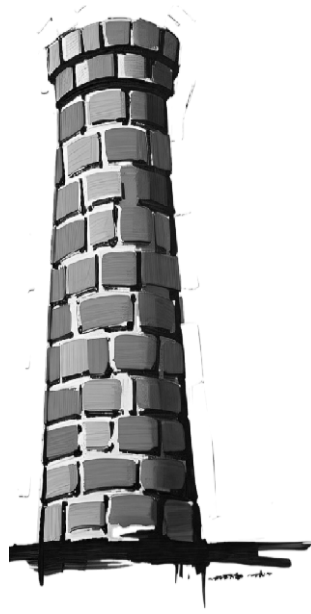




# Legal Aid Mapping and Policy Reform on **Child Protection** in the Brick Kiln Industry

**Barrister Rida Tahir**

Business & Human Rights Member, SHRC



**LEGAL AID MAPPING  
AND POLICY REFORM  
ON  
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IN THE  
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## ABBREVIATION

CJS	Criminal Justice System
CPO	Central Police Office
CPU	Child Protection Unit
DIG	Deputy Inspector General of Police
DLFR 1974	Destitute Litigation Fund Rules 1974
FHD	Female Help Desks
FIR	First Information Report
GBV	Gender-Based Violence
GPU	Gender Protection Unit
HRD	Human Rights Department
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General Police
JJSA 2018	The Juvenile Justice System Act 2018
LAJA 2020	Legal Aid and Justice Authority Act 2020
OSPC	One-Stop Protection Centre
OSH	Occupational Safety and Health
PBC	Pakistan Bar Council
SGBV	Sexual and Gender-Based Violence
SCPA	Sindh Child Protection Authority
SHRC	Sindh Human Rights Commission
UNCRC	UN Convention on the Rights of the Child
VAWG	Violence Against Women and Girls
WCC	Women Complaint Cells
WCPC	Women and Child Protection Cell
WCPS	Women and Children Police Station
WDD	Women Development Department



## Message by Mr. Shahid Thahim, Minister for Labour and Human Resources, Government of Sindh

The exploitation of children through bonded labour is a stark and deeply troubling reality — one that undermines not only our laws and international obligations but also the moral fabric of our society. Nowhere is this crisis more visible than in the brick kiln sector, where generational poverty, lack of access to justice, and socio-economic vulnerability converge to keep children in servitude.



It is in this context that the report, Legal Aid Mapping and Policy Reform on Child Protection in the Brick Kiln Industry, emerges as a critical and timely intervention. The document not only highlights the challenges faced by children entrapped in exploitative work but also maps the existing legal, institutional, and policy architecture designed to protect them. It is both a mirror and a roadmap — reflecting the distance we have yet to travel, and offering concrete guidance on the way forward.

The Government of Sindh remains firmly committed to the eradication of child and bonded labour in all its forms. Over the past decade, we have undertaken major legal reforms, including the enactment of the **Sindh Bonded Labour System (Abolition) Act, 2015**, the **Sindh Prohibition of Employment of Children Act, 2017**, and the **Occupational Safety and Health Act, 2017**. We have also issued successive minimum wage notifications specific to the brick kiln sector, a step towards formalizing protections in informal industries.

However, we recognize that laws are only as effective as their implementation. To this end, the Labour Department continues to strengthen **District Vigilance Committees**, enhance workplace inspections, and collaborate with other departments to ensure convergence between legal protection and social services. We also support the establishment of child protection units and legal aid pathways that make justice accessible at the community level.

I would like to commend the **Pakistan Institute of Labour Education and Research (PILER)** for this rigorous and policy-relevant work. I am equally appreciative of the **Sindh Human Rights Commission (SHRC)** for its leadership in pushing forward a rights-based agenda in our province.

The Department of Labour and Human Resources views this report as an important tool — not just for policy refinement, but for institutional alignment. We remain committed to working in close coordination with civil society, legal aid networks, district administrations, and international partners to ensure that every child in Sindh is free from forced labour, has access to education, and grows up in dignity and safety.

**Mr. Shahid Thahim**

Minister for Labour and Human Resources  
Government of Sindh



## Message By Mr. Iqbal Ahmed Detho, Chairperson, Sindh Human Rights Commission

The Sindh Human Rights Commission (SHRC) sees child and bonded labour as a profound deficit of human rights—one that calls for immediate and systemic action. At the core of this fight is our shared duty to safeguard the dignity, protection, and best interests of every child, as guaranteed by **Pakistan's Constitution** and reinforced by its commitments under the **United Nations Convention on the Rights of the Child (UNCRC)**.



Nowhere is this responsibility more pressing than in Sindh's brick kiln industry, where children — often invisible in policy and voiceless in justice systems — are subjected to exploitative conditions that rob them of education, safety, and their right to develop to their full potential.

**Article 32 of the UNCRC** clearly defines harmful work as any labour that jeopardizes a child's physical or mental health, development, or education. It reminds us that **childhood is a protected time**, one in which every child must be allowed to grow, learn, and thrive — not labour under coercion, debt, or abuse.

This report — Legal Aid Mapping and Policy Reform on Child Protection in the Brick Kiln Industry — is a timely and strategic contribution to our shared efforts. It maps the landscape of child protection law at the international, federal, and provincial levels, and identifies the implementation and legal aid gaps that leave vulnerable children behind.

Critically, the report also underscores the need for greater **access to legal aid**, stronger coordination among institutions, and child-sensitive protection services that operate without discrimination. The principle of **non-discrimination**, enshrined in Article 2 of the UNCRC, is foundational: every child — regardless of background or status — is entitled to the same protections, support, and justice.

We dedicate this publication to the memory of our esteemed veteran labour rights leader, the late **Mr. Karamat Ali**, whose legacy continues to guide our work. I would also like to acknowledge the valuable contributions of the Pakistan Institute of Labour Education and Research (PILER) and Barrister Rida Tahir (Member, Business and Human Rights, SHRC) for producing this important and action oriented report. Let it serve not just as a legal mapping exercise — but as a roadmap toward a society where no child in Sindh is subjected to forced labour, exploitation, or neglect.

**Mr. Iqbal Ahmed Detho**  
Chairperson  
Sindh Human Rights Commission





## FOREWORD

The Pakistan Institute of Labour Education & Research (PILER), with decades of experience in research and advocacy, has long been at the forefront of promoting workers' rights and social justice. This report, "Legal Aid Mapping and Policy Reform on Child Protection in the Brick Kiln Industry," builds on our enduring commitment to tackle child labour and bonded labour — deeply rooted injustices that continue to trap families in cycles of poverty and exploitation.

This mapping provides a clear overview of existing legal aid mechanisms and highlights critical gaps that hinder the effective protection of children working in brick kilns. By exposing these shortcomings, the report offers guidance for legislators, policymakers, and practitioners working to strengthen legal frameworks and ensure that vulnerable children and families can break free from bonded labour and reclaim their rights.

PILER gratefully acknowledges the valuable contributions and support of the Sindh Human Rights Commission, Barrister Rida Tahir (Member, Business and Human Rights, SHRC) and Farhan Haider to this important initiative.

We trust this work, grounded in PILER's extensive research experience, will contribute to collective efforts to eradicate child and bonded labour and secure every child's right to protection, education, and a life of dignity.



**Abbas Haider**

Joint Director

Pakistan Institute of Labour Education & Research (PILER)



## EXECUTIVE SUMMARY

This report, Legal Aid Mapping and Policy Reform on Child Protection in the Brick Kiln Industry, examines the intersection of child labour, bonded labour, and access to justice in one of Pakistan's most under-regulated sectors. Produced by the Pakistan Institute of Labour Education and Research (PILER) in collaboration with the Sindh Human Rights Commission (SHRC), the report offers a detailed analysis of the legal and institutional frameworks governing child protection in Sindh, and highlights the urgent need for reform and coordination in legal aid mechanisms.

Across Sindh, thousands of children continue to work in exploitative conditions in brick kilns, often under debt bondage or informal arrangements that violate both domestic and international law. These children are deprived not only of education and safety, but of the opportunity to fully develop and participate in society. Despite the presence of strong constitutional protections and international commitments—such as the United Nations Convention on the Rights of the Child (UNCRC), especially Article 32 which prohibits work harmful to children's health and development—implementation remains weak.

The report reviews constitutional provisions, federal legislation including the Prevention of Trafficking in Persons Act 2018, and a range of Sindh-specific laws such as the Sindh Bonded Labour System (Abolition) Act 2015 and the Sindh Prohibition of Employment of Children Act 2017. It also examines international conventions ratified by Pakistan, including ILO Conventions 138 and 182, and assesses their relevance to the lived experiences of children in the brick kiln sector.

In addition to the legal framework, the report maps existing legal aid mechanisms and institutional protection systems in Sindh. While numerous entities—such as the Legal Aid and Justice Authority (LAJA), District Legal Empowerment Committees, the Juvenile Justice System at federal level, and Child Protection Units—exist at Provincial Level, they often function in isolation, with limited outreach and little coordination. Legal assistance remains underfunded, fragmented, and largely inaccessible to the children and families who need it most.

Key challenges include the lack of functional referral systems, limited legal literacy in affected communities, weak enforcement of minimum wage and anti-bonded labour laws, and the absence of a provincial child protection policies. At the same time, the report identifies opportunities to improve service delivery, strengthen inter-agency linkages, and expand access to justice through targeted legal aid interventions and policy reform.

The report calls for urgent action to align legal aid services with the needs of vulnerable children, enhance coordination between government bodies, and invest in frontline protection and rehabilitation systems. With meaningful political will and stakeholder collaboration, it is possible to break the cycle of exploitation and ensure that every child in Sindh grows up safe, free, and with the opportunity to realize their full potential.

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# Introduction







## 1. Introduction

Child bonded labor and trafficking-in-person (TIP) are deeply rooted forms of modern-day slavery in Pakistan, with children being among the most vulnerable populations affected.

According to the Global Slavery Index 2024, which highlights the extent and location of modern slavery, Pakistan has a slavery prevalence of 10.60% with a vulnerability scale of 80%. The government response to slavery stands at 37%.<sup>1</sup>

Globally, Pakistan ranks 18th in terms of modern slavery prevalence and 4th within the Asia-Pacific region, with an estimated 10.6 out of every 1,000 people in Pakistan living in conditions of modern slavery.<sup>2</sup>

It has been estimated that approximately 3.3 million children in Pakistan are engaged in child labor.<sup>3</sup> Many of these children are engaged in modern slavery on Pakistan's Brick kiln Industry. Pakistan is the third-largest brick producer in South Asia, with approximately 20,000 brick kilns generating 45 billion bricks annually.<sup>4</sup> Unfortunately, Sindh's brick kiln industry is marred by bonded labor and trafficking, with workers often trapped in debt and subjected to exploitation and harsh working conditions.<sup>5</sup>

In Sindh, there are 1.7 million bonded laborers, with 700,000 of them being children, working under indecent and inhumane working and living conditions.<sup>6</sup>

Additionally, according to the Sindh Multiple Indicator Cluster Survey (MICS) 2018-19, about 8210 out of 40,633 5–17-year-old children in Sindh were engaged in child labor. This constitutes more than 20 percent of child laborers. The results indicate that children's engagement in labor progresses with age, with 11 percent for 5–11-year-old, 24 percent for 12–14-year-old, and 33 percent for 15–17-year-old children; the prevalence of child labor is the highest in the 15–17 years and the lowest in the 5–11 years age groups.<sup>7</sup>

Furthermore, it was revealed that there is a gender disparity in child labor in Sindh, with 22.3 percent males compared to 18 percent females engaged in child labor, signaling a higher prevalence of male children in these activities. Moreover, children from rural areas (28 percent) were more susceptible to child labor than those from urban areas.<sup>8</sup>

<sup>1</sup> World Population Review, *Global Slavery Index by Country* <https://worldpopulationreview.com/country-rankings/global-slavery-index-by-country> accessed 5 January 2025.

<sup>2</sup> Walk Free, *Global Slavery Index 2023: Snapshot - Pakistan* (Walk Free, 2023) <https://cdn.walkfree.org/content/uploads/2023/09/27164917/GSI-Snapshot-Pakistan.pdf> accessed 5 January 2025.

<sup>3</sup> UNICEF Pakistan, 'Child Protection' <https://www.unicef.org/pakistan/child-protection-0> accessed 4 January 2025.

<sup>4</sup> Solidarity Center, *Forced Labor in the Brick Kilns: A Report on Pakistan* (March 2021) <https://www.solidaritycenter.org/wp-content/uploads/2021/03/Pakistan.Report.Forced-labor-in-the-brick-kilns.pdf> accessed 4 January 2025.

<sup>5</sup> Ibid

<sup>6</sup> Dawn, '1.7 Million Bonded Labourers in Sindh, 700,000 Are Children: Report' (5 March 2023) <https://www.dawn.com/news/1855551> accessed 4 January 2025.

<sup>7</sup> Sindh - Multiple Indicator Cluster Survey 2018-19

<sup>8</sup> Child Labor in Sindh, *Pakistan: Patterns and Areas in Need of Intervention*, Maqbool, Newton and Shah, Stats 2024, (4), 1437-1453; <https://doi.org/10.3390/stats7040084>. accessed 11 June 2025 accessed 4 January 2025).



Child labor severely impacts children's physical and mental well-being, depriving them of education and a healthy childhood<sup>9</sup> while trapping them in a continuous cycle of poverty and deprivation.

The climate crisis exacerbates the prevalence of child labor, particularly in regions affected by extreme weather events and environmental degradation.<sup>10</sup> The number of children engaged in domestic work rose significantly due to the flooding between March and July 2023.<sup>11</sup> Sindh was the hardest-hit province, with 724 fatalities and 8,422 injuries. Over 56% of its total population was displaced, forced to live in camps without sufficient shelter.<sup>12</sup>

Additionally, birth registration remains alarmingly low, with only 34% of children under five in Pakistan registered. Birth registration serves as legal proof of identity, helps prevent child labor and early and forced child marriage, and protects children from being treated as adults in the justice system. Additionally, about 25 million children aged 5-16, over one-third of the school-age population, remain out of school in Pakistan.<sup>13</sup>

Children trapped in the brick kiln industry often face severe exploitation and abuse, with little opportunity to escape due to their indebtedness or trafficking. To safeguard vulnerable children, it is essential to provide them with free legal services that can guide them through the legal system, uphold their rights, and support their liberation from bonded labor. Legal aid can play a crucial role in ensuring justice, providing children with the opportunity to reclaim their freedom and access education.<sup>14</sup>

<sup>9</sup> International Labour Organization, *Child Labour: A Handbook for Labour Inspectors* (2017) [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_616431.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_616431.pdf)

<sup>10</sup> United Nations, *The Impact of Climate Change on Child Labor* (2021) <https://www.un.org/child-labor-climate-crisis-report> accessed 4 January 2025).

<sup>11</sup> U.S. Department of State, '2024 Trafficking in Persons Report: Pakistan' (2024) <https://www.state.gov/reports/2024-trafficking-in-persons-report/pakistan/> accessed 4 January 2025.

<sup>12</sup> Johns Hopkins University Center for Humanitarian Health, *Pakistan Forced Labor Study* (2023) [https://cenhtro.uga.edu/\\_resources/documents/PRIF\\_LS6\\_Pakistan%20Forced%20Labor%20Study\\_JHU\\_CenHTRO.pdf](https://cenhtro.uga.edu/_resources/documents/PRIF_LS6_Pakistan%20Forced%20Labor%20Study_JHU_CenHTRO.pdf) accessed 4 January 2025.

<sup>13</sup> Dawn, 'Over 25m Children Out of School in Pakistan' (3 January 2025) <https://www.dawn.com/news/1855551> accessed 4 January 2025.

<sup>14</sup> International Labour Organization, *Ending Child Labour in Brick Kilns: A Guide for Action* (2019) <https://www.ilo.org/ipecc/areas/child-labour/lang--en/index.htm> accessed 4 January 2025.

2



# **Legal Frame Work on Child Protection in the Brick Kiln Industry**







## 2. LEGAL FRAMEWORK ON CHILD PROTECTION IN THE BRICK KILN INDUSTRY

Pakistan's child protection framework is comprehensive, drawing from a blend of Constitutional, Federal laws, and provincial laws and policies that have evolved since the 18th Amendment to the Constitution of Pakistan in 2010. The 18th Amendment enhanced provincial autonomy, allowing provinces to enact and implement their own labour laws and child protection laws.

The Constitution of Pakistan guarantees fundamental rights, including the protection of children, and mandates the state to ensure their welfare. In addition to national provisions, Pakistan adheres to international conventions such as the United Nations Convention on the Rights of the Child (UNCRC), which further influences domestic policies.

The combination of these legal structures ensures a more nuanced and locally tailored approach to child protection, addressing the diverse needs of children across the country while fulfilling international obligations.

### 2.1 CONSTITUTIONAL FRAMEWORK

The Constitution of the Islamic Republic of Pakistan, 1973, is the supreme law of the country. It protects the rights of children and provides for their welfare.

Article 3 of the Constitution provides that, "The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work."



**Article 25A:** The state to provide free and compulsory education to children aged five to sixteen years



**Article 11 (3):** No child below the age of fourteen years shall be employed in any factory, mine, or other hazardous work.

Furthermore, Article 11 of the Constitution of Pakistan strictly prohibits slavery, forced labor, and other forms of exploitation. Clause (1) declares that slavery is non-existent and forbidden, with no law allowed to permit or facilitate its introduction into the country in any form. Clause (2) bans all forms of forced labor and human trafficking. Clause (3) protects children by stating that no child below the age of fourteen years shall be employed in any factory, mine, or other hazardous work.

Moreover, Article 25 of the Constitution guarantees the equality of all citizens. Clause (1) ensures that all citizens are equal before the law and entitled to its equal protection. Clause (2) prohibits discrimination based on sex, promoting gender equality. Clause (3) allows the state to make special provisions for the protection of women and children, acknowledging their specific needs and vulnerabilities.



Additionally, Article 25A of the Constitution of Pakistan guarantees the right to education for all children. It mandates that the state provide free and compulsory education to children aged five to sixteen years, in a manner determined by law.

Article 35 of the Constitution of Pakistan mandates that the state protects the marriage, the family, the mother, and the child. This provision highlights the state's role in safeguarding the integrity of family life and ensuring the well-being of its most vulnerable members, particularly children.

Likewise, Article 37 of the Constitution of Pakistan focuses on the promotion of social justice and the eradication of social evils. This includes: (a) promoting, with special care, the educational and economic interests of backward classes or areas; (b) removing illiteracy and providing free and compulsory secondary education in the shortest possible time; (c) making technical, professional, and higher education available to all on the basis of merit; (d) ensuring inexpensive and expeditious justice; (e) securing just and humane working conditions, ensuring that children and women are not employed in jobs unsuitable for their age or sex.

## 2.2 FEDERAL LAWS:

Children in the brick kiln industry and modern-day slavery are often victims of trafficking, forced into exploitative labour under inhumane conditions.

The Prevention of Trafficking in Persons Act, 2018 (TIP 2018) is a significant piece of legislation addressing human trafficking crimes across Pakistan. The TIP Act 2018 primarily focuses on preventing and combating trafficking, particularly concerning women and children, while promoting national and international cooperation on the issue and ensuring the protection of trafficking victims.

The TIP Act 2018 repealed the Prevention and Control of Human Trafficking Ordinance, 2002<sup>15</sup>

The Federal Government notified the Prevention of Trafficking in Persons Rules, 2020 (TIP Rules 2020) in exercise of the powers conferred under section 15 of the TIP Act 2018.

As per Section 1(2) of the TIP Act 2018, it is applicable across Pakistan. As per Section 2(a), a "child" is defined as a person under eighteen years of age.

Trafficking is defined as the act of recruiting, harboring, transporting, providing, or obtaining a person, or attempting to do so, for purposes such as compelled labor or commercial sex acts, through means of force, fraud, or coercion, as outlined in Section 3(1) of the TIP 2018.

The punishment for trafficking "may extend to seven years or with fine which may extend to one million rupees or with both." However, as per Section 3(2), If the offence of trafficking in persons is committed against a child or a woman, the person who commits the offence shall be punished with imprisonment which may extend to ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both.

<sup>15</sup> Section 16 of the Prevention of Trafficking in Persons Act, 2018.



As per Section 6 of TIP 2018, "a victim shall not be criminally liable for an offence under this Act but may become witness in the case."

Furthermore, Section 7 states, "where the victim is a child, the prosecution may not prove actual use of force fraud or coercion and the Court may not consider the consent of the victim, his parent or guardian as a defence."

The police are responsible for investigating offences under this TIP 2018, as per Section 8. However, if the offence involves transporting the victim into or out of Pakistan, the Federal Investigation Agency (FIA) will investigate the offence.

As per Section 9 of TIP 2018, the offence of trafficking is cognizable and non-bailable. Further, a Magistrate of the First Class shall try an offence of trafficking arising under the TIP Act 2018.

The TIP Rules 2020 expand upon the TIP Act 2018. Rule 8 of the TIP Rules 2020 provide for 'special treatment of victims under 18 years of age'. It provides that:

The investigating officer, or any officer of the investigating agency handling a matter under the Act, with assistance of a child protection officer, if possible, when the matter involves a child under eighteen years of age or an individual who appears to be under eighteen years of age, shall —

- (a) establish the facts surrounding the circumstances giving rise to the child being trafficked.
  - (b) where the child's guardian or parent is identified, immediately notify such guardian or parent of the child victim, subject to considerations of safety and security of the child and for example possible complicity of the parent or guardian in the trafficking;
  - (c) where possible and expedient, evaluate the child's parental circumstances including parental characteristics, mental stability, maturity, physical or emotional impairment, substance and alcohol abuse, temperament, employment status, and level of support given to the child;
  - (d) If possible, evaluate the child's family circumstances, including family violence or inappropriate discipline;
  - (e) evaluate the child's environmental circumstances, including poverty, homelessness, isolation, and mobility of the parents;
  - (f) identify the level of risk that the child may be exposed to, including any gender related needs;
  - (g) identify actual and potential protective and supportive factors in the home and broader environment to minimize risk to the child; and
  - (h) decide on the appropriate protective measures or intervention as provided for in the Act and these rules.
- (2) The investigating agency shall submit a report under sub-rule (1) above before the Court and the Court may pass an appropriate order for placing a child in care for the duration of the court order and a copy of the said order shall be handed to the investigating officer and the prosecutor dealing with the matter.





Rules 23 provides for 'legal assistance to victims' It provides that:

- (1) Victims of an offence under the Act shall have access to legal advice and assistance in order that they are able to inform and meaningfully consent to any decisions which they take.
- (2) The Government shall, and the Non-Governmental Organizations may, provide necessary legal assistance to the victim during trial of the case and other legal proceedings under the Act. Such assistance shall include free legal advice and representation of the victim in investigation, any trial or proceeding in a Court, tribunal or before an authority related to any criminal, civil, or family matter, and matters related to immigration.
- (3) Officers and members of the investigating agency shall facilitate access of the victim to legal assistance provided by the Government of a Non-Governmental Organization as soon as possible.
- (4) The legal assistance to the victim shall be provided unconditionally and shall not be contingent upon the victim's willingness to serve as witness and thereby cooperate with the investigating agency, the prosecution or any other authority which is concerned with the prosecution of the accused.
- (5) Legal assistance to the victim shall in all cases be with his or her voluntary and informed consent and in consultation with the support person, if any.
- (6) A victim is entitled to ask for a change of his or her legal assistance provider, legal representative, or counsel if the victim has reasonable concerns about the legal advice and representation that is being provided.
- (7) All information shared by a victim with any legal assistance provider, legal representative, or counsel, or the contents of the legal assistance provider, legal representative, or counsel correspondence with the victim shall be kept confidential.



## Pakistan Penal Code (PPC) 1860

In addition to the TIP Act 2018 and TIP Rules 2020, there are specific provisions within the Pakistan Penal Code (PPC) 1860 that govern cruelty to a child, trafficking and forced labour offences. These are depicted in the table below:

Section in the PPC 1860	Title Corresponding to the Section	Text Corresponding to the Section
328-A	Cruelty to a child	Whoever willfully assaults, ill-treats, neglects, abandons or does an act of omission or commission, that results in or has, potential to harm or injure the child by causing physical or psychological injury to him shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend up to three years, or with fine which shall not be less than twenty-five thousand rupees and may extend up to fifty thousand rupees, or with both
339	Wrongful restraint	Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.
340	Wrongful confinement	Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.
341	Punishment for wrongful restraint	Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term, which may extend to one month, or with fine, which may extend to one thousand five hundred rupees or with both.
342	Punishment for wrongful confinement	Whoever wrongfully confines any person, shall be punished with imprisonment of either description for, a term, which may extend to one year, or with fine which may extend to three thousand rupees or with both.
343	Wrongful confinement for three or more days	Whoever wrongfully confines any person, for three days or more, shall be punished with imprisonment of either description for a term, which may extend to two years, or with fine, or with both.
370	Buying or disposing of any person as a slave	Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
371	Habitual dealing in slaves	Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, shall also be liable to fine.
374	Unlawful compulsory labour	Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to five years or with fine, or with both.



The TIP Act 2018 repealed Section 369-A titled 'Trafficking of Human Being' from the PPC 1860.

## **Criminal Law (Second Amendment) Act 2016**

The 2016 amendment introduced comprehensive provisions in the PPC 1860, which specifically criminalize various forms of child sexual abuse and exploitation. These include Section 292A, which prohibits the exposure of children to seduction, and Sections 292B and 292C, which criminalized the production, distribution, and possession of child pornography, including through electronic means. However, Sections 292B and 292C were repealed through Section 13 of the Prevention of Electronic Crimes Act (PECA) 2023.

## **Prevention of Electronic Crimes Act (PECA) 2016 and 2023 Amendment:**

PECA is applicable to the whole of Pakistan, every citizen of Pakistan wherever s/he may be and also to every other person for the time being in Pakistan.<sup>16</sup> In the 2023 amendment, under Section 2(vi-a), 'child' has been defined as "a person below the age of eighteen years." This is a good addition as it is in line with Article 1 of the UNCRC.

Moreover, serious offences against children have been defined for the protection of children from online gender-based violence (GBV). This includes 'child sexual abuse content' and 'sexually explicit conduct', defined under Section 2 (vi-b) and (xxvii-a). New sections 22A (online grooming, solicitation and cyber enticement), 22B (commercial sexual exploitation of children) 22C (use of information system for kidnapping, abduction or trafficking of minors) and 24A (cyberbullying) have also been inserted through the 2023 Amendment.

Importantly, Section 30 titled 'power and procedure to investigate' has been amended. In addition to the Federal Investigation Agency (FIA), the police have also been authorized to take cognizance under PECA. In that case, the police are bound to refer the matter relating to the offence under PECA immediately to the FIA, for 'technical opinion and investigation'.

The federal and provincial governments may also constitute a joint investigation team (JIT). The JIT will include five members headed by an investigating officer not below the rank of BS-18, as per Section 30 (2) of the 2023 amendment. Moreover, the investigating officer or the JIT has been mandated to complete the investigation within forty-five working days, as per Section 30 (3) of the 2023 amendment.

## **Anti Rape Laws of 2021**

Child labour and sexual violence against children are closely connected issues that often occur together, especially in unsafe and unregulated work environments. Children who are forced or compelled to work, particularly in informal sectors like bonded labour, domestic work or agriculture, are more vulnerable to sexual exploitation due to the lack of supervision and protection.<sup>17</sup>

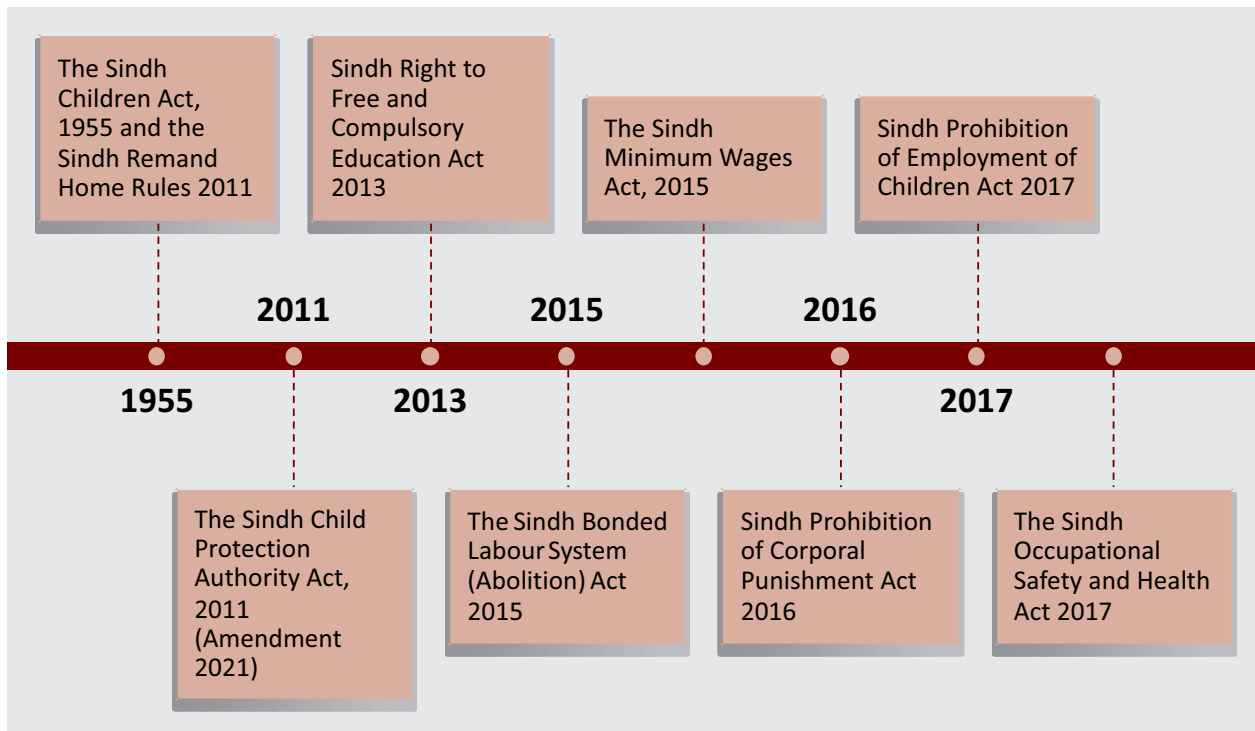
In 2021, the Criminal Laws (Amendment) Act was enacted to redefine the offences of rape and sexual violence. The Anti-Rape (Investigation and Trial) Act 2021 also introduced crucial measures like Special Courts, Anti-Rape Crisis Cells (ARCCs), Special Prosecutors, victim and witness

<sup>16</sup> Section 1 of the PECA 2016

<sup>17</sup> Violence and abuse among working children in urban and suburban areas of lower Sindh, Pakistan" Misha Iqbal, Zafar Fatemi, Kausar Khan, Asad Nafees. Published in PubMed DOI: 10.34080679



protection mechanisms, Special Sexual Offences Investigation Units (SSOIs), Independent Support Advisers (ISAs), and a Register of Sex Offenders. Four comprehensive rules were also notified to enhance the implementation of the law, namely: the Anti-Rape (Crisis Cell and Medico-Legal) Rules 2022, the Anti-Rape (Trial Procedure) Rules 2022, the Anti-Rape (Investigation) Rules 2023, and the Anti-Rape (Sex Offenders Register) Rules 2023.



## 2.3 PROVINCIAL LAWS

The 18th Amendment devolved the subject of labor to the provincial governments, giving them full responsibility for labor legislation and administration. Sindh has enacted a number of key laws governing the subject of Child Labour. Following are the laws applicable to children employed in the brick kiln industry:

### The Sindh Children Act, 1955

The law governs the protection, welfare, and rehabilitation of children in Sindh. It provides for the creation of juvenile courts and the appointment of probation officers, as well as outlines procedures for investigating and prosecuting crimes involving children. The Act also establishes institutions like remand homes to support the care and rehabilitation of juvenile offenders and other vulnerable children.

Section 48 of the Sindh Children Act, 1955 defines the offence of 'Punishment for Cruelty to Children' as follows: " (1) Whoever having the actual charge of, or control over a child willfully assaults, ill-treats, neglects, abandons, or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed or negligently fails to provide adequate food, clothes,





or medical aid or lodging for a child in a manner likely to cause such child unnecessary mental and physical suffering shall, on conviction, be punished with imprisonment of either description for a term not exceeding two years or with fine which may extend to Rs 1,000 or with both."

Section 24 of the Sindh Child Protection Authority (Amendment Act 2021) provides that its provisions shall be in addition to, and not in derogation of the Sindh Children Act, 1955 and the Juvenile Justice System Act, 2018.

### **The Sindh Child Protection Authority Act, 2011 (Amendment 2021)**

This law has established an inter-agency Child Protection Authority (Sections 3, 4) to coordinate and oversee child protection issues at the provincial and district levels. Its objectives include ensuring the rights of children requiring special protection, strengthening existing child welfare services, setting minimum standards for these services, and mobilizing financial resources for child protection programs (Section 10). The Act also empowers the authority to appoint child protection officers and set up a Child Protection Unit for local areas (Sections 15, 16).

The law defines a child as a person who has not attained the age of eighteen years (Section 2 (g)). The 2021 Amendment added Clause "(a-i)" titled "abuse" as "child abuse and includes physical, psychological or sexual violence, exploitation, comprising

economic exploitation and sexual exploitation, including child marriage, child trafficking or exploitive, domestic or commercial child labor, corporal punishment, injury

and maltreatment;"

A child in need of special protection measures has been described in Section 2 (c) as a child who:

- (i) is victim of violence, abuse and exploitations;
- (ii) is subjected to physical and psychological violence, sexual abuse or commercial sexual exploitation;
- (iii) is forced into the worst forms of the child labour, exploitative labour, or beggary;
- (iv) is subject to human trafficking within and outside Pakistan;
- (v) is being misused for drug trafficking or is subjected to abuse of substances like synthetic and non-synthetic narcotic substances and other illegal drugs and substances
- (vi) is engaged in an armed conflict;
- (vii) is a child without primary care givers; and street children
- (viii) is affected or infected with HIV aids;
- (ix) is reported as 'missing child' to the Authority or Child Protection Unit, as the case may be, or any law enforcement agency by his parent or legal guardian, as the case may be
- (x) has been kidnapped or abducted

Section 15 of the Act mandates the appointment of child protection officers, while Section 16 provides for the establishment of a Child Protection Unit in a local area.

Additionally, Section: 20-D mandates the establishment of Special Courts for the purpose of speedy justice. It provides that "The Government shall in consultation with the High Court of



Sindh, an existing court of Civil Judge/Assistant Sessions Judge to be a Special Court for Child Protection to try the offences under this Act"

Moreover, Section 20-D(3) provides that the Special Court on taking cognizance of a case shall proceed with the trial from day to day and shall decide the case within one hundred and twenty days.

### **The Sindh Right to Free and Compulsory Education Act 2013**

This law was enacted to provide for the right to education to all children of the age of five to sixteen years as envisaged in Article 25-A of the Constitution of Pakistan. Section 2 (c) of the law particularly defines a "disadvantaged child" as "a child who belongs to a socially and economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit...".

Section 7(4) (c ) obligates the government to ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds whatsoever for pursuing and completing education.

In exercise of the powers conferred by section 30 (1) of the Right to Free and Compulsory Education Act of 2013, the Government of Sindh notified the Right of Free and Compulsory Education Rules, 2016.

The rules define the responsibilities of the government, schools, and parents in ensuring that every child aged 5 to 16 receives free and compulsory education. They also set standards for school infrastructure, teacher qualifications, etc, helping to improve the quality and accessibility of education while protecting children's rights and promoting accountability in the education system.

### **The Sindh Bonded Labour System (Abolition) Act 2015**

This law was enacted to abolish bonded labour system in the Province of Sindh. Section 4 of the law abolished bonded labour system, it states, " every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour... No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced, labour." Section 6 of the Act provides that upon its commencement, every obligation of a bonded laborer to repay a bonded debt, or any portion of such debt remaining unpaid at the time, shall be extinguished. Moreover, Section 7 provided that the property of bonded labour will be freed from any mortgage, charge, lien or other encumbrance in connection with any bonded debt.

Section 10 of the Act mandates that the Deputy Commissioner and their designated officers work to promote the welfare of freed bonded laborers by safeguarding their economic interests to prevent further bonded debt. They are also responsible for investigating and addressing any enforcement of bonded or forced labor within their jurisdiction, taking necessary actions to uphold the provisions of the Act.

Section 15 mandates the establishment of Vigilance Committees at the District level for the



effective implementation of the law and to provide assistance to the bonded labourers. This has been discussed in more detail in the section pertaining to protection mechanisms.

Furthermore, Rule 9 of the Sindh Bonded Labour (Abolition) Rules 2021 provides for a fund for "...the rehabilitation and welfare of the freed bonded labourer...". However, as per information received by the SHRC from the Labour Department (Government of Sindh), the Fund has not yet been established.

As per Section 16 of the Act, a Magistrate of the first class is empowered to take cognizance of an offense under the law. Additionally, Section 17 specifies that all offenses under this Act are considered cognizable and bailable.

## The Sindh Minimum Wages Act, 2015

This law was enacted to provide for the regulation of minimum rates of wages and various allowances for different categories of workers employed in certain industrial and commercial undertakings and establishments. It is applicable to all industrial establishments and commercial establishments in the Province of the Sindh.<sup>18</sup>

In Section 2 (1) (ii) an "adolescent" has been defined as a person who has completed fourteenth year of his age but has not completed eighteenth year of his age, whereas an

"adult" has been defined in Section 2 (1) (iii) as a person who has completed his eighteenth year of age.

A "juvenile worker" is defined as a worker who is not an adult in Section 2 (1) (xiii).

The law provides that the Minimum Wages Board shall recommend to Government, after such enquiry as the Board may deem fit, the minimum rates of wages for adult, skilled and unskilled workers and juvenile and adolescent workers employed in industrial establishments or commercial establishments or both, as per Section 4 (1) of 2015 Act.

The Labour Court established under the Sindh Industrial Relations Act, 2013 shall take cognizance of offences pertaining to minimum wages, as per Section 16.

As per Notification No SO(L-II) 13-03/2016-I dated 22nd October 2024 by the Labour and Human Resources Department, the minimum wages for unskilled adult and adolescent workers have been declared at Rs. 37,000/- per month.

**ADOLESCENT:**  
a person who has completed fourteenth year of his age but has not completed eighteenth year of his age

**ADULT:**  
a person who has completed his eighteenth year of age.

**JUVENILE WORKER:**  
a worker who is not an adult

<sup>18</sup> Section 1 (3) of the Sindh Minimum Wages Act, 2015



Additionally, the per piece rate for brick kiln workers was notified on 30th July 2024 at Rs. 1446/- per thousand bricks provided that monthly wage should not be less than Rs 38,280/-.

The Sindh Human Rights Commission has written a series of letters to the Deputy Commissioner District Sukkur/Khairpur/Ghotki and District Shaheed Benazirabad/ Naushahero Feroze /Sanghar for the implementation of the minimum wages for brick kiln workers the Sindh Minimum Wages Act, 2015 and the notification of the Labor Department dated 22nd October 2024.

### **The Sindh Prohibition of Corporal Punishment Act, 2016**

This law makes provisions for the protection of children against corporal punishment by any person, at work place, in all types of educational institutions including formal, non-formal, and religious both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings both public and private, and in the Juvenile Justice System.

Section 2 (1) (e) further describes the workplace as "the place of work or the premises

where an organization or employer operates and includes building, factory, shop, commercial establishment, workshop, farm, residential hotel or restaurant, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office."

In exercise of the powers conferred under section 8 (1) of the Sindh Prohibition of Corporal Punishment Act, 2016, the Government of Sindh notified the Sindh

### **Prohibition of Corporal Punishment Rules, 2021**

These rules require the Social Welfare Department to provide immediate protection to children subjected to corporal punishment (Section 8) and maintain an online complaint system for the public to report such cases (Section 9).

### **The Sindh Occupational Safety and Health Act 2017**

This law was enacted to make provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at workplaces and for the promotion of safe, healthy and decent working environment adapted to the physical, physiological and psychological needs of all persons at work. In 2019, the Sindh Occupational Safety and Health Rules were also notified.

As per Section 3 (d), a "child" has been defined as a person who has not completed the age of fourteenth year.

As per Section 13, employers are required to ensure that occupational safety and health representatives are provided the opportunity to attend government-approved health and safety training at least once every two years. The employer must bear all associated expenses, including paid leave, course fees, lodging, boarding, and travel costs. This provision underscores the employer's responsibility to facilitate the continuous development and competence of safety representatives, ensuring a safer and healthier workplace environment.

As per Section 18(1), the Government has the authority to appoint Inspectors. As per Section





19(1), an Inspector appointed under Section 18 is empowered to execute the provisions of this Act in accordance with the powers outlined in their certificate of appointment. These powers may include, but are not limited to, the authority to enter, inspect, and examine any premises at any reasonable time. In circumstances where the Inspector deems a situation to be dangerous or potentially dangerous, they may exercise this authority at any time to ensure compliance with the Act and safeguard safety standards.

### The Sindh Prohibition of Employment of Children Act 2017

This law was enacted to prohibit the employment of children and to regulate employment of adolescents in certain occupations and work.

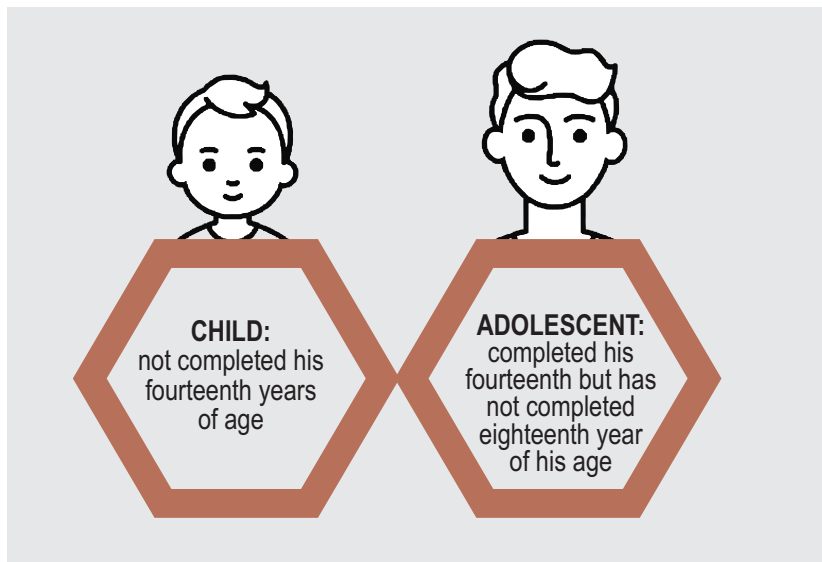
Section 3 (1) provides that no child shall be employed or permitted to work in any

establishment. A child has been described as a person who has not completed his fourteen years of age.<sup>19</sup> Additionally, Section 3 (2) provides that no adolescent shall be employed or permitted to work in any hazardous work included in the Schedule. An adolescent has been defined as a person who has completed his fourteenth but has not completed eighteenth year of his age.<sup>20</sup>

As per Section 13 (1), the provisions of the Payment of Wages Act, 1936, Sindh Minimum Wages Act, 2015, the Sindh Employees' Social Security Act 2016, the Sindh Workers Compensation Act, 2015, the Sindh Employees' Old-Age Benefits Act, 2014 and the Sindh Terms of Employment (Standing Orders) Act, 2015 shall be applicable to the adolescent workers to the extent as prescribed in the law.

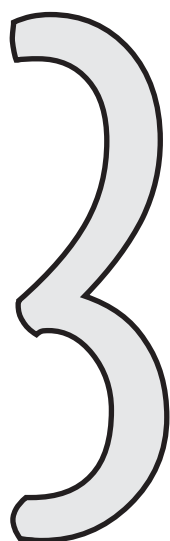
Additionally, as per Section 22 (1), the occupier of the establishment in which an adolescent (under 16 years of age) is working, or a child is acquiring skills, shall ensure that the adolescent or the child is undergoing compulsory schooling as required under Article 25A of the Constitution of Islamic Republic of Pakistan. Further Section 22 (2) provides that the occupier shall keep documentary proof of the adolescent or child's education ready for inspection by the competent inspecting authority.

3.18 as it also provides for free legal aid to the children who are victims of offences.



<sup>19</sup> Section 2(ii) of the Sindh Prohibition of Employment of Children Act 2017

<sup>20</sup> Section 2 (i) of the Sindh Prohibition of Employment of Children Act 2017



# Provincial Policies





### 3. PROVINCIAL POLICIES

#### SINDH HUMAN RIGHTS POLICY:

The Sindh cabinet has approved the Sindh Human Rights Policy 2023-2027. The five-year policy aims to protect the rights of vulnerable groups, including women, children, persons with disabilities, laborers, minorities, and transgender individuals. The draft of the policy was developed through a collaborative effort between the Sindh Human Rights Department and the Sindh Human Rights Commission.<sup>21</sup> The Sindh Human Rights Policy has a dedicated chapter on the protection of children.



#### SINDH CHILD PROTECTION POLICY:

This policy is currently in a draft shape and has not yet been approved by the Cabinet. The SHRC has provided technical input to the government to strengthen the policy framework and ensure effective child protection measures.



#### SINDH LABOUR POLICY:

Sindh's first Labour Policy was adopted in 2018. It has a dedicated Chapter 5 on the protection of vulnerable sections of the working-class including child labor and bonded labor. The labour policy states that the employment of children under the age of 14 has been prohibited and that children between the ages of 16 and 18 will not be engaged in hazardous working conditions which also includes brick kilns. The policy further states that bonded labor will be abolished in all its forms and appropriate amendments will be made in laws to make it more stringent and to implement the laws to safeguard the interest of the workers.



<sup>21</sup> 'Cabinet Approves Sindh Human Rights Policy 2023' *The Express Tribune* (Karachi, 2 August 2023) <https://tribune.com.pk/story/2429042/cabinet-approves-sindh-human-rights-policy-2023> accessed 6 January 2025.

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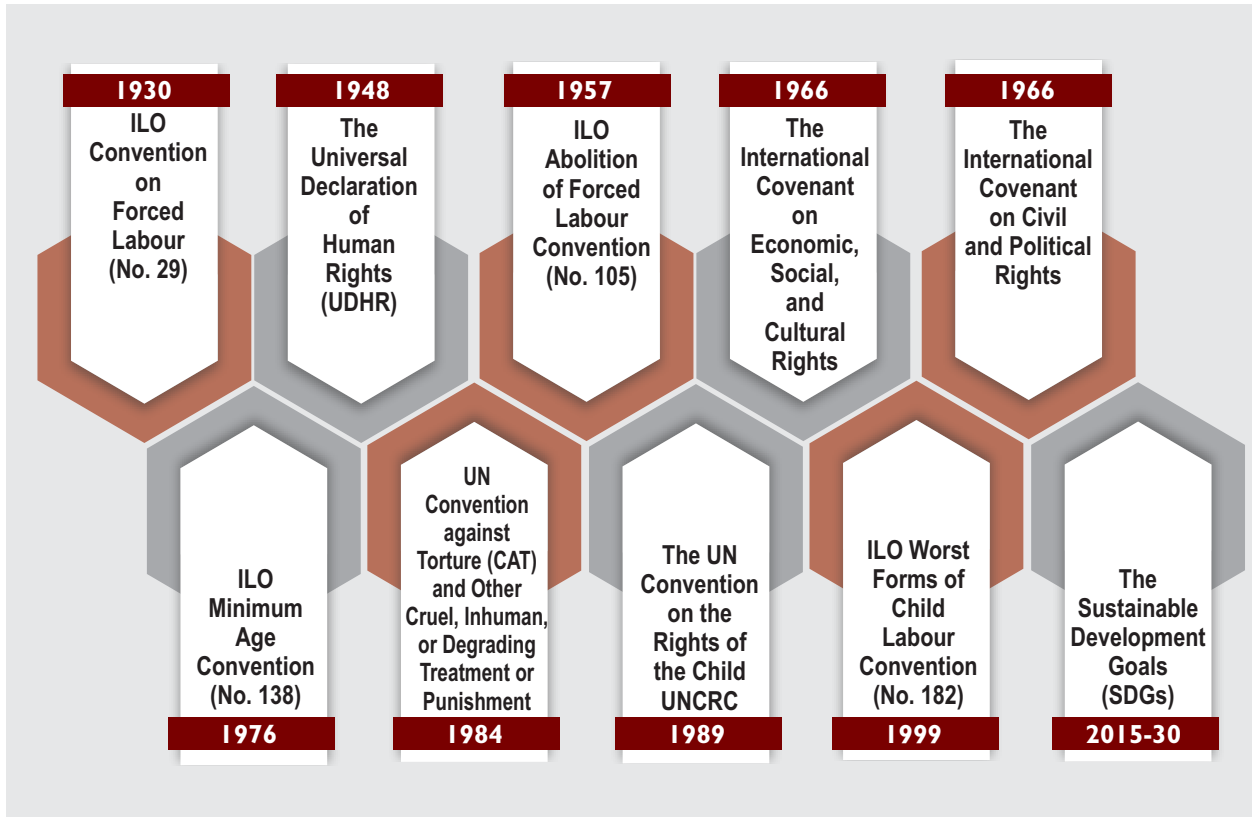


# International Laws





## 4. INTERNATIONAL LAW:



**The Universal Declaration of Human Rights (UDHR)**, adopted by the United Nations General Assembly on December 10, 1948, is a milestone document in the history of human rights. It proclaims a common standard of fundamental rights and freedoms to which all people are entitled, regardless of race, gender, nationality, or status. The UDHR is widely regarded as the foundation of international human rights law and has inspired numerous treaties, laws, and constitutions worldwide. The articles pertaining to forced labour and slavery are stipulated below:

- Article 4: No one shall be held in slavery or servitude
- Article 5: No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment
- Article 23: Everyone, without any discrimination, has the right to equal pay for equal work
- Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay

Further, the UNCRC, 1989, serves as the fundamental and guiding framework for the protection of children in all contexts and circumstances. Pakistan ratified the UNCRC on 12 September 1990. Complementing this are the concluding observations and recommendations issued by the Committee on the Rights of the Child regarding Pakistan's periodic reports, along with the core conventions of the International Labour Organization (ILO) and other key human rights treaties.





The following sections outline the relevant provisions of each of these instruments and documents.

The Committee on the Rights of the Child (2016) expressed concerns over Pakistan's delays in enacting laws to address child labor (paragraph 6). Regarding children deprived of a family environment, the Committee acknowledged the establishment of national rehabilitation centers for child laborers to provide alternative care. However, it regretted the lack of foster care options for such children (paragraph 43). Additionally, the Committee observed that refugee children often engage in child labor due to limited access to education (paragraph 64). Consequently, it recommended that Pakistan "enforce legal measures against child and bonded labor involving refugee, asylum-seeking, and stateless children" (paragraph 66(e)).

The Committee expressed significant concern regarding several issues related to economic exploitation, including child labor and the employment of children in hazardous occupations.

" (c) The continuing practice of bonded and forced labour affecting children from poor and vulnerable backgrounds, including Dalit children; (d) The absence of nationwide or provincial studies on the extent of child labour; (e) Insufficient programs and mechanisms to identify and protect child victims of forced labour, particularly bonded labour and child labour in the informal sector, including domestic work; (f) The low minimum age for hazardous work, namely 14 years; (g) The inadequate number of sufficiently trained inspectors, their vulnerability to corruption, and a lack of resources to inspect workplaces. (paragraph 71)"

Given these observations, the Committee urged Pakistan to: "(a) Take appropriate measures to eradicate child labour, in particular the worst forms of child labour, by addressing its root causes, including poverty; (b) Establish mechanisms for the systematic and regular monitoring of workplaces that employ children to prevent ill-treatment, abuse, and exploitation; (c) Eradicate all forms of bonded and forced labour of children, in particular those from marginalized and disadvantaged groups, such as Dalit children, and bring those responsible, in particular employers, to justice; (d) Conduct a survey or study to assess the prevalence of child labour, including the worst forms of child labour, such as bonded and forced labour, and inform the Committee about the findings in its next periodic report; (e) Develop programs and mechanisms to identify and protect child victims of forced labour, particularly bonded labour, and child labour in the informal sector, including domestic work; (f) Strengthen the labour inspectorate by eradicating corruption and providing labour inspectors with all the support necessary, including child labour expertise, to enable them to monitor effectively, at the national and local levels, the implementation of labour law standards and to receive investigate and address complaints of alleged violations; (g) Expedite the harmonization of the labour laws to establish minimum ages for employment under international standards, notably the ILO Minimum Age Convention, 1973 (No. 138), and vigorously pursue the enforcement of minimum age standards, including by requiring employers to possess, and to produce on demand, proof of the age of all children working on their premises;"



## The Rights Provided Under The UNCRC:

### General Principles

- Article 2:** Right to non-discrimination.
- Article 3:** Best interests of the child.
- Article 6:** Right to life, survival, and development.
- Article 12:** Right to express views and be heard in matters affecting the child.

### Civil Rights and Freedoms

- Article 7:** Right to birth registration, name, nationality, and identity.
- Article 8:** Right to preserve identity.
- Article 13:** Right to freedom of expression.
- Article 14:** Right to freedom of thought, conscience, and religion.
- Article 15:** Right to freedom of association and peaceful assembly.
- Article 16:** Right to privacy.
- Article 17:** Right to access information from diverse sources.

### Family Environment and Alternative Care

- Article 5:** Right to parental guidance.
- Article 9:** Right to live with parents unless it is against the child's best interests.
- Article 10:** Right to family reunification.
- Article 11:** Protection from unlawful transfer and retention abroad.
- Article 18:** Responsibility of both parents in raising the child.
- Article 20:** Right to special protection and alternative care if deprived of a family environment.
- Article 21:** Adoption procedures must prioritize the child's best interests.
- Article 25:** Right to periodic review of alternative care arrangements.

### Health and Welfare

- Article 24:** Right to the highest attainable standard of health and access to healthcare services.
- Article 26:** Right to social security and benefits.
- Article 27:** Right to an adequate standard of living.



### Education, Leisure, and Cultural Activities

Article 28: Right to education.

Article 29: Education should develop the child's personality, talents, and abilities to their fullest potential.

Article 31: Right to rest, leisure, play, and participation in cultural and artistic activities.

### Special Protection Measures

Article 19: Protection from abuse and neglect.

Article 22: Rights of refugee children.

Article 23: Rights of children with disabilities.

Article 32: Protection from economic exploitation and hazardous work.

Article 33: Protection from illicit drugs.

Article 34: Protection from sexual exploitation and abuse.

Article 35: Protection from abduction, sale, and trafficking.

Article 36: Protection from all forms of exploitation.

Article 37: Protection from torture, cruel treatment, and unlawful deprivation of liberty.

Article 38: Protection during armed conflicts.

Article 39: Right to rehabilitation and reintegration for child victims.

Article 40: Rights of children accused of crimes to be treated with dignity and fairness.

In 2010, Pakistan ratified the **International Covenant on Civil and Political Rights (ICCPR)**, which includes Article 8 prohibiting slavery, practices akin to slavery, and forced labour under all circumstances.

In 2024, the **ICCPR Committee** issued Concluding Observations on the second periodic report of Pakistan. The Committee highlighted its concern about the extent of trafficking in persons and forced and bonded labour, in particular in sectors such as brick kilns, agriculture and domestic work, as well as other forms of abuse, such as sexual abuse of children in domestic work. It remained concerned about the low levels of convictions and the lack of adequate shelter, assistance and rehabilitation services for victims (paragraph 32). The State Party provided the following recommendations to Pakistan

- a) Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors, including domestic work, in order to prevent forced and bonded labour and other forms of abuse and exploitation, including sexual abuse of children in domestic work;
- b) Ensure that cases of trafficking in persons and forced or bonded labour are promptly, thoroughly and impartially investigated, that those responsible are appropriately sanctioned



and those victims are provided with full reparation;

- c) Redouble its efforts to identify victims of trafficking in persons, forced and bonded labour, and provide them with appropriate protection and assistance, ensuring that the geographical coverage and quality of shelters is adequate, especially in rural and marginalized areas;
- d) Allocate sufficient financial, technical and human resources to all institutions responsible for preventing, combating and punishing trafficking in persons and forced and bonded labour, as well as to institutions in charge of providing victims with protection and assistance;
- e) Study and address the root causes of the persistent practice of forced and bonded labour and improve its prevention policies.

Pakistan ratified the **International Covenant on Economic, Social, and Cultural Rights** (ICESCR) in 2008. In its concluding observations on Pakistan's initial report from July 2017, the ICESCR Committee highlighted several concerns. It noted a discrepancy between the Constitution, which guarantees free and compulsory education up to the age of 16, and the minimum employment age of 14.

This is particularly troubling given government statistics indicating that nearly 2 million children aged 10 to 14 are employed, with 28 percent engaged in hazardous work. Additionally, most of these children do not attend school.

The Committee further expressed concern about the working conditions of child labourers, the majority of whom are employed in agriculture, brick kilns, coal mining, street work, and domestic environments, where they face a high risk of sexual and economic exploitation (Articles 7, 10, 13, 14, paragraph 63).

To address these issues, the Committee recommended that Pakistan:

- (a) Strengthen legislation prohibiting child labour and enhance enforcement, including more robust labour inspections;
- (b) Ensure that individuals exploiting children for labour are prosecuted and punished;
- © Implement measures to support the recovery of working children, ensure their access to education, and provide adequate assistance to their families;
- (d) Conduct a national survey to determine the scope and nature of child labour (paragraph 64).

In 2010, Pakistan ratified the **United Nations Convention against Torture** and Other Cruel, Inhuman, or Degrading Treatment or Punishment. When reviewing Pakistan's initial report in April 2017, the Committee Against Torture expressed concern that, despite government efforts, there were persistent reports of high levels of human trafficking for sexual exploitation and forced or bonded labour, including the use of children as domestic workers under conditions resembling slavery (Articles 2, 12, 14, and 16, paragraph 32) (Committee against Torture, 2017). The Committee urged Pakistan to take stronger measures to eliminate human trafficking and forced labour by thoroughly investigating all allegations, ensuring that perpetrators are held accountable, and imposing penalties that reflect the severity of their crimes. Furthermore, the Committee recommended that Pakistan implement systematic and routine monitoring of workplaces in both the formal and informal sectors, including domestic settings, to prevent forced labour, bonded labour, and other forms of abuse, mistreatment, and exploitation.



The Government of Pakistan has ratified two key ILO Conventions on child labour: the **Minimum Age Convention** (No. 138) and the **Worst Forms of Child Labour Convention** (No. 182). Additionally, Pakistan has ratified other ILO Conventions, such as the **Forced Labour Convention** (No. 29) and the **Abolition of Forced Labour Convention** (No. 105), which protect children from all forms of forced labour.

Children involved in bonded labour in Pakistan face severe health and safety risks, making it one of the most harmful forms of child labour in the country. Pakistan ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) in 2001. Article 3(a) of this Convention defines the worst forms of child labour, including "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour."

In December 1957, Pakistan ratified the **ILO Convention on Forced Labour** (No. 29), which requires State parties to abolish all forms of forced or compulsory labour. As a signatory to the Convention, Pakistan is obligated to ensure that the use of forced labour is treated as a criminal offense, with penalties that are "sufficiently adequate and strictly enforced" (Article 25). This Convention is particularly relevant to children involved in bonded labour as they are frequently forced to perform hazardous work against their will.

In February 1960, Pakistan ratified the **ILO Abolition of Forced Labour Convention (No. 105)**, which primarily targets forced labour imposed by governmental authorities. The Convention explicitly prohibits the use of any form of forced or coerced labour.

In 2001, Pakistan ratified the **Worst Forms of Child Labour Convention, 1999 (No. 182)**. Article 1 provides that the Member who have ratified the 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." Furthermore, Article 3 defines the term the worst forms of child labour as follows:

- "(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

Moreover, Article 6 provides that each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

Furthermore, Article 7 provides:

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child





labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention."

In 2006, Pakistan ratified the ILO Minimum Age Convention (No. 138) which mandates that each ratifying country must establish a minimum age for admission to employment or work (Article 2(1)). According to Article 2(3), this age should not be less than 15 years, or the age up to which compulsory schooling is required, which in Pakistan is 16 years, as stated in Article 25A of the Constitution. However, Article 2(4) allows countries with insufficient economic development and educational resources to set a minimum age of 14. Such countries must explain their reasons for this in their reports on the implementation of the Convention (Article 2(5)). Additionally, Article 3 specifies that the minimum age for engaging in hazardous work is 18.

Furthermore, the Sustainable Development Goal (SDG) Target 8.7 focuses on the elimination of forced labour, the abolition of modern slavery, the eradication of human trafficking, and the prohibition of the worst forms of child labour by 2030. Meanwhile, SDG Target 16.2 emphasizes the need to end child abuse, exploitation, trafficking, and all other forms of violence and torture. Pakistan has prioritized the SDGs and established a dedicated unit within the Ministry of Planning, Development, and Special Initiatives at the federal level to coordinate and monitor progress. Additionally, Provincial Planning and Development offices and Treaty Implementation Cells also work on addressing the SDGs.

5



# Mapping of Legal Aid Mechanisms for the Protection of Children





## 5. MAPPING OF LEGAL AID MECHANISMS FOR THE PROTECTION OF CHILDREN

While there are sufficient laws in place to protect children from trafficking and bonded labor, access to free legal aid is crucial for ensuring these laws are effectively enforced and that children receive the necessary support for their rights and protection.

In Sindh Province, several legal aid mechanisms/procedures/windows have been established at the provincial, divisional and district level for the protection of children. Additionally, there are also federal laws that govern free legal aid at the provincial level such as the Legal Aid and Justice Authority Act 2020 and the Juvenile Justice System Act 2018.

### 5.1 Steering Committee for Human Rights Department (HRD) regarding Legal Aid and Assistance

The Steering Committee for HRD (a Government of Sindh initiative) regarding the Legal Aid Assistance to the vulnerable and marginalized segments of the society was re-notified on 6th April 2023 vide notification No.SO(B&F) HR/456/2023/2242. The Steering Committee for HRD includes the following members:

1.	Secretary, Human Rights Department	Chairperson
2.	Chairperson, Sindh Human Rights Commission	Co-Chairperson
3.	Representative of Sindh Commission on Status of Women	Member
4.	Representative of Sindh Child Protection Authority	Member
5.	Representative of Women Development Department	Member
6.	Representative of Minority Affairs Department	Member
7.	Representative of Social Welfare Department	Member
8.	Co-opted Member	Member

As per the notification, the TORs of the committee include:

- ❖ Advise the HRD and its partner organizations on effective provision of legal aid to victims / survivors of human rights violations / abuses both in contact with law and referred by other civil societies under the said grant in aid;
- ❖ Forward eligible cases to the HRD and its partner organizations for legal aid;
- ❖ Review the progress and nature of the cases being provided legal aid and advise for their improvement wherever necessary;
- ❖ Facilitate the provision of legal aid to victims of human rights violations / abuses both in contact with law referred by other civil societies and through their own network and facilities;
- ❖ Extend support to HRD and its appointed partner organizations providing legal aid under the said grant.



## 5.2 District Legal Empowerment Committee (Constitution & Functions) Rules 2011 (DLEC Rules 2011)

The DLEC Rules 2011 were notified by the Law & Justice Commission of Pakistan in exercise of powers conferred by Section 9 (1) of the Law & Justice Commission of Pakistan Ordinance (XIV of 1979). Under Rule 2 (c) of the DLEC, a "Deserving Litigant" is defined as a litigation who is "unable to obtain legal aid or assistance for protecting his genuine legal rights or interests, involved in litigation, on account of his limited financial resources." The DLEC is constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government. The District & Sessions Judge serves as the chairperson of the DLEC.

The composition of the committee is stipulated in Rule 4 and includes:

District & Sessions Judge / Zilla Qazi	Ex-Officio Chairperson
District Co-ordination Officer/ Deputy Member Ex-officio Commissioner / Political Agent	Member Ex-officio
Superintendent, District / Central Jail	Member Ex-officio
President, District Bar Association	Member Ex-officio
A Representative of the Civil Society	Co-opted member of the Committee

As per Rule 5, the functions of the DLEC include "- (i)...extent funds for provision of legal aid to the deserving litigants. (ii) Without prejudice to the generality of the provisions of sub-rule (i) of the Rule 4, the legal aid may be extended in following areas: - (a) Professional fee / honorarium payable to lawyer; (b) Court fee; (c) Copying charges; (d) Process fee; and (e) Any other area which the Committee may deem appropriate in a particular case, for extending legal aid to the deserving litigant."

According to Rule 6, the DLEC must conduct a meeting at least once in a month to consider applications of the deserving litigants for grant of legal aid for pursuing their cases in the Courts, however, it may hold special meetings in view of any such application warranting urgent disposal.

In October 2023, the Law and Justice Commission made amendments to the DLEC Rules 2011. It has been inserted through a new sub-rule (ia) that the list of legal practitioners shall be notified for a period of 2 years.

## 5.3 The Pakistan Bar Council Free Legal Aid Rules 1999 (PBC Rules 1999)

The PBC Rules 1999 were notified by the Pakistan Bar Council, in exercise of its powers conferred by Section 13(1)(a) and (n) of the Legal Practitioners & Bar Councils Act, 1973 (Act XXXV of 1973).

Under Rule 2 (2) "Poor", "destitute", "orphan", "widow", "indigent" and "deserving" means a person who is entitled to Zakat or his financial position and income resources are not sufficient to bear the expenses for engaging an Advocate to prosecute, defend and protect his legal rights in genuine litigation.

Rule 3 provides the scope of the PBC Rules. It states that "(a) These Rules shall provide free legal aid to the poor, destitute, orphan, widows, indigent and other deserving litigants involved in the following categories of cases:--



- I. Accidents
- ii. Succession Certificate
- iii. Family Laws
- iv. Ejectment
- v. Illegal Detention
- vi. Abuse of power and authority by the police, law enforcing agency and Executive
- vii. Neglect of duties by Government departments, Local Councils/bodies and local authority/agency
- viii. Public interest litigation
- ix. Such other cases or category of cases as may be approved from time to time by the Central Committee.

As per Rule 3 (b), the aim of the Rules is to promote legal literacy and create awareness amongst the general public about their legal rights and their protection.

The Rules provide for Free Legal Aid Committees, under Rule 4. It states that: "There shall be constituted the following Committees for the purposes of rendering free legal aid under these Rules:--

- I. Pakistan Bar Council Central Free Legal Aid Committee;
- ii. Pakistan Bar Council Provincial Free Legal Aid Committee at principal seat of each High Court of the Province and at each Bench/Circuit of the respective High Courts.
- iii. Pakistan Bar Council District Free Legal Aid Committee for each District.

Rule 6 establishes the Pakistan Bar Council Provincial Free Legal Aid Committees in each province of Pakistan. The Rule states that the committee will be established "at the principal seat and at Benches/Circuits of the High Courts of Punjab, Sindh, NWFP and Baluchistan."

Rules 7 provides for a Pakistan Bar Council District Free Legal Aid Committees. It states that "In each District of a Province there shall be constituted a District Committee to be known as the Pakistan Bar Council District Free Legal Aid Committee for the District concerned."

In 2020, the PBC in exercise of its powers upon Sections 13(1)(1a) and (n) of the Legal Practitioners & Bar Councils Act 1973 made and notified amendments in the PBC Free Legal Aid Rules 1999 under Schedule-II (Rate of Professional fees for conducting cases by Advocates). Through this amendment, the rate for profession fees was increased. For example, the fees for Bail in lower court cases mentioned in Clause 3(i) was increased from PKR Rs.2000/- to PKR Rs.4000/-.

However, it is important to note that under Rule 8 ©, the free legal aid for professional fees will only be granted in case no Advocate is available to take up or conduct the case free of charge.

#### **5.4 Suit by Pauper Order 33 of Code of Civil Procedure (CRCP) 1908**

A pauper has been defined as a person who "is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or where no such fee is prescribed, when he is not entitled to property worth 2 [one thousand] rupees other than his necessary wearing





apparel and the subject matter of the suit."

The procedure is mentioned under Rule 8, "Where the application is granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted in the ordinary manner, except that plaintiff shall not be liable to pay [any court fee (other than fee payable for service of process) in respect of any petition, appointment of a pleader or other proceeding connected with the suit."

## 5.5 Destitute Litigant Fund Rules 1974 (DLFR 1974)

These rules establish the right to legal aid in constitutional matters to destitute litigants. A destitute litigant is defined as "one who has no means to pay the court fee or other charges in respect of a writ petition". Anyone may apply for assistance under the rules to the "Deputy Registrar (Judicial)" or another authorized person, who must make an investigation before accepting the application.

## 5.6 Legal assistance under the Juvenile Justice System Act (JJSA) 2018

Under Section 3 of the JJSA 2018, " (1) Every juvenile or a child who is victim of an offence shall have the right of legal assistance at expense of the State"

Section 3 (3) provides that, 'a legal practitioner appointed by the [Division concerned or relevant department of provincial Government] or by the Juvenile court for providing legal assistance to a child victim of an offence or a juvenile shall have at least seven years standing at the Bar."

The SHRC has written a letter to the Honorable Registrar of the SHC (as he/she is the highest administrative officer of the High Court and holds administrative control) and requested that he/she direct the divisions concerned to establish a mechanism for free legal assistance for juveniles and children as mandated under Section 3 of JJSA 2018.

Section 4(v) of the Sindh Protection of Human Rights Act 2011 (and its amendment in 2023) provides the SHRC the power and functions to "review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation."

## 5.7 Legal Aid and Justice Authority Act 2020 (LAJA)

LAJA was recently enacted in 2020 by the parliament of Pakistan. It is applicable across Pakistan. According to this Act, legal, financial and other assistance for the purpose of safeguarding access to justice to the poor and vulnerable is to be conducted through the Legal Aid and Justice Authority (LAJA) and its offices, in criminal cases.

According to Section 1 (a), an "applicant" means any person who- "(i) makes an application for legal aid under this Act or on whose behalf such an application is made; or (ii) is of unsound mind or lunatic or minor". Under Section 1 (i), "legal aid" is defined as the "the provision of assistance, to a person who is unable to afford legal assistance, representation and access to justice".



The composition of Board is provided in Section 5 and includes the following:

Federal Minister for Human Rights	Chairperson
Attorney General for Pakistan	Member
One member from the Senate of Pakistan to be nominated by the Chairman Senate	Member
One member of the National Assembly to be Member appointed by the Speaker National Assembly	Member
Advocate General of each province and Islamabad Capital Territory	Member
Secretary, Minister of Human Rights	Member
Secretary, Ministry of Finance	Member
Secretary, Ministry of Law and Justice	Member
Vice-Chairman of the Pakistan Bar Council	Member
One prominent female social worker	Member
Director General of the Authority	Member-cum Secretary

The powers and functions of LAJA are provided in section 8 of the Act, the LAJA has the functions to:

- "(a) make policies, principles and guidelines for providing legal aid and financial or other assistance including the prescription of criteria for qualification to obtain legal aid and financial and other assistance;
- (b) design and establish an effective mechanism for provision, monitoring and evaluation of legal aid;
- (c) promote or cause to be promoted programmes designed to enhance public awareness of the legal aid system in Pakistan;
- (d) undertake and promote research in the field of legal aid with special reference to the need of such aid to the persons;
- (e) advise the Government or any other agency in regard to enforcement of the right to fair trial and due process of law;
- (f) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate poor and vulnerable sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (g) establish panels of advocates and volunteers in respect of each office in the prescribed manner and, subject to sub-section (2) of section 11, to add to or remove from that panel any advocate and volunteer where the Authority is satisfied that the advocate or volunteer has derelicted his duty or it is in the interest of justice
- (h) devise and prescribe structure of fees for legal aid to advocates and volunteers on panels



- (e) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (j) manage and administer the resources of the Authority;
- (k) allocate funds, monitor the expenditure of funds at offices and withhold funds from any offices;
- (l) establish and monitor the implementation of standards and procedures for the operation of all offices
- (m) undertake any enquiry or investigation which the Authority thinks necessary or desirable in relation to the discharge of its functions;
- (n) perform such other functions as may be assigned to it by the Government and
- (o) do such other things as may be expedient or necessary for the proper performance of its functions under this Act."

As per Section 9(5), while establishing the requirements for and providing legal, financial, or other assistance, priority shall be given to underprivileged women and children, especially in matters involving sexual offences.

As per section 2(g) Free Representation Unit means "a special unit comprising advocates and volunteers to provide legal or other social services on pro bono basis either on case-to-case basis or in respect of a group or set or type of cases other than the panel". As per section 2(o) volunteer means "any person other than an advocate who may provide legal or other services on pro bono or fee basis to the applicant."

As per Section 24, LAJA 2020 has an overriding effect. The provisions on LAJA 2020 will have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Currently, there is no coordination/ official referral mechanism between the existing mechanisms in Sindh and LAJA 2020. Therefore, it is important to note that applicants made under the LAJA 2020 for free legal aid can be channeled through the aforementioned pre-existing legal aid mechanisms in Sindh Province.

6



# Institutional Protection Mechanisms at the District Level





## 6. INSTITUTIONAL PROTECTION MECHANISMS AT THE DISTRICT LEVEL

There are institutional protection mechanisms at the district level to increase access to justice and encourage reporting to the criminal justice system (CJS). These mechanisms and referral pathways are available to a complainant/survivor/ victim when accessing the CJS in Sindh. In a state of vulnerability, it is often difficult for a complainant to realize which one of the above should be their first point of contact with the CJS. This often depends on the type of offense. Due to the lack of awareness of the functions of each reporting mechanism/referral pathway, complainants are often unable to take the most suitable course of action. These differences between the various reporting mechanisms and referral pathways are outlined in more detail in this section.

### 6.1 Sindh Child Protection Units / Authority (SCPU)

Under Section 16. (1) of the Sindh Child Protection Authority Act 2011 (Amendment 2021), the establishment of a child protection unit has been mandated. It provides that: "The Authority may establish a child protection unit for district level (3) The unit shall exercise such powers and perform functions as may be prescribed by rules." In the recent 2021 Amendment, new powers and functions have been stipulated, which include: "(q-i) to facilitate and ensure the registration of a First Incident Report (F.I.R.) with the police or any law enforcement agency in relation to any child in need of special protection measures who is reported to the Authority as missing or abducted, within four hours of the child being reported missing or abducted."

Section 17 provides that A Child Protection Officer for reasons to be recorded in writing taken into custody a child requiring Special Protection measure. Provided that such child shall be presented before the nearest Magistrate within twenty-four hours of being taken into custody.

Section 10 (q-v) provides that "the Child Protection Officer for reasons to be

recorded in writing shall be authorized to enter and search any premises or any institution providing child care services and inspect or examine such related books,

registers or records maintained by such institution, and interrogate any person in such premises where he has reasons to believe that children are being kept for the

purpose of child abuse, illegal adoption or for any other unlawful purpose."

Further, the functions of the SCPU's have also been provided under Rule 17 of the Sindh Child Protection Authority Rules 2016. It includes: " (a) liaise with child protection community structures and support, as far as possible. initiate for the prevention of abuse, neglect and exploitation of children, (b) receive register, refer where possible, manage and monitor cases of children in need of special protection measures accordance with applicable minimum standards. and procedures prescribed by the Authority (c) perform all other acts and duties as may be delegated by the Authority under the Act" As per data received by the SHRC from the Sindh Child Protection Authority (SCPA), they have been established across all districts of Sindh.

Additionally, the SCPA has also established a helpline called "Sindh Child Helpline", which functions 24/7 and responds to people seeking help from all the districts of Sindh on its number "1121".





## 6.2 Provincial Coordination Committee on Child Labour

Section 5 of Sindh Prohibition of Employment of Children Act, 2017 provides for a 'Sindh Coordination Committee on Child Labour'. The functions of the Committee include advising the Government for appropriate legislative, administrative and other measures for eradication of child labour as per international instruments and to set the minimum age, for the purpose of employment in the province. As per Section 5 (2), the Committee shall consist of a Chairperson and not less than nine other members representing government, employers, workers, civil society and two Members of the Provincial Assembly of Sindh nominated by the Speaker, Provincial Assembly of Sindh.

## 6.3 Sindh Legal Advisory Call Centre (SLACC)

The Sindh government, under the Legal Empowerment of People Program in Sindh (LEPPS), provides invaluable support to SLACC, offering high-quality, free legal advice to citizens across the country. The service, accessible at 0800-70806, has been a beacon of guidance for citizens on legal issues ranging from domestic disputes to violence, socio-economic matters, Zakat and Ushr, business disputes, etc. A panel of expert lawyers operates the call center daily from 9am to 5pm, providing real-time advice to callers facing legal dilemma.<sup>22</sup>

## 6.4 Minority Facilitation Centers (Minority Affairs Department, Government of Sindh)

In 2016, the Minority Affairs Department established five Minority Facilitation Centers in all the divisional headquarters of Sindh province. An 18-grade officer of the Department acts as the in-charge of each Center to hear grievances from the general public as well as people belonging to minority communities and to take steps for their redressals.<sup>23</sup>

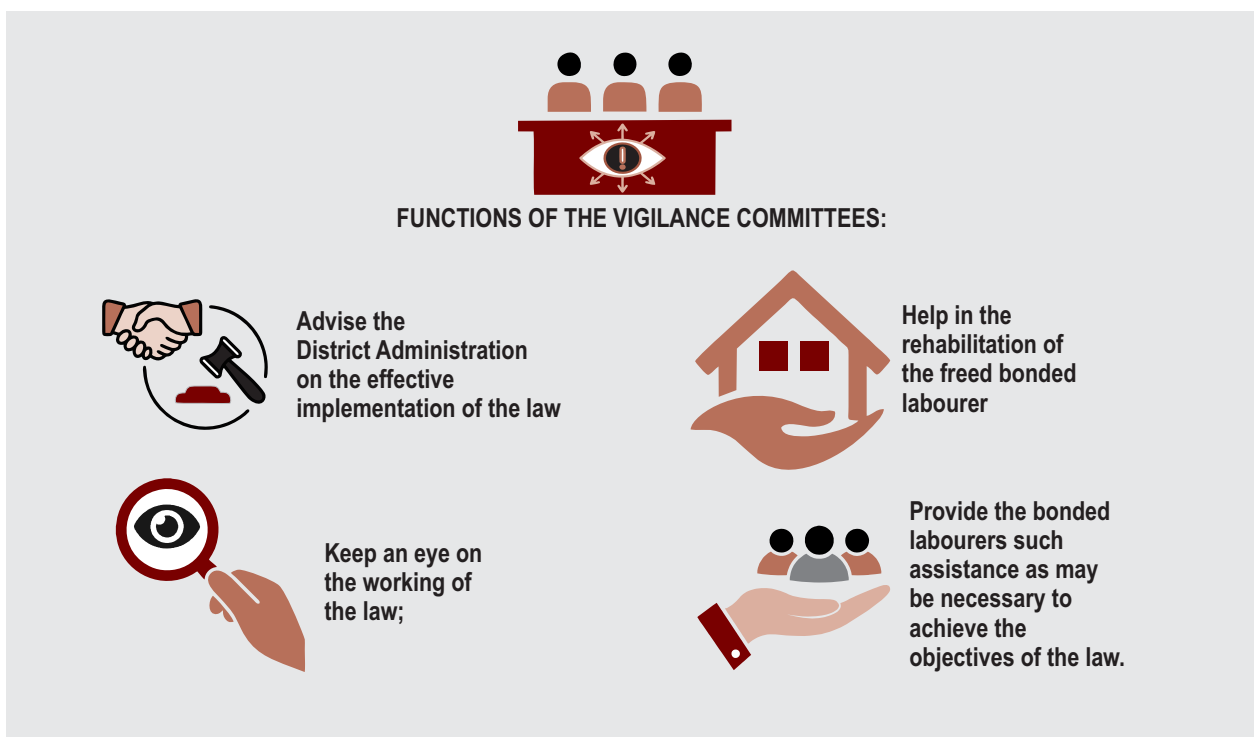
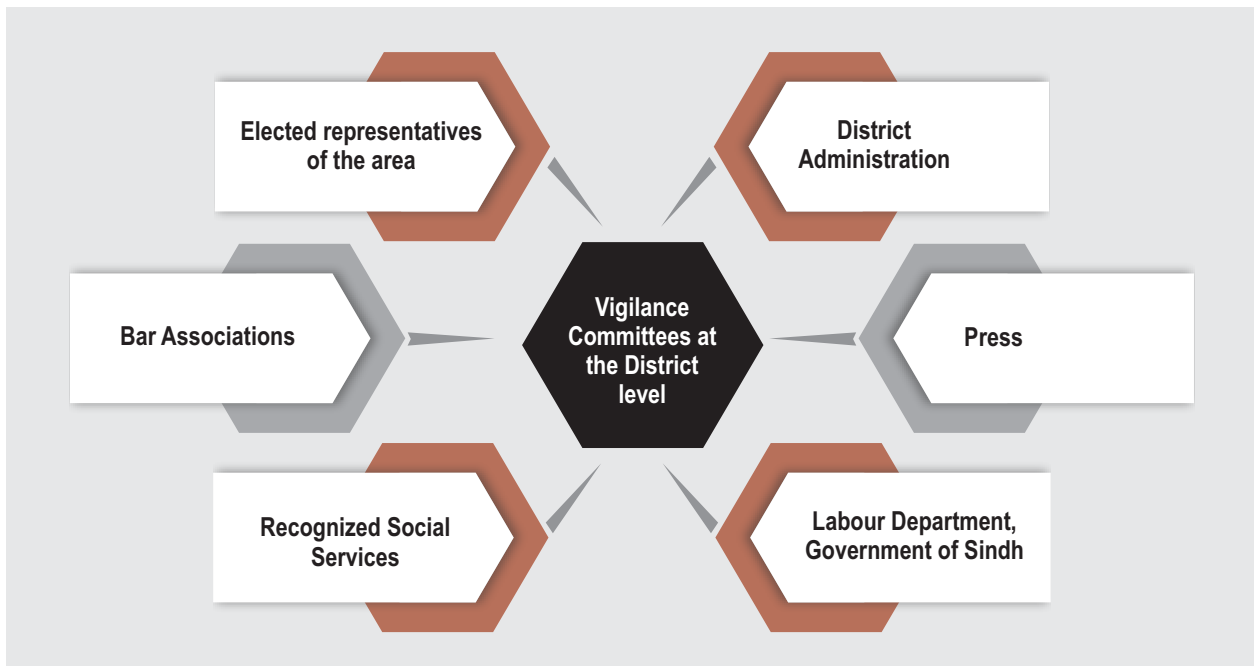
## 6.5 District Vigilance Committee, Labour Department (Government of Sindh)

Prior to 18 amendments, a Legal Aid Service Unit (LASU) by the Federal Labour Department was functioning at the district level in the Sindh Province. However, post the 18th Amendment, the Sindh Bonded Labour System (Abolition) Act 2015 was enacted by the Provincial Assembly of Sindh.

A District Vigilance Committee has been provided under Section 15. (1): It states "Vigilance Committees shall be set up at the district level in the prescribed manner, consisting, of elected representatives of the area, representatives of the District Administration, Bar Associations, press, recognized Social Services and Labour Department of the Government of Sindh. (2) The following shall be the functions of the Vigilance Committees, namely; - (a) to advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner; to help in the rehabilitation of the freed bonded labourer; (b) to keep an eye on the working of the law; and (c) to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law."

<sup>22</sup> SAMMA (01.10.2023), 'Sindh Legal Advisory Call Centre -- priceless gift for the helpless'. Available at <https://www.samaa.tv/208731875-sindh-legal-advisory-call-centre-priceless-gift-for-the-helpless>

<sup>23</sup> Daily Times (2016), 'Sindh establishes 5 facilitation centers for minorities'. Available at [https://dailytimes.com.pk/60032/sindh-establishes-5-facilitation-centers-for-minorities/\(accessed 22.10.2023\)](https://dailytimes.com.pk/60032/sindh-establishes-5-facilitation-centers-for-minorities/(accessed 22.10.2023))



Furthermore, Rule 9 of the Sindh Bonded Labour (Abolition) Rules 2021 provides for a fund for "...the rehabilitation and welfare of the freed bonded labourer...". However, as per information received by the SHRC from the Labour Department (Government of Sindh), the fund has not yet been established.



## 6.6 Human Rights Cell, Sindh Police

In 2019, a Human Rights Cell was established by the Sindh Police. The human rights cell is a specialized unit which operates as a supervisory body responsible for focusing on issues of human rights. The cell functions under the command of DIG (headquarters). There are three major sections within the cell, addressing the issues of minorities, women and children. The cell takes up matters of human rights related to regular policing from all parts of the province.<sup>24</sup>

## 6.7 Women and Children Police Stations (WCPCs)

The WCPCs were first established in 1994 as female survivors are often reluctant to approach male police officers. WCPCs contains female staff, who provide assistance to complainants/victims/survivors, including registration of the FIR (First Information Report), and referral to legal aid services and shelter homes, such as Dar-ul-Aman and NGOs providing free legal aid and advice. The first women's police station in Karachi was established in November 2009.

## 6.8 One-Stop Protection Centre:

The Sindh government has established a One-Stop Protection Centre (OSPC) in Hyderabad to provide comprehensive support to women and child survivors of GBV. The centre is located at the Women Police Station on Auto Bhan Road, Hyderabad. The OSPC provides medical, psychological and social services to survivors of violence and harassment. It offers a one-stop solution for victims to report cases of violence and harassment so that they may receive support and services under one window.

## 6.9 Women Complaint Cells, Women Development Department (WDD)

These have been established at Sanghar, Kamber, Kashmore, Jamshoro, Khairpur, Shikarpur, Badin, Ghotki, Naushero Feroze, Thatta, T.A. Yar, Umerkot, Tharparkar, Dadu & Matiari by the Women Development Department (WDD) in order to protect and promote the right of women and girls.

Furthermore, the 1094 Helpline has also been established by the WDD to provide immediate support, guidance, and legal assistance to women facing violence, harassment, discrimination, or other forms of gender-based injustice.

<sup>24</sup> Dawn News (2019), 'Sindh police sets up human rights cell'. Available at <https://www.dawn.com/news/1502421>

7



# Recommendations





## 7. RECOMMENDATIONS:

### Recommendations for legislative bodies:

- All federal and provincial regulations should align their definition of a child, ensuring that anyone under the age of 18 is recognized as a child. Additionally, provinces should be mandated to raise the minimum employment age to match the compulsory school education age (5-16 years) as outlined in Article 25A of the Constitution of Pakistan.
- It is crucial to harmonize the age of the child in terms of child labour and right to free and compulsory education. Article 11(3) prohibits child labor for those under 14, while Article 25A mandates free and compulsory education for children aged 5 to 16. This creates a conflict as it allows children between 14 and 16 to work, while still being obligated to attend school. The harmonization of age in these two articles will protect children from exploitation and ensure their right to education, promoting a holistic approach to child welfare and development in Pakistan.
- As per Section 17 of the Sindh Bonded Labour System (Abolition) Act 2015, every offence under is cognizable and bailable. In order to effectively protect the vulnerable bonded labourers, it is crucial to categorize the offence as cognizable, non-bailable and non-compoundable.
- Sindh should enact a specific law to establish a legal aid authority. Currently, the legal aid mechanism in Sindh is scattered across various departments in the government. Legal aid is being provided to the public through implementing partners. This is creating a confusing state of affairs for the beneficiaries. While at the federal level, the Legal Aid and Justice Authority Act 2020 was enacted, post the 18th Amendment to Pakistan's Constitution, legal aid is a Provincial subject. In Punjab, the Provincial Punjab Legal Aid Agency has been established on 29 October 2019 under Punjab Legal Aid Act 2018. Similarly, the Khyber Pakhtunkhwa Legal Aid Act 2019 was enacted in Khyber Pakhtunkhwa.
- The existing legal aid mechanism at the federal, provincial divisional and district levels such as the DLEC Rules 2011, PBC Rules 1999, DLFR Rules 1974 must be put into and aligned with single administrative mechanism the provision of quality free legal aid.

### Recommendations for the Judiciary:

- Establish a legal assistance mechanism under Section 3 of the Juvenile Justice System Act (JJSA) 2018 for the promotion and protection of child rights.
- Establish/Notify Special Courts as provided under Section 20-D of the Sindh Child Protection Authority Act 2011 (Amendment 2021) for the purpose of speedy justice. Section 20-D provides that "The Government shall in consultation with the High Court of Sindh, an existing

<sup>25</sup> Dawn News (2009), 'Women police station opened in Karachi'. Available at <https://www.dawn.com/news/879284/women-police-station-opened-in-karachi>

<sup>26</sup> The Nation, 'Sindh Govt Launches One-Stop Protection Centre in Hyderabad to Combat Gender-Based Violence' (24 December 2024) <https://www.nation.com.pk/24-Dec-2024/sindh-govt-launches-one-stop-protection-centre-in-hyderabad-to-combat-gender-based> accessed 8 January 2025.





court of Civil Judge/Assistant Sessions Judge to be a Special Court for Child Protection to try the offences under this Act". The Gender-Based Violence Courts and the Special Courts notified under Anti-Rape (Investigation and Trial) Act 2021 may also be notified as the Special Courts as provided under Section 20-D of the 2011 Act.

### **Recommendations for the Media**

- Media personnel and outlets should play an active role in informational, educational, and behavior-change communication efforts aimed at influencing trends, practices, and behaviors among stakeholders. They should lead campaigns to raise awareness and advocate for the implementation of laws and policies at both the provincial and national levels, in collaboration with the Labour Department, Law Department, Home Department, Social Welfare Department, Police, Department of Education, Child Protection Authority, and relevant commissions.

### **Recommendations for the Administrative Departments:**

- Enhance Capacity of the Child Protection Officers, Police and Labour Department to protect children in a well-coordinated manner.
- Federal and Provincial Governments should establish a comprehensive mechanism for the legal assistance to victims of TIP as provided under Rules 23 of the TIP Rules 2020.
- The Provincial rules under the TIP Act 2018 are pending and should be formulated to protect child bonded labours and prevent child trafficking.
- Establish mechanisms for the systematic and regular monitoring of workplaces that employ children to prevent ill-treatment, abuse, and exploitation in coordination with the Child Protection Officers, Labour Inspectors, the Police and FIA (where required).
- Home Department should notify the rules under the Juvenile Justice System Act 2018 as it also provides for free legal aid to the children who are victims of offences.



# Annexures





## Sindh Human Rights Commission

Government of Sindh

No:SHRC/GOS/ 17586/2298 /202 4.

Karachi, Dated: 04th / Nov /202 4.

To,

The Deputy Commissioner,  
District Shaheed Benazirabad / Nausherferoz/ Sanghar

**SUB: IMPLEMENTATION OF MINIMUM WAGES FOR BRICK KILN WORKERS UNDER THE SINDH MINIMUM WAGES ACT, 2015 AND LABOUR DEPARTMENT NOTIFICATION DATED OCTOBER 22, 2024**

The Sindh Human Rights Commission (SHRC) is a Statutory Body established under Sindh Protection of Human Rights Act, 2011 with a mandate to protect Human Rights in the Province of Sindh and recommends remedial action to be taken against violators of human rights.

Under the strategic pillars 3 and 4 and the priority areas outlined in the SHRC's strategic plan, The commission is dedicated to monitoring compliance with the international human rights regime in Sindh. We assess the effectiveness of measures to protect and promote human rights, with a specific focus on review of laws, policies and practices for their alignment with fundamental rights enshrined in the Constitution of Pakistan and international human rights treaties, and ILO conventions vis-à-vis GSP+ compliance obligations.

In alignment with this agenda, the Sindh government, through its 2018 Labour Policy, pledged to harmonise labour laws with constitutional provisions and international conventions. Despite proactive measures such as the introduction of 16 pieces of legislation for labour protection, challenges persist in effective implementation, particularly concerning issues like child labour and bonded labour.

The Notification of the Labour and Human Resources Department, SO (L-II)/13-3/2016-I, dated October 22, 2024: Recommendations for the Minimum Wage Rates for Semi-Skilled, Skilled, and Highly Skilled Workers Employed in 50 Industries in Sindh, as per the Reference from the Government of Sindh under Section 7 of the Sindh Minimum Wages Act, 2015 as under (attached as Annexure A):

Workers type	Minimum Wages per Month	Minimum Wages per day	Minimum Wages per hour
Semi-Skilled	38,280	1276	159
Skilled	45,910	1530	191
Highly Skilled	47,868	1595	199

Brick kiln workers per piece rate notified by the Sindh Minimum Wages Board, Government of Sindh under notification dated 30<sup>th</sup> July 2024 (attached as Annexure -B)

**Head Office:** Room No's 408, 414, 4<sup>th</sup> Floor, Sindh Secretariat Building No.03 (Old KDA Building), Kamal Ata Turk Road, Karachi - 74200.

Tel: 021-99217318, 99213328, Fax: 021-99217317, 0333-9217323,

Email: shrc.gos@gmail.com, info@shrc.org.pk, Website: www.shrc.org.pk, www.sohris.com

https://twitter.com/SHRC\_official https://www.facebook.com/SindhHumanRightsCommission

**Regional Office Sukkur:** District Women Development Complex, Near SRSO Complex, Main Shikarpur Road,

National Highway, Opposite Govt. College of Physical Education, Sukkur.

Tel: 071-5824055, Fax: 071-5824053, Email: shrcsukkur.gos@gmail.com

**Regional Office Larkana:** Room No: 5 & 6, 3rd Floor, Linar Cancer Hospital Road, Commissioner Office, Near Chandka Bridge, Larkana. Tel: 074-9410352





## Sindh Human Rights Commission

Government of Sindh

No:SHRC/GOS/ 17585/2298 /2024.

Karachi, Dated: 04<sup>th</sup> / Nov /2024.

To,  
The Deputy Commissioner,  
District Sukkur/Khairpur/Ghotki

**SUB: IMPLEMENTATION OF MINIMUM WAGES FOR BRICK KILN WORKERS UNDER THE SINDH MINIMUM WAGES ACT, 2015 AND LABOUR DEPARTMENT NOTIFICATION DATED OCTOBER 22, 2024**

The Sindh Human Rights Commission (SHRC) is a Statutory Body established under Sindh Protection of Human Rights Act, 2011 with a mandate to protect Human Rights in the Province of Sindh and recommends remedial action to be taken against violators of human rights.

Under the strategic pillars 3 and 4 and the priority areas outlined in the SHRC's strategic plan, The commission is dedicated to monitoring compliance with the international human rights regime in Sindh. We assess the effectiveness of measures to protect and promote human rights, with a specific focus on review of laws, policies and practices for their alignment with fundamental rights enshrined in the Constitution of Pakistan and international human rights treaties, and ILO conventions vis-à-vis GSP+ compliance obligations.

In alignment with this agenda, the Sindh government, through its 2018 Labour Policy, pledged to harmonise labour laws with constitutional provisions and international conventions. Despite proactive measures such as the introduction of 16 pieces of legislation for labour protection, challenges persist in effective implementation, particularly concerning issues like child labour and bonded labour.

The Notification of the Labour and Human Resources Department, SO (L-II)/13-3/2016-I, dated October 22, 2024: Recommendations for the Minimum Wage Rates for Semi-Skilled, Skilled, and Highly Skilled Workers Employed in 50 Industries in Sindh, as per the Reference from the Government of Sindh under Section 7 of the Sindh Minimum Wages Act, 2015 as under (attached as Annexure A):

Workers type	Minimum Wages per Month	Minimum Wages per day	Minimum Wages per hour
Semi-Skilled	38,280	1276	159
Skilled	45,910	1530	191
Highly Skilled	47,868	1595	199

Brick kiln workers per piece rate notified by the Sindh Minimum Wages Board, Government of Sindh under notification dated 30<sup>th</sup> July 2024 (attached as Annexure -B)

**Head Office:** Room No's 408, 414, 4<sup>th</sup> Floor, Sindh Secretariat Building No.03 (Old KDA Building), Kamal Ata Turk Road, Karachi - 74200.

Tel: 021-99217318, 99213328, Fax: 021-99217317, ☎ 0333-9217323,

Email: shrc.gos@gmail.com, info@shrc.org.pk, Website: www.shrc.org.pk, www.sohris.com

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**Regional Office Sukkur:** District Women Development Complex, Near SRSO Complex, Main Shikarpur Road,

National Highway, Opposite Govt. College of Physical Education, Sukkur.

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**Regional Office Larkana:** Room No: 5 & 6, 3rd Floor, Lina Cancer Hospital Road, Commissioner Office, Near Chandka Bridge, Larkana. Tel: 074-9410352





## Sindh Human Rights Commission

Government of Sindh

No:SHRC/GOS/ 17748 / 4438 /2025

Karachi, Dated: 01<sup>st</sup> / JAN /2025

To,

The Secretary,  
Labour and Human Resources Department  
Government of Sindh, Karachi.

**SUB: REQUEST FOR INFORMATION ON DISTRICT VIGILANCE COMMITTEES (DVCS) IN SINDH U/S 15 OF THE SINDH BONDED LABOUR SYSTEM (ABOLITION) ACT-2015.**

The Sindh Human Rights Commission (SHRC) is a Statutory Body established under Sindh Protection of Human Rights Act, 2011 with a mandate to protect Human Rights in the Province of Sindh and recommends remedial action to be taken against violators of human rights.

Under the strategic pillars 3 and 4 and the priority areas outlined in the SHRC's strategic plan, The commission is dedicated to monitoring compliance with the international human rights regime in Sindh. We assess the effectiveness of measures to protect and promote human rights, with a specific focus on review of laws, policies and practices for their alignment with fundamental rights enshrined in the Constitution of Pakistan and international human rights treaties and ILO conventions.

In alignment with this agenda, the Sindh government, through its 2018 Labour Policy, pledged to harmonise labour laws with constitutional provisions and international conventions. Despite proactive measures such as the introduction of 16 pieces of legislation for labour protection, challenges persist in effective implementation, particularly concerning issues like child domestic labour and bonded labour.

In light of these challenges, the Sindh Human Rights Commission (SHRC) is urged to provide the following information:

1. The total number of District Vigilance Committees (DVCs) established in Sindh along with their notifications and re-constitution if any.
2. The progress of DVCs for the years 2023 and 2024, including their meeting minutes, to facilitate the development of a strategy for capacity building of such committees.

This information is essential for ensuring compliance with labour laws and addressing related concerns effectively for implementation of Sindh Bonded Labour System (Abolition) Act- 2015 and Sindh Prohibition of Employment of Children Act 2017.

For any further details or clarifications, please contact Mr. Sarfraz Ahmed (Superintendent Complaints) at Cell # 0333-7925329.

We look forward to your prompt response.

Yours sincerely,

Iqbal Ahmed Detho  
Chairperson,  
Sindh Human Rights Commission

Copy for information:

1. PS to Special Assistant to Chief Minister, Government of Sindh for Human Rights.
2. The Secretary, Human Rights Department with transmission to TIC- Government of Sindh, Karachi.

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# Sindh Human Rights Commission

## Government of Sindh

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