

Child Labour

Introduction

Child labour is defined as work which is mentally, physically, socially or morally dangerous and harmful to children; and which interferes with their schooling by depriving them of the opportunity to attend school or forcing them to leave school prematurely; or requiring them to attempt to combine school attendance, with excessively long and heavy labour.¹

In 2018, Pakistan's total under-18 population came to around 87.938 million.² According to Pakistan Education Statistics Report 2016-17, the school going age population was around 51.53 million (age group 5 to 16³) out of which it was estimated that 22.84 million (44%) were not going to school⁴ despite article 25-A of Pakistan's Constitution which makes it State's obligation to *provide free and compulsory education to all children of the age of five to 16 years*.

According to the Pakistan Labour Force Survey (2017-18), child labour between the ages of 10-14 is 8.2%. Of this, 9.8 % are boys and 6.4% are girls. Children in the age group 15-19: constitute 32.6% of the total child labour, of which boys are 47.6% and girls are 15.6%.⁵ One reason for this gender gap could be that girls' work is less visible, such as working as domestic servants in private households. The bulk of child labour is involved in the agriculture sector, while industries stand second. A large number is also engaged in providing non-formal commercial and domestic services.⁶

In Pakistan, the last child labour survey was conducted in 1996 with collaboration of Federal Bureau of Statistics (FBS), Ministry of

¹<https://www.ilo.org/ipecc/facts/lang--en/index.htm>

²<https://www.unicef.org/media/60806/file/SOWC-2019.pdf>, page 196.

³ The figure for 5 to 18 is unavailable.

⁴http://aserpakistan.org/document/aser/2018/reports/national/ASER_National_2018.pdf

⁵http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/lfs_2017_18/Annual%20Report%20of%20LFS%202017-18.pdf

⁶Forty eight percent of the child labour is in the 5-11 year-old age bracket, 28% are between 12-14 years, and 25% are between 15-17 years.⁶ Boys appear to face a greater risk of being engaged in labour than girls (57% to 43%); and this gender gap increases with age.⁶

Labour, Manpower and Overseas Pakistanis and International Labour Organization (ILO). The survey estimated 3.3million children (2.4million boys and 0.9million girls) between the ages of 5 – 14 years to be engaged in labour out of the 40million total population falling in that particular age bracket⁷. Since then, there are no current statistics available on the subject making it strenuous for the Government to detect the seriousness of the issue and responding appropriately to cater them. Majority of the children working were in elementary occupations relating to agriculture, sales and services, mining, construction, manufacturing and transport sectors⁸.

Forms of Child Labour

There are some child labour forms.

Non-exploitative child labor mean any work done by a children which is hazardous, harmful for their health, or harmful for their mental, physical or social development and stop to get education. Some hazard conditions are working in mines, working with dangerous machinery and working with chemicals.

Hired child labor mean children which are preferred by employers because they are cheaper as compare to adult. In many works child labor are more active like they have more speed to do work and their eyesight is sharper than any adult person.

Bound child labor is performing in which owner give high interest loans (*peshgi*) to labors in exchange for long term work or when a person children or any family member takes a debt against any work.⁹

Slavery refers to a condition in which individuals are owned by others, who control where they live and at what they work.He/she is

⁷https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_436435.pdf

⁸https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_436435.pdf

⁹ DFID Modern Slavery report, 2019

not allowed to leave or to refuse to work, and is generally held by being kidnapped, captured or purchased, or trafficked, or bonded.¹⁰

Serfdom is when a person is forced to live and work on land belonging to another person, often with little or no pay. Serfs are also known as farm tenants or tenant farmers.¹¹

Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.¹²

Factors for Child Labour:

Some of the root causes of child labour are listed below.

Poverty: The major reason is poverty. Poverty is the lack of food, shelter, money and clothing that occurs when people cannot satisfy their basic needs. It can be understood only lack of money or most of them in terms of barriers in everyday life. At certain levels of poverty in developing countries like Pakistan, child labor could play a useful role in the economic survival, which increases national economic development. The unequal attention of poverty between children compared to adults demands reason and attention. Child labor causes poverty because when a child is employed he takes a place of an adult job, so there is decrease in adult income in the industry. And when the child is without education and they do work so there is no possibility of escaping from poverty. Poverty in the country is the main cause of child labor which forces the parents to send their children to work. Poor Families which face the poverty force their children to work for extra income for their household's. Poor families like to have more children and when the income of an individual one is not enough then they force their little children to go for work anywhere they have. A large number of members represent a financial need for families suffering from poverty; parents are forced to send their children to work to earn extra income.

¹⁰<https://www.ilo.org/ipec/Campaignandadvocacy/Youthinaction/C182>

¹¹ SoPC2018

¹² www.ilo.org

Lack of Education: Uneducated and unaware people never think about child labor and they are also unaware of the dangerous physical and mental pain of children. When parents agree to their children to work, it affects their chances to go to school. Parents cannot afford their child's education nor do they understand the importance of education for children. In some cases, due to insufficient educational facilities many families think that school won't help their children survive.

Gender Inequity: Social thoughts towards girls and women are most important cause of child labor effect on child to do work because women are not allowed to go outside from home for any work. The encouragement of equality between girls, boys, men and women. Child labor is work which subjects children to use and abuse.

Demand for Child Labour: Market demand of child labor cause strong demand by many companies as children are considered as a cheap source of labor which provides an opportunity to increase earnings. Demand for cheap labor by contractor means that children are often offered to work in place of their parents. With limited margins of this type, such as contractors and farmers make game owners know that children can be exploited and forced to work for less than minimum wage.

Escape from home: There are many reason behind to a child escapes from home, bad temper of the parents, because generally the insufficient salary of fathers provides lack of basic human needs to their families which create a frustration and anger in the members of family after that it turn to the attitude of fathers or head of family in harsh or strict due to which a child prefer to leave from the home in search of his own comforts, it might be physical or mental. When a child leaves the home he faces different problems of necessities so that why he have to do any work to survive.

Political Crisis: Sometimes political crises and issues cause violence, rallies, strikes, civil wars, terrorism and armed conflicts due to which there is a political and economic instability in the country where adults are unable to do work or continue jobs and where children have to earn a livelihood.

Over Population: The basic cause of child labor is also attributed to high population growth-rate, particularly in Third World countries.

Industrial Revolution: Some multinationals companies prefer to use child labor in developing countries due to industrial revolution and these which encourages multinationals to use child workers which cause a negative impact on children. Due to all these reasons child labor recruited for less pay, they take extra work from them and there is no problem of union in industry as well. This situation is also difficult for adults to find jobs and send their children for work.

Involvement of children in Illegal Activities: Now-a-days some children have strong involvement in illegal activities like the production and trafficking of drugs. Mostly children may do these activities because they believe that this will give them money and status. Children who do this work take great risk of abuse and are addicted of drugs in early age. And then these children also doing other crimes like robbery, theft, mugging, hijacking, and the children may also do this for their gangs or for their family. These all activities by children are also done due to poverty.

Child Labour Situation in Global:

Child Labor by numbers are 152 million children worldwide are child laborers, 88 million are boys and 64 million are girls. Girls possibly more present in less visible and therefore under reported forms of child labour such as domestic worker in private households and girls are much likely than boys to shoulder responsibility for household chores, a form of work not considered in child labour estimates. Around 48 percent of all victims of child labour are aged 5-11 years. Nearly half of child labor victims (73 million) work in hazardous child labor; more than one-quarter of all hazardous child labor is done by children less than 12 years old (19 million). Almost half of child workers are in Africa (72.1 million); 41 percent (62.1 million) are in Asia and the Pacific. 71 percent of child labor takes place in agriculture, which includes fishing, forestry, livestock herding and aquaculture. 19 percent of child labor victims live in low income countries; 2 million victims live in high-income countries. There is a strong correlation between child labor and situations of conflict and disaster. The incidence of child labor in countries affected by armed conflict is 77 percent higher than the global average; the incidence of

hazardous work is 50 percent higher. More than two-thirds of all children in child labor (69.1 percent) work as contributing family laborers on family farms and in family enterprises, not in an employment relationship with a third-party employer.¹³ Working children are less than 10 years old, 126 million are estimated to work in the worst forms of child labor, one in every 12 of the world's five to 17 years old, 8.4 million children are trapped in slavery, trafficking, debt bondage and other forms of forced labor, forced recruitment for armed conflict, prostitution, pornography and other illicit activities, 2.5 million children work in the developed economies, 22,000 children die every year in work-related accidents, 127 million working children are in the Asia Pacific region. Nearly one third of children in Sub-Saharan Africa work¹⁴

Pakistan's International Commitments

Internationally, Pakistan is signatory to UN Convention on Child Rights and under its Article 32, it is obligatory on the governments to protect children from work that is dangerous or might harm their health or education. Pakistan has ratified ILO' Minimum Age Convention (C-138) and Worst Forms of Child Labour Convention (C-182), both prohibiting working of children in their tender age and banning worst forms of child labour, respectively.

Minimum Age Convention, 1973 (No. 138)¹⁵: Article 1: Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

¹³https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

¹⁴<https://www.ethicaltrade.org/issues/child-labour>

¹⁵https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

Worst Forms of Child Labour Convention, 1999 (No. 182)¹⁶:

Article 1: Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. According to its Article 6 (1) each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

Pakistan has also committed through signing the UN Declaration on Human Rights, 1948, the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1956, the Fundamental Principles and Rights at Work and ratification of Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105) to eradicate forced and bonded child labour. GSP Plus regime reinforces Pakistan's obligation to comply with these international covenants. Moreover, Pakistan has also endorsed the Sustainable Development Goals (SDGs) which under SDG 8.7 entail immediate and effective measures to eradicate child labour and forced labour in all its forms by 2025. SDGs 4 and 16 also require urgent action on child labour through quality education and action in case of violence against children, respectively.

SDG-8.7:¹⁷ Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

The Constitution of Pakistan:

The Constitution of the Islamic Republic of Pakistan 1973, contains provisions pertaining to child labour.

Article 3¹⁸, Constitution of the Islamic Republic of Pakistan 1973, provides *that the state shall ensure the elimination of*

¹⁶https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

¹⁷<https://unstats.un.org/sdgs/metadata/?Text=&Goal=8&Target=8.7>

¹⁸<https://pakistanconstitutionlaw.com/article-3-elimination-of-exploitation/>

all forms of exploitation and the gradual fulfillment of fundamental principle, from each according to his ability and to each according to his work.

Article 11¹⁹, Constitution of the Islamic Republic of Pakistan 1973, provides that “*No child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment*”.

Article 25-A²⁰, Constitution of Islamic Republic of Pakistan 1973, Right to Education: “*The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.*”

Article 37-E²¹, Constitution of the Islamic Republic of Pakistan 1973, provides that “*the state shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment*”.

In 2010, 18th amendment in the constitution resulted in devolution and redistribution of powers between federal and provincial governments. After this amendment, child labour is a provincial subject and all provinces are free in legislation and policy making. The provinces had the mandate to create structures and institutions in addition to laws and procedures. A major change after at the federal level after the amendment was replacement of old Ministry of Labour and Manpower with newly established Ministry of Human Resource Development²². The new Ministry was responsible for dealing with matters pertaining to ILO, social security, worker legislation, Workers Welfare Fund, EOBI, foreign employment and immigration and industrial relations commission.

¹⁹http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

²⁰<http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

²¹<https://pakistanconstitutionlaw.com/article-37-promotion-of-social-justice-and-eradication-of-social-evils/>

²²The State of Pakistan’s Children – 2011

Islamabad Capital Territory:

After the 18th Constitutional Amendment the subject welfare of labour including child labour is the exclusive domain of provinces. In pursuance of Presidential order No.18 of 1980, the ICT administration is dealing with the labour related matters for the workers of Islamabad Capital territory. The ICT administration is working under the administrative control of M/o Interior. Provinces are now responsible for legislation and implementation of labour laws. However clause (6) of article 270 (AA), as substituted vide 18th amendments, authorize the continuation of laws until altered or repealed by the competent authority i.e. appropriate legislature.

The Employment of Children Act, 1991 is applicable in Islamabad Capital Territory under the article AA (6) of the Constitution of Pakistan. The inspection staff of directorate of labour ICT carries regular inspection of shops, commercial establishments and factories to ensure that no child below 14 years is employed by such establishments and also that if adolescents are employed then provisions of the Employment of the Children Act, 1991 are met regarding their safety, professions etc. Furthermore, the ICT administration took stern action against brick kilns and motor vehicle workshops, where child labour was found with regular inspection of such areas to curb child labour.

Upon a query by SPARC, the Director of Labour and Industries informed in writing that out of the 235 cases filed for violating the labour laws, not a single case involving child labour was found. This of course does not mean that there is no child labour in the ICT; it may simply mean that almost all the raids were conducted on factories which usually do not employ child labour all over the country particularly in Islamabad and secondly perhaps due to the fact that poverty is not as wide spread as elsewhere in the country. An added problem came out in the interviews with the ICT Labour Department officials in that they are reluctant to prosecute employers of child labourers and levy penalty; this incidentally is an attitude which is shared by most of the officials entrusted with the responsibility to prohibit child labour. They feel that the employers themselves are not financially well-off and cannot afford to pay the hefty fines prescribed in the relevant laws. Additionally, they are of the opinion that displacement of child labourers in the event of

prosecution will be a disservice to them and their families in view of their poverty as they are supporting their families.

The Islamabad Capital Territory is small in size and population as compared to the four provinces, and thus manageable. The population is around 1.5 million, with the highest literacy rate in the country (88%) (World Population Review). The fact that the federal government is based in the city and there is general high level of awareness amongst the people, one may be able to see early and positive results. Problem is in relation to the meager resources allocated to the ICT Labour Department; for the year 2019 to 2020, 2.886 million has been allocated to this Department out of which 2.646 will be spent on salaries (*Budget Order Statement of the ICT Labour Department*). The whole Department currently is functioning with a strength of seven employees which includes only two inspectors; the Department's sanctioned strength is 35. A miracle cannot be expected with such a state of affairs.

The Director of Labour works under the Chief Commissioner of Islamabad who in turn reports to the Ministry of Interior which has the overall charge of the whole ICT; a Joint Secretary supervises the ICT affairs who is assisted by a deputy secretary and two section officers. This is a problematic aspect as the Interior Ministry lacks the expertise to handle most of the subjects that come in the purview of governing a city, including handling child labour.

The Province of Punjab:

The Province of Punjab has population of 110,012,442²³. It is the most populous, most industrialized, urbanized, arable and relatively developed province. About 2,083,180 children (aged 10-17) are estimated to be involved in all categories of labour²⁴. There are two laws to deal with child labour in the Province. One is the Punjab Restriction on Employment of Children Act 2016 and other is The Punjab Prohibition of Child Labour at Brick Kilns Act 2016. One is for sector specific and other is in general and in nature applicable to

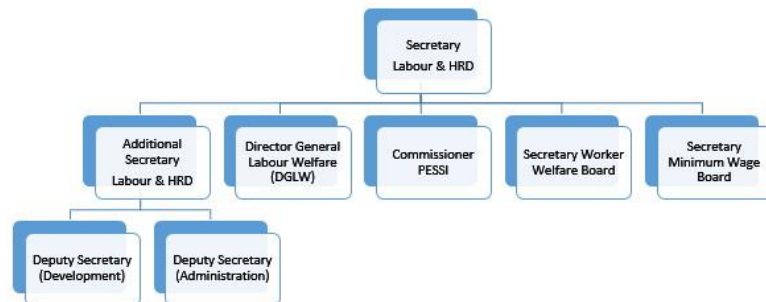
²³Pakistan Bureau of Statistics,

http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf

²⁴Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

all sectors. The Punjab Government introduced a Labour Policy in 2018 to directly address bitter realities and social evils like child labour, bonded labour, gender discrimination, gender mainstreaming, labour protection, out of school children and lack of health facilities for the workers etc.

The Secretariat located within the Labor Department in Lahore is responsible for providing support for proposing legislation and policies, handling administration including transfers, promotions, notifications, and handling coordination with the HRD Ministry. Like all provincial departments, it is headed by a Secretary. There is an additional secretary under him who coordinates with the HRD Ministry including handling any kind of reporting in relation to the compliance with the ILO Conventions. The deputy secretary under the latter prepares reports for the seniors. There is no exclusive unit handling the Child Labour issue.



25

The Punjab Province for purposes of the Labor Department is divided into 12 regions (Lahore, Faisalabad, and Gujranwala cities are divided into two regions each); each region is headed by a director while three are based in the Secretariat. All the 15 directors report to the Director General (HQ) who is entrusted with the task to prevent

²⁵<https://labour.punjab.gov.pk/organoqram>

child labor. Within each region are districts who are headed by deputy directors; the latter's office includes the assistant director; labor officers who prepare the data regarding all the inspections carried out by the labor inspectors. There are currently around less 100 labor inspectors in the Province.

The Labor Staff is not trained particularly in the field of handling the issue of Child Labor. The situation is exacerbated by lack of funding which is almost solely available for the payment of salaries. The Provincial Government currently is not handling any major initiative in relation to Child Labor except relating to bonded labor in four districts²⁶ which is also coming to an end.²⁷ With the financial assistance of Unicef²⁸, a survey on Child Labor will be initiated which has so far not commenced but was expected to end by June 2020.

Sr. No	Years	Allocation (Rs. In Million)
1.	2015-16	610
2.	2016-17	650
3.	2017-18	650
4.	2018-19	300
5.	2019-20	300

As a leading step, a new legislation titled as the "Punjab Domestic Workers' Act, 2019" on the subject acknowledging various labour rights of the domestic workers was passed by the Provincial Assembly of the Punjab in January, 2019. It is pertinent to mention here that the child domestic labour has now been prohibited in hazardous domestic work.

²⁶Faisalabad, Gujrat, Bahawalpur and Sargodha

²⁷Duration (Oct 2012 to Jun 2020) Budget Rs.196.987 Million

²⁸Rs.212.589 million

THE PUNJAB DOMESTIC WORKERS ACT 2019
(Act II of 2019)

[25 January 2019]

An Act to provide for the regulation of employment of domestic workers in Province of the Punjab.

It is necessary to protect the rights of the domestic workers, to regulate their terms of employment and working conditions of service, to provide them social protection and ensure their welfare and to provide for the matters ancillary thereto;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Domestic workers Act 2019.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context:

- (a) “Act” means the Punjab Domestic Workers Act 2019;
- (b) “Appellate Authority” means an Authority appointed under the Act;
- (c) “beneficiary” means a domestic worker or a heir of a deceased domestic worker eligible to receive benefits from the Domestic Workers Welfare Fund;
- (d) “Board” means the Minimum Wages Board established under section 3 of the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*);
- (e) “Committee” means a Dispute Resolution Committee constituted under the Act;
- (f) “dispute” means any dispute or conflict between employers and domestic workers concerning employment or the terms of employment or the conditions of work of domestic workers;
- (g) “domestic work” means any work which takes place within or for the household and includes child care, old age care, sick care or natal/post-natal care and the matters ancillary thereto;
- (h) “domestic worker” is a person who provides services of a domestic nature in a household;

- (i) “employer” means:
 - (i) in relation to a person or a group of persons registered under the Act and employing domestic workers collectively responsible for employment of domestic workers;
 - (ii) in relation to an establishment or agency, the owner(s) of the establishment or agency or a person registered under the Act and having the ultimate control over the affairs of the establishment or agency as well as any other person to whom the affairs of such establishment or agency are entrusted whether such person is called an agent, a manager, an occupier or by any other name;
- (j) “family” in relation to a domestic worker, means the spouse, a child below the age of 18 years and includes a disabled child above the age of 18 years with disability of fifty percent or more;
- (k) “Fund” means Domestic Workers Welfare Fund constituted under section 22 of the Act;
- (l) “Government” means Government of the Punjab;
- (m) “Governing Body” has the same meaning as in section 5 of the Provincial Employees Social Security Ordinance, 1965 (*X of 1965*);
- (n) “household” means individuals who comprise a family unit and who live together under the same roof;
- (o) “Inspector” means a Labour Inspector notified under section 35 of the Act;
- (p) “Labour Court” means a Labour Court established under section 44 of the Punjab Industrial Relations Act, 2010 (*XIX of 2010*);
- (q) “prescribed” means prescribed by the rules; and
- (r) “wages” means all remuneration capable of being expressed in terms of money, which shall, if the terms and conditions of employment, express or implied, are fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—
 - (a) any contribution paid by the employer in respect of such person under any

- scheme of social insurance or to a pension fund or provident fund;
- (b) gift or anything given in kind.

3. Prohibition on employment.— No child under the age of 15 years shall be allowed to work in a household in any capacity:

Provided that no domestic worker under the age of 18 years shall be engaged in a domestic work except involving light work in a household.

Explanation: “light work” means a domestic work which is part-time in nature and is not likely to harm health, safety and education of a domestic worker.

4. Rights and entitlements of domestic workers.— (1) A domestic worker shall not be employed under the bonded labour system or forced or partly forced labor system.

(2) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence, domicile, migration or any other reason.

(3) The domestic worker shall be addressed as "domestic worker", not "servant".

(4) No extra work may be assigned to the domestic worker without free will of the domestic worker and extra remuneration.

(5) The employer shall provide dignified working conditions and occupational safety and health measures to the domestic worker.

(6) The benefits for a domestic worker shall include sickness benefits and medical care during sickness and medical care of dependents, injury benefits, disablement pension and survivor's pension under the Punjab Employees Social Security Ordinance, 1965 (X of 1965) and the rules made thereunder.

5. Employment on work.— (1) Every employment or appointment of a domestic worker shall be subject to issuance of a letter of employment in the prescribed form showing the terms and conditions of his employment including nature of work and amount of wages.

(2) The employer shall send a copy of the letter of employment issued under subsection (1) to the Inspector concerned, and the employer may keep a copy of identification documents of a domestic worker during the course of employment.

(3) An employer shall, within sixty days of the commencement of the Act, arrange for the issuance of a letter of employment under subsection (1) to each of the domestic workers employed on work in a household.

(4) No domestic worker shall be required to perform any work other than what is specifically mentioned in the letter of employment.

(5) No domestic worker shall be required to work for more than eight hours in a day, however, a domestic worker, at free will, may work for such time duration and for such remuneration as may be prescribed.

(6) Any work by a domestic worker in excess of forty eight hours shall incur over time rates as may be prescribed, and weekly working time shall not exceed fifty six hours.

6. Leave and holidays.—(1) Every domestic worker engaged in domestic work shall be entitled to a holiday of at least one whole day in a week.

(2) Every domestic worker shall be entitled to sick leave with full wages for a total period of eight days in a year and such leave, if not availed of by a domestic worker during that calendar year, may be carried forward, but the total accumulation of such leave shall not exceed sixteen days at one time.

(3) Every domestic worker engaged in domestic work shall be entitled to ten days festival holidays with full wages in a year, and the days and dates for such festival holidays shall be agreed between the domestic worker and the employer in the beginning of the calendar year.

(4) A female domestic worker engaged in domestic work shall be entitled to six weeks maternity leave.

7. Wages during leave or holiday period.—(1) For each day of the leave or holidays allowed to a domestic worker under subsections (1), (2) and (3) of section 6, the domestic worker shall be paid at the rate equivalent to the daily average amount, which, during the three months period preceding the leave or holidays, was being paid to the domestic worker.

(2) A domestic worker, who has been allowed leave under subsection (2) of section 6 for any period not less than four days, shall, before the leave begins, be paid his wages for the period of the leave allowed.

8. Minimum wage.— (1) Every domestic worker shall be paid such wages within such period of time as may be provided in the letter of employment, but such wages must in no case be less than the wages specified by the Government under the Act.

(2) No employer shall pay to a domestic worker, remuneration payable, at the rates less favorable than those at which remuneration is paid to the domestic workers of the opposite sex performing same work or work of a similar nature or of equal value.

9. Maternity benefits.— A female domestic worker engaged in domestic work shall be entitled to maternity benefits with a minimum amount equivalent to six weeks wages in the prescribed manner but not less than the minimum wages notified by the Government.

10. Accommodation.— (1) Every employer, under express terms and conditions of employment, shall ensure to provide for the accommodation for live-in domestic workers who stays at place of work at his free will.

(2) Every employer shall ensure decent living conditions for a live-in domestic worker.

11. Medical examination, vaccination and inoculation.— Every employer, on yearly basis, shall ensure medical examination of a domestic worker in a household by a registered medical practitioner and such domestic worker shall also be vaccinated and inoculated against such diseases at such intervals as may be prescribed, and the expenses, if any, of such medical examination, vaccination and inoculation shall be borne by the employer.

12. Notice of certain accident.— Where in any household, an accident occurs which causes death or bodily injury whereby any domestic worker injured is prevented from resuming his work in the household during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the employer of the domestic worker shall send a notice thereof to such authorities, in such form and within such time, as may be prescribed.

13. Termination of employment.— The termination of employment shall be subject to one month's prior notice in writing either by the domestic worker or by the employer and in lieu of the notice, one

month's wages shall be paid calculated on the basis of average of wages earned during the preceding three months.

14. Restoration of possession of property to domestic worker.— (1)

Upon termination of employment, personal belongings and identification documents of a domestic worker or his family shall not be retained, and if any belonging or property of a domestic worker is not returned to him, the aggrieved domestic worker may apply to the Dispute Resolution Committee for restoration of the possession of such property and the Dispute Resolution Committee may, after giving the employer a reasonable opportunity of being heard, direct the employer to restore to the applicant the possession of the said property within such time period as may be specified in the award.

(2) Whoever, being required by the Act to restore any property to the domestic worker or his family, omits or fails to do so, within time specified in subsection (1), shall be liable, on conviction before a Magistrate, to a fine not exceeding ten thousand rupees and restoration to the applicant the possession of the said property.

15. Relinquishing of right.— Where a domestic worker relinquishes any right conferred by this Act, whether made before or after the commencement of this Act, the relinquishment shall be null and void in so far as it purports to deprive him of such right.

16. Recommendation of minimum wages for domestic workers.—

(1) The Board shall, upon a reference made to it by the Government, recommend to it, after such enquiry as the Board thinks fit, the minimum rates of wages for domestic workers employed in households.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Province or with such local variations for such localities as are specified therein.

(3) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of domestic workers in any category or capacity and, in such recommendation, may specify —

- (a) the minimum rates of wages for —
 - (i) time work;
 - (ii) piece work;
 - (iii) on call work;

- (iv) over time work; and
- (v) work on the weekly day of rest and for paid holidays; and
- (b) the minimum time rates for domestic workers employed on piece work so as to guarantee minimum wages on a time basis for such domestic workers.

(4) The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(5) The rates recommended under this section for overtime work and work on paid holidays shall not be less than the minimum rates fixed for such work under any other law for the time being in force.

17. Power to declare minimum rates of wages.— Upon receipt of a recommendation of the Board under section 16 of the Act, the Government may proceed as per the procedure laid down under section 6 of the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*).

18. Time and conditions of payment of wages.— (1) The wages of every domestic worker shall be paid before the expiry of the fifth day, after the last day of the wage-period in respect of which the wages are payable.

(2) No wage period, so fixed, shall exceed one month.

(3) Where the employment of any domestic worker is terminated by employer, the wages earned by him/her shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(4) All payments of wages shall be made on a working day.

(5) All wages shall be paid in current coin or currency notes or in both.

19. Prohibition to pay below the minimum rate of wages.— (1) No employer shall pay any domestic worker wages at a rate lower than the rate declared under this Act to be the minimum rate of wages for such domestic worker.

(2) Any employer who contravenes the provisions of this section shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees, and if the court trying such contravention by order so directs, shall also pay to the domestic worker concerned such sum as may be specified in the order to represent the difference between the amount actually paid to such

domestic worker and the amount which would have been paid to him had there been no such contravention.

(3) All claims of a domestic worker relating to wages or claims arising out of deductions from wages against the employer, as the case may be, shall be settled and recovered in the same manner as is provided in the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*).

(4) If the Authority hearing any application under this section is satisfied that no amount to be paid as wages is due from the employer to the applicant, it shall reject the application; and if the application, in the opinion of the Authority, is malicious or vexatious, the Authority when rejecting it, may direct the applicant to pay a penalty not exceeding five thousand rupees to the employer.

(5) An appeal against a direction made under sub-section (3) or subsection (4) under this section may be preferred, within thirty days of the date on which the direction was made, before the Labour Court constituted under the Punjab Industrial Relations Act, 2010 (*XIX of 2010*), within whose jurisdiction the cause of action to which the appeal relates arose —

(a) by the employer, if the total sum directed to be paid by way of wages exceeds twenty thousand rupees:

Provided that no appeal under this clause shall lie unless the memorandum of appeal is accompanied by a certificate of the authority to the effect that the appellant has deposited with the authority the amount payable under the direction appealed against.

(b) by the applicant directed under subsection (4) of this section to pay a penalty.

(6) The decision of appeal shall be final and shall not in any manner be questioned by any person in any court or before any authority.

20. Registration of domestic workers.— Every domestic worker, in order to benefit from the fund, shall make an application for registration in a manner as prescribed by the Governing Body, and every such domestic worker shall be provided by the Governing Body with a security number and identity card, which shall be renewable after completion of every three years:

Provided that none of the domestic workers shall be eligible to get more than one security number and identity card.

21. Registration of employers.— Every employer shall make an application for registration in a manner as prescribed by the Governing Body, and every such employer shall be provided with a registration number, which shall be renewable after completion of every three years.

22. Fund.— (1) To provide social protection, safety and welfare measures to domestic workers, the Government shall establish a fund to be called “Domestic Workers Welfare Fund”.

(2) The Fund shall consist of:

- (a) all grants and loans as may be made to the Fund by the Government;
- (b) all sums received by the Fund from other sources as may be decided upon by the Government and all voluntary contributions from the philanthropists;
- (c) income from the investments made and properties and assets acquired from the Fund; and
- (d) proceeds of loans raised by the Governing Body.

(3) The Fund shall be applied to:

- (a) financing of measures including education, training and skill development;
- (b) benefits for domestic workers provided in subsection (6) of section 4 of the Act;
- (c) any money in aid of any scheme for the welfare of the domestic workers; and
- (d) meet the expenditures in respect of the cost of management and administration of the Fund.

23. Functions of the Governing Body.— The functions of the Governing Body shall be the same as laid down under the Provincial Employees’ Social Security Ordinance, 1965 (*X of 1965*) and the rules made thereunder.

24. Manner of claiming benefits.— (1) All claims for benefits under this Act shall be made within such times as may be prescribed, and in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement, as may be provided in the regulations laid down by the Governing Body.

(2) The payment in respect of benefits shall be made in such

manner, and at such time and place as may be provided in the regulations.

(3) The payment in respect of benefits under the Act, shall be made from the Fund in the prescribed manner.

25. Resolution of disputes.—(1)The Government may, by notification in the official Gazette, constitute a Committee at the lowest tier of the local government to be called the Dispute Resolution Committee for the effective enforcement of the Act.

(2) The Dispute Resolution Committee, having such number of members and composition as may be prescribed, shall be headed by the head of the lowest tier of the local government concerned or such other officer as may be notified by the Government.

(3) All disputes or complaints arising out of and in connection with enforcement under the Act shall be heard and resolved through an award by Dispute Resolution Committee:

Provided that every such dispute shall be presented within 30 days from the date on which the dispute arises.

(4) Any party aggrieved of the award made under subsection (3), may, within 30 days of the date on which the award was made, prefer an appeal before the Appellate Authority.

26. Appellate Authority.—(1) The Government shall appoint an Appellate Authority in each District to hear and decide the appeals preferred against the award of a Dispute Resolution Committee.

(2) The Appellate Authority may confirm, modify or reverse the award of a Dispute Resolution Committee.

27. Powers of the Dispute Resolution Committees and Appellate Authorities.— Every Dispute Resolution Committee and Appellate Authority shall, while holding an enquiry regarding a dispute or complaint under this Act or the rules made thereunder, have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (*Act V of 1908*), in respect of the following matters, namely:

- (a) enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents and material objects;
 - (c) issuing commissions for the examination of witnesses;
- and

(d) such other matters as may be prescribed.

28. Power to issue directions.— The Government may, from time to time, issue such directions to employers as may be necessary for the effective enforcement of the provisions of the Act.

29. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of the Act, as appear to it to be necessary or expedient for removal of the difficulty.

30. Tax treatment of the income of the Fund.— The income of the Fund including capital gains shall be exempt from Income Tax within the meaning of the Income Tax Ordinance, 2001.

31. Penalties.—(1) An employer who fails to comply with or contravenes any provisions of the Act other than section 3, shall, on conviction, be punishable with fine which for the first offence may extend to five thousand rupees, and for a second or subsequent offence with fine which may extend to ten thousand rupees.

(2) Whoever knowingly contravenes the provisions of section 3, shall be liable to punishment with imprisonment for a term which may extend to one month if he employs a child under the age of 12 years and in case of a child under 15 years by fine which may extend to Rs fifty thousand but which shall not be less than ten thousand rupees.

(3) Any employer or any such person who willfully obstructs an Inspector in the exercise of any power in compliance of section 37, or fails to produce on demand thereunder any evidence, statement or other document, shall be punishable with fine which may extend to ten thousand rupees.

32. Presumption.— A child present in a household along with one or both of his parents who are employed therein shall not be presumed to be in employment within the meaning of the Act unless proved.

33. Prosecution.— No prosecution under the Act or any rules made thereunder shall be instituted except by or with the previous sanction of the Dispute Resolution Committee.

34. Trial of offence.— No Court, inferior to that of a Magistrate of the first class, shall try any offence under the Act or the rules made thereunder.

35. Labour Inspectors.— (1) The Government may notify Labour Inspectors of the respective areas of jurisdiction for the purposes of ensuring compliance with the provisions of the Act.

(2) An Inspector notified under subsection (1) shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (XLV of 1860).

36. Functions and powers of Inspectors.— (1) No household shall be subjected to inspection except on receipt of a complaint and on direction of a Dispute Resolution Committee.

(2) An Inspector on direction of Dispute Resolution Committee may, for the discharge of any functions under the Act or the rules made thereunder—

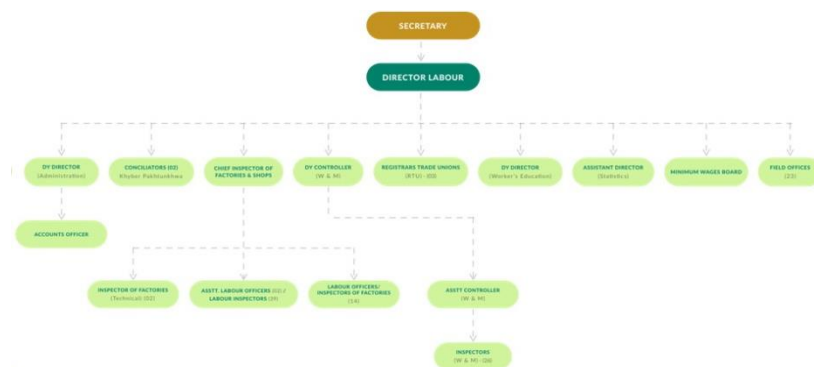
- (a) file a case through the public prosecutor in the Court of competent jurisdiction; and
- (b) exercise such other powers conferred upon him as may be necessary for carrying out the purposes of the Act.

37. Protection of actions taken under the Act.— No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the Act or rules made thereunder.

38. Rules.— The Government may make rules for carrying out the purposes of the Act.

The Province of Khyber Pakhtunkhwa:

With limited agriculture and industry but enormous tourism potential, KP's population approximates to 30,523,371²⁹. About 326,319 children (aged 10-17) are engaged in labour including mining and other hazardous occupations³⁰. Afghan children are a feature of KP's economy, often involved in scavenging and other forms of hazardous labour³¹. The KP Government introduced an act KP Prohibition of Employment of Children Act, 2015 to eradicate child labour in Province. The Province of KP is the only province, which introduced Child Labour Policy in 2018.



In the KP Province, the Directorate is headed by a Director Labour instead of a Director General. It is a small department as apart from the secretary, it only has one additional secretary, one deputy secretary and four section officers. The Directorate deals with the implementation and enforcement of the applicable labour laws through periodic inspections including the Enforcement of KP Prohibition of Employment of Children Act, 2015. It also compiles data relating to child labour. It has a presence in 23 districts in the shape of field offices; district with no offices are administratively

²⁹Pakistan Bureau of Statistics,
http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf

³⁰Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

³¹UNHCR - Pakistan (2018) <https://www.unhcr.org/pakistan.html>

handled by the offices in the adjacent districts. Apart from the Director, the Directorate has a Chief Inspector of Factories, seven Deputy Director Labour out of which four are based in the head-office in Peshawar, sixteen Assistant Directors, one research officer, fifteen labour officers, five assistant labour officers, and 39 labour inspectors. Important functions of the directorate regarding child labour are Implementation/ enforcement of various labour laws through periodic inspections, Enforcement of KP Prohibition of employment of children act, 2015, enforcement of KP bounded labour system (Abolition) act, 2015. Collection, compilation and dissemination of child labour statistics, playing role in tripartite bodies, tripartite conferences and ILO –IPEC, Education of workers and employers on Labour Laws and contemporary issues.

Inspections under the KP Prohibition of Employment of Children Act, 2015

Description	2014	2015	2016	2017	2018	2019 up to Oct.
No of inspection made	1733	2094	4042	3367	8367	6232
Prosecutions lodged	21	127	48	36	213	280
No. of cases decided by the court	-	9	7	23	95	187
Fine imposed by the court (Rs.) -	13000	9000	21921	134000	385500	

KP Child Labour Policy, 2018

The Province of Khyber Pakhtunkhwa is the only province which has introduced the Child Labour Policy in 2018. The KP Child Labour Policy will have following objectives:

- Eradication of child labour, particularly, of its worst forms and gradual elimination of all forms of child labour from all the sectors of KP economy with the intention to declare KP a child labourfree province;
- Ensuring that all children of school going age are in schools rather than at the workplace as it is through schooling that we can save the future of our nation;
- Mainstreaming of the issue of child labour and policy integration through coordinated efforts;
- Ensuring that accurate and reliable statistics on child labour are collected on regular basis and are available for researchers and policy makers;

- To put in place a robust and vibrant inspection system which along with conducting vigorous inspections also take penal action against the violators of law;
- To develop a mechanism which facilitates rehabilitation, development, protection and welfare of children involved in child labour through a central referral system with proper follow-up;
- Promotion of research and development on various dimensions of child labour and initiation of research on socio-cultural factors of worst forms of child labour;
- Establishment and running of community monitoring and reporting mechanism for child labour;
- Linking child labour families with the existing social protection schemes, like, BISP, micro credit institutions and KP special initiatives on social protection;
- Awareness campaign to aware parents, teachers, families and the community about the evil effects of child labour and motivate them to join hands with the Government in its efforts to eradicate child labor; and
- Efforts to tackle domestic child labour and children involved in home based work, informal sector and in agriculture sector through coordination with other departments and community involvement.

The Province of Sindh:

Apart from Karachi, Sindh is an agro-based feudalist rural economy whose population exceeds 47,886,051³². Karachi is highly industrialized, densely populated and hides some of the worst forms of child labour. Working children's figure (aged 10-17) approaches to 1,023,850³³. Rural Sindh still maintains a high number of bonded labourers, including child-bonded-labourers. The Sindh government introduced an act The Sindh Prohibition of employment of children act, 2017 to eliminate child labour in province. The Province

³²Pakistan Bureau of Statistics,

http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf

³³Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

introduced its 1st ever labour policy in 2018. The Provincial Government showed commitments in labour policy that Government of Sindh will take legal as well as other measures to regulate and control the employment of children in certain occupations and processes considered hazardous and injurious to their health. Employment of children under the age of 14 has been prohibited in all industrial sectors and will be extended to the domestic & home based workers. Children between the age of 16 and 18 years will not be engaged in hazardous working conditions/ working environments, i.e. Boilers, mining, tanneries, brick kilns, glass bangles, dyeing, chemical and electronics sectors, etc., that adversely affect their physical and intellectual development.

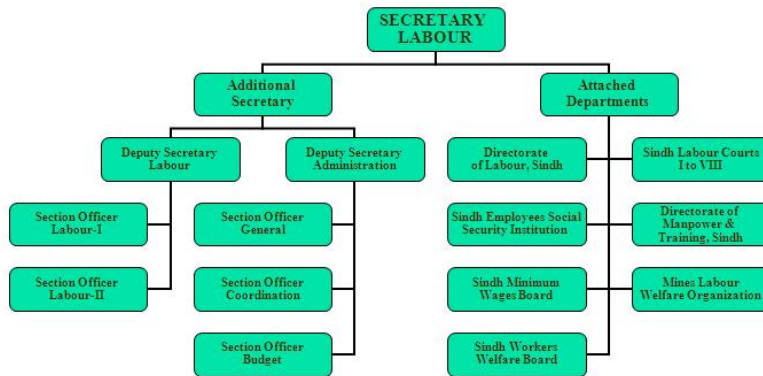
Like the Punjab and KP provinces, the Labour Department in Sindh is responsible to provide support for any kind of legislation, policies, administration, transfers, promotions, notifications and coordination with the HRD Ministry. It is headed by a Secretary, and has one additional secretary; two deputy secretaries; and five section officers. The Labour Directorate is headed by a Director General which has ten Joint and 12 deputy directors; 22 assistant directors; 40 labour officers and 45 labour inspectors. The Deputy Director is the head at the district level and reports to the Joint Director; Assistant Director works under him. The labour officers prepare the lists of inspections while the inspectors carry out the inspections.

The whole Province is divided into two wings. The General Inspection Wing is further divided into six divisions: East, West, South, Central, Shops and Establishment, and Hyderabad. Joint Director heads each division. The Technical Wing is divided into three regions Karachi 1, Karachi 2, and Hyderabad; Joint Director heads each region. All Joint Directors report to the Director General who is also the Chief Inspector of the Province. The interviews conducted in 2019 revealed that the chief responsibility for handling child labour in the province vests with the Director General Labour in accordance with the national and provincial laws and the International Labour Standards (ILS).

The Province lacks a Child Labour Policy and has no Child Labour Unit. The Labour Inspectors lack resources and interviews revealed lack of training of the inspectors. The officials talked of a Provincial and District task forces which are working for the elimination of

child labour. It was claimed that one district, namely Jamshoro in the Province is child labour free.

ORGANIZATIONAL CHART LABOUR DEPARTMENT



34

The Province of Balochistan: ³⁵

The Province of Balochistan is sparsely inhabited (population of 12,344,408³⁶) but contains many mineral reserves. Child labour, including in coalmines, is estimated to be 275,646 (aged 10-17)³⁷. Afghan children are disproportionately engaged in worst forms of labour like mining and other harmful industries³⁸. The major law at the provincial level is the Employment of Children Act 1991 (the “ECA”); it applies to the Balochistan province³⁹. The ECA contains a list of occupations and processes wherein an under-14 child is

³⁴https://sindh.gov.pk/dpt/Labour_HRM/Organogram.htm

³⁵https://www.balochistan.gov.pk/index.php?option=com_content&view=article&id=549&Itemid=890

³⁶Pakistan Bureau of Statistics, http://www.finance.gov.pk/survey/chapters_18/12-Population.pdf

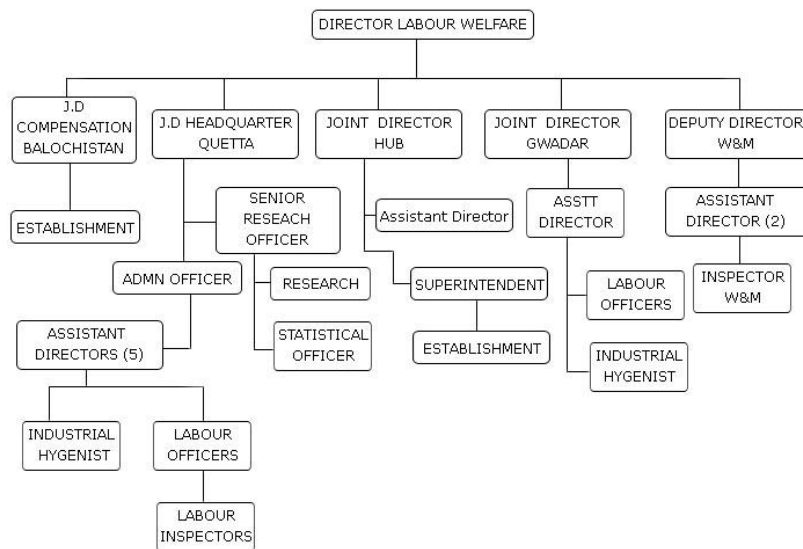
³⁷Iftikhar Ahmad (2017) Lack of Coherent Reforms in Pakistan, Indigenous Solutions, Islamabad/

³⁸Express Tribune (4 November 2013) Survey findings: No legislation against child labour in Balochistan

³⁹The State of Azad Jammu & Kashmir in March 1986 adopted the old Employment of Children Act 1938

prohibited to work. The provincial Government is empowered to add any occupation or process to this Act. As a result of many occupations and processes not listed in the ECA's Schedule, this law, even if fully and completely enforced, will not impact a great deal in bringing about a change in the overall child labour situation in the country. Three areas that remain outside its purview, and require immediate action to be included, are children working in the agricultural sector – 65% of Pakistan's population lives in the rural areas, the domestic servants, and the self-employed children. ECA grants exemptions to family-run establishments. This is a defense which many employers take in the event of inspections. Under the ECA, establishments (in which none of the occupations or processes referred to in ECA's Schedule are carried on) are covered by another part which deals with subjects such as hours and periods of work; weekly holidays; and health and safety. Many criticize the ECA for legitimizing child labour for such regulation and for allowing employment of children in the age group 14 to 18.

Like the Punjab and KP and Sindh provinces, the Labour and manpower Department in Baluchistan is responsible to provide support for any kind of legislation, policies, administration, transfers, promotions, notifications and coordination with the HRD Ministry. It is headed by a Secretary. The Labour Directorate is headed by a Director.



40

The Balochistan Bonded Labor Abolition (System) Bill, 2019 has been vetted from law department and will be tabled before the Cabinet for approval. While the Balochistan Home Department is working for the proper fictionalization of the DVCs. Moreover, it is to say that the child labor survey in Balochistan will be conducted through Statistical Information and Monitoring Programme on Child Labour (SIMPOC) methodology; the result/report of this exercise will specify the actual number of children involved in child bonded labor and will lead the Govt. to Policy making/programming in this regard. With the technical and financial support of UNICEF, child labor survey in Balochistan is in concerned for approval. Concept paper was also sent which was agreed. In the month of April 2019, the pretesting of child labor survey is going to be conducted in two district Quetta and Sibi in Balochistan. Utmost efforts will be made to ensure withdrawal of children from hazardous work.

⁴⁰https://www.balochistan.gov.pk/index.php?option=com_content&view=article&id=551&Itemid=892

National Strategic Framework to Eliminate Child and Bounded Labour in Pakistan:

National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan was developed with technical assistance of ILO in 2017 under the project:“Strengthening capacity of the constituents to address unacceptable forms of work focusing on child labour and bounded labour, in 2015”. As per the national strategy, the provincial labour departments shall take all steps on legislation, rules and regulations, enforcement of laws, policies and action plans under the stated framework of the national strategy and shall ensure implementation of the set targets through coordination with the districts and the departments at the provincial level and reporting to the M/o OP&HRD.

The National Strategy drives 18 recommendations of actions by the provinces in the efforts to eliminate child and bounded labour from Pakistan. The recommendations are as follows:

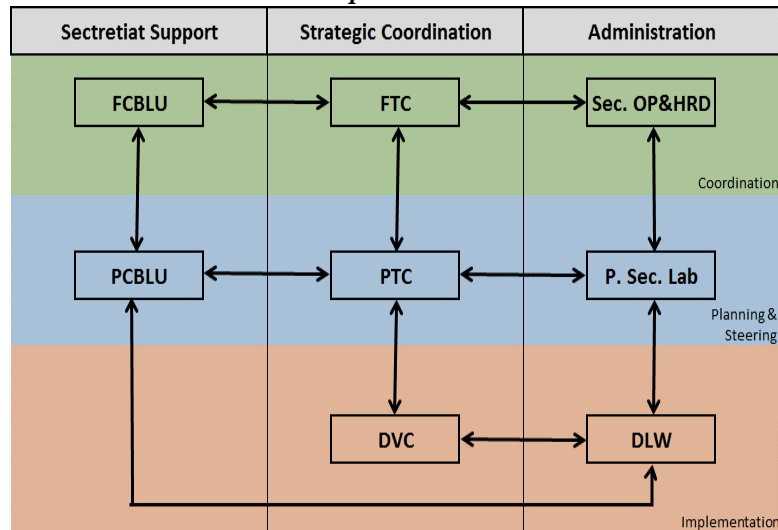
1. Rationalization of law on forced labour and promulgation;
2. Establishment of Provincial Child and Bonded Labour Rehabilitation and Welfare Fund;
3. Strengthening of the District Vigilance Committees (DVCs) and their reactivation;
4. Strengthening and reactivation of Provincial Child Labour Unit as Provincial Child and Bonded Labour Unit;
5. Rationalization of laws on child labour and promulgation;
6. Constitution of Provincial Committee on child rights and periodical review of List of Hazardous Occupations;
7. Strengthening institutional mechanism for inspection & improvement in enforcement of labour laws on child and bonded labour;
8. Involvement of social partners in the inspection process, monitoring and policy formulation;
9. Extension of the coverage of labour laws on child and forced labour to the uncovered sectors;

10. Capacity development of the inspection staff;
11. Efforts to improve reporting on inspection and to the federal Government;
12. Statistics / Survey 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 the stakeholders;
16. Policies/ action plans and projects to eliminate child and bonded labour;
17. Private public partnership to address the menaces of child and forced labour;
18. Promoting research and studies on child and forced labour through interaction with the universities and regional research organizations.

The National Strategy to Eliminate Child and Bonded Labour in Pakistan has been forwarded to the provinces for implementation. The submitted response of the provinces covers all recommendations of the strategy. It is therefore; proposed that:

- The provinces may be coordinated to submit quarterly report to Federal ministry; to provide input/ information about updated status and the actions taken/planned by their respective Provinces.
- The implementation status of this strategy may also be discussed in the meeting(s) of FTCC.
- This national strategy covers the Goal 8.7: Eradication of child and bonded labour of SDGs, the ministry may pursue the goals/action plans of this strategy actively.

Chart II. The Institutional & Implementation Mechanism



Pakistan Bait-ul-Mal (PBM):

Pakistan Bait-ul-Mal (PBM) is an autonomous body set up through 1991 Act. PBM is significantly contributing towards poverty alleviation through its various poorest of the poor focused services and providing assistance to destitute, widow, orphan, invalid, infirm & other needy persons, as per eligible criteria approved by Bait-ul-Mal Board. There are 07 regional offices of PBM in Pakistan, Islamabad (Head office), Lahore, Multan, Karachi, Peshawar, Quetta, and Gilgat. Director (BPS-19) is working as head of every Province and District officers (BPS-16) are working as head of district.

Pakistan Bait-ul Mal started a project of School for Rehabilitation of child labour (SRCL) has been established countrywide since 1995. Now this project is totally funded by Federal Government of Pakistan through Poverty alleviation and Social Safety Division, Government of Pakistan. The children between the ages of 5-14 years are weaned away from hazardous labour and enrolled in these centers where they are provided free education, clothing, footwear and stipend as well as subsistence allowance to their parents. Present strength of PBM Schools for rehabilitation of child labour centers is 159 at least one in every district of Pakistan. In Punjab 73, Sindh 37, KP 24, Balochistan 14, ICT & AJK 11. At Present 17,871 students, male

and female separately are benefiting from primary education in these centers. Enrolment criteria is existence of hazardous industry/ bonded labour in following categories, like brick kiln, carpet, mining, tannery, construction, glass bangle, domestic work, begging, agriculture. The standard student strength of a center is 120⁴¹.

Conclusion:

Child labour is a form of modern slavery afflicting Pakistan. Almost one-third of its population falls below the poverty line as the country ranks number 5 in the list of countries by population⁴². The issue of child labour has a circular causal relationship with poverty as one of its root causes is poverty which in turn is caused by it. The problem of child labour has to be successfully handled in order to achieve any fruitful results in relation to poverty eradication; otherwise, the country will keep moving in circles. Child labour is also closely linked to cultural norms and the failure of Pakistan's education system to provide high quality education at primary and secondary level. Around 75% of working children have not completed primary education or are only able to recite the Quran⁴³. Most working children come from families of 10-12 members where one wage-earner may have to feed up to 10 people. A study of scavenging children found that the average number of siblings of one child was 7.6 with SD \pm 2.61⁴⁴. This leads to an expectation that children should contribute to family income and a sense that child labour is therefore not unjust⁴⁵. Parents who believe education to be unhelpful validate their understanding of child labour as being likely to give them a more productive future. In many cases, especially in cases of bonded-child-labour and girl child servitude, it is not the children but parents, who receive wages directly or indirectly and sometimes in peshgi (advance). No employment contracts are ever issued. While peshgi bondage began in the agricultural sector it has crept into mining, fishing, brick making and even to domestic servitude. Contemporary slavery in Pakistan, in most cases, emanates

⁴¹<http://www.pbm.gov.pk/>

⁴²Statistics vary due to the definition of poverty

⁴³Multiple Indicators Cluster Survey (MICS) – 2017, Pakistan.

⁴⁴Nosheen Zaidi (January 2013) Child labour in Pakistan-A tip of an iceberg, Journal of Postgraduate Medical Institute 27(3):285-289.

⁴⁵Daily Times (28 September 2017) Balochistan Child labour

from entrenched and socio-culturally acceptable norms⁴⁶. Cultural and business elites such as feudal landlords or business owners are often associated with high levels of child labour. A complex web of culture, traditions, livelihood dynamics and absence of alternatives are interconnected. Parents' own education, age, gender, local economy, ecology and cost of schooling all matter⁴⁷. Behind all of this is an inadequate response by the state⁴⁸.

⁴⁶ Naz, A. & H. Khan et al (2019) Social and Cultural Determinants of Child Labor in Pakistan, Source: Clinical Social Work

⁴⁷Christiaan Grootaert and Harry Anthony Patrinos (1999), The Policy Analysis of Child Labour: A Comparative Study. New York: St Martin's Press, pp. 154-155 cited by S.L. Bachman, op.cit.

⁴⁸ Development Alternative Inc. (2019) Modern Slavery in Pakistan.