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The Framework of Child Labour Policy and Implementation Mechanism

^{1*} Anila Malik

² Jamshed Baloch

³ Yasmeen Yousuf Pardesi

Abstract

This research paper aimed to evaluate the child labor causes and the subsequent policy framework made to tackle the issue in Pakistan. Further, the researcher aimed to evaluate the mechanism of sketching the policy and its implementation in its spirit. In recent times, one of the deadliest problems that haunting the world in general and Pakistan in particular. The issue of child labor is considered to be a crucial global issue to the world. It not only affecting the under developing world but also developing ones. A child is considered to be the future of the modern world who are considered to be the agents of change but how it would survive if thrown in child labor curse. This research paper investigated the possible child labor causes in Pakistan which are not new but prevalent for many decades and the later impacts of this curse on the child's health, mentality, development and society as whole. It is pertinent that Child labor should be lensed through social and economic glance to fully comprehend the issue. This research paper highlights the key factor of children of particular age indulged in child labor and the efforts and programs and laws made to curb the issue.

Keywords: Child Labor; Policy; Mechanism; Culture; Pakistan.

1. Introduction

Childhood is one of the most beautiful phenomena that happens to every person who grow from the precious phase of child to adulthood. But what if one's childhood is being thrown into the curse of labor at an early age when one has to play with toys but playing with bricks and other labor items. It is the right of every child to attain the basic needs at childhood apart from education but failing to attain such in such environment where child labor exists. There are many factors that cause the child labor and domestic and financial ones are the top in the list. The economic conditions hinder child to compete with other normal childhood period. A child is forced to earn livelihood for family at early

age and killing every instinct of childhood. The labor of children notion is not new but an old issue. It received much attention in 1990 when ban on goods was imposed by European countries as those were made with child labor in developing countries (Bisin, 2007).

It is pertinent to stress that child labor must be seen as the most dangerous problem like other issues as it haunts the future generations of the world. It is irony for the Pakistan to be included in the list of countries having large number of child labor case in different parts and sectors. In a survey of 1996 which reported that around 3.3 million children of ages between 5-14 were working as the level of poverty is much high and parents allowing their children to work for earning bread and butter rather than going to school? The policy maker's concern roam around on development and safety of children in child labor cases.

Child labor is a deep-rooted evil phenomenon, which frequently exists in developing countries. The children across the world and especially in Pakistan are indulged in labor and forced to sacrifice the education, health, childhood and in many cases their precious lives. The world is full of children who are in this hazardous field and damaging their development. It is important to know that what compels children to indulge in child labor and its causes for suppose the foremost reason is poverty for child labor. The poverty factor is the reason for children going to work as many parents are unable to afford sustenance of children and household. Further, education system also contributes mainly to this menace as it is expensive, and quality education is out of reach for many parents. Almost every country has different laws on child labor but its implementation lacks in spirit and companies took advantage of such loop hole to exploit children workers.

The UNICEF, one of the oldest and committed branches of UN when established in 1948, aimed for welfare of the children across the globe and of Pakistan for their welfare in each aspect of life. The fund aimed to protect life, health and education of children and to provide a fair chance of life and opportunity without prejudice (Ibid, 2007).

Pakistan received the help of UNICEF in 2016 in achieving the SDGs for the welfare and betterment of children, but its success solely depends upon its renewal of partnership and goals at every level. This accomplishment needs research and collection of data of high quality to address the issue (Batoool, 2016).

2. Theoretical Framework

In this research paper, context analysis/examination of the child labor, causes, effects, policies and implementation are discussed to comprehend the nature. Regarding Pakistan's situation, the theory of "Right Based Approach" as supported by ILO and UN convention on child labor. Centers on the idea that children have inherent rights to childhood, dignity, education, and protection from exploitation. Policy frameworks are designed to ensure these rights are upheld and protected. Further, "Cultural and Societal Theories" i.e. Cultural Normalization: This theory addresses how social norms, attitudes, and a lack of awareness can normalize child labor, especially in certain cultural contexts. Frameworks must include advocacy and education to shift mindsets and challenge this deeply ingrained practice.

3. Research Methodology

The nature of research is of qualitative study. Thus, both critical and analytical approaches have been used for this research paper. Further, secondary sources have been used to study and evaluate facts, concepts, and historical references.

4. Research Questions

1. What were the major causes of child labor in Pakistan?

2. What is the policy framework for child labor in Pakistan?
3. How is child labor policy framework implemented in Pakistan?

5. Poverty

Mostly in developing countries, child labor is prevalent and the fundamental rights are deeply violated like education and survival and safety. The developing countries facing child labor issue due to poverty upheaval as daily living is unaffordable. Further, apart from poverty, illiteracy, unemployment, family background, urbanization and orphans are primary causes of child labor in Pakistan. The prevalence of child labor is mostly seen in sectors like agriculture, making of glass bangles and brick kiln. Moreover, domestic child labor is one of the major aspect which is less talked as poverty is single above factor that push children in this menial workplace. It is noted that the income from child labor is essential for running the household and for survival of family (Ibid, 2016).

6. Customs And Heritage

The working of children is common practice in developing countries and same practice was seen as normal in Britain for children of age of 5 mostly in cotton factories of that time. It was a common perception that for better skills and mental approach and development the work is good among the population and for character building and many customs obliged that children must follow parents footstep and join the family work, trade and business. There is also tradition of indebting to someone and then putting children in work to pay off such debts which are accumulated from generations as seen in agriculture sector particularly. Bonded labor is one of the major kind along with domestic labor that bounds children into trap of debt and labor. Further, culture plays significant role in pushing distorted families into child labor as different cultures allows children to work from early age in deadly environment (Choudhary, 2014).

7. Flawed Legal System

The supreme law of Pakistan i.e. the Constitution provides basic fundamental rights to protect against forced labor and slavery and child labor which means that Pakistan do have laws against child labor but the matter that hinders is its implementation in spirit. There are several laws to tackle the issue like factories Act of 1934 which categorically prohibits the working of children below age 14 and even if someone fulfill the age the physical fitness must be assured which is certified by qualified physician. In addition, according to bonded Labor System Abolition Act which states that no children is allowed to work in the hours of 7pm and 8am. Despite that the children are frequently seen working in that sphere of time (Choudhary, 2014).

8. Low Income

According to the standard definition of ILO, when a child is forcefully put in work due to materialistic and social pressure and a child who work at early age in deadly environment for a small amount of money to earn bread and butter comes in the sphere of child labor. In case of developing countries, the rise of poverty is the sole cause of prevalence of child labor as low income pushes every member of family even children to earn livelihood. There is huge difference between income coming and per capita shown. This model of inequality creates the space for child labor (ACHR, 2013).

9. Population Growth

There is this question rises that is overpopulation can be the main cause of child labor especially in developing countries? The answer to this is always yes as families put their children into trap of child labor as parents are not able to afford the expenses of huge number of children even basic necessities thus child labor rises form the overpopulation. This creates the psychological, mental and physical abuses to children who are working in deadly conditions.

Currently, Pakistan is among the countries having highest population growth rate at around 1.86 percent and it is estimated that by 2050 the population might go beyond 350 million mark. The commissioner of Multan division opined that the lack of family planning and awareness is the reason behind the high growth and this creating poverty, unemployment and lawlessness. The remedy to this lies in provision of basic facilities and employment and awareness. The issue of child labor needs proper engagement for elimination. Ibid, 2013).

10. Usurpers in Labor Market

The reason that child labor is easily available and cheap is that children do not bargain for wage thus it is exploited at will. Being laborer the Children do not possess the basic knowledge of their wage, rights and abilities and this infancy and innocence children are easily usurped. The children are put in work without settlement of terms and are at will of employer. Many parents are aware of their children's risk in labor but paying no heed to it as they are earning money. Dessy and Pallage (2001) opined that child labor prevention laws have significant role to play in prevention even if parents are not paying heed to it.

11. Initiatives to Eradicate Child Labor in Pakistan

The initiatives to eradicate child labor are persistent at national and international level and in such process ILO assisting Pakistan through a program called International Programme on the Elimination of Child labor IPEC to curb child labor. Further the Decent Work Country Program DWCP is also supporting the ILO along with Labor and Manpower ministry of Pakistan. Pakistan has ratified ILO's conventions on child labor, minimum age convention of 1973 No. 138; worst form of child labour convention, 1999 No. 182. Many new initiatives are in process in sectors like carpet, surgical, glass bangles, leather, domestic work, and brick kiln. Through these initiatives, hundreds of thousands of children are rehabilitated in the process.

To address child labor issue, ILO has established five units at federal and provincial level with ministry of labor help. ILO's technical assistance to the Federal Bureau of Statistics and Ministry Labour resulted in the first ever national level survey on child labour in 1996. Now ILO will provide support to the Federal Bureau of Statistics to carry out the second national child labor survey in 2010-2011. In order to eradicate the menace of child labor, Pakistan made significant steps in 2018 and ratified the UNCRC which is related to armed conflict. Further, the then government of Punjab legislated that there will be minimum age for child i.e. 15 and also established project namely Elimination of Child Labor and Bonded Labor. Similarly Baluchistan government also passed law for children safety at hazardous working conditions. In spite of that laws, children still are bonded in shackles of child labor in worst form which include domestic, brick kilns and many others. Balochistan is the only province left to set minimum age for children for work and moreover the provincial governments still lacks resources to implement laws to tackle child labor (Brandon, 2018). There are numerous NGO's and IGO's which include public and private are in constant efforts to address child labor issue and these were contacted for research and literature and snowball technique was applied to assess. Further, these organizations were listed and assessed for their efforts for the

cause and mainly those were included whose focus were directly on child labor and forms of it and also those organizations were also listed whose purpose was related to legal side and laws and regulations (Ibid, 2018).

12. The Clauses of the Constitution

- The Article 3 stated that there shall be complete eradication of all forms of exploitations and the basic principles shall be fulfilled.
- The article 113 says that any child whose age is below 14 shall not be employed in any kind of hazardous work i.e. factory and mine and any other.
- According to article 25A, it is the responsibility of state to provide education which shall be compulsory and free to all children of age between 5-16 as of law.
- As of article 37e which stated that it is duty of state to provide secure and safe working conditions for children and women.

The Pakistan's constitution categorically provide principles of social justice and economic uplift to all citizens without any discrimination. The constitution also upholds the basic rights which are fundamental for each and every citizens for its life, liberty, and protection from slavery and any kind of bonded labor. It also gives right to associate or union with any one. The constitution mandates under its article 11 that no child whose age is below the mark of 14 can be engaged in any form of serious work. In 18th amendment, the article 25-A was inserted to provide the free and compulsory education to all citizens and ensured the role of education in curbing the menaces like child labor as it is most efficient tool to fight against child labor. In addition, the article 37e assures the safe and sound working conditions for women and children without discrimination of sex or age.

In the two acts of Mines act 1923 and Factories act 1934, the age limit for children was set at 15 and in another act of Shops & Establishments Ordinance 1969 it was 14. The Sindh and KPK set it at 14 while the Road Transport Workers Ordinance of 1961 set it as 18 years. The same pattern was adopted by Sindh and KPK in Prohibition of Employment of Children Act, 2015 and Sindh Prohibition of Employment of Children Act, 2017 and age limit set at 14. On the other side, Punjab set it to 15 for admission to work in Punjab Restriction on Employment of Children Ordinance of 2016 and Baluchistan set it on 14 years. Islamabad Capital Territory has work permit of age 15 years.

The section 3 of KPK Prohibition of Employment of Children Act of 2015 in lieu with Convention 138 says that:

“Provided that a child not below the age of 12 years may be engaged in the light work, alongside his family member, for a maximum of two hours per day mainly for the purpose of acquiring skills, in a private undertaking, or in any school established, assisted or recognized by Government for such purpose”.

This is the list of Child Labor Legislations in Pakistan:

1. The Children Pledging of Labour Act 1933 applicable in all provinces.
2. The Employment of Children Act 1991 applicable in Baluchistan and ICT
3. The Employment of Children Rules 1995 applicable in Baluchistan and ICT
4. Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015
5. Punjab Prohibition of Child Labour at Brick Kilns Act 2016

6. Punjab Restriction on Employment of Children Act 2016
7. Sindh Prohibition of Employment of Children Act 2017

13. National Regulations and Legislations

When the constitution of 1973 was made and passed it categorically provided basic and fundamental rights to all of the citizens residing in Pakistan without any discrimination. It also stated that any law if it is derogated with basic rights then it shall be considered null and void. The article 11 is related to forced labor and slavery matters and it is pertinent to mention that slavery is forbidden in every law and no steps shall be made to legalize it. The constitution also discourage all forms of labor bonded and forced and trafficking of humans specially children and women. In the historic case of Darshan Masih and others vs. the State in which the court declared that the brick kilns are also included in bonded labor sphere and violation of rights of people.

In the light of judgment, the Supreme Court ordered that the system of bonded labor must be rooted out and also banned contractors involved in practice. The laborers were in right to decide the work of choice and also limited the loan amount to reduce exploitation. Further, there is need to authenticate the legality of loan amount and scope of brick kiln sector. Moreover, there was issue that wages are paid only to head of house not to workers himself or herself. The judgment followed by the Parliament act of 1992 which was crucial in addressing the issue.

The act aimed to abolish the chains of bonded labor and its debts and legislated severe punishments for the ones who were engaged. The act also directs to set up committees of vigilant people of representatives for vigilance start from district level in areas. The role of such committees is to provide assistance and advice to district administration on law implementation and for rehab to bonded laborers. As the law directs to set up committees but that did not happen and if established then it shall be the first major step for its enforcement The National Policy and Plan of Action was made in 2001 by then federal government to abolish bonded labor and rehab them (Javed, 2013).

14. Legislations On Child Labor

Standard	Related Entity	Meets Int'l Standards	Age	Legislations
Minimum Age For Work	Federal	No	15	Section 50 of the Factories Act; Section 20 of the Shops and Establishments Ordinance; Section 26 of the Mines Act; Section 3 of the Road Transport Workers Ordinance (52-55)
	Khyber Pakhtunkhwa	Yes	15	Sections 2(1)(b) and 3(1) of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act; Section 21 of the Khyber Pakhtunkhwa Shops and Establishments Act; Section 49 of the Khyber Pakhtunkhwa Factories Act (56-58)
	Punjab	Yes	15	Section 3(1) of the Punjab Restriction on Employment of Children Ordinance; Section 5 of the Punjab Prohibition of Child Labor at Brick Kilns Act (59,60)
	Sindh	Yes	15	Section 3(1) of the Sindh Prohibition of Employment of Children Act; Section 81 of the Sindh Factories Act; Section 20 of the Sindh Shops and Commercial Establishment Act (61-63)
Minimum Age for Hazardous	Federal	No	15	Sections 2-3 of the Employment of Children Act (64)

work				
	Khyber Pakhtunkhwa	Yes	19	Sections 2(1)(a) and 3(2) of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act (56)
	Punjab	Yes	18	Sections 2(1)(a) and 3(2) of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act (56)
	Sindh	Yes	19	Section 3(2) of the Sindh Prohibition of Employment of Children Act (63)
Prohibition of forced labor	Federal	Yes		Sections 3 and 7 of the Prevention of Trafficking in Persons Act; Section 4 of the Bonded Labor System (Abolition) Act; Sections 367, 370, 371A-371B, and 374 of the Penal Code (65-67)
	Khyber Pakhtunkhwa	Yes		Sections 2(j) and 3 of the Khyber Pakhtunkhwa Bonded Labor System (Abolition) Act (68)
	Punjab	Yes		Section 11(3) of the Punjab Restriction on Employment of Children Ordinance; Section 4 of the Punjab Bonded Labor System (Abolition) Act (60,69)
	Sindh	Yes		Section 4 of the Sindh Bonded Labor System (Abolition) Act (70)

Table 1: Legislation on Child Labor

Despite all these legislations, the federal and provincial legislations made are not in line with international standards for example the minimum age for work set by federal government does not match with international standard of informal employment and same is the case with Sindh's law on age. The province of Baluchistan has not made any minimum age for work and thus fall in federal law. Further, the legislations federal, Sindh and KPK government combined does not cover domestic and brick kiln in hazardous work and thus are exposed to health and environment hazards. Besides, Federal laws does not encompass the children who are used in trafficking, pornography, drug abuse and prostitution. Apart from Punjab, the rest three provinces and federation are unable to enact laws on ban on recruitment of children (Javed, 2013).

15. Implementation and Execution of Child Labor Laws

The table below shows the establishment of mechanism at institutional level for implementation and execution of labor laws yet there are gaps in its enforcement.

Organization/Agency	Role
Provincial Labor Inspectors	Inspect Industrial areas and markets to identify child labor violations, enforce laws and legal actions
Labor Courts	Assess penalties for labor violations
Provincial and Regional Police	Enforce violations of federal and provincial laws including PPC, Prevention of Trafficking in Person
Child Protection Units	takes into custody of at risk children including those rescued from exploitation
FIA, Anti-Trafficking Units	Enforce transnational human trafficking related laws

Table 2: Regulatory bodies for Law Enforcement

16. Imposition of Labor Laws

The table below shows the imposition of labor laws by its enforcing agencies in 2018. But there are some spaces that hinders the enforcement and imposition of labor laws at all levels. After the decentralization of power in 18th amendment to provinces, now the provincial governments are bound to legislate and enforce labor laws and punish the violators by collecting data at district levels as there is no centralized data or any regulatory mechanism at federal and provincial levels. Thus, the provinces are left with limited data for inspection of labor from the data of 2017, it was revealed that there is insufficient number of labor inspectors against the work load which is roughly estimated to 64 million workers. The technical team of ILO stated that there is 1 inspector tackling 15,000 workers in developing countries and for Pakistan it need around 4,259 labor inspectors for smooth affairs. In addition, the labor inspectors are not paid enough amount let alone perks and privileges which hampers the ability to work and inspect places of work. Taking example of Khyber Pakhtunkhwa, Punjab, and Sindh's labor department's where inspectors are not paid the transportation cost of inspections. In case of Sindh, there was sudden stop in unannounced inspections which resulted in complains of harassment form employer on inspectors and penalties and fines were imposed infrequently on places. The efforts were made to enhance and increase the inspectorate capacity for imposition of labor laws in 2018 and in this regard Sindh government recruited 32 labor inspectors for implementation of laws. As a result of initiative, form the period between January and August 2018, there were 65 cases of child labor were found by Punjab welfare department during inspection at 482 brick kilns and 732 establishments. Sindh Home-Based Workers Act was initiated by Sindh government (Young-Bruchel-2012).

17. Imposition of Criminal Law

In order to fight child labor, in 2018, criminal law enforcing agencies became vibrant to tackle the issue. This activeness was not enough to impose the laws as there is paucity of data at all levels to enforce criminal laws on child labor.

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (44)	Unknown (8)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (44)	Unknown (8)
Number of Investigations	Unknown (44)	Unknown (8)
Number of Violations Found	Unknown (44)	Unknown (8)
Number of Prosecutions Initiated	Unknown (44)	Unknown (8)
Number of Convictions	Unknown (44)	Unknown (8)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown

Table 3. Criminal Law Enforcement Efforts Related to Child Labor

Both federal and provincial governments are not publishing any data on their efforts to curb child labor but for once federal government did publish one report on enforcement of Section 366/A of the federal Penal Code which prohibits the procurement of girls of minor age of below 18. There were cases reported of section 366/A in 2018 in KPK where 2 cases reported and in Punjab where 19 cases reported and 7 were in Sindh. In such period, federal government convicted and punished first

accused in child pornography case and accused was handed over sentence of 7 year jail time for distribution of child pornography and working at international network.

18. Synchronizing Efforts Of Government On Child Labor

There is mechanism established by the government to synchronize the efforts on child labor issue seen in Table 5. In spite of that there are few inconsistencies in coordination efforts to tackle the issue.

Coordinating Body	Role and Description
Provincial Child Labor Units	Coordinates and initiates interventions against labor at provincial levels
Baluchistan Child Protection Commission	Coordinates efforts to curb child labor at provincial, district levels and advise on legal and related policies for tackle of issue
KPK Child Protection and Welfare Commission	Coordinates efforts to curb child labor at provincial, district levels and advise on legal and related policies for tackle of issue
Punjab Child Protection and Welfare Bureau	Coordinates efforts to curb child labor at provincial, district levels and advise on legal and related policies for tackle of issue
Sindh Child Protection Authority	Coordinates efforts to curb child labor at provincial, district levels and advise on legal and related policies for tackle of issue

Table 4: Central Strategy for Government Child Labor Coordination

The federal government made new act namely Islamabad Capital Territory Child Protection System Act which was made to establish a Child Protection Advisory Board for advising on issues. The government has stance that policies and laws are relevant and working effectively for purpose and annual reports are being made for improvement. On the other side, the National Commission on the Rights of the Child which was mandated by law is yet to be established.

19. Initiatives Of Government for Child Labor

The below table 9 shows the policies initiated by the child labor. To address the streamline issues there are gaps that persists.

Policy	Description
Sindh and Punjab Provincial Plan of Action to Combat Bonded Labor	Details how Sindh and Punjab plans to revise bonded labor laws, increase capacity of labor inspectors and spread awareness
Sindh Labor Policy	Seek to protect vulnerable labor workers including children and to enforce labor laws

Table 5: Initiatives of Government on Child labor

It was reported that the government of KPK in 2018 approved the child labor policy which was supposed to be the first in Pakistan of its nature on child labor issue but no copy of it was found in research. Simultaneously, in 2018 Punjab government approved labor policy which included goal of survey, launch of online report portal and case management system and to add no copy of such policy was found either.

20. Child Labor And Social Initiatives

The government along with social organizations initiated, participated and funded the initiatives for eradicating the threats of child labor but these programs lacks some gaps in implementation.

Program	Description
Bait-ul-Maal	Government funded programs to remove child labor in all forms
ILO Funded Projects	ILO aimed to eradicate child labor in all forms by investing amount in various programs
Integrated Funded Projects	This program funded by Punjab to educate the vulnerable children and rehabilitate the bonded labor children

Table 6: Primary Social Initiatives Against Child Labor

There is no denial form the fact that the existing social initiatives of federal and provinces are not worthy enough to tackle the child labor issue. The programs which are already in process lacks many valuable approaches as it lacks to provide rehabilitation and safety to children who are in trafficking and labor. It is dire need at government and private level to focus on informal sectors of child labor like domestic and unreported ones and also primary social programs must be initiated in public and private partnership to curb the menace forever.

21. Conclusion

Categorically, the child labor problem is not new one but a story of decades old hampering the life and childhood of children and families. Though for many the issue is in developing countries but factually the developed ones are also raising concerns of sudden and alarming rise of child labor. The issue are interdependent and child labor not only affects the children and families but also a threat to country and its growth and its human capital as whole. The consistent progress and development needs sound and stable human capital for success in which the issue is a hinder for sure.

In the light of facts and history of the world, it can be assessed that this is transition period for every country and each one has gone through it. Each one faced the menace of child labor as it natural phenomenon but it was tackled when strict laws came in practice and education was made mandatory and the recent advancement in technology put an end to it in most of the countries. But of all, the most significant factor was awareness and realization of the thing that child labor is threat to generations. The developing countries lacks every aspect let alone awareness and realization.

The article findings highlights that the indicators of labor markets are responsible for demand driven and supply side simultaneously. Both variables are interdependent as demand of children in labor increased as they took low wages in comparison to adult ones and the supply of children in labor rises as mostly parents are unemployed and see children as tool for bread earn. It is also suggested that organizations of government, NGO's and organizations of women and other stakeholders including civil society must participate in awareness and education and development of children in labor places victims. The initiative will benefit the mother of house to enhance her status in home in economic sphere for her and for society.

Authors

^{1*} Department of International Relations, University of Sindh, Jamshoro, Sindh, Pakistan. Email: anilairshad111@gmail.com

² Department of Political Science, University of Sindh, Jamshoro, Sindh, Pakistan. Email: js_baloch@hotmail.com

³ Department of Political Science, University of Sindh, Jamshoro, Sindh, Pakistan. Email: yasmeen.pardei@usindh.edu.pk

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