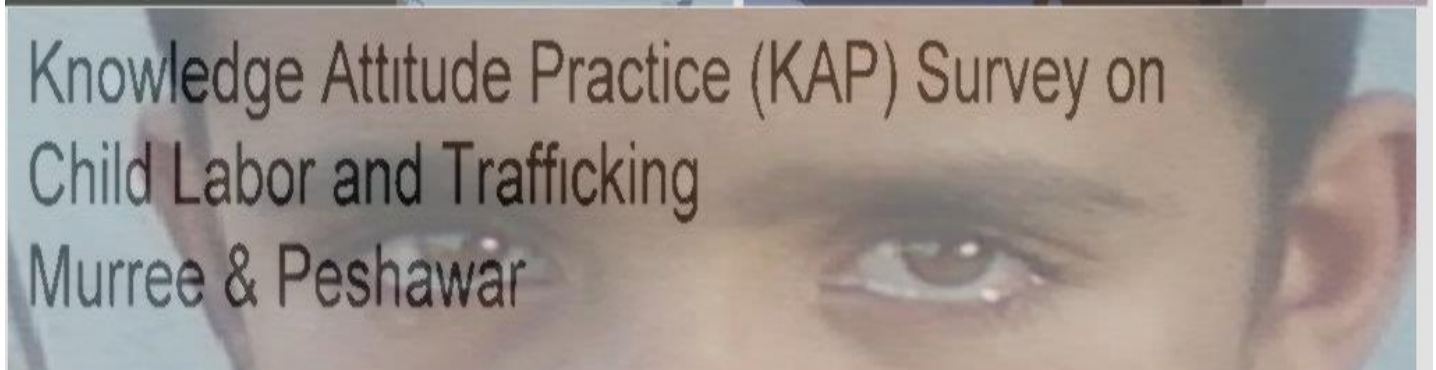


Knowledge Attitude Practice (KAP) Survey on  
Child Labor and Trafficking  
Murree & Peshawar



# Knowledge Attitude Practice (KAP) Survey on Child Labor and Trafficking Murree & Peshawar

---

## Acknowledgment

The completion of this study was successfully made possible by the strong will and commitment of VISION's core team members and the youth of both cities i.e. Peshawar and Murree. The whole team shared a common goal of bringing all the possible details to enhance the understanding of the underneath implications which might be instigating issues like child labor and trafficking.

Deepest gratitude are due to the members of Peshawar and Murree team, Adnan Abbas Khan, Aftab Ahmad, Fahad, Ikram Abbasi, Naveed from Murree; and Adnan Abbas, Aftab Ahmad, Bilal Khan, Muhammad Zubair, Naveed Ullah, Shiraz Ahmad from Peshawar; who have made this Knowledge, Attitude and Practice (KAP) study possible.

I am indebted to my colleague Tajammal Hussain, who remained a great support throughout the process and helped in overcoming various challenges. I am heartily thankful to VISION's Program Co-coordinator, Mr. Tahir Ali Khilji, whose encouragement, supervision and support from the preliminary to the concluding level enabled me to develop an understanding of the subject.

Finally, I would like to extend my heartfelt thanks to International Labor Rights Forum (ILRF) without whom this KAP study would have been a distant reality.

Tauseef Jamal Shah  
Research Team Leader  
VISION PAKISTAN  
Abbottabad Resource Centre on the Rights of Children

## Table of contents

S.NO	HEADINGS	PAGE.NO
1	<b>Introduction</b>	4
2	<b>Objectives</b>	4
3	<b>Methodology</b>	5
3.1	<i>Literature Survey</i>	5
3.2	<i>Training the core team members</i>	6
3.3	<i>Sharing summary of the literature survey</i>	6
3.4	<i>Sampling</i>	6
3.5	<i>Why Peshawar and Murree?</i>	7
3.6	<i>Adjusting sample size to the situation</i>	7
3.7	<i>Developing Questionnaire</i>	8
3.8	<i>Pre-testing Questionnaire</i>	8
3.9	<i>Mapping Murree</i>	9
3.10	<i>Hiring Local Team in Murree</i>	9
3.11	<i>Training surveyors in Murree and Peshawar</i>	9
4	<b>Research Findings</b>	11
4.1	<i>Labor Categories</i>	12
4.2	<i>Knowledge of laws concerning "Child Labor"</i>	13
4.3	<i>Knowledge about trafficking and related Laws</i>	16
4.4	<i>Attitudes and Practices</i>	17
5	<b>Conclusion</b>	20
6	<b>Recommendations</b>	21
7	<b>Annex-I (Questionnaire)</b>	22
8	<b>Annex-II (Laws Related to child labor and trafficking)</b>	24

## Introduction

---

The issues of child labor and trafficking are complex and tied together. These issues cannot be effectively dealt if they are considered as two separate issues. Normally the economically weak or people on/under the poverty line with hopes of better life in society falls easy victims to abuse and exploitation in labor as well as trafficking. In such cases women and children are more vulnerable, but that does not mean that adults (men) are not trafficked or exploited.

A child forced to earn for the family is the main or may be the only source of family income. This fact puts a substantial responsibility on his/her young and weak shoulders. In process of disposing off her/his responsibility of earning for the family, this child sacrifices her/his childhood and gets exposed to all the challenges for which she/he might not be mentally and physically ready.

The aim of this study is to understand and measure the Knowledge, Attitude and Practices of society regarding child labor, trafficking and related laws. In other words, the intent is to understand and measure the knowledge of general public about the laws that forbids child labor and trafficking, the knowledge concerning all the possible physical and mental conditions that the child endures while being involved in labor. In addition to this, the objective is also to assess the attitude as well as actual practices of general public towards child labor and trafficking, based on their knowledge of the laws and its impacts on children and overall society.

## Objectives

---

The larger objectives of this study were to identify and understand the gaps between Knowledge, Attitude and Practices of people belonging to different professions in society regarding the issues of child labor and trafficking and laws regulating these issues. One additional purpose of this survey was to pave a way for designing and adapting a more comprehensive and effective intervention possible to fill up these gaps.

At a more micro level, the objectives of this Study can be listed as follows:

- a) Knowledge around the Laws (International treaties that Pakistan is signatory to and the local laws both federal and provincial) that prohibits all forms of child labor. Along with the laws prohibiting human trafficking.
- b) The measurement of perception and attitudes towards child labor (This measurement will be done on a wide scale, starting from the governmental agencies to the common man)
- c) Third would be the practice part and that would again detail all the practices and how they are put in place with what rationale.
- d) Finally, assessing the level of knowledge/awareness around the health hazard both mental and physical, of child labor.

## Methodology

---

### Step1. Literature Survey

Literature survey was initially conducted to get a sense/acquire the knowledge of the laws (international, national and provincial level) related to child labor and trafficking. Literature Survey not only provided base for moving on to the next step of the process i.e. developing questionnaire and sampling but also a point of comparison with the existing knowledge and attitude of the selected sample.

To accumulate and compile all the existing laws (International, national and provincial) the following sources has been used:

- a) Existing laws related to child labor and trafficking
- b) Current News paper reports on child labor and trafficking
- c) Published materials on child labor

### Observations at a glance in literature survey were:

- In terms of minimum age of a child engaged in labor, the provincial and National laws are contradictory to each other. Similarly, National laws are contradictory to International laws that are signed and endorsed by Pakistan i.e. Convention on the rights of child (minimum age 18); in contrast, Article 11 of the Constitution of Pakistan defines the minimum age as 15 years.
- Secondly, one possible way of verifying a person's age is her/his Birth certificate of the individual i.e. if a birth certificate was ever made; If a person doesn't have a birth certificate then National Identity Card (NIC) is the only legal document that can prove the age of a person, for which a person becomes eligible when she/he attains the age of majority i.e. 18 years. Thus, if the constitution or any other national or provincial legislation is setting the minimum age of a child (15 years or below) to be eligible to be employed, there is no mechanism in-place other than the NIC which remains the only tool to verify individual's age.
- Apparently former legislations are more aimed at regulating the issue of child labor instead of obstructing and declaring it illegal. If the intent of these legislations was to regulate child labor then there should have been proper arrangements and mechanism well in place to ensure the implementation of concerned laws. Moreover, Literature survey clearly indicates the scarcity and need of new legislations regarding both child labor and trafficking; especially in current political scenario where people are not only trafficked or forced in to labor of all kinds but also are used in terrorism, which makes the situation more alarming than it ever was.
- Finally, the literature survey implicitly indicates that the legislators and the social conditions are accepting the reality of child labor, although there are certain provisions to mitigate the damage



to child's mental physical and social growth but at no where are these laws prohibiting child labor in accordance with the convention of rights of child (CRC).

## Step2. Training core team members

Initially, VISION's core team was taken through an intensive 15-20 days training to enhance their understanding about:

- The issues of child labor and trafficking, its impacts on children and overall society.
- The implication of the existing laws (International, National and Provincial) identified through literature survey.
- Collection of data through observation (mapping the target area)
- Analysis of the data



## Step3. Sharing summary of the literature survey

Summary of the literature survey was shared with the core team which was supposed to take part in conducting the KAP Study. All the existing national and provincial laws as well as international treaties and agreements which are signed by Pakistan were shared with the core team. The gaps identified in Literature Survey were also shared with the core team.

## Step4. Sampling

The core team members held a brainstorming session to discuss as to who/which will be the target population/s (individuals, groups and organizations) that needs to be accessed. Through mutual consultation the team agreed upon the following criteria (From government agencies to the common man)

	School		College		University		Madrassa	
	Secondary	High Secondary	Intermediate	bachelor	Masters	Beyond masters	2 <sup>nd</sup> level	4 <sup>th</sup> level
Students	2	2	2	2	2	2	2	2
Teachers	2	2	2	2	2	2	2	2
Professionals	Doctor	Lawyer	Police	NGO officials	Media (print)	Media (electronic)	Chamber of commerce	Labor & trade Unions
	2	2	2	2	2	2	2	2
Skilled labor	Workshop owner	Tailor	Welders	Carpenter	Local Transport drivers			
	2	2	2	2				
Un-skilled labor	Hotel Owner	Vendors	Juice Shops	Garbage Store Owners				
	2	2	2	2				

The two cities that were identified for conducting this survey are as follows:

1. Murree (Punjab)
2. Peshawar(Khyber Pukhtun Khwa)

### Why Peshawar and Murree?

Murree is a small town approximately 2 hours away from Capital i.e. Islamabad and attracts tourists from all over the country especially in summers. Tourism plays a very dominant role in economy of this town. However, in summers the boom in these economic activities can be observed; as that is the time when Murree is packed with tourists coming from all parts of the country. Therefore, the influx of children (local or foreign to this town) in various economic activities can very well be observed too.

Similarly, Peshawar is the capital of Khyber Pukhtun Khwa (NWFP). The presence of children in labor is not a new phenomenon for the people of Peshawar. However, the recent political crisis as well as being affected badly by the international terrorism, the city has changed its demographics and characteristics. There are countless families which directly or indirectly got affected by terrorism. During each terrorist act, sizable population gets affected losing one or two family member/s, in most situations the one lost may be the sole bread winners of the family. This sudden death leaves the families with no choice and they have to put their children to work for their own survival.

The war against terror in the suburbs of Peshawar forced many families to leave their homes. The remaining quota is lately filled by recent floods. Thus, People affected from the war as well as the very recent floods were left with no choice but to relocate themselves, most of which opted for Peshawar as it is the capital city of Khyber Pukhtun Khwa (NWFP) and one of the main city of Pakistan. This displacement of people from other parts of the province and country to Peshawar has major impacts on the city.

Nevertheless, it is worth mentioning that through VISION's mapping of Peshawar in year 2009 it was observed that children were used for cross border activities e.g. taking drugs such as opium etc.

These are some of the reasons because of which VISION's core team selected Peshawar and Murree for this process (KAP Study).

### Adjustment of Sample size to the situation

Sample size was reduced to half of the original size i.e. instead of interviewing two person from each category mentioned above, 1 person from each category was accessed in Murree. This was done in order to meet with the research requirement of proportionate division of sample according to the size of the city/town. However, this was not the case with Peshawar. The team was able to

interview all the Individuals/groups/Organizations as per our sample criteria. There were challenges faced during conducting interviews (data collection) which will be discussed later in the body of this report.

### Step5. Developing questionnaire

During this process the hard copy of the objectives of the KAP study were shared with the core team members to initiate a discussion and to make sure everyone understand the purpose. During this discussion the team reflected upon as to what will be the tool(s) which can be used in obtaining the information that is ultimately very important towards the achievement of our goals. After a thorough discussion the team also decided the framework was later used in getting the information, which is as follows:

- I) Interview ( interviewing the target population)
- II) Observation (Observing the surrounding environment during interview)

This discussion further led to the development of questionnaire which ultimately was used in collecting data from the respondents in order to measure their Knowledge, Attitude and Practices concerning child labor and trafficking. The questionnaire was initially drafted in *Urdu* Language but later translated in to English, which is attached with the report as Annex-I.

Some of the key points, which were considered in framing of the questionnaire in order to minimize or reduce the possibilities of any kind of bias; are as follows:

- As per the requirement of research design and because this study is qualitative by nature therefore, open ended questions were preferred.
- Efforts were made to minimize the possibilities of using any word(s) or phrase(s) in questionnaire which could possibly lead the respondents to a desirable response or might make them feel offended.
- All the questions framed for measuring Knowledge, Attitude and Practice of the respondents were sequenced properly i.e. the answer of one question easily and spontaneously lead to probes that would provide a more conversational tone to the question/answer session.
- Further, the questions were categorized in three distinct categories firstly, there were questions to measure knowledge regarding child labor, trafficking and laws related to it. Second were questions that measured the attitudes of people based on their knowledge and finally, were questions that could assist understanding the actual practices in connection with the knowledge and attitudes.

### Step6. Pre-testing the Questionnaire

After the completion of the questionnaire it was pre-tested in a close to similar environment in one of the cities where VISION has an intervention with children. This helped in evaluating the questionnaire and also provided an insight into the teams' skills in term of understanding the



questionnaire along with all the objectives as well as the interviewing ability. Once the team came back after conducting initial interviews during the pre-testing phase, the whole core team sat together to reflect upon it. The main objective of this reflection process was to understand the limitations in questionnaire, and list down the fears, barriers and limitations of the team itself.

This helped VISION's team leader to identify the areas that needed to be addressed before the actual work could start. It also enabled the team leader to make necessary required changes in the questionnaire. Thereafter, the team members were again taken through 3-4 hours of sessions in order to break their barriers and assist them in overcoming their fears and barriers.

### Step7. Mapping Murree

In step seven, VISION's core team visited Murree to map the city in three days and identify the target individuals/groups/organizations and appropriate timings (if possible) when all the identified respondent groups could be accessed for purposes of interviews.

### Step8. Hiring Local Team in Murree

Local teams for both Peshawar and Murree were hired and trained for conducting the survey. Criteria for hiring a team member were:

- Bachelor in relevant subjects(social sciences, development sciences, gender studies etc)
- Or Have a research background; or have at least six months experience of working with children.
- Preferably male who fell in age group of 18-25
- Local resident of Peshawar and Murree

*The rationale behind taking the challenge of hiring a local and then training them in such a short span of time was as follows:*

- Local Capacity Building
- Develop sense of ownership in the youth of that particular city
- Address linguistic issues which could arise later in the process as both cities have different spoken languages.
- Show cultural sensitivity while conducting interviews
- Cost effectiveness.

### Step9: Training Surveyors in Peshawar and Murree

The training phase of the team was condensed to 3-4 days to keep up with the timeline. This training was aimed to improve on the skills such as: Observation, Conducting interviews as well

as report writing. Same training process was adopted both in Murree and Peshawar. The training process given below is explained in detail:



### Day-1

After getting introduced to each other the team was given some basic information about one of the data collection method i.e. observation. Following the introductory session the team was asked to do general observation in different areas (assigned to them at the time of sending them off) for 30 minutes. Once the team members met after 30 minutes of observation, they were asked to write down whatever they had observed in their 30 minutes observation. Immediately after the documentation of the observation, team members were facilitated by trainers to reflect on their documentation and information they had brought and documented. They were assisted in identifying the strengths and weaknesses in their report and how it could be further refined. This practice was repeated for 3-4 times on the first day till the team leaders felt that the team members had achieved a certain level of the following skills:

- i) Documentation of the observation with minimum bias
- ii) Improving the writing speed
- iii) Putting information in an organized manner

### Day-2

In the morning session team discussed and reflected upon the first day of training. In the second session of the same day the team went through a 2 hour long sitting during which the basics of Knowledge Attitude Practice (KAP) Study were communicated and efforts were made to preemptively respond to questions like, what is the importance and use of this study? Why was there a need to identify the gaps between Knowledge, Attitudes and Practices? And who can be interviewed? Etc, so that before starting the KAP Survey everyone is on the same page. This helped in developing an understanding around the objectives of KAP study. They were given a brief insight in to the issues i.e. trafficking in broader sense and child labor in particular. Then four major objectives (Already mentioned under the Objectives in the report) were introduced to them.

Once the objectives were made clear to the team, the same were written on a chart so that the team could read it whenever they needed a reminder, then each member in team were asked to

frame a mock questionnaire keeping in mind the objectives of the study. This was done in order to have the team understand each objective to its core i.e. the rationale as well as the connectivity of the questions with the rationale. Along with this, the idea was to have the team understand how questionnaire is developed from objectives. This eventually helped the team to ask the questions in the field with clarity of concepts and also form probes that became more spontaneous and conversational.

After the team had finished developing the mock questionnaire; they were given the questionnaire developed by VISION so that the team could see the similarities and differences between the questionnaire developed by each team member (surveyors) and the questionnaire that was developed by core team. This exercise proved to be a stimulant as it helped the team to understand every word of the questionnaire and also ask questions about it. After getting introduced with the questionnaire which ultimately was supposed to be taken in the field; each question was explained in detail; selection of words, if they have to rephrase it or translate it, during interview and also the basic objective behind each question. Finally at the end of the day the team was asked to give as much reading to the questionnaire as they could so they did not have to look at the paper and could easily rephrases the questions in the field if there was a need to do so. This clearly brought an in depth understanding of the questionnaire amongst the team members and the questionnaire became an instrument that was only good for reminders whenever needed.

### **Day-3:**

After reflecting on the previous two days work, 3<sup>rd</sup> Day started with reading the questionnaire out loud for the whole team and then they were asked if there is/are anything that they (surveyors) would want the trainers to explain it for them. Some of the confusions were addressed and then mock interviews were conducted amongst the team. The whole team was split into group of three members each. In each group one person was suppose to be interviewer, 2<sup>nd</sup> would put himself in role of interviewee and the 3<sup>rd</sup> one would document the verbal communication between both interviewer and interviewee (transcriber). When done with one interview each team was asked to switch the roles so that everyone on the team could be trained and do practice in the two skills i.e. interviewing and transcribing. One objective of this part of the training process was to build the team with multitasking abilities so that every individual on the team gets familiar with each step of research. This also helped the core team not to rely on few or a particular person for a particular skill but to leave themselves with different options once the process got on the way.

At the end of the third day, the whole team consisting of 5 members was split in to three sub-groups (2 each) and was sent out to interview anyone (other than the people in sample criteria) in the field. The result was more than satisfactory for VISION's core team. And the next day it was decided to take the team of the trained surveyors to the field to initiate the data collection. The entire data was collected under the supervision of the core team who was present at each interview site but never made it visible to the surveyors. Monitoring of the surveyors helped the core team to assess the strengths and weaknesses of each group and give constructive feedback and inputs at the end of the day.

## Research Findings

The findings of research conducted in two cities i.e. Murree and Peshawar to get an insight of people's Knowledge, Attitude and Practices regarding Child labor and trafficking that may lead to many other issues that may not necessarily be similar to each other but may have a devastating effect on the lives of children along with identification of the gaps (if there were any) are as follows:

### Labor Categories

Respondents define the word "Labor" by linking it with different professions which if categorized will make three main categories, such as:

- a) Emerging forms of labor
- b) Skilled labor
- c) Non-skilled labor



The category of emerging forms of labor reflects the varying work/ labor that was not visible in past but is now emerging as a new phenomenon amongst children and these forms may include: working in small hotels, shops, coal mines, construction sites, weapon factories, adolescence as watchman and beggary.

The skilled labor may include: working in workshops, as carpenter, tailor, and/or working with an adult electrician.

The third category of non-skilled labor may be in form of working on agriculture farms, garbage collection and etc



Generally, majority of people are “comfortable” with the forms of labor where in their perception the child is acquiring a skill as according to them this way the child is trained in a skill and is also able to support and sustain her/his family.

However, the labor in which a child is not learning any skill is considered by most both as unlawful and inappropriate. Interestingly, it was observed that within the same space and environment where the interviews were conducted there were several children collecting garbage and not a single respondent stopped them from doing this so called “unlawful activity” or made the effort to report the matter to authorities. On the contrary what was seen was that some shopkeepers brought out their empty cartons or other garbage and gave it to the children. The attitude and the interaction between the shopkeepers and the children reflected a level of comfort and connectivity that lead to believe that the children are frequent visitors at these shops.

This clearly defied the entire notion of reporting the non-skilled labor as “unlawful” and left many open questions in terms of attitude and practice.



### Knowledge of laws concerning “Child Labor”

Generally speaking, Child labor is a term used for work of children that harms them or exploits them in some way (physically, mentally, morally or blocking access to education). Pakistan is signatory to several international laws prohibiting child labor such as Convention on Rights of Child (CRC), ILO minimum age convention 138 and ILO Abolition of Forced Labor Convention 105. Similarly Article 11 of the Constitution of Pakistan, the Factories Act 1934, the West Pakistan Shops and Establishments Ordinance 1969, the Employment of Children Act 1991, the Bonded Labor System Abolition Act 1992 and the Punjab Compulsory Education Act 1994 are some of the national and provincial laws related to child labor and trafficking.

Data analysis of both the cities clearly indicates that, except a very few (almost close to none) in the sample has any comprehensive knowledge of any of the laws relating to child labor. Although there was a consistent mention of child labor to be against law but upon probing it was discovered that the mention was more from the fundamental rights perspective rather than any specific legal framework. In other words the suggestion of illegality of child labor was more from a fundamental rights perspective than a specific law or legal frame work. Rather the information reflected that there was some awareness of existence of anti-child labor but nothing beyond that was visible from any of the responses.

*“According to the laws of the state Child labor is illegal but it’s not implemented properly”*

*“No, I don’t remember the exact law but I am sure there are laws prohibiting child labor, I think it was banned back in 90’s but nobody cares”*

*“If there would have been laws the condition of poor people would have been very different”*

Very few respondents, who were either lawyer or policemen, mentioned some of the laws when probed if they knew of any legislation which prohibited. What they used as terminology was very general and lacked any specific knowledge of law against child labor, following was mentioned as terms in some of the responses from this group of sample:

i. *Child protection act*

ii. *Child labor laws*

Clearly the terms general and no specific law or section was quoted in any of the response. It was observed that lack of concrete knowledge was covered by one or another excuse:

*“If the higher authorities communicate the laws properly to us, only then we can enforce them, this is our job. We can’t do anything if we don’t know about it”*

*“I am basically teaching corporate laws but I can tell if I have books with me; like this, it’s very difficult to remember all the laws related to a particular issue”*

iii. *Federal Crime Regulation (FCR)*<sup>1</sup>

The term “FCR” was first heard in Peshawar and it was used by a practicing lawyer who was also teaching in one of the private law school, this term was used when he was probed on knowledge about laws monitoring/prohibiting child labor and trafficking

FCR is a controversial law prevailing in Tribal areas of Pakistan only. It is a British law which was implemented to control the tribal people during colonial government. Human Rights Commission of Pakistan (HRCP) declares life under FCR equal to slavery. This law bestows power to the Political Agent. The political Agent and the assistant political agent are accountable to none. There is much more to this law but here what needs to be understood is that being a law of this genre it may have inherent limitations in terms of check/control/prohibit/regulate issues like child labor or trafficking. This in fact puts a question mark on a person’s knowledge especially if he is the source of knowledge for others as well.

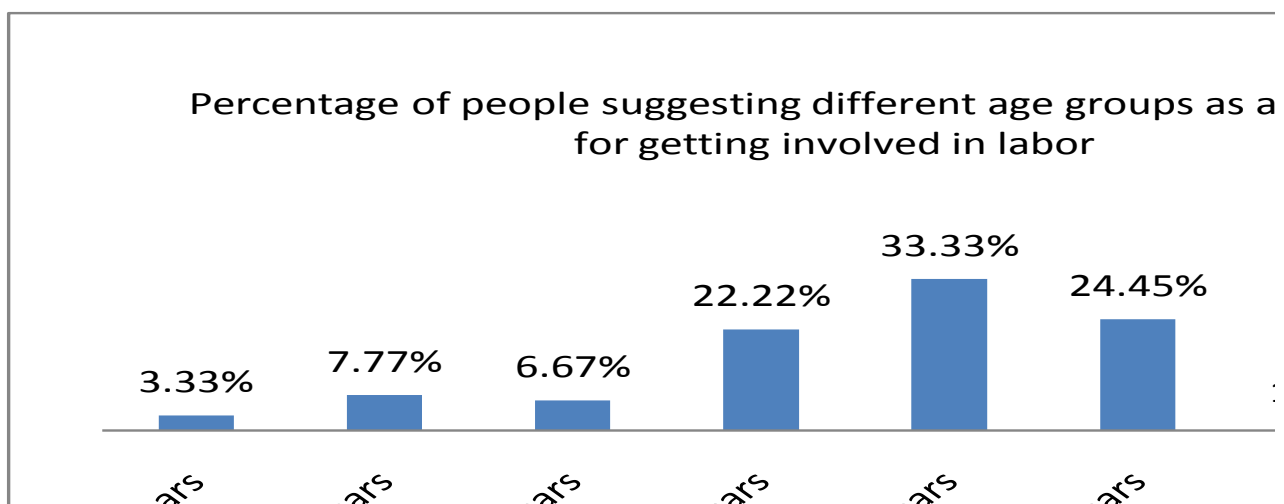
There is another important aspect emerging in analysis and is quoted in one of the boxes above. The responses clearly reflected that the local POLICE stations most of the time were not aware of the laws, thus it is difficult to think that the role of the police could be considered as a body that

<sup>1</sup> [www.articlesbase.com/law-articles/fcr-an-inhuman-law-844812.html](http://www.articlesbase.com/law-articles/fcr-an-inhuman-law-844812.html) and [www.cssforum.com.ok/css-compulsory-subjects/current-affairs/41458-frontier-crime-regulations-fcr-draconian-law-fata-2.html](http://www.cssforum.com.ok/css-compulsory-subjects/current-affairs/41458-frontier-crime-regulations-fcr-draconian-law-fata-2.html)



would play its role in implementing any law effectively especially if they are not knowledgeable about these law in the first place. The police blame “the higher ups” for this lack of knowledge as they have mostly said that they are not communicated the laws or any guidelines in relation to these laws. The conclusion that one can draw from this situation is that it is lack of collaboration between legislators and law enforcing agencies or it may be the hierarchical structure of the law enforcing agencies itself, i.e. if it is not just convenient way of shifting of blame for their ignorance.

The international treaties that are signed by Pakistan, the minimum age for the child to be eligible to work are 18 years. The constitution of Pakistan however, states that a child can work if he or she attains the age of 15. Further, the provincial law (in case of Khyber Pukhtun Khwa) the age of majority is still 18. There is contradiction all along from provincial level to national and then international. Similarly, analysis of the data shows the same pattern where respondents set an appropriate age for the child to be eligible to work based on their own perception, exposure or understanding which is varying from 3-5 years to 30-45 years (as shown in figure below)



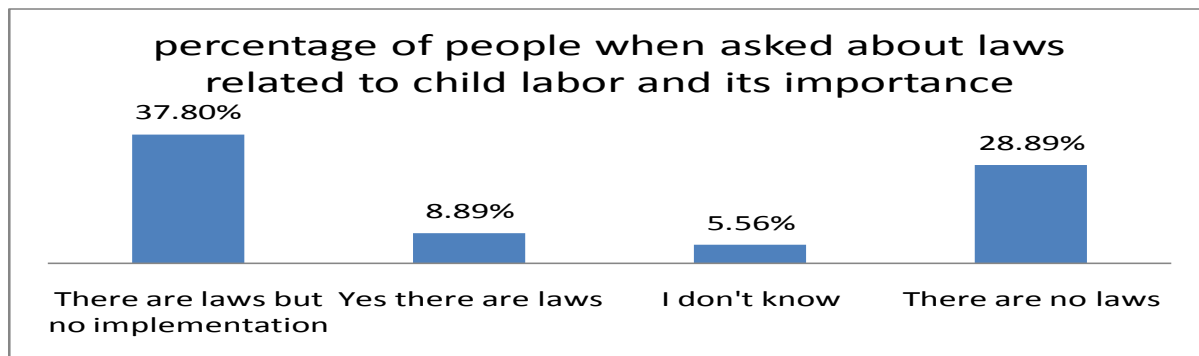
There is no specific age set for the child to be eligible to work. Who remains responsible to set the age appropriate for the child to be eligible to work? What means should be used for it? Under which circumstances a child can work and what kind of environment should be provided by the employer? What sort of mechanism should be in place to monitor the situation? Who is going to be accountable to whom? Etc. It is very important that these questions are consistently asked so that appropriate answers are explored that would hopefully lead towards the first step of controlling the menace of child labor effectively.

Finally, the failure of state to implement the laws properly is highlighted as the main reason for the existence and increase in child labor in the country. This is clearly visible in the following graph.

This graph entails four different ratios, the first one “There are laws but it’s not implemented” and second “Yes, there are laws” are almost similar but are separated for a simple reason that the first ratio includes those respondent who say there are laws regarding child labor but are not implemented and the later indicates the number of people who just say that there are laws

regarding child labor. It is however important to mention again that in both ratios there are almost near to none who have stated the exact laws (National or International) which prohibits or regulate the issue of child labor.

Figure 1:



### Knowledge about trafficking and related Laws

Trafficking is one of a major problem that the country is facing. Men, women and children are trafficked not only internationally but also domestically for purposes of forced labor, prostitution, use in agriculture, brick making as bonded labor, begging and camel jockeying etc. Human trafficking has always been an issue in Pakistan but the country had no law until 2002. The Prevention and Control of Human Trafficking Ordinance (PACHTO) was passed in 2002 in order to prohibit or deal with all types of human trafficking. This law emphasize more on cross border trafficking and ignores the aspect of domestic or inter cities/provinces trafficking. Therefore, if any case does not fall strictly under this ordinance then it is seen more in the framework of kidnapping/abduction or illegal selling or buying of human beings.

From the analysis the trends in data indicates very clearly that trafficking is confused with kidnapping or abduction i.e. It is not considered trafficking if the movement of a person has taken place through fraudulent promises or force rather it is perceived as kidnapping or abduction. The element of voluntary movement generally is not being perceived as trafficking. In other words if an individual such as man, woman or a child voluntarily agrees to be moved from one place to another then it's being seen as a personal arrangement between the two parties and the need of the state to monitor such movement is not considered as an essential requirement. Data reflects that the respondents are comfortable with any such arrangement where the movement irrespective of age and gender takes place with consent of the individual who is being moved.

This clearly indicates that people have no clear understanding about the issue of trafficking. Pakistan in its entire 65 years of age has been able to formulate or enact only one ordinance i.e. Prevention and Control of Human Trafficking Ordinance 2002 in regards to the issue of trafficking. Although, the issue of children getting trafficked to Gulf states for purposes of being used as camel jockey surfaced in print media as early as 1980's still there was no serious effort to address the causes, the transportation and the consequence of this heinous crime. It is no secret that women and children are still being transported within and outside the country for purposes of prostitution and labor in addition to children being specifically trafficked to European

countries in connivance with the parents with the incentive that the parents may get immigration through their children.

Responding to questions number 5 and 6 respectively (see Annex-I),

*“If the person or the parents are willing then it is “okay” but if they are not willing to move but are moved through force or any other pressure then its deception and antagonism”*

*“In order to seek opportunities people do move from one place to another, nobody likes to stay away from family and friends but they have responsibilities”*

*“If this movement is through a proper consent then there is no harm in it but if it’s against the will of a person then it’s wrong, cruel...it’s actually kidnapping and the police should take care of that person or group who is doing this”*

*“If there is no consent then it is an illegal act, a punishable crime”*

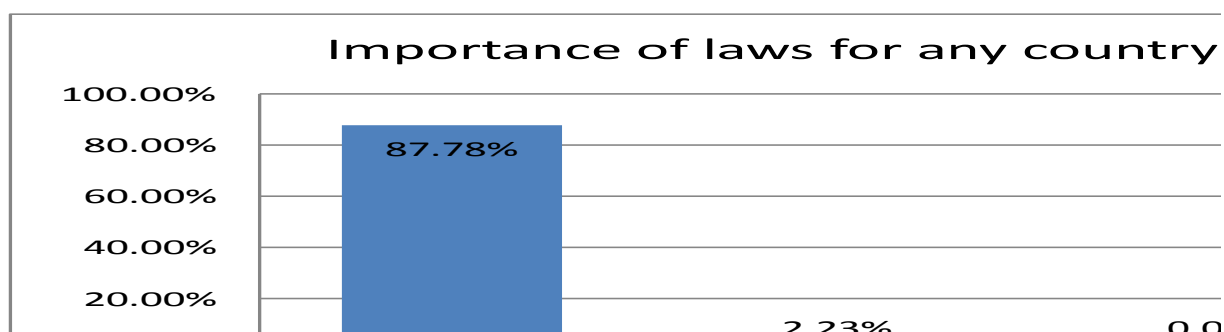
*“This falls under section 362 and 365 of the constitution of Pakistan”*

It is therefore very much evident in the data that trafficking is still very much a new word for the people of this country. Simultaneously at the state level what is reflected is the lack of both understanding and appropriate laws to deal with the issue of trafficking; Laws which may not only prohibits such crimes but also protect and compensate the victims of trafficking.

### Attitudes and Practices

While there is emphasis by most respondents on state’s role to draft and implement laws against child labor and trafficking, interestingly the attitude towards following laws and considering them important in every day life is lax and casual. The following figures from 2-4 is a clear evidence of this attitude and practice.

Figure2



Majority if the people considered laws very important for the smooth functioning of the country. Similarly laws related to child labor and trafficking were highly valued.



Figure 3:

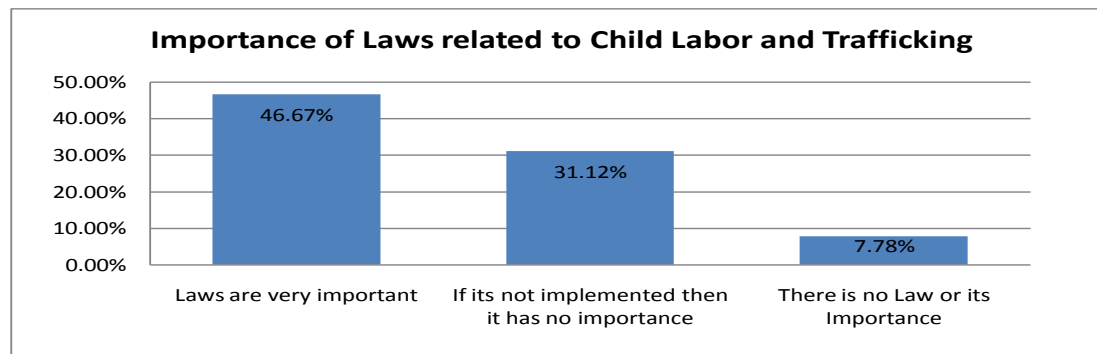
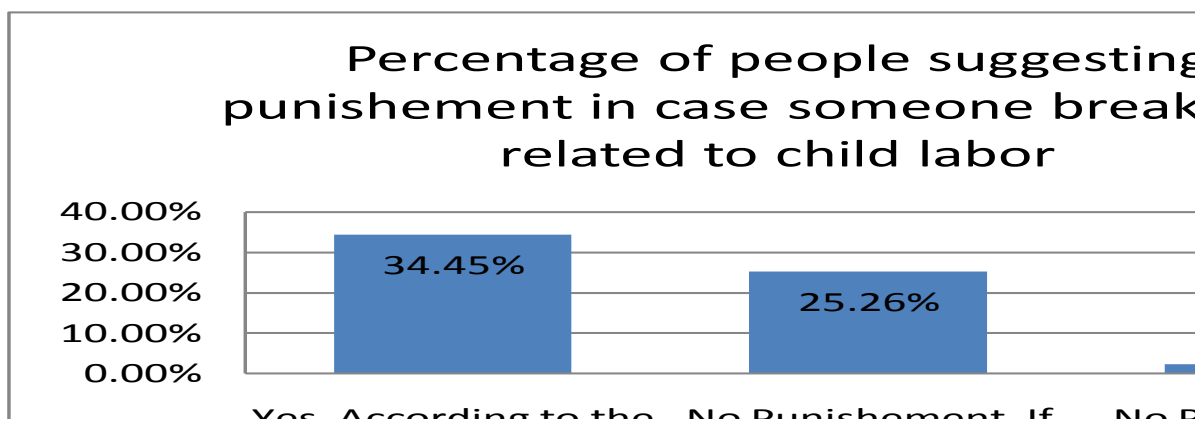


Figure 4



All the three figures given above clearly point out that majority is declaring laws to be very important and suggests that those who violate the law has to be judged against the prevailing laws by following a proper legal procedure; but on the other hand while saying that “*Laws are very important*” most of them know how to bypass the law either by using connections, giving

bribe or settling the conflicts outside the courts. This not only shows a huge gap between attitudes and Practices but also tells how much importance is given to the laws in reality. There is a loophole, a gap or may be a selective implementation which totally depends on where one stands in the society i.e. the socio economic status of the individual.

As discussed in PACHTO-2002 earlier under the head “Knowledge about trafficking and related laws”, what became evident during the literature survey was that:

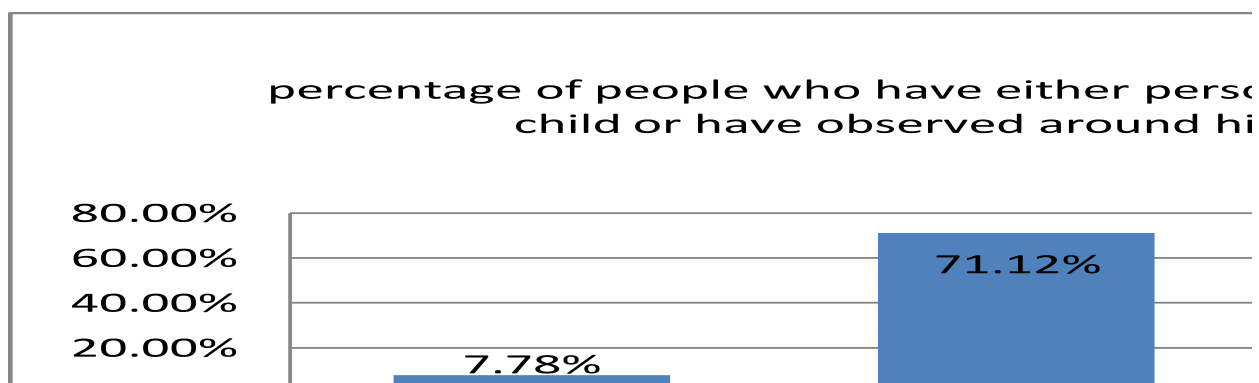
“During 2009, the government convicted 385 criminals under PACHTO – 357 more than 2008. The government did not disclose the punishments given to the trafficking offenders. Reported sentences under this law in previous years were not sufficiently stringent. Moreover, despite reports of transnational sex trafficking, the FIA reported fewer than a dozen such cases under PACHTO. Government officials also often conflated human smuggling and human trafficking, particularly in public statements and data reported to the media.<sup>2</sup>”

It is puzzling that if the offenders were convicted and tried under PACHTO-2002 then, why the decisions were not made public? That is, if any decisions were taken at all on the other hand if the issues were settled outside the court or even inside but more like a mutual settlement between both the parties i.e. offender and the aggrieved; then the question arises that whether the crime of trafficking is a crime against the state or an individual?

It is also important to mention here that while in one had there is a certain level of awareness in the general population on the consequences of early engagement of children in any form of labor (evident from the rations given below):

Depression, lows self-esteem, health hazard, away from home and parents	54.76%
Drug addiction, No place to sleep or live in, becomes smuggler or beggar	16.67%
It's bad for overall society	14%
Remains deprived of Education	9.53%
falls prey to Sexual Abuse, Rape, child abuse	4.77%

On the other hand, a certain level of indifference towards the entire issue is manifested in the data. This is an obvious dichotomy in the nations thought process:



<sup>2</sup> [http://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_Pakistan](http://en.wikipedia.org/wiki/Human_trafficking_in_Pakistan)

This very clearly indicates the gap between “what is said” and “ what is practiced”. Based on the observation of the team conducting the survey children varying from as early as 7 years to as 17 years of age are openly seen working at workshops, small hotels and restaurants as well as other forms of labor (pictures taken during this process are also attached with this document).

Finally, it is concluded from the emerging patterns from the data collected as well as the observation of the teams that there is a wide gap between Attitude and Practices. Further linking it to the Knowledge of the general public, it is apparent that the the knowledge of general public across the board on issues of child labor and trafficking alongwith relevant laws to check both these crimes limited if not non existent.

## Conclusion

---

Thus to conclude the discussion it is clear that both the areas i.e. child labor and trafficking are not considered anything injurious the well being of the child. The state over the years has failed to create the required awareness in terms of a comprehensive campaign. It has also not been able to formulate stringent laws against either of the two crimes and has been totally casual or indifferent towards the implementation of the existing laws i.e. if there are any to check both the crimes effectively. Fragile political environment, State bodies failing to understand their role/responsibilities and increasing corruption in the country are not making things easier for anyone in the country and children remain the worst affectees in the entire scenario.

As the overall situation in Pakistan have changed drastically over the last few years; it has further pushed children on margins and now it is not anything uncommon to see the children getting involved in stuff as:

- Work at arms and ammunition factories
- Working at construction sites
- Beggary
- Commercial sexual exploitation
- Terrorism

People across the board irrespective of their profession have limitations when it comes to awareness about the laws and so the data shows huge gap between attitudes and practices. In case of child labor people are putting the entire burden of stopping child labor from the society upon the state machinery and on issues of trafficking there is a palpable pattern of confusing it with kidnapping and abduction.

Thus, efforts are required both at State level and at the level of the society to help the cause. Alliances between the organizations that are fighting against child labor are the need of the time. This will result in strong and effective voices and would built pressure upon the government to fulfill its obligations both to the children of the country and the world outside.



## Recommendations

Effort can be made on two different levels

1. State Level
2. Society Level

### State Level

- Giving a more realistic check; i.e. existing laws have to be reviewed and if necessary new laws may be formulated. It is also important that the laws do not contradict each other which will ultimately help in avoiding confusions. The will to deal with both child labor and trafficking with exemplary punitive actions is also much needed.
- There should be a proper system/mechanism in place which ensures the proper and stringent implementation of the laws.
- Well defined Roles and procedures of the bodies will help in avoiding possible confusions or clashes amongst all the stakeholders at state level.

### Society Level

- Alliances between the organizations that are working against child labor.
- Awareness in society to at least start seeing Child labor and trafficking as problems and creating awareness on laws and procedures related to it.

## ANNEX-I

### QUESTIONNAIRE

#### Knowledge

1. How would you define the term “labor”?
2. What is an appropriate age for any person to get involved in “Labor”?
3. If a person below this age (age mentioned in response of question-2) is involved in “Labor” then what do you call that “labor”?
  - i. Do you think it’s (i.e. word/term from question-3) correct?
  - ii. If “YES” then, in your opinion what do you think may be the advantages?
  - iii. If “NO” then, in your opinion what do you think may be the disadvantages?
4. Do you know of any laws in the country that disallow this form of labor?
  - i. If “YES”, then what are those laws?
  - ii. If “NO” then, do you think should we have such laws that may prohibit and penalize such forms of labor?
5. If any man, woman or a child is moved from one city to another or one province to another and/or one country to another with deception, what do you think that such an act is called or should be called?
  - i. Do you have any specific term in your mind for this kind of movement?
  - ii. Do you think the term you have mentioned explains this activity completely?
  - iii. If “YES” then, what are the advantages it may have?
  - iv. If “NO” then, what are the disadvantages it may have?
6. Do you think we have any laws in the country which prohibits such movements?

If “YES” then, what are those laws?

If “NO” then, do you think we should have laws to deal with such movements?

If “yes”, then what can be those laws?

If “NO” then, Why not?

### Attitude

1. What may be the importance of laws in any country?
2. Have you or any one that you may know, has ever faced a problem(s) by not following the law(s)?
  - a) If “YES” then, what was that problem and how it was tackled?
3. In your opinion what is the importance of the Laws related to labor and trafficking of men, women and children?
4. If there are laws in the country related to labor and trafficking of men, women and children that are violated then in your opinion how such violation may be dealt with?

### Practices

1. Do you or anyone you know may have kept a child for domestic or commercial help/assistance?
  - a) If “YES” then, did you ever have a discussion with him/her on this topic?
  - b) If “NO” then, if someone has kept a child for any kind of work then what you may want to tell him/her?
  - c) If someone has kept a child for any kind of work then do you think he/she should be penalized for that?
  - d) If “YES” then, what kind of penalty?
  - e) If “NO” then, Why not?
2. -In your opinion what are those labors/jobs in which the involvement of children is inappropriate? And Why?  
 -What are those labors/jobs in which the involvement of children is appropriate? Why?
3. -How we can control/prohibit the involvement of children in such jobs/labors/works?  
 -In your opinion what are those jobs/labors in which there is involvement of a large population of children?
4. How can we implement the prevailing Laws related to labor and trafficking of men, women and children in the country?
5. Who do you think is responsible for this implementation?

## ANNEX-II

### [LAWS related to child labor and trafficking]

The existing situation can be divided in to three categories of legal frame of reference.

1. Domestic Law
2. International treaties that is/are ratified by Pakistan
3. All those bills/legislations which are in process of getting debated and approved by the parliament.

#### Domestic Laws:

- Article 11 of constitution of Pakistan prohibits all forms of slavery, forced labor and child labor.
- But in Article 11(3) puts the age of a working child at 14 years. Four years gap between CRC and constitution. If for argument sake we accept what Article 11(3) of constitution of Pakistan is saying still there is no mechanism anywhere in the system that can determine the precise age of the child.
- A FACTORY ACT 1934, enacted by British is a more progressive act which comes in 1934 than the intention of the constitution of Pakistan 1972. In this act it was again accepted that children will work but they took in to consideration the benefits that a child could get even in a more adverse circumstances and tried to mitigate the damages.
- Employment of children's Rules 1995(14 years): this again is reinforcing the acceptance of children working. They are trying to regulate it but it seems that the regulation is of something that otherwise is not good for children. You are trying to regulate it but you are not willing to prohibit it.
- Forced labor abolition act 1992 prohibits forced labor. This is the only Act which uses the word "prohibit" expressly saying that it prohibits forced labor from any individual, so it is like for any human being and the child is given a favor here. So it's like a child is also getting benefited from a general law.

#### International Laws and Regulations

##### A. ILO Convention on the Worst Forms of Child Labor (No. 182);

###### Article 1

- Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency.

###### Article 2

- For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

### Article 3

- For the purposes of this Convention, the term *the worst forms of child labor* comprises:
  - 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 labor, 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.

### Article 4

The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labor Recommendation, 1999

- B. ILO Forced Labor Convention (No. 29);
- C. ILO Abolition of Forced Labor Convention (No. 105);
- D. UN Convention on the Rights of the Child (CRC)

This Convention was adopted by the UN General Assembly on November 20, 1989. The scope of this convention extends to persons up to the age of 18. Pakistan has ratified this Convention in 1990. Article 32 of CRC reads

"State 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".

### **All those bills/legislations which are in process of getting debated and approved by the parliament**

- Child protection bill 2010
 

Peshawar, Sept 21: The Khyber Pakhtun-Khwa Assembly on Tuesday passed the Child Protection Bill 2010 after rejecting a move to reduce the age Limit for Children from 18 to 15 years.
  - THE PUNJAB COMPULSORY PRIMARY EDUCATION ACT, 1994(Pb. Act IX of 1994)
2. Definitions. — In this Act, unless the context otherwise requires—
- (a) 'Child' means a child of either sex whose age at the beginning of the school year is not less than five years and not more than ten years;
  - (b) 'Parent' includes a guardian or any other person who has the custody of a child;

(c) 'Primary school' means a school in which primary education is imparted; and

(d) 'Primary education' means education pertaining to all or any of the classes I to V in a school.

Repeal — The Punjab Primary Education Ordinance, 1962 (XXIX of 1962) is hereby repealed.