Child labor is a universal problem and exists in multiple exploitative forms particularly in developing countries including Pakistan. International Labor Organization (ILO) states that ‘not all work done by children can be categorized as child labor’. The work which restricts the normal development of children can however be defined as child labor. “The term “child labor” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development” according to ILO¹. It may be pertinent to add that it is particularly detrimental to their psycho-social and emotional development as well.

Pakistan continues to face the crippling issue of Child labor coupled with increasing incidence of children employed in households behind the doors referred to as 'child domestic laborers'. According to a statement issued by the CRM (Child Right Movement) National secretariat ‘over 12.5 million children are involved in child domestic labor in Pakistan’. ²These children are subject to not only modern form of slavery but violence at work place and their homes. Its prevalence is directly linked to the number of children out of school. In Pakistan, it accounts for all those children who are unable to access their fundamental right to education as per Article 25-A of the constitution for all 5-16 year olds. Today 22.64 million boys and girls of the school-going age are out of school in Pakistan³ and remain most vulnerable. Many are exposed to the worst forms of child labor and abuse.

¹International labor organization, 2012  


³Pakistan Education statistics, 2015-16

INTRODUCTION!
Failure of legislation and policy makers to address the issue of Child Domestic Labor:

Child labor in Pakistan has not been overtly prohibited in all forms and everywhere by any acts, ordinances or orders. The constitution and the labor laws ban children from working before the age of 14 on certain conditions attached to the environment of a workplace, which is broadly based on the industrial assumptions of the workplace risks⁴. The Constitution of Pakistan forbids child labor under a certain condition stating: “no child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment⁵”. The employment children act of 1991 and employment of children rules 1995 are the legislative instruments that exclusively deal with child labor in Pakistan and its prohibition. The former document, which has been passed by the National assembly, states “An act to prohibit employment of children in certain occupations and to regulate conditions of work for children”⁶. The statement is self-explanatory and contradictory in intent, in terms of limitation of its extension for all kinds of child labor in Pakistan including Child Domestic Labor. The most recent law in this regard was 'Punjab Restriction of Child Employment Act, 2016' that was unable to include Child Domestic Labor as banned labor for children in Punjab either⁶.

The constitution and futile legislations have not changed much of a national milieu for these young workers. The issue amplifies manifold when the same children fall under the Article 25-A, Right to Education Act⁷ and levies state responsibility to be in schools as per law of the country. The lack of administrative actions, precise steps towards recognition of child domestic labor (as a dangerous form of employment) and a complete ban on employment of these children in households has not been done by far. The trend highlights that this discriminatory and irresponsible legal coverage of these children has been plateful for the protection of stakes of a few in the name of saving sanctity of the household⁸. The legal ban on CDL would include monitoring the households and when they will be scrutinized; their inviolability will be at stake, which is culturally forbidden.

Pakistan's commitment to SDGs⁹ particularly SDG 8.7 reflects that Pakistan has to make efforts for formulating a policy that can help eradicate forced labor, human trafficking and all kinds of slavery. This country level commitment is not being followed through accelerated policymaking. The issue of child domestic labor is not only largely mirrored in the staggering numbers that are reflected in various researches but also needs to be addressed because many other societal issues are closely intertwined around child domestic labor.

Annual Status of Education Report Pakistan results reveal annually the precarious condition of children both out of school and those in school not learning by income levels, gender and geography; highlighting those that are the most vulnerable. According to the ASER 2015¹⁰ report, out of all children aged from 5-16 years across all rural areas of Pakistan, only 43% girls and 57% boys are enrolled in schools. For each learning level i.e. Urdu/Sindhi/Pashto, English and Arithmetic, girls lag behind boys by 7-8% in local languages, arithmetic and English. The statistics are just

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⁴The constitution of Pakistan, Article 11(3).
⁷Article: 25A Right to Education[25A. Right to education.—The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law: https://pakistanconstitutionlaw.com/article-25a-right-to-education/
a glimpse of a perforated education system in Pakistan that is further inflated because of the large number of children who other than availing their right to get educated are serving in households as domestic helpers. The children who will not be able to perform in school or would never get enrolled end up in this exposed working class.

A cross comparative analysis between the ASER results of out of school children and Labor force participation survey of Pakistan reveals that from the year 2012 to 2015, only a percentage of 2.6% decrease has been reported in Child domestic labor. The labor force participation for children in the year of 2013 was recorded to be 14.27% and for the year 2015, the stats reflect the rate to be at 12.6%. The sluggish decrease in this rate is an image of a flawed policy and a casual approach to solving the mounting issue of Child domestic labor in Pakistan.

The law is in place but there is still a lapse in policy making that results in cases like Tayyaba's torture¹¹ and her compromised situation as a child worker. According to a report published by Institute of Social Justice in 2012, “Internal trafficking of children is pervasive as the children are sold by their parents or forced into marriage, forced labor, sexual exploitation or domestic servitude”¹². The report displays the increasing vulnerability of these children given the lack of awareness, low literacy rates and non-inclusive systems of education and justice. Child domestic labor is entrenched in the culture of our society and is treated insouciantly. This attitude towards an issue that requires urgent intervention from government and stakeholders is perilous to the society. Evidence based, informed policy making is crucial for the country and the issue at hand.

**Policy Recommendations:**

The issue of child domestic labor remains veiled and is under-reported due to its invisibility of being present behind closed doors across all social economic groups. The possibility of high prevalence therefore is staggering across Pakistan. Each case that comes in the public eye graphically illustrates extremes forms of violence that gets amplified with high public attention illustrating why it should immediately be declared as the worst forms of child labor, as per

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¹²Institute of Social Justice report on Child labor 2013
ILO Convention 182\(^3\) classification but it continues to elude law makers and Children's employment Act 1991. Various qualitative researches and advocacy briefs highlight this aspect and its linkages with many other serious societal issues closely intertwined around child domestic labor or as rightly stated 'modern forms of slavery'.

- The current scenario draws attention to the ramifications of no proper laws for child labor banning child domestic labor. It is also reflective of the weak state of judicial system in the country. The justice system's strengthening can guarantee the rights of these weak children coming from a societally disadvantaged background.

- The employment of Child domestic labor has to be obliterated in the country to address the core issue. There has to be a complete ban on these children working in the domestic spaces as helpers. The law needs to include domestic setting for employment of these children as 'hazardous'.

- Internal trafficking of children within Pakistan is a huge contributor to Child Domestic labor in the country. The trading of these children needs to be immediately stopped through steps taken at federal level. The government needs to build liaison with provincial governments and provide safety to the children who are being traded in the country like a commodity.

- There is no national child protection policy for this vulnerable group of children in particular and all the children in the country in general. The government needs to be pushed for attaining a policy for greater advantage of all children in the country. The child protection plans have to be devised and placed with safety nets for providing disadvantaged children with spaces to live, nurture, get educated, find ways of learning skills for sustainable futures and leading better lives.

- National Database & Registration Authority (NADRA), Pakistan has been rigorously involved in data collection for identification and data management of citizens in Pakistan. NADRA has devised systems for Child registration through CRC\(^4\) that collects data of the newborns across the country and keeps a documented proof of their birth and descent along with a juvenile card for children below the age of 18 years. The Child Registration certificates are to be acquired by the parents on birth of the child and juvenile card can be applied for on basis of these CRCs. The facility devised by NADRA for record keeping has not been efficiently incorporated into policy and practice. There is a lack of concise policy competent with these registration and identity procedures that can help safeguard the rights of this under-aged working class and help in elimination of violation against rights of these children.

- The Right to education (RTE) act, Article 25-A provides basic rights for attaining education to these children of school going age and by compulsion sends these children to school. Instead these children are still seen working in our homes and reflect a failure of efficient practice of the Right to Education Act. The efforts need to be done in a more innovative manner starting from the government influencing every individual to bring about a revolution in the system and bringing these kids working in our homes to schools. This might be the only way out for saving their childhood.


\(^4\)Child Registration Certificate (CRC) is a registration document used to register minors under the age of 18 years. It is the fundamental right of a child to get a registration certificate from the place of origin.