

# Criminal neglect of Child Labor and its Consequences.

## ⇒ Outline:

### 1) Introduction:

(i) "Child Labor is a burden on society that we must collectively shoulder for a better future." (Martin Luther King Jr.)

(ii) What is Child Labor?

(iii) **Thesis Statement:** Child Labor is a <sup>heinous</sup> crime which has been criminally neglected by our society. There are various causes behind this criminal neglect which leads to drastic consequences. There are certain measures which should be adopted in order to curb child labor.

### 2) Is child Labor a crime?

(i) Legal perspective:

(a) Parens patriae.

(b) Article 11 of the Constitution of Pakistan.

(c) Employment of Children Act 1991.

(ii) The Views of ILO.

(iii) The Social Regime.

(iv) The Legal Regime.

### (3) Causes behind the criminal neglect of Child Labor:

(i) Political Causes

(ii) Economic Causes:

(a) IMF report about unemployment in Pakistan.

(iii) Social Causes

(a) Population explosion.

(b) Corruption.

(iv) Administrative Causes

(v) Legal causes.

#### (4) Consequences of the Criminal neglect of Child Labor

(i) Deprives from liberty.

(ii) Deprives from Freedom of expression and speech.

(iii) (a) The Convention on the Rights of Child 1989

(iii) Prohibits individual from the right of education

(a) Pakistan Economic Survey Report 2023

(iv) Persistence of class and income inequalities.

(v) Impacts the human capital of the children:

(a) "The purpose of education is to inculcate rationality in children and make them rational beings" (J.J. Rousseau, Emile)

(vi) Child abuse in the garb of Child Labour

(a) Tayyaba torture case.

#### (5) Major legislative milestones against Child Labor

(i) Legislation at global level

(a) The Convention on the Rights of Children-1989

(ii) Legislation at National level

(a) The Employment of Children Act-1991

(b) The ICT Child Protection Act-2018

(c) Punjab destitution and Neglect Children Act-2004

(d) Sindh Child Protection Act-2011

(e) KPK Welfare and Protection Act-2010

#### (6) Measures to curb Child Labor

(a) Propagation of awareness against child labor

(b) Enforcement of acts in true letter and spirit.

(c) Administrative reforms

(d) Construction of various centres for protecting children

against labor.

#### (7) Conclusion

(i) "What done to children, they will do to society" (Karl Meninger)

## Essay

Martin Luther King Jr. has rightly said that "Child Labor is a burden on society that we must collectively shoulder for a better future." It is a menace which is not confined to a particular place, society; province, country or geographical regions. It is our duty to save these innocent children from the brunt of hard labor so that they could contribute to a community in an efficacious manner. Before going into the detail let's talk about the pressing question of what is child labor. Article 11 of the 1973 constitution of Pakistan has defined child labor as a labor performed by children under the age of 14. It categorizes hence child labor involves the labor performed by a category of people under the age of majority for some financial gains (Edmonds, 2017). Moreover, according to the definition of International Labor Organization, "Child Labor is the one which impacts the educational, intellectual, psychological, and emotional development. This definition highlights various impacts of child labor on children. As mentioned earlier child labor is not restricted to a particular place. According to United Nations, over 160 million children are employed in child labor which means that almost one in ten children world wide works to provide for their families. Child labor is a crime and sheer negligence by various stake holders to this practice can also be considered as a crime. There are various factors responsible for the criminal neglect of child labor. Some of these factors are political while others are economic. In addition to these factors, there are also social, administrative and legal factors which contribute to the crimin-

al negligence of this phenomenon. Resultantly, these factors leads to multiple consequences. These factors deprive the children engaged in Child Labor from liberty, freedom of expression and speech. Furthermore, it restrains children from the right of education. It further contributes to the persistence of class and income inequalities. Moreover, it negatively impacts the human capital of <sup>the</sup> children and finally, there is prevalent child abuse in the garb of Child Labor. Although, some major and historic <sup>legislative</sup> milestones have been achieved at national and international level, yet there is a dire need to take some proactive measures against Child Labor. This malice can be curbed by propagating awareness through the aid of print and social media. Laws should be enforced in true spirit. Moreover, Administrative reforms and construction of various centres for the protection of children against labor should be carried out. To cut it short, Child Labor is a heinous crime which has been criminally neglected by our society. There are various causes behind this criminal neglect which leads to drastic consequences. However, there are certain measures which should be adopted in order to curb this menace.

There is a crucial question regarding child labour that whether it is a crime or not? This question can be inquired through different perspectives which are one after another discussed below:

Firstly, there is a legal perspective about child labor. In the realm of law, there is a concept called "Parens patriae." According to this concept, State is the guardian of the children and it must play a proactive role to prevent the abuse of children in the society. Moreover, according to Article 11

of the constitution of Pakistan, 1973, child labor is a crime. Furthermore, an act was passed pertaining to child labor called Employment of Children Act - 1991, according to which, this practice is a crime. Hence, from the legal point of view, child labor is a crime.

Secondly, <sup>the</sup> International Labor Organization has also declared child labor as a crime. In 1996, ILO carried out various surveys in Pakistan to ascertain the situation of child labor. According to the views of ILO, child labor is a crime because it comes at the expense of negatively impacting the emotional, psychological and intellectual development of the children. Therefore, ILO has also condemned it and declared it as a criminal offense.

Thirdly, the social regime such as various political organs and Administrative structures have also opined that child labor is a crime. According to them, this practice deprives children from their childhood and makes them unable to contribute effectively to the betterment and uplift of society. Similarly, Civil society also holds same opinion as that of political organs and administrative structure. To put in short, social regime also declares child labor a serious crime.

The preceding paragraphs have discussed about the question of why child labor is a crime and answered this question from various perspectives. The following paragraphs will discuss about those causes which lead to the criminal neglect of child labor.

First of all, there are some political causes which are responsible for the criminal neglect of child labor. Since its inception, Pakistan has suffered from perpetual political instability. There is a dearth of political inclusion in Pakistan which leads to political exclusion. The state openly condemns

ns the problem of child labor but it has never taken practical steps to enforce the laws against child labor. Furthermore, the political institutions in Pakistan are extractive in nature which pay no heed to this menace. There is a direct link between extractive state institutions and the various social problems like unemployment, poverty, inequalities etc. Daron Acemoglu<sup>and</sup> James A. Robinson says in their renowned book 'Why Nation Fails?' that the rise of poverty and the resultant child labor have created a conducive environment for child labor all thanks to the extractive state institutions. Therefore, the political causes of Pakistan have criminally neglected the phenomenon of child labor.

Moreover, Economic causes also substantially contribute to the criminal neglect of child labor. There are various economic crisis in Pakistan like unemployment, economic disparity, unskilled labor, <sup>inflation</sup> etc. According to International Monetary Fund, the unemployment rate in Pakistan is 8.2 percent. Furthermore, the wealthiest 10 percent of household own 60 percent of household wealth. In addition to these problems, inflation is the last nail struck to the coffin of economic situation in Pakistan. Because of income inequality, high inflation, unemployment and other factors, poor parents have no choice but to force their children to do labour in order to earn some money for their household. In short, various economic issues criminally neglected the issue of child labor.

Furthermore, social causes of various nature also greatly contribute to exacerbation of child labor. Among those various social causes, population explosion and corruption is at the top. Pakistan is the 5th largest country in the world in terms of population.

According to Pakistan Bureau of Statistics, the population of Pakistan has risen 241.49 million, with an annual growth rate of 2.55 percent. If population continues to grow at the same rate, it will reach about 290 million by the end of this decade, and will cross the 470 million mark by 2050. In addition to this problem, there is rampant corruption in Pakistan. According to Transparency International, Pakistan ranks 140 out of 180 countries in Corruption Perception Index. Over population is a great burden on state resources because of which the government cannot afford to facilitate whole of the population economically, socially and in the areas of health and education. Moreover, uninduced corruption on the part of those people who are in the echelons of power show apathy towards child labor. Furthermore, there is a cutthroat competition for various limited resources because of which poor people encourage child labor. Hence, social causes are one of those reasons which had greatly neglected child labor.

In addition to the above causes, Administrative causes have also played a shameful role in neglecting the issue of child labor. The job of Administrative machinery is to deliver services and implement various laws at various levels but unfortunately the administration of Pakistan is mixed with various social ills such as corruption, poor services delivery, unequal distribution of resources, absence of rule of law, working for the interests of elite to name a few. This kind of attitude leads to an incompetent and dismal image of a country in global arena. This administrative apathy also leads to the direct or indirect negligence of child labor because under such scenario, the poor class does not have any other option but to indulge their children in this menace. In a nutshell, Administrative ineffectiveness has strongly

neglected and encouraged the exit of child labor. Finally, there are also some legal causes which have due share in the propagation and neglect of child labor. When it comes to formulation of laws, the legislature of Pakistan is quite effective. But, when it comes to the implementation of those laws, it lags far behind than other countries. The International Labour Organization had formulated the Convention on the rights of child in 1989 which was lately ratified by Pakistan. After two years in 1991, Pakistan passed the act of Employment of Children Act-1991 and some other laws at the federal and provincial level. But these laws have never been implemented in true letter and spirit, all because of sheer negligence. So, we can conclude that legal causes are one of many causes behind the criminal neglect of child labor.

The above mentioned paragraphs were about the causes behind the criminal neglect of child labor. The following paragraphs are about the consequences of the apathy towards child labor.

Firstly, negligence towards child labor leads to the deprivation of child laborer from their liberty. The right to liberty is the fundamental human right of any human being. According to the constitution of Pakistan, 1973, the right to liberty is a fundamental human right, which comes under security of persons and Article 9 talk about this in great length. Furthermore, right to liberty is also a universal human right. According to the Article 3 of the Universal Declaration of Human Rights, "Every one has the right to life, liberty and security of persons." Children submit their will to the will of their parents, relatives or any other person and engage in child labor at the expense of their lib-



erty. Hence Child labor deprives children from their liberty. Secondly, the crime of child labor deprives children from the rights of freedom of expression and speech. According to Article 19 of UDHR, "Every one has the right to freedom of opinion and expression." Similarly, according to the 1973 Constitution of Pakistan, "Every citizen has the right to freedom of expression and press" (Article 19). These laws are also equally applicable to children but because of indulging in child labor, these innocent children forfeit this right. According to the Convention on the rights of children-1989, child labor deprives children from liberty and the right of freedom of expression. To cut it short, Criminal neglect of child labor leads to those children which are deprived from freedom of expression.

Thirdly and most importantly, the negligence towards the practice of child labor deprives children from the right of education. Education is very much important for the social, moral and intellectual build up of a child. According to Professor Bakhsh, "Knowledge is a ray of light through which a person can change his raw personality into a great citizenry" (Fundamentals of Political Science, P. 116). Moreover, Education is the right of every child. According to Article 25-A of the constitution of Pakistan, "the state shall provide free and compulsory education to all children of the age of five to sixteen years". But unfortunately, child labor deprives children from education and today there are many out of school children in Pakistan. According to Economic Survey of Pakistan report 2023, there are more than 23 million out of school children. A substantial amount of these children are engaged in child labor. According to an estimate, in Pakistan almost 13 million children are employed as child labor. Hence, child labor deprives children from seeking educational opportunities.

Fourthly, child labor encourages the persistence of class and income inequalities. This menace with the passage of time does not even look a crime to those people who practice it because no body pays any heed to the issue. This phenomenon sit in the unconscious mind of the parents who compel their children to such labor, as well as, those children who experience it. Then a time comes when the same children gets old and do the same ~~with~~ <sup>to</sup> their <sup>own</sup> children. This leads to a perpetual cycle of income inequality and class difference. To cut it short, child labor makes income inequalities perpetual.

Fifthly, child labor negatively impacts the human capital of child labor. It deprives them of education which enhances their intellectual ability. Moreover, they also suffer from trauma, rebuke, beating and many other sufferings during their service.

According to Jean Jacques Rousseau "The purpose of education is to include rationality in children and make them rational beings." (Emile). Hence, it negatively impacts <sup>capital of</sup> human <sup>child</sup> labor.

Lastly, child labor is a garb to shroud the criminal offense of child abuse. This is getting quite common in the world in general and Pakistan in particular. Children are hired as servants in many households, where they serve their masters and when they even do a minor mistake, they are rebuked and beaten. In some cases they are even sexually exploited and then murdered in cold blood. Tajyaba Torture Case is one of the many cases reported by media and police. She was a minor girl who was repeatedly tortured and killed by her own employer. Hence, child labor is a heinous crime, the practice of which leads to child abuse which is inhumane.

The previous paragraphs were written about the impacts of the criminal neglect of child labor. The following paragraphs are about the major legislative milestones pertaining to child labor at national and international level.

At global level, the consciousness regarding the devastating and malignant impacts of child labor were manifested at mammoth level in 1990s. Later, ILO drafted the treaty of The Convention on the Rights of children-1989. This is the most important international treaty dealing with the rights of children. This treaty consists of 54 Articles and each article deal with specific rights of children. Article 27 of this convention obligate the signatory to this treaty to create a conducive environment where the social, moral and spiritual development of children could be ensured. Furthermore, According to Article 32 of this convention, states must take certain steps where child could be protected from exploitation through the system of child labor. Pakistan ratified this treaty in 1990. This the only law at global level.

After Pakistan ratification of this treaty, various laws were made during various years at national level. In 1991, the National Assembly of Pakistan passed the Employment of children Act-1991 which prohibits child labor and inflict severe penalty to those criminals who does not adhere to this law. Later, at federal level, another act was passed called ICT Child Protection Act-2018 which makes the executives binding for setting up an institution for vulnerable children placement. Moreover, some laws were also formulated at provincial level. Punjab Assembly took the first step to frame such law in 2004 which is called Punjab Destitution and Neglected Children Act-2004. It also recently implemented new law known as Punjab Prohibition of Child Labor at Brick Kiln Ordinance 2016. KPK assembly followed the suit and passed KPK Welfare and Protection Act-2010. Inspired by these provinces, Sindh Assembly passed Sindh Child Protection Act-2011. So, these are the laws

at federal and provincial level.

The above two paragraphs talked about various legislative measures adopted at national levels and international levels. Now, let's talk about some proactive measures which must be adopted in order to thwart the propagation of child labor in the following paragraphs.

First things first, awareness should be created and emanated about the drastic consequences of child labor. This can be done with the aid of print and social media. Once or twice in a week an article ought to be published in prominent English and Urdu newspapers like Dawn and Jang about the harmful effects of child labor on various aspects of children. Moreover, the topic of child labor should be included in compulsory subjects like English and Urdu. Furthermore, this topic should be discussed from the perspective of Islam in the sub-course books of Islamiyat at different levels. In addition to these efforts, social media and news channels should also play their due role in making people discourage this practice. In these ways, child labor can be nipped in the bud.

Secondly, the various acts promulgated by Pakistan National Assembly and provincial Assemblies should be enforced in letter and spirit. Pakistan is a country which is quite efficient in making laws about various issues, but when it comes to enforcing those laws, it is not very efficient. Furthermore, <sup>approximately</sup> 90% of laws in Pakistan are outdated and are not feasible to address contemporary issues. So, there is a dire need to enforce the existing laws regarding child labor in true letter and spirit. Moreover, the legal advice should be restructured which in such a way that it could be viable to the problems of contemporary era. In this way, the menace of child labor can be curbed.

Thirdly, there should be administrative reforms in Pakistan so that it could do its work efficiently to curb the phenomenon of child labor. In Pakistan, the sluggish implementation of laws on grass root level can be contributed to non-serious, ineffective and out-moded administrative structures. In addition to these factors, rampant corruption proves a final blow to the smooth operation of administrative machinery. Therefore, robust administrative reforms are the need of the hour so that administrative system of Pakistan could enforce the laws regarding child labor in order to discourage it.

Finally, the construction of various centres for protecting children ~~also~~ against child labor should be greatly encouraged. This can only be done when the laws pertaining to child labor is effectively and immediately implemented in every nook and corner of Pakistan. Media, which is considered the fourth organ of a state, should play its due role in compelling the incumbent government to divert their attention towards the social evil of child labor. By positive criticism, they can compel the government to construct multiple centres for the protection of children against child labor. These centres can be also converted into boarding schools in which the children could be educated. In this way, they would be able to play their due role in serving their country. Hence, the construction of these centres will go a long way in eliminating the practice of child labor.

In a nutshell, we can conclude that <sup>in</sup> many countries, including Pakistan, there is an unchecked and unkindred practice of child labor. Child labor is a crime according to the 1973 constitution of Pakistan, the convention on the rights of child-

er, social regime, legal regime, <sup>ILO</sup> political regime and administrative regime. The neglect towards exacerbation of this practice is also a crime. There are various reasons behind this criminal neglect of child labor. Some are political cause, while others are economic causes. Moreover, social, administrative and legal causes have also profoundly contributes to the menace of child labor. The result of which is that children are deprived from the right of liberty, freedom of expression and speech. Moreover, it prohibits children from the right of education. It contributes to the persistence of class and income inequalities. <sup>furthermore,</sup> It also impacts the capital of the children and lastly, child labor is used as a garb for the unhindered practice of child abuse. In cognizance to these facts, some major legislative milestones have been achieved at national and international level. However, the elimination of child labor is not a distant dream if print and social media play their due role in propagating awareness in masses about this practice. In addition to this, there must be the rule of law, Administrative reforms and last, but not the least, construction of safe havens for the protection of children. Child labor is a heinous crime which deprives children from their childhood, intellectual development, liberty and many other privileges. If the state of Pakistan did not pay heed now to this problem, they will witness an emerging populace who will not be concerned about and loyal to their country. It is because according to Karl Meninger "What is done to children, today they will do to society"