

Child Labour



Introduction

Labour is paid or unpaid work done to produce goods or provide services. As per most¹ international Treaties and Conventions, only adults above the age of 18 can work as the formal labour force. Those below the age of 18 are – or should be – classified as Children, who are prohibited by law from being formally employed as part of the labour force.²

The International Labour Organization (ILO) defines child labour 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 obliging them to leave school prematurely; or requiring them to attempt to combine school attendance (and school homework/ studies at home), with excessively long and heavy labour.³

However, not all the work done by children can be considered as Child Labour. Children engaging in activities that contribute to their personal development, and the provision of skills and experience (as they grow older), are generally regarded as being positive, such as helping parents with simple chores around the home, or earning pocket money outside school hours or during the school holidays (through activities appropriate for their age, e.g. in the West, we see Girl Guides and Boy Scouts fundraising by selling cookies in their schools or neighbourhoods).⁴

The relevant Constitutional provisions and Pakistani laws pertaining to Child Labour are discussed in detail below.

Prevalence of Child Labour

The prevalence of child labour is higher in low income countries, due to much higher poverty levels. According to the UNICEF 2017 report, in the world's poorest countries, 25% of children (between the ages of

¹ The exceptions are discussed in detail below.

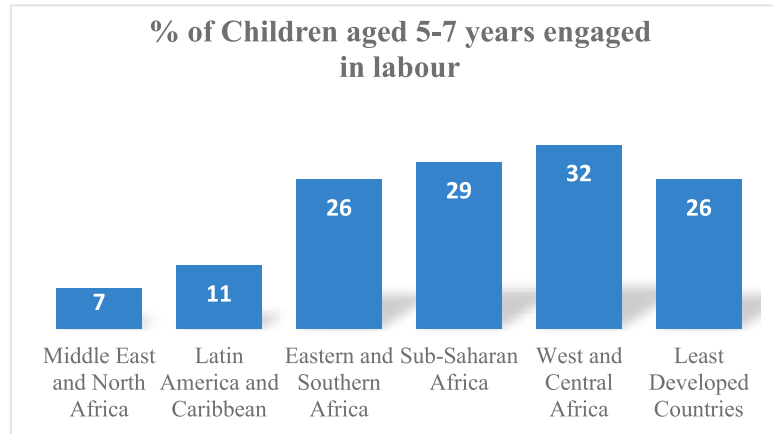
² UN CRC

³<https://www.compassion.com/poverty/child-labor-quick-facts.htm>

⁴<https://www.ilo.org/ipecc/facts/lang--en/index.htm>

5-17) are engaged in labour, which is considered detrimental to their health and development⁵. The prevalence of child labour is highest in sub-Saharan Africa.⁶

*Global Estimates of Child Labour (2017)*⁷



Source: UNICEF Global Database, 2017 – based on Demographic and Health Surveys, Multiple Indicator Cluster Surveys and other nationally representative surveys. ⁸

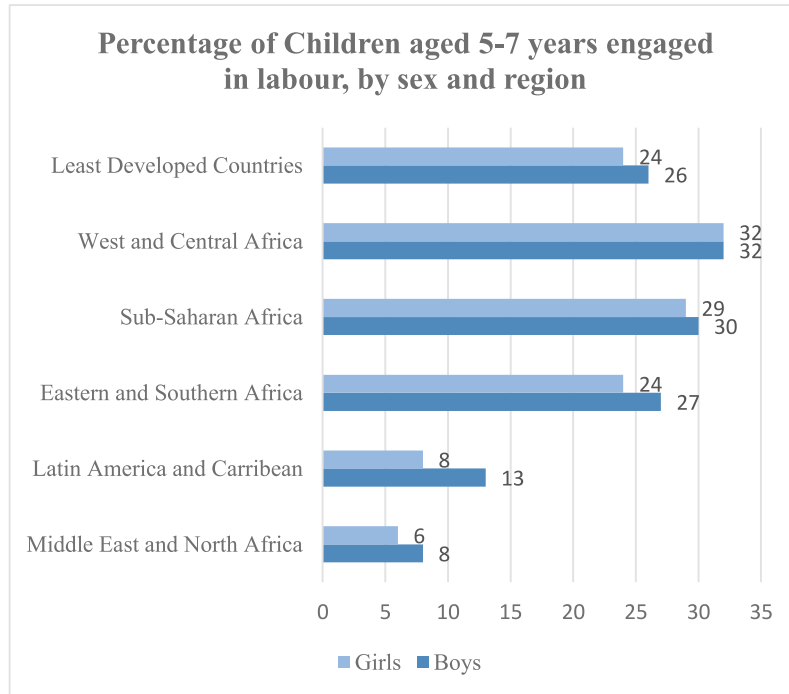
In almost all the regions, both boys and girls are involved in child labour. Gender disparities are observed, however, in the types of activities carried out, with girls found to be far more involved in domestic work (both in their own and other people’s homes).

⁵<https://data.unicef.org/topic/child-protection/child-labour/>

⁶ Ibid.

⁷ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

⁸ Ibid.



Source: UNICEF Global Database, 2017 – based on Demographic and Health Surveys, Multiple Indicator Cluster Surveys and other nationally representative surveys.⁹

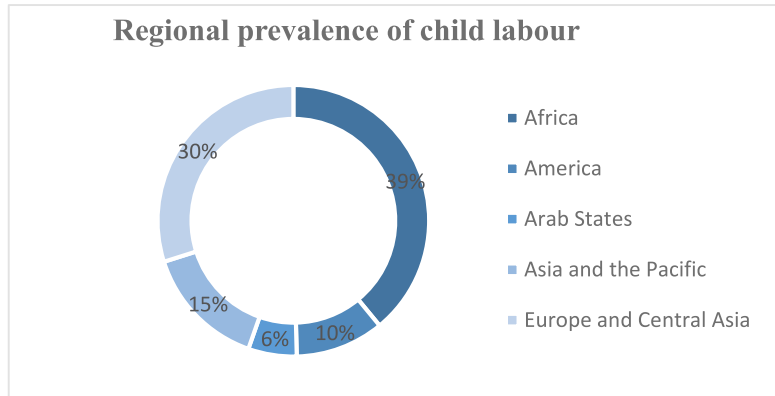
According to the Global Estimates of Child Labour Report (2017), 152 million children are labourers. Of these, 73 million are engaged in hazardous work.¹⁰ The regional prevalence is highest in Africa: 19.6%, and lowest in Europe and Central Asia: 4.1%¹¹. The ratio of prevalence in other areas: America: 5.3%; Asia and the Pacific: 7.4%; and the Arab States: 2.9%.¹²

⁹ Ibid.

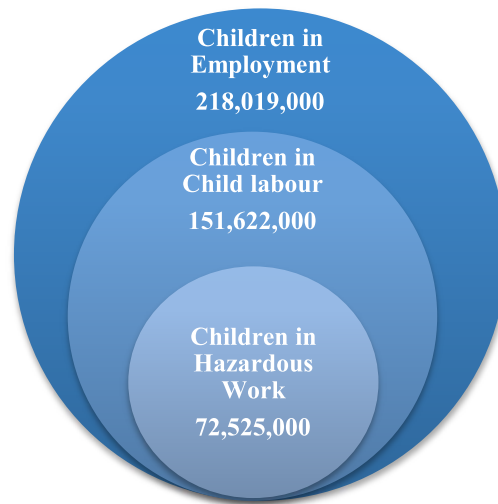
¹⁰ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

¹¹ Ibid.

¹² Ibid.

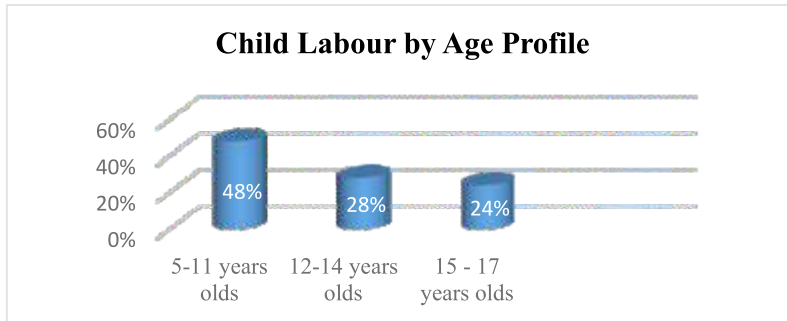


Global Estimates of Children in Hazardous Work, Child Labour and Employment

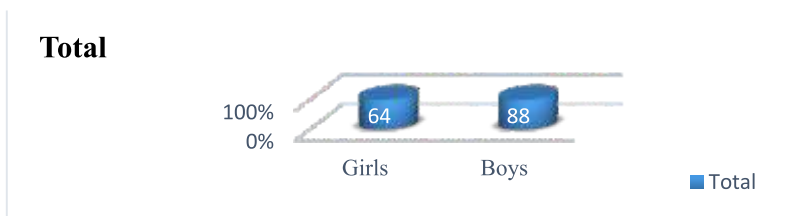


Source: Global Estimates of Child Labour, 2017¹³

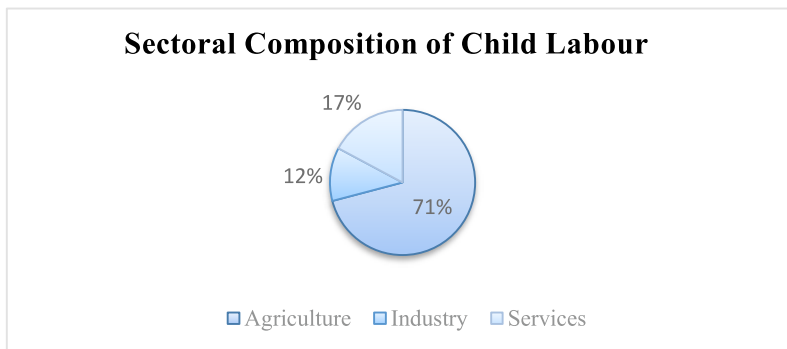
¹³ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf



Source: Global Estimates of Child Labour, 2017¹⁴



Source: Global Estimates of Child Labour, 2017¹⁵



Source: Global Estimates of Child Labour: Results and Trends 2012-2016.¹⁶

¹⁴ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

¹⁵ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

¹⁶ Ibid.

		Children in Employment		Children in Labour		Children in Hazardous Work	
		No.	%	No.	%	No.	%
World (5 - 17 years)		218019	13.8	151622	9.6	72525	4.6
Age Range	5 - 14 years	130364	10.6	114472	9.3	35376	2.9
	15 – 17 years	87655	24.9	37149	10.5	37149	10.5
Sex (05 – 17 years)	Male	123190	15.0	87521	10.7	44774	5.5
	Female	94829	12.4	64100	8.4	27751	3.6
Region (05 - 17 years)	Africa	99417	27.1	72113	19.6	31538	8.6
	America	17725	8.8	10735	5.3	6553	3.2
	Asia & Pacific	90236	10.7	62077	7.4	28469	3.4
	Europe & Central Asia	8773	6.5	5534	4.1	5349	4.0
	Arab States	1868	4.6	1162	2.9	616	1.5

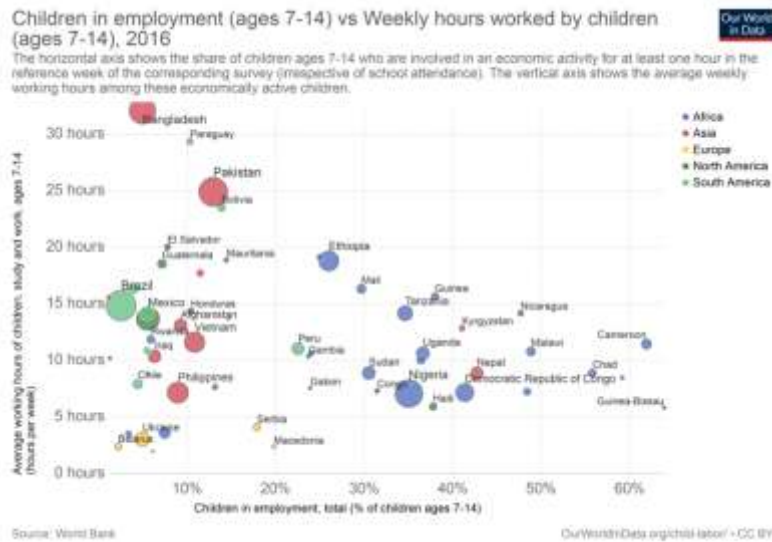
Source: Global Estimates of Child Labour: Results and Trends, 2012-16¹⁷

The Global Estimates of Modern Slavery Report (2017) also shows that among the 25 million people who are in forced labour, 18% of them are exploited children.¹⁸ According to a World Bank study

¹⁷ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

¹⁸https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575540.pdf

(2016), in Pakistan the average number of working hours of children between the ages of 7-14, is around 25 hours per week.¹⁹ This appears to be a sizeable under-estimation, based on a number of independent micro-level research studies, as well as on the evidence observable all around us, in both rural and urban areas, especially regarding agricultural and domestic child labour.



Child Labour Situation in Pakistan

In Pakistan, children aged between 5 to 11 years form the largest share of those engaged in child labour, and they also form a substantial share of those in hazardous work.

48% of all those in child labour are in the 5-11 year-old age bracket, 28% are between 12-14 years, and 25% are between 15-17 years.²⁰ Younger children constitute a smaller but still substantial share of the total number of children in hazardous work.

However, a sex-disaggregated profile of child labour data shows that boys appear to face a greater risk of being engaged in labour than girls,

¹⁹<https://ourworldindata.org/child-labor>

²⁰ Ibid

as far as the reported cases go. It is far more likely that the girl child's labour is under- or non-remunerated and thus is not valued, and therefore, it is not reported, nor counted in official statistics as being of any significance. Hence, it is reported that there are 23 million more boys than girls in child labour and 17 million more boys than girls in hazardous work.

The gender gap increases with age. Another reason for the data to underestimate the girl child's vs. the boy child's labour there is that girls' work is less visible, such as domestic services as maids in private households, or unpaid domestic work at home.²¹ This is one of the most under-rated forms of child labour, as well as the most prevalent and the most unreported.

The data also shows that the agriculture sector accounts for the largest share of non-formal child labour, while industries stand second at employing child labour. A large number of child labourers are also engaged in providing non-formal commercial and domestic services. The estimated data for children working in the Agriculture sector, aged between 5-17 years, is 70.9% of the total child labour force.

It is estimated 11.9% of child labour works in the industrial sector; and 17.2% works in the non-formal, unorganized sector.

The estimated data shows the following sex-disaggregation for child labour: 57% boys and 43 % girls. However, this is widely considered to be a sizeable under-reporting and under-estimation for girl child labourers.

In Pakistan, the last national level survey on Child Labour was conducted in 1996, according to which, around 3.3 million children were stated to be working as child labourers in Pakistan.²²

²¹ This domestic work, almost always done by out-of-school girls, is both quantitatively and qualitatively much heavier than, and quite different from, the ILO's description of the permissibility of school children theoretically "helping their parents at home" or doing "light work". Thus, the opposition to such terminology (and the very concept) from child rights activists is not surprising.

²²<https://www.dawn.com/news/1339215>

According to the Pakistan Labour Force Survey (2017-18), the age-specific rate of child labour between the ages of 10-14 is 8.2%. Of this, 9.8 % are boys and 6.4% are girls.

Children (adolescents) involved in labour between the ages of 15-19: 32.6%, of which boys are 47.6% and girls are 15.6%.²³

According to the ILO's World Report on Child Labour (2015), 13.5% of adolescents are engaged in hazardous work, aged 15 to 17 years.²⁴

Forms and Factors of Child Labour

Forms

There are different forms of child labour that exist at multiple levels, adversely affecting children.

Slavery is where a person is “owned” (*sic*) and made to work against his/her will. He/she is not allowed to leave or to refuse to work, and is generally held by being kidnapped, captured or purchased, or trafficked, or bonded.²⁵

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.

Forced labour is when someone is made to work against her/his wishes, e.g. children in armed conflicts.

Debt bondage is forced labour, where work is exchanged to pay off loans that people cannot repay with money or goods. Usually, poor families hand over their children to pay off their debt, and such children are forced to work for years until the debt is cleared. This can sometimes take a lifetime, or may even extend to successive generations born into modern day slavery.

²³http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/ifs2017_18/Annual%20Report%20of%20LFS%202017-18.pdf

²⁴www.ilo.org/ipeinfo/product/download.do?type=document&id=26977

²⁵<https://www.ilo.org/ipecc/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang--en/index.htm>

Child trafficking is the illegal trading (buying, selling and movement) of children for labour, prostitution, sexual exploitation (e.g. pornography) or as beggars or street vendors.

Hazardous Work is one of the worst forms of child labour, in which children work in a dangerous environment that can cause harm to their wellbeing in many ways. For example, children working inside mines are at serious risk of injury from tunnel collapses or accidental explosions.

Working in various industries, children are exposed to harmful chemicals or other toxic substances like mercury, lead and others, that can result in chronic health conditions.

Agricultural work can also cause serious harm if children are forced to work with adult tools and equipment, or chemicals like pesticides and insecticides.

In addition, sewing footballs, weaving and hand-knotting carpets, making or breaking bricks, making match sticks, are examples of the type of work that can cause physical harm to children, especially if they have been engaged in that work for long time spans. Furthermore, they are also exposed to all types of harsh weather conditions, due to which they can develop serious illnesses.

Domestic Work is where children (especially girls) are employed in private households for domestic work (CDL). Although domestic work is not included in the category of hazardous work, but the children engaged in this labour remain at high risk of multiple harm like physical, mental, emotional and child sexual abuse, rape, violence, torture, maltreatment, malnutrition, starvation, exhaustion, exposure to severe weather without appropriate shelter and clothing, all of which can result in serious health conditions, and in some cases even death. Children in CDL are deprived of education, recreation and even their childhood.²⁶

²⁶ See AGHS pamphlet: “Let children remain children” (AGHS/Child Rights Unit, 2015).

Child Domestic Labour (CDL) remains largely invisible and hidden from public view. In 2018, Punjab enacted a law on CDL: Punjab Domestic Workers Act, 2018. The other provinces and ICT still need to enact their CDL laws.²⁷ They could benefit from the existing body of research and recommendations from a number of civil society organizations, e.g., *inter alia*, SPARC, AGHS, LHRLA/Madadgaar, Rozan, GD and others.²⁸

The T. Child Maid Torture Case Judgement of 2018

There have been a number of high profile cases exposing child domestic labour reported from across Pakistan, but only a handful were registered or prosecuted or convicted. The most striking one was the T.(1) case judgement pronounced in 2018.

The Islamabad High Court (IHC) convicted both the accused judge and his spouse (2) of severe torture, neglect and abandonment of a 9-year old minor girl, who was first sold by her father, and subsequently trafficked by a middle-woman, and ended up illegally employed (actually as slave labour) in a then-serving judge's home. The IHC initially sentenced them both to the minimum imprisonment under the law, and imposed nominal fines.

Their review petition in the IHC, against their conviction and sentences, was not only rejected, but, on the contrary, their sentences and fines were enhanced substantially too. The judge's spouse initially tried to evade prison, but eventually they both were imprisoned and both are currently serving time, while their Appeals against the IHC judgement are being heard in the Honourable Supreme Court of Pakistan (SCP).(3)

A majority of the Pakistani legal community, human rights defenders, child rights activists, civil society organizations, and the progressive sections of the print and electronic media, hailed the IHC's 2018 judgement as "a historic, landmark, milestone judgement", which will be cited as case law for decades and centuries to come.

²⁷<https://www.pakistantoday.com.pk/2018/01/28/no-law-to-inspect-child-labour-in-islamabad-households/>

²⁸ SPARC: "Hidden Servitude: CDL" (2011); and "Child Domestic Labour" (2017). GD: "Child Trafficking and CDL" (2017).

In the shameful absence of a federal law to define and prohibit child domestic labour (CDL), the IHC's 2018 judgement sets a shining precedent and a minimum standard, as a benchmark or touchstone, for subsequent legislation on child rights and child protection codes, ethics and norms.

There is an urgent need for comprehensive, strong and enforceable laws – at the federal and provincial levels (Punjab enacted a CDL law in 2018) – to prohibit and eradicate the scourge of child domestic labour, both in letter and spirit. Once enacted, the implementation of such laws will prove to be the real challenge. It will require the joint and combined efforts of all the stakeholders, starting with the child's parents, family, community, and the entire society. As a Constitutional obligation, it is indeed the prime – but not the sole – responsibility of the State and its institutions.(4)

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1. T. was a 9-year-old girl child maid, severely tortured at the home of a serving judge and spouse in Islamabad – she is now a rescued survivor, whose identity is being protected, as per Pakistani law, and as per the ethics and norms of reporting cases of VAWG/GBV (including TGIs and PWDs).
 2. The 2 convicts' names are being withheld, since the T. case is currently *sub judice* in the Honourable Supreme Court of Pakistan, where the 2 convicts have appealed against the IHC judgement and conviction.
 3. See pp.5; 7 & 8 of the Note on Child Rights and Child Protection, prepared and submitted to the SCP by Tahira Abdullah (March 2018), with reference to the T. case.
 4. *ibid*, pp. 6-8.

Overview of Children’s Work by Sector/Activities²⁹

Sectors	Activities
Agriculture	Farming
	Livestock and dairy farming
	Fisheries
	Horticulture
	Forestry
Industry	Manufacturing glass bangles, surgical instruments
	Tanning leather, stitching soccer balls
	Weaving carpets
	Garment factories
	Welding and steel fabrication
	Carpentry in small workshops
	Mining coal, salt, and gemstones
Quarrying and crushing stones	
Services	Producing or breaking up bricks
	Domestic work (CDL)
	Working at shops, hotels, restaurants, tea stalls, guest houses in low income locales
	Working in private sector transportation as bus/truck conductors
	Scavenging and sorting recyclables, collecting waste paper
	Street vending and begging
	Bonded labour
Automobile repair workshops	
Worst Forms	Commercial sexual exploitation, e.g. prostitution, paedophilia videos
	Forced recruitment by non-state militant groups
	Illicit activities; trafficking, narcotic drugs

²⁹<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/pakistan>

Factors

The reasons for, and root causes of child labour and exploitation include:

- absolute or multi-dimensional poverty;
- lack of planned parenthood;
- high levels of debt bondage;
- social exclusion;
- gender, religious or ethnic discrimination;
- lack of universal, free, compulsory education for all children;
- lack of education and awareness of child rights among parents, families, teachers and communities;
- rapid rural-urban migration, natural disasters or conflicts;
- displacement, internal or external migration; refugee status;
- trafficking;
- social and economic disparities;
- perpetuation of ancient feudal and tribal socio-economic structures;
- loss of parents or guardians;
- and most importantly and sadly, lack of parental/familial³⁰ love, affection, care and protection of children.

³⁰ The heartrending case of the brutal rape and murder of 6-year-old Zainab in Kasur (January 2018), serves as just one illustration of this factor.

Additional and greatly exacerbating factors include:

- 1) weak or no enforcement by the LEAs and other authorities, of even the existing laws against child labour;
- 2) a plethora of archaic laws;
- 3) conflicting provisions among the laws, especially the different age bars set by different laws;
- 4) the continuing lack of a law to set a national definition of the age of the Child at 18, in adherence to the UN CRC, to which Pakistan is a State Party since 1990;
- 5) the continuing violation, both by parents and the state, of the Constitutional Article 25-A: the Right to Education for ALL children up to age 16; and,
- 6) the absence of reporting, registration, prosecution, conviction, severe sentencing as per the laws, results in low levels of deterrence and very high levels of impunity for child labour and exploitation.

All the above factors serve to increase and promote child labour even further, in both rural and urban areas, especially in the *katchi abaadis*³¹ around large urban centres.

Children involved in labour are often exposed to all forms of violence, which severely affects their survival rates, as well as their mental and physical development. In addition, they do not receive even basic education, and do not develop social skills; they are much more likely to suffer from depression, drug addiction, and may become crime- and violence-prone themselves.

³¹ *Katchi abaadis* are non-formal, non-regular settlements, without basic utilities or government services, springing up around large cities, providing temporary makeshift shelter for the lowest (or no-income) homeless transient communities. Municipal authorities consider them “illegal” and hence demolish/destroy them periodically, without providing alternate shelter to the homeless ultra-poor.

International Conventions; National and Provincial Laws

The international legal framework is governed by the UN CRC, which is a binding Treaty, to which Pakistan is a State Party. Pakistan has also ratified a number of ILO Conventions pertaining to child labour. The Pakistani federal and provincial laws are listed below, as well as international Conventions which Pakistan has ratified.

Child Labour Laws and Regulations

International Legal Framework in addition to UN CRC
Minimum Age Convention(C.138), 1973
Worst Forms of Child Labour Convention, 1999 (C.182)
Domestic Workers Convention (C. 189), 2011
SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution (2002)

Pakistani Federal Legislation
Mines Act, 1923
Pledging of Labour Act, 1933
The Factories Act, 1934
The West Pakistan Shops and Establishments Ordinance, 1969
Employment of Children Act, 1991
The Bonded Labour System Abolition Act, 1992

Pakistani Provincial Legislation
The Punjab Shops and Establishments Ordinance, 1969
Punjab Bonded Labour System (Abolition) Act, 1992
The Punjab Destitute and Neglected Children Act, 2004
Punjab Restriction on Employment of Children Act, 2016
Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010
The Sindh Child Protection Authority Act, 2011
Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015
Khyber Pakhtunkhwa Shops and Establishments Act, 2015
Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015
The Balochistan Child Protection Act, 2016
Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016
Punjab Restriction on Employment of Children Act, 2016
Sindh Prohibition of Employment of Children Bill, 2017
Islamabad Capital Territory Child Protection Act, 2018
Domestic Workers Employment Rights Bill, 2018³²
Punjab Domestic Workers Act, 2018

Sources: www.senate.gov.pk, www.na.gov.pk, www.ilo.org,
www.pabalochistan.gov.pk, www.sindhlaws.gov.pk,
www.punjablaws.gov.pk, <http://kp.gov.pk/>

In addition to the above, Pakistan's Constitution provides guarantees and protections against child labour, as well as the Right to Education (RTE). The State must provide compulsory and free education for all children up to age 16. Coupled with the UN CRC provisions, this alone ought to have sufficed to eradicate child labour, but it has not done so.

³²https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=2ahUKEwjUNsq0LPiAhVgAWMBHUT1AyYQFjAEegQIABAC&url=https%3A%2F%2Fwww.pap.gov.pk%2Fuploads%2Fbills%2FBill30_2018.docx&usg=AOvVaw1PEHt_xuTJREY1bx6ucDF6

The SDG target 8.7 particularly calls upon states and governments to take immediate measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour, and eventually, end all forms of child labour by 2025.³³

Article 32³⁴ of the UN CRC, which Pakistan ratified in 1990, makes it the State's responsibility for protecting children from economic exploitation and work that is dangerous or might harm their health, development and education.

However, the international dilemma is that ILO's Minimum Age Convention (C-138) of 1973, which Pakistan ratified in 2006,³⁵ sets 15 years as the minimum age for employment, while ILO endorses the concept of "light work" by children above the age of 13, but prohibits hazardous child labour up to the age of 18.

This is a highly controversial and conflicting view of Child Labour, which is not shared by UNICEF, the focal UN agency with the mandate of child survival, development, rights and protection. Neither do human rights defenders and child rights activists across the world accept this ILO Convention in its entirety, nor ILO's subsequent attempts to justify or rationalize it. Unfortunately, Pakistan has ratified it and attempts to adhere to it, as also to the CRC, which is a difficult juggling act.

"In all fairness to Pakistan, it must be acknowledged that even within the UN, both UNICEF and ILO – the two agencies at the forefront of the global struggle to end Child Labour – are unable to agree on definitions and concepts pertaining to CL. The concept of 'Child Work' (*sic*) is brought in by ILO to further muddy the waters."³⁶ This

³³ <http://sdg.iisd.org/news/ilo-reports-find-progress-on-ending-child-labour-insufficient-to-meet-sdg-target/>

³⁴ https://www.unicef.org/crc/files/Rights_overview.pdf

³⁵ https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103166

³⁶ *vide* p.4, Abdullah, T. op. cit. (note for SCP, 2018): "a large body of literature is available on the public disagreements between UNICEF and ILO on Child Labour vs. Child "Work" (*sic*): definitions, classifications, age bars, eradication vs. reduction strategies, e.g. UNESCO: Report on Child

leaves not only people very confused, but also Member States and Governments around the world.

The confusion between UN Conventions, and the difficulty in harmonizing national laws and policies not only causes problems for states, governments, legislatures and the judiciary, but it also undermines national awareness and publicity campaigns against child labour, by creating social acceptance for the scourge of child labour or child “work”.

Before 2010, the major law concerning the reduction and regulation of child labour in Pakistan was the Employment of Children Act, 1991. After the 18th Constitutional Amendment of 2010, which devolved a number of subjects, enacting legislation regarding child labour also became a provincial subject.

In 2017, the National Assembly passed the National Commission on the Rights of the Child Act, which mandates the federal government to establish a Commission on the care and protection of children.³⁷ The Commission’s responsibilities are to include: coordinating with their provincial counterparts, the provincial child rights commissions; examining and advising the federal government on legislation and policies on child rights and protection; and inquiring into child rights violations.³⁸ This Commission did not start functioning even in 2018,³⁹ mainly for the reported reasons of a political transition and bureaucratic challenges, as well as reports of delayed nominations of federal and provincial candidates for the Commission members.

During 2018, the Parliament was unable to pass the Child Labour and Child Domestic Labour laws for the Islamabad Capital Territory (ICT).⁴⁰

Labour and Social Protection (2013); UNICEF: child labour and protection (several reports); ILO: difference between Child Labour and Child Work; (several reports).” [report links cited in the references/footnotes]

³⁷ http://www.na.gov.pk/uploads/documents/1429632250_240.pdf.

³⁸ <http://nation.com.pk/national/13-Sep-2017/na-passes-resolution>

³⁹ <https://www.pakistantoday.com.pk/2018/04/20/national-commission-on-children-rights-protection-yet-to-be-notified-by-government/> and <https://www.thenews.com.pk/print/437731-the-rights-of-the-pakistani-child>

⁴⁰ <https://www.pakistantoday.com.pk/2018/01/28/no-law-to-inspect-child-labour-in-islamabad-households/>

Punjab

There were reports that Punjab has established an independent Provincial Commission on Child Rights, but this could not be verified and confirmed in 2018. However, better known are two other entities for children, whose existence and operations can be vouched for:

1. The Office of the Chief Provincial Commissioner for Children, located in the office of the Ombudsman, Government of Punjab. This Office was set up in 2009.⁴¹ It is mandated to appoint the District Commissioners for Child Rights throughout Punjab.

The role and functions of this office include:

- 1) Handle individual complaints by or on behalf of children on violation of child rights;
 - 2) Review and advise the government on systemic issues concerning child rights;
 - 3) Monitor implementation of the Office's recommendations on child rights;
 - 4) Raise public awareness on child rights and their violations;
 - 5) Proactively include children's voices in policy making on child rights;
 - 6) Ensure accessibility as an essential component of the Office.
2. The Child Protection and Welfare Bureau (Government of Punjab).

The Punjab Child Protection and Welfare Bureau coordinates the protection of destitute and neglected children, and child survivors of abuse and violence, by appointing Child Protection Officers,

⁴¹<http://www.ombudsmanpunjab.gov.pk/ocpcc>

supervising Child Protection Units, as well as establishing child protection institutions and child protection courts.

In Punjab, the percentage of the rural population engaged in labour, between the ages of 10-19, is reported to be 14.46%; boys: 8.56%; girls: 5.93%. In the urban areas of Punjab, the figure is 8.37% (between the ages of 10-19); boys: 6.74%; girls: 1.62%.

According to data published by the UNESCO Institute for Statistics (2018), in Punjab, children working between the ages of 5-14 are 12.4%; however those attending school are 77.1%. Children, who are in school and are also working, are 8.2% of the total child population of the province.

The Punjab Child Protection Bureau is mandated to appoint officers to coordinate and supervise the Child Protection Units for destitute and neglected children, and to establish child protection courts.

The Elimination of Child Labour and Bonded Labour Project (integrated in 2017 to promote “decent work” [a term used by the UN ILO, which is contested by anti-Child Labour activists and human rights defenders] for vulnerable workers) is funded by the Punjab Government to provide education to vulnerable children, such as bonded child labourers working in brick kilns. It aims to promote integration and coordination of government responses, strengthen legislation, increase the capacity of law enforcement agencies and service providers, and increase awareness of these issues.⁴² The programme has provided cash assistance to the families of 88,000 child labourers, as an incentive and support for children to attend school rather than working in brick kilns.⁴³

In Punjab, the law enforcement efforts against child labour include conducting around 26,000 labour inspections at worksites and imposition of 2,200 penalties out of 4,500 violations found relating to child labour during 2017.⁴⁴ In addition, routine and unannounced inspections were conducted in the province throughout the year.

⁴² <http://pakobserver.net/minister-for-eliminating-menace-of-child-labour-from-society/>

⁴³ <https://www.aaj.tv/pakistan-tackles-child-slavery-with-cash-handouts/>

⁴⁴ <https://www.dol.gov/sites/default/files/documents/ilab/Pakistan.pdf>

In Punjab, there exists a complaint mechanism relating to child labour; however there is no existing reciprocal referral mechanism between the Labour Department and child protection services. The number of labour inspectors and their capacity building remains unknown.

The minimum age for child labour, as per Section 3(1) of the Punjab Restriction on Employment of Children Ordinance (2016) and Section 5 of the Prohibition of Child Labour at Brick Kilns Act is 15 years;⁴⁵ however the minimum age for hazardous work defined in Section 3(2) of the Punjab Restriction on Employment of Children Ordinance is 18 years.

Also, Section 11(3) of the Punjab Restriction on Employment of Children Ordinance and Section 4 of the Punjab Bonded Labour System (Abolition) Act (1992) prohibit forced child labour.

The commercial sexual exploitation of children in the province has been prohibited under Section 11 (3)-(b) of the Punjab Restriction on Employment of Children Ordinance, and Section 40 of the Punjab Destitute and Neglected Children Act (2004).⁴⁶

Sindh

In rural Sindh, the total percentage of the child population engaged in labour between the ages of 10-19 is 18.3%; girls: 2.8%; boys: 15.5%. However in the urban areas of Sindh, it is claimed that a total of 8% of children between the ages of 10-19 are engaged in labour; girls: 0.63%; boys: 7.5%.

The number of labour inspectors in Sindh during 2016 was 120 and the inspections conducted across the province during 2016 were 4,933. In 2016, only 28 child labour rights violations were found in Sindh; however, in 2017 no unannounced labour inspections were permitted to be conducted in the province, and the 2018 data was not available.

⁴⁵ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102087/123287/F1018921745/PAK102087.pdf>

⁴⁶ <http://punjablaws.gov.pk/laws/472.html>

In spite of that, the Sindh Child Protection Authority has been coordinating its efforts regarding the rights of children in need of special protection, including child labourers. It has established Child Protection Units and has appointed Child Protection Officers too. The Authority is headed by a provincial minister. Other members include parliamentarians, lawyers, activists, and representatives from government departments which deal with children's issues.⁴⁷

A number of the Sindh laws and regulations on Child Labour meet international standards. For instance, Section 3(1) of the Sindh Prohibition of Employment of Children Act,⁴⁸ Section 81 of the Sindh Factories Act,⁴⁹ and Section 20 of the Sindh Shops and Commercial Establishments Act,⁵⁰ define the minimum age for work as 15. The minimum age defined for hazardous work is 19, according to Section 3(2) of the Sindh Prohibition of Employment of Children Act. The hazardous occupations and prohibited activities for children have been defined in the Sindh Prohibition of Employment of Children Act.

The Sindh legislature did not enact a law to establish the Sindh Provincial Commission on Child Rights. Meanwhile, the Sindh Commission on Human Rights also deals with cases pertaining to child rights violations.

Khyber Pakhtunkhwa

In Khyber Pakhtunkhwa, there is a Child Protection and Welfare Commission. It is mandated to coordinate efforts for the protection, safety, and well-being of children, including programmes for the prevention of exploitative child labour practices. It is handled by the Department of Social Welfare, Special Education and Women's Empowerment, Government of Khyber Pakhtunkhwa (KP). That fact indicates that it is not an independent commission.

⁴⁷ <https://www.dol.gov/sites/default/files/documents/ilab/Pakistan.pdf>

⁴⁸ <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.III%20of%202017.pdf>

⁴⁹ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102141/123387/F839757544/PAK102141.pdf>

⁵⁰ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102142/123388/F-1352480253/PAK102142.pdf>

According to the international report, “Findings on Worst Forms of Child Labour (2017)”, there were only 39 Labour Inspectors in KP.⁵¹ Obviously, this number is woefully inadequate for the need to inspect and monitor the adherence or violations of laws against child labour all over the province.

In Khyber Pakhtunkhwa, the total percentage of the rural population engaged in labour, between the ages of 10-19 is 13.58%; girls: 2.25%; boys: 11.43%. In the urban areas of Khyber Pakhtunkhwa a total of 9.24% between the ages of 10-19 are engaged in labour; boys: 9.24%; girls: 0.76%, as per the available data.

According to the Findings of the Worst Forms of Child Labour (2017) report, the initial training of new employees, refresher courses, training on new laws related to child labour complaint mechanisms, as well as unannounced inspections were conducted in Khyber Pakhtunkhwa during 2017. The number of labour inspectors was 39, but it is claimed that they conducted 2,780 labour inspections in 2017. The number of child labour law violations found during 2017 was 18 and the number of violations for which penalties were imposed was also 18.

SPARC was unable to obtain updated statistics for 2018, the year under report.

In addition to the national legislation existing to curb the major issue of children engaged in labour, Khyber Pakhtunkhwa provincial laws also prohibit child labour and define certain obligations and conditions regarding children engaged in work. Sections 2 and 3 of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act (2015), defined the minimum age for hazardous work as 19, which was a noteworthy step forward.

In conflict with the above laws, Section 21 of the Khyber Pakhtunkhwa Shops and Establishments Act and Section 49 of the Khyber Pakhtunkhwa Factories Act define the minimum age for child labour as 15.

⁵¹ <https://www.refworld.org/pdfid/5bd05ae50.pdf>

Parts 1 and 2 of the Schedule of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act (2015) have also identified and listed hazardous occupations and activities prohibited for children. Engaging children in illicit activities, trafficking and their commercial sexual exploitation is also prohibited, respectively under Sections 35, 38 and 45; Sections 2 and 52; and Sections 2, 48 and 53 of the Khyber Pakhtunkhwa Child Protection and Welfare Act (2010).

Furthermore, Sections 2 and 3 of the Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act (2015) prohibit forced labour.

Balochistan

The publicly available government data for child labour in the Labour Force Survey (2017-18) appears to be an underestimation and requires updating, especially regarding the girl child. It is also unverifiable, due to: restrictions on travel for independent research studies, especially for NGOs and private research institutions; and also the high levels of conservatism, segregation and the highly guarded seclusion of families and households, especially women and girls.

The establishment of a Provincial Commission on Child Rights in Balochistan is still awaited.

On a positive note, the following two landmark laws exist in Balochistan:

1. Balochistan Child Protection Act (2016);
2. Elimination of Child Labour, Protection of Children and Young Persons Act (2017).

Further, a Child Protection Policy has been in place for several years, along with a stated institutional mechanism and infrastructure extending to the district level, similar to the Punjab model.

Across Pakistan, the children found to be involved in labour are usually orphans, street children, and those from families in severe poverty, due to which their parents or guardians send them off to work.

Provincial Labour Inspectors, police and LEAs, district vigilance committees, child protection units, and the anti-trafficking unit of the FIA, are some of the entities responsible for the enforcement of child labour laws and policies.⁵²

Across Pakistan, the reported rate of child labour appears to be an underestimation and requires independent research and verification. The definition of the age of the Child urgently needs to be made consistent across all provinces and in all the relevant laws pertaining to child rights.

Recommendations

The following is a list of recommendations pertaining to the most pressing needs to combat child labour. There are several additional recommendations, which also require the attention of the state entities, elected governments, legislators, judiciary, LEAs/police, international creditors (IFIs) and donor agencies, the media, child rights activists, academicians, and society at large.

1. Resources need to be allocated to conduct a national and provincial level survey across Pakistan, to obtain an updated and holistic picture of the existence, magnitude and conditions of child labour across the country. In the absence of accurate statistics it is difficult to tackle the problem realistically, and with adequate resources.
2. The data to be collected and compiled in child labour (CL) surveys, needs to be disaggregated by sex, age groups, rural/urban and district location, types of work performed as CL, socio-economic backgrounds of the child labourers, educational status, and so on.
3. There is an urgent need to enact federal and provincial laws to make birth registration mandatory and compulsory across the country. This will act as a deterrent against child labour and in favour of universal education under Article 25-A, Right to Education (RTE).

⁵²<https://www.dol.gov/sites/default/files/documents/ilab/Pakistan.pdf>

4. There is a need for increased public awareness of the anti-child labour laws, policies, institutional mechanisms and entities; along with programmes and projects. Further disaggregated data is required, in order to be able to carry out comparative research on the provincial programmes, projects and initiatives, and their outcomes in all the provinces.
5. The existing federal and provincial child labour laws need to be amended to raise the working age bar, initially from 14 and 15 to a minimum of 16, in line with Article 25-A of the Constitution, i.e. the Right to Education (RTE); and eventually to 18, in line with the UN CRC and taking the Sindh provincial legislation as a model.
6. There is a need to eliminate the plethora of confusing, contradictory, archaic laws defining and regulating child labour, e.g. various age bars for different forms of child labour, hours of work, punishments for the breach of law, and so on. They need to be replaced by one omnibus law against child labour, harmonized across the country, adopted by all the provinces, with the eventual aim of the complete eradication of child labour.
7. The confusion and contradiction caused by the UN CRC's definition of a child (a person below the age of 18) and ILO's adolescent age group (14-18), which ILO allows to be engaged in "light work" (*sic*), urgently requires to be addressed and resolved at three levels: within the UN at the global level; and also by Pakistan at the State level; and thence by the provinces for their own legislation.
8. In adherence to the Constitution, the State must provide protection and basic needs to orphaned or street children, as well as to children in poverty or in especially disadvantaged circumstances, e.g. CWDs; TGI children; child survivors of all forms of violence, sexual abuse, exploitation, trafficking, child labour, bonded/slave labour; and children deprived of education, recreation, protection, and development opportunities.

9. Civil Society organizations and networks need to enhance their role by increased and strengthened advocacy against child labour and for education, as well as awareness-raising to motivate parents, families and communities, especially in the rural areas.
10. There is a need to formalize the employment of all existing adult non-formal workers, so that the employer and employee enter into an agreement where the worker's age is clearly defined via her/his CNIC, along with the contractual obligation to provide a minimum decent living wage, and where the terms, conditions and type of work are clearly defined. This will help to eradicate child labour entirely.
11. Labour Inspectors need to be hired in each province in far higher numbers, in order to monitor and enforce child labour laws, and to report on their implementation or violation.
12. A referral mechanism needs to be established between the Labour Departments and Social Welfare services among all provinces for coordination, especially to combat child traffickers and those who push children into hazardous, domestic, bonded or slave labour.
13. It needs to be ensured that the fines and penalties are sufficiently strong, to deter employers from violating anti-child labour laws.
14. The provincial governments need to ensure the provision of regular training and refresher training courses for all relevant public sector employees, on the laws pertaining to CL, especially the newly enacted laws, as well as policies, international Conventions, programmes, awareness raising and motivational campaigns.
15. Likewise, there is a need to involve the print, electronic and social media for public awareness raising and motivation.
16. The federal and provincial governments need to publish their specific child labour eradication budget data, along with information and analysis on the allocations, disbursements and

utilization of both development and recurrent expenditures for the previous fiscal year, along with the allocations for the current fiscal year.

17. The UNICEF- and ILO-supported programmes, projects and campaigns to reduce or end child labour, need to be independently evaluated and assessed for their outputs, achievements, gaps, challenges and lessons learned. This will assist in designing future programmes, as well as direction changes or course corrections/revisions required in the ongoing current programmes. This exercise needs to be undertaken for: (a) the government-run programmes, (b) projects undertaken by the for-profit sector; and (c) international and national NGOs and civil society networks working on child rights.

Relevant reference materials re. child labour, work, classifications, definitions:

- www.ilo.org/childlabour;
- www.unicef.org/protection/files/child_labour.pdf;
- <http://www.voicesofyouth.org/en/posts/the-difference-between-child-labour-and-child-work--2>;
- http://www.unesco.org/library/PDF/2013_Worl_Report_on_CL_and_Social_Protection_EN%5b1%5d.pdf
- https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO
- <https://www.cypcs.org.uk/rights/uncrcarticles/article-32>
- <https://archive.crin.org/en/home/rights/convention/articles/article-32-child-labour>
- https://www.ilo.org/dyn/normlex/en/f?p=1000:12030::NO::#Elimination_of_child_labour_and_protection_of_children_and_young_persons
- http://www.researchcollective.org/Documents/Punjab_Child_Protection_Mapping_and_Assessment_Report.pdf