one stakeholder. It was not clear exactly who these brokers were and how they formed connections between families and employers. It was reported that not all brokers see themselves as exploitative or profit-driven but might act “out of courtesy” and as if they were doing the family a favour, in recognition of an often-desperate situation.

Employers who are willing to employ children specifically because they are cheaper or easier to control are clearly actors that are seeking to exploit.

⁵³ One stakeholder working specifically on child rights did mention that no First Incident Reports (the initial report that allows police to begin an investigation) were filed in Punjab this year on the grounds of illegally employing children in factories despite the stakeholder having first hand witnessed countless cases. According to one labour inspector interviewed, FIRs can only be filed on referral by a labour inspector or other state-level officials, but not directly by a member of the public including victims.

COMMERCIAL SEXUAL EXPLOITATION

Patterns and forms

Three settings for commercial sexual exploitation were identified:⁵⁴ within the family setting; in the context of trafficking for commercial sexual exploitation; and within the transgender community as a particularly vulnerable group.⁵⁵ They are distinct in terms of patterns, vulnerabilities and actors.

Intersecting with forced marriage, commercial sexual exploitation of women can happen within the family setting by family members. Many women are forced into prostitution by their own husbands, at times, within the family home itself. In these instances, women are often isolated from their own families. Bound by the instruction of their husband, within a forced marriage, and discouraged to seek help due to the stigma and internalised shame, women are prevented from escaping instances of their husbands finding clients through their own informal networks who exchange money for sex. These clients could be friends of the husband, strangers or even other male family members. Even though this takes place in the private but informal setting of the family home, there were reports of more organised or systematic practices. For example, women being sold for marriage to men/boys with multiple wives, all of whom have been forced into prostitution.

Then there is commercial sexual exploitation that takes place specifically in the context of trafficking for commercial sexual exploitation.⁵⁶ Both within Pakistan and for trafficking to other countries for the purpose of commercial sexual exploitation, stakeholders most often referenced false relationships and marriages as the primary pathway into commercial sexual exploitation in these settings. Adolescent children (mainly girls) are befriended and lured by men in person or through communication via phone or the internet. Young girls are convinced to elope with them, without the knowledge or consent of their families. These girls would then be sold to brothels or would be forced into prostitution by the trafficker. Vulnerable women who have been previously commercially sexually exploited, either as victims of sex trafficking or as victims of commercial sexual exploitation by family members, are also known to return to prostitution in these settings owing to the stigma and rejection by family/society, as well as paucity of available resources and access to justice that limits their options to support themselves in other ways.

There are also instances of young girls and women in rural areas being contacted by city-based, distant relatives, with the offer of helping them to find better opportunities in the city. Often leaving with the family's consent, the girl or woman is trafficked and commercially sexually exploited. Generally, stakeholders did not bring up external sex trafficking and commercial sexual exploitation, except in the case of the recent high-profile investigation into sex trafficking of young Christian women from Pakistan into China for forced prostitution, whereby young women would consensually agree to marry a Chinese man in search of a better life, only to be trafficked into prostitution on arriving in the destination country.⁵⁷

Some stakeholders also identified patterns of kidnapping and sex trafficking of young girls and boys, referencing organised criminal gangs or mafia groups as well as referencing the number of missing children in Pakistan. However, stakeholders made clear that these claims were not supported by evidence, but rather by common knowledge and hearsay. While it is reported by secondary sources that women and girls from Afghanistan, China, Russia, Nepal, Iran, Bangladesh, Uzbekistan and Azerbaijan are subjected to sex trafficking in Pakistan,⁵⁸ Pakistan as a destination country for sex trafficking was not generally discussed by the stakeholders.

A distinct group being commercially sexually exploited are transwomen, a practice that has evolved in response to systematic economic and social marginalisation. A large number of transwomen within the transgender community live in what is known as the guru-chela system – a system that acts as a means of

⁵⁴ This list is based on stakeholder interviews conducted within the limitations of this research and does not claim to be exhaustive. One key area identified in the literature is the sexual exportation of boys.

⁵⁵ Specifically, transwomen. Transmen are generally less visible than transwomen and it was not possible to engage with key informants who were from or represented the transmen community. However, it was noted that trafficking and exploitation experienced by transmen is likely to be highly differentiated from that experienced by transwomen.

⁵⁶ The research faced significant limitations in exploring this pattern in detail, due to lack of stakeholders working on this issue (due to fear or intimidation) or willingness to discuss this issue. While certain forms, patterns and actors were not discussed, it should not be assumed that this means it is not taking place.

⁵⁷ <https://www.cbsnews.com/news/human-trafficking-pakistani-officials-claim-pakistan-women-married-men-in-china-sold-into-prostitution/>

⁵⁸ U.S. Department of State. 2018. Trafficking in Persons Report 2018. Available at: <https://www.state.gov/documents/organization/282803.pdf>.

protection, shelter, food and acceptance by a community for transwomen of varying ages, including adolescent children. Under the hierarchical system, transwomen (*chelas*) live and work under an elder, reputable transwoman (*guru*). While it can act as a safe haven for an otherwise highly marginalised group, the *guru-chela* system also acts as the primary structure for facilitating the commercial sexual exploitation of the transwomen community, both within Pakistan and elsewhere.

In most cases, transwomen living within the *guru-chela* system choose to be there or feel compelled to be there due to the violence, abuse and discrimination they experience from mainstream society. However, living within the *guru-chela* system comes at a cost which they must repay for the shelter and protection provided via work. Transwomen are free to leave one *guru-chela* system for another. For a large number of the transwomen community, economic opportunities are severely limited, and they continue to be marginalised from mainstream economic activity and the job market. Typically, the only work available to them is as wedding dancers, street beggars and prostitutes. It is not clear as to how many engage in prostitution vs. begging or dancing – and according to multiple stakeholders, official statistics of the size of the transgender community is hugely underestimated – however, certain ideas around class, beauty and physical appearance (tied to socio-economic status and how many resources have been invested in cosmetic and hormonal alterations) determines what type of work they engage in.

Entertainment and music at weddings have shifted away from traditional forms, leaving little space for the transgender community to work. This has pushed a larger number of them to begging and prostitution.

Within this heavily constrained choice of occupation, many engage in prostitution (although it should be clearly stated that usually a *guru* does not explicitly force a transwoman into prostitution, i.e. by force or coercion). That said, *gurus* are known to take a large proportion of a transwoman's earnings, while a smaller proportion of the earnings are used in exchange for the communal living arrangements, acceptance into the group and protection. The structure of the *guru-chela* system and the status of *gurus* is used to commercially sexually exploit *chelas*.

One stakeholder, a transwoman who had previously lived in a *guru-chela* system, reported that a *guru* would take three-fifths of her earnings, whereas one fifth would be contributed to the communal living arrangement; as a result, she would be left with one-fifth of her own earnings. However, this is the case for not just prostitution, but also dancing and begging. As such, commercial sexual exploitation is not an explicit intention in the same way as is the case with exploitation in the family home and trafficking. Discussed further in the below section on Actors, it should be carefully considered that while commercial sexual exploitation is clearly taking place and the *guru* does benefit from a *chelas* work, this occurs in a broader picture in which both a *guru* and a *chela* are products of extreme constraint on choice and systematic oppression. The *guru* has little power to change things.

It was reported that historically, there has been no acknowledgement of trafficking within the *guru-chela* system or the wider transgender community. However, there are instances of buying and selling of transmen and transwomen within and between provinces. It should also be noted that it is common for adolescent children who are exploring their identity or already identify themselves as transgender to run away from home at a young age (reported as low as 12) and as young and vulnerable find themselves in need of food, shelter and protection. Gravitating towards environments where there is typically a presence from the transgender community (e.g. shrines, transport hubs, truck stations), it is easy for these children to be picked up and sold for sex by older members of the trans community or other actors. While it might be less common to frame commercial sexual exploitation of adult transwomen as trafficking into prostitution within the *guru-chela* system in Pakistan (but rather, just exploitation of those that choose to engage in prostitution), when adolescent children are involved – the element of trafficking becomes more apparent as informed consent is not possible.

There are also reports of trafficking of groups of transwomen to the Middle East (and possibly other destinations, although the Middle East was most frequently discussed) under tourist visas-on-arrival, before being sold into forced prostitution in that country. This is known to be arranged by *gurus*. However, the dynamics of this type of external sex trafficking is not clear (e.g. How do *gurus* fit into larger networks that connect them with destination countries? Do they remain the *guru* to the group of *chelas* once they are in the destination country, or do the *chelas* now belong to someone else? If they do remain attached to the *guru*, how does the *guru* exercise coercion and control over them while they are in another country? How does the *chela* continue to send money back to the *guru*? Who is the buyer/client?).

While transwomen might consent to the travel, one stakeholder reported that despite likely engagement in prostitution in Pakistan, these groups of transwomen are still deceived by gurus about the nature of the trip and therefore remain in those countries without consent. More desirable transwomen (often measured by youth, beauty, health /absence of STIs) may also be invited to travel to the Middle East for better-paid sex work. While it was noted that they generally have more bargaining power, the level of deception, coercion and consent was not clearly determined, particularly if they have already been involved in prostitution in Pakistan.

High risk groups and vulnerabilities

There are a number of factors of vulnerability that can exacerbate the risk to the myriad forms of commercial sexual exploitation. Generally, in the case of exploitation within the family setting and exploitation in the context of trafficking, victims are young, poor women from rural settings. However, there are certain specific factors that help to deepen understanding of how these young, poor women from rural settings get caught in commercial sexual exploitation. In the case of transwomen, their vulnerabilities are radically different from those of other women and are discussed separately.

The practice of forced marriage makes women more vulnerable to commercial sexual exploitation in two ways. First, in the case of a husband commercially sexually exploiting his wife, women are vulnerable as a result of the forced marriage and the institution of marriage is used to give legitimacy to husband's actions. Second, the impending threat of forced marriage that young women experience and may want to escape makes them more vulnerable to actors trying to deceive them for the purpose of commercial sexual exploitation.

In the case of commercial sexual exploitation, the precariousness of a woman's situation was not necessarily dictated by religion (although as described above, some patterns have been identified, e.g. Christian women being trafficked to China). But links between religion and other factors of vulnerability such as being a woman, poverty, education etc. could be drawn.⁵⁹ It was noted that more isolated or confined women (particularly those from rural areas) with less interaction of the "outside world" are thought to be at a greater risk, in particular, to trafficking for commercial sexual exploitation as they are potentially easier to deceive and lure. However, conversely, one stakeholder did express a connection with religion/ethnicity to the extent that less religiously inclined women who were freer to move around, for example in South Punjab, were actually just as vulnerable to trafficking for commercial sexual exploitation.

A number of factors also prevent women escaping from commercial sexual exploitation. Stigma and the very real possibility of rejection by families and communities plays a large role; even if families are ready to accept a woman back into the family and support her rehabilitation, they face ostracisation by the wider community. For women exploited by their own husbands, trying to escape invokes similar pressures to those discussed in forced marriages. The privacy and the informal setting of the family home also acts as enabling factor which makes a woman more vulnerable. Commercial sexual exploitation that takes place in the home can leverage norms around family, marriage and the hyper-separation of public and private lives, as well as taboos and sustained silence around topics related to sex, relationships and polyamory to more easily exploit a woman without punishment or challenge. Women returning from marriages are at a heightened risk of resale into even less desirable situations given that they are now less desirable as wives.

Women who are trafficked via fake relationships instead face harsh consequences associated with eloping. There is a stigma associated with both the act of eloping and being (but not being recognised as) the victim of sexual exploitation, which can manifest in violent outcomes such as so-called honour killings. Added to the stigma and rejection, norms around marriage and sex means victims of commercial sexual exploitation build up significant internalised shame, which prevents them from seeking help. Similar to victims of forced marriage, victims of sex trafficking and commercial sexual exploitation can access government- and non-government-run shelters which provide immediate protection and longer-term rehabilitation. While the government reported a significant increase in the number of investigations and prosecutions of actors,⁶⁰ it should be noted that in order to secure any kind of justice or compensation sex trafficking cases are often filed as rape cases.

In the case of transwomen, factors of vulnerability are distinctly different from women who are vulnerable to commercial sexual exploitation. The transgender community in Pakistan is a highly marginalised group that faces constant threats due to over-sexualisation, violence and abuse. Transwomen (and transmen)

⁵⁹ There are likely references and vulnerabilities drawn to other specific minority groups in Pakistan, however it was not possible to explore these in detail, given the limitations previously described.

⁶⁰ US State Department. 2019. Trafficking in Persons Report 2019: Pakistan. Available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>

often face rejection and ostracisation from their families or communities, forcing them to seek acceptance and safety in other social systems. The fact that transwomen (particularly outside of big cities) migrate in search of a more accepting environment, increases their vulnerability in general. The distinct need for protection and a social support system often pushes transwomen towards the guru-chela system, which instantly amplifies their vulnerability to commercial sexual exploitation by gurus.

Hierarchy within the guru-chela system makes some transwomen more vulnerable than others. Those who are considered more desirable (as explained in the previous section) often have marginally more bargaining power and may be subject to less abuse from gurus. However, this is in return for the higher income they bring to the guru and remain under the control of the guru. Additionally, when transwomen have exclusive clients, more intimate relationships can heighten vulnerability to abuse and psychological control by the client themselves. On the other hand, certain factors can make a transwoman so undesirable (e.g. old age, disabilities, etc.) that she is not subject to commercial sexual exploitation; nonetheless, she is still subject to exploitation through other forms of work (forced begging, dancing).

Being a transwomen does not automatically put one at risk of commercial sexual exploitation. Not all transwomen live within the guru-chela system and can either live independently or when there is some form of acceptance within families. Alternatively, not all women living within the guru-chela system are subject to works such as forced begging, prostitution or entertainment; on the contrary, they can have very positive, empowering relationships with their gurus. Transwomen living independently face significant hurdles while those living with their families experience varying levels of restrictions on how they present themselves as a transwoman. Notably, transwomen fall into the same patterns of class and socio-economic status as the general population, and those of a higher class are often found to have more protection and freedom.

Transwomen generally face lack of access to opportunities due to the discrimination and violence they face in trying to access education⁶¹ and the job market. Wider socio-economic discrimination and marginalisation means that all transwomen including those in a guru-chela system inherently struggle to achieve socio-economic mobility, which encourages dependence on a system that is structured to perpetuate harmful practices in the name of resilience and protection. It was reported that even when transwomen retain sufficient income to build some form of wealth or savings, they often send money home to their families as a means to stay connected and secure some form of acceptance. This includes those who are married and potentially with children but living away from the family, so that they can live freely as a transwoman.

Actors

Many of the actors who are relevant to forced marriage are also relevant to commercial sexual exploitation occurring within the family setting. Husbands are the obvious perpetrators in this case, openly exploiting their wives. However, members of the husband's family (e.g. other wives, parents, and siblings etc.) might also be involved at least to the point of being enabling actors by allowing the exploitation to take place, especially if the exploitation is taking place within the family setting.

It is difficult to say how the wife's family members are involved and to what extent they know their daughter's fate. It was reported by one of the few hotlines open to victims of various forms of trafficking that they frequently had contact from parents attempting to rescue a daughter who had been married and forced into prostitution. However, the number of parents reporting versus the number of victims was not clear.

In terms of trafficking for commercial sexual exploitation, it is difficult to identify the level of organisation, structures and different actors beyond the first or second level of interaction between the victim and the trafficker. While the government reported investigating 6,376 alleged sex traffickers and prosecuting 6,232,⁶² it is not known what types of actors were investigated and prosecuted and whether they were able to infiltrate higher up the chain for commercial sexual exploitation.

⁶¹ E.g. the only university in Pakistan offering education to trans people is where people study in private at homes and only appear of exams once a year. It is called Allama Iqbal Open University.

⁶² <https://www.refworld.org/docid/5b3e0ab0a.html>

In terms of low-level trafficking actors who interacted with victims, young men were identified as the primary perpetrator to lure vulnerable women and girls. It is not clear as to how the young men benefit, and whether they are established within a network or recruited solely for the purpose of luring women and girls. They themselves might also be victims of exploitation. Actors who receive trafficked girls for the purpose of commercial sexual exploitation include pimps and brothel owners, who fit into a variety of profiles. While there may be others as well, these were the only two discussed by stakeholders.

One victim of trafficking for forced prostitution reported that she was lured by a young man whom she communicated with in person as well as on the phone. The girl introduced the young man and his family to her family, but they decided to elope as the girl's family disapproved. She later found that the young man had deceived her and that the family he had brought to her home was fake as part of a deceptive plan. The young man then passed her onto a brothel owner where she was subject to forced prostitution. The owner of the brothel was a woman with a family who lived within the vicinity. The brothel was posing as a beauty salon. The trafficked girl was the only one locked in the brothel and kept over a period of time. Other girls would be brought in for much shorter periods or would return every day.

In the case of exploitation of transwomen, while placing the guru as the primary actor for exploitation may seem the obvious conclusion, their role must be considered within the wider context of the marginalisation of the transgender community in Pakistan. Gurus are often a product of the same guru-chela system and as a transwoman face the same vulnerabilities as the *chelas* do. However, their age but more importantly the experience and networks that come with it, within the transgender community puts them at an advantage to *chelas*, but outside the transgender community this means little.

It is true that gurus can monopolise opportunities and do leverage certain psychological stressors such as fear and longing for acceptance. Their status within the system means they can and do exercise varying degrees of control. However, it is also true that the guru can provide some source of income, protection and social network that the already vulnerable transwoman might be seeking. While the confiscation of such large proportions of income makes the guru undeniably exploitative, their intentions and motivations, which develop and function within a systematically oppressive reality, are differentiated from other actors of commercial sexual exploitation.

HUMAN TRAFFICKING AND SMUGGLING

Patterns and forms⁶³

Since 2016 there has been growing recognition and willingness to engage with international assistance on trafficking, enshrined in the new 2018 Prevention of Trafficking in Persons Act. Key achievements of the 2018 Act include taking a more victim-centred approach including the non-criminalisation of victims, a stronger gender lens and inclusion of internal trafficking. While some stakeholders flagged that this only came about under pressure to please the international community, it nonetheless is seen as a comprehensive law that is taking a positive step towards opening up the space for stakeholders to discuss trafficking at all, and moreover to discuss trafficking in line with international standards.

In the Pakistani context, there is a lack of understanding, research and data/evidence to confidently build a picture of the patterns and forms of human trafficking. While there have been periods of increased attention in Pakistan (e.g. an aggressive push to address human trafficking by the FIA between 2008-2011 to upgrade Pakistan to a Tier 2 country,⁶⁴ which was achieved in 2010), until very recently, there has been very little public discussion around human trafficking. This has restricted progress on acknowledging human trafficking let alone understanding it or addressing it. As one stakeholder put it, “the average citizen wouldn’t understand the concept”.⁶⁵

Given the lack of acknowledgement of internal trafficking to date, there is little to report on patterns and trends. Amongst some stakeholders, there was acknowledgement that internal trafficking was taking place⁶⁶ but no stakeholders could draw out specific patterns or evidence (and were generally aware they couldn’t). There was little discussion on Pakistan as a destination country for human trafficking, though some stakeholders cited cases of trafficking from Bangladesh, Afghanistan and Myanmar. Pakistan was commonly cited as a source country for trafficking to other countries,⁶⁷ with Pakistani men and women voluntarily migrating overseas being exploited. Often this took the form of victims initially agreeing to travel with promises of certain jobs, salaries and lifestyles only to find on arrival in the destination country that they had been deceived. This indicates crossovers between smuggling and trafficking, with victims fluidly moving between the two.

Some stakeholders were able to identify various routes for human trafficking although it is hard to determine how relevant and up-to-date these routes remain. With this caveat, the mentioned routes are outlined below:

- » Into Afghanistan via Karachi and Balochistan
- » Via Iran into various Middle Eastern countries
- » Land routes through Iran, taken from Karachi to the Makran coast via bus before taking boats to reach nearby Iranian islands and then another boat to the Gulf or continue onto the Iranian mainland to enter Europe through Turkey
- » Air routes via Turkey or central Asian countries before travelling to Italy/Greece or Middle Eastern countries

Various source areas were mentioned including Gujranwala and Dera Ghazi Khan (in central and southern Punjab, respectively) and interior Sindh. Karachi was flagged as an important transit point. One stakeholder reported that in the past traffickers would use falsified documentation provided by corrupt officials. However,

⁶³ The research faced significant limitations in exploring patterns of human trafficking due to challenges with accessing stakeholders with up-to-date information due to sensitivities around human trafficking, as well as the lack of non-governmental (and often easier to access) stakeholders working on the issue, again due to sensitivities. When discussing human trafficking with relevant stakeholders in more general discussions of modern slavery/trafficking and exploitation, it was clear that not all stakeholders understood human trafficking and the elements that comprise it, which also presented limitations.

⁶⁴ From the US State Department’s Trafficking in Persons Report; Tier 2 Countries whose governments do not fully comply with an TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards. <https://www.state.gov/wp-content/uploads/2019/01/282798.pdf>

⁶⁵ Interview, Islamabad, July 2019.

⁶⁶ Forms of trafficking for specific forms of modern slavery within Pakistan are discussed in other sections.

⁶⁷ It could not be confirmed that data collected from the few relevant respondents that could discuss external human trafficking in detail (predominantly ex-state stakeholders) was up-to-date. However, patterns highlighted by these stakeholders can to an extent be triangulated with more recent reporting such as the latest 2019 US Trafficking in Persons Report (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>). As such, they are presented here.

in more recent years illegal movement is increasingly considered a problem and the use of falsified documents is becoming challenging – impacting on methods employed for human trafficking.⁶⁸

High risk groups and vulnerabilities

As it is challenging to identify patterns of human trafficking, it is difficult to then identify high-risk groups and the factors of vulnerability they have to human trafficking. This is particularly true in the case of internal trafficking. For external trafficking, victims who were trafficked while seeking better opportunities abroad were identified as being from working class families experiencing poverty, coming from southern Punjab and interior Sindh. Both men and women are externally trafficked.

One stakeholder posed that in the case of internal trafficking victims often don't themselves realise they are victims so fail to identify or cooperate with the police as victims of human trafficking. This may also be influenced by stigma attached to identifying as a victim, experienced by both the victim themselves but also their families. In the case of external trafficking, there is greater recognition amongst victims who understand and resent what has happened to them, as well as by the FIA. Additionally, given the individuals engage in cross-border irregular migration, by law they are criminalised on their return despite being victims of external trafficking. Inadequate facilities at ports and airports to process them means they often escape.

Factors of vulnerability related to human trafficking out of Pakistan to other countries relate to lack of awareness of risk (although one stakeholder did highlight that people might be aware to varying degrees about the risks and realities of irregular migration, and the risk of trafficking), lack of education, lack of access to employment opportunities and motivation to seek a higher quality of life, as well as pressure exerted by family to increase income.

The current state of victim support or lack of victim support can further add to victims' vulnerability.⁶⁹ Government officials and NGOs have reported a lack of women's shelters that cater specifically to the needs of trafficking victims, with some shelters being accused of re-trafficking vulnerable women themselves. Adult male victims of trafficking have limited access to shelters and victim support with government and NGO stakeholders highlighting that male victims were less likely to seek or accept assistance. The handling of child trafficking victims can significantly increase their vulnerability as even when parents are complicit in the trafficking authorities often return children to the same families without sufficient assessment and assurance that these children would not be trafficked again.

Actors and facilitators

One stakeholder highlighted identifying traffickers and facilitators of human trafficking as a large gap. It is difficult to build a picture of the different actors involved, especially given the lack of investigation into trafficking cases due to generally high evidentiary thresholds that make it hard to prosecute cases. Some of the types of actors identified include travel agents (many of whom are legitimate agencies conducting illegal business rather than completely illegal entities), handlers, regional smuggling gangs and brokers recruiting victims from local communities employing deceptive techniques to lure people. Networks are thought to be transnational. It was reported by one stakeholder that in one journey a number of intermediaries are involved, ranging from the actor who arranges flights, to the actor accommodating the victim, to the actor who drives the bus, to the actor who drives the boat etc

⁶⁸ As crossing borders is becoming more difficult, smugglers and traffickers are using more sophisticated and dangerous means. There is a growing demand for falsified bio-metric passports and visas. Also people are being transported through more dangerous areas to cross borders.

⁶⁹ This paragraph is based on secondary research as there was minimal discussion by stakeholders, except in the context of sex trafficking (covered in *Commercial Sexual Exploitation*). US State Department (2019). Trafficking in Persons Report 2019. Available here: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/pakistan/>; Yousaf, F. 2018. Forced migration, human trafficking and human security. Current Sociological Monograph, 66 (2): 209-225; LEAD Pakistan. Undated. Human Trafficking. Human Rights Issues – Briefs.

POLICY RECOMMENDATIONS

Child and bonded labour:

Child labour and bonded labour are grouped together as they are visible in society.

- » **Engagement with civil society and other local actors:** Explore partnerships with legal aid centres to build dedicated staff to seeking and responding to such cases. This would include the rejuvenation of district level vigilance committees to monitor bonded labour.
- » **Programming of free legal aid for domestic workers:** Develop partnerships with organisations that have a track record in providing such a service for other/broader demographics, such as women, or victims of trafficking.
- » **Capacity building:** Identify current capacity and resources (if any) to provide support to building capacity of district vigilance committees on bonded labour. Identify and support existing mechanisms or organisations for onward referral for rehabilitation and reintegration.
- » **Sustainable solutions to child labour:** Funding of programming that incentivises and increases access to education and vocational skills of child labourers without severely impacting on net family income/helping families to identify alternative income to supplement loss from child labour, to increase support of a child transitioning from labour to education.
- » **Improved mechanisms to rehabilitate child labourers:** Build on existing structures (such as the provincial child protection units) to improve mechanisms and resources available for the rehabilitation of vulnerable children.
- » **Raising awareness of long-term benefits of education:** Schemes that in tandem with providing viable, sustainable solutions to replacing family income provided by child labour and increasing access to education, conduct awareness raising activities with parents lead to build understanding of the long-term benefits of education and physical and mental wellbeing over the short-term benefits of immediate income.
- » **Encouraging ethical business practices:** Programming that conducts awareness raising with employers to build sense of responsibility for discouraging bonded, exploitative and child labour (export-based businesses contributing to a global supply chain may act as an easier entry point)
- » **Addressing peshgi:** Work with local partners, including by building on any existing programs, to develop a public campaign around the role of peshgi, its legality, and legal recourse to those subject to it.
- » **Media awareness raising:** Engage local partners to develop separate public messaging/programming for domestic workers' rights under the various provincial laws, building on the Lahore High Court February 2019 decision about those rights – including its observation that “Non-government organisations (NGOs) should also come forward to play their due role in creating awareness among the general public regarding rights of domestic workers” and that a “comprehensive social and electronic media campaign be launched by the government for creating awareness among the population regarding the plight of domestic workers and aforesaid new enactment.”
- » **Capacity building:** Engage provincial labour inspectorates' chief inspectors and directors to identify personnel, training and technological and other resource needs in provincial labour inspectorates to ensure they can fulfil their mandates. In dialogue with provincial cabinets, stress the importance of high-level provincial ownership over the inspectorates' performance and accountability; on the basis of that buy-in, design appropriate programming that helps meet resource gaps. This may include identifying potential synergies with any existing donor-funded programs supporting inspectorates. Explore options building on earlier initiatives in the inspectorates that were discontinued but could still prove effective, such as using smartphones, GPS, and other technology rather than just paper records, to report and track inspections. Condition such assistance on verifiable measures that labour officials are fulfilling their annual inspection and reporting requirements in letter and spirit, and that supervisors are holding those officials to account.
- » **Further research into trafficking for child labour:** Further research could be conducted to understand the dynamics of trafficking for child labour, including the role of brokers and the role of parents. Focused research should be conducted into the respective experiences of child labour by girls and boys.

Forced marriage, human trafficking and commercial sexual exploitation:

These forms are grouped together as they are not immediately visible and operate clandestinely. As a result, programming to tackle these forms would be more complex and would require more nuanced approaches.

- » **Supporting access to protection mechanisms:** Supporting government and non-government shelters and facilities for victims. Supporting CSO protection efforts, which includes increasing accessible channels for women to seek help (bearing in mind confinement, surveillance, etc. as well as lack of financial capital to support

themselves) and viable opportunities to prevent them being re trafficked/resold/returning to exploitative conditions due to lack of alternatives. Work with government to implement broader referral mechanisms.

- » **Provide additional assistance:** UK to provide assistance for FIA to identify resource and personnel needs and opportunities for UK assistance to complement existing international programming but condition any technological assistance and training to tangible improvements in tackling domestic and external human trafficking, working with the interior ministry to develop those targets and monitor performance.
- » **Support processing of victims:** Support new facilities at ports and airports dedicated to processing human trafficking victims returning from abroad and when identified at the border, leaving Pakistan, potentially building on UNODC assistance already in place.
- » **Improve response to forced marriage:** Strengthen women protection cells; and on ways to better publicise the police's improved record against forced marriages to create demand and encourage victims to approach the police. Provide capacity building to local police to improve investigations and evidence-handling to better enable prosecution. Work with existing mechanisms such as child protection and women's protection units.
- » **Facilitate the implementation of improved mechanisms for identifying trafficked children:** Where possible working with existing platforms (e.g. child protection cells, CSO-run trafficking hotline) to build/improve mechanisms for reporting and identifying trafficked/missing children
- » **Capacity building of provincial police:** Provide capacity building to provincial police to address internal trafficking, as this is a newly acknowledged element within the 2018 Prevention of Trafficking in Persons Act. Could build on existing UNODC efforts.
- » **Better data collection:** To support FIA and police to disaggregate data by forms of trafficking which is not currently being done – to help build the evidence base. Could build off of UNODC work with FIA on human trafficking.
- » **Awareness raising to engage potential victims of forced marriage and commercial sexual exploitation:** Conducting awareness raising with women and adolescent girls and boys to improve understanding of their rights and signs that they are victims of forced marriage or trafficking/CSE and to highlight available mechanisms should they fall victim to forced marriage and CSE (including who to contact, how to contact them and what will happen once they identify themselves as victims)
- » **Increasing available opportunities to transwomen:** provide alternative opportunities to transwomen to allow them to live outside of the guru-chela system if they can't live at home/independently and allows them to access a wider range of job options.
- » **Capacity building:** Empower high-level bodies develop and oversee the implementation of policy to end human trafficking, Engage the leadership of the federal interior and human rights ministries, comprising political representatives, government officials, and civil society members, to be able to set targets and timelines; determine budgetary, resource and personnel requirements; and periodically review and identify gaps in performance.
- » **Awareness raising on forced marriage:** Conduct awareness raising with families to reframe socially acceptable but non-consensual marriage as forced marriage, carefully considering potential backlash or unintended consequences of challenging such a strong social and cultural norm. To better deal with sensitivities could be coupled with other programmes that improve women's welfare and rights such as education or healthcare programmes.
- » **Further research to better identify vulnerable groups and patterns:** To better understand the groups that are more or less vulnerable to forced marriage to identify effective measures to tackle a widespread issue; to determine the role of young men in trafficking for forced marriage and CSE to identify means to dissuade them from engaging in low-level trafficking; to explore the dynamics of trafficking of girls and boys including understanding how gender affects vulnerabilities; to understand internal and external trafficking of the transgender community, including the relatively hidden transmen community.

All forms of modern slavery:

Engaging civil society

- » **Commission a mapping of state and civil society institutions/initiatives that do or could support victims of modern slavery,** including legal aid centres, shelters, mental health workers, and rehabilitation and vocational training programs; where needed, disaggregate bonded labour, child labour, commercial sexual exploitation, forced marriage, and human trafficking. Make special efforts to identify organisations that work with religious minorities. Expand the focus beyond high profile organisations based in Islamabad and provincial capitals, to those with a track record in smaller towns, for example in central and southern Punjab, and interior Sindh. Follow this with programs geared towards building capacity rather than holding standalone events, and work towards a practical balance between reporting requirements and activities.
- » **Awareness raising strategy and promote national debate on modern slavery in Pakistan.** Reflecting the importance of public messaging, identify and engage with media houses, in particular public channels such as

PTV and Radio Pakistan, to develop training for reporters on how to cover issues around modern slavery, on the understanding that such reporting will be given sufficient priority. Also partner with editors, reporters and opinion-makers in the print and electronic media for expanding coverage on the issues, and their importance not just to citizens' basic rights but also to Pakistan's international standing

Cross-cutting

- » **Develop and implement expansive data collection, analysis and monitoring.** Work with provincial institutions, local partners, international organisations supporting government departments to build the evidence-base particularly of more widespread and accepted/more sensitive areas such as forced marriage, internal trafficking, etc.
- » **Consider the rights and opportunities available to women at all times.** There is a clear need in addressing modern slavery to support and encourage women's rights and access. Women's rights and access must always be considered across all modern slavery programming or encourage modern slavery to be considered within programming that supports women's' rights and access.