



Training Module on **Bonded Labour**

An Educational Initiative of:

Centre for the Improvement of Working Conditions and Environment
Industrial Relations Institute
Labour and Human Resource Department, Government of the Punjab

Made gender sensitive with the collaboration of:

Gender Mainstreaming in Planning and Development Division and Departments Projects
Planning & Development Department, Government of the Punjab

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PART - I

Objectives of the Module

- The major objectives of the module are as follows:
- To highlight the issue of male/female Bonded Labour
- To indicate the conditions and sufferings of the men and women and how their families are being affected due to bonded labour
- To bring issues related with the male/female bonded labour to the awareness of government, so that they take further steps to eradicate this problem
- To highlight the need to involve stakeholders/government functionaries in the abolition of male/female bonded labour more seriously, and to work on their capacity building to achieve this goal
- Highlighting the role of law and how its enforcement can play an important role for the betterment of men and women working as bonded labour
- To involve young and adult male/female bonded labourers in constructive and productive work domains that can benefit the country politically, economically and socially.

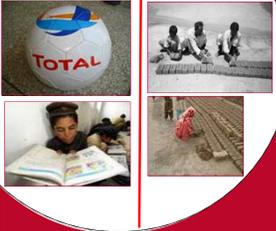
Gender Implications in Bonded Labour

- Issues relating to Bonded Labour to be engendered:
- discrimination
- disciplinary practices
- Child labour
- Equal rumen rations/Compensation
- Maternity benefits
- Health & Safety
- Child Care
- Working Hours
- Night work
- Formation of DVC'c
- Wages
- Job Contract agreement
- Peshgi / Advance
- Access to Police
- Bonded Debt
- Health & Education
- Access to Court
- Access to social safety nets
- Freedom of movement
- Rehabilitation of Bonded labourers
- Information regarding relief providing institutions like DVC, Lawyers forum, LASU, DOL office, NGO's



Labour and Human Resource Department
Government of Punjab

WORK IN FREEDOM



Initiatives Against Bonded Labour in Punjab

Labour and Human Resource Department



Sectors of Economy where Bonded has been reported

- Brick kilns
- Domestic help
- Agriculture
- Carpet weaving
- Mining sector



Brick Kilns and Bonded Labour

- Brick kilns are based on old and traditional manufacturing and labour practices
- Advances or peshgees are given to hire brick makers (patheras)
- There are reports of abuse by the brick kiln owners
- Very low wages compel the workers to depend on the work by women and children
- Educational and health facilities have not yet touched brick kiln workers as they live outside the settled localities
- Lack of freedom to take up alternative employment opportunities.
- Employers wield social political and economic power to reinforce bonded labour practices.
- Lavish consumption and festival expenditures by patheras keep them in the vicious circle of debt and bondage



Overview of brick making process



The clay is mixed with water and kneaded manually.
The clay is usually transported to the kiln site with tractor driven carts.
And water is mixed overnight. Before sunrise, the brick making families start kneading it. It takes approximately 2 hours for 2-3 persons to prepare the mud sufficient for day's work (approx. 2000 bricks).
This process is carried out mainly by males (adults and boys)

9





Overview-2



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Overview-3



Bricks are made by hand molding. The molds are either wooden or iron lined with wood. This is the most labour intensive process. Most family members work on this process. Payment is also made according to the number of bricks made. The wet clay bricks are left in the open to dry for a day before they are turned. Sand is also used in the molds reduce the stickiness of clay. Usually one adult person can make 1000-1500 bricks a day (approx. 9 hours). 30-150 persons or 10-50 families are involved in this process at each kiln. Mostly these workers are mobile and live on the brick kilns in the shelters provided by owners.

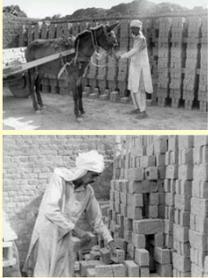


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Overview-4



The dried bricks are transported and stacked in the kiln for firing





Overview-5



Bricks are stacked and fired in the kiln and later on removed from kiln to be sold





Bonded Labour

➤ **As the making of clay bricks by patheras is the most labour intensive and time consuming process, the families and groups of workers are involved in this process. No work gets done without advances, in most cases these advanced are unplayable for the workers within their income, which gives rise to bonded labour condition and perpetuation of peshgee system at brick kilns.**





Initiatives against bonded labour

- National Policy and Plan of Action for the abolition of bonded labour
- Laws and enforcement
- Proactive Role by the judiciary
- Establishment of Fund for the rehabilitation of bonded labour
- Issuance of NICs to brick kiln workers
- Establishment of Legal Aid Services
- Setting up of schools at brick kilns
- Registration of brick kilns
- Notification of District Vigilance Committees
- Enhancement of minimum wages





National Policy & Plan of Action-2

- Pakistan is one of the very few countries with a National Policy and Plan on Bonded Labour
- Policy Elements
 - » The Government politically is committed to eliminate the bonded and forced labour practices wherever those exist in the society.
 - » It pledges to adhere to all international instruments, covenants, conventions and protocols whether ratified or not which protect fundamental human rights.
 - » The Government commits to endeavour to eliminate bonded labour through concerted, coordinated and integrated efforts aimed at:
 - » Transformation of traditional socio-economic structure;
 - Poverty reduction





National Policy & Plan of Action-3

- Main elements of Action Plan
 - Relief Package for Freed Haris in Sindh
 - Situational Analysis (surveys)
 - Implementation of the Law: Release of Bonded Labourers
 - Mobile Monitoring Teams
 - Complaint cells in the offices of District Administration and Labour Offices at the district level.
 - Coordinating cells in the Provincial Home Departments and Ministry of Labour.
 - Periodical inter-Ministerial and inter-Provincial meetings.
 - Involvement of social partners in mobile monitoring teams
 - Restructuring and Activation of Vigilance Committees
 - Registration of brick kilns
 - Awareness Raising
 - Creation of Legal Aid Cells





Laws and enforcement

➤ **Features of Bonded Labour System (Abolition) Act, 1992**

- BL system stands abolished (in all sectors) sec. 4(1)
- Every BL shall stand freed and discharged. Sec. 4(1)
- No person shall make advance (peshgi) or compel any person to render any BL. Sec. 4(2)
- Any custom, tradition, practice, contract, or other instrument for BL shall be void and inoperative. Sec. 5
- Liability to repay bonded debts extinguished. Sec. 6(1)
- No suit or other proceeding shall lie for recovery of any bonded debt. Sec. 6(2)
- Every decree, order for recovery of bonded debt shall be deemed fully satisfied. Sec. 6(3)
- Property belonging to a BL shall be restored. Sec. 6(4)
- Suit or proceeding for the enforcement of any obligation under BL shall stand dismissed. Sec. 6(9)
- The enforcement has been entrusted to district administration
- Monitoring and complaint redressal function has been given to the District Vigilance Committees

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Proactive Role by the judiciary

➤ **Judiciary including Supreme Court of Pakistan, High Courts, Session Courts and the Federal Shariat Court have always taken proactive position on bonded labour and have given judgments to end the bonded labour system from the country.**

➤ **Darshan Masih case laid the foundation for legal and other actions on bonded labour**

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Proactive Role by the judiciary-2

➤ **Habeas corpus petitions by brick kiln workers are regularly entertained by the High Courts and lower judiciary.**

➤ **Munoo Bhel and Baba Inayat Masih Cases show the concern of judiciary**

➤ **They provide maximum relief to the affected workers and their families**

➤ **Federal Shariat Court in its judgment (10-10-2005) has directed that all applicable laws be applied at brick kilns and have dismissed the employers' viewpoint that the Bonded Labour System (Abolition) Act 1992 is repugnant to the tenants of Islam**

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Establishment of Fund for the rehabilitation of bonded labour

- > Established by the Federal Govt. by initial contribution of Rs. 100 million from Pakistan Bait-ul-Mal
- > Punjab Govt. contributed 3 million.
- > Main functions of the Fund:-
 - Training of freed bonded labour
 - Provision of legal and financial assistance to bonded labour.
 - Support the activities of vigilance committees to eliminate bonded labour

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ISSUANCE OF NIC'S TO BRICK KILN WORKERS

Total Issued NIC's = 7809

1. A long standing demand of the brick kiln workers and their representatives.



2. One of the best ways to enfranchise and empower the vulnerable workers.



3. Labour department in Punjab is spearheading the effort to facilitate acquisition of NICs by brick kiln workers.



9



Establishment of Legal Aid Services

- > Established in Punjab and NWFP with the support of Bonded Labour Fund
- > Main functions include:
 - To act as focal point within Departments of Labour for activities on bonded labour.
 - To document the complaints of bonded labour
 - To produce reports on trends of complaints based on sectors and geographical regions
 - To help investigate the complaints.
 - To help redress the complaints through legal and other means
 - To mobilise DVCs
 - To carry out awareness and capacity building campaigns for relevant stakeholders.

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Setting up of schools at brick kilns

- A project is being worked out to set up non formal schools for children of brick kiln workers by the Literacy Department Punjab at the important clusters of brick kilns

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Registration of brick kilns

- A drive has been started to register brick kilns in Punjab under Factories Act
- This will gradually extend the protection of labour laws to the brick kiln sector.

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Notification of District Vigilance Committee

- DVC is the key institution to keep an eye on bonded labour situation and provide relief to the bonded labour
- These have remained largely dysfunctional so far.
- After the devolution plan the DVC's needed to be reconstituted.
- In Punjab all the DVCs have been reconstituted

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Enhancement of minimum wages

- **The minimum wages have been enhanced in the brick kiln sector to provide a relief to them**

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Current Scenario

- According to data available with Labour Dept. there are about 4,424 brick kilns in Punjab – 1/4th yet to be registered.
- There has been considerable improvement in conditions of brick kiln workers in the last decade (as noted by ILO), but still element of coercion and intimidation exists.
- In practice peahgi and jamadari system persist.
- There are persistent complaints of violation of basic rights of workers which include use of coercion, intimidation and exploitation particularly in brick kilns sector. Counter allegations of Bhatta Owners.
- The law is ambiguous and enforcement mechanism ineffective/redundant. The first ever case under this law was registered in 2006. Many of the required notifications have not been issued.
- The issue has broader implications for international trade and image of the country.

9



REGISTRATION OF BRICK KILNS



Category	Count
Total	3858
Registered	3456
Un-Registered	255
Closed	146

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Cooperation Agreement with Total-Parco

- The Labour & Human Resource Department Punjab has signed a cooperation agreement with Total-Parco Pakistan
- The first alliance of corporate sector with government to combat bonded and child labour.
- Labour Department will verify that the materials specially bricks being supplied for all new Total outlets are free of child and bonded labour.
- Total will provide lists of suppliers and kilns
- All corporate entities and





Issues raised with the districts governments

- Activate their DVCs and make them effective forums for addressing complaints related to bonded labour. Establish complaint cells within DVCs.
- Form teams to visit brick kilns to know the situation first hand.
- DCOs/Nazims should hold meetings with brick kiln workers, NGOs and brick kiln owners to know first hand their complaints and work out a harmonious relationship.
- Facilitate acquisitions of NICs by the brick kiln workers.
- Channelise development funds specially for education, skill development, health care of families of brick kiln workers.





Issues raised with the districts governments

- Launch education and awareness campaigns for DVC members, police, and other stakeholders to make them effective partners in fighting bonded labour.
- Strictly monitor the police officials who may be helping brick kiln owners to settle their debts and financial disputes by registering cases against the workers.
- Facilitate Labour Department to register all brick kilns so a comprehensive database of brick kilns and their labour force is available in each district.
- Non formal education and literacy centres should be opened at clusters of brick kilns .





➤ **Employers Perspective**

- Demanded that peshgi this may be regulated and a contract system for receiving loan/advance be regulated like the advances are regulated in the present labour laws (Payment of wages Act). The government may nominate authorities to arbitrate in case of disputes.
- They have demanded that in view of weak financial position of brick kiln owners and rural nature of the industry, it may be given some relief in Social Security and Taxes, but they are not opposed to registration.
- .The employers expressed their support for issuance of NICs to brick kiln workers. They requested that the government should bear some of the costs involved and facilitate in easing the rigid documentary requirements for issuance of NICs to brick kiln workers, wo rarely have a pre-existing NIC or birth certificate.





Thank you



BONDED LABOUR: Issues and Challenges

Constitution of Islamic republic of Pakistan

- **Article 11**
- (1) 'Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.'
- (2) 'All forms of forced labour and traffic in human being are prohibited.'

International Commitments

- The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery 1956.
- ILO Convention No. 29 concerning Forced Labour, 1930
- ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957
- Philadelphia Declaration adopted by ILO in 1944 concerning aims and objects of the organization also stresses upon the member states to observe the principles regarding freedom of association and expression and work without exploitation and compulsion.
- ILO Declaration on Fundamental Principles and Rights at Work 1998 requires member states to furnish to ILO status report on the observance of core conventions including convention on forced labour.
- UNO adopted Universal Declaration of Human Rights in 1948 ordains to prohibit slavery, forced labour, bonded labour and all forms of exploitation. Pakistan being member of the United Nations is under obligation to respect and ensure the observance of fundamental human rights in the country.

ILO Conventions

- **Forced Labour Convention, 1930 (No. 29)**
- defined forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Article 2(1))

- **Abolition of Forced Labour Convention, 1957 (No. 105)**

This Conventions has prohibited the use of forced or compulsory labour for the following purposes:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilizing and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

DARSHAN MASIH CASE

Telegram: 30 July 1988

We plead for protection and bread for our family. we are brick kiln bonded labour. We have been set at liberty through the court and now three amongst us have been abducted by our owners. Our children and women are living in danger. We have filed complaint. No action taken.

We are hiding like animals without protection or food. We are afraid and hungry. Please help us. We can be contacted through counsel. Our state can be inspected. We want to live like human beings. The law gives no protection to us.

FEATURES OF CASE

- Case of public importance for enforcement of Fundamental Rights : 184(3)
- Public Interest Litigation
- Article 9, 11, 14, 18, 25

PLD 1990 SC 513

BONDED LABOUR SYSTEM (ABOLITION) ACT 1992

Preamble

- Article 11 (2) prohibits all forms of forced labour
- **to preventing economic and physical exploitation** of labour class

DEFINITION OF BL

System of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered into an agreement with creditor to the effect that

- in consideration of an advance or in pursuance of any customary or social obligation, or for any economic consideration received by debtor

Def.

- would render, by himself, or through any member of his family, labour or service to creditor either without wages or for nominal wages; or
- would forfeit freedom of employment or adopting other means of livelihood, or

Def.

- forfeit right to move freely; or
- forfeit right to appropriate or sell at market any of property or product
- includes a surety
- **Non Obstante Law**

FEATURES

- BL system shall stand abolished
- Every BL shall stand freed and discharged
- No person shall make advance or compel any person to render any BL
- Any custom, tradition, practice, contract, or other instrument for BL shall be void and inoperative
- Liability to repay bonded debt extinguished

Features

- No suit or other proceeding can be for recovery of any bonded debt
- Suit or proceeding for the enforcement of any obligation under BL shall stand dismissed
- Every decree, order for recovery of bonded debt shall be deemed fully satisfied
- Property belonging to a BL shall be restored

Features

- Every attachment for recovery of any bonded debt shall stand vacated
- Any sale, transfer or assignment of any property of a bonded labourer for recovery of bonded debt shall not be deemed to have created or transferred
- Mortgage, charge, lien or other encumbrance for bonded debt shall stand discharged

District Magistrate's Role

- DM shall try to promote welfare of freed bonded labourer
- Mobilize Govt-NGOs to bring out cases
- To urge academic and vocation training
- To persuade philanthropists, SWO etc to rehabilitate

Penalty

- 3 years imprisonment and fine
- If compels BL , shall not be less than two years but not more than five years, or with fine which shall not be less than fifty thousand rupees, or with both
- 1 year if property is not restored
- All directors/managers etc liable

Procedure

- Magistrate First Class
- Summary Trial provision
- Offence Cognizable
- Bailable

VIGILANCE COMMITTEES

- Vigilance Committees at District level
- Consisting, of representatives of area, District Administration, Bar, press, recognized Social Services and Labour-Departments of Federal and Provincial Government

Functions of VCs

- advise DA on matters relating to effective implementation of law
- help in rehabilitation of freed BL
- provide assistance to BL

ESTABLISHMENT OF FUND

Fund shall be utilized for :-

- training institutes for freed BL
- legal and financial assistance to BL
- Rehabilitation, welfare of freed BL

Consequences of Ignoring

- Source of misery and suffering to innocent and hardworking human beings
- Brings bad name to our country and religion
- Policies of our donors and trade partners are influenced: GSP
- It can trigger international sanctions
- Buyers demands

What ought to be Done

- Sensitization of all implementing officials at all levels
- Capacity building to ensure compliance with law
- Pro-activity
- Proper Prosecution of violators
- Publication of successful convictions

BONDED LABOUR IN BRICK KILNS (Extracts From A Study)

- Labour of children working and kilns is not pledged directly for use by a distance employer
- Where families live in site housing provided by the kiln owner, their mobility also becomes restricted until debts are repaid
- Low earnings through piece rates remain a primary reason for debt bondage
- Advances are also a way of increasing security of regular work and earnings for labour
- In enforcing the labour-for-debt contract, violence against men and women appears to be practiced now quite rarely as compared to the 80s
- Recruitment Generally continues to be indirect through a *jamadar* who also advances advances and is responsible for supplying of tools for labour
- By comparison to agriculture (*haris*), bondage remains less severe in brick kilns

Impact of Bonded Labour and other issues on trade and competitiveness

- EU GSP PLUS
 - 0% duty for vulnerable countries that *ratify* and *submit proof of implementation* of core 16 human rights and labour conventions
 - **PAKISTAN DID NOT QUALIFY (has not ratified 4 conventions)**
(Had qualified in 2001- 2002 on account of combat against drug trafficking)

IMPACT ON COMPETITIVENESS AND ECONOMY

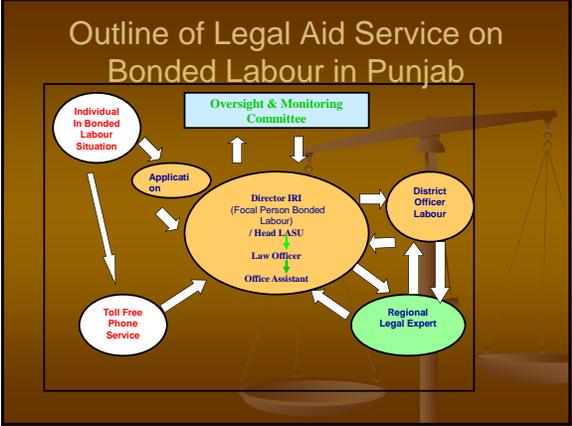
- \$ 450 - \$500 million exports to EU affected (since 2002 for GSP+)
- Range of competitiveness affected - 12% to 18%!! (which is a large range!!)
- Impact (in terms of employment and poverty)
 - \$ 5000 exports affects one job
 - *\$500 million exports = 100000 jobs = 600000 people affected especially women and children!!*

STATUS OF THE ENFORCEMENT OF THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1992

- The well established system of "Peshgees" which is based on centuries old customs and tradition could not be radically changed.
- The Complaint of existence of bonded labour is, rarely, transmitted to the Vigilance Committee or District Administration.
- Federal Government has not filled its nominations in the Vigilance Committee .
- Despite legal obligation of holding meeting of Vigilance Committee once in a month, the meetings are conducted after long periods.

Actions by the Government of Pakistan/Punjab

- National Policy and Plan of Action on Bonded Labour
- Establishment of Fund at the cost of Rs. 100 million
- Labour & Human resource Department launched a drive to build capacity of all key district government officials
- Action Oriented plans worked out for each district
- Legal aid cell for assistance of bonded labour being established



- ### RECOMMENDATIONS
- A large scale and effective awareness campaign to sensitize the work force at the brick kilns as well as the employers about negative effects of the “Peshgee System”.
 - Population control
 - Credit facilities
 - Skill training and literacy for adults
 - Role of state machinery be expanded and strengthened in the prone areas.
 - Labour Department should ensure applicability of all relevant laws on the workers of brick kilns.

- Social security benefits be extended to the brick kilns
- The benefits under other welfare laws be also ensured to the workers of this sector.
- Directions be passed by the Home Department to concerned officers for regular holding of the meetings of Vigilance Committees.
- NGOs may be encouraged to carry on their activities in this sensitive sector and the efforts of operative NGO need to be coordinated.
- Role of Trade Unions has remained negligible in this area. to safeguard the interest of workers employed in this unorganized sector, the Trade Unions Federations may be formed.



PART – II

Why Gender Matters for Bonded Labour

Overall Objectives

- To clarify gender concepts and provide officers with a rationale as to why gender should be mainstreamed in programmes and projects;
- To build skills for gender integration in programmes and projects;
- To identify ways to take forward the gender agenda.

A Wake Up Call

- International
- Although women provide about 70 percent of the unpaid time spent for caring for family members, that contribution to the global economy remains invisible
- Of the world's 1 billion poorest people, three fifths are women and girls
- Of the 960 million adults in the world who cannot read, two thirds are women
- 70% of the 130 million children who are not enrolled in school are girls

A Wake Up Call

- With notable exceptions such as Rwanda and the Nordic countries, women are absent from parliament, making up, on an average, only 16 percent of parliamentarians worldwide
- Women everywhere typically earn less than men, they are concentrated in low-paying jobs and earn less for the same work
- Half a million women die and at least 9 million more suffer serious injuries or disabilities from preventable complications of pregnancy and childbirth

A Wake Up Call

- National
- Every 20 minutes a woman dies ... from preventable complications of pregnancy and child birth
- More women die of communicable diseases than men.
- The infant mortality rate from 1995 to 2000 was 98 for girls and 93 for boys per 1,000 births.
- The literacy rate for women (39%) is nearly half that of men (63%).
- The sex difference in child mortality is one of the highest in the world, with death rates for girls aged 1-4 years being 66% higher than for boys in the same age group.
- Pakistan is one of the few countries in the world in which men outnumber women in the population and women have a lower life expectancy than men.

Comparison of Key Development Indicators

Indicator	Women	Men
GDP per capita	US\$ 776	US\$ 1594
Literacy rate	27 percent	51 percent
Gross primary enrolment	64 percent	80 percent
Combined primary and secondary enrolment ratio	25 percent	50 percent
Maternal mortality	340 per 100,000 live births	-
Labor force participation	11.39 percent	69.1 percent
Earned income shares	20 percent	80 percent
Top administrative / managerial jobs	3 percent	97 percent

At the bottom of the pile...

- UNDP's Gender Development Index (GDI), Pakistan ranks 120th out of 144 countries (it is below both India and Bangladesh)
- The Gender Empowerment Measure (GEM) it ranks 64th out of 78 countries

Overview of GoP Commitments

National Commitments

- MTFD – Mid Term Development Framework (2005-10)
- NPA – by Ministry of Women and Development, September 1998.
- NPDEW – by Ministry of Women and Development, 2002

Overview of GoP Commitments

International Commitments

- MDGs – Millennium Development Goals (MDGs, 2000)
- CEDAW – in force on September 3, 1981 Pakistan ratified in 1996

Overview of GoP Commitments

Major Initiatives

- GRAPs – National and Provincial GRAPs (2004)
- Decentralization Support Program - TA2
- GSP - Gender Support Programme (2003-2008)

Why Aim for Gender Equality?



Social Justice and Poverty Alleviation:



Justice:



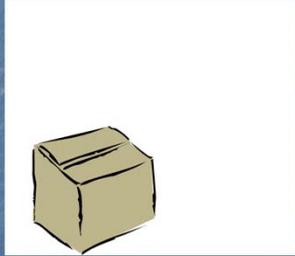
Efficiency:



Chain Reaction:

Understanding Gender Concepts

Unpacking Gender

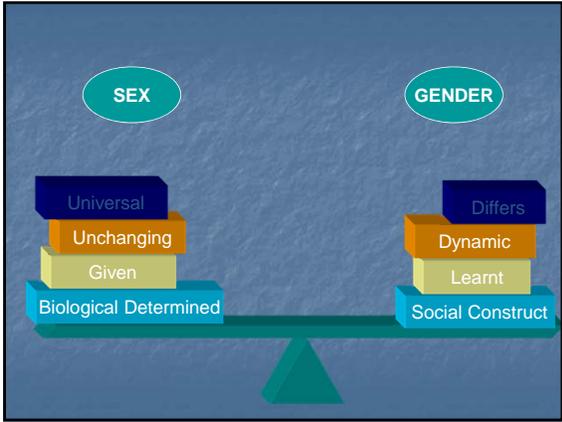


Attributes of Men & Women

Men	Women
Fearless	Weak
Smoke	Beautiful
Physically strong	Short
Grow beard	Bear children
Economically independent	Economically dependent
Hoarse and manly voice	Sweet and melodious voice
Tall	Long hair
Short hair	Breast feed
Aggressive	Cook
Adventurous	Caring
Loud and forceful	Obedient
Hard-hearted	Compromising

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Loud and forceful	Obedient
Hard-hearted	Compromising



Definition of Gender

Gender refers to the economic, social and cultural attributes and opportunities associated with being a man or a woman in a given society.

Who Are These Resources For?

Assume that you have a boy and a girl. You can give each of these 14 resources to only ONE of them. Who will you give _____?

Institutions that Condition Perception of 'Man' and 'Woman'

 Media	 Mohalla	 Family
 School	 Workplace	 Politics

Society's Four Domains

Production Activities 	Reproductive Activities 
Political Activities 	Community Managing Activities 

What are Gender Issues?

When gender roles result in:






- in**visib**ility of either gender
- un**equa**l burdens of work
- un**equa**l result in access to resources
- un**equa**l benefits and/or control of resources

About Gender Equity & Equality

A stork and a cat are both hungry. Who gets to eat effectively depends upon whether the plate is shallow and wide, or elongated and deep. In development we seek equitable inputs for equal results.

Gender Equality – the Goal

Not equal numbers but equal recognition and status

Not to make them the same but to highlight and value similarities and differences

Not to provide equal inputs but to ensure equal outcomes

RESOURCES: ACCESS & CONTROL

- **ACCESS TO RESOURCES**
Has use of a resource (access), but no control, and is not in a position to make decisions about how resource is used (e.g. renting land to grow crops, or access to / participation in political processes)
- **CONTROL OVER RESOURCES**
Has power to make decisions about use of resources (e.g. how to use the land or sell it), and can decide which issues are discussed in political processes and what the final result will be

GENDER ANALYSIS OF RESOURCES IDENTIFIED

- **Resources** that women and / or men need to play their existing gender role (s)
- **Factors** that influence women's and men's access to and control over community as well as program resources (availability / scarcity, affordability, right to)
- **Strategies** used by women and men to access/control resources and potential conflicts of interest between women and men

Practical Gender Needs (PGNs)

Gender needs of women arising from existing gender roles

Are immediate, concrete and often essential for human survival – such as for food, water, shelter, fuel and health care, etc. Can address immediate disadvantages and inequality, and reinforce the gender division of labour by helping women and men perform their traditional roles better. Addressing PGNs does not change traditional gender roles and stereotypes

Actions towards PGNs:

- Potable water
- Housing and household facilities
- Community health centers/drugstores
- Labor-saving devices
- Food processing/preservation technologies
- Pre and post natal care for mothers
- Day care centers
- Literacy and skills development
- Accessible and adequate market facilities
- Provision of credit facilities
- Women's crisis centers
- Community kitchens and laundries

**Strategic Gender Needs
(SGNs)**

**Gender needs of women which change
existing roles and status**

Needs, that when met, will actually challenge the traditional gender division of labor which has relegated women to subordination and vulnerable roles in society. Programs addressing the strategic needs contribute to improved gender equality. They are more long term and less visible (than practical needs)

Actions towards SGNs:

- Women's representation in political structures and decision-making bodies
- Policies/legislations against sexual harassment in the workplace
- Paternity leaves
- Removal of legal obstacles such as discrimination in access to land and credit
- Training for women and men in non-traditional areas (carpentry for women, education for men)
- Men helping more equally with domestic work

**Engendering Development
Means Recognizing....**

- Women and men often have different needs and priorities due to their different status and roles in society
- Development interventions have to be based on an understanding of gender roles
- Women and their needs and priorities have to be given as much importance as those of men

Only then is humane, just and sustainable development possible

Message for Policy Development Professionals

Although development interventions claim to be neutral, they tend to benefit those who are:

- better off
- educated
- well-informed
- more accessible
- having greater access

All of the above are more likely to be men than women

Resources and facilities usually benefit those who are best placed to exploit them.

An unconscious bias against the disadvantaged, especially against women

Gender implications in Labour laws

Issues to be Engendered

- Discrimination
- Disciplinary practices
- Child & forced labour
- Equal remuneration/Compensation
- Maternity benefits
- Health & Safety
- Child Care
- Working Hours
- Pick & Drop
- Night work
- Facilities (Washing, Canteen, Fair price shop etc.)
- Eye washing showers





Gender-Blind Development

- Renovation of water courses in Mardan
- Aga Khan Education Services (AKES) in the Northern Areas
- Water supply scheme in Balochistan
- Sindh's education policy for rural areas
- A rice research project in Punjab

1




Understanding Gender Mainstreaming

“...the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated.”

2



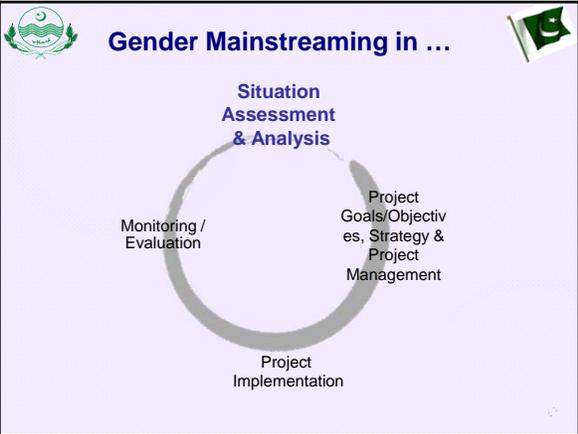

Gender Mainstreaming in Policies, Programs and Projects

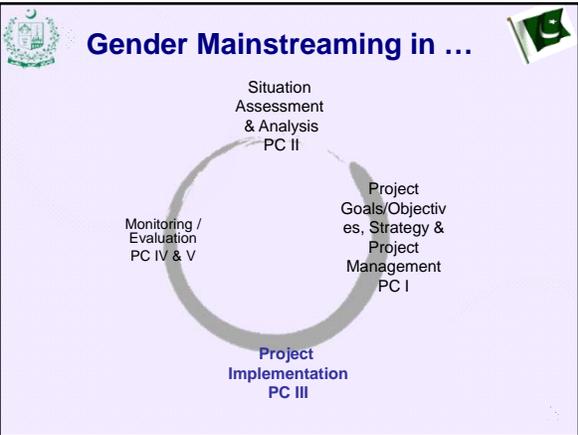
Situation Assessment & Analysis
PC-II

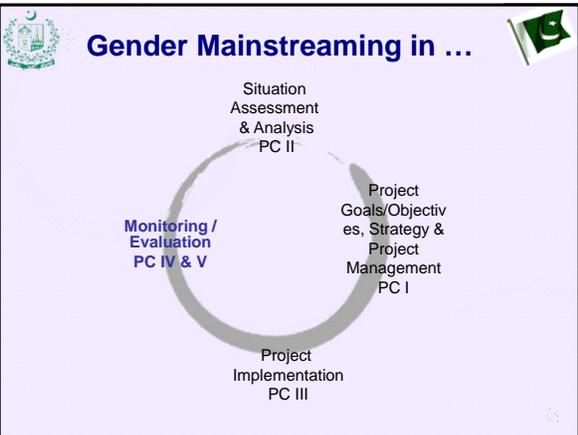
Project Goals/Objectives, Strategy & Project Management
PC-I

Project Implementation
PC-III

Monitoring / Evaluation
PC-IV, V









Monitoring/Evaluation

- ✓ Does the monitoring and evaluation strategy have a gender perspective?
- ✓ Do the indicators measure the gender dimension of each objective?
- ✓ Have appropriate methods and resources been assigned to obtain information from both gender?
- ✓ Is there provision for a communication strategy?
- ✓ Does the project redress a previous unequal sharing?

PART – III

Reference Material Bonded Labour

Chapter 1

Introduction to International Labour Standards to Forced Labour

The International Labour Organisation (ILO) is the oldest UN agency. It was established in 1919. The primary reason for its creation was to promote global peace and harmony by promoting social justice. The preamble to the constitution of ILO states that “*Universal and lasting peace can be established only if it is based upon social justice*”. Since its inception, the ILO has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. According to the UN Secretary General Mr. Kofi Annan, “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

Decent work should be at the heart of global, national and local strategies for economic and social progress. It is central to efforts to reduce poverty, and a means for achieving equitable, inclusive and sustainable development. The ILO works to promote decent work through its work on employment, social protection, standards and fundamental principles and rights at work and social dialogue. In each of these areas, people throughout the world face deficits, gaps and exclusions in the form of unemployment and underemployment, poor quality and unproductive jobs, unsafe work and insecure income, rights which are denied, gender inequality, migrant workers who are exploited, lack of

representation and voice, and inadequate protection and solidarity in the face of disease, disability and old age. ILO programmes aim to find solutions to these problems. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Globalization has created opportunities and benefits for many, yet at the same time millions of male/female workers and employers worldwide have had to face new challenges. The globalized economy has displaced male/female workers and enterprises to new locations, resulted in the sudden accumulation or flight of capital, and caused financial instability in certain regions. Despite initial optimism, globalization has not ushered in an era of prosperity for all. In 2001 it was estimated that virtually half of the world's population survived on US\$2 or less per day, while some 1.1 billion people, or 21% of the world's population, were living on US\$1 or less per day.

Inequality within many countries and between the world's richest and poorest nations has also grown exponentially over the last few decades. In 1960 the income gap between the wealthiest and the poorest fifth of the world's population was 30 to 1. By 1999, it had increased to 74 to 1.

The continued development of the global economy in this direction is neither sustainable nor desirable. Inequality not only leads to a decline in productivity but also breeds poverty, social instability and even conflict. In view of this, the international community has recognized the need to establish some basic rules of the game to ensure that globalization offers a fair chance at prosperity for everyone.

The Decent Work Agenda of ILO aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards. The standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level. They are the legal component in the ILO's strategy for governing globalization, promoting sustainable development, eradicating poverty, mainstreaming gender equality and ensuring that people can work in dignity and safety. The challenges of globalization have made

international labour standards more relevant than ever. What benefits do they provide today?

International labour standards are first and foremost about the development of people as human beings. In the ILO's Declaration of Philadelphia of 1944, the international community recognized that "labour is not a commodity". Indeed, labour is not like an apple or a television set, an inanimate product that can be negotiated for the highest profit or the lowest price. Work is part of everyone's daily life and is crucial to a person's dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people, both men and women can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake but to improve the lives of human beings; international labour standards are there to ensure that it remains focused on improving human life and dignity.

Achieving the goal of decent work in the globalized economy requires action at the international level. The world community is responding to this challenge in part by developing international legal instruments on trade, finance, environment, gender mainstreaming and human rights and labour. The ILO contributes to this legal framework by elaborating and promoting international labour standards aimed at making sure that economic growth and development go along with the creation of decent work. The ILO's unique tripartite structure ensures that these standards are backed by governments, employers, and workers alike. International labour standards therefore lay down the basic minimum social standards agreed upon by all players in the global economy.

An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the belief that this could give them a greater comparative advantage in international trade. In the long run such practices do not benefit anyone. Lowering labour standards can encourage the spread of low-wage, low-skill, and high-turnover industries and prevent a country from developing more stable high-skilled employment, while at the same time making it more difficult for trading partners to develop their economies upwards. Because international labour standards are minimum standards adopted by

governments and the social partners, it is in everyone's interest to see these rules applied across the board, so that those who do not put them into practice do not undermine the efforts of those who do.

International labour standards are sometimes perceived as entailing significant costs and thus hindering economic development. A growing body of research indicates, however, that compliance with international labour standards often accompanies improvements in productivity and economic performance. The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy.

International labour standards are the result of discussions among governments, male and female employers and workers, in consultation with experts from around the world. They represent the international consensus on how a particular labour problem could be tackled at the global level and reflect knowledge and experience from all corners of the world. Governments, employers' and workers' organizations, international institutions, multinational companies and non-governmental organizations can benefit from this knowledge by incorporating the standards in their policies, operational objectives and day-to-day action. The standards' legal character allows them to be used in the legal system and administration at the national level, and as part of the corpus of international law which can bring about greater integration of the international community, with an emphasis on both men and women.

Conventions and Recommendations

International labour standards are legal instruments drawn up by the ILO's constituents (governments, male/female employers and workers) and setting out basic principles and rights at work. They are either *conventions*, which are legally binding international treaties that may be ratified by member states, or *recommendations*, which serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be

implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention.

Conventions and recommendations are drawn up by representatives of governments, employers and workers and are adopted at the ILO's annual International Labour Conference. Once a standard is adopted, member states are required under the ILO Constitution to *submit* them to their competent authority (normally the parliament) for consideration. In the case of conventions, this means consideration for *ratification*. If it is ratified, a convention generally comes into force for that country one year after the date of ratification. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals. The ILO provides technical assistance if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified.

Fundamental Conventions

The ILO's Governing Body has identified eight conventions as “fundamental”, covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour of male and female; the effective abolition of child labour (boys and girls); and the elimination of discrimination in respect of employment and occupation. These principles are also covered in the ILO's Declaration on Fundamental Principles and Rights at Work (1998).

Priority Conventions

The ILO's Governing Body has also designated another four conventions as "priority" instruments, thereby encouraging member states to ratify them because of their importance for the functioning of the international labour standards system.

International labour standards evolve from a growing international concern that action needs to be taken on a particular issue, for example providing working women with

maternity protection, or ensuring safe working conditions for male/ female agricultural workers. Developing international labour standards at the ILO is a unique legislative process involving representatives of governments, male/female workers and employers from around the world. As a first step, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office prepares a report that analyses the laws and practices of member states with regard to the issue at stake. The report is circulated to member states and to workers' and employers' organizations for comments and is discussed at the International Labour Conference. A second report is then prepared by the Office with a draft instrument for comments and submitted for discussion at the following Conference, where the draft is amended as necessary and proposed for adoption. This "double discussion" gives Conference participants sufficient time to examine the draft instrument and make comments on it. A two-third majority of votes is required for a standard to be adopted.

There are two main ILO Conventions on forced labour. Convention 29 of 1930, ratified by 161 countries including Pakistan (23 December 1957) and Convention 105 of 1957, ratified by 158 countries including Pakistan (15 February 1960). Forced labour is defined in Convention 29 as “all work or service ..exacted ... under the menace of any penalty and for which the said person (male/female) has not offered himself/herself voluntarily”. This convention requires the states to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. This Convention further stipulates that “Illegal extraction of forced labour will be a penal offense” (Article 25). This Convention does provide certain exemptions to the state to use forced labour in certain conditions and circumstances which are:

- Work extracted as military service.
- Work as part of prison sentence.
- Work in times of emergency.
- Minor communal work.

But under no circumstance a private entity can exact forced labour. Convention 105 makes further proposals to abolish certain forms of forced or compulsory labour and immediate and complete abolition of forced labour. Article 1 states: Member state to suppress and not to make use of any form of forced or compulsory labour:

- As a means of political coercion or education for opposing established political, social or economic system;
- To mobilize labour for purposes of economic development;
- As a means of labour discipline;
- As a punishment for participating in strikes;
- As a means of racial, social, national or religious discrimination

The ILO's supervisory bodies -- the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards -- regularly examine the application of International Labour Standards in ILO member States. Representation and complaint procedures can also be initiated against states that fail to comply with conventions they have ratified.

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

The Committee of Experts was set up in 1926 to examine the growing number of government reports on ratified conventions. Today it is composed of 20 eminent jurists appointed by the Governing Body for three-year terms. The Experts come from different geographic regions, legal systems and cultures. Men and women coming from these sectors will provide their input on these ratified conventions. The Committee's role is to provide an impartial and technical evaluation of the state of application of international labour standards.

When examining the application of international labour standards the Committee of Experts makes two kinds of comments: observations and direct requests. Observations

contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned. Committee of Experts names countries violating their obligations in a report issued before every International Labour Conference. Inclusion in COE report means country will have to defend itself in the Conference Committee on Application of Standards (CAS).

The annual report of the Committee of Experts, usually adopted in December, is submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards. A standing committee of the Conference, the Conference Committee is made up of government, male and female employer, and worker delegates. Both genders will provide their input in the examination of report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the situation in question. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite ILO missions or technical assistance. The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report. Inclusion of country's name in special paragraph is considered very serious and can have serious repercussions on the image of that country.

Chapter 2

National Legal Framework- Bonded Labour

The prevalent National Legal Framework against the Bonded Labour finds its roots in the” Judicial Activism “of apex court of Pakistan manifested in Darshan Masih case . The Supreme Court of Pakistan converted a Telegram received on behalf of some confined Brick Kiln workers, into a Petition for enforcement of fundamental rights under Article 184(3) of Constitution of Pakistan. The Supreme Court pronounced historical judgment after involving all stakeholders as relevant parties in the case (PLD 1990 SC 513). Salient features of the judgment were:

- Filing of “Habeas Corpus” petitions would not be stopped.
- Women and children would not be pressurized to work.
- The “*Peshgi System*” was to be discontinued forthwith and payment was to be made to the male/female workers concerned or the head of household direct in cash.
- The Jamandar & Jamandarni system will be abolished

Article 11 of the Constitution of Islamic Republic of Pakistan mandates that all forms of forced labour and traffic in human beings are prohibited. Convention 29 of International Labour Organization which has been ratified by Pakistan reads that each member of the International Labour Organization which ratifies this convention undertakes to suppress the use of forced or compulsory labour in its all forms within shortest possible time.

As a sequel to historic judgment of the Supreme Court and directives contained therein, an Act under the name, style of BONDED LABOUR SYSTEM (ABOLITION) ACT 1992 was promulgated. It, basically, aimed at eradicating the menace of “*Peshgees*” (advances) which is deeply entrenched in the system since centuries and spawns many abhorable malpractices on the part of owner of enterprises. In Pakistan, workers are debt bonded rather than under servitude of forced labour or slavery. In rural areas specially where there is landlord system, the bonded labour is very common. With the use of “*peshgee*” the boys and girls are bound to work for unlimited periods of time, for years.

Girls are forced to work at home and boys usually send to factories etc. They are not even allowed to visit their families for a longer period of times. The Act stands guard against exploitative relationship between creditors (employers) and debtors (workers). The Section 4 of Law provides for abolition of the system of bonded labour. It prohibits payments of advances in pursuance of Bonded Labour System and rendering of any other form of forced labour. Any custom, tradition, contract, or other instrument of Bonded Labour shall be void. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. The Act does away with every obligation of a bonded labourer to repay any bonded debt; it also dispenses with the future liability of repaying a bonded debt. The law provides that (a) no suit or other proceedings shall be instituted in any Civil Court for the recovery of any bonded debt (b) every suit or proceedings for the enforcement of any liability under Bonded Labour system shall stand dismissed (c) every decree or order for recovery of bonded debt shall be to have been fully satisfied (d) the attachment , transfer, sale or assignment made before the commencement of the Act for the recovery of any bonded debt shall stand vacated and such property shall be restored to the bonded labourer(s) any mortgage, charge , lien or other encumbrances shall stand discharged. The rule 3 of Bonded Labour System (Abolition) Rules, 1995 provides for the constitution of Authorities by the Provincial governments for restoration of properties of Bonded Labourer in case of above eventualities.

Section 9 of the law stipulates the outlines of powers and function of District Magistrates (now District Nazims). He should be duly authorized by the provincial Governments to exercise powers under the Act for implementation of statutory provisions. Such powers can be delegated by District Magistrates (now District Nazims) to any functionary of the District including magistrates, Labour Officers, Labour Inspectors, police Officers not below the rank Deputy Superintendent of Police or Assistance Superintendent of Police. Their duties *inter alia* include

- To conduct enquiries and take appropriate action against violators of BONDED LABOUR SYSTEM (ABOLITION) ACT 1992.

- To promote the welfare of freed male/female bonded labourers by securing and protecting their economic interests.
- To inspect premises or workplaces to ascertain existence of male/female bonded labour.
- Mobilize Govt-NGOs to bring out cases
- To urge academic and vocation training Institutions to prepare programmes for freed male/female bonded labour and their children
- To persuade philanthropists, SWO etc for rehabilitation & welfare of male/female Bonded Labour.

Under Section-15 of the Act, Vigilance Committees are required to be constituted at the District level for implementation of the provisions of the law. They are composite bodies headed by District Nazim with representatives from different cross sections of the society including elected representatives of the area, representatives of the district administration, Bar Association, press, recognized social services and NGOs. The powers and functions of Vigilance Committees *inter alia* include:

- To advise the district administration on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner;
- To help in the rehabilitation of the freed male/female bonded labourer;
- To keep an eye on the working of the law; and
- To provide the male/female bonded labourers such assistance as may be necessary to achieve the objectives of the law:

Bonded Labour system (Abolition) Rules,1995 prescribe functions of Vigilance Committees, procedures for holding of meetings of Vigilance Committees and tenures of official and non-official members.

Rule 9 of Bonded Labour (System) Abolition Rules 1995 stipulates that a Fund shall be established for the rehabilitation & welfare of freed bonded labourer, since a large portion of our total population is a victim of bonded labour, involving both men and women. The Fund stands established with initial contribution of Rs. 100 million made by Pakistan Bait-ul-Mal and contributions have also been made by the provincial governments.

Although the Law exists in the statute books since last decade but its enforcement has suffered from numerous administrative and legal snags. For effective enforcement of law, sensitization of implementing officials at all levels judicial training, institutional strengthening and (where necessary) law reforms, Capacity building to ensure compliance with law, pro-activity at all governmental levels and political will to grapple with the menace, are acutely required.

Chapter 3

Introduction to National Policy and Plan of Action for the Abolition of Bonded Labour

Bonded Labour in Pakistan is prohibited under the Constitution and the law. All advances and debts in furtherance of the bonded labour are void. The law relating to bonded labour namely, the Bonded Labour System (Abolition) Act, 1992 was promulgated as a consequence to a historical decision of the Supreme Court of Pakistan which took notice of incidence of bonded labour practices in brick kilns in 1988 and declared all advances as illegal. The core point in the judgment of the Supreme Court, announced on March 15 1989, was the decree against the *Jamadari* system. The Supreme Court also directed the Federal Government to prepare a self contained code defining clearly the term forced labour and laying down essential elements regarding fundamental rights, deprivations and miseries to human beings and the rights guaranteed under Islamic injunctions.

The enactment of the Bonded Labour System (Abolition) Act, 1992 abolished the system of bonded labour with immediate effect and also extinguished the outstanding advances (*peshgees*) in the name of male/female bonded workers. The Act also made the commission of the offence of bonded labour punishable with imprisonment for a term of two to five years or with a fine not less than Rs.50,000/- or with both. Out of the fine, if recovered, payment is to be made to the bonded labourers at the prescribed rate. The Act also provides for the establishment of Vigilance Committees at the district level. The implementation of the law is the responsibility of the district administration.

The rules framed under the Act namely Bonded Labour System (Abolition) Rules, 1995 provide the mechanism and procedural details to meet the objectives of the Act and also contain provision for establishment of the fund for the rehabilitation and welfare of the freed male/female bonded labourers. The rehabilitation may include awareness building programs, provision of technical and vocational training for boys and girls. Different institutes with workplace opportunities can be opened up in the district for the welfare of

male/female bonded workers. It is very essential at this point that development programs should cater both genders. The school and training institutes must be established in the areas where boys and girls can equally benefit from them. In most of the rural areas these institutes are built in places where mostly boys can benefit, but it is also important to keep the possibility of female access to these institutes. The awareness programs must be introduced with a focus to sensitize families around female education and training.

The requisite fund has been constituted with an initial amount of Rs.100 million. Procedure for administration of the fund has been framed and notified. All provincial governments have made their contribution with fund and it is

Pakistan is constitutionally, legally and Internationally committed to abolish bonded labour system and forced labour practices in all economic activities. In order to achieve this objective a firm implementation of the law is of utmost importance. It is therefore desirable to put in place a comprehensive action plan for the eradication and rehabilitation of bonded labour.

Although no survey has been carried out so far by the Government to assess the quantum of the problem, it is generally alleged that bonded labour exists in certain parts of the country particularly in agriculture and brick kiln sectors. There is a need to have a countrywide survey to find the actual number of bonded labourers. This will help implement any action plan for their freedom and rehabilitation. As the abolition of bonded labour system carries serious economic and financial implications, the rehabilitation programme should provide suitable alternatives to make the plan effective.

The problem of bonded labour is steeped in history and is a result of prevailing socio-economic structures. An action plan, therefore, should address the problem through practical and long-term initiatives. An infrastructure is required to be evolved with training, employment generation avenues and schooling for the children of bonded workers and fully protective social safety net. With the provision of such an infrastructure, the problem of bonded labour will be reduced to a larger extent. Not only this, but it will further lead towards a higher literacy rate of our youth (boys/girls), contributing in the economic, political and social development of our country. Since the present government has encouraged women to come forward in different work fields.

There are many programs and opportunities created by the government specially to encourage women to work and earn a decent living. This movement will not only make women independent but will also enable them to share load of their families, which was entirely on men previously. Additionally, the women involved in bonded labour will be able to earn living with freedom and dignity.

The Constitution of Islamic Republic of Pakistan

The provision of the Constitution of Islamic Republic of Pakistan prohibiting slavery, forced labour, etc. reads as:

Article 11(1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human being are prohibited.

Bonded Labour is a practice designed to exploit the poor people for their needs. Article 3 of the Constitution vests in the State, the responsibility to ensure to eliminate all forms of exploitation and gradual fulfillment of the fundamental principles. The provisions of the Constitution regarding freedom of movement, freedom of assembly, freedom of association, freedom of speech, equality of citizens and inviolability of dignity of man and women all go together against the practices of bondage, slavery and coercion

The Bonded Labour System (Abolition) Act, 1992.

The Government enacted the Bonded Labour System (Abolition) Act. in 1992, with a view to fulfilling its obligation arising out of the Constitution and international covenants. The Act abolishes the debt-bondage and forced labour in all forms regardless of age, sex, race, colour, and religion. It sets all bonded labourers free and extinguishes all bonded debts. It requires that no person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or any form of forced labour.

The Rules framed in pursuance of the Act provide for the establishment of Vigilance Committees at District level, consisting of elected representatives of the area,

representatives of the District Administration, Bar Associations, NGOs, workers body and different Departments of the Federal and Provincial Governments.

International Instruments

Pakistan is also committed to end all forms of male/female debt bondage, child servitude and forced labour by the ratification of certain international instruments including:

- The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and institutions and Practices similar to Slavery 1956. The Convention was ratified by Pakistan in 1958.
- ILO Convention No. 29 concerning Forced Labour, 1930, ratified by Pakistan in 1957.
- ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957 ratified by Pakistan in 1960.
- The 1989 UN Convention on the Rights of the Child, Article 32 of which guarantees children's (boys/girls) protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with boys and girls education.' The Convention was ratified by Pakistan in 1990.
- Philadelphia Declaration adopted by ILO in 1944 concerning aims and objects of the organization also stresses upon the member states to observe the principles regarding freedom of association and expression and work without exploitation and compulsion.
- ILO Declaration on Fundamental Principles and Rights at Work 1998 requires member states to furnish to ILO status report on the observance of core conventions including convention on forced labour.

UNO adopted Universal Declaration of Human Rights in 1948. It ordains to prohibit slavery, forced labour, bonded labour and all forms of exploitation. Pakistan being member of the United Nations is under obligation to respect and ensure the observance of fundamental human rights in the country.

The salient features of ILO Convention 29 regarding forced labour ratified by Pakistan are:

“The fundamental commitment made by State ratifying the Convention is to suppress the use of forced or compulsory labour in all its forms in the shortest possible time.

Convention does not apply to five categories of work or compulsory service, subject to certain conditions and guarantees. The five categories are: compulsory military service; certain, civic obligations; prison labour; work exacted in cases of emergency; and minor communal services.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence”.

The ILO Convention 105 regarding abolition of forced labour which has also been ratified by Pakistan provides for prohibition of forced or compulsory labour in any form for certain purposes. Under the Convention, States undertake to suppress any form of forced or compulsory labour in five defined cases, namely:

- As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.
- As a method of mobilizing and using labour for purposes of economic development.
- As a means of labour discipline.
- As a punishment for having participated in strikes.
- As a means of racial, social, national or religious discrimination.

What is Bonded Labour?

The Bonded Labour System (Abolition) Act defines the ‘Bonded Labour System’ as a system of forced, or partly forced, labour under which a debtor enters, or is presumed to have entered into an agreement with the creditor to the effect that:

- in consideration of an advance (*peshgi*) obtained by him/her or by any of the members of his/her family (whether or not such advance (*Peshgi*) is evidenced by any document) and in consideration of the interest, if any, due on such advance (*Peshgi*), or
- in pursuance of any customary or social obligation, or
- for any economic consideration received by him/her or by any member of his family;

He/She would:

- render, by himself/herself or through any member of his/her family, or any person dependent on him/her, labour or service to the creditor, or for the benefits of the creditor, for a specified period, or for an unspecified period, either without wages or for nominal wages, or
- forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or
- forfeit the right to move freely from place to place, or
- forfeit the right to appropriate or sell at market value any of his/her property or product of his/her labour or the labour of a member of his/her family or any person dependent on him.
- and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he/she would render the bonded labour on behalf of the debtor.

Situation in Pakistan

“The practice of debt bondage in Pakistan is commonly known as *Peshgi* system. Instead of just seeking wages in exchange for their work, poor men and women workers take an advance from an employer, in money or in kind, under the obligation to work for that employer until their debt are paid off. The loan (*peshgi*) may be taken for many reasons. Sometimes men and women workers are in desperate need of money or food; in other

cases they see it as a form of protection against unemployment: the loan ties them to a particular employer, who is then perceived to have an obligation to continue employing them.

“*Peshgi* advances are often quite substantial, much more than can be repaid in just a few months. In extreme cases, debts are so great that they are inherited from one generation to another. In other cases the amount of money may be relatively small”. (From: Anti-Slavery)

Unfortunately no authentic survey has been carried out so far to estimate the number of bonded labourers in the country. Identification of bonded labour is a very complicated and difficult task because of its invisibility. It is often argued that the families which are considered to be in bonded labour are specialized in the relevant skill and they bargain advance payments with their employers. It is the family that demands advances in return of their services. This is the case where the whole family is involved in a particular type of work. In such a system, it becomes difficult to identify them as bonded labourers in the true sense of the terminology and reach them for their rehabilitation. However, there are unofficial and unconfirmed reports of existence of bonded labour practices, in one way or the other, in the agricultural sector in Sindh, mostly controlled by land lords; brick kilns and carpet weaving in Punjab; coal mines in Balochistan.

Implementation Status of the Law relating to Bonded labour

The Provincial Home Departments are basically responsible for the enforcement of the laws on bonded labour. The Act provides for the constitution of District Vigilance Committees to advise the District Administration on effective implementation of the law and to help in the rehabilitation of the freed-bonded labourers involving both men and women.

The Federal Government requires the Provincial Governments to send the implementation reports on the enforcement of the bonded labour law regularly. There are also reports of the release of bonded labourers in Sindh and Punjab through court orders due to the efforts of trade unions and human rights activists. But there has so far been no effort at the governmental level to rehabilitate freed male/female bonded labourers.

Vigilance Committees

The District Vigilance Committees have been restructured in the light of the Devolution of Power Plan and to make it viable and effective.

Bonded Labour Issues: An Appraisal

Main issues relating to the system of bonded labour in the socio-economic context can be described as follows:-

- Loans and advances extended by creditors to ensure timely availability and supply of labour.
- Advance aim to keep the labour under control.
- Loans are never paid. Before any loan is realized, further amounts are advanced to meet further needs of workers. This chain continues indefinitely. Such an arrangement leads to unpayable debt and severe conditions of bondage.
- In the agriculture sector, a hari with low remuneration is the sole victim of the system.
- Mobility of the bonded labourers is restricted and so they cannot supplement their income by working elsewhere or doing a secondary job.
- Debts are transferred from generation to generation and the labourers can hardly get rid of the system. Landlords being influential persons find ways and means to defeat the purpose of the law.
- Relief Camps for bonded labour established by certain human rights activists as temporary arrangement in certain localities suffer from bad management and unhealthy sanitation conditions.

Policy Statement

Bonded and forced labour in all forms is prohibited under the Constitution and the relevant laws in force in the country. The Government is committed to eliminate the bonded and forced labour practices wherever those exist in the society. It pledges to adhere to all international instruments, covenants, conventions and protocols whether ratified or not which protect fundamental human rights. The Government commits to

endeavour to eliminate bonded labour through concerted efforts aimed at the transformation of traditional socio-economic structure and poverty reduction and by putting in place a comprehensive action plan through an integrated and coordinated approach for the eradication and rehabilitation of male/female.....add workers in bondage.

Action Plan

Relief Package for freed bonded labourers/haris: *Haris* in Sindh living in camps need immediate relief like housing, food, sanitation, drinking water, health facilities and education for boys and girls. A Committee comprising representatives of the federal and provincial governments and NGOs working in *haris*' camps will be constituted to prepare a relief package for the freed *haris*/bonded labourers. Resources of Workers Welfare Fund, Pakistan Baitul Mal and donor agencies will be used towards providing residential accommodation and other necessary infrastructure for their rehabilitation and welfare.

Authentic data: No authentic and reliable data is available about the extent of bonded labour. For proper planning and affirmative actions it is inevitable to carry out a country-wide survey. It has therefore been decided to undertake a survey through the Federal Bureau of Statistics with the sponsorship of ILO and in collaboration with Provincial Governments, NGOs, CBOs, trade union organizations and academic institutions to find out the ground realities and facts pertaining to bonded labour.

Implementation of the Law: Release of Bonded Labourers: For the purpose of strict implementation of the law, the following measures will be taken:

- Orientation and training of officials of Home Departments, Police, District Administration, Labour Inspectors and all other relevant Government officials about the issue of bonded labour, its implications, legislative and international obligations and the methodology and the system to address the problem effectively.
- Regular monitoring and evaluation of the functioning of the law implementation agencies through:

- i. Monitoring Teams.
- ii. Complaint cells in the offices of District Administration and Labour Officers at the district level.
- iii. Coordinating cells in the Provincial Home Departments and Ministry of Labour.
- iv. Periodical inter-Ministerial and inter-Provincial meetings.
- v. Involvement of social partners, NGOs, CBOs, trade unions and employers organizations in the mobile monitoring teams for the purpose of effectiveness and coordination.

Reconstitution and Activation of Vigilance Committees:

- District Vigilance Committees will be reconstituted in line with the new setup of the local government introduced in the country. Vigilance Committees would be headed by the District Nazim. The mandate of Vigilance Committees would be clearly determined to hold them accountable for their responsibilities.
- The law would be amended to give powers to Vigilance Committees to take suo-moto action.
- Vigilance Committees will be required to periodically meet at least once in two months and report to the Coordinating Cells at the Home Departments of the provinces and to the Ministry of Labour at the Federal level.
- The Vigilance Committees will be required to visit suspected workplaces periodically as well as when some complaint is received.
- The Committees should hold meetings with the employers or respective landlords, to apprise them of the sensitivity of the issue and their moral, legal and religious obligations towards their employees.

Composition

The composition of District Vigilance Committees under Rule 6 of the Bonded Labour System (Abolition) Rules, 1995 may be as follows:

District Nazim	Chairman
District Coordination Officer	Member
District and Session Judge, retired or serving, to be nominated	Member
A representative of the Labour & Department of the Province.	Member
Representative of Zakat Committee	Member
Representative of Pakistan Bait-ul-Mal	Member
Representative of Khushali Bank	Member
A work/peasant who is a member of District Council	Member
One representative of NGOs working for the protection of human rights.	Member
A journalist to be nominated	Member

Functions

Vigilance Committee under the Act and the Rules will be responsible to perform the following functions:

- To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner.
- To help in the rehabilitation of the freed male/female bonded labourers.
- To keep an eye on the working of the law.

- To provide male and female bonded labourers such assistance as may be necessary to achieve the objectives of the law.
- To ensure that the objective of the law are fully achieved.
- To call upon a department or an agency or a company or an employing establishment or firm or an individual employee, or any other person to furnish it with such information and documents as may be relevant or useful in connection performance of its functions.
- To establish a complaint cell in the office of the District Nazim, to be managed by the Secretary of the Committee.
- To report to the District Magistrate through the Secretary of the Committee for taking appropriate action under the law, on having the knowledge that at a work place male/female bonded labour is employed.

Coordination: A National Committee for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers has been constituted to perform the following functions:

- To meet periodically to review the implementation of the law and action plan relating to abolition of male/female bonded labour and rehabilitation of freed male/female bonded labourers.
- To monitor the working of the District Vigilance Committees constituted under Bonded Labour System (Abolition) Act, 1992 and the Rules made there under.
- To address the concerns of national and international bodies on male/female bonded/forced labour related matters.

Registration of Brick Kilns: Provincial Labour Department would register all the brick kilns in their relevant jurisdiction so that all the relevant laws could be made applicable to them.

Awareness Raising: Awareness raising and advocacy are essential to address the problem of both men and women involved in bonded labour effectively. These are

essential components of the programme to bring about an attitudinal change in the society. To achieve this end the following activities will be undertaken:

- Campaign for raising general awareness undertaken through the Ministry of Information and Media Development; Pakistan Television Corporation; and Pakistan Broadcasting Corporation.
- District Vigilance Committee will associate community-based organizations to mobilize public opinion in villages and agriculture sector against bonded labour.
- The field staff of Home and Labour Department and district administration will be sensitized about the issues of male/female bonded labour.
- Special events like seminars etc. will be organized.

Role of Social Partners: The role of trade unions, employers' organizations, NGOs and community based organizations is crucial for combating bonded labour. They will be fully associated and involved in the activities of Vigilance Committees and in the rehabilitation programmes.

Creation of Legal Aid Cells: Free legal aid cells/centers will be established with the assistance of Bar Councils/associations to render counseling and advocacy services to needy bonded labourers.

Vocational Training: Skill Development Councils and Provincial Training Boards will organize vocational training programmes for the freed bonded labourers. Our young men and women involved in bonded labour is an asset to the country. Their talent and potential can be used in more productive and useful ways that can also bring fruits to the nation in terms of economic, politic and social development.

Generation of Self-Employment Opportunities: Self-employment opportunities will be created through micro credit schemes. A training programme to educate the borrowers in small business and self-employment traders will be chalked out. The CBOs and NGOs will be motivated to establish cooperatives for providing financial assistance to the freed bonded labourers/*haris* with a view to helping then establish their own business/self-employed units.

Chapter 4

Introduction to the Legal Aid Service for the male/female Bonded Labour in Punjab

The Government of Pakistan is fully committed to eradicate the problem of male/female Bonded Labour from the country. Male/female bonded labour is a curse condemned not only by our religion but our constitution and laws also prohibit it. The problem of bonded labour is outcome of poverty backwardness, illiteracy and outdated customs. The present government is fully committed at the highest level to eliminate this problem.

Constitution of Islamic Republic of Pakistan 1973, specifically prohibits forced labour, (Article 11), however Pakistan enacted a special law in 1992, the Bonded Labour System (Abolition) Act prohibiting Bonded Labour. This was followed in 2001 by the approval by Cabinet of a National Policy and Plan of Action for the Abolition of male/female bonded Labour and the Rehabilitation of Freed male/female bonded Labourers. *Pakistan is one of the few countries, and probably the only country that has a Cabinet approved National Policy and Plan of Action to address the issue of Bonded Labour.*

In the year 2000, a Fund for Education of Working boys and girls and Rehabilitation of Freed Bonded Labourers” (BLF), was established by the Government of Pakistan with an initial amount of Rs. 100 million grant from the Pakistan Bait-ul-Mal. The setting up of this fund is mandated under rule 9 of the Bonded Labour System (Abolition) Rules 1995. The Government of Punjab has also contributed an amount of Rs. 3.0 million in the fund in order to operationalise it. However, the fund was still non operational until recently as no project was submitted to it for approval. The Labour and Human Resource Department Punjab submitted a project for the provision of Legal Aid Service on male/female bonded labour issue, for consideration of the Board of Directors of the Fund. This project was approved. Below is given a brief outline of the project, its targets, methodologies and intended outcomes.

Objective:

Key objective of this initiative is to demonstrate through tangible action the commitment of government to eliminate and prevent male/female bonded labour. It will be realized

through provision of timely and quality legal assistance to people who are entangled in bonded labour situation.

Methodology and Project Design:

The Labour & Human Resource Department Punjab is fully committed to attain the aims and objectives of National Policy and Plan of Action on male/female bonded Labour (NPPA), however it does not have matching human and financial resources, and is experiencing severe capacity deficit. Therefore we propose to establish as Legal Aid Service by tapping the resources of male/female bonded Labour.

The Legal Aid Service is to be supported by a very lean, but high caliber project team. A team of legal experts will be engaged on retainership basis in different regions of the province.

The **Legal Aid Service Unit (LASU)** will work under day to day supervision of Director Industrial Relations Institute (IRI) of the Labour Department who will be assisted by a law Officer and will be based at IRI. An Oversight and Monitoring committee headed by Secretary Labour & Human Resource Punjab has been established to periodically review the working of LAS.

In addition to the Law Officer, three legal experts will be engaged on following regional bases, and will provide legal assistance to anyone in male/female bonded labour situation approaching the Labour Department for legal assistance.

- **Central Punjab** (comprising of the districts of Pakpattan, Sahiwal, Okara, Lahore Kasur, Sheikhpura, Faisalabad, TT Singh, Bhakkar, Hafizabad, Jhang, Gujranwala, Gujrat, Sialkot, Mandibhauddin, Narowal, Nankana Sahib)
- **Southern Punjab** (comprising of the districts of Multan, Khanewal, Vehari, Bhawalpur, Bhawalnager, RY Khan, Lodhran, Muzzafergarh, Rajanpur, Layyah, D.G Khan)
- **Northern Punjab** (comprising of the districts of Jhelum, Chakwal, Mianwali, Khusahab, Sargodha, Rawalpindi, Attock)

a) Legal Experts:

The Labour Department is engaging legal experts of appropriate experience, in each of the areas identified above. The experts will be engaged on retainer ship basis, and will be

paid on per case basis, legal expenses will be paid separately. The contract of legal expert will be renewed every year in light of performance.

The experts will have to undertake to provide services of legal expert of appropriate experience if the case pertains to a district far off from place where lead expert is based. For profile of legal expert.

b) Free Phone Service at LAS-“Bonded Labour Help Line”:

LAS will set up a free phone service (Bonded Labour Help Line), where anyone seeking legal assistance or information can call and ask for guidance and help. Steps have been taken to install this helpline, which is likely to be operational by January, 2006.

c) Proposed Working Mechanism:

The LAS will work in close coordination with district governments particularly the Executive District Officers (Community Development) and District Officers (Labour) and in each district.

Once LAS is approached by a person requesting assistance, the Director IRI in coordination with the District Officer Labour of the concerned district will verify the facts through an expeditions ground check, and will place the matter before Director Labour Welfare Punjab for necessary action. If the request is genuine, the matter will be referred to the Legal Expert of the concerned region, for taking up the matter with the appropriate court. Intimation will also be sent to the District Labour Officer, who will maintain liaison with the legal expert and monitor the progress.

Legal Aid Service Unit LASU:

The Legal Aid Service Unit (LASU) which will act as a hub for the whole initiative. It will have following staff:

i) Coordination and Facilitation (Director IRI)

The Director IRI will coordinate the activities of Legal Aid Cell. He will help organize the activities of Legal Aid Cell and work as the secretary of monitoring committee. He will help prepare and disseminate information and awareness materials to publicize the

services to be provided by LASU. The Industrial Relations Institute will also hold training courses and awareness seminars for key stakeholders of the project specially the district government officials, legal experts and local NGOs to familiarize them with the project's objectives and activities and solicit their full support to realize its objectives. A Training Kit on male/female bonded Labour will also be developed and used as training tool.

The Director IRI will monitor and report the efficient working of the scheme. operationally responsible for day to day functioning of LASU, and will coordinate all matters between Regional Legal Experts (RLE) the District Labour Officer, Directorate of Labour Welfare Punjab and the individual seeking legal assistance.

ii) LAS Law Officer:

A law officer will be recruited under the project. The Law Officer will assist the head of LAS in operationalising the LASU. The Law Officer will also respond to requests being made through "Bonded Labour Helpline".

iii) Office Assistant:

A computer literate office assistant will be provided to LASU, he/she will assist the Law Officer in maintenance of record and efficient management of LASU. The office assistant will also act as first filter for all requests being received on the "Help Line".

iv) LASU office premises and Equipment:

The IRI will provide the office premises. The office furniture, computers, printers, and other equipment will be provided by the project from the Bonded labour Fund's resources.

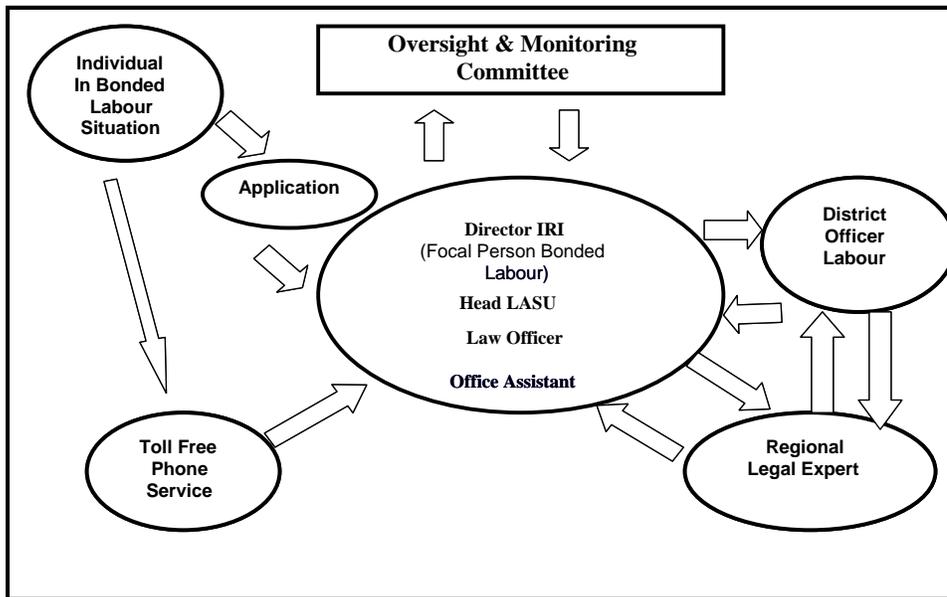
v) Oversight and Monitoring Committee

An oversight committee headed by Secretary Labour has been established to give policy guidance and regularly monitor the working of the LAS. The committee will meet every three months, it will have following members

- a. Secretary Labour (Chair)

- b. Representative of Home Department. (Member)
- c. Director Labour Welfare Punjab (Member)
- d. Expert on Human Rights from NGO sector representing a credible civil society organization.
- e. ILO Advisor on Bonded Labour (co-opted member)
- f. Senior Law Officer Member
- g. Director IRI Member/Secretary.

Schematic Representation of LAS:



Duration and Phasing and Cost:

LAS will be a three year project, and BLF will be requested to provide annual budget. The total cost will be Rs. 3.373 million

Chapter 5

International Trade Competitiveness and Labour Standards

The world is rapidly becoming a global village. Trade barriers are rapidly coming down. Flow of information is rapid and out of the control of the governments. While on one hand it is creating massive opportunities, simultaneously it is creating barriers and obstacles for a free trade. The world trade is formally regulated by the principles of world trade organization. But on the same time autonomous regimes in the form of GSP schemes and buyers' and consumers' requirements are gaining more importance.

An Introduction to WTO

The past 50 years have seen an exceptional growth in world trade. Merchandise exports grew on average by 6% annually. Total trade in 1997 was 14-times the level of 1950. GATT and the WTO have helped to create a strong and prosperous trading system contributing to unprecedented growth.

The system was developed through a series of trade negotiations, or rounds, held under GATT. The first rounds dealt mainly with tariff reductions but later negotiations included other areas such as anti-dumping and non-tariff measures. The latest round — the 1986–94 Uruguay Round — led to the WTO's creation.

The negotiations did not end there. Some continued after the end of the Uruguay Round. In February 1997 agreement was reached on telecommunications services, with 69 governments agreeing to wide-ranging liberalization measures that went beyond those agreed in the Uruguay Round.

In the same year 40 governments successfully concluded negotiations for tariff-free trade in information technology products, and 70 members concluded a financial services deal covering more than 95% of trade in banking, insurance, securities and financial information.

WTO Agreements

The WTO's rules — the agreements — are the result of negotiations between the members. The current set were the outcome of the 1986–94 Uruguay Round negotiations which included a major revision of the original General Agreement on Tariffs and Trade (GATT).

GATT is now the WTO's principal rule-book for trade in goods. The Uruguay Round also created new rules for dealing with trade in services, relevant aspects of intellectual property, dispute settlement, and trade policy reviews. The complete set runs to some 30,000 pages consisting of about 60 agreements and separate commitments (called schedules), made by individual members in specific areas such as lower customs duty rates and services market-opening.

Through these agreements, WTO members operate a non-discriminatory trading system that spells out their rights and their obligations. Each country receives guarantees that its exports will be treated fairly and consistently in other countries' markets. Each promises to do the same for imports into its own market. The system also gives developing countries some flexibility in implementing their commitments.

WTO and Labour Standards

Labour Standards are currently not subject to World Trade Organization rules and disciplines but some industrial nations believe the issue should be studied by the WTO as a first step toward bringing the matter of core labour standards into the organization.

These industrial member states believe the right to bargain collectively, freedom of association and workplace abuse, (including male/female involved in forced labour and certain types of child labour), are matters for consideration in the WTO. WTO rules and disciplines, they argue, would provide a powerful incentive for member nations to improve workplace conditions. These proposals have been highly controversial.

Many developing and some developed nations believe the issue has no place in the WTO framework. These nations argue that efforts to bring labour standards into the arena of multilateral trade negotiations are little more than a smokescreen for protectionism. Many

officials in developing countries believe the campaign to bring male/female labour issues into the WTO is actually a bid by industrial nations to undermine the comparative advantage of lower wage trading partners.

During preparations for the Singapore Ministerial Conference, proposals were made by the United States and Norway for a decision to be taken by Ministers for the WTO to undertake work on promoting core labour standards in the context of global trade liberalization and to report back to Ministers at their 1998 Conference. Both proposals view WTO work in this area as complementing that of the ILO, which they recognize has primary international responsibility in this field. Both countries view the objective as reaching a common understanding among WTO members on how to reinforce the mutually supporting nature of increased trade and improving labour standards.

While some WTO members expressed support for the approach suggested by the United States and Norway, many others raised serious reservations about any structured discussion of trade and labour standards in the organization.

The then WTO Director General Renato Ruggiero had suggested four points on which a consensus on this difficult issue might be built. In his consultations with member states, Mr. Ruggiero has found wide support for the four points, which are as follows:

- All WTO member nations oppose abusive work place practices, through their approval of the United Nations Universal Declaration of Human Rights.
- The International Labour Organization holds primary responsibility for labour issues.
- Trade sanctions should not be used to deal with disputes over labour standards.
- Member states agree that the comparative advantage of low wage countries should not be compromised.

However it must be noted that social/labour issues are strongly linked with international trade although they are not on the agenda of WTO Furthermore, the issue of human rights and bonded labour is gaining more and more importance globally to the extent that it will have a strong bearing on the competitiveness of Pakistan's economy

The European Union's new General System of Preferences (GSP) for what GSP stands? scheme (called as GSP plus) offers strong incentives to countries abiding by core labour standards of ILO and major international covenants on human rights, good governance and environment. Pakistan has not yet been able to qualify for that. European Union (EU) is insisting on ratification and implementation of 16 conventions relating to human and labour rights. Pakistan has not as yet ratified 3 conventions of the 16 and hence has lost out on the GSP plus advantage vis-à-vis its competitors e.g. Sri Lanka.

The 0% duty as opposed to general GSP rate deeply affects competition of exporting countries with particularly Pakistan in terms of export loss and job loss translating into poverty aggravation. According to some estimates the financial impact on the economy of the country is around US\$ 500 million, which is a huge loss. If we could qualify for the GSP plus status it would mean more exports, more jobs, reduction in poverty and availability of more funds for education and healthcare schemes and development projects.

Some buyers like Nike stung by the criticism of consumers are implementing strict quality, environmental and social/labour standards on all their suppliers.

In the past, USA also excluded some Pakistani products particularly carpets and soccer balls due to allegations of (boys/girls) child labour. But due to timely action by the employers assistance by ILO and intervention of the Government of Pakistan, effective steps were taken to combat child labour from these sectors. This has resulted in enhanced exports in these sectors.

In today's world the final driver of trade would be the buyers' requirements irrespective of any other restrictions. It is hoped that the officers in the district governments will keep these issues in mind when posted in relevant government agencies and contribute to policy formulation, which addresses the key concerns pointed out earlier. We must remember that

- Labour issues of men and women will influence export competitiveness and opportunities.
- The more we adapt the better it will be for the country and for the exports.

Chapter 6

An Introduction to Bonded Labour Fund

Pakistan has unfortunately been among those countries against which the international perceived concerns regarding forced male/female malebonded labour have been high. The situation has changed to a great extent due to serious and concerted efforts by the State. But this is one struggle that requires commitment and active participation of all the stakeholders. The contribution of the social partners cannot be stressed enough and mechanisms need to be in place to provide for a joint effort of government and social partners in the eradication of this menace.

Slavery and forced labour are prohibited under the Constitution of Islamic Republic of Pakistan. Article 11 (1) reads as 'Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. (2) All forms of forced labour and traffic in human being are prohibited.' In 1988, Supreme Court of Pakistan while, taking cognizance of incidence of male/female bonded labour practices in brick kilns directed the Federal Government to codify the spirit of the Constitution and to also provide punishment for such crimes in legislation. Consequently the Bonded Labour System (Abolition) Act, 1992 was promulgated. This Act provided for the first time the clear definition of Bonded Labour and also prescribed punishment for such practices.

After three years the Bonded Labour System (Abolition) Rules were framed in 1995 that provided, *inter alia*, the establishment of a special fund for financing the projects for the welfare and rehabilitation of freed bonded labourers. This fund was later on constituted with an initial outlay of Rs. 100 million. National Policy and Plan of Action (NPPA) for the abolition of Bonded Labour was approved by the Federal Cabinet on September 5, 2001. Providing policy statement, NPPA envisages various activities for the realisation of objectives contained therein with active participation of NGOs, CBOs and employer and worker bodies.

What is this manual about?

- It explains how the resources from the fund can be accessed.
- It demonstrates how different forms can be filled.

- It is meant for Federal Ministry of Labour, concerned provincial departments, district government through vigilance committees, and social partners.

What is BLF?

In order to fulfill its constitutional and international obligations, Government of Pakistan has established a Fund for the Education of Working boys and girls and Rehabilitation of Freed male/female Bonded laborers, commonly known as Bonded Labor Fund (BLF). The establishment of this fund was ordained under the Bonded labour System (Abolition) Rules 1995, which were framed under the Bonded Labour System (Abolition) Act 1992. The fund has been constituted with an initial outlay of Rs. 100 million granted by Pakistan Bait ul Mal.

Management of Fund

- Ministry of Labour, Manpower and Overseas Pakistanis is administering the Fund and a Board of Directors has been constituted for its administration.
- Central Labour Adviser (CLA) is the *ex-officio* secretary of the Board and male/female Child/Bonded Labour Unit of the Ministry acts as the Secretariat of the Fund.
- The Board has all the necessary administrative and financial powers for the smooth operation of fund and approval or projects.

Criteria

➤ *Demand through participatory process*

Widespread local consultations are essential for firming up the demand. For this purpose, all the proposals originating in a district will be got cleared by the District Labour Officer from District Vigilance Committee in which all the stakeholders are represented.

➤ *Eligibility*

Proposals must be from any of the thematic areas mentioned below:

Priority areas

- i. Training and rehabilitation of male/female freed bonded labour.

- ii. Legal and financial assistance to the male/female bonded labourers or their families. Awareness and sensitization training of parents and families, highlighting the importance of freeing men and women from bonded labour.
- iii. Micro credit schemes.

Other areas

- i. Taking over of schools for working boys/girls established under ILO's International Programme for Elimination of Child Labour (IPEC).
- ii. The education of working children (boys/girls) and subsistence of their families.
- iii. Activities outlined under National Policy & Plane Action (NPPA) for the abolition of male/female bonded Labour.
- iv. Awareness raising and advocacy
- v. Any other activity approved by BOD

➤ **Application process**

i) Implementing Agencies

- Provincial Labour/Home Departments
- Pakistan Bait ul Mal
- District governments through District Labour Officer & EDO Community Development.
- Any other agency that is approved by the BOD

ii) How to apply?

- Proposals are only accepted on the prescribed formats.
- Proposers/implementing agencies should fill the Project Proposal Formats available in the BLF manual.
- The proposal along with necessary documents and a covering letter should be routed through appropriate channel to Fund Secretariat.

iii) When to apply?

- Project proposals are considered in its meetings by the Board of Directors (BOD).
- Proposals on the prescribed format must reach the Fund Secretariat through the respective Department Labour.
- Proposals received late shall automatically be considered in the next meeting. There is no need to apply afresh.

Funding arrangements

- Once approved the fund secretariat will communicate the approval of the Board in writing to the concerned implementing agency within 15 days.
- Accounts will be opened in any Scheduled Bank or General Post Office in the name of project by the implementing agency and account details will be communicated to Fund Secretariat at once.
- First installment for six months or for entire period of project, whichever is less, shall be released within 15 days of the receipt of bank account details. At the same time the delegation of financial powers from the BOD to Project Manager to incur expenditure will be communicated.
- Subsequent releases would be made on six monthly basis on the receipt of expenditure report of the last quarter and expenditure forecast of the next six months.
- Explanation: Requests are to be submitted after first quarter of every six months to allow for processing and timely release of funds before the expiry of six-months period for uninterrupted execution of the project.
- Requests for reappropriation and additional funds are discouraged.

➤ **Reporting Requirements**

i) Financial

- The designated project managers are required to maintain the accounts. They are also required to submit a quarterly expenditure report with vouched accounts to Fund Secretariat.

- Audit reports as and when conducted by the Auditor General of Pakistan are to be made available to BOD.
- Copies of annual internal audit report shall also be made available to BOD.

ii) Monitoring

- Quarterly monitoring reports will be prepared and submitted to BOD and Ministry of Labour.
 - Final Evaluation report will be prepared at the close of each project.
 - Officers may be designated by the BOD to monitor the projects.
- Representatives of District Vigilance Committees may also monitor the projects. In addition to Vigilance Committees their reports will also be submitted to BOD.
- Monitoring reports will be prepared according to the format at Appendix C.

Frequently Asked Questions (FAQ)

Q. How can the Fund be accessed for the financing of a project in a district?

A. It all starts with the local consultation of all stakeholders. District Labour Officer (DLO) is the key person who can himself initiate the process or can coordinate or help the NGOs or other social partners for firming up of demand. Moreover, idea can come up in the meetings of District Vigilance Committee. After an idea is found workable, it should be reduced on paper in the formats provided in the Manual. Application is got cleared from the District Vigilance Committee by the DLO and forwarded to provincial labour department for scrutiny. Provincial department in turn will send the application to BOD before the deadline for consideration. The funding starts once the Board approves the proposal.

Q. I have a project which is made of more than one component as it contains training of freed bonded labour as well as providing of micro credit to trained labourers. Should I apply separately?

A. There is no need to apply separately. Format A has a section, which deals with components. Details of different components may be provided there. However, it will be evaluated by the BOD and one or more components can be approved for financing depending upon the integration of the different components.

Q. There are many items in the Formats that are not applicable to the project that I am proposing. Will it go against the project if not all the items are answered?

A. No. It is mentioned that only applicable items in the formats have to be filled. If the project is very innovative, its detail will reveal its viability. On the other hand it is also important that columns may not be left blank unnecessarily.

Q. The duration of my project is 3 years. Do I have to apply every year for fresh funding?

A. No. Once approved the project will be funded uninterrupted subject to conditions contained in `funding arrangements' and `reporting requirements'.

Role of the social partners in combating bonded labour

Important social partners

- i. Judiciary
- ii. Police Department
- iii. Labour and Human Resource Department
- iv. Home Department
- v. Law Department
- vi. District Government
- vii. Bar Councils
- viii. Social Welfare Department
- ix. Executive District Officer (Community Development)
- x. Executive District Officer (Literacy)
- xi. Press
- xii. NGOs
- xiii. Labourers
- xiv. Employers
- xv. General Public
- xvi. Religious Leaders
- xvii. Political Leaders
- xviii. Councilars

i. Judiciary

Lower Courts give the relief to the Bonded Labourers in the light of judgments of Apex Courts. Judiciary is working for the elimination of Bonded Labour at District, Provincial and Federal level.

a). Session Courts are empowered at District level for the liberty of those labourers who are entangled in the Bonded Labour situation.

b). At provincial level, High Courts have jurisdiction to hear the cases against Bonded Labour.

c). Supreme Court of Pakistan has jurisdiction to take suo-moto action upon the telegram or complaint of bonded labourers. There is strict action being made upon the order of Supreme Court of Pakistan.

Supreme Court and High Courts are also known as Constitutional Courts.

ii. Police Department

As police is the part of DVC, so it is its responsibility to take strict action on receiving a case regarding male/female Bonded Labour directly or through District Vigilance Committee. Police Department should put up its monthly report of male/female bonded labour cases before DVC. Police shall keep regular liaison with concerned District Labour Officer in respect of both male/female bonded labour cases.

Besides these provisions, the system and procedure of police should also be gender sensitive. While making policies, it is important to keep the gender in mind. According to the present situation, men have control and access over power

but women need to be empowered. This can be achieved through affected female's access to police. The availability of resources such as the number of police stations and their access by women, the issues of safety and security, transport and finally the fair execution of cases, so that the effected bonded labour can be heard and released of the problem

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Further to encourage women participation and giving them a right to speak, the police stations should hire female staff members also, so that the women from rural areas feel comfortable and open to share and talk about their domestic and work-related issues.

Labour and Human Resource Department

As the complaint of any male/female bonded labourer is received to Labour Department, the concerned officer morally and legally helps the applicant at the spot. Being gender sensitive, the labour department should also keep in mind the female and their issues. They must be encouraged to bring their issues forward and this can be done by having a separate desk to listen to female agendas under the same roof. The availability of a female labour officer can encourage females to come forward and highlight their issues.

programs and facilities for the rehabilitation and welfare of the freed male/female bonded labourer is the responsibility of Labour Department. Moreover, all the recovery cases against Brick Kiln Owners can be filed before Assistant Director Labour welfare and Authority under payment of wages Act of the concerned District. An application for death grant or marriage grant should be given to Labour Department.

iii. Home Department

Bonded Labourers may also apply to Home Department Government of Punjab for their grievances. The number of female seats in the national and provincial assembly will be helpful in furthering this concept. Women perspective in policy making and decision making is quite essential and basic, since only female can feel and reflect the need of women. Mostly, a woman has both productive and reproductive roles to play and they carry a lot of burden in this regard. Solutions to their problems will not only empower them financially but will also add towards the economic welfare of the country.

Law Department

It is the responsibility of Law Department that recommends to legislature the necessary amendments in the Bonded Labour System (Abolition) Act 1992 in accordance with present facts and circumstances and implements the law in accordance with its true spirit. It is also mentioned here that all the concerned information must be sent to Law Department. Sex disaggregated data comprising the number of male/female bonded labour cases will lead to a fair decision making by the judiciary.

iv. District Government

District Nazim is the head of District Government and is the chairman of District Vigilance Committee (DVC). It is their responsibility to ensure women participation in the process of vigilance committees. The meetings should be conducted at a place where women can easily come and provide their input, or they should be provided transport otherwise. the DVC must hire female staff also. District Nazim must call at least one meeting of DVC in every month and make

assurance the meeting of DVC through DOL. He must inspect the workplaces from time to time where bonded labour situation created and take strict action to eliminate male/female bonded labour. The DVC secretary (DOL) sends the minutes of meeting of DVC to labour department Govt. of Punjab. It is the responsibility of every person of society that all the information about bonded labour must put up in the meeting of DVC through DOL or take into the notice of District Nazim.

vii. Bar Council

In execution of the order of Supreme Court of Pakistan, Punjab Bar Council has established Free Legal Aid Committees at district level in Punjab to provide free legal assistance to labourers for the eradication of bonded labour. If any worker faces any legal problems about bonded labour then he can approach to the concerned free district legal aid committee for legal assistance.

Viii Social Welfare

Social welfare is the department which deals with the welfare schemes of workers. Workers must find out the various welfare schemes for laborers with in the social welfare department and take advantage from the government's schemes. The policy must include allowances for the treatment and health of women e.g. problem related with child birth and thereafter.

ix. Executive District Officers.(Community Development).EDO (CD)

Community Development plays a role not only for common workers but also for poor male/female bonded labourers to rehabilitate and educate them and

take action for the welfare and prosperity of both male/female bonded labour. EDO (CD) consists of labour department and social welfare department.

x. Literacy Department

This department provides the basic education to workers and their Children and helps to eliminate the illiteracy. It also works along with community development department for getting 'education for all'.

Statistical data shows that it's mostly the boys who go to school and get education. There are number of reasons for this. Some of the problems may include the availability of female schools, and even when a school is opened for girls it is made in a distant place which is not easily accessible by girls, and they can not go alone hence they stay at home. With the provisions of facilities such as school in the nearby are, safety and security and the availability of transport etc can lead to a higher enrollment and retention of boys and girls.

Similarly, to encourage education of both genders govt. should provide free education or education at a minimum fee. To promote higher and secondary education govt. must announce scholarships for boys and girls.

These facilities will contribute towards the economic development of the nation, and highlighting both genders on equal basis.

xi. Press

Press should play its rule to eliminate bonded labour and point out those workplaces where there is bonded labour. It should have regularly acquainted responsibility of public and govt. functionaries for the eradication of bonded labour.

Through media and press, a lot of awareness campaigns can be started. The issues of men and women bonded labour must be brought into the knowledge of general

public. This may include the govt. functionaries, NGO's and other institutes working towards the eradication of male/female bonded labour.

Especially the families of female bonded labour must be focused so as to protect their rights which are being neglected so far. To further strengthening the cause, the families must be informed and educated about better income generation programs and activities. They must be told about the importance of female education and proper work, and that how this can bring fruit to the entire family.

xii. NGOs.

NGOs must play their role to eradicate bonded labour after joining hands with Govt. functionaries and represent Pakistan as a free bonded labour country at international level. NGOs working at district level must participate in the meetings of DVC regularly. Besides giving the recommendations for the eradication of bonded labour to DVC, NGOs can play very important role in freedom and rehabilitation of male/female workers.

The NGO's working for the eradication of both male and female bonded labour must be given support and cooperation by the government and banks.

NGO's/self-help groups and community based organizations should focus on capacity building through savings mobilization and credit management.

NGO's and bankers should meet regularly to strengthen their links for closer monitoring and evaluation of joint activities for the poor male and female. They must also highlight the need for further work in different areas.

xiii. Laborers.

If labourer gets some loan then he must take receipt against it and save it as record purpose . He must avoid to take that debt from which bonded labour is created. The responsibilities of labourer are as under

1. if pay is less than as per Govt notification and some deduction has been made from it then he file an application against the owner before the Authority under Payment of Wages Act through DOL .
2. if any false case is registered then it is to be noticed to DVC's chairman through his union and the investigation be made through DPO.
3. the information of the complaint of bonded labour must communicate at once to DOL, Chairman of DVC or inform Legal Aid Service Unit (LASU) through Free Help Line No. 0800-33888.

xiv. Owners/ Employers

Employers should not take any service from labourers which are repugnant to the injunctions of Islam and against law. Owners must participate regularly the meeting of DVC and join the hands with the Government functionaries to eliminate the male/female bonded labour. Brick Kiln Owners should register their brick kilns within labour department under Factories Act 1934, so that the workers can gain benefit from the welfare schemes of Government of Punjab. The workers of registered brick kilns have been given the following facilities.

- i. Death Grant
- ii. Marriage Grant
- iii. Children Scholarships
- iv. Social Security
- v. Residence Facilities.

xv. General Public

It is the responsibility of every person of the society that he should point out the premises or workplace of bonded labour. He should inform to Labour Department Government of Punjab or District Government for the purpose.

xvi. Religious Leaders

Muslim theologians must get aware the people about the eradication of bonded labour according the theme Quran and Hadith during the Juma's sermons and their speeches. They should give the lesson of brotherhood. Worker is treated harshly by the owner and work is done unfaithfully by the worker is against the moral values and repugnant to injunctions of Islam. The co-operation of workers and owners of brick kiln in this respect is highly necessary.

xvii. Political Leaders

The responsibility of political influential persons is that they should not stand by the side of those persons who have created the bonded labour situation. They should play their role to eliminate the bonded labour socially and politically.

xviii. Councilars

Councilars should point out the male/female bonded labour situation at Union Council level. They must perform their social responsibility for the eradication of this curse especially present at brick kilns. They should play their role to eliminate the bonded labour by attending the meeting of DVC and joining hands with the concerned District Government Functionaries, social organizations, NGOs, Labour Leaders and Brick Kiln Owners.

They should refrain from being gender blind in the eradication of male/female bonded labour. They must be gender sensitive while making and announcing any future plans. They must keep women participation in plan development to make it practically feasible and successful.

8. District Vigilance Committees (DVCs)

District Vigilance Committees are established at district level in accordance with Bonded Labour System (Abolition) Rules 1995. The members of DVCs are as under.

- | | | |
|-------|---|---------------|
| i. | District Nazim | Chairman |
| ii. | District Coordination Officer | Vice Chairman |
| iii. | District Officer Labour | Secretary |
| iv. | Public Representative | Member |
| v. | Representative of District Administrative | Member |
| vi. | President Bar Association | Member |
| vii. | President Press | Member |
| viii. | Representative of social department | Member |
| ix. | Representative of National and Provincial Assemblies. | Member |
| x. | Workers | Member |
| xi. | Brick Kiln Owners | Member |
| xii. | Representative of local NGOs | Member |

This committee is commissioned to eliminate the bonded labour.

9. Duties and Responsibilities of District Vigilance Committee (DVC)

The following are the duties and responsibilities of DVC.

- i. To inspect premises or workplaces to ascertain existence of male/female bonded labour.

- ii. To call male/female owner, male/female worker or any other person for information about male/female bonded labour.
- iii. To conduct enquiries and take an appropriate action against violators of male/female Bonded Labour System (Abolition) Act 1992.
- iv. To use the powers to enforce male/female Bonded Labour System (Abolition) Act 1992.
- v. To hold the monthly meeting of DVC.
- vi. To advise the district administration and other concerned departments on matters relating to effective implementation of the law and to ensure its implementation in a proper manner.
- vii. To help in the rehabilitation of the freed male/female bonded labourers.
- viii. To keep an eye on the working of the law
- ix. To provide the male/female bonded labourers such assistance as may be necessary to achieve the objectives of the law.
- x. To send the regular minutes of the meeting of DVC to Government of Punjab.

10. Effective Measures taken by DVCs

The following are the necessary ingredients to active the DVCs and make them efficacious.

- i. Set up a complaint cell at district level.
- ii. Make sure the monthly meeting of DVC.
- iii. Visit the brick kilns in delegation form.
- iv. Play an effective role for the registration of brick kilns.
- v. Help men and women in getting the National Identity Cards.
- vi. Include the men and women in the government's welfare schemes.

- vii. More funds should be used for the welfare of workers and to educate their children.
- viii. Reduce wage differences between men and women.
- ix. Work should be done on providing basic human capabilities e.g. nutrition, health and skills that will enhance gender equality in the productivity of labour. Similarly, women should have access to resources such as land, equipment, finances and infrastructural support that will generate a surplus and lead towards gender equality. Additionally, women should have control over the disposition of own labour, to reduce various forms of allocative inefficiencies. Women should be brought forward to have access to other market opportunities.

11. Rights of workers in the light of Hadith

Bonded Labour in any form is a crime. The remarks of our Holy Prophet about workers are as under.

- These (servants) who work for you are actually your brothers. Allah almighty has only extended your authority over them and subjected them to work under your command(if the situation is that), you should provide the same food which you yourself eat and provide the same clothes which you yourself wear and never overburden them by compelling to do a work beyond their capacity.
- Pay every rightful claimant his dues.
- Always keep prayers in your mind and of the right of the people Who are your dependents.
- Pay the worker his wages before his sweat dries.

It is proved from the above Ahadith that Employer/Owner keep the right of the people who are their dependent and do not cause them inconvenience and pay them their right dues.

12. Issuance of National Identity Cards

Labour and Human Resource department Government of Punjab has exploited the scheme to make National Identity Cards of brick kiln workers. Those workers who have no National Identity Cards and face any difficulty to get Computerized National Identity Cards (CNIC), then they should contact the concerned DOL along with their complete documents.

13. Legal Aid Service Unit (LASU)

Legal Aid Service Unit is established at Industrial Relations Institute (IRI) near chandni chowk Township Lahore for the legal assistance to those workers who are entangled in male/female bonded labour situation. The basic purpose of LASU is, to give free legal and moral assistance to male/female bonded labourers. LASU is paying full attention to complete the commitment of the Government of Punjab to eliminate the bonded labour. The establishment of LASU is being made under Bonded Labour Fund Government of Pakistan. As the male/female bonded labourer approaches to LASU for the assistance or other problem through, Toll Free Help Line No. 0800-33888 or an application, Law Officer of LASU reaches at the spot along with the concerned DOL and record the statement of the complainant and helps the worker morally as well as legally. LASU plays its role for the eradication of male/female bonded labour at district as well as provincial level.

14. Procedure How to apply

The male/female Bonded Labourer/ family may apply to LASU to get legal and moral help in the following manner.

You must tell your identity card no. during the call at Toll Free Help No. 0800-33888 or you may send a simple application along with photocopy of NIC to the Secretary Labour or Director Labour Welfare Punjab. You must write your complete address and contact number (if any), so that an enquiry may be conducted at the spot and moral help may be provided to you.

Chapter-8

Awareness Raising and Capacity Building of Police about Bonded Labour Role of the social partners in combating bonded labour

Lapses in Implementation of Laws on Bonded Labour

Pakistan is constitutionally, legally and internationally committed to abolish male/female bonded Labour system and forced Labour practices in all economic activities. Despite all these commitments, there is poor track record of implementation of laws. The reasons are several:

- Police officers are not aware of the Law regarding bonded Labour.
- Police officers are not aware about the rote they need to play in pursuing cases of bonded Labour.
- Police officers are unable to differentiate between civil case and criminal case.
- Police is often in cahoots with landlords and are used as a tool for trapping bonded labour in criminal cases and take bonded labour issue as criminal liability
- The Laborers are unaware of severe punishment envisaged in the Law and hence are oblivious of the protection they could seek for.
- Non-compliance of ILO Conventions on forced Labour can have legal, political, and socio-economic consequences.

- Landlords being influential persons find ways and means to defeat the purpose of the law
- The employers exert political power and hence there is inadequate evidence to substantiate against the offenders are taking place.

Role of Police

The role of police is to aid individuals (male/female) and groups who cannot care for themselves or are in danger of physical harm. Police should provide the service of neighborhood Watch by keeping an eye on the happenings around. They should know that they are the authority to disseminate information to the community on male/female bonded Labour issues. Police should engage people and use the existing community networks to create awareness in the mass that bonded labour is a crime, it is punishable under the Law, and the male/female labourers could seek Legal protection.

Male/female bonded labour cases are either reported or unreported. The police must arrange and encourage women reporting as well. They must provide separate windows for women in the same police station. Even the reported cases vary in angle depending upon who is reporting. NGOs and labour complain about he kidnapping, physical abuse, non-payment of wages, etc. The employers, on the other hand, have opposite to say. They complain that the labour has cheated, is involved with the use of weapon and drugs, has committed theft, or has run away. The unreported cases are those which come into the knowledge of Vigilance Committees and NGOs. Police, at times, seems to be in cahoots with the influential employers and supports them who come with allegation against their employees. When there are labour problems, the employers try to involve police to settle the issue by bringing fictitious case against laborers, and converting a civil

dispute into a criminal case. Mostly police personnel are well aware of what goes on, many unscrupulous officers do not take any action against the influential; instead help them in their nefarious activities. They also start harassing the relatives of the accused employee if he has run away.

Where the phenomenon of bonded labour is pervasive, police should be capable enough to swift through different versions received from the NGOs, labourers and the employers. They should know how employers lodge concocted cases against their employees if they want to leave. Supervisory officer of the police should restrain their staff from becoming a tool to file criminal case against the employees and use force against them. Police should be able to prosecute those who exploit bonded labour through intimidation or violence and send reports of prosecution on regular basis.

Interpretations of Bonded Labour Cases

Dispute between employers and employees is a civil case where one side is seeking legal remedy from the other party. The police should be able to differentiate between criminal liability and civil liability and not file criminal cases in a civil dispute.

Raid and rescue has become a necessary tool. Police when informed about any bonded Labour activity should inspect any premises or workplace on suspicion to liberate those in bondage and exploitative Labour.

Even after seeking freedom, the former bonded labourers are at a risk of falling back into bondage. They are haunted by their former land Lords with threats and even often kidnapped. Police should workout a process or familiarize itself with the existing rules and regulations for sustained involvement once the bonded Labour is set free from the land Lords or employers and should not play any part in are set free.

Reference Material

GoP Commitments to Women Development

Policy Environment for Gender Mainstreaming

International	<ol style="list-style-type: none">1. MDGs – Millennium Development Goals (MDGs, 2000)2. CEDAW – in force on September 3, 1981. Pakistan ratified in 1996.
National	<ol style="list-style-type: none">3. MTFD – Mid Term Development Framework (2005-10)4. NPA – by Ministry of Women and Development, September 1998.5. NPDEW – by Ministry of Women and Development, 2002
Major Initiatives	<ol style="list-style-type: none">6. GRAPs – National and Provincial GRAPs (2004)7. Decentralization Support Program - TA28. GSP - Gender Support Programme (2003-2008)

1. Gender and the Millennium Development Goals (MDGs)

Why Gender Matters to the MDGs

The Millennium Development Goals, or MDGs, are an integrated set of eight goals and 18 time-bound targets for extending the benefits of globalization to the world's poorest citizens. The goals aim to stimulate real progress by 2015 in tackling the most pressing issues facing developing countries – poverty, hunger, inadequate education, gender inequality, child and maternal mortality, HIV / AIDS and environmental degradation. UNDP helps countries formulate national development plans focused on the MDGs and chart national progress towards them through the MDG reporting process.

In most developing countries, gender inequality is a major obstacle to meeting the MDG targets. In fact, achieving the goals will be impossible without closing the gaps between women and men in terms of capacities, access to resources and opportunities, and vulnerability to violence and conflict.

Millennium Development Goal 3 is 'to promote gender equality and empower women'. The goal has one target: 'to eliminate gender disparity in primary and secondary education, preferably by 2005, and to all levels of education no later than 2015'. Four indicators are used to measure progress towards the goal: the ratio of girls to boys in primary, secondary and tertiary education; the ratio of literate women to men in the 15-to 24-year-old age group; the share of women in wage employment in the non-agricultural sector; and the proportion of seats held by women in national parliaments. The existence of a separate goal on gender equality is the result of decades of advocacy, research and coalition-building by the international women's movement. Its very existence demonstrates that the global community has accepted the centrality of gender equality and women's empowerment to the development paradigm– at least at the rhetorical level.

Yet the gap between rhetoric and reality persists: the 2005 primary and secondary school parity target will likely be missed. But even if it were achieved, it is hardly sufficient to ensure the full participation of women in the political and economic lives of their countries. Much more is needed: full reproductive health rights and access to services, guarantee of equal property rights and access to work, affirmative action to increase political representation, and an end to violence against women and girls. To realize the MDGs, governments and their partners must seriously and systematically 'engender' efforts to achieve *all* the goals. But today, the gender focus is largely limited to the gender equality, maternal mortality, and HIV/AIDS goals – leaving out critical development issues such as the feminization of poverty, the preponderance of female-headed households among the hungry, and the lopsided impact of environmental degradation on women (particular in terms of time spent gathering fuel and hauling water).

Making MDG Reporting Gender-Sensitive

Gender experts and advocates have suggested several concrete ways to make the MDG implementation and reporting process more gender-sensitive. Two complementary approaches include adding targets and indicators to Millennium Development Goal 3 (on gender equality and women's empowerment), and disaggregating the targets and indicators for the other goals by gender. Both deserve UNDP support. The UN Millennium Project Task Force on Education and Gender Equality¹ suggests that national governments add additional targets, beyond the education target, under the gender equality and women's empowerment goal. Recommended targets include:

- Ensure universal access to sexual and reproductive health services through the primary health care system;
- Eliminate gender inequality in access to assets and employment;
- Achieve a 30 percent share of seats for women in national parliaments;
- Reduce by half the lifetime prevalence of violence against women.

The task force also suggests that national governments add additional indicators for tracking progress towards the gender goal. Their recommendations include:

- Completion rates (in addition to enrolment rates) for primary and secondary school;
- Economic indicators such as gender gaps in earnings, sex-disaggregated unemployment rates and occupational segregation by sex;
- Prevalence rates for domestic violence in the past year.

Another option is to add at least one gender-specific indicator not just to the gender goal, as suggested above, but also to the set of indicators for all the goals and targets. A recent UNDP review of National MDG Reports² argues that adding more indicators for each and every target, ideal though it would be, is not feasible given country capacity and workload considerations as well as the availability of data. Instead, the report recommends providing sex-disaggregated data and qualitative information on gender issues across goals and targets, and gives practical suggestions on how to do so:

- Involve women's groups and gender experts in consultations on all the goals;
- Support independent studies using rapid participatory methodologies to collect qualitative information on key gender dimensions of goals and targets;
- Share draft reports with independent gender experts for review;
- Support efforts to sensitize statisticians involved in collating and processing MDG tracking data to the gender dimensions of the mandatory indicators under each goal;
- Support the collection of sex-disaggregated data;
- Provide training to country teams and others involved in the MDG reporting process.

Where to Go for Help

Gender Equality and the Millennium Development Goals (<http://www.mdgender.net/>) is a website with resources and tools for addressing gender equality in all of the MDGs – from literature on gender equality as it relates to each goal, to tools for advocacy and action.

UNDP best practices can be found in *National Reports, a Look Through a Gender Lens*,

available at:

<http://www.undp.org/gender/docs/mdgs-genderlens.pdf>

See the final reports of the UN Millennium Project Task Force on Education and Gender Equality, *Toward universal primary education: investments, incentives, and institutions* and *Taking action: achieving gender equality and empowering women* at: <http://www.unmillenniumproject.org/reports/reports2.htm#02>

National Reports, a Look Through a Gender Lens.

2. CEDAW

Convention on the Elimination of Discrimination Against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which came into force on September 3, 1981 has, as of November 1, 1999 been ratified by 165 state parties including Pakistan which did so in 1996. Often described as international bill of rights for women, it is the only legally binding treaty that women can turn to in demanding state protection of their civil, economic and political rights. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention provides the basis for realizing equality between women and men in political and public life, education, health care, marriage and family relations, property ownership and employment. It is the only human rights treaty which affirms the reproductive rights of women and identifies culture and tradition as influential forces shaping gender roles and family relations.

But CEDAW is not self-executing. It requires the enactment of national legislation for its enforcement. CEDAW can be cited and used by the courts in deciding cases of discrimination against women in almost all spheres of life such as politics, employment, education, health care, marriage, family relations and property ownership.

(Source: UNICEF)

3. MTFD – Mid Term Development Framework (2005-10)

Vision for MTFD

Enhancement of the status of women through promotion and protection of women's rights, their empowerment and advancement, and their active participation and mainstreaming in all spheres and at all levels, so as to bridge the gender gaps and move towards gender equality.

Strategies:

- a. Meeting women's basic minimum needs: making efforts towards broader horizontal linkages
- b. Poverty reduction, economic empowerment, social and legal empowerment, personal security and political participation:
- c. affirmative actions to create a 'level playing field' (mainstreaming gender in the PRSP 2003)
 - Strengthening of institutional mechanisms

- Mainstreaming of gender
 - Initiation of special programmes for women’s economic empowerment
 - Social protection measures
 - Macro economic policy framework
 - Access to training and employment
 - Organizing women
- d. Gender responsive budgeting and required investments

4. National Plan of Action (NPA)

The National Plan of Action (NPA) puts together the strategic objectives and action the government of Pakistan will take to implement the Beijing Platform for Action (PFA). It was the result of nationwide consultations and the joint efforts of government both federal and provincial, and civil society, particularly women’s groups. The PFA recommended that government address twelve (12) critical areas of concern:

- Women and Poverty
- Education and Training of Women
- Women and Health
- Violence against Women
- Women and Armed Conflict
- Women and Economy
- Women in Power and Decision-Making
- Institutional Mechanisms for the Advancement of Women
- Human Rights of Women
- Women and the Media
- Women and the Environment
- The Girl Child

5. National Policy for the Development & Empowerment of Women (NPDEW)

Goal:

Empowerment of Pakistani women, irrespective of caste, creed, religion, or other consideration for the realization of their full potential in all spheres of life, especially social, economic, personal and political and in keeping with our Islamic way of life.

Key Policy Measures:

- Ensuring that government agencies adopt a gender sensitive approach to development in preparing needs based, participatory and implement able programmes and projects. Gender sensitization to be institutionalized and integrated into all sectors of development, and to include the private sector as well.
- Developing multi-sectoral and inter-disciplinary approaches for women’s development, with horizontal and vertical linkages at every level.
- Mainstreaming gender issues through integration into all sectors of national development.

- Eliminating all negative social practices.

Major Thrusts:

- Social Empowerment of Women: Education, Health, Law and Access to Justice, Violence against Women, Women in the Family and Community, The Girl Child;
- Economic Empowerment of Women: Poverty, Access to Credit, Remunerated Work, Women in the Rural Economy and Informal Sector, Sustainable Development;
- Political Empowerment of Women: Power & Decision Making, participation of women in all political arenas and at all positions, participation of women in all decision making bodies of the executive and judicial organs of the state and communist

6. National and Provincial Gender Reform Action Plans (GRAPs) for Engendering Governance Structures

With the total estimated cost of Rs. 1444 million (US \$ 24.5 million in total, Rs. 612 million for National GRAP), the National and Provincial GRAPs propose a coherent gender reform agenda to align policies, structures and procedures for enabling the government to implement its national and international commitments on gender equality. The reforms are designed within contemporary development paradigm with women's empowerment at its centre, and with a view to enhancing the participation of women across the gender and governance sphere: from political participation, where the wishes of citizens are expressed through political mandates and legislation, to government actions, where these wishes are implemented through public sector machinery: institutions, policies and budgets.

GRAP will be implemented in four years and in two consecutive phases of two years each. The costs of national as well as provincial GRAPs will be partly financed through government funding, and partly through various bilateral and multilateral sources. GRAP has the following components:

- Political Participation
- Institutional Restructuring
- Women's Employment in the Public Sector
- Policy Reforms
- Capacity Development Interventions
- Supporting Reforms

GRAPs include gender-based policy, administrative, political and fiscal reforms at the Federal, Provincial and District level to enable the Government to implement its national and international commitments on gender equality. GRAPs propose reforms across all sectors focused on executive arm of government. These reforms are designed within contemporary development paradigm with women's empowerment at its centre, and a view to enhancing the participation of women across the gender and governance sphere: from political participation, where the

wishes of citizens are expressed through political mandates and legislation, to government actions, where these wishes are implemented through public sector institutions, policies and budgets. GRAPs propose the following reforms:

- a) Institutional reforms
- b) Reforms in policies, budgeting and public expenditure mechanisms
- c) Reforms to increase and improve women's employment in public sector organizations
- d) Reforms to improve women's political participation
- e) Related capacity building interventions

7. Decentralization Support Program – TA2

One national and four provincial GRAPs were prepared by the Ministry of Social Welfare, Women Development and Special Education and Provincial Women Development Departments in a consultative and review process under ADB's technical assistance (TA) project, TA3832: Gender Reform Program. Federal and provincial cabinets have now approved the draft GRAPs cleared by the Provincial and National Steering Committees. The Ministry of Social Welfare, Women Development and Special Education is the national focal ministry for implementation of national GRAP, while the provincial Women Development Departments will implement their respective GRAPs.

ADB's principal commitments to gender and governance reforms in Pakistan are articulated through two major programs, the Decentralization Support Program (DSP)¹ and the Access to Justice Program (AJP).² Although these programs provide a high-level framework for policy dialogue with Government on gender and governance issues, this dialogue has been sporadic as both programs have awaited a firm commitment from Government to an over-arching package of legislative, political, administrative and fiscal reforms. A key package of reforms, in the shape of Gender Reform Action Plans (GRAPs), has been the main output of the recently concluded technical assistance (TA) project for Gender Reform Program.³ GRAPs have now been approved by the Cabinets of the federal government and the provincial governments of Sindh, Punjab, North West Frontier Province (NWFP) and Balochistan. GRAPs have significance for the ADB as their implementation is a policy commitment in the DSP, in the Punjab Resource Management Program (PRMP)⁴ and the Sindh Devolved Social Services Program (DSSP Sindh).⁵ During 2004, the ADB Board will consider two additional programs, the Balochistan Resource Management Program⁶ (BRMP) and the Punjab Devolved Social Services Program⁷ (DSSP Punjab) in which GRAPs implementation is proposed as a policy action. DSP provides for a dedicated TA to support implementation of GRAPs.⁸ Thus, through these commitments, ADB has made an unprecedented effort to

¹ Loans 1935/36/37/38-PAK: *Decentralization Support Program* of \$300 million, approved on 21 November 2002.

² Loans 1987/88/89-PAK: *Access to Justice Program*: of \$350 million, approved on 20 December 2001.

³ TA3832-PAK: *Gender Reform Program* of \$600,000 was approved by ADB on 1 February 2002.

⁴ Loans 2030/1-PAK: *Punjab Public Resource Management Program* of \$200 million, approved on 4 December 2003.

⁵ Loans 2047/8/9-PAK: *Sindh Devolved Social Services Program* of \$229 million, approved on 12 December 2003.

⁶ A \$120 million loan is in the pipeline year 2004-2006 for *Balochistan Resource Management Program*.

⁷ A \$150 million loan is in the pipeline for lending for the year 2004-2006 for *Punjab Devolved Social Services*.

⁸ Loan 1938-PAK: *Gender and Governance Mainstreaming*

mainstream both corporate and government policy on gender through innovative and high profile assistance.

8. Gender Support Programme (GSP)

The Gender Support Programme (GSP) (2003-2008) has been designed to provide a unified holistic strategy in promoting gender equality in Pakistan. GSP is coordinated by Economic Affairs Division (EAD) and works with the relevant Government Ministries and line Departments at the Federal and Provincial level as well as other stakeholders.

Addressing poverty in Pakistan through gender-responsive governance and rights based approach to sustainable human development, it aims to provide coordinated policy, technical and managerial support to the Government of Pakistan (GoP) in the design, implementation and monitoring of national programmes and projects. GSP is linking with Government Policies and programmes as follows:

- NPDEW
- PRSP
- CEDAW
- MDGs
- MDTF
- GRAP

In terms of women's areas of concern, the following are being addressed through GSP:

Strengthening of Institutional Mechanisms: 4 interventions

- Institutional strengthening of the NCSW
- Gender responsive budgeting with the Ministry of Finance
- Gender mainstreaming in the planning process & P&DD
- Working towards achieving the national and international commitments on gender and poverty issues with MoWD

Political Participation

- GSP project with the Ministry of Women Development titled 'Women's Political School'

Social Protection Measures

- GSP project with the Local Government titled "Gender justice through the Musahilat Anjuman".

Economic Opportunities

GSP project titled WACT (Women's Access to Capital and Technology)

GLOSSARY

1. GENDER

Gender attributes are socially-assigned roles and relations between men and women. Gender relationship relates to a range of institutional and social issues rather than a specific relationship between certain male and female individuals. Gender characteristics are not natural or biological. We are not born with them. Societies create and assign gender attributes to girls and boys, men and women, and there is often considerable social pressure to conform to these ideas about behaviour. For example, in many societies women are expected to be subordinate to men. But in some societies women are dominant in decision-making. In other societies it is expected that women and men will participate equally in decision-making.

2. SEX

The biological differences between male and females that we are born with, and that are universal.

For example men can impregnate and women can give birth and breast-feed.

3. GENDER ROLES

What women and men are expected to do and how they are expected to behave towards each other.

Gender roles are different across communities and across the world. They change over time in response to changing community circumstances (e.g. during wars – when women take on more leadership roles) and changing ideas about what is acceptable or not acceptable behaviours and roles.

Gender roles and characteristics affect power relations between men and women at all levels and can result in inequality in opportunities and outcomes for some groups.

4. DIVISION OF LABOR

This concept looks at the different tasks and responsibilities undertaken by either women or men. The allocation of activities on the basis of sex is learned and clearly understood by all members of a given community/society.

The triple role of women includes: Productive work (production of goods and services for consumption by the household or for income), Reproductive work (bearing and rearing children, domestic work and maintenance of the household) and Community work (provision and maintenance of resources used by everyone – water, health care, education, and leadership). Men tend to be more involved in Community and Productive work.

5. GENDER RELATIONS

Social relations between women and men, in particular how power is distributed between them. They impact on men's and women's position in society and tend to disadvantage women. Gender hierarchies are often accepted as 'natural' but they are socially determined relations that are culturally based and subject to change over time.

6. GENDER EQUALITY

Women and men's similarities and differences are recognized and equally valued.

Men and women enjoy equal status, recognition and consideration.

Women and men enjoy:

- Equal conditions to realize their full potential and ambitions;
- Equal opportunities to participate in, contribute to, and benefit from society's resources and development;
- Equal freedoms and quality of life;
- Equal outcomes in all aspects of life.

7. GENDER EQUITY

The process of being fair to men and women – such as equitable allocation of resources and opportunities. Equity can be seen to be the means and gender equality as the end. Equity contributes to equality.

8. GENDER DISPARITY OR GAP

A specific difference or inequality between girls and boys, or men and women in relation to their conditions, or how they access or benefit from a resource (e.g. men's and women's access to health services, school drop-out rates of girls and boys).

9. GENDER STEREOTYPES

A set of characteristics that a particular group assigns to women or men (e.g. domestic work does not belong to men's responsibilities).

Gender stereotypes are often incorrect (do not reflect an individual's actual capacity) and usually limit what a person is permitted and expected to do by others in the society.

10. DISCRIMINATION AGAINST WOMEN

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹” Men and women are treated differently (restricted or excluded or violated) in the family, the workplace or society due gender stereotypes. For example, when a woman is not promoted to a leadership position (even when she has suitable qualifications and experience) because a society believes that only men can make important decisions.

11. GENDER BLIND

Unaware of gender concepts and the impact that they have on life experiences and outcomes for girls and boys, men and women.

12. GENDER SENSITIVE

Properly aware of the different needs, roles, responsibilities of men and women.

Understands that these differences can result in difference for women and men in:

- Access to and control over resources;
- Level of participation in and benefit from resources and development.

13. GENDER RESPONSIVE

Aware of gender concepts, disparities and their causes, and takes action to address and overcome gender-based inequalities.

14. GENDER TRANSFORMATIVE

Actively seeks to understand the underlying causes of gender inequalities and takes effective action to transform the unequal power relations between men and women, resulting in improved status of women and gender equality.

15. THE MAINSTREAM

The dominant set of ideas, values, beliefs and attitudes, relationships and practices within the mainstream of society.

Includes all of society's main institutions (families, schools, government, mass organizations) which determines who is valued and how resources are allocated, who can do what, and who gets what in society. Ultimately, the mainstream affects the quality of life outcomes for all of society.

16. GENDER MAINSTREAMING

An approach or a strategy to achieving broad-based gender equality throughout society – by getting gender issues into the mainstream.

Broadening of responsibility for achieving gender equality.

Essentially involves acceptance by the mainstream of gender equality as a worthy goal, and acceptance of responsibility by the mainstream to actively address the gender issues relevant to them, their relationships and work, with the aim of achieving gender equality throughout society.

Gender mainstreaming can be viewed as a tool in achieving good governance because it seeks to ensure that the needs and priorities of all members of a society are considered and met, that all members of society participate and contribute to the process of governance, and that the benefits of development are distributed equitably amongst all members of society.

Gender mainstreaming is not an end in itself – it is an ongoing approach to the way we think, relate with each other and do our work.

17. MAINSTREAMING WOMEN

An approach that emphasizes the need to increase the number of women and women's active participation in mainstream activities, particularly in politics, leadership and governance; key decision-making processes at all levels, in all sectors.

A strategy based on the recognition that men and women have different life experiences, different needs and priorities, and are affected differently by policies and programs. Therefore, in addition to it being women's right to participate in decision making – their participation makes sense from a government efficiency and effectiveness perspective – as it results in more effective government policies, programs and projects.

18. PRACTICAL NEEDS

Concrete immediate needs that are often essential for human survival such as food, water, shelter, money, security.

Action to address practical needs can relieve immediate disadvantage but tends not to change underlying causes of gender inequality.

19. STRATEGIC INTERESTS

Longer term and less visible issues that relate to the underlying causes of gender inequality. When strategic interests are met for women, there will be changes and improvements in power relations between men and women (e.g. removal of legal barriers, sharing of domestic work, and equal decision-making in the household).

20. CONDITION AND POSITION

Condition refers to the *material* state in which men and women live (e.g. food, quality of health care and housing, etc.) *Position* refers to women's and men's political, social, economic and cultural *standing* in society (e.g. unequal representation in the political process, unequal ownership of land and property).

21. ACCESS TO RESOURCES

When a person has the use of a resource (access), but does not control it, and as such is not in a position to make certain decisions about how the resource is used (e.g. renting land to grow crops, or access to/ participate in political processes).

22. CONTROL OVER RESOURCES

When a person has the power to make decisions about the use of resources (e.g. use the land or when to sell it, control over which issues are discussed in political processes and what the final decisions are).

23. GENDER RESPONSIVE MONITORING

A systematic ongoing approach to checking if interventions are on track to achieving their goals – specifically designed to reveal the differences in experiences and impact on men and women.

24. GENDER RESPONSIVE EVALUATION

A systematic approach to assessing the policy intervention, program or project (from a gender perspective) whether it achieved its objectives, what the broad impact was and why it was successful or unsuccessful. While monitoring is at the implementation (more micro) level and ongoing, evaluation occurs at the strategic (more macro) level and less frequently – typically mid-term and completion. Gender-responsive evaluations are designed to capture the impact on the entire group of stakeholders or beneficiaries, and show clearly the different outcomes for women and men.

Evaluations should provide us with important information to inform future policies, programs and projects. Evaluation results must therefore be documented, communicated effectively and made available to relevant policy, program and project designers.

25. SEX-DISAGGREGATED DATA

Quantitative statistical information on the differences between men and women, boys and girls for a particular issue or in a specific area. Looking at data for individuals and breaking it down by the sex of the individuals (e.g. data of life expectancy, school enrolment, smoking prevalence divided by men and women).

Sex-disaggregated data shows us if there is a difference in a given situation for women and men, girls and boys, but it doesn't tell us why the difference exists.

26. GENDER ANALYSIS

Provides a deeper understanding of the situation for and between men and women, their constraints, needs, priorities, and interests.

Gender analytical information (results of gender analysis) is essential in designing good policies – because it tells us why the differences exist – the causes. Gender analysis is an important part of policy analysis that identifies how public policies (or programs/projects) affect men and women differently.

Conducting gender analysis requires well-developed social and gender analytical skills and is usually carried out by appropriately trained and experienced social researchers or gender experts.

27. GENDER STATISTICS

A special group of statistics that focus on specific known gender related issues such as hours of sleep and leisure, violence against women.

28. BASELINE

Information gathered before an intervention is implemented to tell us what the situation is before action is taken. Baseline information is useful to the process of setting targets and measuring progress. Baseline information should be disaggregated by sex wherever possible to ensure that differences for women and men are clear from the outset.

29. TARGET

Targets (or objectives) help policy/program/project implementers and managers keep their eye on the prize – the ultimate outcome expected. Targets increase the likelihood that overall objectives will be met and that adequate resources will be allocated to ensure success. Wherever possible targets should be gender-responsive – highlighting the focus for both men and women where appropriate (e.g. reduce school dropout rates to X% for girls and boys).

30. INDICATOR

Indicators specify how achievement towards targets will be measured. What are the ‘indications’ of progress? How do we know if we are getting closer to our target or objective? They can be thought of as the steps along the way to achieving the target. For example, if the target is “re-forestation of a particular area”, the indicators might be X hectares of land prepared for planting, X number of seedling trees grown, irrigation system planned and set up, fertilizer purchased and spread, percentage of area replanted, percentage of trees planted – all of the ‘indications’ of progress towards the target.

31. QUANTITATIVE

Quantitative data are measures of quantity (total numbers, proportions, percentages etc), such as population figures, labour force figures, school attainment rates, etc. It is important that wherever possible data for individuals be disaggregated by the sex of the individuals – sex-disaggregated data.

32. QUALITATIVE

Information that is based on people’s judgments, perceptions and opinions about a subject. Obtained through attitude surveys, focus group discussions, public hearings and consultations, participatory appraisals etc. It is essential that qualitative information be collected in a manner that is sensitive to gender issues and shows a representative view of both male and female stakeholders.

33. GENDER-RESPONSIVE GOVERNANCE

Gender-responsive governance is an important step in achieving good governance. Gender-responsive governance seeks to ensure that institutions, policies, programs and projects:

- Involve women and men equally in government processes;
- Learn about, take seriously, and respond to the needs, interests and priorities of all members of society;
- Distributes resources and benefits of development equally between women and men;
- Ensures that men and women, girls and boys enjoy equal quality of life.

34. VIET NAM WOMEN'S UNION (VWU)

A popular women's socio-political organization which is mandated to women's equality and development, and protects women's legitimate rights and benefits.

35. NATIONAL COMMITTEE FOR THE ADVANCEMENT OF WOMEN (NCAAW)

National Committee for the Advancement of Women is the advisory body to the Prime Minister in developing and monitoring the implementation of the National Strategy and Plan of Action for Advancement of Women; coordinates with relevant agencies to make proposals, advocate and disseminate laws and policies of the State relating to gender equality and advancement of women; acts as a coordinating agency in drafting national reports on CEDAW implementation and a national focal point for international cooperation in gender equality and advancement of women.

36. COMMITTEE FOR THE ADVANCEMENT OF WOMEN (CAAW)

Committees for the Advancement of Women are based in line ministries and at local levels to advise and support leaders in the implementation of the Party and State's policies for gender equality and advancement of women.

37. MACHINERY FOR THE ADVANCEMENT OF WOMEN (MAOW)

Gender equality/advancement of women units act as policy coordinators, advocates and catalysts for gender mainstreaming across government agencies and sectors at all levels. The Machinery for the Advancement of Women comprises WU, NCAAW and CAAWs.

38. NATIONAL STRATEGY FOR THE ADVANCEMENT OF WOMEN

National Strategy for the Advancement of Women by 2010 contains five specific objectives. Its overall goal is aimed at improving the quality of women's material and spiritual life, as well as establishing the conditions necessary for women to experience their fundamental rights, and to fully and equally participate in and benefit from all aspects of political, economic, cultural and social life.

39. NATIONAL PLAN OF ACTION FOR THE ADVANCEMENT OF WOMEN (POA)

The National Plan of Action for the Advancement of Women to 2005 guides the implementation of the National Strategy and details specific responsibilities and actions for ministries and agencies to take in achieving the POA and National Strategy.

40. WOMEN IN DEVELOPMENT (WID) APPROACH

The WID approach which emerged in the 1970s began with an uncritical acceptance of existing social structures and focused on how women could be better integrated into existing development initiatives. It included strategies such as women only projects,

focusing on training, and women's productive work – often credit and income generation projects. WID treated women as passive recipients of development: women's concerns were viewed in isolation as separate issues. WID failed to address the systematic causes of gender inequality.

41. GENDER AND DEVELOPMENT (GAD) APPROACH

GAD was developed in the 1980s in response to the perceived failures of WID. Instead of focusing only on women, GAD is concerned with the relations between women and men; it challenges unequal decision-making and power relations. GAD seeks to address the underlying causes of gender inequality by addressing the different life experiences for men and women through mainstreaming gender into planning at all levels and in all sectors and focusing on whatever steps are necessary to ensure equal outcomes.



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