

Introduction

Child labour is a grave social problem. It is a practice that engages children in economic activities at the cost of their potential development. Child labour can negatively affect physical, mental, social and emotional health of a child. Countries and organizations across the global north and south have declared child labour violation of children's right. This chapter highlights the issue of child labour in Pakistan.

The statistics of 2017-2018 Census of Pakistan shows that children are 35 percent of the total population. Similarly, the Census recorded approximately 87.938 million under the age of 18. A large number of these under eighteen children are engaged in child labour. Poverty, low quality of public schooling, and high dropoutratio from schools are the causes attributed to child labour in Pakistan. The rampant increase in child labour in Pakistan has been a serious concernsince 1990s.

According to the first Child Labour Survey carried out in Pakistan in 1996, an estimated 3.3 million children were engaged in Labour. Poverty was cited as the main reason for Pakistani children not attending school and engaging in child Labour. In March 2019, after a gap of 23 years, Ministry of Human Rights (MoHR) announced to conduct a survey in partnership with UNICEF. The survey is intended to be completed by December 2021. Nevertheless, the latest possible statistics can be drawn from Pakistan Labour Force Survey (2017-18)³. According to the survey, Child Labour between the ages of 10-14 is 8.2 percent. 9.8 percent of them are boys, and 6.4 percent are girls. Children in the 15-19 age group comprise 32.6 percent of overall child labour, of which 47.6 percent are boys and 15.6 percent are girls. One explanation for this gender difference is that girls are less noticeable due to their services as domestic workers. Majority of

¹https://www.thenews.com.pk/print/746852-corporate-sector-media-urged-to-make-effort-for-creating-protective-environment-for-children

²https://tribune.com.pk/article/94211/94211

³http://www.pbs.gov.pk/content/Labor-force-survey-2017-18-annual-report ⁴http://www.pbs.gov.pk/sites/default/files//Labor%20Force/publications/lfs20 17_18/Annual%20Report%20of%20LFS%202017-18.pdf

the children are working in the agriculture sector whereas industrial sector stands second. A large number is also engaged in the provision of non-formal business and domestic services.

Education is a constitutional right of every child between the ages of 5 to 16 years in Pakistan.However, getting children to school has proven to be a consistent challenge for the state. According to UNICEF estimates, currently, 22.8 million children aged 5-16 in Pakistan i.e. 44% of total children in Pakistan are out of school.⁵ This is the second highest number in the world after Nigeria. At the primary level 5.06 million children are out of school. At the middle, high and higher secondary level, the out of school children are 6.51 million, 4.97 million and 6.29 million respectively. The ratio of out of school girls is higher than that of boys. Out of total 22.84 million, 12.16 million (53 per cent) are girls while 10.68 million (47 per cent) are boys. Disparities based on gender, socio-economic status, and geography are significant.⁶

International Commitments

Pakistan is signatory to several international conventions which demand immediate and effective measures to eradicate child Labour and forced Labour in all their forms. These commitments requireurgent action on eradication of child Labour. Throughprovision of quality education and punitive action in case of violence against children. Some of the international commitments are outlined here:

- UN Convention on the Rights of the Child (UNCRC)⁷
- UN CRC Optional Protocol on Armed Conflict⁸
- UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography⁹
- ILO Minimum Age Convention (C.138), 1973¹⁰

⁵https://www.unicef.org/pakistan/education#:~:text=Currently%2C%20Pakist an%20has%20the%20world's,population%20in%20this%20age%20group.

⁶ UNICEF, Every Child Learns report 2019

⁷https://www.unicef.org/child-rights-convention

⁸https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx

⁹https://www.ohchr.org/en/professionalinterest/pages/opsccrc.aspx

- ILO Worst Forms of Child Labour Convention, 1999 (C.182)¹¹
- Domestic Workers Convention (C. 189), 2011¹²
- SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution (2002)¹³
- Sustainable Development Goal 8.7¹⁴

Government of Pakistan's Constitutional Commitments:

- Article 3: Elimination of All Forms of Exploitation 15
- Article 11: Ban of Employment of Under-14 Children in Factories, Mines and Hazardous Labour¹⁶
- Article 25-A: Free and compulsory education to all children of the age of five to sixteen years¹⁷
- Article 37-E: Humane Working Conditions¹⁸

National Commitments

- Mines Act, 1923¹⁹
- Pledging of Labour Act, 1933²⁰
- The Factories Act, 1934²¹
- The West Pakistan Shops and Establishments Ordinance, 1969²²

¹⁰https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P 12100 ILO CODE:C138#:~:

¹¹https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P 12100_ILO_CODE:C182

¹²https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P 12100 ILO CODE:C189

¹³http://un-act.org/wp-content/uploads/2015/11/South-Asian-Association-for-Regional-Cooperation-SAARC-Convention-on-Preventing-and-Combating-Trafficking-in-Women-and-Children-for-Prostitution.pdf

¹⁴https://indicators.report/targets/8-7/

¹⁵https://pakistanconstitutionlaw.com/article-3-elimination-of-exploitation/

¹⁶http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

¹⁷http://www.pakistani.org/pakistan/constitution/part2.ch1.html

¹⁸ https://pakistanconstitutionlaw.com/

¹⁹http://www.ilo.org/dyn/travail/docs/1007/mines

²⁰http://www.commonlii.org/pk/other/PKLJC/reports/55.html

²¹https://www.ilo.org/dyn/natlex/docs/

²²http://www.ilo.org/dyn/travail/docs/1008/West%20Pakistan%20Shops%20 and%20Establishments%20Ordinance%201969.pdf

- Employment of Children Act, 1991²³
- The Bonded Labour System Abolition Act, 1992²⁴

Provincial Commitments

- The Punjab Shops and Establishments Ordinance, 1969²⁵
- Punjab Bonded Labour System (Abolition) Act, 1992²⁶
- The Punjab Destitute and Neglected Children Act, 2004²⁷
- Punjab Restriction on Employment of Children Act, 2016²⁸
- Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010²⁹
- The Sindh Child Protection Authority Act, 2011³⁰
- Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act. 2015³¹
- Khyber Pakhtunkhwa Shops and Establishments Act, 2015³²
- Khyber Pakhtunkhwa Prohibition of Employment of Children Act. 2015³³
- Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016³⁴
- Punjab Restriction on Employment of Children Act, 2016³⁵
- Sindh Prohibition of Employment of Children Bill, 2017³⁶

²³https://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01

²⁴http://punjablaws.gov.pk/laws/1797a.html

²⁵http://punjablaws.gov.pk/laws/230.html

²⁶http://punjablaws.gov.pk/laws/1797a.html

²⁷http://punjablaws.gov.pk/laws/472.html

²⁸https://pcsw.punjab.gov.pk/Punjab%20Restriction%20on%20Employment %20of%20Children%20Act%2C%202016

²⁹http://kp.gov.pk/uploads/2016/02/2._Child_Protection_and_Welfare_Act,_2010_.pdf

³⁰ http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIV%20of%202011.pdf

³¹http://kp.gov.pk/uploads/2016/02/13._Bonded_Labor_System_(Abolition)_ Act, 2015 .pdf

³²http://kp.gov.pk/uploads/2016/02/12._Shops_and_Establishments_Act,_2015_.pdf

³³⁵http://kpcode.kp.gov.pk/uploads/2015_19_THE_KHYBER_PAKHTUNKH WA_PROHIBITION_OF_EMPLOYMENT_OF_CHILDREN_ACT_2015.p

³⁴http://punjablaws.gov.pk/laws/2475.html

³⁵http://extwprlegs1.fao.org/docs/pdf/pak164577.pdf

- Islamabad Capital Territory Child Protection Act, 2018³⁷ Domestic Workers Employment Rights Bill, 2018³⁸
- Punjab Domestic Workers Act, 2018³⁹

Implementation Authorities

Government of Pakistan has authorized many Federal, Provincial and district bodies (organizations, agencies and committees) to take action against form(s) of child labour:

Department	Role	
Police	Taking action against violation of laws	
Provincial Labour	Inspection of industrial zones and	
Inspectors	markets to monitor child labour	
Federal	Enforcing counter measures against	
Investigation	commercial and sexual trafficking	
Agency (FIA), Anti-		
Trafficking Unit		
Inter-Agency Task	Coordinating with public and private	
Force	service provides and implementation	
	authorities to ensure the rights of	
	children effected directly and indirectly	
	by child trafficking	
Labour Courts	Presiding the child labour violation	
	cases	
District Vigilance	Implementing Bonded Labour System	
Committees	Act	
Provincial Child	Providing support to "at-risk children"	
Protection Units		
(CPU)		
Balochistan Child	Coordinating with public and private	
Protection	service providers and implementation	
Commission	authorities to ensure the rights of	
	children effected directly and indirectly	
	by child labour	

³⁶http://oit.org/dyn/natlex/docs/ELECTRONIC/104994/128249/F467961155/PAK104994.pdf
37http://www.na.gov.pk/uploads/documents/1528263176_639.pdf
38http://punjablaws.gov.pk/laws/2724.html
39http://punjablaws.gov.pk/laws/2724.html

Khyber	Coordinating with public and private		
Pakhtunkhwa Child	service provides and implementation		
Protection and	authorities to ensure the rights of		
Welfare	children effected directly and indirectly		
Commission ⁴⁰	by child labour		
Punjab Child	Coordinating with public and private		
Protection and	service provides and implementation		
Welfare Bureau ⁴¹	authorities to ensure the rights of		
	children effected directly and indirectly		
	by child labour		
Sindh Child	Coordinating with public and private		
Protection	service provides and implementation		
Authority ⁴²	authorities to ensure the rights of		
	children effected directly and indirectly		
	by child labour		

Government of Pakistan Initiatives

Government of Pakistan has been working to support the most disadvantaged children. A number of initiatives have been takenat national level to support such children as under:

Department	Role		
Pakistan Bait-	PBM provides financial support and		
ul-Mal (PBM)	facilitate the disadvantaged families for		
	sending their children to school that results		
	in child labour reduction.		
Contact	Operated by: FIA (Trafficking), Ministry of		
Helplines	Human Rights (Violations), Provincial		
	CPUs (Violation and Social Protection),		
	Women Development Departments		
	(Violation against girls, domestic workers)		
Khidmat ATM	Financial support to families to facilitate		
Cards	education of children and discouraging		
	child labour		

⁴⁰http://kpcpwc.gov.pk/
41https://cpwb.punjab.gov.pk/
42http://www.pas.gov.pk/index.php/acts/details/en/19/164

Latest Developments

In a landmark decision on July 30, 2020, Pakistan for the first-time outlawed Child Domestic Labour (CDL) by proscribing it under Child Employment Act 1991 through a Gazette. The notification is applicable for Islamabad Capital Territory. Nevertheless, the provinces can also adopt the amendment through a simple Provincial Assembly resolution. Other than Child Domestic Labour following occupations have been included: 44

- I. Transporting commuters and cargo via railway
- II. Cinder picking, cleaning of an ash pit or building in the railway premises
- III. Work at a cafeteria / restaurant at railway station which involves movement from one platform to another or into and out of a moving train
- IV. Construction work of a railway station or any work done near to or between the railway tracks
- V. Working for a port authority within the limits of any port
- VI. Employed at any shop with temporary license selling crackers and fireworks

Child rights activists appreciated this move by the government. They, however, further demanded increase in the legal age of child from 14 to 18 and prohibition of all forms of child labour in the country. According to children rights activists, the age of 14 years mentioned in the notification is in contradiction with the article 25-A of the 1973 constitution and the Right to Free and Compulsory Education Act 2012 in which a child till the age of 16 must attend school. It further contradicts United Nation Convention on the Right of the Child (UNCRC) ratified by Pakistan which defines a child as a human under 18 years of age. This difference in 'age of a child' in different Pakistani laws has remained a challenge in effective implementation.

On February 28, 2020, the National Commission on the Rights of the Child (NCRC) was notified by the Ministry of Human Rights after

44https://twitter.com/ShireenMazari1/status/1290619457988173824

⁴³https://www.dawn.com/news/1572655

more than a year of enactment of the relevant law. 45 The National Commission on the Rights of the Child Act, 2017, was enacted in September 2017 to set up a multi-function commission to monitor and report compliance of United Nation Convention on the Right of the Child (UNCRC) and other international commitments made by Pakistan. Although there are separate child protection laws in all four provincial governments as well as in the Islamabad Capital Territory, this Act extends to the entire country.

Bureau of International Labour Affairs, United States Department of Labour reviewed Pakistani child labour related laws and policies in accordance to International Standards as of 2019⁴⁶:

Standard	Region	Meets International Standards
Minimum Age for Work	Federal	No
	Balochistan	No
	KPK	No
	Punjab	Yes
	Sindh	No
Minimum Age for Hazardous Work	Federal	No
	Balochistan	No
	KPK	Yes
	Punjab	Yes
	Sindh	Yes
Identification of Hazardous Occupations or Activities Prohibited for Children	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes
Prohibition of Forced Labour	Federal	Yes
	Balochistan	Yes
	KPK	Yes
	Punjab	Yes
	Sindh	Yes

https://www.dawn.com/news/1537788
 https://www.dol.gov/agencies/ilab/resources/reports/child-labor/pakistan

		137
	Federal	No
Prohibition of Child	Balochistan	No
Trafficking	KPK	No
	Punjab	No
	Sindh	No
D 1314	Federal	No
Prohibition of Commercial Sexual	Balochistan	No
	KPK	No
Exploitation of Children	Punjab	Yes
Children	Sindh	Yes
	Federal	No
Prohibition of Using	Balochistan	No
Children in Illicit	KPK	No
Activities	Punjab	Yes
	Sindh	Yes
Minimum Age for	Federal	Yes
Voluntary State		
Military Recruitment		
	Federal	No
Prohibition of Military	Balochistan	No
Recruitment by Non-	KPK	No
state Armed Groups	Punjab	Yes
	Sindh	Yes
	Federal	Yes
	Balochistan	Yes
Compulsory Education	KPK	Yes
Age	Punjab	Yes
	Sindh	Yes
	Federal	Yes
	Balochistan	Yes
Free Public Education	KPK	Yes
	Punjab	Yes
	Sindh	Yes

COVID-19 and Child Labour in Pakistan

According to a report by United Nations published on June 23, 2020, the Coronavirus (COVID-19) pandemic is likely to push more than 120 million South Asian children in poverty within next six months⁴⁷. It has to be noted that 240 million out of 600 million children in this region are already living in poverty. The report has mentioned that out-of-school children are at extreme risk of poverty. According to official statistics, Pakistan has the second largest number of out-ofschool children (aged between 05 to 16) in the world. In 2018, this number amounted to 22.8 million. According to the World Bank report (2020), more than 930,000 additional Pakistani school going children might drop out because of poverty caused by the pandemic. According to the report, these dropped out children who enters Labour force before graduation would cause Pakistan \$67 billion in the gross domestic product (GDP) at net present value in twenty years compared to if they had completed their education and then entered the market.

Parents with meager income are forced to send their children to earn their own bread. ⁴⁹Children are preferred as domestic workers, factory workers, hawkers, shop helpers as they are cheap labour and can be dominated. According to experts, the financial implications of COVID-19 results in child marriages and trafficking for commercial and sexual exploitation ⁵⁰. At least 629 Pakistani girls and women were sold as brides to Chinese men and taken to China from 2018 to April 2019 ⁵¹. According to the investigators, these numbers could be much higher due to underreporting of the cases.. The trafficking networks can take advantage of increasing poverty due to coronavirus pandemic.

⁴⁷https://www.unicef.org/rosa/reports/lives-upended

⁴⁸ https://www.pakistantoday.com.pk/2020/10/07/highest-school-dropout-rates-expected-in-pakistan-due-to-covid-19-crisis/

⁴⁹https://www.ilo.org/ipec/Informationresources/WCMS_747421/lang--en/index.htm

⁵⁰ https://resourcecentre.savethechildren.net/library/impact-covid-19-child-laborlaborlabor-south-asia
51 https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-

⁵¹https://www.thenews.com.pk/print/578978-629-pak-women-sold-as-brides-to-chinese-in-18-months

Case Studies

International Labour Organization (ILO) has declared Child Domestic Labour (CDL) as a worst form of Labour ⁵². Pakistan acknowledges and prohibits forced Labour, external trafficking, slavery and worst forms of child Labour in documents but has not been able to take serious measures to ban CDL and stop brutal torture and murders of helpless innocent workers, mainly girls.

Until July 2020, Pakistan struggled to bring in the Child Domestic Labour (CDL) in the ambit of Labour laws. Households are difficult to monitor because of the social norms related to household sanctity. The employers belonging to the elite class also restricts the law enforcement officials from taking any action. This lack of monitoring results in employment of children, especially girls in harsh working environments, involving physical and sexual violence.

In June 2020, a brutal murder of 8-year-old Zahra surfaced whom her employers had beaten to death in Rawalpindi, Pakistan. ⁵³ This heinous act took place because the young child freed 'expensive' parrots, which her employers were keeping. Zahra was alive when she reached the hospital. Injuries were reported on her face, hands, below her rib cage and legs. The police FIR stated that she also had wounds on her thighs, indicating that she might have faced sexual assault as well.

This incident came at a time when public was already in rage over Supreme Court's decision to reduce the sentence against a former additional district and sessions judge and his wife who were convicted for torturing their 10-year-old maid Tayyaba.⁵⁴

⁵²https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_574717/lang--en/index.htm?ssSourceSiteId=ipec

⁵³https://www.dawn.com/news/1561041

⁵⁴https://www.bbc.com/news/world-asia-51060569

SPARC's Work

Society for the Protection of the Rights of the Child (SPARC) has remained a key civil society actor against child Labour in Pakistan. SPARC has continued to stress successive governments to improve their laws in order to set a legal age limit for employment in Pakistan. In addition to this, a number of researches focus on the core issue of exploitation of child labourers. Every year, SPARC marks the 'World Day against Child Labour'. SPARC is a member of Coalition against Child Labour (CACL).

SPARC has repeatedly highlighted the issue of debt bondage in Sindh and Punjab. Extreme poverty, lack of access to formal credit and alternative means of livelihood leave working in a kiln the only viable option for many. Even the wives and children are included in the bargain. SPARC has reached out to these marginalized communities for? CNIC, vote and birth registrations, education of children in bondage, registration of brick kilns and formation of trade unions.

SPARC is collaborating with Commonwealth of Learning (COL) for GIRLS Inspire project with the funding from government of Australia and Canada. The aim of this project is to strengthen community-based organizations to deliver education and vocational skills to girls and women in marginalized communities. The centers are operating in Karachi (Memon Goth, Baldia Town and Lyari), Hyderabad, Multan, Rawalpindi, and Peshawar. Among other ill practices, the sessions also engage community elders and parents to discourage the practice child Labour.

SPARC is working on a project namely Center for Street Children in Pakistan, which along with focusing on protecting needs of these neglected children, also pays attention to their educational needs to improve their quality of life so that children are not force to work at early age. These centers are operating in Peshawar, Hyderabad, Islamabad, Rawalpindi and Multan. These centers provide basic nonformal education leading to enrollment in mainstream education. The centers are linked with Child Protection and Welfare Bureaus, Technical Boards and Government Schools to ensure smooth reintegration in mainstream education. The centers also provide

uniform, school bags and stationery to the children so that they do not drop out of school due to financial challenges.

During the Coronavirus (COVID-19) pandemic lockdown from March 2020 to July 2020, SPARC conducted frequent ration drives through its centers to ensure that the poverty struck parents are not forced to send their children to work at early age. In this regard, SPARC regularly coordinated with legislators and local government representatives as well.

Recommendations

With the technical assistance of the ILO in 2017, the National Strategic Framework for the Elimination of Child and Bonded Labour in Pakistan was devised.⁵⁵ The framework includes following 18 recommendations for the provinces to effectively eliminate child and bounded labour from Pakistan:

- 1. Validation and announcement of the law on forced labour
- 2. Formation of Provincial Child and Bonded Labour Rehabilitation and Welfare Fund
- 3. Reactivating and strengthening the District Vigilance Committees (DVCs)
- 4. Reactivating and strengthening Provincial Child Labour Unit as Provincial Child and Bonded Labour Unit
- 5. Validation and announcement of the of laws on child labour
- 6. Constituting Provincial Committee on child rights and periodical review of List of Harmful Professions
- 7. Strengthening institutional mechanism for inspection & enhancement in implementation of child and bonded labour laws

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⁵⁵https://www.ilo.org/islamabad/info/public/pr/WCMS_477252/lang-en/index.htm#:~:text=The%20Strategy%20aims%20to%20contribute,mainstreaming%20of%20child%20and%20bonded

- 8. Participation of civil society in the inspection process, monitoring and policy design
- 9. Extending the coverage of child and bonded labour laws to the untapped sectors
- 10. Capacity development of the inspection staff
- 11. Efforts to improve reporting on inspection to the federal Government
- 12. Updated Statistics on child and bonded labour
- 13. Policy integration and mainstreaming of policies on child and bonded labour
- 14. Publication of Information, Education and Communication (IEC) material and distribution
- 15. Awareness of public and private sector stakeholders
- 16. Policies/ action plans and projects to eliminate child and bonded labour
- 17. Private public partnership to address the dangers of child and bonded labour
- 18. Encouraging research on child and bonded labour through collaboration with academia and regional research organizations.

Society for the Protection of the Rights of the Child (SPARC) and other civil society organizations have asked the provincial governments to immediately move in outlawing the child domestic labour as modern form of slavery. ⁵⁶ Alongside this, the age of employment should be increased to 18 in all provincial and federal legislations.⁵⁷

https://www.thenews.com.pk/print/671791
 https://www.thenews.com.pk/print/696798