

Ref: PILAP/HO/2020/343

July 06, 2020

**The National Commission on the Rights of the Child  
Through the Secretary, Ministry of Human Rights  
9<sup>th</sup> Floor, New Pak Secretariat (Kohsar Block)  
Sector F-5, Islamabad**

**Request for the information under Section 11 of the Right of Access to Information Act 2017**

The Public Interest Law Association of Pakistan (PILAP) is a public interest association registered under the laws of Pakistan and respectfully submits as under: -

1. That PILAP respectfully submits this request for information under the "Right of Access to Information Act 2017".
2. That the details of the authorized person on behalf of PILAP are as under: -

3. That PILAP is aggrieved of child labour practices in Pakistan. Attention is specifically drawn to the recent death of Zohra Shah, a seven-year-old domestic worker in Bahria Town, Rawalpindi, at the hands of her employers. Similarly, there are millions of children in Pakistan who are employed in occupations that put not only their physical and mental health at risk, but also their emotional, spiritual and moral development.
4. That Pakistan is a signatory to international commitments that define a child as being anyone below the age of eighteen. These conventions include the Convention on the Rights of the Child (CRC) and the International Labour Organisations Minimum Age Convention. In relation to the economic exploitation of children, Article 32 of the CRC provides:

***1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.***

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**PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN**

Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.  
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***2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:***

- (a) Provide for a minimum age or minimum ages for admission to employment;***
- (b) Provide for appropriate regulation of the hours and conditions of employment;***
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.***

5. That the Federal and Provincial Laws of Pakistan for the purposes of child labour define a child as being either below fourteen or fifteen years of age. These laws include the Factories Act, 1934; the Mines Act, 1923; the West Pakistan Shops and Establishments Ordinance, 1968; the Employment of Children Act, 1991; the Punjab Domestic Workers Act, 2017; the Sindh Prohibition of Employment of Children Act, 2017; the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015. Furthermore, although the Employment of Children Act, 1991 provides a list of occupations where the employment of all children below the age of eighteen is prohibited, it does not include a host of others where a child below the age of eighteen years may be subjected to physical, emotional, mental or other harm, as envisaged by the CRC, as quoted above.
6. That, in view of the above facts, PILAP respectfully submits this request for information under the "Right of Access to Information Act 2017" as under: -
- i) What measures if any, has the National Commission on the Rights of the Child and/or the Ministry of Human Rights taken to ensure that the definition of "child" is brought within the ambit of Pakistan's international commitments, including the Convention on the Rights of the Child and the Minimum Age Convention?
  - ii) What is the decision making process with regard to the rationale as to why the above mentioned laws, amongst others, continue to define a child as being below the age of eighteen?
  - iii) What measures if any, has the National Commission on the Rights of the Child and/or the Ministry of Human Rights taken to ensure that children below the age of eighteen are not engaged in work that is likely to interfere with their education, or that is likely to be harmful to the child's health or physical, mental, spiritual, moral or social development, in consonance with Pakistan's commitments under the Convention on the Rights of the Child?

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Looking forward to a quick response.

Thanks.

Best regards,

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