











GOVERNMENT OF KHYBER PAKHTUNKHWA, LABOUR DEPARTMENT, PESHAWAR



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LABOUR DEPARTMENT,

PESHAWAR

POLICY PRIORITIES

- Gradual eradication of child labour through integration of policies and mainstreaming the issue of child labour in policies and programs;
- Collection of labour statistics on child labour and making accurate and reliable data available for the planners and policy makers;
- Elimination of worst forms of child labour through addressing root causes in a gradual and sustained manner;
- Efficient and effective enforcement of law on compulsory education and laws relating to child labour;
- Tackling the issue child labour through referral mechanism; linking potential partners, educational institutions and departments involved in rehabilitation and welfare of children;
- Coordinated efforts to make education free and accessible for all school going age children in KP;
- Education and awareness of the parents, families and the key stakeholders on the evil effects of child labour and value of education and human resource development;
- Active involvement of the civil society, NGOs, private sector and philanthropists;
- Re-alignment of existing institutions i.e. skill development bodies, apprenticeship scheme, social protection schemes and poverty alleviation programs to tackle child labour:
- Collaboration with research organization for research and development to find out solutions regarding all invisible forms of child labour prevailing in agriculture sector, domestic work, home based work, etc.

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ACRONYM

BISP Benazir Income Support Programme

CLU Child Labour Unit

C&BLU Child and Bonded Labour Unit

CM&RM Community Monitoring and Reporting Mechanism

DGPR Director General Public Relations

DOL Department of Labour

DVC District Vigilance Committee

GSP Generalized Scheme of Preferences

IEC Informational, Educational and Communication

ILO International Labour Organization

ILS International Labour Standards

IPEC International Program on the Elimination of Child Labour

KP Khyber Pakhtunkhwa

KP CCCL Khyber Pakhtunkhwa Coordination Committee on Child Labour

NADRA National Data Base and Registration Authority

NGOs Non-Governmental Organizations

OSH Occupational Safety and Health

PBOS Provincial Bureau of Statistics

PCLU Provincial Child Labour Unit

PTCC Provincial Tripartite Consultative Committee

P&D Planning and Development Department

RPL Recognition of Prior Learning

SDGs Sustainable Development Goals

SIMPOC Statistical Information and Monitoring Program on Child Labour

TEVTA Technical Education and Vocational Training Authority

UN United Nations

WFCL Worst Forms of Child Labour

Khyber Pakhtunkhwa Child Labour Policy, 2018

1. Introduction:

Child labour is a complex and multifaceted phenomenon which refers to the exploitation of children who are either too young to work, or are of working age but work under conditions that subject them to risk. On the supply side, poverty, lack of access to education, over population, relative poverty, teacher's attitude in schools and parent's decision making are compelling factors for the parents to send their children to work. On the demand side, technology, vulnerability of children, labour cost and the way a society organizes its production processes help determine the extent to which children engage in labour. Social exclusion of the poor is another strong factor that keeps children out of school and leading them to work.

The extent and magnitude of child labour in KP is not known as no reliable data on the issue is currently available. However, its incidence is not denied in the province; it prevails with greater extent in the informal sector and also in the agriculture sector.

The Government of KP is cognizant of the evil effects of child labour as this is not only detrimental to the children's physical, mental, social and moral development of children involved but also deprived them of their basic right of education and future development. In fact, it is underutilization of human resources and is a threat to future human resource development.

The efforts and initiatives of the Governments and partners to tackle the issue are appreciated with the understanding that no single effort by any of the partners in isolation can be sustained unless complemented with similar and reciprocal actions by others. In fact, it is through mainstreaming and integration that we can tackle the menace in a systematic and sustained manner.

The Government of KP through this policy initiative resolves to commit elimination of child labour, particularly, of its worst forms, holistically, and through involving all the social sector departments of the public sector, civil society, NGOs, social partners, parents, teachers and community at large.

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¹ ILO, 2008

2. Pakistan's International Commitments:

Internationally, Pakistan is signatory to UN Convention on Child Rights and under its Article 32, it is obligatory on the governments to protect children from work that is dangerous or might harm their health or education. Pakistan has ratified ILO' Minimum Age Convention (C-138) and Worst Forms of Child Labour Convention (C-182), both prohibiting working of children in their tender age and banning worst forms of child labour, respectively.

Box 2.1: International Commitments and Need for Policy and Program of Action for Abolition of Child Labour:

- **1.Minimum Age Convention, 1973 (No. 138):** Article 1: Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.
- 2. Worst Forms of Child Labour Convention, 1999 (No. 182): Article 1: Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. According to its Article 6 (1) each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

Pakistan has also committed through signing the UN Declaration on Human Rights, 1948, the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1956, the Fundamental Principles and Rights at Work and ratification of Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105) to eradicate forced and bonded child labour.

GSP Plus regime reinforces Pakistan's obligation to comply with these international covenants. Moreover, Pakistan has also endorsed the Sustainable Development Goals (SDGs) which under SDG 8.7 entail immediate and effective measures to eradicate child labour and forced labour in all its forms by 2025. SDGs 4 and 16 also require urgent action on child labour through quality education and action in case of violence against children, respectively.

Box 2.2: SDG: 8.7:

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

3. The Constitution of Pakistan:

According to Article 11(3) of the Constitution of Islamic Republic of Pakistan, no child, below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment. Article 37(e) makes provision for secure and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex. Article 25-A of the Constitution guarantees provision of free and compulsory education by the State to all the children aging between 5 to 16 years.

² SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

³ SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

4. The Policy Context:

After the 18th Amendment in the Constitution of Islamic Republic of Pakistan, the following two laws promulgated by the Government of Khyber Pakhtunkhwa have direct implications on child labour:

- i) The Khyber Pakhtunnkhwa Prohibition of Employment of Children Act, 2015
- ii) The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017

Enforcement of the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017 restricts children's entry into the labour market through their enrollment in schools whereas the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015 prohibits children's entry into the labour market through prosecution of the employers engaging these children at work. Both the laws, if enforced simultaneously and in a coordinated manner can effectively be utilized for elimination of child labour.

The KP Child Labour Policy endeavours to guide and plan actions to eradicate the menace of child labour through coordinated efforts, utilization of the existing resources, additional resource allocation and generation of funds through policy mainstreaming and active involvement of private sector. In this backdrop, this policy document has been initiated to address these gaps and to realign the efforts in a concerted way so that the menace of child labour can be eliminated from the province in a sustained manner.

5. Policy Objectives:

The KP Child Labour Policy will have following objectives:

- i) Eradication of child labour, particularly, of its worst forms and gradual elimination of all forms of child labour from all the sectors of KP economy with the intention to declare KP a child labour free province;
- ii) Ensuring that all children of school going age are in schools rather than at the workplace as it is through schooling that we can save the future of our nation;
- iii) Mainstreaming of the issue of child labour and policy integration through coordinated efforts;
- iv) Ensuring that accurate and reliable statistics on child labour are collected on regular basis and are available for researchers and policy makers;
- v) To put in place a robust and vibrant inspection system which along with conducting vigorous inspections also take penal action against the violators of law;
- vi) To develop a mechanism which facilitates rehabilitation, development, protection and welfare of children involved in child labour through a central referral system with proper follow-up;
- vii) Promotion of research and development on various dimensions of child labour and initiation of research on socio-cultural factors of worst forms of child labour;
- viii) Establishment and running of community monitoring and reporting mechanism for child labour;
- ix) Linking child labour families with the existing social protection schemes, like, BISP, micro credit institutions and KP special initiatives on social protection;
- x) Awareness campaign to aware parents, teachers, families and the community about the evil effects of child labour and motivate them to join hands with the Government in its efforts to eradicate child labor; and
- xi) Efforts to tackle domestic child labour and children involved in home based work, informal sector and in agriculture sector through coordination with other departments and community involvement.

6. Main Features of the KP Child Labour Policy

6.1. Updated and Accurate Statistics on Child Labour

Efforts will be made to initiate and facilitate, surveys, research on various dimensions of child labour with strengthening survey design and scope in terms of statistical definitions and effective integration of the child labour primarily through mainstreaming efforts focusing on labour force surveys, child protection surveys and various other surveys carried out by the federal government and the province. Efforts will be made to more effectively capture data on worst forms of child labour through the mainstream surveys, supplemented with qualitative and quantitative research on specific topics.

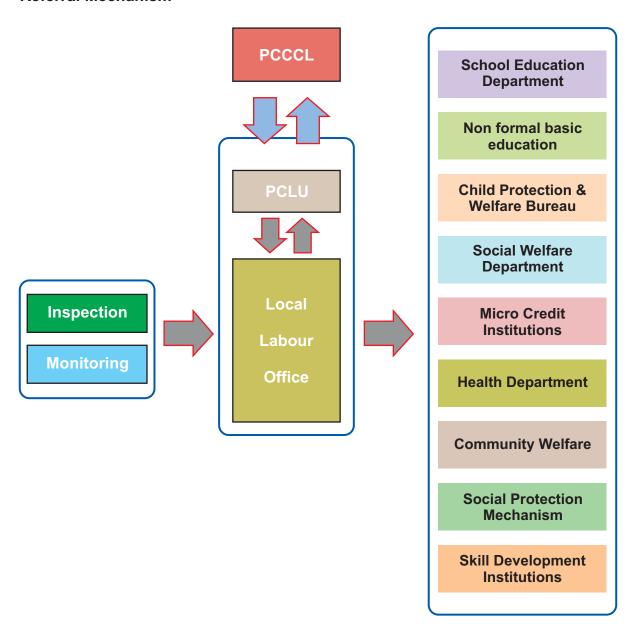
Reliable, accurate and updated data on various aspects of child labour will be made available for the researchers, policy makers and planning purposes.

The KP Department of Labour with the support of the UNICEF has already taken Provincial Bureau of Statistics on board to gather statistics on child labour under the SIMPOC methodology. The data so collected will not only be authenticated but will meet the international standards.

6.2. Effective Labour Inspection with Referral Mechanism

Enforcement of laws on child labour will be made more effective as a result of more capacitated labour inspection system with trained and dedicated inspectors, rigorous punishments, improved follow-up, introduction of super inspection and monthly progress review mechanism. Full particulars of the child labour identified during the course of inspection will be noted down by the inspecting officers who will transmit the information to the central authority and the Child & Bonded Labour Unit (C& BLU) at the provincial level, from where the matter will be referred to the concerned authorities for rehabilitation and welfare purposes. The C&BLU will maintain record of the child labourer and will undertake proper follow-up. The report on such cases will be presented to the Provincial Coordination Committee on Child Labour on monthly basis.

Picture: 1
Referral Mechanism



The local officers of Labour Department will remain in close contact with the all line Departments civil society organizations, NGOs, employers' federations, workers' organizations and work as a hub of the activities under the referral system. They will coordinate horizontally as well vertically to make the mechanism successful and functional in a sustained manner. The activities of referral system will be coordinated in the province by C&BLU.

6.3. Tackling Worst Forms of Child Labour

The Policy suggests immediate withdrawal of children from the worst forms of child labour and their sustained rehabilitation. It recommends:

- i) Worst forms of child labour requires direct action; efforts therefore, will be focused to initiate
 projects for withdrawal of children involved in worst forms of child labour and their rehabilitation
 in a sustained manner through referring the children to child development and child protection
 institutions;
- ii) List of Hazardous Occupations will be reviewed after every two years by the Provincial Coordination Committee on Child Labour on the basis of research and information collected through the Provincial Child Labour Unit;
- iii) Rigorous enforcement of KP Prohibition of Employment of Child Act in the most hazardous sectors, like, goods transportation, stone crushing, etc.
- iv) Improvement in reporting of inspection and follow-up;
- v) Collaboration with the local community in the shape of community monitoring or in any other formation to restrict children from doing hazardous nature of work, the work which does not come under the ambit of Labour Department i.e. rag picking, home based work, domestic work, children involved in labour in rural economies, etc.
- vi) To find out the ways and means and search for alternatives to address worst forms of child labour connected to culture, traditions and trades and particularly in the cases where child labour is used as a mean to preserve certain skills, professions and occupations under informal apprenticeship i.e. traditional "Ustad Shagird" system.

6.4. Integration of Policies

The KP Child Labour Policy will promote and facilitate complementary positive interventions that are supported through the multiple relevant policies, programs and budgets, specifically in the social sector at all levels that impact child labour. Efforts will be focused on the systematic mainstreaming and integration of action to end child labour in the social policies including KP Human Rights Policy, programs and budgets. All poverty alleviation strategies will include elimination of child labour as prime objective as child labour is not only the cause of poverty but in fact, it perpetuates poverty.

Opportunities under the Government and UN initiatives related to the Sustainable Development Goals (SDGs), particularly, SDG 8 and SDG 4 and Pakistan's Decent Work Country Program will also be explored and availed.

The existing initiatives on poverty alleviation, like, BISP, provincial social protection floor and safety nets will be made available for the benefit of the child labour families through establishing linkages and coordinated efforts.

6.5. Education for All

The policy suggests enrollment of all out of school children in the age bracket of five to sixteen years as guaranteed under Article 25-A of the Constitution of Pakistan and provided under section 3 (1) of the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017. The policy will utilize the already available Government steps, like, "emergency in the education sector" with the aim to increase the enrolment rate wherein teachers are offered allowances and their training regime is being strengthened. The KP Education Department and Directorate of Elementary and Secondary Education will facilitate the target families through enrollment of their children in the educational institutions. Special efforts are required to be made to sensitize teachers on the issue of child labour and its evil effects and they will be motivated to work for education of the children involved in labour.

The policy supports initiation of non-formal basic education for the children involved in labour and will coordinate efforts towards revising syllabus of non-formal basic education to make it child worker friendly which should also fulfill the educational, recreational, developmental and rehabilitative requirements of the children withdrawn from the worst forms of child labour.

The policy will further support coordination of the efforts to cater for the educational needs of the children involved in the "light work" as provided under section 3 of the KP Prohibition of Children Act, 2015.

6.6. Skill Development and Apprenticeship

Skill development institutions will be taken on board to start skill learning programs specifically for the children involved in labour. Outreach of these institutions will be extended to the informal and rural economies through public private partnership.

"Recognition of Prior Learning" (RPL) can be a good alternative for the informal learners. Their prior learning will be recognized through examination and certification by KPTEVTA.

Apprenticeship program presently administered and regulated under "Apprenticeship Ordinance, 1962" will be reviewed specifically focusing the needs and requirements of children involved in labour through considering reduction in the minimum age of internship, extending scope of the scheme to the commercial sector and considering variety of other options to make it an effective and useful tool to address the problem of child labour.

6.7. Social Protection

It is widely recognized that social protection benefits and social transfers are amongst the most powerful and direct tools for combating poverty and inequality. Social protection of the target families helps reduce child labour as the families sending children to school rather than to work are compensated through economic benefits. Social Protection Floor has already been designed in the province of Khyber Pakhtunkhwa to protect vulnerable segments of the society including children, women, the disabled, the elderly and unemployed youth. The policy recommends that child labour families should be linked to that floor and protected in an integrated manner to address the issue of child labour.

6.8. Community Monitoring

Child labour is a socio-economic and sometimes a cultural issue and its eradication without involving community is not possible. ILO-IPEC was successfully implemented with the active involvement of local communities. The policy recommends involvement of community in most of the interventions

⁴ Social Protection Floor has been designed with the support of ILO and pilot interventions are expected in two districts of KP. The floor should focus on child Labour families.

and projects for eradication of child labour. Community Monitoring and Reporting Mechanism (CM&RM) can be a better alternative in the sectors, areas and workplaces which are not covered under formal labour inspection. Labour Department can easily extend outreach of labour inspection through mobilizing, organizing, training community and utilizing its services for monitoring and reporting of child labour. The children such reported can also be withdrawn and rehabilitated with the active involvement and support of the locals.

6.9. Private Public Partnership

The private sector including workers, employers and their organizations, civil society, NGOs, individuals, philanthropist and community can contribute with the government in its efforts against child labour. These individuals and groups can support Government action and can contribute in withdrawal of children from hazardous work, contribute in rehabilitation and welfare efforts or may participate in mass awareness campaign through becoming part and parcel of the preventive arrangements against child labour. The potential of the local civil society organizations and NGOs will be explored to align it with the efforts made by the Government.

6.10. Research and Development

A number of factors are responsible for child labour. Similarly, there are a variety of solutions too. It is through regular and intensive research that we can find out the exact reasons and solutions of the issue specifically under different conditions and circumstances. The policy suggests promotion of research on various aspects of child labour through coordination with the regional research organizations and universities in the province. In this regard, the students of M Phil and Ph. D will be motivated to do their thesis on issues related to child labour.

6.11. Education and Awareness

Awell- coordinated campaign under the overall control of KP Information Department will be launched for the awareness and education of the general public on the evil effects of child labour and benefits of education. Informational, Educational and Communication (IEC) material developed in the PCLU will be distributed to the target population during the campaign. Employer's and worker's organizations will also be expected to conduct awareness sessions in collaboration with Worker's Education Wing of the Labour Department. Similarly, the importance of civil society, NGOs and local community in this regard can never be underestimated, the policy, therefore, recommends full utilization of these potentials.

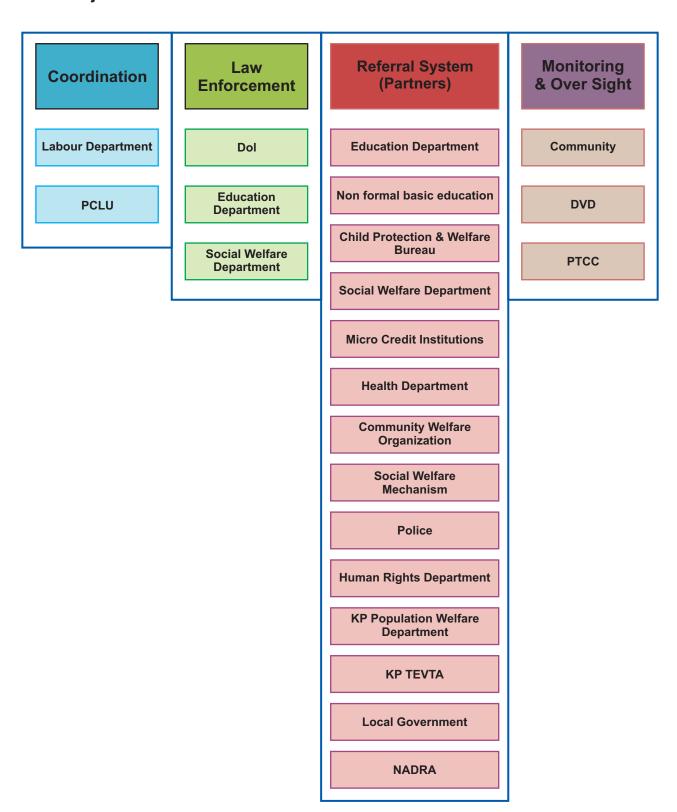
6.12. Child Domestic Labour and Child Home Based work

The existing labour laws are not applicable to the domestic child labour and child home based work. In order to address exploitation of children in these sub-sectors, the policy suggests conducting of studies and exploring possibilities of bringing these practices in the ambit of existing or new labour laws.

6.13. Family Planning

"Supply creates its demand"; children are engaged at workplaces because they are available. The family size and unemployment rate are the highest in KP if compared with the rest of the country. Similarly, labour force participation rate and literacy rates are the lowest with respect to other provinces. In these circumstances, this is high time to work on family planning. The recent initiative of the KP Population Welfare Department by involving "Pesh Imams" of Jamia Masque in the family planning drive will be effectively utilized through coordination. This policy recommends specific and targeted interventions of family planning in the areas and occupation of child labour concentration keeping in view our religious and cultural values.

Picture: 2 Major Partners and their Role



7. Policy Implementation

7.1 Implementation Mechanism

Implementation of KP Child Labour Policy will be the overall responsibility of KP Labour Department under the following institutional arrangements:

7.1.1. Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL)

The Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL) constituted under section 5 of the KP Prohibition of Employment Children Act, 2015 will be responsible to steer the KP Child Labour Policy. KPCCCL will monitor, review progress and coordinate the integration and mainstreaming of the issue of child labour in the policies, programs and projects in the social sector.

7.1.2. Child and Bonded Labour Unit (C&BLU)

C&BLU will be the hub of most of the activities of coordination, facilitating surveys, maintaining record of child labourers, referral system with proper follow-up and working as secretariat of Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL). The Unit will be responsible for the following functions:

- Strengthening vertical as well as horizontal coordination in the efforts to eradicate child labour;
- As a provincial focal point to eradicate child labour in the province, C&BLU will be responsible
 to liaise with the ILO and other international and UN agencies working in the province in order
 to seek allocation of resources and technical assistance to realize the objectives of this policy;
- C&BLU will be custodian of statistics on child labour and will ensure through coordination that surveys / data on child labour are conducted on regular basis;
- To facilitate the functioning of Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL);
- Initiate research through universities and regional research institutions on various aspects of child labour;
- To manage child referral system with proper follow-up and tracking mechanism;

- To initiate projects on mainstreaming and integration of issues of child labour in social sector policies, programs and projects;
- C&BLU will be responsible to coordinate amongst the social partners, stakeholders and line
 Government organizations to collect information on child labour and developments in this
 regard and submit the same to the Provincial and the Federal Government for reporting on the
 ILS, GSP Plus, SDGs, etc.
- To coordinate and collaborate with civil society organizations and community groups active in addressing the issue of child labour;
- C&BLU will be responsible for development of Informational, Educational and Communicational (IEC) material and will coordinate the awareness campaign on child labour.

7.1. Roles and Responsibilities of Major Implementing Partners

Sr. No.	Description of Activity	Responsibility
1	Availability of accurate and reliable data on child labour	PBOS &UNICEF
2	Education and awareness of stakeholders	Worker's Education Wing & Social partners
3	Enforcement of Laws on child labour	DOL
4	Rehabilitation of children involved in WFCL	DOL & (Education & Social Welfare Deptt.)
5	Establishment of Model OSH Workshops (in ten districts where children will be engaged for 2 hours for the purpose of education and skill learning)	DOL and employers
6	Research and development on child labour (initiation of research theses in ten universities)	C&BLU-DOL, regional research institutions & Universities
7	Administration of Free and Compulsory Education Law and enrollment of children in schools	School Education Department
8	Protection and Welfare of children involved in WFCL	Labour Department and Partners attached under referral mechanism

9	Policy integration on child labour	Planning & Development Labour Department, KP Human Rights Department & other partners in the public sector
10	Public Awareness; holding of seminars, publicity through print and electronic media	DOL & Information Department
11	Social Protection of the families of child labourers	Labour Department and Partners attached under referral mechanism
12	Special interventions/ projects against worst forms of child labour	DOL &P&D
13	Skill development of children involved in worst forms of child labour	KP TEVTA
14	Health screening of child labourers	Health Deptt
15	Registration of child labourers-B Form	Local Government, NADRA
16	Child labour monitoring and Reporting mechanism	DOL &Community
17	Revision of the list of hazardous occupations	Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL)
18	Strengthening of Provincial Child Labour Unit	DOL &P&D
19	Teachers' training for attitudinal change to address dropout and to improve retention	KP Elementry and Secondary Education Department.
20	Necessary amendment in syllabus	Education Deptt
21	Mainstreaming of child labour in policies, programs and projects	P&D and DOL with the support of all partner organizations in the public sector
22	Drama, features, essays & columns	Radio Pakistan, PTV, Information Department, DOL
23	Celebration of International day against child labour and similar events	DOL, social partners, Information Department, Education Deptt
24	Complaint unit, Toll free phone, etc.	DOL
25	Policy review	KPCCCL, DOL & partners

8. Policy Review

The KP Child Labour Policy will be reviewed after every three years involving the implementing partners and the stakeholders by the Khyber Pakhtunkhwa Coordination Committee on Child Labour (KP CCCL).



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