

Pakistan

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Pakistan has been a member of ILO-IPEC since 1994.²⁷⁰⁵ With the enactment of the Employment of Children Act in 1991, the Government of Pakistan began to take measures to address child labor issues.²⁷⁰⁶ An ILO-IPEC Action Plan formalized activities to combat child labor and coordinated such efforts by government organizations, NGOs, trade unions, employers' bodies, and other interested parties.²⁷⁰⁷ In 1995, the Pakistan Carpet Manufacturing and Export Association, with the support of ILO-IPEC, implemented an action program to combat child labor in the carpet industry.²⁷⁰⁸ In March 1998, the government established a Task Force on Child Labor to formulate policies and strategies for the elimination of child labor and bonded labor in Pakistan.²⁷⁰⁹ In May 2000, the Federal Cabinet approved the National Policy and Action Plan to Combat Child Labour.²⁷¹⁰ Bait al-Mal, a government welfare agency created in 1992,²⁷¹¹ operates 33 rehabilitation centers throughout the country, targeting children (aged 8 to 14) who have been exposed to hazardous labor, and provides the children and their families with training and stipends for income generation activities.²⁷¹²

²⁷⁰⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 8, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁷⁰⁶ Allegations of widespread child and bonded labor that were brought before the United States Trade Representative and other groups in the early and mid-1990s adversely affected Pakistan's trade privileges and drew increased attention to the problem of child labor. In 1996, the United States partially removed the Generalized System of Preferences (GSP) trade benefits from Pakistan due to child labor concerns in three sectors: surgical instruments, sporting goods, and specific hand-knotted carpets. See Office of the United States Trade Representative, *Kantor Recommends Partial GSP Suspension of Pakistan*, press release, Executive Office of the President, Washington, D.C., March 7, 1996, [cited August 20, 2002]; available from <http://ustr.gov/releases/1996/03/96-21.html>. In addition to the issues raised with the United States Trade Representative, other cases were filed with the attention of the European Commission by the AFL-CIO in 1993 and the ICFTU in 1995. See Child Labour Unit et al., *National Policy and Action Plan to Combat Child Labour*, Government of Pakistan, Islamabad, 2000, 9.

²⁷⁰⁷ ILO-IPEC, *Combatting Child Labour in the Carpet Industry in Pakistan*, project document, PAK/99/05/050, Geneva, April 1, 1999, 3. Once the program finished, IPEC supported PCMEA to continue efforts in other areas.

²⁷⁰⁸ Ibid.

²⁷⁰⁹ Child Labour Unit et al., *National Policy and Action Plan*, 9.

²⁷¹⁰ The *National Policy and Action Plan* calls for immediate eradication of the worst forms of child labor and the progressive elimination of child labor from all sectors of employment. It further seeks to prevent children from entering the work force by offering education as an alternative. Ibid., 7, 11.

²⁷¹¹ IPEC in Action: Asia, *ILO-IPEC Programme in Pakistan*, ILO-IPEC, 1998 [cited October 2, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/action/31asia/pakist98.htm>. The establishment of Bait al-Mal (literally, House of Finances) was the result of a mandate from the *Enforcement of Shari'a Act, 1991*. Bait al-Mal was originally established to provide assistance to the poor, destitute, handicapped, widows, and orphans. *Enforcement of Shari'a Act, Act X of 1991*, (1991), [cited August 21, 2002]; available from www.pakistani.org/pakistan/legislation/1991/actXof1991.html.

²⁷¹² IPEC in Action: Asia, *ILO-IPEC Programme in Pakistan*. An updated source put the figure of schools at 33. See Child Labour Unit et al., *National Policy and Action Plan*, 45.

In cooperation with ILO-IPEC and other NGOs, the Government of Pakistan has collaborated on several projects to eliminate child labor. From August 1997 to the present, a USDOL-funded soccer ball project has been underway in an effort to remove children from the soccer ball stitching industry and rehabilitate them.²⁷¹³ A two-phase project designed to eliminate child labor in the carpet-weaving industry was also funded by USDOL and implemented by ILO-IPEC.²⁷¹⁴ As of 2000, ILO-IPEC had implemented 21 projects in Pakistan, including five major projects, related to child labor, education, and rehabilitation.²⁷¹⁵ The Government of Pakistan signed a collaborative education agreement with USDOL on January 23, 2002.²⁷¹⁶ As a result, USDOL has recently awarded an internationally recognized implementing agency a USD 5 million grant to support a project designed to withdraw children from the worst forms of child labor in the Punjab, and to provide formal and non-formal education and training for working children and their younger siblings.²⁷¹⁷

Within its national strategy to combat child labor, the Government of Pakistan has set a goal of 90 percent enrollment in primary schools by 2002-2003. The government's policy emphasizes vocational training and technical education, as well as the creation of literacy programs for school dropouts and new programs targeting working children.²⁷¹⁸ To this end, the USDOL support will address issues linking child labor and barriers to education within the Government of Pakistan's existing National Policy and Action Plan and the Education Sector Reforms Action Plan.²⁷¹⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 15.4 percent of children ages 10 to 14 years in Pakistan were working.²⁷²⁰ The majority of working children are involved in the agricultural sector, although children are also found working in the manufacturing, trade, and services sectors.²⁷²¹ More specifically, children are engaged in the manufacture of carpeting, soccer balls and surgical instruments, and are employed in automobile workshops and tanneries, as well as in domestic work. In addition, bonded child labor is still used in agriculture, the brick kiln industry and in the

²⁷¹³ Sarah Javeed, F. S. Lavador, and Mohammad Saifullah, *Midterm Self-Evaluation of Elimination of Child Labour in the Soccer Ball Industry in Sialkot, Pakistan: Phase II*, February 2002, 6. Phase I was initiated in October 1997 and Phase II in November 2000.

²⁷¹⁴ ILO-IPEC, *Combating Child Labour in the Carpet Industry in Pakistan (Phase II)*, project document, Geneva, September 30, 2002.

²⁷¹⁵ Child Labour Unit et al., *National Policy and Action Plan*, 44.

²⁷¹⁶ USDOL, *U.S.-Pakistan Collaborative Education Agreement Signed*, [online] 2002 [cited October 2, 2002]; available from <http://www.dol.gov/ilab/media/speeches/pakistan012302.htm>.

²⁷¹⁷ Save the Children-UK will be implementing the project. Ibid.

²⁷¹⁸ Child Labour Unit et al., *National Policy and Action Plan*, 18.

²⁷¹⁹ U. S. Government, *Federal Register*, May 23, 2002, 36245.

²⁷²⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁷²¹ Government of Pakistan Federal Bureau of Statistics, *Child Labour Survey 1996: Excerpt from Main Report*, 1996, 4 [cited January 2, 2003]; available from <http://www.statpak.gov.pk>.

production of carpets.²⁷²² A baseline survey of the carpet-weaving industry, published in 2001, estimated that 107,065 children between the ages of 5 to 14 were weaving carpets in the province of the Punjab alone. Of those, approximately 60 percent were girls.²⁷²³ Pakistan is a source, transit and destination country for child trafficking victims. Girls are often trafficked internally and into Pakistan for the purposes of sexual exploitation and bonded labor.²⁷²⁴ Boys have been trafficked to the United Arab Emirates (UAE) and Qatar to work as camel jockeys.²⁷²⁵ However, in 2002, the Government of the UAE made progress in stemming the trafficking of children to the country.²⁷²⁶

Education is not compulsory at the national level in Pakistan.²⁷²⁷ However, two of the four provinces of Pakistan have compulsory primary education laws in force. In December 1994, the Punjab Assembly passed the Punjab Compulsory Primary Education Act, making primary

²⁷²² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Pakistan*, Washington, D.C., March 4, 2002, 2527-34, Sections 6c and 6d [cited January 2, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8237.htm>. See also ILO-IPEC, *Elimination of Child Labour in the Soccer Ball Industry in Sialkot, Pakistan (Phase I)*, project document, Geneva, August 15, 1997, 2-4. For more information on bonded child labor, see Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley and Los Angeles: University of California Press, 1999), 150-71, especially 50-52.

²⁷²³ AKIDA Management Consultants, *Child Labour Survey of Carpet Industry in Punjab: Draft Report*, vol. 1 (Lahore: Al-Khalil Institutional Development Associates, 2001), ii.

²⁷²⁴ ECPAT International, *Pakistan*, [database online] [cited March 4, 2003]; available from <http://www.ecpat.net>. See also ILO, "Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime" (paper presented at the The UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation, Geneva, February 22-23, 2002).

²⁷²⁵ U.S. Department of State, *Trafficking in Persons Report- 2002: Pakistan*, Washington, D.C., June 2002, 81 [cited January 2, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3930.htm>. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, Geneva, September 26, 2002. See also UNICEF- Canada, *Traffic Flow: Activity Three*, [cited February 2003]; available from http://www.unicef.ca/eng/unicef/sch_election/img/Activity%203.pdf. See also Dr. Mohamed Y. Mattar, "Trafficking in Persons: The Case of the Middle East" (paper presented at the Conference on Combating Human Trafficking: Key Approaches, Woodrow Wilson International Center for Scholars, January 6, 2003); available from <http://www.protectionproject.org/main1.htm>.

²⁷²⁶ Efforts include a decision to ban jockeys below 15 years of age and weighing less than 45 kg (99 lbs.); a requirement that youth undergo various forms of medical testing to determine if they are of age to race; and humane repatriation initiatives. See Xinhua News Agency, *UAE: UAE Decision to Help Stop Smuggling of Bangladeshi Children*, The Protection Project Daily News Archives, [online] August 1, 2002 [cited October 8, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also IOM, *Bangladesh- Child Camel Jockey Repatriation*, August 2002. See also U.S. Department of State official, electronic communication to USDOL official, March 5, 2003. There is limited information on the efforts by the Government of Qatar to combat trafficking.

²⁷²⁷ World Education Services- Canada, "Pakistan," in *World Education Database*, [cited December 16, 2002]; available from <http://www.wes.org/ca/wedb/pakistan/pkfacts.htm>. It should be pointed out that in Part II, Fundamental Rights and Principles of Policy of the Constitution, there is a provision stating that the government "shall remove illiteracy and provide free and compulsory secondary education within a minimum possible period." See *The Constitution of the Islamic Republic of Pakistan*, Part II, Chapter 2, 37b [cited August 21, 2002]; available from <http://www.pakistani.org/pakistan/constitution/>. The 1973 constitution was suspended in October 1999 when the military government assumed power. After the 2002 elections, the constitution was to go into effect once again with the addition of a number of amendments made by President Pervez Musharraf. The new members of the National Assembly are to be sworn in under the 1973 Constitution.

education compulsory throughout the province. In October 1996, the Government of the North-West Frontier Province (NWFP) passed the NWFP Compulsory Primary Education Act of 1996.²⁷²⁸ In 1998, the gross primary enrollment rate was 86.2 percent.²⁷²⁹ Primary school attendance rates are unavailable for Pakistan. The World Bank provided assistance to a project targeting the improvement of primary education, with special emphasis on increased access and better retention for girls, in the north and in Pakistani-controlled Jammu and Kashmir.²⁷³⁰

Child Labor Laws and Enforcement

The Employment of Children Act of 1991 prohibits the employment of children in a variety of occupations, except for family-run enterprises or in schools. The Act defines “child” as anyone below the age of 14 years and “adolescent” as anyone who has reached 14 but not 18 years of age. The law limits the workday of a child to seven hours, including a one-hour break after three hours of labor, and the work must be carried out between the hours of 8 a.m. and 7 p.m. A working child must be given at least one day off per week. It is illegal to require or allow a child to work overtime. Employers are required to maintain an employment register of working children, which labor inspectors examine.²⁷³¹ This law also prohibits the employment of children in specified occupations and processes that are dangerous or hazardous to the health of child workers.²⁷³² The Employment of Children Rules, 1995, modified the requirements for employers to maintain a minimum standard of health and safety in a child’s working environment.²⁷³³ Violations of these provisions can result in a maximum one-year prison term and/or a fine of 20,000 rupees (approximately USD 350) for the offender.²⁷³⁴ The Bonded Labor System (Abolition) Act of 1992 was meant to abolish the bonded labor system, discharge bonded laborers, and cancel remaining debts.²⁷³⁵ Those found in violation of these provisions can face up to five years imprisonment and fines up to 50,000 rupees (approximately USD 877).²⁷³⁶

²⁷²⁸ Anees Jillani and Zarina Jillani, *Child Rights in Pakistan* (Islamabad: Society for the Protection of the Rights of the Child, Friedrich-Naumann-Stiftung, 2000), 125-27.

²⁷²⁹ The gross primary enrollment rates for females are significantly lower (62.2 percent) than for males (109.1 percent). World Bank, *World Development Indicators 2002*.

²⁷³⁰ These areas targeted for funding are not part of the four provinces. See World Bank, *Northern Education Project*, [online] [cited August 21, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P037834>.

²⁷³¹ Government of Pakistan, *Employment of Children Act*, (June 4, 1991), Parts II and III [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³² This list of occupations includes work on trains, in the construction of railways, explosives, carpet-weaving and manufacturing where hazardous chemicals are used. *Ibid.*, at The Schedule.

²⁷³³ This law was written in exercise of the authority conferred by sections 13 and 18 of the Employment of Children Act, 1991. Government of Pakistan, *Employment of Children Rules*, (1995), [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³⁴ *Employment of Children Act*, Section 14. The conversion rate was figured on August 21, 2002. For currency conversion see FX Converter, [online] [cited August 21, 2002]; available from <http://www.oanda.com/convert/classic>.

²⁷³⁵ Government of Pakistan, *Bonded Labour System (Abolition) Act*, (1992), [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³⁶ *Ibid.* For currency conversion see FX Converter, available from <http://www.oanda.com/convert/classic>, [cited August 21, 2002].

Despite the existence of laws on child and bonded labor and the government's commitment to eliminating these forms of labor, the government has been relatively unsuccessful at enforcing existing laws.²⁷³⁷

The Government of Pakistan has not ratified ILO Convention 138 but ratified ILO Convention 182 on October 11, 2001.²⁷³⁸

²⁷³⁷ The government has taken steps to eradicate bonded labor, including a USD 1.7 million appropriation to the Ministry of Labour in 2000 to fight bonded labor and a plan to eliminate bonded labor in the brick kiln and agricultural sectors. U.S. Department of State, *Country Reports- 2001: Pakistan*, 2527-34, Section 6c.

²⁷³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.