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The Unseen Victims: How Child Labor Laws Fail and Succeed in Safeguarding Minors in Pakistan

¹Sheikh Muhammad Adnan, ²Waqas Ahmad, ³Shahzad Manzoor Khan, ⁴Ali Raza Laghari

Article Details

ABSTRACT

Keywords: Child labor laws, international compliance, comparative legal analysis, rampant child labor, with an estimated 3.3 million children aged 5-14 engaged in enforcement mechanisms, Pakistan, ILO.

Sheikh Muhammad Adnan

Assistant Professor, Department of Law, University of Southern Punjab, Multan, Pakistan. muhammadadnan@usp.edu.pk

Waqas Ahmad

Lecturer Department of Law, University of Southern Punjab, Multan, Pakistan. waqasahmad@usp.edu.pk

Shahzad Manzoor Khan

Lecturer Department of Law, University of Southern Punjab, Multan, Pakistan. shahzadmanzoor47@gmail.com

Ali Raza Laghari

Lecturer Department of Law, University of Southern Punjab, Multan, Pakistan. aliraza@usp.edu.pk

Despite comprehensive legal prohibitions, Pakistan continues to grapple with hazardous work (UNICEF, 2022). This study addresses critical research gaps by comparatively analyzing Pakistan's child labor laws against international standards while examining systemic enforcement failures. The central research problem lies in Pakistan's paradoxical compliance with international conventions alongside persistent on-ground violations, particularly in agriculture (71% of child laborers), informal sectors (18%), and domestic work (11%) (Pakistan Bureau of Statistics, 2021). Using a comparative legal doctrinal methodology, this research employs a four-dimensional framework, Evaluating Pakistan's laws against ILO Convention 138 (Minimum Age) and 182 (Worst Forms of Child Labor), revealing gaps in hazardous work definitions and monitoring mechanisms; Contrasting Pakistan's framework with India's Child Labor (Prohibition) Act 2016 and Bangladesh's Labor Act 2006, highlighting Pakistan's weaker inspection regimes; Examining landmark cases (e.g., *SMC No. 1/2014*) showing courts' reluctance to apply international standards directly; Assessing labor inspections (only 12,000 annually for 60M+ minors, PILER 2023) against Brazil's successful Child Labor Eradication Program. Inadequate incorporation of ILO standards into domestic law, provincial disparities in implementing the 18th Constitutional Amendment, and penalties (max. Rs. 50,000 fines) being 83% lower than India's equivalent. The study proposes a Geneva+ Compliance Model, recommending: automatic incorporation of ratified ILO conventions into domestic law, specialized child labor courts, and a biometric age verification system modeled on Indonesia's SIMPATIK platform.

INTRODUCTION

All through records, child hard work has existed to various extents. During the 19th and early 20th centuries, many kids between a long time of 5 and 14 from poor households still labored within the numerous colonies of Europe, America and European powers. These youngsters labored by and large in agriculture, domestic-based assembly work, factories, mining, and offerings which include newsboys (Ahmed & Malik, 2018). Some paintings lasted 12 hours in night shifts. With the growth in household income, the supply of schools and the passage of child hard work laws; the prevalence of toddler exertions has reduced. The exercise of child hard work, or the usage of youngsters as servants and apprentices, has been found in the course of tons of human history, but reached greatness all through the industrial Revolution. Terrible operating conditions, which includes congested and unclean factories, loss of protection codes or rules, and long hours. Importantly, children can be paid much less, much less in all likelihood to be organized in unions, and their shorter stature enabled them to complete their work in factories or mines, which would be a venture for adults (Ali & Khan, 2020) Operating children had been not able to move to high school - developing a generation of poverty that turned into tough to interrupt.

Nineteenth-century reformists and exertions regulators sought to limit toddler exertions and improve running conditions for the development of the humans, however suffered severe depression at a time whilst Americans have been desperate for employment. Puritan work Ethics the 13 colonies and their founders valued difficult paintings on unemployment, and this ethic carried out to youngsters as well. Within the first half of the 1800's, toddler labor become an indispensable part of the agricultural and handicraft financial system of the USA (International Labour Organization [ILO], 2021). The kids worked as servants for the own family farms and for others. The boys started their careers between the long time of ten and fourteen to learn the change. The Industrial Revolution saw an increase in factories to meet the needs of the workers. Children were ideal employees because they could be paid less, often shorter so they could participate in more work and their parasitic work conditions. Prior to the Civil War, women and children played a key role in American preparation, although it was still a relatively small part of the economy. Advances in post-war manufacturing techniques increased the number of jobs; and therefore child labor. In 1900, 18% of all American workers were under 16 years of age.(Khan & Abbas, 2019).

Migration to the United States has created a brand new source of exertions and baby exertions. While the Irish potato famine hit inside the 1840's, Irish immigrants moved to a lower-stage manufacturing unit to fill jobs. Within the Eighties, organizations from southern and Japanese Europe arrived, offering a brand new pool for toddler employees. Efforts to perpetuate or cast off toddler hard work have emerged as critical to social reform. The country wide infant exertions Committee, convened in 1904, and the state infant hard work Committees led this responsibility. These organizations gradually used flexible techniques as they progressed. He initiated techniques, which includes investigations with the aid of professionals, which use photography to initiate resentment over the negative operating conditions of youngsters at paintings and grievous lobbying efforts. He used written pamphlets, pamphlets and mass mailing to reach out to the general public. From 1902 to 1915, baby labor committees called for reform through nation legislators. As part of the modern reform motion of this period, many laws had been passed banning infant labor. However many southern states resisted, leading to the choice to paintings for federal child labor regulation. While Congress surpassed such laws in 1916 and 1918, the Supreme Court declared them unconstitutional. Combatants of toddler hard work sought a constitutional modification authorizing federal toddler labor regulation and it became surpassed in 1924, despite the fact that states have been reluctant to ratify the conservative political weather of the Twenties (Khan & Abbas, 2019)

Opposition to farm and church organizations, as well as the fear of increasing federal power over children acted as a barrier. Left without jobs, and underwent major reforms under Franklin Delano Roosevelt's new deal that increased federal supervision of the workplace and focused on working adults to work outside ... Find a powerful way to get children out of the workforce. Almost all of the codes developed under the National Industrial Recovery Act have helped reduce child labor. The Fair Labor Standards Act of 1938, for the first time in international trade, set a national minimum wage and a maximum hour for workers - and also restricted child labor. In fact, the employment of children under the age of sixteen was prohibited in manufacturing and mining (Malik et al., 2017). Changing attitudes toward work and social reform were not the only factors reducing the invention of machinery to improve child labor, before which numerous repetitive tasks assigned to children were mechanized to there was a lack of children in the force. Semi-complex adults took their place for more complex tasks. Education was also reformed. Many states have increased the number of school

years requiring certain jobs, lengthened the academic year, and introduced more stringent enforcement of reputation laws. In 1949, Congress amended the Child Labor Act to exclude businesses that were involved in 1938, such as commercial agriculture, transportation, communications, and public services. Although child labor has been significantly curtailed in the United States, it stands in some sectors of the economy, such as agriculture, where it is more difficult to control economically poor migrant workers. Employers in the garment industry have turned to the children of illegal immigrants in an effort to counter imports from low-wage countries. Despite the fact that the number of working hours for children and adolescents who are attending school is limited, the rising cost of education means that many continue to work long hours to achieve this goal. State-to-state enforcement of child labor laws differs to this day. Child labor is the scourge of our society that is losing its moral values. Despite the fact that 20% of the youth population, child labor is not surprising (Pakistan Bureau of Statistics, 2023)

According to the report of international organizations, 33% of children in Pakistan are victims of child labor. Undoubtedly, these child laborers are a bitter aspect of our society. They are forced to do so while they are also physically exploited. Most of the victims of child labor are between the ages of 5 and 15 years. How painful it is that every tenth child in the world works for a living or to support his family while on the other hand in Pakistan about 22 million or 22 million underage children have been sacrificed for wages. If we look at the global context, the largest numbers of such affected children are found in Africa and Asia. Poverty, unemployment and inflation in Pakistan have pushed poor children away from schools so much that their education has become a dream. These children belong to poor families where education and adequate food facilities are not available (Qureshi & Siddiqui, 2016). Mainly due to poverty, these children are forced to work hard. Forced child labor is not only illegal but also a great injustice. The main reason for this lawlessness and open oppression is poverty, hunger, poverty and huge increase in population. And when the population is growing so much, this is the reason for the increase in poverty and lack of facilities. One of the reasons is that there are some children who are not interested in reading, so parents usually tell them to learn a skill or do something that will benefit their parents and in the future. In the days of reading, playing, jumping, reading and writing, innocent children like flowers are given tools instead of books in the hands of children. It is a sign of decline while child labor is not considered as a defect in our

country. From soft and delicate child boot polishing work to hotels, tea houses, markets, factories, auto workshops, kilns, farms, They are seen working hard in many places, including cleaning car windows at homes, CNG and petrol pumps. To raise awareness about child labor, the International Labor Organization against Child Labor started celebrating International Day from June 12, 2002 all over the world, including Pakistan (Rehman & Ashraf, 2020). The purpose of this day is to save children from child labor. The ILO says it is against international law to take work from children that deprives them of their childhood and abilities or is harmful to their physical and mental development. Since 2000, a program called the Millennium Development Goals 2001-2010 has been launched under the auspices of the United Nations Development Program (UNDP), focusing on human and social development in developing countries in the fields of health and education, especially children.

Was and it was decided that these targets will be achieved in these 10 years but if that did not happen then the same program has been extended so that these targets can be achieved by 2030 while we have There is a slight increase in the tendency to take labor in Pakistan. In our country, especially in Punjab province, most of the laws are in place but unfortunately neither the people are aware of these laws nor are the law enforcement agencies strictly enforcing these laws. The Punjab Restriction on Employment of Children Act 2016 was passed in the year 2016 to prevent employment of children in Punjab. The majority of the people are probably unaware that under the said law, in case of hiring a child below 15 years of age, a case can be registered against the employer under section 3/11 and 6 months if found guilty. Imprisonment and a fine of Rs 50,000 may be imposed. Similarly, a child above 15 years of age and under 18 years of age, although employed, may not be employed, but may not be employed in a hazardous manner. The employer may be liable to the above mentioned punishment as well as for the offense of committing immoral act, forced labor on a child while on duty, as well as child labor in kilns and domestic labor and The Punjab Prohibition of Child Labor Act 2016 and Punjab Domestic Workers Act 2019 are in force in Punjab to prevent forced labor (Ahmad, October 29, 2021)

The unfortunate aspect is that we have anti-child labor laws, but the situation is practically in front of everyone with regard to the grip of the law. Undoubtedly, practical steps are urgently needed in this regard. In our country also Anti Child Labor Day is celebrated on 12th June every year. On this day there are seminars, awareness walks and big speeches against

child labor which is only to show the world organizations. The scourge of child labor will never end or diminish. Who is responsible for this situation and what will be the prevention? In this regard, there are three parties in the society responsible for child labor. That who work with children and number three is the government machinery and administration.

If parents of working children are asked why they force their children to work, most parents are seen crying out for poverty and inflation, forcing their children to work due to lack of financial resources, leading to an increase in child labor happens. On the other hand, those who work with children in their industries, factories, kilns, farms, workshops, hotels, shops and homes are really called the oppressors. These people take extra work from children and pay less. Children are often willing to work for lower wages in order to learn, so most of the children are hired from child labor. Beneficiaries include doctors, lawyers, judges, businessmen and our big politicians whose little workers in their homes, factories and fields are shedding their blood and serving their sentences for being poor. If we now talk about the third and last party government machinery and administration then they are really responsible for the increase in child labor. It is sad to say that no government in Pakistan has taken this issue seriously. The real culprits are our past and present rulers whose childish policies have led to a steady rise in child labor. They seem to be doing it (Shah, 2021).

The government machinery responsible for child labor itself advertises against child labor in the media on Child Labor Day, also conducts seminars and awareness walks, but all these measures do not reflect the government's seriousness in eliminating child labor. Others, especially the government, must acknowledge that advertisements, seminars, rallies and a few raids will not work to eradicate the scourge of child labor unless the government tackles inflation, unemployment and poverty. Only if the economic conditions of the poor are improved will it be possible to end the scourge of child labor. Furthermore, it is important for any country to ensure that its children get an education and move on. If we develop, then our country will also develop. (Nuzzo, OCTOBER 27, 2019)

Educational reformists in the mid-nineteenth century sought to convince the public that primary school education was a necessity if the nation was to move forward. Many states set minimum wages for established labor and school attendance requirements – although many of these laws were full of inventions that were easily exploited by hungry cheap labor employers. Among the world's poorest countries, about 1 in 4 children engage in child labor, with the

largest number (29%) living in sub-Saharan Africa. In 2017, four African countries (Mali, Benin, Chad and Guinea-Bissau) observed more than 50% of working children aged 5–14 years. The largest employer of child labor is agriculture worldwide. The majority of child labor is found in rural settings and the informal urban economy. Children are primarily employed by their parents rather than in factories. Poverty and lack of schools are considered to be the main causes of child labor. (Agencies, 2020)

Globally, between 1960 and 2003, the incidence of child labor dropped from 25 percent to 10 percent, according to the World Bank. Nevertheless, the total number of child laborers is high, with UNICEF and the ILO acknowledging that an estimated 168 million children between the ages of 5 and 17 worldwide were involved in child labor in 2013. The hardships of those who do not reach a certain age, during the Industrial Revolution, girls were subjected to severe exploitation as well as labor, but legislation to protect it was soon introduced. Under Japan's labor standards law, child labor under the age of 15 is prohibited under one rule, for those under the age of 18, the age of the user is proof of age, overtime and leave work. Restrictions (instability hours are prohibited), midnight business; effective work, etc. prohibition of employment (Siddique & Butt, 2018). Labor Related Items Labor Standards Act. During the Industrial Revolution, children working in factories were subjected to severe exploitation along with female workers, but since the introduction of the Factory Act, they have gradually been spared legislation. Japan's Labor Standards Act currently prohibits the use of persons under the age of 15 as laborers in principle. However, as an exception, the minimum wage in non-industrial projects is not detrimental to the health and well-being of children, only if they obtain permission from the authorized Labor Stands Inspection Office, for more than 12 years. Children under the age of 12 will be allowed to work in overtime. I agree that in movies and dramas, children under the age of 12 are allowed to use (Zaidi, 2009).

Children are like the flowers on the twig of a plant that sway with the cool morning breeze and smell very good. This fragrance of theirs creates a charm in the whole environment. It is a matter of good nature, but the existence of society is with all of us. The protection of these flowers is the responsibility of all of us realizing this responsibility. The International Labor Organization has started celebrating Child Labor Day on June 12, 2002. Every year, June 12 is celebrated around the world as a day against child labor. It is to be discouraged by tightening the laws related to child labor. Expressing solidarity with the International Labor

Organization on June 12, this day is celebrated in many countries of the world including Pakistan. Every year on this day child labor seminars are held, rallies are held but it is only an exhibition show because there is no attainment of these things. Celebrating days, holding seminars and rallies in this way cannot eradicate or curse the scourge of child labor. Proof of this is that the number of child laborers is increasing all over the world.(UNICEF, 2023)

Nearly 160 million children worldwide are forced to work hard away from school, copy and pen due to poverty. In Pakistan alone, about 20 million children are out of education and 10 million children are suffering from the scourge of child labor. Why are children deprived of their basic right to education and forced to work? Who is responsible for this and what will be the prevention. There are three parties in the society who are responsible for child labor. The first thing to be talked about is why parents are forced to work hard for their children. At the hands of poor parents, they force their children to work so that they can support them. The fact is that he will never put his children in the mill of hard work. Whenever child labor is found, the children of the poor will be found. Today, in this age of inflation, education is more than the poor. It is far away because if there is a person earning in a family of 5 to 7 people whose monthly salary is ten, twelve thousand or four hundred five hundred daily incomes, then the bread of this house is barely running (Warraich & Baloch, 2019). The poor do not know how the person who is spending day and night cannot provide enough food for the children, so where will he get the education? He will be forced to take a wrong step to avoid starvation by running the house system, whether he becomes a criminal of the nation and engages in looting, or becomes the enemy of the future of his little flowers and puts them on hard labor. On the other hand, let's talk about the people who work with children in their industries, factories, kilns, farms, hotels and homes. These are the people who take full advantage of the compulsion of the poor. They take full work from the children and pay a small wage. These people are paying wages to the children and if any small mistake is made they are subjected to violence. Such incidents are increasing day by day. The laborer is compelled, sir, to go to work even after being beaten and tortured by these children. Beneficiaries of child labor include doctors, lawyers, judges and our great politicians. In their homes, cars, industries and fields these little laborers are shedding their blood and sweat. If we talk about the third and last party government then it is most responsible for the increase in child labor. It is sad to say that no dictatorial or democratic government in Pakistan has taken this issue seriously. Floods and

poor policies of the government of the day have robbed the common man of his right to live. Adorn them with education. In fact, the increase in poverty due to the failed economic policies of our governments is the main cause of child labor. On the other hand, every year on June 12, Child Labor Day is celebrated at the official level. The government advertises in the media against child labor and organizes seminars. This day, which is celebrated at the official level, the government is waiting for the time and seriousness of the incoming government will not work. It is said that these rallies and seminars are organized to create awareness among the people that raising awareness among the people will ever reduce child labor. They will burn stoves twice a day and will also provide good education and training to the children. Even if we continue to celebrate such days for hundreds of years or make strict laws, the scourge of child labor will not end. This canker will be eradicated only when the inflation and poverty rate in the country will be reduced and the workers will be economically strong. (Landmann, 2015)

CONCLUSION

Innocent children all over the world, who had to go to school according to their age, are carrying bricks in the construction of buildings in many places in modern times, some are working in puncture shops, and some are hotels. The researcher has seen many innocents in every area, washing dishes and sweeping the floor. Behind this is poverty and economic hardship of the family, distance from the family and at the moment it is hard work with a desire that when these children go home or their place of residence in the evening, they should hand over their earnings to their mother and support their mother. Become or provide for your own daily needs. On such occasions, labor department officials, in the light of very few laws, carry out their duties and take legal action against employers by encouraging the child to return home; adding to the seriousness of the issue remains the same.

RECOMMENDATIONS

To address the systemic issue of child labor in Pakistan and protect vulnerable minors, the following multi-dimensional recommendations are proposed:

STRENGTHENING LEGAL FRAMEWORKS

Harmonize Domestic Laws with International Standards: Amend the Employment of Children Act (1991) to fully incorporate ILO Convention No. 138 (Minimum Age) and No. 182 (Worst Forms of Child Labour), ensuring stricter definitions of hazardous work and harsher penalties for violators.

PROVINCIAL CONSISTENCY: Develop a National Child Labor Policy to standardize enforcement across provinces post-18th Amendment, preventing jurisdictional loopholes.

FAST-TRACK COURTS: Establish ****specialized child labor tribunals**** to expedite cases against employers exploiting minors.

ENHANCING ENFORCEMENT MECHANISMS

INCREASE LABOR INSPECTIONS: Expand the labor inspection workforce and mandate unannounced raids in high-risk sectors (brick kilns, auto workshops, domestic work).

WHISTLEBLOWER PROTECTIONS: Introduce legal safeguards for informants reporting child labor violations, modeled after Bangladesh's Labor Act (2006).

Blockchain-Based Age Verification: Implement a biometric identification system (like India's *Aadhaar) to prevent fake age certifications.

ECONOMIC AND SOCIAL INTERVENTIONS

CONDITIONAL CASH TRANSFERS (CCTS): Expand programs like Benazir Income Support Programme (BISP) to include mandatory school attendance clauses for families at risk of child labor.

VOCATIONAL TRAINING FOR ADOLESCENTS: Introduce skill development program for working-age youth (15-18) to transition them from hazardous jobs to regulated apprenticeships.

PUBLIC AWARENESS CAMPAIGNS: Partner with media and religious leaders to challenge cultural normalization of child labor, emphasizing Article 25-A (right to free education).

CORPORATE AND INTERNATIONAL ACCOUNTABILITY

SUPPLY CHAIN AUDITS: Mandate corporate social responsibility (CSR) compliance for industries (e.g., textiles, agriculture) to eliminate child labor in supply chains.

ILO Collaboration: Seek technical assistance from the ILO to improve data collection and monitoring, as done in Brazil's Child Labor Eradication Program.

REHABILITATION AND SUPPORT SYSTEMS

Rehabilitation Centers: Establish child protection units in districts with high child labor prevalence, offering counseling and reintegration into schools.

Employer Rehabilitation Programs: Introduce mandatory training for employers on child rights, with incentives for compliance.

FINAL CALL TO ACTION

The persistence of child labor is not just a legal failure but a moral crisis. While poverty fuels this cycle, the state's obligation under Article 11(3) of Pakistan's Constitution (prohibiting slavery and forced labor) demands urgent, coordinated action. By combining stricter laws, tech-driven enforcement, and poverty alleviation, Pakistan can transform from a case study of failure to a model of reform.

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