

**23 April 2012**

# **EQUALITY NOW**

## **Pakistan**

### **Submission to the UN Universal Periodic Review**

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## Executive Summary

In this submission, Equality Now, an international women's rights organization with ECOSOC status, provides information as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.<sup>1</sup>

- Equality Now, in consultation with partner organization Society for the Protection of the Rights of the Child (SPARC) highlights its concerns about the exploitation and abuse of girls in domestic servitude in Pakistan and the Government of Pakistan's failure to ban domestic work for children and to ensure that the trafficking legislation addresses domestic trafficking within Pakistan for the protection of children who are trafficked into domestic servitude.
- Equality Now makes a number of recommendations for action by the Government of Pakistan to address these areas of concern.

### **Promotion and protection of human rights on the ground**

#### Exploitation and Abuse of Girls in Domestic Servitude

1. The ILO has reported that across the globe more girls under 16 are found in domestic servitude than any other form of work. Plan International estimates that over 100 million people globally, predominantly young women and girls, are working in this "least regulated and protected of sectors." UNICEF reports that millions of girls who work as domestic servants are especially vulnerable to exploitation, abuse and trafficking within and across borders. According to the ILO, trafficking in children both internally and cross border is prevalent in South Asia with a high incidence of domestic child trafficking.

2. There are about 264,000 child domestic servants in Pakistan, most of whom are girls.<sup>2</sup> According to the ILO these "invisible" children, are trapped in their employers' homes where they are given very little or no pay, are deprived of the chance to have a childhood or receive an education, and are at risk of being subjected to verbal, physical, emotional and sexual abuse. Pakistani labor laws neither outlaw domestic work for children nor regulate the domestic work sector generally to protect the rights of adults working in that field. Pakistan also lacks legislation addressing human trafficking within Pakistan's borders (whether for labor or sexual servitude), and children continue to be trafficked into private homes without recourse.

3. Domestic servitude, in which girls are often confined to their employers' homes in slave-like conditions, working for long hours with minimal or very little pay and without regard to personal and physical safety, should be listed under the category of hazardous work. However, Pakistan's Employment of Children Act of 1991 bans a number of occupations for children but does not ban domestic work. Moreover, under international legal standards including the definition of trafficking under Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

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<sup>1</sup> Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I, adopted 27 September 2007

<sup>2</sup> International Labour Organization (ILO), Child Labour and Responses, Published: 2004, Accessed: April 2012  
<[www.ilo.org/legacy/english/regions/asro/newdelhi/.../southasia.pdf](http://www.ilo.org/legacy/english/regions/asro/newdelhi/.../southasia.pdf)>

Women and Children yet to be ratified by Pakistan, many girls in domestic service would be considered victims of human trafficking since they are recruited, transported, transferred, harbored or received for the purposes of exploitation. Pakistani legislation falls short of these international standards. While the Pakistan Prevention and Control of Human Trafficking Ordinance (2002) addresses cross border trafficking, it does not apply to trafficking within Pakistan's borders, including that of girls who are supplied to affluent households for the purpose of exploitation.

4. In January 2010, groups on the ground including SPARC informed Equality Now about the case of Shazia Masih, a 12-year-old Pakistani girl employed as a domestic servant who was taken to the hospital in an unconscious state where she died shortly thereafter. According to the initial medical report Shazia's body was covered with wounds, some caused by "blunt means" and some caused by "a sharp edged weapon." Her employer, a prominent lawyer and former head of the Lahore Bar Association, was arrested and charged with attempted murder. Various human rights organizations campaigned for justice in Shazia's case and called for immediate prosecution of her employer. A later medical report declared Shazia's cause of death to be "septicemia due to acute or chronic inflammatory disease of lung." Despite having kept Shazia in slave like conditions, withholding pay and not allowing her to see her parents, her employer was subsequently acquitted. A middleman who supplied Shazia and other impoverished girls to prosperous homes for domestic servitude, was arrested for a short period but also subsequently released on bail. Given the lack of proper prosecution of the abusers, Equality Now issued an Action to its members urging the government of Pakistan to ban domestic work for children and to ensure that the trafficking legislation addresses domestic trafficking within Pakistan and protects children who are trafficked into domestic servitude.

5. Following the 18th Constitutional Amendment passed by the Pakistan parliament on 15 April 2010, labor and child rights came under provincial jurisdiction, giving provincial governments the responsibility to take the lead in introducing improved laws. However, the national Employment of Children Act which fails to outlaw child domestic servitude remains in force until such time as provincial governments enact similar laws at the provincial level. No province has acted to ban child domestic servitude. Only the Punjab government has moved to pass its own legislation but it has incorporated the existing national law without the addition of child domestic servitude in its schedule of banned occupations. The legal status of child domestic servitude therefore remains the same and child domestic servitude remains rampant in Pakistan, with a large proportion of domestic servants being girls.

6. Our partner in Pakistan, SPARC, informed us of numerous cases of girls who continue to be abused and exploited in domestic servitude, often to tragic ends. These cases include:

- In July 2010, 18-year-old Tania who worked as a maid was found hanging from a ceiling fan in her employer's home. According to her family, she had been sexually assaulted before her death.
- In August 2010, 12-year-old Tehmina was allegedly pushed off a balcony by her employer as punishment for demanding her salary and died as a result. Tehmina's father was given compensation money and in return was asked to drop all charges against the employer.

- In November 2010, 10-year-old Sara escaped from her employer's house in Multan where she had been severely tortured with hot iron rods by a "faith healer" to free her from evil spirits as her employers believed that she was possessed.
- In February 2011, 14-year-old Nida was allegedly kidnapped and tortured to death by seven persons including her ex-employer and his friends. Her body was found abandoned in a deserted place near the village.
- In March 2011, 14-year-old Khalida was allegedly raped and killed by her employers. The post mortem report of the local hospital confirmed that Khalida had been raped by three different men before her death.
- In April 2011, 6-year-old Laiba was beaten by her employers as punishment for urinating in the kitchen. She was taken to the hospital with a fractured arm and head wounds where she died as a result of her injuries.

7. Pakistan has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). Article 10 (3) of the ICESCR states that "children and young persons should be protected from economic and social exploitation" and "their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law." It directs States Parties to set age limits below which the paid employment of child labor should be prohibited and punishable by law. Article 19 of the CRC requires States Parties to protect children from all forms of exploitation and Article 32 states that States Parties should "recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." It further directs States Parties to set a minimum age for admission to employment, regulation of employment hours and conditions as well as penalties to ensure enforcement. Pakistan is also a party to the ILO Convention on the Worst Forms of Child Labor (No. 182), which requires States Parties to prohibit for children any work "which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children"; and the ILO Minimum Age Convention (C138) which requires that countries set 15 years as a minimum age for admission to work and 18 years as the minimum age for hazardous work.

8. The Committee on the Rights of the Child, which monitors compliance with the CRC, in its examination of Pakistan's report in October 2009 expressed concern at the high prevalence of child labor in Pakistan and at the "growing number of children trafficked internally, sometimes sold by their own parents or forced into marriage, sexual exploitation or domestic servitude." The Committee has recommended that Pakistan "strengthen its efforts to eradicate child labour, particularly in its worst forms, by addressing the root causes of economic exploitation through poverty eradication and education"; "take all measures to ensure the protection of children from international and internal trafficking and sale"; and "strengthen national and regional strategies and programmes on the prevention and suppression of sale and trafficking."

### **Recommendations for Action by Pakistan**

9. Equality Now urges the Human Rights Council to call on the Government of Pakistan to:

- *Take immediate action to end the abuse and exploitation suffered by girls in domestic servitude by:*
  - (i) *Ensuring the enactment of the Employment of Children Act of 1991 in each province with the inclusion of domestic work in the list of banned occupations for children.*
  - (ii) *Amending existing trafficking legislation or introducing new legislation to criminalize domestic trafficking in order to protect children from being trafficked into domestic servitude.*
- *Regulate generally the working hours, work conditions, and wages in the domestic work sector for adults to prevent the abuse and exploitation of domestic workers.*
- *Institute effective measures to eradicate child labor in all its forms by addressing its root causes, including poverty, discrimination and lack of education.*