

NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)
and
Worst Forms of Child Labour Convention, 1999 (No. 182)

PAKISTAN

RATIFICATIONS

Convention No. 138	06 July 2006
Convention No. 182	11 October 2001

1) *Country Overview*

2) *The Mines Act No. IV of 1923*

Original Language: English – ILO Summary.

Articles 26, 26A and 26B: prohibiting or conditioning underground work to young persons.

3) *The Factories Act of 20 August 1934 as amended of 1997*

Original Language: English – ILO Summary.

Articles 27, 28 and 32 respectively: prohibiting the employment of: woman and children to clean, lubricate or adjust any part of machinery while that part is in motion; young persons on dangerous machines; women and children near cotton openers.

4) *A Draft Bill to prohibit the employment of children and regulate employment of adolescents in certain occupation and processes for the province of KHYBER PAKHTUNKHWA.*

Original Language: English – Final Report & Outcomes/Results – ILO Summary.

Observations: Not officially adopted.

5) *Hazardous Occupation Rules, 1963 (as amended by the Factories Act of 1973 and the Child's Act of 1991) - (No. 1-6 (L-II/64).*

Original Language: English – ILO Summary.

List:

- 1) West Pakistan Hazardous Occupations (Lead) Rules: Rule 5 and Schedule **prohibiting the employment of adolescents and children in lead factories** specified in Schedule.
 - 2) West Pakistan Hazardous Occupations (Miscellaneous) Rules: Rule 3 and Schedule **prohibiting the employment of adolescents and children in factories** specified in Schedule.
 - 3) West Pakistan Hazardous Occupations (Rubber) Rules: Rules 2 and 3 **prohibiting the employment of adolescents, children and women in specified rubber factories.**
 - 4) West Pakistan Hazardous Occupations (Chromium) Rules: Rules 2 and 3 **prohibiting the employment of adolescents, children and women in chromium factories.**
 - 5) West Pakistan Hazardous Occupations (Cellulose Solution Spraying) Rules: Rules 2 and 4 **prohibiting the employment of adolescents and children in factories involving cellulose solution spraying.**
 - 6) West Pakistan Hazardous Occupations (Sand Blasting) Rules: Rules 3 and 4 **prohibiting the employment of adolescents, children and women in factories involving sand blasting.**
 - 7) West Pakistan Hazardous Occupations (Potassium-Bichromates) Rules: Rules 2 and 3 **prohibiting the employment of adolescents and children in factories involving potassium-bichromates.**
 - 8) West Pakistan Hazardous Occupations (Petrol Gas Generating Plant) Rules: Rules 2 and 3 **prohibiting the employment of adolescents, children and women in operations of generating petrol gas.**
- 6) *The Employment of Children Act 1991- An Act to prohibit the employment of children in certain occupations and to regulate the conditions of work of children. (Act No. V of 1991).*

Original Language: English – [Full Original Text \(📄 on line\)](#) – ILO Summary.

Section 3 and Schedule **prohibiting the employment of children (under 14 years of age according to section 2(iii)) in certain occupations and processes.**

7) *Employment of Children Rules, 1995 (S.R.O. 387 (I) 1995).*

Original language: English - ILO Summary

Articles 12(3) and (7) and 15 **prohibiting child work on machines in motion and carrying excessive weights.**

8) *The National Consensus List of Hazardous Occupations for Children in Pakistan. N.B.: Not yet approved. Reviewed by the National Committee on the Rights of the Child in cooperation with ILO-IPEC and currently under review by the Government.*

Original language: English - ILO Summary

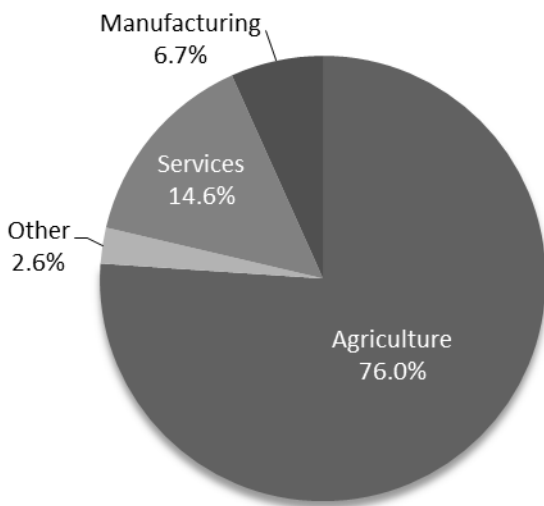
List of identified hazardous occupations that would be prohibited to children under 18 years of age.

9) *CEACR, 2013 Observation and Direct Request, Convention No. 138 2013 Observation and Direct Request, Convention No. 138;*

10) *CRC, Concluding Observations of the Committee on the Rights of the Child, Oct. 2009*

PAKISTAN

Country Overview

International Conventions and selected Laws on child labour and education		Working children by sector, aged 5-14 years
C138, Minimum Age	✓	 <p>Manufacturing 6.7%</p> <p>Services 14.6%</p> <p>Other 2.6%</p> <p>Agriculture 76.0%</p>
C182, Worst Forms of Child Labour	✓	
CRC	✓	
General Minimum age for admission to employment	14(**)	
Minimum Age for Hazardous Work	14(***)	
Compulsory Education Age	Primary education	
List of hazardous work (*)	No	
Free Public Education	Yes	
<p>(*) There are several lists by sector and by province.</p> <p>(**) Minimum age specified upon the ratification of Convention No. 138.</p> <p>(***) See CEACR Observation, 2013, Convention No. 138: Art. 3.1 and Article 2.</p>		<p>Sources:</p> <p>Primary completion rates: UNESCO Institute for Statistics, 2013. (1)</p> <p>All other data: Understanding Children's Work Project's analysis of statistics from PNAD Survey, 2011.(2)</p> <p>Cited in: 2012 Findings on the Worst Forms of Child Labour, United States Department of Labour's Bureau of International Labour Affairs</p>

PAKISTAN

The Mines Act – Act No. IV of 1923

Original language

English

Abstract

Article 26. 26A and 26B prohibiting or conditioning underground work to young persons.

Text of legal provisions

➤ **Article 26**

“No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

➤ **Article 26A**

“No person who has not completed his seventeenth year shall be employed in any part of the mine, unless-

- (a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine, and
- (b) he carries while at work a token giving a reference to such certificate”.

➤ **Article 26B.**

“No person who has not completed his seventeenth year shall be permitted to work in any part of a mine, either below ground or above ground unless the hours of work of such person for any day are so fixed as to allow an interval of rest of at least twelve consecutive hours which shall include at least such seven consecutive hours between the hours of 7.p.m and 7.a.m as may be prescribed:

Provided that nothing in this section shall apply to any such person while employed or permitted to work in any mine as an apprentice or for the purposes of receiving

vocational training in such circumstances and in accordance with such conditions as may be prescribed:

Provided further that such person shall be granted a rest period of at least thirteen consecutive hours between two working periods”.

PAKISTAN

The Factories Act of 20 August 1934 as amended to 1997

Original language

English

Abstract

Articles 27, 28 and 32 respectively **prohibiting the employment of: woman and children to clean, lubricate or adjust any part of machinery while that part is in motion; young persons on dangerous machines; women and children near cotton openers.**

Text of legal provisions

➤ **Article 27: Work on or near machinery in motion**

“(1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 26 while the machinery is in motion, or as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be made or carried, out only by a specially trained **adult male worker** wearing tight fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged, such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt joint is either laced or flush with the belt.

(2) No **woman or child** shall be allowed in any factory to clean, lubricate or adjust any part of machinery while that part is in motion, or to work between moving parts or between fixed and moving parts of any machinery which is in motion.

(3) The Provincial Government may, by notification in the official Gazette, prohibit, in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person, of specified parts of machinery when those parts are in motion”.

➤ **Article 28. Employment of young persons on dangerous machines.**

“(1) No child or adolescent shall work at any machine unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and -

(a) has received sufficient training in work at the machine, or
(b) is under adequate supervision by a person who has thorough knowledge and experience of the machine.

(2) This section shall apply to such machines as may be notified by the Provincial Government to be of such a dangerous character that children or adolescents ought not to work at them unless the foregoing requirements are complied with”.

➤ **Article 32. Prohibition of employment of women and children near cotton openers.**

“No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work ...”

30 AOUT 2013

A Draft Bill

*to prohibit the employment of children and
to regulate employment of adolescents in certain occupations and processes*

Preamble.---WHEREAS Article 11 of the Constitution of the Islamic Republic of Pakistan provides that no child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment;

AND WHEREAS clause (e) of Article 37 of the Constitution of the Islamic Republic of Pakistan further provides that the State shall make provisions for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex;

AND WHEREAS it is expedient to repeal and re-enact the law relating to the employment of children and adolescents in the Province of Khyber Pakhtunkhwa and for matters connected herewith or ancillary thereto;

It is hereby enacted as follows:-

CHAPTER-I **PRELIMINARY**

1. **Short Title, Extent and Commencement.** - (1) This Act may be called the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2013.

(2) It extends to the whole of the province of the Khyber Pakhtunkhwa.

(3) The provisions of this Act shall come into force at once.

2. **Definitions.**- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "adolescent" means a person who has completed his fourteenth but has not completed his eighteenth year of age;

(b) "child" means a person who has not completed his fourteenth year of age;

(c) "day" means a period of twenty-four hours beginning at midnight;

(d) "establishment" means any industrial, commercial or agricultural establishment, mine, business, trade, undertaking, manufacture, and place where any economic activity is being carried on; and includes charitable and welfare organizations, whether run for profit or otherwise; and any other establishment, class of establishments or workplace notified by the government, to be an establishment for the purpose of this Act, in the official gazette from time to time.

Provided that, establishment shall not include small scale agricultural landholdings producing mainly for self consumption and not employing hired workers;

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Provided that, establishment shall not include small scale agricultural landholdings producing mainly for self consumption and not employing hired workers;

- (e) "factory" means a factory as defined under the Factories Act 1934 (Act No. XXV of 1934); but does not include a mine, subject to the operation of the Mines Act 1923 (Act No. IV of 1923);
- (f) "family" in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
- (g) "Government" means the Provincial Government of the Khyber Pakhtunkhwa;
- (h) "hazardous work" means the work which, by its nature or the circumstances in which it is carried out, is likely to cause harm to health, safety or morals of children and adolescent and includes occupations and processes mentioned in Part-I & II of the Schedule;
- (i) "Inspector" means an official duly appointed and notified, as an inspector for the purpose of this Act by the Government;
- (j) "light work," means work, which is not likely to cause harm to health or impede the physical or mental development of a child engaged in such work;
- (k) "mine" means any establishment defined as such in the Mines Act 1923 (No IV of 1923);
- (l) "occupier" in relation to an establishment, means the person who employs workers either directly or indirectly and includes:
 - (i) In case of an individual, any heir, successor, administrator or assignee; and
 - (ii) A person who has the overall control over the affairs of the establishment by whatever name he is called;
- (m) "port authority" means any authority administering a port including dry port;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "Province" means the Province of the Khyber Pakhtunkhwa;
- (p) "Schedule" means schedule appended to this Act
- (q) "week" means a period of seven days beginning at midnight on Sunday or such other night as may be approved in writing for a particular area by the Government; and
- (r) "Workshop" means any premises (including the precincts thereof) wherein any manufacturing process, as defined under the Factories Act, 1934, is carried on, but does not include a factory;

(2) Expressions used in this Act but not defined herein shall have the same meanings as assigned to them in the relevant labour laws.

CHAPTR-II
PROHIBITION OF EMPLOYMENT OF CHILDREN
AND ADOLESCENTS IN HAZARDOUS WORK

3. **Prohibition of Employment.**-(1) No child shall be employed or permitted to work in any establishment.

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 the Government for such purpose.

(2) No adolescent shall be employed or permitted to work in any hazardous work included in the Schedule.

4. **Amendment in the Schedule.** - The Government may, by notification in the official Gazette, add or delete any occupation or process in the Schedule, from time to time and thereupon the Schedule shall be deemed to have been amended accordingly, one month after the date of such notification.

5. **Constitution of Committee on Child Labour.**- Government shall by notification in the official Gazette, constitute a Committee, consisting of a Chairman and seven other members, representing Government, employers, workers and civil society, to be called the Khyber Pakhtunkhwa Coordination Committee on Child Labour, to advise Government for appropriate legislative, administrative and other measures for eradication of the child labour as per national and international instruments and to set the minimum age, for the purpose of employment in the Province.

CHAPTER-III
REGULATION OF CONDITIONS OF WORK
OF ADOLESCENTS AND CHILDREN

6. **Application of the Chapter.**-The provisions of this chapter shall apply to an establishment or a class of establishments in which none of the occupations or processes contained in Schedule is carried out.

7. **Hours and Period of Work.**-(1) No adolescent shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no adolescent shall work for more than three hours before he has an interval of at least one hour for rest.

(3) The period of work of an adolescent shall be so arranged that inclusive of the interval for rest, under subsection (2), it shall not exceed seven hours, including the time spent in waiting for work on any day.

(4) No adolescent shall be permitted or required to work between 7.00 p.m. to 8.00 a.m. of the following day.

(6) No adolescent shall be required or permitted to work in any establishment on any day on which he has already worked in another establishment.

8. **Weekly Holidays.**-Every adolescent employed in an establishment shall be allowed in each week a holiday of one whole day, which day shall be specified by the occupier in a notice prominently displayed in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

9. **Notice to Inspector.**- (1) Every occupier in relation to an establishment in which an adolescent was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a notice in writing, containing the following particulars, namely:

- (a) The name, location and address of the establishment;
- (b) The name of the person in actual management of the establishment;
- (c) The address to which communications relating to the establishment should be sent;
- (d) The nature of the occupation or process carried on in the establishment; and
- (e) The particulars of the adolescents employed in the establishment including name, parentage, date of birth and address of the adolescent.

(2) Every occupier, in relation to an establishment, which employs, or permits to work, any adolescent after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment send to the Inspector within whose local limits the establishment is situated, a notice in writing, containing the particulars mentioned in sub-section (1).

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier exclusively with the aid of his family or to any school established, assisted or recognized by the Government for such purpose.

10. **Disputes as to Age.** - If any question arises between an Inspector and an occupier as to the age of any adolescent or child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such adolescent or child granted by the prescribed authority, be referred by the Inspector for decision to the prescribed medical authority.

11. **Maintenance of Register.**- There shall be maintained by every occupier in respect of adolescents or children employed or permitted to work in such establishment, a register to be available for inspection by an Inspector at all times during working hours, showing:

- (a) the name and date of birth of every adolescent or child so employed or permitted to work;

- (b) hours and periods of work of such adolescent or child and the intervals of rest to which he is entitled;
- (c) the nature of work of such adolescent or child; and
- (d) such other particulars as may be prescribed.

12. Display of Notice containing abstract of sections 3 and 15. Every occupier shall cause to be displayed in a conspicuous and accessible place a notice in Urdu or in the English language containing an abstract of sections 3 and 15.

13. Health and Safety. The Government shall, by notification in the Official Gazette, make Rules for the health and safety of adolescents or children employed or permitted to work in any establishment or class of establishments.

CHAPTER-IV **MISCELLANEOUS**

14. Application of certain Laws.-(1) Provisions of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013), the Minimum Wages Ordinance 1961, the Provincial Employees' Social Security Ordinance 1965, the Workmen Compensation Act, 1923, the Employees' Old-Age Benefits Act, 1976 and the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 shall be applicable to the adolescent workers to the extent as prescribed.

(2) The Government may, by notification in the official Gazette, extend provisions of any other law, for the time being in force, to the adolescent workers under this Act.

15. Penalties.-(1) Whoever employs any child in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees or with both;

Provided that if the child is employed in any hazardous occupation or process, as listed in the Schedule, the fine may extend to one hundred thousand rupees, but shall not be less than ten thousand rupees, and imprisonment, which may extend to three years.

(2) Whoever employs any adolescent or permits any adolescent to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to seventy five thousand rupees or with both.

(3) Whoever, having been convicted of an offence under section 3, commits a similar offence subsequently, shall be liable to punishment with imprisonment for a term which may extend to five years but shall not be less than six months and with a fine which may extend to two hundred thousand rupees but shall not be less than twenty-five thousand rupees or with both.

(4) Whoever;

- (b) Fails to maintain a register as required by section 11 or make any false entry in any such register; or
- (c) Fails to display a notice; or
- (d) Fails to comply with or contravenes any provisions of this Act, for which penalty has not been prescribed, or the rules made thereunder;

shall be punishable with simple imprisonment, which may extend to one month or with a fine, which may extend to twenty thousand rupees or with both.

16. Modified Application of Certain Laws in Relation to Penalties. - Whenever a person is found guilty and convicted of contravention of any of the provisions regarding children and adolescents in the Mines Act, 1923 (Act No. IV of 1923), Factories Act, 1934 (Act No. XXV of 1934) and West Pakistan Shops and Establishments Ordinance, 1969, shall be liable to such penalty as provided in Section-15 of this Act.

17. Procedure relating to offences.- (1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act and rules in any court of competent jurisdiction.

(2) Every certificate as to the age of an adolescent or child which has been granted by a prescribed medical authority shall, for the purpose of this Act, be conclusive evidence as to the age of the adolescent or child to whom it relates.

(3) No court inferior to that of a Magistrate 1st class shall try any offence under this Act.

18. Inspectors.- Government may notify any official of the Directorate of Labour, as an Inspector for the purposes of this Act and any Inspector so notified shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

19. Production of record: (1) The employer shall produce all the record required by the inspector for inspection.

(2) Whoever, willfully obstructs an inspector in the exercise of any power under this Act or conceals or fails to produce, on demand by an inspector, any register or other document in his custody required by him under the provisions of this Act and rules made hereunder, or prevents any person in an establishment from inspection, shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred thousand rupees but shall not be less than ten thousand rupees or with both. On subsequent commission of the same offense, the offender shall be punishable with imprisonment which may extend to six months but shall not be less than one week and with fine which may extend to one hundred thousand rupees but shall not be less than twenty thousand rupees or with both.

20. Power to make Rules.-Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

21. **Application of other laws.-** Subject to the provisions contained in section 15 and 17 above, the provisions of this Act and the rules made there under shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

22. **Power to remove difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, Government may issue such order as not inconsistent with the provisions of this Act as it may deem necessary for the purpose of removing of the difficulty.

23. **Repeal and Savings.-** (1) The Employment of Children Act, 1991 (Act No. V of 1991) is hereby repealed to the extent of the Province of the Khyber Pakhtunkhwa.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the repealed Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Act shall be construed as referring to the corresponding provisions of this Act.

THE SCHEDULE

(see section 4)

PART-I

OCCUPATIONS

Any occupation – connected with ____

- (1) transport of passengers, goods or mails by railway;
- (2) work in 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;
- (3) work relating to the construction of railway station or any other work where such work is done in close proximity to or between the railway lines; and
- (4) a port authority within the limits of any port.

PART II

PROCESSES

- (1) Work inside underground mines and above ground quarries including blasting and assisting in blasting.
- (2) Work with power driven cutting machinery like saws, shears, guillotines and agricultural machines, thrashers, fodder cutting machines.
- (3) Work with live electrical wires over 50 volts.

- (4) All operations related to leather tanning process e.g., soaking, de-hairing, liming, chrome tanning, de-liming, pickling, de-fleshing, ink application.
- (5) Mixing and manufacture of pesticides and insecticides; and fumigation.
- (6) Sandblasting and other work involving exposure to free silica.
- (7) 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.
- (8) Work with exposure to cement dust in cement industry.
- (9) Work with exposure to coal dust.
- (10) Manufacture and sale of fireworks and explosives.
- (11) Work at oil & gas fields including rigs.
- (12) Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders.
- (13) Work on glass and metal furnaces; and glass bangles manufacturing.
- (14) Work in the cloth weaving, printing, dyeing and finishing sections.
- (15) Work inside sewer pipelines, pits and storage tanks.
- (16) Stone crushing.
- (17) Lifting and carrying of heavy weight (15kg and above) specially in transport industry.
- (18) Carpet weaving.
- (19) Working two meters or more above the floor.
- (20) All scavenging including hospital waste.
- (21) Tobacco processing and manufacturing including *niswar* and *bidi* making.
- (22) Deep-sea fishing, commercial fishing and processing of fish and seafood.
- (23) Sheep casing and wool industry.
- (24) Ship breaking.
- (25) Surgical instruments manufacturing specially in vendors' workshops.
- (26) Spice grinding.
- (27) Work in boiler house.
- (28) Work in cinemas, mini cinemas and cyber clubs.
- (29) Mica-cutting and splitting.
- (30) Shellac manufacturing.
- (31) Soap manufacture.
- (32) Wool cleaning.

- (34) Manufacture of pencils including packing.
- (35) Manufacture of products from agate.

STATEMENT OF OBJECTS AND REASONS

It is desirable to provide for prohibition of employment of children and regulating the employment of adolescents in factories, industrial establishments and commercial establishments in the Province of the Khyber Pakhtunkhwa, as the law relating to the prohibition of employment of children and regulating employment of adolescents is devolved to the Provinces in wake of the Constitution (Eighteenth Amendment) Act, 2010. Hence, this Bill

MINISTER-IN-CHARGE

PAKISTAN

A Draft Bill to prohibit the employment of children and regulate employment of adolescents in certain occupation and processesⁱ

Original language

English

Abstract

Sections 3, 4 and Schedule prohibiting the employment of children and adolescent in hazardous work and listing occupations prohibited to children and adolescents. Section 2(a) defines a “adolescent” as any person who has completed fourteen years old but has not completed his eighteenth year of age. Section 2 (b) states that “child” means a person who has not completed his fourteenth year of age.

Text of legal provisions

➤ **Section 3: Prohibition of Employment**

“(1) No child shall be employed or permitted to work in any establishment.

Provided that a child not bellow 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 the Government for such purpose.

(2) No adolescent shall be employed or permitted to work in any hazardous work included in the schedule.”

Schedule

PART I: Occupations

1. Transport of passengers, goods by railway;
2. Work in 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;
3. Work relating to the construction of railway station or any other work where such work is done in close proximity to or between the railway lines; and
4. A port authority within the limits of any port.

PART II: Processes

1. Work inside underground mines or above ground quarries including blasting and assisting in blasting;
2. Work with power driven cutting machinery like saws, shears, guillotines and agricultural machines, thrashers, fodder cutting machines;
3. Work with live electrical wires over 50 volts;
4. All operations related to leather tanning process, eg. Soaking, de-haring, liming, chrome tanning, de-liming, pickling, de-fleshing, ink application;
5. Mixing and manufacture of pesticides and insecticides; and fumigation;
6. Sandblasting and other work involving exposure to free silica;
7. 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, benzenidine dyes, isocyanates, carbon tetrachloride, carbon disulphide, epoxy resins, formaldehyde, metal fumes, heavy metals like nickel, mercury, chromium, lead, arsenic, beryllium, fiber glass;
8. Work with exposure to cement dust in cement industry;
9. Work with exposure to coal dust;
10. Manufacture and sale of fireworks and explosives;
11. Work at oil & gas fields including rigs;
12. Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders;
13. Work on glass and metal furnaces; and glass bangles manufacturing;
14. Work in the cloth weaving, printing, dyeing and finishing sections;
15. Work inside sewer pipelines, pits and storage tanks.
16. Stone crushing;
17. Lifting and carrying of heavy weight (15kg and above) specially in transport industry;
18. Carpet weaving;
19. Working two meters or more above the floor;
20. All scavenging including hospital waste;
21. Tobacco processing and manufacturing including nisar and bidi making;

22. Deep-sea fishing, commercial fishing and processing of fish and seafood;
23. Sheep casing and wool industry;
24. Ship breaking;
25. Surgical instruments manufacturing specially in vendors' workshops;
26. Spice grinding;
27. Work in boiler house;
28. Work in cinemas, mini cinemas and cyber clubs;
29. Mica-cutting and splitting;
30. Shellac Manufacturing;
31. Soap manufacture;
32. Wool cleaning;
33. Manufacture of pencils including packing;
34. Manufacturing of products from agate."

ⁱ N.B. Not officially adopted.

PAKISTAN

Hazardous Occupation Rules, 1963 (as amended by the Factories Act of 1973 and the Child's Act of 1991) (No. 1-6 (L-II/64))

- 1) The West Pakistan Hazardous Occupations (Lead) Rules, 1963;
- 2) The West Pakistan Hazardous Occupations (Miscellaneous) Rules, 1963;
- 3) The West Pakistan Hazardous Occupations (Rubber) Rules, 1963;
- 4) The West Pakistan Hazardous Occupations (Chromium) Rules, 1963;
- 5) The West Pakistan Hazardous Occupations (Cellulose Solution Spraying) Rules, 1963;
- 6) The West Pakistan Hazardous Occupations (Sand Blasting) Rules, 1963;
- 7) The West Pakistan Hazardous Occupations (Potassium-Bichromates) Rules, 1963;
- 8) The West Pakistan Hazardous Occupations (Petrol Gas Generating Plant) Rules, 1963.

Original language

English

Abstract

Sections 24, 25 and 29: Prohibition of some kind of dangerous occupations for children.

- 1) **West Pakistan Hazardous Occupations (Lead) Rules:** Rule 5 and Schedule prohibiting the employment of adolescents and children in lead factories specified in Schedule.
- 2) **West Pakistan Hazardous Occupations (Miscellaneous) Rules:** Rule 3 and Schedule prohibiting the employment of adolescents and children in factories specified in Schedule.
- 3) **West Pakistan Hazardous Occupations (Rubber) Rules:** Rules 2 and 3 prohibiting the employment of adolescents, children and women in specified rubber factories.
- 4) **West Pakistan Hazardous Occupations (Chromium) Rules:** Rules 2 and 3 prohibiting the employment of adolescents, children and women in chromium factories.

- 5) **West Pakistan Hazardous Occupations (Cellulose Solution Spraying) Rules:** Rules **2 and 4** prohibiting the employment of adolescents and children in factories involving cellulose solution spraying.
- 6) **West Pakistan Hazardous Occupations (Sand Blasting) Rules:** Rules **3 and 4** prohibiting the employment of adolescents, children and women in factories involving sand blasting.
- 7) **West Pakistan Hazardous Occupations (Potassium-Bichromates) Rules:** Rules **2 and 3** prohibiting the employment of adolescents and children in factories involving potassium-bichromates.
- 8) **West Pakistan Hazardous Occupations (Petrol Gas Generating Plant) Rules:** Rules **2 and 3** prohibiting the employment of adolescents, children and women in operations of generating petrol gas.

Text of legal provisions

➤ **Section 24: Work on or near machinery in motion**

1. The West Pakistan Hazardous Occupation (Lead) Rules, 1963

Rule 5 - Prohibition of employment of women, adolescents and children

“No woman, adolescent or child shall be employed in any factory in any of the operations specified in the Schedule”.

Schedule

- i. Work at furnaces where reduction or treatment of zinc or lead ores is carried on.
- ii. The manipulation, treatment or reduction of ashes containing lead, the desilverizing of lead or the refining of dross containing lead.
- iii. The manufacture of alloys containing more than ten per cent of lead.
- iv. The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate or silicate of lead.
- v. Handling or mixing of lead tetra ethyl.
- vi. Mixing or pasting in connection with the manufacture or repair of electric accumulators.
- vii. The manufacture, assembly and repair of lead storage batteries.
- viii. The cleaning of work-rooms where any of the processes aforesaid are carried on; and
- ix. Every other manufacturing operation involving the use of any lead compound or the

cleaning of work-rooms where any such operation is carried on”.

2) The West Pakistan Hazardous Occupations (Miscellaneous) Rules, 1963

“Rule 3 - **Prohibition of the employment of children and adolescents**

- (1) No child shall be employed in any factory in any of the operations specified in the Schedule.
- (2) No adolescent shall be employed in any factory in any of the operations specified in items 1 to 7 of the Schedule.
- (3) No female adolescent shall be employed in any factory in any of the operations specified in items 8 and 9 of the Schedule”.

Schedule

“1. The manufacture or recovery of any of the following:

- (a) carbonates, chromates, chlorates, oxides or hydroxides of potassium, sodium, iron, aluminium, cobalt, nickel, arsenic, antimony, zinc or magnesium;
- (b) ammonia and the hydroxide and salts of ammonium;
- (c) sulphurous, sulphuric, nitric, hydrochloric, hydrofluoric, hydriodic, hydrosulphuric, boric, phosphoric, arsenious, arsenic, lactic, acetic, oxalic, tartaric or citric acids, their metallic or organic salts;
- (d) cyanogen compounds.

2. A wet process:

- (a) when carried on for the extraction of metal from ore or from any by-product or **residual material; or**
- (b) in which electrical energy is used in any process of chemical manufacture.

3. The manufacture or production or use of carbon disulphide or the production or use of hydrogen sulphide.
4. The manufacture of bleaching powder or the production or use of chlorine gas in any process of chemical manufacture.
5. The distillation or use of gas tar or any product or residue of such tars in any process of chemical manufacture.
6. The utilization of nitric acid in the manufacture of nitro compounds.

7. The manufacture of explosives with the use of nitro compounds.
8. Melting and blowing glass and mixing, grinding or sieving glass-making material.
9. Vitreous enamelling.
10. Handling wool, hair bristles, hides and skins.
11. Mixing, grinding and sieving ceramic materials in the dry state.
12. Grinding materials for the manufacture of Portland cement and burning and grinding cement clinker in Portland cement factories.
13. Mixing and handling yellow orpiment.
14. Handling of fertilizer (ammonium sulphate).
15. Any process involving inhalation of tobacco dust in cigarette manufacturing factories and re-drying plants.
16. Any other process which the Chief Inspector of Factories may by order in writing specify in this behalf".

3) The West Pakistan Hazardous Occupations (Rubber) Rules, 1963

Rule 2 - Declaration of operations as hazardous

"All or any of the following operations are declared to be hazardous when carried on in any factory:

- (a) the operation of spreading a solution of rubber in an inflammable solvent on cloth and its subsequent drying by the aid of machinery;
- (b) the preparation and drying of patent shoes;
- (c) the operation of mixing rubber between rolls; and
- (d) the preparation of a solution of rubber in an inflammable solvent with the aid of machinery.

Rule 3 - Prohibition of employment of women, children and adolescents

"No woman, child or adolescent shall be employed in any factory on any of the operations specified in rule 2".

4) The West Pakistan Hazardous Occupations (Chromium) Rules, 1963

Rule 2 - Declaration of operation as hazardous

“Operations involving the use of soluble chromium compounds are declared to be hazardous operations when carried on in any factory.

Rule 3 - Prohibition of the employment of women, children and adolescents

“No woman, child or adolescent shall be employed in any factory on any of the operations specified in these rules”.

5) The West Pakistan Hazardous Occupations (Cellulose Solution Spraying) Rules, 1963

Rule 2 - Declaration of operation as hazardous

“The spraying of cellulose ester paint or lacquers is declared to be hazardous operation when carried on in any factory”.

Rule 4 - Prohibition of employment of children and adolescents

“No child or adolescent shall be employed in any factory in any of the operations specified in rule 2”.

6) The West Pakistan Hazardous Occupations (Sand Blasting) Rules, 1963

Rule 3 - Declaration of operation as hazardous

“Sand blasting is declared to be a hazardous operation when carried on in any factory.

Rule 4 - Prohibition of the employment of women, adolescents and children

“No woman, adolescent or child shall be employed on sandblasting in any factory”.

7) The West Pakistan Hazardous Occupations (Sodium and Potassium Bichromates) Rules, 1963

Rule 2 - Declaration of operation as hazardous

“All operations carried on in any factory for the manufacture or recovery of the bichromates of sodium or of potassium are declared to be hazardous operations”.

Rule 3 - Prohibition of employment of children and adolescents

“No child or adolescent shall be employed in any factory on any of the operations

referred to in rule 2”.

8) The West Pakistan Hazardous Occupations (Petrol Gas Generating Plant) Rules, 1963

Rule 2 - Declaration of operation as hazardous

“All operations of generating petrol gas from petrol carried on in factory are declared to be hazardous operations”.

Rule 3 - Prohibition of the employment of women, children and adolescents

“No woman, child or adolescent shall be employed in or shall be allowed to enter any building in which any operation specified in rule 2 is carried on”.

PAKISTAN

The Employment of Children Act, 1991

An Act to prohibit the employment of children in certain occupations and to regulate the conditions of work of children. (Act No. V of 1991)

Original language

English

Abstract

Section 3 and Schedule prohibiting the employment of children (under 14 years of age according to section 2(iii)) in certain occupations and processes.

Text of legal provisions

➤ **Section 3. Prohibition of Employment**

“No child shall be employed or permitted to work in any of the occupations set forth in Part I of the Schedule or in any workshop wherein any of the processes set forth in Part II of that Schedule is carried on:

Provided that nothing in this section shall apply to any establishment wherein such process is carried on by the occupier with the help of his family or to any school established, assisted or recognized by Government”.

Schedule

PART I - OCCUPATIONS

“Any occupation connected with

(1) transport of passengers, goods or mails by railway;

- (2) cinder picking, cleaning of an ash pit or building operation in the railway premises;
- (3) 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;
- (4) 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;
- (5) a port authority within the limits of any port; and
- (6) work relating to selling of crackers and fire works in shops with temporary licences.

PART II - PROCESSES

- (1) Bidi-making
- (2) Carpet-weaving
- (3) Cement manufacture, including bagging of cement
- (4) Cloth printing, dyeing and weaving
- (5) Manufacture of matches, explosives and fire-works
- (6) Mica-cutting and sploting
- (7) Shell as manufacture
- (8) Soap manufacture
- (9) Training
- (10) Wool-cleaning
- (11) Building and construction industry
- (12) Manufacture of slate pencils (including packing)
- (13) Manufacture of products from agate.
- (14) Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium; benzene, pesticides and asbestos”.

PAKISTAN

Employment of Children Rules, 1995 (S.R.O. 387 (I) 1995)

Original language

English

Abstract

Articles 12(3) and (7) and 15 prohibiting child work on machines in motion and carrying excessive weights.

Text of legal provisions

➤ **Article 12: Fencing of machinery.**

“(3) No child worker shall be allowed to work on the following operations of machines when in motion-

- (a) lathes, shaping, slatting and milling machines;
- (b) platen machine and gelating cutting machines;
- (c) every-wheel or tool grinding machine;
- (d) operation of hoist;
- (e) operation of band saw or circular saw;
- (f) in blow loom of textile mills;
- (g) near cotton openers, combined openers, sketchers, lapmachines, hard waste breakers, and carding machine; and
- (h) welding plant.

...

(7) No child workers shall be allowed to be engaged in oiling or adjusting belts or any work whatsoever within reach of unfenced transmission machinery”.

➤ **Article 15. Excessive weight.**

“No child worker shall be allowed to lift or carry any weight in excess of ten kilograms”.

PAKISTAN

The Draft of a Prohibition of Employment of Children Act

**It extends to the whole of the province
of the Khyber Pakhtunkhwaⁱ**

Original language

English

Abstract

At the Schedule there is a List of identified hazardous occupations that would be prohibited to adolescents. N.B. Not yet Approved.

Text of legal provisions

THE SCHEDULE:

Part I. OCCUPATIONS

1. Transport of passengers, goods or mails by railway;
2. Work in catering establishment at a railway station, involving the movement of a vendor or any employee of the establishment from one platform to another or into or out of a moving train.
3. Work relating to the construction of railway station or any other work where such work is done in close proximity to or between the railway lines; and
4. A port authority within the limits of any port.

Part II. PROCESSES

1. Work inside underground mines and above ground quarries including blasting and assisting in blasting;
2. Work with power driven cutting machinery like saws, shears, guillotines and agricultural machines, thrashers, fodder cutting machines;
3. Work with live electrical wires over 50 volts;

4. All operations related to leather tanning process e.g., soaking, de-fairing, liming, chrome tanning, de-liming, picking, de-fleshing, ink application;
5. Mixing and manufacture of pesticides and insecticides; and fumigation;
6. Sandblasting and other work involving exposure to free silica;
7. 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.
8. Work with exposure to cement dust in cement industry
9. Work with exposure to coal dust.
10. Manufacture and sale of fireworks and explosives.
11. Work at oil & gas fields including rigs,
12. Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders
13. Work on glass and metal furnaces; and glass bangles manufacturing;
14. Work in the cloth weaving, printing, dyeing and finishing sections;
15. Work inside sewer pipelines, pits and storage tanks;
16. Stone crushing;
17. Lifting and carrying of heavy weight (15kg and above) specially in transport industry,
18. Carpet weaving;
19. Working two meter or more above the floor;
20. All scavenging including hospital waste;
21. Tobacco processing and manufacturing including niswar and bidi making;
22. Deep sea fishing, commercial fishing and processing of fish and seafood;
23. Sheep casing and wool industry;
24. Ship breaking;
25. Surgical instruments manufacturing specially in vendors' workshops;
26. Spice grinding;
27. Working in boiler house;
28. Work in cinemas, mini cinemas and cyber clubs;
29. Mica-cutting and splitting;
30. Shellac manufacturing;
31. Soap manufacture;
32. Wool cleaning
33. Manufacture of pencils including packing; and
34. Manufacture of products from agate."

ⁱ N.B.: Not yet Approved. The provinces are in the final stage of preparation to present the draft law to their respective provincial legislative assemblies

PAKISTAN

COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR)

- Worst Forms of Child Labour Convention, 1999

(No.182)

- Minimum Age Convention, 1973

(No. 138)

➤ 2013 Observation, Convention No. 182

○ Articles 3 (d) and 4 (1) - Hazardous work

The Committee previously noted the statement in the communication of the Pakistan Workers' Federation (PWF), that a large number of children in Pakistan are employed in hazardous work, particularly in the brick kiln, glass and leather industries, and in the informal economy. The Committee also noted that the national legislation only prohibited the employment of children *under 14* in a variety of occupations. In this regard, the Committee recalled that under *Article 3(d)* of the Convention, children *under 18* shall not perform work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals.

The Committee notes the Government's statement that, following the 18th Constitutional Amendment, the power to legislate on labour matters has been transferred to the provinces. The Committee notes with *interest* the Government's indication that the four provinces have, in coordination with the Federal Government, drafted a Prohibition of Employment of Children Act, which prohibits the employment of persons under 18 years in hazardous types of work. The Committee notes the statement in the Government's report that the provinces are in the final stage of preparation to present the draft law to their respective provincial legislative assemblies. In the province of the Punjab, the draft has been sent to the Provincial Cabinet for approval and will subsequently be sent to the Provincial Assembly. In addition, as part of the Combating Abusive Child Labour II Project, preparation of new provincial lists of hazardous child labour will be undertaken.

The Committee requests the Government to take the necessary measures to ensure that, in conformity with Article 3(d) of the Convention, this draft Prohibition of Employment of Children Act prohibiting the employment of persons under 18 in

hazardous types of work is adopted in each of the four provinces in the near future and is implemented effectively. It also requests the Government to take the necessary measures, following consultation with the organizations of employers and workers concerned, to determine the types of hazardous employment or work prohibited to young persons under 18, in conformity with Article 4(1) of the Convention.

➤ **2013 Observation, Convention No. 138**

○ **Article 2(1) of the Convention - Minimum age for admission to employment or work.**

The Committee previously noted that by virtue of sections 2 and 3 of the Employment of Children Act 1991, children below 14 years are only prohibited from being employed in the six occupations and 14 processes enumerated in Part I and Part II of the Schedule of the Employment of Children Act. However, the Committee noted that a draft Employment and Service Conditions Act 2009 had been elaborated, which would prohibit the employment of children under 14.

The Committee notes the Government's statement that, following the 18th Constitutional Amendment, the power to legislate on labour matters has been transferred to the provinces. The Government indicates that, within the framework of the Combating Abusive Child Labour II project, an interprovincial tripartite workshop on legislative reforms related to child labour was organized in February 2012, and that the participants (including representatives from the four provincial governments as well as the social partners) agreed that new legislation should completely prohibit the employment of children under 14 years of age. In this regard, the Committee notes with interest that the four provinces have, in coordination with the Federal Government, drafted a Prohibition of Employment of Children Act, which prohibits the employment of children below the age of 14 years, and that these drafts will soon be introduced to the provincial legislative assemblies.

Recalling that, at the time of ratification in 2006, Pakistan specified 14 years as the applicable minimum age, the Committee urges the Government to take the necessary measures to ensure that the Prohibition of Employment of Children Act is adopted in the four provinces to prohibit the employment of children under 14 years of age. It also requests the Government to provide a copy of the relevant legislation, once adopted.

○ **Article 3 (1) and (2) - Minimum age for admission to, and determination of, hazardous work.**

The Committee previously noted that pursuant to sections 2, 3 and 7 of the

Employment of Children Act of 1991, the employment of children under 14 is prohibited in a variety of occupations. Section 12 of the Employment of Children Rules of 1995 also provides for types of work that shall not be performed by children under 14. In this regard, the Committee observed that these provisions do not comply with the provisions of Article 3(1) of the Convention which sets 18 years as the minimum age for admission to hazardous work.

The Committee notes with interest that the draft Prohibition of Employment of Children Act of the provinces, submitted with the Government's report, prohibits the employment of persons under 18 years in hazardous types of work. The Committee also notes the information from ILO-IPEC of October 2012 that, as part of the Combating Abusive Child Labour II Project, preparation of new provincial lists of hazardous child labour would begin. In this regard, the Committee notes the information from the SPA mission report that the action plans of some of the provinces included undertaking, in 2013, tripartite consultations with a view to revising the hazardous work list.

The Committee urges the Government to take the necessary measures to ensure that, in conformity with Article 3(1) of the Convention, this draft Act prohibiting the employment of persons under 18 in hazardous types of work, is adopted in each of the four provinces in the near future. It also requests the Government to take the necessary measures, after consultation with the organizations of employers and workers concerned, to determine the types of hazardous employment or work prohibited to young persons under 18, in conformity with Article 3(2) of the Convention.

➤ 2013 Direct request, Convention No. 182

○ **Article 7(2). Effective and time-bound measures.**

Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education.

The Committee previously noted the International Trade Union Confederation's indication that attendance rates in primary education are very low. However, the Committee noted that the Government was implementing measures to address the high number of out-of-school children, including providing incentives for school attendance to poor and disadvantaged children, promoting girls' education and operating non-formal basic education schools. Nonetheless, the Committee noted that the Committee on the Rights of the Child (CRC), in its concluding observations of 19 October 2009, expressed concern that nearly 7 million of the estimated 19 million primary school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades (CRC/C/PAK/CO/3 4, paragraph 78).

The Committee notes that, pursuant to the 18th Constitutional Amendment, article 25A of the Constitution provides that the State shall provide free and compulsory education to all children between the ages of 5 to 16 years, in such manner as may be determined by law. The Government indicates that the subject of education lies with the provinces. Under the Education Sector Reform Programme the provinces are taking measures, including to increase the availability of schools in rural areas, to provide free text books, to recruit teachers and to focus on female education. However, the Committee notes the information in the report prepared by the Office of the High Commissioner for Human Rights (OHCHR) for the Universal Periodic Review (UPR) of 13 August 2012 that as many as 7.3 million primary school-age children (57 per cent of which are girls) are out of school (A/HRC/WG.6/14/PAK/2, paragraph 57). It also notes the information in UNESCO's 2012 Global Monitoring Report – Education for All that, while Pakistan has the second largest number of out-of-school children, yet it continues to reduce education spending.

Considering that free basic education contributes to preventing the engagement of children in the worst forms of child labour, the Committee urges the Government to redouble its efforts to improve access to education, taking into account the special situation of girls. The Committee requests the Government to provide information on the concrete measures taken in this regard, and to provide statistical information on the results obtained, particularly with regard to increasing school enrolment rates and reducing the school drop-out rates and the number of out-of-school children.

➤ **2013 Direct request, Convention No. 138.**

○ **Article 1 of the Convention - National policy designed to ensure the effective abolition of child labour**

The Committee previously noted that a national **Time bound Programme (TBP)** for the elimination of the worst forms of child labour 2008–16 was developed in consultation with the stakeholders. It also noted that a project entitled “Combating Abusive Child Labour II” was launched as well as a project entitled “Pakistan earthquake: Child labour response project”.

The Committee notes the Government's statement that the **TBP** is being implemented by provincial labour departments, and that provincial coordination committees on child labour have been formed. In addition, within the framework of the Combating Abusive Child Labour II project, capacity-building activities are being carried out in four provinces and support is being provided to the provincial coordination committees on child labour, as well as the provincial child labour units

in several regions. The Government indicates that 1,204 children (450 boys and 754 girls) have been withdrawn from child labour through this project, including 485 children who participated in a vocational training programme for children aged 15–17 years removed from hazardous work. Other measures undertaken include training for teachers on child labour issues, enhancing the knowledge of media professionals on child labour issues, national awareness campaigns and television programmes on child labour. Additionally, the “Pakistan earthquake: Child labour response project” provided non-formal education at 32 rehabilitation centres to 3,779 earthquake-affected children who were involved, or at risk of being involved, in child labour. Some 2,169 of these children were mainstreamed into government schools.

The Committee takes due note of this information, and requests the Government to continue to provide information on the concrete measures taken pursuant to the project on Combating Abusive Child Labour II project and the implementation of the national TBP 2008–16. It also requests the Government to continue to provide information on the impact of these initiatives, including the number of children reached through these programmes.

○ **Article 2(3). Age of completion of compulsory education**

The Committee noted that the Committee on the Rights of the Child (CRC), in its concluding observation of 19 October 2009, expressed concern that not all provinces have a compulsory education law and, where this legislation exists, it is often not properly enforced. The CRC further expressed concern that nearly 7 million of the estimated 19 million primary-school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades (CRC/C/PAK/CO/3–4, paragraph 78).

The Committee notes that article 25A of the Constitution (as amended by the 18th Constitutional Amendment) states that the State shall provide free and compulsory education to all children between the ages of 5–16 years in such manner as may be determined by law. In this regard, the Government indicates that the subject of education lies with the provinces, and that the provinces are taking a number of steps to improve the education system under the Education Sector Reform Programme. The Committee also notes the Government’s indication that, at the workshop on child labour legislative reform held in February 2012, the participants (representatives of the four provinces and the social partners) emphasized that it was important to synergize the child labour legislation with the Constitutional provisions on education providing for compulsory education up to 16 years of age.

Recalling that education is one of the most effective means of combating child labour, the Committee draws the Government’s attention to *Article 2(3)* of the Convention which states that the minimum age established shall not be lower than the age of completion of compulsory education. If the minimum age for admission to

work is lower than the school-leaving age, children may be encouraged to leave school, as they are legally permitted to work (see General Survey of 2012 on the fundamental Conventions concerning rights at work, paragraph 370).

The Committee therefore requests the Government to provide information on any measures taken to link the minimum age for admission to employment to the age of completion of compulsory schooling, in line with Article 2(3) of the Convention. It also requests the Government to provide information on whether the four provinces have adopted legislation or regulations requiring attendance in compulsory education between 5 and 16 years, pursuant to article 25A of the Constitution, and to provide copies of the relevant legislation.

- **Article 4. Exclusion from the application of the Convention of limited categories of employment or work.**

In its previous comments, the Committee noted that section 3 of the Employment of Children Act 1991 excludes from its scope work in family establishments. The Committee recalled that under *Article 4(1)* of the Convention, in so far as necessary, the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, may exclude from the application of the Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

The Committee notes an absence of information on this point in the Government's report, but notes the Government's indication that a Prohibition of Employment of Children Act has been drafted for adoption by the four provinces. In this regard, the Committee reminds the Government that the Convention applies to all sectors of economic activity and covers all forms of employment or work, unless excluded under *Article 4(1)* of the Convention.

The Committee once again requests the Government to indicate whether it intended to avail itself of the possibility to exclude work in family establishments from the scope of the Convention, in accordance with Article 4(1). If so, it requests the Government to provide information on consultations held with employers' and workers' organizations in this regard. If not, it requests the Government to take the necessary measures to ensure that the Prohibition of Employment of Children Act applies to all sectors of economic activity, including work in family enterprises.

PAKISTAN

COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 15 October 2009

➤ Definition of the child (art. 1 of the Convention)

26. The Committee reiterates its previous concern (see CRC/C/15/Add.217) about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and sharia law. It notes in particular the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Hadood Ordinances (1979) (until 16 years or puberty).

27. The Committee recommends that the State party ensure the full harmonization of its legislation as regards the definition of a child so as to define a child as every human being below the age of 18 years. It recommends in particular amending the Zina and Hadood Ordinances (1979) as well as the Child Marriages Restraint Act (1929) in order to align the age of marriage of boys and girls by raising the minimum age of marriage for girls to 18 years.

➤ Education, including vocational training and guidance

78. The Committee welcomes the National Plan of Action on Education for All (2001–2015), the Education Sector Reforms Action Plan (2002–2006) aimed at providing adequate facilities to Government schools and quality education, as well as the efforts made to increase enrolment and reduce gender disparities and dropout rates. It regrets, however, that the results of these efforts have been unsatisfactory and remains concerned that:

- (a) The public expenditures on education in the State party are extremely low and remain below 5 per cent of GDP, regarded as the benchmark to achieve Education

- for All;
- (b) Not all provinces have a compulsory education law and, where they exist, they are often not properly enforced;
 - (c) The net enrolment rate in primary education remains unacceptably low at 73 per cent for boys and 57 per cent for girls in 2006; gender, regional and urban-rural disparities remain very high and enrolment in primary education is limited to children up to 10 years old;
 - (d) Nearly 7 million of the estimated 19 million primary school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades;
 - (e) The quality of education is poor mainly due to insufficient teacher training;
 - (f) The number of non-functional public schools is very high, either for having been destroyed by non-State actors or lacking basic facilities, including drinking water, toilets, electricity and boundary walls; and
 - (g) The provision of early childhood development is inadequate and focuses narrowly on education for children aged over 4 years.

➤ Economic exploitation, including child labour

88. The Committee welcomes the 2005 amendment to the Employment of Children Act (1991) enhancing the list of hazardous processes and occupations, and notes with interest that the Government, in the context of the time-bound programme (TBP) of the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC), is carrying out several programmes of action to combat the worst forms of child labour in various industries. In this context, the Committee welcomes the provision of vocational training and health care to about 11,800 children so as to prevent them from being involved in the worst forms of child labour, as well as the creation of new rehabilitation centres for child labourers. Nonetheless, the Committee remains deeply concerned that:

- (a) No comprehensive survey on the extent of child labour in Pakistan has been conducted since 1996, making it difficult to assess the severity of the issue and address the problem appropriately;
- (b) The prevalence of child labour is extremely high and has increased in recent years due to growing poverty;
- (c) Despite legislation prohibiting slavery and all forms of forced labour, including bonded labour, and the 2001 National Policy and Plan of Action, bonded and forced labour continue to occur in many industries and the informal sector, affecting the poorest and most vulnerable children;

- (d) The ineffectiveness of labour inspection machinery reduces the likelihood of investigations of reports of child labour, making unlikely prosecution, conviction, or punishment for the exploitation of children in bonded labour; and
- (e) There are insufficient programmes to identify and protect victims of forced labour, particularly bonded labour, and child labour in the informal sector including domestic work.

89. Noting with appreciation the ratification in 2006 of the ILO Convention on Minimum Age for Employment (No. 138) and the initiation of the streamlining and consolidating process of all labour laws in that respect, the Committee remains concerned at the low and variable minimum ages for admission to employment and at the poor implementation of the Convention.