

Child Labor

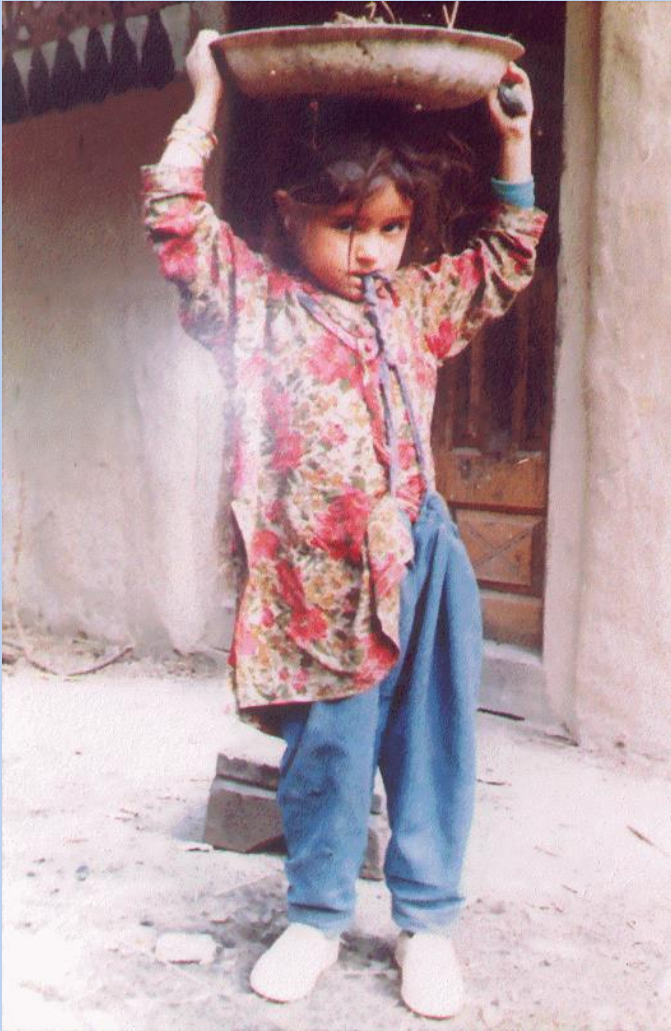
By Anees Jillani

Pakistan ranks number 5 in the list of countries by population. It is also one of the poorer countries in the world with almost one-third of the population falling below the poverty line. Poverty is the foremost cause of child labor. In 2018, Pakistan's total under-18 population came to around 87.938 million (Unicef website).



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





No doubt child labor is not one of those issues which get solved by a stroke of a pen. Long term planning is required by the State. Steps taken now bear fruit many years down the road. But for this very reason, sooner those steps are taken the better as the process is slow. There is utter lack of political will and dearth of any solutions to solve it. Resultantly, the magnitude is increasing with growing population.



Part of the problem is attributable to the fact that majority of the child laborers are concentrated in the invisible sector of the economy. Sixty five percent of the country's population is in the rural areas where child labor is concentrated. Millions of self-employed children are not accounted for.

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





One of the root causes of child labor is poverty but poverty is also caused by child labor. It is a complex problem with no one solution. Pakistan cannot handle poverty what to talk of eradicating it until its children get quality education instead of working to survive. Poverty eradication is the foremost goal of any society in the civilized world and the country thus needs to address the problem of child labor in order to achieve any fruitful results. Otherwise, the country will keep moving in circles.

It is a fundamental right under Pakistan's Constitution that no child below the age of 14 years can work in a mine, factory or any other hazardous employment but the constitutional restriction is only limited to these sectors (Article 11(3)); the term 'hazardous employment' is also not defined anywhere despite the fact that Pakistan has ratified the ILO's Worst Forms of Child Labor Convention 1999 (No 182).





Labor including child labor is constitutionally a provincial subject and thus handled by the respective Provincial Labor Departments (Article 142, the Constitution). The Provinces have only taken a few steps to combat child labor except for adoption of some of the federal laws dealing with the subject.

Laws prohibit the employment of children under the age of 14 years in mines, factories, shops and establishments as defined in them; the age is 15 years in the case of the Punjab and 18 years in the case of KP, Sindh and the Punjab in hazardous work as defined therein.





The majority of direct employment is in the informal sector, where children are self-employed; or take part in performing various agricultural occupational services, small-scale manufacturing, and work in their own homes or as domestic servants. These latter category of children are “hidden” workers, because they do not show up in formal labor force statistics.

The current legislation to a large extent cover the formal sector. The informal sector remains ungoverned by any laws as the laws specify the sectors to which it applies and do not cover the informal sector. There are no laws which apply to self-employed children. In other words, it can be stated that child labor in the formal sector is prohibited up to the age of 14 years to an extent but it is totally unregulated in the informal sector. In the sectors where it is prohibited, it is allowed in the age group 14 to 18 years under certain conditions.



The key organizations dealing with the child labor sector are the Ministry of Overseas Pakistanis and the Human Resource Development (the “HRD Ministry”) which was established in July 2013 at the federal level and the Labor Departments at the provincial level. The Ministry of Interior supervises the Labor Directorate in Islamabad.





In view of devolution and the limited nature of its association with child labor and limited capacity of the HRD Wing, the HRD Ministry is not taking the initiatives in relation to child labor which it could.

Each Labor Department has a Secretariat which is responsible for providing support for proposing legislation and policies, and handling administration including coordination with the HRD Ministry. The implementation and compliance side in all the Labor Departments is handled by a Directorate of Labor.

