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Child Labour in Pakistan: The Gap between International Legal Commitments vs Ground Reality

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ABSTRACT

This paper examines the gap between legal commitments and practical realities in child labour protection under the International Labour Organization (ILO) conventions, with special reference to Pakistan. This article critically examines Pakistan's international obligations and domestic legal framework concerning child labour and evaluates the extent to which these commitments are reflected in ground realities. It explores the socio-economic, institutional, and governance factors that contribute to the continued prevalence of child labour, including poverty, lack of educational opportunities, weak law enforcement mechanisms, and inadequate monitoring systems. The article further analyzes relevant judicial decisions, legislative developments, and policy initiatives aimed at combating child labour. Using a qualitative, comparative, and analytical approach that's evaluates Pakistan's constitutional provisions, labour laws, and policy measures against international standards. The analysis reveals that although Pakistan has formally aligned many of its laws with ILO obligations, serious implementation gaps remain. Weak enforcement mechanisms, poverty, limited access to education, institutional inefficiency, and the dominance of the informal economy continue to sustain child labour practices. The study further argues that international legal frameworks provide strong normative guidance but lack effective enforcement capacity, making compliance dependent on domestic political commitment and governance structures. It concludes that eliminating child labour in Pakistan requires integrated reforms in law enforcement, education, poverty reduction, and social protection policies.

Keywords: *Child Labour, International Labour Organization Conventions, Pakistan Labour Laws, Judicial Activism, Child Protection.*

INTRODUCTION

Child labour is among the most pervasive and enduring human rights violations in the contemporary world, disproportionately concentrated in developing nations where poverty, governance deficits, and structural socioeconomic vulnerabilities intersect. Millions of children continue to be deprived of education, health, dignity, and holistic development despite the existence of comprehensive international legal frameworks. This situation reflects a profound paradox between the solemn commitments made by states at the level of law and the lived realities of children on the ground.

There are two main frameworks that govern child labor protection on a global scale. The most extensively accepted human rights treaty in history is the Convention on the Rights of the Child (CRC), which was adopted in 1989.Article 32 of the CRC requires states to set minimum working ages, regulate conditions, and impose penalties for violations. It ensures that children have the right to be shielded from economic exploitation and dangerous jobs that interfere with their education or negatively impact their social, moral, mental, spiritual, or physical development. The International Labour Organization (ILO) has created specific instruments to supplement the CRC, such as Convention No. 138 on Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labor, which require the abolition of exploitative child labor and the promotion of education as a structural preventative measure.

Pakistan has ratified both the CRC and the core ILO conventions, formally committing itself to protecting children from exploitation and ensuring their right to education and development. Domestically, the country has enacted the Employment of Children Act 1991, provincial statutes following the 18th Constitutional Amendment, and enshrined protections in Articles 11, 25-A, and 37(e) of the Constitution of Pakistan (1973). Despite these commitments, child labour remains deeply entrenched across agriculture, domestic service, brick kilns, small-scale manufacturing, and the informal economy broadly. This situation epitomizes what scholars identify as the implementation gap the chasm between formal legal obligations and practical realities. This paper critically interrogates that gap, examining the structural, institutional, socioeconomic, and cultural factors that sustain child labour in Pakistan notwithstanding its extensive international legal commitments.

Child Labour Standards by ILO and Role of Pakistan:

ILO Convention No. 138 on Minimum Age

Adopted in 1973 and ratified by Pakistan in 2006, ILO Convention No. 138 stipulates that the minimum age for employment must be at least fifteen years old and not less than the age at which compulsory education is completed (ILO, 1973). It is strictly forbidden for anyone under the age of eighteen to perform hazardous work. The Convention further encourages states to adopt national policies progressively eliminating child labour through educational and socioeconomic reforms, making it an instrument of both prohibition and structural transformation. one of the weaknesses in Pakistan regarding ILO Convention No. 138 on the Minimum Age Convention is that despite formal legislation, enforcement is inconsistent. Many children, especially in informal sectors like agriculture or domestic work, are employed below the minimum age also, a lack of comprehensive data, along with weak inspections and oversight, allows child labor to remain, particularly in rural and marginalized communities (Akram el et, 2024).

ILO Convention No. 182 on Worst Forms of Child Labour

The most hazardous and exploitative kinds of child labor must be immediately abolished, according to ILO Convention No. 182, which was approved in 1999 and ratified by Pakistan in 2001, encompassing slavery, trafficking, debt bondage, forced labour, child prostitution, pornography, involvement in illegal activities, and hazardous work injurious to children's health or morals (ILO, 1999). Member states are required to adopt time-bound measures and establish criminal sanctions for violations (Jamal, 2026). One of Pakistan's main shortcomings with regard to ILO Convention No. 182 on the Worst Forms of Child Labor is that, despite legal bans, children are nonetheless employed in some dangerous industries, such as brick kilns, agriculture, and domestic work. Moreover, there are gaps in identifying and rescuing children from these worst forms of labor, compounded by limited coordination between law enforcement, social services, and labor inspectors.

Pakistan's Legal Framework Related to Child Labour:

Pakistan has developed a layered domestic legal architecture intended to reflect its international obligations. Constitutional provisions, federal and provincial statutes, and policy programmes collectively form this framework.

Constitutional Protections

Pakistan's 1973 Constitution offers fundamental protections. Slavery, forced labor, and human trafficking are all forbidden by Article 11, while Clause (3) specifically forbids the employment of minors under the age of fourteen in mines, factories, or dangerous jobs. The state is required by Article 37(e) to guarantee humane working conditions and prohibit the employment of minors in unsuitable occupations (Constitution of Pakistan, 1973).

Federal Legislation

The main federal law governing child labor is the Employment of Children Act of 1991, which forbids hiring minors under the age of fourteen in certain dangerous jobs and sectors, such as chemical production, mining, and carpet weaving (Government of Pakistan, 1991). It also regulates working hours, rest intervals, and safety standards. Critics, however, note that the Act permits child labour in non-hazardous sectors and suffers from weak enforcement mechanisms. The Bonded Labour System (Abolition) Act of 1992 criminalizes forced labor practices that frequently impact children in brick kilns, agriculture, and domestic work. It also eliminates bonded labor and cancels related debts (Government of Pakistan, 1992).

Provincial Legislation

Following the 18th Amendment's devolution of labour regulation to the provinces, each major province enacted its own legislation. The Punjab Restriction on Employment of Children Act of 2016 forbids hiring children under the age of fifteen and prohibits teenagers from working in dangerous jobs with harsher penalties (Government of Punjab, 2016). Sindh, Khyber Pakhtunkhwa, and Balochistan have enacted analogous legislation. While this framework is potentially more contextually responsive, it has introduced legal fragmentation and inconsistencies in minimum age standards and enforcement capacities across jurisdictions, complicating national-level compliance monitoring.

Ground Reality in Pakistan, notwithstanding the breadth of Pakistan's legal framework, child labour persists at alarming levels. Millions of children continue to work in agriculture, domestic labour, restaurants, workshops, factories, and brick kilns, facing hazardous conditions, low wages, denial of education, and physical abuses. The informal economy, largely beyond the reach of regulatory oversight, harbours the majority of working children. Pakistan's labour inspection system is chronically understaffed and inadequately resourced to monitor the sprawling informal.

Poverty is the most consistently cited driver. Families in extreme poverty deploy children in income-generating activities as a survival strategy, particularly in the absence of accessible social safety nets. The education system, despite constitutional guarantees, is marred by infrastructure deficits, high dropout rates, and geographic inaccessibility, especially in rural areas. Cultural norms in many communities normalize child labour, particularly in family-based enterprises, further complicating legal enforcement. Federal-provincial coordination gaps compound these structural weaknesses, generating policy inconsistencies and accountability deficits. (Fatima, 2017).

Judicial Precedents of Pakistan:

Raja Khurram Ali Khan v. The State 2018. The Tayyaba case is one of the most compelling judicial exposés of the gap between Pakistan's legal commitments and ground realities. A minor girl employed as a domestic worker in a judicial officer's household was subjected to severe physical abuse. The Supreme Court of Pakistan, exercising suo motu jurisdiction under Article 184(3), held that the incident constituted violations of Articles 9 (right to life), 11(3) (prohibition of child labour), and 14 (human dignity). The Court criticized systemic failures in law enforcement, and the accused were ultimately convicted under Section 328-A of the Pakistan Penal Code for ill-treatment of a child. On appeal, the Supreme Court enhanced the sentence from one year to three years simple imprisonment under Section 328-A PPC. The judgment underscored that child domestic labour routinely exposes children to exploitation and violence, reflecting the profound inadequacy of existing protections despite formal legal prohibitions (Raja Khurram Ali Khan v. The State 2018 SCMR 772).

Darshan Masih v. The State, 1990. This landmark Supreme Court judgment arose from a telegram sent to the Chief Justice by brick kiln workers alleging illegal detention and forced labour. Treating the communication as a public interest petition under Article 184(3), the Court ordered the release of bonded workers and directed legislative action to eliminate forced labour. It affirmed that bonded labour violates Articles 9, 11, and 14 of the Constitution. The Court famously referred to the affected workers as "little Pakistanis in large numbers," establishing the foundation for public interest litigation in Pakistan. This case foundationally established judicial activism and public interest litigation as mechanisms for rights enforcement in Pakistan, while simultaneously exposing the entrenched nature of bonded and child labour in the brick kiln industry (Darshan Masih v. The State, PLD 1990 SC 513).

Manzoora Bibi v. Government of ICT, 2020. The Islamabad High Court took serious notice of minor children below the age of eight being illegally detained and forced to work at a brick kiln in Islamabad. The Court directed district administration and police to immediately recover the children, characterizing bonded labour as a 'detestable practice' prohibited under both the Constitution and the Bonded Labour System (Abolition) Act 1992. The Court further ordered inspection of all brick kilns to eliminate such practices. This case vividly illustrates how children continue to be exploited in informal sectors despite multiple layers of legal prohibition (Manzoora Bibi v. Government of ICT, 2020).

Lahore High Court v. Province of Punjab, 2023. In this significant public interest matter, the Lahore High Court directed provincial authorities to strictly enforce laws prohibiting child labour in domestic work, factories, and workshops. The Court observed that child domestic labour constitutes exploitation amounting to modern-day slavery, and directed government departments to coordinate effectively in implementing child protection laws. Despite these judicial directions, contemporaneous reports confirmed that thousands of children remained engaged in forced labour across Punjab, illustrating the persistent and deeply structural nature of the implementation gap (Lahore High Court v. Province of Punjab, 2023).

Muhammad Siddique v. Mansha, 1997. In this significant ruling, the Lahore High Court addressed the practice of bonded labour in brick kilns. The Court ruled that brick kiln operators could not hire workers after paying in advance since this would directly violate the fundamental guarantees outlined in Article 11 of the Constitution. According to Sections 11 and 12 of the Bonded Labour System (Abolition) Act 1992, such activities are illegal, the ruling further confirmed. This case (Muhammad Siddique v. Mansha, PLD 1997 Lahore 428) continues to be crucial in proving that debt bondage and economic coercion are prohibited under the constitution.

Muhammad Naseer v. District Police Officer, Sialkot, 2017. In this case, an 11-year-old domestic worker named Saweera was confined by her employer and denied access to her family. Justice Qazi Amin of the

Lahore High Court observed that the incident was "merely the tip of an iceberg, as cases of child servitude are ubiquitous throughout." According to the Court, a child's compliance "cannot be construed or equated by any stretch of the imagination with his willingness to drudge on in an alien household." The Court went on to explain that the Bonded Labour System (Abolition) Act of 1992 defines "bonded labour" as employing a kid for financial gain received by the family. After that, the girl was found and given to her lawful guardians.

Government of Sindh v. Raeesa Farooq, 1994. This case addressed the constitutional protections available to children and vulnerable workers. The Supreme Court reaffirmed that the fundamental rights guaranteed by Articles 9, 11, and 14 of the Constitution are enforceable guarantees rather than merely religious proclamations. The Court underlined that the state has a positive duty to shield its citizens including children from forced labor and other forms of exploitation. This judgment has been subsequently cited in numerous child labour cases to reinforce the binding nature of constitutional protections (Government of Sindh v. Raeesa Farooq, 1994 Supreme Court Monthly Review 1283).

Abdul Khattab v. The State, 2003. This case addressed the procedural safeguards afforded to children within the criminal justice system. The High Court of Lahore stated that "there is a complete procedure and mechanism provided for the trial of the child under the Juvenile Justice System Ordinance, 2000 and if some provision of the Ordinance is not followed, the trial will become illegal." The Juvenile Justice System Act of 2018 has taken the place of the Ordinance, but the Court's ruling that strict adherence to child-specific legal procedures is required still applies to all cases involving minor children, whether they are accused or victims of labor exploitation (Abdul Khattab v. The State, 2003 YLR).

Arbelo Kalhoro v. The State, 2010. The Sindh High Court took notice of the inhuman conditions faced by a minor accused who had been kept handcuffed and denied basic necessities. The young person reported that he was threatened with torture and had not been given water during the trip. In these cases, the accused was ordered by the High Court to be released upon the execution of a personal bond. This case is significant for the broader child rights jurisprudence as it establishes that the state's duty of care toward children extends to ensuring dignified treatment and that procedural violations can result in release, even in criminal matters (Arbelo Kalhoro v. The State, 2010 YLR 1750).

Saeed Ahmed v. The State, 2015. In this judgment, the Supreme Court of Pakistan addressed the issue of child trafficking for the purpose of hazardous employment. The Court reaffirmed that even in cases where there is no use of force or coercion, the recruitment, transit, harboring, or receipt of a child for the purpose of exploitation is considered "trafficking in persons". The UN Convention against Transnational Organized Crime is supplemented by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which provides an international concept that is consistent with Pakistani jurisprudence (Saeed Ahmed v. The State, 2015).

Comparative Analysis: Pakistan Laws vs ILO Standards

Alignment and Gaps in Minimum Age Standards & Situation in Pakistan

ILO Convention No. 138 requires alignment of the minimum employment age with the completion of compulsory schooling, generally not below fifteen years (ILO, 1973). Pakistan's provincial legislation partially satisfies this the Punjab Act sets fifteen as the minimum but significant inconsistencies persist across jurisdictions, and the federal Employment of Children Act 1991 maintains a fourteen-year threshold for non-hazardous work (Government of Pakistan, 1991; Government of Punjab, 2016). Critically, minimum age laws remain poorly connected to compulsory education policy: many children below the legal working age remain out of school due to economic and infrastructural barriers, simultaneously

undermining both legal frameworks. In practice, children as young as works in agriculture, brick kilns, and domestic service with minimal legal consequence.

Compliance with Convention No. 182 on Worst Forms

Pakistan has formally listed prohibited hazardous occupations in compliance with Convention No. 182's mandate for the immediate elimination of the worst forms of child labour (ILO, 1999). However, enforcement against these practices is severely compromised. Children continue to be found in listed hazardous sectors brick kilns, carpet weaving, agriculture, domestic service, and waste-picking under exploitative conditions. Inspection capacity is grossly inadequate, corruption further diminishes accountability, and the persistence of bonded child labour in particular reflects a systematic failure to operationalize the Convention's obligations beyond formal ratification (Gul, 2023). In Pakistan the landmark bonded labour case is reported. The Supreme Court held that bonded labour and debt-based forced work at brick kilns violated Article 11 of the Constitution. The Court declared bonded labour a form of slavery and ordered protection for workers trapped under debt systems. This case later influenced the Bonded Labour System (Darshan Masih v. The State, PLD 1990 SC 513).

Education as a Preventative Mechanism

Both the CRC and ILO frameworks identify compulsory, accessible education as the primary structural antidote to child labour (United Nations, 1989; ILO, 1973). Pakistan's constitutional guarantee under Article 25-A reflects this recognition, but implementation falls profoundly short. Millions of school-aged children, particularly girls and those in rural and conflict-affected areas, remain outside the formal education system (UNICEF, 2018; Pakistan Bureau of Statistics, 2021). Infrastructure deficits, teacher absenteeism, and the direct and opportunity costs of schooling suppress enrolment and retention. Without substantive investment in educational access, legal prohibitions on child labour cannot achieve their intended deterrent effect (World Bank, 2020; UNESCO, 2019).

Institutional Enforcement Capacity

Effective implementation of child labour laws demands functional labour inspection systems, accessible judicial mechanisms, and coordinated administrative oversight. Pakistan's enforcement architecture is deficient on all three dimensions. Labour inspectorates are chronically underfunded, with insufficient inspectors relative to the scale of the informal economy. Provincial coordination with federal authorities is weak, generating policy gaps and enabling violations to go undetected and unpunished. Judicial remedies, while occasionally catalytic through public interest litigation, are generally inaccessible to affected populations due to financial and procedural barriers. This institutional weakness fundamentally undermines the practical efficacy of an otherwise formally adequate legal framework (ILO, 2023; Human Rights Watch, 2023).

CONCLUSION

This paper has demonstrated, through systematic comparative analysis, that the implementation gap in child labour governance in Pakistan is broad, deep, and structurally entrenched. Pakistan's formal legal framework spanning constitutional provisions, federal statutes, provincial legislation, and ratified international conventions is substantively aligned with international standards established by the CRC and IL. On paper, the country's legal commitments are substantial and largely consistent with global norms of child protection.

However, formal legal alignment has not translated into substantive protection for millions of working children. The persistence of child labour across agricultural sectors, domestic service, brick kilns, carpet weaving, waste-picking, and small-scale manufacturing reflects a systematic failure of implementation attributable to multiple interacting factors: institutional weakness, inadequate social protection, educational deficits, the structural dominance of an unregulated informal economy, socio-cultural normalization of child labour, and insufficient political prioritization of child rights.

Although it is not legally enforceable, the 1948 Universal Declaration of Human Rights fundamentally upholds children's rights to an education and a decent standard of living, which has an impact on later treaties and national constitutions. States are expressly required by the 1966 International Covenant on Economic, Social, and Cultural Rights to ensure free primary education and shield children from economic exploitation. The UN Sustainable Development Goals, particularly Goal 8.7, call for the eradication of all forms of child labour by 2025, reinforcing these obligations within a broader development framework. Together, these instruments constitute a comprehensive international standard obligating states to undertake coordinated legal, administrative, and social measures to eliminate child labour.

Sustainable progress demands simultaneous investment in education, expansion of social protection systems, reform of labour inspection, harmonization of federal and provincial legal frameworks, cultural norm transformation, and enhanced coordination with international partners including the ILO and UNICEFs. Only through such an integrated strategy can Pakistan meaningfully bridge the gap between its international legal commitments and the lived realities of its most vulnerable children.

RECOMMENDATIONS

Based on the findings of this study, the following recommendations are directed to policymakers, legislators, and implementing agencies:

- Strengthen labour inspection systems by increasing funding, staffing, and training, with explicit methodologies to monitor informal sector workplaces where child labour is most prevalent. Violations must be met with meaningful penalties to create effective deterrence and improve compliance rates.

- Harmonize federal and provincial child labour laws to eliminate definitional inconsistencies and minimum age disparities, aligning all jurisdictions with ILO Convention No. 138 standards as the non-negotiable baseline.

- Invest decisively in universal, quality primary and secondary education, particularly in rural and marginalized communities. Conditional cash transfer programmes and stipends for low-income families should be deployed to incentivize school enrolment and retention as sustainable alternatives to child labour.

- Develop and scale comprehensive social protection programmes, including poverty alleviation initiatives and income support mechanisms for vulnerable households, to reduce the economic drivers of child labour dependency.

- Formulate regulatory frameworks specifically targeting informal sectors where child labour is most prevalent. Community-based monitoring systems and partnerships with local civil society organizations can help identify hidden forms of child labour not accessible to formal inspectors.

- Implement sustained social awareness campaigns to challenge cultural normalization of child labour, with particular emphasis on the educational rights of girls and the long-term socioeconomic costs of depriving children of education.

- Establish a centralized inter-governmental coordination body with representatives from federal and all provincial governments to ensure coherent, nationally consistent implementation of child labour elimination policies and international obligations.

- Deepen engagement with the ILO, UNICEF, and other international partners to access technical expertise, financial support, and evidence-based best practices for child labour elimination, with outcomes subject to independent monitoring and public report.

- Develop robust national data collection systems to accurately measure the incidence, forms, and sectors of child labour, enabling evidence-based policy design and progress measurement against international benchmarks.

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