

# Child Labor



### **Child Labor Definition:**

The International Labor Organization (ILO) defines child labor as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. In its most extreme forms, child labor involves children being enslaved or forced to work in perilous occupations. According to the ILO, Asia and the Pacific region has the highest number of working children worldwide with 122.3 million economically active children aged between 5 to 14 years. In this regard, several worst forms of child labor including child trafficking, commercial sexual exploitation, bonded child labor, child domestic work, hazardous child labor, and the recruitment and use of children for armed conflict and drug trafficking are rampant in the region.

### **Child Labor in Pakistan:**

Pakistan lacks reliable up to date statistics on the situation of child labor in the country. The only child labor survey in Pakistan so far was undertaken by the Federal Bureau of Statistics in 1996. In 2005, the Human Rights Commission of Pakistan (HRCP) estimated the number of children working in Pakistan to be between 11-12 million; half of them being under the age of 10. Child labor in Pakistan, ranging from light to more serious and hazardous work, exists in a number of sectors with varying degrees of prevalence. The most well known sectors include soccer ball stitching, carpet weaving, glass bangle, and surgical instrument manufacturing industries. Similarly, brick kilns, coal mines, automobile workshops, the loading and unloading of goods, seafood processing and deep sea fishing sectors also employ child laborers. Furthermore, hotels, restaurants and shops also contribute to the prevalence of child labor by employing children.

Children are mostly employed in the informal sector of the economy, mainly in agriculture and domestic labor, which are areas outside the scope of national child labor legislation. In the rural areas, children are mainly engaged in unpaid farm work. whereas in urban settings, children are employed in more diversified occupations. Children are also self-employed as shoe polishers, rag pickers (sorting out refuse and recycling), street vendors and car washers.

### **Child Domestic Labor:**

Child domestic labor is one of the most pressing and neglected child rights issue in Pakistan. It is also considered as a modern

form of slavery, yet remains outside the scope of national child labor legislation. According to a study on child domestic labor, every fourth house in an urban setting employs child domestic workers. These children do a variety of tasks including cooking, cleaning, caring for younger children or elderly members of the household and running errands.

The ages of child domestic workers range from 6 to 18 years; a majority falling in the age group 11 to 14 years whilst, almost a third are in the age group of 6 to 10 years. These workers are often expected to perform multiple duties, and in many cases work for 10 to 14 hours a day. Some only work for room and board and occasional financial help during emergencies.

## **National Legal Framework:**

### **The Constitution of Pakistan**

The Constitution forbids slavery (Article 11(1)), prohibits forced labor and trafficking in human beings (Article 11(2)), and bars employment of children under 14 years in factories, mines, and 'other hazardous employment' (Article 11(3)). In addition, the Constitution makes it a Principle of Policy of the State of Pakistan to protect the child; to remove illiteracy and provide free and compulsory education within the minimum possible period (Article 25(A)); and to 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.

### **The Mines Act 1923**

Forbids employment of children under 14 in a mine which is below ground.

### **The Merchant Shipping Act 1923**

Does not permit any child below 14 years of age to be engaged in or carried to sea to work in any capacity on any ship registered in Pakistan and, subject to certain restrictions, on any foreign ship.

### **The Factories Act 1934**

Does not allow a child under 14 to work in a factory. 'Factory' is defined as 'any premises, wherein ten or more workers are working, and in any part of which a manufacturing process is being carried on.' An establishment that employs less than ten people would not be considered a 'factory' thereby allowing it to employ children.

### **The Road Transport Workers Ordinance 1961**

Governs conditions for employment of road transport workers. It is the only law at present that prohibits employment of children below the age of 18 and fixes the minimum age for employment of drivers at 21 years.

### **The Shops and Establishments Ordinance 1969**

Prohibits employment of children under 14 in any establishment. 'Establishment' is defined to mean a shop, commercial establishment, industrial establishment, private dispensary, maternity home, hotel, restaurant, cinema, theater, circus, or other place of public entertainment.

### **Employment of Children Act 1991**

The Employment of Children Act (ECA) is the country's major national law regarding child labor. It defines a child as a person who has not completed his fourteenth year. The ECA prohibits the employment of children in certain occupations, regulates their conditions of work in others and exempts certain establishments from the provisions banning or regulating child labor.

Under the ECA, whoever employs any child or permits any child to work in contravention of its conditions, is punishable with imprisonment for a term extending up to one year, or with fine extending up to Rs. 20,000, or with both.

The provisions of the ECA do not apply to any establishment wherein the occupier carries on such process with the help of his family or to any school established, assisted or recognized by the government.

The ECA Schedule contains the list of specific occupations and processes prohibited for children. In 2005, the original list was revised to include a total of 34 hazardous forms of child labor and 4 occupations. The employment of children in sectors other than those mentioned in the Schedule is thus legal and legitimate.

Employers and sub contractors exploit this provision as they can always use the defense that the child laborer is only assisting his family in the establishment.

## **Occupations banned under the revised ECA 1991**

- Transport of passengers, goods or mail.
  - Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train.
  - Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines.
  - A port authority within the limits of any port.
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## **Processes banned under the revised ECA 1991**

- Work inside underground mines and above ground quarries including blasting and assisting in blasting.
- Work with power driven cutting machinery like saws, shears, guillotines and agricultural machines, thrashers, fodder cutting machines.
- Work with live electrical wires over 50 Volts.
- All operations related to leather tanning process e.g., soaking, de-hairing, liming, chrome tanning, de-liming, pickling, de-fleshing, ink application.
- Mixing and manufacture of pesticides and insecticides; and fumigation.
- Sandblasting and other work involving exposure to free silica.
- Work with exposure to all toxic, explosive and carcinogenic chemicals e.g., asbestos, benzene, ammonia, chlorine, manganese, cadmium, sulphur dioxide, hydrogen sulphide, sulphuric acid, hydrochloric acid, nitric acid, caustic soda, phosphorus, benzidine dyes, isocyanates, carbon tetrachloride, carbon disulphide, epoxy resins, formaldehyde, metal fumes, heavy metals like nickel, mercury chromium, lead, arsenic, beryllium, fiber glass.
- Work with exposure to cement dust in cement industry.
- Work with exposure to coal dust.
- Manufacture and sale of fireworks and explosives.
- Work at the sites where liquid petroleum gas (LPG) and

compressed natural gas (CNG) is filled in cylinders.

- Work on glass and metal furnaces; and glass bangles manufacturing.
- Work in the weaving, printing, dyeing and finishing sections.
- Work inside sewer pipelines, pits and storage tanks.
- Stone crushing.
- Lifting and carrying of heavy weight (15kg and above) especially in transport industry.
- Carpet weaving.
- Working two meters or more above the floor.
- All scavenging including hospital waste.
- Tobacco processing and manufacturing including *niswar* and *bidi* making.
- Deep sea fishing, commercial fishing and processing of fish and seafood.
- Sheep casing and wool industry.
- Ship breaking.
- Surgical instruments manufacturing especially in vendors' workshops.
- Spice grinding.
- Work in boiler house.
- Work in cinemas, mini cinemas and cyber clubs.
- Mica-cutting and splitting.
- Shellacs manufacturing.
- Soap manufacture.
- Wool cleaning.
- Building and construction industry.
- Manufacture of slate pencils including packing.
- Manufacture of products from agate.

### **The Bonded Labor System (Abolition) Act 1992**

The Bonded Labor System (Abolition) Act does not specifically target child bonded labor, but does cover children trapped in bondage and its proper enforcement can free a large number of children from bondage. The Act declares all customs, traditions, practices, contracts or agreements concerning bonded labor void and inoperative.

## **The Prevention and Control of Human Trafficking Ordinance of 2002**

The Prevention and Control of Human Trafficking Ordinance of 2002 also applies to all children below 18 years of age. According to the Ordinance, human trafficking means recruiting, buying or selling a person, with or without consent, by use of coercion, abduction, or by giving payment or share for such person's transportation, for exploitative entertainment. The Ordinance prescribes 7 to 14 years of imprisonment for perpetrators, depending on the degree of involvement in trafficking. However, this Ordinance does not cover the phenomenon of internal trafficking within Pakistan which is a serious issue given that a majority of children are trafficked between provinces for various forms of exploitative work and prolonged labor.

## **Sindh Children Act**

The Sindh Children Act 1955 prohibits the exploitation of children as laborers under Section 59. It states that a child can be employed for the purpose of menial employment or labor in a factory or other establishment but cannot be exploited for his/ her own interests. It further defines the term exploitation which may include exposing a child to risks of abuse, prostitution or other immoral conditions.

## **International Legal Framework:**

### **United Nations Convention on the Rights of the Child (1989)**

Article 32 of the UNCRC states that a child is 'to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

### **ILO Minimum Age Convention (C138)1973**

This convention sets 15 years as the basic minimum age for employment while allowing light work by the age of 13. The Convention reiterates the prohibition of hazardous work until the age of 18. This convention was ratified by the Government of Pakistan in 2006.

### **ILO Worst Forms Convention (C182) 1999**

This convention was ratified by the Government of Pakistan in

2005 which prompted a change in the list of hazardous activities listed under the Employment of Children Act 1991. According to the ILO Convention 182 (Article 3), the worst forms of child labor include:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced and compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Recommendations

- Following the 18th Constitutional Amendment, the provincial governments should adopt the Employment of Children Act 1991.
- Child domestic labor should be added to the list of banned occupations under the ECA 1991.
- The child labor inspection system should be strengthened.
- The government should ensure implementation of Article 25-A of the Constitution regarding the right to free and compulsory education for all children between the ages of five to 16 years.



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