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# Modern Child Slavery Atrocious Breach of Fundamental Rights: A Case Study of Pakistan

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Abstract: Children are the future and assets of any nation yet the most susceptible members of society. This research analyzes the phenomenon of modern child slavery in Pakistan. Children have a right to grow up safe and free from any kind of exploitation and abuse. Slavery and trafficking is that abhorrent crime which violates the fundamental rights guaranteed to children under national and international conventions. This research indicates how children are bought and sold and forced into truly outrageous forms of exploitation such as forced labour and debt bondage, prostitution, pornography, camel jockeys, and other illicit activities. This research paper also reviews factors that trigger the situation, such as gender bigotry, poverty, harmful traditional practices and natural disasters. Child labour, trafficking and slavery of any form is sternly proscribed in Article 11 of the Constitution of Pakistan 1973 and various national and international conventions.

Key Words: Children, Constitution, Forced Labour, Modern-day Slavery, Pakistan, Trafficking

# Introduction

Modern-day slavery is multifarious, vicious and horrifying. It is ubiquitous and no state is immune from it. According to U.S Department of State, around 600,000 to 800,000 people are trafficked across the international border every year, out of them, 80% are women and girls and 50% are minor [TIP],2006]. However this data excludes heaps of people who are trafficked within their own national borders. According to the latest Global Estimates, approximately 152 million children are forced into child labour worldwide, out of which 64 million girls and 88 million boys. Moreover, nearly half of all those in child labour, 73 million children, are in hazardous work that directly endangers their health, safety, and moral development, resultantly debilitate their capabilities to take up future responsibilities [ILO],2018]. Millions of children are living in slavery generating billions of dollars for criminal syndicates. It is one of the fastest-growing criminal industry because victims can be sold and resold, unlike drugs. Modern-day slavery is a massive threat to millions of children around the world. This atrocious crime deprived millions globally of freedom and dignity. U.S Department of State 2020 explicates that Pakistan is a source, transit, and destination country for men, women, and children exposed to forced labor and sex trafficking. Pakistan is on the tier 2 watch list because it does not meet the minimum standards for eradicating trafficking [TIP], 2017]. Juveniles are bought, sold, rented or abducted and sold into domestic servitude, organized begging rings, brick kilns, small shops, and prostitution. Begging ringmasters frequently mutilate minors to earn more money [TIP], 2015]. According to TIP report of 2019, NGOs report that boys are predominantly susceptible to sex trafficking around truck stops, hotels, shrines and bus stations. The atrocious crime of modern child slavery is so entrenched in our society, and it needs to be eradicated to protect the most susceptible members of our society as a pressing priority.

This paper addresses the menace of modernday slavery as well as the hazards of this prevalent problem in Pakistan. It is divided into three sections. Section one throws light on modern slavery as a horrendous violation of fundamental rights guaranteed under article 11 of the Constitution of Pakistan 1973 and numerous international conventions. Section two elaborates the forms of modern-day slavery with the help of constitutional cases. Section 3 enumerates the factors responsible for slavery. This paper proposes the conclusion and recommendations for exterminating this peril. Finally, this research paper is aimed to create awareness about this covert, dexterous and organized criminal activity

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which is destroying the innocence of our community.

#### **Literature Review**

To have a thorough study of the problem of modern-day slavery, the researcher has gone through many books, articles and reports.

Anwaar Mohyuddin and Hafeez-ur-Rehman Chaudhry wrote an article, "Women and Children for Sexual Exploitation in Pakistan," that portray commercial sexual exploitation of women and children in Pakistan. Adnan Ali Haider and Fauzia Aman Malik.in their article Violence against Children: A challenge for Public Health in Pakistan pinpoint that poverty, illiteracy, poor legal protections, large family size and unemployment are the root causes that foster violence against children. Ahmed F. Siddiqi, in his article Child labour dynamics in Punjab, is an attempt to provide the structure of child labour in Punjab. Sara A. Dillon, in her article "What Human Rights Law Obscures: Global Sex Trafficking and the Demand for Children," discusses that children are in high demand in the global sex industry .Child prostitution and child pornography are so widespread. Alexis A. Aronowitz. in his book "Human Trafficking, Human Misery: The Global Trade in Human Beings" pinpoints that problem of internal trafficking is more pervasive in some countries rather than external. Shiro Okuba and Louise Shelley, in their book Human Security, Transnational Crime and Human: Asian and Western Perspectives depicts that human trafficking is a public health issue and the rise of HIV/AIDS has contributed to the growth of child trafficking globally. Obi N.I Ebee and Dilip K.Das in their book Global Trafficking in Women and Children" examines the forms of exploitation related to child trafficking and deduce the best policy on how to combat human trafficking globally. Molly Dragiewicz's in his book Global Human Trafficking: Critical Issues and Context, determine the diverse dimensions of human trafficking and pinpoints the forms of trafficking such as sex trafficking, labor trafficking and organ trafficking. Siddharth Kara's in his book Sex trafficking inside the Business of Modern Slavery, describes the factors that foster this barbaric act and other forms of modern-dau slaveru. Internal trafficking of women and girl in Pakistan by Aurat Foundation, this report represents the findings of research commissioned by GEP to inspect the diverse aspects of internal trafficking of women and girls in Pakistan.

Research reports, books and articles often give a feigning account of modern child slavery, which fails to provide an in-depth, theoretically and meticulously encyclopedic investigation of the phenomenon.

#### Section One

# Modern-Day Slavery Horrendous Violation of Human Right

Sadly, slavery and human rights violation persist in our society. Children are being used as objects of gratification for sexual desires. Slavery is a human right issue because it breaches the fundamental rights of individuals, and it is an atrocious sin against the dignity and integrity of human beings. Especially in my country, minors are trafficked across international borders as well as countrywide and forced into sexual and labour exploitation. The right to freedom is the fundamental right of every human being. It is stated in article 4 of the Universal Declaration of Human Rights that "no one shall be held in slavery" or servitude; slavery and the slave trade shall be prohibited in all their forms." Modern-day slavery violates the human rights guaranteed to children under international law, most noticeably the UN Convention on the Rights of the Child (CRC), Articles 32, 35, 36, and 39. All children should be enjouing all rights which is granted to them under UN Convention on the Rights of Children, 1989. "Child" mean any person below 18 years of age. Modern-day slaveru is а multifaceted phenomenon driven by the tremendous growth in the global sex industry. It is very real threat to millions of children around the world. Children are more exposed to sexually transmitted diseases such as HIV/AIDS, and the health of millions of children is at stake (Okuba & Shelly, 2011). Physical and psychological violence left immense scars on the souls of children. Due to this heinous crime children's inherent right to health, education and safety are at stake, and their survival and development are threatened. Article 11 of the Constitution of Pakistan 1973 prohibits slavery however still Pakistan is on the tier 2 watch list [TIP],2020) because it does not fulfil the minimum standards for the elimination of trafficking. According to article 11 of the constitution of Pakistan 1973 slavery is strictly proscribed further prohibits all forms of forced labour and traffic in human beings. Sadly slavery ruptures children's right, including the right to be protected from exploitation, to remain with the family, to go to school, to be protected from sexual exploitation and have time to play [ILO], 2009). Trafficked children end up in work that is hazardous to their health, safety and morals. They are cut off from their families not be able to attend school and hence crippling their abilities to progress in future. Indeed, modern-day slavery is a violation of human rights as it abrogates heaps

of fundamental rights; freedom from slavery, right to life, right to security, freedom of movement, health care. education. decent work and freedom from torture(Perry &McEwing,2013). Modernday slavery is a crime against humanity as it is enumerated in article 7 of the Rome statue of the International Criminal Court 1998. The Trial Chamber of the International Criminal Tribunal for Former Yugoslavia held in Kunarac case that enslavement and human trafficking is a crime against humanity (Obokata, 2006). The vital means by which modern-day slavery occurs, explicitly abduction, abuse of power, force, fraud, coercion, deception, abuse of a position of vulnerability and payment for another person infringe fundamental human rights. Correspondingly, the purposes for which it also occurs institute grave human rights violations, comprehending prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Palermo Protocol, 2003).

#### Section Two

#### Forms of Child Slavery

#### Debt Bondage and Forced Labour

Debt bondage is one of the largest trafficking problems in Pakistan. Employer exploits initial debt to force people to work resultantly trap them and their family members, sometimes for generations. Exploiters force children, men and women in bonded labour in agriculture in Punjab and both Sindh and Punjab in a brick kiln [TIP], 2020). Traffickers also exploit them in other sectors in Sindh and Punjab and in Balochistan and KPK in brick kilns and agriculture and to a lesser extent in fisheries, textile, mining, carpet making and bangle [TIP], 2019]. TIP Report 2020 guesstimate more than 70% of bonded laborers in Pakistan are minors. The Constitution of Pakistan 1973 proscribes all forms of forced labour, slavery and child trafficking. Article 11 sturdily prohibited slavery in any form and elucidates that there is no law that sanction or expedite its introduction in Pakistan. No one allowed to take beggar work from anyone, and wages are the inherent right of an employee. Islam also strictly prohibited non-payment of wages to an employee, and in a well-documented hadith, Prophet S.A.W had stated: "payment of wages before sweat of worker is dried up" (Mehmood & Shaukat, 2017). Performance of duties under such circumstances would tantamount to forced labour which is forbidden by article 11 of the Constitution of Pakistan 1973. It further enumerates that engagement of any child (below 14 years of age) in any factory or mine or any other hazardous work is also forbidden. Child labour can tantamount to the worst form of modern-day slaveru. Iobal Masih was sold into bonded labour for an amount of fewer seven dollars. He was subjected to inhumane treatment and forced to work 12-14 hours a day, seven days a week in Pakistan's rug industry (Haider, 2016). After escaping at the age of 10, Iqbal devoted his life to saving children still trapped in debt bondage. In 1995 he was brutally murdered for raising his voice against child labour. He was just 12 years old (Andy Krawczyk, 2016) In Rajanpur, Pakistan police recovered 18 detainees, including children from Brick kiln. Court ordered to assure the fundamental rights guaranteed to a citizen under the Constitution of Pakistan (PLD 2007 SC 232) In Muhammad (Petitioner) versus Mansha and others (Respondents) court ordered that it is the obligation of the Police to ensure that rights guaranteed under the constitution are not violated by any unlawful practices.

### **Domestic Servitude**

In Pakistan, according to one report, it is evaluated that more than 264,000 children are currently working as domestic workers. Children as young as 7 years old are forced into domestic work, where they are frequently vulnerable to austere physical abuse, including torture and sexual exploitation [TIP], 2020] .Tayyaba, who was less than 10 years old was given as a domestic worker. She was recovered after neighbors complained of immense torture on the child. She was badly beaten for losing the broom. She was incarcerated and deprived of life, liberty and freedom. Her status was not less than a victim of trafficking, and has to suffer humiliating treatment of being a virtual modern-day slave (Khan v Bibi, 2019). Zahra Shah, who was just seven years old was violently beaten and tortured to death by their employers. Her only fault was that she was accidentally setting their expensive parrots to escape from their cage (Khan, 2020).

# **Camel Racing**

Minors as young as four from Pakistan and Bangladesh are trafficked to the Gulf States to be used as camel jockeys, where they are kept in horrendous condition (Miller, 2006). According to Anti-Slavery International reports, young boys are kept in a half-starved state in order to keep down their weight (Miers, 2000). Some children are sold by their parents due to poverty, while others are kidnapped. Children are sexually abused, burned, beaten, tortured and deprived of food, light and movement. Subsequently, they are prone to kidney infections and sexually transmitted diseases (Anwar, 2004). Case registered against Muhammad Hanif because he sent his minor sons Sajjad and Nadeem out of poverty to Dubai along with Mst.Bashiran to serve as camel jockeys. He was unaware of the fact that his sons were used as camel jockeys subsequently bail granted (*Hanif v State,2008*)

#### **Child Prostitution**

Though minor girls and women are more vulnerable to prostitution, even young boys are not relinquished from this horrific crime [TIP], 2015). Underground sexual exploitation of minors, including boys, are prevalent within the country. Pakistan is the main destination country for children below 16 who are trafficked from South Asia. In Pakistan, it is estimated that between 20,000 and 250,000 children are in prostitution, and about 40,000 of them are from Bangladesh (Lehti & Aromaa, 2006). Reports illustrate police officials often accept bribes and pay no heed to a nefarious crime of prostitution. some of which might include sex trafficking. Young girls are sold into forced marriages, and in some cases, their new husbands forced them into prostitution in Afghanistan, Iran, or China [TIP], 2018). Meagre economic opportunities boost child labour and prostitution. Boys who work in small hotels near truck stops and main highways are forced into prostitution by their employers. Truck drivers prefer boys as they are cheap and easily available. Bus stations are considered a center for the prostitution of boys in Pakistan. Reports indicate that well-established mafia gangs dealing with drugs and prostitution operating near shrines throughout the country. Due to extreme poverty and lack of safety, children from the Afghan refugee community are predominantlu susceptible to trafficking. Pakistan's Hidden Predators documentary divulges the dark reality of pedophilia in Pakistan. It revealed that 9 out of 10 children are victims of pedophilia in Peshawar. One of the drivers admits without any regret to having raped 11 or 12 boys (Real stories, 2017). Sodomy is a crime enumerated in section 377 of the Pakistan Penal Code. Whoever commits such offence shall be punished with imprisonment which shall not be less than 2 years and not more than 10 years and shall also be liable to fine. Pakistan has ratified the U.N. Convention on the Rights of Children 1989, which enumerates in article 34 that State parties must protect the children from all forms of sexual abuse and sexual exploitation furthermore the exploitative use of children in prostitution and other unlawful sexual practice. Moreover article 35 explicates state parties shall take appropriate national, bilateral and multilateral measure to thwart sale, abduction, and child trafficking for any purpose or any kind. The government of Pakistan signed Optional Protocol on the Sale of Children (OPSC), child prostitution and child pornography. Article 3 (b) of OPSC force state parties to outlaw offering, obtaining, procuring, or giving a child for the purpose of prostitution, as stated in article 2 (b) (OPSC,2002). Prohibition of prostitution is principle of policy as indicated in article 37(g) of the Constitution of Pakistan 1973. Prevention of Trafficking in Person Act 2018 has been enacted in order to combat the menace of modern-day slavery. Article 3(2) enumerates that who perform such act against children and women shall be punished with imprisonment which may extend to 10 years and shall not be less than 2 years or 1 million fine or both.

#### Child Pornography

From child pornography to the rape and murder of six year old Zainab, Kasur Pakistan has been rocked by numerous events of sexual abuse and exploitation. In the first half of 2020,251 cases of rape, gang rape and child abuse have been registered (Ansari,2020) Kasur came into the spotlight when in 2015 rampant sexual exploitation of kids was exposed in Hussain Khanwala village in Kasur District, Punjab of Pakistan. Police uncovered pedophile and pornography ring that had made and sold more than 400 videos in which minors were forced to perform obscene sexual acts (Chugati, 2018). This ferocity carried out for 10 years from 2006-2014, affecting 280 child victims (Human Rights Watch, 2016). These videos were sold and used to blackmail poverty-stricken families. Pakistan ratified ILO Convention no.182 on the Worst Form of Child Labour. Article 3(b) forbids the procuring or offering a child for pornographic performance or making of pornography. Article 37(g) of the Constitution of Pakistan 1973 prohibits the printing, publication, display and circulation of obscene literature and advertisements. Pakistan Penal Code is amended through Criminal Second Amendment Act 2016 to report some grave problems which are prevalent in our society, for instance, child pornography and child trafficking. Article 292 B of PPC is relevant to child pornography. Any person who commits such an offence shall be punished with imprisonment which shall not be less than 2 years and not more than 7 years, and a fine shall not be less than two hundred thousand rupees and not greater than ten hundred thousand rupees or with both.

#### Section Three

# Triggering Factors behind Modern Child Slavery Poverty

According to the economic survey of Pakistan

2019, approximately 24.3% of the people are living below the poverty line, i.e., with or less than 1.25 US\$ per day although around 40% of the population belongs to the lower middle class. Consequently, more than 60% of the population is suffering from the problem of grave poverty (Razi et al., 2014) However COVID-19 pandemic could push millions more into poverty. Destitute families consider daughter as an economic burden and wish to marry their daughters off as soon as possible to be relieved from their responsibility (Naveed & Butt, 2015) Pimps approach such families and take advantage of their condition. Poverty stricken families give their children's into the hands of traffickers under the guise of providing them better jobs and good lives. Exploiters take advantage of impoverished families and allure them with devious promises of jobs and marriage, create fraudulent marriage certificate and exploit them in sex trafficking [TIP] 2020). NGO's report shows well organized criminal gangs are involved in targeting destitute families.

# Gender Bigotry

Gender bigotry is the core of detrimental cultural practices. In a patriarchal society like Pakistan, men and young boys are considered as a dominant over females. Girls are often restrained at houses to perform domestic work. Gender discrimination deprives female of their basic right access to higher education. In Asia, girls are deemed to be exchangeable commodities to be bought and sold consequently, exploiters take advantage of such sex biases. Inequality and sex chauvinism that express itself in numerous traditional customs are meticulously relevant to trafficking. including female forced child marriages (Ali et al., 2014) Chinese nationals took Pakistani girls by fraudulent marriages and exploited them in prostitution.

# Harmful Cultural Practices/Custom

In Pakistan, there are profuse cultural practices that are meticulously interconnected with internal trifficking that are so prevalent and accepted that they are not professed as trafficking, henceforth never reported (Hussein & Hussain,2012) Pimps approach destitute families and offered them fraudulent jobs and marriage proposals. Walvar or bride price is considered as a culturally embedded form of child trafficking. Traffickers exploit the custom of arranged marriages and traffic girls nationally and across the border after paying dower to poor families. Such marriages often end up in forced prostitution (Ali et al., 2014). Swara is another practice in which young girls are used as chattel to settle debts or disputes

between rival tribes. Section 310A of the Pakistan Penal Code is inserted to criminalize exchange marriages (Swara and Wanni). Whoever deliver a female in marriage or force her to enter into marriage for Swara , Waani or any other traditions or culture practice under the pretext to resolve any dispute, criminal liability shall be enforced with a verdict of any description which may prolong to 7 years and not less than 3 years and shall also be accountable to five hundred thousand Sargand rupees( *State*,2014). The practice of keeping young boys by rich and influential men for the gratification of sexual desires is widespread in Afghanistan and some regions of Pakistan in which young boys dressed as girls and dance at parties and weddings for men taken up as mistresses, boys sometimes forced into prostitution are (Aronowitz, 2009). It is often believed that these customs foster child trafficking. Forced marriage is against the basic rights and freedom of human beings as elucidated in the constitution of Pakistan 1973 as well as against the importance and value of human beings given by Allah S.W.T./Sultan v State,2013) Child Marriage Restraint Act of 1929 austerely prohibits child marriage in article 4, marriage of boy under 18 years of age and 16 years for girls (art 3).

# Natural Disasters

Natural disasters bolster the vulnerability of thousands of children. Earthquake, military operations and floods in 2008-2009 displaced millions of people. Displaced children are at heightened risk of sexual abuse and exploitation. Pakistan's huge amount of internally displaced people are susceptible to trafficking due to domestic military operations and natural disasters [TIP], 2018]. Baseline study shows that exploiters take advantage of conflict zones and natural disasters and search for susceptible and orphan minors. Kidnapped them to induct into prostitution or sold to brothel owners (Baseline, 2009).

# **Conclusion and Recommendations**

Sadly, slavery still exists today in the form of modern-day slavery, and no country is immune from this evil. This article thus, concludes that the heinous crime of modern-day slavery is grave defiance of fundamental rights guaranteed to children under national and international laws. Modern-day slavery is the fastest growing criminal activity, generating billions of dollars for criminal syndicates. Slavery steal heaps of fundamental rights; right to life, freedom from slavery, right to security, health care, freedom of movement, education, decent work and freedom from torture. Children are physically and sexually abused, which left immense scars on their souls. Victims suffer from post-traumatic stress disorder (PTSD) as well as exposed to sexually transmitted diseases. Prompting factors that foster this practice are poverty, gender bigotry, harmful cultural practices, natural disasters and the demand of children in the commercial sexual industry. In Pakistan prevalent forms of modernday slavery are debt bondage and forced labour, child pornography and child prostitution. It also concluded that some traditional practices which foster child slavery are so entrenched in our society that they are not even recognized as slavery, hence never reported. Slavery, forced labour, trafficking and engagement of any child in any mine or factory or any other hazardous work which is detrimental to their physical, moral and mental development is strictly proscribed in 11 of Constitution of Pakistan article 1973.Nonethless Pakistan is a source, transit and destination country for sexual exploitation, forced labour and slavery of children. Despite heaps of national and international conventions which strictly prohibits slavery still, we failed to protect the most vulnerable members of our society. In Pakistan, the prosecution is lackluster, and convictions are low. There is a dire need to protect the future of our society against this horrific crime. Instantaneous removal of children working in debt bondage and forced labour that is detrimental to their health, safety and morals. Education plays a pivotal role in protecting children from exploitation and abuse. Government should provide financial aid to poverty-stricken families and ensure child education is not compromised at any cost. Increased prosecution and convictions of both labour and sex trafficking at both provincial and federal levels. Initiate awareness-raising campaigns throughout the country, especially in rural areas and create awareness among people about this covert organized criminal activity. A dire need to strengthen law enforcement further take protective and preventive measures to reduce the vulnerability of children. Effective management and enactment of programs required to protect street boys from the barbaric offence of prostitution.

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