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Legislation for Child Labor and Compulsory Schooling in Pakistan: Some Issues

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Abstract

The lack of proper legislation about child labor and compulsory schooling, and its enforcement sustains child labor and a bulk of out of school children in Pakistan. This is manifested in different ways. In this paper we have discussed the issues of legislation and its implementation. Since child labor legislation do not cover informal sector, it is further hampered by the collusion of parents with employers in violating the law. There are also inconsistencies in

legislation, which may pose problems. For example, there is no uniform definition of child labor in different Acts of legislation, and the penalties for offenders are generally too light to have a deterrent effect. Statutory provisions clearly defining the nature of work do not accompany a legal ban on child labor. Moreover child legislation is not done according to the ratifications of international conventions.

Introduction

During the period of industrialization in Europe, ban on child labor and compulsory primary education have consistently played a central part to combat child labor and encourage children to attend school. Heywood (1988) argued that child labor legislation in late 19th century in France induced families to invest time in primary education. The employers were required by law to hire only children with a certificate of compulsory school completion. This provided a major incentive for children to go to school and sit for public exams. Angrist and Kruger (1991) suggested that compulsory schooling legislation played a significant role in raising teen attendance in schools. Brown, et. al. (1992) have concluded that both laws and economics has played a role in decline of child labor in USA¹. However, whether child labor laws have more impact on abolition of child labor than education laws lacks consensus of researchers.

No study exists about Pakistan even South Asia making the evaluation of impact of child labor and compulsory schooling legislation on children welfare, because child labor legislation and compulsory schooling laws were non-existent there for a few decades ago. Even they are not properly implemented in almost all in South Asia at present. However policy reforms and the economic forces at work in the 19th century USA and Europe are similar to those of many developing countries in the present. It makes us prefer to see the historical European and US evidences of child labor and compulsory schooling legislation. Compulsory school attendance laws specify the minimum period of attendance and a minimum and maximum age between which attendance is required. They also provide penalties and procedures for non-compliance and list the conditions under which individual could be exempted from-attending school. Exemptions were given for a variety of reasons, including achievement of a certain level of education

¹ There is an exception; Scholliers (1995) concluded that child labor diminished without any laws or regulations in Ghant Cotton industry.

(for example, the completion of matric), mental or physical disability, distance from school, poverty and lack of schools. A number of studies concluded that these laws were effective. Schmidt (1996) has found large effect of compulsory education laws on the probability of high school completion. Lleras-Muney (2001) concluded that laws requiring a child to attend school for one more year, either by increasing the age required to obtain a work permit or by lowering the entrance age, increase educational attainment by about 18 days on average. Compulsory schooling laws lowers inequality in education since they increase the education level only of those at the bottom of the distribution. Importantly, these results did not suggest to be endogenous¹, in the sense that compulsory attendance and child labor laws appear to have caused education to increase, not vice-versa.

There are a few mechanisms through which compulsory schooling may affect the distribution of education. The standard human capital model predicts that the laws would affect only those below the required level of education. Individuals obtaining more than the required level of schooling would not be affected at all. In the situation, the laws would increase average education and decrease educational inequality by increasing the attainment of the lower percentiles education (Chiswick 1969). Lang and Kropp (1986) suggested that if individuals at lower levels of education stay in school because of the laws, then even those not targeted by the laws might increase their school in an effort to differentiate themselves from the bottom. So the laws would shift the distribution of education to the right. The shift would be most likely smaller at higher levels of education. It also implies a lower level of inequality in education. Furthermore, if

¹ Endogeneity here refers to econometric endogeneity. The argument is that the laws did not result from increases in education or any other variable that explains both.

there is option value effect, that is those, who are forced to obtain the required level of schooling might continue their education beyond what the law prescribes, because they now have the option to do so (for example, those who are forced to finish secondary school can now decide to go to get a high school degree). The distribution of education would therefore be compressed even more than the human capital theory have predicted.

Compulsory school laws have historically been remained the most effective instrument to the problem of child labor (ILO 1998:25) and for a variety of reasons laws on compulsory education are easier to enforce than child labor laws. In many communities, education is highly regarded, even if economic and social constraints limit attendance. Local education officials know who is attending school and who not and can influence parents' decisions on the matter. Making primary education compulsory leads to the registration of all children in the community and makes a commitment to both universal enrolment and retention of school-age children within schools. The child labor contributes significantly to household income², particularly in developing economies. It makes the policy makers hard to adopt child labor legislation. In addition, the cost and benefits of such legislation are not evenly distributed among the population. The poor households who cannot afford to send their children to school may feel very differently about these policy innovations than the wealthy members of the upper class whose own children receive an education whether or not child labor legislation is in place and for whom children are an important source of cheap labor force for their factories.

There is another matter where researchers have a differing estimate that is

² See, Hamid (1993), Hussain (1998), Anker and Melkas (1996 for India), Psacharopoulos (1997) for developing countries and Levison et. al. (2001) for developing countries.

whether the child labor laws and compulsory schooling laws are substitutes or complements to each other. The conventional wisdom among economic historians is that compulsory schooling legislation has little impact on teen attendance because the laws are imperfectly enforced (Eisenberg 1994). Acemoglu and Angrist (1999) have found that the effects of such laws on educational attainment are positive and significant, but the effects of child labor laws are larger. In Pakistan, child labor legislation has been able to control child labor in the formal sector to some limited extent. As a result, it is most prevalent in the highly unmonitored, informal and rural sectors (Kemal and Mehmood 1993). Enforcement problem is acute in the informal sector because the sector exists away from main cities and in agriculture, in small businesses such as shop and hotels, in street trading, and in domestic service and home-based work. Chaudhri and Wilson (2000:13) have narrated that home-care children cannot be covered by any child labor legislation except compulsory school legislation. Some researchers (see for instance, Thijs 1997:16; ILO 1997) opined that legislation against child labor is not an ideal solution in a country like Pakistan. Child labor phenomena is not as simple as it appears and it needs consideration in the context of microeconomics of family and population growth and macroeconomics of social security structure of a country, unemployment, underemployment, opportunity cost of education and productivity of formal education (Thijs 1997). So the child labor legislation, in addition to protecting children from unsuitable or dangerous work must be aimed at ensuring that their education and development is not jeopardized. It seems more appropriate that the child labor laws and compulsory education laws are complement to each other (Thijs 1997) and the enforcement of one contributes to the enforcement of the other. For instance, the minimum age regulation is one of the most effective legislation to combat child labor, but it should be linked with the age for

compulsory education, as ILO Minimum Age Convention No.138 (1973) dictates. But there is discrepancy in many countries including Pakistan, between the minimum school-leaving age and the minimum age for employment. In some countries, the age for compulsory education is less than the minimum age for employment. Thus the children who leave school at the statutory age have to wait before they can lawfully engage in economic activity. There is a different problem if the minimum school-leaving age is higher than the minimum age for work. As soon as the law permits the children to work, many children, particularly from deprived families stop going to school and begin work. In such cases there is need to conform the school-leaving age to the minimum age for employment.

The economic historians have emphasized the role of compulsory schooling legislation and child labor legislation, along with development of other factors like raising parental income and increased returns to schooling. Margo and Finegan (1996) found that compulsory schooling laws combined with child labor laws that restrict or prohibit the paid employment of children under age 14 in a relatively wide array of occupations or industries impacts the schooling positively. There are two reasons why age-compatible child labor laws may have enhance the effectiveness of compulsory schooling laws. First, prosecutions of child labor laws, i.e. by reducing the incentives to seek paid-employment, child labor laws may increase school attendance. Second, child labor laws require the children satisfy certain educational requirements (for example, completion of 10 years of formal education) before commencing work.

Lack of comprehensive legislation and its implementation (child labor and compulsory schooling) is one of the major causes of low school participation of children and prevalence of child labor in Pakistan (Hamid 1993:46; Hussain 1998).

Improvements in effective legislation are most essential. The legislation should prohibit the employment of children in types of work or in working conditions likely to impair their health, safety, education, morals and dignity. The present study will see the current state of national legislation on child labor and compulsory schooling.

Objective

The objectives of the study are as:

- Probe the child labor legislation and compulsory school legislation
- Analyze the extent of accordance of legislation to international conventions
- See the flaws in child labor legislation in Pakistan and give the proposals

Discussion

There is bulk of evidences in literature depicting that national legislation is one of the effective ways to combat child labor. For instance, Dessy and Pallage (2003) opined that fight against child trafficking one of the worst forms of child labor can only be won by effectively combining legislation with other policy measures, including better quality of education and poverty alleviation programs. International covenants and standards on child labor provide the basic legal framework for national legislation. A good number of ILO conventions and other international treaties are relevant to child labor while a number of conferences are related to compulsory primary education.

International Legislation

From the first International Child Labor Convention 1919, the world's position on child labor has evolved and expanded over the years. It has come to address any kind of work, paid or unpaid, that is injurious to children, and to set out safeguards and protections for children who work. Following are the international legislative landmarks in addressing child labor.

1919: ILO Convention No.5 [Minimum Age (Industry) Convention]. The convention established 14 years as the

minimum age for children to be employed in industry. Pakistan is bound on the convention as the government of British India being member of ILO had ratified it in 1919.

1930: ILO Convention No. 29 [Forced Labor Convention]. The convention protects children against some of the worst forms of exploitation that is child bondage. It aims at suppressing the use of forced or compulsory labor, defined as "all work or service, which is taken from any person under the menace of any penalty and for which the said person has not offered him voluntarily".

1966: International Covenant on Civil and Political Rights. The UN General Assembly adopted the covenant in 1966. It reaffirms the principles of the Universal Declaration of Human Rights (1948) with regard to civil and political rights. It commits States parties to take action to realize these rights. Article 8 states that no one should be kept in slavery or servitude or be required to perform forced or compulsory labor.

1966: International Covenant on Economic, Social and Cultural Rights. It reaffirms the principles of the Universal Declaration of Human Rights with regard to economic, social and cultural rights. Article 10 enjoins States parties to protect young people from economic exploitation and from employment in work harmful to their morals, their health or their lives, or likely to hamper their normal development. It also commits States parties to set age limits below which the paid employment of child labor should be prohibited and punishable by law.

1973: ILO Convention No.138 [Minimum Age Convention]. The Article 2 of the convention sets the general minimum age for entry into employment or work at 15 years or the age of the completion of compulsory education which ever is high. However, the Article 3 makes the provision that states may begin by setting a minimum age of 14 with a view to raising it once the economic circumstances and the development of educational facilities permit

the same. The Convention specifies 15 years as the age for “normal circumstances” but it also specifies some special cases. In special case of “light work” the age limit is 13 years and for “hazardous work” it is 18 years. The minimum age for any type of work is set at 18 years. The convention allows children to engage in light work before they reach the minimum age for employment. It allows for children over 12 years of age to engage in light work, where educational facilities are insufficiently developed. Pakistan has not ratified the Convention No.138 and the Minimum Age Recommendation No. 146 (1973), which states to rise the minimum age of employment to 16 years.

1989: United Nation’s Convention on the Rights of the Child (CRC). Article 32 is specially devoted to child labor. Article 32 of CRC recognized children’s right to be protected from work that threatens their health, education or development. The Convention defines children as persons under the age of 18 unless the age of maturity is attained earlier. It requires States Parties to take legislative, administrative, social and educational measures to ensure to provide for:

- Minimum age or minimum ages for admission to employment
- Appropriate regulation of the hours
- Appropriate penalties and sanctions to ensure enforcement of its provisions.

The right of the child education is also recognized under this Convention, which provides that primary education should be compulsory, and available free to all. Several other articles of CRC have a particular bearing on various extreme forms of child labor such as sexual exploitation and sexual abuse, the abduction of children, and sale or traffic in children. Pakistan has signed the convention, but it is not implemented with full strength. Its laws have flaws as they do not cover all types of child labor mentioned in CRC. There is no standard definition of a child in Pakistani law. In most of the labor laws “child” is

defined as a person who has not completed his 15 years³, however all forms of forced labor and traffic in human beings is prohibited⁴.

1996: Home Work Convention. The convention recognized that laws concerning the working conditions of laborer also apply to home-based workers referred to as home-workers. Article 1 defined home work as work carried out by a person, to be referred to a home-work, in his or her home or in other premises of his or her choice, other than the work place of the employer for numeration, which results in to a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered as independent work under national laws, regulations or court decisions. Most importantly, it sets a minimum age for admission to employment or work for home due to probability child labor in home-based work and sub-contracted work. Unfortunately, Pakistan has not ratified the homework convention 1996.

1999: ILO Convention No.182 [Worst Forms of Child Labor]. The Convention No.138 is the fundamental standard on child labor. Article 1 of the convention states “each member which ratifies this convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency”. Article 2 states that the term “child” shall apply to all persons under the age of 18 (ILO 1999).

The convention adds to the existing body of laws for the prohibition and elimination of child labor including Minimum Age for Admission to Employment (1973), Forced Labor Convention (1930), Convention of the Right of Child (1989), and Convention

³ Section 3-C, The Mines Act 1923; The Children (Pledging and Labor) Act 1933; Section 2-C, The Factories Act 1934; Section 2, Shops and Establishment Ordinance 1969; Employment of Children Act 1991.

⁴ Article 11, The Constitution of Islamic Republic of Pakistan 1973.

of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). According to this convention ratified by Pakistan in 2001, the term child apply to all persons under the age of 18 (Article 2).

There are some other major international pronouncements, which have bearing on child labor. Some of these are as:

1. The Universal Declaration of Human Rights, 1948
2. The Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
3. Supplementary Convention on the Abolition of Slavery, 1956
4. The international Covenant on Human Rights, 1966
5. The UNICEF Resolution on Children in Especially Difficult Circumstances, 1986.

International Agreements and Conventions Ratified by the Govt. of Pakistan.

Government of Pakistan has ratified a number of agreements and conventions related to child labor and compulsory primary education⁵. It is needed to modify the national legislation, completely under the aegis of these agreements and conventions.

1. United Nations Convention on the Rights of the Child 1989
2. ILO Forced labor Convention No.29, 1930
3. ILO Minimum Age Convention (industry) No.59, Revised 1937
4. ILO Abolition of Forced Labor Convention No.105, 1951
5. ILO Night Work of Young Persons, Industry Convention No.6, 1919
6. ILO Night Work of Young Persons, Industry (Revised) Convention No.90, 1948

⁵ Two conventions are currently being examined for ratification. They are: Equal Remuneration Convention No.100, 1951, and ILO Minimum Age Convention No.138, 1973.

7. ILO Freedom of Association and Protection of the Right to Organize Convention No.87, 1948
8. Right to Organize and Collective Bargaining Convention No.98, 1949
9. Discrimination (Employment and Occupation) Convention No.111, 1958
10. Jomtein Conference, Education For All 1990
11. Dakar Declaration, Education For All 2000

Legislation in Pakistan

Child labor legislation in Pakistan comprised of legislation of more than a century, i.e. some pieces of legislation are as old as 1860 while some others are as recent as 1995. At present child labor legislation has a “regulatory” approach, i.e. child labor is not prohibited but regulated as well as a “prohibitive” approach, which completely entail child labor with few or no exceptions. Legislative action against child labor at the national level includes laws on minimum age, compulsory education, hazardous work as well as other intolerable forms of child labor, such as slavery, sale and trafficking of children, and prostitution and pornography. It prescribes a basic minimum age limit to specified sectors or occupations. But in some cases legislation totally exclude coverage of certain sectors, occupations or shapes of child labor in which child labor is likely to exist. They are agriculture, domestic service, home-based work, and the small workshops and family undertakings of the informal sector.

1. Pakistan Penal Code 1860.

Chapter XVI of the Pakistan Penal Code is related to specific shapes of child labor, i.e. commercial sexual exploitation of children and pornography. Section 293 prohibits the selling, exhibition or distribution of obscene objects to any person under the age of 20 years. The chapter is also related to the bonded child labor and trafficking of children. Section 361 states that any person who kidnaps minors i.e. any male under the age of 14 and female under the age of 16 years, is punishable with imprisonment.

2. The Mines Act No.4, 1923 Amended in 1993. It prohibits employment of children below the age of 14 years from working in mines. But the work in mines falls into hazardous occupations and processes, the age for the employment should not be less than 18 years. The raising of age is also necessary due to the involvement of health hazards and risk of personal injury.

3. The Merchant Shipping Act 1923. Part II of the Act is relevant to child labor legislation. No young person under 14 years of age shall be engaged or carried to sea to work in any capacity in any ship registered in Pakistan and no young lascar under 14 years of age shall be engaged or carried to sea to work in any capacity in any foreign ship.

4. The Children (Pledging of Labor Act) Act No.2, 1923. Under the Act a person under 15 years is considered to be child. It prohibits the agreement of pledging of children and bans the employing of children under pledging. Punishment to parent/guardian is up to Rs.50 for such agreement and up to Rs.2000 for the person who make the agreement with the parent or guardian. The act states that in case of a dispute about the age of a child, a certificate from a recognized medical authority must be obtained. It also specifies a range of processes for which, children below 14 are prohibited to work. The act has somewhat relevance to rural child labor and home-based children. The enforcement is particularly difficult because of clandestine nature of such work. Most cases of bonded child labor occur in very remote areas where monitoring by inspectors and law enforcement officers is difficult. Many smaller operations escape the scrutiny of inspection, either because they do not come under the existing regulation or because they are not registered. Public apathy and the presence of powerful vested interests are also major obstacles.

5. The Factories Act 1934 Amended in 1977. Under the Act a child is a person under 15 years while a adolescent is above 15 but lower 17 years. By factory is

meant the premises where 10 or more workers are working. Article 50 of the law completely prohibits the employment of children under the age of 14 years in any factory. Children between 14 and 15 years and adolescents between 14 and 17 years are not allowed to work in any factory unless certificates of fitness are granted to them. In fact certain types of undertakings or categories of work are frequently excluded from the coverage of factories act. One of the most common exclusion concerns family undertakings, defined with varying degrees of rigor. Undertakings employing few than a specific number of workers, i.e. 10 are excluded from the scope of such legislation. The definition of "workers" and "work places" in Factories Act 1934 renders home-based child labor outside the preview of law.

6. Employment of Children Act No.26, 1938. The Act prohibits the children under 14 years from being employed in certain occupations, restrict the children under 15 years from undertaking some categories of work and provide special conditions of work for children above 15 but below 17 years.

7. Sindh Children Act 1955. Under the Act any person who has not attained the age of 16 years is to be treated as a child. Under the Act any person obtaining children for the purpose of employment or for labor in a factory or for begging, exploiting the children for their own ends, withholding their earning are liable to be punished. The Act provides in a comprehensive manner, the means to keep a check over all those unfortunate, who, somehow, or the other have been held by offenders. It aims to provide for their proper care, maintenance and uplift. Nevertheless, there has been some progress in employment through targeted companies, training of inspectors, enactment and enforcement of stricter penalties.

8. Road Transport Workers Ordinance 1961. No person other than a driver can be employed in any road transport service unless he or she has

attained the age of 18 years. For purposes of driving a vehicle in road transport service, the age is fixed at 21 years.

9. Primary Education Ordinance

1962. The purpose of the law is to make education compulsory up to the primary level. Primary education according to this law, means education with regards to all, or any of, the classes I to VIII in any school. The law places the primary education under the control of Provincial Government. Law can compel the parents, to send their children for attending a recognized school. Non-compliance of the directions of the school attendance authority, the parents concerned can be prosecuted and punished with fine.

This Act if properly implemented, in its true spirit, can go to long way in increasing the rate of literacy, in addition to providing means, to the government, of preventing children from vagrancy of all types.

10. Shops and Establishment Ordinance No.8, 1969.

It prohibits employment of children below the age of 14 years from working in any establishment. The violation of this ordinance occurs most frequently in establishment on the name of skill development. For instance, general stores, auto-workshops, barber shops, roadside hotels and restaurants, shoe making, tailoring, and many other places. The minimum age should be 18 years.

11. Constitution of Pakistan

1973. Article 11 (3) states that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment.

12. The Punjab Children Ordinance 1983.

According to the ordinance a person who has not attained the age of 15 is considered a child. The person who employs children is liable to be punished with imprisonment as well as with fine. The Act prohibits the child from drinking, gambling, begging, prostitution and drug abuse. The Act also provides measures for keeping children in places of safety, treatment of the victims of abuse, ill treatment and abandonment. It is very

comprehensive law and includes all the requisites needed for control, care, protection, treatment and rehabilitation of children.

13. Employment of Children Act

No. 5, 1991. The purpose of the Act is (i) to prohibit the employment of children in certain occupations and (ii) to regulate the conditions of work of children in those occupations where they are permitted to be employed. Section 2 of the Act defines "child" as a person who has not completed his 14th year of age and defines "Adolescent" as a person who has completed his 14th year but not 18th year of age. Section 3 states that no child shall be employed or permitted to work in specific occupations or in any workshop wherein any of the specific processes are carried on.

The prohibition mentioned in the act exempts cases where a person with the help of his family members carries any of these hazardous occupations on. It indicates the flaw in legislation, as a significant number of children work in their household enterprises supervised or accompanied with their parents. For instance, in brick kiln making, in bangle making, matchstick making and in spraying of pesticides in agriculture, etc. These exemptions are needed to be removed. Furthermore, the list of occupations and processes described in part I and part II of the Employment of Children Act (ECA) 1991 is not exhaustive. So the methodologies for identifying and evaluating work hazardous to children also need to be developed or improved.

According to ECA 1991 "A certifying surgeon shall, on the application of any child or adolescent who wishes to work in an establishment on which the provision of the Act are applicable, ... examine such a person to ascertain his age and fitness to work". We think it has complications in implementation of law. To implement the law perfectly, the birth registration should be compulsory and district governments and representatives at

the union council level should be responsible for the registration.

Part III. The Act permits child employment in other than specific occupations and attempts to regulate the conditions of work.

Part IV. The 1991 Act prescribes for breach of any provision of the act by employers. These include imprisonment for a period extending to one year and a fine of up to twenty thousand rupees. Surely, the penalties mentioned are more severe than those provided under the earlier child labor legislation, yet they are mild when the impact on health, safety and psyche of the child by the violation of provision are considered. Moreover, they are not enforceable against family members and unregistered establishments, while majority of the child labor is involved in informal sector, specifically in agriculture. So a wide proportion of the child labor remained uncovered by the law. The law holds the employer responsible for violation of child labor laws, as in some other national legislations, a burden of responsibility on parents or legal guardians should be placed.

ECA 1991 can be considered an improvement on the existing laws in Pakistan. To a certain extent it takes into account some of the articles of CRC 1989 but whole of them should be taken. The ECA 1991 may at best help to reduce the number of child workers in hazardous occupations in manufacturing units as it does not need the definition of factories.

The ECA 1991 prohibits the employment of children in certain industries. It also regulates the work conditions, rest periods, weekly holidays, and health and safety. How the Act applies to children above 14 years of age who are employed in factories and not to those doing home-based work. It also exempted the children who are working for families.

14. The Bonded Labor System (Abolition) Act 1992. According to the Bonded Labor System (Abolition) Act 1992, the “bonded labor system” is a system of forced, or partly forced labor under which a debtor enters, or is presumed to have entered into an agreement with the creditor. Under the Act all types of bonded labor is prohibited. Pakistan has adopted legislation specifically outlawing bonded labor. While very few of these legislative provisions make any specific references to children, they cover children as well as any other sections of the population. The Bonded Labor System (Abolition) Act, 1992 is often not applicable, as payment may not be made well in advance to a family in lieu of the labor of its children.

15. The Employment of Children Rules 1995. The law states that no child worker shall be allowed to work on the operations of machines when in motion. In fact a number of other machine works are also hazardous for children which needs to be included in the list given by the law.

Conclusion and Proposals

It is concluded that there are a number of flaws in national legislation about elimination of child labor and increase in school participation. Following are the policy proposals to make the legislation effective.

- The implementation of present child labor laws may have significant impact on the child labor, so implementation should be the part of legislation.
- Pakistan categories the specific legislative prohibitions as listing of industries, occupations, and activities prohibited for children. The list is insufficient as regard the health, safety and moral of children as indicated by convention No.138
- The child labor laws and compulsory primary education laws are needed simultaneously and their implementation is interdependent. International technical cooperation from experts of conventions may be helpful to frame the legislation work

- Compulsory primary school legislation should be done in all the provinces of Pakistan and age for compulsory primary education should be mentioned in legislation. There should be compliance between the age of compulsory primary education and minimum age for work.
- A number of Acts prohibits the employment of children, but majority of these laws relate to formal sector's industrial employment. The Mines Act, No.4 of 1923, the Merchant Shipping Act 1923, the Factories Act, 1934, the Employment of Children Act 1938 and 1991, the Road Transport Workers Ordinance 1961 do not apply because they are related to factory employment.
- Both regulatory legislative approach and prohibitive legislative approach should be applied to eliminated child labor. The child labor legislation should be done according to the child labor related international conventions.
- On the supply side factors of child labor, the parents/guardians should be involved in legislation and penalties should be imposed strictly. Generally penalties are outdated they need to be updated.
- It is proposed to ratify the ILO and other international Conventions related to child labor and compulsory primary education.
- There is no exact definition of "child" in different Acts of constitution of Pakistan so the definition of child should be uniform in the legal provisions
- There are a number of exemptions in Pakistani legislation, e.g. ECA 1991 exempts the child labor with family members and unregistered establishments even in hazardous occupations.
- The informal sector, agricultural sector, self-employment of children, temporary and casual child labor, apprentices, and domestic child labor should be included in legislation. It is needed to identify the hazardous professions, sectors, and jobs for child labor and they should be included in legislation.
- The general law in Pakistan prohibits prostitution and it is also applicable to children as the law does not distinguish between adults and children. Under the UN Convention on the Rights of Children, separate laws are required to address child prostitution and child pornography.
- Sale and trafficking of children which is a hazardous form of child labor should be dealt with specific legislation instead of general legislation
- Legislation should be framed at the national level to allocate a reasonable and specific ratio of government budget on education, similar obligation should be given to provincial governments.

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