RESEARCH PAPER

Child Labor in Pakistan: Causes, Consequences and Prevention

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DOI http://doi.org/10.35484/pssr.2022(6-II)18

PAPER INFO ABSTRACT

Received: February 16, 2022
Accepted: April 15, 2022
Online: April 18, 2022

Keywords: Child Abuse, Child Labor as a Crime, Child labor Laws in Pakistan

This article addresses the underexplored but persistent problem of child labour in Pakistan. Child labour is a constitutionally declared crime in Pakistan yet one can see a little progress in eliminating the scourge of child labour from Pakistan. In fact, it is on the rise. What causes child labour? This article posits that child labour can be reduced in Pakistan if the nexus between extractive state institutions and the exploitative private sector is ruptured. This could be done by strengthening democracy and empowering the parliament, so that it is able to make and implement robust anti-child labour laws in the country. The various laws and the constitution of the country provide in clear terms that child labor is a heinous and prohibited crime which comes at the cost of child and in turn impacting the social, intellectual, psychological and moral development of the child.

Introduction

The phenomenon of child labor consists of two things. First, it is the phenomenon of the children. The age of children differs from one jurisdiction to another. Various legal regimes provide for both the age of majority and the age of minority. According to Article 11 of the 1973 constitution of Pakistan, a labor performed by children under the age of 14 is categorized as child labour. Secondly, it involves a kind of exertion or labor for certain financial gains which differentiate from child work. Hence, child labor involves the labor performed by category of people under the age of majority for some financial gains (Edmonds, 2017). The various consequence which the child labor has for the overall development and the overall stability of society has led to the perception that child labor is a heinous crime. The various laws and the constitutional provisions lend credence to the fact that it is a crime and must be eliminated from society.

The International Labor organization defines the Child labor in terms of its consequences for the children. According to the ILO, child labor is the one which impacts the educational, intellectual, psychological and emotional developments. According to this perspective, child labor is the one which deprives a child to get the opportunity provided by the state. Hence, child labor deprives a child to get
education, to get access to the health service and in the long run impact the human potential of the children (Fallon, 1998).

**Child Labor in Pakistan**

The Human rights report of 2018 sheds light on the plight of the various disadvantaged groups in society. According to the report, given that children are the most disadvantaged groups in society like the children, minorities and labors are mostly have suffered due to their disadvantaged position. The situation of children in Pakistan is hostile both as children and as labors. However, on the closer analysis it becomes evident that following is the nature of child labor in Pakistan.

**Child Labor as Human Right Issue**

More than anything else, the child labor could be defined in terms of human right in the context of Pakistan. It is evident from a number of factors. First, child labor deprives a child from his liberty. In this essence, it involves the violation of liberty. Pakistan has approved various treaties like United Nations Declaration on Human Rights according to which liberty is indispensable for the proper growth of children. Secondly, child labor deprives an individual from freedom of expression and speech. The Convention of Right of Children, 1989, provides that there ought to be freedom of speech and expression. The child labor stifles this fundamental rights. Similarly, the constitution of the article 11 provides that child labor is to be prohibited in the country. Hence, it also involves the violation of fundamental rights provided. The child labor deprives an individual to acquire education and other fundamental rights. For example, according to the article 25(A) of the constitution, state must provide free and compulsory education to children. But the phenomenon of the child labor deprives an individual to acquire education and hence amount to the violation of fundamental right. (Basu, 2001)

**Child Labor as a Political Issue**

The phenomenon of child labor is also a political issue. An inclusive political dispensation leads to equitable distribution of wealth. On the other hand, an exclusionary politics leads to inequality in various ways. It is this context that child labor could be studied. The rise of child labor in Pakistan has been the byproduct of the income inequality where they have no other option other than to resort to child labor to complement their meager incomes. There is feudalism in many rural areas of Pakistan where there are no opportunities for the children. The alternative before them to is to resort to child labor for some financial gains.

**Child Labor as a Social Issue**

The phenomenon of child, besides political issues, is also a social issue. It is also a social problem which has been the byproduct of various factors like poverty, antiquated social customs, unemployment, the lack of education and various other social factors. The menace of child labor is also a social issue as it emerges in a particular social context and because of various “social facts” which as has been called as such by Emile Durkheim according to which every kind of phenomenon is caused by some social factor called “social facts”. (Edmonds, 2017)
Child Labor as a Moral Issue

Every society maintains its moral system. The moral system of any society pertains to what ought to be done and what not to be done. But the moral system differs from the legal system in the sense that while the former has no sanction for enforcement while the latter is enforced through the sanction of the state. There are certain issues which are detested by people morally. However, the child labor has been countenanced by people. In this regard, a few things are worth to be mentioned. First, it is immoral to expect financial gains from the child. Secondly, the age of the child does not require him to be engaged in any kind of labor. Hence, besides other, the child labor is also a moral issue which has been countenanced by the silence of the society. (Baland, Is child labor inefficient? 2000)

Child Abuse in the Garb of Child Labor

The most worrisome aspect of the child labor in Pakistan has been the trend that child is abused. Whenever children are employed to work whether in agriculture, whether in workshop or another place, there is the possibility that they would be abused given that they would not speak and they would be reticent about the ordeal they went through. (Fallon, 1998) Child abuse during the child labor can assume various manifestations like physical torture, emotional abuse or neglect of the child during the child labor, etc.

Girl Child Labor

In Pakistan, child labor is also performed by the girl-child for the same dynamics. The situation of the girl-child labor is more worrisome. In most cases they are physical abused. They are at the receiving-end of every kind of abuses. In Pakistan, girl children are being kept as house-maid. The most iconic example of the child labor and the subsequent physical torture case was the Tayyaba torture case who was physical abused and tortured by his employer. Hence, the phenomenon of the girl child labor cannot be overlooked in the country.

Major Milestones

The constitutional and political history of Pakistan impacted the legislation to be made for the children, but some major milestones have been made which provided for the elimination of the child labor in the country. In this regard, following things are important.

The Convention of the Rights of Children-1989

The Convention of the Rights of Child-1989, so far has been the most comprehensive international treaties dealing with the rights of the children. The treaty consists of 54 articles and each deals with specific rights of the children. The article 27 of the convention obligates the state that a conducive environment could be created where the social, moral and spiritual development of children could be ensured. Likewise, article 32 provides that all states must take certain steps where child could be protected from exploitation through the system of child labor. Similarly, the remaining articles of the convention deals with the rights of children. All-in-all, it is a blueprint for the fundamental rights of the children which are to be protected by the state. Pakistan ratified the Convention on the Right of Children in
1990. It was a major milestone as far as the rights of the children were concerned and was instrumental for the formulation of various laws pertaining to the children. (Hindman, 2019)

**The Employment of Children Act-1991**

So far the most comprehensive law pertaining to the child labor specifically has been the Employment of Children Act, 1991. The act consists of various provisions pertaining to the child labor. The act provides that child labor in Pakistan is prohibited and also provides for the mechanism of penalty where child labor could be protected. These acts was passed by the parliament after Pakistan ratified the convention of the rights of children in 1990. The act prohibits the child labor and provide for the national committee for the rights of children. (Basu, 2001)

**The ICT Child Protection Act-2018**

The most important step was also taken when the parliament of Pakistan passed the Islamabad Capital Territory Protection act which provides for the setting up of any institution where the vulnerable children could be placed. The act provides that the Child protection institute has been set in the capital where the vulnerable children could be placed. The act has been passed due to the realization that child have been impacted in the country through various manners. (Cigno, 2012)

**Legislations at Provincial Level**

Since at least after the second democratic transition in the country, there has been a proliferation of various laws passed by the four provincial assemblies in the country. The provincial assemblies have recognized the reality that child labor has been on the rise in the country. To arrest the phenomenon of child labor, various laws have been passed. In this regard, the province of Punjab took the lead by instituting the law known as “Punjab Destitution and Neglect Children Act 2004. It also recently implemented a new law known as “Punjab Prohibition of Child Labor at Brick Kiln Ordinance-2016. Likewise, the province of Sindh also implemented the law known as “Sindh Child Protection Act-2011 which is meant to protect the bilave children in society. Similarly, the province of KPK implemented the “KPK Welfare and Protection Act-2010. Hence, at least after the democratic transition in the country, the provincial assemblies are not lagging behind in terms of implementing the laws to provide for a mechanism for the protection of children in society. (Beegle, 2019)

**Child Labor is on the Rise**

Not only the child labor is prevalent in the country but there also have been prognostications by various organization that the number of child labor will bloat with shrinking economy. Very recently, the World Economic Forum predicated that there will be surge in the child labor in the developing countries like Pakistan. In Pakistan, almost 13 million children are employed as child labor, and the economic crisis ensued by the corona virus is likely to elevate this figure to 16 million by the end of the fiscal years. Such prospect does not portend well for the social landscape of the country. (Gilani, 2020)
The Causes of Child Labor in Pakistan

The pernicious phenomenon of the child labor is not the byproduct of a single factor rather it has been the outcome of various interrelated factors. On the face of it, it appears to be driven by some kind of economic interests, but on the closer analysis it is much more a complex phenomenon which is caused by various factors. In this regard, following causes could be attributed to the rise of and prevalence of child labor in Pakistan

Political Causes

In Pakistan, political reforms were never carried out consistently. Democratic ideals never took roots in the country. It all resulted in a flawed democracy where the impoverished were further squeezed. It was in reaction to these things that a class of impoverished emerged and the income inequalities increased in the country. Daren Acomuglu and James Robinson argue in their book entitled “Why Nations Fail?” that there is a link between extractive state institutions and the various social problems like unemployment, poverty, inequalities, etc., in the developing world. The rise of poverty and the resultant child labor have created a conducive environment for the growth of the child labor. Pakistan has failed to effect various reforms of society which led to the phenomenon to child labor in the country (Acemoglu, 2018) Hence, the role of political factors cannot be overlooked in the rise of child labor in the country.

Likewise, at the political level, Pakistan failed to bring about necessary reforms in the governing structure which led to the various problems. The rise of child labor in the country is as much is the byproduct of the governance factors as any other fact.

Economic Causes

The rise of child labor in the country is attributed to economic factors due to a number of factors. First, the economic base of the country is not that much strong. Secondly, there is unemployment in the country. Thirdly, there are incomes inequalities. The confluence of all these factors has resulted in the rise of child labor in the country.

Since independence, the economy of Pakistan was mired in various problems. Pakistan always alternated between the boom and bust cycle. Structural reforms could not be undertaken and the indigenous resources could not be utilized to keep pace with the rising population. The reason was simple; Pakistan has stunted economic growth. Such kind of growth is not confined to Pakistan only, rather many of the developing countries of South Asia are faced with such kind of stagnated economic growth. In the presence of the stagnated growth, the rise of unemployment cannot be ruled out.

Pakistan has been wracked by the specter of unemployment since independence. According to the report of the Pakistan Bureaus of Statistics, the current unemployment of the country stands at 4.08%. In this context, the unemployment and concomitant social problems cannot be overlooked. Due to unemployment, the family are overburdened which could not be look after in the meager resources available. The direct outcome has been the use of child to
complement the meager resources of the family. The meager resources of the family have also exacerbated the issue of income inequality in the country. (Gilani, 2020).

Using the terminologies of Marxism, there are also wide income inequalities the country. According to one report, only 21% of the families have wealth equal to the remaining poor in the country. Such inequitable distribution has created various socio-economic problems for the lower classes in the country. The upper classes are afforded the luxury provided, by the lower classes are languishing in socio-economic problems. To make end meet, they have to resort to child labor to keep their status afloat.

Social Causes

The most important factor which cause child labor in Pakistan has been the social causes. First, the general nature of the social system has been patriarchal in nature. There are also certain causes which leads to overpopulation which in the long run can overburden the family. In such a situation, child is considered as the entities which could be utilized for the purpose of complementing their income.

Secondly, there is the lack of education and the prevalence of illiteracy in the country. The issue of literacy is more conspicuous in the rural areas. The lack of education means the lack of enlightened principles to be inculcated. In such a situation, children are not devoted to education rather they are devoted to child labor. The illiteracy prevents them to think in terms of long term dividends of education of the children. (Basu, 2001)

The most important causes which has been attributed to child labor in Pakistan has been the over population. According to the latest population census of 2017, the population of Pakistan stands at 210 million and it is likely to reach 350 million by 2030 if the current rate of population growth persisted. The overpopulation not only means burden on national resources but also on the household income. The increase in population and households can lead to various issues like more children, and similar demands for more income. In such a situation, the only alternative before the family it to rely on children labor to complement their meager income and meet their various needs in an effective manner.

Administrative Causes

The administrative structure of any state plays a very vital role in delivery of public services and implementing the laws of the state. A weak administrative structure can result in various problems for the state and society at large. The administrative structure when put in place on sound foundation can be instrumental for the socio-economic development of the state. However, the administrative structure in the developing countries is mired in various issues which have impacted the socio-economic landscape of those countries. (Baland, Is child labor inefficient? 2000) It suffers from various inefficiency, corruption, the lack of delivery, and the absence of rule of law. The confluence of all these things has resulted in various problem for Pakistan.

Pakistan has been better as long as the formulation of laws and policies are concerned. It is rather poor in the implementation of laws and policies. There is no exception when it comes to the laws pertaining to the child labor in the country.
Various laws have been formulated in the country but they could not be implemented in its true letter and spirit.

**Legal Causes**

When a holistic approach is adopted, it could be revealed that the existing laws in the country have not kept pace with the changing dynamics of society. The strength of the law lies in the fact that there ought to be continuous reforms, and laws are to be updated and refined. However, in the context of Pakistan, for many years there was no law to deal with the child labor in the country. It was only in the 1973 constitution when the prohibition of child labor was provided in Pakistan. Later on, when Pakistan approved the Convention of the Rights of Children-1989, it adopted various laws. Hence, the laws in the country cannot keep pace with the changing dynamics of the country. It resulted in a vacuum created in society which was easily exploited by the people who resorted to child labor.

**Consequences of the Child Labor in Pakistan**

The prevention of social problems is one of the basic responsibilities of the state as enshrined in the various provisions of the constitution. Pakistan has ratified various treaties pertaining to different category of people. As far as the child labor is concerned and the rights of children are concerned, it has signed and ratified the convention on the rights of children. Pakistan has implemented various laws in line with the said convention. However, those laws could not be implemented in its true letter and spirit. This is the reason that according to the one report, there are 13 million child labor working in different sectors at the expense of various repercussion for their social, emotional and other aspect of the children personality. Therefore, the consequences which the child labor have upon the child cannot be shrugged off. (Basu, 2001)

The first impact of the children labor is that is deprives a child from acquiring education. The years which otherwise could have been spent in the school are spend in the child labor. According to the Economic Survey Report, there are 23 million children out of school. This huge school dropout, besides other factors, can be attributed to the pernicious issue of child labor in the country.

Secondly, the issues of child labor in the country can result in the persistence of class and income inequities in the country. The various consequences which the children incur during the process of the child labor is translated in stagnation in terms of class improvement. Pakistan is the country where yawning class inequalities exist, the issue of child labor only persist that and exacerbated the income and class inequalities in Pakistan.

The issue of child labor also impacts the human capital of the children. The proper development of children and their rational developments is pivoted around the system of education. According to Jean Jacques Rouessue in his book “Emile”, that the purpose of education is to inculcate rationality in children and make them rational beings. However, the child labor in the country impacts the human capital of the children. (Lange, 2010) They are deprived of the development of various skills to keep pace with the modern trends in the economy.
Likewise, the consequences of the children are very great when contextualized in terms of various consequences and various manifestation of the child abuse in the garb of child labor in country. No one can deny that the child labor can trigger the physical and emotional abuse of the children. In this regard, the child labor has consequences for the long terms stability and tranquility of society.

Is Child Labor a Crime?

The various consequences which the child labor have for the various aspect of the child personality and the long term stability and progress of society leads to the conclusion that whether or not child labor is a crime. And when it is crime, then how it could be prevented and by which agency of the state.

Before ascertaining the nature of crime in the garb of child labor, the meaning of crime must be clarified. Any crime in society is caused when a law is transgressed by a criminal. The laws are meant to protect the stability and ensure peace of society. Anyone who goes astray from the legal confines, must be bring to account for his violation of laws. In some society, there are also norms which are considered as functional to society. Its violation could be considered as deviance.

To ascertain as to whether child labor constitute criminal offence can be analyzed on the touchstone of following factors.

A Legal Perspective

In legal terms, child labor constitutes a crime. It is evident from various legal concepts and various laws present in the country. First, there is the concept of “Parens Patriae”, according to which state is the guardian of the children and it must play a proactive role to prevent the abuse of children in society. Secondly, the constitution of Pakistan clearly stipulates according to its article 11 that child labor is prohibited. (Beegle, 2019) It leads to the conclusion that anyone violating this fundamental rights can be called into account. Likewise, the Employment of Children Act-1991 provides that children labor is prohibited. Hence, from a legal perspective the age of majority and minority has been demarcated and anyone who is found to be committing the crime of child labor can be apprehended. Hence, from a legal perspective Child labor is a crime. (Baland, 2000)

The Views of the International Labor Organization (ILO)

The International Labor Organization (ILO) is a subsidiary agencies of the United Nations Organizations which works for the development and the protection of the labor in the world. The ILO is also at forefront to protect child labor around the world. The role of ILO was instrumental in the formation of the rights of child labor. In 1996, the ILO also carried out various survey in Pakistan to ascertain the situation of the rights child labor. According to the views of the ILO, Child labor is crime as it comes at the cost of impacting the emotional, psychological and intellectual development of the children.

A Social Perspective

How child labor constitute could be ascertained also on the basis of the social consequences of the child labor. From social perspective, every society is being
operated though the system where every part of the system work for the collective benefits of society. The emergence of any social problems in society lead to a dysfunctional society. For example, the emergence of poverty, unemployment, suicide, crimes and various others social problems could be considered as the manifestation of the dysfunctional nature of society.

Every social problem also requires a policy to be dealt with. When translated into actions, the various social problems require various solutions and it becomes the duty of the political organ of society to prevent and administer the legal regime and deal with it in an effective manner. In this regard, the elimination of social problems becomes the duty of the political organs of society which can assume various manifestation. (Edmonds, 2017) To prevent those social problems, state utilizes various measures. The state utilizes various instruments like various institution and administrative structure and the institution of law. These structural and legal regimes can lead to the prevention of many of the social problems in society. When studied in the context of legal regime and the administrative structure which deals with the social problems like the child labor, it becomes evident that even from this social perspective the phenomenon of child labor is a crime and need to be stopped. (Apel, 2019)

As far as the social perspective is concerned, the most important point of view is also represented by the civil society and various non-governmental organization working in the country. According to this perspective, the civil society and the NGO's are at the forefront to prevent the child labor in the country. Various NGO are vocal against the child labor and deem it as a crime and considered it as crime in society.

The Legal Regime

The role of legal regime in the prevention of child labor in the country cannot be overlooked. Pakistan introduced various laws pertaining to the child labor in the country in line with its commitments under the international treaties pertaining to human rights and the rights of children. The purpose of laws is to ensure peace and call into question those who transgress the m limits set out by the law. In Pakistan, various laws have been implemented and the constitutional provides for the prohibition of child labor in the country. The laws like the Factories act, 1934, the employment of children act 1991, and the article 11 specifically deals with child labor.

However, on the closer analysis it is revealed that the purposes of these laws have been to prevent the child labor in the country, but the very weakness was witnessed in the implementation of the same laws. The problems in Pakistan has not been the lack of laws or the lack of policy but it rather is presence of dereliction which has leads to the non-implementation of the same laws. This is the reason that in Pakistan the laws could not be implemented and the same has resulted in the rise of child labor in the country. Hence, the legal regimes could be made effective once a system is in placed where the laws could be implemented in its true and letter spirit. The laws which exist only in books cannot be deemed effective.

Therefore, for the legal regime to be effective a few things need to be undertaken. First, the system of punishment needed to be improved. The only causes because of which many resort to child labor is the fact that they know law would not punish them. Secondly, the administrative structure needed to be made more vigilant
to implement the laws in its entirety. Thirdly, the rule of law must be ensured. Only the rule of law can be instrumental for the elimination of child labor in the country in the long run.

Conclusion

Child labor not only destroys the life of child, but it also destroys the life of humanity and call into question the moral system of society besides having various political, social, economic repercussions for the society in question. But the phenomenon of child labor prevents a child to acquire education and hence deprives him various fundamental rights enshrined in the constitution, the various laws and the international treaties to which Pakistan is a party.

The pernicious phenomenon of child labor exists in various manifestation. According to one author, the issue of child labor and its roots can be found in the industrial age when people started to shift their energy from agriculture to industries. It was also the beginning of the capitalist economy which pivoted around the earning of money and increasing the same. However, from the very outset various classes emerged in which a few had access to the resources and arrogated the resources of the states and utilized the same for improving their economic clout, while many suffered from various problems in which the rise of poverty was but a phenomenon. The rise of poverty and the rise of have-not class led to an increase in various social problems in society.

These social problems existed in various manifestation and were well carried into the current age. The capitalist system assumed that various ways are to be utilized for earning money. In this regard, poor people started to children to invest in labor to complement their income. This is the reason that child labor is universal phenomenon and it does not confine to a particular group, community, culture or country.

The rise of child labor in Pakistan also stems for its peculiar socio and political environment. The confluence of various causes and factors like poverty, unemployment, over population, administrative factors, the defect in the laws and the lack of democratic norms has resulted in the growth of child labor in the country. The presence of these factor have led to spike in the child labor in the country and this number is likely to increase in years to come according to the report of one of the reputed NGO’s working in Pakistan and the estimates of the World Economic Forum. The child labor and the associated child abuse has led to the perception that child labor is not only a social problem but it also a crime per se.

The issue of child labor as crime can be found by providing various perspective. These perspectives could be found in the legal, the views of the ILO and social perspective. According to the legal perspective, every legal regime prescribes the age of majority and minority. Any labor which is performed by the minor is considered as crime. Similarly, according to the ILO, the various hazardous impacts which the child labor have on child like physical abuses, emotional abuse and impacts on the overall development of society leads to the fact that it is a crime in its own. Similarly, according to the social perspective, child labor is the manifestation of the dysfunctionality of society. The child labor impacts the stability of the society and the political organ must take certain steps to prevent it by criminalizing it besides taking
reforms at different level. The child labor once prevent could prevent decent into chaos and instability.

In this regard, a holistic, comprehensive and inclusive approach needed to be adopted to prevent child labor in the country. The prevention of child labor is not to be confined to the state only, rather a number of stakeholders must be involved so that child labor could be prevented in the country. For that purpose, the implementation of the laws could be ensured the role of NGO could be strengthened. Only that way Pakistan can ensure that “Child is meant to learn not to earn” which in the long run will drive the progress of Pakistan as “What done to children, they will do to society” as has been aptly described by Karl Menninger.
References


